The West Virginia University College of Law mascot from 1907-1910 was the beloved pet and constant companion of William P. Willey, one of WVU's first law professors and founder of the West Virginia Law Review (1894). Bob, a medium sized dog with black and tan markings, was more than one man's best friend. Bob was known and loved by every law student at the WVU College of Law. Considered by both faculty and students as the Law School's mascot, Bob faithfully attended every class and lecture with his master until his tragic death from poisoning on January 16, 1910. In recognition of his passing the junior law class published a four page tribute to Bob in the 1911 Monticola, WVU's yearbook. This loving tribute referred to Bob as “one of the boys,” and “Professor Willey's gentlemanly dog.”

Classrooms were spacious in Woodburn Hall, WVU’s flagship building and home to the College of Law. Bookcases lined the walls and the professor’s desk was elevated on a raised platform, providing a full view of the classroom and students. Bob took his seat on the platform while his master lectured. The following quote from the law department tribute to Bob states: “He was as regular in his attendance upon the lectures as Professor Willey, himself, for they were inseparable. He occupied a place on the platform, it was said that he had become so familiar with the law that he did not always pay close attention, but would betimes lapse into a nap.” From time to time, Bob would take a walk among the students during lectures. Strolling between the rows of chairs he received loving pats from all and after making his rounds, returned to his seat, settling beside his master's desk on the platform.

Bob, and the world he knew during his years as the school mascot, was also a very rich time in the early history of the College of Law. Although only two professors presided over students, St. George Tucker Brooke, and William P. Willey, their impact has been large and lasting. As the College grew, attorney Charles Hogg, and an instructor, Uriah Barnes, were added to the faculty.

Continued on page 4 Bob's World
IN THIS ISSUE

Bob’s World: The Story of Bob, the WVU Law School Mascot (1907-1910) 1

From the Chair
Jennie Meade 7

Editor’s Corner
Mark Podvia 9

LH&RB Programs and Activities at the Annual Meeting
Laura Ray 10

Bloodless Coup! 11

Member News
Mike Widener 11

Exhibits
Kasia Solon Cristobal 12

Book Reviews
Joel Fishman, Ph.D., ed. 15

LH&RB Officers

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

Vice Chair/Chair Elect
Sabrina Sondhi
Special Collections Librarian
Columbia Law School
Arthur W. Diamond Law Library
435 West 116 Street
New York, NY 10027
(212) 854-5244
sabrina.sondhi@law.columbia.edu

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

Immediate Past Chair
Michael Widener
Rare Book Librarian
Yale Law School
Lillian Goldman Library
New Haven, CT 06511
203-4324494
mike.widener@yale.edu

Webmaster
Kurt X. Metzmeier
Associate Director
Louis D. Brandeis School of Law
University of Louisville
Louisville, KY 40292
502-852-6082
kurt.metzmeier@louisville.edu

Co-Webmaster: Laurel Davis
Legal Information Librarian/Lecturer in Law
Curator of Special Collections
Boston College Law Library
885 Centre Street
Newton, MA 02459
(617) 552-4410
laurel.davis.2@bc.edu
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
Associate Law Librarian and Archivist
Dickinson School of Law Library of the Pennsylvania State University
150 S. College St.
Carlisle, PA 17013
Phone (717)240-5015/Fax: (717)240-5127
Email mwp3@psu.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 and Webmaster
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
Professor Willey’s tenure at the College of Law began long before Bob’s arrival. William Patrick Willey arrived in 1883 as a young man to fill the position of Professor of Equity, Jurisprudence and History after resigning his position as Editor of the Wheeling Daily Register, a newspaper in Wheeling, West Virginia. An 1862 graduate of Dickinson College, Willey’s college days were filled with the threat of war. The American Civil War in Cumberland County website, http://cumberlandcivilwar.com/william-p-willeys-april-1861-letters/, describes the challenges Willey faced during his time at Dickinson from letters he wrote to his father, the future senator of West Virginia. Sentiments were rising and a committee from town took it upon themselves to insist that Dickinson College president, Dr. Herman Merills Johnson, demand Southern students like Willey to take an oath of allegiance or leave. In a letter to his father, Willey said, “I fear nothing yet,” but the threat seems to have been effective; the following week Willey and a friend were the only Southern students remaining on campus.

