Lawyers and Their Books: The Augusta County Law Library Association, 1853-1883

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ABSTRACT

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During the eighteenth and nineteenth century, law books of various types contained the vital information needed by Virginia's practicing attorneys and judges. Access to these resources, however, was generally limited to personal collections and a handful of libraries. Despite numerous calls for the creation of libraries by the Virginia government, state legislators took little action of note.

This study explores the history and origins of law libraries in Virginia by focusing on the formation and evolution of the Augusta County Law Library Association, one of the first libraries organized in Virginia under state legislation enacted in 1853 that authorized the creation of law libraries by local bar associations. The commitment to action and understanding of their profession exhibited by the Augusta bar association represents a singular example of professional awareness and unity during this period. The successes of this and other emerging libraries of the era also lead to the development of library forms and practices that persist to the present day. In examining the activities of the library association between 1853 and 1883, this study interprets and explains how this unique library and its unified organizers constitute a noteworthy development in both the history of libraries and the practice of law.

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CHAPTER I
INTRODUCTION

> … Law is a science, so comprehensive in its range, so diversified in its subjects, so complicated in its relations… [they] must have access, to all the lights, which wisdom, experience, and learning, have shed upon their path. These lights are only to be found in books, the treatises of learned jurists, and the reported decisions, of wise Judges. A library then is all important to us, without it we are groping in the dark….[1]

Law Libraries and the Practice of Law

On March 29, 1853, the Virginia General Assembly enacted legislation that put in place a mechanism creating a requested yet relatively unique institution: a public law library.[2] For more than fifty years preceding this action, both judges and attorneys within the commonwealth lamented the lack of law libraries and their resources. Appeals from the bench and bar calling for the establishment, support and maintenance of libraries came before the Assembly on several occasions, but the legislature took no meaningful action. Judges of Virginia's highest court, the Court of Appeals, noted in petitions to the

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[1] Legislative petition of the Judges of the Court of Appeals, 18 December 1824, Box 278, Folder 70, Library of Virginia [hereafter LVA].

[2] The text of this legislation, as provided below, appears in the *Acts of the General Assembly of Virginia, Passed in 1852-3, in the Seventy-seventh Year of the Commonwealth* (Richmond: William F. Ritchie, 1853), 52.

CHAP. 36 – An ACT to authorize the establishment of law libraries. Passed March 29, 1853.

1. Be it enacted by the general assembly, that if members of the bar practicing in any county or corporation of the commonwealth shall procure by voluntary contribution a law library of the value of one hundred dollars at the least, for the use of the courts holden in such county or corporation, and of the bar practicing therein, it shall be the duty of the circuit court of such country or corporation to require of its clerk to take charge of the library so contributed, and to keep the same according to the rules to be prescribed by the bar and approved by the court.
2. The observance of the rules so prescribed and approved may be enforced by the circuit court by summary process and judgment as shall be provided by such rules.
3. This act shall be in force from its passage.

legislature that despite their desire to correctly discharge their duties, the absence of ready access to an established library greatly hindered their work. As adjudicators of justice to thousands of Virginians, these judicial petitioners considered libraries to be of "vital importance" and expressed their hope that the legislature would take steps to provide for their creation.[3] Attorneys of the day also noted that existing collections of legal resources were not "sufficient for a proper investigation of the questions" arising before the courts, and that shared access to libraries, potentially funded by the commonwealth, would be of value to both the court and bar.[4]

Law books, including treatises, case digests and reporters, formed the core group of resources needed by practicing attorneys and judges. Serving as tools to understanding the practice of law, and more importantly, the precedents upon which the legal system functioned, books contained information these men needed to fulfill their respective charges. With the exception of select private libraries, however, the presence of collections of legal collections within the state was conspicuously absent. Many lawyers and judges held personal libraries with select titles, but few if any could hope to amass a collection of works sufficiently comprehensive in scope to never need to borrow a volume from a colleague. Some experienced practitioners possessed an almost encyclopedic knowledge of legal treatises and reports that they had previously studied or

[3] Legislative petition of the Judges of the Court of Appeals, 18 December 1824, Box 278, Folder 70, LVA.

[4] Legislative petition of the Members of the Court and Bar for the 8th Judicial Circuit, 3 January 1854, Box 251, Folder 84, LVA.

consulted, yet found they lacked ready access to desired titles in a time of need.[5] On some occasions, particular books proved to be simply inaccessible. In the case of a judge or an attorney working away from his home and "riding the circuit," the value of being able to access the corpus of a library collection at the seat of law would have likely been invaluable.[6] However, with the exception of law libraries established in Lewisburg and Richmond, and small, informal collections at county courthouses, such arrangements were lacking. Legislators appeared to recognize that books were as essential to the legal profession "as tools are to mechanics," but they took no action when repeated petitions from the judges of various courts requested action and assistance.[7] While the exact reasons behind their lack of support remains unclear, it seems likely that legislators either believed the profession should take care of itself or that the state was not responsible for funding the creation and maintenance of law libraries.

By 1853 the views of the legislature, now largely populated with attorneys, had apparently shifted. The growing influence of the bar, the increasing volume of both courts and cases, a newly reformed constitution that led to changes in Virginia's court system, and the recognized need to improve conditions under which law was practiced

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[5] See John D. Imboden to John J. McCue, 13 May [unknown year], McCue Family Papers, Accession #4406, Special Collections, University of Virginia, Charlottesville, Va.; and Briscoe G. Baldwin to Alexander H. H. Stuart, 15 October 1841, Stuart family papers, 1785-1888, Virginia Historical Society [hereafter VHS].

[6] "Circuit riding" refers to the practice of judges traveling to and from select courts in a "circuit" on established schedules to hear cases. For information on circuit riding and the solicitation of legal business in the antebellum period, see E. Lee Shepard, '"This ancient and honorable class of men": Practicing the Law in Old Virginia," *Virginia Cavalcade* 36, no. 4 (1987), 151-153; Alexander Farish Robertson, *Alexander Hugh Holmes Stuart, 1807-1891: A Biography* (Richmond: The William Byrd Press, 1925), 14, and Lawrence M. Friedman, *A History of American Law* (New York: Simon & Schuster, 1985), 309-310.

[7] *Richmond Enquirer*, 19 June 1849.

without expending state resources combined to result in the passage of legislation that authorized the creation of law libraries. While the act clearly represents a significant break from past inaction, it is important to note that under the new legislation the local bar associations bore the burden of assembling and funding the libraries without any financial assistance from the state. Court officers would oversee the collections, while judges presiding over the courts practicing in the locality would derive great benefit from the presence of the library paid for by the local bar association.

This essay explores the history and origins of law libraries in Virginia by focusing on the formation and evolution of one of the first known libraries established under the provisions of this legislation.[8] On June 7, 1853, just a few months after the passage of the act, members of the Augusta County Bar Association organized the Augusta County Law Library Association with the objective of creating a law library for use by local judges, practitioners and students. While the research chronicles the activities of this organization between 1853 and 1883, it also explores how the library differs from other Virginia libraries and is representative of law libraries in other regions of the country during the period. At the same time, this study explores the organization of the Augusta Bar and how its library association reflects the numerous changes within the practice of law during this important period.

[8] Between 1853 and 1883, only two other similar law libraries are known to have come into existence. Unfortunately, information about both libraries is lacking. The first, located in Lynchburg, was formed following an act of assembly (Chpt. 325 – "An Act to incorporate the Lynchburg Law Library Association."). See Virginia, *Acts of the General Assembly of Virginia, Passed in 1855-6, in the Eightieth Year of the Commonwealth* (Richmond: William F. Ritchie, 1856), 228. The second, located in Abingdon, organized in 1869 under the leadership of James W. Humes. See Lewis Preston Summers, *History of Southwest Virginia, 1746-1786: Washington County, 1777-1870* (Richmond: J. L. Hill Printing Co., 1903), 556. Other bar association libraries formed later in 19th century including Norfolk (1880) and Richmond (1886). Gail Warren and Courtney A. Christensen, "Public Law Libraries," in *Virginia Law Books*, ed. William Hamilton Bryson (Philadelphia: American Philosophical Society, 2000), 460.

Historians of Virginia law libraries and legal bibliography such as W. H. Bryson and E. Lee Shepard have explored and documented the existence of numerous private law libraries in Virginia, particularly during the antebellum period. Their scholarship provides unique insights into how judges, professors and lawyers compiled and used these libraries, as well as how developments in legal education and the practice of law helped shape library collections. However, to date, substantive analysis of public law libraries in subsequent periods is limited to a few select studies, a gap most often attributed to a lack of primary source material. Building upon a recently uncovered resource, the library record of the Augusta County Law Library Association, this study illustrates how these law libraries served a vital role in providing shared access to valuable law books. A variety of resources demonstrate that the law library association, despite its successes, was quite uncommon for the period and represents a noteworthy development in the field.

Augusta County, Virginia

By the 1850s, Augusta County, and the county seat, the town of Staunton, was quickly beginning to emerge in prominence in Virginia's Shenandoah Valley. Situated geographically between Virginia's greatly diverse eastern and western regions and at the crossroads of major thoroughfares running in each direction (Figure 1), the county seat of Staunton was home to the United States District Court for the Western District of Virginia, the Augusta County Court, and the Augusta County Circuit Court. Agriculture formed the basis of the local economy, but the rapidly growing and developing town featured many hallmarks of a modern community, including a railroad, factories, and educational institutions. Political leaders in the county, most typically members of the bar, reflected the longstanding tradition of conservatism within the community. The

emergence of a progressive institution such as a law library conforms to generally accepted notions regarding life in the region and the rapidly increasing significance of the local bar and court scene.[9]

While calls for assistance from Virginia's legislature in regard to law libraries persisted for decades, the passage of legislation in 1853 signaled a significant first step in the overall process to make legal resources more readily available. Prudent legal practitioners required access to an extensive collection of resources and information therein, and libraries held the potential to fulfill that need. With ready access came the opportunity for increased learning and the potential for professional success. In Augusta County, the creation of the law library by the local bar association proved to be reasonable and effective means for securing those resources these men believed were needed in their work. Furthermore, and perhaps more importantly, their shared financial contributions and labors reflect the bar's understanding of the need for cohesion in their profession. By working together, their united labors with the library enhanced and insured their reputation and status as learned professionals and leaders within the local community.

[9] Edward L. Ayers, *In the Presence of Mine Enemies: War in the Heart of America, 1859-1863* (New York: W. W. Norton, 2003), 16-18. For a discussion of the emergence of libraries and other similar institutions in urban Virginia areas during the 1850s, see David R. Goldfield, *Urban Growth in the Age of Sectionalism: Virginia, 1847-1861* (Baton Rouge: Louisiana State University Press, 1977), 168-169.

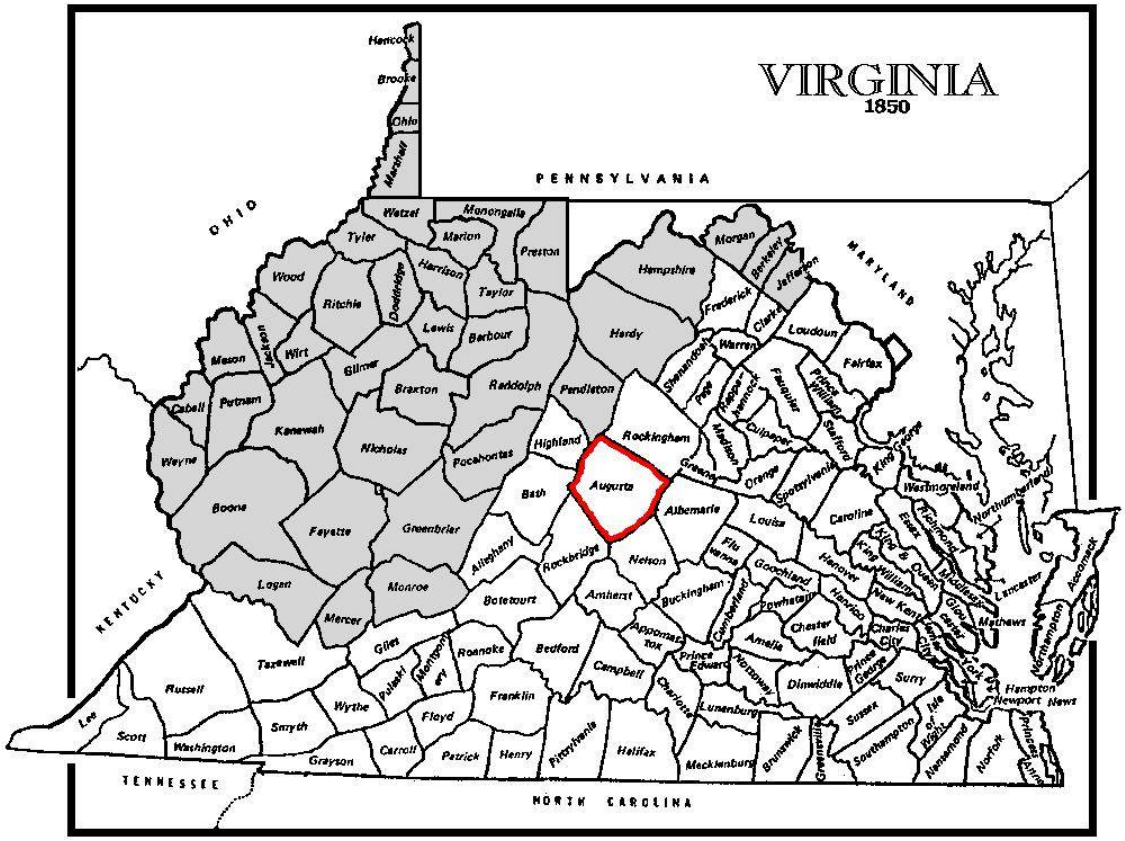


Figure 1. Map of Virginia, 1850, showing the location of Augusta County.[10]

[10] *Map Showing Areas Once Part of Virginia*. Library of Virginia, Richmond, VA. Accessed 29 March 2012. Available from http://www.lva.virginia.gov/public/wv/map.htm. Colored outline of county by author.

CHAPTER II
LIBRARIES, THE PRACTICE OF LAW, AND POLITICAL REFORM: 1800-1852

At the beginning of the nineteenth century, there were few Virginia libraries of any type. Many citizens and some legislators recognized the value of such institutions and their resources, but others questioned the importance of libraries or debated how they should be supported or funded. As the practice of law, the legal profession, and the administration of justice developed and evolved throughout the first half of the century, views held by members of the legal community toward libraries and legal resources would ultimately change.

Lawyers, Legal Education, and the Practice of Law

Not surprisingly, the practice of law, the legal profession, and the legal system of colonial Virginia reflected English traditions and its status as a colony. During the seventeenth century, the nascent legal profession was considered largely unsophisticated, its lawyers poorly educated and trained. With the passage of time, however, improvements continued in both legal education and practice. Lawyers increasingly obtained more extensive training and brought a broadened understanding of the practice of law to their work. Furthermore, with legislation and judicial appeals both subject to monarchal review in the form of the King's Council, colonial Virginia's legal culture and institutions shed any unique characteristics and increasingly came to resemble their English counterparts. Operating in a legal system derived from English common law, lawyers and judges alike sought access to a diverse group of English law books for study and practice. Ready access to the decisions of English courts was clearly already

important, but in the years to follow, the scope and volume of available resources would expand exponentially.[11]

By the eve of the American Revolution, lawyers in Virginia were widely recognized among colonial elite. Men such as Patrick Henry, Thomas Jefferson, Peyton Randolph and George Wythe were not only prominent in legal circles, but also well known throughout the colonies as influential leaders in the coming conflict with England. The public perception of these men, as well as attorneys in other colonies, underscored professional unity and the increasingly prevalent view of the practice of law as a noble and respected profession.

Following the Revolution, however, a number of changes in the social and political landscape in Virginia were evident. Years of war had wrought havoc on a fragile and dependent economy. Internal conflicts and disputes between patriots, "neutrals" and loyalists led to fear and concern among the population. However, despite the numerous changes that independence brought, some aspects of life in Virginia remained largely unaffected. Foremost among these constants was the concentration of political and economic power among Virginia's eastern elite. Possessing familial, financial, social and

[11] William Hamilton Bryson, "English Common Law in Virginia," *Journal of Legal History* 6, no. 3 (Dec. 1985): 252-253, and Warren M. Billings, "English Legal Literature as a Source of Law and Legal Practice for Seventeenth-Century Virginia," *Virginia Magazine of History and Biography* 87, no. 4 (Oct. 1979): 403-417. For a discussion of the "importation" of British ideas and institutions and the "Anglicization" of colonial America, see John M. Murrin, "Anglicizing an American Colony: The Transformation of Provincial Massachusetts," (Ph.D. diss., Yale University, 1966); Murrin, "The Legal Transformation: The Bench and Bar in Eighteenth-Century Massachusetts," in Stanley Katz, ed. *Colonial America: Essays in Politics and Social Development*, (Boston: Little, Brown, 1971), 415-449; and G. Edward White, *Law in American History, Vol. 1: From the Colonial Years Through the Civil War* (New York: Oxford University Press, 2012), 45-52, 498-499. For a discussion of the impact of English law on the development of legal principles and forms in the United States see Ellen Holmes Pearson, "Revising Custom: Embracing Choice: Early American Legal Scholars and the Republicanization of the Common Law, " in Eliga H. Gould and Peter S. Onuf, eds. *Empire and Nation: The American Revolution in the Atlantic World*, (Baltimore: Johns Hopkins University Press, 2005), 93-111.

political connections, these influential individuals were largely successful in maintaining their standing and authority in a Virginia culture with a longstanding tradition of deference to such men.

The heightened prominence of the legal field and the promise of a financially and socially rewarding career led many young men to seek entry into the profession. In the presence of a depressed economy, debt actions and other litigation overwhelmed many courts.[12] The number of practicing attorneys rapidly increased, but the public perception of the bar and the legal profession in certain circles suffered, as some lawyers were viewed as men seeking solely to exploit others for personal enrichment.

Independence also brought about a number of changes in Virginia's court structure and judiciary. In the years prior to the Revolution, the General Court served as Virginia's court of last resort. Selected by the British King, General Court judges typically came from Virginia's social elite, but often lacked any legal training. During the war, a reorganization of the court system by the General Assembly resulted in four superior courts, including the Supreme Court of Appeals.[13] New judges, such as George Wythe and Edmund Pendleton, represented an increasingly experienced and learned judiciary and brought a sense of increasingly professionalism to the practice of law. Longstanding lower County Courts persisted throughout the period, but their authority

[12] For a thorough discussion of court affairs during this period, see A. G. Roeber, *Faithful Magistrates and Republican Lawyers: Creators of Virginia Legal Culture, 1680-1810* (Chapel Hill: University of North Carolina Press, 1981), 171-192.

[13] The four courts created by the legislature were the Admiralty Court, the General Court, the Chancery Court and the Supreme Court of Appeals. S. S. P. Patteson, "The Supreme Court of Appeals of Virginia," *Green Bag* 5 (1893): 311.

and role in the legal process would diminish greatly during the course of the nineteenth century.[14]

By the beginning of the nineteenth century, the number of attorneys in the commonwealth constituted a new challenge to the profession. With an increasing number of competitors, attorneys found themselves striving to maintain a viable practice and vying for clients. A man considering entry into the profession often sought counsel from successful practitioners and found that success was not guaranteed. Nonetheless, the practice of law unquestionably remained the most desired occupation in Virginia during the period.[15] Men from a diverse cross section of Virginia could enter the crowded field, and admission to the bar remained largely unregulated. One's ultimate success in the practice of law would be achieved on a personal level, but entrance into the fraternity of the legal profession solidified a practitioner's status as a gentleman and a prominent member of the community.

The majority of lawyers practicing law in Virginia during the early nineteenth century came to the bar after completing an apprenticeship with an established attorney. While the apprenticeship period varied, it typically lasted a minimum of one year and often as many as three years. During this time, the student, known as a clerk or pupil, would read the law under the supervision of the practicing attorney, draft various

[14] Established in 1619, Virginia's County Courts would remain until 1902. However, District Courts (1789-1808), Superior Courts of Law (1808-1831), Circuit Superior Courts of Law and Chancery (1831-1851), and Circuit Courts (1852-Present) would assume increasing portions of the County Court functions with the passage of time. For a brief overview of Virginia's historical court structure, see Carol McGinnis, *Virginia Genealogy: Sources and Resources* (Baltimore: Genealogical Publishing Company, 1993), 99-103.

