In reviewing the history of Pennsylvania legal periodicals, Olwine’s Law Journal has one of the shortest publishing histories covering less than five months from late December 1849 to mid-May 1850.1

The newspaper was published weekly on Saturday in quarto size, in twenty-one issues over the six-month period. Each issue consisted of eight pages, consecutively paginated, with 168 pages in the entire publication.

Isaac Wayne Olwine (1827-1863) was the editor of the newspaper and served as Deputy Prothonotary of the Court of Common Pleas of Philadelphia County, whose father Anthony was prothonotary at the time.

In the first issues, the editor informed the Philadelphia readership that it distributed the newspaper to all members of the bar that he had an address for, expecting to “save us much trouble and expense in calling on every gentleman of the bar.” Olwine asked those who did not want to receive the journal to please contact him at the Prothonotary’s Office at the court of common pleas. With a cost of $2 per year, “we trust that we will not receive a single note of discontinuance.”2

In the initial publication, the editor offered

Continued on page 5 OLWINE’S JOURNAL
LH&RB

LH&RB is published three times each year by the Legal History & Rare Books Special Interest Section of the American Association of Law Libraries.

Submissions for publication are strongly encouraged. We have been known to beg. Correspondence can be sent to the appropriate editor at the following address:

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From the Chair

Halfway through my two-year tenure as your LHRB-SIS Chair, it is my pleasure to report on a very successful meeting in Portland, and to begin to look forward to our next meeting in Washington, D.C.

It was great to see such interest in legal history, and in LHRB, in Portland. Our Business Meeting was very well-attended (26 people!), and our inaugural LHRB Reception at the Lucky Lab Brewpub was such a success that we have decided to make the reception an annual event (more on that below). Thanks very much to Laura Ray and Mark Podvia for all of their work planning the reception. Our LHRB-sponsored programs also got large audiences and were uniformly excellent! Thanks and congratulations to everyone who proposed and presented a program — your knowledge is inspiring and your enthusiasm is contagious. And we all owe a debt of gratitude to Laura Ray, Education Chair, and the rest of her committee for their behind-the-scenes work that results in such a stellar slate of LHRB-sponsored programming year after year.

Looking ahead to July 2009, please read Laura’s article in this newsletter for a preview of the fine LHRB-sponsored programs that have been accepted for next July’s Annual Meeting. And it gives me great pleasure to announce the location for LHRB’s second annual Reception: the George Washington University Law Library! Easily accessible on the Metro, the GWU Law Library will be the perfect place to catch up with your LHRB colleagues and celebrate our new LHRB/Cengage Gale Morris L. Cohen Student Essay Contest — all the while surrounded by treasures from GWU’s famous French Collection. Please plan on joining us on Sunday evening, directly after the LHRB Business Meeting. More information will follow. Meanwhile, many thanks to Scott Pagel and Jennie Meade for offering to host the reception!

While I have the pulpit, I want to put in a special plug for the Morris L. Cohen Student Essay Contest. Many people have been working hard for years to get this project off the ground, and it is exciting to see it finally come to fruition. Please spread the word about this contest to any students of law, librarianship, or legal history whom you may know, and join me in thanking Katherine Hedin, Jennie Meade, the Cohen Essay Contest Committee, and Cengage Gale for this terrific new contest. I look forward to meeting our first winner in D.C!

I’d like to close as I often do, by thanking everyone for their interest and involvement with our SIS. The best part of being Chair is the opportunity it affords me to get to know so many of you. Please get in touch with me anytime with questions, suggestions, or if you just want to get involved. And special thanks to Sarah Yates, our past Secretary/Treasurer, and to the folks listed below, our LHRB committee members who contribute to our SIS in so many ways.

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-Karen Beck
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Editor’s Corner

As always, I would like to thank everyone who contributed to this issue of LH&RB. I think that this issue includes some particularly interesting and informative material, and I hope that you, our readers, agree.

The deadline for the next issue of LH&RB is February 23rd. I look forward to hearing from you. Best wishes to all for a happy holiday season!

-Mark Podvia
The Dickinson School of Law of the Pennsylvania State University Law Library
Our Journal shall, if industry, labor and devotion can accomplish it, be important to the legal profession, and useful to the whole community. It will contain legal intelligence of interests to the Lawyer, the Conveyancer, the Alderman, the Justice, the Merchant and the citizen. The Current and Deferred Motion Lists, of the different Courts, with the disposition made of all rules and motions, Important Decisions on Appeals, Certioraris et cet. will be minutely reported.

The editor went on to include literary contributions—tales, essays, lectures, poetry—to the publication. He also offered “pencil sketches” of prominent American and English lawyers. He appealed to the reading public to contribute by purchasing a subscription and writing contributions.

Each issue contained an article or commentary on the first page, followed by an editorial on the second page. Each issue contained the court directory, trial lists of the Court of Common Pleas and District Court, Supreme Court sitting nisi prius, auditor’s lists, and sometimes sheriff’s sales. Most articles or columns are one or two columns with a few runs more than one page or carried over to the next issue. Usually, there is more than one page of advertisements, many of which did not relate to the law or legal matters in some way.

Initially, he received some favorable comments from his readership, but had to make a longer defense of the newspaper after several issues. Olwine’s publishing of nonlegal advertisements led to an editorial addressed to the bar. In the fifth issue, Olwine addressed this concern that had been sent to him by several subscribers, who felt that they were not appropriate for a legal newspaper. Agreeing that he would prefer not to have nonlegal advertisements, Olwine defended his position because the paper had received no legal advertisements by order of court and so had to raise money by this method. He noted that every subscriber to the Journal received the trial list “printed on fine cap paper, gratuituously.” To the question, “what have we done,” Olwine proudly responded “we almost exterminated two glaring monopolies: and if we should do nothing more, surely the service we have done, should entitle us to the kind of consideration of the bar. One of the monopolies we allude to, is that legal paper, which for years, has received enough patronage from the Court and bar to have incited its publisher to make it, in appearance at least, worthy of that bar whose auxiliary it purported to be.”

To another charge that they would sell their subscription list to the challenging paper, Olwine claimed that the Journal was not commenced for a day, “but for all time.” He criticized the competing paper for only making changes once this paper began publishing, including the publication of the Trial and Motion Lists of the court that were not published before this time. Finally, he agreed that the typography of the Journal was not as “handsome” as he wished but hope it would improve in the future.

Editorial comments were found on the second page, first column. The editorials dealt with a wide range of topics, not all law-related: an early editorial supported the erection of a new city hall that would include the courts; commented on the Hungarian “patriotic exiles” who visited Philadelphia in mid-January 1850 and a Mr. Glass for his hospitality offered to them; contained a caution warning that a person claiming to represent the Journal to gain admission to amusements did not represent it; commented on an English case involving the defense attorney’s defense of a murderer even though the defense attorney knew he was guilty; reprinted Robert Morris’ commentary on “the legal profession” from the Pennsylvania Inquirer dealing with the role of the lawyer in our society; supported an Indiana law for $500 exemption law for homesteads; supported building a monument in Philadelphia for the 56 members who signed the Declaration of Independence; criticized France for not establishing a Sabbath day as that found in the United States; recognized the Forrest Divorce case in New York supporting the
husband, and acknowledged Judges King and Parsons opinion in a Philadelphia case against the Sheriff's Interpleader Act.

Pennsylvania-related articles included local reminiscences also are published like "Scene in the Sheriff's Office December 1806" or "The Rambles of an Old Philadelphia Lawyer." The paper reported Mr. Craig Biddle's speech on the election of judges to be approved in a constitutional amendment upon the electorate later in the year. On one occasion, Board of Examiners for Philadelphia County listed students applying for the bar.

The "pencil sketches" biographies of famous lawyers began with Chief Justice John Marshall, and Bushrod Washington, in the first issues, but did not continue. Later obituary notices include that of Henry Baldwin, Associate Justice of the United States Supreme Court, James Broom, James Whitside, Esq., a leading member of the Irish bar, and Lord Mansfield.

Several articles covered various legal topics. David Paul Brown, a noted Philadelphia practitioner, published a short piece on "Instructions From a Father to A Son" with a subtitle of "Capital Hints in Capital Cases" on instructions on how to deal with a capital case as a defense lawyer. A two-page article on Dr. Webster's trial in Boston, Massachusetts by an anonymous member of the Philadelphia bar, let the editor comment "for beauty of style, argument, logic and truth, has never been excelled, if equalled, by any yet written, that we have seen; and we have read many upon the same subject."

One of the more scholarly works published was the "Revival of Saxon Laws in Pennsylvania," spread more than four issues on the front pages, as a tract of the Law Academy of Philadelphia. The Law Academy, begun in 1821, was a teaching institution for law students and beginning lawyers to practice moot courts before illustrious members of the Philadelphia bar. It is unclear however who wrote it and how the Academy published it, since it is not part of the annual addresses published by the Academy.

Court cases from both state Supreme Court and Philadelphia county courts can be found throughout the issues. For the "District Court, Law Points Decided," contained a summary of multiple cases (10-20 cases) throughout the Journal. Once in a while a court case from another county was published.

In addition, Olwine published cases from various other state courts: Tennessee Supreme Court, Massachusetts Supreme Court, Baltimore County, MD, and Court of Common Pleas of New York. There were only two United States Supreme Court cases reviewed: Benner v. Porter dealing with the elimination of territorial courts after the creation of Florida as a state and Fleming & Marshall v. Page, in which collection of customs duties from Tampico, Mexico during the Mexican War did not come under the federal revenue laws. The Journal reported Parker v. Brant, a patent case heard by the current Circuit Court case heard in the current April 1850 term.

Stories and poems also filled the newspaper. James Sheridan Knowles wrote "One Witness: A Tale of the Law," but other stories were non-law related. In addition, there are a variety of poems published throughout the issues. For instance, on the first page of the first issue is a poem "Freedom" and "The Betrayer," an account of the story of William de Flavy of France, who failed to assist Joan of Arc in her fight against the English and who suffered death for it. Other poems are published throughout the work with the one most recognized was "Sons of Blackstone" offered at the Mobile Bar Association.

Book notices of the publication of new books are interspersed in the issues, covering not just legal publications but general works as well: Jones on Land Office Titles, a complimentary review of Binn's Justice (3d ed. by Frederick Brightly), Stephen's Law of Nisi Prius, in a new edition by George Sharswood, Philadelphia judge and University of Pennsylvania law professor, with a summary from the London Law Times, or The American Quarterly Register and Magazine, No. 2 of Volume 3 received high praise: "This is decidedly the best work of the description ever issued in this country."

Each issue has from one to two pages of advertisements. First, there is a category for Amusements which provides advertisements
for various places and events to attend such as Barnum's Museum, Virginia Serenaders at the Chinese Museum, Zoological Institute. Advertisements for services were offered in up to two pages of the weekly paper: Hare & Megary's New Hotel, Irving House, U. S. Shirt Factory, Yerger and Ord (maker of artificial legs), F. H. Smith providing Pocket Book Manufacture, Camden and Amboy Railroad Company train fares. Only a small number of legal advertisements for lawyer services can be found.

In the next-to-last issue, Olwine announced the death of his father, Anthony Wayne Olwine, who served as the Prothonotary of the Court from November 25, 1848 until his death on May 6, 1850. The court informed Isaac that the court expected to name him acting Prothonotary until the Governor assigned a new replacement. However, on the following day, the Judges, through Judge Edward King, decided against giving Olwine this position because they did not have the authority to do it under the law. Although expressing "great confidence" in Isaac, it was "thought that the precedent of appointing an officer, where the law did not clearly warrant it, might, at some future period of time, be pleaded as an excuse for introducing an incompetent and dishonest person to fill a vacancy occasioned by the sudden demise of an incumbent." Olwine did not receive the appointment, but it went to James Vinyard.

The following week, the last issue of the Journal appeared. There is no statement saying that it was to be discontinued. It is possible that with the appointment of a new prothonotary, Olwine may have been dismissed as deputy prothonotary and therefore no longer had the time to maintain the Journal.

In conclusion, the short-lived Journal died for probably several reasons. First, the unknown events of Olwine's life after the death of his father probably were the main reasons for the discontinuance of the Journal. How much the father aided the son in the publication of the Journal is difficult to speculate. Second, the Journal was competing against the influential and well-established Legal Intelligencer that was the major Philadelphia legal newspaper in existence since 1841 publishing cases from the state courts as well as other jurisdictions. The Journal was unable to compete for court-related advertising and only received income from non-court related legal and nonlegal advertising. Second, the publication of nonlegal articles, poems, stories, and advertisements certainly detracted from the contents of the legal newspaper. Third, the American Law Journal (1848-1852), the successor to the Pennsylvania Law Journal, was also published at the time and continued to print both articles and cases. Fourth, it is unclear if the Journal was making money for its editor. Since it was first distributed to the bar without actual subscriptions being paid in advance, there is no way of knowing if the venture was financially successful. Given the fact that he stopped publication so quickly after the death of his father, it probably was a failed venture.

Olwine's Law Journal attempted to fill a niche in the Philadelphia legal market, competing as a new newspaper against the established Legal Intelligencer. However, even with the publishing of some trial lists and summary of cases, and some interesting articles, the editor could not make it financially successful and it had a short life in the world of legal newspapers.

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

NOTES

2. Id. 10, 18, 29, 50, 89.

3. 1 OLWINE L. J. 3 (December 29, 1849). Under the “To the Public” column.

4. Id.

5. The trial lists take up parts of pages only. Id, 13 (January 5, 1850), 23 (January 12, 1850), 27-29 (January 19, 1850), 35-37, 40 (January 26, 1850), 42, 44-45 (February 2, 1850), 50, 53 (February 9, 1850), 59, 61 (February 16, 1850), 66, 69 (February 23, 1850), 75, 77 (March 2, 1850), 85 (March 9, 1850), 93 (March 16, 1850), 98-101 (March 23, 1850), 107-09 (March 30, 1850), 114-117, 123, 125 (April 13, 1850), 130-31 (April 20, 1850), 138-40, 142 (April 27, 1850), 146, 150 (May 4, 1850), 155, 157 (May 11, 1850), 164 (May 17, 1850).

6. Id. 48 (February 2, 1850).

7. Id. 43 (February 2, 1850).

8. Id. 34 (January 26, 1850).

9. Id. 18 (January 12, 1850).

10. Id. 26 (January 19, 1850).

11. Id. 42 (February 2, 1850).

12. Id. 50 (February 9, 1850).

13. Id. 58 (February 16, 1850).

14. Id. 74 (March 2, 1850).

15. Id. 82 (March 9, 1850).

16. Id. 90 (March 16, 1850).

17. Id. 114 (March 30, 1850).

18. Id. 122 (April 13, 1850).

19. Id. 25 (January 19, 1850).

20. Id. 164-65 (May 18, 1850).

21. Id. 76 (March 2, 1850).

22. Board of Examiners is at the top of the paragraph, Id. 8 (December 29, 1849). The Supreme Court did not create a state-wide system until 1902, see Joel Fishman, The Establishment of the Pennsylvania State Board of Law Examiners, 1895-1902, LXXVI PA. BAR ASSN. Q. 73-92 (2002).

23. Hon. John Marshall, Id. 6 (December 29, 1849).

24. Judge Washington, Id. 10 (January 5, 1850), 12 (January 12, 1850).

25. The Late Justice Baldwin, Id. 121 (April 13, 1850).

26. The Late Hon. James Broom, Id. 34 (January 26, 1850).

27. Id. 105 (March 30, 1850).

28. Id. 84 (March 9, 1850).

29. Id. 137 (April 27, 1850) and 149 (May 4, 1850). Brown was one of the leading criminal lawyers of his day and so his advice would be useful to other practitioners. 2 J. Thomas Scharff and Thompson Westcott, History of Philadelphia. 1609-1884 1549-50 (Philadelphia: L. H. Everts & Co., 1884).

30. Dr. Webster’s Trial, and his Judge, Id. 153 (May 11, 1850) and 161 (May 18, 1850).

31. Id. 154 (May 11, 1850).

32. Id. 41 (February 2, 1850), 49 (February 9, 1950), 57 (February 16, 1850), 65 (February 23, 1850).

PHILADELPHIA: AN ADDRESS DELIVERED BEFORE THE CITY HISTORY SOCIETY OF PHILADELPHIA, SEPTEMBER 27, 1933 (1935).

34. Id. 21-22 (January 12, 1850), 29-30 (January 19, 1850), 37-38 (January 26, 1850), 90 (March 16, 1850), 141 (April 27, 1850) [reported phonographically],

35. *Patten v. McConnel,* (Pittsburgh District Court), Id. 124 (April 13, 1850). Allegheny County court cases began publication in 1853 in the *Pittsburgh Legal Journal.*

36. *Cook v. Bleech* (TN.), 60 (February 16, 1850); *Lessee of Vance's Heirs v. Fisher* [29 Tenn. 210], Id. 125 (April 13, 1850), *Leake v. State* [29 Tenn. 144], Id. 129, 132 (April 20, 1850), *Jefferson v. Cash,* Id. 148 (May 4, 1850), *Elliott v. Lessee of Shultz and Hoard,* Id. 156 (May 4, 1850) (Westlaw appears to have a later case with different text at 30 Tenn. 183 (1850).

37. *Reed v. Call* [59 Mass. (5 Cush.) 14 (1849 term)], Id. 65 (February 23, 1850).

38. *Williams v. Mayor and City Council of Maryland,* Id. 89 (March 16, 1850) and 97 (March 23, 1850).


42. Decision in Case of Parker's Patent Waterwheel, *Parker v. Brant,* 18 F.Cas. 1117 (1850), Id. 133 (April 20, 1850).

43. Id. 9 (January 5, 1850), 17 and 20 (January 12, 1850).

44. The Betrayal, Id. 1-2 (December 29, 1849).

45. Id. 137 (April 27, 1850); a second one offered at the same time was “Amendments” by William Nicholson of the Philadelphia bar, Id. 147 (May 4, 1850).


47. Review of New Books Column, Id. 42 (February 2, 1850).

48. Id. 91 (March 16, 1850).

49. Id. 98 (March 23, 1850).

50. 1 Olwine’s L.J. 7 (December 29, 1849), 14 (January 5, 1850).


52. Id.

Memories

This summer in Portland I had the pleasure of over-hearing two enthusiastic readers discuss their favorite books from childhood. Here are a few books Kent McKeever, Director of the Columbia Law Library, recommended to Marylin Raisch, of Georgetown. As some of these are related to history, I wanted to share them with you.


In England in 1493, Nicholas, the son of a wealthy wool merchant, manages to unmask a plot designed to ruin his father's business.


Simon the foundling from the earlier book, *The Wolves of Willoughby Chase*, arrives in London to meet an old friend and pursue the study of painting, but he finds himself in the middle of a wicked crew's plan to overthrow good King James and the Duke and Duchess of Battersea.


A handful of minnipins, a sober and sedate people, rise up against the Periods, the leading family of an isolated mountain valley, and are exiled to a mountain where they discover that the ancient enemies of their people are preparing to attack.