Though his final days at Dickinson were filled with unease and talk of war, Willey remained and graduated in 1862. After graduation he practiced law in Baltimore and the following year, he entered the bar in Monongalia County, WV. These were tumultuous years, for in the intervening time between Willey’s graduation from Dickinson and his successful application to the bar, West Virginia became a state on June 20, 1863. Willey was now a new attorney in a new state and as the son of Waitman T. Willey, an early advocate for West Virginia statehood and now a West Virginia senator; much would have been expected of William.

Instrumental in bringing statehood to West Virginia, Waitman T. Willey attended the First Wheeling Convention held May 13, 1861. Delegates from twenty-seven western Virginia counties assembled.

Law class photo, 1908, Bob is seated beside Prof. Willey. Dean Charles Hogg is seated beside Willey, hat resting on his knee, while Uriah Barnes sits to the left of Hogg.
at Washington Hall in Wheeling to consider the Ordinance of Secession. The "Restored Government of Virginia," the Unionist government of Virginia during the Civil War, elected Willey to the U.S. Senate to fill the vacancy of Senator James M. Mason. On May 29, 1862, Willey presented the petition to Congress for the creation of West Virginia. After West Virginia achieved statehood Willey served the state as U. S. Senator (1863–1871). In later years, having lived through these experiences with his senator father, William wrote of the rise to statehood in his book, An Inside View of the Formation of the State of West Virginia, 1901.

In his career as a professor at West Virginia University, William met every expectation that he may have faced as a young graduate, serving the College of Law with distinction after joining the faculty in 1883. As the law department grew, Willey stepped down as Professor of History to fully concentrate on law. As founder of the West Virginia Law Review, (originally called The Bar) the fourth oldest in the nation, Willey brought students editors to the journal. His many accomplishments also included early advocacy for women as students in the law. Willey served as judge in the student organization, the Practice Court, an early predecessor of Moot Court. He also authored a textbook, Procedure in the Common Law, Actions in Equity, and in the Extraordinary Remedies, Exemplified by the Pleadings, 1894.

After many years of active teaching, Willey was awarded Emeritus status when he retired in 1912. Upon his retirement, the 1912 yearbook recognized his years of service saying, “Professor Willey, long a favorite with successive classes lost none of his prestige with the present class... More students of the law have sat at the feet of Professor Willey than has been the case in regard to any other instructor in the State...The memory of Professor Willey will linger long in our recollections.”

Along with Willey, St. George Tucker Brooke holds a preeminent position as one of the first law professors at WVU. In fact, Brooke was the sole professor when the law department, as it was known before its designation as a University College in 1878, was formed. Winner of the Confederate Medal of Honor for bravery on the battlefield, Brooke was up to the challenge of teaching, moving from an active practice in Charlestown, WV, when he was elected the Chair of Equity and Jurisprudence at WVU, a position he held for 31 years.

Brooke authored the first textbook specifically designed to meet the needs of the WVU law students, Notes on Common Law Pleading and Practice: Designed as an Aid to the Students of Law in the West Virginia University, in 1891. In this regard, George Atkinson, 10th governor of West Virginia, (1897 - 1901), and the author of Bench and Bar of West Virginia spoke of Brooke saying, “He knew the law and he knew how to apply it.”

After a long illness, Brooke retired in 1909. With his absence, the University hired attorney Charles Edgar Hogg as Dean, and he served in this position from 1906 – 1914. Hogg began his study of the law in 1874, becoming a member of the Mason County Bar. Hogg was admitted to the Bar of the U.S. Supreme Court in 1888 and continued to practice in that court throughout his career.

During his time as Dean, Hogg brought in the young Uriah Barnes to assist with instruction. Barnes brief tenure at the College of Law is noteworthy. First among his achievements is the compilation of all state statutes as the editor of the West Virginia Code of 1916. While this was recognized as a great effort, perhaps his greatest accomplishment was the monumental compilation of federal statutes that was to be known as Barnes Federal Code. According to Atkinson’s Bench and Bar, Barnes “conceived the idea of publishing all the Federal Laws in one handy volume. Upon its publication, Barnes Federal Code instantly became a classic legal reference; a groundbreaking work used in “every State in the Union and abroad.” When not involved in instructional duties or
compiling code, Barnes also worked on pending cases for the WV Supreme Court of Appeals.

In his 1906 – 1907 report to Daniel Boardman Purinton, WVU’s president, Dean Hogg expressed his great desire that the law school move into the new wing of Woodburn Hall currently under construction. Among the reasons given for this request included the constant disruption caused by the music department located directly above the law classrooms. Lecturers frequently complained they could barely be heard above the din.

