

# THE DAN COQUILLETTE GIFTS: Treasures from a Dean, Scholar & Teacher



Boston College Law Library  
Daniel R. Coquillette Rare Book Room  
Spring/Fall 2024

**THE DAN COQUILLETTE GIFTS:  
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*Curated by*

Laurel Davis

BOSTON COLLEGE LAW LIBRARY  
DANIEL R. COQUILLETTE RARE BOOK ROOM  
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## ACKNOWLEDGMENTS

*First and foremost, I want to thank Professor Dan Coquillette, J. Donald Monan S.J. University Professor from 1996 through this June 2024, for his invaluable support to the Rare Book Room and the library. This support came through the book donations celebrated here but perhaps more importantly, through his kindness, enthusiasm, and advocacy for libraries, special collections, and the preservation of print materials. I feel fortunate to know that the larger community and I will remain connected to Dan through calls, emails, and the Rare Book Room even after his retirement from BC Law.*

*Next, a huge thanks to Dean Filippa Anzalone for encouraging this exhibition and the surrounding celebrations and to Professor Mary Bilder for flagging the occasion of Dan's impending retirement as the perfect time to highlight his past book donations. Mary and I, along with our colleague Kyle Fidalgo, had a wonderful time filming a video interview with Dan that gave us great insights and important documentation of his experiences as a book collector and scholar. I'm grateful for the time that Mary, Kyle, and Dan spent on that project.*

*To Alex Barton, Maja Hight-Huf, Lily Dyer, and the rest of the Law Library staff—thank you for your help in a myriad of ways, including catching my typos and errors. Any remaining are mine. ~LD*

## PROFESSOR DANIEL R. COQUILLETTE



Dan Coquillette began collecting rare law books years before he joined the BC Law community as dean (1985-1993). In the late 1960s as a graduate student at Oxford, Professor Coquillette had a generous book allowance of £2000 with his Fulbright scholarship. He was bitten by the collecting bug after volunteering to catalog some rare books from the 16th and 17th centuries in one of the Oxford libraries. Since any unused funds went back to the U.S. State Department, he started visiting rare book dealers in Oxford and London.

Professor Coquillette's first acquisition was a Breeches Bible (an important edition preceding the King James Bible) and then a 1561 edition of *The Canterbury Tales* (Cabinet 10). He soon realized that old law books were vastly underpriced compared to those on other subjects—and he knew their significance from his legal history and Roman law courses. One of the first legal treasures he acquired was the famous *Pisan* or *Florentine Pandects*, shown in Cabinet 1. Around the corner from Professor Coquillette's flat, a bookseller worked out of an attic space. The man was a Jewish refugee from Nazi Germany; he had escaped with the most valuable books that he could carry. The two became friendly, and the bookseller explained the importance of the 3-volume set before offering it to the newly minted student collector at an affordable price.

In the months and years that followed, Professor Coquillette established relationships with more booksellers in England and the U.S. and began building a “working lawyer's library.” These are books that actual law students and lawyers would have needed to do their work in the 16th, 17th, and 18th centuries. Once that collection was complete, he wanted to donate it to Boston College for law students to learn

about in their courses, use for their studies and scholarship, or simply come view out of curiosity.



In the late 1990s, Professor Coquillette donated a few treasures to the newly created Rare Book Room (dedicated in his name in 1996) before initiating large, annual donations from 1999-2007. These gifts included the books in that working lawyer's library. They also included important Roman law texts and other books used in his scholarship, such as law review articles on the English Civilians (Cabinets 6 & 7) and his work on Francis Bacon (Cabinet 8). Another Bacon book is currently in the works to join

the first one on library shelves, alongside his two-volume history of Harvard Law School, five-volume set on patriot Josiah Quincy Jr., and many books and articles on legal ethics, legal history, and civil procedure.

We are thrilled to share some of his donations in this exhibit and grateful that he has entrusted the Law Library to care for and grow this invaluable collection for future generations.

