

30 NINETEENTH-CENTURY AMERICAN TREATISES

May 3, 2016

THE
LAW
OF
BARON AND FEMME
OF
PARENT AND CHILD;
OF
GUARDIAN AND WARD;
OF
MASTER AND SERVANT;
AND OF THE
POWERS OF COURTS OF CHANCE

WITH
AN ESSAY
ON THE TERMS,
HEIR, HEIRS, AND HEIRS OF THE BO

BY TAPPING REEVE.

NEW-HAVEN:
PRINTED BY OLIVER STEEL.
1816.

№ 21

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.

By JOSEPH STORY, LL. D.,
DANE PROFESSOR OF LAW IN HARVARD UNIVERSITY.

IN THREE VOLUMES.

"Magistratus ignis aper est: eius quorum prudentia ac diligentia esse civitas una potest;
quorumque descriptio omnia Reipublice moderatio continetur."
Cicero de Leg. lib. 2. cap. 2.
"Government is a contrivance of human wisdom to provide for human wants."
BUTLER.

VOLUME I.

BOSTON:
HILLIARD, GRAY, AND COMPANY.
CAMBRIDGE:
BROWN, SHATTUCK, AND CO.
1833.

№ 23

THE
PRINCIPLES
OF
PLEADING.

BY
B. TUCKER,

PROFESSOR OF LAW IN THE UNIVERSITY OF WILLIAM AND MARY, VIRGINIA.

BOSTON:
CHARLES C. LITTLE & JAMES BROWN.
1846.

№ 28

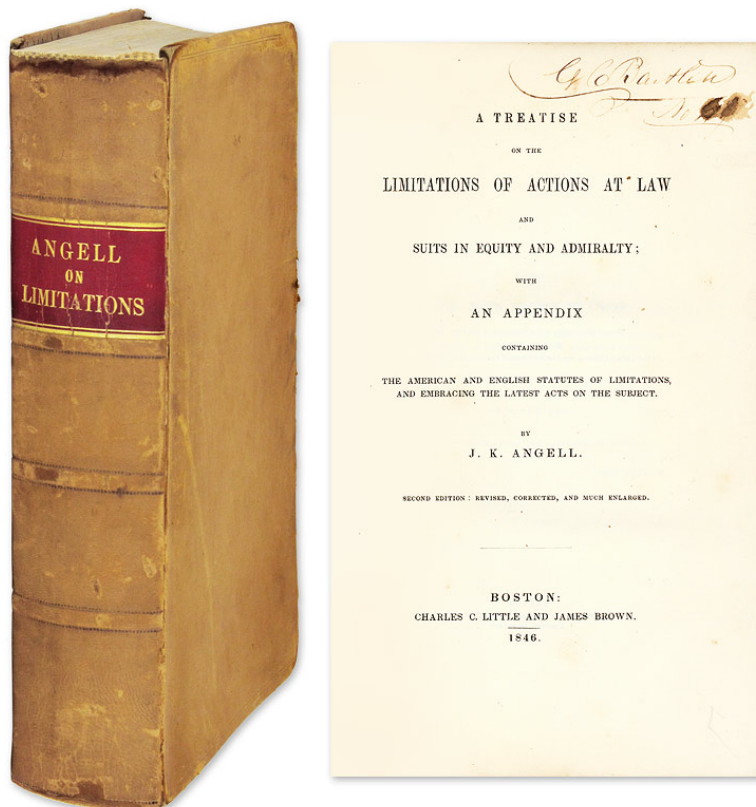
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30 Nineteenth-Century American Treatises



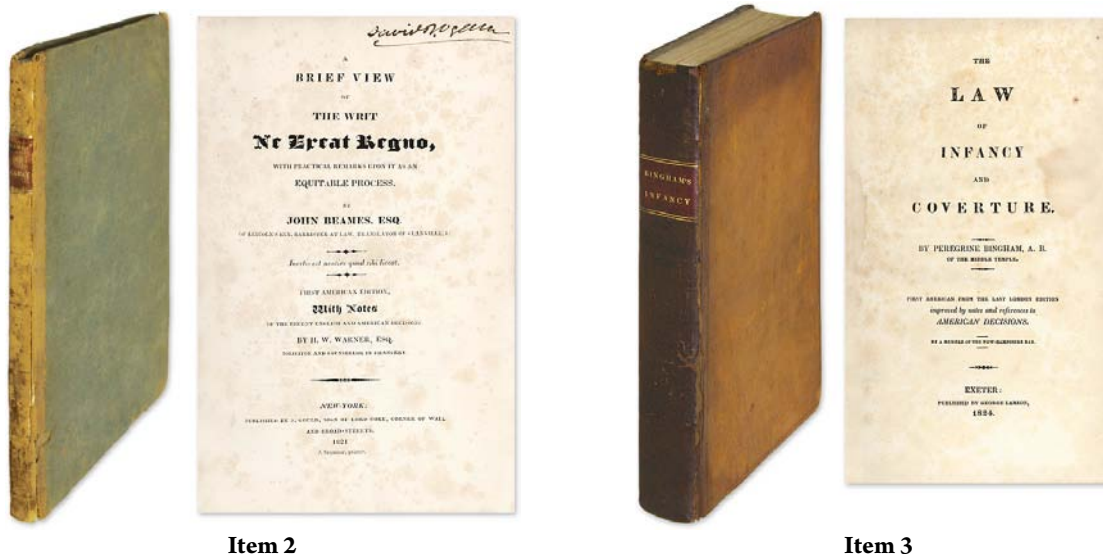
Angell's Notable Treatise on Limitation of Actions

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.



Item 2

Item 3

"Valuable Guide" to the Writ *Ne Exeat Regno*

2. Beames, John [1781?-1853].

Warner, H.W., Notes.

A Brief View of the Writ Ne Exeat Regno, With Practical Remarks Upon It as an Equitable Process With Notes of the Recent English and American Decisions. New York: Published by S. Gould, 1821. 7, xi, 77 (i.e. 67) pp. Paged irregularly, following the paging of the original (London) edition, which is given in footnotes. (The beginnings of the pages are indicated in the text by asterisks.) Octavo (8-1/2" x 5-1/2").

Contemporary three-quarter sheep over paper boards, lettering piece and blind fillets to spine. Some rubbing with wear to spine ends, corners bumped, front joint cracked but secure. Toning, light foxing. Early (illegible) owner signature to head of title page, interior otherwise clean. Ex-library. Bookplate to front pastedown. A solid copy of a scarce title. \$350.

* First American edition, from the first London edition (1812). The equity writ *Ne Exeat Regno* is a tool to restrain a person from leaving a country or the jurisdiction of a court. It also refers to the process equity courts used to obtain bail or security to abide a decree. "This work will be found a valuable guide to the profession in those states having Courts of Equity." Marvin, *Legal Bibliography* 103. Cohen, *Bibliography of Early American Law* 4929.

