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Recent Additions to the Collection - Fall 2009: An Illustrated Guide to the Exhibit

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THE DANIEL R. COQUILLETTE
RARE BOOK ROOM

RECENT ADDITIONS TO THE
COLLECTION – FALL 2009

AN ILLUSTRATED GUIDE
TO THE EXHIBIT

The Boston College Law Library is delighted to display this selection of materials it has acquired during the past two years. Many of them were purchased to strengthen the library's collection of works likely to have been owned and used by working English and American lawyers who lived during the fifteenth through nineteenth centuries, while others were purchased to enhance bequests of books and gifts of manuscripts donated to the library in recent years.

This year, we are especially grateful to the following people who have donated works on display here, or the funds to purchase them: Professor Charles H. "Buzzy" Baron, Robert E. Brooker III, Morris L. Cohen, Professor Daniel R. Coquillette, and Michael H. Hoeflich.

The exhibit features a number of eye-catching items, including two large property deeds handwritten on vellum, a comical lithograph of French lawyers by the satirist Honoré Daumier, elegant engravings of London law buildings, and a piece of colorful sheet music written in the 1890s to advertise a new legal encyclopedia.

Also on view are several one-of-a-kind manuscripts written by lawyers of the seventeenth, eighteenth, and nineteenth centuries. Rounding out the exhibit are books which enhance our collections of

works by Giles Jacob and Joseph Story, and about Doctors' Commons.

The exhibit begins in the horizontal display case to the right of the entrance door. It continues clockwise around the room, concluding with the horizontal case to the left of the entrance. The exhibit was curated by Karen Beck, Curator of Rare Books / Collection Development Librarian. It will be on view through early December 2009.



Horizontal wooden case to the right of the entrance door (as you face the door):

TWO DEEDS OF LAND

These two beautiful oversized deeds documented the transfer of land among several Philadelphia families during the middle of the nineteenth century. Both are written on vellum and feature multiple autographs and seals.

The first deed (displayed open), dated 1854, documents a sale of land by storekeeper William Barnes and his wife Mary to another storekeeper, Henry Nolde, for \$1,400. The property, located on Apple Street between Brown and Poplar Streets, included a two-story brick building.

The second deed (displayed folded) records a lease of property, also in 1854. Frederick Gentner, a former teacher, and his wife Catharina rented property to Frederick Schneider, a baker, for the annual sum of \$90. In addition to promising to pay the annual rent, Schneider agreed to erect a "good substantial brick building" on the lot. The property was located on Marshall Street near Girard Avenue.

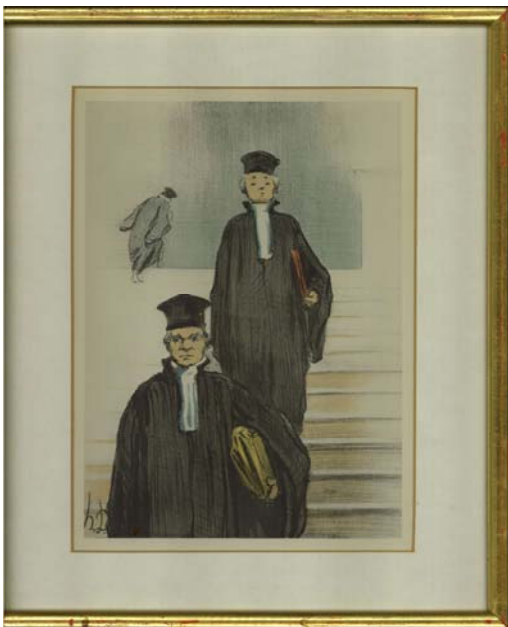
Gifts of Professor Buzzy Baron.

First wall cabinet (labeled Cabinet II):

A DELIGHTFUL DAUMIER

This colored lithograph of two comically stern lawyers descending a staircase was created by the noted French artist Honoré Daumier (1808-1879). Daumier produced over 4,000 lithographs, many of which satirized French social and political figures.

Gift of Professor Buzzy Baron.



