



**Name of Property:** General James Mitchell Varnum House  
**City, State:** East Greenwich, Rhode Island  
**Significant Dates:** 1773-1788  
**NHL Criteria:** 1  
**NHL Theme:** IV. Shaping the Political Landscape  
 2. Governmental Institutions  
 4. Political Ideas, Cultures, and Theories  
**Previous Recognition:** 1971 National Register of Historic Places  
**National Historic Context:** V. Political and Military Affairs, 1783-1860  
 A. Confederation Period, 1783-1789  
 B. The Constitution

**NHL Significance:**

- The General James Mitchell Varnum house is nationally significant under National Historic Landmark (NHL) Criterion 1 for its association with *Trevett v. Weeden* (1786), one of the most important cases that established the precedent for the doctrine of judicial review as laid down in *Marbury v. Madison* (1803).
- In 1786, the Rhode Island General Assembly passed legislation allowing paper currency to be accepted as legal tender, with penalties imposed on those who refused to accept this currency. Three months later, the Assembly passed additional legislation stating that offenders under this law would be tried by judges without a jury. In defending a client who had refused to accept paper currency General James Mitchell Varnum, a local attorney and prominent political leader, attacked the statute under which his client was being tried as unconstitutional because it did not require trial by jury. Legislative



authority, he argued, was derived from the constitution and any law created by said legislative authority that was in violation of this fundamental law was unconstitutional.

- The level of documentation associated with *Trevett v. Weeden* is unusual for early American law cases of any type. In fact, *Trevett v. Weeden* is the only case relating to judicial review from this period that had both this amount of contemporaneous reporting and a complete case history written by a principal in the trial. Consequently, not only were the case and Varnum's arguments well known in the 1780s, the case remains an invaluable study guide to the development of judicial review.

**Integrity:**

- The Varnum house itself and its setting are largely intact. The house lot is the same size as it was in the 1770s and only one outbuilding, a carriage barn in the northeast corner, was added after the late eighteenth century.
- The only restoration work to date has been the kitchen fireplace and the repair of the attic stairs. There has been no modification to the 1773-1778-interior floor plan. Renovation work has been confined to cosmetic features.

**Owner of Property:** Varnum Continentals, Inc., East Greenwich, Rhode Island

**Acreage of Property:** 1.1 acres

**Origins of Nomination:** The owner, the Varnum Continentals, Inc., contacted the NHL Program and subsequently submitted an initial letter of inquiry requesting consideration of the property.



**Potential for Positive Public Response or Reflection on NHL Program:**

- Designation as an NHL will bring recognition and preservation not only to this small property, but also to the history of a lesser known facet of United States constitutional history.

**Potential for Negative Public Response or Reflection on NHL Program:** None known.

**Landmarks Committee Comments:**

**Landmarks Committee Recommendation:**

**Public Comments Favoring Designation (received as of 05/11/11):**

Robert T. Bray, Major General, Office of The Adjutant General, Rhode Island

Stephen M. Lombardi, Executive Director, East Greenwich Chamber of Commerce, Rhode Island

Marion Cheever Helwig, President, East Greenwich Historic Preservation Society, Rhode Island

Trudy Coxe, CEO and Executive Director, The Preservation Society of Newport County, Rhode Island

Valerie Talmage, Executive Director, Preserve Rhode Island

William Sequino Jr., Town Manager, Town of East Greenwich, Rhode Island

Michael Gerhardt, Interim Executive Director, The Rhode Island Historical Society

**Advisory Board Recommendation:**

*National Park System Advisory Board*