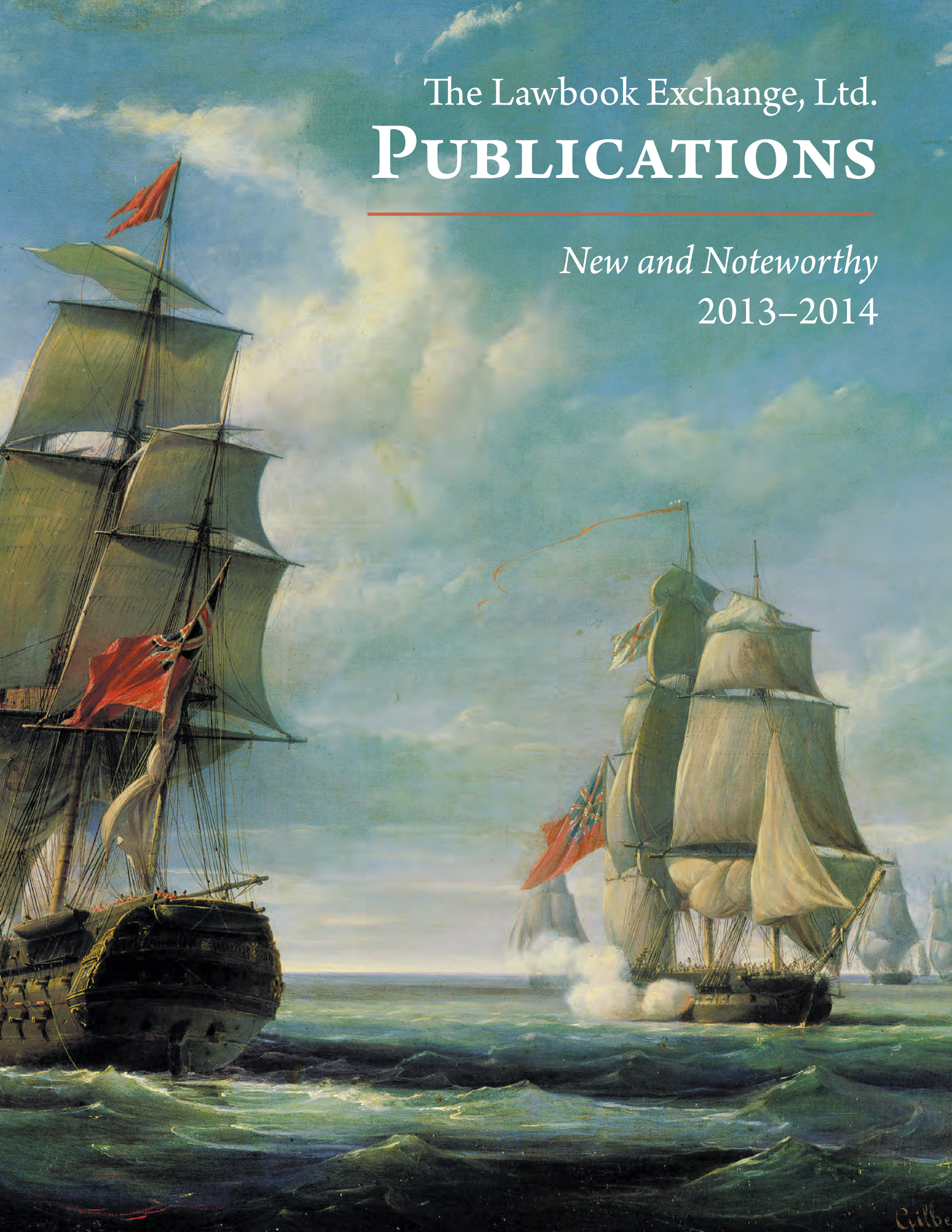


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2013–2014



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Introducing Talbot Publishing

The Fugitive Slave Rescue Trial of Robert Morris

Benjamin Robbins Curtis on the Road
to *Dred Scott*

JOHN D. GORDAN, III

Clark, New Jersey: Talbot Publishing, 2013
xix, 120 pp.

Hardcover. \$49.95 Paperback. \$39.95
ISBN 9781616193928 9781616194055

Relying on extensive surviving original records, this book analyzes the November 1851 trial in the federal circuit court of Robert Morris, the second black admitted to practice in Massachusetts, for rescuing a fugitive slave from the custody of the U.S. marshal in the federal courtroom in Boston. It demonstrates that Justice Benjamin Robbins Curtis, a supporter of Daniel Webster and the Fugitive Slave Act of 1850 presiding under a recess appointment, made two critical rulings against Morris that were at odds with existing precedents. Finally, the book contextualizes Morris's trial among the other trials for this rescue, the prosecutions for the attempt to rescue Anthony Burns, another fugitive slave, in 1854, and the Supreme Court's decision in *Dred Scott* in 1857.

This "small" book packs a large wallop. Gordan navigates the complexities of trial advocacy and trial procedure with unexcelled mastery. His analysis of the complex legal issues, including the power of the jury to rule on questions of law as well as fact, is persuasive. Gordan also throws a revisionist light on some of the major players - like John P. Hale who emerges from the wings as the real leader of the abolitionist bar; and Benjamin R. Curtis, whose manipulation of the law in the Morris trial illuminates his famous dissent in *Dred Scott v. Sandford*. A gem of a book.

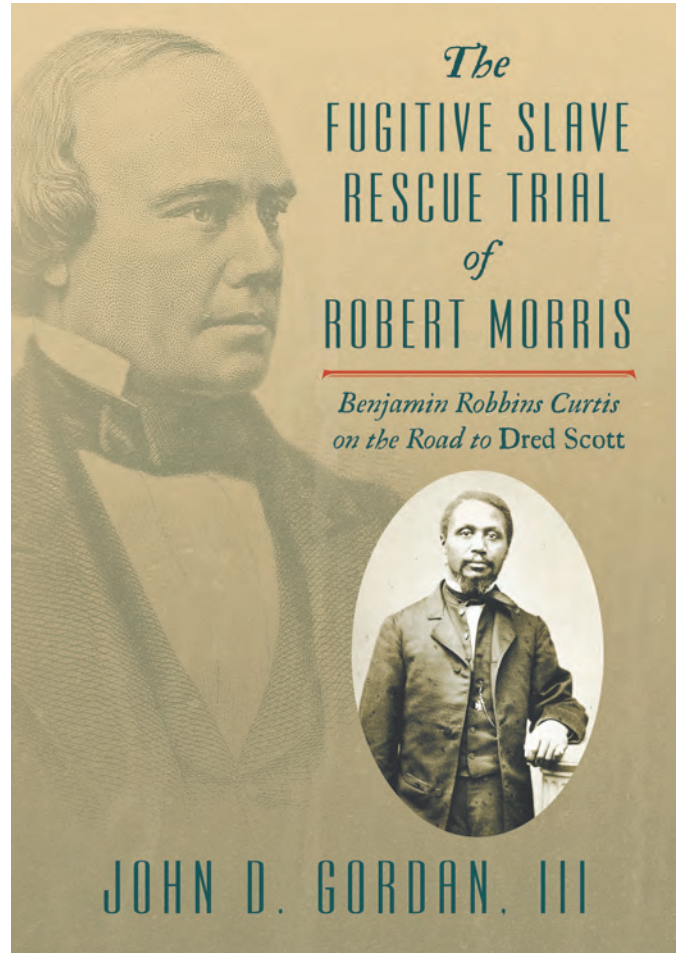
R. KENT NEWMYER
University of Connecticut School of Law

