The Law Library

This issue of The Quarto is devoted to the Law Library, which in coif and gown parades under the name of The William W. Cook Legal Research Library. It is as remarkable for its contents as it is for its imposing exterior. Architecturally, it is sumptuous, and the newest library building on campus. Bibliographically, it is an important reference library in the law with a growing special collection.

You may not like statistics, but we are going to tell you that Michigan's Law Library contains 175,000 bound volumes, making it the largest law library west of the Atlantic seaboard. Growth of the library in recent years has centered in its collection of Latin-American legal works. This special interest which began about 1930 has resulted in the acquisition of more than 20,000 such books for the library. This expansion preceded the Law School's interest in a program for research in Inter-American law, begun in 1941. Selected graduates of law schools in Latin-America are invited to Ann Arbor for a year to make comparative studies of the commercial laws of the several American countries. The Department of State endorsed the program in 1942 and has made fellowships available to the Latin-American students chosen. Naturally the project stimulates the further acquisition of law books from our southern neighbors.

But our interests are not confined wholly to Latin-American legal works. George Sharswood wrote in a Memoir of William Blackstone that “It is not uncommon to hear the expression ‘The law is a jealous mistress.’ It is true that this profession, like all others, demands of those who would succeed in it an earnest and entire devotion”. We hope that these pages will show why even non-lawyers who work with books of law give them “an earnest and entire devotion”.

Legal Calf

This has nothing to do with our prize-winning heifer or Miss Betty Grable. Another thing bothers us. Why are so many law books bound in tan sheepskin or calf, the homeliest of bindings?

We have a notion that legal tomes would find more good homes among collectors if only they had handsomer covers. Our Law Librarian suggests that economy and custom may have determined the style of binding. Calf was a common leather in England, and light tan is its natural color after being cured. (It darkens with age.) Ergo, tanned calf may have been the cheapest binding available, R.C.—before cloth. America followed the British pattern, later introducing tanned sheep, although it is an inferior leather for binding. The long association of the subject with the binding produced the trade terms “law sheep” and “legal calf”.

Nevertheless, we wish that publishers of law books had possessed more aesthetic and less economic sense. Leather has been replaced now by most of the states with buckram for their reports and statutes, but the color remains tan or brown. We have always felt a sneaking sympathy for the young second wife of the Supreme Court justice in the comedy, First Lady. You may recall how despondently the poor thing surveyed her husband's dully impressive home library and commented: “I never saw a room with so many books in it and nothing to read. 'In re' and 'versus' and the State of Michigan!”

Recommended Rarity

Collectors of legal Americana probably are missing what will become one of the rarest law periodicals of these times. We mean The Advocate, published fortnightly by the school of the Judge Advocate General's Department of the Army. Formerly located in Washington, it was moved to Michigan's Law School in September, 1942. The school staff started publication of The Advocate in June, 1943. It was mimeographed (now multilithed) and stapled. Sorry, but already some issues survive in but one known copy at headquarters, but you might obtain some issues from the officer graduates. Unfortunately, officers study here for only seventeen weeks and, therefore, are not likely to acquire more than nine copies before leaving. (NB to order librarians accustomed to request everything that is free: reread above note and lay off.)
shalt forfeit the sum of five pounds for every such book sold or exposed to sale", so there!

We don't envy booksellers of those days. Nor do we envy the poor archbishop, who had to see all, hear all, and know all. We wonder if he took a hint from Proverbs, 20: 14 — "It is naught, saith the buyer; but when he is gone his way he boasteth."

By Jefferson Out of Hening

With our good friend Julian P. Boyd off to a fine start on his chase of Thomas Jefferson letters (and, please, if you have an unpublished Jefferson letter, let us know about it) our minds wander naturally to good old T. J. and the wonders of his mental processes. One of the finest of all American legal works stems directly from Jefferson's cerebral gymnastics. Yes, we mean Hening's Statutes of Virginia.

