The May 1989 issue of AALL Newsletter included the following announcement:

A new SIS for Legal History and Rare Books is currently being formed. The requisite number of signatures have been collected to submit the petition before the Executive Board.¹ The organizational meeting of the SIS will be held at 7:00 p.m. on Monday, June 19 in Reno.

Those interested in the new SIS were directed to contact Dan Wade at Yale Law Library. He later recalled that while the idea to start the SIS was his, the late Morris Cohen “was most enthusiastic, and was the real mover and shaker.” Other early supporters included the late Nick Triffin, Naomi Ronen, David Warrington and Michael Chiorazzi. The late Erwin Surrency, who was recently inducted into the AALL Hall of Fame, was the first Chair of the SIS.

The bylaws adopted by the new SIS included the following objectives:

1) To provide a forum for the exchange of ideas and information on legal history and rare books librarianship;

2) To represent its members’ interests and concerns within AALL.

The SIS newsletter, LH&RB, was first published in January 1991. Janet Sinder was editor of the new publication, a position she would hold for three years.² It was she who came up with the newsletter’s title, LH&RB.³ In an e-mail to the author, Janet reported that the publication was originally laid out “manually by pasting it together and then having copies made on colored paper.”

Continued on page 4 LEGAL HISTORY

¹ Except where otherwise indicated, all references are to either LH&RB or to Unbound.
² The SIS was approved by the Executive Board on June 17, 1989.
³ Then-chair Mike Chiorazzi wrote that Janet took the job as newsletter editor “without realizing what she was getting herself into.” After holding the job for more than 13 years, the current editor can relate to that statement.
³ The title is simply LH&RB although the publication has occasionally been referenced as LH&RB Newsletter. Janet later described the title as being “not very original,” but the current editor has always liked it.
In This Issue

The Legal History & Rare Books Special Interest Section: Twenty-Five Years of Excellence
Mark Podvia  Page 1

From the Chair
Sabrina Sondhi  Page 12

Editor’s Corner
Mark Podvia  Page 14

Program Review: The Accidental Archivist: Creating Archives on a Shoestring Budget
Laura Ax-Fultz  Page 14

Program Review: LHRB-SIS Host City History: San Antonio Edition
Kasia Solon Cristobal  Page 16

Program Review: The Civil Rights Act of 1964: Celebrating Its 50th Anniversary
Liz Hilkin  Page 17

Rare Book Cataloging Roundtable
Sabrina Sondhi  Page 18

The Morris L. Cohen Essay Presentation and Luncheon, July 14, 2013, Seattle
Marguerite Most  Page 19

Book Reviews
Joel Fishman, Ed.  Page 20

Member News
Mike Widener  Page 29

Recent Acquisitions
Linda Tesar  Page 30

From AALL 2014  Page 33

LH&RB Officers

Chair
Sabrina Sondhi
Special Collections Librarian
Columbia Law School
Arthur W. Diamond Law Library
435 West 116 Street
New York, NY 1027
(212) 854-5244
sabrina.sondhi@law.columbia.edu

Vice Chair/Chair Elect
Kasia Solon Cristobal
Reference Librarian
Tarleton Law Library
The University of Texas School of Law
727 East Dean Keeton Street
Austin, TX 78705
(512) 232-3801
kcristobal@law.utexas.edu

Secretary/Treasurer and Webmaster
Laurel Davis
Legal Information Librarian/Lecturer in Law
Curator of Special Collections
885 Centre Street
Newton, MA 02459
(617) 552-4410
laurel.davis.2@bc.edu

Immediate Past Chair
Jennie C. Meade
Director of Special Collections
George Washington University
Jacob Burns Law Library
716 20th St., N.W.
Washington, D.C. 20052
(202) 994-6857
jmeade@law.gwu.edu

Library of Congress
UNITED STATES OF AMERICA

-2-
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:

Mark Podvia, Editor-in-Chief
Head of Public Services and Special Collections and Instruction Librarian
West Virginia University College of Law Library
P.O. Box 6130
Morgantown, WV 26506
Phone (304)293-6786/Fax: (304)293-6020
Email mwpodvia@mail.wvu.edu

Jennie Meade, Articles Editor
Director of Special Collections
George Washington University
Jacob Burns Law Library
716 20th St, N.W.
Washington, DC 20052
Phone (202)994-6857/Fax (202)994-2874
E-mail jmeade@law.gwu.edu

Kurt X. Metzmeier, Articles Editor
Associate Director
University of Louisville Law Library
Belknap Campus
2301 S. Third
Louisville, KY 40292
Phone (502)852-6082/Fax (502)852-8906
E-mail kurt.metzmeier@louisville.edu

Joel Fishman, Ph.D., Book Review Editor
Assistant Director for Lawyer Services
Duquesne University Center for Legal Information
Allegheny County Law Library
921 City-County Building
414 Grant Street
Pittsburgh, PA 15219
Phone (412)350-5727/Fax: (412)350-5889
E-mail fishman@duq.edu

Stewart Plein, Archives Column
Editor/Ass’t Book Review Editor
Special Collections Librarian
West Virginia University College of Law Library
101 Law Center Dr.
Morgantown, WV 26506
Phone (304)293-6786/Fax (304)293-6020
Stewart.Plein@mail.wvu.edu

Michael Widener, Member News Editor
Rare Book Librarian
Lillian Goldman Library, Yale Law School
PO Box 208215
New Haven, CT 06520
Phone (203)432-4494/Fax (203)432-7940
mike.widener@yale.edu

Kasia Solon Cristobal, Exhibits Column
Editor
Reference Librarian
Tarlton Law Library, The University of Texas School of Law
727 East Dean Keeton Street
Auston, TX 78705
Phone (512)232-3801/Fax (512)471-0243
kcristobal@law.utexas.edu

Sarah Yates, Sp. Coll. Cat. Column Editor
Cataloging Librarian
University of Minnesota Law Library
229 19th Ave. S.
Minneapolis, MN 55455
Phone (612)625-1898/(612)
E-mail yates006@tc.umn.edu
The first articles published in the newsletter were *Blackstone’s Commentaries and Rare Book Prices* by Jordan D. (Joe) Luttrell, *Rare Books and Other People’s Money* by Michael J. Lynch, *Recent Developments in English Legal History: A Tudor Mystery Solved?* by Byron Cooper, and *Reprinting of Monographs: Historical Background and Selection Criteria* by Paul A. Rothman. The publication also included columns by Chair Mike Chiorazzi and Editor Sinder, notes and recent publications, and the SIS Bylaws.

The newsletter then included advertising by antiquarian and used book dealers. Janet later recalled that the advertising was “so popular that we made a lot of money for the SIS.” Rates were $150.00 for a full page, $100.00 for a half page and $75.00 for a quarter page.

The Legal History & Rare Books-SIS offered two programs at the 1991 AALL Annual Meeting in New Orleans. Mike Chiorazzi moderated *The Historical Development of the Louisiana Legal System*, which featured Warren Billings, Professor of History at the University of New Orleans and Historian of the Louisiana Supreme Court, David Combe, Professor of Law and Law Librarian at Tulane University School of Law, and Ray Rabalais, Professor of Law at Loyola University School of Law. The second program was *Bridges to the Past: Looking After Older Legal Materials (Rare and Historical)*, cosponsored with the Technical Services-SIS and the Academic Law Libraries-SIS.

A reception at Meyer Boswell Books was one of the features at the 1992 Annual Meeting in San Francisco. The SIS sponsored two programs that year, *Crime and Punishment in Early California* and *Ephemera: To Collect or Not.* That year’s business meeting included a “Meeting after the Meeting” where an SIS response to the *Report and Recommendations of the Special Committee on Preservation Needs of Law Libraries* was discussed.

1992-93 brought a situation that has sometimes been a problem for the small SIS: several program proposals were submitted to the AALL Education Committee but none were accepted. Chair Cynthia Arkin wrote that the rejections bring up what appears to be a problem that won’t go away."

Certainly, as academics (which most of us are), and in particular as people interested in legal history and rare books, we are in an ever-shrinking minority within AALL. And, when the Education Committee is faced with diminished space at a meeting site, it is easy to figure out why our proposals are not accepted. On the other hand, members of the Legal History and Rare Books SIS, who are for the most part interested and active in AALL, cannot help becoming discouraged from active participation when our proposals are rejected year after year. All the pep talks in the world about “being active” won’t work when the very activity being encouraged is repeatedly rejected.

Cynthia encouraged SIS members to get involved with the Education Committee “to help make our voice heard where it counts.”

While the SIS did not have any programs at the 1993 meeting in Boston, it did co-host a reception, along with the ALL-SIS, at Harvard University. There members enjoyed “gastronomical delights” as well as “intellectual and aesthetic treats.” The SIS also had a table in the exhibit hall.

1993 ended Janet Sinder’s term as editor of *LH&Rb*. Her final issue as editor included Gretchen Feltes’ review of Fred Shapiro’s *Oxford Book of American Legal Quotations*. It was the publication’s

---

4 The latter program was cosponsored with the Acquisitions Committee, the Preservation Committee and the Contemporary Social Problems SIS.
first book review. The issue also included Bishop Edward Stillingfleet’s *Ecclesiastical Cases* by Joel Fishman. Joel has since been one of *LH&RB*’s most prolific contributors. Dan Wade took over as editor of volume 4 of *LH&RB*.


Chair Mary Cooper Gilliam had to resign as SIS chair midway through her 1994-95 term; Byron Cooper took over as both SIS Chair and acting newsletter editor. His “From the Chair” column in *LH&RB* included a plea for an editor.

Despite the concerns expressed by Cynthia in 1992-93, the SIS did have some success in getting its programs approved in the mid- to late-1990s. The 1995 AALL Annual Meeting in Pittsburgh included one SIS program: *Judges’ Lives: Judicial Biography in America*, moderated by Warren Billings. The 1996 meeting in Indianapolis featured two SIS sponsored programs: *The Impact of Roman Law on the Civil Law Tradition*, cosponsored with the Foreign and International Law SIS and coordinated by Dan Wade, and *Secrets in the Stacks: Rare Books in Small to Medium-Sized Libraries* coordinated by Gretchen Feltes. Another Legal History & Rare Books-SIS program, *Glanville’s World: The Rise of English Common Law* was offered at the 1997 Annual Meeting in Baltimore.

