The 1906 World

Carol Billings, Beth Chamberlain, Stacy Etheredge, Lucinda Harrison-Cox, Kurt X. Metzmeier and Mark W. Podvia

On Tuesday, July 11th, the Annual Legal History and Rare Books SIS Roundtable offered tales, trivia and tidbits from 1906 in a presentation entitled “The 1906 World.” This is an expanded version of an article describing the Roundtable that was originally published in the conference newspaper, the Gateway Gazette.

It’s the summer of 1906 and you and several of your law library colleagues are going to meet while attending the ALA conference in Rhode Island. Of course, you will want some new clothes to wear at the conference.

A gentleman’s outfit would have included a blue or gray wool suit, which would have sold for $10-$20. A shirt was about $1; collars sold separately for 25¢-50¢; Drawers and hose were 50¢ or less; ties cost 15¢-20¢; leather belts were under $1; and shoes were $2-$10. Before stepping outside every gentleman donned a hat. A summer straw hat would cost him $5 or less.

A lady’s clothing wasn’t so simple. The working woman’s wardrobe consisted mainly of white shirtwaists and skirts, possibly with a jacket. A shirtwaist cost $1-$3; suits $5-$15; and skirts $4-$10. Under that the layers piled up; a chemise cost $1.50; a corset $2; a corset cover 50¢; drawers 25¢; cotton petticoats $1 (silk for $6); silk stockings $1.50; and shoes or boots $3-$10. No lady went out without a hat ($2-$20); gloves ($1) and a parasol ($2).

From the Chair

Laura E. Ray

Once again, I am honored to be the 2006/2007 Chair of the Legal History Rare Books SIS, and, in my first official newsletter communication to you, am very pleased to report that three of our proposals have been accepted as formal programs for the 2007 AALL Annual Meeting.

Taking Up the Gauntlet: the Duel in Southern Legal History will feature Bertram Wyatt-Brown, the Richard J. Milbauer Emeritus Professor of History at the University of Florida and a leading historian of the American South, discussing the history of the duel, how the duel of honor became entrenched in Southern culture, why it flourished, and how it died. This program will be coordinated and moderated by Jennie Menée, Rare Books Librarian at the George Washington University Jacob Burns Law Library.

Rome: the Power of Film to Teach Foundations of Roman and Civil Law will demonstrate the educational opportunities afforded by audiovisual materials, as it draws upon the powerful images of the HBO series “Rome,” to explain key elements of Roman Law. This program is being co-sponsored by the Micrographics/Audiovisual SIS and Foreign, Comparative & International Law SIS. It will be coordinated and moderated by myself, and the speakers will include Bernard Keith Vetter, the Ted and Louana Frois Distinguished Professor of International Law Studies at the Loyola University New Orleans College of Law.

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Being a good librarian you will want to bring a book along to the conference. By the late 1800's American writers were breaking with the conventions of the past and exposing their readers to new American attitudes and locales. Writing from the end of the Civil War into the 'teens, Mark Twain in his colloquial style proclaimed a new democratic attitude. Huckleberry Finn was published in 1894, but still widely-appreciated in the new century. Harvard-educated Owen Wister expressed his fascination with the West in The Virginian, published in 1902. Zane Grey's The Spirit of the Border was the best selling novel of 1906. Joel Chandler Harris depicted the Southern folk-life for both poor blacks and whites in his Uncle Remus stories. In The Country of the Pointed Firs (1896) and other novels Sarah Orne Jewett presented life in Maine seaport villages. Jack London's The Call of the Wild and The Sea Wolf claimed best-seller honors in 1903 and '04.

An important group of writers, whose work appeared mainly in popular magazines, were dubbed "Muckrakers." They were intent upon exposing corruption, greed, and dishonesty in politics and business. Among this group were Ida Tarbell, who took on Standard Oil, Lincoln Steffens, who penned *The Shame of the Cities*, and Ray Stannard Baker, whose *The Railroads on Trial* appeared in 1906.

Foremost among the Muckrakers was Upton Sinclair, whose 1906 novel *The Jungle* graphically described conditions in the Chicago meat-packing plants. This work lead to the adoption of the Pure Food and Drugs and the Meat Inspection Acts in 1906. After having been given a free reign during the Gilded Age, America's corporations were coming under increasing government control. However, businesses remained profitable; in 1906 the Dow Jones Industrial Average first closed above 100.

By 1906 you might have owned an automobile, perhaps a Stanley Steamer which sold for $600. However, unless you lived locally you would have left it at home; the condition of America's roads ranged from bad to worse. Instead you would have traveled to the conference by train, perhaps on the New York Central's new Twentieth Century Limited. The Pennsylvania Railroad, the "Standard Railroad of the World" still lacked a direct connection to New York City, but work was underway on both a tunnel under the Hudson River and on NYC's Pennsylvania Station.

Following the inaugural meeting of AALL, you and some of your friends might have attended a sporting event. In 1906 only two team sports mattered in America, professional baseball and college football. Major league baseball reigned among most Americans, and that year saw an exciting World Series between the eminent National League's Chicago Cubs and the upstart American League's Chicago White Sox. The Cubs were stunned by their rivals who won the series 4-2.

While gaining in popularity, college football was hampered by scandals over the dubious student status of some of the competitors and the brutality of the sport. The press highlighted the injuries and too-frequent fatalities in the game, leading many college administrators to drop the sport and attracting the attention of one of the foremost proponents of "manly" activity, President Roosevelt. His pressure resulted in the formation of the NCAA, which attempted to open up play by instituting the forward pass and banning the brutal "flying wedge." They also instituted rules to try to ensure that college athletes were truly students.

While at the game, conversation might have turned to world events. In 1906 the world watched peace return to Asia after Roosevelt mediated a conference that ended the Russo-Japanese War, winning a Nobel Prize in the process. However the world also witnessed Britain's launching of the revolutionary battleship *HMS Dreadnought*, sparking a naval arms race. Roald Amundsen conquered nature by navigating through the Northwest Passage, but nature conquered San Francisco after an earthquake and three-
day fire killed more than 3000 and left many homeless.

