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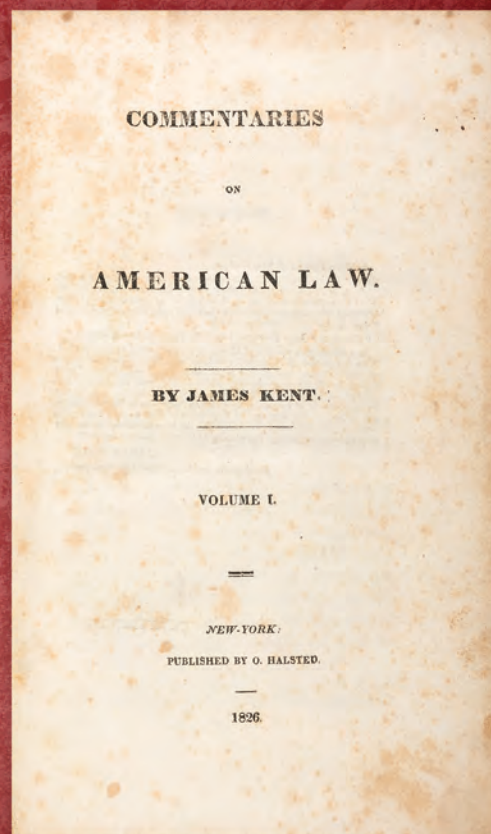
# American Law *Before 1860*

30 ITEMS

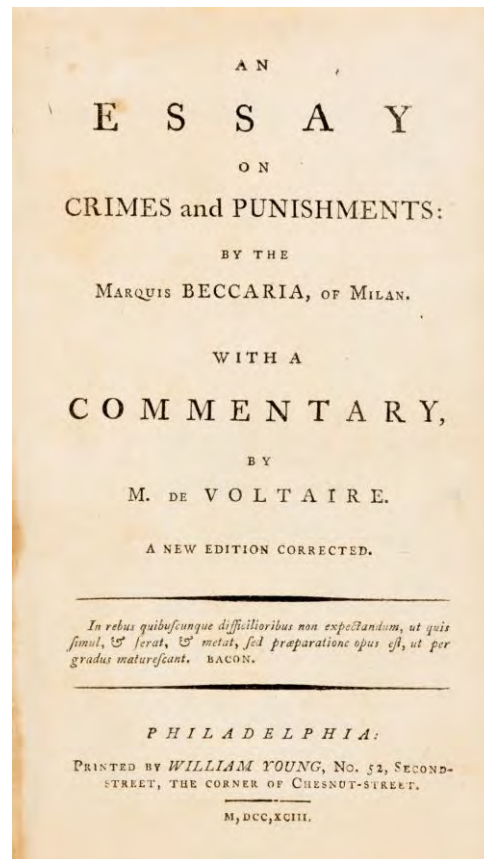
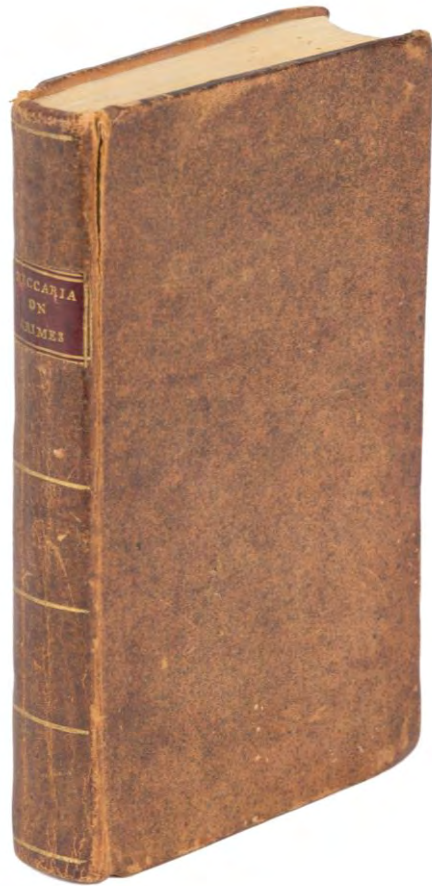
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*April 27, 2021*

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THE  
LAWBOOK EXCHANGE  
LTD.



Early American Edition of "One of the Most Influential Books in the Whole History of Criminology," *PMM* 209

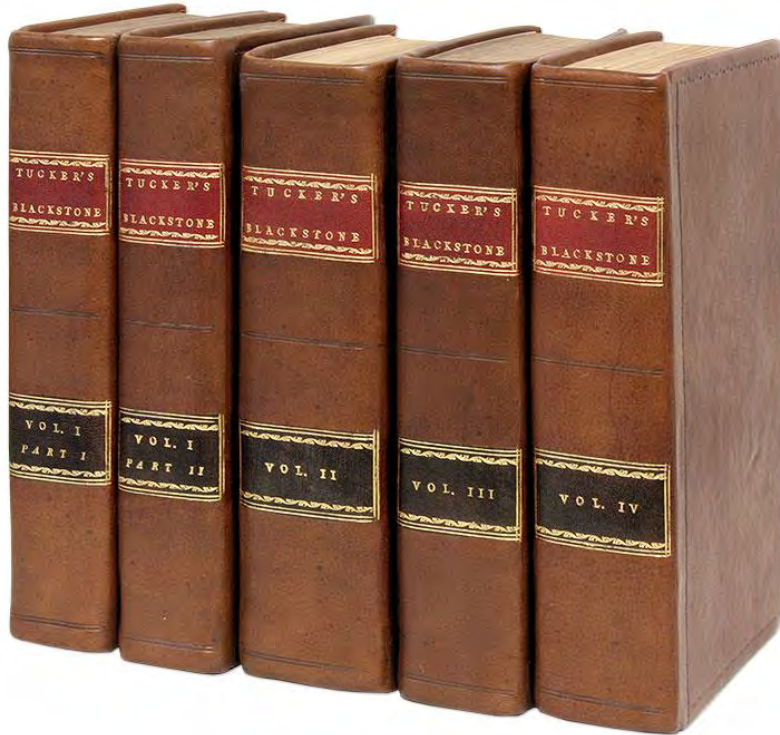
1. Beccaria, [Cesare Bonesana, Marchese de] [1738-1794].

Voltaire (Arouet, Francois-Marie) [1694-1778].

*An Essay on Crimes and Punishments: By the Marquis Beccaria, Of Milan. With a Commentary by M. De Voltaire. A New Edition Corrected.* Philadelphia: Printed by William Young, 1793. x, [13]-230 pp. 12mo. (6" x 3-1/2").

Contemporary sheep, lettering piece and gilt fillets to spine. Light rubbing and some minor nicks to boards, a few creases to spine, joints starting at head, moderate rubbing to spine ends and corners, which are lightly bumped, front free endpaper lacking. Light toning to text, light foxing and negligible faint stains to a few leaves, early repair to Leaf D6 (pp. 43-44) with no loss to text. An attractive copy. \$750.

\* Third American edition. First published in Livorno in 1764 as *Dei Delitti e Delle Pene*, this landmark work is, to quote *Printing and the Mind of Man*, "one of the most influential books in the whole history of criminology. It is significant because it was the first systematic study of the subject. Infused with the spirit of the Enlightenment, its advocacy of crime prevention and the abolition of torture and capital punishment marked a significant advance in criminological thought, which had changed little since the Middle Ages. It had a profound influence on the development of criminal law. It was especially influential among American thinkers, such as Thomas Jefferson, who wished to use Beccaria to reform the system of criminal law Americans inherited from England. The first two American editions were issued Charleston in 1777 and Philadelphia in 1778. *Printing and the Mind of Man* 209. Sowerby, *Catalogue of the Library of Thomas Jefferson* 2349. Cohen, *Bibliography of Early American Law* 4234. [Order This Item](#)



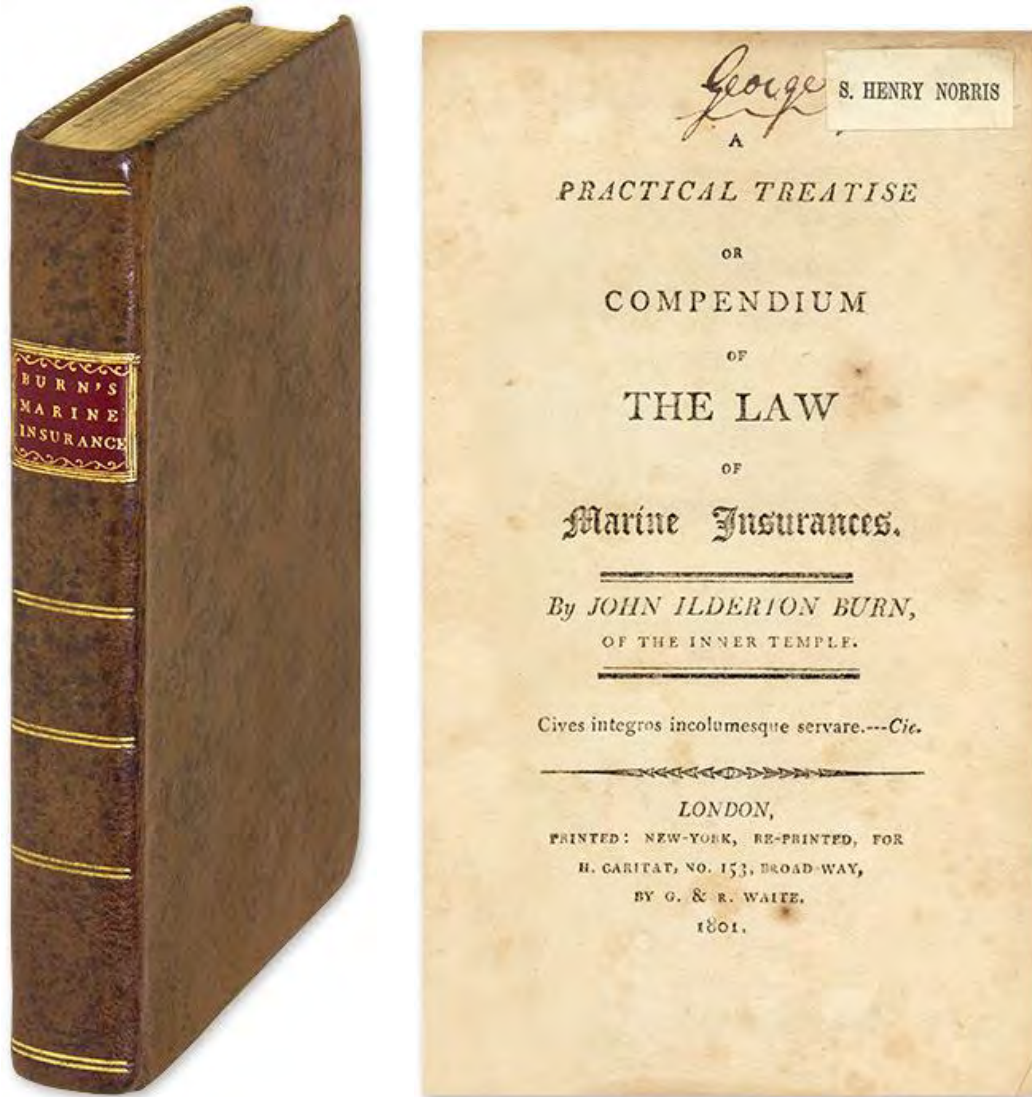
**Handsome Copy of an Important  
(And Very Rare) American Edition of Blackstone**

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

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

Recent period-style calf, blind fillets to boards, red and black lettering pieces and blind fillets to spines, blind tooling to board edges endpapers renewed. Moderate toning, light foxing in places, notes in contemporary hand to a few leaves in Volumes I, Part I and Volume III. A strikingly handsome set. \$18,000.

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



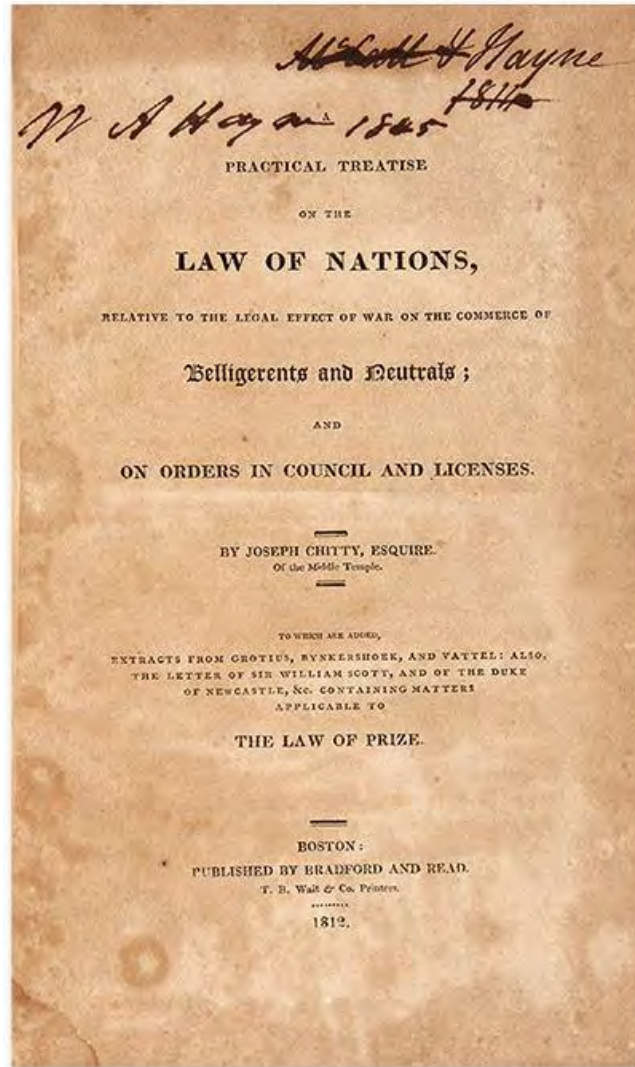
**"Calculated For the Use of Merchants"**

**3. Burn, John Ilderton [1774?-1848].**

*A Practical Treatise or Compendium of the Law of Marine Insurances.* London, Printed: New-York, Re-Printed, for H. Caritat by G. & R. Waite, 1801. xiv, [2], 235 pp. 12mo. (6-1/4" x 4").

