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# University of Washington Law Library Attains 100,000 Volume Mark

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# LAW LIBRARY JOURNAL

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## UNIVERSITY OF WASHINGTON LAW LIBRARY ATTAINS 100,000 VOLUME MARK

BY ARTHUR S. BEARDSLEY

*Law Librarian, University of Washington\**

The daily arrival of books in the law library is somewhat like unto the river whose waters unceasing flow onward to the sea. Oftentimes, the librarian wishes that this never-ending stream of books might cease for a day or two in order that he might, so to speak, catch his breath, and get caught up with the work of processing, accessioning, and cataloging; but the stream moves on, and the shelves become filled and space grows smaller. Day by day, and month by month, the library grows, and as the years pass the total number of library volumes naturally becomes larger. Thousands of new volumes are added to other thousands, until that invisible goal of librarians eventually is reached, and the library comes to number 100,000 volumes. When such a goal becomes a reality, the law librarian well may pause and reflect back over the years spent in building this collection; and, in retrospect, weigh the time and cost, and measure the *fait accompli* with the vision which has been his guiding force through the years which have passed.

Libraries increasing in size by the constant addition of new volumes often grow, like weeds, without purpose or design; or they may grow as part of a plan, perhaps not always clearly definitive, but nevertheless vaguely envisioned.

So, as the law librarian meditates upon the years which have brought these many books, the many incidents, anecdotes and pleasantries, to say nothing of the frequent worries, which are associated with their accumulation, he may well ask himself some frank and pertinent questions. Has the library added volumes upon volumes merely to increase its total count; or has there been some well-rounded and well-balanced plan for developing the collection along lines best designed to serve all types of patrons? If such a plan has obtained, has it been carried out? Is the library a representative storehouse of law? Has it provided essential tools for the practitioner, and at the same time cultural and research materials for the student and teacher alike? Has the library depth as well as breadth? Have its reference materials been selected for the best possible study of research problems? Are they up to date and are they exhaustive? These and many more questions of similar import will perchance pass through the librarian's mind as he ponders and reflects upon the passing of the 100,000 mark, and as he surveys the library structure which, in part his efforts have helped to create. Let it be hoped that he views the past with a sense of personal satisfaction, and the future with a sustained confidence that in the attainment of the

\* Since the writing of this article, Dr. Beardsley has resigned his position.

second 100,000 volumes even better results may be accomplished.

During the 21 years just past, the writer has added more than 80,000 volumes to the University of Washington Law Library, which represents a gain of 400 per cent over the preceding two decades. The initial collection of books in the law library came from the private library of the late Dean John T. Condon's law office in Seattle and since his death they have been segregated and placed in a special collection. At that time there had been published in this state only 21 volumes of Washington Reports, several state codes, six volumes of sessions laws from statehood up to 1899. A few textbooks of little value, 185 volumes of the United States Reports, also the Lawyers' Edition and some mining reports were also in his private collection.

Without sufficient funds to equip the law school library at its outset, the Dean found it necessary to draw upon the resources of the law office libraries of Seattle, and a number of volumes of the state reports now in the law library but issued prior to the *Reporter System* were acquired from these law offices. Since many of the Seattle lawyers had come from eastern and central states, a number of such state reports were thus supplied by local attorneys. Only a few of the lengthier, and, of course, the scarce and unusual preliminary reports were obtained by purchase.

Known and beloved by the entire Seattle bar, the Dean had no difficulty in securing gifts of these books. He once told the writer, "I would just walk in and take them." They would not refuse the Dean, because the books were for the new law school library, and were

needed to form a nucleus of the law library of the future. Besides they were seldom needed in the practice of the law, but, if ever they were required, they were easily procurable.

Dean Condon had a remarkable understanding of what was essential and worthwhile among law books. He was particularly interested in statute law and to him the most important books for research at that time, and the ones the most likely to become valuable as the years moved on, were the statutes of the western states. He wanted complete files of their session laws including those published during the territorial period, but he did not overlook the statutory compilations and revisions, some of which today have become rare. It is fortunate that he did so, because many of these western territorial laws are now almost impossible to find.

Of special interest to the Dean were the laws of Oregon. This was not unnatural because the Washington laws had been adopted directly from Oregon in 1854, and besides the Dean was a native son and pioneer. Because of this interest, the law library today has one of the most unique collections of Oregon statute law to be found anywhere. Sometime in 1911 he learned that a complete set of Oregon laws was for sale. This set was particularly attractive because with the laws were bound the journals of the Oregon territorial legislature and the decisions of its supreme court and, in addition, it had belonged to one of Oregon's pioneer jurists—Mathew P. Deady. The law library funds were in no condition to support such a purchase, but he hoped the University would supply some aid from its general funds.

