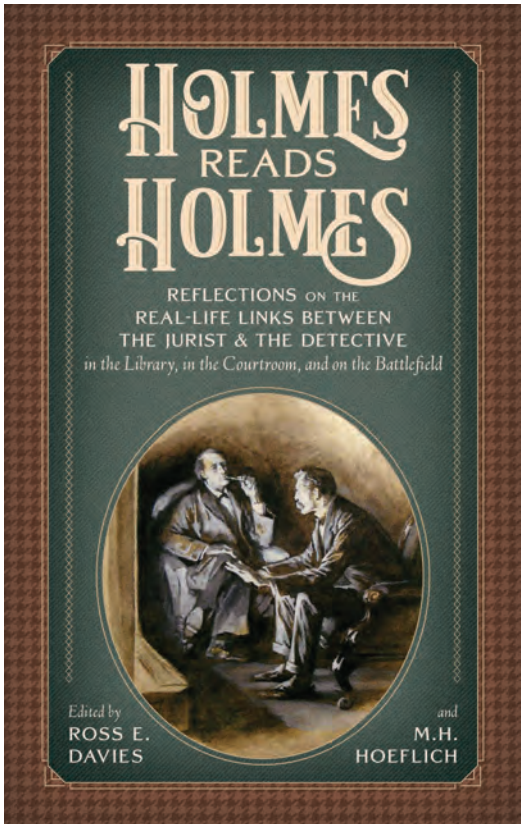


# LAW AND LITERATURE

November 11, 2020







## Holmes Reads Holmes

Reflections on the Real-Life Links Between  
the Jurist & the Detective

*Ross E. Davies and M.H. Hoeflich, Editors*

84 pp.

Clark, New Jersey: Talbot Publishing  
(an imprint of The Lawbook Exchange, Ltd.)

Starting in the Victorian Age, “Holmes” became a great name. First there was the best-selling essayist and poet Oliver Wendell Holmes, Sr. Then, as the 19th century turned to the 20th, his son Oliver Wendell Holmes, Jr. rose to fame as a judge, and, almost simultaneously, Sherlock Holmes rose to fame as a detective. The careers of those three Holmeses, and their respective reputations in both literature and in law, intertwined over seven decades — from the Civil War in the 1860s to the Supreme Court during the Depression years of the 1930s — as they occasionally influenced or entertained each other, and sometimes even shared the public spotlight.

Hardcover

November 2020 ISBN 978-1-61619-647-9  
\$24.95

The particulars addressed in this little volume cover a remarkable range. There is, for example, Justice Holmes’s longstanding and largely unknown enthusiasm for — and commentary about

— detective fiction in general, and the Sherlock Holmes stories in particular. Then there is the influence of Oliver Wendell Holmes, Sr. (father of Justice Holmes) on Arthur Conan Doyle (the creator of Sherlock Holmes). It is also worth mentioning the popularity of Sherlock Holmes among the great Justices of the Supreme Court in the early 20th century. And so on and so on.

I am going through the Sherlock Holmes stories with a good deal of pleasure. He is better than his imitators.

**Oliver Wendell Holmes, Jr.**

*in a letter to Sir Frederick Pollock (1932)*

Never have I so known and loved a man whom I had never seen.

**Arthur Conan Doyle**

*writing in Through the Magic Door about Oliver Wendell Holmes, Sr. (1907)*

Let me recommend this book — one of the most remarkable ever penned.

**Sherlock Holmes**

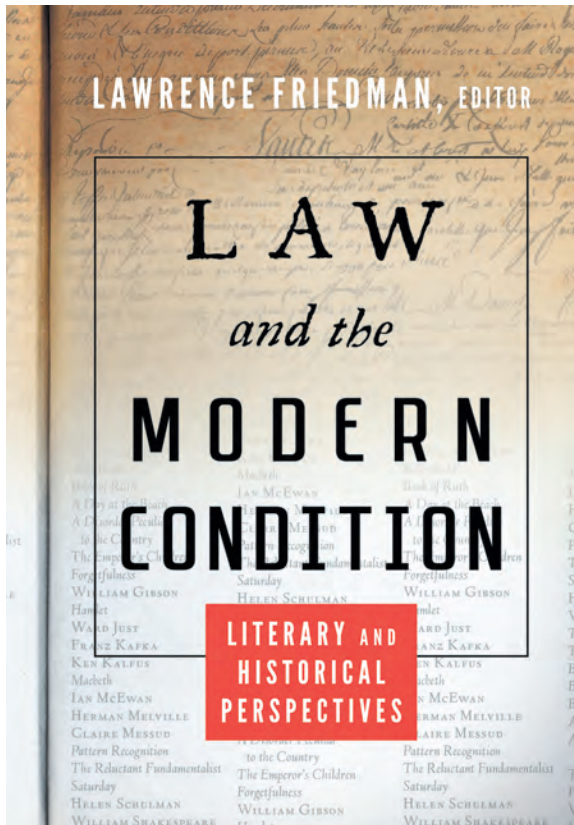
*speaking to Dr. John H. Watson in The Sign of Four (1890)*

