Recent Additions to the Collection - Fall 2010: An Illustrated Guide to the Exhibit

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THE DANIEL R. COQUILLETTE RARE BOOK ROOM

RECENT ADDITIONS TO THE COLLECTION – FALL 2010

AN ILLUSTRATED GUIDE TO THE EXHIBIT

The Boston College Law Library is delighted to display a selection of its recent acquisitions. These books, manuscripts and memorabilia enhance our holdings in key areas and enable us to better understand the way law was published, acquired, studied and practiced in England and America in centuries past.

We are grateful to Karen S. Breda, Daniel R. Coquillette and Michael H. Hoeflich, who donated some of the works on view. Others were purchased to strengthen the library’s collection of works likely to have been owned by working English and American lawyers who lived during the fifteenth through nineteenth centuries, or purchased to enhance gifts of materials donated to the library in recent years.

Highlights of this year’s exhibit include a selection of early English law dictionaries, a stunning group of lawyers’ private library lists, signed modern first editions from contemporary political figures, and some unusual memorabilia connected to the legal publishing industry in late nineteenth-century North America.

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 2010.

LEGAL DICTIONARIES

Thanks to the generosity of Professor Daniel R. Coquillette, the Law Library recently acquired a number of important law dictionaries, augmenting our already strong collection. They are described below in chronological order by date of publication.

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


Without a doubt, Cowell’s INTERPRETER is the most famous, and infamous, of the English law dictionaries. It appeared in eight editions from 1607 to 1727; this copy is from the sixth edition. We also own copies of the first (1607), seventh (1708) and eighth (1727) editions.

The first edition ignited a scandal and was banned by King James in 1610. Very briefly, Cowell got into trouble for several of his definitions, especially "King," "Parliament," "Prerogative," and "Subsidy." Cowell seemed to favor an absolute monarch who was above the common law. This infuriated Chief Justice Edward Coke and Parliament. Though he secretly agreed with Cowell's definitions, James tried to placate Coke and Parliament by suppressing the book. Though banned for a time, not all copies of the first edition were destroyed, and the INTERPRETER eventually came to be considered the best law dictionary until Giles Jacob’s appeared in 1729 (see the next exhibit case).

Our copy contains extensive annotations from an early owner, Samuel Burton, who inscribed the book in 1704. On the page shown here, Burton added a
chronological list of England's Kings and Queens opposite the title page. He also compiled lists of "Words omitted in this Law Dictionary" and ancient English surnames elsewhere in the volume. This copy is a stellar example of how owners used their books and made them their own.
Though there is some controversy about the authorship of this title – William and John Rastell were both lawyers as well as law printers – this dictionary is one of the most important in English legal history. It first appeared in 1624 and went through numerous English and American editions over the next two hundred years.

The book is opened to the first page, showing the terms “Abate” and “Abatement.” The text is in parallel columns: the first in English, the second in Law French.

Cunningham intended his mammoth work to be not just a law dictionary but a general abridgment of the law, “on a more extensive plan than any law-dictionary hitherto published.” Thus, in addition to the definition of a word, each entry contains theoretical and practical statements and illustrations of the law pertaining to that word. This could have been useful to the lawyer who could afford to buy only a few law books, as it combines elements of a dictionary, case digest and legal encyclopedia all in one. But those looking for a quick definition might become frustrated; the entry for “Bill of Exchange” is 14 pages long!

The author intended this compact volume to assist the professional man, merchant, or country gentleman who was not a lawyer, but who required a basic understanding of commercial law and land tenures to fulfill his legal obligations. Potts was able to condense the essential points of “Bills of Exchange” into three succinct pages.

First wall cabinet (labeled Cabinet II):

The Giles Jacob Collection

Giles Jacob (1686-1744) 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. A prolific author and law book publisher, in all his works Jacob strove to make the technicalities of law clear for the practitioner and layperson alike. His most famous works were Every Man His Own Lawyer and his Law Dictionary. We are fortunate to own multiple editions of both.

In 2005, Kitty bequeathed her magnificent collection of rare law books to the Law School. Among the many treasures in the gift were a number of books by Giles Jacob. In the years since Kitty’s passing, we have strengthened our collection of Jacob’s works by purchasing important titles and editions as they have become available. The most recent additions to our Giles Jacob collection are in this case.


