



LEARNING THE LAW

The Book in Early Legal Education

An exhibition curated by

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& **Michael Widener, *Rare Book Librarian***

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WHEN LOOKING AT a row of law books today, whether in a law library, a courthouse, or a student's bookshelf, one might be struck by their apparent uniformity – row upon row of nearly identical volumes. This, however, was not always so. Throughout history, law books has taken an astounding variety of forms. More than just repositories of information, like any other tools of a trade, their use influenced their design.

This exhibit highlights the intimate connection between legal literature and legal education. It focuses on the way that the usage of one group in particular – students – helped shape both the content and the form of legal literature over the course of nearly 15 centuries of legal study.

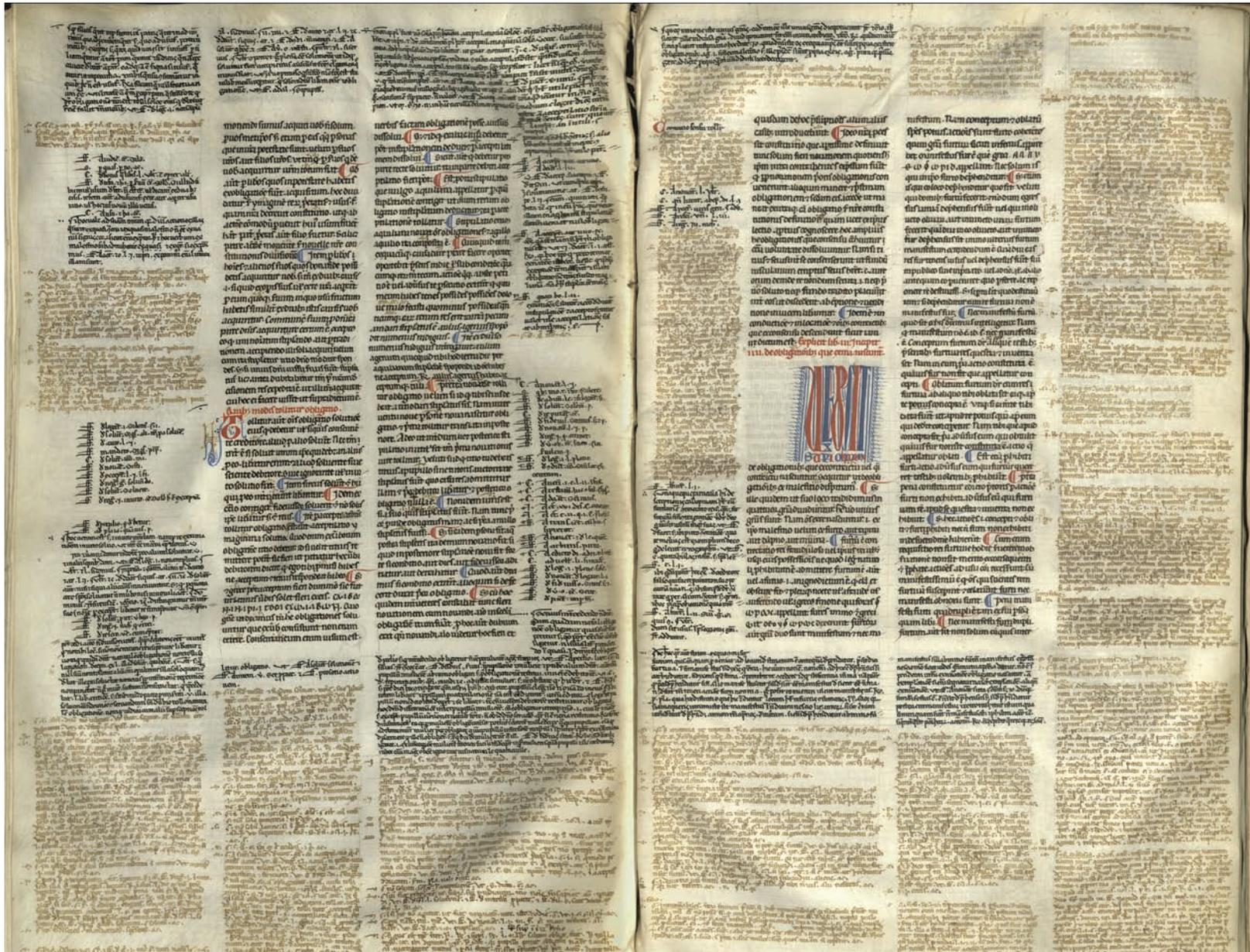
The first case highlights three of the most important textbooks of in the history of legal education, Justinian's *Institutes*, Littleton's *Tenures*, and Blackstone's *Commentaries*, and the various forms in which these essential texts were presented.

The second case looks at books as tools for the student – books whose form was very much a part of their function. While there were many such categories, we have selected four of particular use to law students: visual aids, notebooks, legal dictionaries, and study guides.

— Ryan Martins



Bernardus Schotanus. *Examen juridicum*. Amsterdam: Henrich & Theodore Boom, 1669.

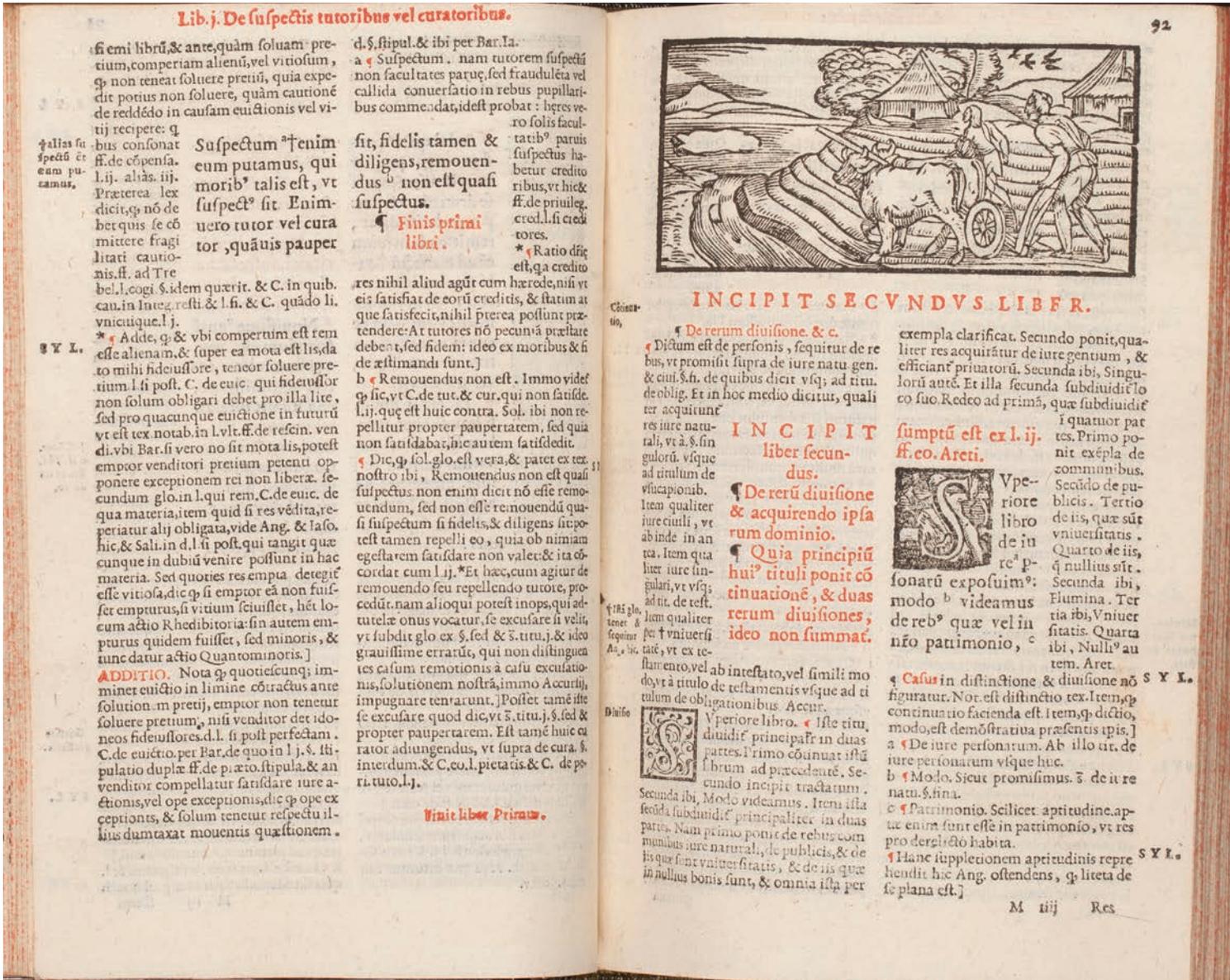


Institutiones [with the *Novels* and *Tres Libri*]. Manuscript, southern France, circa 1250.

In the year 529 the Emperor Justinian reformed legal education in the Eastern Roman Empire, proscribing a new five-year course of study. The *Institutes* was issued as the textbook for first-year law

students, a position which it maintained for centuries. In this 13th century manuscript one can see a number of design features that became commonplace in legal publishing. Color titles, wide margins for

notetaking, text in columns in the middle of the page surrounded by commentary – itself a product of legal education – are all features that would carry over from the manuscript era into print.