**ROSS E. DAVIES** is a professor of law at George Mason University and editor-in-chief of *The Green Bag*.

**M.H. HOEFlich** is John H. & John M. Kane Distinguished Professor of Law at the University of Kansas School of Law.

**ROBERT S. KATZ** is a physician specializing in pathology and co-publisher of the Baker Street Irregulars Press.

With a Chapter on Lady Macbeth and the Law



Hardcover 2013 ISBN 978-1-61619-391-1  
\$49.95

These provocative, scholarly essays range from the Bible to a look at how tomorrow's technology may influence fundamental social organization with many startling stops in between—Lady Macbeth, Kafka, Napster and post 9/11 fiction to name a few. Friedman's choices help the reader view the transit of law and culture through novel, sometimes unforgettable, dimensions.

MICHAEL MELTSNER  
*Northeastern Law School*

The stories examined here brilliantly reflect worlds imagined by literature that speak to the modern condition: worlds steeped in law, worlds where law is refracted through complex orderings, and worlds where law seems virtually absent. All eloquently express the power of law to shape and unshape our realities within the modern condition. The authors examine the law's role within a wide range of literary and historical texts. This volume remembers our deeply missed colleague George Dargo, and builds on his prolific examination of law in the context of biblical texts and the works of Herman Melville and Franz Kafka. Three of his elegantly written articles are included here. Lawrence Friedman's intricately researched essays reveal continuities, within the legal imaginary, between the novel at the height of its power in the nineteenth century and cutting-edge postmodern fiction in the post-9/11 world. Carla Spivack rounds out the volume with essays that take a fresh look at property rights and law, not normally viewed as the most scintillating of subjects. She engages in a fascinating exegesis of Shakespeare's Hamlet, and in her other articles provides bold insights from feminist, gender and queer studies.

## Law and the Modern Condition

### Literary and Historical Perspectives

*Lawrence Friedman, Editor*

*George Dargo, Contributor*

*Carla Spivack, Contributor*

xv, 266 pp.

Clark, New Jersey: Talbot Publishing

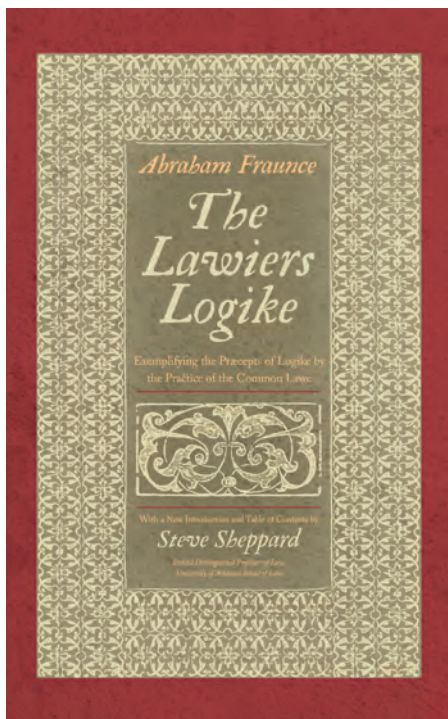
(an imprint of The Lawbook Exchange, Ltd.)

Using fiction as a lens in which to view particular developments in the law, each of the essays in this book discusses a work of literary fiction — some classical (the tale of Ruth in the Bible, the fiction of Franz Kafka and Herman Melville, the plays of William Shakespeare), some modern (the post-September 11 fiction of William Gibson, Ken Kalfus, Claire Messud, Ian McEwan and Helen Schulman) — that concerns, directly or indirectly, the historical development of the law. This exploration of legal history through fiction pays particular attention to its relevance to our present circumstances and our growing concerns about terrorism and civil liberties.

