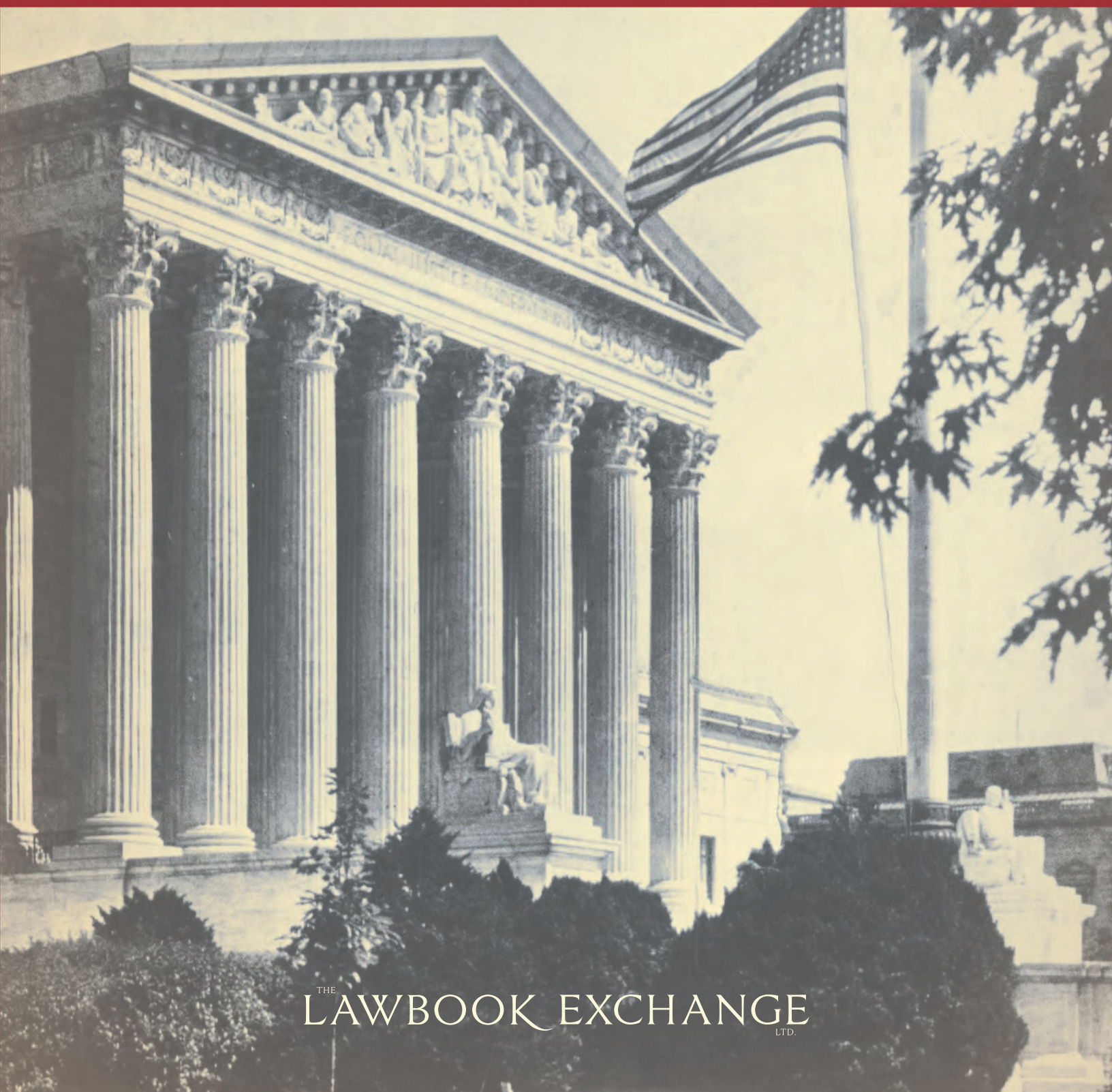


# AMERICAN LAW 1735–1987

BOOKS, MANUSCRIPTS, PAMPHLETS, ARTWORK & EPHEMERA



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# AMERICAN LAW 1735–1987

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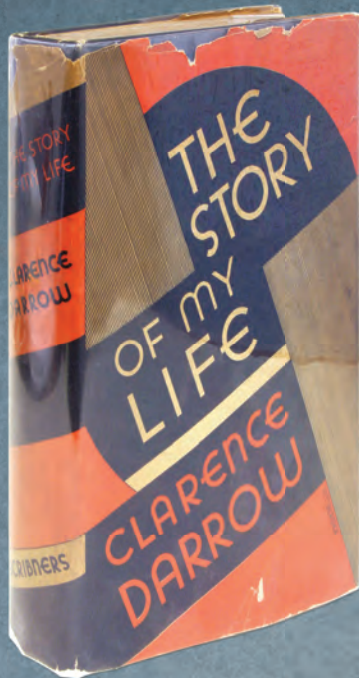
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 HOTEL FENWAY  
 BOSTON, MASSACHUSETTS