Daniel Smith, of Lawbook Exchange, Ltd. took over as newsletter editor beginning with Volume 6 in 1996. He held that position through 1998. *LH&RB* thereafter entered a brief period of inactivity, temporarily ending plans to make it available online.

An effort to reinvigorate the SIS begin in 2000 under the leadership of Chair Joel Fishman, Vice Chair Katherine Hedin and Secretary Lucia Diamond. Kurt Metzmeier took on the newly created position of SIS Webmaster, posting the SIS website on May 10, 2001. Shortly thereafter the SIS newsletter, *LH&RB*, like the mythical phoenix, returned to life with Mark Podvia as Editor, assisted by Mark Lambert, Laura Bedard and Kurt Metzmeier. An Archives Committee was organized to examine what the SIS could do in that area.

Two SIS programs were offered at the 2001 AALL Annual Meeting in Philadelphia. Joel Fishman, along with Professor Herbert A. Johnson of the University of South Carolina Law School, presented *Celebrating John Marshall: The Two-Hundredth Anniversary of his Elevation to Chief Justice of the United States Supreme Court*. Mark Lambert organized a program titled *Legal Historical Materials in a Nutshell: An Introduction to Legal Archives and Manuscripts*.

A major initiative during the 2001-2002 year was the development of a strategic plan for the SIS. The SIS again sponsored two programs at the Annual Meeting that year. Kurt Metzmeier and Katherine Topulos spoke on *Legal History from the Reference Desk: Connecting the Past to Today’s Information Needs* while Warren Billings and Karen Beck spoke on *Towards a Research Agenda for Legal History: Some Modest Proposals*.

In 2003 the SIS had three programs at the Annual Meeting: *The Collision of Native American and Anglo-American Legal Concepts: A Legacy of the Louisiana Purchase*, *Creating and Maintaining Legal History Collections: Collections Development and Analysis Issues for the Law Librarian* and *Researching and Writing Institutional History*. The SIS also made a $500 contribution to the George A. Straight Minority Scholarship, Chair Kurt Metzmeier noting that it was “a large contribution from a small SIS.”

-5-
The SIS had only one program approved for the 2004 Annual Meeting: *Creating and Maintaining Legal History Collections*. However, the LH&RB Roundtable that year featured an excellent presentation by Morris Cohen, *Joseph Story and the Encyclopedia Americana*. It was also that year that Michele Pope began efforts to organize an Archivist Caucus within the LH&RB SIS.

The AALL Centennial was celebrated at the 2006 Annual Meeting, however the Legal History & Rare Books-SIS got into the celebration early. An article from the Spring/Summer 2004 LH&RB, *The Victorian-Era Law Office: How to Furnish Your Workplace for Under $100* by Mark Podvia was selected for republication in the Fall 2004 issue of *Law Library Journal* as the first Centennial Feature Article. It was, so far as is known, the first LH&RB article to be selected for republication. That issue of the newsletter also included an index covering all the earlier editions of LH&RB. It was also the first issue of the newsletter to be distributed electronically.

The late Morris Cohen authored a series in LH&RB titled *From My Commonplace Book* that began in the Fall of 2004 with volume 11. It ran through volume 12 and was one of the most popular features ever published in the newsletter.

The 2005 Annual Meeting in San Antonio featured three SIS programs. They were: *Deadwood: The Power of Film to Teach Foundations in Native American Treaty Law and United States Territorial Law*, *Los Archivos de las Indias: Judicial and Legislative Information on the Spanish Colonial Period in the United States and Values, Video, and Vignettes: Using Video Oral History Techniques to Document the Unwritten Histories of AALL*. Unfortunately the first two programs were scheduled for the same time slot.

At the 2006 Annual Meeting in St. Louis, the SIS marked the AALL Centennial at our Roundtable. *The 1906 World*, presented by Carol Billings, Beth Chamberlain, Stacy Etheredge, Lucinda Harrison-Cox, Kurt Metzmeier and Mark Podvia, reviewed 1906 law practice, world events, literature, clothing, sports, and industry. The SIS co-sponsored, along with the AALL Centennial Committee, the program *Promoting the Past to Assure the Future: The Lure of Legal History*. The SIS also sponsored two programs of its own at the 2006 meeting. *Colonial Virginia’s Legal History* was presented by Joel Fishman, Warren Billings, and David Konig. *Forging Connections with Library Friends Groups* was presented by Mark Podvia, Carol Billings, and Jennie Meade.

The SIS sponsored or co-sponsored a number of excellent programs at the July 2007 Annual Meeting in New Orleans. These included *Taking Up the Gauntlet: The Duel in Southern Legal History*, *Rome: The Power of Film to Teach Foundations of Roman and Civil Law*, and *Huey Long and the Press: Louisiana’s Contribution to Modern Constitutional Law*. The SIS roundtable that year was *Celebrating the 400th Anniversary of Cowell’s Interpreter*.

Several SIS members got out of the exhibit hall during the 2007 meeting to perform public service work. Three organizations were aided: Habitat for Humanity, the Louisiana State Museum and the Second Harvest of Greater New Orleans and Acadiana. Such public service programs continued for several years thereafter.

---

5 Those of us in the SIS knew that the three programs that were not approved would have been excellent—largely because of Laura Ray’s wonderful leadership of our Education Committee—but we were unable to convince higher powers.

6 Her efforts ultimately did not succeed, but the possibility of such a caucus still remains...

7 Cosponsored by the Micrographics/Audio-Visual SIS.

8 What were they thinking?

9 Karen Beck envisioned and coordinated the program.
Also in 2007, it was announced that the SIS, together with Gale Cengage Learning, would co-sponsor the Morris L. Cohen Student Essay Contest. The competition would be open to all graduate students of librarianship, law, history and related fields. The first round of submissions was to be solicited after the 2008 Annual Meeting.10

Finally, 2007 provided the SIS with its official mascot, Hughes-Humphreys the Bison. Kurt Metzmeier had submitted an excellent article, James Hughes: Kentucky’s First Nominative Reporter for publication in LH&RB. His article was accompanied by several scans from the book, including an illustration of an American Bison by artist David Humphreys. At some point during the transmission of the scans, the bison managed to “migrate” onto the title page scan. Fortunately the error was caught before the issue was uploaded to the web, however it was obvious that the buffalo was trying to get our attention and volunteer for the position of SIS mascot. The editor’s motion that Hughes-Humphreys be named as SIS mascot was approved at the 2007 business meeting.

The 2008 Annual Meeting was held in Portland, Oregon, a city that boasts more microbreweries than any other city in America. It seemed appropriate that the SIS celebrate this with a special program: Beer and the Law: A Legal History of Beer, Brewing and Government Regulation from the German Purity Law to the Microbrew Movement. Other programs in Portland were Law Library Journal at 100: The Evolution of a Publication, Oregon’s Death With Dignity Act (DWDA): A Legal History and Explore the New World of Legal History Research – Be Prepared to Wiki! The SIS also cosponsored a full-day workshop, Yikes! What’s In This Box? Managing Archive Collections. The SIS Roundtable in Portland was titled Evolution of a Legal Research & Legal History Web Site: From Funding Through Implementation.

The first brochure produced by the SIS, which featured our new mascot, debuted at the 2008 Annual Meeting in Portland, Oregon. It was the work of work of the SIS Publications Committee—Stacy Etheredge and Glen-Peter Ahlers—along with AALL’s Director of Publications Julia O’Donnell.

Keeping with the beer theme, it seemed appropriate that the SIS should reinstitute the SIS Reception at a Portland microbrewery. The Lucky Lab Brewpub hosted the event,11 which was organized by Laura Ray. The Legal History & Rare Books-SIS Reception has since become an annual event.

The SIS began producing a second publication in 2008. Unbound: An Annual Review of Legal History and Rare Books was designed to republish the many scholarly articles and book reviews contained in LH&RB. The publication was made available on Hein Online, making this material more accessible for scholarly use. Mark Podvia served as Editor-in-Chief of the new publication, Jennie Meade and Kurt Metzmeier took on the role of Articles Editors with Kurt also serving as Webmaster. Joel Fishman served as Book Review Editor of the publication while Sarah Yates

10 The SIS extended thanks to Stephen Wasserstein of Gale Cengage Learning, and to Fred Shapiro, librarian consultant to Gale, for proposing the competition.
11 Lucky Lab brews several excellent beers, including a British-style IPA, Dog Day, ABV: 6.4% IBUs: 82.
served as Special Collections Cataloging Editor. The first issue of Unbound was dedicated to Morris Cohen, “Librarian, Historian, Scholar, Mentor, Friend.”

After many years in the planning, the highlight of LHRB’s 2008-2009 year was the debut of the Morris L. Cohen Student Essay Competition, jointly sponsored by our SIS and Gale Cengage Learning. Our first award winner, Benjamin Yousey-Hindes, a doctoral candidate at Stanford, presented his winning paper, A Case Study of Canon Law in the Age of the Quinque Compilationes Antiquae: The Trial for Balaruc, at the 2009 Annual Meeting.

The SIS had two formal programs at the 2009 Annual Meeting in Washington, D.C. Stacy Etheredge moderated Lincoln, the Law, and Libraries, while Professor James Starrs of George Washington University presented “Digging” Legal History: Using Exhumation and Innovative Forensic Science Techniques to Verify Historical Legal Events. The 2009 Reception was held at the George Washington University Law Library.


The winner of the 2009-2010 Morris Cohen Competition was Justin Simard, a J.D./Ph.D. candidate at the University of Pennsylvania. His paper was “The Citadel Must Open Its Gates to the People:” Judicial Reform at the 1821 New York Constitutional Convention. The Runner-up was The City and the River: The Thames in the Liber Albus by Ian Burke. The winners were honored at the SIS Reception.

In October 2010 LH&RB published its first-ever Hallowe’en issue. It featured articles on the witchcraft collection at George Washington University’s Jacob Burns Law Library by Mary Kate Hunter, on haunted courthouses by Kurt Metzmeier (with Nancy Vinsel and Roberto Campos), and the West Virginia case of State v. Shue by Mark Podvia.

The 2011 SIS Reception

Morris Cohen passed away on December 18, 2010. The 2010 issue of Unbound was dedicated in his memory. The issue included the compiled columns of From My Commonplace Book that Morris had written for LH&RB.

