

# Redeeming the Fathers of America Series

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## Rev. John Blair 1732-1800

The colony of Virginia was home to several of our founding fathers, among them is John Blair. He was born to a distinguished family of Williamsburg, Virginia, on April 17, 1732. His father, John Blair Sr. was a Virginian merchant and statesman, having served in the House of Burgesses, as President of the royal governor's Council, and Acting Governor in 1758 and 1768. John Jr. was the grandson of Dr. Archibald Blair, a brother of Commissary James Blair, President of William and Mary College.<sup>1</sup> John's mother was Mary "Sarah" Monro and his uncle, Presbyterian minister James Blair, who has been credited as the founder and first president of the College of William and Mary.



John Blair was regarded as one of the best-trained jurists of that time. His uncle James afforded him a quality education at William and Mary where he received a bachelor of arts degree in 1754. In 1755 John went to England where he studied law at the prestigious London Middle Temple. In 1757 he returned home and was admitted to the Virginia bar. Not long after that John was thrust into his family's tradition of public service, where he became William and Mary's representative in the House of Burgesses (1766-1770).

The British Parliament passed the Proclamation of 1763, which closed the frontier to western expansion, a disappointment to many of the colonists. The French had succeeded in planting fear of the Englander's (both Old and New) in the hearts of the Indians prior to turning lands over to the British. In response, the King and his council proposed this proclamation to quell the fears of the Indians. But this proclamation had an apparent double-edge, one the colonists believed restricted their hopes of moving to western lands and one designed to keep them centralized and under British control along the eastern coastal areas.

In 1764, Parliament began passing a series of acts, which the British hoped would offset the immense sums of money expended for troops and equipment in support of the colonies, but these taxes were too great a burden for the people to bear, which led colonial leadership to quickly write letters to England rejecting the oppressive taxation.<sup>2</sup>

On May 29, 1765, just prior to John Blair's election to the Virginia House of Burgesses. When the royal governor dissolved the House in 1769, John Blair joined several other patriots at "Raleigh Tavern" where they drafted the Resolutions & Boycotts Against the Stamp Act, or what was commonly known as the Non-importation Agreement. Patrick Henry was appointed the chief architect of Virginia's Response to the Stamp Act, which initially contained five resolutions, but the fifth point was later rescinded. These four are paraphrased as follows:

- 1) the colonial settlers brought with them and transmitted to their posterity specific liberties, privileges, franchises, and immunities that have been held by the people of Great Britain.
- 2) that by two royal charters, granted by King James I, the colonists aforesaid are declared entitled to such liberties, privileges, and immunities as natural born citizens of England.
- 3) that taxation of the people, or by representatives chosen by the people, and the amount of taxation, must be determined by the people.
- 4) that His Majesty's loyal colony have without interruption enjoyed the right of being governed by such laws, respecting their internal policy and taxation, as derived by their own consent. In short this dealt with the colonist's right of self-governance.

The unfriendly attitude of the Duke of Cumberland, who was Prime Minister at the time gave them little hope. However, a strong friend was found in General Conway, the new Secretary for the Colonies. The General's support, the death of the Prime Minister on October 31<sup>st</sup>, the day before the Stamp Act was to become effective, and the submission of the famous Virginia Resolutions, gave rise to a renewed determination. Soon after the Stamp Act became effective, merchants of London complained to Parliament how the Act had greatly injured their trade. Lord Camden in a speech before the House of Lords upheld the rights of the colonists and on March 18, 1766, King George III signed the repeal of the Stamp Act.<sup>3</sup>

On November 7, 1766, Governor Fauquier appointed John Blair to a committee tasked with examining the state of the Virginia Treasury. He was joined by Mr. Bland, Mr. Landon

Carter, Mr. Richard Henry Lee, Mr. Archibald Cary, Mr. Fleming, Mr. Henry, Mr. Carrington, Mr. Tabb, Mr. Wythe, and Mr. Francis Lee. Francis Lightfoot Lee and George Wythe would go on to sign the Declaration of Independence. George Wythe would also sign the United States Constitution. Aside from the repeal of the Stamp Act, nothing affected the Colony of Virginia so vitally during the period of 1766 to 1769 as did the condition of the Treasury. John Robinson made two bad decisions in his later life. One was voting against the Virginia Resolutions and second the mishandling of the state's finances as Virginia Treasurer. Records revealed that at times he burned treasury notes and other times held back notes from distribution. Upon Robinson's death, the extent of his indebtedness was revealed. John Blair and the other committee members saw this as an opportunity to set a new direction. They ordered the sale of Robinson's real and personal estate and used the proceeds to pay off his debts. Then to prevent such practices from reoccurring, they adopted amendments to a Bill for appointing a Treasurer.<sup>4</sup>

In 1767, Mr. Blair served on the Committee of Propositions and Grievances, committees related to the Treasury, Traitors and Treason, Privileges and Elections, Religion and Morality.

Then Superintendent of Virginia's Indian Affairs Southern District, John Stuart was to investigate whether the land belonged to the Cherokee or His Majesty. After the French and Indian Wars, French lands in the western territories were ceded to the British. The King and his council in The Proclamation of 1763 in effect closed the frontier to colonial expansion. The Cherokee didn't trust the British who in their experience were more arrogant than the French. They feared that the colonists would drive them from their lands as they expanded westward. Mr. Stuart traveled throughout the southwest region, examining treaties, and reporting his findings back to John Blair. The new boundary was finally agreed upon and a treaty was signed on October 18, 1770.

John Blair Jr. later served as a clerk of the Royal Governor's Council, the upper house of the colonial legislature (1770-1775).

