

## RECENT ARRIVALS TO THE RARE BOOK ROOM SPRING 2014

Welcome! Please browse through the exhibit, and learn about the new rare books, manuscripts, and other ephemera that we have added to our collection in the past two years.

We continue to focus on building a collection that holds books that would have been used by working lawyers in 16th-19th century England and then colonial and 19th century American lawyers. Some of our most intriguing additions are documents that came out of legal practice in the colonies and early America—writs, complaints, agreements, docket books, and more! You will also see that we continue to add to our Francis Bacon collection, which was on exhibit this past fall.

Enjoy!

Laurel E. Davis  
Curator of Rare Books & Manuscripts

### EXPANDING OUR WORKING LAWYER'S LIBRARY

#### ***Year Books of Henry IV and Henry V. London, 1605.***

The earliest form of case reporters, year books contained short reports of cases decided in the reign of a particular monarch. This printing from Thomas Wight contains reports from both reigns and has the initials "EC" blind-stamped onto the upper and lower covers. Could this copy have belonged to Edward Coke?



#### ***Le Liver des Assises & Plees del Corone. London, 1606.***

This year book is rather unusual in that it covers cases decided in the Courts of Assize—the local criminal courts around England and Wales—rather than just the courts at Westminster Hall. Its contents are from the reign of Edward III (1327-1377).

#### ***Henry Finch, Law, or, a Discourse thereof in Four Books. London, 1627.***

Often simply called *Finch's Law*, this treatise was first published in Latin as *Nomotechnia* in 1613. It is one of the few notable original works of legal literature to come out of 17th century England. Finch's attempt to synthesize the common law undoubtedly influenced later writers such as William Blackstone.

#### ***Matthew Hale, Pleas of the Crown: Or, a Methodical Summary of the Principal Matters Relating to that Subject...London, 1707.***

In addition to containing one of Hale's great works on criminal law, this little volume includes first editions of both his *Short Treatise Touching Sheriffs Accompts* (London, 1683) and his *Tryal of Witches at the Assizes...* (London, 1682). The latter work is a record of the witchcraft trials at Bury St. Edmonds in 1662, over which Hale presided. Two elderly widows were convicted by the jury on thirteen counts of witchcraft; Hale sentenced them to death, and they were hanged. These proceedings would greatly influence the Salem witchcraft prosecutions in 1692.

#### ***Richard Brownlow, A Book of Entries. London, 1693.***

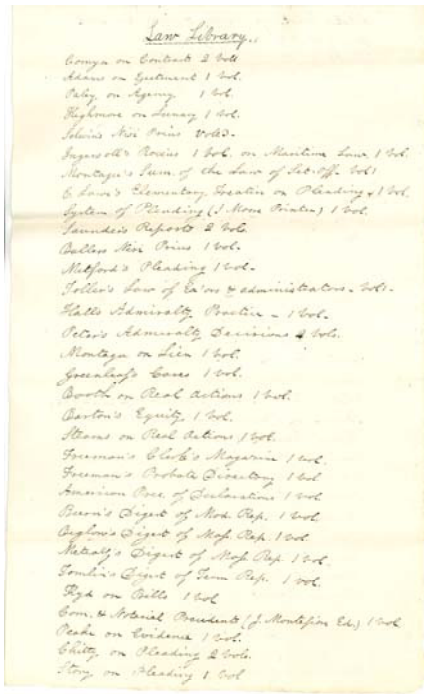
Lawyers have always loved forms for pleadings, motions, and other court filings. Why start from scratch? This 17th century formbook includes declarations, pleas, demurrers and many others.

#### ***[Joseph Story], American Precedents of Declaration. Boston, 1802.***

This compilation of precedents, or forms, was printed in Salem and published anonymously in Boston. Many scholars now attribute it to Joseph Story, who was practicing at the time in Salem. Story would later become a U.S. Supreme Court Justice and influential Harvard Law professor.

#### ***John Mitford, A Treatise on the Pleadings in Suits in the Court of Chancery by English Bill. London, 1787.***

Mitford's work, like *American Precedents*, appears on Deane's inventory below and was a common presence in 19th century American libraries. The English Court of Chancery was an equity court that heard matters involving trusts, land law, and guardianships; it was not replicated in most U.S. jurisdictions, but early American attorneys certainly handled similar issues.



**Cat. of J. G. Deane's Lib, [Portland, ME] AD 1826.**

This law library inventory is probably that of Portland, Maine attorney Joseph G. Deane, a well-known practitioner at the time. The 97 titles in the inventory, which was probably created for insurance purposes, include case reporters, form books, and treatises. Many of them are titles that

we own as part of our working lawyer's collection. That collection was built based on an analysis of the libraries of practitioners like Deane. Indeed, the two books above were acquired to fill in gaps in our working lawyer's collections, and they are both reflected on this first page of the inventory.

