



BOSTON COLLEGE LAW LIBRARY
DANIEL R. COQUILLETTE RARE BOOK ROOM

Recent Additions to the Collection

Fall 2018

**RECENT ADDITIONS
TO THE COLLECTION**

Boston College Law Library
Daniel R. Coquillette Rare Book Room

FALL 2018

Curated by:
Laurel Davis

RECENT ADDITIONS

Occasionally, our exhibit theme is simply recent additions to the Rare Book Room collection. This exhibit features acquisitions from the past three or so years. Some items came to us by way of generous donors; we acquired others as part of our commitment to developing a collection that sheds light on the working lawyers of the past.

The exhibit is organized by major categories of growth, including Massachusetts imprints of legal works, law library catalogs, annotated books, materials that illuminate the inner workings of courts, briefs and writs written by working lawyers, as well as their account books and docket books.

We are excited about these and other recent additions becoming part of future Rare Book Room exhibits, being used for special exhibitions for law school classes, and providing inspiration for researchers inside and beyond the Boston College community.



FLAT CABINET I

GIFTS FROM RARE BOOK ROOM FRIENDS

We frequently purchase new material for the Rare Book Room if it fits within our collecting mission and the law school curriculum, but a large portion of our special collections has come through the generosity of donors. Professor Daniel R. Coquillette, J. Donald Monan, S.J., University

Professor and Rare Book Room namesake, donated our foundational collection and continues to help the collection thrive through gifts and regular visits with his legal history students. In the years since Professor Coquillette's original gifts, additional donors have joined him in contributing to the richness of the collection. Some recent additions include:

Statement of Account between Jedidiah Ellis, Sturbridge Blacksmith, and John Coburn. Sturbridge, MA, 1796-1800.

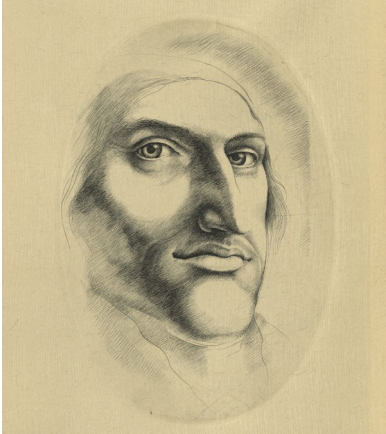
A \$60 debit to Ellis's account appears for "one black man," likely hired out to Ellis by Coburn, as this document postdates the effective legal abolition of slavery in Massachusetts. A \$55 credit is noted on Ellis's account for a sorrel horse. Coburn apparently sued to collect the remainder, as receipt of payment is signed by Abner Morgan, justice of the peace. The particularly precarious legal status of black people at this time, even in states where slavery had been abolished, makes this document a potentially rewarding research project for law students.

Gift of Elton "Toby" Hall

Mr. Jedidiah Ellis to John Coburn Jr.
Sturbridge Blacksmith
June 8 1796 To one black man 60:00
Credit one sorrel horse 55:00
To interest 5:00
1:12
6:12
Munk 20:1800
New Payment John Coburn
Left Abner Morgan

John Anthony Scott, ed., *The Defense of Gracchus Babeuf before the High Court of the Vendôme*. Northampton, MA: Gehenna Press, 1964.

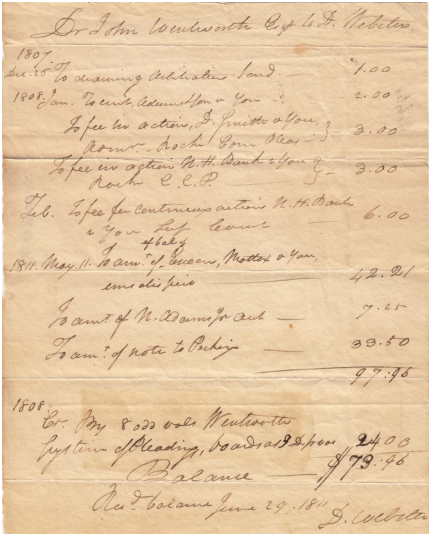
Gracchus Babeuf was tried and convicted as a conspirator in an attempt to overthrow the Directoire (the committee governing France from 1795-1799) and replace it with a socialist government. This limited edition printing consists of six unbound and uncut quires, with 21 etchings by the artist Thomas Cornell, including this frontispiece portrait of Babeuf.



