Professor Erwin C. Surrency has been a law librarian for sixty years and is well-known in both the law library community and among legal historians. Surrency served thirty-five years as a law librarian, first at Temple University School of Law and then at the University of Georgia School of Law. He is also the co-founder of the American Society of Legal History and its first editor of the American Journal of Legal History for twenty-four years. He also has had a distinguished career as an author/editor of fourteen books. Joel Fishman took the lead and wrote the main cover letter and bibliography of Surrency's works and asked Mark Podvia and Larry Reilly to join him in submitting Erwin’s name to the Committee. On March 18, we were informed that the committee had approved Erwin's acceptance as a 2012 A.A.L.L. Hall of Fame inductee. Because of Professor Surrency’s long-term contribution to the Association, the law library profession, legal profession, and the history of Anglo-American law, it is appropriate that we honor him with the publication of our applications and a bibliography of his writings. We look forward to his induction at the conference in Boston!

... 

Letter of Nomination submitted to Ms. Margaret Maes, Chair of the AALL Awards Committee
by Joe; Fishman, Ph.D.:

January 31, 2012

Dear Margaret:

I wish to nominate Erwin C. Surrency for the A.A.L.L. Hall of Fame “whose contributions to the profession and service to the Association have been significant, substantial and long-lasting” as described in your description of the selection of an honoree. I have attached a bibliography of activities and writings that supplement this letter.

Erwin Surrency was a Professor of Law and Law Librarian at two major university Law Libraries: Temple University from 1950 to 1979 and the University of Georgia from 1980 to 1995. He is

Continued on page 4 Surrency
LH&RB

LH&RB is published three times each year by the Legal History & Rare Books Special Interest Section of the American Association of Law Libraries.

Submissions for publication are strongly encouraged. We have been known to beg. Correspondence can be sent to the appropriate editor at the following address:

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currently Library Director Emeritus at the University of Georgia Law Library. Erwin holds a B.A. (1947), J.D. (1948), M.A. (1949), and from the University of Georgia and a M.A. in Library Science from George Peabody College (1950).

Erwin has been a member of the Association since the early 1950s. The forty-five years that he served as head librarian reflects his long-term professional activity as a career law librarian. Beginning as an Assistant Professor of Law in 1951 he rose to full professor at Temple and succeeded as a full professor at Georgia. Among his professional activities included cataloging the library collection of the American Bar Foundation, assisted in setting up the Supreme Court Historical Society, Fulbright lecturer at the Queens University in Belfast for 1963-64, and attended an IALL Institute in Nigeria in February-March 1974. Locally, he spoke at the Institute on Legal Biography at the Law Librarians of New England fall workshop in 1973, and served as co-chair (with Frances Farmer and Julius J. Marke) at a conference on Expanding Use of Microform in Law Libraries at N.Y.U. Law School in April 1973.

Surrency's served in a number of leadership positions within the A.A.L.L. Beginning in the 1950s through the mid-1970s, Surrency was an active member serving in numerous committees and eventually becoming President of the Association from 1974-75. Erwin served as Association representative to the American Bar Association (1952-56), member of the Committee on Microcards (1953-54), member of the ALA Joint Committees Board on Bibliography (1955-56), member of the Audio-Visual Committee (1961-63), representative to the Council of National Library Associations’ Joint Library Committee on Copyright Law (1967-68), member of the Constitution and Bylaws (1970-1972) and Chair (1968-70), member of the Indexing of Periodical Literature Committee (1978-79), member of the Awards Committee (1995-1997). He was one of the founders of the Legal History & Rare Book Special Interest Section and is still a member today.

As President, it was under his term that he created the Task Force on Organization in 1973 that eventually led to the restructing of the Association in 1976 by introducing the Special Interest Sections that have grown to number 13 within the organization.

Given his wide-ranging interests, he participated in nine panel sessions at the annual conferences: 1952, 1957, 1959, 1961, 1966, 1968, 1971, 1972, 1973 as well as led the business meetings when he was president in 1974. Some of these contributions were in the form of papers, not just discussions. (See attached list for the topics)

Surrency is best known as the co-founder of the American Society for Legal History, its first President, and the first Editor of the American Journal of Legal History for twenty-five years from 1957 to 1981. The Journal was the first academic journal devoted to just legal history. He spearheaded the creation of the journal and was its only editor for several years before adding additional assistant editors and book review editors. Throughout the first ten years, he contributed numerous articles, documents, and book reviews. In 1971 the Society changed its official journal to Law and History Review, but instituted the Erwin C. Surrency Prize for the best article published each year in the Review.

In the post-World War II period, Philip Cohen (Oceana, Transmedia, Glanville), Fred Rothman (Rothman Co.), William Hein (William S. Hein & Co.), and William Gaunt (Gaunt & Sons) created their own law book companies to serve the legal profession and law libraries. Surrency was among a number of academic law librarians who assisted these companies in developing products for the legal community. Surrency worked with Phil Cohen as an early editor of the Legal Almanac series of introductory works on a wide variety of legal topics (I do not have that listing), worked on microform projects of the Code of Federal Regulations and project director of the State Attorneys-
General Opinions microform collection.

Besides his participation in panel discussions that are published in the Law Library Journal, Surrency has an excellent contribution to scholarship in law librarianship, legal bibliography and legal history. Over a sixty-year career, he has written 14 books, more than 50 articles, and 80 book reviews. For the law librarians, his A History of American Law Publishing (1990) is the standard work on the history of legal publishing in the United States. His History of the Federal Courts (1987, 2d ed. 2002) also serves as basic introduction to the history of the courts. His interest in courts is further shown in his reproduction of early United States Supreme Court minutes from 1790 to 1806 in the American Journal of Legal History, articles on the history of the Pennsylvania courts (and a longer manuscript in this author’s hands), and two books on the history of the Georgia state courts and the Georgia federal courts.

Surrency has also written a wide range of articles. His early bibliography articles on the Restatements of the Law were important as first collections of this important secondary source; his articles on legal bibliography helped in leading to his book in 1990, but has continued to publish articles on legal publishing even after the book.

Surrency’s book reviews are the typical one-to-three-page reviews that are usually found in academic periodicals, chiefly published in Temple Law Quarterly, American Journal of Legal History, and more currently in the LH&RB Newsletter. The reviews are pithy, show full knowledge of the topic and are important to readers who wish to know the author’s strengths and weaknesses. These last reviews still show Surrency’s active participation in legal scholarship sixty years after his first publications.

An attached list of his activities is provided along with this letter.

As a role model, I will offer myself as one who has benefitted greatly from Erwin’s scholarship and professionalism. As a Pennsylvania law librarian, I have worked hard to expand the information concerning Pennsylvania legal history and bibliography in a variety of works. First, with my colleagues, we have produced two editions of Pennsylvania Legal Research Handbook (2001, 2008), compiled a large number of bibliographies including Pennsylvania Legal : Secondary Sources (a comprehensive bibliography of all treatises published in Pennsylvania law); four editions of Pennsylvania State Law Documents for the Government Documents SIS Occasional Papers Series, and numerous articles on Pennsylvania legal history and bibliography. Finally, I indexed the first fifty volumes of the American Journal of Legal History published in volume 51 AJLH 13-265 (2011).

Given his achievements, I believe that Erwin C. Surrency fully deserves to be inducted into the A.A.L.L. Hall of Fame.

Respectfully,

Joel Fishman, Ph.D.

...
I am very pleased to add my own recommendation to his.

Professor Surrency was my first mentor in Law Librarianship. Working with him was an experience which provided the foundation for my own nearly forty years in the profession.

