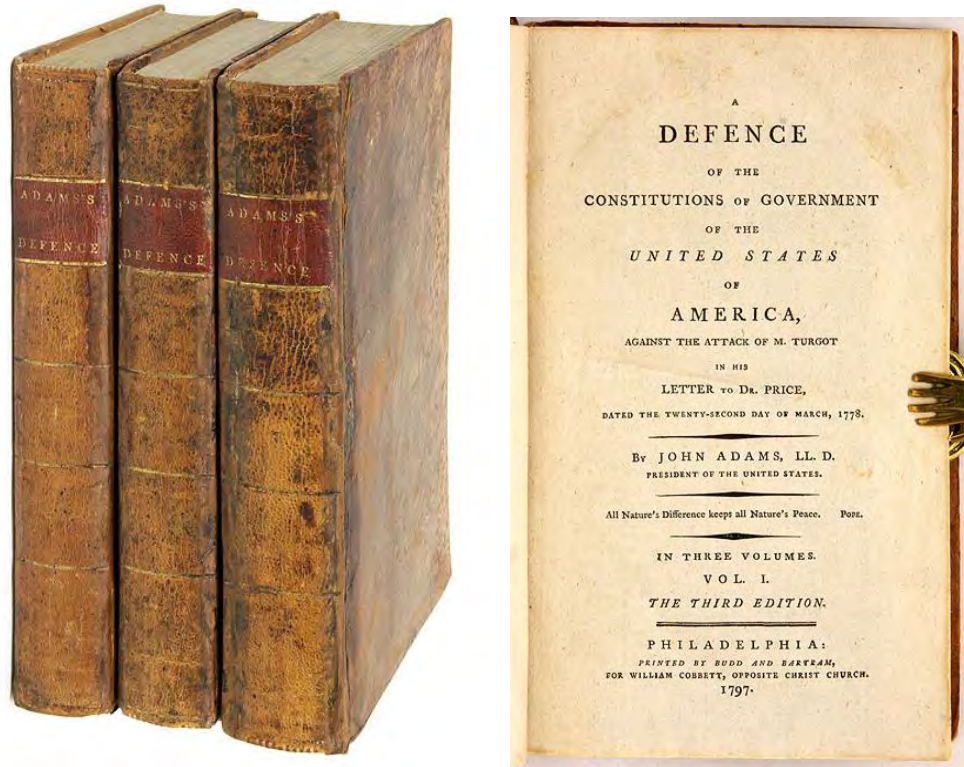


30 Landmark Works *in* Legal History

November 12, 2019



THE
LAWBOOK EXCHANGE
LTD.



First Complete American Edition of Adams's Landmark Study of America's Constitutions

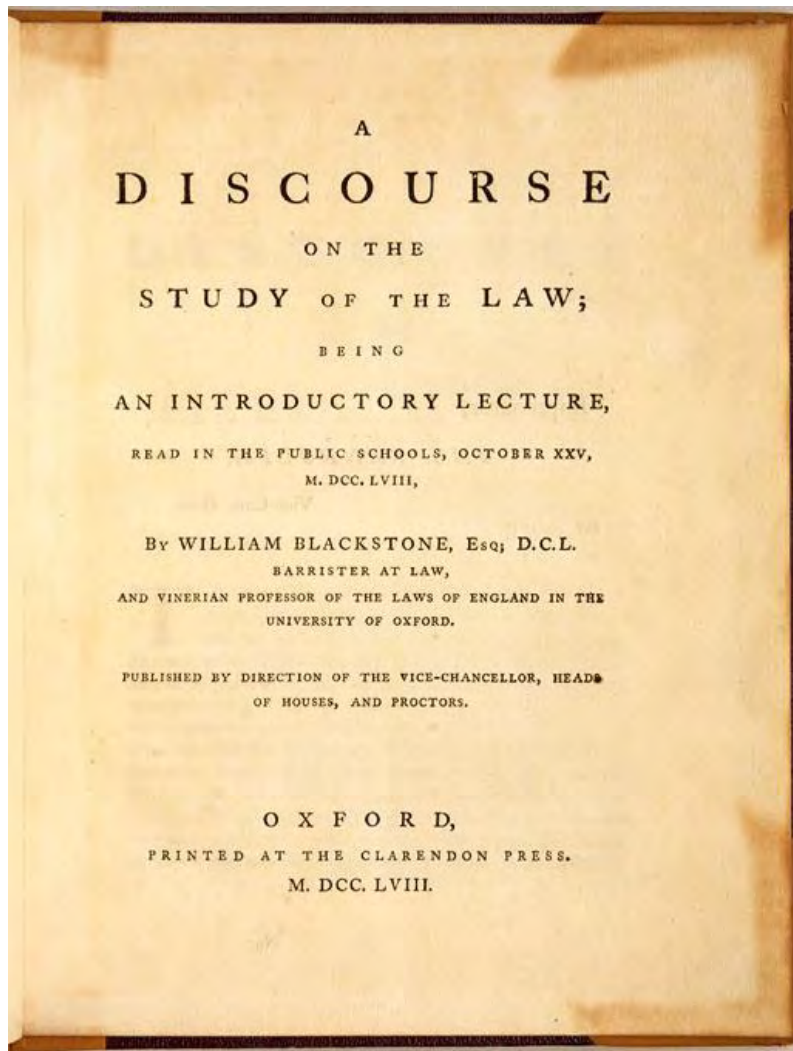
1. Adams, John [1735-1826].

A Defence of the Constitutions of Government of the United States of America, Against the Attack of M. Turgot in His Letter to Dr. Price, Dated the Twenty-Second Day of March, 1778. Philadelphia: Printed by Budd and Bartram, For William Cobbett, 1797. 3 volumes. 6, xxxiii, [1], [3]-392; [iv], 451; [ii] 528, [36] pp. Volume I has six-page subscriber list. This copy does not have the copperplate portrait frontispiece, found in some copies (see note at end of annotation below); text complete. Volume II has half-title, it lacks the blank front endleaf. Final two leaves of Volume III bound in reverse order. Octavo (8" x 5").

Contemporary tree sheep, carefully rebacked retaining spines with lettering pieces and gilt fillets, hinges mended. Light rubbing and a few shallow scuffs and nicks to boards, moderate rubbing to spines and extremities with some wear to corners and spine ends. Light toning to text, somewhat heavier in places, light foxing to some leaves. A notably handsome copy. \$4,500.

* The first American edition of the complete three-volume text, this from the 1794 London edition. First published by Adams in 1787-1788 in London when he was the American ambassador at the Court of St. James, the *Defence* was a profound influence on the delegates to the Constitutional Convention of 1787 and the framers of several post-Revolutionary state constitutions. It also did much to familiarize Europeans with the novel political events taking place in America. Adams intended the *Defence* to be a one-volume work. He added two more volumes in 1787 and 1788 to offer more examples and address issues raised by critics. The first volume, reprinted from the London edition, was reprinted in New York and Philadelphia in 1787 and Boston in 1788. An abridged two-volume French translation was published in Paris in 1792. The third edition, a corrected reprint of the second and final London edition, 1794, was the only complete three-volume text published in the United States. This copy does not have the portrait frontispiece that was bound in some copies of Volume I. It is generally accepted that many were issued without one and there is no consensus concerning the priority of the two versions. Howes, *U.S.iana* 60. Cohen, *Bibliography of Early American Law* 2736.

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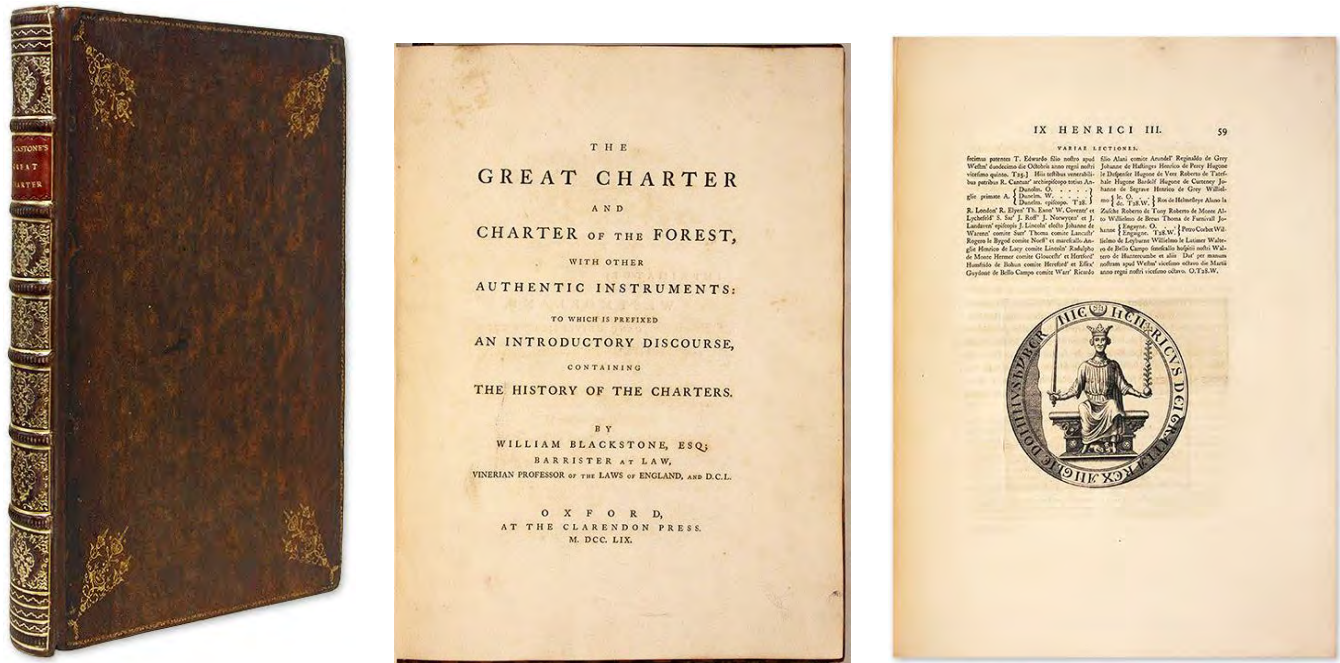
The Genesis of Blackstone's *Commentaries*

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

A Discourse on the Study of the Law; Being an Introductory Lecture, Read in the Public Schools, October XXV, M.DCC.LVIII. Published by Direction of the Vice-Chancellor, Heads of Houses, And Proctors. Oxford: Printed at the Clarendon Press, 1758. 40 pp. Quarto (10" x 8").

Later three-quarter calf over pebbled cloth, "Blackstone" gilt-stamped to center of front board. Light rubbing to extremities with minor wear to spine ends and corners, small bookseller ticket to front pastedown, light toning to text, a bit of offsetting to corners of title page and verso of final leaf. \$5,000.

* First edition. This is the published version of Blackstone's inaugural lecture as Vinerian professor of English law. Presented to a large audience, it was "[h]astened into print less than a fortnight later as *A Discourse on the Study of the Law*, by late December a London correspondent claimed to hear Blackstone's lecture 'commended wherever I go.' What one reviewer terms 'this sensible, spirited, and manly exhortation to the study of the law' was reprinted in a further thousand copies next year; it also prefaced subsequent editions of the *Analysis of the Laws*, and eventually the first volume of the *Commentaries*": Prest, *William Blackstone* 151. Eller, *The William Blackstone Collection in the Yale Law Library* 233. Laeuchli, *A Bibliographical Catalog of William Blackstone* 542. [Order This Item](#)



Blackstone's First Critical Edition of *Magna Carta* in a Handsome Binding

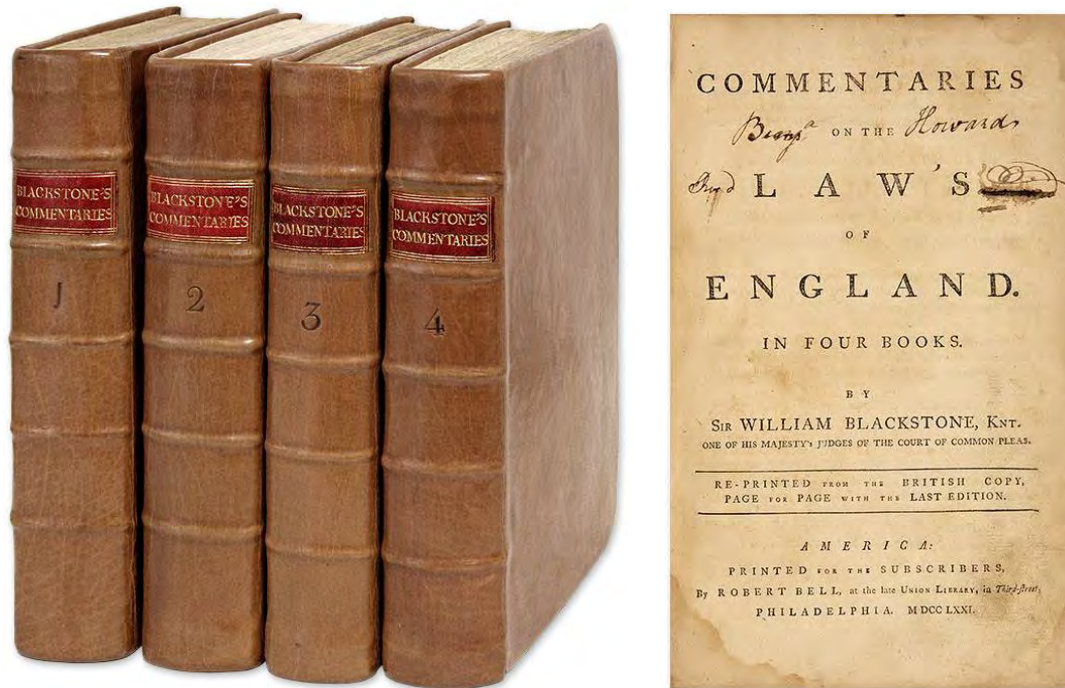
3. Blackstone, Sir William.

The Great Charter and Charter of the Forest, With Other Authentic Instruments: To Which is Prefixed an Introductory Discourse, Containing the History of the Charters. Oxford: Clarendon Press, 1759. [iv], lxxvi, [iv], 86 pp. Half-title and table of contents (Tabula) are bound between pp lxxvi and 1. Copperplate engraved tail-pieces. Collated and complete. Folio (13-1/2" x 10-1/2"). 34.5 x 26.7 cm.

