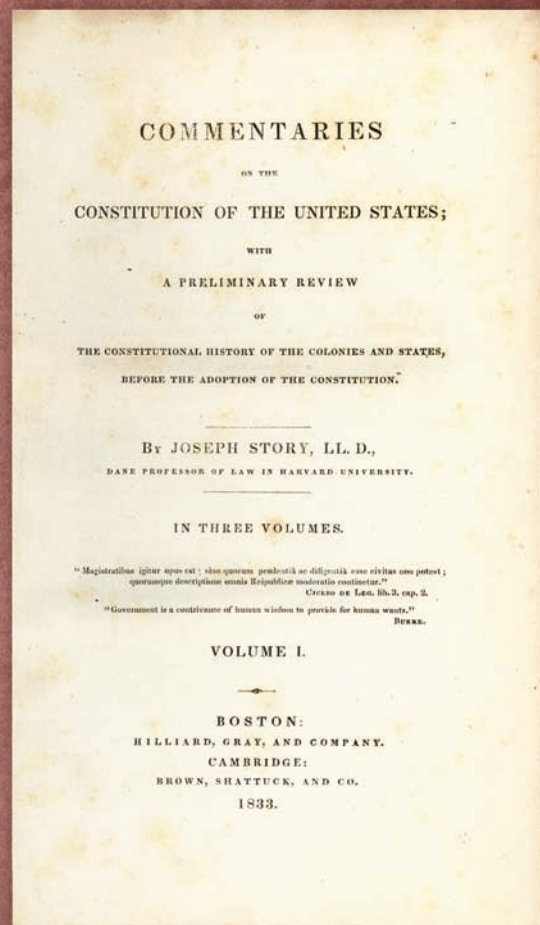
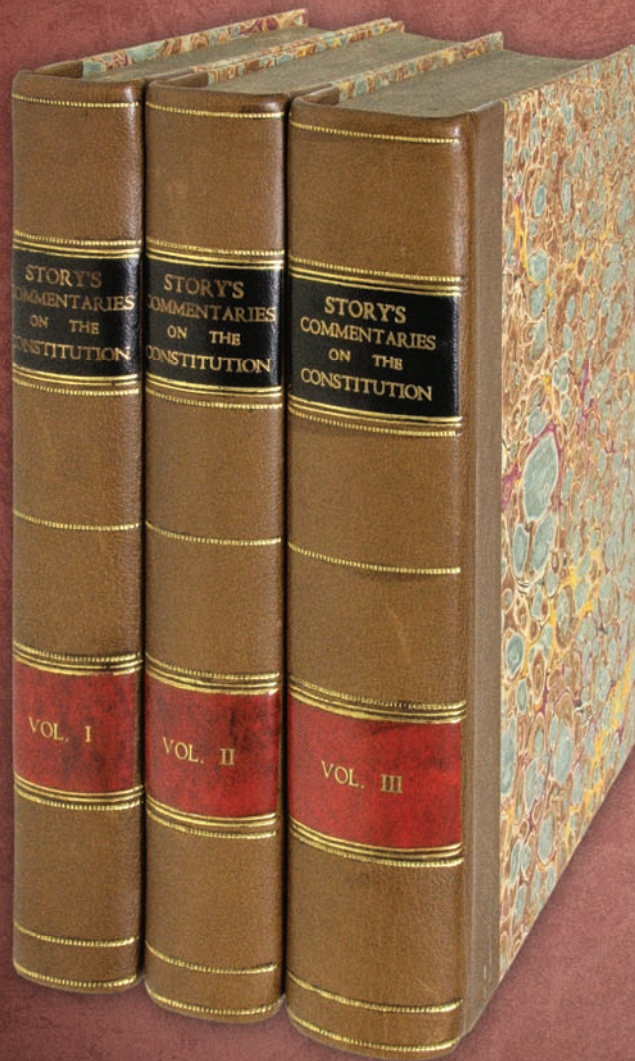


AMERICAN TREATISES 1774-1922

September 22, 2015

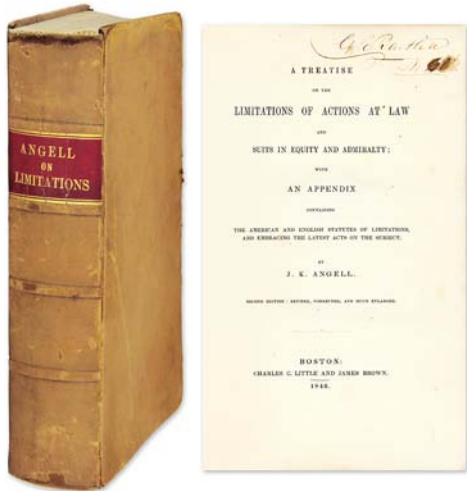


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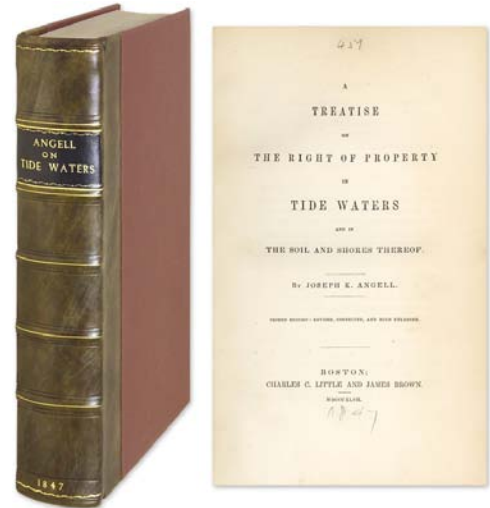
The Lawbook Exchange, Ltd.

American Treatises, 1774-1922

22 September 2015



Item 1



Item 2

Angell's Notable Treatise on Limitation of Actions

1. Angell, [Joseph K.] [1794-1857].

A Treatise On The Limitations Of Actions At Law And Suits In Equity And Admiralty; With an Appendix Containing the American and English Statutes of Limitations, And Embracing the Latest Acts on the Subject. Revised, Corrected, And much Enlarged. Boston: Little, Brown, 1846. xxxiv, 536, cl, [685]-707, (1) pp. Octavo (9" x 5-1/2").

Contemporary sheep, blind fillets and lettering piece to spine. Moderate rubbing to extremities, corners bumped and somewhat worn, chipping to head of spine, joints starting at ends, early owner bookplate (of Greenleaf C. Bartlett) to front pastedown, his signature to head of front free endpaper and title page, light toning to text. \$250.

* Second edition. According to the author this edition is "in all respects a new, as well as much enlarged work." The first edition was published in 1829, the third and final edition, edited by John W. May, was published in 1854. Cohen, *Bibliography of Early American Law* 9071.

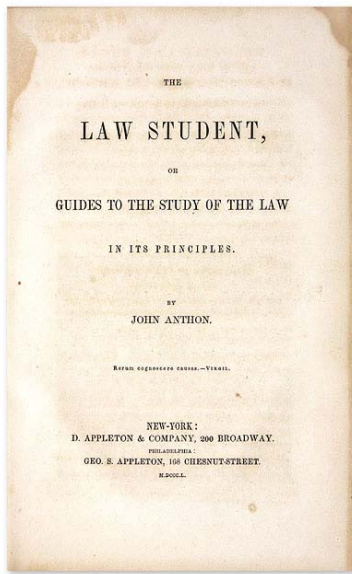
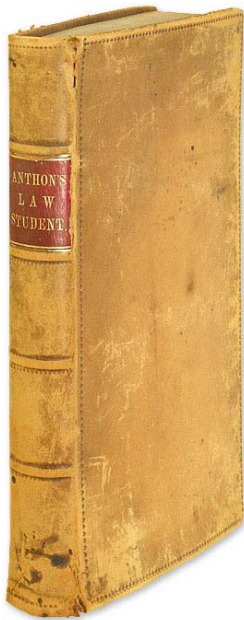
"A Valuable Contribution to Our Jurisprudence": Marvin

2. Angell, Joseph K.

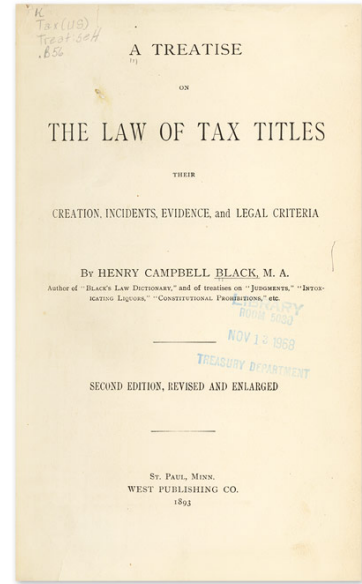
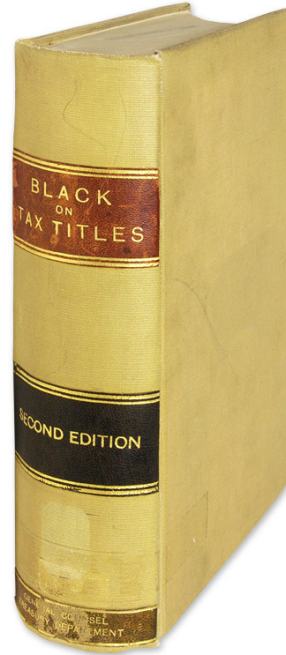
A Treatise on the Right of Property in Tide Waters, and in the Soil and Shores Thereof. Revised, Corrected, and Much Enlarged. Boston: Charles C. Little and James Brown, 1847. xvi, 295, [1], cxlvi, [1], [463]-475, 24 pp. Includes 24-page publisher catalogue. Octavo (9-1/2" x 5-1/2").

