

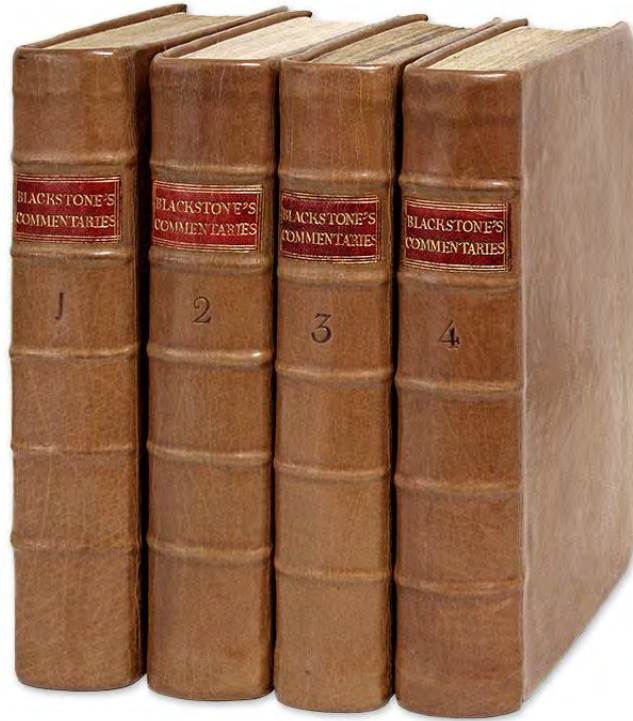
Landmarks *in* American Law, 1768–1963

20 ITEMS

December 1, 2020



THE
LAWBOOK EXCHANGE
LTD.



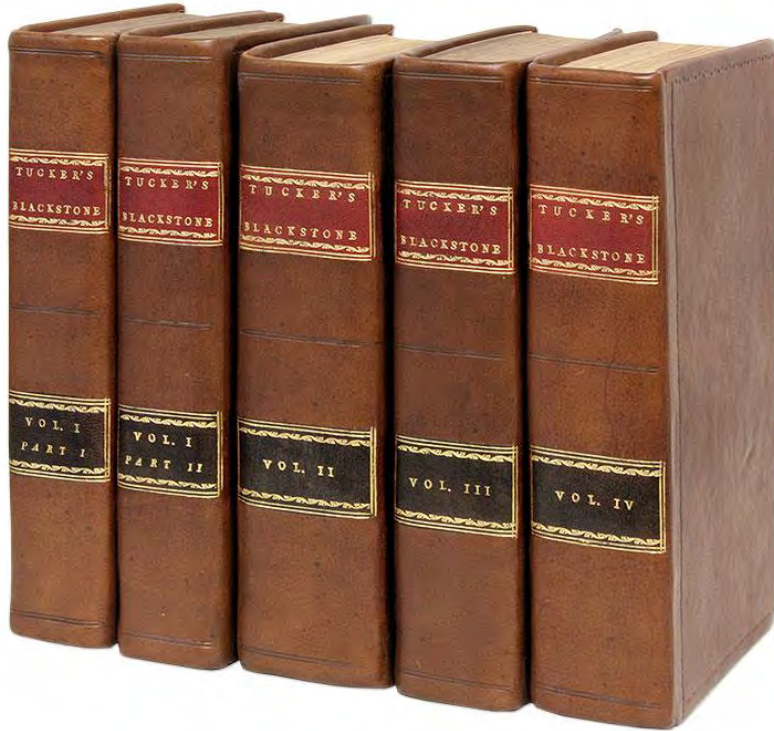
The First American Edition of Blackstone's *Commentaries* in a Superb Period-Style Binding

1. Blackstone, Sir William [1723-1780].

Commentaries on the Laws of England. In Four Books. Re-Printed From the British Copy, Page for Page with the Last Edition. America [Philadelphia]: Robert Bell, 1771-1772. Four volumes. [viii], ii, [vi], 485; [viii], 520, xix; [viii], 455, [1], xxvii; [xxii], [viii], 436, vii, [1], [39] pp. Copperplate Table Of Consanguinity and copperplate folding Table of Descents in Volume II. Folding table is a high-quality bound-in facsimile. 22-page subscriber list in Volume IV. Publisher advertisements in Volume I, 2 leaves before title page, and Volume III, p.456. Publisher advertisement, tipped-in to front endleaf, lacking from Volume IV. Octavo (9" x 5-3/4").

Handsome period style calf by Philip Dusel, with raised bands, lettering pieces and blind-stamped volume numbers to spines, blind tooling to board edges, endpapers renewed. Moderate toning, light foxing, faint dampspotting and inkspots in places, early owner signatures to preliminaries of Volumes I, III and IV, paper repair to title page of Volume II and chip to fore-edge of Leaf Q2 (pp. 125-126) in Volume IV with negligible loss to text. An appealing copy in a superb binding. \$12,500.

* First American edition. Blackstone's *Commentaries*, a synoptic review of the English legal system, is the most influential publication in the history of modern Anglo-American law. It was especially popular in America, where it was the standard introductory legal textbook into the late nineteenth century and was the primary, or only, book studied by hundreds of self-taught lawyers, such as Abraham Lincoln. The first multi-volume book printed in America, Bell's edition, a reprint of the fourth London edition, 1770, is a landmark in the history of American publishing. Our set contains the two tipped-in advertisement leaves, for *An Interesting Appendix* (Volume III) and Ferguson's *Essay on the History of Civil Society* (Volume IV), that are often missing in copies of this set. Volume IV also includes a 22-page subscriber list of 839 men, who ordered 1,557 sets. This impressive group included John Adams, John Jay, John Dickinson, several colonial governors and many other leaders of colonial America. Sixteen subscribers were signers of the Declaration of Independence who went on to serve as members of the Continental Congress. Eller, *The William Blackstone Collection in the Yale Law Library* 80. Laeuchli, *A Bibliographical Catalogue of William Blackstone* 131. [Order This Item](#)



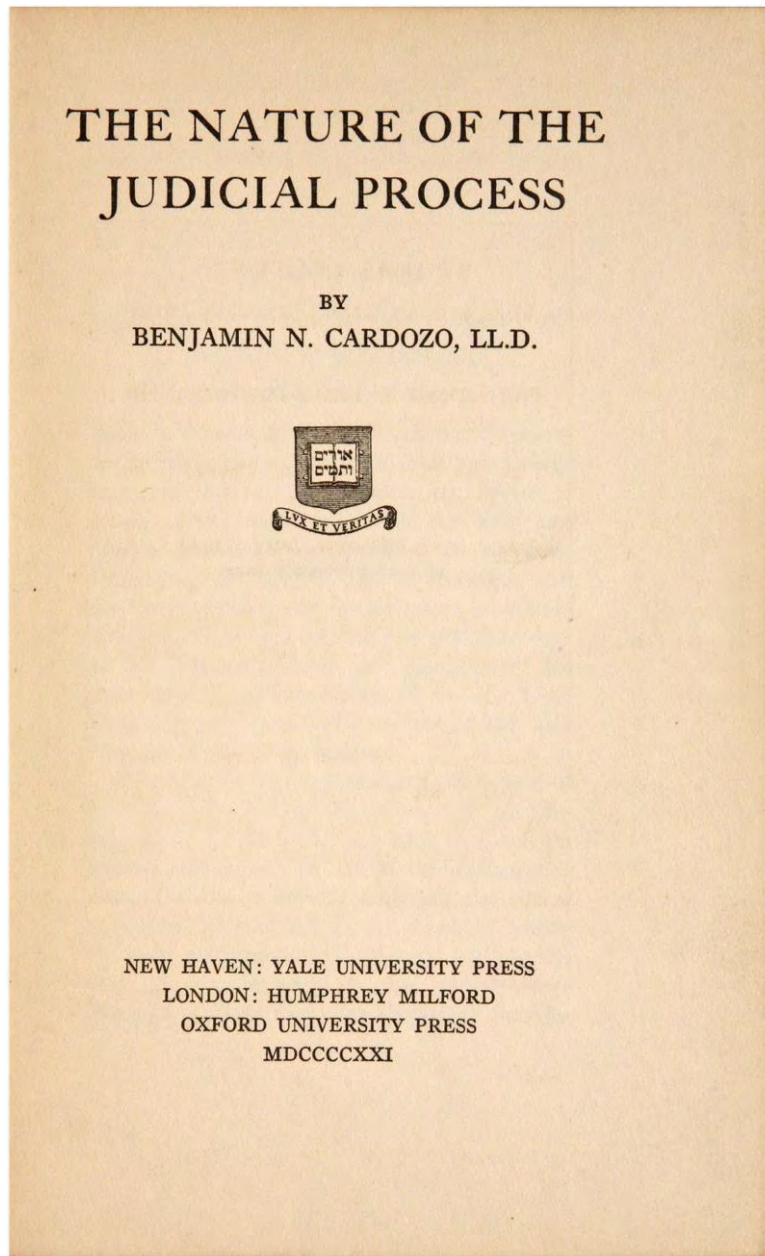
**Handsome Copy of an Important
(And Very Rare) American Edition of Blackstone**

**2. Blackstone, Sir William [1723-1780].
Tucker, St. George [1752-1827], Editor.**

Blackstone's Commentaries: With Notes of Reference to the Constitution and Laws, of the Federal Government of the United States, And of the Commonwealth of Virginia. In Five Volumes, With an Appendix to Each Volume, Containing Short Tracts upon Such Subjects As Appeared Necessary to Form a Connected View of the Laws of Virginia As a Member of the Federal Union. Philadelphia: Published by William Young Birch, and Abraham Small: Robert Carr, Printer, 1803. 4 volumes in 5 books. Volume 1 in 2 parts. 4 tables (3 folded); Volume 2 has "Table of Consanguinity" and 3 different folding "Table[s] of Descents." Title pages in all volumes identical, with volume numbers omitted; volumes numbered on "Contents" pages and on the binding. Collates complete. Octavo (8-1/4" x 5-1/4").

