

Dorando and the Douglas Cause

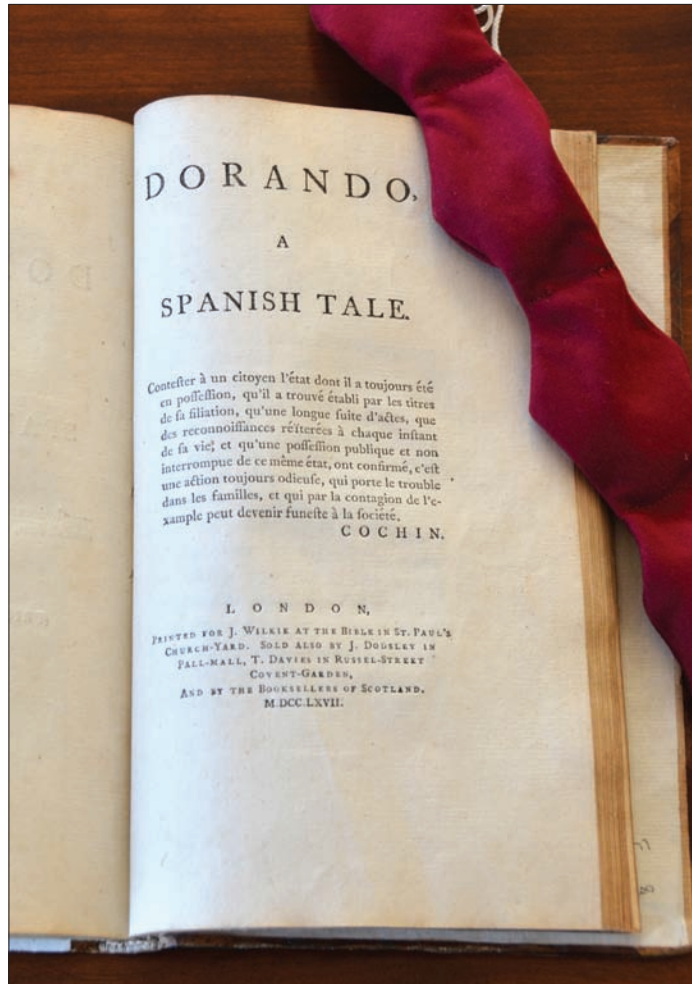
A young Boswell attempts to rescue a damsel in distress

Paul Ruxin

Why Boswell? Why bother with the work or life of an 18th-century Scots lawyer and author who was as dissolute as he was prolific, as debauched as he was engaged in the wide world of culture and politics and law in England and the rest of Europe? And who, now, seldom appears in the syllabus listings of even the largest English departments? The reason was best stated by the late Prof. Frederick Pottle of Yale, known to aficionados as “Boswellianissimus.” Prof. Pottle wrote:

There is nothing painful in the autobiography either of a saint or of a complacent libertine. John Wesley’s *Journal* is not painful, nor does one suffer as he reads the *Memoirs of Casanova*. We can stand apart from such men and judge their lives as we would works of pure fiction. But Boswell’s *Journal* is painful to read, because, while we are laughing with him and at him, while we are being shocked at him and disgusted with him, the scales fall from our eyes and we come suddenly to see that he is ourselves. He is the articulate honest expression of that state of being which nearly all of us experience: of piety that seldom issues in righteousness; of primordial indecencies mocking our boast of civilization; of ambitions misdirected beyond our strength; of warring motives which can never be reconciled; of childish dreams carried over into mature life. Like him we do our best work half-heartedly while we pursue phantoms; we spend our lives in turmoil and heartache, lacking the power to shape our destinies.

Born in 1740, Boswell was admitted to the Scots Bar as Advocate in 1766. He practiced law until his death in 1795, and was surely among the first lawyers anywhere to do “pro



James Boswell’s only novel was published anonymously.

bono” criminal defense work. In 1768 his published account of his visit to Corsica became an intentional best-seller, translated into five languages immediately after publication, making him famous at twenty-eight. He was a friend to the celebrities of his world and time, and he was an accomplished writer and lawyer. But it is on none of these aspects of this multi-faceted man that we will focus here. Instead, I want to talk about Boswell the “spin doctor.” He was, among his other accomplishments, one of the early practitioners of “public relations,” or “media management.” As with

his unremunerative defense of criminal defendants, Boswell invented this role for himself out of his own personal passions and needs.

James Boswell was a proud – even vain – man in many respects. Among the most deep-seated sources of his pride was his lineage. His father, Alexander Boswell, Lord Auchinleck, was a distinguished member of the Court of Session and the High Court of Justiciary, respectively the highest civil and criminal courts in Scotland. For many generations the Boswells had been proud lairds in Ayrshire. King James IV had presented the original Auchinleck lands to Thomas Boswell in 1504, whose wife was a descendant of the original Auchinlecks, who had held it since at least 1300. Through his mother’s line, the Erskines, Boswell was related to both the Stuart Pretender, James, and George III. When he talked about his ancient lineage, as he often did, Boswell was merely claiming his truthful ancestry, linking

him to the brightest names in Scots and English history. In a brief autobiographical sketch he wrote in 1764 to introduce himself to Jean Jacques Rousseau, he closed with his most fervent hope for himself – “If I can be a worthy Scots laird.”

Given his concern with family and lineage and hereditary property, it is no surprise that Boswell was attracted to what was known as the Douglas Cause, perhaps the most famous litigation in Scotland – even all of Britain, in the 18th century. Although the litigation began

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BOSWELL'S DORANDO, from page 1

in 1762, about a year after the death of the Duke of Douglas in 1761, its roots went back to the relationship between Archibald Douglas and his sister Lady Jane. The Douglas clan was among the oldest and wealthiest in Britain, with enormous landholdings, and it was the proudest name in Scotland. The Duke himself, however, was described as "a man of weak intellect, violent, unsocial, and unforgiving." His sister, on the other hand, by one contemporary account "was universally acknowledged to be one of the most accomplished women of her age or country, remarkably handsome in her person, liberal in her mind, and engaging in her manners." Lady Jane however suffered an unhappy end to "a most advantageous" courtship in 1721, and then withdrew from the social scene. She lived with her brother the Duke, also single, and as the years passed it was assumed they would both die unmarried and childless.

As might be expected the siblings had their occasional spats; during one of those fallings-out, Lady Jane, then forty-eight, fell in love with Col. John Stewart, age fifty-nine. The Colonel, although of good family, was unfortunately the second son, and penniless. The Duke of Douglas found John Stewart unacceptable for this and other reasons, and since Lady Jane depended on her brother for her living, the not-so-young couple deliberately and secretly eloped in 1746, leaving immediately for the continent. Now the story gets interesting. According to one version, the Stewarts traveled anonymously, with Lady Jane's companion, Mrs. Hewit, and two maids, in Holland and France, until, *mirabile dictu*, in 1748 Lady Jane's pregnancy at the age of fifty necessitated disclosure of the marriage. By this version of the story, in July of 1748, Lady Jane gave birth in Paris to twin sons, Archibald, named for his uncle, and Sholto. The happy but impoverished family returned to England in 1749, but the angry Duke withdrew the allowance he had previously given to his sister. The Colonel himself was then sent to jail for debt, but through the intervention of friends his generous highness King George II restored to Lady Jane the sum of 300 pounds per annum. It was, however, merely a subsistence amount for aristocrats like the poor Stewarts.

Thus, in 1752 Lady Jane went from London to Scotland to seek a reconciliation with her brother. She was literally turned away at the castle door, with a child in each hand. It was said that when she appeared the Duke's chief servant – a man with close connections to the Hamiltons – locked him in his apartments to be sure he didn't give in to sentiment and forgive her her unfortunate marriage. Crushed, Lady Jane returned to London, where, increasingly despondent after the death of Sholto later that year, and another rejection by her brother,

she herself died, destitute, in 1753.

The Duke, in 1754, and at urging of interested parties, executed a settlement of his whole estate on the Duke of Hamilton, failing the existence of heirs of his own. In 1757 he executed a second deed, confirming the first, and adding explicitly that the surviving son of his sister should in no event succeed to his estate and title. Let us turn to a contemporary account for what happened next:

The Duke of Douglas had, during the greater part of his life, so entirely withdrawn himself from the world, and had lived in such constant retirement at his Castle in Douglas, that there was little reason to expect he would ever think of marriage, though his entering into that state was an event much wished for by every friend of his family. However the Duke disappointed the public expectations; for, in the year 1758, he entered into a marriage. . . .

