From My Commonplace Book

Morris Cohen

A Summary of the Rights of British America, etc.: This response to various repressive British measures against the American colonies was written by Thomas Jefferson and published anonymously and without his consent in 1774 at Williamsburg, Virginia. Surprisingly (at least to me), it contained (at p. 16-17) the following:

"It is now, therefore, the great office of his majesty, to resume the exercise of this negative power, and to prevent the passage of laws by any one legislature of the empire, which might bear injuriously on the rights and interests of another. Yet this will not excuse the wanton exercise of this power which we have seen his majesty practice on the laws of the American legislatures. For the most trifling reasons, and sometimes for no conceivable reason at all, his majesty has rejected laws of the most salutary tendency. The abolition of domestic slavery is the great object of desire in those colonies, where it was unhappily introduced in their infant state. But previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa; yet our repeated attempts to effect this by prohibitions, and by imposing duties which might amount to a prohibition, have been hitherto defeated by his majesty's negative...

Book Review, London Times Literary Supplement, from February 1957:

"He has written a brilliant, incisive, and immensely intelligent monograph; and then proceeded to disguise the fact beneath a monumental heap of digressions, irrelevancies, polemical asides, polyglot citations, and all the disordered garbage which every academic mind stores up for airing at the expense of a University Press. "The bowsprit got mixed with the rudder sometimes"; footnotes are liable to creep into the

Continued on page 2 COMMONPLACE

An Early Pennsylvania Legal Periodical

Journal of Law, 1830-31

Joel Fishman

There has been much written on the history of legal periodicals, especially academic law reviews, but the early history of legal periodicals in the United States has only received cursorily review in two older articles.1 Frederick Hicks lists forty-eight periodicals published in antebellum America, of which twelve were published in Pennsylvania, four before 1831, including no. 1 (American Law Journal, 1808-12), no. 6 (Journal of Jurisprudence, 1821), no. 11 (United States Law and Legal Intelligence, 1829-31) and no. 14 (Journal of Law, 1830-31).2 This article will review this last periodical as an ongoing project to appraise Pennsylvania legal periodicals.3

In 1830-31, the Journal of Law was published in Philadelphia. It was a sixteen page publication, octavo in size, and published bi-weekly on the first and third Wednesdays of each month from July 7, 1830 to June 24, 1831. The lofty purpose of the journal was to "afford to our readers instruction without tediousness and amusement without frivolity."4 In its opening article, the editor further stated:

The JOURNAL OF LAW addressing itself TO THE PEOPLE OF THE UNITED STATES, will be principally devoted to the exposition, popular language, of the philosophy, history, and actual state of law and government in different countries --of our own constitutions, state

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text on the least provocation, just as the narrative
(if such it can be called) bogs down again and
again in the thick morass of scholarly controversy.
This is not per se evidence of learning, but of an
untidy mind; and while Professor X himself is as
learned as they come, there are too many
second-rate scholars who ape these distressing
external tricks as a disguise for their inner emptiness.”

–Anonymous review of a then new edition of
Horace (name of editor-translator of the reviewed
book is withheld out of decency).

Richard DeBury, quoted in Owed to the Book,
edited by William E. Lickfield (Philadelphia:
The Typophiles, 1957) p. 53:

“In books I behold the dead alive; in books I
foresee things to come; in books the affairs of war
are displayed; from books proceed the rightful
laws of peace. All things decay and waste away in
time, and those whom Saturn begets he ceaseth
not to devour. Oblivious would overwhelm all the
glory of the world, had not God provided for
mortals the remedies of books. Alexander, the
subduer of the earth; Julius, the invader of Rome
and of the world, who, first in art and first in
arms, took on himself the empire in his single
person; the faithful Fabricius and the severe Cato
would today be out of memory, had they lacked
the support of books. Towers are razed to the
earth, states are overthrown, triumphal arches
have moldered into dust, and neither pope nor
king will find aught by which the warrant of
eternity is conferred more easily than by books. A
book once made renders its author this return, that
so long as it shall endure, the author remaining
athanatos, or immortal, cannot perish.”

Book review by Zechariah Chafee, Jr. 30
Harvard Law Review 300 (1917):

“Headnotes arranged vertically make a digest.
Headnotes arranged horizontally make a textbook.
Textbooks arranged alphabetically make an
encyclopedia. Every few years some investigator
has to disintegrate one of these works into its
constituent atoms, add some more headnotes from
recent decisions, stir well, and give us the latest
book on the subject. And so law libraries grow.”

William E. Gladstone (yes, the Prime Minister),
On Books and the Housing of Them (1898;
reprinted by Blackwell’s, 1998) p. 15:

“In a private library, where the service of books
is commonly to be performed by the person
desiring to use them, they ought to be assorted
and distributed according to subject. The case may
be altogether different where they have to be sent
for and brought by an attendant. It is an immense
advantage to bring the eye in aid of the mind; to
see within a limited compass all the works that are
accessible, in a given library, on a given subject;
and to have the power of dealing with them
collectively at a given spot, instead of hunting
them up through an entire accumulation. It must
be admitted, however, that distribution by subjects
ought in some degree to be controlled by sizes. If
everything on a given subject, from folio down to
32mo., is to be brought locally together, there will
be an immense waste of space in the attempt to
lodge objects of such different sizes in one and the
same bookcase. And this waste of space will
cripple us in the most serious manner, as will be
seen with regard to the conditions of economy and
accessibility.”