While at the game, you and you library colleagues might have also discussed work. In 1906, law schools and the legal profession reflected the prejudices of American society. Discrimination against minorities, immigrants, and women was rampant.

It had been thirty-six years since the publication of Christopher Langdell's casebook and the case method of teaching was well established. The L.L. B. was the principal degree awarded by law schools, the majority of which only required a high school education for admission.

AALS had been founded in 1900 by the ABA as an organization of "respectable" law schools. As of its 1906 meeting, it had fewer than 40 members. The members spent more energy discussing how to deal with schools which were not in compliance with the "three-year course of study rule" than actually addressing the state of legal education. The reality was that most prospective attorneys did not complete a full three-year course of study. They took individual courses or read the law, then took the exam for admission when they felt ready. If a law degree was obtained, it often guaranteed bar admission.

Wouldn't our law students of today love it if that was still the case?

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Legal History & Rare Books SIS
2006-2007 Officers

Chair: Laura E. Ray
Educational Programming Librarian
Cleveland-Marshall College of Law Library
Cleveland State University
1801 Euclid Avenue
Phone: (216) 687-6880/Fax: (216) 687-5098
Email: laura.ray@law.csuohio.edu

Vice Chair/Chair Elect: Karen Beck
Curator of Rare Books/Collection Development Librarian
Boston College Law Library
885 Centre Street
Newton, MA 02459
Phone: (617) 552-8607/Fax: (617) 552-2889
Email: beckka@bc.edu

Secretary/Treasurer: Sarah Yates
Cataloging Librarian
University of Minnesota Law Library
229 19th Ave. S.
Minneapolis, MN 55455
Phone: (612) 625-1898/Fax: (612) 625-3478
Email: yates006@tc.umn.edu

The deadline for the Winter issue of LH&R is February 26th. Please send us your articles and book reviews, as well as updates on happenings in your library. I will look forward to hearing from you!

Mark W. Podvia

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Huey Long, the Press, and the Fourteenth Amendment: Louisiana’s Contribution to Modern Constitutional Law will examine the unique situations and personalities that led to Louisiana legislation on the taxation of advertising in newspapers, as well as the Grosjean v. American Press Co. U.S. Supreme Court decision in reference to the modern development of freedom of the press in the United States. This program will be coordinated by Etheldra Scoggins, Reference Librarian and Associate Professor at the Loyola University New Orleans College of Law, moderated by Stacy Etheredge, Reference Librarian at the University of South Carolina School of Law, and the speakers will be James E. Viator, Associate Profess of Law at the Loyola University New Orleans College of Law, Michael L. Kurtz, Dean of the Graduate School and Professor of History at Southeastern Louisiana University, and Richard D. White, Professor of Public Administration at Louisiana State University. Congratulations to Jennie, Etheldra, and Stacy, and we’re all looking forward to these programs in New Orleans.

Our SIS will also offer a Roundtable at the 2007 AALL Annual Meeting. The topic has
not yet been finalized, but rest assured that it will not conflict with any of the Annual Meeting’s formal programs, and we will again offer light refreshments during the Roundtable. Our Business Meeting has also been scheduled to avoid conflicts with formal programs, so I hope to see more of you at this important reporting and planning business meeting. One action I would very much like all of our SIS members to consider this year is to suggest candidates for the AALL Annual Meeting “VIP Program.” This is an excellent opportunity for our SIS to showcase our expertise and academy by inviting important historians and colleagues to attend as VIP guests. Please contact me or any member of your SIS Executive Committee with your suggestions. For additional information on the VIP Program, connect to http://www.aall.org/sis/vipman.asp on AALLNET.

Finally, my deep appreciation and thanks to everyone involved in our wonderful programs at the 2006 AALL Annual Meeting. Our two formal programs – Colonial Virginia Legal History and Forging Connections with Library Friends Groups – were well attended and well received. Our Roundtable – The 1906 World – was an entertaining historical review of legal education, law practice, world events, literature, clothing, sports, and industry. Three cheers to you Joel Fishman, Warren Billings, David Konig, Mark Podvia, Carol Billings, Beth Chamberlain, Stacy Etheredge, Lucinda Harrison-Cox, and Kurt Metzmeier! Our SIS was also pleased to co-sponsor Promoting the Past to Assure the Future: the Lure of Legal History with the AALL Centennial Committee, and few will forget Paul Baier’s artistic and theatrical presentation there. Once again, our SIS succeeded in providing excellent educational programming for our colleagues. This year, please consider becoming more involved in our programming and other SIS activities. We value your expertise, appreciate your efforts, and enjoy your comradeship.

A bountiful Fall to one and all.

Laura E. Ray

Rare Book Catalogers of the World, Unite!

Sarah Yates

By “world,” of course, I mean AALL...specifically, law librarians who plan to attend the AALL Annual Meeting in New Orleans next summer. And by “unite,” I mean “gather for an hour of amiable discussion on rare book cataloging topics.”

The Technical Services Special Interest Section will host a Rare Book Cataloging Roundtable at AALL’s annual conference in 2007. Watch for an official announcement in this newsletter and on the LH&RB and TS listservs as the date of the conference approaches.

The purpose of the Rare Book Cataloging Roundtable is to serve as a forum for the discussion of issues associated with the cataloging of rare materials and special collections, including national cataloging standards and their application to legal materials, as well as specific concerns of participants relating to the cataloging of their institutions’ rare and special collections.

An agenda has not yet been set. I would be delighted to hear from anyone who might attend and who has ideas for topics they would like to discuss. Or even if you can’t attend but have a great idea anyway, I would like to hear from you! Please e-mail me at yates006@umn.edu.

The 2007 Rare Book Cataloging Roundtable is not completely unprecedented. This summer, rare book catalogers gathered in Saint Louis at the Renaissance Grand Hotel’s Capric Restaurant for a Rare Book Catalogers’ Breakfast Get-Together.

The get-together was envisioned as an informal discussion group, where rare book catalogers, along with anyone else interested in rare book cataloging issues, could get to know one another and discuss issues of common interest. While the event’s informality had at least one big pro, it also
had a few cons.

