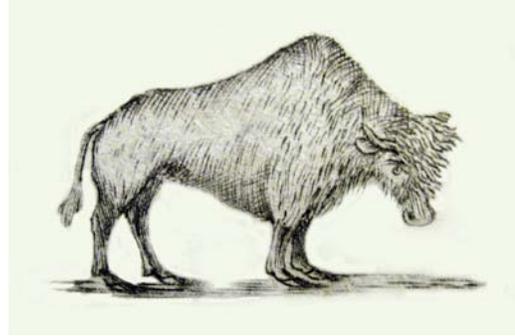


LHQRB



Newsletter of the Legal History & Rare Books Special Interest Section of the American Association of Law Libraries
Volume 16 Number 4 Fall 2010

**Celebrating 600 Volumes of the
Pennsylvania State Reports:
The Official Reports of the
Supreme Court of Pennsylvania
(1845-2009)**

Joel Fishman, Ph.D.

During the first week of November 2009, Volume 600 of the *Pennsylvania State Reports* was published, 165 years following the publication of the first volume in 1845.

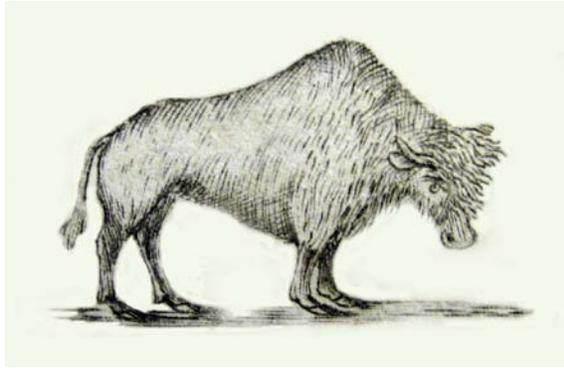
The distribution of each hundredth volume based on the year on its spine label was as follows: Volume 1 (1845), Volume 100 (1882), Volume 200 (1901), Volume 300 (1930), Volume 400 (1960), Volume 500 (1982-1983), and Volume 600 (2009).

The Supreme Court of Pennsylvania is the oldest state supreme court in the country. It dates back to the creation of the Provincial Court by William Penn in 1684 (see <http://www.aopc.org/Links/Public/CourtHistory.htm>). The first designation of a supreme court was in legislation in 1712; a 1722 act established the court system for the remaining decades of the colony until the Revolution. (For legislation, see the Pennsylvania Legislative Reference Bureau website at <http://www.palrb.us>.)

The publication of court cases began with Alexander James Dallas, who in 1790 published only the second set of state court reports in the country after Edward Kirby's *Connecticut Reports*. This first state report had the title of *Reports of Cases Before the Revolution* and contained both Supreme Court and Philadelphia county court cases from 1754 to 1788. Dallas continued to publish three more volumes of reports, which from 1789 onwards had a new title that included the cases from the United State Supreme Court and circuit court cases as well as the state appellate and county cases: *Reports of Cases Ruled and Adjudged in the Several Courts of the United States and of Pennsylvania, Held at the Seat of the Federal Government* (1798). These four volumes became the first four volumes of the *United States Reports* and are usually cited as 1 U.S. page (Dall.) (Year).

From 1790 to 1845, there were sixty volumes of Pennsylvania Supreme Court cases, known as nominative reports for the names of the reporters: Alexander Dallas, 1754-1806, Jasper Yeates, 1791-1808, Horace Binney, 1808-1814, Thomas Sergeant and William Rawle, Jr., 1814-1828, Rawle, 1828-1836, Charles Penrose and Francis Watts, 1829-1832, Thomas I. Wharton, 1835-1841, and Frederick Watts and Henry J. Sergeant, 1841-1845. Some of these reports were reprinted during the nineteenth century in later editions with additional notes, such as 1 Dallas updated in four editions down to 1882.

Continued on Page 4 **Pennsylvania State Reports**



LH&RB

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Editor's Corner

Mark W. Podvia

I'm not sure what the weather has been like in your location, but it certainly does not feel much like Fall here in central Pennsylvania. Tonight the low is to hit 13 degrees, and our daytime high has not made it above freezing for several days. The scary thing is that the weather here has been almost tropical compared to some places.

If you live someplace warm and sunny, I beg you to *please* find a place for me at your library!

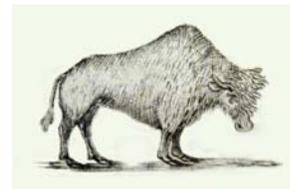
Nevertheless, it is still officially Fall and—with mere days to spare—here is our Fall issue of *LH&RB*. I hope you enjoy it.

You will notice that I have an article in this issue. That happens only when we do not have sufficient material to fill our newsletter. If you do not want to be stuck reading my drivel, *please* submit your articles for publication. Remember, this is *your* newsletter.

The deadline for the Winter issue of *LH&RB* is **Monday, March 7th**. I look forward to receiving your articles, book reviews and other material.

Best wishes to all of you for a happy holiday season and a healthy and prosperous new year!

Mark



Continued from Page 1 **Pennsylvania State Reports**

Because the reports appeared to some to decline in content and prestige, the General Assembly passed the act of April 11, 1845 P.L. 374-75, which introduced an official court reporter and an official set of court reports, *Pennsylvania State Reports*. It is from this act that our 600 volumes come. The act made provisions for a reporter to receive opinions from the justices in order to prepare the synopsis for each report, and for the only two volumes to be published each year with a limit on the number of pages in each volume (and to be published in calf binding).

Because of the volume limitation on the publication of the court's cases, five additional sets of nominative reports were later published, known as *Grant's Reports*, *Walker's Reports*, *Pennypacker's Reports*, *Sadler's Reports*, and *Monaghan's Reports*.

The official reports have had eighteen reporters since 1845. Most have served only one five-year term, but several—Persifor Smith, William Schaffer, C. Brewster Rhoads, and Laurence Eldredge—have served more. Eldredge published 86 volumes, while Joseph Pringle just published two in completing the work of the first reporter Robert Barr, who died before the volumes were completed. Boyd Crumrine and James Monaghan had a suit against each other over the publication of reports, while Laurence Eldredge is the only court reporter sued by a Supreme Court Justice (Michael Musmanno) over the failure to publish an opinion in the official reports.

Here is the full list of reporters by volumes and years:

1-10	1845-1849	Robert Barr
11-12	1849-1850	J. Pringle Jones
13-24	1849-1855	George W. Harris
25-36	1855-1860	Joseph Casey
37-50	1860-1865	Robert Emmet Wright
51-81*	1865-1875	Persifor Frazer Smith
82-96	1876-1880	Alexander Wilson Norris
97-110	1881-1885	Albert Albouy Outerbridge
111-115	1885-1887	Lemuel Amerman
116-146	1887-1891	Boyd Crumrine
147-165	1982-1895	James Monaghan
166-194	1895-1900	Wilson C. Kress
195-262	1900-1919	William I. Schaffer
263-309	1919-1933	Albert B. Weimer
310-344	1932-1942	C. Brewster Rhoads
345-431	1942-1968	Laurence H. Eldredge
431-452	1968-1973	Norman Lindenheim
453-458	1973-1974	John W. Marshall

In 1976, West Publishing Company took over the publication of the appellate court reports for the Supreme and Superior Courts. Beginning with Volume 459 of the *State Reports* the books contain the West Key Number System and Key Digest System additions typical of the regional reporters and so contain no differences between the official and unofficial versions. The practice of placing the name of the court reporter on the spine of the book ended in 1974. Thereafter, a member of the central office of the courts served as a liaison with the West Publishing to monitor the cases between the cases.

In performing a Westlaw search from 1845 to present, there were 114,687 cases reported in full text or by allocatur denied, broken down by periods as follows:

1845-1899	21,726
1900-1949	19,003
1950-1999	48,576
2000-2009	25,382
TOTALS	114,687

The increase of allocatur cases denied is the reason for the increasing number of cases heard by the court in the past decades. Allocatur cases denied are reported in tables at the end of the reported cases. This number may not be exact, since the Westlaw database does not include some unofficial reports that may have cases (e.g., *Brightly's Nisi Prius Reports*) and I have found references to per curiam opinions from the late 19th century published only in the local Philadelphia legal newspaper, *The Legal Intelligencer*.

There are similarities and differences in the publication of reports. The pre-West court reports begin each book with the copyright date on the verso of the title page, followed by a list of the justices and judges of the courts below, the table of court reports, and sometimes the table of statutes or cases cited. The court reporter added headnotes and syllabuses for all cases and provided indexes that were fairly detailed, though the 19th century reports appear to have even more detailed indexes than the later reports. The reporters acknowledged special events such as the induction of new justices and memorials for deceased justices.

The order of publication is still the same in the post-1976 West publications, though the amount of additional material has increased over time as the court-ruling function of the court has increased. The Keyword Digest at the end of the current volumes replaces the individual index that had been prepared by the court reporter. It would be interesting to see if a cumulative index to the reports would enhance research capability of lawyers using the reports rather than just relying on the digest topics. As an aside, most people reading this article are probably not aware of digests such as *Pepper & Lewis's Digest* or Ruby Vale's *Digest* published in the early 20th century that predates *Vale Pennsylvania Digest* and its successor, *West's Pennsylvania Digest 2d* series.

The reports contain various events in the court's history, mostly the inductions, memorials, and portrait presentations of the justices of the court. These begin in the early nominative reports and carry through to most recent (Volume 600 containing the installation of Chief Justice Ronald D. Castille). Additionally, included are events such as the celebration of the 200th and 250th anniversaries of the court (Volumes 273 and 448), the reports of seven of the eight judicial conferences that met in the late 1920s and early 1930s (Volumes 292-383) or the adoption of the Model Rules of Professional Responsibility (Volume 438) and later the Model Code of Professional Conduct (Volume 515).

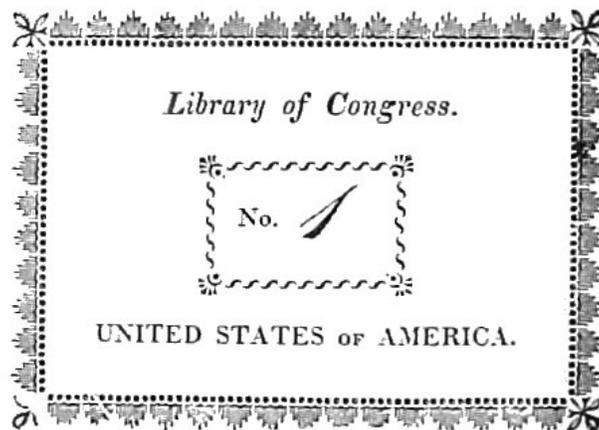
The early reports intermittently published Supreme Court rules as promulgated. The publication of current state court procedural rules began in the late 1930s with the Pennsylvania Rules of Civil Procedure (Volume 331), Rules of Criminal Procedure (Volume 412), Appellate Procedure (Volume 461), and Evidence (Volume 550). The publication of court rules has only increased since 1968 when, under Article V, Section 10, of the Pennsylvania Constitution, the Supreme Court increased its administrative control over the unified court system to include the its regulation of attorneys through its rules for admission to the bar, rules for disciplinary enforcement (Volume 446), and Continuing Education Board (Volume 527) as well as the appointees to all Supreme Court committees. There has been a constant change in court rules resulting in almost every volume containing new rules, with sometimes between 200 to 300 pages of documents preceding the first page of the court cases.

