

347 RAINBOW, THOMAS

Bookseller & Bookbinder

Norfolk

Bookseller and bookbinder in Norfolk (1796-98) with Robert Hannah (199).

Rainbow is an ill-fated figure in Virginia's print trade. His familial and trade origins are still unknown, but his departure from the trade is well recorded in a landmark court case that helped define nineteenth-century personal liability law.

His first appearance in the bibliographic record came in 1796 when he became a partner in the first commercial library in Norfolk. Robert Hannah's "Norfolk Circulating Library" was a concern that both rented and sold books; this business model was then found in most cities in the British Isles; fee-paying subscribers could borrow any book from the store stock and if they failed to return the item, they were simply charged for its replacement. Originally established by James Hunter (228) in 1793, the library passed to Hannah on Hunter's death in September 1795. About a year later he took Rainbow in as his partner in an apparent effort to expand the business, turning the concern into the firm of Rainbow & Hannah. As was then expected from all booksellers in America, their store offered bindery services and stationery, as well as a wide variety of books, but it seems that they did not produce many blank books, relying on other manufacturers for such in their stocks.

The partnership came to an abrupt end in June 1798. Rainbow was shot, accidentally, by a patron, one John Taylor, resulting in the amputation of his left leg. His lengthy recovery forced Rainbow to withdraw from the firm, generating a loss, as he later claimed, of more than £5000, including his medical expenses. He brought suit against Taylor for the damages incurred and was eventually awarded a £900 judgment by Norfolk's Hustings Court. Taylor appealed the decision, and won a reversal in 1808: Rainbow had filed a non-specific damage suit (called "*trespass on the case*") when he should have filed a specific personal-injury one (called "*trespass vi et armis*"), so the appellate court voided the decision and sent the suit back to Norfolk for retrial. This case (*Taylor v. Rainbow*, with Taylor appealing as "plaintiff in error," though the original defendant) became a national standard for such personal-injury liability cases in an era where "legal formalism" – a devotion to proper form – outweighed the real-world implications of any lawsuit. As a result, Rainbow was left largely destitute for more than a decade while his case dragged on through Virginia's courts. Moreover, he may never have received any compensation from Taylor, even when pursuing the case in proper form, given the inordinately large award.

It appears that Rainbow did not again work in the American print trade, though he evidently had some connections to it. In 1804, the Petersburg bookselling firm of Somerville & Conrad employed John Daly Burk (063), the Jeffersonian polemicist turned lawyer, to sue the guarantor of a loan that Rainbow had taken from them for his non-payment of that note, clear evidence of his ongoing financial distress. Yet he remained in Norfolk, at least through the end of the litigation, marrying one Margaret Barton there in 1807; she died in Norfolk in 1826, still remembered as "widow of the late Thomas Rainbow, bookseller, of Norfolk," an indication of the local notoriety of the affair. Rainbow himself had died nine years earlier in Kentucky, suggesting either that he had accrued sufficient funds to seek a new life there, or

he was in flight from his creditors. His death was reported as far north as Boston, further suggesting that Rainbow had had New England roots. But too little evidence survives to afford a better identification of this star-crossed bookseller.

Personal Data

Born: ca. 1775 ---
Married: June 3 1807 Margaret Barton @ Norfolk County, Virginia
Died: February 1817 in Kentucky
No record of children yet found.

Sources: Imprints (bookplates); MESDA no. 72780; notices in Norfolk papers (1796-1808); Tucker, *Norfolk Abstracts*; "Taylor v. Rainbow" (1808), 2 Hening & Munford; Tazewell Family Papers, Library of Virginia; death notice in *New England Palladium* (Boston), Apr. 1, 1817; wife's death reported in *Norfolk & Portsmouth Herald*, Apr. 21, 1826.