

A SELECTION OF 30  
MANUSCRIPTS  
& TYPESCRIPTS

April 10, 2018





**Early Nineteenth-Century  
Manuscript Account Book of Pennsylvania Lawyers**

- 1. [Barnard, James (1755-1806)].
- [Barnard, Isaac D. (1791-1834)].
- [Barnard, Thomas D. (1793-1873)].

[Acct. of Money Recd. for the Estate of James Barnard, Esq. Decd. in the Office, Etc.]

[And]

[Acct. of Money Recd. by Isaac D. Barnard Belonging to His Late Father's Estate]. Chester, PA, February, 26 1806-August 22, 1845. Content in fine hand filling 23 pp. followed by several blank leaves, final six excised. Oblong octavo (8" x 5-1/2").

Stiff marbled sewn wrappers. Moderate rubbing to exterior, some wear to spine and corners, light toning to interior. \$650.

\* James Barnard of Chester, Pennsylvania, was married to Susannah Dutton. James served as sheriff, registrar, recorder, prothonotary and clerk of the courts in Delaware County, Pennsylvania. The Barnards had eight children. The eldest son, James Day Barnard, a lawyer, died at 25, a few months after his father's death. Upon his father and brother's death, the eldest surviving male Barnard, Isaac, received, or perhaps he personally recorded, his brother's outstanding legal fees and his father's estate assets and accounts recorded in this manuscript notebook. Like his deceased elder brother, Isaac studied law and was admitted to the Pennsylvania bar in 1816, after notable service as a major in the War of 1812. He served terms in the Pennsylvania State Senate and U.S. Senate.

The accounts are notable as the first segment records all of the monies collected for various legal work performed by Isaac's older brother, James, from recording judgments, estate administration, vendue matters, for certificates for naturalization of citizenship, or for fees earned for specific cases (*Gibbons v. Riley*, *Miles v. Adams*, *McElroy v. Hibbard*, etc.). These accounts span 1806-1807 and suggest that the fees within must have been collected posthumously by Isaac for services performed before his brother's death. The notebook's second segment records moneys earned by the father in office, primarily for recording deeds. Again, the chronology suggests a similar scenario as the notebook's first segment. There are also several leaves of entries with much later dates recording monies received by Thomas Barnard. All accounts are clearly legible and amounts of fees charged for all legal services are provided. In all, this record provides a fine image, in microcosm, of legal costs on Pennsylvania during the early nineteenth century. [Order This Item](#)





**"Diabolical and Against the Order of Nature"**

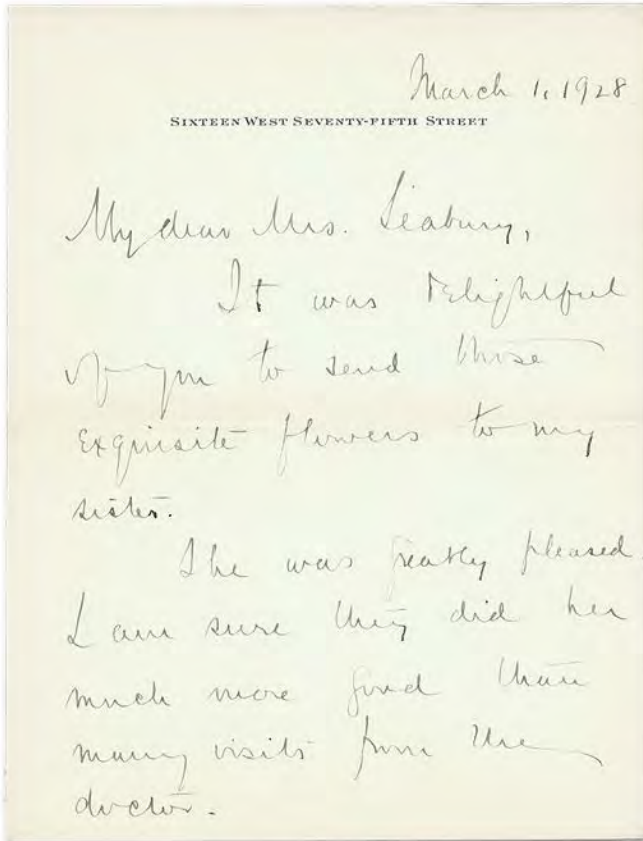
**3. [Buggery].  
[Virginia].**

[Documents Relating to an Act of Buggery Between a Man and a Horse]. [Culpepper County, VA, 1846, 1848, 1849].

Bifolium bench warrant, 12-1/2" x 7-1/2", dated October, 28, 1846, docketed on verso of second leaf, two writs of capias, 8" x 6" dated September 14, 1848 and March 13, 1849, both docketed on versos. Three items in all.

Light browning, minor dampstaining and some edgewear, horizontal fold lines, a few with minor tears. Content in neat hand. \$1,500.

\* These documents relate to the indictment and attempted arrest of Joseph Hackley for the "feloniously, wickedly diabolical and against the order of nature, detestable and abominable crime of Buggery" with a "black mare." The bench warrant is signed by Judge Richard H. Field and countersigned "Wm M. Huffman." The verso is docketed 4 times by 3 different people. The docket notations show a committed judge and a clever felon. The first orders his arrest. The second notation reads: "I cannot execute this Warrant the party Joseph having left this County." The third and fourth notations show the warrant was reissued on June 5th and October 23rd, 1848. Annotations to the writs of capias, issued to the sheriff of Culpepper County on September 14, 1848 and March 13, 1849, show that Hackley was never located. [Order This Item](#)



**A Warm Thank-You Note from  
Cardozo to the Wife of a Notable New York Judge**

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

**[Seabury, Mrs. Samuel (Richey, Maude) (d. 1952)].**

[*Autograph Letter, Signed, To Seabury On Personal Letterhead, March 1, 1928*]. Single sheet folded to form two 6-1/2" x 4-1/2" leaves and 5" x 3" transmittal envelope. Horizontal fold line to letter, light soiling and vertical fold line to envelope, which is missing flap, otherwise fine.

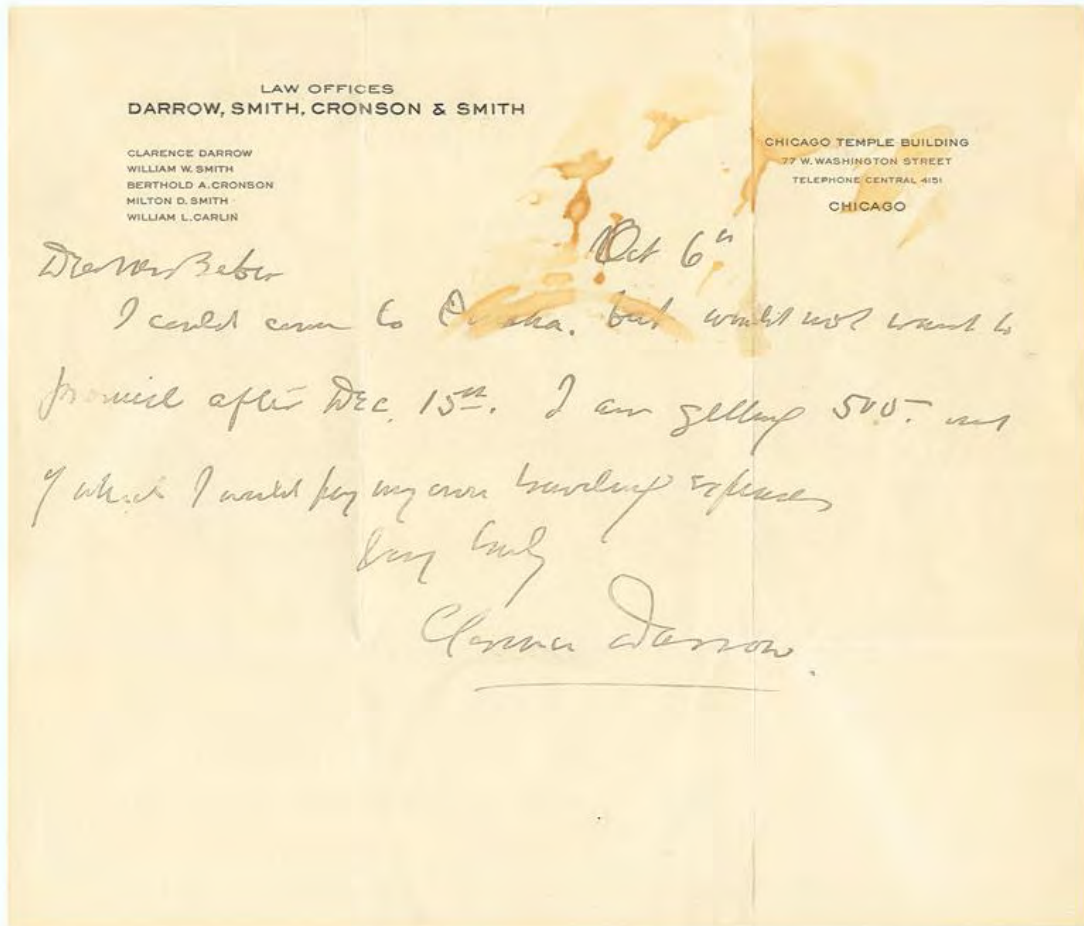
**[With]**

**Cardozo, Benjamin N.**

[6-1/2" x 8-1/2" *Black-and-White Photograph of Cardozo*]. [New York: Acme News Agency, October 11, 1937]. Light wear to edges, crop marks and minor retouching to image, stamps, annotation and caption to verso. \$500.

\* A warm thank-you note to Mrs. Seabury: "It was delightful of you to send those exquisite flowers to my sister. She was greatly pleased. I am sure they did more good for her than many visits from the doctor." Nellie Cardozo suffered a stroke in February 1928. She died in 1929. Benjamin Cardozo was very close to her and they lived together. Samuel Seabury, Maude Richey's husband, was a notable New York judge. He served with Cardozo on the New York State Court of Appeals, when Cardozo was chief judge. He is famous as the head of the Seabury Commission, a large-scale investigation of corruption in New York City's courts and police department that forced Jimmy Walker out of office.