Recent period-style quarter calf over cloth, raised bands and lettering piece to spine, endpapers renewed. Some toning to text, internally clean. \$500.

* Second edition. With an appendix of cases. Topics covered in this classic work include Roman, English and American laws on the right of property in the sea, rights acquirable in salt and tide waters by prescription, custom and grant and the right of those who own land adjoining shores to make embankments, such as wharves. Reviewing the first edition (1826), Marvin observed that it was the first book on the subject since Hale's *De Jure Maris et Brachiorum Ejusdem*, then commended it as "a work that was much needed" and "a valuable contribution to our jurisprudence.": *Legal Bibliography* 62. Cohen, *Bibliography of Early American Law* 7938.



Item 3



Item 4

**An 1850
Handbook for Aspiring Lawyers**

3. Anthon, John [1784-1863].

The Law Student, Or Guides to the Study of the Law in Its Principles. New York: D. Appleton & Company, 1850. [ii], [3]-384 pp. Includes two-page publisher's catalogue of "Important New Law Books." Octavo (9-1/2" x 6").

Contemporary sheep, blind fillets to boards, raised bands and lettering piece to spine. Moderate rubbing, boards slightly bowed, minor worming to front joint, foot of spine bumped. Moderate toning to text, light foxing in a few places. Early owner signatures, of Benjamin Waterhouse, dated Trenton, 1877, to endleaves, interior otherwise clean. A nice copy. \$500.

* Only edition. Anthon was a lawyer in New York and the author of several widely used treatises, including *American Precedents of Declarations* (1802), *The Law of Nisi Prius* (1809) and *An Analytical Abridgment of the Commentaries of Sir William Blackstone* (1809), an introductory "nutshell" for students. Cohen, *Bibliography of Early American Law* 8583.

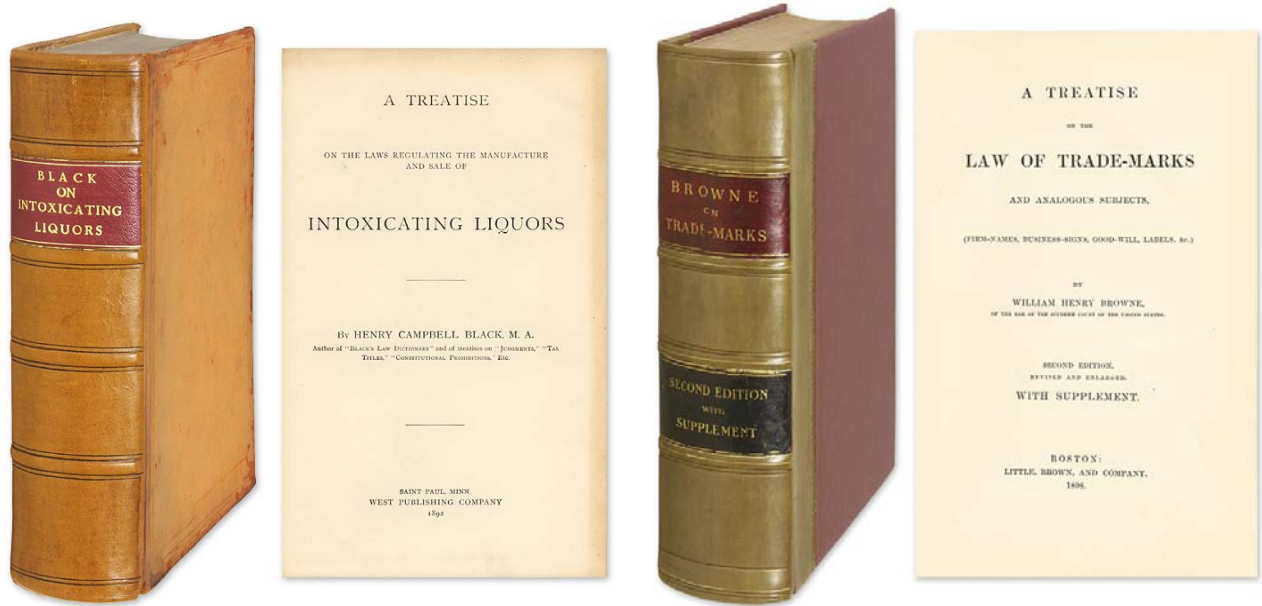
By the Author of Black's Law Dictionary

4. Black, Henry Campbell [1860-1927].

A Treatise on the Law of Tax Titles: Their Creation, Incidents, Evidence, And Legal Criteria. St. Paul: West Publishing Co., 1893. lxxix, 716 pp. Octavo (9" x 6").

Original buckram, red and black lettering pieces to spine. Light soiling, light rubbing to extremities, internally clean. Ex-law office library. Owner label to foot of spine, stamps to edges, preliminaries and endleaves, card pocket to rear pastedown. A solid copy. \$150.

* Second edition. A treatise by the author of the famous law dictionary. Black wrote this treatise in response to the rapid growth of tax title litigation and legislation during the nineteenth century. "Now it has been the design of the author...to construct, in light of the statutes and decisions, a treatise on tax titles which should present an accurate view of the state of the law on this subject as it exists at the present moment; and it is his earnest hope that the result of his labors may prove to be of practical utility in the office and court-room" (vi). *Catalogue of the Library of the Harvard Law School* (1909) I:182.



Item 5

Item 6

Intoxicating Liquors

5. Black, Henry Campbell.

A Treatise on the Laws Regulating the Manufacture and Sale of Intoxicating Liquors. St. Paul: West Publishing Company, 1892. lii, 711 pp. Octavo (9" x 6").

Contemporary law calf, rebaked in period style. Blind frames to boards, raised bands and lettering piece to spine, hinges mended. Light rubbing to board edges, corners lightly bumped, light toning to text, offsetting to margins of endleaves. Small early bookseller stamp to front pastedown, interior otherwise clean. \$1,250.

* Only edition. Black is best known as the author of the great law dictionary that bears his name, but he also wrote several highly regarded treatises. His treatise on alcoholic beverages was a response to contemporary debates about prohibition, which were gaining in intensity in the late 1800s. Given this background it is not surprising that Black declared his neutrality at the end of his preface: "This book is not a plea for any particular system of liquor legislation. It is purely and solely a legal treatise. The law-writer has no more to do with the wisdom, justice, or expediency of the statutes whose legal effect he discusses than has the court which is called upon to administer them" (iv). *Catalogue of the Library of the Harvard Law School* (1909) I:183.

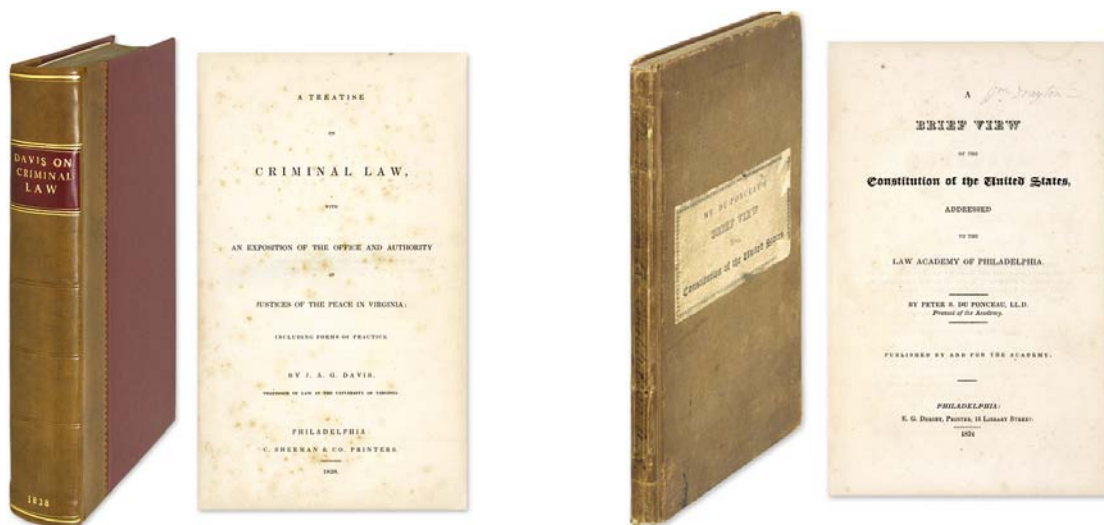
"Order Out of Chaos"

6. Browne, William Henry.

A Treatise on the Law of Trade Marks and Analogous Subjects (Firm Names, Business-Signs, Good Will, Labels, Etc.). Revised and Enlarged, With Supplement. Boston: Little, Brown, and Company, 1898. xxiv, 706, xviii, 222 pp. Octavo (9" x 6").

