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Census of Law Books in Colonial Virginia

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Census of Law Books in Colonial Virginia

William Hamilton Bryson

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Preface

The preparation of this census of law books has led me down many seldom traveled paths through obscure Virginiana. But for the guidance of Harold B. Gill, Jr., Richard Beale Davis, and William M. E. Rachal many would have been missed, and I am grateful to them for their help.

I would also like to express my appreciation to the Faculty Publications Committee of the University of Richmond for their financial support.

W. H. B.
Preface

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Introduction

Of all professionals, lawyers are the most dependent upon books.
All of their resource material is in written form. To know the level,
the quality of the practicing bar, the bench, legal studies, and legal
scholarship in general, one must know the books upon which they
are founded. Therefore, this census of law books was undertaken in
order to know a little better the legal life of colonial Virginia. 1

Virginia was the largest British colony in North America in the
seventeenth and eighteenth centuries. There was not much legal
communication with the other colonies before the beginning of the
Revolutionary period; British laws assured that commercial and
cultural ties were direct with Great Britain. However, Virginians
had a disproportionate influence on the United States for the first
fifty years of its existence, and this influence was exerted largely by
men trained in the law at the end of the colonial period. It is believed
that this census will shed some light on the law which shaped the
lawyers who shaped the nation.

To say that this census covers the colonial period calls for a warn­
ing. It does include the entire span from 1607 to 1776 as far as the
presence of law books could be discovered. However, the records of
seventeenth-century Virginia were not as carefully made or
preserved as they were in the following century. Therefore almost
all of the entries come from the period of about 1676 to 1776. This
statement in turn requires the explanation that Virginia before 1676
was nowhere near so prosperous or so populous as it was later, and
therefore fewer books of any kind would have been present in the
early years.

The types of libraries which included law books were varied.
There were those of the professional lawyers with extensive and

1For a good treatment of lawyers, see A. M. Smith, "Virginia Lawyers 1680-1776:
The Birth of an American Profession" (Ph.D. diss., Johns Hopkins Univ., 1967); for
colonial libraries in general, see the works listed in D. Gillespie and M. H. Harris,
72-90, and J. M. Patterson, "Private Libraries in Virginia in the Eighteenth Century"
comprehensive law collections, e.g., Richard Hickman and John Mercer. The libraries of the great landowners, William Byrd II and Robert "King" Carter, who sat in the General Court in Williamsburg, show that they had more than a superficial understanding of the law. The lesser gentry, an extensive class in Virginia, were justices of the peace and composed the county courts, the quarter sessions of colonial Virginia. In addition they usually handled their own legal affairs, and legal manuals and guides appear regularly in their modest libraries. The larger libraries will be mentioned later in more detail.

Each entry in this census is divided into three parts. The first part identifies the book where I have been able to do so. In giving the author's name, I have not followed the bibliographical custom of distinguishing anonymous authors who are now known. Many works went through several editions, some of which identified the author but others, usually the earlier ones, did not. In other books the author is identified by his initials, which were well known in his own day, or by his signature at the end of a dedication or preface. Therefore square brackets have been reserved for the names of authors whose works have been abridged, indexed, or severely edited, such as Sir Edward Coke.

I have given the short title of each work in order to reduce the size of this volume. Many title pages of the seventeenth and eighteenth centuries were used to describe at great length the contents of the book rather than to give identifying appellations. In this census I have attempted to give the minimum short title which mentions the subject of the book. These titles have been modernized because frequently the originals vary in wording and spelling from edition to edition. Unidentified titles are given within quotation marks. Where the identification is not certain, the title as given by the inventory is quoted at the end of the last part of the entry.

All editions and translations of a single work have in most cases been listed together under a single entry. Except when a book was issued in a single edition, it is rare to be able to determine the date of a particular copy. Such information as to edition and date that has come to hand has, of course, been included.

The second part of the entry gives a few bibliographical references; the abbreviations used here are explained in the list of works which immediately precedes the census. The third part identifies the copies of the work which were located in colonial Virginia. The first word is a reference to my source of information; these articles and books are listed along with the bibliographical
collections, e.g., Richard Hickman and John Carter, who sat in the General Court in that they had more than a superficial under-}

The lesser gentry, an extensive class in Virginia, the peace and composed the county courts, the colonial Virginia. In addition they usually handled affairs, and legal manuals and guides appeared in libraries. The larger libraries will be mentioned.

