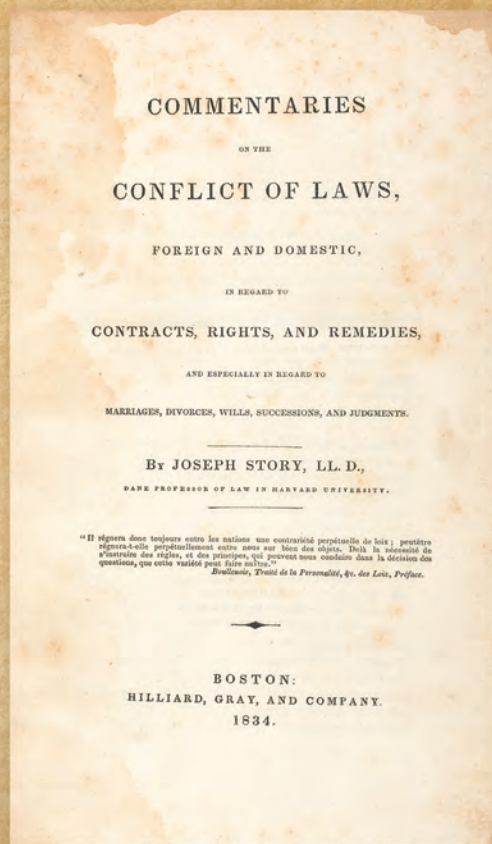
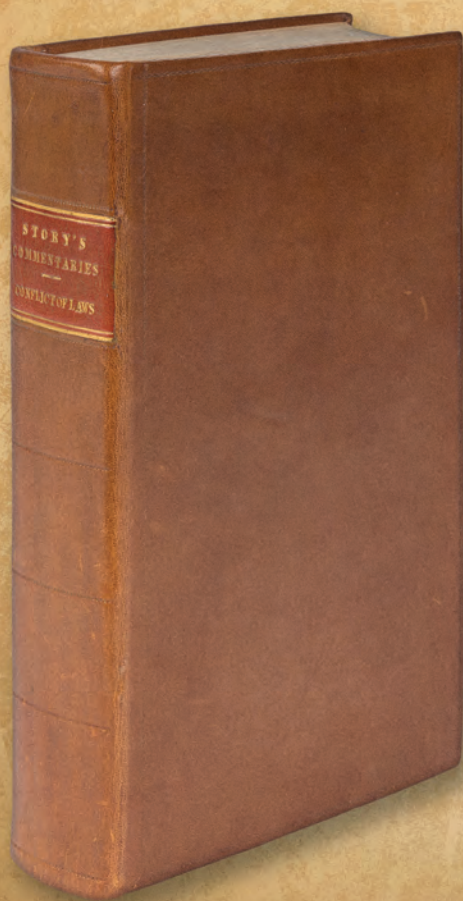


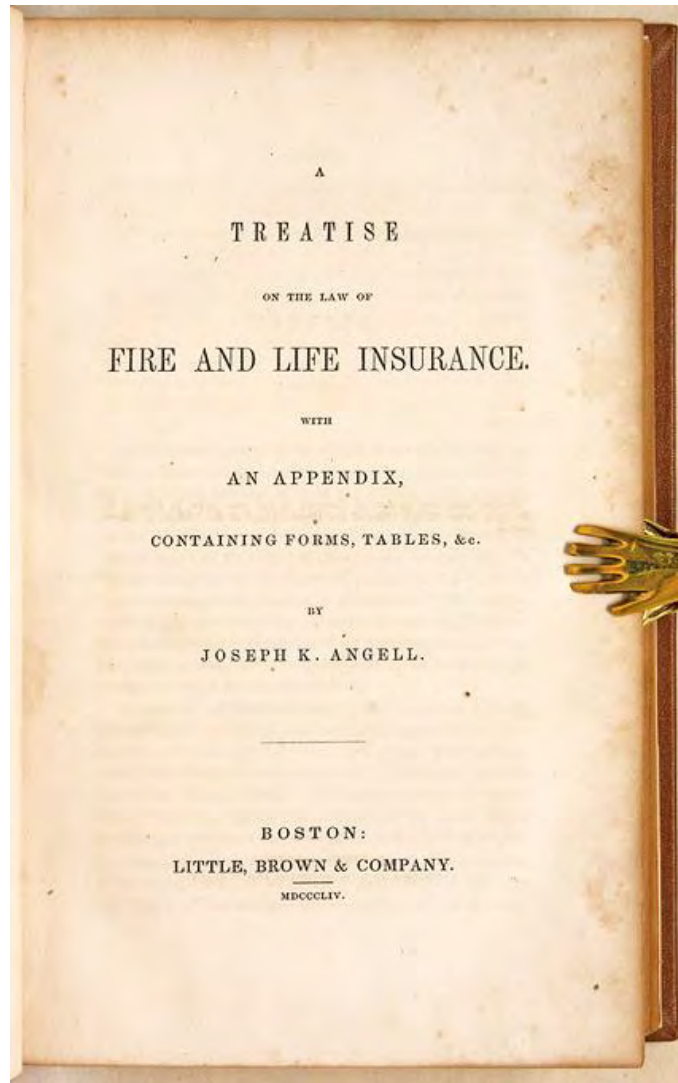
# American Law *Before 1860*

## Part II

30 ITEMS

May 4, 2021





**With Actuarial Tables for Whites, Slaves and Free Blacks**

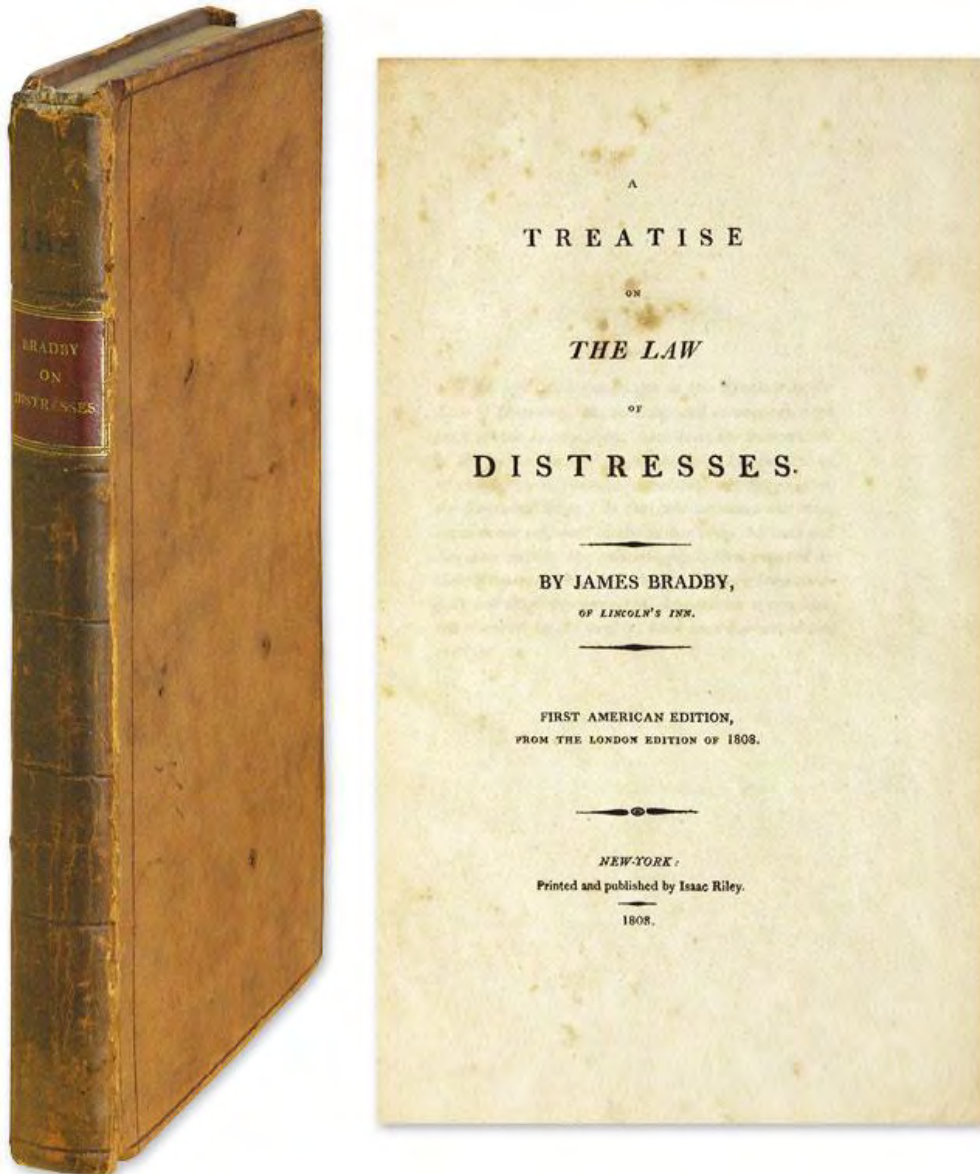
**1. Angell, Joseph K[innicutt] [1794-1857].**

*A Treatise on the Law of Fire and Life Insurance, With an Appendix, Containing Forms, Tables, &c.* Boston: Little, Brown, 1855. 8, xxiii, 456, xcix, [550]-572 pp. Main text preceded by 8-page publisher catalogue. Octavo (9-1/4" x 5-3/4").

Modern textured brown cloth, faded calf lettering piece to spine, endpapers renewed. Light toning, somewhat heavier in places, light foxing in a few places, light foxing to a few leaves. Early owner signature to front endleaf, interior otherwise clean. \$250.

\* First edition. With fascinating actuarial tables containing fees and mortality rates for whites, slaves and free blacks, an index of American Cases and an index of British cases. Angell was a Boston attorney and one of America's first significant legal writers. A prolific author, he published treatises on the law of corporations, watercourses and other topics. His works were esteemed highly. James Kent said they were indispensable to the intelligent lawyer (*DAB*); several were required reading at Harvard Law School. *Dictionary of American Biography* I:310. Cohen, *Bibliography of Early American Law* 7048.

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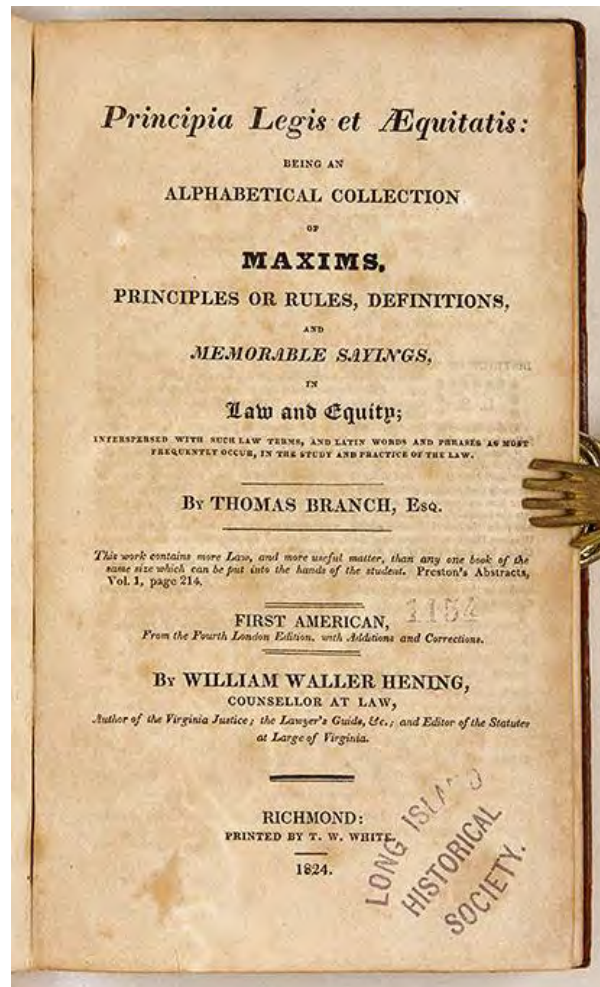
### The Law of Distresses in the Early Nineteenth Century

#### 2. Bradby, James [1774-1826].

*A Treatise on the Law of Distresses*. New York: Isaac Riley, 1808. xx, 323 pp. Octavo (9-1/4" x 5-1/2").

Contemporary calf, blind rules to boards, lettering piece and blind fillets to spine. Some rubbing to extremities, a few minor scuffs to boards, chipping to head to spine, bookplate residue to front pastedown. Light browning and faint dampspotting to text, internally clean. A nice copy. \$125.

\* First American edition, from the London edition of 1808, to which it is star-paged. Bradby's concise treatise presents a solid overview of distresses in the common law as practiced in the early nineteenth century. (Distresses arising out of statutes are not discussed.) The second and final American edition of this work, based on the second London edition, 1828, was issued in Volume 1 of the *Law Library* (1833). Bradby was a barrister of Lincoln's Inn. Cohen, *Bibliography of Early American Law* 9277. [Order This Item](#)



**Only American Edition of  
Branch's Collection of Legal Maxims**

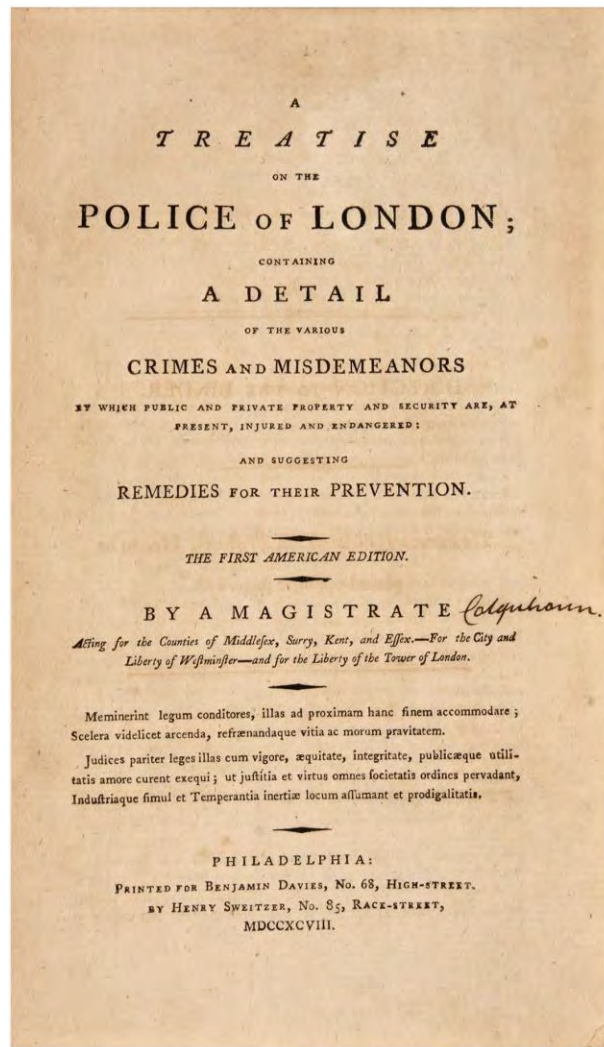
**3. Branch, Thomas [fl. 1738-1753].**

**Hening, William Waller [1768-1828], Editor.**

*Principia Legis et Aequitatis: Being an Alphabetical Collection of Maxims, Principles or Rules, Definitions, and Memorable Sayings in Law and Equity. First American, From the Fourth London Edition. With Additions and Corrections.* Richmond, VA: Printed by T.W. White, 1824. [viii], [9]-168 pp. Octavo (8-1/4" x 4-3/4").

