

Early English Law Books (1576-1776) in The New Jersey State Library Rare Book Collection

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INTRODUCTION

Slide 1: Title

Welcome to today's exhibit of early English law books. My name is John Shaw, and I will be your guide today. I am the Genealogy and Local History Librarian here at the State Library, and from time to time I venture into our rare book collection. Today I want to share with you some of our most interesting rare books and tell a few stories about them.

When you heard about this presentation, you might have wondered:

Slide 2: Question

What on earth is the use of looking at old law books? If you did, I am glad that you still decided to attend. Today I hope to provide you with a satisfactory answer to that question, and address the broader question of what good are old books in general.

Slide 3: The Printed Book

The printed book has been around now for over 500 years. The books we will look at today provide examples from 200 years of this publishing history.

We will look at sixteen books today. You should each have a handout showing the title page from each book. This should help you follow the presentation. The sixteen books are all "English Law Books" published during the 200 years leading up to the American Revolution.

My interest in these old law books was sparked one day while I was rummaging around in the rare book collection. There seemed to be law books all over the place, very old law books. I wondered why we had them, where they came from, and what they were about. As one with absolutely no training in the law, I had no idea what I was looking at.

I tried reading a few pages in some of the books, but without much success. So I decided to do something I knew how to do. I counted them.

Slide 4: The Count

What I found was

- Over 600 volumes with the Library of Congress classification KD, English Law.
- Almost all of them printed over 200 years ago.
- 88 of these volumes were printed before 1700, over 300 years ago.
- 3 were printed before 1600. Now that's pretty old.

That seemed like a lot of old books to me. My curiosity was aroused.

THE YEAR BOOKS AND THE COMMON LAW

La Graunde Abridgement, 1576

The oldest of the books in our English law collection is *La Graunde Abridgement* published in 1576.

Slide 5: *La Graunde Abridgement* Title Page

1576—I don't know about you, but I was impressed. This actual book—the one on the table here—was in use during the reign of Queen Elizabeth I (1558-1603, born 1533). Shakespeare was 12 years old when this book was printed.

So what is it all about? Here is a look at the first page.

Slide 6: *La Graunde Abridgement* First Page

This is not going to be easy. This definitely does not look like English. I checked our library catalog record to see if it would provide me with any hints about the book's contents or purpose.

Slide 7: *La Graunde Abridgement* Catalog Record

- Subject: Law reports, digests etc – Great Britain
- Note: This is an abstract of the Year Books down to the author's own time.

Now if only I knew what a law report or Year Book was.

With a little more research I found out that the book is a collection of short summaries of court cases organized under various headings.

- 404 titles—topics
- 20,717 cases

It is a two volume work. I only brought volume one with me today.

So what good is a book full of old court cases? And what are the Year Books?

Common Law

To understand these law books, we need a little background on The Common Law. For this I will quote from William Blackstone's *Commentaries on the Laws of England*, a classic law treatise we will see later in the presentation.

Slide 8: Common Law—Blackstone, “Upon the whole...”

Upon the whole, however, we may take it as a general rule, “that the decisions of courts of justice are the evidence of what is common law.”

Common law is judge-made law, law arising from the decisions of courts.

It seems that you cannot discuss the law without running into some Latin. Here is our first Latin phrase.

Slide 9: Common Law in a Nutshell

“stare decisis”

Let the decision stand: The policy of courts to abide by or adhere to principles established by decisions in earlier cases.

Stare decisis is the basis of the Common Law, and it turns out that you can't have common law without some method of discovering the past decisions of courts. As Blackstone says:

Slide 10: Blackstone, “The decisions therefore...”

The decisions therefore of courts are held in the highest regard and ... are handed out to the public view in the numerous volumes of *reports* which furnish the lawyer's library.

In England as early as 1268, scribes began making records of court cases. These records were compiled into manuscripts organized by year which accounts for their collective name: The Year Books (1268-1535). I want to emphasize that all the early Year Books were initially distributed as handwritten manuscripts.

La Graunde Abridgement is a printed compilation of brief references to cases taken from these manuscript Year Books. It can be used as an index or guide to the Year Books.

The Year Books

Le Second Part de les Reports des Cases en ley...Roy Edward Tierce, 1679
Year Book King Edward the Third

I thought it would be useful to see an actual Year Book. Unfortunately, they are a bit hard to come by. I did find an image of a page from one that I can show you.

