

Washington and Lee University School of Law

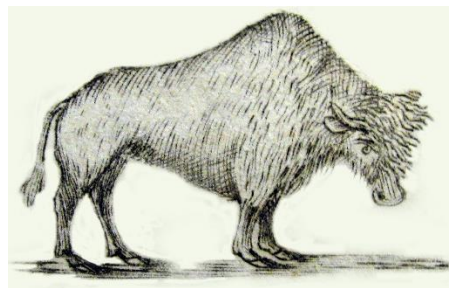
From the Selected Works of Andrew Christensen

Spring 2017

Kasia Solon Cristobal, An Interview with Andrew J. Christensen

Andrew Christensen

LHRB



Newsletter of the Legal History & Rare Books SIS of the American Association of Law Libraries

Volume 23 Number 2 Spring 2017

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From the Chair



Karen Wahl

It's almost that time of year again when we get together in person and share our thoughts and ideas at AALL's Annual Meeting. In Austin, LHRB

will again have a poster in the SIS & Chapter area of the exhibit hall where you'll be able to pick up information related to our conference events as well as places of legal history around Austin. Stop by and chat with us!

We have some exciting programs and roundtables this year. The Morris L. Cohen Essay Winner, Gonzalo Rodriguez, will be presenting "Protecting Inland Waterways, from the Institutes of Gaius to Magna Carta." Our LHRB sponsored program also involves water law: "Spanish and English Water Law in the American Southwest" presented by our own Laura Ray, along with Jane Cohen from UT Austin, and Charles Porter from St. Edward's University. The LHRB Host City History presentation will be on the history of Tequila and

the Law, moderated by Mark Podvia with speaker Scott Willis, founder of Tequila 512. Our incredibly talented members are taking part in a variety of other presentations and posters at AALL as well.

This year we're trying something new and hosting both of our roundtable discussions in one room so those who work in both areas can hop back and forth between discussions more easily. After our business meeting, we'll celebrate together at the LHRB Reception at Threadgill's, an Austin institution. We'd like to thank HeinOnline, our new LHRB Reception Sponsor, and Gale Cengage, the Morris L. Cohen Essay Competition Sponsor, for their generosity and their recognition of the importance of legal history in the law library community.

Interested in helping out at the conference or beyond? Email us at lhrb.sis@gmail.com and we'll connect you with the appropriate people and committees. See the lists below for LHRB's offerings this conference, as well as those of our fellow members.

LHRB HAPPENINGS AT AALL ANNUAL CONFERENCE

Sunday, July 16:

LHRB-SIS Morris L. Cohen Essay Presentation
Sponsored by Gale Cengage
12:45-2pm
Hilton 417B

LHRB-SIS Business Meeting
5:30-6:30pm
ACC 5C

LHRB-SIS Reception
Sponsored by HeinOnline
Threadgill's: 301 W. Riverside Dr.
7-9pm

Monday, July 17:

LHRB-SIS Host City History Roundtable
Tequila and the Law
3:30-4:45pm
ACC 9B

LHRB-SIS Rare Books Cataloging Roundtable
5-6:30pm
Hilton 416B

LHRB-SIS Archives Roundtable
5-6:30pm
Hilton 416B

Tuesday, July 18:

LHRB-SIS Sponsored Program: Spanish and English Water Law in the American Southwest
11am-12pm
ACC 16AB

LHRB MEMBERS ARE ALSO INVOLVED IN:

Saturday Workshop: Internal Assessment and Peer Benchmarking in Academic Law Libraries- Full Day
Saturday, July 15
9:30am-4pm
Hilton Boardroom 401

Minority Teachers: Expectations, Experiences, and Exultations
Sunday, July 16
11:30am-12:30pm
ACC 9ABC

Introverts as Leaders
Sunday, July 16
2:30-3:30pm
ACC 19AB

Deep Dive: Advance Toward Experiential: Create or Retool Your Advanced Legal Research Course to Meet the ABA Experiential Learning Standards
Sunday, July 16
2:30-5pm
ACC Grand Ballroom E

AALL Public Policy Update
Sunday, July 16
4-5pm
ACC 19AB

Serving Law Students Beyond Traditional Library Hours
Monday, July 17
9:45-10:45am
ACC Grand Ballroom G

Deep Dive: Teaching Legal Research in Practice: Designing and Teaching Simulation Research Courses in Practice-Specific Settings
Monday, July 17
9:45am-12:15pm
ACC Grand Ballroom E

Don't Let Me Go: The Rigors of Retention
Tuesday, July 18
11am-12pm
ACC 19AB

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From the Editor

Kasia Solon Cristobal

I continue to enjoy my time as editor of the LHRB newsletter. It's a pleasant way to interact with fellow legal history enthusiasts across the country. Thanks to all the editors and contributors for keeping the newsletter running smoothly.

