Some Special Considerations for Special Collections Cataloging

Sarah Yates

Have you heard the famous cataloging joke?

Q: How many catalogers does it take to change a light bulb?
A: Just one, but they have to wait and see how the Library of Congress does it first.

The joke's premise, namely that catalogers nationwide don't dare make a decision without an LC precedent, may be becoming less true even for general cataloging. Part of the reason that some libraries are now questioning their slavish adherence to Library of Congress cataloging policies is related to LC's decision last spring to discontinue series tracings, as well as to Karen Calhoun's controversial LC-commissioned report, "The Changing Nature of the Catalog and its Integration with Other Discovery Tools" (http://www.loc.gov/catdir/calhoun-report-final.pdf) Not all libraries are changing their policies regarding how closely they follow LC practice, of course; some either agree with the direction LC seems to be heading, while others simply lack the resources to break their dependence on LC for catalog records, rule interpretations, etc.

Questioning LC policy is nothing new to special collections catalogers. Regardless of your library's general stance toward Library of Congress cataloging policy, it makes sense to question any cataloging policy designed for a collection other than your own when it comes to your special collections. This includes your library's own policies, if they were formulated

From the Chair

Laura E. Ray

The 2007 Annual Meeting is providing a unique opportunity for AALL members to help with volunteer recover efforts in New Orleans. Please take a moment to read about these important volunteer activities, and seriously consider coming to New Orleans one day earlier than you normally would for the Annual Meeting.

On Friday, July 13th, AALL members will participate in New Orleans Community Service Projects with three organizations: Habitat for Humanity, the Louisiana State Museum, and the Second Harvest of Greater New Orleans and Acadiana. You can register to volunteer for one of these projects at http://www.aallnet.org/events/community project.asp. Each project has one or more volunteer captains.

The Habitat for Humanity project will be 7:15am-2:30pm, and is being captained by Ron Wheeler, of the Georgia State University College of Law Library, and Leslie Campbell, of the Administrative Office of the United States Courts. No experience is required, all instructions will be provided onsite, and volunteers will go through a safety orientation. Volunteers will be involved with the clean-up or preparation of a home construction site, or an actual home construction. Many tasks - such as painting and hammering - do not require serious lifting. However, closed-toe and closed-heel boots or sneakers are required; boots are preferable to sneakers. Sunscreen, hats, and sunglasses are also recommended. Busing will be provided to and from the site. Water

Continued on page 2 Special Collections

Continued on page 4 Chair
Continued from page 2 Special Collections with only your general collection in mind.

Why? Well, a special collection is, as the term implies, a collection that is not like other collections. Standardized cataloging practices might be okay, but then again, they might not best serve your users and your collection. Special collections often call for special cataloging.

At the very least, you may want to avoid any cataloging "shortcuts" that you use for cataloging your general materials, whether they are shortcuts you have implemented at your own institution or shortcuts called for by AACR2 or LC practice.

A leading example of a rule-mandated shortcut is AACR2 rule 1.1F5, which states: "If a single statement of responsibility names more than three persons or corporate bodies performing the same function, or with the same degree of responsibility, omit all but the first of each group of such persons or bodies. Indicate the omission by the mark of omission (...) and add et al. (or its equivalent in a nonroman script) in square brackets." Correspondingly, rule 21.6C2 states: "If responsibility is shared among more than three persons or corporate bodies and principal responsibility is not attributed to any one, two, or three, enter under title. Make an added entry under the heading for [only] the first person or corporate body named prominently in the item being catalogued..."

Suppose your library has a special collection built around an alum-turned-famous-lawyer, and one of the books in the collection is:

*Four Up and Coming Lawyers Reminisce About Their Law Schools*
b by Tom A. Lawyer, Dick N. Counselor, Harry D. Attorney, and George Y. Alumnus

Are you really going to transcribe the title as: Four up and coming lawyers reminisce about law school / by Tom T. Lawyer ... [et al.]? Are you really going to add a name entry only for Tom, who incidentally didn't attend your law school and no longer seems destined for great things in law, having quit the profession abruptly to study for his audition for Fox's quiz show "Are You Smarter Than a 5th Grader?"? Probably not. And by the way, if you're adding a name heading for George, you may as well add a subject heading for your law school as well...unless George's reminiscences are less than flattering.

Alternatively, you might decide to provide less detailed description to some special collections than you generally provide. The rationale for this approach would usually be that you have a large collection that has not been cataloged at all (or not cataloged online at all), your library cannot devote enough staff time to catalog the collection "properly" in the foreseeable future, and you decide that some access to the whole collection is better than perfect access to a few items but no access to the majority of items. If you are in a situation like this, don't worry; just keep dreaming about the day in the mythical future when you will get enough funding to hire a dozen or so assistants to go back and give these records the attention they deserve.

What else you choose to handle differently will necessarily depend in large part on the nature of the collection and what makes it special—but not entirely, because you can never forget about certain concerns that have nothing to do with the collection but everything to do with the resources your library is willing and able to commit to its cataloging.

Suppose your library has a collection of popular fiction, for example. This would not be special, except that you happen to work in a law library, and law libraries do not typically have extensive collections of popular fiction. Even if you don't consider your fiction a "special collection" in terms of its location in your library, circulation policy, etc., you might have to make some cataloging decisions about the collection that differ from your regular cataloging policies.

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1 Sadly, Tom didn't fare much better at outsmarting ten-year-olds than he did at practicing law. He flunked out on the true/false question, "Columbus sailed to America in 1942."
Consider subject access. Law catalogers tend to take for granted that all titles need subject headings. But until relatively recently, most libraries—including the Library of Congress—did not add subject headings to records for fiction. If you follow LC’s new policy, and if your collection includes titles published before the policy change, you will likely not find records in the utilities with subject headings, so you will have to assign them yourself. (And unfortunately, works of fiction are unlikely to have titles that are as helpful for subject analysis as *Four Up and Coming Lawyers Reminisce About Their Law Schools*.) But if you follow LC’s old policy, that will mean deleting potentially useful access points when found in copy—access point that someone put a lot of effort into coming up with. Or you could dodge the whole issue and not add subject headings, but leave them in when they appear in copy. The main drawback here is a lack of consistency among your own records.

And then how do you handle the related yet distinct issue of 655s genre headings, such as Detective and mystery stories or Legal stories? Genre headings are sometimes used in rare book cataloging (not so much for Detective and mystery stories, but for things like Devices, Publishers) but rarely in general law cataloging. If you are already using 655s for your rare books, this might influence your decision to go ahead and use them for fiction as well, or at least to leave them in if they are already in the record. If you have never used these headings, you have to decide whether cataloging a fiction collection would be a good time to start.

Maybe fiction is not an issue for you. Maybe what make your special collection quirky are the formats of the materials. It may be a collection that contains a lot of photographs, for example. If you do not have many materials in these formats in your library’s general collection, you may not even have an explicit policy on how to handle them, only a default policy to catalog materials of all formats according to AACR2.

If you have never cataloged photographs before, you might turn to Chapter 8 (Graphic Materials) of AACR2 not even knowing there are alternatives. If the version you turn to—or, more accurately, click on—is the Cataloger’s Desktop version, you will probably notice that next to the rule numbers, instead of “LCRI” buttons that link to the Library of Congress Rule Interpretations, there are buttons labeled “GM.” It always pays to be curious if you are a cataloger, so go ahead and click on one of the GM buttons.

