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Amid great fanfare, they were moved in an armored troop carrier preceded and followed by tanks and members of the armed services.

At the National Archives, the documents were placed in a fireproof, bomb-proof vault some 20 feet below the Exhibition Hall. In addition, three truckloads of material consisting of papers from the Continental Congress and records of the Constitutional Convention were also transferred to the National Archives. Still, the Library was not left shorn. It retained the personal papers of Franklin and Hamilton and the papers of 23 presidents beginning with Washington.

Above all, the Library kept the third crown jewel after the Declaration and the Constitution: Jefferson's "rough draft" of the Declaration of Independence. Less well known than the engrossed copy with all its signatures from Button Gwinnett to John Hancock, the draft with its corrections and amendments by Jefferson, John Adams, and Benjamin Franklin gives us a sense of immediacy and much insight

into the minds of its authors, something lacking in the final document.

The transfer to the National Archives had been envisioned 20 years earlier. When President Hoover laid the cornerstone in 1933, he expressed a wish that the building would house the basic charters of America. In 1934, its Archivist, Robert D. W. Connor, wrote to the Library of Congress that architect John Russell Pope had designed a shrine for the Declaration and the Constitution "in the exhibition hall... and this fact seems to have confirmed in the public mind the assumption that they will be placed there."

While the transfer was conducted with respectful ceremony, the loss of the Declaration of Independence and the Constitution was felt deeply by the Library of Congress. Negotiations between the Library and the Archives had gone on for months. Librarian of Congress Luther Evans and Archivist Wayne C. Grover were on a "Dear Luther" and "Dear Grover" basis. Nevertheless, the poems they sent each other

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Constitution Day ceremonies at the Library of Congress. Left to right: Herbert Putnam, Librarian of Congress Emeritus; Luther H. Evans, Librarian of Congress; Chief Justice Fred M. Vinson; Senator Theodor Francis Green (D-R), Chairman of the Joint Committee on the Library; President Harry S. Truman, with the first page of the engrossed and signed Constitution of the United States. The dignitaries are preparing to place the document in a glass frame to preserve it from deterioration. September 17, 1951.

## ACQUISITION OF THE WILLIAM MARBURY CARD TABLE

*By Matthew Hofstede, Associate Curator  
with contributions by Sumpter Priddy III and Elaine Bachmann*

A card table originally owned by one of the most famous litigants before the Supreme Court, William Marbury (1762-1835), has recently been added to the Collection of the Supreme Court through the Supreme Court Historical Society. Made around the year 1795, the table is attributed by Alexandria, Virginia, antiques dealer Sumpter Priddy III, Inc. to the Baltimore workshop of Bankson and Lawson. The table descended in the Marbury family until it was recently offered for sale through Priddy, who contacted the Court's acting Curator, Catherine Fitts. After consultation with the Society's Acquisitions Committee, funds for the purchase were donated to the Society in memory of the late S. Howard Goldman by his wife, Dorothy Tapper Goldman, and his son, James Goldman.

The handsome table embodies the clean, classic lines of the Federal style, but includes intricate inlays for its decoration. Bell flowers - synonymous with Baltimore furniture of the period - adorn each front leg, and stylized floral motifs are contained within ovals on either side of a single drawer that retains its original brass pulls. The hinged tabletop, usually kept in the closed position, is inlaid with a simple decoration on its exposed surface that subtly complements the sophisticated design. When a larger surface is desired, the back left leg swings out to provide support for the full tabletop. The table survives in excellent condition with no evidence of restoration. It retains a fine, old, refinished surface, a testament to the care provided by Marbury's descendants for over a century and a half.

The cabinetmakers, John Bankson and Richard Lawson, were among the first and foremost mid-Atlantic region firms to engage in the large-scale production of high-style British neoclassical forms. Lawson, an English émigré who had trained in the premiere London firm of Seddon and Sons, introduced progressive continental design to the Baltimore market, including such technically demanding forms as the serpentine sideboard and the cylinder desk.

The exact date when William Marbury acquired the table is unknown, but it was most likely during the period when he was living in Annapolis, Maryland, serving as Agent for the state. By 1799, Marbury had moved to Georgetown to work as a purchasing officer for the U. S. Navy and became involved with the construction of the Washington Navy Yard. In 1800, the Navy Department moved to Washington from Philadelphia with the federal government, and Marbury was tasked with setting up the Department's new office. The same year, he purchased a home in Georgetown located on M Street, near Key Bridge, that survives today as the Forrest-Marbury House and is part of the Ukrainian Embassy.

Soon after taking up residence on M Street, Marbury became involved in one of the most important Supreme Court cases in history: *Marbury v. Madison*. Marbury was one of outgoing President John Adams' "midnight judges," appointed to become a justice of the peace in the District of Columbia.



*Photo by James Lawrence, Collection of the Supreme Court Historical Society*

When President Thomas Jefferson took office, Marbury's commission was among those that were not delivered. Along with three other men, Dennis Ramsey, Robert Townsend Hooe and William Harper, Marbury petitioned the Supreme Court for a writ of mandamus ordering the Secretary of State, James Madison, to deliver the commissions.