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of the entry gives a few bibliographical deviations used here are explained in the list which immediately precedes the main body of this book. It is interesting to note that there is a substantial time gap between the second edition of the work and its appearance in the estates of McCarty and Hickman and in the account book of Mercer. Hickman and McCarty no doubt owned their copies for a significant time before they died, but it still cannot be thought that this work was in Virginia hot off the press. This work, however, was a reference work and formed a basic part of a practicing lawyer's working library.

Reports of cases are the foundation of a lawyer's library, and these books do not go out of date quickly. Lawyers then and now regularly cite cases which were decided several hundred years before.

In regard to the scope of the designation "law books," it must be recognized that the distinction between jurisprudence and political philosophy is a fine one. The works of Hobbes, Locke and
Montesquieu have been omitted, but I have deliberately erred on the side of inclusion in regard to other Continental works.

This census is based on printed sources plus two manuscripts which have come to hand. These printed sources are for the most part transcripts of inventories of decedent's estates, which were filed among the probate records of the county courts. One of the major limitations of this compilation is that not all of the county records have survived the fires, wars, and other vicissitudes of Virginia's history. Of particular distress is the loss of the probate records of Williamsburg, since this was the colonial capital, the seat of the General Court, and the residence of many prominent lawyers including the attorneys general. There must have been a large number of law books in colonial Williamsburg which are now unknown to us and thus not included in this census.

Moreover, there must have existed many books which perished in the lifetimes of their owners and were thus never inventoried. Fires were frequent in private homes. Some books were lent and never returned; others must have been lost to overuse, dampness, and vermin.

Many of the inventories that we do have are incomplete lists. Many others tantalize with vague entries such as "law books" or "old legal books." This information has been omitted. Even though it sheds some light on the quantity of legal reading, it is of no use in assessing the quality of the literature.

I have also omitted from consideration law books ordered by Virginians where no evidence of receipt has been found. The largest group of these orders were the subscriptions to the 1771 Philadelphia edition of Blackstone's Commentaries. Between 1768 and 1772 George Wythe and John Randolph placed several orders with John Norton and Sons for law books. These books were probably sent to Virginia, but we have no way of knowing for certain.

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8 For example, Jefferson's library at Shadwell, which was composed mostly of law books, was burnt in 1770 (Smith, pp. 249, 250).

9 Patterson, pp. 3, 4, 9, 48, 56.


10 "Subscribers in Virginia to Blackstone's Commentaries," Wm. and Mary Qly., 2d ser., 1 (1921): 183–85, which lists 89 individuals and 66 sets ordered by booksellers; the count is 82 individuals and 97 sets for resale according to Smith, p. 212.

Introduction

Finally there were many law collections which were begun before 1776 but not inventoried until afterwards, most notably those of Wythe and Jefferson. Thus there is not sufficient evidence to determine which of the books were owned during the period covered by this census.

For these reasons books which should have been included may have been omitted. Let us now consider the possibility of a single book being included more than once. It has not been possible to trace migrations of books to any degree significant to this census. It is obvious from the fact that the titles were listed that books were considered of importance and value by the administrator of an estate and that they were not going to be discarded. Nevertheless, I have not been able to discern any pattern in the acquisition or ownership of the various copies of the same title, and therefore I cannot make any conjecture that a certain person got his copy from any other particular individual, though he may have.

Furthermore, it cannot be said that the number of entries in this census is the minimum number of titles present in colonial Virginia because many entries of the inventories are too lacunose to be identified and had to be copied verbatim. These may, and probably do, duplicate some of the fully identified entries. It is hoped that these errors of omission and commission will cancel each other. It is my opinion that the size of this census is quite conservative.

The results of the compilation of this census are a number of interesting statistics and insights. There are 1,240 copies of 449 identified titles; in addition there are 299 copies of 163 unidentified titles. Probably many of these unidentified titles are additional copies of identified books, but many are not. Sometimes it has been convenient to have separate entries for different editions of the same work. We must keep these two caveats in mind when noting that this census contains a total of 1,539 copies and 612 entries.