As before, let me seize the opportunity with this column to highlight a few entertaining legal history news items ICYMI—in case you missed it. So pulling from LHRB's Twitter account (now with 223 followers!):
<https://twitter.com/lhrbsis>

- The Six-Day War and the Great Fire of London (BBC's HistoryExtra podcast): If current events get too depressing, take a break with this or any of the other enlightening podcasts from BBC's History Magazine.

- Interactive Map Shows the History of Presidential Travel (Smithsonian Magazine): This is a sample of the interesting fare the magazine serves up fresh on a daily basis.

- The Descendants of James Madison's Slaves Are Digging Up His Plantation (Buzzfeed): This article deals with archaeology, but offers food for thought about how to get people more involved with special collections.

Feel free to send me any comments or feedback: kcristobal@law.utexas.edu. ■

An Interview with Andrew J. Christensen

Kasia Solon Cristobal

From March 20, 2017 through mid-April, the traveling exhibition "Lawyers Without Rights: Jewish Lawyers in Germany Under the Third Reich" was on display at Washington and Lee School of Law. The German Federal Bar (Bundesrechtsanwaltskammer) and the American Bar Association were joint sponsors of the exhibit, which has appeared in more than three dozen cities in the United States and in several other countries since 2012. An event series consisting of lectures, panel discussions, and movie screenings, titled

"Lawyering in Dark Times: Courage and Cowardice at the Bar" ran concurrently with the exhibit at W&L Law. Andrew J. Christensen, Faculty Services Librarian at W&L Law Library, kindly agreed to answer some questions about the exhibit.



KSC: What's the story behind the exhibit coming to W&L?

AJC: One of our faculty members, Professor Russell Miller, whose scholarly interests include comparative and German law, coordinated with the ABA to display the exhibit as part of a program of events this spring that examined the role of law and lawyers in the Third Reich. Professor Nora Demleitner and our law school dean, Brant Hellwig, also helped lay the groundwork for the exhibit's visit to W&L Law.

KSC: Could you tell us about the law library's role, including putting a research guide (<http://libguides.wlu.edu/lawyerswithoutrights>) together?

AJC: When we learned that the exhibit would be coming to W&L, our law library director, Caroline Osborne, and I inquired with Professor Miller as to how the library might complement it with additional resources or information for the community. We decided that an online research guide would be the best means of publication, in part because a LibGuide that our library created on the life and work of Justice Ruth Bader Ginsburg ahead of her visit to W&L just the month before had proven very popular and useful. I gladly took on the project and enjoyed it, as I've been an avid student of World War II and the Holocaust since elementary school.

Because so many facets of the Nazi era have been written on extensively and from varying viewpoints, I wanted to make sure that the research guide points readers to the most interesting and authoritative works that relate specifically to the themes of the display – the official deprivation of Jews' property and professions, founded in law that effectively cancelled their status as German citizens.

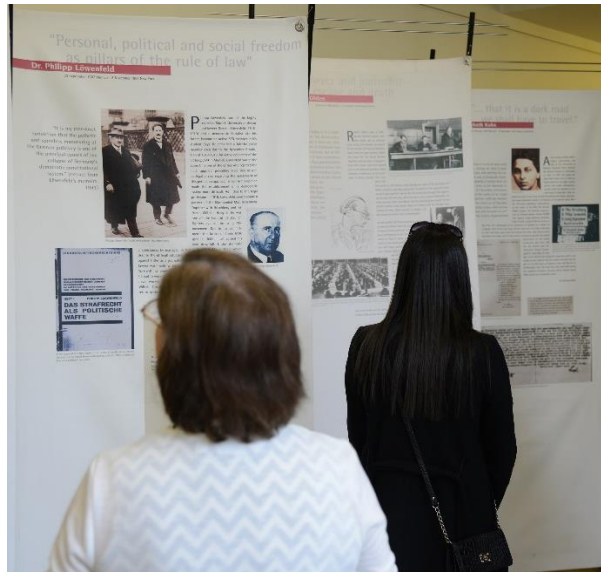
I used keyword and subject-heading searches in WorldCat and our local catalog that we share with the main university library to identify most of the book titles that I included, and a variety of searches in HeinOnline, Westlaw, EBSCO Academic, and Google Scholar to find journal articles and dissertations. I was aware of a couple of outstanding films and documentary programs on relevant aspects of the Third Reich, and also searched YouTube to discover some of the lectures and video segments that I included in an audio-visual materials section of the guide.