LOWER SHELF:

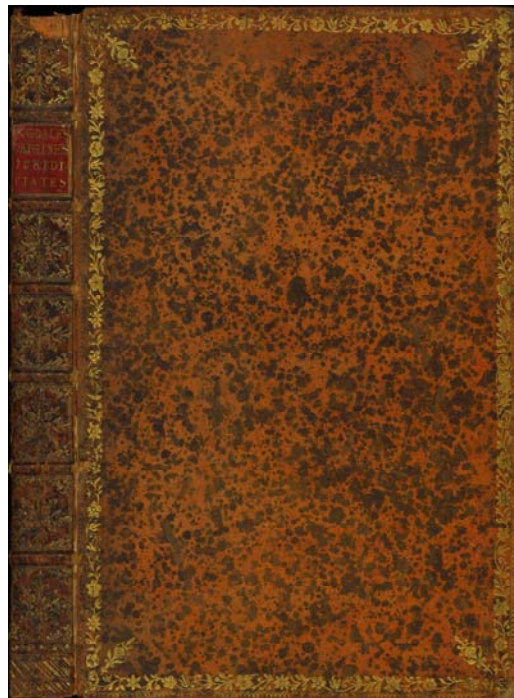
A BEAUTIFUL BOOK

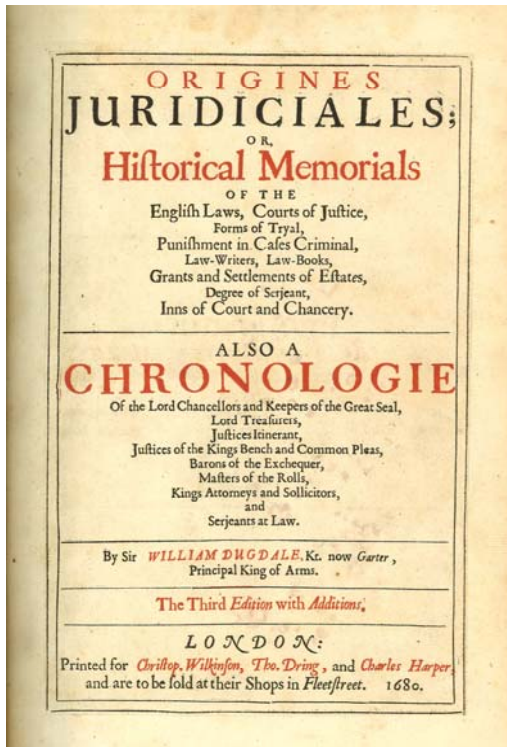
WILLIAM DUGDALE, ORIGINES JURIDICIALES: OR HISTORICAL MEMORIALS OF THE ENGLISH LAWS ... London, 1680. 3rd ed.

This multipurpose volume provides a wealth of information about the origins of English law. It contains material about the history of legal education and the legal profession, coats of arms, and even a listing of “Law-Books and Treatises of Uncertain Times.” The work concludes

with a “Chronica” – a chart with entries for every year from 1067 through 1680. The Chronica records the name of England’s ruler along with information about lawyers and the legal system for that year. Several spectacular engraved portraits are included, including the portrait of Edward Coke shown here.

Our copy is bound handsomely in speckled calf, so called because the leather has been treated to produce a speckled pattern. The covers feature decorative gold floral borders.





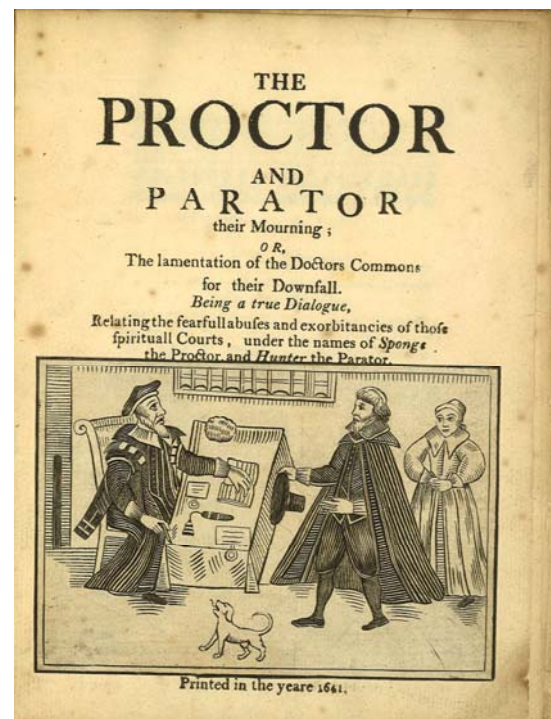
Second wall cabinet (labeled Cabinet III):

DOCTORS' COMMONS

The three books in this case all pertain to Doctors' Commons, the British society of civil law practitioners in the Admiralty and ecclesiastical courts, which existed from 1495 to 1858. They enrich an already strong group of works in our rare book collection either written by members of Doctors' Commons, or written about it.

ANONYMOUS, THE PROCTOR AND PARATOR, THEIR MOURNING, OR, THE LAMENTATION OF THE DOCTORS COMMONS FOR THEIR DOWNFALL ... London, ca. 1820 reprint of 1641 ed.