[15] E. Lee Shepard, "Lawyers Look at Themselves: Professional Consciousness and the Virginia Bar," *The American Journal of Legal History* 25, no. 1 (Jan. 1981): 9.

documents, and obtain an understanding of the practice of law. While this time honored system of education predominated, its success was predicated on a number of variables, such as the interest of the lawyer in exposing the student to the diversity of the law, the ability of the attorney to instruct, and the scope of law books available for the apprentice's instruction. Furthermore, for much of the period, the lack of works authored for the use of students greatly inhibited the effectiveness of learning law through a course of reading. Critics of the apprentice system believed that too many lawyers provided little actual instruction or supervision and utilized their students to tend to the tedious tasks of their own practice.

Both within and outside an apprenticeship a student was encouraged to engage in a course of reading. Reading works as directed by a master or a practitioner and taking copious notes in a commonplace book were recognized as valuable and effective methods of learning the law.[16] Law books were typically either borrowed from practitioner's personal libraries or purchased from booksellers. In some towns, such as Richmond, mechanics or mercantile libraries held a limited number of legal works that may have been of use to prospective lawyers.[17] Successful private library companies, including the Alexandria Library Company, could also be found in some larger Virginia towns.[18]

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[16] A commonplace book was a book in which an attorney could write notes and compile useful information for future use. For a discussion of commonplacing by attorneys, see Michael H. Hoeflich, "The Lawyer as Pragmatic Reader: The History of Legal Common-Placing," *Arkansas Law Review* 55 (2002-2003): 87-122.

[17] For information regarding the holdings of one such library in Virginia, see *Catalogue of Books of the Richmond Mercantile Library Association: November 15, 1839* (Richmond: Shepherd & Colin, 1839). For a substantive discussion of mechanics and mercantile libraries in general, see Sidney H. Ditzion, "Mechanics and Mercantile Libraries," *The Library Quarterly* 10, no. 2 (April 1940): 192-219. Mechanics or apprentices libraries, typically funded by employer merchants and associations, offered resources that supplemented traditional apprentice practices. Also, these libraries allowed for greater access to library resources once limited to members of the upper class. Mercantile libraries, organized and run by groups of

A more formal method of legal education had come to Virginia in 1779 with the establishment of the law school at the College of William and Mary headed by professor George Wythe. Focusing on the development of a broad base of general knowledge, the school utilized a combination of lectures, readings, a moot court, and mock legislature. The University of Virginia also offered formal courses beginning with the hiring of John Tayloe Lomax as professor of law in 1826. Lomax and his successors utilized lectures, readings, and a moot court in the instructional process.[19]

The evolution and growth of the practice of law and the educational process during this period was also impacted by the introduction of a number of proprietary law schools in Virginia.[20] Building upon the apprenticeship system, these schools typically allowed for more a rigorous course of study under the supervision of an established and well-regarded member of the bar. Scattered throughout the commonwealth, these schools attracted students from throughout the state, and in some instances, nearby states. The proprietors of these schools utilized diverse instructional methods and focused on those subjects they considered essential for legal practitioners. For instance, Briscoe Gerard Baldwin, a respected member of the Staunton bar, opened a law school in Staunton in

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young merchants and clerks just entering the profession, were considered to be composed of members of a higher social status than those associated with mechanics libraries. Both types of libraries began to diminish in importance by the mid-19th century.

[18] For a discussion of these library companies, see David S. Turk, "For the love of fine books: antebellum library companies in Virginia," *Virginia Cavalcade* 49, no. 1 (Winter 2000): 30-39. For a detailed history of the Alexandria Library Company, see William Seale, *The Alexandria Library Company* (Alexandria: Alexandria Library Company, 2007).

[19] William Hamilton Bryson, "Legal Education," in *Virginia Law Books* (Philadelphia: American Philosophical Society, 2000): 335-339, 351-354.

[20] Ibid., 343-351. Information about the various proprietors of these schools can be found in William Hamilton Bryson, *Legal Education in Virginia, 1779-1979: A Biographical Approach* (Charlottesville: University of Virginia Press, 1982).

1831. Dividing his students into a junior and senior class, Baldwin directed junior students in reading and gave lectures to the senior class. Students were examined on both. Lucas Powell Thompson, the proprietor of a law school in Staunton that opened following the closure of Baldwin's school, believed that lectures were an inefficient method of instruction and instead directed students in a broad course of reading and gave examinations on their studies.

Criticism of the legal profession and practitioners, particularly among laypersons, was not uncommon during the country during the early nineteenth century. Virginian Thomas Jones, one such public and vocal critic, authored a pamphlet in which he opined, "law itself is but a necessary evil."[21] Critical of the influence of lawyers in government, Jones characterized attorneys as self-interested individuals who sought to increase the number of suits in the courts and the complexity of the laws. With lawyers in the courtroom as counsel and judge and in the legislature as the representatives of the people, Jones felt that lawyers held a monopoly on a legal system that simultaneously served to benefit their own interests and compromise those of the common man. As one example of the proof of the complexity of the existing laws, Jones pointed to the general lawyer's library – an extensive compilation of resources illustrating and suggesting to all the "multiplicity of laws in force."[22]

Despite various criticisms, Virginia lawyers tended to fare better than their counterparts in other regions of the country. Practitioners benefited from the region's *de*

[21] Thomas Jones, *An Address to the People of Virginia: in Two Parts: Shewing the Danger Arising from the Unbounded Influence of Lawyers, and the Impolicy of Confiding to them the Legislation of our State.* (Winchester, Va.: Isaac Collett, [1807]), 7.

[22] Ibid., 12.

facto traditional social structure in which professionals and local elites found themselves largely immune from harmful criticism by their neighbors. An analysis of the composition of the state constitutional convention in 1850-1851 clearly illustrates the level of deference and respect afforded attorneys. Despite constituting less than one percent of the white male population in the commonwealth in 1850, lawyers accounted for more than thirty-five percent of the delegation chosen by the general population as their representative at the convention.[23]

Stratification and division within the ranks of Virginia attorneys, however, remained a constant throughout much of the period. Older, better established practitioners frequently questioned the education, training, or general knowledge of younger attorneys. With standards for licensing modest at best, many young men sought a quick course of study that permitted rapid entry to the bar. In contrast to the extensive and rigorous legal and philosophical education encouraged by men such as Jefferson, a number of young lawyers came to the bar equipped only with a basic understanding of practice, procedure and statutory law.[24] While such comprehension of the law and its practice may have been adequate for routine work in one of Virginia's many county courts, it fell markedly short of what some considered to be a minimum standard for practicing such a credible profession. In the eyes of these critics, the practice of law encompassed not only a rudimentary understanding of core principles, but also a base of general knowledge from

[23] E. Lee Shepard, "Breaking into the Profession: Establishing a Law Practice in Antebellum Virginia," *The Journal of Southern History* 48, no. 3 (1982): 405-6; and William G. Shade, *Democratizing the Old Dominion: Virginia and the Second Party System, 1824-1861* (Charlottesville: University Press of Virginia, 1996), 270.

[24] For a discussion concerning the debate between the "scientific" versus "philosophical" approaches to legal education, see Ellen Holmes Pearson. *Remaking Custom: Law and Identity in the Early American Republic* (Charlottesville: University of Virginia Press, 2011), 175-176.

other fields. However, particularly by the mid-nineteenth century, developments such as the growing prominence of more structured and extensive education, the emergence of professional journals, and the occurrence of formal and informal gatherings of bar members had the effects of increasing professional awareness among members and enhancing the sense of opportunities professional unity could present.[25]

Libraries

In colonial America, the wealthiest men in the colonies privately owned some of the largest libraries, both in scope and number of volumes. Prominent Virginians such as William Byrd, Robert "King" Carter, and John Mercer owned vast libraries that included some of the most important legal works of the day, as well as books on literature, philosophy, religion, and science.[26] Large libraries could also be found at colleges, including the College of William and Mary in Virginia. Some county courts had libraries, but when they did exist, they were usually very small.[27] While there is no evidence of

[25] A thorough discussion of the issues confronting members of the Virginia bar and their actions during this period can be found in Shepard, "Lawyers Look at Themselves," 1-23. On a national level, a number of scholars including Anton-Hermann Chroust have suggested that a notable decline in legal professionalism during the first half of the nineteenth century, while Maxwell Bloomfield argues that such a claim is severely overstated. See Anton Hermann Chroust, *The Rise of the Legal Profession in America,* Vol. 2 (Norman: University of Oklahoma Press, 1965): 129-172, and Maxwell H. Bloomfield *American Lawyers in a Changing Society, 1776-1876* (Cambridge: Harvard University Press, 1976): 136-190.

[26] For a discussion of private law libraries in Virginia during the colonial period, as well as references to resources discussing colonial Virginia libraries in general, see William Hamilton Bryson, *Census of Law Books in Colonial Virginia* (Charlottesville: University of Virginia, 1978): vii-xxii. See also Bernard C. Steiner, "Law Libraries in Colonial Virginia," *Green Bag* 9 (1897): 351-354.

[27] Alan McKinley Smith, "Virginia Lawyers, 1680-1775: The Birth of an American Profession," (Ph.D. diss., Johns Hopkins University, 1967), 259-260.

such in colonial era Virginia, several membership-based social libraries were present in large cities such as Boston, New York and Philadelphia.[28]

Changes in the practice of law, the education of lawyers, and the number and scope of available resources in the years that followed led to many changes in the collecting of law books and building of libraries. The scope of an attorney's personal library during the nineteenth century was largely predicated upon a combination of factors: the availability of resources, the personal need for them, and the success of his legal practice. Practitioners at the local level, practicing at county and circuit courts, generally owned the smaller libraries. Meanwhile, members with appellate practices who regularly came before federal courts required access to a much more extensive group of resources. During this period, a representative library of a successful attorney practicing before the superior courts would include well-known treatises, reporters, and case digests. Larger libraries included case reports from both England and Virginia, as well as treatises published abroad and within the United States. Books for personal collections were obtained from a variety of sources: direct from booksellers, second-hand or estate sales, or other attorneys. As the century progressed, the scope and number of resources available continued to expand. As few practitioners and judges were able to personally acquire all of the resources they may need or desire access to, they often turned to colleagues to fill the void.[29]

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[28] For a discussion of the activities of one of these social libraries, the Library Company of Philadelphia, see Edwin Wolf, "Franklin and His Friends Choose Their Books," *Pennsylvania Magazine of History and Biography*, 80 no. 1 (Jan. 1956): 11-36.

[29] For a discussion of private law libraries during this period see E. Lee Shepard and Kenneth D. McArthur, "Private Law Libraries After 1776," in *Virginia Law Books*, ed. William Hamilton Bryson (Philadelphia: American Philosophical Society, 2000), 500-518.

It was during the 1820s that the first organized calls for the establishment of public law libraries began to occur. While practicing attorneys may have lamented their lack of access to valuable legal resources, Virginia's judges, including those associated with the Court of Appeals and the General Court, publicly expressed the need for a proper law library in the state capital. In the candid opinions of the justices, the extant resources held by the state and situation of affairs at the time was woefully inadequate.[30] In 1822, the judges of the General Court petitioned the Assembly for the securing of a library of works on criminal law:

> …there are numerous questions occurring at every turn which require deliberation and research. It is painful on these occasions for your memorialists to be obliged to solicit from the gentlemen of the Bar the loan of their books, for although they are willing to lend, and have always manifested the greatest politeness, yet their good dispositions and offices are frequently too severely taxed. Their Books are subject to be injured and are sometimes lost or mislaid. The Books too which are wanting are not always to be had. It is also a great waste of the time and labor of your memorialists to be engaged in searching among the private libraries of the City, and collecting such books as may be necessary or useful. These evils will readily be remedied by the procurement of a small but well selected library on criminal Law at publick [sic] expense, for the public use and to be preserved under such regulations as the law may direct. The expense to the Commonwealth will be inconsiderable, since the volumes of the criminal Law are not very numerous…[31]

A short two years later, the judges of the Court of Appeals also made a plea to the legislature for assistance, arguing that their lack of access to needed works not only delayed the administration of justice, but also threatened to undermine the authority of

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[30] The origins of the collection of legal resources owned by the commonwealth can be traced back to the 1660s, when the legislature directed that specific legal resources be acquired for use by the General Assembly and the General Court of Virginia. Following the Revolution, the library of legal resources owned by the state consisted of a mere fifty volumes. Warren and Christensen, "Public Law Libraries," In *Virginia Law Books*, 456.

[31] Legislative petition of the Judges of the General Court, 7 December 1822, Box 278, Folder 41, LVA.

their decisions. Their collective wisdom and desire to "perform their functions with promptitude and ability" was not enough; they also needed ready access to the essential legal resources of the day. In addition to requesting the acquisition of law books, the judges also encouraged the assembly to permit the establishment of a library room at the court where such books could be reviewed. In both instances, however, the legislature failed to act on either petition.[32]

In 1823, possibly in partial response to these and other pleas, the General Assembly enacted legislation authorizing the creation of a general public state library. However, it seems clear that by 1826 little to no progress had been made in accomplishing this objective.[33] To fund the organization and operations of the library, copies of Hening's *Statutes at Large* and reports of cases from the Court of Appeals printed by the state were to be sold. Additional funds were allocated or borrowed from other existing state funds. Of the books procured for the new library, works dealing with the law composed the greatest portion of the library.[34]

Several years later, in its first public action regarding the creation of a dedicated law library, the Virginia legislature enacted legislation directing and authorizing the joint library committee, consisting of members from both the state Senate and House, to take steps for the creation of a library at the Court of Appeals in the western Virginia town of

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[32] Legislative petition of the Judges of the Court of Appeals, 18 December 1824, Box 278, Folder 70, LVA.

[33] By 1828, the collection of books in the unofficial state library contained approximately 1300 books, 392 of which were related to the law. Warren and Christensen, "Public Law Libraries," in *Virginia Law Books*, 456.

[34] Ibid., 456-7.

Lewisburg. The committee was directed to transmit to the clerk of court, "for the use of the judges during the sessions of that court, the statutes at large, the sessions acts since the revisal of eighteen hundred and nineteen, the Virginia reports, and such other law books whereof duplicate copies are now in the library."[35] Though the legislation did not specifically state whether or not members of the bar were permitted to use the library, later accounts indicate that the members of the bar utilized these library resources.[36]

While the legislature authorized this separate library at the site of the Court of Appeals in western Virginia, the court held in Richmond continued to use the law resources contained within the larger state library, much to the apparent dissatisfaction of the judges.[37] Briscoe G. Baldwin, a Staunton attorney who served as a justice for the Court from 1842 to 1852, lamented the conditions. "The public library is of but little value to the judges," wrote Baldwin, "being open only in the morning & then often the resort of loungers & chatterers."[38] Requests from both the Court of Appeals and the

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[35] Virginia, *Acts Passed at a General Assembly of the Commonwealth of Virginia. Begun and Held at the Capitol in the City of Richmond, on Monday, the Fifth day of December, in the Year of Our Lord, One Thousand Eight Hundred and Thirty-One, and of the Commonwealth the Fifty-Sixth* (Richmond: Thomas Ritchie, 1832), 12-13.

[36] See quote of Mr. Samuel Price, Delegate from Greenbrier County, in *Richmond Enquirer*, 19 June 1849. "Since 1831, only one volume had been lost from the library at Lewisburg, even though it had been used by both lawyers and judges." Records from the period indicated recognition of the inadequacies of private libraries in the Lewisburg area and the need to provide for a public library. "There is in truth as great if not a greater necessity for books there than here, for the private libraries there are small." *Report of the Secretary of the Commonwealth, to the Joint Library Committee* (n.p., 1853-4), 8.

[37] "An Act concerning the state courthouse," passed March 23, 1847, made provisions for a court library in "the conference room or some adjoining apartment." However, the core group of law books would remain in the public library – only duplicate materials could be relocated. Virginia, *Acts of the General Assembly of Virginia, Passed at the Session commencing December 7, 1846, and Ending March 23, 1847, in the Seventy-First Year of the Commonwealth* (Richmond: Samuel Shepherd, 1847), 15-16.

[38] Briscoe G. Baldwin to Alexander H. H. Stuart, 17 February 1842, Stuart family papers, 1785-1888, VHS.

General Court in Richmond to the General Assembly urged the legislature to take action so the law books owned by the state could be housed and made accessible in the state courthouse.[39] During the legislative session of 1849, legislators discussed the need for a publicly accessible law library located in the courthouse. Some legislators noted the burden placed upon justices without ready access to a sufficient library, as well as the labors involved in researching a legal question. Delegate Robert E. Scott of Fauquier County argued for the appropriation of funds for the creation of a separate law library, access to which would be of great benefit to the judges in their work. Many of his colleagues, however, questioned the proposed expenditure of three thousand dollars and expressed concerns over whether or not the library, if created, should be open to the general public. Some representatives noted that as a public expenditure, the library must be publicly accessible. Others expressed their belief that such actions would also help to both expedite the legal process and result in "a more clear settlement of great questions of law." One representative suspected that the local bar was driving the call for the publicly funded library, a claim another representative quickly countered by stating the members of the bar "had good libraries of their own." In the end, after a great deal of debate and discussion, the public law library in Richmond, the seat of the state government, remained in the general library.[40]

Political Reform

[39] Virginia. Office of the State Librarian. Records of the State Librarian, 1827-1887. Accession 44953, State Government Records Collection, LVA, Richmond, Virginia. Resolution of the Court of Appeals, 10 December 1847, and resolution of the General Court, 11 December 1847, both in Box 3, Folder 8.

[40] *Richmond Enquirer*, 19 June 1849.

Throughout this period of evolving legal practices and discussions of law libraries, continued calls for diverse and far reaching statewide reforms in the form of a revised state constitution pervaded the political landscape. General dissatisfaction with Virginia's constitution could be traced back to the adoption of the first Virginia constitution in 1776. Thomas Jefferson and several other leaders of the day argued that restricted suffrage and legislative apportionment, as well as the absence of a true "separation of powers," kept political power in the hands of a few. In Jefferson's opinion, this consolidation of power too closely resembled a despotic government and that a revised constitution was needed. In 1816, delegates from more than thirty counties, most of which were located in western Virginia, met in Staunton calling for a state constitutional convention. The legislature, controlled by representatives from the traditional center of political power in eastern Virginia, successfully voted down such proposals for many years. However, perhaps as a reflection of the democratic reforms emphasizing the role of the common man in the political process gaining momentum throughout the country during this period, in 1828 the Virginia legislature acquiesced to a public referendum concerning a convention. Western Virginians hoped to chip away at the *status quo* that limited representation in the assembly and restricted suffrage to white landowners. Based on white population and taxation, the method of apportionment was particularly troublesome to westerners and gave the small but powerful landholding planter elite in eastern Virginia greater influence over the more populous regions of western Virginia.

The Convention of 1829-1830 was characterized by debates concerning issues of suffrage, apportionment of seats in the legislature based on white population, a popularly

elected governor, and establishing a provision for future reapportionment and amendments to the Constitution. However, in spite of this discussion, few changes of note were actually effected. In the end, a small group of wealthy and politically powerful conservative leaders in eastern Virginia, who owned both slaves and land, exercised their legislative advantage to preserve and protect their interests. In the convention, their ability to do so helped largely maintain the *status quo* – a remarkable feat in comparison to the extensive democratic reforms occurring in other states. When the constitution was put to public vote, eastern counties largely supported it while western counties were largely in opposition. Counties geographically situated between both regions, such as Augusta County, almost evenly split votes.[41]

While western calls for another convention soon followed, it was not until the 1849-1850 session of the General Assembly that a bill was adopted calling for a public vote for a constitutional convention. A vote of 46,327 to 20,668 approved the measure. Cognizant that they could not stem the tide for reform indefinitely, the "reform convention" of 1850-1851 drafted a new constitution that included numerous concessions to the citizens of western Virginia, among which were the reapportionment of seats in the House of Delegates, the abolishment of property qualifications for voting, and the popular election of important offices such as governor, lieutenant governor, judges, and local officials. In October 1851, Virginians ratified the new constitution by a vote of

[41] For details on this and other antebellum constitutional conventions in Virginia, see Robert P. Sutton, *Revolution to Secession: Constitution Making in the Old Dominion* (Charlottesville: University Press of Virginia, 1989).