A wonderfully detailed exposition of the fugitive slave rescue trial of Robert Morris, John Gordan's work unearths a wealth of material about the events, the people, and the legal acumen of the lawyers and judges involved. It will enable scholars to evaluate a question central to our judicial system: What is the proper division of authority between judge and jury? The information contained in Gordan's book provides a much-needed historically accurate basis from which to answer that question.

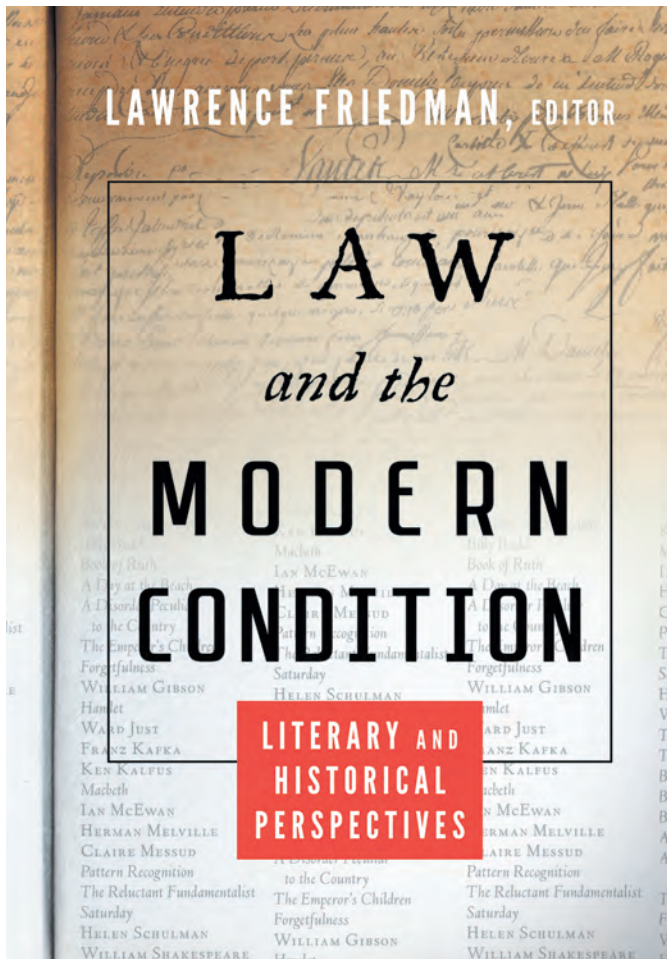
MAEVA MARCUS
The George Washington University Law School

John Gordan's extraordinary sleuthing of documents and sources and keen insights provide a highly readable and intriguing account of the slave rescue trial of Robert Morris in 1851. The book reveals new insights about Benjamin Robbins Curtis, presiding as Circuit Justice, and sheds important new light on the differing views of the rule of law and jury nullification in 19th century America.

CHRISTIAN G. FRITZ
Henry Weihofen Chair in Law and Professor of Law,
University of New Mexico



JOHN D. GORDAN III, a graduate of Harvard College and Harvard Law School, clerked for the Honorable Inzer B. Wyatt, U.S. District Judge (S.D.N.Y.), from 1969 to 1971 and served as an Assistant U.S. Attorney (S.D.N.Y.) from 1971 to 1976. He was in private practice in New York City from 1976 to 2011.



Law and the Modern Condition Literary and Historical Perspectives

LAWRENCE FRIEDMAN, Editor
George Dargo, Contributor
Carla Spivack, Contributor

Clark, NJ: Talbot Publishing, 2013
 xv, 266 pp.

Hardcover. \$49.95
 ISBN 9781616193911

Using fiction as a lens through which to view particular developments in the law, these essays by Friedman, Dargo and Spivack discuss works of literary fiction - some classical (the tale of Ruth in the Bible, the fiction of Franz Kafka and Herman Melville, the plays of William Shakespeare), some modern (the post-September 11 fiction of William Gibson, Ken Kalfus, Claire Messud, Ian McEwan and Helen Schulman) - concerned, directly or indirectly, with the historical development of the law. This exploration of legal history through fiction pays particular attention to its relevance to our present circumstances and our growing concerns about terrorism and civil liberties.

These provocative, scholarly essays range from the Bible to a look at how tomorrow's technology may influence fundamental social organization with many startling stops in between - Lady Macbeth, Kafka, Napster and post 9/11 fiction to name a few. Friedman's choices help the reader view the transit of law and culture through novel, sometimes unforgettable, dimensions.

MICHAEL MELTSNER
 Matthews Distinguished University Professor,
 Northeastern Law School and author
 of *The Making of a Civil Rights Lawyer*

The stories examined here brilliantly reflect worlds imagined by literature that speak to the modern condition: worlds steeped in law, worlds where law is refracted through complex orderings, and worlds where law seems virtually absent. All eloquently express the power of law to shape and unshape our realities within the modern condition. The authors examine the law's role within a wide range of literary and historical texts. This volume remembers our deeply missed colleague George Dargo, and builds on his prolific examination of law in the context of biblical texts and the works of Herman Melville and Franz Kafka. Three of his elegantly written articles are included here. Lawrence Friedman's intricately researched essays reveal continuities, within the legal imaginary, between the novel at the height of its power in the nineteenth century and cutting-edge postmodern fiction in the post-9/11 world. Carla Spivack rounds out the volume with essays that take a fresh look at property rights and law, not normally viewed as the most scintillating of subjects. She engages in a fascinating exegesis of Shakespeare's Hamlet, and in her other articles provides bold insights from feminist, gender and queer studies.