The number of volumes cannot be determined with any significant degree of accuracy because it is seldom that this information was recorded. (The number of volumes has been noted where possible.) Many works were published in different numbers of volumes with the different editions, but the inventories do not identify editions. Furthermore, it is possible and likely that many titles in these lists represent incomplete sets, especially where the volumes were not issued simultaneously but might have had to be ordered from England separately over a period of several years.

Let us first consider the types of law books found in colonial Virginia and then the libraries in which they were found. The census begins with the reports or collections of cases and accounts of
various individual state trials. There are 263 copies of 87 identified reports, 6 copies of 3 or 4 indexes to reports, and 8 copies of 5 unidentified collections. These reports would have been of no practical value to a layman, and thus the presence of several in one library would suggest that their owner was a practicing lawyer or a person with aspirations in that direction. Of course, a volume of reports could have strayed into a gentleman’s library by gift, bequest, or ill-advised purchase. With this in mind, let us examine the list of reports as a clue to the professional and intellectual level of the bar of colonial Virginia.

As one should expect, the most popular of reporters was Sir Edward Coke; there were 18 copies of his reports (including incomplete sets and abridgments). The next in number of copies in Virginia was Croke with 13. There were 10 copies of Hobart and 7 each of Salkeld, Pollexfen, and Ventriss. At least one copy of all the then printed reports were present in Virginia before 1776, except those of Andrews, which was published in 1754; Atkyns, 1765 to 1768; Brooke’s *New Cases*, which appeared in several editions up to 1628; Bunbury, 1755; Burrow, 1766 and 1771; Cooke, 1742 and 1747; Cunningham, 1766 and 1770; Mosely, 1744; Sayer, 1775; F. Vesey, Sr., 1771, 1773; and Wilson, 1770 to 1775. Of the 98 reports in print, 87 are known to have been available to the colonial bar.

The holders of the largest numbers of copies of reports were:

- John Mercer 97
- William Byrd II 33
- King Carter 26
- George Johnston 25
- Richard Hickman 21
- Henry Churchill 15
- Daniel McCarty 11
- Dabney Carr 10

The libraries of these men will be discussed below.

There were 40 copies of 22 titles of collections of state trials and of individual cases, most of which were criminal trials. These works were probably bought for their general interest value rather than for use for legal research.

The section giving the legislative materials includes collections of statutes, abridgments, debates, and journals. Most of the 29 entries of the English subsection cannot be positively identified because the inventories usually only give general descriptions such as “statutes”
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of 3 or 4 indexes to reports, and 8 copies of 5
items. These reports would have been of no
value to layman, and thus the presence of several in one
book that their owner was a practicing lawyer or a
member in that direction. Of course, a volume of
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<tr>
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<td>26</td>
</tr>
<tr>
<td>George Johnston</td>
<td>25</td>
</tr>
<tr>
<td>Richard Hickman</td>
<td>21</td>
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<tr>
<td>Henry Churchhill</td>
<td>15</td>
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<tr>
<td>Daniel McCarty</td>
<td>11</td>
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or "debates." Since the Virginia laws were published under the title
Acts of Assembly or a very similar title, a reference to "statutes"
has been assumed to refer to an English collection. Most of the
English collections are called Statutes at Large. Although I have ar-
ranged these books into 29 entries, they represent 99 copies and
sets.

I have omitted from this census any mention of the "Act of
Parliament" which was distributed by the Virginia Gazette office in
1765. From 8 June until 11 October 1765, 142 copies were sold on
credit to forty-one individuals and seven merchants. These latter
took 95 copies for resale. They were probably copies of the Stamp
Act of 1765. It is interesting to note that the first copy was bought
by Thomas Jefferson. I have not included these because their
interest to Virginians was primarily political and administrative
rather than legal.

The Virginia statutory collections are represented by 15 entries
and a total of 90 copies. It was easier to identify these titles than the
English ones because the possibilities are fewer. However, the pro-
portion of unidentified books is much higher than that for the
reports of cases.