Each essay considers the legal lessons about the fictional event or events at its core, lessons that tell us something worth remembering as we continue to chart law's evolution. These lessons, like those that may be found in all great literature, necessarily extend beyond the historical confines of the characters and plot and background of each story to embrace the modern condition — which, as these great stories suggest, is and always has been the only condition.

TAWIA B. ANSAH  
*FIU, College of Law*

## First Legal Treatise on Logic, Perhaps Written by Shakespeare's Law Teacher?



### The Lawiers Logike

*Abraham Fraunce*

Originally published: London: William How, 1588  
xxxvii (iii-xxvii new introduction), [xiv], [151] leaves (total 364 pp.).

**With a new introduction by  
Steve Sheppard**

*William Enfield Professor of Law, University of Arkansas School of Law*

In his introduction, Sheppard addresses long-standing academic speculation as to whether Shakespeare learned law from Fraunce.

Written in 1588, *The Lawiers Logike* is the first legal treatise to apply the tools of logic to legal argument. This was a controversial and new concept at the time because its thesis contrasts with common law and its unmethodical and disorganized approach to law. Its influence is still felt. It is a unique work in which Fraunce castigates “lazy lawyers” and mixes illustrations from poetry and prose with often quite technical illustrations from law treatises and case reports.

Hardcover 2013 ISBN 978-1-61619-249-5  
\$49.95

## “One of the Great Works of Legal Literature of Our Times”

### A New Miscellany at Law

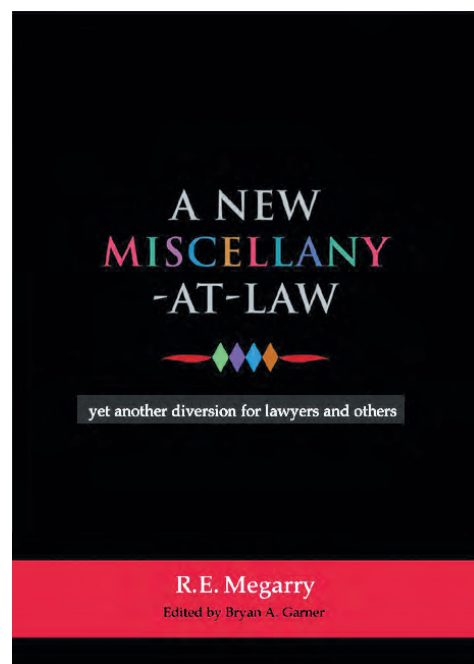
Yet Another Diversion for Lawyers and Others

*Sir Robert Megarry*

*Edited by Bryan A. Garner*

Clark, New Jersey: The Lawbook Exchange, Ltd.  
xiii, 450 pp.

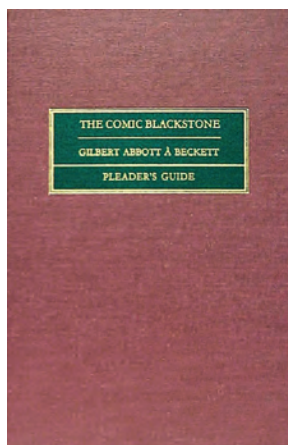
Described by David Pannick QC in the Times, January 17, 2006 as, “one of the great works of legal literature of our times.” Should horses in Charleston be required to wear diapers? Does the ‘hotchpot’ rule apply when dividing a testator’s 17 residuary elephants? Which verse in the Old Testament was the life-saving ‘neck verse’? May sexual intercourse be conducted on a ‘without prejudice’ basis? These questions and many others like them are raised but not always fully answered in A New Miscellany-at-Law. This follows the same style as its two predecessors but consists of entirely new material, some of it suggested by the readers of the first two volumes. Like them, it collects accounts of strange and remarkable cases, striking court-room exchanges, wise and witty utterances from the Bench, and much else that illumines the law. For the common law world its reach is global, with many riches from the USA; and Scotland is not forgotten. Although the book is primarily for lawyers, a glossary and explanatory footnotes enable non-lawyers to share in the humour.



Hardcover 2005 ISBN 978-1-58477-631-4  
\$45.



