

Everyone who engages in historical research knows that once a false statement gains circulation it is extremely difficult to correct. Propagandists know that a falsehood, if repeated often enough, will ultimately be believed by most of those who hear it.

This has certainly been the case of a remarkable falsehood circulated about George Wythe, which started from a comparatively insignificant source has been copied and recopied and embellished by historians, and biographers who did not take the time to do the research necessary to correct this falsehood or to evaluate the material that they had which ought to have put them on notice that the statement which they so freely circulated would not be true.

We all know that Wythe was one of the great lawyers of Colonial Virginia, a signer of the Declaration of Independence, a great judge and probably the greatest teacher of law produced by this Commonwealth when we consider the fact that he instructed John Marshall, Thomas Jefferson, and Henry Clay among others in the law.

From his works we know that he had been a student from his early years and from his twentieth year a young but busy lawyer engaged in the practice of his profession in the county courts and from the autumn of 1748 a busy practitioner in the City of Williamsburg.

Notwithstanding these facts, in 1825 long after his death and when all of the companions of his youth had departed from this world,

there appeared an edition of Lempriere's Biographical Dictionary edited by Eleazar Lord born in Connecticut and then a resident of New York, a sketch of George Wythe. Lord is said to have contributed eight hundred original articles to this Dictionary. Whether he was the author of the sketch of Wythe is unknown. However, in this sketch for the first time, so far as I have been able to ascertain, the falsehood about Wythe was first published.

Daniel Call, who ought to have known how false the charge against Wythe was, probably through indolence, copied the biographical sketch of Wythe from this Dictionary as the sketch of Wythe which he sponsored in IV Call's Reports, x.

The false statement about Wythe found in the sketch published in IV Call is as follows:

"At the age of thirty he abandoned a course in 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."

The only truthful statements in the above was that Wythe "devoted his attention to the acquisition of knowledge" which he did from childhood until his death, and the statement that "after accomplishing himself in the languages and sciences, he studied law and commenced its practice!" Every other statement therein is

demonstrably false.

Unfortunately, for the truth of history, those who have written about Wythe subsequent to this, with few exceptions, have swallowed this falsehood and embellished it, without making any effort to examine the records which prove the above statement about Wythe leading a life of dissipation to be wholly false.

John Sanderson when he was preparing his biographical sketches of the signers of the Declaration of Independence wrote to Thomas Jefferson for information about Wythe. Jefferson took the trouble to write a biographical sketch of Wythe which he sent to Sanderson with a letter dated 31 August, 1820.(1).

^{should have}
Sanderson ~~had~~ followed Jefferson's sketch and the admonition of his letter which said in part:

"These scanty outlines you will be able, I hope to fill up from other information, and they may serve sometimes, as land marks to distinguish truth from error, in what you hear from others. The exalted virtue of the man will also be a polar star to guide you in all matters which may touch that element in his character."

Jefferson was probably more intimately acquainted with Wythe than any other man.

Notwithstanding Jefferson's admonition to him, Sanderson in preparing his sketch of Wythe wrote:

"Of this excellent mother he was bereaved during his minority. He lost also, near the same time, his father, of whom there is given

a very amiable character for simplicity and of candor of behaviour, parental tenderness, and for prudence in the management of his fortune. Being thus in the possession of money and exposed to the luxuriance of youthful passions to the seductions of pleasure, he suspended during several years, all useful study, and spent his whole time in idle amusements and dissipation. But to whatever levities he may have been betrayed, it is evident from the subsequent events of his life, that his principles of honor remained uncorrupted. When he had attained his thirtieth year he shook off all these youthful follies and employed himself in the most indefatigable study"xx (2)

Sanderson was a Pennsylvanian (3) and may possibly be excused for failing to follow Jefferson's advice as to how he should evaluate the other statements which he gathered about Wythe.

No such excuse can be offered for so distinguished a Virginian as Hugh Blair Grigsby who in his Discourse On The Virginia Convention of 1776, said:

"He served his apprenticeship to the law under his uncle John Lewis of Prince George; (4) but coming into the possession of a respectable estate by the death of his elder brother and of his mother, he led a careless life, and wasted in idleness some years of his youth-precious years, the loss of which he deplored to his dying day. All of his substantial acquisitions were the work of after life." xxx (5)

The same criticism may be offered of B. B. Minor who wrote a sketch for Wythe's Opinions published in 1852.

