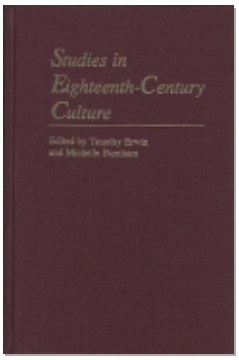
That "Blunderbuss of Law": Giles Jacob, Abridgment, and Print Culture



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That "Blunderbuss of Law": Giles Jacob, Abridgment, and Print Culture

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Giles Jacob has been recently described as "the most prolific author of self-help legal manuals."[1] He is well known as the author of the enormously influential eighteenth-century *New Law Dictionary*—a text that reached a sizable audience not only in Britain but also in colonial America where it was "the most widely used English law dictionary" and could be found in the libraries of many colonial lawyers, including the most prominent.[2] The *New Law Dictionary* was probably Jacob's most successful work, but it was only one among the many practical legal, political, and literary works he produced in the first few decades of the eighteenth century. Jacob, like some other notable early eighteenth-century compilers of law, published a large number of texts on conveyancing, Chancery practice, local courts and officers, military, commercial, criminal, and constitutional law, as well as his law dictionary.[3]

Moreover, while legal writing was Jacob's primary occupation and contribution, poetry, satire, and literary biography were also a part of his published work. As the author of *The Poetical Register: Or The Lives and Characters of the English Dramatick Poets: With an Account of Their Writings*, Jacob is known among literary scholars for his role in a controversy concerning the reputations of John Gay and Alexander Pope.[4] Attacked and immortalized in Pope's *Dunciad* as "the Scourge of Grammar" and the

"Blunderbuss of Law," Jacob's reputation as the chief example of the incivility of the eighteenth-century common law has persisted. His work is often regarded by modern scholars of both law and literature as exemplary of an inferior English legal literature copiously produced in the early eighteenth century. This proliferating legal literature has generally been denigrated by modern scholars, who unfavorably compare it with the more "substantive" and "systematic" legal treatises of William Blackstone or Geoffrey Gilbert. Indeed, most scholars have set up a dichotomy between this practical, inductive, descriptive legal literature and a rational, analytic legal literature, and through this contrast the practical legal literature has remained an object of scorn rather than an object of study.[5]

Neither a Gilbert nor a Blackstone, Giles Jacob is, then, generally ridiculed as a hack. Yet as this essay will argue, Jacob should be understood as exemplary, in a more fundamental sense, of an evolving discourse of English common law. Jacob's law books are representative of the ways in which these early eighteenth-century abridgments, students' books, and legal handbooks effectively met new demands of legal education, contributed to broader traditions of humanist and Enlightenment writing, and took part in a burgeoning eighteenth-century print culture. Works like Jacob's law books developed in close relationship to manuscript commonplace traditions, and these texts must be understood within the context of legal education and the ways in which students and practitioners were taught to confront and master the sources of the law. These practices in education and in print—the ways in which these new printed books organized all this information of the law—must also be seen in the context of Enlightenment encyclopedic traditions. The law book authors, like encyclopedia-makers, were dealing with the problem of knowledge management or "information overload," and in response to this problem the learning of the law was systematized, alphabetized, and organized. As Ann Blair has explained, in the early modern period a "perception of an overabundance of books fueled the production of many more books, often especially large ones, designed to remedy the problem," and the recognition of the usefulness of these compilations and reference books was increasingly widespread.[6] If we look at Jacob's law books in these contexts we will no longer see simply what scholars have characterized as the emblematic texts of an inferior literature, often linked to a more general decline of common law in this age of reason, commerce and politeness.[7] Instead we will come to a deeper understanding of the relationship between English common law and Enlightenment cultures.

Learning and Commonplace Books

A notable expansion in legal publication began in the mid-seventeenth century, in part a consequence of the disruptions suffered by the Inns of Court, and of the movements toward law reform, during the civil wars and Interregnum.[8] This expansion built upon an already significant increase in the publication of law books which coincided with the advent of printing and accelerated from the 1590s onward.[9] Many examples exist of abridgments, tables, dictionaries, collections of cases and statutes, works on conveyancing, and on pleading and practice that were first published in the seventeenth century and used and valued well into the eighteenth century. The authors of the early eighteenth-century practical legal literature self-consciously relied upon the work of earlier abridgments; they continued the tradition initiated by the first compilers, Nicholas Statham and Anthony Fitzherbert, and perpetuated by later contributors such as William West or William Style.[10] The volume of law publications showed no sign of diminishing but rather seemed to increase in the eighteenth century. This publication boom was one response to the new difficulty of being educated in the law: with the decline of the Inns of Court in the late seventeenth and early eighteenth centuries self-education and apprenticeship became increasingly important.[11] And the law student was not only expected to read the law but also to compose a legal commonplace book, a practice that took on particular significance now with the scarcity of other methods of study or forms of legal note-taking.

Giles Jacob's education in the law, and his subsequent profession as legal author, are indicative of these developments. Unlike some other prominent legal authors, Jacob did not matriculate at one of the declining Inns nor was he called to the bar; rather he engaged in extensive reading and self-education, and served as an apprentice to an "eminent attorney" and as a steward and secretary to a prominent political official.[12] Jacob's legal education was clearly fairly typical, and it enabled him to understand what kinds of practical texts would be most helpful to the young lawyer. In fact Jacob asserted, in the preface to his text *The Statute Law Common-plac'd*, that his own failure to prosper in the practice of law made him peculiarly well equipped "to do some Service to others, at least in assisting their Memories, if not improving their Judgments, by reducing the several Branches of the Law to a proper Bounds, freeing them from a Confusion of Method, and perfecting what I find little more than begun by my industrious Predecessors."[13] The success of his early guides to court

keeping and to the statutes, Jacob often claimed, led many practitioners and publishers to request further editions and this in turn encouraged him to compile other legal texts.