75,748 to 11,060, with Augusta County residents overwhelmingly approving the measure with a vote of 1,280 to 70.[42]

One of the constitutional reforms passed in 1850-1851 would ultimately be of great importance to both the legal profession and the creation of law libraries: an altered and reorganized judiciary. The Constitution abolished the circuit superior courts of law and chancery and created twenty-one judicial circuits. The influence of county courts, disfavored by many for being self-perpetuating and all-controlling, continued to wane. Throughout the commonwealth, circuit courts were increasingly recognized as efficient courts that attracted the best-qualified judges. Lastly, of the numerous changes involving the judiciary, the most noteworthy concerned the popular election of judges, an experiment that would ultimately prove to be short lived. These combined developments resulted in an increasingly professional and structured legal system in which lawyers and judges needed improved access to various legal resources.[43]

As several scholars have noted, the early 1850s marked a turning point in the Virginia political landscape, the legal profession and the practice of law in general. Rapid growth in the profession had occurred during the course of the prior fifty years, but in the years to follow the extent of Virginian legal practice would expand exponentially as

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[42] For analysis of the activities of the 1850-1851 constitutional convention see Francis Pendleton Gaines, "The Virginia Constitutional Convention of 1850--1851: A Study in Sectionalism," (Ph.D. diss, University of Virginia, 1953); Charles Henry Ambler, *Sectionalism in Virginia From 1776 to 1861* (Morgantown: West Virginia University Press, 2008): 251-272; and Shade, *Democratizing the Old Dominion,* 268-283. For primary source material, see Virginia, *Documents Containing Statistics, Ordered to be Printed by the State Convention Sitting in the City of Richmond, 1850-51* (Richmond: William Culley, 1851), Virginia, *Journal, Acts and Proceedings of a General Convention of the State of Virginia, Assembled at Richmond, on Monday, the Fourteenth Day of October, Eighteen Hundred and Fifty*. (Richmond: William Culley, 1850), and Virginia, *The New Constitution of Virginia, with the Amended Bill of Rights, as Adopted by the Reform Convention of 1850-'51* (Richmond: J. E. Goode, 1859).

[43] Gaines, "The Virginia Constitutional Convention of 1850—1851," 265-276.

societal demands, new legal structures, and an evolving and complex economy developed. The number and scope of legal resources available would multiply with each passing year and few libraries of individual practitioners would continue to be adequate. Areas of specialization within the practice of law began to emerge, and lawyers commenced efforts to better understand their business and the labors of their peers. By working together when possible, lawyers benefited both themselves and their profession. In towns such as Staunton, this comprehension of unity was evident in the county bar. Bound by their shared profession, and in many instances, familial ties, Staunton's attorneys rose to levels of professional and political success that led many Virginia practitioners to consider the Staunton bar one of the ablest in the commonwealth. United in purpose and cognizant of the emerging demands of their profession, members of the legal community worked together to their individual and mutual benefit. The manifestation of their principles and work would take the form of an important institution: the Augusta County Law Library Association.

CHAPTER III
THE AUGUSTA COUNTY LAW LIBRARY ASSOCIATION: FOUNDING AND EARLY YEARS, 1853-1859

It appears that serious interest in the formation of law libraries within the commonwealth began to develop with the adoption of a new state constitution and the reformation of the judicial branch. In early March 1852, Hugh Sheffey, a lawyer and state senator from Augusta County, made a motion in the General Assembly requesting that the "Committee of Courts of Justice consider the expediency of authorising the Judges of the Circuit Court to make rules and regulations for the creation and preservation of law libraries, formed by members of the bar practising in the respective circuit and district courts."[44] A little more than a week later, the Committee reported a bill to the full Senate entitled, "A [sic] bill concerning libraries for Circuit and District Courts."[45]

Later that year, in the House of Delegates, another lawyer legislator named John Imboden, also from Augusta County, developed a similar measure regarding such libraries. On December 8, 1852, on Imboden's motion, the House Committee of Schools and Colleges was directed to "enquire into the expediency of providing for the establishment of law libraries by voluntary associations in the several counties of the state."[46] A bill entitled, "A bill to authorize the establishment of law libraries," was reported from the committee to the House on January 21st.[47]

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[44] Virginia, *Journal of the Senate of the Commonwealth of Virginia, Begun and Held at the Capitol, in the City of Richmond, on Monday the Twelfth day of January, in the Year One Thousand Eight Hundred and Fifty-Two* (Richmond: John Warrock, 1852), 157.

[45] Ibid., 170.

[46] Virginia, *Journal of the House of Delegates of the State of Virginia, for the Adjourned Session 1852-3.*(Richmond: William F. Ritchie, 1852), 63.

During the course of the next few months, both the Virginia House and Senate would read and amend the proposed legislation concerning law libraries. Unfortunately, neither bill's text as proposed was preserved. Furthermore, the specific amendments made to the legislation are also unknown. We do know, however, that on March 29, 1853, the amended legislation first introduced in the House by John Imboden was enacted into law.[48]

In comparison to other bills typically placed before the legislature, the final legislation was quite brief and contained only two main provisions. The first clause noted that if "members of the Bar practicing in any County or Corporation of the Commonwealth" sought to have a library and "secured by voluntary contribution a law library of the value of one hundred dollars at the least," the court of such jurisdiction would be required to take charge of the library and keep it in such a manner as prescribed by the bar and approved by the Court. The second and final provision of the new law concerned the means by which the rules of the library as proscribed by the bar and approved by the court would be enforced.[49]

In the town of Staunton and surrounding Augusta County, the concept of a library was not a foreign one. During the 1820s, several members of the bar utilized the

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[47] Ibid., 200.

[48] *Acts of the General Assembly of Virginia, Passed in 1852-3, in the Seventy-seventh Year of the Commonwealth* (Richmond: Thomas Ritchie, 1853), 52. The original House bill was amended in the House by Imboden on February 25, 1853 and passed on March 7th. It was then forwarded to the Senate, where it was amended once again and passed March 28th. The House concurred to the Senate amendments on March 29th and the bill became law. Sheffey offered a substitute for the Senate bill in early April following the passage of the House bill.

[49] *Acts of the General Assembly of Virginia, Passed in 1852-3, in the Seventy-seventh Year of the Commonwealth* (Richmond: Thomas Ritchie, 1853), 52.

collections of an early social library.[50] Found throughout the country, these libraries typically held a general collection of books for use by a diverse group of readers. While these libraries were more numerous in the northeastern United States, several could be found throughout nineteenth-century Virginia. However, libraries formed for a specific purpose and only collecting works on a particular topic were rare in any region.[51]

Members of the Augusta Bar quickly seized upon the opportunity to make use of the new legislation that allowed for the creation of one of these special, professionally oriented libraries. At a meeting of the Bar on June 1, 1853, twenty members developed plans for the formation of a law library association and adopted rules concerning its operation. Less than a week later, on June 7, the members of the bar presented these proposed plans and rules to the Circuit Court for the judges review and approval. With the endorsement of the court, the library association was formally established.[52]

The first series of proposed rules concerned the library association itself. It was decided that membership would be open to any member of the Augusta Bar who sought to join the library association and chose to pay the admission fee of ten dollars. At each regular term of the Circuit Court, active members would contribute an additional fee of

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[50] See Augusta County (Va.) Lending Library Ledger, 1823-1829. Local Government Records Collection, Augusta County Court Records. LVA, Richmond, Virginia.

[51] Haynes McMullen, "The Distribution of Libraries Throughout the United States," *Library Trends* 25, no. 1 (July 1976), 28, 32-35. McMullen makes note that it is important to consider the differences, at least in name, between a "law library association" and a "bar association which owns a library." For a discussion of the concentration of libraries in the northeast states during this period, see also Haynes McMullen, "Prevalence of Libraries in the Northeastern States before 1876," *Journal of Library History* 22, no. 3 (Summer 1987): 312-337.

[52] The complete text of the library rules can be found at pages 1-3 in the Augusta County (Va.) Law Library Association Library Record, 1853-1883 [hereafter Library Record]. Local Government Records Collection, Augusta County Court Records. LVA, Richmond, Virginia. The complete text of these rules is also reprinted in the *Staunton Spectator*, 13 September 1854.

two dollars and fifty cents to the library fund, for a total of five dollars per annum. Members expected proscribed rules to be followed, and any member could be expelled from the association by a vote of three-fourths of the members. The rules also permitted a member to voluntarily withdraw from the association. As noted above, twenty members of the Bar elected to join the library association at its inception, representing more than half of the lawyers known to have been practicing in the county at that time.[53]

The proposed rules also outlined the scope of the library collections, procedures for its use and access, the role of the "librarian" and the physical location of the library itself. Three means of book acquisitions - purchases, donations, and deposits – would allow the library to grow quickly. In no instance, however, were books were to "be received into the Library without the order of the Court upon the recommendation of the Library Committee."[54] The clerk of the court, or another individual so chosen by the Court, would in essence serve as librarian, overseeing the book collection. It was decided that the books that composed the library should be kept in a room approved by the Court, presumably somewhere within the courthouse. The Court would also determine the hours during which members of the bar could access the room and the library collections.

Not surprisingly, members were apparently concerned with books leaving the library and never returning. While the practice of borrowing books from fellow practitioners undoubtedly occurred, it seems that the loan and potential loss of a book

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[53] John Livingston, *Livingston's Law Register for 1852, Containing the Post Office Address of Every Lawyer in the United States…* (New York: s.n., 1852), 244, and John Livingston, *Livingston's Law Register: A Guide for Every Man of Business, and Hand-Book of Useful Information* (New York: Office of the Monthly Law Magazine, 1854), 235-236. The register shows a total of 39 attorneys in Augusta County in 1852, with the majority located in Staunton. In 1854, the same register shows a total of 42 attorneys within the county.

[54] Library Record, 2.

from one's personal collection occasionally elicited concern, even on the behalf of the borrower.[55] The members requested that the court approve rules directing that "no book shall be taken from the Library room unless required for use in some Court actually sitting in Staunton," and even then, required that removal be noted in writing and that the book be returned the same day.[56] Clearly, the library members considered the proposed library a true reference collection – a striking contrast to the circulating library model embodied in the social, mercantile and mechanics libraries of the day which allowed members to remove books for their use.

In order to document which books could be found in the library, members expressed the need for a library catalog. While it would be somewhat informal in comparison to later standards, the rules noted that the catalog should contain a list of all titles in the library arranged in alphabetical order. It was also believed that the library should contain a list of "all law books in private libraries in the town of Staunton, and by who owned."[57] While the reasons behind this particular provision are not expressed, it seems evident that the library members considered the library not just a room of books, but rather a physical manifestation of their concerted efforts and participation in a shared endeavor. Armed with knowledge of what books were privately owned, the association could better utilize available library funds by purchasing those titles not found in any

[55] One example can be found within the correspondence between attorneys James H. Skinner and John Letcher. In a letter from Skinner to Letcher, Skinner notes that he learned from a fellow attorney, Bolivar Christian, that Letcher held a collection on the subjects of reform. "Don't be alarmed! I do not wish to borrow them, but would be obliged to you if you would give me the name of the book or pamphlet so that I may endeavor to obtain a similar one." James H. Skinner to John Letcher, 11 April 1850, John Letcher papers, 1770-1970, VHS.

[56] Library Record, 2.

[57] Ibid.

library, public or private. Furthermore, such a provision seems to suggest members within this community occasionally loaned materials from their personal libraries to other attorneys. This measure of cooperation within the ranks of the bar reveals on yet another level the commitment not only to their fellow practitioners, but also to the legal profession.

The association also recommended that a library committee, consisting of three members, be appointed annually by the court and charged with the general supervision of the library. Each year, at the court term following their appointment, the committee would submit to the court a written report outlining the present condition of the library and outlining suggestions for its improvement, enlargement and management. Also, the committee would submit a report of the library fund and outline receipts and disbursements made during the course of the preceding year. Reports from the committee would detail any violations of the library rules. No provisions outlined how the members of the committee were to be selected.

Consisting of "all admission fees, contributions and donations; of all fines, penalties and forfeitures," the library fund would be utilized in the acquisition of books.[58] Violations of library rules would result in fines, not to exceed five dollars per offense. The proposed rules also noted that in instances in which no rule of the library association had been violated, the court "may require any person injuring the Library to repair the injury or to pay such sum as may be sufficient for that purpose."[59] While details are lacking, it seems evident that the association believed that loss or damage to library

[58] Ibid.

[59] Ibid., 2-3.

collections could occur, and in such instances, the responsible party should be required to replace those items.

Use of the library was not restricted solely to members of the library association or the Augusta Bar. Instead, "all Judges of the Federal or State Courts, all lawyers not residents of the County of Augusta, and all Law Students," could use the library at no charge.[60] Provisions allowing for the use of the library by state or federal public officers in exchange for a contribution to the library fund were also enumerated. Allowing practitioners, judges, and students to utilize this valuable resource at no expense again speaks a great deal about these men and their understanding of the practice of law during the period. Sharing access to this unique collection of materials would undoubtedly aid in the work and studies of each of these parties, a development likely beneficial to all in the legal profession. Furthermore, by knocking down any barriers that may have existed, the attorneys revealed the strength of the local bar and need for cohesion throughout the ranks of legal practitioners.

The final series of proposed rules dealt with the amendment of rules, meetings of the association, and the creation of a library record. Rules could be amended by a majority vote of members and approval of the court. However, the annual contribution could not be increased above the amount of ten dollars. Also, membership in the organization could not "be made compulsory in its commencement or continuance."[61] Meetings of the association could be called at any point deemed proper. Lastly, a library

[60] Ibid., 3.

[61] Ibid.

record, containing the rules of the library and any proceedings related to it, was to be recorded in a volume dedicated for that purpose.

Of the initial group of twenty members, several men held prominent roles within the profession, politics and the community and are particularly worthy of note. Alexander Hugh Holmes Stuart, who had recently completed service as the United States Secretary of the Interior, was well known throughout the local area for his legal practice and public service. John Brown Baldwin had achieved success in his Staunton legal practice and would later become a key leader in local and state politics. Lastly, and not surprisingly, John Imboden and Hugh Sheffey, the legislators connected with the law library legislation during the 1853 legislative session, also joined the association in the town of their practice.

At the next session of the Circuit Court, held in November 1853, the library committee provided a report on the status of the recently founded library. A home for the library had been found in the clerk's office of the Hustings Court of Staunton, and the Circuit Court approved an expenditure of thirty dollars to properly outfit and heat the room. James F. Patterson, Clerk of Court, would serve as the librarian. In order to advance the library as quickly as possible, the first purchases of books had been made using funds already on hand. Book purchases from Philadelphia bookseller F. and J.W. Johnson focused on the acquisition of English and American reports and digests, and the library committee recommended the purchase of additional volumes of Kentucky and Virginia reports. The committee also noted that the United States District Court for Western Virginia intended to deposit a complete set of the United States Statutes at Large with the library, a measure that represented a significant addition to the growing library.

The second year of the library's existence represented a period of major growth and development for the library association, as indicated in the report submitted in June 1854. Several new members joined the association during the year and purchases were made from booksellers in Philadelphia and Richmond. The committee was pleased to report that since its organization, "one hundred and one books of Reports of high authority" had been added to the library, "ninety three of which are found in no other Library in Staunton."[62]

A greater boon to the library came in the form of a deposit of nearly four hundred law books from the estate of John Howe Peyton. Peyton, known throughout the region as one of the area's preeminent attorneys, owned an extensive personal library with titles touching on "almost every department of legal learning."[63] In the opinion of library member John McCue, Peyton's books, and notes therein, reflected the great "application and devotion he [Peyton] felt for his profession."[64] The contribution of these resources by Peyton's executors suggests a great deal of faith in the viability and utility of the newly created library.

Donations and deposits of books also came from Virginia congressmen Robert Mercer Taliaferro Hunter and John Letcher, both of whom were also attorneys. While the committee explained that these books were "not treatises on legal principles, or reports of legal decisions," they believed the titles "would be of great advantage to the legal

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[62] Ibid., 8.

[63] Ibid.

[64] J. Lewis Peyton, *Memoir of John Howe Peyton: In Sketches by his Contemporaries, Together with Some of his Public and Private Letters, etc*. (Staunton, Va.: A. B. Blackburn & Co., 1894), 185.

Student, and an indispensable prerequisite to becoming great and learned in the profession."[65] Noting that the donations of these titles was likely prompted by the donors' understanding of the library's goals, the library committee clearly expressed how the association was succeeding in their objectives and how other practitioners, even outside of the community, had taken note of their work and sought to support it.

The library committee members also addressed their plans for increasing the library collection through further purchases of books. Although the publication of volumes of American case reports had begun to increase since the beginning of the century, practitioners in Virginia continued to rely on various English law reports. While the library held a number of volumes, and private libraries supplemented these holdings, the committee sought approval to continue to acquire additional volumes as funds permitted. The biannual report also indicates that the committee sought permission to print and distribute to all library members the catalog of books in the library and in private library collections. The proposed plan "would furnish a ready means to any Attorney of knowing where and in what Library he might find any Law work which he might desire," thereby saving "the necessity and labor of frequent, and ineffectual search[es] for an Author or Report, in the possession of his next neighbor."[66] As noted, this plan would save attorneys both time and energy, but more importantly it suggests the extensive cooperation among members of the Augusta Bar who sought to make resources available to their fellow practitioners.

[65] Ibid., 9.

[66] Ibid.

While the efforts made by members of the bar to establish the library indicate that members of the bar believed in the value of the library as a concept, the reports to the court indicate that early manifestations of their labors only increased their sense of the necessity and worth of the institution. In their report to the court, the committee noted that it was difficult "to comprehend how any Attorney, engaged in the practice of Law, not wholly blind to his own interest, can resist becoming a member of this Association, and thus, avail him of its advantages."[67] In the eyes of these men, one's membership in the library association not only served as a means to improve his own professional prospects, but also as a symbol of unity within the profession. The committee boasted that the "good sense of every member of the Bar, not now a member of the institution, will no longer permit him to hold himself aloof, but induce him to unite himself with his friends and legal brethren, and share their advantages."[68] By partaking in "their united hospitality," potential library members of the bar could share in the numerous benefits professional cooperation offered.[69]

During the years that followed, members of the library committee reported on continued efforts to secure needed volumes to complete various sets of English and American law reports. Some titles were purchased from booksellers, while members such as John B. Baldwin and Thomas J. Michie deposited needed books with the association.

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[67] Ibid., 10.

[68] Ibid. Printed library catalogs for such organizations were commonly printed during this period. See Christine A. Brock, "Law Libraries and Librarians: A Revisionist History; or, More Than You Ever Wanted to Know," *Law Library Journal* 67 (1974): 332, and Betty W. Taylor "American Law Library Book Catalogs: Part I." *Law Library Journal* 69 (1976): 347-356. In Virginia, catalogs of the state library enumerated the various law books held in the Richmond library. For contemporary examples, see *A Catalogue of the Library of the State of Virginia* (Richmond: Colin, Baptist and Nowlan, 1849) and *A Catalogue of the Library of the State of Virginia* (Richmond: John Nowlan, 1856).

[69] Library Record, 10.

With some sets of case reporters continuing to be published, the association made arrangements with booksellers to have volumes from select series of reports sent to them as published. Committee members also noted on occasion that they had consulted with "some of the older members of the Bar" about book acquisitions, a measure that reflects not only their efforts to make prudent purchases with the library fund, but also their desire to utilize the collective wisdom and perspective of their fellow practitioners for shared benefit.[70]

In 1855, the library committee reported that progress on the compilation of the library catalogue had not developed as anticipated. The committee delegated the task to James Patterson, the clerk of court and librarian, as they believed "his character for neatness and accuracy is a sufficient assurance of its being well done."[71] However, just one year later, work had apparently again failed to progress, a setback that the committee believed rendered "the Library almost useless to the members."[72] Membership in the organization remained strong, with twenty-four due paying members noted at the June 1855 session of the court.

With library purchases, deposits and donations occurring on a regular basis, the lack of physical library space had become an issue of great concern. Calls for changes were made to the court. By 1857, the county court had taken steps to increase the accommodations for the library, a development that could allow the library committee to again receive additional deposits of books from library members. Members of the bar

[70] Ibid., 17.

[71] Ibid., 22.