The Lighter Side of Blackstone. With Cruikshank Illustrations



**The Comic Blackstone**

*Gilbert Abbott A'Beckett*

[And]

**The Pleader's Guide  
A Didactic Poem by John  
Surrebutter; American edi-  
tion by James L. High**

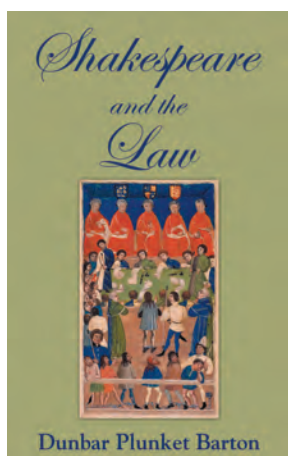
*John Anstey*

With illustrations by George Cruikshank  
Originally published: Chicago: Callaghan &  
Cockcroft, 1870  
xii, 376, 57, 65 pp.

The Comic Blackstone is a whimsical farce patterned after the Commentaries divisions of persons, property, private and public wrongs. Not in Eller, The William Blackstone Collection in the Yale Law Library. The Pleader's Guide is a humorous poem in two parts that originally appeared in London in 1796. This edition is a reprint of an uncommon American edition that included both titles in one book. Laeuchli, *A Bibliographical Catalog of William Blackstone* 457.

Hardcover 2000 ISBN 978-1-58477-104-3 \$29.95

"This is a mighty pleasant and profitable book."  
Frederick Pollock



**Shakespeare  
and the Law**

*Dunbar Plunket Barton*

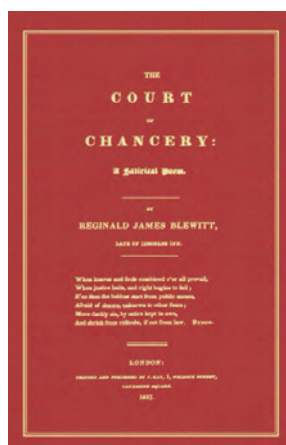
With a foreword by James M. Beck  
Originally published: Boston: Houghton  
Mifflin Company, 1929  
xl, 167 pp.

An entertaining evaluation of  
Shakespeare's plays that classi-  
fies their legal allusions, clearly  
outlines Shakespeare's rela-  
tion to the Inns of Court and of  
Chancery and the references  
he makes to celebrated trials,

famous judges and advocates. "This is a mighty pleasant and profitable book." Frederick Pollock, *Law Quarterly Review* 45:395.

Hardcover 1999, 2011 ISBN 978-1-58477-000-8 \$32.95  
Paperback 2011 ISBN 978-1-61619-131-3 \$29.95

Legal Satire During the Age of Dickens and Trollope



**The Court of Chancery**

A Satirical Poem

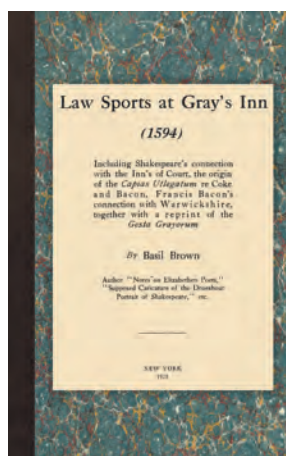
*Reginald James Blewitt*

Originally published: London: J. Kay, 1827  
106 pp.

Reprint of the sole edition of a  
substantial legal satire by a lawyer.  
With its numerous thinly veiled  
references to prominent solicitors,  
chief clerks, magistrates and politi-  
cians, it is an engaging satiric por-  
trait of the Chancery courts during  
the age of Dickens and Trollope.

Hardcover 2006 ISBN 978-1-58477-648-2 \$24.95

Shakespeare and Bacon



**Law Sports at Gray's Inn  
(1594)**

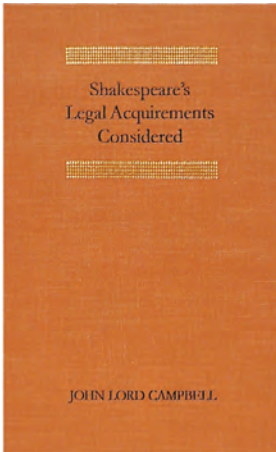
Including Shakespeare's connection  
with the Inns of Court, the origin of the  
Capias Utlegatum re Coke and Bacon,  
Francis Bacon's connection with War-  
wickshire, together with a reprint of the  
Gesta Grayorum

*Basil Brown*

Originally published: New York: [Privately  
Printed by the Author], 1921  
xciv, 188, 88, [9] pp.