Handsome recent period-style calf by Philip Dusel, lettering piece and gilt fillets to spine, endpapers renewed. Light browning to text, negligible foxing in places. Head of title page has early owner signature partially covered by small owner label (S. Henry Norris), interior otherwise clean. A very attractive copy. \$650.

\* Only edition, published the same year in London and New York. "[T]he author trusts he will not be thought presumptuous in stating, that a compendious digest, immediately calculated for the use of merchants and their agents, still remains a desideratum in the merchant's world. With a view to supply this deficiency, he commenced the following compilation": (vii). Burn was a barrister of the Inner Temple who published several law books. The appendix contains summaries of two recent English decisions, and the form of an insurance policy for a ship or goods. Cohen, *Bibliography of Early American Law* 7055. [Order This Item](#)



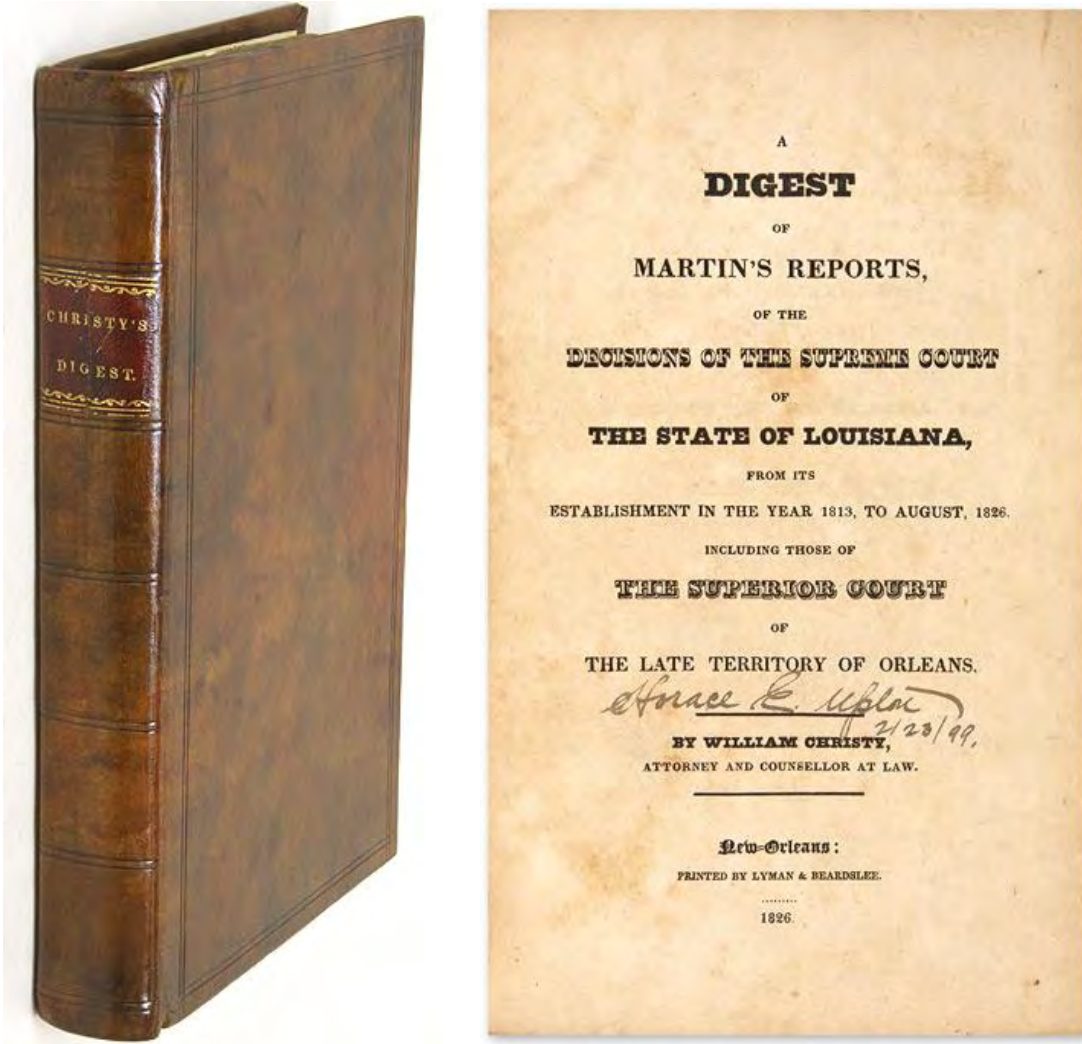
### Joseph Chitty on the Law of Nations

#### 4. Chitty, Joseph [1776-1841].

*A Practical Treatise on the Law of Nations, Relative to the Legal Effect of War on the Commerce of Belligerents and Neutrals; And Orders in Council and Licences. To Which Are Added, Extracts from Grotius, Bynkershoek, And Vattel: Also, The Letter of Sir William Scott, And of the Duke of Newcastle, &c. Containing Matters Applicable to the Law of Prize.* Boston: Printed by Bradford and Read, 1812. xii, 340, [4] pp. Includes four-page publisher list. Octavo (8-1/2"x 5-1/4").

Contemporary calf, blind fillets to boards, lettering piece and blind fillets to spine, blind tooling to board edges. Moderate rubbing to boards and extremities with some wear along front joint, a few minor chips and tears to spine ends, corners bumped and somewhat worn, front hinges starting, early owner signatures (of W. Alston Hayne) to front pastedown and head of title page. Light browning and light foxing to text. A very good copy in the original state. \$1,250.

\* Only American edition, based on the London edition (1812). Chitty was one of the most wide-ranging and prolific legal writers of the nineteenth-century. This treatise and an edition of Beawes's *Lex Mercatoria* (1813) were his two contributions to international law. Marvin's *Legal Bibliography*, though critical of the *Practical Treatise*, finds merit in the digests of Sir William Scott's judgments in prize cases (190). Cohen, *Bibliography of Early American Law* 7167. [Order This Item](#)



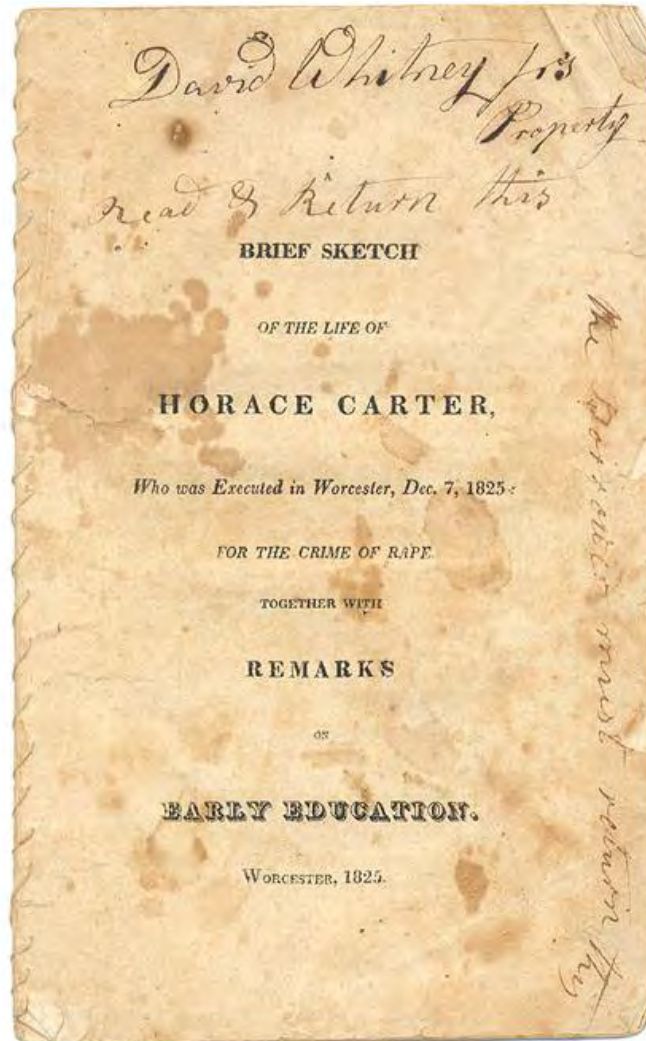
### A Useful Digest of the First Louisiana Reporter

#### 5. Christy, William [1791-1865]. [Martin, François-Xavier (1762-1846)].

*A Digest of Martin's Reports, Of the Decisions of the Supreme Court of the State of Louisiana, From Its Establishment in the Year 1813, To August, 1826. Including Those of the Superior Court of the Late Territory of Orleans.* New Orleans: Printed by Lyman & Beardslee, 1826. vii, 399 pp. Octavo (8-1/2" x 5-1/2").

Recent period-style calf, blind fillets to boards, blind fillets and original lettering piece to spine, endpapers renewed. Moderate toning, occasional browning and light foxing to text, owner signature dated 1899 to foot of title page. \$500.

\* Only edition. Martin sat on the Louisiana Supreme Court from 1815-1846, the last ten years as its presiding judge. Prior to his tenure on the Supreme Court, he served on the Superior Court of the Territory of Orleans. His reports, which commenced in 1809, were the first produced in Louisiana. Christy's *Digest* was intended to "facilitate the researches of professional gentlemen, and to present to the public in the most simple and condensed form, the points of law which have been decided by the highest tribunals of the state of Louisiana and the late territory of Orleans" (v). OCLC locates 11 copies in North American law libraries. Jumonville, *Bibliography of New Orleans Imprints* 478. Cohen, *Bibliography of Early American Law* 5538. [Order This Item](#)



### The Value of Education

#### 6. [Criminals].

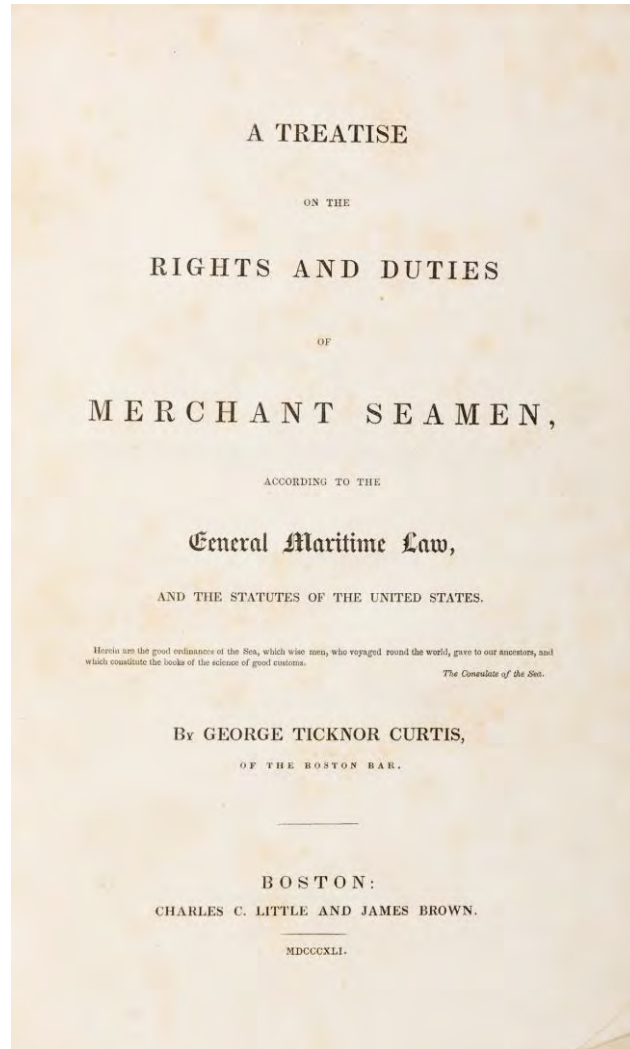
[United States].

**Carter, Horace [d.1825].**

*A Brief Sketch of the Life of Horace Carter, Who Was Executed in Worcester, Dec. 7, 1825, For the Crime of Rape. Together with Remarks on Early Education.* Worcester: S.n., 1825. 16 pp. Octavo (8-1/2" x 5-1/4").

Stab-stitched pamphlet. Light soiling to title page and final leaf, minor tears and chipping to some leaves, including title page, light browning and foxing throughout. Early owner annotations to title page, inkspots to a few leaves. A scarce title. \$850.

\* Only edition. Carter, a thief and petty criminal, was executed for the rape of an elderly woman resident of the public almshouse in Worcester. Carter confessed to the crime, and offered drunkenness and his lack of moral instruction as excuses. A sociological text, the *Brief Sketch* says almost nothing about Carter's crime and trial. In the form of six lessons, it outlines the steps that led him to the gallows. It argues, overall, that a childhood education would have transformed him into a law-abiding, productive adult. OCLC locates 9 copies, none in law libraries. Cohen, *Bibliography of Early American Law* 13781. [Order This Item](#)



### A Landmark Work in the History of Admiralty Law

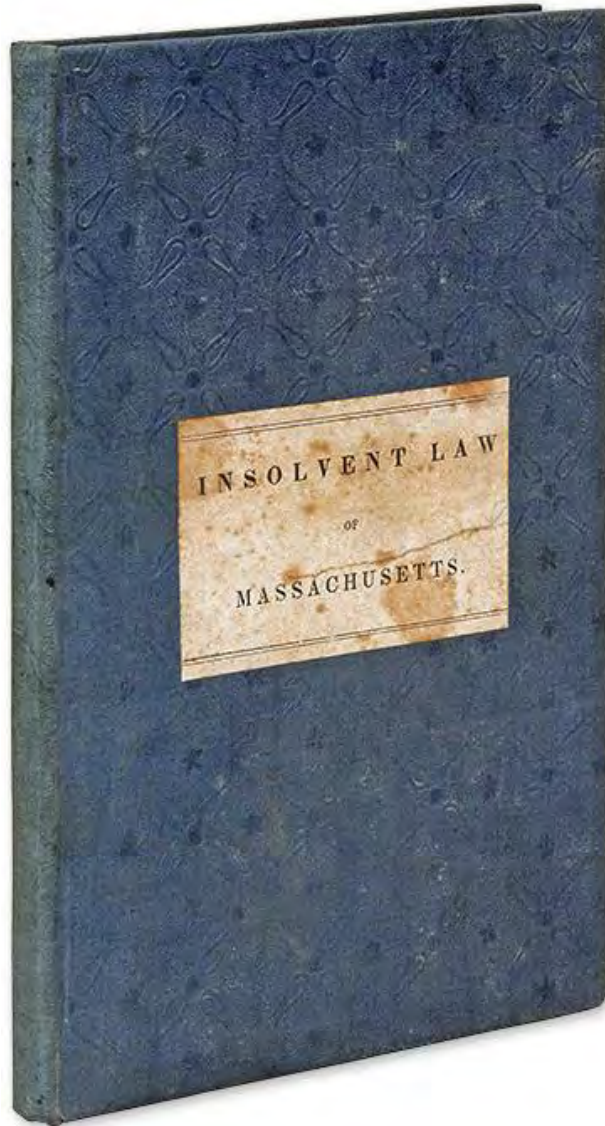
#### 7. Curtis, George Ticknor [1812-1894].

