

THE DANIEL R. COQUILLETTE  
RARE BOOK ROOM

“A LITTLE LIBRARY” – THE  
PRIVATE LAW LIBRARY OF  
FRANK WILLIAMS OLIVER  
FALL 2008:  
A GUIDE TO THE EXHIBIT

In the Spring of 2008, the Boston College Law Library received a splendid gift of old and rare books from Andrée Oliver, widow of Frank Williams Oliver. During his forty-year career as a criminal defense attorney in Chicago, and continuing during his retirement years in Miami, Frank Oliver amassed a private law library of about 300 works, including the rare books on view in this room.

Highlights of the exhibit include a magnificent German Bible from 1693, with its original binding and clasps still intact; a book that once belonged to famous American lawyer Clarence Darrow; and a rare first edition of Noah Webster's AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE, dated 1828.

The exhibition begins in the horizontal dark wooden bookcase to the left of the entrance, with a sampling of materials about Frank Oliver's life. It continues clockwise around the room in the eight vertical wall cabinets, and concludes in the horizontal wooden bookcase to the right of the entrance. It will remain on view through early December 2008.

The exhibit was curated by Karen Beck, Curator of Rare Books / Collection Development Librarian. A very special thanks to Frank Oliver's friend and colleague Judith Halprin for providing

photographs and information about his life, and for facilitating the donation of his library to the Boston College Law Library. And heartfelt thanks to Andrée Oliver for donating Frank Oliver's books to the Law Library, where generations of students, faculty, and legal historians will benefit from her generosity.



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

MR. OLIVER'S "LITTLE LIBRARY"

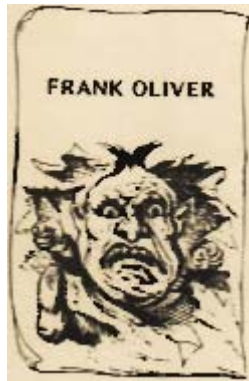
Frank Williams Oliver's private law library spans the areas of law, history, legal history, biography, classics, political theory, and religion. The collection includes about 70 rare titles, a sampling of which are on display in this room. Mr. Oliver wrote about his private library in a 1985 essay entitled "A Little Library – Some Vaporings":

This collection attempts to bring within small compass some classics of the common law, its sources and history, yet in sufficient depth that it may be employed with confidence as a working library by a practicing lawyer. (The use of antiquarian material, given the preeminence now accorded authority for its mere recency in preference to any inherent quality, requires tact. Its naked citation is rejected as quaint or is resented as precious and pedantic. Yet it remains a powerful analytical tool.)

The market permitting, editions chosen were those considered the best; between editions of equal merit, the less costly. The perceptible tilt toward crown law was compelled in part by professional interest, in greater part to

curb rank overgrowth. Materials antedating the mid-eighteenth century predominate.

Many of Frank Oliver's books feature his delightful bookplate:



Frank Oliver loved, and used, his books. He studied them, annotated them, and quoted them in court (examples of this are discussed elsewhere in this exhibit). Note the volumes of Edward Coke's *INSTITUTES*, exhibited elsewhere in this room, bristling with scraps of paper on which Mr. Oliver noted legal points and other observations. This was truly a working lawyer's library.

As such, his private law library has found a good home in the Boston College Law Library's Daniel R. Coquillette Rare Book Room. The mission of the library's rare books program is to collect rare books likely to have been owned and used by practicing lawyers, and to encourage their study and use by students, faculty, and others. According to his friend and legal associate Judith Halprin, Frank Oliver "would be most pleased to have known that his library has found its home among students and scholars who will draw upon its collective wisdom in the continuing struggle to bring enlightenment to justice in the courts of this country."

Unless otherwise noted, all books in this exhibit are from Frank Williams Oliver's private library.



