

AMERICAN SLAVERY AND THE LAW

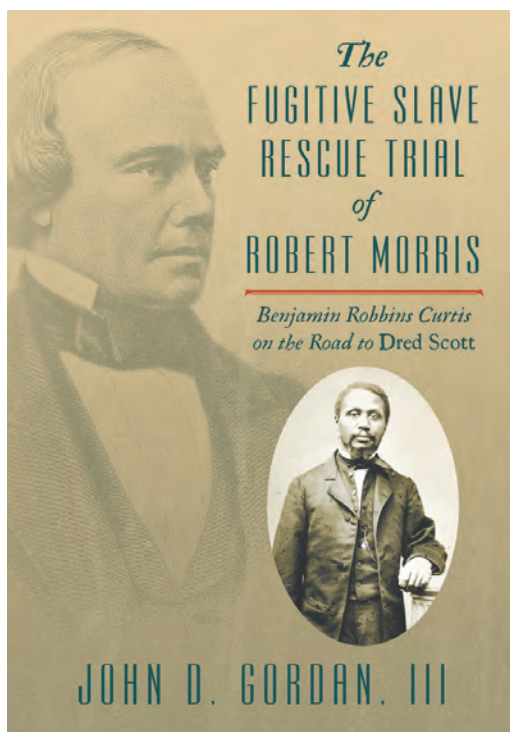
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Hardcover 2013
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John D. Gordan, III

The Fugitive Slave Rescue Trial of Robert Morris

Benjamin Robbins Curtis on the Road to Dred Scott

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

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

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

R. KENT NEWMYER
University of Connecticut School of Law

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

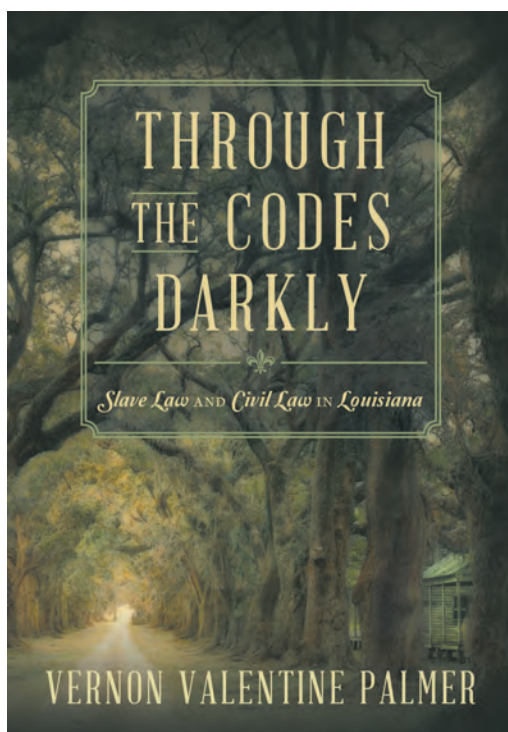
MAEVA MARCUS
The George Washington University Law School

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

CHRISTIAN G. FRITZ
University of New Mexico

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

Selected Titles



Hardcover 2012
ISBN 978-1-61619-311-9
\$69.95

Paperback 2013
ISBN 978-1-61619-326-3
\$49.95

Vernon Valentine Palmer

Through the Codes Darkly **Slave Law and Civil Law in Louisiana**

xvi, 196 pp.
Clark, New Jersey: The Lawbook Exchange, Ltd., 2012

A path-breaking and masterly study of Louisiana slave law, this fascinating study offers:

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

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

Lawrence N. Powell
Tulane University

Slavery remains a current social and political problem, and Vernon Palmer's brilliant work illuminates its history, showing its legal and social complexity through a study primarily of Louisiana, where slavery was included in the first civil codes. Beautifully written, humane and insightful, this monograph will promote reflection on the fascinating legal history of Louisiana as well as on the famous Tannenbaum thesis.

John W. Cairns, FRSE
University of Edinburgh

This elegantly written book will take a prime place among those that should be consulted on the institution of slavery and its lasting imprint on Louisiana. From the unique perspective of a jurist, Professor Palmer's important new book clarifies the subject of Louisiana slave law. Palmer's comprehensive English translation of colonial Louisiana's Code Noir of 1724 will be particularly useful to researchers. A practical feature is a timeline outlining the progression of slave law from colonial times through the end of slavery in Louisiana.

