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The Honorable George Wythe: Teacher, Lawyer, Jurist, Statesman; an Address Delivered Before the Wythe Law Club of the College of William and Mary in Williamsburg, Virginia, Dec. 18, 1921

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THE HONORABLE GEORGE WYTIE

TEACHER • LAWYER • JURIST • STATESMAN

AN ADDRESS

by

Oscar L. Shewmake, Esquire

Delivered before The Wythe Law Club of the College of William and Mary in Williamsburg, Virginia on the evening of December 18, 1921

"The world knows little of its greatest men."
George Wythe, at the age of 65
—From an engraving by J. B. Longacre
THE IDEA OF THE ESTABLISHMENT of the Marshall-Wythe School of Government and Citizenship at the College of William and Mary was first suggested in a meeting of the Board of Visitors of the College, of which the writer was then a member, held at the Westmoreland Club in Richmond in the early part of 1920. It was received with enthusiasm and steps were immediately taken to translate the idea into a reality. While so doing, the members of the Board, a majority of whom were alumni of the College, had in mind the words of Judge N. Beverley Tucker, also an alumnus of William and Mary, spoken in an address to his law students at the College in 1845:

"Next after that truth on which the eternal welfare of man depends, what study can be so important to the youth of this republic as that of our own institutions? What work of man deserves so much to engage your attention as those charters in which your rights and your duties are alike defined? What philosophy so worthy of your profoundest thoughts as the philosophy of government? . . . The function of a sovereign citizen is an affair not of right alone but of duty also; and he who presumes to act in that exalted character, far from being subject to no law but his own will, no reason but his own caprice, is exercising a high duty to which he is called by God Himself, whose unworthy instrument he is, in His great work—the moral government of man."

It was decided to name the school in honor of John Marshall
who, as Chief Justice of the Supreme Court of the United States, was the great expounder of the Constitution, and of George Wythe who, as the teacher of both Marshall and Jefferson and a host of others only slightly less prominent, at William and Mary, had made invaluable contribution to the establishment of our system of representative constitutional government and the sound principles of law which implement it and make it effective.

Courses in the school were begun in September, 1921, and its two chairs were occupied by the late Dr. William A. Hamilton and the writer. The subjects taught were Constitutional History, Constitutional Law, Comparative Systems of Government, Virginia Government, Taxation, and other subjects usually found in the curriculum of a law school of standard grade. Both teachers had enjoyed the benefits of long experience at the bar and each had held public office. The school was formally dedicated on January 14, 1922, and the principal speaker on that occasion was the late Judge Alton B. Parker, whose scholarly address on "American Constitutional Government" was delivered in the presence of a vast throng of interested persons, including the members of the General Assembly of Virginia, then in session in Richmond, who went to Williamsburg by special train and attended in a body.

On the evening of December 18, 1921, there gathered at my home in Williamsburg a group of young men, students in the Marshall-Wythe School, who had determined to enter the legal profession and who proposed at that time to perfect an organization to be known as "The Wythe Law Club." They had asked me to tell them something of the great teacher, lawyer, jurist and statesman whose name their organization was to bear and the address here published was delivered in compliance with that request. Though nearly thirty years have gone by, the memories of that evening are still clear and pleasant to recall, and with the mind's eye are distinctly seen again Dr. Hamilton's classic profile, his friendly smile and occasional nods of approval, and the eager faces of those boys—at once my students and my friends. Among those present were Paul W. Ackiss, Jr., now Commonwealth's Attorney of Princess Anne County, Virginia; Ross L. Ashby, since a successful practitioner of law in his home town of Greensboro,
North Carolina; Jack Chalkley, since City Attorney of Johnson City, Tennessee; Ferdinand Fairfax Chandler, now practicing law at Montross and serving as Commonwealth's Attorney of Westmoreland County; Ted Dalton, of Radford, Virginia, a highly successful lawyer and a member of the Virginia State Senate; Wm. A. Dickinson, one of the leading members of the bar of Cape Charles, Virginia; George E. Flanders, who was rapidly making a name for himself in his home city of Detroit, Michigan, when his career was cut short by his untimely death a few years ago; F. Lee Ford, now in active and successful practice in his home city of Newport News, Virginia; Otto S. Lowe, who occupies an enviable position as a member of the bar of Cape Charles, Virginia, and of Washington, D. C.; Paul Peebles, since deceased, who at the time of his death was Professor of Jurisprudence in the Marshall-Wythe School; and A. E. S. Stephens, now a leading member of the bar of Smithfield and a member of the Virginia State Senate.

The manuscript of this address was filed away "among the ended causes" and remained there until recently when Otto Lowe asked me for a copy of it and suggested that it be printed and distributed among those who heard it delivered, for the sake of "Auld Lang Syne," if nothing more. The temptation to add something to the original draft and to change its wording in sundry places has been strong, but has been successfully resisted. The text here presented is copied from the original manuscript still in my possession, and I give it again to "my boys" just as I gave it to them that winter evening long ago.

If this address appears to be more in the nature of a eulogy than of a biographical sketch, let it be remembered that it was intended to acquaint those who heard it with the character of Wythe rather than to recount his achievements, many and important as they were. The world regards as its truly great men those whose personal integrity, intellectual honesty, moral courage and unselfish devotion to duty provide examples to be followed and revered long after many of the important events of their lives have been forgotten. Such a man was Washington. Such a man was Wythe.

Let me say in conclusion that I am profoundly grateful to those men who were my students in the Marshall-Wythe
School during the two years of my membership on its faculty. Every one of them has done well. Not one has disappointed me. It is a joy to watch them, now well into middle age, going about the affairs of life and filling positions of trust and importance with distinction, while deserving and enjoying the confidence and respect of their fellow citizens. It is comforting to their former teacher to believe that he had a hand in making them what they are. After all, the task and the duty of the teacher is to inspire and to teach. His rich reward is the satisfaction that comes from seeing the seed that he has planted come to full fruition with the passing years. My former students have given me that reward in abundant measure.

Richmond, Virginia,
October 16, 1950.

Oscar L. Shewmake.
Fame, in the common acceptation of the word, is a fleeting thing. Oftentimes it comes unheralded to those who expect it least and, more often still, it eludes, like the Will-o'-the-Wisp, those who pursue it most arduously. Sometimes it lingers long, for reasons which the closest examination fails to discover; and again it vanishes with the swift flight of time, like frost upon a winter morning.

Especially fleeting is that fame which comes to members of the bar. There comes a day in the life of the great lawyer when, in the hour of his triumph, his name is upon every lip, men hang upon his words, court his favor, and stand aside to let him pass. In a few short years nature has entered for him her final decree in equity and, save for obscure references in completed order books and bundles of musty papers “filed among the ended causes” of courts long since adjourned, it is apparently as though he had never been. The names of Luther Martin and Chapman Johnson furnish two illustrations, of hundreds that might as readily and appropriately be cited, of the mutability of the lawyer’s fame. Less than one hundred years ago their names were household words throughout the States of Maryland and Virginia and up and down the length of the Atlantic seaboard they were pointed to as the brightest
stars in that splendid constellation that then blazed in the American legal firmament. Today those names are little more than subjects of curious inquiry for the student of the life and manners of their times.

The teacher, in this respect, finds himself in little better case. Year after year there passes before him the procession of his students. Day after day he studies, teaches and advises, gives of the best that is in him, and then—another takes his place and the endless procession continues to pass on. A little while and his name and reputation have vanished with those of his brother of the bar.

But if it be true that the greatest things of life are not material, that those rewards most truly worth while are intangible in their nature, and that those fields of endeavor which offer greatest opportunities for public service are the best to labor in, then he who enters the legal profession or that of education, with a proper conception of the duties required and the opportunities afforded thereby, may look forward to a measure of satisfaction greater than the possession of riches or the intoxication of popular applause can ever yield.