## CABINET 1

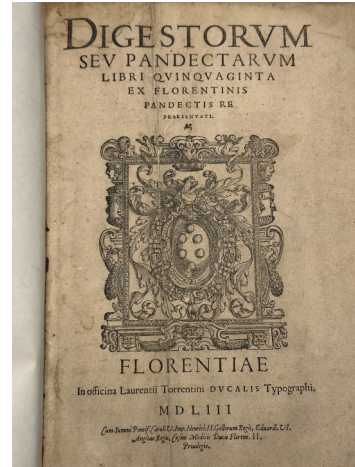
### ROMAN LAW

Students in Professor Coquillette's Anglo-American Legal History class visit the Rare Book Room throughout the semester. The first visit focuses on Roman law books, some hundreds of years old. They learn about the enduring impact of Roman law in continental Europe, as well as its influence on Anglo-American law, by

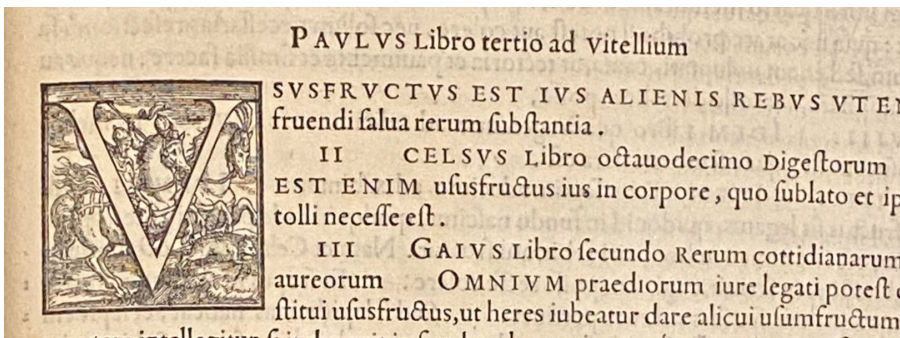
looking at key editions of the three main texts that comprise the *Corpus Juris Civilis*. This “body of civil law,” which forms the legal foundation for many modern European countries, was compiled by order of Emperor Justinian in the 6th century. It includes a Codex of Roman imperial edicts, the *Digest* or *Pandects*, and the *Institutes*.

**[The Pisan or Florentine Pandects] Digestorum Pandectarum. Florence, 1553.**

This is the first printed edition of the *Digest* or *Pandects*, a compendium of the writings from Roman jurists like Ulpian, Paulus, and Gaius. It originated from a 6th/7th-century manuscript that came to the Medici family in Florence in 1406. The set, a pinnacle of Renaissance printing, took over 12 years to complete. It includes dozens of historiated initials, including the one shown below of a battle scene. Professor Coquillette acquired this treasure from a local bookseller at a student-friendly price during his time at Oxford.

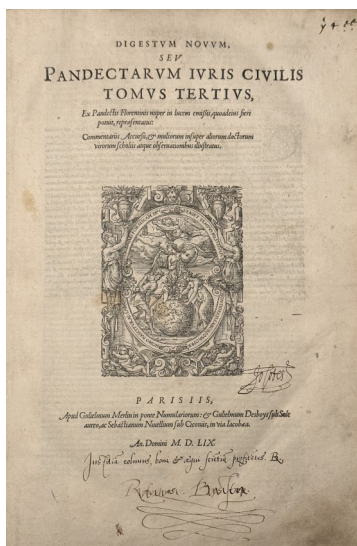


*“This is the height of Florence culture, and it’s absolutely beautiful. [The bookseller] gave me a price which even a law student could afford. . . I always thought that he essentially gave it to me. Since then, I have never seen one for sale. They’re incredibly rare, and they’re a tremendous tool because they’re exact copies of the one great surviving Roman text.”*



## ***Digestum Novum, sev Pandectarum Iuris Civilis.* Paris, 1559.**

This French edition of the *Digest* was once owned by Robert Byssshop, an English civilian lawyer (see Cabinets 6 & 7) who worked regularly with Roman Law. You can see Byssshop's signature at the bottom of the title page. The endpapers, shown here, were reused from an illuminated manuscript. The pages were identified by one of Professor Coquillet's curious students as Christmas music from a 15th-century liturgical book.



## **CABINET 2**

### **ROMAN LAW: THE *INSTITUTES***

Students always marvel at (and envy) the small volumes of the *Institutes*, the law student textbook portion of the *Corpus Juris Civilis*. As Professor Coquillet writes in his textbook, *Anglo-American Legal Heritage*, the *Institutes* drew on the *Digest* and became one of the most widely read and influential law books of all time. Students in law programs across the world still study it. It is concise, clearly organized by topic,

and includes simple illustrations of the propositions contained therein (much like the American Law Institute's *Restatements*).

### ***Institutiones Imperiales. Paris, 1507.***

This early-16th-century printing of the great Roman law textbook includes a woodcut illustration of Emperor Justinian flanked by lawyers and clergy—with two dogs playing in the foreground. On the right, you can see the original text of the *Institutes* in that central “box.” The later commentary from jurists (known as the “gloss”) flows around it.