The law library also had an important role in the logistics and set-up of the exhibition at W&L Law. Our archivist and special collections librarian, John Jacob, was instrumental in scheduling and receiving the delivery of the quite substantial crates containing the display panels and frames. John, our cataloging assistant Donald Sensabaugh, and I spent close to a whole Friday assembling the display components and arranging them in the hallway prior to the official exhibit debut and reception the following Monday.

KSC: What did you find most interesting about the exhibit? How did W&L community react to it?

AJC: The exhibit is composed of 25 panels, roughly 3' x 7' and dense with photos and text that describes the historical context of the Third Reich's anti-Semitic laws and social practices. Many panels also highlight the personal stories of lawyers, scholars, and jurists that suffered, challenged, persevered, perished in, or escaped from that environment. The accounts of the brave stances and risks that certain lawyers took to advocate for clients – and themselves – in the face of an openly unjust, tyrannical system are the most compelling and inspiring. Relatively few Jewish lawyers chose to resist in the realm of legal practice, and even fewer who did, survived.

The W&L community received the exhibit enthusiastically, and with due fanfare. Linda Klein, a W&L Law alumna and the current ABA president, was a special guest and provided remarks at the opening reception, along with Dean Hellwig, Professor Miller, and Professor Sarah Horowitz of W&L's history department. Nearly 100 students, faculty, staff, and administrators from the law school and main university campus attended. Many stayed to mingle and peruse the display, and presumably revisited over the following three weeks like I did to absorb all of the fascinating narratives and images.



KSC: Do you think W&L will do something like this again? Any advice for a law library interested in doing something similar?

AJC: As an indicator of our success in contributing to law school-wide events, we watched our “Lawyers Without Rights” and “RBG” LibGuides quickly become two of our most viewed and positively received at W&L. We will definitely continue to seek opportunities to coordinate with faculty and administration to supplement special events with online materials that function as both a commemoration of sorts and a continuing resource.

Some advice to others would be to think outside the frame of traditional library services, displays, and products for greater outreach and impact: Instead of compiling just a bibliography, speaker’s bio, or bulletin to distribute at an event, suggest an online guide that can offer worldwide visibility, ongoing reference value, multimedia components, and be easily updated. ■





Exhibits

Noelle M. Sinclair

From the Jacob Burns Law Library, George Washington University Law School: “WHO OWNED THIS BOOK?” Celebrating Provenance at the Jacob Burns Law Library”

Lawyers might call it “chain of custody,” but book collectors and librarians call it “provenance.” In the world of rare books, “provenance” – the history of the ownership of a book – has been described as “the pedigree of a book’s previous ownership.” Evidence, by way of the owner’s name (generally a signature or stamp), arms, bookplate, or other marks found in the book or on its binding, is used to establish the custodial chain. Where the book is silent, provenance might be pieced together from auction records or booksellers’ catalogues. Provenance can help establish the authenticity of the book in question, and a distinguished provenance may add to the interest and importance of that copy.



The books on display include those owned by Luther Rice, founder of Columbian College, predecessor of The George Washington University (Colvin, *The Magistrate’s Guide*, 1819); Chief Justice John Marshall and John Marshall, Jr. (Grotius, *The Rights of War and Peace*, 1738); David Dudley Field, principal author of the mid-nineteenth-century NY law codes (*The Code of Civil Procedure of the State of New York*, 1850); Stephen J. Field, Associate Justice of the U.S. Supreme Court (Vattel, *The Law of Nations*, 1869); Francis Scott Key, Washington lawyer and author of “The Star-Spangled Banner” (*Cases in Law and Equity*, 1760); a presentation copy from Samuel Williston, law professor and contracts scholar to James Brown Scott, authority in international law (Williston, *A Selection of Cases on the Law of Contracts*, 1903-1904); and Philipp Melanchthon, theologian, advocate for the Reformation, educator (Hugo de Sletstat, *Quadruuiu[m]*, 1504).

“Who Owned This Book?” is on display in the Jacob Burns Law Library’s first floor welcome hall.

“The Litchfield Notebooks of William Thomas Carroll”

Founded by jurist Tapping Reeve in Connecticut in 1784, the Litchfield Law School operated until 1833. Before Litchfield was established, prospective lawyers learned by reading law with judges and practitioners. As Mr. Reeves’s reputation grew, his expertise was sought increasingly by young hopefuls. He expanded the training customarily granted to law clerks, who normally would gain a familiarity with legal forms but little grasp of legal principles. Soon he was operating a “law school,” in its own building, with an established curriculum and a series of lectures. By the time it closed due to competition from new law schools, Litchfield had graduated approximately 1,000 lawyers.

