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A Legal Miscellanea: Volume 4, Number 2

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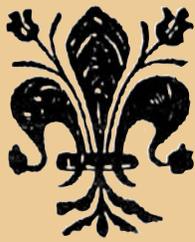


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A LEGAL MISCELLANEA

A NEWSLETTER FOR THE FRIENDS
OF THE JACOB BURNS LAW LIBRARY

VOLUME 4, NUMBER 2 AUTUMN 2007 :: THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL

SPECIAL COLLECTIONS FOCUS:

Tractatus Universi Iuris (1584-1586)

*E. Gordon Van Pelt,
Senior Cataloging Librarian*

The latest major work acquired by the Law Library is the twenty-nine volume *Tractatus Universi Iuris*. Completed between 1584 and 1586, the *Tractatus* was sponsored and edited by Ugo Buoncompagni - better known as Pope Gregory XIII - and represents the most comprehensive aggregation of legal works by post-Roman jurists of its day. Each folio volume addresses a particular legal topic, and many of the chosen works are unique to this compilation.

The *Tractatus*, a product of the revival of interest in Roman law and legal history, and issues surrounding the relationship of civil to canon law, was published toward the end of the Renaissance.

One of the more enlightened Popes, Gregory XIII was born in Bologna in 1502, where he pursued his studies in jurisprudence. He later taught jurisprudence at the Università di Bologna, until he was summoned to Rome in 1539, serving successive appointments under four Popes before ascending to the Papacy in 1572. Gregory XIII engaged the mathematician Christopher Clavius (1538-1612) to construct the Gregorian calendar used by most of the world today. He oversaw the first thoroughly revised and truly authoritative edition of the

(continued on next page)



Professor John Cibinic, Jr. (1930-2005)

Claire Duggan

RECENT GIFTS EXPAND LAW LIBRARY'S GOVERNMENT CONTRACTS ARCHIVE

Cibinic Papers, New York Shipbuilding Case Record Arrive at the Law Library

Matthew Mantel, Reference/Government Contracts Librarian

The GW Law School's internationally-recognized LL.M. program in Government Procurement Law is supported by the Law Library's government contracts collection, recognized as one of the finest in this sphere of law. It is simultaneously a forward-looking collection designed to meet the current research needs of government contracts students and practitioners, and a significant historical research collection, one of the highlights of which is the Dembling NASA and Government Procurement Archive donated in 2001 by Paul G. Dembling, JD '51 (see *A Legal Miscellanea*, Vol. 1, No. 1 (Spring 2004)). The unique dimension provided by these specialized historical research materials recently has been enhanced by a major donation from Mrs. John Cibinic, Jr. Her generous gift, the papers of the late John Cibinic Jr., professor emeritus of law and one of the founders of GW's Government Procurement Law program, has arrived in Special Collections for the benefit of government contracts researchers.

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Corpus juris canonici, the compilations of ecclesiastical laws used in Roman Catholic Church courts.

The *Tractatus* stands as a monumental work, a remarkable yet undercelebrated landmark achievement. Of consequence is that it achieved publication at all, considering the tensions in the religious and intellectual climate of sixteenth-century Italy. While the Renaissance customarily has been viewed as a continuous arc of intellectual progress, this was primarily a nineteenth-century construct. The flowering of art and inquiry in the fifteenth century collided with forces of resistance and repression. As early as 1497, Girolamo Savonarola (1452-1498), the pious Florentine friar, ordered the burning of books and other “cursed objects,” and carried his moralistic attacks to the Church in Rome through his sermons.

Only twenty-five years before the publication of the *Tractatus*, the austere Pope Paul IV (pontificate 1555-1559) sanctioned the censorship of books, and issued the first *Index Purgatorius* (the list of banned books). The Roman populace responded to Pope Paul’s death in 1559 by casting his statue into the Tiber and burning the Inquisition headquarters to the ground. The 1564 decree issued by successor Pius IV (pontificate 1559-1565) summarizing the doctrines of the Council of Trent echoed Pope Paul’s authoritarian approach, and defined the Counter Reformation.

