Collectors on Collecting

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COLLECTORS on COLLECTING

Daniel R. Coquillette Rare Book Room
BOSTON COLLEGE LAW LIBRARY

January - May 2002
The Boston College Law Library is pleased to present this special exhibition. Eight book collectors reveal how and why they collect, and share favorite items from their collections with us. As all eight are either lawyers who collect or collectors of law books, this marvelously eclectic exhibit demonstrates the breadth of law collecting.

Morris Cohen has lent a sampling of his collection of law books for children.

Daniel R. Coquillette, BCLaw Professor, has lent early print and manuscript religious works.

Michael Hoeflich has generously donated to the Law Library a portion of his collection of 19th-century law-related postcards and advertising.

Edward R. Leahy, BCLaw ’71, has lent a selection of his works on horror and the supernatural.

Jerrold Mitchell has contributed works printed by the renowned Elzevier family of printers.

Kathryn Preyer has lent books likely to have been owned by a working 19th-century lawyer.

James Steven Rogers, BCLaw Professor, has lent some early commercial law treatises that he used in writing his Early History of the Law of Bills and Notes.

David Seipp has contributed several unusual legal works in print and other formats.

This exhibition was curated by Karen Beck, Mary Sarah Bilder, and Ann McDonald, with assistance from the Law Library staff and the Law School Development Office. We especially wish to thank all of the collectors for sharing their materials and their love of book collecting with us.

The exhibition may be viewed anytime the Daniel R. Coquillette Rare Book Room is open: generally Monday - Friday from 9 a.m. to 4 p.m.
Edward Leahy is a founding partner of AEG Capital, a venture capital firm in Washington DC. Before that, he practiced law, most recently as a partner at Bingham Dana. He received his BA from the University of Scranton and his JD from Boston College in 1971.

As a book collector, I am often asked what kind of books I collect. Over the years – more than thirty of them – on such occasions, I’ve diligently recounted the two or three areas . . . then five . . . then eight . . . now ten or twelve areas where I have serious collecting interests. Typically, the very recitation exhausts the inquirer’s attention span. After all, he was merely being polite and was probably looking for a simple answer like “history books.”

This year, however, because I was asked this question – and now write this response – during the Christmas season, I have a new answer. Every year at Christmas time, I enjoy reading Charles Dickens’ A Christmas Carol from one of my several copies of the first edition. One of these is in the original cloth, an absolutely pristine copy of the first issue, with the original green endpapers. It is the finest copy of the book I have ever seen.

Another copy belonged to a friend of Dickens. Bound into the end of the book is a lengthy note from this friend explaining his special relationship with Dickens along with a letter to him from Dickens telling him what he hoped to accomplish in writing the book and how he hoped people would feel better after reading his “little book.” A third copy has been specially bound in red morocco by the finest book binder in nineteenth-century England. This is the copy I read this year.

And, having just been asked “the question” again, I found that I focused on Scrooge’s conversation upon encountering the first of the three spirits. When told that the spirit would lead him on a journey into the past, Scrooge asked, “Long past?”, only to have the spirit respond, “No, your past.”

Upon a little reflection, I have come to conclude that all of us collectors collect our past. These may be books we read as a child – and possibly grew to appreciate as an adult;...
or those children's books we never had; the English literature of our high school years; our study of religious books and the early philosophers and our subsequent quest to find them in the earliest fifteenth-century editions; the horror and science fiction books we read in preference to our assigned homework; the jeweled and ornate book bindings we saw pictured in early history books; and so on.

No matter how we phrase it, we collectors all collect our past, whether real or imagined—books we had or books we missed. So as we move inexorably into the future, some part of us, with every old volume, wants to cling to the past—not the "long past," but our past.


First published in France in 1555, Nostradamus' prophecies have captured our imaginations for over four centuries. By making veiled allusions to specific persons, places, and events in his prophecies, Nostradamus caught the attention of royal family members and soon earned their patronage. Throughout the centuries, his prophecies have been associated with a French religious civil war, the French Revolution, both World Wars, and a reference to a war beginning in the Balkans or Middle East that has been interpreted as signaling the end of the world.

This edition includes the original French text with accompanying English translations and annotations. This handsome copy is bound in original calf.

The Life of Merlin, Sirnamed Ambrosius. His Prophecies, And Predictions Interpreted; And Their Truth Made Good By Our English Annals. London: J. Okes, Printer, 1641. 1st Ed.

The title page continues as follows: Being a Chronographical History of all the Kings, and memorable passages of this Kingdom, from Brute to the Reign of our Royall Soveraigne King Charles. A subject never published in this kind before, and deserves to be knowne and observed by all Men.

Beautifully bound and printed, this copy features illustrations, ornate initial capital letters, small floral designs, borders, and an array of typestyles throughout the text.


Immediately successful upon its publication, Dracula continues to be popular today. The work has inspired countless vampire stories, novels, and films. Stoker wrote twenty books as well as a steady stream of short stories and articles, but his other works never approached the success of Dracula. Today his fame rests almost entirely on this one novel.

This copy features the original yellow cloth binding with red lettering. It is an excellent copy of a book rarely found in this condition.


This science fiction novel deals with the consequences of scientific exploration. Some critics have noted that the Invisible Man is a metaphor for anarchy.

The original red cloth binding features the illustration of the Invisible Man well-known to generations of moviegoers.


Stevenson made his reputation primarily as a children's writer. It is said that when his wife Fanny criticized a draft of Dr. Jekyll, he threw the manuscript into the fire. He subsequently penned two drafts from which this novel emerged.

Housed in a beautiful velvet-lined case, this presentation copy bears the inscription on its front wrapper and the half-title page: "William Stafford with the Author's compliments."