If you’re an avid reader of this column, you already know that the Library of Congress doesn’t use AACR2 to catalog books published before 1801; it uses Descriptive Cataloging of Rare Books. Similarly, you already know about Archival Moving Image Materials for videos and DVDs. So you should not be too surprised when you discover by following the links that LC uses yet another manual to catalog photographs and other two-dimensional, nonmoving images, namely, Graphic Materials.

You are not compelled to follow Graphic Materials just because the Library of Congress does. But whatever your opinion of its recent decisions, you should at least consider their policies regarding special formats if you have a significant number of titles in those formats.

What constitutes a significant number is an important question; this can be your starting point in thinking about whether to follow cataloging rules other that AACR2. If your George Y. Alumnus collection contains half a dozen photos—and you don’t have large numbers of photos in other collections—it is almost certainly not worth the time necessary to learn a new cataloging standard. If, on the other hand, half the collection consists of pictures of a photogenic young George in the earlier pictures and a distinguished-looking older George posing with his powerful and well-known friends in the later ones, then it might behoove you to evaluate GM and compare its pros and cons with those of AACR2, always with your specific collection and patrons in mind.

The last phrase of that last sentence touches
on the most important point of this column. Always keep your special collection(s) and patrons in mind when selecting a course of action for cataloging. I have attempted to give some hypothetical examples of issues you might face, but I could not possibly think of every conceivable type of special collection. And after all, you know your collection better than anyone.

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

Book Theft

Mike Widener, Rare Book Librarian, Lillian Goldman Law Library, Yale Law School, sent the following notice from "Hugh's Blog," http://hughhollowell.com/alerts/stolen-books-philosophy-religion-etc/: "a large quantity" of books were stolen from the library of the late Harvard philosopher William Ernest Hocking (1873-1966), at a family home in northern New Hampshire. The list includes the 1604 edition of Gianville, the 1629 edition of Rastell's Termes de la Ley, and the 1639 edition of Francis Bacon's Essays. The posting concludes: "If you have any leads on this, please contact Dr. Hocking's granddaughter, Jennifer Hocking Wiley, at jennifermhw@verizon.net or her sister, Penny Hocking, at phocking@hotmail.com."

LH&RB Articles Editor Needed!

Patricia Turpening, who retired from the University of Cincinnati College of Law last year, has now retired from her position as LH&RB Articles Editor. We thank Pat for her service to LH&RB. Pat reports that she is enjoying life in sunny south Florida.

This leaves LH&RB in need of an Articles Editor. The Articles Editor is responsible for promoting the submission of articles to this newsletter. This may include working with authors to develop suitable topics and arranging for reviewers for our SIS programs at the AALL Annual Meeting.

Interested persons should contact the Editor, Mark Podvia, at mwp3@psu.edu.

Continued from page 1 CHAIR

and boxed lunches will also be provided, but you may want to bring another water bottle.

The Louisiana State Museum project will be 10 am-4 pm, and is being captained by Amy Hale-Janikke of the U.S. Court of Appeals 5th Circuit Library. This project is limited to 10 volunteers, who must complete and submit a background check form before participating. Background check forms will be mailed to registered volunteers, and must be mailed to the project leader by May 15th. Project activities will focus on handling artifacts. Comfortable shoes and lightweight clothing that can stand up to dirt is recommended. You should also note that, as an historic building, the Museum site is not ADA accessible and has many steps. You can coordinate transportation with the project coordinator or arrange your own transportation. Water and boxed lunches will be provided.

The Second Harvest of Greater New Orleans and Acadiaona projects will be 9 am-noon and 1 pm-4 pm, and is being captained by Ann Hennens of the Gallagher Law Library. Each project group is limited to 25 volunteers. Volunteers will sort and pack food donations, including removing expired or damaged items, sorting items into food categories, and packing items into boxes. Heavy lifting is not required, but closed toe shoes are required. You may be outside under cover, or in the warehouse, and fans will surround the work area. Busing will be provided to and from the site. Water will be provided, but you may want to bring extra.

The SIS Council has pledged its support for the New Orleans Community Service Projects, and I am pleased to represent the LH&RB SIS during this important volunteer effort. I know that one extra day away from work may be difficult to arrange, but hope to see some of you at these Projects too. I always seem to have a nice day on Friday the 13th, and this July 13th should be no exception.

Stay warm. Spring is just around the corner,

Laura E. Ray
Legal History and Rare Books SIS  
Election Underway
Stacy Etheredge Heads Ballot for  
Vice-Chair/Chair-Elect

The Legal History & Rare Books SIS election for Vice-Chair/Chair-Elect is currently underway. Ballots were distributed electronically in early March, and should be returned via e-mail to LH&RB Secretary/Treasurer Sarah Yates at yates006@umn.edu. Ballots must be returned by March 31st. SIS members are strongly urged to vote early and vote often (well, at least vote early).

Our candidate for Vice-Chair/Chair-Elect is Stacy Etheredge. Stacy has been a reference librarian at the University of South Carolina School of Law since 2005. She received her J.D. in 1991 from the University of Nebraska College of Law and her M.L.I.S. with a Certificate in Law Librarianship from the University of Washington in 2005. She also holds a M.A. in Psychology from the University of Nebraska, which she received in 1995.

Before pursuing law librarianship, Stacy worked in the legal publishing and information field, including six years at West Group. She has experience in law school, law firm, and county law libraries, and also completed an internship at the Association of the Bar of the City of New York.

Stacy teaches Introduction to Legal Research and Advanced Legal Research. Her scholarly interests include legal history, special collections, preservation administration, and public access to legal information.

Stacy has been involved with the LH&RB-SIS since 2005. She is a member of the LH&RB-SIS Publications Committee and participated in the "1906 World" Roundtable at the 2006 AALL Annual Meeting. She has submitted a proposal on "Huey Long and the Press" which has been accepted for the 2007 AALL Annual Meeting. Recent publications include "In the Trenches of Law Librarianship: Assessing a Special Collection from Ground Zero" (Spectrum, March 2006), "Preserving a Special Collection: Ten Things You Can Do When You're On Your Own" (Spectrum, February 2007), and "Frederick C. Hicks: The Dean of Law Librarians" (LLJ, Spring 2006). She is currently working on an article on collecting a state’s legal history.

Stacy also recently realized a dream come true when she attended Morris Cohen and David Warrington’s "Collecting the History of Anglo-American Law" course at the Rare Book School.

You're On Your Own" (Spectrum, February 2007), and "Frederick C. Hicks: The Dean of Law Librarians" (LLJ, Spring 2006). She is currently working on an article on collecting a state’s legal history.

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Editor’s Corner

On February 2nd, Punxsutawney Phil, “Seer of Seers, Sage of Sages, Prognosticator of Prognosticators, and Weather Prophet Extraordinary,” emerged from his burrow on Gobbler’s Knob and predicted that Spring was just around the corner.

Phil lied. Since he made his prediction, we in Pennsylvania have faced two major snowstorms and a long stretch when the temperature never got above freezing. Frankly, most of us here in the Keystone State are ready to kill the Groundhog. I think that this sentiment is shared by people throughout the country who have endured even worse weather.

The good news is that the days are getting longer and it has been getting warmer. The piles of snow are slowly melting. Yesterday I spotted a flock of Canada geese heading north. Spring is coming.

I hope that you saw the “help wanted” ad on page 4 of this issue. We really do need an Articles Editor to make this newsletter a success. Please consider applying.

I want to thank everyone who contributed to this issue of LH&RB. That includes those who contributed member and recent acquisition news, and those who provided us with several excellent book reviews. Karen and Joel did a great job in gathering this material. Sarah has given us another excellent cataloging column. I don’t pretend to understand the many mysteries of cataloging, but I do enjoy reading her columns!