*A Treatise on the Rights and Duties of Merchant Seamen, According to the General Maritime Law, and Statutes of the United States.* Boston: Charles C. Little and James Brown, 1841. xxiv, 456 pp. Octavo (8-1/2" x 5-1/2").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. A few shallow nicks and scuffs to boards, faint illegible early owner signature to front board, moderate rubbing to extremities, chipping to spine ends, front joint starting at head, wear to upper corner of front board. Moderate toning and light foxing to text, annotations in contemporary hand to margins in a few places. \$850.

\* Only edition. This was the first original work by an American author on the law concerning seamen. Esteemed by Joseph Story, this work was considered a necessary accompaniment to *Abbott on Shipping*. By the early 1900s Curtis's treatise was recognized as a landmark in the literature of admiralty law. The work has five parts and two appendixes. One of them, "Of the Master's Relation to Vessel, Cargo and Freight" addresses subjects not mentioned in the book's title. The appendixes contain extracts from Massachusetts cases, US Statues and forms. By the early 1900s Curtis's treatise was recognized as a landmark in the literature of admiralty law. Canfield, Review of Robert M. Hughes's *Handbook of Admiralty Law* in *Michigan Law Review* 19:580-582. Cohen, *Bibliography of Early American Law* 1577. [Order This Item](#)





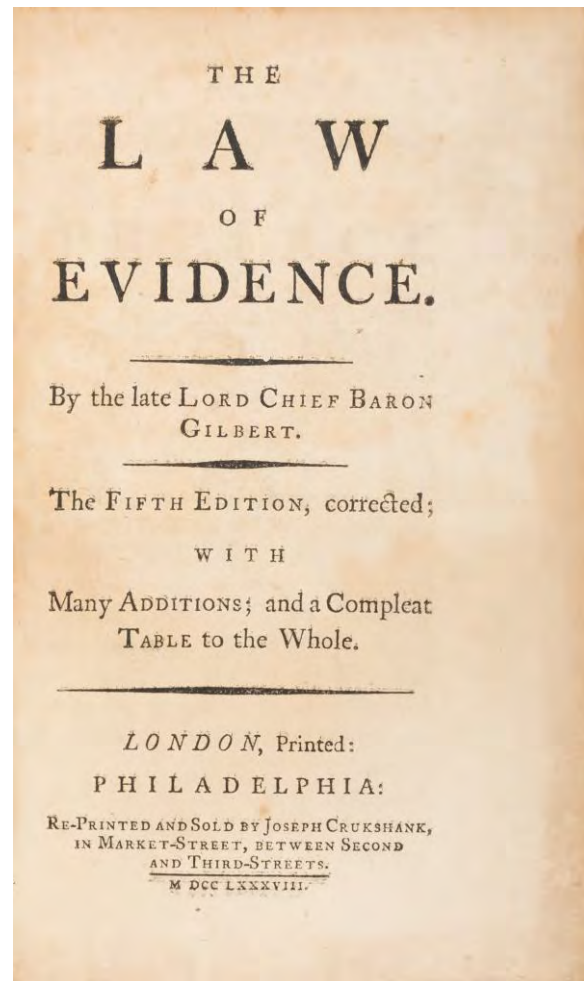
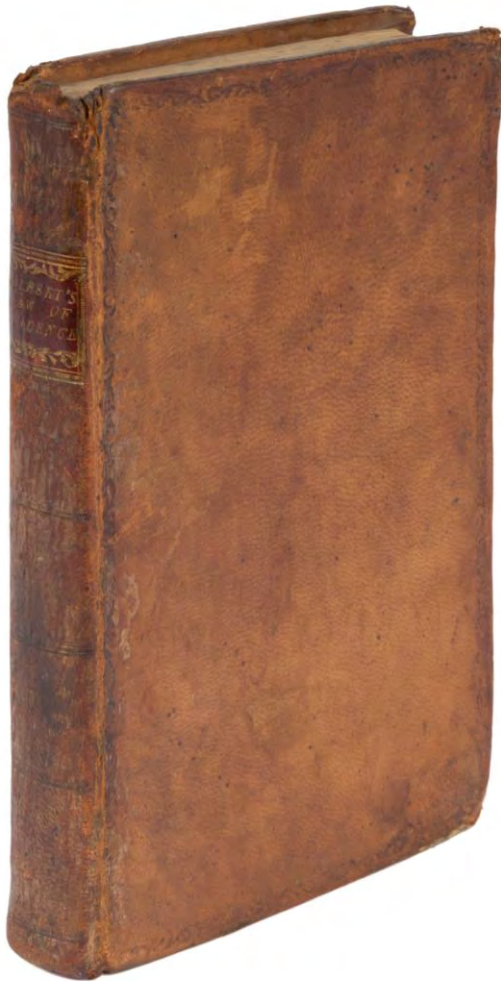
**Massachusetts Addresses the Effects of the Panic of 1837**

**8. Cushing, L[uther] S[tearns] [1803-1856].**

*An Act for the Relief of Insolvent Debtors and for the More Equal Distribution of Their Effects; Passed by the Legislature of Massachusetts, April 23, 1838. With an Outline of the System Thereby Introduced, And Forms of Proceeding Under the Same.* Boston: Charles C. Little and James Brown, 1838. vii, [1], 93 pp. 12mo. (7-1/2" x 4-3/4").

Original paper-covered boards with decorative blind stamping, printed paper title label to front board. Light rubbing to extremities, some soiling and staining to title panel, corners lightly bumped and worn, moderate toning and light foxing to text. \$250.

\* Only edition. This annotated edition of the newly-passed laws on debt and insolvency at a time when federal and state law was attempting to devise legislation to remedy the effects of the Panic of 1837. Cushing was an important Massachusetts jurist and expert on parliamentary procedure. He was clerk of the Massachusetts House of Representatives when he published this book. Cohen, *Bibliography of Early American Law* 2499. [Order This Item](#)



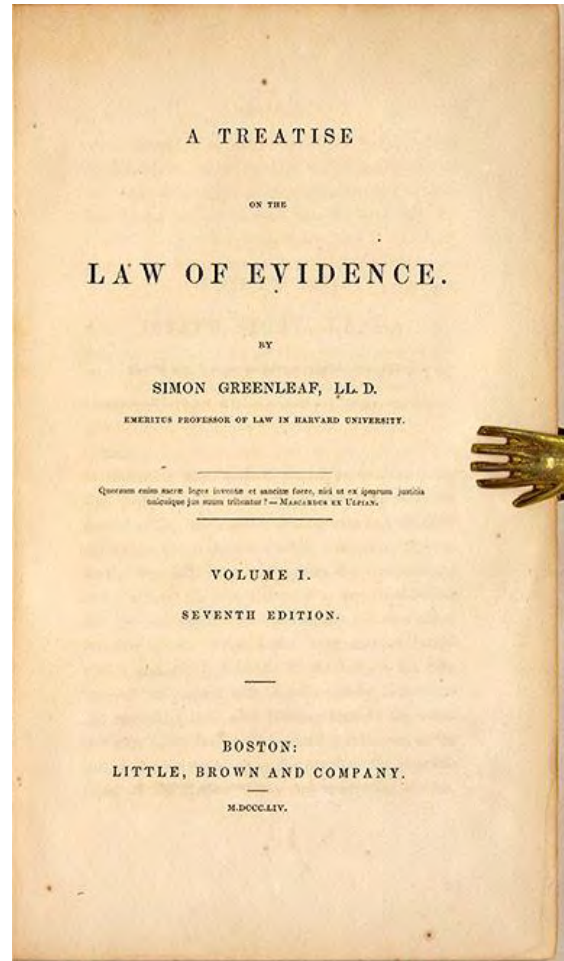
**First American Edition of the First English Treatise on Evidence**

**9. Gilbert, Sir Geoffrey [1674-1726].**

*The Law of Evidence. Corrected; With Many Additions; And a Complete Table to the Whole.* London, Printed: Philadelphia: Re-Printed and Sold by Joseph Cruikshank, 1788. iv, 286, [76] pp. Octavo (7-1/2" x 4-3/4").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Light rubbing and some shallow scuffs to boards, Negligible light gatoring to spine, chipping to head of spine, corners bumped and moderately worn, front hinge cracked, upper corner lacking from rear free endpaper. Moderate toning, occasional faint dampstaining, upper corners lacking from two leaves with no loss to text, early owner inscription (of Geo. P. Taliaferro) to front free endpaper, later owner name (Colson) to rear free endpaper, early doodle in ink to rear pastedown. A handsome copy. \$1,850.

\* First (and only 18th-century) American edition. The first book devoted to the subject of evidence, "[i]t long held its place as the chief book on this topic; and Blackstone is loud in its praises" (Holdsworth). Indeed, Blackstone thought so highly of this work that he apologized for not treating the subject of evidence at length "because of the fulness and excellence of...Gilbert's treatise, a work which it is impossible to abstract or abridge, without losing some beauty and destroying the chain of the whole.": Blackstone, *Commentaries on the Laws of England* III:367. Holdsworth, *Sources and Literature of English Law* 120. Cohen, *Bibliography of Early American Law* 5055. [Order This Item](#)



### The Standard American Evidence Treatise Before Wigmore

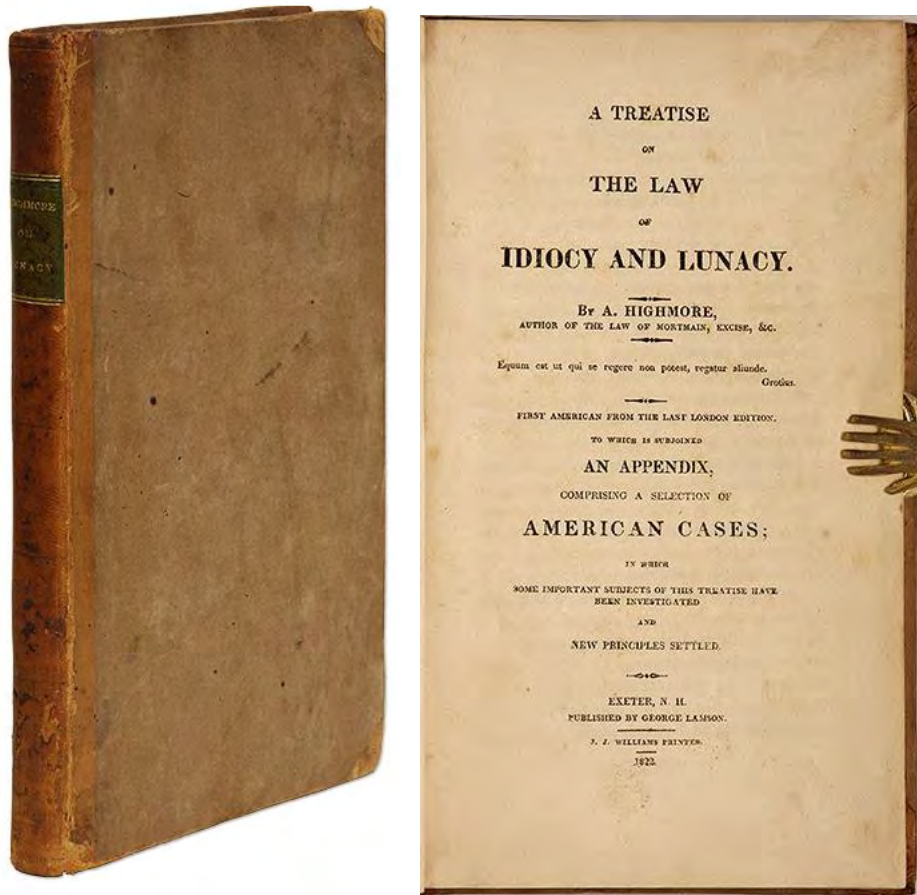
#### 10. Greenleaf, Simon. [1783-1853].