Gift of Christa Cornell

***Statement of Account between John Wentworth and Daniel Webster.* [Portsmouth, NH], 1807.**

Before he began his career in politics, Webster practiced law in Portsmouth, New Hampshire. His charges for services rendered to John Wentworth, a Portsmouth attorney and legal writer, were partially offset by a credit for *A Complete System of Pleading*, Wentworth's popular, ten-volume procedural treatise.



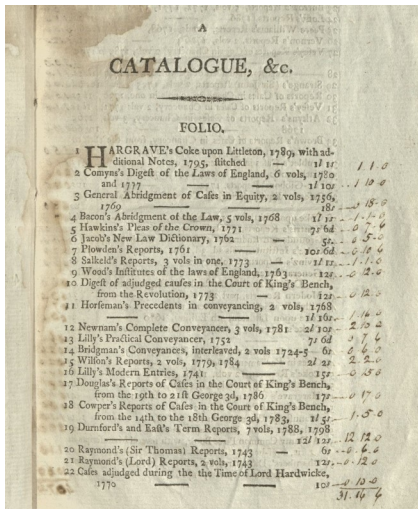
Purchased with funds donated by Robert E. Brooker III, donor of the now fully digitized Brooker Collection of American Legal and Land Use Documents

LIBRARY CATALOGS

We continue Professor Coquillet's practice of collecting law books that were used by actual working lawyers in England and colonial and early America. Examining library catalogs from those eras (both of institutions and individuals) provides one method for determining which books actually fall into that category.

A Catalogue of the Social Law Library in Boston. Boston, 1849.

Formed by leaders of Boston's legal community in 1803, the Social Law Library is one of the oldest law libraries in the United States. Its catalogs provide valuable information about the American, English, and continental law books that 19th-century Massachusetts practitioners used.

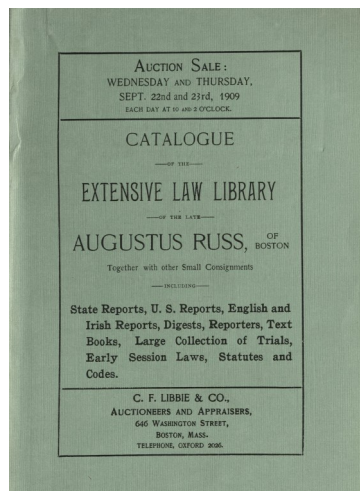


A Catalogue of the Library of the Late Charles Wren. Newcastle, 1799.

Wren, who practiced in the northeastern English town of Newcastle, amassed an impressive library of case reports, form books, treatises, and more that were sold at auction following his death in 1799. We hold many of the titles that he owned, including *Park on Maritime Insurances*, which is featured in this exhibit.

Catalogue of the Extensive Law Library of the Late Augustus Russ, of Boston, Together with Other Small Consignments. Boston, 1909.

Russ, a prominent Boston attorney, died in 1892, and his 1000+ law books—case reports, statutory codes, digests, treatises, and trials—were sold at auction years later. The catalog includes a bid form and mailing envelope for interested bidders to submit in advance of the auction.



CABINET III

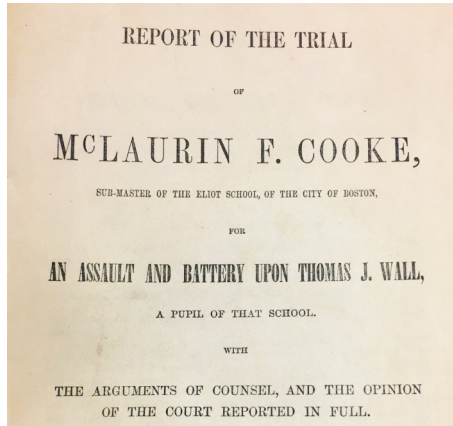
MASSACHUSETTS IMPRINTS

One area in which we focus our collecting efforts is material related to Massachusetts legal practice: early treatises, form books, and practice guides printed in Boston, Worcester, etc.; ephemeral items such as correspondence and court documents related to Massachusetts practice and litigation; and accounts of local trials.

James A. Park, *A System of the Law of Marine Insurances.* Boston, 1799.

