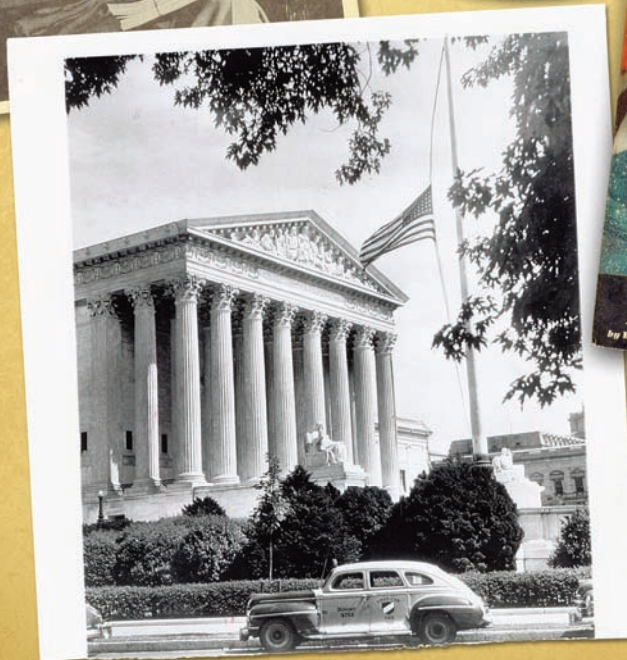


# The UNITED STATES SUPREME COURT

February 10, 2015



№ 10



№ 23



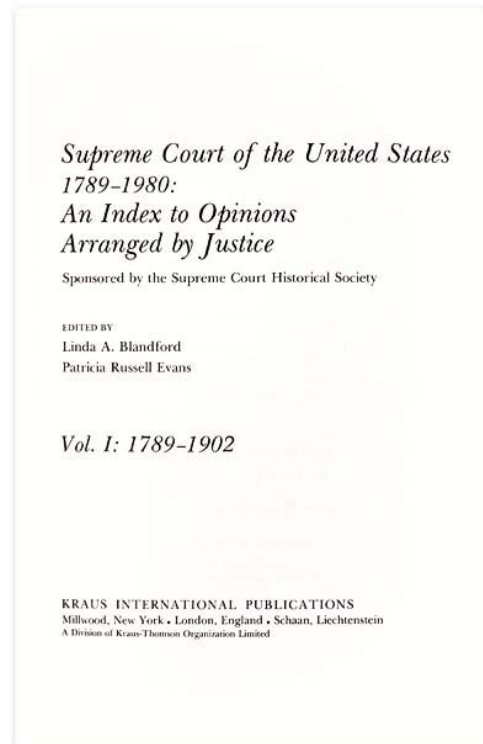
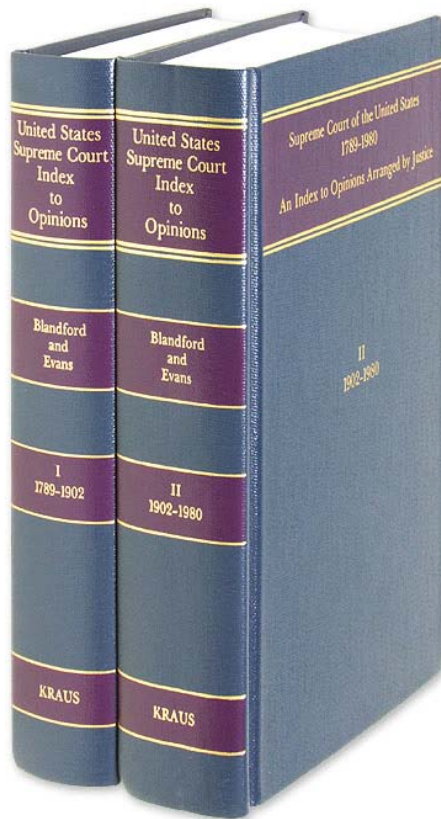
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# The Lawbook Exchange, Ltd.

## The United States Supreme Court

10 February 2015



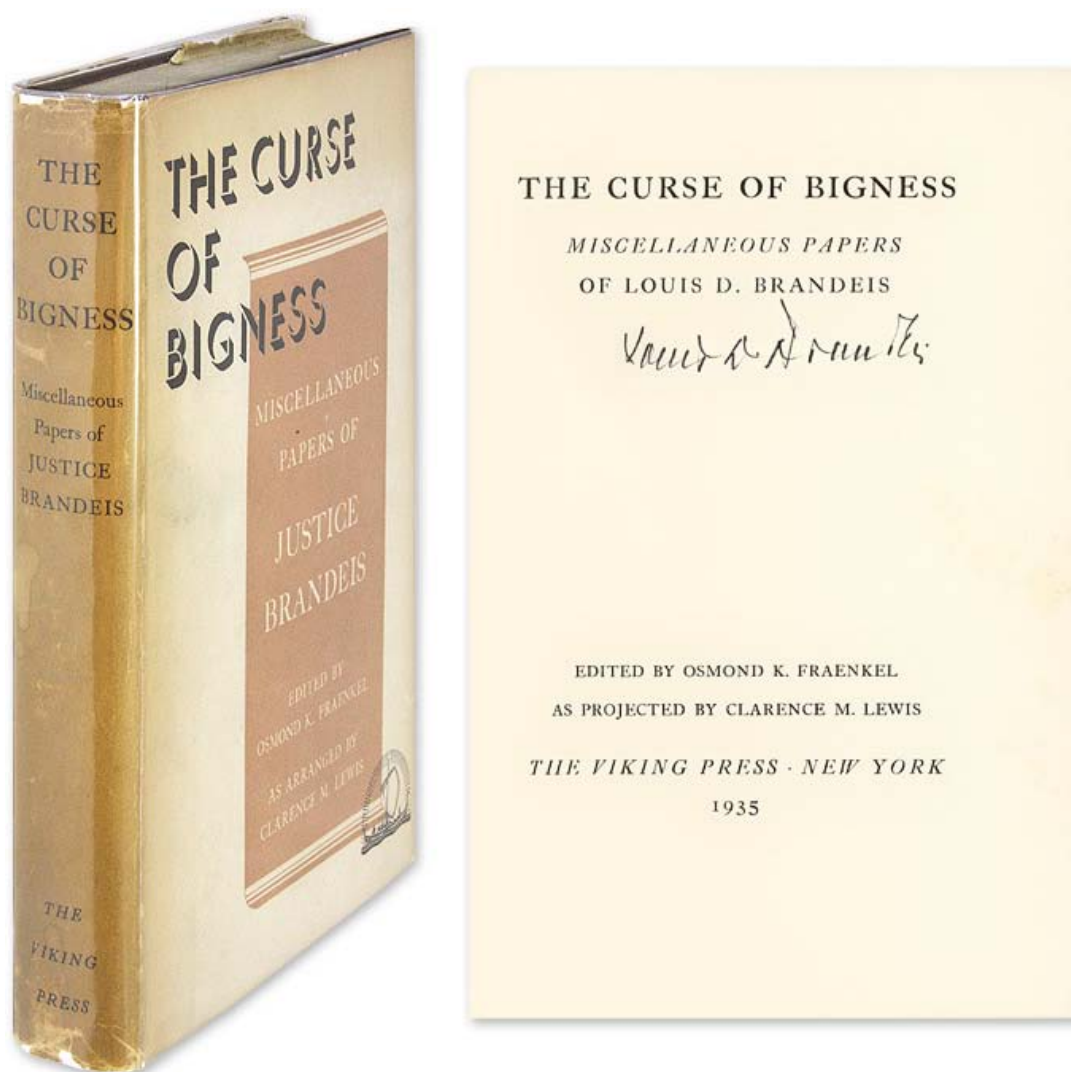
### Comprehensive Index of the Written Opinions and Statements of the Justices

**1. Blandford, Lida A., Editor.**

**Evans, Patricia Russell, Editor.**

*Supreme Court of the United States 1789-1980. An Index to Opinions Arranged by Justice.* Millwood, New York: Kraus International Publications, [1984]. Two volumes. xxv, 501; xvii, 503-1126, [7] pp. Cloth. Fine. \$50.

\*The only comprehensive index of the written opinions and statements of the justices who have served on the Supreme Court (to 1984). The listings cite each justice's opinions and statements, grouped as: Opinions of the Court; Separate Opinions; Concurring Opinions; Dissenting Opinions; and, Statements.



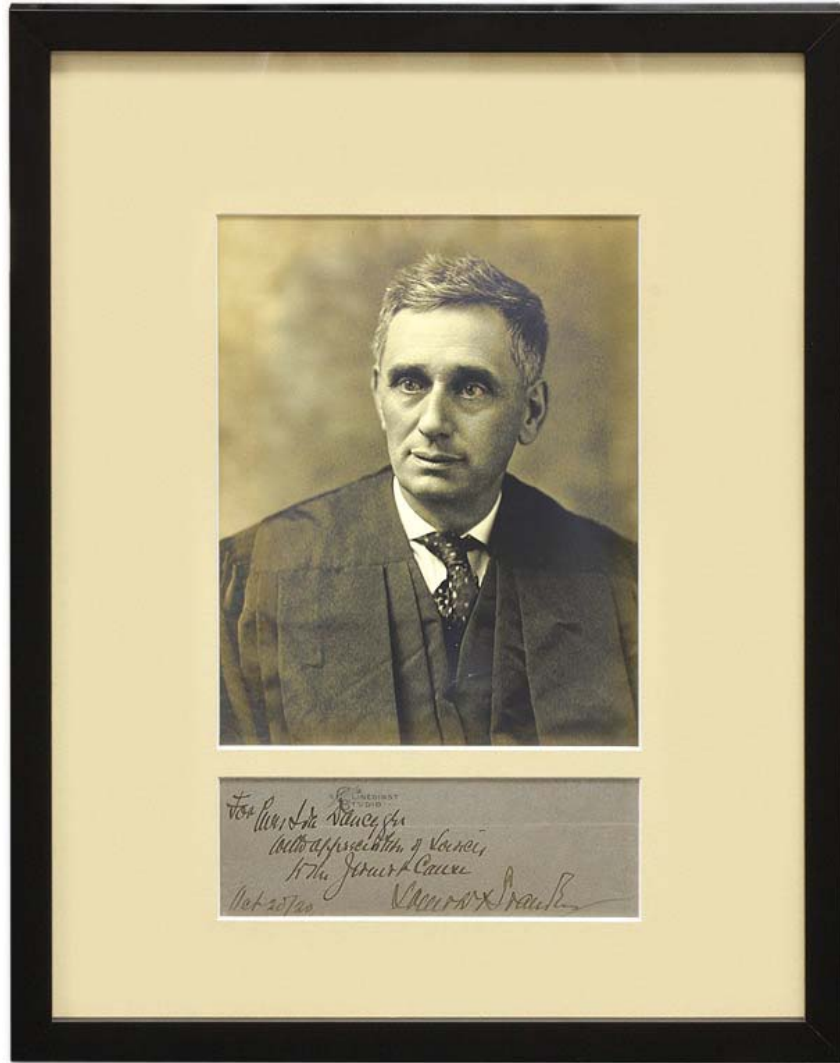
**Signed by Brandeis**

**2. Brandeis, Louis D. [1856-1941].**

*The Curse of Bigness: Miscellaneous Papers of Louis D. Brandeis.* Edited by Osmond K. Fraenkel. New York: The Viking Press, 1935. ix, 339 pp.

Cloth in dust jacket. Cloth very good, light edgewear to dust jacket, some soiling to spine, minor chipping to ends. "Louis D. Brandeis" in bold hand to center of title page, internally clean. \$950.

