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College of William & Mary

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Commemorating the Two Hundredth Anniversary of the Founding of the Chair of Law and Police at the College of William and Mary in Virginia
A CATALOG OF AN EXHIBIT COMMEMORATING THE TWO HUNDREDTH ANNIVERSARY OF THE ESTABLISHMENT OF THE CHAIR OF LAW AND POLICE AT THE COLLEGE OF WILLIAM & MARY

IN THE J. EDWARD ZOLLINGER MUSEUM OF THE EARL GREGG SWEM LIBRARY October 15 - December 15, 1979
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The bicentennial insignia is the creation of Mel LeBlanc of Petersburg
COLONIAL ANTECEDENTS TO THE CHAIR OF LAW

The Randolphs of William and Mary

1. The Randolphs and the Study of Law

The renowned Randolph family of colonial Virginia was identified with the College of William and Mary from the outset. William Randolph, the founder, reached the colony about 1670, and by the time of the 1693 charter was an established member of the colonial administration. Not only was he one of those named as a trustee in the charter itself, but each of his seven sons would eventually be enrolled in the new institution when it opened its doors. In 1705 the sixth of the sons — who was to become Sir John — began the tradition of preliminary study at William and Mary followed by legal study in London.

The Randolphs were among a number of alumni of the College who became leaders in the legal and political affairs of the colony, in the movement for independence, and in the creating of the Commonwealth and nation. (A selected list of such alumni appears in the first volume of the forthcoming Studies on the Bicentennial of American Legal Education, to be published by the University Press of Virginia.) But the remarkable record of Sir John Randolph, his sons Peyton (the Patriot) and John (the Loyalist), and his grandson Edmund, most dramatically associate the College where they studied with the antecedents to the chair of law established here in 1779.

The Randolph coat of arms, reproduced here, bears the heraldic description: "Gules, on a cross or, five mullets of the first. Antelope’s head erased or, in the mouth a baton.”

2. Gray’s Inn

This center for legal study dates at least from the thirteenth century, when the property was deeded to Reginald de Grey (spelling later was changed), chief justice of Chester. In the sixteenth century it was conveyed to the Masters of the Bench (jurists and senior barristers), who acquired a freehold in 1733. Gabriel Archer, secretary of the Jamestown colony in 1607, is listed as having studied at Gray’s. The Inn had two chancery inns affiliated with it until early in the nineteenth century.
3. Middle Temple

The Temple is first mentioned as a legal hospice in the fifteenth century, although it is known to have been in possession of the Knights Templar when the order was dissolved in 1312. (Note the crusader’s symbol in the crest.) A grant of James I in 1609 cited the Inner and New (Middle) Temples as two of “those four colleges the most famous in Europe” for the study of law. (The fourth was Lincoln’s Inn.) The Middle Temple is renowned for its banquet hall, destroyed in bombing during the second World War but faithfully restored, where Elizabeth I witnessed the first performance of Shakespeare’s “Twelfth Night.”

4. Sir John Randolph

Born about 1693 at “Turkey Island,” the plantation seated by William Randolph on the James River south and east of Richmond. Student at the College of William and Mary, 1705-1713. Admitted to Gray’s Inn May 17, 1715 (see No. 6) and called to the bar “before his time... by special leave of the Bench,” November 25, 1717, presumably because of his prior study (see No. 5) and his service as deputy king’s attorney, 1713-1715. Clerk of the House of Burgesses, 1718-1734; king’s advocate in admiralty, 1718-1728; acting attorney general, 1726-1728; agent of the House of Burgesses to London, 1728-1729 and 1732-1733. On the second trip he was knighted, the only colonial Virginian so recognized. Burgess from the College and Speaker of the House, 1734-1736/37. Died March 7, 1736/37; buried under the chapel of the Sir Christopher Wren building.

5. Randolph’s Commonplace Book

This volume, now in the Rare Book Division of the Library of Congress, may be considered one of the earliest extant examples of legal study in America. “Commonplacing” was a standard method of student preparation for the bar from the sixteenth to the early nineteenth centuries, while printed materials remained scarce and difficult to consult. The student would copy into a blank book the relevant passages of law pointed out to him by his tutor, or noted by him in the course of his own reading. Compare with John Marshall’s commonplace book (No. 43).

The Randolph commonplace book was first begun by Benjamin Harrison (1645-1712), a student at the Middle Temple in 1697. It was purchased from Harrison’s widow, as a note in the volume states, probably in 1713, and probably was used by John Randolph as a student at Gray’s Inn. Such volumes were frequently utilized by the owner in practice thereafter, until he acquired a working library. This volume may also have
been used by Peyton Randolph, to whom his father left his law collection with the express hope that Peyton would study for the bar. The book was subsequently acquired from the Randolophs by their cousin, Thomas Jefferson, although he made his own manuscript books. (See Nos. 35 and 36.)

6. Admission to Gray's Inn

The photostatic copy of John (later Sir John) Randolph's admission is reproduced by the kind permission of the Treasurer and Masters of the Bench of the Honourable Society of Gray's Inn. The Latin entry reads:

Johannus Randolph de Virginia gener. [i. e., generosus] admissus est in societat. hujus Hospitij decimo septimo die Maij Anno Dom. 1715.

John Randolph from Virginia, gentleman, has been admitted into the company of this Inn the seventeenth day of May, 1715. (The marginal note indicates that his call fee was paid (solvit) — three pounds, six shillings, sixpence — while a separate entry in another hand notes that this official fee was paid "on his call to the Barr.""

7. Conveyance of the College

Under the terms of the 1693 charter, control of the College of William and Mary was to pass from the original trustees (including William Randolph) to the President and Masters at such time as the institution was deemed financially sound and flourishing. In 1728 President James Blair wrote to the College's Chancellor, the Bishop of London, stating that the bearer of the formal request for the transfer (John Randolph) "was one of the earliest scholars... and... is now one of our most eminent lawyers." In the course of his first mission to London for the House of Burgesses, Randolph arranged to draft the instrument of transfer in addition to his lobbying for the legislature to persuade Parliament to change the tobacco import laws. Both assignments were successful.

8. Randolph on "Rights of Englishmen"

As Speaker of the House of Burgesses, Sir John Randolph was a leading figure in colonial government, while as a barrister trained in England he was highly knowledgeable in English legal and constitutional history. In 1736, in a speech in the House formally addressed to the Royal Governor, Randolph emulated the Parliamentary practice begun in the previous century, of requesting the sovereign's recognition of the privileges and immunities of the legislature while in session. This assertion of the rights of Englishmen as extended to the English colonies, made forty years be-
fore the First Continental Congress under the presidency of his son Peyton made a similar declaration, ranks with William Penn's extension of the guarantees of Magna Carta to the commonwealth of Pennsylvania as claims to the benefits of the English constitution for the colonists in the New World.

9. DOCTOR AND STUDENT

This standard work, bearing the autograph of Sir John Randolph, was presented to the College in 1921 by Robert M. Hughes, Sr. of Norfolk, at the time of the revival of the law program (see Nos. 64 and 65). It was written by Christopher St. Germain (1460-1540) and first published in Latin in 1523. It is recognized as a pioneer work in equity jurisprudence. Although there is no record of the date of Randolph's acquisition of this copy, it is quite possible that it was in the course of his study at Gray's Inn.

10 VINDICATION OF THE PLANTERS

Randolph's second mission to England, 1732-1733, was a less successful lobbying effort to lower the levies on tobacco exports to London and other English markets. Randolph placed his case before Sir Robert Walpole, the British prime minister, and Walpole incorporated it into his general tax proposal being drafted for Parliament. To rouse public support for the case, the House of Burgesses had prepared a summation which they instructed Randolph to have printed in London under the title, The Case of the Planters of Tobacco in Virginia. Randolph apparently decided to add a more lawyerlike, documented statement, which was bound with the original summation under the title, A Vindication of the Said Representation. Although Walpole's tax proposal was defeated—and with it, the tax relief sought for Virginia—Walpole's admiration for Randolph's handling of the case paved the way for his knighthood sometime during 1733.