### ***Institutiones d. Justiniani. Amsterdam, 1654.***

This edition of the *Institutes* came from the Elzevir press, a famous 17th-and-18th-century Dutch printing house known for their tiny books. The title page features Lady Justice, blindfolded with a sword in one hand and scales in the other. Justinian is depicted on the platform behind her on the left; on the right, his jurists are shown consulting their sources.







## Vultejus' Institutes. Marburg, Germany, 1613

This edition of the *Institutes* features the commentaries of German law professor Hermann Vultejus (1555-1634). You can see the stamp of the Jesuits in the vellum binding, with a circle encompassing the cross over IHS, the Latin initials for Iesus Hominum Salvator (“Jesus, Savior of Mankind”). It presumably came from a Jesuit library, where Roman and canon law were actively studied by members of the order.

Professor Coquillette’s gifts of Roman law books also included a 1475 printing of Justinian’s Code from Nuremberg, Germany. It is one of several incunabula (texts printed before 1501) in the collection and is a student favorite for class visits. Though too large and bulky to be safely displayed in the exhibit, an image is shown of the first page to the right. The blue initials and some of the red lettering was done by hand after printing, but the black gothic type and some of the red text were done with multiple pulls of a printing press. The woodcut illustration depicts Emperor Justinian with his council.



# CABINET 3

## THE ANGLO-NORMAN ERA

After the Romans withdrew in the 5th century, England was governed largely by the customary norms of various Anglo-Saxon tribes. Few written records survived. A new era began with the Norman invasion from northern France in 1066. Norman

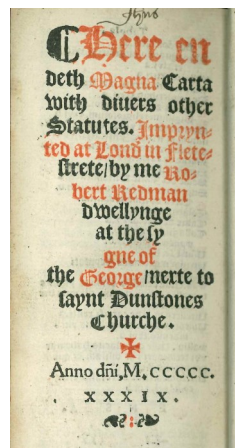
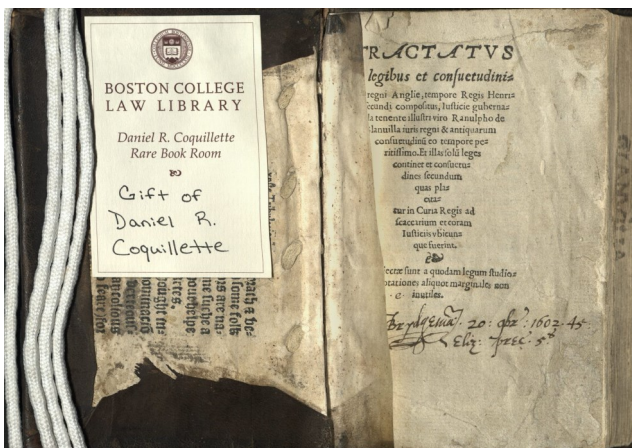
administrators immediately started documenting land holdings in the great Domesday Book to aid in the collection of taxes. And the roots of the modern English legal system soon began to form. By the early 1200s, the Normans had established a professional bureaucracy and judiciary, a system of central courts (supported by a formal pleading system), a rudimentary theory of constitutionalism, and the beginnings of a professional legal literature.

**Ranulf de Glanville, *Tractatus de Legibus et Consuetudinibus Regni Anglie*. London: Richard Tottel, [1554?].**

Considered the first English legal treatise, Glanville's *Treatise on the Laws and Customs of the Kingdom of England* essentially is a procedural manual and form book, with over eighty model writs (roughly equivalent to modern summonses and complaints) and commentary to guide practitioners in the King's Courts. Glanville (d. 1190) was Chief Justice under Henry II.

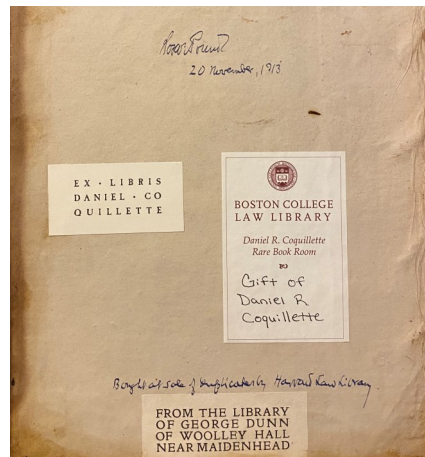
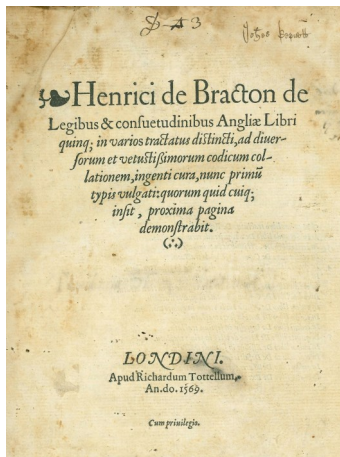
***Magna Carta*. London: Robert Redman, 1539.**