**William Oldnall Russell, *Treatise of crimes and indictable misdemeanors.* London, 1826-28.**

Russell (1785-1833) was an English lawyer and judge, educated at Lincoln's Inn, who gained the post of Chief Justice of Bengal in 1832. This is the second edition of Russell's best known work, which would go through twelve editions, the final one being published in 1964. It was enormously successful in America, where seven editions were published.

***Writ of Execution and Warrant for the Arrest of Henry Smith for Debt.* Boston, 1691.**

This colonial court document comes out of a contract dispute between shipwright Henry Smith and Thomas Doughty. In October 1690, Doughty obtained a judgment against Smith, who apparently failed to pay up. In this writ, Joseph Webb, clerk of the Suffolk County Court from 1690-1698, orders the Marshall General or his deputy to find Smith and obtain satisfaction of the judgment. As Leavitt's book on pauper law to the right makes clear, this was a time of debtors' prisons. If Smith refused or wasn't able to pay the judgment, he would have been arrested per Webb's writ.

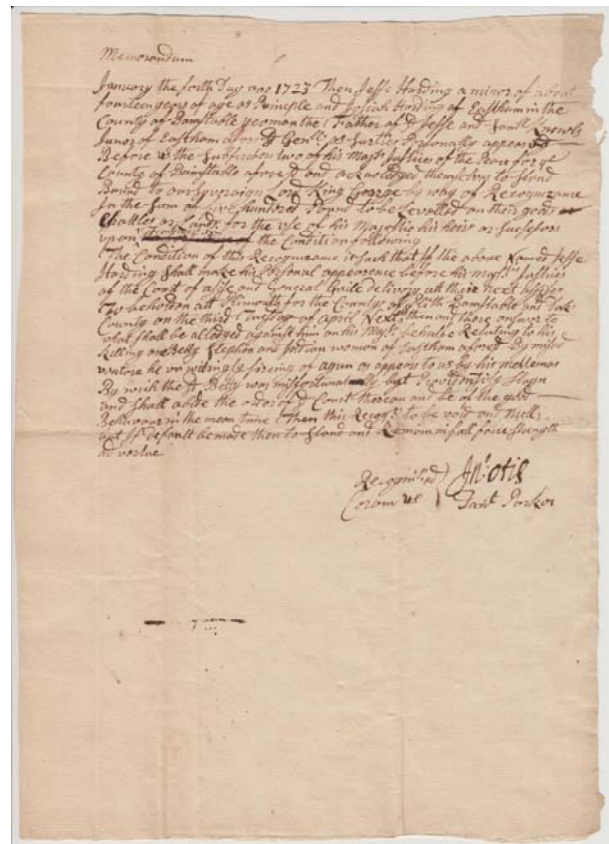
**Jonathan Leavitt, *A Summary of the Laws of Massachusetts, Relative to the Settlement, Support, Employment and Removal of Paupers.* Greenfield, Mass., 1810.**

Unlike the other works in the first few cabinets, this humble book was not necessarily widely read, and it only exists in this one edition. However, it is an early example of a law book published in the U.S. about U.S. law and easily could have been a useful part of a Massachusetts practitioner's library.

**REAL CASES, REAL PEOPLE**

***Jesse Harding Recognizance about Killing the Indian.* Eastham, Mass., 1723.**

Harding, a fourteen year-old laborer in Eastham, was indicted for the murder of Betty Stephen, identified as an Indian woman. This recognizance holds Harding to a bond of 500 pounds. Some background research by Michael von der Linn at Lawbook Exchange led to a summary of the subsequent findings by the grand jury. Apparently, despite finding that Jesse fatally shot Betty in the neck in an act of premeditation, the grand jury returned the bill of indictment with the notation "ignoramus," which means that the bill was rejected and the parties discharged. One has to wonder how much the victim's race, as well as the accused's age, factored into the grand jury's determination.



***Ichabod Allis Complaint against Medad Negro. Hatfield, Mass., 1746-47.***

Medad Negro, identified as the manservant of Seth Dwight, is accused of burning down Allis's barn. Medad apparently confessed. On the back of the complaint, we can see that three witnesses—Elisha Allis (presumably the son of the complainant), David Belding, and Jonathan Bardwell, put up 10 pounds bond each to testify. Israel Williams, the Justice of the Peace who wrote the complaint, references Medad being jailed and bound over for trial in Springfield.