Georgia Chadwick
Law Library of Louisiana

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

Selected Titles

Paul Finkelman, Editor

Slavery, Race and the American Legal System 1700–1872

Originally published: New York: Garland Publishing, Inc., 1988
16 Vols. 8,118 pp.

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- III Abolitionists in Northern Courts: The Pamphlet Literature
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- V The African Slave Trade and American Courts: The Pamphlet Literature
- VI Free Blacks, Slaves, and Slaveowners in Civil and Criminal Courts: The Pamphlet Literature
- VII Statutes on Slavery: The Pamphlet Literature

With a New Preface
by Paul Finkelman for
this Reprint

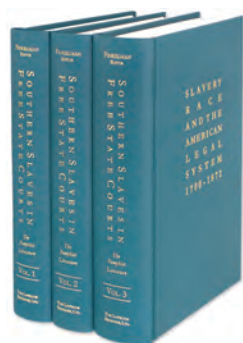
Hardcover 2007, 2013
ISBN 978-1-58477-812-7
Complete series \$1,195.



[The volumes in this series] belong in every library used for research, and in particular at all law school libraries. They will prove valuable to historians, lawyers, law teachers and students, and all persons interested in the problems of slavery and race in American experience.

William M. Wiecek, *American Journal of Legal History* 33 (1989) 187

Also Available Individually



Paul Finkelman, Editor

Southern Slaves in Free State Courts The Pamphlet Literature

Originally published: New York: Garland Publishing, Inc., 1988
1,704 pp.

3 Vols. Hardcover 2007, 2013
ISBN 978-1-58477-738-0
\$250.



Paul Finkelman, Editor

Fugitive Slaves and American Courts The Pamphlet Literature

Originally published: New York: Garland Publishing, Inc., 1988
2,428 pp. Illus.

4 Vols. Hardcover 2007, 2013
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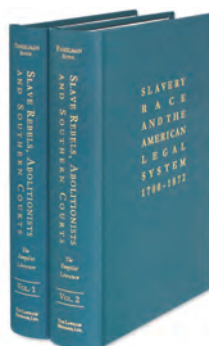


Paul Finkelman, Editor

Abolitionists in Northern Courts The Pamphlet Literature

Originally published: New York: Garland Publishing, Inc., 1988
[9], 524 pp.

Hardcover 2007, 2012
ISBN 978-1-58477-739-7
\$85.

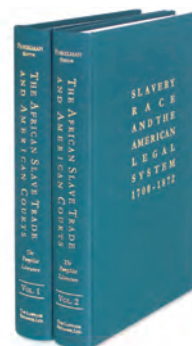


Paul Finkelman, Editor

Slave Rebels, Abolitionists, and Southern Courts The Pamphlet Literature

Originally published: New York: Garland Publishing, Inc., 1988
1,184 pp.

2 Vols. Hardcover 2007, 2013
ISBN 978-1-58477-744-1
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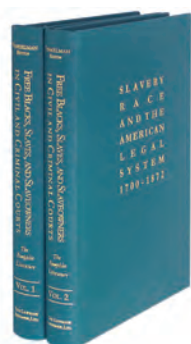


Paul Finkelman, Editor

The African Slave Trade and American Courts The Pamphlet Literature

Originally published: New York: Garland Publishing, Inc., 1988
832 pp.

2 Vols. Hardcover 2007, 2013
ISBN 978-1-58477-743-4
\$150.



Paul Finkelman, Editor

Free Blacks, Slaves, and Slaveowners in Civil and Criminal Courts The Pamphlet Literature

Originally published: New York: Garland Publishing, Inc., 1988
642 pp.

2 Vols. Hardcover 2007, 2013
ISBN 978-1-58477-742-7
\$150.



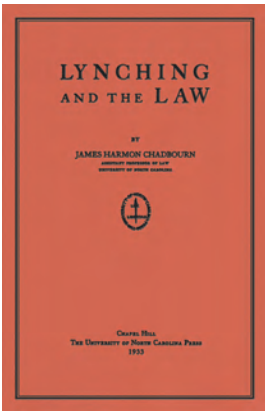
Paul Finkelman, Editor

Statutes on Slavery The Pamphlet Literature

Originally published: New York & London: Garland Publishing, Inc., 1988
2 Vols. 794 pp.