During this time Parliament passed a series of four punitive measures known as the Intolerable Acts, in retaliation for acts of colonial defiance. Boston Colony became a particular

target after their blatant insubordination of the 1773 Tea Party. Among them were the Boston Port Act, which restricted merchant ships from landing in Massachusetts Bay. Next the Administration of Justice Act sought to force the colonists into compliance, the Massachusetts Government Act dictated that colonial leadership would be more in line with Parliament, the Quartering Act of 1775 passed to further locate and control those in the military, and the Quebec Act redrew boundaries along the western colonies, which many believed passed to restrict colonial expansion.<sup>4</sup>

The British Parliament continued to pass a series of policies in 1767 designed to raise revenues and enforce the Crown's authority over the American Colonies. This series of legislative acts became known as the Townshend Revenue Acts, they included the Revenue and Indemnity Act, which imposed indirect taxes on imported goods, like tea, paper, paint, lead, and glass. This legislation also provided broad authority to enter and search property for smuggled goods. Part of these tax revenues paid colonial loyalists wages.<sup>5</sup>

As an active patriot, John Blair aware of this direct threat to the colonists joined with legislators in signing the Virginia Association of June 22, 1770, which was a collaboration between the Gentlemen of the House of Burgesses and the Body of Merchants assembled in the city. As stated earlier, this was not the first attempt to fight back against British taxation (1765). In this document the individual signers pledged their duty and loyalty as faithful subjects of the crown. They also submitted their determination to support their lives, their fortunes, the laws, the peace, and good order of government to this colony, which was being affected by the arbitrary imposition of taxes on the people of America, without consent. As such they pledged to abandon importation of British goods until the Townshend Duties were repealed.

These citizens understood that Great Britain had expended great resources during the Seven Years War, but they were also concerned that excessive taxation would ruin the interests of the merchants. So, the association drafted a twelve-point document wherein they swore to refuse any importation of goods from Great Britain and would return such articles to the place where they came. The association would encourage frugality, discourage extravagance, and

would hold its signers to the firm adherence of its articles, that hereafter no imports of food, beverages, furniture, clothing, horses, saddles, or slaves would be accepted from Great Britain. The goal of the Virginia Association was to become self-sustaining.<sup>6</sup>

John Blair served as a clerk of the Royal Governor's Council, the upper house of the colonial legislature (1770-1775). He joined the moderate wing devoted to the Patriot cause. He was initially in opposition to the Patrick Henry's protest of the Stamp Act, but when the House of Burgesses was dissolved, by Parliament, Blair joined his colleagues.

As pressures from Great Britain increased, John Blair underwrote the Association of May 27, 1774, calling for a meeting of the colonies in a Continental Congress and supporting the Bostonians. He took part in the Virginia Constitutional Convention (1776), at which he sat on the committee that framed a declaration of rights as well as the plan for a new government. He next served on the Privy Council (1776-78). In the latter year, the legislature elected him as a judge of the General Court, and he soon took over the chief justiceship. In 1780 he won election to Virginia's high chancery court, where his colleague was George Wythe.

The Honorable John Blair was the rector of the College of William and Mary in 1781, a member of the Constitutional Convention of 1787, and an associate justice of the United States Supreme Court from 1789 to 1796.

In 1789, President George Washington appointed Blair to the United States Supreme Court, where he served until 1796. On the Court, he was a vigilant defender of the principle of separation of powers in the new federal government. After his resignation, Blair, a widower since 1792, returned to Williamsburg, where he lived until his death on August 31, 1800 at the age of 68.

He lived from 1732–1800, a lawyer of Williamsburg, had been a burgess during most of the years 1766–1771, and a member of the Convention of 1776. For a decade after 1778 he held several high judicial offices in his state. John Blair served in the state Senate from 1796 until his death and as its speaker in the session of October 1779.

One of the key Supreme Court decisions by Associate Justice John Blair was the case of Chisolm vs. Georgia US 419 (1793), where the court affirmed a citizen's right to sue the state. Blair argued that citizens had a right to sue the federal court of another state. In a majority (4-1 vote) the court pointed to Article III, Section 2 of the Constitution. The case is not widely studied in constitutional law classes because of its main holding, as it was quickly superseded by the Eleventh Amendment.

In closing I wish to point to the character of the Hon. John Blair Jr, a great example of our founding fathers as printed in the William and Mary Quarterly Magazine Vol I, "*...he filled a variety of the most important appointments with talent, singular integrity and universal approbation*"....*"He was a rare instance of the influence of mild and polished manners, united with upright conduct, and flowing from a heart devoid of guile or resentments and Passions of Mankind,....he never excited enmity nor lost a Friend."*<sup>7</sup> John Blair Jr. was a man of integrity, he lived his life according to the gospel of Jesus Christ with distinction. He was eminently qualified to aid in preparing the founding documents that established this nation.

#### References:

- 1) Collections of the Virginia Historical Society Series X, The History of the Virginia Federal Convention of 1788.
- 2) a) The Sugar Act of 1764; b) The Currency Act of 1764; c) The Stamp Act, March 22, 1765
- 2) American History Leaflets, Colonial and Constitutional No. 21 May 1895, The Stamp Act 1765
- 3) Journals of the House of Burgess of Virginia 1766-1769 and American History Leaflets Colonial and Constitutional, The Stamp Act 1765, No. 21 May 1895
- 4) The Intolerable or Coercive Acts included the following:
  - a) Boston Port Act March 31, 1774
  - b) The Administration of Justice Act, May 20, 1774
  - c) Massachusetts Government Act, March 20, 1774
  - d) Quartering Act, June 2, 1774
  - e) Quebec Act, June 22, 1774
- 5) The Townshend Acts
- 6) Virginia Non-Importation Resolutions, June 20, 1770
- 7) William and Mary Quarterly Magazine Vol I