The Magna Carta, sealed in 1215, is a foundational document in the development of constitutional principles and individual rights. In reality, it largely restated past customs and norms that King John pledged to uphold after abusing and ignoring them for years. However, the written statement of the rights of the governed made it a great symbol of the idea that even rulers are subject to the law.



**Henry Bracton, *De Legibus et Consuetudinibus Angliæ*. London: Richard Tottel, 1569.**

Written around 1230 and typically referred to simply as “Bracton,” this treatise was described by legal historian F.W. Maitland as “the crown and flower of English jurisprudence.” It goes beyond being a mere practitioner’s guide on English common law and delves into constitutional and legal theory. Bracton has been cited almost 50 times by the U.S. Supreme Court. This is the first printed edition and was part of the Harvard Law Library collection before being purchased by Dean Roscoe Pound in a 1913 sale of duplicates. Professor Coquillette also donated a copy of the 1640 edition owned by Isaac Parker, SJC Chief Justice and first Harvard Law professor.



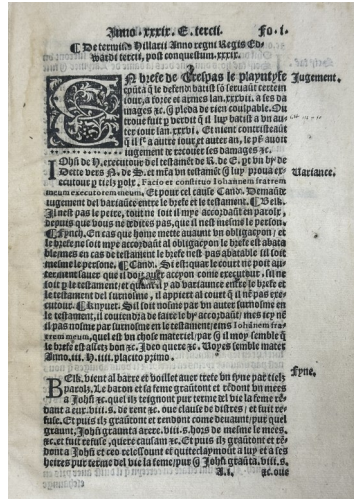
## CABINET 4

### LEGAL PRACTICE: CASES & STATUTES

Lawyers in 13th-19th-century England needed quick access to relevant cases and statutes in the same way that modern lawyers do. Over the years, the publication of case reports and statutory compilations evolved, along with tools like abridgments for quick access by topic.

***Year Book of Edward III.* London: Robert Redman, 1534.**

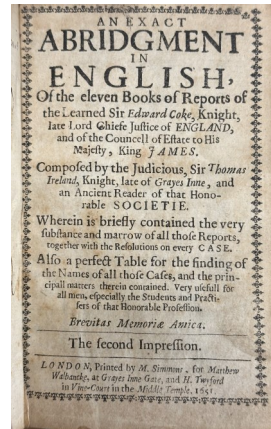
Year Books are an ancestor of the modern case reporter. Spanning from 1272 through 1535, they were compiled anonymously, probably by law students. The “reports” focus on the complex procedural exchange between lawyers and judges—not on the legal reasoning or the final decision, which often goes unreported. This volume contains cases from the Hilary term (“de termino Hillarii”) of the 39th year of the reign of Edward III (“Anno xxxix E. Terci”)—hence “Year Book.”



***Les Reports de Edward Coke.* London, 1600.**

***An Exact Abridgment in English, of the Eleven Books of Reports of the Learned Sir Edward Coke.* London, 1651.**

Known simply as “The Reports,” the law reports compiled by Sir Edward Coke (1552–1634) are unparalleled in terms of use and citation; they focused on judicial reasoning far more than earlier Year Books. To aid practitioners in finding relevant cases, subsequent authors created abridgments. These are arranged by topic and provide a brief summary of and citations to the full cases in the Reports. Professor Coquillette also donated important Year Book abridgments.



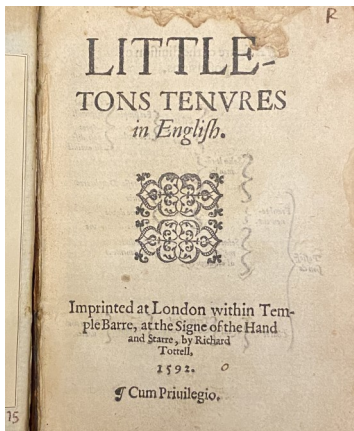
**William Rastell, *Collection of all the Statutes, from the Beginning of Magna Carta. . .* London, 1566.**

An important early statutory compilation, Rastell’s work is arranged alphabetically by subject (e.g., “matrimony and marriage”) and includes references to relevant stat-

utes, including provisions in the Magna Carta. This source provided an important supplement to sources that simply arranged the text of statutes chronologically.