TAWIA B. ANSAH
 Associate Dean for Academic Affairs, Professor of Law
 FIU, College of Law

Each essay considers the legal lessons about the fictional event or events at its core, lessons that tell us something worth remembering as we continue to chart law's evolution. These lessons, like those that may be found in all great literature, necessarily extend beyond the historical confines of the characters and plot and background of each story to embrace the modern condition - which, as these great stories suggest, is and always has been the only condition.

LAWRENCE FRIEDMAN received his bachelor of arts in history from Connecticut College and holds law degrees from Boston College Law School and Harvard Law School. A member of the faculty at New England Law | Boston, he has written widely in the areas of constitutional law, national security law, and law and literature. His previous books include *The Massachusetts State Constitution* (with Lynnea Thody) and *The Case for Congress: Separation of Powers and the War on Terror* (with Victor Hansen).

On the Freedom of the Sea

JOSEPH-MATHIAS GERARD DE RAYNEVAL

Translated from the French by
Peter Stephen Du Ponceau

Edited with an extensive introduction
by William E. Butler

Clark, NJ: Talbot Publishing, 2013
lxx, 181, iv, 146 pp.

Hardcover. \$75.

ISBN 9781616194048

**AVAILABLE FOR THE FIRST TIME IN ENGLISH,
TRANSCRIBED FROM DE PONCEAU'S HAND
BY WILLIAM E. BUTLER**

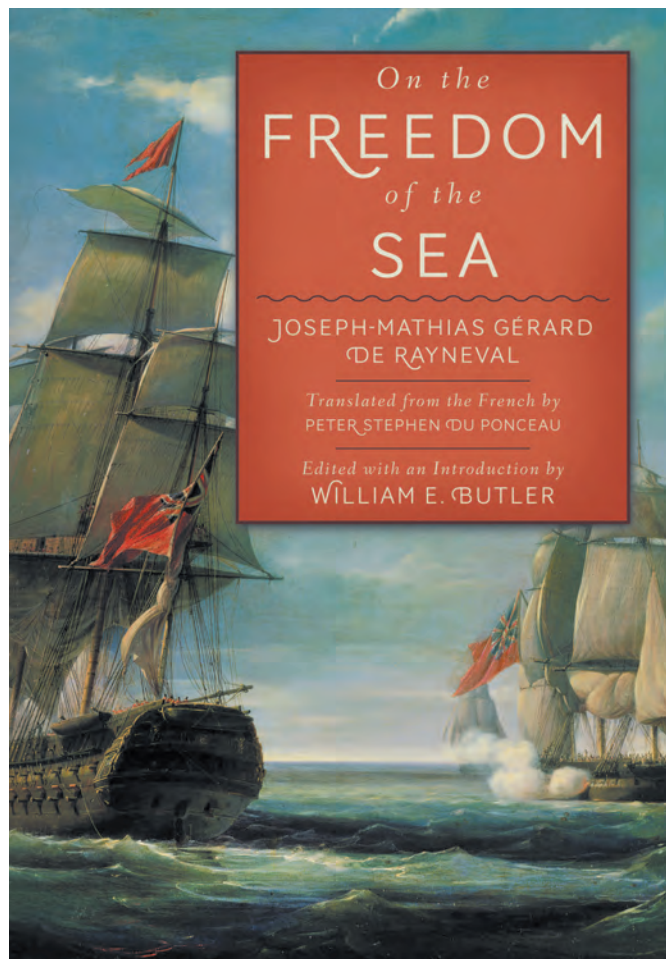
A previously overlooked and unpublished contemporary translation by Peter S. Du Ponceau of the classic treatise by Joseph-Mathias Gérard de Rayneval, *De la liberté des mers* (Paris, 1811), edited with an extensive introduction by William E. Butler.

Successor two centuries later to Grotius' classic writings on the freedom of the seas, Gérard de Rayneval's work affirmed the principles of natural and positive law applicable to naval warfare, privateers, the law of prize, the deep seabed and high seas, neutrality, and international straits from a French perspective deeply sympathetic to American views of the time. Gérard de Rayneval cherished the hope that Napoleon might be inspired by the work to draft a code of maritime law. This treatise informed negotiations that led to the 1856 Declaration of Paris and was widely cited by continental jurists during the 19th century.

WILLIAM E. BUTLER is the John Edward Fowler Distinguished Professor of Law Dickinson School of Law, Pennsylvania State University; Emeritus Professor of Comparative Law, University of London; Foreign Member, National Academy of Sciences of Ukraine and National Academy of Legal Sciences of Ukraine.

JOSEPH-MATHIAS GÉRARD DE RAYNEVAL (1736–1812) was First Deputy Minister of Foreign Affairs and an international lawyer. He was a significant mediator in Anglo-French relations who composed an important memorandum of French strategy for secret assistance to the Americans entitled "Reflections on the Situation in America" (1776). He was a key negotiator in the commercial Eden Treaty (1786), which was signed by him on behalf of France. In 1804 he was awarded the Cross of the Legion of Honor for his contributions to the literature of international law.

PETER STEPHEN DU PONCEAU (1760–1844) was a Franco-American jurist who came to America at the age of 17 and lived in Philadelphia where he practiced international law until his death. He was president of the American Philosophical Society. In 1810 he published a translation of Bynkershoek's *Treatise on the Law of War*.



Professor William Butler's careful scholarship and clear presentation bring to life an important translation of Gérard de Rayneval's work on the law of the sea, a topic of continuing interest to scholars and mariners alike in the 21st century. Professor Butler's detailed introduction and editing of Du Ponceau's translation offer essential background for familiar maritime concepts and adds richness to the body of work explaining the legal regimes surrounding the use of the world's seas.

JAMES W. HOUCK
Vice Admiral, Judge Advocate General's Corps, U.S. Navy (Ret.)
Interim Dean and Distinguished Scholar in Residence
Penn State, The Dickinson School of Law

In this book, Professor William Butler has expertly transcribed and edited a classic international law text of the early nineteenth century, making it accessible to lawyers, historians, and others interested in maritime law and policy. Butler's thoroughly researched and extensive introduction profiles Gérard de Rayneval, the author of *Freedom of the Sea*, and Du Ponceau, its translator. Through their lives we see how law was practiced in the early years of the American republic, how international diplomacy was conducted, and the importance of international law in those enterprises.