Contemporary speckled calf boards, rebounded in period style, gilt fillets and large corner fleurons to boards, raised bands, gilt ornaments and lettering piece to spine, gilt tooling to board edges, marbled endpapers. Light rubbing and a few minor scuffs to boards, somewhat heavier rubbing to board edges with some wear to corners. Light toning, light foxing in a few places, "F.F. 4.1." in early hand to verso of front free endpaper. A very desirable wide-margined copy. \$10,000.

* First edition and the first modern critical edition of the many versions of Magna Carta that were issued between 1215 and 1297. This exceptional edition of the Magna Carta is "Blackstone's first important work. It contains the Articles of the Barons, the issues of the Great Charter in 1215, 1216 and 1217, with several charters of confirmation, the Charter of the Forest, and the Statute of Marlebridge. The introduction is in English and the texts of the Magna Carta and Carta de Foresta in Latin. The engraved dedication to the Earl of Westmoreland is surmounted with his armorial ensigns; engraved historiated initials in the text depict views of buildings at Oxford University. The tail-pieces on pages lxxvi and 73 are historical vignettes; the other ten engraved tail-pieces are royal seals that are attached to the original documents.

This remarkable work is esteemed for its production and scholarship. Its physical appeal was recognized as early as 1829 in Richard Thompson's *An Historical Essay on the Magna Charta of King John*, which described it as a "beautiful and rare edition" and the "elegance of typography is very great." Blackstone's essay, which is based on a great deal of original research, argued that the charter was the foundation of English liberties. This idea, first proposed by Coke, was a central tenet of Whig ideology. More important, Blackstone's research into the original texts demonstrated that all earlier editions of the charter were based on the significantly different reissue of 1225, in the reign of Henry III, rather than the original one endorsed at Runnymede. His philological approach was highly influential; it established the textual focus that has governed subsequent study of the charter. Eller, *The William Blackstone Collection in the Yale Law Library* 237. Laeuchli, *A Bibliographical Catalog of William Blackstone* 548. [Order This Item](#)



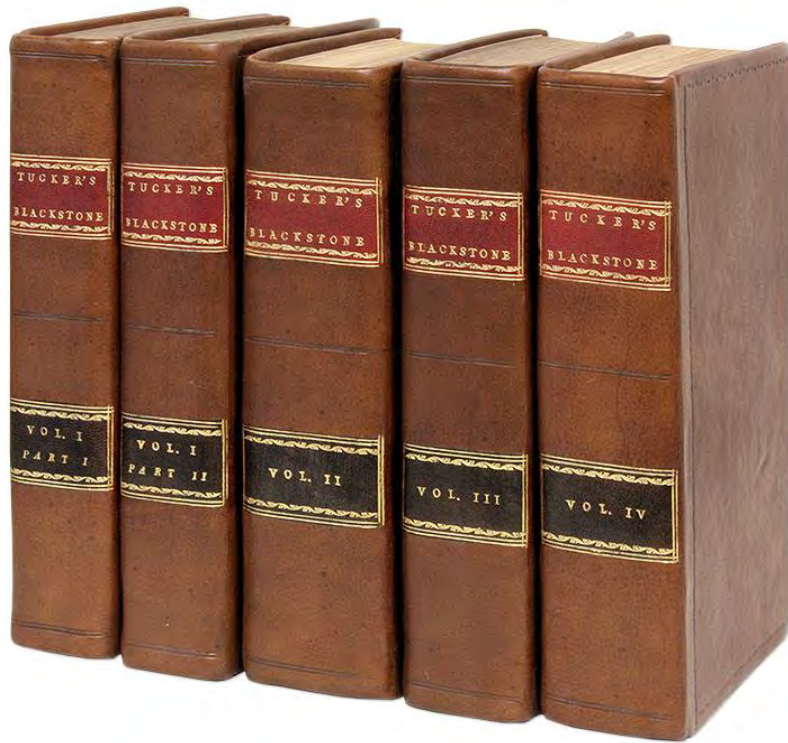
**The First American Edition of Blackstone's
Commentaries in a Superb Period-Style Binding**

4. Blackstone, William .

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 printed on paper tinted to match adjacent leaves. 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 Phil Dusel, 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**

5. Blackstone, Sir William.

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](#)



Incunable Editions of Two Primary Volumes of Canon Law

6. Boniface VIII [1235-1303], Pope.

[d'Andrea, Giovanni (c.1270-c.1348)], Glosses.

[*Liber Sextus Decretalium, Cum Apparatu Johannes Andreae*]. [Nuremberg: Anton Koberger, 12 March 1482]. [118] ff. Collation: a, (bB), (Cc), (dD)8, e-h6, i-o8, p6, q7. Final leaf, a blank, lacking. Text in parallel columns with two-column linear gloss.

[Bound with]

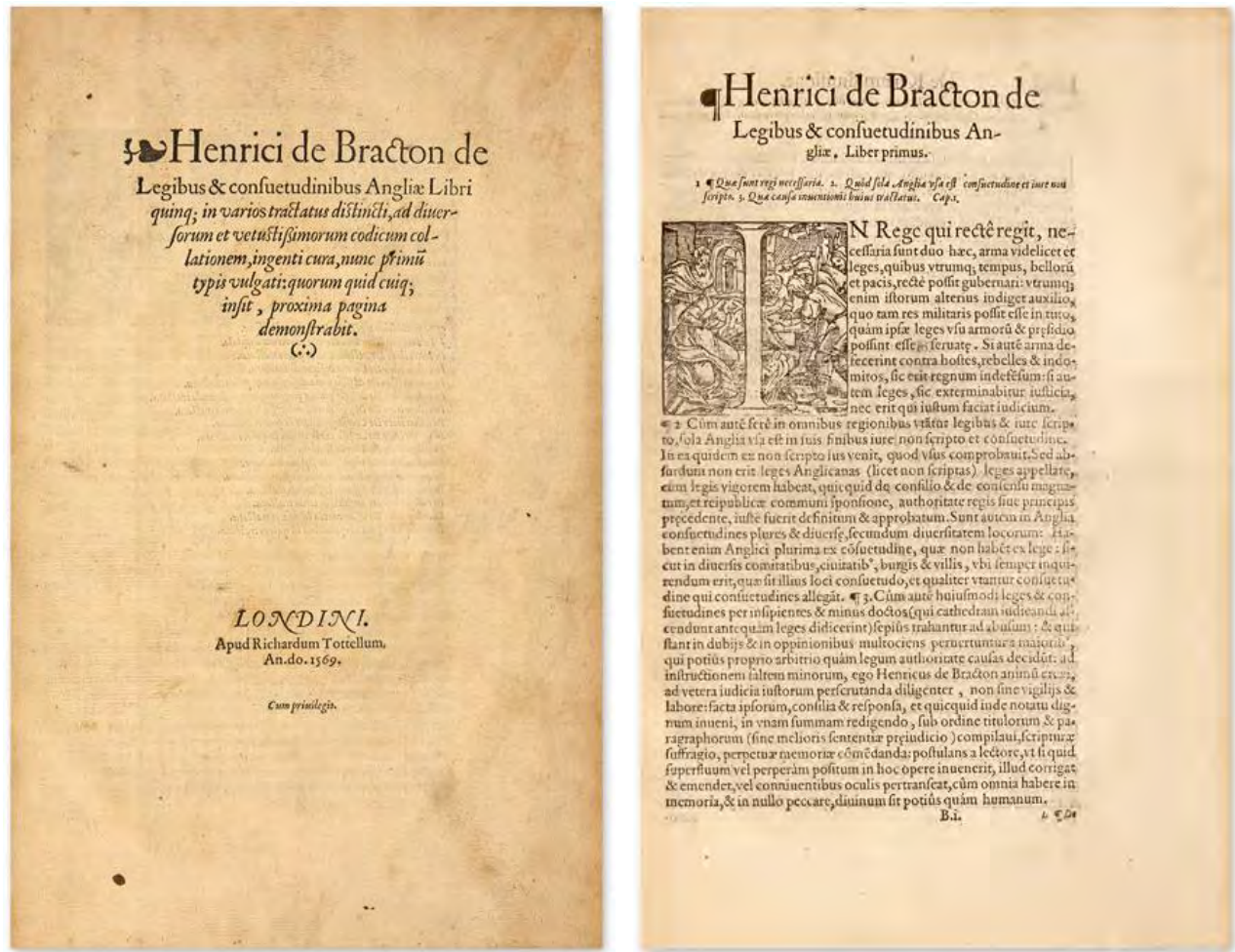
Clement V [c.1266-1314], Pope.

[d'Andrea, Giovanni (c.1270-c.1348)], Glosses.

[*Constitutiones, Cum Apparatu Johannes Andreae*]. [Nuremberg: Anton Koberger, 15 January 1482]. [60] ff. Collation: a/A10, B-G8, H2. Text in parallel columns with two-column linear gloss.

Two works in one volume. Folio 13-1/2" x 9" (34 x 23 cm). Contemporary German blindstamped pigskin over wooden boards, covers with large central lozenge within rectangular line borders, embossed with 7 single stamps in circular or lozenge shape, original metal bosses at center and corners, two metal clasps, strap of upper clasp restored, front cover with vellum title label in a contemporary hand, plain spine with raised bands and later manuscript label at head (scattered wormholes). Light soiling, a few minor wormholes. Printed in red and black, both works in double columns with surrounding glosses, rubricated throughout, some initials with marginal extensions, red paragraph marks and capital strokes. Light toning, a few stains and marginal worming to n7-06 of *Decretalium*, without final blank, some worming to lower margin of first signature of *Constitutiones*, decreasing in the second signature. Contemporary manuscript index to pastedowns, ownership inscription of the Minorite Convent, Bohemia, dated 1629 to head of leaf a1 of *Liber Sextus*. A strikingly handsome and well preserved volume. \$22,000.

* This volume joins incunable imprints of two books from the *Corpus Juris Canonici*, a collective title first used in 1441. These writings are the *Decretum Gratiani* (1151), the *Liber Quinque Decretalium* of Gregory IX (1234), the *Liber Sextus* of Boniface VIII (1298), the *Liber Septimus Decretalium*, better known as the *Constitutiones Clementis V*, or *Clementinae* of Clement V (1317) and the *Extravagantes* of John XXII (1325). Two texts were added later: the *Extravagantes Communes* of other popes to 1484 and the *Appendix Pauli Lancellotti* (1563). All of these texts were edited in 1582 in response to the reforms authorized by the Council of Trent. In this form the *Corpus Juris Canonici* remained in force until it was replaced in 1917 by the *Codex Juris Canonici*. Goff, *Incunabula in American Libraries* B993 (*Liber Sextus*), C725 (*Constitutiones*). *Gesamtkatalog der Wiegendrucke* 4868 (*Liber Sextus*), 7095 (*Constitutiones*). [Order This Item](#)



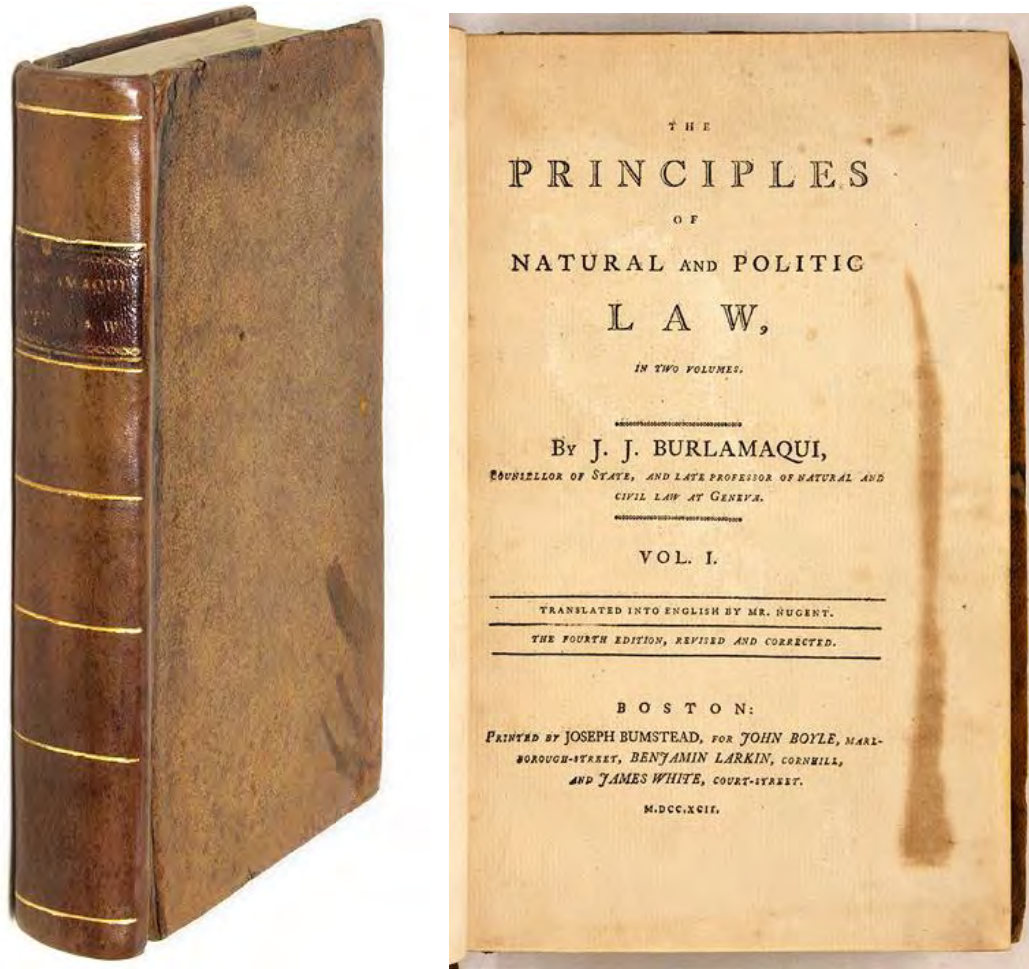
Printing and the Mind of Man 89: The "Crown and Flower of Medieval Jurisprudence"

7. Bracton, Henry de, [d. 1268].

De Legibus et Consuetudinibus Angliae, Libri Quinq; In Varios Tractatus Distincti, ad Diversorum et Vetustissimorum Codicum Collationem, Ingenti Cura, Nunc Primi Typis Vulgati; Quorum Quid Cuiq; Insit, Proxima Pagina Demonstrabit. London: Apud Richardum Tottellum, 1569. [xvi], 444 [i.e. 442] ff. Folio (11-1/4" x 7-3/4").