This very rare comic play relates “the fearful abuses and exorbitancies of those spirituall Courts, under the name of Sponge the Proctor and Hunter the Parator.”



G.J. FOSTER, DOCTORS' COMMONS: ITS COURTS AND REGISTRIES, WITH A TREATISE ON PROBATE COURT BUSINESS. London, 1869. 2nd ed.

This work is an important account of the reform of the Ecclesiastical Courts.

ON THE REFORM OF THE TESTAMENTARY JURISDICTION. London, 1853.

This book is a rear-guard, ultimately unsuccessful effort by members of Doctors' Commons to prevent the Commons' loss of its monopoly over testamentary matters. Later, the group lost similar monopolies over matrimonial and admiralty matters, and it met its demise soon thereafter.

All three books in this case are gifts of Professor Daniel R. Coquillette.

Cabinet IV:

LEGAL LONDON ENGRAVED

HILARY PAYNTER, ENGRAVER, LEGAL LONDON ENGRAVED. London, 1998.

Number 90 in a limited edition of 135 copies, this book is an example of a modern rare book. (Not every old book is rare, and not every rare book is old.) It includes twelve wood engravings of buildings and architectural features associated with the study, practice, and history of law in London, all by the noted engraver Hilary Paynter.

The book is opened to an engraving of the Royal Courts of Justice. These courts handle civil matters and appeals. The structures were built between 1871 and 1882.



LOWER SHELF:

GILES JACOB AND FRIENDS

On this shelf and in the case to the right are several works by the English publisher and treatise-writer Giles Jacob, along with a special book that was inspired by him.

Giles Jacob is important to many of us at the Boston College Law School, because he is a link to a beloved friend of ours, the late Kathryn "Kitty" Preyer. Kitty was a renowned legal historian who specialized in the study of early English and American law books and legal publishing. Giles Jacob was a favorite subject of hers.

In 2005, Kitty bequeathed her magnificent collection of law books to the Law School. Among the many treasures in the gift were a number of books by Giles Jacob, including multiple editions of his most famous work, EVERY MAN HIS OWN LAWYER.

In the years since Kitty's passing, we have sought to strengthen our collection of Jacob's works by purchasing important titles and editions as they have become available. Even better, several friends of the law library have donated books by Jacob to us, often in Kitty's

honor. The most recent additions to our Giles Jacob collection are in these two cases.

GILES JACOB, THE COMPLEAT PARISH-OFFICER. London, 1741. 9th ed.

This humble vellum-bound volume was intended to assist constables, churchwardens, overseers of the poor, and surveyors in the performance of their duties. While not as popular as Jacob's EVERY MAN, this title nevertheless reached its 16th edition by 1772.

GILES JACOB, THE COMPLEAT COURT-KEEPER. London, 1713. 1st ed.

Jacob wrote this book about law practice in local courts to assist land stewards, among others.

Cabinet V:

THE GILES JACOB CONNECTION, CONTINUED

Giles Jacob's most famous work was EVERY MAN HIS OWN LAWYER, an early example of a legal self-help book that was issued in numerous English and American editions. Thanks to the generosity of Kitty Preyer and BC Law's Professor Dan Coquillette, we are fortunate to own several different editions: the 1736 and 1757 London editions and the first American edition (1768). On this shelf we showcase the newest member of our EVERY MAN collection.

GILES JACOB, EVERY MAN HIS OWN LAWYER. New York, 1769.

The law library purchased this special book to honor our friend and mentor Morris L. Cohen, Law Librarian Emeritus at the Yale Law School. It was added to our collection at a BC Law event

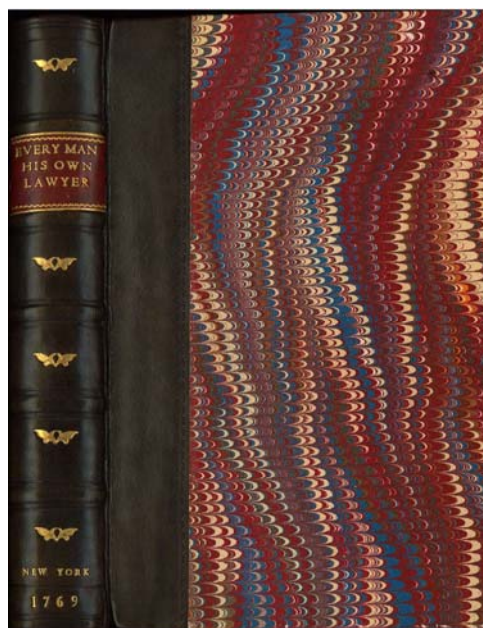
in November 2008, "Celebrating Morris Cohen."

