2015

Evidence of Women: Women as Printers, Donors, and Owners of Law Texts.

Anna Franz
Yale Law Library

Follow this and additional works at: http://digitalcommons.law.yale.edu/ylss

Recommended Citation
http://digitalcommons.law.yale.edu/ylss/31

This Article is brought to you for free and open access by the Yale Law School Other Scholarship at Yale Law School Legal Scholarship Repository. It has been accepted for inclusion in Librarian Scholarship Series by an authorized administrator of Yale Law School Legal Scholarship Repository. For more information, please contact julian.aiken@yale.edu.
Evidence of Women
Women As Printers, Donors, and Owners of Law Texts

An exhibition curated by
Anna Franz
Rare Book Fellow, Lillian Goldman Law Library Yale Law School


Rare Book Exhibition Gallery Level L2
Lillian Goldman Law Library
Yale Law School 127 Wall Street
New Haven, Connecticut
Women printed, donated, and owned law books – from manuals to treatises to codes – long before women entered legal practice. From queens to unknown women, from the fifteenth to the nineteenth centuries, this exhibit provides a glimpse of women's involvement with law books both inside and outside of official structures.

This exhibit provides further evidence of women's long involvement with the law even at times when they could not practice it. Since the exhibit represents only a small sampling from the vast corpus of law texts, it prompts reflection on the potential depth and breadth of women's interactions with the law as producers, transmitters, and consumers, instead of as objects or eventually practitioners of law. It especially highlights women's importance in the dissemination of law texts through their substantial and sustained role as printers and sellers of law books.

ANNA FRANZ
Rare Book Fellow
Lillian Goldman Law Library, Yale Law School
July, 2015
Women have printed since printing became established in Europe, just as they took part in book production during the long reign of manuscripts. All entered the business as heirs, usually of husbands, but sometimes also of fathers or brothers. While no woman ever started a printing business on her own, many women continued the family business independently for years or decades. If they did remarry, and some did several times, these women helped establish and preserve some of the great printing dynasties of England, Ireland, and the United States.

The books following represent women who printed law texts over 225 years. Some were official printers, others printed texts without official support, and one was imprisoned for her printing. Some printed independently for most of their lives, some only for a couple of years. Their stories differ in the details, but they are all linked by the press and the law.
Jane Yetsweirt took over the printing business of her deceased husband Charles in 1595. This included taking over the patent (exclusive printing rights) for common law texts in England, which he had received through his father. Until her death in 1597 Jane used the patent to print a number of law texts including statutes, yearbooks, and treatises.


All that is known of Elizabeth Smith is this imprint and that she last appeared in the Term Catalogues (list of books available at various book fairs) in 1689.


See: Henry Plomer, A dictionary of the printers and booksellers who were at work in England, Scotland and Ireland from 1668-1725 ([London]: Bibliographical Society, 1968), 273.
Elizabeth Walbanck operated out of Gray's Inn Gate, next to one of the Inns of Court. These appear to be the only two books she was involved in.


See: Plomer, 298.
"The widow Franklin" was Ann Franklin, wife of James Franklin (Benjamin Franklin's older brother), who moved from Boston to Newport in 1726 or 1727 to start printing there at the request of some of its citizens. When he died in 1735, Ann became the first woman printer in New England. She printed independently until 1748, when her son James returned from his apprenticeship to his uncle in Philadelphia. Together they started the newspaper Newport Mercury in 1758, and with James' death in 1762, Ann again took full control of the business until her death a year later. The Newport Mercury is still published.

Charter . . of Rhode Island and Acts & laws . . of Rhode Island, Newport, 1744 and 1745.

Elizabeth Nutt continued the business of her husband John, who had switched back to printing from bookselling after receiving part of the patent for printing law. She printed independently into 1717, when she was joined by Robert Gosling. She continued printing with Gosling and others through the 1730s.