George Wythe was both a lawyer and a teacher. As a lawyer his great talents were freely spent in the service of his country. As a teacher it was his habit to go far beyond the mere imparting of information to the minds of his pupils, and to fix their attention on the higher things of life. In every field in which he labored, as lawyer, jurist, statesman, teacher and moulder of the characters of men, he was eminently successful. The happy and far-reaching influence he exerted upon the affairs of his country is as incalculable in its extent as it is invaluable in its worth and in life he enjoyed a measure of distinction achieved by comparatively few men, even in that day of giants. But today, his name almost forgotten and his biography yet unpenned, his body lies in an unmarked grave while throughout the land he loved and served rise
scores of towering monuments to the memories of men whose merits in comparison with his shrink into nothingness.

But if it be possible to draw inspiration for our own struggles from the contemplation of the lives of worthy men who have preceded us here, and if, by study of their conduct, we can improve our own, surely the life of this remarkable man presents to the student of jurisprudence, of education or of history a field for exploration at once a source of profit and delight.

George Wythe was born, in the year 1726, in the County of Elizabeth City, Virginia, near Hampton and in the locality which has been known for many years as the "Wythe Magisterial District." The impression has somehow been generally made upon the public mind that he was sprung from quite humble origin, but the incorrectness of this is shown by the facts. His great-grandfather was Thomas Wythe, the immigrant, who came to Virginia in 1680, settled in Elizabeth City County, and died in 1694. He was referred to and described as Thomas Wythe, Gent., an appellation which in those days had a definite meaning. His grandfather was Thomas Wythe, one of the first Trustees of the infant Town of Hampton and a man of considerable property; and his father was Thomas Wythe, for many years one of the justices of the County of Elizabeth City and its Delegate in the House of Burgesses in 1718, 1723 and 1726. It is well said that every truly great man had a great mother, and an examination of the maternal ancestry of George Wythe illustrates the truth of the adage. His mother was Margaret Walker, a granddaughter of the Rev. George Keith, a truly notable character of the day. George Keith was brought up as a Quaker in England, but in his young manhood became a communicant of the Episcopal Church and in 1702 he was sent to America by the "Society for Propagating the Gospel in Foreign Parts" as a missionary to the Quakers here. He was distinguished as a ripe scholar,
a devoted pastor and an eloquent pulpit orator, and he led a long life of great usefulness in Pennsylvania, Maryland and Virginia. He was a firm believer in the education of women and himself taught his daughters and his granddaughters, of whom he had several, so that they had far more of the knowledge found in books and greater love of learning than most of the men of their day. Margaret Wythe, besides being a model housewife and a woman of great sweetness of character, was a teacher worthy of her distinguished grandsire, for not only did she teach George Wythe the celebrated "Three R's," but she went far beyond the elementary subjects and taught him the rudiments of Greek and Latin, so that, when he entered the College of William and Mary, at the age of fourteen, he had already acquired some proficiency in those stately languages and a love for classic literature that remained with him through life.

Thus we see that George Wythe had behind him, on both the paternal and maternal sides of the house, in Virginia alone, no fewer than three generations of men and women remarkable for their industry, piety and culture, and conspicuous in the social, political and religious life of the colony, all of whom seem to have been willing to devote a generous measure of their abilities to the service of their fellow men. No College of Heralds ever granted arms to a more worthy ancestry than this.

It would prove both entertaining and instructive to draw a picture just here of the College when young George Wythe entered its halls in 1740, but that must wait to another time. Suffice it to say that James Blair, then in his eighty-fifth year but active and vigorous still, was President of the College; Williamsburg was the seat of colonial government; George II was King in England, and William Gooch was Governor of Virginia and lived where the old Matthew Whaley School now stands. As Bishop Meade, in his Old Churches and Fami-
lies of Virginia, has said: “As London and the Universities were, in one sense, England; Paris and its University, France; so Williamsburg, while it was the seat of government, and the College of William and Mary, were, to a great extent, Virginia.” The rare opportunities offered by such an environment to a young man of industry and ambition were quickly recognized by Wythe and full advantage was taken of them.

Upon leaving the College Wythe entered the office of Stephen Dewey and there began his studies of the law. Stephen Dewey, in this way the benefactor of Wythe as Wythe later became that of Jefferson, had, some time previously, married Elizabeth Walker, a sister of Wythe’s mother. He was a lawyer of recognized ability and a highly respected citizen. In 1740, the year in which George Wythe had entered college, Dewey had been appointed and qualified as King’s Attorney for the County of Charles City and later was a Delegate to the House of Burgesses. Amid the congenial surroundings of the King’s Attorney’s office and library Wythe diligently applied himself to the study of the law and, at the age of twenty, he was admitted to practice. The earliest record of his qualification at the bar of a Virginia court is the following, taken from the Caroline County Order Book (1746-1754) page 15:

“13 Feb. 1746: George Wythe, Gent., produced a License to plead as an Attorney, took the Oath Appointed to be Taken and Subscribed the Test, was Accordingly Sworn.”

The equipment that this young lawyer brought to the bar is worthy of consideration. The influences of both heredity and environment had all been favorable to him, and these, with excellent opportunities for advancement, industrious application to his chosen tasks and the early formation of correct and regular habits of conduct, had combined to endow him with those essentials of a truly successful career—an informed mind, a sound body and an unselfish outlook on life. He had too, we are told, a genius for detail, the ability to concentrate
all the forces of his mind upon his work and to patiently and cheerfully continue to labor at it until it was thoroughly done. It was doubtless this rare and valuable quality which, recognized in his first official position, continued to bring him private clients and public honors so long as he lived.

His first call to public service came in 1748, when, at the age of twenty-two, he was made Clerk of the Committee on Privileges and Elections in the House of Burgesses, the duties of which office he discharged with a degree of care and efficiency that surprised his elders.

In 1754 he was appointed by Governor Dinwiddie to the highly important post of Attorney General of the Colony during the absence of the incumbent, the Hon. Peyton Randolph, in England, and was the youngest Attorney General Virginia has ever had.

In that same year, October 17, 1754, he took his seat in the House of Burgesses as the Delegate from Williamsburg, thus beginning a period of service in the lower branch of Virginia's legislative body which continued, with a few brief interruptions, through the year 1778. During this period he sat sometimes as the Delegate from Williamsburg, sometimes as the Delegate from the College of William and Mary, and sometimes as the Delegate from his native County of Elizabeth City. As a member of the House of Burgesses he was the author of the celebrated Remonstrance to the House of Commons which, after some modification suggested by members who thought the original draft was in too sharp a temper, was adopted by that body on December 18, 1764. His last year of service in this capacity was in the session of 1777-1778, the second that had been held following the separation from England, when, sitting as the Delegate from Williamsburg, he was made Speaker of the House of Delegates and discharged the exceedingly delicate and difficult duties of the office through that most trying period with signal ability.
The evidences of industry, patriotism and ability which his activities in the House of Burgesses had brought to the attention of the public, and the training and experience he had gained there caused him to be one of the men upon whose shoulders were laid the heavy burdens of public responsibility during that critical period just preceding the War of Revolution. In 1775 he was a member of the Continental Congress and again, in 1776, he was a member of that body and, as such, one of the signers of the Declaration of Independence, the work of his friend and former pupil, Thomas Jefferson. In that same year, as a member of the Convention called by the people of Virginia to frame a Constitution for the State, he, as a member of the committee appointed for the purpose, devised the State Seal of the Commonwealth of Virginia, which is still in use and it was adopted on July 5, 1776, the day the Convention adjourned. He was, after the war was over and the vital questions relating to the form of government became more and more pressing and difficult of solution, a member of the Convention which met in Philadelphia in 1787 to frame a Federal Constitution. In the following year he was a member of the Convention which met in Richmond to consider the ratification of the Constitution of the United States by Virginia, was made Chairman of the Committee of the Whole and presided over some of the most stormy and critical sessions of that body. It is not too much to say that, but for his services in the Convention of 1788, Virginia would not have ratified the Constitution of the United States as it stood, and the entire course of American History would have been materially changed. And when the Constitution had been duly ratified it was Wythe who brought forward the amendments thereto which made it a useful instrument and appeased its foes.

