

“Formerly the Property of a Lawyer”—Books That Shaped Louisiana Law

Florence M. Jumonville*

*Ask thou, why in such swelling volumes law do flow?
The cause is in the need; fraud in the world doth grow.*

—Lord Coke, *Twyne Case*,
3 Coke 80, 1 sm. L. Cas. 1¹

The morning of December 20, 1803, brought a beautiful, balmy day in New Orleans—and the dawn of a new era, not only in that city but also throughout the province of Louisiana. On that day, Pierre Clément Laussat, representing the Republic of France which had recently acquired Louisiana from Spain, relinquished it to American commissioners William C.C. Claiborne and James Wilkinson. Throngs of citizens gathered to view the spectacular ceremony. In the crowd were “lovely ladies and city dandies,” Spanish officials who “could be [easily] distinguished . . . by their plumage,” and militia officers. Most likely they stood elbow-to-elbow with local merchants and craftsmen, printers and performers, schoolchildren and nuns, street vendors and slaves. Poorly represented among the onlookers was the law profession, for just a handful of attorneys, assigned to administrative tasks by the Crown, then worked in New Orleans.²

To the citizens of the United States, their nation’s newly acquired territory was a strange and unknown land, one in which the laws of Spain had been in force for nearly forty years. Under the Spanish regime, lawsuits—most of which concerned personal contracts, dowries, inheritances, and land ownership—were conducted in writings called

* Chair, Louisiana and Special Collections Department, Earl Long Library, University of New Orleans.

1. *Quoted in* ERWIN C. SURRENCY, *A HISTORY OF AMERICAN LAW PUBLISHING* tit. pg. (N.Y.: Oceana Publ’ns, 1990).

2. PIERRE CLÉMENT LAUSSAT, *MEMOIRS OF MY LIFE TO MY SON DURING THE YEARS 1803 AND AFTER, WHICH I SPENT IN PUBLIC SERVICE IN LOUISIANA AS COMMISSIONER OF THE FRENCH GOVERNMENT FOR THE RETROCESSION TO FRANCE OF THAT COLONY AND FOR ITS TRANSFER TO THE UNITED STATES* 88-91 (quotations, p. 88) (Agnes-Josephine Pastwa trans., Baton Rouge: La. State Univ. Press for the Historic New Orleans Collection, 1978); *AN ACCOUNT OF LOUISIANA, BEING AN ABSTRACT OF DOCUMENTS, IN THE OFFICES OF THE DEPARTMENTS OF STATE, AND OF THE TREASURY* 35 (Phila.: John Conrad & Co., 1803) [hereinafter *AN ACCOUNT OF LOUISIANA*]; Elizabeth Gaspard, *The Rise of the Louisiana Bar: The Early Period, 1813-1839*, 28 LA. HIST. 184 (Spring 1987).

escritos, which did not require the intervention of a lawyer. The inhabitants reportedly were not litigious, atrocious crimes seldom occurred, and attorneys' fees were small. With little for attorneys to do and little remuneration for doing it, the practice of law failed to flourish. After the transfer, however, enterprising Americans, including lawyers attracted by the opportunity to participate in developing the legal order of the newly acquired territory, flocked to Louisiana. The population, further swelled by Frenchmen fleeing revolution in the fatherland or Saint Domingue, soared. In New Orleans alone, it exploded from 8,000 in 1803 to 17,000 in 1810.³

Precisely how many lawyers were in that number will never be known, for, although the territorial court occasionally administered discipline, not until 1808 did the legislature concern itself with regulating the practice of law by instating residency and apprenticeship requirements. After Louisiana achieved statehood in 1812, its Constitution created a Supreme Court, which assumed the responsibility for ensuring that each candidate met the qualifications imposed by the legislature: specifically, at least one year's residency in Louisiana, completion of an apprenticeship, and the ability to speak English fluently. Between 1813, when the first applicants to the Louisiana bar were admitted, and 1840, when the court instituted a "Course of Studies" that aspirants were expected to master, just two men encountered difficulty.⁴ That the prerequisites were minimal suggests the presence of a demand for the services of lawyers and a willingness to increase their ranks expediently. Although the court claimed to examine applicants "duly and strictly in open Court respecting [their] fitness to practice as an attorney &

3. GEORGE DARGO, *JEFFERSON'S LOUISIANA: POLITICS AND THE CLASH OF LEGAL TRADITIONS* 3-6 (Cambridge, Mass.: Harvard Univ. Press, 1975); *AN ACCOUNT OF LOUISIANA*, *supra* note 2, at 35-37; Leigh Anne Plasse, *Foreign-Born French Influence upon Political and Public Life in Louisiana, 1798-1829*, at 1-3 (M.A. thesis, Univ. of New Orleans, 2002).

4. Pierre Dornemon, who had practiced law during the territorial period, was disbarred in 1810, accused of participation in the slave revolt in Saint Domingue in 1793. Under the new provisions of 1813, he applied for readmission to the bar, defended himself successfully against the charges of wrongdoing, and was accepted the following year. In 1831 Judge Thomas Slidell opposed the admission of one John H. Harland, but the outcome is not recorded and there is no evidence that Harland subsequently reapplied. Gaspard, *supra* note 2, at 183-85; Dornemon's Case, 1 Mart. (o.s.) 129 (La. 1810); Dornemon's Case, 2 Mart. (o.s.) 305, 306 (La. 1812); *THE FIRST CONSTITUTION OF THE STATE OF LOUISIANA* 17-20 (Cecil Morgan comp., Baton Rouge: Published for the Historic New Orleans Collection by La. State Univ. Press, 1975); *SUPREME COURT OF LOUISIANA, MINUTE BOOKS, 1813-1860* (Historical Archives of the Supreme Court of La., Earl K. Long Library, Univ. of New Orleans) (especially the "Roster of Attorneys" compiled from the Minute Books by Marie E. Windell and other library personnel). On the requirements inaugurated in 1840, see Warren M. Billings, *A Course of Legal Studies: Books That Shaped Louisiana Law*, in *A LAW UNTO ITSELF?: ESSAYS IN THE NEW LOUISIANA LEGAL HISTORY* 25-39 (Warren M. Billings & Mark F. Fernandez eds., Baton Rouge: La. State Univ. Press, 2001).

Counsellor at Law,” the infrequency of rejection indicates either highly qualified aspirants or a tendency toward leniency, or some blend of both.⁵

The Louisiana Supreme Court convened for the first time on Monday, March 1, 1813. William C.C. Claiborne, now Louisiana’s first governor, swore in two judges, Dominick Hall and George Mathews, who would be joined on March 9 by a third, Pierre Derbigny. Court then adjourned until the morrow, when the first applicants for admission to the bar presented themselves for examination. Seven attorneys took the oath that day, followed during the remaining ten months of the year by fifty more in New Orleans and fourteen elsewhere in the state. Not until eighty-one lawyers joined the Louisiana bar in 1866, in the wake of another period of government upheaval, was 1813’s total of seventy-one exceeded. And all of these lawyers needed law books.⁶

Once credentialed, Louisiana lawyers may have found the work more demanding than the qualifying procedures, for, unlike the more specialized practitioners of today, they confronted many types of cases. In addition, the state’s law was rooted in the legal traditions of France and Spain, and the ability to read the languages both of those countries was an asset if not a necessity; so was fluency in spoken French, for the Court heard testimony in that language as well as in English. As an example of the diversity of topics and sources, consider nine cases in which the same two attorneys, Edward Livingston and Louis Moreau Lislet, opposed each other in appeals before the Supreme Court between 1813 and 1816, while Pierre Derbigny sat on its bench. These cases involved such matters as free persons of color, community property, ownership of public property, land boundaries, debt, bankruptcy, partnership, contracts, and right to appeal a matter of succession that originated in Spanish court. Sources cited by the attorneys and/or by the judges included the Law of Nations, unspecified Roman law, the Partidas, Pothier, the Code Noir, and other works of Spanish and French law. Livingston explained in 1823 that lawyers consulted many sources, not only to represent their clients effectively but also

to relieve the “Courts in every instance from the necessity of examining into Spanish Statutes, ordinances and usages, Latin Commentaries, the works of French and Italian Jurists, and the heavy tomes of Dutch and Flemish annotations, before they could decide the Law; and at last giving their opinions under the mortifying doubt, whether in some book or

5. SUPREME COURT OF LOUISIANA, MINUTE BOOKS, *supra* note 4, March 8, 1813.

6. *Id.* (Roster of Attorneys); M.H. Hoeflich, *Auctions and the Distribution of Law Books in Antebellum America*, PROCEEDINGS OF THE AMERICAN ANTIQUARIAN SOCIETY 113, 137 (Apr. 2003).

another not now to be found in the state, a direct authority might not hereafter be discovered, which would shew their decision to be illegal.”⁷

Indeed, each of the two attorneys arguing those cases possessed more extensive law libraries than did Justice Derbigny.

Books were then and are now indispensable to lawyers and judges, containing as they do the official record of the laws that define rights, liberties, and behavior, as well as the accumulated wisdom with which those laws have been interpreted. As Thomas Jefferson observed in 1769, “a lawyer without books would be like a workman without tools.” Law books were particularly important during the formative years of the American nation, from its founding until the Civil War, as the young federal government and each state developed its unique legal literature. With little precedent to draw from, Louisiana lawyers, like their counterparts in other states, enjoyed the freedom to search broadly for their authorities. The extent to which they exercised that freedom is revealed by the books at their disposal—and the evidence from New Orleans suggests that they cast their searches widely. George Strawbridge, who moved to New Orleans from Maryland and eventually became a judge, complained, however, of the “ridiculous inconvenience of administering the law in these languages . . . to say nothing of the expense and inconvenience of having books in all of them.”⁸

A lack of centralized libraries impelled the gentlemen of the bench and bar to assemble their own collections, despite the “expense and inconvenience.” Colonial officials had access to mainstays such as the Code of Civil Procedure of 1667, the Criminal Ordinance of 1670, and the Custom of Paris, and in 1805 the Territorial Legislature incorporated the New Orleans Library Society. Although it was not a law library, its

7. Rosemarie Davis Plasse, *Tools of the Profession: New Orleans Attorneys and Their Law Libraries from Statehood to Secession (1813-1861)* 1-3 (M.A. thesis, Univ. of New Orleans, 2000); Mitchell Franklin, *Libraries of Edward Livingston and of Moreau Lislet*, 15 TUL. L. REV. 402 (quotation) (1940-1941); ALAIN LEVASSEUR, *MOREAU LISLET: THE MAN BEHIND THE DIGEST OF 1808*, at 296-97 (rev. ed.; Baton Rouge, La.: Claitor's Pub'g Div., 2008). Of the cases in which Livingston and Moreau Lislet opposed each other, one was remanded, Moreau Lislet won six, and Livingston, two. See *Le Breton v. Nouchet*, 3 Mart. (o.s.) 60, #10; *Bourcier v. Lanusse*, 3 Mart. (o.s.) 661, #64; *Renthorp et al. v. Bourg et ux.*, 4 Mart. (o.s.) 97, #136; *Doubrere v. Papin*, 4 Mart. (o.s.) 184, #114; *St. Maxent's v. Amphoux's Syndics* and *St. Maxent's Syndics v. Puche*, 4 Mart. (o.s.) 192 and 193, #144 and #145; *Roussel v. Dukeylus's Syndics*, 4 Mart. (o.s.) 218, #124; *Le Blanc et al. v. Croizet*, 4 Mart. (o.s.) 272, #85; *Beard v. Poydras*, 4 Mart. (o.s.) 348, #72; *Smith v. Kemper*, 4 Mart. (o.s.) 409, #73.