I will not repeat Joel’s account of Professor Surrency’s professional activities or his leadership in the AALL. As I am the current Editor of the American Journal of Legal History, I will express our gratitude at the Temple University Law School for having established this fundamental publication in Legal History and our pride that it has appeared for more than fifty years under the supervision of members of the Temple Law faculty and with the administrative support of the Law Library, surely a unique heritage to us from Erwin Surrency’s long career of creative legal scholarship.

Perhaps Professor Surrency’s role as a builder of library collections is not so well known as his other attainments. The Temple University Law Library collection was literally created by him not once but twice. Temple like many of the second generation of American Law Schools had its early existence in a series of frequently changed locations in the heart of Philadelphia near to the courts and law offices. For most of this period the library, often moved was small, answering to immediate needs. Even in its Market Street location, Erwin began to lay the foundation of a library whose Anglo-American collection could stand comparison with older and richer institutions. This continued when, again with similar Law Schools, we returned to the main campus of the University in the late 1950’s. In the first years of the 1970’s, this collection was essentially destroyed in one of the great library fires. Shocked but by no means overcome, Professor Surrency recreated the library, perhaps with even created depth than it had before the disaster. It was my privilege to participate in that process, which taught me nearly as much about the sources of the law as did his weekly sessions with his staff in which he shared with us his immense learning and experience.

I hope that you will be able to include Erwin Surrency in the AALL Hall of Fame.

Yours sincerely

Lawrence J. Reilly
Head, Reference and Public Service, Temple University Law Library
Editor of the American Journal of Legal History

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Letter of Nomination submitted by Mark W. Podvia:

January 31, 2012

Dear Ms. Maes,

I am writing to nominate Erwin C. Surrency for inclusion in the American Association of Law Libraries Hall of Fame. His significant contributions to our profession and tireless work on behalf of the Association warrant such a selection.

My first encounter with the writings of Erwin Surrency occurred when I was an undergraduate student at Grove City College. I cited his Marshall Reader in a paper that I prepared for an independent study (something that I had forgotten about until many years later when I re-read the paper). It was not until after I became a law librarian that I realized his significant contributions to the field of legal history.

I have read Dr. Joel Fishman’s nomination letter, and I will not repeat what he has said. Instead I would like to focus specifically on Erwin’s contributions to our Legal History and Rare Books
Special Interest Section newsletter, *LH&RB*. Erwin has been a regular contributor of book reviews since I became editor of the publication in 2001. His reviews are thoughtful, well-reasoned and well-supported. Some of the reviews that I receive require a great deal of editing before they are ready for publication; Erwin’s do not. They come, as I used to say when I was in the newspaper business, “camera ready.”

I can think of no individual more deserving than Erwin Surrency for inclusion in the Hall of Fame. I give him my strongest recommendation.

Sincerely,

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

...  

**Bibliography of the Writings of Erwin C. Surrency**

Compiled by

Joel Fishman, Ph.D.

**BOOKS**


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Carlisle, Pennsylvania, has attracted many visitors of note over the years, ranging from Benjamin Franklin and George Washington to William J. Clinton and George W. Bush. In some cases, they came because of the borough’s location astride the Great Road of the Eighteenth Century, the Cumberland Valley Rail Road of the Nineteenth Century, and the Pennsylvania Turnpike of the Twentieth Century. In other cases, these individuals were drawn to Carlisle’s educational institutions—Dickinson College, the Dickinson School of Law, the Carlisle Indian School, and the United States Army War College.

Among these notables was Frederick Douglass, a self-taught former slave who “became an internationally renowned reformer, a major voice in the fight against slavery, a great orator, a newspaper editor, an advisor to presidents, a high officeholder, and the recognized leader of the American Negro.”¹ He is known to have visited Carlisle on three occasions.

Frederick Douglass was born Frederick Augustus Washington Bailey in February, 1818, in Talbot County, Maryland.² He was the son of Harriet Bailey, a slave.³ It is assumed that his white master was his father, although that was never confirmed.⁴ Taught the alphabet by a kind woman with whom he had been sent to live, he later learned how to read on his own. In 1838 he boarded a Baltimore and Ohio train and rode it to Philadelphia and freedom.⁵ He soon became associated with abolitionist William Lloyd Garrison, and delivered his first anti-slavery slavery speech in Nantucket in 1841. Mr. Douglass quickly became one of the leading abolitionist speakers, and gained even greater fame following the publication of his autobiography, Narrative of the Life of Frederick Douglass An American Slave, in 1845.⁶

Frederick Douglass met with President Lincoln in the White House in July, 1863. When they met the President reportedly said “I know who you are, Mr. Douglass...Sit down. I am glad to see you.” ⁷ Disillusioned by rising segregation following the Civil War, Mr. Douglass returned to the lecture circuit.

Frederick Douglass first passed through Carlisle during an 1847 antislavery tour with Mr. Frederick Douglass in Carlisle

Mark W. Podvia


² Ibid. The exact date of his birth was not recorded; he later celebrated his birthday on February 14th because his mother had referred to him as her “Valentine.”

³ Frederick Douglass, Narrative of the Life of Frederick Douglass An American Slave (Reprint, Oxford: Oxford World Classics, c. 1999), 15.

⁴ Ibid.

⁵ Miller, Frederick Douglass at 24. Friends later purchased Douglass’ freedom to insure that he could not be taken back into slavery.

⁶ Ibid at 41. He later wrote a second autobiography, My Bondage and My Freedom.

⁷ Ibid at 104.
They had spoken in Harrisburg on August 8th, where Douglass was able to say only a few words before his speech was interrupted by the explosion of firecrackers and the throwing of stones and eggs by “a handful of low rowdies.” The next morning the pair left for Pittsburgh, by way of Carlisle and Chambersburg.

The train was taken across the beautiful Susquehanna by a team of horses—guided by the steady hand of our strong armed friend, Bostwick, whose kindness I shall not soon forget. Here we were taken by the fiery iron steed, and hurried toward our destination. Nothing of interest occurred till we reached Carlisle, where a man-hunter from Maryland recently lost his life, while engaged in the republican business of kidnapping. The crowd about the station, in this place, by some means ascertained that Mr. Garrison and myself were in the train, and it was easy to observe a general feverishness at once among them. Some expressed the wish that we would stop; on being asked why, the answer was, “we want to use them up.” The intelligence of our presence soon reached a number of our colored friends, and they came as we sat in the cars and gave us hearty shakes of the hand, and many blessings. The approbation of these dear brethren, was grateful to the heart of him who has devoted seventeen years of his life to their cause.

It would be a quarter-century before Frederick Douglass would again visit Carlisle.

On March 1st, 1872, Frederick Douglass spoke in Chambersburg’s Repository Hall. The subject of his lecture was “Self-Made Men,” an appropriate topic for a man who was truly “self-made.” The Public Opinion provided a positive account of his presentation:

The lecture was long, but not too long, for the audience listened
intently to the very close, and the audience was sorry when it was over. And yet the lecturer did not throw into the delivery of his discourse that peculiar fire which characterized his speeches here and elsewhere when these issues of life were at stake for him. This apparent deficiency might have been looked for. It was due in a large measure to the changed circumstances, and the peaceful occasion. There was nothing to produce the glow and fervor of white heat, and only the stage actor would have put it on for stage effect. Yet every one felt that the power was in the man. He gave evidence of vast resources, literary culture and oratorical power, and it was regretted by many that he was not allowed to chose his own subject in which the Promethean sparks would in all probability have flashed out more brilliantly. Still there were many brilliant things in the lecture. The subject was treated in a philosophical yet popular manner. The thoughts were sensible, conservative and elegantly expressed, and despite some manifest want of animation and careless tripping in an occasional sentence, it gave general satisfaction. 4

After speaking in Chambersburg, Mr. Douglass traveled to Carlisle, where he delivered a lecture on Saturday, March 2nd, in Rheem’s Hall.15 The 90-minute lecture on the subject of “San Domingo,”16 was delivered “to an attentive audience.”17

Carlisle’s American Volunteer, a Democratic newspaper18 and no friend of the Republican Douglass, gave the speech a favorable—although not a glowing—review:

Having accompanied the Commission sent out by President Grant to examine the island with a view of annexing it to the United States, he spoke of the country, its people, resources, tropical fruits, &c., with a good understanding and knowledge. He is not the “great orator” that his admirers represent him to be; but yet he is an agreeable and forcible speaker, and a fair elocutionist. Of course he favors the annexation of San Domingo; all those sent out by Grant to visit this island of snakes, were pledged to report in favor of annexation before they left our own shores. The speaker, it must be confessed, made several good points in advocacy of annexation—as

14 Ibid. The Public Opinion praised the speaker, noting that “[a]ny person of close judgment who has had large opportunities for observation would have recognized in Fred. Douglas...the ability which has enabled him to sway mobs, and cope with the greatest orators of the country.”