Recent period-style calf, blind fillets to boards, red and black lettering pieces and blind fillets to spines, blind tooling to board edges endpapers renewed. Moderate toning, light foxing in places, notes in contemporary hand to a few leaves in Volumes I, Part I and Volume III. A strikingly handsome set. \$20,000.

* First edition. *Tucker's Blackstone* is a key resource for understanding how Americans viewed English common law in the years following the adoption of the Constitution and the Bill of Rights. Based on his lectures at the College of William and Mary, Tucker adapted Blackstone's often anti-democratic work to American practice. "Tucker's Blackstone became a standard reference work for many American lawyers unable to consult a law library, especially those on the frontier. It is impossible to measure its impact on American law, but it is clear that sales were strongest in Virginia, as could be expected; it was also widely used in Pennsylvania and South Carolina" (Bryson). More recently, Tucker's Blackstone has been cited in numerous constitutional cases by the United States Supreme Court relating to "original intent." Bryson, *Legal Education in Virginia, 1779-1979: A Biographical Approach* 102. Eller, *The William Blackstone Collection in the Yale Law Library* 87. Laeuchli, *A Bibliographical Catalog of William Blackstone* 137. [Order This Item](#)



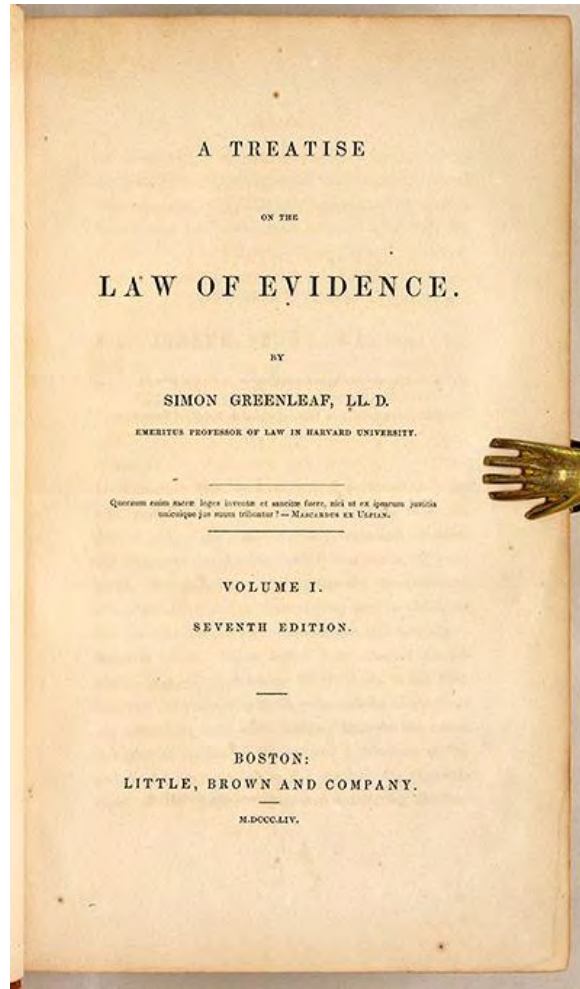
First Edition of Cardozo's Most Influential Work

3. Cardozo, Benjamin N. [1870-1938].

The Nature of the Judicial Process. New Haven: Yale University Press, [1921]. 180 pp.

Original publisher's cloth. Rubbing to extremities with light wear to spine ends and corners, early owner signature to front free endpaper. A well-preserved copy. \$750.

* First edition. One of the most important legal works of the twentieth century, *The Nature of the Judicial Process* argued that judges create law. Along with Holmes' *The Common Law*, this book is one of the seminal works that helped the American bar to move beyond the formalism (and conservatism) of nineteenth-century jurisprudence. [Order This Item](#)



The Standard American Evidence Treatise Before Wigmore

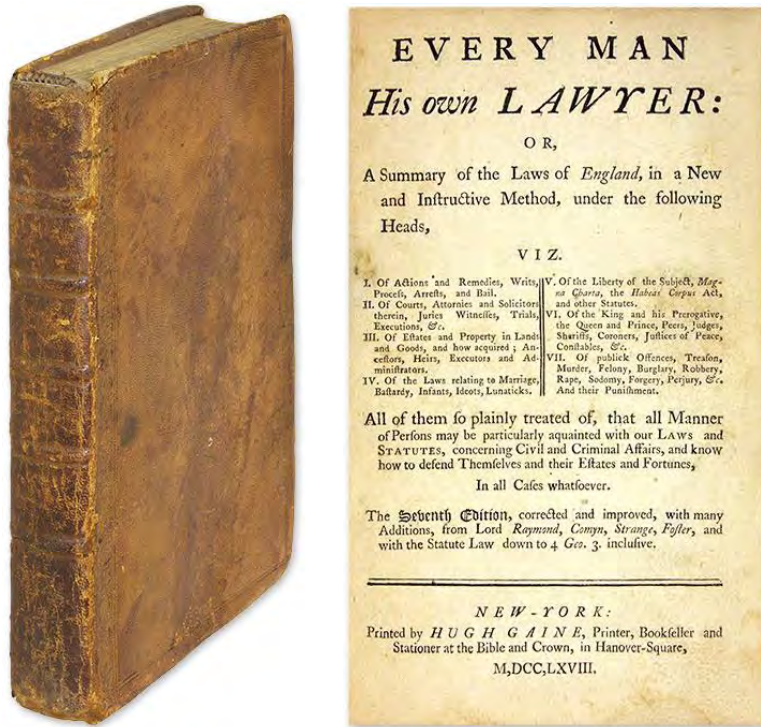
4. Greenleaf, Simon. [1783-1853].

A Treatise on the Law of Evidence. Boston: Charles C. Little & James Brown, 1853-1854. Three volumes. 8, lxvi, [2] 780; lx, 708; 8, xxix, [2], 585 pp. Volumes I and III have 8-page publisher catalogues. Octavo (9-1/4" x 5-3/4").

Uniform contemporary sheep, blind frames to boards, lettering pieces, raised bands and blind-stamped volume numbers to spines. Light rubbing and some scuffing to boards, moderate rubbing to extremities, front boards of Volumes I and III beginning to separate, but still secure, chip to head of spine of Volume II, its front hinge starting at foot. Moderate toning, light foxing in places, signatures removed from front pastedowns of Volumes II and III. \$500.

* Volume I: seventh edition; Volume II: fifth edition; Volume III: second edition, the form of this set current in 1854-1855. Greenleaf's seminal treatise on evidence was the first important American work on the topic. It was originally issued as a one-volume work devoted to general principles of evidence. Greenleaf published a second volume in 1846 on particular cases of evidence. These two books were reissued with a revised Volume I in 1853 as the second edition. That same year Greenleaf published a third volume on criminal evidence and pleading. From that point onward, *Greenleaf on Evidence* remained a three-volume work. Each volume went through several editions at different times until the 13th edition (1876). It remained the standard American work until it was superseded by *Wigmore on Evidence* (1904-1915). See Cohen, *Bibliography of Early American Law* note to 5059. *Catalogue of the Library of the Harvard Law School* (1909) I:827.

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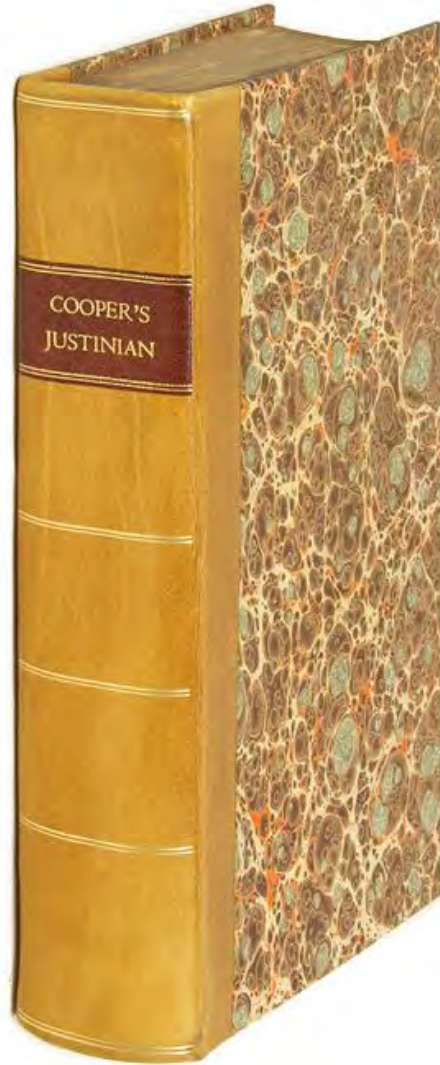
The First Layman's Guide Published in America

5. Jacob, Giles [1686-1744].

Every Man His Own Lawyer: Or, A Summary of the Laws of England, In a New and Instructive Method, Under the Following Heads, Viz. I. Of Actions and Remedies, Writs, Process, Arrests, and Bail. II. Of Courts, Attornies and Solicitors Therein, Juries, Witnesses, Trials, Executions, &c. III. Of Estates and Property in Lands and Goods, And How Acquired, Ancestors, Heirs, Executors and Administrators. IV. Of the Laws Relating to Marriage, Bastardy, Infants, Ideots, Lunaticks. V. Of the Liberty of the Subject, Magna Charta, the Habeas Corpus Act, and other Statutes. VI. Of the King and his Prerogative, the Queen and Prince, Peers, Judges, Sheriffs, Coroners, Justices of Peace, Constables, &c. VII. Of Publick Offences, Treason, Murder, Felony, Burglary, Robbery, Rape, Sodomy, Forgery, Perjury, &c. and Their Punishment. All of Them so Plainly Treated of That All Manner of Persons May be Particularly Acquainted With Our Laws and Statutes, Concerning Civil and Criminal Affairs, And Know How to Defend Themselves and Their Estates and Fortunes, An All Cases Whatsoever. Corrected and Improved, With Many Additions, from Lord Raymond, Comyn, Strange, Foster, And with the Statute Law Down to 4 Geo. 3. Inclusive. New-York: Printed by Hugh Gaine, 1768. iv, 289, [13] pp. Octavo (7-1/4" x 4-1/2").

