Coke, Selden, Hale and the Oxford English Dictionary

Joel Fishman, Ph.D.

Most readers will of course recognize the names of Edward Coke, John Selden and Matthew Hale as three of the most important judges/lawyers of the seventeenth-century England. Coke is widely known for his role as Chief Justice of King’s Bench in the reign of James I and opposition leader in Parliament to Charles I as well as the author of Coke’s Reports and the Institutes of the Lawes of England (4 vols. 1628-1644). John Selden was the major legal historian of his age and also a member of the 1628 parliament (and for whom the Selden Society is named after). Matthew Hale was Chief Justice of Common Pleas in the reign of Charles II and an important author of legal treatises in history and organization of the common law (see my article in the previous issue of this newsletter).

The use of dictionaries has gained some prominence in the use of court cases and statutory interpretation. Legal dictionaries have had a long history from John Rastell’s An Expousition of Certaine Difficult and Obscur Wordes, and Terms of the lawes of This Realme (1579) to John Cowell’s The Interpreter: Or, Booke Containing Significant Words (1607), Giles Jacob’s A New Law Dictionary (1736), Thomas Tomlin’s The Law-Dictionary (1811) and John Bouvier’s A Law Dictionary (Francis Rawle, ed. 3d ed. 1914), and finally the multiple edition’s of Black’s Law Dictionary (Bryan A. Garner, 9th ed. 2008). Because of the importance of our three authors, I was interested in finding out how their works served in the etymology of words. A search of the online edition of the Oxford English Dictionary, performed during the week of March 15-19, 2009, for each author listed as the first time author resulted in the following list of words for each author. I have only listed the words, the dates of inclusion, the dates of publication, and short title abbreviation of the works (extended in the notes). In a couple of instances the Dictionary provided citation to later works that cited one of the authors.

EDWARD COKE

1  1628  allodium  1628  Coke On Litt. 1b
2  1628  appeach  1628  Coke On Litt. 123b
3  1628  apportion  1628  Coke On Litt. 148a
4  1628  apportionable  1628  Coke On Litt. 148a
5  1628  apportionment  1628  Coke On Litt. 149b
6  1628  attaindrie  1628  Coke On Litt. 37a
7  1628  beadlery  1628  Coke On Litt. 234a
8  1628  black acre  1628  Coke On Litt. 148b
9  1628  boiery  1628  Coke On Litt. 4b
10  1628  compester  1628  Coke On Litt. 122a
11  1615  conation  1615  Coke Rep. xi. 98b
12  1628  departer  1628  Coke On Litt. 139a
13  1628  estang  1628  Coke On Litt. 53a
14  1642  indecimable  1642  Coke Inst. ii. 490
15  1644  inexpeditate  1644  Coke On Litt. iv. (1671) 298 margin
16  1628  inspecimiento  1628  Coke On Litt. 225b
17  1628  jurisprudence  1628  Coke On Litt. Epil.
18  1635  let-pass  1635  Coke in Strafford’s Lett. (1739) I.
19  1628  mistrial  1628  Coke Rep. iii. To Rdr. sig. D iv S
20  1628  mutiy  1628  Coke 1st Pt. Inst. Lawes Eng. 352 b
21  1628  natural person  1628  Coke 1st Pt. Inst. Lawes Eng. 78 b
22  1628  non compos  1628  Coke 1st Pt. Inst. Lawes Eng. 247 S
23  1644  O. Ni.  1644  Coke 4th Pt. Inst. Lawes Eng. iv. 1
24  1628  pais  1628  Coke First Part Institutes iii. 667
25  1634  particeps criminis  1634  Coke Institutes (1644) III. lxiv. 1
26  1628  prisal  1628  Coke 1st Pt. Inst. Lawes Eng. 311
27  1628  quia tim et  1628  Coke 1st Pt. Inst. Lawes Eng. ii. v
28  1628  redisseise  1628  Coke 1st Pt. Inst. Lawes Eng. 154 b
29  1628  regardancy  1628  Coke 1st Pt. Inst. Lawes Eng. 124 b
30  1628  releasor  1628  Coke 1st Pt. Inst. Lawes Eng. 265
32  1634  root-fall  1634  Coke On Litt. iv. lxxiii. (1648) 30
33  1628  sane  1628  Coke On Litt. i. i. i. 10
34  1628  sullerye  1628  Coke On Litt. 166
35  1628  tantamount  1628  Coke On Litt. 5

2 Edward Coke, The First Part of the Institutes of the Lawes of England, or A Commentary Upon Littleton (1628). The citations to Coke on Littl. or Coke 1st Pt. Inst. Lawes Eng. are the same title. The first volume is a commentary upon Littleton’s Tenures (1485), the first English law book published in English, that dealt with the land law in England. Coke’s first volume was published in 1628 and went through multiple editions in the following two centuries. The other three volumes were published posthumously in 1644 and also were published in multiple editions thereafter.


4 Edward Coke, The Third Part Of The Institutes Of The Lawes Of England : Concerning High Treason, And Other Pleas (1644).
John Selden, Titles of Honor (1614).

Michael Drayton, Poly-Olbion.

The table below lists entries under his name:

<table>
<thead>
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<th>Year</th>
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<td>Table-talk 83</td>
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<td>1612</td>
<td>gynæcocracy</td>
<td>Drayton's Poly-olb. xvii.</td>
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^5 John Selden, Titles of Honor (1614).

^6 Michael Drayton, Poly-Olbion. Or a Chorographcall Description of Tracts, Riuers, Mountains, Forests, and Other Parts of this Renowned Isle of Great Britaine: with Intermixture of the Most Remarquable Stories, Antiquities, Wonders, Rarityes, Pleasures, and Commodities of the Same: Digested in a Poem by Michael Drayton, Esq. With a Table Added, for Direction to Those Occurrences of Story and Antiquitie, Whereunto the Course of the Volume Easily Leades Not. London: Printed by H[umphrey] L[ownes] for Mathew Lownes: I. Browne: I. Helme, and I. Busbie, 1613. I have given the full title since it is a work that I am not familiar with. Yale University Library lists 137 entries under his name.

^7 John Selden, Table-Talk (1689). This work also went through multiple editions down to the twentieth century.

John Selden, The History of Tythes (1618).

Michael Drayton, Poems (1610).

John Selden, Tracts Written by John Selden of the Inner-Temple, Esquire: the First Entituled, Jani Anglorum Facies Altera, Rendered into English, with Large Notes Thereupon / by Redman Westcot, Gent. ; the Second, England's Epinomis ; the Third, Of the Original of Ecclesiastical Jurisdictions of Testaments ; the Fourth, Of the Disposition or Administration of Intestates Goods ; the Three Last Never Before Extant. (1683).

Id. This was the first treatise in his Tracts publication.
Matthew Hale, A NARRATIVE LEGALL AND HISTORICALL TOUCHING THE CUSTOMES, IN S. A. MOORE, A HISTORY OF THE FORESHORE (3d ed. 1888). This is from MS Hargrave 98, the first draft of Hale’s “De Juris Maris,” “De Portubus Maris,” and “Concerning the Customs” later published by Francis Hargraves in 1786.

Matthew Hale, THE PRIORITIVE ORIGINATIION OF MANKIND, CONSIDERED AND EXAMINED ACCORDING TO THE LIGHT OF NATURE (1677).

Cornelius Nepos, THE LIFE & DEATH OF POMPONIUS ATTICUS: WRITTEN BY HIS CONTEMPORARY AND ACQUANTANCE CORNELIUS NEPOS; TRANSLATED OUT OF HIS FRAGMENTS. TOGETHER WITH OBSERVATIONS, POLITICAL AND MORAL, THEREUPON. (1677).


Matthew Hale, PLEAS OF THE CROWN (1678), went through multiple editions thereafter; the citation above appears to be to HISTORIA PLACITORUM CORONAE, THE HISTORY OF THE PLEAS OF THE CROWN (George Wilson, ed., 1800).
This bibliography is an ongoing attempt to identify, gather, and make known as many pieces of historical information about individual law school libraries in the United States as possible. To compile the information, I have queried colleagues across the country and searched law, library, and legal education literature in print, microform, and on the web. Nonetheless, some histories remain scant. The elusive nature of what I seek almost insures that I miss items. There is no doubt more to be found, both under my nose where I’ve already looked and missed it, and hidden away in annual reports, brochures, announcements, and other ephemera parked deep in filing cabinets, bottom drawers, and institutional archives. If you are aware of any additional pieces of library history that I have missed, I hope that you would please bring them to my attention.

I want to thank all my colleagues across the country for putting up with my requests to borrow, scan, fax, or interpret some piece of data or another. I must also acknowledge and thank the incredible reference firm of Brown, Pascoe, and Rosen here at Barry Law, my Assistant Bonnie Abrams, and my ever-smiling research assistant, Terra Sickler. Finally, I must thank Mark Podvia, Editor-in-Chief, Jeanie Meade, Articles Editor, and Kurt Metzmeyer, Articles Editor and Webmaster, for LH&RB for allowing me to feed the Buffalo. All mistakes and interstices are mine.

ALABAMA

Faulkner University, Thomas Goode Jones School of Law Library, 5345 Atlanta Highway, Montgomery, AL 36109, (334) -272-5820
Website: http://www.faulkner.edu/jsl/library.asp

The website provides little history of the law library. It does, however, provide links to the library newsletter, The Library Link, published three to five times annually from 2005-09.

Selected Timeline

1928 Law School Founded
2009 Achieves ABA Accreditation

Samford University Cumberland School of Law, Lucille Stewart Beeson Law Library, 800 Lakeshore Dr., Birmingham, AL, 35229, (205) 726-2714.
Website: http://lawlib.samford.edu/

The website didn’t provide much history, but it did give links to Check It Out, a Law Library newsletter published six or seven times annually since 2000. The February 2010 issue included a bibliography entitled Required Reading for Cumberland Students in the 1800s by Reference Librarian Brenda Jones.

David J. Langum and Howard P. Walthall, From Maverick to Mainstream; Cumberland School of Law, 1847-1997 (University of Georgia Press) (1997).
The 1848-49 law catalogue reports that the law library was started with gifts of the statutes and reports of Louisiana and Arkansas. These initial donors of books to the library of the Cumberland School of Law were David B. Greer of Arkansas and H.R. W. Hill of New Orleans.

Beginning in 1859, students paid a one dollar library fee which was added to the library fund to increase the number of books in the library.

The law school made its first direct appeal for funds in 1870. Before the Civil War, the school generally asked for books for the law library instead of cash. Broad-based alumni society and fund-raising campaigns would not begin until the 1920s.

“A student attending Cumberland in 1870-71 described the law library modestly as ‘a nice little law library, comprising text-books, some English reports, and United States and State reports. . . . Smith’s Leading Cases and White and Tudor, the Institutes of Justinian, and Peterdorf’s Abridgement of the Common Law, were about all the [secondary reports and digests]accessible.”

In 1869 the Law Library held 600 volumes, but quickly grew to 3,000 books by 1878. It seems time then stood still; the library did not grow much for thirty five years.

Caruthers Hall originally had housed the libraries of all three University departments, Collegiate, Theological, and Law. After Memorial Hall was built, the other libraries moved out. The 1902-03 catalogue announced that “the many volumes in law, history, politics, etc., have for the most part been retained to form the nucleus of a new Law Library, which was recently opened. The room [in Carthurers Hall] formerly occupied by the University library has been renovated and arranged to suit the purposes of the Law Department. This recently established library has some three thousand or more volumes, and this number shall be increased from year to year.”

The new library was open six days a week, Monday to Saturday. In 1902 the trustees authorized a committee of three law professors to spend as much as $500 in law library acquisitions. In 1904, about $1,000 worth of new law books was added.

On April 23, 1915, Andrew B. Martin ordered the 27-volume set of Ruling Case Law published by the Lawyers Co-op Publishing Company, at $3 per volume, half the normal retail price. On June 29, 1915, he purchased the 60-volume Corpus Juris set for $5 per volume, knocked down from a list of $7.50 per volume.

Sara Hardison served as law librarian while attending classes. Student John Hamison, class of 1941, worked for her as evening attendant at the library. The Library fee was raised to $10 per term in 1925, then to $12.50 in 1928. In 1933, the law school increased tuition but dropped the separate library fee.

The library, now designated the Cordell Hull Law Library contained a sufficient number of books to meet the minimum ABA volume count of 7,500 volumes. Although the library failed to meet the ABA’s “well selected” standard, it provided students with access to cases cited in their treatises and textbooks.

ABA accreditation required changes in the facilities. Standard I(f) required “reasonably adequate facilities…housed so as to make possible efficient work on the part of both students and faculty.” The law library was enlarged to provide student seating and work areas by cutting through eighteen-inch brick walls into an adjoining room. The 1937 ABA report on Cumberland noted that there were only thirty to forty seats in the library.
By 1950 the library’s collection had significantly increased to more than 14,000 volumes. In July 1959 the ABA notified the school that it had one year to show progress toward three goals including a $500,000 endowment and a new library.

Howard College of Birmingham purchased the law school in 1961. Patricia Coffman, who had worked in the Mercer and Santa Clara law libraries, was hired to supervise the relocation of Cumberland’s law library from Caruthers Hall to the third floor of Howard’s Davis Library, which would serve as a temporary home to the law school. Groundbreaking took place October 9, 1962. The law school moved into the building, designed to accommodate a student body of 200 and a library of 94,000 volumes, during the 1963-64 Christmas break.

The AALS reinspection of the school in April, 1974 revealed several areas of concern, including faculty and law library staff salaries, which ‘may well be the most important problem’; library acquisitions ‘both in volume and type’; and faculty/student ratio. Construction of an addition to the current building began March 1976 and was available in time for the fall 1977 academic year with an official dedication November 4, 1977. Library space doubled.

The AALS determined that plan did not fully comply with its membership requirements and ordered a new inspection of the school, held October 16-19. The combined ABA and AALS team report “hammered on areas, such as its library.” While praising the work of law librarian, Laurel R. Clapp, hired in 1975, the report pointed out that 35 law schools had a larger full-time enrollment than Cumberland’s, but its library ranked 135th in total volumes and lacked an adequate support staff. Library staff salaries were found to be “very low even by Birmingham standards.”

After a 1977 inspection, again the ABA found that Cumberland might not be in compliance with ABA Standards. Specific concerns included an underpaid library staff with insufficient clerical support and a library collection insufficient for the size of the student body and to sustain scholarly research by the faculty, and insufficient support for scholarly research. As a result, fresh financial commitments to the law resulted in an additional $270,000 for the law school, two-thirds of which was allocated to the law library. The book budget for 1978-79 increased 124 percent over the previous year and library staff salaries were raised. The book budget grew from FY73 through FY80, the book budget grew 418%, from $54,000 to $279,766.

In 1977, the Memory Leake Robinson Hall, “More than doubled in size, and with that came more than a doubling of the floor space available for the library. Even the expanded space proved inadequate. . . . Thanks to a magnificent gift from Lucille Stewart Beeson, a longtime benefactress of Samford University, construction soon began on a new, freestanding library building to the east of Memory Leake Robinson hall, but connected to it by a glass-enclosed breezeway.

On March 1, 1995, a new library opened its doors.