In conclusion, the Supreme Court is to be congratulated for its long and distinguished history as a court, for the quality of its reports and for its production of approximately 400,000 pages of court

reports since these reports began in 1845. In this electronic age, it is hoped that the high court will continue to treasure the publication of its cases through an official court report and not cancel this publication in the future.

Joel Fishman, Ph.D., University of Wisconsin-Madison; Assistant Director for Lawyer Services, Duquesne University Center for Legal Information/Allegheny County Law Library, Pittsburgh, PA. He wishes to thank Don Sarver of the Pennsylvania Lawyer for permission to reprint this article from volume 32, no. 6 (Nov./Dec. 2010), pp. 46-48.

Much of this paper is drawn from three of his works: Joel Fishman, The Reports of the Supreme Court of Pennsylvania, 87 LAW LIBR. J. 643-693 (1995), Id, The Court Reporters of the Supreme Court of Pennsylvania. Part III: The Official Reporters (1845 to 1978), 15 no. 2 LH&RB 12-17 (Summer 2009); and Id. BIBLIOGRAPHY OF STATE COURT REPORTS: PENNSYLVANIA, in preparation, a book that is a bibliography of each volume of the Pennsylvania Supreme Court reports, Superior, and Commonwealth Court reports.

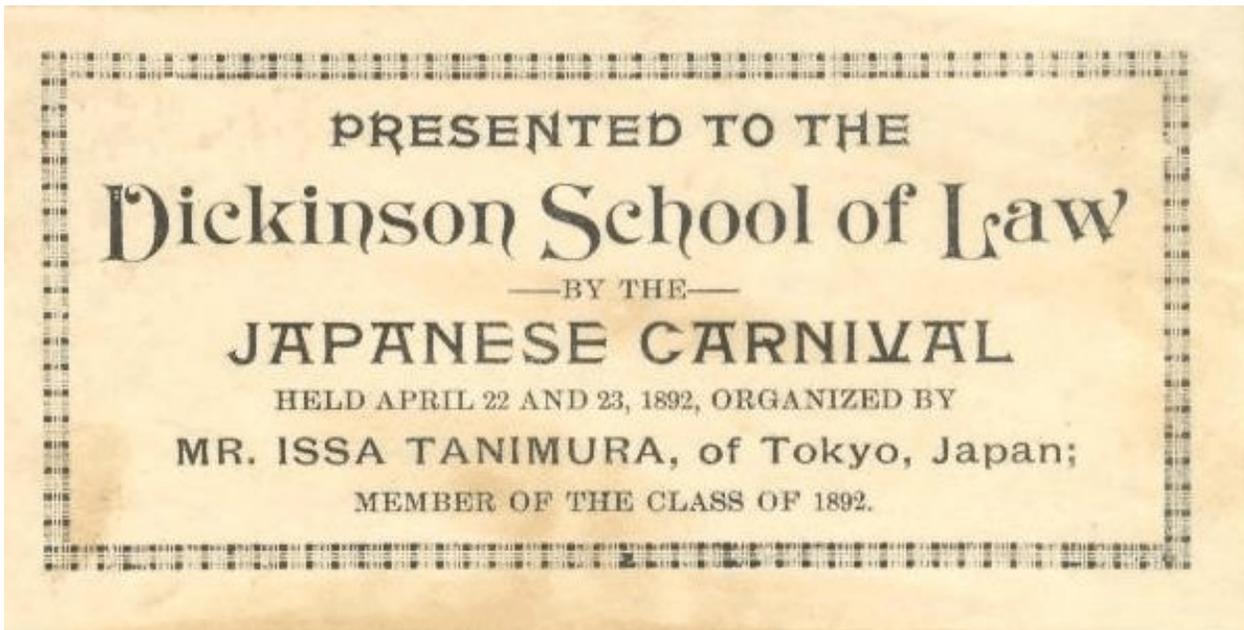


The “Japanese Memorial Law Library”

Mark W. Podvia

During the Spring of 2010, the Dickinson School of Law of the Pennsylvania State University vacated a building that had been used for the off-site storage of library materials. Many books, primarily periodicals and reporters, were either disposed of or sent to offsite storage elsewhere.

Among the books found among the library’s collection was volume three of *Reports of Cases Determined in the Court of Chancery of the State of New Jersey* 2d (1877). A bookplate identified this volume as having been “presented to the Dickinson School of Law by the Japanese Carnival held April 22 and 23, 1892, organized by Mr. Issa Tanimura, of Tokyo, Japan; member of the class of 1892.” So far as is known it is the sole surviving book from the “Japanese Memorial Law Library.”



Issa Tanimura, the first foreign student to earn a law degree from the Dickinson School of Law, was born in Hagi, Japan, on May 1, 1866.¹ His father supported the Meiji Restoration in 1868, and was rewarded by the Emperor with an appointment as an officer of the Imperial household. Thus, it was only natural that Issa Tanimura would devote his life in service to his country and his Emperor.

Tanimura attended primary school in Tokyo, with specialized studies of old Chinese classics under Professor Saisai Sawatari. In 1886 he left Japan for the United States, entering the scientific course at Centenary Collegiate Institute in Hackettstown, New Jersey. He graduated in 1888,

¹ Except where otherwise indicated, biographical information on Issa Tanimura is taken from a series of unpublished sketches on his life, available in the Dickinson School of Law of the Pennsylvania State University Archives, RG 12/2, FF30a. A copy is also on file with the author. This material was obtained in 1990 by Dickinson School of Law Professor Geoffrey R. Scott from the Yale University Alumni Records Office which, to the best knowledge of the author, still holds the originals.

completing a six-year course in two years and earning first prize in geometry.

While attending the Centenary Institute, Tanimura met the Rev. Dr. George E. Reed, who was soon to become President of both Dickinson College and the Dickinson School of Law. Tanimura later said that following this meeting he “decided to devote his whole life toward the promotion of Japanese-American relationship.” It would seem very probable that it was this chance meeting that later brought Tanimura to the Dickinson School of Law.

In the Fall of 1888, Tanimura entered the Sheffield Scientific School at Yale University. There he played football, Yale then fielding the nation’s premier college team under Coach Walter Camp, “the Father of American Football.” Tanimura graduated from Yale with excellence in 1891, having been elected vice-president of his class. His Senior thesis was written on the French Copper Syndicate.

It was while he was at Yale that Tanimura developed his life-long love for salt mackerel, which he ate daily for breakfast. In 1917 he described his favorite breakfast to a reporter from the *San Francisco Call* in these words:

You eat too many eggs. They are not good for you. In Japan eggs are only from 1 to 3 cents apiece. Not because we have so many hens, but because people don’t like them.

But a salt mackerel, ah. The salt, the spice, the tang, the energy it puts into you! Start your day with a salt mackerel and it will be a good day.²

We do not know exactly when Tanimura arrived in Carlisle or how well he performed in his law school classes. However, he must have made a favorable impression on his fellow students, his classmates electing him treasurer of the Class of 1892.³

While a student, Tanimura “conceived the idea of holding a fair and entertainment, after the manner of those given in the Empire of Japan” with the proceeds “to be devoted to making an addition to the law library of the [law] school.”⁴

Many of the ladies of Carlisle “kindly consented to lend him aid in making the affair a success.” The *Herald* reported that “[t]he ladies participating will be clad in Japanese costumes. The articles sold will be of Japanese manufacture. All visitors will be presented with a Japanese cup and saucer.”

The fair was held on Friday and Saturday, April 22 and 23, 1892, at Carlisle’s Armory building. “A bewildering series of attractions” were offered on Friday evening, including “[f]ruits and flower stands, tea and cake pagodas, [and] China and Japanese bric-a-brac booths.”⁵ The festivities on Saturday evening included a Japanese dance “shown by 23 fair and charming yum yums” as well

² *Mackerel is His Diet; Jap Envoy Got Yale Habit; Comes to Buy Sheep*, SAN FRANCISCO CALL & POST, Dec. __, 1917, at __.

³ *Senior Class Officers*, 1893 MICROCOSM 52 (1892).

⁴ *For the Law School Library*, CARLISLE WEEKLY HERALD, Apr. 7, 1892, at 3.

⁵ *The Japanese Bazaar*, AM. VOLUNTEER (Carlisle, Pa.), Apr. 20, 1892, at 3.

as an illustrated lecture on Japan by Issa Tanimura.⁶

The fair was “well patroned, and was a complete success financially.”⁷ On June 6, 1892, President George Reed offered the following report to the Law School’s Board of Incorporators:

We are glad, also, to report large additions to the Law Library, which now numbers between seven and eight hundred volumes, carefully selected, and well adapted for the purposes of a School of Law. To this collection we hope to add largely during the ensuing years.

In this connection it is becoming to mention the interest manifested by the students in the developing of the Law Library, and particularly the generous labor of Mr. Issa Tanimura, of the Graduating Class, a native of Japan, who, in conjunction with the eminent ladies of the town, has donated during the year the sum of \$475 for the enlargement of the Library of the School. The volumes, appropriately inscribed, now constitute the Japanese Memorial Law Library.⁸

In his report to the Board, Law School Dean William Trickett noted that the donation had allow the purchase of “all the Reports of Massachusetts and of New Jersey, 25 volumes of the Weekly Notes of Cases, 4 volumes of Pennsylvania Reports of the Decisions of the Supreme Court of Pennsylvania, [and] 10 volumes of Pennsylvania County Court Reports.”⁹

In 1892, Issa Tanimura graduated from the Dickinson School of Law. Following graduation he was admitted to the practice of law by the Cumberland County Court of Common Pleas before returning to Japan where he entered into a double career of “*Shohosha*,” or international open diplomacy, and “*Soyoho*,” or sheep husbandry.

In 1893, Tanimura was appointed as a Commissioner of Commerce and he returned to the United States at part of the Japanese delegation to the Columbian Exposition in Chicago. There he negotiated a lease for the ground upon which the Japanese building, the *Ho-o-den*, was to be constructed, a “misunderstanding” having developed between the two nations relating to this matter. The issue was of considerable importance as several months were required for the construction of the traditional Japanese building by native carpenters. Tanimura carried out his assignment in a manner that was “very satisfactory” to both nations.

In 1894, Issa Tanimura traveled to Europe to oversee the Japanese exhibits at international expositions in Antwerp, Belgium, and Lyon, France. While in Belgium he had dinner with the King and Queen, the first of many meetings that he was to have with various royal houses of Europe. In 1895 the attended the International Exposition in Amsterdam, winning a gold medal for two silk tapestries that he had designed. He later presented the tapestries to the Queen of the Netherlands. In 1905 Dickinson College recognized Tanimura for his work at these International

⁶ Program, FOR THE LIBRARY OF THE DICKINSON LAW SCHOOL, JAPANESE ENTERTAINMENTS.