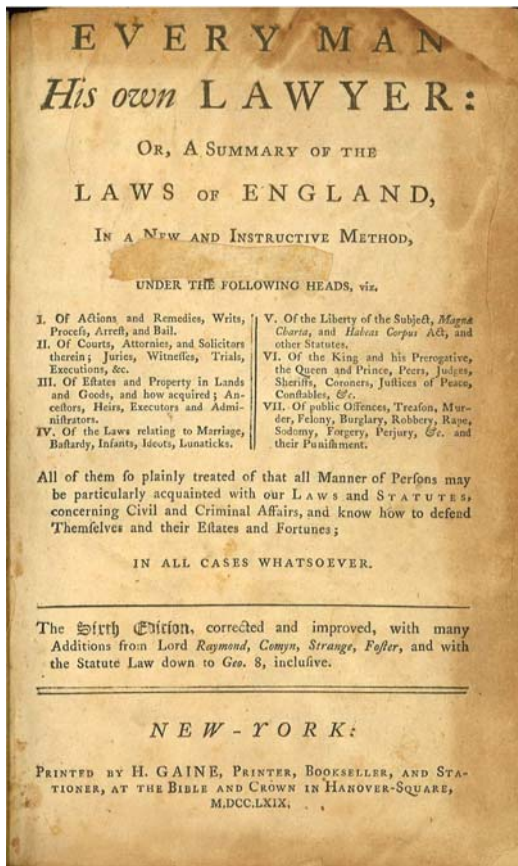
Among numerous accomplishments, Morris is celebrated as a legal bibliographer, most notably for his landmark BIBLIOGRAPHY OF EARLY AMERICAN LAW. As such, it seemed particularly fitting to purchase this volume in Morris' honor, for it presents a bibliographic mystery sure to pique the curiosity of a legal bibliographer.

Until now, it had been thought that there was only one American edition of EVERY MAN, published in 1768. However, the title page of this copy shows an imprint of 1769. Even stranger, the 1768 edition was described as the seventh, while this edition, published a year later, was described on the title page as the sixth.

Kitty Preyer had been a student of Morris' at Rare Book School, and along with a mutual respect and friendship they shared a deep interest in legal history and bibliography. This book, written by one of Kitty's favorite authors, underscores the link between two scholars and friends.

Purchased in honor of Morris L. Cohen.





GILES JACOB, A LAW GRAMMAR; OR RUDIMENTS OF THE LAW ... London, ca. 1775. 5th ed.

After the “Celebrating Morris Cohen” event, Morris kindly donated this book to us, thereby enriching our Giles Jacob collection and honoring Kitty Preyer’s memory at the same time.

Jacob wrote this work for the use of law students; he boasted on the title page that students “will acquire a great deal more useful Learning in the Law, than by any of the Books yet published.”

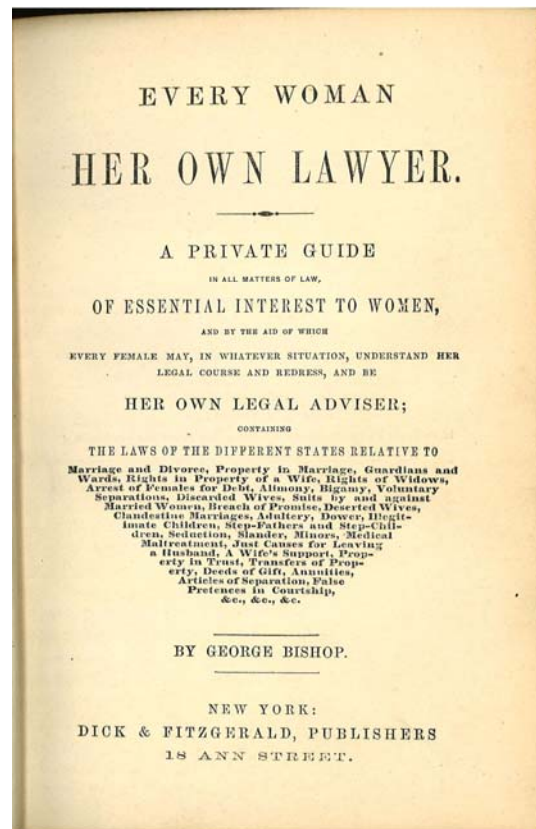
Gift of Morris L. Cohen.

GEORGE BISHOP, EVERY WOMAN HER OWN LAWYER. New York, 1858.

Because Kitty had expressed great interest in this scarce work, we were delighted to finally find a copy to add to our collection. While not written by Giles

Jacob, the book clearly was inspired by his very similarly-titled work.