“The library is light, airy, and spacious, with a central atrium that gives openness to all the upper levels. By some miracle of the architect’s craft, sounds are several decibels lower in the new library than in the main law building. Entering the front foyer, patrons pass a bust of the donor, Lucille Stewart Beeson, and an etching of her words, enjoining those who use the facility to ‘Seek Wisdom to the Temper Justice With Compassion.’ In the courtyard, the theme of those words are taken up in a statute of Lady Justice, seated with the scales of justice in her hand, while an angel of advocacy whispers in her ear a plea for sympathy.”
Former President Gerald R. Ford dedicated the facility February 15, 1996.


Upon retirement, Judge Joel F. Dubina characterizes the Lucille Stewart Beeson Law Library as the “Crown Jewel” of retiring Dean Parham Williams’s deanship.


Cordell Hull Library - The 31,000-volume law library is kept up to date by constant addition of newly-published books, current legal periodicals and loose-leaf services. The published opinions of all courts of last resort in the United States together with reports of all Federal courts and the intermediate Appellate Courts of the State of New York, are found in the library. Federal and state codes, statutory materials, treatises, textbooks and a fine collection of standard law books are also available to the student of law.

Selective Timeline

1847 Law School established at Cumberland University in Lebanon, Tennessee.
1848 Law library started with gifts of the statutes and reports of Arkansas and Louisiana
1859 Students begin paying $1 library fee to help buy books.
1869 Collection numbers 600 volumes.
1878 Collection numbers 3,000 volumes.
1902 $500 authorized for book purchases.
1903 Caruthers Hall renovated; Law Library separated from other libraries.
1949 ABA Accreditation
1950 Collection surpasses 14,000 volumes.
1961 Law school moves to Howard College in Birmingham, Alabama. Cordell Hull Library collection numbers 31,000 volumes.

Bounds Law Library, University of Alabama School of Law, PO Box 870383, Tuscaloosa, AL 35487-0383, (205) 348-5925

Website: [http://www.library.law.ua.edu/welcome.htm](http://www.library.law.ua.edu/welcome.htm)

The Library web pages provided little history about the law library, but they did reveal that 13 volumes of library accession books are available covering 1955-80.


These three pages focus on Prof. Payne’s relentless efforts on behalf of the law library. It is among 22 pages of tributes. Payne served as chair of the library committee and “virtually became Library Director.” Payne filibustered a meeting regarding law library autonomy which was not going well by reading a report very slowly until the meeting broke up. This gave Payne and the dean time to “gather their forces” and win the battle for autonomy.


44 pages. The Library is mentioned on pages 128 (beginnings); 140 (by 1928 the Library held about 9,500 volumes); 142 (endowment established for library and other needs); 148-49 (much of the impetus to build up the law library came from outside the law school.); 159-60 (Library concerns law school foundation which became “chief source of support” for
University of Alabama School of Law founded in 1872 with one professor and four students. The University and state officials created a foundation for a separate law library in the late 1880s. In 1886 the law school received three sets of Alabama Code, three sets of Acts of Alabama, a set of Alabama Reports, and assorted textbooks. The University library gave from its own collection “such books of law and literature as were appropriate.” In 1887 the Board of Trustees allocated a $500 book budget.

Book donors included Joel White, Alabama Supreme Court Justice George W. Stone, and publishing houses such as Little, Brown & Co. of Boston.

A law student undertook the duty of the Law Librarian in 1889, and after three moves between 1886 and 1912, the library was located on the third floor of Morgan Hall, described as a beautiful building at the center of campus with minimal insulation.

In March 1910, a committee of law students appeared before the University’s Board of Trustees to ask for more books. According to Dean Albert J. Farrah, the Library contained 1,200 volumes. James J. Garrett of Birmingham donated more than 1,500 volumes in 1914.

The American Bar Association approved the Law school in 1926. Farrah Hall, a three-story building completed in 1927 housed the “Law Library for fifty years.

Dean Farrah decided what the Library would purchase. Dean Farrah hired chief librarian Florence Kennedy in 1929, but she also served as Registrar and Dean’s Secretary.

By 1930 there was a regular book budget of $3000, and by 1944, the end of Dean Farrah’s tenure, the library had almost 17,000 volumes.

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1 McKenzie says “a young graduate was employed as law librarian,” while Pruitt says “A law student agreed to undertake the duties of Law Librarian...” See McKenzie, Farrah’s Future: at 128, and Pruitt, Payne’s Dream at 6 (1990).
Dean William M. Hepburn replaced Farrah in 1944 and created the Bureau of Legal Research. Librarian Willie Mae Daffron began recataloging the collection which was up to 22,000 volumes by 1950.

Professor Payne proposed a long-term program of improvement and created a set of principals that his plan was guided by. Payne identified 9,000 volumes that the Library should acquire to “meet the immediate needs of faculty and students and lay the foundation for a research library.” The cost of Payne’s Plan was estimated at around $50,000. Payne noted, “that the current Library book budget ($4,515) was below the AALS (Association of American Law Schools) minimum of $5,000.”

Payne insisted that the Law Library budget, be officially placed under the authority of, and presented by, the Law Dean. Control over both the budget and staff was eventually given to the Deal of the Law School.

Between 1954 and 1964, the Library grew roughly 3,000 volumes per year having a then total of 50,000 volumes.

Book budgets more than doubled from those at the end of WWII, and a new wing was added to the Farrah Hall by 1965 that increased total storage to 120,000 volumes.

Igor Kavass was hired in 1968 in part to “establish a library which would enable research projects of any reasonable magnitude to be carried on . . . without too much reliance on materials held elsewhere.” The University increased the book budgets to $30,000 in 1966; 1967 saw an appropriation of $40,000, a level maintained for the next few years. The Law School Foundation added $188,000 during 1966-70. The collection to double in size to over 100,000 volumes by June, 1970.

1978 New Law Center. Library takes up the east wing and has space for 400,000 volumes and seating for 500 people.

The Law School Foundation continued to contribute funds, and in 1981 added more than $75,000 to an overall book budget of $326,000. By 1980 the collection of the library had reached close to 200,000.

University of Alabama. School of Law Library. Annual report for the year 1968-1969 Presented to the Dean of the School of Law by Igor I. Kavass, Director of the Library.

University of Alabama. School of Law Library. Annual report for the year 1968-1969 Presented to the Dean of the School of Law by Igor I. Kavass, Director of the Library.

Selected Time Line

1872 Henderson Somerville becomes First professor
1880s University and state officials create foundation for separate law library.
1887 Board of Trustees allocates $500 book budget
1889 Law student undertook the duty of the Law Librarian.
1914 James J. Garrett of Birmingham donates more than 1,500 volumes.
1926 ABA Accreditation
1928 AALS Membership
1929 Florence Kennedy hired as Chief Librarian
1930 Dean Farrah combines his Secretary, Registrar, and Librarian into one position
1931 Janie Reeves hired as Librarian
1932 Irene Feagin hired as Librarian
1934 Lois Bell hired as Librarian
1937 Mavis Clark hired as Librarian
1942 Christine Reynolds Connell hired as Librarian
1943 Army occupies much of Farrah Hall during summer.
1946 Willie Mae Daffron hired as Librarian; began recataloging collection.
1947 John C. Payne, library champion, hired as faculty member.
1949 Wing added to the Farrah Hall includes a reading room, new stacks, and offices.
1953 Prof. Payne’s Ten Year Plan adopted by faculty.
1954 Talbot Fowler hired as Library Director
1965 Wing added to Farrah Hall increased space for 120,000 volumes.
1968-1970—Igor Kavass—Library Director
1971-1975—William R. Murray—Director
1978 Library moves to east wing of new Law Center; includes room for 400,000 volumes and 500 seats.

ARIZONA

Phoenix School of Law Library, 4041 N. Central Ave. Suite 100, Phoenix, AZ 85012, (602) 682-6897

Website: http://www.phoenixlaw.edu/lawlibrary/default.asp?PageID=45

There is no history provided on the Library web pages.

Histories:

No library history was found during a literature search in print and electronic sources.

Selected Timeline:

2007 Provisional ABA Accreditation

Sandra Day O'Connor School of Law, Ross-Blakely Law Library, 1102 S. McAllister Ave., P.O. Box 877906, Tempe, Arizona 85287, (480)-965-6144.

Website: http://www.law.asu.edu/Library


Library contains 67,755 gross square feet of new construction, and 17,000 square feet of renovation. The construction budget was $7.37 million.


Art Betancourt, Library Assistant, Sharon Firestone, Librarian, and Richard Nash, Associate Director, organized the initial selections and prepared for the arrival of the materials. Donna Larson-Bennett came to the Law Library from the University's Hayden library in 1984, and
was the Depository Librarian responsible for the collection until June, 2000. The government documents program has been managed by Elvie Calhoun since 1989, and is administered by Victoria Trotta, Associate Dean for Information Technology at the Ross-Blakley Law Library."

The government collection was originally in a side room in the basement of the Law Library, but after the collection started to grow, and the new John J. Ross-William C. Blakley Law Library opened in 1993, the collection was relocated on the main floor to the south side of the building.


This special issue of the Law Forum was devoted to the new John J. Ross-William C. Blakley Law Library and its dedication on November 5, 1993. It contains a transcript of the Library architectural lecture, words remembering William C. Blakley, the Library Dedication, customary speeches and remarks by dignitaries, and the concomitant list of donors. Many photographs display the beauty and function of the building.

The library was built on a site along an irregular boundary on the interior of campus. Emphasis was put on how to make the campus an open space between the library and the Armstrong Hall.

Law Librarian’s Paper Listed on Top-Ten Downloaded List http://www.law.asu.edu/?id=733

Announcement that a research paper co-written by Leslie A. Pardo, Head of Access Services in the law school’s Ross-Blakley Law Library was listed on the Social Science Research Network’s (SSRN) Top Ten downloaded list for “Legal Education.”

Selected Timeline:

1964  State Board of Regents approves establishment of a law school.
1969  School achieves ABA accreditation.
1993  The Ross-Blakley Law Library dedicated (November 5th.)

James E. Rogers School of Law, Cracchiolo Law Library, P.O. Box 210176, Tucson, Arizona 85721-0176 (Physical Address: 1201 E Speedway Blvd., Tucson, AZ 85719) (520) 621-1373.

Website:  http://www.law.arizona.edu/library/index.cfm


Law Library Information: Collection,
http://www.law.arizona.edu/library/Libraryinfo/collection.cfm?page=info

Library contains over 425,000 volumes, including a Foreign and International collection with a Mexican and Latin American emphasis, a Commonwealth collection, U.S. Government Documents, and for a surprise, an Arizona collection. The Library also contains extensive water law and Native American and indigenous peoples law collections.
Special Collections contains historical treatises, many one-of-a-kind items, Colorado River documents and books written by College of Law faculty.

Selected Timeline:

1930 ABA Accreditation
1931 AALS
1969 Order of the Coif
1991 Becomes U.S. Government Depository Library

ARKANSAS

University of Arkansas School of Law, Robert A. and Vivian Young Law Library, Leflar Law Center, Waterman Hall, 1045 W. Maple St., Fayetteville, AR 72701, (479) 575-5051.

Website:  http://law.uark.edu/library.php

No history is provided on the library web pages.


This article provides information reading the staffing, services and contact information for both Law school libraries in Arkansas.

As of June 30, 1980, the collection size was reported to be 146,515 volumes. Comprising this collection are 1,622 volumes of government documents, approximately 8,000 volumes of microforms, 18,400 volumes of law reviews and journals, and also numerous treatises, reporters, digests, statutes and other needed research materials.

Arkansas Lawyer

The Arkansas Lawyer regularly notes the goings on at the law school and in the law library. Snippets of notes throughout the years tell about additions to the collection, new staff members, and about professional staff activities. A few of these articles include:

4 Ark. Law. 146 (1970)

Alumnus donates rare book published in 1559 containing a collection of all British statutes from the Magna Carta to 1557. Value is estimated at $500.

22 Ark. Law. 41 (1988)

Marcia Baker from University of Texas Law Library is hired as the new assistant librarian in charge of circulation/reference.

22 Ark. Law. 133 (1988)

Congress approves $370,000 grant to establish National Agricultural Law Research and Information Center. School contemplates future annual appropriations of approximately $500,000. Center to provide a central clearinghouse for agricultural law information and supplement Young Law Library holdings.

26 Ark. Law. 49 (1992)
Glen-Peter Ahlers becomes Director July 1, 1992; Professional activities of staff.

Selected Timeline:

1924 Law School Founded
1926 ABA Accreditation
1927 AALS
1991 Library Director George Skinner Resigns
1992 Glen-Peter Ahlers becomes Library Director
2002 Glen-Peter Ahlers leaves to Barry University School of Law

William H. Bowen School of Law Library, 1203 McMath Avenue, Little Rock, Arkansas 72202, (501) 324-9444.

Website: [http://lawlibrary.ualr.edu/](http://lawlibrary.ualr.edu/)


This article provides information reading the staffing, services and contact information for both Law school libraries in Arkansas.

As of September 30, 1980, the collection size was reported to be 117,647 volumes; 83,111 volumes UALR, 34,536 volumes Pulaski).

Due to the unique combined ownership of this library the collection includes a large number of practice-oriented materials not commonly found in University Law Libraries.


In-depth profile of Library Director Ruth Huskey Brunson. She became librarian in 1965 when the library director of the little rock campus of the law school failed to show up for work. She was among the first three library employees hired.

More than 100,000 books and microfilm belong to the UALR Law School library. The Pulaski County Law Library Fund pays rent to the Arkansas Bar Foundation for its part. And, between 30,000 to 40,000 books, nearly all the cassette tapes, the library tables, shelving and some office furnishings belong to the Pulaski County Law Library.

Mrs. Brunson’s law library training came from seminars held by the American Association of Law Libraries and ‘I learned as I went.’ For the seminars, ‘we read for months and months, went to school all week, and studied cataloging, management, acquisitions, legal bibliography, civil law,’ she said. Between 1965 and 1972, she received four certificates from the AALL. In 1976, she received law librarian certification from the Association.

Mrs. Brunson retires June 30, 1986, at age 7, after 21 years of service to the library.

Arkansas Lawyer

The Arkansas Lawyer regularly notes the goings on at the law school and in the law library. Snippets of notes throughout the years tell about additions to the collection, new staff members, and about professional staff activities. A few of these articles include:

10 Ark. Law. 34 (1976)
Mary Jane Silpsky joins the staff as Acquisitions-Catalogue Librarian. Ms. Librar

17,000-volume equivalents on microfilm brings combined Law School-Pulaski County
collection to over 70,000 volumes.

Ruth H. Brunson given title of Professor of Law and Director of the Law Library. Her
Assistant Librarian, Lambert G. DeCora, is given the title Associate Professor of Law.


Publication notices for Library Director Lynn Foster and Assistant Law Librarian Karen K.
Stitsworth. Professional activities noted for Stitsworth and Assistant Librarian for
Acquisitions, Sylvia Dresser.

20 Ark. Law. 212 (1986)

Lynn Foster assumes position of Director.

22 Ark. Law. 232 1988

Professional activities of the library staff.


Professional activities of the library staff.


The Arkansas Law Center and Old Federal Building (OFB) which house the Law School may
have been adequate for a starting day law school and law library in 1974, but they are in no
way adequate at the close of this decade and the start of another and the American Bar
Association’s inspection team that visited in October knows it. . . .

Most serious, though, is the grossly inadequate library space. The beautiful, high-ceiling
reading room overlooking the Arkansas River masks the inconvenient and difficult access to
the majority of the books. Reaching some requires climbing a narrow, winding staircase to
the fifth level and then going up or down another set of steps. Obviously the library’s
architect did not consider the needs of the handicapped or a preferred horizontal design when
constructing the library. For the more ablebodied, access to the materials in the federal
depository portion of the library or to those books less frequently used requires a trip to the
basement of the OFB.