Slide 11: Manuscript Page of Year Book

Printing did not come to England until *about* 1475. After that date printed versions of the Year Books did begin to appear. We have in our collection a set of the Year Books published in 1678, several hundred years after the originals. The set is called the “Maynard” edition. We have the complete set.

Slide 12: *Le Second Part...Roy Edward Tierce* Title Page

This is the third volume from our set. I know it says “second.” It just so happens that the second volume of cases from the reign of Edward the Third happens to be the third volume of the set. When it was published, this set was considered a modern update of the old Year Books. Today this “modern update” seems pretty old—about 330 years old. This volume covers cases from 1344 to 1367.

And here is a look at the first page showing some text.

Slide 13: *Le Second Part de les Reports... Page of Text*

Historians have found the Year Books very useful as general records of their time.

As more or less verbatim records of legal debates between named individuals, the Year Books are virtually the only historical sources that capture voices from the Middle Ages. [Text provided at an exhibit of early English law books created by the Yale Law Library.]

During the nineteenth century, another edition of the Year Books was issued with the text translated into English. One of these volumes is included in today’s display. Looking at these two books you can compare the law French and the English for the same cases.

A BIBLIOGRAPHIC APPROACH TO READING

La Graunde Abridgement, 1576
Ascuns Nouel Cases de les Ans & Temps le Roy H. 8..., 1604
Petit Brooke
Les Ans du Roy Richard le Second, Bellewe, 1585

Let's take a closer look at our oldest law book. What can we learn from the title page?

Slide 14: *La Graunde Abridgement* Close-up of Title Page

It reads something like this:

The Grand (Great) Abridgement, written (compiled) by the very reverend judge Sir Robert Brooke, Chevalier, the late chief justice of the court of common pleas.

Published by Richard Tottell, the 12th of October, 1576.

The term "bank" is interesting. It turns out that "bank" means "bench" or "seat of justice." Thus the "Bank Royal" is the "King's Bench" and "Common Bank" is "Common Pleas."

"Cum priuilegio" means right to print. Richard Tottell was the official printer for law books at the time.

Note some of the unusual lettering that is typical for this period.

- Use of I for J.
- Use of the long s (looks like an f)
- Use of u for v.

Additional publisher information is available on the last page of the second volume.

Slide 15: Last Page of *La Graunde Abridgement*

Imprinted at London in flete strete, within Temple Barre at the signe of the hande and starre by Richarde Tottyl the xii, of October, Anno Domini. 1576.

I wondered what the sign of the "hand and star" looked like. Here it is.

Slide 16: The Sign of the Hand and Star

This is Richard Tottell's sign, the Hand and Star.

Let's take a look at the type face.

Slide 17: Manuscript Hand—Gothic Type

You see on the top of the screen part of the handwritten manuscript we saw earlier. On the bottom is some printed text from the book. The body of the text in the book is in “black letter” type also called “Gothic” type. This type face was used when printing began. It was created to look like the hand lettering used in manuscript books. You can compare the Gothic type to the hand lettering on this slide.

Soon after printing began, a lighter and easier to read type face was created in Italy called Roman type. This is what we are used to seeing in books. Note that Roman type was used in this book for headings and marginal notes.

Slide 18: *La Graunde Abridgement* Owners’ Markings

On the top of the title page we see some handwriting.

With old books it’s great fun to look for owners’ markings. Sometimes handwritten notes in a book allow you to speculate on who may have owned the book. Here you see the name “Geo : Read.” Of course, a handwritten name in a book does not prove ownership, and of course, any particular name probably belongs to many different people. We may not be able to link the name “George Read” to one particular individual. But there may be enough circumstantial evidence that we can speculate on a highly likely owner, evidence such as the likely owner’s time period, place of residence, profession, handwriting.

For example, I found a George Read who was a lawyer living in New Castle, Delaware, during the second half of the 1700s. That puts him in the right profession, location, and time period for this book. He died in 1798 and I believe that the library began acquiring law books around that time period. Here is his picture.

Slide 19: Picture of George Read

I found one additional piece of evidence which makes me fairly sure that this George Read at one time owned our book. I found a copy of his signature on the web.

Slide 20: George Read’s Signature

Now look at both signatures together.

Slide 21: Signature Comparison

It looks like a match to me. The most interesting fact about George Read is that he signed both the Declaration of Independence and the Constitution. Here is his signature on the Constitution.

Slide 22: Constitution—Read’s Signature

Take a closer look.

Slide 23: Constitution—Close-up of Read’s Signature

There is the “Geo” and the colon and the interesting “R.”

I found this picture of his house on the web.