8. Robert Feikema Karachuk, *A Workman's Tools: The Law Library of Henry Adams Bullard*, 42 AM. J. OF LEGAL HIST. 160 (Apr. 1998); Jefferson to Thomas Turpin (Feb. 5, 1769), reprinted in *THE PAPERS OF THOMAS JEFFERSON* vol. 1, at 24 (Julian P. Boyd ed., Princeton, N.J.: Princeton Univ. Press, 1950); Billings, *supra* note 4, at 26; Hoeflich, *supra* note 6, at 135-37; Strawbridge quotation cited by Plasse, *supra* note 7, at 3.

first board of trustees consisted entirely of lawyers and judges; subsequent boards were similarly constituted. Just as 1829 became 1830, the library failed. No record of its holdings is known to survive, and it is tempting to speculate that, given the profession of so many of its trustees, at least some law books may have occupied its shelves.⁹

Few libraries devoted entirely to collecting such tomes existed anywhere in the United States. The first, the Philadelphia Bar Library, was founded in 1803 as not only the nation's first law library but also its first specialized library of any type. New Orleans attorneys eventually followed the lead of their Philadelphia counterparts. Creating a professional library was part of the impetus behind the establishment, in 1847, of the New Orleans Law Association (NOLA). Membership dues paid a librarian and funded the purchase of the city's—indeed, the state's—largest and most up-to-date collection of case reports, statutes, commentaries, practice manuals, and other helpful publications. NOLA members enjoyed exclusive use of the library, which proved to be such an advantage over competing attorneys who lacked such access that it became one of the chief benefits of membership. No records of the contents of this library exist.¹⁰

Legislators already had attempted to increase the availability of law books by establishing a state library that would include them among its holdings. In 1838 the legislature authorized the creation of a library for its use at the capital, which was then New Orleans, but the passage six years later of subsequent legislation “reviving” the earlier act suggests that it was implemented inadequately, if at all. This second library law directed the librarian to serve government officials by providing a repository for state documents, which would have included session laws and other law books printed by authority of the legislature; by building a collection of books and documents for legislative reference purposes through purchase and exchange; and by distributing copies of official documents and books to public officials. Although the library admitted the public, its primary mission was government service. The collection must have grown rapidly, for sixty thousand volumes reportedly were destroyed during the Civil War. After the war, members of the legal community, who probably were the library's main users, reshaped it to suit their needs. Gradually this early state library evolved into today's

9. Henry Plauché Dart, *The Law Library of a Louisiana Lawyer in the Eighteenth Century*, 6 *LOYOLA L. REV. passim* (Dec. 1924); Roger Philip McCutcheon, *Libraries in New Orleans, 1771-1833*, 20 *LA. HIST. Q.* 152-56 (Jan. 1937).

10. SURRENCY, *supra* note 1, at 248-49; Warren M. Billings, *A Bar for Louisiana: Origins of the Louisiana State Bar Association*, 41 *LA. HIST.* 390 (Autumn 2000).

highly respected Law Library of Louisiana, but initially it progressed erratically and failed to satisfy attorneys' and jurists' needs for a comprehensive collection of law books.¹¹

Given the tardiness and inadequacy of these state-sponsored efforts, members of the legal community had little alternative but to assemble personal libraries or to borrow from colleagues' holdings. Although some attorneys owned little more than well-thumbed copies of Pothier and Martin's *Reports*, others amassed substantial collections. Surviving inventories of such collections yield insight into what books—"formerly the property of a lawyer," as one of the auction catalogues proclaims—were available to the Louisiana legal community as it crafted the state's legal literature. These inventories were compiled when the collections changed hands, sometimes by sale during the owner's lifetime as in the instance of Edward Livingston's; more often to settle estates. While researching her master's thesis on attorneys' libraries, Rosemarie Plasse identified fifty-eight New Orleans lawyers who died before 1861 and whose executors listed their books by title. Supplementing these documents are the catalogues of auction sales, usually of larger libraries, and in one instance, the inventory of a major bequest.¹²

This study of the sources that shaped Louisiana law focuses on collections that were developed during approximately the first fifty years after the Louisiana Purchase by six New Orleans attorneys, briefly compares their libraries with two major collections of renowned attorneys who resided outside Louisiana (Thomas Jefferson and Joseph Story), and discusses how the local lawyers would have obtained their

11. Judith Haydel, *Creation, Evolution, and Transformation: How the First Louisiana State Library became the Law Library of Louisiana* 1-3, 18 (unpublished paper presented at the Louisiana Library Association Conference, 2005).

12. Hoeflich, *supra* note 6, at 136; Plasse, *supra* note 7, at 3; Will Books, New Orleans Public Library; Inventories (especially those of Louis Moreau Lislet, 1833, and Peter [Pierre] Derbigny, 1829), New Orleans Public Library. The following articles contain published inventories: David Combe, *The Louisiana Lawyer's Roman-Law Library: Recollections of an Antiquarian Bibliophile*, 70 TUL. L. REV. 2024-41 (2003) (Samuel Livermore); Mitchell Franklin, *Library of Michel de Armas*, 4 LA. L. REV. 575-85 (1941-1942); Franklin, *supra* note 7, at 405-14; and Karachuk, *supra* note 8, at 188-89. Examples of auction and sale catalogues are C.E. GIRARDEY, *LARGE CATALOGUE SALE AT AUCTION, OF THE SPLENDID LAW LIBRARY OF CLASSICAL AND MISCELLANEOUS BOOKS, ACCUMULATED . . . BY . . . CHRISTIAN ROSELIUS AND ALFRED PHILLIPS, ESQS. . . .* (New Orleans 1876); J.G. HAUSER, *A COMPLETE LIST OF THE MAGNIFICENT LAW LIBRARY OF BRANCH K. MILLER, DECEASED* (New Orleans, ca. 1904); and MICHAEL H. HOEFLICH & LOUIS V. DE LA VERGNE, *THE 1877 SALE CATALOGUE OF GUSTAVUS SCHMIDT'S LIBRARY* 19-92 (quotation, title page) (Austin, Tex.: Jamail Ctr. for Legal Research, Univ. of Tex. at Austin, 2005). *See also* Michael Widener, *Hispanic & European Law Books in the Old Texas Supreme Court Library*, available at <http://tarleton.law.utexas.edu/rare/TexSupCtLibrary.pdf>, which notes relevant titles in five of the six collections examined herein and in that of Gustavus Schmidt.

books. Listed as follows in the sequence in which their law libraries were inventoried for purposes of sale or succession, these barristers are Michel (or Michael or Miguel) de Armas, Edward Livingston, Pierre (or Peter) Derbigny, Louis Moreau Lislet, Samuel Livermore, and Henry Adams Bullard. De Armas was Louisiana-born, Derbigny a native Frenchman, and Moreau Lislet an émigré from Saint Domingue; the others were Americans. As a group, they emerge as men of culture and broad interests, fluent in multiple languages. Four—Bullard, Livermore, Livingston, and Moreau Lislet—achieved prominence sufficient to warrant profiles in the *Dictionary of American Biography*. Of the five who retained possession of their libraries until their deaths, two—Moreau Lislet and Bullard—died insolvent, but they had not sold their books to raise money.¹³

Among the members of this sextet, only De Armas, whose primary occupation seems to be as a notary, did not enjoy an illustrious law career. The others distinguished themselves for their contributions to the literature of Louisiana law as well as for their courtroom application of that law. Moreau Lislet teamed with James Brown to compile the 1808 *Digest of the Civil Laws Now in Force in the Territory of Orleans* and with Henry Carleton to translate sections of *Las Siete Partidas* into English in 1818. Livingston, whom he often faced across the courtroom, drafted codes of practice and of criminal and commercial law on his own. In collaboration with each other and with Derbigny, Moreau Lislet and Livingston produced the 1825 *Code of Practice and Civil Code of the State of Louisiana*. Bullard partnered with Thomas Curry on their flawed and incomplete *New Digest of the Statute Laws of the State of Louisiana*, published in 1842. Livermore penned *A Treatise on the Law Relative to Principals, Agents, Factors, Auctioneers and Brokers and Dissertations on the Questions which Arise from the Contrariety of the Positive Laws of Different States and Nations*, the latter of which was noteworthy as the first American work on the conflict of laws. Printed by a locally prominent but nationally obscure New Orleans press, it attracted little attention and was overshadowed by the publication six years later of Joseph Story's *Commentaries* on the subject. In addition, Livermore published a pamphlet addressing mortgage securities and at least one of his arguments before the Supreme Court, concerning community

13. Billings, *supra* note 4, at 25-26; LEVASSEUR, *supra* note 7, at 165; Karachuk, *supra* note 8, at 161; *Samuel Livermore*, in *DICTIONARY OF AMERICAN BIOGRAPHY* Base Set (N.Y.: Am. Council of Learned Soc'ys, 1928-1936; Reproduced in Biography Resource Ctr. (Farmington Hills, Mich.: Gale, 2008), <http://galenet.galegroup.com/servlet/BioRC>).

property in common-law marriage, in an era in which the Court did not require briefs to be printed.¹⁴