11 COLONIAL VIRGINIA DECISIONS

One of the most important of Sir John's contributions to the legal history of colonial Virginia is the manuscript collection of decisions of the General Court. Sporadic and piecemeal reports of cases from the seventeenth century exist, but Randolph, familiar with the growing number of English reports and perhaps persuaded by his service as acting attorney general of the colony, undertook the first systematic reporting of colonial cases. The collection was continued by his successor, Edward Barradall, and covers cases from 1728/29 to 1741. Jefferson later included "every case of domestic character" from this collection in his own volume of reports covering the period 1768-1772. The Randolph-Barradall reports
were published in 1909, and a new collection of these and other colonial Virginia reports is under study.

12. Peyton Randolph

Born in Williamsburg ca. 1721. Student at the College of William and Mary, 1733-1739. Admitted to the Middle Temple October 13, 1739. (See No. 13.) Called to the bar February 10, 1743. Attorney general of the colony, 1744-1766; judge in admiralty, ca. 1755-1766 (see Nos. 14 and 15); burgess from Williamsburg or from the College, 1748-1754, 1755-1766; agent of the House of Burgesses to England, 1754-1755; Speaker of the House of Burgesses, 1766-1774; moderator of the first Virginia Convention, 1774, and President of the First Continental Congress, 1774. President of the second Virginia convention, 1775. Elected president of Second Continental Congress but died October 22, 1775 in Philadelphia. Buried in Philadelphia but subsequently reinterred in 1776 under the chapel of the Wren Building.

13. Admission to Middle Temple

The entry from the registry book of the Middle Temple has been provided by the Librarian thereof, and reads as follows:

13 Octob. 1739


Mr. Peyton Randolph, second son of John Randolph of Virginia in America, Knight, has been admitted into the company of the Middle Temple, London. (He was specially [specialiter] admitted and made bond [obligatur unacum] for extra fees to be paid for this privilege.)

14. Commission as Attorney General

For one so young to be given the sinecure and responsibility of the chief legal office in the colony attests to the Randolph family’s reputation—and influence in England. Although the Royal Governor had a more experienced nominee in mind, Randolph agents and friends in the London establishment prevailed upon the Secretary of State for the Southern Colonies to select the young barrister. The commission in the Public Record Office (Warrants of Appointment, May 17, 1744, PRO/CO 324/37) is reproduced by permission of the Public Record Office from a microfilm copy made for Colonial Williamsburg.
15. Judge in Admiralty

A barrister trained in England and thus familiar with the law of admiralty as well as the common law was especially qualified to sit on the admiralty bench in the colony. Contemporaries saw no conflict between holding two commissions, as Randolph and others did, one as attorney general enforcing the “Americanized” common law as an officer of the local government, and the other as an admiralty judge applying imperial law. Records do not show the precise date of Randolph’s appointment, but a representative entry from the Admiralty Muniment Book, 1745-1761 (PRO/HCA 42/91) is reproduced by permission of the Public Record Office from a microfilm copy made for Colonial Williamsburg.

16. Remonstrance on Townshend Acts

As Speaker of the House of Burgesses, Peyton Randolph became almost ex-officio a leader of the independence movement when he signed the growing number of resolutions and protestations of the House directed at unpopular and allegedly unconstitutional Parliamentary enactments affecting the colony. The Townshend Acts, part of a series of attempts to reorganize the colonial system and raise revenues to support the imperial administration, provoked a general outcry in America and identified Peyton Randolph among the “rebellious” subjects of the Crown when he signed and circulated to other colonies the actions of the Virginia legislature.

17. President of the Virginia Conventions

When the Royal Governor dissolved the colonial assembly for its increasing protestations, an emergency convention of the colony was called, and the erstwhile Speaker was elected moderator. Randolph was elected president of the second convention, called early in 1775. The fifth and last of these conventions, in 1776, drafted the first constitution for the new Commonwealth of Virginia.

18. President of First Continental Congress

Randolph’s intercolonial reputation and experience as “the good old Speaker” of the Virginia assembly made him the unanimous choice of the delegates to the First Continental Congress as its president. Although disgruntled conservatives complained that his election was the result of a “deal” between Massachusetts and Virginia “radicals,” his deft handling of the sessions and the dignified manner in which the Declaration and Resolves were drafted and dispatched, won him the approbation of all factions when the first Congress adjourned.
19. John Randolph ("the Tory")

Born ca. 1727 in Williamsburg. Student at the College of William and Mary ca. 1739-1745; admitted to the Middle Temple April 8, 1745 (see No. 20) and called to the bar February 9, 1749; clerk of the House of Burgesses, 1752-1767; mayor of Williamsburg, 1756, 1771; attorney general, 1767-1774; deputy judge in admiralty, 1769-1774; burgess from Lunenburg County, 1769, from College, 1774; espoused Parliamentary position in constitutional debates leading to independence (see No. 22), and departed for England September 8, 1775, where he continued to work for reconciliation (see Nos. 24 and 25). He is accused of having written the spurious letters of Washington (No. 26), although this seems doubtful. Died in England January 31, 1784; through effort of friends on both sides of Atlantic, the body was returned to Williamsburg and buried under the Wren chapel.

No verified portrait of John Randolph "the Tory" has been found. An actor in the documentary film, "The Story of a Patriot," portraying John Randolph is shown in this photograph from the film provided by Colonial Williamsburg.

20. Admission to Middle Temple

The entry for John Randolph, as provided by the librarian of the Middle Temple, is as follows:

8 die Aprilis 1745


M. John Randolph, third son of John Randolph, lately of the colony of Virginia in America, Knight deceased, has been admitted into the company of the Middle Temple, London. [Special admission and bond rendered.]

21. Randolphs' Middle Temple Bookplate

When Peyton Randolph came to the bar, he arranged to have a bookplate made, showing the family arms and the identification of himself as being "of the Middle Temple." John Randolph undertook to use the same bookplate, with the engraver substituting John's name for his brother's, as may be faintly discerned from the example in the exhibit.
Amid the proliferating pamphleteering in the decade of dispute with the mother country, John Randolph decided to put down his own views "to try how they would appear in print." This pamphlet eloquently summarized the Loyalist position on the eve of the final break with Britain, as Randolph the Loyalist perceived it: the First British Empire had broad local autonomy but a centralized imperial administration and absolute authority in the Crown. John Randolph failed to persuade either his brother Peyton or his son Edmund; but the continued civility of their dialogue was unmarked by the enmity and bitterness which befell so many divided families during the Revolution.

The Loyalist Goes Home

In the summer of 1775, John Randolph was urged by Governor Dunmore to seek safety for himself and his family aboard a British warship which would later take them to England. To put his affairs in order for the indefinite exile required several weeks; it included the drafting of a deed of trust covering his Williamsburg property. The deed, dated August 25, 1775, is among the Tazewell Papers of Colonial Williamsburg. In it, John made his son Edmund his trustee, since Edmund had already determined to support the patriot position.

Randolph to Jefferson

"Tho we may politically differ in sentiments, yet I see no Reason, why privately we may not cherish the same esteem for each other which formerly, I believe, subsisted between us," John Randolph wrote to his cousin on August 31, 1775. Four years later, from London, Randolph wrote again to Jefferson; this letter, exhibited here, is from the manuscript collections of the Earl Gregg Swem Library of the College of William and Mary. In it, Randolph urged Jefferson, then governor of Virginia, to seek a cessation of hostilities, rescission of the Declaration of Independence, and acceptance of an assurance from the Crown that "Your Laws & Institutions will be established in the solid Basis of the british Constitution."

"Plan of Accommodation"

In England, Randolph remained convinced until the very end that British reconquest of the colonies was inevitable, and that efforts should be redoubled to heal the wounds of the struggle. He drafted a detailed "Plan of Accommodation" which he hoped would serve as a formula for reviewing and redressing grievances, and although the British ministry does not appear ever to have considered it, the Plan further illustrates Randolph's own hope for a day when Americans and Britons would again be at peace with each other.
26. Suspicion of Treason

Not everyone took Randolph's integrity of purpose at face value. At the height of the war, a series of letters purporting to have been written by George Washington and expressing despair over the outcome of the conflict and the merits of the revolutionary cause, was published in London. Rumors began to circulate that Randolph was the real author of these spurious documents, and the suspicion was kept alive by the republication in the United States of the London edition, in the postwar period. In view of the high-minded expressions in Nos. 24 and 25, Randolph's connivance at such propaganda as this seems out of character.