Mary Wollstonecraft Shelley. Frankenstein; or the Modern Prometheus. West Hatfield, Mass.: 1983.

This breathtaking copy of Shelley's classic was produced in a limited edition of 350 copies, illustrated by Barry Moser. It includes an extra suite of the 52 color wood engravings, each initialled by Moser. The binding is one of only five special copies created by Moser and Daniel Kelm. It is bound in black morocco on a three-dimensional molded paper rendering of the monster's hand. The hand was based on a cast made by Moser and handpainted by him. Also exhibited here is a sampling of Moser's engravings.
Frankenstein was first conceived on a rainy night when Mary and Percy Shelley and their friends Lord Byron and his physician Dr. Polidori decided to write their own ghost stories. Mary Shelley drafted Frankenstein in two days, and Percy encouraged her to turn the story into a novel, which was published in 1818.

This is a very clean, untrimmed copy of the exceedingly rare first edition of the first gothic horror tale written by a woman. This copy once belonged to Rudolph Ackermann, who owned the Repository of Arts in the Strand around the turn of the nineteenth century. His signature adorns the flyleaves of each volume.


A prolific author, Baring-Gould wrote upwards of sixty works of fiction, travel, biography, and theology... and one book on werewolves. An ordained minister, Baring-Gould published to support his large family and to pay for improvements in his parish. He is most famous for writing the lyrics to the hymn "Onward, Christian Soldiers." Ed Leahy owns a copy of this hymn, written in Baring-Gould's hand. This copy includes an 1891 letter signed by Baring-Gould.

NOTE: Much of the text for Mr. Leahy's cards was adapted from an exhibition of his books at the University of Scranton in 2000. The exhibition catalog from which the material was drawn is entitled A Modern Renaissance Library: 200 Selections from the Collection of Edward R. Leahy.

I began collecting books as a Yale undergraduate in 1958, influenced by Donald Gallup, who taught a course in bibliography. My first interest was in Lawrence Durrell (1912-1990), whose exotic settings and lush prose captured my sophomoric imagination. As my collection grew, I began corresponding with Alan G. Thomas, an antiquarian book dealer and one of Durrell's oldest friends. Thomas convinced me that there was more to collecting than modern first editions. In 1969 he sold me my first Elzevier for £18, Regni Chinensis Descriptio (1639).

My first interest was in Lawrence Durrell... whose exotic settings and lush prose captured my sophomoric imagination.

Over thirty years later, I have not tired of these intriguing books. The fortunate Elzevier collector concerns himself with over 1500 titles that span three centuries, with typography and content, with illustrations and provenance, with size and binding, with errata and scholarship, with ancient and modern languages, with forgeries and annotations. There is something for everyone.
JOHANNES MEURSIUS. EXERCTATIONUM CRITICARUM PARTES II. QUARUM PRIMA CURARUM PLAUTINARUM COMMENTARIUM. SECunda ANIMADVERSIONUM MISCeLLARUM LIBROS QUATUOR COMPLEXITVTR. LEIDEN: LOUIS ELZEVIER, 1599.

Dedicated to the celebrated bibliophile Jacques-Auguste de Thou, this is the second book of the Dutch classicist Johannes Meursius, who published it at the age of twenty. The first part contains textual criticism of passages in Plautus, while the second part deals with a variety of scholarly and theological topics. This copy contains a presentation inscription from Meursius to the Flemish historian Lambert van der Burch. It then passed to the natural historian and topographer Arnold Burchelius, then to the legal scholar Paul Voet, whose son, the next owner, was Burgermeister of Utrecht. Finally it was owned by Pierre-Paul Plan, bibliographer of Rabelais.

ARISTOTLE. POLITICORUM LIBRI VIII. CUM PERPETUA DANIELIS HEINSII IN OMNES LIBROS PARAPHRASI. ACCEDIT ACCURATUS RERUM INDEX. LEIDEN: [MATTHEW & BONAVENTURE] ELZEVIER, 1621.

This copy of the only Elzevier edition of Aristotle’s Politics comes from the library of the Loménie family, whose last member, Loménie de Brienne, was Comptroller General in 1787-1788 and perished on the guillotine.

GIOVANNI BOCCACCIO. IL DECAMERON DI MESSER GIOVANNI BOCCACCI CITTADINO FIORENTINO. SI COME LO DIEDERO ALLE STAMPE SSRI GIUNTI L’ANNO 1527. AMSTERDAM: [DANIEL ELZEVIER], 1665. 2 VOLS.

A reissue of the first, 1665 Elzevier edition of this classic of Italian literature. This copy comes from the library of the great American bibliophile Mortimer Schiff.

EZECHIEL SPANHEIM. DISSERTATIONES DE PRAESTANTIA ET USU NUMISMATUM ANTIQVORUM. EDITIO SECunda, PRIORI LONGE AUCTOR, ET VARiARM NUMISMATUM ICONIBUS ILLRSTATA. AMSTERDAM: DANIEL ELZeVIER, 1671.

Spanheim (1629-1710) was a professor of eloquence at Geneva and a member of Christina of Sweden’s literary salon in Rome. This is the second enlarged edition of his landmark work on the study of numismatics. Note the profusion of typestyles on these pages.

TORQUATO TASSO. I. GOFFREDO, OVERO GIERUSALEMME LIBERATA, POEMA HEROICO DEL SIG. TORQUATO TASSO, CON L’ALLEGORIA UNIVERSALE DEL ISTESSO, ET CON GLI ARGOMENTI DEL SIG. HORATIO ARIOSTI, ET DI BELLISSIME FIGURE ADORNATO. AMSTERDAM: DANIEL ELZEVIER, 1678. 2 VOLS.

This beautiful edition of Tasso’s epic is illustrated with twenty engravings by Sébastien Leclerc.

