

THE DANIEL R. COQUILLETTE
RARE BOOK ROOM

RECENT ADDITIONS TO THE
COLLECTION – SPRING 2007:
A GUIDE TO THE EXHIBIT

The Boston College Law Library is pleased to display this selection of works it has recently acquired. Most of them came to the library in 2006 thanks to the generosity of Professor Daniel R. Coquillette. Over the years, Professor Coquillette has given the library an incomparable collection of early American, English and Continental law which stretches over a period of five hundred years. Using these books, researchers can “step into the shoes” of working lawyers in the sixteenth through eighteenth centuries – learning, reading and practicing the law just as they did.

Also on view are legal documents and manuscripts, including an important recent purchase by the library and a small selection from a magnificent gift of early American legal documents and manuscripts donated in recent years by Robert E. Brooker III.

The exhibition is loosely organized by themes. It begins in the two large flat wooden display cases on either side of the entrance. In these cases are early examples of the bookmaker’s art, including a 1561 edition of Chaucer’s works and an Ethiopian manuscript Old Testament dating from the 1500s. The exhibit continues clockwise around the room with cabinets containing important editions of Blackstone’s *Commentaries*, including the first American edition by Robert Bell. It concludes with a sampling of justice of the peace manuals and documents, a few works owned by notable early American lawyers, and original slip opinions from

two cases that continue to be relevant today.

The exhibit was curated by Karen Beck, Curator of Rare Books. It will be on view through mid-June 2007.

First flat wooden case (to the left of the entrance door):

THE ART OF THE BOOK

This potpourri of interesting antiquarian books reveals the range of the scribe’s, printer’s and bookmaker’s art. These books add to the law library’s collection of early manuscript and printed masterpieces, which includes a spectacular fourteenth century illuminated manuscript, a 1475 codex by Justinian and works by Aquinas and Pope Gregory IX – all donated by Dan Coquillette in previous years. Taken together, these books illustrate the evolution of the printed word.

ETHIOPIAN MANUSCRIPT: *OLD TESTAMENT
BOOK OF GENESIS*

This striking early manuscript bible (c. 1500) was bound in the same style as books made during Roman times. The pages are vellum, and the scribe who wrote the text used red and black inks. The book was written in Gheez, the written language of the Ethiopian church which is still in use today. Illuminations (not shown here) include quails in the “Land of Milk and Honey.”

This copy was found in a British officer’s chest dating from the Wars of King Theodore in the Victorian era. It was said to be looted from the famous library at Gondar after it was captured by British troops.

Gift of Daniel R. Coquillette.

RICHARD BAKER, *A CHRONICLE OF THE KINGS OF ENGLAND, FROM THE TIME OF THE ROMANS GOVERNMENT UNTO THE DEATH OF KING JAMES ... WHEREUNTO IS ADDED, THE REIGN OF KING CHARLES THE FIRST, AND THE FIRST THIRTEEN YEARS OF HIS SACRED MAJESTY, KING CHARLES THE SECOND ...*

London: Printed for George Sawbridge and Thomas Williams, 1670. 5th edition.

This very popular work reflected a tremendous amount of labor by its compiler, Sir Richard Baker. It includes a chronology of rulers spanning from the time of King Vortigern (a pre-Roman Briton) to 1669, and a chart tracing the pedigree of English Kings and Queens from King Egbert in 818 AD forward. A catalog of English nobility precedes the biographical section.

This handsome copy features an elaborately engraved preliminary title page, shown here. The original seventeenth-century leather binding has survived to the present day.

Gift of Daniel R. Coquillette.

GEOFFREY CHAUCER, *THE WOORKES ... NEWLY PRINTED, WITH DIVERS ADDICIONS, WHICHE WERE NEVER IN PRINTE BEFORE*
London: Printed by Jhon Kyngston for Jhon Wight, 1561. 1st Stowe edition.

This edition marks the first publication of many of Chaucer's works. Because Chaucer has been so popular for centuries, early collections such as this one are very rare because the books have worn away with constant use. That makes this surviving copy all the more special. Although in remarkable condition, it is missing a number of pages and reveals evidence of centuries of readers. Relatively early in its life, the pages were cut down to fit a seventeenth-century leather binding.

