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Forensic Bibliography: Reconstructing The Library of George Wythe

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Linda Tesar
Virginia Association of Law Libraries
April 12, 2013
George Wythe
Launched in 2005 by Kevin Butterfield and Jim Heller

Re-create the legal portion of George Wythe’s library

Purchase list based on 1975 Colonial Williamsburg memo by Barbara C. Dean

72 titles: law, ethics, history, and political science
Three Categories:

- Books Wythe assigned to his students
- Books known to have been owned by Wythe
- Books Wythe was known to have read or thought to have owned

Focused on treatises over reporters

Collection, 2005-2009:

- 19 purchases
- 11 transfers
Early purchases included:

- William Blackstone’s *Commentaries on the Laws of England*
- Matthew Hale’s *History of the Pleas of the Crown*
- Daniel Call’s copy of Wythe’s own case reports, *Decisions of Cases in Virginia by the High Court of Chancery*
George Wythe

- Born in 1726 in Elizabeth City County, Virginia
- Legal apprenticeship with an uncle, Stephen Dewey
- Moved to Williamsburg in 1748 to become clerks for two committees of the House of Burgesses
- Briefly Virginia’s youngest-ever attorney general
- Clients included George Washington and Richard Henry Lee
Thomas Jefferson and His Mentor
Wythe’s Political and Judicial Career

- Delegate to Continental Congress
- Signer of Declaration of Independence
- Member of Committee to Rewrite Virginia Laws
- Presided over Virginia Constitutional Ratifying Convention
- Appointed to Virginia’s High Court of Chancery
College of William & Mary
Professor of Law and Police – 1779
Wythe’s Teaching Innovations

- Mock Trials
- Mock Legislatures
What do we know about Wythe’s library?

- No inventory created by Wythe.
- No Wythe papers survived.
- Some of Wythe’s books sold by a grandnephew.
- Collection bequeathed to Thomas Jefferson.
- Estimated to be worth £500.
Where to begin the search?

Sowerby’s *Catalogue*

- 15 volumes had Wythe bookplate
- 1 book signed by Wythe
- 1 copy dedicated to Wythe
- 18 volumes included manuscript notes attributed to Wythe
- 2 titles from Wythe-related collections
Step 1 - Locate Existing Volumes

- Library of Congress
- College of William and Mary
- John D. Rockefeller, Jr., Library, Colonial Williamsburg
- Library of Virginia
- University of Virginia
- Virginia Historical Society
Step 2 – Identify Published Works

- *Decisions of Cases in Virginia by the High Court of Chancery* (1795) and 2nd ed. (1852)
- Cases in pamphlet form, 1797-1798
- *Report of the Committee of Revisors Appointed by the General Assembly of Virginia in 1776*
- 1769 and 1785 Compilations of Virginia Statutes
Step 3 - Verify Existing Bibliographies

- Goodwin
- Dean
- Library Thing
- Brown
Goodwin’s Bibliography

- Written in 1958 by Mary R.M. Goodwin
- Included in *The George Wythe House: Its Furniture and Furnishings*
- Divided titles into 3 categories:
  - Law Books
  - Journals
  - Miscellaneous
- Relied upon Sowerby’s *Catalogue*
To
John Norton Esq.
    Merchant in London
Dear Sir:

    I beg the favour of you to get the under-mentioned books, and send them by an early opportunity to

Your humble servant

G. Wythe
Williamsburg
7th May 1770
Books to be sent to G. W.
Andrews’ reports
Atkyns’ reports
Bunbury’s reports
Burrow’s reports
Fortescue’s reports
Foster’s reports
Melmoth’s reports
Shower’s cases in parliament

[Enclosure]

Be pleased to add to the catalogue in the letter the journals of the house of commons since 1766.