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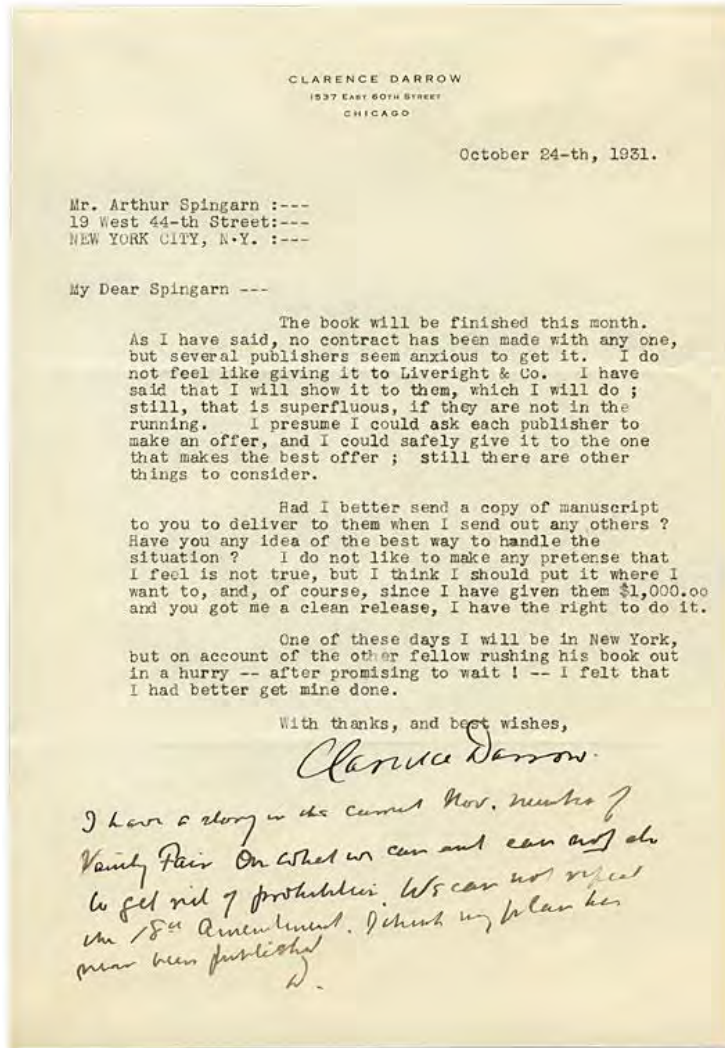


### Darrow Discusses a Matter in Omaha

#### 5. Darrow, Clarence [1857-1938].

[Autograph Letter, Signed, On the Letterhead of Darrow, Smith, Cronson & Smith, October 6 (1925-1929)]. Single 8-1/2" x 7-1/4" sheet. Some toning, two fold lines, one horizontal and one vertical, faint coffee stain near upper right hand corner, otherwise fine. \$1,000.

\* Addressed to a Mr. Becker (or Beber) and signed by a bold signature, this note relates to a business or legal matter in Omaha, Nebraska. It reads (in part): "I could come to Omaha, but would not want to promise after Dec 15th. I am selling 500-, [illegible] of which I would pay my own traveling expense." The firm of Darrow, Smith, Cronson & Smith existed from 1925 to 1929. Darrow's relationship with these attorneys began when he opposed them during the trial of Leopold and Loeb. [Order This Item](#)



**Darrow Discusses an Issue  
Concerning the Publication of His Autobiography**

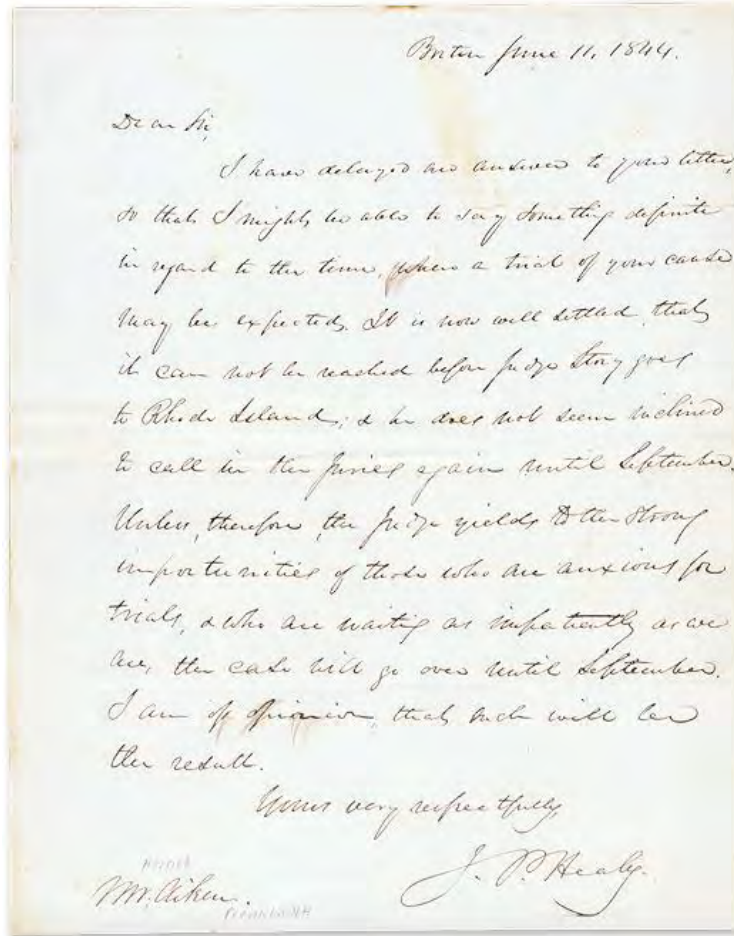
**6. Darrow, Clarence.**

**[Spingarn, Arthur (1878-1971)].**

[Typed Letter, Signed, To Spingarn, On His Personal Letterhead, October 24, 1931, With Five-Line Holograph Postscript, Signed "D"].

Single 10-1/2" x 7-1/4" sheet. Some toning, two horizontal fold lines, otherwise fine. \$2,500.

\* Darrow discusses a sensitive issue concerning the placement of *The Story of My Life*, then in manuscript. He is looking for a publisher and is troubled by the interest shown by his former publisher, Horace Liveright. Darrow wants advice on the best way to push him away. Spingarn was contacted because he assisted Darrow with a related issue. In the previous month he negotiated Darrow's release from a contract with Liveright. (Darrow sought this release because he wasn't happy with the promotional efforts for, or sales of, its edition of *Farmington*.) The holograph postscript refers to the article "Why the 18th Amendment Cannot Be Repealed," which appeared in the November 1931 issue of *Vanity Fair*: "I have a story...on what one can and can not do to get rid of prohibition. We can not repeal the 18th Amendment." Spingarn, an attorney, was a civil rights pioneer and president of the NAACP from 1940 to 1965. He helped coordinate the defense team for Dr. Ossian Sweet, which was led by Darrow. See the letter of September 25, 1931 to Spingarn in Darrow, *In the Clutches of the Law: Clarence Darrow's Letters*, Ed. Randall Tietjen 425. [Order This Item](#)



**The Law Partner of Daniel Webster Believes  
Justice Story Will Hear the Patent Case of a Noted Inventor**

**7. Healy, John Plummer [1810-1882].**

**[Aiken, Herrick (1797-1866)].**

**[Story, Joseph (1779-1845)].**

[Autograph Letter, Signed, to Aiken, Boston, June 11, 1844]. Single 10" x 7-1/2" leaf, written in ink.

Fold lines, some toning along margins, a few minor stains and ink smears, first name and town of addressee added in faint pencil by a later hand. A well-preserved item. \$250.

\* "I have delayed an answer to your letter, so that I might be able to say something definite in regard to the time, when a trial of your cause may be expected. It is now well settled that it can not be reached before Judge Story goes to Rhode Island, & he does not seem inclined to call in the Juries again until September. Unless, therefore, the Judge yields to the strong importunities of those who are anxious for trials, & who are waiting as impatiently as we are, the case will go over until September. I am of opinion, that such will be the result." Healy, a Dartmouth graduate, read law with Daniel Webster and became his junior partner. He also served a few terms in the Massachusetts house and senate. Aiken, eventually the holder of 21 patents, was a notable inventor and tool manufacturer. He is credited with conceiving the cog railway at Mount Washington, New Hampshire, a project realized after his death. Aiken frequently defended his patents in court. He also wrote several articles about patent law and a pamphlet, *Proposed Amendment to the Patent Law, Conforming to the Suggestion of the Hon. Henry Clay* (Franklin, NH, 1855). The cause mentioned in the present letter has not been identified, nor has Aiken's status with regard to it. [Order This Item](#)





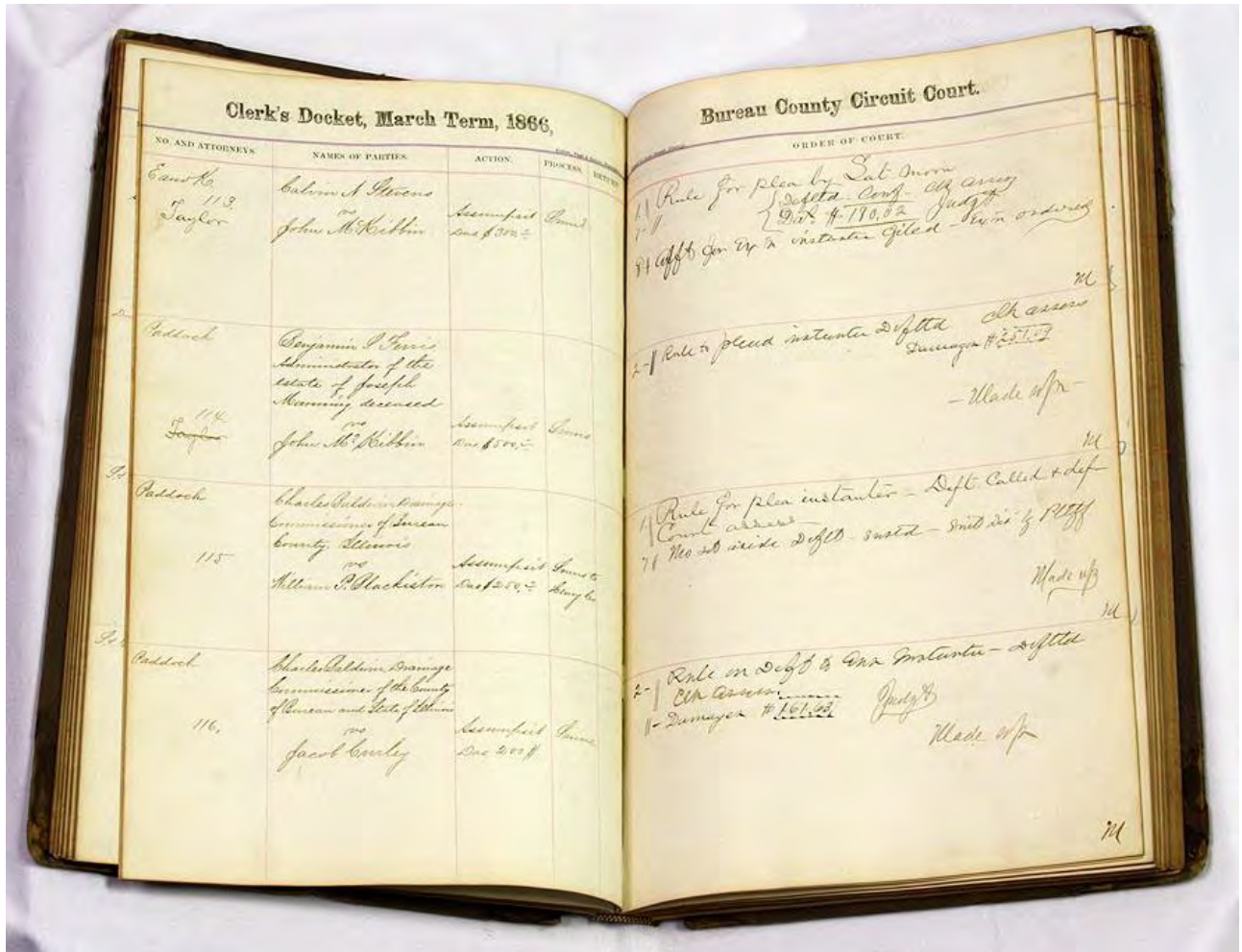
**Records of a Lawyer in  
West Chester, Pennsylvania, 1871-1901**

**8. Hayes, William M.**

[*Legal Correspondence, Documents, and Other Papers of Attorney William M. Hayes of Chester County, Pennsylvania*]. West Chester, PA, And elsewhere, 1871-1901.