And for the adults, Kent recommends the J.C. Sansom's Matthew Shardlake Mystery Series, *Dissolution*, *Dark Fire*, *Sovereign*, and *Revelation* with another one on its way in 2009. The hero of these whodunits is a hunchbacked lawyer who lives in the time of Henry VIII.

For my part, I was a less sophisticated reader. I liked Dr. Seuss' *The 500 Hats of Bartholomew Cubbins*, and Eva March Tappan's *When Knights Were Bold*, and, of course, those myriad Classic Illustrated Comic Books.

As a doting grandfather, I would be curious to know your favorites. Please share them!

—"Grandpa" Dan Wade
Associate Librarian for Foreign and International Law
Yale University Law Library

Program Reviews

"This is Our Time” – A Report on the RBMS Preconference, Rare and Special Bytes: Special Collections in the Digital Age
Los Angeles, California – June 24-27, 2008

"This is Our Time.” Though it was not the official title of the RBMS Preconference, it seemed to be the conference’s unofficial mantra. Speaker after speaker reaffirmed what many of us in special collections have been thinking, observing, and saying for the past few years: special collections are becoming more important to our libraries’ and institutions’ missions than ever before. Students and faculty are eager to incorporate original sources into their research and teaching, and in this electronic age they share our delight in seeing and touching materials from the past. And as our libraries’ collections become more electronic, and more homogenized, it is our unique special collections that add research value and distinction to our institutions. These observations—sometimes explicit and sometimes implicit—thrummed throughout the conference.

Every year for the past 49 years, the Rare
Books and Manuscripts Section (RBMS) of the Association of College and Research Libraries (ACRL), which in turn is a Division of the American Library Association (ALA), offers an annual Preconference just before ALA’s big summer meeting. This year’s Preconference in Brentwood, a suburb of Los Angeles near UCLA, was home to a sell-out crowd of about 360 attendees over the course of four action-packed days. The first lesson to be learned from this experience is: if you want to attend RBMS, sign up early! This year, the Preconference sold out in a record four weeks.

This was my first Preconference, and I am so glad I went. It was great to spend four days examining special collections from all angles with librarians from many types of libraries. It was useful to attend a conference focused exclusively on the issues and challenges of our unique field, where each and every program was directly relevant to our daily work. And, while a large conference such as AALL provides lots of opportunities for diverse programming and large events, it was refreshing to attend a smaller-scale conference for a change. The content of the programs and the quality of the speakers was uniformly excellent, as were the library tours and receptions.

As a relative newcomer to RBMS and a first-time Preconference attendee, I was curious to learn how to become involved in RBMS activities. The answer proved a bit disappointing. Unlike the AALL Annual Meeting which combines educational programming with business meetings, all RBMS business such as committee work and program planning takes place at ALA and ALA Midwinter. The Preconference is reserved solely for education and schmoozing. Thus, to become involved with RBMS, one must attend all three of these meetings. Adding in the other meetings that many of us attend, such as AALL and SLA, would likely result in conference overload. Few of us have the time, funding, or desire to attend that many conferences each year.

Nevertheless, the Preconference was more than enough to keep all of us attendees engaged and inspired. What follows are a few highlights from the conference programs; a full listing of programs and activities appears at the end of this report.

At the first Plenary session, entitled Digital Special Collections: The Big Picture, Yale University Librarian Alice Prochaska was one of the many speakers who announced that “This is Our Time” – the time for special collections and the people who work in them to take center stage. Prochaska observed an increase in teaching with primary sources in both undergraduate and graduate education, and a surge in both demand for and visibility of special collections and digital projects.

The seminar, Teaching and Outreach in Special Collections: From K-12 to Undergraduates and Beyond, featured several speakers, including the stellar Dr. Lisa Berglund of SUNY: Buffalo State College. Dr. Berglund spoke about introducing undergraduates to rare books and literary manuscripts in her class, “The History of the Printed Book.” She explained how she integrated her library’s rare book room into the undergraduate curriculum, discussed challenges, and shared two assignments that she uses to connect her students with rare materials. In the first, she asks her students to examine and describe an 18th-century book; in the second, she has students find a first edition of a text that they have read for another class, and compare the content and format of the different editions. Berglund observed that students like to handle and touch rare materials (she suggests impressing them by putting on the white gloves), and they particularly like local materials and famous names and titles. She echoed Alice Prochaska by stating that “this is the time” for special collections. Humanities students are craving the opportunity to do original research with primary source materials; why should science students have all the fun?

At another excellent seminar, Collecting Strategies: Working with Private Owners, Leslie Morris, Curator of Modern Books and Manuscripts at Harvard’s Houghton Library, and Joan Winterkorn of Bernard Quaritch Ltd., spoke about the excitement and challenges of accepting gifts and negotiating purchases of large collections. When deciding whether to accept a gift, Morris outlined the following factors as reasons to decline: low
research value, high processing or conservation costs, and "high maintenance" donors. Morris very helpfully shared a deed of gift that her library uses, and stressed the special importance of three of its clauses: (1) The donor is the sole owner and owns the material free and clear; (2) The donor intends to give any additional documents created or received at a later date, so as to complete his or her archive at Harvard; and - most important of all, according to Morris – (3) The donor acknowledges that inappropriate and duplicate material may be disposed of by the library in its usual manner.

Karen Calhoun was a very thought-provoking speaker at a Plenary session entitled It's All About Access. She called this the “beginning of the era of special collections” — are you sensing a theme here? She exhorted us to collaborate on resource sharing and collection development, and to “meet users where they are” rather than making them come to us. She referred to the “Glocal Library” of the future, a hybrid of the Global and Local library that will be accessed primarily via the web. Thus, we must make our digital collections discoverable via the web by ensuring that the metadata we create for those collections is searchable by Google and the like, rather than burying the records in our local catalogs.

Nextgen special collections librarians took center stage at a seminar entitled Blog Boot Camp: An Introduction to Blogging for Special Collections Staff. This seminar was so popular that people were turned away at the door. Fortunately, I got a seat and spent an enthralling time learning about how special collections librarians are using blogs. Most of them use blogs the way they would use newsletters: to announce recent acquisitions, exhibits, events, and general information such as changes in library hours. They also use them to provide links to other resources or to showcase online exhibits. One ambitious blogger even puts podcasts of new exhibits on her blog: she makes a recording of herself reading about a minute of introductory exhibit text, creates a podcast and adds a link to her blog. All of the speakers agreed that blogs have a tremendous advantage over websites because new information can be added quickly, at any time, by anyone authorized to post content. Thus, it is easy to keep content fresh. The bloggers use their blogs in conjunction with their institutions' more static websites; many of them link their blogs to their libraries' websites to take advantage of the stability of the websites and the currency of the blogs. The most important aspect of the program was moderator Kathleen Burns' hands-on demonstration using WordPress software (available free at wp.com), coupled with lots of encouragement, that proved to all of us just how easy it is to set up a blog. Some of the speakers used freeware to create their blogs; others used software provided by their institutions. One advantage of the latter is that the institution's name is in the blog's address (e.g. bc.edu); however, bloggers from Yale reported that their "home grown" software was not discoverable by Google and other search engines, a feature that all the bloggers agreed was very important. I look forward to adding a blog to our rare books webpage soon, and I would not be surprised if we see a flurry of new special collections blogs in the wake of this program.

Several of the programs focused on the interesting but vexing issues surrounding digitization. Two threads emerged from these programs, and together, they formed quite a Gordian knot that probably will not be untied anytime soon. Here is the good news: everyone agreed on several key points. First, digitization projects are essential for special collections work; researchers want web-based access, and we want to make our collections more readily discoverable and usable by people around the world. Second, the rampant digitizing of special collections will foster a culture of collaboration among librarians, scholars, and the general public, whereby everyone will contribute to the content of digital collections, rather than only the “experts.” Third, nearly everyone agreed (Rare Book School's Terry Belanger memorably dissented) that digitization is here to stay, and as a consequence we need to incorporate digital projects into our regular workflow. They noted a trend away from grant-funded special digitization projects and a move toward self-sustaining programs. And finally, metadata should be part of every digitization project, so that our digital collections can actually be discovered.
And this is where the devil is in the details. Most of the speakers argued against adding extensive metadata to each digital image because it takes too long and costs too much. Different speakers made the same point in various colorful ways. Said one: “Historically, when faced with digitization projects, we’ve chosen to do nothing perfectly rather than do something imperfectly.” Said another: “We must avoid the ‘no field left behind’ syndrome; just because we can describe every digital object to the nth degree does not mean we should.” And most pithily, a third advocated for: “more product, less process.” These speakers stated that we need large bodies of digital materials to answer new research questions that are only beginning to be formulated. They spoke about the inefficiency of creating “curated mini-collections” of digital objects, whereby librarians select a small number of images from a large collection of documents, and create a small digital collection with extensive and highly granular metadata. They argued that it is dangerous for librarians to impose their own criteria to decide which images should be included in a mini-collection because it skews the focus of the overall collection; it is much safer and more useful to digitize entire collections so that we do not have to try to guess about which materials researchers really want. And finally, they urged us not to wait, or to agonize about what to digitize: just do it! On that note, a couple of speakers subversively noted that rather than waiting for permission from their institutions to begin enormous digitization projects, they created Flickr accounts and uploaded their images there (Flickr collections are easily discoverable on the web).

Conversely, a minority of speakers spoke up in favor of extensive metadata, arguing that since librarians cannot know how their digital collections will be used, we should provide as many access points as we possibly can. It seemed clear to me that at this point, we are all feeling our way through these issues, and no one correct answer or best practice has yet emerged.

This entire discussion made me rethink the scope and nature of the digitization project that the Boston College Law Library is currently undertaking with BC’s O’Neill Library. We had been thinking about digitizing a small subset of a collection of some 3,000 early American legal documents and manuscripts donated by Robert E. Brooker III, and adding extensive metadata to those documents. Would it be better to reduce the amount of metadata so we could digitize more of the collection, thereby streamlining the process so it could become a regular part of the workflow of library staff or student assistants? There is a tension between getting more material out there versus interpreting the collections; should we spend time writing an introductory essay and other contextual materials about the collection, or should we just get the stuff out there and let researchers use the images however they want without our intermediation? One possible solution would be to curate a subset of Brooker documents (full metadata, plus essays on context) and just digitize the rest quickly with basic metadata.

The next Preconference—RBMS’s 50th—will take place June 17-20, 2009 in Charlottesville, Virginia, a most fitting venue indeed. Charlottesville is home of the UVA, Rare Book School, and the site of the very first RBMS Preconference. I plan to be there and I hope many LHRB folks will consider making the trip. You’ll be glad you did. For more information on the Preconferences, visit http://www.rbms.info/conferences/index.shtml.

**RBMS Preconference Schedule, June 2008 (bracketed sessions ran concurrently)**

**Tuesday, June 24** (sessions at the Luxe Hotel, Sunset Boulevard, Los Angeles)
- ABAA Booksellers’ Showcase
- [Workshop: Descriptive Cataloging of Rare Materials (Books)]
- [Workshop: Cataloging Cultural Objects for Rare Books and Manuscripts]
- [UCLA Special Collections Tour
- Clark Library Tour]
- Conference Orientation and Introduction to RBMS
- Opening Reception
- First-time Attendees/ New members’ Reception

**Wednesday, June 25** (sessions at the Luxe)
- Plenary I: Digital Special Collections: The Big Picture
Very few librarians are trained as archivists. Librarians usually deal with individual, non-unique, published items that are organized according to an imposed subject classification system and that may be housed in open stacks. Archivists, on the other hand, usually work with unique, related, non-published items that are organized to preserve original order and kept in closed, climate-controlled storage. However, despite this distinction, law libraries often become the repositories for archival collections, and law librarians often become responsible for managing such collections.

What’s in this Box: Managing Archival Collections, a one-day preconference workshop, was designed with two distinct parts. The morning session, which focused on management issues involving archival collections, included presentations by Mike Widener and Barbara Heck of Yale University and Bill Sleeman of the University of Maryland’s Thurgood Marshall Law Library. The afternoon session featured a presentation on Encoded Archival Description (EAD) by Lori Lindberg of the San Jose State University School of Library and Information Science.

The first speaker, Mike Widener, spoke on management issues, including ethics, acquisition, appraisal, and records management. Among the law school records that should be preserved are course catalogs, directories, yearbooks, annual reports, brochures, photographs, event videos, scrapbooks, faculty minutes, committee files, registrar’s records, alumni magazines, law reviews, pathfinders, ephemera and architectural plans. Records of the same origin should be kept together in groups, maintaining the order and sequence established by those who created them (provenance). While student life is often not well-documented, the faculty is sometimes over-documented. In order to better document student life it might be necessary for the archivist to establish rapport with student organizations and solicit contributions.
Barbara Heck discussed arrangement and description of archival collections. Materials should be arranged with respect to their provenance and original order with arrangement level generally descending from repository to record group to series to file to item. Finding aids prepared for each record group may include a title page, acquisition information, restrictions information, statement of extent, a bibliographic/historical summary, scope and contents notes and a detailed description of the collection.

The third speaker of the morning, Bill Sleeman, talked about the use of archival materials in digital projects and addressed privacy concerns. He explained that issues involving attorney-client privilege often arise in legal archives, sometimes placing historians and lawyers at odds with each other.

Lori Lindberg, the afternoon speaker explained the use of Encoded Archival Description (EAD), a standard used to encode finding aids to allow electronic searching while preserving the hierarchical nature of archival collections. This fast-paced presentation introduced the participants to EAD terminology, and ended with an opportunity for each participant to conduct his or her own EAD markup.

Heather Bourk and Anne Mar, both of Georgetown University, coordinated the program. They deserve a great deal of credit for putting together a wonderful workshop!

—Mark Podvia

Program B-6: Beer and the Law: A Legal History of Beer, Brewing and Government Regulation from the German Purity Law to the Microbrew Movement
Sunday, July 13, 2008

Mark Podvia, Coordinator, Moderator, and Speaker; Associate Law Librarian and Legal Research Professor, The Dickinson School of Law of the Pennsylvania State University

James Emmerson, Speaker; Master Brewer, Full Sail Brewing Company, Hood River, Oregon

The many attendees of the program Beer and the Law: A Legal History of Beer, Brewing and Government Regulation from the German Purity Law to the Microbrew Movement, sponsored by the Legal History and Rare Books SIS, were delighted by this fast-paced, change-of-pace program which educated them about the legal and practical aspects of beer and its brewing. With more microbreweries than any other state in the union, Oregon is a mecca for beer lovers, and an ideal venue for exploring the beer industry.

Speaker Mark Podvia's lively and informative exploration of the laws governing beer, from the Egyptians and their 'mummies' through the repeal of Prohibition in the United States, set the stage for Master Brewer James Emmerson of Portland's Full Sail Brewing Company. Mr. Emmerson concentrated on elucidating the mysteries of brewing, the composition of beer, and types of beer. Armed with an exquisitely appropriate educational background, a double major in organic chemistry and German, Mr. Emmerson explained that he gravitated naturally toward brewing beer. His energetic yet methodical discussion of brewing sparked many questions from the audience, ranging from "How does one become a Master Brewer?" to "How is nonalcoholic beer made?" Accompanied by effective powerpoint visuals, both speakers captured and maintained audience attention throughout the presentation. This program effectively treated its audience to a short course in beer within the context of the changing legalities which accompanied its evolution as a
beverage popular around the world.

Both Mr. Podvia and Mr. Emmerson delivered inspired performances, and established an immediate rapport with their audience via well-placed humor and questions which invited immediate audience response. They demonstrated that enthusiasm for a subject accompanied by expertise ensures a successful presentation. Heeding the admonition of Horace, who observed that the purpose of literature is to “delight and instruct,” Messieurs Podvia and Emmerson succeeded in both delighting and instructing, but through voice and visuals rather than through writing.

--Jennie C. Meade
Director of Special Collections
The George Washington
University Law Library

LHRB-SIS Roundtable:
Evolution of a Research and Legal History Web Site: From Funding Through Implementation
Monday, July 14, 2008

Dr. Joel Fishman, Speaker; Assistant Director for Lawyer Services, Duquesne Center for Legal Information/Allegheny County Law Library

For this LHRB-SIS Roundtable, Dr. Fishman described in detail how he and his institution created a website on his state’s constitution, entitled the Pennsylvania Constitution Web Page of the Duquesne University School of Law, located at http://www.paconstitution.duq.edu/. The content found at this website now serves as a resource for researching that state’s legal history. His experiences in creating this site serve as an example of what it can take to produce other legal history websites, from securing the initial funds to completing the project, along with planning for regularly updating the site. The broad scope of the site can also serve as a prototype for other similar efforts; the site is unprecedented in its comprehensiveness, with materials ranging from summaries of news articles touching on the constitution to historic treatises in pdf.

Dr. Fishman undertook the project at least in part because of the unique mandate his library has—playing a dual role of an academic law library for a law school (Duquesne University) as well as a government library (Allegheny County Law Library) open to the general public. Thus the site is designed to be useful to a wide variety of people, including scholars, lawyers, and journalists. Indeed, one of those scholars is the site’s co-director, Bruce Ledewitz, a law professor at Duquesne who researches in Pennsylvania constitutional law. Professor Ledewitz provides brief decisions of case law for the Summary section of the website.

To bring this site to fruition, Dr. Fishman helped secure funding from different sources. The Pennsylvania Bar Trust Fund contributed $3,000 towards the digitization of certain constitutional convention documents. The site also received a Pennsylvania Department of Community and Economic Development grant of $15,000 to digitize other convention materials and secondary sources and to redesign the web site.

--Kasia Solon
Rare Books Librarian
The George Washington
University Law Library

Rare Book Cataloging Roundtable
Tuesday, July 15, 2008

The Rare Book Cataloging Roundtable (sponsored by the Technical Services SIS) made its second official appearance at the annual meeting in Portland, Oregon. Although scheduled at 12:00 noon on Tuesday, the Roundtable was well attended by a very interesting mix of catalogers and librarians. Some of the attendees had a lot of experience in handling rare books. Some of the attendees did not work with rare books professionally, but had a personal interest in the subject matter. Some of the attendees had recently acquired responsibility for their library’s rare books, or had recently started rare books or archival projects and had specific questions to ask the group.
Altogether it was a very collegial group and a lot of interesting information was shared.

Sarah Yates, Catalog Librarian at the University of Minnesota Law Library and Roundtable Chair, began the Roundtable by describing the new Rare Materials Descriptive Cataloging Task Group. This Task Group will assist the Bibliographic Standards Committee ("BSC") of ALA's Rare Books and Manuscripts Section in the compilation of cataloging examples to complement Descriptive Cataloging of Rare Materials (Books) (DCRM(B)) and Descriptive Cataloging of Rare Materials (Serials) (DCRM(S)). These compilations will likely be similar in format to Examples to Accompany Descriptive Cataloging of Rare Books (2nd ed., 1999). The first round of submissions to the BSC will take place in December 2008 and the second round of submissions in June 2009. Anyone interested in joining this Task Group should contact Sarah Yates at yates006@umn.edu as soon as possible.