## CABINET 5

### COKE & LITTLETON



Professor Coquillette talks with students about the various types of professional literature used by lawyers over the centuries, from treatises and practitioner manuals to formbooks and dictionaries. Since much early litigation surrounded property rights, students learn about feudalism and its system of tenures (the various ways to hold property—knight’s service, freehold, villeinage, etc.) and estates (the period of time that a landholder’s interest lasts—fee simple, fee tail, life estate, etc.) At the same time, they learn about and get to see Thomas Littleton’s 15th-century treatise on land law and Sir Edward Coke’s later commentary on that treatise.

#### **Thomas Littleton, *Littleton’s Tenures*. London: Richard Tottel, 1592.**

First published in 1481, Littleton’s tiny treatise is a fundamental work on property law in medieval England. It covers the ways that land could be held under the feudal system, along with the rights and obligations that flowed therefrom. This copy is interleaved with blank pages for notes.

#### **Edward Coke, *The First Part of the Institutes of the Lawes of England, or a Commentary upon Littleton*. London, 1639.**

Coke’s legacy as a legal writer includes his *Reports* (previous cabinet) and his *Institutes*, a four-part series of legal treatises on topics including property, contracts, criminal law, and jurisdiction. This first part is on property law and is structured as

a commentary on Littleton's *Tenures*. The three columns of text represent Littleton's work in Law French, the same in English, and then Coke's commentaries on the right in English. Littleton is depicted on the left in his Serjeant-at-Law coif.



**William Hawkins, *An Abridgment of the First Part of My Lord Coke's Institutes*. London, 1725.**

This abridgment provides practitioners with quick and portable access to the contents of Coke's commentaries on Littleton's *Tenures*. It works in exactly the same way that case law and statutory abridgments do.

◀ **CABINET 6** ▶

## THE EARLY ENGLISH CIVILIANS

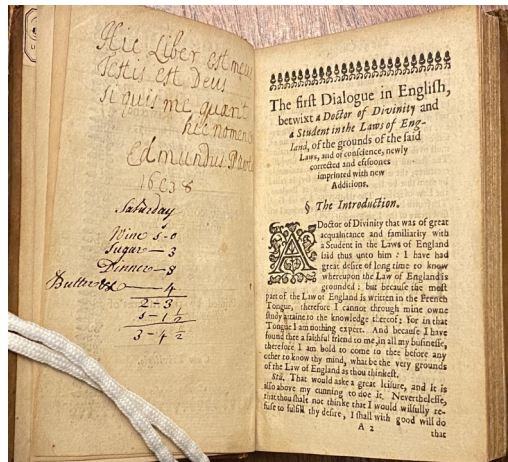
A significant portion of Professor Coquillette's scholarship and gifts covers the English civilians, a specialist group of lawyers that practiced civil law (derived from Roman law, in contrast to English common law). Their primary areas of practice were *ecclesiastical* (mainly divorce and probate) and *admiralty* (disputes arising out of

maritime trade). The civilians' London home was called the Doctors' Commons or the College of Civilians, and there were bitter battles over jurisdiction between the civilians and common lawyers. Professor Coquillette argues that one of the lasting impacts of the civilians was their legal methodology and humanistic study of other legal traditions. They were “pioneers of English comparative legal studies and the study of public international law in England.”

*“[A civilian proctor] is to some faded courts held in Doctors’ Commons—a lazy old nook near St. Paul’s Churchyard—what solicitors are to the courts of law and equity . . . . It is a place that has an ancient monopoly in suits about people’s wills and people’s marriages, and disputes among ships and boats.”* —James Steerforth to David Copperfield

**Christopher St. German, *The Dialogue in English, between a Doctor of Divinity, and a Student in the Laws of England*. London, 1638.**

Professor Coquillette describes St. German (1457–1539) as the “spiritual grandfather” to the first generation of English civilian writers, even though he himself was a common lawyer. Structured as a discussion between a civilian lawyer and a student of the common law, this is an early English attempt at a comparative legal analysis. Professor Coquillette’s copy has some doodles about expenses, including wine, sugar, and butter, on the page before the introduction.