[72] Ibid., 24.

were "becoming satisfied that the Library is not only a safe place of deposit for their books of Reports, but that it would conduce greatly to their convenience to have at one place a collection of all the Reporters owned in the Town."[73] The committee members expressed their collective opinion that practitioners could derive great benefit from "the true idea of a Court Library": a collection of resources both consolidated and easily accessible, and hoped that this goal would indeed come to fruition in a short period.[74]

A number of changes in the practice of law and legal publishing beginning during the 1850s directly affected the efforts of the library association. In Virginia, while the precedents and framework of English common law persisted, a growing interest in the American body of law began to flourish. Practitioners sought access to an emerging body of state law reports from Virginia and other jurisdictions in law libraries. With emerging domestic publishing industry and a greater emphasis on law reporting throughout the United States, the number of available law reports expanded exponentially during a very short period of time.[75] For an organization such as the law library, keeping up with several serial reports from the courts of England, the Supreme Court of the United States, and Virginia consumed a vast portion of the annual fund. As embarking "upon the Ocean of State Reports would seem to be a hopeless affair," the library committee suggested the library might be better off to "at once conclude to be content with such knowledge of

[73] Ibid., 30.

[74] Ibid., 30.

[75] According to Charles Warren, 452 law reports were published in 1836, about 800 by 1848, and nearly three thousand by 1882. Charles Warren, *A History of the American Bar*, (Boston: Little, Brown, and Co., 1911), 552. See also Erwin C. Surrency "Law Reports in the United States," *American Journal of Legal History*, 25 (1981): 48-66, and Thomas J. Young, "A Look at American Law Reporting in the 19th Century," *Law Library Journal* 68 (1975): 294-306.

them as can be gathered from the best digests."[76] The committee recommended that they be permitted to expend, when available, the annual surplus funds "in the purchase of such Books of Standard value and utility as are not to be found in Staunton."[77] Prudent use of the library fund in a changing world of law book publishing would remain a constant topic of discussion for the library during the years to come.

The mid-1850s also marked the beginning of serial law journal publication in Virginia. The *Quarterly Law Journal*, published by Richmond bookseller Joseph W. Randolph, focused on topics and contained material of interest to legal practitioners. Initial advertisements noted the journal would include the text of recent case reports from local courts, as well as legal commentaries, reviews, and notices. While the existence of the journal was short lived, the library maintained a subscription throughout the four years issues were published. Their continued interest in this emerging journal suggests the members of the Augusta Bar held a commitment to enhancing their professional awareness.[78]

By the end of the decade, the library had amassed an extensive collection of legal resources of great value to the members of the bench and bar in the local community. Efforts to expand both library membership and scope and the size of the collection had succeeded. When the first library room became too crowded with books, the court and the

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[76] Library Record, 29.

[77] Ibid., 31.

[78] See E. Lee Shepard, "Nineteenth-Century Law Journals," in William Hamilton Bryson, ed., *Virginia Law Books* (Philadelphia: American Philosophical Society, 2000), 262-287. For a discussion of another popular law journal of the period, The United States Monthly Law Magazine, see Michael H. Hoeflich, "John Livingston & the Business of Law in Nineteenth-Century America," *American Journal of Legal History* 44 (2000): 354-357.

library committee soon found a new home within the courthouse for their collection. Constant attention to judicious spending of the library fund and frequent donations and deposits of books from members and others resulted in the development of a comprehensive collection of the most frequently sought after and consulted reports. By working together, the members of the bar had created an institution and amassed a resource they long needed. In the years to come, the association and its members would continue to grapple with many of the challenges it already faced in its short existence, as well as attempting to cope with the effects of civil war and its aftermath.

CHAPTER IV
THE AUGUSTA COUNTY LAW LIBRARY ASSOCIATION: CRISIS AND CHANGE, 1860-1869

While regional strife had divided much of Virginia for more than fifty years, sectional divisions between the northern and southern states of the Union had risen to the forefront by 1860. This tension was reflected in several southern states as well, including Virginia. In Staunton and Augusta County, a conservative political base strongly favored the maintenance of the union among increasing calls for secession. In the presidential election of 1860, Augusta County voters placed their support behind Congressional Union candidate John Bell, with Democrat Stephen A. Douglas a distant second.[79] With the election of Abraham Lincoln to the presidency, advocates of disunion in southern states organized conventions calling for secession from the United States and the formation of a confederacy.

On November 17, 1861, Augusta citizens called for a meeting to discuss a course of action. A committee, consisting of thirteen men, was chosen to draft resolutions they deemed proper to submit to the court for adoption on behalf of the county. Later in the month, on November 26th, Hugh Sheffey presented these resolutions to the Court. The resolutions, which the court adopted, expressed sympathy with their fellow southern states but called for the preservation of the Union.[80]

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[79] See *Staunton Spectator*, 13 November 1860. Bell won the county with approximately 66% of the vote, while Douglas took 28%. Bell narrowly won the state of Virginia, while Douglas was a distant third in the state. Virginia was one of three states to support Bell. See also Marshall Moore Brice, "Augusta County During the Civil War," *Augusta County Historical Society Bulletin* 1, no. 2 (1965): 7.

[80] J. Lewis Peyton, *History of Augusta County, Virginia*. (Bridgewater, Va.: [s.n.], 1953), 225-230, and Joseph A. Waddell, *Annals of Augusta County, Virginia, from 1726 to 1871* (Staunton, C.R. Caldwell, 1902), 454-456.

In January 1861, the General Assembly of Virginia called for a February election of delegates to participate in a convention to resolve the question of secession. In Augusta County, three men, all attorneys and members of the bar and library association, were chosen by the electorate to attend the convention and represent their interests. As was the case with the majority of delegates from counties west of the Blue Ridge mountains, John B. Baldwin, George Baylor, and Alexander H. H. Stuart, were known as pro-Union men.

After weeks of discussion, Baldwin, recognized throughout the convention as a leading Unionist, met secretly with Lincoln at the White House. The president encouraged Baldwin to move to adjourn the convention in Virginia, but Baldwin sought assurances of protection for Virginia. Despite his pro-Union beliefs, Baldwin noted to Lincoln that with any use of force against Fort Sumter "all would be lost."[81] Several days later, the members of the convention learned of the firing of the first shots of the Civil War at Fort Sumter, as well as Abraham Lincoln's call for 75,000 volunteers to suppress the southern rebellion. On April 17th, the Virginia convention voted 88 to 55 in favor of secession. All three members of the Augusta delegation voted against the measure, with Baylor changing his vote once it became clear the ordinance would pass.[82] When confronted with a vote on the secession ordinance on May 23rd, the voters within the county supported it wholeheartedly, approving the measure with a vote of 3140 to 10.[83]

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[81] Benjamin J. Hillman, *Virginia's Decision: The Story of the Secession Convention of 1861* (Richmond: Virginia Civil War Commission, 1964), 9.

[82] Ibid., 14-15.

[83] Brice, "Augusta County During the Civil War," 9.

Without a doubt, the residents of the county clearly saw their interests more closely allied with those of eastern Virginia and states to the south. Preservation of their way of life and protection of their interests, including the institution of slavery, had come to trump any notions of the need to maintain the union.

Virginia's anticipated secession from the union prompted the formation of Virginia militia units throughout the state as early as April 1861. In the months to follow, Staunton would become a center of military activity. Men throughout the county flocked to join the cause. Among these men were countless members of the county bar, the majority of whom would serve key roles in the military or government in the years to come. For example, Hugh Sheffey and Bolivar Christian held posts in the Virginia legislature, while John Baldwin, after suffering a physical breakdown that prohibited him from serving in the field, was a member of the Confederate Congress throughout much of the war.[84] Men such as William Hanger Smith Baylor and William Henry Harman served as officers and lost their lives in combat.[85] John Imboden rose to hold the rank of brigadier general in the Confederate army.[86]

Not surprisingly, the war and its related effects proved highly disruptive to the normal course of business and life within Augusta County. At the beginning of the decade, the status of the law library and the personal libraries of the various members

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[84] Cynthia Miller Leonard, comp., *The General Assembly of Virginia, July 30, 1619-January 11, 1978: A Bicentennial Register of Members* (Richmond: Published for the General Assembly of Virginia by the Virginia State Library, 1978), 478-488 and "John Brown Baldwin," in *Dictionary of Virginia Biography* (Richmond: Library of Virginia, 1998), 299.

[85] Lee A. Wallace, *5th Virginia Infantry* (Lynchburg, Va.: H.E. Howard, Inc., 1988), 95, 125.

[86] See Spencer Tucker, *Brigadier General John D. Imboden: Confederate Commander in the Shenandoah* (Lexington: University Press of Kentucky, 2003).

reflected the prosperity of the 1850s. Census reports from 1860 revealed the law library held approximately 1500 volumes. A number of lawyers and library members, including Alexander H. H. Stuart, David Fultz, John B. Baldwin, William Henry Harman and Bell, Breeze Johnson, and Thomas J. Michie each held personal libraries of more than 1,000 volumes each.[87] The entries in the library record detailing sessions of the court and the activities of the library association, however, reveal how quickly conditions changed. During the 1860 sessions of the court, the report of the library association is quite similar to those of preceding years, with accounts of membership dues paid and purchases of various books. However, at the November 1861 term of the court, the report differed markedly:

> In view of the present condition of the Country, your Committee do not consider it proper or prudent, at this time, to recommend the purchase of any Books, and the same reasons induce your Committee to respectfully suggest, that the payment of Contributions to the Library fund be suspended, until the further Order of the Court.[88]

A year later, the committee provided a similar report, but also provided information on the state of the library collections during this time of crisis:

> In consideration of the unsettled State of the Country, and the absence from Staunton of some of the members of the Association, the Committee have not required the usual payments, and now recommend a suspension of all payments to the funds of the Association until the termination of the existing War…. The Committee further report, that the Library remains in charge of the Librarian, and is properly taken care of.[89]

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[87] 1860 United States Census. Schedule 6, Social Statistics of Staunton, in District No. 1, in the County of Augusta, State of Virginia, for the year ending June 1, 1860.

[88] Library Record, 43.

[89] Ibid., 44.

With both Union and Confederate troops frequently traversing the county, the potential for damage or destruction of library collections remained a constant threat.[90] Also, the constant state of flux left little time for the routine practice of law. In many counties throughout the state, courts were essentially closed for much of the war.[91] However, in Augusta County, courts remained open.[92] Nonetheless, no reports of the library association for the years 1863 and 1864 appear to have been given. The next reference in the library record, dated November 1865, simply states that the court directed the library committee to compile a "report upon the present condition of the Library and the best means of enlarging and improving it."[93] With the return of some sense of normalcy, attention could once again be paid to the practice of law and the association library.

At the June 1866 session of the court, the library committee reported that the condition of the library remained "unchanged," with no new additions or reports of books missing. However, the committee noted that the entire balance of the library fund, amounting to $80.55, had been lost due to the insolvency of the Central Bank of Virginia. Librarian James F. Patterson noted that member Henderson M. Bell made a large deposit of books into the library in 1860; however, no list of those volumes had ever been

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[90] Union troops were present in the country in early June and late September 1864. Records indicate that Union forces did destroy some commercial property. See Richard K. MacMaster, *Augusta County History*, 1865-1950 (Staunton: Augusta County Historical Society, 1988), 25, Peyton, *History of Augusta County, Virginia*, 237-242, and Waddell, *Annals of Augusta County, Virginia,* 488-498.

[91] Gary Murdock Williams, "The Development of the Circuit Court System in Virginia, 1789-1904." (Ph.D. diss, Virginia Commonwealth University, 1991), 284.

[92] Waddell, *Annals of Augusta County, Virginia,* 499.

[93] Library Record, 44.

compiled. Patterson also expressed his plans to have the *Quarterly Law Journal*, a pamphlet publication, bound for preservation purposes.

In the years immediately following the war, the members of the library association sought to restore their law library to its former place of prominence. At the July 1867 session of the court, the committee made the following report:

> The interruptions of the War, and the pecuniary distress since prevailing, have prevented any proper attention to keeping up the Library; but at a recent meeting of the members of the Association it was unanimously agreed to enter with new interest upon the improvement of the Library, and with that view, to increase the Annual Contribution to Ten dollars, or Five dollars for each Term, beginning with the June Term 1867.[94]

The membership roll now contained fifteen men, a total that included several new members. The committee noted that the failure to purchase books for an extended period of time would require the association to expend most if not all of the library fund almost immediately, but that by the next term of the court, an appropriate purchasing plan would be developed. Also, the accommodations of the library had once again become an issue, as keeping the library in the clerk's office of the Hustings Court could no longer be continued. Assistance from the Circuit Court was requested.

During the course of the remaining years of the decade, the library committee members would unsuccessfully continue their search for a better home for the library collections. Despite being bound by the 1852 statute authorizing the creation of law libraries, the Circuit Court and the other local courts did not appear to be willing or able to assist the association in their efforts. While there is no way to determine conclusively,

[94] Ibid., 45.

it is quite possible that the state constitutional convention of 1867-1868 and subsequent reforms to the judiciary created a state of flux and inhibited change.

The postwar period, did, however, prove to be a time of significant developments in the movement for a state law library in the state capitol. Legislation passed on March 3, 1866 called for the placement of a law library in a room so chosen by the Supreme Court of Appeals, under the control of the court. The court would dictate rules and privileges of use, and a selected officer of the court would serve as librarian.[95] A year later, on January 21, 1867, a subsequent act amended the prior act and directed that the entire collection of law books in the state library be relocated to the court library.[96] The changes sought for so many years had finally come to fruition.

Throughout the state, the 1860s had proven to be a decade of drastic change. Armed conflict and political discord disrupted and altered life on every level. While any one of these developments could have constituted a potentially destructive force to the law library association, the organization persisted. Though their ability to collect materials and continue building the library faltered, the members of the bar remained committed to their cause. Not content with simply maintaining the existing library, the members sought to restore the library to its former glory through increased contributions from its membership. By improving the collections and the physical home of the library, all concerned would benefit.

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[95] Virginia, *Acts of the General Assembly of the State of Virginia, Passed in 1865-66, in the Eighty-Ninth Year of the Commonwealth* (Richmond: Allegre & Goode, 1866), 174.

[96] Virginia, *Acts of the General Assembly of the State of Virginia, Passed in 1866-67, in the Ninety-First Year of the Commonwealth* (Richmond: James E. Goode, 1867), 551.

CHAPTER V
THE AUGUSTA COUNTY LAW LIBRARY ASSOCIATION: ENTERING A NEW ERA, 1870-1883

The year 1870 signaled the culmination of a significant number of changes affecting life throughout the commonwealth. After years of war and the subsequent era of military rule and Reconstruction, the state was readmitted to the Union on January 26, 1870. With the electorate and the General Assembly approving the state's new constitution, suffrage was expanded to all males over the age of 21. Provisions in the new constitution also called for the establishment of a public school system, as well as reforming the method of selecting judges by once again shifting the charge from the voter to the legislator.[97] Rebuilding the state, which had been torn apart by war only increased the need for competent lawyers.[98]

The beginning of a new decade marked a key point in the development of various libraries throughout the country. Heightened interest in public education and libraries, combined with the persistence of social libraries, resulted in an increased number of libraries in nearly every region of the country. Of these libraries, law libraries began to generate increased attention. In collecting data for the 1870 Census, the government identified 1073 "court and law" libraries in the United States, holding a total of 425,782

[97] Contentious elections pitting the old order judges against candidates of the people characterized the period between the two constitutions. In the 11th Judicial Circuit, of which Augusta County was a part, the 1860 election between Lucas P. Thompson and David Fultz underscored this tension. See Williams, "The Development of the Circuit Court System in Virginia," 265-268.

[98] For information about the 1867-1868 constitutional convention, see Virginia, *The Debate and Proceedings of the Constitutional Convention of the State of Virginia, Assembled at the City of Richmond, Tuesday, December 3, 1867* (Richmond: Printed at the office of the New Nation, 1868) and Virginia, *Journal of the Constitutional Convention of the State of Virginia: Convened in the City of Richmond, December 3, 1867, by an order of General Schofield, dated November 2, 1867, in pursuance of the act of Congress of March 23, 1867* (Richmond: Printed at the Office of the New Nation, 1867).

books. Only twelve of this total, holding slightly more than two thousand volumes, were identified as being in Virginia.[99] It would appear, however, that many of the libraries identified were likely to have been insignificant collections held at local courts, as an 1876 U.S. Bureau of Education study noted the existence of merely 139 law libraries in country. Of these law libraries, the Bureau identified twenty-one as association libraries. This noteworthy report effectively summarized how the practice of law continued to evolve and why the significance of law libraries had reached new levels:

> "The multiplication of law books has been so rapid of late years, that few lawyers, indeed, can procure by their own private resources all that they need for their investigations. And this multiplication has correspondingly increased the number of volumes which it is necessary for every member of the profession who would be thorough and accurate in the discharge of his professional duties to consult. Hence public law libraries have become indispensable in the administration of justice."[100]

The importance of this report can also be traced to its attempt to articulate exactly what constituted a public law library and how it differed from other types of law libraries. Defined as a library "accessible, either without restriction, or upon conditions with which all can easily comply, to every person who wishes to use it for its appropriate purposes," the public law library could include state, county, association and school libraries.[101] Quasi public libraries that provided limited accessibility, such as a court library, were also included. While noting the great progress made in the field of law libraries during the preceding decades, the report concludes that with the exception of state libraries and

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[99] Francis A. Walker, *Ninth Census – Volume I. The Statistics of the Population of the United States, Embracing the Tables of Race, Nationality, Sex, Selected Ages, and Occupations* (Washington, DC: Government Printing Office, 1872), 474.

[100] United States Bureau of Education, *Public Libraries in the United States of America: Their History, Condition, and Management, Special Report, Department of the Interior, Bureau of Education. Part I.* (Washington: Government Printing Office, 1876), 163.

[101] Ibid., 164.

associations in large cities, both of which tended to have access to more financial resources, most law libraries in existence were far from complete or comprehensive.

Changes in the world of legal publishing and bookselling during the period also had an effect on law libraries and legal education and study. In prior decades, the network of booksellers from which a library or individual could purchase a book was much smaller, especially in the United States. By the 1870s, an increased number of booksellers presented buyers with a choice in selecting from whom they wished to purchase materials. The use of published book catalogues to promote specific titles and inform purchasers of available books had existed for several decades, but the growth of the United States Postal Service and the enhancement of national transportation networks allowed customers to buy materials from booksellers throughout the country. Lastly, and perhaps most importantly, the developing model of formal legal education and the move away from the apprenticeship method resulted in the emergence of a new type of legal literature built around the case method of study. Access to works such as those by Christopher Columbus Langdell, the American educator who pioneered the case method, began to be found in libraries throughout the country, including the Augusta County Law Library.[102]

In Staunton, interest in a general public library began to flourish during this period. In January 1870, a Ladies Library Association organized to start a circulating, subscription based library. A family membership of $2.00 per annum allowed readers

[102] For an extensive discussion of the role of catalogues in the law book trade, as well as the influence of the development of transportation systems in the shipping of books, see Michael H. Hoeflich, *Legal Publishing in Antebellum America* (New York: Cambridge University Press, 2010).

access to a collection of approximately one hundred volumes.[103] Unfortunately, little more is known about the library. However, by 1874, the local Young Men's Christian Association, or YMCA, started a new library. Staunton resident, bar association and law library member Thomas D. Ranson spearheaded the effort and served as the first president of the Staunton YMCA. Other members of the local bar, including James H. Skinner, were also involved in this endeavor that eventually became the Staunton Public Library.[104] Interest in books and libraries among the population, particularly the wealthy and professional classes of Staunton, is evidenced by the report of thirty private libraries containing a total of approximately 25,000 volumes.[105] While these libraries did not focus on collecting legal materials, the role played by law library members in their creation suggests the great value these men placed on the role of such institutions in personal and professional activities.

The early 1870s also signified a period of change for the law library association. Despite its nearly twenty-year existence, growth and relative stability, the library appeared to attract little attention outside of the local community. Both noteworthy studies of libraries during the decade failed to include any mention of the library.[106]

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[103] MacMaster, *Augusta County History, 1865-1950*, 37.

[104] Katherine L. Brown, *Books Bring Adventure: The Story of the Staunton Public Library* (Staunton, Va.: Lot's Wife Publishing, 2000), 5-9, 14-17.

[105] 1870 United States Census. Schedule 5, Social Statistics of the 1st District, in the County of Augusta, State of Virginia, for the year ending June 1, 1870.

