NOTE FROM THE EDITOR

This issue of the newsletter features a pair of longish articles, one by Joel Fishman on eighteenth- and nineteenth-century court reporters of the Supreme Court of Pennsylvania and the other by Christopher Anglim on the remarkable career of Zephaniah Swift. Minutes of the 1996 Rare Books & Legal History annual meeting and notices of upcoming scholarly conferences round out the mix.

In the not too distant future, the newsletter should be accessible on the web (look for an announcement on the law-lib listserv). The question of the dissemination of legal information in America is of course an old one. In 1829, for example, a report was made to the 20th Congress on the feasibility of publishing a stereotype impression of the laws of the United States: “To enlightened men, who have at heart the purity and preservation of our republican institutions, it surely cannot be necessary to urge the importance of a general distribution and knowledge of the constitution and laws of our common country.” A set of stereotyped laws was estimated at three to five dollars—about a tenth of the then going price. Vive l’Internet! ☮
—Daniel Smith

THE COURT REPORTERS OF THE SUPREME COURT OF PENNSYLVANIA

PART 1: THE EARLY REPORTERS (1790-1845)

Traditionally, appellate courts in all states have published the reports of the highest and intermediate courts. In recent years legal historians have written on the history of court reporting and court reports. Many famous judges and lawyers throughout the country gained important reputations for their reporting. As court reports became more commonplace, however, the review of these reports lessened. Throughout the nineteenth century the development of court reports received attention from the legal community through reviews in many of the leading periodicals of the day. By 1900, few individual state reports were reviewed in the periodical literature. Reports were no longer cited by the named reporter (although listed on the spine of the book), but became just a numbered series.

Court reporting in Pennsylvania has a long history dating back to the early days of the Republic and the establishment of Pennsylvania as a Commonweal (Continued on page four)

THE LIFE AND TIMES OF ZEPHANIAH SWIFT

Zephaniah Swift (1759—1823), lawyer, congressman, and jurist, was born in Wareham, Plymouth County, Massachusetts. He was the son of Roland (or Rowland) Swift and Mary Dexter. While still young, Swift moved with his parents to Lebanon, Connecticut. Swift entered Yale College at fifteen and graduated with a bachelor of arts degree in 1778. He received a master of arts degree, also from Yale in 1781. After completing his college education, Swift studied law and was admitted to the Connecticut bar. Twice married, Swift married his first wife, Jerusha Waring, of Colchester Township, Connecticut in 1786. She died in 1792. They had one son, who died in infancy. On 14 Mar. 1795, Swift married his second wife, Lucretia Webb, the daughter of Captain Nathaniel Webb of Windham. There were three sons and three daughters of the second marriage: Edward, Henry, Lucian, Lucretia, Emily, and Julia.

Swift began practicing law at Mansfield, but soon moved to Windham, where he lived for forty years. Entering politics, Swift was elected from Windham to the House of Representatives (the lower house) of the Connecticut General Assembly from 1787 to 1793. His political support from both religious and political dissenters angered members of the Established Church (the Congregational Church in Connecticut). Throughout his career, Swift was a religious free-thinker while also following the social and political conservatism of the Federalist Party. He served as clerk of the Assembly's lower house for four sessions, and as speaker in 1792.

Swift became active in the Con-

(Continued on page ten)
LEGAL HISTORY AND RARE BOOKS SIS
American Association of Law Libraries
Annual Meeting
Indianapolis, Indiana
Sunday, July 21, 1996

BYRON COOPER (University of Detroit Mercy School of Law), Chair, Presiding:

The regular business meeting of the Legal History and Rare Books SIS was called to order by the Chair at 5:00 p.m., July 21, 1996.

The minutes of the last meeting were approved as submitted.

The Treasurer’s report indicated a balance of $7,001.66.

Election results were read. Gretchen Feltes (New York University) is the incoming Chair. Laura Anne Bedard (Georgetown University) has been elected Vice Chair/Chair Elect. Steven Perkins (Rutgers University—Newark) remains Secretary/Treasurer.

The Chair proposed a change in the Section’s bylaws to conform with the AALL standards. The change had been published in the Section’s newsletter. The change was unanimously voted in.

The Chair thanked Daniel Smith Jr. for his work as editor of the newsletter and commended him on the high quality of the articles contained and the redesign of the layout.

The Chair brought to the membership’s attention the two SIS-sponsored convention programs “The Impact of Roman Law on the Civil Law Tradition,” moderated by Dan Wade (Yale University) and “Secrets in the Stacks: Rare Books in Small to Medium-Sized Libraries,” moderated by Gretchen Feltes and with Howard Senzel (Southern New England School of Law) as a speaker.

The Chair asked for new business. Gretchen Feltes, Vice Chair/Chair Elect, reported on the change in procedure of the selection of convention programs for Baltimore. Each section will be allocated one “guaranteed” slot.