So the Dean consulted his namesake—

Herbert T. Condon, then the purchasing agent of the University, and with a twinkle in his eye asked him if he didn't want "to take a lark to Portland with \$500 of the University's money." It should be remembered that Herbert T. Condon was also a lawyer, but on the other hand, he was a graduate of the University of Oregon, and was the brother-in-law of the then Chief Justice Henry J. Bean of the Oregon Supreme Court, who at that time was also a regent of the University of Oregon. That was the reason for the twinkle in Dean Condon's eye. What would Herbert think about buying these valuable Oregon laws and removing them from his native state and from the possible possession of his Alma Mater? But Herbert T. Condon saw the point and was delighted to "put one over" on his Alma Mater. So he went to Portland and purchased the books. His brother-in-law thought it very strange that he should be down there at that time and curiously inquired what had brought him there, but little satisfaction was he able to get in reply. Not until the books were safely on their way to Seattle did Mr. Condon explain to the dismay of his brother-in-law what had brought him there. This set of books which cost the University \$500 was recently appraised as being worth \$3,500.

About this time the Dean obtained a copy of the very rare Oregon *Code Commission Report* of 1853. This code commission had consisted of Messrs. James K. Kelly of Clackamas County, Reuben P. Boise of Polk County and Daniel R. Bigelow of Thurston County, then a part of Oregon Territory but today a

county in the state of Washington. The report<sup>1</sup> of this commission formed the basis for the *Revised Statutes* (Oregon) of 1854, the entire edition of which, with the exception of 200 copies, which had been sent overland, was lost at sea when the steamer *Southerner* was wrecked off Cape Flattery (Washington) in January, 1855. It is indicative of that vision in library building which Dean Condon so inherently possessed, that he procured this volume when the opportunity presented itself, as it is now one of the rarest of Oregoniana. Where he obtained it is now unknown, but it is not unlikely that it had been the personal copy of Commissioner Bigelow. Only three complete copies of this volume are known; the two others are in the Library of Congress and the Harvard Law Library.

Thus by 1922, the law library had all of the western statutes and codes of importance except three. These were *Howell's Code* of Arizona, the early *Codes* of California, and *Kearney's Code* of New Mexico. The first two of these items are still lacking in the collection, but the latter has recently been acquired; it is the sixth known copy. From 1922 to date, the task of collecting the laws and codes of the other states has gone forward with gratifying success. The library probably cannot hope to have them all, but the collection which thus has been assembled is as interesting as it is outstanding.

At one time Dean Condon was offered what was then considered to be a complete collection of American statute law, comprising all session laws and compilations of the American states. The price, as the Dean often has said, was \$10,000. Such a sum was beyond

<sup>1</sup> See Arthur S. Beardsley, *Code Making in Early Oregon* (Jan. 1936) *PACIFIC NORTHWEST QUARTERLY*, xxvii, 19-24.

the hope of the law library, and, as a result, the collection was not purchased. This set, which had been assembled by the Statute Law Book Company over a period of years, was later sold to New York to replace the collection lost in the fire which had destroyed its state library. It would have been a great and valuable purchase at that price, but funds in this amount were not available. In later years, the same company sold another set including later imprints for a sum reported to have been \$30,000. Probably the University has spent nearly this latter amount for its present collection of American statute law; and with the aid of Mr. I. L. McCloud of the Statute Law Book Company and Mr. C. S. Hook, representing himself, the law library has come close to completing a collection of American statute law subsequent to the year 1800. One order alone, placed with Mr. Hook in 1926 totaled over \$6,000 and represents one of the wisest purchases which the law library has ever made. In this purchase were several of the outstanding items in the collection auctioned by Judge Russell Benedict, including the early folio session laws of New York State.

In a similar way the library spent on one order, placed with the Carswell Company of Toronto, the sum of about \$3,000 for Canadian laws and codes, including a copy of the first book printed in Canada. The library has purchased as many of the Canadian laws as can be found, but the earliest ones for several of the provinces are unobtainable. Its present collection is probably as complete as any such collection in Canada. Of particular interest to the western lawyer is the collection of the

acts of the colonies of Vancouver Island and British Columbia prior to their merger in 1866. These laws have been assembled at a great expense of time and money. A few only are in photostat, the remainder being originals. One law is missing, but only because no copy of it is known to exist.

The writer recalls his first visit to the law library (1915), when it was located in the Old Oregon Building which had been originally erected for the Alaska, Yukon and Pacific Exposition. On the morning in question, the tables in the Dean's office were covered with several sets of books including the *Upper Canada Law Journal*, *Canada Law Journal*, *Canada Law Review*, *Canadian Law Times* and the *Law Journal Reports*. With the possible exception of the latter item this collection of Canadiana was one of the Dean's greatest joys.