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From the Chair

Hello to you all! I am honored to be the 2005/2006 Chair of the Legal History Rare Books SIS, and appreciate your patience in my request to delay the publication of this newsletter issue so we could obtain acceptance information on our program proposals for the 2006 AALL Annual Meeting. I am very pleased to report that two of our proposals have been accepted as formal programs for the 2006 AALL Annual Meeting. Colonial Virginia Legal History will describe how English legal writers influenced legal thinking in seventeenth-century Virginia, and review originalism in the writings that influenced the Framers of the Constitution, particularly discussing St. George Tucker and the authors of the Second Amendment. This program will be coordinated and moderated by Joel Fishman, one of our SIS Past Chairs and Assistant Director for Lawyer Services at the Duquesne University Center for Legal Information / Allegheny County Law Library, and the speakers will be Warren M. Billings, Distinguished Professor at the University of New Orleans, and David T. Konig, Professor of History and Law at Washington University of St. Louis. Forging Connections with Library Friends Groups will describe the steps involved in creating and running a successful library friends program, as well as list the benefits and drawbacks of library friends programs. This program will be coordinated and moderated by Karen Beck, our SIS 2005/2006 Vice-Chair/Chair-Elect and Curator of Rare Books / Legal Information Librarian and Lecturer in Law at the Boston College Law Library, and the speakers will include Carol Billings, Director of the Law Library of Louisiana, and Jennie Meade, Bibliographer and Rare Books Librarian at the George Washington University Jacob Burns Law Library. Congratulations to Joel and Karen, and we’re looking forward to seeing your excellent programs in St. Louis.

In addition to our above formal programs, our SIS is co-sponsoring Promoting the Past to Assure the Future: The Lure of Legal History with the AALL Centennial Committee. Coordinated by Carol Billings, this panel presentation will aid attendees in identifying resources in their collections that can be used in legal history publications, exhibits, and other programs to attract and educate library patrons. Our SIS will also offer a Roundtable at the 2006 AALL Annual Meeting. Many thanks to Mark Podvia for taking the lead in organizing the Roundtable, The 1906 World. This will be an entertaining and informative look at legal education and the legal profession -- as well as snapshots of political, economic, social, and cultural issues -- in 1906. The Roundtable will not conflict with formal programs, and we plan to offer light refreshments at it. Our last 2006 AALL Annual Meeting responsibility concerns the “VIP Program,” which is an excellent opportunity for our SIS to showcase our expertise and network by inviting important historians and colleagues to attend as VIP guests. Your SIS Executive Committee needs to hear your thinking on inviting VIPs to the 2006 AALL Annual Meeting. Look for an email from me soon, on our SIS list, initiating this discussion.

Finally, my deep appreciation and thanks to everyone involved in our wonderful programs at the 2005 AALL Annual Meeting: Deadwood: the Power of Film to Teach Foundations in Native American Treaty Law and U.S. Territorial Law; Los Archivos de las Indias: Judicial and Legislative Information from 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, our Deadwood and Los Archivos programs were placed in competition against one another, at the exact same time on Sunday, but both were very well attended and received. The Oral History program was during the last half-hour slot program slot on Wednesday, but we still pulled in a respectable audience. Our Deadwood and Oral History programs were also fine examples of collaboration with colleagues, this time with the Micrographics/Audiovisual SIS and Native Peoples Law Caucus. Once again, our SIS succeeded in providing high quality, innovative educational programming for meeting attendees.

A bountiful Fall to one and all, and I’ll be contacting you again soon, via our email list, about the 2006 AALL Annual Meeting VIP Program, as well as our SIS “Oral History” project, via our email list.

Laura E. Ray
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∞ Editor’s Corner

Welcome to another issue of LH&RB!

You will notice that we have combined our summer and fall issues. By this time summer seems like a distant memory, although here in Central Pennsylvania we have experienced a mild fall, making it to mid-November without a killing frost. Unfortunately, the forecast is for colder temperatures to move in over the next few days.

I had originally intended on getting a summer issue out by early September, however our Chair wisely asked that it be delayed for a few weeks so that we could include information on our programs for St. Louis. Unfortunately it was further delayed because I injured my left arm in an auto accident in October which somewhat limited my typing ability until the stitches were removed. My car was totaled and the truck that hit me did not bother stopping, but thankfully I am alright. I do apologize for the delay.

The deadline for the next issue will be January 30th. I will try to have it completed and posted on our website no later than February 15th.

Best wishes for the upcoming holidays!

Mark Podvia
and national—laws, civil and criminal—judicial systems and modes of procedure—together with particular essays on those branches of the law, a knowledge of which may be most practically useful to men engaged in active pursuits: as for instance, the law of corporations, patents, insurance, bills of exchange, and commercial and other contracts, in all their varieties, real estate, with the modes of conveying it, insolvency, wills, descents, intestacy, &c. &c. &c.5

In addition, it was expected to add “[r]eports of interesting decided cases, biographies of eminent lawyers and others, medical jurisprudence, sketches of the legal, literary, and benevolent institutions of various countries, anecdotes, and the various topics of general literature will be considered within the scope of this Journal.”6

To further this aim there was an appeal to lawyers in other states to participate in the journal with a “suitable remuneration for their labours.”7 At the end of each issue was a list of agents from all of the states who were resellers of the Journal.