See: Plomer, 221-222.
Sarah Cotter took over the business of Joseph Cotter, perhaps her brother rather than husband, in 1751 and printed independently until 1768, when she married and an apprentice took control of the business. While she was active Sarah was prolific, as this advertisement shows. She focused on law texts, including establishing ties with the London trade to the point of being listed as the Dublin agent on some London imprints. Between Sarah and Elizabeth Lynch (Watts), the bulk of Dublin legal printing came out of shops run by women for over forty years.


Sarah had worked previously with Richard Watts, and she and Elizabeth are listed with other printers on several non-law-related texts. This appears to be the only book where just the two women worked together.

John Atkyns, *Reports of cases*, Dublin, 1765.
Ann Timothy began printing independently when her husband Peter, who had printed in Charleston since 1746 (following his father and mother in the business) died in 1782. He had held the official position of printer to the colony, and it seems she took up that office after the Revolution. Along with state imprints, she produced legal blanks and handbills, but focused most of her energy on *The Gazette*, the newspaper begun by her in-laws and continued by her son after her death in 1792.

Acts, ordinances, and resolves of the General Assembly of the state of South-Carolina, Charleston, 1785.

See: Hudak, 471-493.
When the Philadelphia printer Robert Bailey died in 1808, he left his wife Lydia Bailey (b.1779) with four young children, a lot of debt, and a foundering business. From that year until her retirement in 1861 she made the business successful, printed prodigiously, apprenticed forty-two future printers, and served from about 1830-1850 as the official City Printer, the only woman to hold that post. Her son William Robert (b.1807) helped her in the business, and increasingly so as he grew older. His death in 1861, as well as the rise of steam printing, prompted her retirement that year at the age of 82. She died in 1869 at age 90.


See: Hudak, 613-660.
Jane Carlile published this pamphlet while her husband Richard, who printed the radical newspaper the Republican, was in prison for blasphemous libel. Jane was likewise arrested in 1820 but later released on a technicality. She resumed printing until another arrest a year later. Her sister-in-law Mary Anne Carlile then stepped in and was subsequently arrested in turn. This all took place in the context of the trial of Queen Caroline, whom George IV charged with adultery as a way to divorce her. The lower and middle classes took up the Queen's cause to the point that the government feared revolution.


Among the myriad of printers, Elizabeth Lynch epitomizes the woman printer of law texts. As evidenced by the advertisement from 1792 following, she printed prolifically. Like most women, she began her career by taking over her deceased husband's operation. And like most printers, she acted as both a printer and bookseller, and ran a circulating library. Like her fellow Irish printers, she reprinted or out-right pirated a number of English books.

She began printing in 1762 as Elizabeth Watts, widow of Richard Watts, who had likewise focused on law texts. In November of that year, the Chancellor and Society of the King's Inn (Dublin's Inn of Court) extended to her the sole privilege of selling books at the courts. In 1768 she married Reverend Stewart Lynch, who was both a bookseller and a curate. Whether by choice or necessity she continued business independently as Elizabeth Lynch, surviving her second husband by eight years. Her son Henry, who had taken an increasing role in the business, succeeded her after her death in 1794, succeeded in turn that same year by his widow Sophia and his brother Thomas.

See: Pollard, 597-598.
Elizabeth's books found their way into the hands of important lawyers. This copy belonged to David Daggett, one of the founders of Yale Law School (Aaron Burr inscribed another copy of this same edition held by the library) and Samuel Hitchcock, another founder, also had a couple of Elizabeth's productions.

A LAW GRAMMAR.

LAW in general, is defined to be a certain Rule for the well ordering of Civil Society; or it is an Art directing to the Knowledge of Justice.

In its most general and comprehensive sense, signifies a rule of action; and is applied indiscriminately to all kinds of action, whether animate or inanimate, rational or irrational: Thus we say, the law of motion, of gravitation, of statics or mechanics, as well as the Law of Nature and of Nations, and it is a rule of action which is prescribed by some legislature, and which the inferior is bound to obey. 1 Black. Com. 39.