A call for convention program ideas was made. Ideas should be submitted to Byron Cooper or other officers. A discussion about the possibility of placing a Section page on the AALL website followed.

The Chair announced that immediately following the business meeting Jordan Lutrell of Meyer Boswell Books would discuss association copies and autograph rare books.

This concluded the regular business. The meeting adjourned at 5:30 p.m.

THE SPECIALIZED SCHOLARLY MONOGRAPH IN CRISIS
OR
HOW CAN I GET TENURE IF YOU WON’T PUBLISH MY BOOK?

September 11-12, 1997
Washington, D.C.

Conference Sponsored by:
American Council of Learned Societies
Association of American University Presses
Association of Research Libraries

“Saving ‘Tenure Books’ from a Painful Demise”
—Chronicle of Higher Education, 11/1/96

“Profit Squeeze for Publishers Makes ‘Tenure More Elusive’”
—New York Times, 11/18/96

RECENT HEADLINES in the New York Times and the Chronicle of Higher Education warn of the dangers posed by the threat to the specialized scholarly monograph. The primary market for specialized monographs—research libraries—has been burdened over the past decade with significant increases in the costs of science and technology journals, resulting in dramatic decreases in monographic purchases. Faced with this eroding market and declining subsidies from both universities and funding agencies, university presses can no longer afford to publish the specialized research which is central to their mission. As a consequence, young faculty are not getting tenured or promoted, undermining the future of education and scholarship in the humanities and social sciences.

This conference on the specialized scholarly monograph brings together faculty, administrators, publishers, and librarians to focus attention on an issue central to the entire academic enterprise. It examines the current state of scholarly communication and explores the potential of new technologies to provide both new means of dissemination and new formats for conducting research and communicating the results.

The conference examines:
• the issues involved in the creation and dissemination of scholarly communication from the perspectives of a university administrator, scholar, publisher, and librarian;
• the functions and costs involved in the scholarly communication process, examining the factors which have contributed to the endangered status of the monograph;
• expectations for young faculty, and how and why they are changing;
• how the issues differ across fields and disciplines and how these variables affect the decisions made by the presses;
• current experiments in monographic publishing; and
• new frameworks in scholarly communication and how these might provide new models for creation and dissemination of research.

SPEAKERS INCLUDE:
• John D’Arms, ACLS
• Charles Beirz, Bowdoin College
• Scott Bennett, Yale University Library
• Stanley Chodorow, University of Pennsylvania
• Colin Day, University of Michigan Press
• Sandria Freitag, American His-
in the registration fee. Also included is a reception on Thursday evening.

LOCATION
The conference will be held at the Marriott at Metro Center in downtown Washington, DC. Located at 775 12th Street, NW, the hotel is adjacent to the Metro Center subway station and is within walking distance of museums, galleries, and shopping. It is located one mile from Union Station, five miles from National Airport, and 25 miles from Dulles.

RESERVATIONS
The room rate is $149 a night, plus applicable taxes, for conference attendees. To make reservations, call (800) 228-9290. Be sure to call before August 20 and specify MONOGRAPH CONFERENCE to receive the special room rate.

REGISTRATION INFORMATION
Prepayment is required. Checks should be payable in U.S. funds to the Association of Research Libraries and mailed to:

Association of Research Libraries
Mary Jane Brooks
Monograph Conference
21 Dupont Circle, NW
Washington, DC 20036
TEN: (202) 296-2296
FAX: (202) 872-0884
EMAIL: maryjane@cni.org

The sponsors reserve the right to cancel this event prior to sending out confirmations to participants and recommend that you not make non-refundable reservations before receiving your confirmation. For more information or to register online, see <http://arl.cni.org/scomm/epub/program.html>

LOGISTICS

FEES
$250 if paid in full by June 30; $300 after June 30. A $50 non-refundable deposit will be accepted, with full payment due by September 5.

MEALS
A continental breakfast and lunch will be served both days and are included

SYMPOSIUM ON PYNCHON AND LAW

Sponsored by Oklahoma City University Law Review at Oklahoma City University Law School
Call for Papers to be Published Summer 1998

Thomas Pynchon's writings have always invited inquiry into science and technology. With the publications of Vineland and Mason & Dixon, Pynchon focuses his sights on the formation, founding, and foibles of the American Republic. In light of this expansion of his interests, the natural question is how does Pynchon's work inform our notions of law, literature, and society.

The Oklahoma City University Law Review welcomes papers that touch on the intersection of Pynchon and Law from any perspective. Especially desirable are papers which focus on the following themes:

- Pynchon's Legal Landscape
- Natural and Scientific Law in "Entropy," V, and Gravity's Rainbow
- Law and Representation in The Crying of Lot 49
- Race, Colonialism, and Integration
- The Historical Pynchon and the Puritan Roots of Gravity's Rainbow
- The Enlightenment as seen in Mason & Dixon
- Borders and Community
- Law and Lawlessness in the "Zone" and Vineland
- Gender and Sexuality
- Or any other topic.