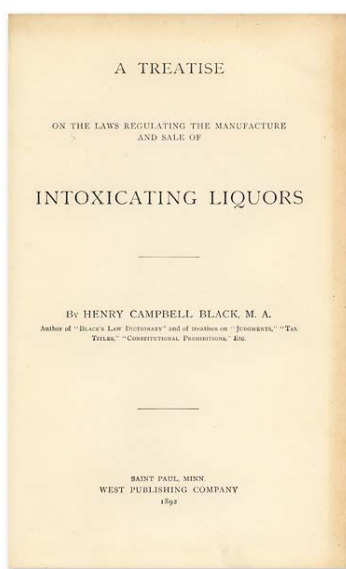
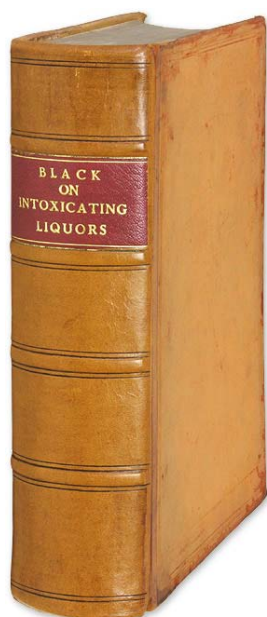
First American Edition of the First Work Devoted to the Law of Infants

3. Bingham, Peregrine [1788-1864].

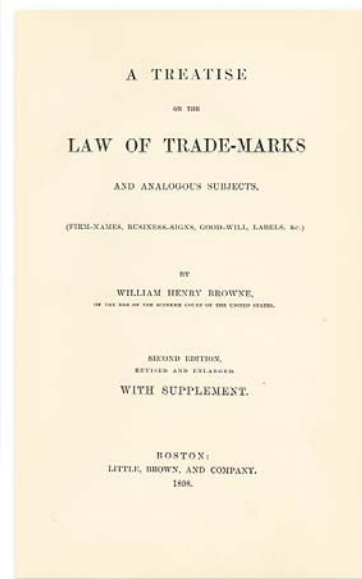
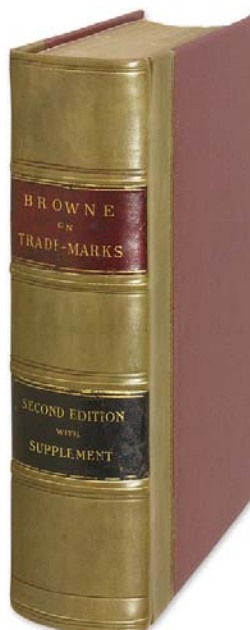
The Law of Infancy and Coverture. Improved by Notes and References to American Decisions. By a Member of the New-Hampshire Bar. Exeter: Published by George Lamson, 1824. viii, 367 pp. Two tipped-in leaves between pp. 180 and 181, one filled with notes. Octavo (8" x 5").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Some rubbing to extremities, darkening and light gatoring to spine and upper portions of boards, small chip to head of spine, front joint just starting at head. "S. Eno's book/ price \$3.50/ June 30-1824" and "Jonathan Holdeen/ D 26 1935" to front free endpaper, annotations to endleaves, occasional underlining, check marks and notes to text, apparently by Eno. Toning, occasional light foxing. A solid copy with two interesting associations. \$350.

* First American edition, from the only London edition (1816). Written by a barrister and legal writer of the Middle Temple, this work on the status of infants and married women "is a good summary of what was then a difficult and very technical branch of the law, parts of which were by no means well settled. The most important cases, old and new, are discussed" (Holdsworth). 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. His annotations are summaries of leading cases with page references to the text. Jonathan Holdeen [1881-1967] was an eccentric Dutchess County lawyer and millionaire businessman who established a series of trust funds that were intended to make Pennsylvania a tax-free state, a plan originally devised by Benjamin Franklin. Holdsworth, *History of English Law* XIII:490. Cohen, *Bibliography of Early American Law* 4738.



Item 4



Item 5

The First American Treatise on the Law of Alcoholic Beverages

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

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. A handsome copy. \$1,000.

* 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, the first published in the United States, 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.

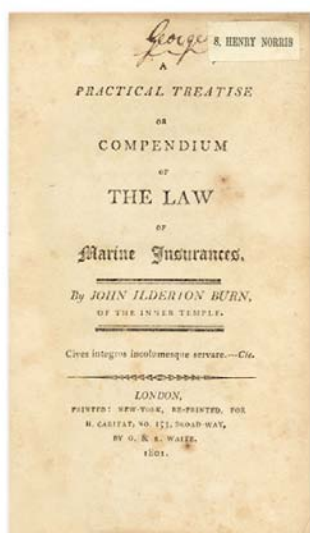
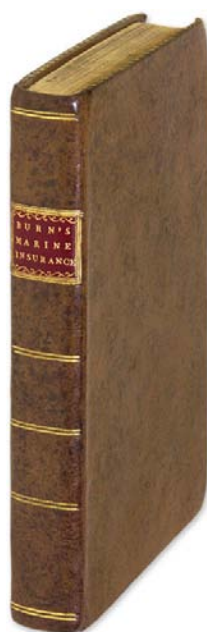
"Order Out of Chaos"

5. Browne, William Henry.

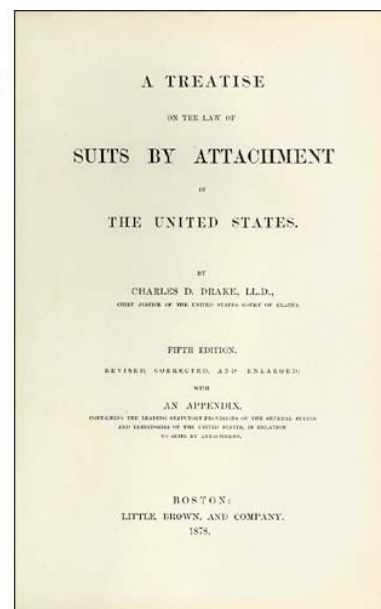
A Treatise on the Law of Trade Marks and Analogous Subjects (Firm Names, Business-Signs, Good Will, Labels, Etc.). Revised and Enlarged, With Supplement. Boston: Little, Brown, and Company, 1898. xxiv, 706, xviii, 222 pp. Octavo (9" x 6").

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 6



Item 7

"Calculated For the Use of Merchants"

6. Burn, John Ilderton [1774?-1848].

A Practical Treatise or Compendium of the Law of Marine Insurances. London, Printed: New-York, Re-Printed, For H. Caritat by G. & R. Waite, 1801. xiv, [2], 235 pp. 12mo. (6-1/4" x 4").

Recent period-style quarter calf, lettering piece and gilt fillets to spine, endpapers renewed. Light browning to text, negligible foxing in places. Head of title page has early owner signature partially covered by small owner label (S. Henry Norris), interior otherwise clean. A very handsome copy. \$850.

* Only edition, published the same year in London and New York. "[T]he author trusts he will not be thought presumptuous in stating, that a compendious digest, immediately calculated for the use of merchants and their agents, still remains a desideratum in the merchant's world. With a view to supply this deficiency, he commenced the following compilation": (vii). Burn was a barrister of the Inner Temple who published several law books. The appendix contains summaries of two recent English decisions, and the form of an insurance policy for a ship or goods. Cohen, *Bibliography of Early American Law* 7055.

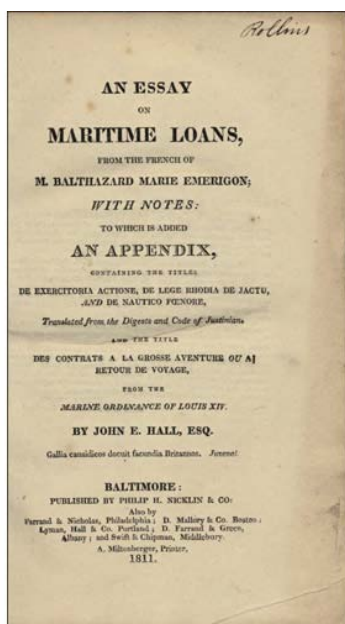
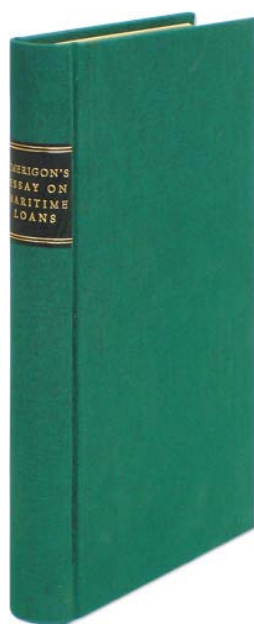
Drake on Attachment

7. Drake, Charles D.

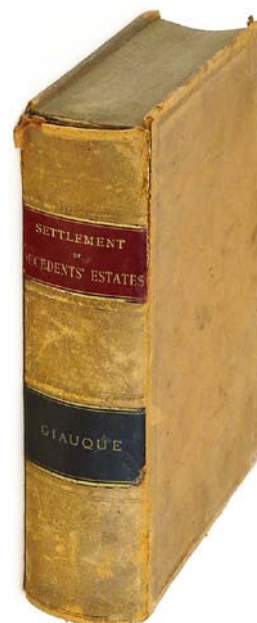
A Treatise on the Law of Suits by Attachment in the United States. Boston: Little, Brown and Company, 1878. lxii, 770pp. Octavo (9" x 6").