27. Edmund Randolph

Born August 10, 1753 in Williamsburg. Student at the College of William and Mary, 1770-1771; read law under John and Peton Randolph and was admitted to the Virginia bar in August 1774; elected attorney general of the Commonwealth in 1775 and also a delegate to the second Continental Congress; delegate to the Annapolis Convention in 1786 and as governor led the Virginia delegation to the Constitutional Convention in Philadelphia where he presented the "Virginia Plan" for a national government (see No. 29); presided at Virginia ratifying convention in 1788; appointed first Attorney General of the United States in September 1789; became Secretary of State January 2, 1794 and resigned August 11, 1795 (see No. 31). Died September 12, 1813.

28. The "Randolph [Virginia] Plan"

Soon after the Constitutional Convention opened in Philadelphia in May 1787, the Virginia delegation under Governor Randolph introduced a draft for a completely reorganized national government. Prepared by James Madison and Randolph, it was one of the two principal proposals — the other being the New Jersey Plan — which were ultimately consolidated into the form adopted by the Convention September 17, 1787.

29. Letter on the Federal Constitution

Because the Constitutional Convention did not attract official support from all thirteen states — Rhode Island did not attend at all, and two of New York's three delegates withdrew — Randolph concluded that he could not sign the final draft. He contended that to do so would prevent him from speaking out freely on the draft when it came before the Virginia convention in the spring of 1788, and he undertook to explain his views as to the strengths and weaknesses of the proposed Constitution in this pamphlet prepared and published in the fall of 1787.
30. Report on Judiciary Act of 1789

Edmund Randolph made several significant contributions to early constitutional practice and theory during his tenure as Attorney General, 1789-1793. The First Congress requested him to evaluate the Judiciary Act of September 24, 1789, and his critical analysis formed the basis for some of the remedial legislation which followed. He also presented the government's argument in the first constitutional case (Chisholm v. Georgia) to come before the Supreme Court, and in 1793 drafted Washington's proclamation of neutrality when new fighting broke out in Europe.

31. VINDICATION . . . OF . . . RESIGNATION

Randolph was involved in one of the first scandals of the new national government, when some of his letters to the French envoy, Joseph Fauchet, were intercepted by the British and sent to President Washington. In the correspondence Randolph appeared to be offering to reveal certain state secrets in return for help with his personal financial crisis. Although Randolph was given no opportunity to defend himself, and Washington demanded his resignation, he undertook to tell his side of the story in this pamphlet published soon after his dismissal from office.

32. Defense Counsel for Aaron Burr

The great treason trial of Aaron Burr, held in Richmond in 1807 before John Marshall as Circuit Justice and District Judge Cyrus Griffin, brought Edmund Randolph back into a major constitutional crisis as one of Burr's defense counsel. Although Burr's acquittal was highly unpopular with the Jeffersonians, the trend of defense argument and Marshall's rulings on the constitutional questions indicates a close relationship between Randolph's views and those of the great Chief Justice. Photostats of the original trial papers in this case were presented to the College in 1963 by Judges Sterling Hutcheson and Walter E. Hoffman. The volume in the exhibit, published in Philadelphia in 1808, shows Randolph's name among the defense counsel.

33. Randolph's History of Virginia

In his years of semi-seclusion after the Burr trial, Edmund Randolph drew upon the great store of documents in his family's papers to write a comprehensive history of colonial Virginia. The manuscript lay unpublished for more than a century and a half, until edited by Arthur H. Shaffer and published by the Virginia Historical Society in 1970.
THE FIRST LAW CURRICULUM, 1779 - 1862

Wythe and the Tuckers and their Colleagues

34. Thomas Jefferson

Educational leader, lawyer, scientist, architect, diplomat, second governor of Virginia and third President of the United States – this Renaissance man was born in April 1743 in the western part of Goochland (now Albemarle) County, the son of Peter Jefferson and Jane Randolph, cousin of William Randolph of Tuckahoe. Student at the College of William and Mary, 1760-1762; remained in Williamsburg to study law under George Wythe, 1762-1766, before returning to Albemarle to practice, 1767-1774 (see No. 36). Burgess, 1769-1774; delegate to Continental Congress, 1775-1776, and principal draftsman of the Declaration of Independence; delegate to Virginia provisional assembly, 1776-1779; governor, 1779-1781, during which time he led the reorganization of the College and the establishment of the chair of law and police (see No. 37), and also sponsored the famous bill for religious freedom. Married Martha Wayles Skelton in 1772 (d. 1782). Member, with John Adams and Benjamin Franklin, of Paris conference to implement the peace treaty, 1785, and succeeded Franklin as minister to France, 1786-1789; first Secretary of State, 1790-1793; Vice President under John Adams, 1797-1801; President of the United States, 1801-1809, during which time he authorized the Louisiana Purchase. Founder, in 1819, of the University of Virginia and draftsman of its early buildings and curriculum. Died at Monticello on the same day as John Adams – the fiftieth anniversary of independence, July 4, 1826.

The great private library of Thomas Jefferson was purchased by the United States government in 1815, following the burning of Washington and the first Library of Congress in the War of 1812. More than six hundred titles in the law collection within this library, now in the modern Library of Congress, are being collected from antiquarian book dealers throughout the world for the rare book room in the new building of the Marshall-Wythe School of Law (see No. 75).

35. Jefferson’s Commonplace Book

In his legal studies under George Wythe, as well as in the encyclopedic reading of law and government in his own growing library, Jefferson made his own “commonplace book” similar to those of Randolph and Marshall
(see Nos. 5 and 43). In 1926 a French political scientist, Gilbert Chinard, edited a volume entitled, *The Commonplace Book of Thomas Jefferson*. Since Chinard's purpose was to document Jefferson's political thought rather than his technical legal notes, the latter were omitted or only partly reproduced. A comprehensive edition of the Jefferson commonplace book is being prepared by the editors of the Papers of Thomas Jefferson at Princeton University.

36. Jefferson's Casebook

Jefferson kept a meticulous record of his own law practice from 1767 to 1774, when he turned over his pending cases to his young cousin, Edmund Randolph, to devote all his energies to the growing constitutional dispute with the mother country, The original of this casebook is in the Huntington Library in San Marino, California, and through the cooperation of the Huntington a photostatic copy has been obtained and will be added to the Jefferson law collection in the rarebook room in the new law building. A xerox copy of the opening two pages is shown here.

37. Establishment of the Chair of Law

A stubborn struggle to reorganize the curriculum of the College of William and Mary virtually coincided with the constitutional debates with England from the 1760s to the time of Jefferson's governorship. Most of the faculty was Loyalist in sympathies; but more significant than that, in Jefferson's view, was the necessity of restructuring the curriculum to make the College a training ground for an educated citizenry in the new Commonwealth. In creating a chair of law and police [i.e., government organization] Jefferson sought not only to instruct aspiring lawyers in the "Americanized" or revised common law but to prepare trained personnel for the government of state and nation: "throwing from time to time new hands well principled and well informed into the legislature will be of infinite value," he wrote to James Madison.

As governor, Jefferson was ex-officio a member of the Board of Visitors of William and Mary and thus at last had the opportunity, in December 1779, to implement the general reforms he and other had long sought. Although the Board felt bound by the original Charter of 1693 to keep the original six chairs of instruction, they decided to change the subjects in which the instruction would be offered. With the Loyalist members of the faculty having fled, and with his own ideas of what subjects should be taught and who should teach them, the reorganization could be carried out almost overnight. Three weeks and four days after the Board action on December 4, the new faculty organized for business (see No. 38); its members and their subjects of instruction were as follows:
James Madison (a cousin of the later United States President), professor of natural philosophy and mathematics
George Wythe, professor of law and police
James McClurg, professor of anatomy and medicine
Robert Andrews, professor of moral philosophy, the laws of nature and nations, and of fine arts
Charles Bellini, professor of modern languages

The records of the Board of this date have been lost. The exhibit shows a photostatic copy of the description of the Board’s work in the Virginia Gazette published the next week. A complete study of the reorganization which led to the founding of the chair of law will appear in the second volume of the Studies on the Bicentennial of American Legal Education to be published in 1980.