Proposals in the form of a draft, précis, abstract, or outline will be due by October 1, 1997. Final drafts should be completed by March 1, 1998. Please submit all proposals or inquiries to:

Professor Shubha Ghosh
Oklahoma City University
School of Law
2501 N. Blackwelder
Oklahoma City, OK 73116
Tel: 405-521-5809
EMAIL: sghosh@lec.okcu.edu
monwealth. Some illustrious members of the Philadelphia bar served as court reporters from the late eighteenth to early twentieth centuries. It is the aim of this article to review the biographies of those men who were the reporters of the nominative reports for the Supreme Court of Pennsylvania. The reports comprise the eleven reporters whose collection of early nominative reports of Pennsylvania Reports that contain cases from 1754 to 1845, and five men who compiled the Miscellaneous State Reports consisting of five sets of reports that were published coinciding with the State Reports because of a limitation upon state law (21 volumes).

In addition, I have included three other men—Alexander Addison, Frederick Charles Brightly and F. Carroll Brewster—who published Supreme Court cases as part of their reports. Another article on the official court reporters from 1845 to present is currently being prepared.

The first report published in the United States was Kirby's Reports for Connecticut (1789), followed by Alexander James Dallas's Reports of Cases Ruled and Adjudged in the Courts of Pennsylvania, Before and Since the Revolution (1790). The first volume covered Pennsylvania cases from 1754 to 1789. The second volume expanded its coverage: Reports of Cases Ruled and Adjudged in the Several Courts of the United States and of Pennsylvania, Held at the Seat of the Federal Government (1798). By enlarging the scope of the work to include the United States Supreme Court, the Pennsylvania Supreme Court, and Philadelphia Common Pleas Court, Dallas successfully recognized the importance of the high court and Pennsylvania courts. Volumes three and four, with the same title as volume 2, continued to have reports from the three courts; the former covered cases from 1794 to 1799, while the latter volume covered 1799 to 1800. The fourth volume differed from the previous three volumes by inclusion at the end of the volume of Delaware Court of Errors and Appeals cases (pp. [xiii]-xxv), and a Mayor's Court of Philadelphia case from 1797 (pp. [xxv]-[xxxi]).

Alexander Dallas was born on June 21, 1859 Jamaica and died July 16, 1817. His father was an eminent and wealthy physician from Scotland. His elementary education in Edinburgh and attended Westminster School, who returned to Philadelphia in 1783. Dallas took oath of allegiance to State of Pennsylvania on June 17, 1785 and was later admitted to Pennsylvania Supreme Court on August 3, 1785. Afterwards he joined the bar of the federal courts as well. Governor McKean appointed him Secretary of the Commonwealth on January 18, 1791, and was reappointed in September 1793, December 1796 and in 1799. In March 1801, he was appointed United States Attorney for the Eastern District of Pennsylvania. Under President Madison, he was appointed and confirmed to Secretary of the Treasury from October 1814 to November 1816. He also was appointed Secretary of War from March 12, 1815 to November 1816. His children became important public servants: George Dallas became Vice-President of the U.S. and later Minister to England; a second son, Trevanian Dallas, became a judge of District Court of Allegheny County.

Jasper Yeates published the second set of Pennsylvania Reports posthumously by his son-in-law, Charles Smith. Yeates was born on April 17, 1745 and died March 14, 1817. He was born in Philadelphia, the son of John and Elizabeth (Sidebottom) Yeates. He attended the College of Philadelphia where he received his B.A. degree in 1761 and later received a Master's degree. He studied law under Edward Shippen, one of the leaders of the bar in late eighteenth-century Philadelphia, and was first admitted to the Philadelphia bar (on May 8, 1765) and then the Lancaster bar. He married Sarah, daughter of Colonel James and Sarah (Shippen) Burt. At the beginning of the War of Independence, he became the chairman of the Lancaster County committee of correspondence. Later, he became a delegate to the Pennsylvania convention that ratified U.S. Constitution in 1787. Governor Thomas Mifflin appointed him Associate Justice of the Supreme in 1791. President Washington appointed him one of three member commission to investigate the Whiskey Rebellion in Pittsburgh, 1794. Later, his Federalist tendencies led to his impeachment (along with Samuel Chase) by the Pennsylvania senate, 1805. He was acquitted of the charges.