\* First edition, second printing. "Preceding the text of the reprinted matter each section of this work contains a brief note and following it a bibliography of the articles and addresses on the subject covered by that section. The reprinted articles are given in full even when parts of them appear more than once." Foreword.

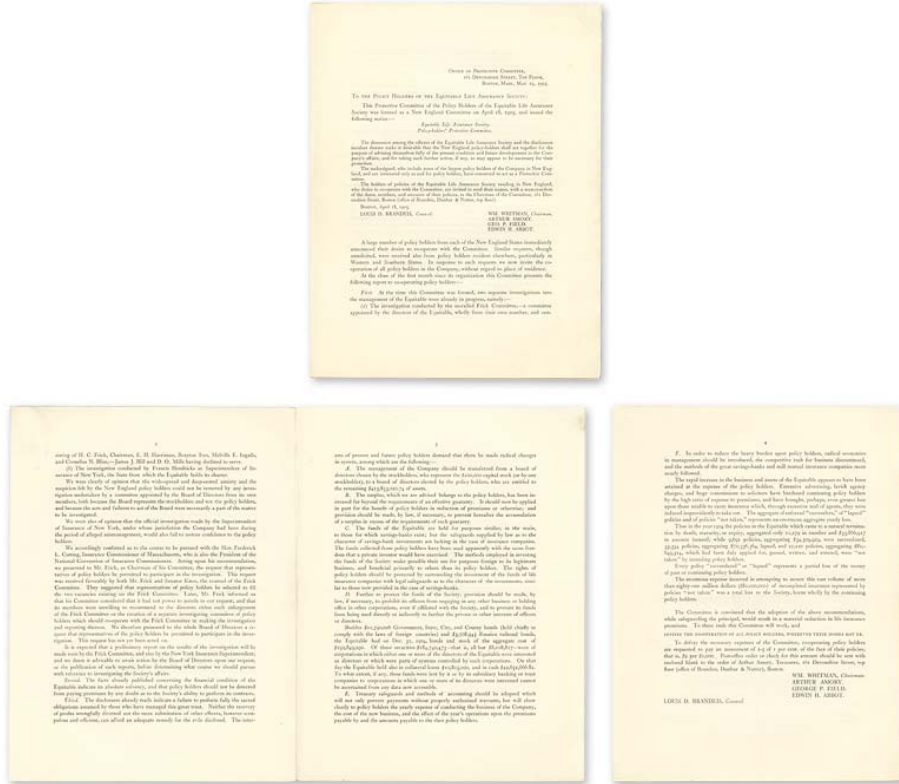


**Photograph of Brandeis with Inscribed Studio Card  
Expressing Thanks for "Services to the Jewish Cause"**

**3. Brandeis, Louis D.**

[*Photograph of Brandeis in Judicial Attire with Inscribed Studio Card*]. Washington: The Clinedinst Studio, 1920. 7" x 10" portrait black-and-white photograph and 2" x 7" card from the Clinedinst Studio. Card inscribed and signed in bold hand. Handsomely matted and glazed. \$1,250.

\* The card reads: "For [illegible] with appreciation of services/ to the Jewish cause/ Oct. 20, '20/ Louis D. Brandeis." Brandeis became an Associate Justice of the United States Supreme Court in 1916 and was the first Jewish Justice on the Court, where he served until 1939.

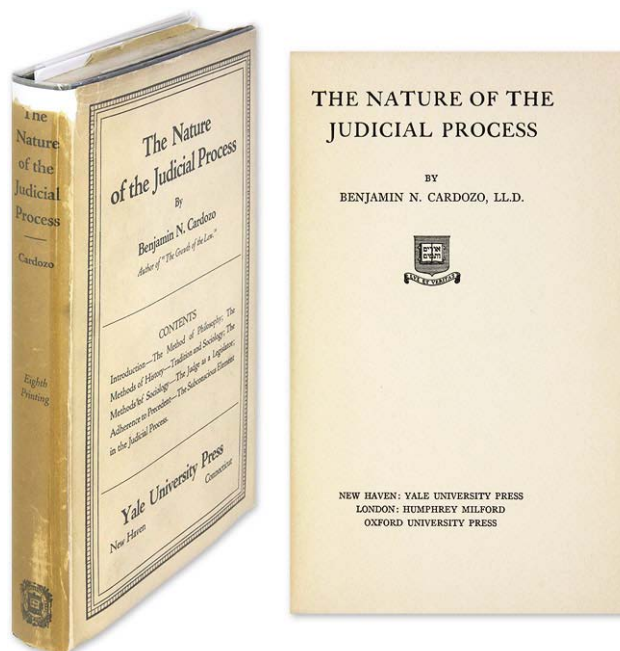


Brandeis on Life Insurance and Risk

4. Brandeis, Louis D.

To the Policy Holders of the Equitable Life Assurance Society. Boston: [Office of the Protective Committee], May 19, 1905. Four-page 8-1/2" x 11" leaflet. Minor discoloration at fold. A remarkably well-preserved copy. \$65.

\* This set of recommendations was written while Brandeis was serving as counsel to the Policy Holders' Protective Committee, which aimed to curb the Equitable's risky investment policies. "In order to reduce the heavy burden [of risk and expense] upon policy holders, radical economies in management should be introduced, the competitive rush for business discounted, and the methods of the great savings-banks and mill mutual insurance companies more nearly followed" (4). Not included in Roy Mersky's *Louis Dembitz Brandeis: A Bibliography*.



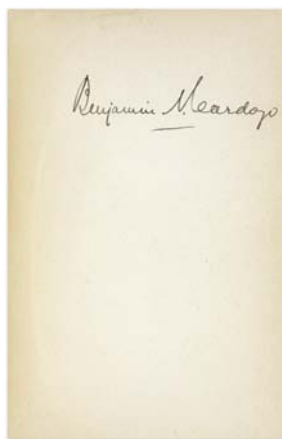
**Cardozo's Most Influential Work, Signed by the Author**

**5. Cardozo, Benjamin N. [1870-1938].**

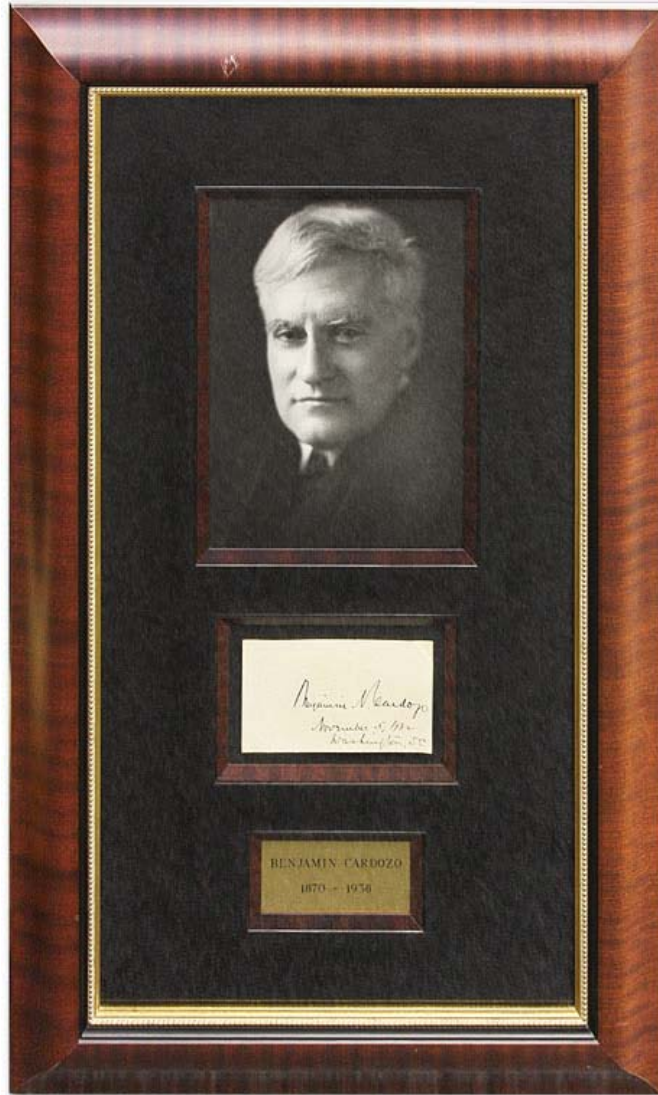
*The Nature of the Judicial Process*. New Haven: Yale University Press, [1921 (1932 printing)]. 180 pp.

Cloth in dust jacket. Cloth very good, light soiling to spine of dust jacket, some wear to head. "Benjamin N. Cardozo" in bold hand to front free endpaper, internally clean. \$1,000.

\* First edition, eighth printing. The Storrs Lectures delivered at Yale University Law School in 1921. One of the most important legal works of the twentieth century, *The Nature of the Judicial Process* argued that judges create law. Along with Holmes' *The Common Law*, this book is one of the seminal works that helped the American bar to move beyond the formalism of nineteenth-century jurisprudence.





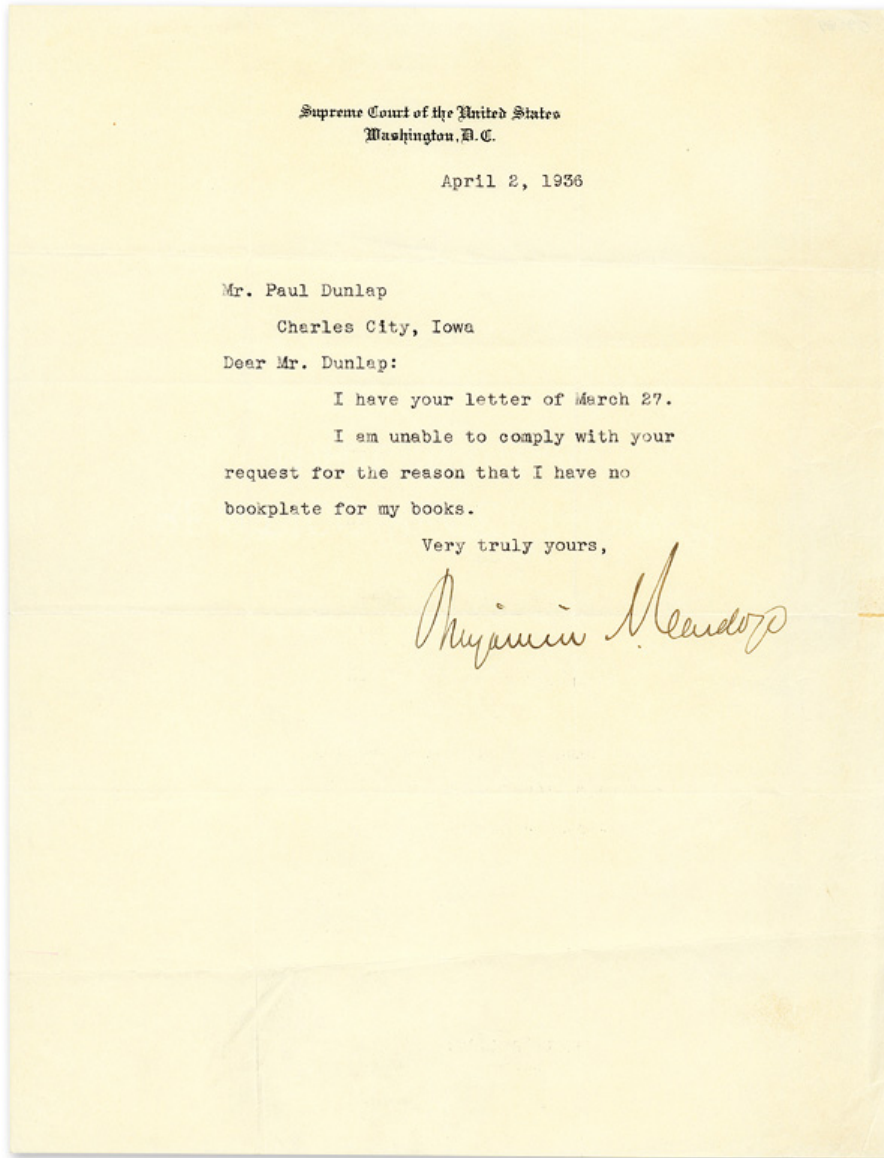


**Handsomely Framed Image of Cardozo with Inscribed Card**

**6. Cardozo, Benjamin N.**

[*Photograph of Brandeis in Judicial Attire with Inscribed Studio Card*]. Washington: The Clinedinst Studio, 1920. 8" x 10" portrait black-and-white photograph and 3" x 5" card inscribed and signed in bold hand above an engraved brass plaque. Handsomely matted and glazed. Small scrape to top section of frame, otherwise fine. \$1,250.