This interesting volume examines  
legal aspects of the lives and writ-  
ings of Shakespeare and Bacon. Includes the text of the hard-  
to-find Gesta Grayorum, which is attributed in part to Bacon.  
Brown also describes the origin of the Capias Utlegatum insult  
offered to Bacon by Queen Elizabeth's attorney general, Sir  
Edward Coke.

Hardcover 2000, 2010 ISBN 978-1-58477-056-5 \$26.95  
Paperback 2010 ISBN 978-1-58477-989-6 \$15.95



Originated the Supposition that Shakespeare Had a Legal Background

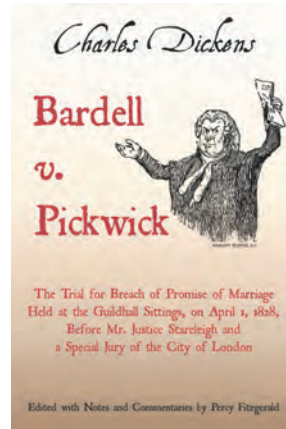
## Shakespeare's Legal Acquirements Considered

Baron John Campbell

Originally published: London: John Murray, 1859. vi, 117 pp.

Lord Campbell's treatise on the law as found in the literature of Shakespeare is from a letter to J. Payne Collier but is here organized into chapters by play title.

Hardcover 2001 ISBN 978-1-58477-126-5 \$23.95



A Popular Episode in the Novel

## Bardell v. Pickwick

The Trial for Breach of Promise of Marriage Held at the Guildhall Sittings, on April 1, 1828, Before Mr. Justice Stareleigh and a Special Jury of the City of London

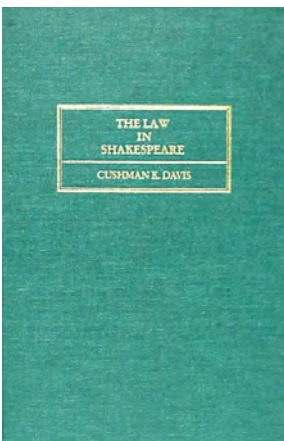
Charles Dickens

Originally published: London: Elliot Stock, 1902. [vii], 116 pp. Illustrated.

One of the most famous legal cases in English literature, it is an episode from *The Pickwick Papers* by Charles

Dickens in which the hero becomes the defendant in a breach of promise of marriage suit.

Hardcover 2005, 2010 ISBN 978-1-58477-420-4 \$25.95  
Paperback 2010 ISBN 978-1-61619-045-3 \$10.95



Definitions of Legal Terms Illustrated by Relevant Quotes from Shakespeare

## The Law in Shakespeare

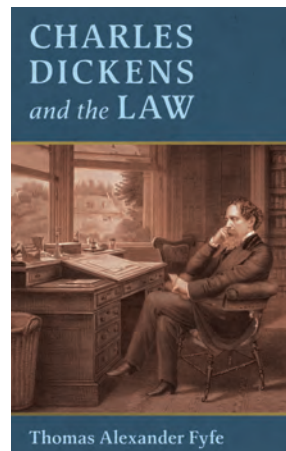
Cushman Kellogg Davis

Originally published: Washington, D.C.: Washington Law Book Co., [1883]. 303 pp.

Definitions obtained from existing law dictionaries illustrated with annotations and by hundreds of quotations from Shakespeare's plays, poems & sonnets. "A fascinating course in Common Law." Marke, *A Catalogue of*

*the Law Collection at New York University* (1953) 1141.

Hardcover 1999 ISBN 978-1-886363-75-5 \$24.95



Dickens Exposes Some Cruel Features of the Legal System

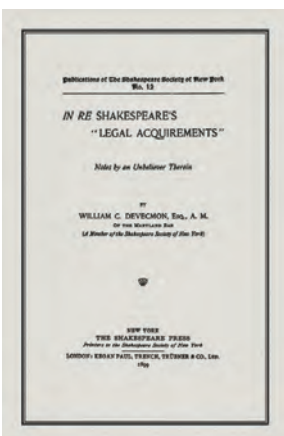
## Charles Dickens and the Law

Thomas Alexander Fyfe

Originally published: Edinburgh: William Hodge & Co., 1910. 79 pp.

Praises the author's detailed knowledge of the law and legal community and advances the novel argument that Dickens' writings "exposed some cruel features of the legal system of his day" and influenced reform.