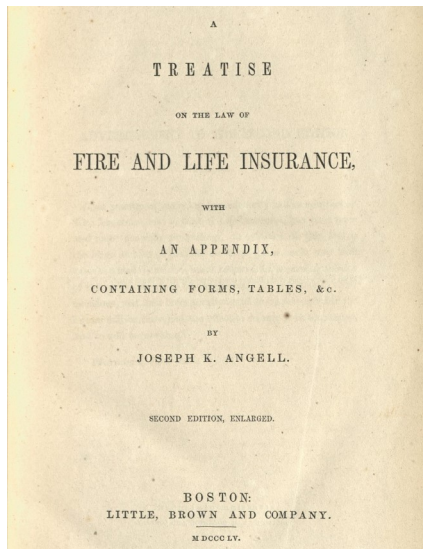
This 18th-century Boston imprint is an early American edition of Park's renowned English treatise, the first on the topic. Shipping constituted a

crucial part of commercial life, so understanding the issues surrounding insurance of cargo and vessels was an integral part of a lawyer's practice.



Report of the Trial of McLaurin F. Cooke. . . Boston, [1859].

This pamphlet relays the proceedings of an 1859 Boston trial regarding the alleged assault and battery by a teacher upon a Roman Catholic pupil for his refusal to recite the Protestant version of the Ten Commandments.



Joseph K. Angell, A Treatise on Law of Fire and Life Insurance (Boston, 1855) and A Treatise on the Law of Carriers of Goods and Passengers, by Land and Water (Boston, 1849).

Angell (1794-1857) was an early American legal scholar and the first reporter for the Supreme Court of Rhode Island. He wrote six treatises—still cited by appellate courts today—including these on the law of carriers (the first to discuss the law of rail-

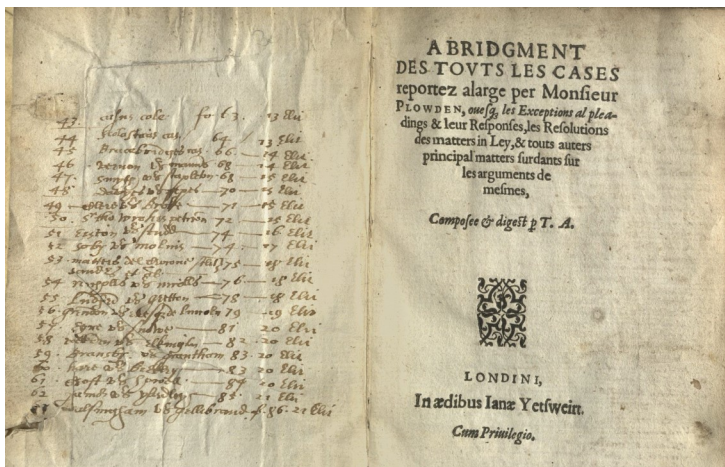
roads) and the law of fire and life insurance, industries which had just come into their own in the previous century.

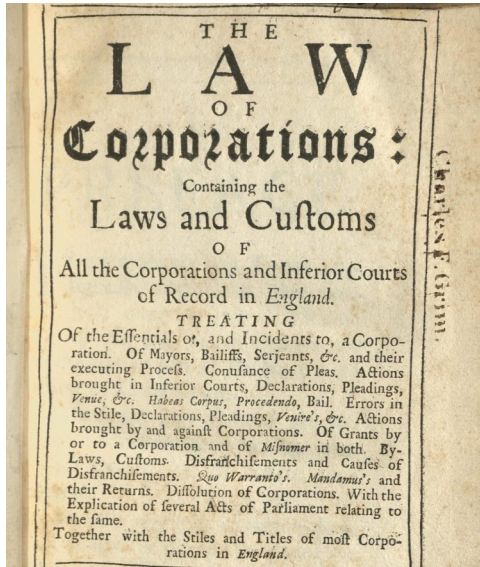
ENGLISH WORKING LAWYERS

We regularly add interesting volumes to Professor Coquillette's donated collection of books used by English working lawyers. The items displayed in this part of the exhibit represent three important categories of legal literature used by practitioners: abridgements, treatises, and books of sample forms.

Abridgment des Touts les Cases Reportez Alarge per Monsieur Plowden. London, 1597.

This compact, vellum-bound abridgement digests and summarizes the opinions printed in full in the case reports of Edmund Plowden (1518-1585), recognized as the first reporter of English law. Abridgements gave practitioners an efficient and portable way to find on-point cases.





The Law of Corporations. London, 1702.