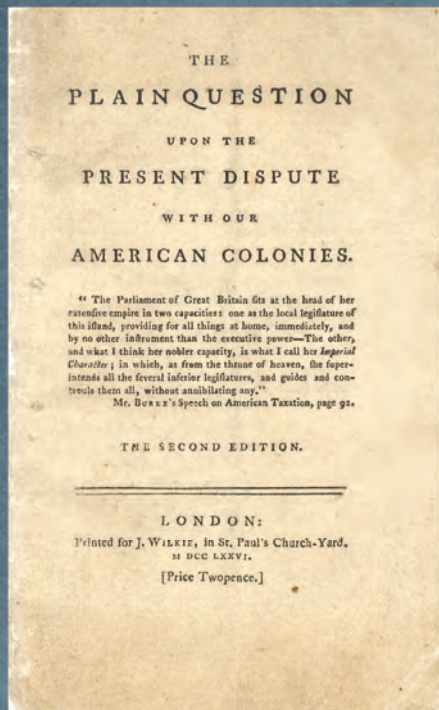
My dear Black - Feb. 26  
 Thank you very much for your letter. I am glad you are making the investigation. I am convinced that both propositions you are examining would stand the test of law, assuming that they ever reached the courts. Of course you and I both know that it would be easier to win on them now than it would have been a few years ago. I can well imagine no argument against it. The only thing that could be said is that ~~the~~ it is an effort to do something indirectly that can't be done directly but that is not a valid objection. It seems to me that essentially every point has been passed upon.  
 I would be delighted to have you with us, if you care to say so you can say that the idea was suggested by me in a conversation at my home, or anything you please. I shall always remember the living you spent at our home. I shall be here ten days, at least. With kind regards always  
 Your friend Clarence Darrow

Nº 47

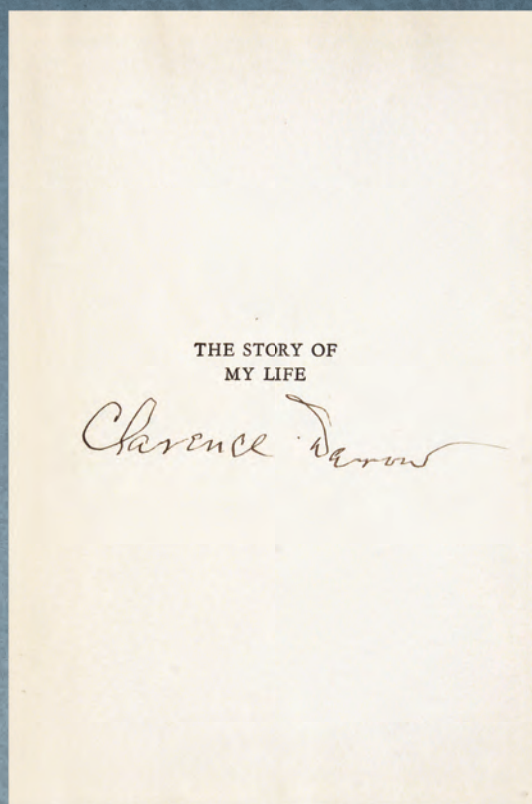


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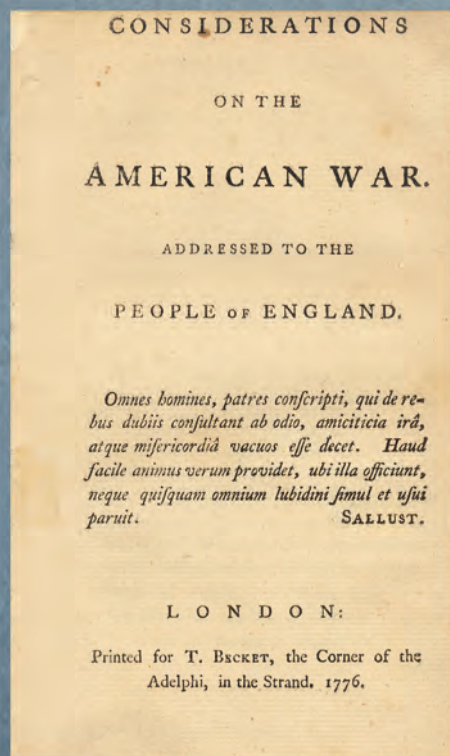
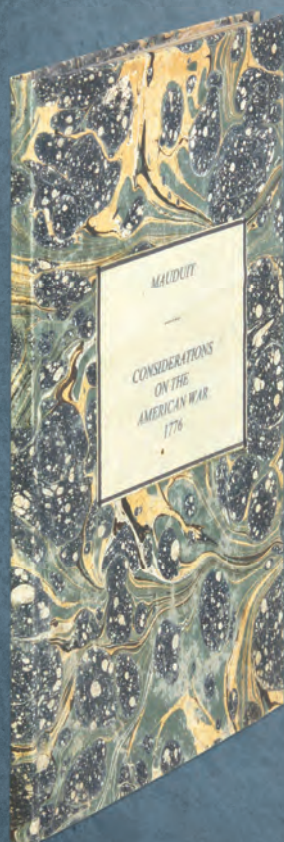