These six collections totaled 2,582 titles in 7,612 volumes, of which approximately 1,341 titles, or 52%, pertained to law; these law books comprised 3,977 volumes, or 52% of the total number of volumes.¹⁵ All except the Livermore library, from which the works on Roman law were removed for donation to Harvard and the rest of its contents, if any, now unknown, contained at least a handful of works on unrelated subjects—4% of Bullard’s collection, 7% of Moreau Lislet’s, and 42% of Derbigny’s. De Armas and Livingston, however, collected heavily in other areas, with 65% and 68% of their holdings, respectively, on diverse subjects. These two also were the largest of the Louisiana collections studied, and in absolute numbers rather than percentages, their law holdings are more in line with the other collections (see Table 1). Among the non-legal works, all of the libraries contained varying quantities of

14. MOREAU LISLET & JAMES BROWN, *A DIGEST OF THE CIVIL LAWS NOW IN FORCE IN THE TERRITORY OF ORLEANS, WITH ALTERATIONS AND AMENDMENTS ADAPTED TO ITS PRESENT SYSTEM OF GOVERNMENT* (New-Orleans: Printed by Bradford & Anderson, 1808); MOREAU LISLET & HENRY CARLETON, *A TRANSLATION OF THE TITLES ON PROMISES AND OBLIGATIONS, SALE AND PURCHASE, AND EXCHANGE; FROM THE SPANISH OF LAS SIETE PARTIDAS* (New-Orleans: Printed by Roche Bros., 1818); MOREAU LISLET, EDWARD LIVINGSTON & HENRY DERBIGNY, *CIVIL CODE OF THE STATE OF LOUISIANA* (New-Orleans: Printed by J.C. de St. Romes, 1825); EDWARD LIVINGSTON, *CODE OF PRACTICE, IN CIVIL CASES* (New Orleans, 1825); EDWARD LIVINGSTON, *COMMERCIAL CODE FOR THE STATE OF LOUISIANA* (New-Orleans: Printed by Benjamin Levy, 1825); EDWARD LIVINGSTON, *SYSTEM OF PENAL LAW, PREPARED FOR THE STATE OF LOUISIANA* (New-Orleans: Printed by Benjamin Levy, 1824), and various preliminary sections; HENRY ADAMS BULLARD & THOMAS CURRY, *A NEW DIGEST OF THE STATUTE LAWS OF THE STATE OF LOUISIANA, FROM THE CHANGE OF GOVERNMENT TO THE YEAR 1841* (New Orleans: E. Johns & Co., 1842); SAMUEL LIVERMORE, *A TREATISE ON THE LAW RELATIVE TO PRINCIPALS, AGENTS, FACTORS, AUCTIONEERS AND BROKERS* (Boston: Printed by Thomas B. Wait, 1811); SAMUEL LIVERMORE, *DISSERTATIONS ON THE QUESTIONS WHICH ARISE FROM THE CONTRARIETY OF THE POSITIVE LAWS OF DIFFERENT STATES AND NATIONS* (New-Orleans: Printed by Benjamin Levy, 1828); SAMUEL LIVERMORE, *OBSERVATIONS ON THE NATURE OF THE MORTGAGE SECURITIES, TO BE TAKEN BY THE BANK OF LOUISIANA* ([New Orleans: Benjamin Levy?, ca. 1824]); SAMUEL LIVERMORE, *AN ARGUMENT, IN A CAUSE DEPENDING BEFORE THE SUPREME COURT OF LOUISIANA, BETWEEN THE BANK OF THE UNITED STATES, THE BANK OF LOUISIANA, THE BANK OF ORLEANS AND OTHERS, CREDITORS OF JOSEPH SAUL, APPELLANTS; AND THOMAS H. SAUL AND OTHERS, CHILDREN OF THE SAME DEBTOR, APPELLEES* (New-Orleans: Printed by Benjamin Levy, 1827). On Livingston’s codes, see Grant Lyons, *Narrow Failure, Wider Triumph: The Response to Edward Livingston’s System of Criminal Law in Louisiana and Europe* (M.A. thesis, Univ. of New Orleans, 1973). On Bullard and Curry’s *Digest*, see Karachuk, *supra* note 8, at 162. On Livermore, see *Samuel Livermore*, in *DICTIONARY OF AMERICAN BIOGRAPHY*, *supra* note 13; Symeon C. Symeonides, *The First Conflicts Restatement Through the Eyes of the Old: As Bad As Its Reputation?*, 32 *SO. ILL. UNIV. L.J.* 43 (Fall 2007).

15. All statistics should be read as minimum numbers because some inventories fail to provide complete data. It is common to find entries that omit titles and number of volumes, such as one in the Derbigny inventory that reads, “One lot of pamphlets.”

reference books, including atlases and especially dictionaries that the lawyers undoubtedly consulted as they practiced their profession.

Table I: Number of Books in Each Louisiana Collection

COLLECTOR	ENTIRE COLLECTION		LAW BOOKS ONLY		% LAW BOOKS	
	NO. OF TITLES	NO. OF VOLS.	NO. OF TITLES	NO. OF VOLS.	TITLES	VOLS.
Bullard	72	407	69	356	96%	87%
Derbigny	131	496	76	275	58%	55%
De Armas	1,251	3,773	432	1,364	35%	36%
Livermore	224	455	224	455	100%	100%
Livingston	494	1,479	157	560	32%	38%
Moreau Lislet	410	1,002	383	967	93%	97%
TOTAL	2,582	7,612	1,341	3,977	52%	52%

For purposes of compiling these statistics, a “title” consists of an entry in the inventory. These entries vary in level of completeness, sometimes reading simply “Successions” or “Synopsis” and the number of volumes, for the intention was not to inform posterity but simply to differentiate the lots offered at auction or for sale. Searching for each one in the *WorldCat* database, which aggregates the cataloged holdings of thousands of libraries, usually revealed complete bibliographic data. When *WorldCat* failed, *A Catalogue of Law Books Purchased and for Sale by Charles C. Little and James Brown*, initially issued in 1846, often yielded the information required to flesh out elusive citations.¹⁶ Some entries, however, defied all attempts to distinguish them. If their subject matter, such as civil law or agriculture, could be determined, they have been included or discounted, as appropriate, in statistical compilations. Other entries, of which not even broad subject areas could be discerned, have been omitted.

In some instances, only a single edition of a work was ever published.¹⁷ More frequently, however, multiple editions rolled from presses in London, Paris, Madrid, and the American cities of Philadelphia, Boston, and New York, to name just the most prolific

16. (Boston: Printed by Freeman and Bolles, 1846; reprint: Clark, N.J.: Lawbook Exchange, 2007).

17. The 1809 edition of Levasseur’s *Portion Disponible: ou, Traité de la Portion des Biens Dont on Peut, Suivant le Code Civil Disposer à Titre Gratuit, au Préjudice de ses Héritiers*, copies of which resided in the De Armas and Moreau Lislet libraries, is the only edition issued while these collectors were living.

publishing centers. Any editions issued after the particular collector's death obviously can be ruled out. In most instances, those published in languages other than the one indicated in the inventory also can be eliminated. On occasion, however, a notary lapsed into the language with which he was most familiar, producing a bilingual or translated entry and necessitating an educated guess. Knowing the number of volumes has been extremely helpful in ascertaining the probable edition, but the present study does not—as did Robert Karachuk's analysis of Bullard's library—discount sets containing fewer volumes than indicated in the inventory. Several instances of duplicate copies falsely suggesting multivolume sets have been identified, notably Moreau Lislet's twenty-nine volumes—i.e., copies—of his and Henry Carleton's one-volume translation of *Las Siete Perdidas*, and the practice of issuing flimsily assembled books with the expectation that their purchasers would have them securely bound means that variations in the resulting number of volumes can occur.¹⁸

Another aid to identification is the recording notaries' frequent tendency to group together books on similar topics, so that Moreau Lislet's copy of a "Code of Practice," for example—impossible to specify among the many similarly titled books then in existence—can be narrowed to a Louisiana code because of its position in the inventory among other Louisiana publications. Their owners probably shelved together works on like subjects, and one can envision the antebellum notary removing them individually from the bookcases to add them to his list. Similarly, collecting patterns have emerged. Edward Livingston's readily identifiable holdings, for instance, contained a preponderance of American publications, leading to the logical assumption that, when both English and American editions existed, he probably acquired the latter. Nevertheless, in some instances, attributions can be tentative, at best.

Knowing specific editions permits analysis of collecting patterns, language preferences, and other characteristics of specific attorneys. In most instances, what would seem to be more significant for the study of the sources of Louisiana law, however, is not whether Edward Livingston's copy of "Pigot on Recovery,"¹⁹ for example, is the first edition or the second, but that the attorney considered the topic—and this specific work—to merit space in his bookcase. What matters most is the

18. Karachuk, *supra* note 8, at 168.

19. NATHANIEL PIGOT, A TREATISE OF COMMON RECOVERIES, THEIR NATURE AND USE (London: Printed by E. & R. Nutt & R. Gosling, 1739) and (London: Printed by his Majesty's law printers; for J. Worrall & B. Tovey; & P. Uriel, 1770).

contents of the texts and the ways in which those texts were applied to the codification and practice of Louisiana law.

Among the six collector-lawyers, Louis Moreau Lislet deserves particular attention because of his association with the Civil Code of 1808 and for the characteristics of his library. Moreau Lislet was neither the youngest nor the oldest of the attorneys discussed herein, neither the least nor the most distinguished, though at the time of his death he was eulogized as the “Dean of the attorneys of this City.” Born in Saint Domingue in 1766 or 1767, he studied law in Paris but returned with his bride to his homeland, where he practiced law and they resided—but for a brief sojourn in Philadelphia—until 1803. For more than a decade, Saint Domingue had been beset by revolutions, fires, and political strife, and by that time, the situation had become intolerable. With his wife and daughter, Moreau Lislet fled to Cuba and thence to New Orleans, arriving between August 1804 and February 1805. According to his biographer, Alain Levasseur, “Louisiana . . . welcome[d] a brilliant man, a true scholar, a dedicated citizen and, unbeknownst to the new land in which he would settle, the hand that would carve a legal system out of confusion [and] chaos and bequeath it to history.”²⁰

In New Orleans Moreau Lislet encountered a legal system much like the one with which he had been familiar in Saint Domingue. Fluent in all three of the languages most commonly spoken in the city—French, Spanish, and English—he worked briefly as a translator, notably producing the French-language version of Lewis Kerr’s 1806 *Exposition of the Criminal Laws of the Territory of Orleans*. A partnership with fellow attorney Pierre Derbigny lasted less than six months. From 1807 through 1812, Moreau Lislet served as a city judge but declined appointment to the Superior Court of the Territory of Orleans. That judgeship would have required him to give up his practice, and he claimed that the salary would not compensate for the income he would lose if he relinquished his clientele.²¹

Appointed in 1815 to fill a vacated seat in the state Senate and then elected in his own right, Moreau Lislet resigned after two years to begin a brief stint as attorney general of Louisiana. His absence from the legislature was short-lived, for in 1818 he won election to the House of

20. LEVASSEUR, *supra* note 7, at 80-83, 95-113, 158 (quotation, p. 113).

21. LEWIS KERR, AN EXPOSITION OF THE CRIMINAL LAWS OF THE TERRITORY OF ORLEANS, THE PRACTICE OF THE COURTS IN CRIMINAL JURISDICTION, THE DUTIES OF THEIR OFFICERS, WITH A COLLECTION OF THE FORMS FOR THE USE OF MAGISTRATES AND OTHERS (New-Orleans: Printed by Bradford & Anderson, 1806); LEVASSEUR, *supra* note 7, at 114-33. On Kerr’s book, see Warren M. Billings, *A Neglected Treatise: Lewis Kerr’s Exposition and the Making of Criminal Law in Louisiana*, 38 LA. HIST. 261-86 (Summer 1997).

