



Spring 2005

## A Legal Miscellanea: Volume 2, Number 1

Jacob Burns Law Library, George Washington University Law School

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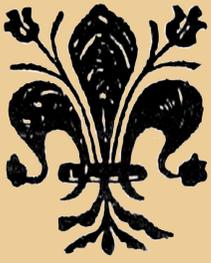
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# A LEGAL MISCELLANEA

A NEWSLETTER FOR THE FRIENDS OF THE JACOB BURNS LAW LIBRARY

VOLUME 2, NUMBER 1 SPRING 2005

## SPECIAL COLLECTIONS FOCUS: NEW ACQUISITIONS

### *The American Museum (1787-1792)*

One of the Law Library's liveliest and most intellectually invigorating acquisitions is the entire run in twelve volumes of Mathew Carey's *The American Museum, Or Repository of Ancient and Modern Fugitive Pieces, Prose and Poetical* [Philadelphia, 1787-1792]. Less familiar to modern readers than it might be, *The American Museum* is considered the first literary journal in America, and the leading magazine of the founding era. Its appeal for 21st-century legal scholars is that in its pages first appeared *The Federalist*, as well as an assortment of federal government documents. Among its many eminent contributors and subscribers were George Washington, Benjamin Franklin, James Madison, Alexander Hamilton, and Thomas Paine. Thomas Jefferson not only appeared in its pages, but owned the entire series. In 1787, publication by *The American Museum* of the U.S. Constitution marked an early print debut of this document.

How did this innovative publication come to be? Its creator, Mathew Carey (1760-1839), a Dubliner transplanted to Philadelphia, was a printer by trade. One of his early radical pamphlets stirred a row in Dublin, precipitating his first departure from Ireland, and in Paris he met the Marquis de Lafayette and worked at Benjamin Franklin's press in Passy. After returning to Ireland and facing libel charges sparked by his vocal anti-English stance, Carey set sail for America, where his first creation was *The Pennsylvania Herald* in 1785. Lafayette's gift of \$400 financed Carey's fledgling printing venture, and *The Pennsylvania Herald* became the first newspaper to publish transcripts of the debates of the Pennsylvania

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## THE PRAGMATIC SANCTION OF CHARLES VII

Scott B. Pagel, Director of the Law Library and Professor of Law

The Jacob Burns Law Library has developed an exceptional collection of works on the turbulent history of church-state relations, a superb resource for scholars exploring the controversial bonds and power struggles between secular and religious institutions. While the library has acquired materials from several countries, focused acquisition efforts have produced a strong and varied collection reflecting the compelling history of relations between church and state in France.

Perhaps the most significant document in the history of relations between France and the Catholic Church is the Pragmatic Sanction of Charles VII (also known as the Pragmatic Sanction of Bourges). Issued in July, 1438, this decree adopted the controversial declarations of the Council of Basel, which limited the powers of the Pope and granted new powers to the King and clergy of France, including a major role in bestowing benefices and church offices. Although the decree later was annulled by the Concordat of 1516 between Francis I and Pope Leo X, it is considered a major event in the development of Gallicanism and the French struggle for independence from the Catholic Church vis-a-vis its internal affairs.

Through the generosity of two of the library's best friends, Richard and Diane Cummins, the Law Library recently acquired a very rare book symbolic of this struggle for power. Printed in Paris in 1508, *La Pragmatique Sanction en Francoys* is a treasure both for its content and its physical characteristics. The title page (above) is a masterpiece of late medieval printing which exemplifies the design often found in hand-drawn manuscripts and rubricated printed works of the 1400s. Its colophon identifies the book as the presswork of Gaspard Philippe, and a handsome engraving on the final leaf indicates that it was published by Martin Alexandre. The text of the Pragmatic Sanction is printed in the center of each page with a "gloss" or commentary fitted around it. While the text of the Sanction is brief, and available from many sources, it is the commentary that makes this work so important as a contemporary interpretation of the decree and a window to the thought and analysis of that era. Printing the document and commentary in French ("en Francoys") rather than Latin reflects a deliberate effort to make the text accessible to the common man. And while the



Title page, *La Pragmatique Sanction en Francoys* (1508). Gift of Richard & Diane Cummins.

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## LIBRARY EXHIBIT EXAMINES DUELLING AND THE CODE DUELLO



Beginning in mid-April, the Law Library explores duelling and the *Code Duello* in its Spring Exhibit. Dating by some accounts to the early 6th century, duelling was international, surviving into the mid-20th century in the U.S. and France. It is seen today in stylized derivatives such as fencing and jousting. At first duelling was a legal means of resolving disputes between individuals (the "judicial duel"). Evolving from the judicial duel were the "duel of chivalry" and later the "duel of honor," where insult to one's integrity or reputation could lead to death at the "interview."

Duelling as a relic of yore casts a unique spell, perhaps because many notables practiced it. Americans recall the Hamilton-Burr duel, fought 201 years ago between the former Secretary of the Treasury and the sitting Vice-President. Duels in Europe were fought mostly by royals and noblemen. But one recorded duel in late medieval France could be the most extraordinary: that between a nobleman and a dog (visit our exhibit to learn who earned "top dog" status!).

Mid-April through June 2005, First Floor of the Law Library.