At the AALL Annual Meeting in Philadelphia in 2011, the SIS sponsored three formal programs: Old Into New: Collaborative Law Library Digital Collections, We the People: Constitutional National Treasures in Philadelphia Archives and “Digging” legal

12 The program was coordinated and moderated by Jennie Meade.
13 Mr. Burke’s paper appeared in Volume 3 of Unbound, it having been determined that runner-up papers would be given the opportunity to be published there. Winning papers were considered for publication in Law Library Journal.
History in Philadelphia: The Meriwether Lewis Project. An additional SIS proposal, Contemporary State Constitutional Conventions: Proposals for Pennsylvania and Beyond, was selected by the Government Documents-SIS as one of their programs.

The winner of the 2011 Morris Cohen Student Essay Contest was Jed Glickstein, a J.D. candidate at Yale University. His paper was After Midnight: The Circuit Judges and the Repeal of the Judiciary Act of 1801. He presented his paper at our LH&RB Roundtable. The 2011 SIS Reception in Philadelphia was held at Philadelphia Rare Books and Manuscripts. They were wonderful hosts!

In 2012, the SIS sponsored, cosponsored, or independently produced four programs at the AALL Annual Meeting in Boston: The Law of the Salem Witch Trials, Digitizing Legal History, “Digging” Legal History in Boston: The Case of the Boston Strangler, and Early Law Libraries as Historical Documents: Recording the Bookshelves of Long-Ago Lawyers.

The winner of the fourth annual Morris L. Cohen Student Essay Competition, chaired by Rob Mead and Marguerite Most, was John Beerbower, a student at the University of Virginia School of Law. His essay was Ex Parte McCardle and the Attorney General’s Duty to Defend Acts of Congress. The Runner-up was Zoey Orol, a student at New York University School of Law. She presented her paper, Reading the Early American Legal Profession: A Study of the First American Law Review at the LH&RB Luncheon. The SIS held its Boston Reception at the Harvard Law Library’s Caspersen Room. The reception was hosted by Karen Beck, and a wonderful time was had by all.

The 2012 issue of Unbound was dedicated to Laura Bedard, a former SIS Chair and a dear friend. She passed away unexpectedly on May 7, 2012.

New restrictions on SIS programming at the annual meeting thereafter disproportionately impacted programming by small SISs such as ours. Its educational efforts were dramatically reduced. The reduction would have been even greater would it not have been for creative avenues such as using committee meetings for programming. The SIS was permitted to sponsor only one program at the 2013 Annual Meeting in Seattle: Sharing the Legacy of the Internment of Japanese Americans: How Law Libraries Can Help Preserve and Provide Access to Stories of Advocacy and Justice. However, our Education Committee supported two independent program proposals: Wine and the Law: An Overview of Wine and Winemaking from Ancient Babylon to the Modern Washington State Wine Industry and Beyond Digitization: Designing and Marketing a Collaborative Online Experience Using the Tokyo War Crimes Trial Papers. Chair Mike Widener organized a wonderful SIS Reception at Seattle’s Palomino Restaurant.

Sarah Levine-Gronningsater, a Ph.D. candidate at the University of Chicago was the winner of the fifth annual Morris L. Cohen Student Essay Competition. Her essay was titled Louis Napoleon’s Secret Service: Gradual Emancipation, Antislavery Legal Culture, and the Origins of the Lemmon Slave Case 1852. She was unable to attend the annual meeting, so Runner-up Matthew Axtell, a Ph.D. candidate at Princeton University, presented his excellent essay, Customs of the River: Legal Change and Shifting Hydrology in the 19th-Century Steamboat Economy.

14 The last of these was again presented by Professor James Starrs.
15 Appropriately then-Chair Sarah Yates was the descendant of a convicted Salem witch.
16 The final program in the four-part series of “Digging” Legal History programs with Professor Starrs.
In an agreement with the Technical Services-SIS, the Legal History & Rare Books-SIS took over sponsorship of the Rare Book Cataloging Roundtable. The move was designed to eliminate scheduling problems for both SISs. A new Rare Book Cataloging Roundtable Committee was started in 2013-2014 to organize the Roundtable each year.

Our long-serving webmaster, Kurt Metzmeier, successfully migrated the SIS website to AALL’s new platform in 2013. Laurel Davis was appointed co-webmaster for 2013-14, and took over from Kurt beginning with the 2014-2015 year.

*LH&RB* has continued to grow and expand over the years. The newsletter is usually published three times each year. In addition to articles on rare books and various aspects of legal history and book reviews, *LH&RB* includes columns by the Chair and Editor, and information on exhibits, acquisitions, and member news. It could not be published without the assistance of the following individuals who currently serve as editors: Kasia Solon Cristobal, Joel Fishman, Jennie Meade, Kurt Metzmeier, Stewart Plein, Linda Tesar, Mike Widener and Sarah Yeates. In addition, the following SIS members previously served as editors: Karen Beck, Daniel Blackaby, C. Frederick Le Baron, Anne Mar, Amy Taylor and Patricia Turpening.

An example of the dedication that the editors have towards *LH&RB* can be seen from this phone conversation:

Me: *Hello, law library.*  
Book Review Editor Joel Fishman: *Hi Mark! It’s Joel.*  
Me: *Joel! How are you doing?*  
Joel: *Fine. I just wanted to let you know that I will be getting a couple book reviews to you.*  
Me: *Wonderful—thank you!*  
Joel: *I’ll get them to you as soon as I get home from the hospital. They are wheeling me into surgery now.*  
Me: *Joel!!!*

We celebrated the 25th Anniversary of the SIS in San Antonio in 2014. We marked the occasion with two outstanding programs: *The Accidental Archivist: Creating Archives on a Shoestring Budget* and *The Civil Rights Act of 1964: Celebrating Its 50th Anniversary*. Professor Sanford Levinson, a leading Constitutional law expert, spoke at the latter program.

The SIS also hosted its first-ever Legal History Meeting. Professor Michael Ariens of St. Mary’s School of Law, author of *Lone Star Law: A Legal History of Texas*, was the speaker. The SIS Reception was held at Mexican Manhattan on the Riverwalk and a 16th century “mystery guest,” later revealed to be none other than Sir Francis Bacon, put in an

---

17 The newsletter really expanded with the Spring 2013 issue. At 115 pages, it was the longest issue in *LH&RB* history. Some law reviews are not that long.
Chair Jennie Meade found edible “bookworms” for us to give away to visitors at the table; we also marked our anniversary by giving away two free one-year SIS membership, one to a CONELL member and one to a regular member, who successfully guessed the identity of our “mystery guest.” The SIS also formed an Outreach Committee in 2014 to handle promotional activities.

Bonnie Shucha, Assistant Director of Public Services at the University of Wisconsin Law Library, was the winner of the 2014 Morris L. Cohen Student Essay Competition. She presented her paper, *White Slavery in the Northwoods: Early Sex Trafficking and the Reformation of Law in the Late Nineteenth Century*, at the meeting. The Runner-up was Emily Ulrich, a graduate student in the Medieval Studies Program at Yale. Her paper was “Commoning the English Common Law Treatise: Investigating Three Fourteenth-Century Copies of the Britton.”

At twenty-five years of age, the Legal History and Rare Books-SIS remains a “small but mighty” SIS. We have approximately 200 members, yet we continue to provide top-quality programs at the Annual Meeting, sometimes finding creative ways to do so. We are in the seventh year of sponsoring a highly-regarded essay competition for law and library students and graduate students in history and related subjects. We publish both an online newsletter and an online annual both of which garner attention beyond our SIS.

Perhaps more importantly, as friends and colleagues the members of the SIS work to support each other. Post a question to the SIS Listserv or call an SIS member and you will receive help.

I will end this on a personal note: some of my favorite people in the world are members of this SIS. Karen Beck, Jennie Meade, Joel Fishman, Mike Widener, Warren Billings, Laura Ray, Kurt Metzmeier, Karen Wahl, Sabrina Sondhi, Rob Mead, Laurel Davis, Kasia Solon Cristobal, Stacy Etheredge, Sarah Yates, and many others (forgive me if I missed you)...it has been such a joy getting to know you and work with you!

May our little SIS enjoy many more great programs and excellent essays and articles and books and continued good friendship in the next twenty-five years!

---

*Legal History and Rare Books-SIS Chairs*

1989-1990, Erwin Surrency  
1990-1991, Michael G. Chiorazzi  
1991-1992, Nicholas Triffin

---

18 Bacon believed in “the preservative and insulating properties of snow,” and reportedly died in 1626 of a severe chill after stuffing a dead chicken with snow in an attempt to prove his theory. The ghost of the frozen plucked chicken has since been seen at Pond Square, Highgate, England.  
19 And also, concurrently, a part-time law student. Where does she find the time?
Greetings! As of this writing, I've been the Chair of LHRB-SIS for about three months. It's a humbling opportunity. Not only because I'm standing in the shoes of such wonderful colleagues who've chaired before me, but because I love this SIS. We're the scrappy underdog of AALL; the undersized SIS that won't give up! These last couple of years we've all experienced the effect of the new AMPC rules on Annual Meeting programming. The new rules clearly privilege mainstream programming and SISs with deep enough pockets to fund whatever they wish. However, rather than giving up, I've watched this SIS dig in and rely on resources that were here all along: its members

This past year under Jennie Meade's leadership we celebrated our Silver Jubilee (twenty-five years!) and it was a year of proud accomplishments. In its sixth year now, the Morris L. Cohen Student Essay Competition has become an established event at the Annual Meeting. We had over a dozen essay submissions and, as always, the committee (led this past year by Rob Mead and Marguerite Most) chose an outstanding winner to present their paper. As discussed at the Business Meeting, we've decided that this event now has enough exposure and interest among general AALL membership that it can attract attendance on its own merits, so we will no longer be offering free lunch to attendees.
This last year also saw our first annual “Host City” legal history meeting. Professor Michael Ariens of St. Mary’s School of Law spoke to a full room. Our SIS-sponsored program, The Civil Rights Act of 1964: Celebrating its 50th Anniversary, proposed by Joel Fishman, and featuring Professor Sanford Levinson of the University of Texas, was also a huge success. The program proposal deadline for this next year has already passed, but some amazing programs passed through the hands of our Education Committee (ably led by Laura Ray) last month. I look forward to seeing at least a couple of these programs at the Meeting next year in Philadelphia.