\* The card is dated November 5, 1932. Cardozo, an Associate Justice of the Supreme Court from 1932 to 1938, was one of the most influential American jurists of the twentieth century.



**Cardozo TLS Regarding the Non-Existence of His Bookplate**

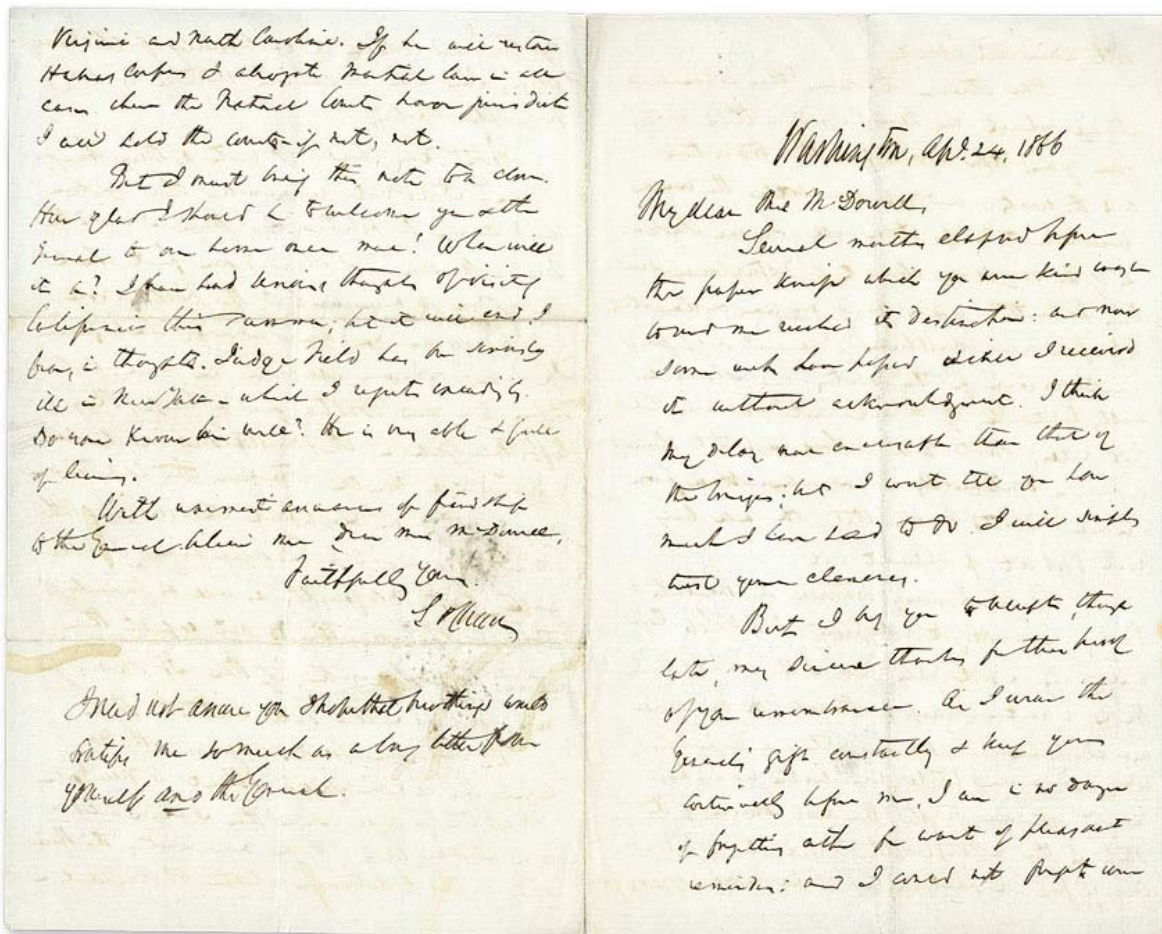
**7. Cardozo, Benjamin N.**

[*Typewritten Letter, Signed, on Supreme Court Stationery*]. Washington, DC: April 2, 1936.

Single 8" x 10-1/2" sheet. Light toning to letter, faint vertical and horizontal fold lines, minor short tear near center of right-hand margin along fold. An interesting letter with a large full signature. \$500.

\* This letter is a reply to a bookplate collector. Cardozo says he is unable to give him one because he does not use them. This letter relates to what was to become a confusing issue. Sometimes books are found with "Cardozo" bookplates. These were added posthumously to mark books that were in his library.





**Chief Justice Chase Discusses  
Reconstruction with the Wife of a Civil War General**

**8. Chase, Salmon P. [1808-1873].**

**[McDowell, Helen (1826-1891)].**

[Autograph Letter, Signed, As Chief Justice of the Supreme Court, To Mrs. Irvin McDowell]. Washington, 24 April 1866. Leaf folded to form four-page 5" x 8" bifolium, written in ink. Light toning, two horizontal and one vertical fold lines. Tear to ends of vertical fold, otherwise fine. \$1,500.

\*"I CANNOT HELP FEELING GRAVE CONCERN FOR THE COUNTRY," Chase tells Mrs. McDowell. He fears "new convulsions" from former slave owners restored to prominence by President Andrew Johnson's lax reconstruction policies. "How strange it seems, this extensive change which has happened in these last four years! How wonderful the transition and the events: and yet how little the wiser we seem to be for them all. To me it's been as if the very same elements of disturbance were being permitted, and in new names & character to prepare new convulsions. I cannot help feeling grave concern for the country; and should be really heartsick if I did not remember that God rules; & that God is Love, and that thousands of prayers continually go up before Him from sincere & devoted hearts that He will bring Good out of apparent evil. The controversy between the President & Congress is greatly to be deplored. Doubtless there are faults on both sides; but I think most on his. He is a Unit, Congress a Plural...and a very little consideration would have availed all our trouble." Helen McDowell was the wife of General Irvin McDowell [1818-1885], the General best known for his defeat in the First Battle of Bull Run, the first major battle of the American Civil War. Mrs. McDowell played an important role during the war through her work for the Sanitary Commission, the forerunner of the American Red Cross.



**Inscribed Portrait Photograph of William O. Douglas**

**9. Douglas, William O. [1898-1980].**

[*Inscribed Portrait Photograph of Douglas in Judicial Attire*]. N.p., c. 1960. 4" x 5" halftone black-and-white photograph on 8" x 10" sheet, tipped-in to an 8" x 10" illustration board. Autograph inscription by Douglas below image. Small stain to upper right hand corner, smudge though part of inscription, otherwise fine. \$100.

\* The inscription reads: For Norman C. Zeter/ with all good wishes/ W O Douglas." This photo was probably produced for reproduction in newspapers and magazines.



#### LP Recording of William O. Douglas

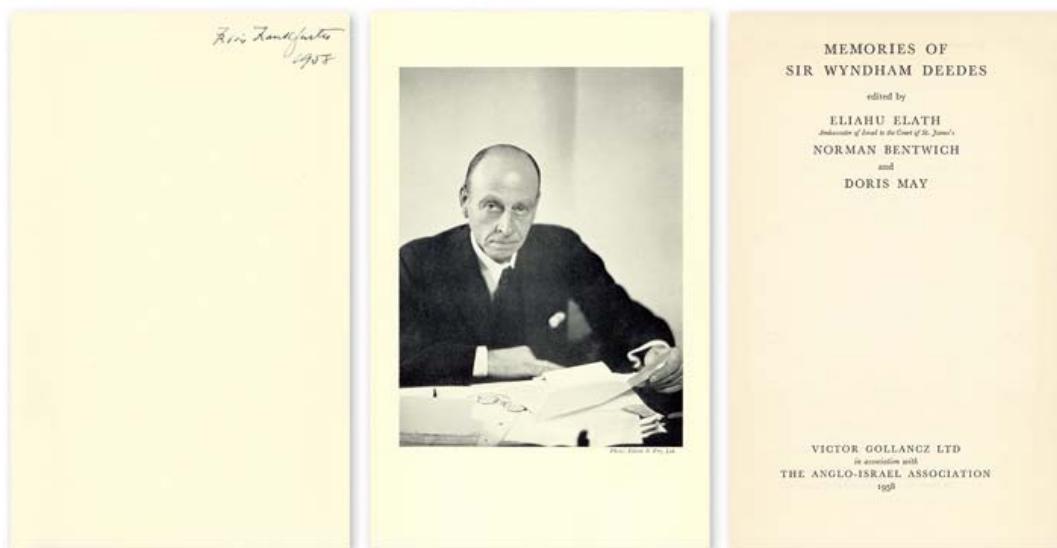
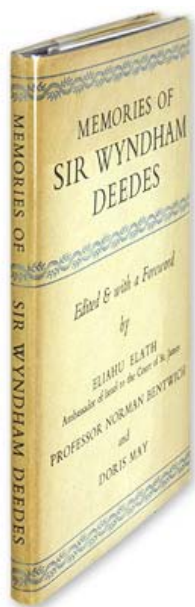
##### 10. Douglas, William O.

**Langer, Howard, Interviewer.** *Interview with William O. Douglas.* New York: Folkways Records FC 7350 (1957). 10" LP recording in pictorial dust jacket with 8 pp. descriptive booklet.

Some wear to edges and spine, 6" split to head of jacket, booklet and LP fine. Ex-library. Residue from card pocket and small inkstamp to front cover. \$45.

\* A fascinating interview with the U.S. Supreme Court Associate Justice. Side One: The Supreme Court, Function, Routine, Procedure. Side Two: Personal Views, Foreign Policy, Travel, People, To the Youth.





**Felix Frankfurter's Copy**

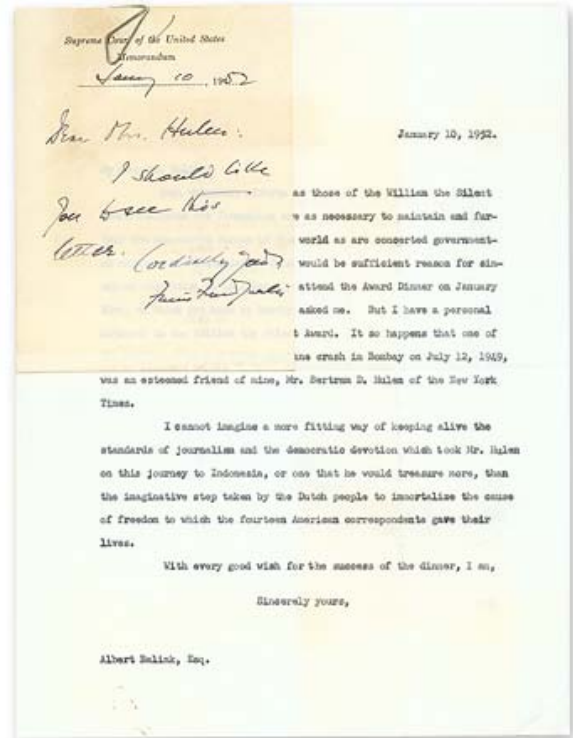
**11. [Frankfurter, Felix (1882-1965)].**

**Elath, Elihu, Norman Bentwich and Doris May, Editors.**

*Memories of Sir Wyndham Deedes*. [London]: Victor Gollancz, Ltd. In Association with the Anglo-Israel Association, 1958. 93 pp.