15 “Lecture by Frederick Douglass,” American Volunteer (Carlisle, Pa.), 7 March 1872, 3.

16 “San Domingo,” or “Santo Domingo,” were the names then in common use for the island of Hispaniola.

17 Ibid.

18 The Borough of Carlisle had two major newspapers in 1872, both of which were fiercely partisan. The American Volunteer was the mouth piece of the Democrat Party, the Herald served the same purpose for the Republican Party.
good, indeed, as could be made in behalf of a bad cause. 9

The exact text of the lecture presented by Mr. Douglass is not known, but it probably followed a written speech on “Santo Domingo” that is preserved among the Frederick Douglass Papers at the Library of Congress. That lecture reads, in part, as follows:

Hence, to stand upon that part of the American soil where Columbus first stood; to breathe the American air that Columbus first breathed; to view those grand old mountains in the rich verdue of perpetual summer, filling the sense far out over the sea with a delightful fragrance as they lift their soft grayish blue summits seven thousand feet between sea and sky, and to know that they were the first lands to soothe and gladden the strained and fevered eyes of the great discoverer, might kindle emotion in the most stolid American, of whatever color or race!

... 

In Santo Domingo were first planted the virtues and the vices, the beauties and the deformities, of European civilization, and here they may still be seen in startling antitheses and, unhappily, the vices preponderating.

... 

The Patriotic and intelligent citizens of Santo Domingo, in seeking to become a part of a large, strong and growing nation, only obey the grand organizing impulse of the age. Instead of being denounced for weakness, treachery and cowardice, they deserve to be commended for their patriotism and self sacrifice. They know that it is better for their country to be a small part of a great whole than a large part of smallness. They think it better to be a small part of something than to be a large part of nothing.

What do these Santo Domingo people want? Why this, and only this; they want to join their country to the United States and to become citizens of the United States. 0

However, the lecture that Mr. Douglass presented in Carlisle went beyond his standard text. It seemed that the manager of the Carlisle hotel where Mr. Douglass was lodging had refused to admit him to the hotel’s dining room on account of his race. The great orator, who had met with American Presidents and other national leaders, had been forced to eat his meal in his room. The America Volunteer provided the following account:

During his speech, he frequently diverged from his subject to

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19 “Lecture by Frederick Douglass.”

refer to himself personally and the colored race of America. In one sentence he bit somebody hard. He said the Commission appointed by President Grant to visit San Domingo, was composed of distinguished and learned men. He was the only colored man in the party, but yet notwithstanding his color, he was recognized, in every respect, as an equal. He ate at the same table with the Commissioners, occupied the same state-room in the ship’s cabin, and in San Domingo they occupied the same sleeping apartments. He was treated as a gentleman, just as all were treated. “But here in Carlisle, as well as in some other towns,” remarked the speaker, “I am not treated in this way; here caste is still recognized; here a man is denied certain privileges because of his color. I am not annoyed; I care little about it; am not much hurt on this account,” continued Douglass. “It is only a matter of time; we (the colored men) must wait patiently, and in the course of a few years we will be fully recognized as equals everywhere. There are many colors but only one humanity.”

What did the speaker refer to? Where had he been snubbed in Carlisle? Upon inquiry, we learned that he had stopped at the “Bentz House,” a most excellent hotel kept by our Republican friend, Mr. Geo. Z. Bentz. Mr. Bentz very properly gave Douglass a good room in his house, but when supper was announced he just as properly informed his sable guest that he could not eat at the public table with his white boarders. Douglass, it was evident from his dejected look, had not expected this kind of treatment. The “Bentz House” has a Republican for its landlord, and nearly all if not all the boarders are also Republicans, and it was not much wonder then that Douglass felt disappointed. He said little, however, and consented to take his meals in his room by himself. With all their professions, then, we have in this circumstance positive evidence that the radicals are just as loath to recognize negro-equality as the Democrats are. Put them to the test and they squirm like eels in the process of being skinned, when they are asked to take a seat at the same table with a negro. We don’t blame them; human nature is human nature; but we desire the ‘colored troops who fought bravely,’ to note the facts here mentioned.”

Carlisle’s Republican newspaper, The Carlisle Herald, responded to these comments in its next issue:

This question is coming, and may as well be met. Mr. Bentz, of himself, had no disposition to refuse to allow Mr. Douglass to come into the dining room. He put it on the ground that there was so much prejudice here on the subject, that he could not do it without pecuniary loss. This seemed to be almost certain from the ordinary street talk of the town, and, therefore, we find no fault with Mr. Bentz for his action. He was under no obligation to incur even the

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21 The Bentz House was located on the north side of Carlisle’s East High Street, midway between Hanover and Bedford Streets.

22 “Lecture by Frederick Douglass.”
risk of loss in the matter. As a question of fact, however, we respectfully differ. If Mr. Douglass had gone into the dining room, it is quite possible that two or three persons, out of the whole number there, might have illustrated their superior manners by contumaciously leaving the room; but they would have come back afterwards rather than to have gone anywhere else on such provocation, and that would have ended the matter. We don’t believe seriously, Mr. Bentz would have been out a penny in the transaction. But as we said before, to judge from the silly clamor on this question, there was a risk, and we don’t blame Mr. Bentz for avoiding it.

Now we wish to say a word on this question. There is in this community a prevailing sentiment that a colored man—because he is a colored man—should not be received into a hotel. This is simply silly and wicked. It has never been denied that a colored man has a right to travel wherever he pleases, just as a white man or an Indian has. When he travels, he must rely on houses for the accommodation of travelers for food and shelter. He has no right to impose himself on any private family, and cannot come within the door of the meanest hovel in the place he visits, uninvited, except as a trespasser. The public sentiment that refuses to allow any man who will conform to the rules of a public house to be entertained, when he is away from his family, if developed logically, would allow him to starve or freeze in the streets. That it is wicked, tyrannical and cowardly, needs no argument to prove.

But look at its absurdity. There is no degradation of the white race possible that excludes from hotel accommodations. The worst and vilest characters in the land are continually on the wing, and hotels receive and entertain them as guests and often knowingly. A Chinaman or a Japanese would be given room anywhere, and no one’s dignity would be compromised. A lot of half-naked, painted savages from the plains, could stop anywhere without any restrictions, although, perhaps, their scalping knives were spotted with the blood of our superior and very consistent race. But so carefully and thoroughly have small politicians excited the prejudices of the people of some parts of this country against the negro race, that when a man venerable in years, of learning, refinement, extraordinary ability and character in all respects; one who, without any official station or position, whatever, has been received and entertained by Presidents, governors and leading statesmen of this country, visits a country town on business, he must in deference to this stupid and malignant prejudice be insulted by the information that the boarders at the hotel refuse to eat in the same room with him. That would be funny, indeed if it weren’t contemptible.