After a subsequent brief discussion of the merits of using DCRM(B) as compared to AACR2 when cataloging rare materials and the potential impact of the forthcoming Resource Description and Access (RDA) on DCRM(B), we went around the table to allow everyone an opportunity to describe their interest in rare books and the organizational structure for rare book cataloging at their institution. Some law libraries which were actively acquiring rare books, such as the Lillian Goldman Law Library at Yale Law School and the Jacob Burns Law Library at George Washington University, each have an experienced cataloger who dedicates most of her time to cataloging rare books. Other libraries which are focusing on their existing collections, such as the Furman Smith Law Library at Mercer University and the Coleman Karesh Law Library at the University of South Carolina, depend upon their reference librarians to oversee their rare books collection and flag any cataloging issues. Almost universally, each library's technical services department oversees cataloging of rare books, regardless of whether the institution has a public services position dedicated to its rare book collection. One exception is Osgoode Law Library at York University where the new Chief Law Librarian, Louis Mirando, will be cataloging their rare books, partly due to his background and experience as a Special Collections Librarian.

During introductions, the conversation intermittently turned to specific rare books or archival projects on which individuals were working. Elainne Bradshaw, Catalog Librarian at the Donald E. Pray Law Library at the University of Oklahoma, has a new archival project in which item level records will be put in a homegrown digital management database. Ann Nez, Collection Resources Librarian at the Marian G. Gallagher Law Library at the University of Washington, raised some questions about cataloging variant copies of early territorial session laws which had been found in her library's collection. Susan Karpuk (of the Lillian Goldman Law Library at Yale Law School), Louis Mirando, and others recommended that each variant be retained and described in detail in bibliographic note fields. There was also general consensus that a paper facsimile of a session law volume (for use in Gallagher Law Library's Reference section) could be made by combining portions of two variant volumes.

Do you have questions about cataloging rare books? Come join us at the Roundtable next summer in Washington, D.C.! In the meantime, interested persons are invited to join the rare book cataloging listserv. Contact Sarah Yates at yates006@umn.edu for more information.

-Sabrina Sondhi
Special Collections Librarian
Columbia Law School Library

Legal History and Rare Books SIS
Business Meeting Minutes
July 13, 2008

1. Welcome & Introductions by Karen Beck.

3. Reports:

a. Treasurer's Report: Sarah Yates reported that the SIS has a positive balance of $14,139.74 as of March 31, 2008. Our income for the fiscal year ending September 30, 2007, was $1,770.00; expenses for the fiscal year were $1047.22. The SIS incurred $29.36 in expenses from October 2007 through March 2008; no income was received during this period.

b. Report on the Election of Officer for 2008-2010: Sarah Yates reported that the SIS conducted its election from March 7 to March 31, using the AALL Online Election System. Fifty-four ballots were cast, and Daniel Blackaby was elected Secretary/Treasurer for 2008/2009-2009/2010.

c. Report of the Morris L. Cohen Student Essay Committee: Jennie Meade, on behalf of Katherine Hedin, reported that the essay contest will begin in the coming year; the deadline for paper submissions is April 15, 2009. It has been publicized at CONELL and in the Exhibit Hall at this year's meeting. Katherine Hedin is seeking volunteers for a committee charged with further advertising the contest.

d. Report on the LHRB-SIS Web Site: Karen Beck, on behalf of Kurt Metzmeier, reported that new information has been added to the Web site, including the bylaws and information on programming at the annual meeting, the essay contest, and SIS committees.

e. Report of the Publications Committee: Stacy Etheredge, on behalf of Glen-Peter Ahlers, reported that the new LHRB-SIS brochure and our SIS's list of the top ten (plus one) articles from the past one hundred years of Law Library Journal have been completed.

f. Report on AALL CONELL Marketplace and Activities Area: Stacy Etheredge reported that she and Christopher O'Byrne talked to about sixteen to twenty-five people at the CONELL Marketplace; most people they spoke with were aware of the LHRB-sponsored "Beer and the Law" and "Oregon's Death with Dignity Act" programs.

g. Report on LHRB's new e-journal, Unbound: Karen Beck, on behalf of Mark Podvia, reported that Unbound was approved this year and will appear as an online-only journal on the SIS Web site. The journal will contain substantive articles from the LHRB newsletter and will be issued annually.

h. LHRB-SIS Annual Report: Karen Beck reported that she has written and submitted the SIS's annual report, also distributed to attendees at the business meeting, and that the report will appear on AALLNET shortly after the annual meeting.

4. Old Business

a. Legal Biography Database: Joel Fishman and Kurt Metzmeier have continued their work compiling biographical information on lawyers and judges from Pennsylvania and Kentucky. Assistance is still needed for the remaining 48 states. Most of the information is currently in Excel or Access. Joel is considering the possibility of setting up a wiki that would contain bibliographic information to direct users to the biographies rather than the biographies themselves.

5. New Business

a. 2009 Annual Meeting Programming: Several ideas for programs and one idea for a workshop for next year were discussed. Written proposals should be submitted to Laura Ray, who will circulate the drafts among Education Committee members for comment. The deadline for final program proposals' submission to AALL is August 15.

b. Rare Materials Descriptive Cataloging Task Group: Sarah Yates announced the formation of a new Technical Services SIS task group charged with supplying examples of rare law books for inclusion in a book of examples to accompany DCRM(B), the new cataloging code for rare books. The task group will work in cooperation with the Bibliographic Standards Committee of ALA's Rare Books and Manuscript Section, the group responsible for DCRM(B) and the forthcoming book of examples.
c. **AALL SIS Council Meeting:**
Karen Beck reported on what she learned at the SIS Council Meeting. One issue that came up was the relatively new practice of SIS programming and some problems with this such as the lack of audio recording of and evaluation forms for SIS programs. AALL will continue to work on these details with the SISs. Karen also reported on the new "Recruitment to Law Librarianship" brochure and a discussion of issues relating to vendor sponsorship, such as how much we can or should accept from vendors that do not adhere to our Fair Business Practices Standards or do not contribute to our price index.

d. **Introduction of New Member:**
Jennie Meade introduced Kasia Solon, new rare books librarian at George Washington University’s Jacob Burns Law Library.

6. **Acknowledgments and Adjournment.**

Respectfully submitted,

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Sarah Yates
Secretary/Treasurer

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2009 LH&RB Programs

I am very pleased to report that the Legal History & Rare Books SIS will have two formal programs at the 2009 AALL Annual Meeting in Washington, DC, as well as our annual Roundtable and Reception.

Sunday afternoon, July 26th, join in the celebration of the bicentennial of Abraham Lincoln’s birth at the *Lincoln, the Law, and Libraries* program, coordinated by Etheldra Scoggin, Reference Librarian at the Loyola University of New Orleans College of Law Reference, and moderated by Stacy Etheredge, Reference Librarian at the University of South Carolina School of Law. The panel of speakers will include Daniel Stowell, Director and Editor of “The Papers of Abraham Lincoln,” a project sponsored by the Illinois Historical Preservation Agency and Abraham Lincoln Presidential Library and Museum, and Dr. John R. Sellers, Historical Specialist on the American Civil War and Lincoln Curator at the Library of Congress. In addition to an examination of Lincoln archival materials, this program will provide excellent insight into the development and maintenance of archival collections featuring diverse formats.

Tuesday afternoon, July 28th, you cannot miss “Digging” Legal History: Using Exhumation and Innovative Forensic Science Techniques to Verify Historical Legal Events, coordinated and moderated by Jennie Meade, Director of Special Collections at the George Washington University Law Library. This program will analyze how modern forensic science techniques, unavailable or unutilized at the time of the event in question, can alter or confirm recorded legal history. The speaker will be James Starrs, Professor of Law and Forensic Science, Emeritus, at the George Washington University Law School. Professor Starrs is a nationally known expert on the use of forensics, and has been involved in numerous investigations including the assassination of Louisiana Senator Huey Long, identification of the remains of Jesse James, and death of FBI Director J. Edgar Hoover. Congratulations to everyone for continuing our tradition of excellence in LHRB SIS programming.

We are still planning the Roundtable program for Monday during lunch time, which will also provide light refreshments. Our Business Meeting will be early Sunday evening, well before the dinner hour, so please plan to attend this important reporting and planning meeting. Following our Business Meeting, as Karen Beck reported, you do not want to miss our Reception at the George Washington University Law Library! Look for more details in future newsletters and on our Web site.

Finally, I want to sincerely thank Mark Podvia, Etheldra Scoggin, Stacy Etheredge, Lee Sims, Janice Anderson, Heather Bourk, and Joel Fishman for their excellent work on our four formal programs, Roundtable program, and Journal program at the 2008 AALL Annual Meeting – *Beer and the Law: A Legal History of Beer, Brewing and Government Regulation from the German Purity Law to the Microbrew Movement*. 

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-19-
Oregon's Death With Dignity Act (DWDA): A Legal History; Explore the New World of Legal History Research - Be Prepared to Wiki; Yikes! What's In This Box? Managing Archive Collections; Evolution of a Research & Legal History Web Site: From Funding Through Implementation; and Law Library Journal at 100: the Evolution of a Publication. And didn't we all have a grand time at The Lucky Labrador Brew Pub after our Business Meeting! I'm already looking forward to seeing all of you in Washington, DC in July.

A warm and festive holiday to season to you all!

-Laura E. Ray
Educational Programming Librarian
Cleveland State University Law Library

Book Reviews
Edited by Dr. Joel Fishman


"Tour de force" is not an encomium that I toss around lightly, but if ever a set of books deserved the accolade, it is surely The Cambridge History of Law in America (CHLA). From dust jacket to cover to typography to content, everything about these volumes bespeaks the commitment of the Cambridge University Press, the general editors, and the contributors to the highest standards of excellence. Without question, this is a gift to learning that will stand the test of time. One only wishes it were more moderately priced because its cost puts it beyond the reach of individual readers and some libraries as well, which is a pity because the set merits the widest possible readership.

The scheme for the CHLA hews in the main to a plan for a history of the world devised in 1896 by John Emerich Edward Dalberg Acton, 1st baron Acton of Aldenham (1834–1902), and Regius Professor of Modern History at Cambridge. Acton envisioned a collaborative, multivolume work written by multiple authors who were not only reigning experts in their respective fields but who also were also endowed with abilities to make their erudition accessible to audiences broader than mere specialists. He demanded authority and originality from his writers, just as he expected them to eschew the excessive clutter of academic annotation. His goal, after all, was not merely a rehearsal of the known but an improvement upon historical knowledge. (Although Acton died before publication of the first volumes of the Cambridge History of the Modern World, the work itself became the model for the other hundred or so Cambridge histories that now grace libraries the world over.)

Grossberg and Tomlin pitched the CHLA at a three-fold readership: historians at large, the legal profession, and the literate public. To address those audiences, they recruited a stable of sixty collaborators who are collectively a luminous cadre of writers. Readers will immediately recognize certain authors as belonging to the proverbial gang of "usual suspects" who inhabit the world of legal historians. The identities of other contributors will be less recognizable to some readers, either because they are ascending stars or because they are not strictly legal historians in any traditional meaning of the term though they nevertheless recur to legal subjects as a means of illuminating aspects of American society that interest them. A few names are conspicuous by their absence, which raises the question of how individual authors came to be drafted. The process of the draft might have been explained in greater detail than may be gleaned from the Editors' Preface. Be that as it may, to judge from the quality of the workmanship, the entire group was well selected.

-20-
Fifty-five essays constitute the collection. Of these, sixteen are in Volume I, which spans the period 1580 to 1815. Another nineteen, embracing the long nineteenth century, form the content of Volume II. The remaining twenty are in Volume III, which covers the years after 1920. I should say that the editors were wise to establish chronological divisions that were independent of the customary categorization of American history. All chronology is an arbitrary method of breaking the past into manageable units of historical analysis. In this instance, the manner of the editors' apportionment gives the three volumes an organizational integrity they would have lacked had Grossberg and Tomlins opted to follow the ways historians have customarily divided the past four centuries into smaller units of time.

As for the essays themselves, they run about forty pages in length, more or less. Each exhibits its author's broad grounding in the appropriate literature and her/his ability to craft a sound rendering of a topic. All are uniformly well written as well. Some are especially noticeable because their authors are graced with surpassing gifts of words and phrasing that make their essays soar. Overall, the collection is readily accessible to the intended audiences. It may be read for pleasure, but more likely, given its heft, readers will probably not devour the CHLA from cover to cover, preferring instead to delve into it for specific purposes. Anyone who approaches the set with the latter purpose in mind will be greatly aided by the bibliographic essays that complement each contribution, which are grouped at the end of each volume. Collectively, those essays form as up-to-date a commentary on the state of legal history bibliography as is possible in a printed work, and they will stand as a ready guide for decades to come.

The range of essay topics is broad. That very breadth speaks to the vitality of the history of American Law as it is practiced presently. Where there are noticeable omissions, one wonders about the criteria of selection. Seemingly, choice of author dictated choice of topic in a great many instances. So did gaps in existing literature. Here again, I wish that Grossberg and Tomlin had addressed the issue in greater depth.

All things considered, the Cambridge History of Law in America is a signal achievement. If readers of the Newsletter have not already done so, they should acquire the CHLA for their libraries and acquaint their patron with it. They will also want to spend some savoring its contents. And if they can afford the set, they may want to purchase one of their own. Mine sits within easy proximity to my desk. I expect to reach for it constantly.

--Warren M. Billings, PhD
Distinguished Professor of History, Emeritus
University of New Orleans and Historian of the Supreme Court of Louisiana


This work by a distinguished authority on United States courts and their history reflects prodigious research on a subject of monumental dimensions even though its focus is confined to the federal judicial presence in a single state. Laboriously poring over not only readily accessible published cases, treatises, congressional documents and newspapers, Professor Surrency has also mined the holdings of the National Archives Southeast Regional Center to ferret out information from minute books of the district, admiralty, and circuit courts as well as case files and Justice Department correspondence. Armed with the outflow from this rich research lode together with his own accumulated expertise, he conducts readers on an energetic trek through a labyrinth of sometimes mind numbing details relating to every facet of the life of federal courts from the Founding to the present day. He modestly suggests that he offers "vignettes", but in fact the work probes rather deeply as well as broadly in a kaleidoscope fashion.

The organization of the book is unusual for the genre. Most court histories such as that
by Kermit Hall and Eric Rise on the federal district courts of Florida from 1821 – 1990 (1991) are linear in their organization, and the courts, judges and the law molded by them unfold in a more or less chronological manner. Surrency’s approach is different. His first chapter offers an overview of federal justice through two centuries followed by another wherein he expertly considers questions of federal jurisdiction, procedure, and practice including local rules of court. Chapters 3 through 6 focus on district and circuit courts in Georgia: District of Georgia: (Chp. 3) from 1789 to 1848 when at the latter date Congress created two Georgia districts (Northern: Chp. 4), (Southern: Chp. 5) followed by a third in 1926 (Middle: Chp. 6). Within these chapters are found a veritable treasure trove of information or, in some instances, an abject lack thereof. Judges of the early court are identified, but information on some is apparently unavailable, business is light and sessions short, grand juries present political issues (lack of a bill or rights, complaints about the Creek Nation, excise taxes and the Bank of the United States), and judges adjudicate important cases (British Debt Cases) amid a tide of mundane civil and criminal cases. Districting of the state in 1848 raise politically laden questions of cause, especially respecting the Northern District initially placed outside the circuit system, places and housing of the courts.

Although Surrency tends to subordinate partisan politics as a salient element in the judicial process, creation of the Middle District makes clear a patronage – political nexus in the form of Senatorial clout: trade off of a new district with a full panoply of court officers and physical facilities in lieu of an additional judge in an existing district with existing facilities. Within these chapters as well as in a subsequent one are noted judicial appointments including those that failed. The political element is inescapable in President Coolidge’s recess appointment of William Tilson, brother of the Republican leader in the House of Representatives. Senatorial courtesy soon doomed his career on the federal bench. And a cautionary tale is told of the Northern District judge holding a recess appointment who in 1946 dissented from a decision upholding the constitutionality of Georgia’s notorious county unit election system. For his prescience, he is not confirmed by the Senate!

The judicial business of each district is treated comprehensively, an approach that spawns repetition because similar types of cases reach the dockets in other Georgia districts. That the judicial business declines in the 1850s seems significant because such declines occur in other federal courts in the mid-Atlantic South in the midst of heightened sectional conflict. Surrency offers valuable insights into the work of the Circuit Justice from the Supreme Court. He finds that the circuit-rider plays a prominent “hands on” managerial role in the inferior courts: regularly attends circuit court sessions, drafts local rules, exercises inherent judicial power to transfer a term of the circuit court from its statutorily authorized place at Milledgeville to Savannah, issues instructions to the Clerk of Court and possibly holds alone the district court in the absence of a disabled resident district judge and, after congressional provision in 1869 of a circuit judge for each circuit, referees conflicts between the district judges and the circuit judge while the circuit judge in turn referees conflicts among the district judges in Georgia.

Surrency’s format hinders an easy unfolding of law in the district. Although not invariably highlighted, the themes are present nonetheless. A major theme involves sectional opposition to the post-Civil War “foreign” federal courts often presided over by Republican judges (party affiliation not emphasized) exercising vastly expanded federal jurisdiction based on congressional statutes and constitutional amendments, and congressional retaliation suggested by deletion of an additional judge for Georgia contained in the omnibus Judgeship Bill enacted early in the Harding Administration. Reconstruction brings to the courts habeas corpus petitions from civilians confronting military courts, an important African-American voter intimidation case in the Northern District that reaches the Supreme Court as Ex parte Yarbrough (1884), confiscation and excise tax (moonshine") cases on which one judge temporizes in a manifestation of localistic behavior while another is assailed by the state bar for his fidelity to national law. Political retaliation occurs when Congress authorizes the
abolition of the latter’s his seat upon his departure. North-South animosities continued to play out in the federal courts as exemplified by a forty year (1894-1923) long battle over the 300,000 acre Dodge Land Claim. This ejectment case pitted Yankee owners against Georgia squatters, and featured murders of participants as well as threats against the presiding judge.

Fleeting reference is made to Twentieth Century cases arising during the world wars (land condemnation, price controls, conscription) and to railroad rate and New Deal cases although United States v. Darby Lumber Co. (1941) (constitutionality of the Fair Labor Standards Act) from Georgia’s Southern District is omitted. Civil rights litigation receives deserved attention. Important “state action” cases arise in the Georgia districts and reach the Supreme Court to become landmark cases substantially enhancing constitutional protections: Screws v. United States (1944-1945) and that involving the murder of African-American Lemuel Penn and the judicially discovered constitutional right to travel (United States v. Guest (1964)). Civil Rights Act and school desegregation cases are covered in chapter 8. Hovering vaguely in the background is the historic tension between the old Fifth Circuit Court of Appeals and the district courts. Out of Georgia’s district courts emerge Lester Maddox with his axe-handle futilely attempting to fend off the commerce clause based 1964 Act, the Heart of Atlanta Motel case and school desegregation cases from Savannah-Chatham County featuring the irascible Judge Scarlett who challenged Brown v. Topeka at its factual core – the existence of an injury suffered by segregated African-American students.