Recent period-style quarter calf over cloth, lettering piece and blind fillets to spine, endpapers renewed. Moderate toning to text, somewhat heavier in places, light foxing to a few leaves, library stamps to title page. \$500.

\* Only American edition. This popular book was first published in 1753. It went through six English editions, the final appearing in 1824. Based on the fourth London edition (1822), the American edition is enhanced by Hening's additions. According to Marvin, "As a manual, this little book contains more law and more useful matter, than any one book of the same size which can be put into the hands of the student.' It is more extensive than Noy's Maxims, and 'draws so copiously from the common law reports and writers of the age of Elizabeth, and since that time, that it may be regarded as the accumulated spirit and wisdom of the great body of the English law.'" Marvin's first quote is from *Preston on Abstracts*, the second from Kent's *Commentaries on American Law*. Marvin, *Legal Bibliography* 143. Cohen, *Bibliography of Early American Law* 5376. [Order This Item](#)



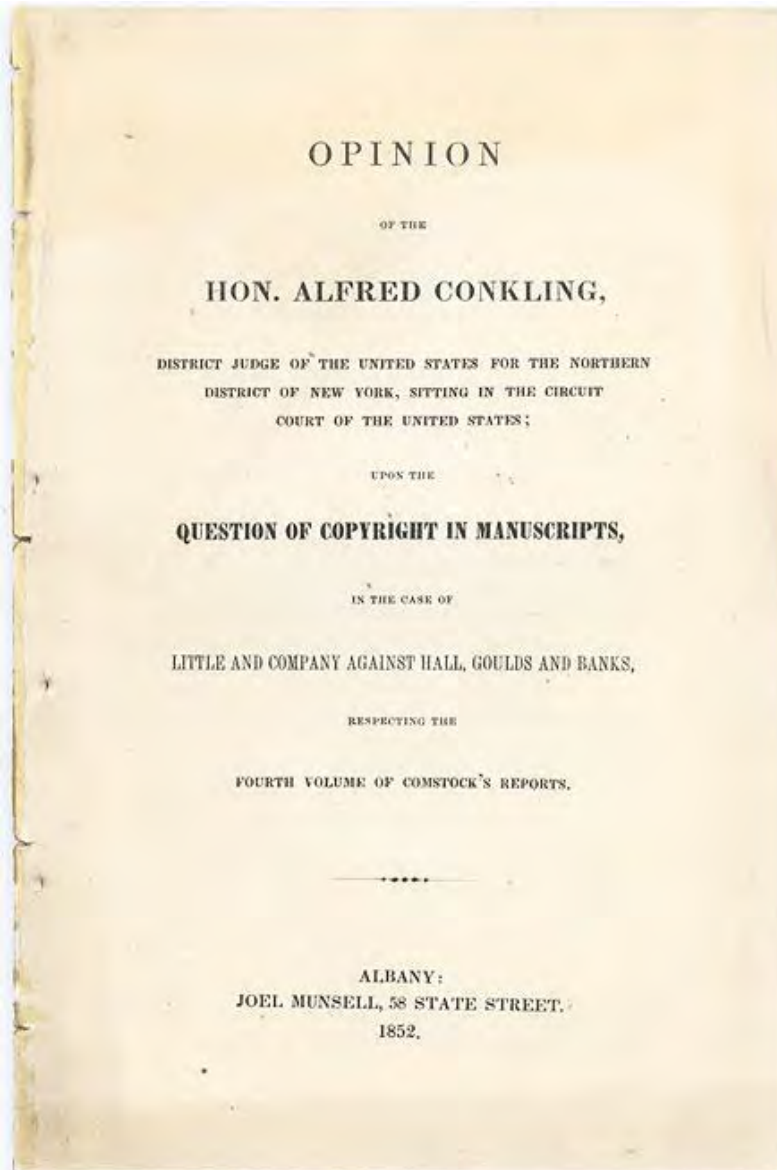
**Only American Edition of an Important Work on Crime**

**4. [Colquhoun, Patrick (1745-1820)].**

*A Treatise on the Police of London; Containing a Detail of the Various Crimes and Misdemeanors By Which Public and Private Property and Security Are, At Present, Injured and Endangered: And Suggesting Remedies for Their Prevention.* Philadelphia: Printed for Benjamin Davies, 1798. xii, [7], 342, xxiv pp. Folding table. Octavo (8-1/4" x 5").

Contemporary sheep treated to resemble tree calf, lettering piece, gilt fillets and faint early hand-lettered author name to spine. Light rubbing and a few minor scuffs to boards, corners bumped and moderately worn, chipping to head of spine, front board partially detached but secure, rear joint and hinge starting at head, bookplate (of Thomas Robbins, 1827) to front pastedown. Moderate toning to text, "Colquhoun" added to title page in contemporary hand. \$500.

\* Only American edition. Colquhoun was a tireless reformer and public-minded citizen. First published in London in 1796, his treatise on criminology offered innovative proposals, such as the appointment of public prosecutors and paid magistrates, productive labor by convicts and a system of preventative police. This Philadelphia imprint was a response to the keen interest in this subject among elite circles of reformers and legislators in America. Their efforts were reflected in Philadelphia's Eastern State Penitentiary, New York's Auburn Prison and Livingston's penal code. Cohen, *Bibliography of Early American Law* 1010. [Order This Item](#)



**A Carefully Argued 1851 Opinion on Copyright Law in New York**

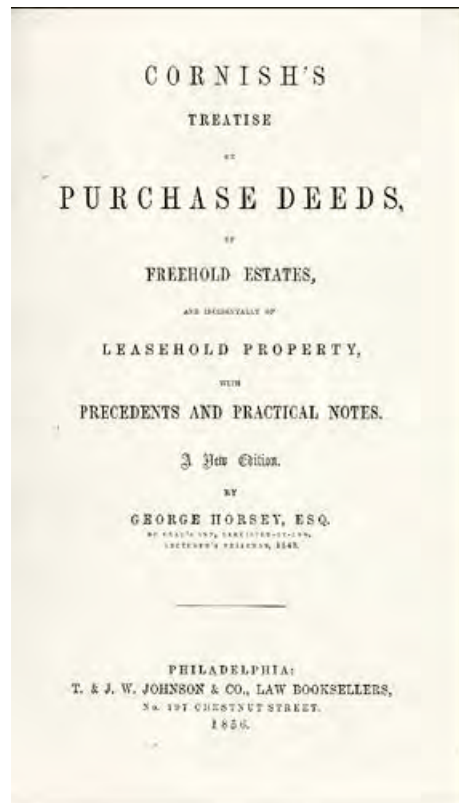
**5. Conkling, Alfred [1789-1874].**

*Opinion of the Hon. Alfred Conkling, District Judge of the United States for the Northern District of New York Sitting in the Circuit Court of the United States: Upon the Question of Copyright in Manuscripts, In the Case of Little and Company Against Hall, Gould and Banks, Respecting the Fourth Volume of Comstock's Reports.* Albany: Joel Munsell, 1852. 33 pp. Octavo (8-1/4"x 5-1/4").

Disbound stab-stitched pamphlet. Light soiling to exterior, moderate toning to text, minor stain to verso of final leaf. \$450.

\* Only edition. This was one of Judge Conkling's last opinions. In August 1852 he resigned from the bench after President Fillmore appointed him ambassador to Mexico. His opinion examines closely the law of copyright in New York State. He enjoins the defendant from publishing Comstock's *Reports*. Cohen, *Bibliography of Early American Law* 11504.

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### Uncommon Innovative Treatise Dealing With Deeds

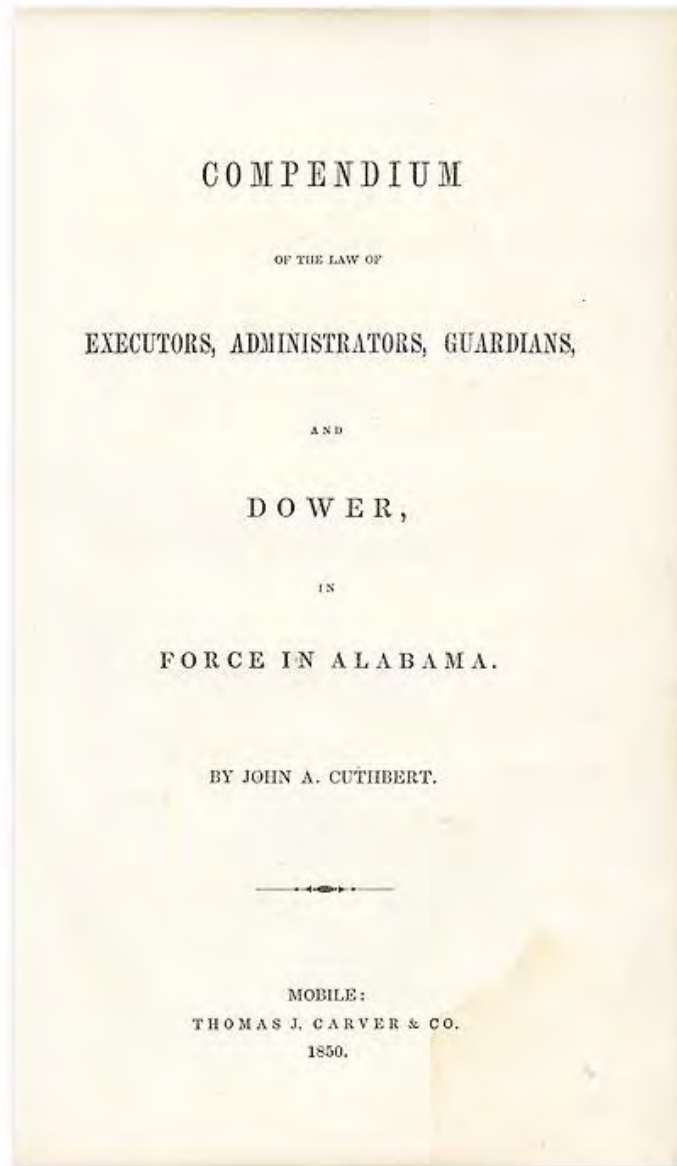
6. **Cornish, William Floyer [c.1801-1830].**

**Horsey, George [1819-1899], Editor.**

*Cornish's Treatise on Purchase Deeds, of Freehold Estates, And Incidentally of Leasehold Property, With Precedents and Practical Notes.* Philadelphia: T. & J.W. Johnson & Co., 1856. xxiii, [25]-172, 4 pp. Star-paged. Includes four-page publisher catalogue. Octavo (9" x 5-3/4").

Contemporary sheep, blind frames to boards, blind fillets and lettering piece to spine. A few scuffs and stains to boards, some wear to spine ends, joints and corners, hinges just starting at ends. Offsetting to margins of endleaves, light foxing to a few leaves. Owner annotation to front pastedown, his signature to facing free endpaper and head of preface, interior otherwise clean. \$350.

\* First and only American edition, based on the second London edition of 1855, to which it is star-paged. "In many respects this is a remarkable work. Originally published in 1828, it was the precursor of the modern forms of conveyancing, in respect to brevity and conciseness. Certainly it is most highly creditable to the sagacity of the author, and demonstrates the soundness of his acquaintance with principles, to find that so little advance has been made ahead of the principles which being then in a miserable minority, he so many years ago advocated, and so little improvement effected in the framework in which he embodied his views. But the book is not only remarkable it is in the highest degree adapted for use. (...) This work having been given to the world at a time when the public was not prepared for innovation, and had not acquired the now reigning tastes for brevity despatch, and economy of time, labour, and expense, attracted but little attention, and has never been as well known as it deserved to be. Mr. Horsey, however, the editor of the new edition, by careful additions and improvements, has brought up the work to the standard of the present day...": *Law Magazine: Or Quarterly Review of Jurisprudence* 23 (1855) 198. This treatise was also reprinted in *The Law Library* 90 (May/June 1856). Cohen, *Bibliography of Early American Law* 9515. [Order This Item](#)



**Scarce Alabama Manual**

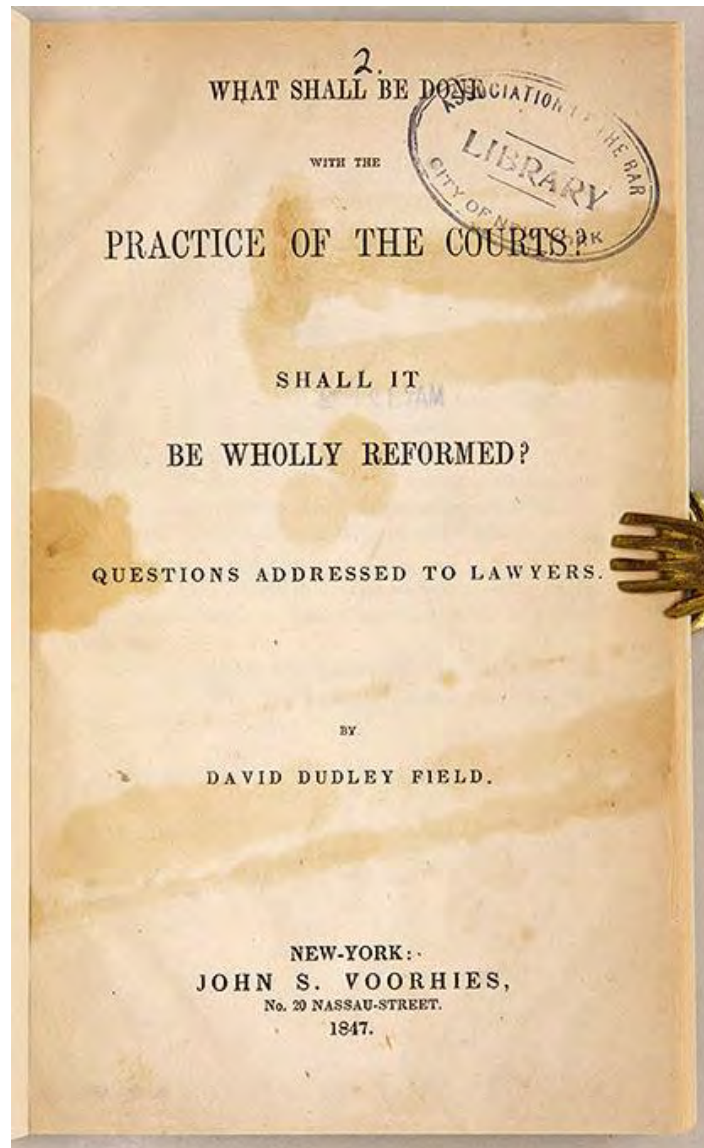
**7. Cuthbert, J[ohn] A[lbert] [1788-1881].**

*Compendium of the Law of Executors, Administrators, Guardians, And Dower, In Force in Alabama.* Mobile: Thomas J. Carver & Co., 1850. vii, 166 pp. Octavo (9" x 5-1/2").