But the social equality nonsense must be discussed. Who ever heard of social equality in any place on this earth where there were not enough of people to relieve each individual from being directly dependent on everyone else? Each person in a community chooses his own society, provided the people he likes see fit to associate with him. If they do not, he then takes himself to the society which will
endure him. A man must have a slight opinion of his neighbor's sanity, who would insist that eating in the same dining room at a hotel established or implied any other equality than that which grows out of a common brotherhood of men. It is simply right that no man should be proscribed because of his color of race, and this we will all recognize when we have out-grown our prejudices. But we will soon have an end of this trouble. We have learned that a country can exist without enslaving black men; that the peace, order and prosperity of the community are in no wise imperilled by allowing them to vote, to sit on juries, or even to hold any office to which they may be appointed or chosen. We have also had demonstrated that it does not seriously injure the health or life of white men to give them equal accommodations on railroad cars when they pay the same fare. Most persons now living will also learn that the way-farer who pays the common charges at a hotel, is entitled to all the privileges of a guest; and after they have learned it, they will appreciate how extremely silly are all actions dictated by prejudice.  

Frederick Douglass was to make one more visit to Carlisle. On April 7th, 1893, he spoke to “an immense audience” at the Carlisle Indian Industrial School.” The School’s newspaper, the Indian Helper, described the lecture as follows:

On Thursday night last the school had the great privilege of seeing and listening to the Hon. Frederick Douglass, in his far famed speech, “Self-Made Men.” Mr. Douglass is a man of 76 years of age, and has lost the fire so marked in his delivery of twenty years ago, but the beautiful language of the address was all there. Had he not spoken a word, the magnetism received from looking into the face of America’s Grand Old Man is more than can be estimated. Mr. Douglass has promised to let us print his address in pamphlet form, when all will have a chance to read it.

During the course of Mr. Douglass’ eloquent lecture, he said warmly, “Usually I am Negro, but tonight I am Indian out and out,” and great was the honor felt at this high compliment. Frederick Douglass possesses one of those superior intellects which dispel race prejudice and blood poisoning. One can not see such a master mind but to admire nor to hear such eloquence but to become enchanted. Mr. Douglass was greatly impressed with his visit to the school and felt that he was privileged in being able to come in such close contact with the race for the uplifting of which Carlisle is working.

Mr. Douglass’ speech, probably similar to the one that he had delivered in Chambersburg more

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23 “The Old Question in New Shape,” Carlisle Herald, 14 March 1872, 2.

24 “Fred. Douglass: The Great Colored Orator’s First Visit to Carlisle,” Evening Sentinel (Carlisle, Pa.), 7 April 1893, 2. The headline was incorrect; this was not, of course, Mr. Douglass’ first visit to Carlisle.

25 “Untitled,” Indian Helper (Carlisle, Pa.), 14 April 1893, 2.
than twenty years earlier, included these words:

I have said “Give the negro fair play and let him alone.” I meant all that I said and a good deal more than some understand by fair play. It is not fair play to start the negro out in life, from nothing and with nothing, while others start with the advantage of a thousand years behind them. He should be measured, not by the heights others have obtained, but from the depths from which he has come. For any adjustment of the scale of comparison, fair play demands that to the barbarism from which the negro started shall be added two hundred years heavy with human bondage. Should the American people put a school house in every valley of the South and a church on every hill side and supply the one with teachers and the other with preachers, for a hundred years to come, they would not have given fair play to the negro.

The nearest approach to justice to the negro for the past is to do him justice in the present. Throw open to him the doors of the schools, the factories, the workshops, and of all mechanical industries. For his own welfare, give him a chance to do whatever he can do well. If he fails then, let him fail! I can, however, assure you that he will not fail. Already he has proven it. As a soldier he proved it. He has since proved it by industry and sobriety and by the acquisition of knowledge and property. He is almost the only successful tiller of the soil of the South, and is fast becoming the owner of land formerly owned by his old master and by the old master class. In a thousand instances has he verified my theory of self-made men. He well performed the task of making bricks without straw; now give him straw. Give him all the facilities for honest and successful livelihood, and in all honorable avocations receive him as a man among men.

Frederick Douglass died less than two years after he spoke these words. He suffered a massive heart attack on February 20, 1895, shortly after he had returned home from a meeting of the National Council of Women in Washington, D.C. He was approximately 77 years old.

Unfortunately, the 1872 prediction by the Herald’s editor that “we would soon have an end of this trouble” failed to materialize. These “actions dictated by prejudice” continue today, not only in Carlisle, but throughout the nation.

Frederick Douglass’ words would be echoed in Carlisle many years later when another great African-American leader, the Rev. Dr. Martin Luther King, Jr., would deliver a speech at Dickinson College. In 1961, he would tell a capacity crowd at the College Chapel that “we must all learn to


27 As an example of the continued hostility towards people of color in Carlisle, the Klu-Klux-Klan remained a strong organization in the area, with the 1918 annual Klu-Klux-Klan Ball being described in the newspapers as “a delightful affair throughout.” “Klu-Klux-Klan Dance,” Carlisle Evening Herald, 27 December 1918, p. 5.
live together as brothers or perish as fools.”

—Frederick Douglass

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We are getting closer and closer to this summer’s annual meeting (because that’s how time works), and no one is looking forward to it more than I am! What you might not realize, however, is how much awesome stuff is going on in LH&RB right now!

Our officer election is going on, and I hope you will each take the time to vote. Secretary/treasurer Joni Herbst is managing the online election, which takes place from May 3 to May 10. After experimenting with two-year terms for officers, we are back to the more standard one-year-term model. This year’s vice chair/chair-elect/Nominations Committee chair, Mike Widener, had the task of nominating two officers, and he couldn’t have done a better job.

I am very pleased that Jennie Meade and Kasia Solon have agreed to stand for election, Jennie for the office of vice chair/chair-elect, and Kasia for the office of secretary/treasurer. Jennie and Kasia have been two of the most dedicated SIS members I’ve known in my time in AALL. In fact, I will not even try to list their contributions to the SIS here: I don’t have their bios in hand, and I’m afraid I would leave things out. By the time you see this column you should be able to read their bios for yourself, and then you’ll see what I mean.

While things like the election are once-a-year deals, other SIS work is more frequent. This newsletter is an obvious example of the latter, one that I can almost guarantee you have in front of you this minute. (I say “almost” because perhaps someone is reading it to you from across the room, or perhaps you have amazing peripheral vision and it’s actually next to you.) LH&RB is incredibly fortunate to have not only the talented and dedicated Mark Podvia as newsletter editor, but also so many members who contribute top-notch content—enough to merit an annual “best-of” review, Unbound. I hope you’ve all had a chance to read the 2011 issue of Unbound, featuring Sarah Spinner’s “Justice in Vichy France: The Creation of the Special Section Courts.”

Sarah Spinner was last year’s runner-up in LH&RB’s Morris L. Cohen Student Essay Competition, a contest that is unrivaled in AALL for the promotion of scholarship in legal history and in outreach to students beyond the usual suspects for future law librarianship. As I write this, the contest application deadline is almost here; by the time you read this, the Cohen Contest Committee members will have put a lot of work and thoughtful analysis into selecting the very best of the lot. Thank you, Rob Mead and Marguerite Most and the rest of the committee!

Another group that has been busy lately is the Publications Committee. Joni Herbst et al. have put together a very snappy-looking new LH&RB-SIS brochure, which will no doubt be a big hit at CONELL and elsewhere. Pick one up when you get a chance; if you’ve somehow neglected to become an LH&RB member yet, you’ll no longer be able to resist. And really, why would you want to resist?

