Forensic Bibliography: Reconstructing The Library of George Wythe

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Virginia Association of Law Libraries
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Collection beginnings

- 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 2\textsuperscript{nd} 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.

**The Interest of Great Britain Considered,**

With Regard to her Colonies, and the Acquisitions of Canada and Guadaloupe.

To which are added, Observations concerning the Increase of Mankind, Peopling of Countries.


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, et les invertis des Souverains.

Par MR. Le BARON de PUFENDORFF.

Nouvelle Edition, où l'on a continué tous les anciens Chapitres jusqu'à présent, & ajouté l'Histoire des Principaux Souverains de l'Europe, de l'Allemagne, etc. Le tout dans un ordre plus naturel.

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

Apellamur ante alta, didaque; ex presteritis enim solent affermi praesentia. Quintil. v. 10.

Tome Troisième.

A AMSTERDAM;
Aux dépens de la COMPAGNIE,
MDCXXXI.
Fortescue’s Reports?

DE LAUDIBUS LEGUM ANGLIÆ.
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's to the Reader, and a Large Historical Preface.
To the Whole are added
The Preface of the first Editor, with the Testimonies of Hale, Pitter, and Du Fosse, the Sawans of Sir Ralph de Hengla, Lord Chief Justice to King Edward I., commonly called Hengla Magnus and Hengla Parsa, with Mr. Selten's Notes, and a Copious Index.

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 Observations relating to the Prerogative of a Queen Consort.

By the Right Honourable
JOHN Lord FORTESCUE, Lord Chief Justice of the Common Pleas.
With TABLES of the Names of the Cases and Principal Matters.

Printed for Henry Lynsor, at the Sign of John a la Chaise, in the Savoy; and sold by Ed. Chenty, in the Marginal Law, MDCCCLIII.
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

- The Satires of Juvenal, with the Original Text, Reduced to the natural Order of Composition, with Accents to regulate the right Pronunciation of the Latin Words, and a close and truly literal English Translation, rendering the Avensae exceedingly easy and familiar to the Reader. In a Method entirely different from all yet extant.


- The History of the First Discovery and Settlement of Virginia, Being an Essay towards a General History of this Colony. By William Strach, A.M., Rector of Amity Parish, and one of the Governors of William and Mary College.

- A 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.
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
George Wythe on LibraryThing

Member: GeorgeWythe

Collections: Your library (270)
Reviews: None
Tags: Law (111), Classics (110), Literature (89), British Law (74), Poetry (30), History (28), Religion (27), Philosophy (27), Politics and Government (23), Law Reports (21) — see all tags
Clouds: tag cloud, author cloud, tag mirror

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 grandson 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 Coelidige 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
AN ESSAY CONCERNING HUMANE UNDERSTANDING.

In Four BOOKS.

Written by JOHN LOCKE, Gent.

The Fourth Edition, with large ADDITIONS.

LONDON:
Printed for Awnshaw and John Churchill, at the Black-Swan in Pater-Noster-Row; and Samuel Madvig, at the Ship in Cornhill, near the Royal-Exchange, MDCC.
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

Main Page

The George Wythe Encyclopedia

Welcome to the George Wythe Encyclopedia, a project of The Wolf Law Library at the College of William & Mary in Williamsburg, Virginia. The purpose of the encyclopedia is to provide a single source for information relating to George Wythe, first professor of law in America and signer of the Declaration of Independence. Entries highlight Wythe's career as Professor of Law and Police at William & Mary and provide background information for the George Wythe Collection, The Wolf Law Library's ongoing re-creation of Wythe's Library.

Featured article

"Oration Pronounced at the Funeral of George Wythe" is a transcription of the oration delivered by William Munford, Wythe's friend and former student, at Wythe's state funeral in the Capitol building in Richmond, Virginia, on June 11th, 1806. It originally appeared in the Richmond Enquirer on July 13, 1806 and was subsequently republished in several newspapers including the Raleigh Register and North-Carolina State Gazette.

Featured book

Wythe, George. Decisions of Cases in Virginia by the High Court of Chancery: with Remarks upon Decrees by the Court of Appeals, Reversing Some of Those Decisions. Richmond: Printed by Thomas Nicolson, 1795.