⁷ *The Japanese Bazaar*, AM. VOLUNTEER (Carlisle, Pa.), Apr. 27, 1892, at 3.

⁸ Minutes of the Board of Incorporators, June 18, 1890 - June 4, 1894, (on file with the Dickinson School of Law of the Pennsylvania State University Archives, RG 1/2, FF1).

⁹ *Id.*

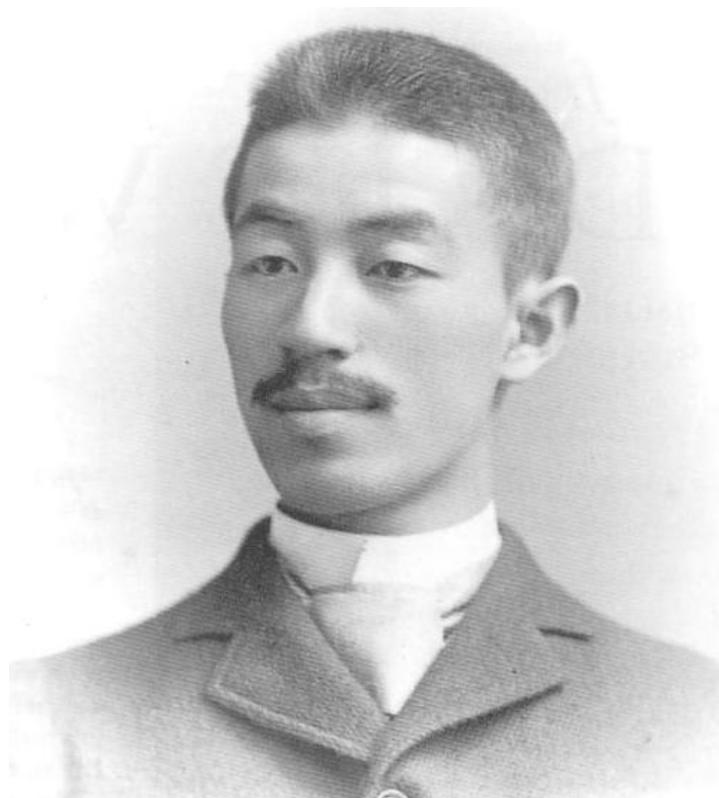
Expositions by presenting him with the degree of Doctor of Civil Law, *honoris causa*.

These activities all fell under the purview of *Shohosha*. However, the real home of *Shohosha* was Box 1, Tokyo Central Post Office, Japan. There Tanimura received “inquiries coming from other countries for anything related to Japan.” His responses to the letters received over his many years of service helped to introduce numerous individuals to Japan and to the Japanese culture. At the same time, he worked to introduce American culture to Japan. He ultimately made ten extended trips abroad.

When a major earthquake hit Japan in 1923, Tanimura worked with representatives of the American Red Cross to help distribute food and supplies to those in need. He also served as a contact person for foreign reporters.

At some point Issa Tanimura became interested in raising and breeding sheep. In 1955, at the age of 89, he recalled that he first learned about sheep as a young boy from the 23rd Psalm, “the Lord is my Shepherd.” In 1908 Tanimura, convinced that Japan needed to greatly increase its domestic wool production, attended a sheep fair in Ogden, New York. He later wrote that it was there that “I met Mr. [W.G. Markham] who brought the first 200 sheep to Japan on July 4, 1879.” It was Markham who recommended that Tanimura be appointed as an Honorary Fellow at Cornell University’s College of Agriculture, a position he held from 1910 to 1912.

From this grew *Soyoho*, a sheep farm located adjacent to the Imperial Summer Villa in Koroiso, 99 miles from Tokyo. The ranch opened in 1917; by 1919 there were five such ranches established throughout Japan, populated by sheep that Tanimura had brought from the United States. Unfortunately the government failed to support *Soyoho* and all but one of the ranches eventually closed. The original *Soyoho* ultimately became part of the Imperial Villa, a stone sarcophagus holding the remains of the sheep. Following the Second World War Japan became a great textile producer, however most of the wool was imported from Australia.



Tanimura, however, remained a respected figure in the field of sheep husbandry. He gave lectures on the subject in Japan, the United States and Europe and served as a member of numerous sheep breeder associations in the United States and England. He also served as vice-president of the International Sheep Association.

Tanimura’s other agricultural efforts ultimately gained more success in Japan. He successfully introduced various grass seeds to Japan. In 1921 he brought Jersey cows to Japan to increase the nation’s milk production.

Issa Tanimura was a remarkable writer whose works covered a wide variety of topics. From 1907 to 1910 he edited the

Japanese International Review, which was published in both English and

Japanese. In 1910 he published *A New Intermediate English-Japanese Dictionary*. In 1915 he first published *Live Stock Economics*, which was reissued in 1917 and 1922. In 1937, after fifteen years of research, he wrote *General Horace Capron, The Friend of Japan*, a biographical study of the American agricultural expert who helped to introduce modern farming techniques to Japan. He also published numerous articles in Japan and abroad.

Tanimura never married. Shortly after the Second World War he wrote that “I just missed a chance for marriage after having gone abroad eleven times. I have met several women in my life; three in America, three in Europe and one in China. I seriously considered marrying that Chinese woman 30 years ago. Time sure flies fast.”

With the two nations he loved so deeply engaged in combat, the Second World War must have been a difficult time for Issa Tanimura. Indeed, one Japanese source indicates that the later portion of his life “was not fortunate.” Following the war he served as an advisor for the forces occupying Japan. Towards the end of his life he reported that he was writing his autobiography as well as a second volume of his book *Live Stock Economics*, however there is no evidence either work was ever published.

Issa Tanimura died on February 4, 1961. His life can best be summed up with words written shortly before his retirement, describing him as “a modest and self-effacing gentleman long connected with the Imperial posture...who continually travels about the world and works for international goodwill.”

Mark W. Podvia is Associate Law Librarian and Archivist at the Dickinson School of the Pennsylvania State University. He wishes to thank Hiroshi Kataoke, DSL Class of 2006, for his assistance in translating some of the material used for this article.





Book Reviews

edited by

Joel Fishman, Ph.D.

In This Issue:

Carter, Jesse W. *The Great Dissents of the "Lone Dissenter:" Justice Jesse W. Carter's Twenty Tumultuous Years on the California Supreme Court.*

Lechelt, Jack. *The Vice Presidency in Foreign Policy: From Mondale to Cheney.*

Schmidt, James D. *Industrial Violence and the Legal Origins of Child Labor.*

Swygert, Michael I. *A Consummate Lawyer: William Reece Smith, Jr.*

VanderVelde, Lea. *Mrs. Dred Scott: A Life on Slavery's Frontier.*

Welke, Barbara Young. *Law and the Borders of Belonging in the Long Nineteenth Century United States.*

Carter, Jesse W. *The Great Dissents of the "Lone Dissenter:" Justice Jesse W. Carter's Twenty Tumultuous Years on the California Supreme Court* (David B. Oppenheimer & Allan Brotsky, eds). Durham, North Carolina: Carolina Academic Press, 2010. 282p. 978-1-59460-810-0. \$40.00.

Jesse W. Carter served as an associate justice of the California Supreme Court from 1939 to 1959. This important figure's dissents were sometimes, but not always, vindicated by later United States Supreme Court decisions.

Justice Carter was controversial not only for his propensity to dissent, often alone, but also his choice of words critiquing the reasoning of the majority. In *Kurlan v. Columbia Broad. Sys.*, 40 Cal. 2d 799, 819 (1953), for example, Carter makes one of his points against the majority view by stating, "It should be apparent to even the *least intelligent* that these programs are as valuable as the most gilt-edged security listed on the Stock Exchange" (emphasis added).

This excellent collection of essays is more than a tribute to a fine jurist who contributed in the areas of civil rights, labor law, contributory negligence, privacy, intellectual property, and freedom of speech. It also addressed the history and importance of dissent in court opinions.

As Carter is the first and presently only member of the California Supreme Court who was an alumnus of the Golden Gate University School of Law, faculty members of Golden Gate undertook the project to share the story of

Carter's life and his contributions to jurisprudence. The sixteen chapters address his biography and important dissents, as well as essays from United States Supreme Court Justice William J. Brennan, Jr. and Ninth Circuit U.S. Court of Appeals Judge William A. Fletcher on dissents. Authors include historical background, analysis, and most or all of Carter's dissent for the cases discussed.

Specific cases discussed include:

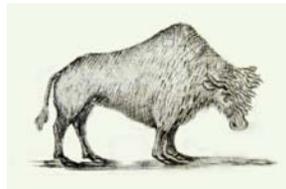
- *Chessman* (I, II & III), a case involving the infamous "Red Light Bandit" whose trial transcript approved ex parte where the court reporter had died before completing it. On the issue of due process, Carter warned that not enforcing due process threatens "the armor which shields our liberties."
- In *People v. Gonzales*, 20 Cal. 2d 165 (1942), Carter's dissent anticipated an exclusionary rule for illegally obtained evidence to be applied at the state level.
- *People v. Crooker*, 47 Cal. 2d 348 (1956) foreshadowed *Miranda*.
- There were several loyalty oath cases in California during the height of the Cold War.

Carter opposed loyalty oaths and refused to sign one himself. Carter's position was eventually vindicated by the U.S. Supreme Court.

- Carter dissents in favor of free speech and picketing to effect the hiring of more African American clerks in *Hughes v. Superior Court of Contra Costa County*, 32 Cal. 2d. 850 (1948) in what the author describes as a harbinger of the civil rights movement and affirmative action.
- *Payroll Guarantee Ass'n. v. The Bd. of Educ. of the S. F. Unified School Dist.*, 27 Cal. 2d 197 (1945) led Carter to dissent against allowing people's potential reaction to unpopular speech act as a veto against the exercise of free speech.
- Justice Carter argued against preventing those of Japanese descent from making a living fishing in *Takahashi v. Fish & Game Comm'n*, 185 P.2d 805 (Cal. 1947).
- In two 1953 cases, Justice Carter dissented against a restrictive reading of serious and willful misconduct of employers in workers compensation cases, arguing for a liberal construction in light of the social policy that prompted the legislation.
- *Buckley v. Chadwick*, 45 Cal. 2d 183 (1955) was a wrongful death case where Carter dissented against the application of contributory negligence.
- Carter's dissent in *Kurlan v. Columbia Broad. Sys.*, 40 Cal. 2d 799, 819 (1953) foreshadowed more expansive rights in creative works in the entertainment industry.
- A couple's picture was taken while in a romantic embrace in *Gill v. Hearst Publishing Co.*, 20 Cal. 2d 224 (1953). While it was, in fact, taken in a public place, Carter argued that they did not thereby consent to have their romantic moment shared with millions of people.
- In *Hogan v. Ingold*, 38 Cal. 2d 802 (1952), Carter dissents in favor of expanded rights of stockholders in derivative suits.
- The author points to Carter's dissent in *Simpson v. L.A.*, 40 Cal. 2d 271 (1953) as a beginning for the animal rights movement. Carter pointed out inconsistencies and notice issues in a law dealing with notice given to owners of stray dogs.