This book is notable for its feminist criticism of the legal system; in fact, in the BIBLIOGRAPHY OF EARLY AMERICAN LAW, Morris Cohen notes that it may have been written pseudonymously by a female author.



Cabinet VI (across the room):

JOSEPH STORY’S BOOKS

We have recently acquired several treatises written by Joseph Story – Supreme Court justice, Harvard Law School professor, and prolific author. Story wrote numerous treatises on diverse legal topics, exhibiting a depth and breadth of expertise that is unheard of today.

The library already owns a very strong collection of Story’s works, thanks

largely to the generosity of Professor Dan Coquillette. In this case we are delighted to present the latest additions to our Joseph Story books.

JOSEPH STORY, COMMENTARIES ON THE LAW OF BAILMENTS. Cambridge, 1832. 1st ed.

This copy was owned by Stephen Eno (1762-1852), a prominent lawyer in Dutchess County, New York. Known for both his wealth and his frugality, Eno noted the book's purchase price (\$3) next to his autograph on the front flyleaf, shown here.

JOSEPH STORY, COMMENTARIES ON THE CONFLICT OF LAWS, FOREIGN AND DOMESTIC, IN REGARD TO CONTRACTS, RIGHTS, AND REMEDIES. Boston, 1834. 1st ed.

Story dedicated this work to the other towering American legal figure from the early nineteenth century – James Kent. Kent was known as the “American Blackstone” for his COMMENTARIES ON AMERICAN LAW, which were first published in four volumes from 1826 to 1830.

In Story's dedication, he credited Kent with nurturing his own interest in international law. He wrote that he wished “the present work to be considered as a tribute of respect to a distinguished Master from his grateful pupil.”

Story added that Kent had “earned the fairest title to the repose, which you now seek, and which at last seems within your reach ... may you live many years to enjoy it!” Story was prescient: Kent died in 1847 at the ripe age of 84.

JOSEPH STORY, COMMENTARIES ON THE LAW OF AGENCY. Boston, 1839. 1st ed.

Story wrote this treatise while he was an Associate Justice of the United States Supreme Court and Professor of Law at Harvard. Scholars have praised its thoroughness and authoritative value, as well as its inclusion of Roman and civil law.

JOSEPH STORY, COMMENTARIES ON THE LAW OF PARTNERSHIP. Boston & London, 1841. 1st ed.

Like Story's other treatises, this was praised by nineteenth-century writers for its thorough analysis and its “truly luminous exposition.”

JOSEPH STORY, COMMENTARIES ON THE LAW OF PROMISSORY NOTES. Boston & London, 1845. 1st ed.

This is the last of Story's treatises. He died the same year it was published, at age 66.

Unlike many other nineteenth-century authors who wrote about commercial law, Story treated each aspect of the subject separately in a series of works, which included his commentaries on agency, partnership, bills of exchange, and promissory notes. Story's references to the commercial law of other countries reflected his opinion that commercial law was international, a well-accepted view today.

Cabinet VII:

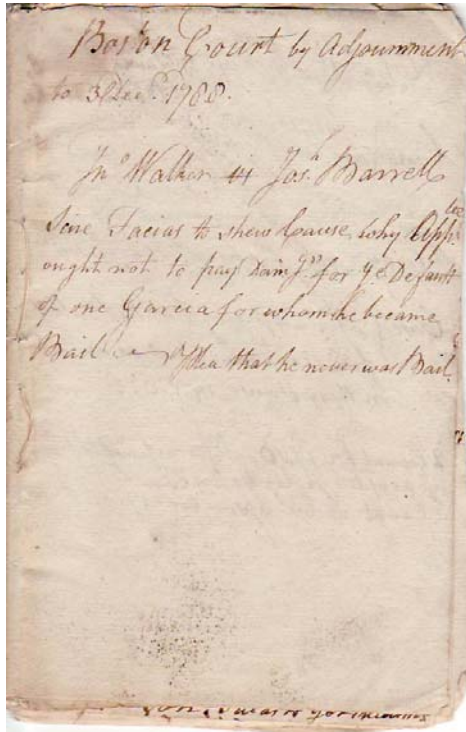
LEGAL MANUSCRIPTS

The law library has recently added several legal manuscripts to the outstanding collection of 3,000 legal and land use documents and manuscripts donated by Robert E. Brooker III in 2003. These manuscripts, shown in this case and the one to the right, are important because each is a unique, one-of-a-kind

piece of evidence about how lawyers practiced and thought about the law.

BOSTON EIGHTEENTH-CENTURY COURT DOCKET, 1788.