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

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

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

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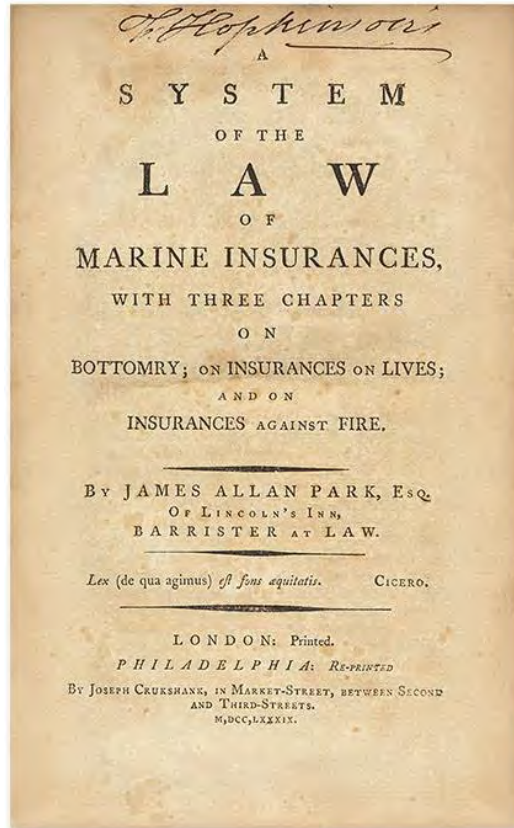
**Only American Edition of One of  
The First Books on the Law of "Idiocy and Lunacy"**

**11. Highmore, A[nthony] [1758-1829].**

*A Treatise on the Law of Idiocy and Lunacy. To Which is Subjoined an Appendix, Comprising a Selection of American Cases; In Which Some Important Subjects of This Treatise Have Been Investigated and New Principles Settled.* Exeter, NH: Published by George Lamson, 1822. x, [2], 194 pp. Octavo (8-1/2" x 5").

Contemporary three-quarter sheep over paper boards, green lettering piece and blind fillets to spine. Light rubbing and a few ink spots to boards, moderate rubbing to extremities, minor scuffing to spine, corners bumped and somewhat worn, front joint and hinge just starting at head, faint early owner signature in pencil (of H. Stephens) and later owner signature (of Dr. Edward Gillespie, dated 1929) to front pastedown. Moderate toning, light foxing to some leaves, a few leaves have early marks to margins. A handsome copy. \$1,500.

\* Only American edition, based on the first London edition, 1807. One of the very first books on the topic, Highmore's treatise examines precedents concerning the insane and their treatment under the law. It discusses the meaning of "idiot," *non compos mentis* and lunacy, as well as the custody of lunatics, commission of the insane to hospitals or asylums, *habeas corpus*, disability and recovery of the insane, regulations of asylums and criminal cases involving the insane. Highmore, a British legal writer and solicitor, was secretary to the London Lying-In Hospital. This American edition has a 27-page Appendix with valuable information on the insanity plea and the American criminal justice system at the time. It replaces that of the 1807 English edition which relates only to English courts. Cohen, *Bibliography of Early American Law* 8818. [Order This Item](#)



Owned by a Signer of the Declaration of Independence

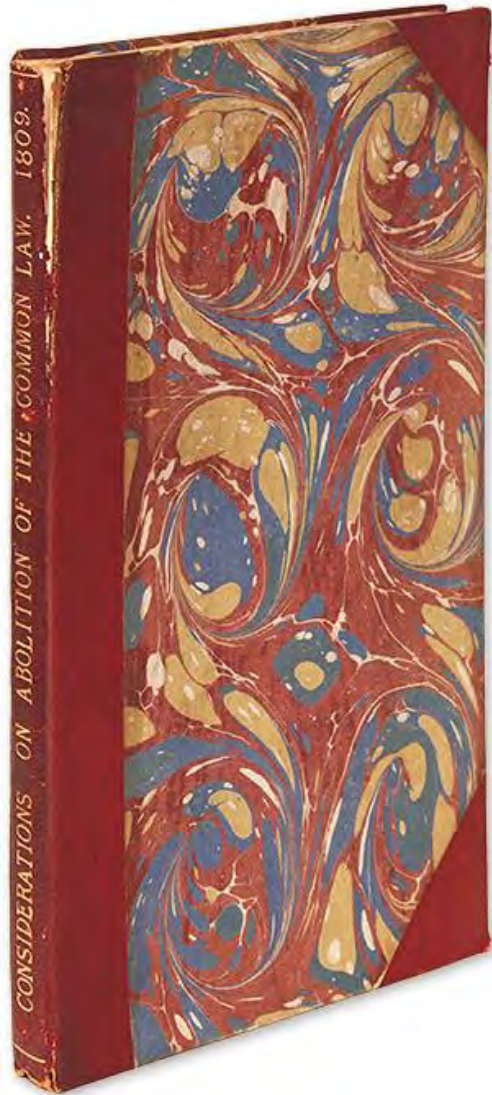
**12. [Hopkinson, Francis (1739-1791)].**

**Park, James Allan [1763-1838].**

*A System of the Law of Marine Insurances: With Three Chapters On Bottomry; On Insurances on Lives; and On Insurances Against Fire.* Philadelphia: Joseph Crukshank, 1789. xvi, [8], xlv, 530, [45] pp. Octavo (7-1/2" x 5").

Contemporary sheep, lettering piece and gilt fillets to spine. Moderate rubbing, a few shallow scuffs to boards, minor chipping to head of spine, joints just starting at ends, corners bumped, hinges starting. Armorial bookplate of Francis Hopkinson to front pastedown, his signature to head of title page. Light toning to text, foxing in a few places. A nice copy with an appealing association. \$9,500.

\* First American edition. Lawyer, judge, merchant, author and musician, Hopkinson represented New Jersey in the Second Continental Congress and was a signer of the Declaration of Independence. He served the Continental Congress as a member of the Navy Board and was the treasurer of the Continental Loan Office. Leaving Congress, he was appointed judge of the Admiralty Court of Pennsylvania. While he was not a member of the Constitutional Convention, he played a leading role in the debates leading to ratification in Pennsylvania. Appointed by Washington, he became judge of the United States District Court for the District of Pennsylvania in 1789, the year he acquired his copy of Park's *Marine Insurance*. Unfortunately, Hopkinson only held the post for a few years. He died at the age of 53 from a sudden epileptic seizure. First published in 1787, Park's was the first legal work on insurance written by an English lawyer and the first book on the subject to appear in America. Holdsworth called it "the best text-book upon the law of insurance." A work of great authority, it went through numerous English and American editions and remained the standard text until the middle of the nineteenth century. Holdsworth, *History of English Law* XII: 390. Cohen, *Bibliography of Early American Law* 7071. [Order This Item](#)



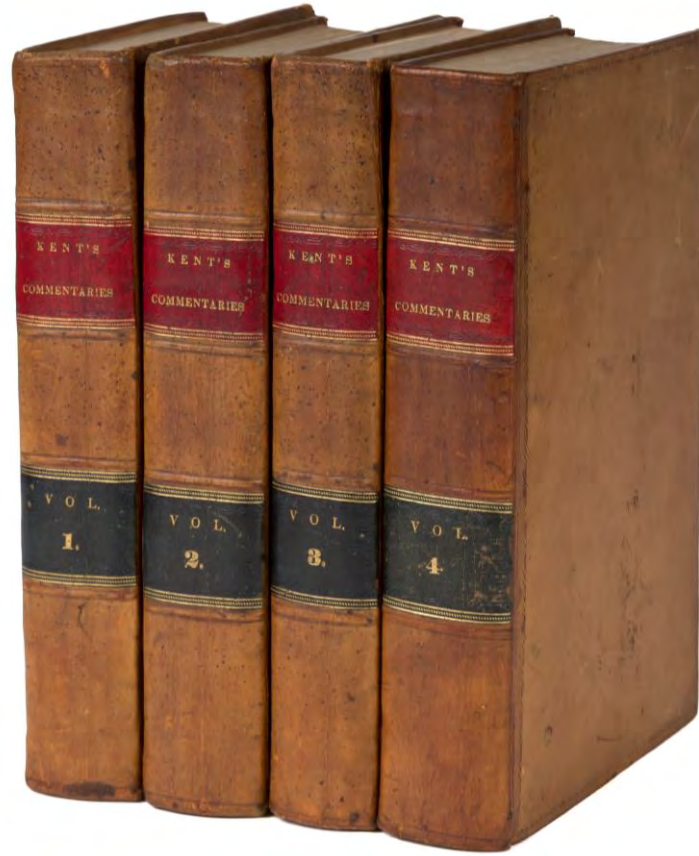
**"The Clamour Raised Against the Common Law"**

**13. Hopkinson, Joseph [1770-1842].**

*Considerations on the Abolition of the Common Law in the United States.* Philadelphia: Published by William P. Farrand and Co., 1809. v, [6]-71 pp. Octavo (9-1/4" x 5-3/4").

Stab-stitched pamphlet with untrimmed edges bound into contemporary three-quarter calf over marbled boards, gilt title and fillets to spine. Some wear to spine ends and corners, upper joint with two inch split at top, rear hinge cracked. Moderate toning to text, light foxing, crinkling and minor tears to a few leaves. \$1,250.

\* Only edition. This pamphlet defends the common law system used in the United States. Hopkinson, the son of Francis Hopkinson [1737-1791], was admitted to the bar in 1791 and quickly developed a notable reputation as a trial lawyer. He served as counsel for Justice Samuel Chase in defense of an impeachment charge. Elected to Congress in 1814, he was appointed by President John Quincy Adams as judge for the U.S. District Court for the Eastern District of Pennsylvania in 1828. He composed *Hail Columbia*, the first American national anthem. OCLC locates 4 copies, 1 in a law library (University of Pennsylvania). Cohen, *Bibliography of Early American Law* 7821. [Order This Item](#)



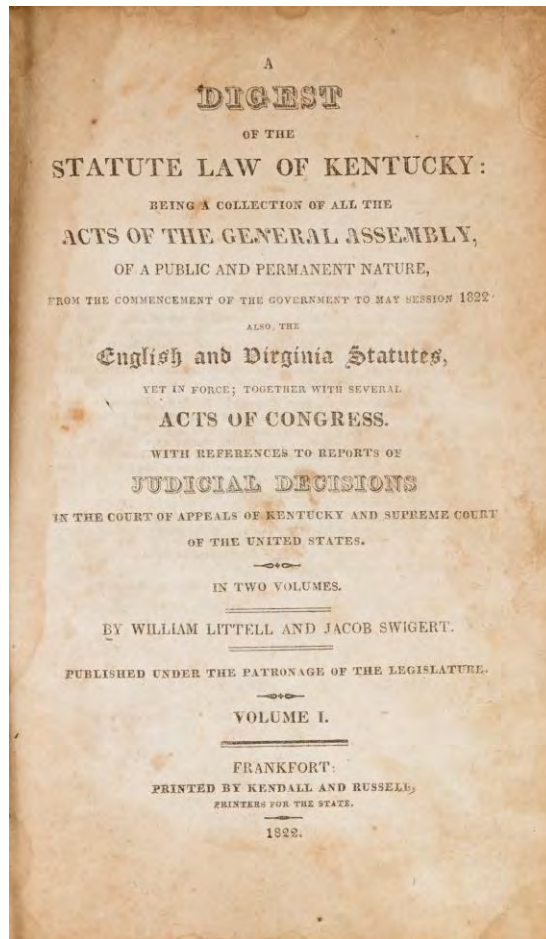
**An Exceptional First-Edition Set of Kent's *Commentaries* in Contemporary Bindings**

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

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

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

\* First edition. Kent's *Commentaries* is probably the single most important interpretation of American law. Writing in 1847, Marvin ranked it above Blackstone and observes that it contains "not only a clear statement of the English law, with all the alterations that have taken place since the time of Blackstone, but a full account of the main principles of Equity, also, a review of the modifications engrafted on the English law by the different states of the Union." Marvin's latter observation points to the significance of this landmark work. Published at a time when there was significant opposition to English law, Kent's *Commentaries* established it in a manner that appealed to the majority of influential American jurists and legislators. As Roper notes, by transplanting English common law, the *Commentaries* "had the two-prong effect of helping to maintain the primacy of judge-made law in contrast to codification by legislatures, while providing the legal profession with the degree and kind of certainty it craved." Francis Granger [1792-1868], a former owner of our copy, was a lawyer and politician who lived in Canandaigua, New York. A graduate of Yale who read law in Canandaigua, he served two terms in the New York State Assembly and two terms in the U.S. House of Representatives. He was the U.S. Postmaster General from March 6, 1841 to September 18, 1841. Marvin, *Legal Bibliography* 438. Roper, "James Kent" in *American National Biography* 12:598-199. Cohen, *Bibliography of Early American Law* 5398. [Order This Item](#)



### The First Digest of Kentucky Statutes

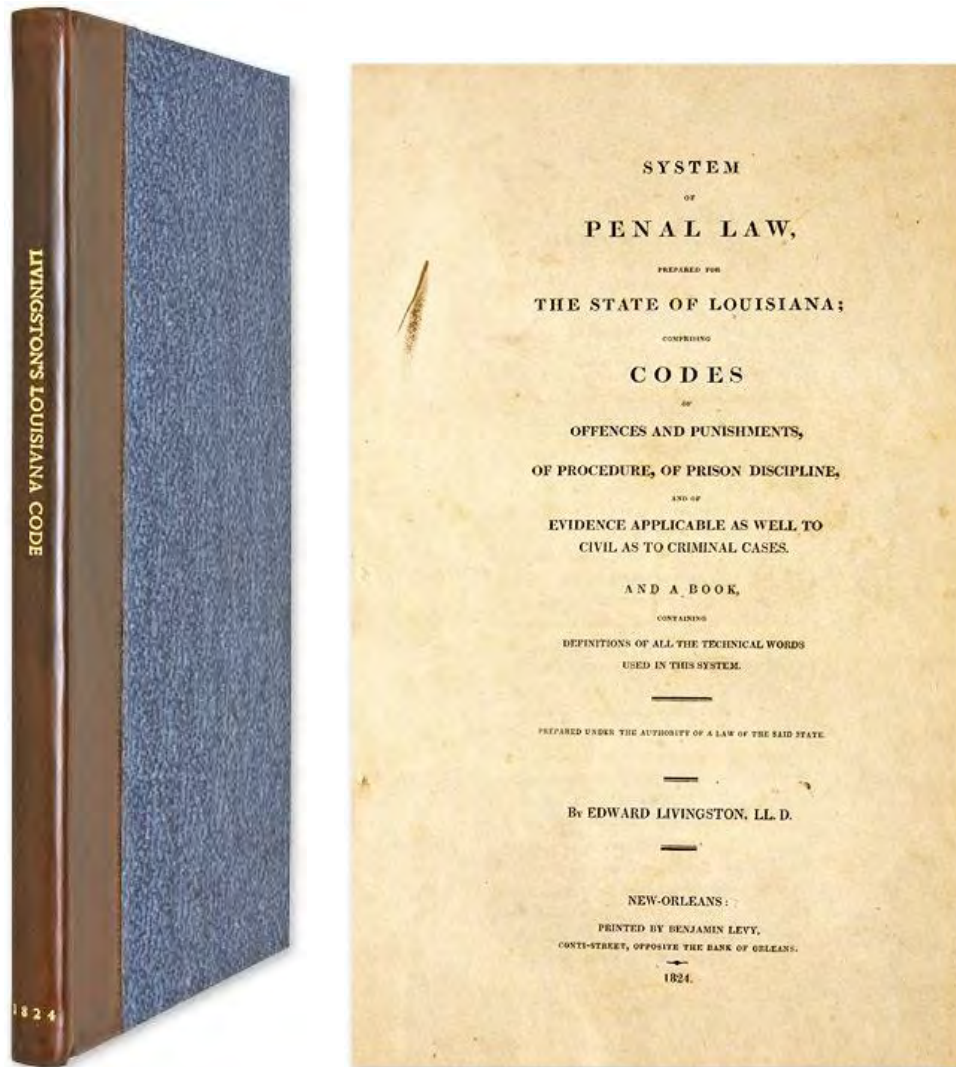
**15. Littell, William [1768-1824], Compiler.  
Swigert, Jacob [1793-1869], Compiler.**