The year 1906 also marked the introduction of the Moot Court to the law school’s roster of student activities. Hogg complained that he must vacate his office for the proceedings and in his report he requests of President Purinton a room specifically designated for the Moot Court. Hogg served the College well as Dean and he is credited with raising the standing of WVU’s law school to one of the best in the nation. A prolific author, Hogg’s texts include *Equity Principles, Equity Procedure, Hogg’s Treatise and Forms*, and *Hogg’s Pleading and Forms*, among many others. Beyond his stellar career as educator and administrator, one of Hogg’s greatest achievements stems from his legal practice as an attorney, arguing the Virginia/West Virginia Debt Suit before the Supreme Court.

It is through these anecdotes and memories that we can examine the lives of the faculty and students who have gone before us. The path we take between the College of Law in the present day and the College of the past is shown to us, not so much by deeds and actions, but by the way we can relate to them as people like ourselves when times are good or bad. One of these times occurred after Bob’s death, when Professor Willey shared the sad news with his class:

> I loved that dog, because he was worthy of love. And the more I compare him with men, the more I love and revere the memory of Bob. And the man who gave Bob poison will go to a worse place than Bob has gone. I hope and believe I will meet Bob somewhere in the great beyond; but I do not want to meet the man who murdered him – we could not live in the same place . . . Good bye, Bob, I do not know where you have gone, but I will look for you, and search for you among the mysteries of the hereafter.”

These were the people and places of Bob’s world. Always by his owner’s side, Bob, the Law School mascot, was ever ready to sit in on a class or pose for a photo. The tradition of photographing each class had begun in the early years of Willey’s professorship. Among the students it was known that “Professor Willey maintained a hall of fame (with) pictures suitably framed of all (the) classes that have passed through the portals of the College of Law for years back,” and Bob is featured prominently in many of them.

These old class photographs line the hallways at the College of Law to this day. We are drawn into Bob’s world when we see these photographs. With Bob as our guide, we can see the law school faculty, students and the University through his eyes. From his first appearance in the *Monticola*, WVU’s yearbook, in the 1907 Delta Chi Law Fraternity photograph, to his last in the loving tribute printed in the 1911 annual, no dog has filled the role of College Mascot since Bob’s passing.

**Bibliography**


Hogg, Charles Edgar, Report to President Purinton, 1906-1907. West Virginia and Regional History Center, West Virginia University. A&M 690.


*Stewart Plein is Rare Book Librarian at the West Virginia & Regional History Center.*

From the Chair

Celebrate LH&RB's Silver Jubilee!

Jennie Meade

Maybe we never will top the spectacle of librarians in street clothes riding donkeys at the Opening Reception rodeo in Reno (AALL 1989), but twenty-five years after its founding, the Legal History & Rare Books SIS continues to break new ground, if not exactly in the same way as our burro-busting colleagues. On June 17, 1989, the LHRB-SIS was approved by the Executive Board. Past AALL President and noted legal historian Erwin Surrency was elected as LH&RB's first chair. In 2014, our SIS membership hovers around 200, still one of the smaller SISs, yet substantially evolved from the handful of librarians marshaled by Morris Cohen in Reno to deploy the new SIS dedicated to legal history and rare books. We had the most distinguished of beginnings.

LH&RB's presence this year in San Antonio will be marked by diversity in the truest and least hackneyed sense of the word. We have two outstanding programs: *The Accidental Archivist: Creating Archives on a Shoestring Budget*, and *The Civil Rights Act of 1964: Celebrating Its 50th Anniversary*, with speaker Sanford Levinson, Professor of Law at the University of Texas, and one of America's leading constitutional law experts. This is an unparalleled opportunity to hear Professor Levinson, who is known for his modernist constitutional views. For the second year, LHRB will present its Rare Book Cataloging Roundtable, formerly under the auspices of the Technical Services SIS. And this year we are holding our first Legal History Meeting, featuring Professor Michael Ariens of St. Mary's School of Law. Professor Ariens is the author of the award-winning book *Lone Star Law: A Legal History of Texas*. He plans to conduct an interactive Texas legal history discussion with plenty of Q&A, and a book signing; this session promises to be lively and free-form.
Mike Widener passes famed Bison and LH&RB mascot Hughes Humphreys to incoming Chair Jennie Meade at the conclusion of the 2013 LH&RB-SIS Business meeting.