Horace Binney (b. January 4, 1780—d. August 12, 1875) has the best reputation of any of the reporters. He graduated Harvard College, 1797 and studied in the office of Jared Ingersoll. He was admitted to the Philadelphia bar on March 31, 1800 and to Pennsylvania Supreme Court on March 1802. He was elected a member of the Pennsylvania house of representatives for the legislative years of 1806 and 1807. Binney held the position of director of the first Bank of the United States, 1808 and later became President of Philadelphia Common Council (1810-12) and then member of the Philadelphia Select Council (1816-19). As his reputation grew, Governor Wolf offered him a position on the Pennsylvania Supreme Court in 1820, but he declined the office because of his desire to maintain his own schedule. He was elected an Anti-Jacksonian ticket to the Twenty-third Congress, House of Representatives (March 4, 1833-March 3, 1835). After that term, he retired from practice except for writing opinions and participating in Girard Will case (1844). He was offered the Chief Justiceship of the United States Supreme Court upon the retirement of Chief Justice Taney, but he turned it down. He authored eulogies on Chief Justice William Tilton of the Pennsylvania Supreme Court (1827) and Chief Justice John Marshall of the United States Supreme Court (1835), Associate Justice Bushrod Washington of the United States Supreme Court (1858). His The Leaders of the Old Bar of Philadelphia (1859) presents various portraits of the leading Philadelphia lawyers of the late eighteenth and early nineteenth centuries. Another historical work was An Inquiry into the Formation of Washington's Farewell Address (1859). During 1862, he wrote several pieces that became the book The Privileges of...
the Writ of Habeas Corpus Under the Constitution (1862) that generated a pamphlet controversy over habeas corpus during wartime. Binney finally died at the age of 94 one of the most revered lawyers in Philadelphia and Pennsylvania history.9

Thomas Sergeant (b. January 14, 1782—d. May 5, 1860); son of Jonathan Dickinson Sergeant, graduated Princeton in 1798 and studied law in the office of Jared Ingersoll. He was admitted to the Philadelphia bar on June 8, 1802. Gov. McKean appointed him to the office of clerk of the Mayor’s Court of Philadelphia. Later he married the granddaughter of Benjamin Franklin. He held a wide number of positions: Congressional representative of the state (1812-14), an associate justice of the district court of Pennsylvania (1814-1816), secretary of Commonwealth (1817-1818), attorney-general (1819-1820), postmaster of Philadelphia (1828-1832), and associate justice of the Supreme Court (1834-1846). He served as the second provost of the Law Academy of Philadelphia (1844-54) and was also a trustee of the University of Pennsylvania (1842-1854). He was president of the Historical Society of Pennsylvania, and member of the American Philosophical Society and New England Historical Society. He helped lay the groundwork for the establishment of the State Law Library in Harrisburg. Among his publications were 17 volumes of Pennsylvania State Reports (1814-1829) co-authored with William Rawle Jr.; two editions on Treatise upon the Law of Pennsylvania Relative to the Proceeding by Foreign Attachment (1811, 1840), and an historical treatise on Pennsylvania land law, Views on the Land Laws of Pennsylvania (1838), Constitutional Law (1822 and 1830), and Sketch of the National Judiciary Powers Exercised in the United States Prior to the Adoption of the Present Federal Constitution as part of Peter Du Ponceau’s Dissertation on the Jurisdiction of the Courts of the United States (1824).10

William Rawle Jr. did not acquire the fame of either his father or his son, since both his father (William Rawle) and son (William Henry Rawle) are listed in the Dictionary of American Biography, but he is not. William Rawle Jr. (b. July 19, 1788—d. August 9, 1858) was the third son of William and Sarah (Burge) Rawle. He was educated at Princeton College and then studied with his father for three years. He was admitted to the Philadelphia bar on May 21, 1810. During the War of 1812, he served as Captain of Second Troop of Philadelphia City Cavalry (1812-14). As Supreme Court reporter, he then compiled Sergeant’s & Rawle’s Reports (1814-28), then Rawle’s Reports, (1828-35), and finally co-authored the first volume of Penros and Watts Reports. He served as a member of Common Council of Philadelphia, 1835-40, while holding the office of president for four years. With his father, he founded the Historical Society of Pennsylvania in 1824 and later became its vice-president. He was elected a member of American Philosophical Society in 1841. He became secretary and later director of the Philadelphia Library Company. He also served as trustee of the University of Pennsylvania for nineteen years and a secretary and then vice president in 1857 of the Law Academy of Philadelphia. He participated on the committee that accompanied the remains of Chief Justice Marshall from Philadelphia to Richmond, VA. He married Mary Anna Tilghman, daughter of Edward Tilghman, Esq. and Elizabeth Chew, daughter of Chief Justice Benjamin Chew.11

Clement Penrose (b. October 6, 1798—d. April 6, 1857), was the eldest son of Clement Biddle Penrose and Anna Howard (Bingham) Penrose. He was born near Frankford, Philadelphia. He studied law in Philadelphia under Samuel Ewing, 1819; and was admitted to the Philadelphia bar on May 9, 1821. He published the State Reports with Frederick Watts from 1831-1833 (first volume has William Rawle on title page of first volume). He was elected to State Senate in 1833 and served until 1841. He was an anti-Mason Whig (Continued on page six)
a trustee of the University of Pennsylvania (1837-56). His other publications include *Reigns of Cases Adjudged in the Circuit Court of the United for the Third Circuit and in the Courts of Pennsylvania* (1822); and *A Memoir of William Rawle, LL.D. (1840).*

Less is known about Henry Sergeant (d. April 30, 1858) who was admitted to the Philadelphia bar, April 26, 1839 and later authored the work, *Treatise on the Law of Mechanics and Material Men in Pennsylvania ...* (1839).