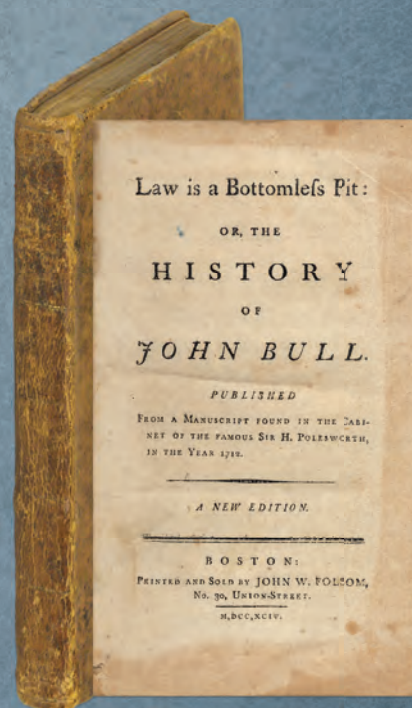
N° 2



N°51



N° 105



N°4



FIRST BOSTON EDITION OF ADAMS'S  
DEFENCE OF THE CONSTITUTIONS

1 ADAMS, JOHN [1735–1826].

***A Defence of the Constitutions of Government of the United States of America.***

London, Printed; Boston: Re-Printed and Sold by Edmund Freeman, 1788. xxx, 317 pp. 12mo (6-1/2" x 4").

Recent period-style calf, blind rules and corner fleurons to boards, raised bands and existing lettering piece to spine. Moderate toning to text, somewhat heavier in places, faint dampstaining and ink smudges to a few leaves, section of fore-edge of leaf T4 (pp. 193–194) lacking with loss to text, facsimile leaves laid-in. Early owner signature (David Shepherd/Dedham) to front endleaf, interior otherwise clean. A handsome copy. \$3,500.

FIRST BOSTON EDITION. With six-page subscriber list that includes John Hancock, Levi Lincoln, Theophilus Parsons, Theodore Sedgwick and other distinguished New Englanders. Adams intended the *Defence* to be a one-volume work. He added two more volumes in 1787 and 1788 to offer more examples and address issues raised by critics. The first volume, reprinted from the London edition, was reprinted in New York and Philadelphia in 1787 and Boston in 1788. OCLC locates 4 copies of the 1788 Boston edition in North American law libraries (Harvard, Library of Congress, Social Law, University of Maine). Cohen 2734. Sabin 233n.

A POINT-BY-POINT REBUTTAL OF CLAIMS  
MADE IN THE DECLARATION OF INDEPENDENCE

2 [AMERICAN REVOLUTION].

***The Plain Question Upon the Present Dispute with Our American Colonies.***

London: Printed for J. Wilkie, 1776. 24 pp. 12mo. (7" x 4").

Stab-stitched pamphlet in plain wrappers, untrimmed edges. Light soiling to exterior, moderate toning to text, light foxing to a few leaves. A well-preserved copy of a rare title. \$1,250.

SECOND EDITION. An interesting pamphlet that disputes the reasons for revolution advanced by the Continental Congress. A fascinating document, it is practically a point-by-point rebuttal of the claims put forth in the Declaration of Independence, which the anonymous author may have read. Designated the second edition, this is one of seven issues, all with identical content and printed in 1776. Four were published in London, one in Nottingham, one in Dublin and one in Scotland, probably Edinburgh. All of these are rare, with few holdings in North America. OCLC locates 7 copies of all editions in North America, 2 of the second (at Columbia and the University of Michigan). The ESTC adds the Buffalo and Erie County Public Library and the Historical Society of Pennsylvania. Sabin 63225. ESTC T143235. "