The difficulty of autonomous legal training was often acknowledged by Jacob and others. In his *Statute Law Common-plac'd* and *The Student's Companion: Or the Reason of the Laws of England* Jacob contributed to a fairly large contemporary advice literature dealing with the challenge of legal commonplacing.[14] Such advice to prospective lawyers was part of an important tradition of instruction in commonplacing that had developed in early modern Europe. As Ann Moss has shown, the commonplace book first fully emerged in Renaissance Europe although it was founded upon earlier ancient and medieval precedents. Detailed guidance as to the organization and content of such notebooks was articulated in the sixteenth century by major figures like Desiderius Erasmus; Erasmian examples were taught and extended in printed commonplace books throughout the sixteenth century, and these humanist educational reforms influenced English and Continental lawyers as much as they affected theologians and students of the arts.[15] Methods of commonplacing were also articulated in the seventeenth century by scholars such as John Locke, who took part in debates over practices of commonplacing and the authority of quotation. The advice literature on note-taking for law students contributed to these debates, and indicates some of the intersections between the explosion in print and the commonplace book, especially in terms of the impact of print on manuscript practices.

In the introduction to the second edition of *The Student's Companion*, for example, Giles Jacob offers the following advice:

> After a Treatise is fully read over, ask your self the Question, *What Knowledge you have gained thereby?* Do this immediately, and the Answer conceived in your Mind, instantly pen down under Heads, just as the subject Matter presents it self to you, and afterwards more methodically, on comparing the same with the Book, and referring to the Pages where it is to be found, in the Way of Alphabet; (and if the Treatise be large, and your Memory treacherous, it will be necessary to make Remarks as you proceed, or at the End of every Chapter). Then peruse these heads often, and when you have gone through all the Books, reduce the several Alphabets in a general *Common Place-Book*, without which no Man can be a thorough Lawyer.[16]

Jacob's emphasis is on detail and diligence, reflection and immediacy. The insistence upon rigorous work and persistence echoes a common earlier

humanist refrain about the labors of scholarship.[17] Eighteenth-century authors of advice like Jacob also echoed John Locke's emphasis, in his *New Method of Making Common-Place Books*, on the function of the commonplace book as a repository or home-made reference book even more than its function as an aid to memorization.[18] The commonplace book was to be a collection of sources available to the young lawyer as much as it was to be a learning tool.

Jacob here also, obliquely, acknowledged the likely mistakes the inexperienced student would make. Frustrations and missteps, and the high stakes involved for the student compiling a legal commonplace book, were frequently noted by contemporaries.[19] Jacob's remedy was this proposed two-step method of note-taking. The study of law was not for the weak or faint of heart, Jacob also warned, and in undertaking this course of reading and note-taking "it is necessary that [the student] should pursue his Study with as great Diligence as his Strength of Constitution will permit." Jacob introduced the theme of manliness and potency by claiming that some men (including himself) can "read through a thin Folio in a Day," but for most men this was too taxing —"too Violent for the Body and Mind"—and it would lead to confusion rather than education.[20] Like other advisors, Jacob emphasized the material context of reading; he recognized the impact of the page, the labor required to decipher and record its meaning, on the content of the text. The best course to follow, Jacob and others agreed, was one of steady application, careful reading and copious note-taking.

Much of the advice literature insisted that the law student must read the original texts written by important authors like Sir Edward Coke, Christopher St Germain or Sir John Fortescue, but abridgments of these authors' texts as well as of writs, pleading, cases, statutes, and many other areas of the law, were also acknowledged and recommended. The eminent lawyer and author Roger North was an exception here, as he sternly advised "that a student must have a care of dealing in abridgments, indexes and common places, all of which are his enemies."[21] But most agreed with the sage judgment expressed by Matthew Hale in his preface to Henry Rolle's massive abridgment—a text and preface well-known throughout the eighteenth century—that abridgments "were published for the help and benefit of students, not to abate their industry." Indeed, Hale insisted that such books were a current necessity: "Whereas at this day the books of the law are grown very many and very large, so that many will not have the patience to read them all, the student will in this book have a considerable abstract and collection of most that is material in them."[22] The increasingly numerous

abridgments and student handbooks were regarded as an aid and a model for the commonplace book. In composing his law commonplace book the student often copied the alphabetical headings employed in such abridgments. Printed and standardized sets of titles for commonplacing were also readily available for purchase, or, if the student were fortunate enough, he could follow the titles passed down by a trusted friend or experienced practitioner.[23]

Clearly a close relationship existed between student commonplace books and printed practical texts, like these abridgments of law. Indeed the abridgments initially developed out of students' and practitioners' commonplace books, and these manuscript practices continued to have a reciprocal influence upon print. [24] Although the early eighteenth-century abridgments worked within a printed genre which originated in the late fifteenth and sixteenth centuries, they also quite self-consciously drew upon the ongoing development of manuscript practices—unsurprisingly, since the legal commonplace book was an increasingly important tool for dealing with the profusion of knowledge and print.