Having been a member of the committee which prepared the last compilation of the statute laws of the Colony, that of 1769, he was given, in 1776, with Edmund Pendleton, Thomas
Jefferson, George Mason and Thomas Ludwell Lee (the last two of whom did not serve), the far greater honor and more difficult task of practically making a new code of laws for the Commonwealth of Virginia, the authority of the revisors being "to revise, alter, amend, repeal or introduce all or any of the said laws, to form the same into bills and report them" to the General Assembly for consideration. The revisors reported the results of their labors to the General Assembly on June 18, 1779, and much of their work is still in effect while the report, as a whole, forms the basis of our system of statute law to this day.

By the Act of October, 1777, the High Court of Chancery of Virginia was established and the Journal of the House of Delegates tells us that George Wythe, Edmund Pendleton and Robert Carter Nicolas were elected the Judges thereof nemine contradicente. These judges were also ex officio judges of the Supreme Court of Appeals until the Act of 1788, when the High Court of Chancery was reorganized so as to consist of a single chancellor and George Wythe was retained as sole High Chancellor of Virginia, while the Supreme Court of Appeals was organized as a separate court. George Wythe continued to sit as Judge of the High Court of Chancery until his death and it was during this period that he earned the well merited appellation of "the American Aristides." In a State in which the integrity of the judiciary has never been a subject of adverse criticism, his own integrity and fine sense of justice were conspicuous, while he was generally conceded to be the most learned Judge in Virginia. Hon. Hugh Blair Grisby, the eminent historian and one-time Chancellor of the College of William and Mary, in his "Discourse on the Life of Governor Tazewell," one of Wythe's former students, speaking with reference to Wythe's love of learning, has this to say:

"Wythe, above all our early statesmen, was deeply learned in the law, had traced all its doctrines from their fountain
heads, delighted in the year-books from doomsday down; had Glanville, Bracton, Britton and Fleta bound in collects; had all the British statutes at full length, and was writing elaborate decisions every day in which, to the amazement of county court lawyers, Horace and Aulus Gellius were sometimes quoted as authorities."

Of the multitude of important cases that came before him for adjudication the limitations imposed upon a paper of this kind permit the mention of but two. Each of these is as much a monument to the character of the man as to his learning. The first of these cases, that of Commonwealth vs. Caton, 4 Call, 5, decided in 1782, represents the first or second known instance of the judicial branch of a State government asserting its right to declare void an act of the legislative branch because it was in conflict with the State Constitution. The question was new, the subject matter was important and popular feeling was much aroused, but the great Chancellor never hesitated when his duty was plain, as is apparent from the following extracts from his opinion in the case. Said he:

"I approach the question which has been submitted to us; and although it was said the other day, by one of the judges, that, imitating that great and good man, Lord Hale, he would sooner quit the bench than determine it, I feel no alarm; but will meet the crisis as I ought; and, in the language of my oath of office, will decide it according to the best of my skill and judgment."

And in conclusion he said:

"Nay more, if the whole legislature, an event to be deprecated, should attempt to overlap the bounds, prescribed to them by the people, I, in administering the public justice of the country, will meet their united powers at my seat in this tribunal; and, pointing to the constitution, will say to them, 'here is the limit of your authority; and hither shall you go but no further.' "
It thus appears that when John Marshall, twenty-one years later, as Chief Justice of the Supreme Court of the United States, delivered the opinion of the Court in the celebrated case of Marbury vs. Madison and declared void an Act of Congress because it was in conflict with the Constitution of the United States, he was doing no more than following in the footsteps of his distinguished teacher, adhering to a principle that Chancellor Wythe had already established and which had then become recognized in Virginia as one of the landmarks in our law.

The second suit was that of Turpin vs. Lockett, 6 Call, 113, decided in 1804, and which involved the constitutionality of that act of the General Assembly of Virginia which confiscated to the Commonwealth the glebe lands which so long been the property of the Episcopal Church. Though himself a Churchman, he decided the issue in favor of the Commonwealth, his judgment was affirmed on appeal to the Supreme Court of Appeals, and the case controlled, by the rule of stare decisis, the highly important case of Selden vs. The Overseers, 11 Leigh, 132, which came on to be heard on another phase of the original question in 1840.

That one whose days from early manhood were crowded with so great a multitude of public cares, laboring amid the stress and turmoil of our war for independence and the formative periods of both our State and National governments, should have found time to devote to a life of intense private activity, filled with varied interests, seems scarcely believable. Yet such, indeed, was the case.

Soon after coming to the bar his practice became extensive and absorbing and he gave to all matters left in his hands, both great and small, the same degree of care and attention that characterized his handling of whatever he undertook. He was engaged in active practice for thirty-one years and, though never a brilliant advocate, he early established an enviable
reputation as a clear and convincing speaker and as an attorney who was intensely loyal to his client's interests. He numbered among his clients some of the foremost men in Virginia, and was employed by the Honorable John Blair as counsel in more than one matter of importance, as shown by the latter's diary. He was named as one of the executors of the will of Governor Francis Fauquier, which was admitted to probate in 1768. His greatest rival at the bar, and perhaps the only man with whom he was not on terms entirely friendly, was the Hon. Edmund Pendleton, with whom he afterward sat as an associate on the bench of the High Court of Chancery.

In 1769 he became a member of the Vestry of Bruton Parish Church, then the Court Church of the Colony, and the vestry book shows that he was regular in his attendance upon meetings and active in the discharge of the duties of his position.

In 1774 he was chosen Vice-President of the Society for the Advancement of Useful Knowledge, an organization numbering some of the foremost men of the colony among its members and of which John Clayton, the famous botanist, had lately been the President.

In 1761 he was elected to membership on the Board of Visitors of the College of William and Mary and this relation with his Alma Mater continued until he became a member of the faculty in 1779. In that year, Thomas Jefferson having become a member of the Board of Visitors, the College was reorganized on the plan of a University under Bishop Madison as President. The Grammar School and the two professorships of Divinity and Oriental Languages were abolished and chairs of Law and Police, Medicine, and Modern Languages were introduced. George Wythe was immediately elected to the Chair of Law and Police, and thus became the first occupant of a Chair of Law in America and the second in the English speaking world. It was in this capacity that he rendered some of the most effective service of his long and useful career. He
brought to this new employment the same zeal and efficiency that marked his conduct in every relation of public life. He attended the meetings of the faculty regularly and went about the work of a college professor with that high seriousness that impressed all with whom he came in contact. Though the faculty of which he was a member was small in numbers, each member of it was a specialist in his chosen field and a man whose personality left its impress upon his students. One can scarcely resist the temptation to speak at length of that little group of men who constituted the faculty of the University of William and Mary and of their work, a most attractive subject, but lack of time forbids. Wythe was always interested in young men and was never so happy as when teaching them and directing their studies. The high purpose that he had always in mind, as a teacher of law, appears from the following extract from a letter written by him to his old friend, John Adams, afterwards President of the United States, under date of December 5, 1785:

“A letter will meet me in Williamsburg, where I have again settled, assisting, as professor of law and police in the University there, to form such characters as may be fit to succeed those which have been ornamental and useful in the national councils of America.”