Jacob wrote this book to provide a model for legal draftsmen who needed to write deeds, wills and other conveyances. Unlike most of Jacob’s works, this one appeared in only a single edition.

Our copy features a handsome full leather binding, with blind and gold ornamental tooling and an armorial crest stamped on the front and back covers. An early owner, Alexander Johnson, signed his name on the title page. Johnson or another owner wrote extensive notes in the margins of the text.

This layperson’s guide to the law was first published in 1726; the third and final edition appeared in 1739. It is a digest of sorts, with extracts of English cases, statutes and treatises appearing under alphabetically arranged legal subject headings. Jacob addresses the usual topics, such as “Abatement” and “Writs,” and also includes more esoteric subjects, such as: Heriot: The best Beast, or other Thing, that a Tenant dies possessed of, due and payable to the Lord.

Signatures of former owners appear on the title page and elsewhere, including William Burrows, J. Gillespie Jr. (1818), W. Shaw, and a “Woodbury”; possibly Levi Woodbury, an associate justice of the U.S. Supreme Court, but more likely one of his sons.

GILES JACOB, A NEW LAW-DICTIONARY. 2nd ed. London, 1732.

When it first appeared in 1729, Jacob’s LAW DICTIONARY replaced Cowell’s INTERPRETER as the leading English law dictionary. Jacob’s DICTIONARY appeared in numerous editions; besides this one, we are fortunate to own the first (1729), third (1736) and eighth (1762) editions.

The volume is opened to the first page of the dictionary. The first entry is the letter “A”:

A: The first Letter of the Alphabet, which being prefix’d to Words in English, signifies as much as un in French; as a Man, un Homme.

Gift of Daniel R. Coquillette.
Cabinet III:

AN ILLUSTRIOUS ASSOCIATION

The two books in this cabinet share a common provenance: both were owned by Levi Lincoln. But which one? There were two important Levi Lincolns in Massachusetts history. Levi Lincoln, Sr. (1749-1820) was an American revolutionary who practiced law and held many state and national offices, including that of Governor and U.S. Attorney General. Levi Lincoln, Jr. (1782-1868) was also a lawyer and a politician. He served for many years as Governor, and represented Massachusetts in the U.S. Congress as well.

Due to vagaries in their signatures, the exact provenance is unclear. Levi Lincoln Sr. or Jr. could have been the owner, or the books could have passed from father to son. In any event, we are glad they are with us now.

Both books in this cabinet are gifts of Daniel R. Coquillette.


Although English law students and lawyers had been anonymously making and circulating copies of case reports for centuries, Plowden is generally credited with being the first case reporter to have his name attached to his reports. In 1571 he reluctantly published his notes on cases after it became clear that students and lawyers had been circulating and pirating illicit copies of them.

Plowden’s Reports were first published in Law French. This 1761 edition was the first English translation, and is considered to be one of the most authoritative editions of Plowden’s famous work.

Cabinet IV:

ENGLISH CRIMINAL LAW AND CROWN CASES

We recently received two important works that discuss early English criminal law. First published in the early eighteenth century, Hawkins’ and Hale’s treatises were both considered highly authoritative works on English criminal law.

To provide historical context (and a bit of fun), we are showing these treatises with a color engraving of the Old Bailey, the site of English criminal trials for centuries and still London’s most famous criminal court.

All items in this cabinet are gifts of Daniel R. Coquillette.

THOMAS ROWLANDSON, ENGRAVER, MICROcosM OF LONDON. London, 1808-1811.

Completed in 1809, this engraving of the Old Bailey is part of the MICROcosM OF LONDON, a set of thirteen prints which depict some of London’s most famous legal and government buildings. In this picture, the criminal defendant stands on the right. A mirror is placed in front of him so everyone in the courtroom can see his expressions, the better to judge his guilt or innocence.


The third and final edition of Hale’s treatise appeared in 1800.


First published in 1716, Hawkins’ treatise proved so popular that it ran to eight editions, the last of which appeared in 1824.