Giles Jacob signaled his indebtedness to the commonplace tradition in his *Student's Companion* by manipulating the familiar image of the commonplace writer as a bee harvesting nectar from multiple flowers. He asserted that he was laying out a new path of legal knowledge, but also admitted that he was "obliged to our greatest Writers on the Subject for some of my choice Flowers of Reason."[25] Jacob also offered tribute to the manuscript tradition in the titles as well as in the content and structure of his *Statute law Common-plac'd* and his *Common-law Common-placed*. His abridgments and handbooks organized the material of the law under typical commonplace headings. Like other compilers, Jacob often followed an alphabetical organization, with topical headings and explanatory subheadings introducing the content of enumerated cases, statutes, and other records. In most legal commonplace books information was similarly presented in short paragraphs, or sometimes in enumerated points, under heads or titles.[26] Among the many extant examples of alphabetically-organized commonplace books, title parameters typically range from "acceptance" or "annuitie" to "warrantie," from "abjuration" to "woode," or from "administration" to "will." The interrelationship between print and manuscript is evident in the tendency for early eighteenth-century commonplacers to begin with "abatement" and end variously with "writs," "wreck," or "words"; this was likely due to the increasing influence of eighteenth-century abridgments by Jacob, Knighley D'Anvers, and William Nelson, or the earlier abridgments of William Hughes and William Sheppard, which opened with "abatement" as their first term.[27]

Printed abridgments were sometimes multi-volume and, like many manuscript notebooks, each volume opened with a table of contents or heads while the concluding volume offered an index of cases.[28] William Nelson's three-volume *An Abridgment of the Common Law*, for example, employed such headings as "abatement" through to "entry" in volume one, "error" to "profit" in volume two, and "prohibition" to "writs" in volume three. Within each topic, cross-references to other relevant or related entries were often noted, and citation of the source for each entry was inserted at the end of each paragraph or printed in the margins of the page.[29] These abridgments looked familiar to the reader, with commonplace headings across the top of the page, enumerated points below, and marginal citations throughout. Readers of the abridgments not only were guided and constrained by this format, but also helped to perpetuate these structures through their notes and commonplace books.[30]

These mutual influences between the commonplace book and the printed law book in their content, general format, and even in the specific layout of the page, shaped author, reader, and publisher practices. Although it is clear that the abridgments developed out of student commonplace books, it has been less well understood why greater numbers of these practical texts like Jacob's were published in the eighteenth century and what kinds of impact they had on the commonplace tradition or on legal education more generally. Perhaps the new and increasingly common printed books were meant not only as models and supplements but even as replacements for those "home-made" law books. These abridgments might be seen as the precursors to modern "Gilberts" or "Nutshells"—cram books students use today, useful for avoiding the more rigorous training involved in following a course of legal study and compiling a legal commonplace book for oneself.[31]

Or it is possible that they were seen as useful reference books or textbooks that one could annotate or use as a template for one's own notebook. Quite a few surviving examples of interleaved and annotated abridgments seem to indicate that these books were used *as* commonplace books, books that could be turned into a hybrid between textbook and notebook, reminding us of the instability of the text "written" by an author.[32] Not only slightly older titles, like Henry Rolle's *Abridgment*, but also newer titles like D'Anvers' *A General Abridgment of the Common Law* served this function. And it was not only folio volumes, with their wide margins for composition, that doubled as notebooks: quarto volumes like Samson Euer's *Doctrina Placitandi* were also annotated and interleaved with folio pages for note-taking.[33] These manuscript annotations appear as enumerated points, as references to cases, statutes, decrees, and maxims of the common

law; they appear in the margins and on interleaved pages that mirror the printed text. These traces of reading were themselves read and used and valued by successive generations of readers, passed from owner to owner well into the nineteenth century, giving further indications of the intersections between manuscript and print, and between composition and consumption. These interleaved texts give us a real sense of the intertwined practices of reading and writing, and they alert us to the impact a text might have on its reader. It is also notable that this practice of interleaving and transformation was advocated for other essential texts, like Blackstone's *Commentaries*, well into the nineteenth century.[34]

Abridgment, Dictionary, Encyclopedia

Legal commonplace books are, then, one key to understanding that proliferation of legal texts, and they serve as an important context for reading the abridgments and other examples of the practical legal literature. Giles Jacob's works on law, like the rest of the law books produced by Nelson, D'Anvers, Matthew Bacon, John Lilly and others, were conceived of as reference works and repositories, and as a means of collecting, selecting, and often condensing the learning of the common law.[35] This was the sense in which they were "practical" books, to be used selectively in study and practice for the retrieval of information. But many of these law books were also intended to be used in their entirety, as coherent books to be read, not just consulted. The important insights into intentionality and authorship that scholars like Richard Yeo and Roger Chartier have brought to bear on the analysis of eighteenth-century dictionaries, libraries, and encyclopedias are also relevant here: the law books, too, "promised to replace other books, condensing knowledge . . . [and] they were conceived as having a structure or design, planned by an author."[36] These books were intended to provide instruction in an area of the law—or in the case of the larger abridgments, in the entirety of the common law—not only for students and novices but also for experienced practitioners who needed help in confronting the burgeoning literature of the law. The books' headings, sub-headings and cross-references were among the means used by eighteenth-century compilers of encyclopedias and by authors of law abridgments in order to convey the *unity* of their work. These methods enabled authors to combine the ease of alphabetical organization with the coherence of thematic or systematic exposition. Alphabetical organization afforded help in the process of selection, and simplicity in the categorization of material. But the use of cross-reference, and the advocacy of "systematic reading" in the law books, like the new encyclopedias, indicates that these

volumes were also envisioned as systematic and coherent classifications of knowledge.[37]

Thus the abridgments not only drew upon older commonplace traditions but also participated in a long-standing encyclopedic tradition. Like other examples of "encyclopaedism" these law books shared a "passion for systematic classification of knowledge" expressed in "large-scale collection projects" and attempted "comprehensive coverage of particular disciplines."[38] These law books were produced during an eighteenth-century "age of encyclopaedias," along with John Harris's *Lexicon Technicum* or Ephraim Chambers' *Cyclopaedia*, and they shared some of the newer goals and concerns of that burgeoning genre.[39] Jacob, D'Anvers, Nelson, and Bacon, like the compilers of encyclopedias and dictionaries, experimented with the ordering of knowledge and reflected on the usefulness of their texts.[40] These and other abridgments that followed varied in their level of detail and subdivision of information but they all played a role in the formation of a legal "encyclopedic vision"—proposing not just one but a select number of texts "containing the collective knowledge of a community which might be put together again if all the other books were lost."[41] Moreover, all of these books were commercial enterprises, the law books as much as the encyclopedias, "a stunning example of how the trade in knowledge was judged to be worth large capital investment."[42] Written in the vernacular, and organized alphabetically, all of these books aimed to educate and communicate with an audience that was broader than the one for the older Latin encyclopedias, or Latin and Law-French texts.