Slide 24: George Read’s House

I thought you would get tired of just looking at pages from books, so I threw in a few buildings. I believe there are four in today’s presentation. You can count them as we go along.

La Graunde Abridgement originally appeared in 1568. It was reprinted three additional times during the next 18 years. It must have been a popular work to have so many editions that close together.

When I first looked at this book, the question of language came immediately to mind. It is an English law book but written in French: “why French?”

The answer can be summed up with a single date.

Slide 25: 1066

This picture is from the Bayeaux Tapestry which tells the story of the invasion of England by William the Conquer in 1066.

- William conquered.
- William spoke French.
- Thus French became the language of the royal court and eventually the courts of law.

From The Norman French of the conquerors, the legal language evolved into what is often referred to as “Law French.”

We have in the display today two books published shortly after Brooke’s *La Graunde Abridgement*, both smaller abridgements of cases selected from *La Graunde Abridgement*.

Slide 26: Brooke’s New Cases Title Page

The first is a selection of the more recent cases which Brooke had added to the cases from the Year Books. It was first published in 1578 under the title of “*New cases from*

the time of King Henry VIII, King Edward VI, and Queen Mary.” This one was published in 1604.

It is variously known as *Brooke’s New Cases*, *Petit Brooke*, or *Little Brooke* (for obvious reasons). The collector was Richard Bellewe; but the cases are selected out of Brooke. It is sometimes cited as *Bellewe’s Cases temp. Henry VIII*.

- Henry VIII, 1509-1547
- Edward VI, 1547-1553
- Mary I, 1553-1558

Let’s take a look inside at one of the cases.

Slide 27: *Brooke’s New Cases* Page Showing Case

I have selected the case at the bottom of this page.

Slide 28: *Brooke’s New Cases* Close-up of Case

This is a close-up of the text. I found an English translation in Google Books which was originally published in 1651.

Slide 29: *Brooke’s New Cases* English Translation of Case

Bellewe, the compiler of *Brooke’s New Cases*, published another compilation from Brooke in 1585. This one consisted of much earlier cases from the reign of Richard the Second.

Slide 30: *Les Ans du Roy Richard le Second* Title Page

Note the spelling of Bellewe. Remember we saw earlier that “u” was often used where we would use a “v,” and “v” was used where we would use a “u.” The letter we call “v” was actually called “u” long ago. So we have here “double u.”

The main text of the book is in French, but the preface is in English. Finally, something I can read. Here is a look at the first page.

Slide 31: *Les Ans du Roy Richard le Second* Preface

TO THE STV-dents of the common Lawes of this Realme, and especially
to the graue and learned Societie of Benchers, Vtterbarrefters and Students
of Lincolnes Inne.

Note that utterbarrester means junior barrister. This was the entry level for barristers. The three levels are

- Utterbarrister (Junior barrister)
- King's or Queen's Counsel (silk)
- Serjeant-at-law (highest order of counsel)

Can you read the text set in Gothic type? It is a little more challenging.

The experience is common, and the examples infinite, that teach us how dangerous it is....

Our copy of this book is an original edition which is said to be extremely rare.

That's the Year Books and their abridgements. For some unknown reason, the Year Books ended in 1535 during the reign of King Henry the Eighth.

THE ENGLISH REPORTERS

Cases Collect & Report per Sir Francis Moore Chivaler, 1663

The Reports of Sir Edward Coke, 1793

The Reports of Edward Bulstrode of the Inner Temple, Esquire., [1657-59] 1688

Les Reports du Tres Erudite Edmund Saunders, 1686

Un Abridgment des Plusieurs Cases et Resolutions del Common Ley, Rolle, 1668

During the sixteenth century a few lawyers and judges began recording court proceedings for their own use. Many of these personal reports were later published, often after the author's death. These reports took the place of the old Year Books.

These new reports became known as the nominate reports, private reports or named reports. They are usually identified by the name of the reporter or the person responsible for publishing the reports.

Slide 32: Law—Reported Cases

- Year Books (1268-1535)
- Private reports (nominate reports, named reports)
- Digests (& abridgements)
- Indexes and tables

The private reports along with the Year Books are a source for legal authority and precedents. We have in our rare book collection an astonishing number of early private reports.

Slide 33: Reporters, 52 or the First 59

I compared our collection with the list of all known reports in the book *The Reporters, Chronologically Arranged* which is itself an interesting old book published in

Philadelphia in 1855. Of the first 59 reports listed, we have 52 of them. I have listed them on this slide.