Hardcover 2006 ISBN 978-1-58477-666-6 \$24.95



Shakespeare: A Knowledgeable Layman, Not a Lawyer

## In Re Shakespeare's "Legal Acquirements"

Notes by an Unbeliever Therein

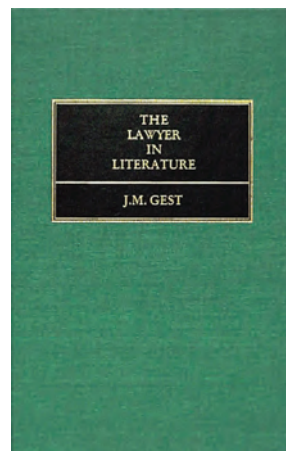
William C. Devecmon

Originally published: New York: The Shakespeare Press, 1899. iii, 51 pp.

The large number of sophisticated legal references in Shakespeare's work and his association with the Inns of Court led many to conclude that he

was once a barrister or law student. Devecmon refutes this view, arguing that the Bard's knowledge was that of a well-read layman.

Hardcover 2005 ISBN 978-1-58477-439-6 \$23.95



"The Best Literature" as "Arsenal for the Lawyer"

## The Lawyer in Literature

John Marshall Gest

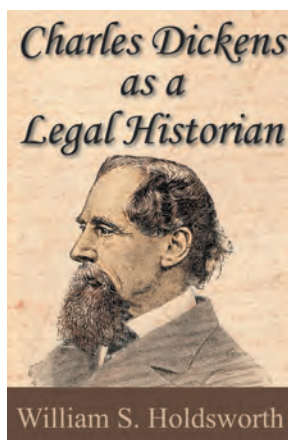
Introduction by John H. Wigmore  
Originally published: London: Sweet & Maxwell, Limited, 1913. xii, 249 pp.

An elegant discourse on the law and lawyers found in Dickens, Balzac, Scott, Coke and others. John H. Wigmore, in the introduction notes, "the best literature—drama or poetry, philosophy or fiction—must

always be an arsenal for the lawyer." Marke 1142.

Hardcover 1999 ISBN 978-1-886363-90-8 \$29.95





"He (Holdsworth) has increased our admiration for the genius of Dickens by proving his great merit as a legal historian."

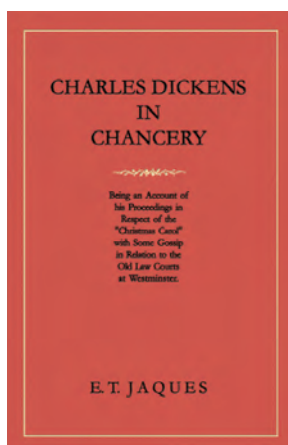
Zechariah Chafee, Jr.  
*Harvard Law Review* 42:286-288

## Charles Dickens as a Legal Historian

**William S. Holdsworth**

Originally published: New Haven: Yale University Press, 1929. 157 pp.

Hardcover 1995, 2010 ISBN 978-1-886363-06-9 \$24.95  
Paperback 2010 ISBN 978-1-61619-024-8 \$14.95



Dickens was the Plaintiff in these  
Copyright Infringement Cases

## Charles Dickens in Chancery

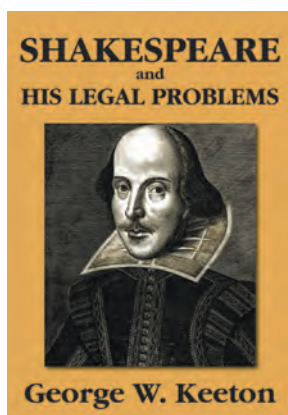
Being an Account of his Proceedings in  
Respect of the "Christmas Carol" with  
Some Gossip in Relation to the Old Law  
Courts at Westminster

**E.T. Jaques**

Originally published: London: Longmans,  
Green & Company, 1914. 95 pp.

Lively, entertaining and interesting  
account of cases of copyright infringement in which Dickens ap-  
peared as plaintiff regarding his book, *The Christmas Carol*.

Hardcover 2001 ISBN 978-1-58477-106-7 \$26.95



An "Admirable" Study  
of Legal Topics in Shakespeare

## Shakespeare and His Legal Problems

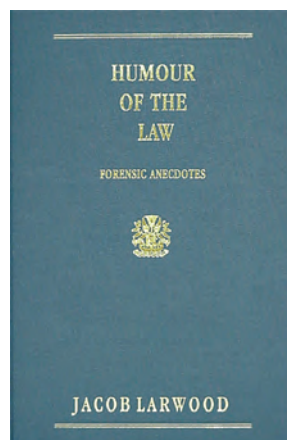
**George Williams Keeton**

Originally published: London: A. & C. Black,  
Ltd., 1930. x, 239 pp.