Contemporary sheep, blind fillets to spine, red and black lettering pieces to spine. Light rubbing and some minor scuffs and stains to boards, moderate rubbing to extremities, joints just starting at ends. Light toning and occasional foxing to text, faint dampstaining to a few leaves. Early owner signature to front free endpaper (of W.W.D. Turner), interior otherwise clean. \$250.

\* Only edition. OCLC locates 6 copies in law libraries (Alabama Supreme Court, Duke, Harvard, Library of Congress, University of Alabama, University of Minnesota). Cohen, *Bibliography of Early American Law* 4607. [Order This Item](#)





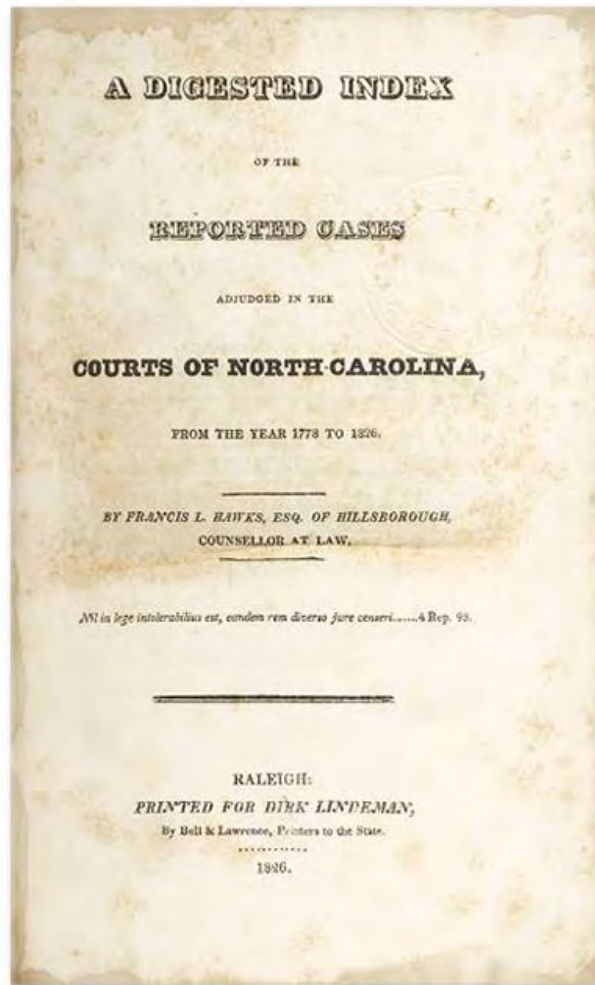
### Field Campaigns for Court Reform

#### 8. Field, David Dudley [1805-1894].

*What Shall be Done with the Practice of the Courts? Shall it be Wholly Reformed.* New York: John S. Voorhies, 1847. 38 pp. Octavo (8-1/2" x 5-1/4").

Disbound stab-stitched pamphlet bound into recent plain boards, endleaves added. Moderate toning, light foxing to a few leaves, "2." in early hand and library stamp to title page, library markings to verso. \$250.

\* Only edition. Field, a leader of the New York bar, was an important law reformer and the leading American proponent of codification during the nineteenth century. This pamphlet was "part of Field's campaign to urge the New York State Legislature to reform the judiciary system. His efforts led to his appointment later in 1847 as commissioner on practice and pleading and his participation in the preparation of the code of procedure (1848-1850)" (Cohen). OCLC locates 6 copies in North American law libraries (Georgetown, New York University, UC-Berkeley, University of Iowa, Pace, Yale). Cohen, *Bibliography of Early American Law* 1144. [Order This Item](#)



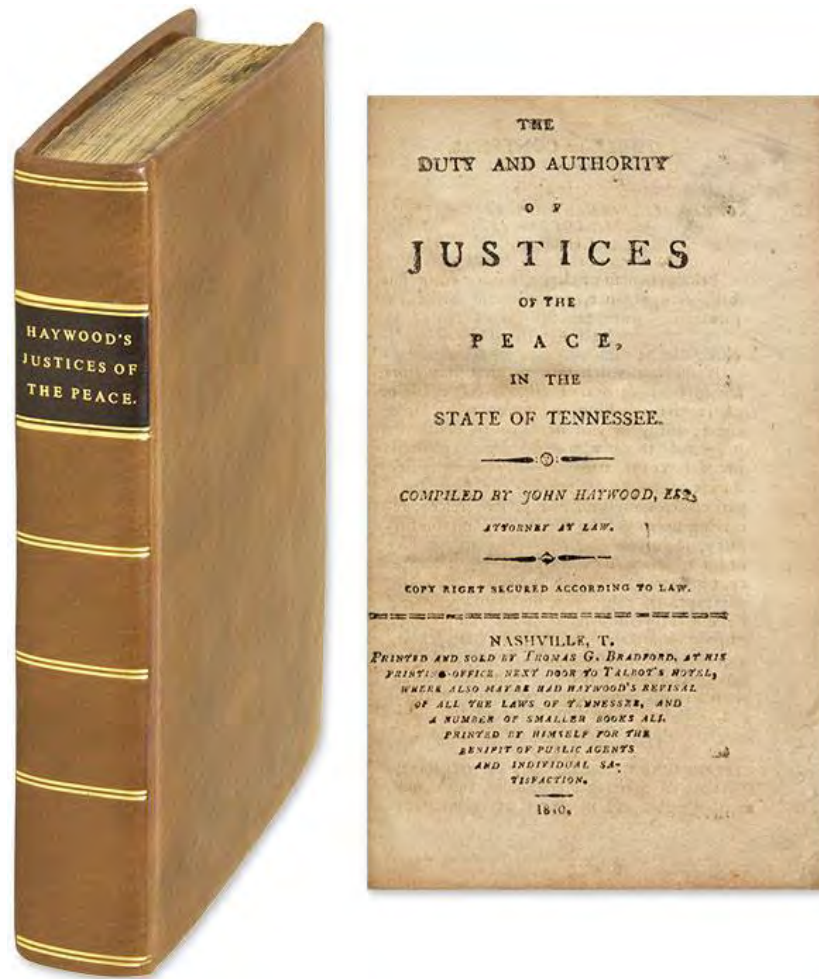
### The First Digest of North Carolina Reports

#### 9. Hawks, Francis L. [1798-1866], Digester. [Lilly, Lambert].

*A Digested Index of the Reported Cases Adjudged in the Courts of North-Carolina, From the Year 1778 to 1826.* Raleigh: Printed for Dirk Lindeman, 1826. vii, 502 pp. Octavo (8" x 5").

Contemporary sheep, blind fillets to boards, lettering piece to spine. Moderate scuffing to boards, wear to spine ends and corners, boards beginning to separate but still quite secure. Faint early owner stamp (of David Bell) to front board, early owner signatures (of "W.H. Washington, Esq./ Solicitor/ Newbern"/ Nov. 12th 1839) to front free endpaper, embossed notarial seal (of [illegible] Lehman/ Newbern) to title page. Toning, light foxing to most of text. A solid copy of an important and scarce title. \$300.

\* Only edition. The first book of its kind produced in North Carolina, Hawks's *Index* digests the reports of Martin through Hawks, a period spanning 1796 to 1826. Hawks, a lawyer and historian, was the state reporter from 1820 to 1826. After that time he abandoned the law, entered the ministry and had a distinguished ecclesiastical career. Some records attribute this title incorrectly to Lambert Lilly. OCLC locates 5 copies in North American law libraries (Library of Congress, Duke University, the Universities of North Carolina and Virginia and Wake Forest). Cohen, *Bibliography of Early American Law* 5583. [Order This Item](#)



### The First JP Manual Printed in Tennessee

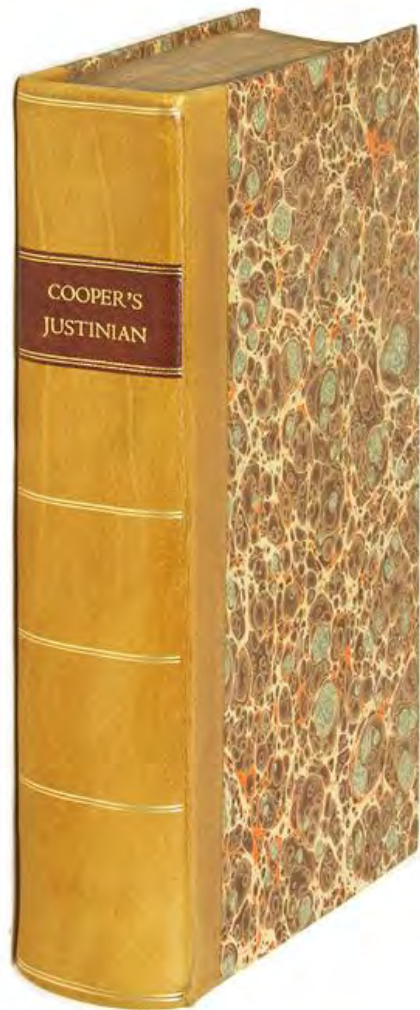
#### 10. Haywood, John [1762-1826], Compiler.

*The Duty and Authority of Justices of the Peace, In the State of Tennessee.* Nashville: Printed and Sold by Thomas G. Bradford, 1810. [iv], 372, [7] pp. An additional four leaves, all containing advertisements, not present in this copy. Octavo (7" x 4-1/2").

Recent period-style calf, gilt rules and lettering piece to spine, hinges mended. Some toning and faint dampspotting to text, several printing faults resulting in torn leaves near the gutter, typical with early frontier imprints. Two later owner signatures to front pastedown, interior otherwise clean. \$1,800.

\* First edition. The first JP manual printed in Tennessee. With its choice of topics and rather amateurish printing, this manual evokes the state of frontier life in the early nineteenth century. Haywood was a jurist and historian from North Carolina who moved to Tennessee in 1807. Soon after his arrival he enhanced his already solid reputation by publishing a series of legal compilations and the earliest important histories of his adopted state. He served on the Tennessee Supreme Court for the last 12 years of his life. Other editions of his manual were published in 1811 and 1816. Though all editions are somewhat common in institutional collections, there are few copies of any edition in law libraries. Regarding the first edition, OCLC locates 4 copies (at Harvard, the Universities of Michigan and Minnesota and Yale). Also, no copy has appeared at auction in more than 30 years. Allen, *Tennessee Imprints* 162. Cohen, *Bibliography of Early American Law* 8470.

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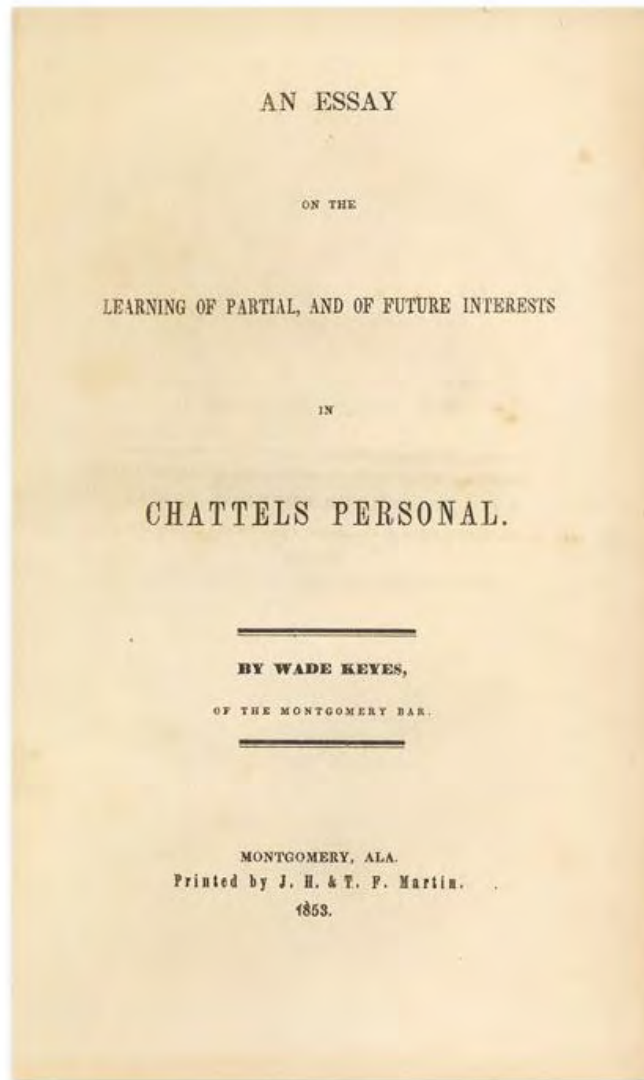
First Edition of Cooper's Translation of the *Institutes*

**11. Justinian I [483-565 CE], Emperor of the East.  
Cooper, Thomas [1759-1839], Translator and Editor.**

*The Institutes of Justinian. With Notes.* Philadelphia: Printed for P. Byrne, 1812. xiv, 714 (i.e. 716) pp. Latin and English translation in parallel columns. Octavo (9" x 5-1/2").

Recent period-style quarter calf over marbled boards, lettering piece and gilt fillets to spine, original endpapers retained. Moderate toning to text, somewhat heavier in places, occasional light foxing. An attractive copy. \$600.