I bolded the four I have selected for today's display: Moore, Coke, Bulstrode, and Saunders.

Slide 34: English Law Reports (4)

This slide shows the time periods covered by each reporter and the publication date of our copy of the reports. Note that two, Moore and Saunders, are first editions. Our version of Coke's reports is quite late. It was published in Dublin and is an English translation. Bulstrode's reports were the first originally written in English.

<i>Reporter</i>	<i>Period Covered</i>	<i>Publication Date</i>
Sir Francis Moore (1558 – 1621)	1512 – 1621	1663 (1 st edition)
Sir Edward Coke (1552 – 1634)	1572 – 1616	1793 [1600 –]
Edward Bulstrode (1588 – 1659)	1609 – 1639	1688 [1657, 1658]
Edmund Saunders (d. 1683)	1666 – 1673	1686 (1 st edition)

This next slide shows the time periods covered by the Year Books, the abridgements we have seen already, and the named reports we will be looking at next.

Slide 35: Time Line

Most of the early English Private Reports were published during the 17th century. This is an interesting time both for English law and for the history of New Jersey. This is the period when England asserted its claim to New Jersey and established a colony here, and it is the time when the King lost his dominance over Parliament. Note that New Jersey enters the picture in 1664. In 1702 Queen Anne took direct control of New Jersey making it a royal colony.

Let's take a look at our first private report.

Slide 36: Moore's Reports Title Page

I included Sir Francis Moore's reports because of his connection, as slim as you will see it is, with the history of New Jersey. Sir Francis Moore is credited with developing a legal procedure called "Lease and Release." When the English colony of New Jersey was created in 1664, two separate legal documents were used, a LEASE and a RELEASE; and they were issued one day apart.

Slide 37: Lease and Release Text

This puzzled me when I first read about the founding of New Jersey: Why were two documents needed to transfer the land? Whatever the reason, I now know who to blame.

Slide 38: Coke's *Reports* Title Page

Sir Edward Coke is the most famous of all the English law reporters. His Reports are usually cited simply as "Reports" without the need of his name.

At this point I must admit that I am not sure whether to pronounce his name "Coke" or "Cook." I have read that he probably pronounced it "Cook." Can anyone tell me how it is pronounced today in law schools and in court? I found one source that said "use to be Cook, now pronounced Coke." I think I will stick with "Coke."

Note that this title page looks rather plain when compared to others we have seen. This edition was published in 1793, 193 years after the first edition. By that time gothic type was no longer in general use, and page design had become very plain.

I was looking for a picture of Coke that I could show you when I found him in an unexpected place.

Slide 39: Picture of Door to the Supreme Court

This is the door to the United States Supreme Court. The door has eight panels each with a scene depicting an important event in the history of the law. I found Sir Edward Coke in one of these panels.

Slide 40: Door Panel Showing Sir Edward Coke

Coke was a great defender of the law over the King's prerogative. He believed that even the king was ruled by law. And he defended his position by seeking out old documents such as the Magna Charta to support his position. I recently read a biography of Sir Edward Coke written by Catherine Drinker Bowen called *The Lion and the Throne*. I quote from the book—

Coke was a ravenous searcher after old parchment when it concerned the law and the origins of government. In charter and forgotten treaty, in the precedents of ancient law courts and Norman *parlements* were to be found, he said, the seeds and principles of English liberty. (*The Lion and the Throne*, p. 8)

Coke himself confessed to the scholar's adage of

Slide 41: The Scholar's Adage

non lego non credo—if I don't read it I don't believe it. (*The Lion and the Throne*, p. 9) (This is our second and last Latin phrase for the day.)

I wonder how today's technological changes will affect this time-honored scholarly approach to knowledge and precedent.

Slide 42: Dilbert

In this scene the Topper who is always making incredible statements has just made a rather outrageous claim to which the secretary Carol responds, “I find that hard to believe.” The Topper says, “Give me ten minutes and then check Wikipedia.”

Where does that put *non lego non credo*?

The next book in the display and in your handout is Bulstrode’s *Reports*. I am going to skip passed it and talk about Saunders’ *Reports*. If we have time I will mention Bulstode later.

Slide 43: Saunders’ *Reports* Title Page

Saunders’ *Reports* are considered to be “the most valuable and accurate reports of their age” (1666-1673). These reports were first published with the records in Latin and the arguments in French. Our copy is a first edition, 1688. Saunders’ *Reports* are considered to be the training ground of Daniel Webster.