The Subjects of a Law I divide into six Parts.
IV. Merit of Points or Cases. V. Words of Art and Terms. VI. Fictions, Introductions.
Although the bulk of what Elizabeth printed originated in England, Ireland had its own courts and so there were "home-grown" law texts to print.

Elizabeth based this pirated copy on the 4th edition of the *Analysis*, but billed it as the 5th edition which had come out four years before.


This is the 4th Dublin edition of the *Commentaries*. Elizabeth had a hand in the first five Dublin editions.


See: Laeuchli, 4-12.
Elizabeth reprinted Blackstone’s two-volume *Tracts* in a single volume and included the additions and corrections to the first Oxford edition, with the exception of the tract *A treatise on the law of descents*, which was an unchanged reprint of the copy issued by her husband Richard Watts in 1760.


See: Laeuchli, 424-425.
While Elizabeth produced a great deal independently, she also worked with other printers and booksellers throughout her career. Doing so lessened the risk on works which may not sell well or were very expensive to produce.

Modern reports, Dublin, 1793.


Although inscriptions give the surest sign that a person owned a book, this evidence of women often leaves more questions than answers. Did she actually read the book? Was it given to her or did she intentionally purchase it? Did she have an interest in law or was this the only such book she had? Why did she give this book to this person?

Some of the women here are still well-known, some were in their day but have largely been forgotten, and some seem lost to history completely.
This copy of the New Statutes of England was commissioned either by Henry VI as a wedding gift for Margaret of Anjou, or by Margaret for her son Edward of Lancaster, Prince of Wales. Her arms are those in the top right corner of this page. The book then came to Sir Richard Elyot (1450–1522) who served as Attorney General to Henry VII's queen, Elizabeth. His arms are at the bottom left, and those of his wife, Alice Delemare, bottom right. It then came to Margaret Elyot (1500–1560/69), wife of Richard's son Sir Thomas Elyot. She passed the book to George Freville (d.1579), a lawyer at Middle Temple, despite the explicit instructions in Thomas' will that his books all be sold and the money given to charity. It then passed to another, anonymous woman, since a partially-erased inscription from 1581 marks it as part of "her possessions." It eventually stayed with one family for generations before being sold.

Statuta Angliae Nova, 1444-1483/1484, 55r.

Maria Benigna Francisca Piccolomini (1635-1701) was the daughter of Duke Julius Heinrich of Saxony-Lauenburg. At 16 she married the 52-year-old Octavio Piccolomini who died five years later; they had no children. She then engaged in a protracted legal battle against the regents of his heirs to retain control of a castle and holdings in what is now the Czech Republic. Leopold I finally ruled against her in 1679, but she did not retire to Prague until 1685. She gave her library, the so-called Troilo-Piccolomini Library, to the Piarist college in Schlackenwerth (now Ostrov, Czech Republic). Although the books were scattered after the college closed, efforts like the Provenance Online Project help bring them back together.

Appropriately, the works bound together in this volume deal with laws of inheritance - the work shown here is on the law of substituting heirs.

◊ Tractatus substitutionum domini, with three other works, Lyon, 1529.

Emily Gerry (1802-1894) was the eleventh and final child of Eldridge Gerry (1744-1814), fifth Vice-President of the United States and one of the signers of the Declaration of Independence. Emily never married and spent most of her life in New Haven, at the Gerry family home at the corner of Temple and Wall Streets. Her nephew Elbridge wrote the report for the Tallmadge trial she gave to Simeon (1840-1927), who was just starting his law practice in 1864, having passed the Bar the previous year. Was Emily helping the young attorney fill his shelves?

- *Arguments of counsel... upon the power of Congress to make United States treasury notes a legal tender*, New York, 1863.

Anna Gurney (1795-1857) learned ancient languages at an early age, including Old English and Hebrew in addition to the standard Latin and Greek. She published a translation of the Anglo-Saxon Chronicle, and was the first female member of the British Archaeological Association, subsequently publishing two papers in its journal, *Archaeologia*. This book certainly matched her antiquarian interests since this edition of the Visigothic Code included brief excerpts on the history of the Goths, and the second work reproduced fragments of Roman law. Both texts are underlined and annotated, but there is no way to tell who added the notes.

