What can your SIS do for you? Please ponder this question as you read this latest newsletter. When I first joined AALL back in 2005 (and I now have the 10 year AALL anniversary pin to prove it), I took it for granted that AALL would contain a group such as LHRB within it. As I became involved in LHRB, my experience lived up to my expectations—a smaller, friendly group who get a learned laugh out of things like a Sir Francis Bacon life-size cardboard cutout. But now that ten years have passed, I am no longer so complacent about LHRB’s existence. Which isn’t to say that I am terribly worried about LHRB’s future, but I better appreciate now that LHRB is around because people work to keep it around. So thank you for being a member.

Here are some shout outs to LHRB members that come to mind for their work over the past few months. In her capacity as treasurer, eagle-eyed Laurel Davis has already saved LHRB a few hundred dollars—no small sum for LHRB! Mark Podvia has taken the plunge to focus on a more scholarly journal for LHRB. Karen Wahl is taking the lead on starting up an archives committee, and Travis Williams, Heather Kushnerick, and Bill Sleeman have agreed to help get it off the ground. Fred Dingley is doing a bang up job as a new co-chair of the Cohen committee with his thoroughness. We’ve got the benefit of other new or returning committee members such as John Nann, Akram Sadeghi Pari, Janet Snider, Noelle Sinclair, and Gretchen Van Dam. And thanks to all the LHRB members who’ve responded to my unsolicited emails to participate in LHRB’s Five Minutes or Less Q&A—I really do find it fascinating to learn about how varied our membership is, in terms of interests, geography, background, you name it.

Besides committee changes and the like listed above, is it time for LHRB to try something else new or different? To get your ideas flowing, here is a quick summary of what LHRB currently undertakes:

- My Communities listserv
- Newsletter (work of the Newsletter Committee)
- Journal (work of the Journal Committee)
- Twitter @lhrbsis—check it out! (work of the Outreach Committee)
- Morris L. Cohen Student Essay Competition (work of the Cohen Committee)
- Annual Meeting happenings
- One SIS sponsored program (organized by Education Committee)
- Morris L. Cohen Essay Presentation (organized by the Cohen Committee)
• Host City History Roundtable (organized by Education Committee)
• Rare Book Cataloging Roundtable (organized by Cataloging Committee)
• Archives Roundtable run by Archives Committee—new this year!
• SIS poster for Annual Meeting from Outreach Committee—new this year!
• Business meeting and reception

The advent of a poster instead of table at the annual meeting sounds like a small change, but could just as easily be a small nightmare. LHRB is fortunate to have Liz Hilkin heading up the Outreach committee that will come up with a new poster—a person with good taste and good design skills!

The most natural new undertaking for LHRB seems to be a webinar. A couple of topics that I think might have appeal are:

• Teaching legal history and rare books, whether informally through patron interactions or more formally through a full-fledged class, or
• How to do oral histories.

I feel like doing one on oral histories might intrigue AALL members beyond LHRB. I’m just throwing a couple of ideas though to get the ball rolling, so please let me know if you like the idea of a webinar or something else entirely.

Finally, I would like to thank Sabrina Sondhi for her work as chair for 2014-2015. As the new chair, I am the direct beneficiary of the work she did putting the SIS in better order. It’s due to her efforts that I feel like now is a good time for LHRB to try something new. So once again in closing, what can your SIS do for you? Please drop me a line: kcristobal@law.utexas.edu. I enjoy getting email from LHRB members!

From the Editor

Mark Podvia

Yes, this issue is a wee bit late as we continue to work on transferring editorial duties to a new editor. However, like the mythical Phoenix, it has reappeared just as we approach the longer and warmer days of spring.

You will notice that this is a much shorter newsletter. At the 2015 SIS business meeting the decision was made to transfer the substantive articles and book reviews that had previously appeared in LH&RB to our on-line journal, Unbound. LH&RB will become a real newsletter containing program reviews, member news, and exhibit and acquisition information.

My hope is that LH&RB will continue to publish three or four issues per year, while Unbound will increase to two issues per year. That means that we need your member news and announcements of exhibits and acquisitions for LH&RB. At the same time, we need articles and book reviews for Unbound. Please submit, or urge your colleagues to submit, articles on various aspects of legal history and rare books to Unbound. Student papers are also welcome; a publication credit never hurts a law student!

The deadline for the next issue of LH&RB is June 20th.
Moderated by LHRB member Mark Podvia, this engaging panel looked at the specific ways that rare and antiquarian books can be used by modern lawyers to discern the meaning of older legal texts and to better advocate for clients.