Although it has not yet been proven, this copy may have belonged to Oliver Cromwell. One of the leaves in the front of the volume (not shown) features an engraving of Cromwell.

The book is opened to the "Man of Lawes" prologue and tale from the Canterbury Tales.

Gift of Daniel R. Coquillette.

Second flat wooden case (to the right of the entrance door):

THE ART OF THE BOOK: GREEK AND LATIN CLASSICS

The books in this case include works by the classical authors Aristotle, Cicero, Martial and Virgil. Each one is a magnificent example of early printing and, like the books in the horizontal case to the left of this one, they enhance the library's existing collection of early printed works.

ARISTOTLE, *STRAGIRITAE TOPICA INUENTIO IN OCTO SECTA LIBROS ...*

Paris: Ioannem Roigny, 1540.

Along with Socrates and Plato, Aristotle (384-322 BC) was one of the most influential of the ancient Greek philosophers.

This book features a magnificent title page with a woodcut engraving of an early printing press. Also on the title page are signatures of at least one previous owner, and a small faded impression seal at the top of the page. Sprinkled throughout the text are annotations by an early prior owner.

Gift of Daniel R. Coquillette.

CICERO (106-43 BC), *TUSCULANARUM QUAESTIONUM CICERONIS*

Venice: Aldi Filii, 1546.

This copy is opened to the first

page of the text. Note how the printer left a space at the beginning for the initial capital letter “C” to be added later by an artist. Perhaps the person who originally bought this book lacked the means to hire an artist to add the initials, or intended to add them later but never got around to it.

Gift of Daniel R. Coquillette.

MARCUS VALERIUS MARTIALIS,
EPIGRAMMATON LIBRI XIII...
Venice: “Ex Sirenis Officina” Petri Rauani
& Socios, 1552.

Martial (c. 40-102 AD) was most famous for his *Epigrammata*, a series of books of epigrams he wrote over the course of many years. His epigrams remain of interest today because they give us insight into life in imperial Rome, and they reveal unchanging truths about human nature.

This book is bound in gold-embossed leather. It contains a striking engraving of a serpent on the title page (not shown). It is opened to the first text page, which features magnificent engraved initial capitals, elaborate glosses, and an array of fonts.

Gift of Daniel R. Coquillette.

VIRGIL, *POETAE MANTUANI, UNIVERSUM
POEMA*
Venice: Haeredes Ioannis Mariae Bonelli,
1574.

Publius Vergilius Maro (70-19 BC), known in English as Virgil or Vergil, was an ancient Roman poet, most famous for writing the epic poem the Aeneid.

This copy features a vellum spine and decorated paper covered boards. There is an elaborate engraving on the title page, and many engraved woodcut illustrations and initials throughout the text. The book is opened to a page featuring an engraved pastoral scene, plus five initial capitals.

Note the elaborate printing elements, which include text in a variety of fonts and sizes, and a central column of main text surrounded on all sides by a tightly printed gloss.

Gift of Daniel R. Coquillette.

First wall cabinet (labeled Cabinet II):

BLACKSTONE’S *COMMENTARIES*

In 1758, Sir William Blackstone (1728-1780) became the first Vinerian Professor of Law at Oxford, where he taught English common law. Before this time, universities in England taught only Roman and Canon law, while the common law was taught at the Inns of Court.

Blackstone published the first edition of his groundbreaking *Commentaries on the Laws of England* in four volumes between 1765 and 1769. One of his major motivations at the time was to stop illicit trafficking in his lecture notes. Law students would circulate copies of his notes to others, who would pay for the notes rather than attending classes – certainly something no law student would dream of doing today! By revising his lectures for publication as the *Commentaries*, Blackstone effectively put an end to this practice.

Initial motivations aside, Blackstone’s *Commentaries* revolutionized the way law was taught and learned on both sides of the Atlantic. Where before young law students and lawyers had to make sense of English law from a confused heap of heavily glossed texts, now they could turn to the *Commentaries* for a clear, well-ordered

explanation of the common law. Blackstone took as his model the elegant Roman law texts of Emperor Justinian, who centuries before had reduced the jumble of Roman law into a few key works.