LA SAINTE BIBLE, QUI CONTIENT LE VIEUX ET LE NOUVEAU TESTAMENT. AMSTERDAM: LOUIS AND DANIEL ELZEVIER, 1669.

Issued in two volumes on four different papers, this French Bible is considered one of the monuments of Elzevier typography. Although the Elzevier family is often associated with the production of beautiful miniature volumes, the family also published large works, such as this Bible in folio.

PASCHIER JOOSTENS. DE ALEA LIBRI DUO. AMSTERDAM: LOUIS ELZEVIER, 1642.

First Elzevier edition of this medico-psychological treatise on gambling addiction, first published in 1561. Joosten was both a physician and an incurable gambler. The Elzevier family was renowned for printing beautiful miniature volumes such as this.

NOTE: Text for Mr. Mitchell’s exhibit cards was prepared by Vincent Giroud for an exhibition at Yale in 1995.
Morris Cohen is Professor Emeritus and Librarian Emeritus at the Yale Law School. After graduating from Columbia Law School and Pratt Institute Library School, he embarked on an illustrious career as a law librarian that took him in turn to the directorships of the law libraries at SUNY Buffalo, Pennsylvania, Harvard, and Yale. He continues to lecture at the Yale Law School where he teaches legal research and bibliography. He co-teaches "Collecting the History of Anglo-American Law" at the University of Virginia’s Rare Book School, appraises rare books and manuscripts, and consults with law schools and libraries about their rare law book collections.

Morris L. Cohen’s collection of law books for children began as a hobby between father and son. He and his six-year-old son Dan began to pursue an interest in collecting children’s law books. Summer car trips with the family included stops at antique book dealers along the way; later trips abroad found father and son in booksellers’ shops in England and on the continent. At home poring over antiquarian book dealers’ catalogues, the Cohens expanded their collection, which included books on law and the Constitution for the young mind.

Joseph Story (1779-1845), Associate Justice of the Supreme Court of the United States and during many of the same years Professor of Law at the Harvard Law School, sought to bring knowledge of the Constitution to the widest segments of American society. He dedicated this small textbook on the Constitution “To the Schoolmasters of the United States whose meritorious, though often ill-requited labors have conferred lasting benefits on their country...” In his preface, Story indicates that this work follows the plan of his major treatise, Commentaries on the Constitution, but had to be rewritten anew “to give simplicity, and clearness, and brevity to the explanations, that they might meet the minds of those, who cannot be presumed to possess much, if any, political knowledge.”


A.L.O.E. is an acronym standing for "A Lady of England." It was the pseudonym of Charlotte Maria Tucker (1821-1893), the prolific author of many children’s books including this didactic attempt to teach law in a homely and moralistic way. Ms. Tucker’s publications total 142 entries in the British Museum Catalogue. In 1875, she went to India as an independent missionary and worked there for the rest of her life. Many of her books were translated into the vernacular dialects of India. This book, which is enhanced by engravings, was first published in London in 1861 and reprinted in New York in 1861 and again in 1864.

Jonas a Judge; or, Law Among the Boys. By the author of the Rollo Books. “Jonas’s stories,” etc. etc. New York: Clark & Maynard, [c1840]

This charming book was written by Jacob Abbott (1806-1879), Congregational clergyman and prolific author of the Rollo Books and many other didactic works for children. It is the story of a boy who works in a law office and applies the principles and language of the law to everyday life among his friends. The book had at least seven printings in New York and Boston between 1840 and 1860. Abbott published over two hundred books, most of which were for children.
These are two representative editions of a charming exposition of self-government in the schoolroom with a strong moral flavor. It was written by Richard Johnson (1731-1793) and was based partly on Sarah Fielding's book, "The Governess, or, Little Female Academy." Published first in London in 1771, it proved to be very popular on both sides of the Atlantic, as indicated by these two copies. Note the pseudonymous author, Tommy Littleton, a take-off on Thomas Littleton, the author of the classic treatise, Littleton's Tenures.

On the verso of the title page of the Boston edition, a note states: "This, says Dr. Aikin, is a very pleasing and ingenious little Work, in which a Court of Justice is supposed to be instituted in a School, composed of the Scholars themselves, for the purpose of trying offenses committed at School."


This is one of the most attractive of the law books for children. Its preliminary short-title page and frontispiece are beautifully engraved — the latter showing a game of judge and jury in a nursery setting. Its author, Jeffreys Taylor (1792-1853) was a prolific member of a family of writers of children's books. The father, Isaac, his wife Ann, and their children, Isaac, Jane and Jeffreys, all wrote for children, and were known as the Taylors of Ongar. Jeffreys alone published at least seventeen such books. The Dictionary of National Biography describes his writings as "varied in character, sometimes distinguished by much humor and fancy, but sometimes tending to extravagance."

The book opens with a passage containing a reference to another book in this exhibit, as follows: "A certain gentleman on returning home one evening, and entering the room in which his family were assembled, found something rather unusual going on. The fact was, that his young folks had taken a hint from an interesting little book (Juvenile Trials), published some years ago, and were playing at what they were pleased to term Judge and Jury . . . . "


Jane Marcet (1769-1858) was a popular author of many didactic English children's books. She sought to inculcate liberal principles in a variety of subject fields, such as in her Conversations on Political Economy and Conversations on Chemistry. Here she converses on the fundamental concepts of political science and government, including the differences between despotic governments and republics. She ends with a chapter on the evils of slavery and the slave trade. In her preface, Mrs. Marcet states her intention "to draw familiar parallels between daily occurrences in the limited circle of a school, and those which go on in the more enlarged sphere of a country."
David Seipp holds undergraduate degrees from Harvard College and Oxford University, an L.L.B. from Cambridge University, and a J.D. from Harvard. In 1986, he joined the faculty of Boston University School of Law, where he has been teaching ever since.