*A Digest of the Statute Law of Kentucky, Being a Collection of All the Acts of the General Assembly, Of a Public and Permanent Nature, From the Commencement of the Government to May Session, 1822, Also, The English and Virginia Statutes, Yet in Force; Together with Several Acts of Congress, With References to Reports of Judicial Decisions in the Court of Appeals of Kentucky and Supreme Court of the United States. Published Under the Patronage of the Legislature.* Frankfort, KY: Printed by Kendall and Russell, Printers for the State, 1822. Two volumes. iv, [iv], 661, [1]; [iv], [663]-1302 pp. Octavo (8" x 5").

Contemporary sheep, blind fillets to boards, lettering pieces and blind fillets to spines. Moderate rubbing to boards and extremities, corners bumped, some creasing to spines, small chip to head of spine of Volume I, partial crack in text block between rear endleaves of Volume II. Moderate toning and light foxing to text, occasional faint dampstaining, early owner annotations and doodles to text block, including a note on each front free endpaper stating "The Property of the Lawrence Circuit Court," early marks in pencil to a few leaves in each volume. \$1,500.

\* First edition. The first digest of Kentucky statute law, it is based on Littell's five-volume *Statute Law of Kentucky* (1809-1819). Arranged alphabetically, the contents offer an interesting legal overview of the state in its early years. Topics include land, slavery and tobacco. Volume I includes the text of the U.S. Constitution with the unratified Thirteenth Amendment, also known as the "Titles of Nobility Amendment." Swigert Cohen, *Bibliography of Early American Law* 5658. Babbitt, *Hand-List of Legislative Sessions and Session Laws* 135. [Order This Item](#)





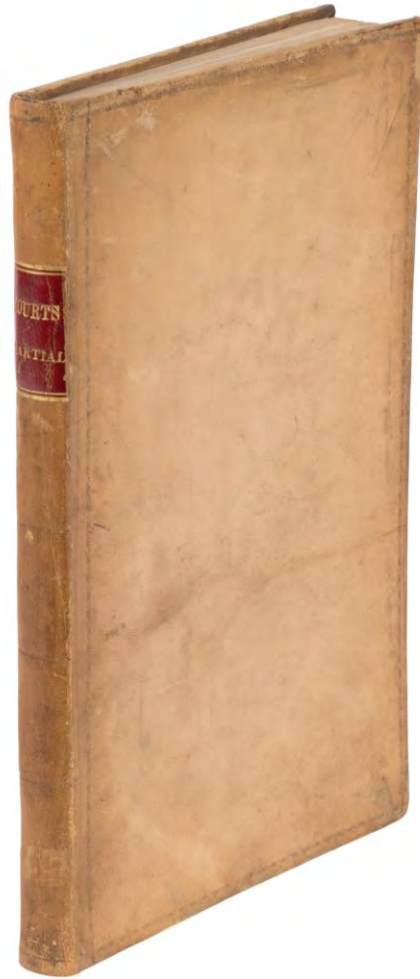
### First Issue of Livingston's Louisiana Penal Code

#### 16. Livingston, Edward [1764-1836].

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

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

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



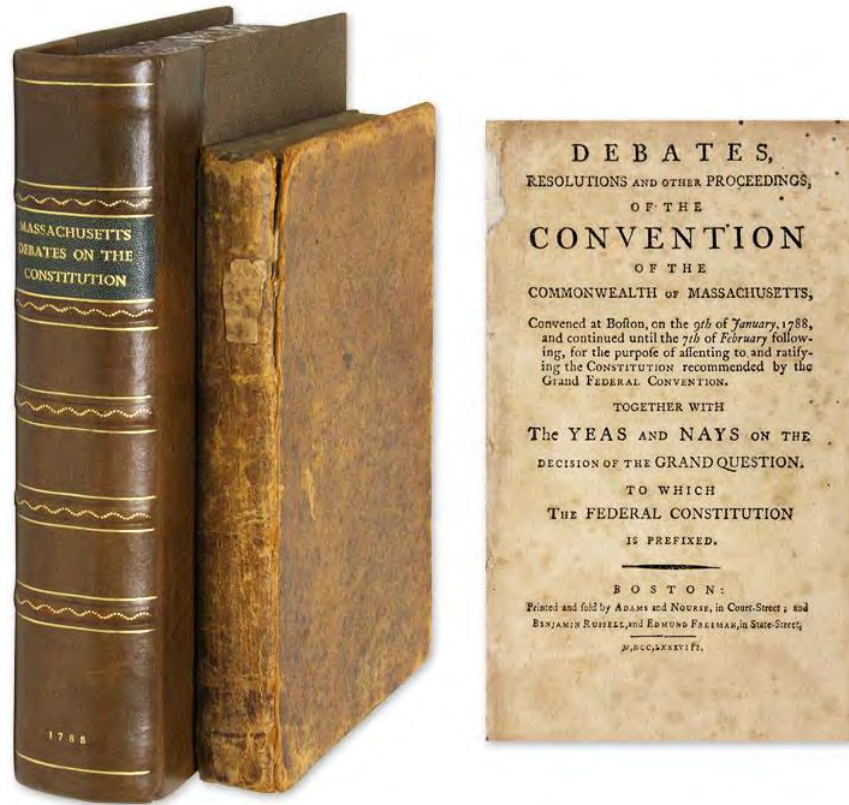
**"Military Jurisprudence Has, of Late Years,  
Undergone Considerable Changes, And Been Much Improved"**

**17. Macomb, Alexander [1782-1841].**

*The Practice of Courts Martial*. New York: Published by Samuel Colman, 1840. [iii]-x, [1], 13-154 pp. Octavo (9-1/4" x 5-1/2").

Contemporary sheep, blind fillets to boards, blind fillets and lettering piece to spine. A few minor nocks and scuffs to boards, which are very slightly bowed, tiny faint stain to rear board, light rubbing to extremities, negligible light toning and light foxing to interior. A copy with a notably well-preserved binding. \$950.

\* Second and final edition, a reissue of the first edition, 1840. "Military jurisprudence has, of late years, undergone considerable changes, and been much improved; consequently the practice of Courts Martial has experienced modifications to correspond with such improvement. A book, embracing the improved mode of proceeding in Courts Martial...has been much sought after, especially one that could regarded as a manual adapted to the use of the Army and Militia of the United States. This work is intended to be such a manual" (Introduction). Macomb, one of the first officers trained at West Point, was a judge-advocate in the U.S. Army. He was decorated for his conduct during the Battle of Plattsburg during the War of 1812 and ended his career as commander-in-chief of the army, a post he filled with distinction. Cohen, *Bibliography of Early American Law* 9024. [Order This Item](#)



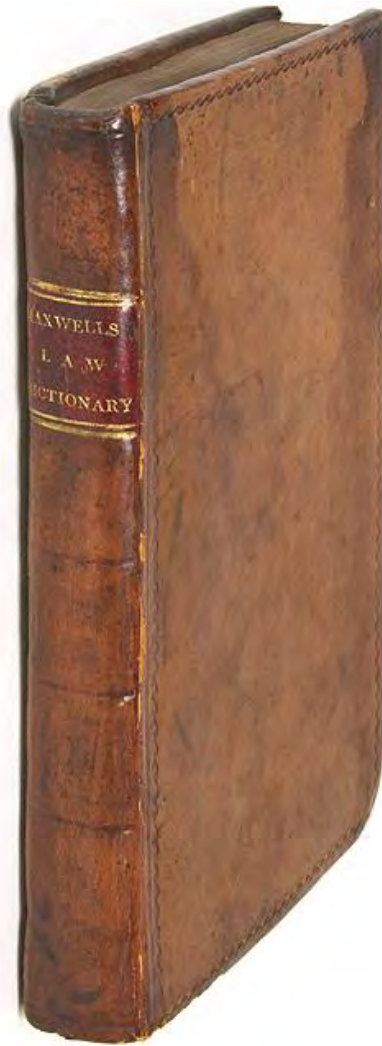
187 to 168 in Favor of Ratification

18. [Massachusetts].  
[Federal Constitution].

*Debates, Resolutions and Other Proceedings, Of the Convention of the Commonwealth of Massachusetts, Convened at Boston, On the 9th of January, 1788, And Continued Until the 7th of February Following, For the Purpose of Assenting to and Ratifying the Constitution Recommended by the Grand Federal Convention. Together with The Yeas and Nays on the Decision of the Grand Question. To Which The Federal Constitution is Prefixed.* Boston: Printed and Sold by Adams and Nourse, and Benjamin Russell, and Edmund Freeman, 1788. 219 pp. Octavo (7" x 4-1/2").

Contemporary speckled sheep, blind fillets and fragment of later hand-lettered paper title label to spine. Moderate rubbing to extremities with wear to head of spine, front joint starting, hinges cracked, later owner bookplate to front pastedown, front free endpaper lacking. Moderate toning to interior, occasional light foxing, internally clean. Item housed in a period-style clamshell box, lettering piece and blind fillets to spine. A desirable copy. \$3,250.

\* First edition. "The ratification process in Massachusetts was viewed with anxiety by supporters of the Constitution throughout the nation. Massachusetts was a key state, and it was thought that actions there might determine the ultimate fate of the Constitution. The struggle was hard, bitter, and characterized by wild rumor and allegations of corrupt behavior. The Federalist strategy was to ratify the Constitution first and then consider amendments to it. On February 6 the Constitution was endorsed by the narrow vote of 187 to 168. Massachusetts became the sixth state to ratify. Massachusetts was the first state to propose amendments along with ratification, setting a pattern for the states that followed. All except Maryland and Rhode Island were to ratify and simultaneously propose amendments" (Peckham). A second edition was published in 1808; another, edited by Bradford K. Peirce and Charles Hale, in 1856. Peckham, *Liberty's Legacy: Our Celebration of the Northwest Ordinance and the United States Constitution* USC-25. Cohen, *Bibliography of Early American Law* 2859. Sabin, *A Dictionary of Books Relating to America* 45702. [Order This Item](#)



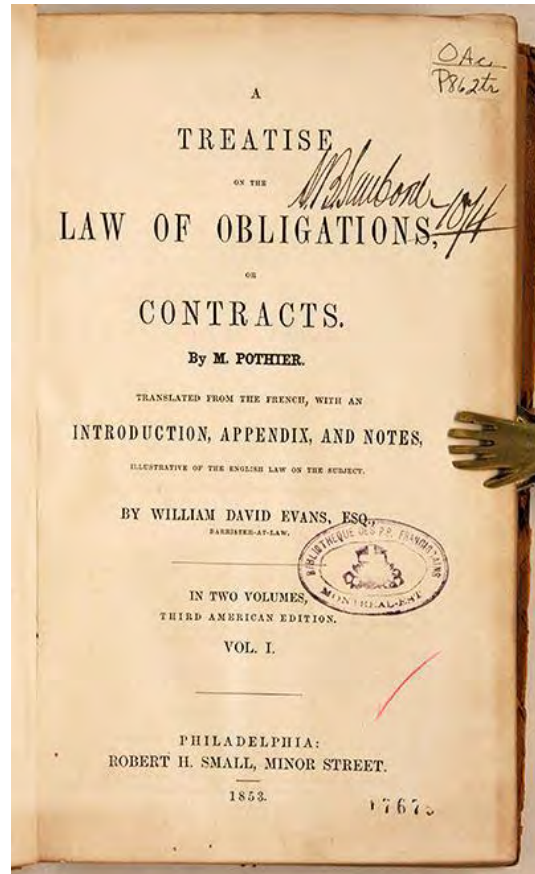
**Only American Edition of Maxwell's Commercial Law Dictionary**

**19. Maxwell, John Irving.**

*A Pocket Dictionary of the Law of Bills of Exchange, Promissory Notes, Bank Notes, Checks, &c. With an Appendix, Containing Abstracts of Acts and Select Cases Relative to Negotiable Securities, Analysis of a Count in Assumpsit, Tables of Notarial Fees, Stamps, Postage, &c. With Many Additions for the Use of the American Merchant.* Philadelphia: Published by William P. Farrand and Co., 1808. [xv], [1], 251 pp. Octavo (7" x 4-1/4").

Contemporary calf, blind fillets to boards, lettering piece and blind fillets to spine. Light rubbing to extremities, corners bumped, recent owner bookplate to front pastedown, negligible faint dampstaining to front board. Moderate toning to text, somewhat heavier in places, minor wormholes near upper corner of preliminaries and a few other leaves, chip to fore-edge of Leaf X4 (pp. 233-234) with minor loss to text, legibility not affected, very faint dampstaining to a few leaves. Early owner signature and annotations to front free endpaper, interior otherwise clean. A nice copy. \$750.