Gregory XIII continued these policies, but applied them with a more selective hand, encouraging scientific, moral and legal exploration. The Collegio Romano (now the Pontifical Gregorian University) grew substantially during his papacy, and became the most important center of learning in Europe.

Among the over six hundred titles found in the *Tractatus* is Aymar du

(continued on back page)

Professor Cibinic was larger than life in the field of government procurement law. After graduating from GW Law School in 1960, he returned in 1963 to teach, directed the Government Contracts program from 1966 through 1974, retired in 1993, and received the GW Distinguished Alumni Award in 2002—an association with the Law School which had endured for over forty years at the time of his death in 2005. During those years he wrote, with his co-author Ralph C. Nash, Jr., the defining texts in government procurement law, including *Federal Procurement Law*, *Administration of Government Contracts*, and *Formation of Government Contracts*. Professor Cibinic’s reputation was established with the publication in 1964 of the groundbreaking *Cost Determination*, the first significant work on cost accounting in government procurement. Later, the monthly *Nash & Cibinic Report* became indispensable to government contracts lawyers as a source for astute analysis of current cases and regulations. Given his devotion to the field, and the countless law students he taught, there can be few government contracts practitioners today who have not been influenced by Professor Cibinic and his writings. Mrs. Cibinic’s generosity in making this gift to the Law Library allows researchers the privilege of looking over the shoulder of a luminary in modern government procurement law.

A second important gift came to the Law Library courtesy of Administrative Judge John Lane of the Armed Services Board of Contract Appeals (ASBCA). Judge Lane initiated and facilitated the donation of the ASBCA’s entire record of its decision, including briefs, exhibits, and hearing transcript, in the noted case of *New York Shipbuilding Co., a Division of Merritt-Chapman & Scott Corp.*, ASBCA No. 16,164, 76-2 BCA ¶11,979 (1976). This case treats the issue of recovery of “imputed interest,” defined in this particular context as the interest claimed to be lost when a contractor finances government-prescribed alterations to the contract with its own capital. The ASBCA, in opinions by Judge Lane, found that the contractor New York Shipbuilding was entitled to recover for the use of its equity capital to finance changes in work mandated by the government, the recovery being characterized as profit as a part of fair compensation to the contractor rather than as a cost viewed in accounting terms.

The ASBCA record of *New York Shipbuilding*, the leading case on imputed interest in government contracting, has enormous research value. It is complete, and the expert testimony and briefs of the parties provide insight into the issue of whether imputed interest can be allowed as a cost in pricing equitable adjustments under fixed-price contracts, an issue not developed in the Board’s decision since the result was predicated rather on the theory of allowability of profit for the use of the contractor’s equity capital.

Our thanks go to Judge Lane, whose perspicacity in “rescuing” the *New York Shipbuilding* record from oblivion and eventual destruction in the lockstep of government records disposal has enabled preservation of this unique research archive which treats an underexplored legal issue in government contracting.

Both the Cibinic and ASBCA gifts will be available to researchers after processing by the Law Library.

JUST FOR LAUGHS: LEGAL HUMOR IN THE LAW LIBRARY

Matthew Mantel, Reference/Government Contracts Librarian

Q: How many lawyer jokes are there?

A: Only three; the rest are documented case histories.

Are lawyers funny? Is the law funny? What is funny about lawyers and the law? For a serious profession, there seems to be plenty of hilarity afoot. Why all the laughs for the law?

Perhaps legal humor was born soon after the emergence of lawyers – a reasonable conjecture. Humor can be a tool of society’s powerless to mock the more powerful; the higher those in power ascend, the larger the target they present. Lawyers, as a result of their mastery of the law, generally have not been deemed weak or powerless; historically, like the clergy, they have occupied positions of authority and prestige. Inevitably, “as lawyers outstripped the clergy in influence, they became the subject of ‘ferocious satirical abuse,’ eventually occupying the ‘role which in earlier literature had been filled by monks, friars, usurers and the diabolical Jesuits’” (Galanter, *Lowering the Bar: Lawyer Jokes and Legal Culture*, 4 (Univ. of Wisconsin Press, 2003)).