Nineteenth-century diced calf, gilt rules to boards, gilt fillets, ornaments and title to spine, gilt rules to board edges, gilt inside rules, marbled endpapers, ribbon marker. Light rubbing to boards, faint dampstain to front board, moderate rubbing to extremities, front joint just starting at head, corners bumped and somewhat worn, armorial bookplate to front pastedown. Attractive large woodcut decorated initials. Light toning to text, somewhat heavier in places, light foxing and finger smudges to some leaves, some fading to text of ff. 1 and 2. A handsome copy of a landmark work. \$12,500.

* First edition. Written between 1250 and 1256, *De Legibus et Consuetudinibus Angliae* [*The Laws and Customs of England*] is the first treatise on English law. A systematic work, it emphasizes the separation of procedural and substantive matters and also cites cases as sources of at least intellectual, if not formal, authority. The principles formulated in this work and its use of precedents determined the development of English law and established the method adopted by Littleton and Coke. In Maitland's words, it is "the crown and flower of English medieval jurisprudence" and "by far the greatest of our medieval law books.": Maitland, *Collected Papers* II:43. Beale, *Bibliography of Early English Law Books* T323. *Printing and the Mind of Man* 89. *English Short-Title Catalogue* S122159. [Order This Item](#)



The First American Edition of Burlamaqui, Boston 1792

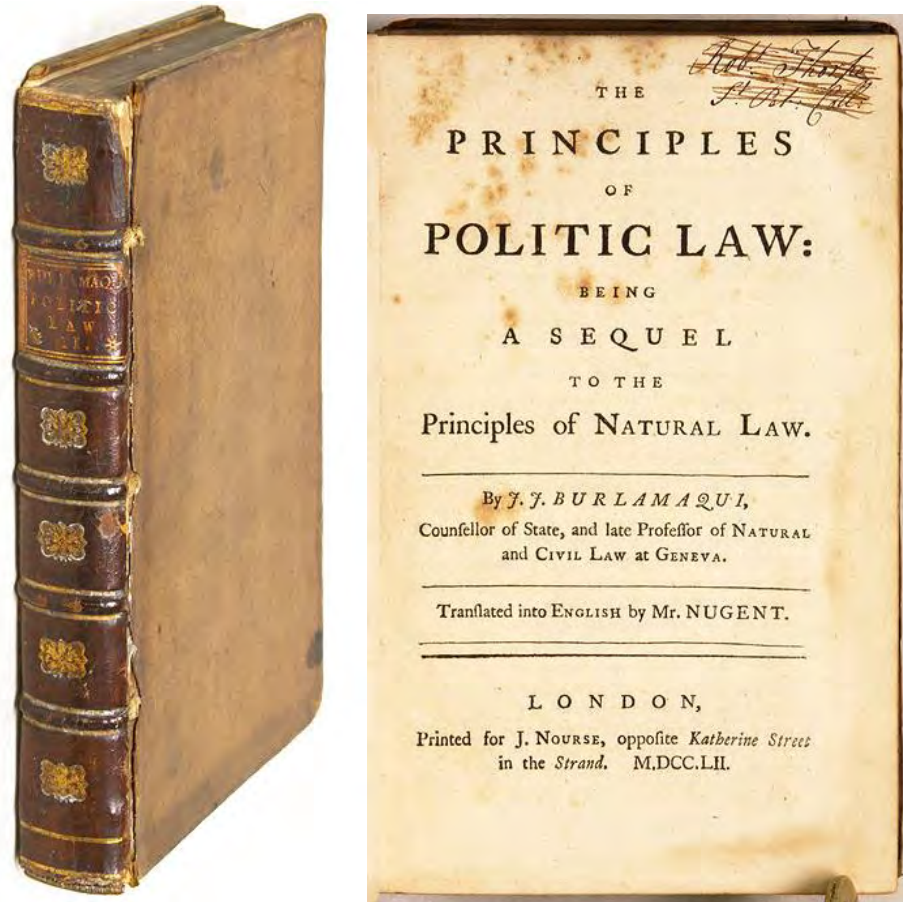
8. Burlamaqui, J[ean] J[acques] [1694-1748].

Nugent, [Thomas] [1700?-1772], Translator.

The Principles of Natural and Politic Law, In Two Volumes. Boston: Printed by Joseph Bumstead for John Boyle, 1792. viii, [20], 424 pp. Two volumes in one with continuous pagination. Octavo (8-1/4" x 5-1/2").

Contemporary speckled sheep, rebaked in calf, gilt fillets and original lettering piece to spine, corners mended, endpapers retained. Light edgewear and a few shallow scuffs to boards, light toning to text, somewhat heavier in places, light foxing to a few leaves. A handsome copy. \$1,500.

* First American edition (title page states "Fourth Edition, Revised and Enlarged" in reference to the preceding London editions). Burlamaqui outlined a constitutional system based on principles similar to those of the American founding fathers. "Burlamaqui formulated the principles of popular sovereignty, of delegated power, of a constitution as a fundamental law, of a personal and functional separation of powers into three independent departments...and finally, he provided for an institutional guardian of the fundamental law" (Harvey). Burlamaqui's other great achievement was to put Pufendorf's theories into systematic form. Blackstone was among the many jurists influenced by this work. Marvin stated a general opinion when he observed that "his works are deservedly held in high esteem.": *Legal Bibliography* 162. Harvey, *Jean Jacques Burlamaqui: A Liberal Tradition in American Constitutionalism* 178-179. Cohen, *Bibliography of Early American Law* 7809. [Order This Item](#)



First English Edition of Burlamaqui's *Politic Law*

9. Burlamaqui, J[ean] J[acques].

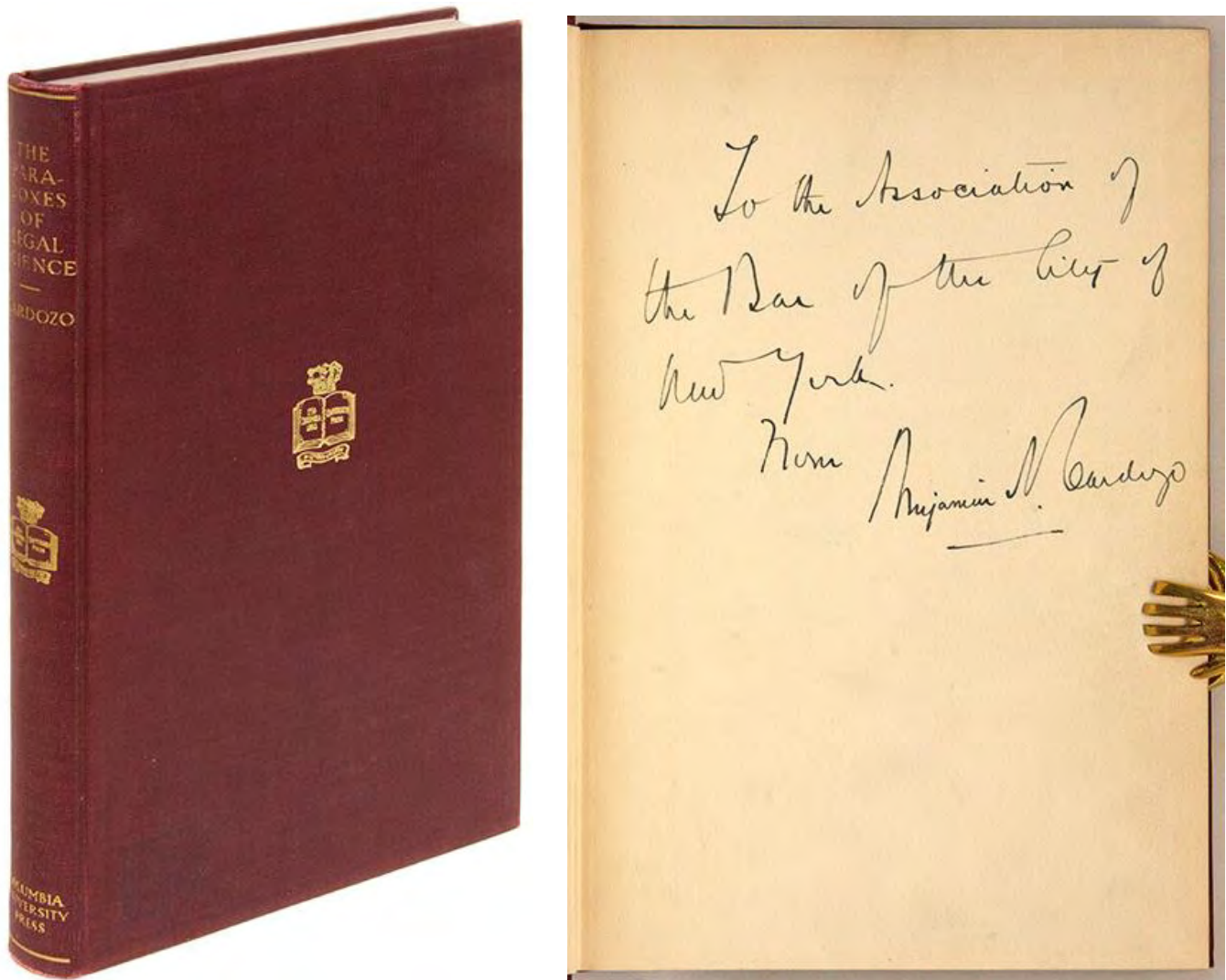
Nugent, [Thomas], Translator.

The Principles of Politic Law: Being a Sequel to the Principles of Natural Law. Translated into English by Mr. Nugent. London: Printed for J. Nourse, 1752. [viii], 372 pp. Octavo (8" x 5").

Contemporary speckled calf, raised bands, letting piece and gilt ornaments to spine. Some rubbing to extremities with wear to spine ends, boards partially detached but secure, corners bumped, a few minor early inkstains to boards, early armorial book plate to front pastedown. Moderate toning to text, light foxing in places, offsetting to margins of endleaves. Early struck-through signature to head of title page, interior otherwise clean. \$1,000.

* First edition in English. The sequel to *The Principles of Natural Law*, his other major work, *The Principles of Politic Law* develops his thesis that international law is based on natural law and examines the principles of sovereignty with respect to considerations such as foreign rights, the necessity of war, the concept of absolute power, public treaties and economic factors. Burlamaqui, a Swiss jurist and professor of civil and natural law at Geneva, outlined a constitutional system based on principles similar to those of the American founding fathers. "Burlamaqui formulated the principles of popular sovereignty, of delegated power, of a constitution as a fundamental law, of a personal and functional separation of powers into three independent departments...and finally, he provided for an institutional guardian of the fundamental law" (Harvey). Burlamaqui's other great achievement was to put Pufendorf's theories into systematic form. Harvey, *Jean Jacques Burlamaqui: A Liberal Tradition in American Constitutionalism* 178-179. *English Short-Title Catalogue* T112807.

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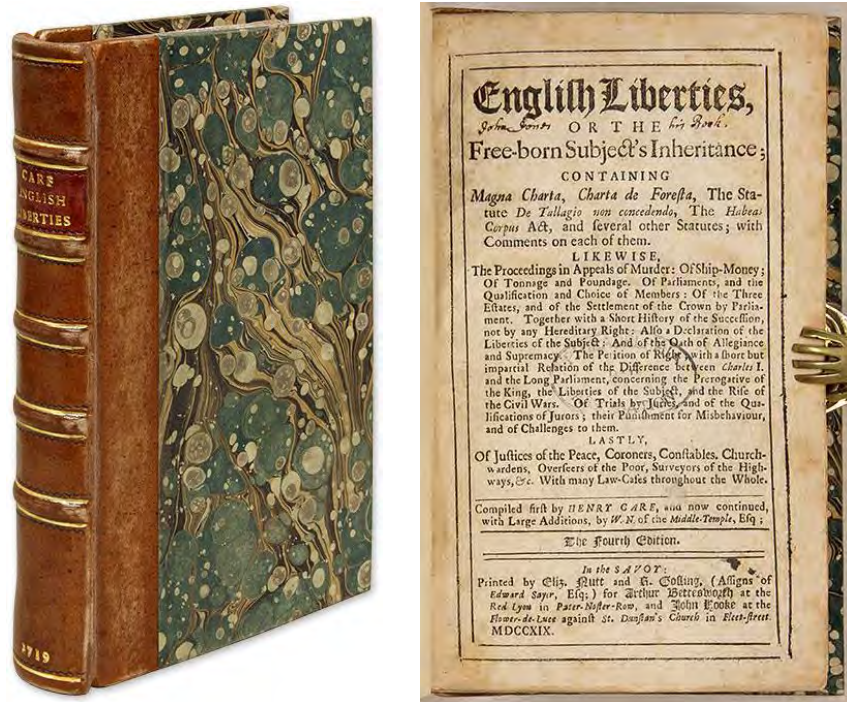
First Edition of *The Paradoxes of Legal Science* Inscribed by Cardozo

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

The Paradoxes of Legal Science. New York: Columbia University Press, 1928 (1930 printing). v, 142 pp.

Publisher's cloth, negligible light shelfwear. "To the Association of the Bar of the City of New York. From Benjamin N. Cardozo" in bold hand to front free endpaper, internally clean. Ex-Bar Association Library. Inkstamp to title page, annotations to verso, another inkstamp to rear pastedown. A well-preserved copy with an interesting association. \$1,000.

* First edition. One of Cardozo's most important books, the *Paradoxes of Legal Science* is a classic statement of juristic pragmatism. As Goodhart points out, it also reveals the non-legal sources that informed his work. "His many references in these lectures to Greek philosophy show how great a part his early classical training played in the formation of his ideas; in relating his general principles to the concrete cases which, in his words, he used as a kind of legal litmus paper, he was a true Aristotelian" (Goodhart). The inscription reflects Cardozo's association with, and affection for, the Association of the Bar of the City of New York. Goodhart, *Five Jewish Lawyers of the Common Law* 59-60. [Order This Item](#)



A Profound Influence in the American Colonies, One of the Two Editions Owned by Jefferson

11. [Care, Henry (1646-1688)].

N[elson], W[illiam] [b.1653], Editor.