38. George Wythe Joins the Faculty

The original minutes of the College faculty at its organizational meeting of December 29, 1779 shows George Wythe as professor of law and police. Note the “tuition” requirement in the interlined passage: “Resolved, that a student on paying annually one thousand Pounds of Tobacco shall be entitled to attend any two of the following Professors, viz. of Law & Police, of natural philosophy & mathematics, & of moral Philosophy, of the Law of Nature and Nations, of the Fine Arts; that for fifteen hundred Pounds he shall be entitled, of the aforesaid, three Professors . . .”

39. AMERICA’S FIRST PROFESSOR OF LAW: GEORGE WYTHE

George Wythe, the son of Thomas Wythe and Margaret Walker, was born in 1726 (or early 1727 – records have been lost) on the family plantation in Elizabeth City County, about seven miles northwest of Hampton. He was enrolled in the preparatory division of the College of William and Mary, but virtually all of his education was provided by his mother and his uncle, the attorney Stephen Dewey. Although Dewey’s tutelage was apparently of indifferent quality, Wythe qualified for admission to the bar in June 1746, taking the prescribed oaths of allegiance to Crown and Church on June 18. His first marriage was to Anne Lewis on December 26, 1748; she died eight months later.

Following the death of his first wife, Wythe moved to Williamsburg and became a clerk to two important committees of the House of Burgesses, serving nearly seven years. Governor Dinwiddie appointed him attorney general of the colony during the absence of Peyton Randolph on a mis-
mission to England (see No. 12) in 1754-1755; Randolph resumed the post upon his return from his mission, and in appreciation of Wythe's cooperation helped secure his election as a burgess, first from Williamsburg and subsequently from the College. Wythe became a member of the William and Mary Board of Visitors in 1761, and clerk of the House of Burgesses in 1768, where he served until the dissolution in 1774. He was a delegate to the first and second Continental Congresses, and became a signer of the Declaration of Independence. (The small book by Alonzo T. Dill, shown here, was part of a series on Virginia signers of the Declaration, specially reprinted and bound for the Bicentennial of American Legal Education.)

Wythe's second marriage was in 1755 to Elizabeth Taliaferro, whose dowry included the house on the Palace Green now known as the Wythe House. Their only child died in infancy. Apparently at this time—and perhaps because there were to be no young people in their own household—Wythe began accepting young boys as students in his home, instructing them in classics and in increasing numbers in law. (See No. 39a for a description of his teaching methods.) In 1762 Thomas Jefferson, having completed his studies at the College of William and Mary, began his own legal study under Wythe. Conscious of the deficiencies in his own early education, Wythe had subsequently pursued a rigorous course of self-education, and by this time had one of the most diverse libraries in the colony, and his reputation for broad learning was now widespread.

With independence had come a need for a general revision of the common law system in the erstwhile colony, and the Revolutionary assembly in 1776 appointed a Committee of Revisers, whose ultimate composition consisted of Edmund Pendleton, Jefferson and Wythe. (See No. 46.) It was this exhaustive evaluation of the "Americanized" common law which gave Wythe his unique qualification as a law teacher when Jefferson named him in December 1779 as the first professor of law at the College. Wythe had, by 1779, already seen many of the "graduates" of his tutelage become leaders of the bar and of public affairs—e.g., Jefferson (see No. 35) and St. George Tucker (see No. 48). In adjusting his teaching to the formalities of a university curriculum, Wythe emulated both the lecture method used by Blackstone at Oxford and the "moots" which had once been at the heart of professional training at the Inns of Court. An early student, John Brown of Staunton, later one of the first United States Senators from Kentucky, described both "Moot Court, held monthly or oftener in the place formerly occupied by the Gen. Court in the Capitol," and a model legislature in which "Mr. Wythe is Speaker of the House and takes all possible pains to instruct us in the Rules of Parliament."

The last colonial code, in 1769, was used by Wythe in his lectures, since he had helped prepare it and knew the modifications which had been proposed by the Committee of Revisers in 1776-1778. In 1784-1785, as one
of the members of the High Court of Chancery, he undertook a general compilation of the state laws as they had been amplified by a decade of legislation ("Chancellors' revisal"). Finally, in cooperation with Edmund Randolph, he helped in the preparation of an "all American" revision of Virginia law in 1795. By this time the Chancery Court was centered in Richmond, and as presiding judge Wythe had been compelled to give up his professorship and move from Williamsburg in 1791. A lifelong teacher, however, Wythe in Richmond soon resumed his former tutorial practice for a new generation of aspirants to the bar.

Wythe edited a volume of chancery reports, and in 1782 had written a famous and oft-quoted dictum on judicial review (Commonwealth v. Caton, 4 Call [Va.] 8). He attended the Constitutional Convention in Philadelphia in 1787 until his wife's final illness compelled him to return home. He was, with John Marshall, one of the delegates to the Virginia ratifying convention in 1788. On January 8, 1806 Wythe died of poisoning by a spendthrift nephew, George Wythe Sweeney. In a eulogy for his lifelong mentor, Thomas Jefferson said:

No man ever left behind him a character more venerated than George Wythe. His virtue was of the purest tint; his integrity inflexible, and his justice exact; of warm patriotism, and, devoted as he was to liberty, and the natural and equal rights of man, he might truly be called the Cato of his country... Such was George Wythe, the honor of his own, and model of future times.

For further reading:

W. Edwin Hemphill, *George Wythe, the Colonial Briton* (Charlottesville, unpub. diss., Univ. of Virginia, 1937)

Joyce Blackburn, *George Wythe of Williamsburg* (New York, 1975)


Alonzo T. Dill, *George Wythe, Teacher of Liberty* (Williamsburg, 1979)

What is expected to be a definitive biography of George Wythe is expected to be published by Associated University Presses in 1980. Written by Imogene Brown, it is to be entitled, *American Aristides: A Life of George Wythe*. 
39A. Wythe as a Teacher

The rigorous intellectual discipline which George Wythe demanded of himself and his students is illustrated in this passage from the diary of Littleton Waller Tazewell, still in his "pre-legal" period of study, as he wrote it in 1786:

I attended him every morning very early, and always found him waiting for me in his study by sunrise. When I entered the room, he immediately took from his well-stored library some Greek book, to which any accidental circumstance first directed his attention. This was opened at random, and I was bid to recite the first passage that caught his eye. Although utterly unprepared for such a task, I was never permitted to have the assistance of a Lexicon or a grammar but whenever I was at a loss, he gave me the meaning of the word or structure of the sentence which had puzzled me... Whenever in the course of our reading any reference was made to the ancient manners, customs, laws, superstitions or history of the Greeks, he asked me to explain the allusion, and when I failed to do so satisfactorily (as was often the case) he immediately gave full clear and complete account of the subject to which reference was so made. Having done so, I was bidden to remind him of it the next day, in order that we might then learn from some better source, whether his explanation was correct or not; and the difficulties I met with on one day, generally produced the subject of the lesson of the next.

40. John Marshall

The future "great Chief Justice" was born September 24, 1755 in part of Prince William which is now Fauquier County, the son of Thomas Marshall and Mary Randolph Keith. (Through this descendant of the famous colonial family, Marshall was related both to the Randolphs and to Jefferson.) Served in the Continental Army, 1776-1779; studied at the College of William and Mary for a brief period in winter and spring of 1780; admitted to the Virginia bar August 28, 1780; member of the state executive council, 1782-1784. Married Mary Willis Ambler (to whom he always referred as "my dearest Polly") January 3, 1783 and settled in what is called the John Marshall House in Richmond. Member of House of Delegates, 1784-1785, 1787-1790, 1795-1796; delegate to Virginia convention of 1788 to ratify new federal Constitution; after declining several national appointments, became member of the "XYZ" commission to France, 1797-1798; member of Congress, 1799-1800; Secretary of State, 1800-1801; Chief Justice of the United States, 1801-1835; author, Life of George Washington, 1804-1807 (second edition, 1832);

Marshall's most notable association with William and Mary, aside from his Law Notes (see No. 43), was his role as counsel for the College in the 1790 case of Bracken v. Board of Visitors (3 Call [Va.] 495). The Rev. Dr. John Bracken had been master of the grammar or preparatory school at the time of the Jeffersonian reorganization in 1779, and his position subsequently was abolished. He eventually brought a test case against the Board, demanding restoring to his former post. Marshall, retained by the Board as defense counsel, contended that the Commonwealth of Virginia, as successor to the British Crown as grantor, could alter the details of College organization so long as it did not "depart from the great outlines" of the original grant. As Chief Justice in 1819 in the Dartmouth College case, Marshall found that New Hampshire as successor to the Crown-grantor had in fact departed from the "great outlines" of Dartmouth's original charter.