[106] The 1870 Census statistical report notes the presence of 12 law libraries in Virginia, holding a combined total of 2117 books. Walker, *Statistics of the Population of the United States,* 474. However, it is known the library association owned a significant number of volumes. 1870 census schedules for the 1st District (Staunton) of Augusta County note a "town or city" library in Staunton holding 753 volumes. It is presumed this is the Association library. In the case of the 1876 Bureau of Education study, the majority of libraries noted are from very large cities (New York, Boston, St. Louis, Philadelphia, Baltimore, New York, etc.). In both instances it is possible information was requested from the Association but not received

Nonetheless, those attorneys practicing in the area were well acquainted with the organization and several new attorneys sought admission to the group during the course of the decade.

The new Virginia Constitution produced a number of significant developments that would affect the library and its members. For the first time, in addition to their sessions in Richmond, the Supreme Court of Appeals would be required to hold an annual session of the court in the towns of Wytheville and Staunton.[107] The additional court business brought to town by this development was no doubt noteworthy, and the members of the association clearly recognized the significance of this development. During the first court session of the decade, the library committee asked that the Judge of the Circuit Court authorize them to make arrangements for keeping the association library with the Supreme Court of Appeals. Doing so, noted the members, would allow a greater number of individuals to access to the library collections. Despite this physical relocation, the library collections would remain under the control of the association and the authority of the Circuit Court. A Supreme Court of Appeals order, issued just a few months later, authorized the clerk of court "to rent rooms on the lower floor of Col. Baldwin's house, adjoining the Court house, for the use of this court, and that he proceed to have the said rooms properly fitted up as a Clerk's Office and as a conference room."[108] The Court

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by the compiler. For information about a bar library of comparable size to the Augusta Law Library, see Robert A. Mead and Michael H. Hoeflich. "Lawyers and Law Books in Nineteenth-Century Kansas," *University of Kansas Law Review* 50, no. 5 (June 2002): 1051-1074.

[107] *Acts of the General Assembly of the State of Virginia, Passed at the Session of 1869-'70.* (Richmond: James E. Goode, 1870), 219-228.

[108] Virginia Supreme Court of Appeals (Staunton Session), Order books, 1870-1969. Accession 31029. State Government Records Collection, The Library of Virginia, Richmond, Virginia. Order Book 1, August 4, 1870.

order also directed that "the Augusta Law Library may be kept in the said rooms, or any of them."[109] By the following summer, progress had been made. Library committee member John Baldwin reported that the Supervisors of Augusta County had made arrangements with him to have a room prepared in connection with the clerk's office of the Court of Appeals for the storage of the library and that the supervisors would pay him rent for the use of the room. By November 1871, the library committee confirmed that the room adjoining the conference room of the Supreme Court of Appeals secured for their use had allowed for the relocation of the library collections. Its "present situation," reported the committee, had so greatly improved the use of the library two members of the bar were induced to join the library association.

During this period, members of the library association recognized the unique opportunity this new development presented. Hindered by a lack of funds and the need to acquire a number of volumes to update existing serial reporter sets, the members believed state governmental support of the library could be a means by which the library could recover and become a truly extensive reference library for use by both the bar and judges. Being "assured by the Court of Appeals of the purpose to recommend to the General Assembly an appropriation for the increase of our Library," the association requested permanent annual support equal to the contribution made by the members of the bar.[110] While never stated, one can presume that the presumption of the success of such a request was predicated upon the idea that the library association resources became a *de facto*

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[109] Ibid.

[110] Library Record, 60.

library of the court, and in essence eliminated the need for the state to create its own, separate library. In their report to the Circuit Court, the library committee noted their assumption that by virtue of the proposed legislation and the current housing of the library, "the Court of Appeals would require custody of the Library to be taken by its Officers."[111] However, no such request was apparently made. Thus, given the force of the still extant statute from 1853, the library committee recommended that the Clerk of the Circuit Court take charge of the library. Lastly, they suggested that the clerk, in conjunction with the library committee, "be authorized to make an arrangement with some suitable lawyer to occupy the Library Room as an Office, on condition of performing the duties of Librarian."[112]

Despite the apparent support of the Supreme Court of Appeals, the bill requesting support did not pass.[113] Fiscal constraints wrought by the state's excessive debt and subsequent pledges to repay the debt in full, as well as restrictions on government involvement in private ventures, likely made support for this proposal unfeasible.[114] However, while the exact reasons for the denial of the proposal are uncertain, it may be presumed the state remained reluctant to make contributions for libraries. Given developments that would occur later in the decade, the reason for refusing to support this

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[111] Ibid.

[112] Ibid.

[113] *Journal of the House of Delegates of the State of Virginia, for the Session of 1871-72* (Richmond: C.A. Schaffter, Superintendent Public Printing, 1872), 263.

[114] A. E. Dick Howard, *Commentaries on the Constitution of Virginia*. (Charlottesville: University Press of Virginia, 1974), 460. For details on the Virginia debt crisis, see James Tice Moore, *Two Paths to the New South: The Virginia Debt Controversy, 1870-1883* (Lexington: University Press of Kentucky, 1974).

request at this time would seem to have had less to do with supporting libraries in general, but instead suggests a long-standing hesitancy about funding those libraries not owned or directly controlled by state courts or agencies. For instance, shortly after the passage of the law library legislation many years earlier, the members of the court and bar in the 8th Judicial District held in Abingdon requested a state contribution for the support of a library at the court. Their request, which would seem similar in many ways to the Augusta Law Library Association proposal of two decades later, was also refused.[115]

During the course of the next two years, the committee failed to make any reports to the Circuit Court. The reason for this oversight, claimed the members, could be traced to the death of one of the association's most important members – John B. Baldwin. Chairman of the library committee at the time of his passing, Baldwin had proven instrumental in so many of the developments associated with the library throughout its existence. Absent his leadership and direction, members claimed they had no knowledge of their responsibility to report to the court on the condition of the library and the activities of the association.

The first report made by the committee after Baldwin's death noted their general dissatisfaction with the business practices of one of the nation's primary law book suppliers, West, Johnston & Co. According to the committee, the bookseller, without their prior approval, had sent the library copies of titles concerning such topics as the decisions of the New York Court of Appeals. Believing that these books possessed little

[115] Legislative petition of the Members of the Court and Bar for the 8th Judicial Circuit, 3 January 1854, Box 251, Folder 84, LVA.

value to the library members, the committee requested that such volumes be returned. Also, believing the prices and practices of the vendor to be questionable on the whole, the association proposed revoking any standing orders in place with the vendor and insisting that subsequent purchases be made at the discretion of the committee and paid for with cash on hand. "Such purchases should be confined to works of most practical utility," noted the committee, "until the membership of the Association is increased."[116] Core resources, "such as the Codes and late Session acts of West Virginia, and Maryland, the Supreme Court Reports of the former state, the last Editions of the American Leading Cases, of Smith's Leading Cases, and White and Tudor's Leading Cases in Equity" should be the focal point of the association's purchases.[117] The committee also reported a "great deal of dissatisfaction" among the association members as related to library arrangement. "Unless arrangement can be made for providing a room more comfortable, and more constantly accessible," they noted, the library rules should be amended permitting members to remove a limited number of volumes for short term use.[118]

The dissatisfaction of the members and the recognition of the need to make changes to the library association and its bylaws took form in a series of proposed resolutions presented by the committee to the court. Meeting on April 10, 1874, a majority of the association members approved several changes to the rules of the organization. First, it was decided the annual contribution of each member should be paid during the March and October terms of the Circuit court. Next, members were to be given

[116] Library Record, 66.

[117] Ibid.

[118] Ibid., 66-67.

the option of purchasing perpetual membership in the organization for $100.00. As before, membership could be terminated for cause. In a new development, the committee would be authorized to issue a certificate of membership to individual members that "shall be assignable, with the consent of the library Committee."[119] Third, the rule prohibiting receipt of any book without approval of the court should be rescinded. The members also declared that purchases should no longer be made on credit and that they would only buy those volumes they could pay for with funds on hand. Instead of having titles on subscription, the library committee would specify what materials to order. However, despite this declaration, the members noted titles of great importance, such as the reports of the Virginia Court of Appeals and the U.S. Supreme Court, should always be maintained. Other purchases should "be guided by considerations of the general practical utility of the Report or Treatise."[120] A series of proposed rules altered the means by which a book could be removed from the library room. For instance, the rule prohibiting the removal of book only in instances of need by the court was rescinded. Another change permitted members and judges to remove books by signing them out using a blank book kept on a table in library. The date of removal, title of the volume, and the name of borrower would be noted within the book. The member would be responsible for returning the book the following day and prohibited from removing more than six volumes at any time. To ensure order, the librarian would be responsible for maintaining a list, and any violators of the policy would be subject to a five-dollar fine. In an effort to maintain and restrict access to the library room, the members requested that

[119] Ibid., 68.

[120] Ibid., 68.

the committee have three keys made and given to the Crier of the Court of Appeals when in session (and at other times by the clerk of that court), the library committee chairman, and the librarian. The key and access to the library room could be given to anyone within the group, but no one not a member of the association. Lastly, the court clerk was to be paid for recording future library reports.

The numerous rule changes adopted by the library association membership in early 1874 represent a notable shift in the philosophies of the group and potentially speak to other developments occurring in the local legal community during the period. First and foremost, the commitment of the bar members to maintaining and enhancing this valuable resource for their mutual use and benefit remained intact and is evident in several particular rule changes. For example, the offering of a perpetual membership allowed the organization not only to secure needed funds, but also enhanced by association the value of one's membership in the group. By taking a stronger position in purchasing procedures, the members simultaneously spoke to the need to preserve their valuable financial resources and the importance of collecting those items of most utility to them. Also, in allowing books to be removed from the library for short-term use, the members likely increased the probability the library resources would be used, as well as possibly appeasing those members who found accessing the room inconvenient.

However, other developments, such as restricting library access to members only, signal a departure from prior philosophies. By prohibiting "outsiders" from using the collection, the association may have sought to increase interest within the bar in library membership. They may also have taken such steps to ensure library collections remained

safe and not subject to damage or loss by non-members.[121] However, at the very least, this particular change in the library rules suggests a noteworthy break from prior philosophies of open access to library materials by the entire bench and bar. The failure of their request for state financial support, particularly after assumptions of its likely success, may have been the catalyst in prompting members to reevaluate their longstanding policy of openness.

In March 1875, after years of dragging their feet, the Virginia legislature approved a measure providing for a library at both remote sites of the Supreme Court of Appeals, Staunton and Wytheville.[122] While the reasons behind this change of heart are also unclear, it would seem the court finally believed these courts needed access to a state supported library. By October, John Paris, clerk of the court, had been designated as librarian and charged with obtaining a bookcase to be placed in the court conference room.[123] Many details about this library are lacking, but a provision within the Supreme Court order book for the period noted that books were not to be removed without the permission of a judge of the court.[124]

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[121] Other law libraries, such as the very large Social Law Library (Boston, Massachusetts) also instigated similar policies during this era. In 1872, the trustees of the Social Law Library voted to limit membership and restrict access to members of the bar, an attempt to better serve its primary supporters. See Edgar J. Bellefontaine and James A. Brink, "The History of the Social Law Library," In *Law Librarianship: Historical Perspectives*, ed. Laura N. Gasaway & Michael G. Chiorazzi (Littleton, Co.: Fred B. Rothman & Co., 1996), 127-128.

[122] Virginia, *Acts and Joint Resolutions Passed by the General Assembly of the State of Virginia, at the Session of 1874-5* (Richmond: R. F. Walker, 1875), 272.

[123] Virginia Supreme Court of Appeals (Staunton Session), Order books, 1870-1969. LVA. Order Book 1, October 12, 1875.

[124] Ibid.

Unfortunately, no information concerning how members of the law library association perceived this development has yet been uncovered. It would seem likely, however, that this new library came about in response to the numerous changes made by the association, or that rumors of plans for such a new library prompted the library association to alter its guidelines the preceding year. Information typically found in the library record would have thrown light on this situation; however, no entries concerning the activities of the library between December 1874 and March 1883 are included in the volume.

By 1883, the law library association had been in existence for three decades. The practice of law in Staunton remained as robust as ever, with more than twenty-five lawyers and firms present in the town in 1878.[125] New resolutions proposed to the court in a March 1883 report called for increased contributions from library members. The library committee report once again indicated the desire of the committee to find better arrangements for the library room. As had been the case throughout its existence, association discussions and activities focused on two core issues: providing and maintaining access to books - and securing and managing the means used to acquire them. Despite the passage of time, the unity of the bar in its effort remained constant. The members of the association remained ever vigilant in their efforts, never ceasing to enhance learning, increase the status of legal profession and improve their individual prospects for success.

[125] Jedediah Hotchkiss, *The city of Staunton, Augusta County, Virginia, and the surrounding country: their condition, resources and advantages, and the inducements they offer to those seeking homes or places for business, investments, etc*. (Staunton: D. E. Strasburg, 1878), 8.

CHAPTER V
CONCLUSION

Throughout the late eighteenth and early nineteenth centuries, Virginia's bench and bar frequently lamented the lack of access to perhaps the most essential tool in their trade: a collection of law books. While many practitioners owned some volumes, most judges and lawyers acquired only those titles they could afford or used with regularity. Finding their personal libraries lacking, the majority of these men turned to their fellow practitioners, frequently loaning and borrowing available titles of interest. With the passage of time, the scope and form of available works, as well as their sheer numbers, began to increase. The need for a mechanism to develop and support collections of law books multiplied with each passing year.

In 1853, following the passage of a new state constitution that reformed the state's judiciary, the Virginia General Assembly enacted legislation authorizing the establishment of law libraries in the commonwealth. Within months of its passage, an important law library had emerged in a key legal center: Staunton, Virginia. Cognizant of their professional duties and needs, as well as sense of the unity within their bar, the lawyers of the Augusta County bar joined together to form an organization that had the potential to offer numerous benefits to each member in their practice.

The Augusta Bar's activities and efforts to form the library association and manage it during the course of the following three decades speak volumes about the members' continued understanding of their profession, the importance and utility of their association, and the practice of law. Throughout this period, the bar effectively responded to changes in Virginia's political landscape, destruction wrought by years of war,

developments in the world of legal publishing, as well as the evolution in the study and practice of law. Records show that select members of the bar association, serving as the library committee, judiciously managed available funds, evaluated and selected resources, and continuously sought a proper home for the association library. Various members and public figures donated books to the cause. Each of these personal contributions of time, money and books served to support the library and one's fellow bar members. While many bar associations of the period were largely unorganized and their members at best possessed a sense of professional consciousness, the Augusta bar was both organized and active.

The formation of the Augusta County Law Library Association by this bar predated many such efforts throughout the country. Several other successful bar libraries could be found in the United States in the mid-nineteenth century; however, nearly all had numerous members and were located in some of the largest cities in the country. While the library lacked the scope or specialization of other such bar libraries, it effectively served as a working collection of reference works that met the needs of the local bar and court.

In the latter nineteenth century, bars in other Virginia jurisdictions would take steps to create libraries resembling the one formed by the Augusta County Law Library Association. In 1880, the Bar Association of Norfolk established a library association, and six years later the Richmond bar took similar steps.[126] As was the case in Augusta County, the leaders in these movements for library formation were leaders both within

[126] John B. Jenkins, *The Library of the Norfolk and Portsmouth Bar Association* (Norfolk: Norfolk and Portsmouth Bar Association, 1951) and John O. Peters, *Tale of the Century: A History of the Bar Association of the City of Richmond, 1885-1985* (Richmond: Bar Association of the City of Richmond, 1985).

the bar and the community. Despite the emergence of public law libraries, private bar association libraries began to develop throughout the nation with such occurrence that scholars such as Christine Brock have labeled the nineteenth century the "era of the bar library."[127]

By the end of the 1800s, the volume of available legal publications had grown exponentially from just several decades earlier. While the focus on English legal resources had diminished, extensive and numerous reporter sets, combined with a multitude of treatises, made the compiling of a comprehensive law library even more complicated than ever before. However, the formation of professional organizations such as the American Bar Association (1878), as well as the American Association of Law Libraries (1906), elevated the issue of law libraries to a position of unprecedented importance. Public law libraries, bar association libraries, law school libraries, and law firm libraries would each grow and develop during the course of the twentieth century. While just decades before financial support from local government for any law library was quite uncommon, a shift in ideology had begun to take root.

In Virginia, the legislation that led to the creation of the Augusta bar library remains in force today in a slightly modified form.[128] Additional statutory provisions now allow local governments to utilize filing fees collected in civil actions to help fund law libraries.[129] In many areas, regional libraries, incorporating resources from adjacent cities

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[127] Christine A. Brock, "Law Libraries and Librarians: A Revisionist History; or, More than you ever wanted to know," *Law Library Journal* 67 (1974): 329.

[128] Va. Code. Ann. § 42.1-65.

[129] Va. Code. Ann. § 42.1-70.

and counties, are permitted by law and constitute the desired form.[130] In the case of Augusta County, the present library operates as the Augusta County, Staunton and Waynesboro Law Library.[131] The Supreme Court library in Staunton, however, ceased to exist. In two separate orders, the Court transferred the majority of library collections to the local law library.[132]

During the early nineteenth century, Virginians sought a means to create access to law libraries. Despite specific requests from prominent members of the bench, few changes occurred. However, by mid-century, select members of the bar serving in the state legislature helped create and enact legislation authorizing the creation of law libraries. In the town of Staunton, the members of the Augusta bar united in a successful effort that speaks to the cohesion and progressive nature of the legal profession within the community at that time. The efforts of these men, as well as those of practitioners and bar associations in other areas throughout Virginia and the country, helped lay the groundwork for the development of law libraries that continues to the present day.[133]

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[130] Va. Code. Ann. § 42.1-71.

[131] It is unclear if this library is the same organization created in 1853. Published sources from 1886 and 1897 confirm the continued existence of the organization at that time. United States Bureau of Education, *Statistics of Public Libraries in the United States* (Washington: Government Printing Office, 1886), 779, and United States Bureau of Education, *Statistics of Libraries and Library Legislation in the United States* (Washington: Government Printing Office, 1897), 514-515. However, a Richmond collector purchased many volumes from the library, bearing labels from the Association, in 1913. For more information about these books, see Appendix II.

[132] Virginia Supreme Court of Appeals, Order, 2 October 1961; and Supreme Court of Appeals, Order, 18 February 1988.

[133] For a discussion of the evolution of public law libraries to the present day, see Laureen Adams and Regina Smith, "The Evolution of Public Law Libraries," *AALL Spectrum* 10 (March 2006): 16-17, 33. URL: http://www.aallnet.org/main-menu/Publications/spectrum/Archives/Vol-10/pub_sp0603/pub-sp0603-evolution.pdf.

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APPENDICES

APPENDIX I
Library Members

The following constitutes a comprehensive list of the known members of the Association. If the date a member joined the Association is specified in the Library Record, the information is included below.

E. T. Albertson joined the Association in June 1853.

John Brown Baldwin (1820-1873) attended the University of Virginia and studied law in office of his father. He was admitted to the bar in May 1841. Baldwin served in the Virginia House of Delegates (December 1845 - March 1846; December 1865 - April 1867, Speaker of the House) and as a member of the Convention of 1861. He briefly served in the Confederate army (Colonel, 52nd Virginia Infantry, August 1861-May 1862) and was a member of the Confederate House of Representatives (November 1861 - April 1865). Baldwin joined the Association in June 1853.[134]

George Baylor (d. 1871) joined the Association in June 1853. He was a member, of the Convention of 1861 and the Virginia House of Delegates (December 1865 - April 1867).

Preston A. Baylor

William Smith Hanger Baylor (1831-1862) graduated from Washington College in 1850. He subsequently studied law under John White Brockenbrough in Lexington and attended the University of Virginia, graduating in 1853. Baylor joined the Association in July 1853 and was admitted to bar in November of that year. In 1857, he was elected commonwealth's attorney in 1857. Serving in the 5th Virginia Infantry, Baylor was killed in action at the Battle of Second Manassas on August 30, 1862. [135]

H. M. Bell joined the Association in June 1853 and served in the Virginia House of Delegates (October 1869 - March 1871).