Slide 44: Daniel Webster

One of his biographers writes

Webster’s chief study continued to be the common law ... he actually took the pains to go through an old folio edition of Saunders’s *Reports*, translating from Latin and Norman French into English and making abstracts of all the important arguments. (*Daniel Webster* by Claude Moore Fuess, page 80.)

Unfortunately, as far as I know our copy was not the one used by Daniel Webster, but ours does have two interesting owners’ marks.

Slide 45: Saunders Owners’ Markings—Note about Andrew Hamilton

Bought this and -- 2nd Vol. of Sa. Rep. of Andrew Hamilton Esq. for 20 / sterling.

Apparently, someone bought this book from Andrew Hamilton. I don’t know who, but this note would lead one to believe that Andrew Hamilton was an owner.

Slide 46: Picture of Andrew Hamilton

Andrew Hamilton (c. 1676 – 1741) was the “Scottish lawyer in Colonial America, **best known for his legal victory on behalf of printer and newspaper publisher John Peter Zenger**. Zenger was accused of libel, and Hamilton successfully defended him against

the charge, thus striking a blow for freedom of the press and more broadly freedom of speech.

Slide 47: Picture of Zenger Trial

This picture shows Hamilton in court defending Zenger.

Hamilton “is also remembered as one of the designers of Philadelphia’s Independence Hall.” (Wikipedia)

And he has one other claim to fame. He was the original “Philadelphia Lawyer.” The dictionary publisher Merriam-Webster has the following to say on the subject:

... lexicographers agree that Andrew Hamilton was indeed the reason *Philadelphia lawyer* developed its originally positive sense, that is “an exceptionally competent lawyer.” [Also means “a shrewd lawyer versed in the intricacies of legal phraseology and adept at exploiting legal technicalities.”]

Slide 48: Saunders Owners’ Markings—Elias Boudinot

Other markings in the book indicate a second possible owner: Elias Boudinot (1740 – 1821). He was admitted to the bar in 1760 and began his practice in Elizabeth, New Jersey. In 1775 he was elected to the New Jersey provincial assembly.

He is remembered by some, but not many, as the fourth President of the United States. Take a look at this medallion.

Slide 49: Elias Boudinot Medallion

It says “4th President of the United States, 1782-1783.”

Many people are not aware that we actually had a number of Presidents who served before George Washington and, I might note, before the adoption of the Constitution. Elias Boudinot was one of them. If you check out the small print you will see that he was President of the United States in “Congress Assembled.” In 1795 President Washington appointed Boudinot the first Director of the United States Mint, a position he held until his retirement in 1805.

Slide 50: Bulstrode’s *Reports* Title Page

Bulstrode’s *Reports* were the first to be originally written in English. Our copy may have been owned at one time by another Philadelphia lawyer.

Slide 51: Bulstrode Owners’ Markings

Note the name written in the title page: Nicholas Waln.

Slide 52: Picture of Nicholas Waln

Nicholas Waln went to England to study law. He enrolled in the Middle Temple in 1763 and stayed for a year. Perhaps he purchased the *Bulstrode Reports* while he was in England. On his return to America he settled in Philadelphia and became a very prosperous lawyer. **“One evening in the winter of 1771-72, after winning a case for a client he thought guilty, he was over come by a sense of wrong-doing and remorse.”** He closed out his law practice, and took on the dress and manner of a plain friend. In 1774 he was formally recorded as a minister in the Quaker Church.

Slide 53: Rolle’s *Abridgment* Title Page

In 1668 an important abridgement of the law reports called Rolle’s *Abridgment* was published. Here is a page explaining its contents.

Slide 54: Rolle’s *Abridgment* Preface

The preface is in English. It opens with

This ensuing book is a collection of divers cases, opinions and resolutions of the Common-Law, digested under alphabetical titles, and those titles subdivided into heads and paragraphs. The author of this book intended it only for his own private use; and the publishing of it was intended principally for the benefit of the students of the Common-Law, though it may be also useful for the professors and practisers thereof.

Our copy has interesting owners’ marks.

Slide 55: Rolle’s *Abridgment* Owners’ Markings

As you can see, it was signed by James Wilson.

Slide 56: James Wilson’s Signature

The signature matches one I found on the web for a James Wilson (1742 – 1798) who signed the Constitution.

Slide 57: Signature Comparison

Slide 58: Constitution—Wilson’s Signature

Slide 59: Constitution—Close-up of Wilson’s Signature

Here is a picture of Wilson.

Slide 60: Picture of James Wilson

He is credited for being the most learned of the Framers of the Constitution, and later he served as an Associate Justice on the United States Supreme Court (1789 – 1798).