The Morris Cohen Student Essay Competition Presentation and Luncheon, the Business Meeting, and our Reception at Mexican Manhattan on the Riverwalk complete the SIS roster of events. The LH&RB Table in the Exhibit Hall Activities Area may be an “event” in itself: copies of LHRB and Unbound, brochures from special collections and exhibitions, copies of Lone Star Law, “bookworms,” and chances for new librarians and non-LHRBers to have a one-year paid membership in our SIS: the whole overseen by our 16th-century mystery guest, our mascot Hughes Humphreys, and all of us who have volunteered to staff the table during the meeting. And don’t forget the special LH&RB Silver Jubilee flair!

Regarding the details of our LH&RB events, I defer to Laura Ray, Education Committee Chair, whose excellent article in this issue sets forth our calendar with greater specificity.

LHRB developments this year include the creation of two new committees: the Outreach Committee, which will handle LHRB’s promotional activities at the annual meetings, and the Rare Book Cataloging Roundtable Committee, which will organize and oversee the Roundtable each year. Many thanks to Liz Hilkin, new chair of Outreach, along with members Ryan Greenwood and
Karen Wahl, and to Susan Karpuk, veteran coordinator of the Roundtable and its new chair, and members Sarah Yates and Bob Steele, for stepping forward to serve on these new committees.

I would like to urge you strongly to attend the LHRB Business Meeting on Monday, July 14, 5:30-6:30, in HBGCC Room 216A. Not only have there been numerous developments in the SIS during 2013-2014, this is a pivotal time in LHRB’s existence, and your presence and ideas are very important to the future direction of LHRB. Please send along any agenda items you might have to me at your earliest convenience.

And now, my deepest thanks to all who have been so important during the LHRB year:

Rob Mead and Marguerite Most, co-chairs of the Cohen competition; plus an especially big thank you and farewell to Rob, who, by the time you read this, will be Deputy Chief Public Defender for New Mexico;

Kurt Metzmeyer, our Webmaster, and Co-Webmaster Laurel Davis, who keep our website in shape, sometimes on very short notice;

Mark Podvia, who IS the LH&RB Newsletter;

Laura Ray, Education Committee Chair, who each year successfully guides us through the program proposal process and navigates the labyrinth of AALL procedures;

And especially the LHRB Executive Committee: Vice Chair Sabrina Sondhi, Secretary/Treasurer Kasia Solon Cristobal, and Immediate Past Chair Mike Widener. No one could have imagined a group more suited to tackling the challenges of SIS leadership.

See you in San Antonio for our Silver Jubilee!

Jennie Meade

---

Hello LH&RB folks! This issue of LH&RB marks a milestone of sorts for me as it will be my final issue as a member of the Penn State faculty. After 25 years, September 8th will be my last day at the Dickinson School of Law of the Pennsylvania State University. I will enjoy one day of blissful retirement, and on September 10th will begin a new position at the West Virginia University College of Law Library. Not to worry—I am not retiring as editor of either this publication or Unbound so you will all still have to deal with me.

Some have been asking about my health. I was in the hospital back in December and January with heart issues. I am back to 40-45 percent heart function (50-60 percent is considered normal), so I am making a good recovery.
The deadline for the Fall issue of LH&RB is October 20th. Please keep our editors busy by submitting your news, book reviews and articles!

I look forward to seeing you in San Antonio!

Mark Podvia

**LH&RB Programs and Activities at the Annual Meeting**

Laura Ray

Hot times for Legal History & Rare Books SIS members at the 2014 AALL Annual Meeting in San Antonio! You should review the final program to confirm rooms and times, but here’s a list of key programs, meetings, and events. On Sunday, July 13th, we’ll kick things off with the **LH&RB-SIS Morris L. Cohen Essay Presentation and Luncheon**, in HBGCC Room 206A, 11:45am-1pm. Our 2014 Morris Cohen Essay Contest winner will present the winning paper, and a light lunch will be provided. Later that afternoon, consider program **B4, The Accidental Archivist: Creating Archives on a Shoestring Budget**, in HBGCC Room 217A, 4pm-5pm. This program seeks to enable participants to evaluate unprocessed archival materials, develop achievable goals, and list cost-effective options for process and organize such collections. Cataloging members, you’ll want to end your Sunday by attending the **LH&RB Cataloging Roundtable**, in HBGCC Room 210B, 5:30pm-6:30pm.