Until 1922, not much had been done toward the addition of sets of the Canadian reports, except the reports of the Supreme Court of Canada and the collected series of *Dominion Law Reports* and *Western Weekly Reporter*. Shortly after the above date, a little more than \$3,000 was invested in the supreme court reports of the Canadian provinces, except those of British Columbia, which had already been acquired. Some of the remaining sets of reports of the Dominion were likewise included, and in due time the library came to include an almost complete collection of Canadian court decisions. From time to time, miscellaneous odd volumes of the remaining Canadian reports have been acquired, until, today, all reported decisions of Canadian courts are available.

The minor sets of Canadian legal peri-

odicals have been slowly acquired along with those of Australia and England until the periodical collection of the present day is of remarkable strength. While there are sets of periodicals not yet to be found in the library, it is only because they cannot be obtained. Two sets of legal periodicals are recalled with particular interest. The first is the *Manitoba Law Journal* which the library had regularly urged the Carswell Company to use its best efforts to locate, but it was scarce and difficult to find; hence it was not until 1927 that the set was obtained. The second periodical is the *Law Magazine and Review* (5 series, 131 volumes). It is likewise scarce and was acquired piecemeal. Although it ceased publication only in 1915, all series save one were difficult to locate, and even today the library lacks the last two numbers in volume 4 of the fifth series, which will probably have to be procured through photostat. It is interesting to recall that subsequent to the publication of the first edition of the *Union Serial List* in 1927, a bookseller in Amsterdam, Holland, wrote the library stating that he had observed that the library lacked a certain run of volumes of this review. He had purchased such a run and quoted them to the library at a reasonable price, offering to hold them pending a reply. Naturally they were a "find," as no such run has since been encountered.

Some of the legal periodicals not so frequently found in a law library, but of no less importance, contained in the University of Washington Law Library are:

American Journal of the Improvement of the Useful Arts and the Mirror of the Patent Office, 1846, vol. 1 (all published)  
 American Labor Monthly, 1923-24, 2 vols.  
 California Legal Record, 2 vols.

Canada Green Bag, vol. 1, Jan. 1895 (all published)  
 Cleveland Law School Journal, vol. 1 (all published)  
 Coal Mining Law Journal 1907-08, 2 vols.  
 Forum, 13 vols. (preceding the Dickinson Law Review)  
 The Law, 2 vols.  
 Legal Adviser, 6 vols.  
 Legal Gazette, 8 vols.  
 Northwestern Law Journal, 18 mos. 1891-92 (all published)  
 Pacific Law Journal, vol. 1, 1911 (all published)  
 Pacific Legal News, vol. 1, 1911 (all published)  
 Swain, Benj. Man of Business, vol. 2, 1834  
 Yale Law Journal, complete set

One of the strongest divisions of the law library is the legal periodical collection. Aside from the periodicals in foreign languages, the library has received regularly for some years all law reviews published in the English language and now has a bound collection of over 12,000 volumes. Three copies of all standard law school reviews are received either by purchase or exchange, with the exception of the *Harvard Law Review* of which four copies are maintained. Of these serials, one copy goes to the faculty library, while the others are for student use.

When Professor Charles Wesley Smith, Librarian of the University, went to Europe on a book buying trip in 1924, he was authorized to purchase books for the law library to the total of \$2,500. The books which the law library at that time requested him to locate and purchase in London included such sets as:

Law Times (periodical)  
 Law Times Reports  
 Justice of the Peace (periodical)  
 Justice of the Peace Reports  
 Jurist  
 Law Journal (periodical)  
 Times Law Reports  
 Irish Law Times  
 Solicitors' Journal  
 Weekly Reporter

and other sets of lesser importance. These constituted a substantial addition to the law library and greatly enriched its English case and periodical resources.

An almost complete collection of all the English reports is now available with copies of the numerous editions thereof. A few of the rarer reports obtained with difficulty and at heavy expense include the following titles:

Cases of Assessed Taxes Decided by the Judges, folio, nos. 1-2867  
 Cases of Practice, 1778  
 Coke's Reports, 13 parts, 1st Ed. 1601-59  
 Commercial Cases, complete set  
 Lloyd's Law List Reports, complete set  
 Special and Collected Law Cases, 1641

Much progress has been made in collecting both the *Old Bailey Sessions Papers* and the *Central Criminal Court Reports*. These are now very difficult to locate, and it is hardly likely that the library will be able to complete a file. Both sets were issued in parts which now apparently have been lost or destroyed.