One interesting example is Giles Jacob's *Every Man his Own Lawyer*. Although ostensibly a more popular and general law book, this text was a fairly robust survey of main points of legal process and personnel, estates, marriage and inheritance, and even of constitution and statute. Information that appeared in Jacob's other works was also included here, fitted for readers "of every capacity" and with the hope expressed that such information might have a beneficial effect on the prosecution of suits.[43] In an "Age of Inquiry into Things," as Jacob put it, knowledge can be organized and communicated in such a way as to be advantageous to an inquiring public but also "[afford] a very just Instruction" to legal professionals.[44] Jacob often defended his methods, and defended his abridgments, for their accessibility, clarity, and ease of use; in so doing his arguments repeated the claims made for collections or "libraries" in other fields.[45] Another notable feature of this and many others of Jacob's books is its size: printed in octavo format, these texts may have been conceived of as portable surveys of legal practice. Much like other respected law books, such as William Hawkins' *An Abridgment of the First Part of my Lord Coke's*

Institutes or Robert Gardiner's *Instructor Clericalis*, the goal was portability and usefulness.[46] A good number of the newer abridgments were published in quarto or octavo, and some of the older titles appeared in this smaller format as well. Such portable books "were another form of 'library' produced by the book trade."[47] These libraries, or bibliotheques, like the encyclopedias and dictionaries, were a form of response to the proliferation of print and the problem of collection. As Roger Chartier explains, these portable texts "had a counterpoint in the eighteenth century in a vast number of equally popular small, concise and easily handled volumes named *extraits, esprits, abreges, analyses*, and so forth."[48]

By contrast, the numerous collections of case reports published at this time were usually, although not exclusively, produced in folio volumes. Giles Jacob's folio edition of the reports of Chief Justice Holt is one example, and it provided yet another venue for Jacob's defense of collection and abridgment. Here Jacob hearkened back to the great books of Roman law, comparing a proposed abridgment to a digest of the common law that would contain the collective knowledge of the legal community:

> To write a compleat Abridgment of the Common Law, may justly, at this Time of Day, be thought a Work too extensive for any one Person to undertake. Such a Work, or rather a *Digest* of our Laws, is worthy of a *Juncto* of the first Men in the Profession; of an English *Tribonian* and his Fellows. When that shall be effectually performed, the seeming Contradictions of the Reports shall be reconciled, and those Cases shall be thrown aside which have been denied by later Authorities, and upon better Reasons: And then the recorded *Dicta* and *Responsa* of *Hale*, *Holt*, and *Lee*, will be written down for Text-Law; as in the *Roman Digest* we find those of *Paulus*, *Ulpian*, and *Papinian*.[49]

Jacob's proposal sounded similar to the eighteenth-century encyclopedic projects of Harris, Chambers, and others. It even anticipated later encyclopedias, like the third and subsequent editions of the *Britannica*, in suggesting this "Juncto" of multiple authors.[50] Jacob's reference to Roman law appears misleading, however, since he was not calling for an institute in the accepted sense of a systematic and analytic treatise or textbook of law. But his divergence from the Institutionalists is deliberate and instructive. Jacob adhered to eighteenth-century notions about reasoning through examples, comparisons, and juxtaposition, and he endorsed that combination of the alphabetical and thematic organization of information. In Jacob's mind the *dicta* and *responsa* of jurists would become text law still recorded

as cases and arguments rather than in treatise form; analysis of law would remain inductive, rules and reasons would be derived from cases and remedies. Until such a complete abridgment or digest was possible, Jacob added, case reports and lesser abridgments like his own remained useful.

The volume of reports that followed Jacob's proposal is a large reference work, more than seven hundred folio pages arranged alphabetically from "abatement" to "writs," with extensive tables of titles, cases, and principal matters appended at the front and back. Jacob's *New Law Dictionary* is similarly large and aimed to be even more comprehensive than his other works. This dictionary is most like the work of Chambers and Harris and other encyclopedists both in terms of its layout (small print in double columns in two volumes of unpaginated folios), and in terms of its attempt at accessibility and communication with a wide audience. But Jacob produced narrowly topical as well as such broadly comprehensive works organized both alphabetically and non-alphabetically. He experimented with different methods of communicating information and quite often presented the same material in different formats, explicating the same writs, statutes, and cases in his multiple texts. He wrote for lawyers, local officers, merchants, students, clerks, stewards——and for poets, playwrights, and gentlemen of taste. Jacob's literary works were similarly varied and included essays, memoirs, plays, and poems as well as the *Poetical Register*, a broad anthology of collective biography in two volumes.[51] The *Poetical Register* betrays that same concern with the organization of knowledge; here, Jacob takes part in an "ordering of the arts" that has been described as a product of an Enlightenment interest in a history of the arts and in standards of taste and genre.[52] Jacob's *Poetical Register*, his *Law Dictionary*, and his many comprehensive abridgments and guides to the law share similar concerns, and may even have been influenced by a contemporary philosophical analysis of the intersections between language, knowledge, and civility.[53] Perhaps it was the multiple venues for reflection, and the comparisons naturally to be made among his own varied works, that led Jacob to question and experiment with the organization and communication of knowledge.