Between chapters on the Middle District and Civil Rights inexplicably appears Chapter 7: “The Confederate Interlude.” The chapter makes for interesting reading. One wonders, however, if an integral part of a Confederate States government disclaimed by that government as a successor to the United States government, but rather either a de jure or de facto sovereign government, and its most important decisions (sequestration of alien (Yankee) enemy property) deemed by the United States to be illegitimate acts of an illegitimate government merits inclusion in a history of the federal courts? Inexplicable too is the appearance of Chapter 8 on “Admiralty.” This chapter primarily considers antebellum cases presumably heard in the Southern District and most importantly the slave trade cases of the Wanderer which receives brief attention notwithstanding recent books on the famous case and the important Antelope case raising international law questions respecting the slave trade.

There follows a grab bag of four chapters: (10) “Judges and Lawyers” which necessarily repeats earlier presented material and wherein the author bemoans the lack of antebellum opinions published in pamphlet form, although Sixth Circuit Justice Wayne’s 1859 jury charge on the 1820 Piracy Act at Savannah in the Wanderer case was published in that form; (11) “Bankruptcy Courts” reporting few cases under the short-lived 1841 act although a flood of such cases filled the dockets in districts from South Carolina to Maryland; (12) “Commissioners to Magistrates” is an exhaustively detailed analysis of minor judicial officers on whom an accretion of judicial powers gradually falls; (13) “Officers Associated with the Court”, a survey of what has become an increasingly bureaucratized element in the federal judiciary including Commissioners (again), bankruptcy commissioners/registrars/referees (again), Nineteenth Century steamboat inspectors, clerks who are often difficult to identify (see Appendix F reporting one clerk who presumably served from 1822 to 1852), criers who are nearly impossible to identify, marshals of whom one achieved lasting fame by becoming the first U.S. Marshal killed in the line of duty; U.S. attorneys, court executives, supporting personnel and probation officers whose story ends in 1930 prior to the 1939 establishment of the Administrative Office of the U.S. Courts and its drive to professionalize the service.

There is no concluding chapter, but, of course, the saga of the federal courts in Georgia as elsewhere continues so long as the Republic stands. Nine appendices are included; these provide texts of rules and rosters of court officers as well as brief biographies of the many judges who served the Georgia districts. There is no bibliography. Its absence is something of a
problem because the end note citations are not always complete. And, for readers who are neither Georgians nor geographers, the total absence of maps is inconvenient. The author has, however, provided a helpful name and subject index. Shortcomings aside, this significant work is of great value to any serious student of the federal judiciary. Within its scope lie numerous research seeds awaiting germination. Sub-themes thread through this history; they will excite the interest of lay and professional readers alike. All in all, Erwin Surrency's history of the federal courts in Georgia makes an important contribution to knowledge of these national tribunals, their judges and their law.

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Baseball is America's pastime. Very few people dispute that. However, while baseball was garnering new fans in the American public, it was simultaneously suppressing its players through the reserve-clause system, which put those athletes at the mercy of the clubs they played for. Curt Flood was informed on October 8th, 1969 that he was being traded to the Philadelphia Phillies. A veteran of the team, Flood had no intention of leaving or retiring and was unhappy with the decision, in which he had no say. After discussing his options with St. Louis lawyer Allan H. Zerman, and with the approval of the Baseball Player's Association, Flood decided to sue baseball. On Friday, January 16, 1970 Flood and his lawyer Arthur Goldberg, a former Supreme Court Justice and U.S. representative to the United Nations, filed suit in the U.S. District Court for the Southern District of New York. The main respondent in the case was then Commissioner of Baseball, Bowie Kuhn.

In chapter two Goldman delves into the life of Curt Flood. Born in Houston, Texas on January 18, 1938 Flood's parents moved to Oakland, California two years later where his father could find a job on a naval base. In high school Flood was known for his artistic talents more than his ball skills. Goldman quotes the Sporting News describing Flood as, "A Rembrandt off diamond" who "paints portraits the way he plays ball. Fast. Smooth. With perfection." (p.16) Despite the possibility of a career in commercial art, Flood decided to sign with the Cincinnati Reds and play for their farm team out of high school. Two years after being called up to the Reds in 1956, Flood was traded to the St. Louis Cardinals. This trade would be brought up by sport writers in 1970 to explain why Flood's lawsuit was "inconsistent" meaning that Flood had no problems with being traded in 1958. Why now?

Goldman continues by discussing Flood's career in baseball (including statistics for the hardcore baseball fans). Here Goldman explains how the sport publications of the day described Flood as having "...relatively small stature, speed, grace and consistency and reliability in all aspects of the game." (p.23) In the 1960s Flood was an integral part of the team and helped lead them to two World Series championships.

Chapter three is devoted to the history of baseball and the legal cases that were a part of it. Goldman touches on the tumultuous first decades of baseball in which new leagues and players unions were being
formed to combat what the players saw as unfair treatment at the hands of the greedy owners. Chapter four picks up where chapter three left off and talks about legal cases and the state of baseball and other professional sports leading up to Flood's case in 1970. Specifically it highlights the ramifications of the Supreme Court's *Federal Baseball* decision, the appointment of a baseball commissioner, the rise of the Negro and Mexican leagues and Congressman Emmanuel Cellar's Subcommittee on the Study of Monopoly Power and its hearings on baseball.

After a thorough analysis of the history leading up to the case, Chapter five begins looking at Flood's case in the Federal Court. Goldman does a good job of bringing out the feeling of the courtroom, writing "...it was clear that Judge Cooper did not mind a bit of levity in the courtroom; as a result, the trial was punctuated with moments of humor, with the judge sometimes the instigator." (p.80) Details like this that makes the book an enjoyable read. The chapter ends with Judge Cooper's decision ruling in favor of the defendants on all four counts and goes on to break down each count as well as highlighting regrets expressed by the defense.

Chapter six covers both Curt Flood's curious return to baseball and the quick trial in the U.S. Court of Appeals. Having not played baseball since the beginning of legal actions, Flood was becoming weary of the process and had moved to Copenhagen with the intention of possibly starting a business. Instead he returned to the U.S. after working out a trade with the Phillies and the Washington Senators to play in Washington. Two days after beginning his season with the Senators, the court announced its unanimous decision in *Flood v. Kuhn*, et al upholding the lower court's decision on all four counts. Only three weeks after the ruling Flood missed a home game in D.C. and was reported to be on a plane back to Copenhagen. Goldman goes on to explain the pressures that lead up to Flood's decision to flee the country, "...his playing, his ongoing legal and financial difficulties and his latest defeat in his challenge to baseball had combined to create a situation in which Flood felt he had no alternative but to leave." (p.100)

Goldman takes great care in detailing the ins and outs of the Supreme Court case in Chapter seven, with the background of the justices involved, the defense's petition to the court, a summary of the briefs submitted by both sides and the ensuing oral arguments. Goldman also discusses a book written by Bob Woodward and Scott Armstrong in 1979 which explained how alliances, feuds and "vote-trading" affected the decisions made by the justices. Woodward and Armstrong used Flood's case to illustrate an example of vote-trading between justices. The court decided for the defendants, stating that the remedy for this situation required Congressional action, not Judicial.

Finally in chapter nine Goldman talks about the days and years following the ruling of *Flood v. Kuhn*. Most reporters and legal experts were surprised by the outcome, believing that Flood would emerge victorious. Additionally, the case was being used as a reference in the up and coming Sports Law field. Goldman explains, "...the case became the prime example of how a particular professional sport could maintain its privileged legal status by self-reference to its unique status as a 'national pastime'." (p.24) Eventually, the Curt Flood Act of 1998 was signed into law by William Jefferson Clinton and stated that MLB players were now covered under the antitrust laws. The bill was introduced one day after Curt Flood died of throat cancer and pneumonia on January 20, 1997 in Los Angeles.

Robert M. Goldman has written an interesting book that covers all the bases of the story of Curt Flood and his quest to end baseball's reserve-clause system. Additionally, Goldman uses laymen's terms when describing certain legal aspects of this story, which I believe makes it readable for both legal and non-legal types. By incorporating historical documents, anecdotal observations, and in-depth analysis he is able to create more than a simple story about a court case. Goldman describes it best when talking about the importance of looking at the entire picture, "The statistics do not explain the sometimes intangible yet very real aspects of a team sport like baseball, such as the relationships between the players themselves or the 'spirit' or
The cohesiveness of the team on and especially off the field." (p.24) The small details of the story serve the same function here and Goldman has brought them together to create a wonderful "spirit" for this book.

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As an undergraduate Classics major, I first read Marcus Aurelius' *ta eis heauton* (lit. “to himself”), or “Meditations,” in my freshman Humanities Seminar. Pressed to explain the enduring relevance of the *Meditations* to modern audiences, my classmates variously described it as “Mr. Spock’s Guide to Vulcanisms,” “Murphy’s Law writ prettier,” and “the kinds of things you would think about for a long time if you saw them written on a bathroom wall.” While none of these descriptions are particularly scholarly (or entirely apposite) they all have an element of truth to them. One of the most compelling aspects of the *Meditations* (indeed, a major reason for its continued popularity throughout the ages) is its sense of relevance and immediacy.

Considering that Marcus Aurelius (AD 121-180) was Emperor of Rome for nearly twenty years, it is hardly surprising that the *Meditations* has been praised by people in similar circumstances. World leaders (including Bill Clinton and Chinese Premier Wen Jiabao), CEOs, military officers, scholars, philosophers, and theologians, have all found something in the *Meditations* to which they can profoundly relate. Nevertheless, despite the fact that the author was revered during his lifetime as the son of a god, and also as the leader of the most powerful empire of his day, much of what Marcus Aurelius wrote applies to people from all walks of life (whether freshman Humanities students, librarians, blue- or white-collar workers, homemakers, convicts, customer service representatives, social workers, or anyone else). Why? Because, in general, people, regardless of stature, face many of the same problems and moral quandaries (albeit on a somewhat smaller scale) as the author.

Marcus Aurelius wrote the *Meditations* during the last ten years of his life, a period which he mostly spent abroad on military campaigns. Consequently, instead of a continuous narrative, the text is a series of diary entries and reflections of varying lengths. With the exception of the first book—an analysis of the impact that various family members and teachers had on his mental and physical development—the structure of the *Meditations* is haphazard. The same themes (virtue, tolerance, human nature, citizenship, divine providence, the shortness of life, controlling one’s emotions) recur throughout the text. Although this feature makes the *Meditations* repetitive at times, the common themes serve a purpose. As Marcus Aurelius himself explains:

[Other people] seek retirements in the country, on the sea-coasts or mountains.... But this is all from ignorance. A man may at any hour he pleases retire into himself; and nowhere will he find a place of more quiet and leisure than his own soul.... Have also at hand some short elementary maxims, which may readily occur and suffice [sic] to wash away all trouble and send you back without freting [sic] at any of the affairs to which you return. (IV. 3.).

The public diversions... the Wars [abroad] the consternation, stupidity, and slavery of those about you, will wipe out daily [if you take not heed] those sacred maxims; unless you have settled them upon a thorough consideration of nature, and laid them up in your mind. (X. 9.).

As these passages suggest, Stoicism in the *Meditations* is not expounded as a philosophical argument (establishing that
virtuous behavior is superior to conduct that does not have a moral basis) as much as an outlook intended to promote virtue and enable a happy life (or, at least, "a life free from care").

Thus, the author repeatedly exhorts himself (and by extension his readers) to act for the greater good, "What is not in the interest of the hive, is not in the interest of the bee," (VI. 54.), instead of personal benefit, "[P]opular applause, power, riches, or sensual enjoyments...[a]ll these things, if we allow them even for a little to appear suitable to our nature, immediately become our masters and hurry us away." (III. 6.). According to Marcus Aurelius, life is challenging: "The art of life resembles more that of the wrestler, than of the dancer..." (VII. 61.). However, he also realizes that perspective is the key to happiness, "All depends on your opinions: These are in your power." (XII. 22.). It is important to form opinions of your own worth, "Don’t entertain such opinions as the man who affronts you has, or wishes you to entertain: but look into these things as they truly are." (IV. 11.). Additionally, it is essential to focus on enjoying the current situation instead of constantly striving for more, "Don’t let your thoughts dwell upon what you want, so much, as upon what you have." (VII. 27.). True serenity can be attained only when you have the strength to acknowledge and accept the essential nature of things (or specific people) instead of raging against them, "Is the cucumber bitter? Throw it away. Are there thorns in the way? Walk aside. That is enough. Don’t be adding; Why were such things in the universe?" (VIII. 50.).

Because the author realizes that following these precepts is a difficult task (hence the repetition and constant exhortations to do better next time), the tone of the Meditations is somewhat less "cheerful" (to use Aurelius’ term) than, say, a fortune cookie. Nevertheless, as Marcus Aurelius often points out, in the end a life well lived is more important than living well: "The time approaches when you shall forget all things, and be forgotten by all." (VII. 21.). Everything changes and everyone dies. Thus, the basis for an enduring (although ultimately anonymous) contribution to society is to strive to benefit both other individuals and the state itself (rather than amassing fame and fortune).

Although any edition of the Meditations is an engaging handbook to a life well lived, this particular edition has a dual value. Apart from a modern introduction and endnotes by James Moore and Michael Silverthorne, this text of the Meditations is a faithful reproduction (including errata) of the original 1742 version jointly translated by Francis Hutcheson (1694-1746), a professor of moral philosophy at the University of Glasgow and one of the principle figures of the Scottish Enlightenment, and his colleague the classicist James Moor (1712-1779). The division of labor between Hutcheson and Moor is uncertain. However, the modern editors Moore (no relation to the classicist James Moor) and Silverthorne believe that Hutcheson was responsible for translating ten out of the twelve books of Meditations on which he and Moor collaborated.

Thus, this edition of the Meditations is not only a faithful English translation of the original Greek text but a window into (the principal translator) Hutcheson’s other works on moral philosophy as well. Hutcheson’s footnotes, his biography of Marcus Aurelius, and his inclusion of "Gataker’s Apology" (a defense of "a Christian minister’s... many years’ time and labor on these Meditations of a Heathen Emperor"), from the 1652 edition of the Meditations by the Anglican clergyman Thomas Gataker (1574-1654), are all valuable resources for scholars of the Scottish Enlightenment. Taken as a whole, the original footnotes and commentary (supplemented by the modern editors’ introduction and endnotes) explore the dilemma Hutcheson faced in promoting a work authored by a man whom Christians regarded as one of their major persecutors. His steadfast admiration of Marcus Aurelius is demonstrated however, by the fact that the Meditations’ many precepts (e.g., piety, affection, equity, humanity), which Hutcheson considered to be consistent with the life and teachings of Christ, are emphasized in both the original and modern annotations.
In conclusion, this edition of the *Meditations* is a very enjoyable and compelling presentation of Stoic ethics and, to a lesser extent, Platonism and Epicureanism. There are some (charming) archaisms in the text (e.g., cheerfulness, unbyassed, chuse, insnare, emerauld, etc.), but for the most part the text is quite readable (although Book II is a little slow in some places) and holds up well with more recent translations. This edition is not likely to supplant a mass market translation (e.g., Penguin Classics, Modern Library, etc.), but it is particularly timely and insightful for students and scholars with an interest in Hutcheson and the Scottish Enlightenment. The detailed eleven-page index will help these readers identify and locate prominent Stoic themes, literary and philosophical allusions, and references to Christian theology. Scholars of Hutcheson and the Scottish Enlightenment may wish to read the text straight through. However, most readers will likely take a more leisurely approach, reading only a few entries at one sitting and then taking the time to digest them before moving on.

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In *The Revolutionary Writings of Alexander Hamilton*, Richard Vernier, an adjunct professor of American history at Purdue University at Calumet, has collected 13 of Hamilton's earliest public writings - essays, letters and pamphlets - written and published during the American Revolution. All of them concern issues central to the revolutionary cause, its philosophical foundation, and the establishment of the new government. All of them concern issues central to the revolutionary cause, its philosophical foundation, and the establishment of the new government. Vernier argues in his introduction that these works have been largely overlooked in discussions of Hamilton and his contributions to the nation’s founding, while more attention is paid to his later works, particularly the *Federalist Papers* of 1787-88. The all-too-common result of this, writes Vernier, is an impression of Hamilton as a disingenuous advocate of republicanism, who attempted to install a system of “elective monarchy.” Vernier’s goal in gathering these works into a single volume is to facilitate comparison to the *Federalist Papers* and other later works, to demonstrate Hamilton’s early commitment to the revolutionary cause, and to illustrate that while Hamilton’s views changed in significant ways, many of the broad themes of his early writings remained intact in his later work.

The first two works, *A Full Vindication of the Measures of Congress* and *The Farmer Refuted*, constitute Hamilton’s side of a debate, conducted in the pages of the *New York Gazeteer*. Hamilton’s debate was with Samuel Seabury, a New York clergyman and loyalist writing under the pseudonym, “A Westchester Farmer.” The measures referred to in the first work were the “Declaration and Resolves,” the responses of the Continental Congress to the notorious Coercive Acts, enacted by Parliament as a response to the Boston Tea Party. The effect of these measures was to begin a colonial trade boycott against Great Britain, and Hamilton’s defense of them, particularly in *The Farmer Refuted*, was an extensive argument for the doctrine of natural rights, and denial of the authority of Parliament.

 Appearing next in the collection are Hamilton’s comments about the Quebec Act of 1774. The act applied to the Province of Quebec, under British control since the end of the Seven Years’ War in 1763. In its terms, Parliament enlarged the territory of the province, allowed free exercise of Catholicism, and reestablished French civil law. Hamilton was fiercely critical of the act, declaring that it meant, “arbitrary power and its great engine, the Popish religion, are, to all intents and purposes, established in that province.”

His remarks were published, again in the *New York Gazeteer*, in two parts: the first addressing the reestablishment of civil law, and the second dealing with the religious provisions. Hamilton railed against the “arbitrary power” of the French legal system, which exposed “the lives and properties of subjects to continual depredation from the
malice and avarice of those in authority." While Hamilton did not explicitly mention natural rights in this letter, he refers to them when he provides his chief objection to the civil law system: that under it the King constitutes the "original fountain of law," a point Hamilton surely meant to contrast with the source of natural rights.

Vernier has next chosen three letters, written by Hamilton under the pseudonym Publius, and published in The New-York Journal, and the General Advertiser. The letters all relate to accusations made against Samuel Chase, then a member of the Maryland delegation to the Continental Congress. Chase had allegedly used inside knowledge that he was privy to as a member of Congress to conspire to corner the flour market. Hamilton was highly critical of Chase, contending that he and his co-conspirators were traitors. But more importantly, Hamilton suggests that public corruption at this point in the nation's history could significantly damage its chances of survival.

The collection's final writings were all published as newspaper editorials in the New York Packet, under the title "The Continentalist." These pieces can be seen largely as preludes to the Federalist Papers. As Vernier points out in his introduction, Hamilton here demonstrates an interest in a balance of power in government. While he makes it clear that "despotism (the natural disease of monarchy)," is not to be tolerated, he likewise insists that the government must be powerful enough to maintain order: "As too much power leads to despotism, too little leads to anarchy, and both eventually to the ruin of the people."