\* First edition. Includes a bibliography of civil law and the complete text of *The Law of the Twelve Tables*. A landmark in the American reception of Roman law and the first translation of Justinian produced in the United States, this edition includes fascinating notes that compare Roman law with that of the United States. (He even includes a table of cases.) Cooper, a chemist and lawyer by training, was a polymath who published books on law, political science, economics, medicine and the natural sciences. A friend of Joseph Priestley and Thomas Jefferson, he was a professor of chemistry at Dickinson College and the University of Pennsylvania. He joined the faculty of South Carolina College in 1819 and became its president in 1820. Cohen, *Bibliography of Early American Law* 1644. [Order This Item](#)



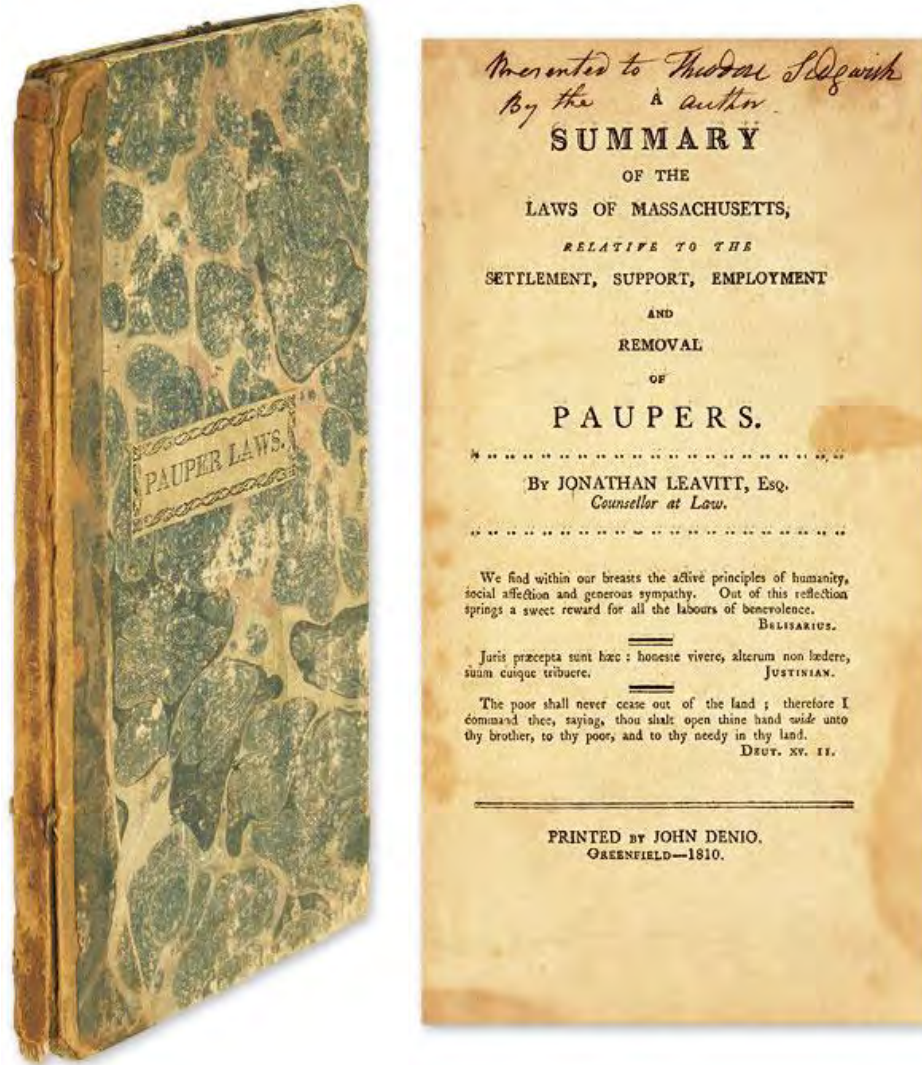
**Early Alabama Legal Imprint that Addresses Slavery**

**12. Keyes, Wade [1821-1879].**

*An Essay on the Learning of Partial, And of Future Interests in Chattels Personal.* Montgomery, AL: J.H. & T.F. Martin, 1853. 160 pp. Octavo (8-3/4" x 5-1/2").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Some rubbing to boards and extremities, spine moderately abraded, joints starting at head, offsetting to margins of endleaves, very light browning to text. Early owner signature (of Stephen F. Miller) to front pastedown, interior otherwise clean. \$450.

\* Only edition. As a lawyer, judge, author and the state's first law professor, Keyes was the most important figure in the early legal history of Alabama. A prominent secessionist, he was assistant attorney general for the Confederacy during the Civil War. He wrote two treatises, a treatise on real property and the present title, a review of case law as it relates to chattels personal, including "slaves, cattle, furniture, books, victuals, money and the like" (1). Cohen, *Bibliography of Early American Law* 9033. [Order This Item](#)



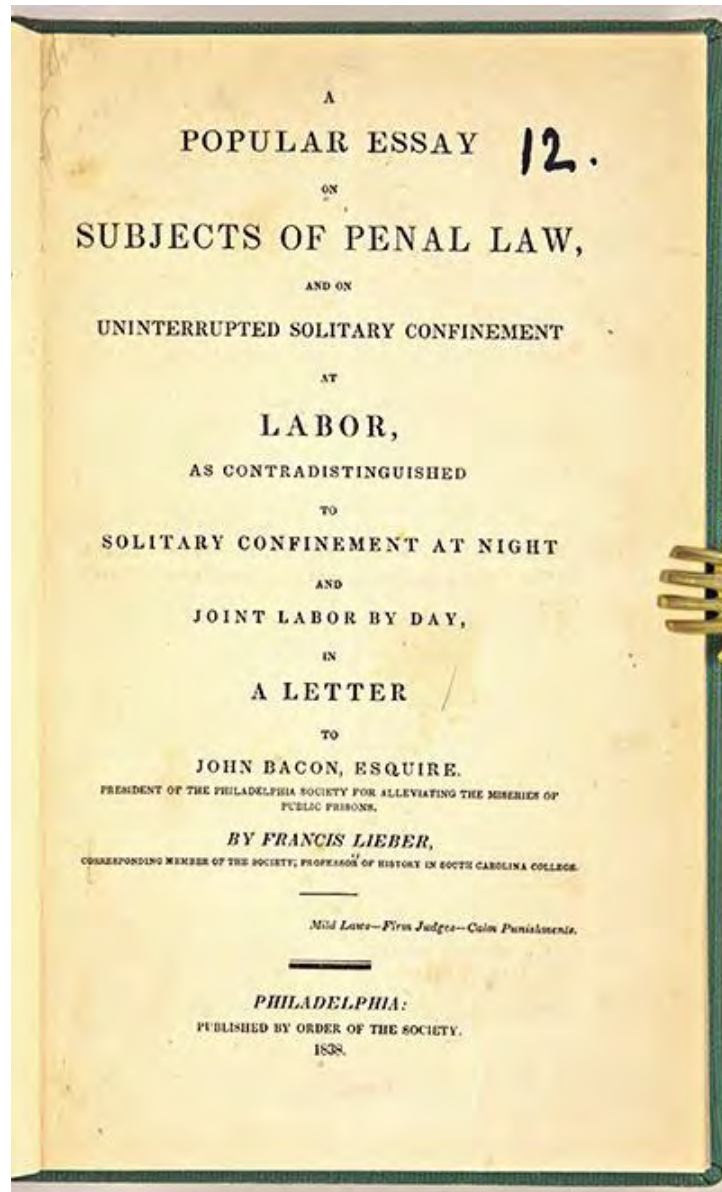
1810 Handbook on the Poor Laws of Massachusetts Presented to a Notable Jurist

13. Leavitt, Jonathan [1764-1821].  
[Sedgwick, Theodore (1746-1813)].

*A Summary of the Laws of Massachusetts, Relative to the Settlement, Support, Employment and Removal of Paupers.* Greenfield: Printed by John Denio, 1810. 64 pp. Octavo (8-1/2" x 4-3/4").

Contemporary quarter sheep over marbled boards, printed paper title label to front board. Moderate rubbing with wear to corners, spine worn, front board detached, rear board partially detached. Light browning, light foxing in a few places, faint dampstaining to a few leaves. Presentation inscription from author to Theodore Sedgwick to head of title page, interior otherwise clean. \$300.

\* Only edition. The author of this handbook, which covers the period from 1692 to 1810, was a probate judge from 1814 to 1821. Theodore Sedgwick, who served in the Continental Congress, was a United States Representative and Senator from Massachusetts. He served as the fourth Speaker of the United States House of Representatives. Appointed to the Massachusetts Supreme Judicial Court in 1802, he remained there until the end of his life. Print copies of this title are scarce. OCLC locates 1 copy (at the British Library). Cohen, *Bibliography of Early American Law* 9045. [Order This Item](#)



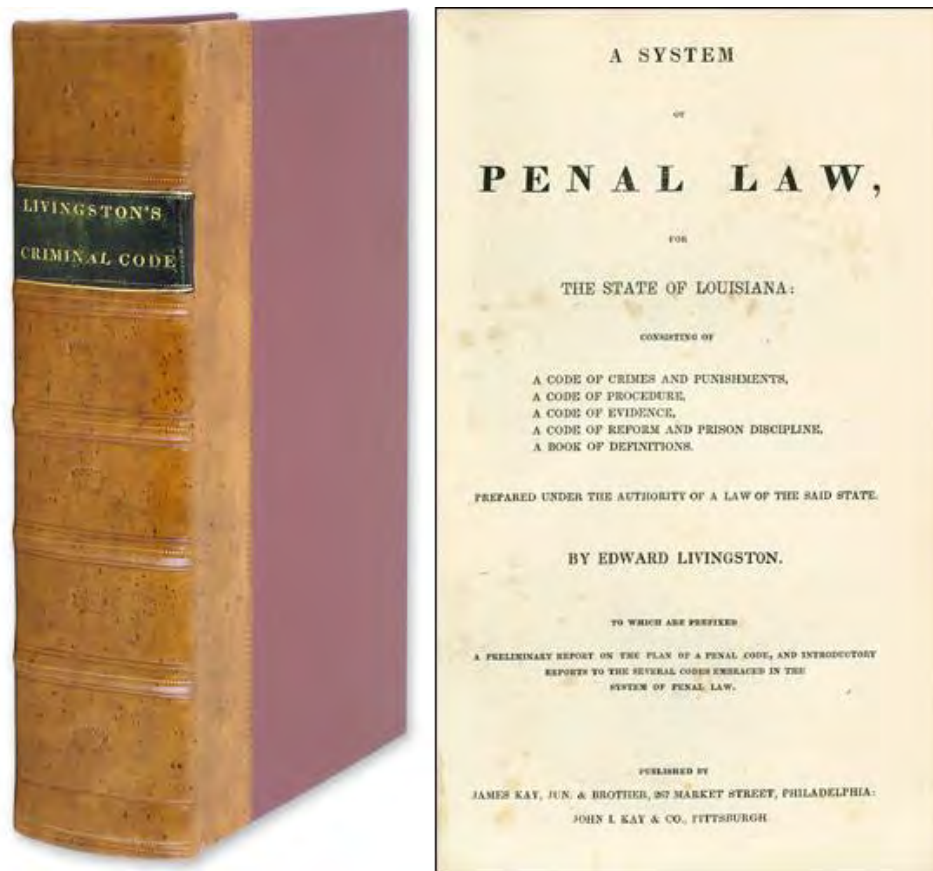
### Lieber Compares Systems of Penology

#### 14. Lieber, Francis [1800-1872].

*A Popular Essay on Subjects of Penal Law, And on Uninterrupted Solitary Confinement at Labor, As Contradistinguished to Solitary Confinement at Night and Joint Labor by Day, In a Letter to John Bacon, Esquire.* Philadelphia: [Philadelphia Society for Alleviating the Miseries of Public Prisons], 1838. 94 pp. Tipped-in errata sheet. Octavo (9-1/2" x 5-3/4").

Stab-stitched pamphlet bound into later library buckram, gilt title and shelf number to spine. Light toning and occasional light foxing to text, "12" in early hand to head of title page, a few brief library annotations to verso. A nice copy. \$250.

\* Only edition. Addressed to the president of the Philadelphia Society for Alleviating the Miseries of Public Prisons, this essay compares the prevailing models of penology of the 1830s: the "Pennsylvania" system, which was based on solitary confinement, and the "New York" system, which advocated joint labor by day, communal meals and solitary cells. This was a keenly debated topic. Cohen, *Bibliography of Early American Law* 4321. [Order This Item](#)



### Livingston's Influential Penal Code

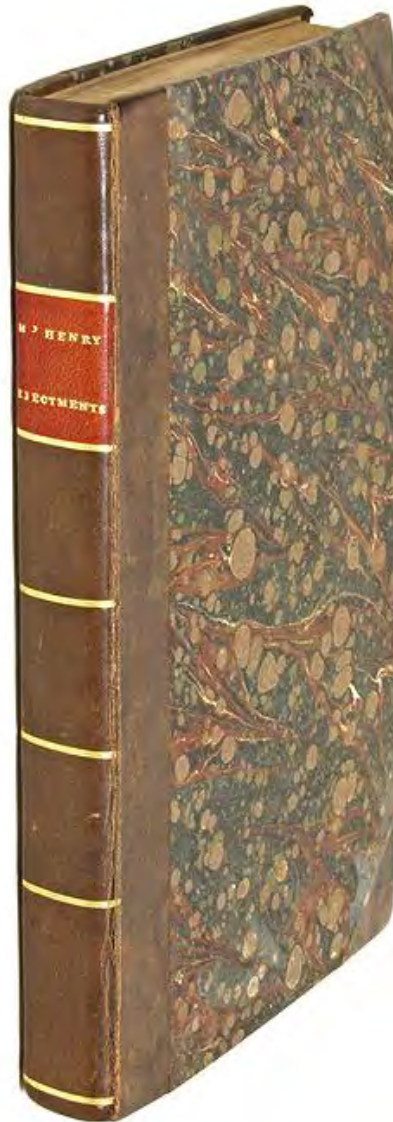
#### 15. Livingston, Edward [1764-1836].

*A System of Penal Law, For the State of Louisiana: Consisting of A Code of Crimes and Punishments, A Code of Procedure, A Code of Evidence, A Code of Reform and Prison Discipline, A Book of Definitions. Prepared Under the Authority of a Law of the Said State. To Which are Prefixed a Preliminary Report on the Plan of a Penal Code, and Introductory Reports to the Several Codes Embraced in the System of Penal Law.* Philadelphia: James Kay, Jun. & Brother, [1833]. v, 745 pp. Octavo (9" x 5-3/4").

Recent period-style quarter calf over cloth, blind fillets and lettering piece to spine, endpapers renewed. Small chips to margins of two leaves with no loss to text. Negligible light foxing in places, interior otherwise clean. A handsome copy. \$950.