Blackstone's *Commentaries* have remained influential up to the present day; they have been published in numerous editions and translated into many languages. The Boston College Law Library owns many English and American editions of the *Commentaries*, including two sets of the first Oxford edition. Last year's bequest from Kitty Preyer and this year's gift from Dan Coquillette enhance our already strong collection. Our most recent additions to our Blackstone holdings appear in these cabinets.

WILLIAM BLACKSTONE, *COMMENTARIES ON THE LAWS OF ENGLAND. IN FOUR BOOKS ... THE NINTH EDITION, WITH THE LAST CORRECTIONS OF THE AUTHOR; AND CONTINUED TO THE PRESENT TIME BY R.I. BURN*

London: Printed for W. Strahan; T. Cadell, and D. Prince, 1783. 4 vols.

The *Commentaries* were so popular that in fewer than twenty years, they had been published in nine editions in England alone. This ninth edition is significant because it is the last edition of Blackstone's *Commentaries* to include the corrections and annotations of the author himself. Later editions featured additions and annotations by other writers.

Volume 1 is opened to a fine engraved frontispiece portrait of Blackstone. It also contains an engraved bookplate of a prior owner, Lord Viscount Powerscourt, inside the front cover.

Gift of Daniel R. Coquillette.

Second wall cabinet (labeled Cabinet III):

BLACKSTONE IN AMERICA: ROBERT BELL BLAZES THE PATH

WILLIAM BLACKSTONE, *COMMENTARIES ON THE LAWS OF ENGLAND. IN FOUR BOOKS ... RE-PRINTED FROM THE BRITISH COPY, PAGE FOR PAGE WITH THE LAST EDITION.*

Philadelphia: Printed by Robert Bell, 1771-1772. Vols. 1 to 3 only (of 4 vols.) 1st American edition.

This exceedingly important edition of Blackstone was the first to be published in America. The publisher Robert Bell pirated an English edition and reprinted it word for word. To finance this undertaking, Bell solicited subscribers, asking them to submit their names and pay the price of two dollars per volume, payable upon delivery of each volume. The subscribers' names were to be published in volume 4 (missing from our set). The American edition of the *Commentaries* proved extremely popular; the subscription list in volume 4 ran 22 pages long.

Volume 1 is opened to the title page, which has been signed by several former owners. Opposite the title page is Robert Bell's notice to potential subscribers, explaining the subscription process. Carefully skirting the issue of literary piracy, Bell appeals to readers' patriotism:

" ... [T]he EDITOR hopeth, *Patriotism* to encourage *native FABRICATIONS*, with the Advantage of saving *seven Pounds* in the Purchase of *ten Pounds* Worth, - *The British Edition being sold at Ten Pounds Pennsylvania Currency,*

together with that innate Thirst for Knowledge, which is so admirably ingrafted in the Contexture of the human Mind; ... Will nobly animate all, whose Ideas are expanded in search of Knowledge, to encourage this AMERICAN EDITION.”

Volume 2 is opened to an attractive fold-out Table of Descents.

Volume 3 is opened to a notice “To the Encouragers of LITERATURE” opposite the title page.

Gift of Daniel R. Coquillette.

Cabinet IV:

AN INTERESTING APPENDIX TO SIR WILLIAM BLACKSTONE’S COMMENTARIES ON THE LAWS OF ENGLAND. CONTAINING PRIESTLEY’S REMARKS ... BLACKSTONE’S REPLY TO PRIESTLEY ... PRIESTLEY’S ANSWER TO BLACKSTONE ... THE CASE OF THE LATE ELECTION ... FURNEAUX’S LETTERS TO BLACKSTONE ...

Philadelphia: Printed for the Subscribers by Robert Bell, 1773. 1st edition.

In the last volume of his *Commentaries*, Blackstone classified non-conformity to the Church of England as a crime. Joseph Priestley, an eminent and prolific scientist and author, as well as a prominent dissenter of the period, took exception to Blackstone’s position, and proposed an alternative view based upon the doctrine of religious freedom and tolerance. Their debate was captured in this work. This volume is opened to the first page of Priestley’s remarks. He excoriates Blackstone’s writings about the Church of England as “destitute of candour” and “unsupported by truth, or even a decent appearance of argument.”