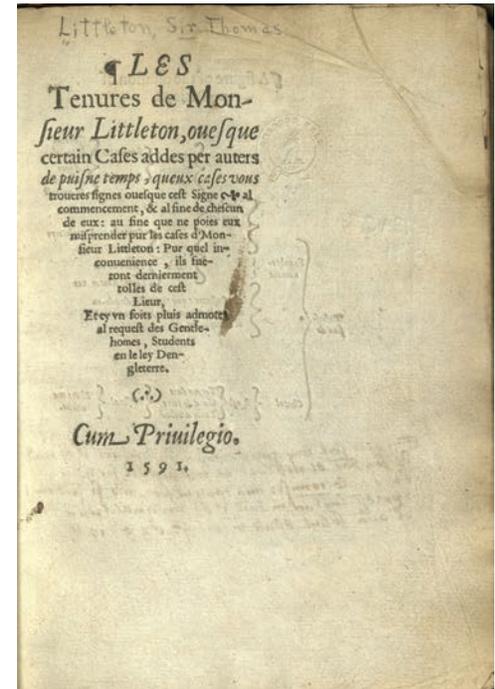
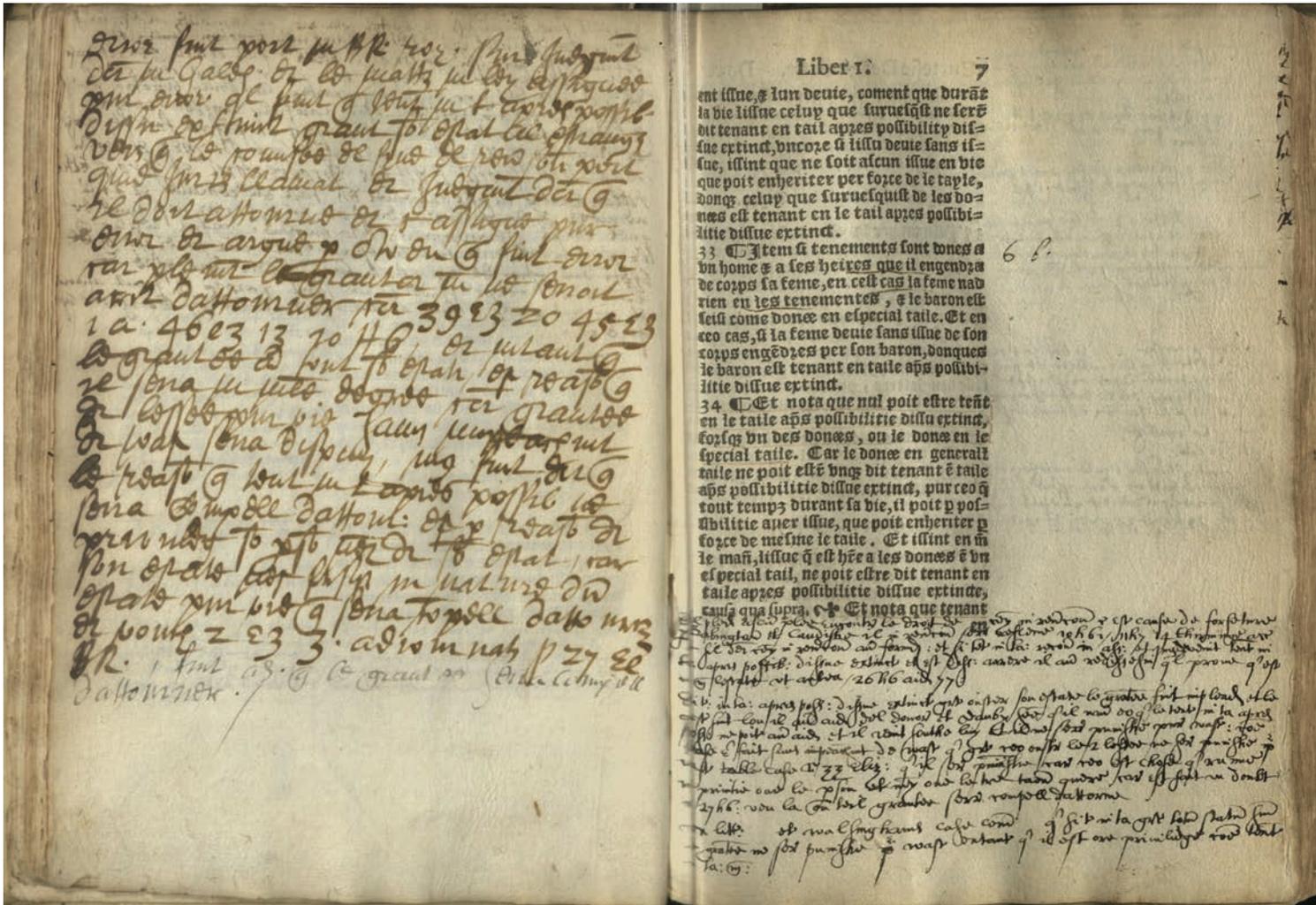


Institutiones imperiales. Paris: Jean Petit, 1510.

This truly pocket-sized copy of the *Institutes* would have been attractive for the student who needed a textbook that was both inexpensive and easily portable. Its minute size, however, did not stop its owner from making extensive use of the margins for notes. This is the only known copy of this edition.

Institutiones iuris civilis. Venice: Giunta, 1581.

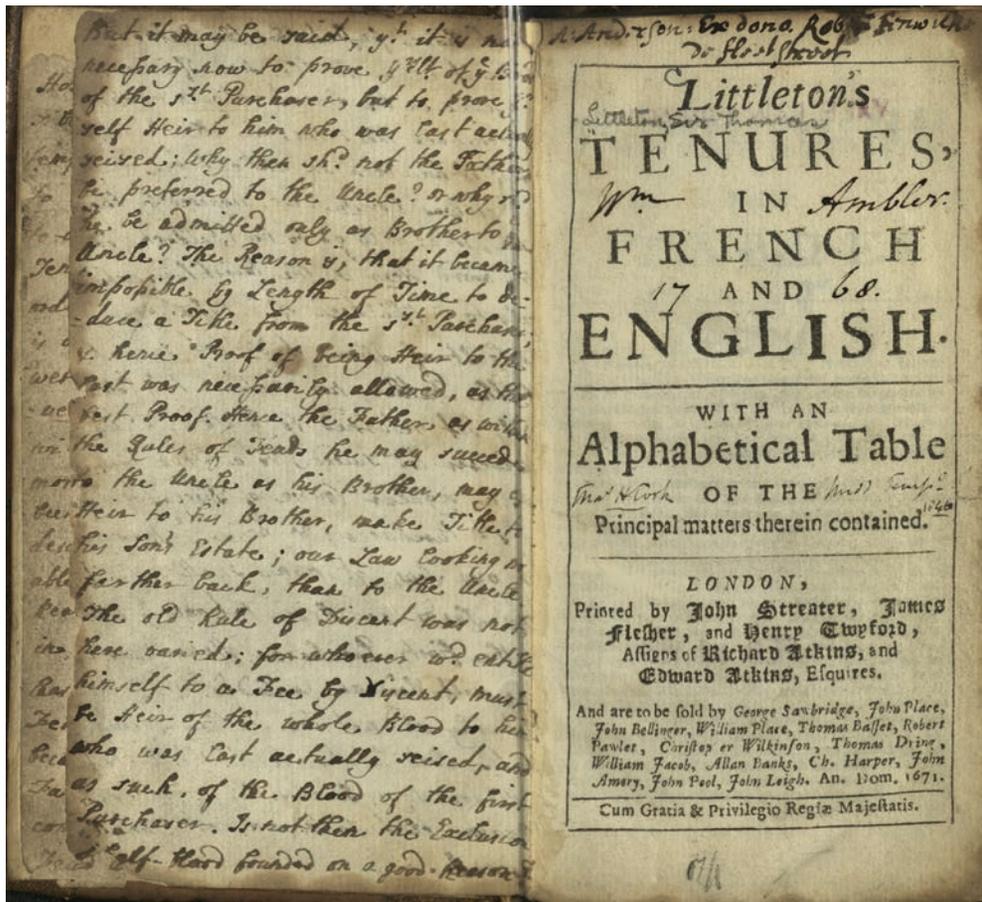
This print edition of the *Institutes* is open to the same page – the beginning of Book Four – as the large manuscript copy. Published over 200 years after the manuscript copy, we can see many of the same features. The text is in middle of the page, surrounded by the gloss. The sections are still marked in red, while the hand drawn embellishments in the manuscript edition have been replaced by decorative woodcuts.



Sir Thomas Littleton. *Les tenures de Monsieur Littleton*. London: Richard Tottel, 1591.

In Littleton's time, materials for the study of law were scarce. Littleton wrote the *Tenures* to help his son. First printed in 1481, it soon became the standard legal textbook on property law and appeared in over ninety editions. This edition is particularly well

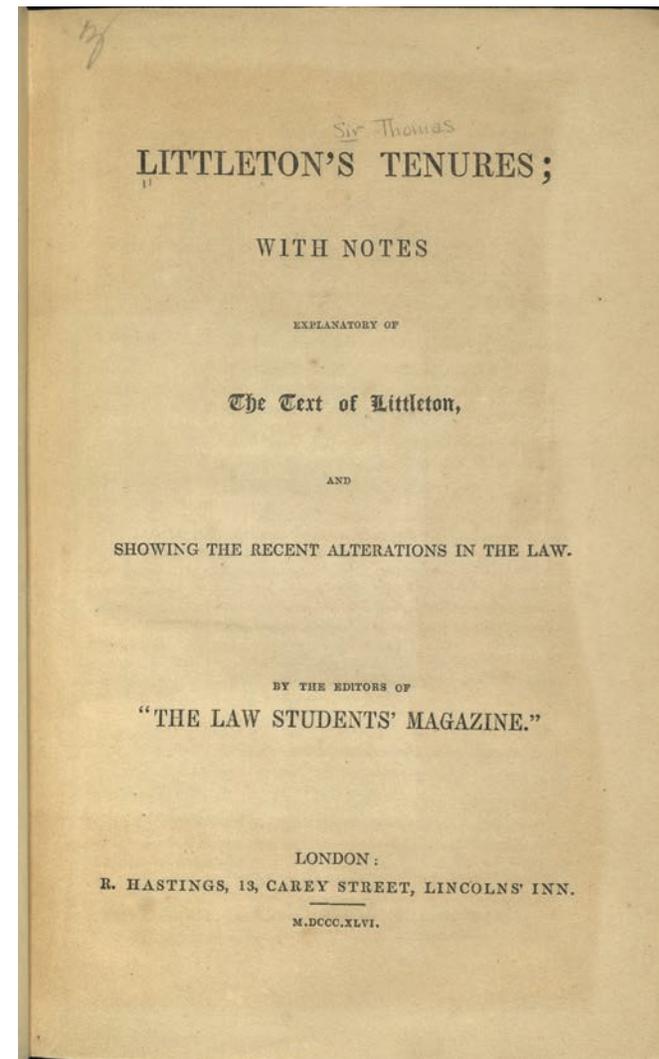
suited to the student. Its size allows it to be relatively cheap as well as portable, and the extra wide margins allow for copious note taking. This copy has clearly passed through the hands of multiple owners, each of whom had plenty of room for annotations.



Sir Thomas Littleton. *Littleton's tenures, in French and English.*
 London: Printed by John Streater, James Flesher, and Henry Twyford [et al.], 1671.

This pocket edition presents Littleton in the original Law French side-by-side with the English translation. After the Norman Conquest in 1066,

Law French became the official language of the English courts for nearly 700 years. Near the end of this period, when Law French had all but ceased to be a spoken language, bilingual volumes like this were especially popular. They allowed the student to study the content of the law while also brushing up on the language skills that were still needed.



Sir Thomas Littleton. *Littleton's tenures: with notes explanatory of the text of Littleton, and showing the recent alterations in the law.*
 London: R. Hastings, 1846.

This student edition of Littleton's *Tenures* was published in 1846 by the editors of *The Law Students' Magazine*.

In the preface, the editors – obviously aware of the priorities of law students – lauded their edition for removing all the obsolete parts of the text, both so that students wouldn't get bogged down in unimportant details, but also to make the work as inexpensive as possible.



The true portraiture of Judge Littleton the famous English Lawyer

OF FEESIMPLE
 Fol. 1.

THE
FIRST PART
 of the *Institutes of the*
 LAWES of *England.*

CHAP. I. *Fee simple.* Sect. I.