\* First edition of the complete code, one of two printings issued in 1833. (The other has the date on the title page.) A comprehensive system of criminal law which, while not adopted in the United States, is still influential today because it is the first complete penal code built on Jeremy Bentham's principles of codification. The first part, Code of Offenses and Punishments, was published in 1824 with the misleading title: *A System of Penal Law, For the State of Louisiana*. The other four sections, containing the Codes of Procedure, Evidence, Reform and Prison Discipline and Book of Definitions were published separately in 1825 and 1826. All five parts appeared together for the first time in the 1833 edition. 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." A notably humane code, it is important for its advocacy of prevention rather than punishment. Livingston was a senator from Louisiana and later a member of Andrew Jackson's cabinet. Hicks, *Men and Books Famous in the Law* 180. Cohen, *Bibliography of Early American Law* 10348. [Order This Item](#)





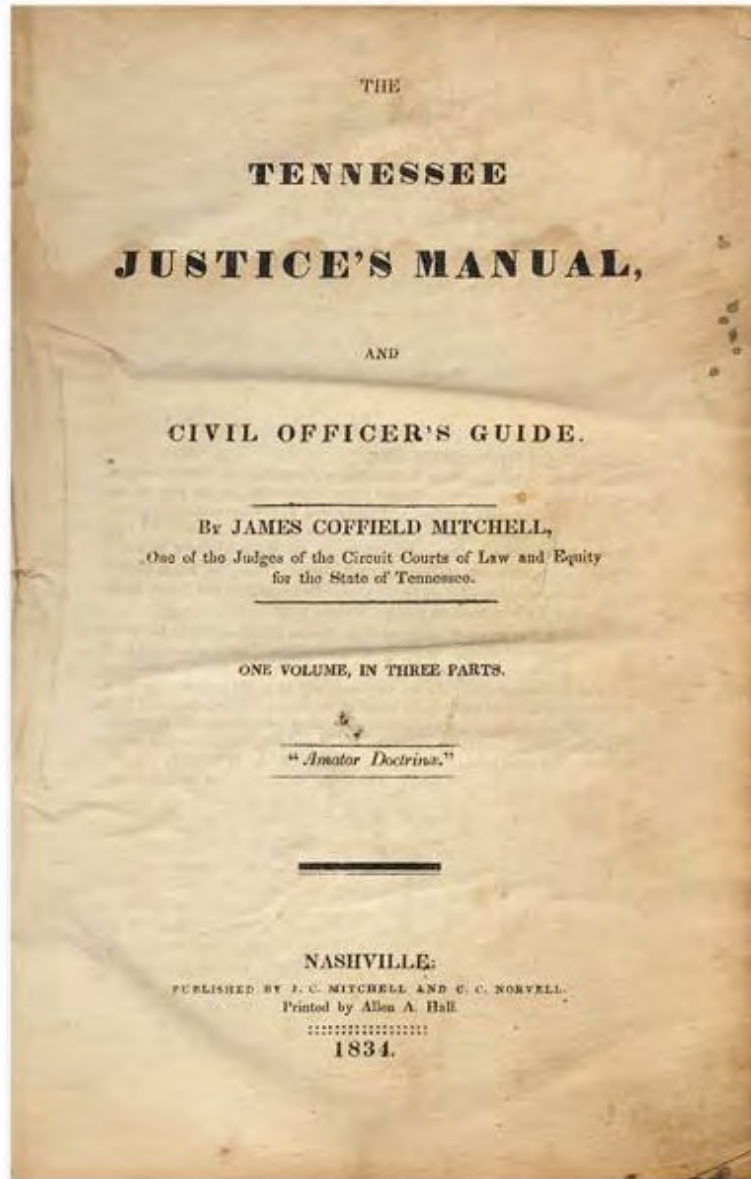
**Uncommon 1822 Maryland Treatise on Ejectment**

**16. McHenry, John [d. 1860].**

*The Ejectment Law of Maryland: Embracing Within a Narrow Compass, All the Decisions of the Courts of Law of Maryland, Deemed Worthy of Notice, Relating to the Title and Location of Land.* Frederick-Town: Printed, At the Herald Press, by John P. Thomson, For the Author, 1822. [iii], [4]-264 pp. Octavo (8" x 5").

Recent period-style quarter calf over marbled boards, existing endpapers retained. Moderate toning to text, early owner signature to head of title page. A handsome copy. \$450.

\* Only edition. "In this work are comprehended in one view and compressed within a narrow compass, all the decisions of our superior courts of law, which have any relation to land titles, and which were thought of importance enough to be published, the author carefully avoiding to crowd into the work decisions which may be found in the common law reports, but taking notice only of those which have a bearing upon local circumstances, and relate to our acts of assembly altering the common law with respect to land titles" (5). Cohen, *Bibliography of Early American Law* 9491. [Order This Item](#)



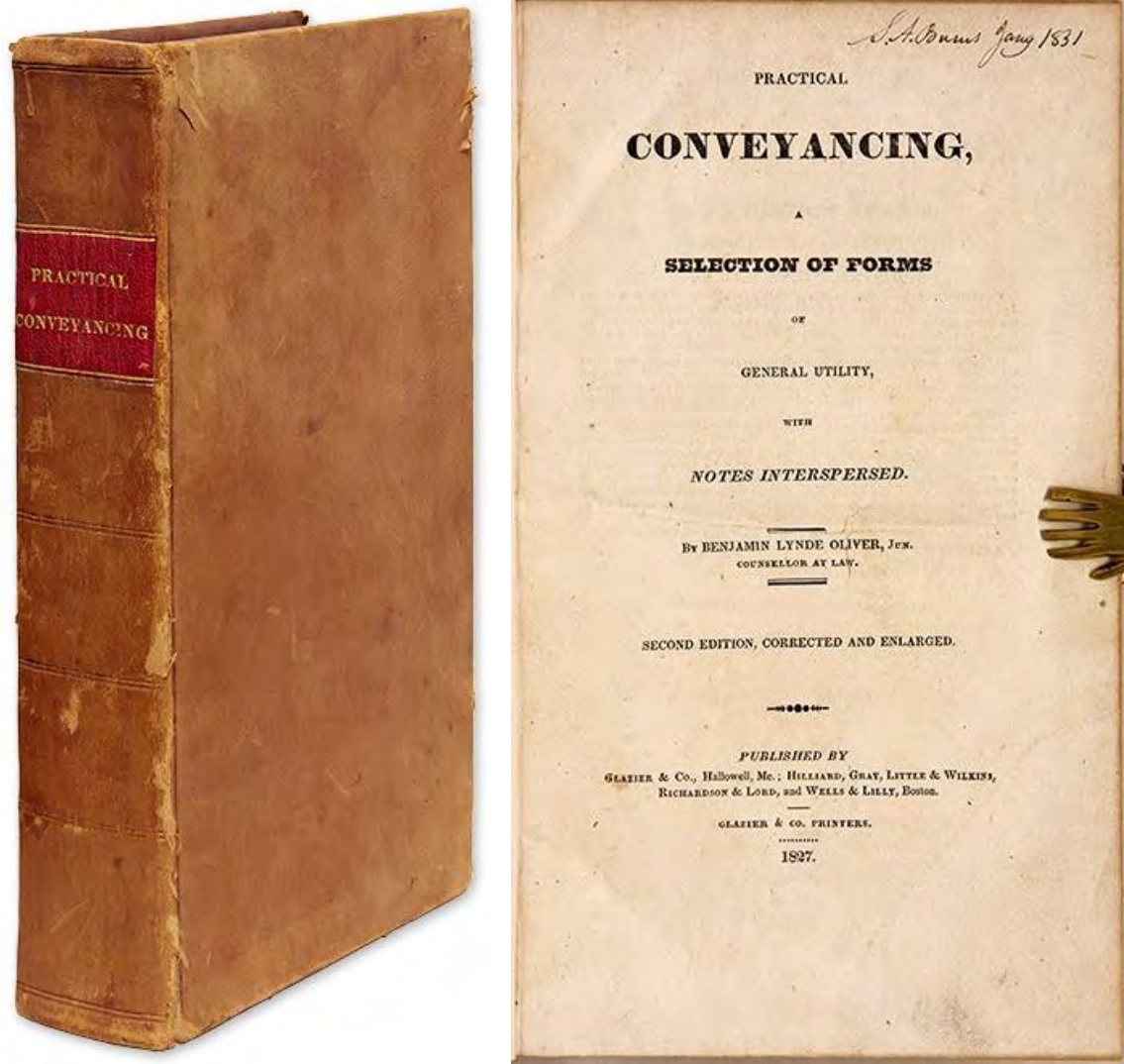
**Scarce 1834 Tennessee JP Manual**

**17. Mitchell, James Coffield.**

*The Tennessee Justice's Manual and Civil Officer's Guide.* Nashville: Published by J.C. Mitchell and C.C. Norvell, 1834. 534 pp. Octavo (8-1/4" x 5").

Contemporary sheep, lettering piece and gilt fillets to boards. Moderate rubbing to extremities, corners bumped, partial crack between front endleaf and title page, rear hinge partially cracked, a few signatures loose. Light browning to text, internally clean. \$200.

\* Only edition. Along with Haywood's *Justice*, this was one of the two manuals of its kind published in Tennessee before the Civil War. It is divided into three parts: Civil Division, Criminal Division, Miscellaneous Division. Mitchell was a judge of the Tennessee Circuit Courts of Law and Equity. Cohen, *Bibliography of Early American Law* 8471. [Order This Item](#)



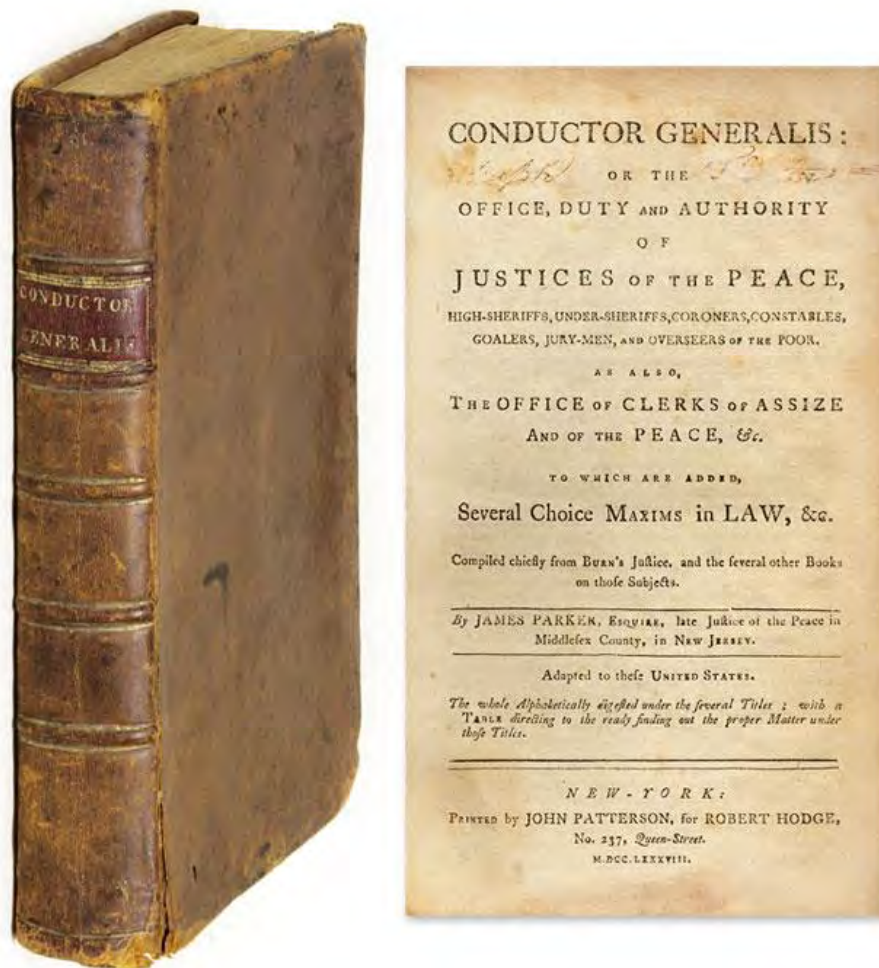
*Praised in Marvin's Legal Bibliography*

**18. Oliver, Benjamin Lynde [1788-1843].**

*Practical Conveyancing, A Selection of Forms of General Utility, With Notes Interspersed. Corrected and Enlarged.* Hallowell, ME: Glazier & Co.; Boston: Hilliard, Gray, Little & Wilkins, Richardson & Lord, And Wells and Lilly, 1827. 581 pp. Octavo (9" x 5-1/2").

Contemporary sheep, lettering piece and blind fillets to spine. A few shallow scuffs to boards, moderate rubbing to extremities with minor wear around spine ends, early owner signature of Edwin Conant (below a struck through signature) to front free endpaper, signature (of S.A. Burns) to head of title page. Moderate toning to text, light foxing in places, faint dampstaining to a few leaves. An appealing copy. \$350.

\* Second edition. Marvin speaks highly of this conveyancing manual for its "concise and accurate collection of forms" and "excellent explanatory notes." It was first published in 1816 and reached its fourth and final edition in 1845. Conant [1810-1891] was a prominent Worcester, Massachusetts, lawyer, businessman and philanthropist. Marvin, *Legal Bibliography* 547. Cohen, *Bibliography of Early American Law* 9540. [Order This Item](#)



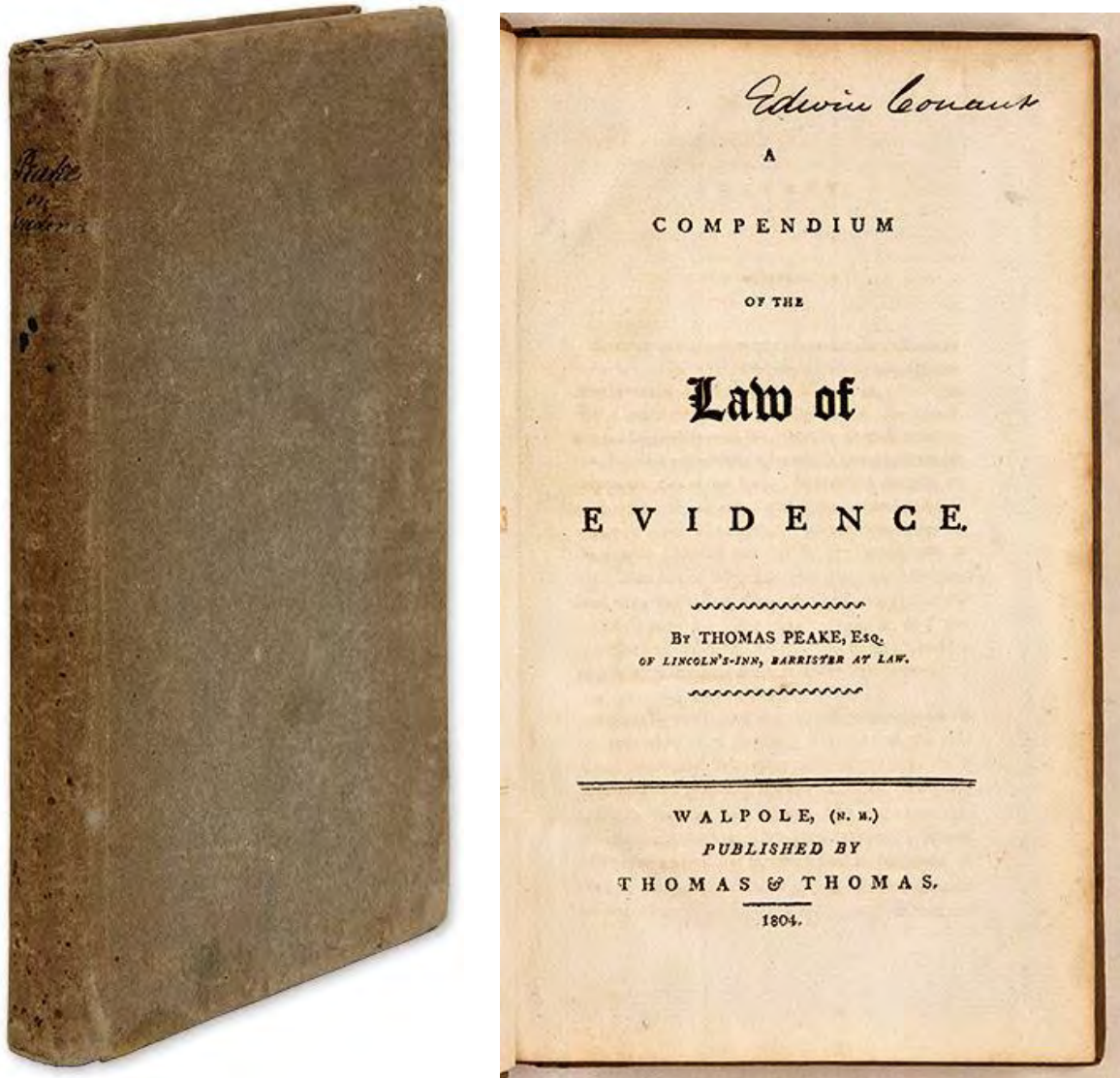
### 1788 Printing of Parker's *Conductor Generalis*

#### 19. Parker, James [1714-1770], Compiler.

*Conductor Generalis: Or, the Office, Duty and Authority of Justices of the Peace, High-Sheriffs, Under-Sheriffs, Coroners, Constables, Gaolers, Jury-Men, And Overseers of the Poor. As Also the Office of Clerks of Assize, and of the Peace, &c. To Which Are Added, Several Choice Maxims in Law, &c. Compiled Chiefly from Burn's Justice, and the Several Other Books on Those Subjects. The Whole Alphabetically Digested Under the Several Titles; With a Table Directing to the Ready Finding Out the Proper Matter Under Those Titles.* New York: Printed by John Patterson, for Robert Hodge, 1788. xvi, 539 pp. Octavo (7-1/2" x 4-1/2").