In the “pro” column goes the lack of red tape for the organizers, namely, my boss and me. This was a huge advantage, not because the red tape itself is all that onerous (I’m discovering that it’s not), but because we didn’t start organizing early enough to be included in any of the official schedules. If we had opted for a formal meeting rather than an informal one, we would not have had any meeting until next year.

Now for the “con” column. As mentioned, the get-together was not listed in any of the official schedules. While we did get a good response to announcements on the TS-SIS and LH&amp;RB-SIS listservs, it is possible that some people who would have been interested either weren’t subscribed to either list or didn’t notice the announcements amidst the flurry of program and meeting announcements coming out around the same time. Likewise, some potentially interested members may have been unable to attend because they had planned their schedules before our announcement came out.

But perhaps the greatest disadvantage to going it alone, rather than getting SIS backing, was that we had to fend for ourselves when it came to obtaining a meeting space. When we made reservations, the restaurant assured us they would put us in a private room, either around one table or around several tables pushed together conference-style. What they actually gave us was an alcove—set off somewhat from the main dining room, but not enough to block much of the noise—with two separate tables.

The two separate tables hampered group discussion even more than the ambient noise did. I had hoped to be able to report in this column what issues the group discussed; however, I can’t do that, since I was able to engage in meaningful conversation with, at best, half the group. “At best” because our server was actively pushing the buffet option, so people were coming and going.

Now, the purpose of this column is not to complain about the Capri Restaurant. The people there were very friendly, and, aside from unintentionally (I assume) misleading us on the phone about their facilities, they did the best they could. But I do have two reasons for sharing the cons of the get-together’s arrangements. The first is that it would be dishonest to claim that the meeting was an unqualified success, according to the goals we had for it; in case someone else is planning a similar informal gathering during an annual meeting, that person should be aware of some of the potential pitfalls. My other reason is to explain why I’m writing about the meeting itself and not the substantive issues that were discussed there.

Despite the shortcomings of the space, the get-together was a success, even if not an unqualified one. If I may be permitted to jump back to the pro column, it would have been nearly impossible to schedule a formal roundtable that included breakfast.

Most importantly, a great group of rare book catalogers attended, and we all got the chance to meet one another. What we may have missed out on by not having a discussion that involved the whole group, we made up for with the quality of the conversations the smaller groups were able to hold. Not only did having small-group discussions increase the likelihood that each topic was of interest to each participant, but each person was also able to learn in some depth about at least a few other law libraries’ rare book cataloging practices.

At next summer’s roundtable, we will attempt to combine the in-depth conversations and some of the informality of this summer’s get-together with some of the undeniable advantages of being an official function.

I can’t promise that by attending the Rare Book Cataloging Roundtable you will lose your chains* But I can promise that you will meet some interesting people and have a chance to take part in some lively discussion. I hope to see many of you there!

* Unless by “chains” you mean “bewilderment about what is going on in the world of rare book cataloging.”
A renaissance of interest in American legal history over the last fifty years has been apparent in academic circles and in the legal community generally. Accompanying that interest has been the publication of many new bibliographic resources and research aids, some general in scope and some specifically law-related. They have covered a wide range of both primary and secondary sources. Although most have been print publications, in recent years there have been a number of very important electronic databases and research services which provide coverage of historical materials related to law.

Through all these positive developments, the one area that has been somewhat underserved is the prestatehood period for the various states. Even the otherwise invaluable state legal research guides have often been weakest in their treatment of materials predating statehood. Now, we finally have an ambitious effort to fill that gap, one that makes a major contribution to our research arsenal, although not a final one, I hope. But then I know of no new bibliographic aid or research tool that has been definitive in its first appearance. We nevertheless owe the contributors and editors of this most important and useful compilation an enormous debt of gratitude. Each of the contributors is an outstanding librarian or bibliographer in the jurisdiction assigned. The compiler/editors have done a remarkable job in coordinating the project and carrying it through what must have been a difficult editorial and publication process. Recognizing that, in the compilers' words, "a project like this is organic," they have wisely created a web page where updates, corrections, additions, etc. can be submitted for posting.

The historical sources for research in American law vary, of course, over time and by jurisdiction. Prestatehood sources include two large and quite different categories - those for the original thirteen colonies and those for the states that entered the union after Independence. Research materials for the pre-Independence period offer special problems largely because English law was the dominant force throughout the original thirteen colonies. However, the English influence was not uniform. There were differences in the terms of the Royal charters that created those colonies and established their legal institutions; there were differences in those colonies in which English settlement followed that of another national power (e.g., the Dutch in New York); and differences arising from strong local resistance to the application of English law in a few the colonies. There are even more striking variations with regard to the legal sources of those states entering the union after Independence. Those variations arise not only from prior control and settlement by other European powers, but also from the history of settlement and conflict in those jurisdictions. To illustrate these differences, consider and contrast the prestatehood history of just a few states, like Alaska, California, Florida, Hawaii, and Texas.

The challenge of creating a reference tool covering so many disparate jurisdictions must have been enormous. The work, now published, consists of fifty-two essays (one for each of the fifty states, one for the District of Columbia, and another for New York City) describing the prestatehood historical background of each of the jurisdictions, followed by a survey of the jurisdiction's legal materials for that period. An index covering both volumes is provided at the end of the second volume. The authors have employed different outlines and styles in preparing
their essays, and have chosen different titles. The differences in outline are sometimes required by historical peculiarities in the legal development of that jurisdiction; the differences in title often nicely reflect something special about the jurisdiction's history (viz., "The Law in Bleeding Kansas . . ."); "Law in the Wilderness . . . Kentucky . . ."; "Early Justice Under the Big Sky: . . . Montana"). The fact that some of the essays are arranged by chronological period; others by type of materials; and yet others by the law-making or law-issuing agency of government, does not detract from the usefulness of the whole work. To some extent, those differences in structure make sustained use of the compilation somewhat livelier. However, differences in the detail of bibliographic citations, in the thoroughness of coverage, and in references to web sites and other electronic sources for prestatehood material, render some of the essays much less useful than others. What we have is so valuable, it is perhaps unfair to carp, but one can still hope for a second edition that cures some of these weaknesses, or active use of the web page offered for submissions to improve the work.