Minor said: "His mother died before he attained his majority. Her death and the death of his brother put him in possession of the means of self indulgence, and he now gave himself up to a long career of pleasure and dissipation. It cannot be supposed, however, that his studies were entirely suspended by his unfortunate habits; for such thirst of knowledge as ^{he} had imbibed could not have been slackened by the intoxicating draughts of pleasure and must still have been indulged in the intervals of dissipation".(6)

Henry Howe in His Historical Collections of Virginia (1845) repeated this falsehood about Wythe. (7) Charles Campbell who should have known that such a statement about Wythe could not be true in his History of Virginia (1860) repeated this falsehood. (8).

Although Doctor Walter L. Fleming in his introduction to Volume XII of the South In The Building of the Nation speaking of the two volumes of Biography included in this work said: "The ~~volume~~ ^{value} of the work then is in its accuracy and in the sympathetic point of view of the writers, in the adequacy of treatment and in the completion of the general history by this biographical history of the South, a section where character, personality and individuality have always counted for so much", the unknown author of the sketch of Wythe in this work included therein the same false statement about his idleness and dissipation. (9)

By the time the sketch of Wythe was prepared for Appleton's Cyclopaedia of American Biography this falsehood about Wythe had become so firmly established the author of that sketch wrote:

"xx But the death of both parents before he attained his majority and the consequent uncontrolled possession of a large fortune lead him into extravagance and dissipation. He reformed when he was about thirty years old, studied law under John Lewis(10), an eminent practitioner and quickly rose to the front rank of the Virginia Bar." (11)

Doctor Lyon G. Tyler who prepared the excellent biographical sketch of Wythe for Great American Lawyers edited by William Draper Lewis, and who should have known better from the other facts that he assembled about Wythe said:

"He entered upon the practice of law and qualified in the Court of Elizabeth City at the age of twenty years, but soon removed to Spotsylvania County where he became associated with John Lewis an eminent lawyer in that part of the Colony and in December 1747 married his sister Anne Lewis who lived only till August 1748.

"Wythe continued to live in Spotsylvania some eight years after his wife's death and we are told that he became addicted to the amusements and dissipations of society, but certain facts seem to indicate that the foibles of his youth have been greatly exaggerated." (12).

If Doctor Tyler had taken the time to evaluate the other facts that he assembled about Wythe for this article I am sure that he would have seen how false this story was.

But the story has continued to be repeated by most of those who have written about Wythe.

Nannie McCormick Coleman in *The Constitution and Its Framers* (1910) has repeated the same falsehood. (13)

Mr. Theodore S. Cox in the article on George Wythe in the *Dictionary of American Biography* has narrated this falsehood in these words:

"December 1747 Wythe married Lewis' sister Anne the daughter of Zachary Lewis; she died the next year. Wythe remained at Spotsylvania for about eight more years indulging it is said in the amusements and dissipations of society xx"

It is the object of this paper to explode this falsehood about George Wythe and to demonstrate by record evidence how false it is.

Let us first analyze the statements as to the period in which it is said this false happening occurred.

Call places the end of the period at his thirtieth year or 1756, after which he says "he accomplished himself in the languages and science and studied law and commenced its practice."

Sanderson places the period shortly after the death of his father which he says continued until his thirtieth year. His father died in 1729 when George Wythe was three years of age. He was 30 years of age in 1756. (14).

Grigsby said that the alleged period of dissipation occurred

after the death of his brother and his mother. His mother died in 1746. His brother, Thomas Wythe died in 1755 when George Wythe was twenty-nine years of age. (14)

Charles Campbell says that it occurred after the death of his elder brother and his mother. (15) As noted, Thomas Wythe died in 1755. ~~Howe~~ fixes the period as being after the death of both parents. (16)

Appleton's Cyclopaedia says that it occurred after the death of his parents and continued until he was about thirty years of age after which he studied law. (17)

Mr. Theodore S. Cox and Doctor Lyon G. Tyler place the period from 1748 to 1756 and fix the place of his dissipation as Spotsylvania County.