Cabinet V:

WINGATE’S MAXIMS


Legal maxims are established principles or propositions of law. They first appeared in Roman law, and further Latin maxims appeared during the middle ages. Lawyers, judges and legal scholars
venerated maxims; at one point, they were considered to have the same force and effect as statutes. While their status as legal authority has eroded over time, they still retain historical interest and research value. A sampling of Wingate’s maxims:

#11: The Law delighteth in apt expressions.

#40: Where the foundation faileth, all goeth to the ground.

#128: [The Law] countenanceth things done in the day, more than in the night.

Gift of Daniel R. Coquillette.

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**THOMAS CRAIG’S *JUS FEUDALE***

Thomas Craig (c. 1538-1608) was a poet and a legal scholar. An advocate of uniting the kingdoms of England and Scotland, he wrote his only published legal work, *JUS FEUDALE*, with the goal of harmonizing English and Scots law. Unfortunately for Craig, he treated the topic of Scots law so thoroughly and expertly that it had the opposite effect, helping to solidify Scots law into a separate system.

We have two very special versions of *JUS FEUDALE*. The first was given to us by Michael H. Hoeflich. It is a handwritten manuscript, beautifully bound, which appears to be a summary of the complete work. On the title page, the anonymous scribe wrote:

A Compend. or Breviarie of the most substantiall poynts
relating to the law extracted [out] of the books of that learned Jurisconsult D.T.C. treating of the feudal law.

Recently, we purchased the first printed edition of the work. Both volumes await further study; it would be fascinating to discover the author of the manuscript, and to compare the two works side by side.

ANONYMOUS, A COMPENDIUM OR BREVIAIRE OF ... JUS FEUDALE. [Scotland, ca. 17th century ?] Gift of Michael H. Hoeflich.
Cabinet VI (across the room):

**CORRESPONDENCE ABOUT JAMES KENT, “THE AMERICAN BLACKSTONE”**

This year we acquired some interesting correspondence by and about famous nineteenth-century American legal figures. The first is a collection of letters to and from Lemuel Shaw which includes a letter he wrote to James Kent, “the American Blackstone.” The second is a letter in which the writer fondly recounts a visit with Kent in the latter’s home.

**LETTERS TO AND FROM LEMUEL SHAW, 1800-1856.**

Lemuel Shaw (1781-1861) was a distinguished legal and political figure in Massachusetts. After graduating from Harvard in 1800, he taught school for a year before commencing his law studies in Boston with David Everett. While practicing law, he served in a number of public positions, including the Massachusetts House of Representatives and Senate. In 1830 Shaw was appointed Chief Justice of the Massachusetts Supreme Judicial Court, where he served for thirty years.

This collection of nine letters and one Massachusetts Senate Order spans 56 years and encompass Shaw’s legal career.

Shown here is the earliest letter in the collection, dated 1800, from Shaw to Charles Bulfinch, chairman of the school committee. In it, the nineteen-year-old Shaw asks to be appointed a permanent usher in the South Reading School.

Also shown is a letter from Shaw to James Kent, written in 1836 when Shaw was 55 years old and Kent was 73. Shaw had just received the third edition of Kent’s monumental Commentaries on American Law from Kent’s publisher, and was moved
to comment extensively on the work in this six-page letter. Shaw praised Kent’s work for, among other things, giving “a character of nobility, harmony & unity to the principles of all the states.” Shaw went on to lament that the practice of law required lawyers to make narrow arguments to advance their clients’ cases, resulting in a fractured understanding of legal issues and the body of law as a whole. To remedy this, Shaw suggested that every lawyer and judge read a “systematic, accurate & elementary treatise work” such as Kent’s Commentaries from time to time, and promised Kent that he would do so “as early as other demands on my time will admit.”

LETTER FROM WILLIAM M. PRICE TO JAMES CLAPP. Albany, 1812.

In this letter to his law partner James Clapp, Price, the U.S. Attorney for the Southern District of New York, wrote of legal and political matters. But mostly, he wrote about James Kent, Chief Justice of the New York Supreme Court.

Price was clearly honored to be included in Kent’s company: “I this evening again visited the Chief Justice pursuant to invitation and was never more delightfully entertained. Old madeira and choice cigars let me tell you were the most contemptible items in the bill of fare. He was perfectly free & easy & appeared desirous only to please us. He took the candle & travelled round his library ....”