Over time, legal humor became memorialized. Scribes and clerks recorded the facts of cases, and also scribbled law-related humor (which they were well-positioned to observe), and that humor has found its way into books, many of which ornament the collection at the Jacob Burns Law Library.

Via JACOB, the library catalog, researchers can trace the history of legal humor and its development from the seventeenth century to the present. An early legal humor entry in the Law Library’s collection is the 1668 London edition of George Ruggle’s play *Ignoramus*, a hugely popular production in its era which satirized a dull and pompous common lawyer (“Ignoramus”) who mixed Latin with legal jargon to uproarious effect. The play created major consternation in the London legal community, especially since King James I enjoyed the six-hour production enough to see it twice. Literary historians have credited *Ignoramus* with introducing this Latin term into the English language.

The eighteenth century brings *Law and Lawyers Laid Open*, a modern-sounding title dating from 1737 which continues the theme of satirical attack on lawyers. The episodes of the “twelve visions” in which the law is “laid open” skewer lawyers of all stripes in early eighteenth-century London, impugning their honesty and competence. In *The Making of Modern Law* collection (a digitized full-text database of more than 22,000 legal works dating from 1800 to 1926), we find *The Pleader’s Guide*:



Frontispiece and title page of George Ruggle’s *Ignoramus* (London, 1668)

A Didactic Poem, In Two Books, Containing the Conduct of a Suit at Law, with the Arguments of Counsellor Bother’um & Counsellor Bore’um by “John Surrebutter” (pseudonym of John Anstey), published both in London and Philadelphia in 1803. Composed in verse, the rhyming laws of procedure register as more endearing than in their tortuous legalese. When Sir William Holdsworth recognized *The Pleader’s Guide* as a product of the burgeoning humor genre spawned by the ever-escalating convolutions of legal pleading, he devoted several pages to the work in his *History of English Law*. *The Making of Modern Law* database also includes *Sketches of Life and Character Taken at the Police Court, Bow Street* (London, 1845) by George Hodder. *The Pleader’s Guide* and *Sketches of Life and Character* illustrate contrasting styles of legal humor. The first is a parody of the law, the second a recitation of humorous cases. The motifs of satire and parody of law, and strange or funny laws, appear consistently in the cavalcade of legal humor.

A number of legal humor titles clusters around the second half of the 1800s, giving rise to a parade of works in the genre continuing into the twenty-first century. From 1871 there is *Bench and Bar: A Complete Digest of the Wit, Humor, Asperities, and Amenities of the Law*, a work published in New York which relates anecdotes of respected men of the law juxtaposed with the less-well-regarded; for instance, Lord Chancellor Thurlow’s churlishness prompted his characterization as “a disgrace to the English ermine” (*Bench and Bar*, 37). Also published in 1871 is *Curiosities of the Law Reporters* by Franklin Fiske Heard. *Curiosities*, a compilation of reports of cases chosen for their unusual or amusing subject matter, first

(continued on next page)

(Just for Laughs continued)

was published in Boston and New York, and later in San Francisco. *Curiosités Judiciaires: Historiques, Anecdotiques, Recueillies et Mises en Ordre* (Paris, 1877) underscores that the British and Americans did not own the monopoly on legal humor. The 1890s are represented in the Law Library's collection by William Holloway's *Sententiae Juris: Legal and Other Epigram* [sic] (London, 1896), a series of law-related aphorisms (many in current use today) accompanied by commentary still fresh a century later. The nineteenth century closes with the last edition of *Curiosities of Law and Lawyers* (New York, 1899) by Croake James (pseudonym of James Paterson). Like clockwork, the descriptive term "curiosities" surfaces in the vocabulary of nineteenth-century writers as they describe the drolleries and oddities of the legal profession.