63 items comprising approximately 77 pages, sizes range from 5" x 3" to 14" x 8-1/2." Manuscript in ink to most rectos and versos. Light to moderate toning, fold lines, minor wear and soiling. \$750.

\* This archive includes incoming and outgoing correspondence and other papers kept by attorney William M. Hayes of Chester County, Pennsylvania. Highlights include three letters by James F. Wood [1813-1883], the first Catholic archbishop of Philadelphia, concerning a church established for the benefit of factory laborers and an affecting letter from a semi-literate client who can't pay his bill. Seven legal documents seen within the collection include a paper book, a release, the texts for two auction announcements and a deed containing a plat map. It also includes receipts, canceled checks and other financial papers. A distinguished citizen of West Chester, Hayes was the father of Prof. John Russell Hayes of Swarthmore College, president of the West Chester Electric Railway, solicitor for the Wilmington and Northern Railroad Co. and a prominent Freemason. [Order This Item](#)



**Manuscript Clerk's Docket,  
Bureau County, Illinois, 1866**

**9. [Illinois].**

*Clerk's Docket, March Term, 1866* [Running Title]. Bureau County, Illinois. [360] pp. Folio (13-3/4" x 8-1/2").

Three quarter morocco over pebbled cloth, marbled endpapers. Some rubbing to boards, heavier rubbing to extremities, backstrip lacking, hinges cracked, few partial cracks to text block. Light toning, text in neat hand to rectos and versos of 180 pages. \$450.

\* This docket has manuscript entries under various column headings: No. and Attorneys, Names of Parties, Action, Process, Return and Order of Court. It includes a variety of indictments, including adultery, rioting, gambling, keeping a gaming house, selling liquor, keeping an unlicensed tippling house, obstructing a road, malicious mischief and larceny. Other cases deal with such matters as divorce and real estate transactions. Bureau County was founded in 1837, so this docket is from an early point in its history. [Order This Item](#)



**Eighteenth-Century Manuscript  
Relating to the Constitutional Law of Hungary**

**10. [Kingdom of Hungary].**

*Observationes In Tripartitum Opus Juris Consuetudinarii Inchyti Regum Hungariae per Commissionem Systematicam in Arlo 24. 1715 Fundatum hoc 1717 Anno Posony Celebratum, Elaborate.* [Arlo, Hungary, 1715-1717, 1726]. [101, 9 blank, 32 pp.] Folio (12" x 8").

Contemporary paneled calf, ties lacking. Moderate rubbing to boards, heavier rubbing to extremities with wear to spine and corners, rear hinge partially cracked, two leaves at rear of text detached, occasional worming to margins with no loss to text, contemporary armorial bookplate to front pastedown. Some toning to interior, text in neat secretarial hand. The second group of notes, 32 pp., are dated 1726. \$2,000.

\* Two sets of student notes on the *Tripartitum*. Compiled in 1514 by Istvan Werboczy [c.1465-1541], a Hungarian jurist and statesman, this collection of early customary laws, though never incorporated formally, was regarded as the second pillar of the Hungarian constitution. It was a *de facto* law-book of Hungary until 1848. According to the doctrine of the Holy Crown, which appeared in the *Tripartitum*, the king and the legally equal noblemen formulated the "corpse of the Holy Crown," which symbolized the Hungarian state. This manuscript is one such effort, in the early eighteenth century, to coordinate the *Tripartitum* with Hungary's constitutional statutes. [Order This Item](#)



**Seventeenth-Century  
Italian Manuscript Law Dictionary**

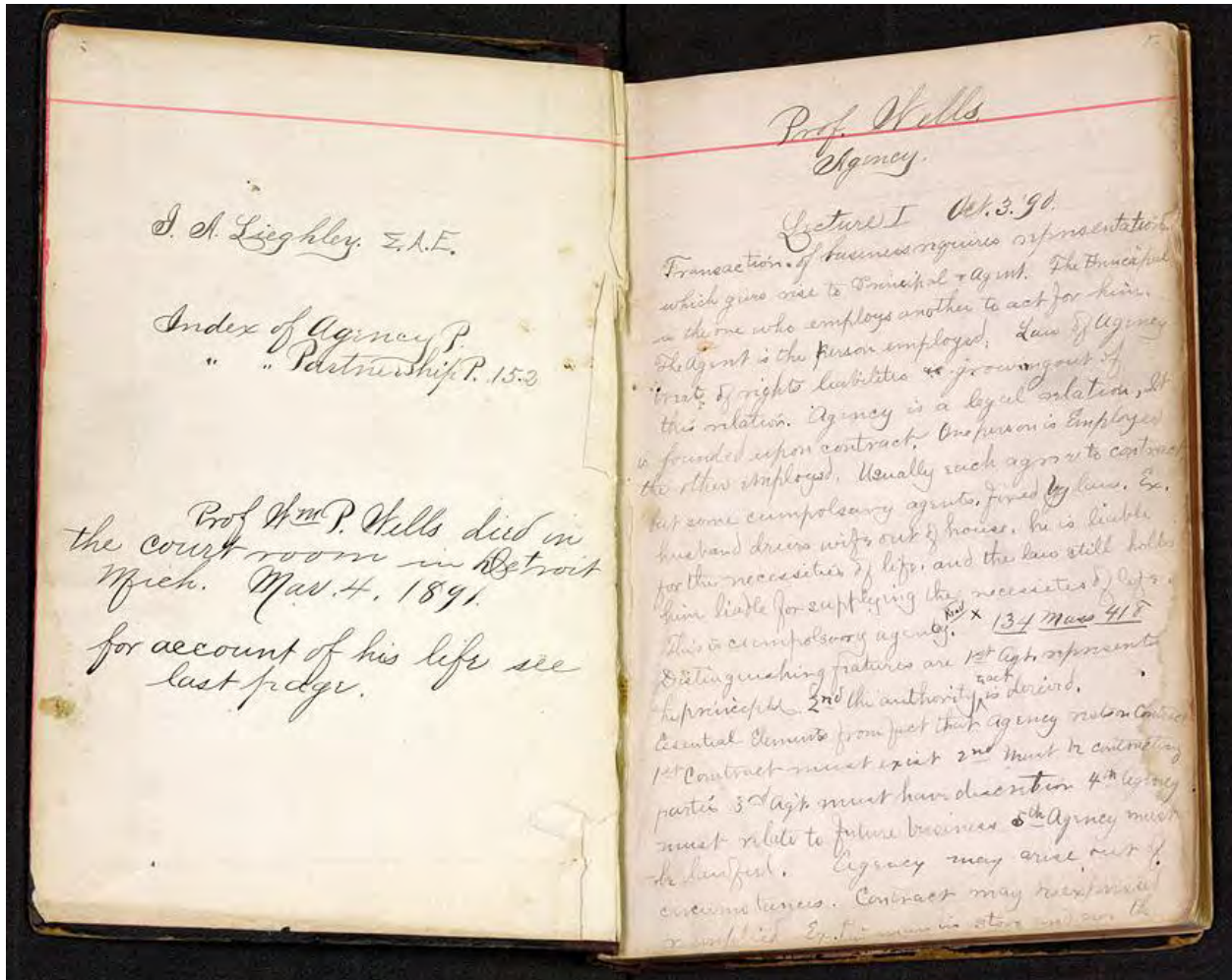
**11. [Law Dictionary].**

*Repertorium Universale* [Spine Title]. [Amandola, Italy, c.1750]. [500] pp. Quarto (10-3/4" x 8").

Contemporary vellum, early calligraphic title to spine, untrimmed edges, large hand-colored arms of owner to front pastedown. Light soiling and some edgewear, heavier wear to fore-edge of rear board, some cracks to text block, a few signatures partially detached. Moderate toning, faint dampstaining to first half of text block, small holes to a few leaves at beginning of text. Text in fine neat hand to rectos and versos of most leaves. \$3,500.

\* Probably compiled in the mid-eighteenth century, this alphabetically arranged manuscript dictionary of terms in Roman, canon and feudal law was possibly compiled by the owner named above the coat of arms on the front pastedown: Mattia Toti, praetor of Amandola, a municipality in the Province of Fermo in the Marche region of Italy founded in 1248.

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Lecture Notes Compiled by a  
Student at the University of Michigan Law School in 1890-1891

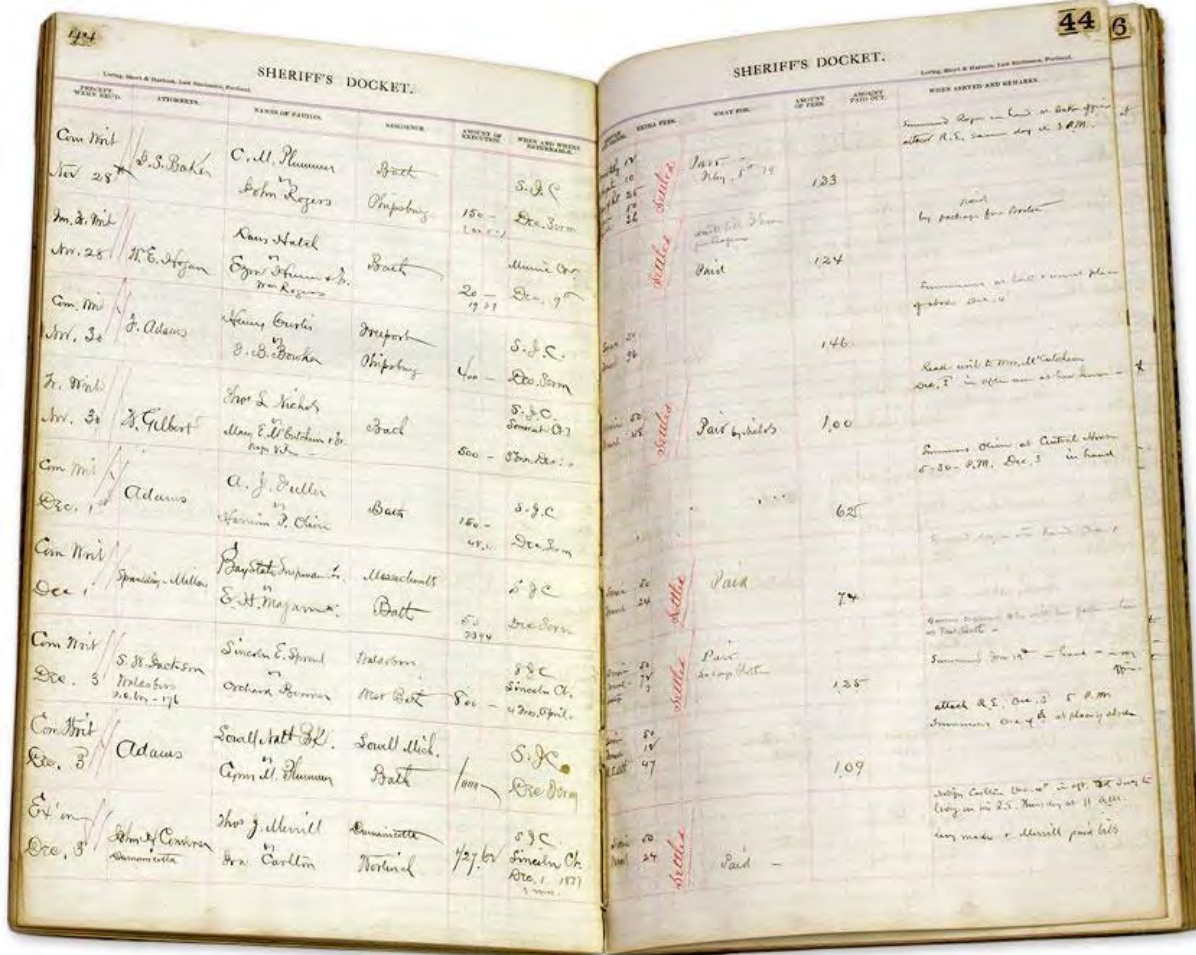
12. [Lieghley, I.A.].