That he gloried in his work as a teacher of the Law is evidenced by the results he achieved and the encomiums pronounced upon it by those who knew it best. His methods of teaching law, of which we have more than one account written by his students, have scarcely been improved upon, and no law school in America has since sent from its class rooms into public life, in the same length of time, if at all, an equal number of men of such amazing ability. Within a surprisingly short time his students had become Governors of States, United States Senators, Members of Congress, Judges of
Courts of last resort, both State and Federal, members of the Diplomatic Corps and occupants of other positions of high responsibility in such numbers that it is perhaps not going too far to say that the mind of George Wythe, acting through those whom he had taught, dominated the policies of this republic for fully fifty years, and is still a potent force. Dr. Grigsby, in a footnote to page 123 of his famous address delivered before The Virginia Alpha Chapter of the Phi Beta Kappa Society in the Chapel of the College of William and Mary on July 3, 1855, on “The Virginia Convention of 1776” exclaims:

“What a patriotic cartoon — a School of Virginia greater than the School of Athens — might the brush of the Virginia artist depict in Wythe laying down the law in the midst of such pupils as Thomas Jefferson, James Monroe, John Marshall, James Innis, George Nicholas, Littleton Waller Tazewell, Henry Clay and John Wickham!”

To the list of distinguished names recited by Dr. Grigsby might well be added that of Edmund Randolph, first Attorney General of the United States and Secretary of State in Washington’s Cabinet, and a host others of scarcely less importance. This was largely because, as has been truly said of him, he regarded and taught the fundamental principles of the law as a part of the science of government rather than as something to be used only in the prosecution and defense of particular cases at the bar.

His connection with the College terminated when, in 1789, he was made sole Chancellor of the High Court of Chancery and his removal to Richmond, the new capital of Virginia, became necessary. In 1790 the College conferred upon him the honorary degree of LL.D., and thus honoring him honored itself.

Of the domestic life of George Wythe we know but little.
He was twice married, first on December 26, 1747, to Ann Lewis, daughter of Zachary Lewis of Spottsylvania County, who was born on November 30, 1726, and passed away on August 8, 1748; and, second, in 1755, to Elizabeth Taliaferro, daughter of Richard Taliaferro of Williamsburg and James City County, who died on August 18, 1787. It was the illness of Mrs. Wythe which caused George Wythe to leave the Philadelphia Convention of 1787, to which he was a Delegate from Virginia, on June 5th of that year in order to be with her during her last days. He left no living issue by either of his wives and, like Washington, regarded the new republic as his posterity.

By the will of his father-in-law, Richard Taliaferro, admitted to probate August 9, 1779, there was devised to Chancellor Wythe a life estate in that fine old house described in the will as “in the City of Williamsburg, situate on the West side of Palace Street and on the North side of the Church yard.” This is the ancient mansion still generally known and referred to as “The Wythe House” and here the Chancellor lived during the entire time he was a member of the faculty of the College of William and Mary. Here he was living during the siege of York Town and immediately thereafter, the siege happily ended, he generously tendered the use of his home to General Washington for use as Headquarters, which offer was accepted. This house has an educational interest also, for, when the radical measures of Jefferson had banished the subjects of Greek and Latin from the college curriculum, and substituted modern languages in their stead, this wise and busy man, George Wythe, knowing by personal experience, the value of the classics to one who desired to make a truly great lawyer of himself, advertised in the Virginia Gazette that he would teach classes in Latin and in Greek in his home. This he did, and the students who took advantage of the rare opportunity thus offered lived to see vindicated the wisdom of
their choice. Of Peter Carr, in 1786, Wythe wrote to Jefferson, then in France, "he is learning the French and Spanish languages, and with me reads Aeschylus and Horace one day, and Herodotus and Cicero's orations the next."

On Sunday, the eighth of June, 1806, this venerable public servant passed to his reward. The circumstances attending his death were pathetic in the extreme, the common belief being that he was poisoned by a grand-nephew, George Wythe Sweeney. It is but fair to add that Sweeney, having been indicted and tried, was not proven guilty within the narrow limits prescribed by the criminal law, was acquitted, and left the State. His death was an event which gave to the entire Commonwealth a sense of the loss of something which could never be replaced. His remains lay in state in the Capitol and were then interred in the yard of old St. John's Church in Richmond, where many years before Wythe had sat as a member of the Virginia Convention and heard Patrick Henry thunder his defiance to the British Crown and sound the alarum bell of the Revolution. Such a concourse as attended his funeral had never gathered on a similar occasion in Virginia. A wonderfully effective eulogy on the dead Chancellor was pronounced by William Munford, a former pupil and intimate friend; the entire nation mourned; and from all quarters, statesmen, jurists, farmers, men in every walk of life, gathered to lay upon the altar of his memory the grateful tributes of their praise. Said Thomas Jefferson, then President of the United States, "He was my antient master, my earliest and best friend, and to him I am indebted for first impressions which have had the most salutary influence on the course of my life. * * * * No man ever left behind him a character more venerated than George Wythe. His virtue was of the purest kind; his integrity inflexible and his justice exact; of warm patriotism and devoted as he was to liberty and the natural and equal rights of men, he might truly be called the Cato of
his country, without the avarice of the Roman; for a more
disinterested person never lived." And Henry Clay, for four
years Secretary to the Chancellor and a law student in his
office, said, speaking as late as 1851, "to no man was I more
indebted, by his instructions, his advice and his example, for
the little intellectual improvement which I made * * * *".

Such, in brief are some of the events in the career of this
remarkable man. From them, hastily sketched as they have
been, it is possible for one to gather an impression of what
manner of man he was, and that is the chief purpose of this
paper. It is not difficult for us to judge that he was possessed
of extraordinary versatility of mind, profound scholarship, and
strict personal integrity; that he was broad and catholic in
his views, firm in his adherence to his convictions and faithful
in discharging in its minutest detail every duty laid upon him
by public office or private trust. Fidelity was his watchword
and patriotism was his guiding star.

Well versed in the politics of his day, he was never attracted
from the path of duty by the spoils of office, nor sought the
public favor by the methods of the demagogue. A statesman of
consummate ability, he never sacrificed principle to expediency
nor placed his personal advantage before the public good.
Dignified, but not austere; scholarly, but not pedantic; genial,
but never discourteous; there were most happily combined in
him the rare qualities of good fellowship with those of the
man of letters and the gentleman. Those who knew him best
loved him most, and all within the wide circle of his acquain-
tance respected and admired him. His namesake, Col. George
Wythe Munford, who, as a child, knew Chancellor Wythe
personally, and whose father had been one of his students in
Williamsburg, says of him:

"He was one of those that a child could approach without
hesitation or shrinking,—would talk to, in its innocent prattle,
without constraint or fear,—would lean upon, and, looking
in his face, return a sympathetic smile. He was one of those before whom a surly dog would unbend, and wag his tail with manifest pleasure, though never seen before.”

If the spirits of those who have left this world are permitted to revisit the familiar scenes of their earthly careers, it requires no great effort of the imagination to fancy him, not as tradition hath it, wandering aimlessly from room to room of the noble old house which was his home in Williamsburg, but brooding in tender solicitude over the ancient college in which he was educated and to whose service he gave so freely of his talents and his time. And if this be so, what a source of joy it must be to him, as it is a source of inspiration to us, to know that he is again, by example at least, the teacher of a little group of earnest young men who love their country and respect its constitution and its laws. Let us honour his memory and follow his example, and the bright star of his fame, so long obscured by the dull clouds of forgetfulness, will shine with an increasing splendor upon his and our Alma Mater.
IT IS DEEMED PROPER TO APPEND TO WHAT HAS been said the information and observations hereinafter set forth, for two purposes: first, to correct certain errors that have crept into the generally accepted story of the life of George Wythe and have been perpetuated by frequent rehashings of the early biographical sketches in which they occurred; second, to lighten in some measure the labors of that fortunate man who, in the fulness of time, will write the definitive biography of the great teacher, lawgiver and public servant to whom the people of America are indebted to an extent known to but few.