It will be seen from the foregoing how much division there is about the time of his alleged dissipation.

Sanderson places the period from his third year to his thirtieth year.

Grigsby fixes the beginning to the period after the death of his brother Thomas Wythe who died in 1755.

Doctor Lyon G. Tyler and Mr. Theodore S. Cox fix the period as beginning 1748 and extending to 1756.

Now, let us demonstrate how false is this slander of George Wythe. It is obvious that no child of three years of age could have been engaged in any dissipation, however much idleness was

to be expected at that age. Nor could there have been any period of idleness or dissipation before he began the study of law.

Jefferson says: "He had not the benefit of a regular education in the schools, but acquired a good one for himself, and without assistance insomuch as to become the best Latin and Greek scholar in the State. It is said that while reading the Greek Testament his mother held an English one to aid him in rendering the Greek text conformably with that. He also acquired by his own reading a good knowledge of Mathematics and Natural and Moral Philosophy. He engaged in the study of the law under the direction of a Mr. Lewis of that profession and went early to the bar of the General Court then occupied by men of great ability, learning and dignity in their profession xx" (18)

Somewhere in the period before he studied law under Zachary Lewis he attended William and Mary College.

In the Provisional List of the Alumni of William and Mary College issued as an Appeal for Additional Information in 1941, it is stated that he attended William and Mary College circa 1746. This is obviously an error as we shall see. His attendance must have been at an earlier date probably circa 1740, certainly not later than 1743.

George Wythe went to Spotsylvania County to study law under Zachary Lewis of Bel Air, the King's Attorney in Spotsylvania, Caroline and Orange Counties, and one of the most learned, brilliant

and successful attorneys of Colonial Virginia.

Wythe was probably not more than seventeen, certainly not more than eighteen years of age when he arrived at Bel Air to begin the study of the law.

Certainly no part of his career before he began the study of law could have been wasted when we consider the amount of education he had acquired before beginning the study of the law.

That no part of his time between 1743 and 1746 could have been wasted is evidenced by the fact that he was licensed to practice law prior to 16 June 1746 O.S. when he qualified to practice law before the County Court of Elizabeth City County (19). On 4 November, 1746 O.S. he qualified before the County Court of Spotsylvania County (20) and on Friday 13 February, 1746 O.S. he qualified before the County Court of Caroline County (21). The Order Book reads: "George Wythe, Gent. produced a license to plead as an attorney, took the oaths appointed to be taken and subscribed the Test, and was accordingly sworn."

On 27 May, 1747 he qualified before the County Court of Augusta County (22), and sometime that year he qualified before the County Court for Orange County as during that year he represented one John Willis before that Court. (23)

He married Anne Lewis the daughter of Zachary Lewis and Mary Waller his wife circa 27 December 1747. (24)

It will be seen from the foregoing that he was licensed to practice law when only twenty years of age and judging from the

courts in which he qualified he was busily engaged in the practice of the law before he was twenty-one years of age.

The records of Spotsylvania and Orange Counties show that he was certainly practicing law in those counties during the years 1746 to May 1748 (25). The fact that he qualified in Elizabeth City, Caroline and Augusta Counties during this period indicates that he had cases before those courts.

The records indicate that he was leading the life of a normal active young lawyer in Spotsylvania and adjoining counties to May 1748 and possibly later.

His wife died 8 August, 1748 and it is the next eight years that Doctor Lyon G. Tyler and Mr. Theodore S. Cox say that he spent in idleness and dissipation.

Let us examine the record.

It is probable that Wythe moved to Williamsburg circa October 1748 as on 28 October 1748 he was appointed Clerk of the Committee of Privileges and Election and the Committee of Propositions and Grievances of the House of Burgesses. (26) He was again appointed Clerk of these Committees on 28 February 1752. (27)

On 3 March 1752 Richard Booker of Amelia County complained of an undue election of Mr. Wood Jones of that County. The Journal has this entry:

"Ordered that George Wythe, Gent. Clerk of the Committee of Privileges and Elections be admitted to appear as counsel for the

said Richard Booker before the said Committee of Privileges and Elections." (28)

On 11 March, 1752 the Journal has this entry:

"Ordered that Mr. Wythe Clerk of the Committee of Privileges and Elections have liberty to appear as counsel in any matter of controverted elections that shall happen before the said Committee." (29)

As the above entry follows immediately after the complaint of Henry Robinson against John Chiswell and John Syme of an undue election in Hanover County it is probable that he represented one or the other of these parties.