[Wells, William P (1831-1891)].

[Lectures Notes from Courses on Agency and Partnership Taught by Prof. Wells]. [Ann Arbor, October 3, 1890-March 4, 1891]. 161 [i.e. 191] pp. Quarto (9" x 6").

Quarter cloth over pebbled paper. Light rubbing to boards, heavier rubbing with some wear to extremities, hinges cracked, binding still intact. Light toning to interior, content in clear hand to rectos and versos of pp. 1-186, occasional annotations to final 28 leaves, including an index, additional annotations to endleaves, newspaper obituary of Prof. Wells affixed to rear endleaf. \$750.

\*This notebook offers an opportunity to "audit" two courses taught at the University of Michigan in the early 1890s by one of its leading professors. These appear to be notes taken in class. Lieghley added an index at a later point. The notes indicate the durability of the lecture format at Michigan, but with some influence from the new case-method system. Lieghley signed the front pastedown and noted his membership in the Sigma Alpha Epsilon fraternity. The lower part of the page contains a note stating the date of Professor Wells's death. Wells, the Kent Professor of Law, taught at the university from 1874 to 1891. After Thomas M. Cooley, he was the most distinguished member of Michigan's faculty in the late nineteenth century. Little is known about Lieghley. Martindale directories from 1890s and early 1900s indicate that he had a private practice in Detroit. [Order This Item](#)



A Set of Dockets  
of a Maine Sheriff, 1876-1912

13. [Maine].

[*Sheriff's Dockets*]. Sagadahoc County, Maine, 1876-1912. 8 ledgers (14" x 8-1/2") and 1 Index volume (14" x 4").

Ledgers: three-quarter sheep over marbled or cloth boards, printed volume numbers to spines and front board of six volumes; index volume; Marbled stiff wrappers with cloth-reinforced spines, thumb-tabbed. Varying degrees of wear to extremities, text blocks secure, some scuffing to boards. Moderate toning, occasional faint dampstaining minor, various related clippings pasted in or laid in. An unusually large manuscript record. \$1,250.

\* A compelling collection of low-level legal activity in Sagadahoc County, Maine, from 1876 to 1912. These ledgers record thousands of forms, costs and legal actions throughout the county, such as writs, injunctions, subpoenas, summons and warrants. Each ledger contains an alphabetical index of names. Printed column headings include "Precept When Rec'd," "Attorneys," "Names of Parties," "Residence," "Amount of Execution," "When and Where Returnable," "Service and Travel," "Extra Fees," "What For," "Amount of Fees," "Amount Paid Out" and "When Served and Remarks." In total, these ledgers comprise a comprehensive repository of legal activity in Sagadahoc County over a period of 35 years.

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**The Administration of a  
Small New Hampshire Town, 1783-1815**

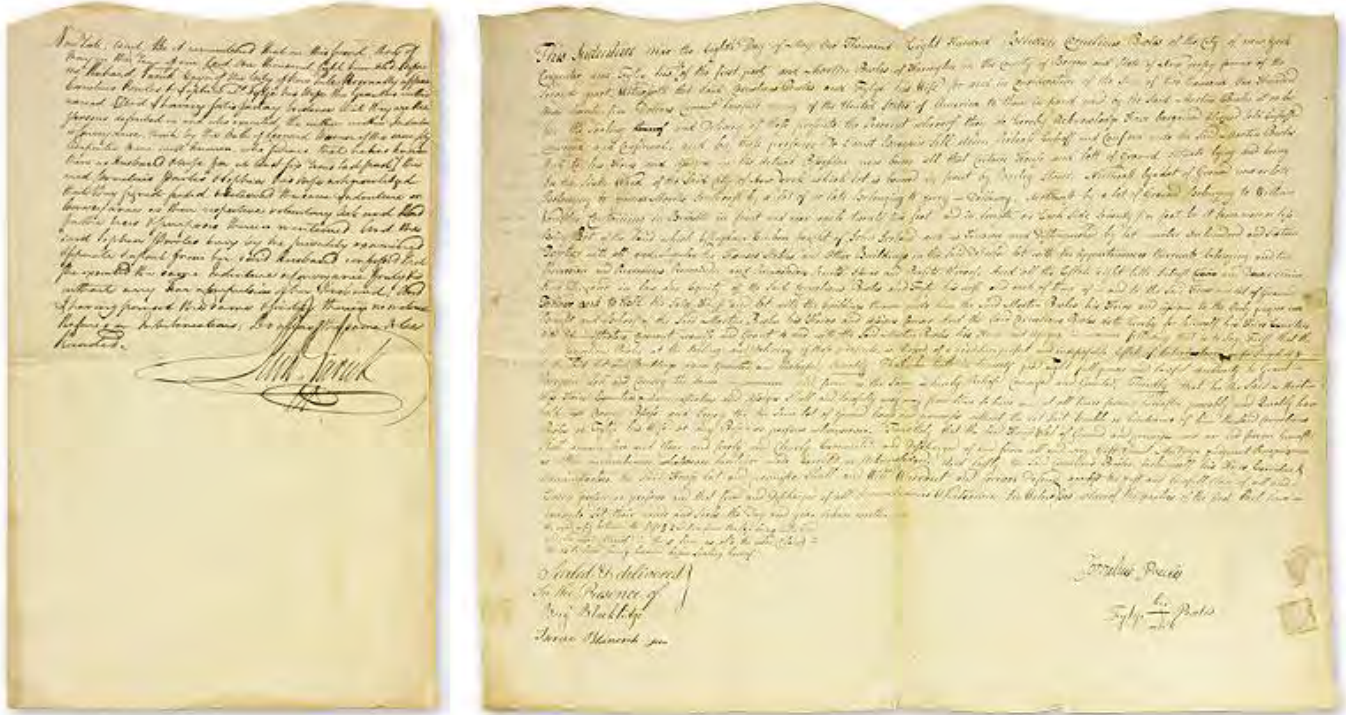
**14. [New Hampshire].**

[Documents Relating to the Town of New Ipswich, 1783-1813]. New Ipswich, NH, 1783-1813.

7 stab-stitched manuscript volumes, 1 is 6-1/4" x 4" (18 pp.), 1 is 12-1/2" x 8" (12 pp.), 1 is 14" x 12-1/2" (16 pp.) and 4 are 7-1/4" x 6-1/2" (6 pp., 8 pp., 14 pp., 18 pp.). Manuscript in ink to most rectos and versos. Moderate browning, somewhat lighter in places, foxing, some leaves have dampstaining, tears or chips, with loss of text in a few cases. An interesting archive. \$850.

\* New Ipswich is a small New Hampshire town on the Massachusetts border, about 40 miles north of Worcester. The volumes in this archive record the daily operations of the town government, such as lists of taxes collected from residents and payments for selectmen, constables and building expenses. It is, on the whole, an interesting collection of source material concerning the inner workings of small New England town government in the post-Revolutionary period.

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**Land Indenture Signed by Richard Varick**

15. [New York City].

[Varick, Richard (1753-1831)].

[Indenture for New York City Property Signed by Mayor Richard Varick]. New York City, 8 May 1800.

16" x 21" bifolium, top edge indentured. Toning, fold lines, light wear to edges, a few minor tears along folds. \$300.

\* This indenture (with seals) records the conveyance of a plot of land on Barclay Street, New York City, from "Cornelius Pawles of the City of New York Carpenter and his wife" to "Martin Pawles of Harrington in the county of Bergen and State of New Jersey." The verso has a one-page endorsement by Mayor Richard Varick signed with a bold signature.

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**Two Case Records of a Late-Nineteenth Century Philadelphia Attorney Who Employed the Services of the Pinkerton Detective Agency**

**16. Pancoast, Charles S.**

[Collection of *Legal Documents and Correspondence Kept by Philadelphia Defense Attorney Charles S. Pancoast*]. Philadelphia, 1878-1884.

25 items comprising approximately 85 pages, sizes ranges from 8" x 5" to 13" x 8-1/2." Manuscript in ink to most rectos and versos, some documents part-printed or typed. Light to moderate toning, fold lines, minor wear and soiling. \$1,250.

\* A collection of 10 legal documents and 15 letters kept by attorney Charles S. Pancoast, a lawyer defending two clients against the city of Philadelphia. Pancoast's clients, Samuel Ogden and Charles Spencer, are defendants in separate cases. For the former case, Pancoast engaged Pinkerton's National Detective Agency to follow and otherwise investigate Ogden's son, William Ogden. Documents in this archive include depositions, a "paper book," agreements, formal case notes of witnesses and court testimony, a "Copy of Exceptions & Rule to show cause," pleas and an invoice. For the "Spencer" case there are 11 autograph letters signed, almost all from Philadelphia attorney, Henry C. Terry. Of the three letters for the Ogden case, the most interesting are the two letters from Pinkerton's National Detective Agency. Appended to each letter are the detailed reports from the Pinkerton field operatives, identified only by their initials, "J.W.C." and "C.H.E." Also included is an invoice to Pancoast from the Pinkerton's (for \$18.67). [Order This Item](#)

Philadelphia Oct 26. 1828

My Dear Sir

As I know it will give you pleasure I  
communicate the appointment of our  
Hopkinson - He received his commission  
yesterday, with a very kind letter from the President  
It has been long very long withheld, and Mr  
Adams has suffered much from the delay -  
we know how he can justify it - The public  
interests suffered, and this he knew - He seems  
to have forgotten the maxim "Bis dat qui cito  
dat" - I thank you most cordially for your address  
which is all you found most justly praiseworthy  
- I have been exceedingly gratified and instructed  
by its perusal.