This variety should also serve as encouragement to us to read early eighteenth-century legal literature within those contexts of encyclopedia, bibliotheque, and commonplace book. These contexts allow us to come to a different assessment of the quality of these texts and a better understanding of common law thought in the era before Blackstone's treatises and Bentham's reforms. Eighteenth-century common law, both its literature and practice, has often been criticized as inaccessible and pedantic. It has been ridiculed as incoherent, a confused jumble of precedents, procedures, technicalities, and writs—a form of legal reasoning antithetical to reason

and principle. The works of Giles Jacob and the rest of the practical legal literature of the early eighteenth century have always seemed to confirm that view. The analysis of law in these texts remained inductive, with rules and reasons derived from cases and remedies, and presented through alphabetical commonplace headings, subheadings, and the practice of cross-referencing. But this legal reasoning through examples, comparison, and juxtaposition is not *only* representative of a particularistic, inductive, "common law mind." These reading and writing practices are also illustrated by the Enlightenment encyclopedias and are also part of a broader Enlightenment interest in the management and cogent expression of knowledge. Inductive logic—looking at what information one does have, gathering and organizing that knowledge—was *also* a part of Enlightenment projects.

Those broad Enlightenment goals of critique and definition, of sweeping away the past and articulating abstract ideals, were certainly different from the common law's aims in the eighteenth century. But they were also intimately connected to common goals of containing, and making coherent, vast amounts of learning. And by the same token, Giles Jacob was surely a "blunderbuss of law" and early eighteenth-century common law texts were surely voluminous, difficult, technical, and arcane. But they were also a part of commonplace and humanist traditions of scholarship, and part of new Enlightenment approaches to the mastery, communication, and progress of knowledge.

NOTES

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1. David Lemmings, *Professors of the Law: Barristers and English Legal Culture in the Eighteenth Century* (Oxford: Oxford University Press, 2000), 67 n.18.

2. Gary L. McDowell, "The Politics of Meaning: Law Dictionaries and the Liberal Tradition of Interpretation," *The American Journal of Legal History*

3.44 (2000): 261. McDowell is citing Leonard Levy, "Origins of the Fifth Amendment and its Critics," *Cardozo Law Review* 19 (1997): 854.

3. Jacob was indeed the most prolific, producing dozens of law texts including, for example, *The Compleat Court Keeper* (London, 1713); *A Review of the Statutes both Ancient and Modern* (London, 1713); *The Accomplished Conveyancer* (London, 1714–15); *The Modern Justice* (London, 1716); *A Catalogue of Writs and Processes* (London, 1717); *Lex Mercatoria* (London, 1718); *Lex Constitutionis* (London, 1719); *The Statute Law Common-plac'd* (London, 1719); *The Student's Companion: Or, the Reason of the Laws of England* (London, 1725); *The Common Law Common-placed* (London, 1726); *A New Law Dictionary* (London, 1729); *The Compleat Chancery Practicer* (London, 1730); *City Liberties: Or the Rights and Privileges of Freemen* (London, 1732); *Every Man his Own Lawyer: Or a Summary of the Laws of England* (London, 1736); *Law Grammar* (London, 1744). Most of these and Jacob's other texts were reprinted in later editions.

4. J. McLaverty, "Pope and Giles Jacob's *Lives of the Poets*: The *Dunciad* as Alternative Literary History," *Modern Philology* 83.1 (1985): 22–32; Pat Rogers, *Grub Street: Studies in a Subculture* (London: Methuen, 1972), 288–89; Matthew Kilburn, "Jacob, Giles (bap. 1686, d. 1744)," *Oxford Dictionary of National Biography* (Oxford; Oxford University Press, 2004) <http://www.oxforddnb.com/view/article/14565>. The couplet in Pope's *Dunciad* is: "Jacob, the Scourge of Grammar, mark with awe,/ Nor less revere him, Blunderbuss of Law."

5. See, for example, W.S. Holdsworth, *A History of English Law*, 12 vols. (London: Methuen, 1924), 6:574; J.H. Baker, *An Introduction to English Legal History* (London: Butterworths, 2002), 190–91; A.W.B. Simpson, "The Rise and Fall of the Legal Treatise: Legal Principles and the Forms of Legal Literature," *University of Chicago Law Review* 48. 3 (1981): 632–79. Note that Simpson argues for the absence of published legal treatises in England (with a very few exceptions) from the age of Littleton to the age of Blackstone. See also Michael Lobban, "Blackstone and the Science of Law," *The Historical Journal* 30. 2 (1987): 313.

6. Ann Blair, "Reading Strategies for Coping with Information Overload ca. 1550–1700," *Journal of the History of Ideas* 64.1 (2003): 12, 22–23; Richard Yeo, *Encyclopaedic Visions: Scientific Dictionaries and Enlightenment Culture* (Cambridge: Cambridge University Press, 2001), preface.

7. In addition to the works of Holdsworth, Baker, and Simpson cited above see, for example, David Lemmings, *Gentlemen and Barristers: The Inns of Court and the English Bar* (Oxford: Clarendon Press, 1990), and Lemmings, *Professors of the Law*.