The Journal, printed in sixteen pages each issue, contained 384 pages in total with a two unnumbered pages with a double-columned index. The general organization of each issue was to present at least one lead article on a legal topic that may have from one to six parts to it spread over succeeding issues. These articles are of a general nature, not Pennsylvania specific, with citations to caselaw from both federal and state courts depending on the topic surveyed. This was followed by shorter articles of a page or two, anecdotes on judges and lawyers chiefly from the Anglo-American world in a paragraph or two.

There was no listing of who the owner or contributors to the articles. In a little known biographical sketch written by S. L. Ashhurst on William Morris Meredith, one of the leaders of the mid-nineteenth century Philadelphia bar, Ashhurst relates that unnamed contributors included Meredith, James C. Biddle, George M. Wharton, Judge Hopkinson, William T. Dwight, James S. Smith, John M. Scott and Joseph R. Ingersoll.8 Meredith wrote the first article which was an introduction to the periodical9 and an article on “Dies Juridici” giving a supposed verbatim account of a day’s proceedings in a court.10 No other person was specifically listed for writing a particular article. Of the other people mentioned, Joseph Hopkinson was the district court judge for the Eastern District of Pennsylvania and Joseph R. Ingersoll was another leader of the Philadelphia bar at this time.

The major articles with their total number of pages included “Insurance Law” (41p.),11 “Patents” (12p.),12 “Independence of the Judiciary” (31p.),13 “Principal and Agent” (29p.),14 “Usury” (29p.),15 “Insurance Law” (41p.), “Naturalization Laws” (9p.),16 “Imprisonment for Debt” (15p.),17 and “Maritime Law” (27p.).18 Although it is not possible to comment upon all of the articles, it is interesting to note that the independence of the judiciary article is based on a complete view of all states constitutions and provisions, the author stating his desire for a independent judiciary:

Judges must not be made the subjects of dependence upon any quarter, - they should be placed above the stormy wave of popular commotion, or the blighting atmosphere of executive or legislative patronage. Where this is done, we may look for the learned and the upright to administer the law in the true spirit of their station; where it is not done, the bar and the public will too often be compelled to use very different epithets when describing the character of the tribunals.19

The “Naturalization Laws” drew a letter from a reader pointing out that the Act of 1828 had been omitted from the article and a correction was made as to the effects of this act upon naturalization laws.20 The author of “Imprisonment for Debt” was against imprisonment for debt unless it was for fraud:
We consider this subject much in the same light as that of capital punishment; deeming it unjust, because inexpeditious; as useless in practice as it is unsound in theory. Useless, because the ready discharge of the debtor under the insolvent laws, as we hinted above, takes away all the benefit, if any is supposed to be contained in the imprisonment of a defendant's body. In this it universally results, how much to the good of the creditor and of society we shall see. This subject, however, from its importance, may well demand a separate examination.\textsuperscript{21}

These articles totaled more than half of the volume, being published in parts published in two to six issues. These articles are learned articles, generally containing references to cases and treatises either within the article or in footnotes.\textsuperscript{22} Among the citations include treatises like Kent's Commentaries (p.161, 203), Story's edition of Abbott's Merchant Ships and Seamen (p.194, 199, 213), Phillips on Insurance (p.309), and Stephen Du Ponceau's translation of Cornelius van Bynkershoek's A Treatise of the Law of War (p.371).\textsuperscript{23} Court cases derive from various federal and state courts including citations to Bushrod Washington's Circuit Court Reports, Richard Peters' Circuit Court Reports, Mason's Reports, Cowen's Reports and Johns' Reports for New York, Dallas, Yeates, Binney, Rawle, and Sergeant & Rawle for Pennsylvania, and Pickering's Reports and Massachusetts Reports for Massachusetts. Given that the legal literature at the time was limited in this type of format, the scholarly articles are an important contribution to legal literature and the general knowledge acquired by practicing members of the bench and bar.

As a Pennsylvania publication, there are several articles dealing with Pennsylvania law. Some of the longer acts cited above were more general in nature and possessed citations to Pennsylvania cases. Shorter articles appear on arbitration procedure based on the 1806 arbitration act,\textsuperscript{24} a reprinting of the religious laws from the Charter of Privileges of 1701,\textsuperscript{25} public education in Pennsylvania,\textsuperscript{26} an article on the Penitentiary System of Pennsylvania,\textsuperscript{27} contains a letter from Roberts Vaux to the three original founders still living of the penitentiary system in Pennsylvania followed by Franklin Bache's letter on the success of the prison during its first year. The prison was successful in maintaining the health of the prisoners who are within solitary confinement but receiving food, exercise, and other needs compared to the more stringent conditions that had taken place at the Walnut Street Prison. There is the report of an interview by one of the unidentified author of an interview that he had with Bushrod Washington, Associate Justice of the United Supreme Court, just six days before his death.\textsuperscript{28} There were only a couple of Pennsylvania court cases reported, Corporation v. Wallace of the Pennsylvania Supreme Court,\textsuperscript{29} Worrall v. Harper, and Farmers' and Mechanics' Bank v. Browne\textsuperscript{30} of the District Court of Philadelphia.