Please continue sending your news (via Karen) and book reviews (via Joel). Consider writing an article. Again, please consider applying for our vacant editorship. Remember, this is your newsletter.

The deadline for the next issue of LH&RB is May 29th.

I will look forward to hearing from you.

Mark Podvia
Journal of Law: An 1830 Review

Our Summer/Fall 2005 issue of LH&RB contained an excellent article by Dr. Joel Fishman on the short-lived Journal of Law, published in Philadelphia from 1830-31.

The following review of the Journal of Law was originally published in the August 21, 1830 issue of Hazard's Register of Pennsylvania, vol. 6, no. 8:

"Three numbers of a semi-monthly paper, called the Journal of Law, have been published in this city. The Journal proposes to expound in popular language, the philosophy, history, and actual condition of the law in this, the sister states, and in foreign countries; and to embrace in its range of subjects, biographical notices of eminent jurists; medical jurisprudence, some account of literary and benevolent men in different parts of the world, and various topics of general literature. Its design is comprehensive enough, and admits of sufficient diversity to enable the Editors to render it a highly useful and amusing publication. The success of the work must depend upon the amount of ability enlisted in its support, and the selection of suitable topics for discussion. We understand that it is the intention of the enterprising gentlemen at the head of the undertaking, to conduct it upon correspondent principles with the Journal of Health; that is, as is the object of this, is to make every man his own physician, The Journal of Law is intended to make every man his own lawyer. Though we doubt whether any such prodigies will be accomplished by these periodicals, yet as their design is to communicate, in familiar language, such kinds of information as has hitherto been accessible or intelligible only to the professed lawyer and physician, we hope they will receive encouragement. If nothing more be done, they will assist the public eye in discerning, with greater clearness, the depths of medical and legal science, and the public judgment, in duly appreciating the labours, privations, difficulties, dangers, and responsibilities incident to professional life."

--Submitted by Mark Podvia

Book Reviews


The history of criminal law in England has attracted the attention of many historians over the centuries and a bibliography of such books is a long one and will only increase in coming years. The amount of raw materials found in scattered archives throughout England is voluminous and is beyond the ability of any scholar in a life time to examine. The author has made extensive use of these records from several English counties to establish his thesis that many advances in the English criminal law were caused by outside forces rather than by statutes passed by Parliament in the Nineteenth Century which were supplement by papers issued by Parliament of findings in different areas of criminal law upon which so many commentators have relied. This illustrates a factor often overlooked by historians is that such statutes do not signify an abrupt change for change may have taken place in the public attitudes prior to its enactment. The author focuses on two groups, juveniles and women, plus documenting the changing attitudes towards the criminal by charts and statistics to substantially prove his thesis that outside and often nonlegal movements have influenced changes. One should not be surprised there was local variations on many of these attitudes in different regions. The author has examine the existing literature exhaustively and offers his comments on the findings of previous scholars.

Law is influenced by so many factors which
are not obvious to the casual observer. In examining why prosecution of juveniles decline around 1820 in London, the author identifies one factor which was the transfer of such cases to summary courts where possibly more leniency was shown as long as it did not involve property. Society has long taken a dim view of damage or theft of property. As the Nineteen Century opened in England, industrialization was taking place and children were employed in factories which some would argue would keep juveniles too busy to get into trouble. However the factories could not employ many of the population of this age group leaving many children to roam the streets and countryside. The author addresses the issue why the decline in prosecution of juvenile and he examines a number of theories, and the decline in possibility of employment is often the universal reasons given. However, some blamed their employment in factories as a cause for young people turning to crime. The author then explores this increasing juvenile delinquency by a change in agricultural practices which at one time, employed this group. Although this reviewer has used the term "juvenile delinquency", this was not recognized as a crime as it later became.

Of great interest to this reader was the examination of one case known as the Great Gleaming Case of 1788 which demonstrates the many customs that any land title in England was burdened. In this case, it was recognized custom of the members of some parish having the right to enter upon the field after the owner had gathered in his crop, to gleam or harvest the remains of the crop. This was a useful right for it made it possible for the poor and small land owner to gather food for themselves and relieve the parish of supporting this group from use of local funds for this purpose. The author suggested that those who brought this action were motivated by price of barley and wheat and he goes into great length to examine prices and disproves the suggestion of other writers that prices were inflated by a perception that the bad weather would cause a surge in prices - neither of which was true judging from the existing records. The culprit was to enclosure of land by the large landowners who sought to take in more property from the small land owners. One landowner interested in this suit who was expanding his own property was a gentleman familiar to American history, General Cornwallis.

The chapter on change of attitudes towards the punishment of women leaves in doubt whether punishment for women were any more lenient than for men for the various crimes. Many factors enters into the equation of trying to draw any definite conclusion in any attempt to ascertain what factors governed the sentence handed out to a defendant. In our century, it was found that the uniform sentencing guide lines have definitely proven to be unsatisfactory for a great many reasons. This applies equally to sentences imposed in passed centuries for so much is omitted from the official records that it is impossible to determine if two defendants charge with the same crime did exactly the same thing. It is obvious that certain judges consider their roles in sentencing to put the defendant away for as long as possible as an example to others or to see that they hang. It has always been argued by unenlightened public that making an example will reduce crime. We do know that judges do have different attitudes about crimes and punishments which is a factor that cannot be qualified with certainty. So many factors about the defendant can not be quantify in as the preparation of statistics would require as this chapter so aptly demonstrates.

This book ranks as an outstanding contribution to an understanding of this changing attitude towards different aspects of the criminal system. It does looks behind the surface to identify factors which influenced the change in attitudes towards crime but this reviewer doubts that much has changed over the history of criminal law. However, this volume with its analysis proves that it is a difficult task to quantify crimes that it can be neatly wrapped in statistics or general conclusion.

Erwin C. Surrency
Emeritus Professor of Law
University of Georgia School of Law

In antebellum United States, Joseph Story, Associate Justice of the U. S. Supreme Court and Dane Professor of Law at Harvard Law School, was one of the outstanding jurists and legal educators in the country. In addition, his writings of ten treatises on a variety of legal topics were important contributions to the development of American legal literature. This volume is a reprint of twelve articles that Story wrote for the *Encyclopedia Americana*, a project encouraged by the editor Francis Lieber. Lieber is a well-known German, who was father of political science and later became a professor at Columbia Law School. Story and Lieber had a warm friendship in the 1830s and Story contributed his writings without any enumeration to assist his friend.

Professor Morris Cohen's introduction reviews the lives of both men, how they communicated with each other, and Story's work in contributing to the *Encyclopedia*. He places the writings in the context of mid-nineteenth century legal literature.

Story's articles include Common Law; Congress of the United States of America; Conquest; Contract; Corpus Delecti; Courts; Criminal Law; Death, Punishment of; Domicil; Domicil, in Law; Equity; Evidence; Jury; Lien; Law, Legislation, Codes; Nations, Law of; Natural law; Prize; and Usury. Following the articles, there is a review of the *Encyclopedia Americana* in the *North American Review* (Jan. 1832). Kurt Nadelmann's article on Joseph Story's Sketch of American Law, reprinted Story's article on *American Law* that was written in 1834 and published by Professor Carl Joseph Anton Mittermaier in the German periodical, 9 *Kritische Zeitschrift* 1 (1836). Story's contribution was an important contribution to German knowledge of American law. Finally, the publisher's advertising prospectus for the *Encyclopedia Americana* was published. In addition, there is an index to the introduction and essays.