8. For a discussion of changes in legal education, see J.H. Baker "Readings in Gray's Inn, Their Decline and Disappearance," in *The Legal Profession and the Common Law, Historical Essays*, ed. J.H. Baker (London: Hambledon Press, 1986), 35–37; Alan Cromartie, "The Rule of Law," in *Revolution and Restoration: England in the 1650s*, ed. John Morrill (London: Collins & Brown, 1992), 55–

69; Wilfrid R. Prest, *The Inns of Court under Elizabeth I and the Early Stuarts, 1590–1640* (Totowa, N.J.: Rowman and Littlefield, 1972); Prest, "Law Reform and Legal Education in Interregnum England," *Bulletin of the Institute of Historical Research* 187 (2002): 112–22; Nancy L. Matthews, *William Sheppard: Cromwell's Law Reformer* (Cambridge: Cambridge University Press, 1984).

9. See Simpson, "Rise and Fall," 636, 639; David Ibbetson "Legal Printing and Legal Doctrine," *The Irish Jurist* 35 (New Series 2000): 345–46; Richard J. Ross "The Commoning of the Common Law: The Renaissance Debate over Printing English Law, 1520–1640," *University of Pennsylvania Law Review*, 146. 2 (1998): 329–461. A similar proliferation of medical literature took place in this period. See, for example, Mary Fissell and Roger Cooter, "Exploring Natural Knowledge: Science and the Popular," *The Cambridge History of Science, Volume 4: Eighteenth-Century Science*, ed. Roy Porter (Cambridge: Cambridge University Press, 2003): 146–51, and Fissell, *Vernacular Bodies: The Politics of Reproduction in Early Modern England* (Oxford: Oxford University Press, 2005).

10. Anthony Fitzherbert, *La Graunde Abridgment*, 3 vols. (London, 1514–16?); Nicholas Statham, *Abridgment* (Rouen, 1488?); William Style, *Regestum Practicale: Or, the Practical Register, Consisting of Rules, Orders and Observations Concerning the Common-Laws and the Practice thereof* (London, 1657); Edmund Wingate, *An Exact Abridgment of all the Statutes* (London, 1642).

11. Lemmings, *Gentlemen and Barristers*, 95–108.

12. Jacob, *Compleat Court Keeper*, iii–vi; Kilburn, "Jacob, Giles (bap. 1686, d.1744)."

13. Jacob, *Statute Law Common-plac'd*, A3 verso. In this preface the rhetoric of Jacob's request for patronage includes not only the usual claims for the modesty of his performance but also alludes to the hardships Jacob faced in his training and practice: "I think it consistent with my Duty to make an Apology for my very great Presumption in prefixing the Names of the Right Honourable the Lord Chancellor the Judges (the Ornaments of the Law, and Distributers [sic] of Justice) in the Front of this small Performance; and it would be wholly unpardonable, were it not to implore a *Protection*, which a Person bred to the Law, by a Train of Misfortunes may otherwise want." A3 recto.

14. This advice literature included texts such as William Fulbecke, *Directive or Preparative to the Study of the Law* (London, 1600); William Phillips, *Studii Legalis Ratio, or Directions for the Study of the Law* (London, 1675); Matthew Hale, "Lord Hale's Preface to Rolle's Abridgment," in Francis Hargrave, *Collecteana Juridica: Consisting of Tracts Relative to the Law and Constitution of England*, 2 vols. (London, 1791; reprint Littleton, CO: Fred B. Rothman & Co., 1980), 1:263–82; Roger North, *A Discourse on the Study of Laws* ([written c.1709] London, 1824); "Lord Chief Justice Reeve to his Nephew," Hargrave, *Collecteana Juridica*, 1:79–81; Thomas Wood, *Some Thoughts Considering the Study of the Laws of England* (London, 1727); Nathaniel Cole,

"A Prescription for Educating a Barrister, 1736," in Lemmings, *Professors of the Law*, 341–45.

15. See Ann Moss, *Printed Commonplace-Books and the Structuring of Renaissance Thought* (Oxford: Oxford University Press, 1996), chapters 5–7; Ann Blair, "Humanist Methods in Natural Philosophy: The Commonplace Book," *Journal of the History of Ideas* 53.4 (1992): 541–42; Richard Ross, "The Memorial Culture of Early Modern English Lawyers: Memory as Keyword, Shelter and Identity, 1560–1640," *Yale Journal of Law & the Humanities* 10 (1998): 270–80.

16. Jacob, Introduction to *The Student's Companion* (London, 2nd edn. 1734), vi–vii. The first edition of 1725 did not include an introduction.

17. Blair "Information Overload," 16.

18. John Locke, *A New Method of A Common-Place Book*, in *The Posthumous Works of John Locke* (London, 1706), 316–24. Locke's text was first published in French as "Nouvelle methode de dresser des recueils" in Le Clerc's *Bibliotheque Universelle et Historique* (Amsterdam, 1686). For Locke's methods and influence, see also Michael Hoeflich, "The Lawyer as Pragmatic Reader: The History of Legal Common-Placing," 55 *Arkansas Law Review* (2002): 97; Moss, *Commonplace Books*, 278–79; Blair "Information Overload," 21; G.G. Meynell, "John Locke's Method of Common-Placing, as Seen in His Drafts and His Medical Notebooks, Bodleian MSS Locke D.9, f.21 and f.23," *Seventeenth Century* 8 (1993): 245–67.

19. Matthew Hale, "Preface to Rolle's Abridgment," 277–78; North, *Discourse on Study of Laws*, 26–27.

20. Jacob, *Student's Companion*, vi.

21. North, *Discourse on Study of Laws*, 19, here referring by name to the abridgments by Anthony Fitzherbert and Robert Brooke; he later repeats the caution, and warns against other specific texts such as the abridgment by Edmund Wingate.