***George Moutard Woodward, Justice [and] Attorney. [London], c. 1785.***

Woodward's caricature plays on the differences between justices of the peace and attorneys. The justice of the peace has a scruffy little dog and a haughty looking assistant; he also has a common J.P. manual (Burn's Justice) open on the table before him. In the adjacent pane, the lawyer is excited to get a new client bringing in business in the form of a presumably lucrative lawsuit. The Leib manuscript below and the items in the next case give us a glimpse into the lives of some real justices of the peace and attorneys.

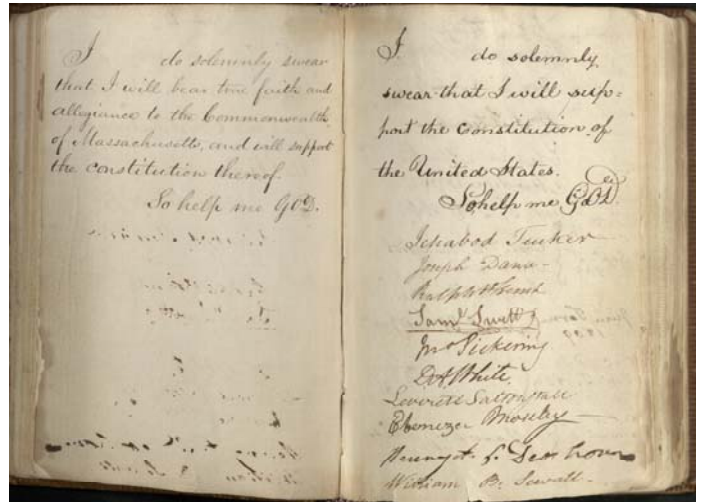


***Records Kept by Constable and Justice of the Peace Moses Leib. York County, Penn., 1858-1865.***

No mere caricature, Moses Leib handled many serious cases as a justice of the peace in York County, Pennsylvania. In this book, he documented recorded depositions and tracked his expenses. He handled a wide range of cases from defaults on promissory notes to assaults and batteries. There a quite a few with women alleging some type of sexual assault.

***Massachusetts Supreme Judicial Court, Bar Book 1797-1910.***

This manuscript contains a tremendous amount of information about practice before the S.J.C.. You can see the original rules of the S.J.C., followed by the oath administered to lawyers trying cases before the court and their signatures accepting the oath. What a concrete connection between us and over a century of Massachusetts bar leaders!



***Agreement between William Thurston and John M. Fiske. [Boston], 1819-1821.***

This partnership agreement between two Boston attorneys illustrates the business side of operating a law practice. Thurston and Fiske's partnership lasted three years; a note dissolving the partnership appears at the end, dated Dec. 31, 1821. A particularly charming provision puts responsibility on Thurston for taking care of "the expenses of the Office, including Rents, Taxes, Stationery, Wood & Candles, together with the wages of the Office Boy[...]"

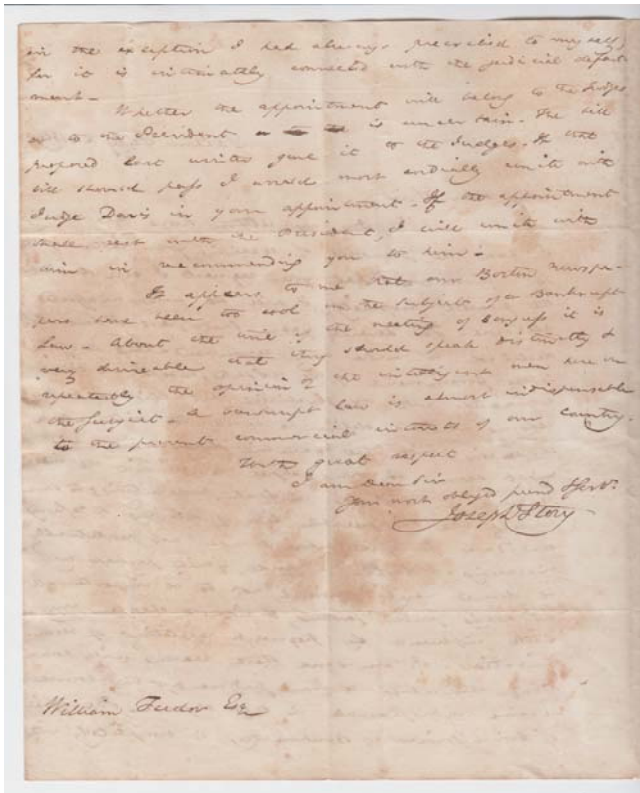
***\$25.00 reward! Broadside. Dracut, 1874.***

Would the selectmen of Dracut still honor this reward promise for nabbing fruit thieves? Interestingly, our Advanced Legal Research students determined that the underlying statute is still on the books, albeit with a slightly tougher penalty!