The records of the General Court were destroyed in the Richmond Fire of April 1865, and, therefore, we cannot appeal to those records to show his work in that court. We have Jefferson's word for it, however, that he "went early to the bar of the General Court". It is generally recognized "that the outstanding rivalry in the long history of that Court was between Pendleton and Wythe." (30)

Pendleton was five years older than Wythe. He qualified in the General Court in April 1745. (31) Wythe probably qualified before that Court circa 1748.

In 1754 the House of Burgesses commissioned Peyton Randolph, the Attorney General, to argue the case involving the pistole fee claimed by the governor on every land patent and which was loudly protested by the Colonists. This appointment necessitated a trip by Randolph to England. Governor Dinwiddie according to Edmund Randolph in revenge "suspended Peyton Randolph from the Office of

Attorney General, and appointed George Wythe in his room. But as the habits of a seducing and not wholly unambitious profession never warped him from friendship or patriotism he accepted the commission with the customary professions of gratitude, not disclosing his secret and honorable determination that he would resign it to his predecessor on his return" (32), which he did.

Wythe was at this time twenty-eight years of age.

On the death of Armistead Burwell, the representative from Williamsburg in the House of Burgesses in 1754, George Wythe was elected to succeed him. He appeared at the Session that began 1 May 1755, and was appointed a member of the Committees of Privileges and Elections, Propositions and Grievances, and Courts of Justice. (33) Membership on these committees involved much work and responsibility.

The French and Indian War was now in progress and the General Assembly passed in August 1755 an Act for raising the sum of Forty thousand pounds for the protection of the Colonist on the frontiers of the Colony. George Wythe was appointed with other distinguished members of the House of Burgesses to superintend the expenditure of this sum, with the consent and approbation of the governor.

His standing at this time may be judged by the other members of this Committee. They were John Robinson, Speaker of the House, Peyton Randolph, Attorney General, Charles Carter, Carter Burwell, Benjamin Waller, John Chiswell, Richard Bland, James Power, William Digges, John Page, John Norton, William Harwood, Landon Carter and Edmund Pendleton. (34)

He was appointed one of a similar Committee under the Act of March 1756 providing for the raising of twenty-five thousand pounds for the defence of the frontiers which committee consisted of the above named gentlemen with Robert Carter Nicholas added. (35) He was also appointed a member of the Committee to expend the funds provided by the Act of April 1757. (36) He was one of the members of the Committee to expend the funds authorized by the Act of February 1759 providing for the encouragement of Arts and Manufactures in the Colony. (37) He was appointed one of a Committee to examine the Treasurers accounts by the Act of March 1760 (38) which Committee was continued by the Act of November 1761. (39)

On 30 October 1760 he signed the subscription agreement to pay 2 $\frac{1}{2}$ per annum for eight years to the treasurer appointed under the Act of November 1762 providing for the encouragement of Arts and Manufactures in the colony. (40)

About 1755 he married Elizabeth Taliaferro the daughter of Richard Taliaferro and Elizabeth Eggleston, his wife. (41)

On 27 March 1756 he was appointed by the House of Burgesses one of the commission to hear the evidence in the election contest of Mr. William Wager and John Tabb. (42)

In the Sessions of 1758-1761 he represented the College of William and Mary and the Journals for these sessions show that he was extremely active. (43)

George Wythe was thirty years of age in 1756, and it has been

conclusively shown by record evidence there could have been no idleness or dissipation during the period from 1746 to 1756 from his twentieth to his thirtieth year.

Doctor Lyon G. Tyler and Mr. Theodore S. Cox are the only writers about Wythe who have fixed a definite period from 1748 to 1756 and place for his alleged idleness and dissipation in Spotsylvania County.