22. Hale, "Preface to Rolle's Abridgment," 279–80.

23. Ross "Memorial Culture," 281–82; Holdsworth, *History of English Law*, 6:601, notes the first such list of titles published by Samuel Brewster of Lincoln's Inn, "An Alphabetical Disposition of all the Heads Necessary for a Perfect Commonplace" (1680, 1681). See also Michael Hoeflich on the importance of such "canonical" lists of headings to the formation of an "interpretative community of legal professionals." Hoeflich, "Lawyer as Pragmatic Reader," 103.

24. John D. Cowley, *A Bibliography of Abridgments, Digests, Dictionaries and Indexes of English Law to the Year 1800* (London: Quaritch, 1932), xxxix; Richard Yeo, "A Solution to the Multitude of Books: Ephraim Chambers's *Cyclopaedia* (1728) as 'the Best Book in the Universe'," *Journal of the History of Ideas* 64.1 (2003): 63–65.

25. Jacob, *Student's Companion*, v.

26. Two good examples of commonplace books that presented information as a series of numbered points are: Free Library of Philadelphia, Hampton L. Carson Collection, John Strange Commonplace Book, MS LC.14.86; Inner

Temple Library, London, Barrington Collection, Law Commonplace Book, MS 68.

27. Columbia Law Library, New York, NY, Singleton Collection, Legal Commonplace MS 36, Legal Commonplace eighteenth-century MS 37; Harvard Law Library, Cambridge, MA, Special Collections, Commonplace c.1800 MS 1262, Commonplace after 1736, MS 1273, Lawyer's Commonplace Book ca. 1750, MS 4091. William Hughes, *The Grand Abridgment of the Law Continued* (London, 1660–63); William Sheppard, *A Grand Abridgment of the Common and Statute Law of England* (London, 1675); Knightley D'Anvers, *A General Abridgment of the Common Law, Alphabetically Digested under Proper Titles* (London, 1705–27); William Nelson, *An Abridgment of the Common Law* (London, 1725–26). Jacob adhered closely to these usual headings from abatement to writ in his *Common Law Common-placed* and *Review of the Statutes* among other works. Others of his texts are organized alphabetically but begin and end with specifically relevant terms; for example his *Modern Justice* begins with "affray" and ends with "wrecks."

28. Readers sometimes added their own indices to printed books, just as in commonplace notebooks such indices were not only prepared by the initial compiler but also added by later owners. One example of a manuscript that includes indices prepared both by the initial compiler and a later owner is Free Library of Philadelphia, Carson Collection, Crumwell Deth Commonplace, MS LC.14.80. A commonplace book that includes a handwritten index to a printed book, William Scroggs, *The Practice of Courts-Leet and Courts-Baron* (London, 1701), may be found in Inner Temple Library, Barrington Collection, Law Commonplace Book Containing Table to Scroggs etc., MS 60; another eighteenth-century law commonplace includes an alphabetical table of abbreviations for the works cited within the manuscript, Inner Temple Library, Barrington Collection, MS 68. See also Hoeflich, "Lawyer as Pragmatic Reader," 100.

29. Compare the abridgments with examples of commonplace books that employed a good deal of this kind of cross-referencing within the text, such as Columbia Law Library, Singleton Collection, MSS 36 and 37.

30. See Roger Chartier on the "activity of reading" in *The Order of Books*, trans. Lydia G. Cochrane (Stanford: Stanford University Press, 1992), 23.

31. Brian Simpson asserts that "To this day the case class system only works in the American law schools because students make use of various commercially produced summaries of the law, 'nutshells', 'Gilberts', and the like, which serve to redress the disorderly confusion of the case book from which it is pretended that they learn the law." A.W.B. Simpson, *Leading Cases in the Common Law* (Oxford: Clarendon Press, 1995), 7.

32. Chartier, *Order of Books*, 9–10.

33. Examples of annotated and interleaved copies of Rolle's *Abridgment* may be found in Inner Temple Library, Misc. MSS, Rolle's Abridgment MS Notes by Baron Price, MSS 125–30, and in Biddle Law Library, University of

Pennsylvania, KH/KD 295 R64 1668; an extensively annotated and interleaved copy of Samson Euer's *Doctrina Placitandi* (London, 1677) may be found in the library of Judge Henry Singleton, Columbia Law Library, Singleton Collection, MS 43. The library catalogue of Judge Martin Wright indicates that he owned a number of annotated and interleaved texts, including "four volumes of D'Anvers *Abridgment* (1701) with manuscript notes." Inner Temple Library, Barrington Collection, Catalogue of Sir Martin Wright Library 1769, MS 63.

34. As Michael Hoeflich points out, William Wright's *Advice on the Study of Law* (London, 1810; Boston, 1811) suggests that students have a copy of Blackstone interleaved for note-taking. Hoeflich is mistaken, however, in regarding Wright's approach as unusual. Hoeflich, "Lawyer as Pragmatic Reader," 109. Compare also Richard Yeo's suggestion that for some, less scholarly, readers, Chambers's "*Cyclopaedia* functioned as a ready-made commonplace book." Richard Yeo, "Encyclopaedism and Enlightenment" in *The Enlightenment World*, eds. Martin Fitzpatrick, Peter Jones, Christa Wold and Ian McCalman (New York: Routledge 2004), 360.

35. John Lilly, *The Practical Register: or A General Abridgment of the Law* (London, 1719); Matthew Bacon, *A New Abridgment of the Law* (London, 1736–66). The first three volumes written by Bacon, but published anonymously, appeared between 1736 and 1740; Bacon died before completing the fourth volume and later volumes were complied by other authors. Cowley, *Bibliography of Abridgments*, lx–lxiv; Holdsworth, *History of English Law*, 12:169–70.

36. Richard Yeo, "Encyclopedic Knowledge," in *Books and the Sciences in History*, eds. Marina Frasca-Spada and Nick Jardine (Cambridge: Cambridge University Press, 2000), 210. See also Chartier, *Order of Books*, 64–66.