The *Interesting Appendix* was published by Robert Bell, who published the first American edition of Blackstone’s *Commentaries* just two years earlier. Bell employed the same method here: soliciting advance subscriptions to finance the publication of this work at a cost of \$1.50 per volume, payable upon delivery. His notice to potential subscribers can be seen in Volume 3 of the *Commentaries* shown in the previous cabinet, where the “Notice to the Encouragers of LITERATURE” appears opposite the title page.

Gift of Daniel R. Coquillette.

WILLIAM BLACKSTONE, *COMMENTARIES ON THE LAWS OF ENGLAND. IN FOUR BOOKS* Boston: From J. Bumstead’s Printing Office, 1799. Vol. 4 only. 2nd American edition.

This edition, like Robert Bell’s first edition, is simply reprinted from English editions of the *Commentaries*. So even though it was published in America and heavily used by American lawyers, it was not a true “American” edition, for it did not reflect the laws and practices of this country. It would take American commentators like St. George Tucker, featured in the next cabinet, to adapt the *Commentaries* to American national and state practice.

Gift of Daniel R. Coquillette.

Cabinet V:

A TRULY AMERICAN EDITION OF
BLACKSTONE'S *COMMENTARIES*

ST. GEORGE TUCKER, *BLACKSTONE'S COMMENTARIES: WITH NOTES OF REFERENCE, TO THE CONSTITUTION AND LAWS, OF THE FEDERAL GOVERNMENT OF THE UNITED STATES; AND OF THE COMMONWEALTH OF VIRGINIA ... WITH AN APPENDIX TO EACH VOLUME, CONTAINING SHORT TRACTS UPON SUCH SUBJECTS AS APPEARED NECESSARY TO FORM A CONNECTED VIEW OF THE LAWS OF VIRGINIA, AS A MEMBER OF THE FEDERAL UNION*

Philadelphia: Published by William Young Birch, and Abraham Small; Robert Carr, printer, 1803. 5 vols.

This is the first edition of St. George Tucker's influential reworking of Blackstone's *Commentaries* to reflect Virginia law. Seeking to make the *Commentaries* relevant to American legal culture, Tucker incorporated the laws of Virginia – including the laws of slavery – into this edition of the *Commentaries*.

Volume 1 is opened to the Table of Contents. Following Sections I–IV of Blackstone's *Commentaries* is the Editor's Appendix, featuring short essays by Tucker describing the laws of the United States and Virginia.

Volume 2 is opened to one of Tucker's essays, "On the State of Slavery in Virginia." Tucker abhorred slavery. Comparing the laws of America and England, he wrote, "It is equally the glory and the happiness of that country from which the citizens of the United States derive their origin, that the traces of slavery, such as at present exists in several of the United States, are there utterly extinguished." (pages 32-33).

Volume 3 (lower shelf) is opened to a Table of Descents quite similar to the table in Robert Bell's first American edition of the *Commentaries* displayed elsewhere in this room. But unlike Bell, Tucker modified the Table to reflect the Virginia law of descent.

Gift of Daniel R. Coquillette.

Cabinet VI (across the room):

JUSTICES OF THE PEACE
IN ENGLAND AND AMERICA

Justices of the peace played an important role in the legal communities of England and early America. Some were law-trained, many were not, but they all served as the face and voice of the law, especially in small towns and remote areas. Often the only ones in their communities with any legal knowledge, they turned to "JP manuals" for help.

The recent acquisitions on display in these cabinets add to the library's rich collection of JP manuals, many of which were bequeathed to the library by Kitty Preyer in 2005. They are supplemented with original documents prepared by justices of the peace from Maine and Massachusetts in the late eighteenth and early nineteenth centuries. These documents represent a small sampling of more than 2,500 early American legal and land use documents given to the library by Robert E. Brooker III in 2003.