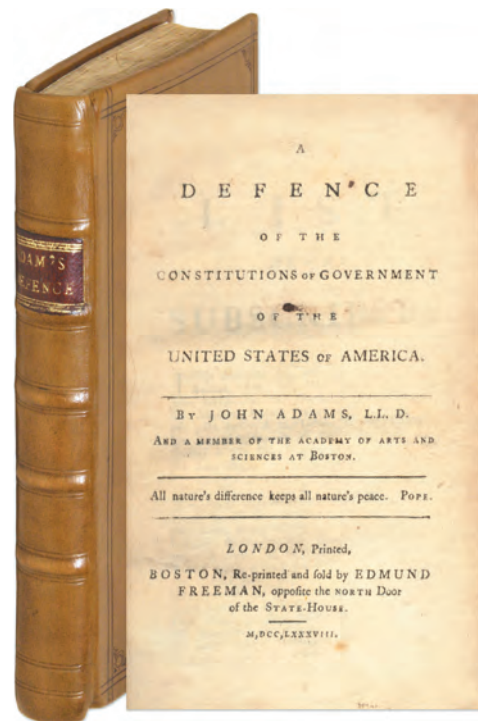
AN 1850 HANDBOOK FOR ASPIRING LAWYERS

3 ANTHON, JOHN [1784–1863].

***The Law Student, Or Guides to the Study of the Law in Its Principles.***

New York: D. Appleton & Company, 1850. [ii], [3]–384 pp. Includes two-page publisher's catalogue of "Important New Law Books." Octavo (9-1/2" x 6").

Contemporary sheep, blind fillets to boards, raised bands and lettering piece to spine. Moderate rubbing, boards slightly bowed,



Nº 1

minor worming to front joint, foot of spine bumped. Moderate toning to text, light foxing in a few places. Early owner signatures, of Benjamin Waterhouse, dated Trenton, 1877, to endleaves, interior otherwise clean. A nice copy. \$500.

ONLY EDITION. Anthon was a lawyer in New York and the author of several widely used treatises, including *American Precedents of Declarations* (1802), *The Law of Nisi Prius* (1809) and *An Analytical Abridgment of the Commentaries of Sir William Blackstone* (1809), an introductory "nutshell" for students. Cohen 8583.

A BOTTOMLESS PIT

4 [ARBUTHNOT, JOHN (1667–1735)].  
[SWIFT, JONATHAN (1667–1745)].

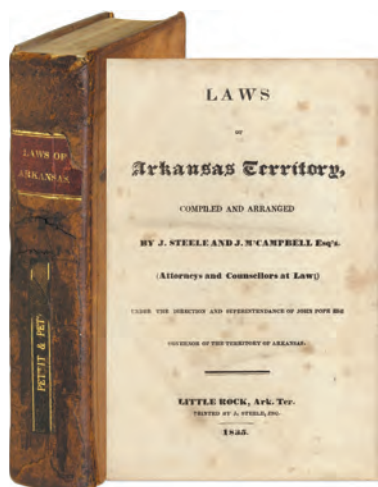
***Law is a Bottomless Pit: Or, The History of John Bull. Published from a Manuscript Found in the Cabinet of the Famous Sir H. Polesworth, In the year 1712. A New Edition.***

Boston: Printed and Sold by John W. Folsom, 1794. x, [1] 12–228 pp. Final page is a publisher advertisement. 12mo. (6-1/2" x 4").

Contemporary sheep, gilt fillets to spine. Rubbed, light scratches to boards, corners bumped, hinges cracked but secure. Offsetting to margins of endleaves, which have some edgewear. Light browning to text, occasional light foxing, faint dampstaining to a few leaves. Early owner signature (of Peter Thurston, 1800) to front free endpaper, interior otherwise clean. \$750.

ONLY AMERICAN EDITION. Originally published in London in 1712, this satirical work is attributed to Arbuthnot in some sources, Swift in others. It is an attack on the Whig Party grounded in a lengthy law suit involving "Lord Strutt," "John Bull," "Nicholas Frog" and "Lewis Babboon." OCLC locates 11 copies of this imprint in North America, 2 in law libraries (Harvard and the Library of Congress). Cohen 5148.





N°5

THE FINAL TERRITORIAL COMPILATION  
OF THE LAWS OF ARKANSAS

## 5 [ARKANSAS].

Steele, J.  
McCampbell, J.*Laws of Arkansas Territory.*Little Rock, Ark. Ter.: Printed by J. Steele, 1835. [iv], 562, [12] pp.  
Octavo (7-1/2" x 5").

Contemporary calf, blind fillets to boards, lettering piece and early owner label (Pettit & Pettit) to spine. Light rubbing to extremities, light scuffing to boards, spine abraded with wear along joints and spine ends, hinges cracked. Toning and foxing text, light browning in places, internally clean. \$2,000.