Written by an anonymous author, this work represents one of the very earliest English works on corporations—their nature, the different types, how to serve process, the duties of officers, etc. It was published almost 100 years before Steward Kyd’s *Treatise on the Law of Corporations*, often cited as the first work on the topic.



The Compleat Clerk, Containing the Best Forms of all Sorts of Presidents, for Conveyances & Assurances. . . London, 1683.

Largely a collection of transactional forms (also known as precedents or presidents), the focus of this work is conveyancing—deeds, leases, etc. The image to the left is the half-title page (with the alternate title *Conveyancers Light*). It features copper engravings of “eminent lawyers,” including one

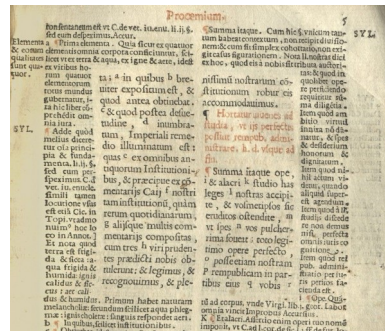
standing at a desk, drafting a contract, agreement, or pleading.

INTERNATIONAL LAW & ROMAN LAW

Our collection of titles on international law and Roman law (which influenced not only modern civil law jurisdictions but also international law) has grown over the years, thanks in large part to gifts from Professor Coquillette and Michael H. Hoeflich, John H. & John M. Kane Distinguished Professor of Law at the University of Kansas School of Law.

Institutiones Juris Civilis D. Justiniani Imp. Venice, 1613.

When the Roman emperor Justinian laid down the body of Roman law or Corpus Juris Civilis around 530 CE, this student textbook known as the *Institutes* was an essential part. The actual text is printed in the internal box; scholarly commentary or “gloss” surrounds it.



Hugo Grotius, *De Jure Belli ac Pacis*. . . Amsterdam, 1632.

The Rare Book Room holds multiple editions of Dutch scholar and jurist Hugo Grotius’s works, including this, his masterpiece on the law of war and peace. We loved this volume, bound in a vellum, antiphonal leaf (sheet of church music) that was reused for the binding.



Emer de Vattel, *The Law of Nations*. New York, 1796.

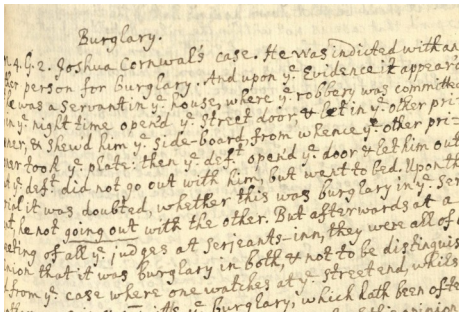
Many books donated by James Rogers, Professor Emeritus, were on display in a spring 2018 exhibit that focused on his commercial law books. This classic international law text was another exciting book in Professor Rogers's library. Vattel's work influenced Revolution-era thinkers such as Jefferson, Adams, and James Otis; this title appears in most of the institutional and personal library catalogs held in the Rare Book Room.

Gift of James S. Rogers, Professor Emeritus, Boston College Law School

CABINET VI

ANNOTATED BOOKS

One of the fun ironies of special collections work is that, while libraries discourage patrons from writing in regular library books for the good of future users, the most prized rare books are those with annotations from their previous owners. These notes show us what book owners actually read and how they interacted with and processed legal literature.



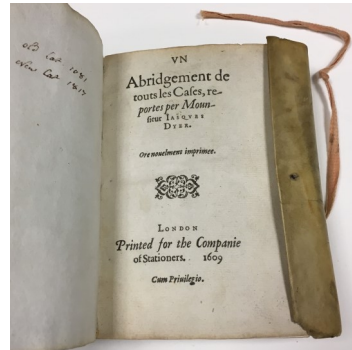
Richard Burn, *The Justice of the Peace and Parish Officer*. London, 1755.

Aimed at justices of the peace, who adjudicated many legal disputes, Burn's work is organized topically in alphabetical order from Alehouses to Wrecks

(shipwrecks), with commentary and case and statutory citations for each topic. An early owner added around 70 pages of annotations, including those reproduced here on the topic of Burglary. There are plentiful marginal notes around the printed text as well.