Among those chapters for which chronological arrangement seems particularly fruitful are Alabama, Florida, Hawaii, Illinois, Michigan, Mississippi, Rhode Island, and Tennessee. Reading those essays provides historical excursions which are rewarding far beyond their bibliographical details. Some chapters whose authors have emphasized the state's prior control by other nations, like Arkansas, California, Florida, Hawaii, Illinois, Michigan, Mississippi, New Mexico, New York, and Texas, also have a unique interest and stimulate a desire for further study. Fortunately most of those essays offer references to sources for additional reading.

Archival resources should be a very important component of prestatehood legal bibliography for virtually every state. Now that some states have begun digitizing their early records those resources will assume greater and greater importance in historical research by both general historians and law researchers. More states will undoubtedly be pursuing the same procedures to improve access to their early records. It is therefore disappointing that relatively few of the chapters offer more than a cursory references to the state's archival materials. The chapter on Washington Territorial Materials is noteworthy for its good coverage.

Web sites and other electronic resources constitute another area in which coverage is spotty. Now that such resources are expanding and becoming an increasingly important part of historical legal research, one would have hoped for more extensive treatment in a major bibliographic work like this. Some chapters do offer good coverage, however; these include California, Colorado, Connecticut, Hawaii, Massachusetts, Pennsylvania, South Carolina, South Dakota, Tennessee, and Wyoming.

Despite these shortcomings, Prestatehood Legal Materials is now one of the most valuable aids to historical research in American law. It should open new areas for study and scholarship. We can only hope that the compilation gets the widest possible distribution. It is a must acquisition for all law libraries beyond the smaller practitioner libraries, for college and university libraries, for historical societies and research institutions including American history in their scope, and for larger public libraries.

Morris L. Cohen
Yale Law School


Hugo Grotius (1583-1645) was a major political philosopher, whose work under review, published in 1625, became a standard authority in international law by the eighteenth century and continues to
influence down to today. The work had gone through 26 editions by the end of the century and translated into Dutch, English, French, Italian and German by the end of the eighteenth century. The book which began as a work on moral and political theory evolved into a work on international law by the end of the eighteenth century (p. 1:x-xi).

In his introduction, Prof. Tuck gives a short biographical sketch of Grotius, a participant in the political controversies of the United Provinces in early seventeenth century. It was during his imprisonment from 1618 to 1621 that he began to write the work under review, which was not published until 1625. Grotius spent most his remaining years from 1622 to 1645 in France, for some years as ambassador of the Swedish Court to the French king. De Jure built upon his earlier works including De jure Praedae (see Professor Hoeftich's review of this issue). Tuck discusses Grotius's work and the relationship between the two editions (1625 and 1631) in which Grotius revised his view that the law of nature may be “instituted by Divine Commands.” Tuck points out that Grotius's view of natural law, which involved minimalist intervention by God, was closer to Hobbes than Pufendorf. The three practical aspects of the treatise were the legitimization of private war (in support of the East India Company), the role of the creation of civil society and the ability to hold private property, and the sanction of certain kinds of slavery (pp. 1:xxvii-xxiii).

In a Note on the Text, Tuck discusses the history of the printing of Rights of War. John Morrice (1686-1740), an Anglican cleric, translated and published Grotius’s Latin work in 1715 that was republished in 1738 with translations of the extensive notes by Jean Barbeyrac's French edition. Prof. Tuck suggests that the 1738 edition was translated by someone other than Morrice as a project driven by its publishers. (p. 1:xxvii). The current three volumes contain Tuck's introduction, the main text, . Following the conclusion of the work in volume 3, there are tables for Passages of Scripture cited, a list of authors cited, and the original index. Prof. Tuck then translates the Prolegomena to the first edition of De jure Belli ac Pacis. (pp. 3:1745-1762). His translation follows the original publication rather than a later 1667 edition which first provided numbered paragraphs. This is followed by a modern bibliography of postclassical sources cited by Grotius based on the more recent Latin text published in 1993 and the original English text published as part of the Carnegie Endowment of International Law in 1925 (pp. 3:1763-1789). Another bibliography follows of works referred to in Jean Barbeyrac's Notes (pp. 3:1791-1814). Finally, there is an index to the entire current edition (pp. 1815-1988).

Professor Richard Tuck has provided an important current edition to Grotius's major work. The Liberty Fund is to be commended for publishing this work in both hardbound and paper copy at a reasonable cost for scholars and students alike as well as for libraries. This work will replace the Carnegie Endowment edition for scholarly and popular use.

Joel Fishman, Ph.D.
Duquesne University Center
for Legal Information/
Allegheny County Law
Library

Pruitt, Paul M., Jr. and David I. Durham
With Contributions by Tony Allan Freyer

Various law libraries have manuscript collections that are useful for understanding legal history and legal research. Recently, academic law libraries (Alabama, Boston College, George Washington, Pennsylvania, Texas, for example) have worked to make parts of their special collections more available to a wider readership than their own legal community through the publication
of various publications, e.g., catalogs, oral histories, etc.

Our colleagues, Paul Pruitt and David Durham, have produced a short, interesting volume on examples of commonplace books representing four centuries of legal history. In their introduction, they observe that note taking has had a long history, even before the publication of the printing press, but it was in the early modern period of sixteenth- and seventeenth-century England that it expanded. The term commonplace book derived from “common places,” or shared categories of rhetorical inspiration.” (p.11). The legal profession expanded its use of commonplace books with the publication of statutes and court reports to record precedential rules and cases. The use of commonplace books continued down to the nineteenth century, but Professor David Hoffman was one of the last scholars to continue to an older tradition in the first half of the century. Various legal publishers printed blank commonplace books in mid-century for the practicing bar, e.g., The Lawyers Commonplace Book With an Alphabetical Index (Little and Brown, 1845). By the middle of the century, Blackstone’s and Kent’s Commentaries provided a structure to American law which led to general practice note books that the practicing bar could use. Later, the development of the West reporters and digests affected practice notebooks of the late nineteenth and early twentieth centuries.

The volume contains seven selections of notes. Each chapter provides a short biography of the person and a description of the commonplace book along with a transcription of several pages and a picture of the original pages. The two librarians coauthored and transcribed most of the documents with Timothy Dixon assisting on Walker’s notebook and Prof. Freyer contributing to Judge Black’s notebook.