ORIGINALLY PART OF THE TERRITORY OF LOUISIANA, then the Territory of Missouri, the Arkansas Territory was established in 1819. It became a state in 1836. The first territorial compilation, a brief 149-page volume that included statutes of Missouri, was published in 1821. Steele and Campbell's alphabetically digested compilation was the second and last published during the territorial period. As indicated by such sections as Indians, Slaves and Vice and Immorality, it offers an interesting perspective on Arkansas when it was beginning its transition from a territory to a state. Babbitt 16.

ORIGINAL PRINTING OF THE FEDERAL BANKRUPTCY ACT OF 1841

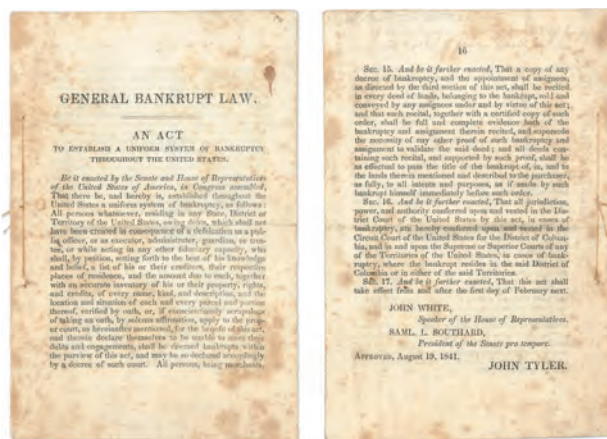
## 6 [BANKRUPTCY].

[UNITED STATES SENATE].  
[COMMITTEE ON BANKRUPTCY].  
CRITTENDEN, JOHN J. [1787-1863].

*S. 369. In Senate of the United States. June 12, 1840. Mr. Crittenden, From The Select Committee On the Subject, Reported the Following Bill; Which was Read, And Passed to a Second Reading, And Made the Special Order of the Day for Tuesday Next, The 16th Instant. June 23, 1840. Amended in Committee of the Whole, Reported to the Senate, The Amendments Agreed to, And the Bill Ordered to be Printed. A Bill to Establish a Uniform System of Bankruptcy Throughout the United States.*

Washington, DC: United States Senate, 1840. 21 pp. Folio (14" x 9").

Stab-stitched, untrimmed edges. A few minor stains, three faint horizontal fold lines, light toning. A generously margined unmarked copy. \$750.



N°6

THE HISTORIC FEDERAL BANKRUPTCY ACT OF 1841 was enacted after the unprecedented commercial failures that followed the Panic of 1837. A relief measure, it was the first to permit voluntary bankruptcies. More than a generation had passed since the first Bankruptcy Act in 1800 and its repeal in 1803. The 1800 law had authorized creditors to place the debtor in bankruptcy and seize his assets, but it had not allowed debtors to choose bankruptcy. This 1840 Bill, which passed the Senate but was tabled in the House, was revived in the 27th Congress and passed in 1841. Its innovation, permitting voluntary bankruptcy petitions by persons "owing debts," tracks the 1841 Act, which was based on Congress's power to establish "uniform laws on the subject of bankruptcies." Only two years after its enactment, charges of corruption and profligate expenditures, and at least one lower court's decision that the Act was unconstitutional, led to its repeal.

RARE PRINTING OF THE ENACTED  
1841 FEDERAL BANKRUPTCY LAW

## 7 [BANKRUPTCY].

[CONGRESS, UNITED STATES].

*General Bankrupt Law. An Act to Establish a Uniform System of Bankruptcy Through the United States [caption title].*

[Washington?: 1841]. 16 pp. Octavo (6-1/2" x 4").

Stab-stitched self-wrappers. Minor edgewear, foxed, a few tiny ink stains, occasional contemporary notes in faint pencil to margins of a few leaves. \$850.

SIGNED IN TYPE BY PRESIDENT JOHN TYLER. Not found in OCLC, Hollis, or the Library of Congress.