## BIOGRAPHICAL SKETCH OF FRANK OLIVER

Frank Williams Oliver was born in Sioux City, Iowa. He was descended on his mother's side from the Williams family of Massachusetts. His mother was Dorothy Williams Crane, and his maternal ancestors included Samuel Williams, Professor of Mathematics and Natural Philosophy at Harvard from 1780-1788, and Charles K. Williams, Governor of Vermont from 1850-1852. On the paternal side of Frank Oliver's family, his father, Ralph Addison Oliver, was a Justice of the Iowa Supreme Court, and his grandfather, John Oliver, served as a Justice of the Iowa Appellate Court.

Frank Oliver studied philosophy at the University of Chicago, served in World War II as a paratroop officer, and graduated from the University of Iowa in 1950. Admitted to the Iowa and Illinois bars, he spent his forty-year legal career as a criminal lawyer in Chicago, defending organized crime kingpins and more common people alike. During the Vietnam war, he volunteered his time to defend Vietnam War resisters. After he retired from law practice, he and his wife Andrée Oliver moved to Miami, where he passed away in 2006 at the age of 86.

Colleagues have described Frank Oliver as brilliant and widely read, with a deep knowledge of and respect for the lessons of history. In court, he was considered to be one of the Bar's top cross-examiners and brief-writers, with a theatrical style, rapid movements, and

erudite speech. Always underlying his unique talents was the scholarship that is reflected in the extraordinary private library that he amassed over the course of his career, and which Andrée Oliver has graciously donated to Boston College.

MELVIN LEWIS, *THE COURT THAT RULES ON ITS OWN MOTIONS HAS A FOOL FOR A JUDGE*, CHICAGO JOURNALISM REVIEW 4-9, 16-17 (vol. 5, no. 4, April 1972).

In 1972, Melvin Lewis defended Frank Oliver in his appeal to the U.S. Court of Appeals for the Seventh Circuit. A federal district court in Chicago had reprimanded Oliver and given him a one-year suspension from the practice of law, ostensibly for violating the court's "policy statement" which prohibited lawyers from speaking to the press about pending litigation. According to the district court, Oliver had violated this policy statement twice. The first time, he spoke briefly and generally to reporters about a petition he had filed with the court which was not related to any pending cases. The second time, he was overheard discussing aspects of a case with one of his expert witnesses, in a room at the courthouse reserved for the use of the defense. Someone in the room – who turned out to be a newspaper reporter – overheard portions of Oliver's comments and reported them in a story the following day.

The ACLU took up Oliver's case, arguing that the district court applied its "policy statement" selectively, allowing judges and prosecutors to speak relatively freely to the press, while stifling the speech of defense attorneys completely. In *In re Oliver*, 470 F.2d 15 (1972), the Seventh Circuit agreed, and Mr. Oliver's suspension was overturned.

FRANK OLIVER, *WITNESS FOR THE PROSECUTION*, LITIGATION: THE JOURNAL OF THE SECTION OF LITIGATION, AMERICAN BAR ASSOCIATION 10-17, 69 (vol. 10, no. 4, Summer 1984).

This article contains fascinating excerpts of Frank Oliver's opening statement, cross-examination, and closing statement in a 1983 case in which he defended a client against a federal prosecution that hinged on the testimony of one criminal informant. Oliver's strategy – successful, as it turned out – was to discredit the character and credibility of the prosecution's informant, resulting in an acquittal for Oliver's client.

Oliver's questioning and closing statements are brilliant, sharp, and occasionally funny. Reading these excerpts, one can imagine that he had the jury eating out of his hand. Especially impressive is his use of history: during his closing argument, he quoted Dante, Pope, and the medieval morality play *Everyman* on the nature of evil in his attempt to make the government's informant seem less than human. At the very end, he quoted the English legal scholars William Blackstone and Matthew Hale on the dangers of relying upon "false and malicious accusations of desperate villains" to make one's case. His final words to the jury were, "You cannot accomplish anything good by the employment of evil."

NEWSPAPER CLIPPING: *U.S. JUDGE ASKS JURY "FIX" QUIZ*, CHICAGO AMERICAN, page 1 (Dec. 20, 1953).