Morris Cohen and Greg Talbot and the staff at The Lawbook Exchange deserve credit for reprinting Story's writings in this extralegal source, since this volume provide a useful addition to Story's treatise literature for those interested in Story's writings and an important view of the specific topics under review in the *Encyclopedia Americana*.

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


The current conflict in Iraq shows that the debate about the laws of armed conflict is still flourishing. The Bush administration's use of the preventative war theory, the newly developed category of "unlawful combatant" and Russian President Putin's attack on the U.S. action as violating the U.N. Charter all highlight areas which have been in conflict for centuries. This book traces the dynamic nature of the laws of war and armed conflict with their changing theological, philosophical and legal bases. Although some of the early history brings in Chinese and Islamic understandings, most of the book is focused on Western understandings of this area of international law.

The first issue nation states needed to address was the fundamental question of the natural state of the world. Is the state of the world one of peace, with war as an aberration, or one of conflict, where peace is the exception? The earliest Western theories, based on natural law, saw the natural state of the world as one of peace. This led, with influences from Christian theology, to the just war theory and its variations. By the time of the 17th & 18th centuries, a formalistic approach to international law is also reflected in the law of war. Grotius was one of the major proponents of this new vision. With Hobbes, the move away from the just war theory is complete, with strife seen as the
natural state of the world. During the 19th century, war had reached its' pinnacle of prestige and was an accepted way of doing business between states.

Neff denies that one can say that the law of war evolves in terms of a progression because elements from earlier time periods reappear in slightly different versions. Thus, the League of Nations goes back to the just war's idea that the natural state of the world is peace and that intervention may only occur in certain limited circumstances. Neff does argue that since 1945 we have been in a period of reconceptualization where wars of national liberation, civil conflicts and the war on terrorism are changing traditional understandings of lawful intervention, status of combatants and the like.

The second major issue nation states needed to face was when conflict should be handled under the criminal laws versus armed conflict. This distinction affects a variety of issues such as the type and amount of force that may be used against opponents (however styled), the location of the action (i.e. law enforcement is limited to the nation state's territory with very limited exceptions), a person's status, right to trial/due process and treatment under various conventions. The book addresses this issue as it arises during various historical time periods but notes its' importance during the post 1945 period with the civil conflicts and war on terrorism.

The book is true to its subtitle, a general history. Issues such as how to start a war, who are proper combatants, prohibitions of actions, status of neutrals, and legitimate peace terms are discussed in each section but without detailed references to the various Hague and Geneva conventions. The book includes a table of cases and treaties and an extensive bibliography of both primary and secondary resources.

The book is easily accessible to someone without a background in international law but with enough references for the more conversant to probe deeper. Even though it is general, it is well nuanced. It is a valuable introduction to this area of law and provides some useful insights into the current debate over armed interventions.

Barbara Fritschel
US Courts Library
Milwaukee, WI


*Mapp v. Ohio*, a case that raised a variety of judicial issues, proved to be a landmark decision in America. Long takes the reader through the case from beginning to end, illustrating the illegal search that took place at Mapp's home, the step-by-step judicial process, and the final decision that changed American history.

This book provides a thorough overview of how the *Mapp* case moved through the court system. Long discusses the judicial process, how the case was handled by the prosecution, defense, and judges. The main focus of the book revolves around the key issues that eventually secured the freedom of Dollree Mapp, and changed both police behavior and the law in America. *Mapp v. Ohio* consists of eight chapters, epilogue, a four page chronology of events, a list of relevant cases, and bibliographic essay. An eight page index is helpful for keyword searching and general reference.

Long provides both a brief biography of Dollree Mapp, the defendant in the famous case, as well as an explanation of the social and political environment in which this case took place. After laying this groundwork in the prologue, Chapter one illustrates the illegal search and seizure by the Cleveland police that took place at Mapp's home in Cleveland, Ohio, 1957. This important first chapter sets the stage for the reader, supplying the necessary background information for the rest of the book.

*Mapp v. Ohio* revolved around the fourth
amendment, and the federal exclusionary rule, which states that any evidence seized illegally would be inadmissible in a court of law. The exclusionary rule proved to be a key issue in Mapp, since the police searched her home and seized “obscene” material without a warrant. The second chapter, entitled The History of the Fourth Amendment and the Federal Exclusionary Rule, explores the meaning of both elements, and how each has been dealt with in the court system. This is particularly helpful for the reader who has a limited legal background, as Long explains the history of the Fourth Amendment and the exclusionary rule, without overburdening the reader with unnecessary legal jargon. Long goes into detail about how the Supreme Court justices dealt with the case from the oral arguments to the many different versions of the majority opinion, which Justice Tom C. Clark was appointed to write. The fourth chapter entitled, The Supreme Court Deliberates, follows the case through the process, but more importantly, focuses on communication between the justices regarding the opinion. Long offers much insight as to the justices’ thoughts and musings about the case at hand, what precedents should be upheld or overturned, and the true intent of the First, Fourth and Fifth Amendments. Long includes quotes taken from notes and responses to opinion drafts written by the justices, providing an honest glimpse into their heads while capturing the “push and pull” dynamic of the Supreme Court justices.

After much discussion, debate, and opinion drafting, the Supreme Court handed down the final decision in Mapp v. Ohio. While many states had already adopted the exclusionary rule, now under the Fourth Amendment, all states were required to exclude any illegally seized evidence. This in turn had a major affect on how police searches were conducted. Long closes her book with discussion of how Mapp v. Ohio has been cited and criticized over the years, proving that the same issues that determined Dollree Mapp’s guilt or innocence are still relevant today.

Long’s narrative of the events that took place make for a straightforward and interesting read, even for the non-legal scholar. In 200 pages, she manages to educate the reader in a compelling manner, while maintaining a scholarly tone.

Lauren L. Vusic, M.L.S.
Pepper Hamilton
Pittsburgh, PA


John Fabian Witt’s The Accidental Republic enters the canon of American legal history trailing clouds of glory. Prestigious accolades include Harvard University Press’s Thomas J. Wilson Prize for best first book of the year, the James Willard Hurst, Jr. Prize from the Law and Society Association, and the William Nelson Cromwell Foundation Prize bestowed by the American Society for Legal History plus fine recommendations from reviewers at various business, history, and legal journals.

The book is well-designed, well-made, and well-researched. Detailed notes and an index comprise a full third of the volume. The lack of a formal bibliography may be only a stylistic omission to some readers, but to others who wish to delve more deeply into the author’s sources that lack is a hindrance. This outgrowth of a Yale University dissertation in history promises to trace the origins of workmen’s compensation law in the United States, comparing the U.S. experience with European models and other alternate avenues of thought and action which result in distinctly different “paths not taken.” Witt accomplishes that intent, but not every reader will agree with his reasoning or his conclusions. One critic calls it the best work we are likely to get on the subject; but when viewed against the backdrop of other theorists, both preceding and contemporary, still others argue that The Accidental Republic has shortchanged us on some perspectives while force-feeding us others.

Witt begins his narrative in the middle of his
story, selecting as his departure point a speech by President Theodore Roosevelt delivered at the Jamestown Exposition in June, 1907, on "Georgia Day." That event occasioned an outpouring of sentiment celebrating national progress and the unity and oneness of a country still suffering the effects of its most divisive war. Roosevelt's major focus, however, was clearly the problem of industrial accidents and "automatic indemnity for personal injury" as one newspaper heading opined. Witt backtracks to illustrate how we got to this executive expression of American thought, exploring what he sees as the crisis of free labor: industrialization's attendant increase in workplace injury and death and the means by which legal, institutional and societal entities attempted to facilitate proper recompense for this "most visible of social ills," the disabled worker, an "injured soldier of the industrial army" who sadly lacked his military counterpart's compensation for service.