James Bumgardner (1835-1917) was born in Missouri and moved to Staunton with his family at age twelve. He attended the University of Virginia from 1852-1853 and studied law under Hugh W. Sheffey following graduation. Admitted to the bar in 1859,

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[134] John R. Hildebrand, *The Life and Times of John Brown Baldwin, 1820-1873: A Chronicle of Virginia's Struggle with Slavery, Secession, Civil War, and Reconstruction* (Staunton: Published for the Augusta County Historical Society [by] Lot's Wife Publishing, 2008); Charles Curry, *John Brown Baldwin, Lawyer, Soldier, Statesman*, (Staunton: n.p., 1928); and *Memorial of Col. John B. Baldwin, of Staunton, Virginia*, (Staunton: Staunton Spectator, 1874).

[135] Wallace, *5th Virginia Infantry*, 95, and "William Smith Hanger Baylor," in *Dictionary of Virginia Biography,* 407-408.

Bumgardner became the law partner of Hugh W. Sheffey, a partnership that continued until Sheffey's death in 1889. During the Civil War, he served as a Captain in the 52nd Virginia Infantry. From 1866 to 1883, Bumgardner served as the Commonwealth's Attorney for Augusta County.[136]

Richard Henry Catlett (1828-1898) was admitted to the bar in Lexington, Virginia, prior to the Civil War. During the war, Catlett held a number of various posts during war, including service on the staff of Governor Letcher and Generals Echols and Kemper. Following the war, he formed a law partnership with Echols and Bell and joined the Association ca. 1867.[137]

Bolivar Christian (1825-1900) joined the Association in June 1853. He served as Captain and Assistant Commissary of Subsistence for the 52nd Virginia Infantry during the Civil War. Christian was elected to the Virginia House of Delegates (December 1855 - April 1861) and the Virginia Senate (December 1861 - March 1865). Following the war, Christian was employed as the attorney for the Valley Railroad (1866-1878). A graduate of Washington College, Christian served for many years on the board of trustees.[138]

George Moffett Cochran (1832-1900) joined the Association in July 1853. He attended the Staunton Academy and graduated from the University of Virginia in 1856. Serving in the Confederate army throughout the Civil War, he later served in the Virginia House of Delegates (December 1889 - March 1890).[139]

Robert S. Doyle joined the Association in June 1858.

John Echols (1823-1896) studied at Washington College and Harvard University. He practiced law in Rockbridge County and later moved to Monroe County and represented that county at the Convention of 1861. During the war, Echols served throughout, rising to the rank of Brigadier General. Following the war, he practiced law in Staunton and joined the Association ca. 1867. He represented Augusta County in the Virginia House of Delegates from December 1877 - March 1880.[140]

John Frederick Effinger (1846-1932) attended the University of Virginia and obtained his law degree from Washington and Lee University in 1871. Effinger joined the

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[136] Charles Curry, "Captain James Bumgardner," (Staunton, Va.?, 1920) and Robert J. Driver, *52nd Virginia Infantry* (Lynchburg, Va.: H. E. Howard, 1986), 96.

[137] "Richard Henry Catlett," in *Confederate Military History*, vol. 4 (Wilmington, NC: Broadfoot Publishing Company, 1987), 795-796.

[138] Driver, *52nd Virginia Infantry*, 100.

[139] Charles Curry, "George M. Cochran, as a Lawyer," *Virginia Law Register* 6 (1900-1901), 275-284 and "George Moffett Cochran," in *Confederate Military History*, vol. 4, 807-808.

[140] "John Echols," in *Biographical Register of Members, Virginia State Convention of 1861* (Richmond: Virginia State Library, 1969), 33-34.

Association ca. 1870, entered the bar of Augusta County in 1871 and began practice in Staunton.[141]

Thomas Claybrook Elder (1834-1904) studied at Randolph-Macon College and earned his law degree from the University of Virginia. At age 21, he was admitted to the bar of Lunenburg County and shortly thereafter elected Commonwealth's Attorney for the county. In 1859, Elder removed to Petersburg and formed a partnership with Roger A. Pryor. In 1862, enlisted in the Confederate army as a private, rising to the rank of Major by the end of the war. In 1868, Elder moved to Staunton and continued his practice there until his death in 1904. He joined the Association ca. 1870 and served as Commonwealth's Attorney or City Attorney each year from 1873 until 1880. The Virginia Bar Association elected Elder as its president in 1901-1902.[142]

Alexander H. Fultz (b. 1837) studied at Washington College and was admitted to the bar in 1861. Serving in the Civil War, Fultz rose in rank from private to Captain during the course of the war. He returned to Staunton to practice law following war and joined the Association in 1871. He became the first elected mayor of Staunton in 1888.[143]

David Fultz (1802-1886) was born in Amherst County but moved with his family to Augusta County during early childhood. He studied law under Judge Hugh Holmes and Daniel Sheffey and was admitted to the bar. Fultz practiced with Briscoe G. Baldwin, and later with Bolivar Christian. After serving at the Convention of 1850-51, Fultz unsuccessfully challenged Lucas P. Thompson in a 1860 election for the circuit court judgeship. He later served as judge of that court from 1869-1870.[144]

Charles Grattan (1833-1902) studied law at the University of Virginia and was elected to the Virginia House of Delegates for Rockingham County (December 1859 - March 1863). He served in the Confederate army during the war and resumed the practice of law and joined the Association in 1871. Grattan later became a judge in Augusta County.[145]

James Emmett Guy (d. 1913) studied law under John White Brockenbrough.[146]

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[141] *South-west Virginia and the Valley, Historical and Biographical* (Roanoke, Va.: A. D. Smith, 1892), 70.

[142] A. Caperton Braxton, *Report of the Seventeenth Annual Meeting of the Virginia State Bar Association* (Richmond: Everett Waddey Co., 1905), 86-89.

[143] "Alexander H. Fultz," in *Confederate Military History*, vol. 4, 882-883.

[144] Williams, "The Development of the Circuit Court System in Virginia," Vol. 2, 191-192.

[145] "Charles Grattan," in *Confederate Military History*, vol. 4, 903-904.

[146] Bryson, *Legal Education in Virginia*, 774.

James Marshall Hanger (1833-1912) graduated from the University of Virginia in 1856 with a law degree. Practicing law until the beginning of the Civil War, Hanger served in the Confederate cavalry throughout the war. Following the war, Hanger returned to his legal practice in Staunton and later served in the Virginia House of Delegates (October 1869 - April 1882; Speaker of the House, 1871-1877).[147]

William Henry Harman (1828-1865) was born in Waynesboro and served in the state militia during the 1850s. Harman was the Commonwealth's attorney for Augusta County from 1851 to 1861 and joined the Association in June 1853. During the Civil War, he served with the 5th Virginia Infantry and was killed in action on March 2, 1865.[148]

Powell Harrison (1833-1878) attended the University of Virginia. During the Civil War, Harrison served in the Staunton Artillery and a cavalry under the command of John Imboden. Harrison left Staunton several years after the war and resumed his practice in the town of Leesburg.[149]

John H. Hendren joined the Association in June 1853 and was a member of the Convention of 1861.

Reuben D. Hill joined the Association in June 1853.

William A. Hudson joined the Association ca. 1872.

John Daniel Imboden (1823-1895) served in the Virginia House of Delegates (December 1850 - April 1853; December 1855 - March 1856) and joined the Association in June 1853. During the Civil War, Imboden served throughout, rising to the rank of Brigadier General. Following the war, Imboden moved to Richmond, and later, Abingdon, where he returned to the practice of law.[150]

Breeze Johnson (b. 1816?) joined the Association in July 1853.

Robert P. Kinney joined the Association in June 1853.

Absalom Koiner (1824-1920) entered law school at the University of Virginia in 1846 and subsequently obtained his law license in August 1847. He joined the Association in June 1853 but retired from the practice of law in 1854. He served in the 5th Virginia Infantry and state militia units during the Civil War. Koiner held elected office, serving in

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[147] "Marshall Hanger," *Old Dominion Magazine* 4, no. 5 (May 15, 1870), 301.

[148] Wallace, *5th Virginia Infantry*, 125.

[149] "Powell Harrison," in *Staff Officers in Gray: A Biographical Register of the Staff Officers in the Army of Northern Virginia* (Chapel Hill: University of North Carolina Press, 2003), 151.

[150] Tucker, *Brigadier General John D. Imboden*.

the Virginia House of Delegates (December 1853 - March 1854; January 1874 - March 1875) and the Virginia Senate (December 1877 - March 1888).[151]

John Howard McCue (1824-1890) attended the University of Virginia and Washington College. He joined the Association in June 1853 and was the prewar law partner of John Imboden. Serving in the Confederate Army throughout the war, McCue returned to his Staunton law practice following the conflict.[152]

Henry Bowyer Michie (1839-1895) was born in Staunton and served in the Confederate army throughout the war. Following the war, he studied law at Washington and Lee University and entered into practice as the partner of his father, Thomas Johnson Michie. In 1878, Michie retired from the practice of law due to health issues stemming from his military service.[153]

Thomas Johnson Michie (1795-1873) served in the Virginia House of Delegates (December 1833 - March 1834) and joined the Association in June 1853.

Samuel Travers Phillips (1847-1877) was born in Maryland. While a student at the Virginia Military Institute in 1864, Phillips fought in and was wounded at the Battle of New Market. After the war, he attended the University of Virginia and studied law under Hugh Sheffey. After a year of study with Sheffey, he returned to the University of Virginia to study law, graduating in 1869. Phillips began practice in Staunton during same year. In 1870, he joined the Association and was elected Commonwealth's Attorney of Staunton.[154]

Thomas Davis Ranson (1843-1918) studied at Washington College. At the outset of war he joined the Confederate army, rising in rank to 2nd Lieutenant in the 52nd Virginia Infantry. After the war, he enrolled at University of Virginia and graduated with a law degree in 1868. Ranson joined the Association ca. 1870. In 1873, became a law inspector for Chesapeake and Ohio Railway Company.[155]

Henry H. Robertson joined the Association in June 1853.

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[151] "Absalom Koiner," in *Men of Mark in Virginia*, vol. 1 (Washington: Men of Mark Publishing Company, 1906), 92-97.

[152] "John Howard McCue," in *Staff Officers in Gray*, 207.

[153] "Henry Bowyer Michie," in *Memorial History of the John Bowie Strange Camp, United Confederate Veterans* (Charlottesville, Va.: Press of the Michie Company, 1920), 126-127.

[154] William Couper, *The V.M.I. New Market Cadets; Biographical Sketches of all Members of the Virginia Military Institute of Corps of Cadets who Fought in the Battle of New Market, May 15, 1864* (Charlottesville, Va.: Michie Company, 1933), 156-157.

[155] "Thomas D. Ranson," in *Men of Mark in Virginia*, 371-374, and Driver, *52nd Virginia Infantry*, 144.

Hugh White Sheffey (1815-1889) studied at Yale University and began his Staunton law practice in 1840. He served in the Virginia House of Delegates (December 1846 - August 1849) and was a representative to the Virginia convention of 1850-51. Sheffey served in the Virginia Senate (January 1852 - April 1853) and joined the Association in June 1853. He would return to serve in the Virginia General Assembly (December 1861 - March 1865; Speaker, January - March 1865) and became a Circuit Court judge in Staunton following war.[156]

James Henry Skinner (1826-1898) attended the University of Virginia and joined the Association in June 1853. He served in the Virginia House of Delegates (December 1853 - March 1854) and the Virginia Senate (December 1881 - April 1882). During the Civil War, Skinner held the rank of Colonel in the 52nd Virginia Infantry.[157]

George H. Smith

Alexander Hugh Holmes Stuart (1807-1891) attended College of William and Mary and entered the University of Virginia in to study law under John Tayloe Lomax. Stuart obtained his law license in 1828 and was elected to the Virginia House of Delegates (December 1836 - April 1839) and in 1841, to the United States Congress. President Millard Fillmore appointed Stuart Secretary of the Interior in 1850, a post he held until 1853. In June 1853 he joined the Association. Stuart was elected to the Virginia Senate (December 1857 - April 1861) and was a member of the Convention of 1861. Stuart did not serve in military or political post during the war, instead remaining in Staunton throughout the conflict. He was elected to Congress in October 1865 but not allowed to take his seat due to his refusal to swear the test oath. In 1868-1869 Stuart lead the Committee of Nine, a group who negotiated with President Grant and key congressional leaders Virginia's readmission into the Union. Stuart again served in the Virginia House of Delegates from January 1874 until April 1877.[158]

Briscoe Baldwin Stuart (1836-1859) joined the Association in 1854.

Nicholas Kinney Trout (1817-1875) joined the Association in June 1853 and served in the Virginia Senate (December 1865 - April 1867).

John B. Watts joined the Association in June 1853.

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[156] "Hugh Sheffey," In *Speakers and Clerks of the Virginia House of Delegates* (Richmond: s.n., 1956), 85; "Hugh Sheffey," In *Yale's Confederates: A Biographical Dictionary* (Knoxville: University of Tennessee Press, 2008), 184-185; and Williams, "The Development of the Circuit Court System in Virginia," Vol. 2, 169-170.

[157] Driver, *52nd Virginia Infantry*, 150.

[158] Robertson, *Alexander Hugh Holmes Stuart*, and "Alexander Hugh Holmes Stuart," *American National Biography*, vol. 21 (New York, 1999), 62-64.

David S. Young joined the Association in June 1853.

APPENDIX II
The Library of the Augusta County Law Library Association

From its founding in 1853, the members of the Augusta Law Library Association actively collected resources for their library. While many of the books in the library were purchased from booksellers, a large portion of the library consisted of books deposited by the executors of the extensive estate of noted attorney John Howe Peyton. Other titles came to the library via donation or deposit from individuals such as John Letcher, Robert Mercer Taliaferro Hunter, and Alexander H. H. Stuart.

While a comprehensive list of the books owned by the library may have never actually been compiled, the register of the Association provides a great deal of insight into the majority of the acquisitions of the library for a period of nearly thirty years. In most instances, the notations in the library record book provide information about the titles, authors, and when applicable, volume numbers. However, such notations do not provide sufficient detail to compile a comprehensive and bibliographic description of each volume, primarily due to the number of reprints and editions of key publications.

The following appendix is an attempt to utilize the information in the Library Record to construct a list of the books owned by the Association (In the case of some notations, it is impossible to identify the title in question). In some instances, it is known that only one imprint of a particular title exists and it is possible to determine the specific details of the publication, including publisher and date and place of publication (see Section I). However, more commonly the evidence enables only a determination of the possible core title or titles and author (see Section II). The majority of the volumes in the library were reporter series and is here described independently of the two

aforementioned groups of books (see Section III). In this section, the name of the nominate reporter is also provided when available. Throughout, and where applicable, the source of the publication and other additional information is noted. Lastly, several volumes from the library, bearing labels on the front cover stating "Augusta Law Library" have been located in the collections of the Virginia Historical Society. These volumes are enumerated in Section IV.

Section I

Abbott, Benjamin Vaughan. *A Digest of the Reports of the United States Courts, and of the Acts of Congress: From the Organization of the Government to the Year 1867. Comprising the Rreports of the United States Supreme Court, those of the Circuit and District Courts, and of the Various Territorial and Local Courts Established by the United States; Together with the Leading Provisions of the Statutes at Large, and Important Auxiliary Information upon the National Jurisprudence.* New York: Diossy & Cockcroft, 1867-1869.

Note: Volumes 1-4 in a series. Volume 4 has the subtitle "From the organization of the government to July, 1868."

Abbott, Benjamin Vaughan. *A Digest of the Reports of the United States Courts, and of the Acts of Congress: From July, 1868, to May, 1872. Comprising the Decisions in Wallace, vols. 6-12 ; Clifford, vols. 1, 2 ; Blatchford, vols. 4-8 ; Wallace, Jr., vol. 3 ; Taney ; Woolworth, vol. 1 ; Dillon, vol. 1 ; Abbott U.S., vols. 1, 2 ; Benedict, vols. 1-3 ; Fisher, vol. 3 ; Court of Claims, vols. 3-6 ; and in the Current Law Magazines, and the Opinions of the Attorneys-General*. New York: Diossy, 1872.

Note: Volume 5 in a series.

Abbott, Benjamin Vaughan and Austin Abbott. *A Treatise upon the United States Courts, and their Practice: Explaining the Enactments by which they are Controlled, their Organization and Powers, their Peculiar Jurisdiction, and the Modes of Pleading and Procedure in them, with Numerous Practical Forms*. New York: Diossy & Co., 1869-1871.

Note: Library Records holding Vol. 2 only.

Abbott, Benjamin Vaughan and Austin Abbott. *A General Digest of the Law of Corporations: Presenting the American Adjudications upon Public and Private*

Corporations of Every Kind: with a Full Selection of English Cases. New York: Baker, Voorhis, 1869.

Allen, Charles. *Telegraph Cases Decided in the Courts of America, Great Britain, and Ireland.* New York: Hurd and Houghton, 1873.

Bennett, Edmund Hatch. *Fire Insurance Cases: Being a Collection of all the Reported Cases on Fire Insurance, in England, Ireland, Scotland, and America, from the Earliest Period to the Present Time, Chronologically Arranged ... with Notes and References*. New York: Hurd and Houghton, 1872-1877.

Note: Purchase from West & Johnston. A total of five volumes total published; however, library held only Vols. 1-2.

Bigelow, Melville Madison. *An Index of the Cases Overruled, Reversed, Denied, Doubted, Modified, Limited, Explained, and Distinguished, by the Courts of America, England, and Ireland: from the Earliest Period to the Present Time*.

Note: Purchase from West & Johnston, July 1873.

Cooley, Thomas McIntyre. *A Treatise on the Constitutional Limitations which rest upon the Legislative Power of the States of the American Union*. Boston: Little, Brown, 1868.

Coxe, Richard S. *A Digest of the Decisions in the Supreme Court, Circuit Courts, and District Courts of the United States*. Philadelphia: P.H. Nicklin, 1829.

Note: From the library of John Howe Peyton.

Curtis, Benjamin Robbins. *Digest of the Decisions of the Supreme Court of the United States: From the Origin of the Court to the close of the December Term 1854*. Boston: Little, Brown, 1856.

Note: Purchase from George M. West, December 1857.

Fisher, Robert Alexander. *A Digest of the Reported English Cases Relating to Patents, Trademarks and Copyrights: Determined in the House of Lords and the Courts of Common Law and Equity, with Reference to the Statutes*. New York: Baker, Voorhis and Co., 1872.

Note: Purchase from West & Johnston, February 1873.

Foster, John Wells and JD Whitney. *Report on the Geology of the Lake Superior Land District*. Washington: Printed by A. B. Hamilton, 1851.

Note: Donated by Robert Mercer Taliaferro Hunter.

Gallatin, Albert. *Considerations on the Currency & Banking System of the United States*. Philadelphia: Carey & Lea, 1831.

Note: From the library of John Howe Peyton.

Harper, Robert Goodloe, comp. *A Report of the Conspiracy Cases, Lately Decided at Belle Air, Harford County, Maryland*... Baltimore: Murphy Pr., 1823.

Note: From the library of John Howe Peyton.

Langdell, Christopher Columbus. *A Selection of Cases on Sales of Personal Property: with References and Citations*. Boston: Little, Brown and Co., 1872.

Note: Purchase from West & Johnston, August 1872.

Langdell, Christopher Columbus. *A Selection of Cases on the Law of Contracts: with References and Citations*. Boston: Little, Brown and Co., 1871.

Note: Purchase from West & Johnston, February 1872.

Livingston, John. *Livingston's Law Register for 1852: Containing the Post -office Address of Every Lawyer in the United States: also, a List of all the Counties, with their Shire-towns: the Legal Rates of Interest with Penalties for Usury in Every State, the legal forms for the Acknowledgment of Deeds in Each State: A Portrait and Memoir of Hon. John Worth Edmonds* ... New York: U.S. Law Magazine, 1852.

Note: Donated by John B. Baldwin.

Livingston, John. *The Law Register: comprising the lawyers in the United States: the State Rrecord; Containing the State and County Officers, the Organization, Jurisdiction, and Terms of the Courts for Every State and Territory: the Official Ddirectory for the United States* ... New York: Merchant's Union Law Co., 1868.

Minor, Lucian. *Reports of Cases Decided in the Supreme Court of Appeals of Virginia, from October 1806, to October 1809: and in the Superior Courts of Chancery for the Richmond District from September 1806, to February 1809. Being all the Cases in the Four Volumes of Hening and Munford's Reports*. Richmond: A. Morris, 1857.

Note: A condensed and annotated version of all the cases reported In Virginia Reports vols. 11-14 (Hening & Munford).