Professor David Seipp studies and writes about English legal history, particularly the development of basic concepts, categories, and distinctions in the early common law of the fourteenth and fifteenth centuries. He began buying legal history books 25 years ago, and now has about 7,000 volumes, but does not regard himself as a book collector—though he reads rare book dealers' catalogues on the subway, maps the location of used-book shops in every city he visits, and carries around a list of all the titles he owns. Seipp insists that he just has a working library of a legal historian, including nearly all of the original sources and monographs that he needs for his research.

Seipp insists that he just has a working library of a legal historian...

Seipp is currently working with the Ames Foundation of Harvard Law School to compile an Internet database that will index and paraphrase the Year Books, which are reports of cases argued in English courts of common law from 1272 to 1535. A prototype of the searchable database can be found at http://wwwbu.edu/law/seipp and at http://www.law.harvard.edu/programs/ames_foundation/cases.


Only on the Internet. Now that health problems prevent me from haunting the used bookstores in every city I visit, I have found that I can fill gaps on my shelves by using Alibris, Bookfinder, and other websites. In particular, I have been acquiring early works of fiction about American lawyers from a bibliographic essay published by Max Bloomfield of Catholic University. I searched longest and hardest on the Internet for this book by Tourgee, better known for his reconstruction novel A Fool's Errand and his civil rights argument on the losing side of Plessy v. Ferguson. Gauge & Swallow was an early fictional Wall Street firm, "one of the most famous law firms in the country," in which the young narrator climbed the ranks, at one point litigating an early interracial marriage case that prefigured in 1889 almost precisely the facts of Loving v. Virginia in 1967.


Voice of the law. I have not had much luck collecting sound recordings of famous lawyers and judges. This interview has Justice Douglas explaining Supreme Court basics at a high school civics class level. In addition to this interview I have five long-playing records of the Watergate hearings (also from Folkways Records), copies of a speech by Felix Frankfurter and old folk songs sung by Learned Hand (both from the Library of Congress), and a copy of a very short 90th-birthday greeting by O.W. Holmes, Jr. Douglas, Frankfurter, Hand, and Holmes all had distinctive accents, and I have been searching (thus far in vain) for a sound recording of the voice of Louis D. Brandeis.


A poignant paste-in. In a New York City bookshop twenty years ago, I found this minor work of American Legal Realism on sale for $1. The author was a psychology professor who co-taught a Yale Law School seminar with Thurman Arnold. Pasted into the inside front cover, front and back end-papers, and inside back cover in the book were clippings from a 1943 newspaper printing of "The Story of Bill," the testimonial of one of the founders of Alcoholics Anonymous and its successor twelve-step recovery programs. I imagined how the original owner of this book could keep it by him at home or at work to keep him from drinking, while the book's rather blank, boring title deterred nosy visitors from picking it up and learning his secret.

The first legal database. Fitzherbert's Abridgement is the most valuable book I own. First published in 1541, it arranges, under 363 alphabetical headings, 13,845 excerpts of cases from the Year Books, English case reports from about 1270 to about 1500 written in Law French. Entries in this work sometimes add information not contained in the printed editions of the Year Books. In a new project supported by the Ames Foundation of Harvard Law School, I have thus far indexed some 6500 Year Book cases, all those printed for the years 1399 through 1335, and have correlated them with entries in Fitzherbert's and two other early abridgments. A prototype of my searchable index can be found on an Ames Foundation website.


See McCarthyism crumble. Among the lawyer movies and TV episodes I have collected on videotape, my favorite (a gift from my B.U. legal history students a few years back) is this documentary film of the televised Army McCarthy Hearing of spring 1954. Senator Joseph McCarthy and committee counsel Roy Cohn play to the cameras (and committee counsel Robert F. Kennedy flits occasionally in the background). Our hero is Hale & Dorr lawyer Joseph Welch, representing the Army. When McCarthy exposes a young associate of Hale & Dorr as a law-school member of the Commie front National Lawyer's Guild, Joe Welch, shaking and almost tearful, attacks


A sense of occasion. The Mirror of Justices is an anonymous text written around 1290. It is a reformist tract criticizing English common law. F.W. Maitland denounced it in 1895 as a medieval joke, and since then it has been almost completely ignored or denounced in even stronger terms. On July 4, 1997, I delivered a conference paper at the University of Cambridge in praise of the Mirror of Justices as a serious, useful source of English legal history. I began my talk by quoting a bookseller’s catalogue selling an early printed edition of the Mirror as (in Prof. Plucknett's words) “certainly the most fantastic work in our legal literature.” That morning, in Corpus Christi College, I was allowed to page through the only surviving medieval manuscript of the Mirror of Justices. That afternoon, in one of Cambridge’s little bookshops, I purchased this earliest printing of the Mirror – at one-fifth the price the other bookseller wanted to charge.


Hidden treasure? I found this slim volume in the dusty basement of one of the Charing Cross Road bookstores in London, marked £5. I already had a copy of the speeches delivered by Massachusetts Chief Justice Oliver Wendell Holmes, Jr and other notables as part of a nationwide, coordinated, bench-and-bar deification of John Marshall. (Holmes gave an irreverent, witty speech suggesting that Marshall was no genius, just a fellow in the right place at the right time. Theodore Roosevelt thought Holmes's speech was a scandal, but appointed him anyway to the U.S. Supreme Court.) I bought this second copy of the book because stuck among its pages was a browned slip of paper on which was penned: “From Mr Chief Justice Holmes / Boston, Massachusetts / U.S.A.” which just might have been written by the great god Holmes himself. Worth the £5 anyway.
I began collecting law books as a method of conducting research into the history of English and American commercial law. The major thesis of my work on the law of bills and notes is that the concept of "negotiability" as known to modern lawyers played a far less significant role in the development of this body of law than has commonly been assumed. That insight emerged from my study of the four major early treatises on the subject: Bayley (1789), Kyd (1790), Chitty (1799), and Byles (1829). Each of these went through numerous editions. Together they dominated the field until at least the mid-nineteenth century. One can get a very clear picture of the profession's sense of this body of law by looking at the organization and emphasis of the topics in these four works.