JOHN E. NOYES
Roger J. Traynor Professor of Law
California Western School of Law

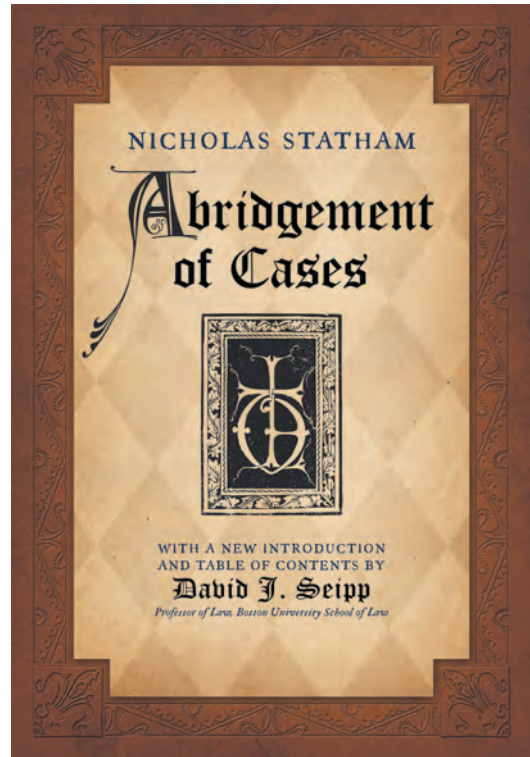


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ISBN 9781584779346

THE FIRST TREATISE ON ENGLISH LAW

WITH A NEW INTRODUCTION
BY DAVID J. SEIPP

Professor of Law, Boston University School of Law



10" x 14" Available December 2013 Hardcover. \$125.
ISBN 9781616192419

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NICHOLAS STATHAM

Originally published: [Rouen: Guillaume Le Talleur, for Richard Pynson, c. 1490]

[XII], XIII-XVIII (new Introduction), [190] ff.

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Professor of Law, Boston University School of Law

The first printed abridgement of English cases, this important text is now reprinted for the first time since 1490. This volume reproduces a rare first edition from the Harvard Law Library. It preserves contemporary annotations that demonstrate how the work was used in its day.

Contains a new introduction by David J. Seipp, one of the foremost scholars of early English law, folio numbering provided by the Ames Foundation, and an alphabetical table of contents. This carefully prepared entry tool will make it easier for researchers to access this fifteenth-century guide to English law printed in law French.

De Legibus et Consuetudinibus Angliae

Libri Quinque In Varios Tractatus Distincti, Ad
Diversorum et Vetustissimorum Codicum Collationem,
Ingenti Cura, Denuo Typis Vulgati. Quorum Quid Cuique
Insit, Proxima Pagina Demonstrabit

HENRY DE BRACTON

Originally published: London: Typis Milonis Flesher & Roberti Young, 1640

[4], v-xii (new introduction), [xxx], 444 [i.e. 442] fol. [916 pp.]

Reprint of the second edition, which was a reissue of the first edition (1569). A systematic work, *De Legibus et Consuetudinibus Angliae* [*The Laws and Customs of England*] emphasizes the separation of procedural and substantive matters and also cites cases as sources of at least intellectual, if not formal, authority. In Maitland's words, Bracton's *Legibus* is "the crown and flower of English medieval jurisprudence" and "by far the greatest of our medieval law books." Sweet & Maxwell adds that it "is distinguished by rich casuistic details, and by the careful reproduction of the judicial decisions on individual cases of law": Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:51(6). The pagination of the 1569 and 1640 issues is identical. Maitland, *Collected Works* II:43.

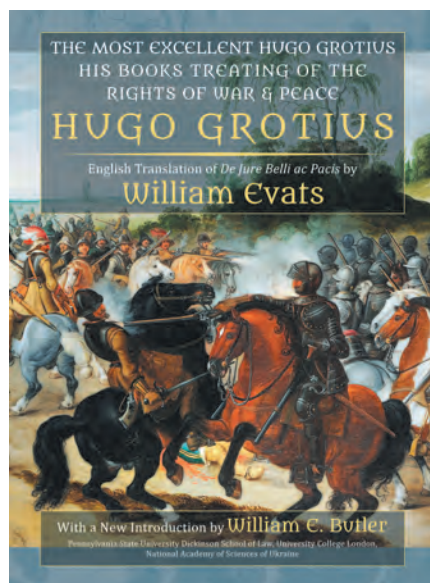
Important Editions of Hugo Grotius's *De Jure Belli ac Pacis* (Law of War and Peace)

WITH NEW INTRODUCTIONS BY WILLIAM E. BUTLER

Pennsylvania State University Dickinson Law School; University College London; National Academy of Sciences of Ukraine

First published in Paris in 1625, this momentous work played a central role in establishing the modern system of public international law based on "droit naturel," a morality-based law that supersedes the personalities of individuals or nations. This book describes situations where war is a valid tool of law enforcement and outlined principles for the use of force. Though based on Christian natural law, it advanced the novel argument that this system would still be valid if it lacked a divine basis. In this regard it pointed to the future by moving international law in a secular direction.

The three English translations offered here, each with an original context-setting introduction by Prof. William Butler, illuminate the course of its reception in the English-speaking world from the seventeenth to nineteenth centuries.



The Most Excellent Hugo Grotius, His Books Treating of the Rights of War & Peace

HUGO GROTIUS

WILLIAM EVATS, TRANSLATOR

Originally published: London: Printed by M.W. for Thomas Basset..., 1682
[4], [V-XIII] (new introduction), [7], 220, 361-572, [32] pp.

8-1/2" x 11"

Hardcover 2013. \$95.
ISBN 9781616193171

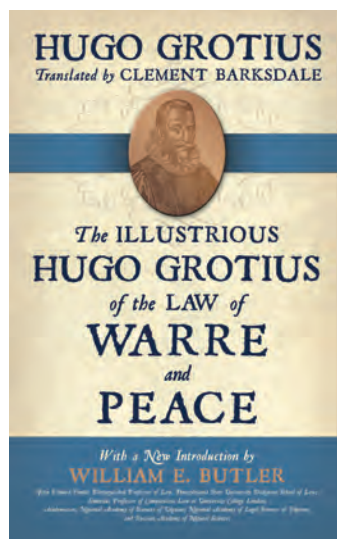
The Illustrious Hugo Grotius Of the Law of Warre and Peace

HUGO GROTIUS

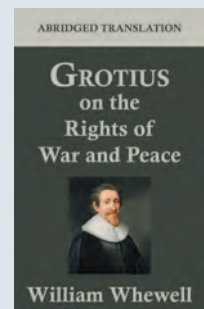
**CLEMENT BARKSDALE,
TRANSLATOR**

Originally published: London: Printed by T. Warren, for William Lee..., 1655
xiv [new introduction], [lxxv], 660, [xc] pp.