Contemporary calf, leather spine label, gilt. Some scuffing, soiling to exterior. Owner signature to foot of spine, bookplate to front free endpaper, hinges cracked. Light dampstain to margin of title page, light toning to text, internally clean. \$25.

* Fifth edition. *Catalogue of the Library of the Harvard Law School* (1909) I:572.



Item 8



Item 9

By an "Unrivalled" Authority on Commercial Law

8. Emerigon, Balthazard-Marie [1716-1785].

[Hall, John E., Translator and Editor].

An Essay on Maritime Loans, From the French; With Notes: To Which is Added an Appendix, Containing the Titles De Exercitoria Actione, De Lege Rhodia de Jactu, and De Nautico Foenore, Translated From the Digest and Code of Justinian. And the Title Des Contrats a la Grosse Aventure ou a Retour de Voyage, From the Marine Ordinance of Louis XIV. Baltimore: Published by Philip H. Nicklin & Co., 1811. xvi, [17]-313, [1] pp. Octavo (8-1/2" x 5-1/4").

Recent cloth, calf lettering piece to spine, endpapers renewed. Small neat signature in an early hand to head title page. Very light browning to text, light foxing to a few leaves, interior otherwise fresh. A nice copy. \$450.

* Only American edition. With notes and references to English and American cases. Emerigon was the leading French authority on commercial law. His work was held in the highest regard by English and American jurists. James Kent observed that "no subject in Emerigon is discussed without being exhausted." Lord Ellenborough said he was an "unrivalled" theorist and practical writer. This treatise on bottomry and respondentia is a useful companion to his treatises on maritime law and maritime insurance. Citations from Marvin, *Legal Bibliography* 293. Cohen, *Bibliography of Early American Law* 7060.

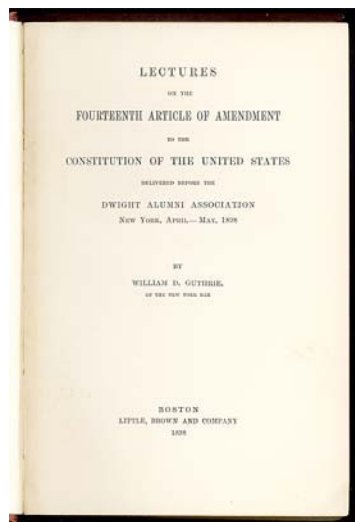
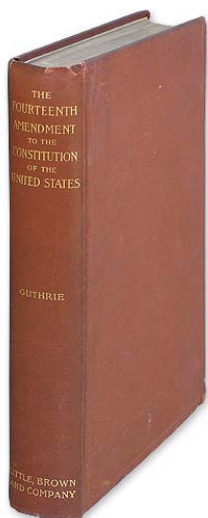
An Authority on the Laws of Ohio

9. Giaque, Florian [1843-1921].

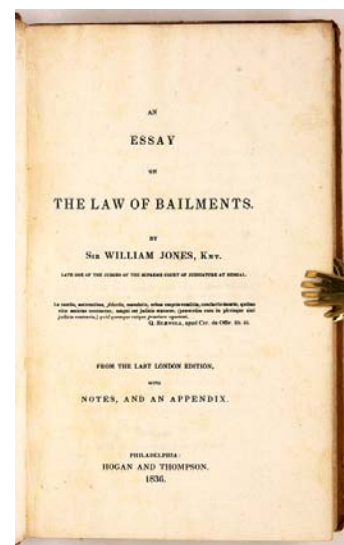
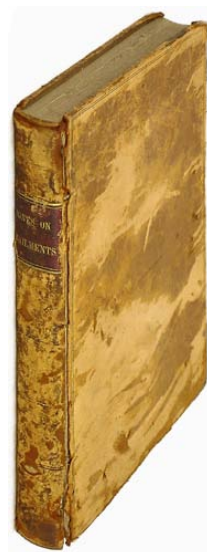
The Settlement of Estates of Deceased Persons, Including the Subjects of Wills, Executors, Administrators, Testamentary Trustees, Dower and Partition, and Other Matters Connected with Such Estates in Ohio with Numerous Notes, Forms and Practical Suggestions. Cincinnati: The Robert Clarke Company, 1898. xvi, 866 pp. Octavo (9" x 6").

Contemporary law calf, blind fillets to boards, red and black lettering pieces to spine. Moderate rubbing to extremities, light rubbing to boards, joints just starting at ends, chipping to head of spine, hinges partially cracked. Owner stamp to front pastedown, light toning to text, internally clean. \$50.

* Fourth edition. The first edition was published in 1893. A durable work, it reached its seventh and final edition in 1907. Giaque was an authority on the laws of Ohio and editor of *The Revised Statutes of the State of Ohio* (1889 and later editions).



Item 10



Item 11

"Interesting" and "Scholarly" Lectures on the Fourteenth Amendment

10. Guthrie, William D.

Lectures on the Fourteenth Article of Amendment to the Constitution of the United States Delivered Before the Dwight Alumni Association, New York, April-May, 1898. Boston: Little, Brown and Company, 1898 xxviii, 265 pp. Octavo (9" x 6").

Original cloth, blind frames to boards, gilt title to spine. Light shelfwear, owner signature of Arthur W. Machem, Jr. dated November 1899 to front free endpaper. Check marks and underlining in pencil in a few places, interior otherwise clean. \$150.

* First edition. "This series of lectures is interesting, and the treatment of the subject scholarly. The history of the Fourteenth Amendment is told, and the scope and meaning of its terms are carefully discussed. Particularly satisfactory is the treatment of 'due process of law.'" J.G.P. *Harvard Law Review* 12 (1898-99) 439. Machem was a notable Baltimore attorney. A second edition of this book was published in 1900.

Jones on Bailments

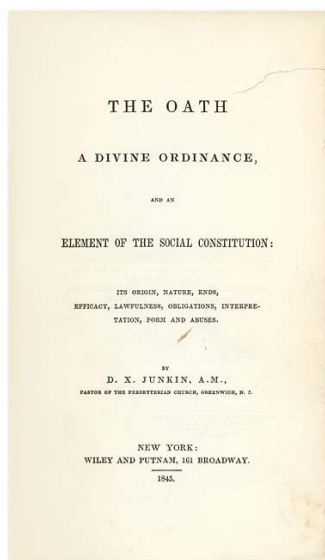
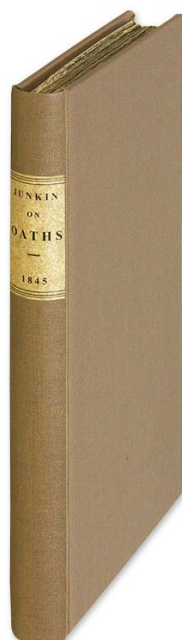
11. Jones, Sir William [1746-1794].

[Story, Joseph (1779-1845)].

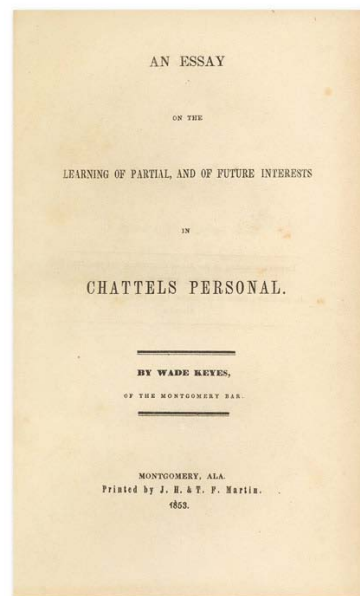
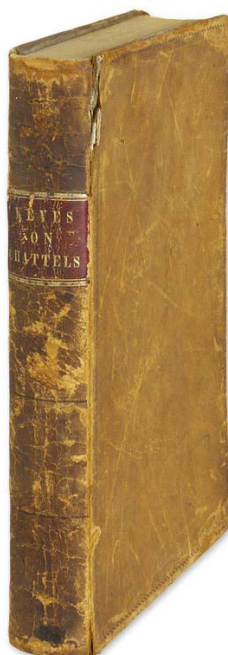
An Essay on the Law of Bailments. Philadelphia: Hogan and Thompson, 1836. [xii], 123, 126, [8] pp. Octavo (9" x 5-1/2").