I have omitted from this census the 164 copies of the first edition
of John Mercer’s Abridgment (1737) and the 213 copies of the
second edition of 1759 which were still in Mercer’s possession at the
time of his death, according to the Brock manuscript. These unsold
copies tell us about the law book trade but not about the use of these
copies. They had not been sold by 1770, thus they had not circulated
or been used, nor do we have any evidence that they ever were.

The number of Continental legal works is not great, but it is
larger than one might have expected. There were 57 copies of 32
titles. Of these 57 the library of William Byrd II accounted for 28,
and these 28 were the more esoteric. The remainder, standard
texts, were scattered thinly and were often English translations.
There were in total 17 copies of Pufendorf’s two popular treatises, 9
copies of Grotius’s De Jure Belli ac Pacis, 4 of Justinian’s Institutes
(a textbook of Roman law), and 2 copies of Domat, Loix Civiles.
The other 25 titles were represented by single copies each, 18 of
which were owned by Byrd.

The secondary English legal literature constitutes the great bulk
of this census. It includes everything from scholarly treatises to
form books and manuals for laymen. There were 829 copies of 314
identifiable titles and 282 copies of 150 unidentified ones. This is an
appropriate place to inquire of this census what were the more
popular categories of treatises and handbooks owned in colonial Virginia.

There were a substantial number of English manuals for justices of the peace, 50 copies of 19 titles. The most popular of these were the works of Dalton (as might have been expected), whose treatise was represented by 13 copies, of Keble, 5 copies, and Burn, 5 copies. Dalton's *Country Justice* was first published in 1618; it superseded in popularity Lambarde's *Eirenarcha*. Dalton's work was enormously popular in England as well as in Virginia and went through many editions before it was, in its turn, superseded by Burn's *Justice*. The presence of only 5 copies of this last mentioned book is not really surprising. Burn's manual was highly successful on both sides of the ocean, but since the first edition was not issued until 1755, not many copies had the opportunity to appear in Virginia inventories before 1776. Moreover, by the middle of the eighteenth century there was local competition in the field.

This brings us to mention three entries which have two things in common; first, they are the only American treatises found in colonial Virginia, and second, they are all three manuals for justices. There was one copy of the work by Simpson published in Charleston and one copy of a handbook by Parker, which went through three editions in the middle colonies before 1776. The third was George Webb's *Virginia Justice*, which was printed in Williamsburg in 1736. I have found 20 copies, but there must have been many more in circulation.

Only two secondary legal works were published in colonial Virginia, and both of them were manuals for justices of the peace. In addition to Webb's *Virginia Justice*, a second handbook appeared in 1775 by Richard Starke. Starke's volume must have circulated in Virginia in the last year before Independence, but it is omitted from this census because there is no evidence of who held copies before 1776.

In Virginia the justices of the peace presided over the county courts, which had civil as well as criminal jurisdiction; but in England the justices were invested only with criminal jurisdiction and with quasi-criminal administrative duties. Therefore, these manuals for justices dealt only with matters of criminal law. In addition to these, there were other types of books dealing with the criminal law and its administration.

There were three separate guides for sheriffs. There were at least 6 copies of the one by Dalton and single copies of Wilkinson's
Introduction

A substantial number of English manuals for justices of 19 titles. The most popular of these were (as might have been expected), whose treatise 13 copies, of Keble, 5 copies, and Burn, 5 copies. Justice was first published in 1618; it superseded Embarde’s Eirenarcha. Dalton’s work was first printed in England as well as in Virginia and went before it was, in its turn, superseded by the presence of only 5 copies of this last mentioned surprising. Burn’s manual was highly successful in ocean, but since the first edition was not issued copies had the opportunity to appear in Virginia before 1776. Moreover, by the middle of the there was local competition in the field.

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Many legal works were published in colonial Virginia were manuals for justices of the peace. In Virginia Justice, a second handbook appeared in Starke. Starke’s volume must have circulated in far more than 100 before Independence, but it is omitted from the list because there is no evidence of who held copies before...