I know he visited New Jersey at least once, a visit he surely regretted. Toward the end of his life he lost a great deal of money in land speculation. At one time he was briefly imprisoned in Burlington, New Jersey, for a small debt. Perhaps he had to sell this book to get out of jail.

THE REST OF THE LAWYER'S LIBRARY

There are, of course, other sources of law and the lawyer's library has more than just reports.

Slide 61: Law—Legal Authority

There are three other types of authoritative legal documents: constitutions, statutes, and treatises.

A Constitution is “The system or body of fundamental principles according to which a nation, state, or body politic is constituted and governed.” A constitution is more fundamental than any particular law. It may be a single written document framed and adopted at one time or it may be a set of principles develop over a period of time and embodied in a number of different documents as is the case with the English constitution.

Statutes are laws passed by a legislative body, in this case Parliament. We will see a set of English statutes a little later.

A Treatise is a comprehensive work that attempts to include in some logical structure all the law up to the time of the work. We will have a look at two.

Slide 62: The Lawyer's Library

In addition to these sources of substantive law, lawyers and students of law use law text books, books on legal procedure, and histories of the law.

Early Reference Works, Law of Procedure, Historical Works

Simboleography, West, 1611-1615

Nomothetas, 1672

Compleat Collection of State-Tryals, 1719

Now I would like to show you three legal reference works from our collection.

Slide 63: *Simboleography* Title Page

Simboleography, West, 1615

This book was the first comprehensive collection of legal forms and conveyancing precedents to be published in English. It explains the art of writing or drawing up legal instruments and was first published in 1590. Our copy is dated 1615. It covers legal forms used during the time of Queen Elizabeth.

To give you some notion of its contents, I found it referenced in three other works that describe its various functions:

- Provides definitions of the crimes including “magicke” and “witcherie.” (“New England’s Place in the History of Witchcraft,” *American Antiquarian Society*)
- Gives examples of forms of licences such as “a licence to brew,” “a license to keepe a wine taverne,” “a license to sell ale.” (*Notes and Queries*, January-June 1883)
- Provides specimens of “indictments,” one of which was “for bewitching a Horse, whereby he wasted and became worse.” (*A History of Witchcraft in England from 1558 to 1718*)

Slide 64: *Nomothetas* Title Page

Nomothetas, the Interpreter, John Cowell (Thomas Manley), 1672

Despite the strange name this book is basically just a law dictionary, a law dictionary with an interesting history.

Under the word “king” was to be found the following: “He is above the law by his absolute power....”

This definition along with a few others upset many members of Parliament. [Definitions of "King," "Parliament," "Prerogative," "Recoveries," and "Subsidies."]. When a joint committee of Lords and Councilors reviewed the work, the ensuing controversy nearly halted the affairs of government. King James, who needed the support of Parliament, suppressed the dictionary. I read in one source that he ordered all copies burned by a public hangman. It seems a rather extreme action to take against a dictionary.

Our copy is one of an edition published in 1672. By this time the offending definitions had been rewritten.

Slide 65: Definition, King, Beginning

Slide 66: Definition, King, Text

The new definition still seems pretty strong on the side of the king to me, but Parliament is at least mentioned.

Since we have been looking at owners markings, I would like to point out two on this title page.

Slide 67: *Nomothetas* Owners' Markings

Aaron Leaming and A. Hamilton. I leave discovering who these owners are to you.

Slide 68: *Compleat Collection of State-Tryals* Title Page

Compleat Collection of State-Tryals, 1719

The *Compleat Collection of State-Tryals* is an impressive collection of transcribed documents describing famous trials from the reign of King Henry the Fourth to the end of the reign of Queen Anne. It was published in four volumes in 1719. I have it open to the record of the trial of Sir Thomas More.

Simboleography has some interesting owners' markings.

Slide 69: *Simboleography* Owners' Markings—Samuel Allinson

One of the owners of this book was very likely the Samuel Allinson of New Jersey who lived during the mid-1700s.

Slide 70: Close-up of Samuel Allinson's Name

He was licensed an attorney in 1760. Note the date next to his name, 1761. Allinson was designated by the New Jersey legislature to prepare a new edition of the laws of New Jersey which was published in 1776. I was unable to find a picture of Samuel Allinson, though I did find a room named for him at The Lily Inn in Burlington.

Slide 71: The Lily Inn and Samuel Allinson Room

According to the Inn's website, Samuel Allinson bought two adjacent buildings on this site in 1767 and combined them into a single residence.