Morgan, John. *Essays upon : I. The Law of Evidence : II. New trials : III. Special Verdicts : IV. Trials at Bar : and V. Repleaders ...* Dublin : Printed for Messrs. E. Lynch, H. Chamberlaine [etc.], 1789.

Note: From the library of John Howe Peyton. 3 volumes.

Owen, David Dale. *Report of a Geological Survey of Wisconsin, Iowa, and Minnesota: and Incidentally of a Portion of Nebraska Territory*. Philadelphia : Lippincott, Grambo & co., 1852.

Note: Donated by Robert Mercer Taliaferro Hunter.

Powell, Thomas W. *The Law of Appellate Proceedings: in Relation to Review, Error, Appeal, and Other Reliefs upon Final Judgments*. Philadelphia: T. & J. W. Johnson, 1872.

Note: Purchase from T. & J. W. Johnson, April 1874.

Putnam, John Phelps. *Digest of the Decisions in the Courts of Equity in the United States*. Boston: Little, Brown, 1851-1856.

Putnam, John Phelps, et. al. *United States Digest; Being a Digest of Decisions of the Courts of Common Law, Equity, and Admiralty, in the United States*. Boston: Little, Brown, 1847-1869. 26 volumes.

Robb, James B. *A Collection of Patent Cases Decided in the Supreme and Circuit Courts of the United States: from their Organization to the Year 1850: with Notes, and a Copious Index to the Subject-matter*. Boston: Little, Brown and Co., 1854.

Royall, William Lawrence. *A Digest of the Decisions of the Supreme Court of Appeals of Virginia, Contained in Grattan's Reports, vol. I to XXI*. New York: Diossy & Company, 1873.

Note: Purchase from West & Johnston, October 1873.

Sergeant, Thomas. *Constitutional Law: Being a View of the Practice and Jurisdiction of the Courts of the United States, and of Constitutional Points Decided*. Philadelphia: P.H. Nicklin and T. Johnson, 1830.

Note: From the library of John Howe Peyton.

Stansbury, Howard. *An Expedition to the Valley of the Great Salt Lake of Utah: Including a Description of its Geography, Natural History and Minerals, and an Analysis of its Waters; with an Authentic Account of the Mormon Settlement; Illustrated by*

Numerous Beautiful Plates, from Drawings taken on the Spot, also a Reconnoissance [sic!] of a New Route Through the Rocky Mountains and two Large and Accurate Maps of that Region. Philadelphia: Lippincott, Grambo, 1852.

Note: Donated by Robert Mercer Taliaferro Hunter. Title consists of one volume text and one atlas volume.

Starke, Richard. *The Office and Authority of a Justice of Peace Explained and Digested, Under Proper Titles. To which are Added, Full and Correct Precedents of all Kinds of Process Necessary to be Used by Magistrates; in which also the Duty of Sheriffs, and Other Publick Officers, is Properly Discussed*. Williamsburg: Printed by Alexander Purdie and John Dixon, 1774.

Note: From the library of John Howe Peyton.

Taney, Robert Brooke. *Reports of Cases at Law and Equity in the Admiralty Determined in the Circuit Court of the United States for the District of Maryland*. Philadelphia: Kay & Brother, 1871.

Tucker, St. George, ed. *Blackstone's Commentaries: with Notes of Reference, to the Constitution and Laws of the Federal Government of the United States; and of the Commonwealth of Virginia*. Philadelphia: Birch & Small, 1803.

Note: From the library of John Howe Peyton. The Library Record indicates that volumes 2, 3, 4 from this 5 volume set were added to the library in DATE.

United States. Census office. *Mortality Statistics of the Seventh Census of the United States, 1850 ... with Sundry Comparative and Illustrative Ttables*. Washington, DC: A. O. P. Nicholson, printer, 1855.

Note: Donated by John Letcher.

United States Coast Survey. *Report of the Superintendent of the Coast Survey: Showing the Progress of the Survey During the Year 1852*. Washington [D.C.] : Robert Armstrong, public printer, 1853.

Note: Donated by John Letcher.

United States. Congress. *American State Papers: Documents, Legislative and Executive, of the Congress of the United States*. Washington: Gales and Seaton, 1832-1861.

Note: From the library of John Howe Peyton. Complete set consisted of 38 volumes. However, according to Library Record, the Association only held Vols. 1-12.

United States. Congress. *Naval Contracts and Expenditures*. [To accompany bill H.R. no 884.] [Washington, D.C.: s.n., 1859].

Note: Donated by John Letcher.

United States. Department of State. *Papers Relating to Foreign Affairs, Accompanying the Annual Message of the President*. Washington: Government Printing Office.

Note: Donated by Alexander H. H. Stuart. 1861 - 1 volume; 1862 - 1 volume; 1863 - 2 volumes; 1864 - 4 volumes.

United States. Naval Astronomical Expedition, 1849-1852. *The U.S. Naval Astronomical Expedition to the Southern Hemisphere During the Years 1849-'50-'51-'52*. [Washington: A.O.P. Nicholson, Printer, 1855-1856].

Note: Donated by John Letcher. Set, 6 vols. In 5. Library Record indicates library held volumes 1, 2, and 6.

United States. Secretary of the Interior. *Register of Officers and Agents, Civil, Military, and Naval, in the Service of the United States, on the Thirtieth September, 1865*. Washington: Government Printing Office, 1866.

Note: Donated by Alexander H. H. Stuart.

Virginia. *The Acts of Assembly, Now in Force, in the Colony of Virginia: with an Exact Table to the Whole*. Williamsburg: Printed by W. Rind, A. Purdie, and J. Dixon, 1769.

Note: From the library of John Howe Peyton.

Virginia. *Acts and Joint Resolutions Passed by the General Assembly of the State of Virginia, at its Session of 1874*. Richmond: R. F. Walker, 1874.

Note: Purchase from West & Johnston, August 1874.

Virginia. *Acts Passed at a General Assembly of the Commonwealth of Virginia, Begun and Held at the Capitol, in the City of Richmond, on Tuesday, the Eleventh Day of November, One Thousand Seven Hundred and Ninety-Four*. Richmond, Printed by Augustine Davis, printer for the public, 1795.

Note: From the library of John Howe Peyton.

Virginia. *A Collection of All Such Acts of the General Assembly of Virginia, of a Public and Permanent Nature, as are now in Force; with a New and Complete Index. To which are Prefixed the Declaration of Rights, and Constitution, or Form of Government*. Richmond: Printed by Samuel Pleasants, Jun. and Henry Pace, 1803.

Note: From the library of John Howe Peyton.

Virginia. *A Collection of All Such Acts of the General Assembly of Virginia of a public and Permanent Nature as have Passed since the Session of 1801: To which are added Appendices, ... With a Complete Index to the Whole. ...* Richmond: Printed by S. Pleasants , 1808.

Note: From the library of John Howe Peyton. This volume in essence serves as "Vol. II", or a supplement to, the volume published in 1803.

Virginia. *Journal of the House of Delegates of the State of Virginia, for the Session of 1865-66*. Richmond: Allegre & Goode, 1865.

Note: Deposited by John B. Baldwin, July 1867.

Virginia. *Journal of the Senate of the Commonwealth of Virginia: Begun and Held at the Capitol in the City of Richmond, on Monday, the Fourth Day of December, in the Year One Thousand Eight Hundred and Sixty-Five, Being the Eighty-Ninth Year of the Commonwealth*. Richmond: James E. Goode, 1865.

Note: Deposited by John B. Baldwin, July 1867.

Virginia. *Journal of the Senate of the Commonwealth of Virginia: Begun and Held at the Capitol in the City of Richmond, on Monday, the Third Day of December, in the Year One Thousand Eight Hundred and Sixty-Six, Being the Nintieth Year of the Commonwealth*. Richmond: James E. Goode, 1866.

Note: Deposited by John B. Baldwin, July 1867.

Virginia. *The Revised Code of the laws of Virginia: Being a Collection of all Such Acts of the General Assembly, of a Public and Permanent Nature, as are now in Force, with a General Index: To which are prefixed, the Constitution of the United States; the Declaration of Rights; and the Constitution of Virginia*. Richmond: Printed by Thomas Ritchie, printer to the commonwealth, 1819.

Note: From the library of John Howe Peyton. 2 volume set.

Virginia. *The Statutes at Large of Virginia, from October Session 1792, to December Session 1806, Inclusive, in Three Volumes, (new series,) Being a Continuation of Hening*… Richmond, Printed by S. Shepherd, 1835-36.

Note: From the library of John Howe Peyton. This three volume set continues the thirteen volume set, Hening's *Statutes at Large*.

Virginia. *Supplement to the Revised Code of the Laws of Virginia: Being a Collection of All the Acts of the General Assembly, of a Public and Permanent Nature, Passed Since the Year 1819, with a General Index. To which are Prefixed, the Acts organizing a Convention, the Declaration of Rights, and the Amended Constitution of Virginia*. Richmond: Samuel Shepherd & Co., 1833.

Note: From the library of John Howe Peyton.

Virginia. *Third Edition of the Code of Virginia: Including Legislation to January 1, 1874. Prepared by George W. Munford. Published for the State of Virginia, Pursuant to Law, Under the Direction of R. F. Walker, Superintendent of Public Printing*. Richmond: James E. Goode, 1873.

Note: Purchased from West & Johnston, July 1874.

Virginia. General Court. *A Collection of Cases Decided by the General Court of Virginia, Chiefly Relating to the Penal Laws of the Commonwealth, Commencing in the Year 1789, and Ending in 1814, Copied from the Records of Said Court, with Explanatory Notes*. Philadelphia: James Webster, 1815 (Philadelphia : William Fry, printer).

Note: Donated by Mrs. Mary Miller.

Virginia State Convention of 1861. [Documents, No. 1-54]. [Richmond, Va.: s.n., 1861].

Note: Deposited by John B. Baldwin, July 1867.

Virginia State Convention of 1861. *Journal of the Acts and Proceedings of a General Convention of the State of Virginia: Assembled at Richmond, on Wednesday, the Thirteenth day of February, Eighteen Hundred and Sixty-one*. Richmond: W.M. Elliott, printer, 1861.

Note: Deposited by John B. Baldwin, July 1867.

Section II

"Acts of Assembly."

Note: Miscellaneous volumes, in addition to those specific volumes noted in Section I. Core titles include: *Acts Passed at a General Assembly of the Commonwealth of Virginia*; and, *Acts and Joint Resolutions Passed by the*

General Assembly of the State of Virginia. Collection included 14 volumes from the library of John Howe Peyton dating between 1808-1847. Also, from the library of Peyton, "Acts of Assembly, 1783."

"Acts of Congress 1791"

Note: From the library of John Howe Peyton. Core title: *Acts Passed at a Congress of the United States of America, Begun and Held at the City of New York, on Wednesday the Fourth of March, in the Year MDCCLXXXIX*. Author: United States.

"American Law Journal."

Note: From the library of John Howe Peyton. Included Vols. 1-5. Possibly a serial publication published in Philadelphia, PA, ca. 1813-1817.

"American Law Magazine No. 7 and No. 9"

Note: From the library of John Howe Peyton. Core title: *American Law Magazine*. Published in Philadelphia, PA by T. & J. W. Johnson. No. 9 issue dated April, 1845, No. 7 issue, date unknown.

"American Law Times."

Note: Included Vols. 1-2. Core title: *American Law Times reports*. Likely a serial publication first published in 1868.

"American Railway Cases."

Core title: *Cases Relating to the Law of Railways, Decided in the Supreme Court of the United States, and in the Courts of the Several States*. Authors: Chauncey Smith, Samuel W. Bates.

"Angel on Limitations"

Note: Deposited by John B. Baldwin. Core title: *A Treatise on the Limitations of Actions at Law and Suits in Equity*. Author: Joseph Kinnicut Angell.

"Attorney's New Pocket Book, Vol. 2"

Note: From the library of John Howe Peyton. Core title: *The Attorney's New Pocket Book, and Conveyancer's Assistant*. Author: Frederic Coningsby Jones.

"Attorney's Vade Mecum"

Note: From the library of John Howe Peyton. Core title: *The Attorney's Vade Mecum, and Client's Instructor*. Author: John Morgan.

"Bacon's Abridgment."

Note: From the library of John Howe Peyton, 7 volumes. Core title: *A New Abridgement of the Law.* Author: Matthew Bacon.

"Bacon's Works."

Note: From the library of John Howe Peyton, 4 volumes. Core title: *The Works of Francis Bacon*. Author: Francis Bacon.

"Bigelow's Insurance Cases" and "Bigelow's Insurance Reports" and "Life and Accident Reports."

Note: Purchases, West & Johnston, various dates. Core title: *Reports of all the Published Life and Accident Insurance Cases*. Author: Melville Madison Bigelow.

"Buller on Nisi Prius."

Note: From the library of John Howe Peyton. Core title: *An Introduction to the Law, Relative to Trials at Nisi Prius*. Author: Francis Buller.

"Burlamqui on Law"

Note: From the library of John Howe Peyton. Core title: *The Principles of Natural and Politic Law*. Author: Jean Jacques Burlamaqui..

"Chase's Trial."

Note: From the library of John Howe Peyton. Likely core titles: *Report of the Trial of the Hon. Samuel Chase, One of the Associate Justices of the Supreme Court of the United States, before the High Court of Impeachment…* or *Trial of Samuel Chase, an Associate Justice of the Supreme Court of the United States, Impeached by the House of Representatives, for High Crimes and Misdemeanors, Before the Senate of the United States*.

"Chitty's Blackstone."

Note: Deposited by John B. Baldwin. Core title: *Commentaries on the Laws of England*. Author: William Blackstone, Joseph Chitty.

"Chitty's Criminal Law."

Note: From the library of John Howe Peyton. Core title: *A Practical Treatise on the Criminal Law*. Author: Joseph Chitty.

"Chitty's Law of Nations."

Note: From the library of John Howe Peyton. Core title: *A Practical Treatise on the Law of Nations*. Author: Joseph Chitty.

"Clancy on Rights."

Note: From the library of John Howe Peyton. Likely core titles: *A Treatise of the Rights, Duties and Liabilities of Husband and Wife: at Law and in Equity*; or, *An Essay on the Equitable Rights of Married Women: with Respect to their Separate Property and also on their Claim to a Provision called the Wife's Equity*. Author: James Clancy.

"Coke's Commentaries."

Note: From the library of John Howe Peyton. 1 vol. Core title: *The Institutes of the Laws of England; or a Commentary upon Littleton*. Author: Edward Coke.

"Coke's Institutes."

Note: From the library of John Howe Peyton. 2 vols. Core title: *Institutes of the Laws of England*. Author: Edward Coke.

"Commodore Perry's Expedition to Japan."

Note: Donated by John Letcher. Core title: *Narrative of the Expedition of an American Squadron to the China Seas and Japan: Pperformed in the Years 1852, 1853, and 1854, Under the Command of Commodore M.C. Perry, United States Navy*. Volume 1 only.

"Comyn's Digest."

Note: From the library of John Howe Peyton. Core title: *A Digest of the Laws of England*. Author: John Comyns.

"Congressional Globe."

Note: Donated by John Letcher. Core titles: *The Congressional Globe, Containing Sketches of the Debates and Proceedings...*; or, *The Congressional Globe: Containing the Debates and Proceedings...* The Library Record indicates that Letcher donated miscellaneous issues during his service in Congress (32^{nd} – 35^{th}

Congresses, March 1851-March 1859); however, the references do not allow for more specific bibliographic description.

"Cooper's Justinian."

Note: From the library of John Howe Peyton. Core title: *The Institutes of Justinian*. Author: Thomas Cooper.

"Decisions of Supreme Court U.S. In the Case of Dred Scott."

Note: Donated by Robert Mercer Taliaferro Hunter. Core title: *Report of the Decision of the Supreme Court of the United States, and the Opinions of the Judges thereof, in the Case of Dred Scott versus John F. A. Sandford, December Tterm, 1856*.

"Documents Relating to Central American Affairs."

Note: Donated by John Letcher. Core title: *Documents Relative to Central American Affairs*. Author: United States, Department of State.

"Dwarris on Statutes."

Note: Purchase from T. & J. W. Johnson, April 1874. Core title: *A General Treatise on Statutes: their Rules of Construction and the Proper Boundaries of Legislation and of Judicial Interpretation*. Author: Fortunatus Dwarris and Platt Potter.

"Eighth Census of the United States 1860."

Note: Donated by Alexander H. H. Stuart. This four volume set consisted of the following core titles: Population of the United States in 1860 (vol. 1); Agriculture of the United States in 1860 (vol. 2); Manufactures of the United States in 1860 (vol. 3); and Statistics of the United States (including mortality, property, &c.) in 1860 (vol. 4).

"Elliott's Debates on Constitution &c."

Note: From the library of John Howe Peyton. Vols 3 and 4 only. Core title: *The Debates in Several State Conventions on the Adoption of the Federal Constitution*. Author: Jonathan Elliott.

"Espinasse's Nisi Prius."

Note: From the library of John Howe Peyton. Core title: *A Digest of the Law of Actions and Trials at Nisi Prius*. Author: Isaac 'Espinasse.

"Evans' Essays."

Note: From the library of John Howe Peyton. Core title: *Essays on the Action for Money had and Received on the Law of Insurances, and on the Law of Bills of Exchange and Promissory Motes*. Author: William David Evans.

"Exploration for Railroad Route to the Pacific."

Note: Donated by John Letcher. Vols. 1-10 of 12. Core title: *Reports of Explorations and Surveys to Ascertain the Most Practicable and Economical Route for a Railroad from the Mississippi River to the Pacific Ocean*. Author: United States, War Department.

"Fearne on Reaminders."

Note: From the library of John Howe Peyton. Core title: *An Essay on the Learning of Contingent Remainders and Executory Devises*. Author: Charles Fearne.

"Finance Report, 1853-4." Or "Report on the Finances." (1854-5, 1855-6, 1856-7)

Note: Donated by John Letcher. Possible title: *Report of the Secretary of the Treasury on the State of the Finances*.

"Fisher's Digest."

Note: Purchased from West & Johnston, March 1872. Possible titles: *A Digest of the Reported English Cases Relating to Patents, Trademarks and Copyrights: Determined in the House of Lords and the Courts of Common Law and Equity, with Reference to the Statutes* (Cincinnati : R. Clarke and Co.; New York : Baker, Voorhis and Co., 1872); or, *A Digest of the Reported Cases (from 1756 to 1870, inclusive,) Relating to Criminal Law, Criminal Information, and Extradition Founded on Harrison's Analytical Digest* (San Francisco, S. Whitney & Co., 1871). Author: Robert Alexander Fisher.

"Fonblanque on Equity."

Note: From the library of John Howe Peyton. Core title: *A Treatise of Equity*. Author: John Fonblanque.

"General Orders - War Department"

Note: Donated by John B. Baldwin.

"Gilbert on Evidence."

Note: From the library of John Howe Peyton. Core title: *The Law of Evidence*. Author: Geoffrey Gilbert.

"Godwin on Political Justice."

Note: From the library of John Howe Peyton. Volume 2 only. Possible titles, both by William Godwin: *Enquiry Concerning Political Justice and its Influence on Morals and Happiness*; or, *An Enquiry Concerning Political Justice and its Influence on General Virtue and Happiness*.

"Grotius on War and Peace."

Note: From the library of John Howe Peyton. Core title: *The Rights of War and Peace*. Author: Hugo Grotius.

"Hale's Pleas of the Crown."

Note: From the library of John Howe Peyton. Core title: *Historia Placitorum Coronae: The History of the Pleas of the Crown*. Author: Sir Matthew Hale.

"Harrison's Chancery."

Note: From the library of John Howe Peyton.

"Hening's Statutes at Large."

Note: From the library of John Howe Peyton. Core title: *The Statutes at Large; Being a Collection of all the Laws of Virginia, from the First Session of the Legislature, in the Year 1619. Published pursuant to an Act of the General Assembly of Virginia, Passed on the Fifth Day of February one Thousand Eight Hundred and Eight*. Author/Compiler: William Waller Hening. Entries in register indicate a complete set of thirteen volumes was part of the library collection, as well as several duplicate volumes (1, 9, and 11).

"Henning's Justice."

Note: From the library of John Howe Peyton. Core title: *The New Virginia Justice, Comprising the Office and Authority of a Justice of the Peace, in the Commonwealth of Virginia; Together with a Variety of Useful Precedents, adapted to the Laws now in Force…* Author: William Waller Hening. An additional reference in the Record to "Virginia Justice" may suggest the library contained two copies or editions of this title.