Justices of the peace presided over the county civil as well as criminal jurisdiction; but in England they were invested only with criminal jurisdiction and administrative duties. Therefore, these manuals dealt only with matters of criminal law. In addition to these three, there were at least three guides for sheriffs. There were at least two by Dalton and single copies of Wilkinson’s...
and deeply learned commentary on Littleton’s Tenures. This was
the standard law text (though certainly not originally intended for
beginners) until the appearance of Blackstone’s Commentaries in
1765. There were at least 22 copies of Coke upon Littleton in co-
lonial Virginia. The second most popular work was that by Perkins,
A Profitable Book; 7 copies of this one were found here.
Equity, the other major branch of English law, was represented
by 21 copies of 12 titles on procedure and practice. In addition there
were 8 copies of 6 works on the substantive principles.
In addition were the general works: law dictionaries, abridg-
ments, and encyclopedias. Of these there were 27 titles and 109
copies.

Jacob, Law Dictionary (16 copies)
Rastell, Termes de la Ley (15 copies)
Wood, Institutes (10 copies)
Cowell, Interpreter (6 copies)
Bacon, Elements of the Common Laws of England (5 copies)
Sheppard, Abridgment (5 copies)

These figures do not include the following five works whose an-
tiquity and scholarship entitles them to special notice: Glanvill,
Bracton, Britton, Selden's Ad Fletam Dissertatio, and Saint
Germain’s Doctor and Student. There were 8 copies of this last-
mentioned work in colonial Virginia. All five of these works were on
the shelves of William Byrd’s library at Westover; King Carter
owned copies of Bracton and Britton; and John Mercer had a copy
of Britton. Indeed it is the presence of these books and others of
equal erudition in other fields which justifies the reputations of Byrd
and Carter and of their libraries.
The final categories of law books to be considered are those
branches of the civil law of the Continent which were grafted onto
the trunk of English jurisprudence: ecclesiastical law (including the
law of wills) and the law of merchants (including maritime law and
the levy of customs duties). The works dealing with the various
aspects of church law, tithes, canons, convocations, parishes, etc.,
are represented by 20 copies of 17 titles. The fact that only 2 titles
were present in more than one copy suggests the relative unim-
portance of this general group of books. On the other hand, the
works dealing with wills and executors were very useful and were
present in relative profusion. There were 64 copies of 11 titles. The
most frequently found of these were:
A commentary on Littleton’s *Tenures*. This was not (though certainly not originally intended for) the appearance of Blackstone’s *Commentaries* in at least 22 copies of *Coke upon Littleton* in colonial Virginia. The second most popular work was that by Perkins, in 109 copies of this one were found here.

The major branch of English law, was represented in the general works: law dictionaries, abridgeminis. Of these there were 27 titles and 109

- *Swinburne, Treatise of Testaments and Last Wills* (21 copies)
- *Swinburne, Treatise of Testaments and Last Wills* (21 copies)
- *Webb, Virginia Justice* (20 copies)
- *Jacob, Law Dictionary* (16 copies)
- *Molloy, De Jure Maritimo* (16 copies)
- *Mercer, Abridgment of Acts of Assembly of Virginia* (15 copies)
- *Coke, Reports* (14 sets)
- *Dalton, Country Justice* (13 copies)
- *Fitzherbert, New Natura Brevium* (12 copies)
- *Croke, Reports* (11 copies)
- *Wentworth, Office of Executors* (11 copies)
- *West, Symboleography* (11 copies)
- *Duncombe, Trials per Pais* (10 copies)
- *Godolphin, Orphan’s Legacy* (10 copies)
- *Manley, Clerk’s Guide* (9 copies)
- *Wingate, Abridgment of Statutes* (9 copies)

Before going on to the discussion of individual law collections, let us pause to note the presence in this list of the books by Swinburne and Dalton and the absence of Dalton’s manual for sheriffs, of
which only 6 copies have been located in Virginia. In 1666 these three works were given a sort of official approval by the General Assembly by an act which required copies of each to be provided for the use of every court. Thus one should expect to find them in the possession of many private persons as well.