The panelists were Michael von der Linn, Manager of the Antiquarian Book Department at The Lawbook Exchange in Clark, New Jersey, and Charles Shields, a real estate attorney in Mechanicsburg, Pennsylvania.

Michael von der Linn opened his talk by noting that old and rare books have a value and appeal outside of their actual content—there is the matter of aesthetics; their indescribable magic; and the aura of power that comes from being the concrete form that holds important abstract ideas. After noting these significant attributes, von der Linn then moved on to the main point of this presentation: that is, that old and rare books also have deeply important interpretative value.

He began this portion of his discussion with a lovely example from the world of music. In a piece of music written by Mozart, what does the notation translated as “very fast” actually mean? Would it have meant the same thing to Mozart in the eighteenth century that it means to us now? How would we determine how quickly Mozart intended those notes to be played? The only way to discover this would be to look to sources from that time period.

This anecdote provided a natural segue into a legal example involving the interpretation of the Declaration of Independence, an apt example since we were sitting a short walk away from where the famous document was signed. What did “unalienable” mean to Jefferson and the other signatories? What about life, liberty, and happiness? Mr. von der Linn pondered what sources from Jefferson’s world could help us interpret this language. He suggested the writings of John Locke, contemporary legal treatises and pamphlets, dictionaries such as Samuel Johnson’s 1755 Dictionary of the English Language or Giles Jacob’s New Law Dictionary. By looking at these sources, he suggested that we would see that some words haven’t changed much at all; others have changed a bit; and still others mean quite different things than what they did almost 240 years ago. Mr. von der Linn effectively made the point that antiquarian books can help us more reliably interpret older works and ultimately discern meaning with greater accuracy.

After Michael von der Linn’s fascinating talk, moderator Mark Podvia and practitioner Charles Shields engaged in a question and answer exchange about the use of rare and antiquarian books in Mr. Shields’ law practice. Mr. Shields talked a bit about his life as a collector. His first purchase was an old French law dictionary, and he became a regular at book fairs. When asked about using antiquarian books in practice, he went into some specific examples but first gave some sound advice about the need to know one’s audience; he said that some judges are more willing to entertain in-depth looks at historical sources for interpretative guidance while others will not be as patient.

In response to Mark Podvia’s questions, Mr. Shields offered some fascinating examples of how historical sources have helped his clients in zoning and other real estate disputes. In one instance, the interpretation of a municipal ordinance went in his client’s favor after consulting a 1934 edition of Webster’s Dictionary, while his opponent relied on a more modern edition.
Other examples also illustrated the value of historical sources: an anecdote involving navigable waterways illustrated the value of printed case reports, as the print set included an appendix with helpful material that was not present in later editions; one example involved a battle over water rights and competing injunctions that led Mr. Shields to many Roman law and old English law sources; and a final example over the right to lay utilities wound up leading to citations to Babylonian law, *Les Miserables*, and more!

All in all, this was an engaging presentation with a lot of specific examples about the ways in which rare and antiquarian books can help legal scholars better understand historical texts and practitioners be more effective advocates for their clients.

Laurel E. Davis  
Legal Information Librarian &  
Lecturer in Law/Curator of Rare Books  
Boston College Law Library

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**LHRB-SIS Host City History Roundtable, Monday, July 20, 2015, PCC Room 104B**

This year’s LHRB-SIS Host City History Roundtable featured presentations on two of Philadelphia’s oldest and most historic libraries, the Library Company of Philadelphia and the Theodore F. Jenkins Memorial Law Library. It was the latest installment in the very popular LHRB-SIS City History saga that examines the history of the cities hosting the AALL Annual Meeting.

Our speakers this year were John Van Horne, Director Emeritus of The Library Company of Philadelphia, and Regina Smith, Executive Director of the Jenkins Law Library. The program was organized by Stacy Etheredge, Reference and Instruction Librarian at the West Virginia University College of Law Library and Michael Maben, Associate Librarian and Lecturer in Law at Indiana University Maurer School of Law Library. This was not only a program about two libraries, it was about two libraries that have evolved over time to meet modern needs and challenges.

The Library Company of Philadelphia, America’s first lending library, was founded 1731 by Benjamin Franklin and a group of subscribers, each of whom invested 40 shillings to start a library. Members also pledged ten shillings every year to buy additional books and to help maintain the library. Franklin served as the Library Company’s secretary from 1746 to 1757. In addition, following the resignation of the Library Company’s original librarian, Franklin served as librarian from 1733 to 1734.