Representatives and in 1822 returned to the Senate, serving with distinction until 1830 and earning respect and a reputation for compromise. Meanwhile he continued to practice law and produced two of the publications—the 1808 Civil Code and the 1818 translation of *Las Siete Partidas*—for which he is best remembered, but the legislature dashed his hope for a commission to draft a penal code to accompany his civil code by selecting Edward Livingston by a large margin. In 1831, however, his colleagues confirmed their esteem for Moreau Lislet by electing him to the presidency of the New Orleans bar.²²

This recognition of nearly three decades of accomplishment came not quite a year before the distinguished attorney died on December 3, 1832. Ill for just a day, he practiced law until the last. Later in the month, when notary Louis T. Caire inventoried Moreau Lislet's library, it contained 410 titles in slightly more than 1,000 volumes (Levasseur reported 1,008, but the present study identified 1,002), including 383 law books in 967 volumes. Of the six libraries studied here, this one was the third largest in size, after those of De Armas and Livingston, and second only to De Armas's in number of law books. The collection was valued at \$1,072.50 (about \$1.07 per volume) and the rest of the estate—furniture, clothing, two swords, and a violin—at \$203.75.²³

The circumstances of Moreau Lislet's departure from Saint Domingue would have precluded taking with him most, if not all, of whatever books he had collected there. From the publication dates of much of his collection, it is obvious that, upon arriving in New Orleans, he swiftly set about filling his bookshelves. Among the 304 titles of which the probable edition can be determined, 118, or 39%, were published during the first six years after Moreau Lislet arrived in New Orleans; another 66, or 22%, appeared during the next decade. That the lawyer also collected earlier works is indicated by the presence of 84 publications, or 27%, issued during or before the eighteenth century. The oldest was probably the 1537 edition of Ferrari's *Practica Nova Judicialis*. When Moreau Lislet died in 1832, he was still buying books, though at a much slower pace, perhaps because of his financial predicament; his library included two titles that appeared the year before his death.²⁴

22. LEVASSEUR, *supra* note 7, at 133-58.

23. *Id.* at 83, 161-66; Franklin, *supra* note 7, at 403-05.

24. GIOVANNI PIETRO FERRARI, *PRACTICA NOVA JUDICIALIS* (Lugduni: Ant. Servant, 1537); the 14th and last volume of C.-B.-M. TOULLIER'S *DROIT CIVIL FRANÇAIS SUIVANT L'ORDRE DU CODE* (Rennes: Cousin-Danelle, 1831); the first volume of HAWKINS'S *REPORTS OF CASES ADJUDGED IN THE COURTS OF COMMON PLEAS, QUARTER SESSIONS, OYER AND TERMINER, AND ORPHANS' COURT, OF THE FIRST JUDICIAL DISTRICT OF PENNSYLVANIA* (Phila.: [s.n.], 1831).

Most frequently found on Moreau Lislet's shelves were treatises and commentaries—146 of them, or 42% of his holdings. He also owned 48 editions of codes (14%) and 32 digests (9%). Topics represented among these volumes included civil law (69 titles, or 18%), commercial law (28 titles, or 7%), maritime law (22 titles, or 6%), and inheritance (17 titles, or 5%), as well as a substantial number of publications that eluded assignment to any subject category (82 titles, or 22%). Moreau Lislet collected almost equally in the French and English languages (175 and 168 titles, respectively, or 46% and 44%), with the remainder split almost equally between Spanish (19, or 5%) and Latin (16, or 4%). Consonant with his interest in multiple jurisdictions, Moreau Lislet collected works on international law and the laws of eight countries, with emphasis on France (141 titles, or 39%). In addition, he owned volumes pertaining to Louisiana, New Orleans, and nine other states and cities. No other of these collectors approached his 22 Louisiana titles (Bullard, with 7, came nearest), which accounted for more than half of the Louisiana-related law books in all six libraries.

Also of French descent, Pierre Augustin (or Auguste) Bourguignon Derbigny, known in Louisiana as Pierre or Peter Derbigny, was born to the nobility on June 30, 1769, near Lille, France. Probably fleeing the French Revolution, in 1791 he left his homeland with his future wife and her family, bound for Saint Domingue, but remained there just briefly before moving on to Pittsburgh, the Illinois country, Florida, and Havana, reaching New Orleans, the city that became his home, in 1797. Fluent in English and Spanish as well as his native tongue, Derbigny worked as an interpreter for Spanish authorities in both Illinois and New Orleans. Having studied law in France, he established a practice and vigorously supported Louisiana's civil-law tradition against incursions by the British common law in 1806 and 1807. Like other immigrants whose first language was French, Derbigny and Moreau Lislet were part of a group that has come to be called the "foreign French." To this racially and economically heterogeneous group, its vigor reinforced for years by new arrivals, can be attributed much of the credit for the persistence of the French language and customs in nineteenth-century New Orleans,²⁵ including its legal traditions. Specific ways in which that influence manifested itself merit further study.

25. *Derbigny, Pierre Augustin Bourguignon*, in A DICTIONARY OF LOUISIANA BIOGRAPHY I:238-39 (2 vols., Glenn R. Conrad ed., New Orleans: La. Hist. Ass'n, 1988); JOSEPH G. DAWSON III, THE LOUISIANA GOVERNORS I:103-05 (Baton Rouge: La. State Univ. Press, 1990); Paul F. Lachance, *The Foreign French*, in CREOLE NEW ORLEANS: RACE AND AMERICANIZATION 102, 130 (Arnold R. Hirsch & Joseph Logsdon eds., Baton Rouge: La. State Univ. Press, 1992).

Derbigny was among the first trio of judges on the Supreme Court of Louisiana, serving from 1813 until 1820. By the time he left the bench, he had cultivated a reputation as a moderate, capable of reconciling the often-conflicting interests of the Anglo-American and French factions in the city. In 1820 Derbigny ran unsuccessfully for governor, but two years later he was elected to the Louisiana Senate and served for most of the 1820s. He again sought the governorship in 1828, this time winning victory. His term in office began auspiciously with the passage of legislation that established a gas company and transportation-related utilities, a program for inspecting and repairing levees and roads, and regulations designed to block the abandonment in Louisiana of rebellious slaves from other states. Derbigny had held office for just ten months when he died on October 6, 1829, of injuries sustained a few days earlier in a carriage accident.²⁶

Among the six collections studied, only Bullard's was smaller in total size and number of law books than Derbigny's, and all five others outranked the Derbigny library in number of volumes of law books. Like Moreau Lislet, Derbigny probably carried few possessions to Louisiana. Of 56 law books for which probable dates of publication can be assigned, 20 (36%) were issued before Derbigny moved to New Orleans, and he likely acquired them after his arrival from other attorneys in the vicinity. His collecting probably began in earnest after Louisiana became American; 13 publications (23%) were published between 1802 and 1810, 14 (25%) during the next decade, and 7 (13%) more during the last nine years of Derbigny's life. *Las Siete Partidas del Sabio Rey Don Alonso el Nono*, issued in Madrid in four volumes in 1610 and 1611, was by far the earliest book in the collection; a century would pass before the next one appeared. The most recent, published just months before their owner's death, included an edition of Blackstone's *Commentaries* and a 20-volume law dictionary.²⁷ The entire collection was valued at \$580.12, of which the 275 volumes of law books accounted for \$448.50.

Treatises and commentaries comprised almost half of Derbigny's 79 law titles—37 (47%). Nine digests (11%) and eight codes (10%) stood on his shelves, as well as 16 miscellaneous publications (29%) and lesser quantities of reports, law dictionaries, and other works. Although the

26. *Derbigny, Pierre Augustin Bourguignon*, *supra* note 25, vol. I, at 238-39; DAWSON, *supra* note 25, at 103-05.

27. GREGORIO LÓPEZ, *LAS SIETE PARTIDAS DEL SABIO REY DON ALONSO EL NONO* (4 vols., Madrid: Juan Hasrey, 1610-1611); WILLIAM BLACKSTONE, *COMMENTARIES ON THE LAWS OF ENGLAND* (4 vols., London: S. Sweet, 1829); L. RONDONNEAU & PHILIP ANTOINE MERLIN, *TABLA GÉNÉRALE ALPHABÉTIQUE ET RAISONNÉE DES MATIÈRES CONTENUES DANS LE RÉPERTOIRE DE JURISPRUDENCE* (20 vols., Paris: J.P. Roret, 1829).

collection was small, it contained books on a variety of subjects, prominently including civil law and commercial law (7 each, or 9%), as well as smaller quantities pertaining to canon law, natural law, and maritime law (3 each, or 4%), and a substantial number of general or miscellaneous publications (33, or 43%). Of 67 publications pertaining to identifiable jurisdictions, one-third (22 titles) addressed the law of France, while 12 (18%) concerned American law and 11 (16%), English law. Just about half of these books were in English, with a third in French and a few in Spanish or Latin. Derbigny owned seven works on international law (10%) and five on Louisiana law (7%), as well as a modicum of Roman and Spanish law and the only Mexican law book to be found in any of the collections. His interest in the laws of other states must have been all but nonexistent, represented by a solitary digest of New York Supreme Court cases.²⁸

Michel de Armas, in this group the only native Louisianian and the lone collector of Spanish descent, was born on November 9, 1783, the son of a military officer who may have arrived as part of the Canary Island migration of 1778-1783. De Armas's primary occupation was as a notary public, a capacity in which he served from August 1, 1809 through June 30, 1823. Admitted to the bar on December 2, 1816, in 1821 he was suspended for a year for contempt of court for using "arrogant and indecorous language" which, the Court held, "the law forbids us to suffer." The suspension resulted from De Armas's protest of the Court's increased emphasis on the use of the English language in the courtroom. Although "he lived greatly respected and died much lamented by all who knew him," essentially he was an average citizen, and, except that he served in the territorial militia, little more is known about him.²⁹

28. WILLIAM JOHNSON, *A DIGEST OF THE CASES DECIDED AND REPORTED IN THE SUPREME COURT OF JUDICATURE AND THE COURT FOR THE CORRECTION OF ERRORS, IN THE STATE OF NEW-YORK; FROM JANUARY TERM, 1799, TO OCTOBER TERM, 1813, INCLUSIVE* (Albany, N.Y.: E.F. Backus, Van Winkle & Wiley, 1815).

