

## Legal Publishing in Antebellum America

*Legal Publishing in Antebellum America* presents a history of the law book publishing and distribution industry in the United States. Part business history, part legal history, part information history, M. H. Hoeflich's book shows how various developments such as printing and binding, the introduction of railroads, and the expansion of mail service contributed to the growth of the industry from an essentially local one to a national scale. Furthermore, the book ties the spread of a particular approach to law, that is, the "scientific approach" championed by northeastern American jurists, to the growth of law publishing and law bookselling, and shows that the two were critically intertwined.

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# Legal Publishing in Antebellum America

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*In memory of my grandparents Harry & Gertrude Junger  
and  
In gratitude to my doctor and my friend Mary Frank, M.D.*

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## Preface

This book's life began in 1973 when, as a newly arrived Fulbright Scholar at Cambridge, I became friends with three men. One, a contemporary and Fulbright like myself, Tony Grafton, already possessed the love of books and broad and deep knowledge of book history that has led him to both a distinguished chair at Princeton and rightful acknowledgment as one of the founders of the scholarly study of the history of the book. The second person to whom I owe a great debt of gratitude for starting me on the long road to this book was Tim Munby, one of twentieth-century England's greatest book men, who opened his library and his own vast store of knowledge to me. The third great influence on me in this subject was Sir Geoffrey Elton, Regius Professor of History at Cambridge, Fellow of Clare College, and historian extraordinaire. The many nights I sat with him drinking Glenfiddich and talking history and books were the richest intellectual experiences of my life. In the intervening years I have been fortunate to have benefited from the advice and assistance of countless scholars, librarians, and booksellers. I would be ungracious not to mention specifically Steve Sheppard, Rob Meade, Jim Brundage, Carolyn Clark, Mary Bilder, Alfred Murphy, Joe McKnight, Joel Fishman, Roy Mersky, Mike Widener, David Warrington, Karen Beck, Rick Surles, James Green, Douglas Osler, Steve Epstein, Jonathon Clark, Bill Wiecek, Ken Pennington, Joe Levine, Dan Hulsebosch, Bill Nelson, Amanda Zagnoli, and many others to whom I apologize for failing to name. And then, of course, there is Morris Cohen, the iconic figure to all who study the history of the American law book, without whose pioneering work and magisterial *Bibliography of Early American Law* this book could not have been written. Christine Sheppard read through and edited this book in an exemplary manner.

I owe her a great debt. Dan Ernst spent countless hours editing and improving this book. My gratitude for his help is unbounded. Also, many thanks to Kathleen Levy, who created the index.

I also owe a great debt of gratitude closer to home. My colleagues Sid Shapiro and Ellen Sward, who have served admirably as Associate Deans for Research, have been a source of great support. Professor Joyce McCray Pearson, director of the University of Kansas Law Library; Joe Custer, Associate Director; and Rob Mead, Pam Tull, Katherine Greene, Gale Troth, and Chris Steadham, all University of Kansas law librarians, as well as Carolyn Clark, have also aided me well beyond the call of duty. I must also mention the enormous help provided to me by my research assistants, Scott Rice, Jennifer Haaga, Carol Liang, Slade Bond, Ryan Schwarzenberger, and Jessie Mickloski.

I must also gratefully acknowledge the funding provided to me to do this book. First and foremost I want to thank the Kane family for the financial assistance provided to me by the endowment that they created and the chair in their name that I hold. Second, I wish to acknowledge the American Philosophical Society; the American Antiquarian Society, especially William Reese, who is a member thereof; and the Massachusetts Historical Society for providing me with research fellowships. The Delmas Foundation, and its trustee David Stam; and the William Nelson Cromwell Foundation, particularly its trustees Conrad Harpur, Esq., and Henry Christiansen, Esq., were immensely generous in providing grants for this work and the digitization of the sources underlying this work. The John H. & John M. Kane Endowment at the Kansas University Endowment Association has provided incredible financial support since 1997. Finally, I must also acknowledge grants from the Graduate Research Fund at the University of Kansas, which, over the years, have supported my summer research activities.

Several pages in Chapter 2 first appeared in *The Green Bag*. An early version of Chapter 3 appeared in the *Proceedings of the American Antiquarian Society*. An early version of Chapter 5 appeared in the *American Journal of Legal History*. A version of Chapter 4 was delivered as the first Tarlton Law Library Lecture at the University of Texas School of Law and was published by the Tarlton Law Library in that form. I thank the editors and the publishers of these journals for permission to include these materials in this book.

*Preface*

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This book is the product of ten years of visiting libraries and archives, both famous and obscure. I have benefited enormously from the care, advice, and ministrations of hundreds of librarians in these marvelous places. For me, like Borges, if there is a Heaven, then it shall indeed resemble a library. In many ways, the writing of this book has been like a decade-long sojourn in an earthly, albeit often dusty, paradise. Finally, it could only have been paradise because of the presence of my wife and life partner Karen, an engineer who learned to love books and libraries out of her love for her bibliomaniac husband; and of my dogs, George, Dudley, Barney the Wonder Dog, Cocoa, and Niobe, who are now waiting for me, I hope, in that heavenly library (complete with soft chairs and plenty of toys and treats), and Callie, Augie, Archie, Victoria, Josephina, Buster, and Pete, who surround and comfort me each day as I do my work.



## Bibliographical Note

In this book I have used books, periodicals, and ephemera in two ways. The first – and more conventional – was as a source of content to inform my narrative. The second – and less conventional – was as artifacts whose printing, binding, bibliographical, and codicological details helped me to understand the underlying industry that produced and sold them. Many of the volumes that I used for this second purpose have had little value to readers for decades, if not centuries. These were working books and periodicals designed to be used hard and then, once obsolete, discarded. Many were not collected by libraries or individuals. As a result, many of these volumes have become exceedingly rare. In some cases they are known today only in a small number of copies. Because of the difficulty of accessing these books and ephemera, I have chosen to make use of Web technology rather than include a traditional bibliography. This enables me to reproduce in digital form all of the important sources cited in this book and make them easily available to readers. While I realize that eliminating the conventional printed bibliography at the back of this volume and, instead, creating a digital repository of the sources themselves on the Web may be considered inconvenient by some readers, overall, I think that the gains from this method far outweigh the inconveniences.

With the financial assistance of the William Nelson Cromwell Foundation, I have established a Web site: [www.antebellumlegalpublishing.org](http://www.antebellumlegalpublishing.org). On this site will be found detailed bibliographies of both primary and secondary sources used in this volume, digital reproductions of many of these sources, and comments about these sources including, where useful, location information. It is my intention that, unlike printed bibliographies and illustrations that once printed cannot be supplemented except by new printings, this Web site will be continuously

updated with new entries to the secondary literature bibliographies as they are printed and reproductions of new documents to the primary sources bibliographies as they are discovered.

Because the field of “book history” is, itself, in its early years and the subfield of the history of law books in its infancy, I have chosen to include on the Web site links to other Web pages that may be of interest to readers of this book as well as a “wiki” feature that permits readers to post comments on the subjects covered. I look forward to hearing from you and beginning a discussion on the history of the law book trade in the United States.