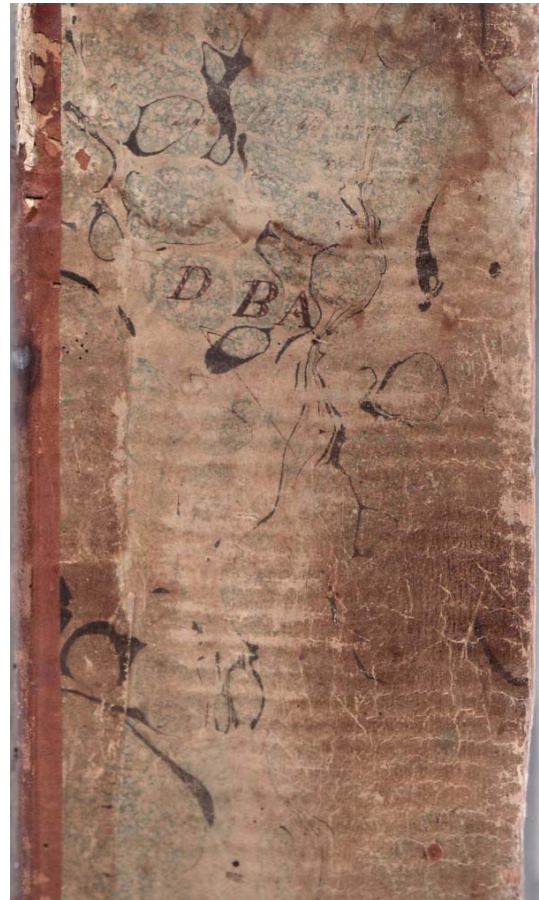
This handwritten record of Boston court cases lists several actions for default and debt, and an action arising from the sale of a ship.



ACCOUNT BOOK OF ASA HOLTEN, 1814-1841.

This unusually shaped book contains the accounts of attorney Asa Holten, who practiced law in Claremont, Sullivan County, New Hampshire. Holten listed the names of his clients, transaction dates, the legal services he performed for them, and monies collected. Holten performed a wide variety of legal work, including taking depositions, settling estates, drafting documents, appearing in court, and collecting debts.

Purchased with funds donated by Robert E. Brooker III.



Cabinet VIII:

LEGAL MANUSCRIPTS, CONTINUED

ACCOUNT BOOK OF WILLIAM DONNISON, 1810-1822.

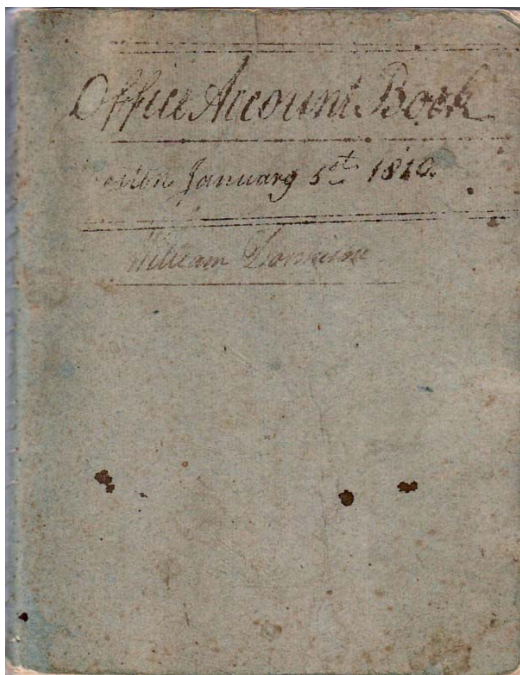
This handsome account book resembles the "bluebooks" used for college and law school exams in the not-so-distant days before computerized test-taking.

It belonged to William Donnison (1757-1834) of Boston. Donnison was an important figure during the heady years after the Revolution, serving at various times as an aid to Governor Hancock,

adjutant general of the Massachusetts militia, and a Judge of Common Pleas.

In addition to these formal roles, Donnison worked as a legal scrivener, and much of his account book consists of records of the forms he completed for people. He also performed a wide variety of legal work, such as taking depositions, posting bail, and dispensing advice.

Donnison resided and worked in various well-known locales around Boston, including the Old State House, Winter Street, and John Quincy Adams' house on the corner of Boylston Street. A notation of his move to Adams' house can be seen in the left text panel, five lines from the bottom.