There is no question that these writings demonstrate Hamilton's philosophy and devotion to the revolutionary cause. In particular, Hamilton's embrace and explication of the doctrine of natural rights stand out. His writing is not only persuasive and eloquent, but also at times delightfully acerbic, particularly in his debate with Seabury. Hamilton authored these works between the ages of 19 and 27; he was still in college when the first were published. But his philosophy of law and governance, which would soon help form the basis for a new constitution and nation, already seem fully formed.

As a collection of previously published writings, this title's value rests largely on its subject focus and editorial enhancements. The book includes an index and a chronology of Hamilton's life, though the chronology is identical to that published in Works of Alexander Hamilton by Henry Cabot Lodge. In addition to his introduction, Vernier provides brief commentary for each section of writings which provide some historical context. Previous collections of these writings have been multi-volume works, such as Lodge's collection and the comprehensive The Papers of Alexander Hamilton, which are more expensive, and more time-consuming to navigate. A significant benefit to owning this work rests in the fact that these writings are presented together in a single volume for the first time. This book is recommended for students and scholars of Hamilton, the American Revolution, and the philosophical basis of the American system of government. Both undergraduate and research-level libraries will find this a useful addition to their collections, although it is not essential for institutions that already own one or more of the multi-volume collections.

—Todd Venie
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This is the first volume of an anticipated two volume work. The first volume continually refers to the second, and given that it is now fourteen years after its original publication, it is not without frustration. Richard Mowery Andrews wrote most of it while he served as senior Mellon Fellow at the Society of Fellows in the Humanities and senior lecturer at Columbia University. He states in his preface that his prior work has been in the history of
the French Revolution, his doctoral thesis from Oxford being Political Elites and Social Conflicts in the Sections of Revolutionary Paris, 1792—Year III (1970). It was to be in volume II (entitled "The Action of Criminal Justice" that he would trace the "continuities and changes in crimes, criminals, judgments, and punishments of the period 1735-1789") and discuss the transition from the criminal justice system of the Ancien Régime to that of the period of the Revolution. Andrews directs his work to those "who are curious about the workings, crisis, and ending of a major legal and political culture," as well as those who are interested in Old Regime Paris.2

It is difficult to ascertain in the first volume that Andrews focuses on the period of 1735-1789. Operating on the planes of legal, social, and political history, he seems to concentrate on the period from 1670 (Criminal Ordinance of 1670) to 1789. His work is distinguished by the sheer quantity of its numbers and statistics, e.g., There were 903 streets in inner Paris; a galley oar was 39 feet, four inches long and weighed 286 pounds: in 1786, one in 50 Parisians was in the Hôpital-Général, Paris' combined prison, insane asylum, and poorhouse, which provide illustrative examples. The discussion centers on the two principle courts of Paris, the Châtelet and the Parlement, the composition of the judiciary and its professional culture, punishment, procedure, and concludes with three illustrative court cases.

As an introduction to his work, Andrews begins with a description of Paris, burdened with over a million inhabitants at this time, and a graphic description of the area around the Châtelet and the Palais de Justic.3 He characterizes the French capital as a leading city of criminality. During the eighteenth century people, massively undernourished and unskilled and illiterate, and thus unemployed or underemployed, streamed in from the provinces, and were compelled to turn to petty crime and begging which was a heinous crime during this period. During the eighteenth century, between 15-20% of the female population was engaged in public prostitution, i.e., soliciting on the streets, two-thirds of whom were immigrants, and over the 30 year period of 1723-1752, a thousand beggars and vagabonds a year, mostly immigrants, were incarcerated. Clearly, overpopulation and the instability of the seasonal labor requirements of the textile and building industry contributed greatly to crime.4

To deal with these criminals and those native to Paris, there was an entrenched professional class devoted to meting out justice. There were approximately 6000 judicial officers in Paris in the eighteenth century, 1000 magistrates (judges, advocates, or prosecutors), and 5000 clerks, summon-servers, guards, and police officers. In addition to these, by the mid-eighteenth century there were 518 barristers (who could plead cases, both verbally and in writing) and 405 solicitors (who would prepare written briefs). There was a man of the law for every 85 Parisians.5 This hierarchy of royal officialdom transcended the hierarchy of estate (class) or wealth. The principle government officials of the land, chancellors, ministers, and secretaries of state, all came from the magisterial ranks.

Part I discusses the courts and their judges. After briefly describing the complex system of the royal courts, Andrews explains in fuller detail the Châtelet and the Parlement. The Châtelet's jurisdiction included the city and faubourgs of Paris, and it had civil and criminal authority over no less than three-quarters of a million people, and at the end of the Old Regime over a million. The court was staffed by four superior magistrates, the lieutenants, and 56 judges (increasing to 64 in 1774). There were four advocates and a chief prosecutor with eight deputies.

Of the Châtelet's five chambers, the Criminal chamber tried all criminal cases, those that were, petit criminal, petty crimes not appealable to the Parlement, and grand criminal, dealing with more serious crimes that were automatically appealable to the Parlement. The Lieutenant Criminal was responsible for the Criminal Chamber. For serious crimes he personally questioned the defendants and heard witnesses during the early phase, i.e., the preparatory instruction. He would then appoint a judge to the next phases of the trial, but presided during the judgment of the defendants and voted on the verdict. The judges of the court were divided into four groups, colonnes (columns) which
rotated between the chambers on a monthly basis, thereby not allowing for expertise on criminal cases, for example, but it was felt that the rotation allowed the judges not to be overburdened with the stress of passing out harsh sentences. The hierarchy in a colonne was based on seniority, and the most senior judge, the doyen, assigned judges to cases and determined whether new judges were qualified. The judges worked very hard (in 1762 the Criminal Chamber delivered over 600 provisional or final verdicts), and were not particularly well remunerated given they had to buy their office. A judgeship in the Parlement of Paris in 1750 cost the equivalent of $143,000 in 1990’s American dollars. A judgeship in the Châtelet might cost one-fifth that much, and was paid back in salary at the rate of 3% of the purchase price per year. Ironically the average tenure of a judge was thirty-three years so they would get their purchase price back. The authority and exclusiveness of their position were the magistrates reward along with freedom from certain taxes.

The Parlement of Paris, housed in the Palais de Justice, was the supreme court of civil, criminal and administrative law in Old Regime Paris. It was the appellate court for the Châtelet and 138 other local courts. By 1780 it was the supreme court for a population of some 9.75 million. It also served as a court of first instance for prominent persons and major institutions. The Court had two main chambers for civil and criminal law, the latter being named the Tournelle, because judges (parlementaires) from other chambers served there only by turns. The Tournelle definitively judged most defendants in grand criminal within its jurisdiction, most of whom had already been convicted by a lower court. It was staffed by 66 judges coming from the Grand (Civil) Chamber divided into two groups serving for six months, as well as a small number of judges from the lower Chamber, the Chamber des Enquêtes. As the judges of the Châtelet, the judges of the Tournelle carried tremendous case loads. In 1787, for example, they decided final verdicts on almost 850 defendants in 522 cases. Andrews employs the term “themistocracy” (derived from the name of the Greek goddess for justice, Themis) for the criminal justice system of the Old Regime, as well as the magistrates that fostered it. As seen above, the themistocrats were solid functionaries of the state, esteemed for their profession and not for their wealth. They were dependant on wealthy families and hence above corruption, and they were banned from engaging in commerce. Most of the young judges came from fathers who were judicial officers, and in many cases grandfathers or great-grandfathers who were, as well. They furthered their family’s position through marriage to a woman of a similar professional family. For the most part, themistocrats remained separate from nobles, the bourgeois, and common folk, for they remained a separate elite “hereditary magistracy.” None the less, there was an evolutionary trend for at least some high magistrates to be bestowed with nobility (the noblesse de robe) after 1644. Châtelet judgeships were not ennobled until 1768 and this only after long 40 year tenures in office, albeit many of those coming into the profession were from the nobility. With respect to the Parlement, Andrews takes issue with historians who make too much of the nobility of the parlementaires as a cause for the creation of the Assembly of Notables of 1787 or the Estates-General in 1789. Rather he thinks, for the most part, they adhered to a professional consciousness.

The reader’s favorite chapter in the book is on the themistocrats’ professional culture and their education. He wonders what all of today’s lawyers are missing by being bereft of years of Latin study, a classical education, and immersion in humanistic studies. A would-be judge of the eighteenth century spent six years learning Latin (the study of Greek diminishing in the eighteenth century) and the humanities, two years studying philosophy (logic, ethics, physics, and metaphysics) to receive a Master of Arts degree (the prerequisite for the study of medicine, theology, and law), three more years studying law, and then more or less a year at the bar as an apprentice. The first two years of law study was directed to Roman law and to a lesser extent canon law, while the third year was devoted primarily to French
law with an additional course in either Roman or canon law. Law study ended with an oral examination in French law and the student presenting theses or propositions, which he had to defend before a group of faculty. Before taking the examination to qualify to become a Châtelot judge, references or witnesses had to attest to the religious, moral, and intellectual ability of the candidate. The attribute most often cited by the references was heredity of service in magisterial or other civil office. Self-discipline, submissiveness and obedience to one's father and other elders was highly prized. Judicial hierarchy was based on seniority, and the young were expected to learn from the more experienced.

The examination at the end of legal study began with the candidate having to present a commentary on a law that had been given to him three days earlier. Then he was presented with three compendious volumes, one on Roman law, one on canon law, and the last a collection of royal ordinances. The examiner opened the volume to a random page where the candidate had to explicate the passage. About 1,000 licentiates passed the test and graduated each year during the eighteenth century.

The study of law was meant to not only impart information, but to shape the mind, i.e. to teach the candidate "to think like a lawyer," and more importantly to impart the sense that the profession of law was a vocation and had intrinsic worth in and of itself. The student was to develop a sense of calling. Honor and dedication were all important; work was essential. There was a strong sense of the prescribed role of the judge.

Part II describes the punishments prevalent in the criminal justice system of the eighteenth century in vivid detail. Andrews argues persuasively that the "dark legend" of later times which claimed that the punishments of the Old Regime were extremely unjust and cruel is unfounded. He writes sympathetically about the judicial sentences which on their face seem barbaric. He sees shaming, not the causing of physical suffering, to be at the essence of the system. This was done through public display of punishments, and what the author terms "legal infamy," stripping all criminals of "honor and probity" that rendered them ineligible for offices, commissions, and responsibilities which might require them.

The Criminal Ordinance of 1670 listed a hierarchy of punishments: The following list goes from the least to the most severe: "Nondefaming (not causing legal infamy): alms, warning or injunction, interdiction or suspension from office or commission, whipping in custody of the court (for minors); Delaming: fine, severe reprimand, forced witnessing of punishment (usually of capital punishment), promenading on a donkey; Afflictive: banishment from the jurisdiction of the court for three, five, or nine years, exhibition in the iron collar, exhibition in the stocks, public and abject apology, suspension from the gallows by a chest strap (for minors), public whipping, public branding, galleys for three, five or nine years (for men), incarceration in a hospital-general for three, five, or nine years (women and men), interrogative torture without retention of other evidence, amputation or splitting of the tongue; Capital: public dragging (of the felon's corpse) on a frame and condemnation of his memory, banishment from the realm for life, interrogative torture with retention of other evidence, death: decapitation, hanging, dismemberment (drawing and quartering by horses), breaking on the Saint Andrew's Cross and exposure on the wheel, burning at the stake, death by any of the above means, preceded by amputation of the hand or mutilation of the body." The judges had some discretion in choosing the specific punishment for a crime.

In Part III, the author discusses the procedure established by the Criminal Ordinance of 1670 which was in effect until 1789. It provided a complete system of investigation and judgment. The author refers to the Ordinance as a constitution for the criminal justice system. It was in a long line of Old Regime codes, but was more comprehensive and precise. It covered all aspects of investigation, trial, and judgment, and seemingly covered many atypical circumstances. It governed all the courts of France and its rule prevailed over local customary law terminating independent authority of seigneurial courts. Thus it may be seen as being as significant to French legal history as the judicial revolution of 1789 or
the Napoleonic criminal codes of 1808 or 1810. 28

Generally, denunciation of crimes were made to prosecutors who requested inquiry to the judge. The system was inquisitorial, not prosecutorial. 29 Preparatory instruction, or formation was the formal beginning of the trial, and its purpose was the investigation of the crime. The instructing judge visited the site of the crime, its victims, and collected evidence. 30 Interestingly, defense counsel was not permitted for capital crimes. 31 The next stage of the trial, definitive instruction, resembled a modern criminal trial. A fixed sequence of steps was prescribed: 1) verification of the testimony of the witnesses, 2) confrontation of the witnesses by the defendant, 3) the prosecutor’s final written recommendations, and 4) the plaintiff's written statement. As witness testimony was the most important source of evidence, perjury was a capital offense. 32

A panel of judges, seven in the Châtelet, ten in the Tournelle, then reviewed the prosecutor’s recommendations, the plaintiff's statement, and the defendant’s written response if there was one. If the judges determined that there was not sufficient evidence to render a verdict, they could grant three forms of interlocutory sentence: 1) proof of justificative circumstances, 33 suspension of judgment for a period of time in hope of obtaining further evidence (plus amplement informé), 34 the most widely used, and 3) investigative torture, the question. The sentence of plus amplement informé, widely used in the Châtelet, but only in a minority of cases in the Parlement, was applied in capital cases to save the defendant from torture, and on the other hand it allowed the judge to dispense some punishment to those "probably" guilty. 35

There were two forms of question: question préparatoire used to elicit confessions, and question préalable, imposed to force the disclosure of accomplices. The question was rarely used and was abolished in 1780. It could be “without reserve of evidence” or “with reserve of evidence.” In the former, if the suspect did not confess or retract his confession after torture, the evidence was nullified and he could not be convicted. In the latter, if he did not confess, the evidence could be retained and he could be subject to plus amplement informé. There were two torture techniques, stretching by leg braces and the more rarely used forced ingurgitation of water (up to two gallons). Court records reveal that there were few confessions resulting from torture in the eighteenth century. 36

The definitive judgment proceeded by the reporting judge summarizing the case and recommending a sentence, and a panel of judges (10 in the Parlement) then voting on the sentence. There were two forms of acquittal, absolution or complete innocence, which was rare, where the defendant could sue the plaintiff, and renvoi hors de cour or mis hors de cours, dismissal for insufficient evidence where the defendant could not sue the plaintiff. Conviction required sentencing to a specific penalty, although there was usually a choice in that penalty, and it was to be carried out as soon as possible. The 1670 ordinance tended to cause criminal cases to be appealed to the Tournelle. Andrews relies on the mathematical model of Roger Blumberg of the Columbia University Heyman Center for the Humanities to demonstrate that the panel of judges of the Tournelle generally chose the less severe penalty. Generally, the Tournelle of the Parlement echoed the sentences of the Châtelet. 37 The Tournelle especially ameliorated death sentences from the provincial courts. 38 In fact, all sentences were less severe than has been generally believed. 39

Andrews illustrates the procedure required in the Ordinance of 1670 in Part IV where he presents the trial record of three cases, one involving assault on police officers, one on the theft of two silver forks from a tavern, 40 and the third on murder in the course of robbery. He has chosen these from the 100 case records he has reviewed from the 1,200 cases adjudicated by the Châtelet and Parlement in the years 1748-9, 1761-2, 1780-1, and 1785-87. The author has selected the cases because they are banal, i.e., typical. Included in the examples are the full depositions by witnesses and the dialogues between magistrates and defendants. In presenting the cases he demonstrates the
importance of the testimony of the witnesses, and that the rules of procedure are strictly followed. While Andrews argues throughout the book that the criminal justice system of the eighteenth century is not as severe as Foucault and other post Revolution critics suggest, two of the examples he has chosen seem to be marked by excessive punishments at least to this modern reader. The woman who stole the forks confessed, and after the Châtelet checked for branding which would have indicated recidivism, it sentenced her to whipping, the brand, and three years of banishment; in the third case a panel of judges at Châtelet voted eight to five for plus amplement informé and one year in prison for the suspect, and one year liberty for the suspected accomplices, but when it was appealed to the Parlement by the prosecutor, its judges found the defendant, an apparent recidivist, guilty of premeditated murder and sentenced him to breaking on the wheel, issuing a retentum, a secret instruction, that he should be strangled only after three long hours of exposure. With respect to the accomplices they sentenced him to question préalable. He did not confess under torture by leg braces, yet one of the suspected accomplices was still imprisoned per plus amplement informé, while the other was sentenced to plus amplement informé, but not imprisoned but assigned to a house in Paris for a year.

Andrews has thus found that the Old Regime for almost two hundred years between the 1530's and the 1750's developed a complete criminal law system with "definitions and penalties for serious offenses; mandatory codes for trial and judgment; definition of the jurisdictional powers of various royal and seigneurial courts; and a magistracy constituted, invested, and regulated by the monarchy." This criminal justice system especially of the latter part of the Old Regime (from 1670 to 1789) promoted an elite of legal professionals, who were fostered by the dynasticism of a few families and not individual talent, and who maintained a sense of identity through vocation. The author suggests in his conclusion that the Valois and Bourbon monarchs driven by their ever increasing need for revenues for their militaristic endeavors, by selling judicial offices to these families, yielded state power to them. This produced a constitutionalist political evolution which allowed the parlementaires to believe that they were the protectors of fundamental rights and the law. This foreshadowed the French Revolution and the assumption of power by the people, which brought the end to both monarchy and themistocracy, and created the ideology of legal professional careers open to talent. Thus the legal system of the Old Regime led to the cultural unification of the country and the French rule of law that prevails today.

Beyond discussing the criminal justice system and its actors, the book reveals fascinating vignettes of life in Paris during the Old Regime from the fate of dead paupers, to the plight of the young man who ran away with his beloved without her parental consent, to the life of a prisoner on the galleys, to the service performed by poor women of the Salpêtrière, the women's prison at the Hôpital-Générale, to the rebellious adolescents incarcerated by their parents, to a scene where the Lieutenant of Police tries prostitutes, and finally to the use of retenta, secret instructions for the sake of a criminal's soul. Because the work is so broad there certainly are books that touch on one subject or another in greater depth, e.g., Shennan, J.H., The Parlement of Paris (Phoenix Mill: Sutton, 1998 and Langbein, John, Torture and the Law of Proof: Europe and England in the Ancien Régime (Chicago: the University of Chicago Press, 2006).

The author includes a few pictures, but certainly more would be appreciated; the maps are mainly unintelligible to this reader, and there are numerous tables which present evidence more clearly. In the front of the book he includes a brief section of principle sources and abbreviations which serves as a bibliography, though a fuller bibliography would be helpful, and there is an index. The writer has tried to demonstrate, especially through his footnotes (omitting the most gruesome passages of torture and execution) the rich copiousness of the data the author has collected. Certainly throughout the book Andrews has an argument to make, namely that post Revolution legal historians have judged the eighteenth century criminal justice system too harshly, but the true value
of the book lies in the clarity and analysis he brings to his complex data. The work with its shortcomings, mainly that to date, the intended volume II has not appeared, is really essential for all law schools maintaining a foreign law collection and all colleges with an early modern European history library collection, though the work will be a challenging read for the undergraduate.