Books for the collection were selected based on the needs of the members. This was a utilitarian collection, including works of literature and books on history and geography, not an academic collection focusing on religion and philosophy such as would have been found at Harvard College. The Library Company’s oldest surviving catalogue, printed in 1741 by Franklin, lists 374 titles. Franklin intended this to be a public library; non-subscribers were permitted to borrow books from the collection.
With the arrival of the Continental Congress in Philadelphia, the Library Company’s collection was made available to the delegates, making the library the *de facto* Library of Congress. This arrangement continued until the Congress moved to Washington, D.C. in 1800.

Until the 1850s the Library Company was the largest public library in the United States. However the Library Company’s fortunes declined following the American Civil War. A bequest from Dr. James Rush lead to the library’s removal to a remote location in the city and placed various restrictions on users of the collection.

This decline was reversed in the mid-20th century, when library leaders decided to focus on the Library Company’s significant collection of historical manuscripts and print material. The library moved to a location in center-city Philadelphia located next to the Historical Society of Pennsylvania. Today the non-profit corporation holds a collection of approximately 500,000 books and 70,000 other items, including many that once belonged to Dr. Franklin.

Founded by 71 Philadelphia lawyers in 1802, the Theodore F. Jenkins Memorial Law Library, began as the Law Library Company of the City of Philadelphia. Shares of stock in the new company, the nation’s first law library, were $20; annual dues were two dollars. The Law Library Company’s first catalogue, published in 1805, lists 391 books, about half of which still exist.

Originally housed in Independence Hall, the law library has had homes in seven different locations, including Congress Hall and Philadelphia’s City Hall. In 1827 it merged with the Associated Members of the Bar to form the Law Association of Philadelphia, now known as the Philadelphia Bar Association. By the early 1900s the library rivaled collections held by the nation’s top law schools.

The affiliation with the Philadelphia Bar Association continued until 1967 when the Theodore F. Jenkins Memorial Law Library Company was formed to carry out the will of the late Madeleine Hart Jenkins, and to operate the Library for the benefit of the public and the Bar. Now a 501(c)(3) nonprofit corporation, Jenkins employs a staff of 12 librarians and 14 support staff to provide legal and law-related information, databases, continuing legal education classes, and research services to its 7,000 and growing member base.

This was a very well-attended presentation, with latecomers having to bring chairs from other rooms. Both the speakers and the organizers should be applauded for an excellent program.

Mark Podvia
Associate University Librarian
West Virginia University College of Law Library

On November 13th, 2015, the George Wythe Room was dedicated at the Wolf Law Library. Jim Heller, Director of the Wolf Law Library, said the Wythe Room grew out of a similar project replicating Thomas Jefferson’s books.

“We decided to collect books that Wythe had in his personal libraries in Williamsburg and Richmond,” Heller said. “These were the books that he used to teach, mentor, and lend to the likes of Jefferson, John Marshall, and Henry Clay, and many other famous and important people.”

The collection represents about three-fifths of Wythe’s entire library. Subjects include history, geography, mathematics, science, English literature, Greek and Latin classics, and, of course, law.

“We have Homer, Shakespeare, and Don Quixote; we have Blackstone, Coke, and St. George Tucker,” Tesar said. “We have books ranging from as large as 18 inches tall to as small as three inches tall, and from 260 to 460 years old.”

The room not only contains original tomes behind special ultraviolet glass, but also paintings of Wythe, Jefferson, and Marshall. There is also a touch screen that contains digital information about the collection, including the Law School’s celebrated Wythepedia.

The George Wythe Collection will remain on permanent display in the room.


From the Harvard Law School Library: “One Text, Sixteen Manuscripts: Magna Carta at the Harvard Law School Library”

One of many Magna Carta exhibits mounted by academic law libraries over the past year, this exhibit focuses on manuscript versions of the famous text.

Curators Karen Beck and Melinda Kent focused on the physical artifact, looking at size, ornaments, bindings, provenance, and conservation and digitization issues. Other themes include the challenge of dating manuscripts, and how these materials were used in teaching and learning.

The exhibit will be on view through March 11, 2016. An online version is available at: http://exhibits.law.harvard.edu/current-exhibit.

From the Lillian Goldman Law Library, Yale Law School: “The Pope’s Other Jobs: Judge and Lawgiver”

The exhibition was on display September 8-December 15, 2015, in the Rare Book Exhibition Gallery, of the Lillian Goldman Law Library, Yale Law School. Though the physical exhibit ended
The Pope is universally known as the spiritual leader of the Roman Catholic Church. But it is often forgotten that for much of the papacy’s history the Pope was the most important judicial and legislative authority in western Europe.