The new Duchess, a tough and persistent woman, was a supporter of young Archibald Douglas. In fact it was widely thought that she had married the old Duke, in part at least, to foil the Hamiltons. In 1759, John Stewart's brother died, and the formerly impecunious Colonel became Sir John of Grandtully – not rich, but at least now respectable. The new Duchess began to make progress too – in 1759 the Duke revised his estate, settling it on his own nearest heirs, without any exception against his nephew. In January of 1760 he took the next step, and cancelled his prior settlements on the Duke of Hamilton. Then, in 1761, falling ill, the Duke executed his last deed, settling all he had on Archibald Douglas, son of his deceased sister Lady Jane. Ten days later he died. His death was followed immediately by a sort of will contest, with Hamilton and Douglas each seeking to be "served heir" to the Douglas estates. Douglas won. And the great Douglas Cause was under way.

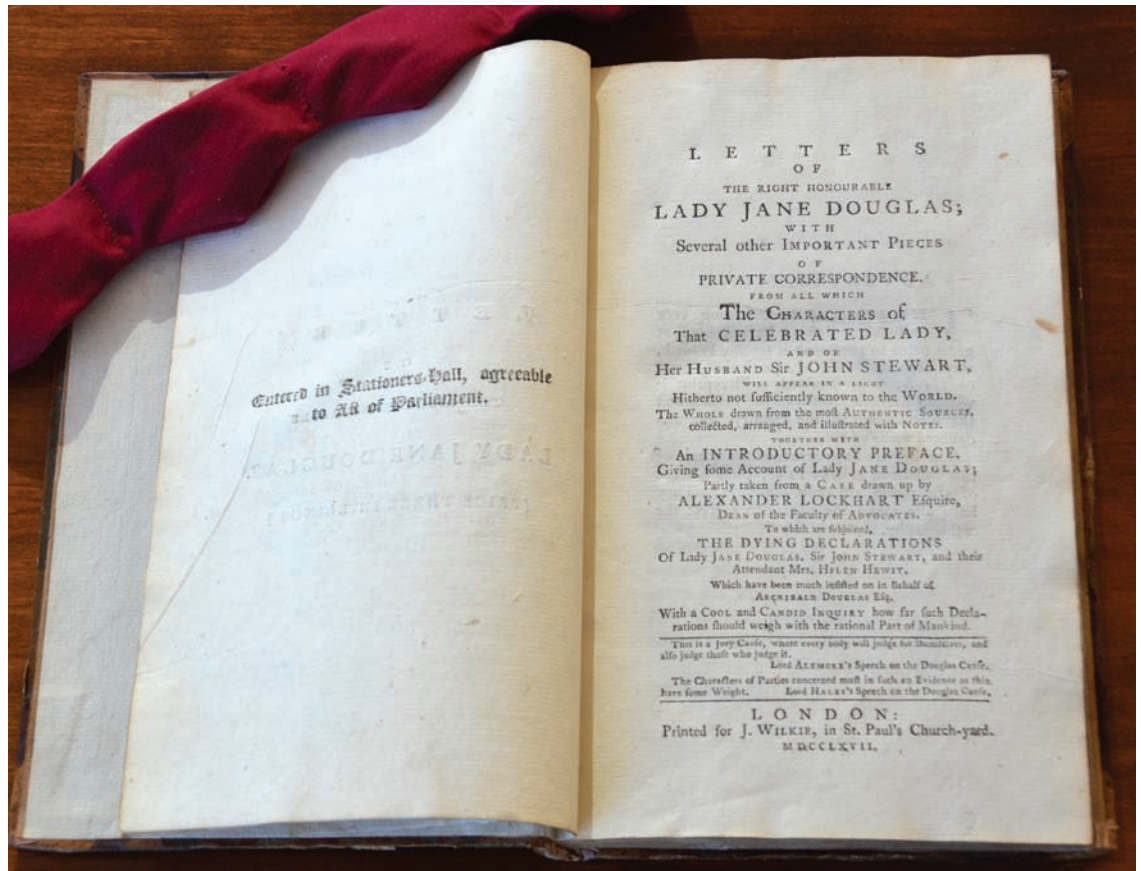
Rather than appeal, the Hamilton side brought a new suit, in 1762, an action known as *Partes Suppositio*. The litigation was intended to oust Archibald Douglas of his inherited estate, and its basis was the claim that he was a "supposititious" child; that is, not the child of Lady Jane at all, but instead the kidnapped child of a Parisian glass-worker named Mignon. Moreover, it was alleged, the late lamented Sholto, his brother, had also been supposititious, Sholto alleged to have been stolen from a French acrobat named Sanry. It was incredible, the Hamiltons claimed, to think that Lady Jane had given birth for the first time at age fifty-one, to twins, in Paris.

Immediately after the decision in 1761 serving Archibald Douglas as heir to the Duke, the Hamilton side had sent a representative – rather like a private investigator – to Paris to track down the truth. He reported back that the whole history of

Lady Jane's alleged pregnancy and delivery was a fraud, that the travels of the Stewarts around the time of the alleged pregnancy, the Stewart's finances, affidavits and records, were lies and forgeries. The Stewarts did not stay where they claimed, the deliveries had not taken place where or as described, the witnesses for the Stewarts had either lied or could not be found, and, in general, every aspect of the Douglas/Stewart claim and story was asserted by the Hamiltons' investigators to be false, and countered by contradictory witnesses and records found and developed by the Hamiltons' agents.

Although James Boswell had first met Archibald Douglas in 1762, they were merely casual acquaintances, young new men-around-town. A great deal had happened in the course of the litigation before Boswell's interest was aroused. A *Condescendence of Facts* . . . was printed by the "Pursuers," that is, the Hamilton side, in 1763. This summary of the case against Douglas was followed by printed pleadings – or "Proofs" – submitted to the Court of Session by each side, at substantial length, in response to demands by two of the judges in 1765 and 1766. Then, in 1766 and 1767 two massive Memorials, one for each side, were printed and bound. Each of these volumes is over a thousand pages in length, and contains numerous letters, documents, records, arguments and affidavits, as well as legal briefs, and citations to French and English law and other material. It was at about the time of the publication of these massive Memorials that Boswell seems to have become interested in the Douglas Cause, perhaps because in July of 1766 he had "passed Advocate," and become a practicing lawyer. The Cause was, of course, the talk of all the members of the Scottish bar.

Since by this time the case had been pending for four years, and Boswell was merely a newly admitted practitioner, he could not have expected to be engaged to participate as counsel, although his father, Alexander Boswell, Lord Auchinleck, was one of the judges on the Court of Session before which



The Douglas documents included a package of letters written by Lady Jane to her husband while he was imprisoned for debt. Boswell, recognizing her appeal, had the inspired notion of publishing a condensed version of her letters.

the case was pending. Under rules slightly different from today's, much of Boswell's early work came to him precisely because it involved appearing before his father. In fact, writing to his friend Temple in June of 1767 about how heavy his load was, he observed, "for you must know that the absurdity of mankind makes nineteen out of twenty employ the son of the judge before whom their cause is heard." Such supplicants, however, sorely misjudged both Lord Auchinleck's integrity and his relationship with his son.

Nevertheless, the Douglas Cause was too important for James Boswell to remain only an observer, and too close to his heart for him to be dispassionate. Although the Douglas version was a tangle of inconsistencies, unlikely events, bizarre twists, contradictions, likely forgeries and biologically suspect wonders, and the leading intellectuals of the day, including David Hume and Adam Smith and even Boswell's great hero and mentor Samuel Johnson all absolutely sided with Hamilton, Boswell had no doubts. Such was his passion for it, in fact, that one close observer remarked on it and on his mother's Dutch ancestors, that "His behavior on that occasion savored so much of insanity, that it was generally imputed to his Dutch blood."

To James Boswell this was a case of law, not fact, and the principle of law at stake was – well, here is how he himself described it:

Filiation or birthright is of all things the most valuable to mankind; for all the blessings and comforts of life, the succession of property and of honors, all the rights and all the affections of blood flow from it: therefore it is that the wisdom of law hath been particularly careful that the birthright of the subject should be inviolably protected.

This is Boswell, the man who had written, you will recall, that his most fervent hope was "to be a worthy Scots laird." If the claim of a man's parents to be his parents could be easily overturned, then, he said "you are taking the very pavement from under his feet. You are depriving him of half his cause." Boswell went on with a telling example:

I asked my father where I was born. He mentioned a house. I asked an old woman who was in the house at the birth, and she said another house. . . . [I]f my birth had been scrutinized, my father and this old woman would have been declared perjured, as contradicting one another.