The twentieth century and the first years of the twenty-first century have seen no intermission in publication of legal humor works. Humor in the law flourished in the early twentieth century, and this fertile era saw the lawyer come into his own as humorist vis-à-vis his profession. As David Murray remarked in the preface to his book *Lawyers' Merriments* (1912), "while much has been written upon what may be called the accidental humor of the law, very little has been said regarding the intentional humor of lawyers, in adapting their professional pursuits to purposes of amusement." With the beginning of the twentieth century we begin to see lawyers writing humorous pieces for the sake of being humorous. Many of these attempts take the form of memoirs. This new-style lawyer's memoir includes *Gentlemen of the Jury: Reminiscences of Thirty Years at the Bar* (New York, 1924) by Francis L. Wellman, and the folksy *Recollections of a Country Lawyer* (Winfield, Kansas, 1906) by Sol L. Long, Lawyer (whose title page proclaims "Not 'Attorney and Counselor at law, Practices in All Courts;/ Barrister, Advocate, Proctor in Admiralty, Master in/ Chancery; Insurance, Real Estate and Taxes/ Paid for Non-Residents' – but just/ LAWYER/ of Cowley County, Kansas Bar/ [Don't Blame Them—They Can't Help It]"). A non-memoir from this period would be *Legal Laughs: A Joke for Every Jury* (1921) by Gus C. Edwards. Edwards writes, "Knowing the value of the apt illustration, and especially

of the humorous kind, in court practice, it has occurred to me that other lawyers might desire a codified collection of jokes, and thus the present volume." Only a lawyer could write a joke form-book.

Legal humor is not restricted to the book-length anthology. While it is true that each year new compilations of lawyer jokes, stories, and funny laws are published, legal humor also appears frequently in state bar journals, a collective goldmine of legal comedic highlights. There is always some sort of "Lighter Side of the Law" column, usually written to reassure the reader he is not the dumbest lawyer practicing in his jurisdiction. An unlikely place to find legal humor would seem to be in a law review, but there are many exceptions. *The Green Bag: An Entertaining Journal of Law* provides an avenue for creative, sparsely- or un-footnoted legal articles, with plenty of latitude for legal humor (and is the source for bobblehead dolls of Supreme Court justices). Law review articles can display humor not only in their titles ("She's Got Bette Davis [s] Eyes': Assessing the Nonconsensual Removal of Cadaver Organs Under the Takings and Due Process Clauses" from *Columbia Law Review*) but also in their content (*Oklahoma Law Review's* "The Lighter Side of the Green Movement: The Three Stooges as Early Environmentalists," described in "A Compendium of Clever and Amusing Law Review Writings" as "the definitive legal work on the Three Stooges, including their efforts to bring environmental concerns to society's attention" (*Drake Law Review* (2002))).

This essay began with the question whether lawyers and the law are funny. The question really should be: can the legal establishment laugh at itself? Not can lawyers tell a joke, but can they take one? Writing for the extinct *New York Law Review*, an unknown writer of the 1920s confronts this question head-on. In grandiloquent style, he asserts that lawyers do have a sense of humor about themselves, because otherwise "the legal profession could never have survived with such undisturbed complacency the gibes and jests and sometimes criticism and abuse with which it has been prodded and pestered and plastered for more than a thousand years." The unannotated answer: Lawyers must have a sense of humor, else lawsuits over legal humor would have accompanied its flowering.



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EMERITUS BREAKFAST 2007

This year the Emeritus Reception, held the last Saturday of September during Law Alumni Reunion Weekend, was converted from a late afternoon gathering to a breakfast celebration. The sparkling weather provided a perfect setting for this well-attended event, sponsored by the Friends of the Jacob Burns Law Library and held in the Tasher Great Room.

In 2008, the event again will be scheduled as a breakfast, so mark your calendars for Saturday morning, September 27, 2008. We look forward to seeing you there!

Top right: from left to right: Senior Associate Dean Steve Schooner with Professors Emeritus David Robinson, Leroy Merrifield, David Weaver, Fred Lees, Eric Sirulnik, Ed Potts, Ralph Nash, Bob Stanek.

Bottom right: Deans past and present compare notes: Dean Ed Potts and Dean Fred Lawrence discuss their experiences at GW.



ELECTRONIC ACQUISITIONS UPDATE

Nicole Harris, Head of Electronic Services

New online resources have expanded the Law Library's research options in U.S. state resources as well as foreign and international law.