Early in his legal career, Frank Oliver was appointed to represent a criminal defendant in Chicago's federal district court. He posed no *voir dire* challenges, and accepted the first twelve jurors seated by the judge. When the jury returned a "not guilty" verdict, the judge exploded, accusing the jury of misconduct

and ordering their names to be stricken from the jury rolls forever. Oliver defended the jury, explaining that he had become convinced of the defendant's innocence, had "produced every iota of evidence [he] had," and did not see how the jury could have returned "any other proper verdict."

PHOTO OF FRANK OLIVER BY BARBARAELEN KOCH, MAY 1993

***First wall cabinet (labeled Cabinet II):***

Frank Williams Oliver collected and read works in the areas of law, history, legal history, biography, philosophy, and classics. As we have seen, he also cited them in his briefs and quoted them in his arguments to the judge and jury. These three cases contain selected works from his collection.

## HISTORICAL WORKS

Top Shelf:

JOHN FROISSART, CHRONICLES OF ENGLAND, FRANCE, SPAIN, AND THE ADJOINING COUNTRIES.

London: 1839. 2 vols. Volume I of this set contains a magnificent full-color frontispiece, shown here.



GEOFFREY OF MONMOUTH, THE BRITISH HISTORY. London: 1718.

MATTHEW HALE, THE HISTORY OF THE COMMON LAW OF ENGLAND, AND AN ANALYSIS OF THE CIVIL PART OF THE LAW. London: 1820. 6<sup>th</sup> ed. with notes by Runnington.

WILLIAM OF MALMESBURY, THE HISTORY OF THE KINGS OF ENGLAND. London: 1815.

Lower Shelf:

SAMUEL WILLIAMS, A HISTORY OF THE AMERICAN REVOLUTION; INTENDED AS A READING BOOK FOR SCHOOLS.

New Haven: 1830. 11<sup>th</sup> ed. This book belonged to one of Frank Oliver's ancestors, Charles K. Williams, who served as Governor of Vermont from 1850-1852. His autograph appears at the top of the title page.

THOMAS HUTCHINSON, THE HISTORY OF THE COLONY OF MASSACHUSETTS-BAY. Boston: 1764. Hutchinson served as Governor of Massachusetts. This copy of Hutchinson's history is signed on the inside back cover by Frank Oliver's ancestor Samuel Williams, a professor at Harvard during the late eighteenth century.

***Second wall cabinet (labeled Cabinet III):***

## BIOGRAPHICAL WORKS

Top Shelf:

EDWARD HYDE CLARENDON, LIFE OF EDWARD, EARL OF CLARENDON.

Clarendon: 1759. This handsome folio volume contains an engraved portrait of the author.

JOHN LORD CAMPBELL, LIVES OF THE CHIEF JUSTICES OF ENGLAND. London: 1849.

JOHN LORD CAMPBELL, ATROCIOUS JUDGES. LIVES OF JUDGES INFAMOUS AS TOOLS OF TYRANTS AND INSTRUMENTS OF OPPRESSION. New York and Auburn: 1856. The biographical sketches in this volume were culled from Campbell's LIVES OF THE CHIEF JUSTICES by Richard Hildreth. Given the disputes Mr. Oliver had with some of Chicago's district court judges, one wonders if he might have been tempted to add a few sketches of his own.

Lower Shelf:

FLAVIUS JOSEPHUS, THE WORKS OF FLAVIUS JOSEPHUS, THE LEARNED AND AUTHENTIC JEWISH HISTORIAN, AND CELEBRATED WARRIOR, CONTAINING TWENTY BOOKS OF THE JEWISH ANTIQUITIES, SEVEN BOOKS OF THE JEWISH WAR, AND THE LIFE OF JOSEPHUS.

Philadelphia: 1829. 2 vols. Compiled by William Whiston. Josephus was a first-century Jewish historian whose works provide insight into first-century Judaism. This collection of Josephus' works includes his biography.