So you see: there are plenty of ways to get involved with LH&RB, even if you can’t attend the annual meeting—which is not to say that you shouldn’t bother to attend if you can. We have the best parties, for one thing. You might accuse me of exaggeration—and I admit I haven’t been to every AALL party ever—but I can say with absolutely no risk of hyperbole that this year’s LH&RB reception will be the best time you will ever have in your life. (You know, if you can make it. If not, no big.) Harvard Law School Library is co-hosting a reception with us, to be held in its beautiful Caspersen Room. Many thanks to Harvard for its generosity and to Harvard’s Karen Beck and Jennifer Gordon for their coordination and planning of what is sure to be the event of the millennium.
LH&RB SIS Election 2012

Section 2012 election will soon be underway.

Running for Vice Chair/Chair Elect is Jennie C. Meade, Director of Special Collections at the George Washington University Law Library. Our candidate for Secretary/Treasurer is Kasia Solon, Student Services Coordinator at the Tarlton Law Library at the University of Texas School of Law.

Voting will be via the AALL Online Election System. Polls will open 24 hours a day, seven days a week beginning on Thursday, May 03, 2012. The deadline to submit ballots is 11:59 p.m. Central Time, Wednesday, May 9, 2012.

Candidate bios and statements are available on the election website (https://vote.aallnet.org/sis-lhrb/).

Welcome to the Spring issue of LH&RB. I hope you enjoy it!

First, CONGRATULATIONS to Erwin C. Surrency on his induction into the AALL Hall of Fame! Well done! Please keep sending us your excellent book reviews.

Second, good luck to Jennie Meade and Kasia Solon in the upcoming LH&RB SIS election. I was tempted to give the election article a more exciting headline, something like Meade and Solon Make Bid for Power; Bloodless Coup Anticipated. Better sense prevailed and I scrapped that idea. Good luck to both of you in the election!

Third, please remember to send us material for this newsletter, particular articles. Otherwise you will be forced to read more of my drivel. Actually, I hope you enjoy the Frederick Douglass article, although I am not sure that it really qualifies as legal history. Several years ago the group Historic Carlisle asked me to prepare the text for an historic marker commemorating Frederick Douglass’ visits to our Borough. This is a much-expanded version of the material I prepared for that marker.

Finally, we will have one more issue of LH&RB prior to the annual meeting. The deadline for that issue will be June 30th.

Mark Podvia
What do we mean when we use the word “law?” Lawyers alone could debate the meaning of the word indefinitely. Enter philosophers, theologians, scientists, and linguists and the debate becomes all the more complex. In *Natural Law and the Laws of Nature in Early Modern Europe*, editors Lorraine Daston and Michael Stolleis have compiled a group of essays, characterized in the introduction as a “shared puzzlement among a group of historians of law and science,” that discuss the concept of natural law that rose to sudden prominence in early modern European philosophy, and its relation to modern science, with its so-called scientific “laws” or “laws of nature,” between the sixteenth and eighteenth centuries. What, these historians ask, led thinkers from such varied disciplines to borrow so liberally each other’s language and ideas? The featured authors attempt to answer the question of whether the intertwining of these two disciplines was merely a matter of shared language, or whether the two disciplines evolved within a “common conceptual matrix, in which theological, philosophical, and political arguments converged to make the analogy between legal and natural orders”.

The result, as one might expect, makes for a difficult, though fascinating, intellectual journey. As promised in the introduction, the book’s essays combine to take a truly interdisciplinary approach to the stated questions. Drawing from ancient, medieval and early modern philosophy, for example, philosophy professor Catherine Wilson explores the question of why science might borrow the word “law” to indicate a well-confirmed statement based on scientific observation, when in fact the law is inherently inconsistent, irregular and unpredictable. Professor of history of science and technology Friedrich Steinle provides a comparative overview of the use and meaning of the word “law” in France and England, drawing primary from the “law-concepts” of Bacon and Descartes, and examining why and when the word’s meaning shifted and broadened to encompass philosophical and scientific concepts. Heinz Monhaupt, jurist and legal historian, considers the need for certainty and security in conclusions of science, and points out the close relationship between science and the humanities that existed during the Enlightenment. Examining science and the humanities together, he uses the quest for scientific certainty as a framework for addressing the question of what, if anything, natural law or the laws of nature have in common with man-made laws. In one particularly compelling essay, German law professor Andreas Roth discusses the history of “crimes against nature,” citing actual scientific arguments that have historically been used to justify the criminalization of such acts as sodomy, homosexuality, and bigamy. Though recognizing the religious justifications for the punishment of these “crimes,” Roth demonstrates how biology and the idea of “derivations from nature” worked hand in hand with
theology to criminalize these acts in early modern Europe, thus offering a unique perspective on the history of morality offenses.

These, as well as the rest of the essays, each draw from multiple academic disciplines. Taken together, they serve as a starting point for a rich academic discussion that must and will likely be continued until we can form a more complete picture of the intertwining of law, philosophy and science. The book undeniably requires an existing knowledge of European history, as well as a fairly in-depth understanding of the other disciplines from which the authors draw. The writing is dense and academic, and is unlikely to appeal to most casual readers or even to many students. In fact, some of the essays will be largely inaccessible to readers without a sophisticated understanding of the particular author’s area of expertise.

In the end, while Natural Law and the Laws of Nature in Early Modern Europe does not make for light reading, its premise is engrossing and original, and will appeal both to legal historians and to historians of early modern philosophy, theology and science. It is not a legal history book in the strictest sense. There is very little discussion of the legal system or of the law as most lawyers would choose to define it. Instead, it is a study of the word “law” as applied in the natural sciences, philosophy, and theology. While perhaps not appropriate for every law library, it is an essential addition to any program that focuses heavily on legal history or philosophy of law, and would also be at home in a theology school or in the philosophy or history of science section of a university library. It is recommended for historians, scholars of law, philosophers, and theologians, and for any reader willing to embark on a challenging but fulfilling exploration of the deeply intertwined histories of natural law and the laws of nature.

Susan Gualtieri
Foreign, Comparative, and International Law Librarian
Louisiana State University


Civil Rights Stories gives readers a broad look at American civil rights law. The sixteen contributors tell the stories of fifteen important cases in civil rights legal history, brought before the Supreme Court over a span of 50 years. The stories cover a wide variety of issues concerning education, housing, employment, voting, gender, reproductive rights, free-speech, and police misconduct.

The contributors share impressive credentials as educators in academic institutions and authors of numerous books and articles about civil rights. These men and women have engaged in civil rights litigation, argued before the Supreme Court, and clerked for the United States District Court, the Court of Appeals and for Supreme Court justices. Most have been directly involved in civil rights litigation and continue to make contributions to civil rights legal theory and practice through their work.

Civil Rights Stories goes beyond a traditional case book, providing readers with historical and cultural context to the cases. The stories are all well researched and well written, and each author
brings his or her own style and experiences to the story, presenting complex issues and multiple points of view. For example, *US Airways v. Barnett*, is a story that pits disability discrimination against a seniority system. I was drawn into this story wondering how I would decide – disability or seniority – knowing either decision would directly impact the rights of an individual. Author, Sam Bagenstos demonstrates that as civil rights cases move from racial equality to claims involving material equality, effective remedies become harder to devise.

Individuals are brought to life in the telling of these stories, that at times left me feeling deep sorrow. In one such case, *DeChaney v. Winnebago County*, Lynda G. Dodd’s recounts of child abuse that left five year old Joshua in a coma and permanently brain damaged. William N. Eskridge, Jr. tells of *Bowers v. Harwick* in which the landmark decision by the Supreme Court denied fundamental constitutional rights to gay people. One of the few illustrated stories, Mr. Eskridge puts a face to Michael Hardwick, provides insight into his life and motives, and leaves the reader with a deep sense of loss for the outcome of the case and for the individuals involved.