—Daniel Wade

NOTES

1. “Royal criminal statutes and their jurisprudence were integral to the system. But for the sake of symmetry between the two volumes, and of greater clarity in the second, they are discussed mainly in Volume 2. That volume is concentrated on the social worlds of Parisian crime and criminals, evolutions in punishment, death sentences, and executions, and finally on crises and creativities in criminal justice during the final years of the Old Regime.” P. xiii.

2. Ibid.

3. “That is surely the most stench-ridden place in the world. There one finds a tribunal called the Grand-Châtelet, then dingy arches and the congestion of a dirty market, then the depository [the Paris morgue] for rotting corpses that are found in the River or murdered in the environs of the city. Add to that a prison, a meat market, a slaughter pen; it all forms a complete enclave, fouled, covered in mire, and set at the entry of the Pont-au-Change.... Do you wish to go from that bridge to the Rue St. Denis? Carriages must detour by a narrow street with an open sewer; and near that sewer is the rue “Pied-de-Boeuf, which leads into small, fetid alleys that are soaked in animal blood, half of which rots into the pavement, while the other half flows into the River. A pestilent vapor covers the place, never dissipating, when one emerges onto the Pont Notre-Dame, in the rue du la Flanche-Mibrary, one is forced to hold one’s breath and hurry past, so suffocating is the odor of these streets.” Louis Sébastien Mercier, Le tableau de Paris, 12 vols. (Amsterdam, 1783-8), vol. 5, pp.101-2. P.14.


6. Pp. 56-64.

7. P. 64.


10. “The ban defined themistocracy as a sacrifice, an honor, and a calling—the true meanings of vocation. It also served to distinguish, as much as law and custom can distinguish, themistocrats from those whom they judged. Most of their professional lives were spent in hearing, trying, judging, and punishing those motivated by either avarice or need, in civil and criminal justice. The magistrates were insulated from both of these conditions.” P. 102.

11. “For most individual judges, the Châtelet was a career. But for many families the Châtelet was a generational stage in the rise to supreme magistracy or high administration.” P. 117.

12. P. 141.

13. “Their collective behavior suggests ambitions more substantial than title. Aristocracy conferred static privileges and general prestige; but only service in high offices of state conferred—simultaneously—authority, prestige, and privileges. That service gave a family membership—through work, marriages, and kinship affiliations with professionally comparable families—in a large, brilliant and mutually sustaining community of the empowered and the ennobled, generation after generation.” P. 173.

14. “After six years studying the humanities in a college de plein exercice, none but the dullest scholar could have emerged from the rhetoric class who was not an extremely competent Latinist. To borrow a contemporary educational concept in the teaching of languages, the seventeenth- and eighteenth-century student was subject to a process of total immersion. For at least four hours a day throughout their adolescence future members of the liberal professional
elite studied the language and literature of Ancient Rome, often to the exclusion of everything else. They did so too in such a manner that by the end of the course they could not only read and write Latin fluently but could speak the language as well. They were to all intents and purposes (in the classroom at any rate) children of Rome rather than France, who spoke and composed in the grand Ciceronian manner and knew the history of the late Republic and Augustan era in far greater detail than that of their own recent past. In this respect the educational experience of Richelieu and Robespierre was indistinguishable. L.W.B. Brockliss, French Higher Education in the Seventeenth and Eighteenth Centuries: A Cultural History (Oxford: Clarendon Press, 1987). p. 178.

15. “The 1700 edict prescribed the sequence of instruction and the texts. In the first year, they studied Justinian’s Institutes of Roman law with an examination. In the second year the texts were the Digest (a collection of commentaries by Roman jurists), and selections from the Decretals (a thirteenth-century compilation of Church law), with further examination for the degree of bachelor of law.” P. 247.

16. “In appointing Jacques-Hypolite-Jules Michau de Montblin (age 19), for example, Louis XVI declared: ‘Since talent, zeal and devotion to our service and the public welfare are heredity qualities in his family, We are convinced that he will following the footsteps of the Magistrates who compose his family and in him the virtues, courage, industriousness, and capacity of mind that distinguished his father’s performance of the important offices of magistracy in which he died will be revived.’” Archives Nationales de France V I 454 (Dec. 31, 1771). P256.

17. “The qualities of mind and temperament required of a prospective judge were discipline, stamina and energy, a liking and capacity for sustained intellectual work, skill in verbal and written expression, knowledge of religious doctrine, humanistic culture, and the law, measured conviviality and urbanity, and a pronounced sense of duty to both family and the public welfare. Duty included promoting collegiality and solidarity within the corporation, which were also imperatives in juristic literature...The virtues and attributes composed an austere personality, one that was analytical, introspective, ascetic yet ardent, profoundly loyal, and nomistic in thought and behavior. That corporate personality was the artifact of a professional and intellectual culture, not of a particular estate or social class.” P. 263.

18. P. 250-1.

19. “The vocation had to be its own principal reward, a reward essentially spiritual and moral. When the magistrate’s primary love was of vocation, of its duties and majesty, he obtained complete satisfaction from performance of the vocation. Thus, paradoxically, what could appear as renunciation and enslavement to task was, in fact, plenitude of personal being.” P. 266. The vocation appears not be dissimilar to that of today’s librarian.

20. “Merit was developed from within oneself; it was not gained from birth, rank, or office. Inner being required a lifetime of cultivation, through learning, introspection, piety, and devotion to duty. Honor, dignity, and power would issue from that cultivation, but they could not be its goals.” P. 268.

21. “More than 900 men served as magistrates of the Parlement of Paris between 1715 and 1771. Only 10 had to be removed from office for debauchery and profligacy, mental instability, or professional misconduct. That was about 1 percent of the eighteenth century Parlement themocracy. Most of those removed were expelled, after a few years in office, on the initiative of their families and peers, and then ostracized with a modest pension, interned in a maison de force, or exiled by royal order. None of the 130 Chatelet judges provoked such an action against himself.” P. 270.

22. “A magistrate, of whatever rank or estate, deserved his office not because of inheritance or purchase but because he successfully performed the office. Patrimony, education, and privilege readied him for his duty, but the work and self-vindication were ultimately his alone.” P. 272.
23. "Old Regime French criminal law required both knowledge and discipline from every magistrate: knowledge of criminal statutes and of the accurate classification of each crime; obedience to strict procedures for investigation and trial; comprehension of the fixed but subtle criteria for proof of guilt; ability to apply those criteria to the completed evidence of the case at the end of trial; and, if the defendant was found guilty, the capacity to make rule-governed selection of penalty within the range of penalties applicable to the crime." P. 274.

24. "It is an imagery of painful, bloody chastisements of the body, of whippings, brandings, mutilations, and executions, whereby the state publicly inscribed its sovereign power, its despotism of, on the flesh of malefactors, and thus ruled by terror." P. 283.

25. "Alms was a fine assessed by the court; the money went to the charitable institutions of the Church, the Hôpital-Général, or to pay for the feeding of prisoners. Fines usually accompanied sentences of "admonition"...whereby the court warned the defendant of his harmful or delictual action and forbade him to repeat it. That sentence was defined as follows by the royal Council, in a ruling of January 11, 1741: 'In our language, Admonition signifies no more than a term of charity and shame, not a penal expression; according to the Canonists it derives from the Evangelist's exhortation for men to warn each other fraternally.' Archives Nationales de France ADIII 27b. P. 311.


27. It extended to "procedures for prosecuting or receiving testimony from deaf mutes (Title XVIII), trying rebellious guilds, villages or towns (Title XXI), prosecuting in memoriwm an accused person who had died subsequent to the crime (Title XXII), converting civil cases into criminal cases and vice versa (Title XX)." P. 417.


29. "Prosecutors could not interrogate defendants. They could not be present when judges heard testimony. They were barred from the confrontation, and trial review, and (except at the Châtelet) judgment. They translated complaints and denunciations into accusations, recommended witnesses for summonses, presented evidence and arguments for conviction, recommended sentences, and appealed against acquittals or inadequate penalties if they so decided. Virtually all of their trial actions were written, not verbal. They worked in concert with judges and under their authority. The most important responsibility of prosecutors commenced after judgment; it was to ensure that all decrees, sentences, and judgments were executed with exactitude by subaltern personnel." P. 494.

30. "Judges could summon ecclesiastical cooperation, in the form of monitoires during preparatory instruction of cases subject to capital and afflictive penalties. They could do so, however, only if the number and quality of witnesses heard were inadequate to advance the case, if their depositions were vague or contradictory, or if no plausible or identifiable suspects had emerged from the depositions. In those circumstances, the instructing judge could ask the bishop of the diocese to order parish priests to exhort their parishioners, from the pulpit, to reveal any knowledge they had of the crime, under threat of excommunication for withholding such knowledge" P. 426.

31. "Permitting defense counsel would have introduced obscurantism, prevarication, and mendacity into the proceedings." P. 429.


33. "Justificative circumstances' were those that supported a case for innocence, diminished culpability, or penal immunity. They were either alleged by defendants or emerged from review of the trial. The most convincing were alibi, doubtful or mistaken identity, evidence that the crime was an accident or response to aggression and provocation (in homicide and injury cases), proof that the crime in question was beyond the capacities of the defendant, proof that he was not in possession of the implements of the crime when it was committed or that another person had been convicted of the crime (presumably by a different court), insanity, or mental disability." P. 436.
34. "During the eighteenth century, plus amplement informé was made into an alternative to both full acquittal and formal conviction, becoming a disguised penalty, intermediate between banishment and long incarcerations in the galleys or hôpitaux." P. 437.

35. "During the eighteenth century, the incidence of plus amplement informé with prison reflected two developments: magisterial repudiation of torture as an investigative device; desire for a form of short-term penal incarceration alternative to formal capital and afflictive penalties." P. 441.


37. "The judgments by the Tournelle were generally harmonious with those by the Châtelet in 1736 and 1787 [the sample years]. The majority of Châtelet sentences were to median penalties—banishment or incarcerations for three and five years and plus amplement informé with prison terms. Those were 50.4 percent of the total judgments appealed in 1736 and 58.4 percent in 1787. In the Tournelle, they were respectively 50 percent in 1736 and 59.9 percent in 1787. The incidence of severe penalties in the Châtelet—galleys or the hôpital for life, death—was low in 1736 and 1787, and comparable to the Tournelle for both years. In 1736, the Parlement confirmed 51 percent of judgments by the Châtelet, ameliorated 41.7 percent, and aggravated only 7.7 percent." P. 481.

38. "Penal discretion—which has been decried as arbitrary and oppressive by Enlightenment, Revolutionary, and modern critics of Old Regime criminal law—benefited defendants, especially those convicted of offenses subject to the death penalty. The benefit was systematic in nature. It resulted from two factors: (1) appellate decision by several judges and the necessity of a two-vote majority for the most severe sentence opined to prevail; (2) the necessity that the most benign sentence opined prevail, when that majority did not occur. That system accommodated, even subtly promoted, changes in magisterial attitudes toward punishment, such as the pronounced shift away from corporal penalties toward carceral penalties that occurred during the final decades of the Old Regime." P. 493.

39. "The three Parlements (the Tournelle and that at Rennes and Toulouse) resembled each other in their appellate judgments, which may be summarized as follows: high rates of acquittal or release under plus amplement informé without prison (25% to 35%); low incidence of defaming and corporal punishments as main penalty (5% to 10%); moderate and stable incidence of banishment for terms (15% to 20%); highest incidence of carceral penalties (25% to 40%); low incidence of the death penalty (6% to 11%). Those were the sentences executed. Their simple reality contradicts most representations of Old Regime penology." Pp. 491-2.

40. "Thefts accounted for approximately three-fourths of the crimes prosecuted in grand criminal by the Châtelet and the Parlement from 1735 through 1789." P. 536.

41. P. 595 "Old Regime France was governed by a rule of law, but without a formal and fundamental constitution. The deep cause of the ostensibly strange effect did not lie in the codes and institutions of law—civil, criminal, and administrative. It resided in the social, political, and moral crucibles wherein each generation of the judiciary was forged." P. 277.

42. "The themistocracy was a meritocracy essentially of families, not of individuals. Individual magistrates were socioprofessional actors, and thus subjects of their own experience, but they acted as agents of family and office." P. 276.


44. "Here (Clamart, the pauper's cemetery) there are neither pyramids, tombs, inscriptions, nor mausoleums. The place is naked. This soil, greasy from burials is where young surgeons come in the night, climbing the walls and carrying off cadavers to subject them to their inexperienced scalpels. Thus after the death of the pauper he is still robbed of his body, and the strange dominion exercised over him does not end until he has lost the last traces of human resemblance" (Mercier, Le tableau de Paris, vol. I, pp. 268-9.) footnote 31, P. 16.
45. “A man who persuaded a young woman to leave home or to marry against the will of her parents faced the noose, or if he was noble, the beheading sword.” P.47. The poor priest who married them was deemed complicit and could be sent to the galleys as punishment.

46. “The action of rowing was a masterpiece of disciplined kinesis. Each man occupied only 18 inches on the bench. Literally shoulder to shoulder, they moved backward and forward in unison, with their arms always extended in a straight line....For the fifty-two oars to strike water at the same moment, all 260 oarsmen had to pull and recover in continuous, exact unison; a bench of oarsmen out of rhythm, or that missed stroke, easily smashed into the oar behind.... The normal cadence was one full stroke every 3 seconds, or twenty strokes per minute. Galériens were trained, and forced, to maintain such rates for more than an hour. In a calm sea and without sails, that cadence gave a speed of 5 nautical miles per hour”. P. 323.

47. “The administration rented certain of them out to important families for their funeral corteges, ‘following the hearse, chanting prayers and incantations to make easier the path of the deceased to heaven where the poor were apparently more esteemed than the rich’.... The administration attempted to place them in Parisian ateliers and households, even to marry them to artisans and workers. It awarded a trousseau and 300 livres of dowry to each young woman who did contract an honest marriage.” Hufton, The Poor, pp. 146-7. P. 348.

48. “Children, whether boys aged under 25 or girls, of artisans and poor inhabitants of the city and faubourgs of Paris, inhabitants exercising a trade or with some employment, who mistreat their fathers or mothers, who refuse to work out of debauchery or laziness, and girls who have debauched themselves or who are in evident danger of doing so, will be locked up in places designated for that purpose.... The boys and girls will hear mass every Sunday and Holy Day, pray to god for a quarter hour every morning and evening, be carefully instructed in the catechism, and listen to readings from books of piety during their work. They will be made to work, as long as possible and at the hardest labors that their strength and conditions of detention can permit; should their behavior suggest that they wish to reform, they will be taught trades suitable to their sex and their aptitudes, trades by which they can earn a living, and they will be treated with degrees of gentleness commensurate with the proof of their reformation.... Laziness and other faults will be punished by reducing their soup ration, increasing their work, confinement [in cells], and other penalties used in the Hôpital, as the directors deem appropriate. [italics authors] 1684 edit, Isambert, Decrusy, and Jourdan, eds. Recueil général des anciennes lois françaises, depuis l’an 430 jusqu'à la révolution de 1789, vol. 20, pp. 442-4. Pp. 351-352.

49. “Contemporaries have given us more than one scandalous description of those audiences: After being penned in a waiting room of the tribunal.... up to a hundred at a time were led into the audience hall. Immediately, there ensued a vicious exchange of crude insults, even blows and projectiles, with their lovers, the ‘accomplices of their debauchery,’ who filled the hall or with spectators, who provoked them from the galleries. ‘It is incredible that the preparations for a public and stigmatic correction in justice should be a type of crapulous, orgiastic festival,’ as [police commissioner] Des Essarts wrote indignantly.... Silence fell as soon as the magistrate entered; kneeling, the accused heard their sentences read by the lieutenant general and then left the hall one by one, on their way to the Hôpital.” Benabou, La prostitution, p.62. P. 352.

50. “In practice, executions by the full duration of breaking and exposure were rare within the jurisdiction of the Parlement of Paris during the eighteenth century. The Parlement and the Châtelet (when it pronounced that sentence without appeal), usually issued secret instructions, or retenta, for the executioner to strangle the victim rapidly with a leather garotte (le moulinet), after striking a few blows with the rod or after a specified time on the wheel. Retenta were issued primarily for a spiritual reason: Because the pain of breaking and the wheel was so intense, it easily provoked blasphemous curses that sabotaged the ministrations of the priest. Every execution, no matter the method, was considered both an extinction of physical life and a salvational opportunity for a soul. The man who died uttering blasphemy was damned....Burnings
were only exceptionally in vivo. Retenta were customary; the executioner garroted the victim at the stake, inside the pile of wood and beyond sight of the crowd, before the fire was started. P. 385.

... 


Written in two “books” Johann Gottlieb Heineccius (1681-1741) presents his views on the law of nature and the law of nations. Following on the writings of Hugo Grotius (1583-1645) and Samuel Pufendorf (1632-1694) he rejects their positions regarding the essence human obligation. Rather than seeing the law of nature deriving from the obligation to form societies, Heineccius situates such obligation in God, self and others.

He defines moral good as “whatever preserves and protects man” and the essence of natural law as the desire to do good and to delight in its perfection. This is Heineccius’s first rule of obligation, that is, the internal obligation to perform moral actions. But, the desire for moral good is not enough, according to Heineccius. There needs to be a prior rule or standard under a specific authority to define moral good. Seen as an external obligation, the authority is for this standard is God. Thus, Heineccius introduced the two-step notion of internal obligation, followed by an external obligation, or “rule of rectitude.”

This 1741 English translation of the first edition in Latin (1738) was written by George Turnbull (1698-1748). Turnbull graduated from Edinburgh in 1721, studied theology at Oxford and subsequently joined the Anglican Church in 1733. He was ordained in 1739 and eventually served as chaplain to the Prince of Wales. Turnbull did not necessarily agree with Heineccius’s theories, specifically the notion of dual obligations. His translations have been criticized for some degree of inaccuracy around topics he felt were not necessarily in accordance with his own. Turnbull subscribed to the political theories of James Harrington (1611-1677) and viewed the “general law of industry” as a means of the natural order of property ownership. Ideally, ownership must be balanced in order to avoid absolute monarchy. Thus his theory of government brings a distinct English tinge to Heineccius.

Book 1, “Of the Law of Nature” discusses the nature of moral good and the two-step theory of obligations. Heineccius makes it clear that the law of nature applies only to man and not to animals or “brutes” because they have no concept of justice. He discusses human actions and whether they are ruled by conscience, free will and ignorance and he considers the impact of God’s will. Much of his discourse is focused on the what he identifies as a principle of natural law: love, or the “desire of good, joined with delight in its perfection and happiness”. Book 1 also discusses property, occupancy, animals, rules of accession and other matters dealing with possessions as well as inheritance. Rules governing commerce spring from notions of property and the conduct of commerce are considered by his treatment of the nature of contracts.

Book 2, “Of the Law of Nations” discusses the rules that govern social contracts such as marriage, family, master and servant. Civil states were formed as a reaction by men “being equal and free in a state of nature” as a defense against “profligate men”. Other societies formed to prey upon the weak. Heineccius goes on to describe the types of governments that exist and the right of sovereign states to conduct wars.