Alexander Addison is also listed generally related to the early nominating reports because his volume of *Reports* contains cases from the High Court of Errors and Appeals that existed during the 1780s decade. Addison was born in Scotland (b.1758 —d., November 24, 1807), attended the University of Aberdeen, where he received a B.A. and M.A. degrees. He came to Washington County in 1785 and was admitted first to the Washington County bar in 1787 and later to the Allegheny County bar on December 16, 1788. Addison is chiefly known in his role as the president judge of the Court of Common Pleas of Allegheny County from 1796 to 1803, and for his advocacy of the Federalists against the Republicans in the late 1790s and early 1800s. In 1803, he was impeached by a Republican Assembly, found guilty, and removed from office. His *Reports*, first published in 1801, contain cases from Allegheny, Westmoreland, Washington, and Fayette counties. An attached volume contains his Grand Jury charges that reflect his strong pro-Federalist position.

THE COURT REPORTERS OF THE SUPREME COURT OF PENNSYLVANIA

PART 2: THE LATER REPORTERS (1859-1890)

The biographical information on the later reporters of the *Miscellaneous State Reports* is not so voluminous except for Samuel Pennypacker. Benjamin Grant, (b., 1822—d., 1878) was admitted to Erie bar, 1845 and he had a large and successful practice of which there is no information published. His reports have been called a "series of finely prepared reports gave his name a wide celebrity." In volume 3, there is a group of cases dealing with the federal incorporation law during wartime.

James Monaghan (b. September 21, 1855—April 3, 1949) was admitted to Pennsylvania bar in 1878. Governor Pattison appointed him Supreme Court reporter in 1892. Later he became the assistant attorney of the Pennsylvania Supreme Court in 1921. He was a charter member of the Pennsylvania Bar Association in 1895. Among his other memberships were serving as a former vice president of the Philadelphia Ethical Society, member of the Federal Union and American Academy of Political and Social Science, and an honorary member of the Institute of American Genealogy. As a court reporter, he was the first editor of the Pennsylvania County Court Reports and Pennsylvania District Reports, Chester County Reports, and the Cumulative Annual Digest of Pennsylvania Law Reports from 1899 to 1927 that were revised by the Bixell Company into *Pennsylvania Digest of Decisions* (1930). His two treatises were *The License Laws of 1887 ...* (1887), and *Pennsylvania Appellate Practice* (1912).


Samuel Pennypacker (b., April 9, 1843—d., September 2, 1916) was born in Phoenixville, Pa. and served in the Civil War as a private in the Twenty-sixth Emergency Regiment (1863). He studied law under Peter McCall, a well-known Philadelphia lawyer in mid-century, and graduated from the University of Pennsylvania Law Department.
in 1866 when he was admitted to the Philadelphia bar, May 19, 1866. Because of a resignation, he was elected President of Law Academy of Philadelphia, 1867-68, only one year after admission to that body. He held various offices including President (May 14, 1900-1916) of the Historical Society of Pennsylvania. Governor Beaver appointed him judge of Philadelphia Court of Common Pleas No. 2, 1889 and then was elected to two successive terms from 1889-1902. He served a variety of offices over the years: Vice Provost, Law Academy, 1898-1916; member of American and Philadelphia Bar Associations; Vice President, Philadelphia Bar Association; Chairman, Legal Biography Committee of the PBA; PBA delegate to Universal Congress of Lawyers and Jurists (1904); President, National Congress on Uniform Divorce Laws (1906); President, Philobiblon Club (1900-16); and trustee of University of Pennsylvania (1886-1916). He wrote a large number of books and articles, including his autobiography, *The Autobiography of a Pennsylvanian* (1918) (see his bibliography of works, pp. 545-49). Among his leading works were his *Pennsylvania Colonial Cases* (1892), *Pennsylvania in American History* (1910), *Digest of English Common Law Reports*, staff reporter on *Weekly Notes of Cases*, and *Congress Hall, Philadelphia* (1896).