On Monday, July 14th, join us at the **LH&RB Host City History: San Antonion Edition** meeting, in HBGCC Room 213A, 11:45am-12:45pm, where we will continue our annual discussion on how legal history shapes current legal concepts and practice. Please be sure to come to our **LH&RB Business Meeting**, in HBGCC Room 216A, 5:30pm-6:30pm. This is your chance to catch up on, or get involved in, our latest SIS projects. Then, wait for it... Hope you pre-registered to celebrate the LHRB SIS Silver Jubilee at the **LH&RB-SIS Reception**! It will be at the **Mexican Manhattan Restaurant**, right up off the Riverwalk, 7pm-8:30pm. A great way to end your Monday.

Finally, our key LH&RB-SIS sponsored program closes out the AALL Annual Meeting on Tuesday, July 15th. Don’t miss **The Civil Rights Act of 1964: Celebrating its 50th Anniversary**, in HBGCC Room 217A, 3:45pm-4:45pm. This program will review the legislative process in the passage of this act, and discuss President Lyndon Johnson’s intimate role in that passage. Be sure to stay tuned for any future announcements, and check our web site for more details on LHRB-SIS activities at the 2014 AALL Annual Meeting.

Many thanks again to the coordinators and speakers of our formal LHRB-SIS sponsored program and “member created” program at the 2013 AALL Annual Meeting in Seattle. I was very moved by Sharing the Legacy of the Internment of Japanese Americans: How Law Libraries Can Help Preserve and Provide Access to Stories of Advocacy and Justice, presented by Lori Bannai and Stephanie Wilson, both from the Seattle University School of Law, and co-ordinated by Stacy Etheredge and Etheldra G. Scoogg. It was also an honor and pleasure to co-present Wine and the Law: An Overview of Wine and Winemaking from Ancient Babylon to the Modern Washington State Wine Industry with Mark Podvia, Pennsylvania State University Dickinson School of Law Library, and Steve Warner, Washington State Wine Commission. Also, our LHRB luncheon was very enjoyable, during which Matthew Axtell presented Customs of the River: Legal Change and Shifting Hydrology in the 19th-Century Steamboat Economy. Mr. Axtell was the second-place winner of our 2013 Morris Cohen Student Essay Contest. Sarah Levine-Gronningsater, who wrote the winning essay Louis Napoleon’s Secret Service: Gradual Emancipation, Antislavery Legal
Culture, and the Origins of the Lemmon Slave Case, was unable to attend the Annual Meeting, but does have the opportunity of submitting her paper to Law Library Journal.

Hope to see you all in San Antonio!

Laura E. Ray

Laura Ray is Instructional Services Librarian at the Cleveland-Marshall College of Law.

Kasia Solon Cristobal, Student Services Coordinator at Tarlton Law Library, University of Texas at Austin, has been elected Vice Chair/Chair-Elect of the LH&RB-SIS. She is well known to our SIS members, having served as an editor of LH&RB and as Secretary/Treasurer of the SIS.

Our newly elected Secretary/Treasurer is Laurel Davis, Legal Information Librarian, Lecturer in Law and Curator of Special Collections at the Boston College Law Library. She currently serves as our SIS Co-Webmaster.

Kasia and Laurel will assume their official duties at the LH&RB-SIS Business Meeting in San Antonio.

Joel Fishman (Duquesne University Center for Legal Information/Allegheny County Law Library) will be teaching American Legal History at the Duquesne University School of Law in the 2014-2015 academic year. Joel’s latest publication, “African-American Judges of the Allegheny County Court of Common Pleas,” is available online at http://www.duq.edu/academics/schools/law/law-library/legal-research-guides/-african-american-judges.

***

Ryan Greenwood, the 2013-14 Rare Book Fellow at the Yale Law Library, will be the new Rare Book Librarian at the University of Minnesota Law Library. The position was formerly held by Katherine Hedin until her retirement.

***

Rob Mead is leaving his position as State Law Librarian of New Mexico to become the Deputy Chief Public Defender for New Mexico. He says that if you’ve ever in Santa Fe, please let him know: <rob.mead.nm@gmail.com> or (505)306-5194.

***

Stewart Plein left her job at the University of West Virginia Law Library in January 2014 to become the Rare Book Librarian at the West Virginia & Regional History Center, West Virginia University Library.
Mark Podvia will retire from Pennsylvania State University on September 9, 2014, after 25 years of service in its Law Library. On the following day he will start as Head of Public Services at the West Virginia College of Law Library in Morgantown. Mark will retain emeritus faculty status at Penn State, so his current Penn State e-mail address will remain active.