G. W.

8:May 1770
Step 5 – Examine Historical Records
Jefferson’s Commonplace Book

“... the bulk ... represents notes taken by Jefferson on law, political science, and religion during his formative years ... there is little doubt that the first hundred pages or so ... were compiled at a time when Jefferson [was] ... a student of law or a young lawyer ... the articles on feudal laws, the survey of the federative system ... the extracts from Montesquieu and Beccaria, the history of the Common law ... were written after 1774 and not later than 1776 ...”
Dean’s Bibliography

- Created in 1975 by Barbara C. Dean
- An expansion of Goodwin’s shorter bibliography
- Divided into 6 categories:
  1. Titles known to have been owned by Wythe
  2. Titles Wythe purchased from the Virginia Gazette office or ordered from John Norton and Sons
  3. Titles noted in the commonplace books of Wythe’s students and presumably assigned by Wythe
  4. Titles known to have been read by Wythe
  5. Titles written or collaborated on by Wythe
  6. Other titles illustrative of Wythe’s time
Books Wythe owned:

- 22 from Goodwin’s research
- 9 additional titles from Sowerby including Wythe case reports
- 1 additional title from Hemphill
- 8 received from Jefferson in France
- 1 advertised in the *Virginia Gazette*
- 3 in Special Collections of University of Virginia
- 1 in Rockefeller Library with Wythe’s signature
- 1 (3 journal volumes) from Lord Botetourt’s estate
Titles Wythe Purchased

- Section follows Goodwin’s research

- Added 4 new titles
  - 3 from the Virginia Gazette Daybooks
  - 1 from Jefferson-Wythe correspondence

- Titles differ from Goodwin in 3 cases
Franklin’s Pamphlet?

Cool Thoughts on the Present Situation of Our Public Affairs.

In a Letter to a Friend in the Country.

Philadelphia: Printed by W. Dunlap, M, DCC, LXIV.

OR

The Interest of Great Britain Considered,
With Regard to her Colonies, and the Acquisitions of Canada and Guadalupe.
To which are added, Observations concerning the Increase of Mankind, Peopling of Countries, &c.


London: Printed for T. Becket, at Tully’s Head, near Surry-Street, in the Strand.

MDCC LXI.
Puffendorf’s Introduction?

INTRODUCTION
A L’HISTOIRE
GÉNÉRALE ET POLITIQUE
DE L’UNIVERS.

Où l’on voit l’Origine, les Révolutions, l’État présent, & les suites des Gouvernemens.

Par Mr. Le Baron de Puffendorff.


Avec des Notes Historiques, Géographiques, & Critiques, & les Cartes nécessaires.

Apellantur ante alta, dilataque: ex pr aestium enim solent affixi praefixa. Quintil. V. 10.

Tome Troisième.

A AMSTERDAM,
Aux dépens de la COMPAGNIE.
MDCXXI.

INTRODUCTION
TO THE HISTORY
OF THE
Principal Kingdoms and States
of Europe,

Begun by Baron PUFFENDORF.

Enlarged, and continued down to the Year 1742.

By M. MARTINIERE,
Author of the Great Geographical Dictionary.

Improved from the French

By JOSEPH SAYER.

Necque quid antequam amissum. ut accidisset, id eumque effecisset. Persius.
Cic. de Nat.

In Two VOLUMES.

VOL. I.

LONDON:
MDCCLXXI.
Fortescue’s Reports?

DE LAUDIBUS
LEGUM ANGLIAE.
Written Originally in LATIN.
By Sir JOHN FORTESCUE
Lord Chief Justice, and after Lord Chancellor to
King Henry VI.
Translated into ENGLISH,
Illustrated with the Notes of Mr. Selten, and Great Variety of REMARKS with Respect to the
ANTIQUITIES, HISTORY, and LAWS of ENGLAND.
To which are prefixed
Mr. Selten to the Reader, and a Large Historical
Preface.
To the Whole are added
The Preface of the first Editor, with the Testimonials
of Senec, Tiriis, and De Fovee, the Summons of Sir Ralph de
Hengham, Lord Chief Justice to King Edward I, commonly called
Hengham Magnus and Hengham Parva, with Mr. Selten’s Notes;
and a Copious Index.

The SECOND EDITION.