William Thomas Carroll (1802-1863) was just out of the Litchfield Law School when he undertook teaching responsibilities at the newly-formed Columbian College Law Department (GW Law’s predecessor) in 1826. He and William Cranch were Columbian’s first two law professors, constituting its entire faculty for the nearly two years of the school’s existence. Carroll’s manuscript notebooks from his time at Litchfield were likely the notes he used for his lectures, and as such are invaluable today as a record of the first course of law study presented at GW. The exhibit contains several of the twelve manuscript volumes of William Thomas Carroll’s notebooks held by the Law Library, including one volume in shorthand.



“The Litchfield Notebooks of William Thomas Carroll” is on display in the Jacob Burns Law Library’s Rare Book Room.

From the Harvard Law School Library: “Kids in the Collection: Prison, Work, and Play”

While most of the material in the Harvard Law School Library’s Historical & Special Collections is rooted in the world of adults, children do make appearances, sometimes

in unexpected ways. Even the businesslike manuscript collections of HLS Faculty that are primarily comprised of memos and professional correspondence offer fascinating and delightful glimpses of the creator's youth and family life.

Exploring the lives of children through the collection, however, is not always a light-hearted romp. A darker side of childhood can be seen in the photographs and art work of children in refugee camps, chilling trial broadsides, and sobering reports of the inner workings of a Massachusetts state reform school. While some of these items represent the evolution of child welfare, others are a sad reminder of the struggles children still face today in refugee camps and juvenile detention centers.

The work of the Harvard Law School community to address the concerns of children can be found in the collection as well. HLS students have volunteered their time to support children in local communities and individual faculty members have advocated for children.

Curated by Jane Kelly and Mary Person, the exhibit draws on a variety of media: manuscripts, printed works, photographs, and children's art work, dating from the late-eighteenth century through the twentieth century. It will be on view in the Caspersen Room, Langdell Hall, through the end of July 2017, though the room will be unavailable during parts of June due to construction.

**From the Pritzker Legal Research Center, Northwestern Pritzker School of Law:
“We’ll See Them Through: Northwestern Pritzker School of Law in the World War I Era”**

April 2017 marked the centennial anniversary of the American entrance into World War I, and this exhibit at the Pritzker Legal Research Center seeks to honor the legacy of all those from Northwestern Pritzker School of Law who contributed to the victory of the Allies.

In sorting through the archival materials at the Pritzker Legal Research Center and the Northwestern University Archives, it became clear that the faculty, students, and alumni of Northwestern Law were a strong and multi-faceted source of support: from their leader, Dean John Henry Wigmore, who enlisted with the Judge Advocate General's Corps before the United States officially entered the war; to the students, who sought commissions as soldiers, the determination and sacrifice of these men and women was striking.

The exhibit can be viewed in two ways: online, as well as in person at their Chicago location. Both iterations tell the same story, but as some items lend themselves better to one format or the other, each has some exclusive content. To visit the exhibit online, go to: <https://sites.northwestern.edu/plrcwwi/> .

“We’ll See Them Through” will be on view, both online and in person, through June 20, 2017.

From the University of Georgia School of Law Library: A Busy Spring for Exhibits and Special Collections

In February they celebrated Black History Month with an exhibit of sports memorabilia highlighting African-American athletes such as Althea Gibson, Arthur Ashe, Jesse Owens, Jackie Robinson, and Muhammad Ali. The world of sports has had a significant impact on American law. Desegregation, women's rights, contracts, anti-trust, and labor and employment all have important court decisions or legislation that began in the sports arena. The exhibit was made possible thanks to the generosity of Georgia Law alumnus Roy W. Copeland (J.D.'83).

For Women's History Month in March, the Library borrowed a wonderful exhibit prepared by the Georgia Bar Association's Women in the Profession Committee. The exhibit commemorated the 100th anniversary of the admission of women to practice law in Georgia. An information guide, Georgia Women Lawyers, 100 Years: "Attorneys at Law; Females May Be," features Minnie Hale Daniel, the first woman registered under the new law.

The spring semester wrapped up with a birthday party for Hugo Grotius, a father of international law. April 10th was his 434th birthday. Along with cupcakes, there was a display of materials from their Rare Book Room and an online research guide: Hugo Grotius.

From the West Virginia University College of Law Library: Opening of the Andrew J. Colburn & Harry B. Colburn II Rare Book Room

After two years of construction, the new Rare Book Room at West Virginia University College of Law opened in April. The collection, which was in storage during the building process, is now settled in the new space. Events held in the new space include a presentation by Marjorie Dean Martorella, author of *The Book of Nonni*, and a graduation reception. The room also has display cases to feature different volumes from the rare book collection. Currently, their Third Edition of Blackstone is on view.