Contemporary sheep, blind fillets and decorative blind tooling to boards. Moderate rubbing to extremities, some chipping to spine ends, corners bumped and lightly worn, a few minor scuffs to boards, hinges cracked, light browning to text. Early owner signature to rear pastedown, interior otherwise clean. \$2,400.

* First American edition, designated the seventh on the title page in reference to the prior six editions published in London. This popular layman's guide by one of the most prolific legal writers of eighteenth-century England went through ten English editions between 1736 and 1788. The mention of "All Manner of Persons" in the subtitle is significant. Jacob, though certainly interested in boosting sales by attracting the widest audience possible, was an idealist who believed that widespread knowledge of the law would help create a more just society. This is also evident in his other publications, such as *The Common Law Common-Placed* (1726) and *Treatise of Laws* (1721). According to Cohen, this was the first laymen's guide published in America. The next two, which were intended also for aspiring lawyers, were *The Young Clerk's Magazine* (Philadelphia, 1774) and *The Young Clerk's Vade Mecum* (New York, 1776). Cohen, *Bibliography of Early American Law* 8202. [Order This Item](#)



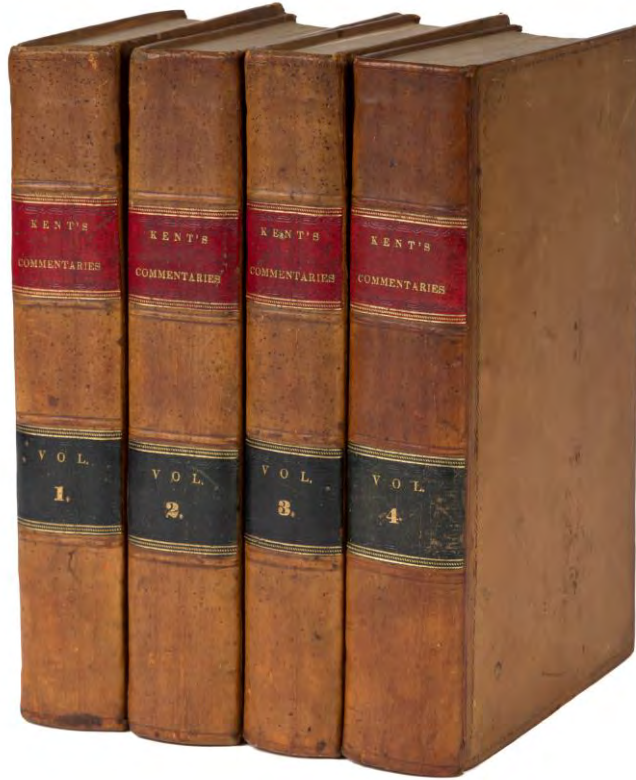
First Edition of Cooper's Translation of the *Institutes*

**6. Justinian I [483-565 CE], Emperor of the East.
Cooper, Thomas [1759-1839], Translator and Editor.**

The Institutes of Justinian. With Notes. Philadelphia: Printed for P. Byrne, 1812. xiv, 714 (i.e. 716) pp. Latin and English translation in parallel columns. Octavo (9" x 5-1/2").

Recent period-style quarter calf over marbled boards, lettering piece and gilt fillets to spine, original endpapers retained. Moderate toning to text, somewhat heavier in places, occasional light foxing. An attractive copy. \$600.

* First edition. Includes a bibliography of civil law and the complete text of *The Law of the Twelve Tables*. A landmark in the American reception of Roman law and the first translation of Justinian produced in the United States, this edition includes fascinating notes that compare Roman law with that of the United States. (He even includes a table of cases.) Cooper, a chemist and lawyer by training, was a polymath who published books on law, political science, economics, medicine and the natural sciences. A friend of Joseph Priestley and Thomas Jefferson, he was a professor of chemistry at Dickinson College and the University of Pennsylvania. He joined the faculty of South Carolina College in 1819 and became its president in 1820. Cohen, *Bibliography of Early American Law* 1644. [Order This Item](#)



**A Handsome First-Edition Set of
Kent's *Commentaries* in Contemporary Bindings**

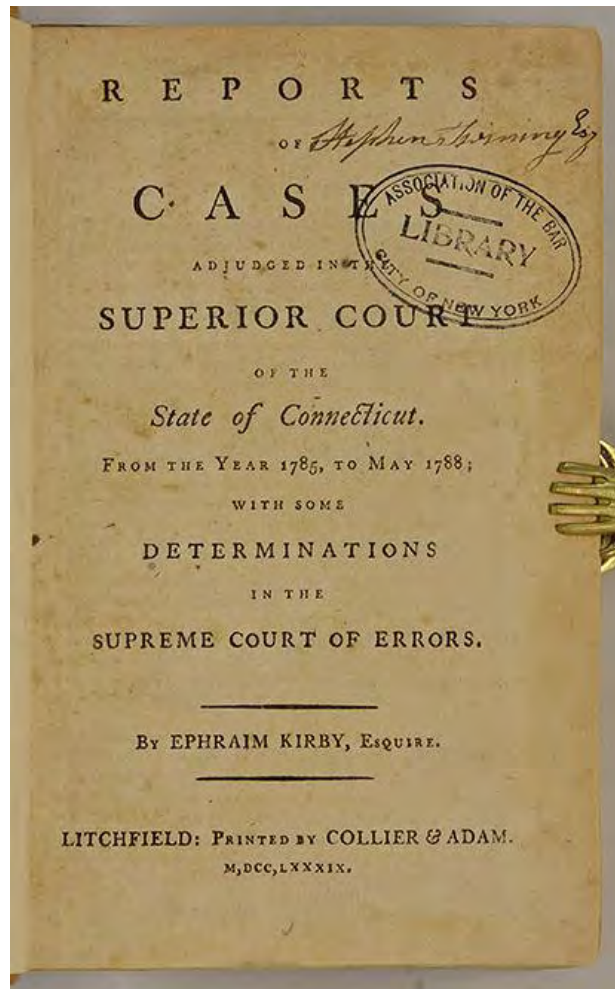
7. Kent, James [1763-1847].

Commentaries on American Law. New York: Published by O. Halsted, 1826-1830. Four volumes. Octavo (8-3/4" x 5-1/2").

Contemporary calf, blind fillets to boards, red and black lettering pieces and blind fillets to spines. Some minor nicks, scuffs and stains to boards, light rubbing to extremities, corners bumped and lightly worn, a few joints and hinges starting, owner signature of Francis Granger to front free endpaper of each volume, signature in Volume I dated December 12, 1835. Moderate toning and light foxing to text. An exceptional copy of a landmark work. \$7,500.

* First edition. Kent's *Commentaries* is probably the single most important interpretation of American law. Writing in 1847, Marvin ranked it above Blackstone and observes that Kent's *Commentaries* "contain not only a clear statement of the English law, with all the alterations that have taken place since the time of Blackstone, but a full account of the main principles of Equity, also, a review of the modifications engrafted on the English law by the different states of the Union." Marvin's latter observation points to the significance of this landmark work. Published at a time when there was significant opposition to English law, Kent's *Commentaries* established it in a manner that appealed to the majority of influential American jurists and legislators. As Roper notes, by transplanting English common law, the *Commentaries* "had the two-prong effect of helping to maintain the primacy of judge-made law in contrast to codification by legislatures, while providing the legal profession with the degree and kind of certainty it craved."

Francis Granger [1792-1868], a former owner of our copy, was a lawyer and politician who lived in Canandaigua, New York. A graduate of Yale who read law in Canandaigua, he served two terms in the New York State Assembly and two terms in the U.S. House of Representatives. He was the U.S. Postmaster General from March 6, 1841 to September 18, 1841. Marvin, *Legal Bibliography* 438. Roper, "James Kent" in *American National Biography* 12: 598-199. Cohen, *Bibliography of Early American Law* 5398. [Order This Item](#)