I beg you to present our most respectful  
respects to Mrs Story and believe me faithfully  
Yours  
Richd Peters.

### The Supreme Court Reporter Writes to Justice Story

17. Peters, Richard [1740-1848].

[Story, Joseph (1779-1845)].

[Autograph Letter, Signed, to Story, Philadelphia, October, 26 1828]. Single leaf folded to form 10" x 8" quarto bifolium, written in ink, addressed, franked and postmarked on verso of fourth page, which has a wax seal.

Fold lines, some toning along margins, otherwise fine. \$500.

\* Peters, a Philadelphia lawyer and county official, was the reporter of the U.S. Supreme Court from 1828 to 1843. (His volumes are reported today as 26-41 U.S.). This letter refers to the delayed commissioning of Joseph Hopkinson [1770-1842], son of founding father Francis Hopkinson, as a judge on the United States District Court for the Eastern District of Pennsylvania, a post held previously by Peter's father. President Adams issued Hopkinson's recess appointment to the District Court on 23 October 1828. He was confirmed by the Senate and formally commissioned in February 1829. According to Peters: "It has been long, very long, withheld, and Mr Adams has suffered much from the delay -- I do not know how he can justify it -- The public interests suffered, and this he knew -- He seems to have forgotten the maxim 'Bis dat qui' &c [Bis dat qui cito dat- he gives twice who gives promptly]. It was a wise appointment. Joseph Hopkinson's distinguished legal career included his successful defense of Supreme Court Associate Justice Samuel Chase during his impeachment trial (1804-05). (Hopkinson also wrote the lyrics to the patriotic anthem "Hail, Columbia.") Peters also thanks Story for sending him a copy of an address, most likely *A Discourse at the Request of the Essex Historical Society, September 18th, 1828, in Commemoration of the First Settlement of Salem, Massachusetts*, and says he was "exceedingly gratified and instructed by its perusal." [Order This Item](#)

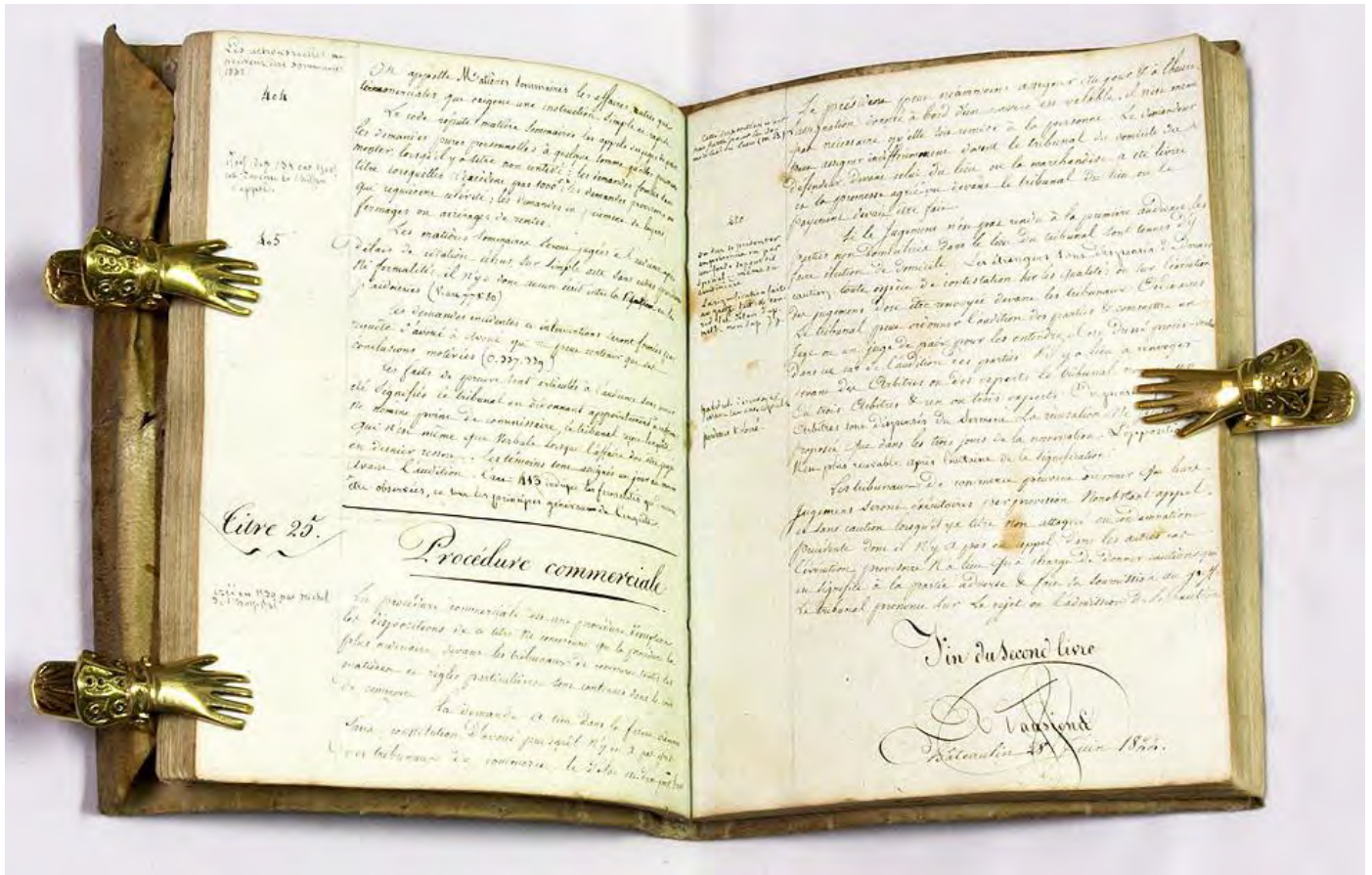


An Anonymous Poet Celebrates the  
Adoption of Portugal's First Constitution

18. [Portugal].  
[Constitution of 1822].

*Quadras a Nossa Constituição*. c.1822. Conjugate 12-1/2" x 8-1/2" leaves forming 4 pp., text in neat hand to three pages. Light toning and some edgewear, horizontal and vertical fold lines, clean tear along fold dividing the two leaves mended with archival tape. A unique item. \$350.

\* This is a poem in 33 stanzas celebrating the adoption of Portugal's 1822 constitution. The nation's first written constitution, it was the political outcome of the Liberal Revolution of 1820. [Order This Item](#)



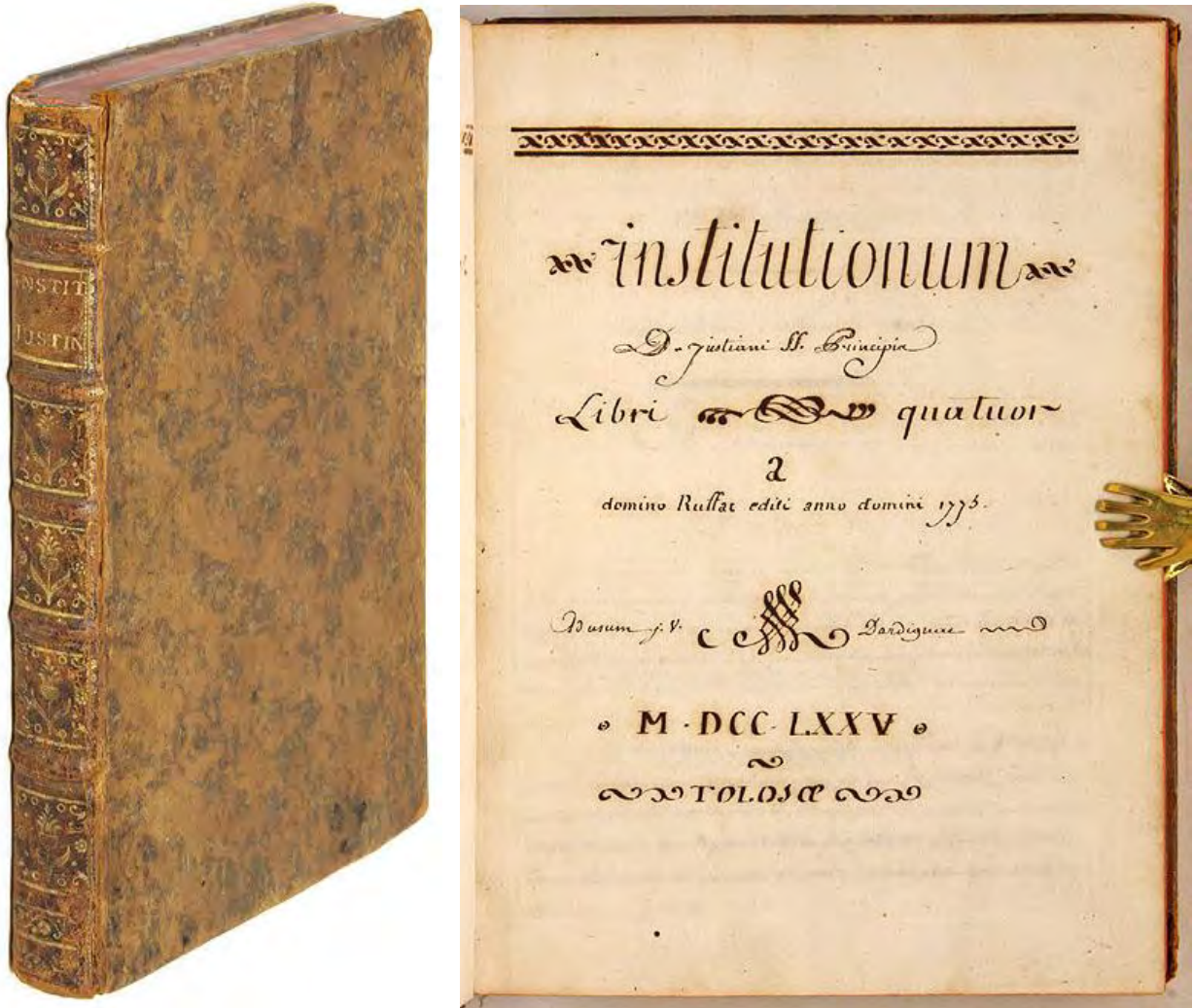
Handsome French  
Manuscript on Procedure from 1821

19. [Procedure].  
[Student Notes].

Procédure. Rennes, France, 1821. 100 pp. Quarto (8" x 6-1/2").

Contemporary limp vellum with flap, tie lacking. Light soiling and a few minor stains and tiny holes, spine ends bumped, vellum beginning to crack through pastedowns, which have some worming. Light toning to text, some soiling to title page, burn-through from a few letters of title (due to acidic ink). Text in small elegant hand to rectos and versos of 41 leaves, most beginnings and ends of most sections have calligraphic decorations. Handsome. \$750.