\* Only American edition. First published in London in 1802, this is an unusual alphabetical compendium dealing strictly with matters of commerce, such as bills of exchange and promissory notes. Maxwell was also the author of *The Spirit of Maritime Laws* and the delightfully titled *Hints for Protecting the Public Against the Extortion and Insolence of Hackney-Coachmen*. Cohen, *Bibliography of Early American Law* 2551. [Order This Item](#)



Early American Edition of *Pothier on Obligations*

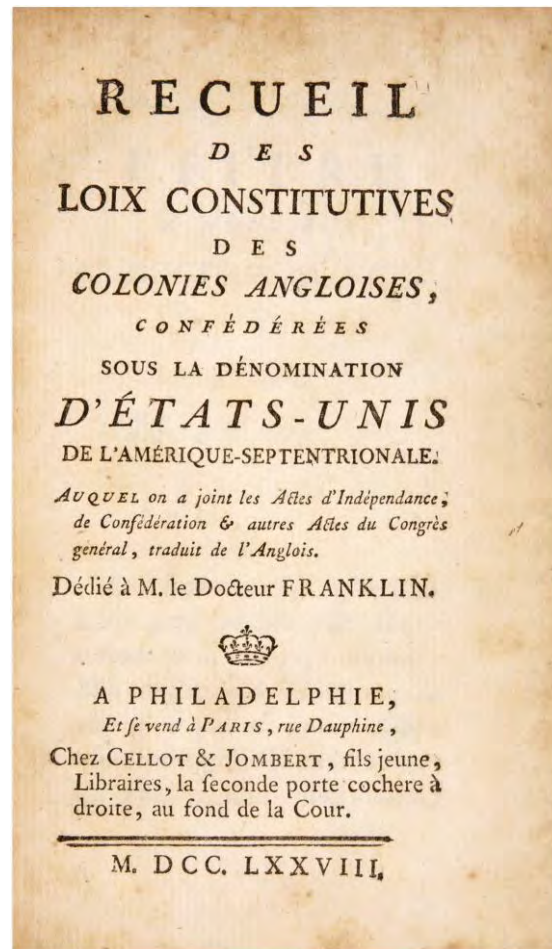
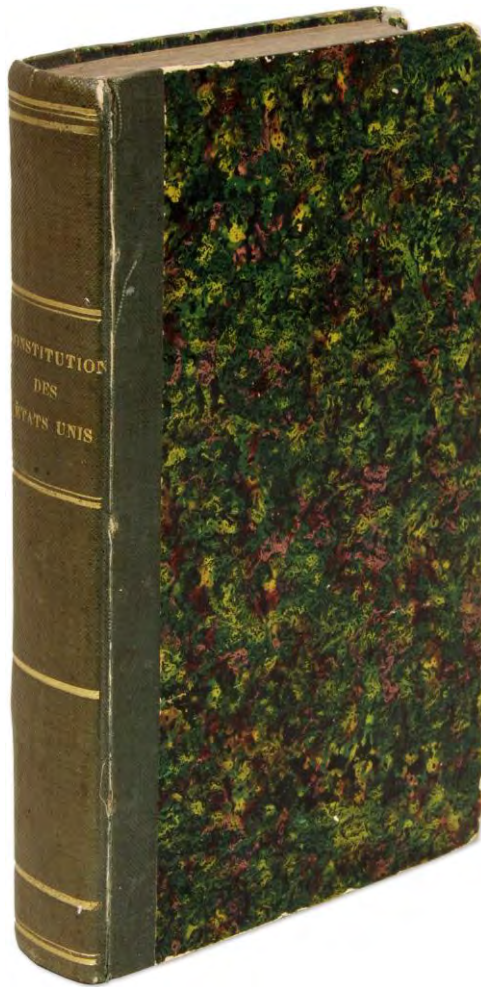
**20. Pothier, Robert Joseph [1699-1722].**

**Evans, William David [1767-1821], Translator and Editor.**

*A Treatise on the Law of Obligations, Or Contracts. Translated from the French, With an Introduction, Appendix, And Notes Illustrative of the English Law on the Subject.* Philadelphia: Robert H. Small, 1853. Two volumes. xv, [17]-605; [ii], iv, 628 pp. Octavo (9" x 5-1/2").

Contemporary sheep, blind frames to boards, red and black lettering pieces and small paper shelf labels to spines. Moderate rubbing to boards and extremities, Volume I boards beginning to separate but secure, corners bumped and somewhat worn, card pockets to front pastedowns, hinges of Volume II cracked, early owner inscription ("S.B. Sanborn, Montreal, October 1874") and presentation inscription ("Donated by the Estate of E.J. Bedard to Brother Walter Bedard") to front free endpaper, identical presentation inscription to front free endpaper of Volume II. Light toning to text, offsetting to margins of preliminaries and endleaves, small monastery library stamps and markings to title pages. \$1,250.

\* Third American edition, from the sole London edition, 1806. Holdsworth praises Evans's edition for introducing Pothier to English lawyers, which "did considerable service to the development of the English law of contract." Marvin agrees and observes that "[Evans's] notes are comprehensive and learned, and deserve a careful perusal in connexion with the text, and he is entitled to considerable praise for having furnished *Pothier on Obligations* to the profession in so good and accurate an English garb." The first American edition, a translation by F.X. Martin, was published in 1802. The first American Evans edition, the second overall, was published in 1826. Holdsworth, *A History of English Law* XIII:467. Marvin, *Legal Bibliography* 578. Cohen, *Bibliography of Early American Law* 3659. [Order This Item](#)



**The First Collection of American Constitutions,  
Includes the First Printing of the Declaration of Independence in French**

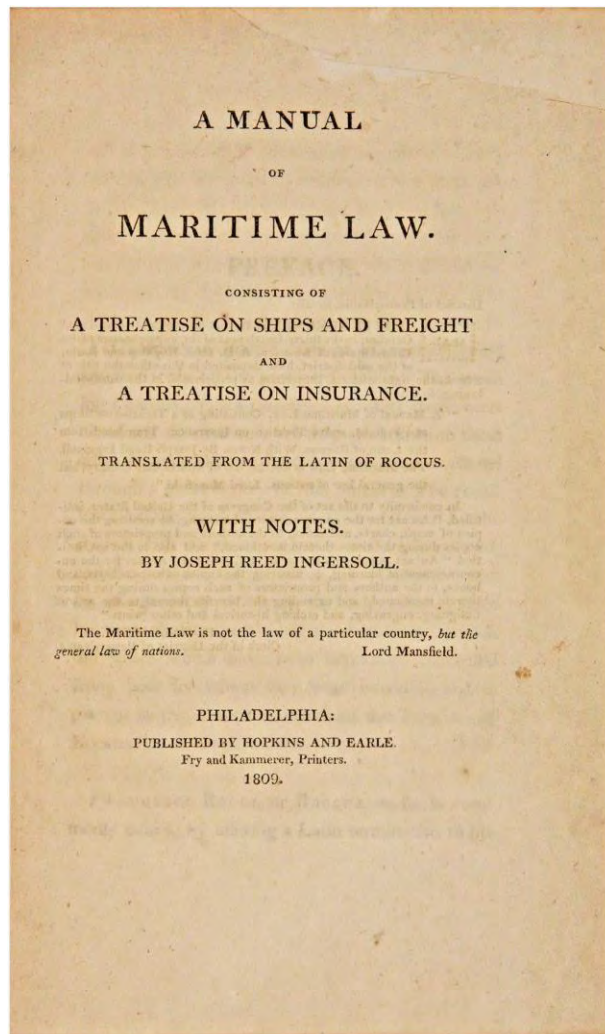
**21. [Régnier, Claude-Ambroise, Compiler].**

*Recueil des Loix Constitutives des Colonies Angloises:*

*Confédérées sous la Dénomination d'États-Unis de l'Amérique-Septentrionale: Auquel on a Joint les Actes d'Indépendance, de Confédération & Autres Actes du Congrès Général. Dédié à M. le Docteur Franklin.* [Paris]: A Philadelphie, Et se Vend à Paris, Rue Dauphine, Chez Cellot & Jombert, 1778. [xii], 370 pp. Lacking final blank leaf. Octavo (6-1/4" x 4-3/4").

Later cloth over marbled boards, gilt fillets and title to spine, endpapers renewed. Light rubbing to boards, moderate rubbing to extremities, boards just beginning to separate but secure. Moderate toning, occasional light foxing, later owner signature to front free endpaper, tiny ink marking in early hand to head of front free endpaper. \$950.

\* Intended to increase French support for the American Revolution, this book was the first collection of state constitutions enacted since the Declaration of Independence. There were six in 1778, those of Pennsylvania, New Jersey, Delaware, Maryland, Virginia and South Carolina. (A collection with the all thirteen post-1776 constitutions was published in 1781.) This volume also includes the Declaration of Independence, its first printing in French, along with the Articles of Confederation and significant laws enacted by the Continental Congress. The work is dedicated to Benjamin Franklin, who enabled its publication. Sabin, *A Dictionary of Books Relating to America* 68448. Cohen, *Bibliography of Early American Law* 3031. [Order This Item](#)



**Scarce Classic Treatise on Maritime Law Praised by Joseph Story**

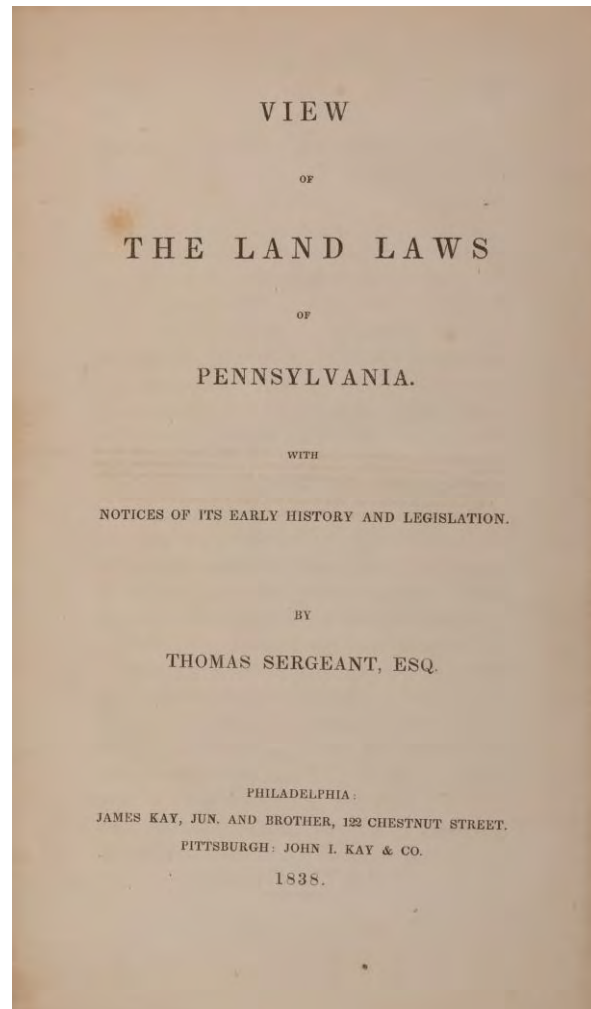
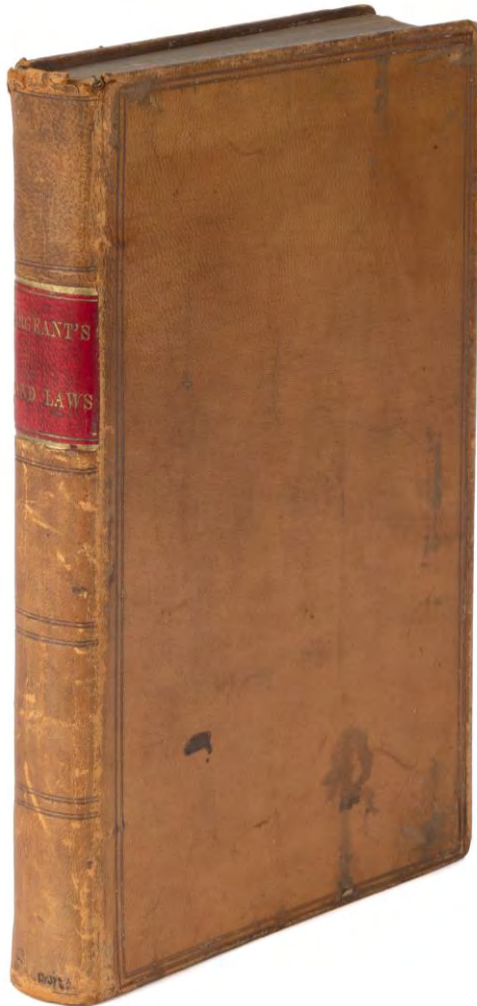
**22. Rocco (Roccus), Francesco [fl. 1655].**

**Ingersoll, Reed [1786-1868], Translator and Editor.**

*A Manual of Maritime Law, Consisting of a Treatise on Ships and Freight and a Treatise on Insurance. Translated from the Latin of Roccus with Notes by Joseph Reed Ingersoll.* Philadelphia: Hopkins and Earle, 1809. [v]-xvi, [17]-156, [8] pp. Octavo (8-1/2" x 5").

Contemporary calf, blind fillets to boards, lettering piece, blind fillets and early owner label to spine. Light rubbing to boards, moderate rubbing to extremities with some wear to spine ends and corners, hinges partially cracked, bookplate residue to front pastedown. Moderate toning, light foxing to a few leaves, upper corner trimmed from title page. \$750.