The biography of George Wythe will be written if for no other reason than that it is so much needed, but let the work not be undertaken by an incompetent hand. It has been attempted by more than one man of letters, each of whom soon found that he was unprepared to do it. It is not an assignment for a potboiler, ghost-writer or rapid-fire biographer of eminent men whose life stories have been told many times before; nor can it be done by some immature doctor of philosophy, suddenly “come from the nowhere into the here”, who knows only what he has read. It is a heavy task and it offers a great challenge, which one day will be accepted.
The successful writer of Wythe's biography will be a Virginian whose ancestors had some part, however small, in the stirring events of the times in which he lived; otherwise he could never quite get the "feel" of the subject. The expression "Virginia is a state of mind" is no mere empty phrase. More, he will be one who has himself labored in the several fields in which Wythe wrought so well. He will have been a teacher; not just another member of a college faculty, but a real teacher of the type exemplified by Wythe. He will of necessity be a lawyer and, preferably, a member of the judiciary; else he would not be able to correctly analyze and evaluate Wythe's services and accomplishments at the bar and on the bench. Few have attempted to do that and none has succeeded. He will have had experience in legislative work; else he could never fairly estimate and describe Wythe's services as a member of the Virginia House of Burgesses, of the Continental Congress, of the Virginia Conventions of 1775 and 1776, of the Philadelphia Federal Convention of 1787, and of the Virginia Convention of 1788 over which he presided as Chairman of the Committee of the Whole and in which occurred the "Great Debate" described by Beveridge as "one of the noblest displays of intellect and emotion which the world has ever seen". Finally, he will be a man of scholarly attainments with an understanding heart, in short, a gentleman; else he could never write understandingly of "George Wythe, Gent"., the trusted and beloved friend of presidents and ministers of state, stray dogs and little children.

**Correction of Certain Errors**

In Lempriere's Universal Biography, edited by Eleazar Lord, 2 vols., published in 1825, appears a short sketch of the life of George Wythe which Daniel Call, writing in 1827, says "was probably furnished by a distinguished gentleman of this state" and in which we find the following:
“At the age of thirty he (Wythe) abandoned a course of dissipation to which he had addicted himself, and devoted his attention to the acquisition of knowledge. After accomplishing himself in the languages and sciences, he studied law and commenced its practice.”

In the Biography of the Signers to the Declaration of Independence, published in 1828, is a sketch of the life of George Wythe by John Sanderson in which, after stating that Wythe was bereft of both his parents during his minority and thus came into a substantial inheritance, he says:

“Being thus in the possession of money, and exposed in the luxuriance of youthful passion, to the seductions of pleasure, he suspended during several years, all useful study, and spent his whole time in idle amusements and dissipation.”

Further, Sanderson says that

“In his 30th year he shook off all those youthful follies . . .” and devoted himself to study and progress in his chosen profession of the law.

Where that story originated or how it gained currency it is now impossible to say. Certainly neither the editor of Lempriere’s Universal Biography nor the author of the sketch in the Biography of the Signers to the Declaration of Independence knew Wythe personally and both must have relied upon secondary evidence for the statements quoted above. However, the error once committed has been repeated by nearly every writer of a sketch of the life of George Wythe for the last hundred and twenty years. Daniel Call, in his “Biographical Sketch of the Judges of the Court of Appeals” in Vol. IV of Call’s Reports, written in 1827, quotes the story verbatim from the Universal Biography, and B. B. Minor, in his “Memoir of the Author” in the edition of Wythe’s Reports published in 1852 repeats it with embellishments of his own, unsupported by authority. Since then every biographical sketch of Wythe’s life that this writer has seen has been little more than a rehash of Minor’s
work, and in each one the story is told again as if it were an accepted fact requiring no citation of authority to substantiate it.

It is to be noted here that a person who, even in his youth, knew Wythe in the decade before he reached his thirtieth year would have been nearly a hundred years of age when the Universal Biography was published in 1825. The average span of human life in those days was much shorter than it is today and, so far as we can learn, the old Chancellor, at the ripe age of four score years, had long outlived the friends and associates of his early days.

Now, in the pungent phrase of a prominent American no longer with us, let us look at the record. If it be true that “at the age of thirty he abandoned a course of dissipation . . . and . . . after accomplishing himself in the languages and sciences, he studied law and commenced its practice”, the year of the beginning of his reformation would have been 1756 and the year 1761 should have marked its completion. What do the records that speak with final authority tell us that George Wythe was doing in the decade ending in 1756?

On February 13, 1746, and before he had attained his majority, he produced a license to practice law, took the required oath and was duly qualified as a member of the bar of Caroline County. On December 26th, 1747, he was married to Ann Lewis. In 1748 he was made Clerk of the Committee on Privileges and Elections of the Virginia House of Burgesses; in 1751 he was counsel for Hon. John Blair of Williamsburg in several important cases. He sat for the first time as a member of the House of Burgesses in the General Assembly that convened in 1752, and in 1754 served as a member of the important and powerful Committee appointed from the membership of that body to supervise and direct the expenditure of monies appropriated for use in the French and Indian War. Also in 1754 he was appointed by Governor Dinwiddie to act as
Attorney General of Virginia during the absence of the incumbent, Peyton Randolph, on a trip to England. In 1755 he married Elizabeth Taliaferro of Williamsburg. In 1755 he was appointed a member of the Committee for Courts of Justice, was again appointed to membership on the Committee to Direct Expenditures and by the Act of March 25, 1756, was continued in that office. That was the year in which we are told "he abandoned a course of dissipation", "shook off all those youthful follies" and began the study of law.

If in 1756 he for the first time "... devoted himself to the acquisition of knowledge" and "after accomplishing himself in the languages and sciences, he studied law and commenced its practice", a minimum of five years would have been required, ending with the year 1761, in which to do those things and establish himself in his profession. Let us look at the record of those five years.

By the Act of April 17, 1757, he was again continued in office as a member of the Committee to Direct Expenditures, being then a member of the House of Burgesses as the Delegate from the City of Williamsburg, the Capital City of the Virginia Colony. By the Act of February, 1759, he was made one of the Trustees for the Encouragement of Arts and Manufactures in Virginia, and by another Act in that same month was made a member of the Committee of Correspondence whose duty it was to work with the London Agent, Mr. Montagu, of the Virginia Colony. By the Act of March, 1760, he was chosen for membership on the Committee to Examine the Treasury Notes of Virginia, and by the Act of October 30th of that year he was made a member of the Committee to Encourage, Investigate and Report upon the Manufacture of Silk in Virginia. By the Act of November, 1761, he became a member of the Committee to secure the credit of the Virginia Currency, and in that same year he was elected to membership on the Board of Visitors of the College of William and Mary.
The foregoing recital of recorded events, which can be further amplified, is deemed sufficient to correct the errors referred to above. It may be permissible for this writer to add that he has been a student of the life and character of George Wythe for nearly thirty years, in which time he has examined every bit of information on the subject that he has been able to discover, and that nowhere has he found a scintilla of evidence tending to show that the great Chancellor in his old age had any cause, as did one of his distinguished contemporaries, to be haunted by the ghosts of his wasted years.