2 Vols. Hardcover 2007, 2013
ISBN 978-1-58477-741-0
\$150.

Paul Finkelman is a Senior Fellow at the Penn Program on Democracy, Citizenship, and Constitutionalism at the University of Pennsylvania and a Scholar-in-Residence at the National Constitution Center. He has published over 35 books and hundreds of scholarly articles.



James Harmon Chadbourn

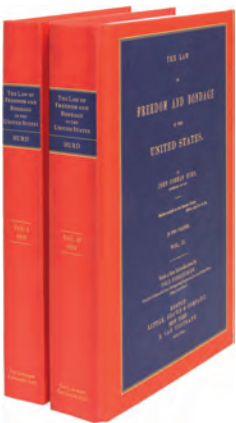
Lynching and the Law

Originally published: Chapel Hill: University of North Carolina Press, 1933
xiv (new introduction), xi, 221 pp.

Hardcover 2008
ISBN 978-1-58477-829-5
\$65.

This excellent monograph and the proposed statute have unusual significance in view of the present possibility of further state and national legislation dealing with this urgent problem.
H.C. Brearley, *Social Forces* 12 (1933-34) 610

This title was issued under the auspices of the Southern Commission on the Study of Lynching. A work of great authority because it was produced by Southern jurists, it was cited frequently in the 1932 Senate hearings on lynching. Its conclusions are based in part on a comprehensive survey of over 3,700 lynchings, mostly of African-Americans, between 1889 and 1932.



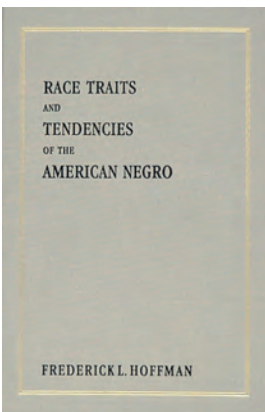
John Codman Hurd

The Law of Freedom and Bondage in the United States

Boston: Little, Brown, 1858
v (new introduction), xlvii, 617; xliii, 800 pp.

2 Vols.
Hardcover 2006
ISBN 978-1-58477-524-9
\$95.

According to the *Dictionary of American Biography*, this treatise "on the most exciting topic of the age has never been excelled" due to its "thorough research, exhaustive discussion and impartial treatment" (VI:423).



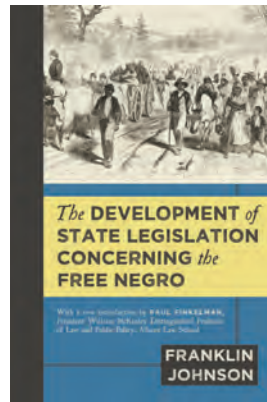
Frederick L. Hoffman

Race Traits and Tendencies of the American Negro

Originally published: New York: Published for the American Economic Association by the Macmillan Company, 1896 (Publications of the American Economic Association. Vol. XI. Nos. 1, 2 and 3. Pages 1-329. August, 1896.)
vii (new introduction), x, 329 pp.

Hardcover 2004
ISBN 978-1-58477-318-4
\$34.95

A fascinating study of the circumstances of African-Americans during the first thirty years from the emancipation of slavery in the United States. This analysis is divided into chapters that examine population factors, vital statistics, anthropometry, race amalgamation and social and economic conditions and tendencies. The author concludes that, as of 1896, the abolition of slavery did not demonstrably improve the plight of African-Americans in the United States. Hoffman was the statistician to the Prudential Insurance Company of America at the time of this publication, and as such collected vital and social statistics regarding African-Americans.



Franklin Johnson

The Development of State Legislation Concerning the Free Negro

Originally published: New York: Arbor Press, 1918
v (new introduction), vi, 207, [1] pp.

Hardcover 2007
ISBN 978-1-58477-751-9
\$19.95

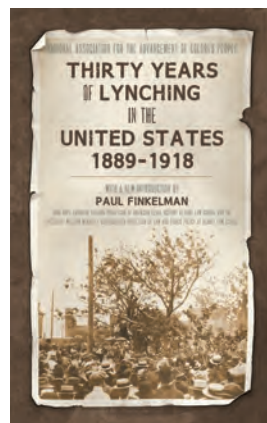
Paperback 2012
ISBN 978-1-61619-274-7
\$14.95

An Invaluable History of Segregation and Racism

Long out of print and difficult to locate today, this revised Columbia University doctoral thesis reviews all of the laws enacted by the United States and each individual state to 1917 relating specifically to African-Americans. Based on painstaking research, this is a valuable reference for students of civil rights and African-American legal history.