English Liberties, Or the Free-Born Subject's Inheritance; Containing Magna Charta, Charta de Foresta, The Statute De Tallagio non Concedendo, The Habeas Corpus Act, And Several Other Statutes; With Comments on Each of Them. Likewise, The Proceedings in Appeals of Murder: Of Ship-Money; Of Tonnage and Poundage. Of Parliaments, And the Qualification and Choice of Members: Of the Three Estates, And of the Settlement of the Crown by Parliament. Together with a Short History of the Succession, Not by Any Hereditary Right: Also a Declaration of the Liberties of the Subject: And of the Oath of Allegiance and Supremacy. The Petition of Right; With a Short but Impartial Relation of the Difference Between Charles I... [London]: Printed by Eliz. Nutt and H. Gosling, 1719. [xii], 356 pp. Octavo (7-1/2" x 4-3/4").

Recent period-style quarter calf over marbled boards, raised bands, blind ornaments and lettering piece to spine, speckled edges, endpapers renewed. Moderate toning, lower corner of L4 (pp.151-152) lacking with loss to text, leaf supplied in facsimile, light foxing in a few places, check marks and underlining to a few passages, early owner inscriptions (of John Jones) to head of p. [iii] and head of title page, which has two faint library stamps, one embossed, library inkstamp and mark to verso. \$750.

* Fourth edition. First published around 1682 (the first edition was not dated), this classic layman's guide reviews, from a Whig perspective, the principles of English law and government. It emphasizes the role of Magna Carta, Parliament and juries in the preservation of civil rights and prevention of tyranny. First published in America in 1721, it had a profound influence on several colonial readers, including the founding fathers. It was the primary source for William Penn's *Excellent Privilege of Liberty and Property* (1687), a work that inspired support for the revolution. George Mason used it when drafting Virginia's Declaration of Rights (1776). Jefferson, who owned copies of this edition and the first edition, probably referred to it when he wrote the Declaration of Independence and the Virginia Statute for Religious Freedom. Its influence is also evident in the Bill of Rights. See Sowerby, *Catalogue of the Library of Thomas Jefferson* 2702 (London 1719 edition), 2703 (London 1680 edition). *English Short-Title Catalogue* T112711. [Order This Item](#)



Handsome Incunable Edition of Gratian

12. [Corpus Juris Canonici].

Gratian the Canonist [c. 1090-c. 1160].

[Johannes Teutonicus (or Zeneka) (d.1253), Glossator].

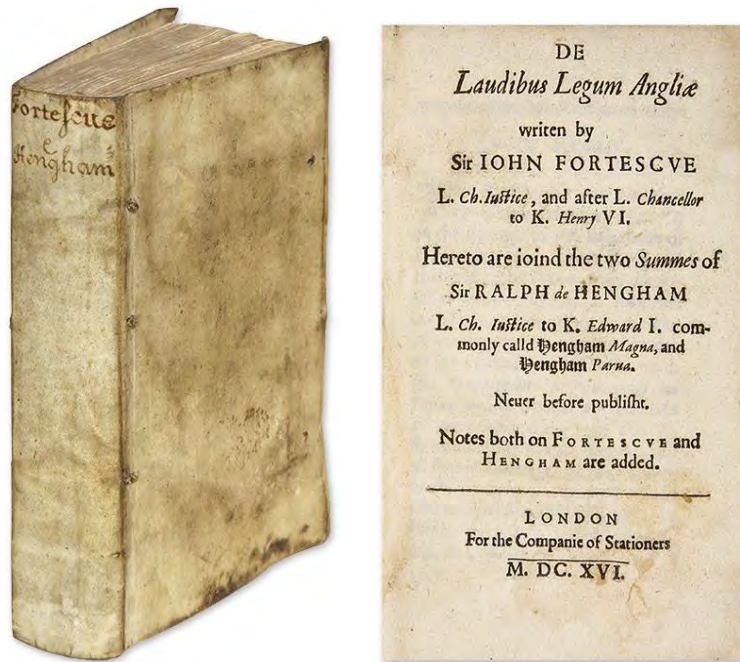
[Bartolomeo da Brescia (d.1258), Glossator]. [Brant, Sebastian [1458-1521], Editor].

Decretum Gratiani. [Basel: Johann Froben, 13 June 1493]. [520] ff. Main text in parallel columns with linear gloss. Collation: a-z, ?8, A-Z8, AA-SS8. Signatures RR-SS replaced with signatures from the 1500 Froben edition. Added signatures aA-bb66 from the Froben edition of 1500 before main text (signature a), woodcut portrait of Gratian in duplicate, both hand-colored. Quarto 8-1/4" x 6" (21 x 15 cm).

Contemporary calf with elaborate blind-tooling over wooden boards, title, brass bosses to corners and centers of boards, rebaked retaining existing spine with raised bands, blind tooling and small later paper shelf labels, "Decretu" blind-stamped to head of front board, 55" in early hand to fore-edge of text block, recent period-style clasps, pastedowns renewed. Moderate rubbing to boards. 67-line text printed in red and black, occasional capitals spaces, mostly with guide-letter, 13-line illuminated initial N on a2r, supplied leaf Aa2 with illuminated initial and flourish at margin. Moderate toning, occasional faint dampstaining to margins, light soiling to a few leaves. \$30,000.

* The first of two Froben editions, a composite copy brought together c. 1500. The *Decretum Gratiani*, is the cornerstone of modern canon law. The first work of its kind, it was compiled by Gratian, a Camaldolese monk, around 1140. Using the latest scholastic and juristic techniques from Bologna, he attempted to harmonize these disparate texts. Like the *Corpus Juris Civilis* in the study of the civil law, it became the basic text for the study of canon law for many centuries. In the following century an extensive gloss was added by Teutonicus, a German prior living in Bologna. Known as the *Glossa Ordinaria*, it was later revised and enriched by another Bolognese prior, Bartholomew of Brescia. The gloss and its revisions become a standard feature of subsequent manuscripts and printings. Though never an official edition of canon law, it was a standard work for nearly 800 years until it was superseded in 1918 by the Code of Canon Law (*Codex Iuris Canonici*). Remembered today as the moral and satirical poet of *Das Narrenschiff* [The Ship of Fools], Brant was also a noted legal scholar and humanist. He studied at Basel, where he completed a doctor of laws degree. After serving on Basel's law faculty he moved to Strasbourg, his birthplace, where he became city clerk and enjoyed a position of great prominence. Brant was later appointed imperial councilor by the Holy Roman Emperor Maximilian I, who elevated him to the nobility. In this copy all but the final two signatures are from the 1493 edition. It is augmented by the first two signatures of the 1500 edition, which contain a table of contents that does not appear in the 1493 edition, along with a duplicate title page and author portrait. The uniformity of decoration and the contemporary binding make it clear this marriage occurred around 1500. Goff, *Incunabula in American Libraries* G384. *Gesamtkatalog der Wiegendrucke* 11377.

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First Selden Edition of Fortescue's *De Laudibus*

13. Fortescue, Sir John [1394?-1476?]

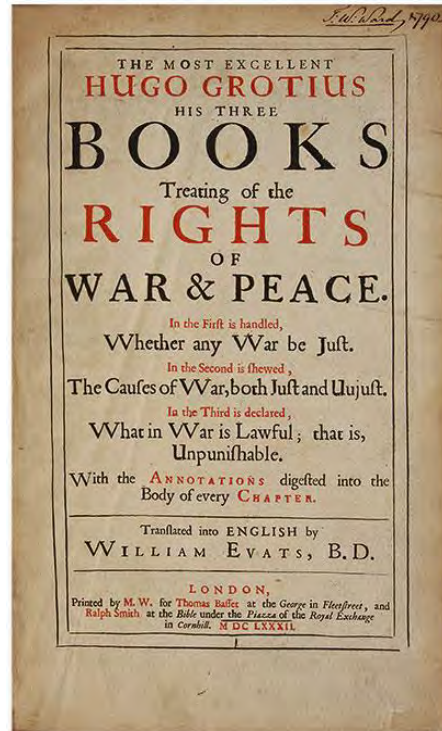
[Selden, John (1584-1654), Editor].

[Mulcaster, Robert, Translator and Editor].

De Laudibus Legum Angliae Writen by Sir Iohn Fortescue L. Ch. Iustice, and After L. Chancellor to K. Henry VI. Hereto are Ioind the Two Summes of Sir Ralph de Hengham L. Ch. Iustice to K. Edward I. Commonly Calld Hengham Magna, And Hengham Parva. Never Before Publisht. Notes Both on Fortescue and Hengham are Added. London: Printed [by Adam Islip] for the Companie of Stationers, 1616. [ix], 132, [3] ff.; 56, [12], 35, 34-159, [1] pp. Two parts, each with title page and individual pagination. First part in parallel columns; Latin with running English translation. Texts of *Summes* in Latin with notes in English. Octavo (5-1/2" x 3-1/2").

Contemporary vellum, early hand-lettered title to spine, ties lacking. Light soiling, some rubbing to extremities, pastedowns loose, some edgewear to rear pastedown, a few partial cracks to text block. Moderate toning to text, occasional minor worming to margins, mostly along gutter, small faint library stamp to head of p. iii, tiny withdrawal stamp to (blank) verso of final leaf. A nice copy. \$1,250.

* First Selden edition. *De Laudibus Legum Angliae*, a history of English law, was written for the instruction of Edward, the young Prince of Wales. Cast in dialogue form, it demonstrates that the common law was the oldest and most reasonable legal system in Europe. It also compares the common and Roman systems and extols the superiority of a constitutionally limited monarchy. *De Laudibus* was written around 1470 and first printed in 1567. Selden's was the first critical edition of this work, perhaps the first critical editions of an early English legal work. Aside from their value to the elucidation of Fortescue's text, Selden's notes interrogate aspects of Fortescue's text and offer rich insights into jurisprudence and the nature of the English constitution. As noted by Christianson, his conclusions disputed "the concept of immemorial custom argued by [Sir John] Davies and the anachronistic historical interpretations displayed by [Sir Edward] Coke." It was reissued in 1660, 1672 and 1737 with various additions. "Fortescue was a favorite among the old lawyers, and will be read with profit in modern times by those who are interested in the origin and progress of the Common Law." Marvin, *Legal Bibliography* 321. Christianson, *Discourse on History, Law, and Governance in the Public Career of John Selden* 63. *English Short-Title Catalogue* S102544. [Order This Item](#)



First Edition of the First Complete English Translation

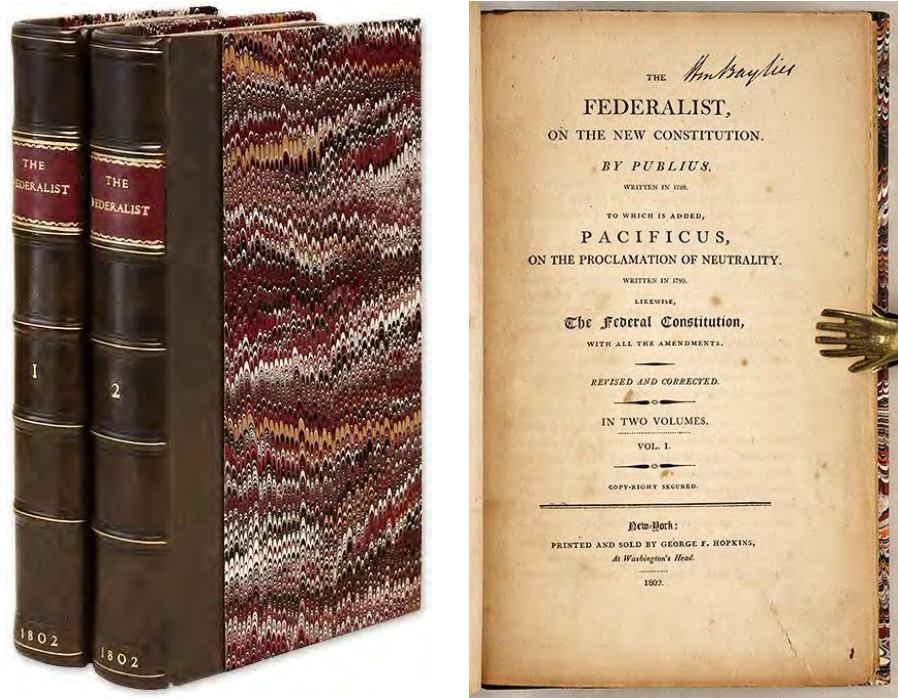
14. Grotius, Hugo [1535-1645].

Evats, William [c.1606-1677], Translator.

The Most Excellent Hugo Grotius His Three Books Treating of the Rights of War & Peace. In the First is Handled, Whether any War be Just. In the Second is Shewed, The Causes of War, Both just and Unjust [sic]. In the Third is Declared, What in War is Lawful; That is, Unpunishable. With the Annotations Digested Into the Body of Every Chapter. Translated into English by William Evats, B.D. London: Printed by M[argaret] W[hite] for Thomas Basset, 1682. [ii], xxi, [7], 220, 361-572, [32] pp. Pagination irregular. Text complete. Lacking copperplate pictorial added title page. Folio (12-1/4" x 7-1/2").

Old calf boards, rebaked, lettering pieces to spine, marbled edges, corners mended, endpapers renewed. Moderate rubbing and a few minor scuffs to boards to front board and extremities, heavier rubbing to rear board, corners bumped, some wear to board edges, hinges starting. Title printed in red and black. Light toning to text, later notes and underlining to p. 95, light soiling and owner signature (F.W. Wardy 1790) to title page, lower corner lacking from title page and following leaf with no loss to text. \$2,000.

* First edition of the first complete translation in English. First published in Paris in 1625, *The Rights of War and Peace* established the system of modern public international law, based on the concept of "*droit naturel*," a morality-based law that superseded the personalities of individuals or nations. Grotius describes the situations in which war is a valid tool of law enforcement and outlines the principles of armed combat. Though based on Christian natural law, Grotius advanced the novel argument that his system would still be valid if it lacked a divine basis. In this regard he pointed to the future by moving international law in a secular direction. The first English edition, an abridged translation by Clement Barksdale, was published in London in 1654. It was reissued twice in 1655. This translation by Evats, which includes original notes, followed in 1682. These early English translations, both by Oxford-based theologians, mark an important phase in the reception history of this book. These projects were undertaken due to the author's reputation as a leading Protestant scholar and a faith-motivated desire to reduce international conflict. *English Short-Title Catalogue* R8527. Ter Meulen and Diermanse, *Bibliographie de Grotius* 630. [Order This Item](#)



The Last Edition of *The Federalist* Published in Hamilton's Lifetime

15. [Hamilton, Alexander (1755 or 1757-1804)].