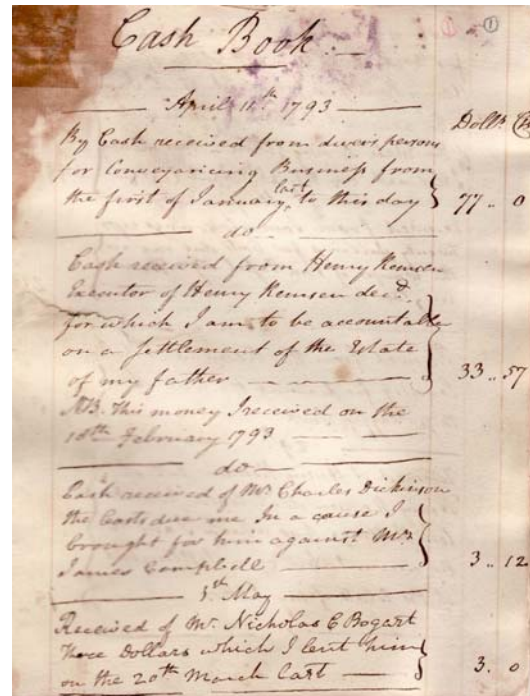


CASH BOOK OF JOHN H. REMSEN, 1793-1798.

This fragile manuscript is the daily record of the cash receipts of New York City attorney John H. Remsen, who was a solicitor in the Court of Chancery. It gives us a first-person view of New York's legal and business world in the 1790s. Remsen associated with many prominent figures of the day, including Aaron Burr, John Jay,

and James Roosevelt. He drew leases, letters, and wills, settled estates, and bought and sold property.

Purchased with funds donated by Robert E. Brooker III.



THOMAS CRAIG, JUS FEUDALE (MANUSCRIPT) CA. 1600S.

Thomas Craig (ca. 1538-1608) was a Scottish jurist and poet. His most famous legal work was *JUS FEUDALE*, which first appeared in 1603. In this work Craig attempted to reconcile English and Scottish law, but instead, *JUS FEUDALE* provided impetus for creating a separate Scottish legal system.

Outside, this beautiful volume is bound in speckled calf and features ornamental floral designs near the spine, and decorative inking patterns on the leather borders inside the covers.

Inside, the book is something of a mystery. It appears to be a summary of *JUS FEUDALE*, probably written by an anonymous lawyer or law student in the 1600s. At the top of the first page, the scribe wrote:

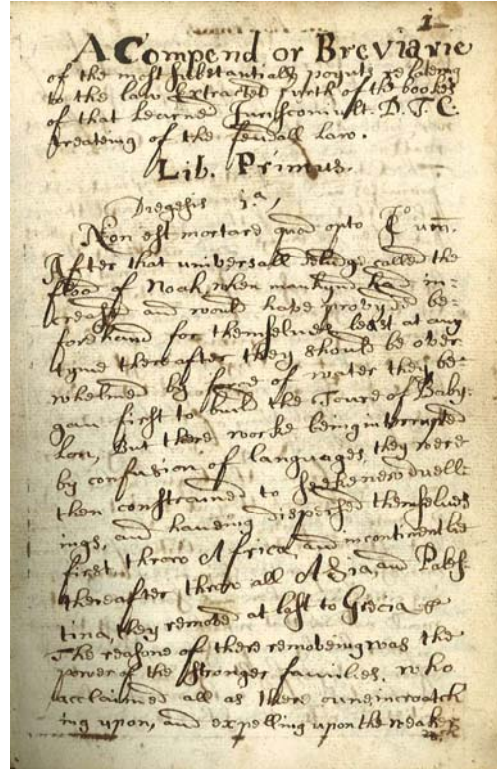
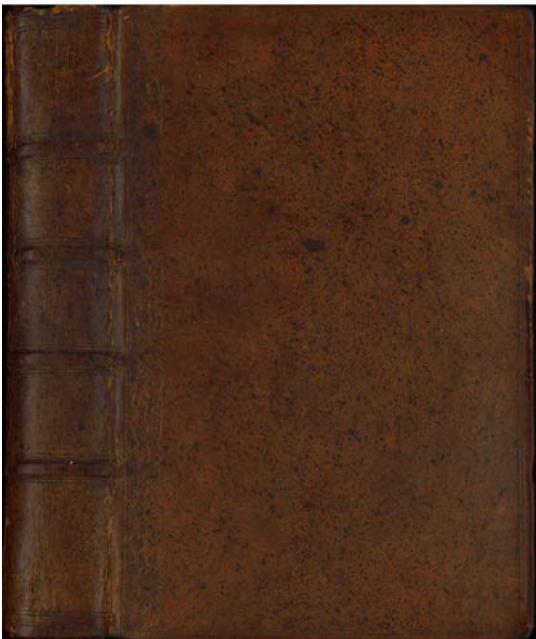
A Compend. or Breviarie of the most substantiall poynts relating to the law extracted [forth] of the books of that learned [jurist] D.T.C. [treating] of the feudall laws.