There is one substantial book review on Ashmead's Philadelphia Reports,\textsuperscript{31} covering the period of 1814-31 for Philadelphia County court reports, including the Common Pleas, District Court cases. After Addison's Reports (1800), this is the second set of county reports published in Pennsylvania. In the review the authors presented a description of the Philadelphia court system and a commentary upon the judges, most notably Edward King, "eminence judge" and called the "father of equity" in Pennsylvania, "his judicial career thus far is remarkable for the vigour and soundness of his decisions, and his readiness and energy in the dispatch of business, is admitted on all hands, and if there were any doubted, this volume would furnish conclusive testimony."\textsuperscript{32} The review concludes with "Mr. Ashmead appears to have performed his task with accuracy and general care. It is to be regretted, however, that he has omitted the dates of the several decisions reported; time being often in reporting, as well as in equity, of the essence of the proceeding."\textsuperscript{33}

The periodical also announced new books to be published: Thomas S. Smith and Francis J. Troubat, Digested Index to the Reported Decisions of the several Supreme Judicial Courts in the United States, $5 in sheep, volume 5 covering cases from 27 volumes of state court reports, which the editors, stated "That after a careful examination of
this work, we cordially recommend it to the patronage of the public, as a highly useful compilation."35 They also publicized the publication of John Reed’s Pennsylvania Blackstone36, 2 vols., at $4 per volume, and Kent’s Commentaries, vol. 4.37

Shorter articles also appeared on poisoning in medical jurisprudence,38 administration of criminal justice,39 discussion on mandamus decided by Judge Brackenridge of Florida,40 a letter from Edmund Burke to French Laurence of Feb. 15, 1797,41 reprinted Matthew Hale’s resolutions upon ascending to the bench as Chief Baron in 1660,42 duties of jurors,43 and duties of attorneys.44 One anecdote dealt with dumb day at Westminster 45 and another paragraph was on tar and feathering during the time of Richard I.46 There were at least two English court cases reprinted in whole or part.47

The journal attempted to provide lighthearted articles by providing anecdotes from both English judges, such as Lord Thurlow,48 Lord Holt,49 Lord Ashburton,50 and Lord Mansfield,51 and American judges such as Richard Peters,52 Hugh Henry Brackenridge,53 Jasper Yeates54 and Judge Chase.55

In conclusion, the Journal of Law served as an important source of information for the practicing bench and bar of Philadelphia and other locations. With less than five other legal periodicals available to the profession throughout the country, the authors and editors of this journal tried to provide an informative periodical that contained significant analysis of major legal topics and shorter articles and commentary. It is unknown why the periodical failed; probably those attorneys involved in the project became too busy to keep it going; or, there was not enough of a subscription base to keep it financially secure. Regardless of the reasons, the short-lived periodical served as a useful contribution to legal literature in the antebellum period.

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

Endnotes

1. American Law Periodicals, 2 ALB. L. J. 446-52 (1870); Marion Brainerd, Historical Sketch of American Legal Periodicals, 14 L. LIBR. J. 64-69 (1921). Albany does not mention the Journal at all; Brainerd just provides its name and that it was published semimonthly (p.68).

2. FREDERICK C. HICKS, MATERIALS AND METHODS OF LEGAL RESEARCH 204-05 (3d ed. 1942).


4. 1 J. OF LAW 2 (1830).

5. Id.

6. Id.

7. Id.

8. Richard L. Ashhurst, William Morris Meredith, Report of the Seventh Annual Meeting of the Pennsylvania Bar Association Held at Bedford Springs, PA June 25, 26, and 27, 1901 270 (1902); James T. Mitchell called him from 1853 to 1873 the "undisputed head of the bar not only in Philadelphia, but of the State," James T. Mitchell, Historical Address, The Law Association of Philadelphia 55 (1902). For Ingersoll, see Id. 53-54. Mitchell was Chief Justice of the Pennsylvania Supreme Court at time of his address in 1902.

9. Id.


12. Patents for Useful Inventions, Id. 36-41, 53-58 (1830).

13. Independence of the Judiciary, Id. 104-08, 113-19,
137-41, 152-57, 167-72.


15. Usury Laws, Id. 49-53, 65-72, 81-88, 97-104 (1830).


19. Independence of the Judiciary, Id. 170.


21. Imprisonment for Debt, Id. 271.

22. Although the titles of treatises and court reports cited in the articles may have been owned by the individual contributors, the Law Library Company, created in 1802, served as the bar’s library down to today (currently known as Jenkins Law Library). For its early history, see Mitchell’s address, supra note 8.


29. The Corporation for the Relief of Poor Distressed Presbyterian Ministers v. Wallace, 3 Rawle 109 (1831) reported in Id. 323-32, 343-48. The case is cited in 31 C.J.S. Estates §176 (1996); “The right of contribution exists in favor of a part owner of land subject to ground rent, when he is compelled to pay the whole of the rent.”

30. Worrall v. Harper, 1 J. OF LAW 333-35. The case deals with bail and is only reported in this periodical according to VALE PENNSYLVANIA DIGEST.

31. Id. 282-83. The case was decided February 24, 1831 and was published in the issue 18 for March 23, 1831. This case is not even listed in VALE PENNSYLVANIA DIGEST.

32. [Book Review], Id. 348-51. (Reviewing JOHN W. ASHEMEAD, REPORTS OF CASES ADJUDGED IN THE COURTS OF COMMON PLEAS, QUARTER SESSIONS, OYER AND TERMINER, AND ORPHANS’ COURT OF THE FIRST JUDICIAL DISTRICT OF PENNSYLVANIA: WITH NOTES AND REFERENCES. VOLUME 1 (1831)).

33. Id. 350.

34. Id. 351.

35. Id. 112.

36. Reed was president judge of the court of common pleas of the Ninth Judicial District in Pennsylvania. This work had three volumes and served as a major contribution to how Blackstone’s Commentaries were affected by the Pennsylvania laws, similar to Tucker’s commentaries upon Blackstone’s Commentaries for Virginia. However, more commentary has been given to Hugh Henry Brackenridge’s short commentaries in his Law Miscellaneous (1814) for which he has received the designation of being Pennsylvania’s Blackstone; but I believe Reed should probably have this designation based on the length of treatise. An article on Reed’s volumes is needed.