Even if he had never known Jefferson, we would have to consider William W. Hening quite a lad, for he manufactured a potable which made his name famous enough. Satisfied with his abilities in this line, he proceeded to distill the murky verbiage of Virginia lawmakers to simple clarity. His first publication (of which the Clements Library has a first edition signed by the author) came in 1795, when he issued The New Virginia Justice, a handbook for justices of the peace. After he had been honored for that first fruit of his pen, he was off on other compilations which led to the great work to which his name is attached.

Jefferson had spent much time, energy, and even money on gathering manuscripts and printed laws of Virginia (the only state without a complete collection of her statutes at the time) for his own use. But Jefferson was too busy with larger things to complete the work, so he gave everything he had collected to Hening, who worked over the mass with prodigious care and produced thirteen volumes of which the historian Bancroft said "no other State in the Union possesses so excellent a work on its legislative history".

By direction of the state legislature, Hening's product was published, the first volume appearing in 1809 and the thirteenth in 1823. The series is a record of the laws of Virginia from the first session of the first legislature in 1619 to the close of 1792. It also includes the state papers and documents essential to a proper understanding of the laws enacted.

Our Law Library has searched diligently for first editions of all the volumes and has come through with a pretty good set. We lack only the first editions of Volumes 1 and 4. If you can spare us strays of these two volumes, please let us know — or, if you hear of the whereabouts of available copies, please let us know. We'd like to honor Mr Hening — and Mr Jefferson, too.

Wayne County Fifth

When the old Northwest Territory was organized in 1787, the first government consisted of a governor, three judges, and a secretary. This administration would continue until the population reached a total of 5,000 free, white males of voting age — a figure which took a dozen years to attain. Meanwhile, a few counties were formed, of which Wayne County (in Michigan) was the fifth, organized in 1796.

The second stage of government — the election of a territorial assembly — was inaugurated in 1799. From that date until the original Territory was broken up by the admission of Ohio to the Union in 1803, the territorial assembly met in three sessions. The laws passed were ordered printed at the end of each session. Consequently, there are three volumes of Laws of the Territory of the United States Northwest of the River Ohio, published in 1800, 1801, and 1802. The first was printed in Cincinnati, the next two in Chillicothe. The Law Library has only the first of these three fundamental editions.
"My True Glory -"

The Emperor Napoleon I was not the sole author of the French Civil Code known as the Code Napoléon, but, as Mr. Coffey, our Law Librarian, puts it "without the leadership, direction, and stubborn persistence of Napoleon the Code would probably never have seen the light of day. Further, Napoleon took an active hand in the shaping of the Code. I suspect that the simplicity, directness, and brevity of the Code are largely due to Napoleon. He took an active part in the discussions, constantly asked surprisingly pertinent questions, and offered trenchant criticism. His role was not at all that of James in the King James Version of the Bible, or Justinian in the Codex Justinianus."

The Code Napoléon dribbled into print as Le Code Civil des Français, when it was published bit by bit (as rapidly as the parts were adopted by the legislature) in Le Bulletin des Lois. The first official edition of the whole Code appeared in 1804. Our Law Library owns copies of both the Bulletin and the 1804 edition of the Code; of course, we would like to see Napoleon's copy of each of those works heading our little procession of editions. Have you one in your attic? However, we are pretty well satisfied with the Law Library's Milan edition of 1806 (called, incidentally, Codice di Napoleone il Grande) which was bound at Napoleon's direction and presented to his stepson, Eugène de Beauharnais.

In 1807, the Code was revised, here and there, to conform with Napoleon's ideas of how an emperor should act. There were no fundamental changes except that such words as "empereur", "empire", and "état" were substituted for "consul", "république", and "nation", and the title of the work was changed officially to Code Napoléon. The Law Library's copy of this edition is also a treasure, for it was once the property of Jerome Napoleon Bonaparte, the emperor's nephew. (Jérôme, Napoleon's brother and later king of Westphalia, came to the United States, where he married Elizabeth Patterson of Baltimore. Their son, Jerome Napoleon Bonaparte, although born in England, lived most of his life in the United States. His grandson, Charles Jerome Bonaparte, was first Secretary of the Navy and then Attorney-General under Theodore Roosevelt.)