\* Only edition of this work in English. First published in 1655. "This manual is very highly esteemed by commercial lawyers in all countries, for its compressed, methodical, and accurate learning, and is a book of high authority" (Marvin). "[Roccus'] works are of more practical use to an English lawyer, than all the other maritime works [with one exception]... Lord Mansfield is under no inconsiderable obligation to them.": Joseph Story, "Literature of Maritime Law," in *The Miscellaneous Writings of Joseph Story* 108-109. Marvin, *Legal Bibliography* 616. Cohen, *Bibliography of Early American Law* 1610. [Order This Item](#)



**By a Distinguished Pennsylvania Jurist and Politician**

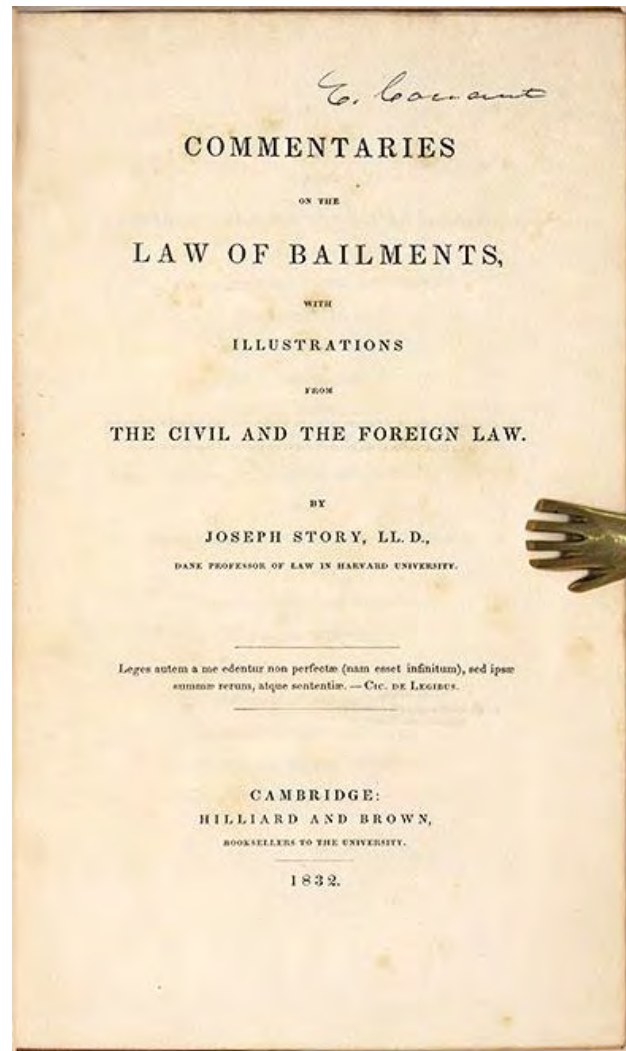
**23. Sergeant, Thomas [1782-1860].**

*View of The Land Laws of Pennsylvania. With Notices of Its Early History and Legislation.* Philadelphia: James Kay, 1838. xvi, [17]-203, [1] pp. Page 303 incorrectly numbered 203. Octavo (9" x 5-1/2").

Contemporary sheep, blind frames to boards, lettering piece and blind fillets to spine. A few minor nicks and stains to boards, moderate rubbing to extremities with some wear to spine ends and corners, hinges cracked, early owner bookplate to front pastedown, early owner signature to front pastedown, brief early annotation to rear pastedown, both in pencil. Moderate toning to text, light foxing in a few places, early marks and brief annotations in pencil to a few leaves. A handsome copy. \$650.

\* First and only edition. "For although all of the laws that were passed prior to the year 1700 were then repealed, and most of those afterwards passed have been superseded, (...) they formed the origin of many existing principles and usages in our jurisprudence, and are often essential to a proper understanding of our legal history, and even to the satisfactory interpretation of some parts of our present law" (xi). A notable Pennsylvania jurist and politician, Sergeant was the state's attorney-general from 1819 to 1820 and an associate justice of the state supreme court from 1834 to 1846. Cohen, *Bibliography of Early American Law* 9641. [Order This Item](#)





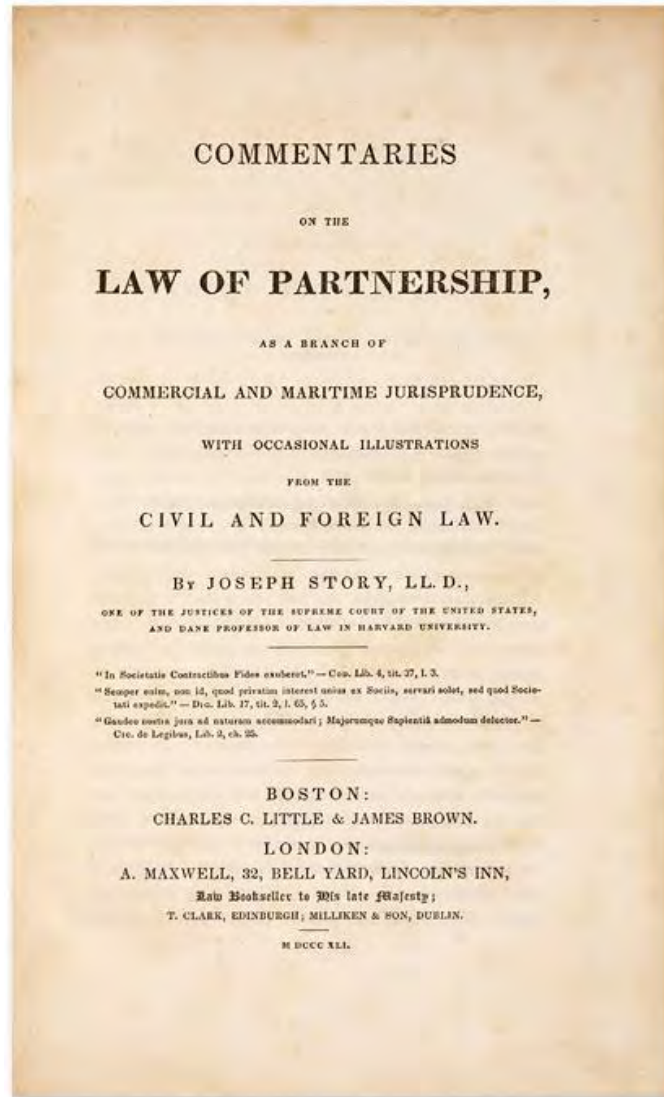
*Story on Bailments, First Edition*

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

*Commentaries on the Law of Bailments, With Illustrations from the Civil and Foreign Law.* Cambridge: Hilliard and Brown, 1832. xxxiv, 411 pp. Octavo (9" x 5-1/2").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Light rubbing and a shallow scuffing to boards, moderate rubbing to extremities, a few small chips to head of spine, corners lightly bumped, early owner signature of Edwin Conant to front free endpaper and head of title page and p. 25. Moderate toning to text, browning to a few leaves, light foxing in a few places. A nice copy. \$950.

\* First edition. "Whatever was to be found in the English and American decisions, whatever Roman and Continental jurisprudence afforded on illustration of the law of bailments, Joseph Story collected and combined with surprising industry, and wonderful learning...Story's *Bailments* affords one of the best examples, in modern times, of the illustration which our laws are susceptible of, by the aid of foreign jurisprudence"(Marvin). Conant [1810-1891] was a prominent Worcester, Massachusetts, lawyer, businessman and philanthropist. Marvin, *Legal Bibliography* 668-669. Cohen, *Bibliography of Early American Law* 2451. [Order This Item](#)



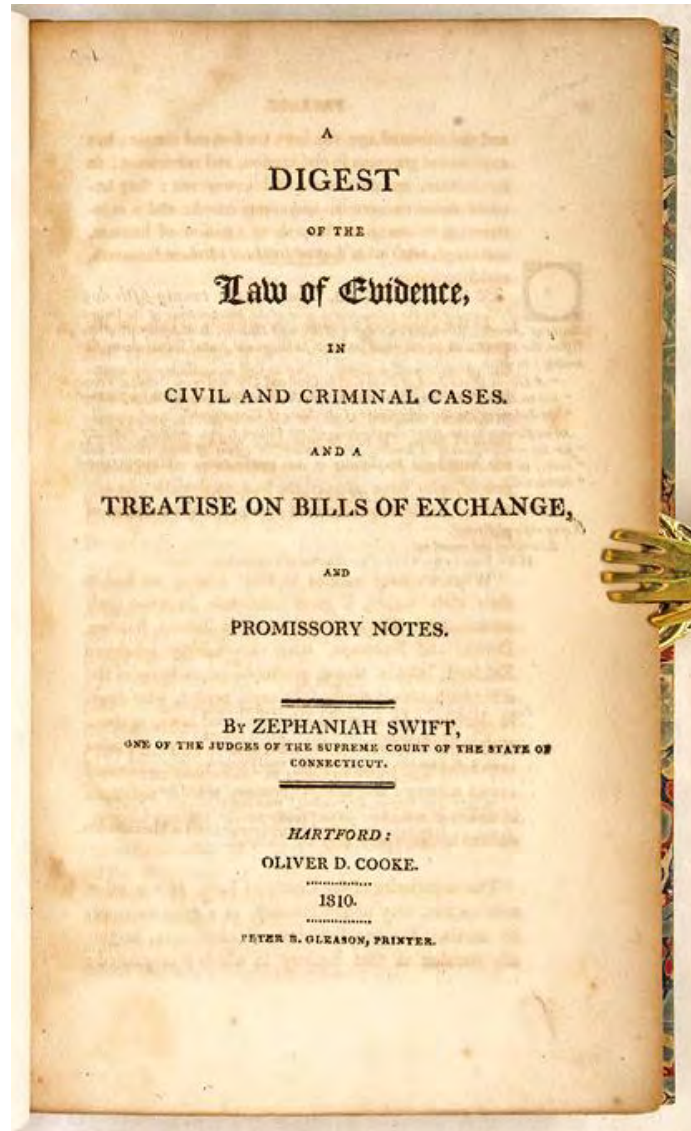
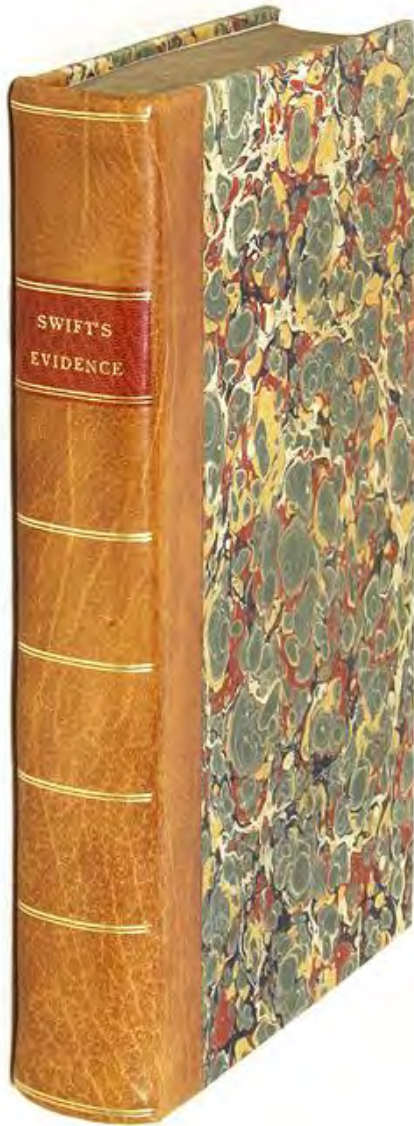
**"A Truly Luminous Exposition"**

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

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

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

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



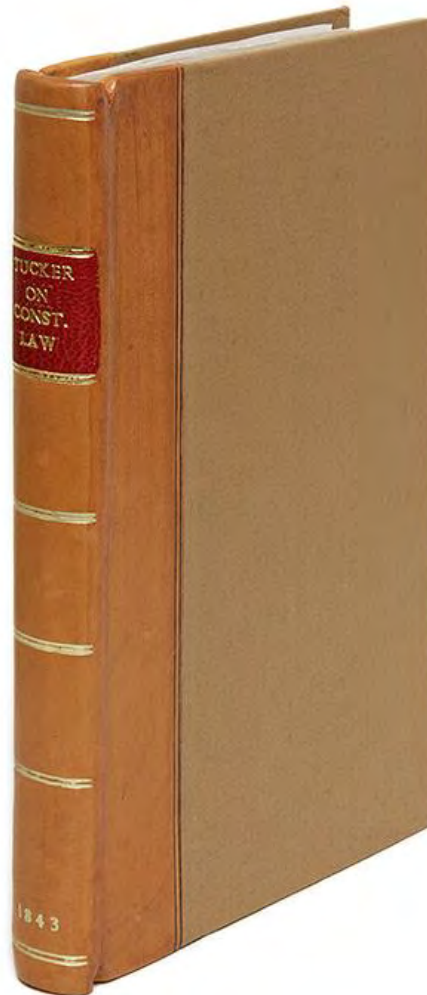
**The First American Text on the Law of Evidence**

**26. Swift, Zephaniah. [1759-1823].**

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

Recent period-style quarter calf over marbled boards, endleaves renewed. Light toning to text, internally clean. A notably handsome copy. \$450.

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



### Tucker's Important Lectures on the Constitution

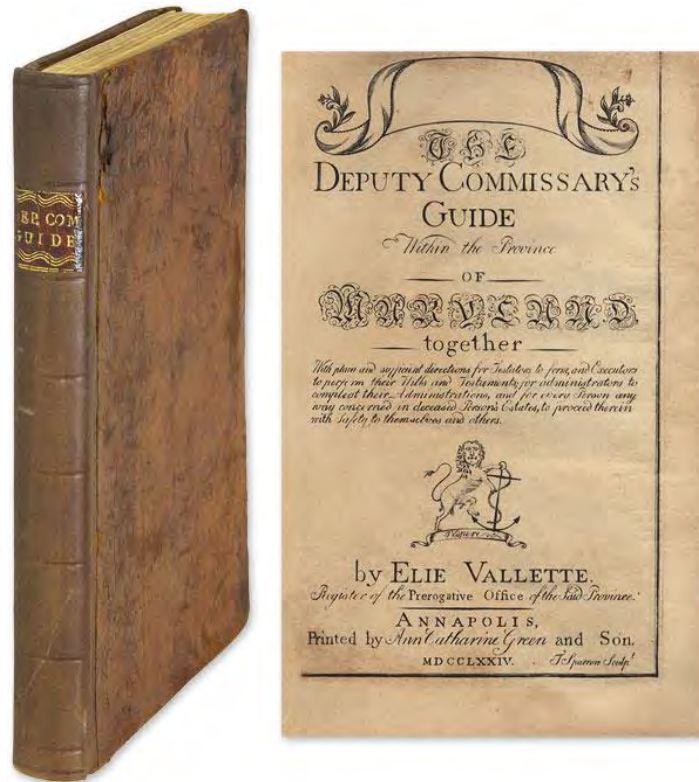
#### 27. Tucker, Henry St. George [1780-1848].