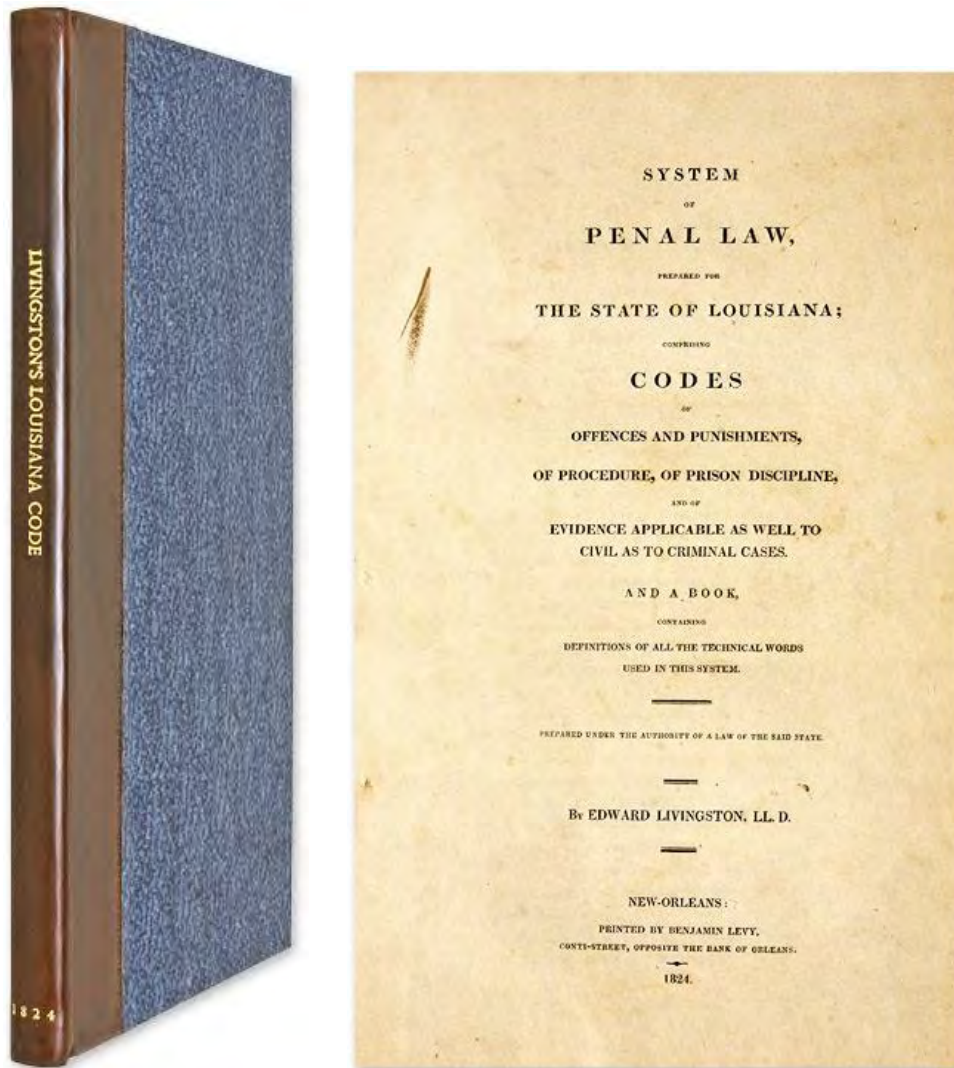
"Holds a Place Comparable to That Which Plowden's *Commentaries* Holds in English Legal Literature"

8. Kirby, Ephraim [1757-1804], Reporter.

Reports of Cases Adjudged in the Superior Court of the State of Connecticut. From the Year 1785, to May, 1788; With Some Determinations in the Supreme Court of Errors. Litchfield: Printed by Collier & Adam, 1789. v, [iii], 456, [32] pp. Final leaf blank. Octavo (8" x 5").

Later library buckram, red and black lettering pieces to spine, endpapers renewed. Light soiling, short tear to front joint near head of spine. Moderate toning and occasional light foxing to text, small puncture hole (from pin?) through upper corners of several leaves at rear of text block, brief annotations in early hand to a few leaves, early owner signature and later library stamp to title page, two small library marks to verso. \$200.

* First edition. With a subscriber list that includes Nathaniel Chipman, James Kent, Tapping Reeve, Zephaniah Swift and other distinguished early American jurists. Kirby's *Reports* and Hopkinson's *Judgments in Admiralty in Pennsylvania* were the first reporters published in America, both in 1789. Although their priority is still a subject of debate, most experts say Kirby's volume appeared first. A landmark in American legal history, its importance was recognized almost immediately. "[Kirby's] was the first fully developed volume of law reports published in the United States and in American legal literature holds a place comparable to that which Plowden's *Commentaries* holds in English legal literature" (DAB). *Catalogue of the Library of the Harvard Law School* (1909) I:1100. [Order This Item](#)



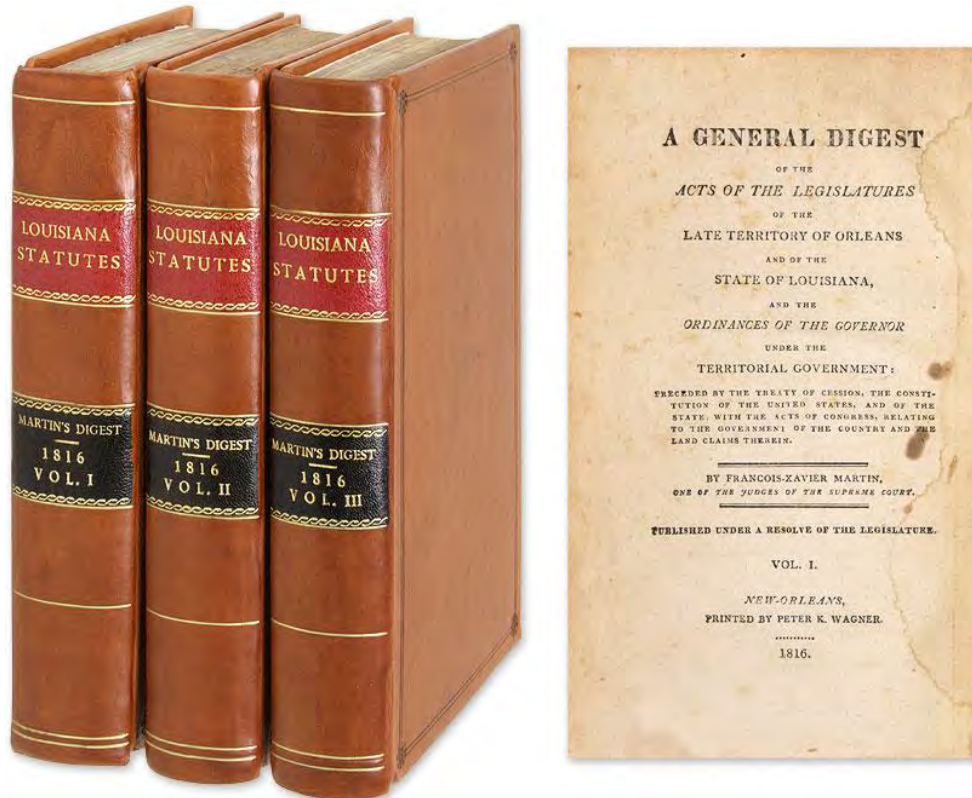
First Issue of Livingston's Louisiana Penal Code

9. Livingston, Edward [1764-1836].

System of Penal Law, Prepared for the State of Louisiana: Comprising Codes of Offenses and Punishments, Of Procedure, Of Prison Discipline, And of Evidence Applicable as Well to Civil as to Criminal Cases. And a Book, Containing Definitions of All the Technical Words Used in This System. New Orleans: Benjamin Levy & Co., 1824. 164 pp. (12-1/4" x 7-1/2").

Recent period-style quarter calf over marbled boards, gilt title and date to spine. Light toning to text, negligible light foxing in a few places. \$3,000.

* First edition, first issue. Livingston's *Penal Code* marked an epoch in the broad international movement for penal reform. Profoundly influenced by Bentham, it stressed prevention over vengeance. Never enacted, it nevertheless established itself as one of the great standards for other reformers. Hicks marvels at the scope and clear organization of this code and notes that Bentham, Hugo, Lafayette, Story, Marshall, Madison, Kent and Jefferson considered it "the most comprehensive and enlightened system of criminal law that has ever been presented to the world": Hicks, *Men and Books Famous in the Law* 180. Jumonville, *Bibliography of New Orleans Imprints* 430. Cohen, *Bibliography of Early American Law* 10329. [Order This Item](#)



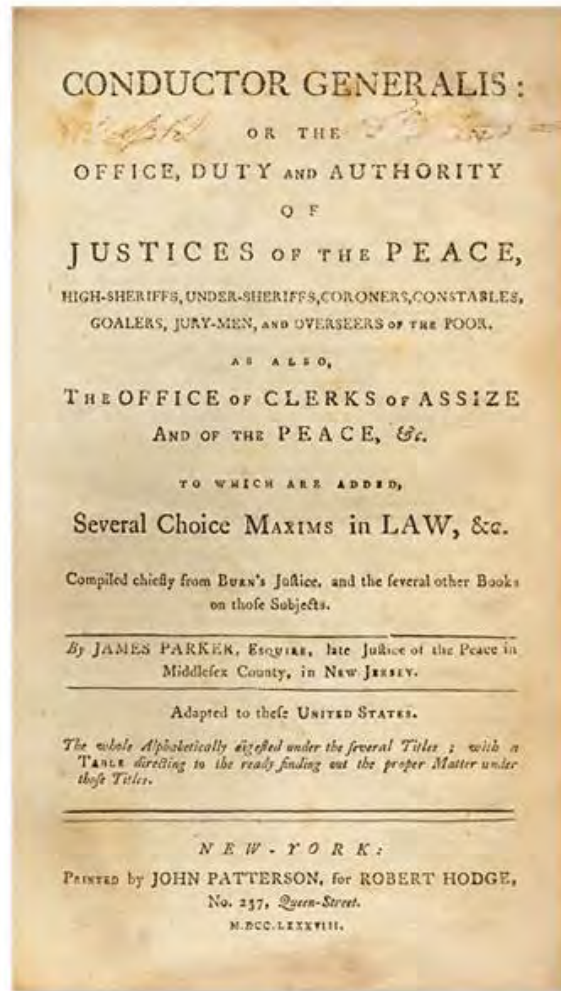
A Landmark in the Legal History of the Louisiana Purchase

10. Martin, Francois-Xavier [1762-1846].

A General Digest of the Acts of the Legislatures of the Late Territory of Orleans and of the State of Louisiana, And the Ordinances of the Governor Under the Territorial Government: Preceded by the Treaty of Cession, The Constitution of the United States, And of the State, With the Acts of Congress, Relating to the Government of the Country and the Land Claims Therein. Published Under a Resolve of the Legislature. New Orleans: Printed by Peter K. Wagner, 1816. Three volumes. 742; 696; 290, 295-513, [3], 107 pp. Volume III lacking pp. 291-294, which are supplied in facsimile. English and French translation on facing pages. Added title page in French reading: *Digeste General des Actes des Legislatures du Territoire d'Orleans et de l'Etat de la Louisiane...* Folding table in Volume I. Four pages of contemporary manuscript notes bound to rear of Volume II. Octavo (8" x 5").