The late Professor Clark P. Bissett of the law faculty made frequent trips to Europe, and on several occasions was authorized to secure books for the law library. On one such trip he obtained a representative collection of the publications of the Record Society of Great Britain, and other publications, at a cost of over \$3,000. Among the sets of outstanding historical importance, which he was fortunate in securing, were:

British and Foreign State Papers, 115 vols.  
 Hertlet's Commercial Treaties, 26 vols.  
 Statutes of the Realm, 12 vols., folio  
 Acts of the Parliaments of Scotland, 12 vols., folio  
 Blackstone's Commentaries, 1st Ed., 4 vols.  
 Blackstone's Commentaries, 1st Am. Ed., 5 vols.  
 Viner's Abridgment, 24 vols., folio  
 Acta Dominorum Concilii, folio  
 Acta Dominorum Auditorum, folio  
 Irish Statutes, 1310-1800, 2 vols., folio

Inquisitionum ad Capellam, 3 vols., folio  
 Registrum Magni Sigilli, folio  
 Anglo Saxon Manuscripts, 3 vols., folio  
 National Manuscripts of Scotland, 3 parts, folio  
 National Manuscripts of Wm. Conqueror to Queen Anne, 4 vols., folio  
 Patent Rolls, Ireland, James I, folio  
 Chancery Inquisitions of Ireland, 2 vols., folio  
 Irish Records, 2 vols., folio  
 Liber Hiberniae, 2 vols., folio  
 Rotulorum Patentium et Clausorum Cancellariae Hiberniae  
 Calendarium, vol. 1, folio  
 Calendarium Rotulorum Patentium in Turri Londinensi, folio  
 Early Chancery Records, 11 vols., folio  
 Ecclesiastico Taxatio, circa 1291 A. D., folio  
 Exchequer Returns, folio

Mention has been made of the success in assembling the reports of the Canadian courts. Similar success has brought to the library the Scottish reports and most of the Irish. The many unsocial conflicts in Ireland have destroyed so many volumes of court reports of Eire that it is not unlikely that the library may never entirely complete these series of court decisions.

Now forming a part of the 100,000 volumes in the law library are the legal periodical reports and journals of India which supplement the regular series of its law reports. The regular series of law reports both for India and South Africa have not yet been acquired, since they are already available to the bar in the King County Law Library in Seattle.

Among the volumes now a part of the 100,000 volumes in the law library are the reports and statutes of New Zealand and the Australian Commonwealth, including those of the states which comprise it. Recent purchases, which have helped to swell the total, have included such important sets as:

Argus Law Reports  
 Australian Arbitration Reports  
 Australian Law Times

Commonwealth Arbitration Reports  
 New South Wales Law Reports  
 New South Wales Weekly Notes  
 Queensland Law Reports  
 South Australian Law Reports  
 Western Australian Law Reports  
 New Zealand Law Reports

Since acquiring the *New South Wales Weekly Notes*, the library has had a call from a Vancouver, British Columbia, barrister for data contained in a volume of this set of books. Needless to say, it afforded the library much pleasure to be able to render this service to a member of the bar of this adjoining Canadian Province.

Some important sets which are soon to be acquired include:

Victoria Law Reports  
 Tasmania Law Reports  
 Queensland Law Reports and Weekly Notes

It should not be overlooked that the statutes and compilations of the Dominion of Canada, and her provincial governments, of the Commonwealth of Australia and her states and of all leading English colonies and dependencies are in the law library and are frequently consulted. When these colonial statutes arrived at Customs, and before they had been released, the library had a call for the statutes of the Colony of Hong Kong. Fortunately the patron was able to wait for the receipt and unpacking of the volumes which he desired to use.

Because of the maritime character of the Port of Seattle, and because of the interest which arose from his personal admiralty practice, Dean Condon was partial to the development of an admiralty law collection. By the time the writer came to the law library, nearly all of the leading and general works on this subject had been acquired. There remained through later purchase the ac-

quiring of the more historical and rarer items, such as:

Nouveau Commentaire sur L'Ordonnance de la Marine, October 1681, 1776, 2 vols.  
 Traite des Prises, 1763, 2 vols.  
 Pardessus Collection de Lois Maritime, 1828-45, 6 vols.  
 Code des Prises, 2 vols., 1784  
 Malloy, De Jure Maritime et Navali, 2 vols., 8th Ed., 1744, 10th Ed., 1778  
 Boucher, Institution on Droit Maritime, 1805  
 Les Us et Coutumes de la Mer, 1671  
 Notes of Cases in the Ecclesiastical and Maritime Courts, 7 vols.

With regard to this last publication, which is relatively scarce, it happened that a call came for it one day just when that most beloved of all law book salesmen, C. Ray Brown of the Carswell Company, was in the library. Fortunately, he had a set for sale which the library immediately ordered and which arrived in time to be of service to the patron.