Sylvestor Baker Sadler (b. September 29, 1876—d. March 1, 1931) was the son of Judge Wilber F. and Sarah E. Sterett Sadler. He graduated from Yale University, Phi Beta Kappa honors, 1896 and later graduated from Dickinson Law School in 1898. He was an instructor in criminal law at Dickinson Law School, when he was appointed judge of the Cumberland Court of Common Pleas to fill unexpired term of his father in 1914. He was re-elected to the position in 1915 which he served until January 1, 1921 when he was elevated to Associate Justice of Supreme Court of Pennsylvania. He was a member of the Union League of Philadelphia and Pennsylvania and American Bar Associations. Besides *Sadler's Reports*, he wrote *Criminal and Penal Procedure in Pennsylvania* (1903).

Two other compilers of Supreme Court reports were Frederick Charles Brightly and F. Carroll Brewster. Brightly was born in England (b. August 26, 1812—d. January 24, 1888) and came to the United States in 1821. He was admitted to practice in the Philadelphia bar in 1839, where he served a distinguished career as a practitioner and author. He was "considered one of the best informed men of the day upon intricate questions of law." His library consisted of over 5,000 volumes. He was the editor of the *Nisi Prius Reports*, *The Law of Costs*, and editor of the eighth to eleventh editions of *Purdon's Digest of Pennsylvania Law*.

F. Carroll Brewster (b. May 15, 1825—d. December 30, 1898) graduated University of Pennsylvania in 1841. He studied law in the office of his father and was admitted to the Philadelphia bar on September 20, 1844 (Martin lists it as September 7, 1844). He held a number of positions that made him a well-known personality in late 19th-century Philadelphia: Philadelphia City Solicitor (1865), judge of the Court of Common Pleas (1866-67); Attorney General of Pennsylvania (1869-72); and president, University of Pennsylvania (Continued on page eight)
(Continued from page seven)

alumni society (1866); Solicitor, Philadelphia city trusts, 1869 until death; President, Lawyers Club, 1892 until death. He authored A Treatise on Equity Practice in Pennsylvania (1898, 1895), A Treatise on Practice in the Orphans' Courts (1894), A Treatise on Practice in the Pennsylvania Court of Common Pleas of Pennsylvania (1891, 1896). 7

—Joel Fishman, Ph.D.
Law Librarian
Allegheny County Law Library

NOTES
—This article derives from a related article, The Reports of the Supreme Court of Pennsylvania, 87 Law Libr. J. 643-693 (1995), that won the AALL 1995 Call for Papers Award.

PART I
1. For a listing of state court publications, see Morris L. Cohen, Robert C. Berring, Kent C. Olson, How to Find the Law 614-62 (9th ed., 1990); Appendix B covers state primary legal sources for court reports, session laws, statutory compilations, administrative code and register, and court rules.
4. See part 2 of this article.
12. 12 Dictionary of National Biography 449-50 (1937); Alfred Nevin, Mem of Mark of Cumberland Valley, Pennsylvania, 1776-1876 233-24 (Philadelphia, 1876); 1 Twentieth Century Bench and Bar of Pennsylvania 29 (Chicago, 1908); 2 Colonial and Revolutionary Families, supra note 11, at 661; 15 Legal Intelligencer 117 (April 10, 1857).
14. 20 Dictionary of American Biography 34 (1937); 1 Carson, supra note 10, at 60, 66-67, 147; "Obituaries," 14 Legal Intelligencer 128 (April 18, 1856); Martin, supra note 3, at 220, 323.
15. Martin, supra note 3, at 310.
16. Reports of Cases in the County Courts of the Fifth Circuit, and in the High Court of Errors & Appeals, of the State of Pennsylvania, and Cuyahoga & Geauga County Courts of the County Courts. Washington: Printed by John Cokerick....1800. The cases of the High Court of Errors can be found on pages 59-121, 327-31.
17. These are the first county reports outside of Philadelphia County which follow with Brown's Reports (1801-14) and Miller's Reports (1825 to 1841) respectively. No other systematic publication of Allegheny County occurred until the Pittsburgh Legal Journal began in 1853. For Addison, see Joel Fishman, Judges of Allegheny County, Fifth Judicial District, Pennsylvania (1786-1888) 2-3 (1889). The longer biography can be found in John R. Wagner, The Public Career of Alexander Addison (1951), unpublished M.A. Thesis, University of Pittsburgh.

PART II
1. 1 Twentieth Century Bench and Bar of Pennsylvania 227 (Chicago, 1903).
2. 2 Who Was Who in America 378 (1950). Interestingly, his obituary is only mentioned in the Reports of the Pennsylvania Bar Association for 1950 with no account of his life.
7. 7 Dictionary of American Biography 27 (1937); 2 Twentieth Century, supra note 1 at 1097-98; Obituary, 5 Pa. Bar. Rev. 259-61 (1899); Martin, supra note 3, at 231.
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The Selden Society, Annual Series, is recommended by the American Association of Law Schools for inclusion in the basic minimum Legal History Collection. See A.A.L.S Law Books Recommended for Libraries, List #25 (Legal History) page 26, "A" Rated.