Hardcover 2013. \$95.
ISBN 9781616192792



ALSO AVAILABLE



Grotius on the Rights of War and Peace An Abridged Translation. Edited for the Syndics of the University Press

HUGO GROTIUS

**WILLIAM WHEWELL,
TRANSLATOR**

Hardcover 2009. \$49.95
ISBN 9781584779421
Paperback 2011. \$31.95
ISBN 9781616191511

Originally published: Cambridge:
John W. Parker, 1853
xxxix, 485 pp.



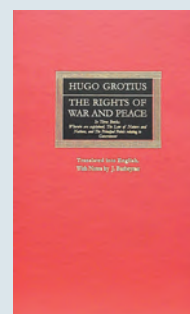
De Jure Belli et Pacis, Libri Tres Accompanied by an Abridged Translation. With the Notes of the Author, Barbeyrac and Others. Edited for the Syndics of the University Press

HUGO GROTIUS

WILLIAM WHEWELL, TRANSLATOR

Originally published: Cambridge: John W. Parker, 1853
3 Vols. [ii], iii-xxiii (new introduction), lxxix, 416; [vi], 457;
[iv], 445, [1] pp.

Hardcover 2011. \$165.
ISBN 9781616192082



The Rights of War and Peace In Three Books Wherein are Explained ...Translated into English ... Notes of Mr. J. Barbeyrac

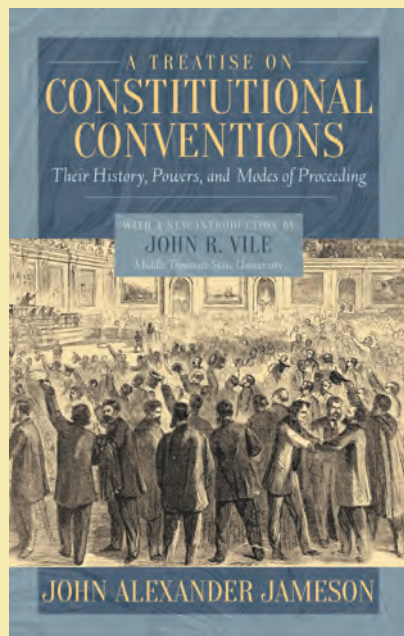
HUGO GROTIUS

9" x 14"
Hardcover 2004. \$195.
ISBN 9781584773863

Originally published: London:
Printed for W. Innys [et al.], 1738
xxxvi, 817 pp.

With new introductions by John R. Vile

Middle Tennessee State University, Murfreesboro, TN



A Treatise on Constitutional Conventions

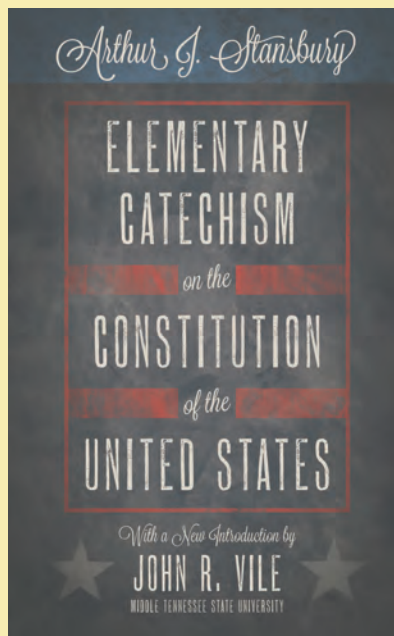
JOHN ALEXANDER JAMESON

Originally published:
Chicago: Callaghan and
Company, 1887
XXI (new introduction),
xxix, 684 pp.

Hardcover 2013. \$59.95
ISBN 9781616193515

This treatise served as a practical guidebook for states seeking to institute constitutional conventions, and it remains relevant today. Based on a study on 192 American constitutional conventions, Jameson analyzes the nature and sources of constitutions and shows how they are produced.

JOHN ALEXANDER JAMESON (1824-1890) served as a Judge of the Superior Court of Chicago from 1865-1883 and was one of the founders of the American Academy of Political and Social Science. An abolitionist, he was a founder of the Republican Party.



Elementary Catechism on the Constitution of the United States

ARTHUR J. STANSBURY

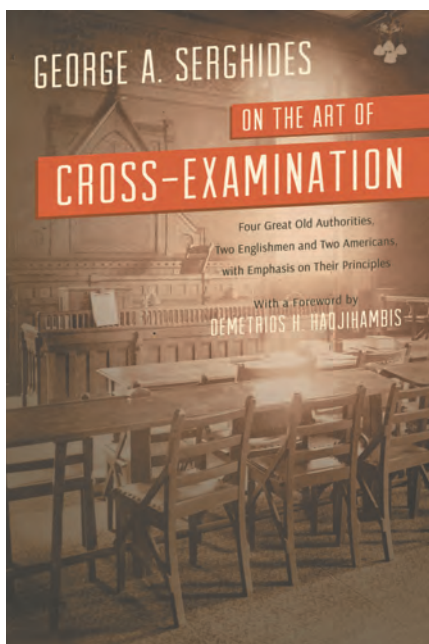
Originally published:
Boston: Hilliard, Gray,
Little, and Wilkins, 1831
iv, V-XX (new introduction),
[5]-78 pp.

Hardcover 2013. \$65.
ISBN 9781616193522

It is a tribute to Stansbury, and to the document that he explicated, that so many subsequent scholars have followed the pedagogical path that he blazed.

John R. Vile, XIX-XX

ARTHUR J. STANSBURY [1781-1865], a New York Presbyterian minister, often preached on political topics and was known for the patriotic fervor to his addresses.



On the Art of Cross-Examination Four Great Old Authorities Two Englishmen and Two Americans with Emphasis on Their Principles

GEORGE A. SERGHIDES

x, 147 pp. Clark, NJ: The Lawbook Exchange, Ltd.

Paperback 2013. \$29.95
ISBN 9781616193508

Serghides breaks down the writings of recognized English and American masters of trial advocacy Edward William Cox, William Ballantine, David Paul Brown and Henry Hardwicke into principles that offer specific guidance on cross-examination techniques.

GEORGE A. SERGHIDES practiced law in Cyprus for some years and since 1990 has been a Judge and President of different family courts in Cyprus.