***Joseph Story letter to William Tudor. Salem, 1819.***

The contents show a rare glimpse into the opinion of an active Supreme Court justice on a matter before the U.S. Congress. Story was a longtime supporter of federal bankruptcy legislation. The first federal Bankruptcy Act, adopted in 1800, had been repealed in

1803. When this letter was written, Congress was considering a new bankruptcy bill, which Story clearly supported. His correspondent, William Tudor, had asked for Story's support in securing a position as a Commissioner of Bankruptcy under the new legislation, if passed. Story voices his support while noting that it's unclear who would have the power to make the appointment--the executive or the judiciary. In the end, the law that was the subject of the letter failed to pass, but another one that Story actually helped draft was ultimately passed by Congress in 1841.



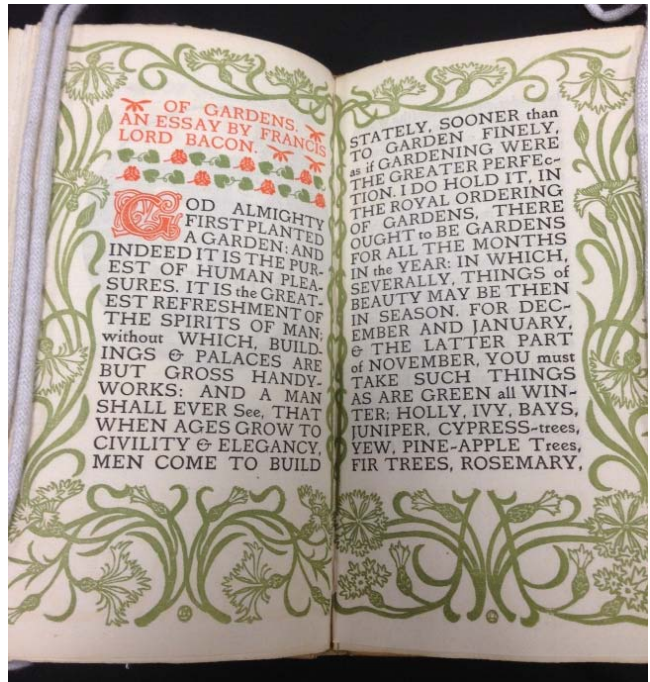
**CONTINUING TO BUILD BACON**

**Francis Bacon, *Novum Organum Scientiarum*. Leiden, 1645.**

This work was the centerpiece of Bacon's planned masterwork on science and philosophy, which he called the *Instauratio Magna*. In the *Novum Organum*, Bacon detailed his view that inductive reasoning is the best method for scientific inquiry. This new acquisition is the second edition, which was published in Latin (the first is in English). The title page features a ship boldly pushing past the Pillars of Hercules, a mythical symbol of the outermost bounds of knowledge. The Latin phrase beneath the picture comes from the Book of Daniel and roughly translates as "Go through and increase knowledge."

**Francis Bacon, *Of Gardens*. London, 1902.**

This gorgeous book was printed at the Eragny Press, an English press owned and operated by Lucien Pissarro (son of the great impressionist Camille) and his wife, Esther. It's a stunning little book, printed on handmade paper with beautiful type and borders. Two-hundred twenty-six copies were printed, and 200 of those were offered for sale. This copy once belonged to Leonard Baskin (1922-2000), the American sculptor, art professor at Smith College, and founder of the Gehanna press, which printed its own edition of *Of Gardens* in 1959.



**GENEROUS GIFTS**

***Reports of Sir George Croke*. London, 1657.**

*Gift of Daniel R. Coquillette*

***The First, Second and Third Parts of the Reports of Sir George Croke*. London, 1683.**

This set and the 1657 edition both contain cases decided by Sir George Croke (c. 1560-1642), a judge under Elizabeth I, James I, and Charles I. Each volume in this set is dedicated to each of their reigns. The books were owned by Levi Lincoln (1749-1820) and contain marginalia in his hand. Lincoln was a Revolutionary War soldier; a drafter of the U.S. Constitution, counsel in the landmark *Quock Walker* case that deemed slavery inconsistent with the dictates of the Massachusetts Declaration of Rights; governor of Massachusetts; and U.S. Attorney General under Thomas Jefferson.

*Gift of Daniel R. Coquillette*