BOSWELL'S DORANDO, from page 3

Boswell and his father had, in fact, a very difficult relationship. Lord Auchinleck more than once – and with cause – threatened his son with disinheritance, and James lived in fear that the lairdship he so valued, his heritage, his own “filiation,” would be taken from him. Little wonder he was passionate for Lord Douglas.

Boswell was also a man of imagination and of action. And so, in 1767, he became a self-appointed scribe for Lord Archibald Douglas, the Defender, against the Pursuers, the Hamiltons. He began, after reading the Pursuers’ voluminous Memorial, by composing a song. The Memorial had been compiled by Sir Adam Ferguson, a distinguished lawyer and an amateur mathematician.

In one section Sir Adam had calculated the odds against the infants Archibald and Sholto being other than the kidnapped children of Paris, and determined them to be 11, 533, 394, 545, 594, 599 to 1. The poem/song itself is actually quite funny. Here are the first two verses of *The Hamilton Cause*, addressed to his fellow lawyers:

Alas! My poor brethren, poor sons of the laws,
You're all knock'd o' the head by the Hamilton
Cause;

No more can you live by your noisy vocation,
The plan now is silent and slow calculation.

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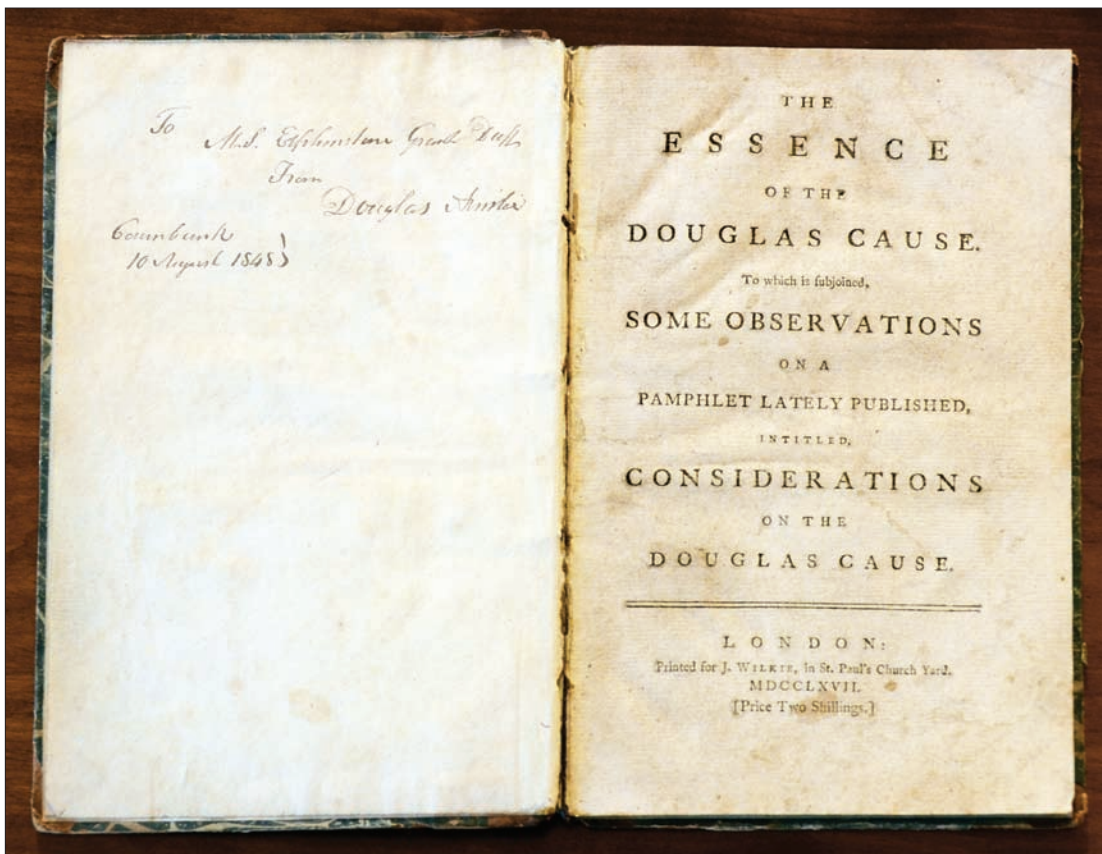
You may e'en make a bonfire of Bankton and
Stair,

And betake you to Sherwin, to Cocker and
Mair;

The Roman Twelve Tables exploded shall be,
The table of Multiplication for me.

“Bankton and Stair” – to be burned – are law books; “Sherwin, Cocker and Mair,” mathematicians. Subsequent verses all include arithmetic puns and word play.

Warned by one of his advisors to burn the poem, rather than antagonize important Hamiltonians, Boswell instead showed it to its intended target, Sir Adam Ferguson himself, and to David Hume. Both of these distinguished men assured him that since everyone knew that he personally was a man



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without malice or venom, neither would be attributed to him as a result of circulating this example of his wit. Thus encouraged, Boswell performed the song – in his wig and his gown – to the amusement of his peers around the courthouse, and even published it in *The Scots Magazine*. A few months later another ballad came from his pen, a companion piece called “*The Douglas Cause*.” This he had published as a broadside in May. Yet another song, probably the best of three, was also written in May, but circulated only in a letter to Boswell’s friend John Johnston. So began nearly two years of Boswell-written and -directed propaganda for Douglas.

Boswell was nothing if not prolific. His efforts on behalf of Archibald Douglas illustrate this tendency. His involvement in the Cause occurred during a period early in his legal career when he was extremely busy building his practice, seeing to his many social obligations, seeking a suitable wife in both Scotland and England, and writing his first long book, *An Account of Corsica*. Despite these competing commitments, in the twenty-one months beginning just before the original decision in the Court of Session in July of 1767, and ending with the subsequent decision on appeal in the House of Lords in February of

1769, Boswell wrote and published, without the promise of any compensation, more than twenty-five articles in eight newspapers, and three books, all promoting the Douglas Cause.

While we examine this outpouring of propaganda in greater detail, we also must recognize them for what they were. Boswell’s efforts were remarkable attempts to influence the fifteen judges, including his father, before whom the case was pending, or, at the least, to bring public opinion to bear on those judges. The litigation had been ongoing between the “Pursuer” and the “Defender” since 1762, and by the spring of 1767, the judges had thousands of printed pages of material before them. Boswell knew, perhaps from his father, that a decision would soon be announced. He did not wish to antagonize his father or risk a certain finding of contempt of court by publishing explicit materials obviously intended to influence the outcome while the case was awaiting resolution. Thus he came up with the inspired notion of a fiction, an allegory.

And so, in two days of dictation to his secretary in May of 1767, Boswell produced his only novel – or at least novella – fifty pages entitled *Dorando, A Spanish Tale*. A blatant attempt to influence the decision, it tells the story of Don Carlos of Dorando, an amiable recluse obviously patterned after the

Duke of Douglas. Donna Eleanor appears as the Duchess, and Lady Maria is obviously intended to be Lady Jane. Hamilton becomes Arvidoso, a greedy young man. Lady Jane's pathetic wanderings are retold and embellished; pathos for young Dorando – the stand-in for Archibald Douglas – reigns, and Boswell projects victory in the Senate of Seville, his version of the Court of Session, even putting words in the mouth of the stand-in for Lord Dundas, President of the Court of Session, making him a passionate supporter of the Dorando/Douglas side. Boswell took the case another step and had the judgment unanimously affirmed in the Spanish equivalent of the House of Lords. There he has his spokesman call the cause "A daring attempt to render our children uncertain. . . . I shudder at the consequences. . . . No signors! While my blood is warm, I hope Spain shall never adopt such unjustifiable measures." Dorando was an enormous success; the first edition, published June 15, 1767, quickly sold out, followed by a second, printed June 20, and a third, printed June 29, all in Scotland. Later in the year (after the decision in the Court of Session in July) a fourth edition was printed in London. On no edition did the author's name appear, and Boswell did not publicly claim authorship of the book, but it was commonly known to be his.

