

**EUGENE SCHEEL**

## *Marshall's Legacy Closely Linked to County He Loved*

**Geraldine Lee Susi, who has written a book about John Marshall, stands on property known as "The Hollow," where, in 1765, Marshall's father and two slaves built the house that still stands. It is one of a few Colonial dwellings in the Piedmont in almost original condition.**



BY TRACY A. WOODWARD—THE WASHINGTON POST

**O**n this day in 1801, President John Adams was talking with John Marshall, Adams's secretary of state who was born and raised in Fauquier County. The conversation turned to John Jay's refusal to become chief justice of the Supreme Court.

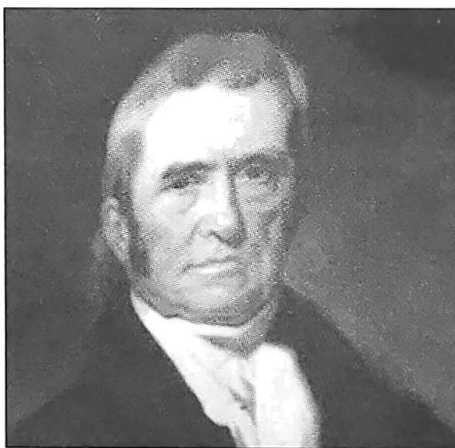
"Who shall I nominate now?" Marshall recalled Adams saying. "I could not tell," Marshall replied, and "after a moment's hesitation, he [Adams] said, 'I believe I must nominate you.' . . . I was pleased as well as surprised, and bowed in silence."

Writing of that meeting in 1825, in his 90th year, Adams called that appointment "the proudest act" of his life, for it was Marshall, the fourth chief justice, who changed the Supreme Court from a powerless entity into a body with authority to declare laws decreed by state courts unconstitutional. In addition, Marshall freed the Supreme Court from political maneuverings that had marked its first 12 years.

In Marshall's 34-year career as chief justice, a tenure yet unmatched, his dominance among his associate justices was so pronounced that of the court's 1,100 rulings, he wrote 519. He dissented with the minority only eight times.

This essay focuses on Marshall's life as a "Native Son of Fauquier"—a term of tradition, reserved for an exalted few, upon whom too high a value cannot be placed.

John Marshall was born Sept. 24, 1755, by Licking Run in lower Fauquier, in a declining settlement known as Germantown, now the Midland neighborhood. His birthplace no longer



**A portrait of John Marshall hangs in the Loudoun County Courthouse. It was painted in 1925 by Leesburg artist Hugh C. Breckenridge from a 19th century portrait.**

stands. Nearby, aside Route 28, a state historical marker locates the site and presents details of his life.

Of his first nine years at Germantown, Marshall left no specific recollections, other than an 1827 reminiscence that could also apply to later years: "My father superintended the English part of my education, and to his care I am indebted to anything valuable which I may have acquired in my youth. He was my only intelligent companion; and was both a watchful parent and an affectionate friend.

"The young men within my reach were entirely uncultivated; and the time I passed with them was devoted to hardy athletic exercises."

The younger Marshall was the eldest of the former Mary Randolph Keith's 15

children, a number duly noted on her tombstone, along with these words: "She was good, not brilliant; useful, not ornamental." Marshall never mentioned his mother in his recollections.

The revered father was Thomas Marshall, who had been deputy surveyor to George Washington, in Washington's first job as county surveyor of Culpeper. When Fauquier County was carved from Prince William County in February 1759, Thomas Marshall, having received his surveyor's license from the College of William and Mary, became Fauquier's first county surveyor.

As he prospered in his position, which made his name a byword among voting landholders, the citizenry of Fauquier elected him to the House of Burgesses in 1761.

Three years later, the family moved to more fertile land, 330 acres of leased ground on the Wildcat Branch of Goose Creek, just north of today's Markham. The tract became known as "The Hollow," for it lay between Naked Mountain on the east and Hite Mountain on the west.

At The Hollow, in the spring or summer of 1765, Thomas Marshall and two of his slaves built a four-room weatherboard house with massive stone chimneys. It still stands. Other than having been the home of John Marshall for eight years, the house is one of a few Colonial dwellings in the Virginia Piedmont in almost original condition. There, five more children, including one set of twins, were born in five years.

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## Justice Marshall's Legacy Linked to His Fauquier County Roots

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"And amazingly," John Gott writes in his recent book on John Marshall's Fauquier residences, "a Scottish tutor, the Rev. James Thomson," Anglican rector of Leeds Parish, lived among the Marshall dozen as he taught the older children.

In his later memories of his youth, John Marshall again spoke mostly about his education, and again his father was paramount: "He gave me an early taste for history and poetry. At the age of twelve, I had transcribed [Alexander] Pope's 'Essay on Man,' with some of his 'Moral Essays.'"

When John was 14, his father sent him to a school in Westmoreland County. There his teacher was Archibald Campbell, "a clergyman of great respectability," John Marshall recalled.

Staying with Campbell a year, "I was brought home and placed under the care of a Scotch gentleman [James Thomson] who was just introduced into the parish as Pastor, and who resided in my father's family. He remained in the family one year, at the expiration of which time I had commenced reading Horace and Livy. I continued my studies with no other aid than my dictionary."