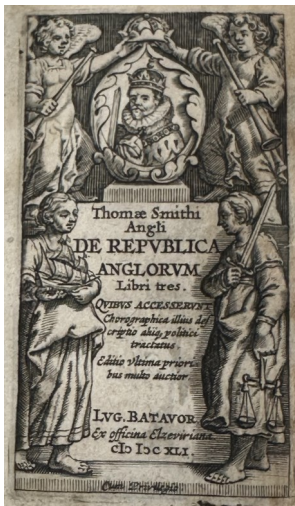
**Thomas Smith, *Angli De Republica Anglorum*. Leiden, 1641.**

Smith was trained in civil law at Padua and became the first Regius Professor of Civil Law at Cambridge in 1540 upon that chair’s founding by Henry VIII. He was admitted to the Doctors’ Commons in 1574. This is a Latin, Elzevir press edition of

his *Commonwealth of England*, an explicitly comparative work that compares the laws and constitution of England to those of other European nations.

**Alberico Gentili, *De Jure Belli*. Hanover, 1612.**

Gentili (1552-1608) was an Italian-English pioneer in the articulation of human rights and the laws of war and an intellectual forebear to the great Hugo Grotius. He taught at Oxford and practiced in the Admiralty court; he also was a tutor to Elizabeth I. This work, *On the Law of War*, is considered the first English treatise on public international law.



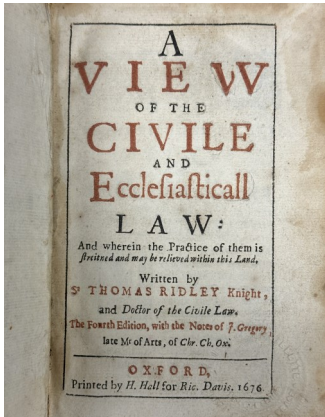
**CABINET 7**

**NEXT-GEN ENGLISH CIVILIANS**

Professor Coquillette's research on the English civilians led to the publication of four articles in the *Boston University Law Review*. Those articles move chronologically from the first generation of civilian writers (covered in the previous cabinet) to the



ultimate dissolution of their professional home and library at the Doctors' Commons in 1858. Through the centuries, he carefully traces their contributions to the development of English law and legal studies.



**Thomas Ridley, *A View of the Civil and Ecclesiastical Law*. Oxford, 1676.**

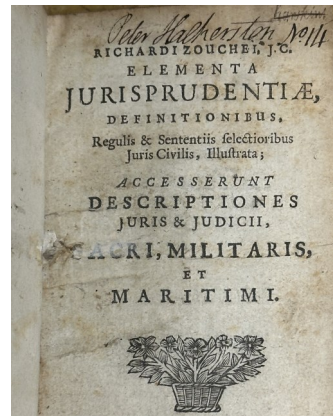
Ridley (1549-1629) was the next major civilian writer after first-generation thinkers like Thomas Smith, Alberico Gentili, John Cowell, and William Fulbecke. Instead of trying to synthesize common and civil law, he focused on solidifying the civilian specialties, particularly admiralty law, against attacks from common lawyers like Edward Coke and incursions into their jurisdiction and business.

**Robert Wiseman, *The Law of Laws*. London, 1686.**

Professor Coquillette explains that, in this book, Wiseman (1613-1684) set out to demonstrate that civil law often was superior to common law, including in its evidentiary standards and standards of review. Wiseman lauded the rational process of the civil law system and admired its resistance to a slavish adherence to judicial precedent. He did not reject common law but urged looking to civil law heritage when appropriate.

**Richard Zouche, *Elementa Jurisprudentiae*. Amsterdam, 1652.**

Zouche (1590-1662) was a judge and great defender of the Admiralty Court. This was the first in a series of eight books that Zouche wrote over the course of decades to outline “his grand ‘system’ for legal knowledge.” Professor Coquillette describes him as the first empirical English theorist of public international law and of the private international law of ships and merchants.



## FRANCIS BACON

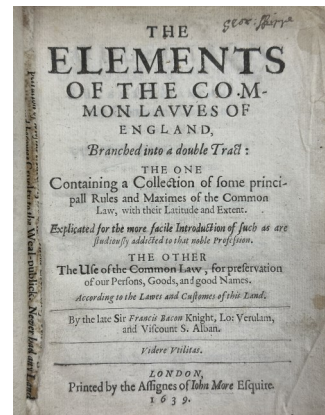


In 2006 and 2007, Professor Coquillette donated two installments of books by and about Sir Francis Bacon (1561–1626), the English scientist, philosopher, politician, and lawyer. Bacon was a common lawyer but admired the civilian tradition of codification and the elimination of archaic laws in favor of those responsive to current legal and social realities. Professor Coquillette used many of the donated books for his own scholarship, namely his book *Francis Bacon* (Stanford Press, 1992).