Recent period style quarter calf over cloth retaining original red and black lettering pieces, endpapers renewed. Offsetting and a few minor chips to margins of endleaves, toning to text, internally clean. \$450.

* Second edition, with supplement; the best edition of this work. "The first edition of this book sprang from the author's desire to bring order out of chaos. There was a need for a collation of authorities on the Law of Trade-Marks and kindred matters; and that need was felt, not only by owners of applied symbols of manufacture and commerce, but also by bench and bar alike. (...) It is probable that no other branch of legal science has had a more rapid growth during the twelve years since the first edition appeared. (...) The latest obtainable decisions of courts of various nations have been consulted and cited in the following pages" (v-vi).



Item 7

Item 8

The First Treatise on Virginia Criminal Law

7. Davis, J.A.G. [1801-1840].

A Treatise on Criminal Law, With an Exposition of the Office and Authority of Justices of the Peace in Virginia; Including Forms of Practice. Philadelphia: C. Sherman & Co. Printers, 1838. viii, 660, [1] pp. Octavo (9" x 5-1/2").

Recent period-style quarter calf over cloth, blind fillets and lettering piece to spine, endpapers renewed. Toning and occasional light foxing to text, internally clean. A handsome copy of a scarce title. \$350.

* Only edition. Written by a lawyer who was a professor of law at the University of Virginia, this is the first treatise devoted solely to Virginia criminal law. As fate would have it, Davis died from a gunshot wound delivered by a UVA student he was trying to arrest (under his authority as a university officer). Cohen, *Bibliography of Early American Law* 3771.

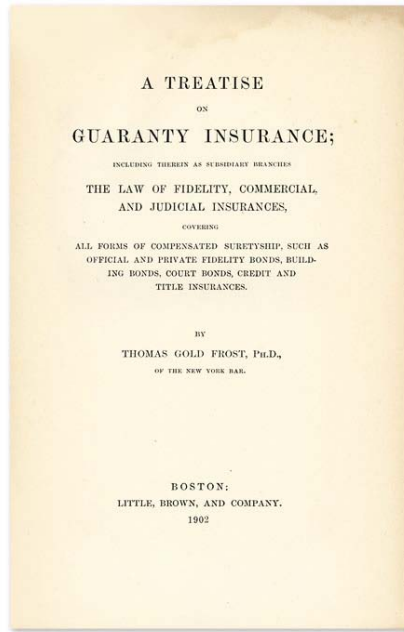
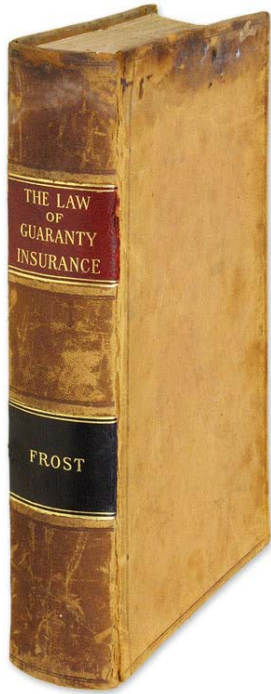
DuPonceau's Essay on the Constitution, This Copy from the Library of a Notable South Carolina Politician

8. Du Ponceau, Peter S. [1760-1844].

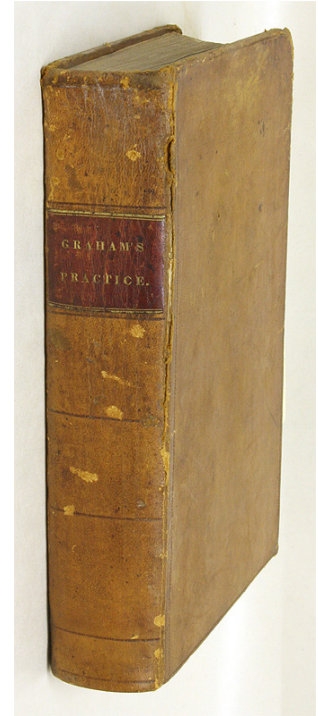
A Brief View of the Constitution of the United States, Addressed to the Law Academy of Philadelphia, Published by and for the Academy. Philadelphia: E.G. Dorsey, 1834. xxiv, 106, [1] pp. 12mo. (7-1/4" x 4-1/2").

Contemporary cloth, printed paper title panel to front board, early hand-lettered title to spine. Moderate rubbing with some wear to spine ends and corners, some scuffing to corners of title panel few minor inkstains to boards. Light toning to text, faint dampspotting in places. Small early owner signature of William Drayton to head of title page, interior otherwise clean. A nice copy of a scarce title with an interesting association. \$650.

* First edition. Du Ponceau [1760-1844] is an important figure in the early history of American Law and letters. Aide-de-camp to Baron von Steuben during the American Revolution, he founded the Law Academy of Philadelphia, was the President of the American Philosophical Society and was a much-consulted expert on international relations and linguistics. *Brief View* discusses the history of the Continental Congress and Articles of Confederation, examines the powers granted to the three branches of government and reviews topics such as commerce, finance, foreign relations, the admission new states and the relationship between the Constitution and the common law. The appendix prints the texts of the Declaration of Independence, Articles of Confederation, Constitution, and Washington's Farewell Address. A Spanish-language edition intended for Cuba and Puerto Rico was published in 1848, a French edition in 1837. Drayton [1776-1846] held a variety of political posts in South Carolina and was elected to Congress as a Democrat in 1824. He supported slavery, but he was a firm opponent of nullification, despite its wide support in South Carolina. After leaving Congress in 1833 he moved to Philadelphia and served for a time as President of the Bank of the United States. Bauer, *Commentaries on the Constitution* 75. Cohen, *Bibliography of Early American Law* 2809.



Item 9



Item 10

The First Treatise on Guaranty Insurance

9. Frost, Thomas Gold.

A Treatise on Guaranty Insurance: Including Therein as Subsidiary Branches the Law of Fidelity, Commercial, And Judicial Insurances, Covering All Forms of Compensated Suretyship, Such as Official and Private Fidelity Bonds, Building Bonds, Credit and Title Insurances. Boston: Little, Brown, and Company, 1902. xxxviii, 547 pp.

Contemporary law calf, blind rules to boards, raised bands and red and black lettering pieces to spine. Some edgewear, joints just starting at ends, dampstaining to head of text block top edges of boards, which are slightly bowed, front hinge cracked but secure. Early owner signature to front free endpaper, internally clean. \$150.

* Only edition. The first treatise on this subject, it addresses the theory and practice of guaranty insurance law and its branches. *Catalogue of the Library of the Harvard Law School* (1909) 1:729.

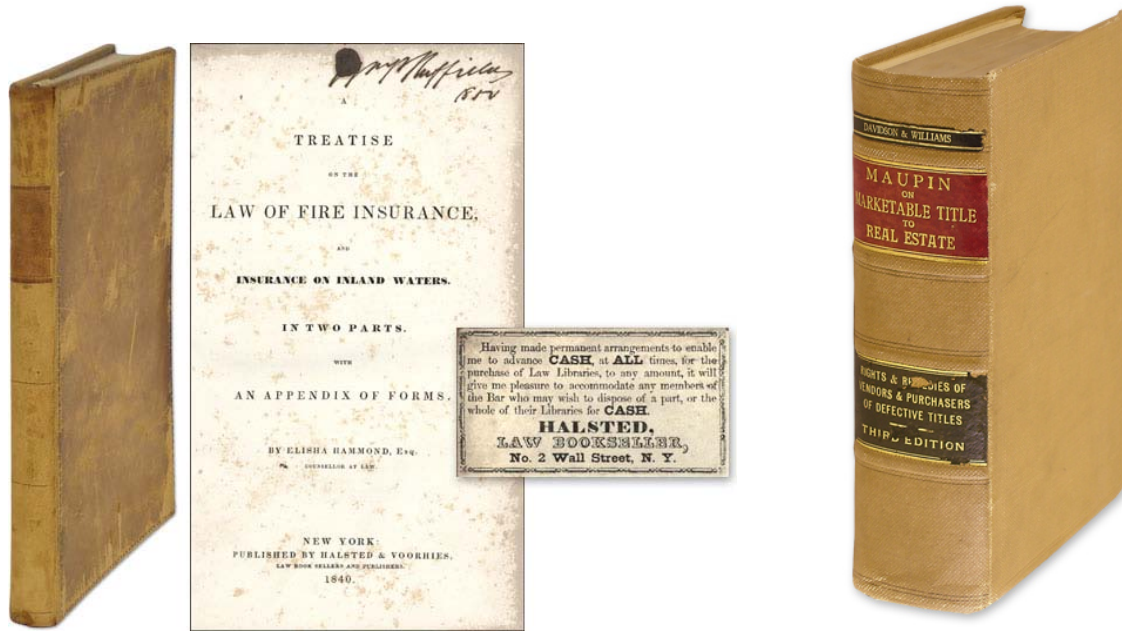
With an Interesting Association

10. Graham, David [1808-1852].

A Treatise on the Practice of the Supreme Court of the State of New-York. New York: Published by Gould, Banks and Co., 1832. xv, 848 pp. Octavo (9-1/2" x 5-3/4").