[Madison, James (1751-1836)].

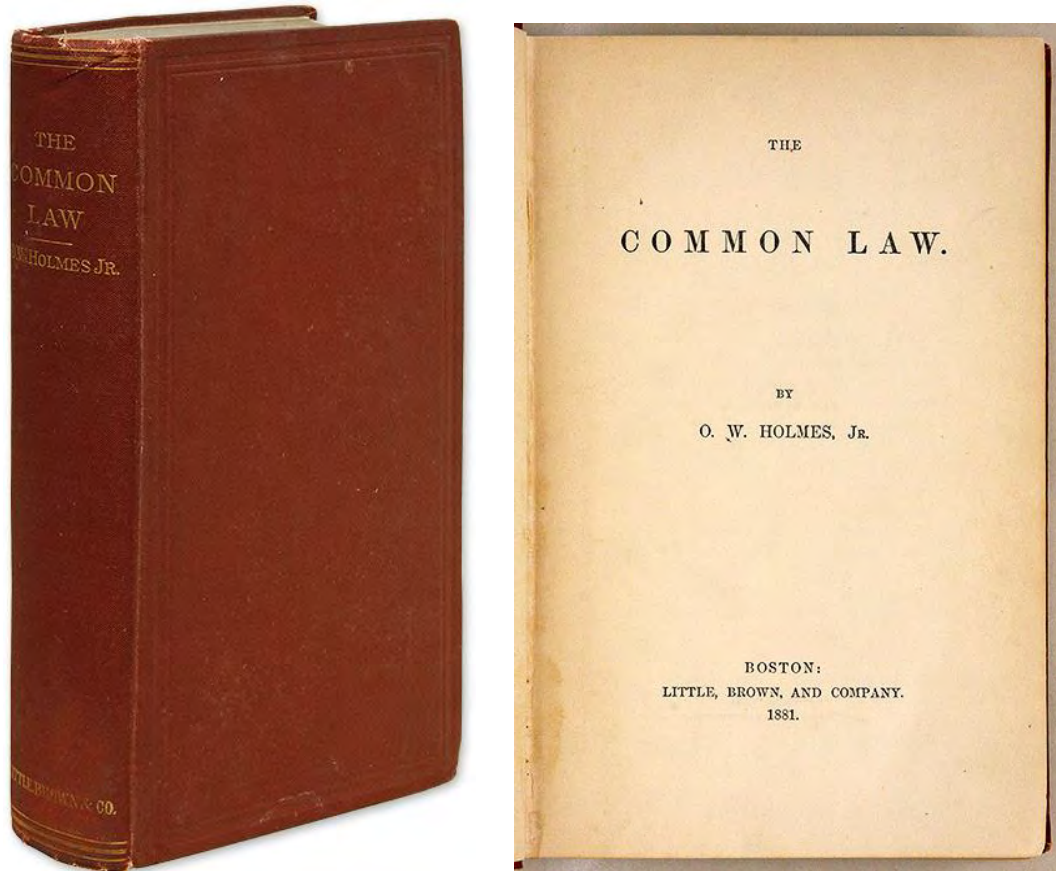
[Jay, John Jay (1745-1829)].

The Federalist, On the New Constitution. By Publius. Written in 1788. To Which is Added, Pacificus, On the Proclamation of Neutrality. Written in 1793. Likewise, The Federal Constitution, With All the Amendments. Revised and Corrected. New York: George F. Hopkins, 1802. Two volumes. viii, 317, [1]; v, [3], 351 pp. Volume I has two pages numbered 167 and two pages numbered 168, as noted on the errata sheet and with page numbering 263-270 repeated. Octavo (8-1/2" x 5-1/4").

Recent period-style quarter calf over marbled boards, endpapers renewed. Moderate toning to text, light foxing to a few places in each volume, brief contemporary annotations to a few leaves, owner signature (of William Baylies, dated 1806) to title page s and front endleaf of Volume I. A handsome set. \$12,500.

* Landmark second edition, "Revised and Corrected" with Hamilton's approval by George Hopkins, and the last edition in Hamilton's lifetime. For more than two centuries, this work has influenced our understanding of the U.S. Constitution and the government and nature of the United States. Written to encourage ratification of the proposed constitution by New York State, it was seen almost immediately as the most compelling commentary on the most radical form of government the world had seen. Most of the essays that comprise this work appeared originally under the collective pseudonym "Publius" in New York newspapers and journals from October 27, 1787 to early June 1788. (Most scholars agree that 51 of the essays were written by Hamilton, 29 Madison and 5 by Jay.) The first edition was published by the M'Lean brothers as a two-volume work in March and May 1788. The second edition is significant because its preface establishes Hamilton, Madison and Jay as the authors and discusses the extent of their contributions. Published fourteen years after the U.S. Constitution's ratification and two years before Hamilton's death, it also includes the text of the U.S. Constitution with the first eleven amendments and Hamilton's "Pacificus" essays, which defended Washington's 1793 proclamation of neutrality during the Anglo-French War. Baylies [1776-1865] was a lawyer and U.S. Congressman from Massachusetts. Cohen, *Bibliography of Early American Law* 2818. Sabin, *A Dictionary of Books Relating to America* 23981.

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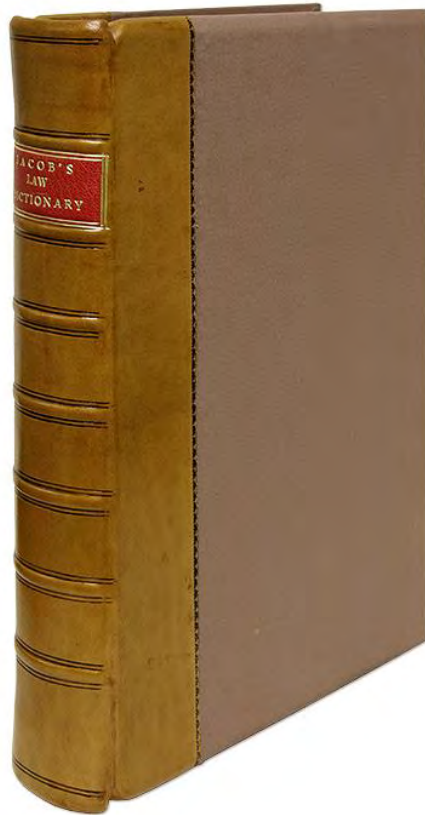
First Edition of *The Common Law*

16. Holmes, Oliver Wendell, Jr. [1841-1935].

The Common Law. Boston: Little, Brown, And Company, 1881. [i]-xvi, 422 pp. Octavo (8-1/4" x 5-1/4").

Original maroon pebbled cloth, blind double frames to boards, gilt title to spine, triple gilt rules at spine ends. Light wear to corners, some rubbing and a few clean short tears to spine ends, crack in text block between front free endpaper and title page, light toning to text. \$1,000.

* First edition, first issue (two-line printer statement at foot of the title page, verso, reading "University Press:/ John Wilson and Son, Cambridge and a one-line statement to foot of p. 422 reading "University Press: John Wilson & Son, Cambridge"). As Friedman points out, "*The Common Law* was easily the most distinguished book on law by an American published between 1850 and 1900." In contrast to earlier Anglo-American jurists, and the reigning positivist ethos of the nineteenth century, Holmes proposed that the law was not a science founded on abstract principles but a body of practices that responded to particular situations. This functionalist interpretation led to his radical conclusion that law was not discovered, but invented. This radical theme is announced at the beginning of Lecture I: "The life of the law has not been logic: it has been experience" (1). Winfield observes that Holmes's "brilliant exposition, as effective on English scholarship and legal thinking as on American, of the true nature of law both as a development from the past and an organism of the present, blew fresh air into lawyer's minds encrusted with Blackstone and Kent." It went on to become a decisive influence on sociological jurisprudence, legal realism and the general development of Anglo-American law in the twentieth century. Luttrell, "Oliver Wendell Holmes and *The Common Law*," Meyer Boswell Books, Inc., *Rare and Unusual Law Books, Catalogue Fourteen* 2. Friedman, *A History of American Law* 544. Winfield, *Chief Sources of English Legal History* 38. Grolier Club Exhibition, *One Hundred Influential American Books* 84. [Order This Item](#)



First Edition of Jacob's Great Dictionary

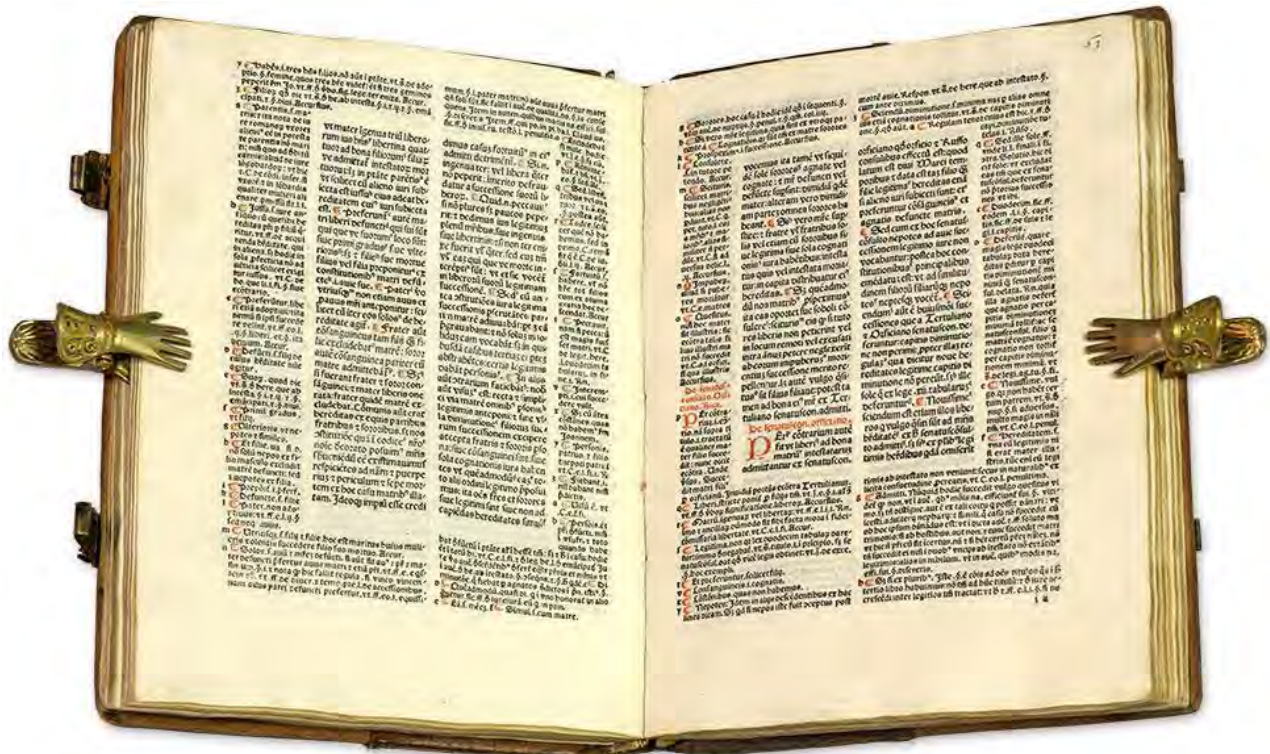
17. Jacob, Giles [1686-1744].

A New Law-Dictionary: Containing, The Interpretation and Definition of Words and Terms Used in the Law; and Also the Whole Law, and the Practice Thereof, Under All the Heads and Titles of the Same. Together With Such Informations Relating Thereto, as Explain the History and Antiquity of the Law, and Our Manners, Customs, and Original Government. Collected and Abstracted From All Dictionaries, Abridgments, Institutes, Reports, Year-Books, Charters, Registers, Chronicles, and Histories, Published to This Time. And Fitted for the Use of Barristers, Students, and Practisers of the Law, Members of Parliament, and Other Gentlemen, Justices of Peace, Clergymen, &c. With Large Additions. To Which is Annexed, a Table of References to All the Arguments and Resolutions of the Lord Chief Justice Holt; In the Several Volumes of the Reports. London: Printed by E. and R. Nutt, and R. Gosling, 1729. [772] pp. Main text printed in double columns. Folio (13" x 8-1/4").

Recent period-style quarter calf over cloth, raised bands and lettering piece to spine, endpapers renewed. Moderate toning, faint dampspotting in places, faint dampstaining to lower corners of first five leaves. A handsomely bound copy of a landmark title. \$1,750.

* First edition. As Cowley has pointed out, *A New Law-Dictionary* was both Jacob's masterpiece and "an entirely new departure in legal literature" that provided a model for several subsequent efforts. In contrast to earlier works, each entry summarizes all of the laws relating to the subject and offers extensive interpretive commentary. Obsolete terms are omitted. It was recognized almost immediately that Jacob created a highly useful legal encyclopedia that was more detailed and concise than any other abridgment of the period. An extremely popular work that went through twelve editions between 1729 and 1800, it offers unparalleled insights into Anglo-American law during the eighteenth century. Cowley, *A Bibliography of Abridgments, Digests, Dictionaries and Indexes to the Year 1800* 217. *English Short-Title Catalogue* T137460.

[Order This Item](#)



1483 Venetian Imprint of the *Institutes*

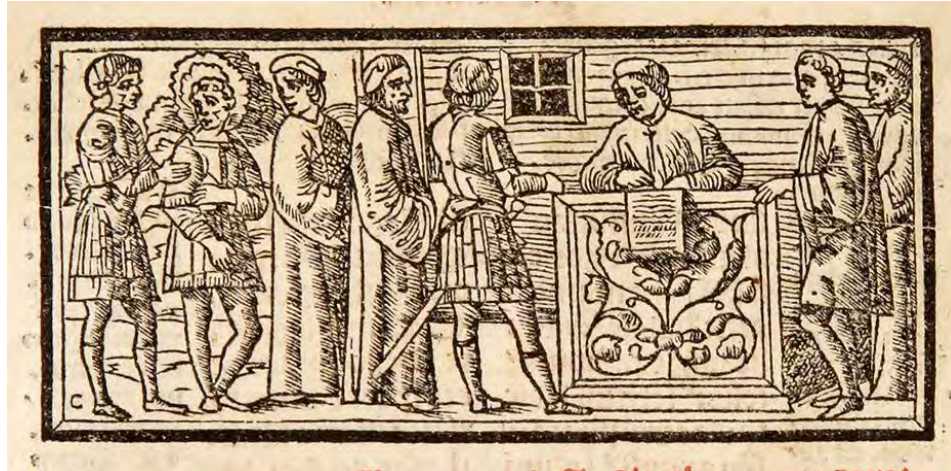
18. [Justinian I, Emperor of the East (483-565 CE)].