Two stories tell of police brutality and the disappointing court decisions. Erwin Chemerinsky’s *City of Los Angeles v. Lyons* recounts the events of a traffic stop for a burned out tail light that led to Adolph Lyons being put into a choke hold until he passed out. In the case of *Monroe v. Pape*, Myriam E. Gilles tells a story of false accusation, a warrantless police raid, and the terrorization of James Monroe and his family. The fact that this was common practice, and the attitude of police officer Frank Paper, offer readers a snapshot of policing in early 20th century Chicago.

Sheryll Cashin’s story is part of her family history. The daughter of civil rights activist Dr. John L. Cashin, Jr., the author remembers events that led to *Hadnott v. Amos*. Her story tells of the creation of the National Democratic Party of Alabama (NDPA), a predominantly black, independent political party and its efforts to gain recognition and legitimacy.

Education equality is a common subject in *Civil Rights Stories*. Risa Goluboff’s retelling of the landmark *Brown v. Board of Education* case and its impact on civil rights doctrine, laments how much Jim Crow remained intact after the decision. In *San Antonio v. Rodriguez*, Richard Schragger describes how the Texas state system of unequal funding resulted in great disparity between the schools of Edgewood and Alamo Heights. The difference in geography of the two neighborhoods, the vast difference in financial status of families, and the resulting success of students between the schools is stark.


*Schenck v. Pro-Choice Network of Western New York* is an interesting case in that both sides argued for civil rights. Serna Mayeri describing the clash between abortion protesters and providers leaves readers with the sense of dangers faced at having to cross picket lines for medical services. Schenck, a memorable character, saw himself as a civil rights crusader arguing his right to picket was protected free-speech. The creation of the Pro-Choice Network (a partnership of medical providers, NOW Legal Defense, the ACLU, and others) is an example of how alliances form and can influence legal outcomes.

Caroline Bettinger-Lopez and Susan Storm tell another story of litigation alliances. *International Union, U.A.W. v. Johnson Controls* reveal a coalition made up of labor, civil, and women’s rights groups, working to achieve workplace equality and safety. The successful outcome, that fetus safety can not justify discrimination, unfortunately did not result in safer working conditions.
Another story with memorable characters is *Virginia v. Barry Black* which looks at whether cross burning is a “threat of intimidation” as opposed to the Ku Klux Klan “message of shared ideology.” Barry Black’s lawyers were unsympathetic to the Klan but defended his right to free-speech. Thomas Metzloff’s story demonstrates that history and what constitutes “civil rights” are important to these debates.

Several of the authors discuss how the court decisions did not go far enough to result in social change. *Shelly v. Kraemer*, as told by Wendell R. Pritchett, demonstrates how the restrictive Supreme Court decision that prohibited judicial enforcement of racially restrictive covenants, allowed for the same covenants to continue as effective means of residential segregation.

*Civil Rights Stories* is a significant contribution to legal literature. It provides readers with a rich understanding of the history of civil rights in America. The complex issues and concerns raised in this diverse collection of stories will stimulate debate. This book is highly recommended for libraries that support law, civil rights, and political sciences curriculums, as well as public libraries.

Joni Herbst  
Technical Services Law Librarian  
University of Oregon

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The Liberty Fund, in its commendable effort to reprint the scholarship of the seventeenth, eighteenth, and nineteenth centuries, has republished the second (1898) edition of Pollock and Maitland’s 2-volume *History of English Law Before the Time of Edward I*. This work represents a turning point in the study of legal history as well as a turning point in the authors’ relationship. Let us consider the latter point first.

Of the two, Frederick Pollock (1845-1937) was already a scholar of formidable reach and reputation. He had published notable works on contracts (1876) and torts (1887). He was editor (1883-1919) of the *Law Quarterly Review*: from 1883 he was Corpus Professor of Jurisprudence at Oxford. In these capacities Pollock was a perceptive mentor to the younger Frederic William Maitland (1850-1906), who like Pollock had studied at Eton and at Trinity College, Cambridge, and who also had been called to the bar from Lincoln’s Inn. In particular, Pollock introduced Maitland to a circle of friends who would support and stimulate his future work. These included the Russian-born medieval historian Paul Vinogradoff and Cambridge-educated critic and savant Leslie Stephen (father of Virginia Woolf and uncle-by-marriage of Maitland’s future wife Henrietta Florence Fisher). After unsuccessfully seeking a position at Oxford, Maitland had in 1884 secured a readership at Cambridge. There he subsequently would be elected Downing Professor of the Laws of England.
Acting on a suggestion made by Vinogradoff, Maitland in 1887 published his first major work, the three-volume *Bracton’s Note Book*, an edition of the case notes of Henry de Bracton, reputed author of the great thirteenth-century treatise *De Legibus et Consuetudinibus Angliae*. The same year, Maitland helped found the Selden Society; over the next two decades he was closely involved in editing or commissioning editions of an impressive range of medieval legal documents. Because of the efforts of Maitland and his successors, we have in our hands authoritative editions of records that otherwise might have been lost; or that at best would have been utilized by small numbers of scholars. First class editorial work, however, seldom generates the sort of fame that today follows Maitland’s name. He owes his status as a god of legal history to his work on *The History of English Law*, conceived in 1889 and first published in 1895. Maitland’s biographers affirm a story (a legend, really) that after Pollock lingered over the composition of a chapter on Anglo-Saxon law, Maitland rushed to compose the remaining chapters. There is little doubt that Pollock exercised a certain influence over the whole work; certainly Cambridge University Press placed his name first on the title pages. But the work is essentially Maitland’s.

The *History of English Law* begins with a series of chapters based on standard chronological or cultural divisions ("The Dark Age in Legal History," "Anglo-Saxon Law," "Norman Law," "England Under the Norman Kings,"...) and moves to chapters based on intellectual factors, including "Roman and Canon Law," a long-standing interest of Maitland’s, and memorably, "The Age of Glanvill" and "The Age of Bracton." The remaining chapters, several of which are books-within-a-book, are driven by more technical topics: landed tenures, legal “conditions” of men, jurisdiction and communities, ownership, contracts, inheritance, family law, criminal law, and procedures. Chief among Maitland’s virtues was his ability to present complex subjects in direct, easily comprehended prose. Thus he was able to give engaging, telling explanations of what might otherwise have been bewildering, dull, or both. See, for instance, his extended discussions of landed tenures—by military tenancy, serjeantry, socage, and villeinage [I: 243-313, 377-405]. It is a mark of Maitland’s work that, having shown us the human possibilities, he has in the meantime kept an eye on underlying principles. The result is that we come away with the mental image of a world as complex and as comprehensible as our own. More, we come away with the sense, possibly illusory, that we have learned to think like a medieval person.

Maitland’s work is open to criticism on several fronts. The scholar S.F.C. Milsom, whose bibliography and notes conclude the Liberty Fund edition, has argued that Maitland was too much Bracton’s disciple, too much inclined to allow *De Legibus et Consuetudinibus Angliae* to influence his perception of earlier events, and indeed, too quick to assume that the death of Bracton’s royal patron (Henry III, d. 1272) was the natural end of an era. [For a perceptive assessment of these and other matters, see Milsom’s “Maitland, Frederic William,” in the *Oxford Dictionary of National Biography.*] Still, Milsom agrees that Maitland and Pollock’s great work is very much alive more than a century after its publication. If confirmation were needed, this reviewer recently turned up via FirstSearch 126 records of *The History of English Law*.