Tenant en fee simple est celui qui ad tres ou tenements a tener a luy & a ses heires a tous iours. Et est appelle en Latin, Feodum simplex, quia feodum id est quod hereditas, & simplex id est quod legitimū vel purum, & sic feodū simplex idem est quod hereditas legitima, vel hereditas pura. Car si home voite purchaser terres ou tenements en fee simple, il couient de auer ceuz parolx en son purchase, A auer & tener a luy & a ses hies: Car ceuz parolx (ses heires) font lestate de heritance. Car si home

Tenant in Fee simple is hee which hath Lands or Tenements to hold to him and his heires for euer. And it is called in Latine, *Feodum simplex*, for *Feodum* is the same that Inheritance is, and *Simplex* is as much to say, as lawfull or pure. And so *Feodum simplex* signifies a lawfull or pure Inheritance. For if a man would purchase lands or tenements in fee simple, it behoueth him to haue these words in his purchase, To haue and to hold to him and to his Heires: for these words (his Heires) make the Estate of the Inheritance. For if a man pur-

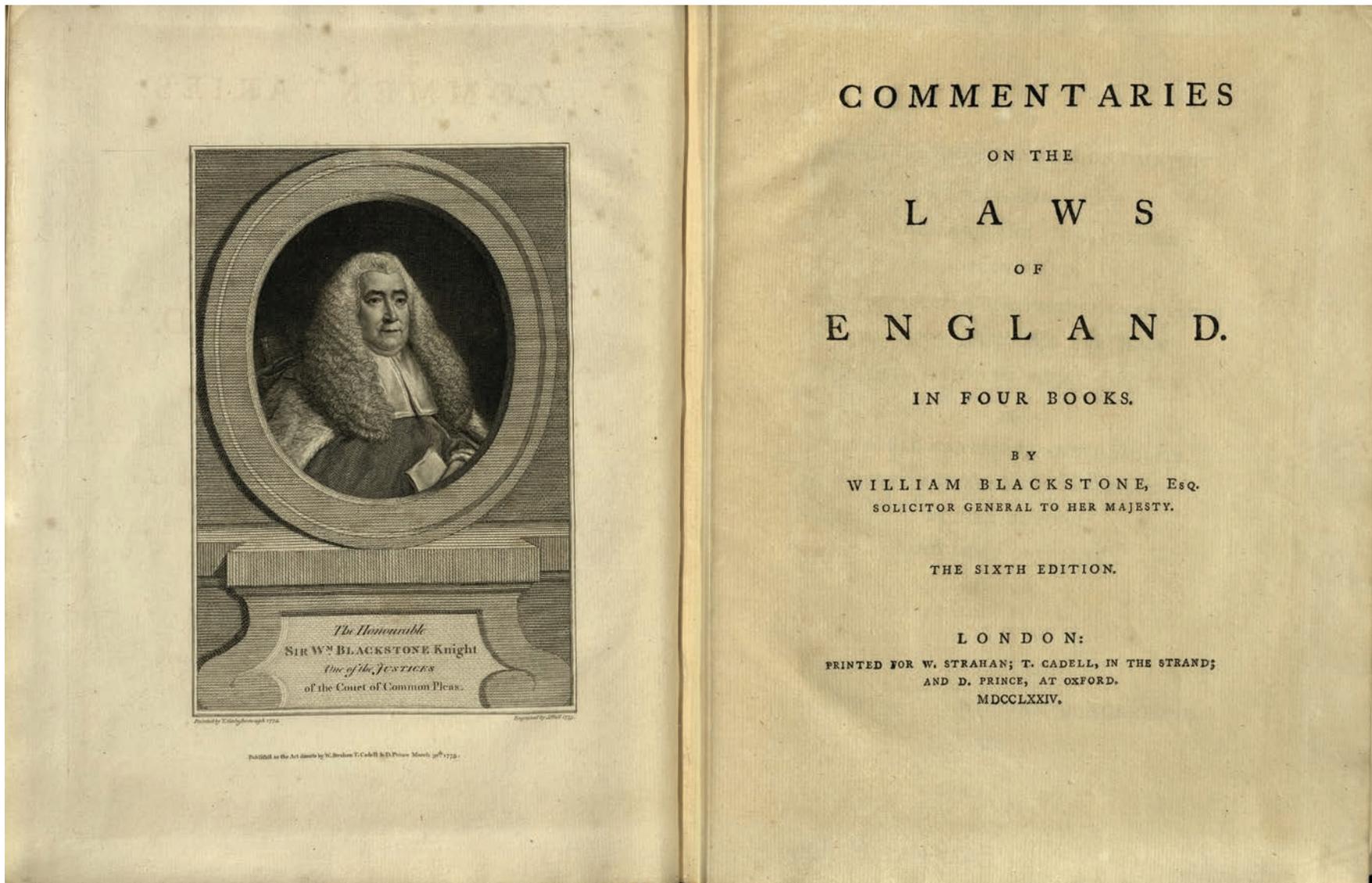
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In Law- rous Te- nens, is
denies of the verb Te- nus, and hath in the Latin the Signification, i. Je signifie le estat de the Land, as when the Co- mune in a Præcipe of Land pleads, Quid non tener, sic, this is as much as to say, That hee hath not feild of the freehold of the Land in question, And in this sence both our Author to be it in this place: is therefore he saith, tenant in fee simple is hee which hath lands to hold to him & his heires, & Je signifie the Tenure of the service whereby the lands & tenements beare holden, and in this sence it is said in the title of right, Que clamat tenere de te per liberam seruicium, &c. And in this signifi- cation hee is called a Ten- ant or holder, because all the lands & tenements in England in the hands of subiects, are holden im- mediately or immediately

Sir Edward Coke. *The first part of the Institutes of the lawes of England: or, A commentarie upon Littleton.* London: Society of Stationers, 1628.

Gift of William L. Frost, Yale Law Class of 1951.

Littleton's *Tenures* was the most important textbook on English property law until the appearance of Coke's commentary on Littleton, in which Coke "shoveled out his enormous learning in vast disorderly heaps" in the margins around Littleton's text. *Coke on Littleton* was the most read legal textbook in America until Blackstone, and possibly the most hated. Of his early legal studies, Justice Joseph Story remembered, "I was hurried at once into the intricate, crabbed, and obsolete learning of *Coke on Littleton*. ... After trying to read day after day with very little success I set myself down and wept bitterly."



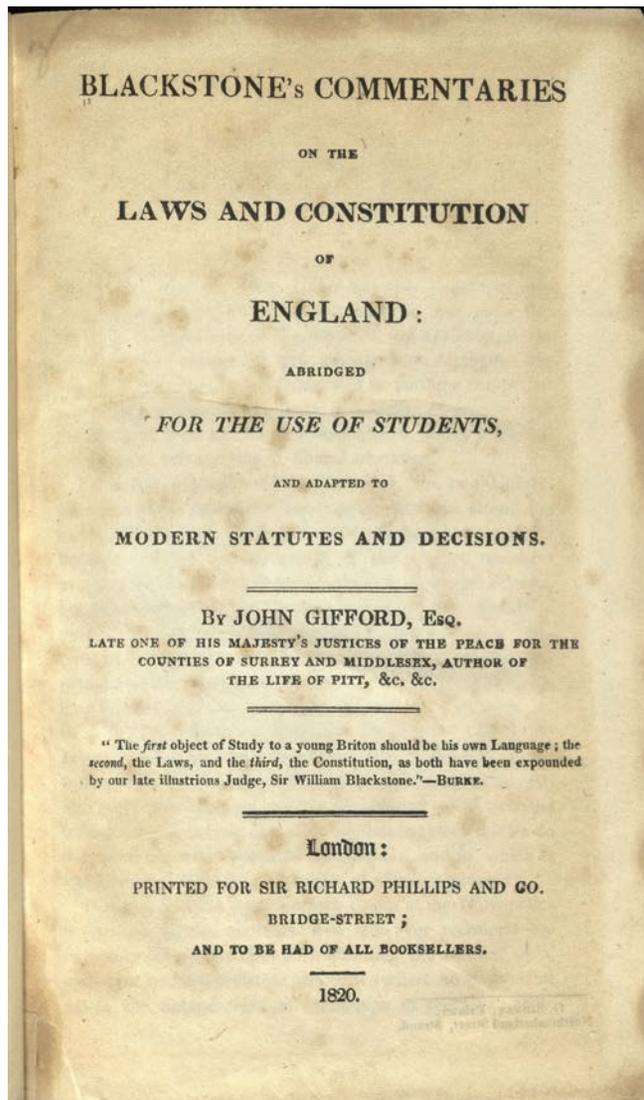
William Blackstone. *Commentaries on the laws of England*. 6th edition. London: W. Strahan, T. Cadell, 1774.

Gift of Robert Freilich, Yale Law School Class of 1957.

Blackstone's *Commentaries* is the single most influential work in the history of Anglo-American law. It began as a series of lectures on the common law given at Oxford, and was even-

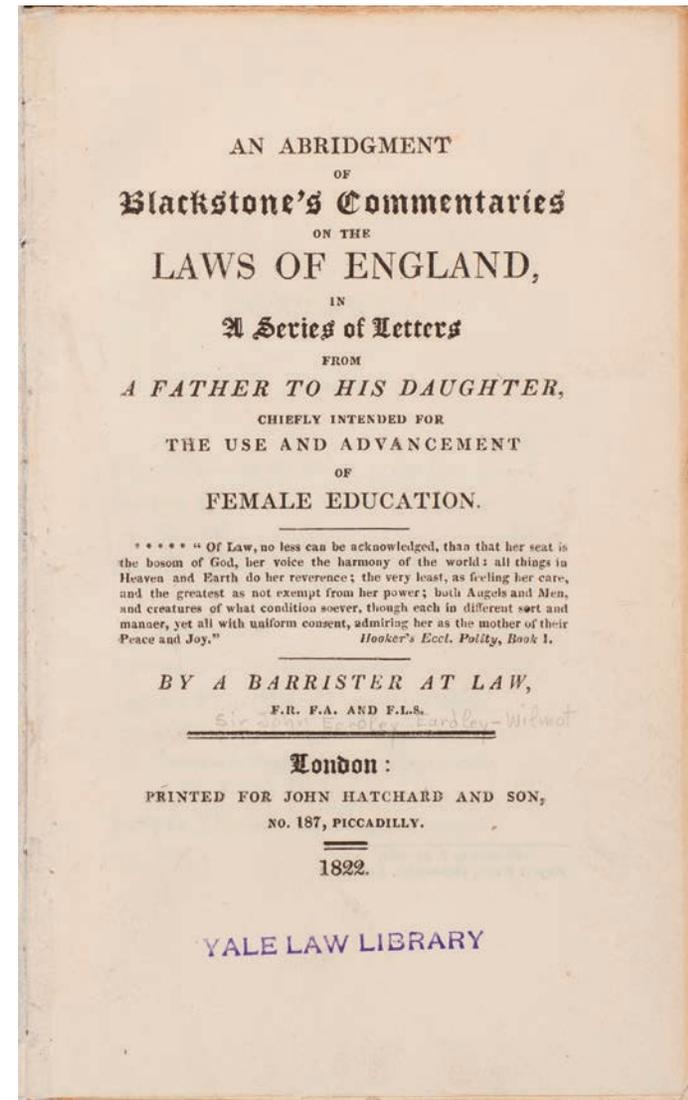
tually published in the 1760s to great acclaim. It soon became the essential text for anyone studying the law not only in England, but in Canada and the US as well. It is no coincidence

that the *Commentaries*, which synthesized the vast unwieldy expanse of English common law, is, like the *Institutes* before it, organized in four books.



John Gifford. *Blackstone's Commentaries on the laws and constitution of England: abridged for the use of students, and adapted to modern statutes and decisions.* London: Sir Richard Phillips and Co. ..., 1820.