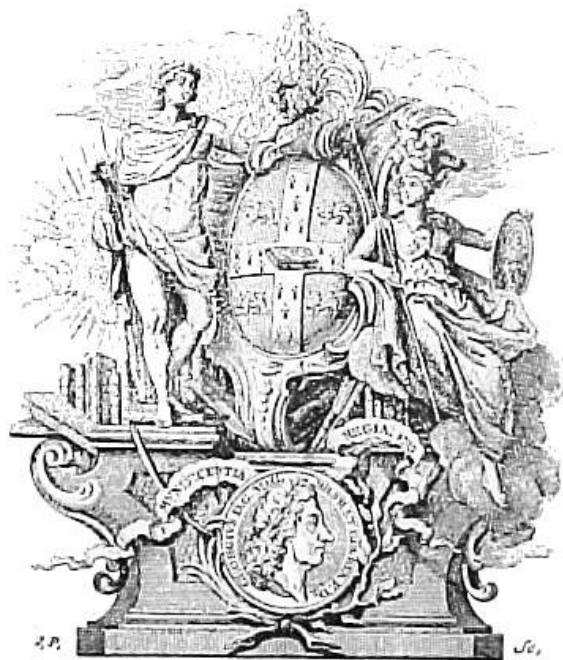


From the Beinecke Rare Book & Manuscript Library, Yale University: “Making the English Book”

The Beinecke Rare Book & Manuscript Library at Yale University will host an exhibition in Fall 2017 (September-December) entitled “Making the English Book” that celebrates Professor Toshiyuki Takamiya’s collection of western medieval manuscripts.

Guided by an appreciation of the many ways in which a medieval book may be “English,” this exhibition will showcase the Takamiya manuscripts in the context of the Beinecke’s medieval holdings, including late-medieval English legal documents and statute collections. It marks the first time that Professor Takamiya’s collection will be on display in the United States, and the accompanying online Omeka exhibition will accommodate an even wider audience.

An associated conference, also entitled “Making the English Book,” will take place on October 6-7, 2017, and it will feature keynotes by Professor Alexandra Gillespie of the University of Toronto and Professor Daniel Wakelin of the University of Oxford.



Recent Acquisitions

Linda Tesar

Acquisition Highlights from Yale Law Library's Rare Book Collection, Spring 2017, by Mike Widener, Rare Book Librarian, Lillian Goldman Law Library, Yale Law School

Well over 200 items have been added to the Yale Law Library's Rare Collection since the last report. At least five dozen of these are printed ephemera from the 20th and 21st centuries, concerning the legal aspects of social and political movements. The subjects include civil rights, labor rights, immigration, the war on drugs, LGBT rights, abortion, and the Vietnam war.

The most notable gift was the 1561 edition of *Novae Narrationes* bequeathed to the library in the will of the great historian of English law, S. F. C. Milsom (1923-2016), who was a visiting professor at the Yale Law School from 1968 to 1986.

An item of great rarity and of great interest for legal bibliography is *A Catalogue of Law Books Printed in Ireland, With the Prices they sell for in Dublin and London*, a three-page printed list issued by John Milliken, "bookseller in Carlisle," in about 1787. The list compares prices for the Dublin and London editions of almost eighty law titles, with the Dublin titles often half the price or less of their London counterparts. For example, the Dublin edition of the five-volume *Burrow's Reports* was priced at 3 pounds, compared to 7 pounds, 7 shillings for the London edition. No other copy of this list is cataloged in WorldCat or ESTC.

The most significant recent manuscript acquisition is a notebook recording King's Bench cases during 1766-1769, kept by Robert Fellowes (1742-1829). The cases include *Millar v. Taylor* (1769), an important early copyright case, as well as the prosecution of the radical John Wilkes and a case in which William Blackstone was attorney for the defense.

Among the many items added to the collection of illustrated law books were three more editions of Joost de Damhoudere's *Praxis Rerum Criminalium*; the library now has half of the three dozen editions published between 1554 and 1660.

A personal favorite is Jacob Köbel's *Gerichts Ordnung* (1523), a procedure manual which closes with a woodcut of a judge holding court, with a verse from Jeremiah 23:



“Thus saith the Lord; Execute ye judgment and righteousness, and deliver the spoiled out of the hand of the oppressor: and do no wrong, do no violence to the stranger, the fatherless, nor the widow, neither shed innocent blood in this place.”