The Lord President of the Court, Robert Dundas, was outraged, but he did not attempt to suppress it – recognizing the difficulty of proving that it was an allegory (since it told a story that stood alone, without reference to secondary meanings). Boswell himself wrote a series of anonymous reviews, each quoting extensively, and praising even more lavishly, his own little book. The review of his work which he wrote for *The London Chronicle* called it "the production of no ordinary genius." In his articles and reviews the parallels to the Douglas Cause were explicitly recognized. Nor did he stop there. Prof. Pottle of Yale called his next series of capers "the most impudent act of a life not unremarkable for impudent actions."

Boswell began his newspaper campaign in May of 1767, after finishing *Dorando*. An anonymous article – but written by Boswell – appeared in the London paper announcing that the Court of Session would soon meet to hear and decide the case, in the largest room in Edinburgh; that special seating would be constructed for the public, and that admission would be charged. In the same paper Boswell separately – and again anonymously – reported that five accomplished court short-

hand experts (he even gave them names) would attend, from London, and provide word-for-word reports. Since it would have been illegal for them to transcribe and publish the proceedings, they might even, he suggested, be disguised as women, and could not be detected and prevented from telling the public what really went on. This was followed by frequent articles about the progress of these five court reporters on their way to Edinburgh, their great skill at shorthand, their personal histories, even the injured thumb suffered by one of them.

Lord Dundas finally had enough and cited the newspaper publishers for contempt, demanding that they appear before his court. Astonishingly, none other than Boswell himself defended them, for publishing what most knew he himself had written. Attributing his articles to harmless good humor and public interest, he succeeded in getting the publishers – and himself – off the hook with only a stern rebuke from Lord Dundas. Boswell did not stop with this victory, of course; instead he followed up with another lengthy piece, this time questioning Lord Dundas' efforts to pursue the publishers at all. And when there was no answer from Lord Dundas or his supporters, Boswell wrote one himself, under another assumed name.

It is impossible to say whether the judges were influenced by either *Dorando* or Boswell's enthusiastic reviews emphasizing its allegorical connection to the Douglas Cause, or even by his incessant series of articles drawing attention to it. But the public was moved. One commentator – in this case not Boswell himself – wrote:

. . . it is amazing how great an effect this pamphlet, and other such arts used by the favourers of the defendant, have had. . . . The writing and publishing [of] that pamphlet was a manifest attempt to bias the judges by hopes of great popularity in case of their giving their decree for the defendant, and the fears of a general odium in the case of their deciding for the plaintiffs.

To that extent it worked. The public had been aroused to the degree that threatening letters were sent to the judges, graffiti was painted on walls, and mobs in Edinburgh threw rocks, breaking windows.

On July 7 the Court began the delivery of its opinions. Four of the fifteen judges had been counsel for either Hamilton or Douglas before being named to the Court, and rather than recusing themselves, they voted, two

each, for their former client's positions. The remaining eleven were split, five for Douglas and five for Hamilton. Boswell's father voted for Douglas, not because of his son's by now notorious extra-legal efforts, but despite them. Nevertheless, Lord Auchinleck's opinion, one of the shortest of the fifteen, sounds the same note played by his son. Let me give you a taste of what he said. He began with a few "general observations," not with the evidence. And what are those "general observations"?

In all questions about filiation, skeptical people may have opportunities of raising abundance of doubts; as it is possible that wives may be unfaithful, nurses false to their charge, and that they may both conspire to bring in false children. Yet, though such things may happen in almost every possible case, yet the law will determine such questions upon general principles, requiring a legal certainty of filiation, not certainty in the abstract. Of this daily instances occur in this Court. And, in the case of alleged bastardy particularly, the law will take its course, and hold the child to be lawful, except there be an absolute impossibility of its being the child of the husband. Indeed, if we had not these rules, every thing would run into absolute confusion. I would observe further, that if a person is acknowledged by a married couple to be their child, this is legal evidence of it; and such a train of acknowledgment must be held to be a *probatio probata*, or *pro veritate*, till the contrary be proved by clear and undoubted evidence.

Lord Auchinleck went on to review the evidence, recognizing that it is contradictory and confusing, that it may contain false or mistaken representations on both sides, wishing it more clear, and concluding that the very uncertainty of it compels him, consistent with his "general observations," to find for Douglas.

It was not enough. If the Court was equally divided, the Lord President, Robert Dundas, would cast the tie-breaking vote, and only then would he vote. No doubt having counted noses beforehand, the Lord President spoke first on 7 July, saying that since there might be a tie, he wanted to give his fellow judges his opinion at the beginning of their deliberations. And his opinion began with a very lawyerly poke at the way an argument had been advanced in the Douglas side's pleadings. The Defender's counsel had conceded that while the parents' acknowledgment of a child is "good presumptive evidence," it could indeed be challenged and overcome. This unnecessary concession, given Lord Auchinleck's much

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stronger statement of the need for “clear and undoubted evidence” to overcome the presumption, was all the opening Lord Dundas needed. He then reviewed the evidence, and found that the conduct of Lady Jane and Col. Stewart, by now both dead, and unavailable to the Court for examination, was “upon the supposition of a true birth, improbable to the last degree.” We should remember that in *Dorando* Boswell had gone so far as to put words into the mouth of the President of the Senate of Seville – his stand-in for Dundas – firmly supporting Douglas/Dorando. Perhaps this had been just too much for the real Lord President. When the opinions had all been delivered, on July 14, 1767, he cast the tie-breaking vote, and awarded victory to Hamilton.

The Douglas side immediately appealed to the House of Lords in London, which would have the last word. Boswell turned up the P.R. campaign a few notches. Buried in the thousands of pages of the Proofs submitted by the Douglas side had been a package of letters written by Lady Jane to her husband while he was imprisoned for debt. She was no doubt the most sympathetic character in all of this, and Boswell, recognizing her appeal, had the inspired notion of publishing a condensed version of her letters. Their genuineness was unchallenged, and they had been written at a time when no ulterior motive could have existed – the Duke of Douglas was still alive, no challenge had yet been raised to the legitimacy of her children, and the letters were obviously not intended for the eyes of any but her then wretched husband. In them she writes tenderly of their little boys and her happy, if poverty-stricken, family. Boswell carefully selected and edited these letters,

and published them in a small book, *Letters of the Right Honorable Lady Jane Douglas*, to which he appended the “dying declarations” of Lady Jane, Col. Stewart, and Mrs. Hewit, as well as a commentary, by Boswell, the title of which says it all – a “Cool and Candid inquiry how far such Declarations should weigh with the rational Part of Mankind.” Obviously, observed the cool and candid Boswell, with the fear of impending death, no one would lie while facing the imminent prospect of the last judgment. Boswell also had the audacity to put two epigrams on the title page, quoting from the opinions of two of the Judges who had voted against Douglas, one on the importance of the character of the parties, and one

on judging the judges. The little book is a masterpiece of spin.