Cloth in dust jacket. Cloth very good, dust jacket lightly edgeworn and somewhat toned. "Felix Frankfurter/ 1958" to front free endpaper, interior otherwise clean. \$650.

\* Frankfurter knew Deedes through their shared interest in Jewish efforts in Palestine. They met at the 1919 Paris Peace Conference, where Frankfurter led the American Zionist delegation. Deedes also attended and went on to serve as chief secretary to the British High Commissioner in Palestine. Deedes founded the Anglo-Israel Association in 1919, one year after the establishment of the state of Israel.



### Frankfurter Promotes a Notable Journalist

#### 12. Frankfurter, Felix.

[Hulen, Bertram D. (1889-1949)].

[Typescript Letter and Autograph Note, Signed by Felix Frankfurter, to Mrs. Bertram Hulen, And Related Items]. Washington, DC, January 10, 1952. 5" x 4" autograph note, signed, to Mrs. Bertram D. Hulen on U.S. Supreme Court letterhead clipped to carbon copy of typewritten 10" x 8" letter to Albert Balink.

[And]

[Typewritten Letter, Signed by Julius Klein, to Mrs. Hulen]. Washington, DC, January 16, 1952].

[With]

[Invitation to the 1952 William the Silent Award Dinner, With Envelope]. New York, January 22, 1952.

[And]

[A Group of Newspaper Clippings About the Award Dinner]. January, 1952.

Negligible wear and soiling. A well preserved collection. \$300.

\* Hulen, a reporter for the *New York Times*, was the dean of State Department reporters. He was killed in a plane crash in India while returning from an assignment in Indonesia. This collection relates to his posthumous nomination for the 1952 William the Silent Award for Journalism. The Frankfurter letter is an unsigned carbon copy. It is addressed to the head of the Award's executive committee. The justice expresses regret that he will not be able to attend the dinner and implies strongly that the award should go to Hulen. Frankfurter notes his friendship with Hulen and praises his contributions to journalism and democracy. The attached autograph note, signed with a full signature, shows that the copy was given to Mrs. Hulen. The letter from Klein, a member of the committee, accompanied the invitation to the award dinner. In the end the award went to Anne O'Hare McCormick of the *New York Times* Editorial Board.



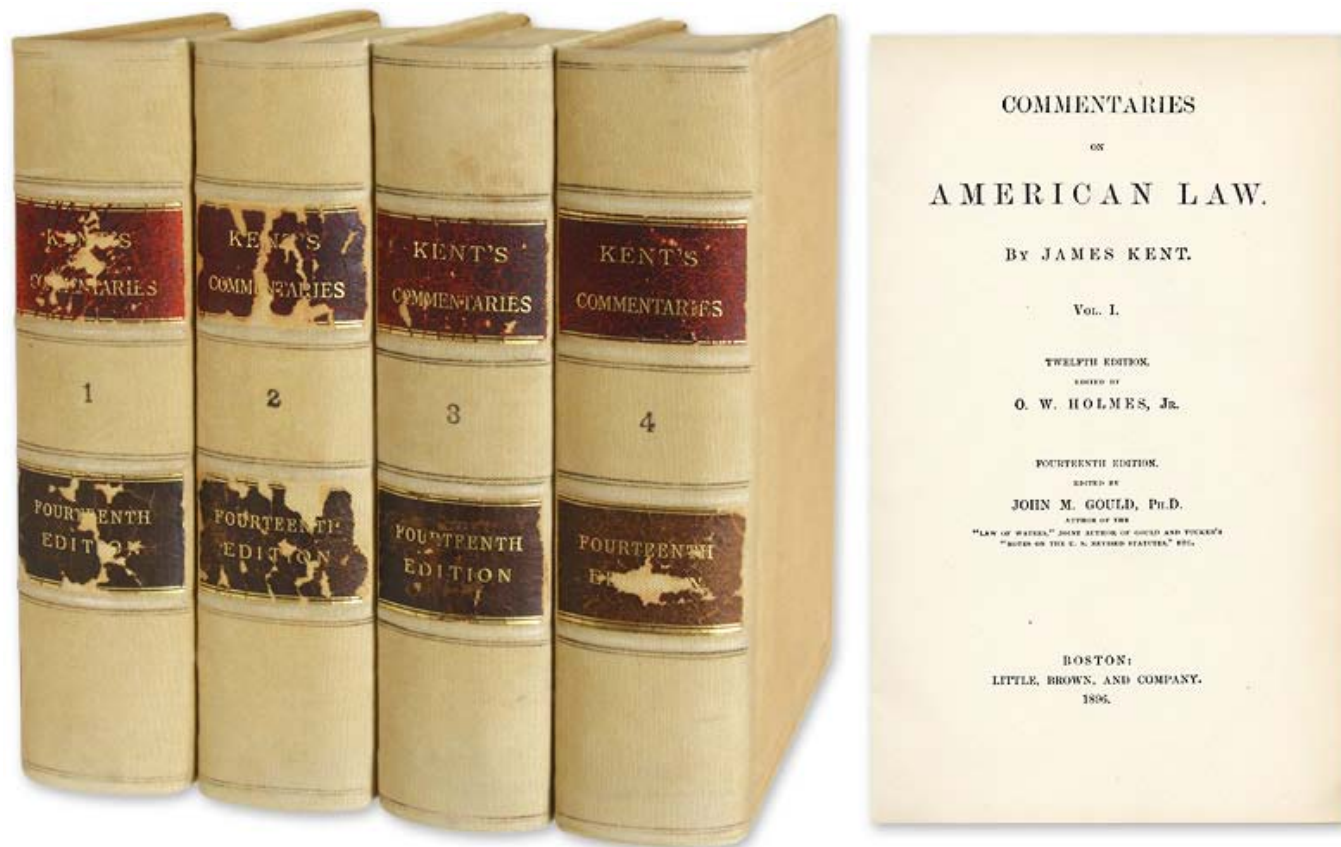
### Frankfurter Quotes Holmes

#### 13. Frankfurter, Felix.

[*Typed Letter, Signed, On Harvard Law School Letterhead, November 5, 1932*]. Single 8" x 5-1/2" sheet and 6" x 3-1/2" envelope. Some toning, two horizontal fold lines to letter, which has a full signature. Items housed in handsome recent cloth solander case with calf lettering piece. \$650.

\* Friendly letter to Alice Strong, who was compiling an anthology of quotations. It appears she asked Frankfurter for a suggestion. He writes, "I should like to offer...Mr. Justice Holmes' words: 'The mode by which the inevitable comes to pass is effort.'" It appears that Strong never completed (or published) her anthology. This letter was part of the collection of James S. Copley, the newspaper chief and bibliophile.





**Gould's Edition of Kent's Commentaries, Includes Holmes's Notes**

**14. Holmes, Oliver Wendell, Editor.**

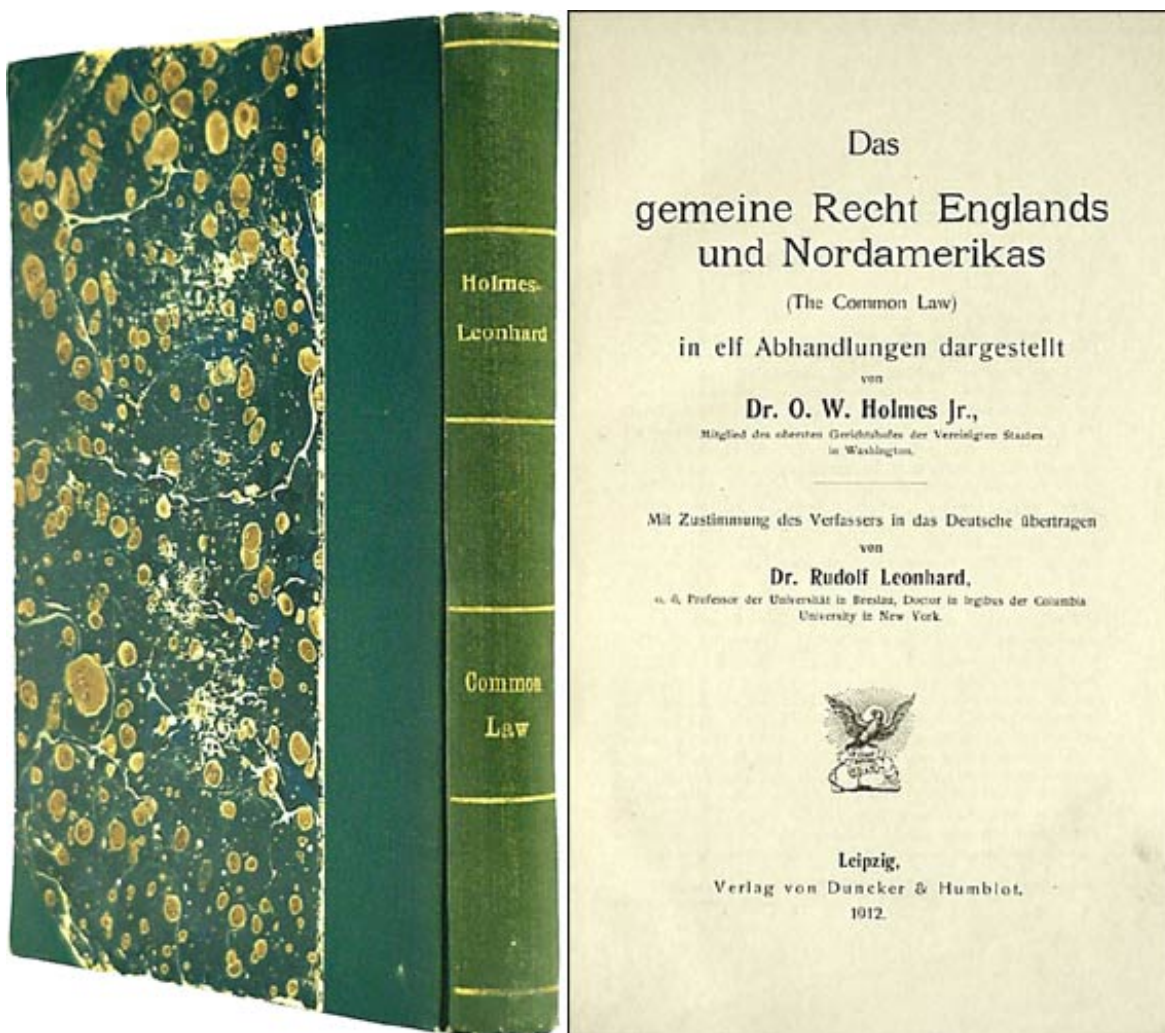
**Kent, James [1763-1847].**

**Gould, John M., Editor.**

*Commentaries on American Law.* Boston: Little, Brown & Company, 1896. Four volumes. Octavo (9" x 6").

Original tan buckram, blind rules to boards, red and black lettering pieces to spines. Corners lightly bumped, chipping to lettering pieces, light, but even, fading to spines and adjacent parts of boards, small bookseller ticket to front pastedown of Volume I. Light toning to text, underlining in pencil to a few passages. A well- preserved set. \$600.