THE UNDER-SHERIFF: CONTAINING THE OFFICE AND DUTY OF HIGH-SHERIFFS, UNDER-SHERIFFS AND BAILIFFS ... WITH AN APPENDIX OF PRECEDENTS, NEVER BEFORE PUBLISHED. BY A GENTLEMAN OF THE INNER-TEMPLE.

London: Printed for His Majesty's Law-

Printers, 1766.

This is an unusually thorough guidebook that considers the relation of sheriffs to other parts of the English legal system. This title is relatively rare, with fewer than 15 copies in American libraries.

JAMES PARKER, *THE CONDUCTOR GENERALIS, OR, THE OFFICE DUTY AND AUTHORITY OF JUSTICE OF THE PEACE ... COMPILED ... BY JAMES PARKER, LATE ONE OF THE JUSTICES OF THE PEACE FOR MIDDLESEX COURT, IN NEW-JERSEY ... AND NOW REVISED AND ADAPTED TO THE UNITED STATES OF AMERICA.*

Philadelphia: Printed for Robert Campbell, 1792.

This is a desirable edition of one of the most important American peace officer's manuals. The library owns many editions of this work thanks to the generosity of Kitty Preyer and Dan Coquillette.

Gift of Daniel R. Coquillette.

MANUSCRIPT #2351: JUSTICE OF THE PEACE NOTEBOOK

Robert Huston's legal record book provides a fascinating glimpse into the daily life of a justice of the peace in 1811 Bristol, Massachusetts (later Maine). Huston was an attorney, selectman and justice of the peace for the town of Bristol. In his record book he describes a variety of legal actions that were brought before him in his capacity as justice of the peace, as well as their outcomes. This information is especially valuable and rare, since most legal documents provide no hint of the ultimate outcome of a case.

This notebook shows us that, then as now, most legal actions disappeared before they ever made it to trial. Here is one example dated October 31, 1811:

These certify that Alex'dr Clark acknowledge that he had raised and circulated a report against Bridget Terril for clandestently taking milk from his cows when in the pasture and that he afterwards found that he had no cause to suspect the said Bridget nor family for the above charge – and that he was very sorry he had circulated such report and gave her a certificate to that effect.

Attest – Rob't Huston,
Justice of the Peace

Gift of Robert E. Brooker III.

DOCUMENT #1695: BILL FOR JUSTICE OF THE PEACE SERVICES

This document is an 1812 bill to the town of Bristol, Maine, from justice of the peace Robert Huston. He bills time for drafting documents, attending Town Meeting, assessing taxes and other activities. Present-day lawyers may be interested to learn that Huston billed his time at \$1.50 per day.

Gift of Robert E. Brooker III.

Cabinet VII:

WILLIAM RICHARDSON, *THE NEW-HAMPSHIRE JUSTICE OF THE PEACE*
Concord: Printed by Isaac Hill, 1824. 1st edition.

Richardson practiced law in Groton, Massachusetts and represented Massachusetts in the United States Congress from 1811 to 1814. He moved to New Hampshire in 1814 and became Chief Justice of the state supreme court in 1816. Richardson also compiled early

volumes of the New Hampshire Reports.

This handy little volume is arranged alphabetically by subject, from “Arbitration” to “Surety of the Peace and Good Behaviour.” Following the chapters is an appendix of sample forms and a detailed index.

The book is opened to a sample “Form of a notice to a town, that a pauper has been maintained.”

DOCUMENT #1868: *LETTERS TO OVERSEERS OF THE POOR*

This anonymous document dated December 1799 was written by a Boston justice of the peace or someone functioning in a similar capacity. It consists of four nearly identical letters to the overseers of the poor in the towns of Belfast, Bridgewater, Medfield and Portland. Note how similar the letter is to the sample form in the New Hampshire JP Manual in this cabinet:

Gentlemen – I am directed by the board of Overseers for this Town, to request you to pay the account for Elizabeth Bolton, and her child Betsey’s board &c in our Alms House, which was sent you the 7th Sept. last, amounting to \$53.28 – and save your Town, and this, from the trouble, and Expences of a law suit.

Gift of Robert E. Brooker III.