This book is helpful to understand the precursors leading up to the development of the law on numerous fronts, an understanding of the role and importance of dissents, as a historical look at a key figure in the California Supreme Court, and as an inspiration for those who believe the law ought to be different than it is.

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Lechelt, Jack. *The Vice Presidency in Foreign Policy: From Mondale to Cheney*. El Paso, TX: LFB Scholarly, 2009. ix, 326p. Law and Society Series. ISBN: 978-1-59332-296-0. \$80.00.

The vice president can assume the presidency at a moment's notice. With this important duty, one would think that the vice presidency would be a position of vast power. In *The Vice Presidency in Foreign Policy: From Mondale to Cheney*, Jack Lechelt explores the development of the vice presidency and shows that until recently, the role of the vice president actually often held little

power. Future presidents such as Nixon, Johnson, and Truman found that they had little influence as vice presidents, especially in matters of foreign policy.

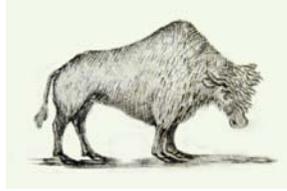
This trend changed with the semi-institutionalization of the vice presidency due in part to the increased complexity of international and domestic matters and the increase in the president's power and responsibilities. The semi-institutionalization of the vice presidency began with Vice President Mondale. It was during the onset of his vice presidency with President Carter that precedents were established for the vice president's office. These precedents encompassed: Vice President Mondale having an office in the West Wing of the White House, which gave him close access to the president and increased his vice presidential power; Mondale's inclusion in the paper flow that went to and from President Carter; Mondale's access to such national security information as the Presidential Daily Brief; his ability to be present at any presidential meeting; the integration of the presidential and vice presidential staffs; the vice presidential privilege to walk into the Oval Office; and a weekly private lunch between the president and the vice president. These precedents have had a lasting impact on the office of the vice presidency, with all of the successors to Vice President Mondale and President Carter following these precedents to varying degrees. With the semi-institutionalization of the office of the vice president during the last three decades, the vice president has become an important figure in support of the president's policies and has exercised great influence in foreign policy.

Lechelt offers an in-depth look at the semi-institutionalized vice presidency and the impact each vice president from Mondale to Cheney has had on foreign policy. For each vice president, he provides an overview of their early life and political career, their selection as a vice presidential candidate, how each candidate could help fulfill their president's needs, and the creation of their vice presidency. He then analyzes each vice president's role relating to foreign policy in the following areas: surrogacy, delegated tasks, and independent influence. He discusses how these semi-institutionalized vice presidents often stood in for their presidents as surrogates in their dealings with Congress, at public speeches and appearances where they conveyed important announcements regarding policy, and in their diplomatic visits to foreign countries. With the vice presidential role of delegated tasks, Lechelt explores the foreign policy assignments given to the vice presidents by their presidents. For each vice president, he also examines their exertion of independent influence through their involvement in foreign policy matters that they consider important and their general advisory ability to influence their president in his decisions relating to foreign policy matters. Through Lechelt's portrayal of Vice Presidents Mondale, Bush, Quayle, Gore, and Cheney in these areas, one sees the progression of the vice presidency into a position of importance and the active role that vice presidents now play in foreign policy matters.

Jack Lechelt is an assistant professor of political science at Northern Virginia Community College. His book *The Vice Presidency in Foreign Policy: From Mondale to Cheney* is well-written, scholarly, and a thoroughly engaging read. It is also very organized, with the chapter material relating to each vice president presented in chronological order and the chapter sub sections regarding each vice president's delegated tasks, independent influence, and their surrogate role in foreign policy matters clearly delineated. In this book, Lechelt provides in-depth documentation of each vice president's career and their important roles relating to foreign policy since the inception of the semi-institutionalized vice presidency. The Literature Review section, the extensive References section, and the exhaustive footnotes are a terrific resource for anyone doing research on the vice presidency and matters relating to foreign policy within the last three decades. I would recommend *The Vice Presidency in Foreign Policy: From Mondale to Cheney* for any academic or public library collection.

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Schmidt, James D. *Industrial Violence and the Legal Origins of Child Labor*. New York: Cambridge University Press, 2010. Pp. xxiii, 261. Notes, bibliography, index. \$85, library cloth, \$28, paper. ISBN: 978-0-521-19865-3 cloth. ISBN: 978-0-521-15505-2 paper.

Child labor is a broad and complicated subject that requires analysis of dynamic economic, social, political and cultural forces while drawing from work in diverse academic fields. Most historians of child labor have focused on statutory or regulatory abolition of child labor or the social and economic changes of the nineteenth-century market revolution with scant attention paid to the role of courts in either the rise or the fall of children's wage work. James D. Schmidt, associate professor of history at Northern Illinois University, aims to fill this gap in the extant scholarship with *Industrial Violence and the Legal Origins of Child Labor*.

A legal historian and scholar of the legal, labor, and social history of the nineteenth-century United States, Schmidt locates the key elements of child labor reform not in a dramatic reform tract, a single piece of legislation or a high court decision, but instead finds them local court litigation. Drawing upon the archival legal record left by tort and accident cases resulting from horrific industrial accidents in the Appalachian South between the 1880's and 1920's, Schmidt argues that local court litigation provided the stage for three elements -- working people, reformers and jurists -- to engage in public discourse and negotiation. This served to reorient the cultural imagination about a child's place in modern industrial capitalism that moved them from the factory floor and to the schoolhouse and playground.

The delicate negotiations that played out in county courthouses throughout Appalachia, involved two class-bound notions of a child's place in the industrial workplace: working people and progressive reformers. In the book's first two chapters, Schmidt maps the terrain of these two constructions. Working class people envisioned an alternative education that integrated children into the world of production and ultimately prepared them for a lifetime of discipline and subordination. This vision replicated the agrarian family labor system and revolved around a set of producer-oriented values. These values entailed the expectation that children should contribute to their own livelihoods not upon reaching a certain age, but as soon as they possessed the physical capacity to work. The "child labor" reform movement represented children as passive, dependent, defenseless, incomplete, and incompetent. Reformers sought to transform childhood into one that resembled the bourgeois childhood of formalized education and play, not work. They exploited gender, race, and class to portray young laborers as being under the grip of malevolent patriarchs. Rather than toiling on the shop floor, young workers should be learning and playing, which were better methods of preparation for the consumer society of modern capitalism.

The court records Schmidt cites recount the well-known dangers that confronted young people in the workplace. They also reflect the attempts to negotiate a safe work environment between parents, their children and employers, which would allow children to safely enter the working world with their producer-oriented values intact. These negotiations and the resulting promises were undermined by the avarice of employers and the systematic hierarchies of industrial

capitalism. The dangerous environments and the failure to find a safe place for children in industrial life translated into death and disfigurement and, ultimately, lawsuits. In this context, working class families encountered the rapidly evolving legal conceptions of childhood.

By the mid-nineteenth century, courts were abandoning long-standing legal precedents that bestowed independent agency and the ability to contract upon children. Reform advocates' efforts at disseminating a new lexicon of "child labor" led courts to recognize the natural incapacity of children and revise their conceptions of negligence. As important as this jurisprudential shift was, the law also functioned as an epistemological system during this time. It named divergent social practices, created fixed categories and boundaries, and supplied a language for talking about the place of young people in the working world. Thus, courts provided an arena where questions about the social and cultural meaning of childhood under industrial capitalism could be answered.

With each of these elements identified, Schmidt spends the final two chapters of the book illuminating how the commonplace legal interactions of young people and industrial violence contributed to the foundations of modern childhood. While uncertain about the details of reform tracts or shifting legal standards, working people were confident about their chances to obtain the compensation they sought for injury and broken promises in court. Young workers, their families, employers, and the larger community came together in local courtrooms to talk about the impact of horrific industrial accidents on their lives in an attempt to negotiate for safer workplaces. These tales sketched the same type of picture that reformers sought to portray, but in language native to working class families. Recounting these tales in open court, however, was not the same as doing so on the porch, in the general store or in church. Rather, working class families were forced to adopt the new language of the law, which necessarily entailed that they use the leitmotifs of "child labor" -- childish impulse, youthful incapacity, and negligence per se -- in order to obtain the desired goal of litigation. These courtroom encounters completed more than a century of contestation by aligning the language of reformers, jurists and working people in a manner that renegotiated, redefined and reconstructed the work of young people in industrial settings as child labor.

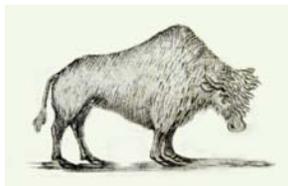
In *Industrial Violence and the Legal Origins of Child Labor*, Schmidt has crafted a compelling and tightly woven work that combines legal, labor and children's history to make a case for the role of child labor in the construction of modern childhood in the modern legal and industrial order. That fact alone makes it well-suited for inclusion in any academic library, but it is a particularly excellent addition to collections with a focus on legal, labor or social history of the United States.

The book must also be applauded for its historiological orientation as well. Recent work by historians of child labor gloss over the important relationships and dynamics at play in such a complex topic and, in so doing, fail to give the topic the scholarly treatment it warrants. Schmidt chooses not to pursue a national or transnational history. By limiting his scope, Schmidt enables a deeper exploration of childhood and the pain, injury and death inflicted by industrial violence as spatially and temporally relative concepts. Beyond that, however, he casts childhood and child labor as a terrain of struggle where numerous social and political forces seek a construction (or reconstruction) that suits their interests: patriarchy, capital, the state and even children themselves. By taking this tact, Schmidt's localized analysis has national and transnational implications.

Schmidt recognizes the deep humanity of the cast of characters he features in his book, but he is also able to separate the emotive component of "child labor" from these larger issues. Many scholars on the subject seem unable to do so, which has the effect of limiting objective analysis of child labor as a scholarly subject. It is understandably difficult to be dispassionate about accounts of nineteenth-century children in the textile mills of the Appalachian South or the rail yards of Britain. Contemporary reports about young children toiling in the carpet factories of India and Pakistan or being trafficked to work in Nigerian granite quarries are equally difficult to objectively

analyze. However, if the goal is to come to some deeper understanding of this phenomenon and where it fits within the larger scheme of socioeconomic and political development, then it is important to achieve some degree of objectivity. Ultimately, the incorporation of studies similar to Schmidt's in rigorous ways will have an impact on the way in which we understand important social relationships and dynamics such as patriarchy, gender, class, race, agency, the formation of worker and political consciousness, capital accumulation and the state.

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Swygert, Michael I. *A Consummate Lawyer: William Reece Smith, Jr.*, Durham, NC: Carolina Academic Press, 2009. 272 pages. ISBN: 978-1-59460-806-3 \$25.00.

