A Memento

William & Mary Law School

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A Memento
John Marshall's
Law Notes

The page in Marshall's hand, reproduced here in actual size, is taken from the manuscript book in the Library of the College of William and Mary. Although Marshall's biographer, Albert J. Beveridge, speculated that these notes were transcripts of George Wythe's lectures, they appear instead to be an alphabetical recapitulation of principal law subjects characteristic of the "commonplace books" made by eighteenth-century aspirants to the bar. Presumably they incorporate elements in Wythe's lectures, which Marshall attended at William and Mary in the early months of 1780. The manuscript book — made up of what paper was available in the lean years of the Revolution — appears to have been bound in the late 70's and the names of individuals known to have been students at the College about 1779-80 appear on pages of the law notes, thus helping to confirm their approximate date.

One name which appears occasionally among the notes is that of Mary Willis Ambler — "My Dearest Polly," as Marshall was later to call her — a young lady of Yorktown who was to become the wife of the future Chief Justice. Marshall's few months at the College were thus notable for several things — the opportunity to complete his preparation for the bar by attending the lectures of the distinguished Mr. Wythe; election to the recently-organized society of Phi Beta Kappa; and the progress of his courtship. Marshall was admitted to the Virginia bar on August 28, 1780, and married to Miss Ambler on January 3, 1783.
George Wythe

The bookplate reproduced on the front of this Memento is one of the very few which have survived; this is rather symbolic of the life and death of Mr. Wythe himself, for so little has been preserved of his remarkable career. Outstanding colonial lawyer, signer of the Declaration of Independence, astute legislator both in Revolutionary Virginia and in the Continental Congress, perhaps Wythe’s most remarkable accomplishment was the project to which he, Thomas Jefferson and Edmund Pendleton were assigned in 1776-79 — the complete “restatement” of the English common law for adaptation to the needs of the new Commonwealth.

Mr. Wythe’s reputation as a lawyer attracted many young men to read law under him in preparation for the bar. Jefferson spent four years with him in Williamsburg following his (Jefferson’s) study at the College of William and Mary in 1760-62. In 1779, when Jefferson was Governor and a member of the College Board of Visitors, a “statute for reform of the curriculum” was adopted by the Board. The pioneer chair of law which the board established on December 4, 1779 was immediately filled by Mr. Wythe, as the faculty minutes of that same month record. In his tenure as professor of law and “police” (i.e., government or public administration) from 1779 to 1791, Wythe appears to have anticipated the case method of teaching, and utilized moot courts as well as the Assembly room of the old capitol in Williamsburg as a laboratory for the study of legislation and parliamentary procedure.

Attorney, lawmaker, scholar and teacher, jurist — Jefferson called George Wythe an American Aristides. His murder in 1806, allegedly from poison administered by a ne'er-do-well nephew, was a melodramatic end to an epochal professional career. The record of his remarkable life must be developed largely from collateral evidence.

This Memento

IS DERIVED FROM THE
BOOK COLLECTION IN THE LIBRARY OF
THE COLLEGE OF WILLIAM AND MARY IN VIRGINIA.

John Marshall’s Law Notes & Accounts includes a record of his early professional and personal career, 1783-95; George Wythe’s bookplate is copied from a volume of Coke’s Reports which was subsequently owned by Thomas Jefferson, and given by Jefferson to Dabney Carr, Virginia jurist (1773-1837) and by him to Tazewell Taylor (1810-75), “the Nestor of the Norfolk and Portsmouth Bar” in Virginia.