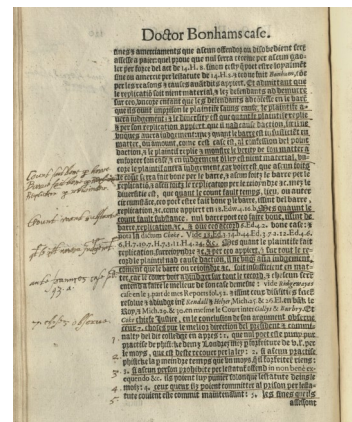
Un Abridgement de tous les Cases, Reportes per Mounsieur Jasques Dyer. London, 1609.

This little vellum-bound book with a fold-over flap and cloth tie is an abridgement of the case reports of James Dyer, who reported opinions from the Court of Common Pleas, King’s Bench, Exchequer, and Chancery from 1513 to 1582. The owner had the book bound with blank interleaves, which he then filled with additional case and statutory citations and commentary.



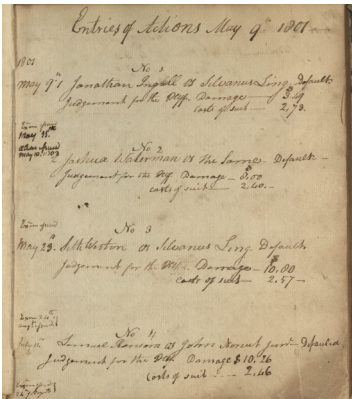
La Huictme Part des Reports de Sr. Edw. Coke. London, 1611.

This beautiful first edition of the eighth part of Edward Coke’s *Reports* contains extensive annotations, including underlining and marginal notes. This image is from Dr. Bonham’s Case, often cited as a source of authority for judicial review of legislative acts.



JUSTICES OF THE PEACE

Until relatively modern times, many civil matters and criminal matters of a less serious nature were adjudicated by justices of the peace, who held court in their own homes. These individuals typically were not trained lawyers but respected citizens who had regular day jobs as merchants, farmers, artisans, etc. A complete understanding of the administration of justice in England and early America requires knowledge of the legal literature and primary materials surrounding their work.



Entries of Actions Heard by Wilkes Wood, Justice of the Peace. Plymouth County, MA, 1801-1840.

Wood's docket book covers legal matters such as debt, assault and battery, robbery, larceny, and licensing violations. Here, you can see various entries for judgments and costs. Wood, unlike many justices, was a trained lawyer.

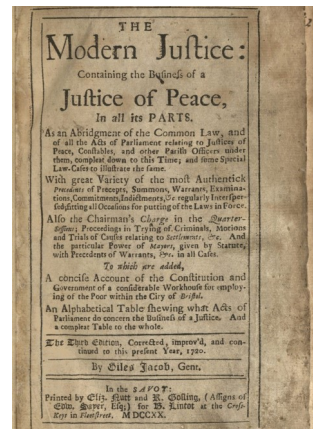
Docket Book of Oliver Edwards. Chesterfield, MA, 1858.

Edwards ran a Chesterfield general store when he was not handling judicial matters. His docket book includes notes on the judgment, damages, and costs for various types of cases, mainly actions in assumpsit (breach of contract). Edwards and Wilkes Wood both made regular

entries for recognizance bonds, which secured a party's appearance at an upcoming court date. Our collection includes three related ledger books connected to Edwards's work as a merchant and justice of the peace.

Giles Jacob, *The Modern Justice: Containing the Business of a Justice of the Peace*. London, 1720.

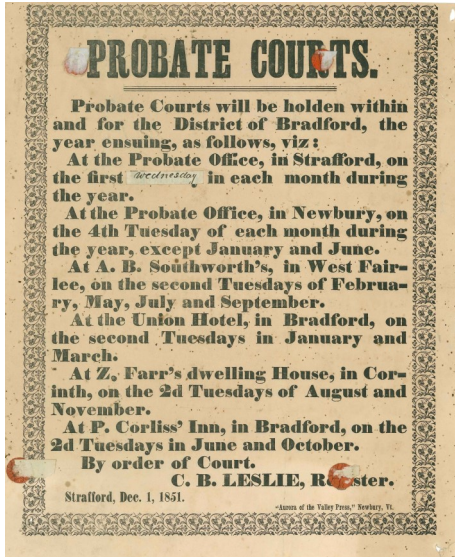
Jacob wrote many works aimed at justices of the peace and laypeople who needed to understand the basics of the law. His works, along with Robert Burn's *Justice of the Peace and Parish Officer* and Michael Dalton's *Countray Justice*, went through many editions in England and America.