This biography is the inspiring story of the amazing professional life journey of William Reece Smith, Jr., an accomplished lawyer who worked tirelessly and with great success to promote the providing of free legal services for the poor in this country and around the world. Mr. Smith was proficient in many respects including as a Rhodes Scholar, varsity athlete, Naval officer, law firm managing partner, law professor, interim law school president, American Bar Association (ABA) President and International Bar Association (IBA) President.

The author, Michael Swygert, observes that the foundation for Mr. Smith's successful career was laid by his parents and grandparents. Mr. Smith's maternal grandmother--who lived in the family home from his infancy until he left for college, and who "profoundly impacted Smith's view of the world"-- worked to "improve the circumstances of mountain folk, mill workers, and inmates of mental institutions. . ." (13 - 15) She was the first woman to hold public office in Tennessee. To promote literacy, Smith's maternal grandmother "worked relentlessly for the creation of the [Plant City, FL] . . . public library." *Id.* She volunteered most afternoons to "run the library when no one else was willing to do so . . . and purchased most of the library's books" for several years. *Id.* After her death, a conference room in the Plant City FL library was dedicated in her memory. It was stated in her obituary that without her efforts, "Plant City might not have had a library." *Id.* Her grandson followed her example "in seeking social change for a better society". *Id.*

Mr. Smith served in the Navy, having received an undergraduate degree from the University of South Carolina (USC) and a Naval Commission in the United States Naval Reserve. (24) After release from active duty, he attended the University of Florida Law School (UF), graduating number one in his class with high honors. Swygert notes that Smith was SBA President and Editor of the UF Law Review. (25-29)

The author's account of Mr. Smith's years at Oxford University in Cambridge, England, as a Rhodes Scholar, Class of 1949, is interesting reading with many reminiscences and anecdotes. The author's descriptions of Smith's studies, sports activities, travels, friends and acquaintances (including British royalty) provide a personal, vivid sense of Smith's "wonderful", "amazing" and transformative years on a Rhodes Scholarship. Swygert concludes "Yes, he was bright, athletic

and a hard worker prior to coming up to Oxford . . . But after his three years at Oxford, Smith was a more mature, worldly, scholarly and most importantly, a socially conscious and involved human being.” (51) Smith continued his association with the Rhodes Scholarship program for thirty years.

After a year on the faculty of University of Florida College of Law, Smith joined the Florida law firm of Carlton Fields where he remained for over fifty-five years, heading the firm for more than three decades, subsequently serving as *Chairman Emeritus*. (53-54) There is a chapter devoted to Smith’s first Florida Supreme Court case and the four cases he argued before the United States Supreme Court. (67-80) His successful stint as Tampa City Attorney drew praise from the press, where it was stated that Smith had the Council’s “respect due to his brilliant and knowledgeable manner in explaining the legal rights and wrongs of actions they plan to undertake. . .” (82) Mr. Smith’s presidency of the Florida Bar Association beginning in 1972 is discussed, as are his leadership roles in many bar and law-related organizations, including the *American Law Institute*. (113-130)

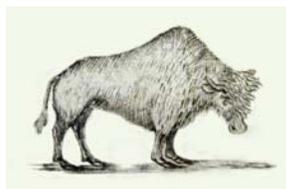
Commencing in 1976, Smith served as Interim President of the University of South Florida (USF), where he was remarkably successful in improving student and faculty morale and town-gown relations. The author observes that “Smith loved the challenge of running a major university and based on both inside and outside assessments, he had succeeded brilliantly.” (142) Many students, “[a]ll deans and some 900 faculty and career service employees signed petitions urging . . . [him] to accept” the Presidency of USF. Smith decided not to pursue the USF Presidency because he felt the “timing was right for . . . [him] to seek the ABA presidency.” Mr. Smith later described this as the “hardest decision of his life”. *Id.*

Swygert’s description of Smith’s candidacy for and election to the American Bar Association (ABA) Presidency provides unique insight into an ABA campaign. It is noted in this biography that Smith’s ABA Presidency was devoted in large measure to saving the Legal Services Corporation (LSC). As President-elect and President of the ABA, Smith worked “to seek to increase involvement of state and local bar associations in organized legal aid activity.” (149) He sought to increase understanding and involvement among the private bar (ABA) and government subsidized legal assistance attorneys (LSC). (149-150) Swygert states that as ABA President, “Smith tried to educate politicians and the public of the magnitude of the inadequacy of legal aid services for the poor. . .” in order to advance the pressing need for more and better legal services for the underprivileged. (156) The author well describes Smith’s massive communications and public relations campaign to prevent disbanding of the LSC, and he attributes the success of the campaign to save LSC at least in part to Smith’s oratorical skills. “Those who have heard him. . . [say]. . . he captivates his listeners with lucid and insightful remarks, while making coherent and substantive points, all intermixed with humorous anecdotes.” (150) Swygert points out that as President and President-Elect of the ABA, Smith made more than two hundred speeches including addresses to all of the fifty state bar associations on numerous topics. (*Id.*) Testament to the success of Mr. Smith’s effort on behalf of the LSC is found in a thank you letter written in 1981 by the Executive Director of the National Legal Aid and Defender Association, where it is stated in part: “There is no question . . . but that you are the single person most responsible for saving the LSC. While many have worked night and day to assure the continuation of the LSC, your moral leadership and persuasion, combined with your ability to activate the Bar, is what put us over the top.” (169) Smith also worked to have the ABA fund a “*Pro Bono* Activation Project . . . to encourage the ABA to promote and assist new pro bono projects to be developed through state and local bar organizations.”(171) After his term as ABA President expired, Smith served for six years as Chair of the ABA Consortium on Legal Services and the Public. During that time he advocated to increase the private bar’s providing free legal services to the economically disadvantaged, and he continued to advocate for cooperation between public and private lawyers in providing legal assistance to the poor. (175-177)

Mr. Smith later served as President of the International Bar Association (IBA). Swygert notes that Mr. Smith was “the only American to be *elected* president of the IBA in its sixty-two year history.” (185) Commencing in 1981, Smith succeeded one of his ABA friends as ABA’s representative on the IBA Council. Smith participated in IBA Council meetings for eight years, “working with lawyers and bar officials from . . . Africa, Asia, Australia, Europe, and both North and South America.” (186) Smith was elected as the IBA Secretary-General in the mid 1980’s, and he “traveled around the world giving speeches” and becoming acquainted with IBA members in many countries. The author describes how Mr. Smith’s many contacts and his skills as a public speaker enabled him to be elected to the Presidency of the IBA. (186) As an IBA official, Mr. Smith spoke at meetings and conferences around the world. “. . . As IBA President, Smith “flew in excess of 300,000 miles.” (186) By describing several of Smith’s trips to numerous countries, the author provides a glimpse of the huge effort made by Smith as IBA President. One of Smith’s most important purposes as President of IBA was to communicate his belief in “. . . the importance of strong national bar organizations and of responding to the need for *pro bono* legal service”, especially in the Third World. (188) Mr. Smith travelled to South Africa and Kenya in order to promote human rights. The author recounts Smith’s successful efforts to prevent Kenya’s cancellation of an IBA Conference in Nairobi because of Smith’s insistence on speaking about human rights. Unfortunately, Smith was forced to cancel the Nairobi conference because of “criminal elements on the streets of Nairobi” and to move it to New York (195). An IBA meeting in Zimbabwe during Smith’s IBA Presidency was in Mr. Smith’s view a “significant step in getting African nations to work together . . .” (195-6) He also worked at promoting the concept of enabling bar associations of developed countries to help those in underdeveloped countries by pairing or “twinning” the former with the latter, which the author describes as “a step in the globalization of the international practice of law.” (196-198)

Swygert’s biography of William Reece Smith, Jr. is worth reading because it well describes the fascinating and remarkably successful professional life of a truly accomplished lawyer, who inspired by words and deeds. Swygert ably recounts how Mr. Smith’s family and countless professional friends and acquaintances here and abroad and Smith’s excellence at every stage in his professional life propelled him to great achievement as a leader in the service of the legal profession and the poor. In his final chapter, the author discusses Mr. Smith’s philosophy of service and professionalism. Swygert aptly concludes his biography with Mr. Smith’s own words: “As lawyers, we must understand that we do not exist merely to make money and to live ‘the good life.’ We must remember always that we are members of an honorable, independent profession committed to the unselfish service to others . . .” (203)

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VanderVelde, Lea. *Mrs. Dred Scott: A Life on Slavery's Frontier*. Oxford: Oxford U. Pr., 2009. [xv], 480p. Cloth. ISBN13: 978-0-19-536656-3. \$34.95.

Lea VanderVelde's biography of Harriet Robinson Scott is remarkable for its detailed and compelling portrayal of the lives of mid-nineteenth century American slaves and settlers. The author of *Mrs. Dred Scott* ably used historical records, including public records, ledgers, journals and letters, to recreate the life of Harriet Robinson Scott -- who was illiterate -- as an adolescent in the free Minnesota/Wisconsin frontier and later as a wife and mother in the slave state of Missouri. This biography is important as a historical description of the development of slavery in the years leading up to the Dred Scott decision and eventually the Civil War. Equally important is the author's depiction of Dred Scott's wife Harriet's role in the eleven year long litigation culminating in the U.S. Supreme Court decision, *Dred Scott v. Sandford*.

Using information gleaned from meticulous research, the author describes the lives of several of the settlers in the Northwest Territories with whom the adolescent Harriet worked and lived. There are true-to-life descriptions of interpersonal relations among white settlers, soldiers, Indians, servants and slaves and of lives impacted by frigid, harsh Minnesota winters. The author inferred that Harriet would have been exposed to and perhaps influenced by visitors to the home of her master, Major Lawrence Taliaferro, the U.S. Indian Agent at various outposts in the Northwest Territories. Living in close quarters with her master's family, the adolescent Harriet would not have been able to avoid overhearing conversations among her master and visitors, including famous travelers such as Catlin and Nicollet. Although no one knows with certainty how Harriet lived or what motivated her, the author surmises that her master's example influenced Harriet to later persevere in pressing the Dred Scott litigation forward.

“Given her proximity, Harriet may have been able to observe . . . events from the vantage point of her master, who regularly sought to promote distributive justice. Taliaferro's perceptions, passions, and views of independence and the value of marriage and labor, and even his tendency to repetition, were not intended to tutor her understanding of the world, but they must have had that effect, nonetheless. They must have conditioned this young slave woman to expect justice. Her later tenacity in preserving her family's independence could have sprung uninspired from her heart, but it is more likely that it was nurtured by her life's experience—and the person who shaped that experience most forcefully these formative years was Lawrence Taliaferro. It appears reasonable to assume that the lessons learned through her observation of Taliaferro fortified her to eventually go the distance in the constitutional lawsuit.” (101)

The author's historical research suggests that Harriet was treated as a servant, more than as a slave by Major Taliaferro. In the Northwest Territories, where the dichotomy was between settlers (including African American slaves) and Indians, Harriet, although technically a slave, would have been treated more like a white settler than an Indian. A settlement woman like Mrs. Taliaferro who was isolated by the harsh weather from women friends of her stature would most likely have shared her confidences with her two female slaves, including Harriet (60), adding to Harriet's presumed inner sense of importance and belonging.