This last year we also organized our volunteers in new ways, i.e. we set up some committees. Our Publications Committee has been revived, and the stewardship of our Rare Book Cataloging Roundtable has been formalized. The biggest innovation, however, was the creation of our Outreach Committee. I’ve spoken with its new chair, Liz Hilkin, and she and the other members have lots of ideas; both for implementation at the Annual Meeting and to reach out to membership during this next year. I’m looking forward to working with them and seeing what they come up with.

Finally, given our concerns over the budget, Jennie raised the question this last July (at both the LHRB Business Meeting and the SIS Council Meeting) as to how people could make tax-deductible charitable donations to benefit an SIS. After much back-and-forth with AALL Headquarters, the answer is almost elegant in its simplicity: you tell AALL that your donation is intended for a specific SIS. This (as with almost anything having to do with AALL) is not so simple in its execution. As far as we can tell, the best way is to send a check to the address on the AALL website accompanied by a letter clearly specifying that the donation is for the LHRB SIS. To make sure that the donation is properly deposited by AALL, it is recommended that you also inform the LHRB Treasurer (currently Laurel Davis).

In the future, I’d like us to be able to consider funding any meeting or program we wish, regardless of cost and without depending on undue corporate sponsorship. One of my goals this next year is to raise our bank balance by increasing our membership, lowering our costs, and looking for new sources of revenue --- all courses of action also embraced during Jennie’s time as Chair. Unfortunately, this is likely to be a slow process, with results not coming to fruition for a few years. In the meantime, we’re doing just fine without donations, so please don’t feel pressured to donate! However, if you’re already looking to make a donation to a worthy institution, LHRB would surely benefit. Also, if you have questions about LHRB’s current finances, feel free to contact either Laurel or me.

I want to thank Mike Widener, who stepped down as Past-Chair this last July; and Jennie Meade, without whom many of the accomplishments above would not have occurred. I also want to thank Kasia Solon Cristobal, who not only served several years as Secretary/Treasurer, but this year agreed to step up her commitment and serve as my Vice-Chair. Finally, I want to thank our new committee volunteers (may your first year be successful!) and our committee mainstays, without whom none of this would be possible. I think we have some of the most dedicated members in AALL; people ready and willing to dedicate their time, energy, and creativity to our common goal. Here’s to another successful year together!

Sabrina Sondhi
Greetings from wild, wonderful West Virginia and welcome to the Fall 2014 issue of LH&RB! I have included a brief history of our small but mighty SIS in this issue. Please let me know if you notice anything that I might have missed. Hopefully we can keep it current so that we will have an accurate and up-to-date history when we celebrate our 50th anniversary in 2039.

As you legal historians all know, Magna Carta—the Great Charter of the Liberties of England—was sealed under oath by King John at Runnymede, on June 15, 1215. Joel Fishman has suggested that we dedicate the 2015 issues of LH&RB and Unbound to Magna Carta. I think that this is a wonderful idea, particularly given that few if any of us will be around to celebrate the 1000 anniversary of Magna Carta in 2215. Therefore, I ask the following from our members:

1) If your library will be doing a Magna Carta display, please write a 1-2 page article about it. What did it include? How was it received?

2) If you will be attending the Magna Carta exhibit at the Library of Congress, which will be running through January 19, 2015, please write about your experience. Hopefully someone from the Library of Congress will volunteer to review the exhibit as well.

3) Consider writing a short (2-5 pages) article on the reception of Magna Carta in your state, including constitutional references, statutory references, and major court cases from the colonial period onwards that mention Magna Carta. If you would like to participate, please let me know in advance. Hopefully we will be able to make this a true 50 state survey. This material will be published in the 2015 Unbound.

The deadline for the Winter issue of LH&RB is March 2nd

We saw our first snowflakes of November here in Morgantown yesterday. No accumulation, but I know that many of you have already had significant snowfall. To borrow a line from Game of Thrones, winter is coming...

Bets wishes to you all for the upcoming holidays!

Mark Podvia
Sabrina Sondhi, assembled an excellent program showcasing the varying projects and outcomes experienced in various types of law libraries. The program was well organized and the energetic speakers were clearly passionate about their work and provided constructive advice based on their experiences as accidental archivists.

Common themes emerged, but perhaps the most important was having a clear directive from the organization regarding the creation and maintenance of the archive. Having that directive empowered the accidental archivists to carry on in the face of unforeseen obstacles. Unfortunately, the other common themes were variations of inadequate resources such as, not enough money for the project, not enough space for the materials, and not enough personnel to complete the tasks necessary to create or maintain the archive.

Fortunately for the audience, the bad news was tempered with positive and innovative suggestions for maintaining momentum on an archive project in the face of obstacles. Though the takeaways for each session covered a range of ideas, the five most common themes were: be organized; be patient; leverage free or lost cost resources such as interns, grants and affiliations; build consensus to garner support; and seek expert help. Despite the project similarities, the venues were unique and provide insight for anyone who may become an accidental archivist.

Alissa Black-Dorward of Fordham Law Library discussed how her well-organized plans for a digital repository diminished under budget cuts resulting from declining law school enrollment. The archives at Fordham Law existed in an ad hoc way prior to 2008 when it was organized by a committee which created a plan outlining several goals, including the creation of an institutional repository and hiring a reference/special collections librarian. Unfortunately, when the special collections librarian left during a hiring freeze, the library was forced to downsize the archive project. The library ceased collecting faculty publications for the collection and focused on the more modest goals of assessing and processing existing materials, creating finding aids, creating a system for intake workflow to initially preserve materials, and creating a collection development plan. Alissa provided a number of suggestions: leverage special events as an incentive to organize projects and obtain funding; hire a contract archivist; use grants; use interns; and develop a relationship with the archivist at your university archives (if you are at a university).

Jennifer Murray’s project at the Maricopa County Superior Court was nearly the opposite of the Fordham project. Even though Jennifer was not able to be at the conference, the coordinator summarized the grassroots project that created an archive using current library resources. Digitization of the library’s vertical files was the primary focus of the project. In this case there was no money and no IT support. Using the resources available, staff scanned the documents into PDF files, added metadata, and uploaded the documents to a wiki-style platform which enables multiple users to access the material at the same time. Jennifer provided several insights based on her experience: you CAN keep it simple; it will be slow going, but be patient; and, plan ahead to avoid having to return to processed materials for retroactive corrections.

Law firm librarian, Bess Reynolds, Electronic Resources Manager at Debevoise & Plimpton LLP, explained the challenge of creating an archive to meet the deadline of the firm’s anniversary celebration. The deadline created an incentive for the firm to fund and collaborate on the creation of the archive, including assisting the library in the identification of individuals in the photographs. Additional challenges included finding a good scanner, obtaining server space, inventorying the records, and finding a way to make the collection accessible. She was able to address the accessibility issue by using a knowledge-builder add-on module for the ILS owned by the firm’s library. Bess emphasize that the three most important considerations in building an archive are to be patient, be organized, and complete an inventory.

Inventorying was also a key component of the final speaker’s project. Sabrina Sondhi of the Diamond Law Library at Columbia University faced the monumental task of organizing
approximately 700 boxes of materials. The library had not employed an archivist since 2001, had no budget to complete the project, but was being forced to address the problem in anticipation of a building project. Sabrina systematically addressed the project by inventorying the boxes, first in a general survey and then in a more comprehensive way employing interns from a local library school. The material was processed in several ways: some materials were unboxed and shelved; institutional records were moved into appropriate archival storage boxes for ease of retrieval; and some materials were given away based on a thorough assessment of the materials in relation to the needs of the institution. Finally, archival policies were created to address future needs including the creation of a policy to redirect offers of personal papers and a plan to maintain a law school repository. Sabrina’s insights based on her work with such a large-scale project were to be patient, be organized, and seek help from outside your organization when necessary.

Be patient, be organized, and carry on!

Handouts from the program include valuable resources on archives and processing, preservation, vendors, managing people, applying for grants, and links to online archives. The handouts are available at http://aall.sclivelearningcenter.com/index.aspx.

Conference attendees were provided access to session recordings. Session recordings are available for purchase at http://aallsclivelearningcenter.com/index.aspx?PID=6280.

–Laura Ax-Fultz

Laura J. Ax-Fultz is the Access Services Librarian, H. Laddie Montague, Jr. Law Library, Penn State Dickinson School of Law

LHRB-SIS Host City History: San Antonio Edition

Monday, July 14, 11:45 a.m. - 12:45 p.m.

Jennie Meade, Moderator, Jacob Burns Law Library, George Washington University School of Law

Professor Michael Ariens, St. Mary’s School of Law

In a programming experiment, LHRB held a meeting at this year’s conference with a focus on local history. There to provide AALL attendees with a slice of local color was Professor Michael Ariens of St. Mary’s School of Law and author of 2011’s Lone Star Law: A Legal History of Texas. Every seat was filled for this meeting that enjoyably played out as a book talk followed by a Q&A. The timing of the meeting could not have been better, with the lunch hour slot giving those attendees who entered with refreshments an engaging session to listen to while eating and then leave afterward mentally as well as physically refreshed.

Prof. Ariens proved a lively and gregarious speaker, relaying his experiences as a researcher and author intermixed with discourses on and anecdotes from Texas legal history. He himself grew up in Wisconsin, but had clearly relished working on a book project dealing with Texas exceptionalism. Given the span of Texas’s legal history, Prof. Ariens decided to organize his work
with opening chronological chapters, followed by sections on different themes such as the legal profession and criminal law. He decided to intersperse two to three page vignettes throughout to allow room for storytelling and a focus on individual people.

In the course of responding to questions, Prof. Ariens talked more about his research process of combing through dissertations, theses, law review articles, and the Texas State Historical Association’s *Southwestern Historical Quarterly*. One case he researched had made a deep impression on him, the notorious post-World War I lynching of Jesse Washington, a black farmhand. This led to his detailing an interesting exchange with his publishers on whether it was appropriate to include a photo of his burned body. Prof. Ariens successfully made the case that it was necessary to include such a photo as a demonstration of how the law sometimes fails. Clearly legal history can still touch a raw nerve at times. All in all, a successful meeting!

–Kasia Solon Cristobal

*Kasia Solon Cristobal is Student Services Coordinator, Tarlton Law Library, The University of Texas School of Law.*

*The Civil Rights Act of 1964: Celebrating Its 50th Anniversary*

Tuesday, July 15, 3:45 – 4:45 p.m.