*Cabinet IV:*

## LEGAL AND POLITICAL PHILOSOPHY

CHARLES-LOUIS DE SECONDAT, BARON DE MONTESQUIEU, THE SPIRIT OF LAWS. Edinburgh: 1768. 2 vols. 4<sup>th</sup> English ed. Montesquieu (1689-1755) was a French political theorist who first published his most famous work, L'ESPRIT DES LOIS, anonymously in 1748. Rapidly translated into other languages, an English version appeared in 1750. Although banned by the Catholic Church, the treatise influenced the thinking of de Tocqueville and the framers of the United States Constitution,

among many others. Montesquieu advocated the separation of powers, protection of civil liberties, and adherence to the rule of law.

Both volumes contain beautifully engraved armorial bookplates of Ralph Leicester (shown here).

JEREMY BENTHAM, THE WORKS OF JEREMY BENTHAM.

Edinburgh & London: 1843. 11 vols. Bentham (1748-1832) was an English jurist, and a legal and social philosopher and reformer. He is best known as a proponent of the philosophy of utilitarianism.



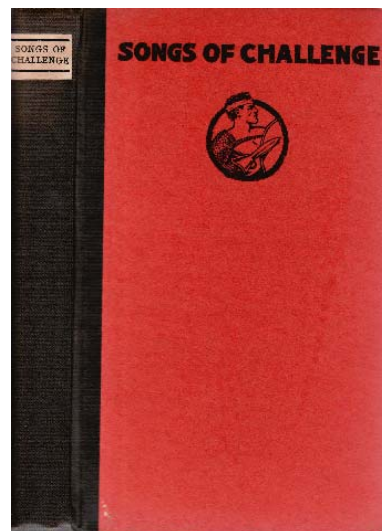
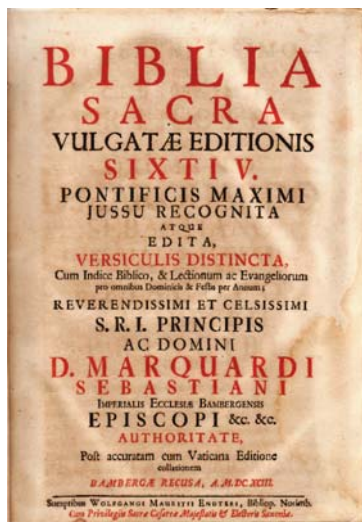
## AND TWO MORE TREASURES . . .

Two of the most striking and unusual books in Frank Oliver's private library are shown on this shelf: a magnificent 1693 Bible and an odd little volume of verse once owned by Clarence Darrow.

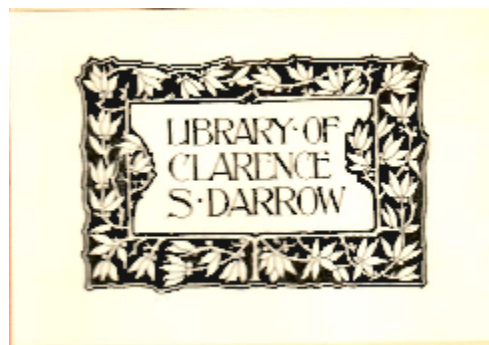
BIBLIA SACRA VULGATÆ EDITIONIS SIXTI V. Bamberg: 1693. This beautiful Bible was written in Latin, and published in Germany. It is bound in ornately tooled leather and features two working clasps that hold the book closed:



The title page is printed in red and black:



The book is opened to a magnificent engraved frontispiece:



ROBERT FROTHINGHAM, SONGS OF CHALLENGE.

Cambridge, Mass.: 1922. 1<sup>st</sup> ed.

This compilation of “poems of the human spirit” was once owned by the famous American lawyer Clarence Darrow, and features his bookplate (shown here). It appears that Frank Oliver purchased the book for \$20 at an unknown date.

*Cabinet V:*

## DICTIONARIES

As someone who recognized the importance of words, and who used them to masterful advantage in the courtroom, Frank Oliver not surprisingly owned a number of general and legal dictionaries in his rare book collection. Several of the most important and attractive volumes are on display in this case.