41. Wythe's Bookplate

George Wythe had a substantial library of his own, including a large number of law books, and most of these were bequeathed to Jefferson and presumably removed to Monticello after Wythe's death. Through fire and unexplained losses, the identity of most of the Wythe library has been difficult or, in most cases, impossible. An even more grievous loss was a collection of his lectures, which were known to be in existence more than a dozen years after his death; Jefferson, who knew of their whereabouts, was urged to see to their publication. The bookplate exhibited here is in a volume of Coke's Reports later acquired by Jefferson and given by him to a kinsman, Dabney Carr (1773-1837), and by Carr to Tazewell Taylor (1810-1875), "the Nestor of the Norfolk and Portsmouth Bar."

42. Marshall and Phi Beta Kappa

Marshall's activities while in residence at the College of William and Mary are documented in the minutes of Phi Beta Kappa, first founded as a debating and literary society (as well as being the first Greek-letter fraternity) at the Raleigh Tavern in 1776. The original minutes shown in the exhibit indicate that on May 18, 1780 John Marshall and Joseph Cabell were appointed to declaim the Question whether any form of government is more favorable to our new virtue than the Commonwealth."
43. Marshall’s Law Notes

The commonplace book of John Marshall may be compared with those of Sir John Randolph (No. 5) and Thomas Jefferson (No. 35). From evidence found when the volume was rebound in the early 1960s, this blank book appears to have been assembled and bound in Williamsburg about the time Marshall came to attend Wythe's lectures. Marshall used the volume, in fact, for two purposes -- from the front as a preparatory collection of law notes, and from the back (and upside down) as a book of expense accounts. The first volume of the Papers of John Marshall -- a project jointly sponsored by the College of William and Mary and the Institute of Early American History and Culture -- has representative pages from the Law Notes, while the Accounts are distributed by appropriate dates throughout succeeding volumes. A complete annotated edition of the Law Notes will constitute the third volume of Studies on the Bicentennial of American Legal Education, to be published in 1980.

44. Bacon’s Abridgment

The great preponderance of Marshall's Law Notes were "commonplaced" from the third (1768) edition of Matthew Bacon's New Abridgment of the Law. In the Library of Congress copy of this edition, George Wythe's bookplate (see No. 41) appears in Volume II and his signature in Volume IV. The Law Library is searching for a set of this edition; it presently has the fifth edition of 1786. This is the edition shown in the exhibit, complemented with photostatic copies of pages cited in Marshall's Law Notes, from a Library of Congress copy of the third edition.

45. The 1769 Collection of Laws

The manner in which Marshall -- presumably under Wythe's guidance -- sought Virginia authority in preference to the English authority cited by Bacon is strikingly illustrated in the exhibit. The last colonial compilation of statutes -- Acts of the Assembly Now in Force in the Colony of Virginia -- was published in Williamsburg in 1769. Marshall's "commonplace" entry relates to a statutory modification of a common law rule enacted by Parliament in 1702, for which Bacon's citation is 8&9 Will. III, c. 11, s. 6. But Marshall cites the year (1748) when the Virginia assembly incorporated the act into its own body of law; this was duly printed in the 1769 code and continued in force by the "reception" statute of 1776.
46. Report of the Revisers

At the time of independence in 1776, the Revolutionary Assembly moved to appoint a committee to undertake the “revisal” of the legal system including common law and statutory enactments as well as the organization of the judicial system. Membership on this committee ultimately settled down to three — Thomas Jefferson, George Wythe and Edmund Pendleton — with the first two undertaking virtually all of the work of assessing the English common law and acts of Parliament as these were to be retained, amended or rejected by the new Commonwealth. The committee completed its report to the General Assembly in the spring of 1778 — approximately eighteen months before Wythe became the first professor of law in the new legal system.

47. Marshall’s copy of Blackstone

Marshall’s Law Notes were compiled between the spring (May?) and the late summer of 1780. It was long assumed that they were taken from several volumes of Blackstone, until a comparison of sources of the text proved that the “B” noted in Marshall’s hand actually referred to Bacon (see No. 44). Marshall’s citations from Blackstone (“Bl”) actually appear late in his notes. One may speculate that after Marshall left Williamsburg — sometime in June — he had occasion to refer to his father’s copy of the Commentaries, shown here with his name on the title-page. Marshall was admitted to practice in Fauquier County August 28, 1780.

48. St. George Tucker

The “American Blackstone” and the second law professor at the College of William and Mary, Tucker was born in Bermuda June 29, 1757 and came to Virginia in 1771 where he studied for a year at the College before arranging to read law under Wythe. It had apparently been planned to enroll him at the Inns of Court, but since he intended to practice in the colony his father agreed to his remaining in Williamsburg “as you are likely to be under so good a tutor.” Tucker was admitted to the bar on April 10, 1775, but the immediate coming of the Revolution postponed his beginning practice until after the siege of Yorktown, where he was wounded. In 1778 he “intermarried” with Frances Bland Randolph (d. 1788) and thus was drawn into the Randolph line together with Jefferson and Marshall. His second marriage was to Lelia Skipwith Carter in 1791, the year he was named the successor to Wythe in the chair of law. Judge of the General Court, 1788-1803; judge of the Supreme Court of Appeals, 1803-1811; judge of the United States District Court, 1813-1827, resigning shortly before his death November 10, 1827.
A belle-lettrist as well as a profound student of Anglo-American law, Tucker prepared the first American (principally Virginia) annotations to Blackstone (see No. 50) and apparently utilized his work on the American edition in the classroom, as this communication from one of his students in 1804 attests:

[Tucker] is a man of genuine cleverness and of the most exalted talents. I am more and more pleased with him every day. He pursues a course somewhat different from what he used to do; instead of lecturing, he puts his edition of Blackstone’s Commentaries into our hands, allots a certain portion for us to read and examines us every day (except Friday, when we attend Mr. Madison’s lectures on Natural Philosophy). In his examinations he is very minute and particular, I never underwent such strict ones before. He doesn’t confine himself in his examinations to what is comprised in his late publication, but makes use of it as a textbook on which he comments largely... He is more luminous on the subject of law than any man I ever saw, and takes more pains to communicate instructions to his students.

49. Prerequisites for the Law Degree

How professional and foresighted the curriculum in law quickly became under Wythe and Tucker is documented by this undated draft among the Tucker papers entitled, “Plan for conferring Degrees on the Students of Law in the University of William and Mary.” It may have been a model for the 1792 “statutes” of the College which set out requirements for the Bachelor of Law, providing that in addition to the A. B. degree the candidate should “be well acquainted with Civil History, both Ancient and Modern and particularly with Municipal law and police.” The draft called for three years of residence and a series of examinations, first by one or more professors and then by “persons appointed... to examine and admit Attorneys to practice.” The examinations were to be comprehensive:

History, both ancient and Modern; the Constitution and polity of the ancient republics, as well as those of our own Days, but above all with that of the United States of America in their federal Capacity and that of Virginia in particular. He shall also be well versed in Ethics, the Law of Nations, and the municipal laws of his country, including such Acts of the British Parliament as have been adopted by our own Constitution. He shall be well acquainted with the leading points of practice in the Law, and shall without the Aid of Books, or other assistance, produce some specimen of his Talents in this respect, on a subject proposed ex tempore by the Examining professor.
50. "The American Blackstone"

Although there were several American printings of the Commentaries before Tucker's work, his was the first to have systematic annotations of American cases. The first American "edition" was printed at Philadelphia by Robert Bell in 1771-1772, and the publisher made a point of announcing that it was an exact copy, "page for page," of the fourth Oxford edition of 1770. (Thomas and John Marshall purchased a copy of this publication; see No. 47). In 1790 in Massachusetts the well-known printer, Isaiah Thomas, published a "first Worcester edition," taken from the tenth London edition of 1787; and in 1799 Thomas and an associate, E. T. Andrews, brought out a so-called "2d American edition" in Boston, a reprint of the eleventh London edition of 1791. In 1801 they published a fifth volume to the 1799 set, incorporating the notes by Professor Edward Christian of Cambridge University prepared for the twelfth London edition of 1793-95.