Witt traces the development of administrative compensation for non-negligent work accidents in the context of late 19th and early 20th century torts, delimiting the dilemmas and ultimate inadequacy of classical tort law to deal with so great a percentage of deaths and injuries for which the law permitted no recovery. Concurrently, fraternal and benevolent insurance associations approached the problem of workplace injury and death not from the perspective of lofty legal argument but from the practical standpoint of taking care of one's own. The proliferation of such mutual aid cooperatives was due largely to the fact that commercial life and accident insurance was virtually a closed avenue to most laborers. Ultimately, however, the insurance cooperatives also proved unable to produce the lasting model for insuring against accidental death and disability in the workplace, due in part to shifting thought in regard to employer liability, worker autonomy, and the reorganization of industry into a more systematic, managerial environment.

Subsequently, Witt explores other "hands-on" influences. He champions Crystal Eastman's early 20th century study of industrial accidents which described the failure of post Civil War institutions to deal with the "crisis." Tort law demanded a search for fault before compensation, insurance cooperatives rarely provided adequately, and only the largest employers could adopt their own accident relief plans. Her solution was to enact laws requiring that employers compensate employees injured in the course of their work, fault being irrelevant (except for deliberate wrongful act) and compensation being proportional to the injured employee's wages. Such a solution was embraced by some ideologues as a precursor to a cooperative economy and just the harbinger of great social programs to come, but legislating a compulsory solution smacked of redistribution and socialism to others. According to Witt, it is that resistance which delayed and derailed attendant social programs to the era of the New Deal and beyond. Witt describes that resistance as more legal than political, however.

The sixth chapter of *The Accidental Republic* is devoted to an examination of *Ives v. South Buffalo Railway* and the author of the opinion, Judge William Wernier. By 1910, it appeared that workmen's compensation statutes were held in high favor, but no sooner had the first major one been enacted in New York State than it was challenged as unconstitutional taking. Although the decision in *Ives* was circumvented by constitutional amendments in New York and other jurisdictions and although the Supreme Court eventually upheld workmen's compensation, Witt sees the case as pivotal and prophetic, standing as it does on the cusp between divergent philosophies. He also finds it underappreciated for the ways in which it changed the character of the compensation statutes and in which it oriented subsequent work-accident reform. He devotes substantial time to analysis of the case and the motivations, both private and public, of the man who wrote the opinion.

In the final chapter and conclusion, Witt contends that with the benefit of hindsight we can say that the threads of his argument all laid the foundation for the American administrative state, his "accidental republic," accidental in the sense of unintended, unforeseen, and also undetermined.
The likely audience for this work is the legal historian and scholar, and Witt’s theories on how we got from a “crisis of free labor” to the “accidental republic” will provide fodder for contention and argument among that readership. The more casual student of American law and society, however, may certainly be drawn to the book, possibly by its intriguing subtitle: “Crippled Workingmen, Destitute Widows, and the Remaking of American Law.” Much of this chronicle of injured workingmen and their distaff dependants and children in a time before workmen’s compensation morphed into workers’ compensation will be of interest to the lay reader, but it is the forays into social history—the few but poignant vignettes and exemplars of late 19th and early 20th century life for laborers and their families—that may appeal to a wider readership. Another section lending itself to broader appeal may be that devoted to William Werner, the rags to riches judge in the Ives case, who wrote love letters to his wife from the bench when bored by the proceedings of his own court, all the while publicly touting his solemn responsibility to protect the people from radical and revolutionary encroachment upon the common law. Ultimately, we can say that Witt has provided us with an intricate, complex, and important contribution to legal and social history.

Teresa Neaves
Librarian
Mitchell, McNutt & Sams, P.A.
Tupelo, Mississippi


This work is a collection of nine essays written by leading scholars of colonial and early Republican periods of United States history. All have published books and articles on their selective subjects. David Womersley writes an introduction to the work, discussing the role of Edmund Burke’s political philosophy and summarizing the various essays in the work.

Jack Greene writes an interesting essay on the relationship between Jamaica and the metropolitan government in the 1740s and 1750s. As the Empire’s “economically important and politically precocious colony,” the constitutional controversy of the era shows how the Jamaicans supported their constitutional rights in terms of English political and constitutional thought that existed at the time. Prof. Wormsley, however, argues that Greene’s essay does not reflect republican thought, and is different from the other essays that do not reflect republican and liberty as shown by the other essays (pp. 19-20).

Two essays concentrate on religious ideas at the time of the Revolution. Robert Ferguson’s essay on liberty concentrates on religion and the law in revolutionary America. As a Protestant country, religion played a significant role in the development of political thought down to 1776; however, thereafter, the role of law replaced religion as the mainstay of political thought in the development of the republican government. “If religion demanded a higher faith and the truth of revelation, the law placed its own narrower faith in human artifice and the power of argument” (p.129). The Federalist Papers, for Ferguson, represent “the nation’s most influential exposition of constitutional protections, they also remain the touchstone text in placing liberty under the constraints of government” (p.144). R. Frey

Barry Shain’s argument is that America was a nation made up mostly of people of varying Protestant faiths, whose religion led to the elevation of freedom of religious conscience to a fundamental freedom and individual right, while belief in Reformed Protestant view of original sin affecting every person led to people to support spiritual and political liberty at the communal or corporate level rather than at the individual level. The Revolution was a “calamitous event” that “the heart of America’s Revolutionary-era political culture and aspirations was Reformed Protestantism and, thus, America was born neither secular nor liberal” (p.14, 208)

John Danford discusses David Hume and his views on commerce and liberty which was an important interrelationship for the
development of the new country. Danford concentrates on his political economy essays which rejected classical republicanism thought at the time for a more forward approach to commerce. Ronald Hamowy discusses the role of Richard Price, a staunch supporter of liberty and the American colonies versus Robert Ferguson, a Scottish writer, who supported the government’s position on the revolution. Although both writers based their views on eighteenth century Whig views made their contributions receptive by colonists.

Raymond Frey also concentrates on the Scottish contribution to moral philosophy and its influence on the founding fathers. He discusses the “moral sense theory and the claim that there are natural rights, a tension that has in the end to do with different kinds of reflections upon the foundation of morality” (p.277). He discusses the writings of Shaftesbury, Butler Hume, and Hutcheson, finding the first three set apart from the fourth, and their effects upon people like Jefferson and Madison.

For political and constitutional thought, David Wooton offers a “ground breaking essay” (Wormsley’s comment, p.16) in which he discusses the origins of modern constitutionalism of “checks and balances” that grew out of the mechanical science of late seventeenth and eighteenth centuries. He discusses how the term developed as two separate words and then brought together by the time of the revolution.

Lance Blanning’s essay concentrates on the political debates of the post-1776 period to determine what the nature of the federal government would be in relation to federal versus state power in a federated system. He discusses the dichotomy between Andrew Hamilton and James Madison in their contrary views of what and how a federal government should operate.