Anne Lewis his first wife died 8 August 1748.

As we have seen the records of Spotsylvania, Caroline, Elizabeth City, Orange and Augusta Counties show that he was engaged in the active practice of the law in those counties certainly to May 1748. The records show that in October 1748 he was in Williamsburg receiving an appointment from the House of Burgesses which no idle or dissipated man would have received or could have held. The Journal of the House also shows that he was busily engaged in the practice of the law before the Committee of Privileges and Elections and he was probably practicing before the General Court.

There is no evidence that he even lived in Spotsylvania County after circa August 1748.

Certainly there could have been no idleness or dissipation from the time he was licensed to practice law until his death. No one who stops to consider the education he had acquired before he studied the law can believe that there was much idleness and certainly no dissipation in the years before he went to Bel Air

to study law under Zachary Lewis.

The information about Wythe written by those who were intimately acquainted with him fully corroborate the findings of this paper and are far better and more reliable evidence than the accounts of him which have been written by those who were not acquainted with him and long after his death.

In the Richmond Enquirer of 10 June 1806 (44), it was said of him:

"If nature gave him instability, reason rendered him in general one of the calmest, the mildest of men. The infantine heart is not less sullied than that which beat in his bosom. Conscious of the equality of others rights, there was generally a humility about him seldom found amongst those who were inferior to him in understanding and morals. Every moment not beneficially employed, in his estimation, was criminally lost. He rejected with disdain everything like excess, in which he comprehended all those things not absolutely useful. His extraordinary temperance preserved or added to a strength of constitution which brought him to his eightieth year with few attacks of sickness. To his country he gave his life exclusively for many years. xxx

"Few have more strongly evinced the height of moral and intellectual excellence to which man is capable of ascending xxx"

We have already quoted Jefferson's account of him.

William Munford who had been trained by Wythe, and, who was intimately acquainted with him, said in the course of the funeral oration: "Plain in his manners, strictly temperate in his life, and regardless of all profits, except such as were made with honor, and a good conscience, he furnished an example of the vigor of his youth (as I have been told by some of whom I am happy to see here present) of a truly honest and upright lawyer a character supposed by many (though I hope erroneously) to be uncommon. No consideration could ever induce him to swerve from the straight line of integrity to violate justice or the laws of his country. With the spirit of a philosopher he lived a lawyer and was indeed the brightest ornament of the bar." (45)

How much more valuable is the direct evidence of those who were acquainted with George Wythe than is the hearsay evidence on which this falsehood has been built!

It is submitted that this paper conclusively proves by record evidence that George Wythe never engaged in idleness or dissipation. That he did not begin the study of law after he was thirty years of age; that he was licensed to practice law before he was twenty years of age; that between his twentieth and his thirtieth year he was busily engaged in the practice of his profession in the county courts of Elizabeth City, Spotsylvania, Caroline, Orange and Augusta Counties, before the Committee of Privileges and Elections of the House of Burgesses and before the General Court;

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that at the age of twenty-eight he was Attorney General for the Colony of Virginia and was a hard working and useful member of the House of Burgesses before he was thirty years of age.

Now that proof has been submitted of what he was doing during the years from 1746 to 1756 and after, let us hope that those who write about George Wythe in the future will not again repeat this outrageous falsehood which has been allowed to pass unchallenged for too many years.



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NOTES

- (1) The Writings of Thomas Jefferson, Vol. 1, 165, 166; see also Id. 12, 196. 197
- (2) Biography of the Signers of The Declaration of Independence, Vol. II, 159
- (3) 5 Appleton's Cyc. of American Biography, 386
- (4) Jefferson in his sketch of Wythe says that he was trained in the law by "a Mr. Lewis". The Writings of Thomas Jefferson 1, 167; Grigsby identified him a John Lewis, The Convention of 1776, 120; and this same statement is made in 6 Appleton's Cyc. of Am. Biography 634; B. B. Minor in his memoir of Wythe in Wythe's Reports (1852) says that he studied law under Stephen Dewey and this statement has been followed by Doctor Lyon G. Tyler, Vol. 1, Great American Lawyers and by Mr. Theodore S. Cox in the article of George Wythe in the D.A. B. John Lewis was younger than Wythe having been born 18 October 1729, Hyden's Genealogies account of the Lewis Family. I am inclined to think that Jefferson's statement that he studied law under "a Mr. Lewis" is correct and if so the Mr. Lewis was Zachary Lewis of Bel Air, Spotsylvania County who was the King's Attorney for that and several adjoining counties and one of the most learned and successful lawyers of Colonial Virginia, and who subsequently became Wythe's father-in-law. Jefferson says that he first married a daughter of Mr. Lewis "with whom he had studied law"- The Writings of Jefferson 1, 169.