37. J. OF LAW 16.

38. Medical Jurisprudence, Id. 60-62.

39. Administration of Criminal Justice, Id. 266-68.

40. Mandamus, Id. 313-18.

41. Burke’s Opinion of English Courts of Justice, Id. 205-6.

42. A Good Judge, Id. 21-22.

43. Duties of Jurors, Id. 73-75.
we happened to acquire it. Another future research topic is the nature of other North American libraries' collections in pre-Soviet Russian law. Searching in RLIN seems to indicate that few libraries have as extensive a collection as we do. But then, RLIN doesn’t reflect our holdings either, since they are mostly still uncataloged, or at least not yet online. If your library has an uncataloged (or cataloged but not online) collection of this nature, I would be very interested in hearing about it: yates006@umn.edu.

While I don’t yet have a lot of information about the collection as a whole, I have made some interesting discoveries about individual volumes that I have cataloged. I have noted these in local notes in the holdings records, but I fear very few people will ever see them. Local notes are searchable in our OPAC, but only with a search no patrons and few librarians are likely to try. And so I will share a couple of my favorite discoveries with the readers of LH&RB.

My personal favorite was an 1871 book on young offenders called Molodye prestupniki. On the inside front cover I discovered the bookplate of one Vladimir Dmitrievich Nabokov!

Surely this wasn’t the bookplate of the Vladimir Nabokov, I thought. And, in fact, it wasn’t. I looked up the authority record for the Nabokov and found that the Lolita author was Vladimir Vladimirovich, not Vladimir Dmitrievich. Oh well.
But wait! I have forgotten a lot from my Russian language classes, but I do remember how Russian names work: the “middle name” is a patronymic formed from the father’s first name. So if Nabokov was Vladimir Vladimirovich, then his father must have also been named Vladimir. A little additional searching showed that Nabokov’s father was named Vladimir Dmitrievich, and that he was prominent in law and politics and wrote about criminal law. It seems likely that the book actually belonged to him and not some other Vladimir Dmitrievich Nabokov.

I got a great thrill out of cataloging a book that Nabokov may have seen in his father’s office—or even touched! (Okay, I need to get out more.) I added the following note to the holdings record: “Provenance: Bookplate of Vladimir Dmitrievich Nabokov”—and I repressed the urge to end the note with an exclamation point.

While I consider the book owned by Nabokov’s father a highlight of the collection, some of the other volumes I discovered are arguably of greater general interest. For example, a few of the books I haphazardly chose to catalog had beautiful, elaborate bindings with the tsar’s coat of arms on the front.

I had never encountered such a binding before, so I turned to one of my favorite quick reference books, Carter’s ABC for Book Collectors. Under the entry for royal bindings, I learned that just because a binding bears a royal coat of arms, this does not mean that the book was ever actually owned by royalty.

This news left me disappointed, until I cataloged an 1885 collection of criminal statutes called Sbornik zakonov ugoľochnikh. This book had the same black leather binding embossed with the tsar’s coat of arms that the others did. But it also had a stamp on the title page. The stamp was very plain, and it read: “Sobstvennaia ego Velichestva biblioteka v Zimnem dvorte.” I dutifully transcribed the text of the stamp in a copy-specific note and almost left it at that. But the wording was a little different from that of most ordinary Russian library stamps, so I opened up the Russian-English dictionary and managed the following rough translation: “His Majesty’s own library at the Winter Palace”!

I later found one volume of a set of maritime law cases called Sbornik morskikh postanovlenii (this one nicely but plainly bound), with “Harvard Law Library 1887” stamped on the spine. A Harvard stamp is unremarkable, of course, especially given the large number of volumes in our pre-Soviet Russian collection that were previously owned by Harvard.

On the inside front cover was my own library’s bookplate, which partially obscured another bookplate. Fortunately our bookplate was only glued on at the top, so I was able to lift it to reveal the earlier one, which bore the royal coat of arms. Because of the ornate script and odd placement of the letters within the words, the writing was difficult to decipher. I did figure it out eventually, and it, too, translates roughly as “His Majesty’s own library at the Winter Palace.” I am happy to report that our bookplate is no longer obscuring this much more interesting one.

I can’t help but wonder how all these books made their way to our library, particularly the ones from the Winter Palace. Obviously by way of Harvard in one case, but what about before that? When the Bolsheviks stormed the Winter Palace in 1917, the tsar’s law books probably weren’t their primary concern. But did any of the revolutionaries wander into the library and look around—maybe actually handle some of the books? Or were our books not even there any more at that point? At some point, someone must have packed up some books and shipped them overseas, but I don’t even know if this happened before or after the revolution.
I was able to learn a little about the book with the tsar’s bookplate. It was part of a 405-volume lot we purchased in 1944 (not from Harvard) for an average price of about $3.09 per volume. Many of the books that remain to be cataloged were probably part of the same lot, but I’m sure most of them belonged to neither the tsar nor the father of a famous writer. Still, I’m looking forward to making additional discoveries about this collection.

Sarah Yates is Foreign Law and Rare Book Cataloger at the University of Minnesota Law Library.