N°7



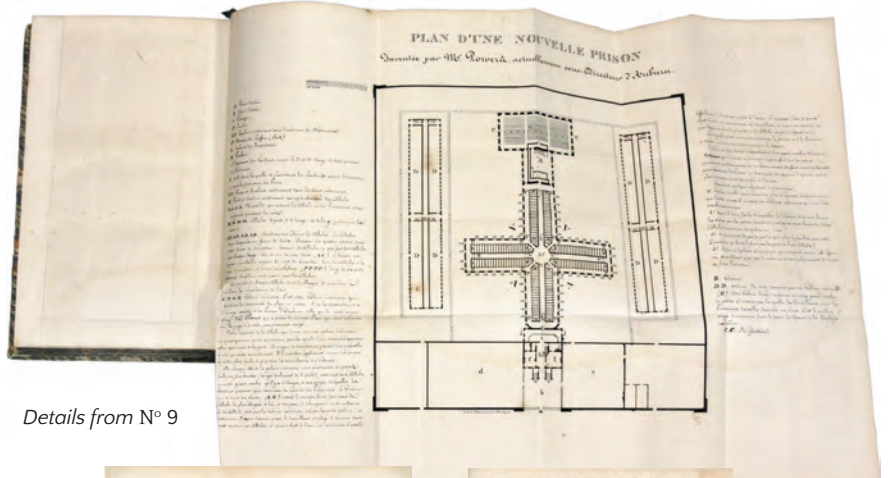
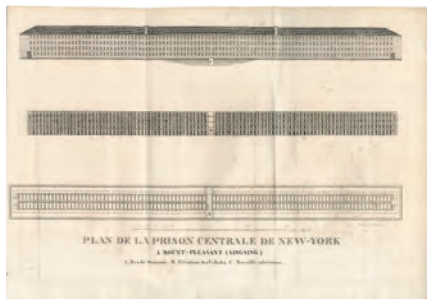
8 [BAR ASSOCIATIONS].  
[NEW HAMPSHIRE].

*General Regulations, For the Gentlemen of the Bar in the State of New Hampshire.*

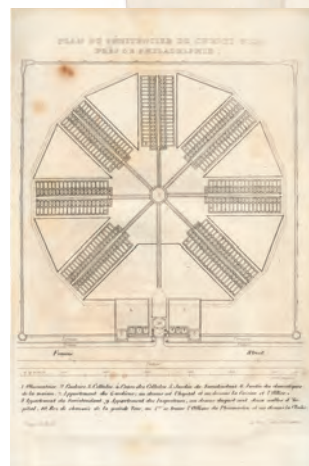
Portsmouth: From the Press of J. Melcher, 1805. 12 pp. 12mo. (7" x 4-1/2").

Stab-stitched pamphlet in self-wrappers, untrimmed edges. A few tiny flecks, faint crease through center. Early names and annotations to exterior and foot of p. 12, interior otherwise clean. An interesting item. \$650.

THIS IS THE FINAL APPROVED SET OF RULES ADOPTED IN 1804. They offer a fascinating look at the New Hampshire Bar and, more generally, the legal profession at that time. OCLC locates 6 copies, 3 in law libraries (Harvard, University of Virginia, Yale). Not in Cohen.



Details from N° 9



9 BEAUMONT, GUSTAVE DE [1802-1866].  
TOCQUEVILLE, ALEXIS DE [1805-1859].

*Du Systeme Penitentiaire aux Etats-Unis et de son Application en France; Suivi d'un Appendice sur les Colonies Penales et de Notes Statistiques.*

Paris: H. Fournier Jeune, 1833. [iv], viii, [2], 439 pp. Five plates, two folding. Octavo (8-1/4" x 5").

Contemporary quarter calf over marbled boards, lettering piece and gilt and blind ornaments to spine, marbled edges and endpapers, ribbon marker. Some rubbing to extremities with light wear to spine ends and corners, front joint just starting at head, front hinge cracked. Light toning to text, moderate toning to plates, occasional light foxing. A few minor tears to plates, interior otherwise fresh. An appealing copy. \$1,750.

FIRST EDITION. With plates depicting prisons and their floor plans. In 1831 Beaumont and Tocqueville were commissioned by the French government to examine America's latest prisons, which were renowned for their innovative approaches to penology. Their nine-month tour included visits to prisons in Connecticut, Maryland, Massachusetts, New York and Pennsylvania. *Du Systeme Penitentiaire aux Etats-Unis*, the result of their tour, was an immediate success that was quickly translated into English and German. It was one of the most influential books on penology ever written. Beaumont and Tocqueville were affected deeply by their experiences in the United States. It led Beaumont to espouse abolition and inspired Tocqueville to write *De la Democratie en Amerique* (1835). Sabin 4190.





N° 10

OIL PORTRAIT OF THE FAMOUS TRIAL ATTORNEY MELVIN BELLI

10 [BELLI, MELVIN [1907–1996]].  
"DEXTER."

[Portrait of Melvin Belli].

[San Francisco?], 1987. Oil on Canvas, 30" x 40," signed "Dexter."  
Very good condition, glazing free of cracks. An interesting item.

\$750.

THE WORK OF AN AMATEUR ARTIST, possibly a friend or client, this portrait hung in the office of the legendary trial attorney Melvin Belli. Known as "The King of Torts" and "Melvin Bellicose," he was known for his colorful personality, innovative use of graphic evidence and expert witnesses, important class-action cases on behalf of consumers and famous clients, such as Jack Ruby, the Rolling Stones, Jim and Tammy Faye Bakker and Zsa Zsa Gabor. He won over \$600,000,000 in judgments during his legal career.