Joel Fishman, Coordinator and Moderator, Duquesne University Center for Legal Information/Allegheny County Law Library
Sanford V. Levinson, University of Texas School of Law

The Legal History and Rare Books Special Interest Section closed AALL’s 2014 annual meeting on a high note with its sponsored program, “The Civil Rights Act of 1964: Celebrating Its 50th Anniversary,” featuring Professor Sanford Levinson. Professor Levinson is the W. St. John Garwood and W. St. John Garwood, Jr. Centennial Chair in Law and a Professor of Government at the University of Texas at Austin. Professor Levinson is a prominent legal scholar and noted expert in the field of constitutional law. He has published extensively on constitutional theory, development, and interpretation.

Professor Levinson’s program addressed the intersection between memory and recorded history, weaving personal recollections of the events preceding the Civil Rights Act of 1964 with a traditional historical narrative. From the students marching in Children’s Crusade in Birmingham in May 1963 through the legislative process and ultimate passage of the Civil Rights Act in July 1964, Professor Levinson incorporated his personal recollections and the memories that left a lasting impact, including the advertisement printed in the *Washington Post* by the Episcopal
Church supporting jobs and voting rights for African Americans on the morning of the March on Washington and Joan Baez’s performance of “We Shall Overcome.”

In addition to the history of the events leading up to the Civil Rights Act of 1964, the program presented a reminder of the differences between experience and recorded accounts. Historically, we focus on the vital role that President Johnson played in the passage of the Civil Rights Act. This program prompted listeners to consider the personal experience and individual memories that shaped the consciousness of the country and led to the passage of the Civil Rights Act as well as the historical account.

–Liz Hilkin

Liz Hilkin is Head of Archives and Special Collections at the Tarlton Law Library, University of Texas School of Law

Due to a time conflict with the TS-SIS Business Meeting, attendance at this year’s roundtable was limited. However, despite our few numbers, a range of libraries from across the country were represented along with a bookseller. After introductions, we jumped right into our first topic: how to label manuscripts in a catalog record. Various methods using call numbers, symbols, and 500:5 notes were compared. As manuscripts are by their nature unique, the discussion then turned to printed books which were likewise unique. Examples include interleaved books (wherein the printed book has been rebound with blank pages interleaved for an owner to write notes), books with extensive handwritten marginalia, and books with extensive manuscript endnotes. The attendees all agreed that such books cannot be termed “manuscripts” but that they were still worthy of some indication in the catalog record. Yale Law Library uses a standard phrase in the notes field which can then be searched. As Yale’s catalog also allows “reviews” of books to be attached to the record, the book dealer’s description of the marginalia is often included there. The Robbins Collection at Berkeley Law School uses the term “marginalia” in the notes field of these items. They also maintain a print clippings file which includes scholarship and descriptions of various manuscripts as well as printed books with significant marginalia.

The second topic under discussion this year was whether and how to indicate that a collection of books in a library’s holdings formerly belonged to a well-known jurist. The University of Minnesota Law Library uses a standard statement in the notes field of each item. The Robbins Collection likewise uses an attribution note, but also creates a 710 author field for the previous owner in order to link the collection items. Both Yale and the Law Library at Louisiana State University, Baton Rouge shelve these collections together and either create a new location or a new Hicks call number class for the collection (i.e. “Tucker-rare” or “Taussig”). At Columbia Law Library, collections are shelved together; if they are held in the Special Collections then, like Yale, a new Hicks call number class is devised. If they are held in the general collection, then a sub-location is assigned, i.e. “Cardozo collection.” A sub-location cannot be searched via the public catalog, but a list of items in the collection can be created by staff.

A new committee (under the umbrella of LHRB-SIS) has been formed to oversee this roundtable. If you’re interested in participating and/or have ideas about what we should discuss next year,
The Morris L. Cohen Essay Presentation and Luncheon
AALL Annual Meeting
July 14, 2013, Seattle
Marguerite Most

This article should have been included in the Spring 2014 issue of LH&RB. The editor regrets the error. The article has been updated to include Mr. Axtell's most recent achievements.

Morris Cohen, the former Professor Emeritus of Law at Yale Law School (1927-2010), was a founding member of the LH&RB SIS whose scholarly work focused on legal research, rare books, and historical bibliography. The competition named in his honor is designed to encourage scholarship in legal history, rare law books, and legal archives, and to acquaint students with the American Association of Law Libraries and law librarianship. One of Professor Cohen’s great achievements was his multi-volume Bibliography of Early American Law (1998), which identifies pre-1860 law books published in America, but he is also remembered as the author of leading textbooks on legal research, a collector of law-related children’s books, and a friend and mentor to many librarians working today.

The Morris Cohen competition is co-sponsored by the LH&RB SIS and Cengage Learning; winning essays are selected by a committee of SIS members, and the author of the winning essay is invited to present his or her paper at the annual AALL meeting. In 2013 the committee awarded first place to Sarah Levine-Gronningsater, a Ph. D. candidate in American History at the University of Chicago, for her essay, “Louis Napoleon’s Secret Service: Gradual Emancipation, Antislavery Legal Culture, and the Origins of the Lemmon Slave Case 1852”. Matthew A. Axtell’s essay, “Customs of the River: Governing the Commons within a Nineteenth-Century Steamboat Economy”, was awarded second place. The audience for the Morris L. Cohen Essay Presentation and Luncheon were fortunate that Matt could join us to discuss his essay and research methods.

In his essay Matt describes how mid-1800s local courts in states bordering the Ohio River addressed the allocation of costs between insurance companies and river boat companies by developing a “common law” in which navigation practices were recognized as “law”. The courts’ intent was to keep the river a common space open to all travelers. This common law approach gradually disappeared as a federal licensing program for pilots and engineers was put into place in the 1850s.

Matthew Axtell is a Ph. D. candidate in History at Princeton University where his dissertation topic is "American Steamboat Gothic: Law, Commerce, and Collective Action in the U.S. Aquatic West, 1818-1868". Last year he was a Samuel I. Golieb fellow at New York University School of Law. He is a former recipient of a research grant by the William Nelson Cromwell Foundation, and in November 2013, his essay received The Preyer Award. In August 2014 he was selected as the 2014-2015 Supreme Court Fellow assigned to the Federal Judicial Center. http://www.supremecourt.gov/fellows/pressrelease/2014/2014-15_Axtell.aspx


SIS members who participated in selecting the 2013 winning essay, publicizing the competition and arranging the luncheon were Mark Podvia, Sarah Yates, Sabrina Sondhi, Dan Blackaby, Kurt

Professor William Nelson has now published his second volume on the history of common law in colonial America concentrating on the Middle Colonies (New York, New Jersey, Pennsylvania, and Delaware) and the two Carolinas. His earlier volume dealt chiefly with Massachusetts and the Northeast and Virginia in the early seventeenth century. Now, he moves to the later seventeenth and early eighteenth centuries. With the reign of Charles II (1660-85) Nelson identifies three policies that Charles followed in granting colonial lands in the New World. First, he gave lands to his friends and close confidants, imposed significant legal restrictions upon the grantees, and imposed the need to use the common law (2-3). Nelson’s main theme is to demonstrate the role of the common law in both groups of colonies. All of the colonies experienced different developments based on legal, social, political and economic conditions that the colonists experienced.

In succeeding chapters he describes the development of the colony in regard to its development of the common law. His analysis is based on wide reading of both print and manuscript sources of court cases. In Chapter 1, the Dutch and Puritan law in New Netherlands provides a study of the Dutch legal system before the takeover by the English following the first Anglo-Dutch War in 1664.

The Dutch used civil law, had a centralized judiciary and government, and its procedure differed by not using juries, magistrates had a wider discretion in deciding cases, and litigation was more unstructured when judges heard cases. The courts heard wide variety of cases similar to other colonies, but also were involved with more personal matters than the common law courts.

Puritan law survived in Southampton in Long Island, Staten Island, and the Connecticut-Westchester border as a “rude, untechnical, common law legal system reflecting New England values and ideals” (28).
With the takeover of New York by the English, Nelson shows how the colony evolved with two different court systems existing in the mid-century with a sophisticated system on Manhattan Island and Hudson Valley based on Dutch customary law and colonists in Long Island, Staten Island, and Westchester applying English common law. The governors through their reliance upon lawyers, but the results did not produce a strong government (31). The institution of the Duke of York’s Laws in the mid-1660s created a court of assizes with the governor as presiding judge, thereby concentrating the court system in the highest officials in the colonial government. However, it was not effective in eliminating the various practices of those local courts that did not come under the higher court’s authority.

Finally, in late seventeenth into the early eighteen centuries, New York City instituted a new Mayor’s Court that became within a decade based on English common law in the early 1680s. The court did in fact maintain some Dutch policies, but they did go away. A new court of sessions created in 1683 began to hear criminal cases separate from the Mayor’s Court. The working relationship between the government, local merchants, and lawyers who represented them led to a strong centralized government in New York. Legislation in the 1680s and 1690s led to a strong local government. The creation of the first bar association in 1709 ensured the lawyers had a monopoly over the major cases heard in court. By the 1720s New York resembled all of the other colonies possessing procedures that anyone coming into the colony would understand, the common law displaced Dutch law, and the difference between Dutch and common law legal records reflected an English view of how law operated which differed from Dutch law so that it “restricted the power of government in general and central government in particular.” (59) English courts were of limited, central jurisdiction unlike the broader approach that Dutch courts had taken.

In South Carolina, eight of Charles II’s ministers and confidents started South Carolina with a “Fundamental Constitution” drawn up by John Locke who worked for Anthony Ashley Cooper, Earl of Shaftsbury as one of the Appellants. The aim of the colony was to make money for the proprietors. The importance of trade and commerce led to a plantation economy based on rice and indigo through the use of slave labor obtained from the West Indies. Nelson sees a sophisticated legal system develop around Charleston for the elite merchants, but the government failed in its Indian policies for several decades. Courts following common law practices were in place within a few years of its creation. A strong legal profession developed after 1699, while the common law courts and newly-developed chancery courts worked well until the late 1720s when the colony became a royal colony. Nelson surveys civil and criminal cases during the period as well as the law of slavery which he concludes was closer to the British West Indies than the colonies to the north of it (82). The legal system functioned more smoothly than most other systems to the north (83).