In the SAVOY:
Printed by Henry Lintot (Alien of E. Snyder, Esq.) for
Daniel Brown, in the Black-Swan, without Temple Bar.
MDCCXL.

REPORTS
OF SELECT CASES
In all the COURTS of
WESTMINSTER-HALL;
ALSO THE
OPINION
OF
All the JUDGES of England relating to the Grandest
Prerogative of the Royal Family, and some Ob-
servations relating to the Prerogative of a Queen
Consort.

By the Right Honourable
JOHN Lord FORTESCUE,
Late one of the Justices of the COMMON PLEAS.
With TABLES of the Names of the Cases and Principal Matters.

In the SAVOY:
Printed for Henry Lintot (Alien of E. Snyder, Esq.) and sold by
Ed. Chambers, in the Four-Anchor Lane. MDCCCLXII.
Books Wythe Assigned

• Largest portion of the bibliography comprising 87 titles
  • 5 duplicated in other bibliography sections
  • 14 derived from Goodwin’s list
  • 41 from John Marshall’s “Law Notes”

• Uses multiple sources including:
  • Papers, commonplace book and biographies of Jefferson
  • Alan Smith’s “Virginia Lawyers, 1680-1776”
  • William Clarkin’s *Serene Patriot: A Life of George Wythe*
Books Wythe Read

**Of the Satires of Juvenal,**

Reduced to the natural Order of Composition, with Access to regulate the right Pronunciation of the Latin Words; and a close and truly literal English Translation, rendering the Author exceedingly easy and familiar to the Reader.

In a Method entirely different from all yet extant.

Together with an Additional Historical Account, for the Use of Students.

By John Gough, Rector of Baddesley, Warwickshire.

Printed for J. Felt weir.

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**Admirandii Archimedis Syracusi Opus**, [Title page of a book with Latin text, likely a work by Archimedes.]

**The Tragedies of Euripides Translated in Two Volumes. Vol. I.**

**Institutes of Natural Law**, Being the Substance of a Course of Lectures on Grotius de Jure Belli et Paeis Read in St. John's College Cambridge.

By T. Rutherford, D.D. F.R.S.

Archbishop of York, and Chaplain to Her Royal Highness the Princess Dowager of Wales.

Volume the First

In which are Explained the Rights and Obligations of Mankind Considered as Individuals.

**The History of the First Discovery and Settlement of Virginia**, Being an Essay towards a General History of this Colony.

By William Strick, A.M.

Printed at Manila, Parish, and one of the Governors of William and Mary College.

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**Journal of the Convention of Virginia**, Held in the City of Richmond, on the First Monday in June, in the Year of Our Lord, One Thousand Seven Hundred and Eighty Eight.

Printed by Augustine Davis. Printer to the Convention.
Books Illustrative of the Time
Jefferson’s Inventory

- Manuscript list in the hand of Thomas Jefferson
- Records dispersal decisions for Wythe’s books
- Eight pages representing 338 titles (649 volumes)
- Lacks specific bibliographic detail
- Wide range of subjects
Titles from the Jefferson Inventory
"Brydall's conveyancer. 8vo."

1697

OR

1702

Or, A Sure Law-Guide to the Conveyancer.

Or, A Sure Law-Guide to the Conveyancer.
George Wythe on LibraryThing

Member: GeorgeWythe

Collections: Your library (370)

Reviews: None

Tags: Law (111), Classics (110), Literature (89), British Law (74), Poetry (30), History (38), Religion (27), Philosophy (27), Politics and Government (23), Law Reports (21) — see all tags

About me: George Wythe (1726 - 8 June 1800), Virginia lawyer, educator, judge and statesman. Educated by his mother and briefly at the College of William and Mary, Wythe studied law with Stephen Deyoe and was admitted to the bar at age 20 in 1746. Named attorney general of Virginia in 1753, Wythe later served in the House of Burgesses 1755-1775, representing Williamsburg, the College of William and Mary, and Elizabeth City County. Elected a representative to the Second Continental Congress, Wythe served until 1777, in which capacity he supported and signed the Declaration of Independence.