Contemporary sheep, lettering piece and raised bands to spine. Rubbing to extremities, light wear to spine ends, corners bumped and moderately worn, front joint starting at foot, front hinge starting, front free endpaper lacking, about an inch lacking from head of following endleaf, light toning to text. Early owner signature (of Luther Adams) to front endleaf, partially-erased signature to head of title page, interior otherwise clean. \$350.

\* A popular American legal manual issued by different printers and publishers based largely on Burn and other English sources. Part II contains (with caption titles only): The Office and Duty of Sheriffs; The Office of a Gaoler, and Concerning Escapes; The Office and Duty of the Clerk of Assize and Clerk of the Peace; A Guide to Juries; Of Maxims and General Rules, from Jacob's *Law Grammar*; Of Actions and Remedies; Of Fictions, Intendments, and Presumptions. Cohen, *Bibliography of Early American Law* 7959. [Order This Item](#)



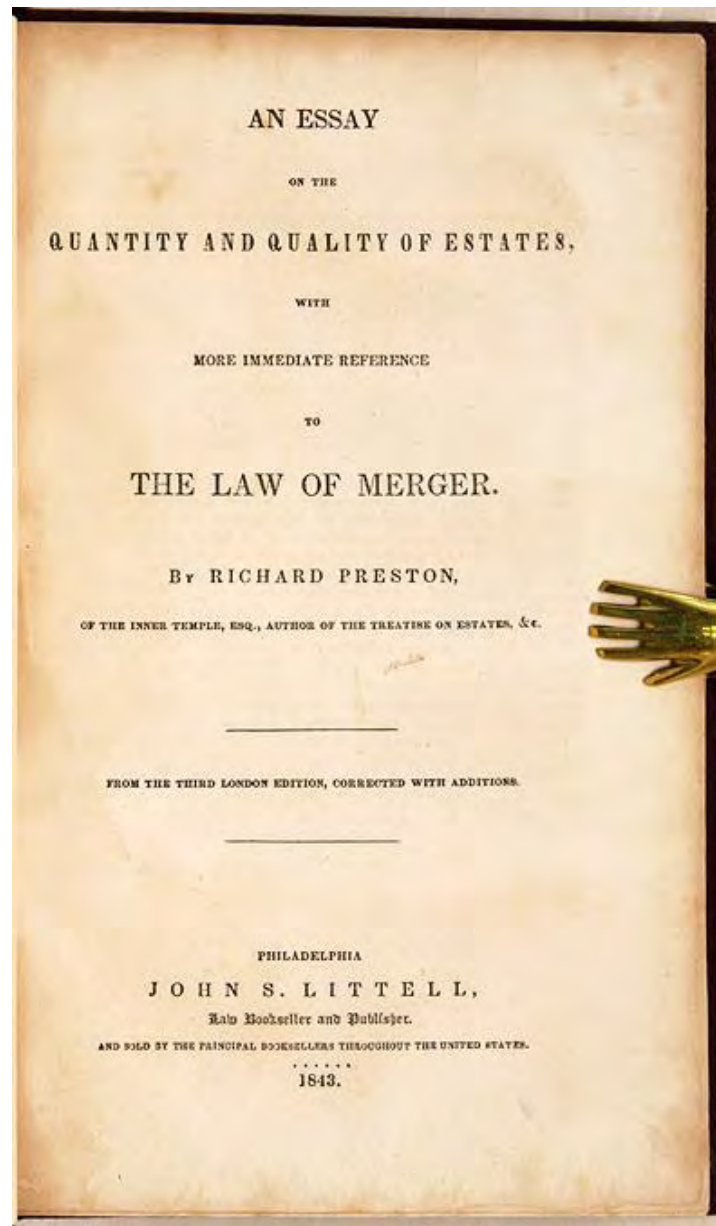
1804 Edition of a Standard Nineteenth-Century Evidence Treatise

20. Peake, Thomas [1771-1838].

*A Compendium of the Law of Evidence*. Walpole, NH: Published by Thomas & Thomas, 1804. xvi (i.e. xiv), 199 pp. Octavo (8-1/4" x 5").

Contemporary sheep covered in a contemporary blue paper book cover affixed to pastedowns, hand-lettered title to spine. Light rubbing and fading, early owner bookplate of William Lincoln to front pastedown, inscription of Edwin Conant to front free endpaper, another Conant signature to head of title page. Light browning to text, light foxing in a few places, crack in text block between front free endpaper and following endleaf. \$250.

\* Second American edition. First published in 1802, this was standard treatise in the first decades of the nineteenth century, both in England and America. Its final edition, the fifth, was published in 1822. Lincoln [1802-1843] and Conant [1810-1891] were lawyers in Worcester. Lincoln published a history of that city. In addition to practicing law, Conant was a prominent businessman and philanthropist. Cohen, *Bibliography of Early American Law* 5092. [Order This Item](#)



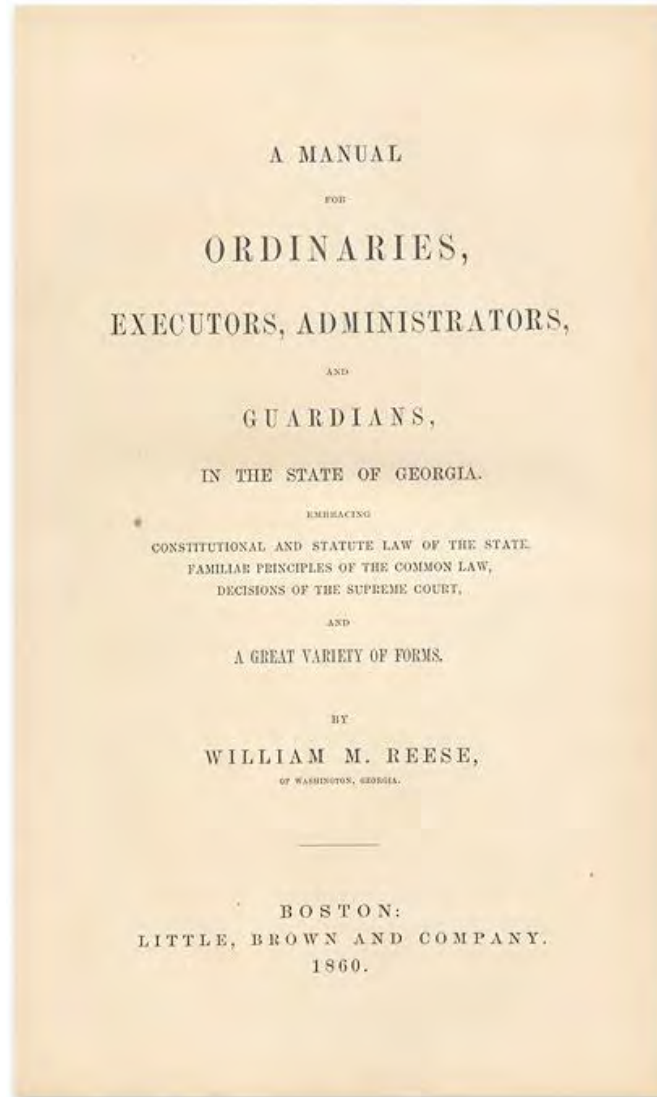
**A "Profound" Scholar of Estates and Real-Property**

**21. Preston, Richard [1768-1850].**

*An Essay on the Quantity and Quality of Estates, With More Immediate Reference to the Law of Merger.* Corrected with Additions. Philadelphia: John S. Littell, 1843. xiv, 244 pp. Octavo (9" x 5-1/4").

Recent cloth, lettering piece to spine, endpapers renewed. Occasional faint dampstaining, interior otherwise fresh. \$150.

\* First American edition, from the third volume of the third London edition of Preston's *A Treatise on Conveyancing* (1829), to which it is star-paged. A conveyancer and a member of the Inner Temple, Preston wrote several treatises on estates and real property. His "knowledge of the technique of real-property law was profound, and his works on conveyancing are masterpieces of patient research and lucid exposition." *Dictionary of National Biography* XVI:312. This book was Volume 42 of *The Law Library* (Oct./Dec. 1843). Cohen, *Bibliography of Early American Law* 9493. [Order This Item](#)



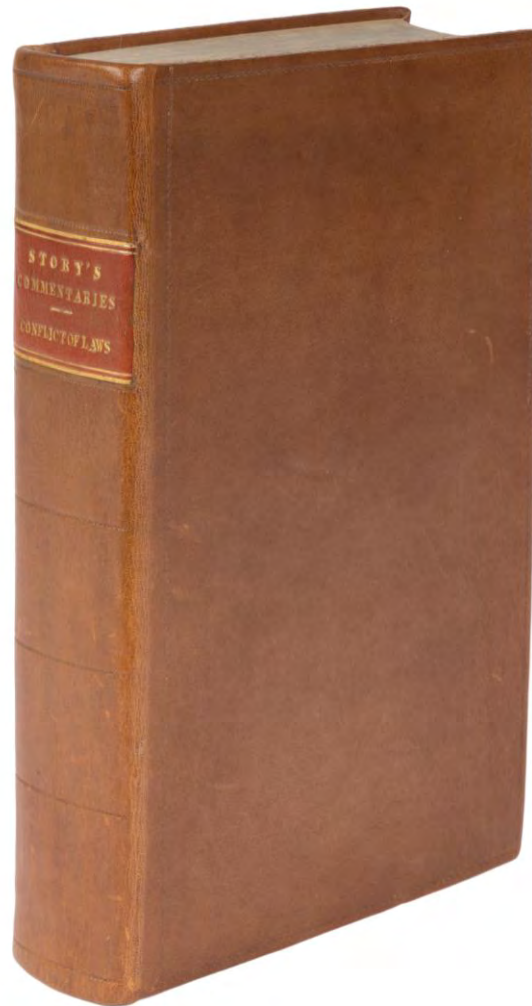
**Antebellum Georgia Treatise:  
Includes Sections on Slaves and "Negroes"**

**22. Reese, William M. [1818-1899].**

*A Manual for Ordinaries, Executors, Administrators, And Guardians, In the State of Georgia. Embracing the Constitutional and Statute Law of the State, Familiar Principles of the Common Law, Decisions of the Supreme Court, And a Great Variety of Forms.* Boston: Little, Brown and Company, 1860. 8, xix, 481 pp. Main text preceded by 8 pp. 1860 Little, Brown and Company catalogue with prices. Octavo (9" x 5-1/2").

Recent brown cloth, early red lettering piece with minor edgewear retained, endpapers renewed. Moderate toning to text, tiny chips to edges of a few leaves. \$450.

\* Second and final edition. This well-regarded work was popularly known as "Reese's Manual." Though it was used by lawyers, this handbook was intended for laymen. As one would expect, this treatise includes sections on slaves and "Negroes." It was first published in 1858. Both editions are uncommon outside of Georgia. Cohen, *Bibliography of Early American Law* 4652. [Order This Item](#)



**Handsomely Bound First Edition of One of Story's Most Important Treatises**

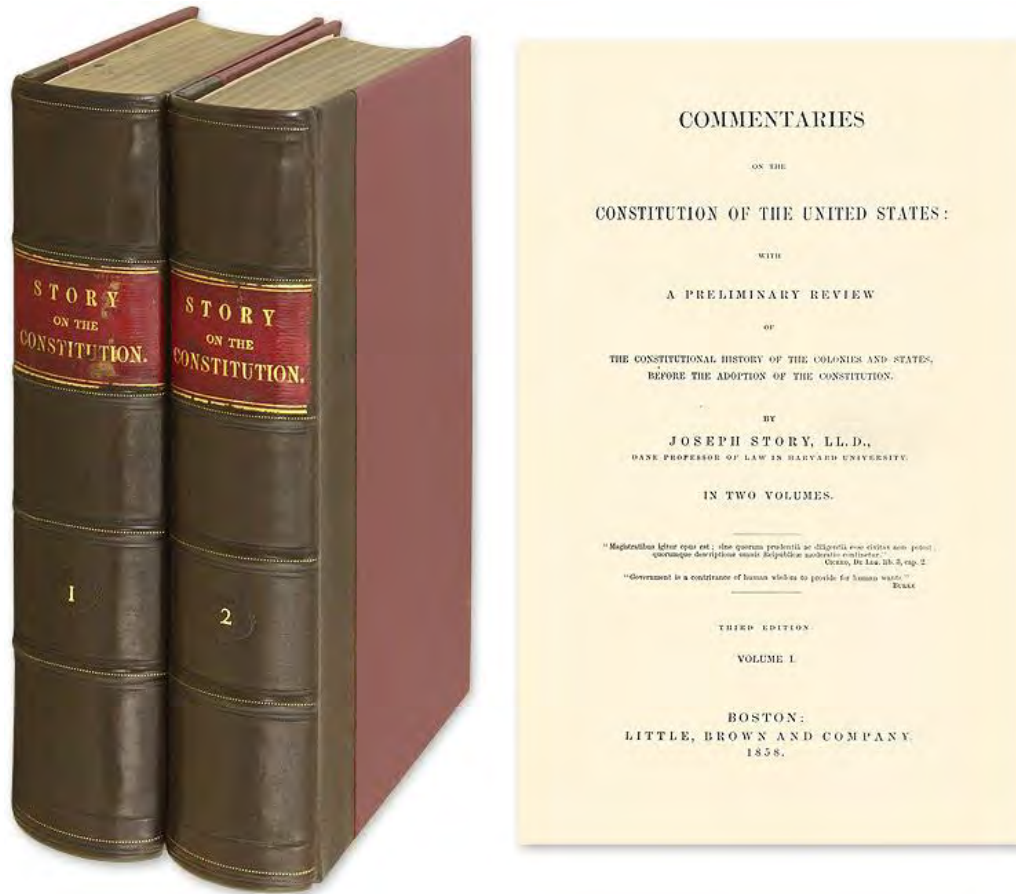
**23. Story, Joseph [1779-1845].**

*Commentaries on the Conflict of Laws, Foreign and Domestic, in Regard to Contracts, Rights, and Remedies, and Especially in Regard to Marriages, Divorces, Wills, Successions, and Judgments.* Boston: Hilliard, Gray and Company, 1834. xxv, [1], 557 pp. Octavo (8-1/2" x 5-1/2").