THE FIRST BIOGRAPHY OF OLIVER WENDELL HOLMES,  
SIGNED BY HOLMES

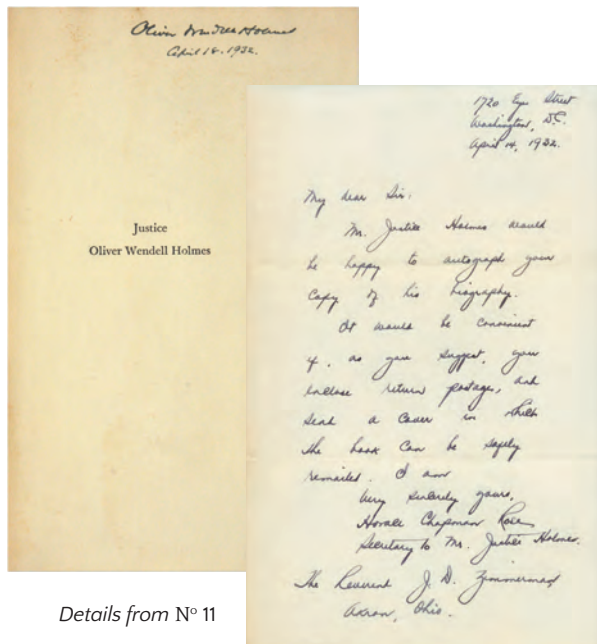
11 BENT, SILAS.

*Justice Oliver Wendell Holmes.*

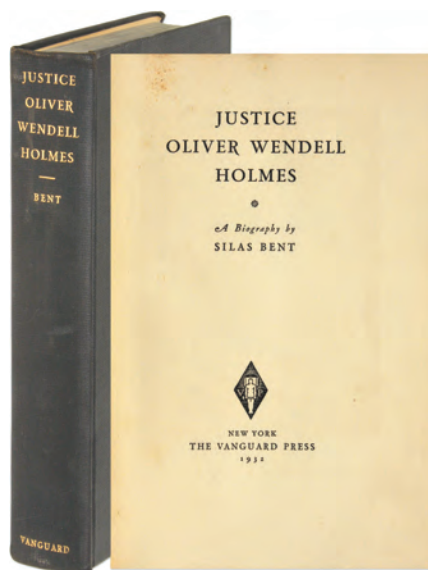
New York: The Vanguard Press, 1932. xi, 386 pp. Frontispiece. Illustrated.

Original cloth, light rubbing to extremities, rear hinge cracked. Owner signature to front free endpaper, light marks in pencil to some pages, notes in pencil to rear pastedown, light foxing to a few leaves. "Oliver Wendell Holmes/ April 18, 1932" to head of half-title, single-sheet 8-1/2" x 5-1/2" letter from Holmes's secretary, Horace Chapman Rose, laid-in. \$750.

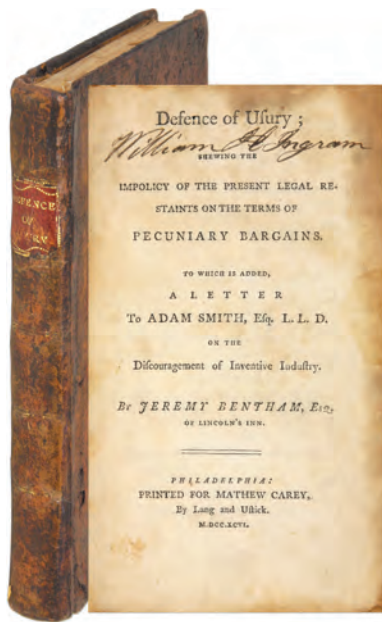
FIRST EDITION. This was the first biography of Holmes. The letter from Rose, Holmes's secretary, is a reply to the book owner's request for Holmes's signature. It reads, in part, "Mr. Justice Holmes would be happy to autograph your copy of his biography." The rest of the letter discusses shipping details.



Details from N° 11







FIRST AMERICAN EDITION OF BENTHAM'S  
CLASSIC ESSAY ON USURY

Nº 12

## 12 BENTHAM, JEREMY [1748–1832].

***Defence of Usury; Shewing the Impolicy of the Present Legal Restraints on the Terms of Pecuniary Bargains. To Which is Added, A Letter to Adam Smith, Esq. LL.D. On the Discouragement of Inventive Industry.***

Philadelphia: Printed for Matthew Carey, 1796. [iv], [5]–149, [2] pp. Includes two-page publisher advertisement. 12mo. (5–3/4" x 3–1/2").