Recent period-style calf, blind rules to boards, lettering pieces and gilt fillets to spine. Moderate toning, somewhat heavier near margins, light browning in places, light foxing to text. Faint dampstaining in places, worming to middle leaves of the bottom edge of Volume II with minor loss to margin (text not affected), a bit of edgewear to folding leaf, internally clean. Ex-library. Faint stamps to title pages, hand-lettered inventory numbers to versos. A handsome set. \$3,000.

* First edition. One of the great landmarks in Louisiana's history, this was the first post-territorial digest of the Louisiana legislature. It contains the treaty ceding the Territory of Louisiana to the United States and, on pp. 601-691 of Volume I, the infamous *Code Noir* of 1685, which ordered the expulsion of the Jews from French colonies, banned non-Catholic practices there and provided a system for the regulation of slavery. Martin was an important figure in the legal history of the south. A French-born lawyer, judge, author, translator, printer and historian, he began his career in North Carolina. He later moved to the Louisiana territory, where he played the leading role in the reorganization of its legal system. Appointed attorney-general when Louisiana became a state, he is considered the father of Louisiana jurisprudence. The manuscript pages at the end of Volume II are an index. Jumonville, *Bibliography of New Orleans Imprints* 281, 282, 283. Cohen, *Bibliography of Early American Law* 5663. [Order This Item](#)



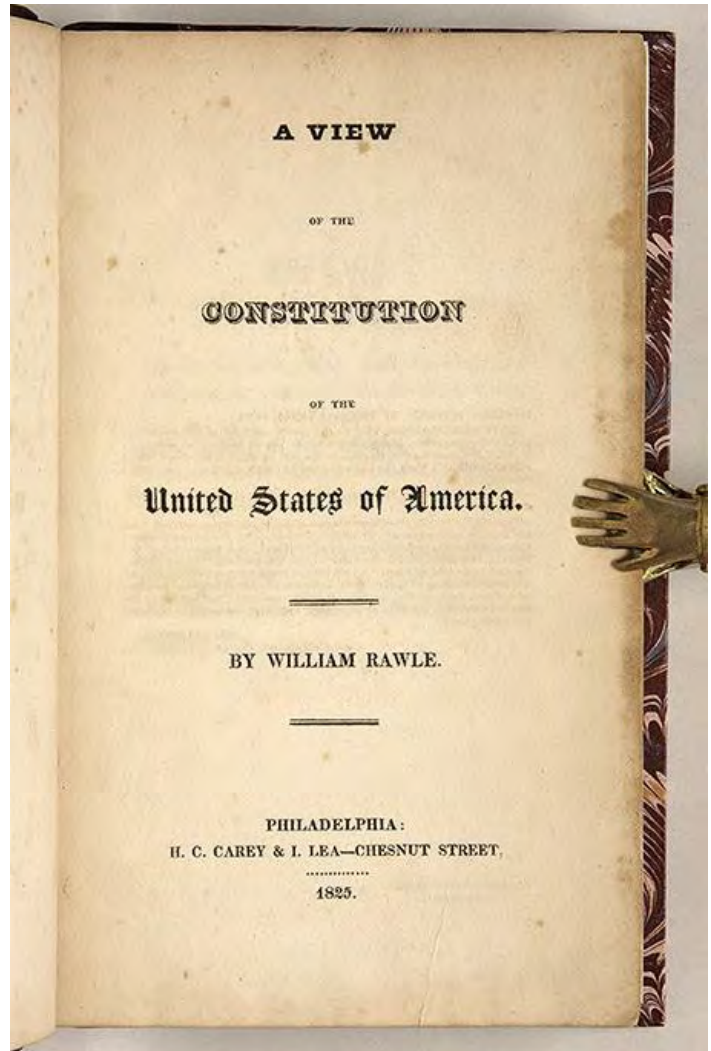
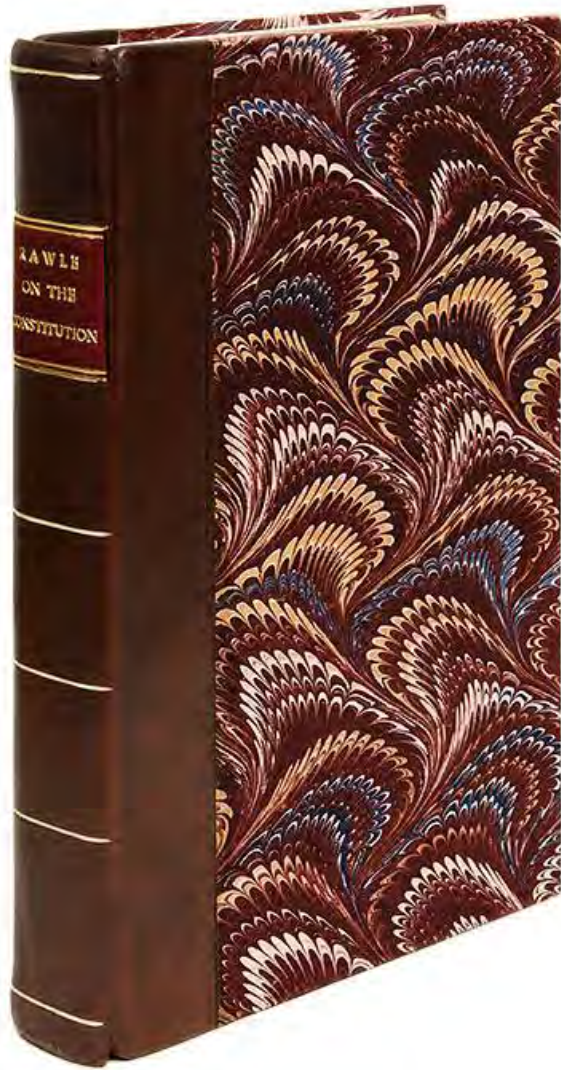
1788 Printing of Parker's *Conductor Generalis*

11. Parker, James [1714-1770], Compiler.

Conductor Generalis: Or, the Office, Duty and Authority of Justices of the Peace, High-Sheriffs, Under-Sheriffs, Coroners, Constables, Gaolers, Jury-Men, And Overseers of the Poor. As Also the Office of Clerks of Assize, and of the Peace, &c. To Which Are Added, Several Choice Maxims in Law, &c. Compiled Chiefly from Burn's Justice, and the Several Other Books on Those Subjects. The Whole Alphabetically Digested Under the Several Titles; With a Table Directing to the Ready Finding Out the Proper Matter Under Those Titles. New York: Printed by John Patterson, for Robert Hodge, 1788. xvi, 539 pp. Octavo (7-1/2" x 4-1/2").

Contemporary sheep, lettering piece and raised bands to spine. Rubbing to extremities, light wear to spine ends, corners bumped and moderately worn, front joint starting at foot, front hinge starting, front free endpaper lacking, about an inch lacking from head of following endleaf, light toning to text. Early owner signature (of Luther Adams) to front endleaf, partially-erased signature to head of title page, interior otherwise clean. \$350.

* A popular American legal manual issued by different printers and publishers based largely on Burn and other English sources. Part II contains (with caption titles only): The Office and Duty of Sheriffs; The Office of a Gaoler, and Concerning Escapes; The Office and Duty of the Clerk of Assize and Clerk of the Peace; A Guide to Juries; Of Maxims and General Rules, from Jacob's *Law Grammar*; Of Actions and Remedies; Of Fictions, Intendments, and Presumptions. Cohen, *Bibliography of Early American Law* 7959. [Order This Item](#)



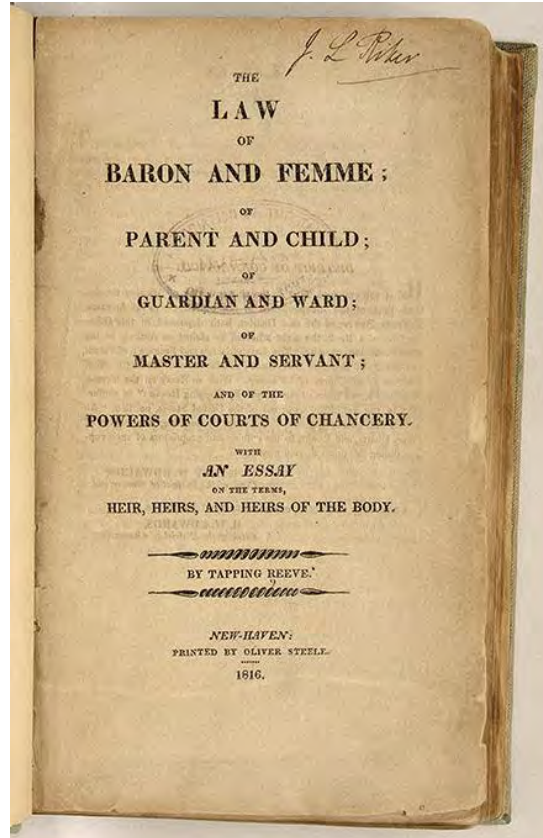
**First Edition of a Treatise on the
United States Constitution Used to Justify Secession**

12. Rawle, William [1759-1836].

A View of the Constitution of the United States of America. Philadelphia: Philip H. Nicklin, 1825. vii, [5]-347 pp. Octavo (8-3/4" x 5-1/2").

Recent period-style quarter calf over marbled boards, lettering piece and gilt fillets to spine, endpapers renewed. Moderate toning, four small library markings to verso of title page. An appealing copy in a handsome binding. \$950.