[Accorso, Francisco (Accursius) (c.1182-c.1260), Glossator].

[*Institutiones*]. [Venice: Ottaviano Scoto, 18 January 1483]. Collation: a-p8. [119] ff. Lacking initial blank. Text in parallel columns. Main text surrounded by linear gloss. Folio (16-1/2" x 11").

Contemporary half vellum over wooden boards, brass clasps and catches, "Instituta" in early hand to front board, raised bands to spine. Light rubbing to boards, heavier rubbing to extremities with some wear to spine ends and corners, partial vertical crack through center of front board, hinges cracked, a few partial cracks to text block, a few signatures loose. Printed throughout in red and black in 62-line Gothic type, large red and black printer device to verso of final leaf. Light toning, occasional faint stains, light foxing and later annotations to a few leaves, upper corner of each leaf numbered in another later hand, small wear hole (paper flaw?) to lower corner of leaf 11 (Fol. 78) with negligible loss to text. An appealing copy. \$18,500.

* An uncommon edition. With the *Glossa Ordinaria* of Accursius. Along with the *Digest*, *Code* and *Novels*, the *Institutes* is one of the writings known collectively as the *Corpus Juris Civilis*. Intended for students, the *Institutes* is an elementary treatise on Roman private law. Like its companion volumes, its subsequent influence on European jurisprudence is difficult to underestimate. It received a great deal of commentary during the medieval and early modern eras. The first significant commentator was Accorso (Accursius), a professor of law at the University of Bologna and a leading figure in the revival of classical jurisprudence. He examined every extant note and commentary when he prepared his epochal edition of the *Institutes*, *Digest* and *Code*. This massive effort eliminated much of the obscurity and contradiction introduced by earlier writers. His gloss on this edition, which superseded all previous attempts, was often cited as the *Glossa Ordinaria* or *Magistralis*. It remained definitive until its 1583 revision by Denis Godefroy. OCLC locates 4 copies of this imprint, 1 in North America (Library of Congress). Goff, *Incunabula in American Libraries* J-524. *Gesamtkatalog der Wiegendrucke* 7608. [Order This Item](#)



Giunta Edition of the *Institutes* Illustrated with 23 Woodcuts

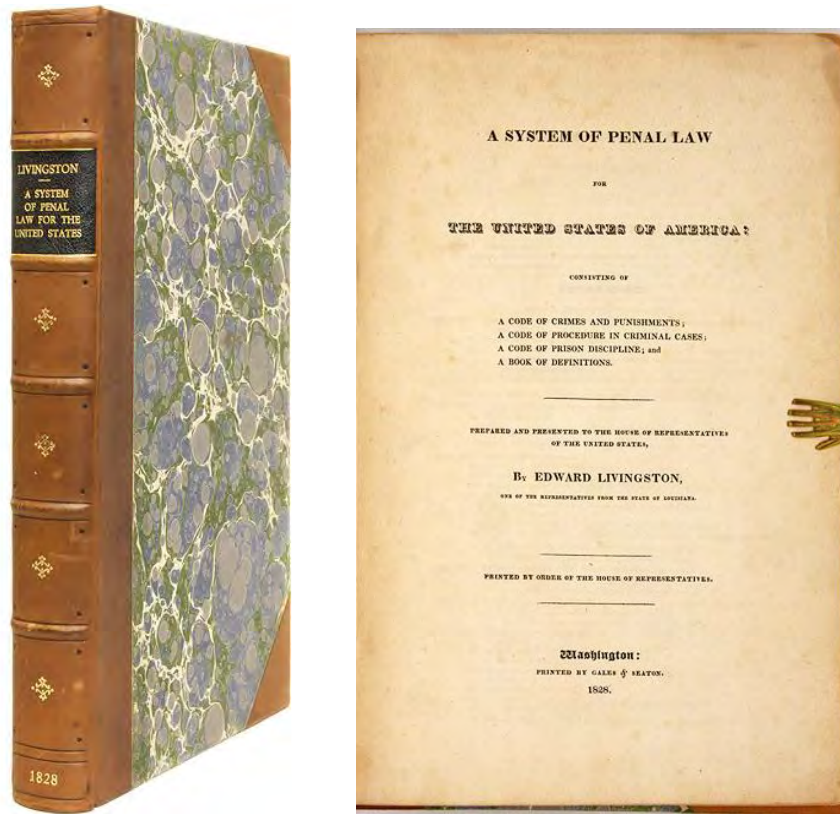
19. Justinian, Emperor of the East.

Aldobrandini, Sylvestro [1499-1558], Editor.

Institutiones Iuris Civilis. Cum Additionibus Hactenus Impressis. Quibus Adduntur Casus in Quolibet Paragrapho Breves: Sed qui Rationem Dubitandi [et] Decideni Explicent [et] Contineant. Que in uno Quoque Paragrapho Notatu Digna Sunt Breuibz Significantur....Omnia ex Editione et Secunda Recognitione Clarissimi Iureconsulti. D. Sylvestri Aldobrandini Nobilis Florentini. Venice: [Apud Heredes Lucantonii Iunte Florentini, Mense Decembri], 1543. [lvi], 366, [2] ff. 23 woodcut text illustrations, 1 full-page. Main text in parallel columns with linear gloss. Octavo (6-1/4" x 4-1/2").

Later vellum. Spine ends lightly bumped, light wear to corners, hinges cracked. Text printed in red and black, large woodcut Giunta device to title page, woodcut decorated initials. Moderate toning, text block loosening in a few places, brief early annotations to a few leaves. \$4,500.

* First published by Giunta in 1534, Aldobrandini's text went through several editions during the sixteenth and seventeenth centuries. It was one of the most popular and influential early editions of the *Institutes*. The charming woodcut vignettes that appear in the earlier Giunta editions offer visual summaries of the more important titles. Among the images depicted in the woodcuts are court scenes, farmers at work, a battle and the administration of punishments. The full-page woodcut is an ornate table of descents in the form of a man holding up branches of a family tree. All illustrated Giunta editions are rare. OCLC locates no copies of the 1543 edition in North America. *Censimento Nazionale delle Edizioni Italiane del XVI Secolo* CNCE13469. [Order This Item](#)



"The Most Comprehensive and Enlightened System of Criminal Law that has Ever been Presented to the World"

20. Livingston, Edward [1764-1836].

A System of Penal Law for the United States of America: Consisting of A Code of Crimes and Punishments; A Code of Procedure in Criminal Cases; A Code of Prison Discipline; and A Book of Definitions. Prepared and Presented to the House of Representatives of the United States. Printed by Order of the House of Representatives. Washington, D.C.: Printed by Gales & Seaton, 1828. x, [1], 142, 187, 45, 21 pp.

[Bound with]

Introductory Report to the Code of Reform and Prison Discipline [New Orleans: Printed by Benjamin Levy, c.1827]. 71 pp.

Overall collation: x, 142, 187, 71, 45, 21 pp. Folio (12" x 7-3/4"). Recent period-style three-quarter calf over marbled boards, raised bands, lettering piece, and blind and gilt ornaments to spine, endpapers renewed, hinges reinforced. Moderate toning to text, light foxing to a few leaves, heavier foxing to endleaves. \$3,750.

* First edition. Livingston's criminal codes for Louisiana and the United States mark an epoch in the broad international movement for penal reform. Profoundly influenced by Bentham, they stressed prevention over vengeance. These codes were never adopted, but they were profoundly influential. "[I]t is probably safe now to say that these Codes embody the most comprehensive and enlightened system of criminal law that has ever been presented to the world. They constitute a thesaurus from which the world has ever since been drawing ideas and principles. The Code of Reform and Prison Discipline is especially striking from its breadth of its view, and in some particulars its wisdom is yet in advance of even the present age" (Hicks). Bound in the correct place, the Introductory Report in our copy is the version printed to accompany the Louisiana Code. The text is identical in both codes; the only difference is the pagination. (The text in the U.S. Code is 51 pp; that of the Louisiana Code is 71 pp.) Hicks, *Men and Books Famous in the Law* 180. Cohen, *Bibliography of Early American Law* 10311, 10344. [Order This Item](#)



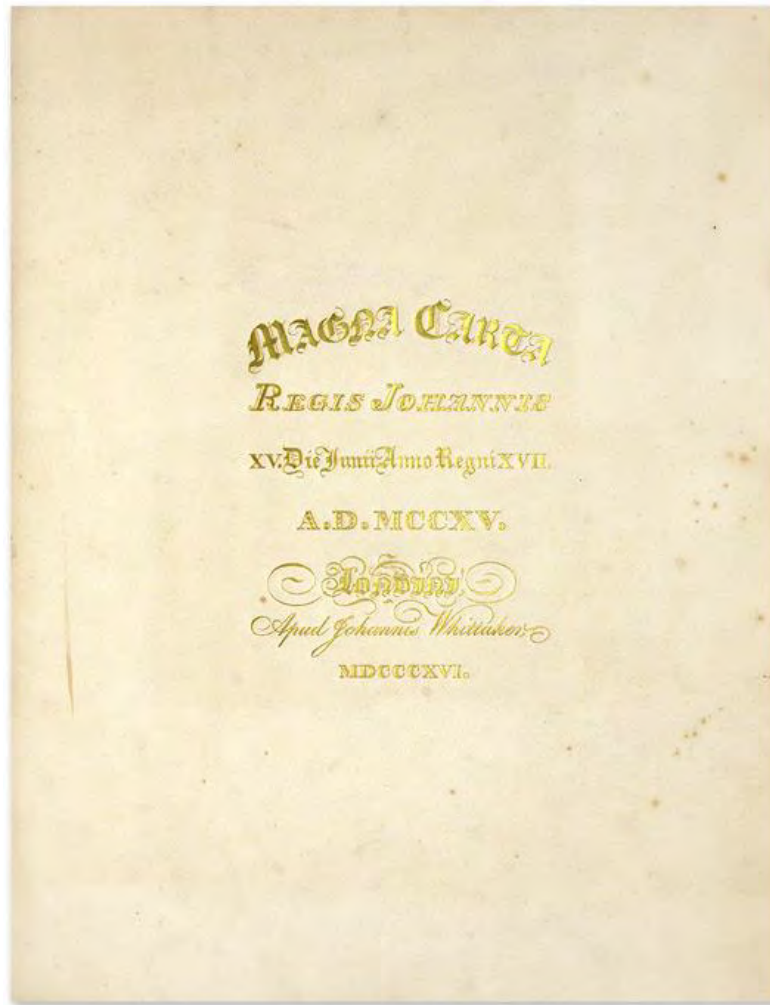
1576 Printing of Magna Carta and Later Statutes With Contemporary Annotations

21. [Magna Carta].

Magna Charta, Cum Statutis, Tum Antiquis, Tum Recentibus, Maximopere, Animo Tenendis nunc Demum ad Unum, Tipis Aedita, Per Richardum Tottell. Anno Domini. 1576. Cum Privilegio ad Imprimendum Solum. [Imprinted at London: In Fleetestrete Within Temple Barre at the Signe of the Hand and Starre, By Richard Tottel, The 8. Day of March. 1576]. [vii], 247 ff. Blank endleaf preceding Fol. 1 lacking. Octavo (5-1/2" x 3-3/4").

Contemporary paneled calf, raised bands to spine, early hand-lettered title to fore-edge, ties lacking. Light rubbing and a few minor gouges, cracks and nicks to boards, moderate rubbing to extremities, spine ends worn, corners bumped and somewhat worn, pastedowns and free endpapers lacking, later armorial bookplate to verso of front board, fragments of an illuminated manuscript Bible used as printer's waste at hinges, attractive woodcut decorated initials. Moderate toning to text, faint staining to a few leaves, annotations and underlining in early hand to margins of approximately 25 pages, light soiling and minor edgewear to title page. \$7,500.

* An early printing of the Magna Carta, which was first printed around 1508 by Richard Pynson. It also includes the Charta de Foresta of Henry III, the Statutes of Merton and Marlebridge, the Statutes of Edward I and other statutes through the fourteenth regnal year of Elizabeth I, which are digested by topic. Among the most notorious statutes are those of Edward concerning Jews, including the Edict of Expulsion (1290), which banished them from England. Other statutes relate to women, wills, forcible entry, "Fraudulent Deedes" and other topics. The text is mostly in Latin or Law-French, then in English after Fol. 119. The annotations range from a few words to a sentence or two. About half of these are interpretive in nature, the others are references to statutes and cases. Beale, *Bibliography of Early English Law Books* S18. *English Short-Title Catalogue* S101094. [Order This Item](#)



Printed in Letters of Gold - "The Most Magnificent of All Editions"

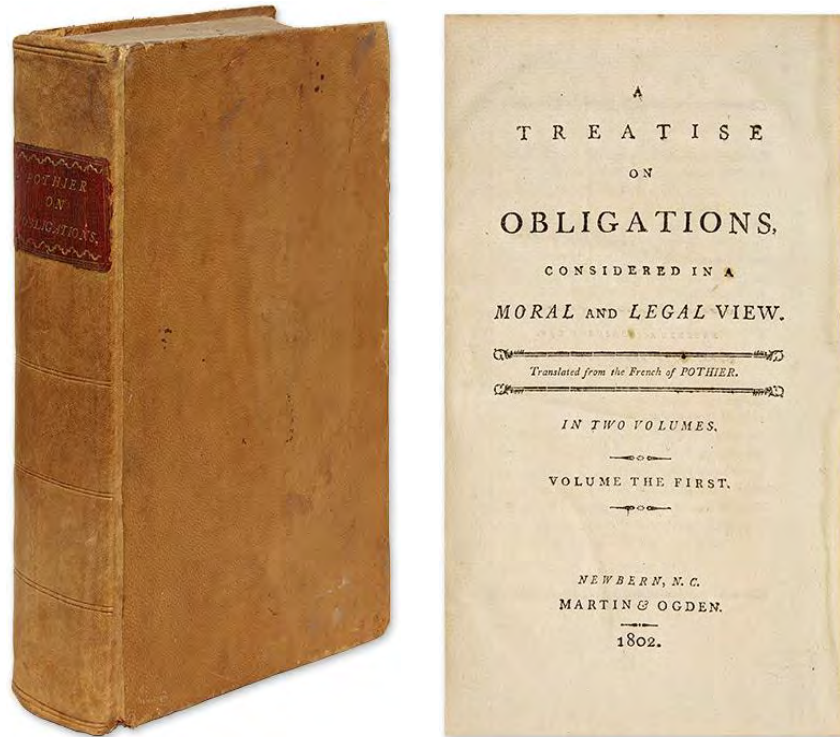
22. [Magna Carta].