Returning to Virginia, Wythe was elected Speaker of the House of Delegates, and worked to draw up the Virginia constitution, overhaul the laws of the state, and design the state seal. In 1779 he became professor of law at the College of William and Mary (making him the first official law professor in America), formalizing his role as a prominent educator (his students included Thomas Jefferson, John Marshall and Henry Clay).

Wythe was named a delegate to the Constitutional Convention in 1787, but left Philadelphia early due to his wife's final illness. In 1789 Wythe was named judge of Virginia's Court of Chancery; he moved to Richmond in 1791 and lived there for the remainder of his life. Wythe was poisoned by a grandnephew in late May, 1800 and died on 8 June after an agonizing illness.

About my library: Wythe bequeathed his extensive library of law, classics and other books to Thomas Jefferson, a longtime friend who was serving as president when Wythe died in 1800. In November 2008, a list of the books Jefferson received from Wythe's estate was identified among the Coe/ridge Collection of Thomas Jefferson Manuscripts at the Massachusetts
Brown’s Bibliography

- Combines the research of Goodwin, Dean, Tay and Dibbell
- No subcategories
- Latest version (Dec. 2012) includes 478 entries
- Incorporates all known sources for each title
- Added more than 50 new titles
Sources in Wythe’s Case Reports

THE CIVIL LAW IN ITS NATURAL ORDER: Together with the PUBLIC LAW.

Writen in FRENCH by MONSIEUR DOMAT,
The late French King’s Advocate in the Prudential Court of Clermont in France:

And Translated into ENGLISH by WILLIAM STRAHAVN, LL.D.
Advocate in Doctors Commons.

With Additional REMARKS on some Material Differences between the CIVIL LAW and the LAW OF ENGLAND.

In TWO VOLUMES.

VOL. I.

THE HISTORY OF THE RENOWNED Don QUIXOTE De la MANCHA.

In Four VOLUMES.

Written in SPANISH by Miguel de Cervantes Saavedra.

Translated by Several Hands: And Publish’d by PETER MOTTEUX.

Adorn’d with New SCULPTURES.

The FOURTH EDITION.

Carefully Revised, and Compared with the Best Edition of the Original, Printed at MADRID.

By J. OZELL.

Nullum magnum ingenium, sine mixtura dementis.

VOL. I.

LONDON:
Printed for R. Knaplock, D. Midwinter, J. Tonson, and W. Churchill; and are to be Sold by J. Brotberton and W. Meadows at the Black Bull in Cornhill.

PRINTED IN ENGLAND.

THE REPORTS OF CASES ARGUED and DETERMINED IN THE COURTS OF COMMON PLEAS AND EXCHEQUER CHAMBER, FROM Easter Term 28th GEORGE III. 1788, to Trinity Term 31st GEORGE III. 1791, BOTH INCLUSIVE.

By HENRY BLACKSTONE, OF THE MIDDLE TEMPLE.

VOL. I.
Wythe’s Library in Comparison

- One of the more valuable 18th century Commonwealth libraries
- Large number of case reports
- Few of the popular manuals for clerks and officials
- Not exhaustive in any one area of legal treatises
- More than 100 Greek and Roman classics
Revising the Collection Development Policy

- Three subject categories
  - Law (treatises, reporters, and legislative journals)
  - Political Science, History, and Philosophy
  - Religion, Literature, and Science

- Priority given to legal treatises, political science, history and philosophy
What to collect?

1. Same title and edition as Wythe’s actual books

2. Specific titles/editions definitively linked to Wythe though actual book may be lost

3. Titles derived from the notes and records of Wythe’s students

4. Entries from Jefferson’s inventory
To date ...

- 174 titles
  - 97 purchases since 2009
  - 46 titles transferred from existing collections

- Three of Wythe’s books on permanent loan from Swem Library

- Construction begins in July (2013) for a separate display room for the collection.
Next project ... Wythepedia