B. B. Minor, in his “Memoir of the Author” which appears in the edition of 1852 of Wythe’s Reports, repeats and helps to perpetuate another error fallen into by many since his time who have relied too strongly upon factual statements made in that sketch of the life of Mr. Wythe. He says:

“Some biographers have stated that Wythe was a member of the Convention of 1787, which formed the Constitution of the United States. This is a mistake. He was appointed one of the seven deputies from Virginia. But he, prevented perhaps by his double duties of Chancellor and Professor, and Patrick Henry never took their seats.”

The following extracts are taken from “The Papers of James Madison”, deposited in the Department of State and printed by Langtree & O’Sullivan, Washington, 1840. Commencing on page 639, Vol. I, is a letter from Madison to Thomas Jefferson, written from New York and dated April 23, 1787, in which, referring to the approaching Federal Convention, he says:

“Our Governor, Mr. Wythe, Mr. Blair, and Col. Mason will pretty certainly attend.”

In Madison’s notes, commencing on page 721, under date of “Friday, May 25th”, he says, “The following members appeared” and for Virginia he lists: “George Washington, Edmund Randolph, John Blair, James Madison, George
Mason, George Wythe and James McClurg”. Under that date, on page 723, he says:

“The appointment of a Committee, on the motion of Mr. C. Pinckney, consisting of Messrs. Wythe, Hamilton and C. Pinckney, to prepare standing rules and orders, was the only remaining step taken on this day.”

The following is taken from his entry made on Monday, May 28th, commencing on page 723:

“Mr. Wythe, from the Committee for preparing rules, made a report which employed the deliberations of this day.”

From his entry made on “Tuesday, May 29th,” commencing on page 727, is the following:

“The following rules were added, on the report, of Mr. Wythe, from the Committee…”

From the foregoing it is apparent that Wythe did take his seat in the Convention, that he was made Chairman of the Committee on Rules, and actively discharged the duties of that office. His name does not appear among those who signed the Constitution, though he actively supported it in the Virginia Federal Convention of 1788, the reason being that he left the Convention before it adjourned. Various reasons for his leaving are assigned by several later authors, some saying that his duties as Judge of the High Court of Chancery made it necessary. The truth of the matter is found in the “Letters of Joseph Jones—1777-1787”, published by the Department of State, January, 1889. On page 155 is a letter from Jones to Madison, written from Richmond on “6th July, 1787”, in which he says that he has in his possession a “letter from the Governor (Edmund Randolph) inclosing Mr. Wythe’s resignation” as a member of the Convention and giving his reasons therefor. A footnote at the bottom of that page tells us this:
“Mr. Wythe left us yesterday, being called home by the serious declension of his lady’s health.” Letter from Madison to Jefferson, 6th June, 1787.

It is therefore clear that Wythe left the Convention on June 5, 1787, on account of the illness of his wife. The obituary notice of "Mrs. Elizabeth Wythe, spouse of Hon. George Wythe, Esq., of the city of Williamsburg" appears on page 3 of The Virginia Independent Chronicle, Richmond, for Wednesday, August 29, 1787, stating that Mrs. Wythe had departed this life “on Saturday, the 18th instant.”

The usually accurate Grigsby in his “History of the Virginia Federal Convention of 1788”, mentions Wythe as having lived in Richmond since the removal of the seat of government from Williamsburg in 1779. Wythe was a Delegate to that Convention from York County and at the time of his election was living in Williamsburg. He removed to Richmond in 1791 after the reorganization of the Virginia courts, pursuant to the Act of December 22, 1788, as a result of which he became the sole Judge of the High Court of Chancery.

In Dr. Herbert B. Adams’ valuable monograph, “The College of William and Mary”, is quoted an article by F. H. Alfriend on “The Influence of William and Mary upon Kentucky and Tennessee” in which it is stated that Chancellor Wythe died at Williamsburg. He died at Richmond, in his home at the southeast corner of Grace and Fifth Streets.

**Personal Appearance**

It has for some time been the hope of this writer that a bust of Chancellor Wythe will one day be placed in the Marshall-Wythe Building at the College of William and Mary. A sculptor of established reputation has assured me that such a bust can be made from the information furnished below. This suggestion may prompt some one or more of the admirers of this eminent public servant to action on this subject.
There are but four different likenesses of George Wythe that I have been able to discover, all of which have been frequently copied and widely published. They are

1. Portrait in oils, by J. F. Wear after John Trumbull, now in Independence Hall, Philadelphia, among the portraits of the Signers of the Declaration of Independence. A copy, not too well done, hangs in the hallway leading to the Court Room of the Supreme Court of Appeals of Virginia, in Richmond.

2. A likeness first described as having been "engraved by J. B. Longacre for The Gleaner". This is the most familiar likeness of the great Chancellor and depicts him as he appeared when well advanced in years. An excellent copy is found opposite the first page of Sanderson's biography of George Wythe in the "Biography of the Signers to the Declaration of Independence", edition of 1828, and another appears opposite page 368 of the first volume of Beveridge's Life of John Marshall.

3. Portrait, in oils, artist unknown. A copy. Presented to the College of William and Mary, where it now hangs in the Marshall-Wythe Building, by the Virginia State Bar Association, about 1895. This is considered the best likeness extant.


The following quotations are taken from the utterances of persons well qualified to speak. Col. George Wythe Munford and Henry Clay were personally acquainted with Mr. Wythe. Hugh Blair Grigsby, while he never saw Mr. Wythe personally, was himself a member of the Virginia Constitutional Conven-
tion of 1829, the membership of which included a number of men who were personally acquainted with the Chancellor and whose memories of him were distinct. Among these were James Madison and James Monroe. It was Mr. Grigsby's custom to discuss the characters of the great men of the Revolutionary Period with men who had known them personally, and then to set down in his "Commonplace Book", still in existence, detailed accounts of those conversations. Therefore, the statements made by Mr. Grigsby may be absolutely relied upon.

"His stature was of the middle size. He was well-formed and proportioned; and the features of his face manly, comely, and engaging. In his walk, he carried his hands behind him, holding the one in the other, which added to his thoughtful appearance. In his latter days he was very bald. The hair that remained was uncut, and worn behind, curled up in a continuous roll. His head was very round, with a high forehead; well-arched eyebrows; prominent blue eyes, showing softness and intelligence combined; a large aquiline nose; rather small, but well-defined mouth; and thin whiskers, not lower than his ears. There were sharp indentations from the side of his nose down on his cheek, terminating about an inch from the corner of the mouth; and his chin was well-rounded and distinct. His face was kept smoothly shaven; his cheeks, considerably furrowed from the loss of teeth; and the crow's feet very perceptible in the corners of the eyes. His countenance was exceedingly benevolent and cheerful.

"His dress was a single-breasted black broadcloth coat, with a stiff collar turned over slightly at the top, cut in front Quaker fashion; a long vest, with large pocket-flaps and straight collar, buttoned high on the breast, showing the ends of the white cravat that filled up the bosom. He wore shorts; silver knee and shoe buckles; was particularly neat in his appearance, and had a ruddy, healthy hue." "The Two Parsons", George Wythe Munford, page 416.
“Need I recall to this assembly sitting in a hall which has often resounded with the echoes of his youthful voice and in which in later years his familiar presence has so often been, the form and features of this illustrious man such as he was when he took his seat in the Convention of 1776? Shall I point to that slender form, not emaciated and bowed as with thirty additional years’ arduous labor on the bench and in the closet it subsequently became, but still erect and active, that over-arching forehead with its wide, magnificent sweep, and those dark grey eyes that beamed beneath it, that Roman nose, those finely chiseled lips on which the flame of conscious inspiration seems yet to burn, that broad and well defined chin, all making up a profile which would be singled out of a thousand as the profile of a man whose heart was the home of all the gentle affections, but whose intellect owned the supremacy of duty alone?” Discourse by Hugh Blair Grigsby on “The Virginia Convention of 1776”, page 124.