A.A.L.S. Comments...This series includes the printing of manuscripts, new editions, and translations of works having an important bearing on English Legal History. The introductions to the individual volumes also contain very important scholarship on the history of English Law.

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The Selden Society was founded in 1887, largely by the efforts of F.W. Maitland, "to encourage the study and advance the knowledge of the history of English law." Its principal achievement has been the publication of its annual series, now numbering 112 volumes. In these volumes are edited and printed for the first time the essential source materials of the common law: law reports going back to the middle ages (the year books series), plea rolls and courts' records, eyre rolls of itinerant justices, select leading cases in the courts of King's Bench, Chancery, Star Chamber, Admiralty, Requests, Exchequer Chamber, and Privy Council; and in local, manorial, ecclesiastical and mercantile courts. Select charters of trading companies, borough customs, and records of public works show the development of business enterprise and local government. Professional literature, early treatises, formulas, judges' notebooks, lecturers' readings and students' notes show the development of the legal profession, early legal education, the inns of court, and their teaching methods.

The series comprises most of the source-material for the history of the common law that has ever been printed. The original manuscript texts are carefully transcribed; and if in Latin or French, a modern translation is normally provided on the facing page. The contents of each volume are explained and discussed in its introduction; and these introductions therefore represent much of the research and scholarship that has been devoted over the past hundred years to the development of the common law and its institutions. For the library of any law school which seeks to pursue in depth the study of our unique system of Anglo-American law, this set is a must.

Guide to the Annual Series: In 1987, to mark its centennial, the Society published its Centenary Guide. This volume gives a full description of all its publications, including the contents and introductions of every annual volume down to Vol. 102. It also gives a short history of the Society, its officers and work, during its first century. The Centenary Guide has indexes of names and of subjects. It is therefore the key to the whole set.

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nnecticut Society for the Promotion of Freedom and for the Relief of Persons
Held in Bondage and a prominent opponent of slavery with his address at
the North Meeting-House in Hartford on 12 May 1791. The speech, later
published as An Oration on Domestic Slavery (1791), apparently contributed
to efforts to enact a state statute to en-
courage emancipation by relieving the
former owner from liability under cer-
tain circumstances.

In 1792, Swift was first elected to the
US House of Representatives as a
Federalist, where he served for two
terms (from 1793 to 1797). While in
Congress, Swift was chosen to compile
the first official set of US statutes in
1797 (which came to be known as the
“Folwell Statutes”). Although receiving
contemporaneous credit for this work,
his connection with this work was later
lost. The compilation became known as
Folwell’s edition, although Folwell
was merely the printer. Early US
Supreme Court reports frequently cited
this work.

After declining reelection to Con-
gress, he was then elected to the state
House of Representatives in October
1797. In 1798, Swift was reelected
speaker of the house. Swift continued
to serve as a state representative until
he became a member of the Council
(upper house) of the General Assembly
in 1799. In late 1800, he was appointed
secretary to envoys Oliver Ellsworth,
William R. Davie and William Vans
Murray, sent to resolve American dif-
ficulties with the newly-created Repub-
lie of France. Swift returned in 1801
and resumed his place on the Council,
only to resign in October of that year,
after his appointment to the Superior
Court, a position to which he was an-
ually elected until 1815. The Assem-
ibly appointed Swift as Chief Judge that
year, succeeding Tapping Reeve, and he
would serve in that office until 1819.
At the time of Swift’s elevation, this
court had supreme appellate jurisdiction
over all legal disputes.

Swift advocated separation of pow-
ers, especially the establishment of a
judiciary independent from the power
of the General Assembly. By beginning
of the nineteenth century, most states
and the federal government had recog-
nized some form of separation of pow-
ers, which Connecticut only recognized
when it adopted its Constitution in
1818. Prior to this time, disappointed
litigants could petition the General As-
sembly, which had the power to simply
overrule the judge. Swift believed that
a judiciary which was not truly inde-
pendent from legislative meddling was
subject to judicial expediency and could
not try cases impartially. He also op-
posed the practice of annually appoint-
ing judges as detrimental to their in-
dependence. He urged, instead, that
they be appointed “during good
behaviour, and removable on impeach-
ment for corruption and misbehaviour.”

For much of his tenure, Swift avoided
serious Republican opposition al-
though he was a moderate Federalist
and a supporter of the established or-
der. In December 1814 he was one of
Connecticut’s delegates to the Har-
ford Convention of the New England
States. This conclave met for twenty
days behind closed doors, raising the
suspicion that it was planning the as-
cession of the Northern states from the
Union. The Hartford Convention be-
came one of the most unpopular acts
of the Federalist Party, contributed to
the party’s decline, and adversely af-
fected the political fortunes of the
convention’s participants. Swift’s ties
to the Hartford Convention aided his
political opponents in efforts to remove
him from office.