***

Paul Pruitt (Bounds Law Library, University of Alabama) has a new book out. *Traveling the Beaten Trail: Charles Tait’s Charges to Federal Grand Juries, 1822-1825* (Tuscaloosa: University of Alabama School of Law, 2013), which he co-authored with David I. Durham and Sally E. Hadden, is Number 8 in the series Occasional Publications of the Bounds Law Library. You can get your free copy by contacting Paul at <ppruitt@law.ua.edu>.

***

Fred Shapiro (Yale Law Library) had a letter published in the December 1, 2013 issue of the New York Times Book Review, about his discovery that the Bluebook originated at Yale Law School, not at Harvard. The basis for asserting the Bluebook priority of Yale stems from a unique pamphlet in the Yale Law Library's Rare Book Collection.

***

Mike Widener (Yale Law Library) will teach the “Law Books: History & Connoisseurship” course for the fourth time. The course, part of the University of Virginia’s Rare Book School, will be one of three Rare Book School courses taught on the Yale University campus July 28-August 1, 2014.

---

**Exhibits**

Kasia Solon Cristobal

**FROM THE DANIEL R. COQUILETTE RARE BOOK ROOM, BOSTON COLLEGE LAW LIBRARY:**

**Recent Additions to the Collection (Spring 2014)**

There is a new exhibit on display in the BC Law Library's Daniel R. Coquillette Rare Book Room, featuring exciting new additions to our collection over the past few years. Some of our most intriguing additions are documents that came directly out of legal practice in the colonies and early America, illuminating the real people practicing and affected by the law. Many would be the source of interesting research projects. Some of favorites: a 1746 Hatfield, MA complaint against a man named Medad Negro, identified as a black manservant, for burning down a barn; a recognizance for a 14 year-old boy accused of murdering an American Indian woman; a 1819 partnership agreement between two Boston attorneys; a 1819 letter from Joseph Story asserting the need for new bankruptcy legislation; new additions to our fabulous Francis Bacon collection; and much, much more.

The exhibit will be on display through mid-August, so please wander in during the summer. Selected images, descriptions, and a brochure can be found on the exhibit webpage!
FROM THE WOLF LAW LIBRARY, COLLEGE OF WILLIAM & MARY:
"Wythepedia"

The College of William & Mary’s Wolf Law Library has launched "Wythepedia," an online encyclopedia created to honor William & Mary’s -- and the nation’s -- first law professor, George Wythe. The launch coincided with Law Day (May 1) in the United States, a national observance that celebrates the U.S. legal system and the rule of law.

The encyclopedia provides historical and bibliographic information for the George Wythe Collection, The Wolf Law Library’s ongoing re-creation of Wythe’s Library, and is a compilation of material relating to the life of George Wythe, who was also a signer of the Declaration of Independence and chancellor for the Commonwealth of Virginia.

Contributors to the project included Linda Tesar, Head of Technical Services and Special Collections, Library Director James S. Heller, and Wythepedia Systems Administrator Steve Blaiklock, many other librarians, staff, and graduate research fellows at the Law School. If you’d like to learn more, please visit Wythepedia, http://lawlibrary.wm.edu/wythepedia/index.php/Main_Page, or contact Linda K. Tesar, Managing Editor, at lktesar@wm.edu.

FROM THE HARVARD LAW SCHOOL LIBRARY:

Spanning the Centuries: An Exhibit of Recent Acquisitions, 1579-1868

Caspersen Room
May 5 – August 22, 2014
Monday - Friday, 9:00 AM - 5:00 PM

With a vast and rich collection of materials spanning ten centuries, Historical & Special Collections (HSC), in the Harvard Law School Library, is a treasure trove for those interested in tracing the history and development of the law, legal education, law practice, and the history of Harvard Law School. Part of HSC’s mission is to collect these materials in a wide variety of formats, including printed books, handwritten manuscripts, paper and electronic documents, portraits, photographs, drawings, and artifacts. Another key part of our mission is to preserve these materials and make them freely available for research through cataloging, processing, and digitization.

On view are some of our recent acquisitions. Case 1 showcases books and bound manuscripts that provide clues about who owned them and how they were used, while Case 2 features the latest additions to our true crime collections. Here is a link to a blog post and a slide show of the exhibit: http://etsq.law.harvard.edu/2014/05/852-rare-spanning-the-centuries-an-exhibit-of-recent-acquisitions-1579-1868-2/. It was curated by Karen Beck, Historical & Special Collections.