* First 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). The annotation in our copy, "Vide Story on the Constitution p. 327" refers to the sentence in Story reading: "The secession of a state from the Union depends of the will of the people of such state." Cohen, *Bibliography of Early American Law* 2893. [Order This Item](#)



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

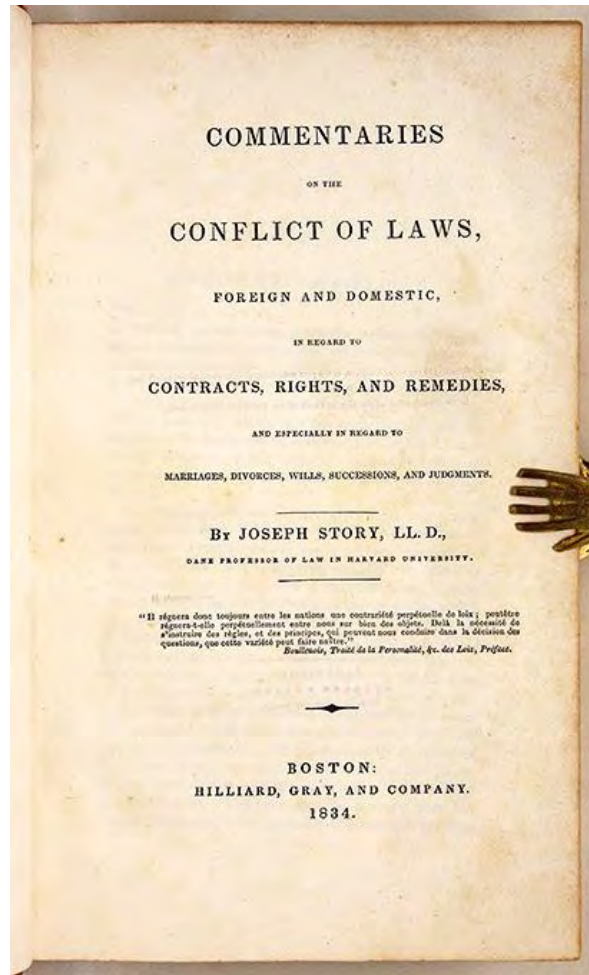
13. Reeve, Tapping [1744-1823].

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 (9-1/4" x 5-1/2").

Later library cloth, red and black calf lettering pieces and fragment of paper shelf label to spine. Light shelfwear, some rubbing and edgewear to lettering pieces. Light browning to text, brief notes in early hand to a few leaves, light chipping and edgewear to preliminaries, which are partially detached, early owner signature ("J.L. Riker") and faint library stamp to title page, brief library markings to verso, partially legible fragment of leaf of contemporary notes bound between preface and following leaf. \$250.

* 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. Cohen, *Bibliography of Early American Law* 4745.

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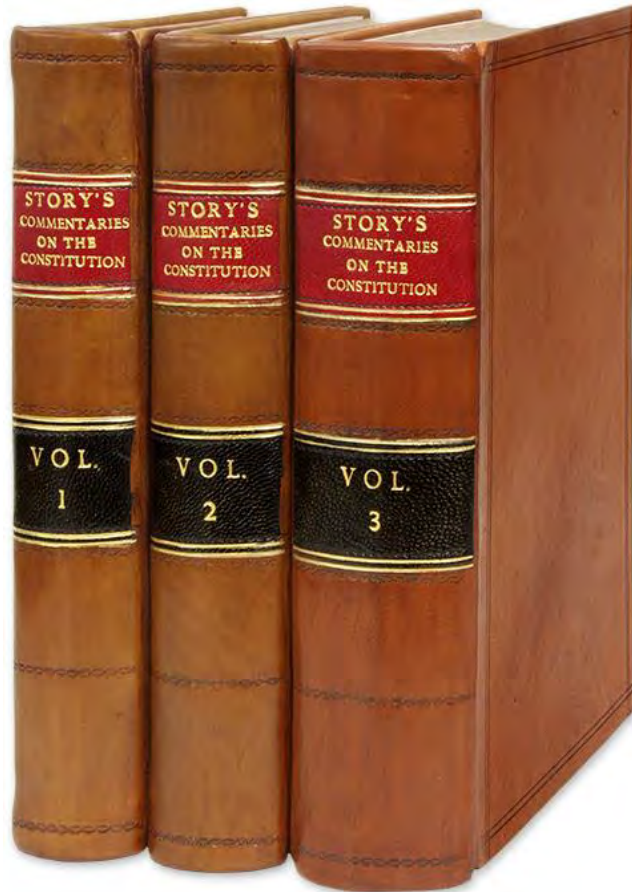
First Edition of "An Epoch in the Law"

14. Story, Joseph [1779-1845].

Commentaries on the Conflict of Laws, Foreign and Domestic, in Regard to Contracts, Rights, and Remedies, and Especially in Regard to Marriages, Divorces, Wills, Successions, and Judgments. Boston: Hilliard, Gray and Company, 1834. xxv, [1], 557 pp. Octavo (8-1/2" x 5-1/2").

Contemporary sheep, blind rules to boards, raised bands and lettering piece to spine. Light rubbing and a few shallow scuffs to boards, somewhat heavier rubbing to extremities, early owner signature of Edwin Conant to front pastedown below early annotation in pencil. Moderate toning to text, somewhat heavier in places, occasional light foxing. An appealing copy of a landmark work. \$2,500.

* First edition. Story's *Conflict of Laws*, the first systematic treatise on the subject, is one of his greatest and most influential works. Warren says: "It is not too much to say that its publication constituted an epoch in the law; for it became at once the standard and almost the sole authority...[it] received the honor of being practically the first American law book to be cited as authority in English courts." Expanding on this latter point Marvin quotes "a late English writer" who says that "No work on international jurisprudence merited, nor received, greater praise from the jurists of Europe. It impressed English lawyers with the highest respect for [Story's] extensive learning." Conant [1810-1891] was a prominent Worcester, Massachusetts, lawyer, businessman and philanthropist. Marvin, *Legal Bibliography* 471. Warren, *A History of the American Bar* 545. Cohen, *Bibliography of Early American Law* 2723. [Order This Item](#)



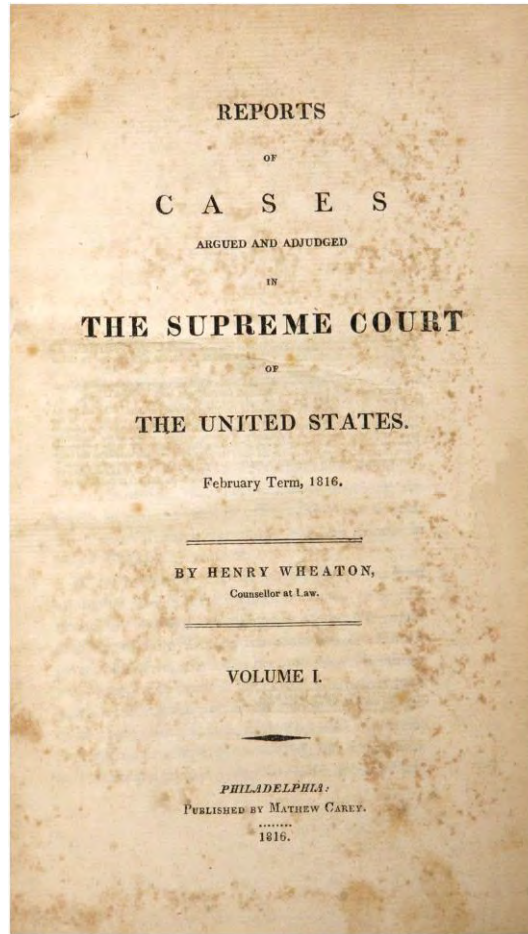
Handsome First Edition of Story's Landmark Work on the U.S. Constitution

15. 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. 3 volumes. xxxiv, [ii], 494; [ii], 555; [ii], 776 pp. Octavo (8-1/2" x 5-1/2").

Expertly bound in period-style full calf, blind rules to boards, red and black lettering pieces and blind fillets to spine, endpapers renewed. Internally clean and bright. A handsome set. \$7,500.

* First edition. Story's *Commentaries* was the most substantial and influential work written on the American Constitution between the publication of the *Federalist* and 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. [Order This Item](#)



Wheaton's Reports: The "Golden Book of American Law"