The Development of State Legislation Concerning the Free Negro is an odd but very important and extremely useful book. Written nearly a century ago, it is an example of the best of the Ph.D. dissertations of the first generation of doctoral students in the social sciences. It lacks any great theoretical framework or much analysis, but it is chock full of information, facts, tables, and excerpts from laws. It is also useful because many of the laws set out in this volume are not easily found otherwise. Despite the massive growth of material on the internet or in machine readable form, early laws are still hard to locate. Anyone interested in the history of segregation and racism will find Johnson's pioneering work invaluable.

Paul Finkelman, Introduction iii



National Association For The Advancement of Colored People

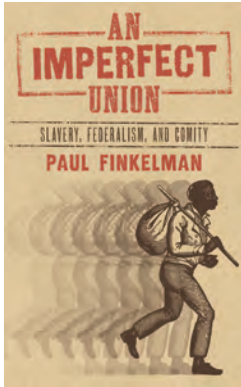
Thirty Years of Lynching in the United States 1889-1918

Originally published: New York: National Association for the Advancement of Colored People, National Office, 1919.
viii (iii-viii new Introduction), 105 pp. Ill., maps.

Hardcover 2010
ISBN 978-1-58477-965-0
\$39.95

The seminal 1919 NAACP study undertaken to promote awareness of the scope of lynching in the U.S., with a new introduction by the noted slavery historian, Paul Finkelman. The data in this study offer the gruesome facts by number, year, state, color, sex, offense (in total 3,224 of which 2,522 were negroes and 702 were white), and include a chronological list by state giving the victim's name, place, and offense for the years 1889-1918. Paul Finkelman's introduction puts these horrific figures into perspective. For instance, he points out that "Many blacks were lynched because they had allegedly committed murders. However, many of these 'murderers' were never tried and the evidence against them was speculative at best. But other blacks were lynched for no apparent reason, or for some minor transgression of social and racial rules-as understood by whites-such as 'inflammatory language,' 'insulting remarks to a white woman,' 'being disreputable,' or just 'race prejudice.' This last cause-racial prejudice-was indeed at the root of almost all lynchings of African-Americans." CONTENTS Summation of the Facts Disclosed in Tables The Story of One Hundred Lynchings Appendix I-Analyses of Number of Persons Lynched Appendix II-Chronological List of Persons Lynched in United States, 1889 to 1918, Inclusive, Arranged by State.

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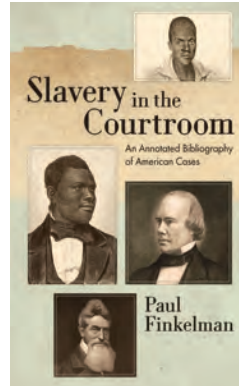
Hardcover 2000, 2013
ISBN 978-1-58477-092-3
\$49.95

Paul Finkelman

An Imperfect Union Slavery, Federalism and Comity

Originally published: Chapel Hill: The University of North Carolina Press, 1981. xii, 378 pp.

Finkelman describes the judicial turmoil that ensued when slaves were taken into free states, and the resultant issues of the conflict of laws, comity and cooperation between the states, their Constitutional obligations, and the threat of the nationalization of slavery.



Hardcover 1998
ISBN 978-1-886363-48-9
\$49.95

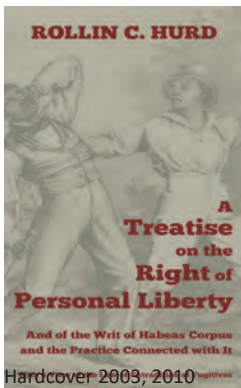
Paperback 2020
ISBN 978-1-61619-643-1
\$39.95

Paul Finkelman

Slavery in the Courtroom An Annotated Bibliography of American Cases

Originally published: Washington: Library of Congress, 1985. Illustrated. xxvii, 312 pp.

Slavery in the Courtroom was first published in 1985 and the following year received the Joseph A. Andrews Award from the American Association of Law Libraries. The book provides a detailed discussion and analysis of the pamphlet materials on the law of slavery published in the United States and Great Britain. It also provides readers with easy access to an understanding of most of the important American and British cases on slavery, including *Somerset v. Stewart* (Eng., 1772), *The United States v. Amistad* (U.S., 1841), and *Dred Scott v. Sanford* (U.S., 1857).