37. For analysis of the goals and intentions of the new encyclopedias, see Yeo, *Encyclopaedic Visions*, xiii, xv, 12, 16–27, 110–115;Yeo, "Encyclopaedic Knowledge," 215–21; Yeo, "Encyclopaedism and Enlightenment," 357–59. Here too the abridgments and encyclopedia demonstrate a connection with the commonplace book: Ann Blair avers that "sophisticated thematic indexing or commonplacing which cross-referenced and systematically compared material in related categories could bring material together in new ways, highlighting contradictions and interconnections and potentially yielding new insights." Ann Blair, "Annotating and Indexing Natural Philosophy," in *Books and the Sciences*, 73.

38. Yeo "Encyclopaedism and Enlightenment," 350.

39. John Harris, *Lexicon Technicum: or an Universal English Dictionary of Arts and Sciences* (London, 1704); Ephraim Chambers, *Cyclopaedia: or an Universal Dictionary of Arts and Sciences* (London, 1728).

40. Giles Jacob offers this kind of reflection in his preface to *A Report of all the Cases Determined by Sir John Holt Knt. From 1688 to 1710* (London, 1738), ii–iii. The attribution of this edition of reports to Jacob is made in Charles C. Soule, *The Lawyer's Reference Manual of Law Books and Citations* (Boston: Soule and Bugbee, 1883), *The Catalogue of the Hampton L. Carson Collection: Illustrative of the Growth of the Common Law*, 2 vols. (Boston: G.K. Hall, 1962),

and repeated, for example, in the online catalogues of the Harvard and Columbia University Law Libraries. Other examples of this kind of self-conscious reflection may be found in Nelson, *Abridgment of the Common Law*, preface; D'Anvers, *General Abridgment*, "To the Reader"; Matthew Bacon, *A General Abridgment of Cases in Equity* (London, 1732), iii; Bacon, *The Compleat Arbitrator*, (London, 1731), iii–v.

41. Yeo, *Encyclopaedic Visions*, 3.

42. Yeo, "Encyclopaedism and Enlightenment," 354.

43. Jacob, *Every Man his Own Lawyer*, vi. By contrast the preface to *The Attorney's Pocket Companion*, 2 vols. (London, 2nd edn., 1733) warned against expanding popular knowledge of law (here directed against recent legislation passed to end the use of law Latin) because of the danger that it would lead to frivolous and expensive lawsuits.

44. Jacob, *Every Man his Own Lawyer*, v–vi.

45. Compare Jacob's statement with the statement of Gabriel Naudé in his *Advis pour dresser une Bibliotheque* (1627) quoted by Roger Chartier: "In the first place they save us the trouble of seeking out an infinite number of highly rare and curious books; secondly, because they leave space for many others and give relief to a Library; thirdly, because they condense for us in one volume and commodiously what we would have to seek with much trouble in several places; and finally, because they bring with them a great saving, being certain that it requires few testons . . . to buy them than it would require ecus if one wanted to have separately all the [works] that they contain." Chartier, *Order of Books*, 65–66.

46. William Hawkins, *An Abridgment of the First Part of my Ld Coke's Institutes* (London, 1711), iii–iv; Robert Gardiner, *Instructor Clericalis* (London, 1693). Jacob claims that a book like his *Grand Precedent*, for example, will be "particularly useful as an itinerant Library or Office." Giles Jacob, *The Grand Precedent: Or, the Conveyancer's Guide and Assistant* (London, 1716), A2 verso.

47. Chartier, *Order of Books*, 68.

48. Ibid. One indication of the prevalence of these small volumes may be found in the sale catalogue of the library of the eighteenth-century lawyer, William Carr, where the list of "practical" law books in octavo owned by Carr runs for four pages. Daniel Browne, *A Catalogue of the Libraries of the Honourable William Carr, of Lincoln's-Inn, . . . And of the Reverend Mr. John Herbert* (London, 1721), 21–25. Compare also the multiple editions of Thomas Basset, *A Catalogue of the Common and Statute Law Books of this Realm* (London, 1671–1730), and "A Complete Catalogue of Law Books Published since 1700," in *A New and Correct Catalogue of all the English Books Which have been Printed from the Year 1700 to the Present Time* (London, 1767).

49. Jacob, *Report of all the Cases Determined by Sir John Holt*, ii–iii.

50. Yeo, *Encyclopaedic Visions*, 183.

51. See Giles Jacob, *The Poetical Register:Or the Lives and Characters of the English Dramatick Poets. With an Account of Their Writings* (London,

1719); *An Historical Account of the Lives and Writings of Our Most Considerable English Poets, whether Epick, Lyrick, Elegiack, Epigrammatists, Etc*. (London 1720). Both volumes were reissued in 1723.

52. See McLaverty, "Pope and Giles Jacob," 24; John Brewer, *The Pleasures of the Imagination: English Culture in the Eighteenth Century* (Chicago: University of Chicago Press, 1997), chapter 11; Lawrence Lipking, *The Ordering of the Arts in Eighteenth-Century England* (Princeton: Princeton University Press, 1970).

53. Note, for example, Jacob's emphasis on legal knowledge and "politeness" on the first page of the preface to his *Common Law Common-Placed*: "The Great and Commendable Learning of the Laws of one's Country, if rightly considered, is equal with any other Learning, even the Politest of the most flourishing Kingdoms, tho' it is not commonly so accepted; as it points out to us Justice between Man and Man, and the Means that secure all Men from Injustice; And if Knowledge, in general, is to be estimated by the Difficulty in its attaining, that of the Law, beyond any other, merits our Approbation." See also Mc Dowell, "Politics of Meaning," 268–70.