As a proponent of modern eclecticism, Heineccius demonstrates his conviction that philosophy, as proposed by Christian Thomasius (1655-1728), a pure science based on a singular analysis. It is an amalgam of disciplines and traditions. In his *Elementa philosophiae rationalis et moralis* (1756) Heineccius wrote: “one should not seek truth by oneself, nor accept or reject everything written by ancients and moderns, and so no other method of philosophizing is more reasonable than the Eclectic Method.”

George Turnbull, known as a member of the Scottish school of philosophy, offers a Supplement to Books 1 and 2 “Concerning the Duties of Subjects and Magistrates” as well as a second supplement “A Discourse...

The practice of law has historically been a male-dominated profession. Although Margaret Brent served as an attorney in the colony of Maryland as early as 1638, it was not until 1870 that Ada Kepley received a law degree from Union College of Law (now Northwestern University), becoming the first woman to receive such a degree from an American law school. However, it would be another century before women began enrolling in law schools in significant numbers.

The 1970’s brought a great increase in the number of women engaged in the practice of law. Those women brought with them a new way of looking at the law. This new “feminist legal theory,” not tied to the legal precedents derived under centuries of male domination, sought to change the way in which law addressed issues of gender and thereby make equal the legal status of women and men.

In recent years there have been several excellent books written on feminist legal theory. However, none of them truly serves as a primer providing a basic overview of the entire field. *Feminist Legal Theory: A Primer* by Nancy Levit and Robert R.M. Verchick fills that gap in the literature.

The authors are both eminently qualified to write this book. Nancy Levit is the Curators’ and Edward D. Eilison Professor of Law at the University of Missouri-Kansas City School of Law. Among her many prior publications is *The Gender Line: Men, Women, and the Law*. Robert R.M. Verchick holds the Gauthier-St. Martin Eminent Scholar Chair in Environmental Law at Loyola University New Orleans School of Law. In addition to numerous works on environmental law, he previously published *Feminist Theory and Environmental Justice*, in *New Perspectives on Environmental Justice: Gender, Sexuality and Activism*.

The book begins with a very brief discussion of the struggle for equal rights for women beginning with the suffrage movement and ending with the aftermath of the failed ratification of the Equal Rights Amendment. This is followed by a detailed discussion of the leading postulations of feminist legal theory: equal treatment theory, cultural feminism, dominance theory, critical race feminism, lesbian feminism, ecofeminism, pragmatic feminism and postmodern feminism. While these theories all agree on the need for equality between the sexes, they disagree as to how best to achieve that goal. Feminist theory is followed by application, with a discussion of feminist methods—unmasking patriarchy, contextual reasoning and consciousness-raising. A hypothetical situation is used to show how these methods can be put into practice.

The authors then discuss the application of feminist legal theory to specific topics: workplace discrimination, wages and welfare; education and sports; gender and the body; marriage and family; sex and violence; and globalization. Discussion under each of these topics is wide-ranging, as should be expected in a primer; those who want greater detail on specific issues will need to find another book. Fortunately, the authors have made that easy by ending each chapter with suggestions for further reading.

The longest chapter in the book is that dealing with education and sports, not surprising given the amount of media attention devoted to that subject. It is illustrative of the presentation style of the book. The chapter begins with an historical review of co-education, followed by discussion of current disparities in education ranging from the treatment of elementary students to the tenure of college and university faculty. This is followed by an examination of single-sex education, charter schools and vouchers in light of the Equal Protection Clause and the statutory requirements of Title IX. Athletics and Title IX are then presented in detail, illustrated by a review of *Cohen v.*
The chapter ends with a discussion of sexual harassment in schools.

Each chapter, with the exception of the Introduction, ends with a series of questions for discussion, making this an ideal classroom text. The book is thoroughly annotated. The index is user-friendly. The flow of the book is logical; the word choice is clear; the writing is animated and never dull.

—Mark Podvia

NOTES

1. DAWN BRADLEY BERRY, THE 50 MOST INFLUENTIAL WOMEN IN AMERICAN LAW, 1, (1996). The Margaret Brent Women Lawyers of Achievement Award, named in her honor, was established by the ABA Commission on Women in the Profession in 1991. Id. at 3.


3. The reviewer's alma mater, the Dickinson School of Law, had a single woman in its Class of 1919; her yearbook entry read "Well, well, look who's here. If it isn't our only little girlie." Senior Law Class, 1919 MICRO COSM, 46. This was written more than 20 years after the first female law student arrived at the school.

4. These include FEMINIST LEGAL THEORY: AN ANTI-ESSENTIALIST READER (Nancy E. Dowd and Michelle S. Jacobs eds. 2003); INTRODUCTION TO FEMINIST LEGAL THEORY (2003); FEMINIST THEORY READER: LOCAL AND GLOBAL PERSPECTIVES (Carole R. McCann and Seung-Kyung Kim eds. 2002); VISIBLE WOMEN: ESSAYS ON FEMINIST LEGAL THEORY AND POLITICAL PHILOSOPHY (Susan James and Stephanie Palmer eds. 2002).


6. Id.


8. Id.


...
English Revolution and its aftermath into the early eighteenth century; philosophy, scepticism and religion and its related topic of toleration; and "an exploration of political ramifications of the divisions between ‘orthodox’ and ‘heterodox’ within eighteenth-century Europe’s believing communities." (p.110).

The second group of essays begin with a comparative study of societies by prominent writers like Montesquieu, Voltaire, and Hume (ch. 5). The rise of encyclopedias and their authors are explored in the second chapter (ch. 6) followed by how optimism and progress were interpreted as well as philosophical history explored in the writings of Voltaire and Edward Gibbon. An exploration of the writings of Vico, Rousseau, and Herder on naturalism and anthropology is viewed from the eighteenth-century perspective rather than from a late nineteenth century viewpoint (ch. 8).

Natural law chapters provide important background to the development of the Anglo-American political thought. The first chapter begins with German natural law of the writings of Christian Thomasius, Christian Wolff, and Immanuel Kant (ch. 9). The Scottish Enlightenment’s view of natural rights expressed by Francis Hutcheson, David Hume, Lord Kames, Adam Smith and Dugald Stewart provide important contribution to the development of American political thought at the time of the Revolution (ch. 10). English constitutional developments of the era deal with the concept of the mixed constitution, parliamentary sovereignty, a balanced constitution, separation of powers, and common law. Finally, social contract theory developed by John Locke, later criticized by Hume and Bentham, and its French transformation of contractarianism by Rousseau and the German Kant. At the end of the century Burke displaced the social contract theory by his historical ‘organism.’ (p.374).

The fourth group of essays deal with commerce, luxury and political economy. The initial essay on commerce and luxury was something entirely new to me as a historical topic including French writers as Fenelon, Montesquieu and Voltaire and English writers such as Mandeville, Shaftesbury, Hutcheson and Berkeley. The ‘rule of nature’ known as physiocracy, and its historical development in French administrative history is explored in ch. 14, while Scottish political economy concentrates on Adam Smith’s works reflect an important contribution to economic history (ch. 15). The development of property theory in eighteenth century differed from the seventeenth century and is discussed through various French authors.

The fifth group of essays deal with the promotion of public happiness as expressed through kingship and enlightened or philosophic despotism of the European monarchs (ch. 17), followed by the rise of cameralism as a method to assist the monarchy in administering the state through the writings of Johann Justi, Joseph von Sonnfeiels, but which ended by the early nineteenth century (ch. 18). Chapter 19 on utilitarianism and criminal law concerns the various theories of criminal law and punishment during the century including Montesquieu, Beccaria, Howard, and Bentham. French writers like Rousseau, Mably, Diderot, along with German writers like Kant and Fichte provide a range of eighteenth-century views on republicanism and popular sovereignty (ch. 20).

The final series of essays deal with the Enlightenment and revolution. Gordon Wood's essay on the American Revolution nicely summarizes many of the ideas expressed in his various writings on how the Revolution came about and how many of the ideas expressed in the previous chapters coalesced into the writings of the Founding Fathers (ch. 21). This is followed by a discussion of the political discourses before and during the French Revolution (ch. 22). British radical writers are then surveyed by noted writers like John Wilkes and the American colonies, Edmund Burke and the French Revolution, Richard Price, Joseph Priestly, and Mary Wollstonecraft on rational dissent. Robert Wolker completes the section with an interesting essay on the origins of social science.

The contributors are well-known senior scholars chiefly from United Kingdom and United States universities plus some institutions from Canada, France, and Switzerland. They include historians, political scientists, French language, philosophy, and specialists of the French Enlightenment, and German and Comparative Literature.
Noted authors include the editors as well as Richard Popkin, Melvin Richter, Knud Haakonsen, David Lieberman, Patrick Riley, Donald Winch, and Gordon Wood.

The volume contains a useful biographical dictionary of 331 people discussed throughout the work (pp. 711-786). In addition, there is a 114 page bibliography of primary and secondary sources (pp. 787-900). Throughout the essays, there are references by last names and date of publication to the works.

This work continues the excellent work performed in the previous volumes in this series. Drs. Goldie and Wokler have done an excellent job as editors of the volume. All contributors are to be congratulated for their contribution to this work. This History is highly recommended for all libraries.

--Joel Fishman, Ph.D.


James Wilson (1742-1798), as one of the Founding Fathers, was one of six individuals who signed both the Declaration of Independence and the Constitution. His able defense of the Federalist position in support of the adoption of the Constitution, his role as an Associate Justice of the U.S. Supreme Court, and author of the first extensive lectures on American law, makes Wilson a major figure of the Founding Era. As an Associate Justice of the U.S. Supreme Court, he did not play a major role and because of his outside interests in land and business interests failed to obtain the Chief Justiceship in 1796, actually went to jail twice afterwards, and died penniless in 1798. For a listing of major secondary sources on Wilson, see p.xv, n. vi. The concluding sentence of Hall’s essay nicely sums up Wilson’s contribution: “In some ways Wilson was the first sociologist of American law; his legacy lingers in his admonition to view law as a system of social adaptation.” (p.xxvi)

Maynard Garrison served as the collector of the documents that comprise this volume in consultation with some of the leading historians of the era. He recruited two distinguished historians Kermit L. Hall and David Mark Hall. Unfortunately, Kermit Hall died in the middle of the project and David Mark Hall completed it (p.1215).

The collection is divided into two parts. Part I contains Wilson’s political papers, speeches, and judicial opinions. Among the papers are his earliest work written in 1774 on the nature of legislative authority of the British Parliament, several speeches in favor of the Constitution, two speeches supporting the revision of the Pennsylvania Constitution in the Pennsylvania Constitutional Convention of 1789 and 1790, and four U.S. Supreme Court opinions including his opinion in Chisholm v. Georgia (1793) which was overturned in the following year by the Eleventh Amendment.

Part II covers his Lectures on Law which runs over 700 pages in this edition. As the first law professor at the University of Pennsylvania, these lectures were the first extensive lectures on American law. Unfortunately, they were not published until after his death by his son Bird in 1804. These lectures have been later republished by several later compilers, the latest being Robert McCloskey’s two-volume work in 1967. The current version follows the 1804 Bird publication rather than the later versions. In several cases, additional notes have been added by the current editor. This is due in part to the donation of Wilson’s manuscript lectures to the Free Library of Philadelphia. This volume arranges materials differently from McCloskey to reflect new materials and to show that the Lectures were self-contained. (p.xxvii).

In compiling this work, Garrison recruited two well-known historians, Kermit Hall and Mark David Hall to prepare introductions both to Wilson’s life and the actual compilation of documents, respectively. Hall notes the importance of Wilson as second only to Madison as a speaker at the convention of 1787 and one of the most eloquent speakers in favor of the people as sovereign base of the new American
constitutional system. Wilson objected to the Pennsylvania experience wherein the sole authority was placed in the legislature against the two other branches and now placed sovereignty in the people dispersed through the three branches of government.

Mark Hall’s bibliographical essay (pp.401-13) provides information on the history of the manuscript notebooks and their publication history along with similarities and differences between them. Wilson gave his first lecture on December 15, 1790 and presented 58 lectures, which comprise the first thirteen chapters of the present edition. The second course were never published until the 1804 edition published by his son, Bird Wilson. Subsequent editions included the Bird edition, but it was not until the contribution of the original manuscript lectures in 1968-69 to the Free Library of Philadelphia that scholars have been able to compare the earlier printed editions to the manuscripts.

Hall finds that Bird was a “faithful editor.” He published the lectures in order, though he “rarely altered his father’s prose, eliminated passages, elaborated on them, or inaccurately transcribed handwriting.” Bird changed text by combining chapters, did not capitalize words his father had, and did not emphasize words like his father. Each of these changes sometimes changes the importance James Wilson used. Hall points out that the notebooks will assist scholars who may wish to see his original writings with all cross-outs, additions, etc. Hall also notes that there are eight notebooks still unpublished, though some of the materials have been published before such as his grand jury charges.

The book also contains a Bibliographical Glossary, prepared by McCloskey, to provide bibliographical citations to sources that Wilson generally cited in abbreviations (pp.1205-13). This is followed by an index to the current edition (pp.1217-62).

Garrison, Hall and Hall have compiled a new edition of James Wilson’s works that will become the standard edition for many years. Liberty Fund, as usual, has produced an excellent work at reasonable prices that should be purchased by all libraries interested in the Revolutionary Era.

–Joel Fishman, Ph.D.


Lawbook Exchange has reprinted the 1802 edition of the Federalist Papers which, in the preface, the printer (George Hopkins) acknowledges their importance as background information on the formation of our government recognizing Hamilton, Madison, and Jay as the authors of the work. Since the papers were originally published in the newspapers of the day, they were later collected and first published in “two coarse duodecimo volumes.” (p.[iii]). Hopkins thought the work should appear “in a typographical dress worthy of their high character. In presenting to the public a new edition of this work, the object has been to render it correct, as well as neat.” (p. v). He made some verbal alterations “with much caution,” but it is impossible to determine what they are without reading the original edition against this edition.

The book also contains the seven letters written by Alexander Hamilton as Pacificus against James Madison in the Pacificus-Helvidius debates of 1793-94. Repudiating the 1778 French treaty, President Washington issued the Neutrality Proclamation of 1793 to not get involved in the English-French wars of the day. Hamilton’s letters provided strong support for the president’s role in foreign affairs against the legislative branch of Congress. James Madison, urged by Thomas Jefferson, answered Pacificus under his own pseudonym in their attempt to limit executive authority. These debates have recently been reprinted and serve as an important historical debate based on current controversy over the unitary executive privilege theory.

-45- For those libraries who have current editions of the Federalist Papers, this reprint will
This book is the edited seminal work of Scottish legal scholar John Millar which presents the history of England in three periods. Completed at the end of the 18th century, the author skillfully divides his work into (1) the Saxon period (4th century until 1066); (2) the Norman Conquest until the reign of James I (1066-1603); and (3) the Union of the three British crowns until the end of the 18th century (1603-1801). These broad periods are characterized in a straightforward timeline as the period of feudal aristocracy, followed by the period of feudal monarchy, and culminating into the period of commercial government. Millar’s work is deeply influenced by Hume’s History of England and it represents his own view of British history. The work is best analyzed within the context of the Enlightenment as support for Millar’s philosophical view that social institutions arise spontaneously to fit various societal needs rather than from specific works of individuals or the character of nations. The clarity, scope and intelligence of author’s ideas are omnipresent here, but they are not found in his research. Scholarly minimalism is the norm of this work, as Millar is vague in his citations which are heavily supplemented by the current editors.

The first part of Millar’s work is referred to as Book I and is broken down into fourteen chapters that focus on early English history. Also dubbed as the period of “feudal aristocracy,” this section culminates in the conquest of the British Isles by the Normans and the reign of William the Conqueror. The first chapter depicts the political and social structure of Britain under Roman rule. The description of the political and military landscape is rich with detail, but scant on references. This is where the additions of current editors make the chapter easy to follow and put the events into context for the modern reader. Without it, one would struggle to keep up unless the reader has some formal education in early English history. This is a dense chapter, where the employed analysis comes from a social science perspective.

The second chapter focuses on the “character and manners of Saxons.” Millar’s vivid descriptions of Saxon tribes, especially Germans, provide a useful historical perspective for students of English history. The descriptions are comprehensive and largely dependent on descriptions of other experts. Notably Millar relies on the German historian Tacitus, as well as passages from the Hebrew Bible. Although the characters and manners of these early inhabitants of the British Isles come to life, the scant citations offered by Millar make the editors’ additions here welcome and necessary.

The third chapter of Book I focuses on the settlement of the Saxons in Britain. For the first time, Millar clearly admits that there are very scant accounts of the circumstances of Saxon settlement in Britain. Here the author relies on circumstantial evidence in form of observations of the general conditions of the locals to outline his conclusions. The chapter nevertheless clearly highlights the feudal relationships of the Saxon settlers. His ideas and descriptions flow well together because they follow the logical timeline of development found in many historians’ later works (which prove the importance of Millar’s original work).

The rest of the chapters in Book I provide details of the legal and political framework of the British Isles pre-1066. Religion as a state and legal institution, as expected, plays a large role in the Millar classic. The explanations are detailed, so the reader gets easily immersed in the text. The reader is able to easily discern the influences of various Enlightenment thinkers in Millar’s commentary. He references Adam Smith and hints to the influence of Montesquieu. Millar easily weaves the developments of the early English history into a logical conclusion that this is the age of feudal aristocracy. Most importantly, however, the editors have done an exemplary job of putting a nice polish on a great classic.

-46- Book II is a detailed narrative of the political, social and constitutional landscape of
England from the Norman Conquest until 1603. The editors replicated the page numbers in the contents section to the original 1803 edition. In this portion of the manuscript, Millar emphasizes the bases of political institutions and developments by drawing upon comparative histories of people other than the British. The author skillfully supports his thesis that social institutions arise spontaneously to fit various societal needs. Moreover, the great political institutions of this time are given equal treatment. The National Council, the various Courts of Justice and the progress of ecclesiastical institutions are all carefully analyzed only to conclude that societal needs bear these institutional fruits. The most interesting chapter of this segment of the book is reserved for Millar's treatment of the Parliament. Here the reader is introduced to some of the first signs of democratic principles found in a burgeoning constitutional monarchy as represented by county and borough representatives in Parliament.

The author further describes, in a careful and masterful fashion, the leading democratic institutions of justice, as well as the creation on the jury system and the rise of the Court of Chancery. Another intriguing and well-reasoned chapter deals with the circumstances leading to the commercialization of England vis-à-vis Europe. Here Millar depicts how commerce, manufacturing and the arts have continued to develop out of necessity on the Old Continent and why these same developments have taken hold in England. Finally, the author analyzes the Reformation and its implications on the Crown of England leading up to the accession of the House of Stewart. The analysis is breathtaking, albeit short on citations, and it represents one of the finest examples of historical analysis. Millar succeeds in blending into his analysis the chronological developments of the era, yet throughout, he remains true to his conclusion that everything naturally leads up to the development of a commercial government.