The contrast between these late eighteenth and early nineteenth-century works and a typical twentieth-century book on negotiable instruments law could hardly be greater. The twentieth-century works can aptly be described as books about the concept of negotiability. Uniformly they begin with a passage explaining the concept of negotiability and its significance. Uniformly they organize their treatment of the various issues covered around the special rights of holders in due course. In the late eighteenth and early nineteenth-century books, on the other hand, one finds hardly a shred of mention of the concept of negotiability or the special rights of holders in due course or bona fide purchasers. Neither Bayley, nor Kyd, nor Chitty, nor Byles had an introductory passage or chapter explaining the concept of negotiability in the sense of freedom from claims and defenses. None of them had a separate chapter on holders in due course, or to use the earlier term, bona fide purchasers for value without notice. None of them organized the discussion of defenses to actions on negotiable instruments around the distinction between those defenses from which a bona fide purchaser takes free and those to which even a bona fide purchaser takes subject. In short, none of the earlier works pays much attention to any of the issues or concepts that the latter works assume to have been the whole point of this body of law from the very outset.

On a lighter note, the books illustrate an interesting point about British versus American English. It is usually assumed that the American spelling of "check" is a product of our inability or unwillingness to use the more proper and elegant "cheque." Indeed, one often finds elaborate discussions of the derivation of "cheque" from "eschequer" and the like. But, the early British books spell the word "check." I have never tracked down exactly when or why the British began spelling it wrong.

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John Bayley had a distinguished legal career, being appointed as a judge of King's Bench in 1808. The first edition of his Bills treatise was published in 1789 when Bayley was still a student at Gray's Inn. It is a remarkable book. It runs only seventy pages, and consists of concise statements of black letter law, unembellished by any explanation or description of the cases. It has very much the appearance of the "nutshells" and other such tomes so beloved by students even today.

Evidently, though, the market called for more exegesis, for the second and all later editions added extensive case summaries in the footnotes. The case "briefs" in the later editions of Bayley are masterful examples of that form. They show that a principal function of legal treatises in the 19th century was to make some account of cases available to practicing lawyers who would frequently not have ready access to reports of decisions.
As is common with English law books sold in the American market in the late eighteenth century, my copy of the first edition of Bayley is a Dublin printing. It is ironic that the generation of lawyers who created the copyright and other intellectual property regimes enshrined in our Constitution learned their law from unauthorized copies of English works that were printed in Dublin and shipped to America.


Kyd's treatise was quite different from, and in some ways superior to, Bayley's work. Where Bayley gave either bare black letter law, or black letter law with supporting case annotations, Kyd does a very good job of weaving together the statement of rules and principles with the rationales for the rules given in the decision.

Stewart Kyd may have the distinction of being the only author of a bills treatise ever to have been indicted for treason. In the 1790s he was a member of the Society for Constitutional Information and, along with Thomas Hardy, John Home Tooke and ten others was indicted for high treason in 1794. Hardy and Tooke were tried first and were acquitted, whereupon the charges against Kyd were dropped.

My copy has fascinating information about one of its owners. From handwritten notations, one can deduce that it was given to Joseph Ricketson by his cousin Stephen Smith. When he was an elderly man, a later owner, Daniel Ricketson, added a passage on the flyleaf listing the "law books used during my studenthip" and commenting that "these and other works were read in a desultory fashion and with little profit." Evidently he felt guilty about those words as soon as he had written them, for he added a carat and interlined the word "consequently" before "with little profit" so that his lack of intellectual reward could be attributed to his "desultory" habits rather than the books themselves.


"Byles on Bills" was the authority on the subject in England and the U.S. through most of the nineteenth century. John Barnard Byles was a student of Chitty, and had a distinguished career in practice before being appointed a judge of Common Pleas in 1858. He wrote and edited the treatise through its first nine editions, from 1839 to 1866. Thereafter, the work seems to have been handed down like the family jewels; M.B. Byles appears as editor in 1874, with W.J.B. Byles taking over in 1899. It is now in its 27th edition.

In addition to his fame as an author and judge, Byles is also responsible for what, so far as I know, is the only Bills and Notes joke. The DNB notes that from his retirement in 1873 until his death in 1884 Byles was "a well-known figure [in London] on his white horse," leaving one to wonder why the learned editors thought it necessary to describe the subject's horse, not standard information in a Dictionary of National Biography entry. Another reference, which I have since misplaced, explains that the old judge named his horse "Bills" so that as he rode up people could say, "Here comes Byles on Bills."


At least eleven editions of Chitty were published in London from 1799 through 1878, and sixteen editions in the United States from 1803 through 1885. Later editions were massive; the 1885 American edition was a two-volume work running over 1000 pages.

Joseph Chitty (1776-1841) might well be the patron saint of legal writers, having been the first to make a good living publishing law books. He produced treatises on a myriad of subjects from Apprentices to Variances, as well as an edition of Blackstone and collections of precedents and statutes. His four sons carried on the family tradition of law publishing. Joseph Chitty Jr. (c. 1800-1868), best known as the author of Chitty on Contracts, also published in 1834 a book on the law of bills which, confusingly, bears the same name as many of the editions of his father's work. The value of the work is a verbatim reprinting of all the statutes on bills and every decision of the English courts on bills and notes, arranged chronologically, from Martin v. Bourne in 1602 to Easley v. Croftford in 1831.