Swift’s active opposition to the in-
terference of the Assembly in judicial
cases led to his eventual withdrawal
from the bench. As Superior Court
Chief Justice, Swift objected to the
General Assembly’s action in setting
aside a murder conviction in Lang’s
Case, 1 Conn. 428 (1815), a trial over
which he had presided. The Assembly
agreed with the defendant that the trial
had been unfair and ordered a new trial,
at which he was convicted and after-
wards, executed. Swift scathingly criti-
cized the legislature in a pamphlet en-
titled Vindication of the Calling of Spe-
cial Superior Court (1816). While
Swift’s actions angered his opponents
in the legislature, however, the under-
lying case convinced many citizens of
the need for judicial independence.
Alexander Wolcott was elected gover-
nor in 1817 with a pledge to seek an
independent judiciary. The issue later
played a major role in his decision to
call for a constitutional convention in
1818. Justice Swift was instrumental in
generating support for the convention,
in which he was a delegate. Swift, how-
ever, opposed the proposed constitu-
tion arguing both that the state had
long had an unwritten constitution, simi-
lar to that of England, and that the
government was founded on the will of
the people. Public opinion, however,
favored placing the scope and powers
of government in writing rather than
rely on common law principles. The
Constitution, however, did fulfill two
of Swift’s major objectives: separation
of powers, with a recognition of the
independence of the judiciary, and the
lifetime tenure of the judges of the Su-
perior Court during good behavior or
until they reached the age of seventy.

Throughout his tenure as Chief
Justice, Swift made a growing number
of political opponents who made it
position on the bench increasingly tenu-
ous. Following the adoption of the state
Constitution and the triumph of the
Republican Tolerantists in 1819, the
Assembly reduced the size of the Su-
perior Court and Swift failed to win rea-
ppointment. He withdrew as Chief Judge
and returned to Windham and partisan
politics. Swift was elected again to the
lower house of the Assembly in 1820,
1821, and 1822. In 1820, he was ap-
pointed as chairman of a committee to
reorganize the statutes of the state.
Swift’s efforts are found in the revisi-
on of the 1821 statutes, which is generally
considered the most reliable statutory
guide to the intent of the framers of the
1818 Constitution. Swift’s work was
published as the Public Laws of the State
of Connecticut (1821) and A Digest of
the Laws of the State of Connecticut
(1822).

By 1822, Connecticut’s Federalist
Party had clearly disintegrated and the
Republican Party was dominating state
wide elections. That year, Swift ran for
governor on the Federalist ticket and
received only 580 votes to Alexander
Wolcott's majority of 7,120 over all his opponents.

In addition to his political and judicial accomplishments, Swift was also a prominent early legal scholar, who wrote the first comprehensive treatise on American law—The System of the Laws of Connecticut (1795-1796). He facilitated the development of an American (as distinct from English) common law by stating the leading rules of English law and equity as recognized in the United States. The treatise also articulated the common law of Connecticut based on the actual practices of local judges and presented the law in a straightforward and systematic manner. "Swift's System", as the treatise was sometimes referred to, became both the standard handbook for lawyers and judges and the manual of instruction for both Connecticut and the nation.

Swift's Digest of the Laws of the State of Connecticut (1822-23), modeled after William Blackstone's Commentaries, was a compendium of the common law and the principles of English chancery. While it referred to Connecticut law in appropriate areas, the treatise covered American law generally and was applicable nationwide. The Digest had significant influence and was used throughout the United States mainly by law students, but also by practitioners and judges.

Swift also published a digest on the law of evidence in civil and criminal cases in 1810, which was the first American book on that subject. He included in the same volume, a small treatise on the bills of exchange and promissory notes.

After leaving the bench and interested in the growth of his profession, Swift became the proprietor of the Windham law school. He taught Connecticut state law rather than argue the existence of a federal common law at a time when an organized system of American law had yet to be created.

In 1823, Swift traveled to Ohio to visit one of his sons and while there, became dangerously ill. Swift died in Warren, Ohio, on 27 September 1823, at the age of sixty-four, and was buried in Oakwood Cemetery.

Zephaniah Swift was one of the greatest early American jurists. Under his leadership, the Superior Court established a national reputation with its American common law precedents. One of Swift's paramount concerns was the protection of individual liberty, while preventing its excesses. He believed that the best guarantee of the just application of the law depended on the integrity and independence of the judiciary, the latter being recognized in Connecticut's Constitution of 1818. Swift's greatest accomplishment, however, rested in his Digest, which earned him renown as "Connecticut's Blackstone" and which provided his state with a straightforward orderly system of private law. Swift's treatises have historically been highly regarded by the Connecticut appellate courts, where he was cited as authority well into the 20th century.

—Christopher Anglim
South Texas College of Law Library
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