But North Carolina did not exhibit the cohesiveness that South Carolina had because it was a “weak and dysfunctional” colony (84). It did not have a widespread social network, never developed a group of well-trained, professional attorneys to maintain the rule of law, and the courts did not develop distinctly from the governor and council until early eighteenth century. The political dispute between the governors and court in the 1720s led to the judicial collapse of the court system by the end of the decade.

Pennsylvania was founded as refuge for Quakers and for religious toleration under William Penn. The strong central government led by Penn and his governors with its close relationship to the Quaker elite of the colony. Penn created a colony based on the common law with its protection of property and right to trial by jury were central beliefs. A complex court system was established, lawyers practiced in the colony. Nelson observes that “It is something of a paradox that Pennsylvania, whose government was one of the most centralized and hierarchical in the thirteen colonies, was founded by Quakers, who believed in individual autonomy and equality” (100-01).

Nelson has done significant research in the colonial archives of all of the colonies drawing widely on both print and non-print manuscript sources. His research is impeccable and an important contribution to the history of Anglo-American common law. His long career as an American legal historian specializing in colonial America is reflected in these wide-ranging studies. It is expected
that the subsequent two volumes on the eighteenth century will similarly expound a sophisticated view of colonial legal history that all students of the colonial history will find necessary as a basis of all future research.

—Joel Fishman, Ph.D.

Joel Fishman is Assistant Director for Lawyer Services, Duquesne University Center for Legal Information/Allegheny County Law Library.


Since we were children we have all heard stories about witches—individuals, particularly women, who practiced magic or sorcery. We are all familiar with the three witches whose prophesy caused Macbeth to murder Scotland’s King Duncan, of the witch who attempted to cook and eat Hansel and Gretel, and of the Wicked Witch of the West who battled Dorothy over a pair of ruby slippers. Yet witches are more than characters of fiction. Beginning in the fifteenth century and continuing until the 1700s, thousands of individuals, the vast majority of them female, were accused and tried for the practice of witchcraft. The Oxford Handbook of Witchcraft in Early Modern Europe and Colonial America, a well-researched and well-written tome, tells the story of this tragic period.

The book is divided into three parts. The first portion examines the beliefs of witches. Chapters in this section range from popular witch beliefs and magical practices and demonologies to images of witches and witchcraft as described in literature.

The second section of the book discusses the prosecution of witches in Germany, France, the Netherlands, Italy, Spain, England, Scotland, Poland, Hungary, Russia, Scandinavia and the American colonies. This section also includes an explanation of the rise of witchcraft prosecution in the fifteenth century, a time of famine and epidemics, and the end of such prosecutions by the eighteenth century.

The final portion of the book looks at various themes of witchcraft research—witchcraft and gender, demonic possession and exorcism, and witchcraft as it relates to religious reform, economics, politics, science and medicine. Of particular interest is a detailed chapter on witchcraft and the law.

The books one weakness is in its coverage of witchcraft trials in British North America. A mere 19 pages are devoted to witchcraft trials in the British colonies, with most coverage focused on New England. Trials in Maryland and Virginia—along with Pennsylvania’s one reported witchcraft trial—are largely ignored. While witchcraft hysteria did not affect the middle and southern colonies to the same degree as New England, the trials that did occur do warrant mention.

The editor, Brian P. Levack is the John E. Green Regents Professor in History at the University of Texas at Austin. He hold a B.A. from Fordham University and a Ph.D. from Yale. His books
include *The Devil Within: Possession and Exorcism in the Christian West, Witch-Hunting in Scotland: Law, Politics and Religion*, and *The Witch-Hunt in Early Modern Europe*. He has also edited numerous books including *New Perspectives on Witchcraft, Magic and Demonology: A Six-Volume Anthology of Articles* and *The Witchcraft Sourcebook*. The individual chapters are written by equally-qualified scholars in the field.

This excellent book belongs in every academic library, and should be read by anyone with an interest in witchcraft or in Mediæval history.

–Mark W. Podvia

*Mark Podvia is Head of Public Services and Special Collections & Instruction Librarian, West Virginia College of Law Library*

---


Sir John Baker is one of the best-known authors in English legal history of the past two generations. Over his forty-year career (1971-present), he has written extensively on English legal history as most of our readers of this review know. As Downing Professor of the Laws of England and Literary Director of the Selden Society for thirty years, Baker’s contributions are legendary. His *Introduction to English Legal History* has gone through four editions and is the standard general introduction to the topic; he has published multiple volumes in the Selden Society Series; and he is the general editor of the ongoing series of the *Oxford History of the Laws of England*, a masterpiece work of English legal history that replaces Holdsworth’s *History of English Law* and that will remain the major historical set for the next generations (including the volume he wrote on 15th-16th centuries). In addition, historians of English law owe him a debt of gratitude for the extensive microfiche collection of thousands of microfiche of English legal materials that can be found in various libraries throughout the world.

In recognizing Baker’s contributions, Cambridge University Press has now published a three-volume work consisting of eighty-four articles, lectures, chapters from books, papers, book reviews that Baker has written in his career. The topics include the Legal Profession (6 papers), the Inns of Court and Chancery (8 papers), Legal Education (9 papers), Courts and Jurisdiction (5 papers), Legal Literature (15 papers), Legal Antiquities (4 papers), Public Law and Individual Status (4 papers), Criminal Justice (7 papers), Private Law (15 papers), and General (10 papers). Papers presented here for the first time include “John Selden and English Legal History,” “The Judicial Collar of SS,” Equity and Public Law in England,” “Dower of Personalty 1250-1450,” “Authentic Testimony? Fact and Law in Legal Records,” and “Why should Undergraduates Study Legal History?”

In an introduction, Baker provides a biographical sketch of his life. His first sentence is: “I never planned to become a legal historian.” (p.1) He studied first chemistry, then archeology, and then law. He joined Inner Temple in 1963, and serendipity, George W. Keeton of the University College of London, offered him an assistant lectureship on graduation with no formal application, and then suggested he write a “doctoral thesis in his spare time.” (p.1) He began his studies in English law in elementary school looking at rubbing brasses, monuments, and coats of arms; later, in Science
Sixth, he transcribed the English manorial court rolls of the manor of Roxwell in the Essex Record Office; and began to read old court reports in this third year of college when he attended lectures of Professor S. Milsom on English legal history. The experience led him into teaching and “a publisher persuaded the young assistant lecturer to write an elementary textbook on the subject [Introduction to English Legal History], an absurdly ambitious undertaking explicable only the rashness and self-confidence of youth, and by the unawareness of the fact–artfully concealed by the publisher–that a far more important textbook was inn preparation at the same time.” (p.3) In applying for a teaching position at Cambridge, he again lost out, but was offered the position of librarian of the Squire Law Library without any specific training as a librarian! (p.3). It proved a “worthwhile experience” (we should all be so lucky.) As librarian he cataloged the manuscript collection that was later published in 1996. Baker discusses his own approach to legal research, “to dig up the available sources first and see what kinds of questions they raise or might answer.” (pp.4-5) Not only did he read books and manuscript materials in the Public Record Office, he was fortunate enough to purchase seventeenth-century English law reports for a few pounds each. “There is a world of difference between having books at one’s constant beck and call, at any time of the day or night, and having to order them up in libraries, especially if the libraries are not in walking distance.” (p.5) He emphasizes the need to edit unpublished materials that he recommends “that every legal historian should edit something–preferably something which has never been printed before–though there is a case for re-editing some of the black-letter texts as well.” (pp.8-9) He discusses how he started working on early court reports that were published as Selden Society publications (Spelman’s Reports, Dyer’s Notebooks, Readings and Moots, Caryll’s Reports). He laments over the failure to adequately catalog the Harleian Manuscripts (p.15).

In his paper on “Why the History of English Law Has Not Been Finished,” Baker suggests that there are the equivalent of 150 volumes of still unedited year books (p.1558), while little work has been done on plea rolls, moots and other records. His comments on the use of the plea rolls in cautionary and instructive: “They are of course quite repulsive [made of sheepskin and stinking] to the touch, for all but the most dedicated enthusiasts, but the joy of discovery can be enhanced by the physical challenges. Our plea-roll scholar needs a strong arm, a flexible neck and back, and immunity to dust and soot, a working knowledge of Victorian knots, an ability to speed-read abbreviated Latin (if possible, upside down), and above all a due sense that not every word of a record is true or factually meaningful. This may be an unappetizing job description, but the repellant outward features of the rolls disguise an almost inexhaustibly rich factual and intellectual content. Much of our legal history is still locked up in our more comfortable modern equivalent of Hell down in the Surrey marshes. The next generation must not lose the keys.” (p.1555)

The bibliography of his publications runs 20 pages long (pp.1578-97) including a listing of 120 biographies written for the new Oxford Dictionary of National Biography in 2004 alone. An index of almost fifty pages (1599-1648) provides a useful access to the papers published topically.

For those of us, who do not or cannot work in primary source materials of this nature, we all should be thankful to scholars like John Baker for his intelligence, acumen, eruditeness, and ability to roll up his sleeves and tackle this work. It is fitting that Queen Elizabeth II knighted him for his extensive work contributing to our understanding of English legal history.

Cambridge University Press should be congratulated for bringing this diverse group of writings together into one corpus and charging a reasonable price for it. This work is recommended for all academic law libraries that have legal history collections.

--Joel Fishman, Ph.D.

Joel Fishman is Assistant Director for Lawyer Services at Duquesne University Center for Legal Information/Allegheny County Law Library.

*Tocqueville’s Nightmare* is an intellectual legal history that focuses on the history of legal intellectuals. The general story told by Daniel Ernst is a history of the American administrative state from 1910-1940. This general story is generated by particular stories, stories that involve an intense study of the work of a relatively few lawmen. For American legal historians, and for at least some lawyers, these men remain well known: Charles Evans Hughes, a New York lawyer and twice a member of the Supreme Court (first as an Associate Justice (1910-1916) and later as Chief Justice (1930-1941)), Felix Frankfurter, Professor at Harvard Law School during the time of this study (he later served as Associate Justice of the Supreme Court), Roscoe Pound, Dean of the Harvard Law School from 1916-1936, and Jerome Frank, a lawyer tied to Franklin Delano Roosevelt’s New Deal and one of the prominent figures of American legal realism. Ernst also discusses the work of Ernst Freund, an emigrant from Germany and legal academic whose approach to the administrative state (the German *Rechtsstaat*) was rejected in favor of a particularly American model. Ernst’s history of legal intellectuals may be intuited by the titles of his five numbered chapters: all but one is named after one of those lawyers listed above.