Through the Codes Darkly

Slave Law and Civil Law in Louisiana

VERNON VALENTINE PALMER

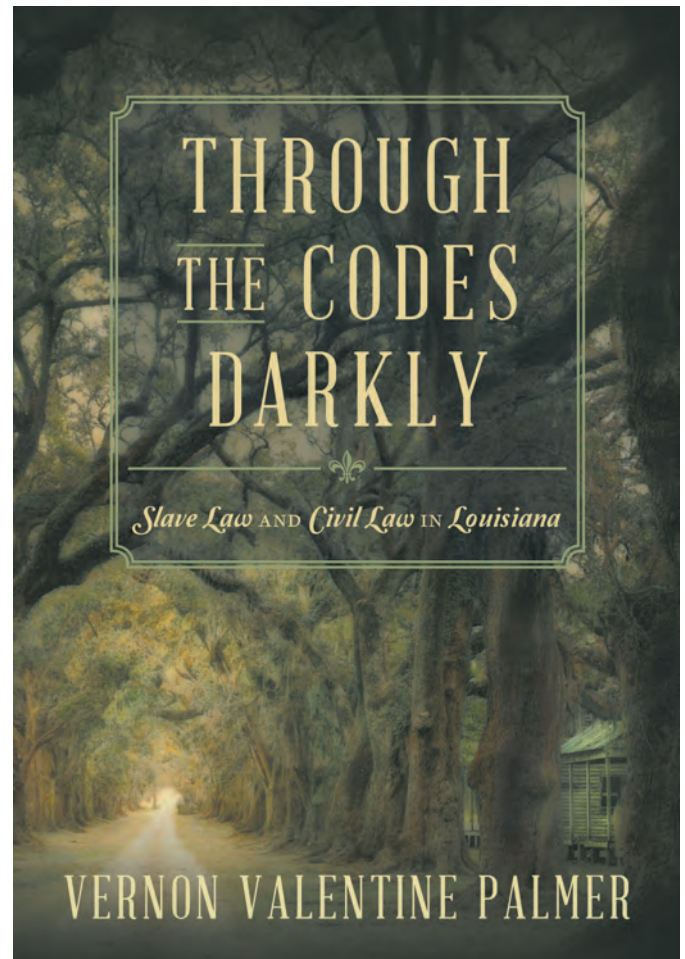
Clark, NJ: The Lawbook Exchange, Ltd.
xvi, 196 pp.

Hardcover 2012. \$59.95
ISBN 9781616193119
Paperback 2012. \$49.95
ISBN 9781616193263

When it comes to demystifying slave law in Louisiana, Vernon Palmer is practically peerless. It's probably because he is equally comfortable in the weeds of lived experience as he is poring over the pages of classical learning. These masterful essays on the Code Noir's origins, plus Louisiana's 150-year interplay between custom and legal practice, belong on the shelf of anyone with the faintest curiosity about human bondage and the laws fashioned to make it work.

LAWRENCE POWELL

Professor Emeritus, Department of History, Tulane University



This fascinating study offers:

- an examination of the complex French, Spanish, Roman and American heritage of Louisiana's law of slavery and its codification
- a profile of the first effort in modern history to integrate slavery into a European-style civil code, the 1808 Digest of Orleans
- a trailblazing study of the unwritten laws of slavery and the legal impact of customs and practices developing outside of the Codes
- an analysis that overturns the previous scholarly view that Roman law was the model for the Code Noir of 1685 - a new unabridged translation (by Palmer) of the Code Noir of 1724 with the original French text on facing pages.

VERNON VALENTINE PALMER is the Thomas Pickles Professor of Law and Co-Director of the Eason Weinmann Center for Comparative Law at Tulane University. He is the author of more than forty books and articles, including *Mixed Jurisdictions Worldwide: The Third Legal Family* (2nd ed., Cambridge University Press, 2012), *Mixed Jurisdictions Compared: The Private Law of Louisiana and Scotland* (co-edited with Elspeth Reid) (Edinburgh University Press, 2009), *The Louisiana Civilian Experience: Critiques of Codification in a Mixed Jurisdiction* (Carolina Academic Press, 2005), *Strict Liability in Europe* (co-edited with Franz Werro) (Carolina Academic Press 2004), *Pure Economic Loss in Europe* (co-edited with Mauro Bussani) (Cambridge University Press 2003), *Louisiana: Microcosm of a Mixed Jurisdiction* (Carolina Academic Press, 1999), and *The Paths to Privity: The History of Third Party Beneficiary Contracts at English Law* (Austin & Winfield, 1992, reprinted by Lawbook Exchange, 2006).