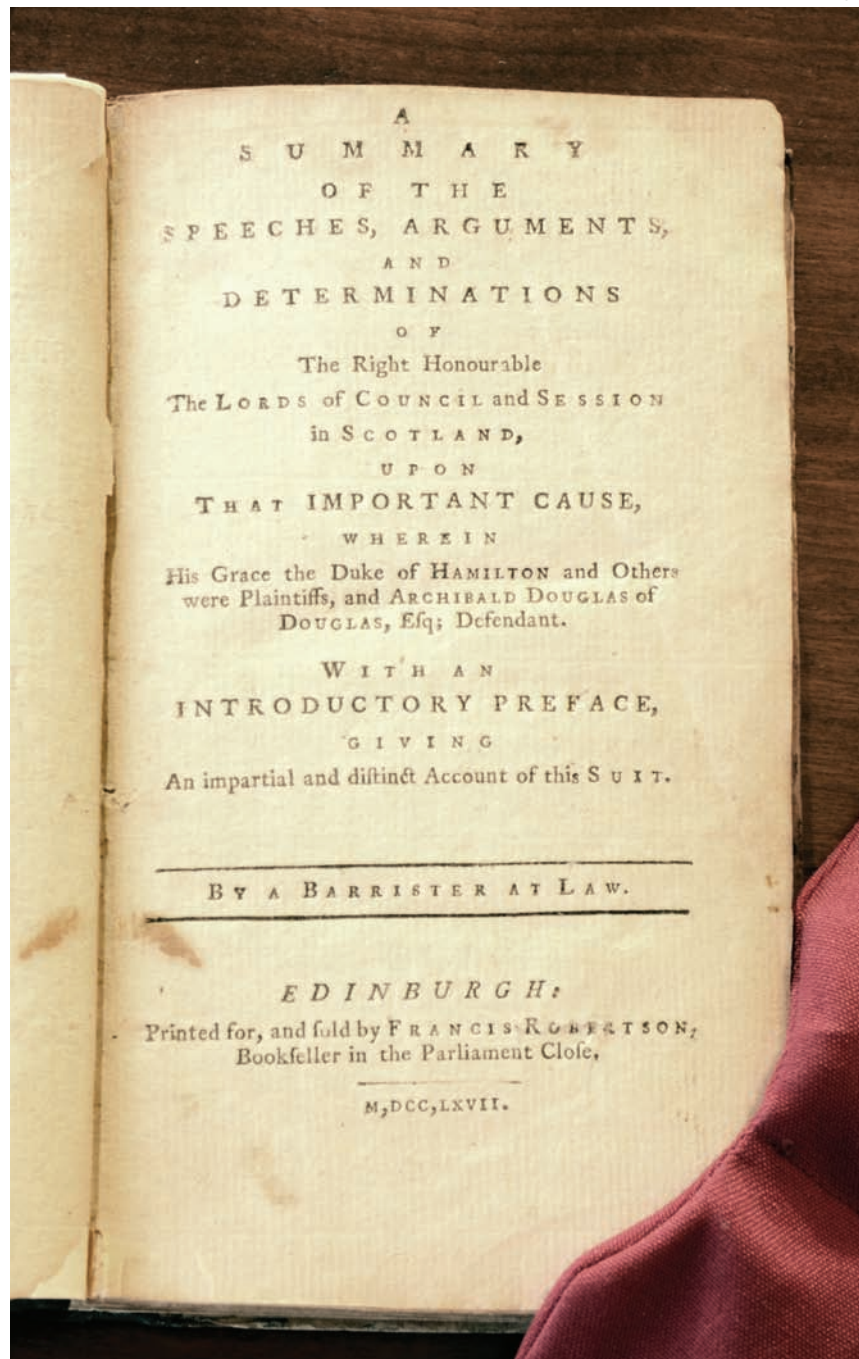
Nor was it Boswell's only other book length effort. His most sophisticated work on behalf of Douglas was his third book – *The Essence of the Douglas Cause*. This 80-page effort is truly a brilliant distillation of the arguments and evidence spread through the massive records. It clearly sets out law and fact and motive, and answers every important Hamiltonian argument. Boswell's own assessment of it years later reflects his usual modesty. He wrote, in the third person:

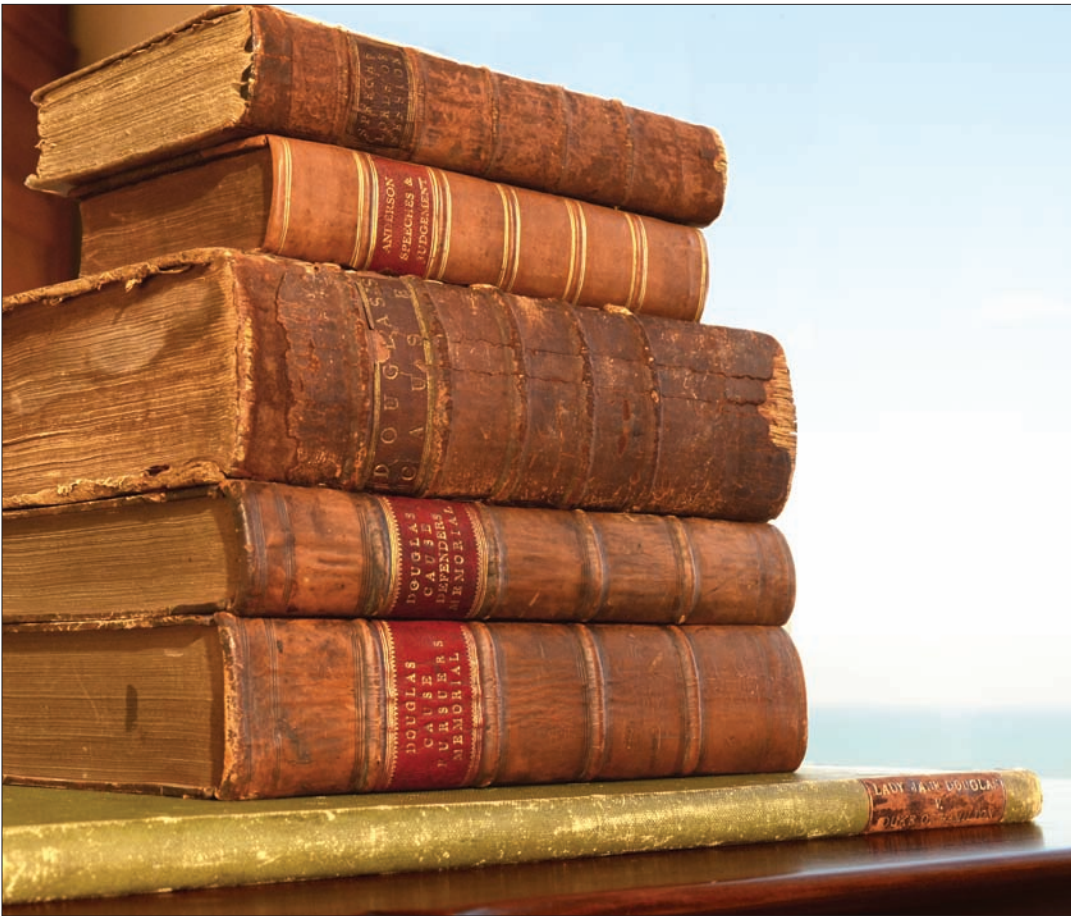
With a labor of which few are capable, he compressed the substance of the immense volumes of proofs and arguments into an

octavo pamphlet . . . and as it was thus made intelligible without a tedious study, we may ascribe to this pamphlet a great share of the popularity on Mr. Douglas's side, which was of infinite consequence when a division of the House of Lords upon an appeal was apprehended; not to mention that its effect was said to be considerable in a certain important quarter. He also took care to keep the newspapers and other publications incessantly warm with various writings, both in prose and verses all tending to touch the heart and rouse the parental and sympathetic feelings.

One last arrow remained in his quiver, after the publication of his three books and all his newspaper articles, poems, and letters. It had to do with the “certain important quarter” just mentioned.

William Murray, a Scot and friend of his father, was Lord Mansfield, Lord Chief Justice of the King's Bench, one of the most towering figures in the history of English jurisprudence, and then the most powerful judge in Britain. He would preside over the





A few more of the many publications on the Douglas Cause.

appeal to the House of Lords, and what he said would greatly influence how the Lords voted. And so, in London on 20 May 1768, Boswell paid a call on Lord Mansfield. He was warmly received, and after an exchange of pleasantries, Boswell, a young lawyer with about two years' experience, began to manipulate the conversation and one of the greatest legal intelligences of all time. Gradually moving the conversation to the appeal of the Douglas Cause then pending in the House of Lords, Boswell managed to undermine the written opinions of the pro-Hamilton judges below, and then opine on how unfortunate it was that Lord Dundas' own opinion had shaken the confidence of the people in their judges, it being so lacking in foundation. Mansfield was thoroughly engaged, so much that although his carriage was waiting to take him to another appointment, he had it wait longer, and asked Boswell to stay, and listened to his further arguments for Douglas, and about "that great principle of law – filiation – on which we all depend."

On January 19, 1769 the House of Lords began consideration of the appeal. The Douglas side's printed case was so harsh concerning the conduct of the French inves-

tigation by Hamilton's private detective that the detective challenged Douglas' lawyer to a duel, which was actually fought – bloodlessly – while the case was still being heard. Finally, on 27 February, judgment came. Lord Mansfield spoke passionately for Douglas, as did Lord Camden, then the Lord Chancellor. The Lords voted unanimously to reverse the Court of Session, and restore Archibald Douglas to his title and estates. The news reached Edinburgh on the evening of 2 March. Boswell was there. Here is the last chapter of our story.