The Clements Library holds one of the handsomest editions of the Code. It was published at Florence by Molini, Landi, et Compagnie in 1809 and is one of twelve copies printed on papier vélin double in "la Typographie de la Société Littéraire". It came to us from the Stowe House collections. The third important official edition of the Code appeared in 1816 (after Napoleon's abdications and before his death in 1821); it is the only one of the essential editions which is not on campus.

Napoleon estimated the importance of the Code well, when he remarked at St. Helena: "My true glory is not in having won forty battles; Waterloo will blot out the memory of those victories. But nothing can blot out my Civil Code." It is still officially the Code Napoléon, unless the Nazis have changed the name as well as the rules in France.

"To Read Blackstone"

Sir William Blackstone's Commentaries on the Laws of England (first edition; Oxford, 1765-69: 4 volumes) is so intimate a part of English and American legal history that for years the phrase "to read Blackstone" meant "to study law". The old phrase gave a good deal of dignity to the profession -- perhaps because of Jeremy Bentham's crack that Blackstone had "taught jurisprudence to speak the language of the scholar and the gentleman". We of the non-legal fraternity are inclined to scoff at the influence of any one man on a subject as vast as English law until we are reminded that before Blackstone died in 1780 eight editions of his work had appeared and a ninth was ready for the press. Since then, in England alone, more than twenty editions have been issued.

The first American edition was published at Philadelphia in 1771-72 by Robert Bell and since then there have been about fifty editions of like nationality. The University's Law Library has a respectable collection of Blackstones, including the first twenty-one English editions and twenty-nine American editions. It lacks, however, an original printing of the rare octavo Supplement to the First Edition (of which we have only a facsimile), the first and second editions edited by Robert M. Kerr, -- and the first edition edited by our own Thomas M. Cooley (1870).

Conspirator Blackstone

If you own the fifth Oxford edition of Blackstone's Commentaries, 1773, and are thinking of throwing it away because it is only a fifth, hold it! You own the most interesting edition an American could have. Doubtless, you know the outline of the story of Benedict Arnold's treason, which reached its dramatic, but unsuccessful, climax in September, 1780. Arnold had been corresponding with British Headquarters in New York for eighteen months before that, and the letters (in the Sir Henry Clinton Papers, Clements Library) are written in code, keyed to some book. Early in the reasonable correspondence the fifth Oxford edition of Blackstone was used as the key, it being, apparently, a book readily available. Words needed for the message were found in Blackstone and then cited by a series of three numbers: page, line, and word in the line. Hunting for particular words in a volume of this sort soon became too time consuming, and the conspirators turned to dictionaries. But Blackstone had his inning in the treason.

Un-hunh, the F.B.I. knows all about this. The round-up of a score of Nazi agents a year ago revealed they used the same system -- substituting The Yearling for Blackstone.
Recommended Reading

One of our di-staff members, who is devoted to modern books, has "discovered" an old book in the Clements Library and is enthusiastic about it. She would rank it as the book with which-to-be-cast-off-on-a-desert-island for such varied individuals as poets, lawyers, historians, bibliophiles, and Mr Man I. T. Street with a taste for rare literary morsels and legendary rows.

The book is Trevett Against Weedon, Providence, 1787, and, among other things, it has to do with such archaic items as inflation and the price of meat 155 years ago. Of course, she is right when she says:

"Couched in the powerful, mellifluous prose of James M. Varnum, major-general in the Revolution, lawyer, and member of Congress from Rhode Island, this eloquently succinct record of a lawsuit was vividly in the minds of members of the Constitutional Convention and was one of the earliest cases enunciating the right of judicial review of legislative acts. It contains Varnum's argument that a state law in conflict with the state constitution is thereby void and that the justices who dismissed the case were not accountable to the state legislators (who appointed them) for their decision. And this occurred sixteen years before Chief Justice Marshall confirmed the doctrine of judicial review.