Various snippets from the Marshall family and friends indicate that the landscape of upper Fauquier, and the work of nature upon it, fascinated Marshall. Culling from these sources, Marshall's first serious biographer, Albert J. Beveridge, wrote these words about 90 years ago:

"Forever his eye looked out upon noble yet quieting, poetic yet placid, surroundings. Always he could have the inspiring views from the neighboring heights, the majestic stillness of the woods, the soothing music of meadow and stream.

"So uplifted was the boy by the glory of the mountains at daybreak that he always rose while the eastern sky was yet gray. He was thrilled by the splendor of sunset and never tired of watching it until the night fell upon the vast and somber forests."

In 1773, the landscape changed as the 12 Marshalls moved five miles east to a 1,700-acre tract that Thomas Marshall called in his will "The Oaks" and later became known as "Oak Hill." The elder Marshall had become Fauquier County's sheriff in 1767, and because that office gave him a percentage of collected taxes, he was able, at age 43, to buy his first property.

The new house was also frame, but now



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Author Geraldine Lee Susi explores the loft area of John Marshall's home in "The Hollow."

there were seven rooms and stylish brick end chimneys. Architectural historians have described Oak Hill as "sophisticated in the best English fashion." The 1773 house is now connected to the plastered brick Greek Revival home, built for John Marshall and his wife, the former Mary "Polly" Ambler, and their six children in 1818.

Marshall met Mary Ambler in 1779 when he, as a Continental Army captain who had fought in several Revolutionary War battles, was invited to a winter ball at Yorktown. Shy and not yet 14, Mary astonished her sisters and friends by "resolving to set her cap at him and eclipse us all," wrote a sister, who added, "She had not even been at dancing school."

Marshall was smitten, to be sure, for doodled on his lecture notes at William and Mary the next year are several jottings such as "Miss M. Ambler—J. Marshall" and in large, bold letters, "Ambler."

But he must have been concentrating because he had read all four volumes of Sir William Blackstone's "Commentaries on the Laws of England," published in America in 1772 and given to him by his father the next year. After two months of law school, Marshall was elected to Phi Beta Kappa.

Admitted to the Fauquier Bar in August 1780, he practiced in a frame building that stood by the southwest corner of the present intersection of Ashby and Waterloo streets in Warrenton, then called Fauquier Court House. The office burned in the great fire of November 1909.

"But Richmond was where the money was," Gott mused when we talked last week. Richmond also was close to Mary Ambler. A few months after Marshall was elected to the House of Delegates from Fauquier, he and Mary were married in January 1783. He later recalled that after paying the minister, he "had but one solitary guinea left."

Marshall then began his Richmond law practice. Parlaying family contacts (his father-in-law, Jacquelin Ambler, was treasurer of Virginia) with the careless, homespun manner of a frontiersman, Marshall soon became one of Virginia's leading lawyers. He realized that his competitor barristers were using English legal precedents, hardly in favor in post-Revolutionary years.

Thus, Marshall cited few authorities, striking out on his own with arguments that would become American precedents, an integral component of his entire judicial career.

From his Richmond years onward, Marshall lived at Oak Hill only intermittently, though his stays increased when he was elected to the U.S. House of Representatives in 1799 and through his Supreme Court years. He also vacationed occasionally at Fauquier Springs, where he and President James Monroe occupied adjoining cottages.

One notable return to Fauquier occurred in August 1825, when the Marquis de Lafayette visited the United States on his farewell tour. Rather than toasting the

marquis, Marshall bestowed a paean upon Fauquier:

"I can never forget that this county was the revered author of my being . . . that in this county I first breathed the vital air, that in it my infancy was cradled and my youth reared up and encouraged; that in the first dawn of manhood I marched from it . . . Here my affections as well as my interest still remain, and all my sons are planted among you."

Marshall then lifted his glass in a toast: "The people of Fauquier—brave soldiers in time of war, good citizens in time of peace and intelligent patriots at all times."

In 1833, two years after his wife died, the aging Marshall went to live with his fourth son, James Keith Marshall, at "Leeds," built on land that his father had given him. He was still participating in Supreme Court decisions in early 1835.

On July 4 that year, he wrote his epitaph, mentioning only the names of his parents, his wife and the dates of his birth and marriage. After the words "departed this life," he left dashes. Two days later, they were filled in, and he was laid to rest beside his beloved Mary in Shockoe Hill Cemetery, not far from their old Richmond residence.

Marshall's longtime fellow Supreme Court justice and friend, Joseph Story, added words of closure: "Great, good and excellent man! I shall never see his likes again."

For more information, Albert J. Beveridge's four-volume "The Life of John Marshall" (1916) remains the classic. Fine one-volume biographies are Leonard Baker's "John Marshall: A Life in Law" (1974) and Jean Smith's "John Marshall: Definer of a Nation" (1996).

To read about Marshall's life, homes and family in Fauquier, consult "An Historical Vignette of Oak Hill . . ." (Willow Bend Books, Westminster, Md., 2000) by John Gott and the late T. Triplett Russell. A leather-bound manuscript copy had been presented to Chief Justice William H. Rehnquist by the Fauquier Bar Association in 1988.

Perhaps the best of many books for young adults is Catlett educator Geraldine Lee Susi's aptly titled "My Father, My Companion" (EPM Publications, Delaplaine, 2001).

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