The people of Edinburgh had been anticipating a decision, and the vast majority – inflamed by Boswell – favored the Douglas side. The news was thus met with great joy. Boswell rushed to tell his father, whose muted reaction disappointed him, and so he went out in the street where massive crowds were gathering. Victory celebrations were planned, with Boswell in charge. Bonfires were lit in the streets, and it was determined that Douglas' supporters would illuminate their windows with candles to signal their rejoicing. Dark windows were to be broken. Robert Dundas' own windows were broken, and the mob even attempted to break down his door, terrifying his family. His sedan

chair was attacked the next day, although he was not harmed. The apartment of the Duke of Hamilton was also attacked, as were the windows of other Hamiltonians, including those of the now infamous private detective. Finally the dragoons were called in, and the riot was quelled, but not until even Lord Auchinleck's dark windows had been broken by the mob, with Boswell in the lead. His noble father had refused to "illuminate," even though he had voted for Douglas, choosing instead to support the dignity of the Court, and to stand by Dundas and his fellow judges. Lord Auchinleck demonstrated how much he differed from his son in temperament, even when they agreed in principle.

A reward was offered by the magistrates for the apprehension of the leaders of the mob. Attention turned immediately to Boswell. He himself had boasted of his role, even of the rock thrown through his father's window. His father, reportedly with tears in his eyes, had

asked Dundas to have him jailed. Dundas, who truly admired Lord Auchinleck, would not have him subjected to such humiliation, but he did have young James questioned by the sheriff. It was, however, not easy to identify rioters – no home video being available – and Boswell wriggled free, often thereafter bragging about his role in the riotous celebrations and vandalism.

James Boswell would thus forever be linked with the Douglas Cause, and the linkage brought him both fame and infamy. From it he had recognition in Scotland and England as an imaginative, bold and creative advocate, as well as the gratitude and, for a while, even the affection, of Archibald Douglas. And from it he suffered the reputation of a less than scrupulous and almost ungentlemanly radical. Worse still was the permanent damage to his always fragile relationship with his father, never to be healed. But that is another story.

§§

This article, in slightly different form, was delivered as a paper at the Chicago Literary Club on December 15, 2003.

All photographs are of books in the author's collection, and were taken by Robert McCamant.

Bibliographical Modesty

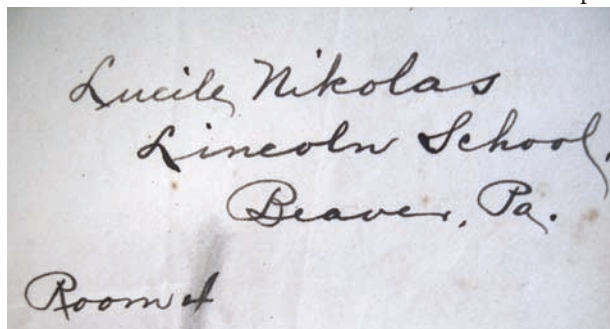
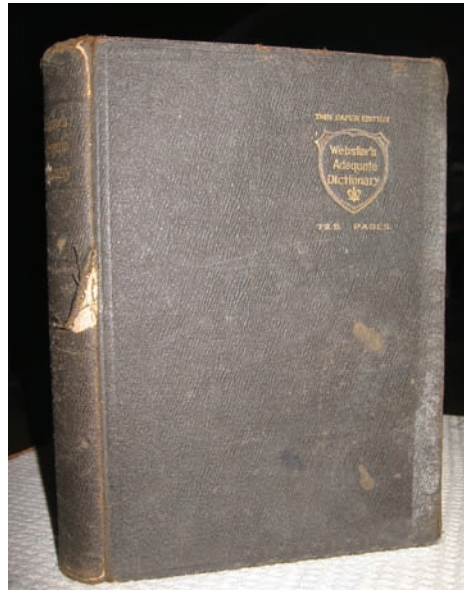
Or, my Auction discovery

Robert Karrow

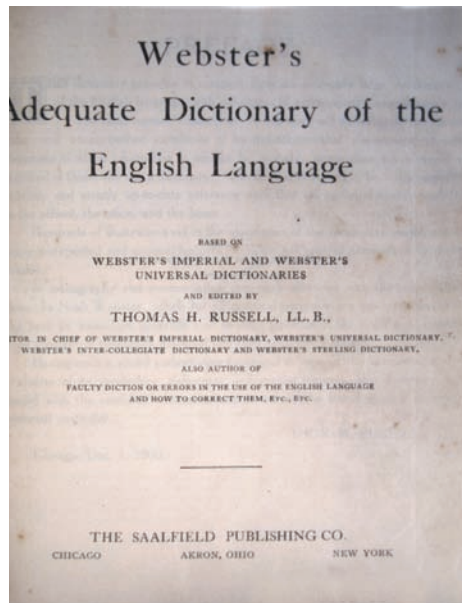
In the silent auction last month, my eye was caught by an unassuming little volume in room 3, the “thin paper” edition of *Webster’s Adequate Dictionary of the English Language*, published in 1907 by the Saalfield Publishing Co. of Akron, Chicago, and New York. It wasn’t much to look at. In fact, a scrupulously honest description would have to include such terms as “loose,” “extremities rubbed,” and “binding torn, abraded, and with signs of mold.” But it was the title that caught me – it was so . . . well, so *unassuming*. It promised to be, not the greatest dictionary ever presented to the world, not majestic, or all-encompassing, or unabridged or even indispensable, but just – adequate. No airs here, no strutting or posturing, no promising everything. This is not a dictionary that will change your life, improve your vocabulary, make you a better public speaker, answer every question you might have about the English language – no, it is merely – *adequate*. I wanted it because I knew that just looking at the spine would bring on a smile, and my bid (the only one, of \$2), was successful.

But really, what an admirable title! Not in the least puffed up, but quite conscious of being “good enough,” of being “up to the task.” It got me thinking about some of the loftier titles I’ve seen on reference books (for it is this category, books that present themselves as particularly knowledgeable in some field, that are most prone to immodesty). Among dictionaries, we might point to Ash’s *New and complete dictionary of the English language* (1775), Davies’ *Compendious and complete Hebrew and Chaldee lexicon to the Old Testament* (1880), Webster’s *superior dictionary* (1940), Webster’s *new peerless dictionary* (1943), or, in a more modern, if accented key, Liu’s *Excellent inverted English-Chinese dictionary* (1987) or S. Kumar’s *Gem Pioneer Excellent Learner’s Dictionary* (English-Punjabi, 2007).

Atlases seem especially prone to self-aggrandizement, constantly touting their newness, up-to-date-ness and completeness. Cram’s *unrivalled atlas of the world* (1911 and other editions) is a case in point, but for sheer breathless self-promotion, it’s hard to beat Cram’s 1899 *Pictorial atlas of the greater United States and the world : being the first volume of its kind to bring the old and new possessions of our*



My \$2.00 brought me not only the book, but also its first owner’s name.



country to a close association and a prominent and conspicuous position worthy of their importance : every foot of progress made in the new and old world graphically portrayed in handsome

reproductions of the latest governmental surveys and softest half-tones, together with a series of magnificent pictures of the greatest climaxes in the Spanish-American War : included in this volume are full and accurate maps, political and historical, educational charts, diagrams, etc., and complete statistics, historical, military, naval, financial and industrial. And for \$4.25 (perhaps \$120 in today’s money) it had better be that good!

No, the *Adequate Dictionary* was something different. Of course, it did occur to me to wonder if perhaps my new dictionary might have been puffing a bit, perhaps being a little too confident of its so-called “adequacy.” But a half-hour leafing through it convinced me that if anything, it was being too modest. The dictionary proper is 567 pages of nice, clear 10 point type, from “a dialectic corruption of *he* or *she*, as in *quotha*” to *zyxomma*, “a large-headed, large-eyed, dragon-fly of India,” neither of which appears in my (thicker) *Oxford American Dictionary* (1980). Many openings have helpful little cuts (“conical pulleys,” “modes of scarfing” [woodworking joint], “wimple”) and the definitions seem *at least* adequate, if not *more than* adequate. But the “Appendix” at the back of the book is a real treasure house – 147 pages of useful, no, *essential*, information, including signs and symbols, proofreader’s marks, measures of liquids, etymological dictionaries of prefixes and suffixes, foreign words and phrases, abbreviations and contractions, 2000 (count em!) homonyms, and a dictionary of musical terms! No, this is a book that will have a spot near my desk. It’s not just “pretty good”, like Ralph’s modestly named grocery in Lake Woebegon, it’s *quite good*.

But the real surprise came when I went to WorldCat to get a sense of who owned it. Would you believe no one? That’s right, with almost 200 million holdings representing thousands of libraries around the world, no one admits to owning this book. So, does that mean my \$2 book is “unrecorded”? Not quite. A Google search on the title turned up a few, including a copy on Abe Books for \$145.95, a copy on EBay (noted as “scarce”) for \$14.95, and *my copy* in the Caxton Revels catalog.

All in all, I feel I got an adequate return on my investment.