The publication of Chitty Junior's compendium reveals the difficulty nineteenth-century lawyers faced in attempting to maintain a working library of case reporters. That task is not much easier today, so I found this work helpful in my own research.

Just as Daniel Ricketson was moved to reflect on his personal past when he opened his copy of Kyd's treatise years after first using it, I too am struck by a dramatic change when I now look at Chitty Junior. It's printed in such small type that I can no longer read it without a magnifying glass. Yet during the ten years I was writing my own book, Chitty Junior was my constant companion, and I could read it as easily as the morning paper!
Michael Hoeflich on Collecting

Ephemera have been defined as “the transient minor documents of everyday life.” Legal ephemera are those documents or even scraps of documents which are produced by lawyers or for lawyers. For more than two millennia lawyers have surrounded themselves with documents. One might argue that the first legal ephemera are those scraps of legal documents found throughout Northern Africa written on papyrus, but I have confined my collection, for the most part, to both printed and manuscript texts on paper. The small sample of such “paper goods” displayed here are derived from that collection.

Like many ephemerists (i.e. those who collect ephemera) I came to this somewhat esoteric area of collecting by accident. I became interested in legal history as a college student at Haverford. My graduation present was a 1508 edition of Gratian’s Decretum published by Berthold Rembold at Paris. Throughout my student days at Cambridge and at New Haven I continued to purchase law books. I was fortunate for at that time even antiquarian law books were not nearly so expensive as literature or the classics. I began to collect purposively when I was a law student at Yale. It was there I decided that I wanted to assemble a working library of legal history, particularly in the areas of Roman law and in the history of legal education.

When I was a young member of the faculty at the University of Illinois, a friend of mine (Phil Hamburger who now teaches at the University of Chicago Law School) sent me several boxes of pamphlets on Roman law which he found atGoospeed’s in Boston. They had come from Roscoe Pound’s personal library. When I opened these pamphlets a new world of collecting opened for me. I realized that these could be as important a part of my legal history library as more substantial volumes. Over time I amassed a fairly large collection of pamphlets. Often at bookshops or auctions I would also find other law-related paper when I was searching for legal pamphlets. Eventually I began to buy these as well, intrigued by the graphic design of some and the content of others.

Finally, several years ago I decided that it was time to begin to use my collection of legal ephemera as a source for scholarly writing. I was fortunate for it was at this time that a group of young University of Chicago alumni decided to revive The Green Bag and made it clear that they would be willing to publish articles which did not fit into the traditional law review mode. So far, I have published articles on legal topics in nineteenth-century cigar art and ephemera as a source for writing the history of popular anti-lawyer sentiment about fees. A third article on the iconographical use of book imagery in conjunction with lawyer portraits will appear in Spring 2002. And I have several more planned or in the writing stage. So my ephemera collection has now become a major part of my scholarly library.


Lawyers were a favorite subject for parody in popular art and postcards were often a favored medium for such art. In England, as in the United States, lawyers were particularly subjected to criticism about their fees and about the delays in litigation which often produced huge fees. The problems of probate were parodied frequently in both literature and visual art, including the most famous of such accounts in Charles Dickens’ Bleak House. This postcard is typical of such a parody. It also satirizes lawyers’ social pretensions by putting the parody in the form of a coat of arms. Such satiric arms are found for lawyers in popular art going back to the eighteenth century.

Gift of Michael Hoeflich to the Boston College Law Library.


Illustrated postcards enjoyed widespread popularity both in the United States and in Europe from the turn of the twentieth century until the 1950s. One of the most interesting types of postcards were those known as “vinegar valentines.” These were satiric postcards designed to be sent to one’s loved one. Often the topic was occupa-
tional and such vinegar valentines may be found parodying a broad range of professions including doctors, nurses and accountants. One of the most popular subjects was lawyers.

*Gift of Michael Hoeftich to the Boston College Law Library.*

**Postcard: “Practicing at the Bar.” American, ca. 1916.**

Postcards featuring “little Dutch children” were exceptionally popular during this period. Most of these were romantic, as this is, but often also had a hint of satire. Particularly interesting about this example is that the sender wrote in his own comment after the printed legend.

*Gift of Michael Hoeftich to the Boston College Law Library.*

**Two Trade Cards. American, ca. late 19th century.**

Another now forgotten form of commercial art in the nineteenth century was the trade card. These were a popular form of advertising and would be handed out to potential customers or clients. Occasionally, lawyers figured in these cards. The first card was produced as one of a series by a popular health drink of the late nineteenth century. The illustration is particularly interesting for it is one of the few contemporary illustrations of what a lawyer’s office looked like at this time. The second card advertises watch cases and uses a figure of a lawyer to demonstrate the importance of keeping good time.

*Gift of Michael Hoeftich to the Boston College Law Library.*

**Business Card/Carte-de-Visite. American, ca. 1880-1890.**

During the latter part of the nineteenth century most members of the middle class used “visiting cards” as a means of letting people know that they had visited or were visiting. (Typically you would hand your card to a servant at the door who would bring it to those you were visiting to announce your arrival.) Quite early on, professionals recognized that such visiting cards could also be used as a form of advertising. This card was undoubtedly prepared without a name or address in vast numbers and supplied to local print shops where details could be printed onto the blank stock. This example is interesting on two counts. First, the subject of the card is one commonly used by ladies for their visiting cards rather than by lawyers for professional purposes. Second, the card obviously advertises not only Mr. Knapp’s legal practice but his mortgage brokering business. It is, in effect, an early example of multi-disciplinary practice!