\* Carefully organized and written with fine penmanship, this is a fair copy of lecture notes on procedure. It is arranged in three books with chapters (titles) and furnished with side-notes. The final six leaves, in the same hand, are a collection of poems (on non-legal subjects). [Order This Item](#)



**A Manuscript Paraphrase of Justinian's *Institutes***

**20. [Roman Law].  
[Corpus Juris Civilis].**

*Institutionum Dn. Justiniani SS Principia, Libri Quatuor a Domino Ruffat Editi Anno Domini 1775.* Toulouse, 1775. [i], 41, 56, 29, 29, 6 ff. Quarto (9" x 6-3/4").

Contemporary mottled calf, raised bands gilt ornaments and gilt title (reading Instit/ Justin) to spine, edges rouged, marbled endpapers. Light rubbing and a few minor nicks to boards, moderate rubbing to extremities, chipping to head of spine, corners somewhat worn. Moderate toning to interior, text in neat hand. A handsome item. \$1,250.

\* This appears to be a fair copy of lectures on the *Institutes* of Justinian or a text that circulated in manuscript. We were not able to locate any information about the author, Ruffat. It is a section-by-section paraphrase of Justinian's text with a table of contents and index. Many sections have cross-references to other sections. A note on the title page states "Ad Usam j. V. Dardignae," likely the owner of the manuscript. [Order This Item](#)

Mr. Edward Everett, Boston 4 Oct. 1827  
Dear Sir, Mr. Eliphalet Hale having in-  
formed me that he is desirous of obtaining the  
place of Purser in the Navy, I have great plea-  
sure in informing you that I have known Mr.  
Hale, several years, that I think him extremely  
well qualified for any situation requiring great  
integrity, capacity for business, industry ac-  
tivity and a thorough knowledge of accounts.  
I have sometimes been associated with Mr. Hale, as the  
representatives of the signers of the Declaration  
in this country, & have other means of being  
acquainted with his character and qualifica-  
tions. It would afford me great pleasure

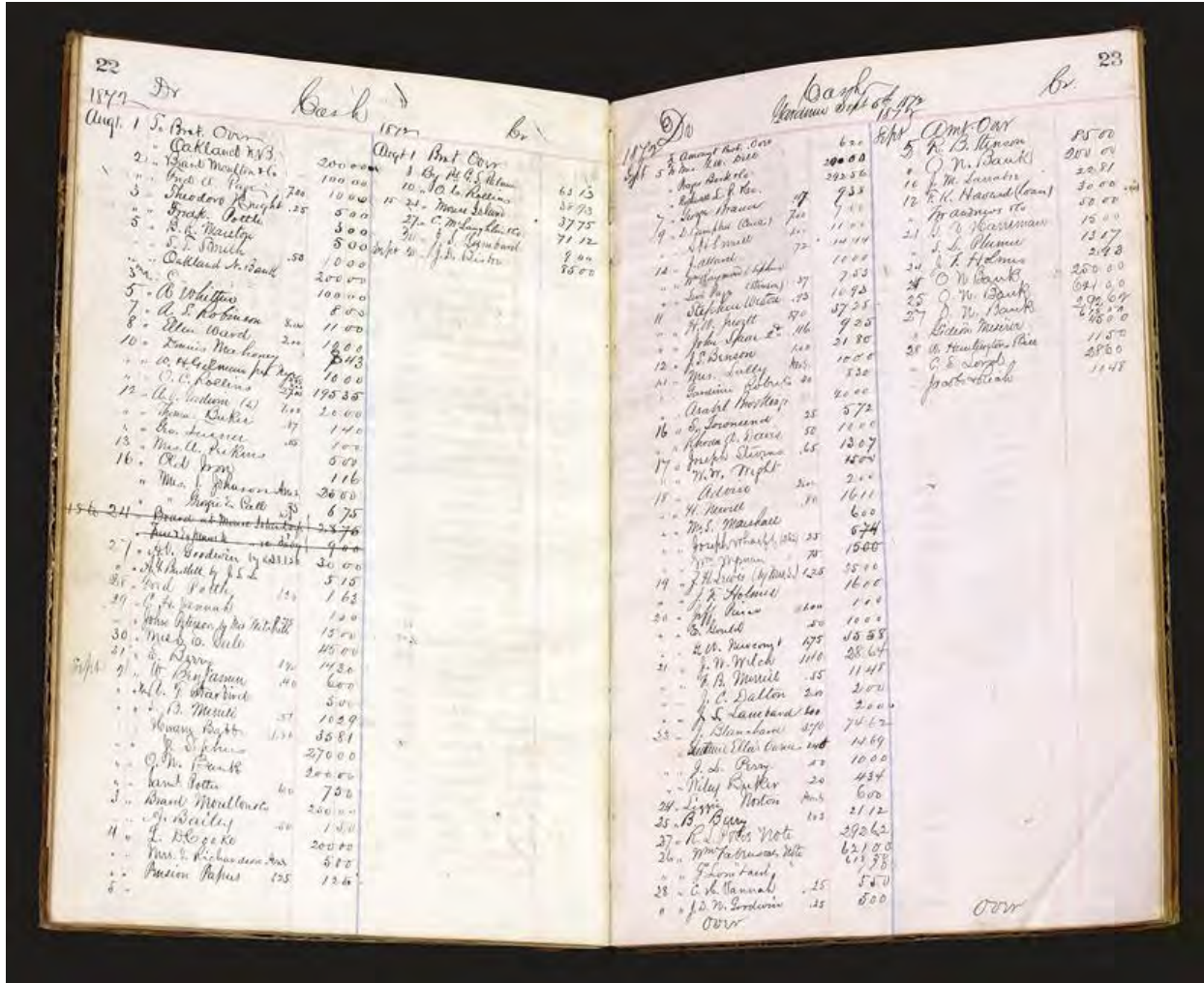
**Lemuel Shaw Asks Edward Everett  
to Help a Friend Seeking a Naval Commission**

**21. Shaw, Lemuel [1781-1861].  
Everett, Edward [1795-1865].**

[Autograph Letter, Signed, to Edward Everett with Everett's Appended, And Signed, Letter of Transmittal, Boston, October 4, 1827 and October 12, 1827]. Single leaf folded to form 9-3/4" x 7-3/4" bifolium with integral address leaf, franked in red on verso of second leaf.

Some toning, old lines with short tears at ends, some remnants of paper from old mounting on back with no loss of legibility. \$750.

\* This item from future Chief Justice of Massachusetts Lemuel Shaw to then Congressman and future Gettysburg orator Edward Everett contains two letters. It contains Shaw's original letter, requesting help for a friend who was seeking a commission as a purser in the Navy, and Everett's appended letter on behalf of Shaw's friend to the Secretary of the Navy, Samuel L. Southward. In the 19th century, Edward Everett was celebrated as a preacher and public orator. He is most famous for delivering a two-hour oration in 1863 at the dedication of the Gettysburg military cemetery. Everett's speech was subsequently eclipsed by President Abraham Lincoln's immortal, two-minute Gettysburg Address. At the time this letter was written Shaw had already served in both houses of the Massachusetts Legislature and had drafted the first charter of the City of Boston. In 1830, he became the Chief Justice of the Commonwealth of Massachusetts. He served on that court for 30 years and participated in such notable cases as the "Parkman-Webster" murder case and in *Commonwealth v. Hunt*, an important labor law precedent establishing that labor unions were not criminal conspiracies. [Order This Item](#)



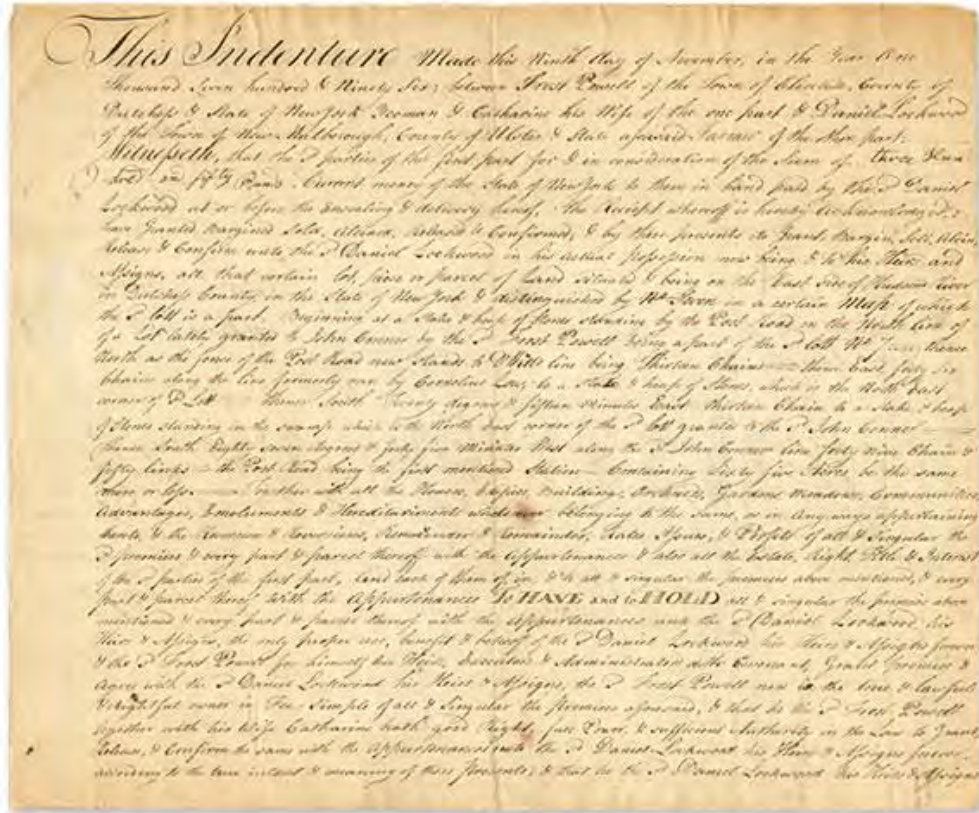
Account Book of  
Nineteenth-Century Lawyer from Gardiner, Maine

22. [Stilphen, Asbury Coke (b. 1842)].

*Account of Monies Expended from May 1st 1865 to 1880.* [Collection and Cash Book]. Gardiner, ME, 1870-1874. [120] pp. Folio (13" x 8").

Three-quarter sheep over marbled boards, gilt fillets and title (reading "Ledger") to spine. Considerable rubbing with loss to spine ends and corners, boards abraded and scuffed, a few cracks to text block, Stilphen's stamp to front pastedown, his signature to front free endpaper. Light toning to interior, faint dampstaining in a few places, content in fine neat hand to rectos and versos of most of the leaves, tipped-in bill of sale for musical instruments, instructional books and sheet music from "Joseph Stilphin, Deputy Sheriff" to rear pastedown. \$850.