Hardcover 2003, 2010
ISBN 978-1-58477-322-1
\$29.95

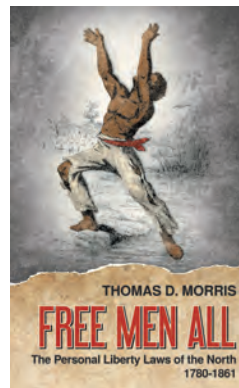
Paperback 2010
ISBN 978-1-61619-091-0
\$19.95

Rollin C. Hurd

A Treatise on the Right of Personal Liberty And of the Writ of Habeas Corpus and the Practice Connected with It, With a View of the Law of Extradition of Fugitives

Originally published: Albany: W.C. Little & Co., 1858. xxvii, 677 pp.

Reprint of the first edition. Published a year before John Brown's raid and three years before the outbreak of the Civil War, this was the first book-length work to treat the status of slaves at length. As such, it is a landmark work in the bibliography of American civil liberties. Hurd [1815-1874] reviews the statutes concerning fugitive slaves and their extradition, analyzes the Fugitive Slave Act of 1850 and discusses the application of habeas corpus to slave issues.



Hardcover 2001, 2010
ISBN 978-1-58477-107-4
\$49.95

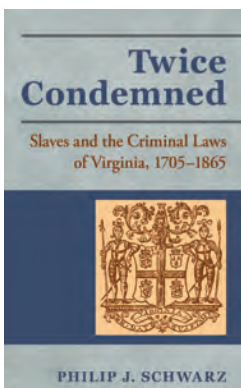
Paperback 2010
ISBN 978-1-61619-097-2
\$39.95

Thomas D. Morris

Free Men All The Personal Liberty Laws of the North 1780-1861

Originally published: Baltimore: The Johns Hopkins University Press, 1974. xii, 253 pp.

The Personal Liberty Laws reflected the social and ethical commitment to abolition and as such were among the bricks that laid the foundation for the Fourteenth Amendment. Morris examines those statutes as enacted in five representative states, Pennsylvania, New York, Massachusetts, Ohio and Wisconsin, and argues that these laws were an alternative to the violence allowed by the southern slave codes and the extreme anti-slavery viewpoints of the north.



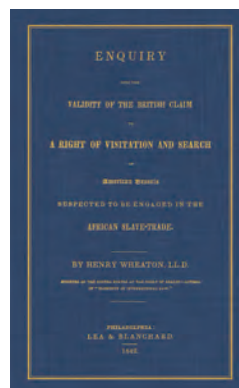
Hardcover 1998
ISBN 978-1-886363-54-0
\$49.95

Philip J. Schwarz

Twice Condemned Slaves and the Criminal Laws of Virginia, 1705-1865

Originally published: [Baton Rouge: Louisiana State University Press]. [1988]. xvi, 354 pp.

Analyzes the history of enslaved African Americans' relationship with the criminal courts of the Old Dominion during a 160 year period. Before this book was first published in 1988, historians often focused primarily on isolated or dramatic examples of the sometimes deadly conflict present in societies based on slave labor. But *Twice Condemned* analyzes the prevalence, longevity, and variety of behavior attributed to slave convicts. Schwarz' study is based on over 4000 trials from the colonial, early national, and antebellum periods. He traces the manner in which slaves' and whites' conflicting perceptions of legitimate behavior informed their actions.



Hardcover 2004
ISBN 978-1-58477-407-5
\$29.95

Henry Wheaton

Enquiry Into the Validity of the British Claim to a Right of Visitation and Search of American Vessels Suspected to be Engaged in the African Slave-Trade

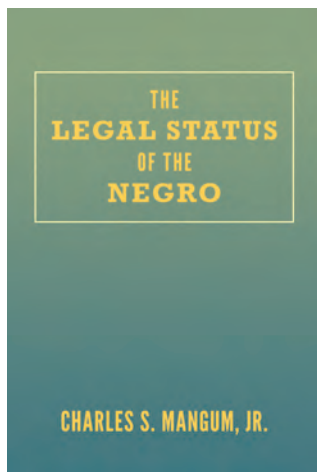
Originally published: Philadelphia: Lea & Blanchard, 1842. 151 pp.