It is only a slight exaggeration to say that Maitland created the discipline of English legal history. He did so with considerable freedom from national prejudices, notably the sort of patriotic motives that had characterized so much of “Whiggish” historical writing. Maitland’s cosmopolitan affinities stretched in one direction from Cambridge right across Europe, and in another from Cambridge to Cambridge (U.S.). There is an heroic element to his life, too, as he wrote with remarkable speed, racing against ailments that periodically debilitated him and eventually laid him low. Since one of Maitland’s enduring legacies is his prose style, we cannot do better than close with passages of the sort that plentifully await readers of *The History of English Law*.

Discussing the state of French law at the time in the tenth-century, when William the Conqueror’s Viking ancestors established themselves in Normandy: “Their invasions occurred in the very midnight of the legal history of France; indeed they brought the midnight with them.” [I: 71]
On the balance between customary law and written laws during Bracton’s time: “And if in one sense England was never to be a ‘country of the written law,’ it had become preeminently the country of the written record.” [I: 239]

On the dangers of formulary law, such as had developed by the mid-thirteenth century: “It may become an occult science, a black art, a labyrinth of which the clue has been lost.” [I: 239]

Commenting on the linguistic pleasures of the concept of servitium (service): “A single Latin stock has thrown out various branches; the whole of medieval society seems held together by the twigs of those branches.” [I: 299]

Pointing out the difficulties of legal fictions, especially the one that regarded monks and nuns as “dead to the world”: “A fiction, however, which would regard a living man as dead must find that limits are set to it by this material world. A monk does wrong or suffers wrong; we cannot treat the case as though wrong had been done to a corpse or by a ghost.” [I: 459]

Illuminating the connotations of “seisin”: “If on the one hand ‘seisin’ is connected with ‘to seize,’ on the other it is connected with ‘to sit’ and ‘to set’: —the man who is seised is the man who is sitting on land; when he was put in seisin he was set there and made to sit there.” [II: 31]

Paul M. Pruitt, Jr.
Bounds Law Library,
University of Alabama

From the Fred Parks Law Library, South Texas College of Law:
Race & Military Justice
by Heather Kushnerick, Special Collections Librarian, South Texas College of Law.

To complement our seminar, The Largest Murder Trial in American History: Exploring the Houston Riot of 1917 and Its Impact on Military Justice Today, the Fred Parks Law Library has selected materials from the collection on race and military justice on display in the library lobby. Included in the display are works on the Buffalo Soldiers, the Brownsville Raid, and Henry O. Flipper, the first African-American graduate of West Point.

The Houston Mutiny and Riot occurred on August 23, 1917, at Camp Logan (now Memorial Park), Houston, Texas. It was sparked by the racism directed toward the African-American soldiers by the police and citizens of Houston, and resulted in three general courts-martial held at Fort Sam Houston, San Antonio, Texas in late 1917 and early 1918. One hundred seventeen soldiers were tried and 110 were convicted: 19 were executed and 91 were sentenced to various terms of confinement at the U.S. Penitentiary at Fort Leavenworth, Kansas. The idea for the seminar came from our digital collection which contains the records of all three trials along with numerous letters from citizens to Congressmen, Senators, and President Wilson. The seminar, which will take place on March 23, 2012, will be recorded and hopefully posted online in the future. To view the Riot records, please visit our digital collections page, http://cdm16035.contentdm.oclc.org/cdm/landingpage/collection/p15568coll1.
FROM THE HARVARD LAW SCHOOL LIBRARY:

The Harvard Law School Library's Historical & Special Collections department is pleased to announce the opening of a new exhibit, Provenance Detectives: Revealing the History of Six Library Artifacts.

This exhibit highlights artifacts chosen for their fascinating and sometimes mysterious provenance, as well as their ability to illustrate the different paths provenance research takes. Artifacts include: a fourteenth-century Magna Carta; furniture used by Justice Oliver Wendell Holmes, Jr.; and a painting of Justice John Marshall by eminent portrait artist Chester Harding.

The centerpiece of the exhibit is an early printed volume of English statutes once owned by photography pioneer William Henry Fox Talbot (1800-1877). Included with the volume, on display for the first time since its provenance was discovered, is a leaf from the same volume that Talbot used to make a “photogenic drawing” of the text in 1839 - the year photography was born. Long thought lost by historians of photography, the volume was (re)discovered in 2004 by our HLS Library colleague Mary Person.

This exhibit was curated by HLS Library staff members Mary Person, Lesley Schoenfeld, and Carli Spina. It will be on view through August 12, 2012, in the Law Library's Caspersen Room in Langdell Hall. The Caspersen Room is open Monday-Friday from 9am to 5pm. You may also visit the exhibit online at http://isites.harvard.edu/icb/icb.do?keyword=k83309.

The department has also prepared a new digital exhibit: Ruhleben Internment Camp - A British war-time community in Germany. Ruhleben was a civilian internment camp established by the German military at the outbreak of World War I. German authorities arrested all male British citizens in the country shortly after England declared war on Germany. Many of these men spent the entire war in the camp. Over the course of their incarceration the Ruhlebenites (as they came to be called) created their own community complete with a police force, education system and a multitude of clubs and associations.

The objects in the exhibit are taken from two collections created by former Ruhleben internees, the Maurice Ettinghausen collection and the John Cecil Masterman collection, both of which have been digitized. The online exhibit is available at: http://bit.ly/ruhleben_exhibit.

FROM THE JOHN E. JAQUA LAW LIBRARY, UNIVERSITY OF OREGON SCHOOL OF LAW:

"Law in a World of Capes, Tights and Trench Coats," highlights the UO Law Library comic book collection and will be on display through May 2012. Kelly Reynolds, UO Law Reference Librarian and Kirk Reynolds, local attorney and comic book collector, selected the comics and wrote the materials for the exhibit. The UO Law Library exhibit committee members - Diane Haas, Joni Herbst, and Kelly Reynolds - organized the exhibit and selected pictures from the comics for display. Cristian Boboa, the UO Libraries graphic artist, assisted with design and creation.

FROM THE LILLIAN GOLDMAN LAW LIBRARY, YALE LAW SCHOOL:

"Monuments of Imperial Russian Law," the latest exhibit from the Yale Law Library's Rare Book Collection, is perhaps the first rare book exhibit in the U.S. to focus on the history of Russian law. The exhibition features principal landmarks in Russia’s pre-1917 legal literature. Among these are the first printed collection of Russian laws, the 1649 "Soborne ulozhenie", and three versions of the "Nakaz", the law code that earned Empress Catherine the Great her reputation.
The exhibit draws on the riches of Yale University libraries, augmented by loans from the Harvard Law School Library and a private collection.

"The post-Soviet era of Russian history has made the legacy of the pre-1917 era newly relevant in ways unimaginable," writes William E. Butler, one of the exhibit curators. "It is not merely a country recovering historical experience suppressed or distorted for ideological reasons during the Soviet regime, but a country seeking to modernize partly on the basis of its earlier legal legacy." Butler is the John Edward Fowler Distinguished Professor of Law and International Affairs at the Dickinson School of Law, Pennsylvania State University. The exhibit's co-curator is Mike Widener, Rare Book Librarian at the Lillian Goldman Law Library, Yale Law School.

Butler is the pre-eminent U.S. authority on the law of the former Soviet Union. He is the author, co-author, editor, or translator of more than 120 books on Soviet, Russian, Ukrainian, and post-Soviet legal systems. He is a member of the Grolier Club, the leading U.S. society for book collectors, and the Organization of Russian Bibliophiles.

