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The Rare Book Room

William & Mary Law School

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THE RARE BOOK ROOM

The College of William and Mary
MARSHALL-WYTHER LAW LIBRARY
Introduction

Hidden away on the second floor of the Marshall-Wythe School of Law is a room filled with some of the most important legal literature of the past 500 years. From the first printed edition of the first English law treatise to presentation volumes inscribed by some of the greatest legal scholars of the twentieth century, the Rare Book Collections cover every imaginable topic—from Roman Law and the Institutes of Justinian to case law and the foundations of the American judicial system. They encompass a broad range of types of materials, including pleadings prepared and signed by Attorney George Wythe in 1746, a piece of the “Charter Oak” (the historic oak tree used in 1693 to designate the boundary of the lands chosen for establishment of the “place of universal learning” which would become the College of William and Mary), the family Bible of Chief Justice John Marshall and numerous influential works prepared by faculty and alumni of the College and Law School.
Three major collections are housed in the Rare Book Room: The General Rare Book Collection, The Armistead Collection, and The Jefferson Collection. These collections contribute greatly to the quality and depth of materials available to the legal scholar at William and Mary—as much for their value as sources of interpretation as for their importance in illuminating the historical basis of contemporary law.

*Laws of Ecclesiastical Polity,* Richard Hooker, 1666
The General Rare Book Collection

The General Rare Book Collection is relatively small in size—fewer than 1000 volumes—but it contains an immeasurable wealth of legal scholarship. Acquired mainly through gifts and purchases made possible by generous alumni support, this collection is composed primarily of 17th and 18th century English legal sources, and 19th century American law treatises. The collection also contains some extraordinary 16th century works, a number of them relating to Roman and canon law. It includes the *Institutes of Justinian* published in 1553, as well as several important early ecclesiastical works, including one of the only known copies of Curtius's *Tractatus de Jure patronatus* still in existence.

The Armistead Collection

The Armistead Collection is comprised of volumes from the law library of the Armistead Family, jurists of note in Williamsburg and Virginia. Presented to the Law Library by Judge Robert Travis Armistead in 1979, this collection provides valuable insight into the research tools used by attorneys practicing in Virginia in the 18th and 19th centuries. These books belonged to men who had strong association with Williamsburg, the College, and the law, and they are interesting not only for their content, but also for the important jurists who have owned and commented on them.

An early edition of John Lilly’s *Modern Entries*, published in 1742, belonged to Robert Nelson, of the Yorktown Nelson family, who succeeded George Wythe as Chancellor of the College. This book was bought in 1819 by James Semple (the third professor of law at William and Mary and the son of the builder of the Semple House on Francis Street), and
later passed into the hands of Robert H. Armistead, the donor’s great-grandfather.

Volumes in this collection have been owned and annotated by some of the most influential men in Virginia law, including Lucian Minor (one of the last deans of the Law School before the Civil War), J. Gregory (Professor at William and Mary and local judge), and J. Lemuel Bowden (William and Mary graduate and State Senator until the Civil War). Most volumes also bear a signature of one of the members of the Armistead Family—Robert H. Armistead, Robert T. Armistead, Frank Armistead and C.P. Armistead being the most numerous.

This important collection covers a wide spectrum of law and represents the working library that would be found in a well-equipped 19th-century law firm. Even more historically significant is the fact that these volumes have remained almost totally within the town of Williamsburg and were used by Williamsburg jurists and attorneys for more than 200 years.
The Jefferson Collection

Begun as part of the Bicentennial celebration in the mid-1970's, the Jefferson Collection, when completed, will replicate the law library offered to Congress by Thomas Jefferson after the original Library of Congress was destroyed in the War of 1812. To date, through generous book and fund donations from alumni, the Law Library has been able to acquire more than two hundred of these editions.

The Jefferson Collection includes the first printed edition (London, 1553) of the first English legal treatise, commonly known as "Glanville." Believed to have been written between 1187 and 1189, during the last years of the reign of Henry II, this work is one of the very first treatises concerning modern legal systems. Its summary of the nascent common law of the King's court is considered a milestone in the development of a coherent system of English law deriving its ultimate authority from the king. Thomas Jefferson considered Glanville and other early works paramount to an understanding of the workings of the English legal system, and recommended them to law students. The Library's Jefferson Collection copy is exceptionally well preserved, and is additionally significant in that it has the remains of an early illuminated manuscript, possibly dating to the 13th century, bound inside the covers.
**Portrait of John Marshall**

The Marshall portrait was painted by John Wesley Jarvis (1780-1840) and represents Justice Marshall between the age of 70 and 80. It is one of six portraits commissioned by Marshall as gifts for his sons. This painting descended to Marshall’s youngest son, Edward Carrington Marshall, and through several generations to Richard Coke Marshall, from whom it was purchased for the Law School by two anonymous benefactors. Considered by historians to be the original life portrait from which the other five portraits were copied, the Law School’s Jarvis portrait is believed to be a particularly strong likeness of the chief justice in his later years and probably dates to the period between 1825 and 1827.

**The Marshall Family Bible**

The Marshall Family Bible was donated to the Commonwealth of Virginia by Mary Douthat Higgins, Chief Justice Marshall’s great-great-great-grand daughter, in the fall of 1977 in commemoration of a visit by Chief Justice Warren Burger and Justice Lewis Powell, Jr. to the John Marshall House in Richmond. The Bible is most remarkable for the birth and death records for the Marshall children in Justice Marshall’s hand on the verso of the title page of the New Testament, including information about his children not
The Bible is also believed to contain the only known example of Mrs. Mary W. Marshall's handwriting. The Bible has been on permanent loan to the College of William and Mary since 1979. Because of severe deterioration caused in part by nineteenth-century preservation attempts, in 1993 the Bible was given conservation treatment, repaired, and returned to its original appearance by Robert Lyon of Williamsburg. The Bible is now able to withstand handling and may occasionally, at the discretion of the Governor of Virginia or the President of the College of William and Mary, travel to Richmond to be used for the swearing-in ceremonies of governors and chief justices of the Virginia Supreme Court.

The Rare Book Collections may be used by college and university faculty and other scholars by appointment.

Please contact the Law Library for additional information.
(757-221-3257)