◊ Antonio Agustín, *De legibus et senatusconsultis liber*, Paris, 1584.

"Mrs. A.C. Paige" was Harriet Mumford Paige (1807-1867). She came from a well-connected New York family and graduated from the Troy Female Seminary in 1824, a mere three years after the school's establishment by Emma Willard. The Seminary was the first institution to offer women an education similar to what men received in college (and continues today as the Emma Willard School, a girls' preparatory academy). She married Alonzo in 1832 and the family lived in Schenectady. He delivered this address shortly after retiring from the New York Supreme Court, 4th District. The identity of Harriet's addressee, "Professor Gilliman," remains unknown.

Alonzo Paige, Address to the graduating class of the Law Department of the University of Albany, Albany, 1858.


Mary Fairbanks, Emma Willard and her pupils; or, Fifty years of Troy female seminary, 1822-1872 (New York: Mrs. Russell Sage, 1898), 85.
Catharine Swan Brown Spear (1814-1903) was an American activist in the abolition, temperance, and anti-capital punishment movements. John Sydney Taylor (1795-1841) was an English lawyer and journalist who wrote and edited newspapers before he began practicing law. He famously defended Edward Oxford, who had fired shots at Queen Victoria. Taylor successfully used an insanity plea to spare Oxford's life, having him committed to an asylum instead of hanged. Taylor's views and writings on the death penalty likely attracted Catharine to this work. However, this copy serves as an example of how a book was used, or in this case, mostly not. Except for a few of the pages where his writings touched upon abolishing the death penalty (and not even all of those) the pages remain uncut and so unread.


"Mrs. Hillhouse" was Cornelia Ann Lawrence Hillhouse (1802-1874), daughter of the New York merchant and banker Isaac Lawrence. She married James Hillhouse (the author, not the lawyer) in 1822. The couple moved to New Haven shortly afterwards and had three daughters. There is a portrait of her in the collection of the Yale University Art Gallery. Unfortunately, little else is known of her. Her brother William Beach Lawrence (1800-1881) was a well-known lawyer who specialized in international law and briefly served as Governor of Rhode Island.

William Beach Lawrence, *Visitation and search*, Boston, 1858.

This trial about a woman abused to the point of leaving her religious order created quite a sensation in England, stirring up anti-Catholic, and particularly anti-monastic sentiment. As The Wesleyan-Methodist Magazine for that year was careful to note about this trial and its meaning, "There must be common persuasion that monasticism is as unscriptural as it is un-social. ..." Virgine Glynn of Devon remains unknown.

◊ Extraordinary trial by a sister of mercy, London, 1869.

Sir Thomas Fowell Buxton (1786-1845) wrote this work after reformers Elizabeth Fry and Samuel Hoare (who were his sister- and brother-in-law) encouraged him to visit the Newgate prison in London. The book sold very well, with six different editions and printings that year, and Anne Newcome did not wait long to purchase her copy. She is otherwise unknown.


This manual for local government officials provided office holders from Assay Masters to Workhouse Overseers an outline of what they needed to do, how, and when. In principle, the state constitution barred women from holding office since they could not vote (a principle upheld by the Maine Supreme Court in 1874), so it is unlikely that Harriot Osborne had this for official use.

◊ The powers and duties of the town officer, Brunswick, 1822.

Evidence of Women
Women As Printers, Donors, and Owners of Law Texts

An exhibition curated by
Anna Franz
Rare Book Fellow, Lillian Goldman Law Library Yale Law School


Rare Book Exhibition Gallery Level L2
Lillian Goldman Law Library
Yale Law School 127 Wall Street
New Haven, Connecticut

Acknowledgements

- Mike Widener, Rare Book Librarian
- Susan Karpuk, Rare Book Cataloger
- Sarah Kraus, Senior Administrative Assistant
- Shana Jackson, Office Services Assistant

Lillian Goldman Law Library, Yale Law School