\* Fourteenth edition. Kent's *Commentaries* is probably the single most important interpretation of American law. Marvin ranks it above Blackstone's *Commentaries*, writing that "England has only furnished one Blackstone, and the American rival equals him in classic purity and elegance of style, and surpasses him in extent and copiousness of learning." This edition, by Gould, is an updated version of the venerable O.W. Holmes edition that retains all of the justice's notes. Marvin, *Legal Bibliography* 438. *Catalogue of the Library of the Harvard Law School* (1909) I:1088.



**Rare First German Edition of *The Common Law***

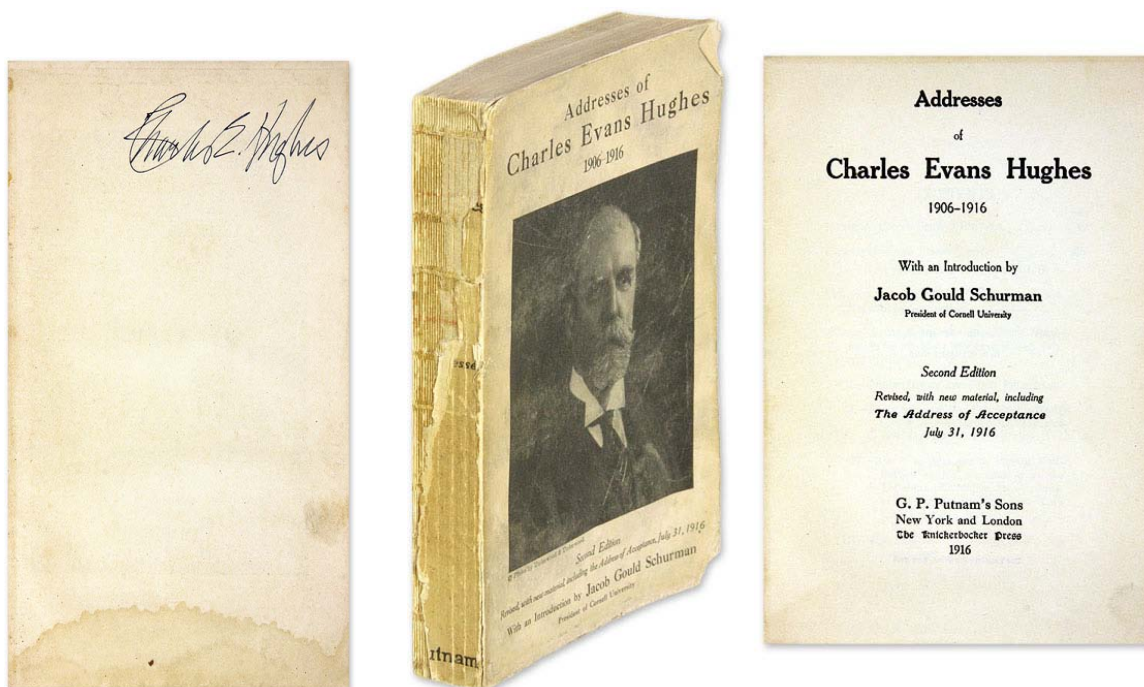
**15. Holmes, Oliver Wendell.**

**Leonhard, Rudolf, (1851-1921).**

*Das Gemeine Recht Englands und Nordamerikas (The Common Law) in Elf Abhandlungen Dargestellt von Dr. O.W. Holmes, Jr. Mitglied des Obersten Gerichtshofes der Vereinigten Staaten in Washington.* Leipzig: Verlag von Duncker & Humblot, 1912. xix, 423 pp. Octavo (9" x 6").

Original three quarter gilt stamped cloth, marbled boards and edges, very lightly worn. Bookplate on inside front pastedown. An attractive copy. \$750.

\* First German edition. The title page states that this work was translated with permission of the author by Dr. Rudolph Leonhard, Professor of the University of Breslau and Doctor of Laws of Columbia University. Leonhard introduced this book to German-speaking Europe. He lectured on it and published an essay about its treatment of possession. OCLC locates 12 copies in North America, 9 in law libraries. *Holmes-Pollock Letters* I:175.



#### A Collection of Hughes's Speeches, Signed by Hughes

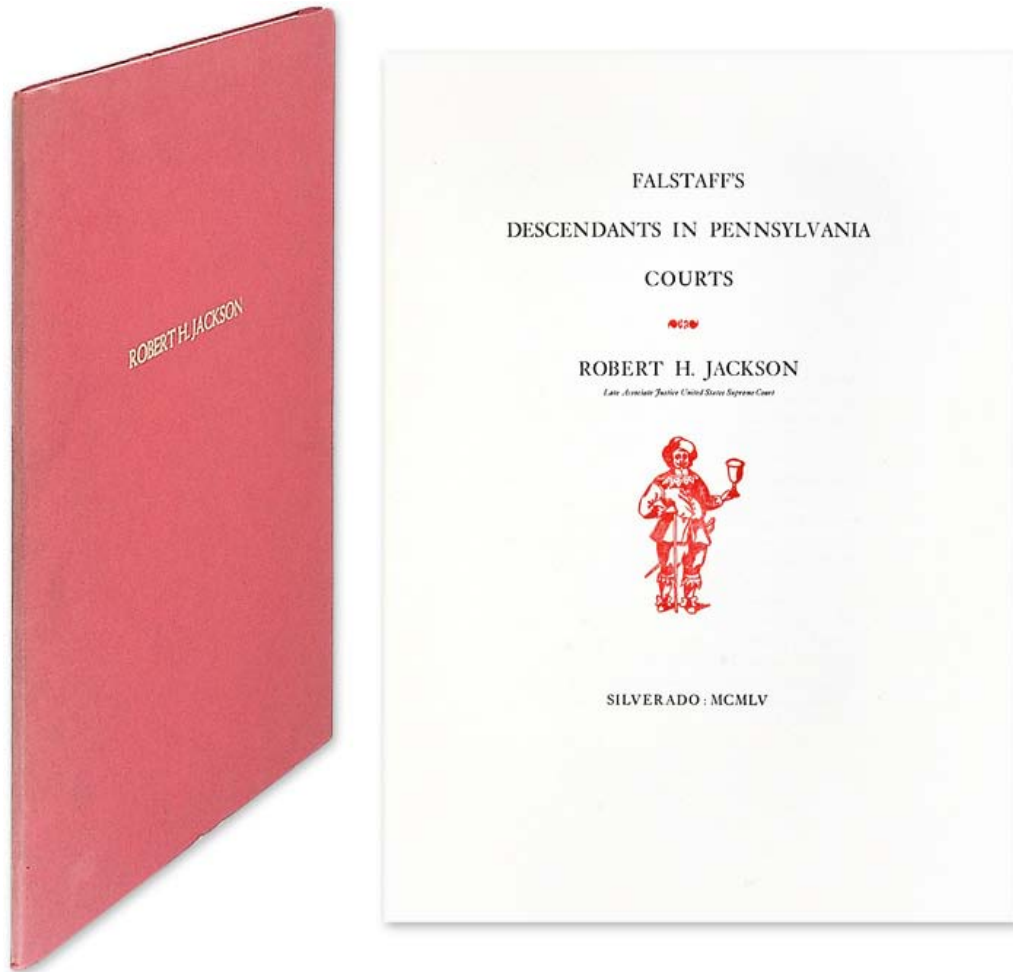
##### 16. Hughes, Charles Evans [1862-1948].

*Addresses of Charles Evans Hughes, 1906-1916. With an Introduction by Jacob Gould Shurman. Revised, With New Material, Including the Address of Acceptance, July 31, 1916.* New York: G.P. Putnam's Sons, 1916. lxxxi, 363 pp. Portrait frontispiece.

Printed paper wrappers. Moderate edgewear to front, rear wrapper lacking, spine heavily abraded. "Charles E. Hughes" in bold hand to verso of frontispiece, internally clean. \$500.

\* Second edition, published the same year as the first. An associate justice of the U.S. Supreme Court from 1910-1916, Hughes resigned to accept the Republican presidential nomination. Secretary of State from 1921 to 1925, Hughes was appointed again to the Court as Chief Justice, an office he held from 1930 to 1941. He is the only person who served two terms on the Court. *Addresses* was published to promote his presidential campaign.





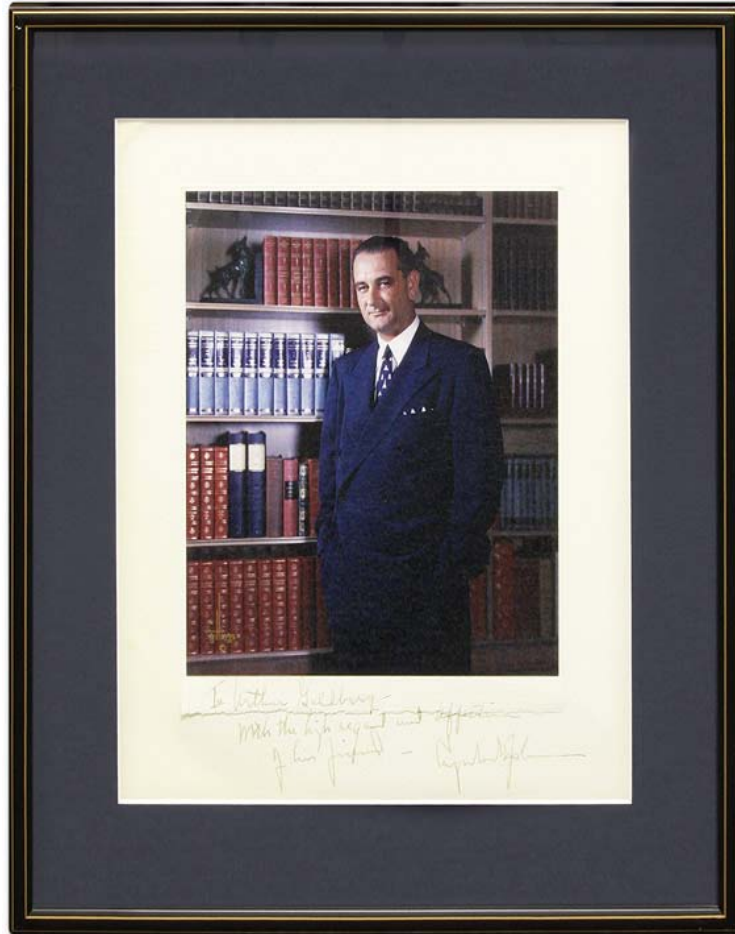
**Fine-Press Edition of Essay by Robert H. Jackson**

**17. Jackson, Robert H. [1892-1954].**

*Falstaff's Descendants in Pennsylvania Courts.* [San Francisco: Grabhorn Press], 1954. [iv], 5-25, [1] pp. Folio (12" x 9").

Stiff wrappers, "Robert H. Jackson" in gilt to front, deckle edges. Some fading to spine, rear joint of wrapper just starting. Hand-printed text, title page with attractive woodcut of Falstaff printed in red and black. Internally pristine. \$75.

\* A reprint of an article from the December 1952 issue of the *University of Pennsylvania Law Review*. This fine-press edition was produced privately for members of the Bohemian Grove, a highly exclusive San Francisco men's club. Jackson, an Associate Justice of the U.S. Supreme Court from 1941 to 1954, was Chief Counsel for the United States at the Nuremberg Tribunal.