- (5) Grigsby's Discourse on the Virginia Convention of 1776, 120
- (6) Biographical Sketch in Wythe's Reports (1852)
- (7) Howe's Virginia, 252-3
- (8) Charles Campbell's History of Virginia (1860) 656, 657
- (9) 12 The South In The Building of the Nation, 575
- (10) See note 3
- (11) 6 Appleton's Cyc. of Am. Biography 634
- (12) Volume 1, Great American Lawyers, Edited by William Draper Lewis
- (13) Coleman's The Constitution and its Framers (1910) 432, 433
- (14) Thomas Wythe the father of George Wythe died between 3 November, 1728 and 15 October 1729 Elizabeth City Will Book 1704-1730, 188; Chapman's Elizabeth City County 1610-1800, 188; George Wythe's brother Thomas Wythe died between 2 May 1754 and 7 January 1755, Chapman, 255. His mother circa 1746. Hayden's Genealogies The Lewis Family 1
- (15) Campbell's History of Virginia (1860) 657
- (16) Howe's Virginia, 252
- (17) Appleton's Cyc. of American Biography 6, 634
- (18) The Writings of Thomas Jefferson 1, 166-167 said Jefferson:
"No man ever left behind him a character more venerated than George Wythe. His virtue was of the purest tint; his integrity inflexible, and his justice exact; of warm patriotism, and devoted as he was to liberty, and the natural and equal rights of man, he might truly be called the Cato of his

country, without the avarice of the Roman for a more disinterested person never lived. Temperance and regularity in all his habits gave him general good health xx" Id. 169-170

- (19) 9 T. 96
- (20) Spotsylvania O.B. 1738-1749, 395 "at a Court held for Spotsylvania County Tuesday 4 November, 1746."
- (21) Caroline O.B. 1746-1754, 13 February, 1746
- (22) 21 May, 1747 Augusta County O.B. 1, 196; Chalkey's Records of Augusta Co., Vol. 1, 28; 3 Register 16
- (23) Scott's History of Orange County 176
- (24) Crozier's Spotsylvania, 85, 26 December 1747
- (25) Crozier's Spotsylvania, 71 and 176 Spotsylvania, D.B. 1742-1751, 4 October 1747 and 17 November 1747
- (26) Journal of The House of Burgesses 1742-47-1748-49, 259, 28 October 1748
- (27) Id. 1752-1755-1756-1758, 7
- (28) Id. 13
- (29) Id. 29
- (30) May's Edmund Pendleton, Vol. 1, 226
- (31) Id., Volume 1, 34
- (32) Conway's Edmund Randolph, 9, 10
- (33) Armistead Burrell died before 22 August 1754, as on that date the House of Burgesses ordered an Address to the Governor to issue a new writ for electing a Burgess to serve in the present

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General Assembly for the City of Williamsburg in the room of Armistead Burwell, Gent., deceased. Journal House of Burgesses 1752-1755-1756-1758, 190. Wythe was elected to succeed him and he appeared at the Session beginning 1 May, 1755 Id. 234-5.

- (34) 6 H. 524
- (35) 7 H. 13
- (36) 7 H. 76
- (37) 7 H. 288-289
- (38) 7 H. 353
- (39) 7 H. 466p468
- (40) 7 H. 568
- (41) 12 W(1) 125 N.
- (42) Journal House of Burgesses 1752-55-1756-1758, 342
- (43) Id. 1758-1761 viii
- (44) The Richmond Enquirer, 10 June 1806, 3, c.1
- (45) The Richmond Enquirer, 17 June 1806, 3, c. 1.