Reprint of the first edition. Wheaton [1785-1848] was a distinguished attorney and diplomat. His *Elements of International Law* (1836) established him as America's foremost authority on that subject. Published simultaneously in the United States and Great Britain, *Enquiry* criticizes Britain's seizure of American vessels engaged in the Atlantic slave trade. Although the importation of slaves was prohibited by law at this time, Wheaton rejected the right of other nations to enforce this American law. Instead of serving the United States, he reasons, such actions are a violation of its sovereignty.

Selected Titles

"It is the first comprehensive collection of legal materials in its field."

Julius J. Marke, *A Catalogue of the Law Collection of New York University* (1953)



Charles Mangum

The Legal Status of the Negro

Originally published: Chapel Hill: The University of North Carolina Press, 1940

viii, [iv], 436 pp.

"An enormous compendium of cases, it is a product of sound and painstaking scholarship, brilliant in design, thorough in execution, and deft in style."

Jerome H. Springarn, *Columbia Law Review* (1940) 40:1118. 334

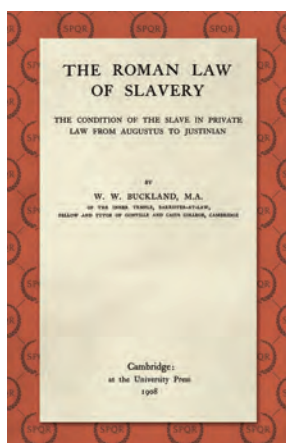
The first comprehensive treatise on the legal status of the African-American as interpreted by United States courts in cases involving civil rights and citizenship. Some of the topics examined in this work are land ownership, involuntary servitude, segregation, failure to provide accommodations in charitable and penal institutions, interracial marriage, illegitimate offspring and adoption, as well as consideration of such factors as mob domination at trials of African-Americans, race discrimination in jury selection, racial prejudice of jurors, the voting franchise during reconstruction and its aftermath and attempts to keep African-Americans away from the polls. While lacking a table of cases per se, the treatise is well-annotated with citations to relevant cases, and includes a bibliography and index.

Hardcover 2000, 2013
ISBN 978-1-58477-081-7
\$39.95

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ISBN 978-1-61619-401-7
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Related Titles

Slavery in Ancient Rome



W.W. Buckland

The Roman Law of Slavery

The Condition of the Slave in Private Law from Augustus to Justinian

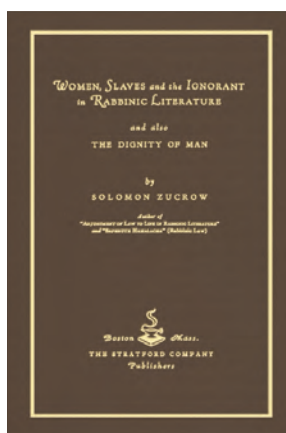
Originally published: Cambridge: Cambridge University Press, 1908

xii, [2], 735 pp.

A systematic and scholarly description of the principles of the Roman law regarding slavery. "So great is the care, skill and accuracy with which his object has been carried out we think it will be long before any other writer either at home or abroad attempts to produce a rival work on this branch of law." Marke, *Catalogue of the Law Collection of New York University* (1953) 126. With appendices and a thorough index.

Hardcover 2001
ISBN 978-1-58477-068-8
\$39.95

With a Chapter on the Legal Status of Slaves



Solomon Zucrow

Women, Slaves and the Ignorant in Rabbinic Literature

And Also The Dignity of Man

Originally published: Boston: The Stratford Company Publishers, [1932]

ix, 253 pp. Frontispiece.

Reprint of the sole edition. A view of the legal status of women in Rabbinic literature in the following periods: pre-Biblical, Biblical, Talmudical and post-Talmudical periods.

Contents: Part I: The Legal Status of Woman Among the Jews. Part II: The Legal Status of the Slave Among the Jews. Part III: I: The Attitude of the Rabbis Towards the Am-Haaretz. II: The Dignity of Man.

Hardcover 2008
ISBN 978-1-58477-883-7
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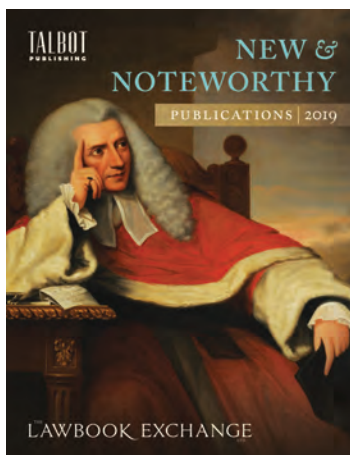
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