Of Kent’s library, Price wrote, “He is indeed Clapp a great man – The notes he has made in the Books in his library would of themselves you would suppose occupy a whole life....”

This tale has a sad postscript. In 1838, Price fled to Europe after embezzling $72,000 from the U.S. Customs Office.
Cabinet VII:

AMERICAN LAWYERS AND THEIR LAW BOOKS

For some time, the law library has focused its rare book and manuscript collecting efforts on materials that help us understand the daily life of lawyers in centuries past: how they learned, practiced and thought about the law. Key to this inquiry is an understanding of lawyers’ private law libraries: What did they own?

Several acquisitions this year help us answer this question a little more fully. In this cabinet and on the top shelf of the next one are three fascinating and attractive lists of law books owned by American lawyers in the eighteenth and nineteenth centuries.

CHARLES D. JOHNSON, NEW HAMPSHIRE AUCTION OF LAWYER’S ESTATE, WITH A LIST OF HIS LAW BOOKS. North Stratford, NH, 1860.

This eye-catching broadside advertises an estate sale of the household furniture and law library belonging to Charles D. Johnson (1835-1860). Johnson was born in Stratford and studied law with Jared Williams, a governor of New Hampshire. Though he died young, Johnson managed to assemble a nice working library, which included a complete set of New Hampshire Reports and treatises by Chitty, Greenleaf, Story and others.

JOSEPH GROWDON, JR., CATALOGUE OF BOOKS BELONGING TO THE ESTATE LATE OF JOSEPH GROWDON ESQ. Philadelphia, 1738.

This handsome inventory of the law books belonging to Joseph Growdon, Jr. (d. 1738) is one of our most exciting acquisitions this year. It is a unique, completely handwritten document listing the books belonging to a wealthy lawyer and landowner from colonial Pennsylvania. Growdon owned a well-rounded library with more than 250 titles, including 60 reporters and numerous treatises, making his library one of the strongest in colonial America.

Until very recently, the inventory was assumed to be lost. We are glad it surfaced, and that we can share it here.
Cabinet VIII:

WILLIAM HUNTER, CATALOGUE OF BOOKS AT AUCTION. Newport, 1851.

William Hunter (1774-1849) was a Senator from Rhode Island. He studied law at the Inns of Court in the Inner Temple before returning to Newport, Rhode Island to practice law and pursue a political career. His extensive law library is set forth on this attractive large broadside, along with works on history, biography, poetry, travels, and titles in Latin, Greek and French. His law library includes case reports, treatises, and legal and political works both practical and theoretical.

We are especially delighted to add this broadside to our collection, as it may be a unique copy. We have not been able to locate it in other libraries’ catalogs.
THE (OCCASIONALLY) AMUSING WORLD OF NINETEENTH-CENTURY LEGAL PUBLISHING

From time to time, we acquire odd yet fascinating tidbits that shed light on early legal publishing in England and North America. This year, we added two such items to our collection.


First prize for amusing and resourceful legal publishing ads surely should go to the Edward Thompson Company of Long Island, New York. A few years ago we acquired the sheet music for a “Pleading and Practice Grand March,” which commemorated the publication of the company’s new ENCYCLOPAEDIA OF PLEADING AND PRACTICE.

That same year, the company came out with the eight-page ad brochure shown here. It heralds the arrival of the AMERICAN AND ENGLISH ENCYCLOPAEDIA OF LAW, “The Most Wonderful Law Book of the XIX Century,” and boasts (outrageously) that “if all other Law Books should be destroyed, the world would have lost but little of its legal information.” The rest of the brochure is taken up with a list of subjects covered in Volumes 20 and 21, “Receivers” through “Sentence,” and making cost-benefit comparisons with leading treatises of the day.

The ENCYCLOPAEDIA was sold only by subscription, at a cost of $6 per volume. It eventually comprised 31 volumes. Though little known today, it remains in the stacks of many large libraries throughout the United States.

ROBERT SHUTTLEWORTH, A MANUAL FOR THE ASSISTANCE OF MAGISTRATES, IN APPLYING THE FORMS SOLD BY COLES AND GALPIN. London, 1815.

