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Census of Law Books in Colonial Virginia By William Hamilton Bryson

E. Lee Shepard

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BOOK REVIEW

CENSUS OF LAW BOOKS IN COLONIAL VIRGINIA. By William Hamilton Bryson. Charlottesville: The University Press of Virginia. 1978. pp. 90. \$12.00.

*Reviewed by E. Lee Shepard**

A decade ago Stanley Katz asserted that the eighteenth century American lawyer exhibited "a surprising familiarity with contemporary English law and a high degree of technical competence," and challenged legal historians to reappraise traditional views of the colonial bar. To a great extent this task has been undertaken, but the legal history of early Virginia still languishes. Anxious to rectify this situation, Professor W. Hamilton Bryson of the University of Richmond School of Law has compiled a "census" of law books in early Virginia, hoping to "shed some light on the law which shaped the lawyers who shaped the nation."

The concept of a "census" of law books introduced numerous technical difficulties. Bryson, for instance, based his study primarily on probate records, particularly inventories of estates. Unfortunately, the records of many Virginian counties, as well as the colonial general court, are no longer extant; and those available are often sketchy at best. Bryson's cutoff date of 1776 also poses problems, for he is forced to disregard the libraries of persons who lived into the 1780's, and beyond, as it would be impossible in most cases to determine whether individual volumes came into those libraries before or after the Revolutionary War. Thus, the legal literature owned by such leaders of the colonial bar as Thomas Jefferson, George Wythe, Patrick Henry, Edmund Pendleton, and Thomson Mason fails to appear in this listing.

What Bryson does provide is a listing of 612 entries covering 1,539 copies of law and law-related volumes verified as extant in the colony before 1776. These he arranges into categories of reports, legislative material, continental works, and treatises. He also provides brief descriptions of the major libraries surveyed, such as those of William Byrd II, John Mercer, and Robert "King" Carter, and of the men who collected them.

The *Census* buttresses many conclusions reached by legal historians in recent years. Bryson notes, for instance, the heavy dependence on *Coke upon Littleton* and George Webb's *Virginia Justice* (1736). He also observes that the number of law books ranged from huge holdings in the libraries of the wealthy, down to holdings of a single manual, form book,

* Assistant Curator of Manuscripts, Virginia Historical Society; B.A., Newark State College, 1973; M.A., University of Virginia, 1974.

or statute book. Virginians needed to know their rights and powers in many different areas of the law and, whether lawyers or laymen, they depended upon books to guide them.

This *Census of Law Books in Colonial Virginia* will serve as a standard reference book for years to come. Hopefully it will challenge historians to look even more closely at the quality of the law and of the legal environment in which both the lawyers and the laymen of colonial Virginia functioned.