The expansion needs of the law library cannot be met in the current facility. These needs may
stabilize in the next 10 to 20 years with the ability to put sets of law books on compact
Computer disks, but that will be too late to save the Law School’s accreditation.

26 Ark. Law. 47 (1992)

Recognition of Library staff for years of service.


Memorial for Herschel H. Friday mentions that donations could be made to, among other
places, the University of Arkansas at Little Rock School of Law, Herschel H. Friday Law Library Endowment.

37 Ark. Law. 45 2002

This tribute to Judge Henry Woods spoke of his ceaseless efforts as President of the Arkansas Bar Association in 1972-73, to obtain funding of a first-class law library for the law school in Little Rock. Woods “pounded the marble at the State Capitol day after day until this pet project of his passed both the House and the Senate. He hand-carried the bill to then-Governor Dale Bumpers for signature. Without question, establishing the library fund played a critical part in the success of this fine law school.”

Ark. Law. 48 (1995)

Memorial Notice: Ruth Huskey Brunson, of Little Rock, died in September at the age of 79.

Timeline:

1965 Ruth Husky Brunson becomes Library Director
1969 ABA Accreditation
1986 Lynn Foster Becomes Library Director

CALIFORNIA

University of California-Berkley Law, Boalt Hall Law Library, 2778 Bancroft Way, Berkeley, CA 94720-7210, (510) 642-4044.

Website: http://www.law.berkeley.edu/library.htm


Since 1894, library has grown to almost 875,000 volumes. “The Law Library’s collection is rich in legal history and common law materials and through the Robbins endowment has one of the finest collections of comparative law, international and human rights law and civil law in the world.”


Lloyd McCullough Robbins established The Robbins Religious and Civil Law Collection in 1952 by in memory of his parents. Today the collection serves as an international center for comparative legal and historical studies that attracts students and leading scholars from universities and research institutions around the world, and its library ranks among the very best in the fields of religious and civil law.


The Collection contains over 340,000 titles in: civil law, religious law encompassing the canon law of the Roman and Greek church and the Church of England, Jewish and Islamic law, and secular law. It includes are over 275 manuscripts, mostly medieval, over 200 incunables, and another 2,300 titles printed before 1600. Holdings also include more than 100 single-folio manuscript legal documents from France, England, and the Papal Court, and 544 Catalan consilia printed between 1620 and 1756.
History of the Collection, The Robbins Collection, 

Lloyd McCullough Robbins found an interest in legal history after he argued his mother's case, the right to be taxed on property she inherited from her husband, to the United States Supreme Court. He began collecting rare civil and canon law books.

The Robbins fund, “secured by the generous donation made by Lloyd M. and Beatrice Clayton Robbins, allows for the continuous expansion of the Collection in all its aspects. For the past twenty years, the Collection has successfully built on its solid foundation to realize more comprehensively Lloyd M. Robbins's vision by developing a unique center for scholarly research and study.”

Overview of the Robbins Collection, 

Individual web pages describe the extensive collections in Civil Law, Religious Law (including Canon, Ecclesiastical, Jewish, and Islamic Law), 16th–19th Century Legal History, and Comparative Law.


The Law Library boasts of “an extraordinarily deep collection of federal, California and other state’s materials. Unlike many law libraries, we have continued to collect widely for all 50 states.” The Library is a selective depository for U.S. government documents. As a major, public legal research facility in the western United States the Law Library purchases a “wide range of practice materials, such as treatises, form books, explanatory texts and legal research guides.”

Foreign, Comparative & International, International Collection, 

The International Collection consists of about 40% of the overall Library collection and includes a “strong emphasis on international economic law, human rights, transnational commercial and business law, international arbitration, intellectual property, comparative taxation and treaty law.” The collection also contains “documentation and information from many international organizations, including the International Court of Justice, the United Nations, the European Union, and the Organization of American States.”

Selected Timeline

1894 Library opens

Chapman University School of Law, Harry & Diane Rinker Law Library, One University Drive, Orange, CA 92866, (714) 628-2500.

Website: http://www.chapman.edu/law/library/


The Library is a three-story building with seating for over 300 users, and contains more than 348,000 volumes and equivalents.
University of California-Davis School of Law, Mabie Law Library, 400 Mrak Hall Drive, Davis, CA 95616, (530)-752-3327.

Website:  http://www.law.ucdavis.edu/library/index.html

The Mabie Law Library is named in honor of the William and Inez Mabie Family Foundation, which is dedicated to providing philanthropic support to worthy causes, principally in the areas of education and medicine.


A staff of 16, including three attorneys and five with professional library degrees, keep the Library open 70 hours per week when the Law School is in session. The Library has 253 carrels, 58 seats at tables, a computer lab with 36 stations, 6 public computers, and stations with microform reader/printers. Second- and third-year students may request a carrel; first-year students share assigned carrels. Law students receive keys for after-hours access to the Library.

A law school expansion and renovation project underway is to net the Library a new reading room and group study and reserve seating areas. The expansion portion is to be completed in May 2010 with the renovations to follow.

Selected Timeline:
1995 School and Library open
2002 ABA Approval
2006 AALS

Golden Gate University School of Law, Law Library, 536 Mission Street
San Francisco, CA 94105-2968, (415)-442-6692.

Website:  http://www.ggu.edu/lawlibrary/

About the Library,  http://www.ggu.edu/lawlibrary/about

In November 1901, the San Francisco YMCA began the YMCA Evening Law School to help working people attend law school at night. In 1910, the name changed to Golden Gate Evening Law School.

No history is provided for the library, but links to the history of the law school provide glimpses, such as, in 1968, the Law School graduated “less than 45 students” and “The Law Library was jammed” into a space smaller than the Dean’s office and one-half the faculty office space in 1999.
Special collections include the Jesse Carter Collection (Carter graduated from Golden Gate in 1913 and served as Associate Justice of the California Supreme Court from 1939 until his death in 1959), Law & Literature Collection and, International Law Journals

http://www.ggu.edu/lawlibrary/new/notesunderground


The printed Library newsletter was replaced by the Library blog. The Blog includes Archives.

Selected Timeline:

1901 Law School founded
1940 The Law School is granted accreditation by the State Bar of California.
1956 ABA Accreditation
1964 Law School and Library move into two floors of 536 Mission Street.
1980 AALS


Website: http://www.uchastings.edu/library/


The Golden Jubilee book was written to celebrate the 50th anniversary of the founding of Hastings College of the Law.


This two-page tribute was written by a 1928 graduate of the Law School. In 1928, James H. Deering had been librarian of the San Francisco Law Library “more than thirty-nine years,” succeeding his brother, Frank P. Deering, the first law librarian in San Francisco.

The San Francisco fire of 1906 destroyed the Library except for 12 volumes which were lent out to attorneys at the time of the disaster. Deering sheparded the collection and grew it to 66,500 volumes “covering every branch of legal literature” by 1928.

1878 Cal. Stat. 533, 534, 12.

The Law Library Association, of the city of San Francisco, shall grant to the students the use of their library upon such terms and conditions as they may agree with the Directors of the College.

About the Library, http://www.library.uchastings.edu/library/about

The Library was “redesigned and renovated” from June, 2005 through August, 2007. It contains over 650,000 volumes, including extensive federal, international, and California State documents.

Parrish, Jenni, A Tribute to Professor Dan Henke, 48 Hastings L.J. 1091,1996-97,
This tribute involves a thorough discussion of the legacy of Professor Henke.

“In the 1970’s, Professor Henke had to engage in aggressive and persuasive advocacy to successfully bring WESTLAW and LEXIS to Hastings.”

“Hastings was founded in 1878 by Serranus Clinton Hastings.” In the beginning there was no necessity for a law library because law students were “taught from case-books produced by disciples of Landgell,” and in the early years, the College moved many times and changing library locations would have become burdensome. Students were provided access to San Francisco Law Library, but were not always welcome in the overburdened “bar library.”

When Charles Slack resigned the deanship in 1897, he urged the Board of Directors to create a special library fund, but his request was ignored. The library began acquiring journals and reporters in 1910. In 1925, a substantial gift of 1,000 volumes was donated by the widow of a former Library Director Robert Y. Hayne. Former Dean Charles William Slack bequeathed 12,000 books including a complete set of the National Reporter System.

In 1916, the “library was dropped from membership in the Association of American Law Schools... because its library resources were not up to AALS standards,” but was readmitted in 1920 “on the strength of its statutory right to use the San Francisco Law Library.”

Increased fees coupled with the increased number of students in the early 1930s gave the College a taste of prosperity such as it had not enjoyed before. The College’s library was a major beneficiary... The library’s growth was modest, but it was significant, especially in building up the reports.

A new building completed in 1953 included a library on the third floor designed to house 100,000 volumes. A reading room was named in Charles William Slack’s honor. By 1969, an addition was made to the 198 McAllister building and the Library was allowed to expand to take up most of the third floor. “Open stacks for the first time seemed to invite Hastings students into the world of books... All in all a splendid achievement... What a change indeed for the Hastings library resources.”

In 1970, the American Bar Association found the space in the library inadequate. A new library opened 11 years later in January, 1981.

Below is a chart that compares Library statistics from the beginning and end of Professor Henke’s career at Hastings.

<table>
<thead>
<tr>
<th></th>
<th>1971</th>
<th>1991</th>
</tr>
</thead>
<tbody>
<tr>
<td>Volumes &amp; equivalents</td>
<td>72,321</td>
<td>493,649</td>
</tr>
<tr>
<td>$ Spent on collection development</td>
<td>$150,390</td>
<td>$651,580</td>
</tr>
<tr>
<td>Full-time librarians</td>
<td>5</td>
<td>9.5</td>
</tr>
<tr>
<td>Additional full-time staff</td>
<td>3</td>
<td>9.5</td>
</tr>
<tr>
<td>Library sq. feet</td>
<td>24,406</td>
<td>84,338</td>
</tr>
<tr>
<td>Seating</td>
<td>644</td>
<td>1,223</td>
</tr>
</tbody>
</table>

Selected Timeline:

1878 Hastings founded by Serranus Clinton Hastings (the first Chief Justice of California) as University of California’s first law school.
1890 College began a small book collection by 1890s.
1899? Frank P. Deering becomes Librarian at San Francisco Law Library
1906 San Francisco Fires destroys library except for 12 volumes
1910 Library begins to acquire law reports and journals.
1916 Loses AALS membership because of Library
1920 Readmitted to AALS because of its statutory right to use the San Francisco Law Library.
1925 1,000 volumes donated by widow of former director Robert Y. Hayne.
1928 Collection size 66,500 volumes
1953 New building includes library designed to house 100,000 volumes.
1970 Dan Henke becomes Library Director; ABA inspection finds library inadequate.
1981 New Library opens
1984 Becomes one of first libraries to adopt Innovative Interfaces Online Catalog System

University of Laverne College of Law, Law Library, 320 East D Street, Ontario, CA 91764, (909) 460-2070.

Website: http://law.laverne.edu/lawlibrary/

About the Library, http://law.laverne.edu/~lawlib/about_library.php

Library occupies 27,000 square feet and holds more than 300,000 volumes and microform equivalents. Wireless Internet access supports a computer lab with enhanced audio-visual capabilities, 12 study/conference rooms, and a seating capacity that accommodates 300 library users.

One interesting fact about Laverne is that Donald J. Dunn served as Dean from 2003 until his death in 2008. Before coming to Laverne, Don enjoyed a renowned career as a law librarian at the University of Texas and Western New England College of Law.

Selected Timeline:

2003 A career law librarian, Donald J. Dunn, becomes Dean.
2006 Provisional ABA Accreditation


Website:  http://library.lls.edu

No history of the Library appears on the web pages.

Selected Timeline:

1920 Loyola Law School opens its doors
1937 ABA Accreditation & AALS Membership
1990 Coif

University of the Pacific, McGeorge School of Law, Gordon D. Schaber Law Library, 3282 Fifth Ave., Sacramento, CA 95817, (916) 739-7164.

Website:  http://www.mcgeorge.edu/x1152.xml

The Law Library is the campus focal point for study, research, and scholarship.

With more than 500,000 volumes, the library is a research-quality, modern legal studies
facility, blending print and database resources. The library contains a comprehensive collection of domestic U.S. law materials, and growing international and foreign law collections. Wireless internet access is available throughout the library.

Gordon D. Schaber Law Library, http://www.mcgeorge.edu/Library/About_the_Library_.htm

In 1992, the library was named to commemorate the singular achievements of Gordon D. Schaber, Dean of the Law School from 1957-1991. Through Dean Schaber’s innovative leadership, Pacific McGeorge grew into a unique living and learning environment of national stature with full accreditation by the ABA, AALS and the Order of the Coif.

With more than 500,000 volumes, the law library is your one-stop, comprehensive, fully automated legal research facility blending traditional and new media. From print, microform, and audiovisual, our expert librarian staff ensure students and faculty locate the information they need and also consistently conduct legal research workshops to train students about how to use library resources.

Pacific McGeorge History http://www.mcgeorge.edu/About_McGeorge/Pacific_McGeorge_History.htm

In 1956 the school moved and “with the assistance of a borrowed pickup truck in which all the library books and furniture were loaded. . . in one trip.”

Library holdings totaled 1,500 volumes in Fall, 1957.

During the 1970s and 1980s, the library grew to become the second-largest private law library in the state of California.

Selected Timeline:

1921 Verne Adrian McGeorge offered to lecture on the law at his residence.
1924 Sacramento College of Law founded as a non-profit corporation
1925 First graduating class of five
1929 Name changed to McGeorge College of Law
1957 Collection reaches 1,500 volumes
1966 McGeorge merges with the University of the Pacific
1968 ABA Accreditation
1974 AALS Membership

Pepperdine University School of Law, Jerene Appleby Harnish Law Library, 24255 Pacific Coast Highway, Malibu, CA 90263, (310) 506-4643.

Website: http://law.pepperdine.edu/library/

About Us, http://law.pepperdine.edu/library/about/

The Library promotes a climate of intellectual discovery by actively supporting curricular and research needs through its collections, facilities, and exceptional service. Established in 1969, the Library has grown from a small facility in Santa Ana to a 40,000 square foot space in Malibu with ocean and mountain views and a collection of 400,000 titles. Also available in the library are a variety of electronic databases, an extensive microfiche collection, and several special collections, such as the prized American Arbitration Association Library and Information Center Collection. Study rooms, network-connected carrels and tables, and comfortable seating areas create a pleasant and convenient atmosphere for quiet study, collaborative learning, interaction, and reflection.
Special Collections; American Arbitration Association Library and Information Center Collection, http://law.pepperdine.edu/library/special-collections/

Acquired in 2007, the AAA Collection offers several different types of dispute resolution materials for researchers and practitioners, including treatises, loose leafs, periodicals, rules, arbitral awards, AAA Publications and Reports, and archival items. In addition, the Collection contains materials on a variety of dispute resolution topics, including mediation, negotiation, arbitration, conciliation, international and foreign dispute resolution, and labor and employment dispute resolution.

In 2009, The Library rearranged the library a bit.

As you enter the Law Library, there is now a large, casual seating area with cozy couches and chairs. Creation of this area was in direct response to an increased demand by students for more seating in the library, particularly on the main floor. This space is perfect for informal gatherings, meeting friends, and Thursday Happy Hours! The tall book stacks that were once located adjacent to the new seating area were replaced with shorter stacks to open up a wider line of sight out the west-facing windows. This has made the library brighter and more beautiful, allowing all of us to enjoy the natural glory of our surroundings.