*Lectures on the Constitutional Law, for the Use of the Law Class at the University of Virginia.* Richmond: Printed for Shepherd and Colin, 1843. 242 pp. 12mo. (7-1/2" x 4-1/2").

Recent period-style quarter calf over cloth, lettering piece and gilt fillets to spine, endpapers renewed. Some toning, light foxing in places, faint, mostly very faint, dampstaining to upper corner of text block, faint embossed library stamp to title page and following leaf, brief annotations (shelf number?) to verso of title page. A nice copy in a handsome binding. \$750.

\* Only edition. Tucker proposes a vigorous defense of states-rights principles in the manner of John Taylor of Caroline. A notably sophisticated argument, it balances detailed analysis of the U.S. Constitution with criticism of Joseph Story, Daniel Webster and other proponents of a powerful Federal government. Tucker was a judge of the superior courts of chancery for the Winchester and Clarksburg districts, President of Virginia's Supreme Court of Appeals, the director of a private law school in Winchester and, later in life, Professor of Law at the University of Virginia. Works that grew out of the classroom include *Commentaries on the Laws of Virginia* (1836-1837). Cohen, *Bibliography of Early American Law* 2928.

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**Copy of the First American Treatise on Wills  
That Belonged to an Important Early Illinois Statesman**

**28. Vallette, Elie.**

**[Sparrow, Thomas (1746?-1780?), Engraver].**

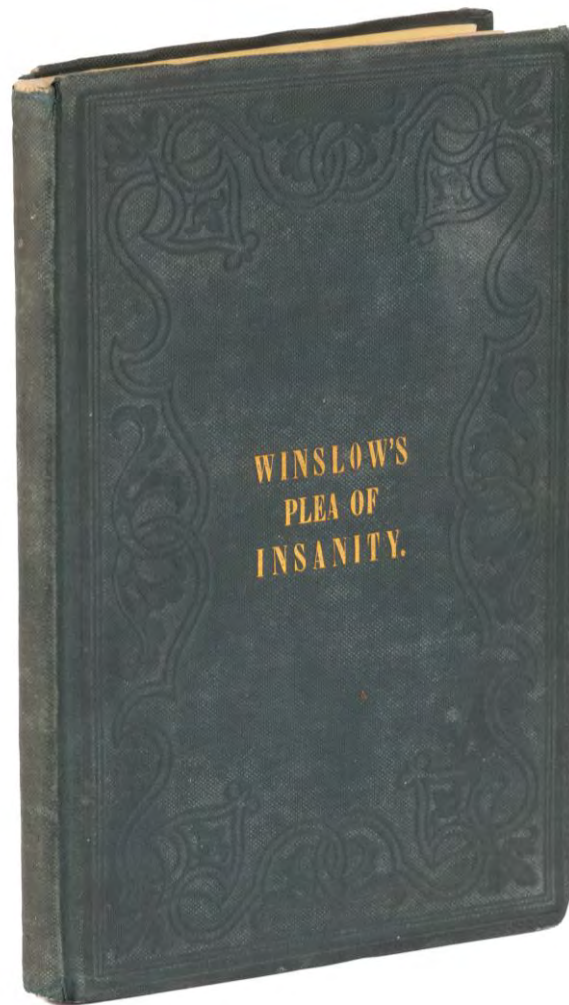
*The Deputy Commissary's Guide Within the Province of Maryland, Together with Plain and Sufficient Directions for Testators to Form, and Executors to Form Their Wills and Testaments, For Administrators to Compleat Their Administrations, And for Every Person Any Way Concerned in Deceased Person's Estates, To Proceed Therein with Safety to Themselves and Others.* Annapolis: Printed by Ann Catherine Green and Son, 1774. [ii], iv, 248, [12] pp. Copperplate title page and table of descents. Octavo (7-3/4" x 5").

Contemporary sheep, re-backed in calf, retaining original lettering piece, endpapers renewed. Light rubbing to boards, corners bumped and lightly worn. Moderate toning to text, somewhat darker in places, occasional dampstaining, mostly to margins. Early owner signature of Ninian Edwards to front endleaf and margin of p.50, interior otherwise clean. \$1,500.

\* The first original American legal guide, it is also the first American book on the law of wills. Dedicated to Maryland Governor Robert Eden, it was printed by Dutch immigrant Ann Catherine Hoof Green, wife of Jonas Green, who inherited his bankruptcy debt along with his shop, and she succeeded as public printer of Maryland from 1767 to 1775. The engraved title page, the only one issued from a colonial Maryland press, and the plate is considered to be the finest work of of Thomas Sparrow, the only engraver south of the Mason-Dixon Line prior to 1775. Vallette was registrar of the Prerogative Office of Maryland Province. Originally from Maryland, Edwards [1775-1833] was an important early Illinois statesman and political leader. He was the only governor of the Illinois Territory from 1809 to 1818, one of the first two United States Senators from Illinois from 1818 to 1824 and the third Governor of that state from 1826 to 1830.

Wroth, *Maryland Imprints* 338. Wroth, *The Colonial Printer in America* 290. Cohen, *Bibliography of Early American Law* 4632.

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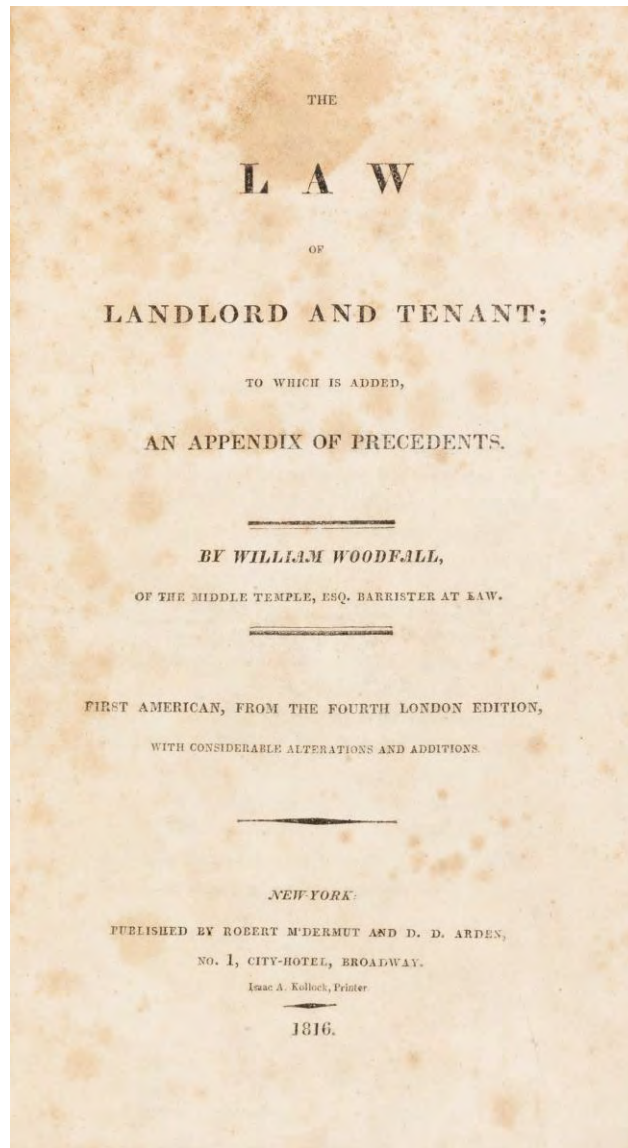
### Landmark in the Evolution of Insanity Jurisprudence

#### 29. Winslow, Forbes [1810-1874].

*The Plea of Insanity, In Criminal Cases.* Boston: Charles C. Little and James Brown, 1843. viii, 111 pp. Octavo (7-1/2" x 4-3/4").

Original textured cloth with decorative blind stamping, gilt title to front board. Light rubbing to boards, moderate rubbing to extremities with some wear to spine ends and corners, early owner signature to front free endpaper, moderate toning and foxing to text. \$500.

\* First American edition, published the same year as the first London edition. The frequent establishment of the plea of insanity in criminal cases was largely due to the Winslow's influence, and he was called as a witness in many celebrated trials. This treatise was one of the first attempts to outline criteria through which to determine the legitimacy of an insanity plea. This issue would be resolved later that year with the establishment of the McNaghten Rules, which this work undoubtedly influenced, and which are still applied in England today. Dr. Winslow, a London physician, was a member of the Royal College of Surgeons and the father of Dr. Winslow Lyttleton Forbes, who is best known for his work on the case of Jack the Ripper. Cohen, *Bibliography of Early American Law* 8839. [Order This Item](#)



**Only American Edition of An  
Important Treatise on Landlord and Tenant**

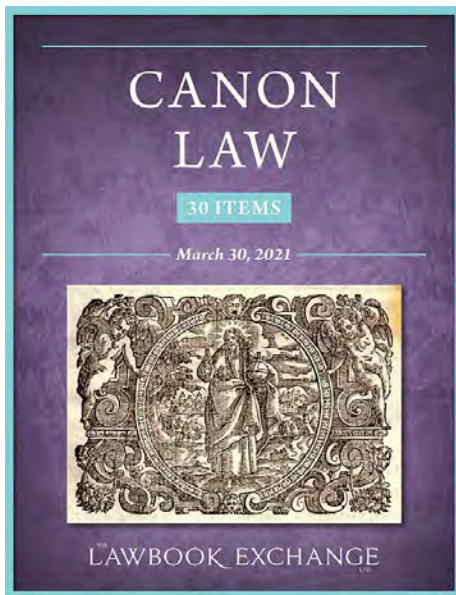
**30. Woodfall, William [d. 1806].**

*The Law of Landlord and Tenant; To Which is Added, An Appendix of Precedents. From the Fourth London Edition, With Considerable Alterations and Additions.* New York: Published by Robert M'Dermut and D.D. Arden, 1816. xiii, [3], 620 pp. Octavo (9-1/2" x 5-1/2").

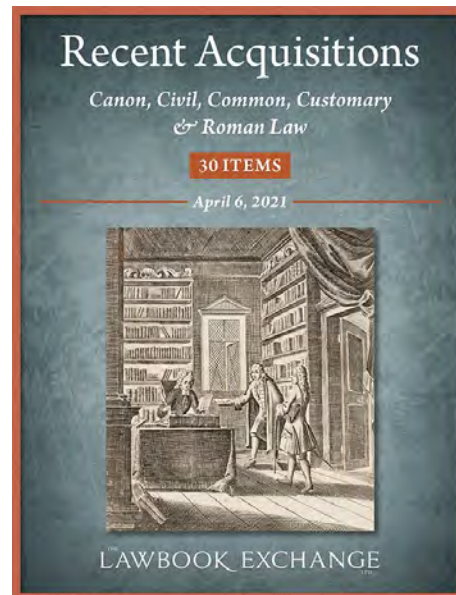
Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Rubbing and shallow scuffing to boards, rubbing to extremities with wear to spine ends and corners, some creasing to spine, joints starting, faint early signature to front board, early owner signature (O.C. Bentley) to front free endpaper. Moderate toning, occasional light foxing and dampspotting to text, bookseller name ("Wm. Gould & Co.") in early hand to inner margin of p. 51. \$850.

\* Only American edition, a reissue of the 1814 London edition. Highly regarded by American jurists, it was one of the treatises on Harvard Law School's reading list. Cohen, *A Legal Bibliography of Early American Law* 9563. [Order This Item](#)

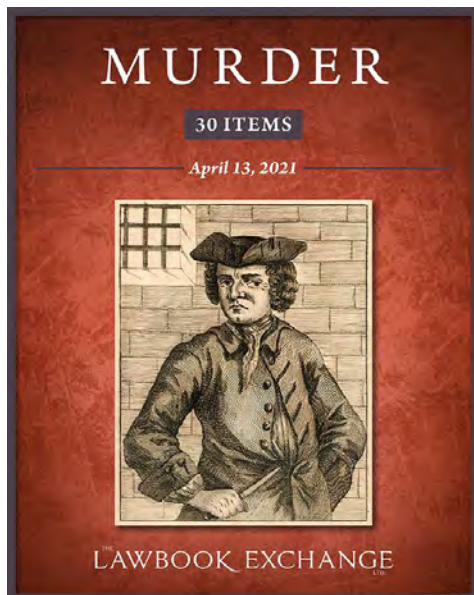
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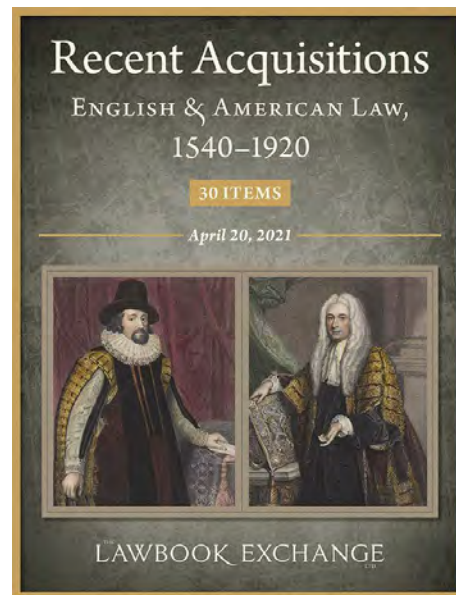
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