§§

Caxton Club Spring 2014 Annual Symposium Will Be Held at UW-Madison on April 26

Crime in the rare book world has been in the news recently as a result of the activities of Massimo Da Caro, including thefts from the Girolamino Library in Naples. A recent *New Yorker* article (December 13, 2013) focused on his convincing forgery of a rare Galileo book, unsettling assumptions that forging an early printed book was too complicated and expensive to undertake and almost certain to be discoverable by any of a large number of experts and amateurs alike. Not so, we have now learned.

The role of bibliographical analysis in the history of science will be addressed in some detail in an upcoming symposium sponsored by the Caxton Club of Chicago and the Bibliographical Society of America, in cooperation with the University of Wisconsin libraries in Madison. The

title of the event is "Bibliography, Collections, and the History of Science" and it will be held at the Pyle Center in Madison on April 26, 2014. It is free and open to the public.

The scope of the symposium is broader than the Galileo forgery although it will include a presentation by Dr. Nick Wilding, the professor at Georgia State



Massimo Da Caro, superimposed on a photo of the interior of Girolamino Library, Naples.

University who proved the forgery, and comments by Richard Lan, the New York dealer who was victimized by it. Mr. Lan is a well regarded dealer of long standing, and a scholar in his own right, and will be addressing all three of the academic papers.

The principal speakers for the morning session are as follows:

Prof. Michael H. Shank, Chair
History of Science Department
University of Wisconsin-Madison
Paper topic: stop-press corrections in early modern astronomy

Prof. Florence C. Hsia
History of Science Department
University of Wisconsin-Madison
Paper topic: aspects of the work of Thomas Hyde, 17th-century librarian-in-chief at the Bodleian Library, Oxford, in unraveling Chinese scientific materials

Prof. Nick Wilding
History Department
Georgia State University
Paper topic: Forgery of Galileo's Sidereus Nuncius, 1610.

The participants in the afternoon panel will be:

Dr. Ronald Smeltzer, Princeton, New Jersey
Caxton Club member and a noted collector of books in the history of science and of scientific instruments

Bruce Bradley, Kansas City, Missouri
History of Science Librarian
Linda Hall Library of Science, Engineering and Technology

Richard Lan, New York, New York
Martayan Lan Fine Antique Maps and Rare Books

Mark your calendars for this important event.

As Caxton Club members, we will be able to start our weekend in Madison on Friday afternoon with private tours of Special Collections at UW-Madison. In particular we will view highlights of their history of science collection and then highlights of their collection of artists' books in the Kohler Art Library. We will convene on Friday evening for dinner with the symposium speakers and local members of the Friends of the University of Wisconsin-Madison Libraries. This will be a wonderful opportunity to meet and get to know other book lovers.

More detailed logistical information will be forthcoming in future issues. Stay tuned!

– Program Committee



Pyle Center at UW-Madison.

Da Caro photo from The Art Newspaper / <http://www.theartnewspaper.com/articles/Former-boss-of-Naples-historic-library-confesses-to-multiple-book-thefts/29126>. Kyle Center from <http://uwexcs.wordpress.com/tag/welcome/>

Book and manuscript-related exhibitions: a selective list

Compiled by Lisa Pevtzow

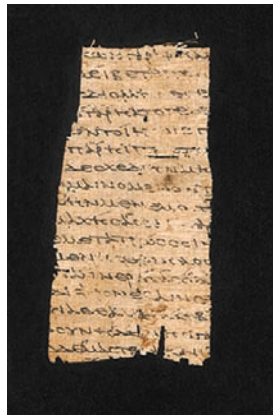
(Note: on occasion an exhibit may be delayed or extended; it is always wise to call in advance of a visit.)

Art Institute of Chicago, 111 S. Michigan Avenue, Chicago, 312-443-3600: **"Dreams and Echoes: Drawings and Sculpture in the David and Celia Hilliard Collection"** (115 works from the couple's collection), Galleries 124-127, through February 16. **"The Czech Avant-Guard Book"** (a look at how the Czech avant-garde sought to completely reimagine book design), Ryerson and Burnham Libraries, through April 7.

Chicago Botanic Garden, Lenhardt Library, 1000 Lake Cook Road, Glencoe, 847-835-8202: **"Healing Plants"** (illustrated herbals), through February 9. **"Exotic Orchids,"** February 14 to May 11.

Chicago History Museum, 1601 N. Clark Street, Chicago, 312-266-2077: **"Siam: The Queen and the White City"** (honors Thai Queen Savang Vadana for her contributions in organizing her country's displays for the 1893 Columbian Exposition Woman's Building), through March 2.

Columbia College Center for Book and Paper Arts, 1104 S. Wabash Ave., Chicago, 312-269-6630: **"Social Paper"** (charts the evolution of the art of hand papermaking in relation to recent discourse around socially engaged art), opens February 10.



Harold Washington Library Center, 400 S. State Street, Chicago, 312-747-4300: **"Official and Unofficial: Photographs from the World's Columbian Exposition and Century of Progress"** (photographs depicting corporate visions for the fairs and visitors' individual experiences), through March 2. **"Gettysburg Address: A Graphic Adaption"** (illustrations that tell the story of the Civil War by Jonathan Hennessey and Aaron McConnell), through March 2.

Loyola University Museum of Art, 820 North Michigan Avenue, Chicago, 312-915-7600: **"Elegant Enigmas: the Art of Edward Gorey"** and **"G is for Gorey - C is for Chicago: The Collection of Thomas Michalak"** (two exhibitions of Gorey's legacy through hundreds of original drawings, works, and illustrations, and ephemera of popular culture), opens February 15.

The Newberry Library, 60 W. Walton Street, Chicago, 312-943-9090: **"Home Front: Daily Life in the Civil War North"** (major exhibition of more than 100 items that focuses on the enormous, and costly, effect the war had on civilians), through March 24.

Northwestern University Library, 1970 Campus Drive, Evanston, 847-491-7658: **"Homage to Khidekel by Mikhail Karasik"** (one

Art Institute: Hilliard Collection
JEAN JOSEPH MARIE CARRIÈS. MASK,
SELF-PORTRAIT, c. 1890.

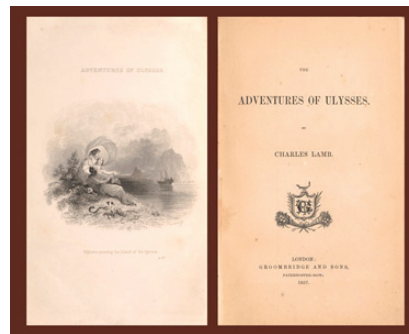


of 12 copies of an artist's book that attempts to interpret the architecture and drawings of Soviet artist and architect Lazar Khidekel, 1904-1986), ongoing.

Northwestern University Block Museum, 40 Arts Circle Drive, Evanston, 847-491-4000: **"Steichen | Warhol: Picturing Fame"** (compares the photographs of Steichen and Warhol; highlights two recent major gifts), through April 6.

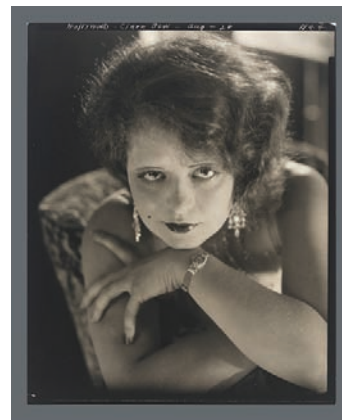
University of Chicago, Joseph Regenstein Library Special Collections Research Center Exhibition Gallery, 1100 E. 57th Street, Chicago, 773-702-8705: **"Homer in Print: The Transmission and Reception of Homer's Works"** (traces the cultural influence of Homer through a publishing history of important Homer editions and translations), through March 15.

Woodson Regional Library, 9525 S. Halsted Street, Chicago, 312-747-6900: **"Faith in the Struggle: Rev. Addie L. Wyatt's Fight for Labor, Civil Rights and Women's Rights"** (exhibit tracing life of the late Rev. Wyatt, co-pastor of Chicago's Vernon Park Church of God and one of the leading human rights activists in 20th century America), through March 15.



University of Chicago: Homer in Print

LEFT: ILIAD, MANUSCRIPT ON PAPYRUS, SECOND CENTURY CE. EDGAR J. GOODSPEED PAPYRI COLLECTION. RIGHT: CHARLES LAMB, THE ADVENTURES OF ULYSSES. LONDON: GROOMBRIDGE AND SONS, 1857.