Having considered the titles of this census by intellectual categories, it is now appropriate to consider them as they were collected together in the various private libraries of colonial Virginia. The largest collection of law books in the period was owned by John Mercer of Marlborough, Stafford County. His library included 284 titles and 26 duplicate copies. Mercer was a planter and a real estate speculator, but primarily he was a practicing attorney and a highly successful one. Furthermore his legal activities extended to sitting as a justice of the county court and to compiling an abridgment of the laws of Virginia.

Mercer's collecting of law books had begun as early as 1725; his account books show that he was adding steadily to his law library in the 1730s and 1740s, and the Virginia Gazette daybooks record several purchases in 1751, 1764, and 1765. He died in 1768 after a long and busy career at the bar, and his library was sold several years later. The information for this census is based upon Mercer's own account books, supplemented by the Virginia Gazette daybooks and the inventory of his estate made in 1770. Mercer's library included 101 copies of reports and state trials, 191 copies of a wide range of treatises, and 18 copies of legislative compilations. It is interesting to note that 114 of the titles in this collection are not known to have been present elsewhere in colonial Virginia. This law library was one of breadth and depth; it was the working library of a practicing lawyer who could and did handle any sort of lawsuit.

The second largest law collection and the largest library overall in colonial Virginia belonged to William Byrd II of Westover, Charles City County. Byrd was born into the aristocracy and therefore never practiced law. However, he was closely concerned with the

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7W. W. Hening, Statutes at Large of Virginia (New York, 1823), 2: 246.
9Ibid., pp. 24, 50-53.
10Ibid., pp. 17, 191, 192, 198-208; Virginia Gazette Day Books, 2 vols., University of Virginia Library.
11Watkins, pp. 59, 61-63; see also the inventory made in 1770, a copy of which is among the Brock MSS in the Huntington Library.
Introduction

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In 1666 these books have been located in Virginia. In 1666 these books have been given a sort of official approval by the General Court which required copies of each to be provided for the court. Thus one should expect to find them in the private persons as well.

Furthermore his legal activities extended to preparing the titles of this census by intellectual category appropriate to consider them as they were collected in various private libraries of colonial Virginia. The collection of law books in the period was owned by John Mercer. His library included 284 duplicate copies. Mercer was a planter and a real estate lawyer, but primarily he was a practicing attorney and a collector of law books in the period was owned by John Mercer. His library included 284 duplicate copies. Mercer was a planter and a real estate lawyer, but primarily he was a practicing attorney and a collector of law books in the period was owned by John Mercer. His library included 284 duplicate copies. Mercer was a planter and a real estate lawyer, but primarily he was a practicing attorney and a collector of law books in the period was owned by John Mercer. His library included 284 duplicate copies. 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legislative materials. Although he would not have considered himself a lawyer, he did represent himself and the Fairfax interests in court. Certainly the handbooks and formbooks dealing with conveyancing were of great practical value to him. His general interest in learning and perhaps also his position as a judge of the General Court in Williamsburg led him to the acquisition of the more erudite legal works, such as Bracton, Britton, Fortescue, Fitzherbert, Brooke, and Selden, in addition to the standard treatises.

Richard Hickman, who was the clerk of the Council in Williamsburg and who died in 1732, also built up a substantial law collection. It consisted of 73 titles and 8 duplicates. Reports of cases were represented by 20 copies, treatises and manuals by 56, and statutory material by 5. The size and character of this library suggests that Hickman was also a practicing attorney.

George Johnston was an eminent attorney from Fairfax and Alexandria. He was born in 1700 and served in the House of Burgesses from 1758 until his death in 1766. His library included 62 legal titles, of which 25 were reports, 2 were statutes, and 35 secondary works.

Henry Churchill, a Virginian from the northern part of the colony, had been called to the bar of the Middle Temple in 1754 before beginning the practice of law back in his homeland. He died in 1760. His legal library consisted of 54 titles and 2 duplicates, 16 law reports, 3 statute books, and 37 handbooks and treatises.

The earliest law library of any size which is included in this census is that of Arthur Spicer, who died in 1699. Spicer was a lawyer, merchant, burgess, justice of the peace, and county court judge of Richmond County. He owned 53 different law books and 3 duplicates; of these 46 were treatises, 6 statutes, but only 4 reports. The secondary works were the commonly found books on pleading and conveyancing.