\* This ledger records the daily practice of a prominent lawyer and businessman who practiced in Gardiner, Maine, a town near Augusta, the state capitol. Stilphin was both a lawyer with a specialty in corporate practice and a dealer in investment securities. He was also the auditor (comptroller) of the Kennebec Central Railroad. The ledger indicates that he devoted most of his time to investment services. Considered a leading citizen of Gardiner, he was active in civic enterprises and held several political offices. He was also active as a local historian. Mercantile Publishing Company, Boston, *Leading Business Men of Lewiston, Augusta and Vicinity* 147. [Order This Item](#)



**Interesting Dutchess County Land Indenture  
from 1796 Signed by a Notable Supreme Court Justice**

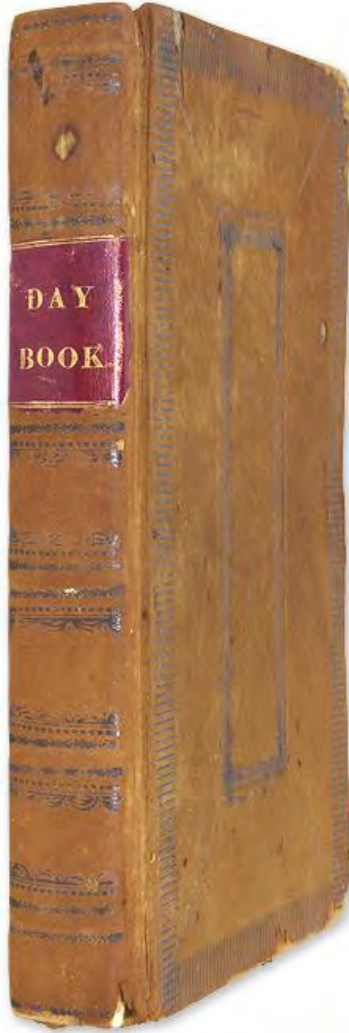
**23. Thompson, Smith [1768-1843].**

*Signed Land Deed, Dutchess County, New York.* November 9, 1796. Single 13" x 16" sheet, accomplished in ink on recto and verso, signed and sealed by Smith Thompson and Gilbert Livingston.

Light browning, soiling and edgewear, fold lines, a few with minor tears. \$450.

\* An indenture conveying a parcel of land in Dutchess County, on the east side of the Hudson River, from Frost Powell and his wife Catherine Powell to Daniel Lockwood. Signed by Smith Thompson [1768-1843], future associate Justice of the United States Supreme Court [1823-1843] and his law partner, Gilbert Livingston. Thompson graduated from Princeton in 1788. Soon after voting for ratification of the United States Constitution as a youthful member of the New York Convention, he began his legal apprenticeship with James Kent and Gilbert Livingston. In 1794 Thompson married Livingston's daughter and replaced Kent as Livingston's partner when Kent moved to New York City following an unsuccessful bid for Congress. "Thompson's major role was in interpreting the Commerce Clause. (...) Thompson believed that states could regulate commerce unless such acts directly conflicted with congressional laws (...) (His) concurrent position contrasted with the exclusive theory of Marshall and Joseph Story. (...) Thompson's position on Native Americans also reflected his New York background in so far as his dissent in *Cherokee Nation v. Georgia* (1831) relied upon his former mentor, James Kent. Arguably his finest opinion, 'Thompson's Cherokee dissent set forth the concept that Indian tribes are separate sovereigns despite their conquered position' (Hall). Thompson also played a major role in the Amistad case. As presiding judge in the U.S. Circuit Court at Hartford, Thompson upheld the U.S. District Court when it ruled against the return of the captives to Cuba, thereby forcing an appeal by the Federal government to the U.S. Supreme Court, where Thompson joined Story's majority opinion declaring the Amistad captives free. Thompson's autograph is scarce; nothing in American Book Prices Current since at least 1975. Hall, *Oxford Companion to the Supreme Court of the United States* 871-72. [Order This Item](#)





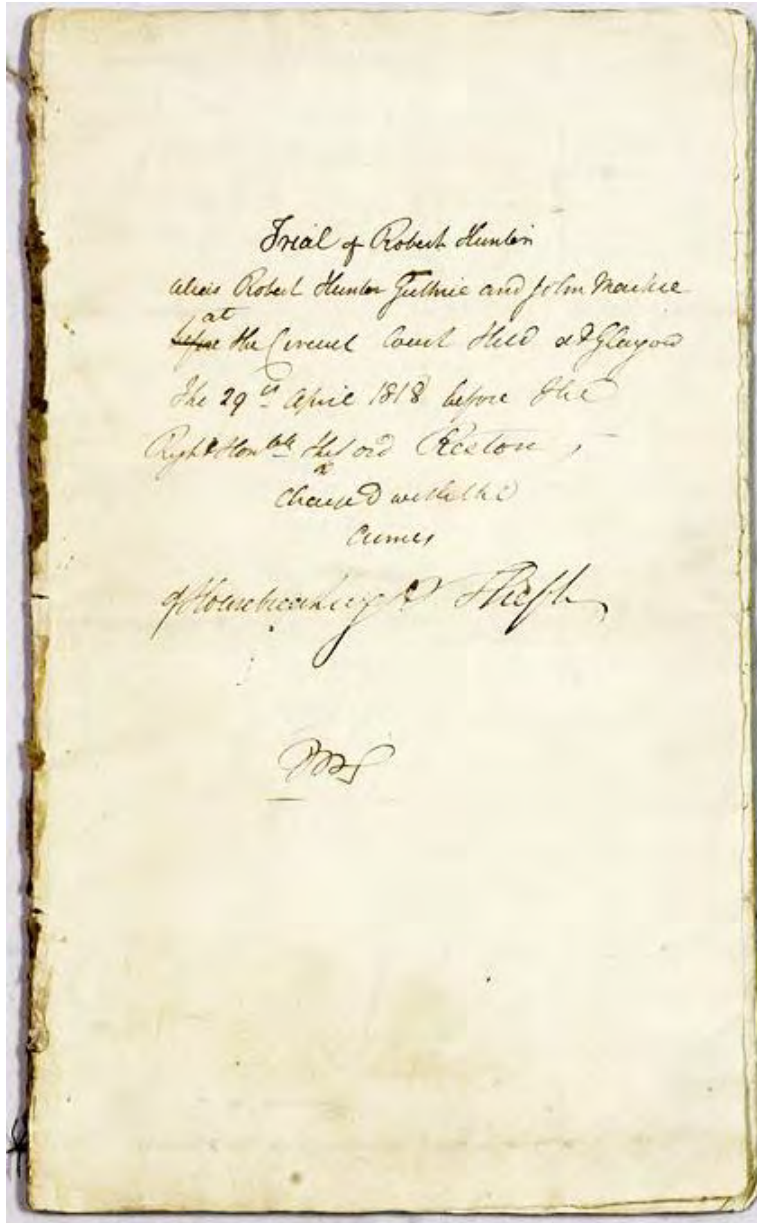
**Docket Book of a Notable Nineteenth-Century  
Rhode Island Lawyer Who Took Part in the Dorr Rebellion**

**24. [Titus, Jonah (1796-1876)].**

[*Docket Book of Jonah Titus, Rhode Island Lawyer and Dorrite Attorney General*]. [Scituate, RI, May 1836-December 23, 1875]. [400] pp. Folio (13" x 8").

Reversed calf, black-stamped panels to boards, raised bands, black-stamped ornaments and lettering piece (reading "Ledger") to spine. Moderate rubbing and a few minor scuffs and stains to boards, heavier rubbing to extremities with wear to spine ends and corners. Light toning, text in small neat hand on 378 hand-numbered pages, entries on 8 other leaves at rear of text. \$950.

\* Titus, believed to be the first lawyer to establish a practice in Scituate, was a leader of the Rhode Island bar. He is remembered for his participation in the Dorr Rebellion of 1841-1842, an attempt to force broader democracy in Rhode Island by establishing a rival state government under "Governor" Thomas Wilson Dorr. Titus was Dorr's attorney general. The turbulence of that period is not reflected in this docket book, which lists memoranda of cases, services rendered and fees charged. Also listing personal expenses, this offers a fine perspective on the working life of a well-respected attorney with a thriving practice over a 39-year period. Payne, *Reminiscences of the Rhode Island Bar* 41-43. [Order This Item](#)



Who Stole My Cheese?

25. [Trial].

[Glasgow, Scotland].

*Trial of Robert Hunter, Alias Robert Hunter Guthrie and John Mackie...* [Glasgow: April 29, 1818]. 18 ff. Last leaf partially blank, docketed on verso. Folio (12-1/2" x 7.5").

Disbound, light soiling and edgewear, three horizontal fold lines, lower portion of final leaf lacking with no loss to text. Content in neat hand throughout. \$1,500.

\* A curious collection of court documents involving a pair of men who were stealing and fencing stolen wheels of cheese from a warehouse. Sensing that the police were closing in on them, they fled, one is tempted to say "like mice," but were eventually apprehended. These documents appear to have been given to someone who organized them, added annotations, including the title on the first leaf, and had them bound into a volume. [Order This Item](#)



### An Interesting Scottish Law Suit

#### 26. [Trial].

[Ogilvie, John (1783-1847)].

[*Major Genl. J. Ogilvie Sed. Book Vol. 2.* (Spine title, item complete, see below)]. [Likely Edinburgh, 1860s-1871]. [iv], 270 pp. Folio (13" x 8-1/2").

Three-quarter calf over marbled boards. Some rubbing to extremities with chipping to spine ends, corners somewhat worn, text in various neat hands. \$750.

\* From the Oriental Bank Company of Bombay, India to Edinburgh. Here is the story of Major General John Ogilvie and the trustees who settled his complicated estate over a protracted period among feuding family members. In this scenario, it would be a half-sister who would be fighting for a share in the disputed estate versus her sister-in-law. The rights of a woman legatee, in this case the General's widow, were at stake as were the widow's desire to fulfill her husband's wishes. General Ogilvie served in the Honorable East India Company Madras Army. He died without issue and was survived by his widow, Helen Ogilvie [1785-1867]. Helen Ogilvie decided to bequeath the estate to her husband's half-brother, James Ogilvie, but to omit another half-brother, Archibald Ogilvie from the estate. Her decision to exclude Archibald Ogilvie-the widow pointedly stated-was the wish of her deceased husband. But Helen's decision now opened the door to a legal challenge by General Ogilvie's half-sister, Isobel Ogilvie Miller, and Isobel's husband. They too now made a claim on the estate. This challenge came to a head on January 25th, 1870 in the court decision *John Duncan and Others (Trustees of General Ogilvie) represented by the Solicitor-General's office via Clark-Munro vs. Mrs. Isobel Ogilvie or Miller and Husband, represented by Fraser and Watson*. The case was heard and decided by the entire four-judge bench of the First Division of the Court of Session at Edinburgh, the supreme civil court of Scotland.