VanderVelde recounts that, after their marriage, Harriet and Dred Scott left the free Northwest Territories and moved to St. Louis in the slave state of Missouri with a new master circa 1840. The Scotts did not have any alternative, as there was no other place for them to go after settlers were forced by the military to leave their Minnesota settlement. Other small settlements were not appropriate for an “African American family without money or farming experience.” (176) Because their varied masters in St. Louis viewed and treated the Scotts as black people or slaves, Harriet's “. . . return to St. Louis quickly dispossessed her of the illusion that she belonged like

everyone else. In Missouri, unlike the wilderness frontier, there were no Indians—there were merely black folks and white folks . . . [St. Louis was] a city already segregated to some extent by race”. (181 and 183)

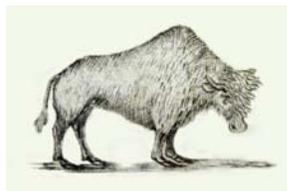
On April 4, 1846, when they could no longer bear to live as slaves and within a month after Dred’s return to St. Louis after a two year absence, the Scotts sued for their freedom simultaneously as a married couple (232), motivated at least in part by a desire to keep the family together. “The children’s ages must have affected the suit’s timing because their older daughter was eight years old . . . which meant that she was old enough to be hired out or sold away. . . . As her separate market value rose, she was increasingly at risk of being sold away from the family. . . .” (230) The author noted that freedom in the abstract was probably not their goal, and keeping their family together most likely was their objective. (232) Additionally, 50 year old Dred was becoming less valuable to his master because of his advanced age and ill health.

VanderVelde posits that Harriet Scott was the moving force within the family. “Those who observed them together described Dred as agreeable but Harriet as the family’s driving force. ‘Dred’s real master was his wife,’ wrote one journalist who observed them together.” (231) In other words, the litigation, historically presumed to have been instigated by Dred Scott, was in all likelihood the struggle of his 28 year old wife, Harriet, who was determined to keep the family together for herself and the sake of her two young daughters.

The author provides a detailed and dramatic account of the travel of the lawsuit brought by the Scotts, who “sued simultaneously as a married couple” and “who persevered for 11 years to the highest court of the land . . . the only married couple to do so in a half century of freedom suits. . . .” (232)

All in all, *Mrs. Dred Scott* -- Lea VanderVelde’s amazing recreation of the life experience of an illiterate woman -- is an excellent, highly recommended read, full of fascinating historical information and legal drama. This work is an important account of Harriet Robinson Scott’s life and of her role in our nation’s history.

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Welke, Barbara Young. *Law and the Borders of Belonging in the Long Nineteenth Century United States*. xiii, 239p. New Histories of American Law. Cambridge: Cambridge University Press, 2010. Paperback. ISBN: 978-0-521-15225-9. \$19.99.

Barbara Young Welke is an associate professor of history and professor of law at the University of Minnesota who has published previous works about the convergence of gender, race, and the law in the United States. In this new book, she builds upon her previous themes to include citizenship.

As part of Cambridge's *New Histories of American Law* series, this work offers a new theory of "belonging" in American society. Welke begins with the premise that able white men held most (if not all) of the economic and social power in the Colonies and that the American Revolution was a war to protect property and livelihoods. By interweaving primary sources with modern scholarship, Welke explores the correlation between the evolution of property law and the changing attitudes of able white men with respect to citizenship. At the heart of Welke's work is the fact that the constitution does not define citizenship. As a result, the concept of citizenship has changed over the course of American history, especially in the "long nineteenth century" defined as the period from the Revolution through the 1920s.

Divided into three chapters with an introduction, conclusion, coda, and bibliographic essay, Welke poses interesting questions about what it means to be an "American" today. She eloquently describes some of the complex ways in which economics has shaped our national identity and how race, gender, and ability have defined our individual sense of belonging. Although ostensibly about citizenship, *Law and the Borders of Belonging* also touches upon other areas of law including property, family, contracts, and the freedom of movement. By viewing this period of history from the perspective of able white men, Welke is able to show the legal significance of various characteristics throughout American history and how changing paradigms have influenced the law.

Chapter 1 ("Constructing a Universal Legal Person: Able White Manhood") reveals that expanded citizenship rights did not always result in expanded social or economic rights. The events that led to the early recognition of free African-Americans as citizens in some northern states are mostly ignored (p. 34), although the economic subjugation of those same African-Americans is explored in relation to the privilege enjoyed by able white men (p. 48). Similarly, the paths to "belonging" for women, children, Native Americans, and the disabled are also explored throughout Chapter 2 ("Subjects of Law: Disabled Persons, Racialized Others, and Women"). Readers following current events related to so-called "anchor babies" and various immigration problems related to the United States-Mexico border may appreciate Welke's treatment of various court cases and the development of modern immigration law detailed in Chapter 3 ("Borders: Resistance, Defense, Structure and Ideology").

Although the ideas expressed in *Law and the Borders of Belonging* are of interest to patrons in every type of library, this work best suits academic scholars. Law firms, courts, and public law libraries will have very few patrons who will appreciate Welke's nuanced analysis of history. However, this work would make a welcome addition to any immigration law or legal history collection and is priced to be accessible.

Holly Lakatos
Law Librarian
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Sacramento, CA



LHRB-SIS Program: “Digging” Colorado Legal History: Alfred Packer—The Man, The Myths, The Cannibal

Sunday, July 11, 12:00-1:15 pm

Prof. James E. Starrs, Speaker; Professor Emeritus of Law and Forensic Sciences, The George Washington School of Law

Kicking off the series of LHRB programming at the 2010 AALL Annual Meeting was this thoroughly entertaining talk by Prof. James Starrs, legal scholar and forensic scientist. Those who attended last year’s meeting may remember his session on the murder of “Kingfish” Huey Long. (For a review of that session, see 15 LH&RB 15 (2009).) The topic this year continued to be death, with Starrs as lively as ever. Appropriately enough for the Denver setting, Starrs recounted his Colorado exhumation of the 1874 Packer gold prospecting party victims.

As the standing room only crowd feasted on LHRB’s generous luncheon spread, Prof. Starrs launched into the subject of cannibalism. In the winter of 1874, Alfred Packer and five other prospectors set out in hopes of striking it rich, but only Packer reappeared that spring looking relatively well fed. After various mishaps, Packer was eventually tried and convicted for the five murders in 1885. Still, a mystery remained of how exactly the prospectors had met their fate.

Starrs and his expedition undertook an exhumation in 1989 and established that the bones of the prospectors displayed evidence of defleshing by another human. Unsettlingly, the marks of defleshing exhibited increasing skill by the cannibal as he improved his expertise. Making for a marked contrast between criminal justice then and now is that there was no expert witness or scientific testimony at Packer’s trial; however, the judge and jury appear to have gotten it right.

For those interested in further reading, see *A Voice for the Dead: A Forensic Investigator’s Pursuit of the Truth in the Grave* by Prof. Starrs, with Katherine Ramsland. And hopefully Jennie Meade, the coordinator and moderator, can track down someone who was mysteriously murdered in Pennsylvania in time for next year’s annual meeting in Philadelphia.

--Kasia Solon
Reference Librarian
The University of Texas at Austin Law Library



Program B-2: Mapping Uncharted Terrains: Introducing Archival Best Practices to the Management of Law School

Sunday, July 11, 3:00-4:00 pm

Kurt X. Metzmeier, Coordinator and Speaker, Associate Director, University of Louisville Law Library

Denise Anthony, Speaker, Assistant Professor of Library and Information Science, University of Denver

Although they are not usually trained in archival procedures, law librarians in many small- and

mid-sized libraries often find themselves responsible for maintaining the archives for their institution. Often such added responsibilities come with many questions, little time to learn the correct answers, and inadequate funding. This was the situation in which our own Kurt Metzmeier, Associate Director at the University of Louisville Law Library, found himself.¹

Denise Anthony, Assistant Professor of Library and Information Science at the University of Denver, addressed some of the questions faced by a law librarian turned part-time archivist. She said that the first step is to inventory the collection to learn exactly what material is included and to evaluate the condition of the material. The next step is preparing a mission statement and a collection development policy and obtaining deeds of gift for donated items. Finally, after organizing the collection, the law librarian/archivist can prepare an access policy and determine what items in the collection, if any, should be digitized.

This was an excellent program. Both speakers were well versed in the topic and sufficient time was allowed to address questions. Hopefully we will see more programs of this type in the future.

--Mark W. Podvia
Associate Law Librarian and Archivist
The Dickinson School of Law of the Pennsylvania
State University



¹ The reviewer was placed in a similar situation at his place of employment. Not having the benefit of this excellent program, he resorted to consuming large doses of Maalox.

TS-SIS Rare Book Cataloging Roundtable Report

Denver, July 13, 2010

Lia Contursi

The Rare Book Cataloging Roundtable started at 11:45 and was attended by a small but passionate group of catalogers and non-catalogers working with special collections.

Sarah Yates chaired the session and invited the attendees to introduce themselves and to describe their role in their respective libraries. The catalogers explained that they perform rare book cataloging, or, cataloging of special archival material, as well as “regular” cataloging of non-rare items,

received by their library on a routine basis. Most libraries represented at the roundtable do not actively collect rare books anymore, with the exception of Yale Law School Library. After the first introductions, Sarah presented the agenda of our session.

The first item proposed for discussion was the treatment of the *incipit* title in incunabula. Often the first line of the first page of the *incunabula* starts with the Latin word “*incipit*” [= it begins], followed by the first phrase of the text. The question posed to the group was whether the word “*incipit*” should be part of the title field in the MARC record or not. The discussion became particularly interesting because it offered the perspective of the catalogers, taking into account their interpretation of the rules in the DCRM(B), as well as the point of view of the non-catalogers present in the room. The unanimous consensus was that the 245 field should start with the actual first phrase of the text proper, excluding the word “*incipit*”. However, it should be noted in a 500 note field as: “Title from incipit.”

The conversation continued on another issue frequently encountered with the cataloging of incunabula: often titles for multiple works are bound together by the original printer, and the question posed to the group was if the rule of LCRI 21.30J for analytic entry applies in such cases. After some consultation, the consensus reached was that, in the majority of the cases, the cataloger should create separate bibliographic records, if the pagination and the foliation have separate signatures. However a “Bound with” note should always be added in each separate record. (Ref. DCRM(B) 7B18.) The discussion then moved to another topic, the hot topic of barcoding.

Most of the librarians present believe that barcoding is very useful for the inventory of the collection. Moreover, it provides another tool to keep the collection securely under control. The question remains how to apply barcodes without damaging the physical items. Some options were suggested.