*Gift of Michael Hoeftich to the Boston College Law Library.*

**Two Examples of Cigar Art. American, ca. 1880-1900.**

Victorian America held the legal profession in high esteem. The image of a (fictitious or real) judge or lawyer called to mind qualities of wealth, sobriety, diligence, and learning. As such, images of lawyers and judges were commonly used in advertising luxury items for sale to men, along with risque images of women, sports, and the Wild West. The high status of the legal profession and the sale of cigars both reached their peaks in the late nineteenth century, making law-related cigar art quite common. Cigar box labels featuring glorious color and rich embossing were produced by chromolithography. “Gabler’s Judge” features the image of a lawyer enjoying a cigar in the company of a favorite law-related prop, a book. “Judge Best” invites the potential cigar smoker to try the cigar that he will most likely “judge best” among all others.

*Gift of Michael Hoeftich to the Boston College Law Library.*
I was a bookish child and one entranced by my father’s tales — whether true or fanciful — of the participation of family forebears in notable events of the nation’s past. Perhaps it is not surprising that my professional career became that of historian. Over the course of time my scholarship turned toward American legal history in the early national period following the American Revolution.

Book collecting began when I happened upon, for a modest price, a first printing of a famous 17th-century English trial, long a personal favorite. Shortly after this happy occurrence, I acquired an 18th-century American edition of Beccaria’s *Essay on Crime and Punishment*, a work central to my scholarship at the time. I thereby freed myself a bit from the constraints of doing my research in the special collections of law libraries. The bug had bitten!

My broad interest as a legal historian lies in the various ways in which English law became altered in the post-Revolutionary United States and the means by which knowledge about the law spread to an audience far beyond that of bench and bar. My collection parallels these interests as the examples shown, I hope, will illustrate.

**Kathryn Preyer on Collecting**

Kathryn Preyer received her BA from Goucher College and her MA and Ph.D. in History from the University of Wisconsin. She is an Emerita Professor of History at Wellesley College.

**Rhode Island: October (2d session) 1786. At the General Assembly of the Governor and Company of the State of Rhode Island... with seal on title page. Providence: Printed by John Carter, 1786.**

In this document the Rhode Island Assembly orders the judges to appear in the case of *Trevett v. Weeden*. As the judges were not charged with criminality in giving their judgment in *Trevett*, the Assembly ordered that they be discharged.

**James M. Varnum. The Case, Trevett Against Weeden: on Information and Complaint, for Refusing Paper Bills in Payment for Butcher’s Meat... Tried Before the Honourable Superior Court in the County of Newport, September Term, 1786. Providence, R.I.: Printed by John Carter, 1787.**

This is a landmark case for Varnum’s bold assertion that the judiciary had the right to reject legislation which it deemed to violate the Constitution. Varnum also included the currency acts of the legislature and the forcing acts which denied trial by jury and appeal. This separately printed text was known in Philadelphia at the time of the Constitutional Convention and has often been regarded as a precedent for the doctrine of judicial review as subsequently established by Chief Justice John Marshall in *Marbury v. Madison*. The issue in the trial was actually decided on the narrow grounds that the case could not be heard in what was a special session of the court.

Because of its historical significance and Varnum’s powerful arguments, this report of the case in its contemporary blue wraps has a special appeal for me.


The office of Justice of the Peace was central to the English system of justice and equally important in the American colonies. Such legal manuals as this one set out the duties of the justices and supplied forms necessary to their work such as those for recognizances and warrants. An important and popular genre, the manuals were based on English sources and included relevant local statutes. I was delighted to find this post-Revolution copy still in its “frontier” binding.
These titles illustrate an appealing new genre in law publishing, the self-help manual. Jacob, a prolific compiler of practical works for lay readers, saw his publications as a way to preserve English liberty through a common understanding of the law.

The first American edition of Every Man His Own Lawyer was not reprinted in the colonies until thirty years after the first English edition. Although the title page announces it to be from the seventh English edition, "corrected and improved," the seventh edition was not actually published in London until 1772. Gaine, the printer and bookseller, reprinted from the sixth edition and substituted his own title page after changing the edition and date, doubtless to present the volume to his customers as "brand new." I was happy to come upon this example of one of the tricks of the booksellers' trade in colonial America.


Brackenridge was a lawyer, newspaper editor, and author of the satirical novel Modern Chivalry. He wrote this, among other legal works, while a Justice of the Pennsylvania Supreme Court. He had originally planned a complete edition of a "Pennsylvania Blackstone" in the manner of St. George Tucker. Tucker's edition of the Commentaries, replete with notes of reference to the Constitution and laws of the United States and Virginia, had been published in Philadelphia in 1803. Abandoning the more ambitious goal, Brackenridge published here only the notes prepared for it. Nonetheless, Law Miscellanies did become known as the "Pennsylvania Blackstone."


Hening's New Virginia Justice was the first work by this Virginia attorney and prolific legal writer. Earlier manuals for justices of the peace had been outdated by independence, the constitutions of the Commonwealth and the United States, and the 1794 Revised Laws of Virginia. Hening hoped that the legal knowledge he conveyed would prove useful to private gentlemen as well as officers of the court. Desiring to "be useful, not to appear learned," Hening abbreviated information from Blackstone, referred to relevant Virginia statutes, and avoided using Latin except for the inevitable technical law terms. For these, he supplied the user with several pages of succinct explanation.