**Reviews:**

**LH&RB 2005 Programs**

**Deadwood: The Power of Film to Teach Foundations in Native American Treaty Law & U.S. Territorial Law.**

Reviewed by Daryl Fisher-Ogden

This session was filled with multi-media examples and pointers on how to make Treaty law come alive for students. Throughout the session video clips were played from the Deadwood series. These gave the audience a vivid experience of the 1890s town, and helped them to understand more of the context of Native American Treaty law.

Laura Ray challenged the audience to formulate educational experiences that grab student interest. A carefully planned class can use video clips to enhance learning. She pointed out how content and organization can enrich a class and how good design can accomplish instructional goals. She also noted that copyright clearance is a consideration if using more video than the educational exemption might allow.

Victoria Sutton spoke about the legal background that surrounds the Deadwood series. She spoke of the Fort Laramie Treaty and various actions of the U.S. government concerning the Sioux lands. Claims by the Sioux continue to be litigated to this day, see United States v. Sioux Nation of Indians, 448 U.S. 371 (1980).

Rob Mead discussed the “myth of the West” and historical facts. The Deadwood series weaves these two elements together. He pointed out various land disputes as settlers moved west. He also noted the incentive that gold had on settlers. His discussion of the background of Wild Bill Hickok and Judge Parker provided contextual material for understanding the tensions that the Ft. Laramie Treaty tried to resolve.

Daryl Fisher-Ogden is Reference Librarian at Pepperdine University Law Library

**Los Archivos de Indies/The Archives of the Indies**

Reviewed by Mark Lambert

AALL in San Antonio was a great conference if you were seeking help in trying to get your head around the Hispanic presence in the United States, much as I still am, a relocated Yankee from Ohio/Mass. Sessions included an Introduction to Latin American Legal Systems, Mexican-Americans and the Law, and Los Archivos de Indies/The Archives of the Indies. Even the setting of the conference itself in San Antonio, one of the great Hispanic cities of the U.S., could only accentuate the mood. Ay, Que Bueno! (How great is that!)

The Archives of the Indies session was moderated by Chris Vallingdiham, Foreign & International Law Librarian at the University of Florida, and the speaker was Bruce Chappell, Archivist in the Special Collections Department at the University of Florida. Chris quickly introduced Bruce, and then Bruce quickly got into the meat of the matter. Bruce led us through a description of the Archives of the Indies, in Seville, Spain, formed in the 1780s to house the records of the Council of the Indies, the governing body of the new world, including Spain’s former possessions in the United States. The Archives of the Indies is an important source for the study of the legal history of all of Spain’s former possessions.

The Council of the Indies was the court of last resort for the New World, part of the first “worldwide government bureaucracy,’’ and therefore settled high level disputes for the New World. Through the records housed there, we can see the major issues of the New World in such areas as civil litigation, criminal litigation, financial matters, administrative and military matters, as well as ecclesiastical matters. The archives also document the workings of such high government officials as the Viceroy, the Intendants, and the Captain-Generals, as well as the minuitia and social conditions of the New World.
Bruce also gave a description of the National Archives of Cuba in Havana, and the University of Florida’s project there to help microfilm and digitize their archives, to help preserve them and to make them more widely available to researchers. In this civil law system, notaries recorded all private legal transactions. There are approximately nine million pages of these records called Protocolos Habaneros, which the Univ. of Florida and other institutions in the U.S. are helping to microfilm/digitize.

In my opinion, this session could have been better. First, no images of the archives mentioned or maps of the region were presented, and no handouts were available, which would have made the session more informative and entertaining. Also, the speaker limited about half of his talk to the governing body over Spanish Florida and the region of the Caribbean, the Audiencia of Santo Domingo. Had he enlarged his talk to include the Audiencias of Mexico City and Guadalajara, which would have also included the entire American Southwest and San Antonio, he would have been much more topical and informative.

Mark W. Lambert, is Special Collections Librarian at the South Texas College of Law Library

Values, Video and Vignettes: Using Video Oral History Techniques to Document the Unwritten Histories of AALL

Reviewed by Robert Mead

On Wednesday, July 20th, Laura Ray and John Pedini gave an excellent introduction of the use of video technology for documenting oral history. Their seminar, Values, Video and Vignettes: Using Video Oral History Techniques to Document the Unwritten History of AALL, focused on basic technical reminders for entry-level videographers. To illustrate bad videography, John Pedini filmed his segment of the presentation in his office at the Social Law Library in Boston. He intentionally broke many cardinal rules, including the use of poor lighting, filming in front of a window, and failing to fill the frame with the speaker. His virtual presentation was both more illustrative and more amusing than a lecture on the subject could ever have been. Laura Ray, from the Cleveland-Marshall College of Law Library, focused on the creation of strong content for oral history interviews and masterfully played the straight man for John’s humor. Their presentation, which was co-sponsored by Legal History/Rare Books, Audio-Visual Micrographics SIS, and the Centennial Committee, was intended to serve as a starting point for people interested in filming the oral history of law librarianship. As our profession enters a second century, it is important that we document the changes we experience and honor those upon whose work we continue to build the profession. Video oral history interviews provide an excellent methodology for fulfilling these goals and Laura Ray and John Pedini did an outstanding job of summarizing this technique.

Robert Mead is Head of Public & Faculty Services, at the University of Kansas Wheat Law Library.