Gordon Wood also attempts to answer the question about Madison’s position of being a strong nationalist in favor of the constitution, but a strong states’ right advocate in the 1790s. Wood argues that there was no change in Madison’s position. His support of a national government that would be regulate commerce, limit states rights, and engage in commerce to the betterment of the society was met by the Hamiltonian government that emulated the fiscal-military nations of Europe through a centralized government with a strong executive, large bureaucracy and army, etc. Madison was against this type of state and carried on his principles even as President during the War of 1812.

In conclusion, this is an excellent collection of essays on the Revolutionary era by leading scholars. Scholars and students who study this era will have to read this work for its high quality essays on the political, economic, intellectual, and religious views expressed in the work. Liberty Fund is to be commended in sponsoring this excellent collection and publishing this work.

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


Adams and Osborn have compiled and edited the memorial addresses located in the Indiana Reports (1841-1981) and the Indiana Cases (1934 to the present). There are forty-two Indiana Supreme Court justices, eight Indiana Court of Appeals judges, three prominent Indiana lawyers, one President of the United States (Abraham Lincoln), one Vice-President of the United States (Thomas A. Hendricks), and one well-known trial judge. Using the memorial and other biographical dictionaries, the authors created a quick fact boxes preceding each entry. Each entry is also accompanied by a picture of the individual drawn from the Supreme Court’s collection. Citation from each volume is provided at the bottom of the page. There is an alphabetical index at the end of the volume. With state court reports being replaced by electronic databases, the introductory information like inductions,
memorials, picture presentations, etc. are lost for research purposes. With thousands of these spread throughout the court reports of the fifty states, these are important biographical sketches that need to be saved. The Indiana Supreme Court and its two compilers are to be congratulated for this useful volume as well as distributing it free as a public service of the court.

Joel Fishman, Ph.D.


*M'Culloch v. Maryland,* 17 U.S. 316 (1819), is one of the most important constitutional law cases decided in the United States Supreme Court. The case "marked the high-watermark of the Marshall Court's nationalism. Its holding—that Article I of the federal Constitution could be read in an expansive way, and that states might not undermine acts of Congress—not only gave teeth to the supremacy clause but also laid a sure constitutional foundation for a strong Union." (p. ix). M'Culloch in the opinion was actually spelled M'Culoh with no c in it (p.90)

Professor Killenbeck provides a useful history of this landmark case from the early history of the national government in the Washington administration through to the Civil War. In his prologue, Killenbeck presents a brief overview of the case decided in 1819 until the mid-1830s and became the basis of later evolvement of a stronger federal government under FDR. Incidentally, Chapter 1 provides the background to the creation of the First National Bank under President Washington's administration. Under Andrew Hamilton's plan for a strong national government, the privately-owned bank would serve as the bank for the United States. The Congressional debates outline both arguments for and against the bank.

The second chapter provides the history of the bank for its twenty-year existence until it was allowed to expire in 1811. The attempt to extend the charter failed because, according to Killenbeck, partly because it was seen as a "British institution" run by Federalists and partly because of state banks' opposition to the national bank in taking away their business. His second chapter conclusion quoted Thomas Pickering that Jefferson never forgot this "...signal defeat. Envy and hatred of his rival [Hamilton] have ever since rankled in his bosom; and if he can now destroy the Bank, he will feel the final victory to be his own." (p.52)

Chapter 3 provides the political and economic conditions rising from the War of 1812 that resulted in the growth of economy shortly after the war that led to the creation of the Second Bank of the United States in 1816. Alexander Dallas, later Secretary of the Treasury, and businessmen like John Jacob Astor, David Parrish and Stephen Girard, worked in 1813-1814 during the war to obtain congressional support for a new bank. The creation of a new bank in 1816 led to the bank opening branches throughout the various states. The first president, William Jones, however, was a weak administrator and did not understand the bank's role. The bank competed aggressively against the state banks and lent out money unbacked by specie. Killenbeck does not take a stand on whether the bank was the actual cause or contributing factor to the decline of economy in 1818 that resulted in the panic of 1819. (p.66). Newspapers and local governments reacted against the bank which led to a congressional inquiry that found the bank was at fault and Jones was fired as its head (pp.70-71). As debates raged in Congress during February, 1819, at the same time that the Supreme Court began to hear the M'Culloch case.

Killenbeck provides a short overview of the Supreme Court in chapter 4. He reviews the rise of the court under Chief Justice Marshall and the major decisions of *Dartmouth College v. Woodward* (1819) and *Sturges v. Crowninshield* (1819) as background to the *M'Culloch* case.

Chapter 5 is the review of the case. James
M'Culloh was the banker for the Maryland branch of the Second Bank, who issues a series of notes without paying taxes imposed by Maryland. He opens the chapter with a background description of James M'Culloh's life up to the time of the bank. In presenting the arguments before the Supreme Court, most readers know that the court then had no limits upon presentation like today's Court. The court took nine days for oral argument. Six counsel were the leading members of the Supreme Court bar: Daniel Webster, William Wirt, and William Pinkney for the federal government; Joseph Hopkinson, Walter Jones, and Luther Martin for Maryland.

After nine days of presentation, Marshall took just three days to write his opinion, delivered on March 6, 1819. Killenbeck argues that Marshall gave a fair hearing to both sides and did not write the opinion in advance. Following Pinkney's arguments, Marshall stressed the constitutional issues of the case, not just for the bank, but for the country itself. He also recognized that his statements would affect contemporary debates over slavery, which was then ongoing in the Congress over the admission of Missouri to the Union. He recognized that the bank had been approved earlier by the court. He rejected the idea that the constitution derived not from the people but from "the act of sovereign and independent states." He presented his nationalist viewpoint that government of the Union, though limited in its powers, is supreme within its sphere of action." (p. 116). He discussed the Constitution as providing a broad outline of the government developed over time and not a detailed rendering. Finding the Constitution's implied powers provided for the congressional creation of a bank against the narrow construction of Maryland, Marshall rejected Maryland's right to tax the bank. He rejected the state sovereign's right to tax an instrument of the national government or they may tax any or every other instrument. He held that "the American people did not make their government dependent upon the States." (p. 122).

The two succeeding chapters deal with the results of the opinion. First, Killenbeck provides the discussion over reception of the decision, especially in Virginia, where Marshall participated as an anonymous contributor to the debate, "A Friend of the Union" and "A Friend of the Constitution," the only time in American history, where a sitting justice participated in such an extralegal controversy while sitting on the bench against his fellow Virginians, Brockenborough and Spencer Roane.

Second, the Virginian controversy expanded to the other major newspapers of Philadelphia (Aurora General Advertiser), Lexington, Kentucky (Argus of Western America) and Niles Weekly Register, where the editors were major critics of the court's decision. Killenbeck also points out that both Madison and Jefferson questioned the court's decision, with Madison's discussion of judicial review, while Jefferson supported the states' rights position.

In chapter 9, the author discusses the history of the Second Bank over the next decade and the political debates surrounding President Jackson's opposition to the bank. His election in 1832 was seen as a referendum upon the bank; thereafter, his removal of deposits, unconcern about censure in the senate, and the house's opposition to the bank in 1834 led to the bank's failure and the expiration of the charter on March 4, 1836.

In his final chapter, Killenbeck discusses the possible resurrection of the bank in the 1840s, the use of M'Culloch as precedents in the Legal Tender cases and more recently, U. S. v. Lopez (1995), U. S. v. Morrison (2000), and Gonzales v. Raich (2005).

In the Epilogue, the author presents the remaining years of M'Culloh's life. As bank teller, he had embezzled more than $1.5 million from the bank and lost his position in May 1819. Suit was brought against him and another bank member, but eventually was acquitted. He regained his reputation over the years, becoming First Comptroller of the Treasury in the 1840s, and died in 1861.