The exhibition, titled “The Pope’s Other Jobs: Judge and Lawgiver,” illustrated the Pope’s legal responsibilities throughout history using rare books and a medieval manuscript from the Law Library’s outstanding collection. It was curated by Anders Winroth, Forst Family Professor of History, Yale University, and Michael Widener, the Law Library’s Rare Book Librarian. Winroth is one of the world’s leading authorities on medieval canon law.

“In the Middle Ages, canon law (the law of the church) took center stage as a most sophisticated legal system, not only inspiring much secular law but also becoming recognized as the sole authority in several legal fields, such as the law of marriage, the law of just war, and the legal implications of oaths,” said Winroth. The books and manuscripts in the exhibition show how the papacy has shaped areas as diverse as human rights, international boundaries, due process, and marriage law. Many of the legal rights that Americans take for granted, such as the presumption of innocence and the right against self-incrimination, are rooted in the decrees and judicial decisions of medieval popes.

Emory’s MacMillan Law Library acquires first two incunabula, by Jason T. LeMay, Assistant Law Librarian for Cataloging and Metadata, Hugh F. MacMillan Law Library, Emory University School of Law

The first, and most interesting to most of us here, is a chained copy of *Incipit tractatus notabilis de excommunicationibus...* by Saint Antoninus, including texts related to excommunication and censure as well as matrimonial law. This volume was printed in 1480 in Venice, and based on an inscription in the rear of the volume it was part of a collection at Hopton Castle in South Shropshire, dated months after the fall of the castle during the English civil war.

The second incunabula we acquired was actually one I was able to preview at AALL. Karl Summenhart’s *Septipertitum opus de contractibus*, printed in 1500 in Haguenau, France. An
extensive work on contracts, this volume is bound with wooden boards and contains extensive
marginalia and notes.

Diverse group of materials welcomed at Special Collections at the George Washington Law
Library, by Jennie C. Meade, Director of Special Collections, Jacob Burns Law Library, George
Washington University

France. The Law Library has acquired a very rare pamphlet printing of the 1766 decision of the
Parlement of Paris in the blasphemy and sacrilege case of the Chevalier de la Barre, who was
famously executed after failing to remove his cap as a religious procession passed by. Of course,
there was more to it than that, but de la Barre remains today a champion for freethinking and a
symbol for the grim fallout of religious oppression. The Law Library's copy appears to be unique:
on the fourth page of the four-page pamphlet, a cautionary song is printed, intended to dissuade
potential mischief-makers from engaging in devilry during night-crawling. Page four appears to
be left blank in other recorded copies.

For more, please see Arreste de la Cour de Parlement: Qui Confirme Une Sentence Rendue Par La
Sénéchaussée De Ponthieu À Abbeville… [France, 1766(?)] in A Legal Miscellanea at
http://alegalmiscellanea.com/next-rare-books/.

Italy. At a recent auction held by Bibliopathos (located in Verona, Italy), the Law Library
acquired a large collection of legal works from Italy published in the late eighteenth and early
nineteenth century. This was a turbulent period for Italy as neighboring countries, notably
France and Austria, battled for Italian territory. The library acquired many unusual works,
including several unique books not held by any library, for the Lombardo-Venetian Kingdom, the
Cisalpine Republic, Verona, and the Regno d'Italia (Napoleon’s Kingdom of Italy).

Georgetown Law Library acquires a piece of the Pannomiom, by Hannah Miller-Kim, Special
Collections Librarian, Georgetown University Law Library

Georgetown Law Library Special Collections has acquired a unique manuscript glimpse into the
mental world of Jeremy Bentham, the founder of utilitarian political thought and Anglo-American
codification efforts. When Bentham first proposed his universal legal code, which he termed the
Pannomiom, his goal was a simplified legal code that could be readily understood by everyone
without the need to consult a lawyer. Such simplification apparently eluded even Bentham’s
talents and the Pannomiom was never completed. All that remains are several thousand
manuscript leaves outlining various subjects and chapters, most of which are held by University
College London which is crowdsourcing transcriptions. Special Collections’ Pannomial fragment
was apparently a presentation copy given to an unknown person at the opening of UCL in 1836.
It is an outline in Bentham’s hand for “Ch. 7. States of the mind with respect to delinquency,”
and includes his thoughts on distinguishing intellectual faculty from volititional faculty for
purposes of determining criminal liability.

This intriguing document is available online through Digital Georgetown. For access to the actual
document, please contact Erin Kidwell, Curator of Legal History Collections (202-662-9149) or
Hannah Miller-Kim, Special Collections Librarian (202-661-6602); or email us at
specl@law.georgetown.edu.