Barcodes could be applied on an Excel sheet, with the title and other bibliographical references of the items. Also, the digits of a barcode could be printed on the acid free strips, usually inserted in the books. Other libraries apply the barcode on a belt of a Mylar strip, which is then wrapped around the front cover of the book. The conversation, almost naturally, evolved into a discussion on how to process the shelving, the stamping and the inlay material. Some libraries shelve their books by size: this guarantees that the space is used more efficiently. Moreover, keeping the books of the same size together provides more support to the spine, preserving the life of the binding for a longer period of time. The selectors of special collections advocate preserving the dealers’ descriptions, as well as other laid-in materials that usually accompany rare books, at the time of the purchase. That material can be very important to trace the history of the provenance. The extra material accompanying a book should be stored in an acid free envelope, with the call number of the related book, and shelved with the book itself.

From the shelving issues, the conversation moved again to another descriptive cataloging

question. Most rare book catalogers use the DCRM(B) for descriptive cataloging and do not have plans to integrate the RDA. This generated further debate on the future impact of RDA in rare book cataloging.

We then started to talk about classification schemes. Some libraries apply LC classification numbers most exclusively to 19th century material, while using other schedules for other portions of their collections. It was then argued that for a selector, the most efficient way to browse a collection would be the order in which the material is acquired. In fact, the Beinecke Library at Yale University, applies accession numbers, which make browsability very efficient. Another example considered highly browsable is the collection listed in the ISTC (Incunabula Short Title Catalog), which is entered by author, title, date, and accession number.

The session came to a close only after pointing out another topic considered very important for rare book collections: every library should develop a well documented policy that should state clearly what kind of items are desirable, and what should be excluded. The unwanted gifts should never be added to a collection.

The roundtable adjourned to next summer, in Philadelphia.

Please check the AALL program next year, or contact Sarah Yates at: yates006@umn.edu for more information.

Respectfully submitted,

Lia Contursi
Arthur Diamond Law Library, Columbia University



LH&RB Program Update

Laura E. Ray

The Legal History & Rare Books SIS has hit the high mark again in program proposals! We will be sponsoring three formal programs at the 2011 AALL Annual Meeting in Philadelphia, another of our program proposals was selected by the Government Documents SIS as one of their programs, and

we will holding our annual *Roundtable*. On Sunday, July 24th, we will have *Old Into New: Collaborative Law Library Digital Collections*. This program will provide key concepts for collaborating with in-house reference, audiovisual, information technology, and technical services staff – as well as other university departments and library consortia – on the creation of institutional repositories and open access digital collections. It will also examine how these collections have simplified research access to rare materials and enhanced teaching. This program is being co-sponsored by the Micrographics/Audiovisual SIS. On Monday, July 25th, we will have two programs. *We the People: Constitutional National Treasures in Philadelphia Archives* will discuss the critical work of James Wilson, the signer of the Declaration of Independence who authored the phrase “We the People” in the U.S. Constitution, as well as the efforts of the Historical Society of Pennsylvania to preserve and provide access to Wilson’s papers. *“Digging” Legal History in Philadelphia: The Meriwether Lewis Project* will feature James E. Starrs, Professor Emeritus of Law and Forensic Sciences at the George Washington University Law School, and one of our favorite speakers. Professor Starrs will discuss developments in the investigation of Lewis’ 1809 death as a murder or suicide.

The Government Documents SIS selected *Contemporary State Constitutional Conventions: Proposals for Pennsylvania and Beyond* as one of their programs. It will examine the issues involving the proposed constitutional convention in the Commonwealth of Pennsylvania, as well as compare and contrast these issues to recent and current proposals under discussion in other states. Our LHRB SIS *Roundtable* will feature the 2010 winner of our *Morris Cohen Student Essay Contest*. Days and times for these programs, as well as for our Business Meeting, have not yet been determined. Stay tuned to future Newsletters, and check our Web site, for details on all our activities at the 2011 AALL Annual Meeting. Congratulations to our program proposal planners for continuing our tradition of excellence in LHRB SIS educational programming!

Let me also restate heartfelt thanks and kudos to Jennie Meade, Kurt Metzmeier, and Jason Eiseman for their work on our 2010 AALL Annual Meeting formal programs – *“Digging” Colorado Legal History: Alfred Packer - The Man, The Myths, The Cannibal*; *Mapping Uncharted Terrains: Introducing Archival Best Practices to the Management of Law School*; and *Beyond Wayback: Preserving Born-Digital Ephemera*. Our LHRB SIS Chair, Stacy Etheredge, also did a fantastic job organizing our *Roundtable* and Reception. Both of these events featured Justin Simard, our 2010 Morris Cohen Student Essay Contest winner. Mr. Simard, who is a JD/PhD candidate in the American Legal History Program at the University of Pennsylvania, presented remarks on his essay *“The Citadel Must Open Its Gates to the People”: Judicial Reform at the 1821 New York Constitutional Convention* at our *Roundtable*. And didn’t we all have a grand time at the Reception! Check out the photographs on our Legal History and Rare Books SIS Facebook page at <http://www.facebook.com/editaccount.php?networks#!/group.php?gid=88520408089>.

Wishing all of you a healthy and joyous holiday season,

--Laura E. Ray
Educational Programming Librarian
Cleveland-Marshall College of Law



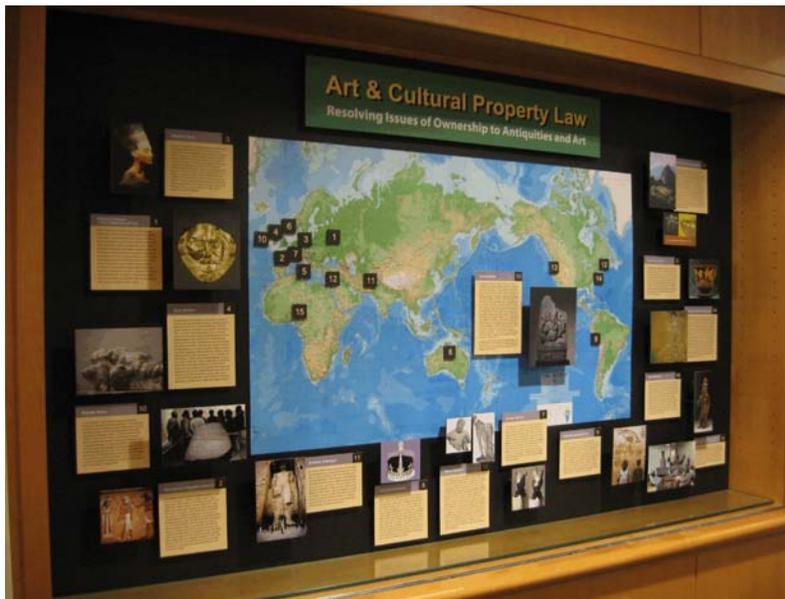
From the Leon E. Bloch Law Library, University of Missouri Kansas City School of Law:

The Leon E. Bloch Law Library is pleased to present "The Lord Coke Collection." <http://digital.library.umsystem.edu/text/klc>. The collection consists of the Four Parts of his famous *Institutes* (3rd ed. 1633 of the first part known as his *Commentaries on Littleton's Tenures* and the 1st editions of each of

remaining three parts) and the first English edition of his *Reports*. The 3rd edition (1633) of the First Part, represents the last edition published before Lord Coke's death. As Coke lay dying in 1634, agents of King Charles I seized all of his manuscripts, including those for the remaining three parts of his *Institutes*, which would not be released until 1641, by which time parliamentary power was such that it could compel the Crown to produce them. Monarchs objected to Coke's writings because of their assault on Royal Perogative.

Lord Coke is also remembered for his *Reports*, a multi-volume collection of his own detailed commentaries on common law cases of the day. This collection includes the first English edition published in 1727. The initial run of 11 volumes was published in 1616, at which time James I demanded that they be revised. Lord Coke refused, causing his removal from the bench. The last two volumes were part of the materials seized by the Crown at Lord Coke's death. They may have been heavily edited by others.

The link above is to the collection, which offers much more information about Lord Coke and his beloved books. The Leon E. Bloch Law Library has been waiting a long time on this digital project, but the Lord Coke Collection is finally here and believes that this is the first digital edition freely available to the public outside of a subscription database. It is not searchable yet because of the difficulties with the 17th century text, but the library hopes to provide that further down the road.



From the John E. Jaqua Law Library, University of Oregon School of Law:

Staff at the University of Oregon Law Library put together an exhibit entitled Art & Cultural Property Law: Resolving Issues of Ownership to Antiquities and Art for the John E. Jaqua Law Library entrance. The exhibit complements Professor Dom Vetri's Art Law and Cultural Property Law courses.

From the Lillian Goldman Law Library, Yale Law School:

Lawyers have played both fictional and real-life roles in the 80-year history of the comic book industry. Their story is told in an exhibition,

"Superheroes in Court! Lawyers, Law and Comic Books," on display in the Yale Law School's Lillian Goldman Law Library September-December 2010.

The guest curator for the exhibition is Mark S. Zaid, Esq., a Washington, D.C. attorney who specializes in national security law. Much like his comic-book heroes, Zaid has an alter-ego as a comic book collector and dealer. He is also an advisor to the *Overstreet Comic Book Price & Grading Guides* and a co-founder of the *Comic Book Collecting Association* (www.comiccollecting.org).

Almost all of the items on display come from Zaid's personal collection. The comics covers show Superman on trial for murder, and one of the earliest comic books to feature a lawyer on the cover ("Mr. District Attorney," 1942). Other items document the legal battle over rights to Superman, efforts to censor comic books in the 1950s, and copyright issues.

Mark Zaid gave a well-attended talk on the exhibit on Sept. 30, 2010, in the Yale Law School.

Highlights of the exhibition are in the Yale Law Library Rare Books Blog, at <http://blogs.law.yale.edu/blogs/rarebooks/>, as well as links to a video of Mark Zaid's talk and to the feature story on the exhibit that ran in the Sept. 14, 2010 issue of the *New York Times*.

Upcoming exhibits include:

"Life and Law in Early Modern England," Spring 2011. The exhibit of Elizabethan law marks the centennial of Yale's Elizabethan Club and features early English law books and manuscripts from the Yale Law Library and from the Elizabethan Club's outstanding rare book collection.

"Representing Justice," Fall 2011. This exhibit will be curated by students of Professors Judith Resnik and Dennis Curtis, who will explore themes set out in Resnik and Curtis' forthcoming book, *Representing Justice: Invention, Controversy, and Rights in City-States and Democratic Courtrooms* (Yale University Press).

Russian law, Spring 2012. Co-curated by Mike Widener and Professor William E. Butler (Dickinson School of Law, Penn State).

From the Tarlton Law Library, the University of Texas at Austin School of Law:

Physical Exhibit: Rare Law Dictionaries (Jan 2010-Dec 2010)

The Tarlton Law Library began to collect early law dictionaries systematically in 1988 to support the Oxford Law Dictionary Project at The University of Texas School of Law. After the project ended the collecting continued. The largest number of volumes entered the collection in October 2001, when the library acquired 21 dictionaries at the Birmingham Law Society auction in London, thanks to a generous gift from Joseph D. Jamail (UT Law Class of 1953).