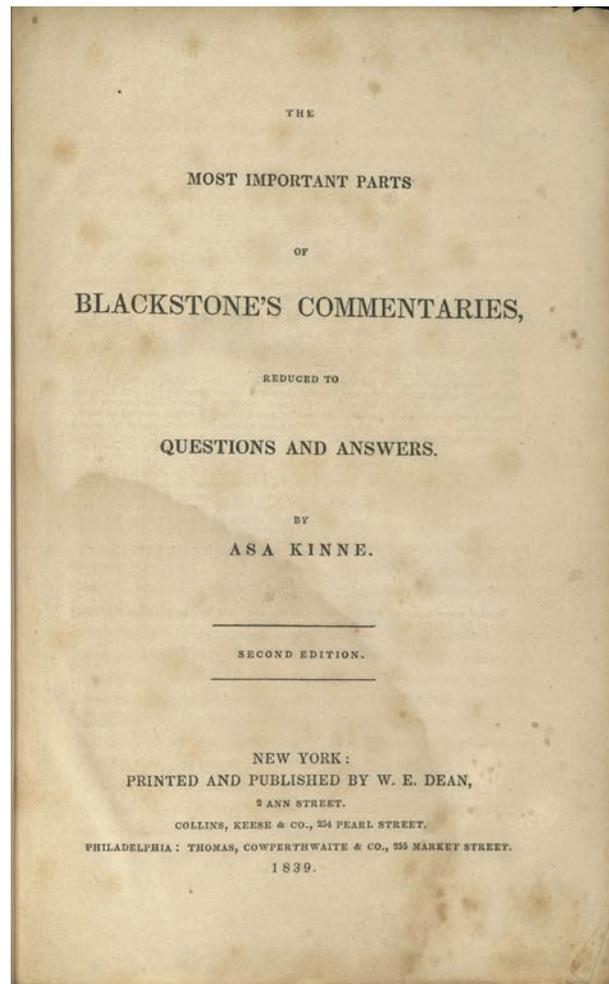
This abridgment of the *Commentaries* is explicitly aimed at students. Over fifty years old by the time of this volume's publication, it was brought up to date with contemporary statutes and case law.



William Blackstone. *An abridgment of Blackstone's Commentaries on the laws of England, in a series of letters from a father to his daughter.* London: John Hatchard and Son, 1822.

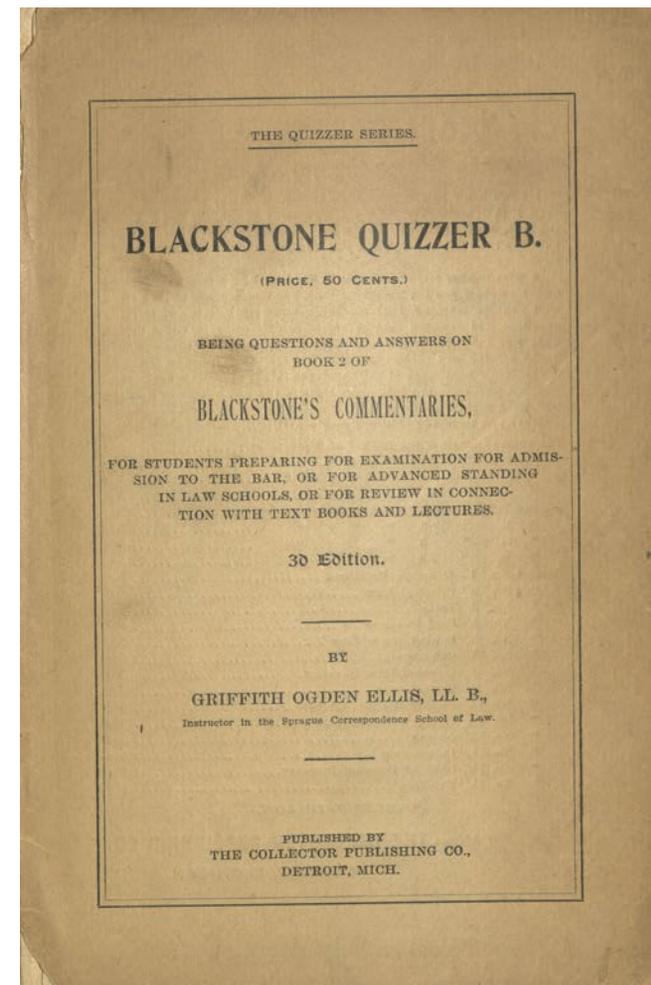
Gift of Macgrane Coxe, B.A. Yale College, 1879.

A once popular format for educational books took the key parts of a primary work and presented them in a series of "letters" or essays, written for a particular audience. This abridgment of the *Commentaries* takes this form – it is written as a series of letters from a lawyer father to his daughter.



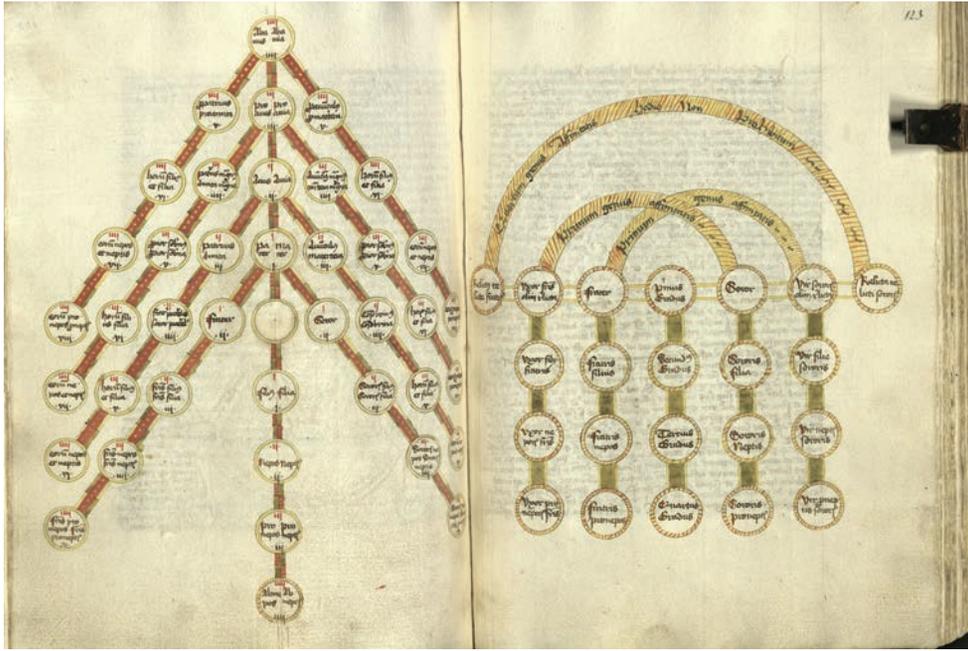
Asa Kinne, Asa. *The most important parts of Blackstone's Commentaries, reduced to questions and answers.* New York: W.E. Dean ..., 1839.

This set of questions and answers on Blackstone's *Commentaries* is marked by a large stain – perhaps some careless student spilled their coffee?



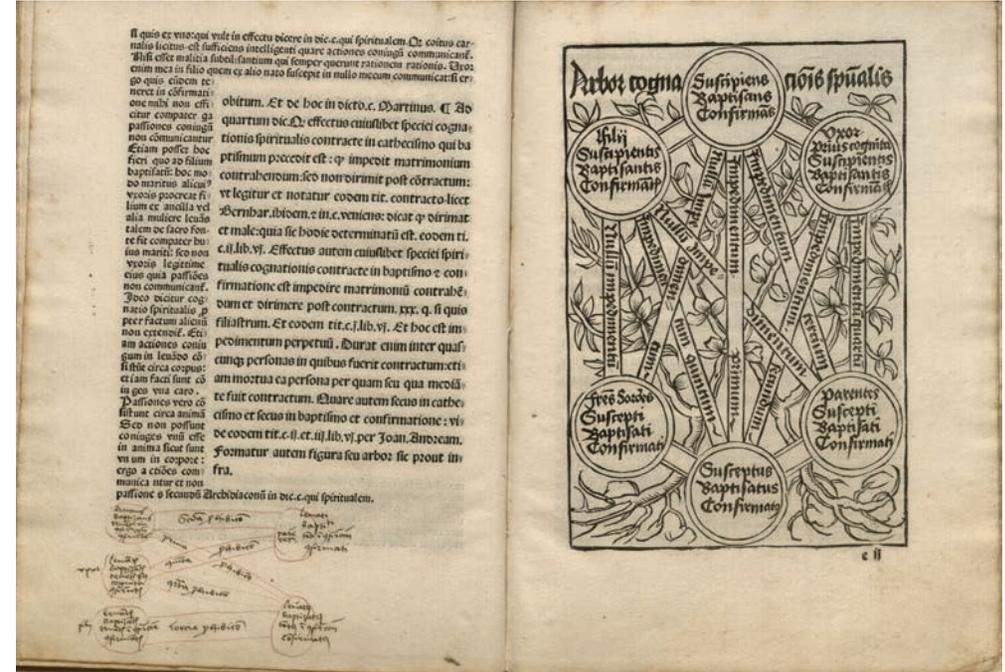
Griffith Ogden Ellis. *Blackstone quizzer B: being questions and answers on book 2 of Blackstone's Commentaries.* Detroit: Collector Publishing Co., 1896.

Blackstone Quizzers functioned as early bar prep packages for students – and for only 50 cents! The author was a professor at the Sprague Correspondence School of Law, the first correspondence law school in the US, which opened in 1890. It allowed for long-distance legal education, and offered opportunities for women and minorities who were barred from most traditional law schools.



Giovanni d'Andrea. *Super arboribus consanguinitatis et affinitatis*. Manuscript, Austria, 15th century.

This 15th century manuscript contains a number of related works, includes these hand-drawn and colored copies of Giovanni D'Andrea's trees of consanguinity and affinity. Tree diagrams were a popular way to convey information about family relations in a compact, easy-to-understand way. These diagrams illustrate in just two pages what would otherwise take many pages of text to explain. They continued to be used in the era of printing - a print version of the tree on the left was the first image to appear in a printed law book.



Giovanni d'Andrea. *Lecture super arboribus consanguineitatis et affinitatis*. Vienna: Hieronymus Vietor and Johann Singriener, 1513.

These diagrams are visual hypotheticals, presenting the student with tough legal issues involving blood relationships. Despite its relatively small size, the wide margins left enough space for a student to attempt a solution of his own.

Tab. IV.

A Table of the Laws against Offences.

Offences against GOD and RELIGION.

Table with 5 columns: Church and Sacraments, Heresy, Blasphemy, Witchcraft, and Recusants. Each column contains detailed legal descriptions of offenses and their corresponding punishments.

OFFENCES against the KING.