“He had reached his sixty-second year; yet as he moved with a brisk and graceful step from the floor to the chair, his small and erect stature presented a pleasing image of a fresh and healthy old man. In a front view, as he sat in the chair, he appeared to be bald; but his grey hair grew thick behind, and instead of being wrapped with a ribbon, as was then and many years later the universal custom, descended to his neck, and rose in a broad curl. He had not yet given way to that disarrangement of his apparel which crept upon him in extreme age, and was arrayed in the neat and simple dress that has come down to us in the portrait engraved by Longacre. ***A single-breasted coat, with a standing collar, a single-breasted vest, and a white cravat buckled behind.” “History of The Virginia Federal Convention of 1788”, Hugh Blair Grigsby. Vol. 1, p. 75.

“Mr. Wythe’s personal appearance and his personal habits were plain, simple and unostentatious. His countenance was
full of blandness and benevolence, and I think he made, in his salutations to others, the most graceful bow that I ever wit­nessed. A little bent by age, he generally wore a grey coating. And when walking carried a cane. Even at this moment, after the lapse of more than half a century since I last saw him, his image is distinctly engraved on my mind.” Letter from Henry Clay to B. B. Minor, May 3, 1851.

*Wythe's Manuscript Law Lectures*

The folio volume in which Mr. Wythe had recorded his law lectures and essays in manuscript, and which was seen by many of his friends during his latter years, was lost. Its whereabouts, often made the subject of inquiry by the students of his life, is unknown. The letter from Governor John Tyler to Mr. Jefferson and Mr. Jefferson's reply thereto, quoted below, are interesting in this connection. A copy of Governor Tyler’s letter is found on page 249, Vol I, Letters & Times of the Tylers, and a copy of Mr. Jefferson’s letter is found on page 288, Vol. IX, The Writings of Thos. Jefferson, collected and edited by Paul Leicester Ford.

“Richmond, Nov. 12, 1810.

“Dear Sir: Perhaps Mr. Ritchie, before this time, has informed you of his having possession of Mr. Wythe’s manuscript lectures delivered at William and Mary College while he was professor of law and politics at that place. They are highly worthy of publication, and but for the delicacy of sentiment and the remarkably modest and unassuming character of that valuable and virtuous citizen, they would have made their way in the world before this. It is a pity they should be lost to society, and such a monument of his memory neglected. As you are entitled to it by his will (I am informed), as composing a part of his library, could you not find leisure time to examine it and supply some omissions which now and then are met with, I suppose from accident, or from not having time to correct and improve the whole as he intended?”
“Judge Roane has read them, or most of them, and is highly pleased with them, thinks they will be very valuable, there being so much of his own sound reasoning upon great principles, and not a mere service copy of Blackstone, and other British commentators,—a good many of his own thoughts on our constitutions and the necessary changes they have begotten, with that spirit of freedom which always marked his opinions.

“I have not had an opportunity of reading them, which I would have done with great delight, but these remarks are made from Judge Roane's account of them to me, who seemed to think, as I do, that you alone should have the sole dominion over them, and should send them to posterity under your patronage.

“It will afford a lasting evidence to the world, among much other, of your remembrance of the man who was always dear to you and his country. I do not see why an American Aristides should not be known to future ages. Had he been a vain egotist his sentiments would have been often seen on paper; and perhaps he erred in this respect, as the good and great should always leave their precepts and opinions for the benefit of mankind.

“Mr. Wm. Crane gave it to Mr. Ritchie, who I suppose got it from Mr. Duval, who always had access to Mr. Wythe's library, and was much in his confidence.

“Mr. Wm. Crane gave it to Mr. Ritchie, who I suppose got it from Mr. Duval, who always had access to Mr. Wythe's library, and was much in his confidence.

“I hope you are quite as happy as mortality is susceptible of, though not quite dissolved; and that you may remain so for many years, is the sincere wish of your most obedient humble servant.

Jno. Tyler”

“Monticello, Nov. 25, 10.

“Dear Sir,—Your favor of the 12th gave me the first information that the lectures of my late master and friend exist in MS. Knowing how little sensible he was of the eminence of his own mind, I had apprehended, if he had ever committed to writing more than their skeleton, that possibly he might have destroyed them, as I expect he has done a very great number of instructive arguments delivered at the bar, and often written at full length. I do not however conceive myself entitled to claim them under
the bequest of his library—I presume they go, with his other papers to his executor. But this must be immaterial, as no one could have a wish to withhold them from the public, if in such a form as would render them useful to them, & honorable to himself—This I am sure they must be if tolerably entire. His mind was too accurate, his reasoning powers too strong, to have committed anything to paper materially incorrect. It is unfortunate there should be lacunae in them. But you are mistaken, my dear sir, in supposing I could supply them. It is now 37 years since I left the bar, and have ceased to think on subjects of law; & the constant occupation of my mind by other concerns has obliterated from it all but the strongest traces of the science. Others, I am sure, can be found equal to it, and none more so than Judge Roane. It is not my time or trouble I wish to spare on this occasion. They are due, in any extent, to the memory of one who was my second father, my incompetence is the real obstacle—and in any other circumstances connected with, in which I can be useful to his fame, and the public instruction, I shall be most ready to do my duty. How this may be, I must leave to be pointed out by you, than whom no one better knew the powers & purity of his mind, or feels warmer zeal to render them useful after his death. Accept the assurances of my constant friendship & respect. Your most obedient servant

Th. Jefferson”

George Wythe’s Views on Religion

It has been said by some later writers, and indeed was suggested by a few persons in his lifetime, that George Wythe was not a religious man, that he was a deist or even an atheist. Evidently he cared little for the dogma of religion and was not greatly concerned with its forms and ceremonies; nor was he ever interested in disputations on abstruse questions of theology; but there can be no doubt that he had a deep and abiding religious faith and that he practiced in his daily life the tenets of Christianity. Everything that we know of him points to the fact that throughout his long and eventful life he followed the
ancient precept, "to do justly, to love mercy, to walk humbly with thy God". But again, let the record speak.

In 1769 he became a member of the Vestry of Bruton Parish in Williamsburg, was punctual and regular in his attendance on its meetings, and continued to serve in that capacity until his removal to Richmond in 1791. In Richmond he numbered among his closest friends those two devoted servants of God, the Rev. John Buchanan and the Rev. John Blair, and their prayers "for the sick and dying" said at his request in his final hour, were among the last words that he heard uttered in this world.

The following expression of his opinion respecting religion, delivered by himself, appears in Col. George Wythe Munford's book, Two Parsons, and is taken from The Massie Papers in the Manuscript Collection of the Virginia Historical Society:

"Why, sir, as to religion, I have ever considered it as our best and greatest friend. Those glorious views which it gives of our relation to God, and of our destination to heaven, on the easy terms of a good life, unquestionably furnish the best of all motives to virtue, the strongest dissuasives from vice, and the richest cordial under trouble. Thus far, I suppose, we are all agreed; but not, perhaps, so entirely in another opinion, which is, that in the sight of God moral character is the main point. This opinion, very clearly taught by reason, is as fully confirmed by religion, which everywhere teaches that the tree will be valued only for its good fruit; and that in the last day, according to our works of love or of hatred, of mercy or of cruelty, we shall sing with angels or weep with devils. In short, the Christian religion,—the sweetest and sublimist in the world,—labors throughout to fix in our hearts this great truth, that God is love, and that in exact proportion as we grow in love we grow in his likeness, and consequently shall partake of his friendship and felicity for ever. While others, therefore, have been beating their heads or embittering their hearts with disputes about forms of baptism and modes of faith, it has always, thank God, struck me as my great duty instantly to think of
this: ‘God is love, and he that dwelleth in love dwelleth in God, and God in him.’”