CABINET VIII

THE COURTS

While justices of the peace were handling misdemeanors and civil matters below a certain monetary threshold (40 shillings in the 18th century), the traditional court system—into which those justices' decisions could be appealed—was evolving. Lawyers, legislators, and other citizens jostled over jurisdiction, access, expediency, and the need for specialty courts.

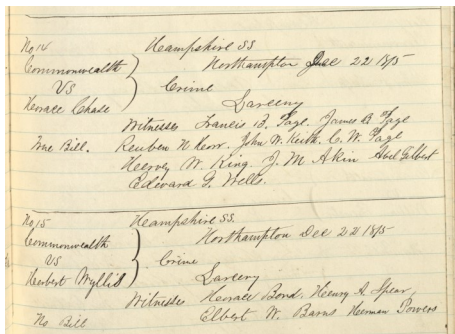


*Probate Courts Will Be Holden. . .
 Strafford, VT, 1851.*

This broadside notified local residents of upcoming sittings of the Vermont Probate Court, which handled estate administration and guardianships. In this area of New England in the mid-nineteenth century, court was held infrequently and often at an inn or private dwelling—not a formal court-house.

To the Honorable Senate and House of Representatives. . . Boston, 1814.

The Courts of Common Pleas were important trial courts from 1692 until their abolition in 1859. Prominent Boston lawyers, including future SJC Chief Justice Lemuel Shaw, petitioned the legislature to create a new court for busy Suffolk County (Boston), which was sharing a Court of Common Pleas circuit with Essex and Middlesex counties.



*Docket Book of the Superior Court of
 Hampshire County, Massachusetts.
 1864-1880.*

When the trial-level Court of Common Pleas was abolished in 1859, the Massachusetts Superior Court of today was

formed. This docket book records what happened at the grand jury phase in over 200 Hampshire County cases involving larceny, forgery, assault, arson, etc. Entries with a “true bill” or “bill found” notation show that the grand jury indicted the defendant, while “no bill” indicates a finding of insufficient evidence.

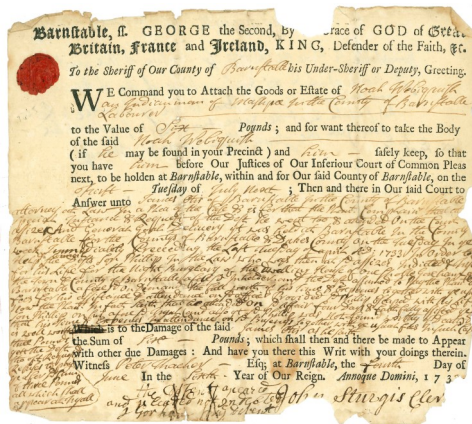
CABINET IX

LAWYERS AT WORK

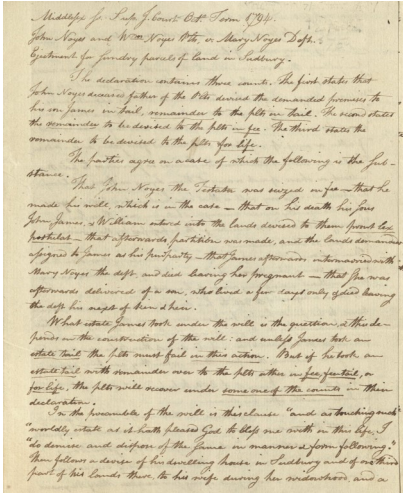
In addition to collecting books that were commonly used by working lawyers, we also collect documents that actually were produced by these lawyers. This cabinet features famous Massachusetts lawyers, while the final cabinet by the door represents lesser-known attorneys with typical practices.

Writ of Attachment for Noah Webquish in Action Brought by James Otis. Barnstable, MA, 1733.

Otis was a prominent Massachusetts lawyer and judge. In 1733, he represented Noah Webquish’s son Phillip on a capital charge and helped him avoid execution, but Webquish apparently failed to pay his bill. Otis brought this



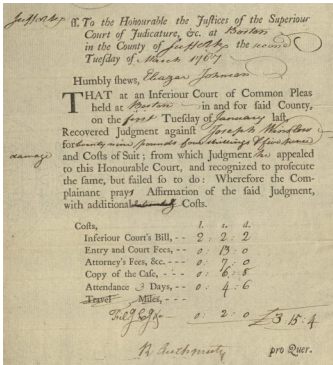
action to collect his fee. Our collection includes several items related to Otis and his son, James Otis Jr., also a lawyer and a famous patriot of the American Revolution (“taxation without representation is tyranny”).