JOHN RASTELL, LES TERMES DE LA LEY. London, 1659. First published in 1527, this edition of Rastell’s early law dictionary was printed in English and Law French, the official legal language of the court in England at this time. This copy bears

many signatures of former owners, as well as a bookplate of Francis Gandouett, dated 1726 (shown here).

GILES JACOB, A NEW LAW-DICTIONARY. London: 1762. 8<sup>th</sup> ed. This important early English law dictionary is especially meaningful to the Boston College Law Library because it complements a gift of early American law books bequeathed to the library by Kitty Preyer, a leading scholar and number-one fan of Giles Jacob. This book joins many other works by Jacob, including several editions of the LAW DICTIONARY, in the library's rare book room collection.

JOHN COWELL, A LAW DICTIONARY: OR THE INTERPRETER OF WORDS AND TERMS, USED EITHER IN THE COMMON OR STATUTE LAWS OF GREAT BRITAIN. London: 1727. This important and controversial work was first published in 1607. Shortly thereafter it was ordered suppressed and burned by the House of Commons, whose members objected to what they saw as Cowell's unduly expansive view of the king's prerogative. Cowell was prosecuted by Sir Edward Coke, also featured in this exhibit. Coke no doubt found Cowell's views highly offensive to Parliament, as well as to the rule of law.

NOAH WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE. New York: 1828. 2 vols. Webster published his first American dictionary of the English language in 1806, and published the greatly revised and enlarged two-volume edition on view here in 1828, at the age of 70. This edition included some 70,000 entries and, like his first effort, contained American English spellings for words such as *center* and *honor*.

NOAH WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE. Springfield, Mass.: 1854. This edition, revised and enlarged by Chauncey Goodrich, contained all of the entries that were found in the 1828 edition, plus more material, all squeezed into one volume and printed in very, very, very small type.

### *Cabinet VI:*

## SIR EDWARD COKE

Among the rare books in Frank Oliver's private library are some very special editions of works by the famous English jurist Sir Edward Coke. These books enrich a generous gift of works by and about Coke given to the library several years ago by Professor Daniel R. Coquillette. Thanks to the generosity of, first, Professor Coquillette and now, Andrée Oliver, the Boston College Law Library has an exceptionally strong collection of works by and about Edward Coke. The library's newest Coke arrivals are on view in these two cases.

EDWARD COKE, THE FIRST PART OF THE INSTITUTES OF THE LAWS OF ENGLAND, OR, A COMMENTARY UPON LITTLETON, NOT THE NAME OF THE AUTHOR ONLY, BUT OF THE LAW IT SELFE. London: 1656. 5<sup>th</sup> ed. Coke's FIRST INSTITUTE, commonly referred to as "COKE UPON LITTLETON," is probably Coke's most famous work. In it, he analyzed an ancient English treatise on land tenures written several centuries before by Sir Thomas Littleton. Coke breathed life into Littleton's work by bringing it up to date through an extensive series of glosses, or critical commentary, on the original text. What resulted was a phenomenal work of scholarship that remained a touchstone of lawyers, and law students, for several centuries.

Nevertheless, the text was not easy to read, as the example in this case will illustrate. The book is opened to the beginning of the section on “Dower.” Littleton’s original text can be seen in the center and inside columns, in both English and Law French. Coke’s scholarly glosses appear in the outermost columns, surrounding Littleton’s text and continuing beneath it. Lawyers and students had to read Littleton’s text and Coke’s commentary together in order to make sense of it – not an easy task. Nevertheless, COKE UPON LITTLETON survived as the linchpin of a law student’s education until William Blackstone published his COMMENTARIES in the latter part of the eighteenth century.

EDWARD COKE, THE SECOND AND THIRD PARTS OF THE INSTITUTES OF THE LAWS OF ENGLAND.  
London, 1671. 5<sup>th</sup> ed. Both volumes contain a handsome engraved frontispiece of Edward Coke (shown here). Note all of the scraps of paper that Frank Oliver inserted into the three volumes in this display case; he really used his law books. Most of the scraps contain notes about cases or legal points that he probably intended to use in a legal brief, or in an argument before a court.