Davis Family Law Book Collection Given to WVRHC, by Stewart Plein, Rare Book Librarian, Assistant Curator, WV Books & Printed Resources, West Virginia University Libraries, West Virginia and Regional History Center

The West Virginia and Regional History Center, the main special collections division at WVU, has recently received the Davis Family Law Book collection representing the law books of the extended John W. Davis family. Included in this collection are the law books of Congressman John J. Davis, Solicitor General of the United States and Ambassador to the U.K., John W. Davis, the law firms of Davis & Davis and Preston & Davis, John J. D. Preston, and Harrison B. Smith of Smith & Knight, which was established in 1865 and continues to this day as the law firm of Jackson & Kelly. Also received with this collection is a walking stick with an engraved silver knob, given to John J. Davis by his son, John W. Davis.

New Post-Incunable at GW's Jacob Burns Law Library, by Jennie C. Meade, Director of Special Collections, Jacob Burns Law Library, George Washington University

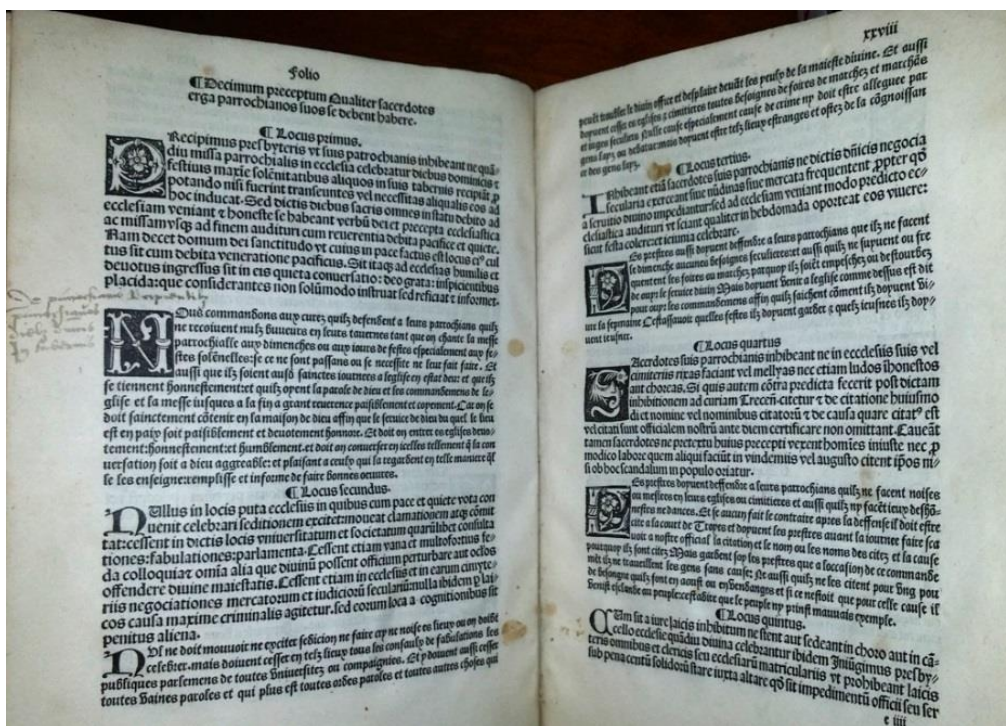


Statuta Synodalia Civitatis et Diocesis Trecent[is], [Paris: Macé Panthoul, 1501].

This first edition of the synodal statutes of Troyes is presented as a bilingual middle French and Latin work, ordered by Jacques Raguier, Bishop of Troyes, from the collections of his predecessors Jean Braque and Jean Léguisé.

In 1503, the Paris *Parlement* ordered the seizure of all known copies of the *Statuta* after finding two articles in need of rectification. Although the copy owned by the Bibliothèque Municipale de Troyes escaped notice, all other copies, including this one, were seized, and folium *lxi* was condemned to be excised. Replacement leaves for these copies were either printed or executed in manuscript; this copy received a manuscript successor which so closely replicates Macé Panthoul's gothic rotunda that it is virtually indistinguishable from its printed

counterparts. Only a comparison with its neighboring printed leaves reveals barely perceptible differences between the printed and manuscript leaves, generally relating to the relief effect of the printing process on the paper.



This early post-incunable in folio format is a fresh and unwashed copy, with occasional annotations by a contemporary reader.

Notable Acquisitions at the University of Minnesota Law Library, by Ryan Greenwood, Curator of Rare Books and Special Collections, Riesenfeld Rare Books Research Center, University of Minnesota Law Library

The University of Minnesota Law Library made several notable acquisitions through spring 2017, including a copy of the first English edition of Thomas Paine's *Common Sense* (London, 1776). The interesting volume features hiatuses throughout the text where the printer censored words and phrases directly critical of King George III. Also added were *Statuta pacis...* (London, 1644), a rare statute collection for justices of the peace published during the English Civil War; *The Onely Right to Rule for Regulating the Lawes and Liberties...* (London, 1652), a Leveller political tract centered on rights; and *The Rights of the Crown of England* (London, 1660), a royalist response to tracts on popular rights. Among 19th-century American titles, we added a speech by John Stuart Mill defending women's suffrage (1867), proceedings of a New York anti-slavery convention (Utica, 1835), and a first printing of John Marshall's unanimous opinion in *Gibbons v. Ogden* (1824).