FROM THE LILLIAN GOLDMAN LAW LIBRARY, YALE LAW SCHOOL:

Reflections on Bindings: Using New Imaging Technology to Study Historical Bindings

Rare book bindings are fascinating objects, which are often beautifully decorated with intricate images. Reflectance Transformation Imaging (RTI) offers exciting new possibilities for safely capturing a book’s surface decorations, revealing details that cannot be seen using traditional
methods or the naked eye. An exhibit of books treated to these innovative techniques was on display February 3 - May 24, 2014 at the Lillian Goldman Law Library, Yale Law School.

“Reflections on Bindings: Using New Imaging Technology to Study Historical Bindings” features books from the Law Library’s Rare Book Collection of the Law Library, which have been analyzed using RTI to show exquisite details from early modern blind-stamped bindings. These details can help us to identify the book’s early owners and understand attitudes about the books within the bindings.

The analysis was expertly undertaken by members of Yale University Library’s Conservation & Exhibition Services team, who curated the exhibit. The curators are Chief Conservator Christine McCarthy and Conservation Assistants Fionnuala Gerrity, Ansley Joe, and Karen Jutzi. The exhibit can be viewed on the Yale Law Library Rare Books Blog, http://library.law.yale.edu/tags/reflections-bindings-exhibit.

**Built by Association: Books Once Owned by Notable Judges and Lawyers**

“Association copies,” books once owned by their authors or other well-known individuals, have long been sought after by collectors. An outstanding private collection of books associated with famous judges and lawyers was on display September 23 - December 18, 2013 at the Lillian Goldman Law Library, Yale Law School.

“Built by Association: Books Once Owned by Notable Judges and Lawyers” features books from the collection of Bryan A. Garner, the world’s leading legal lexicographer. They include books inscribed by John Jay, the first chief justice of the U.S. Supreme Court, and Clarence Darrow, the most famous trial lawyer in American history. Other notable figures include Supreme Court Justices Oliver Wendell Holmes, Jr. and Benjamin Cardozo, and Lindley Murray, a lawyer best known as “the father of English grammar.” Three of the authors taught at Yale Law School: Supreme Court Justice William O. Douglas, Judge Jerome Frank, and the iconoclastic Professor Fred Rodell.


Garner curated the exhibit, with assistance from Mike Widener, Rare Book Librarian.

The exhibit can be viewed on the Yale Law Library Rare Books Blog, http://library.law.yale.edu/tags/built-associations-exhibit.
The definition of a “Blaine Amendment” is core to the author’s argument. Most legal scholars and historians classify “Blaine Amendments” as the state-based constitutional provisions patterned after a failed Federal constitutional amendment originally proposed in 1875 by U.S. Congressman James G. Blaine. The provisions exist in most states, and prohibit tax money from being used to support religious schools. In his thesis, the author argues that history shows the “Blaine Amendments” are broader than the post-Civil War anti-Catholic prejudices now commonly seen as reasons for their adoption.

To make his point, the author wades into the intersection of many areas of law and policy, including comparative state constitutional law, education, legal history, religion, school choice, and taxes. The catalyst for his study was the U. S. Supreme Court decision denying a publicly funded college scholarship for religious-based training in Washington State, Locke v. Davey, 540 U. S. 712 (2004).

The main court decision in Locke is 11 pages long and the dissenting opinions are 10 more pages. However, only one footnote in the court’s majority opinion mentions Blaine Amendments, and classifies the Washington State Constitution provision at issue as “not a Blaine Amendment” (Locke, at 723 n. 7). As a result, the court side-steps examining whether anti-religious sentiment was the main factor in this or any other Blaine Amendment, which could have resulted in such state laws being found unconstitutional under the U.S. Constitution. In Locke, the court upholds Washington’s ban on government aid to religious schools (in this case, via denying a scholarship for the study of theology).

As his thesis title indicates, the author of Freedom of Religion also reviews two prior religious school-funding cases in favor of government aid, Mitchell v. Helms, 530 U. S. 388 (2000) and Zelman v. Simmons-Harris, 536 U. S. 639 (2004). In addition, he examines the “Blaine Amendments,” the state constitutional provisions related to the government supporting—or prohibitions against supporting—religious-based education. He is particularly interested in the words “sect” or “sectarian” as they relate to government aid to schools, and charts such wording in 30 state constitutions (see his “Appendix A: Blaine Clauses in Current State Constitutions,” Freedom, pp. 155-174). He is aware that “many state constitutions contain other clauses that may affect the flow of tax dollars into religious institutions,” but those are “not counted in this research as a ‘Blaine Amendment’” (Freedom, p. 155 n. 618).