### ***Cabinet VII:***

Top Shelf:  
EDWARD COKE, THE SECOND, THIRD, AND FOURTH PARTS OF THE INSTITUTES OF THE LAWS OF ENGLAND.  
London: 1797. 4 vols. This attractive set includes three of Coke’s four Institutes. The SECOND INSTITUTE is an analysis of ancient English statutes, the THIRD INSTITUTE addresses treason and other crimes, and the FOURTH INSTITUTE discusses the jurisdiction of the courts.

EDWARD COKE, THE FIRST PART OF THE INSTITUTES OF THE LAWS OF ENGLAND; OR, A COMMENTARY UPON LITTLETON.  
London: 1809. 3 vols.



### COKE’S REPORTS

EDWARD COKE, THE REPORTS OF SIR EDWARD COKE, KNT.  
Dublin, 1793. 13 vols., bound as 5. This complete set of Coke’s REPORTS enhances the library’s strong collection of his REPORTS – some as old as 1600. Volume 5 is opened to *Boulston’s Case*, which reports a dispute between neighbors over a series of burrows that one of the neighbors had dug. These burrows enabled conies (rabbits or small rodent-like varmints) to proliferate to such an extent that they destroyed his neighbor’s crops. The court held that the burrow-digger had no property rights in the conies. Hence, he was not liable for any damage that the conies caused to his adjoining neighbor’s property. On the other hand, the neighbor had the right to kill any conies that came onto his property.

JOHN WORRALL, THE REPORTS OF SIR EDWARD COKE, KT. IN VERSE. WHEREIN THE NAME OF EACH CASE, AND THE PRINCIPAL POINTS, ARE CONTAINED IN TWO LINES.  
London, 1742.

This delightful volume contains two-line rhyming summaries of all the cases in the first eleven volumes of Coke’s REPORTS. It was probably intended as a mnemonic device to help lawyers and law students recall the cases. The fourth example on the title page (shown here) is a summary of *Boulston’s Case*, discussed above:

If neighbor cony-boroughs make,  
The conies I, in my own ground,  
may take.

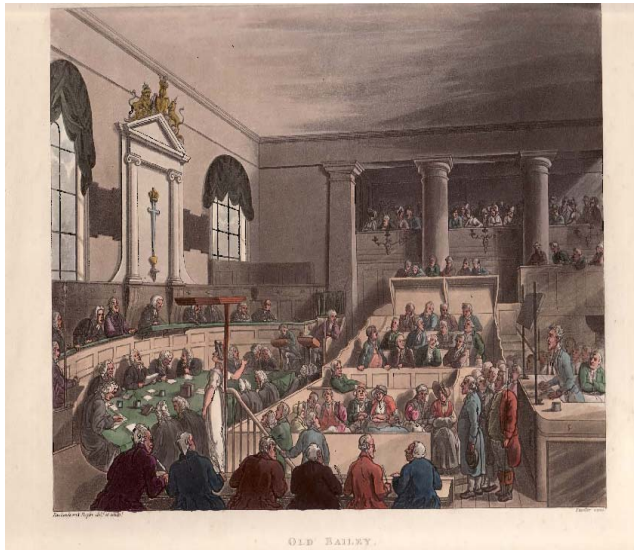
*Cabinet VIII:*

CRIMINAL LAW

Given the forty years that Frank Oliver spent practicing criminal law, it is not surprising that his private library is replete with many fine editions of classic criminal works. The final three cases of this exhibit feature some of the choicest examples in his collection.