29. Notarizing became something of a family business for the De Armases. Those who practiced it during the antebellum period, in addition to Michel, were his brothers Christoval (1818-1829), Felix (1824-1839), and the phenomenally long-tenured Octave (1828-1889), and Charles (1833-1836), whose relationship has not been determined. New Orleans Notarial Archives, Notaries, 1731-1970, <http://www.notarialarchives.org/Notaries/listd.htm> (last visited Nov. 24, 2008); EARL C. WOODS & CHARLES E. NOLAN, *SACRAMENTAL RECORDS OF THE ROMAN CATHOLIC CHURCH OF THE ARCHDIOCESE OF NEW ORLEANS* vol. 3 (1772-1783), at 75 (New Orleans: Archdiocese of New Orleans, 1989); CHARLES E. NOLAN, *SACRAMENTAL RECORDS OF THE ROMAN CATHOLIC CHURCH OF THE ARCHDIOCESE OF NEW ORLEANS* vol. 15 (1822-1823), at 100-01 (New Orleans: Archdiocese of New Orleans, 2000); De Armas' Case, 10 Mart. (o.s.) 158, E. Dist., 1821 (Docket #601, first quotation); Franklin, *supra* note 12, at 574; Untitled Death Notice, *LA. GAZETTE*, Sept. 9, 1823, at 2 (second quotation). According to *Biographical and*

Upon his death on September 6, 1823, of “a malignant fever under which he had suffered for fourteen days,” De Armas left behind his wife, Gertrude St. Cyr Dubreuil de Armas; three minor children, Théodore, Rosémond, and Michel; and a teenage daughter, Michaëla. Notary Hugues de la Vergne inventoried De Armas’s estate, beginning on September 10 and concluding on Christmas Day, 1823. As noted above, this collection contained the smallest proportion of law books—barely one-third—for it was not just the library of an attorney, but that of a family, reflecting interests in literature, theater, poetry, philosophy, mathematics, geography, history, and politics and including at least a few books for youngsters. It contained, for example, multi-volume works, in French, of Homer, Voltaire, and others; histories of Spain, the Canary Islands, France, England, Greece, and Rome, and the American Revolution; accounts of revolutions in France and Saint Domingue; and the Holy Bible in English and in Hebrew. Popular fiction was represented by Sir Walter Scott’s *Tales of My Landlord* and by editions of *Gil Blas* in three languages (English, French, and Spanish); biographies included *Life of Washington*. Just two books associated with Louisiana rested on De Armas’s shelves: *Memoirs of My Own Times* by James Wilkinson, of Burr Conspiracy notoriety, and William Darby’s *Geographical Description of the State of Louisiana*. Among the books for children were Pierre Blanchard’s *Voyageur de la Jeunesse* and *An Introduction to the Study of Chronology* by W. Jilliard Holt.³⁰

Historical Memoirs of Louisiana (Chicago: Goodspeed, 1892), De Armas’s father, Christoval de Armas, was a native of the Canary Islands who settled in New Orleans as an adult (I:387). His name cannot be found on any of the passenger lists compiled by Sidney Louis Villeré, although the names of several other De Armas families appear. THE CANARY ISLAND MIGRATION TO LOUISIANA, 1778-1783 passim (New Orleans: Genealogical Research Soc’y of New Orleans, 1971).

30. Untitled Death Notice, *supra* note 29, at 2 (quotation); *Œuvres d’Homère*, possibly the two-volume edition published in Paris by Bossange in 1822 and consisting of *Iliade* and *Odyssee*; Voltaire’s *Œuvres Complètes* (41 vols., probably lacking the index; Paris: Lefèvre, 1817-1820); Alexander Adam & Pierre C. Briand, *Histoire d’Espagne* (Paris: Collin, 1808); probably Juan de Abreu de Galindo’s *History of the Discovery and Conquest of the Canary Islands* (London: A. Pope & J. Swift, 1764 or 1767); 26 of the 30 volumes of *Histoire de France, depuis l’établissement de la monarchie jusqu’au règne de Louis XIV* by Paul François Velly and others (Paris: Chez Saillant & Nyon, 1761-1786); John Bigland, *The History of England* (2 vols., Boston: West & Richardson, 1815); John Gillies, *The History of Ancient Greece, Its Colonies, and Conquests* (4 vols., London: Printed for A. Strahan & T. Cadell, 1792-1793); Edme Mentelle, *Elémens de l’Histoire Romaine* (4 vols., Paris: Le Prieur, 1809); Richard Snowden, *The American Revolution* (2 vols.; Phila.: Printed by Jones, Hoff & Derrick, 1793-1794); Antoine Fantin-Desodoards, *Histoire de la Révolution de France* (6 vols.; possibly 7th ed., Paris: J.N. Barba, 1820); Mary Hassal, *Secret History, or, the Horrors of St. Domingo* (Phila.: Bradford & Innskeep, 1808); Walter Scott, *Tales of My Landlord* (4 vols. in 2; N.-Y.: James Eastburn, 1818); e.g., Alain René Le Sage, *The Adventures of Gil Blas of Santillane* (2 vols.; possibly London, 1774); John Marshall & Bushrod Washington, *The Life of George Washington*,

The collection—or, at least, 1,244 titles (3,787 volumes) for which estimates were recorded—was valued at 5,522.17½ piastres, equivalent to \$5,522.17½, or almost \$1.46 per volume. Among the appraised titles, the law books alone totaled \$2,623.00, about \$2.06 per volume. Based on totals recorded by the notary, the library's value totaled \$5,892.37½. Either way, it accounted for more than a quarter of the estate's worth. Another sizeable portion of De Armas's property, appraised at a total of \$4,800, consisted of seven slaves.³¹

Probably the earliest publication in any of these libraries, a 1520 edition of the Joannes Fabri *Super Codice*, resided on De Armas's shelves. Two-thirds of De Armas's law books, however—255 of them—were published between 1801 and 1820. Either he began to assemble his law library some while before his admission to the bar in 1816, or he acquired a great many books in a short time. It seems likely that De Armas needed law books at an earlier date because he had already commenced practicing, possibly soon after the Louisiana Purchase, but no evidence currently available indicates whether he continued to do so during the nearly three years between the establishment of professional requirements and his fulfillment of them. Certainly some of the books, such as *Le Parfait Notaire* and several titles on conveyancing, facilitated his notarial work, but the scope of this collection far surpasses a notary's need for a basic knowledge of law. Not yet forty years old when he died, De Armas probably anticipated many more years of practicing law, and he was continuing to expand his holdings. During the last months of his life, he added works as varied as *Tracts on Medical Jurisprudence* and *Reports of Cases Determined in the Constitutional Court of South-Carolina*.³²

Commander in Chief of the American Forces, During the War Which Established the Independence of His Country, and First President of the United States (6 vols.; probably Philadelphia: C.P. Wayne, 1804-1807); *La Sainte Bible* (edition could not be confirmed); Joseph Athias, Johannes Leusden, and Everardus van der Hooght, *Biblia Hebraica* (2 vols., 1st Am. ed.; Phila.: Thomas Dobson, 1814); James Wilkinson, *Memoirs of My Own Times* (3 vols., Phila.: Printed by Abraham Small, 1816); William Darby, *A Geographical Description of the State of Louisiana* (probably 2d ed., enl. and improved; N.Y.: James Olmstead; New Orleans: Sold also by Benjamin Levy, 1817); Pierre Blanchard, *Voyageur de la Jeunesse* (Paris: Le Prieur, between 1804 and 1818); W. Jilliard Holt, *An Introduction to the Study of Chronology, and Universal History in Question and Answer* (Phila.: Matthew Carey, 1817).

31. Hugues Lavergne, Acts, vol. 11, Probate/Bankruptcy section, ll. 285-320, Notarial Archives of New Orleans.

32. A.J. MASSÉ, LE PARFAIT NOTAIRE; OU LA SCIENCE DES NOTAIRES (3 vols., Paris: various editions between 1807 and 1821); e.g., BENJAMIN L. OLIVER, PRACTICAL CONVEYANCING: A SELECTION OF FORMS OF GENERAL UTILITY (Boston: Cummings & Hilliard, 1816); JOANNES FABRE, JOANNES FABRI SUPER CODICE. JOA[N]NIS FABRI J.U. PRINCIPIS IN JUSTINIANU[M] CODICE[M] BREUIARIU[M] AD LIMA[M] EX OMNI PARTE AB ERRORIB[US] QUIBUS SCATEBAT . . . CASTIGATU[M] . . .

Civil law figured prominently in De Armas's law library (43 titles, or 10%), represented by various editions of Justinian's *Body of Civil Law*, other Roman law, and codes for many occasions: guardianship, successions, commerce, and civil procedure, not to mention the Code Napoleon. In this exceptionally diverse collection, no single area emerged as predominant. De Armas alone among these collectors owned a book on absence and presumption of death, one on eviction, another on expropriation, yet another on presumptions, and two on usury. French-language works were most abundant—193 (45%), followed by 169 (39%) in English, 50 (12%) in Latin, 18 (4%) in Spanish, and one each in German and Italian. One hundred sixty-one titles (37%) pertained to French law, 96 (22%) to English law, 52 (12%) to Roman law, and 23 (5%) to American law, with other small quantities from Italy, Latin America, and other nations. Only in the Livermore collection of Roman law was American jurisprudence represented more poorly. Among De Armas's extensive holdings on case law, however, were volumes from the United States Supreme and Circuit Courts and the courts of Virginia, South Carolina, Massachusetts, Pennsylvania, Connecticut, and New Jersey—but not Louisiana. Indeed, Louisiana law books are conspicuous by their absence. Given the improbability that De Armas never had occasion to refer to the laws of his state, the only plausible explanation is that some other Louisiana collection stood open to him.