Keeton addresses general topics,  
such as the development of the  
common law (as demonstrated by  
Shylock) and the law of debt, and

specific examples, such as the trial of Hermione and Henry V's  
claim to the French throne.

Hardcover 2009 ISBN 978-1-58477-945-2 \$34.95  
Paperback 2009 ISBN 978-1-58477-946-9 \$29.95



An Entertaining Assemblage

## Humour of the Law

Forensic Anecdotes

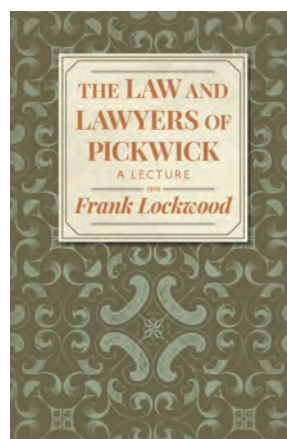
**Jacob Larwood**

Originally published: London: Chatto &  
Windus, 1903. vi, 304 pp.

A wonderful collection of over 200  
charming anecdotes of timeless ap-  
peal, including "Court of Sessions and  
the Butchers," "No Spiders in West-  
minster Hall," "Our Old Draconian  
Laws" and "A Learned Judge." Some

of the tales involve comical passages about law found in literature  
or satirical observations on given law book texts. With an index.

Hardcover 2003 ISBN 978-1-58477-329-0 \$24.95



A Pleasant Dickensian Diversion  
Spiced with a Wry Sense of Humor

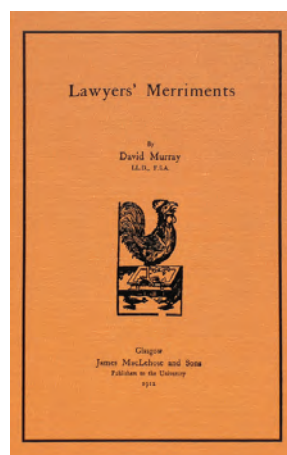
## The Law and Lawyers of Pickwick

**Frank Lockwood**

Originally published: London: The Roxburghe  
Press, [1910?]. 108 pp.

Account of one of the most famous  
legal cases in English literature:  
Bardell v. Pickwick. Lockwood  
observes that Mr. Pickwick would  
have fared even worse under the  
modern law of evidence, which would have given Buzfuz an op-  
portunity to prepare a devastating cross-examination.

Hardcover 2002 ISBN 978-1-58477-231-6 \$19.95



A Delightful Selection, with Illustrations

## Lawyers' Merriments

**David Murray**

Originally published: Glasgow: James MacLe-  
hose and Sons, 1912  
xiv, 302, [2] pp. Frontispiece. Illustrations.

Survey of literature based on legal  
texts written by lawyers for their  
amusement, and the amusement  
of their peers. Much of this genre  
is humorous; it includes such forms  
as law lyrics, whimsical disserta-  
tions, reports in verse and facetious  
precedents. Murray also considers

illustrated law books and legal livres de luxe.

Hardcover 2005 ISBN 978-1-58477-625-3 \$34.95



A Humorous Look at Dickens' Wit Regarding his Treatment of Lawyers

## The Lawyers of Dickens and Their Clerks

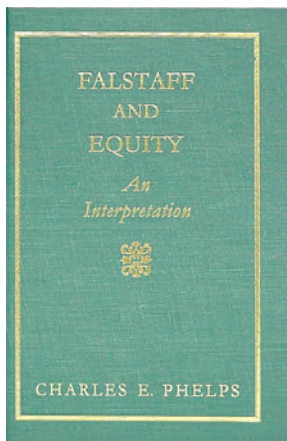
**Robert D. Neely**

Originally published: Boston: The Christopher Publishing House, [1936]. 67 pp.

In this delightful and humorous book Neely takes a look at the satire and irony in Dickens' work as shown in his derisive characterization of

solicitors, barristers, judges and clerks. An entertaining read.

Hardcover 2005 ISBN 978-1-58477-091-6 \$34.95



"Judge Phelps of Baltimore has done a very pretty piece of legal and literary work in this volume."