(*American Museum continued*)

House of Assembly. Mathew Carey served as his own reporter. Although a landmark, this publication was short-lived, despite its popularity.

Another brief venture later, Carey in 1787 launched *The American Museum*. In it he sought to assemble the pre-eminent political, cultural, and economic writings of the day, plus literature, poetry, and “miscellanies”: a true bounty of letters. Readers valued *The American Museum* as a reliable chronicle of the federal government. Included were proceedings of Congress, treaties with European nations, foreign and domestic intelligence, state constitutions, and selected state law reports. There is no counterpart in today’s periodical literature which rivals the scope of *The American Museum*.

Apart from *The American Museum*’s historical significance, its acquisition by the Law Library is important due to its relative scarcity as an artifact, as well as its infrequent appearance on the market as a complete set. Preserved in Special Collections, it is an uncommon resource for post-colonial law and social research. ❁

## CONFESSIONS OF A BOOK COLLECTOR

*William H. Painter, Theodore Rinehart Professor Emeritus of Business Law*



I never imagined that I, a law professor, would succumb to bibliomania. The seeds of the deadly virus were sown many years ago during a stay at the home of the late distinguished collector Wilmarth (“Lefty”) Lewis, in Farmington, Connecticut.

Perhaps the world’s foremost authority on the 18th century British writer, Horace Walpole, Mr. Lewis was a lifelong collector of Walpoliana: books, manuscripts, prints, fixtures. He led me down a long entry passage lined with oil paintings to his bank vault manuscript room. “Here,” he proclaimed, “are most of Walpole’s books arranged in the very order they were in on his library shelves, and [opening a drawer] here are most of the manuscript letters he wrote during his lifetime. And here, hanging from the ceiling, is the lantern which hung in Walpole’s hallway at Strawberry Hill.”

The virus took several years to incubate, and on sabbatical in 1978, I found myself in London. Noting a book auction at Sotheby’s, I attended out of curiosity but soon was intrigued by the notice that the books had been “removed” from Castle Brodie, where they had belonged to “The Brodie of Brodie.” How fortunate would a man be, I thought, to own but a single volume formerly owned by anyone called “The Brodie!” So I bid - for the second edition of Boswell’s *Journal of a Tour to the Hebrides* (1785), chronicling the trip he had taken with the Great Lexicographer, Samuel Johnson. At the time I did not realize that this edition had its own peculiar significance. Boswell was led to delete offensive material published in the first edition about a certain Lady McDonald. Her husband, enraged, had threatened to thrash Boswell, and the latter withdrew the material, the whole scene later being satirized by the famous engraver, Thomas Rowlandson, in a sketch entitled *Revising for the Second Edition*. Years later, traveling in Scotland, I came to Brodie Castle and there obtained a postcard bearing the likeness of The Brodie, mustached, fully kilted and obviously in his prime, which I lovingly placed between the covers of the book and there it remains to this day.

The book collecting virus lingered on, and led me to obscure bookshops, such as the one in Bride Court, where I acquired a first edition of Johnson’s account of the Hebrides adventure (“You’ll want the one in original boards, of course,” they said), and more famous ones such as Maggs in Berkeley Square and Quaritch in Golden Square. And then there was the morning we arrived in Oxford, exhausted from a night’s plane journey, when I disappeared only to return clutching a first edition of Wordsworth’s great autobiographical poem *The Prelude*. (“Where have you been?” my wife angrily inquired.) The book had belonged to an Oxford don who had inscribed in Latin on its title page, “I have read to the end this wordy poem, clearly the offspring of an ageing and enfeebled seer” (not realizing that the poem had been completed in 1805, when Wordsworth was a young man at the height of his powers, and first published in 1850, many years later).

I could go on to detail my advancing bibliomania and how, late in life, I sit surrounded by dusty tomes, Boswell’s *Life of Johnson*, Keats (in boards), a full run of Tennyson, *The Rape of the Lock*, and *An Elegy Wrote [sic] in a Country Churchyard*. In the evening hours I surf the Web for future auctions. Often I wonder whether at last someone will find scrawled across the mirror in my room, “For the love of God! Stop me before I bid again!” ❁

(*Pragmatic Sanction continued*)

Law Library acquires books for content rather than eye appeal, the binding is a striking exemplar of its period which made it a prize for discerning collectors. Bound in fine multicolored calf in the 19th century by the eminent French collector and artistic binder, Leon Gruel, the cover is a splendid puzzle of patterns in red and black against a green background. M. Gruel’s note on the original flyleaf indicates that this signed binding was displayed at the 1900 World’s Fair in Paris.

It is vital to recognize the contributions of Richard and Diane Cummins, not only for their assistance in the acquisition of this book, but for their continued support of the Law School’s mission to enhance the research capabilities of the Law Library. As a result of their generosity, scholars seeking copies of *La Pragmatique Sanction en Francoys* in the United States can locate it in two institutions—the Harvard Law School Library and the Jacob Burns Law Library. ❁

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For information on the topics covered in this newsletter or other questions, please contact Jennie C. Meade, Bibliographer/Rare Books Librarian, at [jmeade@law.gwu.edu](mailto:jmeade@law.gwu.edu) or (202) 994-6857.

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