Contemporary law calf, lettering piece. Binding rubbed and scuffed, front board partially detached, rear hinge starting. Early bookseller stamps and owner signatures to preliminaries, occasional foxing, interior otherwise sound. \$150.

* Seventh and final edition. From the last London edition, 1833. With notes and an appendix. An advertisement on p. iii states that several additional notes to the text were taken from Joseph Story's *Commentaries on the Laws of Bailments* (1832). This popular treatise was issued seven times in the United States between 1796 and 1836. Sir William Jones was a distinguished Orientalist and a brilliant jurist who succeeded Blackstone as Vinerian Professor. A friend of Johnson, Gibbon and Burke, he was a judge of the High Court at Calcutta from 1783 until his death. Marvin, *Legal Bibliography* 428-429. Cohen, *Bibliography of Early American Law* 2425.



Item 12



Item 13

Scarce 1845 Study of Oaths

12. Junkin, D[avid] X[avier] [1808-1888].

The Oath a Divine Ordinance, And an Element in the Social Constitution: Its Origin, Nature, Ends, Efficacy, Lawfulness, Obligations, Interpretation, Form and Abuses. New York: Wiley and Putnam, 161 Broadway, 1845. x, 223, [4] pp. Includes four-page publisher catalogue. Octavo (8-1/2" x 5-1/2").

Recent cloth, printed paper spine label, endpapers renewed, minor tear to fore-edge of title page. Toning, finger smudges and annotations in pencil to a few leaves. A handsomely bound copy of a scarce title. \$200.

* First edition. The author was the Pastor of the First Presbyterian Church in Greenwich, New Jersey. This book is based on one of his sermons. OCLC locates 3 copies in law libraries (NYU, Social Law, Liberty University). Cohen, *Bibliography of Early American Law* 5082.

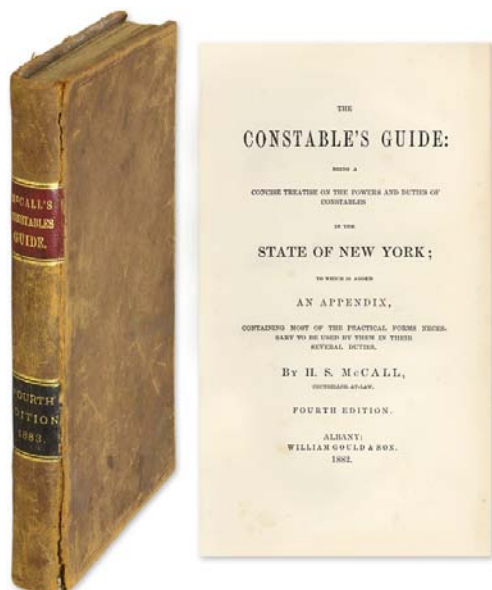
Early Alabama Legal Imprint that Addresses Slavery

13. Keyes, Wade [1821-1879].

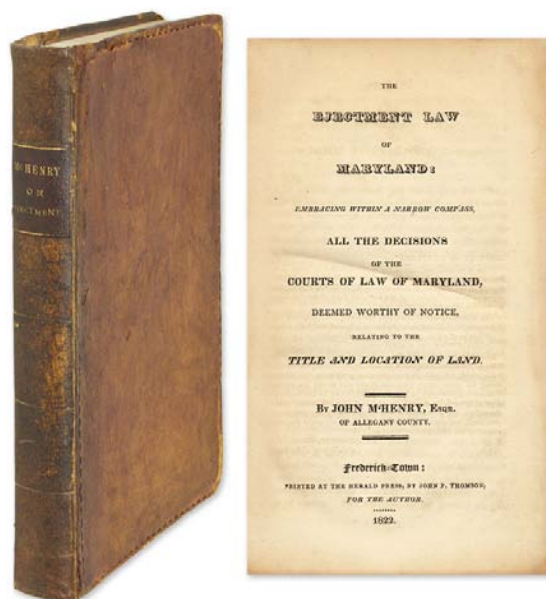
An Essay on the Learning of Partial, And of Future Interests in Chattels Personal. Montgomery, Ala.: J.H. & T.F. Martin, 1853. 160 pp. Octavo (8-3/4" x 5-1/2").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Some rubbing to boards and extremities, spine moderately abraded, joints starting at head, offsetting to margins of endleaves, very light browning to text. Early owner signature (of Stephen F. Miller) to front pastedown, interior otherwise clean. \$450.

* Only edition. As a lawyer, judge, author and the state's first law professor, Keyes was the most important figure in the early legal history of Alabama. A prominent secessionist, he was assistant attorney general for the Confederacy during the Civil War. He wrote two treatises, a treatise on real property and the present title, a review of case law as it relates to chattels personal, including "slaves, cattle, furniture, books, victuals, money and the like" (1). Cohen, *Bibliography of Early American Law* 9033.



Item 14



Item 15

"All the Instruction Needed"

14. McCall, H[enry] S[trong] [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*.

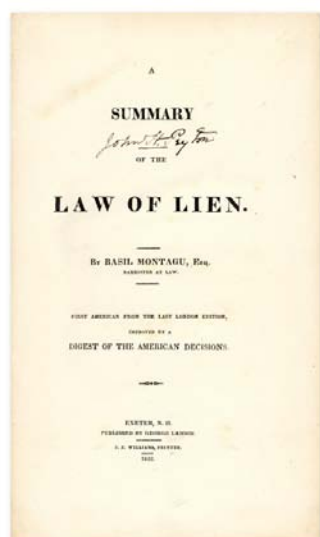
Uncommon 1822 Maryland Treatise on Ejectment

15. McHenry, John [d. 1860].

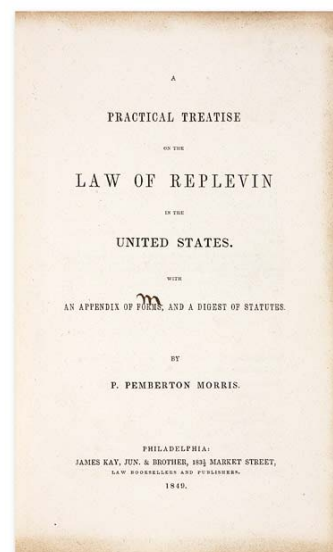
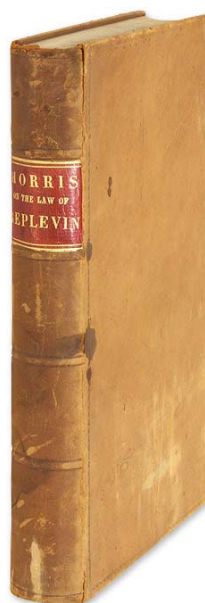
The Ejectment Law of Maryland: Embracing Within a Narrow Compass, All the Decisions of the Courts of Law of Maryland, Deemed Worthy of Notice, Relating to the Title and Location of Land. Frederick-Town: Printed, At the Herald Press, by John P. Thomson, For the Author, 1822. 264 pp. Octavo (8" x 5").

Contemporary calf, blind fillets to boards, carefully rebacked, lettering piece and gilt fillets to spine, hinges mended. Some rubbing to extremities with wear to corners, faint owner initials to front board, offsetting to margins of endleaves, moderate toning to text. Early owner signature (of Frank Gosnell) to front pastedown, interior otherwise clean. \$450.