Tucker's "American Blackstone," as it immediately became called, was the first comprehensive description of American law, and remained the standard reference work until Chancellor James Kent began publication of his Commentaries on American Law in 1826. The plan for the work dates from 1797 when the Philadelphia publishing firm of William Burch and Abraham Small issued a prospectus for the five-volume set, which read: "Proposals for Publishing an American edition of Blackstone's Commentaries, with notes of reference to the Constitution and laws of the federal government of the United States, and of the Commonwealth of Virginia; With an appendix to each volume, containing tracts upon such subjects as appeared necessary to form a systematic view of the laws of Virginia as a member of the Federal Union."

In the back of his first manuscript volume, the editor entered five January dates — one for each year from 1799 to 1803, apparently the time he set for himself to complete one of the volumes. The manuscript books are interleaved with the eleventh London edition of Richard Burn and John Williams, the blank pages between providing space for Tucker's annotations. While working from this edition, the twelfth edition by Christian became available, and in an "advertisement" dated May 12, 1802 Tucker stated that he now had a copy of this edition and "has made a selection of such of the Notes [by Christian] as appeared to him most likely to be of use to an American student." By his own count, when he had completed his work, Tucker noted that he had added 1,631 notes of American practice, and that the English edition of 2,007 pages had been expanded by his work to 3,438 pages.
51. Spencer Roane

The jurist who might have presided over the Supreme Court of the United States instead of John Marshall, had Jefferson had the opportunity to appoint him, was Spencer Roane. Born in Essex County April 4, 1762, he was another of Wythe's early law students at the College of William and Mary, in 1780; thereafter, he went to Philadelphia to complete his reading for the bar and was admitted to practice in 1782. Member of House of Delegates, 1783-1784 and state Senator, 1788-1789; married Patrick Henry's daughter Anne in 1786; judge of the General Court, 1789-1794; judge of the Supreme Court of Appeals, 1794-1822. Roane was a Richmond neighbor and professional colleague of Marshall, although they differed fundamentally on constitutional questions. Roane contended (Kemper v. Hawkins, 1 Va. 20 [1793]) that judicial review on questions raised in the state courts ended at the highest state court, and relied on this principle in the first remand from the federal Supreme Court in the renowned Fairfax ("Northern Neck") lands case, refusing to follow the federal holding (4 Munford 3 [1815]) until his order was overturned in the second appeal (Martin v Hunter's Lessee, 1 Wheat. 304 [1816], Marshall not participating). Marshall's holding in the case of the Bank of the United States (McCulloch v. Maryland, 4 Wheat. 316 [1819]) aroused Roane to write a series of newspaper essays, to which Marshall felt compelled (under the pseudonym, "A Friend of the Constitution") to make his only public defense of a recorded opinion. Roane was the leading exponent of Jeffersonian constitutionalism, and, with the possible exception of Wythe, the viewpoint he expressed was that of most of the law faculty from Tucker to Morris. It has been called the Southern or states' rights school of constitutional law. Roane died at Warm Springs September 4, 1822.

52. Curriculum and Faculty, 1805-1862

Some College catalogs from various dates in the 1830s provide a glimpse of the plan of teaching law in the context of the total curriculum. Although only two courses are listed under the heading of law, the catalog for the 1838-39 academic year states: "The subject of Municipal Law, alone, constitutes an entire course. The manner of lecturing, is to require the Student to read a portion of the textbook, which becomes the subject of question, explanation and conversation at the next meeting. A sort of moot court is contrived by devising cases which the students are required to conduct to issue; and which are generally so managed as to lead to an issue of law; on which briefs are handed in, argument heard, if necessary, and judgments pronounced. This is merely used as an exercise in pleading, and a task of research and study on the argument of the demurrer. It presents nothing to vanity or ambition, and is a dry, severe, and practical task."
With this candid admonition the catalog for 1839-40 adds: "If a student shall, in addition to the Bachelor of Arts, take the degree of Bachelor of Law, he may obtain the Master's Degree by studying successfully the Moral and Political and Historical portion of the A. M. course . . . It is intended in studying for the degree of A. M. that the student should pursue his Baccalaureate studies into more detail -- that he should render himself more accomplished by the acquisition of a greater fund of knowledge, from the most approved writers, on all the topics which he had previously studied."

The program in law required students in the first year of an "upperclass" curriculum to elect from courses in Moral and Political Science, Chemistry, Natural Philosophy, Civil Engineering and Mathematics -- usually from the first two of these subjects. Tucker's two courses -- National [i.e., international or comparative] Law the first year and Municipal Law the second -- in 1837 reported enrollments of thirty-four and fourteen students respectively. Textbooks listed in the catalog included Vattel's Law of Nations, St. George Tucker's American edition of Blackstone, Stephens on Pleading, Starkie on Evidence, The Federalist, Kent's Commentaries and Madison's Report for 1798-99. Total expenses for the junior year were $205, and for the senior year, $195. The academic year began the last Monday in October and ended the following July 4.

52A. William Nelson

Born in Charles City County in 1759; student at the College of William and Mary and studied law under George Wythe either at the College or in private tutorials. Judge of the General Court of the Commonwealth and third professor of law at William and Mary until his death March 8, 1813. A contemporary news item quoted a resolution "That in testimony of the high estimation in which we hold the memory of the late Judge Nelson, the Students of William and Mary will wear crape on their hats and left arms three months."

52B. Robert Nelson

Born in York County about 1778, the son of the Revolutionary leader, General Thomas Nelson; received A. B. from the College of William and Mary in 1798; appointed to the Williamsburg district of the chancery court in March 1812 and became professor of law the following year on the death of cousin, William Nelson. Died in July 1818 was buried in chapel of Wren Building.
52C. James Semple

Born in New Kent County September 7, 1768; died in 1831. Judge of General Court and professor of law at the College, 1819-1831. Delegate to second Virginia constitutional convention, 1829-1830. In July 1823, at the request of the Board of Visitors, he prepared a detailed proposal for the revision of the curriculum which sought, like the reorganization of 1779, to keep up with changing needs of higher education.

52D. Charles Morris

Born in Henrico County April 17, 1826; graduated from the University of Virginia in 1845 and read for the bar in Hanover County, being admitted to practice about 1848. Professor of law at the College of William and Mary, 1859-1861; served in Confederate army; following the war taught at University of Georgia and Randolph-Macon College. Died May 1893.

53. Nathaniel Beverley Tucker

Nathaniel Beverley Tucker was born September 6, 1784 at Matoax, one of the Randolph plantations devised to his mother, Frances Bland Randolph Tucker, on the death of her first husband. Student at the College of William and Mary, 1801-1806, during which time he read law from his father's American edition of Blackstone (see No. 50). Admitted to the bar in 1806 and began practice in Fredericksburg until he volunteered for service in the War of 1812. In 1815 he moved to Missouri where he practiced law and dabbled in politics until 1833. He was moving back to Virginia in that year when he was notified of his election as professor of law at William and Mary. Having experienced at first hand the sectional issues in the Missouri Compromise of 1820, and the "nullification" controversy of 1832, Tucker was ardently committed to the Southern or "states' rights" school of constitutional law. In his own courses (see No. 54) and in his increasing amount of writing (see No. 56) he reflected his commitment. In 1850 he was elected as a delegate to the Nashville Convention, a gathering of Southern states inspired by John C. Calhoun to present a united sectional response to the Compromise of 1850. Tucker's most notable contribution to this meeting was an outspoken advocacy of secession. He died the following year, July 26, 1851.

A critical study of this exponent of states' rights is Robert J. Brugger's *Beverley Tucker: Heart Over Head in the Old South* (Baltimore, 1978).
54. Announcement of Law Courses

The item exhibited is one of the earliest surviving copies of a College announcement of courses offered in the law curriculum. It illustrates both the subjects of emphasis in the "Southern" school of legal education and the integration of the law courses with the other parts of the curriculum as described in Nos. 51 and 52.