Killenbeck writes a short, readable history of the M'Culloch case and places it in historical context of the era. His work, as are other books in this series, successfully achieve the general editors and Press's aim to provide Landmark cases a valuable addition to the
constitutional literature of the United States Supreme Court.

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Included among the materials in the U.S. Senate’s art collection is a large collection of graphic art from the nineteenth and early twentieth centuries. The United States Senate Catalogue of Graphic Art contains almost 1000 prints from this collection, most of them taken from magazines such as Harper’s Weekly, Frank Leslie’s Illustrated Newspaper, Puck, and The Judge.

The book is divided into eight “thematic chapters:” Senate Chamber, Capitol Exterior & Grounds, Senate Art, Portraits, Group Portraits, Beyond Capitol Hill, and Political Cartoons & Caricatures. Within each chapter the prints are arranged chronologically or, in the case of the Portraits chapter, alphabetically.

Among the engravings and daguerreotypes in this book are those depicting the greats and the near-greats. Numerous prints of Henry Clay, Daniel Webster, and John C. Calhoun are reproduced, as are portraits of Jefferson Davis, Stephen A. Douglas and many other Senators. Other prints depict various Presidents, Supreme Court Justices and U.S. Representatives.

However, this book is not limited to depictions of the powerful. In one print, two newlyweds tour the Capitol building. In another, Senate Assistant Doorkeeper Issac Bassett, Joshua-like, turns back the hands of time on the Senate clock to allow a vote on an important bill. Other prints show workmen painting the Capitol dome, reporters racing to the telegraph office to wire their stories, people eating in the Senate Dining Room, and pages delivering messages.

Prints depicting the Capitol’s interior and exterior permit the reader to see the changes as the building was expanded and renovated. Images show both the pre-Civil War copper dome and the present cast-iron dome. The President’s and Vice-President’s Rooms are shown in detail, as are the old and new Senate Chambers and other rooms. Even the heating apparatus in the basement of the building is shown in an 1858 print.

The book also includes prints depicting various events that occurred in and around the Capitol. These range from the inauguration of Ulysses S. Grant to the Impeachment trial of Andrew Johnson to the grand parade of General Sherman’s Army of the West. In one print, Henry Clay rises to introduce the Compromise of 1850. In another, Vice-President Henry Wilson lies on his deathbed in the Vice-President’s Room.

The political cartoons—many drawn by Thomas Nast and Joseph Kepler—are particularly interesting. Some depict issues long past, others show us how little has changed in more than a century. In one, a giant snail, representing the Senate, plods along while those to be helped by the bill it carries languish. In another, Liberty tells President Grant “[d]on’t let us have any more of this nonsense. It is a good trait to stand by one’s friends; but—“

The book includes essays written by Diane K. Skvarla and Donald A. Ritchie. In addition, approximately 30 of the prints are accompanied by explanatory commentaries.

The United States Senate Catalogue of Graphic Art is an excellent work that would be useful to anyone with an interest in American history. In addition to the print version, an electronic version of the book is available at http://www.senate.gov/reference/reference_item/graphic_art_catalogue.htm.

Mark W. Podvia
The Dickinson School of Law of the Pennsylvania State University

-17-
In November 2006, Morris was the keynote speaker at the annual conference of the Alaska Youth Court held in chilly Kodiak, Alaska. The topic of his illustrated talk was "Children in Criminal Justice Systems Through the Ages." The participants at the conference (who included Morris's granddaughter, Rachel) are teenagers who serve as judges, prosecutors, and defense counsel in the real alternative criminal justice system in which minor juvenile offenders in Alaska and many other states can elect to be tried (and, if found guilty, sentenced) by their peers in age.

STACYETHEREDGE, Reference Librarian at the Coleman Karesh Law Library, University of South Carolina, has published an article in the February 2007 issue of the AALL SPECTRUM: "Preserving a Special Collection: Ten Things You Can Do When You're On Your Own."

JOEL FISHMAN, Assistant Director for Lawyer Services, Duquesne University Center for Legal Information/Allegheny County Law Library, has been busy publishing as always! His latest works include:

- "Cromwell, Oliver (1599-1658)" and "Trial of the Seven Bishops, 12 Howell's State Trials 183 (1688)" in Paul Finkelman, Ed., Encyclopedia of American Civil Liberties (NY:
Routledge, 2006).

Joel also gave testimony on February 22, 2007, before the Pennsylvania Senate State Government Committee on calling a limited constitutional convention in Pennsylvania. And last but not least, Joel's son Steven won $100,000 on Who Wants to be a Millionaire in late February!

As of March, MARK LAMBERT will be the new Rare Books Librarian at the University of Texas School of Law, Tarlton Law Library.

Dueling expert JENNIE MEADE, Rare Books Librarian at the George Washington University Jacob Burns Law Library, spoke about "Bladensburg: Congressional Dueling Ground of the 19th Century" at the American Academy of Forensic Sciences meeting in San Antonio on February 22.

KURT METZMEIER, acting director of the Law Library of the University of Louisville Brandeis School of Law, recently completed work writing and editing a history of the Kentucky courts timed to coincide with the thirtieth anniversary of the state's constitutional reform of its judicial system. Kurt co-authored the work, United at Last: The Judicial Article and the Struggle to Reform Kentucky's Courts (Frankfort: Kentucky Court of Justice, 2006), with Michael Whiteman, associate dean for law library services at the Chase College of Law at Northern Kentucky University, and Jason Nemes, general counsel of the Kentucky Supreme Court and interim director of the Kentucky Administrative Office of the Courts. Kurt is a former president of the LH&RB-SIS and the section's current webmaster.

FRED SHAPIRO of the Yale University Law Library reports that his book, The Yale Book of Quotations (Yale University Press), was the subject of an extensive review in the New Yorker. The book has also been written up in the New York Times (four times), Sunday Times (London), Boston Globe, Philadelphia Inquirer, Seattle Times, and Los Angeles Times, among many other periodicals, and been the subject of a story on NPR Morning Edition, among many other radio and television features.

ADRIENNE SONDER, Archivist at the University of Texas School of Law, Tarlton Law Library, reports the following news from the Special Collections Department:

The Tarlton Law Library hosted its Third Annual Rare Books Lecture on February 15, 2007. The lecture was given by Professor Scott Pagel, Director of the George Washington School of Law Jacob Burns Law Library. The topic was "The Literature of Witchcraft Trials." Professor Pagel engagingly discussed the bibliography of European Witchcraft Trials throughout the later Middle Ages and the Early Modern Period, using images of title pages, illustrations, and images of the bindings of rare books from the special collections at Jacob Burns Law Library, including books from the first era of printing, pre-1501 (Incunabula). The lecture was videotaped, and it will also be published in the future as part of the Tarlton Law Library Legal History Series.

Last year's Rare Books Lecture, by Dr. Stanley Chodorow, is the Tarlton Law Library's newest publication. It was recently published and is available for $25. This publication (and all other Jamail Center publications) can be ordered online at http://tarlton.law.utexas.edu/pubs.html. Or, contact Abigail Shultz, Publications Coordinator (Jamail Center for Legal Research, University of Texas School of Law, 727 East Dean Keeton St., Austin, TX 78705-3224; phone (512) 232-3815; fax (512) 471-0243, e-mail aschultz@law.utexas.edu).