* Only edition. "In this work are comprehended in one view and compressed within a narrow compass, all the decisions of our superior courts of law, which have any relation to land titles, and which were thought of importance enough to be published, the author carefully avoiding to crowd into the work decisions which may be found in the common law reports, but taking notice only of those which have a bearing upon local circumstances, and relate to our acts of assembly altering the common law with respect to land titles" (5). Cohen, *Bibliography of Early American Law* 9491.



Item 16



Item 17

Montagu on Liens, "Improved by a Digest of American Decisions"

16. Montagu, Basil [1770-1851].

A Summary of the Law of Lien. Improved by a Digest of the American Decisions. Exeter, NH: Published by George Lamson, 1822. [xviii], 108, 236, [4]. Folding table. Octavo (8-1/2" x 5").

Contemporary sheep, blind fillets to boards, lettering piece, early owner name (Peyton) and blind fillets to spine. Light rubbing to extremities, corners slightly bowed, minor scuff to rear board, front hinge starting, minor worming to rear pastedown. Offsetting to margins, light browning to text. Early annotations to front pastedown, early owner signature (of John Howe Peyton) to head of title page, interior otherwise clean. \$125.

* First American edition. Holdsworth says this concise volume is clear and well-arranged. A practical work, it states the law in short propositions based on the cases, which are reported in an extensive appendix. By focusing on the essentials of lien law this book offers useful insights into actual daily practice in the United States and Great Britain during the early nineteenth century. Peyton [1778-1847] was a notable Virginia lawyer and state legislator who also served as a deputy assistant attorney for the western district of Virginia. An active member of the Whig party, he opposed nullification and secession. Holdsworth, *The History of English Law* XIII:491-92. Cohen, *Bibliography of Early American Law* 2606.

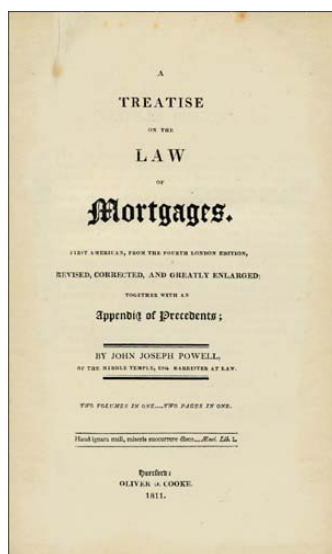
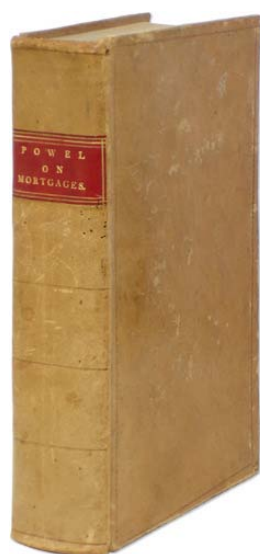
An Early American Treatise on the Law of Replevin

17. Morris, P[hineas] Pemberton [1817-1888].

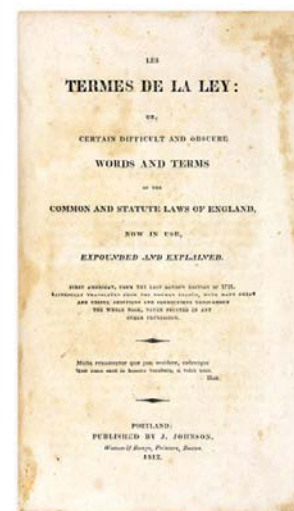
A Practical Treatise on the Law of Replevin in the United States. With an Appendix of Forms, And a Digest of Statutes. Philadelphia: James Kay, Jun., & Brother, 1849. xv, 316, 15 pp. Includes 15-page publisher catalogue. Octavo (9" x 5-3/4").

Contemporary sheep, blind fillets to boards, raised bands and lettering piece to spine. Moderate rubbing to extremities, minor chipping to head of spine, negligible scuffing and a few inkspots to boards and spine, early owner bookplate to front pastedown. Light toning to text, faint dampstaining to margins of some leaves at rear of text. Struck-through early owner signature to front free endpaper, "M" in small early hand to title page, interior otherwise clean. \$125.

* First edition. This was one of the first American treatises on replevin. Later editions were published in 1869 and 1878. In 1840 Morris was the president of the Law Academy of Philadelphia. From 1862 to 1884, he was a law professor at the University of Pennsylvania. Cohen, *Bibliography of Early American Law* 9287.



Item 18



Item 19

Well-Preserved Early American Edition of *Powell on Mortgages*

18. Powell, John Joseph [c.1755-1801].

A Treatise Upon the Law of Mortgages. Hartford: Oliver D. Cooke, 1811. Two volumes in one with continuous pagination. viii, 1199 (i.e. 621) Octavo (8-3/4" x 5-1/4").

Contemporary sheep, blind fillets to boards, blind fillets and lettering piece to spine. Light rubbing to extremities, a few tiny spots and scratches, tiny hole at top of front joint, hinges cracked but secure. Light offsetting to edges of endleaves, interior otherwise fresh. A lovely unusually well-preserved copy. \$300.

* Second issue of the first American edition (1807), from the fourth London edition (1799). With an index of cases, an index of topics and side-notes. Marvin praises this distinguished treatise for its "skill, learning and sound judgment." Holdsworth agrees, adding that "it is a systematic and well-arranged treatise...which gives a clear account of the law, and able summaries of and comments on the cases. Its merits are proved by the fact that it reached a sixth edition by 1826." Powell's original text was gradually overwhelmed by additions. By 1826, notes Marvin, the work had become "a mere appendage to the notes, and the large collections of the [American and English editors] have rendered it somewhat difficult for the reader to know, without considerable attention, upon what ground he stands." Marvin, *Legal Bibliography* 581. Holdsworth, *A History of English Law* XII:382. Cohen, *Bibliography of Early American Law* 9571 (listing both the 1807 and 1811 imprints).

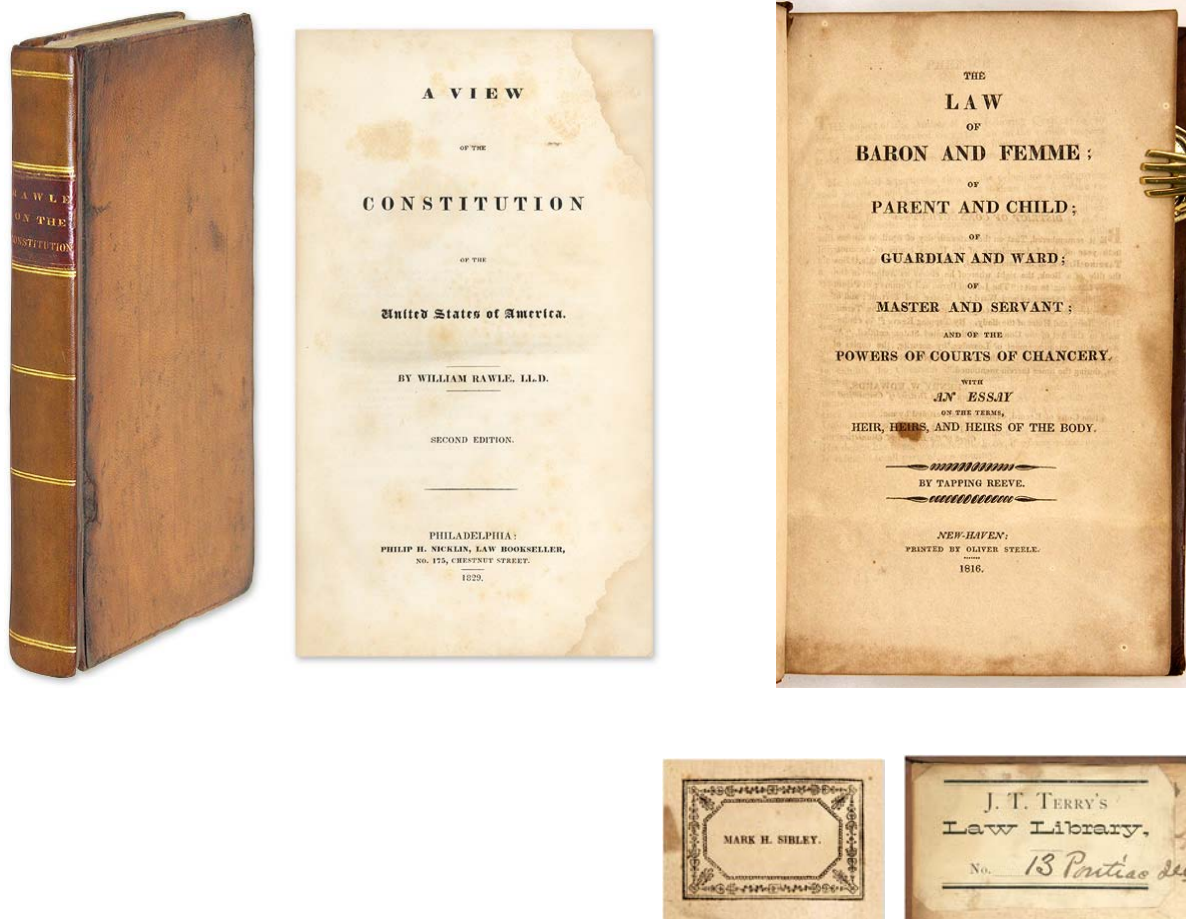
First American Edition of Rastell's *Termes de la Ley*