Like many legal manuals of its time, this book provides guidance to magistrates, constables and parish officers who were occasionally called upon to prepare legal forms. Unlike other manuals, however, this book was created specifically to work with the forms sold by a particular publisher, Coles and Galpin.

According to the introductory note, which is basically a sales pitch for the forms, lesser-used forms are included in the book, while commonly used forms are sold separately. The Table of Contents lists each legal topic alphabetically, followed by the page on which it appears and the number of the form to be used – making it very easy for
customers to order the forms they required. One wonders whether this shrewd yet helpful marketing effort paid off for Coles and Galpin.

Cabinet IX:

**SIGNED MODERN FIRST EDITIONS**

The Boston College Law Library owes its small but growing collection of modern autographed first editions entirely to the generosity of Karen Breda, Legal Information Librarian and Lecturer in Law. An avid book collector and book reviewer, Ms. Breda has donated a number of works to the library, including these four recently published books by important American political figures.

*All items on this shelf are gifts of Karen S. Breda.*

**JIMMY CARTER, THE NOBEL PEACE PRIZE LECTURE. NY, 2002.**

**AL GORE, AN INCONVENIENT TRUTH. New York, 2006.**

**EDWARD M. KENNEDY, AMERICA BACK ON TRACK. NY, 2006.**

**BARACK OBAMA, THE AUDACITY OF HOPE. New York, 2006.**
THE WHITE HOUSE AND BOSTON COLLEGE

The furnishings in the Daniel R. Coquillette Rare Book Room have a colorful and storied past. The tall clock, for example, once resided at the base of the staircase in Barat House – currently the site of the Law School’s Office of Institutional Advancement. Years ago, the house belonged to the Schrafft family, of candymaking fame.

The room’s marble mantelpiece and gilt mirror lived in the East Room of the White House from 1912 until 1953, when President Truman renovated the space. At that time, Rep. John McCormack and Rev. William J. Kenealy, S.J., Dean of the Law School, persuaded the President that the items should go to BC.

Since then, the mantel and mirror have traveled all over Boston College together. They appeared in several of the Law School’s former locations, including the Vincent P. Roberts Room shown in the undated postcard here, before finding their permanent home here in the Daniel R. Coquillette Rare Book Room.


This book is opened to a photograph of the mantelpiece and gilt mirror in their original location in the East Room of the White House. Before arriving at Boston College the mirror was much taller than in its present state; it had to be cut down to fit into BC’s smaller spaces. The beautifully detailed white-enameled paneling in the East Room was recreated in the Daniel R. Coquillette Rare Book Room, which opened its doors in 1996 as part of the law library’s most recent renovation.

POSTCARD, BOSTON COLLEGE LAW SCHOOL. Undated.

This postcard shows the mirror and mantel in one of their earliest BC homes: the Vincent P. Roberts Room at the BC Law School. Although undated, this photograph was likely taken in the early to mid-1950s, when the Law School was located in downtown Boston.
AN INTERESTING ABRIDGMENT


First published in 1736, Bacon’s ABRIDGMENT went through seven English and several American editions, the last of which appeared in 1861. Despite its title, it is not a true abridgment or digest of cases. Rather, it is a compilation of treatises and dissertations on a wide variety of legal subjects. Arranged alphabetically like an encyclopedia, it covers legal subjects from Abatement to Wills.

The ABRIDGMENT was written not by Bacon but by Sir Geoffrey Gilbert, a distinguished legal scholar most famous for his treatise on Evidence. Bacon simply compiled Gilbert’s notes into an alphabetical arrangement, evidently making little effort to correct Gilbert’s errors or supplement his omissions.

Bacon died before completing the work. All entries after “Sheriff” were completed by others. Still other authors contributed to later editions, making this work truly a patchwork affair or, more generously, a team effort. Nevertheless, the bibliographer J.G. Marvin noted in 1847 that Bacon’s ABRIDGMENT was “probably in more general use in the United States, than any other English Abridgment of the Common Law.”

Our copy of this monumental work spans five large folio volumes. Volume 1 is opened to the entry “Annuity and Rent-charge.” Note the variety of type styles and citations to legal authorities in the margins, as well as the detailed marginalia commenting on the main text.

Gift of Daniel R. Coquillette.