[Whittaker, John, Publisher].

Magna Carta: Regis Johannis XV. Die Junii Anno Regni XVII. A.D. MCCXV. London: Apud Johannis Whittaker, 1816. 12 ff. Folio (17" x 14").

Contemporary gilt-tooled morocco, textured-cloth central panels to boards, the front has a central gilt-tooled title panel (reading Magna Carta, Printed in Letters of Gold), patterned lilac-colored endpapers, ribbon marker. Moderate rubbing to extremities, corners and spine ends bumped, soiling, a few stains and a few scuffs to boards, cracks in text block between front free endpaper and title page and final leaf and free endpaper. Printed in gold on card, initial at beginning of text decorated by hand in watercolor with royal regalia and floral border, probably designed by Thomas Willement. Light toning, occasional finger smudges, small inkspot to first text leaf (with offsetting to verso of title page). \$10,000.

* The first book printed in gold in England. As Lowndes has pointed out, Whittaker published "the most magnificent of all editions of the Magna Carta." Although all are printed in gold, rarely are two copies alike. Some were printed on colored vellum and even jeweled, all have different levels of ornamentation. Some have a list of Barons. The present copy contains the text of Magna Carta only, printed on glazed card, and is richly bound. Lowndes, *Bibliographer's Manual of English Literature* (Revised edition, 1864) II:1450. [Order This Item](#)



Translated by the Father of Louisiana Jurisprudence

23. Pothier, Robert Joseph [1699-1722].

[Martin, François-Xavier (1762-1846), Translator].

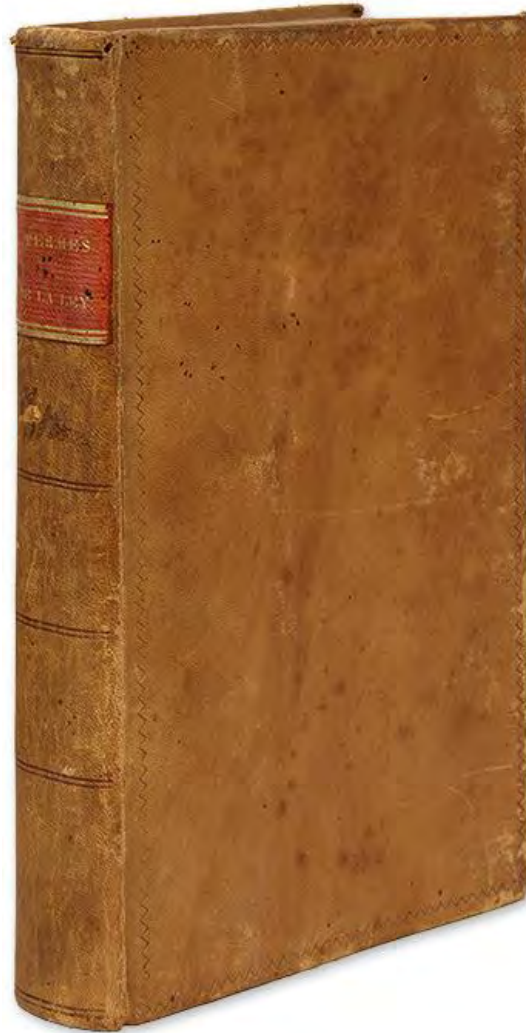
A Treatise on Obligations, Considered in a Moral and Legal View. Translated from the French of Pothier. Newbern, NC: Martin & Ogden, 1802. Two volumes bound as one. [xii], 364; [x], 315, [1] pp. Octavo (8" x 4-3/4").

Contemporary sheep, rebaked in period style, blind fillets and retained contemporary lettering piece to spine. Light rubbing and a few shallow scuffs to boards, moderate rubbing to board edges with some wear to corners, which are lightly bumped, minor worming to front hinge. Light toning to text, somewhat heavier in places, early owner signatures of Simeon Strong, Solomon Strong and Edwin Conant to endleaves, another Conant signature to head of p. 25. A handsome copy. \$3,500.

* First American edition. In the decades before the Civil War, this classic treatise was required reading for Anglo-American practitioners, scholars and law students. Marvin quotes and endorses Sir William Jones's assessment of Pothier's treatises: "For my own part, I am so charmed with them, that if my undissembled fondness for the study of jurisprudence, were never to produce any greater benefit to the public, than barely the introduction of Pothier to the acquaintances of my countrymen, I should think that I had, in some measure, discharged the debt which every man, according to Lord Coke owes to his profession."

An important figure in the legal history of the south, Martin was a French-born lawyer, judge, author, translator, printer and historian. His career began in New Bern, North Carolina; he later moved to the Louisiana territory, where he played the central role in the reorganization of the legal system. Appointed attorney-general when Louisiana became a state, he is considered the father of Louisiana jurisprudence.

This copy is inscribed by three notable owners from Massachusetts: Samuel Strong [1735-1805], a justice of the Massachusetts Supreme Judicial Court, his son Solomon Strong [1780-1850], a lawyer judge and politician and Edwin Conant [1810-1897], a prominent lawyer, businessman and philanthropist. Marvin, *Legal Bibliography* 578. Cohen, *Bibliography of Early American Law* 3656. [Order This Item](#)



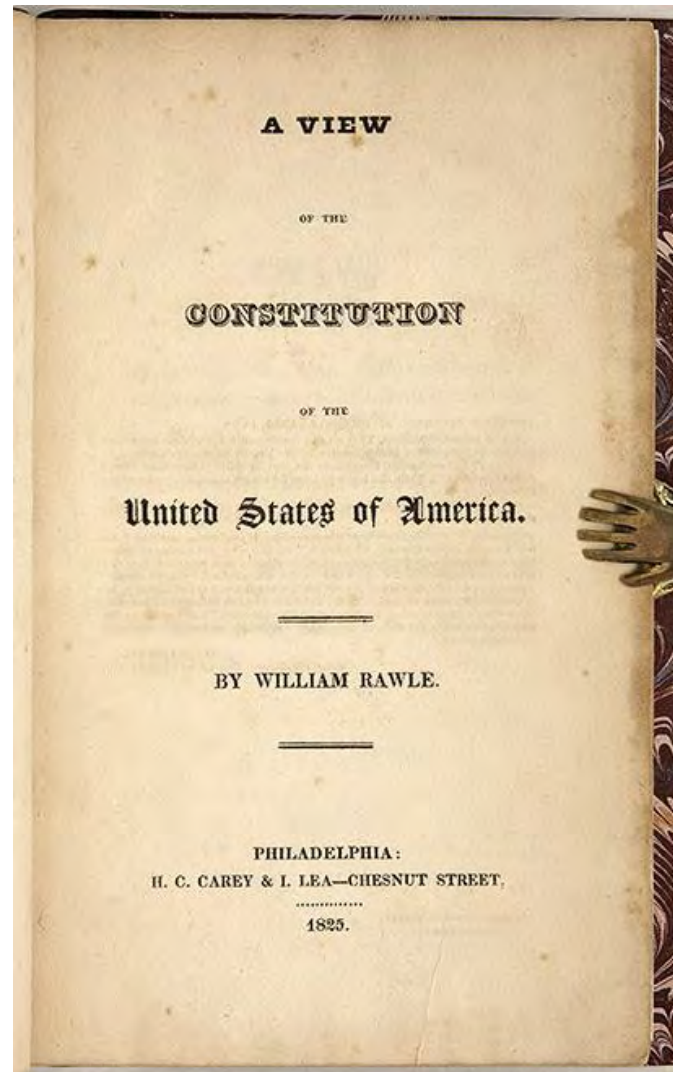
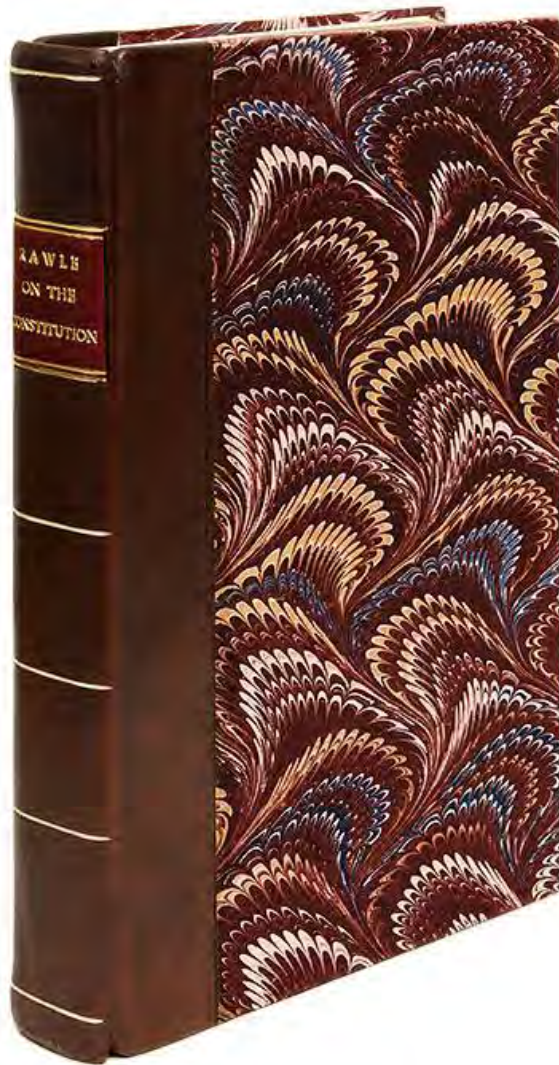
**First American Edition of Rastell's
Termes de la Ley in a Well-Preserved Contemporary Binding**

24. [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. Negligible light rubbing, a few minor nicks, scuffs and inkspots, faint early owner name to spine, light wear to corners, hinges cracked. Moderate toning and occasional light foxing to text. Owner inscription in pencil (of G.N. Dale dated 1897) to front pastedown, interior otherwise clean. \$850.

* 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. [Order This Item](#)



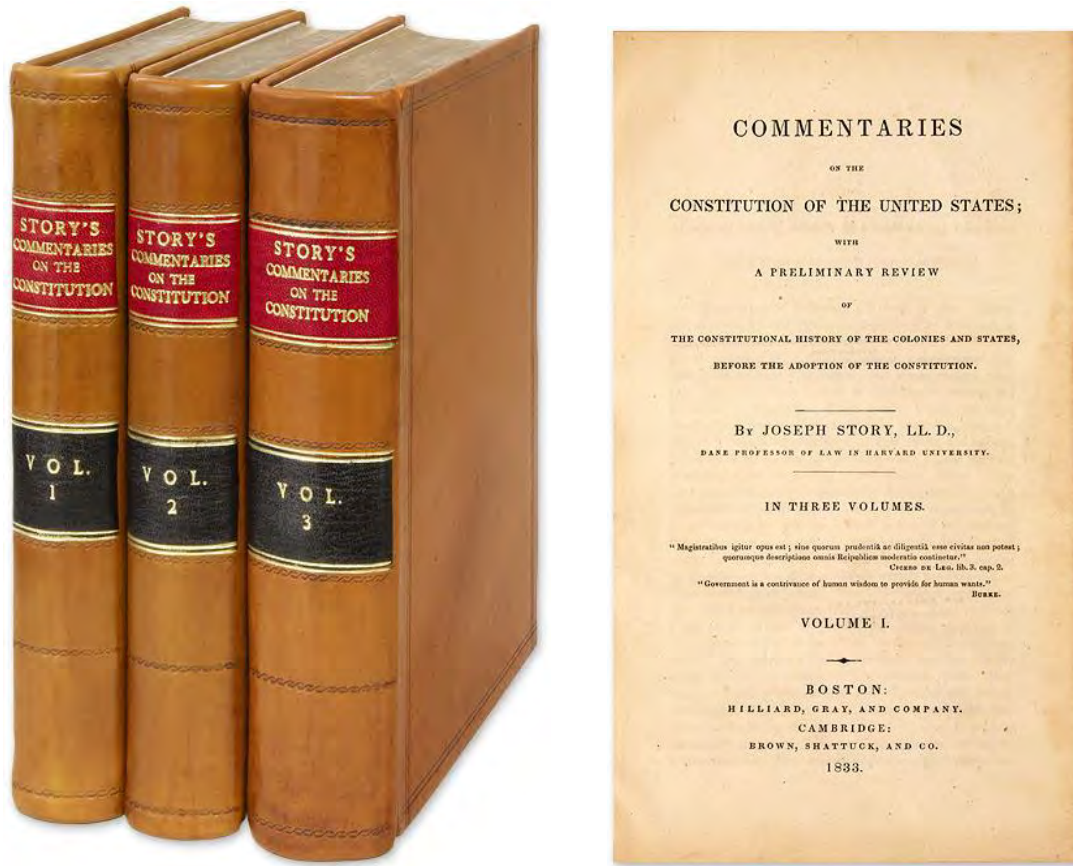
**First Edition of a Treatise on the
U.S. Constitution Used to Justify Secession**

25. 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. \$2,000.