19. [Rastell, John (d.1536)].

Les Termes de la Ley, Or Certain Difficult and Obscure Words and Terms of the Common and Statute Laws of England, Now in Use, Expounded and Explained. Faithfully Translated From the Norman French, With Many Great and Useful Additions and Corrections Throughout the Whole Book, Never Printed in Any Other Impression. Portland: Printed by J. Johnson, 1812. iv, 391 pp. Octavo (8-1/2" x 5-1/2").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Moderate rubbing, a few light scuffs to boards, minor chipping to spine ends, front joint starting, corners bumped and somewhat worn, negligible worming to spine and front pastedown, moderate toning and occasional light foxing to text. Early owner inscription (of A.W. Hoyt of Deerfield, MA dated 1850) to front pastedown, interior otherwise clean. A nice copy. \$750.

* First American edition, from the 1721 London edition. The title was also the second law dictionary printed in America. (A Philadelphia edition of Jacob's *Law Dictionary* was issued in 1811.) First published around 1523, Rastell's is the most important English law dictionary before Cowell's *Interpreter* (1607). Immediately successful, it went through at least twenty-nine editions, the last appearing in 1819. Cohen, *Bibliography of Early American Law* 5450.



Item 20

Item 21

Used to Justify Secession

20. Rawle, William [1759-1836].

A View of the Constitution of the United States of America. Philadelphia: Philip H. Nicklin, Law Bookseller, 1829. viii, [9]-349 pp. Octavo (8-3/4" x 5-1/2").

Contemporary sheep, rebaked in period style retaining lettering piece. Moderate rubbing and a few light scuffs to boards, corners bumped and worn. Moderate toning, occasional foxing and faint dampstaining. Early owner signature to front free endpaper, interior otherwise clean. A handsome copy of an important work. \$1,750.

* Second edition. Rawle's treatise is one of the earliest works on the United States Constitution, and one of the most important. This text is significant also because it suggests that states have a right to secede from the Union. As Cohen observes, the popularity of this text, which was used at West Point and other schools throughout the country, "is generally considered to have influenced the leaders and supporters of the Confederacy, although in fact Rawle opposed secession." Cohen, *Bibliography of Early American Law* 2894.

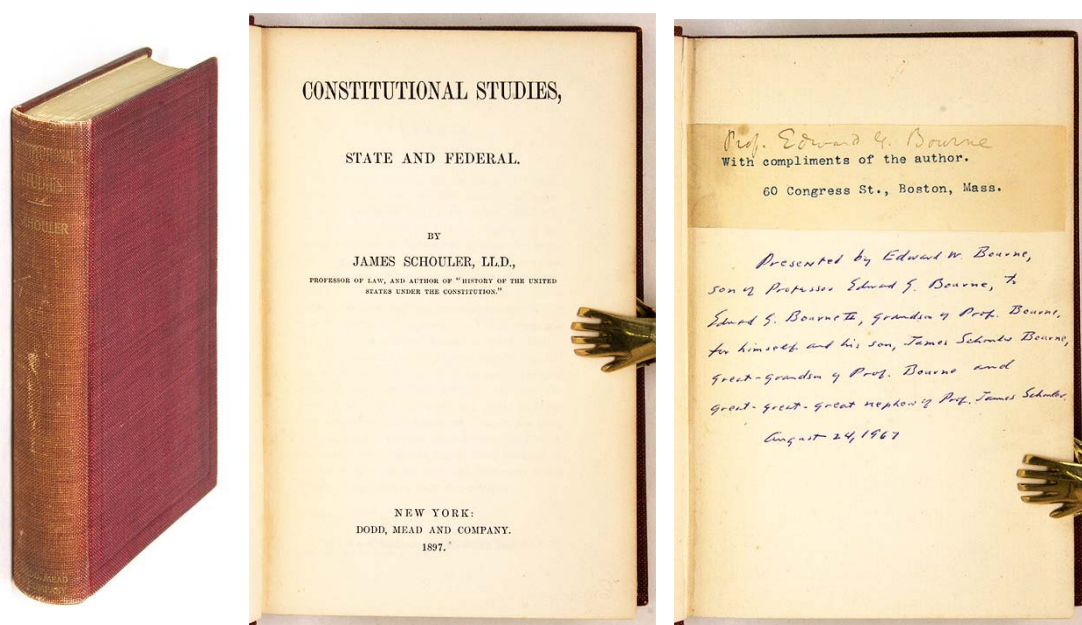
First Edition of Reeve's *Baron and Femme*, The First American Treatise on Family Law

21. Reeve, Tapping [1744-1823].

The Law of Baron and Femme; Of Parent and Child; Of Guardian and Ward; Of Master and Servant; And of the Powers of Courts of Chancery. With an Essay on the Terms, Heir, Heirs, and Heirs of the Body. New Haven: Printed by Oliver Steele, 1816. [iv], 494, [11] pp. Octavo (5-1/2" x 9-1/4").

Contemporary calf, blind fillets to boards, lettering piece and blind fillets to spine. Light rubbing to boards, moderate rubbing to extremities, a few scuffs and nicks, faint creases to spine, corners bumped and somewhat worn, front hinge cracked, rear joint and hinge starting, nineteenth-century owner bookplates (of J.T. Terry and Mark H. Sibley) to front pastedown. Light browning to text, light foxing to a few leaves, lower corner lacking from p. 225-226 with no loss to text, small chip to front free endpaper. A nice copy of an important work. \$500.

* First edition. In 1782 Reeve founded the first American law school in Litchfield, Connecticut. The first American treatise on family law, Reeve's *Law of Baron and Femme* is a restatement of Blackstone's *Commentaries*, Book I, Chapters XIV-XVII. It rejects some of the fundamental doctrines of the common law, most notably coverture. As Blackstone puts it, "the husband and wife are one person in law; that is, the very being or legal existence of the woman is suspended during marriage." Reeve says the opposite. Also a prescriptive work, *Baron and Femme* aimed to liberalize the American law of domestic relations, arguing, for example, that married women were permitted to make wills, a point contradicted by the contemporary statute and case law of Connecticut and several other states. Terry and Sibley were lawyers who practiced in Ontario County, New York. The most prominent was Sibley [1796-1852], a Canandaigua lawyer and judge who served in the state assembly, state senate and U.S. House of Representatives. Congress, Cohen, *Bibliography of Early American Law* 4745.