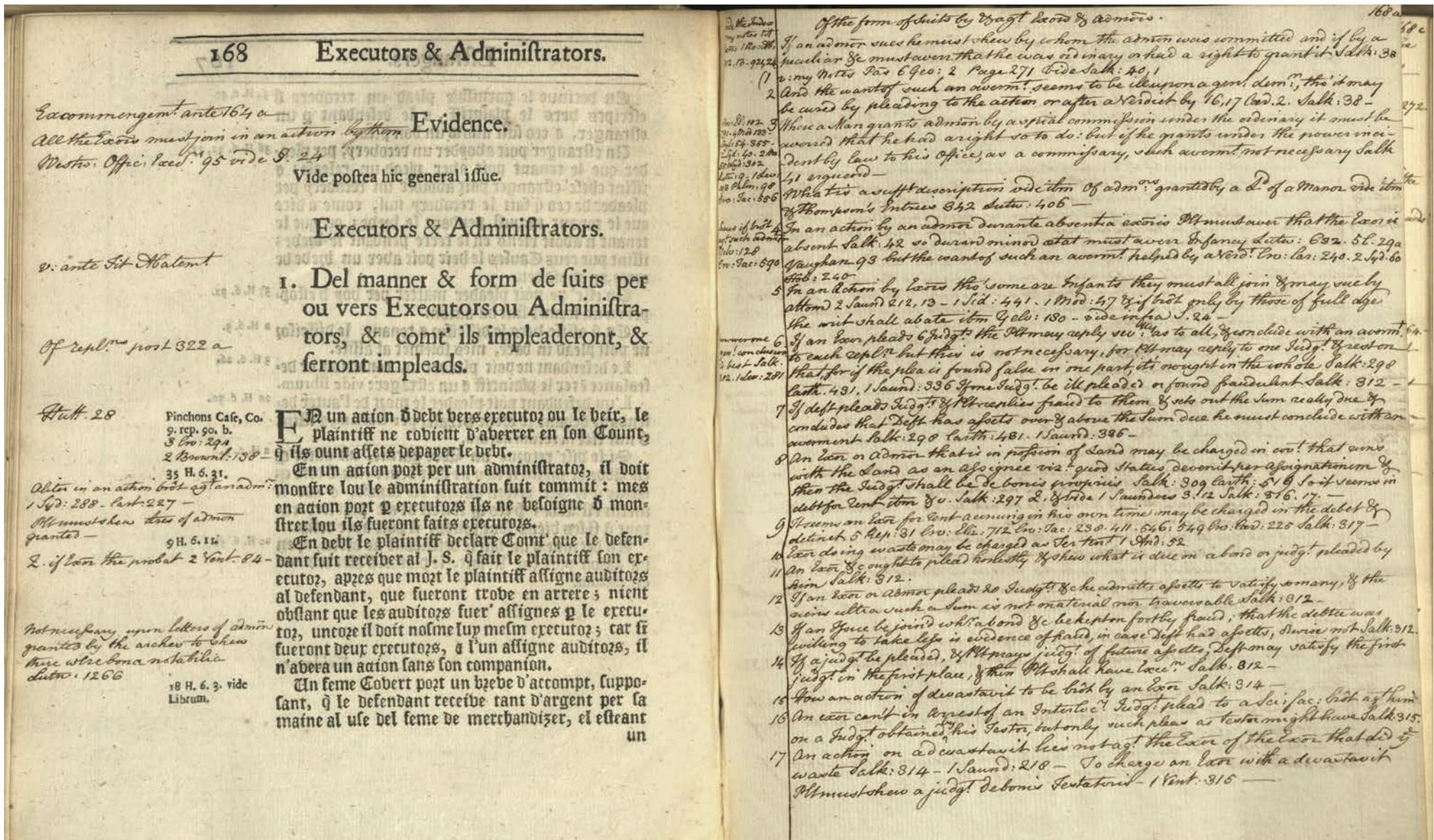
Table with 6 columns: Protestant Succession, Adhering to the King's Enemies, Levying War against the King, High Treason against the King's Person, Violating the Queen, Counterfeiting the King's Seal or Money, and Billing the Judges. Each column details offenses against the monarchy and the crown.

OFFENCES against the PUBLICK.

A large table with 12 columns: Felo de fe, Chancery, Murder and Manslaughter, Petit Treason, Felony and Larceny, Robbery, Burglary and Arson, Rites, Breach of Peace, Escape and Return, Breach of Prison, Misprisions, Perjury and Forgersy, Whore and Fornication, and Embrocary. Each column describes public offenses and their legal consequences.

Giles Jacob. Tables to the Law. London: Printed by E. and R. Nutt and R. Gossling ..., 1736.

This table, part of a series printed by Giles Jacob, outlines the definitions and punishments for a host of common crimes against God, the king, and the public.



168 Executors & Administrators.

Excommuniement ante 1640
All the executors must join in an action by them
Mastro. Offici. Reces. 95 vide J. 24

Evidence.

Vide postea hic general issue.

Executors & Administrators.

1. Del manner & form de suits per ou vers Executors ou Administrators, & comt ils impleaderont, & ferront impleads.

En un action d' debt vers executor ou le veir, le plaintiff ne cobient d' aberrer en son Count, q' ils ount affets de payer le debt.

En un action port per un administratoz, il doit monstre lou le administration fuit commit: mes en action port p' executoz ils ne besoigne d' monstre lou ils fueront faits executoz.

En debt le plaintiff declare Count que le defendan fuit receiver al J. S. q' fait le plaintiff son executor, apres que mort le plaintiff assigne auditoz al defendan, que fueront trobe en arriere; nient obflant que les auditoz fuer' assignes p' le executor, uncoze il doit nomme luy mesm executor; car si fueront deux executoz, & l'un assigne auditoz, il n' avera un action sans son companion.

Un feme Cobert port un bzebe d' accompt, suppo- sant, q' le defendan receive tant d' argent per sa maine al use del feme de merchandizer, et esteant un

Stult. 28 Pinchons Cafe, Co. 9. rep. 50. b. 3 Cro: 294 2 Bouwnt: 138 35 H. 6. 31. Oblis in an action b'nt an adm: 1 Sid: 288 - last 227 - M must show date of admn granted - 9 H. 6. 14 2. if loan the probat 2 Vent: 84 - Not necessary upon letters of admn granted by the archie to show these wlat bona stabili d'nto: 1266 18 H. 6. 3. vide Librum.

Of the form of suits by Writ of Debt & Adminors.

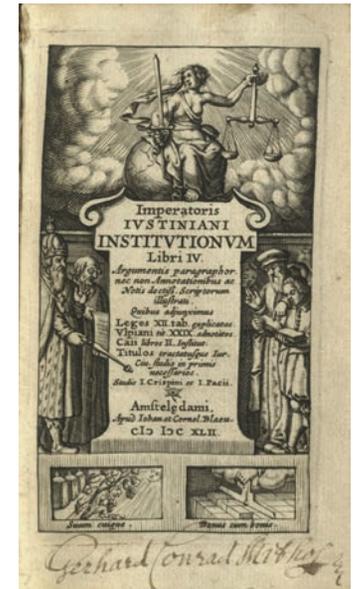
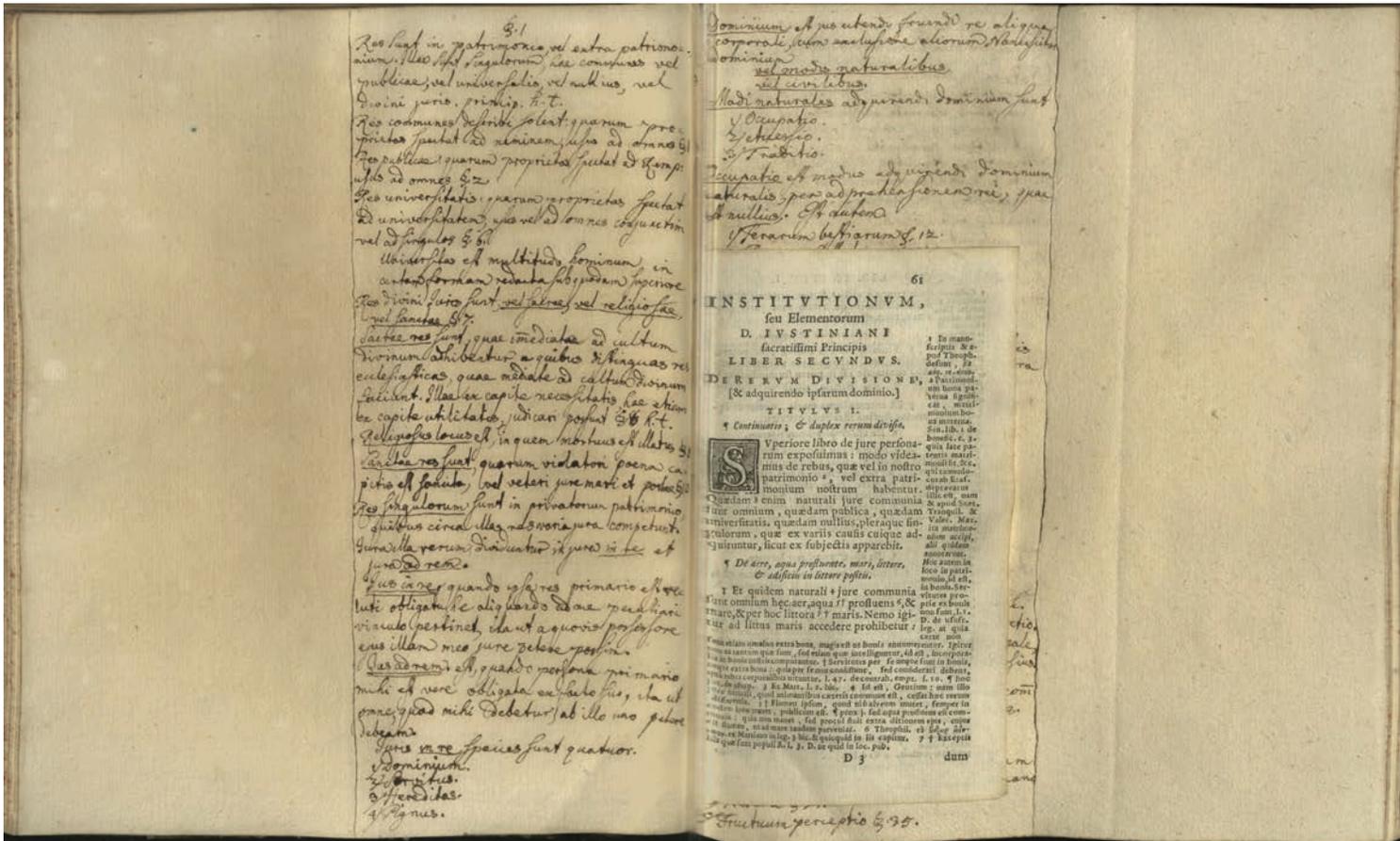
- 1. If an admor sue himsel, whom by whom the admor was committed and if by a particular he must aver that he was in many or had a right to grant it. Salk: 38
- (1) v. my Notes Pars 6 Geo: 2 Page 271 Vide Salk: 40, 1
- 2. And the want of such an admor. seems to be ill upon a gen. dem. tho' it may be cured by pleading to the action or after a Verdict by 16, 17 Car. 2. Salk: 38
- 3. Where a Man grants admor by a special commission under the ordinary it must be averred that he had a right so to do: but if he grants under the power in- deed by law to his Office, as a commissary, such admor. not necessary Salk 41 enquired
- 4. What is a sufficient description vid' item of adm: granted by a L. of a Manor vid' item of Thompson's Entries 342 d'nto: 406
- 5. In an action by an admor durante absentia ecclesie M must aver that the eccle is absent Salk: 42 so durand invid' etat must aver in Jancy d'nto: 632. 56. 299 Vaughan 93 but the want of such an admor. helped by a Verdict. Cro: Cas: 248. 2. 142. 60
- 6. In an action by execs tho' some are infants they must all join & may sue by attorn 2 Saurd: 212, 13 - 1 Sid: 441. 1 Mod: 37 & if but only by those of full age the writ shall abate item Gels: 130 - vide in p'ca J. 24
- 7. If an admor pleads 6 Jdgt: the M may reply ver: as to all, & conclude with an admor. to each repl: but this is not necessary, for M may reply to one Jdgt: & rest on that, for if the plea is found false in one part, it's enough in the whole Salk: 298 Salk: 431. 1 Saurd: 336 If one Jdgt: be ill pleaded or found fraudulent Salk: 312
- 8. If debt pleads Jdgt: & the parties fraud to them & sets out the sum really due & concludes that debt has assets over & above the sum due he must conclude with an admorment Salk: 298 Carth: 481. 1 Saurd: 396
- 9. An admor or admor that is in possession of land may be charged in ev: that runs with the land as an assignee viz: quod status deconit per assignationem & then the Jdgt: shall be de bonis propriis Salk: 309 Carth: 516 So it seems in debt for rent item 8 v. Salk: 297 2. & vide 1 Saurd: 312 Salk: 316. 17
- 10. It seems an admor for rent accruing in two or more times may be charged in the debt & detent: 5 Rep: 31 Cro: 562. 712 Cro: Jac: 238. 411. 546. 549 Cro: Cas: 225 Salk: 317
- 11. An admor doing waste may be charged as tenent 1 Sid: 32
- 12. An admor ought to plead honestly & show what is due on a bond or jdg't pleaded by him Salk: 312
- 13. If an admor or admor pleads de Jdgt: & he admits assets to satisfy a man, & the scias ultra such a sum is not material nor traversable Salk: 312
- 14. If an admor be joined with a bond & he kept on foot by fraud, that the debtor was willing to take life in evidence of fraud, in case debt had assets, suffice not Salk: 312
- 15. If a jdg't be pleaded, & M may jdg't of future assets, debt may satisfy the first jdg't in the first place, & then M shall have locu: Salk: 312
- 16. How an action of devastant to be hit by an admor Salk: 314
- 17. An admor can't in request of an Intenc: Jdgt: plead to a sci: fac: sith as him on a Jdgt: obtained, his Testor, but only such pleas as testor might have Salk: 315
- 18. An action on a devastant hit not by the exec of the admor that did waste Salk: 314 - 1 Saurd: 218 - To charge an admor with a devastant M must show a jdg't de bonis Testatoris - 1 Vent: 315