Recently the W.S. Hein Company released new modules to its online research platform *HeinOnline* which now are available for use. *State Session Laws Library* provides access to state legislative materials. The initial release included all state session laws covering the period 2003-2006, and current material will appear on a bi-monthly schedule. Hein plans to make available all state session law materials back to the Colonial period, and will release retrospective materials to the database concurrently with its regular updates.

The Law Library also has acquired access to Hein's *Foreign and International Law Resources Database* (FILRD). Documents are provided in an image-based (PDF) and fully-searchable format, allowing researchers to search multiple international law titles in print format with one search query. FILRD's first release contains nearly 675 volumes and includes international yearbooks and serials, U.S. law digests, international tribunals/ judicial decisions, and other significant works related to foreign and international law. Coverage of titles in the FILRD collection will be from inception through current materials. Future

releases are slated to include additional yearbooks and periodicals plus works from historical legal theoreticians including Hugo Grotius and Immanuel Kant.

Researchers now have access to international law decisions adjudicated in domestic courts worldwide through *International Law in Domestic Courts* (ILDC), a new Oxford University Press database. Traditionally, access to decisions from domestic jurisdictions applying international law has been limited due to language barriers and the scant availability of reported decisions from non-Western jurisdictions. Oxford attempts to fill that gap with ILDC, which provides the researcher with new capabilities in comparative analysis and tracking changes in the law. The database is updated by a team of legal scholars, each one of whom is assigned one or more of sixty-five jurisdictions to monitor, and charged with the selection of relevant cases which identify and interpret the rules and principles of international law. ILDC coverage spans the period 2000-present and includes full decisions in the original language as well as English translations of key passages. Headnotes are included and each case is supplemented by expert commentary, references to other relevant materials, annotations of subsequent developments in the case, and a table of cases and instruments cited.



“ONE MIGHT SAY THIS IS A ‘GOLDEN AGE’ OF COLLECTING RARE LAW BOOKS”

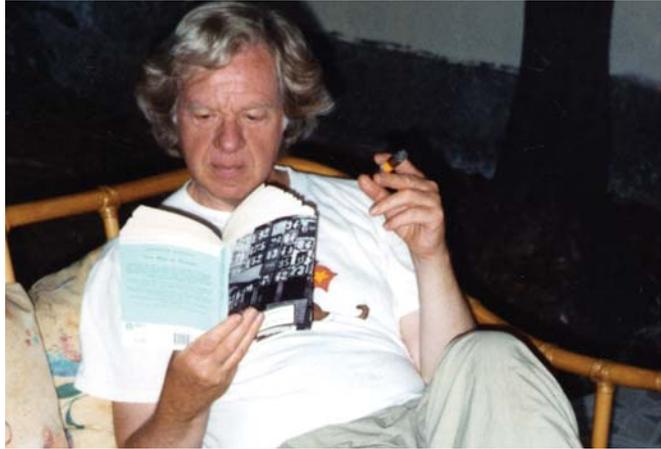
A Conversation with Jordan D. Luttrell of Meyer Boswell Books, Inc.

Founder and proprietor of Meyer Boswell Books, Inc., a mecca for rare law book collectors in San Francisco, Jordan (Joe) Luttrell has handled and evaluated legion scholarly and antiquarian legal works over three decades in the bookselling profession. His expertise in rare law books makes him a sought-after spokesman on the subject, most recently as a featured speaker at the 2007 international symposium *To Collect the Minds of the Law*, on rare law books, law book collections, and libraries, held in Malmo, Sweden. Joe Luttrell graciously agreed to share with us some of his experiences in the profession and his perspective on working with rare law books.

A Legal Miscellanea: Would you tell us about your background with law and books, including what attracted you to antiquarian bookselling as a profession? Did you have a mentor or exemplar?

Joe Luttrell: I graduated from the University of Michigan Law School in 1966 and practiced for about a decade. But the books go back to my mother’s knee! The “Boswell” in my shop’s name is her maiden name and in her honor. When I was in the Peace Corps in West Africa in the late 1960s I read a lot of legal history, as a rather peculiar way of staying in touch with my own culture; I trace the germ of my interest in law as an intellectual discipline in part to that.