Also in 2009, Herb Cihak, Associate Dean for Library and Information Services and Professor of Law, spoke about staffing and costs at the China-United States Conference on Legal Information and Law Libraries, held May 27-30, 2009 in Beijing, China.

Selected Timeline:

1970 School operates out of storefront in Santa Ana; earns the State Bar of California provisional accreditation
1975 ABA Accreditation
1978 Law School moves to Malibu
1980 AALS Membership
2007 Acquires American Arbitration Association Library Collection
2008 The School of Law attains membership in the prestigious Order of the Coif.
2009 Rearrangement of books, shelving, and seating

University of San Diego School of Law, Pardee Legal Research Center, 5998 Alcalá Park, San Diego, CA 92110, (619) 260-4542.

Website: http://www.sandiego.edu/law/lrc/

The Blog has archives back to March, 2006.

Selected Timeline:

1961 ABA Accreditation
1966 AALS Membership
1996 COIF Membership
Built in 2000, the library is a 49,000-square-foot, three-story facility fully equipped with advanced technological infrastructure and more than 350,000 volumes of print and electronic legal materials.


Zief Acquisitions

Lists latest acquisitions by subject, and archives monthly acquisitions lists back to June, 2004.

ZiefBrief

ZiefBrief is the blog and online newsletter, featuring legal research tips from Zief's reference librarian team and commentary on breaking legal news from the librarians. Archives are available back to May 2009.

Z-Flyer

A precursor to the ZiefBrief, the Z-Flyer featuring library staff news, activities, and services, four issues were printed during 2006-2007.


The Library “doubles the size of the former library with over 50,000 square feet of space for library operations and staff and 42,020 linear feet of shelving capacity for its collection.”

Designed by architectural firm of Esherick, Homsey, Dodge and Davis

The Law Library opened in 2000, and has a “gross size of 63,579 square feet and 49,000 net square feet of space for library operations. Another 5,394 square feet is assigned for law school purposes.

One classroom, one large meeting room and two computer-training rooms equipped to handle sophisticated audio/visual and computer displays.

Expanded shelving and operational space providing 42,020 linear feet of shelving capacity, more than doubling the collection housing space for print and non-print materials. The lower level floor is infrastructure-ready for compact shelving when needed and microforms are housed in compact shelving cabinets.

Large, quiet study areas and lounge areas; The Terrace Room serves as a Law School meeting and function space.

Staff space provides functional and conveniently located offices and processing areas designed to facilitate a logical flow of library operations from receipt of materials to collection circulation.
Selected Timeline:

1912 Established
1935 ABA Accreditation
1937 AALS Membership
2000 New Building Opens
2001 Library dedicated


Website: http://law.scu.edu/library/index.cfm

About the Library, http://law.scu.edu/library/about-the-library.cfm

Heafey Law Library was completed in 1963. Prior to that, the Library was housed in the Moot Court room.

A major addition to the Law Library significantly increased its size in 1973.

In 1988 the Edwin A. Heafey Law Library “underwent a $6 million expansion and renovation. The law library now occupies approximately 40,000 square feet of space and offers student conference rooms, computer labs, a wireless network, enhanced audio-visual capabilities, and increased student seating for over 400 students. The collection total over 350,000 volumes.”

http://law.scu.edu/about/law-school-historical-tour.cfm


Selected Timeline:

1911 Institute of Law formed
1937 ABA Accreditation
1940 AALS Membership
1963 Heafey Law Library was completed in
1973 Major addition to the Library
1988 $6 million expansion and renovation
2004 Order of the Coif Membership


In October, 1997, a black-tie gala was held to celebrate the opening of Southwestern's exquisite, 83,000-square-foot law library in the Bullocks Wilshire building. Members of the California Supreme Court, federal courts and other distinguished judicial officers, elected officials, and prominent members of the legal and business communities were among those in attendance.
Print and microform collection of over 470,000 volumes, custom-designed study and research seating for over 600 people, and computer labs with more than 80 workstations accessing a wide range of online services and software applications.

Located in the Bullocks Wilshire Building, one of the most admired and significant Art Deco structures in the world, the library was named in honor of Dean Emeritus Leigh H. Taylor in 2004. The Library, which occupies about one-third of the building, is the second-largest private academic law library in the state.

Awards and Accolades, http://www.swlaw.edu/campus/building/

The restoration of the historic building and the opening of the Law Library have been featured in print, radio, and television coverage, both locally and nationally, including three hour-long episodes of the Public Television program Visiting with Huell Howser. Howser's programs focused first on the closing of the store and Tea Room, then the restoration and adaptation of one-third of the building to accommodate the Law Library, and finally the reopening of the Tea Room to serve Southwestern students, faculty and visitors.

In addition to many articles in the Los Angeles Times, stories on the Library appeared in the Los Angeles Times Magazine, the New York Times (cover story of "The Living Arts" section), and local and legal newspapers around California. It was the cover feature in the July 1997 issue of Interiors magazine, and was also presented in the December 1997 Architectural Issue of Library Journal, and the April 1998 Facilities Showcase Issue of American Libraries, among other publications. Southwestern's efforts have also been recounted in the final chapter of of alumna Margaret Leslie Davis' book Bullocks Wilshire, published by Balcony Press, 1996.

Los Angeles Times

Articles appeared about the library in and around the time of its opening.

Los Angeles Times Magazine

Articles appeared about the library in and around the time of its opening.

New York Times

Articles appeared about the library in and around the time of its opening.

Library Journal, December 1997

Article about the library in and around the time of its opening.

American Libraries, April 1998

Article about the library in and around the time of its opening.

Selected Timeline:

1911 Southwestern College of Law Founded
1970 ABA Accreditation
1974 AALS Membership
1997 Black-tie gala held to celebrate opening of 83,000-square-foot Library
In a letter dated March 3, 1933, Professor Abbott comments on the beginnings of the Law Library:"

The absence of any law books for the use of the students also had its effect on our programs. I advised the buying of the American Decisions because of the extensive notes which the students could refer to in the absence of textbooks which Pres. Jordan did not feel the University could afford to buy... Before the Decisions were received the Bancroft Whitney Company gave us a set of books called 'The Pony Law Series'. I remember making a little book case about fifteen inches long and seven or eight inches high and five inches deep to hold these books. At this time the students had no place in the quadrangle to study and we were given the first room on the left hand (ground floor) of the entrance to Encina Hall. I remember hanging this book shelf, like a picture, on the wall of this little room and it was the beginning of your Law Library." (Kirkwood at 8.)

Mr. Woodruff first appears as Professor of Law during 1895-96; before then he was listed only as University Librarian. (Kirkwood at 8.)

In 1897-98, "The library consisted of a single set of California reports, some recent volumes of United States Supreme Court reports and a small collection of text books. It was the time when the suit by the federal government against the University, based on alleged defaults of Senator Stanford and his Associates in building the Central (now Southern) Pacific Railroad, was pending. There was little money for books or anything else." (Kirkwood at 9-10.)

In 1901-02 the Register reports:

The Law Library contains complete sets of all English and Irish reports, and those of the leading American jurisdictions; most of the Canadian reports; all of the recent American reports, and a large number of test books and works of reference on legal topics." (Kirkwood at 17.)

There were 7,940 volumes in the library in 1905. (Kirkwood at 18.)

A building next door was renovated to provide additional stack space for the Library in 1909. The number of volumes grew to 13,502. (Kirkwood at 22.)

In Fall 1922, students decided to raise money to endow a collection of law books in memory of Dean Husston who had passed away. Contributions were provided by students, faculty, and graduates and totaled about $2,500.

"Concerns for a larger Law School were once again raised by faculty with the increase of students and books. The reading room was too small and could only accommodate a few students at one time. In an attempt to create more space many books were moved into the basement, and library stacks were heightened. "Despite such pressures and inconveniences, permanent relief was still in the distant future." (Kirkwood at 36.)

Crowded conditions in the library were "somewhat relieved during school year 1926 by the installation of double decked steel stacks in place of existing single tier wooden stacks."
James E. Brenner began his service as law librarian in 1927. Frances Sheldon took up the duties of research assistant.” (Kirkwood at 44.)

Service in the Library was materially improved in 1928 by the addition of two full time assistants to the Law Librarian, and by many gifts of books to the Library. (Kirkwood at 45. “Many gifts to the Law Library were received and acknowledged” in 1940 as well. (Kirkwood at 54.)

“Lack of lecture room and library reading room facilities made it necessary to reject many applicants who met the entrance requirements” during 1945-46. (Kirkwood at 61.)

According to the Register, the Law Library held over 59,000 volumes, “including complete sets of the English, Irish, Scotch, Australian, New Zealand, and Canadian reports, the reports of all Federal Courts of the United States, and of the courts of the various states, the Australian states, and the Canadian provinces, the National Reporter System, the standard Collection of Cases, the standard English and American legal encyclopedia, the principal American, English and Canadian digests and Citators, sets of the leading American, British, Canadian, and Continental legal periodicals, together with a good collection of compiled laws, session laws and other statutory material, both federal and state, as well as British, Canadian and Australian.

Over the years, since the inception of the Law School, many persons have made generous gifts of money, books and legal materials to the Law Library. These gifts have all been specifically acknowledged in the annual reports of the Dean to the President and Board of Trustees.” (Kirkwood at 63.)


September, 1975 marked the completion of the Crown Quadrangle, “the first facility built specifically for the school. The complex, which still houses the school today, consists of the Robert Crown Law Library, F.I.R. Hall, the James Irvine Gallery and Kresge Auditorium. Donations from over 500 alumni and friends helped fund the $11.9 million project, begun in August 1972 and completed in June 1975.

The firm of Skidmore, Owings & Merrill prepared the architectural plans for the complex; Michael Colton of Bolles Associates was the interior designer, and Carl W. Olson & Sons Company was the contractor.

The largest of the four buildings, the Robert Crown Law Library, was a gift from the Crown family of Chicago. in the memory of Robert Crown, a business-material and real-estate executive, had died of a heart attack in 1969.” (O’Banion at 8-9, citing Robert Crown, 48 Realty Man, Dead, N.Y. Times, July 7, 1969, at 33).


From its humble beginnings of a single bookcase holding a set of The Pony Law Series, the Robert Crown Law Library has grown to a collection of over 500,000 print volumes and an incredible array of online databases.”

Selected Timeline:

1891 Edwin Hamlin Woodruff becomes Librarian
1896 Woodruff term as Librarian ends (Kirkwood at 56.)
1897 Library remains in a single room one-half mile away (O'Banion at 2)
1900 AALS Charter Member
1912 Coif Membership
1923 ABA Accreditation
1909 13,502 volumes (O'Banion at 2, citing Kirkwood at 22.)
1916 Over 20,000 volumes (Kirkwood at 28)
1941 Former Librarian Edwin Hamlin Woodruff dies.
2009 Collection exceeds 500,000 print volumes.

Thomas Jefferson School of Law, Law Library, 2121 San Diego Avenue, San Diego, CA 92110, (619) 297-9700.

Website:  http://www.tjsl.edu/library

Thom Chat http://tjslibrary.wordpress.com/

Thom Chat is the Library's Blog to provide users information and news from the TJSL library and to draw attention to legal and information technology developments of interest to TJSL faculty and students.

Library Highlights http://www.tjsl.edu/law_library_highlights

Twice a month, the Library staff creates an online Library Highlights newsletter, which highlights a selection of new titles in a particular subject area. Each newsletter includes each item’s title, author, call number, and a short description from the publisher, and a link to the Library catalog entry for the book.

Archives go back to January 2008.

In addition to Highlights, Comprehensive Monthly Acquisitions Lists are available back to 2006.

Selected Timeline:

1996 ABA Accreditation

UCLA School of Law, Hugh & Hazel Darling Law Library, 1112 Law Building, Box 951458, Los Angeles, CA 90095-1458, (310) 825-4743.

Website:  http://www.law.ucla.edu/home/index.asp?page=11

http://libblog.law.ucla.edu/

Library Blog archives go back to August, 2006.


The collection includes over 550,000 bound volumes and documents, over 84,000 microforms plus a wealth of materials in newer formats, with increasing emphasis on a wide variety of computerized information resources.

Rastorfer, Renee Y., Thomas S. Dabagh and the Institutional Beginnings of the UCLA Law Library;
The Law School Planning Committee originally planned to have a law librarian by July 1948, but the process became bogged down. On December 31, 1948, L. Dale Coffman accepted the deanship beginning March, 1949. In his acceptance letter, Coffman expressed his vision for the law library and its prospective librarian.

“We are to build a library at least equal to that of our better schools. This will take money, time and brains. The library is the working tool of a law school; it is the laboratory equipment and the foundation of any great law school. I believe that the selection of a qualified librarian will be most important to the success for the school. A really competent man can build fast and save money by making certain that the school gets value received for each dollar spent. He will probably have to be given full professorial rank. A great library, like Harvard’s, is the product of years of growth and planning, and our library must be building for years to come.

The Law School Library Committee of UCLA, consisting of James A.C. Grant, dean of the UCLA Division of Social Sciences, Thomas S. Dadagh, director of the Los Angeles County Law Library (LACLL), and Vernon M. Smith, director of the library at UC-Berkeley, was laying groundwork for the new Law Library by September 1947. On December 20, 1947, approval was given “to spend up to $60,000 on the initial collection.”

Dabagh officially became the UCLA Law librarian on July 1, 1949 with a yearly salary of $10,000. “The Law School Planning Committee had sought ‘a man of stature’ to head the law library. In their view, the ‘law librarian should be a member of the bar, alike qualified as professional lawyer and professional librarian. In Dabagh they had all plus a teacher, a cataloger, a leader in his profession, a legislative expert, and a proven administrator. It seemed like a match made in heaven.”

The idea of a Law Library at UCLA began as early as 1940 with University Librarian John Goodwin. Lawrence Clark Powell, who was Goodwin’s successor and a “colossus in California librarianship,” pursued the vision of a centralized law library operating as “a branch of the campus main library. “ Powell also supported “Dabagh’s candidacy for the law librarian position.”

At one point in time, Dabagh, worried that the library was developing at an unnatural rate, wrote a memo to Dean Coffman pointing out that he “believed there was an agreement between himself and the dean that until the law school moved into its new building, the law library would require only modest attention and slow development.”

In October, 1950 Robert Vosper took the position as University librarian when Powell began a Guggenheim Fellowship in England. Not long after, Vosper cabled Powell to warn him that Coffman was planning to sever the Law Library from the main library. On February 13, 1954 Coffman had proposed the separation to the faculty, “Dabagh did not concur, and was accused by dean Coffman of disloyalty.” In the same letter to Powell, Vosper informed him, from information provided by J.A.C. Grant, “that Dale (Coffman) is definitely planning to get rid of Tom (Dabagh) and hope to remove his faculty rank next year and cut his salary—then the kill.” Dean Coffman’s plan to get rid of Thomas Dabagh came sooner than expected when days after the faculty meeting, Coffman “submitted a proposed budget. . . that included a $2500 salary reduction for Dabah, allegedly because Dabagh ‘has been unable to assume

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2 Id. at 360.
3 Id. at 360, citing Letter from Robert Vosper, UCLA Acting University Librarian, to Lawrence Clark Powell, UCLF University Librarian).
any of the duties contemplated in the title, ‘assistant to the dean.’"