Sir Samson Eure. *Doctrina placitandi, ou L'art & science de bon pleading.* London: Printed by the assigns of R. and E. Atkins ..., 1677. Interleaved with notes by Samuel Kekewich (1783).

The creation of commonplace books was once a popular method of legal study. It consisted of entering notes on case law, statutes, and lectures in notebooks under alphabetically ar-

ranged topics. The printed book here, a treatise on pleading, is organized like a commonplace book. At least a century after it was printed, its owner, Samuel Kekewich, converted it into a

commonplace book by interleaving it with blank pages, giving him the space to add material of his own.



Imperatoris Iustiniani Institutionum libri IV. Amsterdam: Joan & Cornelis Blaeu, 1642.

This copy of Justinian's *Institutes* combines a number of interesting design elements. The original text of the *Institutes* – in the center of the small printed page – is surrounded by later printed commentary, or gloss.

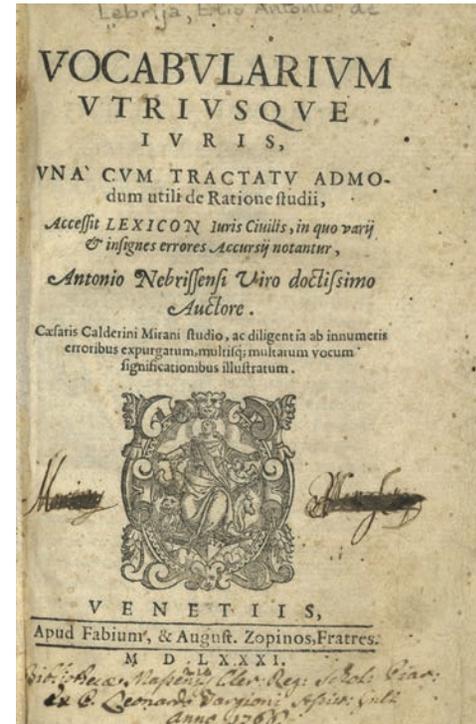
This left no room for marginal notes, which this volume's owner rectified by interleaving the printed volume with blank pages to allow for his extensive annotations.



Reperitorium aureum. Cologne:
Heinrich Quentell, 1495.

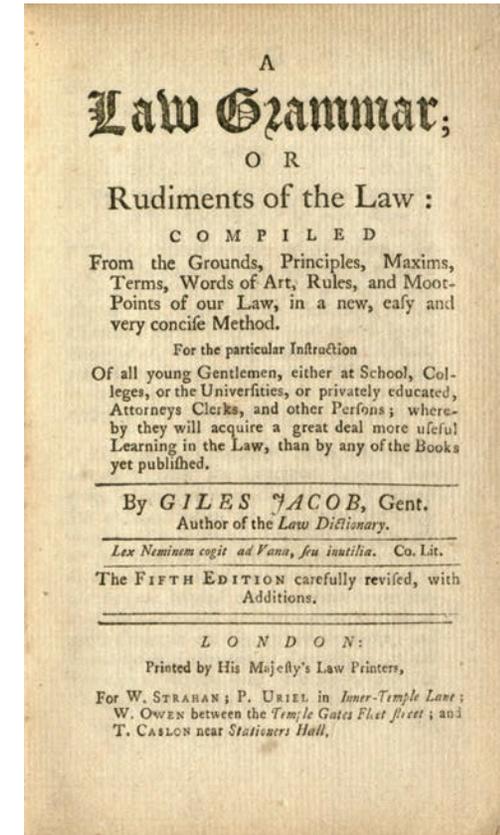
This text consists of a mnemonic poem to help students memorize the titles of the *Decretals* – part of the

body of canon law – and associated passages. It opens with an image of four students at the feet of their teacher who reads from a pulpit. The image is embellished with ink – perhaps by a rather bored student?



Vocabularium utriusque iuris.
Venice: Fabio & Augusto Zopinos,
1581.

This “dictionary of both laws” (i.e. both Roman and canon law) went through an incredible 70 editions from its first appearance in 1472. This edition is one of many to include a how-to guide for legal studies.



**Giles Jacob. A law grammar, or, Ru-
diments of the law.** London: Printed
by His Majesty's Law-Printers ...,
[1775?].

Giles Jacob was one of the most prolific legal writers of his age. Many of his books were aimed at law students. His *Law Grammar*, presented in an inexpensive and portable volume, advertises itself directly to students, boldly claiming that “they will acquire a great deal more useful Learning in the Law, than by any of the Books yet published.”

Aler sans jour.

Aler sans jour est, (verbatim) *ire sine die*, cessasavoir, destre dismissé hors del court, pur ceo que nest ascun aut' jour del Appearance assigne.

Ale-taster.

Ale-taster est un Officer appoint & jure deins chefcun Leet, de veier que le due Assise soit observe de tout le Parc, Ale & Cervoise vendus deins le Jurisdiction del Leet.

Alien.

Alien est un Subject nec hors del ligeance de nostre Roy. Et il ne poit aver ascun real ou personal Action concernant Terre, mes en chefcun tiel Action le Ten' ou Defendant puit plede que il fuit nec en tiel pais que nest deins le ligeance del Roy, & demand Judgment, sil sera respondu.

Chescun alien amie puit per le Common Ley aver & acquirer deins cest Realm, per donc, chevifans, ou aut' loyal voyes, ascun treasure ou biens personal quecunq; cybien come ascun home Anglois, & puit maintin asc' Action pur ycel. Mes terres deins cest Realm ou Meafons, si non solement pur leur habitation, alien amies ne poient aver ne acquirer; ne maintin asc' Action real ou personal pur ascun Terre ou Meafon, sinon q; le Meafon soit pur leur necessary habitation. Un alien enemy ne poit maintin ascun Action, ou acquirre ascun chose deins cest Realm. Et les raisons pur que Aliens nec ne sont capable de inheritance deins *Angleterre*, sont;

Aler sans jour.

Aler sans jour is, (word for word) to go without Day, that is, to be dismiss the Court, because there is no Day of farther Appearance assigned.

Ale-Taster.

Ale-Taster is an Officer appointed and sworn in every Leet, to look that the due Assise be kept of all the Bread, Ale and Beer sold within the Jurisdiction of the Leet.

Alien.

Alien is a Subject born out of the Liegeance of our King, and he cannot have any real or personal Action concerning Land; but in every such Action the Tenant or Defendant may plead that he was born in such a Place, which is not within the King's Liegeance, and demand Judgment if he shall be answered.

Every Alien friend may by the Common Law have and get within this Realm, by Gift, Trade, or other lawful Ways, any Treasure or personal Goods whatsoever, as well as any Englishman, and may maintain any Action for the same. But Land within this Realm or Houses (if not for their dwelling only) Alien-friends cannot have nor get, nor maintain any Action real or personal for any Land or House, unless the House be for their necessary Dwelling. An Alien-enemy cannot maintain any Action, nor get any Thing within this Realm. And the Reasons why Aliens born are not capable of Inheritance within England, are;

1

1. The

1. The Secrets of the Realm may by this be discovered.

2. The Revenues of the Realm shall be taken and enjoyed by Strangers born.

3. This will tend to the Destruction of the Realm. First, in the Time of War, for then Strangers may fortifie themselves in the Heart of the Realm, and set in Combustion the Common-wealth. Secondly, in the Time of Peace, for by such Means many Aliens born may get a great Part of the Inheritance and Freehold of the Realm, by which there would ensue a want of Justice, the Supporter of the Common-wealth, for this that Aliens cannot be returned of Juries, nor sworn for the Trial of Issues between the King and Subject, or between Subject and Subject. Vide Coke lib. 7. Calvin's Case.

Alienation.

Alienation is as much to say as to make a Thing another Man's, or to alter or put the Possession of Lands or other Things from one Man to another. And in some Cases a Man hath Power in himself so to do, without the Assent or License of any other, and in some not. As if Tenant in Chief alien his Estate without the King's License, then by the Stat. of 1 Ed. 3. c. 12. a reasonable fine shall be taken, where at the Common Law before the said Stat. the Lands and Tenements held in Chief of the King, and aliened without License, have been held forfeited. And if the King's Tenant that holds in Chief intended to alien unto C. to the Use of D. and hereupon if he purchase Licence

Primerment, Les secrets del Royalm poient per ceo estre conus.

Secondment, Les Revenues del Royalm serrent prise & enjoy per Estrangers nec.