A mentor? Probably Bernard Rosenthal, one of my sponsors for ABAA membership. Barney then had a shop at 251 Post Street in downtown San Francisco specializing in early printed books and manuscripts (Barney is still at it, though his shop is now in Berkeley). I pestered Barney with so many questions about the antiquarian book trade that eventually he founded an informal group of local antiquarian booksellers which met once a month for dinner—we’re still doing that—for gossip and talk. My wife, Sherry, and I asked Barney to officiate at our marriage—which you can arrange in California by officially “deputizing” any person—and we now have dubbed Barney “Archbishop Rosenthal.”



Antiquarian law book specialist Joe Luttrell, enjoying a rare moment of leisure.

What traits and talents are useful for a bookseller of rare legal works?

Each bookseller is different; you have to play to your strengths. In my case, I love finding an unusual book, and I love placing that book in just the right “home.” But most of all, I love cataloguing that book! My mornings are devoted to cataloguing new materials, and I can’t wait to get into my shop for my series of “book adventures.” My mood at noon is almost always brighter than at 9:00 a.m.! But other dealers love the marketing. Or the schmoozing. Or the buying. So you follow your interests and hope you’re good enough at that to make a living.

You have handled many exquisite and exceptional works. Which ones “spoke” to you most eloquently?

The archive of Clarence Darrow now at the University of Minnesota. Very little material of Darrow has survived, and this family archive almost didn’t either. It was in the possession of Darrow’s two surviving granddaughters, and only through a near-miracle was rediscovered. It will change (and enhance) our view of Darrow once scholars have access to it. Darrow has been a hero of mine for a long time. One of my good customers and I even made a pilgrimage to Darrow’s hometown (Kinsman, Ohio) where the two of us slept in Darrow’s boyhood home. Hopefully something rubbed off!

If I had to pick one book, it would be the first edition of Bracton’s *De Legibus* which was conjecturally the copy of F.W. Maitland. I kept increasing the price so as not to sell it, but somebody bought it anyway! I used to take it down from the shelf and just hold it.

Why are rare law books important?

One recalls Maitland's description of the law as a "seamless web." Which is largely found in its books and manuscripts. That is the utilitarian justification. But of course any lover of books will tell you it goes way beyond that!

The internet has changed the way rare books find new homes, and has opened the field to more participants, both buyers and sellers. How has this development affected your business methodology?

Before the internet came along, I debated with myself whether to deal in both scholarly and antiquarian material. I loved both, but the "green eyeshade" side of me said it was crazy to deal in the less-expensive and less profitable scholarly books. But I still did it, couldn't resist. Now it's impossible to deal in much modern scholarly material, worthy as it may be intrinsically. In my daily e-mail "recent acquisitions" lists, I now even give away a free scholarly book!

Has digitization of rare materials and their consequent online availability affected the rare law book trade?

A little, but not a great deal so far as I can tell. One library has told me that they no longer collect Anglo-American antiquarian law because it is available online. Perhaps there are other libraries which just haven't told me! But generally those who buy from me want the "real thing." It is not simply a matter of content.

What is your advice for aspiring booksellers of rare legal works? And is there a future for the traditional bricks-and-mortar bookshop?

The wisdom in the antiquarian book trade is that the first requirement is a spouse with a steady job and health benefits. After that, an apprenticeship with any bookseller dealing in early printed books (not necessarily only law books) would be extremely useful. But it is not easy to find a position of that sort, since most antiquarian booksellers are "mom and pop" operations. There is an annual week-long seminar held in Colorado whose faculty consists almost entirely of antiquarian booksellers. Anyone seriously thinking of entering the antiquarian book business should attend if at all possible. One would get a real immersion into the practicalities of and personalities in our trade that way.