Superbly bound in period-style full calf, blind rules to boards, lettering piece and blind fillets to spine, original endpapers retained. Moderate toning to text, somewhat darker or browned in places, light foxing, faint, gradually diminishing dampstaining to margins of several leaves at beginning and end of text. A handsome copy. \$1,500.

\* First edition. Story's *Conflict of Laws*, the first systematic treatise on the subject, is one of his greatest and most influential works. Warren says: "It is not too much to say that its publication constituted an epoch in the law; for it became at once the standard and almost the sole authority...[it] received the honor of being practically the first American law book to be cited as authority in English courts." Expanding on this latter point Marvin quotes "a late English writer" who says that "no work on international jurisprudence merited, nor received, greater praise from the jurists of Europe. It impressed English lawyers with the highest respect for [Story's] extensive learning." Marvin, *Legal Bibliography* 471. Warren, *A History of the American Bar* 545. Cohen, *Bibliography of Early American Law* 2723. [Order This Item](#)





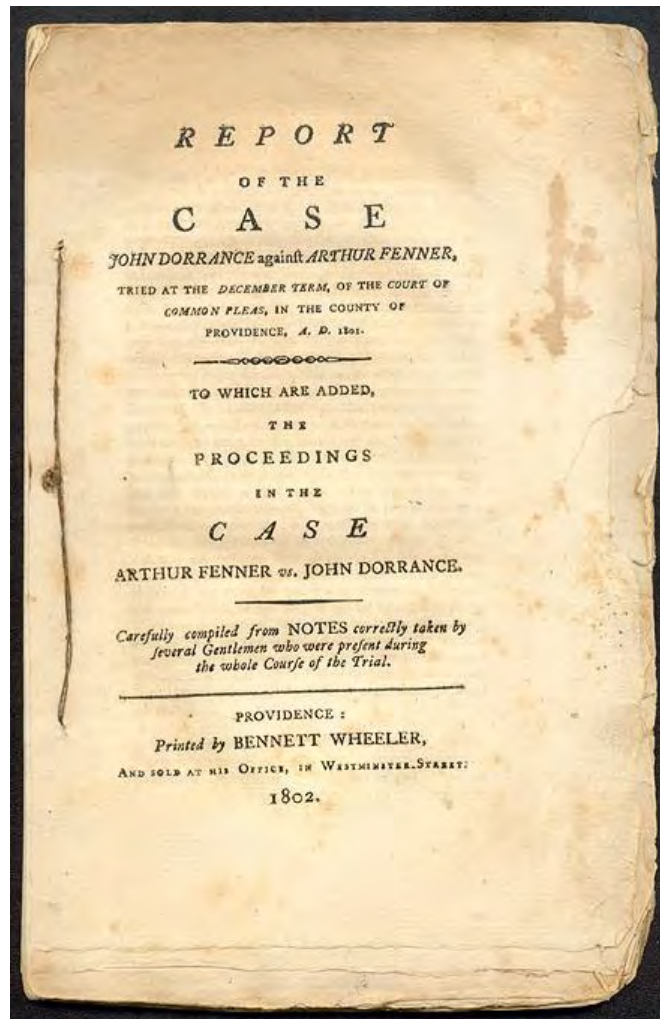
Attractive Third Edition of Story's *Commentaries on the Constitution*, The Last Edition Published Before the Civil War

24. Story, Joseph [1779-1845].  
[Bennett, E.H., Editor].

*Commentaries on the Constitution of the United States: With a Preliminary Review of the Constitutional History of the Colonies and States, Before the Adoption of the Constitution.* Boston: Little, Brown and Company, 1858. Two volumes. 8, xxxiii, [ii], 735; [ii], 702 pp. (Eight-page publisher catalogue at beginning of Volume I.) Octavo (9" x 5-1/2").

Recent period-style quarter calf over cloth, raised bands, retaining original red morocco lettering pieces, endpapers renewed. Light to moderate toning, negligible foxing to a few leaves, some offsetting to margins of Volume II title page, internally clean. A nice copy in a handsome binding. \$2,000.

\* Third edition. First published in 1833, this work is probably the most important work written on the American Constitution during the nineteenth century. Though overshadowed by Marshall on the U.S. Supreme Court, Story had no peer as a teacher or writer. Comparing the *Commentaries* to *The Federalist*, James Kent observed that Story's treatise was "written in the same free and liberal spirit, with equal exactness and soundness of doctrine, and with great beauty and eloquence of composition. Whoever seeks for a complete history and exposition of this branch of our jurisprudence, will have recourse to the above work, which is written with great candor, and characterized by extended research, and a careful examination of the vital principles upon which our government reposes" (cited in Marvin, *Legal Bibliography* 669-670). Cohen, *Bibliography of Early American Law* 2917. [Order This Item](#)



### Body Snatching in Rhode Island

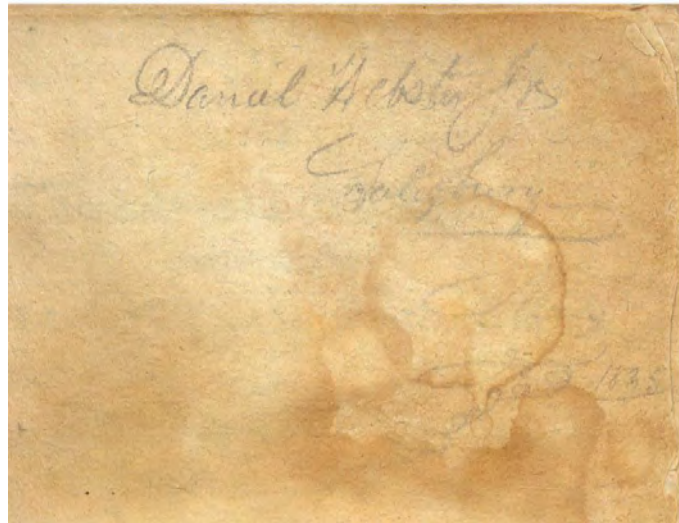
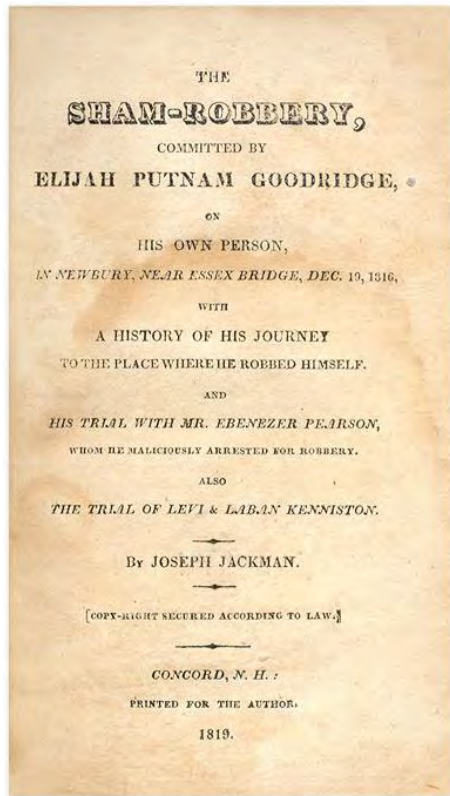
#### 25. [Trial].

#### Dorrance, John [1747-1813], Plaintiff.

*Report of the Case John Dorrance Against Arthur Fenner, Tried at the December Term, of the Court of Common Pleas, In the County of Providence, A.D. 1801. To Which are Added, The Proceedings of the Case of Arthur Fenner vs. John Dorrance, Carefully Compiled from Notes Correctly Taken by Several Gentlemen Who Were Present During the Whole Course of the Trial.* Providence: Printed by Bennett Wheeler, 1802. iv, 116 pp. Octavo (8" x 5").

Stab-stitched pamphlet, untrimmed edges. Moderate toning, foxing and faint stains to a few leaves, light soiling to exterior, internally clean. \$400.

\* First edition. A bizarre case involving a suit and counter suit between a justice of the Court of Common Pleas (Dorrance) and the Governor of Rhode Island (Fenner), who libeled Dorrance with a charge that he exchanged the body of a suicide left in his care to one Dr. Pardon Bowen for a one beaver hat, which Dorrance "had the impudence to wear... while... officiating as moderator of a town meeting." Dorrance and Fenner were obviously political rivals, and the trials resulted in two confusing verdicts, but the real interest here is the medical background, which recounts in great detail the measures taken by local medical doctors and their students to acquire corpses for classroom dissection. OCLC locates 11 copies in law libraries. Cohen, *Bibliography of Early American Law* 11968. [Order This Item](#)



Fletcher Webster's Copy of an  
Account of One of His Father's Famous Cases

26. [Trial].

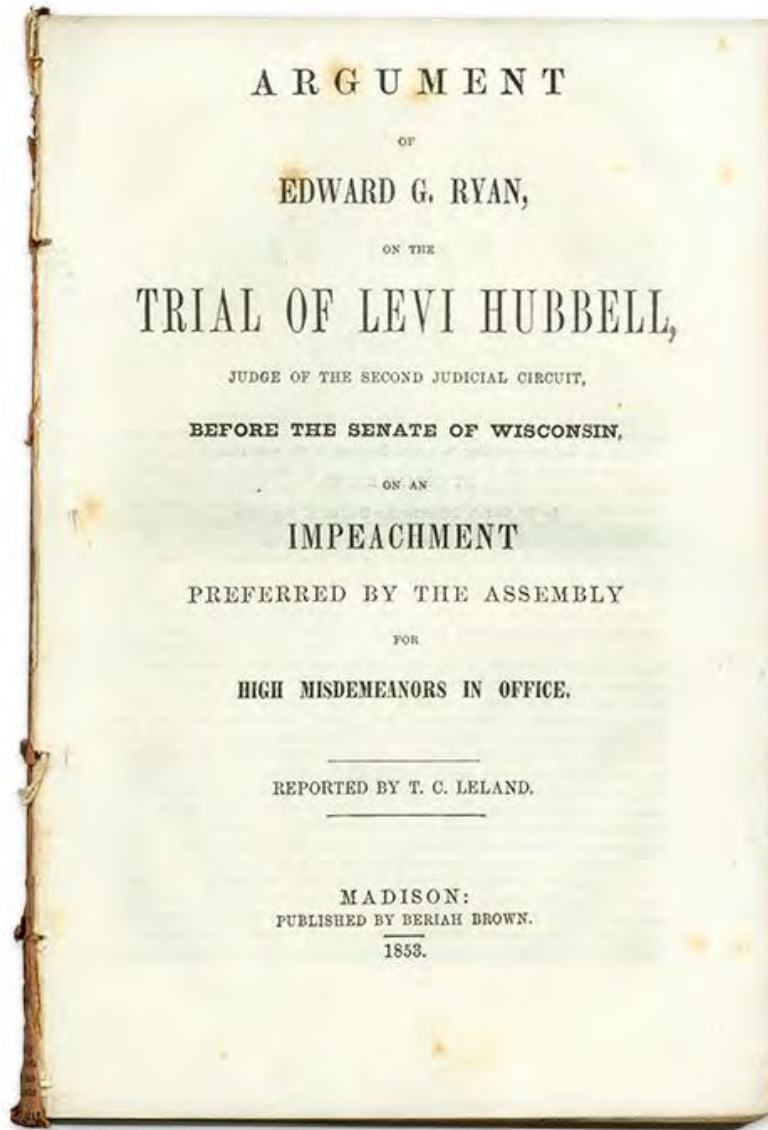
Jackman, Joseph.

Goodridge, Elijah Putnam [1787-1851], Defendant.

*The Sham-Robbery, Committed by Elijah Putnam Goodridge on His Own Person, in Newbury Near Essex Bridge, Dec. 19, 1816: With a History of His Journey to the Place Where he Robbed Himself: and His Trial with Mr. Ebenezer Pearson, Whom he Maliciously Arrested for Robbery: Also the Trial of Levi & Laban Kenniston.* Concord, NH: Printed for the Author, 1819. 151, [1] pp. 12mo (6-3/4" x 4-1/4").

Stab-stitched pamphlet in plain wrappers, untrimmed edges. Light soiling and a few minor stains, wrappers worn, but secure. Light browning to text, light foxing in a few places, faint dampstaining to a few leaves, "Daniel Webster, Jr" in pencil to front endleaf and recto of rear wrapper, "Polly Webster" to rear free endpaper. \$450.

\* Only edition. Full account of the several trials connected with this famous Massachusetts case, by one of the accused. Daniel Webster served as one of the defense attorneys shortly after his return to private practice following his two terms in Congress. The respected and well-connected Major Goodridge's accusation of robbery against the witless, low-life Kenniston brothers was supported by popular sentiment, until Webster began his defence, which meticulously unraveled the Major's story and succeeded in gaining the Kenniston's acquittal. The trial was an early landmark in Webster's legal career, and his final address to the jury, first printed here, is considered a classic of Webster's oratory. It was later anthologized. Daniel Fletcher Webster [1818-1862], known as Fletcher Webster, was Daniel Webster's eldest son. Chief Clerk of the U.S. State Department when his father was Secretary of State, he commanded the 12th Massachusetts Infantry during the Civil War. He was killed at the Second Battle of Bull Run. We are unsure of the identity of Polly Webster. Cohen, *Bibliography of Early American Law* 14017. [Order This Item](#)



**1853 Impeachment Trial of a Wisconsin Judge**

27. [Trial].