About three-quarters of the way through the book, the scribe copied another legal writing, or writings, with the following heading:

Ane compend or Breviarie of Severall notes and Circumstances relating to Law here afterwritten.

This fascinating book calls out for further study: who wrote it, and when? How similar is it to the published version of *JUS FEUDALE*? And who cared enough about it to bind it so beautifully and preserve it so carefully over all these centuries?

Gift of Michael H. Hoeflich.



Cabinet IX:

NINETEENTH-CENTURY LEGAL PUBLISHING

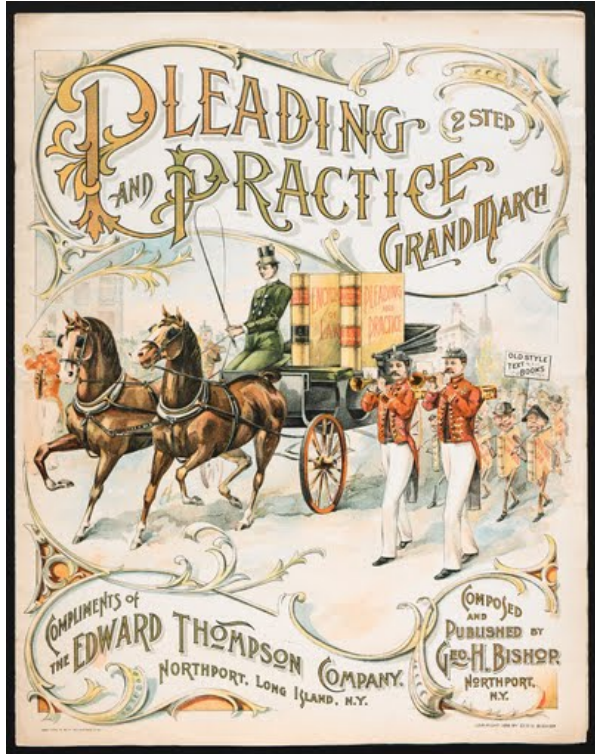
GEORGE BISHOP (COMPOSER),
PLEADING AND PRACTICE GRAND
MARCH, 2 STEP. New York, 1896.

This curious work is one of the most delightful and unusual in our collection. It is a march written to advertise *THE ENCYCLOPEDIA OF PLEADING AND PRACTICE*, which was published by the Edward Thompson Company in 23 volumes from 1895 to 1902. The full-color artwork features the first two volumes of the *ENCYCLOPEDIA* riding in an elegant carriage at the head of a parade, while a pack of motley and disgruntled “old style text books” straggles along behind.

We purchased this sheet music in honor of Michael H. Hoeflich, a professor at the University of Kansas School of Law. Professor Hoeflich, a well-known legal

historian, has given us a number of special books (two are on display in this room), as well as a collection of law-related advertising, postcards, and artwork.

Purchased in honor of Michael H. Hoeflich.



CATALOGUE OF LAW BOOKS
PUBLISHED BY BANKS, GOULD & CO.
New York, 1855.

A CATALOGUE OF LAW BOOKS,
PUBLISHED AND FOR SALE BY T. &
J.W. JOHNSON & CO. Philadelphia,
1856.

These two legal publishers' catalogs help us determine which books lawyers were likely to have owned and used in their law practices. Not surprisingly, most of the books on offer were either legal treatises (mostly American, some English) or case law

reporters (evenly divided between American and English).

These catalogs are particularly good fits for our rare book collection. One of our primary collecting areas is the group of books likely to have been owned and used by working English and American lawyers of the sixteenth through nineteenth centuries. Lists of lawyers' libraries, and booksellers' catalogs such as these, help us build our collection.

Cabinet X (horizontal wooden case to the left of the entrance door, as you face the door):

A MASTERPIECE OF CANON LAW

DECRETI HUIUS PLENISSIMU[M]
ARGUMENTUM. Paris, 1518.

This exhibit began with two attractive vellum land deeds and Dugdale's magnificent ORIGINES JURIDICIALES, so it is only fitting that it close with another exemplar of the printer's art: GRATIAN'S DECRETUM. This copy features two-color printing, a fully glossed text, initial capitals, and several striking woodcuts, including the one displayed here.

The DECRETUM is a collection of nearly 4,000 canon law texts compiled by the Benedictine monk Gratian around 1140. It quickly became the primary text used to teach and learn canon law in the universities, and remained so for several centuries. It remains an important resource for the study of canon law even today.

Gift of Michael H. Hoeflich.