This work is of interest for it is the earliest collective printing of the only six constitutions extant at the time: Pennsylvania, New Jersey, Delaware, Maryland, Virginia and South Carolina. Included also are the Declaration of Independence, the Articles of Confederation, the Laws of Navigation and other documents. A prefatory letter from Regnier dedicates the volume to Benjamin Franklin, who was minister to France at the time and who may have had a hand in its publication. Of Regnier, the compiler, nothing is known and there is reason to suspect a false imprint. In addition to the mystery surrounding its printing I was charmed by the simple elegance of the binding as well as by the fact that the volume bears the ownership stamp of a convent in northern Italy. Not until 1781 would the first complete collection of state constitutions in English be printed in Philadelphia.


Bursts of national pride through the decades following independence were accompanied by efforts to reform or reject parts of the inherited English law. In 1807 a Kentucky statute prohibited in the courts of the Commonwealth even the mere mention of British laws passed since independence. Written by a Kentucky lawyer, Humphreys' compendium of local law became known as the "Kentucky Blackstone."
I began buying old books when I was a student at Oxford in 1966. I had a scholarship with a generous "book allowance" that had to be returned if unspent! At the time, sixteenth and seventeenth-century books were everywhere in the old Oxford bookstores, often selling for only a few dollars. 

Eventually, I began to focus on law books, because I was interested in legal history. But I was frankly a romantic about books, and my original purchases were "anything old, beautiful, and significant." I made friends with the dealers, too. One in particular, an old refugee from Hitler, had his entire inventory in an old attic near my rooms on Holywell Street. There wasn't even a name on the door! Love of books was a "survival thing" for him, and I began to understand how much books could represent civilization itself for such a man. In this exhibit, the beautiful "Field Bible" came from him.

Two woodcuts of Jesus teaching his disciples through parables. German, circa 1480 A.D.

Here Jesus is teaching his disciples by parables. The first demonstrates how God protects his people like a shepherd guards his flock. (Notice the sheep are being attacked by wolves!) See Matthew 9:36, John 10:4. "[H]e goeth before them, and the sheep follow him! For they know his voice." John 10:11: "I am the good shepherd: the good shepherd giveth his life for the sheep!" The second is the parable of manna from heaven. Notice the medieval costumes, and the medieval kitchen fire! See John 6:31-32. "[M]y Father giveth you the true bread from heaven." These powerful images also illustrate early Renaissance woodcut printing.

Elegant medieval ladies of the noble Grimaldi family in Monaco would have followed the calendar of holy days at the front of the book, and the daily prayers set out within. Every owner of this book since the fourteenth century is known. It was sold to me at age twenty-six by George Goodspeed, the dean of Boston bookdealers. He was a great inspiration to me and to generations of young collectors. I think he gave me an especially low price to get me collecting! He was a true friend.

Note the little dragon chasing the dog! On the back, there is a peacock! A wonderful little piece of true Gothic art, as genuine as a cathedral.

The Sternhold and Hopkins Hymnal accompanied the first English explorers to America. Notice the Native American woman on the frontispiece, and the bows and arrows. "Old One Hundred" is on page 64, the great sung psalm that thundered through the Puritan Churches in New England. "The Lord, ye know, is God indeed, without our aye he did us make: We are his Flocke, he doth us feede, and for his sheepe he doth us take." Surely here was a manifestation of faith against a hostile wilderness!

This was the famous bible of the Pilgrims, called the "breeches" bible because Adam made "breeches" from the fig leaves. Bibles identical to this one were on the Mayflower and the Arabella when they landed at Plymouth and Boston, and doubtless were used in the early Puritan Church that stood in what is now the graveyard across Centre Street from this room. It appears that this book belonged to William Morris, the great pre-Raphaelite printer and artist.
This bible was one of my early purchases. It is a masterpiece of Restoration engraving. To the resurgent Anglican Church, the executed Charles I was a saint. The beautiful “Field” bible was a reaction to the plainness of the Commonwealth period, and a celebration of the merger of art and religion.

MANUSCRIPT “EXODUS,” WITH “MAGIC MIRROR OF GOD.” ORIGINAL BINDING. DATE UNCERTAIN. WITH AMULET SCROLL SHOWING VIRGIN, ST. MICHAEL, CRUCIFIED CHRIST AND CONTAINING PRAYERS. CIRCA 1400(?), OR MUCH EARLIER.

These were found in the campaign chest of a British soldier who had served in the nineteenth-century “Wars of King Theodore” in Ethiopia. The English antique dealer who owned the chest was happy to sell the manuscripts to me, as he had no idea they were even in the chest. These manuscripts were doubtless “liberated” by the British from the great Coptic library at the palace in Gondar, Ethiopia. They are both written in Gheez, the written language of ancient Ethiopia. The book has a “Magic Mirror of God” inside the binding, and contains the book of Exodus. Notice the birds growing fat in the land of milk and honey. (You can see the grain going into their gullets!) The amulet was to be worn on your arm. It is probably early 19th century. The book may be very old indeed. These are examples of purchases that never go through “expert” screening.

BRITISH NAVAL PRAYER BOOK—ROYAL ARMS—FOR CONDUCTING SERVICES IN HIS MAJESTY’S WARSHIPS AT SEA, 1766.

Fans of Patrick O’Brian’s navy adventures will recognize the great prayer book which accompanied death and victory at sea. The printing is magnificent. The royal arms on the binding indicate that this was truly “on His Majesty’s Service.” It does not require too much imagination to hear the wind thundering in the sails, and to feel the roll of the great warship, as the Captain reads the Short Prayer, “In respect of a storm”—“Thou, O Lord, that stilllest the raging of the sea, hear, hear us, and save us, that we perish not!”—or to imagine the silence of the gun deck before battle, as the Chaplain recites “The Prayer to be said before a Fight at Sea,”—“Stir up thy strength, O Lord, and come and help us!”—and, finally, the “Prayer of Thanksgiving after a Storm,”—“Praised be God, who hath not cast out my prayer, nor turned his mercy from me!”