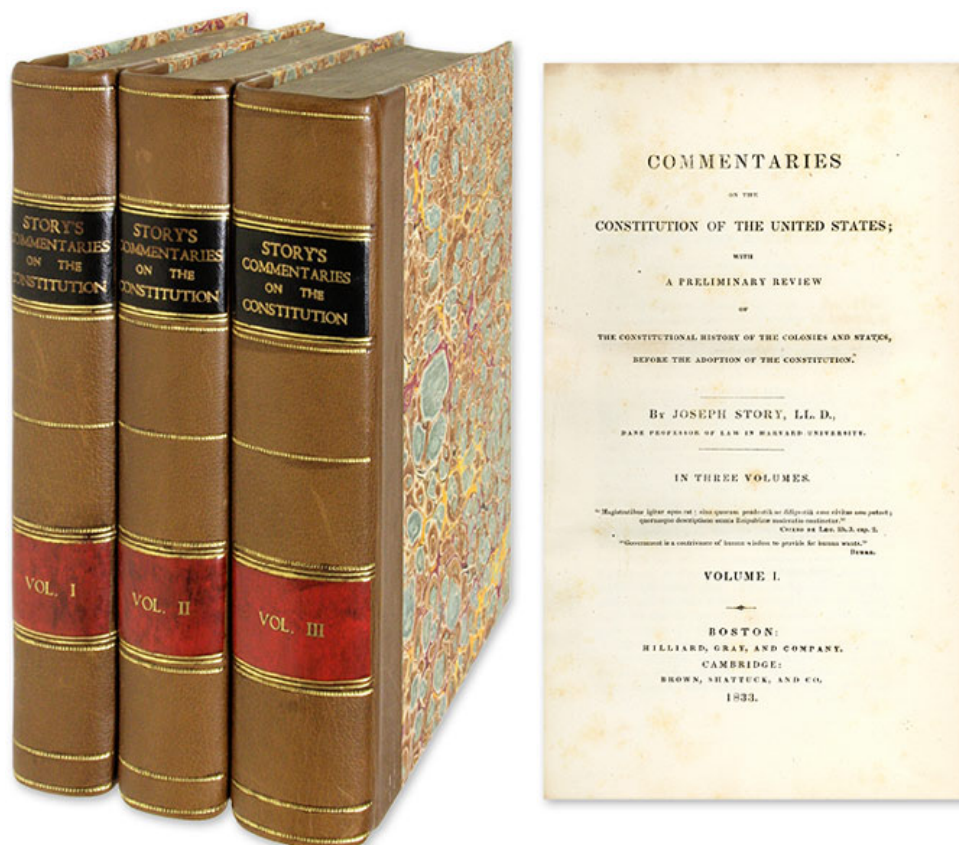
With an Interesting Inscription

22. Schouler, James [1839-1920].

Constitutional Studies, State and Federal. New York: Dodd, Mead and Company, 1897. xii, 332 pp. Octavo (7-1/4" x 5").

Original buckram, blind frames to boards, gilt titles to spine. Light rubbing to extremities, some fading and discoloration to spine. Tipped-in typed slip reading "With the compliments of the author./ 60 Congress St., Boston, Mass." inscribed "Prof. Edward G. Bourne." Inscription dated August 24, 1967 in ink to front free endpaper below. Internally clean. \$250.

* Only edition. The inscription reads: "Presented by Edward W. Bourne,/ son of Professor Edward G. Bourne, to/ Edward G. Bourne II, grandson of Prof. Bourne,/ for himself and his son, James Schouler Bourne,/ great-grandson of Prof. Bourne and/ great-great-great nephew of Prof. James Schouler."



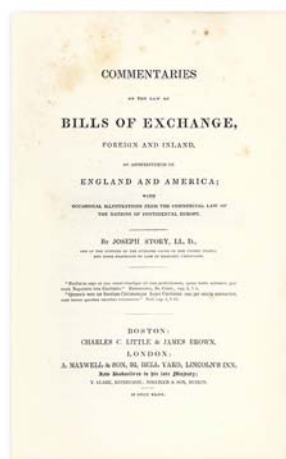
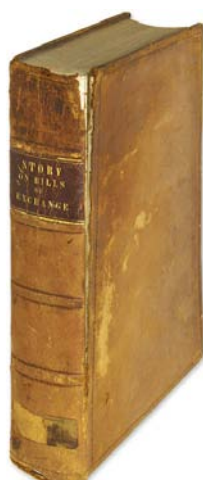
**First Edition of the First
Important Work on the American Constitution**

23. Story, Joseph [1779-1845].

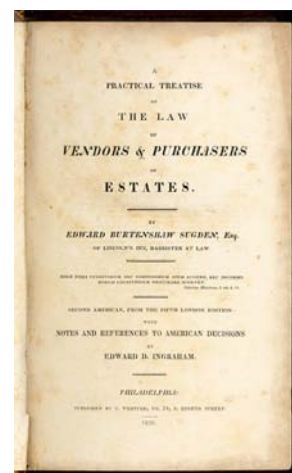
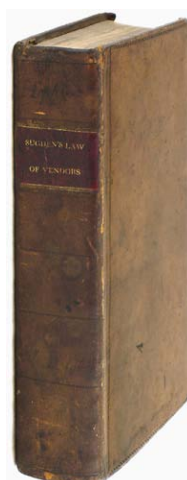
Commentaries on the Constitution of the United States; With a Preliminary Review of the Constitutional History of the Colonies and States. Boston: Hilliard, Gray and Company, 1833. Three volumes. xxxiv, [ii], 494; [ii], 555; [ii], 776 pp. Octavo (8-1/2" x 5-1/2").

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 reposes." cited in Marvin, *Legal Bibliography* 669-670. Cohen, *Bibliography of Early American Law* 2914.



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.

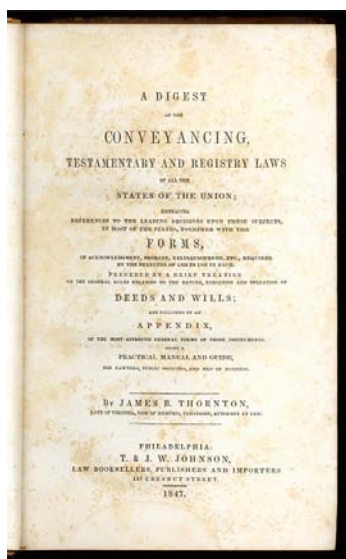
"Noted For the Soundness of Its Doctrines"

25. Sugden, Sir Edward Burtenshaw [1781-1875].

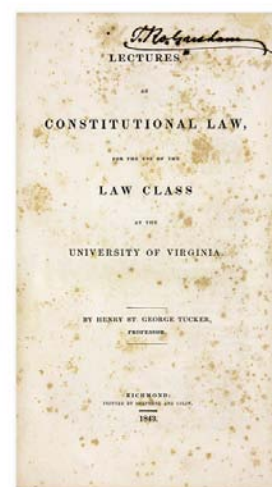
A Practical Treatise of the Law of Vendors and Purchasers of Estates. Second American, From the Fifth London Edition: With Notes and References to American Decisions By Edward D. Ingraham. Philadelphia: Published by J. Webster, 1820. lxx, 558, 83 pp. Octavo (9" x 5-1/2").

Contemporary calf, maroon lettering piece, blind-stamped fillets to boards. Small chip to head of spine, light wear to joints, hinges starting, blank leaf after front free endpaper lacking. Owner name in faint letters near head of spine, early annotations to endleaves and verso of p. 81, occasional light foxing, interior otherwise clean. An attractive copy. \$150.

* Second American from fifth London edition. With forms and an appendix containing summaries of important cases. Sugden was a barrister of Lincoln's Inn and Solicitor General. And as a Member of Parliament, he was instrumental in the passage of several acts dealing with estates, wills and trusts. "The number of editions through which *Vendors and Purchasers* has passed evinces the estimation with which it is regarded by the profession. It was first published in one vol. 8vo. in 1805, and each successive edition has been enlarged, in order to keep pace with the growth of the law. It is a most useful and thoroughly written work, and is noted for its accuracy, and the soundness of its doctrines." Marvin, *Legal Bibliography* 678. Cohen, *Bibliography of Early American Law* 2713.