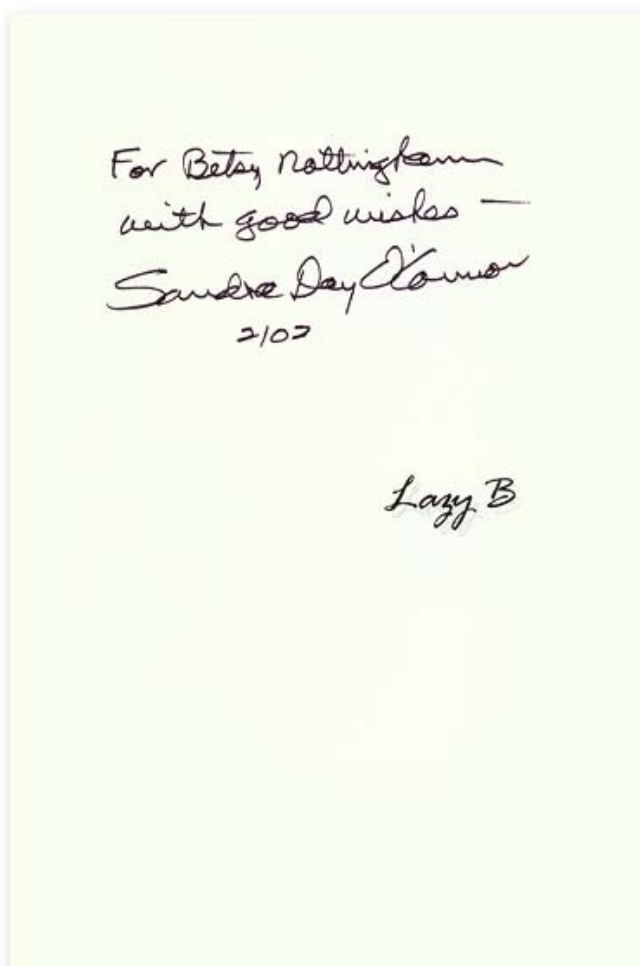
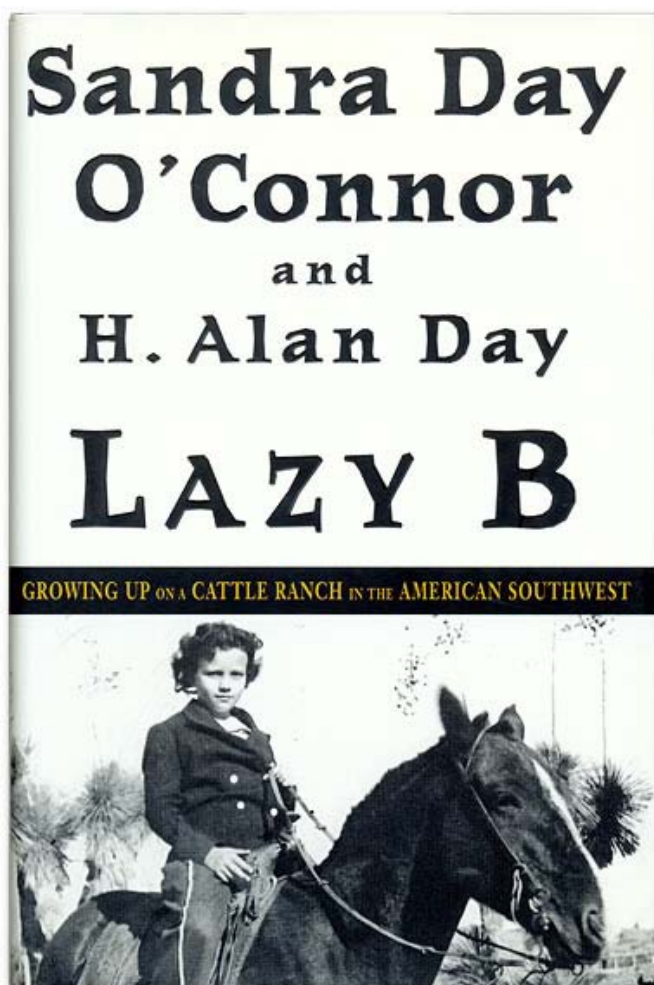
**Portrait Photograph of Lyndon Johnson Inscribed  
To Supreme Court Justice and UN Ambassador Arthur Goldberg**

**18. Johnson, Lyndon Baines [1908-1973].**

**[Goldberg, Arthur (1908-1990)].**

[*Photograph of Johnson Inscribed to Goldberg*]. N.p., N.d. (1965?). 8" x 10" color portrait photograph, printed credit in the image at bottom left, glazed and framed in tasteful black-and-gold wooden 16" x 19" frame. Bold inscription and full signature below image. A few tiny nicks to frame, image fine. \$5,000.

\* The (undated) inscription reads "To Arthur Goldberg- / With the high regard and affection / of his friend- / Lyndon B. Johnson." Appointed by President Kennedy, Goldberg was an Associate Justice of the U.S. Supreme Court from 1962 to 1965 and one of the most significant justices of the twentieth century. In his three terms on the bench he pushed the Court toward a broader construction of personal rights, a course it followed over the following two decades. He is best known for his influential 1963 internal Supreme Court memorandum that condemned capital punishment as an example of "cruel and unusual punishment," as defined by the Eighth Amendment, and his opinion in *Griswold v. Connecticut* (1965), which argued against a Connecticut law banning the use of contraceptives because it violated an un-enumerated right to privacy guaranteed by the Ninth Amendment. The memo initiated a wave of litigation and legislation that led to the abolition of the death penalty in several states; the *Griswold* opinion laid the foundation for *Roe v. Wade* (1973), which established a women's right to have an abortion. When Adlai Stevenson, Ambassador to the United Nations, died in 1965 President Johnson decided to appoint Goldberg to fill his seat. Johnson's larger plan was to put Abe Fortas on the bench because he knew Fortas would defend his Great Society programs (and spy on the Court for him). Probably a recipient of the legendary Johnson "treatment," Goldberg was persuaded to resign while flying to Stevenson's funeral on Air Force One. Goldberg went on to say that he accepted the UN Ambassadorship in order to resolve the Vietnam Conflict. This photograph may be a memento of that 1965 flight, or one of the tools Johnson used to persuade Goldberg.



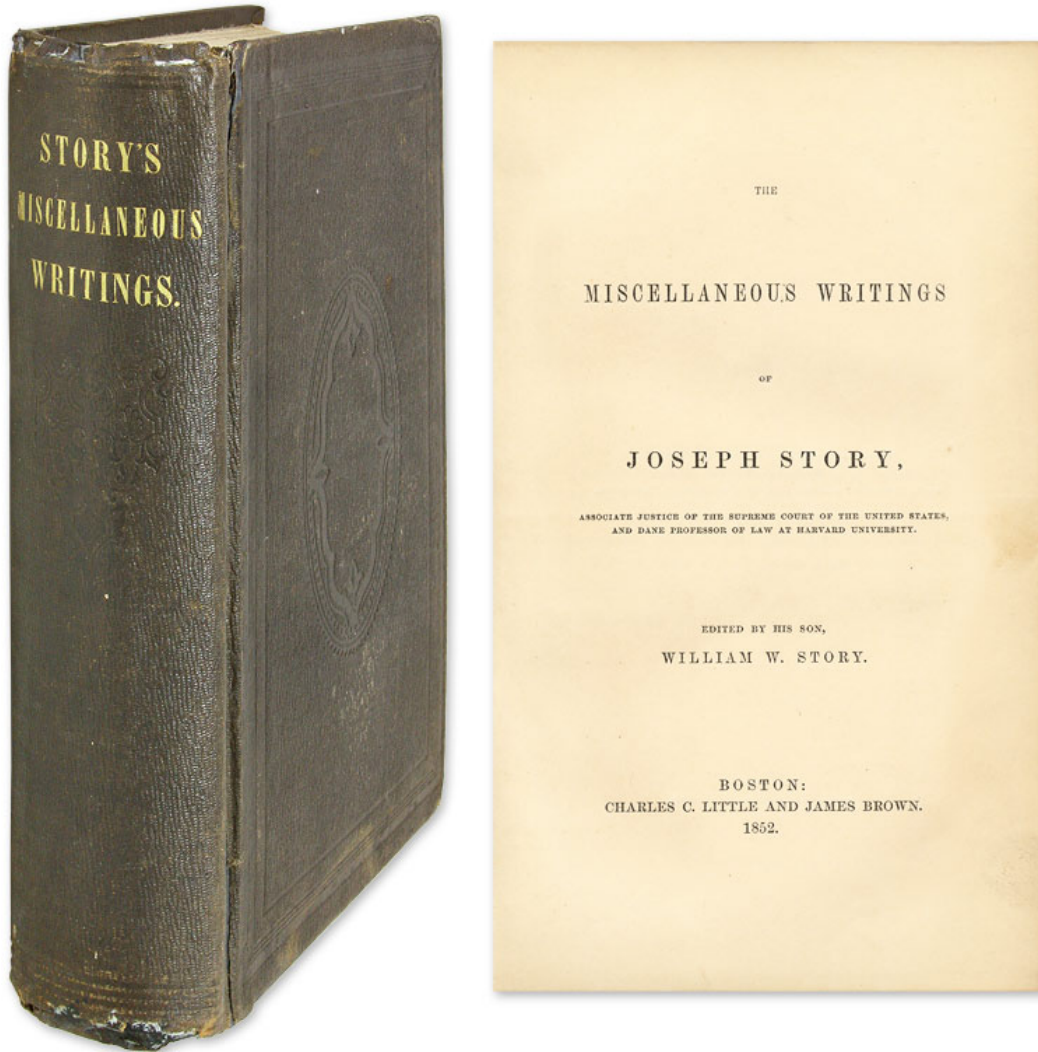
Inscribed by O'Connor

19. O'Connor, Sandra Day.

Day, H Alan.

*Lazy B: Growing Up on a Cattle Ranch in the American Southwest*. New York: Random House, [2002]. xiv, 318, [2] pp. Hardcover in dust jacket. Negligible faint dampstain to foot of text block near spine, otherwise fine. Author inscription to front free endpaper. \$40.





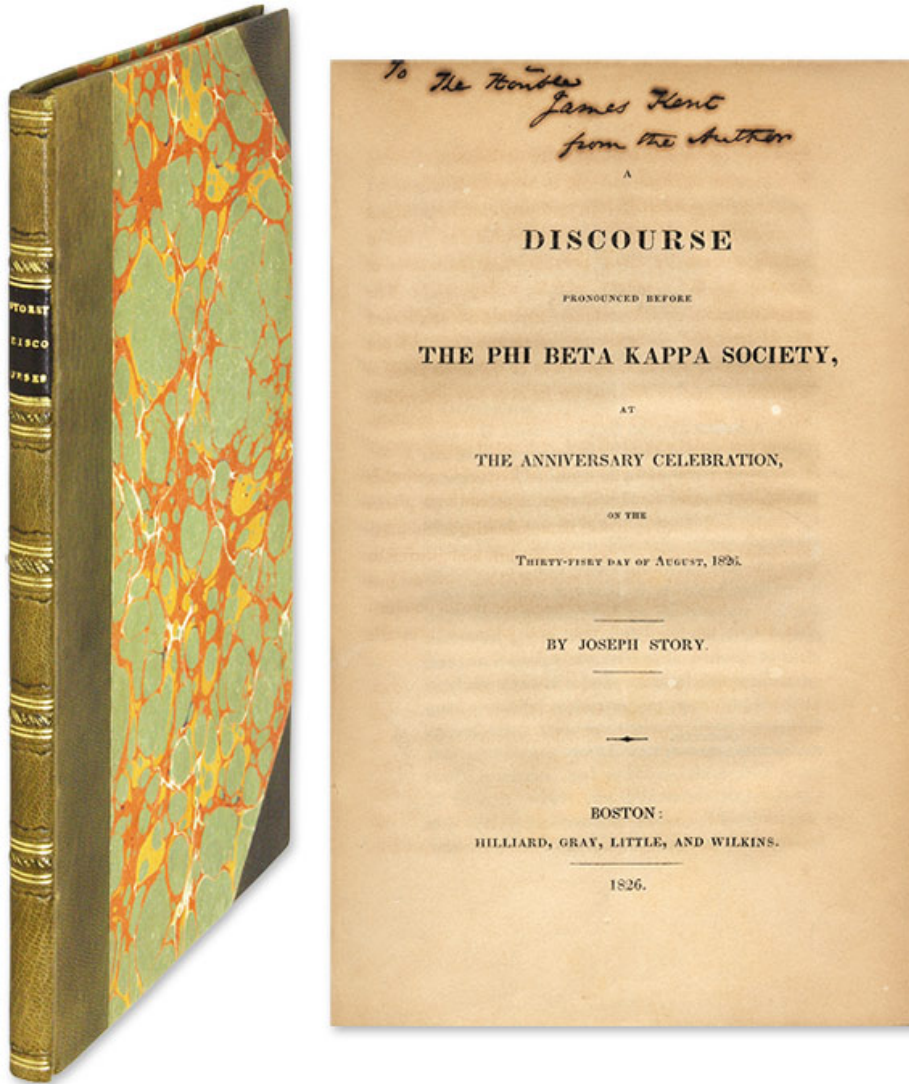
### Miscellaneous Writings of Joseph Story

20. [Story, William W. (1819-1895), Editor].  
[Story, Joseph (1779-1845)].