Tiercement, Ceo voile tend al destruct' del Royalm. Primerment en le temps de guerre, car donques estrangers poient fortifie eux mesmes en le ceur del Royalm, & combuster le Common-weale. Secundm', en le temps de peace, car per tiels means plusors Aliens nec poient acquirre un grand part del inheritance & franktenement del Royalm, per que la voile ensue un failer de Justice, le Supporter del Common-weale, pur ceo q; Aliens ne poient estre returne de Juries, ne jure pur le trial de issues perent' le Roy & le Subject, on perenter Subject & Subject. Vide Co. l. 7. Calvin's Case.

Alienation.

Alienation idem est quod alienum facere, ou de alter ou mitr' le possession de Terres ou autre chose de lun home al autre. Et en ascun cases, home ad poier en luy mesme issint a faire, sans lassent ou licence de ascun autre, & en ascun nemy. Come si Tenant en capite alien son estate sans conge le Roy, donque per le Stat. de 1 Ed. 3. cap. 12. un reasonable Fine sera prise; ou al Common Ley devant le dit Stat. les Terres & tenements tenus en chief del Roy, & alien sans congee, ont este tenus forfeit. Et si Tenant le Roy que teigne en capite intend de aliener al C. al use de D. & sur ceo si il purchase licence de

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John Rastell. *Les termes de la ley*. London: Printed by Eliz. Nutt and R. Gosling (assigns of Edward Sayer, Esq.) for R. Gosling ..., 1721.

When Rastell first published his law dictionary in the 1520s, it was not only the first dictionary of English law, but also the first dictionary of any kind in the English language. Through nearly thirty editions over three hundred years, it was an important text for both practicing lawyers and students of the law. It presents side-by-side definitions in both Law French and English, allowing students the ability to understand the terms while also honing their grasp of both languages.

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whom the Debt is due, and the Person who pays it. Nevertheless, a Man shall not be Judge in his own Cause. 8 Rep. 138.

Agist, (from the *French*) in the Common Law signifies to take in and feed the Cattle of Strangers in the King's Forests, and gather in the Money due for the same. *Chart. de Forest.* 9 H. 3. c. 9. The Officers appointed for this End are called *Agisters*, or *Gift-Takers*, and are created by Letters Patent: And there are Four of them in all Forests where the King has any Pannage. The Feed or Herbage of the Cattle is called *Agistment*, which, in a large Signification, extends to all Manner of Common, or Herbage of any Kind of Ground, Land or Woods, or to the Money due or received for the same, as well within Forests, as without them. See *Manw. Forest Laws* 80.

Agitatio animalium in Foresta, signifies the Drift of Beasts in a Forest. *Leg. Forest.*

Agnus Dei, is a Piece of white Wax of a flat Oval Form, stamped with the Figure of the Lamb, and consecrated by the Pope. *Agnus Dei, Crostes*, &c. are, by 13 El. c. 2. upon Pain of *Premunire*, prohibited to be brought here into England.

Agreement. In *Plowd.* 17. it is made to signify the joining together of two or more Minds, in any Thing done or to be done. This *Agreement* consists of three Kinds; *First*, An Agreement already executed at the Beginning, as when Money is paid, or other Satisfaction made for the Thing agreed or bought. *Secondly*, An Agreement after an Act done by another, is where one Person does a Thing, and another agrees or assents to it afterwards, which is

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also executed. And, *Thirdly*, An Agreement executory, viz. to be executed or performed in Time to come; for which see 26 H. 8. c. 3. This last Sort of Agreement may be divided into two Parts; the one certain at the Beginning; and the other, where, without the Certainty appearing at first, the Parties agree, that that Uncertainty shall be performed upon the Certainty known: As where one sells to another all his Wheat lying in such a Part of his Barn unthreshed, at the Rate of 3 s. a Bushel, when it is threshed clean and measured. Every Agreement should be perfect, full and compleat, it being the mutual Consent of the Parties, and ought to be executed with a Recompence, or so certain, as to afford an Action or other Remedy thereon. *Plowd.* 5. Whatsoever Instrument is in Writing under Hand and Seal, and importing an Agreement, will amount to a Covenant; but it does not so, if put in Writing only by way of Memorandum or Remembrance: A *Proviso*, by way of Agreement, likewise amounts to a Covenant; and Action may be accordingly brought. 1 Lev. 155. See *Hob.* 79. By *Stat.* 29 Car. 2. c. 1. of *Frauds and Perjuries*, certain Agreements must be reduced into Writing, otherwise void. The Forms of Articles and Memorandums of Agreement, you may see in the *Young Clerks Magazine*, and other Books of Precedents in Conveyancing.

Aid, (from the *French*) in general, is taken to signify a Subsidy granted to the Crown. By 34 Ed. 1. it is ordained, that the King shall levy no Aid or Tax without his Parliament.

Aid Priet, signifies to pray or crave Assistance; and is a Word

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used in Pleading, for a Petition to call in Help from another Person that has Interest in Land or other Thing contested: It gives Strength to him that prays in Aid, and to the other likewise, who thereby has an Opportunity given of avoiding a Prejudice, which might otherwise accrue to his own Right: As when a Tenant for Life, by Courtesy, in Dower, for Term of Years, &c. is impleaded, such may pray Aid of the Person in Reversion; that is to say, desire the Court that he may be called by Writ, to alledge what he thinks proper in Maintenance of the Right of the Person calling him, and that of his own. *Fitz. Nat. Brev.* 50. Aid is to be granted to the Defendant in Ejectione firmæ, in case the Title of the Land is in question: Likewise a Lessee for Years, and Tenants at Will shall have Aid in Trespass; but Tenant in Tail shall not have Aid of the Person in Remainder in Fee, seeing that he himself hath Inheritance. *Dan. Abridg.* 292.

Aid of the King, is where the King's Tenant prays Aid of the King, on account of Rent demanded by others. The Aid of the King may be prayed by a City or Borough that holds a Fee-farm of the King, where any Thing is demanded of them that belongs thereto: The King's Bailiffs, Receivers and Accountants may likewise pray in Aid of the King: In all which Cases the Proceedings are stopped till the King's Counsel are heard what they have to offer, for avoiding the King's Prejudice.

Aiel, (from the *French*, signifying a Grandfather) is a Writ that lies, where a Person's Grandfather or Great Grandfather (by our Common Lawyers called *Besaiel*) being

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seised of Lands, &c. in Fee-simple the Day that he died, and a Stranger abates or enters the same Day, and dispossesses the Heir of his Inheritance. *Fitz. Nat. Brev.* 222.

Alimenta, includes any Liberty of Passage, open Way, Water-Course, or other Customary Benefit, for the Ease and Accommodation of the Owners or Tenants of a House or Land: And hence a House of Office is called an *Easement*, that is to say, a House of Ease. See *Kitch.*

Aler sans jour, (from the *French*, signifying to go without Day) in the Law signifies, to be finally dismissed the Court, there being no further Day assigned for Appearance. *Kitch.* 146.

Ale-Silver, is an annual Rent or Tribute paid to the Lord Mayor of London, by Persons that retail Ale within the City. *Antiq. Purvey.* 183.

Ale-Taster, is an Officer that is appointed in every Court-Leet, and sworn to look after the Assize and Goodness of Ale and Beer, &c. within the Precincts of the Lordship: But in London Officers of this kind are called *Ale-Conners*.

Alias, is a second or further Writ that issues from the Courts at *Westminster*, after a first hath been sued out without Effect. *Pract. Attorn.* Edit. 1. See *Capias*.

Alias Ditt, in *English*, otherwise the said, is where one particularly ascertains the Name and Additions of a Defendant, in a Declaration for Debt on Bond, &c. See *Misnomer*.

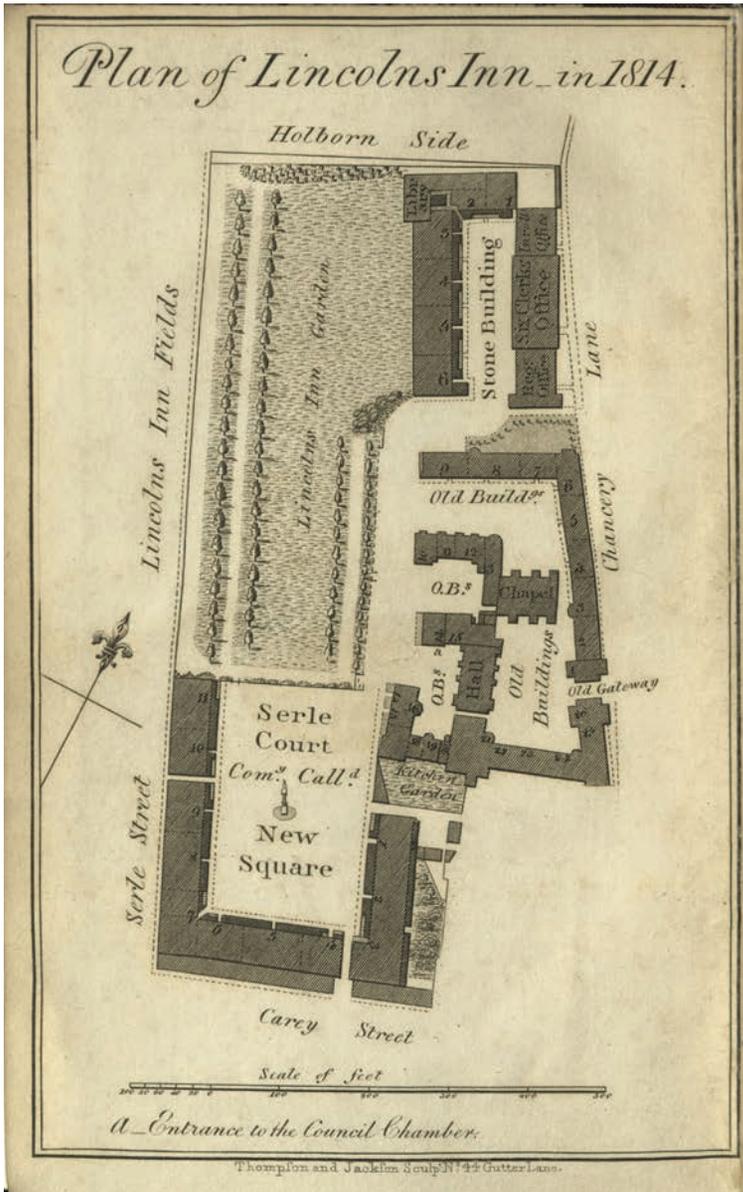
Alien, (from the *Latin*) signifies one Born in a strange Country, not within the Allegiance of the King: It is taken to be quite contrary to what we call a *Denizen* or natural Subject. A Person born

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The student's law-dictionary, or, Compleat English law-expositor.
London: Printed by E. and R. Nutt and R. Gossling ..., 1740.

This law dictionary, "compiled for the instruction and benefit of students," presents the terms in gothic or black letter type – from where we get the term black letter law – and the accompanying definitions in roman type.



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FLEET STREET.
1814.

To be had at the Steward's Office, No. 15, Lincoln's Inn.
Price, Nine Shillings in boards.

Thomas Lane. *The student's guide through Lincoln's Inn.* London: Printed for T. Lane, by Ellerton and Henderson, 1814.

This handy guide to Lincoln's Inn – one of the four Inns of Court – provides a host of information about the institution to new students. It notes everything from library hours to where to find the fire extinguishers, and is accompanied by this engraved map of the building.

lence, from which I must a while withdraw you to the less pleasing contemplation of the means by which they are to be attained; for great and various as the powers of the human intellect are, still they are in a state of progression, of tedious and humiliating progression; we are not yet arrived at the state in which we are to behold them flourishing in eternal bloom. Adieu!