Mention has been made of the way in which Dean Condon acquired many of the sets of state reports prior to the *Reporter System*. The library is now endeavoring to complete these sets down to the present date. Rarely did an attorney have the preliminary volumes of state reports preceding the regular numbered series, of which there are a good many. Not all states possessed such volumes, but Dean Condon seldom obtained them when he acquired the regular reports. These preliminary reports have had to be purchased, and invariably have been scarce and costly volumes. The law library now has all of such volumes in original. Copies of some of these reports in the law library have been borrowed for the purpose of preparing reprint editions, for the use of which appropriate acknowledgments have been made in the prefaces thereto.

In like manner the law library has now



acquired a remarkably strong collection of the "side reports"—the usual meaning of which is county reports—of those states—Pennsylvania in particular—in which they are published. Certain of these sets are very scarce and the library has had to pay heavily for them. Among such are:

Justice of the Peace (Penn.)  
Lancaster Bar, 15 vols.  
Lackawanna Legal Record  
Legal and Insurance Reporter, 8 vols., folio  
Legal Opinion, 5 vols.  
Luzerne Legal Observer, 4 vols.  
Magistrate and Constable  
Northumberland County Legal News  
Pennsylvania Law Record, 3 vols.  
Pennsylvania Record, 4 vols.

Other such sets are the *Law Times* (old series, 6 vols., new series, 7 vols.), and the *Saratoga Chancery Sentinel* (6 vols.). Probably no complete set of the *Law Times* has appeared on the market in the last decade. A set of the *Lancaster Bar* has been for sale for a long time, and it is reported that a large law library is interested in procuring it, but has refrained from doing so, because it will have to duplicate the first half of the set at great cost in order to secure the latter half. Many libraries have the *Chancery Sentinel* with the exception of volume 1. Recently the University of Washington Law Library turned in its set of volumes 2-5, and through the exchange of duplicate books not needed by the library obtained a complete set of this scarce publication. In similar manner other sets of the so-called "side reports" have been acquired including the rather scarce *Parish of Orleans Reports* (Louisiana), 14 volumes.

Of the same type of state reports as listed above are the following items, all originals, which are now in the library:

California. Labatt's District Court Reports, 1857, vol. 1. It might be added here that

Henry J. Labatt was also a member of the Washington Territorial Bar, having been admitted in 1858.

Idaho. Territorial Supreme Court Reports, 1867, vol. 1

New York. Livingston's Judicial Opinions, 1802

Ohio. Idding's Term Reports Digested, 1900

Puerto Rico. Supreme Court Reports, including the first two scarce volumes.

Texas. Robard's Synopses of the Decisions of the Supreme Court, 1865

Washington. Decisions of Judge George Donworth in the U. S. Circuit and District Courts, 1911-12, 2 vols.

Washington. Decisions of Judge Cornelius Hanford in the U. S. Circuit and District Courts, 1904-12, 11 vols.

In line with the modern development of college and bar libraries, the University of Washington Law Library has assembled some noteworthy collections of certain classes of law books, such as attorneys' general opinions, bar association reports, public utility or service commission reports, and railroad commission reports. While none of these series is complete, each is as complete as will be found in any law library of comparable or possibly of even larger size. Search for materials of these types usually begins first with the office of the official in question. Sometimes long runs can be obtained there; more often only a few recent volumes are available. Then follows the search with the aid of dealers and second-hand book shops, checking lists and catalogs. From these sources additions are made from time to time but plenty of patience is required, because success does not come quickly, and years will usually elapse before reasonable completeness can be attained. Probably attorneys' general opinions are the most difficult to secure of the four series mentioned above, but public utility or service commission reports are not easy, especially the early ones. At this writing some

1,325 volumes of attorneys' general opinions and 3,176 volumes of public service and railroad commission reports have been collected in the library.

Some idea of the scope of the collection of public utility and railroad commission reports may be gathered from two occasions at which the test of its completeness was made. Several years ago a professor of law in a college in Kentucky desired to do some research in the field of public utilities. He wrote to the State Library at Olympia for information as to how extensive its collection was, and in reply was referred to the University of Washington Law Library. Later he came to the University and spent some little time using these reports.

On another occasion, the Washington Department of Public Service had an important brief to prepare involving a comparative study of the reports of the several states. Its own collection was so inadequate that its attorney remained at the University for several weeks studying these decisions.

Many bar association reports are scarce, while others are common. The search by the law library for these reports was initiated shortly prior to the publication of A. J. Small's *Checklist of State Bar Association Reports*. Considerable progress in this direction had been made before the impetus to secure these reports was stimulated by the publication of the above mentioned checklist. A short time after this a mad scramble had started among law libraries to find these books. The contents of these volumes, frequently of great value, were not readily available to the student of the law for want of adequate indexing. In later years the *Index to Legal*

*Periodicals* has carried a classified listing of the major articles and papers; but it was not until 1942 with publication of the *Index to State Bar Association Reports and Proceedings* that an excellent index of the contents of these proceedings was made available. The latter index has unlocked a vast storehouse of legal material for the most part previously uncataloged. The collection of bar association reports in the University of Washington Law Library includes some 2,165 volumes, and because of its completeness can be only infrequently augmented by occasional additions.