In the course of his Funeral Oration, delivered in the Hall of the Virginia House of Delegates in the Capitol at Richmond, where George Wythe’s body lay in state, on June 9, 1806, his friend and former pupil, William Munford, Esquire, said:

“Here permit me to correct a mistaken opinion, which has gone abroad concerning this excellent man. I think it particularly important to state that he was a christian. He communicated to me himself, a year or two before his death, his full conviction of the truth of the christian religion, and, on his death-bed, often prayed to Jesus Christ his Saviour for relief. But death he did not dread, expressing only a wish to lay down his life with ease, observing that, alas! it was a pity it should be so hard for a man to die!”

The news of the passing of Chancellor Wythe was first published in The Enquirer (Richmond) on June 10, 1806, and, in an article on the subject entitled merely “Communication”, is this passage, at once a description of and a tribute to the character of the man:

“If to do no injury, but to do all possible good, is the sumnum bonum of morals, he reached it. Deeply informed in the various religions which have existed in the world, his mind was liberal in the extreme to those who might differ from him. He brought into actual practice the purest and most useful tenets of morality and religion.”

Will of Chancellor Wythe

So much interest in the rather unusual will of Chancellor Wythe has been evidenced by students of his life and character that it is deemed appropriate to include a copy of it here. The following copy is taken from Mr. B. B. Minor’s biographical
sketch of Chancellor Wythe, written in 1851, and found, under the title of “Memoir of the Author” in the edition of Wythe’s Reports of 1852. Another copy is found in Col. George Wythe Munford’s book “The Two Parsons.” The will itself was destroyed, along with thousands of priceless records and documents, in the fire which consumed the building of the General Court of Virginia, April 2 and 3, 1865, following the evacuation of Richmond by troops of the Army of the Confederate States of America.

“Contemplating that event which one in the second year of his sixteenth lustrum may suppose to be fast approaching at this time, the twentieth day of April, in the third year of the nineteen centurie since the Christian epoch, when such is my health of bodie that vivere amem, and yet, such my disposition of mind, that, convinced of this truth, what supreme wisdom destinateth is best, obeam libens, I, George Wythe, of the city of Richmond, declare what is hereinafter written to be my testament, probably the last; appointing my friendly neighbour, William Duval, executor, and desiring him to accept fifty pounds for his trouble in performing that office over a commission upon his disbursements and receipts inclusive. I devise to him the houses and ground which I bought of William Nelson, and my stock in the funds, in trust, with the rents of one and interest of the other, to support my freed woman, Lydia Broadnax, and freed man, Benjamin, and freed boy, Michael Brown, during the lives of the two former, and after their deaths, in trust to the use of the said Michael Brown; and all the other estate to which I am, and shall at the time of my death be, entitled I devise to George Wythe Sweeney, the grandson of my sister.

(L.)
“George Wythe.”
(S.)
“I, who have hereunder written my name, this nineteenth day of January, in the sixth year of the before mentioned centurie, revoke so much of the preceding devise to George Wythe Sweeney, as is inconsistent with what followeth. The residuary estate devised to him is hereby charged with debts and demands. I give my books and small philosophical apparatus to Thomas Jefferson, President of the United States of America,—a legacie, considered abstractlie, perhaps not deserving a place in his museum, but estimated by my good will to him, the most valuable to him of anything which I have power to bestow. My stock in the funds before mentioned hath been changed into stock in the bank of Virginia. I devise the latter to the same uses, except as to Ben, who is dead, as those to which the former was devoted. To the said Thomas Jefferson’s patronage I recommend the freed boy, Michael Brown, in my testament named, for whose maintenance, education or other benefit, as the said Thomas Jefferson shall direct, I will the said bank stock, or the value thereof, if it be changed again, to be disposed. And now, good Lord, most merciful, let penitence—

“Sincere, to me restore lost innocence;  
In wrath my grievous sins remember not;  
My secret faults out of thy record blot;  
That after death’s sleep, when I shall awake,  
Of pure beatitude I may partake.

“George Wythe, (SEAL.)”

“I will that Michael Brown have no more than one-half my bank stock, and George Wythe Sweeney have the other immediateli.

“I give to my friend, Thomas Jefferson, my silver cups and gold-headed cane, and to my friend, William Duval, my silver ladle and table and teaspoons.
"If Michael die before his full age, I give what is devised to him to George Wythe Sweeney. I give to Lydia Broadnax my fuel. This is to be part of my will, as if were written of the parchment, inclosed with my name in two places.

"G. Wythe, (SEAL.)"

24th February, 1806.

"In the name of God. Amen.

"I, George Wythe, of the city of Richmond, having heretofore made my last will, on the twentieth of April, in the third year of the nineteenth century since the Christian epoch, and a codicil thereto on the nineteenth of January, in the sixth year of the aforesaid century, and another codicil on the 24th February, 1806, do ordain and constitute the following to be a third codicil to my will; hereby revoking the said will and codicils in all the devises and legacies in them, or either of them contained, relating to, or in any manner concerning George Wythe Sweeney, the grandson of my sister; but I confirm the said will and codicils in all other parts, except as to the devise and bequest to Michael Brown, in the said will mentioned, who I am told died this morning, and therefore they are void. And I do hereby devise and bequeath all the estate which I have devised or bequeathed to the said George Wythe Sweeney, or for his use, in the said will and codicils, and all the interest and estate which I have therein devised or bequeathed in trust for or to the use of the said Michael Brown, to the brothers and sisters of the said George Wythe Sweeney, the grandchildren of my said sister, to be equally divided among them, share and share alike. In testimony whereof I have hereunto subscribed my name and affixed my seal, this first day of June, in the year 1806.

"G. Wythe, (SEAL)
“Signed, sealed, published and declared by the said George Wythe, the testator, as and for his last will and testament in our presence; and at his desire we have hereunto subscribed our names as witnesses, in his presence and in the presence of each other.”

(The interlineations of the words, “and another codicil on the 24th of February, 1806,” and of the words “will and codicils” and “grand” being first made, and the whole being distinctly read to the testator before the execution of this codicil.)

“Edm. Randolph.
“Wm. Price.
“Samuel Greenhow.
“Saml. McCraw.”
His Grave

In the course of this address the writer said that George Wythe’s body lay “in an unmarked grave.” On December 18, 1921, that statement was regrettably true, but a movement had already begun to remedy the situation and it is pleasant now to record that the final resting place of the great teacher, jurist and patriot, in old St. John’s Church-yard, was soon thereafter appropriately marked. Committees from the Sons of the Revolution, the Sons of the American Revolution, the Virginia Bar Association and the Association for the Preservation of Virginia Antiquities joined their efforts and a handsome granite monument, bearing a bronze tablet on its eastern face, was dedicated and unveiled with fitting ceremonies during “Pageant Week” in 1922. Near the top of the tablet is a reproduction of the Great Seal of Virginia, designed by Mr. Wythe in 1776, and below that is this inscription:

THIS TABLET IS DEDICATED
TO MARK THE SITE WHERE LIE
THE MORTAL REMAINS OF
GEORGE WYTHE
BORN 1726 - DIED 1806
JURIST AND STATESMAN
TEACHER OF RANDOLPH
JEFFERSON AND MARSHALL
FIRST PROFESSOR OF LAW
IN THE UNITED STATES
FIRST VIRGINIA SIGNER OF THE
DECLARATION OF INDEPENDENCE

Erected by
PATRIOTIC CITIZENS OF VIRGINIA
A.D. 1922
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