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THE LAWS AND LIBERTIES OF MASSACHUSETTS

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THE LAWS AND LIBERTIES OF MASSACHUSETTS; reprinted from the copy of the 1648 edition in the Henry E. Huntington Library, with an Introduction by Max Farrand. Cambridge: Harvard University Press. 1929. Pp. ix, (4), 59.

This may fairly be called the earliest surviving law book printed in what is now the United States. Of course, it is not the first law book printed in America, since there was printing in Mexico a century before anything was printed north of the Rio Grande. Nor can it be called the first law book relating to any part of the United States, since there was a London edition of John Cotton's *Abstract of the Lawes of New England* (1641). Of the *Capital Lawes, established with the Jurisdiction of Massachusetts* (Cambridge, Mass. 1642), no copy seems to survive. The Bay Colony was interested in framing a set of distinctively Massachusetts Laws as early as 1634, and by 1639 Winthrop records that John Cotton and Nathaniel Ward were, among others, assigned the work of preparing such a "body of laws." Ward's *Body of Liberties* of 1641 was preferred to Cotton's, but was not printed in America, and there is doubt as to whether it was ever formally adopted by the General Court of Massachusetts. After several years of further experiment, a new body of laws was drawn up, which, although it was not formally adopted, was nevertheless of the force of statute law, since it was "collected out of the Records of the General Court * * * and now revised by the same Court, * * * and published by the same authority." This then, was *The Book of the General Lawes and Libertyes*, Cambridge (Massachusetts) 1648, of which the Henry E. Huntington Library now provides us a new edition. Why a reprint? Because as late as 1879, the bibliographer Joseph Sabin pointed out that, as no copy survived, possibly it had never been printed at all. It was not until the nineties that a copy of the printed book actually came to light in a library in England. In 1906 this sole surviving copy of the *Book of the General Lawes and Libertyes* was sold by its English owner and reached America, where it was

placed in the Library of E. D. Church of New York. When that library was sold, the book passed into the hands of Mr. Henry E. Huntington in whose Library at San Marino, California, it is now placed—forever, as far as human foresight can ascertain. Since California possesses the only known copy of this famous book, California has made it available for all law libraries by reprinting it, in type similar to the original, reprinting the original, line for line and word for word, even to misspelling and misnumbering. The wisdom of the editor in preferring this kind of a reprint to an actual facsimile is apparent when one understands how difficult it is to read the original at all. In many places it is almost illegible.

The Book of General Lawes and Libertyes is a compilation, and arrangement of statutes rather than a Code. It incorporates not only such parts of the *Body of Liberties* of 1641 as were still in force, but also all general laws (excluding those of a special, private or local nature) in force at the time of printing in 1648. The laws are arranged, following an old English custom, in alphabetical headings whereby such topics as "Governor," "Heresie," "Hydes & Skins," "Hygh-wayes," "Idleness," "Jesuits" and "Imposts" naturally follow one another in that order.

Dr. Max Farrand's brief but explicit Introduction is a worthy prelude to the excellent typographical craftsmanship with which this book has been produced. In connection with it one should also read Samuel Eliot Morison's chapters on Nathaniel Ward and Robert Child in his recent book *The Builders of the Bay Colony*. Although the unique copy of this first edition of the *Book of the General Lawes and Libertyes* is on the Pacific Coast, the 1929 edition is, appropriately enough, a product of the Harvard Press.

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