For the literate, there is its matchless style; for the bibliophile, its status as a first edition with a famous imprint; for the historian, incomparable vistas of the confusions of the Revolutionary War. A Charles Dickens would be delighted with the characters ready made for use, while an American will find this slender volume a powerful link in the chain of our defenses of the rights of man, even though today we express it more tersely: "You can't do that to me!""

Enclosure

So much interest has been shown in Howard Peckham's article, "40 Historic Books", which appeared in Publishers' Weekly, November 20, 1943, particularly in the eight titles which he said were lacking in the University of Michigan libraries, that the article has been reprinted with the eight titles listed in an addendum. A copy of the reprint is enclosed with this issue of The Quarto.

Correction

That eminent German scholar, Quaternion B. A. Uhlendorf, stepped on our tenderest toe, when he dared suggest that one of our limericks was not comparable to a perfect diamond or sunshine through a stained-glass window. To be blunt, he pointed out that "flack" should be "flak", or, to the purist, "flak. It is a slang contraction or an abbreviation, whichever you prefer, of Flugzeugabwehrkanone. After you have masticated that a few times, you will, like us, be ready for lunch.

The Cass Code

"Seconds" are sometimes more highly prized than "firsts", as all collectors know. The first compilation of Michigan laws was made by Judge Woodward and published in Washington in 1806, as you can see in the Law Library. However, the staff shows a pardonable preference for the second compilation, printed in Detroit in 1816 by Theophilus Mettze. So insufficient were "the funds at the disposition of the Territorial Government" that the book contains only eight laws in full, a digest of 50 more, and the titles of eight. Because it was printed during Gov. Lewis Cass' administration, it is called the Cass Code.

The Law Library has three copies of this code, and the General Library one copy. Of the former, one copy was a gift of Judge J. H. Steere; another bears the autographs of Melvin Dorr, clerk of the Territory's Supreme Court (1820-22), and of Daniel Goodwin, prominent attorney in Michigan from 1825 to 1888. The third copy is in manuscript, having been copied off by Judge T. M. Cooley, supposedly from the printed copy owned by Judge Steere. The copy in the General Library formerly belonged to Alpheus Felch and bears his autograph. Felch was first a regent of the University, then governor of the state, a United States senator, and finally a professor of law here.

Campus Guns

A modern field piece appeared some time ago in the Law Quadrangle — presumably to protect the Lawyer's Club, or, perhaps, red ration coupons. It is a handsome piece and it sounds efficient, but it is certainly less picturesque than the ancient mortar which guards the southwest corner of the General Library. The latter armament, weathered to an attractive coppery green, used to guard the University's flagstaff, but took on larger work when the General Library was erected. It is marked VOI-T-ABET. FECIT, SEVILLA. ANO, D 1724, apparently having been cast in the reign of LUDOVICUS I HISPAN. REX. It was "Erected in honor of the U. of M. men who fought in the war with Spain, by the Class of '99". Now, the $32 question is: How did the University get the Spanish piece, which tradition says came from the Morro Castle, Havana? Ordinarily, captured enemy artillery must not be carted off by enthusiastic alumni — even of Michigan. However, a Michigander was secretary of War at the time. The $64 question is: What is the whole story?

In Print


Howard H. Peckham, Clements Library: "Sources and Revisions of Parkman's Pontiac" in Papers of the Bibliographical Society of America, Fourth Quarter, 1943.


Issued Occasionally by the Libraries Advisory Committee. Address Communications to the Editors of The Quarto, Clements Library, University of Michigan, Ann Arbor