The seventeenth century selection is from an unknown owner, in different hands, that contained household memoranda and recipes as well as legal notes on trials and moots. There is an index of legal terms derived from several printed digests (Brooke’s Graunde Abridgement, Rastelle’s Collection of Entries, etc.)

Alexander Dorcas’s ledger of a merchant and lawyer from the early Republic (1785-1817), who lived in upstate New York (Ulster County) represents various transactions that he performed for his clients as well as his merchant accounts using a double-entry system.

George Josiah Sturgess Walker’s notebook is his lecture notes from Tapping Reeve’s Litchfield Law School in 1826, where he was a 19-year-old student. This example posted deals with Professor James Gould’s lecture on slavery.

Thomas K. Jackson’s diary is that of a post-Civil War merchant and farm manager, who lived in Alabama, and was the son-in-law of the prominent lawyer, judge, and state senator, Turner Reavis. Reavis published the first Digest of Alabama Reports (1850). The diary includes information concerning his merchant activities as well as family history.

James Thomas Kirk was a lawyer for more than fifty years (1880-1933). He was a successful advocate, who had 133 cases before the Alabama Supreme Court. His notebook, dated April 1, 1891, consisted of 316 pages of which there were sixteen pages of printed lists of subjects with blank pages for note taking. He added thirty-two of his own subjects to the index. Notes on cases with their citations continue down to 1916.

Jerome T. Fuller was a lawyer in Centerville, Alabama from 1896 until his death in 1935. He was a successful lawyer, who practiced criminal law and civil law including the representation of personal injury actions against lumber companies, railroads, and other corporations. His notebook (from 1925 to 1935) is a looseleaf binder with typewritten summaries of cases and topics with handwritten interlineations updating the typed information. It is not organized along the lines of the earlier notebooks, but is based on specific cases and statutes that affected his particular practice. (p.99)
cited West Publishing Company materials and is considered by Pruitt to be a "modern law office..." for which [his] notebook was a practical device, a portable filing cabinet key to the books on his shelves." (Id.) The entry shown is for a dispute over land ownership with a list of forty-six points to be proved in the case of Vernon v. Mrs. O. D. Street (1932).

In the final chapter, Prof. Freyer discusses the Justice Hugo Black’s notebook of 135 leaves (dating from 1938 to 1940), when he began serving on the U.S. Supreme Court. The notebook is important for “it suggests how Black adapted to the new role of Justice. It also provides insight into the institutional workings—certainly the work habits—of the Court." (pp.110-111) The notebook reveals Black’s mastering of “theories, precedents, and doctrines underlying the issues arising from the liberal constitutional revolution that began in 1937.” (p.112). Freyer illustrates his points through a further exploration of the notebook and in two topics that provided background for decided cases: confessions in Chambers v. Florida (1940) and voting rights in the two cases of U.S. v. Classics (1941) and Smith v. Allwright (1944).

The authors are to be commended for the well-written and scholarly introductions to these commonplace books. The Law School is to be commended as well for the publication of the volume and making it free to all who may wish to possess this useful work. It is hopeful that other academic law schools will begin to publish some of their commonplace books associated with major legal practitioners to better understand a neglected factor in the development of legal education and legal practice in American legal history.

Joel Fishman, Ph.D.
Duquesne University Center for Legal Information/
Allegheny County Law Library


The Liberty Fund continues to serve lawyers and scholars by its publishing reprints of classic texts on natural law and the Enlightenment in a series under the editorship of Prof. Knud Haakonssen. This volume, the Williams translation of Hugo Grotius’ De Jure Praedae, should have a place on every law library’s shelves. It is well produced and well edited. The 1950 Carnegie Foundation volume which first included the Williams translation has been updated in this new publication by a new introduction, several new appendices containing additional documents relevant to the text, and an excellent bibliography and list of suggested readings.

The De Jure Praedae has had an unusual textual history. It was the first major law book produced by the young Grotius. It was written not as a scholarly commentary but rather as an advocacy document to defend Dutch merchant shippers’ rights to seize Portuguese vessels in the East Indies. Grotius was supplied with an enormous cache of documents relative to the topic of the book by the Dutch merchant shippers' organization, the VOC, otherwise known as the United Dutch East India Company. The VOC, however, neither expected nor wanted the lengthy treatise which Grotius produced. Thus, only the twelfth chapter of the De Jure Praedae was published in his lifetime under the title Mare Liberum. The remainder of the text remained in manuscript, owned by Grotius’ descendants until it was sold, along with other Grotian manuscripts in 1864. The first publication of the Latin text was that of H.G. Hamaker in 1868. The Carnegie translation by G.L. Williams did not appear until 1950.

The complete text is a mix of Dutch maritime history, general comments on the law of war, and a long complex and innovative argument on the natural right of individuals and
sovereigns to wage wars of self-defense. Its importance lies not only in the fact that it represents an early stage of Grotius' thoughts on natural law and the law of war, but also because of this natural rights argument.

No serious scholar of the history of international law, the law of war, or of the natural rights tradition can afford to be without this volume. Even those who already own the original Williams translation of 1950 will benefit from the new introduction, appendices, and bibliographies. Liberty Fund is to be commended on this publication.

Professor Michael Helflich
University of Kansas Law School

Library of Congress
TRAVEL REPORT

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Position Title: Librarian / Law Classification Specialist
Service Unit: Library Services
Division: Cataloging Policy & Support Office (CPSO)
Dates in Travel Status: October 9 - 11, 2006
Name of City and State: Bucharest, Romania

Purpose of Travel:

Investigated the legal holdings of the National Library and the Bucharest University/Central Library and Law Library. Investigated at the Library of the Romanian Supreme Court of Justice (Înalta Curte de Casatie si Justitie) the legal holdings. Discussed current status of legal periodical publishing and exchange of such materials.

Explored the digitization policies with regard to rare materials (i.e. national treasures) at the National Library and Bucharest University/Central Library.