*“Although I am a professor of the common law, yet am I so much a lover of truth and of learning, and of my native country, that I do heartily persuade that the professors of that law, called civilians, because the civil law is their guide, should not be discountenanced nor discouraged: else whensoever we shall have ought to do with any foreign king or state, we shall be at a miserable loss.”*—Francis Bacon

**Francis Bacon, *The Elements of the Common Lawes of England . . . A Collection of Some Principall Rules and Maximes*. London, 1639.**

This is the earliest of Bacon’s legal texts, written around 1597. It is a selection of 25 maxims from common law and civilian sources, such as “Necessity introduces an exception into the rights of individuals.” Bacon follows the brief statement of the maxim with analysis, examples, and exceptions. Rather disjointed and mysterious,

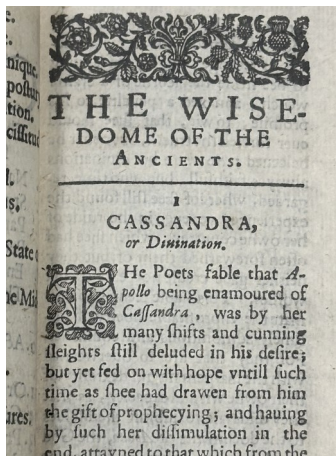


Bacon's *Maxims* has been recognized as one of the first English legal works to delve into policy considerations behind existing legal doctrines.

***A Speech Delivered by Sir Francis Bacon . . . Concerning the Article of Naturalization of the Scottish Nation.* London, 1641.**

Bacon was a favorite of King James I, who wanted the unification of England and Scotland. Some of Bacon's political and legal writings were on this proposed union, which did not occur until 1707.

*"Francis Bacon remains one of the most controversial and important of all of the big figures at the beginning of the modern period. While books like his Essays and The Advancement of Learning have been widely discussed, the most popular and widely printed of the books published during his life is a tiny volume describing and analyzing 31 Ancient Greek myths, The Wisdom of the Ancients. In recent times, this volume has been widely overlooked. Why? My book argues that it was written in Code, and actually contains a powerful summary of Bacon's fundamental ideas which, given Bacon's high political position, was too dangerous to set out plainly, joining other great coded books, like Cervantes' Don Quixote and Melville's Moby Dick." —Professor Coquillette on his forthcoming book, The Mystery of Wisdom of the Ancients: Cracking the Baconian Code*

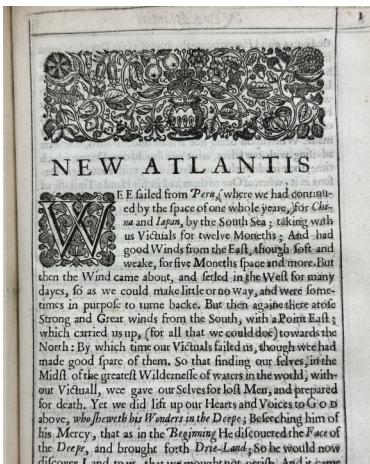


**Francis Bacon, *The Wisedome of the Ancients.* London, 1619.**

Professor Coquillette is currently writing a book on this miniature Bacon volume, which examines 31 Greek myths. It opens with the myth of Cassandra, the Trojan priestess who was given the gift of prophecy but cursed to never be believed. It was the most popular of Bacon's works during his life. The book will argue that it was written in code, and actually contains a powerful summary of Bacon's fundamental (controversial) ideas.

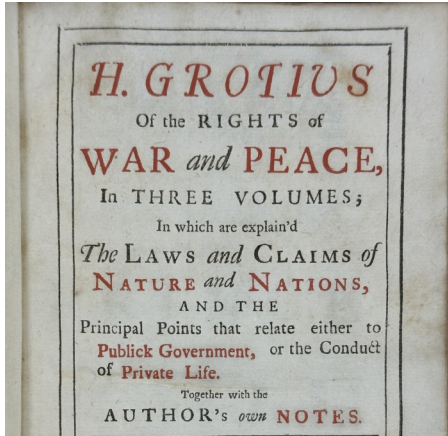
## CURATOR FAVORITES

The books featured in this section represent a few additional favorites of curator Laurel Davis. Students see *The New Atlantis* during their visits with Professor Coquillette's class and talk about the visionary side of Francis Bacon, as well as his rivalry with Sir Edward Coke. Professor Coquillette's gifts include important international law titles, such as this gorgeous three-volume set of Hugo Grotius's most famous work. These texts are vitally important in their own right but also link thematically to the English civilian collection. Finally, students often ask about the oldest book in the collection, which provides a wonderful opportunity to share our *Book of Hours* (right).