Described as “the first legal genius of modern times,” Edward Livingston was born in New York in 1764. He was admitted to the bar in that state in 1785 after graduation from Princeton University and four years of law studies that put him into contact with such luminaries as Aaron Burr, Alexander Hamilton, and James Kent. Inspired by a growing interest in Roman law, Livingston reviewed his Latin and learned French and Spanish, developing language skills that would be invaluable in Louisiana. His path to the state led through New York City, where in 1800 he began serving both as mayor and as United States attorney for the District of New York. During the summer of 1803, one of his clerks embezzled approximately \$44,000 in federal funds. Acknowledging his legal responsibility in the case, Livingston faced public humiliation and a judgment of \$100,000 that he could not afford

NECNO[N] TORTURARU[M] AC QUESTIONU[M] VTILI REPETITIO[N]E CU[M] DE I[N]SIGNIJS [ET] ARMIS D. BARTHOLI TRACTATU EXQUISITISSIMO: IN LUCE[M] EXILIT. POSTREMO ADIECTU[M] FUT LUCULENTER IN PRINCIPIO PERELEGANS REPERTORIUM QUAPROPTER NULLA LECTOREM VT PRIUS FALLET S[E]N[TENT]IA (Lugduni: Morin, 1520); THOMAS COOPER & SAMUEL FARR, TRACTS ON MEDICAL JURISPRUDENCE (Phila.: James Webster, 1823); DAVID JAMES MCCORD, REPORTS OF CASES DETERMINED IN THE CONSTITUTIONAL COURT OF SOUTH-CAROLINA (2 vols., Columbia, S.C.: Daniel Faust, 1822-1823).

to pay. Newspaper reports of prospects for quickly earning great wealth in Louisiana attracted him and he arrived in New Orleans on February 7, 1804, intending to stay only as long as necessary to liquidate his debt. In a controversy over the right to the Batture, alluvial soil that accumulated along the Mississippi River, Livingston soon found the opportunity he sought. Successfully arguing that title to such deposits could rest with a person who did not own the adjacent land, the lawyer received one-third of his client's interest, then worth an estimated \$200,000—but it did not come quickly. The case dragged on until 1826. By that time, Livingston was a member of the United States Congress. After three terms in the House of Representatives, he was selected by the state legislature to serve in the Senate. Between 1831 and 1835 he successively held the posts of Secretary of State and minister to France. He died in 1836 after a few days' illness.³³

In 1823 Livingston commented on “the oppression, the reproach, the absurdity, of being governed by laws, of which a complete collection has never been seen in the state, written in languages which few, even of the advocates or judges, understand, and so voluminous, so obscure, so contradictory, that human intellect however enlarged, human life however prolonged would be insufficient to understand, or even to peruse them.” Nevertheless, he tried, amassing a library of slightly fewer than 500 titles, including 157 pertaining to law—a total of almost than 1,500 volumes, of which 560 were tools of his profession. On November 19, 1823, shortly before leaving Louisiana for Washington to take a seat in Congress, he relinquished his tomes to another lawyer, James Workman. Like Livingston, Workman harbored a keen interest in libraries and books, and probably he continued to acquire them. Upon his death in a sailing accident in 1832, his large collection was divided among Louisiana College at Jackson, the New Orleans Commercial Library, and several friends. Superior Court judge Samuel Porter of Donaldsonville and New Orleans lawyer John MacReady shared his law books.³⁴

During his twenty-year stay in New Orleans, Livingston added steadily to his collection. Among the 117 law titles of which the probable

33. Quotation from the English scholar Sir Henry Maine, cited by SHAEL HERMAN, DAVID COMBE, & THOMAS E. CARBONNEAU, *THE LOUISIANA CIVIL CODE: A HUMANISTIC APPRAISAL* 27 (New Orleans: Tulane Law School, 1981); WILLIAM B. HATCHER, *EDWARD LIVINGSTON: JEFFERSONIAN REPUBLICAN AND JACKSONIAN DEMOCRAT* 4, 94-106 (Baton Rouge: La. State Univ. Press, 1940); DARGO, *supra* note 3, at 74-76; *Edward Livingston*, in *DICTIONARY OF AMERICAN BIOGRAPHY*, *supra* note 13.

34. Franklin, *supra* note 7, at 402-05 (quotation, p. 402); JARED WILLIAM BRADLEY, *INTERIM APPOINTMENT: W.C.C. CLAIBORNE LETTER BOOK, 1804-1805*, at 413-14 (Baton Rouge: La. State Univ. Press 2002).

edition can be determined, 39 (33%) were published during the first decade of the nineteenth century, and an almost equal number—40 (34%)—were issued during the next decade. While in New Orleans he acquired an average of 4½ recent titles each year. Twenty-eight works published during the seventeenth and eighteenth centuries and nine that appeared during his last three years here rounded out Livingston's holdings. Chronologically they ranged from a 1551 volume of canon law to several treatises and volumes of reports issued within months before his departure. Livingston heavily collected case reports, which comprised 46 titles, or 34%, of his holdings. Considering that he came to Louisiana from New York, it is not surprising that many of the reports pertained to the courts of that state. Also represented, but in smaller quantity, were Connecticut, Vermont, the Carolinas, Pennsylvania, Virginia, and several others.

Thirty-two treatises and commentaries and 16 digests lined Livingston's shelves, respectively 23% and 12% of the collection. The emphasis on reports resulted in relatively small proportions of publications about specific subjects. Like Moreau Lislet, Livingston held more works on civil law than any other topic—19 titles, or 12%—and 10, or 6%, on maritime law. Among other areas represented in this collection, but in none of the others studied, were recovery, distress and replevin, and limitation of actions. Although Livingston's library included works pertaining to the laws of six nations, it emphasized those of England (55, or 42%) and the American states (21, or 16%), followed by Roman law and United States federal law (each 16, or 12%). Despite his fluency in several languages, Livingston mainly acquired books in English—112, or 84% of his holdings, with 14 (10%) in French and just a handful of titles in Latin and Spanish. Louisiana-related publications were conspicuously missing, although a few—Latour's *Historical Memoir of the War in West Florida and Louisiana* and Darby's *Geographical Description of the State of Louisiana*, for example—were among the non-law books, along with travel accounts, novels, and works by Shakespeare. Absent from the inventory were Livingston's own works, and it is likely that he retained them and took them with him, possibly as well as other selected books.

Harvard-educated Samuel Livermore, born in New Hampshire in 1786, practiced law in Boston and Baltimore until moving permanently to New Orleans shortly before he was admitted to the Louisiana bar on February 10, 1819. Here he began to study civil law and the laws of France, Spain, and other European nations, cultivating the erudition for which he became celebrated. After his death in 1833 while en route from

New Orleans to New England to visit relatives, Livermore was described as “a gentleman of extraordinary talents, intellectual energy, and professional learning. He mastered many of the higher branches of the jurisprudence of Rome, and of the modern nations of continental Europe, and, in profound knowledge of the early writers on the subject, had few rivals or equals. His arguments at the bar were not only eloquent, but they abounded with recondite and accurate learning.” Livermore’s extraordinary library probably facilitated his self-education.³⁵

In his will, Livermore bequeathed to the Harvard Law Library “his whole library of foreign law, consisting of the works of the leading civilians and jurists of continental Europe.” Appraised at six thousand dollars, it was described “as a collection of rare, curious and important learning, [which is] perhaps not equalled by any other collection of the same size in America, if it be in Europe.” Consisting of 224 titles in 455 volumes, that it pertained entirely to foreign law distinguishes it from the other collections studied. Most of the works dated from the seventeenth and eighteenth centuries, which account, respectively, for 49% and 42% of the publications. Livermore came from a family of jurists, and some of the books may have been handed down from his father and grandfather, for Tulane University law librarian David Combe noted that this was a working collection, not an assemblage of museum pieces. As one might expect, a large majority of the books—82%—were in Latin and pertained to Roman law, with one in Italian and the remainder in French. What books Livermore may have collected that pertained to the laws of the United States, Louisiana, and other states has been forgotten.³⁶

Henry Adams Bullard, a native of Massachusetts, was born in 1788. While earning bachelor’s and master’s degrees from Harvard University and studying law in Boston and Philadelphia, he also pursued the study of languages, becoming fluent in French, Spanish, Italian, and German. Admitted to the bar in 1812, he did not immediately begin practicing; rather, he went filibustering in Texas and, after much danger and privation, found himself in the northwestern Louisiana town of Natchitoches. Penniless and friendless, he decided to open a law office there and was admitted to the Louisiana bar on September 27, 1815.³⁷

35. JOSIAH QUINCY, *THE HISTORY OF HARVARD UNIVERSITY* II:424 (2 vols., Cambridge, Mass.: John Owen, 1840).

36. *Id.* at 425 (quotation); Combe, *supra* note 12, at 2005-06.

37. Dora J. Bonquois, *The Career of Henry Adams Bullard, Louisiana Jurist, Legislator, and Educator*, 23 LA. HIST. Q. 999-1002 (Oct. 1940); SUPREME COURT OF LOUISIANA, *MINUTE BOOKS*, *supra* note 4 (Roster of Attorneys).