I accompanied my husband Dr. Lawrence Goldberg, U.S. National Science Foundation (NSF) to Bucharest/Romania, who participated for NSF in the International Advisory Board (IAB) on Romanian Research, Development, and Infrastructure Strategy, under the auspices of the Ministry of Education and Research/National University Research Council, held in Bucharest. I had used my contacts with colleagues in Bucharest through my International Association of Law Libraries (IALL) affiliation as well as my husband's contact with the Ministry of Education and Research to arrange several Library visits. Upon arrival at the hotel, I received a fully developed Agenda for the three days prepared by the Ministry of Education and Research, who also provided me with a translator (Ms. Madalina Tureatca) and transportation.

Activities:
A. IAB Meeting.
I had the privilege of attending with my husband the opening session and working dinner of the IAB. The meeting took place at the UNESCO European Center for Higher Education. The discussions by the IAB, whose recommendations will be made to the Romanian legislature, aims at restructuring the funding of scientific and technical research and facilities in conjunction with developing a strong industrial infrastructure that can provide stable working environments for the next generation of young scientists and engineers. The issues discussed here were of great national concern which I encountered elsewhere during my visits, namely to secure and settle the skills and talents of the coming generation in the country, thus undercutting the emigration to more prosperous foreign markets. Needless to say, the country looks not only towards the European Union (of which Romania will be a member in early 2007) but also to the United States.

B. Ministry of Education and Research
The invitation to a meeting by the Secretary of State, Gabriella Pasztor, Ministry of Education and Research, attended also by Carmen Daniela Bitir-Istrate, Counselor for Library Affairs, was clearly based on a strong interest and desire to establish close cooperation and exchange with Library of Congress. Questions were: is exchange of library professionals possible? I pointed to
earlier, Soros funded, study groups, as well as to a more structured approach through participation in LC’s cooperative programs (which needs to be explored).

The second point of discussion was cooperative digitization, involving holdings in institutions across the country (i.e. not only Bucharest). Digitization is envisioned to provide broader access to Romania’s cultural heritage.

C. Supreme Court of Justice. Law Library and Faculty/Central Library, University of Bucharest

At the Romanian Supreme Court (Inalta Curte de Casatie si Justitie), I was received by Judge Constantin Branzan, who also had invited the director of the library and legal staff. The library staff had already prepared on my request a list of current and important legal serial publications. The reason is that publishing of certain legal materials is predominantly in serial or serial form, while - as I understand - current acquisitioning of Romanian legal materials by LC focuses more on monographic literature.

My host, Dr. Branzan, pointed out that the Court’s collections are still void of American legal literature, a prominent part of modern legal reasoning. He considered such materials as absolutely necessary for comparative research in today’s decision making process which tends to orient itself on American concepts, especially in the area of economy, corporation and trust law, and regulatory aspects of industry and trade.

Dr. Branzan was wondering what it would take to establish a viable exchange of legal and governmental documents.

I received from Dr. Branzan all the issues of the Official Revista, newly published since 2005 by the Court, and a current edition of all decisions of the Court (which I will turned over to LC). I also agreed to forward to US Supreme Court Justice Sandra Day O’Connor a copy of the Revista de drept public, which contains the review of her book (The Majesty of the Law Reflections of a Supreme Court Justice).

After a tour through the Supreme Court Library, he accompanied me and my escort/translator (in the official black and chauffeured limousine!) to the University of Bucharest/Central Library-Law Library, where he had a meeting arranged with the director of the Law Library and faculty, Laurentiu Stan, who gave an historic account of the library and a tour, alluding in so many words to the fantastic collection effort of Queen Beatrice of the Netherlands: under her auspices, 10 railroad cars of books arrived in Bucharest and were in a ceremony (attended by the Queen) gifted to Romanian institutions.

Then I was escorted to the National Gallery for the remainder of the afternoon (ca. 2 hours) to view the collection of Romanian artists, an enormous collection covering several centuries of European painting deplorably very little known now in the West, rare and beautiful, some very stark, the modern period very political. One immediately remembers, that the Da Da movement started in Bucharest (prosecuted there and ending up in Zurich and Paris), and of course: that for a long time, Bucharest was considered the Paris in Europe’s Eastend, the Bucuresti city scape alluding to Parisian grand Avenues and Boulevards, lined with palatial buildings.

D. National Library of Romania

For my two visits of the Romanian National Library (Biblioteca Nationala) in an old city palace, the assigned official host (Mr. Emil Tudor of the Research-Development Department) took us first to the General Manager of the Library, Maria Raducu. Over a cup of Turkish coffee, we discussed the Library’s brief history, current state of construction and digital policies: founded in 1953 with collections over 13 million items (pulled together from different institutions and libraries throughout the country); large rare component; digital efforts aiming at access and preservation of rare sources, funded by the World Bank. So far, 1,000 items have been fully digitized based on internal preference as part of the Institute of Cultural Memory, eventually on the Internet (jpeg, not indexed). Great interest in digital
cooperation. The new large library building remained unfinished for some time now for lack of funding.

In the following meetings with Victor Dutescu (Head of Processing Dept.) and Luminita Gruia (Head of Information/Reference Dept.), we discussed cataloging policy: currently AACR2 and MARC 21; Classification is UDC with (recent) correlation to DDC; in Spring 2007, Rameau will be adopted, although LCSH is viewed as the preferred subject list (more logical, Rameau places too much emphasis on Political science, etc.). In the end, it was a political decision because of the multilingual nature of Rameau and the terminological relation to DDC.

I bought from the Library a beautifully produced book of “Ex libris” plates, reproduced from Romanian artists’ plates (mostly 19th, but also 20th century up to World War II) or found in library collections.

**E. Central Library of the University of Bucharest**

My visit to the Central Library of the University of Bucharest (*Biblioteca centrala universitara din Bucuresti*) began with the festive inauguration and reception of the Students Library/Faculty of Foreign Languages and Literature.

I was introduced to the Rector of the University and faculty for conversations over champagne (picture op!). Following the reception, I was shown by the Director General of the Central Library, Mircea Regnala, the stunning new Library building with state-of-the-art electronic facilities for students, still physically connected to the original palatial library of 1895 (restoration near completion). In his office, we discussed digitization policy, which aims currently at preservation: the Library lost in a recent fire 500,000 rare volumes (called a tragedy for Romanian cultural heritage). He would love to cooperate with LC, exchange of professionals as well as materials. After our initial conversation, he invited other directors of the Library (Collection development and Classification) who were among other very interested in LC acquisition conventions and exchange procedures.