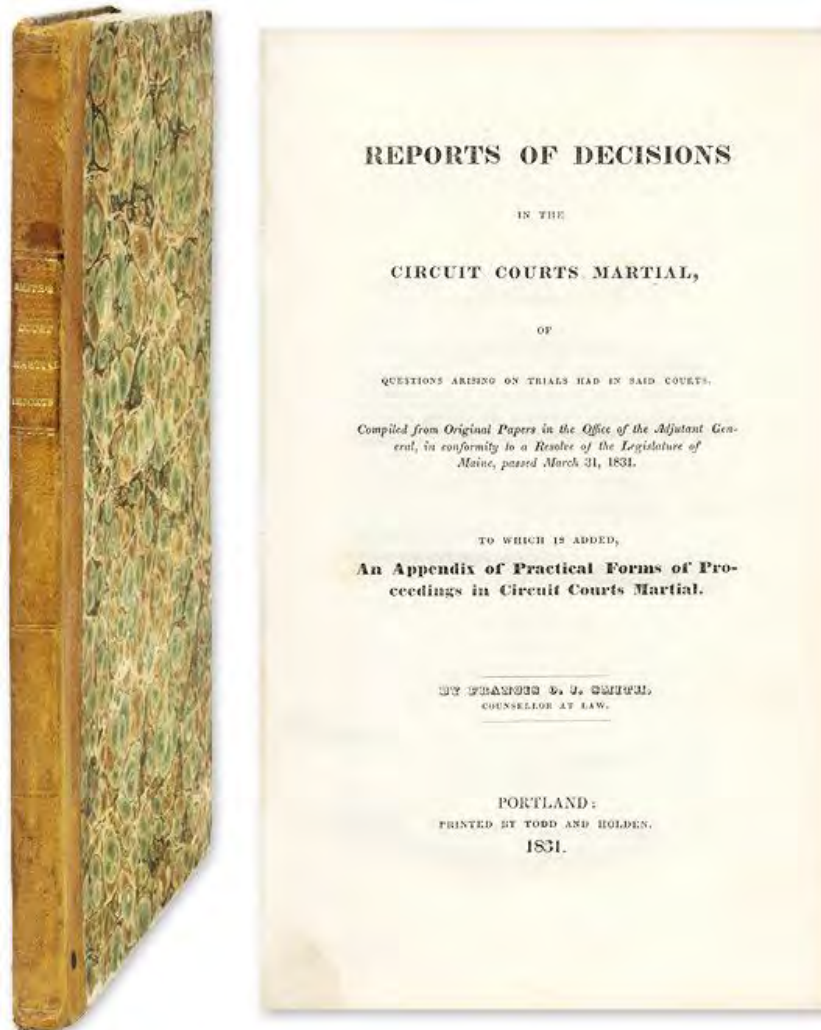
**Ryan, Edward G. [1810-1880].**

**Hubbell, Levi [1808-1876], Defendant.**

*Argument of Edward G. Ryan, On the Trial of Levi Hubbell, Judge of the Second Judicial Circuit, Before the Senate of Wisconsin, On an Impeachment Preferred by the Assembly for High Misdemeanors in Office.* Madison, [WI]: Published by Beriah Brown, 1853. 154 pp. Octavo (8-1/4" x 5-1/2").

Disbound stab-stitched pamphlet. Light soiling to exterior, light toning to text, light foxing to a few leaves. \$350.

\* Only edition. Judge Hubbell was charged with corruption while in office. His impeachment trial in the Wisconsin Senate resulted in an acquittal. Ryan was the prosecutor in the case. OCLC locates 11 copies, 2 in law libraries (Harvard, Library of Congress). Cohen, *Bibliography of Early American Law* 14491. [Order This Item](#)



### Notable Collection of Courts Martial

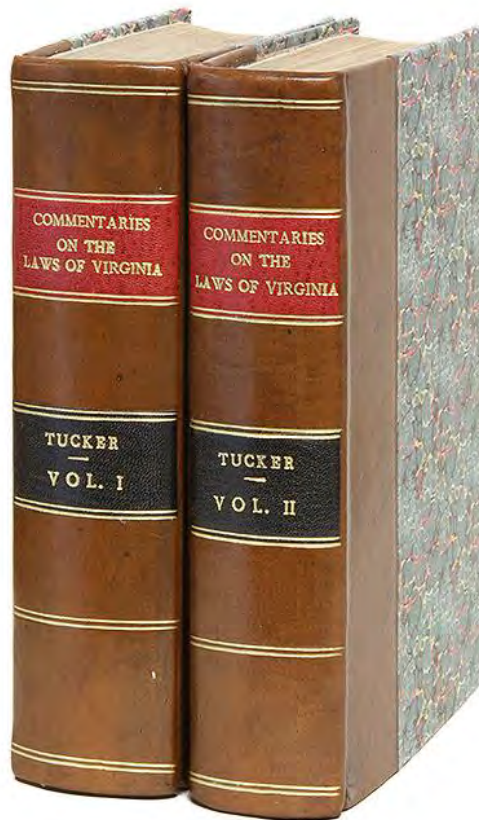
#### 28. [Trials].

**Smith, Francis O.J. [1806-1876], Reporter.**

*Reports of Decisions in the Circuit Courts Martial, Of Questions Arising on Trials had in Said Courts. Compiled from Original Papers in the Office of the Adjutant General, In Conformity to a Resolve of a Legislature of Maine, Passed March 31, 1831. To Which is Added, An Appendix of Practical Forms of Proceedings in Circuit Courts Martial.* Portland: Printed by Todd & Holden, 1831. [ii], 113 pp. Octavo (9" x 5-1/2").

Contemporary quarter sheep over marbled boards, blind fillets and lettering piece to spine. Light rubbing to extremities, corners bumped and lightly worn, bookplate to front pastedown indicating this was a copy for official use. Some toning to text, occasional light foxing. Early inscription to front free endpaper, interior otherwise clean. \$125.

\* Only edition. This reporter covers military jurisprudence in Maine from August, 1827 to June 1831. Smith practiced law in Portland and served in the U.S. Congress. He is remembered today as the business partner of Samuel F.B. Morse and later as his opponent in the telegraph litigation. Smith hoped that this carefully organized work, "the first of its kind ever published under any government," would promote uniformity in future military proceedings and case reports. Not in Wallace. Cohen, *Bibliography of Early American Law* 9027. [Order This Item](#)



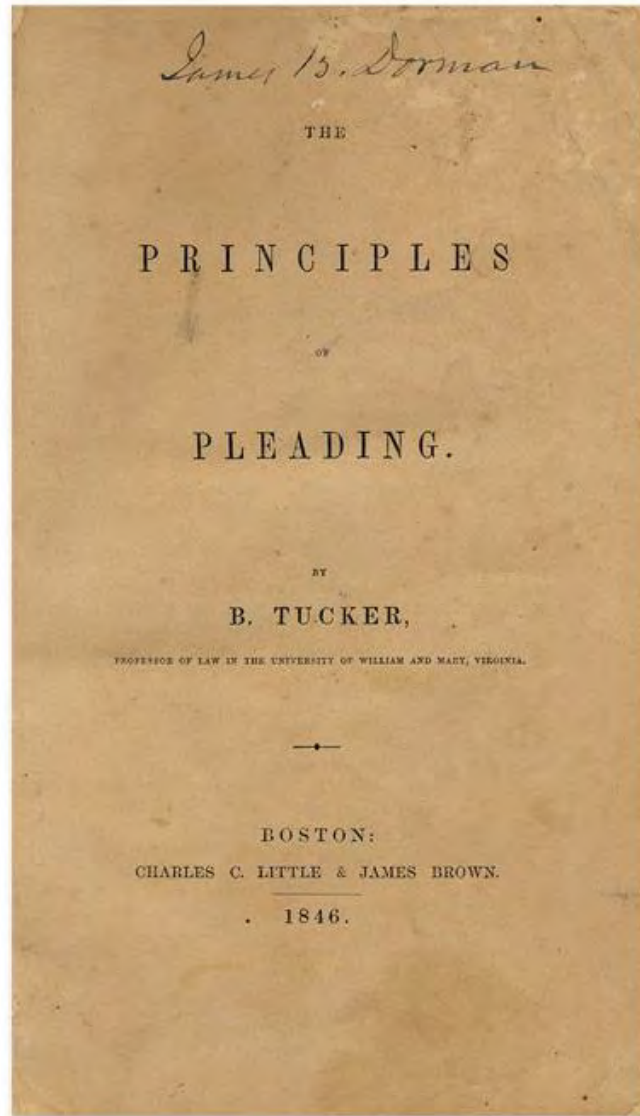
### A Virginia Peer to Kent and Story

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

*Commentaries on the Laws of Virginia, Comprising the Substance of a Course of Lectures Delivered to the Winchester Law School.* Winchester: Printed at the Office of the Republican for the Author, 1836-1837. Two volumes. xx, 9, 165, 458, 35; xxviii, 506, 34, 17 pp. Tipped-in errata slips noted in Bryson, but not in Cohen or Laeuchli, not present. Octavo (8-1/4" x 5-1/4").

Recent period style quarter calf over marbled boards, gilt fillets and lettering pieces to spines, endpapers renewed. Moderate toning to text, early annotations in pencil in places, chip to lower corner of pp. 335-226 of Volume II just touching text, faint later library stamps to title pages, library markings to versos. A handsome copy. \$850.

\* Second edition. Along with James Kent's *Commentaries on American Law* and Joseph Story's *Commentaries on the Constitution*, Tucker's two volume work established the standard for American treatise writing and helped to organize American law. The *Commentaries* served as the primary reference source for the bar of Virginia as well as for many in the rest of the country, and was considered the most valuable text for students and lawyers in much of the South until the Civil War. While modeled on Blackstone's *Commentaries*, Tucker's treatise is entirely original. In that way it is a much more impressive accomplishment than his father's edition of Blackstone. Tucker's *Commentaries on the Laws of Virginia* is based on his lectures at Winchester Law School, which he established in 1824. The first edition appeared in 1831, the third and final edition in 1846. It is possible that some copies of the second edition were not issued with errata sheets, presumably earlier copies. Bryson, *Bibliography Of Virginia Legal History Before 1900* 1167. Cohen, *Bibliography of Early American Law* 5427. Laeuchli, *A Bibliographical Catalog of William Blackstone* 518. [Order This Item](#)



**Treatise on Pleading by a Notable Virginian**

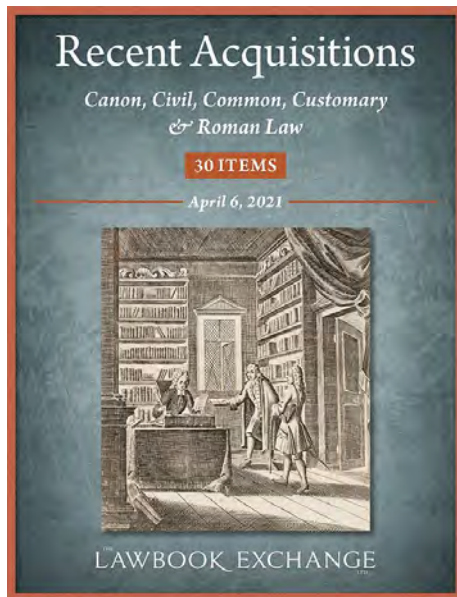
**30. Tucker, [Nathaniel] B[everley] [1784-1851].**

*The Principles of Pleading*. Boston: Charles C. Little & James Brown, 1846. v, 220 pp. Octavo (7-3/4" x 4-3/4").

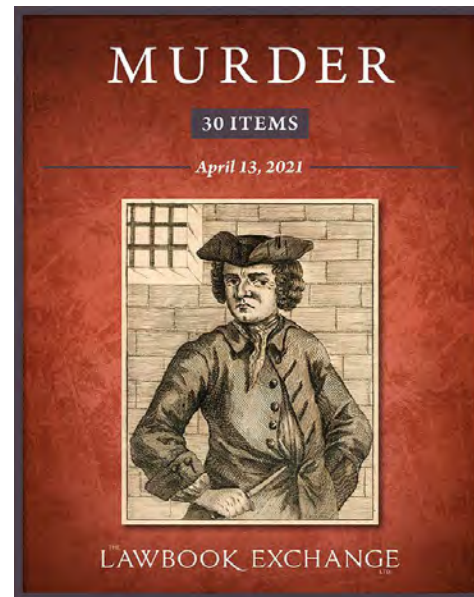
Contemporary quarter calf over pebbled cloth. Moderate rubbing to extremities with wear to corners, a few minor dampstains to boards, upper corner lacking from front pastedown and free endpaper. Moderate toning, light browning to sections of text. Early owner signature (James B. Dormain) to head of title page, notes in his hand to margins of a few leaves. \$300.

\* Only edition. The son of St. George Tucker and half-brother of John Randolph of Roanoke, Nathaniel Beverley Tucker studied and practiced law in Virginia from 1801 to 1815. He was a judge in the Circuit Court of Missouri from 1815 to 1830 and was professor of law at the College of William and Mary, his alma mater, from 1834 to 1851. He was also a notable essayist and novelist. Cohen, *Bibliography of Early American Law* 9276. [Order This Item](#)

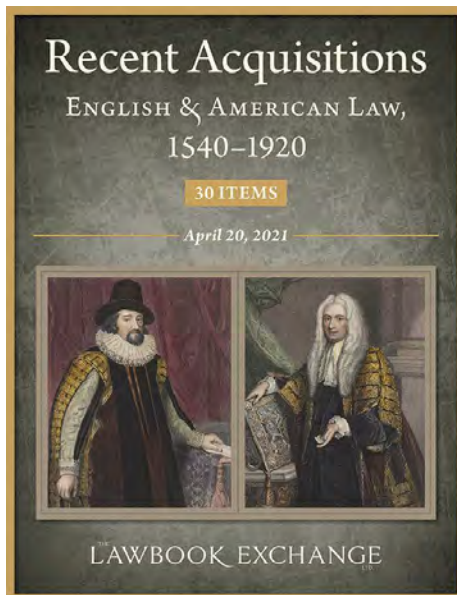
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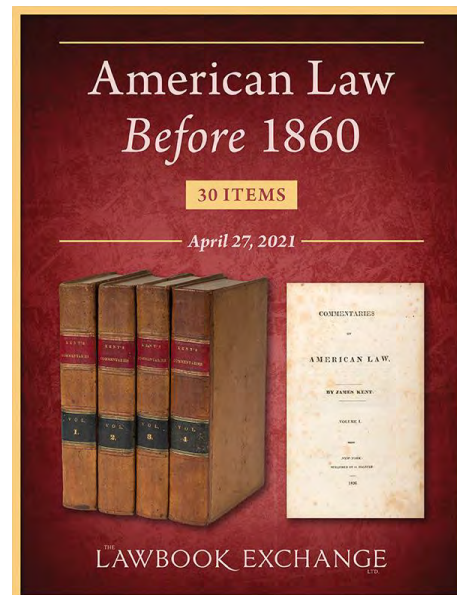
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