Contemporary sheep, blind fillets to boards and spine, lettering piece. Rubbing with some wear to spine ends and corners, front board just beginning to separate (but still quite secure), rear hinge cracked. Light toning to text, foxing and staining in some places. Owner signature of Amos Dean to front pastedown, other signatures to front free endpaper and head of title page, annotations to a few leaves, interior otherwise clean. \$250.

* First edition. Graham, a member of the New York bar, taught practice and pleading from 1838 to 1842 at the institution that became New York University Law School. He collaborated with David Dudley Field and Arphaxed Loomis on the revision of the state's practice and procedure rules. Amos Dean, a notable lawyer and educator, established the law school at the University of Albany. Cohen, *Bibliography of Early American Law* 9172.



Item 11

Item 12

An Early American Work on Fire Insurance

11. Hammond, Elisha [1780-1851].

A Treatise on the Law of Fire Insurance, And Insurance on Inland Waters. In Two Parts. With an Appendix of Forms. New York: Published by Halsted & Voorhies, 1840. xi, 182 pp. Octavo (8-3/4" x 5-1/2").

Contemporary sheep. Blind fillets to boards, blind fillets and residue from lettering piece to spine. Rubbing with some wear to spine, joints and board edges, front joint just starting near head. Early bookseller ticket and later armorial bookplate of William Paine Sheffield to front pastedown. Light foxing to most of text. Inkspots to a few leaves, interior otherwise clean. Scarce. \$350.

* Only edition. An early American work devoted to fire insurance. With forms and a table of cases. Contents include "Of the Property and Interest of the Insured," "The Nature and Extent of the Risk for Which the Insurer Undertakes," "Of Insurance Agents," "Of the Form and Requisites of a Policy," "Warranty and Conditions," "Misrepresentation and Concealment," "Of Losses," "Of the Proceedings on Policies," "Of Assignment of Policies," "Of Proceedings in Equity," "Of Double and Re-insurance," "Of the Recovery Back of Losses Improperly Paid," "Of Insurance Upon Inland Waters." Cohen, *Bibliography of Early American Law* 7062.

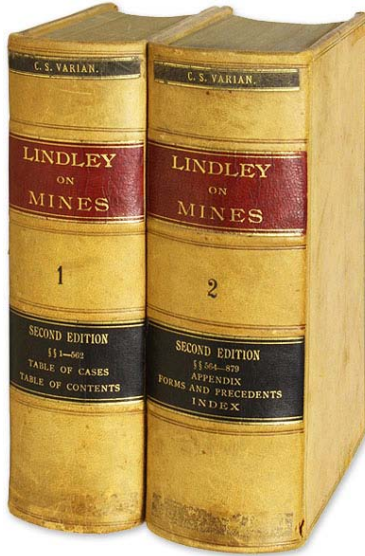
"Has an Added Claim to the Favor of the Profession"

12. Maupin, Chapman W.

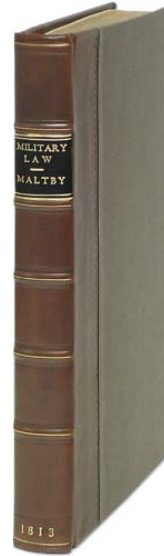
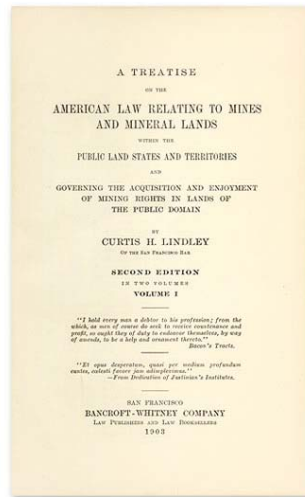
Marketable Title to Real Estate, Being Also a Treatise on the Rights and Remedies of Vendors and Purchasers of Defective Titles (As Between Themselves) Including the Law of Covenants for Title, The Doctrine of Specific Performance, And Other Kindred Subjects. New York: Baker, Voorhis & Company, 1921. xc, 997 pp.

Original buckram, red and black lettering pieces. Light shelfwear, corners bumped, some scuffing to lettering pieces, internally clean. Ex-law office library. Owner label to head of spine, stamp to front free endpaper. \$125.

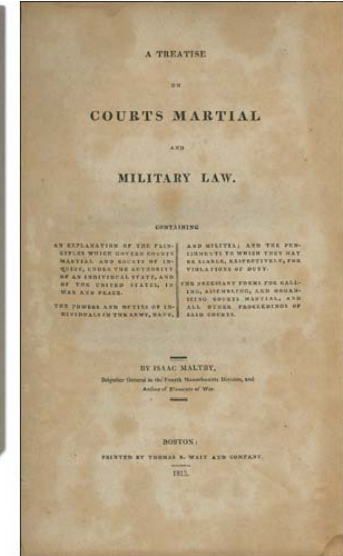
* Third edition. "This is the first revision of this well-known work since 1907. More than twelve hundred new decisions on the law of vendor and purchaser have been cited or referred to. As a source from which to gather all the decisions in this important branch of the law, the new edition has an added claim to the favor of the profession.": *American Bar Association Journal* 8 (1922) 215.



Item 13



Item 14



The Most Important American Treatise on Mining Law

13. Lindley, Curtis H. [1850-1920].

A Treatise on the American Law Relating to Mines and Mineral Lands Within the Public Land States and Territories and Governing the Acquisition and Enjoyment of Mining Rights in Lands of the Public Domain. San Francisco: Bancroft-Whitney, 1903. Two volumes.

Original law calf, blind rules to boards, raised bands, red and black lettering pieces and owner labels to spines. Light rubbing to extremities, offsetting to margins of endleaves, light toning to text. Early owner initials to front pastedowns, interiors otherwise clean. A well-preserved set. \$300.

* Second edition. *Lindley on Mines* is generally considered to be the most important treatise ever written on this subject. It remains a key reference today. "The mining laws of the United States have been treated in several texts with more or less success, but the merit of this work was quickly recognized in its first edition. The author ranks as one of the foremost authorities on mining law, and his expert knowledge was applied in the preparation of this book...": *Yale Law Journal* 23 (1913-1914) 705.

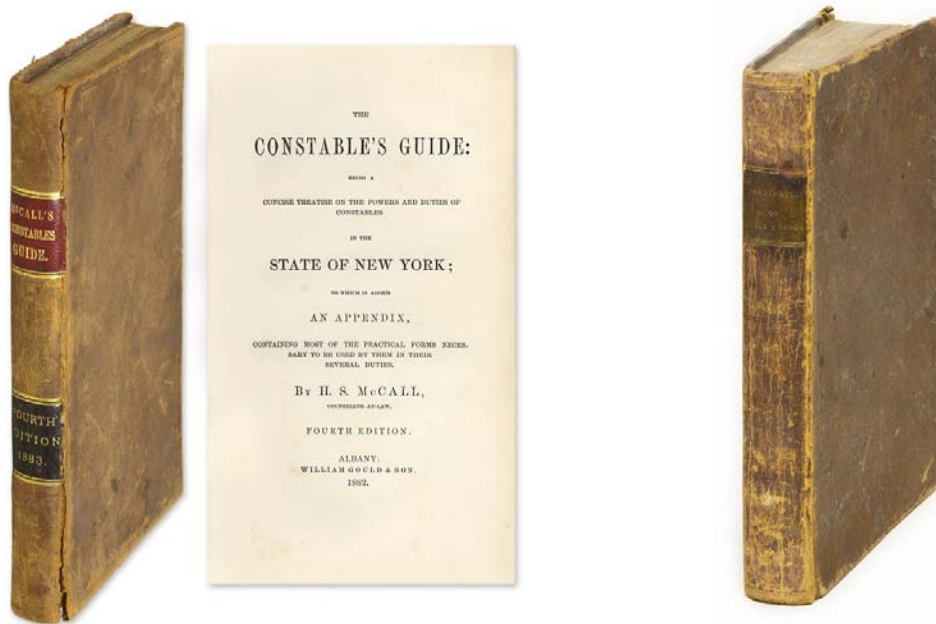
Early American Military Law Treatise

14. Maltby, Isaac [1767-1819].

A Treatise on Courts Martial and Military Law: Containing an Explanation of the Principles Which Govern Courts Martial and Courts of Inquiry, Under the Authority of an Individual State, and of the United States, in War and Peace. The Powers and Duties of Individuals in the Army, Navy, and Militia; and the Punishments to Which They May be Liable, Respectively, for Violations of Duty. The Necessary Forms for Calling, Assembling, and Organizing Courts Martial, and All Other Proceedings of Said Courts. Boston: Printed by Thomas B. Wait and Co., 1813. [viii], 272 pp. Octavo (8-1/4" x 5").

Recent period-style quarter calf over cloth, gilt fillets and lettering piece to spine, endpapers renewed. Toning to text, occasional light foxing, internally clean. \$500.