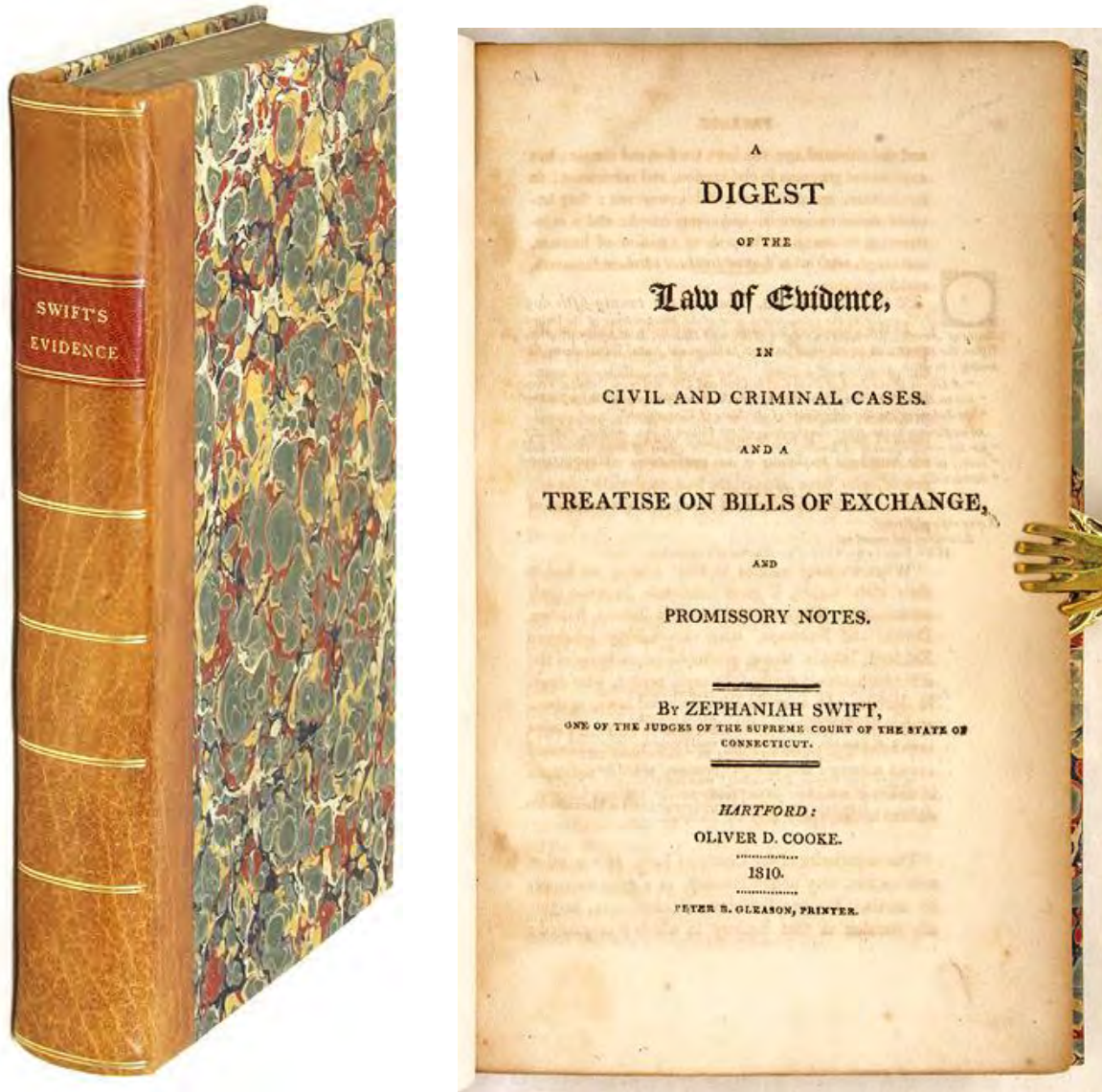
16. [Supreme Court, United States].

Wheaton, Henry [1785-1848], Reporter.

Reports of Cases Argued and Adjudged in the Supreme Court of the United States. Volume 1: Philadelphia: Published by Mathew Carey, 1816; Volumes 2-7, 9-10, 12: New York: Published by Robert Donaldson, 1817-1827. Volumes 8, 11: New York: Banks & Brothers, 1883. Twelve volumes. Complete set. Octavo (8-1/2" x 5-1/2").

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* First editions, except for Volumes 8 and 11, which are fourth editions (edited, with notes, by F.C. Brightly). Later republished as Volumes 14-25 of *United States Reports*. Wheaton's tenure as the Supreme Court's reporter lasted from 1816 to 1827, a remarkable period that witnessed such landmark cases as *Martin v. Hunter's Lessee* (1816), *McCulloch v. Maryland* (1819), *Dartmouth College v. Woodward* (1819), *Cohens v. Virginia* (1821) and *Gibbons v. Ogden* (1824). A more sophisticated Supreme Court reporter than the predecessors, Wheaton enhanced his excellent reports with extensive notes and useful appendices, some containing texts of relevant documents. As noted by Woxland and Ogden, his reports became "a model for judicial reporting in this country-the 'golden book of American law.'" Woxland and Ogden, *Landmarks in American Legal Publishing* 33. Cohen and O'Connor, *A Guide to the Early Reports of the Supreme Court of the United States* 135-146. [Order This Item](#)



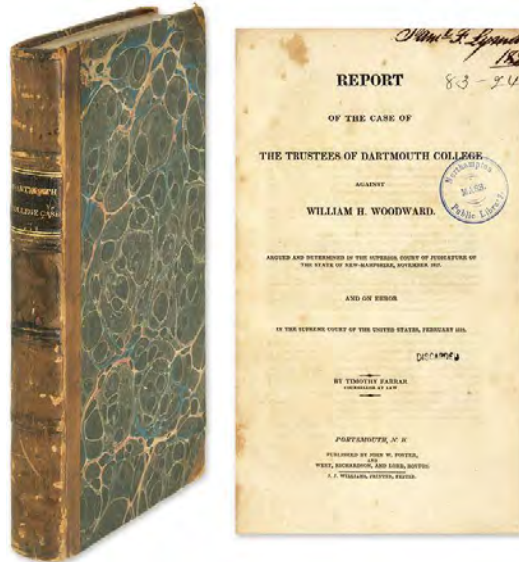
The First American Text on the Law of Evidence

17. Swift, Zephaniah. [1759-1823].

A Digest of the Law of Evidence, in Civil and Criminal Cases, and a Treatise on Bills of Exchange, and Promissory Notes. Hartford: Oliver D. Cooke, 1810. [ii], [v]-xiv, [2], 361, [1], [30] pp. Octavo (9" x 5-1/2").

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* Only edition. Swift, a pioneering Connecticut legislator and jurist, was the author of the first American law text, *A System of the Laws of the State of Connecticut* (1795-96). He also wrote the first American work on evidence. "It is still an important book of reference, and was supplemented by a few illustrative cases well selected from the English reports, including the far-reaching decision of *Omychund vs. Barker*. In the same volume was included *A Treatise on Bills of Exchange and Promissory Notes*": Baldwin, "Zephaniah Swift" in Lewis, *Great American Lawyers* II:141. Cohen, *Bibliography of Early American Law* 5129. [Order This Item](#)



First Report of the Landmark Dartmouth College Case

18. [Trial].

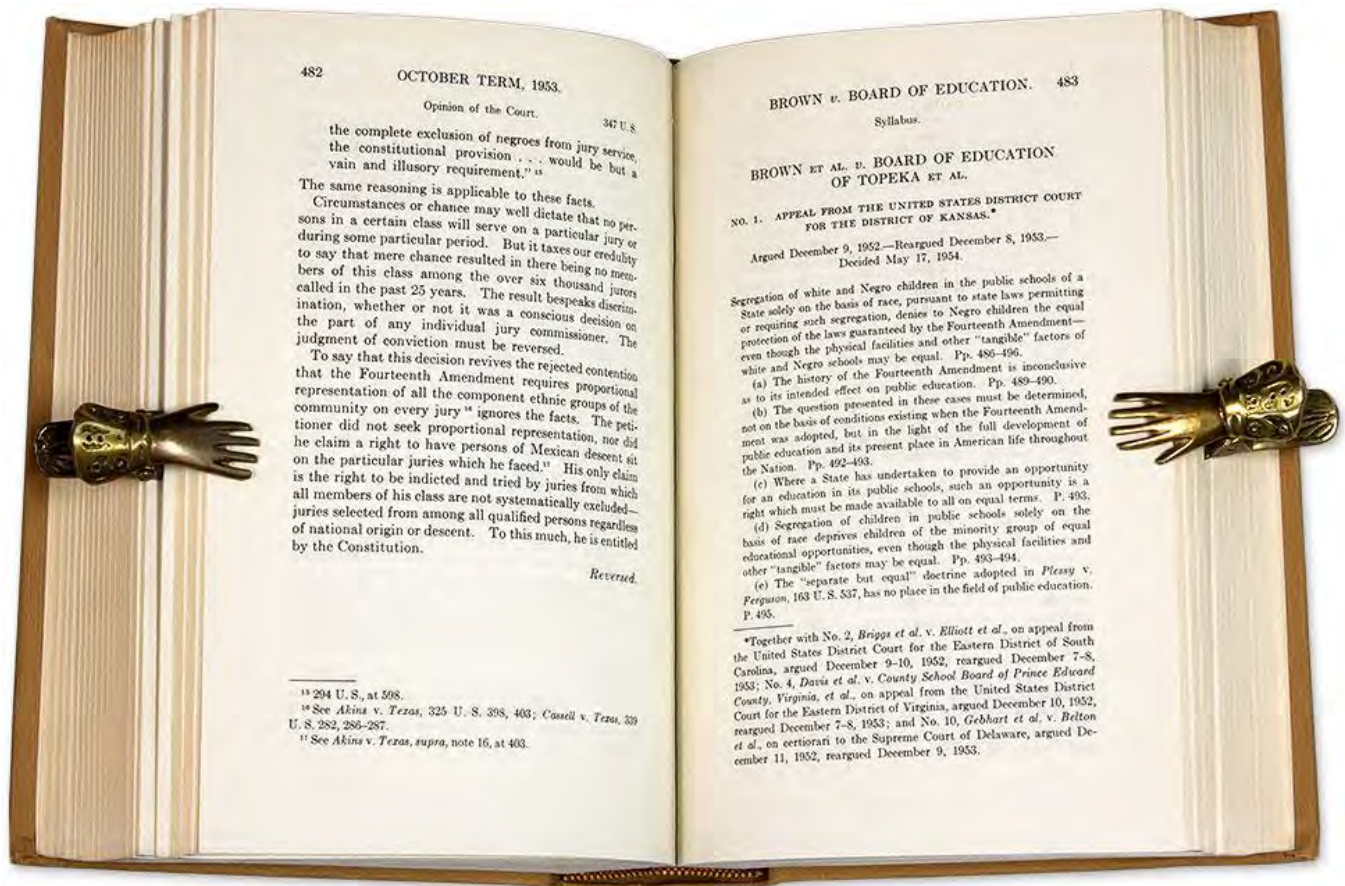
[Dartmouth College Case].

Farrar, Timothy [1788-1874], Reporter.

Report of the Case of the Trustees of Dartmouth College Against William H. Woodward. Argued and Determined in the Superior Court of Judicature of the State of New-Hampshire, November 1817. And on Error in the Supreme Court of the United States, February 1819. Portsmouth, N.H.: Published by John W. Forster, And West, Richardson, And Lord, Boston, [1819]. [iv], 406 pp. Octavo (9" x 5").

