



*Dr. William F. Swindler is pictured with the All Souls Crest.*

## OXFORD WINDOWS

*Gift from  
All Souls  
College*

Among the bicentennial "birthday gifts" to the Marshall—Wythe School of Law, probably the most unusual are the so-called "Oxford windows" -- two stained glass panels depicting Sir William Blackstone and Sir Christopher Wren, presented by the warden (executive director) and faculty of laws of All Souls College. Both Blackstone and Wren were fellows of All Souls who have familiar relationships with the College of William and Mary. The windows, executed by a London studio in the 1890's and removed from a hall at Oxford to protect them from possible bomb damage on the eve of the second World War, when permanently installed in the new law building at Marshall-Wythe will attest to the traditional ties between the law programs of both institutions.

There are several parallels between the beginnings of the two curricula. Blackstone was the first occupant of the Vinerian chair of English law established at Oxford in July, 1758. The William and Mary chair of law and police, established December 4, 1779, and first occupied by George Wythe, was modeled in part on the Oxford chair, since its primary purpose was to provide professional study in the "Americanized" English common law. Blackstone's famous *Commentaries of the Laws of England*, the four volumes of the first edition being published between 1756 and 1769, were edited with their first American annotations by St. George Tucker in 1803.

The Oxford and William and Mary law programs had their high and low points in history: After Blackstone's

tenure (1758-66) and that of his immediate successors. Sir Robert Chambers (1766-77) and Richard Wooddeson (1777-93), the professorship declined in significance with a succession of less able occupants (including Blackstone's son James) and did not experience a renaissance until the great Albert Venn Dicey (1882-1909) came to the position. The history of the law program at William and Mary, of course, suffered seriously from the disruption of the American Civil War and the long interval until its revival in 1920-21 (see accompanying story). Finally, there is the fortuitous fact that the Marshall-Wythe bicentennial, extending through the 1979-80 academic year, will overlap the two hundredth anniversary of Blackstone's death in 1780.

The current successor to Blackstone, retiring this spring as Vinerian professor, is Sir Rupert Cross (1949-64), an internationally renowned specialist in criminal law. Next October, as part of the 1979 national meeting of the American Society for Legal History, held in Williamsburg, he will deliver the fourth annual George Wythe Lecture, which has been designated as the official bicentennial lecture.

**While Blackstone's famous Commentaries are** widely known throughout the common law world, Cross will point out that his two distinguished successors also wrote exegetical works: Chambers' lectures, which have been unpublished until recently, and Wooddeson's *Sytematical View of the Laws of England*, which some scholars feel is a more profound analysis of legal institutions than Blackstone's. In any case, the Marshall-Wythe law library plans to assemble, and keep complemented by succeeding volumes, a bookshelf of all the works of the Vinerian professors as a further intellectual testimony to the relations between the two law curricula.

St. George Tucker siezed upon Blackstone's volumes as a made-to-order reference for the new "American" common law, particularly of the Commonwealth of Virginia. Since 1770 there had been various American paintings of the *Commentaries*, but they boasted that they were published "page for page" from one of the English editions. After the Revolution, with American procedural and substantive law beginning to move into new paths, the Blackstone volumes remained fundamentally valuable as a general summary of the continuing common law, but obviously called for an annotated edition concerning the differences now recognized in the new jurisdiction.

Tucker made his original agreement with his publishers, William Burch and Abraham Small of Philadelphia, in 1797, but six years were to elapse before he

delivered the completed manuscript, based on the eleventh London edition of 1795, edited by Richard Burn and John Williams. Tucker was able to examine the twelfth edition by Edward Christian, the first professor of common law at Cambridge, and added from these volumes "such of the Notes as appeared to him most likely to be of use to an American student."

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Tucker's annotations, supplemented by extended essays on the developing dimensions of American law in general, expanded the original four volumes of Blackstone to five.

**The Tucker "American Blackstone" of 1803** became the standard general reference work for American lawyers until Chancellor James Kent of New York published his *Commentaries on American Law* (1826-30). No one attempted to annotate the subsequent English editions of Blackstone with American cases, on a scale comparable to Tucker's work, until 1852, when a complete edition was published by John Wendell, a New York court reporter. Between 1860 and 1900, four editions by Thomas M. Cooley became the definitive American editions emulating the original work by Tucker prepared between 1799 and 1803. Throughout the nineteenth century, English or American editions of the *Commentaries* accompanied the bench and bar in the westward movement of American settlement, an ultimate testimony to the pioneer contributions of the first Oxford law teacher and the second William and Mary professor who adapted him to the needs of a new national system of law.

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