Despite the designation "Volume 2," this volume forms a complete record created by legal solicitors on behalf of the trustees of General Ogilvie's estate. Volume 1 and any other volumes covered, we assume, other aspects of the suit. The records are in chronological order from 1849 to 1871, but appear to have been gathered as a final record book of the estate's settlement in 1871, following an 1870 Court of Session decision. The volume contains 98 discrete sections. It forms a record of the legal solicitors' retained and received legal correspondence, an inventory of deeds, various financial accountings, meeting minutes, and other memoranda. Together they comprise the detailed background documents of a complicated civil case whose public record only hints at the many years of legal maneuvering. The volume also serves as an interesting, and full, financial record of a Scottish military officer serving in British India and of his accumulation of wealth while in India, shrewdly investing in shares in banks in Bombay and elsewhere. (A more detailed account of this interesting case is available on request.) See *Cases Decided in the Court of Session Teind Court, &c. and House of Lords*. Third Series. Vol. VIII. (searchable online). [Order This Item](#)

August term of Peace and  
Criminal, and Sessions of our  
Thousand eight hundred and  
thirty four

Erie County

We the grand jurors  
do sworn at the term aforesaid  
and would respectfully present, that we can  
not feel at liberty to separate, without  
performing the duty, that in the course  
of a long and careful examination of  
testimony in the case of ~~the~~ <sup>the</sup> ~~rape~~ <sup>rape</sup>  
the indictment for that crime and  
returned at this term to the court, we  
have become satisfied that the follow-  
ing persons are also guilty of a wicked  
and felonious rape, upon the body of  
Nancy Burns viz. Wm. Harper Lorentine Miller David  
McCummins - <sup>and</sup> <sup>and</sup> <sup>and</sup> <sup>and</sup>  
and that proper measures be pursued  
for the arrest and punishment of these  
persons, whom we also learn have  
fled the country -

The grand jurors do also further  
present, that ample proof has been given  
before them to show that some persons  
whose names are unknown to them

**"Bribes, Threats and Alarms"**

27. [Trial].

[Pennsylvania].

[Grand Jury Presentment Concerning Improprieties in a Rape Case]. [Erie County, PA, August 8, 1834]. 4 pp. 13" x 8" bifolium, docketed on verso of second leaf.

Horizontal fold lines, a few with minor tears, light browning and minor edgewear. Content in small hand filling three pages. Item accompanied by typed transcription. \$1,250.

\* This appears to be a document from an unrecorded rape case. It reads, in part: "We the grand jurors... have become satisfied that the following persons are also guilty of a wicked and felonious rape, upon the body of Nancy Burns viz., Wm. Harper, Lorentine Miller, David McCummins and that proper measures be pursued for the arrest and punishment of these persons, whom we also learn have fled the country. The grand jurors further present, that ample proof has been given before them to show that some persons whose name are unknown to them have by bribes, threats and alarms, spirited away one of two or three very important witnesses in this very important matter..." [Order This Item](#)

16  
*Benjamin Arnold*  
 I have personally appeared before me Benjamin Arnold a Justice of the Peace in and for said County of Louisa & Prussian and after being duly qualified for that purpose with my own mouth under the following declaration  
 That some time in May 1841 he thinks about the 15<sup>th</sup> of said month he met with Herman Marks Esq. Member of said House of Delegates in Lewis County near the Jackson County line who inquired of me how far it was to Jackson County line and upon being told by me that they was near the line they ~~asked~~ they said they must go to Jackson County that night it was then late in the day I suggested them to stop and I wished to have some talk with them Herman told the others to go on who appeared to have a bulk of some thing in their bosoms and he wanted to talk with one but I wishing to see how suspicious they were I approached to word him and coming up with him I asked him what he had in his bosom he said nothing much and seeing something more in his bosom I laid hold and from the appearance I believe they were either young puppies or wolves but did not examine only through his secretivity spirit they went on and they next morning I heard of them killing some young wolves best over the line in Jackson County this is what now all I know about it  
 And in as much as it is reported that there has been a certificate presented to the Court of Jackson County purporting to be given by me denying the alogate - one contained in the above certificate if any such certificate is in being it is fabricated and untrue - April the 8<sup>th</sup> 1841  
*J. B. Brown*

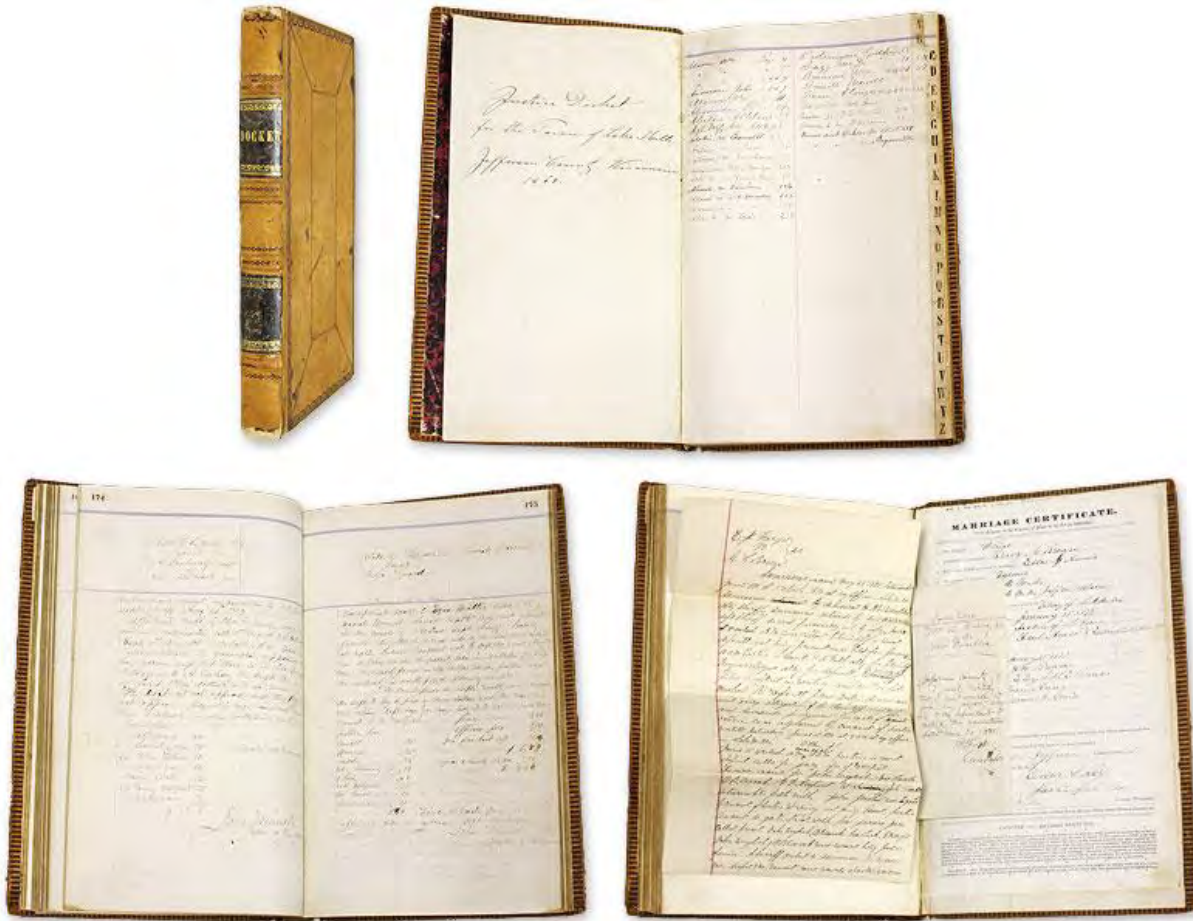
Fraudulent Collection  
 of Wolf Bounties in Virginia

28. [Virginia].  
 [Wolf Bounties].

[Autograph Deposition Addressed to J.P. Thomasson and other justices of Jackson County, Signed by Justice of the Peace Benjamin Arnold, Kanawho County, Virginia, April 8, 1841]. 4 pp. 12-1/2" x 7-1/2" bifolium, docketed on verso of second leaf.

Horizontal fold lines, a few with minor tears, tear through most of fold between the leaves, light browning and minor edgewear, a few small chips to edges. Content in neat small hand filling one page and a quarter of another. \$300.

\* This deposition says the Marks family from Lewis County was carrying wolf puppies into Jackson county lines in order to kill them there in order to collect wolf-killing bounties awarded by the county. [Order This Item](#)



1868 Justice's Docket from Rural Wisconsin

29. [Wisconsin].

*Justice Docket for the Town of Lake Mills, Jefferson County, Wisconsin, 1868* (Manuscript title on first leaf). [Lake Hills, WI, 1868-1888]. [xxvi], 318 pp., a few blanks at rear. Folio (13-1/2" x 8-1/4").

Sheep, black-stamped panels to boards, raised bands and lettering pieces to spines, cloth reinforced hinges, marbled endpapers, thumb-tabbed index at front. Some rubbing to extremities with light wear to spine ends and corners. Five documents, some partially printed, laid or tipped-in. Light toning to interior, text in neat hand to rectos and versos of most leaves. A well-preserved item. \$750.

\* This detailed docket book covering all manner of civil and criminal cases was compiled by seven successive justices of the peace in the Town of Lake Mills, Jefferson County, Wisconsin from 1868 to 1888. It records legal processes, judgments, and the associated service fees for approximately 250 civil and criminal cases. Among the civil proceedings were cases of breach of contract, recovery of debt, replevin, and bastardy. Criminal cases included trespass, larceny, vagrancy, arson, burglary, the use of abusive language and the violation of blue laws. Other criminal cases involved assault and battery, attempted rape and other forms of bodily violence. The docket book is arranged chronologically and documents each step of the judicial process. The docket names the parties involved and usually includes the names of their attorneys, if any. Receipts for the payments of judgments are noted as well. Further, the justices consistently itemized the court fees and those of the constables and marshals associated with each case. [A more detailed description is available on request.]

[Order This Item](#)



**Signed Oath of Office of an Important  
New York Jurist, Patriot and Anti-Federalist**

**30. [Yates, Robert (1738-1801)].**

[*Signed Oath of Office as Chief Justice of the State of New York*]. [Albany], October 9, 1790.

18-3/8" x 8-1/4" vellum document, inscribed in neat clerical hand, signed and dated by Yates and twelve other judges and the state attorney general.

Light soiling, horizontal fold lines, light edgewear with a few minor chips. \$2,500.

\* Beneath the copy of the Chief Justice's oath, signed and dated by Yates, is the oath of office as a Judge of the Court of New York State, which is signed by ten judges. Beneath that oath is one for Commissioners for taking Affidavits, signed by two officers, and, on the verso, the oath of office of Attorney General of the State of New York, signed by Morgan Lewis. Robert Yates, a Revolutionary patriot and jurist, was admitted to the bar at Albany in 1760. During the Revolution, he represented Albany in four provincial congresses and served on the committee of safety. He was one of three New York representatives to the 1787 Constitutional Convention, but he left the convention with his colleague John Lansing when they felt the delegates were overstepping their mandate to revise the Articles of Confederation. Their withdrawal left Federalist Alexander Hamilton as New York's sole delegate. In 1790, Yates was appointed the Chief Justice of New York, a post memorialized in the present document and which he held until 1798, when he reached the mandatory retirement age of 60. The ten judges who signed below their own oath of office (substantially in the same form as Yates's) feature a number New York State luminaries, including delegates to the Continental Congress, members of the state legislature, and delegates to the New York Constitutional Convention: Samuel Jones, Leonard Gansevoort, Stephen Rensselaer, John Williams, Peter Schuyler, Peter Lefferts, David Gelston, David Pye, Thomas Tillotson and Philip Van Cortlandt.

[Order This Item](#)