LETTER V.

THERE is a class of people in the world, and that a very numerous one, who profess to admire excellence in others, but who remain their whole lives contented without endeavouring to attain to it themselves. I hardly know what restrains me from being very angry with such people; nothing, I believe, but my pity for them: with this race, did I not know you, I should be inclined from the tenor of your last letter to number you.

You say you are not less an admirer than I am of those great characters who have transmitted their names with honour to us; or of those in our own day, who, while we are writing and conversing with each other, are employed in raising for themselves monuments of fame, more durable than brass. You agree
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with me too, that a man ought to be emulous of such examples, and yet, at the very same moment, you tell me that there seems to be a great gulph, as it were, between them and you; that they appear to have been beings of a different species; that a sense of your inferiority distresses you; that it has a tendency to damp the ardour necessary for the support of the mind in this mighty undertaking; and in short, that to follow the footsteps of these men, appears to you like treading upon forbidden ground.

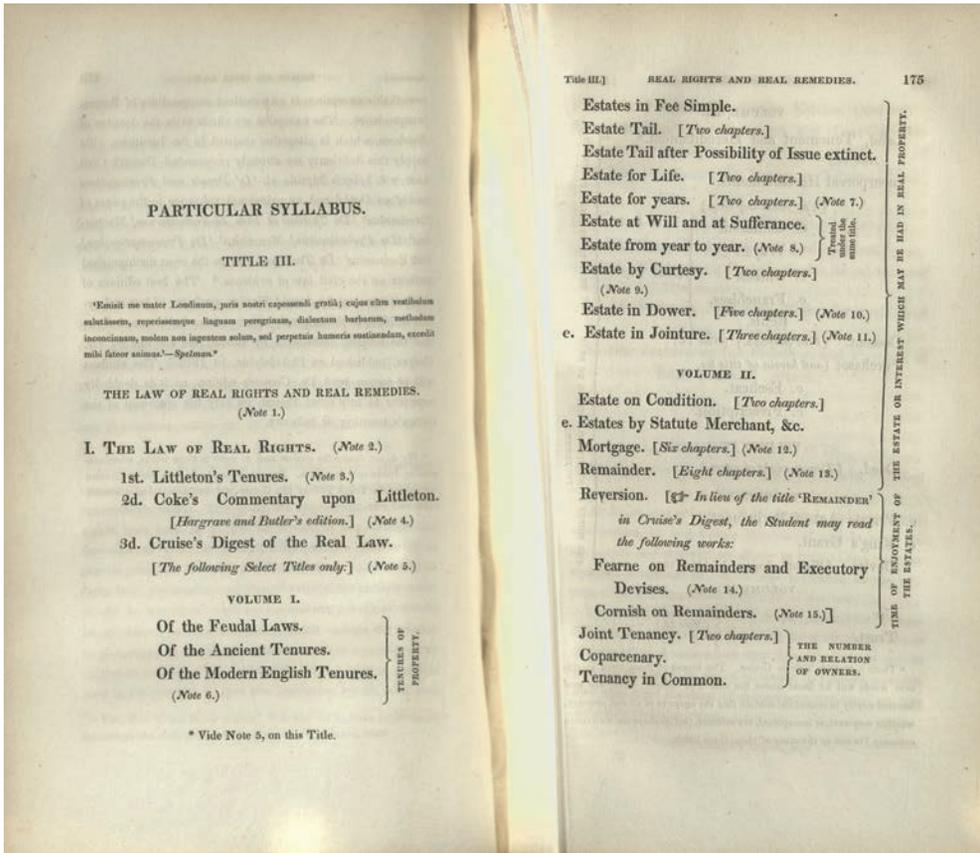
This subject is connected with the end we propose by our correspondence; let us then canvass it a moment; it is by no means unimportant.

I am now endeavouring to animate you to a desire of excellence; and for this purpose I have turned your attention towards those who have been its fairest patterns. It is clear, that if you wish to be like them, you must pursue the path which they have trodden; but you think this looks like arrogance; you think the character of modesty amiable, and that to assume the hope, however remote, of an equality with those renowned men is inconsistent with modesty. This idea appears to me to be a false one: let us for a moment contemplate the true nature of modesty.

Modesty is the inseparable companion of an enlightened mind; but there is a little, low, debasing fear, which assumes the appearance of modesty, and which is therefore one of the most dangerous enemies a man of genius has to combat. Behold the marks that distinguish each of these from the other. Modesty is a sentiment, fear is a quality of the mind. Modesty
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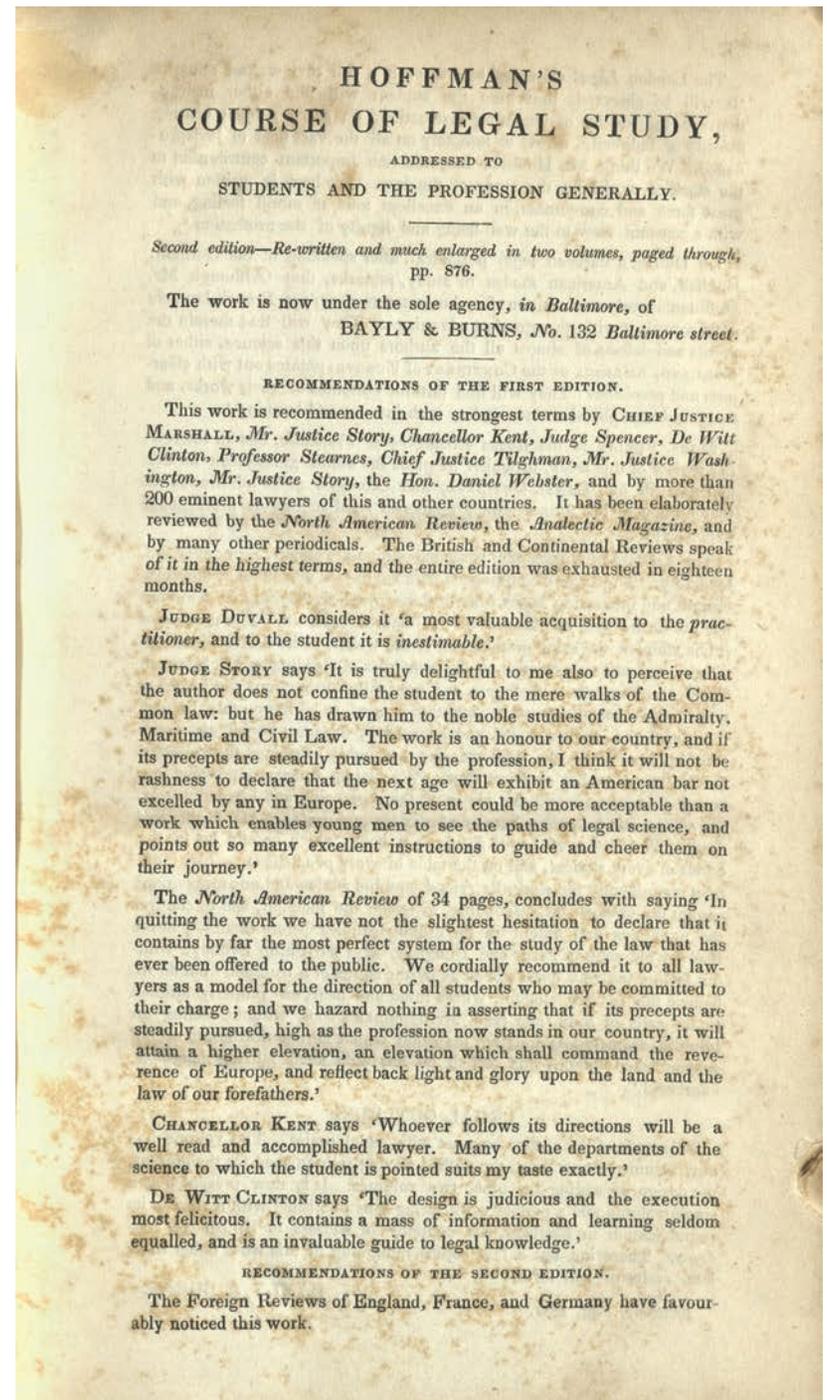
John Raithby. *The study and practice of the law considered, in their various relations to society.* London: T. Cadell, jun. and W. Davies, 1798.

This work, presented in a series of letters addressed to law students, touches on the various aspects of legal education. Its author, John Raithby, a member of Lincoln's Inn, knew his audience well – his first letter entreats law students to stop complaining about their position, and to remember just how fortunate they really are.



David Hoffman. *A course of legal study: addressed to students and the profession generally.* Baltimore: J. Neal, 1836.

Hoffman's *Course of legal study* provides a syllabus for those interested in self-studying various topics in the law. Here is an outline for a course of real property. As evidence of Littleton's enduring influence, Hoffman still recommends beginning one's study of property law with Littleton, more than 350 years after its first publication.



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This work is recommended in the strongest terms by CHIEF JUSTICE MARSHALL, Mr. Justice Story, Chancellor Kent, Judge Spencer, De Witt Clinton, Professor Stearnes, Chief Justice Tilghman, Mr. Justice Washington, Mr. Justice Story, the Hon. Daniel Webster, and by more than 200 eminent lawyers of this and other countries. It has been elaborately reviewed by the *North American Review*, the *Analectic Magazine*, and by many other periodicals. The British and Continental Reviews speak of it in the highest terms, and the entire edition was exhausted in eighteen months.

JUDGE DUVALL considers it 'a most valuable acquisition to the practitioner, and to the student it is inestimable.'

JUDGE STORY says 'It is truly delightful to me also to perceive that the author does not confine the student to the mere walks of the Common law: but he has drawn him to the noble studies of the Admiralty, Maritime and Civil Law. The work is an honour to our country, and if its precepts are steadily pursued by the profession, I think it will not be rashness to declare that the next age will exhibit an American bar not excelled by any in Europe. No present could be more acceptable than a work which enables young men to see the paths of legal science, and points out so many excellent instructions to guide and cheer them on their journey.'

The *North American Review* of 34 pages, concludes with saying 'In quitting the work we have not the slightest hesitation to declare that it contains by far the most perfect system for the study of the law that has ever been offered to the public. We cordially recommend it to all lawyers as a model for the direction of all students who may be committed to their charge; and we hazard nothing in asserting that if its precepts are steadily pursued, high as the profession now stands in our country, it will attain a higher elevation, an elevation which shall command the reverence of Europe, and reflect back light and glory upon the land and the law of our forefathers.'

CHANCELLOR KENT says 'Whoever follows its directions will be a well read and accomplished lawyer. Many of the departments of the science to which the student is pointed suits my taste exactly.'

DE WITT CLINTON says 'The design is judicious and the execution most felicitous. It contains a mass of information and learning seldom equalled, and is an invaluable guide to legal knowledge.'

RECOMMENDATIONS OF THE SECOND EDITION.

The Foreign Reviews of England, France, and Germany have favourably noticed this work.



Hippolytus de Marsiliis. *Singularia DCC*. Venice: Francesco Garonne, 1526.

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