Theophilus Parsons, Plaintiff's Brief in an Ejectment Case before the Supreme Judicial Court. Middlesex County, MA, October Term, 1794.

This document represents Parsons's detailed analysis of a complicated inheritance case involving multiple parcels of Sudbury land. He cited many sources, including English case reports like those of Cowper and Croke (Massachusetts cases wouldn't

be published in a reporter for ten more years) and treatises like *Fearne on Contingent Remainders*. Parsons would go on to serve as Chief Justice of the Supreme Judicial Court from 1806 until his death in 1813.



Complaint for Recovery of Judgment and Costs. Boston, 1767.

Attorney Robert Auchmuty Jr. requested in this filing that the Supreme Judicial Court affirm a judgment rendered by the Court of Common Pleas in favor of his client; he also asks that the Court award costs since the defendant failed to

prosecute his appeal. Along with John Adams, Auchmuty (1725-1788) represented the British soldiers involved in the Boston Massacre; unlike Adams, he was a Loyalist and deemed a conspirator after the Revolution.

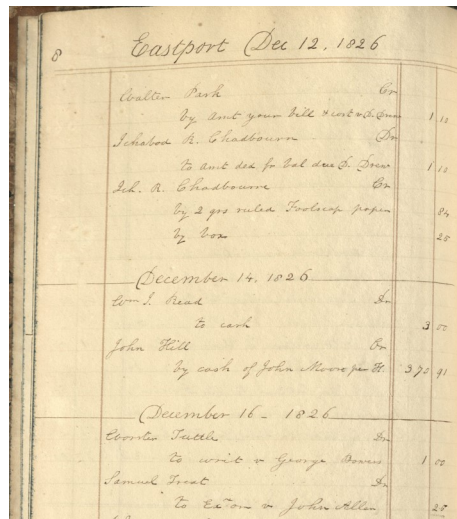
◆—————◆ **FLAT CABINET II** ◆—————◆

LAWYERS AT WORK

Two of the major sources that give us insight into the everyday practices of the working lawyers of the past are their account and docket books. Account books provide insight into the actual business of running a law practice. Docket books were used to record information about the cases the lawyer handled; they include such information as parties, type of action, court costs, and resolution.

Account Book of William Jeffrey Read.
Eastport, Maine, 1826-27.

Read was a Maine lawyer with a general practice in the early days of Maine’s statehood. As our friends at Lawbook Exchange wrote in the item’s description, Read’s account book “illuminates the daily work of his fledgling practice: dispensing advice, producing writs, drawing up deeds and



purchasing office supplies." He occasionally accepted goods like firewood, paper, and quills as payment for his services. Just as his practice was gaining traction, Read died suddenly in 1829 at age 29.

Docket Book of Charles Greene. Athens, Maine, 1816-33.

Like Read, Greene had a general law practice in Maine (which was part of Massachusetts for the first part of the book, until 1821). The 1500+ entries in this docket book show that Greene handled cases involving defamation, breach of contract, debt, trespass, and more. The book even includes a handful of entries for cases handled by his father, Benjamin Greene, a Harvard-trained lawyer and Maine judge.

43	George Hight vs Jephtha Tolson & others	Oct. 1815. 20th Nov. 1817 Dec 8th Nov. 1815. 1817 " 8. 20th Dec. 1817 " 8. 17th Dec. 1817	"	"	"	"	"	"	Settled by parties 17th Nov See 13 th Office
44	John Hunt vs William Peabody	Oct. 1815. 11th Nov. 1816 Dec 8th Nov. 1815. 1817 " 2. 6th Dec. 1817	"	"	30	14 - 55 3 - 21 " 25	"	"	See 20 th Office Aug 11. 1817 Oct 4. 1817. 1817
45	Abraham Mason vs Ephraim Sells	Process for taking beer	"	"	settled	"	"	"	Settled by parties Court ordered by 2. 1817
46	Samuel Emerson vs Thomas Jones	"	"	"	"	"	"	"	Settled by parties Court ordered by 2. 1817
47	Simon Page vs Jonathan Walcott	"	"	"	"	2 - 68 3 - 95 " 25	day 11	"	Settled by parties 1817
48	Benjamin Merrill vs Sylvanus Davis	"	"	"	"	"	"	"	Settled by parties Court fees

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