Francis Bacon, *The New Atlantis* [bound with *Sylva Sylvarum*]. London, 1639.

In this infamous unfinished work, Bacon envisions a utopian society on the mythical island of Bensalem off the coast of Peru. The work's prophetic nature—Bacon imagines a world of great research universities, airplanes, submarines, genetic modification, and predicts the potential for a darker, terroristic side of science—has generated a great deal of interest from scholars for centuries.



**Hugo Grotius, *Of the Rights of War and Peace*. London, 1715. 3 vols.**

Dutch humanist Grotius (1583–1645) is known as the “father of international law” largely due to this foundational text, first published in 1625. Grotius outlines what he viewed as universally binding principles on the just causes of war and the bounds of self-defense. It also deals with subjects such as treaty law and diplomatic law.

***Book of Hours*. Italy?, c. 1400.**

Designed for lay people, books of hours contain prayers to be said at regular intervals throughout the day. Donated by Professor Coquillette in 2004, this book—possibly connected to the Grimaldi family of Monaco—is the oldest in the collection and the only illuminated manuscript. It probably was transcribed in northern Italy in the late 14th-early 15th century.

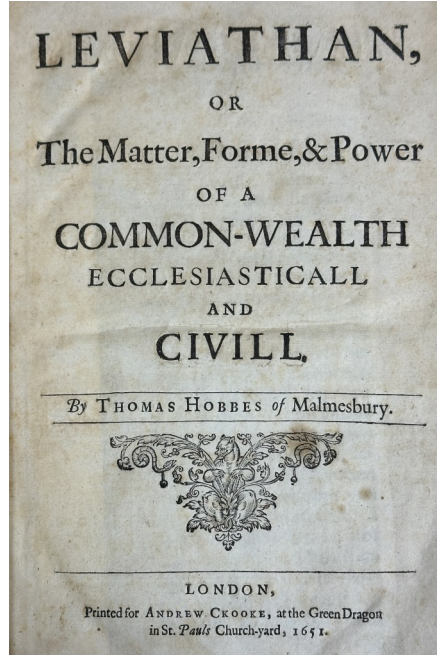
## CABINET 10

### FAN FAVORITES

**Thomas Hobbes, *The Leviathan*. London, 1651 [actually c. 1670].**

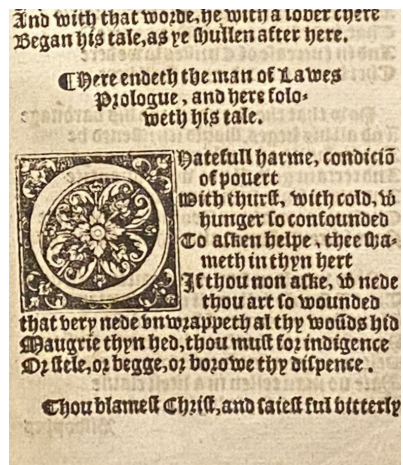
This is the famous “Bear” edition of Hobbes’s great work of political philosophy. It is identical to the actual 1651 first edition except for the bear illustration in the printer’s ornament on the title page, just below “Hobbes.” Note the famous engraved ornamental frontispiece showing a crowned and armed monarch (“sovereign”) made up of hundreds of tiny people. Hobbes advocated for a social

contract theory in which people cede individual liberty to an absolute monarch in exchange for safety and security. He felt this type of government was best suited to avoid the chaos wrought by events like the English Civil War.



**Geoffrey Chaucer, *The Canterbury Tales*. London, 1561.**

Written around 1387, Chaucer’s work includes 24 tales that are presented as part of a story-telling contest between travelers on a pilgrimage from London to the Canterbury shrine of St. Thomas Becket. This 16th-century printing of Chaucer’s work is open to the first page of the Man of Laws tale, which falls between that of the Cook and the Wife of Bath. This edition also includes Chaucer’s *The Romaunt of the Rose* and *Troilus and Creseide*.





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