The Law in Postcards & Ephemera 1890-1962

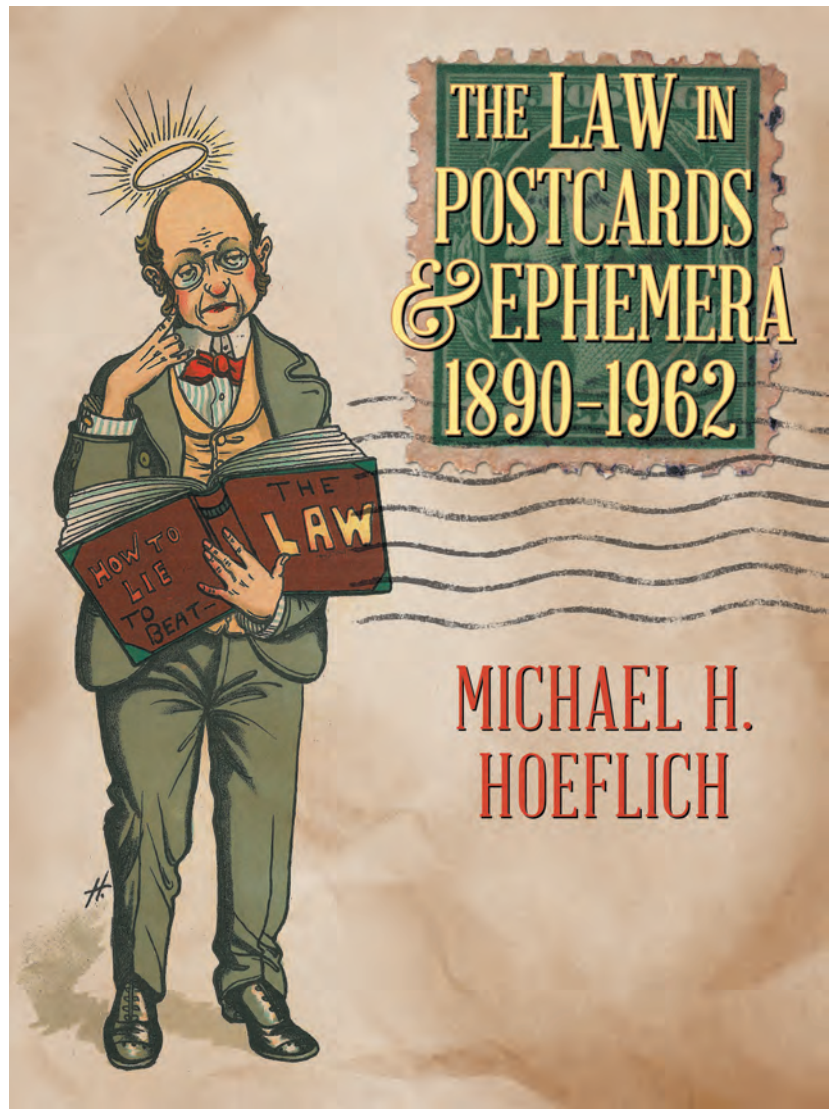
MICHAEL H. HOEFLICH

Clark, NJ: The Lawbook Exchange, Ltd.
xi, 102 pp. Color illustrations

Hardcover 2012. \$75.
ISBN 9781616193430

Professor Michael H. Hoeflich of the University of Kansas School of Law may well be the leading living historian of American legal publishing. Law publishing is and always has been a serious business, a reality reflected in much of Hoeflich's work. (...) Or at least it used to be serious most of the time. On that last point, see Hoeflich's latest book, *The Law in Postcards & Ephemera 1890-1962* (2012). It is filled with law-themed and generally not-serious greeting cards — an interesting mix to the modern eye of the still-entertaining and the now perplexing.

The Green Bag (Second Series)
vol. 16, no. 2, winter 2013



The prominence of law and lawyers in popular culture is shown in this full-color collection of late-nineteenth to mid-twentieth century postcards and ephemera. From humorous cards depicting love, divorce, drinking, cute animals and children in legal garb to serious depictions of women lawyers, courthouses and law firm libraries, they are a rich source for understanding popular opinions of lawyers, the courts and the law.

CONTENTS

Introduction; Animal Lawyers; Child Lawyers; Dickensian Lawyers; Drinking Lawyers; Holidays; Ethnic Lawyers; Legal Humor; Law Buildings; Lawyers & Love; Lawyers & Money; Legal Advertising; Real Photo Cards; Women Lawyers; References to M. Galanter, Lowering the Bar.

MICHAEL H. HOEFLICH is the John H. & John M. Kane Professor of Law at the University of Kansas School of Law. He is the author of numerous books including *Roman and Civil Law and the Development of Anglo-American Jurisprudence* (1997), *Sources of the History of the American Law of Lawyering* (published by The Lawbook Exchange, Ltd., 2007) and *Legal Publishing in Antebellum America* (2010).

Trying Cases to Win

HERBERT J. STERN

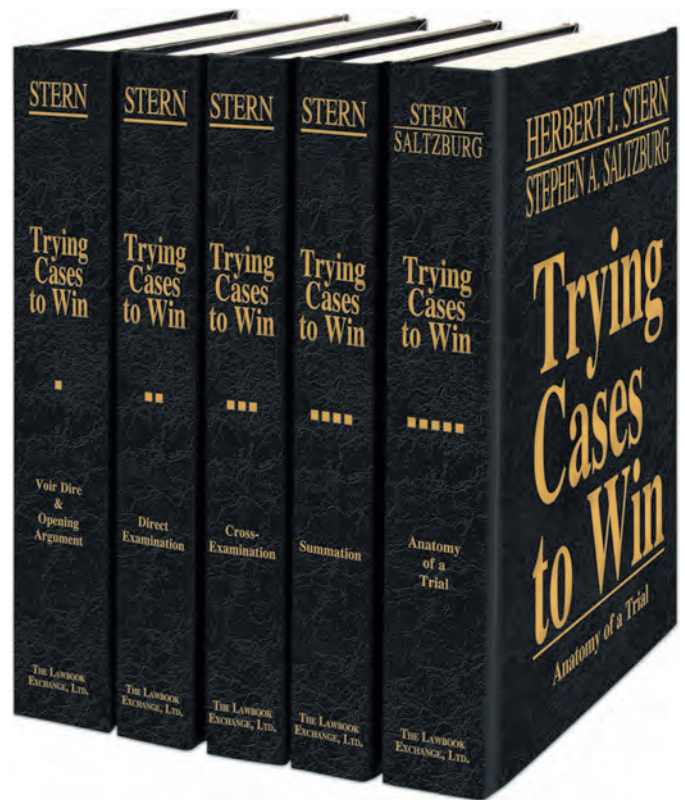
Originally published: New York: Aspen Publishers, 1991–1999
5 vols. xv, 685; xv, 457; xviii, 450; xviii, 448; xviii, 584 pp.

Hardcover 2013. \$840.
ISBN 9781616193447

The trial process is the sum of its parts: opening argument, direct and cross examination, and summation. In *Trying Cases to Win*, nationally known trial lawyer Herbert J. Stern provides an overall blueprint for conduct in the courtroom as he guides the reader through each of these segments. Rather than a collection of anecdotal war stories from various trials, Stern outlines the nuts and bolts of the right- and wrong-approach, processes and strategies for every component needed for trial success.

... a crowning achievement in a career devoted to helping all lawyers, from beginners to veterans, become more knowledgeable in the art of advocacy.

ARTHUR J. GREENBAUM
Cowan, Liebowitz & Latman,
PC, New York, NY



Each volume is also available separately.

Voi Dire and Opening Argument Volume I, *Trying Cases to Win*

HERBERT J. STERN

Originally published: New York: Aspen, 1991
xv, 685 pp.

Hardcover 2013. \$175.
ISBN 9781616193454

Stern describes tactics for the voir dire process and the construction and delivery of a successful opening to lay the foundation for the overall argument.

Direct Examination Volume II, *Trying Cases to Win*

HERBERT J. STERN

Originally published: New York: Aspen, 1992
xv, 457 pp.

Hardcover 2013. \$175.
ISBN 9781616193461

Stern provides a variety of direct examination techniques, using transcripts from a variety of cases.

Cross-Examination Volume III, *Trying Cases to Win*

HERBERT J. STERN

Originally published: New York: Aspen, 1993
xviii, 450 pp.