The theme of Ernst’s book is how American lawyers and American lawmakers accommodated the rise of the administrative state. As Ernst states in his Introduction, Tocqueville praised the American system of government for avoiding an “insufferable despotism.” By 1940, Ernst argues, Americans largely accepted a system of administrative governance. More importantly, that system did not give rise to despotism, but “had confounded Tocqueville’s expectations.” How had it done so? Ernst argues that the American understanding of the rule of law involved “an appeal from government officials to independent, common-law courts.” The wherewithal of Americans to appeal an order or dictate of a government bureaucrat to the neutral and independent courts ensured a government of laws and not of men. Ernst traces the manner in which this understanding of the rule of law was slightly altered. The courts lacked the manpower to oversee bureaucratic governance, but unchecked bureaucratic governance might generate Tocqueville’s nightmare, the tyranny of the majority. To avoid either paralysis or petty tyranny, the American administrative state was given a “legalistic cast.” Legalization was “the key to understanding the twentieth-century origins of the administrative state in America.” Legalization in part required government commissions to conduct hearings, gather evidence, explain their reasoning, and avoid *ex parte* communications. In general, administrative agencies were required to play fair, to follow generalized court-based notions of due process. Courts continued to oversee the actions of administrators, but “increasingly, court review was procedural rather than substantive.”

Ernst begins with a chapter explaining why Freund’s *Rechtsaat* model was shelved in favor of this American model. He ends in 1940 with an explanation of how a “day in commission” supplanted the traditional “day in court” model in the common law. This relatively short book begins by contrasting the approaches of Freund and Frankfurter, offers two chapters in which Hughes is the central character (first as lawyer and governor, and second as Chief Justice), discusses the failed effort to include an “anti-bureaucracy” clause in New York’s constitution, and ends with the “debate” between Pound and Frank regarding reform of administrative law making.

Part of the value of *Tocqueville’s Nightmare* is found in its explanation of how and why so many lawyers, who were trained and expert in the court-centered common-law model, were willing and ready (despite opposition by other lawyers) by 1940 to accept administrative governance. The shift to administrative governance redirected much of the energy expended by lawyers, but it seems unlikely lawyers accepted the administrative state because it would expand the practice of law. Ernst’s decision to analyze the legal progressives who created the foundation for the modern administrative state in the United States is sound. His pointillist work (the number of archives rummaged about is impressive) takes the reader from the particular to the general, and the result is satisfying overall.

-25-
Ernst includes a number of photographs, figures and cartoons. This is uncommon, and a welcome addition. The inclusion of photographs of the protagonists and political cartoons is a nice touch. More importantly, Ernst uses two murals found in the Library of Congress to emphasize the theme of his study. Again, the photographs reinforce the book’s study of the history of legal intellectuals.

One brief complaint concerns the title. *Tocqueville’s Nightmare* is inaccurate, as Ernst acknowledges. He concludes that the American administrative state has been neither Tocqueville’s nightmare nor a cure for the ills of legislative mismanagement or judicial indolence or bias. Possibly the title was intended to grab the indifferent reader. Finally, I enjoyed the historical exegesis. But I doubt this history has much to say to us regarding our present circumstances, particularly disagreements regarding the role of legislative enactments since 2009.

--Professor Michael Ariens

*Michael Ariens is Professor of Law and Director of Faculty Scholarship at St. Mary’s University School of Law, San Antonio, Texas.*

---


This four-volume set of 76 articles and chapters, reprinted from prominent and widely-held journals and scholarly monographs, aims to present works that the editors deem “foundational,” according to the first page of their introduction to all four volumes, appearing in Volume I. They define foundational as “essays that have helped to define and advance the study of comparative law in the twentieth and twenty-first centuries” (*Classics*, “Introduction” at ix). The editors have divided up these writings on the field of comparative law into four areas, each of which forms a subtitle for one of the four volumes, as follows: Volume I: Methodology; Volume II: Institutions; Volume III: Private Law; Volume IV: Public Law. An additional purpose of the editors is to arrange the articles over the four volumes in a movement from the general to the more specific. The dates of the articles also follow a more or less chronological narrative within each volume’s general topic and then chapter subtitles, ranging from 1903 (Sir Frederick Pollock’s “The History of Comparative Jurisprudence” from the *Journal of the Society of Comparative Legislation*, written two years after the First International Congress of Comparative Law in Paris, 1901) through 2010.

The editors’ Introduction provides the only commentary on the selection of authors and perspectives, and the brief summaries do an adequate job of placing these authors in dialogue with one another at many points, placing, for example, a chapter from Alan Watson’s *Legal Transplants: An Approach to Comparative Law* up against Pierre Legrand’s counter-argument that transplanted concepts and received civil codes grow into very different organisms once they take root in the soil of a different culture. (This metaphor is mine; Legrand’s essay, “The Impossibility of ‘Legal Transplants,’ appeared in the *Maastricht Journal of European and Comparative Law*, vol. 4, 1997, 111-124,). The Editors admit that not everyone agrees that there is a role for comparative law; it has been pronounced dead or too loosely defined (*Classics*, “Introduction” at ix).

Overall, this collection may serve well and a useful compendium of journal articles and chapters for smaller libraries that may be lacking some of the titles represented. As a general rule, my own library, in its collection policy, states that collections of previously published material will not be
purchased. However, it is worth noting that the editors believe they are doing more than providing a convenience to appropriate libraries; they seem to aim at creating a subjective, but not an arbitrary, library of essays that tells a kind of tale about the development of comparative law. Does the collection live up to this slightly more ambitious purpose? In my opinion it falls short of that while still being a collection of essays important to scholars initially situated in the English speaking common law tradition. What are the shortcomings?

First, while one can always point to omissions and such a collection, as the editors indicate, can never be exhaustive, I find no chapter from the late H. Patrick Glenn, whose *Legal Traditions of the World: Sustainable Diversity in Law* (Oxford: Oxford University Press, 2014) went through five editions until his untimely death in October of this year. While not without generating controversy as to content and style, Professor Glenn spoke from his position as Peter M. Laing Professor of Law at the bilingual and bi-jural McGill Faculty of Law and enlarged the conversation about all legal traditions by including many religious and indigenous systems in his survey. He might have been placed alongside Teemu Roskola (“Legal Orientalism,” *Michigan Law Review*, vol. 101, 2002, 179-234). They could have added one more female scholar to the sole representative of women in the collection: Cristina Costantini. The latter’s 2010 article “Comparative Law as Comparative Jurisprudence” in the 2010 *Comparative Law Review* does at least engage with the writings of Patrick Glenn in her interdisciplinary article (cited as vol. 1, p.1; online access not available at Directory of Open Access Journals on the date of this review; this reference is to page 3 of another version found at [http://elawnigeria.com/articles/The%20Keepers%20of%20Traditions%20The%20English%20Common%20Lawye.pdf](http://elawnigeria.com/articles/The%20Keepers%20of%20Traditions%20The%20English%20Common%20Lawye.pdf)

If Mary Ann Glendon of Harvard is too traditional, perhaps Catherine Valcke might have been a good addition to Volume I on Methodology if only because in “Comparative Law as Comparative Jurisprudence: The Comparability of Legal Systems” (*American Journal of Comparative Law*, Vol. 52, 2004, 713-740) she actually identifies a role for comparative law as comparative jurisprudence: law as both unified and plural. (Valcke, p. 739).

--Marylin J. Raisch

*Marylin J. Raisch is Associate Law Librarian for International and Foreign Law, John Wolff International & Comparative Law Library, Georgetown Law Library, Georgetown Law Center.*

---


Professor White is one of the America’s leading legal historians, the author of fifteen books well known to this readership, most notably *The American Judicial Tradition, Patterns of American Legal Thought, The Marshall Court and Cultural Change, Tort Law in America* and biographies of Earl Warren and Oliver Wendell Holmes, Jr. Now, he has written the first of a three-volume history on American legal history for which volume 1 is now published covering from the first years of colonization to the end of the Civil War.

In his introduction, White explains his historiographical view on writing legal history, how he defines the title of the book, and outlines the ten chapters as part of a public-private law
dichotomy. Chapter one is an overview of colonial years, emphasizing the developments between the Amerindians and the colonists that has been overlooked by many historians. If the seventeenth century was primarily based on indigenous, the eighteenth century witnessed the “Anglicization” of the colonies.

Based on the agricultural conditions of the second half of the eighteenth century (chapter 2), White identifies four areas of discussion: land use, including not only the activity of living and working on land but also its ownership, sale, and lease; the forms of labor within agricultural households (slavery to freeholders); family relations; and trade and commerce (intrastate, interstate, and foreign trade).

Chapters 3 and 4 deal with the movement towards independence from 1763 to 1776, and then 1776 to 1788 respectively. White does not see a straight development from end of the French and Indian Wars to the Revolution in light of political and constitutional developments. “Both chapters emphasize the role of ideas about governance and sovereignty in the creation of an independent American nation whose form of government eventually took the form of a constitutional confederated republic.” (109) The developments that occurred in the decades before 1800 were “better to see them as contemporaries of the framing period saw them, as shifting, contingent, pragmatic responses to the British colonies in America having cut its ties with its sovereign without a clear idea of what to do next.” (192)

As the federal government development after 1789, White turns to the rise of the Supreme Court from 1789 to the end of Marshall’s tenure on the court in 1836 (ch. 5). Starting with an “insignificant institution” (193), White provides a summary of the court fairly similar to other historical accounts with short analysis of major cases as part of his narrative. He spends fifteen pages on Marbury v. Madison (205-20), but only three on McCulloch v. Maryland and four on Gibbons v. Ogden, but he present a cogent argument on how the court grew over these decades and Marshall’s importance upon it. He gives Marshall his due credit for the rise of the court as a coequal institution, recognizes the court stayed near the center of the political spectrum, but still a political force “striking the right balance between competing visions of American society.” (244)

Turning to law and entrepreneurialship, 1800-1850 (ch. 6), White discusses the transformation of America in the antebellum period around three developments: transportation and how the law was used to create franchises for transportation (turnpikes, bridges, canals, steamboats, and railroads), for the expansion of the population westwards; the acquisition and distribution of public lands that allowed the country to expand to the Pacific Coast between 1803 and 1853; and the rise of the legal profession that he views as an entrepreneurial development “that the growth of the legal profession was intimately affected by the other ventures.” (247) At the same time, he leaves the development of private law (contracts, property, commercial law, and torts) to the next volume in order to contrast better what became before all of the changes that occurred after the Civil War (246-7)