*The Miscellaneous Writings of Joseph Story, Associate Justice of the Supreme Court of the United States and Dane Professor of Law at Harvard University, Edited by his Son.* Boston: C.C. Little and J. Brown, 1852. 4, x, 828 pp. Includes four-page publisher catalogue. Octavo (9" x 6").

Contemporary textured cloth with decorative blind-stamping. Light wear to spine ends and corners, gathering containing pp. 701-704 bound upside down. Toning to text, internally clean. A nice copy. \$275.

\* Second edition, substantially expanded and reorganized. Story's enormous influence on American law is demonstrated in this collection, which was originally published by Joseph Story in 1835. It includes an autobiography, which is in the form of a fascinating long letter to his son, and many other articles, essays, lectures and biographical sketches of judges and lawyers (including Chief Justice John Marshall and Associate Supreme Court Justice Bushrod Washington). Other pieces are a proposed course of legal study and essays on maritime law, piracy, the slave trade, commercial law and codification of the common law. Cohen, *Bibliography of Early American Law* 2289.



**Inscribed by Story to Kent**

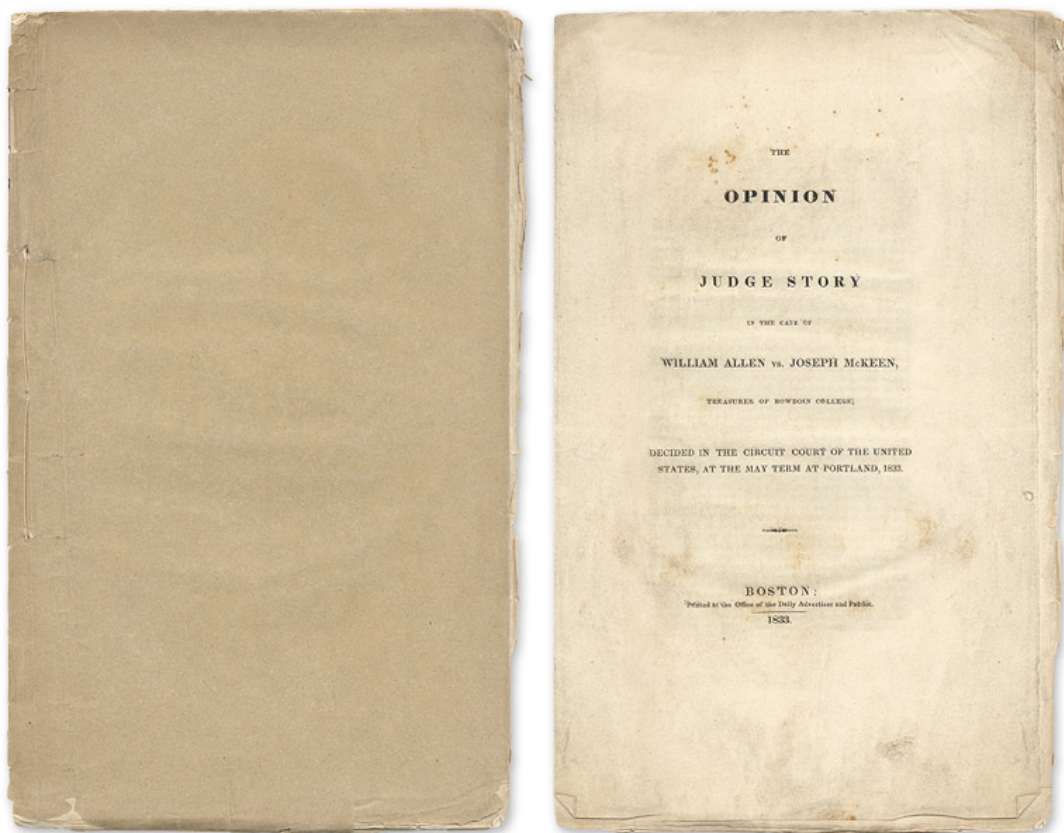
**21. Story, Joseph [1779-1845].**

**[Kent, James (1763-1847)].**

*A Discourse Pronounced Before the Phi Beta Kappa Society at the Anniversary Celebration, On the Thirty-First [sic] Day of August, 1826.* Boston: Hilliard, Gray, Little, and Wilkins, 1826. 58 pp. Octavo (9" x 6").

Recent three-quarter morocco over marbled boards, raised bands, lettering piece and gilt ornaments to spine, marbled endpapers. Light toning to text. "To the Hon'ble/ James Kent/; from the Author" to head of title page, minor correction in Story's hand to page 26. \$2,500.

\* First edition. Story's discourse upon the glories of our age. An interesting pamphlet in which he expounds his views on reading, women's role in society, freedom, etc. "One of the most striking characteristics of our age...is the general diffusion of knowledge. This is emphatically the age of reading.... The means of education was formerly in the reach of few. The possession of a library was no ordinary achievement. The learned leisure of a fellowship in some university seemed almost indispensable for any successful studies...The principle cause of this change is to be found in the freedom of the press, or rather in this cooperating with the cheapness of the press" (9-10). Sabin, *A Dictionary of Books Relating to America* 92300.



### Legacy of the Dartmouth College Case

#### 22. Story, Joseph [1779-1845].

##### McKeen Joseph, Defendant.

*The Opinion of Judge Story in the Case of William Allen vs. Joseph McKeen, Treasurer of Bowdoin College, Decided in the Circuit Court of the United States, At the May Term at Portland, 1833.* Boston: Printed at the Office of the Daily Advertiser and Patriot, 1833. 21, [1] pp. Octavo (9-3/4" x 6").

Stab-Stitched pamphlet in plain wrappers, untrimmed edges. Minor chipping and chairs to edges, light soiling to title page, internally clean. \$750.

\* Only edition. William Allen's service as President of Bowdoin College was terminated by an act of the Maine legislature in 1831, but he continued to serve because no agreement could be reached on his successor. Allen then sued the college treasurer for payment of his salary. The trial court found for the defendant. Judge Story, drawing on the precedent established by the Dartmouth College Case, reversed the verdict in the U.S. Circuit Court, declaring the Maine law to be an unconstitutional violation of the contract between Allen and the College. OCLC locates 5 copies, none in law libraries. Cohen, *Bibliography of Early American Law* 11572.





**Images of the U.S. Supreme Court**

**23. [Supreme Court, United States].**

[A Collection of 22 Black-and-White Press Photographs of (or About) the U.S. Supreme Court, 1935-1987]. Sizes ranging from 7" x 9" to 8-1/2" x 11." Light edgewear, annotations, tipped-in captions and stamps to versos, some have minor creases, one is lacking a corner with no damage to image. \$1,800.

\* Nine of these are formal group portraits of the Court taken in 1935, 1937, 1946, 1952, 1955, 1957, 1965, 1970 and 1976, two record the Court's annual White House visits in 1935 and 1939, the others are images of individual justices (William Brennan, Tom Clark, Felix Frankfurter, Thurgood Marshall, Lewis Powell, Stanley Reed and Earl Warren). There is also a photo of the U.S. Supreme Court building flying the flag at half-mast in honor of Justice Frank Murphy.



**Hugo Black Joins the Hughes Court**

**24. [Supreme Court, United States].**

[7" x 9" Black-and-White Portrait Photograph of the Hughes Court]. [New York: World-Wide Photos, November 23, 1937]. Some rubbing to edges, a few minor creases, tiny tear to top margin just touching image, stamps and tipped-in captions to verso, part of one caption lacking. \$150.

\* One of the captions says this is the first group photograph of the Supreme Court with Hugo Black. The other associate justices at this time were Sutherland, McReynolds, Brandeis, Butler, Cardozo, Stone and Roberts. Hughes was chief justice.



**A Portrait of the Burger Court**

**25. [Supreme Court, United States].**

[*Group Portrait of the Supreme Court*]. [Washington, DC], Spring 1976. 9-1/2" x 14" color photograph of nine justices of the Warren Court in judicial attire, glazed and framed in tasteful brown wooden 16" x 20" frame. A few minor scuffs and nicks to frame, some toning to mat, image fine. \$150.

\* The associate justices at this time were Byron White, William J. Brennan, Jr., Potter Stewart, Thurgood Marshall, William Rehnquist, Harold Blackmun, Lewis F. Powell, Jr. and John Paul Stevens.



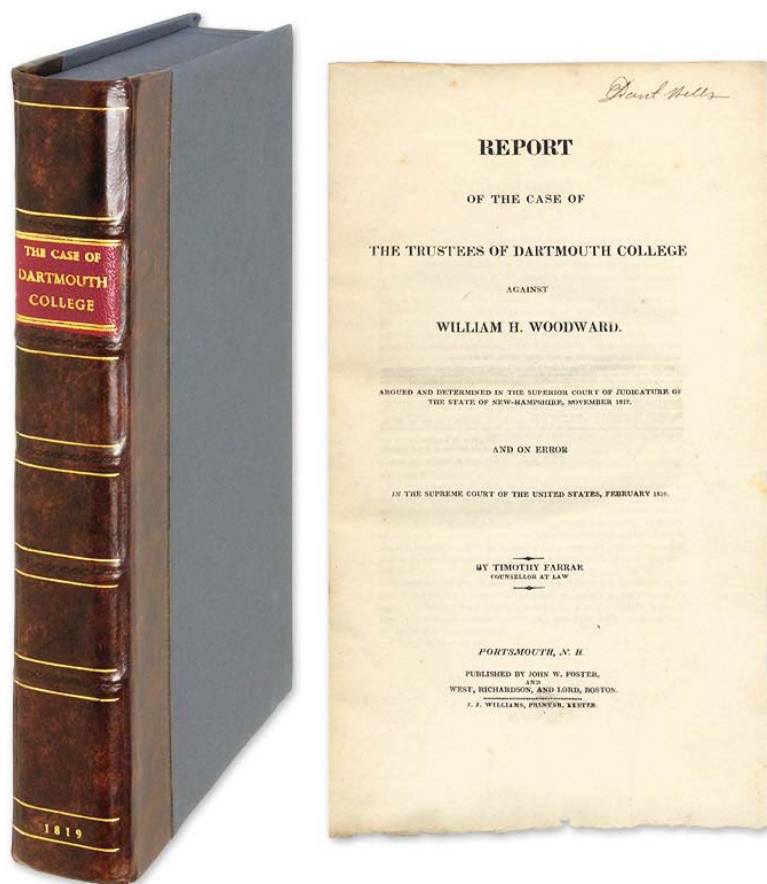


**“Nine Young Men”**

**26. [Supreme Court, United States].**

“The Nine Young Men,” *Coronet*. Volume 11, Number 5 (March, 1942). 180 pp. Softbound, light shelfwear, internally clean. \$65.