Frederick Pollock

*Law Quarterly Review* 17: 322-323

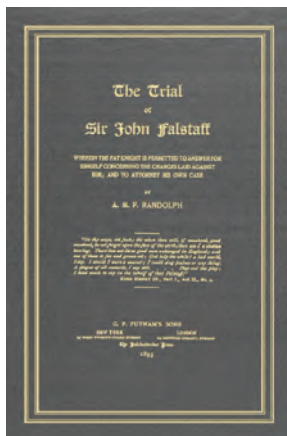
## Falstaff and Equity

An Interpretation

**Charles E. Phelps**

Originally published: Boston: Houghton, Mifflin and Company, 1902. xvi, 201 pp.

Hardcover 2002 ISBN 978-1-58477-230-9 \$18.95



"The Fat Knight" Defends Himself

## The Trial of Sir John Falstaff

Wherein the Fat Knight is Permitted to Answer for Himself Concerning the Charges Laid Against Him; And to Attorney His Own Case

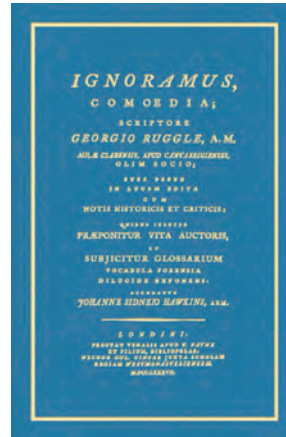
**A.M.F. Randolph**

Originally published: New York: G.P. Putnam's Sons, 1893

xvi, 295 pp.

A humorous trial using dialogue from the four plays in which Sir John appeared (Henry IV, Parts I and II, Henry V, and The Merry Wives of Windsor).

Hardcover 2008 ISBN 978-1-58477-828-8 \$24.95



Classic Satire of the English Bar

## Ignoramus, Comoedia

**George Ruggle**

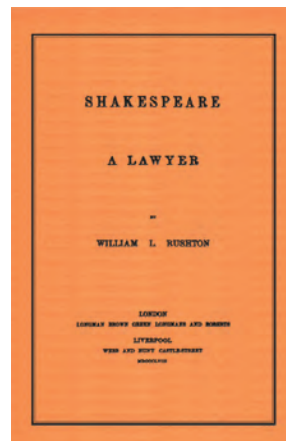
**John Sidney Hawkins, Editor**

Originally published: London: Prostat Venalis Apud T. Payne et Filium, 1787  
vii, cxxii, [2], 319, [1] pp. Frontispiece; and four additional woodcut illustrations. Text in English and Latin

Designed to ridicule the language of the common law and the dullness of lawyers, the play provoked a quarrel between academics and

lawyers. Ruggle's play even had an influence in the reform of legal language in England.

Hardcover 2006 ISBN 978-1-58477-675-8 \$28.95



Takes the Position that a Layman Would not Have Known these Legal Terms, but Shakespeare Did

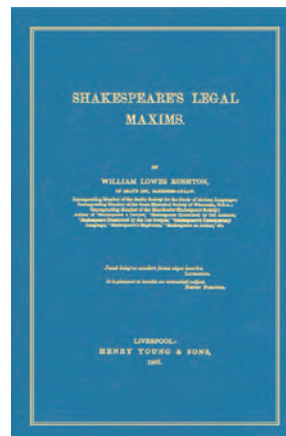
## Shakespeare A Lawyer

**William L. Rushton**

Originally published: London: Longman, Brown, Green, Longmans and Roberts, 1858. 50 pp.

Among the most sophisticated studies to conclude that Shakespeare studied the law. Examines legal words and phrases in his work that laymen would not have known. Appealing for its quotations and commentary.

Hardcover ISBN 978-1-58477-699-4 \$18.95



The Bard's Legal Maxims

## Shakespeare's Legal Maxims

**William Lowes Rushton**

Originally published: Liverpool: Henry Young & Sons, 1907. 61 pp.

Rushton was one of the first to argue that Shakespeare was trained as a lawyer. He reviews the maxims of English law and illustrates each with a quotation from Shakespeare. Each example is paired with a statement by Coke, Littleton, or

other eminent jurist that was either a direct source or proof that Shakespeare was expressing a contemporary legal principal.

Hardcover ISBN 978-1-58477-859-2 \$19.95



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De Jure Belli ac Pacis and Related Works](#)

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