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BOOK REVIEW

Vignettes of Legal History, by Julius J. Marke. Fred B. Rothman & Co., South Hackensack, N. J. Pp. xv, 337. \$6.50.

Professor Julius Marke, Law Librarian at New York University, has brought together in this volume what he describes as "reportorial presentation of historic trials and historic men and books in the field of law." The subjects range in time from the thirteenth to the nineteenth century — from Bracton, "Father of Modern Law," to the *Slaughter-House* Cases. Several sketches are devoted to issues that were critical in the development of American constitutional law; others to such oddities in the history of English law as benefit of clergy and trial by battle. It was the author's purpose "to present an enriched version, albeit an accurate one, of . . . memorable events," and it is a pleasure to record that his purpose has been achieved.

One need not be expert in legal or constitutional history to enjoy this book. Professor Marke provides the essential details and avoids *longueurs* by concentrating on elements of human personality and drama. In his short account of the Year Books, for example, he explains the probable origin and subsequent history of these earliest of English law reports, and tells several anecdotes that illustrate the temperament of Chief Justice Bereford. In covering such familiar ground as *Marbury v. Madison* he includes aspects not usually made known to classes in constitutional law. Marshall's political difficulties are described; there was real danger that he and his colleagues would be impeached if they issued a mandamus to the Secretary of State. When the Court asserted the right of Adams' appointees to their commissions but denied mandamus on the ground of invalidity of section 13 of the Judiciary Act which purported to enlarge the original jurisdiction of the Supreme Court, the Jeffersonians were baffled. Said John Randolph of Roanoke: "All wrong, all wrong, but no man in the United States can tell why or wherein"; and Jefferson denounced Marshall's opinion as "an *obiter* dissertation." Incidentally, the case arose because Marshall, who was both Chief Justice and Secretary of State in the last days of the Adams administration, had failed to see that the commissions were delivered.

Many little-known facts emerge from these pages. We learn that the defendant in *McCulloch v. Maryland* was indicted, while that case was pending, for embezzling nearly three and a half million dollars from the Bank of the United States; that the protagonist of *Ex parte Milligan*, who was sentenced by a court-martial to death and freed by the Supreme Court, later sued the officers who had convicted him and obtained a verdict for five dollars; that McCardle, the newspaper editor whose action for habeas corpus was frustrated when Congress withdrew jurisdiction from the Supreme Court, never was tried and died in 1893 in Jackson, Mississippi. We are told of Giles Corey, the only American known to have suffered *peine forte et dure* for refusal to plead to an indictment; of the two British soldiers convicted of manslaughter for their part in the Boston Massacre of 1770, who claimed and were allowed benefit of clergy in Massachusetts; of Rip Van Dam and his contribution to freedom of the press; of the Hottentot Venus.

One can only hope for a second book of *Vignettes*. In the meantime, this volume would make a welcome gift for a lawyer, or anyone interested in law.

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