The clash between Coffman and Dabagh was not believed to be based exclusively on the Dabagh's centralized outlook for the library, but other factors as well, such as the disagreement about a loyalty oath. Dabagh had many supporters, and it was unconceivable to them that he was incompetent, as alleged, since his “credentials and reputation as well as contemporaneous law school sources stand as bar to” that argument.

Selected Timeline:

1907 AALS Membership
1924 ABA Accreditation
1929 Coif Membership
1947 Approval to spend up to $60,000 on the initial collection
1949 Thomas Suren Dabagh becomes first library Director
1952 Regents approve autonomy of Law Library from University Library over objection of Dabagh.

University of Southern California Gould School of Law, Asa V. Call Law Library, Los Angeles, CA 90089-0072, (213)-740-6482.

Website:  http://lawweb.usc.edu/library/

The primary function of the Gabriel and Matilda Barnett Information Technology Center and The Asa V. Call Law Library is to support the teaching and research activities of the USC Law community.

The Library's primary responsibility is to develop its collection and information technology to support the teaching, research, and writing efforts of the faculty and students of USC Law. It contains over 380,000 volumes and volume equivalents.

Gabriel and Matilda Barnett Information Technology Center & The Asa V. Call Law Library, http://lawweb.usc.edu/library/

Selected Timeline:

1896 School Founded
1896 Los Angeles Law School is incorporated
1900 School becomes affiliated with USC
1907 ABA Accreditation and AALS Membership
1990 New Wing on Musick Building enlarges Library
1994 Library catalog goes online
1997 One-third of library carrels are wired
2005 Refurbished Library opens

California Western School of Law, Law Library, 225 Cedar Street, San Diego, CA 92101, (619) 525-1418.

Website:  http://www.cwsl.edu/main/default.asp?nav=library.asp&body=library/home.asp

The library holds more than 333,000 volumes, approximately 3,905 serial subscriptions, microforms currently equivalent to 154,000 volumes, audio and video tapes, computer software, and interactive videos. The library also offers an excellent computer lab.

The Library also has satellite facilities in the 350 Cedar Street Building. Included are the Roy
Bell Reading Room on the 3rd floor, the large Stanford Reading Room on the 1st floor, (with a number of networked computers and a printer available to students), and the Student Computer Lab on the lower level.

Study rooms are administered by the Dean of Students.

The Library maintains closed stacks in the 350 building, which includes archival materials, superseded and historical volumes, as well as duplicate and exchanges items.

Food and drink are allowed in the reading rooms and study rooms of 350 Cedar Street. Food and Drink are not allowed on tables where computers are situated, nor in the Student Computer Lab.

Selected Timeline:
1924 Law School founded
1962 ABA Accreditation
1967 AALS Membership
1975 Law School becomes Independent
1996 Dean Steven R. Smith joins the law school in 1996
2000 New Library dedicated by U.S. Supreme Court Justice Anthony Kennedy

Western State University College of Law, Law Library, 1111 North State College Blvd., Fullerton, CA 92831-3014, (714) 459-1112.

Website: http://www.wsulaw.edu/library/library-access.aspx


The Library, a three-story, 30,000 square foot facility, seats over 400 and has wireless Internet connectivity. The library also holds 200,000 print volumes in its collection.

Western State University College of Law Library, A short pictorial history of WSU law library. [San Diego, Calif. : Western State University College of Law], 1994.

Contains pictures and descriptions of the library construction through the 25th anniversary open house held September 1994.


Article about law school's danger of losing provisional ABA Accreditation. The ABA's accreditation committee cited, among other reasons a drastic cut in the library budget.

Western State presented arguments but failed to persuade council members to withdraw their recommendation. The college did, however, convince the committee that its library had improved.

Selected Timeline:
1966 Western State University College of Law founded by Los Angeles attorney Maxwell Boas and Santa Ana businessman Burton Reis.
1975 Campus moves to Fullerton.
1977 School Awards Bob Hope Honorary Doctor of Laws Degree
1996 WSU builds a new library to help it win ABA approval.
1998 Provisional ABA Accreditation
2000 Western State is sold to Argosy Education Group Inc., based in Chicago.
2001 Argosy is merged into Education Management Corp., based in Pittsburgh.
2003 ABA committee recommends that WSU lose its provisional accreditation
2009 ABA Accreditation Achieved.

Whittier Law School, Law Library, 3333 Harbor Boulevard, Costa Mesa, CA 92626, (714) 459-1112.

Website:  http://www.law.whittier.edu/lawlibrary/lawlibrary.html


Whittier’s is the largest law library between Los Angeles and San Diego. It contains more
than 350,000 volumes and is open for more than 100 hours per week, and serves as a
California state and federal depository.

Students may study in the Segerstrom Reading Room or one of the many carrels or tables
located in the book stacks. For student group meetings there are fourteen Conference Rooms
and rooms for viewing video tapes. The library maintains an Adaptive Learning Center for
sight impaired students.

http://www.law.whittier.edu/lawlibrary/recent-acquisitions.html

Contains links for acquisitions lists from 2004 and 2005.

Library Advocate  http://www.law.whittier.edu/lawlibrary/the-library-advocate.html

A quarterly electronic publication to highlight the Whittier Law School Library and its work,
to inform users about Library resources and services, and to “occasionally amuse . . . with
lighthearted writing and anecdotes on law- or library-related themes.” There are links to

Selected Timeline:

1978 Provisionally accredited by the ABA
1985 fully approved 1985
1987 AALS Membership

Glen-Peter Ahlers, Sr. is Associate Dean for Information Services at Barry University School of Law.
When Toby Milsom started his legal studies at Trinity College Cambridge in the war-torn autumn of 1941, the current orthodoxy on the development of mediaeval English law was taught according to the gospel of Pollock & Maitland. It had been thus for nearly half a century and few legal orthodoxies were more firmly established. As Milsom himself put it “before Maitland there was no legal history worth the name. By the time Lesley Dingle interviewed Professor Stroud Francis Charles (Toby) Milsom in late 2009, a lifetime of forensic analysis of plea rolls and other documents scattered across the archives of English legal history had challenged the Maitlandian concepts so thoroughly that Milsom and Maitland now stand shoulder to shoulder as titans of the field. The jury is still out (so to speak) on whose views prevail, but Toby Milsom had earned his place alongside the man for whom he had nothing but the greatest respect, but of whose work he famously said “For me the question [was] how [an] historical reconstruction can be so convincing, even so beautiful, and yet, as I [had] no doubt that it is, fundamentally wrong?”

The interviews (audio and transcripts), bibliographies and photo gallery of Toby Milsom are our latest addition to the ESA. He was born in south London in 1923, and had originally planned to study natural and physical sciences, but a series of incidents diverted him from this path and into the arms of the law. Toby also served in a military capacity during WWII and made many visits to universities in the USA over his career. All of these he describes in a remarkably good-humoured interview, which is peppered by his infectious laughter.

We hope that legal historians will find much of interest in hearing about Milsom’s career in his own words, which include comments on his hero Maitland, for whom he gave a eulogy in Westminster Abbey in 2001 at the unveiling of a commemorative plaque to the great historian (see photo).

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3 Op cit p. 274.
4 A tribute to Professor Milsom has been posted on the Squire Law Library website available at [http://www.squire.law.cam.ac.uk/eminent_scholars/professor_toby_milsom.php](http://www.squire.law.cam.ac.uk/eminent_scholars/professor_toby_milsom.php)
Plaque in Westminster Abbey unveiled by Professor Milsom (in 2001) to the achievements of the legal historian Frederic W. Maitland.
The Rare Book Cataloging Roundtable met for the third successive year last July at the annual meeting in Washington DC. As Sarah Yates was unable to attend this time, it was ably led by Susan Karpuk (of the Lillian Goldman Law Library at Yale Law School) and Monica Kauppi (of the Arthur W. Diamond Law Library at Columbia Law School).

Susan Karpuk opened the roundtable discussion by describing her recent cataloging of 17th and 18th century German dissertations. Although she had found a number of said items on OCLC, a lot of diversification was present and so copy cataloging was problematic. In addition, the author of an individual dissertation was often unknown or disputed. Susan spent a little time researching dissertations in canon law, and discovered an article which gave context for the dissertation process at the time and clarified the problems of authorship. According to Kevin Chang in “Kant’s disputation of 1770: the dissertation and the communication of knowledge in early modern Europe” (available online), many examples of dissertations (or disputations) from this time period were actually written by the student's advisor as an invitation to debate the points in public. If the student succeeded in the public debate, then he graduated. Of course, the student’s success or failure was rarely indicated in the dissertation, particularly if he was not its author.

Cataloging rules for dissertations suggest that the notes field list three things: the name of the university, the type of degree, and the date the degree was granted. As Susan found, all three of these things were problematic when applied to the German dissertations at hand. Instead, Susan decided to list the date the disputation took place and the names of the parties to the disputation. In the main entry, she listed the praecis (i.e. the professor) and not the student.

After further general discussion about cataloging dissertations, Monica Kauppi introduced the topic of genre terms for rare books. Columbia Law School is currently assigning such terms to new records, but suppressing them from view. Monica talked about the need for an additional access point for Special Collections items and her library’s decision to use both RBMS genre terms and LC subject headings as genre terms as a means to incorporate legal terminology.

The pros and cons of adding genre terms became a hot topic of debate. Some librarians expressed interest in genre terms, but noted that they had not been implemented at their libraries. Some librarians were against the use of genre terms. For example, the Yale Law Library catalog focuses on keywords, and does not include genre terms. Yale also collocates certain collections by giving them a formal name which is searchable; as a result, Susan Karpuk felt that the addition of genre terms would not have a meaningful impact.

Other topics discussed at the roundtable included pencil marking of rare books, whether various libraries had a policy of indicating material type (e.g. manuscripts), and whether any libraries stored rare books offsite. Some of the participants also shared their experiences of the Rare Book Cataloging course at Rare Book School and discussed the viability of holding a one-day workshop on this topic at an annual meeting.

The Rare Book Cataloging Roundtable will meet again at the annual meeting in Denver, Colorado. Do you have an interesting item or cataloging experience that you’d like to share with the group? Have questions about rare book cataloging that you’d like to discuss? Come to the roundtable this summer; we look forward to hearing all about it!

_Sabrina Sondhi is Special Collections Librarian at Columbia Law School Library._
Happy Spring! I hope that this issue of *LH&RB* finds you well.

Do you like the new format? For many years I have used a two-column format for *LH&RB*. As a former newspaper reporter I have always liked the look of a two-column layout—it gives the newsletter more of a newspaper “feel.” However, an increasing number of our submissions now include photographs, charts, and footnotes, making it difficult to reformat material into columns. This full-page format should help solve that problem.

Congratulations to our newly-elected Legal History & Rare Books SIS Secretary/Treasurer, Joni Herbst of the University of Oregon! More information will follow in our next issue.

I apologize for the tardiness of this issue. I had hoped to get it out by mid-April, however a number of factors—including the move of our law school from our temporary building back to our historic home, Trickett Hall, combined with the sheer size of this issue—prevented me from completing it in a more timely manner.

I hope to get our summer issue out before the AALL Annual Meeting in July. That is not far off! **The deadline for the summer issue is June 28.** Usually our deadlines are rather flexible, however I will **not be able to extend this deadline,** and it would really be much-appreciated if you could get any submissions to me prior to that date.

By popular request, I would like to publish a special **Halloween issue** this fall. Does your library have any patrons who are questionably dead? Does the spectre of a former dean, judge or partner stalk the hallways of your law school, courthouse or law office? Would anyone like to write an article on *U.S. ex rel Mayo v. Satan and his Staff*, 54 F.R.D. 282 (1971), *Stambovsky v. Ackley*, 169 A.D.2d 254 (1991), the unreported West Virginia case of *State v. Shue*—where the testimony of a ghost was entered into the record—or any other statutes, cases or antiquarian law books you might know of involving ghosts or the supernatural? Let’s have some fun with this special issue!

I look forward to seeing many of you at AALL in Denver!

--Mark
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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Hicks, Frederick C., *Men and Books Famous in the Law*

Osiatyński, Wiktor., *Human Rights and Their Limits*.

Pommersheim, Frank., *Broken Landscape: Indians, Indian Tribes, and the Constitution*.

subjects, cases, acts, and treaties.

In part one, Pommersheim examines the history of Indian tribal sovereignty, beginning with contacts during the colonial period. He analyzes these early encounters through four primary themes: commerce and land acquisition, diplomacy and war, cultural difference, and physical separation. I found Pommersheim’s narrative to be powerful, bringing history to life. For example, his descriptions of trade --with its resulting economic, political, ecological, and cultural changes, and differing views of land use and land ownership, increased my understanding of these complex issues.

At the heart of Pommersheim’s work is the relationship of the Constitution and tribal sovereignty. Pommersheim notes that the original structure of the Constitution has proven inadequate to support tribal sovereignty in the modern era. Neither of the two primary provisions – the Indian Commerce Clause and treaty-making – resulted in creating any boundary to limit federal authority in Indian affairs. Tribes have been absorbed and incorporated into the republic without their consent and without constitutional adjustment and recognition. (p.84)

Cases from the foundational Marshall trilogy and the development of the plenary power doctrine in *Lone Wolf v. Hitchcock*, to the decisions of the Supreme Court in the modern era, are analyzed, demonstrating how legal analysis and practice have interpreted and misinterpreted tribal sovereignty since the nation’s founding. Pommersheim shows that Congress and the executive branch enacted a regime of law relative to trade and settlement that governed relationships between the federal
government and the tribes, affecting relations between states and tribes. Further, the Supreme Court approved actions that were not constitutionally authorized, extending federal power in Indian affairs and impairing tribal sovereignty. Pommersheim writes, “Indian tribes had a more secure constitutional status at the time the Constitution was adopted than they do today. ... They are the only group within the United States to be treated with less, rather than more, constitutional dignity with the passage of time.” (p.257)

Part two looks at the impact of legal practice on the relationship between individual Indians and the Constitution. From the 1789 Constitution that makes no textual reference to Indians, to the Indian Citizenship Act of 1924 that required a citizenship ritual and oath, Pommersheim demonstrates the shifting policy and inconsistency in the various federal approaches to citizenship. Pommersheim also examines cases involving religious freedom and First Amendment rights including peyote use, sacred sites, and incarceration. He concludes that they all were decided without the necessary empathy and understanding of Native American religious practices.

In part three, Pommersheim analyzes Indian law jurisprudence in the modern era where the focus has been on three major concerns: regulating state authority, regulating tribal authority over non-Indians or nonmember Indians, and interpreting federal statutes that set benchmarks for tribal or state activity in Indian country. He looks at disputes resulting from the passage of major acts, such as the Indian Civil Rights Act of 1968, Indian Child Welfare Act of 1978, and the Indian Gaming Regulatory Act of 1988. His analysis of several cases and judicial opinions demonstrates paradoxes in Indian law and court rulings which never rely on the Constitution or federal statutes, but rather seek to balance tribal, state, and federal spheres of interest.

Pommersheim looks to international law for new models of indigenous nation sovereignty. International law has focused on cultural integrity, land and resource protection, nondiscrimination, social welfare and development, and self-government. Three common-law nations -- Canada, New Zealand and Australia -- are compared. In each country there has been acknowledgment of errors in the past and mutually beneficial approaches for moving forward.

*Broken Landscape* concludes with a call for constitutional reform to fortify tribal sovereignty, stating that history must be confronted and held accountable. Pommersheim’s presentation of the complexities and paradoxes of Indian law are insightful and well written, providing the reader both legal and historical understanding.