Here is a slide showing the title page of Allinson's *Laws*.

Slide 72: Allinson's Laws Title Page

We have many copies of Allinson's *Laws* in our collection. The one I am showing in this slide has a handwritten notation that reads:

Slide 73: Allinson's Laws Handwritten Notation

"Bought for the General Assembly of New Jersey October 27, 1792."

Our copy of *Simboleography* also has a book plate.

Slide 74: Joseph Bloomfield Book Plate

Joseph Bloomfield (1753-1823) was a governor of New Jersey for ten years beginning in 1801. He was born into a well-to-do family, and after serving in the Continental army, he settled in Burlington and was admitted to the bar. Local politicians were flattered by invitations to caucus at the Bloomfield family residence in Burlington, with its "fine library and many curiosities." As governor he preferred to be called "General" rather than "Excellency."

Slide 75: Picture of Joseph Bloomfield

When war was declared in June 1812, Bloomfield promptly resigned as governor and became a brigadier general in the United States army. Late in his life he served two terms in the U.S. House of Representatives.

Slide 76: The Lawyer's Library

So far we have looked at reported cases—the Year Books, private reports, and abridgements of both—and law reference books on procedure, language and history.

Treatises

The First Part of the Institutes of the Lawes of England, Coke, 1629 (2d edition)
Commentaries on the Laws of England, Blackstone, 1765-1769

Next we have two of the most important law treatises ever written. The first is Coke's *Institutes*.

Slide 77: Coke's First Part of the Institutes Title Page with Picture

Slide 78: Coke's First Part of the Institutes Title Page

Our copy of Coke's *First Part of the Institutes* is a second edition published in 1629 when Sir Edward Coke was still alive.

Slide 79: Blackstone's *Commentaries* Title Page

Second we have Blackstone's *Commentaries on the Laws of England*. Our copy is a first edition printed in London. It came out in four volumes over the period 1765 to 1769.

Our copy was, I believe, originally purchased by a lawyer living in Devon, England.

Slide 80: Blackstone's *Commentaries* Owners' Markings

Note the name on the title page: Peter Madock Docton.

Peter Madock Docton, c. 1725-1769

- Graduated from the University of Oxford in 1742 at age 17.
- He was created M.A. in 1747.
- In a 1762 list of freeholders, he is shown as Peter Madock Docton, esq., living in Devon, in the town of St. Budeaux.

He was at the right place, in the right profession, at the right time to be an owner of this book.

- In 1767 he gave £400 to the St. Budeaux Charity School. The school is still in operation and they remember the gift.

Slide 81: School Site

- He died in 1769, four years after the publication of Blackstone's first volume, and I presume four years after purchasing this volume.

I was unable to find his picture, but I did find a picture of his parish church.

Slide 82: St. Budeaux Parish Church

The most curious fact I discovered about Peter Madock Docton came from the Burials Register at St. Budeaux. The Rev. Alcock, vicar, wrote

Slide 83: Rev. Alcock's Notation

1769, July 10, was buried Peter Madock Docton Esquire, My dear and worthy friend. Being buried in linen ye penalty of £5 was incurred....

Parliament in an attempt to encourage England's wool industry had passed a statute requiring the dead, except plague victims, to be buried in pure English woollen shrouds to the exclusion of any foreign textiles. I don't know how much this helped English industry. It is my understanding that most people at the time were buried naked.

Statutes

The Journals of All the Parliaments during the Reign of Queen Elizabeth, 1682
The Statutes at Large, 1734-1735

The last two items in today's display are works related to Parliament, a collection of transcripts of the proceedings of Parliament and a set of the statutes.

These two titles may be the first books other than the legislatures own proceedings and acts acquired by the New Jersey legislature.

Slide 84: *The Journals of All the Parliaments during...* Title Page

The first was a gift to the legislature from Governor Lewis Morris.

Slide 85: Picture of Lewis Morris

In 1738 Lewis Morris (1671 – 1746) was appointed the first separate royal governor of New Jersey. He had a large personal library of over 3,000 books, one of which he gave to the legislature when he became governor. This is the actual book that was presented to the legislature in 1738. You can see the notation in the book.

Slide 86: D'Ewes Owners' Markings

The second book acquired is actually a set of statutes in six volumes purchased by the legislature and received in 1742.

Slide 87: *Statutes at Large* Title Page

I have here volume two of the six-volume set.