Between 1819 and 1830, when he was elected to the United States Congress, Bullard held district court judgeships and a seat in the state legislature. In 1834 he was appointed a judge of the Louisiana Supreme Court and served in that capacity, except for a brief stint as Louisiana secretary of state, until 1846, when the Court was reorganized under the provisions of a new Constitution. Another impact of that Constitution on Bullard's career was that it rendered obsolete the new digest upon which he had recently collaborated with Thomas Curry and abrogated the need for a projected second volume. Meanwhile the jurist served as first president of the Louisiana Historical Society, which he probably founded. After leaving the bench, Bullard returned to private practice while concurrently working as the first dean and professor of civil law of the newly organized Law School of the University of Louisiana, which was the antecedent of Tulane University, from 1847 until 1850 when he was again elected to Congress. Already ailing, Bullard could not withstand the rigors of travel from Washington to New Orleans when Congress adjourned in March 1851. After his death several weeks later, insolvent and intestate, Bullard was eulogized as "one of the ablest jurists, ripest scholars, and most polished gentlemen in Louisiana."³⁸

Bullard's collection of slightly more than 400 volumes (Karachuk counted 411, I counted 407) included 74 identified titles, all of them law books or related reference works such as a French dictionary. His law books were auctioned on July 31 to pay his debts. Hammered down in sixty lots, they realized the sum of \$362.91. Unlike the other five collector-lawyers, Bullard cannot be demonstrated to have owned anything published much before the last quarter of the eighteenth century; probably his earliest title was the 1775 edition of *Las Leyes de Recopilacion* and his latest, Benedict's *American Admiralty*. Most of his identifiable books appeared between 1801 and 1850, and it appears that he collected steadily after arriving in Louisiana. Despite his fluency in multiple languages, Bullard, like Livingston, favored the English-language editions, which comprised 60% of his holdings, supplemented by 35% in French and a handful in Latin and Spanish.³⁹

Twenty-four treatises and commentaries accounted for 36% of the Bullard collection, with 16 case reports comprising another 12%. Civil

38. Bonquois, *supra* note 37, at 1095-98 passim (quotation, p. 1098); *Henry Adams Bullard*, in *DICTIONARY OF AMERICAN BIOGRAPHY*, *supra* note 13.

39. Karachuk, *supra* note 8, at 161; Bonquois, *supra* note 37, at 1099; *LAS LEYES DE RECOPIACION* (Madrid: Pedro Marin, 1775); *ERASTUS C. BENEDICT, THE AMERICAN ADMIRALTY; ITS JURISDICTION AND PRACTICE, WITH PRACTICAL FORMS AND DIRECTIONS* (N.Y.: Banks, Gould, 1850).

law and general works predominated, with each classification containing 14 titles (20%); constitutional law followed with 8 titles (12%). Bullard also held books on bailments, conflict of laws, and privileges and immunity—subjects found in few of the other collections studied. Nineteen titles (29%) addressed the law of France, followed by 13 (20%) concerning United States federal law and 12 (18%) on English law. Small quantities of books pertained to the laws of Rome, Spain, and various states, notably Pennsylvania and New York. In addition, Bullard owned the 1816 and 1828 Louisiana digests, Benjamin and Slidell's digest (whether the 1834 or 1840 edition cannot be ascertained), a copy of his and Curry's digest, a total of 23 volumes of Martin's and Robinson's *Louisiana Reports*, and an unknown quantity of unidentified pamphlets about Louisiana. His total of seven Louisiana law titles was surpassed only by the number in the Moreau Lislet library.

Although each of the six collections of Bullard, De Armas, Derbigny, Livermore, Livingston, and Moreau Lislet contained publications that the others lacked, there was, not surprisingly, some overlap—those titles that a Louisiana lawyer of the first half of the nineteenth century had to keep at hand. Two hundred eighteen works, in the same language though not necessarily the identical edition, dwelt in at least two of the libraries. Nothing resided in all six, and just four titles resided in five collections—in each instance, all except Livermore's: *Febrero Adicionado*, Delaporte's *Pandectes Françaises*, and Dallas's and Cranch's *Reports*. The relevance of the classic Spanish and French sources is readily apparent, but the popularity of the *Reports* is surprising. Surrency describes a general lack of interest in federal reports because U.S. Supreme Court decisions were published regularly and because the federal courts exercised limited jurisdiction, and Dallas actually reported the decisions of Pennsylvania and Delaware. It is difficult to discern their relevance, especially that of the Dallas volumes, to Louisiana law.⁴⁰

An additional 14 titles resided in four collections, 56 titles in three collections, and 144 in two collections. Most of the duplication occurred between the De Armas and Moreau Lislet libraries, which is logical because, as the largest collections, they offered the most opportunities for matches and because both of these collectors shared a lack of American nativity; their first languages were European. Ninety-nine titles, representing 26% of the instances of dual ownership, resided in both of

40. CHARLES C. LITTLE & JAMES BROWN, CATALOGUE OF LAW BOOKS 146 (1818); SURRENCY, *supra* note 1, at 61-62.

those libraries—more than twice the overlap between any two other collections. De Armas and Derbigny, another pair of European descent, had in common 38 titles (10%), and the other French pair, Derbigny and Moreau Lislet, owned 30 of the same works (8%). In contrast, of the three possible combinations of American lawyer-collectors, the greatest duplication involved 10 titles (3%) on the shelves of both Bullard and Livingston. Bullard and Livermore shared but a single book, *Pandectae Justinianae*, while Livermore and Livingston both owned five (1%). Among the European/American combinations, the most overlap existed between De Armas and Livingston, who had acquired 48 of the same titles (13%). Significant duplication occurred also between Livingston and Moreau Lislet (42 titles, or 11%), which is to be expected because both possessed substantial collections and because they so often handled the same cases, though from opposite sides of the courtroom. Livermore's library, because of its specialized nature, consistently had the least similarity to the others, but every possible pairing of these six attorneys shared a minimum of one publication in common (see Table II).

Table II: Overlap among Louisiana Collections

LAWYER/COLLECTOR	INSTANCES OF OVERLAP	
	No. of Books	%
Bullard and De Armas	26	7%
Bullard and Derbigny	12	3%
Bullard and Livermore	1	0%
Bullard and Livingston	10	3%
Bullard and Moreau Lislet	24	6%
De Armas and Derbigny	38	10%
De Armas and Livermore	14	4%
De Armas and Livingston	48	13%
De Armas and Moreau Lislet	99	26%
Derbigny and Livermore	2	1%
Derbigny and Livingston	19	5%
Derbigny and Moreau Lislet	30	8%
Livermore and Livingston	5	1%
Livermore and Moreau Lislet	10	3%
Livingston and Moreau Lislet	41	11%
Total	379	100%

No language, jurisdiction, or area of law dominated the duplicated titles. They included works in English, French, Latin, and Spanish; pertained to international law and to the laws of France, Rome, England, the United States, and individual states, with five concerning Louisiana; and addressed topics as diverse as marriage, mortgages, maritime law, insurance, and partnership, to name but a few. Of the fifteen titles prescribed in the Supreme Court's 1840 "Course of Studies" (there was limited choice— aspiring lawyers had only to master thirteen of them), ten resided in at least two of these six collections. Of the other five, Story's *Commentaries on the Constitution of the United States* was published too late to be in any collection except Bullard's, and he held a copy of it. Moreau Lislet owned William Oldnall Russell's *Treatise on Crimes and Indictable Misdemeanors, Code of Practice in Civil Cases for the State of Louisiana*, and the 1825 edition of the Louisiana Civil Code. The collectors apparently did not share the Court's enthusiasm for Thomas Starkie's *Practical Treatise on the Law of Evidence and Digest in Civil and Criminal Proceedings*, for none owned a copy of it.

How do these collections measure up to those of attorneys in other states? Published inventories of non-Louisiana lawyers' libraries include those of Thomas Jefferson (1743-1826) and Joseph Story (1779-1845), the latter of which was sold at auction in 1846. Both men were contemporaries of the Louisiana collectors studied herein, assembling substantial holdings of both law books and publications of general interest during the antebellum period. Jefferson's collection was the largest, containing 2,887 titles in an estimated 6,700 volumes. He acquired the books between 1770, when a fire destroyed his first library, and 1815. While serving as minister to France from 1784 to 1789, the future president purchased some 2,600 volumes in Europe, which contributed significantly to the variety of his holdings. After the British burned Washington during the War of 1812, decimating the original congressional library, Jefferson offered to sell his collection to the government to replace it. A Georgetown bookseller named Joseph Milligan appraised the books at \$23,950, and Congress voted to purchase them at that price. Because the chronological overlap between Jefferson's library and those of the Louisiana collections was relatively small, this study emphasizes a comparison with Story's holdings.⁴¹

41. THOMAS JEFFERSON'S LIBRARY: A CATALOG WITH THE ENTRIES IN HIS OWN ORDER 1 passim (James Gilreath & Douglas L. Wilson eds., Washington: Library of Congress, 1989); MICHAEL H. HOEFELICH & KAREN S. BECK, THE 1846 AUCTION CATALOGUE OF JOSEPH STORY'S LIBRARY 8-10 (Austin, Tex.: Jamail Ctr. for Legal Research, Univ. of Tex. at Austin, 2004).

James Madison, who succeeded Jefferson as president, appointed Joseph Story of Massachusetts, a Harvard-educated lawyer and congressman, to a seat on the United States Supreme Court in 1811, when Story was just thirty-two years old. He remains the youngest person to serve the Court as associate justice, a position he held until his death in 1845. Aware of the need for the development of an American legal literature that would organize and condense the rapidly proliferating case reports and digests, during the 1830s and 1840s Story authored a succession of *Commentaries* that, in their day, explored new areas and elevated legal literature to a higher level of scholarship. Story described the commentary as “a collection of the principles laid down in the adjudged cases, with scarcely an attempt to illustrate them by any general reasoning, or even to follow them out into collateral consequences,” but his works more nearly resembled the treatise, in which its author set forth the general principles of a single subject and used deductive reasoning to demonstrate how those principles had been applied, mainly in court cases.⁴²

Two of Story’s *Commentaries*, those on the Constitution of the United States (1833) and on the conflict of laws (1834), established his reputation internationally as “America’s first ‘global’ legal scholar.” In addition, his works addressed equity jurisprudence (1836), equity pleading (1838), and various aspects of commercial law, beginning with *Commentaries on Bailments* in 1832 and concluding with *Commentaries on the Laws of Promissory Notes and Guarantees of Notes and Checks on Bankers* (1845). Intended as working tools for the practicing lawyer, the volumes remained in print through the rest of the nineteenth century.⁴³

A reviewer of *Commentaries on the Law of Bills of Exchange, Foreign and Inland, as Administered in England and America* noted that Story drew heavily from foreign sources often left unexplored by the English-speaking legal community. Such sources included, for example, the works of Pothier, Pardessus, and Heineccius, which were represented in Story’s collection. Profoundly interested in civil law, especially in Roman law and in the modern civil law of France and Germany, Story read widely in that area and corresponded with foreign-born legal scholars in the United States and abroad. His works would have been natural additions to the libraries of the Louisiana lawyers, but five of those collections were dispersed before the *Commentaries* were

42. HOEFLICH & BECK, *supra* note 41, at 3-6 (quotation, p. 4); SURRENCY, *supra* note 1, at 130, 143-45; JOSEPH STORY, COMMENTARIES ON THE LAW OF BAILMENTS at xiii (quotation) (Cambridge, Mass.: Hilliard & Brown, 1832), *quoted in* SURRENCY, *supra* note 1, at 130.