The author of this long somewhat rambling discussion of the Locke decision is at his best when analyzing the provisions within the 29 briefs filed (Freedom, pp. 57-96). He is clearest in pointing out the policy and other arguments among the various states and amici on both sides of the issues.
His analysis of the state constitutional provisions in his later chapters is weaker, and suffers from only looking at the phrase “sectarian school” rather than examining such factors as non-establishment of religion, funding of religious education, funding of religious activity, the use of coercion to support religion, or other factors. (These useful and much easier to distinguish categories are in “Chart of State Constitutional Limitations on Religion,” in WILLIAM W. BASSETT, W. COLE DURHAM, JR. & ROBERT T. SMITH, 1 RELIGIOUS ORGANIZATIONS AND THE LAW § 2:50 [Thomson Reuters 2013], which I would recommend over Johnson’s thesis). (Full disclosure: I work at BYU where two of this treatise’s authors (Durham & Smith) are directors of the International Center for Law and Religion Studies at BYU’s J. Reuben Clark Law School).

I applaud the author of Freedom of Religion for working to juggle the various components of his legal history study. The topic is both narrow (state constitutional provisions dealing with taxes and publicly funded religious schools) as well as an important piece of much broader issues in society (religious freedom, church/state relations, federalism, and taxation). I was disappointed to find the text virtually unchanged (including the same typos) from his original thesis to this published version, and also think the original thesis title better describes the book’s content, as I felt misled by the Freedom of Religion main title. Large academic libraries with education policy collections should consider this work, while law libraries would do better looking elsewhere for legal analysis concerning state Blaine amendments.

Galen L. Fletcher
Howard W. Hunter Law Library
Brigham Young University


The year 1807 is perhaps best-remembered for the case of United States v. Aaron Burr, a case that could be called the nation’s first Trial of the Century. Former Vice President Burr, facing charges of treason, was tried by government lawyers with President Thomas Jefferson participating in a decidedly hands-on role. Presiding over the trial was Jefferson’s cousin—and hated political enemy–Chief Justice John Marshall, who sat as the trial judge of the circuit court in Richmond. The seven-month trial resulted in Burr’s acquittal. It also answered questions about what actually constituted treason and helped to establish the role of the judicial branch.

The question as to whether Burr was actually guilty of trying to separate the western territories from the United State remains unanswered; his intentions varied from witness to witness. However, whether he did or did not commit acts of treason, he does not cut a favorable figure. Jefferson, eager to see the man who nearly defeated him for the Presidency found guilty, plotted behind the scenes in ways that would today most assuredly result in a Congressional investigation. For all his virtues, in this matter Jefferson does not present a positive face. Of the three primary participants, only Chief Justice Marshall–striving to establish an independent judiciary–cuts a favorable figure.
The book introduces readers to the lawyers in the case, several of whom were among the finest attorneys in the young nation. Marylander Luther Martin and Virginians Edmund Randolph, Charles Lee, John Wickham, Benjamin Botts and John Baker represented the defendant. George Hay, Alexander MacRae and William Wirt presented the case for the government.

The author, R. Kent Newmyer, is Professor of Law and History at the University of Connecticut School of Law. Among his other works are Supreme Court Justice Joseph Story: Statesman of the Old Republic and John Marshall and the Heroic Age of the Supreme Court.

U.S. v. Burr is among the most important cases of the young American republic. This thoroughly-researched and well-written book should be in every academic library. It would also serve as an excellent text for a course in American legal history.

Mark W. Podvia
H. Laddie Montague, Jr. Law Library
The Dickinson School of Law of the Pennsylvania State University

---

**LH&RB Activities at AALL**

**Sunday, July 13th**  
*The Accidental Archivist: Creating Archives on a Shoestring Budget*, HBGCC Room 217A, 4pm-5pm.  
*LH&RB Cataloging Roundtable*, HBGCC Room 210B, 5:30pm-6:30pm.

**Monday, July 14th**  
*LH&RB Host City History: San Antonion Edition*, HBGCC Room 213A, 11:45am-12:45pm.  
*LH&RB Business Meeting*, HBGCC Room 216A, 5:30pm-6:30pm.  
*LH&RB-SIS Reception*, Mexican Manhattan Restaurant, 7pm-8:30pm.

**Tuesday, July 15th**  
*The Civil Rights Act of 1964: Celebrating its 50th Anniversary*, HBGCC Room 217A, 3:45pm-4:45pm.

---

Special thanks to Megan Alley for her assistance in preparing this issue of LH&RB. She is a rising second-year student at the Dickinson School of Law of the Pennsylvania State University.