* Only edition of an early American work on military law and courts martial. Based principally on legal and military American sources, it includes a series of twenty-two appendices. The first (and most extensive) contains the American Articles of War adopted in 1806, which outline the procedures for a court martial. Maltby, a member of the Massachusetts legislature and a presidential elector, was a brigadier general of the state militia during the War of 1812. Cohen, *Bibliography of Early American Law* 9026.



Item 15

Item 16

"All the Instruction Needed"

15. McCall, Henry Strong [1819-1893].

The Constable's Guide: Being a Concise Treatise on the Powers and Duties of Constables in the State of New York: to Which is Added an Appendix, Containing Most of the Practical Forms Necessary to be Used by Them in Their Several Duties. Albany: W. Gould & Son, 1882. viii, 234 pp. Octavo (7-1/2" x 4-1/2").

Original sheep, blind rules to boards, red and black lettering pieces to spine. Some rubbing to extremities, front joint and hinge cracked at ends. Offsetting to margins of endleaves, toning, light foxing in a few places. Gift inscription (from Thomas Campbell to John H. Schmall) to verso of front free endpaper, large pencil sketch of a woman's head to rear free endpaper, large owner signature (of John A. Schmall) to rear pastedown. \$65.

* Fourth edition. "The changes which have been made in the statutes, with reference to the powers of Constables, are very many, while the decisions of our several courts have served to elucidate many things which were formerly doubtful or uncertain. (...) [T]he Constable will no doubt find in the following pages all the instruction needed in the ordinary and responsible duties of his office" (Preface). OCLC locates two copies of this edition (at Brooklyn Law School & Temple University). Not in the *Harvard Law Catalogue*.

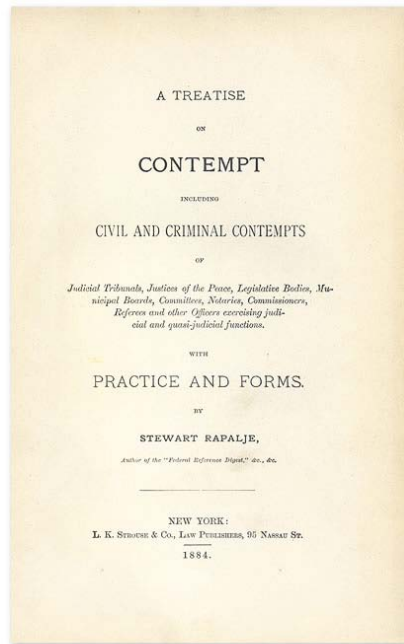
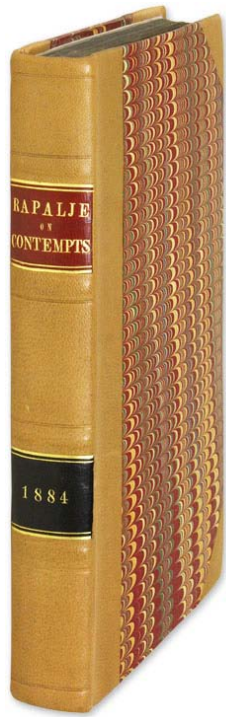
A Notable New Jersey Handbook

16. Pennington, William Sandford [1756-1826].

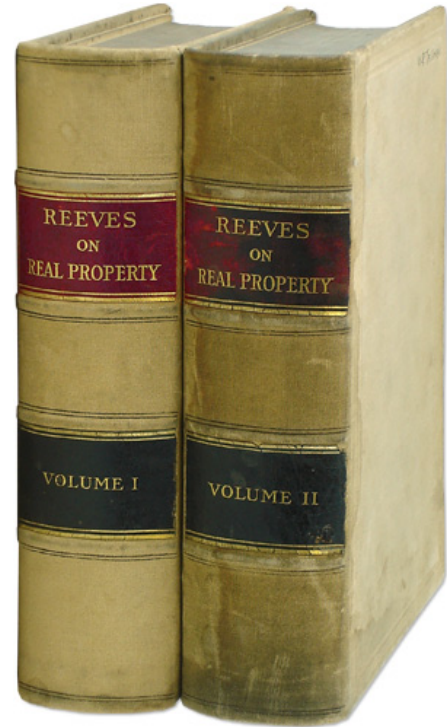
A Treatise on the Courts for the Trial Of Small Causes, Held By Justices Of The Peace, In The State Of New-Jersey. Containing Useful Information for Justices, Officers, And Suitors of the Court. Newark: Printed by W. Tuttle & Co., 1806. 277, [14] pp. Octavo (6-3/4" x 4").

Contemporary calf lettering piece and blind fillets to spine. Moderate rubbing to extremities, some toning to text, light foxing to a few leaves. Early owner annotation to front free endpaper, interior otherwise clean. \$65.

* First edition, followed by a second revised edition in 1824 and a posthumous revision in 1843. "Pennington was born in Newark, served as an officer in the Revolution, and read law in the office of Elias Boudinot. After practicing law but two years, he was elected a justice of the Supreme Court of New Jersey. In 1806 he was named reporter to that court ... In 1815 he was appointed ... as judge of the U.S. District Court for the district of New Jersey": Felcone, *New Jersey Books, 1698-1800* 1205. Cohen, *Bibliography of Early American Law* 1133.



Item 17



Item 18

A Notable Treatise on Contempt of Court

17. Rapalje, Stewart [1843-1896].

A Treatise on Contempt Including Civil and Criminal Contempts of Judicial Tribunals, Justices of the Peace, Legislative Bodies, Municipal Boards, Committees, Notaries, Commissioners, Referees and Other Officers Exercising Judicial and Quasi-Judicial Functions. With Practice and Forms. New York: L.K. Strouse & Co., 1884. xlvii, 273 pp. Octavo (9" x 6").

Recent period-style three-quarter tan calf over marbled boards, raised bands and red and black lettering pieces to spine, endpapers renewed. Light toning to text, some soiling to title page, minor edgewear to a few leaves, internally clean. Ex-library. Small inkstamp to verso of title page. A very nice copy. \$750.

* First edition. "One of the first comprehensive studies of the subject, still useful as background reference. It covers contempt powers of courts, legislative bodies, administrative groups, and public officials": Swindler, *A Bibliography of Law on Journalism* cited in Marke, *A Catalogue of the Law Collection at New York University* (1953) 415.

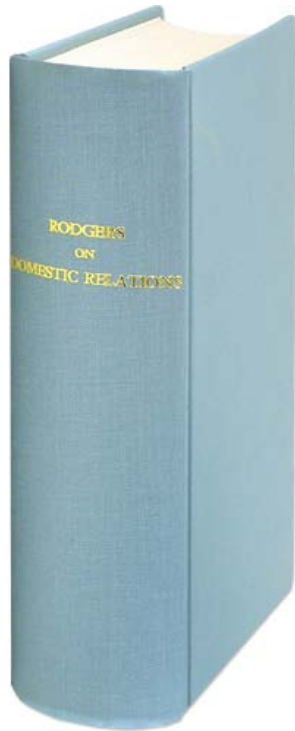
"One of the Most Intricate Topics in the Law"

18. Reeves, Alfred G. [1859-1927].

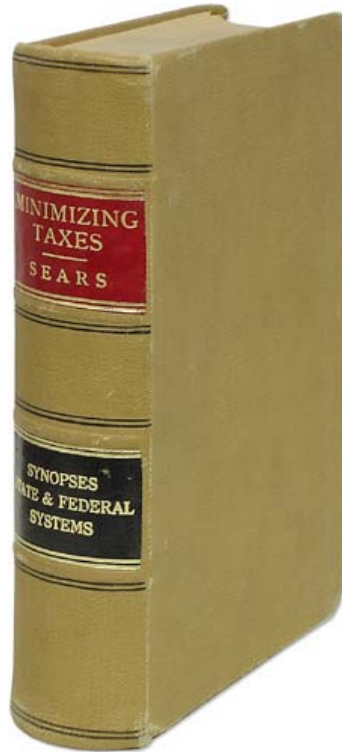
A Treatise on the Law of Real Property. Boston: Little, Brown, and Company, 1909. Two volumes.

Original cloth, maroon and black lettering pieces to spines. Moderate shelfwear and soiling, staining to spine of Volume II, Crack to Volume I binding expertly repaired, owner signatures to front boards. Signatures, annotations and owner stamps to pastedowns and front free endpapers, interiors otherwise clean. \$100.

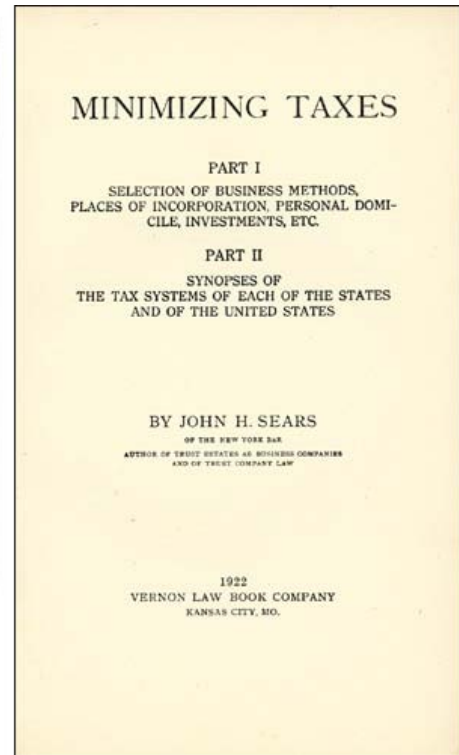
* "Whether all will agree with Professor Reeves' conclusions seems immaterial in view of the frankness and directness with which they are set forth, The important thing is that we have a simple exposition of one of the most intricate topics in the law." *Columbia Law Review* 8: 742 cited in Marke, *A Catalogue of the Law Collection at New York University* (1953) 775.