55. Diploma in Law

This photostat of an early law degree conferred by the College (or University) of William and Mary is dated July 4, 1832 and is signed by John Semple as professor of law (see No. 52C). The student receiving the degree was the great-grandfather of Judge Robert T. Armistead, current lecturer at the Marshall-Wythe School of Law.

56. PRINCIPLES OF PLEADING

The family talent for writing — essays, poems, novels as well as professional works — was exemplified in Beverley Tucker's varied books, magazine articles and reviews in the Southern Literary Messenger, pamphlets on topical issues and fictional treatment of public affairs. Shown in this exhibit are some of the prolific output of this lawyer and teacher (whatever its literary or scholarly merit) over a single decade. An indication of his productivity is the fact that he published, in the same year (1836) two novels of two volumes apiece (see Nos. 56B and 56C).

No. 56A. A Lecture on the Study of Law; Being an Introduction to a Course of Lectures on That Subject in the College of William and Mary (Richmond, 1834)


No. 56C. George Balcombe: A Novel (New York, 2 vol., 1836)

No. 56D. Discourse on the Genius of the Federative System of the United States (Richmond, 1839)

No. 56E. Discourse on the Importance of the Study of Political Science as a Branch of Academic Education in the United States (Richmond, 1840)

No. 56F. Discourse on the Dangers that Threaten the Free Institutions of the United States (Richmond, 1841)

No. 56G. A Series of Lectures on the Science of Government Intended to Prepare the Student for the Study of the Constitution of the United States (Philadelphia, 1845)

No. 56H. Principles of Pleading (Boston, 1846)
57. George P. Scarborough

Born in Accomack County, Virginia February 11, 1806. Read law under Thomas R. Jaynes (his future father-in-law) and was admitted to the bar in 1827. Elected judge of the then Third Circuit Court of Law and Chancery in 1844. In 1851 he was elected professor of law at the College of William and Mary, and the next year received an honorary LL. D. from the College. In 1856 he was elected one of the first judges of the new United States Court of Claims, and his law students, adopting a resolution of regret at his leaving, presented him with a cane “made of black ebony with a heavy gold head.” Judge Scarborough (or Scarborough — the spelling varies) served on the court until the outbreak of the Civil War. From 1865 to 1877 he practiced law in Norfolk, and then served as judge of the Norfolk Corporation Court until his death December 21, 1879.

58. Lucian Minor

Born in Louisa County April 24, 1802. Student at College of William and Mary about 1823-1825; admitted to bar in 1825, maintaining practice of a country lawyer for nearly twenty years. In 1834 he took a walking tour of New England and contributed series of essays on his experiences to the Southern Literary Messenger. Professor of law at William and Mary, 1855-1858. Died July 8, 1858.
The Modern Law Curriculum Since 1921

Perspectives for the Third Century

59. The Twentieth-Century Revival

Following the closing of the College during the Civil War, and the ruin brought about by the war itself, the venerable campus became dormant for all practical purposes for the remainder of the century. Its incorporation into the state system of higher education in 1901 made no provision for revival of its historic priorities, including the pioneer curriculum in legal education.

The gradual reactivation of the law program was the dream of several far-sighted men, including President J. A. C. Chandler and Robert M. Hughes, Sr., a Norfolk attorney who in 1921 published an article in the *American Bar Association Journal* under the title, "William and Mary's Pioneer American Law School." Chandler also referred to the historic background in legal education at this institution in a brochure he prepared under the title, *Romance and Renaissance of the College of William and Mary in Virginia* — a summary of the principle objectives in his building program.

In his first annual report to the Board of Visitors dated May 31, 1920, Chandler submitted several specific recommendations, including the following: "(1) The inauguration of a pre-legal course which shall have at least one year of introductory law, to be expanded later as may seem best, with the understanding that this course for 1920-1921 will not add any expense to the College other than the itemized budget calls for." (Board of Visitors Minutes, June 8, 1920.)

60. Announcement of Law Course, 1921-1922

The first offerings of courses, illustrated in this exhibit, were in keeping with the original curriculum — English constitutional history, law and government, American and Virginia constitutional history. Subjects more representative of a modern professional school were added in the next two years, and were distributed between the respective curricula of the School of Economics, Business Administration and Law on the one hand
and the School of Government and Citizenship on the other. During the period 1930-1931, the law courses were regrouped under a School of Jurisprudence. On December 13, 1932 the American Bar Association extended formal accreditation to the law program, and the reactivation of the historic curriculum of Jefferson and Wythe was completed.

61. The Alton B. Parker Law Collection

A major requirement for the reviving law program in the early years was a law library. The original collection – which, from a few bits of evidence still surviving, was a substantial one – was destroyed in catastrophic fires in 1859 and 1862. To create a new law library, without drawing off drastic amount of money from the general library budget, required a major gift of a private collection. This gift was realized in the academic year 1922-1923, when the personal law library of Judge Alton B. Parker of New York was given to the College. This collection of several thousand volumes, including complete sets of the Congressional debates and Supreme Court reports as well as a number of sets of laws and cases of New York and a number of other states, provided a nucleus or cornerstone for the law library of the present time.

62. Oscar L. Shewmake


63. William Hamilton

Born A. B. Harvard University; LL. B., Cornell University; LL. M. and S. J. D., Yale University; fellow in jurisprudence at Wharton School, University of Pennsylvania. Member, California and Virginia bars; general law practice, 1900-1920. Professor of English constitutional law and history, College of William and Mary, 1920-1923; professor of jurisprudence and dean of School of Economics, Business Administration and Law, 1923-1928; dean of School of Jurisprudence, 1928-1929. Died March 14, 1929. In February 1928, at the twenty-fifth annual convention of Sigma Nu Phi legal fraternity in Washington, D. C. gave the address shown here, on “Charles Viner and Our Common Law.”
64. John Garland Pollard

Born in King and Queen County, Virginia August 4, 1871. Attended University of Richmond and received LL. B. from Columbian (now George Washington) University in 1893; later awarded LL. D. degrees from George Washington University, the College of William and Mary, and numerous other institutions. Admitted to practice in Virginia in 1893, and engaged in general law practice in Richmond until 1920. Served as a member of the Virginia Constitutional Convention in 1901; member from Virginia of National Conference of Commissioners on Uniform State Laws, 1902-1907; compiler and annotator of Virginia Code of 1904; attorney-general of Virginia, 1913-1917; member of the Federal Trade Commission, 1921-1922. Professor of law and dean of the School of Government and Citizenship, College of William and Mary, 1922-1929. Governor of Virginia, 1930-1934. Died April 28, 1937.

65. Theodore A. Cox

Born in Washington, D. C. August 17, 1894. A. B., University of Michigan, LL. B., University of Virginia. Admitted to Virginia bar, 1921. Instructor in law, University of Virginia, 1922-1924; independent research, Stanford University, the Johns Hopkins University, and the National Archives, 1925-1930; professor of law, College of William and Mary, 1930-1947; dean of the School of Jurisprudence, 1932-1947; Order of the Coif; American Law Institute; delegate to The Hague conference on comparative law, 1932, 1937. Died May 10, 1947.

66. The Cutler Constitutional Lectures

In 1923-1924 the Board of Visitors authorized a series of lectures on contemporary constitutional and public issues to be given for the benefit of the law students but with meetings open to the general public. These led to a provision within a larger grant to the law program made by the Cutler Foundation of Rochester, N. Y. in November 1926, for what became the widely-known Cutler Lectures on the Constitution. The Lectures, delivered at various times between 1927 and 1942, were given by such internationally known scholars as Harold J. Laski of London and James Shotwell of Columbia, as well as a number of leaders in government and diplomacy.
67. Dudley W. Woodbridge

Dudley W. Woodbridge, for twenty years dean of the revived Law School, was born in Bellaire, Ohio February 24, 1896, and grew up in the Pacific Northwest and attended the University of Washington. He subsequently transferred to the University of Illinois, receiving his A. B. in 1922 and his J. D. in 1927. That same year he joined the faculty of the College of William and Mary, where he remained for thirty-nine years. The May 1966 issue of the William and Mary Law Review, pages of which are shown here, was dedicated to him with all articles written by his former students. From 1942 to 1962 he served as Dean of the Law School and for most of that period as Chancellor Professor of Law; at various times he was also a visiting professor at the Universities of Florida, Illinois and Virginia. In 1952 a national magazine included him in a list of America’s eight greatest college teachers. He received the first Thomas Jefferson Award of the College in 1963. The tribute paid him by Dean Joseph Curtis, his successor in the Law School administration, in the 1966 dedicatory issue, attests to the affection with which students, alumni and faculty colleagues regarded him. The twentieth-century successor to George Wythe died October 20, 1969.