\* This issue has an interesting unsigned essay with photos about the U.S. Supreme Court entitled “The Nine Young Men.” At this time the justices were Harlan Fiske Stone, Felix Frankfurter, Robert H. Jackson, Frank Murphy, William O. Douglas, James F. Byrnes, Owen Roberts, Stanley Reed and Hugo Black.



### First Report of the Landmark Dartmouth College Case

27. [Trial].

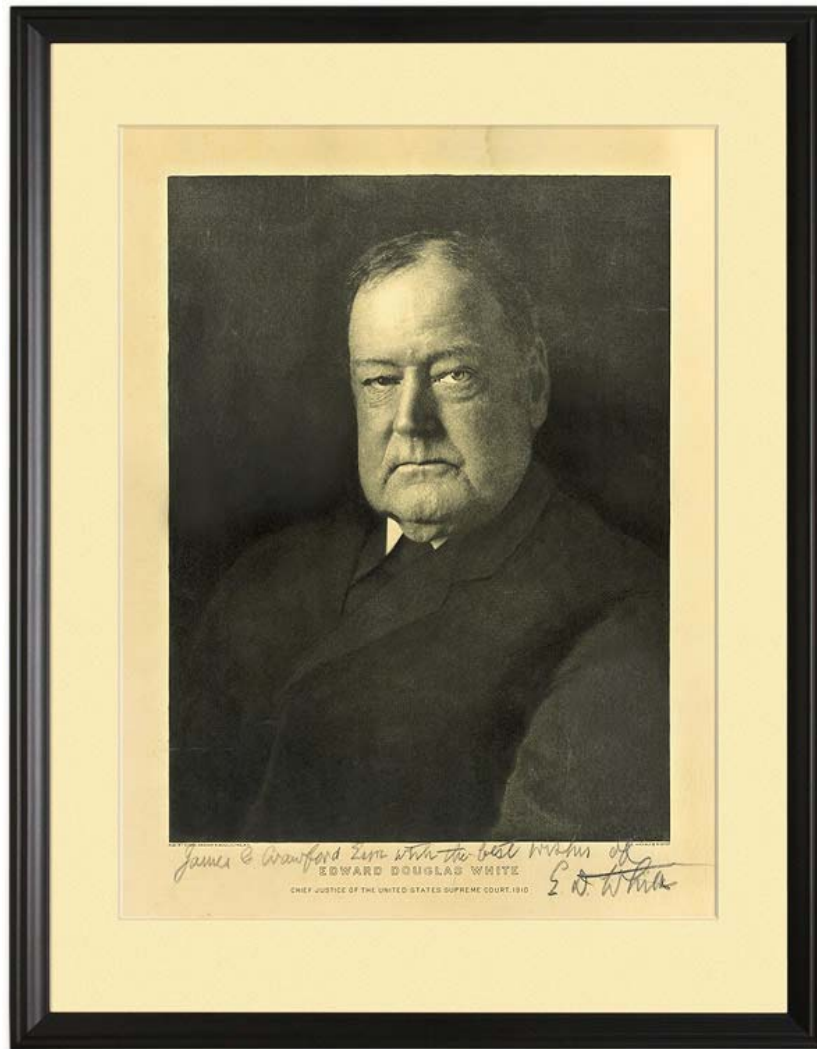
[Dartmouth College Case].

**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: Published by John W. Forster, And West, Richardson, And Lord, Boston, [1819]. [iv], 406 pp. Octavo (9" x 5").

Original publisher boards, untrimmed edges, printed paper title label to spine. Moderate rubbing, considerable wear to spine ends, corners bumped and somewhat worn, bottom edges bumped, front board partially detached, front endleaves loose. Some toning to text, light foxing, chips and minor tears to some leaves. Early owner annotations to boards and spine. Signature (Daniel Wells) to front free endpaper, interior otherwise clean. Item housed in recent cloth-covered clamshell box, calf spine with raised bands and lettering piece. \$1,500.

\* First published report. This is probably the most important American case concerning the contract right of corporations. The New Hampshire legislature passed a bill in 1816 that revoked Dartmouth College's original charter and converted the college from a private to a state institution. The college challenged the constitutionality of this act in the state Supreme Court without success, but the U.S. Supreme Court reversed the state's decision in a landmark opinion based on the contract clause of the Constitution. "By construing the contract clause as a means of protecting corporate charters from state interventions, Marshall derived a significant limitation on state authority. As a result, various forms of private economic and social activity would enjoy security from state regulatory policy. Marshall thus encouraged, through constitutional sanction, the emergence of the relatively unregulated private, autonomous economic actor as the major participant in a liberal political economy that served the commonwealth by promoting enlightened self interest" (Konefsky). Farrar's comprehensive report contains all material related to the case, including the arguments of Webster and Wirt and the opinions of Chief Justice Marshall and Justices Story and Washington and texts of related documents. Alfred F. Konefsky, "Dartmouth College v. Woodward" in *The Oxford Companion to the Supreme Court* 218-219. Sabin, *A Dictionary of Books Relating to America* 23887. Cohen, *Bibliography of Early American Law* 11614.



**Signed Portrait of Chief Justice White**

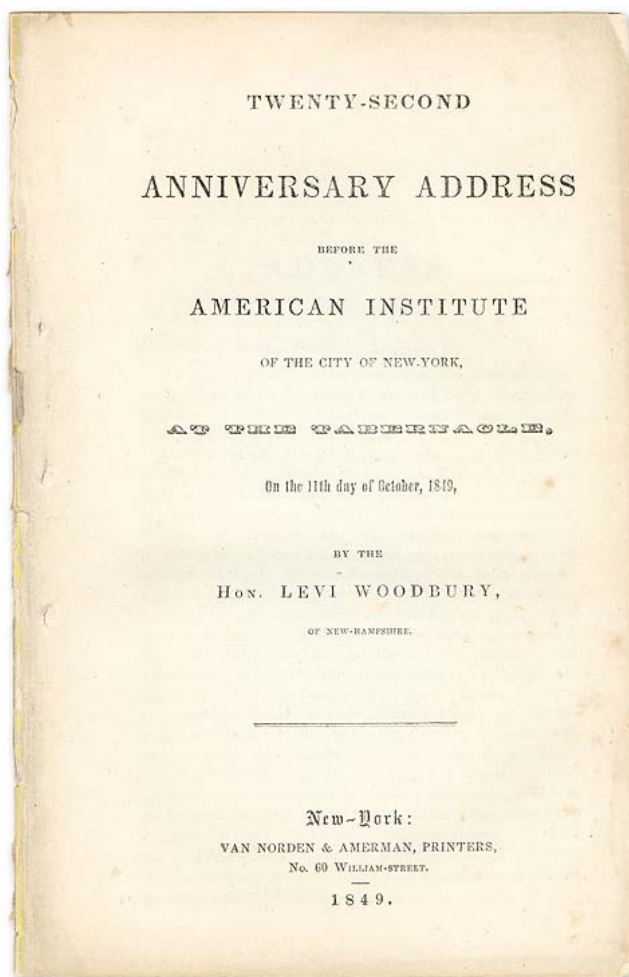
**28. White, Edward Douglas [1845-1921].**

[*Large Black & White Photogravure Portrait*]. New York: Close, Graham and Scully, 1910. Frame size 20" x 16," image size, 11-1/2" x 8-1/2." Attractively matted and glazed.

Wide-margined portrait photograph with caption reading "Edward Douglas White/ Chief Justice of the United States Supreme Court. 1910." Inscribed in pencil by White to James G. Crawford and signed. Image dark and strong, presentation large and clear, toning and negligible faint dampspotting to outer edges of margins. A handsome, well-preserved image. \$1,950.

\* A rare signed portrait of the ninth Chief Justice. White was a United States Senator from Louisiana when he was appointed to the Court by President Cleveland in 1894. Following the death of Chief Justice Melville W. Fuller in 1910 White was nominated as Chief Justice by President Taft and held that office until his death.





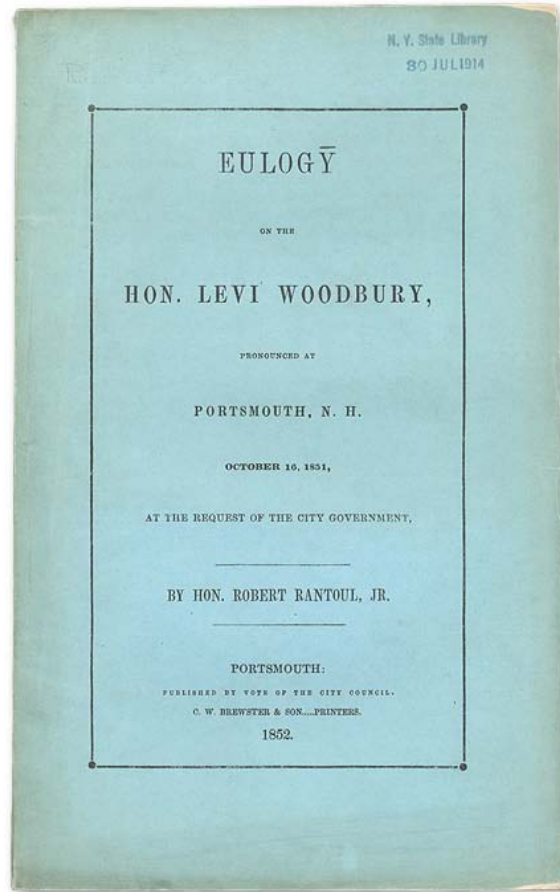
**A Notable Alumnus of the Litchfield Law School and Justice of the Taney Court**

**29. Woodbury, Levi [1789-1851].**

*Twenty-Second Anniversary Address Before the American Institute of the City of New-York, At the Tabernacle, On the 11th Day of October, 1849.* New York: Van Norden & Amerman, 1849. 31 pp. Octavo (8-3/4" x 5-1/2").

Disbound stab-stitched pamphlet. Light shelfwear, final signature detached, occasional light foxing. \$45.

\* Only edition. Educated at Dartmouth and the Litchfield Law School, Woodbury was an important New Hampshire jurist and statesman. Appointed by President Polk to fill the vacancy created by the death of Joseph Story, he was an associate justice in the Taney Court from 1846 to his death in 1851. OCLC locates 10 copies. Not in Sabin.



**Woodbury Eulogized by a Distinguished Jurist, Also His Brother-in-Law**

30. [Woodbury, Levi].

**Rantoul, Robert [1805-1852].**

*Eulogy on the Hon. Levi Woodbury, Pronounced at Portsmouth, N.H. October 16, 1851, At the Request of the City Government.* Portsmouth: Published by Vote of the City Council, C.W, Brewster & Son., 1852. 40 pp. Octavo (9" x 5-1/2").

Stab-stitched pamphlet in printed wrappers. Light shelfwear to spine ends and corners. Small library stamp to head of front cover, internally clean. \$75.

\* Rantoul, Woodbury's brother-in-law, was an American lawyer and politician from Massachusetts.



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