43. HOEFLICH & BECK, *supra* note 41, at 4 (quotation); SURRENCY, *supra* note 1, at 144.

published or about the time that the earliest ones appeared. Only Bullard, therefore, collected them, but he did so with vigor; of the twelve volumes issued, he owned eight, but it is impossible to ascertain from the inventory which titles he acquired. Story, on the other hand, owned some of the books written by the New Orleans lawyers among his eight Louisiana-related titles: Livingston's penal code (1822), his and Moreau Lislet's *Code of Practices, in Civil Cases, for the State of Louisiana* (1825), and three Louisiana civil codes that were not further identified but surely must have included Moreau Lislet and Brown's 1808 *Digest* or the 1825 *Civil Code of the State of Louisiana*, upon which Moreau Lislet, Livingston, and Derbigny collaborated. In addition, Story owned Livermore on Agency (1811).

Story owned more law books than even Thomas Jefferson, although the size of the latter collection was larger. Despite his reputation as a global scholar, most of the publications were in English: 445, or 78%. Another 60 (11%) were in French and 56 more (10%) in Latin, with just a handful each in German, Italian, Portuguese, and Spanish. Two hundred sixty pertained to the laws of England or some other part of the British Empire, and 139 to United States federal or state law, including 8 Louisiana titles. Forty-eight (9%) addressed Roman law; 45 (8%), French law; 40 (7%), international law. Small quantities (fewer than five each) pertained to the laws of Belgium, Germany, Italy, Mexico, Portugal, and Spain. Among the Louisiana libraries, De Armas's, which contained 96 English law books (22%), and Livingston's, with 55 (42%), most nearly approached Story's holdings in, respectively, quantity and percentage (Moreau Lislet's, with 63 English law titles representing 17% of this large collection, stood in the same vicinity). Local holdings of publications about French law, however, dwarfed Story's. De Armas owned 161 such works (38%) and Moreau Lislet, 141 (39%). Concerning Spanish law, the numbers were different but the dominance was the same: De Armas, 24 titles; Moreau Lislet, 49; Story, 2. The Story collection also fell short in the area of Roman law, surpassed by both Livermore's (183 titles, or 82%) and De Armas's (52, or 12%) libraries, but dominated in international law with 40 titles (7%); most closely approached by De Armas's 29 titles (8%).

At least 61 of Story's collection of 572 law titles (almost 11%) resided in at least one of the Louisiana libraries, many of them in two or more, though not necessarily the same editions. Twenty-nine of them—nearly half—pertained to the laws of England, and another 18 to United States federal or state law. Five works of French law, four on international law, and one on Roman law overlapped. Just two works on

Spanish law resided in Story's entire library, and both of them were duplicated on the shelves of De Armas, Derbigny, and Moreau Lislet. These findings suggest that the most significant law tomes pertaining to various jurisdictions formed the skeletons of the collections of the most learned gentlemen of the antebellum bar, regardless of where they practiced. The differences were in the additional works, the ones that added flesh to the skeleton. *Las Siete Partidas*? Readily to be found. *Febrero Adicionado*? In five Louisiana collections (more than contained the *Partidas*), but not in Story's. *Greenleaf on Evidence*? Multiple copies on Story's shelves, but in Louisiana, only on Livingston's. And so on.

According to Thomas Jefferson in 1810, Louisiana law was derived from "the Roman, the French, and the Spanish codes, and written in those languages. The books containing them are so rare in this country as scarcely to be found in the best-furnished libraries"—yet these New Orleans attorneys managed to develop significant collections that reflected their professional interests. Many of these publications came from northeastern cities and foreign countries, and many dated from decades, even centuries, earlier. How did the collectors do it? The early volumes most likely had resided on attorneys' bookshelves since they were new and moved through the years from one attorney to another and at some point brought by one of them to New Orleans, just as most of the six collections discussed here passed to other attorneys. There was not much demand for antiquarian law books, and few booksellers handled them.⁴⁴

With the more recent publications, Stephen Gould probably helped. The first bookseller in the United States who specialized in law books and later also a publisher, Gould went into business in New York City in 1791. From this one source, attorneys could obtain books imported from England and other countries, American editions of English works, and Gould's own publications. Livingston and Moreau Lislet undoubtedly patronized him, for each of their collections contained volumes he published, and Bullard owned books issued by Gould's Albany cousin, William.⁴⁵

Even before Gould added publishing to his enterprise, however, Isaac Riley, also of New York, had distinguished himself as the nation's first publisher of law books. It was a risky specialty because the market

44. THOMAS JEFFERSON, THE WRITINGS OF THOMAS JEFFERSON at XVIII:lix (quotation) (20 vols., Wash., D.C.: Thomas Jefferson Memorial Ass'n, 1903-1904); Hoeflich, *supra* note 6, at 159.

45. *Quoted in* Franklin, *supra* note 7, at 402; SURRENCY, *supra* note 1, at 214-15.

was limited to attorneys and because law books were expensive to produce, especially in light of the remuneration expected by their authors. Another drawback of law books was that they sold slowly, sometimes languishing on the shelves for years. Riley, however, prospered, eventually selling his stock of law titles to Matthew Carey & Sons of Philadelphia. All of the New Orleans collector-lawyers except Livermore placed Riley's and/or Carey's publications on their shelves. They may have obtained them directly, through Gould, or from another bookseller, either in the United States or abroad, for ordering books from France had long been routine for French-reading New Orleanians.⁴⁶

Before 1808, those who wished to purchase books locally might do so at a newspaper office or the through a general importer such as Chew and Relf, who in 1804 advertised, for example, *Life of Washington*—one of the titles in De Armas's library. No shops that specialized in selling books existed in the city until 1808. In 1810 a French bookseller, the Widow Roche, announced that the brig *North Star* had recently arrived from Philadelphia carrying “a complete assortment of Books, handsomely bound, consisting principally of works on Medicine, Law and Education, in French and English.” Another firm operated by the Widow's relatives, possibly her sons, the Roche Brothers, later proclaimed that they kept in close touch with Paris, London, and New York and stood ready to supply any books that customers might request.⁴⁷

Bookselling reached a new level of specialization in 1811, when Benjamin Levy came to town and did for the New Orleans law community what Gould and Riley were doing at the national level. His very first advertisement offered “an extensive assortment of Law and Miscellaneous books,” and law books remained his emphasis for the rest of his thirty-year career. In 1822 Levy added printing and publishing to his enterprise. Based on the recorded output of New Orleans presses, he was the city's most prolific antebellum printer, and almost two-thirds of the known products of his press—84 of 132 books and pamphlets—pertained to law. That he counted Moreau Lislet, Livingston, Derbigny, Bullard, and De Armas among his customers is confirmed by the presence in their libraries of books he printed, including Livingston's

46. Briskly selling books yielded high returns. Total production costs of the 1825 edition of Chitty's *Practical Treatise on Bills of Exchange*, for example, amounted to \$1,494 for 750 copies, or about \$2.00 each. The book sold for \$3.50. SURRENCY, *supra* note 1, at 215; MICHAEL H. HOEFELICH, SUBSCRIPTION PUBLISHING AND THE SALE OF LAW BOOKS 3-4 (Austin, Tex.: Jamail Ctr. for Legal Research, Univ. of Tex. at Austin, 2007); RÉPONSES SUR LA LOUISIANE, Laussat Papers (MSS 125), Historic New Orleans Collection, *cited in* LAUSSAT, *supra* note 2, at 119.

47. Roger Philip McCutcheon, *Books and Booksellers in New Orleans, 1730-1830*, 20 LA. HIST. Q. 609-12 (quotation, p. 612) (July 1937).

commercial and criminal codes, amendments to his and Moreau Lislet's civil code, and Moreau Lislet's 1828 digest. In addition, Livermore commissioned Levy to produce his book on the conflict of laws and was one of many lawyers who engaged him to print their briefs.⁴⁸

When the bookseller was declared bankrupt in 1843, the inventory of his stock valued the law books in the store and "ware" room at a total of \$5,000, more than the medical, school, and miscellaneous books combined. His son Alexander kept the business limping along for a few years, but eventually it faded from the scene. As the Levy bookshop faltered, Emile Johns moved to the fore as a printer of Louisiana legal materials, and bookseller François Boimare took over the bookselling specialty, advertising "American, English, French and Spanish Law Books." He closed his bookstore in 1862 when he was drafted into Confederate service and did not reopen it when the Civil War ended. Once again, local attorneys turned to distant suppliers or to general booksellers.⁴⁹

This study of antebellum law libraries has revealed something of the breadth of knowledge required by the early members of the Louisiana bench and bar—and the publications to which they turned as they strived to acquire a broad understanding of the spectrum of the law and to develop Louisiana's distinctive legal culture. Concordance of the books with sources cited in Jefferson's and Livingston's writings on the Batture case, *Louisiana Reports*, and other records of Court proceedings will further inform our efforts to understand attorneys' sources. And, although the formative era often provides the most instructive and the most exciting field of study, this investigation should forge beyond the Civil War to examine the contents of postbellum attorneys' libraries. Gustavus Schmidt, Christian Roselius, and Branch Miller are waiting.

48. BERTRAM WALLACE KORN, BENJAMIN LEVY: NEW ORLEANS PRINTER AND PUBLISHER 11, 16, 27-29 (Portland, Me.: Anthoensen Press, 1961); Florence M. Jumonville, "The People's Friend—The Tyrant's Foe": *Law-Related New Orleans Imprints, 1803-1860*, in A LAW UNTO ITSELF?: ESSAYS IN THE NEW LOUISIANA LEGAL HISTORY, *supra* note 4, at 54; FLORENCE M. JUMONVILLE, BIBLIOGRAPHY OF NEW ORLEANS IMPRINTS, 1764-1864 *passim* (New Orleans: Historic New Orleans Collection, 1989).

49. KORN, *supra* note 48, at 33-36; Carla Downer Pritchett, *Case Law Reporters in Nineteenth-Century Louisiana*, in A LAW UNTO ITSELF?: ESSAYS IN THE NEW LOUISIANA LEGAL HISTORY, *supra* note 4, at 64; Florence M. Jumonville, *Books, Libraries, and Undersides for the Skies of Beds: The Extraordinary Career of A.L. Boimare*, 34 LA. HIST. 454 (Autumn 1993).