Item 19



Item 20



An "Every-Day" 1899 Treatise on Family Law

19. Rodgers, W.C.

A Treatise on the Law of Domestic Relations. Chicago: T.H. Flood and Company, 1899. cxxxiii, 900 pp. Octavo (9" x 6").

Recent cloth, gilt title to spine, endpapers renewed. Light toning to text, interior otherwise clean. \$50.

* "It has been the purpose of the author to prepare a treatise on the subject chosen, and sub-titles, reflecting the living law. (...) It has been the purpose to treat the subject with a view to the law as it is to-day, and as it comes up in every-day practice.": Preface. *Catalogue of the Library of the Harvard Law School* (1909) II:486.

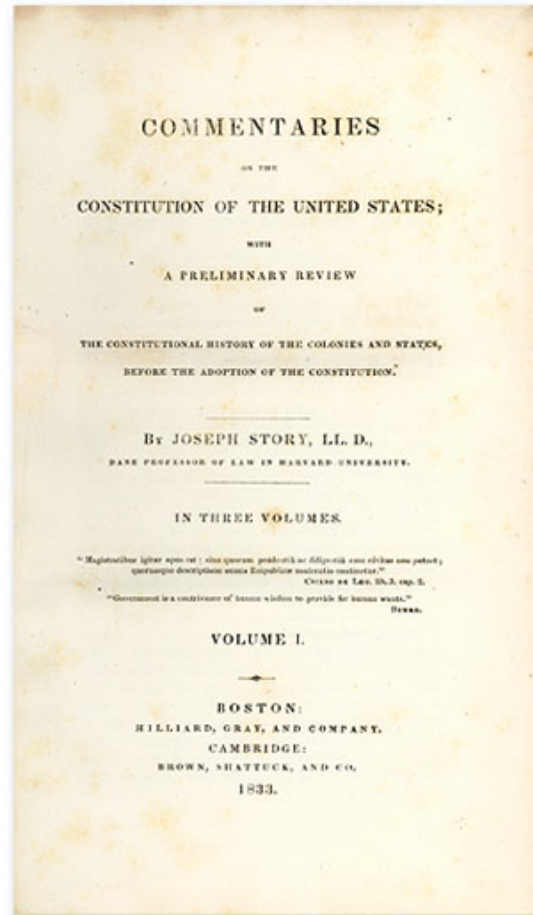
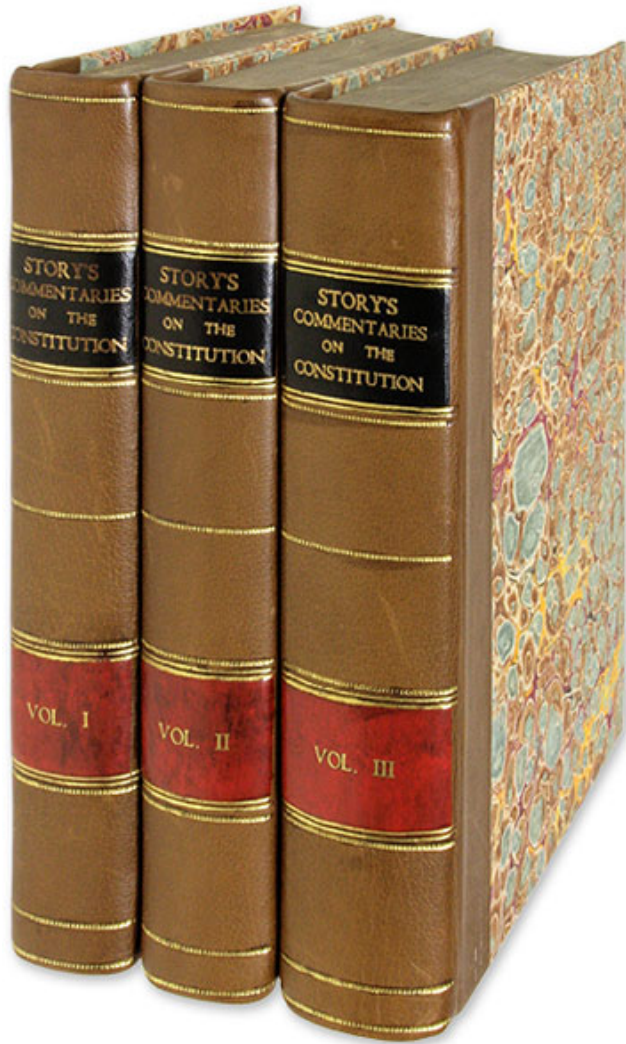
1922 Treatise on Minimizing Taxes in the United States

20. Sears, John H.

Minimizing Taxes. Part I: Selection of Business Methods, Places of Incorporation, Personal Domicile, Investments, Etc. Part II: Synopses of the Tax Systems of Each of the States and of the United States. Kansas City: Vernon Book Company, 1922. xii, 706 pp.

Original buckram, red and black lettering pieces. Some shelfwear and soiling, binding slightly cocked, corners bumped, internally clean. \$150.

* "It is intended that Part I shall be frank and devoid of that mock patriotism which preaches from the taxing power's vantage point and secretly takes advantage of any loophole in the law. No tricks are advocated or alluded to in this book, except to illustrate the fundamental differences between avoidance and evasion. (...) [I]t is believed that the information gathered, especially in Part II, will be of service to legislators, tax officials, students, and tax experts in making comparisons of our various tax systems.": Preface iii.



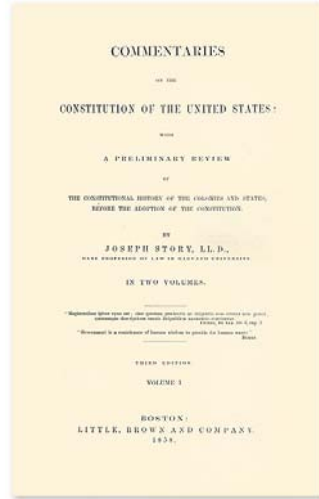
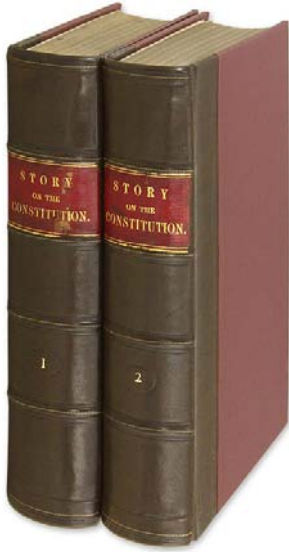
First Edition of the First Important Work on the American Constitution

21. Story, Joseph [1779-1845].

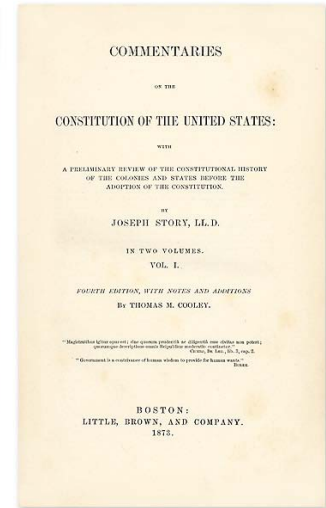
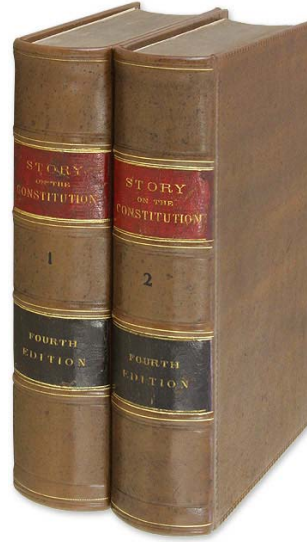
Commentaries on the Constitution of the United States; With a Preliminary Review of the Constitutional History of the Colonies and States, Before the Adoption of the Constitution. Boston: Hilliard, Gray and Company, 1833. Three volumes. xxxiv, [ii], 494; [ii], 555; [ii], 776 Octavo (8-1/2" x 5-1/2").

Recent quarter morocco-stamped calf over marbled boards in period style, contrasting lettering pieces and gilt fillets to spines. Small inkstain to fore-edge of first volume, light toning to text. A handsome set. \$9,500.