Recent Acquisitions and Other Activities

Compiled by Karen Beck

Mark Lambert reports that the South Texas College of Law’s Fred Parks Law Library has acquired the following manuscript collection: J. S. Bracwell Papers, 1909-1965. Consisting of 8 items, including his high school and law school diplomas (1909, 1915), office docket (1923-24), account ledgers (1917-1934 and 1939-45) and legal commonplace book (1965). Bracwell was a Houston area attorney for fifty years (1915-1965), who along with his sons Searcy and Fentress and friend Bert Tunks founded the well-known Houston law firm of Bracwell & Giuliani in 1945. These items document J. S. Bracwell’s early legal career as a solo practitioner in Houston.

The Library also acquired these rare books:

- Grotius, Hugo. De Mari Libero. Leiden: Ex Officina Elzeviriana, 1633. Grotius, known as the father of public international law, originally wrote this important treatise on freedom of the seas in 1609 to criticize Spain and Portugal’s arguments for exclusive rights to the great oceans due to their discoveries and subsequent Papal Bulls supporting them. Glanville, Ranulf de. Tractatus de Legibus. 3rd ed. London: J. Streater, H. Twyford, and E. Fletcher, 1673. Originally completed around 1189, it is the earliest known treatise on the common law. This edition is only the third printed edition.
Bracton, Henry. De Legibus et Consuetudinibus Angliae. 2nd ed. London: Milonis Flesher & Robert Young, 1640. First printed in 1569, this second edition is an unchanged reprint of the very rare first edition. One of the great early books of the common law, it helped develop the law by standardizing the concept of the use of precedents.


Gustavus Schmidt. The Civil Law of Spain and Mexico. New Orleans: T. Rea, 1851. Schmidt was a New Orleans attorney who studied the remnants of Spanish law existing in Louisiana to help him in his law practice. Published in English, this work became the most important translation of Spanish and Mexican law for lawyers trained in the common Law in 19th century American Southwest.

Hollie White reports that the Ross-Blakley Law Library at Arizona State University recently acquired Anthony Fitzherbert’s La Grande Abridgement from 1577.

Mike Widener reports that the University of Texas' Tarlton Law Library has completed a terrific new digitization project. Details from the UT's press release are as follows:

MAJOR SUPREME COURT CASES FROM JUSTICE TOM CLARK'S PAPERS NOW ON THE INTERNET

Documents from several of the major U.S. Supreme Court cases of the 20th century are now available via the Internet, thanks to a joint project by the Tarlton Law Library at The University of Texas at Austin, and The University's UTOPIA initiative, a digital gateway designed to open the University's doors of knowledge, research, and information to the public.

"The Papers of Justice Tom C. Clark: Civil Liberties and Civil Rights Cases of the U.S. Supreme Court" is available at http://utopia.utexas.edu/explore/clark/.

The documents include Clark's own handwritten opinion drafts, notes exchanged between the Justices, and in some cases Clark's notes of the Court's private discussions of the cases. "These documents allow you to peek behind the curtain of secrecy that surrounds the Supreme Court's deliberations," said Professor Roy M. Mersky, director of the Tarlton Law Library.

Tom C. Clark (1899-1977) was a 1922 graduate of The University of Texas School of Law and, so far, the only Texan to serve on the U.S. Supreme Court. He was appointed to the court in 1949, and retired in 1967 when his son Ramsey Clark became Attorney General. The collection contains a comprehensive record of Justice Clark's activities as a Supreme Court Justice, public servant, and advocate for improved judicial administration. Experts regard the Tom C. Clark Papers as one of the two most complete collections of Warren Court papers in existence; the other is the William O. Douglas Papers at the Library of Congress.

Among the case files digitized for the project are Brown v. Board of Education (1954), which outlawed the segregation of public schools, and Miranda v. Arizona (1966), which required arresting officers to read suspects their "Miranda rights" (their right to remain silent and to have an attorney). Also included is the "school prayer" case, Abington v. Schempp (1963), in which Justice Clark wrote the majority opinion. Other cases deal with the integration of public facilities, voting rights, and free speech.

For each case, there is a brief introductory essay that explains its background and significance. Users may then choose from a list of the most significant documents, or they may browse all the documents. "The project is designed to be useful to
both the high school civics student and the professor of constitutional law," explained Mersky.

Also included are suggestions for further reading on each case, and a glossary of legal terms to help students understand the documents.

The documents digitized in the UTOPIA project are a small fraction of the Tom C. Clark Papers, which totals close to 900 boxes of documents, photographs, scrapbooks, recordings, and printed materials.

In addition, the finding aid to the Tom C. Clark Papers is now available via the Texas Archival Resources Online (TARO) portal, at http://www.lib.utexas.edu/taro/utlaw/00021/law-00021p1.html. The finding aid is encoded using the Encoded Archival Description (EAD) markup language, and is part of the Texas Archival Resources Online repository of EAD finding aids. This web-accessible guide is a major step forward in providing access to the Tom C. Clark Papers.

In connection with this project, the Law Library’s archivists developed a database which enables them to prepare EAD finding aids in a period of days instead of months. Assistant Archivist Addy Sonder designed and built the database tool, based on a concept by Mike Widener, Head of Special Collections.

CASE FILES DIGITIZED FROM THE TOM C. CLARK PAPERS

- Desegregation: Swann v. Painter (1949),
  Brown v. Board of Education I & II (1954),
  Heart of Atlanta Motel v. Georgia (1964),
  Katzenbach v. McClung (1964)
- 4th Amendment: Mapp v. Ohio (1961)
- Communism: Yates v. United States (1957)

Daryl Fisher-Ogden has reported that Lawrence E. Walsh, former Iran-Contra Special Prosecutor, has donated his collection of original materials to the Harnish Law Library at Pepperdine. This collection includes briefs, memoranda, personal notes, and court filings in a number of history-making cases. Included are materials on the Pan American claim for damages when its jet was destroyed by terrorists in Cairo and the lawsuit involving the popular pregnancy drug benedectin. The materials that are of general interest are being placed in the main collection. Other materials are currently being processed by library staff, and will be kept in the rare book room.