Some years ago the law library was offered a complete set of the *Vermont Bar Association Reports*. Since it was uncertain whether the price asked was reasonable, the advice of the late A. J. Small was sought. He replied by telegram that the price was very reasonable, and if the law library did not want them, he would be happy to secure them. Needless to say, the library purchased them.

On two occasions, the library has had the pleasure of visits from law school representatives, who, on viewing the collection of bar association reports from their own states, were prompted to make comment pleasing to the ears of a librarian. The first such occasion was a visit of Dean William G. Hale, then the dean of the University of Oregon Law School, who on seeing a complete set of the *Oregon State Bar Association Reports* on the shelves, exclaimed, "Where did you get these reports?" pointing to several volumes. The reply was that they had been picked up in Portland, whereupon the Dean replied, "The very idea of coming down to our state and taking these volumes away, when our

library does not even have them." Not long after, a member of the faculty of the University of Missouri Law Library noticed that the set of *Missouri State Bar Association Reports* was complete and that it carried the book labels of John D. Lawson, a former dean of that law school. He was greatly surprised to find this set so far from Missouri, and especially so since the set then in the University of Missouri Law Library lacked a certain key volume.

Textbooks form one of the essential classes of books in a law library. Since new editions are continually in the process of publication, the textbook collection grows rapidly. Many libraries, because of space limitations or local conditions, retain only the latest editions. Such a procedure is not safe for a large research library to follow, so that in this library, as in many other large law libraries, copies of all textbooks and of all editions of them are preserved for reference use. Adding such old editions quickly raises the accession total and helps to reach the 100,000 volume goal; but more important than this, it makes available old editions of texts, so often referred to in the older decisions of the various courts.

Frequent gifts of law books from the offices of local lawyers are carefully checked with the object of sorting out the editions not in the library. While this requires time and is a laborious task, the result often justifies the time spent, and frequently uncovers volumes of texts not already on the shelves. The University of Washington preserves one copy of all such books and from time to time purchases various odd volumes in order to complete the run of numbered editions or to fill holes in its sets.

It is generally regarded as complimentary to a library's resourcefulness to have its facilities employed in the preparation of texts and treatises. This is of frequent occurrence in the case of texts and casebooks prepared by members of the faculties of law schools, who naturally make extensive use of the books in their local law school library. It is of more significance, however, especially to certain libraries, to have their resources used by visiting practitioners or professors. While the instances in which this has been done at the University of Washington Law Library are not many, it is gratifying to refer to at least two such occasions. In 1940, Dr. Edgar S. Bodenheimer, a graduate of the University of Washington, wrote his treatise on Jurisprudence in the law library and supplemented its facilities with materials which the library was able to borrow on inter-library loan. As most of the books used by Dr. Bodenheimer from other libraries were in foreign law, it bespeaks a need at Washington for the development of a larger and more representative collection of the basic and essential books in the foreign languages. It is hoped that following the war, funds may be obtained to develop this part of the law library collection. In this connection may be mentioned the collection now in the library of the unpublished legal works of Hardin T. McClelland of Seattle. Mr. McClelland has prepared about thirty volumes of startling interest.

On another occasion (1940), Professor Clifford W. Crandall of the University of Florida Law School spent the summer at Washington preparing the 1940 *Supplement* to his excellent treatise on Florida *Common Law Practice*. Pro-

fessor Crandall was pleasantly surprised to find a broad collection of Florida statutes and periodicals in this library.

Some further contributions to the research facilities of the law library should be noted, which again, reflect the breadth of the vision of the late Dean Condon. These are the collections of territorial journals, the state legislative bills, and the bound volumes of the briefs. Not all Washington territorial journals were printed,<sup>2</sup> but such as had been printed were collected and bound for the law library, beginning with the legislative sessions of 1870. Prior to that date the library had procured from the estate of Mr. John P. Judson, pioneer lawyer of Steilacoom, the bound volumes of these journals covering the legislative sessions of 1854-1869 respectively. This set of bound journals is all the more interesting to the legal historian since it once belonged to that pioneer lawyer, Frank Clark of Steilacoom, who had come to the Washington territory as a youth in 1852. It was indeed a tactical move on the part of Dean Condon to procure these very important volumes, when it is recalled that John P. Judson died in Colfax, Washington—a long distance from Seattle.