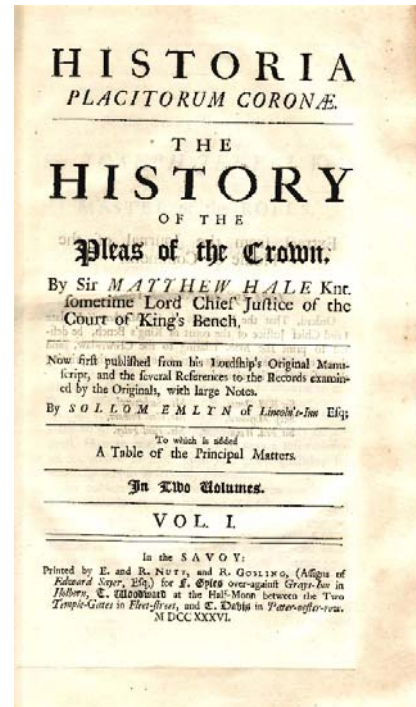
THOMAS ROWLANDSON (ENGRAVER),  
MICROCOSM OF LONDON.  
London: 1808-1811. Thomas Rowlandson, published a set of engravings of English government and law buildings known collectively as the MICROCOSM OF LONDON. This engraving of a courtroom scene circa 1809 shows the inside of London's criminal court, known as the Old Bailey. No doubt Frank Oliver would have seen much in this engraving that would have been familiar to him in his own work as a criminal defense attorney.

*Gift of Daniel R. Coquillette.*



MATTHEW HALE, THE HISTORY OF THE PLEAS OF THE CROWN.

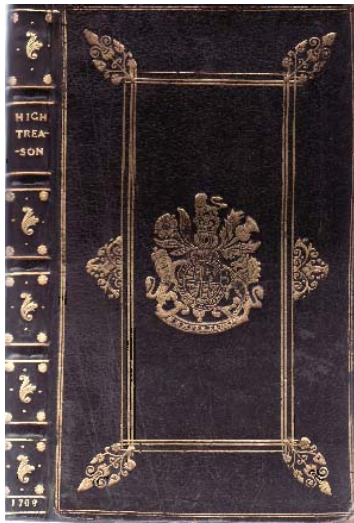
London: 1736. First edition; 2 vols. This magnificent work features an extra-large engraving of Sir Matthew Hale opposite the title page (shown here). Hale served as Chief Justice of the Court of King's Bench from 1671 to 1676.



***Cabinet IX:***

**Top Shelf:**

A COLLECTION OF THE SEVERAL STATUTES, AND PARTS OF STATUTES, NOW IN FORCE, RELATING TO HIGH TREASON, AND MISPRISION OF HIGH TREASON. London, 1709. This handsome little book is bound in black calf, and features extensive gold tooling on the covers and spine.



CESARE BECCARIA, AN ESSAY ON CRIMES AND PUNISHMENTS. London: 1769.

**Lower Shelf:**

EDWARD HYDE EAST, A TREATISE OF THE PLEAS OF THE CROWN. Philadelphia: 1806. 2 vols. Volume 1 is opened to the chapter on high treason. Volume 2 is opened to show Frank Oliver's delightful bookplate, which may be found in approximately half his rare volumes.

WILLIAM HAWKINS, A TREATISE OF THE PLEAS OF THE CROWN. London, 1824. 8<sup>th</sup> edition; 2 vols.

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

**FRANK OLIVER AND HIS BOOKS**

FRANCIS HARGRAVE, A COMPLETE COLLECTION OF STATE-TRIALS, AND PROCEEDINGS FOR HIGH-TREASON, AND OTHER CRIMES AND MISDEMEANOURS. London: 1776-1781. 4<sup>th</sup> ed. 11 vols. in 6. Since Frank Oliver spent his career as a criminal lawyer, it is somehow fitting to close this exhibit with a very special set of criminal law books. This magnificent set of six volumes (two are shown here) was printed on extra large folio pages, sometimes called "Royal" or "Elephant" folio to indicate their large size. One volume is opened to a 1678 report of the trial of William Stayley, a goldsmith, for high treason.

Also on view is a photograph of a smiling Frank Oliver standing in front of some of his beloved books. Some of these large volumes of Hargrave's STATE TRIALS can be seen on the third shelf.