From MIKE WIDENER, Rare Book Librarian, Lillian Goldman Law Library, Yale Law School, comes the following: "Rare Books at Yale Law School" is the cover story for the Winter 2007 issue of the YALE LAW REPORT. You can read the article online, and also view a gallery of images that couldn't fit in the print version, by visiting <http://www.law.yale.edu/ylr/current.htm>.

LH&RB Editor MARK PODVIA and William E. Butler, John Edward Fowler Distinguished Professor of Law at The Dickinson School of Law, Penn State University, have co-authored an Introduction to a 2006 Lawbook Exchange reprint of the Hon. John Reed's 1830
Pennsylvania Blackstone. Judge Reed founded The Dickinson School of Law in 1834.

And as the last item in a very long and newsy report, I am pleased to announce a new exhibit in the Boston College Law Library’s Daniel R. Coquillette Rare Book Room: Recent Additions to the Collection. Many of the exhibit’s highlights are gifts from Professor Dan Coquillette, including a 1561 edition of Chaucer’s works, Greek and Roman classics from the early days of printing, and a magnificent Ethiopian manuscript Old Testament from the 1500s. Dan’s gift also completes our collection of books likely to have been owned and used by working lawyers from the 16th through 18th centuries. Included in this part of the gift is the very important first American edition of Blackstone’s Commentaries. Rounding out the exhibit is a sampling of legal documents and manuscripts, some of which were donated in recent years by Robert E. Brooker III. The exhibit will be on view through mid-June 2007.

Thanks to everyone for sending in their news!

Respectfully submitted,
Karen Beck
Curator of Rare Books / Collection Development Librarian, Boston College Law Library.

RECENT ACQUISITIONS

Compiled by Karen Beck

Recent Acquisitions of the Special Collections Department,
Fred Parks Law Library, January 2007
by Mark Lambert, Special Collections Librarian

Second edition of one of the most respected treatises on Spanish law available during the Spanish colonial period. There are only nine holdings of the first edition from 1803, one in Texas at the Tarlton Law Library. There are only eight holdings of this second edition, none in Texas.

Third edition of the first treatise in Anglo-American law devoted solely to criminal law. There are no earlier editions in Texas and the only other third edition in Texas is at the Tarlton Law Library. This now becomes the second oldest book in the Fred Parks Law Library.

Recent Acquisitions of the Special Collections Department
University of Texas Tarlton Law Library
by Roy Mersky, Harry M. Reasoner
Regents Chair in Law & Director of Research

Second Edition. There are two known copies of the first edition, no others of this edition.

Intended as an introductory glossary for beginning students of French law. The Tarlton Law Library owns four editions of Claude Joseph’s revised and re-named dictionary.


Only edition of this law dictionary. A dozen or so copies survive in the libraries in Germany and Austria, and there is a copy in the British Library, but there appears to be no copy in any other U.S. library.


The stated third edition of Samuel Oberlander’s comprehensive and learned Latin-German (but not German-Latin) dictionaries of legal terms. Oberlander compiles and adds to the works of Brederode, Calvin, Brisson, Spiegel, and many others.


Later edition of this famous treatise on marriage and divorce in ancient Jewish law, written in Latin with significant Hebrew quotations. Originally published in 1646, the work appears here with a copper-engraved frontispiece portrait of Selden done by Johann Christoph Böcklin, and a title-page printed in red and black; the second section has a separate title-page reading “Johannis Seldeni De successionibus ad Leges Ebraeorum in bona defunctorum...editio nova.”


First edition of the most learned and perhaps the earliest reply to Selden’s History of Tithes. There was a second edition in 1621, which the Tarlton also owns, in rebuttal to Selden’s response, which reprinted the text of History as well as enlarged Tillesley’s arguments. Tillesley died in 1621.

Recent Rare Book Acquisitions
Lillian Goldman Law Library, Yale Law School
by Mike Widener, Rare Books Librarian

Among the recent additions to our collection of American trials were several trials relating to African Americans. These include Proceedings in the Ku Klux trials at Columbia, S.C. (1872), documenting the intimidation of African American voters during Reconstruction; The examination of Rev. Augustus Littlejohn before William Hyde, Esq., justice at Almond, Allegany County, February 1841, for an assault and battery with intent to commit a rape on the person of Laura Sill (a colored girl), and the trial before Presbytery for licentious conduct (Bath, N.Y., 1841); and The arrest, trial, and release of Daniel Webster, a fugitive slave (Philadelphia, 1859).

Our collection of illustrated law books grew with the addition of Francesco Maria Pecchino’s Tractatus de aquaeductu, a 4-volume treatise on Roman water law (1681-1713), with numerous woodcut illustrations of aqueducts and waterways. Charles Darling’s Scintillae juris (3rd ed., London, 1879) was published without illustrations, but the copy we acquired is adorned with judicial caricatures by the hand of Sir Frank Lockwood, author of The law and lawyers of Pickwick.

Yale’s William Blackstone Collection grew with the first edition of Jeremy Bentham’s critique of Blackstone, A fragment on government (London, 1776), and a manuscript abridgement of the first volume of Blackstone’s Commentaries, found in a volume signed “Ralph Dunn, 17th August 1786, Yarm” (in North Yorkshire), and also containing “Directions for holding a court leet” and “An exposition of intestacy and inheritance in the Province of York.”
Professor Coquillette Donates His Francis Bacon Collection to the Boston College Law Library
by Karen Beck, Curator of Rare Books & Nate Kenyon, Communications Manager

Daniel R. Coquillette, J. Donald Monan, S.J. University Professor at BC Law, has donated his magnificent collection of rare books by and about Sir Francis Bacon to the Boston College Law Library. The collection of approximately 80 titles is one of the largest and finest collections of Bacon’s works and Baconiana (works about Bacon) in private hands.

“Professor Coquillette’s gift of Baconiana adds the works of and about a capacious scholar of law, philosophy, and science to the Boston College Law Library’s growing rare books collection,” said Associate Dean for Library and Computing Services Filippa Marullo Anzalone. “Professor Coquillette continues to be an outstanding friend and benefactor of the Boston College Law School’s rare books program; in fact, he is the foundation on which we have built our program.”

The collection encompasses the entire range of Bacon’s writings, from legal writings to literary essays to histories to scientific and philosophical works to his letters and speeches. “It is such an honor to be the steward of Dan’s extraordinary gift,” said Karen Beck, the Library’s Curator of Rare Books. “His donation enhances our collection of legal materials and will spark interest from interdisciplinary researchers as well.”

The gift will be conveyed in two annual installments. Highlights of this year’s gift include:

- Seventeen different editions of Bacon’s Essays, which were read by John Adams, Josiah Quincy Jr., Thomas Jefferson and Abraham Lincoln;
- Six editions of De Sapientia Veterum (“Wisdom of the Ancients”), which discuss in fables fundamental issues of religion, science and philosophy that would have been too dangerous to discuss outright;
- The Histories, one of which includes the New Atlantis, a work which predicts submarines, airplanes, research universities, drug abuse and terrorism.
- Sixteen volumes of law books, including works on dueling, treason, and reports of cases. Bacon’s legal writings had a profound influence on his secretary, Thomas Hobbes, as well as on John Locke, Thomas Jefferson, Jeremy Bentham and others.

“Bacon was everything: a pioneer, scientist, philosopher, and great literary figure,” said Coquillette. “He’s a lawyer, but a lawyer who did everything, and his writings are relevant to every department at the University. This collection links the Law School to those other departments. The intent of my gift was to highlight this theme.”

Selections from the Bacon collection will be on view in the Daniel R. Coquillette Rare Book Room in the near future.