Later nineteenth-century three-quarter calf over marbled boards. Moderate rubbing to extremities with wear to corners, hinges cracked. Moderate toning and light foxing to text. Early owner signature and annotation to head of title page, interior otherwise clean. Ex-library. Bookplate to front pastedown, two small inkstamps to title page, residue from card pocket to rear pastedown. A solid copy. \$750.

* First published report. This is probably the most important American case concerning the contract right of corporations. The New Hampshire legislature passed a bill in 1816 that revoked Dartmouth College's original charter and converted the college from a private to a state institution. The college challenged the constitutionality of this act in the state Supreme Court without success, but the U.S. Supreme Court reversed the state's decision in a landmark opinion based on the contract clause of the Constitution. This decision represented "an assurance for all investors in American corporate enterprises that the terms upon which they had committed their capital could not be unilaterally altered by a state. At a time when corporations were first being widely used, it thus encouraged the expansion of American business enterprise. The decision vested the Corporation with indestructible contract rights, even against its creator" (Schwartz, 86, 111). "By construing the contract clause as a means of protecting corporate charters from state interventions, Marshall derived a significant limitation on state authority. As a result, various forms of private economic and social activity would enjoy security from state regulatory policy. Marshall thus encouraged, through constitutional sanction, the emergence of the relatively unregulated private, autonomous economic actor as the major participant in a liberal political economy that served the commonwealth by promoting enlightened self interest" (Konefsky). Farrar's comprehensive report contains all material related to the case, including the arguments of Webster and Wirt and the opinions of Chief Justice Marshall and Justices Story and Washington and texts of related documents. Alfred F. Konefsky, "Dartmouth College v. Woodward" in *The Oxford Companion to the Supreme Court* 218-219. Sabin, *A Dictionary of Books Relating to America* 23887. Cohen, *Bibliography of Early American Law* 11614. [Order This Item](#)



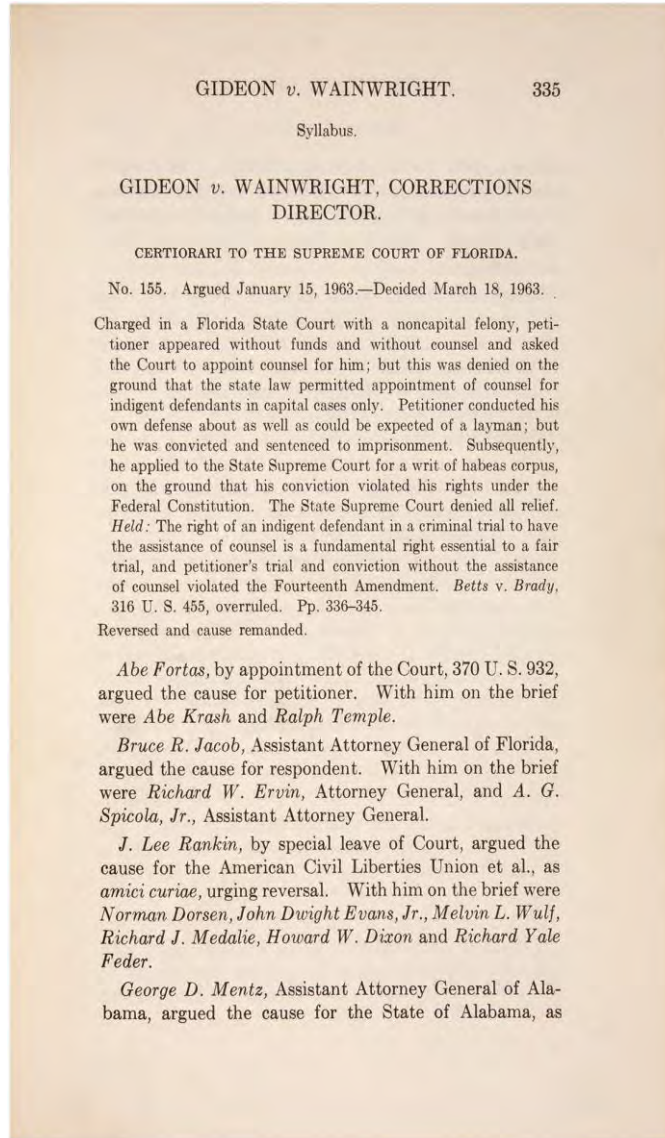
A Turning Point in the History of Civil Rights

19. [United States Supreme Court].
[Brown v. Board of Education of Topeka].
 Wyatt, Walter, Reporter.

United States Reports Volume 347: Cases Adjudged in the Supreme Court at October Term, 1953 [and] *Volume 349: Cases Adjudged...at October Term, 1954*. Washington: United States Government Printing Office, 1954-1955. Together 2 books.

Publisher's original tan buckram, red and black lettering pieces, blind frames and black-stamped ownership marks to front boards. Light shelfwear, owner stamps to pastedowns and front free endpapers, partial crack in text block between pp. 322-323 of Volume 349, Brown decision not affected. \$500.

* First editions. These volumes contain the first printings of the Court's momentous decision *Brown et al. v. Board of Education of Topeka et al.*, popularly known as Brown I and II. Brown I (347 U.S. 483) is the famous opinion written by Earl Warren; Brown II (349 U.S. 297) outlined remedies. Several key phrases are underlined in both decisions, including "with all deliberate speed" in Brown II. [Order This Item](#)



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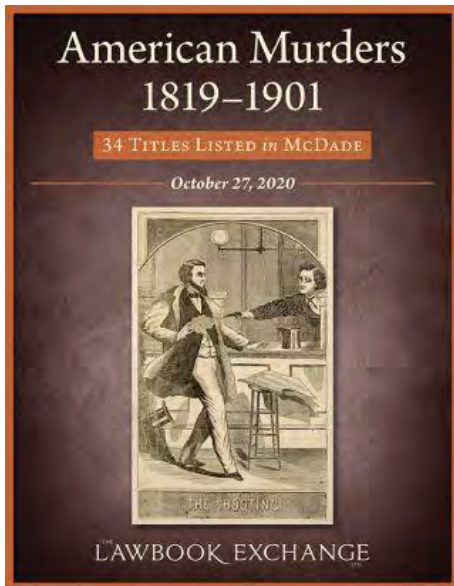
20. [Supreme Court, United States].

Gideon v. Wainwright, Corrections Director, Certiorari to the Supreme Court of Florida in United States Reports 372 (October Term 1962), pp. 335-352. Washington, DC: Government Printing Office, 1963.

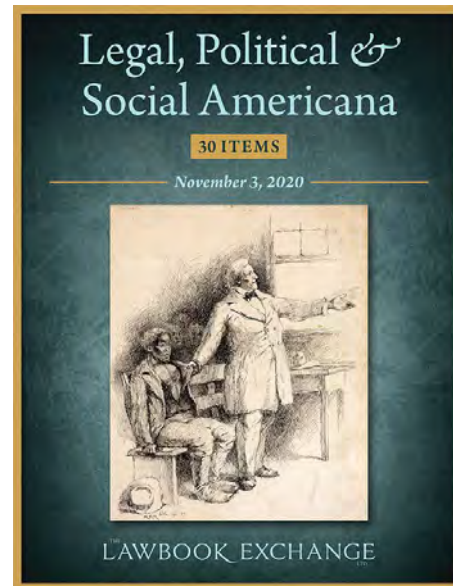
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* First edition. A landmark in the history of U.S. civil rights, the unanimous decision in this case held that states are required to provide an attorney to any defendant unable to afford one. The Court's reasoning was based on the rights to counsel established in Fifth and Sixth Amendments, extending to states a requirement imposed on the federal government. The history of this case is described in Anthony Lewis's 1964 book *Gideon's Trumpet*. It was also the subject of a 2013 documentary film, *Gideon's Army*, which follows the careers of three public defenders in the Southern United States. [Order This Item](#)

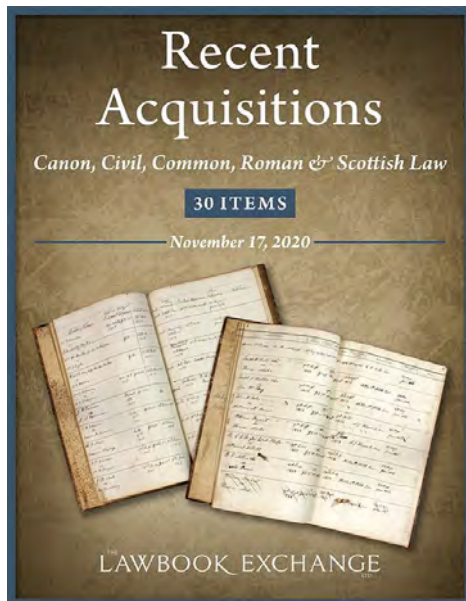
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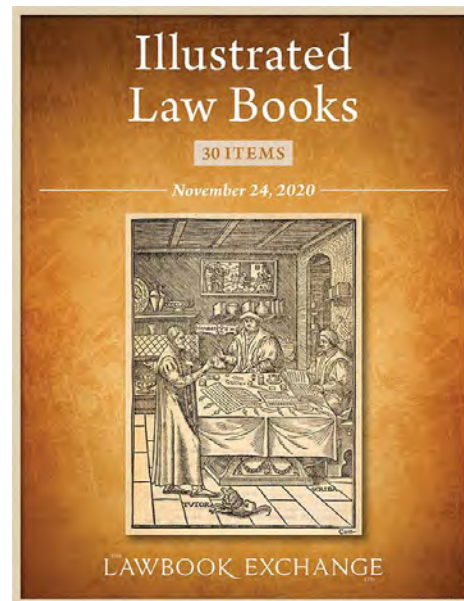
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