The collecting of a file of the early state legislative bills was no easy task. At the time Dean Condon undertook this work, no file of them had been assembled within the state, and even today there is probably but one additional file of the state bills available. He had to contact the present and former members of the state legislature in the hopes that he could find files which they had re-

tained and which they would be willing to release to the law library. When it is considered that this project was not begun until 1914, the complexity of the task becomes apparent.

A similar, but even more difficult, undertaking was the collecting and assembling of the briefs filed in the state supreme court during the first two decades of the state's history. This involved a checking of the dockets of the courts and the contacting of hundreds of attorneys throughout the state asking for copies of their briefs. While the bound set, which was thereby assembled, is not entirely complete, it closely approximates that maintained by the supreme court in its library at the Temple of Justice in Olympia, and, aside from this Olympia set, no other set begins to compare with it. In recent years both the bound files of the legislative bills and the supreme court briefs have been kept to date by frequent bindings, which adds many volumes per year to the library.

In 1923, when the late Judge Frank Rudkin went to the Circuit Court of Appeals of the Ninth Judicial Circuit, and through the cooperation of its clerk, the Honorable F. D. Monokton and the late Professor Clark P. Bissett, the library began to receive the federal briefs filed in that Court, which, when bound, have added further toward the 100,000 volume goal. Besides, the library has from time to time picked up briefs filed prior to 1924 and these again have added even more to the collection.

Pursuant to Rule of Court promulgated in 1934, the United States Supreme Court fixed the number of libraries to receive the records and briefs filed in that Court, and at the same time

<sup>2</sup> For a list of those not printed, but which were later transcribed by the W. P. A. as a project initiated by the writer, see Arthur S. Beardsley, *Desiderata Pertaining to Selected Legal Materials of Washington* (April 1943) 18 WASH. LAW REV. 54.

designated such libraries by name. The order of the Court, however, left the way open for the designation of other libraries to receive these briefs and records. As only one library west of the Mississippi River—the San Francisco Law Library—was then receiving the records and briefs, it was the opinion of the American Association of Law Libraries that the West should receive a broader distribution of these documents. Accordingly in 1936, a committee was appointed by the President of the Association to ascertain whether such a change could be effected; and at its next meeting (1937), the committee reported that the Court had agreed to consider the recommendation of the Association as to the designation of one additional library to receive the briefs filed in that Court, and further that it had recommended the University of Washington Law Library to be such designee. From that date, the briefs<sup>3</sup> of this Court have been received and bound, adding materially to the resources of the library.

Peculiar in interest and of tremendous importance to the law library is the collection of framed photographs of the judges and lawyers of Washington prior to 1910. Starting with the lawyers of the Oregon Territory of 1850 and carried forward from that period, the collection now includes over 1,500 photographs. In connection with this project the writer has assembled biographies of several thousand of these early lawyers and has constructed a card index of the lawyers of the territory and state.

Only the more common volumes of foreign and comparative law are to be had at Washington. Prior to the coming

<sup>3</sup>Since no additional "records" were available, the University of Washington Law Library does not receive these.

of Professor Ernst Levy to join the faculty of the law school, little of importance among these reference books had been acquired. Lately, however, through his advice and cooperation, important additions have been made, which supplement his own extensive private library and afford opportunity for limited research in this field. The library has a long way to go, if it is to acquire and make available even the standard and basic research materials in foreign law. As pointed out above, it is hoped that this can be done after the war is over. The library is now collecting the leading law journals in Spanish and Portuguese by exchange of the *Washington Law Review* for similar law journals published in Mexico, Central America and South America. Also the current statutes of the Latin-American republics are now being obtained.

In the field of oriental law, the library has what it regards as a virgin field of activity. Being the closest law school library to the Orient, it would appear that the collecting here of oriental law is an appropriate sphere for development. Through gifts, the library has already acquired about 500 volumes of Chinese law and about 1,500 volumes of Japanese law.

Perhaps one of the most interesting collections of books which a law school library is privileged to develop and which is, at the same time, appropriate to a law school library, is that of legal miscellany. The books in this broad grouping provide recreational, cultural and informational reading, and include such classes of books as legal fiction, history, essays, criticism, philosophy, trials, sociology, economics, memoirs, biography and similarly related fields. Many of

these, while on the borderline of the law, are nevertheless essential to a law library collection as providing the proper background for an understanding of legal principles. When the library began to expand its collections in the years following 1922, many of these volumes were lacking. Only a handful of such books was then in the library; today, thousands of these volumes are listed in the inventory, including the private library in this field which belonged to the late Professor Clark P. Bissett, and which the library purchased after his death.