* 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 to our copy refers to secession. Reading "Vide Story on the Constitution p. 327," it is footnoted to the sentence 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](#)



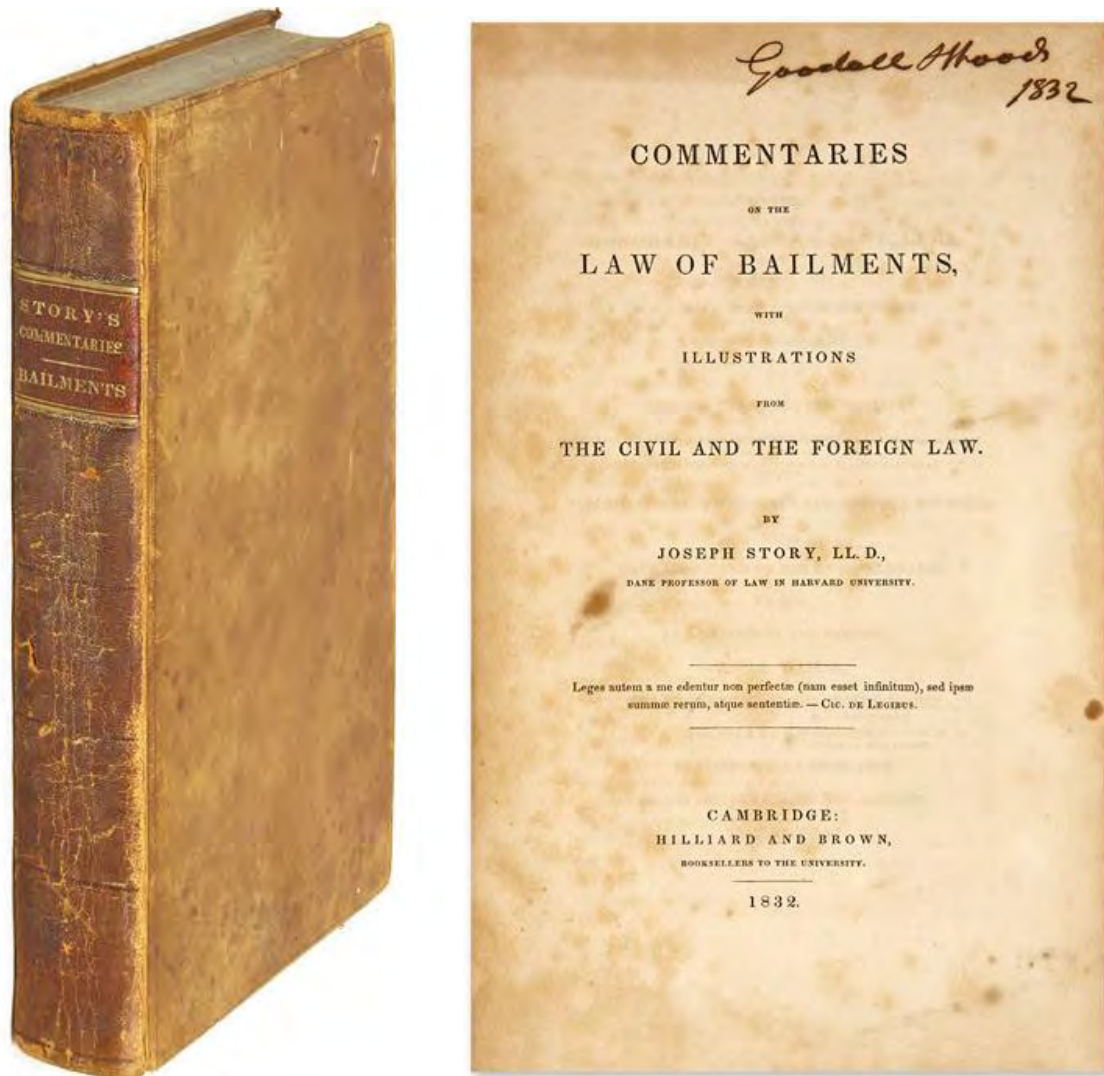
**Handsome First Edition of the First
Substantial Treatise on the American Constitution**

26. 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 pp. Octavo (8-1/2" x 5-1/2").

Recent period-style calf, blind rules to boards, red and black lettering pieces and blind fillets to spine, endpapers renewed. Internally clean and bright. A handsome set. \$8,500.

* 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](#)



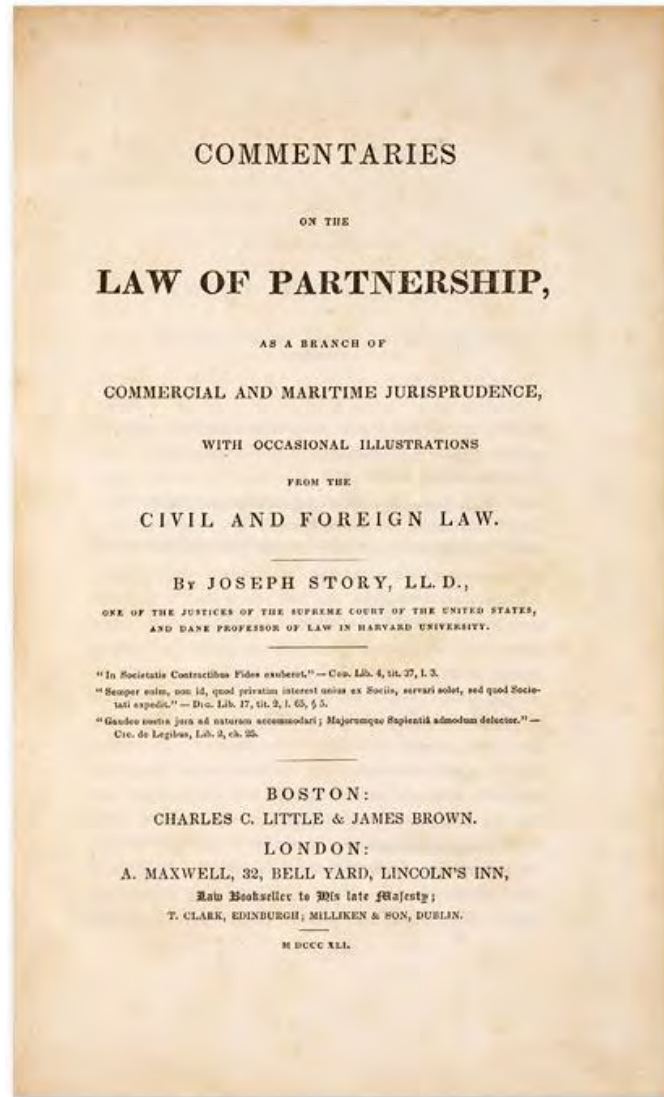
Story on Bailments, First Edition

27. Story, Joseph.

Commentaries on the Law of Bailments, With Illustrations from the Civil and Foreign Law. Cambridge: Hilliard and Brown, 1832. xxxiv, 411 pp. Two tipped in leaves at rear with notes on both sides in an early hand. Octavo (8" x 5").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Light rubbing and a few minor scuffs to boards, moderate rubbing to extremities, somewhat heavier rubbing to spine, corners bumped, hinges starting, minor worming to rear hinge. Moderate toning to text, somewhat heavier in places, a few sections of text have light foxing, upper corners of some leaves have fold lines, a few leaves have minor inkspatters. Early owner signature to head of title page, early marks in pencil to a few passages. A nice copy. \$950.

* First edition. "Whatever was to be found in the English and American decisions, whatever Roman and Continental jurisprudence afforded on illustration of the law of bailments, Joseph Story collected and combined with surprising industry, and wonderful learning...Story's *Bailments* affords one of the best examples, in modern times, of the illustration which our laws are susceptible of, by the aid of foreign jurisprudence." Marvin, *Legal Bibliography* 668-669. Cohen, *Bibliography of Early American Law* 2451. [Order This Item](#)



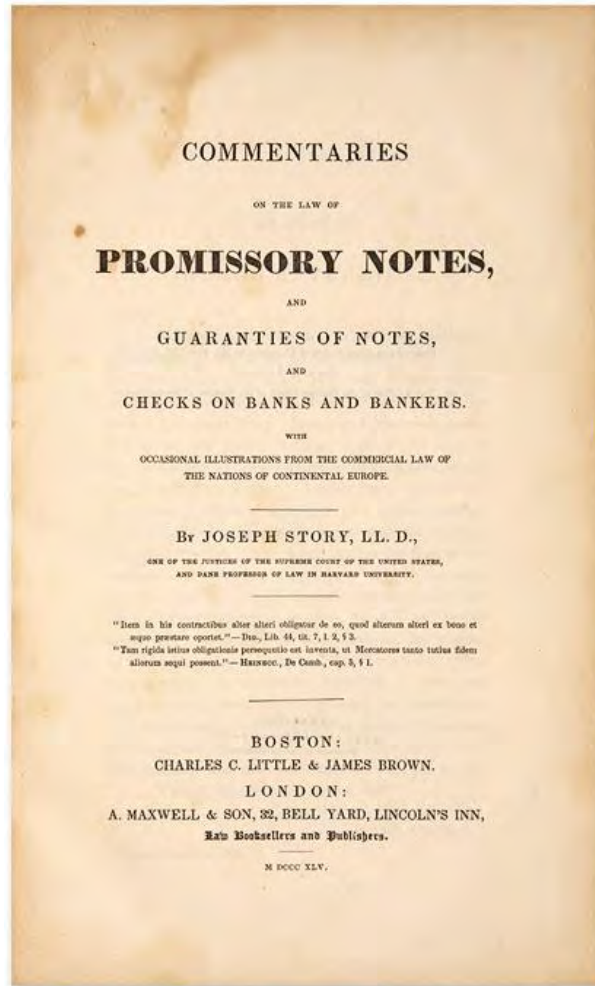
"A Truly Luminous Exposition"

28. Story, Joseph.

Commentaries on the Law of Partnership as a Branch of Commercial and Maritime Jurisprudence. With Occasional Illustrations from the Civil and Foreign Law. Boston: Charles C. Little & James Brown/London: A. Maxwell, 1841. xxi, 690 pp. Octavo (9" x 6").

Contemporary sheep, blind fillets to boards, raised bands and small lettering piece to spine. Light rubbing and some shallow scuffing to boards, moderate rubbing to extremities, somewhat heavier rubbing to spine, corners bumped. Moderate toning to text, light foxing in places, upper corners of some leaves have fold lines, a few have early underlining and other marks in pencil. An appealing copy. \$950.

* First edition of one of Story's great treatises. Like the others, it was a standard work in the United States and, to some extent, Great Britain. In his *Law Studies* Samuel Warren said the *Commentaries on the Law of Partnership* is "a truly luminous exposition of a subject noted for its intricacy, and the subtlety of the rules upon which the system depends" (451). It was a deeply influential work as well. Indeed, Pound mentions it in his list of texts that were "a significant force in our legal development.": *The Formative Era of American Law* 140. Cohen, *Bibliography of Early American Law* 9321. [Order This Item](#)



First Edition of Story's Final Treatise

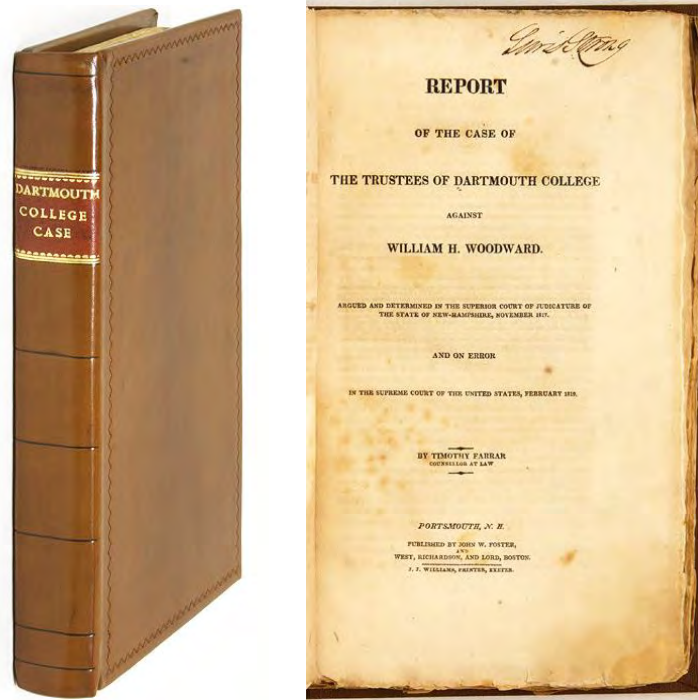
29. Story, Joseph.

Commentaries on the Law of Promissory Notes, And Guaranties of Notes, And Checks on Banks and Bankers. With Occasional Illustrations from the Commercial Law of the Nations of Continental Europe. Boston: Charles C. Little & James Brown, 1845. xxviii, 675 pp. Two tipped-in leaves of notes in an early hand. Octavo (9-1/2" x 6").

Contemporary sheep, blind fillets to boards, raised bands, blind fillets and lettering piece to spine. Light rubbing and a few minor nicks to boards, moderate rubbing to spine and extremities, small chip to head of spine, front joint and hinge partially cracked. Light toning to text, somewhat heavier in places, light foxing and faint dampstaining to a few leaves. \$950.

* First edition of the last treatise published by Story. "Joseph Story's work on promissory notes was the last of his great treatises. (...) Unlike many of his predecessors, Story treated each aspect of commercial law separately in a series of works which included his treatises on agency (1839), partnership (1841), bills of exchange (1843) and finally the one on promissory notes. The inclusion of comparative sources from the commercial law of other countries reflects Story's view, expressed in his opinion for the Supreme Court in *Swift v. Tyson* (1842) that commercial law was international, not the 'law of a single country only, but of the commercial world.'": Cohen, *Bibliography of Early American Law* 2561.

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First Report of the Landmark Dartmouth College Case

30. [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 [NH]: Published by John W. Forster and West, Richardson, And Lord, Boston, [1819]. [iv], 406 pp. Octavo (8-1/2" x 5").

Recent period-style calf, blind fillets to boards, blind fillets and lettering piece to spine, endpapers renewed. Moderate toning to text, somewhat darker around margins, very faint dampstaining in a few places, light foxing to a few leaves. Small early owner signature to head of title page, brief early annotations to margins in a few places, interior otherwise clean. Two tiny inkstamps to foot of p. [iii]. A handsome copy. \$1,500.

* Farrar's is the first published report of the landmark case involving the contract rights of corporations. With all the 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 an appendix containing the texts of related documents. 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 New Hampshire 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 (Article I, Section 10). "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": Alfred F. Konefsky, "Dartmouth College *v.* Woodward" in Hall, *The Oxford Companion to the Supreme Court* 218-219. Cohen, *Bibliography of Early American Law* 11614. [Order This Item](#)