Wolf Law Library Creates Permanent Display for Gift Collection, by Linda K. Tesar, Head of Technical Services & Special Collections, Wolf Law Library, College of William & Mary

The Wolf Law Library recently received a gift of seventy-nine late nineteenth- and early twentieth-century law books from Stephen D. Harris, a local Williamsburg attorney. Harris assembled the collection from 1970 to 1974 to represent a typical library in a “well-equipped Virginia law office” at the turn of the century. Many of the volumes came from the Roanoke firm of Penn & Cocke. Others originated from the Urbanna and Gloucester, Virginia practices of Thomas Jones, Lewis Jones and Catesby Jones.

The collection covers a range of subjects and includes Virginia codes from 1849 and 1873, as well as classics such as *Chitty on Contracts* (1860), *Story’s Equity Pleadings* (1852), and *Archbold’s Criminal Practice and Proceedings* (1860). It also features first editions of numerous titles from the Hornbook Series including *Hand-book of Criminal Law* by William L. Clark, Jr. (1894), *Hand-book of the Law of Torts* by Edwin A. Jaggard (1895) and *Hand-book of the Law of Sales* by Francis B. Tiffany (1895).

To house and highlight the collection, the library purchased locking cases and created a permanent display on the first floor. Next fall these cases will be joined by a touchscreen slide show with information on each book and its role in a typical Virginia law office of the time.





Member News

Mike Widener

A new book from the University of Virginia Press, *“Esteemed Bookes of Lawe” and the Legal Culture of Early Virginia* (2017) is edited by **Warren Billings** (University of New Orleans) and Brent Tarter. Two of its nine essays are by Billings, and another is by **Linda K. Tesar** (William & Mary Law Library). Collectively, the essays offer insights into the history of the book and the intellectual history of early America.

Timothy Kearley (University of Wyoming) recently entered into a contract with the Carolina Academic Press to publish a book entitled "Lost in Translations: Roman Law Scholarship & Translation in Early Twentieth Century America." With luck, it should appear in early 2018.

Douglas Lind (Southern Illinois University Law Library) received the SIU Law Outstanding Teacher Award for 2016-17.

Mark Podvia (University of West Virginia) has been named Interim Co-Director of the West Virginia University College of Law Library. He will continue to serve as Head of Faculty Services, Curator of Rare Books and College of Law Archivist.

Mike Widener (Yale Law Library) delivered the 2017 Rare Book Lecture on May 18, 2017, at the Melbourne Law School, University of Melbourne, entitled “Picturing the Law: The Yale Law Library Collection.” He taught a workshop on “Rare Law Books: Building a Collection,” May 11-12, 2017, at the University of Adelaide, assisted by Professor Wilfrid Prest of the University of Adelaide. **Widener** spoke on “Illustrated Law Books” on March 3, 2017, at the Faculdade de Direito do Recife, Universidade Federal de Pernambuco, in Recife, Brazil.

An Interview with David Kaminski

Kasia Solon Cristobal

This spring I was contacted by David Kaminski, a teacher and independent researcher in American handwriting, which led to an interesting email exchange on handwriting in the law. I thought his research and approach might be of interest to other LHRB members, hence this short Q&A with him. He welcomes suggestions on where to pursue his research and can be reached at handwriting@davidkaminski.org.

KSC: Could you describe how your research in American handwriting led you to legal documents?

DK: Back hand is a form of vertical writing that was used by Dewey and other librarians beginning in 1887, and it became (unwittingly) progressively angled to the left into a kind of back hand by many librarians in the years that followed their learning of it. Later, the vertical writing movement from roughly 1894-1904 taught vertical handwriting, and that writing too, among its students, came to be a back hand.

But what of the back hand that exists outside these dates, and outside this group? I could not puzzle it out until I created a long list of material, and started to look back through my books, manuscripts, photos, and new material.

I discovered that back hand seems to replace blackletter in handwritten work, and I have seen also that back hand became a choice of some clerks (from banks to librarians before Dewey's time), to lawyers, and judges. It was used as a kind of emphasis in legal documents.

KSC: How are you conducting your research?