Widener has been Rare Book Librarian at the Lillian Goldman Law Library since 2006. He is a member of the Grolier Club and a faculty member of the Rare Book School, University of Virginia. The exhibit is on display March 1 through May 25, 2012 in the Lillian Goldman Law Library, Yale Law School. The exhibit is open to the public, 9am-10pm daily. The exhibit will also go online via the Yale Law Library Rare Books Blog at http://blogs.law.yale.edu/blogs.rarebooks. For more information, contact Mike Widener, Rare Book Librarian, at (203) 432-4494 or mike.widener@yale.edu.

FROM THE TARLTON LAW LIBRARY, THE UNIVERSITY OF TEXAS SCHOOL OF LAW:

Fine press exhibit:

The fine presses of the late nineteenth and early twentieth century embraced the return to craftsmanship that typified the Arts and Crafts movement. Initially the goals were to produce quality products designed to enhance daily life for a new consumer class and provide a sustainable income for craftsmen. As the trend evolved into the Aesthetic movement, the emphasis shifted to limited production of exquisitely crafted and highly refined pieces, prohibitively expensive for all but the economic elite.

Fine and private press editions are prominent in most rare books collections. The challenge to integrating fine press into a collection of rare law books is finding editions that are related to law. The library currently boasts a collection of over 300 fine and private press editions.

New online exhibits

The Legal Eagles, showcasing Charles Alan Wright's 45 years as coach of UT Law's intramural football team: http://tarlton.law.utexas.edu/exhibits/legal_eagles/.
One of the nation’s leading authorities on federal courts and constitutional law, Charles Alan Wright also holds the distinction of being “The Winningest Coach in Texas Football History.” Wright was only twenty-eight when he began teaching at the University of Texas School of Law in 1955. When a first-year student announced that an intramural football team was being organized, Wright, who played end for both his Haverford, Pennsylvania High School team and Wesleyan University in Middletown, Connecticut, asked whether faculty could participate. Invited to be both player and coach, Wright accepted and christened the team the Legal Eagles.

**The Early Deans of UT Law:** [http://tarlton.law.utexas.edu/exhibits/early_deans/](http://tarlton.law.utexas.edu/exhibits/early_deans/). Though the foundation was well-laid by the first law department professors, Robert S. Gould and Oran M. Roberts, the early deans of the University of Texas School of Law strove to build the school’s reputation for greatness. By exacting a rigorous course load intended to dissuade less determined students, modernizing the curriculum and teaching methods, and instituting financial support outside university funding, our early deans helped shape the School of Law.


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**Warren Billings** delivered the Eighth Annual Rare Books Lecture at the Tarlton Law Library, University of Texas at Austin, on February 16, 2012. The title of his lecture was “An Accidental Collector: The Making of an Historian’s Law Library.” The talk will be published in the Tarlton Law Library Legal History Series. Elizabeth Haluska-Rausch organized the event.

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Mike Widen er delivered a paper on “Morris Cohen and the Art of Book Collecting” at the annual meeting of the American Society for Legal History, November 11, 2011, in Atlanta. Widen er gave a talk entitled “The Yale Law Library and the Statuto di Montebuono” on November 23, 2011, at the Biblioteca del Senato della Repubblica in Rome, Italy. His talk was part of a symposium celebrating the publication of Lo Statuto di Montebuono in Sabina del 1437 (Rome: Viella Libreria Editrice, 2011) The book includes a facsimile reproduction of a 15th-century manuscript in the Yale Law Library’s rare book collection, along with three scholarly studies and a full transcription. In January 2012 Widen er was elected to membership in the Grolier Club.

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Sarah Spinner, author of the 2011 Morris L. Cohen Student Essay Competition Runner-Up, Justice in Vichy France: The Creation of the Special Section Courts, received the Golieb fellowship in legal history at NYU Law School for next year.

Legal History Update

Dan Blackby

Hello, all! I hope that everyone’s had a good spring. 2012 is off to a good start in terms of its legal history articles. As we head into the summer, now’s the time to take some time to yourself and catch up on what’s out there.

You might start with Law & History Review. Celebrating their thirtieth year in publication, they’ve come out with a very interesting forum issue entitled, Ab Initio: Law in Early America1 (30 Law & Hist. Rev. 135 et seq.), which includes works such as Terri Snyder’s “Marriage on the Margins, Free Wives, Enslaved Husbands and the Law in Early Virginia,” Alison LaCroix’s “Federalists, Federalism, and Federal Jurisdiction,” and Kevin Arlyck’s “Plaintiffs v. Privateers: Litigation and Foreign Affairs in the Federal Courts, 1816-1822.”

The Winter issue of Law & Social Inquiry also provides an interesting read, a symposium on Gordon’s “Critical Legal Histories, starting with an essay by Christopher Tomlins, and which features two articles previously published in the Stanford Law Review and a response from Gordon himself.2 (37 Law & Soc. Inquiry 155 et seq).

In regard to history more specific to the professional of law librarianship, every law librarian should take the time to read Bob Berring’s “A Tribute to Morris Cohen (1927-2010): The End of Scholarly Bibliography: Reconceptualizing Law Librarianship3,” which appeared in the Winter, 2012 issue

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of *Law Library Journal*. (104 Law Libr. J. 69). The same issue also features a wonderful article by Michael Widener, “Morris Cohen and the Art of Book Collecting,” (104 Law Libr. J. 39), as well as solid articles by Blair Kauffman, Kent Olson, and others on Morris Cohen and his contribution to the field of law librarianship.

2012 already looks to be a good year in legal history books. On April 30, Cambridge University Press will be releasing Charles Anthony Smith’s *The Rise and Fall of War Crimes Trials: From Charles I to Bush II*, which aims to be the most expansive look yet at the politics of war crime trials and tribunals. Reaching even further back, Detlef Liebs’ *Summoned to the Roman Courts: Famous Trials from Antiquity* will be released by the University of California Press on April 26. This is the first work of Liebs that is available in English. Coming a little bit closer to present day, William James Hull Hoffer’s *Plessy v. Ferguson: Race and Inequality in Jim Crow America* is seeing a paperback release from the University of Kansas press on April 16.

If you’re looking to write some legal history yourself, the American Society for Legal History’s announced their 2012 competitions. ([http://www.legalhistorian.org/#CrBook](http://www.legalhistorian.org/#CrBook)), and have announced issued their call for papers for their 2012 conference in St. Louis. If you’re looking for even more work, they’ve also got an opening as Editor-in Chief for *Law and History Review*. ([http://www.legalhistorian.org/newsitems/LHR%20Editor%20AD.pdf](http://www.legalhistorian.org/newsitems/LHR%20Editor%20AD.pdf))

As a reminder, there are a number of useful legal history resources around the web. If you haven’t checked out the Legal History Blog ([http://legalhistoryblog.blogspot.com/](http://legalhistoryblog.blogspot.com/)), there’s no time like the present. It runs notices of new books in the field as well as interesting articles, such as a Q&A with author Ted White, and perhaps most usefully, a weekly round-up of legal history news. Also be sure to check out H-Law ([http://h-net.msu.edu/cgi-bin/logbrowse.pl?trx=l&m=list=H-Law](http://h-net.msu.edu/cgi-bin/logbrowse.pl?trx=l&m=list=H-Law)) and the SSRN Legal History Page ([http://papers.ssrn.com/sol3/Jeljour_results.cfm?form_name=journalBrowse&SortOrder=ab_approval_date&stype=desc&journal_id=261&netorjnl=jrnl&lim=true](http://papers.ssrn.com/sol3/Jeljour_results.cfm?form_name=journalBrowse&SortOrder=ab_approval_date&stype=desc&journal_id=261&netorjnl=jrnl&lim=true)).

I hope everyone has a great summer, and I look forward to seeing everyone at Boston for AALL 2012.

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