If by bricks-and-mortar bookshops, you mean the big second-hand shops that are (or were) found in American cities, I would say they are in peril. But specialist shops such as my own are probably all right, and may even thrive with the internet. And "carriage-trade" shops seem to be making it. The great divide seems to be between the books which are so common that they may be purchased for almost nothing on the internet, and books which are difficult or almost impossible to locate, or which have some special attribute. A shop with the former is in big trouble.

Have you some final thoughts on the art and business of selling rare law books?

For many years, I must admit I was a tad envious of booksellers in other subject areas whose books sold for a lot more than mine do. One must remember that rare law books are a bit of an economic backwater. But of late I have become convinced that I am extremely lucky in this. Because it has permitted me to deal in virtually all antiquarian law (\$30,000,000 *Magna Cartas* to one side!) with fairly modest capital. Typically, my antiquarian law is still priced in three figures, and even mid-range three figures. There are some four-figure books and, quite uncommonly, five-figure books, but they are exceptions. So one might say this is a "golden age" of collecting rare law books. I once remarked that one could buy first editions of four of the five classics of Anglo-American law for the price of a BMW automobile (the exception is *Littleton's Tenures*, circa 1480, of which there is reputed to be but one surviving privately-held copy, in the hands of the Duke of Devonshire). This is still true!

With the advent of the internet, the opportunities for purchasing rare books have risen dramatically. So far, prices have not. And lawyers at large have not yet discovered rare law books. Perhaps they never will. If they do, prices will escalate tremendously! This country has over one million lawyers. What a potential market! Now is the time for those "ahead of the curve" to reap what everyone else is missing out on.

Meyer Boswell Books, Inc. may be found on the web at www.meyerbos.com/

FOR INFORMATION

on the topics covered in this newsletter, Special Collections, or the Friends, please contact the editor, Jennie C. Meade, Rare Books Librarian, at jmeade@law.gwu.edu or (202) 994-6857.

(Special Collections continued)

Rivail's *Historia juris civilis* (1515), inspired by the fragment on the origin of law from the Roman *Digesta* called "De origine juris civilis," attributed to Pomponius. This work traced the course of public law from Romulus to the time of the Imperial Empire. Relying on works by the Roman historian Titus Livius, and more particularly on Aristotle's threefold division of governmental forms, du Rivail revised Pomponius's account, organizing it to parallel the major sources of law: regal laws, the plebiscita, the senatuconsulta, and the praetorian edicts. This book is regarded as the first history of law. Pomponius's work was also the source of commentaries by other legal humanists found in the *Tractatus*, among them Ulrich Zasius (1461-1535).

Other eminent authors found here are Bartolus da Saxoferrato (1313-1357), St. Isidore, Bishop of Seville (560?-636), Albericus de Rosate (1290-1360), and Baldo degli Ubaldi (1327?-1400). The merit of Italian medieval scholarly investigation was called into question colorfully by Eguinaire François, Baron de Kerlouan (1495-1550), the French constitutional and Roman law scholar, in a remark at the University of Bourges:

When a dog has pissed somewhere, there is no cur ... that will not come to raise his leg, and so do likewise; so when Bartolus, Baldus, and such pettifoggers discuss a point in some passage, no matter how long or irrelevant, the whole pack of doctors will come to befoul the same passage with conclusions, conditions, [and] reasons pro and con

(Note: Eguinaire's own *De dividuis et individuis obligationibus commentarii* befouls vol. 6, part 2 of the *Tractatus*.)

The Library's copy of *Tractatus universi juris* is complete, and consists of twenty-five text volumes, with four index volumes. The volumes are bound in eighteenth-century sprinkled calf, with gilt ornaments and lettering. The title pages feature copperplate engravings of the arms of Gregory XIII, with a vignette of Gregory at the head of the dedication in the first volume. The work was printed by the Venetian printer Francesco Ziletti (d. 1587), who printed numerous works on mythology, canon and civil law. Relatively few sets of the *Tractatus* have survived the centuries intact.

An essential addition to the Law Library's Special Collections, the *Tractatus* exemplifies sixteenth-century French legal humanist François Baudouin's remark that "the memory of ancient law is necessary for a knowledge of new law."

A LOOK INSIDE

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