Slide 88: *Statutes at Large* Page of Text (An Act for Burying in Woollen only)

The book is open to the page showing the law which Peter Madock Docton's heirs violated: "An Act for Burying in Woollen only."

Slide 89: Close-up of Page with An Act for Burying in Woollen only

Page 679

A.D. 1666

Anno decimo octavo CAROLI secundi Regis

[Eighteenth year of the reign of Charles the Second]

CAP. IV

An Act for Burying in Woollen only.

CONCLUSION

Some Thoughts on How the Collection Came to Be

By this time you may be wondering how the New Jersey State Library came to have so many early law books. As we have seen, a few of them were acquired by the legislature during its early years. Many, though, came from another source. A number of the books we looked at today have a hand-written note or book plate referring to the “New Jersey Law Library.”

In early 1858 the State Librarian, Charles J. Ihrie, reported—

Slide 90: State Librarian’s Report

Since my report of last year the aggregate increase of books to the State library number one thousand eight hundred and thirty-four volumes, and in pamphlets fifty-four copies.

The greater portion of this number has been donated to the State by the “Law Association of New Jersey,” and the estimated worth and cost of the same is said to exceed five thousand dollars.

It just so happens that we have a catalog for this Law Association of New Jersey Library which was printed eleven years before the collection was merged with the State Library’s.

Slide 91: *Law Association of New Jersey Catalog*, 1846

Many of the items in our English law collection came from this library. Here is a page of the catalog on which you can see listed two of the books we looked at today:

Slide 92: Two Examples from Catalog Page

La Graunde Abridgement and Rolle’s *Abridgment*.

I was curious about this association and its library, but could find out very little. I did find a mention of it in a Trenton newspaper published in 1848. At the time it was proposed that \$100.00 per year of state money be allocated for the support of this library. A member of the Assembly who opposed this was quoted in the *State Gazette* as saying why provide support to

...the Law Library,--a private institution which has no other claim on the treasury than any other similar institution in the state. It is owned by a favorite and wealthy class of men, who make out to get more favors than any other class of men in the state. He believed it was putting our hands

into the treasury without right, justice or law. (*State Gazette*, Wednesday, March 8, 1848)

Despite this opposition, the \$100.00 annual allocation was approved. This and other references imply that though a private library, it was located in the State House and used by members of the legislature.

I have no idea when this library association was first formed or who the members were. Based on the books we have from that collection, it looks as though they had an excellent acquisitions program. The earliest mention of the New Jersey Law Library I have found is in 1836. As already noted, the books came under the control of the state librarian in 1857.

In Summary

So what have we seen today?

Slide 93: The Lawyer's Library

- The Year Books by anonymous reporters
- The classic abridgements: Brooke, Bellewe, Rolle
- The named reports: Moore, Coke, Bulstrode, and Saunders
- The statutes of Parliament
- The classic treatises: Coke and Blackstone
- Reference works on procedure, forms, language, and history

Many of these books passed through the hands of prominent men who contributed to the history of the law, our state, and the United States:

Slide 94: Our Owners

- George Read of Delaware who signed both the Declaration of Independence and the Constitution.
- James Wilson of Pennsylvania the most learned of the framers of the Constitution.
- Governor Lewis Morris who gave the New Jersey Assembly (and thus the State Library) its first book.
- Governor Joseph Bloomfield who preferred the title "The General," and resigned his governorship to serve during the War of 1812.
- Andrew Hamilton, the Philadelphia lawyer, who in 1735 fought for the freedom of the press by successfully defending John Peter Zenger.
- Elias Boudinot the fourth President of the United States—in Congress Assembled.
- Nicholas Waln the pious Quaker who regretted winning a case.
- Samuel Allinson who compiled all the laws of the Royal Colony of New Jersey up to the time of the Revolution, and is still remembered today at the Lily Inn.
- Peter Madock Docton who was buried in linen and paid the price.

Isn't it amazing what you can learn from books? I've learned a lot from these early English law books, and I did it without even reading any of them.

The Last Word

Let me close with my answer to the question presented at the beginning.

Slide 95: Question

What on earth is the use of looking at old law books? I believe that old books get their value from being historical artifacts. Each book occupies a place in history and has a story to tell, and I don't mean the one the author wrote.

As David Pearson writes in his book *Books as History*:

Slide 96: Books as History

Books can develop their own individual histories, which provide important evidence about the way they were used and regarded in the past, and which make them an indispensable part of the fabric of our cultural heritage.

I hope you will all take an opportunity to get a closer look at the books before you leave today. I thank you for giving me your time and attention over the past hour.