* First edition. Story's Commentaries was the most substantial and influential work written on the American Constitution before the Civil War, and it remains an important work today. Written while Story was Dane Professor at Harvard Law School and an Associate Justice of the Supreme Court, it presented a strongly Nationalist interpretation. It is divided into three books. Book I contains a history of the colonies and discussion of their charters. Book II discusses the Continental Congress and analyzes the flaws that crippled the Articles of Confederation. Book III begins with a history of the Constitution and its ratification. This is followed by a brilliant line-by-line exposition of each of its articles and amendments. Comparing it to the Federalist, James Kent said that Story's work was "written in the same free and liberal spirit, with equal exactness and soundness of doctrine, and with great beauty and eloquence of composition. (...) Whoever seeks...a complete history and exposition of this branch of our jurisprudence, will have recourse to [this] work, which is written with great candor, and characterized by extended research, and a careful examination of the vital principles upon which our government repose.": cited in Marvin, *Legal Bibliography* 669-670. Cohen, *Bibliography of Early American Law* 2914.



Item 22



Item 23

Attractive Third Edition of Story's Commentaries

22. Story, Joseph. [Bennett, E.H., Editor].

Commentaries on the Constitution of the United States: With a Preliminary Review of the Constitutional History of the Colonies and States, Before the Adoption of the Constitution. Boston: Little, Brown and Company, 1858. Two volumes. 8, xxxiii, [ii], 735; [ii], 702 pp. (Eight-page publisher catalogue at beginning of Volume I.) Octavo (9" x 5-1/2").

Recent period-style quarter calf over cloth, raised bands, retaining original red morocco lettering pieces, endpapers renewed. Light to moderate toning, negligible foxing to a few leaves, some offsetting to margins of Volume I title page, internally clean. A nice copy in a handsome binding. \$1,500.

* Third edition. Cohen, *Bibliography of Early American Law* 2917.

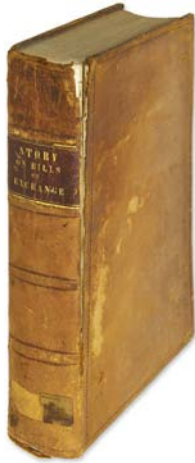
Uncommon Cooley Edition of Story's Commentaries on the Constitution

23. Story, Joseph. Thomas M. Cooley, (1824-1898), Editor.

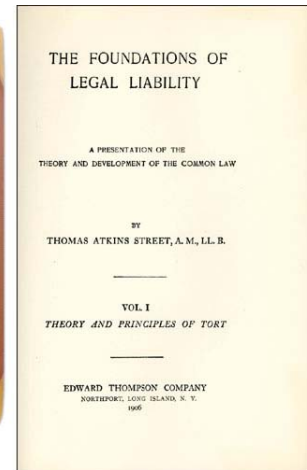
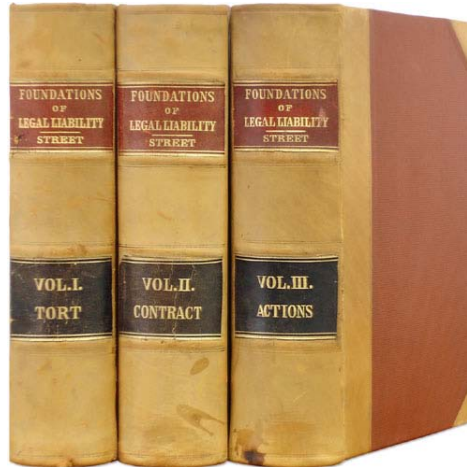
Commentaries on the Constitution of the United States: With a Preliminary Review of the Constitutional History of the Colonies and States Before the Adoption of the Constitution. Boston: Little, Brown, and Company, 1873. Two volumes. xxxii, 752; 737 pp. Octavo (9" x 6").

Recent period-style calf, raised bands with original lettering pieces to spines, endpapers renewed. Light toning, interior otherwise fresh. Quite uncommon in the trade. \$1,750.

* Fourth edition. Published in 1873, Cooley's edition updated Story's text to include discussion of the 13th, 14th and 15th Amendments, as well as other changes introduced during the Civil War and Reconstruction. Cooley's additions are enclosed in square brackets, some notes by Edmund Bennett, the editor of the third edition, are retained and attributed. *Catalogue of the Library of the Harvard Law School* (1909) II:669.



Item 24



Item 25

One of the Standard American Texts of the Nineteenth Century

24. Story, Joseph.

Commentaries on the Law of Bills of Exchange, Foreign and Inland, as Administered in England and America; with Occasional Illustrations from the Commercial Law of the Nations of Continental Europe. Boston: Charles C. Little and James Brown, 1843. xxiv, 608 pp. Octavo (9" x 6").

Contemporary sheep, blind fillets to boards, raised bands, lettering piece and fragment of owner label (Eno) to spine. Moderate rubbing to extremities and a few minor scuffs, front board partially detached. "Stephen Eno's Book/ May 16-1843/ Price \$5-" to front free endpaper, "L. Eno" to following endleaf, endleaves filled with annotations, occasional check marks, brief annotations and underlining. Toning, light foxing in a few places. A solid copy with an interesting association. \$350.

* First edition. In *The Formative Era of American Law*, Pound refers to the *Commentaries on the Laws of Bills of Exchange* as one of the standard texts of the nineteenth century. As Marvin pointed out in 1847, it was certainly the most complete and wide-ranging text of its day. In addition to American and English sources Story draws on the work of Heineccius and other civil-law jurists. Apart from James Kent, no man has had greater influence on American law than Joseph Story. He was Dane Professor of Law at Harvard and an Associate Justice of the U.S. Supreme Court. His many books have been cited extensively in America and in Britain, and he remains an authority today. Stephen Eno [1762-1852] was a prominent lawyer and civic leader in Dutchess County, New York who practiced in Pine Plains, Amenia, and Poughkeepsie. A very wealthy man, he was known for his extreme frugality, which may be why he noted the purchase price in his owner inscription. Several of his descendants were lawyers, including his son (?), "L. Eno." The annotations are statements of legal principles with page references and bibliographical notes. Pound, *The Formative Era of American Law* 140-141. Marvin, *Legal Bibliography* 673. Cohen, *Bibliography of Early American Law* 2555.

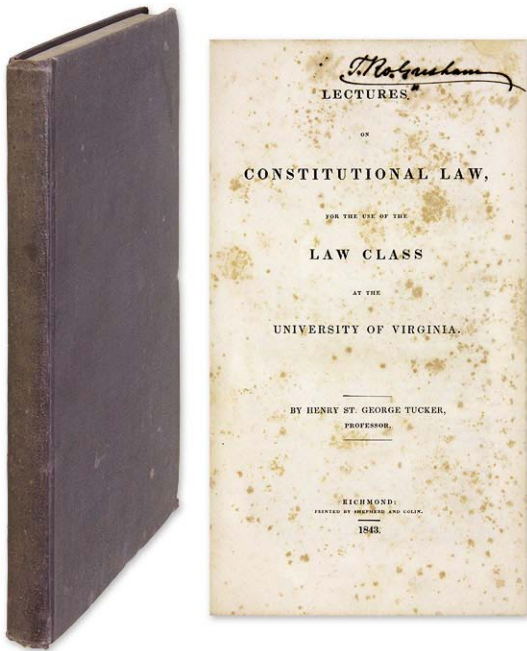
"A Remarkable Historical Study" of Liability

25. Street, Thomas Atkins.

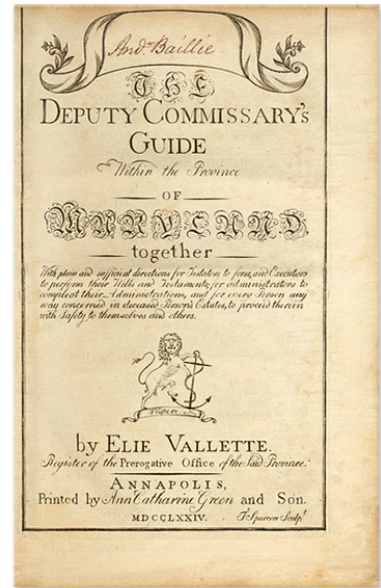
The Foundations of Legal Liability: A Presentation of the Theory and Development of the Common Law. Northport, Long Island: Edward Thompson Company, 1906. Three volumes. Octavo (9-1/2" x 6-1/4").

Contemporary three-quarter calf over cloth, red and black lettering pieces to spine. Some rubbing with wear to extremities, a few minor stains, corners bumped, front hinge of Volume I starting, small tear to cloth on front board of Volume II. Owner stamps to preliminaries of Volume I, interiors otherwise clean. \$500.

* Second edition. "It is a remarkable historical study of the ideas at the back of delictual and contractual liability, and, as a necessary part of that history, of the law of those actions by the working of which the principles of that liability were ascertained. It is exhaustive without being tedious; it is original and suggestive; and it is based on a thorough understanding of the vast number of decisions in which the law is contained. His account of contracts in general and of consideration, of bailment, and of negotiable instruments from the seventeenth century onwards, are particularly good.": Holdsworth, *The Historians of Anglo-American Law* 105.