Karen Beck is Curator of Rare Books and Legal Information Librarian and Lecturer in Law at Boston College Law Library

Member News

Compiled by Karen Beck


Lucia Diamond sends the following report: "The Robbins Collection at the School of Law, University of California, Berkeley is pleased to welcome its new librarian, Jennifer Nelson, whom some of you may have met at AALL San Antonio. She comes to us with a speaking knowledge of Latin, Italian and other languages and master's degrees in librarianship, classics, and Italian literature. She has lived in Italy and can tell you the secret location of the world's best coffee (not Seattle). Jennifer is the supervisor of our rare book reading room and manages many projects, including the description and cataloging of our manuscript collection." Welcome to Jennifer, and we hope you'll become an active member of LHRB!

Not one to rest on his laurels after finishing his term as LHRB Chair, Rob Mead of the University of Kansas has been asked to serve on the editorial board of the Journal of Disability Policy Studies. Congratulations to Rob on this new appointment.

Paul Pruitt of the University of Alabama's Bounds Law Library has been busy with publications

For more information, contact Michael Widener, Head of Special Collections, phone 512/571-7263, email mwidener@law.utexas.edu.

Karen Beck is Curator of Rare Books and Legal Information Librarian and Lecturer in Law at Boston College Law Library

Fellowships Available

MHS-NEH Fellowships—The Massachusetts Historical Society will award at least two long-term MHS-NEH fellowships for the academic year of 2006-2007. MHS-NEH fellowships are made possible by an award from the National Endowment for the Humanities, an independent federal agency. The stipend, governed by an NEH formula, will be no more than $40,000 for a term of six to twelve months or $20,000 for a term of four to five months. Within the constraints of the NEH’s guidelines, the Society will also supplement each stipend with a housing allowance of up to $500.00 per month. MHS-NEH fellowships are open to U.S. citizens and to foreign nationals who have lived in the United States for at least the three years immediately preceding the application deadline. Applicants must have completed their professional training; NEH-sponsored fellowships are not available to graduate students. The awards committee will give preference to candidates who have not held a long-term grant during the three years prior to the proposed fellowship term. Application deadline: January 15, 2006.

MHS Short-Term Fellowships—The MHS will offer approximately twenty short-term research fellowships in 2006. Each grant will provide a stipend of $1,500 for four weeks of research at the society sometime between July 1, 2006, and June 30, 2007. Short-term awards are open to independent scholars, advanced graduate students, and holders of the PhD or the equivalent, with candidates who live fifty miles from Boston receiving preference. Candidates must be U.S. residents or foreign nationals with permission from the U.S. government to hold such awards.


The New England Regional Fellowship Consortium, a collaboration of thirteen major cultural agencies, will offer at least eight awards in 2006-2007. Each grant will provide a stipend of $5,000 for eight weeks of research at participating institutions. Applications are welcome from anyone with a serious need to use the collections and facilities of the organizations. Candidates must be U.S. citizens or foreign nationals with permission from the U.S. government to hold such awards. The Consortium’s grants are designed to encourage projects that draw on the resources of several agencies. Each award will be for research at a minimum of three different institutions. Fellows must stay at each of these organizations for at least two weeks. Participating Institutions are Boston Athenaeum, Baker Library-Harvard Business School, Colonial Society of Massachusetts, Connecticut Historical Society, Francis A. Countway Library of Medicine, Harvard Law School-Special Collections, Maine Historical Society, Massachusetts Historical Society, Mystic Seaport Museum, New England Historic Genealogical Society, New Hampshire Historical Society, Rhode Island Historical Society and Schlesinger Library. Application deadline: February 1, 2006.

For more information please check the Society’s web site, www.masshist.org, or contact Cherylimme Pina, Massachusetts Historical Society, 1154 Boylston Street, Boston, MA 02215 (e-mail cpina@masshist.org).
AALL/LexisNexis
Call For Papers Competition

Have you been thinking of writing an article of interest to law librarians? Maybe you just need a push to get started? Whether for fame or fortune, this is your chance to enter the AALL/LexisNexis™ Call for Papers Competition.

The AALL/LexisNexis Call for Papers Committee is soliciting articles in three categories:

- **Open Division** for AALL members and law librarians with five or more years of professional experience

- **New Members Division** for recent graduates and AALL members who have been in the profession for less than five years.

- **Student Division** for students in library, information management or law school. (Students need not be members of AALL)

The winner in each division receives $750 generously donated by LexisNexis, plus the opportunity to present his or her paper at a special program during the AALL Annual Meeting in St. Louis. Winning papers will also be considered for publication in the Association’s prestigious Law Library Journal.

For more information, a list of previous winners and an application, visit the AALL website at [http://www.aallnet.org/about/award_call_for_papers.asp](http://www.aallnet.org/about/award_call_for_papers.asp). Submissions must be postmarked by March 1, 2006.

If you have any questions, please contact a member of the AALL/LexisNexis Call for Papers Committee, Chair, Patty Wellinger, pwelling@law.du.edu; Renee Rastorfer, rrastorf@law.usc.edu or Ed Greenlee, egreenle@law.upenn.edu

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