This book will be of interest to readers of many disciplines, and especially to Indian law and constitutional law scholars. I recommend it for tribal, academic, law, and public libraries.

Joni Herbst
Technical Services Law Librarian
John E. Jaqua Law Library
University of Oregon


The objective of this impressive tome was to chronicle the progress of the legal concept now embedded in the fourth amendment to the Constitution prohibiting unreasonable search and seizure
This work was originally prepared as a dissertation for the Ph.D. degree and had been available to scholars long before this publication in book form. For this reason, it was known to scholars for nearly two decades before Oxford University Press under took its publication at the urging of a number of scholars who greatly admired the thorough work of this author. This book has been cited in a number of learned articles on the Fourth Amendment.

This title surveys a broad sweep of history beginning in 602 A.D. and ending in 1791 when the fourth amendment to the United States Constitution was proposed and soon adopted. The research that has gone into this volume is prodigious, as revealed by its exhausted bibliography which reaches into many sources. The chapters are arranged predominately in chronological but towards the end by the geographical location which is its focus. One such chapter focuses on the events in Massachusetts before the Revolution in the opposition to the writs of assistance used by the British Government and the development of the concept of a specific warrant there. The author begins each chapter with a “Thesis-Introductions” in which he offer justification for his conclusions before examining the events recorded in that particular period that the author examined.

The first chapters opens broadly with comments on early English decisions found in the Year Books and the earliest English law codes which prohibited specific types of attacks on the subject’s person. These crimes included are now recognized as assaults which the author argues is the beginning of a trend to protect the person of the individual against unlawful acts from which an individual should be protected. The author finds support for his thesis with the argument that a subject had a limited right to be protected. The author invokes the earliest legal authors including Bracton and other three well known writers on the English law prior to 1580 as support for this thesis.

The earliest known objection based on the concept that a man’s home was his castle was in 1585 the year that Henry VII, the first Tudor came to the throne and it was from these events and those the next century that the concept of unreasonable searches took shape. The Tudors sought to bring law and order to the Kingdom which was recovering from a century old civil war and strong measures were thought necessary. The Tudors introduced new governmental agencies to promote this objective. The author identifies fifteen tracks of the expansion of searches which began in earnest during this period. Government officials, chiefly, the justices of the peace and other minor officials were required to conduct searches for vagabonds, stolen property, game poaching, dissidents, and their literature. The author gives us titillating tale of a local government that could boast of discovering a school for pickpockets that its search for vagrants brought to light. [p.72] The courts of the period formulated the theory that the man’s home was his castle but not to the exclusion of the king’s interests in discovering crimes.

The upsurge in protests against unreasonable searches reach new heights in the beginning of Seventeenth Century. This may be ascribed in part to the emergence of of a stronger role for Parliament in the English government. As this century advanced, petitions were considered against some searches especially those complaining of searches made at night for those violations against the current laws outlawing the practice of the Roman Catholic faith. In these debates, the proper limits on searches began to emerge. Some members of Parliament were the subject of such searches themselves which may explain why such petitions became frequent in the decades prior to 1645 the year that the English civil war began. The author examines the many famous historical events used by the authorities are in this endeavor to seek out subversives group and individuals. This began the constitutional right for the individual to petitioned the legislatures, both in England and America, for redress of his grievances.

The author postulates that actions of other groups during the period of 1485 to 1642 contributed to the development of the concept of an unreasonable search. One such body examined by the author were the practices of the guilds in which tradesmen associated themselves. By the rule of individual Guilds, the members had to submit to searches to insure that they had not slipped into producing goods that was properly within the purview of another guild but more importantly, these
searches were justified by the argument that it was necessary to determine if the goods prepared by that member of the guild were of good quality. Protests there were but due to the limited number of members of such guilds, they did not bring the protests against searches as those conducted by government officials.

The other thread in this evolution of this concept of unlawful searches in the Eighteenth Century was the specificity required in the warrant under which the authorities conducted a search. In the closing decades of the Seventeen Century, the legality of the General Warrants was recognized but by the Eighteenth Century, the author concludes that by the time of the American Revolution, under English law the specific warrant was the ideal but not a right. The American colonies chose the specific warrant in which the areas to be searched had to be specified. This became a right. The author devotes an entire chapter to the evolution of the specific warrant in Massachusetts and the protests against unreasonable searches carried out under them.

The author examines the use of the general warrants prior to the Revolution, and finds that the specific warrant became the norm in the state constitutions between the opening battles of the Revolution to the adoption of the forth amendment. Historic events that contributed to this hostility to any general warrants are examine in detail, state by state. These events contributed to the adoption of the fourth amendment.

This book has many other interesting features including an extensive and one may say truthfully, exhaustive, bibliography including fugitive sources including newspaper and state documents. The appendices essentially contains reference to sources that are additional to the footnotes but some goes beyond this objective by outlining the contents of legal texts supporting the author's thesis. Appendices parallel the organization of this text. No review can adequately convey the richness of these appendices. The index is thorough.

This review of the *Fourth Amendment; Origins and Original Meaning 602-1791* hopefully conveys the reviewer high regards for the thoroughness of this work and its enduring contribution to the literature on the Constitution. This a text book well worth reading for those seeking an introduction to English and American legal history. Although librarians may blanch at the price, this reviewer believes that it should be a part of any library's collection.

Erwin C. Surrency
Professor Emeritus
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Widely renowned as an authority in his field, law professor Wiktor Osiatyński currently teaches individual and human rights at Central European University in Poland. For decades, he has studied, lectured and written extensively about human rights, and his latest work focuses on theory and the history of individual and human rights with some added concerns regarding the future. Osiatyński dedicates approximately one third of his discussion to a self-described “reinterpretation of the history of human rights” in which he provides the necessary context to provide the reader with a clear understanding of the premises he sets forth throughout the book. He begins by establishing a “working description of the nature of human rights” consisting of six fundamentals that, when
combined, lay the groundwork for the reader to venture into a carefully constructed historical review, including the emergence of the notion of human rights in the eighteenth century, and the concept of human rights that exists in the twentieth century.

Osiatyński paints the history of human rights within a frame of unfulfilled promises that were never intended to benefit those to whom they had been pledged. Instead, those strong enough to demand rights reaped the benefits for themselves and, once assured of power, abandoned the notion of sharing rights with those whose backs had served as ladders to positions of authority. Osiatyński describes the oft-repeated unfulfilled promises that occurred throughout history as a series of waves that, although upon crashing produced individual periods of regression, collectively led to gradual change and increased freedoms over the years. Each wave ascended with a claim to rights by a powerful group who was able to convince others of the import of its own needs and interests. When this group’s goals were realized, their interests in furthering rights were terminated, and they ultimately either ignored or turned against their followers – hence the wave’s crash. However, each wave brought with it a small measure of progress. The strength of the wave directly affected the strength and durability the change it precipitated. Thereafter, social movements, public interest organizations in the law, and human rights NGOs were instrumental in combining the successes of each individual wave.

As he proceeds on his path through time, Osiatyński lists the obstacles that hindered the development of human rights, and no country is spared his thorough review. The human rights violations of England, France, Germany, Russia, Poland, the United States, and many others are frankly exposed to the reader. Osiatyński concludes that the eighteenth century, defined by an emerging market economy brought civil liberties and political rights. The nineteenth century, defined by an industrial society, brought social and economic rights. The twentieth century brought to light issues of sovereignty over land and resources, and the next wave will bring further progress based on the nature of the times.

Carrying his audience with him as he moves forward, Osiatyński identifies several current threats to human rights. One is that globalization is being driven by private companies rather than states. Traditional national legal mechanisms of protecting the vulnerable from the acts of private abusers are inadequate in light of the fact that no international political mechanism is available to regulate the global economy and thereby impose rules of conduct on multinational companies whose activities extend beyond the boundaries of their home states. Another is the development of political interests that favor the supremacy of trade interests over human rights and engage in double standards. Immigration concerns, the war on terror, and general economic turbulence have created a global environment in which Osiatyński sees human rights and personal and civil liberties falling by the wayside.

Osiatyński’s apparently optimistic nature is evident in his premature assertion that, “As was expected president Barack Obama and the new legislature in the United States closed the camp in Guantanamo and eliminated other extreme acts of the Bush administration.” In fact, the closing of the detention facilities at the Guantanamo Bay Naval Base has not completely occurred despite the publishing of Osiatyński’s book and its subsequent reading by this reviewer. (President Barack Obama’s Presidential Memorandum ordering the transfer of Guantanamo’s prisoners “in order to facilitate the closure of detention facilities at the Guantanamo Bay Naval Base” was dated December 15, 2009.) Perhaps Osiatyński could have been more careful in his choice of words.

In his final assessment of the current state of human rights, Osiatyński identifies another danger to the future of human rights in the fact that in the war on terror, human rights are an “obstacle,” rather than a “tool.” There is no progress to be made by governments under the guise of human rights as there has been in the past. On a more positive note, Osiatyński identifies domestic and international human rights movements as “a power unto themselves” that will ideally continue to both build and defend rights until a new wave can form.

Osiatyński expresses deep hope that the concept of human rights is “flexible enough to be adapted
Osiatyński begins his analysis of the concept of human rights with an discussion of their place within a democracy. A significant portion of his energy is dedicated to examining the tensions that threaten the delicate balance between democracy and human rights. In so doing, Osiatyński notes that human rights frequently remain an ideal rather than an actuality. Declarations, covenants, and other international agreements are only as strong as the character and social conditions of each political system. A system of checks and balances, together with independent courts that facilitate access to justice, an executive power dedicated to enforcement of the court's decisions and a legislature that implements constitutional laws is absolutely necessary to the protection of human rights.

Osiatyński also examines the additional notion that, in addition to limiting democracy by constitutional rights, constitutional rights should in turn be limited by democracy. Individual rights should not limit the deliberation and compromise necessary to political debate. Human rights can further prevent the growth of other important social values, specifically economic growth. While recognizing that the issue is one of great debate, Osiatyński asserts that human rights are not synonymous with democracy, or social equality, or needs. In fact, “They limit the scope of democratic decisions and may be, at times, in conflict with democracy.”

Osiatyński begins his discussion of the relationship between rights and needs with the observation that, “It is at the juncture of rights and needs that the dual character of the very concept of human rights is revealed.” In one regard, rights and needs are aspirations for humankind, and in another they are norms to be enforced by law. Their difference lies in the methods of enforcement. However, according to Osiatyński, it is not appropriate for all human rights to be binding norms, nor should they all receive identical protection. Some have legal protection through constitutions or statutes, some have political protection through public policy, and others have no protection at all. Osiatyński notes that this is true even for the needs that most agree are important enough to qualify as rights. Rights, Osiatyński states, “are not goals in and of themselves but rather means for assuring other goals.”

Osiatyński uses five key points to clarify his needs-based approach to social and economic rights. The points outline the role of the state, one's constitution, social policy, and their appropriate interactions with one another. He is careful to remind us that individual persons and the existing social conditions also impact the development of rights and their remedies. Osiatyński next chooses to tackle the issue of universality of human rights. He points out that applying the term universality to the phrase human rights is nearly redundant in that the word human implies everyone, everywhere, at all times. Osiatyński notes that unfortunately, reality does not reflect the image implied by the language. He proposes that the notion of “the universality of human rights and the concept of the universality of the philosophy of human rights” must be disconnected from one another in order to restore meaning to human rights. He explores two possibilities to move universal human rights forward without an “underlying consensus on the philosophy of human rights.” One involves replacing human rights norms with penal laws; another involves retaining the notion of human rights but narrowing their content to “what is truly common to human nature and shared by most cultures.” In his analysis, Osiatyński distinguishes between
“hard” universalism and “soft” universalism. Hard universalism is based upon the premise that all social philosophies and cultures are, or should be, compatible with the philosophy of human rights, and if they are not, then they should change. Soft universalism is based upon the premise that although human rights are at the core of common values, different cultures may demonstrate their beliefs in different ways; however, genocide, torture, tyrannies, honor killings, genital mutilation, nor public or private political, religious or cultural oppression should ever be tolerated by either universality. “Human rights must always set the limits on human behavior.”

As an American librarian, it was interesting to read Osiatyński’s brief perspective on the right to the pursuit of happiness referenced in the Declaration of Independence in his last chapter. The book as a whole provided a new perspective not only on the history of individual and human rights, but also on the potential dangers lurking in the future that threaten the very existence of these rights. Heavily footnoted and further supplemented with a bibliography, the facts and premises set forth in the book are well supported with authority. Osiatyński refers readily and regularly to the writings of other philosophers and historians. His personal touch is evident in his gentle but urgent tone, and in his choice to end the book with a letter that he regularly sent with graded exams to his students signed “Your grateful teacher, Wiktor Osiatyński.” It was a pleasure to read this author’s sage analysis of a topic whose historical importance we struggle to comprehend.

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The Law of Nations “ (Le Droit de Gens), written by the Swiss legal scholar and diplomat Emer de Vattel and published in 1758, was “the most important book on the law of nations in the eighteenth century,” and was “a major source of contemporary wisdom on questions of international law in the American Revolution...,” according to the Introduction to the present edition. The book was “[t]ranslated immediately into English” and “was unrivaled among such treatises in its influence on the American founders.” Vattel’s principles also influenced the decisions of the early U.S. Supreme Court: “[b]efore 1865, the Court cited him at least thirty times....” Paul Finkelman, Foreign Law and American Constitutional Interpretation: A Long and Venerable Tradition,” 63 N.Y.U. Ann. Survey Am. L. 29, 45 (2007-2008). The Law of Nations is remarkable for its clarity and simplicity of expression, and so anticipates America’s fundamental concepts of the rights of people and of sovereign nations that it sounds familiar when read today.

Vattel’s theories strongly influenced the development of the U.S. Constitution. Benjamin Franklin, in a December, 1775, letter to Charles W.F. Dumas, thanking him for a gift of Vattel’s book, wrote “...the circumstances of a rising state make it necessary frequently to consult the Law of Nations...[my copy] has been continually in the hands of the members of our congress....” Similarly, the rights to life, liberty and the pursuit of happiness, which Thomas Jefferson incorporated in the Declaration of Independence, had been asserted by Vattel:

The end or object of civil society is to procure for the citizens whatever they stand in need of, for the necessities, the conveniences, the accommodation of life, and, in
general, whatever constitutes happiness, with the peaceful possession of property, a
method of obtaining justice with security, and, finally, a mutual defense against all
external violence.
- Book I: Nations in Themselves, Section 15-

Vattel believed that certain rights originated from a natural law that applied equally to all nations,
as well as to all individuals:

Since men are naturally equal, and a perfect equality prevails in their rights and
obligations, as equally proceeding from nature, nations composed of men, and
considered as so many free persons living together in the state of nature, are
naturally equal, and inherit from nature the same obligations and rights. Power or
weakness does not in this respect produce any difference. A dwarf is as much a man
as a giant; a small republic is no less a sovereign state than the more powerful
kingdom.
-Preliminaries, Section XVIII -

Issues of concern today, such as international conflicts, immigration and citizenship, and the
enforcement of treaties, to name just a few, were also of concern to Vattel. He distinguished between
lawful and unlawful warfare, explaining that a lawful war had to be conducted “on both sides by the
sovereign authority, accompanied by certain formalities, including a declaration of war,” whereas
“illegitimate and informal wars” were those “undertaken, either without lawful authority, or without
apparent cause, as likewise without the usual formalities.” Even the concept of terrorism can be
found in The Law of Nations: Vattel distinguished a public enemy, who “only seeks to maintain his
rights,” from a private enemy, “one who seeks to hurt us, and takes pleasure in the evil that befalls
us ...[who] is never innocent; he fosters rancour and hatred in his heart.” (See Philip Hamburger,
Beyond Protection, 109 Colum. L. Rev. 1823 (2009)).