MANUSCRIPT: *LAW CLERK’S ACCOUNT BOOK*

This small 14-page booklet, dated 1772, is a unique handwritten record of an anonymous Essex County, Massachusetts law clerk with the initials J.L. The clerk recorded work transacted for several prominent early Essex-area attorneys, including Daniel Farnham, William

Pynchon, Nathaniel Peaselee Sargent and John Lowell. The entries include fees for various bills, petitions and continuances, arranged alphabetically by the attorney’s name. They appear quite similar to the entries recorded in justice of the peace Robert Huston’s notebook shown in the previous cabinet.

The library recently purchased this account book to enrich its strong collection of early American legal documents and manuscripts donated by Robert E. Brooker III.

Cabinet VIII:

PROVENANCE

Provenance, or the history of a book and its previous owners, is a fascinating study. Many of the law library’s rare books have had storied pasts, including the recent acquisitions exhibited in this cabinet and elsewhere in this room. Provenance research is notoriously difficult and time consuming – but wouldn’t it be wonderful if we could someday prove that the Chaucer volume on display elsewhere in this room really did belong to Oliver Cromwell?

FRANCIS BULLER, *AN INTRODUCTION TO THE LAW RELATIVE TO TRIALS AT NISI PRIUS ...* New-York: Printed for I. Riley and Co., 1806. 2nd American edition.

This copy features several owners’ signatures, including some with dates, on title page. The dates tell us that the book changed hands at least four times, and probably many more – including once in 1840 and again in 1861.

Gift of Daniel R. Coquillette.

CESARE BECCARIA, *AN ESSAY ON CRIMES AND PUNISHMENTS*

Philadelphia: Robert Bell, 1778. 2nd
American edition.

Bound with:

GRANVILLE SHARP, *REMARKS ON THE OPINIONS OF SOME OF THE MOST CELEBRATED WRITERS ON CROWN LAW, RESPECTING THE DUE DISTINCTION BETWEEN MANSLAUGHTER AND MURDER...*

Philadelphia: Robert Bell, 1778. 1st
American edition.

This book was once owned by Samuel Putnam (1768-1853), senator of Massachusetts and Justice of the Massachusetts Supreme Judicial Court from 1814 to 1842. His signature appears on the flyleaf as shown here.

Gift of Daniel R. Coquillette.

GEORG FRIEDRICH VON MARTENS, *SUMMARY OF THE LAW OF NATIONS, FOUNDED ON THE TREATIES AND CUSTOMS OF THE MODERN NATIONS OF EUROPE; WITH A LIST OF THE PRINCIPAL TREATIES...*

Philadelphia: Published by Thomas Bradford, 1795. 1st American edition.

This work was signed on the inside front cover by the patriot Robert Treat Paine (1731-1814). Paine served as the prosecutor in the Boston Massacre trials, and was a signer of the Declaration of Independence, a founder of the American Academy of Arts and Sciences, and a Justice on the Massachusetts Supreme Judicial Court from 1790 to 1804. Annotations in the margins of several pages seem to be in Paine's handwriting.

Gift of Daniel R. Coquillette.

Cabinet IX:

IMPORTANT SLIP OPINIONS

OPINION OF JUDGE N.K. HALL (U.S. DISTRICT COURT, N.D. NEW YORK) ... *ON HABEAS CORPUS IN THE CASE OF REV. JUDSON D. BENEDICT...*

Buffalo: Joseph Warren & Co., 1862.

This case involves President Lincoln's Presidential power to suspend the writ of *habeas corpus* during the Civil War – the last time a President has tried to do so. It continues to be of great significance in the aftermath of 9/11 with the ongoing incarceration of prisoners at Guantanamo Bay.

Gift of Daniel R. Coquillette.

ORIGINAL SLIP OPINION OF THE SUPREME COURT OF THE UNITED STATES: *UNITED STATES V. NIXON, PRESIDENT OF THE UNITED STATES*

This case, involving President Nixon's assertion of executive privilege when he was subpoenaed to produce tapes and documents, was decided by the Supreme Court on July 24, 1974. The opinion is from the first press run.

Gift of Daniel R. Coquillette.

Shown below are the reporters in which these opinions eventually appeared.