The exhibit is drawn from this collection. Even within such a seemingly narrow field there is wide variety in typography, format, and intended audience. Many of the most important printers in Europe are represented. These individuals and their workshops produced dictionaries in all sizes from tiny duodecimo pocket dictionaries to large folio editions, written for scholars, law students, practicing lawyers, and merchants and other lay persons. Although editors and compilers designed most of the dictionaries to be as comprehensive as possible at the time, some works are little more than glossaries. A few volumes are alphabetically ordered reference works rather than a sequence of words and their definitions.

Online Exhibits (<http://tarlton.law.utexas.edu/exhibits/>):

Aztec and Maya Law: This online exhibit explores law in Mexico before the conquest, providing a concise overview of Aztec and Maya society and legal practice, fully illustrated with images from reproductions of contemporary manuscript sources and other artworks. Corollary to the exhibit is an extensive annotated bibliography that completely updates and expands an earlier web page.

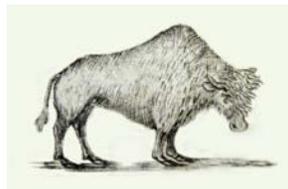
Dr. Samuel Peterson: Looking Back 100 Years: The Samuel Peterson Diaries were purchased by the Tarlton Law Library in 2007. Peterson, an Adjunct Professor of Political Science, taught at the University of Texas from fall 1904 through spring 1907. His legacy rests in fifteen diaries covering over a decade of his life, including his time at the law school.

Law Dictionary Collection: The Department of Rare Books and Special Collections is pleased to announce the publication of an entirely revised and reformatted online exhibit. The collection currently includes more than 200 editions including Tarlton's Millionth Volume – the first English law dictionary ever printed – John Rastell, *Exposiciones terminorum legum anglorum* (London, c. 1530), the oldest book in the collection, *Vocabularius utriusque juris* (Strasbourg, 1476), and Tarlton's Million-&-First Volume, *Vocabularius utriusque juris* (Basel, 1488). The collection focuses on law dictionaries from Western Europe, the British Isles, and the Americas — the online exhibit showcases 30 of the finest editions in the collection.

UT School of Law Class Composites: One of the most used resources in the department of Rare Books and Special Collections is a large collection of class composite pictures. This website provides contextual information and links to digitized versions of the pictures located in the UT Digital Repository. The site includes an overview of the collection, a brief history of the law school arranged by decennial, and a comprehensive index of faculty and students appearing in the composites.

Williston Fish's Last Will: Attorney businessman, and part-time author, Williston Fish created the sentimental "Last Will of Charles Lounsbury" in 1897. This work, also known as *A Last Will, The Hobo's Will* or *The Happy Testament*, first appeared in *Harper's Weekly* in 1898. It was reprinted so many times, often in a garbled or –improved. form, that a correct edition was published in 1908. Both the 1898 and the 1908 editions appear here. This fictional –prose-poetry. testament was often printed in the guise of an actual legal instrument, frequently without attribution, or at least accurate attribution. For generations of attorneys, it became a classic that circulated widely around the holidays as a gift-book or holiday greeting.

The Works of John Selden: the Tarlton Law Library is fortunate to own first or early editions of virtually all the works of John Selden (1584-1654). Selden is generally regarded as England's first legal historian. His prolific authorial output — as well as his embroilment in the contentious politics of seventeenth-century England — continue to make the man and his scholarship a fascinating topic.





American trial collections are the highlights Yale's recent acquisitions by Mike Widener, Rare Book Librarian, Lillian Goldman Law Library, Yale Law School

Among the 50 or so titles acquired since November 2009 for the Yale Law Library's American Trials Collection are several outstanding collections. The largest is a collection on the famous 1830 murder of Capt. Joseph White of Salem, Mass., orchestrated by in-laws anxious to get their inheritance. The collection includes 12 pamphlets, a broadside, and a Brattleboro, Vt. newspaper. The

collection was formed in the 1930s by Judge Raymond S. Wilkins of the Massachusetts Supreme Court, and also includes correspondence on his efforts to get a book published on the case. Several of the titles are not in McDade's *Annals of Murder*.

Another impressive collection is a bound collection of 14 trial briefs and evidence in the tangled divorce proceedings of the wife of Judge David S. Terry of California, proceedings that led to a contempt citation for Terry and then to Terry's attempted murder of U.S. Supreme Court Justice Stephen J. Field in 1889.

Fans of the Ephraim Tutt legal thrillers will be interested in the volume of seven closing arguments delivered by Arthur Train, the creator of Ephraim Tutt, during his career as a New York City prosecutor and attorney. The Law Library was thrilled to acquire *The Case of Lewis Morris, Esq; Late Chief Justice of the Province of New York* (London, 1735), because we have many of the law books once owned by Morris and his grandson, Lewis Morris III (1726-1798), one of the signers of the Declaration of Independence. The case was part of a long-running dispute between Morris and the royal governor of New York, William Cosby, that also produced the famous libel suit against the printer John Peter Zenger, Morris's paid hack. Other interesting trials include *The Hall of Science Libel Case* (1895), a landmark in the history of gay rights; *Marriage and Divorce, or the Trial and Defence of John Carl Cheney* (1880), the polygamy trial of a radical free-love advocate; and *Spencer vs. Spencer, or The Skeleton Exposed* (1875), the defendant's version of a sordid California divorce.

There were two additions to the William Blackstone Collection. *Comentario sul codice criminale d'Inghilterra* (Milan, 1813) is the Italian translation of Book Four of the *Commentaries*, in its original printed paper wrappers. John Lee's *Letter to the Honorable Judge Story, LL. D., discovering and correcting the errors of Blackstone and his editors, on the theory of human genealogoy [sic] and kindred* (Cambridge, Mass., 1840) is described as "a curious and somewhat witty mathematical critique of Blackstone's theory of descents."

Among the numerous illustrated law titles recently acquired is *The defense of Gracchus Babeuf before the High Court of Vendôme*, with 21 etched portraits, produced by Leonard Baskin's Gehenna Press. We acquired the complete set of the 1514 editions of the *Decretum*, *Decretals*, and *Liber Sextus* published by the Giunta family in Venice and illustrated with hundreds of woodcuts.

Additions to the Italian Statutes Collection included the statutes of Albenga (1519), and the *Statuti, ordini e provisioni del Monte del Matrimonio di Bologna* (1643), regulations for a savings bank that enabled low-income families to save up dowries for their daughters; amazingly, this early venture in micro-finance is still operating today.

Recent Acquisitions to the Georgetown University Law Library by Laura Bedard, Special Collections Librarian, Georgetown University Law Library

The following titles were added to Georgetown Law Library's Special Collections:

Constitution of the State of Arizona, Complete (Arizona, 1910) documents Arizona's transition from territory to state. Its admission on February 14, 1912 completed the territorial colonization of Continental America. It was the 48th state admitted into the U.S. Alaska and Hawaii would follow in 1959.

The Constitution of the State of Connecticut: Together With the Amendments. (Hartford: Printed by C. Babcock, 1829.) The Connecticut constitution was ratified in 1818. It replaced the Fundamental Orders of Connecticut (1638) and The Charter of the Colony of Connecticut (1662), which comprised the state's organic law. The 1818 constitution remained in force until it was replaced in 1965.

A Treatise on the Law of Husband and Wife, As Respects Property: Partly Founded Upon Roper's Treatise, and Comprising Jacob's Notes and Additions Thereto. (London: William Benning & Co., 1849) John Edward Bright's treatise is based on Roper's well-respected Law of Property Arising from the Relation Between Husband and Wife (1820) and is sometimes considered the third edition of that work.

A Hand-Book on the Law of Marriage and Divorce, Containing a Digest of All the Acts of Parliament Relating Thereto: Including the New Divorce Acts and Legitimacy Declaration Act, Of Proceedings in the House of Lords on Private Divorce Bills, And of the Reported Cases in the Ecclesiastical Courts, And in the Court for Divorce and Matrimonial Causes: Together with Precedents of All the Forms Used in that Court, And of Bills of Costs, And Copious Notes of Practice. (London: V. and R. Stevens and G.S. Norton, 1859) It was nearly impossible to obtain a divorce in Great Britain until the passage of the Matrimonial Causes Act in 1857, which allowed divorce by judicial process. Pritchard and Pritchard's was one of the very first treatises to respond to the changes brought by this act. On a broader level, this comprehensive and well-arranged work provides an excellent overview of family law as it stood in the middle decades of the Victorian era. Later editions were published in 1864 and 1874. All are scarce, especially in North America.

Woodfall's Practical Treatise on the Law of Landlord and Tenant. (1834) First published in 1802, this treatise reached its 25th edition in 1954.





The Leon E. Bloch Law Library, University of Missouri Kansas City School of Law, is pleased to present "The Lord Coke Collection", online at <http://digital.library.umsystem.edu/text/klc>. The collection consists of the four Parts of Coke's famous *Institutes* (3rd ed. 1633 of the first part known as his "Commentaries on Littleton's Tenures" and 1st editions of each of the remaining three parts) and the first English edition of his *Reports*. The 3rd edition (1633) of the First Part represents the last

edition published before Lord Coke's death. As Coke lay dying in 1634, agents of King Charles I seized all of his manuscripts, including those for the remaining three parts of his *Institutes*, which would not be released until 1641, by which time parliamentary power was such that it could compel the Crown to produce them. The Crown objected to Coke's writings because of their assault on the royal prerogative.

Coke is also remembered for his *Reports*, a multi-volume collection of his own detailed commentaries on common-law cases of the day. This collection includes the first English edition published in 1727. The initial run of 11 volumes was published in 1616, at which time James I demanded that they be revised. Coke refused, causing his removal from the bench. The last two volumes were part of the materials seized by the Crown at Coke's death. They may have been heavily edited by others.

The website provides much more information about Lord Coke and his writings. According to Professor **Paul D. Callister**, Director of the Bloch Law Library, the library hopes to provide a search tool further down the road.

In September, **Mark Podvia** taught workshops for the State Library of Pennsylvania on "Law Resources on the Web: A Workshop for Public and Law Librarians." The workshops were offered in Harrisburg and King of Prussia, and were funded in part by an Access to Justice grant from the Bill and Melinda Gates Foundation. Mark is the Associate Law Librarian and Archivist at the H. Laddie Montague, Jr. Law Library, The Dickinson School of Law of the Pennsylvania State University.

Paul J. Pruitt, Jr., Special Collections Librarian at the Bounds Law Library, University of Alabama School of Law, has a new book out: *Taming Alabama: Lawyers and Reformers, 1804-1929* (University of Alabama Press, 2010). A reviewer in the *Mobile Press-Register* wrote that Pruitt "reminds us that the instinct for reform is by no means limited to radical reformers but has been active in Alabama since before it even became a state." Congratulations, Paul!