Mircea presented to me a beautiful recent publication on the history of the Central Library with an illustrated bibliography (which I will turn over to LC to be added to the collection).

During my visit of the descriptive and subject cataloging divisions, I collected basically the same information as in the National Library. They also apply AACR2, MARC21, enrich records by TOCs and have a CIP program similar to ours. Index terms are assigned traditionally by 8 subject specialists. The Central Library might adopt Rameau as well (although LCSH is the preferred tool); but at this point, the Library is in a holding pattern “until it is better understood what will happen with LCSH (after in the professional press the unsettling fate of LCSH was discussed).” I tried my best to assure everyone that LCSH will not be abandoned, and to clarify the current thinking.

It was a very gratifying experience, with spirited discussions, good ideas, and warm and hospitable people on every level, ready to cooperate and accommodate.

One last remark: except for one instance, most colleagues I met, spoke English (various degrees of fluency).

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**LHRB MEMBER NEWS**

Compiled by Karen Beck

**Paul Pruitt** reports that the Bounds Law Library (University of Alabama) has created an exhibit titled *A Little Renaissance of Our Own: Tudor-Stuart Law Books*. This exhibit features three of the Bounds Library’s Graunde Abridgments, early Cokes in a variety of sizes, and several other period works of practice, legal history, and polemic.

Congratulations to **Fred Shapiro** of the Yale Law Library, who has published a book called *The Yale Book of Quotations* (Yale University Press,
2006). This is intended to supplant Bartlett’s Familiar Quotations and the Oxford Dictionary of Quotations as the most authoritative quotation dictionary. It is the first major quotation book to emphasize modern and American sources, including popular culture, children’s literature, sports, computers, politics, law, and the social sciences, and the first quotation book of any sort to use state-of-the-art research methods to comprehensively collect famous quotations and to trace quotations to their accurate origins.

Rob Mead has been appointed the next New Mexico State Law Librarian. A native of New Mexico, he has been Head of Public and Faculty Services at the University of Kansas since 2000. As a lover of rare law books, he is particularly excited about the Spanish, Mexican and early U.S. territorial legal materials in the collection of the New Mexico Supreme Court Law Library. He began his new job in Santa Fe on May 8th.

Our LH&RB Editor, Mark Podvia, has completed a Master of Arts degree in American Studies at the Pennsylvania State University. His thesis, “The Strange Case of Dr. Paul Schoeppe,” discussed the 1869 trial of a Carlisle, Pennsylvania, physician who was accused of poisoning one of his patients.

And yours truly is pleased to report that the Boston College Law Library has mounted a new exhibit in its Daniel R. Coquille Rare Book Room: Kitty Preyer and Her Books. The exhibit features highlights of a recent bequest from Kitty Preyer to BC Law, including several early American editions of Blackstone’s Commentaries, works by Giles Jacob, English and American Justice of the Peace manuals, and English, American and Continental criminal law works. The exhibit will be on view through Friday, December 8. For more information, and to see a slideshow of the exhibit, visit http://www.bc.edu/schools/law/alumni/75celebration/features/fall06/feature2/

**RECENT ACQUISITIONS**

Compiled by Karen Beck

Mark Lambert reports the following recent acquisitions of the Special Collections Department, Fred Parks Law Library, South Texas College of Law:

- Caines, George. *An Enquiry into the Law Merchant of the United States, or Lex Mercatoria Americana*. New York: Printed by Isaac Collins & Son, 1802. Only edition of the first American treatise on both commercial and admiralty law. There is only one other holding in Texas, at the University of Houston O’Quinn Law Library.

- Calvinus, Johannes. *Magnum Lexicon Juridicum*. Geneva: Sumptibus Iohannis Antonii Chouet, 1683. A later, enlarged edition of a popular law dictionary of the 17th and 18th centuries. This is the only copy of this edition in Texas, and the only earlier editions in Texas are at the University of Texas at Austin.

- Fitzherbert, Anthony. *La Graunde Abridgement*. London: Richard Tottell, 1565. Second Edition. Second edition (the first was printed in 1516) of the second great abridgement of the common law. There are only twenty other copies of the second edition in the United States, and there are only eight first editions in the entire U.S. This is the only copy of the first or second edition in Texas. This book now becomes the oldest volume in the Fred Parks Law Library’s collection.


- [Flipper, Henry O.] *Materials Concerning Lieutenant Henry Ossian*
Flipper (1856-1940), First African-American Graduate of West Point. Flipper endured great hardship as a student while becoming the first African-American graduate of West Point in 1877. While serving as an officer and Buffalo soldier on the frontier, Flipper was unjustly court-martialed and dismissed from the Army at Fort Davis, Texas in 1882. He went on to have a distinguished career as a surveyor, engineer and expert and translator of Spanish and Mexican land and mining law. The Army attempted to make amends in 1976, when they posthumously erected a bust in his honor at West Point and issued him an honorable discharge. President Clinton also issued the first posthumous Presidential pardon in American history regarding Flipper in 1997. This is possibly now the best collection of materials in existence on Flipper. The materials include Flipper’s autobiography and several biographies of him, as well as microfilm copies of his military records from the National Archives, and a full copy of the application for a pardon and all accompanying documents sent by the law firm of Arnold & Porter to the Secretary of the Army that resulted in his pardoning by the President. This collection is now added to the other two collections held by the library concerning legal proceedings against African-American soldiers in Texas, materials on the Brownsville Raid of 1906, and the Houston Mutiny and Riot of 1917.


- Taylor, Alfred S., with additions by Edward Hartshorne. *Medical Jurisprudence*. Philadelphia: Blanchard & Lea, 1856. Fourth American Edition from the Fifth London Edition. The leading text in English on medical jurisprudence during the 19th century, it went through numerous editions starting with the first London edition in 1844. There are only two other copies of this fourth American edition in Texas, at the Dallas Medical Center and the University of Texas Tarlton Law Library. The only earlier edition held at a law school in Texas is the 1854 London edition held at the SMU Law Library.