Hardcover 2013. \$175.
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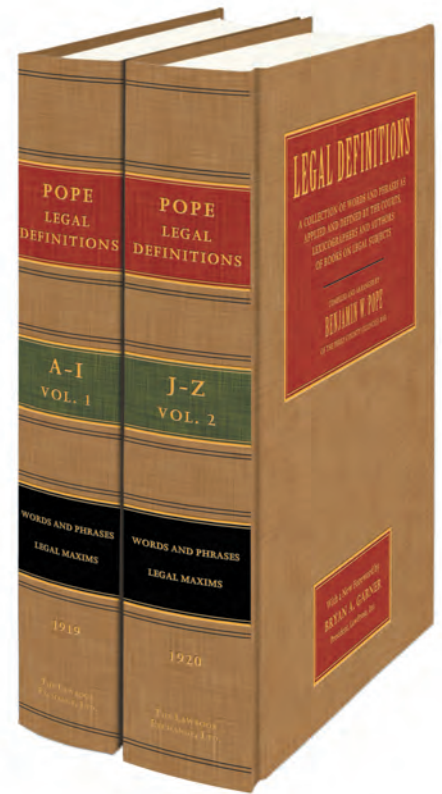
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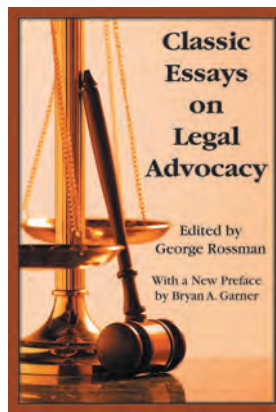
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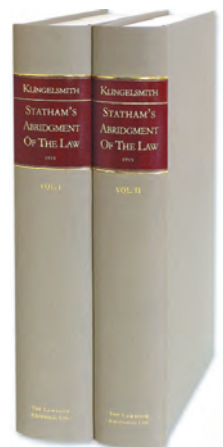
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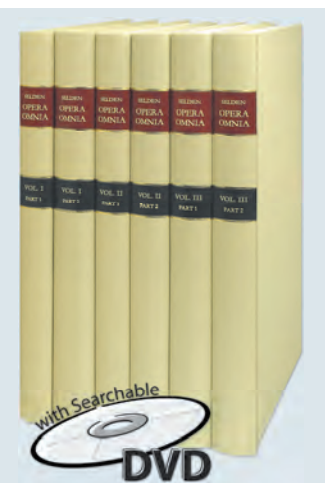
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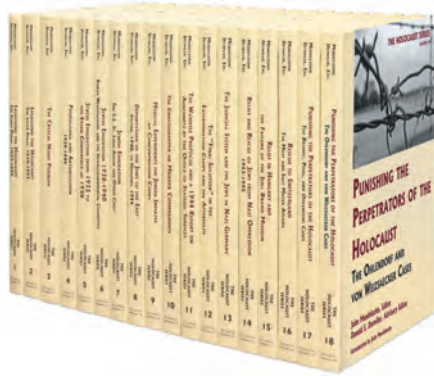
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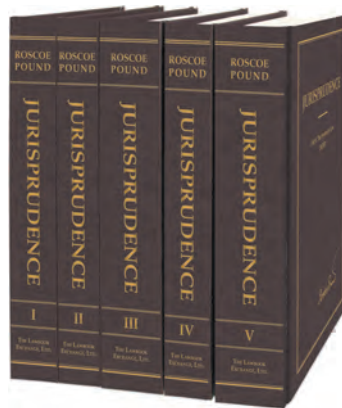
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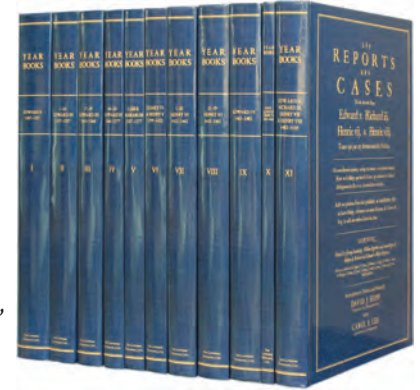
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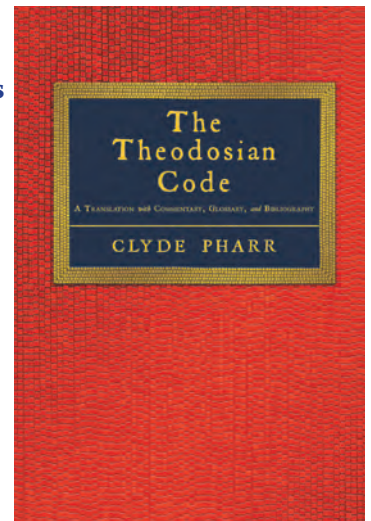
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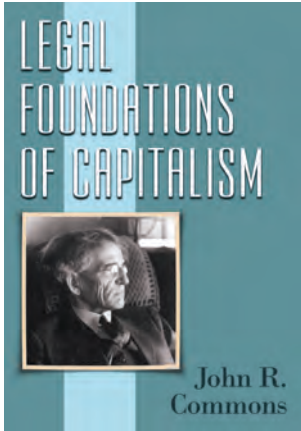
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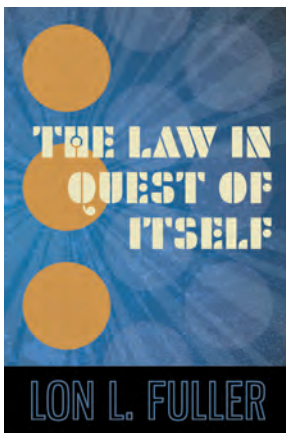


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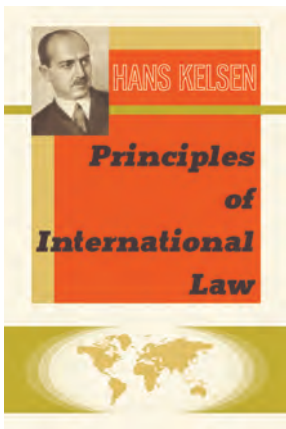


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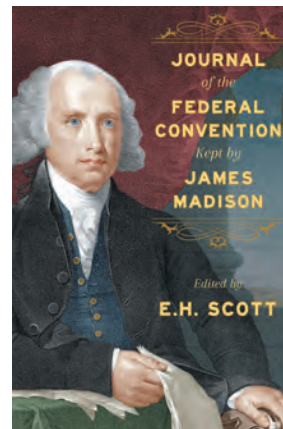


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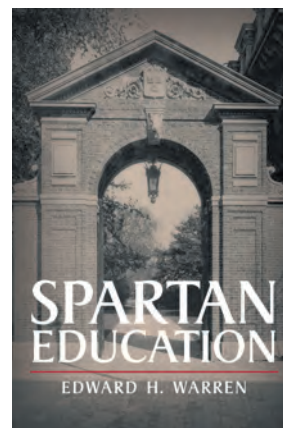


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