Northwestern Block Museum: Steichen | Warhol: Picturing Fame
EDWARD STEICHEN, CLARA BOW, 1928; ANDY WARHOL, CARLY SIMON, 1980.

Send your listings to lisa.pevtzow@sbcglobal.net

Caxtonians Collect: Donna M. Tuke

Interviewed by Robert McCamant

Donna Tuke's business card is a tasteful cream color, with type set in Optima. Her name is spelled out in capital letters across the middle. Following her name are three abbreviations, "MLS, JD, EA," which sum up her professional career in seven letters.

The MLS is one of two degrees she earned at Indiana University. (The other was her BA.) "I was the eldest child in a large family," she explains. "I needed to put myself through college, and the job I found I liked the best was working in the library. I decided a library degree [her Master of Library Science] would be a sensible thing for finding a real job that I would enjoy."

It proved true. Her first job was in the DePaul Law Library. There, she noticed that the librarians who rose to the top of their profession in law libraries also had law degrees as well as MLS's. So she earned her law degree part time at night while working in the library. Among her fellow students were a woman who went on to be the Librarian of the U. S. Supreme Court, and one who headed the University of Chicago Law Library.

(The "EA," which stands for Enrolled Agent, is not a degree, but is a license granted by the Internal Revenue Service. More later.)

At this point in our story, she's still at the DePaul Law Library. At one point, there is a library-wide de-accessioning, involving not just the law library. There are boxes of books being thrown away. In one she discovers an older English book, beautifully illustrated. "Sure, I'd seen illustrated books before. But there weren't many in illustrations in the legal texts I'd been working with. For some reason this one spoke to me. I think it suggested the germ of the idea that it would be fun to start collecting illustrated books as a hobby."

But the collecting didn't come until later. For now she had her own family to raise and her own career to build. She was a librarian at two major Chicago law firms, and in 1980 she started a newsletter company with two titles. *Legal Information Alert* was for law librarians; it reviewed books in the field and covered trends in legal research. *Business Information Alert* did the same thing for business librarians. When appropriate, the newsletter company

published books.

Which brings us to 1998: her career is flourishing; she'd done some travel. She decided that the future of both her and her children would be enhanced by six months in London. So they packed up and moved. "I put the kids in the American School in London, and did my own work while they were at school. But every chance we had, I took them to explore



the wonders of England and Europe."

Among her own discoveries were antiquarian bookshops and charity shops. "My mother was an inveterate thrift store shopper. The most exciting gift under the Christmas tree was always something she had discovered at one. I picked up the 'bug' from her, but in England I found that the book shopping was better." She was excited by vintage Baedeker travel guides, and was soon collecting "Satchel" guides, and ones from various other companies. (She has a few of the "So You're Going to..." series, written by Chicagoan Clara E. Laughlin, a colorful woman who had a travel agency and an early radio talk show promoting foreign travel for women.)

From travel guides, the fascinations grew. There were the wordless novels of Lynd Ward. There was the Peter Pauper Press, one of whose books she originally got to give to her mother and ended up collecting works of the press herself.

There was the prolific Henrik William Van Loon, who reported in English from continental Europe and illustrated many of his own books. And a complete set of Lydekker's *New Natural History*. One of the largest groups of books she has is books designed by, and sometimes illustrated by, W. A. Dwiggin. What do all these books have in common? They're all illustrated, and they all give her pleasure.

We come now to the "EA." One day, Tuke realized that law librarianship was more about computers and technology than about books. The proliferation of blogs made the newsletters redundant. So she closed the company in 2011. "I needed a new career. I realized that I had a knack for finding information, of asking the right questions, and applying my former legal research knowledge to solve tax problems. These turned out to be good skills in the preparation of tax returns. Clients bring in their tax documents, and I apply my skills to prepare their returns and to suggest strategies to get them the best possible outcome from the Internal Revenue Service."

She is in fact licensed to practice law in Illinois. But income tax is not just an Illinois issue. It is a federal one. That is where being an Enrolled Agent with the IRS helps. Not only is she able to prepare tax returns, but she is able to represent taxpayers in disputes before

the IRS anywhere in the country, whereas her law license is just for Illinois. "It's a great thing for me at this stage. I can prepare tax returns and represent clients as long as I can walk and talk. And it's full of puzzles I find fascinating. Most of my friends at this stage are learning to play bridge which I am told is a great way to stave off dementia. I would rather do a lot of things before I would learn to play bridge, including learning the tax code" she says. "And solving problems for people is very satisfying."

Tuke joined the club in 2007, nominated by Bill Locke and seconded by Barbara Long. At the time, all three served on the board of ShawChicago. "I think it's interesting that I had been a librarian in Chicago for more than 20 years and I had never heard of the Caxton Club. It shows our Club has great potential to find more members."

Now if she could only find the Illustrated Tax Code!

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Bookmarks...

Luncheon: Friday Feb. 14, 2014, Union League Club
Tony McGuire
Library and Museum Nemeses Beware!
Anecdotes from Years as a Major Mold and Mite Enemy

Come and hear how Union League member Tony McGuire went from Young Engineer of the Year (1976) to Founder and CEO of McGuire Engineering, a successful heating, air conditioning, and plumbing firm that specializes in cutting-edge technology that provides climate control plans for libraries, museums, and private collectors worldwide. Tony will talk about stress and his job to keep books and art objects from being stressed and, if it happens, to alleviate the pressure, all the while taking into account, light, humidity, temperature, water, vermin, mold, and insects. Hear about the open-window policy at the Vatican Library, how a "buffer room" solved a problem at the Field Museum, how a 900-year-old outdoor Irish church sculpture proves that sometimes doing nothing is better than doing something. Strategies for private collectors will include: the best temperature and humidity for collections and the least stressful way to turn pages. Time for questions from the audience.

February luncheon: Union League Club, 65 W. Jackson Boulevard. Luncheon buffet (main dining room on six) opens at 11:30 am; program (in a different room, to be announced) 12:30-1:30. Luncheon is \$30. Please reserve by noon Wednesday for Friday lunch. February dinner:

Beyond February...

FAT TUESDAY CAXTON SPECIAL INTEREST GROUP KICK OFF

March 4: Union League Club, 6-8 PM

(Wine and dry snacks.) On Fat Tuesday the Club will hold an organizing event at the Union League with drinks. We're hoping for the formation of four special groups within the Club so members with similar collecting interests can get together for discussions or activities of mutual interest. This meeting is organizational only. We'll assemble in one place, separate into four groups, and then have discussions in each

MARCH LUNCHEON

Union League, March 14. Megan McKinney, author of *The Magnificent Medills*, will speak. (The Medills long owned the *Chicago Tribune*.)

Dinner: Wednesday, Feb. 19, 2014, Union League Club
Jim Canary
"A Fine Way: Approaches to the Art of the Book."

Last summer the Caxton Club was privileged to tour the Lilly Library, a treasury of important manuscripts, fabulous rare books, and magnificent bindings. One of the tour's highlights was Jim Canary's display of unique and exquisite bindings from the collection. His presentation will focus on the Lilly's bookbinding collection with video excerpts from bookbinders discussing their work and workshops. Bindings represented will include work by Sydney Cockerell, Ivor Robinson, James Brockman, Phillip Smith as well as Michael Wilcox and Timothy Ely. Arion Press's *Moby Dick*, bound by five different binders, will also be featured. Jim Canary has been for 30 years conservator for the Lilly Library, Indiana University, and has personally interviewed many of the featured binders.

Note: this is will be the first time we feature a "reverse order" program. The schedule will be: Social Hour 5-6; Program Announcements 6-6:15; Speaker; Dinner 7:15.

Union League Club, 65 W. Jackson Boulevard. Timing: spirits at 5:00, dinner at 6:00, program at 7:30. Dinner is \$48, drinks are \$5 to \$9. For reservations call 312-255-3710 or email caxtonclub@newberry.org. Please reserve by noon Friday for Wednesday dinner.

group about anything that might become a viable project for a group event. Examples would be meeting in an individual's home to look at his or her collection, traveling to see a local exhibition of books relevant to the group's interests, or getting together for cocktails occasionally to discuss relevant topics. The four groups with which we would like to get started are: **Americana, Book Arts, Literature, and The Natural and Built World**, but we recognize that categories could change.

MARCH DINNER

At the Union League Club, Wednesday, March 19, Simon Loxley will speak on "Printer's Devil: The Life and Work of Frederic Warde."