The present paperback edition is based on the 1797 London translation of Vattel’s original text, and
includes “many valuable Notes never before translated into English,” that had been made by Vattel
for a second edition he did not live to complete (see Introduction). A detailed Table of Contents that
was created for the 1797 edition is also included. It refers to page numbers from the original edition,
rather than from this edition; although the original page numbers are incorporated in the present
text in brackets, but they are hard to see, all of which makes it confusing to find the page you want
from the Table of Contents. New editorial material in this edition includes Biographical Sketches of
Authors referred to by Vattel, a Bibliography of Works Referred to by Vattel, and an Index. The
editors have also included three essays by Vattel: Essay on the Foundation of Natural Law, Can
Natural Law Bring Society to Perfection Without the Assistance of Political Laws?, and Dialogue
Between the Prince of **** and His Confidant, which appear here translated into English for the first
time.

The editors, Messrs. Kaposy and Whatmore, have written an Introduction that makes a forceful
argument for the work’s continuing relevancy, both to the history of the U.S. Constitution and
constitutional law, and to current international law. It contains a brief biography of Vattel and an
explanation of his theory of ”Natural Law as Applied to the Law of Nations.” The editors conclude that
”[t]he importance of The Law of Nations...resides both in its systematic derivation of international law
from natural law and in its compelling synthesis of the modern discourse of natural jurisprudence
with the even newer language of political economy.”

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Beginning with lawyers Vinnie and Sal representing Adam and Eve respectively in the Garden of Eden, *Lawyer: A Brief 5,000 Year History* is a remarkable romp through the evolution of law as an integral part of human society, and the evolution of the profession of law from a scribe recording sales in Sumer to the present. But it is not just funny stories about lawyers in history. This is a profound and elegant investigation of some of the Big Questions in the philosophy of law. It is informed by extensive research, the latest archeology, and the author’s sharp wit. The author speaks from experience, as well. He is a practicing real estate attorney and a shareholder with the law firm of Woodburn and Wedge in Reno, Nevada. His law degree is from California Western School of Law (1977), and he has been admitted to the practice of law in Utah (1977) and Nevada (1985). For more about Mr. Andrus, see [http://www.woodburnandwedge.com/attorneys/andrus.html](http://www.woodburnandwedge.com/attorneys/andrus.html).

Although the text is organized in more or less chronological order (as might be expected in a history), the author uses history to introduce legal concepts that extend throughout human civilization in one form or another. He starts with Genesis as a story on which to hang discussions about why people need advocates, rights arising from reaction to perceived wrongs, ambiguous and conflicting laws, adversarial systems and conflicts of interest, free will *versus* determinism, utilitarianism, positivism *versus* natural law, insanity and *mens rea*, mercy, modes of legal discourse – you have now reached page 17 and have not yet finished the first chapter. Part I goes on to introduce murder, the rationality of self-interest, due process, the role of the witness at trial and cross-examination, and the influence of Jewish law (and lawyers) on modern American law. Part II, “Pagan Times”, introduces the human ability – and apparent need – to find patterns in chaos. Part III, “Ancient Greece”, discusses philosophy, logic, codification, procedure, the influence of politics on law, and rhetoric as both advocacy and organization of legal thought. Part IV, “Ancient Rome”, introduces Roman law and its continuing influence, and the evolution of identifiable professional lawyers. Part V, “Medieval Times”, covers the influence of Christianity and canon law, the origins and institutionalization of the common law and the English profession of law, and the rise of the idea of individual *vice* group rights.

The rest of the book, Part VI, “Modern Times”, is a bit different. It begins with the Scientific Revolution, followed by a review of the role of lawyers in America from colonial times to the present. The contributions of four famous American lawyers – Jefferson, Webster, Lincoln, and Darrow – show how lawyers altered the flow of our history and culture. This is followed by essays on the training of lawyers through history, women attorneys, why the practice of law should be limited to lawyers, attorney-client privilege, bar associations, the position of lawyers outside the United States, lawyer advertising, fees and pro bono obligations, legalese, and competence. Some of the best humor and most interesting scholarship is tucked into sidebars scattered through the text, with titles such as “A Horse Walks into a Bar…”, “Bending the Law, BCE-Style”, and “The Secret of the Opulent Waiting Room”.

This is a dense and erudite work. The author sometimes uses legal terms of art without defining them. If you do not have a broad legal and general vocabulary, I suggest reading it with legal and regular dictionaries close at hand.

There are some minor problems with *Lawyer* that better editing would have avoided. There are a few “cupertino nos” – incorrect words – probably from relying too much on software spell checkers. However, in each case the context makes it clear what the intended word was. It’s not really a problem, just a minor distraction.

I wish *Lawyer* had footnotes or endnotes in addition to its extensive bibliography. It is almost an academic treatise on the human nature of the law. Yes, notes would scare away casual readers, but I suspect many readers would enjoy pursuing some of the author’s discussions in more detail. I corresponded with the author about this, and he confirmed that he wanted to make the book a more
casual read. There are additional references in the text and a thorough index.

I found one, and only one, minor statement of fact with which I disagreed. On page 80, the author says that the distinctive dress of the Roman Catholic priest was “based on remnants of the imperial Roman toga”. The better analysis is that it descends from the long tunic of the upper classes of the late Roman and Byzantine empires. If this possible glitch bothers you, gentle reader, you need to examine your priorities.

If you look at the back of the title page, you can see the “Cataloging In Publication” information – what the book’s card in a card catalog would look like if we still had card catalogs in libraries – you see the subject headings assigned by the publisher: Lawyers—Humor, Law—Humor, Law—History. While there is plenty of humor– some pretty pointed – in this book, I submit LAWYER is better described as a treatise on jurisprudence disguised as legal history and humor. The author uses a historical framework to discuss the role of lawyers in society, the purpose of law in society, law as a human process, and the relationships of law to the important belief systems in human society. I am reminded of J. Stanley McQuade’s JURISFICTION, although LAWYER pays less attention to scholars and “airy-fairy theory” than does Dr. McQuade.

If you are a lawyer and have time to read nothing else in this book, read the last chapter, “Competency and the Legal Warrior”.

(Page 372.)

The author looks back at his text and describes six traits of the good lawyer and five traits of the great lawyer, using historic lawyers as exemplars. The good lawyer “is ethical”; “should be able to heighten … the client’s legal consciousness”; “has insight and savvy with regard to problems, clients, and issues”; “is in tune with the sound, smell, taste, and feel of words”; “can prepare and present a position”; and “is able to properly organized and analyze facts”. The great lawyer “always sees both sides of a dispute”; “is able to critique his or her own position”; “possesses deep and extensive knowledge based on personal experience and learning”; “has a refined sense of justice”; and “embraces meaningful evaluation of his or her abilities and faults”. I submit this is a more useful and understandable list than Chapter Five of the MacCrate Report.

For librarians adding this to their collections, I suggest cataloging it with its table of contents rather than just the CIP information. This will permit patrons to find the juicy stuff inside, material that will provide useful guidance and lively quotations for more conventional scholarly works.

While I appreciate the publication of this book by the American Bar Association, and see that it is available on Amazon.com, it is too bad it is not yet being promoted through conventional bookseller channels. Soon, one hopes. LAWYER: A BRIEF 5,000 YEAR HISTORY is much more than a book for lawyers. It is a labor of love that any intelligent person can enjoy and from which all intelligent people can learn.

I wonder whether Mr. Andrus would like to join our faculty as Professor of Legal Philosophy?

Edward M. McClure
Public Services Librarian
Phoenix School of Law Library

References:

Men and Books Famous in the Law is a classic work of historical legal bibliography. In the short preface, the author, Frederick Hicks, states that his intention in writing the book was to offer “impressionistic sketches of men and books famous in the law, with glimpses here and there of the events and people of the time in which the books were written, published, and read” (pp.7-8). He has chosen seven examples from the history of Anglo-American law to do this:

1. Cowell’s Interpreter
2. Lord Coke and the Reports
3. Littleton and Coke Upon Littleton
4. Blackstone and His Commentaries
5. James Kent and His Commentaries
6. Edward Livingston and His System of Penal Law
7. Henry Wheaton

In the preface, Hicks claims that he has chosen the texts and the men at random, because they are of special interest to him.

However, the preface also concedes that the choice was not so random after all, but was deliberately selected to show the origins and developments of all the significant tools of common-law legal research, or Hicks says “all the great classes of law books”:

Statute law is represented by Livingston’s Code; law reports by those of Blackstone, Coke, Dyer, Peters, Plowden, and Wheaton; digests by Viner’s Abridgement; dictionaries by Cowell’s Interpreter; institutional works by Coke, Cowell, Blackstone, and Kent; monographs by those of Littleton and Wheaton. (p. 7)

The size of the book negates any lengthy biographical treatment of the authors, or detailed analysis of the books themselves. In part, this is because the content of the individual chapters is “the outgrowth of lectures and seminar work given by the author in the Columbia University Law School, in a course on Legal Bibliography, and lectures to students in Library Economy in several Library Schools” (p. 7)

Frederick Hicks was the Law Librarian at Columbia and Yale for a combined thirty years, a former President of AALL, and a prolific writer on legal bibliography and law librarianship.¹ He is best known

¹ Bibliography of Books and Articles by Frederick C. Hicks 37 Law Lib J. 19 (1944). I found it intriguing that Hicks wrote a novelization of a famous sea trial, Human Jettison: a Sea Tale from the Law (1927), a bibliography and article on whether or not Shakespeare was a lawyer, and an
for the influential text *Materials and Methods of Legal Research* that went through three editions (1923, 1933, 1942). *Men and Books* is clearly written with the same philosophy in mind, with an aim to instruct and inform about law books as a precondition to law study, research, and practice:

> Legal bibliography proper is not merely a description of books. It is also a study of the record of the jural life of a people. This record shows the evolution of law and the civilization back of it ... Legal bibliography proper should, therefore, be presented as a historical subject by means of which a background is given to the modern picture. In days when law with difficult maintains its position as a profession, no better means of instilling respect for it into the minds of students can be found than by teaching the history, scope, and usefulness of its vast literature.²

The first chapter of the book, on the “Human Appeal of Law Books,” introduces and explains this philosophy to give a context for chapters that follow.

As the chapters are short, there is an appendix of “Bibliographical Suggestions” which gives an unannotated, select listing of further monographs and journal articles about each author and their works. As this is essentially a reprint of the 1921 edition, the publisher has not updated the bibliography. The title’s listed are standard works, reflective of scholarship up to the date of original publication, and do not reflect subsequent developments in legal bibliographical or interpretive jurisprudence. It would be an interesting project for someone to undertake to update and annotate this listing. An interesting, but I’m not sure a worthwhile, bit of scholarship.

I say this because, although I would recommend this book to anyone not familiar with legal history and historical legal bibliography, I’m not sure how useful it would be to the general law librarian reader. Indeed, the first edition was published in 1921, a far cry from today, and I have to ask myself why did the publisher reprint it in 2008? What is the market for the book? Who is the intended audience? Does it have any continuing relevance at all?

I must honestly state that after reviewing the book, I was still not sure. So I looked at the 3rd edition of Hicks’ *Materials and Methods of Legal Research* (1942) in search of an answer, on the premise that this is really a companion title to *Men and Books*.

What struck me as the predominant theme in both works is the continuous struggle between legal publishing and law libraries to control the randomness of legal research in a constantly expanding and anarchic system of legal rules and authorities. There seems to be a somewhat cynical view beneath this, as illustrated by a quotation I found apt located in *Materials*, taken from an issue of the *Harvard Law Review*:

> Headnotes arranged vertically make a digest. Headnotes arranged horizontally make a textbook. Textbooks arranged alphabetically make an encyclopedia. Every few years some investigator has to disintegrate one of these works into its constituent atoms, add some more headnotes from the recent decisions, stir well, and give us the latest book on the subject. And so law libraries grow.³

Admittedly, Hicks is not as simplistic as the author of this quotation, but where he is similar is in his desire to find a workable, nutshell approach to effective legal research through a study of the historical makers and the making of the law books. In Hicks’ own words, again from Materials: 4

The books themselves, breaking all restraint, advancing in ever-widening array, and losing few by the wayside, seem about to overwhelm the legal profession by sheer weight of numbers. The must be subdued to order and put to work to avoid chaos. Each lawyer of judge must make the whole army of books potentially his own. How can this be done? . . . Some of the outstanding books we can know intimately, but for the rest we must be content with a knowledge of the classes to which they belong. These classes we can study in their historical development, by means of concrete examples, never, however, losing touch with the present. And we can become expert in the use of elaborate system of indexes, which are keys to the contents of whole classes of law books.

Hicks concern was to simplify print-based legal research. It is now a given, I believe, that most legal research is electronic or digital. Does the study of Coke, Blackstone, Littleton and company help us understand how to research legal problems on Google? Wikipedia? Only to the extent that in any technological revolution it takes a while for the old forms and tools to be replaced by new, as it took awhile for the print culture to replace the manuscript culture. We are in such a transitional period and the value of Hick’s work reminds us that to successfully navigate our way through this period, we need to understand and be mindful of the history, development, and classes of law books that went before.

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Max M. Edling’s book, A Revolution in Favor of Government - Origins of the U.S. Constitution and the Making of the American State, provides a detailed description of the battle of ideas that shaped the Constitution. Edling discusses strong arguments on both sides of the debate between the Federalists and the Anti-Federalists regarding the adoption of the Constitution, which would transfer much of the power to wage war and collect taxes from the states to a national government. The Federalists were in favor of a strong central government, while the Anti-Federalists favored a more decentralized system which would leave more governing power in the hands of the states.

Edling outlines three overlapping audiences for whom he wrote his book: political and intellectual historians or theorists, especially those who study the debate between the Federalists and Anti-Federalists; students of American political development; and those who wish to study state development during the 18th and 19th centuries. Edling points out that many prior studies have considered such state development in European nations but have generally not done so for the United States.

It is commonly known that the Federalists’ position carried the day and the Constitution was adopted, leading to a strong federal government. What is new in Edling’s book is a deeper explanation of the divergent positions of the political thinkers of the day, including their historical bases.

The Federalists boasted some of the great thinkers of the day, including Hamilton and Madison. In the current vernacular, they would be the “intellectual elite.” Focusing on the ability to provide a common defense against external threats and protecting the western border, the Federalists asserted that a strong central government and standing army were necessary for preserving the new union. Further, the Federalists argued that the ability to tax the citizenry would be integral to the nation and its defense. Edling explains the process by which the State was “built” to satisfy the need for security against outside forces without sacrificing the desire for “small d” democracy and a diffuse government where states were largely in charge of decision making.

The Anti-Federalists are portrayed as somewhat less sophisticated in their thinking. They feared that a strong national government would risk a future of oppression and a government in place by the threat of force. The Anti-Federalists also were concerned about the rights and powers of the states being threatened by a large powerful federal government. The Anti-Federalists had plenty of historical support for their concerns. The nation had just broken away from England and its heavy-handed approach to governance. The imposition of unfair and burdensome taxes, payment of which was enforced by the threat of force from the big government power, was seen as a possible outcome of having a strong national government. Also, the Revolution had been a success without the need for a national standing army, another factor that gave the Anti-Federalists pause about change. Standing armies had been used in European nations as much or more against their own citizenry than against outside threats. Given the nation’s geographic isolation from the outside world and the success of the state militias in the past, the Anti-Federalists saw the idea of a national standing army as a threat to popular rule and freedom.