68. The Attempt to Close the Law School

In times of depression, state-supported institutions come under powerful pressures to curtail their offerings, and the small law enrollment at the College of William and Mary was an inviting target for variously motivated groups in the mid-1930s. Finally, in the spring of 1939, the Board of Visitors yielded to these combined forces and, without previous notice, made an announcement to the press that the Law School was being abolished. Although in the midst of final examinations, seven law students reacted with swift and vehement activity. The story, which made national headlines at the time, is retold in the current Alumni Gazette by Judge R. William Arthur, BCL ’40, one of the student “rebellion” leaders. So general was the outcry, in-state and out, that the board reversed its action within a week.

69. The Marshall-Wythe-Blackstone Anniversary

“Ceremonies in Celebration of the Beginning of the John Marshall Bicentennial Year and the 175th Anniversary of the First Chair of Law in the United States” was the explanatory subtitle of the published papers of a Marshall-Wythe-Blackstone Symposium which was held at the College of William and Mary on September 25, 1954. The theme of the gathering was described as “The Rededication of the Anglo-American Bench and Bar to its Traditions of Representative Constitutional Government.” Among the speakers were the Hon. Lord Goddard, then Chief Justice of England, and the Hon. Earl Warren, Chief Justice of the United States.
70. The Graduate Tax Program

The Marshall-Wythe-Blackstone ceremonies were also the occasion for the formal establishment of the Law School's unique degree program in Law and Taxation. In announcing the graduate program on this occasion, the College statement read: "The course of studies is premised upon a recognition of the practice of tax law as a profession in its own right, distinct from that of either the practice of law or accounting. and it is designed to train the student in the diverse fields necessary to the competent handling of all phases of tax matters." In the quarter of a century in which the tax program has been offered, a highly selective group of successful candidates now hold positions in government agencies and in large law firms with specialized needs in tax law.

71. The Contemporary Law School

On its two hundredth birthday, the program conceived by Jefferson and Wythe and Tucker is enjoying vigorous health. In this assembly of representative publications of the contemporary Law School only a part of the whole range of its activities and interests can be shown. Its alumni are in active practice in almost every state of the Union and in various parts of the common law world. Its faculty represent a wide range of productive scholarship and its student body is drawn from the highest ranks in the Law School Aptitude Tests and other qualifying criteria.

72. The Marshall-Wythe Medallion

A bronze medallion bearing bas-relief profiles of John Marshall and George Wythe on the obverse and the coat of arms of the College on the reverse was authorized by the law faculty in 1966. Professor Carl Roseberg of the Department of Fine Arts designed the medallion, which is presented each year to one or more leaders of the profession in the common law world upon vote of the law faculty. The recipients to the spring of 1979 are as follows: Norris Darrel, president of the American Law Institute (1967); Roger J. Traynor, Chief Justice of California, retired (1968); A. James Casner, Weld Professor of Law, Harvard (1969); Arthur L. Goodhart, editor of the Law Quarterly Review and Master of University College, Oxford (1970); Bernard G. Segal, past president, American Bar Association (1971); Lewis F. Powell, Jr., Associate Justice, Supreme Court of the United States (1972); Whitney North Seymour, past president, American Bar Association (1973); Tom C. Clark, Associate Justice, Supreme Court of the United States, retired (1974); Myres S. McDougal, Sterling Professor of Law, Yale (1975); Leon Jaworski, Special Prosecutor for the United States, and Sir Norman Anderson, Director, Institute of Advanced Legal Studies, Univer-
sity of London (1976); Shirley M. Hufstedler, Judge, United States Court of Appeals (1977); John P. Dawson, Fairchild Professor of Law, emeritus, Harvard (1978); Warren E. Burger, Chief Justice of the United States (1979).

73. The National Center for State Courts

In 1971 a National Conference on the Judiciary was held in Williamsburg at which the President of the United States, the Attorney General of the United States and the Chief Justice of the United States all appeared and urged the establishment of an agency to work for the improvement in the administration of justice in each of the state judicial systems. The National Center for State Courts was the agency created as a result of the 1971 conference, and two years later it selected a site in Williamsburg adjacent to the future home of the Law School for its national headquarters. Its building was completed and dedicated in March 1978, and was the occasion for a second, International Conference on the Judiciary. The new home of the Law School, to be occupied early in 1980, will be the complementary unit in a continuing joint effort to serve the legal profession, and particularly its judicial system as the third century of American legal education begins.

74. The Summer School in England

In 1965 the Law School began an occasional series of faculty exchanges with the law faculty of the University of Exeter. The initial exchange was so rewarding to all concerned, that the idea of a summer school in England for American law students, sponsored by the Marshall-Wythe School of Law on the campus of the University of Exeter, was initiated. The 1978 summer faculty — consisting of William and Mary and Exeter law teachers — in anticipation of the bicentennial of 1979-80 commissioned a watercolor of Exeter Cathedral as a symbol of the annual summer program. The framed painting is shown on a separate easel, and is part of a number of portraits and documents which will be hung in the new building.

75. A New Home for the Law School

It is fitting, on the two hundredth anniversary of the establishment of the first university-related chair of law in the United States that a new law building is being completed at William and Mary. Instruction in law has taken place in many locations on the campus — first at the Sir Christopher Wren building and later in other structures. The exhibit shows a sketch of the present Marshall-Wythe building, once the undergraduate library of the College. The architect's color rendering of the new facility is shown on a separate easel.
THE "COLLEDGE" AND THE INNS OF COURT

Although formal study of law began at the College of William and Mary with the action of the Board of Visitors establishing the chair of law and police on December 4, 1779, an identification of the College with professional study for the bar may properly be traced to the practice of some of its earliest students, who followed their residence in Williamsburg with enrollment in one of the Inns of Court in London.

The Inns of Court date from the gathering of medieval lawyers in residence near Westminster to practice before the royal courts of justice there. Aspirants to the bar took rooms in adjacent hostelries and arranged to read law under one of the barristers (the word refers to one already called to the bar), for such length of time as each student might require to qualify for his own call.

When the charter for "Their Majesties Royall Colledge of William and Mary in Virginia" was granted in 1693, the colony was sufficiently well developed politically and economically to need a body of professional lawyers — despite previous seventeenth-century attempts to prohibit them. A formal licensing statute was passed by the House of Burgesses in 1715, but the law exempted those who had been called to the bar in England. Thus a number of ambitious young men, if they could afford to go, traveled to the Inns of Court, assuring themselves, when they returned home, of preferred positions at the Virginia bar.
NOTES

The free-standing case of exhibits in the museum contains memorabilia of the College of William and Mary, including the only surviving stone marking one of the corners of the first tract on which the buildings of the colonial campus were constructed, the College Mace, and a reconstructed sundial which stood on the campus in the early nineteenth century.

Of particular interest to visitors to the exhibit on the Bicentennial of American Legal Education, in this separate case, is the family Bible of John Marshall, a gift to the Law School which will be housed in the new building to be ready for occupancy early in 1980, and a "sea letter" signed by George Washington and Edmund Randolph when Randolph was Secretary of State.

THE VINERIAN PROFESSORSHIP

A supplementary exhibit, describing the Vinerian Professorship of English law which was a model, in part, for the William and Mary chair, has been arranged in the foyer of the old Law School building. Visitors to the main exhibit on the Bicentennial of American Legal Education are invited to view this supplementary exhibit, containing photographs and descriptions of the various successors in the chair to Sir William Blackstone, and a representative collection of books written by the Vinerian Professors.

The annual George Wythe Lecture for October 26, 1979 has been designated the official bicentennial lecture, to be delivered by Sir Rupert Cross, Vinerian Professor of English Law, from 1964 to 1979. The supplementary exhibit was prepared in recognition of Professor Cross' visit to the Law School.