Anne Mar, Archivist at the National Equal Justice Library (NEJL), reports that the first archive of its kind commemorating the legal profession’s history of providing counsel for those unable to afford it, has relocated to Georgetown University Law Center’s Edward Bennett Williams Law Library. First opened in 1997 at American University’s Washington College of Law, the NEJL was conceived in 1989 after the papers of Clara Shortridge Foltz, credited with founding the public defender system in the United States and the first woman lawyer in California, were destroyed by her family who did not realize their historic significance. Highlights of the collection include minute books from the 1880s of the first board meetings of the German Legal Aid Society, the precursor to the Legal Aid Society of New York; a sixteenth century compilation of English statutes which includes one enacted in 1495 creating the right to counsel in civil cases for the
indigent; and oral histories with prominent former and present legal aid lawyers such as Hillary Rodham Clinton and Howard Westwood. For more information, contact Anne Mar at am626@law.georgetown.edu.

Paul Pruitt reports that the Bounds Law Library (University of Alabama) has acquired the legal commonplace book of Mobile attorney Saffold Berney (b. 1844). Berney was a prominent Mobile railroad attorney, local politician, and early 20th century jurist. His commonplace book is an 1873 variant of Lippincott’s The Lawyer’s Commonplace Book, a bound, paginated notebook with a ready-made indexing system. Berney’s book contains extensive notes (written in three or more hands) on a wide range of topics, with additional sheets and occasional newspaper clippings pasted in.

Mike Widener, Rare Book Librarian at the Lillian Goldman Law Library, Yale Law School, reports the following recent acquisitions:

• Following negotiations that spanned six years, the Association of the Bar of the City of New York agreed in Spring 2006 to deposit its outstanding collection of Roman and canon law at the Lillian Goldman Law Library. The collection contains 1,100 titles in over 1,600 physical volumes dating from 1500 to 1900. This partnership between the Association and the Library greatly enriches the Library’s already strong research collections in Roman and canon law, and makes the Association’s collection more accessible to researchers. Credit is due to Blair Kauffman, director of the Lillian Goldman Law Library, for initiating this collaboration, and to the Association’s Board of Trustees, its Library Committee, and its Librarian, Richard Tuske. The collection includes not only several editions of the primary sources such as the Corpus Juris Civilis and Corpus Juris Canonici, but also medieval and Renaissance commentaries, teaching texts, early court decisions, and much of the 19th century scholarship by German legal historians. Most of the works retain their original bindings. A part-time cataloger is now cataloging the collection for the Law Library’s online catalog, MORRIS. A conservator has also completed a survey of the collection’s preservation needs.

• In other areas, Yale continues to fill gaps in its William Blackstone Collection. Among the recent acquisitions was the 1790 Dublin edition of John Trusler’s Summary of the Constitutional Law of England: Being an Abridgement of the Commentaries of Sir William Blackstone. Another was Few Words on Many Subjects, Grave and Light, in Law, Politics, Religion, Language, and Miscellaneous / by a Recluse (London, 1831), that includes a short essay on a quote from Blackstone concerning the game laws.

• A new collecting field is illustrated law books. Recent acquisitions in this field include two French codes filled with lively and hilarious illustrations by the French illustrator Joseph Hémon: the Code Général des Impôts Directs et Taxes Assimilées (Paris: Editions Littéraires et Artistiques, 1944), and the Code Penal (Paris: Editions Littéraires de France, [192_?]). According to RLIN and OCLC, there are only two copies of these books in American libraries (Yale Law Library and Tarlton Law Library, University of Texas at Austin), and I bought each of them! Another outstanding illustrated law book is Guillaume Le Rouillé’s Justice atque Injusticie (Paris, 1520), an essay on justice illustrated with six full-page allegorical woodcuts. The woodcuts were reproduced in the catalogue to the 1996 exhibition at the Spencer Library, University of Kansas, Civil, Canon and Common: Aspects of Legal History.

• Another active collecting field is American trials. At least 30 titles have been acquired in the past three months. Highlights include Trial of Henry Wirz (G.P.O., 1868), the Confederate officer
who ran the notorious Andersonville prison camp and was the only person executed for war crimes committed during the Civil War; *Case of the slave Isaac Brown: an outrage exposed* (1847), about a failed attempt to re-enslave Mr. Brown; and Julia E. Park’s *Trial for the murder of the king’s English* (1919), a humorous mock trial.

**Fellowships Available**

**MHS-NEH Fellowships**—The Massachusetts Historical Society will award at least two long-term MHS-NEH fellowships for the academic year 2007-2008, made possible by an award from the National Endowment for the Humanities. The stipend 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, 2007.

**MHS Short-Term Fellowships**—The MHS will offer approximately twenty short-term research fellowships in 2007. Each grant will provide a stipend of $1,500 for four weeks of research at the society sometime between July 1, 2007, and June 30, 2008. 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 or more 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 following Short-Term Fellowship Awards are available: African-American Studies Fellowship, W.B.H. Dowse Fellowship, Marc Friedlander Fellowship, Massachusetts Society of the Cincinnati Fellowship, Andrew W. Mellon Fellowships, Ruth R. & Alyson R. Miller Fellowships, Richard Miller Fellowship, Andrew Oliver Research Fellowship, Society of Colonial Wars of Massachusetts Fellowship, Benjamin F. Stevens Fellowship and Paul Revere Memorial Association Fellowship. **Application deadline**: March 1, 2007.

**New England Regional Fellowship Consortium**—The New England Regional Fellowship Consortium, a collaboration of thirteen major cultural agencies, will offer at least eight awards in 2007-2008. 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 the 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, Houghton Library-Harvard University, Maine Historical Society, Massachusetts Historical Society, Mystic Seaport Museum, Inc., New England Historic Genealogical Society, New Hampshire Historical Society, Rhode Island Historical Society and The Schlesinger Library on the History of Women in America. **Application deadline**: February 1, 2007.

For more information about the MHS fellowships and other awards, please check the the web site, www.masshist.org, or contact Cherylne Pina, Massachusetts Historical Society, 1154 Boylston Street, Boston, MA 02215 (e-mail cpina@masshist.org).