Ultimately, the Constitution was ratified and the national government did take over the military and taxation functions that the states had controlled under the Articles of Confederation. The military presence was minimal, however, in accord with the Federalist’s plan. Troops were stationed on the western border of the country to aid in repelling the Indians and for expansion westward. They were not a visible threat to the citizenry. According to Jefferson, the force was, in fact, so small that “their number is as nothing” and that should any actual conflict arise, the militia would be needed (Edling, page 142). The decision for a strong national government did not turn out as the Anti-Federalists had feared.

Edling’s book is extremely well-researched. He cites several of the major historical works that have analyzed the creation of the Constitution, including *The Documentary History of the Ratification of the Constitution*, edited by Merill Jensen, John P. Kaminski, and Gaspare J. Saladino. Edling has included over eighty pages of notes which provide a wealth of sources for additional research on the subject and for a greater depth of coverage in addition to the information in the book.

I recommend Edling’s book for students of history and for those looking for a broader perspective on the political issues of today. I found the book to be a timely analogy for the current climate of extreme political discord and destructiveness. It is refreshing and somewhat comforting to see that such disputes are not new to this country and its political processes. Some ideas are so big and so consequential that the passions and beliefs of those who will be affected by them can boil over and/or become so embedded that it becomes difficult to compromise. Also interesting is the seemingly never-ending discussion of “big government” and the fear that it engenders. Ultimately, it seems as though the tension between competing ideologies and strongly held beliefs has, throughout the nation’s history, led to a stronger union. Broader support for the ultimate outcomes of such debates often comes about due to the ability of those with differing views to honestly and contentiously argue their positions. One hopes that Edling’s book can provide a well-needed
reminder to be understanding for those with different points of view and that honest debate does lead to optimal solutions.

Patricia Morgan
Reference/Faculty Services Librarian
University of Florida Law School
The beginning of 2010 has seen many contributions to the field of legal history, varying from an in-depth study of the history of citations to a legislative history of sorts describing how the Arizona Declaration of Rights can trace its lineage back to English Common Law. Alexandra Braun brings us “Burying the Living? The Citation of Legal Writings in English Courts” (58 Am. J. Comp. L. 27), an article that may be of more interest to we librarians that to the larger legal world.


In book news, Cambridge University Press has published an excellent collection of the essays of the late Kathryn Preyer entitled, Blackstone in America: Selected Essays of Kathryn Preyer (http://www.cambridge.org/catalogue/catalogue.asp?isbn=9780521490870&ss=fro). Each of the essays examines the process of “transplantation” of the English Common Law to the forum of the American Republic. Another interesting study of American legal history, “Jim Crow in New York,” can be found at New York University School of Law’s Brennan Center for Justice’s webpage (http://www.brennancenter.org/content/resource/jimcrowny). This project by Erika Wood and Liz Budnitz with Garima Malhotra is not only a history, however, but a recommendation, taking careful note of how the consequences of Jim Crow laws are felt in today's world.

Other titles of interests that have either recently or soon will be released include: David Oshinsky’s Capital Punishment on Trial: Furman v. Georgia and the Death Penalty in Modern America (http://amzn.to/9zqgSS) Mark Janis’ America and the Law of Nations 1776-1939 (http://amzn.to/c0LaFV), Eric Kasper’s To Secure the Liberty of the People: James Madison's Bill of Rights and the Supreme Court's Interpretation (http://amzn.to/9tBi6S), and Philip J. Schwarz’s Slave Laws in Virginia (http://amzn.to/bEIn7T).

For the upcoming AALL conference in Denver, a number of interesting panels have been announced, sponsored by the LHRB, including “Digging” Colorado Legal History: Alfred Packer - The Man, The Myths, The Cannibal, with exhumation expert Prof. James Starr of George Washington University Law School. Be sure to check the AALL website for more information.

-Dan Blackaby
Nearly 150 early printed books in the Yale Law Library have bindings that incorporate visible pieces of medieval manuscript. A number of these books are featured in the latest exhibit from the Law Library's Rare Book Collection, "Reused, Rebound, Recovered: Medieval Manuscript Fragments in Law Book Bindings." The exhibit is on display February - May 2010 in the Law Library.

In 15th- and 16th-century Europe, recycling was second nature. Bookbinders, for their part, cut apart discarded medieval manuscripts and reused the strong, flexible and expensive parchment in their bindings. These scraps reveal information about the distribution and popularity of medieval texts, the evolution of scripts, and the history of printing and binding. A precious few of them preserve the only surviving fragments of long-lost texts.

The exhibit reflects the diversity of medieval material in the Law Library’s bindings. The Bible and liturgical manuscripts are well represented, some with early forms of musical notation. Four of the law books contain legal texts in their bindings. Other examples include a sermon, a fragment of Cicero, and two Hebrew manuscripts. One of the fragments is the oldest item in the Law Library’s collection, dating from around 975-1075.

While most of the fragments are identified and tentatively dated, a couple remain mysteries. The exhibit coincides with the annual meeting of the Medieval Academy of America, March 18-20 at Yale University. Conference attendees will be invited to try their hand at identifying the fragments. The exhibit was curated by Benjamin Yousey-Hindes, a Ph.D. candidate at Stanford University, and Mike Widener, Rare Book Librarian at the Lillian Goldman Law Library.

Those unable to visit the exhibit in person may view it online in the Yale Law Library Rare Books Blog, at <http://blogs.law.yale.edu/blogs/rarebooks/>.

The Green Bag, "An Entertaining Journal of Law," has selected the Lillian Goldman Law Library to be the official archive of its Supreme Court Bobbleheads. To mark this momentous event, the Rare Book Collection put a selection of Supreme Court Bobbleheads on display in March 2010.

Adam Liptak, the New York Times reporter who covers the U.S. Supreme Court, published an excellent article on the exhibit, "Relax, Legal Scholars: Bobbleheads Are Safe at Yale", in the March 17, 2010 issue of the New York Times.

The Green Bag began issuing its Supreme Court bobbleheads in 2003 with Chief Justice William H. Rehnquist. Subsequently, the bobbleheads have come out roughly in order of seniority, with Justice David H. Souter being the most recent of the sitting Justices (issued shortly before his retirement from the Court).

The bobbleheads have a sophisticated iconography, as Ross E. Davies, editor-in-chief of The Green Bag, explained in the New York Times article: "The bobbleheads are, not to overstate it, a little bit more than toys. They're portrayals of the work and character of these judges."

So far, The Green Bag has issued bobbleheads of seven modern Justices (in order of appearance they are William H. Rehnquist, John Paul Stevens, Sandra Day O’Connor, Antonin Scalia, Anthony M.
Kennedy, Harry A. Blackmun, and David H. Souter) and two historic Justices (Louis D. Brandeis and Benjamin Curtis, author of a famous dissent to the Dred Scott decision). Forthcoming are small bobbleheads of the first Supreme Court Justices (John Jay, William Cushing, and John Rutledge). Yale's Supreme Court Bobblehead Collection also includes dozens of "draft" bobbleheads, reflecting earlier stages in their design.

The Green Bag's Supreme Court bobbleheads are not the first bobbleheads in the Rare Book Collection. That honor goes to the bobblehead of Yale law professor and Dean Emeritus Harold Hongju Koh, which was issued in 2006 as a fundraiser for the Yale Law School chapter of the American Constitution Society.

Thanks to Ross Davies and The Green Bag for making this acquisition possible, and to Fred Shapiro, our Associate Librarian for Collections & Access, who had the inspired idea of contacting The Green Bag.

The Supreme Court Bobblehead exhibit will be on display through the summer of 2010.

Karen Beck writes that there are two new exhibits in the Boston College Law Library's Daniel R. Coquillette Rare Book Room. The first is a traditional exhibit, “Books and Their Covers: Decorative Bindings, Beautiful Books.” It features many of our most attractive items, and will be on view through May 2010. If you cannot visit in person, visit online at http://www.bc.edu/schools/law/library/about/rarebook/exhibitions/BookCovers2010.html.

The second exhibit is a virtual exhibit, “The Correspondence of Lemuel Shaw,” and features a selection of letters written to and by Shaw over the course of several decades. The exhibit is online in Flickr at http://www.flickr.com/photos/rarebookroom/sets/72157623455086947/

Comments about either of these exhibits are most welcome.

The University of Arkansas at Little Rock/Pulaski County Law Library recently opened a new exhibit in honor of Black History Month. The exhibit featured the Ewell v. Tidwell case, one which emancipated fourteen enslaved people and sent two adult men back to slavery in Louisiana. Slavemaster John Kolen's will sought to emancipate two slave families, and give them a slave and all Kolen's remaining property (except for $5.00 to be given to his white Louisiana daughter, Martha Ewell, one of the appellants.) Eli J. Tidwell, executor of the Kolen estate, was the appellee. The exhibit features the original handwritten opinion in the Arkansas Supreme Court's 1859 opinion record book, an Arkansas Supreme Court docket book, a photograph of one of the enslaved people emancipated by the litigation, a copy of the John Kolen will, and a copy of Kolen's land grant certificate. One thing that makes this case unique is that we know where most of the Kolen descendants are today.
When I arrived at Yale Law Library in August 2006, I assumed there would be little opportunity to add to the library’s outstanding William Blackstone Collection. How wrong I was. Blackstone items added in 2007 include a manuscript containing a summary of the first volume of Blackstone’s *Commentaries*, prepared by Ralph Dunn of Yarm, North Yorkshire, in 1786. We acquired the first edition of Jeremy Bentham’s famous critique of Blackstone, *A Fragment on Government* (London, 1776), as well one of Bentham’s oddest productions, his English translation of Voltaire’s *Le Taureau Blanc*. Published in 1774 as *The White Bull*, it includes a lengthy, rambling preface with frequent attacks on Blackstone. Finally, we added the January 1937 issue of *The Atlantic Monthly*, which contains the first printing of “Newton on Blackstone,” the speech given by the famous American book collector and lawyer A. Edward Newton when the University of Pennsylvania awarded him an honorary Doctor of Laws degree.

At the end of World War II, the Yale Law Library bought a private collection of over 900 volumes of early Italian statutes, including nine incunables and 52 manuscripts. In 2007 the collection resumed its growth with 11 new titles: statutes of Ancona (1734), Brescia (1722), the Cisapline Republic (1798), Genoa (1567, 1669), Milan (1605, 1743), Naples (1605-08), Novara (1719), Riviera di Salo (1626), Sardinia (1729), and the statutes of the lawyers’ guild of Monteregale, *Statuta sacri venerandique Collegii iurisconsultorum inclita civitatis Montis Regalis* (1696).

Among the more notable additions to Yale’s collection of American trials were *Report of the Trial of John Quay* (New York, 1817), where the question of a witness’s status as free or slave played a key role; an execution broadside for Stephen Merrill Clark (Salem, Mass., 1821); and six items relating to the blasphemy trials of the radical journalist Abner Kneeland (Boston, 1834-36). My personal favorite is *Proceedings of a General Court-Martial in the Case of Lt. T.J. Spencer, Tenth Cavalry* (1877). Spencer was charged with beating his wife, described by Spencer’s commanding officer as “a lady a thousand times too good for him.”

Our collection of illustrated law books continued to grow. To mention but a few highlights... The *Opera Geometrica* of Jean Borrel (Lyon, 1554) contains the first writings on geometry geared specifically to lawyers. Johann Friedrich Blanck’s *Sammlung der bey der Stadt Hamburg eingeführten Feuer-Veranstaltungen und Ordnungen* (Hamburg, 1760) is a compilation of the fire ordinances of the city of Hamburg, along with an illustrated catalogue of the fire department’s equipment. The *Tractatus de aquaeductu* (4 v., Pavia, 1700-13) of Francisco Maria Pecchio contains dozens of woodcuts explaining riparian rights and aqueducts in Roman and Italian law. *The Life, Trial & Defence, of Her Most Gracious Majesty, Caroline* (London, 1820), with a colored folding plate of the queen’s trial in the House of Lords, joins six other published accounts of this sensational trial in our collection. *The Punishments of China, Illustrated by Twenty-two Engravings* (London, 1808) is colorful but heart-rending. Last but not least, *The Institution, Laws & Ceremonies of the Most Noble Order of the Garter* (London, 1672), compiled by Elias Ashmole, has a splendid folding plate of Windsor Castle; it was the gift of a Yale Law School alumnus.

A few final unusual acquisitions to mention: eight docket notebooks of Stephen T. Hosmer, from his service as judge of the municipal court in Middletown, Ct., 1784-1797; *Mr. Lex, or the Legal Status of Mother and Child* (Chicago, 1899), a legal treatise in the form of fiction by the attorney and early
feminist Catherine Waugh McCulloch; and a little book I've lusted after for several years, _The Trial of Farmer Carter's Dog Porter, for Murder_ (London, 1771), a satire on the English game laws.

**New Roman Law Books at Boston College Law Library**

by Karen Beck, Curator of Rare Books, Boston College Law Library

The Boston College Law Library has received a generous gift of Roman law books from Michael H. Hoeflich, Kane Professor of Law at the University of Kansas. Professor Hoeflich is well-known as a scholar in many areas of law and legal bibliography, including legal history, comparative law, ethics, contracts, and the history of law book publishing. Numbering nearly 300 antiquarian and modern titles, the Hoeflich Collection contains multiple editions of seminal Roman law works in Latin, German, and French, as well as lesser-known works. In spring 2011, we will exhibit a selection of the antiquarian titles in the Daniel R. Coquillette Rare Book Room. For further information, contact Karen Beck at the BC Law Library.

**New Acquisitions at The Jacob Burns Law Library,**

by Jennie Meade, Director of Special Collections, The George Washington University Law School

The Law Library continues to develop its collection of the _coutumes_ of France. In recent months, important _coutumiers_ from Normandy, including the extremely scarce incunabulum _Coutumes de Normandie_ (Paris: Jean Du Pré, 1483) joined the collection. Other recently-acquired Normandy _coutumiers_ include compilations from 1595, 1691, 1700, 1712, and 1742. Outside Normandy, _coutumiers_ were acquired from the regions of Burgundy (1528 and 1534), Paris (1692), Brittany (1643, 1682, and 1735), Poitou (1636, 1637, and 1723), Amiens (1683), Angoumois (1780), Artois (1613), Bourbonnais (1654), Montargis (1676), Nancy (1770, and a 17th-century manuscript), Vermandois (1630), plus two compilations of general _coutumes de France_ from 1617 and 1628.

The 1483 _Coutumes de Normandie_ is considered to be the first edition of this work, and traditionally passed as the first book printed at Rouen. This edition is based upon the oldest redaction of this customary law composed in Latin and translated into French in the thirteenth century; it is considered one of the most masterful redactions of the ancient law, and as such exercised a profound and lasting influence. Its text appears in French with a gloss by an anonymous _jurisconsulte_, followed by the law text in Latin. The date 1483 has been considered variously to be the date of composition, of transcription, and of the printing of the manuscript; the now accepted (and logical) view is that 1483 marked the year of printing of this opus.

The _Coutume de Normandie_ is of special interest to legal scholars since Norman law and English law historically shared a close relationship; the ancient customary law of Normandy exhibited more a flavor of English law than French, and maintained its unique regional characteristics after the recovery of Normandy by the French crown.