New items at the Risenfeld Rare Books Research Center, by Ryan Greenwood, Curator of
Rare Books and Special Collections, Risenfeld Rare Books Research Center, University of
Minnesota Law Library
We've had a few interesting acquisitions recently. Some highlights:

Nicholas Collyn, *A Breife Summary of the Lawes and Statutes...* (1650), a very rare justice of the peace manual.

Treaties between the US government and the Rogue River Indians (1857), and the Sans Arcs (1865) and Onk-Pah-Pah Sioux (1866).

*The Law and Lawyers Laid Open, in Twelve Visions* (1737), a great satirical item (and fun to present)!

**Spanish constitutions are Yale Law Library’s star acquisitions**, by Michael Widener, Rare Book Librarian & Lecturer in Legal Research, Lillian Goldman Law Library, Yale University

The Yale Law Library made two large acquisitions in Fall 2015. One of these was a collection of 25 titles on 19th-century Spanish constitutions, especially the famous Constitution of Cádiz of 1812, one of the first liberal constitutions which had an enormous influence on the constitutional history of Latin America.

The other large acquisition was an additional 39 titles from the library of English collector Anthony Taussig. Highlights included *The determinations of the moste famous and mooste excellent universities of Italy and Fraunce, that it is so unlefell for a man to marie his brothers wyfe, that the Pope hath no power to dispence therwith* (London: Thomas Berthelet, 1531), a collection of legal opinions compiled by Henry VIII’s advisors in support of his divorce of Catherine of Aragon. There was also a run of 12 Year Book reports published by Henry Smith (1542-1545) that are the only North American copies, and in a couple of instances the only surviving copies. In addition, the acquisition included a number of firsts in English law: the first book on damages (J. Sayer’s *Law of Damages* 1770), the first book on evidence (W. Nelson’s *Law of Evidence* 1717), the first book on devises (J. J. Powell’s *Essay upon the Learning of Devises* 1788), the first book on trusts (G. Gilbert’s *Law of Uses and Trusts* 1734), and the first edition of Fearne’s *Contingent Remainders* (1772).

The library acquired two manuscript legal briefs on disputes involving Native American land rights near Mexico City, one from the late 16th century and the other from the late 18th century. Both have hand-drawn maps with graphic features that are clearly indigenous. A printed 1906 legal brief on behalf of the Cherokees was authored by Belva Lockwood, the first woman admitted to practice before the U.S. Supreme Court, in the case that became her greatest legal victory.

Two late 16th-century manuscript compilations of the civil and criminal statutes of Mantua were acquired for the Italian statute collection. There was no printed edition of the statutes of Mantua until 1857.

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**Member News**

Mike Widener

**Georgia Chadwick** has retired as Director of the Law Library of Louisiana in January 2016, after a 37-year career in law librarianship, including 21 years at the Law Library of Louisiana and eight years as its director.

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**Ryan Greenwood** (University of Minnesota Law Library) gave a talk at Thomson Reuters in Eagan, MN on Sept. 18, 2015: “Magna Carta, 800 Years: History and Legacy in Context.”
Timothy Kearley (University of Wyoming College of Law) will have an article in the Spring 2016 issue of *Law Library Journal*: “From Rome to the Restatement: S.P. Scott, Fred Blume, Clyde Pharr, and Roman Law in Early Twentieth Century America.”

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Paul Pruitt (Bounds Law Library, University of Alabama) is the editor of *New Field, New Corn: Essays in Alabama Legal History* (New Orleans: Quid Pro, 2015), a collection of essays written by former students in the University of Alabama Law School’s Alabama Legal History Seminar.

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A groundbreaking article by Fred Shapiro and Julie Graves Krishnaswami (Yale Law Library), “The Secret History of the Bluebook,” is forthcoming in vol. 100 (2016) of the *Minnesota Law Review*, and was the subject of a *New York Times* article on Dec. 8, 2015. A preliminary version of their article is available on SSRN.

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An article by Bonnie Shucha (University of Wisconsin Law Library), “White Slavery in the Northwoods: Early U.S. Anti-Sex Trafficking and Its Continuing Relevance to Trafficking Reform,” was recently accepted for publication in the *William & Mary Journal of Women and the Law*. It will appear in a 2016 special issue but is available now pre-publication on SSRN (http://ssrn.com/abstract=2677445). An earlier version of the article was the winner of LHRB’s 2014 Cohen Essay Competition.

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LH&RB

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