"Jacob's Law Dictionary."

Note: Deposited by John B. Baldwin. Core title: *The Law-Dictionary: Explaining the Rise, Progress, and Present State, of the English Law, Defining and Interpreting the Terms or Words of Art, and Comprising Copious Information on the Subjects of Law, Trade, and Government*. Author: Giles Jacob. Volumes 4 and 6 of 6 only.

"Jeremy's Law of Equity."

Note: From the library of John Howe Peyton. Core title: *A Treatise on the Equity Jurisdiction of the High Court of Chancery*. Author: George Jeremy.

"Law of War."

Note: From the library of John Howe Peyton. Possible title: *The Rights of War and Peace: in Three Books; wherein are Explained, the law of nature and Nations, and the Principal Points Relating to Government*. Possible author: Hugo Grotius.

"Modern Entries, Vol. 2"

Note: From the library of John Howe Peyton. Possible title: *Modern Entries, in English*. Author: John Mallory. Possible title: *Modern Entries, Adapted to the American Courts of Justice: Being a Complete System of Approved Precedents, Consisting of Conveyancing, Declarations, Entries, Pleas, Replications, &c., and Writs: with an Index to the Principal Work, and of Reference to Most of the Ancient and Modern Entries*. Author: Thomas Harris.

"Montagu on Lien."

Note: From the library of John Howe Peyton. Core title: *A Summary of the Law of Lien*. Author: Basil Montagu.

"Newland on Contracts."

Note: From the library of John Howe Peyton. Core title: *A Treatise on Contracts, Within the Jurisdiction of Courts of Equity*. Author: John Newland.

"Parker's Criminal Cases, New York."

Core title: *Reports of Decisions in Criminal Cases made at Term, at Chambers and in the Courts of Oyer and Terminer of the State of New York*. Library Record indicates library held Vols. 1 and 2.

"Patent Office Reports."

Note: Donated by John Letcher. Core title: *Annual Report of the Commissioner of Patents. Author: United States. Patent Office*. Library Record indicates the library held Reports for years between 1852-1855.

"Pothier on Obligations."

Note: From the library of John Howe Peyton. Core title: *A Treatise on the Law of Obligations, or Contracts*. Author: Robert Joseph Pothier.

"Precedents of Declarations."

Note: From the library of John Howe Peyton. Numerous possible titles.

"Pufendorf's Law of Nature."

Note: From the library of John Howe Peyton. Core title: *The Law of Nature and Nations*. Author: Samuel Pufendorf.

"Quarterly Law Journal."

Note: Purchase from publisher. Serial publication published quarterly (January, April, July and October) by J. W. Randolph, Richmond, VA. Received all sixteen issues published (Vol. 1, No. 1 – January 1856 through Vol. 4, No. 4 – October 1859).

"Quarterly Law Review."

Note: Purchase from West & Johnston. Library held first two issues published (Vol. 1, No. 1 April 1860 – Vol. 1, No. 2 July 1860). Edited by Alexander H. Sands.

"Redfield on Wills."

Note: Purchase from West & Johnston, January 1873. Core title: *The Law of Wills*. Author: Isaac F. Redfield. 3 volumes.

"Report on the Finances."

Note: Donated by John Letcher. Core title: *Annual Report of the Secretary of the Treasury on the State of Finances for the Year…* Author: United States. Department of Treasury. Record indicates the library held reports for 1854-1855, 1855-1856, and 1856-1857.

"Revised U.S. Army Regulations."

Note: Donated by John Brown Baldwin. Core title: *Revised Regulations for the Army of the United States*. Author: United States. War Department. Date of publication unknown.

"The Reporters."

Core title: *The Reporters: Chronologically Arranged: with Occasional Remarks Upon their Respective Merits*. Author: John William Wallace.

"Roper on Legacies."

Note: Deposited by John Brown Baldwin (from the library of John Howe Peyton). Core title: *A Treatise upon the Law of Legacies*. Author: R. S. Donnison Roper.

"Roper on Property."

Note: From the library of John Howe Peyton. Core title: *A Treatise on the Law of Property Arising from the Relation Between Husband and Wife*. Author: R. S. Donnison Roper.

"Saunder's Reports."

Note: From the library of John Howe Peyton. Core title: *The Reports of the Most Learned Sir Edmund Saunders, knt : of Several Pleadings and Cases in the Court of King's Bench, in the Time of the Reign of His Most Excellent Majesty King Charles the Second [1666-1672]*. Author: Edmund Saunders.

"Sayer's Law of Costs."

Note: From the library of John Howe Peyton. Core title: *The Law of Costs*. Author: Joseph Sayer.

"Sheppard's Touchstone."

Note: From the library of John Howe Peyton. Core title: *The Touchstone of Common Assurances, or, A Plain and Familiar Treatise, Opening the Learning of the Common Assurances, or Conveyances of the Kingdom*. Author: William Sheppard.

"Smithsonian Report."

Note: 1855 and 1857 reports only, both donated by John Letcher. Core title: *Annual Report of the Board of Regents of the Smithsonian Institution*. Author: Smithsonian Institution.

"Statistics of the United States Census, 1850."

Note: Donated by John Letcher. Core title: *The Seventh Census of the United States, 1850: Embracing a Statistical View of Each of the States and Territories, Arranged by Counties, Towns, etc.*...

"Statutes at Large."

Note: Donated by Alexander H. H. Stuart. 2 pamphlet copies each of 36th Congress, 1859-1860 and 1860-1861, 37th Congress, 1861-1863, and 38th Congress, 1864-1865. Core title: *The Statutes at Large, Treaties, and Proclamations, of the United States of America*. Author: United States.

"Stephen on Pleading."

Note: From the library of John Howe Peyton. Core title: *A Treatise on the Principles of Pleading in Civil Actions*. Author: Henry John Stephen.

"Sugden on Vendors."

Note: From the library of John Howe Peyton. Core title: *A Practical Treatise of the Law of Vendors and Purchasers of Estates*. Author: Edward Burtenshaw Sugden.

"Swinburn on Wills."

Note: From the library of John Howe Peyton. Core title: *A Treatise of Testaments and Last Wills*. Author: Henry Swinburne.

"Tidd's Practice."

Note: From the library of John Howe Peyton. Core title: *The Practice of the Court of King's Bench in Personal Actions*. Author: William Tidd.

"Tillinghast's Adams."

Note: From the library of John Howe Peyton. Core title: *A Treatise on the Principles and Practice of the Action of Ejectment: and the Resulting Action for Mesne Profits*. Authors: John Adams, John L. Tillinghast.

"Toller's Law of Executors."

Note: From the library of John Howe Peyton. Core title: *The Law of Executors and Administrators*. Author: Samuel Toller.

"Tucker's Commentaries."

Note: Deposited by John B. Baldwin. Title: *Commentaries on the Laws of Virginia*. Author: Henry St. George Tucker. 2 volume set.

"Tudor's Cases."

Note: Purchase from West & Johnston, June 1873. Core title: *A Selection oF Leading Cases in Equity*. Authors: Frederick Thomas White and Owen Davies Tudor.

"United States Digest, New Series."

Note: Purchased from West & Johnston. Core title: *United States Digest; Being a Digest of Decisions of the Courts of Common Law, Equity, and Admiralty, in the United States*. Library Record indicates library held volumes 1-4.

"U.S. and Mexican Boundary."

Note: Donated by John Letcher. Vol. 1 only. Core title: *Report on the United States and Mexican Boundary Survey*. Author: United States. Department of the Interior.

"Virginia Convention on Federal Constitution."

Note: From the library of John Howe Peyton. Core title: *Debates and Other Proceedings of the Convention of Virginia: Convened at Richmond, on Monday the Second Day of June, 1788, for the Purpose of Deliberating on the Constitution Recommended by the Grand Federal Convention: to Which is Prefixed the Federal Constitution*.

"Wentworth on Executors."

Note: From the library of John Howe Peyton. Core title: *The Office and Duty of Executors*. Author: Thomas Wentworth.

Section III

Law reports constituted the core of the Augusta County Law Library. During most of the nineteenth century, Virginia courts relied heavily on English case law as precedent. The records of the library indicate the association owned a number of English law reporters, published over an extensive period of time. Titles of these volumes frequently bore the name of the court reporter, while others were known by the name of the court. Many of these reporters came to the library via the estate of John Howe Peyton, while others were purchased from booksellers. Frequently reprinted, the known reporters are best organized in the following groups. Please note that digests and some case reporters that are subject specific are noted elsewhere in this bibliography.

Resources that can prove helpful in understanding the myriad of reporters published during this period include:

Doubles, M. Ray and Frances Farmer. *Manual of Legal Bibliography*. Charlottesville, Va.: The Michie Casebook Company, 1947.

Wallace, John William. *The Reporters Arranged and Characterized with Incidental Remarks*, Fourth Edition. Boston: Soule and Bugbee, 1882.

Group I. English Reports (pre-1776)

Reporters in this series include cases decided before 1776 and are frequently referred to as "nominate reports." The volumes may have been published before or after 1776. All volumes in this series came to the library via the estate of John Howe Peyton. Entries denote the reporter name, volumes held, the court, and the reference to the title within John William Wallace's *The Reporters*, were additional information may be located.

Atykyn - 3 vols. - Chancery - *Reporters*, 510-512
Barnes - 1 vol. - Common Law - *Reporters*, 432-433
Burrow - 5 vols. - Common Law - *Reporters*, 446-452

Coke - 1 vol. and Vols. 1-7 - *Reporters*, 165-196
Colles - 1 vol. - Common Law - *Reporters*, 413
Cowper - 1 vol. - Common Law - *Reporters*, 453
Croke - 3 vols. - Common Law - *Reporters*, 198-205
Dickens - 2 vols. - Chancery - *Reporters*, 476-477
Kelynge - 1 vol. - Common Law - *Reporters*, 431
Leach - 2 vols. - Common Law - *Reporters*, 430
Modern Reports - Vols. 1-5, 8 - Common Law - *Reporters*, 347-390
Peere Williams – Vols. 1-3 and Vols. 1-2 - *Reporters*, 498-501
Plowden - 1 vol. - Common Law - *Reporters*, 143-153
Raymond - 3 vols. - Common Law - *Reporters*, 401-407
Sayer - 1 vol. - Common Law - *Reporters*, 445
State Trials - 6 vols. - Common Law - *Reporters*, 64-69
Strange - 2 vols. - Common Law - *Reporters*, 420-423
Ventris - 1 vol. - Common Law - *Reporters*, 345-346
Vernon - 2 vols. - Chancery - *Reporters*, 493-497
Vesey, Senior - 2 vols. and Supplement volume - Chancery - *Reporters*, 515

Group II. English Reports (after 1776)

Reporters in this series include nominate reports of cases decided after 1776. Entries denote the reporter name, period covered, volumes held, and known volumes published. Information concerning the method of acquisition is also provided when known.

High Court of Chancery

Cox (1783-1796) - Vols. 1-2 (2) – From the library of John Howe Peyton.
Vesey, Jr. (1789-1816) - Vols. 1-20 (22) - From the library of John Howe Peyton.
Vesey and Beames (1812-1814) - 3 vols. in 2 (2) - From the library of John Howe Peyton.
Merivale (1815-1817) - Vols. 1-3 (3) - From the library of John Howe Peyton.
Swanston (1818-1819) - Vols. 1-3 (3) - From the library of John Howe Peyton.

Temp. V.-CC. Shadwell and Kindersley

Maddock (1815-1822) - 6 vols. in 3 (6) - Donation, Robert S. Doyle. Library record also includes a reference to additional copy (Vols. 1-2), from library of John Howe Peyton.

King’s Bench and Queen’s Bench

Douglas (1778-1784) - 1 vol. (4) - From the library of John Howe Peyton.
Durnford and East (1785-1800) - Vols. 1-8 (8) - From the library of John Howe Peyton.
East (1801-1812) - Vols. 1-16 (16) - From the library of John Howe Peyton.

Exchequer

McCleland and Young (1825) – Vol. 1 (1) - Purchase
Younge and Jervis (1826-1830) – Vols. 1-3 (3) – Purchase.
Crompton and Jervis (1830-1832) – Vols. 1-2 (2) – Purchase.
Crompton and Meeson (1832-1834) – Vols. 1-2 (2) – Purchase.
Crompton, Meeson, and Roscoe (1834-1836) – Vols. 1-2 (2) – Purchase.
Meeson & Welsby (1836-1847) – Vols. 1-16 (16) – Purchase.
Welsby, Hurlstone and Gordon (1847-1856) – Vols. 1-11 (11) – Purchase.
Hurlstone and Norman (1856-1861) - Vols. 1-4 (7) - Purchases, George M. West (Vols. 1-3); West & Johnston (Vol. 4)

All Courts/Miscellaneous

English Law and Equity Reports (1850-1857) - Vols. 25-39 (40) - Purchases, George M. West

English Common Law Reports. A reprint of various nominate reports in a single set. The Association purchased numerous volumes from booksellers over an extended period. The library also held 2 volume index (George Washington Biddle and Richard C. McMurtrie. *A general index to the English common law reports: volumes I to LXXXIII, inclusive*. Philadelphia: T. & J. W. Johnson & Co., 1857). Purchase.

English Law and Equity Reports Digest, 31 vols. Core title: *Digest of the decisions of the courts of England contained in The English law and equity reports, from the first volume to the thirty-first inclusive*. Author: Chauncey Smith. Purchase.

Group III. The Law Reports (1865-1875)

These reports contained cases decided in all courts and were published in three series (Appellate, Common Law, Equity) by the Council of Law Reporting. The Association owned the following volumes, all of which were purchases, presumably from bookseller West & Johnston. The total number of volumes published is noted in parenthesis:

Queen's Bench Cases - Vols. 1-7 (10)
Common Pleas Cases - Vols. 1-7 (10)
Exchequer Cases - Vols. 1-7 (10)
Probate and Divorce Cases - Vol. 1 (3)
Admiralty and Ecclesiastical Cases - Vols. 1-2 (4)
Chancery Appeal Cases - Vols. 1-7 (10)
Equity Cases - Vols. 1-14 (20)

Group IV. American Reports

Connecticut

Day (1802-1813) - Vols. 1, 2, 4 (5) - From the library of John Howe Peyton.

Kentucky

Purchases from F. & J. W. Johnson and George M. West.

Hardin (1805-1808) – (1)
Bibb (1808-1817) – (4)
Marshall (1817-1821) – (3)
Littell (1822-1824) – (5)
Monroe (1824-1828) – (7)
Marshall (1829-1832) – (7)
Dana (1833-1840) – (9)
Monroe (1840-1858) – (18)

New Jersey

Coxe (1790-1795) – Vol. 1 (1) – From the library of John Howe Peyton.

New York

Caine's Reports, or N.Y. Term Reports (1803-1805) - Vols. 1-3 (3) - From the library of John Howe Peyton.
Caine's Cases (1804-1805) - 1 Vol. (2 vols. in 1) - From the library of John Howe Peyton.

North Carolina

Taylor (1799-1802) - 1 Vol. (1) - From the library of John Howe Peyton.

South Carolina

Bay (1783-1804) - Vols. 1-2 (2) - From the library of John Howe Peyton.

Treadway's (1812-1816) - Vols. 1-2 (2) - From the library of John Howe Peyton.

United States Supreme Court

Purchases from George M. West and West & Johnston. Some volumes from library of John Howe Peyton.

Cranch (1800-1815) – (9)
Wheaton (1816-1827) – (12)
Peters (1827-1842) – (16)
Howard (1843-1860) – (24)
Black (1861-1862) – (2)
Wallace (1863-1875) – (23)

Vermont

Tyler (1800-1803) - 1 Vol. (2) - From the library of John Howe Peyton.

Virginia

Purchases from George M. West and West & Johnston. Some volumes from library of John Howe Peyton. Several references within Library Record indicate the library held a complete set of Virginia Reports, however, each volume is not individually enumerated.

Washington (1790-1796) - (2)
Virginia Cases (1789-1826) - (2 in 1)
Call (1797-1825) - (6)
Hening and Munford (1806-1809) - (4)
Munford (1806-1809) - (4)
Gilmer (1820-1821) - (1)
Randolph (1821-1828) - (6)
Leigh (1829-1841) - (2)
Robinson (1842-1844) - (2)
Grattan (1844-?) - (13)
Patton and Heath, Special Court of Appeals (1855-1857) - (2)

Multistate

American Reports. Purchased from West & Johnston. Core title: *The American reports: containing all decisions of general interest decided in the courts of last resort of the several states with notes and references*. Holdings enumerated in Library Record: Vols. 1-11.

Section IV.

The following volumes, found in the collections of the Virginia Historical Society, each bear a label affixed to the front cover of the volume reading "Augusta Law Library." This label also includes the text of several library rules.

Morgan Portiaux Robinson purchased these volumes, as well as several others, in 1913 from an unknown seller. At his death in 1943, Robinson donated more than 5000 publications to the Society. Further research may lead to the identification of additional volumes from the library.

Governor's Message and Annual Reports of the Public Officers of the State, of the Boards of Directors, and of the Visitors, Superintendents, and other Agents of Public Institutions or Interests of Virginia. Richmond: William F. Ritchie, 1851.

Governor's Message and Annual Reports of the Public Officers of the State, and of the Boards of Directors, Visitors, Superintendents, and other Agents of Public Institutions or Interests of Virginia. Richmond: William F. Ritchie, 1850.

Governor's Message and Annual Reports of the Public Officers of the State, and of the Boards of Directors, Visitors, Superintendents, and other Agents of Public Institutions or Interests of Virginia. Richmond: Samuel Shepherd, 1848.

Governor's Message and Annual Reports of the Public Officers of the State, and of the Boards of Directors, Visitors, Superintendents, and other Agents of Public Institutions or Interests of Virginia. Richmond: William F. Ritchie, 1849.

Virginia. *Journal of the Senate of the Commonwealth of Virginia. Begun and Held in the Capitol, in the City of Richmond, on Monday the Seventh Day of December, in the Year One Thousand Eight Hundred and Thirty-Five*. Richmond: John Warrock, 1835. Call number: J87 V81b 1835/36.

Virginia. *Journal of the Senate of the Commonwealth of Virginia. Begun and Held in the Capitol, in the City of Richmond, on Monday the Seventh Day of January, in the Year One Thousand Eight Hundred and Thirty-Nine*. Richmond: John Warrock, 1839. Call number: J87 V81b 1839.

Virginia. *Journal of the Senate of the Commonwealth of Virginia. Begun and Held in the Capitol, in the City of Richmond, on Monday the Second Day of December, in the Year One Thousand Eight Hundred and Fifty*. Richmond: John Warrock, 1850. Call number: J87 V81b 1850/51.

Virginia. *Journal of the Senate of the Commonwealth of Virginia. Begun and Held in the Capitol, in the City of Richmond, on Monday the Seventh Day of December, in the Year One Thousand Eight Hundred and Forty-Six*. Richmond: John Warrock, 1846. Call number: J87 V81b 1846/47.

Virginia. *Journal of the Senate of the Commonwealth of Virginia: Begun and Held at the Capitol in the City of Richmond, on Monday, the Third Day of December, in the Year One Thousand Eight Hundred and Sixty-Six - Being the Ninetieth Year of the Commonwealth*. Richmond: James E. Goode, 1866. Call number: J87 V81b 1866/67.

Virginia. *Journal of the Senate of the Commonwealth of Virginia: Begun and Held at the Capitol in the City of Richmond, on Monday the Fourth Day of December, in the Year One Thousand Eight Hundred and Forty-Eight*. Richmond: John Warrock, 1858. Call number: J87 V81b 1848/49.

VITA

Gregory Harkcom Stoner was born in Richmond, Virginia and is an American citizen. He graduated from Manchester High School, Midlothian, Virginia in 1997. He received his Bachelor of Arts in Historic Preservation and his Bachelor of Arts in American Studies from Mary Washington College, Fredericksburg, Virginia, in 2000, and his Master of Arts in History from Virginia Commonwealth University, Richmond, Virginia, in 2006. He worked from 2001-2005 as a Library Assistant and from 2005-2006 as the Reference Department Manager in the research library of the Virginia Historical Society. In 2006 he worked as the Associate Curator/Collections Manager and from 2006-2008 as the Director of Curatorial Operations for George Washington's Fredericksburg Foundation. He is currently employed as a Librarian for the law firm of Williams Mullen in Richmond, Virginia.