DK: To research the general aspects of handwriting, I have been to most of the large manuscript collections on the East Coast from Dartmouth down to Washington, DC. I have also looked through tens of thousands of electronic manuscripts. But the legal documents are a recent interest, so this spring I began to talk to people to see what they knew. One of my goals is to start the conversation, and to get people in the field to begin to look for material. At the NYC Bookfair, one of the biggest in the world, and the Ephemera Society of America events, I was able to find a dozen or more people willing to look through material that might be useful for further investigation. Most of these ideas are hiding in plain sight. Once people realize what they are seeing, they can help find great examples. A bookseller of whaling journals told me that he was starting to find both rightward angled script and a back hand script from the same captain in the same log. Twenty pages of one, and then twenty of another. There was no explanation. Amazing. I told him that material that was in conflict with my argument was valuable, as it would only improve my argument and serve to help me better understand the variations.

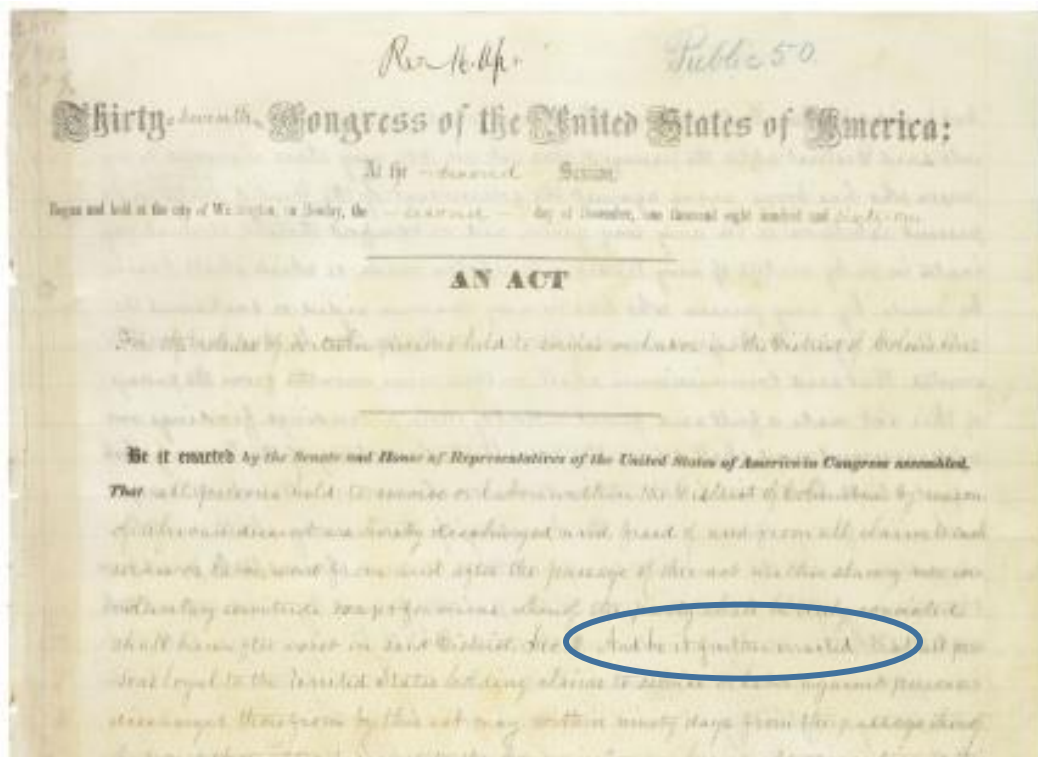
I then tend to write fairly short pieces that begin to flesh out the subject. For example, I began an article on back hand this winter on a wiki I've created:

http://davidkaminski.org/wiki/A_History_of_American_Back_Hand_and_Backslant_Handwriting_and_Penmanship

As I get that essay down, I lay out the argument with more samples.

KSC: Can you provide an example of back hand in the law?

DK: Let me share a piece in which back hand not only appears for emphasis, but where it also replaces black letter: The District of Columbia Compensated Emancipation Act of 1862, April 16, 1862. Black letter is printed at the top. The person who is writing the text following chooses back hand where black letter would otherwise appear. Back hand is used for emphasis only, in the words “and be it further enacted” in Sections 2 and 3.



http://davidkaminski.org/w/images/3/32/Orig_299814_7606.jpg

KSC: What next steps are you considering?

DK: I have now become very interested in forms of emphasis in handwritten legal writing, and there are quite a few of them. I wonder, honestly, also as to whether these affect the legal documents themselves? I imagine one could point to part of a document and argue its meaning is different because of the way in which parts of it are emphasized. I need a greater range both geographically and over time for a truer sample. I'm trying to figure out where I might find a very broad range of deeds and wills and related legal manuscripts from 1700-1900 that might cover many of the 50 United States. Is there a great library of American law manuscripts? Or is there such a geographically diverse digital collection? I welcome suggestions. ■

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