Godfrey Pole studied law for five years at Barnard's Inn in London and was an attorney of the Court of Common Pleas for fourteen years before immigrating to Virginia. He was admitted to practice here in 1715. He built up an extensive practice in the General Court in Williamsburg and in the county courts. In addition

15 Wm. and Mary Qtly., 1st ser., 3 (1895): 248.
18 Wm. and Mary Qtly., 1st ser., 3 (1894): 133; Tyler's Qtly., 10 (1929): 163.
he was the clerk of the Northampton County Court from 1722 until his death in 1729 or 1730. The list of his books is dated 1716; it is quite possible that his library was much larger by the time of his death. Pole's working law library included 53 titles and 3 duplicates; of these 47 were secondary works, 4 were reports, and 5 were statutes.

There were 50 titles and a single duplicate in the collection of law books of Daniel McCarty. These figures include 32 treatises, 13 reports, and 6 copies of statutory material. McCarty was a wealthy man and a member of the House of Burgesses from Westmoreland County. He died in 1724.

John Herbert of Chesterfield County, who died in 1760, had a law collection consisting of 42 titles. There were 32 treatises, 6 reports, and 4 collections of statutes.

On the eve of Independence, Philip Fithian made a partial catalogue of the library of Councillor Robert Carter of Nomini Hall, Westmoreland County. Councillor Carter, the grandson of King Carter, had studied law at the Inner Temple and was later a judge of the General Court and of the county court. He was an intellectually inclined gentleman, and by 1774 he had acquired some 1,400 volumes. Carter's legal collection encompassed at least 40 titles and 2 duplicate copies. There were 36 treatises and guides, 3 reports, and 3 statute books. Along with the usual practice manuals there were works by Justinian, Grotius, Pufendorf, and 3 by Kames. Although he appears to have inherited his grandfather's love of books, a comparison of the two inventories suggests that he did not inherit the books themselves.

The next library to be mentioned is that of Dabney Carr, who died in 1773. Carr, brother-in-law of Thomas Jefferson, was a practicing lawyer and a burgess from Louisa County.

The last two collections of law books to be considered have several things in common. They both constitute a fairly small proportion of fairly large libraries, 27 books in a collection of about 375

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Introduction

and 26 of about 300. Both were owned by wealthy and influential planters. Ralph Wormeley II of Rosegill, Middlesex County, who died in 1701, was a judge of the General Court and of the county court; he was also secretary of state, a receiver of duties, and a naval officer. He had 27 law books, 22 of which were treatises and handbooks, 2 were reports, and 3 were collections of statutes.

The law library of Richard Lee II, who died in 1714, was very similar. This collection included 25 titles and 1 duplicate, and of these 21 were secondary legal works, 3 were reports of cases, and 2 were books of statutes. Lee, of Mount Pleasant, Westmoreland County, was a judge in the General Court in Williamsburg and in the local county court; he was also a collector of customs.

The other holdings of law books in colonial Virginia ranged down to a single manual, form book, or statute book. The ownership of law books was widespread throughout the colony. It is obvious that Virginians were concerned with their legal rights and that they looked to the English common law for the definition of them.

This census shows that the legal literature available to eighteenth-century Virginians was remarkably extensive in depth and in breadth of scope. Moreover, there were large and small holdings throughout the settled areas of the colony. It is also to be kept in mind that books were freely lent to neighbors and library doors were always open to friends.

As one would expect, the legal manuals and guidebooks for laymen were most frequently found in colonial libraries. People needed to know what their powers and duties were as justices of the peace, collectors of customs, sheriffs, constables, vestrymen, administrators of estates, etc. They needed to know how to make wills and how to convey land. In addition to this type of law book, many of the practicing attorneys and General Court judges had copies of the various reports of cases and collections of statutes. The more wealthy and highly educated had these books and also tomes of jurisprudence, legal history, and international law. The most fabulous library of all, that of William Byrd II, included books of the Roman and canon laws of the Continent. From the legal viewpoint, eighteenth-century Virginia was a successful though modified reproduction of English civilization.

Ibid., pp. 212-17.