Chapters 7 and 8 deal with the mid-century political and constitutional issues surrounding slavery and the movement towards civil war. Chapter 7 provides a political and constitutional history of the post-Marshall decades, while chapter 8 covers the constitutional conflict in the Supreme Court. The court’s decision to favor slavery means “[t]he path was chartered by the recognition that law in America could not serve as a mechanism for transcending, or resolving, disputes about slavery because it had been enlisted on one side of those disputes. If law could not resolve the dispute, the only remaining options were force or the Union’s dissolution.” (381)

Chapters 9 and 10 deal with the political history of the war followed by the legal issues, respectively. Again, White cautions the reader on how to read the history of the war and the entire period covered by the narrative of the work. The fact that there are different views draws the conclusion that “none of the observers would have been wrong or right. We make sense of American legal history the best way we can. That is all we can do.” (484)
White adds extensive footnotes and a good index, though the bibliographical references have to be found in the footnotes. White writes an excellent first volume to his trilogy. Although longer than other introductory works, notably Friedman’s History of American Law or Hall and Karsten’s The Magic Mirror, his style of writing and ability to interweave facts with observations makes this work a wonderful interpretative read on our early legal history. I look forward to his succeeding volumes and believe the readership will gain much from reading this fine work along with succeeding volumes as an important contribution to American legal history.

--Joel Fishman, Ph.D.

Joel Fishman is Assistant Director for Lawyer Services, Duquesne University Center for Legal Information/Allegheny County Law Library.

Karen Beck (Manager of Historical & Special Collections, Harvard Law School Library) attended Rare Book School in Charlottesville this summer, where she took Reference Sources for Researching Rare Books with Joel Silver of the Lilly Library. She reports that, as with everything RBS-related, the course was excellent.

***

Lucia Diamond announces her retirement as the Librarian of the Robbins Collection, University of California at Berkeley. During her 21 years at the Robbins, she served as Secretary/Treasurer of LHRB-SIS, 2000-2002, and Chair of the FCIL-SIS Membership Committee, 2004-2006. Lucia and Dan Wade (Yale Law Library) founded the Roman Law Interest Group in 2008, which she has chaired ever since, putting on some of the most interesting and well-attended programming at AALL annual meetings. (That includes the only AALL session attended by your “Member News” editor that the fire marshal threatened to shut down for overcrowding!) Lucia was elected President of the Librarians Association of the University of California (2009-2010), an organization of just over 350 librarians in the UC system that advises the President and administration of the UC system on library-related matters. You can keep in touch with Lucia at <lucialibrarian@gmail.com>. Congratulations to Lucia for a stellar career and a well-earned retirement.

***


***
Mike Widener (Yale Law Library) was one of the organizers of a symposium, “Celebrating the Anthony Taussig Collection,” October 3, 2014, at the Yale Law School, co-hosted by the Yale Law Library and the Beinecke Rare Book & Manuscript Library. The symposium marked the acquisition of Anthony Taussig’s outstanding collection of English legal manuscripts by the Beinecke and of 378 volumes of Taussig’s rare books by the Law Library. Speakers included Anthony Taussig (via video-recording), Sir John Baker of the University of Cambridge, Yale history professor Anders Winroth, and Yale law professor John H. Langbein. Among the LHRB members in attendance were Karen Beck (Harvard Law School Library), Ryan Greenwood (University of Minnesota Law Library), Joe Luttrell (Meyer Boswell Books), Fred Shapiro (Yale Law Library), Sabrina Sondhi (Columbia Law Library), Greg Talbot (Lawbook Exchange), Michael von der Linn (Lawbook Exchange), Dan Wade (Yale Law Library), and David Warrington (Harvard Law School Library).

***

After 25 years, Mark Podvia has retired from the Dickinson School of Law of the Pennsylvania State University with the rank of Associate Librarian Emeritus. Not yet ready to relax in his PSU retirement chair, he has moved on to a new position as Head of Public Services and Special Collections and Instruction Librarian at the George B. Farmer, Jr. Law Library, West Virginia University College of Law.

Recent Acquisitions

Linda Tesar

Taussig Collection of English Law Lands at Yale Law Library

Mike Widener, Rare Book Librarian

In one of the most significant acquisitions in its long history, the Yale Law Library acquired 379 volumes of printed books from Anthony Taussig’s collection, the greatest private collection of rare English law books and manuscripts ever assembled. The acquisition was part of a coordinated effort with Yale’s Beinecke Rare Book & Manuscript Library, which acquired Taussig’s entire collection of English legal manuscripts. The acquisition was the subject of an article in the June 16, 2013 issue of the New York Times, “English Gavels Resound in a Trove Headed to Yale.”

The Law Library’s share of the Taussig acquisition was funded with two generous grants from the Yale Law School’s Oscar M. Ruebhausen Fund.

Anthony Taussig is a retired barrister of Lincoln’s Inn. He began collecting rare law books and manuscripts 35 years ago. While the collection has many outstanding high spots, what is most impressive is its breadth and depth in materials relating to the history of law practice in England, and its research value.

The 379 volumes acquired by the Law Library represent only a small fraction of Taussig’s printed books. Most of the books are from the 16th-18th centuries, with the exception being the 1481 (?) Abbreviamentum statutorum, the first printed book of English law. Other highlights from the Taussig Collection include:

57 justice of the peace manuals, including The boke of iustyces of peas (1506), the first printed J.P. manual.

Close to five dozen titles on English law reform.

The lawes resolutions of womens rights (1632), the first English book on women’s rights.

-30-
Thomas Bassett’s *Catalogue of the common and statute law-books of this realm* (1671), the first English legal bibliography.

A pamphlet from the famous Sommersett case of 1772 that outlawed slavery in the British Isles, annotated by the English abolitionist Granville Sharp, who financed the litigation.

24 titles by and about Sir William Blackstone; 22 editions of William Sheppard’s 17th-century practice guides; 27 editions of Giles Jacob’s works; 12 editions of William Lambarde’s works; and seven editions of Michael Dalton’s books.

18 titles on bankruptcy.

27 titles on commercial law.

108 titles of practitioner materials, including clerks’ manuals, form books, court rules, court fee schedules, and legal directories.

According to WorldCat, nineteen of the titles are the only U.S. copies, and nine of these are the only copies listed in WorldCat.

To browse the collection, search the Yale Law Library’s online catalog, MORRIS, [http://morris.yale.edu](http://morris.yale.edu), for the author “Taussig, Anthony.”

Another significant acquisition is the Farley P. Katz Collection of Italian City-State Laws and Decrees, acquired from San Antonio attorney and book collector Farley P. Katz, who assembled it over a period of thirty years. The collection contains 270 items dating mainly from the early 16th century to the mid-17th century. The bulk of the collection consists of 150 printed decrees, proclamations and laws from Florence and Venice, almost all in 2-to-4-leaf quarto pamphlets, and close to 100 broadsides from Florence, Venice, Vicenza, Rome, Padua, Genoa, Bologna, Milan, Turin, Alessandria, Casale Monferrato, Palermo, Parma, Verona, and Udine. These ephemera were designed to publicize new laws and regulations to the public. They cover the entire gamut of regulations: public health, commerce, smuggling, gun control, theft, taxation, women’s rights, coinage, public archives, manufacturing, agriculture, court regulations, commercial law, prisons, and on and on. They are valuable not only for the social, political, and legal history of early modern Italy, but also as examples of early job printing. A substantial portion of them are not found in WorldCat.

A third collection came to the Law Library by gift. It was 49 volumes from the library of the law firm Reeders & Rosettenstein, which was established in 1875 in Winburg, Orange Free State, South Africa, and a few years later moved to Johannesburg. In 1977 the firm was the oldest continually operated law firm in Johannesburg. The collection includes Dutch, English, and South African law books from the 17th-20th centuries, and four letterbooks that document the firm’s law practice for 1888-1898. The Reeders & Rosettenstein collection was a gift from the late Professor David S. Rosettenstein of Quinnipiac University School of Law, whose parents were the firm’s last surviving partners.

Most recently, the Yale Law Library was honored to receive the gift of 37 volumes from the library of our founder Morris L. Cohen, the gift of his widow Gloria Cohen. The books represent two of Morris’ passions, children’s books and legal bibliography: four of them are for the Juvenile Jurisprudence Collection, and the remainder are catalogs of law libraries, law book auctions, and law book publishers from the 18th and early 20th centuries.

Among the many individual volumes we acquired in the past two years, one deserves special mention: *De D. Ivonis juris consulti laudibus et vita oratio* (Cologne, 1574), a biography of Saint Ives, the patron saint of lawyers and abandoned children. Yale’s copy has a hand-colored portrait of the saint with a Latin caption that translates: “Ivo, patron of patrons / Protector and guardian of the widow and orphans / Favor the oppressed and give them justice”. As a companion to this book,
we acquired a speech delivered on the feast of Saint Ives by the German theologian Martin Eisengrein, *Oratio de corrupto Iudiciorum usu, et dignitate Iurisprudentiae, in Festo divi Ivonis* (Dillingen, 1559), which quotes the proverb “A good jurist / A bad Christian.”
(Left) Professor Michael Ariens of St. Mary’s School of Law signs books following his presentation, “LHRB-SIS Host City History: San Antonio Edition.” (Right) The River Walk.

(Left) Sir Francis Bacon, Liz Hilkin and Karen Wahl man the Legal History and Rare Books-SIS table. (Right) Sir Francis and Jennie Meade.
(Left) Dr. Joel Fishman and Dr. Sanford V. Levinson of the University of Texas School of Law following Dr. Levinson’s presentation “The Civil Rights Act of 1964: Celebrating Its 50th Anniversary.”  (Right) At the Legal History and Rare Books-SIS Reception.

(Left) Bonnie Shucha, Assistant Director of Public Services at the University of Wisconsin Law Library, receives the 2014 Morris L. Cohen Student Essay Competition Award.  (Right) Outgoing Chair Jennie Meade, Incoming Chair Sabrina Sondhi and Vice Chair/Chair Elect Kasia Solon Cristobal.