Due to delays caused by the swirling political climate of the time, the petition, lodged in February 1801, was not decided by the Supreme Court until February 1803. In the decision, Chief Justice John Marshall, writing for the Court, declared that although Marbury and his fellow petitioners had a legitimate case before the Court, the writ requested could not be issued because the power to issue such an order, granted by Congress in the Judiciary Act of 1789, was unconstitutional. In doing so, Marshall formalized the Court's power of judicial review.

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The Marbury card table has been placed in the John Marshall Dining Room, adjacent to the Justices' Dining Room in the Supreme Court building. Viewing the table today, it is not too hard to imagine Marbury and his friends discussing the case while playing cards at the table in his Georgetown home. It will be included in an upcoming exhibition organized by the Office of the Curator focusing on cases in the early years of the Marshall Court, including *Marbury v. Madison*, scheduled to open in early 2003.

\*Mr. Hofstedt is the newly appointed Associate Curator of The Court.

Members who are aware of items of significant historical importance to Supreme Court history are requested to contact the Society's Acquisition Committee in care of the Executive Offices. Donations are welcome, but some funds are available for purchase of items with unique connections to the Court and the individuals who have served thereon, or played a significant role in its history. Please write or telephone the offices if you know of a significant item.

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barely mask an underlying bitterness. From the Librarian:

There was an archivist named Grover  
Who dared say Luther move over.  
For protecting the Declaration and the Constitution,  
I have a permanent, a wonderful solution  
Take them from poverty and put them in clover.

There was an institution strong and rich  
Whose head had an unaccountable itch  
And a desire everything to take over.  
Everyman remembers that his name was Grover,  
An unalloyed, two-fisted tough son of a bitch.

Mr. Grover replied:

I have read your effusions;  
I bleed with remorse.  
No further contusions  
Will come from this source  
But to label us "rich"  
Is outright deception.  
Better limit the pitch  
To unimmaculate conception.

There is a magnificent view of the Capitol from the West Corridor windows of the Library's Great Hall at the spot where the Declaration of Independence and the Constitution were once displayed. Visitors still walk through the marble hall and look at murals, quotations from the classics, and trademarks of the printers who followed Gutenberg. However, on the inlaid tile floor, there is no indication that a massive marble display case once rested there. Nothing remains, not even a placard to record that America's founding documents had for thirty-one years been protected and preserved by the Library of Congress.

## WANTED

In the interest of preserving the valuable history of the highest court, The Supreme Court Historical Society would like to locate persons who might be able to assist the Society's Acquisitions Committee. The Society is endeavoring to acquire artifacts, memorabilia, literature and any other materials related to the history of the Court and its members. These items are often used in exhibits by the Court Curator's Office. If any of our members, or others, have anything they would care to share with us, please contact the Acquisition's Committee at the Society's headquarters, 224 East Capitol Street, N.E., Washington, D.C. 20003 or call (202) 543-0400. Donations to the Acquisitions fund would be welcomed. You may also reach the Society through its website at [www.supremecourthistory.org](http://www.supremecourthistory.org).

Note:

Source material for this paper may be found in the Library of Congress Archives in the Manuscript Reading Room. The collections of MacLeish-Evans contain extensive correspondence concerning the Declaration and the Constitution. See boxes 420, 733-735, 783-787. See also the papers of David C. Mearns, box 74. Papers of the Keeper of Collections, boxes 14, 21, 30-46 are exhaustive for the evacuation of the Library's collections during World War II.

1. There are five known copies in Lincoln's handwriting. The President gave the copy generally considered the "First Draft" to his private secretary, John G. Nicolay. The "Second Draft" was given to his other secretary, John Hay. It is believed that the Nicolay copy was the text the President read. However, some historians dispute this. On Nicolay's death, his copy was given to Hay. On April 11, 1916, Hay's descendants presented both documents to the Library of Congress. Lincoln wrote the other three copies to be sold for charitable purposes. The only copy bearing a date and the President's signature is in the Lincoln Room of the White House.
2. Verner W. Clapp's assignment as caretaker of the Declaration of Independence during World War II and his involvement in its restoration are described in his "The Declaration of Independence: A Case Study in Preservation," *Special Libraries* (December 1971): 503-508.
3. For a brief history of the Constitution's various locations see: David C. Mearns and Verner W. Clapp: *The Constitution of the United States Together with an Account of its Travels since September 17, 1787* (Washington: The Library of Congress, 1952).
4. In 1999, conservators at the National Archives and Records Administration removed the Declaration of Independence and the Constitution from their 1951 encasements. Earlier, the glass envelopes were seen to have deteriorated, resulting in the formation of droplets and crystals. Following preservation treatments, both Charters of Freedom will soon be enclosed in titanium and aluminum casings for public viewing when Rotunda renovations are completed in 2003.

\*Kurt S. Maier is a research librarian at the Library of Congress, specializing in Germanic History and Literature.

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