Item 26



Item 27

**With Interesting Information
Regarding the Legal Status of Women**

26. Thornton, James B. [1806-1867].

A Digest of the Conveyancing, Testamentary and Registry Laws of All the States of the Union: Embracing References to the Leading Decisions Upon These Subjects, In Most of the States, Together With the Forms, of Acknowledgment, Probate, Relinquishment, Etc., Required by the Statutes of and in Use by Each: Preceded by a Brief Treatise on the General Rules Relating to the Nature, Execution and Operation of Deeds and Wills: Followed by an Appendix, Of the Most Approved General forms of Those Instruments: Being a Practical Manual and Guide, For Lawyers, Public Officers, And Men of Business. Philadelphia: T. & J.W. Johnson, 1847. xxviii, [9]-470, [4] pp. Includes four pages of testimonials. Octavo (9" x 5-1/2").

Contemporary sheep, blind fillets to boards, blind fillets and lettering piece to spine. Moderate rubbing to extremities, light scuffing to boards, some gatoring to spine, corners bumped. Light toning to text, foxing in places. Early owner signatures to front free endpaper, interior otherwise clean. \$100.

* First edition (also a second and final edition in 1854). The author was a Virginia attorney practicing in Memphis. His book covers inter alia, Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and, by no means least, Texas (pp.381-88). There is much here relating to the legal status of women in each state. A valuable source and not a common book. A second and final edition was published in 1854. Cohen, *Bibliography of Early American Law* 9545.

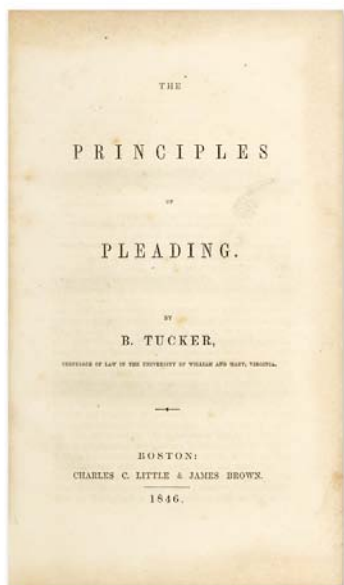
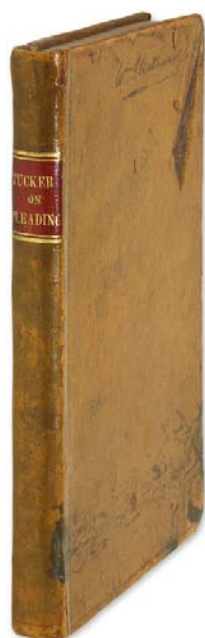
Tucker's Important 1843 Lectures on the Constitution

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

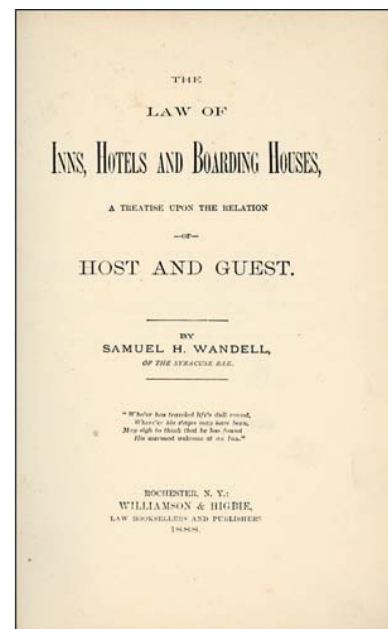
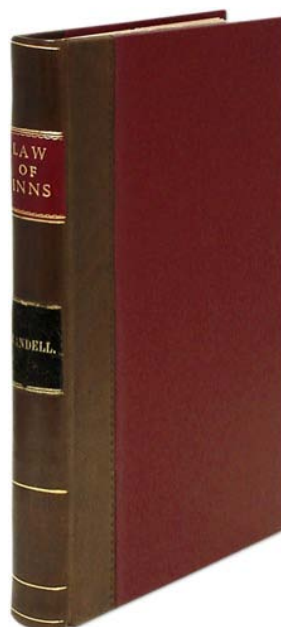
Lectures on the Constitutional Law, for the Use of the Law Class at the University of Virginia. Richmond: Printed for Shepherd and Colin, 1843. 242 pp. 12mo. (7-1/2" x 4-1/2").

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.



Item 28



Item 29

Treatise on Pleading by a Notable Virginian

28. Tucker, [Nathaniel] B[everley] [1784-1851].

The Principles of Pleading. Boston: Charles C. Little & James Brown, 1846. v, 220 pp. Octavo (7-3/4" x 4-3/4").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Light rubbing to extremities, a few shallow scuffs and minor inkstains to boards, early owner signature (Wm. G. Williams) to head of front board and front pastedown. Some toning to text, light browning in places. Early reading list of law books, possibly by Williams, to rear free endpaper, interior otherwise clean. \$300.

* Only edition. The son of St. George Tucker and half-brother of John Randolph of Roanoke, Nathaniel Beverley Tucker studied and practiced law in Virginia from 1801 to 1815. He was a judge in the Circuit Court of Missouri from 1815 to 1830 and was professor of law at the College of William and Mary, his alma mater, from 1834 to 1851. He was also a notable essayist and novelist. Cohen, *Bibliography of Early American Law* 9276.

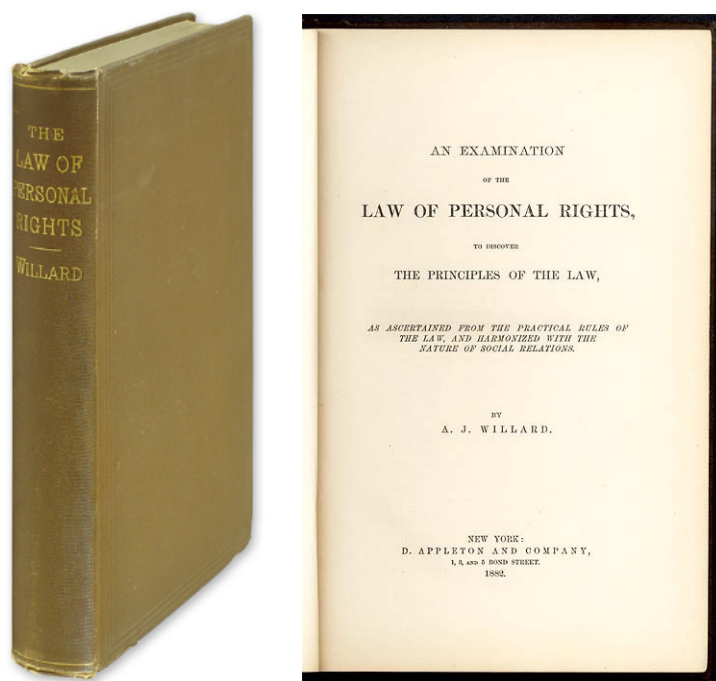
Engagingly Written Treatise on Hotel Law Illustrated With Anecdotes

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.



"Common Will" and the Law of Personal Rights

30. Willard, A.J.

An Examination of the Law of Personal Rights, To Discover the Principles of the Law, As Ascertained from the Practical Rules of the Law, And Harmonized with the Nature of Social Relations. New York: D. Appleton and Company, 1882. 429 pp. Octavo (9" x 6").

Original cloth, blind frames to boards, gilt title to spine. Negligible rubbing to boards, some fraying to spine ends, corners bumped and lightly worn, internally clean. A nice copy of an uncommon title. \$35.

* "The author begins with the origin in nature of law, finds it in the social nature of man, and the habits and tendencies springing therefrom which crystallize into the "common will," the community becoming self-conscious of these habits and tendencies through the judicial function by which individual conduct is compared with the common will, which thereby becomes the standard of right and wrong. In the exercise of this function, the principles that underlie the tendencies are discovered and stated, and become the principles of the law." : *American Law Review* 16 (1882) 1882.



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