In the University of Washington Law Library as in all large law libraries, the building of the collection of law books is not confined exclusively to the common and ordinary books—the so-called “bread and butter” type—but efforts are made, within reasonable limits and without the placing of over-emphasis on them, to procure some of the rarer books which, aside from their research value, add cultural strength to the library. Unfortunately, funds have never permitted this library to do much in this field, and oftentimes important and unusual items have had to be passed on to one of the law libraries which had funds for such desirable accessions. This is the more regrettable because here in the far West, research materials are so very scarce that frequent dependence upon the collections of eastern law libraries becomes necessary.

Notwithstanding the difficulties in securing the cultural books referred to above, the library from time to time has endeavored to pick up certain of the most desirable material suitable for historical research, and has added these items to the library collection. Typical

of these purchases, the following books may be listed from among those acquired during the past few years:

- Coke's Institutes, 1st Ed. 4 Parts
  - Fraunce, the Lawiers Logike, 1st Ed., 1588  
(It is believed by Shakespearian critics that it was from this work that Shakespeare acquired much of his legal knowledge.)
  - Fleta, Commentarius Juris Anglicanii, 2nd Ed., 1685
  - Cowell, The Interpreter, 1st Ed., 1607 (This is the first imprint of an English Law Dictionary, but the definitions of certain terms were so displeasing to James I, that he ordered all copies burned.)
  - Bacon, The Elements of the Common Lawes of England, 1639
  - Plowden, Abridgment des tous les Cases, 1592
  - Sheppard, The Faithful Councellar: Or the Marrow of the Law in English, 2nd Ed., 1653-54
  - Incunabula—Gratianus, Decreta pais sive concordia etc., 1493—Baptist de Tortis, Instituta de Justinian, 1495
  - Statutes at Large (England) 1587
  - Le Grand Coutumier du Pays, Norman, 1539
  - Selden, Mare Clausum, 1663 (This is the only edition translated into English.)
  - Scipionis Gentilis, Opera 8 vols.
- With the occupation of the law library's new quarters in John T. Condon Hall in 1933, the law faculty felt that the set of the *National Reporter System* then in the library was too badly foxed and worn to be used in such a beautiful reading room, and further that it would be desirable to have a set of these reports shelved close to the faculty library. It was their opinion that a new set of the *Reporter System* should be acquired to be shelved in the reading room, and the old set placed in the stacks adjacent to the faculty library. This was done at a great saving in original cost, and at an increased attractiveness to the room. The books were specially bound with the indexes removed, thereby affording an additional saving in shelf space. Altogether some 2,300 volumes were thus added to the library's resources.

The faculty library is one of two special service libraries maintained in connection with, and as a part of, the law library. The second is the attorneys' library housed in a special attorneys' room. Both libraries are designed to serve a special group of readers and contain books useful for particular group research. These libraries are not only unique and distinctive, but they are exceedingly practical. To keep them at their maximum completeness requires some additional purchases over and above those made for the law library in general, but the helpfulness to the faculty and the good will engendered in the bar more than warrant this additional expense.

Another special collection which likewise has contributed to the 100,000 volume goal, but which has cost little or nothing to acquire or maintain, is the "Collection of Books by Washington Lawyers." It includes books, pamphlets, and monographs on all and varied subjects written or compiled by Washington lawyers. Over 500 items are now in this collection and it is particularly attractive because of the scope of the writings of the Washington bar. The bar is shown to possess a wide versatility of interests. In addition to the usual codes, reports, digests, citations and

texts on the subjects of the law, Washington lawyers have made contributions to the literature of such fields of writing as history, biography, travel, philosophy, poetry, narrative trials, fiction, economics, social and political science, all of which may deservedly be counted toward the library's goal.

So the story runs! It could be continued for many more pages, but this would only enlarge upon the theme on which this narration is predicated. The building of serviceable and cultural law libraries, like those of any other type, requires some vision and a concept of the problems involved; but more than that, it requires funds in liberal quantity to enable the library to carry out its plan and to permit it to render the services desired of it. Today, the University of Washington Law Library occupies an enviable place as tenth in size among the law school libraries of the United States. In this place it is destined to remain, since law school libraries above it are outstanding and heavily endowed. While it needs many essential and important volumes, which are daily becoming scarcer and potentially more difficult to procure, it is only when the next quarter of a century has passed that we will know whether the second 100,000 volume goal will contain them.

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### Death of Justice Brunot

JUSTICE HARNEY F. BRUNOT, husband of Alice Magee Brunot, State Librarian of Louisiana, died suddenly on March 11 in New Orleans. Her many friends sympathize with her in her loss.

Mrs. Brunot's recent eye operation has proved to be a success.

### Bernita Long Honored

BERNITA J. LONG, Law Librarian at the University of Illinois and past President of the A. A. L. L., has just been initiated into Mortar Board as an honorary member. Mortar Board is a national society recognizing women's activities.