The third volume of this compilation finds Millar tackling the workings of the English government from the accession of James I to the reign of William III. Here the legal scholar devotes significant treatment to the review of workings by the Scottish government. Millar's expertise is best highlighted, however, in his expert description and explanation of the complex royal relationships culminating in the government institutions of this crucial time period in the history of England. The eight chapters comprising some 430 pages of text flow seamlessly as the author is not only well-versed in the background of the monarchs but also the consequences of their individual reigns. The chapter on Oliver Crowell and the created Protectorate is particularly compelling because it is one of the best analyses of the tangled relationship between religion, government institutions, and autocratic rule. This compelling critique surfaces again when Millar expertly analyzes the implications of Charles I's reign. Here the legal scholar points out that the direct effect of this monarch's rule is that every English King was "reduced" to the chief magistrate of a free people rather than through the grace of God, as previously assumed.

The fourth and final Book of this compilation deals with the workings of the English government from the reign of William III to the accession of the three British crowns. This last set of eight chapters contains a strong analysis for what Millar calls a period of the commercial government. Here he examines not only the Irish government but also the advancement of industrial manufacturing, commerce and art under William III. Although he views the onset of the industrial revolution as helpful to the general proliferation of knowledge and literature, he is not shy about his concerns of its profound effects on the nature of government. His admiration of Adam Smith's ideas found in The Causes of Wealth of Nations is omnipresent here. Millar's conclusion is well-founded and supported; greater means resulting from commercial and manufacturing gains frequently lead to negative moral and ethical implications. Millar also finds that the proliferation of arts and sciences has an important and positive impact on the institutions of government. The Enlightenment provides the background for Millar's analysis.

Overall, this compilation is a classic historical work of English history that must be part of any academic library. It represents a piece of historical analysis copied countless times. Nevertheless, the editors' additions to this compilation are welcome embellishments. The editors' notes are well placed and researched, transforming this scholarly, yet originally minimalistic work,
into a contemporary, useful compilation with a quick reference to the most pertinent places, characters, events and legal documents of this time period. The book contains the original introduction as well as an introduction written by the editors. The book is conventionally organized, for it contains an alphabetical index, and an appendix of cited authorities. The book is recommended for any academic library.

-Dragomir Cosanici
Acting Assistant Dean for Library and Research Services
Pacific McGeorge School of Law
Sacramento, California

Legal History Update

Dan Blackaby

Hello again! The latter half of 2008 offered much new legal history scholarship. Some of the most notable entries can be found in symposia. The Akron Law Review's symposium issue, "The New Face of Women's Legal History," (v. 41), offered a wide range of approaches to gender-related legal history. Felice Batlan offered a detailed piece on the history of the Ladies Health Protective Association, while Richard Klein tackled a sometimes difficult subject in his "Analysis of Thirty-Five Years of Rape Reform."

Another notable symposium was Regent University Law Review's "Liberty Under Law," specifically an article by Virginia state Supreme Court Justice Leroy Rountree Hansell, Sr., entitled "The Evolution of Virginia's Constitution: A Celebration of the Rule of Law in America." (20 Regent U.L. Rev. 1). Hansell examines the unique development of Virginia's constitution from its days as an English colony through to the modern day, giving special attention to the continuity of the rule of law.

It is interesting to read the portions of Hansell's examination of Virginia jurisprudence in contrast to James E. Pfander's piece in the Michigan Law Review, "Judicial Compensation and the Definition of Judicial Power in the Early Republic," (107 Mich. L. Rev. 1). Pfander aptly demonstrates how the issue of judicial compensation has played an important role in the power and composition of the court from the early days of the Republic, when justices sometimes resigned or even refused appointment to the Court to pursue opportunities that were more financially lucrative, and although strange to think of in reference to today's court, more financially sound. Pfander uses many such examples to illustrate the waxing and waning power of the court, fluctuations which Pfander contends continue to this day, as demonstrated by Chief Justice Roberts' recent use of his 2007 year-end report to campaign for higher rates of judicial compensation.


Nikitas E. Hatzimihail's article in Law & Contemporary Problems has perhaps even more relevance to today's society and its financial woes. In "The Many Lives of the Lex Mercatoria: History and Genealogy in International Business Law," (71 Law & Contemp. Prob. 169), Hatzimihail looks at the evolution of the lex mercatoria in relationship to the original construction of business and family organizations and shows how the diverse business arrangements related to the law which governed merchants, both in the past and in the mirror of today's hindsight.

In conference news, Ottawa, Ontario was the site on November 13-16 of the annual meeting of the American Legal History Society. A copy of the preliminary program can be found at http://www.h-net.org/~law/ASLH/conferences/2008conference/ProgramProvi
Next year’s conference will be held Nov. 12-15 in Dallas. Information can be found at http://h-net.org/-law/ASLH/conferences/future.htm.

If there are any articles of interest that you would like noted in this column, or are publishing any yourself, please let me know by e-mailing me at dblackaby@wsulaw.edu.

Until next time!

Exhibits

Amy Taylor

From Jennie Meade: The 2008 mid-autumn exhibit at GW's Jacob Burns Law Library is "Law of France: From Coutumes to the Civil Code." It describes the legal landscape of France from the oral tradition of customary law to its codification and the eventual promulgation of Napoleon's Code Civil in 1804. Several important coutumiers, plus editions of the Code Civil from the Library's French Collection, are highlighted in the exhibit.

... From Mike Widener: An exhibition highlighting the Lillian Goldman Law Library's outstanding collection of early Italian city statutes inaugurates the Library's new, state-of-the-art exhibition gallery. "The Flowering of Civil Law: Early Italian City Statutes in the Yale Law Library" debuted during the Yale Law School's annual Alumni Weekend, Oct. 3-4, 2008 and will be on display through February 2009.

The Law Library's collection of Italian "statuta" is rivaled by few other U.S. libraries and surpassed by none. These municipal codes governed the dozens of Italian city-states that arose in the Middle Ages and persisted until the reunification of Italy in the late 19th century. The collection contains over 900 volumes of printed books and 60 bound manuscripts, dating from the 14th to 20th centuries, and representing over 380 municipalities and jurisdictions. In their mixing of Roman law, local law, and pragmatic innovations, the Italian municipal statutes became the prototype of European civil law.

The new Rare Books Exhibition Gallery is located in the lower level of the Lillian Goldman Law Library (Level L2), directly in front of the Paskus-Danziger Rare Book Reading Room. The exhibit cases are climate-controlled and protect the exhibit items from damage by ultra-violet light.

The exhibition was curated by Benjamin Yousey-Hindes, doctoral candidate in medieval history at Stanford University, and Mike Widener, Rare Book Librarian at the Lillian Goldman Law Library.

For those unable to visit the exhibit in person, the exhibit is appearing in installments on the Yale Law Library Rare Books Blog, at <http://blogs.law.yale.edu/blogs/rarebooks/>.

For more information, phone Mike Widener at (203) 432-4494 or email him at mike.widener@yale.edu.

... From Karen Beck: "A Little Library" -- The Private Law Library of Frank Williams Oliver. In the Spring of 2008, the Boston College Law Library received a splendid gift of old and rare books from Andrée Oliver, widow of Frank Williams Oliver. During his forty-year career as a criminal defense attorney in Chicago, and continuing during his retirement years in Miami, Frank Oliver amassed a private law library of about 300 works, including the rare books featured in this exhibit. His library spans the areas of law, history, legal history, biography, classics, political theory, and religion. Here are a few highlights from the exhibition: http://www.bc.edu/schools/law/library/about/rarebook/exhibitions/OliverLibraryFall08.html.
A handout describing the entire exhibit is available here. The exhibit will remain on view through early December 2008. It was curated by Karen Beck, Curator of Rare Books / Collection Development Librarian.

Recent Acquisitions
Anne Mar

George Washington University acquires Coutumes de la Prevosté et Vicomté de Paris (Paris: Jacques du Puis, 1580)

By Jennie C. Meade, Director of Special Collections, Jacob Burns Law Library

The most influential of all the customary laws of France was the Coutume de Paris, and the most important edition was this final revised compilation of 1580. It pertained strictly to civil law, the law dealing with the rights of private citizens, containing no criminal or public law. Its influence was felt far beyond the confines of Paris itself, due in part to the intellectual reach of its drafters, the finest legal minds of the era, and to its association with the Parlement of Paris, the most powerful legal body in France. The Crown regularly decreed the Coutume de Paris in effect in any new area annexed to the realm, including colonies. In the New World, Louis XIV extended the law in 1663 to Canada, and in 1712 to Louisiana. Many of its provisions were incorporated, often verbatim, into the Code Civil promulgated in 1804 by Napoleon. Thus, through the Code Civil, still in force in France today and the foundation for the civil law of many European countries, the Coutume de Paris is a living legal presence.

One of five de luxe exemplars printed on vellum for the five jurisconsultes who redacted this 1580 coutumier, this copy was produced specially for Mathieu Chartier and bears his painted and gilded arms on a vellum leaf. Bound in morocco decorated in the elaborate "fanfare" style typical of the latter part of the 16th century, this treatment is characteristic of the most exquisite productions of the master gilding experts of Paris. This same binding studio also produced work for Queen of France Catherine de Medicis and historian Jacques-Auguste de Thou. The binding itself appears in several references, and is reproduced in color in the Catalogue of English and Foreign Bookbindings (Quaritch, 1921).

This is a museum-quality piece of the utmost rarity, unique due to its association with jurisconsulte Mathieu Chartier. Of the five original exemplars printed on vellum for the jurisconsultes, three have been identified, including this copy, all except this one in Europe.


By Mike Widener, Rare Book Librarian
Lillian Goldman Law Library, Yale Law School

Two outstanding gifts are the highlights of the recent acquisitions for the Yale Law Library’s Rare Book Collection.

In October 2008, Professor Morris L. Cohen donated his Law-Related Children’s Book Collection. This unique collection of 166 titles spans 1759-2006, with two-thirds from before the 20th century. The collection formed the basis of a major exhibition in 2003 at Yale’s Beinecke Rare Book and Manuscript Library, “Juvenile Jurisprudence: Law in Children’s Literature.” We have promised Professor Cohen that we will continue adding to the collection and have already acquired three additional titles.

Another significant gift came from Charles J. Tanenbaum (Yale Law School Class of 1937). From his outstanding collection of legal Americana, Mr. Tanenbaum donated a letter of Chief Justice John Marshall. Writing in April 1835, only three months before his death, Marshall recalled his decision to run for Congress in 1798 at the urging of George Washington, thus beginning his career in public service as congressman and later as Chief Justice of the U.S. Supreme Court.
The Yale Law Library's Blackstone Collection now boasts its first Blackstone autograph manuscript. It is a letter from Sir William Blackstone to Thomas Randolph, Vice-Chancellor of Oxford University (26 Jan. 1758), and is an important chapter in Blackstone's ultimately successful campaign to reform the moribund Oxford University Press. For two years Randolph has resisted Blackstone's reform proposals with "gloomy Reserve and Neglect," he writes, and threatens to go over Randolph's head if his resistance continues. Randolph did eventually back down. The letter was published in I. G. Philip, William Blackstone and the Reform of the Oxford University Press (1955), 80-81.

Among other recent Blackstone acquisitions is the very last edition of The American Students' Blackstone (1938), marking the end of the 170-year career of the Commentaries as a textbook for law students. Two student notebooks on Blackstone were acquired: one is from New England(?), 1810(?), and includes several pages of "Questions and answers upon law: Blackstone's Commentaries"; the other is an abridgment of the Commentaries written by Edward Pennefather (later a leading Irish judge) in 1793, at the beginning of his legal studies in the Middle Temple.

We've added over 60 titles to our collection of American trials and trial-related publications. Among the more outstanding is Henry Ford's Retraction and Apology to the Jews (1927), which Ford was forced to publish to settle a libel suit over anti-Semitic articles published in a newspaper owned by the automaker, and based largely on the slanders in the notorious "Protocols of the Elders of Zion." The seven-page pamphlet also reprints letters from the president of the American Jewish Committee and other Jewish letters accepting Ford's apology. The Yale Law Library's copy is the only one listed in OCLC. Among the usual trove of 19th-century murder trials is Dark and Terrible Deeds of George Lathrop (1848); we obtained not only the 31-page pamphlet published by the sensationalism publisher E. E. Barclay, but also the broadside that Barclay's sales force used to promote the same title. Other titles included a number of fugitive slave cases and cases involving slavery in the British West Indies.

The collection of illustrated law books continued to grow. Samples from six centuries give an idea of the variety. Joost de Damhoudere's Praxis rerum criminalium (Antwerp, 1570) was a standard handbook for the criminal law of northern Europe, with over sixty woodcuts depicting criminal procedure and various crimes. Fodinae Regales, or, The History, Laws and Places of the Chief Mines and Mineral Works in England, Wales, and the English Pale in Ireland by Sir John Pettus (London, 1670) was the standard work on English mining law, and includes plates depicting two Welsh silver mines. Iurisprudentia numismatibus illustrata (Leipzig, 1763) is an odd work by the renowned jurist Karl Ferdinand Hommel, using coins, medals, gems, and manuscript illuminations to discuss a wide-ranging series of questions on civil and canon law. Inside the Bar, and Other Occasional Poems by John W. May (Portland, Me., 1884) includes several charming illustrations, including one of a very sour-faced attorney. Peau d'Hermine et Peau de Lapin (Paris, 1936) is a set of caricatures of French judges by the cartoonist Ziph (no copies in OCLC). From the 21st century there is Bound by Law: Tales from the Public Domain (Durham, N.C., 2006), the wonderful comic book on copyright law put out by the Duke Center for the Study of the Public Domain.

For more details on these and other recent acquisitions, stay tuned to the Yale Law Library Rare Books Blog, http://blogs.law.yale.edu/blogs/rarebooks/.

Georgetown Law Library Announces two Donations to the National Equal Justice Library

By Anne Mar, Project Archivist
National Equal Justice Library, Georgetown Law Library

The National Equal Justice Library announces donations of papers from two leading figures in the fields of legal services and public defense. Justice Earl Johnson, Jr., second director of the Office of Legal Services of the Office of Economic Opportunity has donated his collection on Access to Justice which includes material
documenting the establishment of the NEJL. The collection was transferred from Justice Johnson's former chambers at the California Court of Appeal in Los Angeles from which he retired in October 2007. He was instrumental in the creation of the library and has since remained very active as a member of the Consortium for the NEJL. Papers directly related to Justice Johnson's work with the Court of Appeal were transferred to the California Judiciary Center Library in San Francisco.

Marshall J. Hartman has served as the National Director of Defender Services of the National Legal Aid and Defender Association, and was head of the Capital Litigation Division of the Office of the State Appellate Defender of the State of Illinois. He has devoted much of his career to death penalty defense and has written widely about the role of the public defender in the United States. His papers document his time with the Illinois Office of the State Appellate Defender and his writings on capital punishment and public defense. Now retired, Hartman continues to write, serves on the Adjunct Faculty at Chicago-Kent College of Law, and remains in touch with former clients serving time on death row. He is a former president of the NEJL.

University of Louisville Law Library Launches Digital Collection

By Kurt X. Metzmeier, Associate Director Law Library, University of Louisville


The first titles to be made available are William Littell's Statute Law of Kentucky (1819), which compiles all the legal enactments relating to Kentucky from its beginning as a district of Virginia to 1818, and Report of the Debates and Proceedings of the Convention for the Revision of the Constitution of the State of Kentucky (1849), a rare transcript of the debates of the convention that drafted Kentucky's third constitution. Littell's Statute Law of Kentucky has long been recognized by lawyers as a founding document of state law and by historians of early Kentucky as an indispensable primary source for the understanding of everything from the founding of cities and towns, the establishment of road and ferries, to the regulation of marriage on the early Western frontier. The private laws, which granted divorces, paid contracts and pensions to citizens, and named prominent persons as town and school trustees, are of particular interest to legal and social historians. Kentucky's third constitution, ratified by voters in 1850, was the first state charter for which complete record of the convention that drafted it was published. Those debates are a valuable resource for understanding the concerns of Kentuckians on the brink of the Civil War. The driving force behind the 1849 constitutional convention was popular democracy and the new charter ensured for the first time that officers of all three branches of government, including the judiciary, were directly elected.

Other upcoming collections will reproduce the original plates of H. Levin's Lawyers and Lawmakers of Kentucky (1897), and will digitize the early class composites of the University of Louisville Brandeis School of Law, starting with prints from the 1890s. In the future, the Law Library digital collection will dip into the institution's archival collections, reproducing scrapbooks kept by Malvina Harlan that document the life and times of Justice John Marshall Harlan.

For more information, contact Kurt Metzmeier at (502) 852-6082 or kurt.metzmeier@louisville.edu.

Member News

C Frederick Le Baron

Karen Beck, Curator of Rare Books /Collection Development Librarian at the Boston College Law Library, has been experimenting with different technologies to spread the word about the library's Daniel R.
Coquillette Rare Book Room. Check out the new rare books Facebook page, at http://tinyurl.com/fblawrarebooks, and the even newer blog at http://tinyurl.com/lawrarebooksblog. Your comments and feedback would be much appreciated!


Mike Widener, Rare Book Librarian at Yale Law Library, has been invited to join the Board of Advisers for the Green Bag Almanac & Reader.

Joel Fishman, Asst. Director for Lawyer Services, Duquesne U. Center for Legal Information/Allegheny County Law Library, has written the following publications:

The Morris L. Cohen Student Essay Competition

The Legal History and Rare Books Section of the American Association of Law Libraries, in cooperation with Gale Cengage Learning, announces the first annual Morris L. Cohen Student Essay Competition.

The essay competition is named in honor of Morris L. Cohen, Professor Emeritus of Law at Yale Law School. Professor Cohen's scholarly work is in the fields of legal research, rare books, and historical bibliography.

The purpose of the contest is to encourage scholarship in the areas of legal history, rare law books, and legal archives, and to expose students to the American Association of Law Libraries and law librarianship.

Eligibility

Currently enrolled students attending accredited graduate programs in library science, law, history, or related subjects are eligible to enter the competition. Students may be enrolled either full- or part-time. Membership in the American Association of Law Libraries is not required.

Requirements

Papers may be on any topic related to legal history, rare law books, or legal archives. No paper, or portion of a paper, that has been published or accepted for publication before April 15, 2009 will be eligible for consideration. Papers and all supporting documentation must be submitted by April 15, 2009. The winner will be announced by May 15.

Prize

The winner will receive a $500.00 prize from Gale Cengage Learning. In addition, the winner will receive up to $1000 to be applied towards expenses associated with attendance at the Annual Meeting of the American Association of Law Libraries. The 2009 Annual Meeting will be held July 25-28 in Washington, D.C. Attendance at the Annual Meeting is encouraged, but not required.

Detailed procedures and an application form are available at the website of the Legal History and Rare Books Section of the American Association of Law Libraries: http://www.aallnet.org/sis/lhrb/

Questions may be directed to Katherine Hedin, University of Minnesota Law Library: k-hedi@umn.edu OR Jennie Meade, Jacob Burns Law Library, George Washington University: jmeade@law.gwu.edu

American Association of Law Libraries
Legal History and Rare Books
Special Interest Section

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