Item 26



Item 27

Tucker's Important 1843 Lectures on the Constitution

26. Tucker, Henry St. George [1780-1848].

Lectures on the Constitutional Law, for the Use of the Law Class at the University of Virginia. Richmond: Printed for Shepherd and Colin, 1843. 242 pp. 12mo. (7-1/2" x 4-1/2").

Contemporary pebbled cloth, light rubbing, minor wear to spine ends and corners, dampspotting to front board, some fading to spine. Light toning, occasional light foxing. Early owner signature to head of title page, interior otherwise clean. \$850.

* Only edition. Tucker proposes a vigorous defense of states-rights principles in the manner of John Taylor of Caroline. A notably sophisticated argument, it balances detailed analysis of the U.S. Constitution with criticism of Joseph Story, Daniel Webster and other proponents of a powerful Federal government. Tucker was a judge of the superior courts of chancery for the Winchester and Clarksburg districts, President of Virginia's Supreme Court of Appeals, the director of a private law school in Winchester and, later in life, Professor of Law at the University of Virginia. Works that grew out of the classroom include *Commentaries on the Laws of Virginia* (1836-1837). Cohen, *Bibliography of Early American Law* 2928.

The First American Treatise Dealing with the Law of Wills

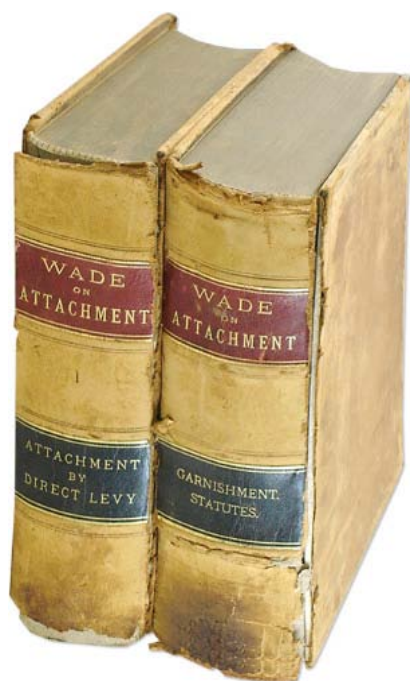
27. Vallette, Elie.

[Sparrow, Thomas (1746?-1780?), Engraver].

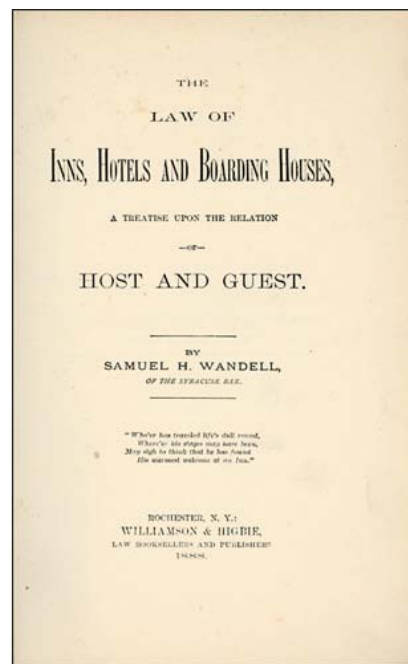
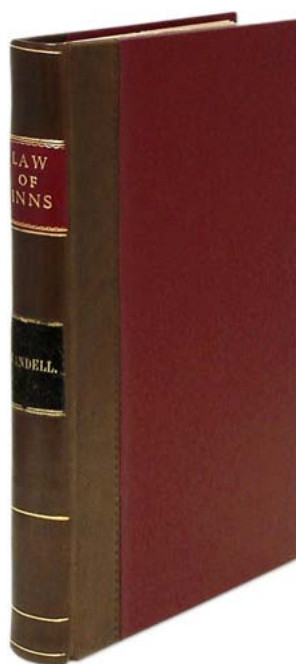
The Deputy Commissary's Guide Within the Province of Maryland, Together with Plain and Sufficient Directions for Testators to Form, and Executors to Form Their Wills and Testaments, For Administrators to Compleat Their Administrations, And for Every Person Any Way Concerned in Deceased Person's Estates, To Proceed Therein with Safety to Themselves and Others. Annapolis: Printed by Ann Catherine Green and Son, 1774. [ii], iv, 248, [12] pp. Copperplate title page and table of descents. Octavo (7-3/4" x 5").

Contemporary sheep, re-backed retaining original spine with raised bands and lettering piece, hinges mended. Some edgewear, scuffs and contemporary hand-lettered titles to boards, early owner bookplate to front pastedown, top edge of text block trimmed affecting top edge of frame surrounding engraved title page. Light toning to text, early annotations to endleaves, early owner signatures to heads of title page and dedication leaf. \$1,950.

* Only edition. The first original American legal work, and the earliest book published in America on the law of wills. Dedicated to Maryland Governor Robert Eden, it was printed by Ann Catherine Green, wife of Jonas Green, whom she succeeded as public printer of Maryland from 1767 to 1775. The engraved title page, the only one issued from a colonial Maryland press, and the plate were the work of Thomas Sparrow, the only engraver south of the Mason-Dixon Line prior to 1775. Vallette was registrar of the Prerogative Office of Maryland Province. Wroth, *Maryland Imprints* 338. Wroth, *The Colonial Printer in America* 290. Cohen, *Bibliography of Early American Law* 4632.



Item 28



Item 29

Late Nineteenth-Century Treatise on Attachment and Garnishment

28. Wade, W[illiam] P[ratt] [1839-1894].

A Treatise on the Law of Attachment and Garnishment. With an Appendix Containing a Compilation of the Statutes of the Different States and Territories Now in Force Governing Suits by Attachment. San Francisco: Bancroft-Whitney Company, 1886-1887. Two volumes. Octavo (9" x 6").

Original sheep, red and black lettering pieces to spines. Worn, boards detached, spines heavily abraded, text blocks secure. Some offsetting to margins, interiors otherwise fresh. Ex-library. Stamps to endleaves. \$25.

* Only edition. "[These subjects are among] the least inviting to the writer, whose aim it is to discover and explain the application of abstract principles of jurisprudence to the practical affairs of life" (Preface). *Catalogue of the Library of the Harvard Law School* (1909) II:853.

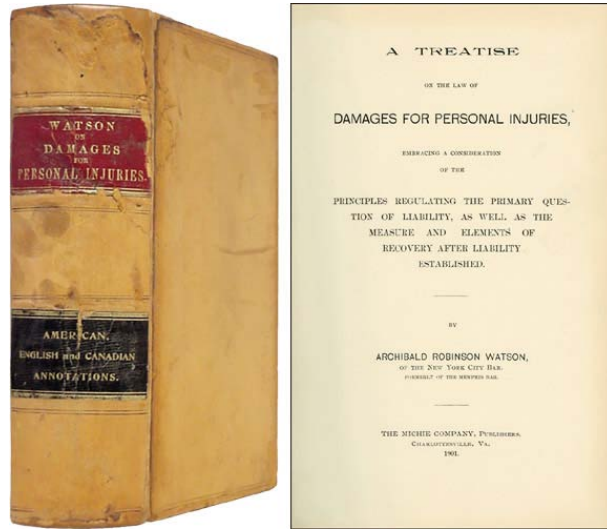
Engagingly Written Treatise on Hotel Law Illustrated With Anecdotes

29. Wandell, Samuel H. [1860-1943].

The Law of Inns, Hotels and Boarding Houses, A Treatise Upon the Relation of Host and Guest. Rochester, NY: Williamson & Higbie, 1888. 5, xix, 271 pp. Octavo (9" x 6").

Recent period-style quarter calf over cloth, lettering piece to spine, endpapers renewed. Light toning to text, internally clean. A nice copy. \$350.

* Only edition. Enjoyable for its engaging prose and skillful use of anecdote, Wandell's comprehensive treatise addresses such topics as theft, fire and damages, as well as such recent developments as civil-rights legislation and the status of railroad sleeping cars. A preliminary chapter traces the legal history of the hospitality industry from the ancients to the late nineteenth century. Wandell, a member of the Syracuse, NY, bar, was the author of *The Law of the Theatre: The Legal Relations of Actors, Managers and Audiences* and a notable biography of Aaron Burr. *Catalogue of the Library of the Harvard Law School* (1909) II:886.



The First Comprehensive American Treatises on Damages

30. Watson, Archibald Robinson.

A Treatise on the Law of Damages for Personal Injuries: Embracing a Consideration of the Principles Regulating the Primary Question of Liability, as Well as the Measure and Elements of Recovery After Liability Established. Charlottesville: The Michie Company, 1901. lxxiii, 944 pp.

Contemporary law calf, rebacked retaining existing backstrip. Moderate shelfwear, internally clean. \$250.

* First edition. This was the first comprehensive American treatise on damages. "It is not often that a writer of law books leaves the beaten path of argument and authority to gather and arrange a mass of unclassified cases and to report on his original investigations. For this reason this book will be doubly welcome, to the student for its able discussion of theories and doctrines, and to the attorney for its practical foresight, which will enable him to meet many a contingency of litigation.": W.L., *The American Law Register* 49 (1901) 748. *Catalogue of the Library of the Harvard Law School* (1909) II:79.

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