Contemporary tree sheep, lettering piece and gilt fillets to spine. Spine ends bumped, corners somewhat worn, minor wear along joints, a few minor scuffs to boards, a bit of chipping to edges of lettering piece. Some toning to text, heavier toning and some edgewear and dampstaining to preliminaries, foxing to a few leaves. Early owner annotation to front free endpaper, early signature to head of title page, interior otherwise clean. \$2,500.

FIRST AMERICAN EDITION. This was Bentham's first essay on a legal aspect of economics. Presented in the form of a series of letters from Russia, it takes issue with Adam Smith's argument that a maximum interest rate of 5% would prevent speculators from tying up the supply of available currency. It was written in 1787 and first published in Dublin in 1788. Later American editions were published in 1796, 1837, 1841 and 1842. OCLC locates 6 copies of the 1796 imprint in North American law libraries (Georgetown, Harvard, Library of Congress, Southern Illinois University, University of Minnesota, Yale). Cohen 2641.

FIRST AMERICAN EDITION

## 13 BENTHAM, JEREMY DUMONT, ETIENNE [1759–1829].

NEAL, JOHN [1793–1876].

[SISMONDI, JEAN-CHARLES-LEONARD, SIMONE DE (1773–1842)].

***Principles of Legislation: From the Ms. of Jeremy Bentham. By M. Dumont. Translated from the Second Corrected and Enlarged Edition; with Notes and a Biographical Notice of Jeremy Bentham and of M. Dumont by John Neal.***

Boston: Wells and Lilly, 1830. Frontispiece with tissue overlay. viii, [9]–310 pp. Portrait frontispiece. Octavo (8–1/2" x 5–1/2").

Contemporary three-quarter calf over marbled boards, gilt fillets and lettering piece to spine, speckled edges. Moderate rubbing with some wear to corners and head of spine, hinges cracked. Light toning, faint dampspotting to most of text. Early signatures in pencil to front free endpaper, interior otherwise clean. Ex-library. Shelf label to spine, bookplate to front pastedown, small inkstamps to head of frontispiece and a few text leaves, date due sheet and stamps to rear endleaves. A solid copy. \$500.

FIRST AMERICAN EDITION. Arguably Bentham's greatest work, it is the clearest exposition of the principles of utilitarianism and the most concise statement of his chief principles. This volume is prefaced by lengthy biographical notices of both Bentham and Dumont. It also includes a chapter on utilitarianism by Neal and a biographical sketch of Dumont by Sismondi. Cohen 7801.

INTOXICATING LIQUORS

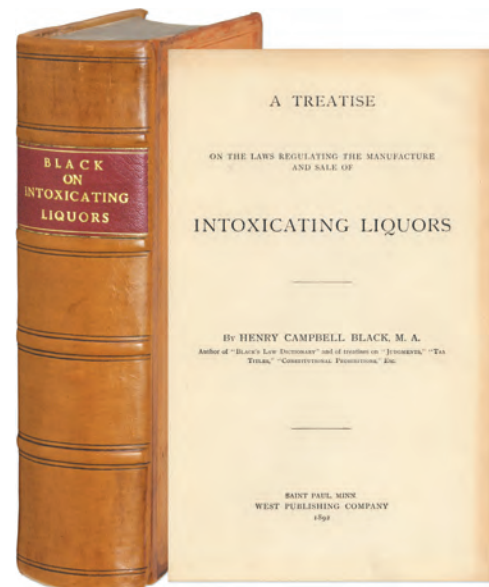
## 14 BLACK, HENRY CAMPBELL [1860–1927].

***A Treatise on the Laws Regulating the Manufacture and Sale of Intoxicating Liquors.***

St. Paul: West Publishing Company, 1892. lii, 711 pp. Octavo (9" x 6").

Contemporary law calf, rebacked in period style. Blind frames to boards, raised bands and lettering piece to spine, hinges mended. Light rubbing to board edges, corners lightly bumped, light toning to text, offsetting to margins of endleaves. Small early bookseller stamp to front pastedown, interior otherwise clean. \$1,250.

ONLY EDITION. Black is best known as the author of the great law dictionary that bears his name, but he also wrote several highly regarded treatises. His treatise on alcoholic beverages was a response to contemporary debates about prohibition, which were gaining in intensity in the late 1800s. Given this background it is not surprising that Black declared his neutrality at the end of his preface: "This book is not a plea for any particular system of liquor legislation. It is purely and solely a legal treatise. The law-writer has no more to do with the wisdom, justice, or expediency of the statutes whose legal effect he discusses than has the court which is called upon to administer them" (iv). HLC I:183.

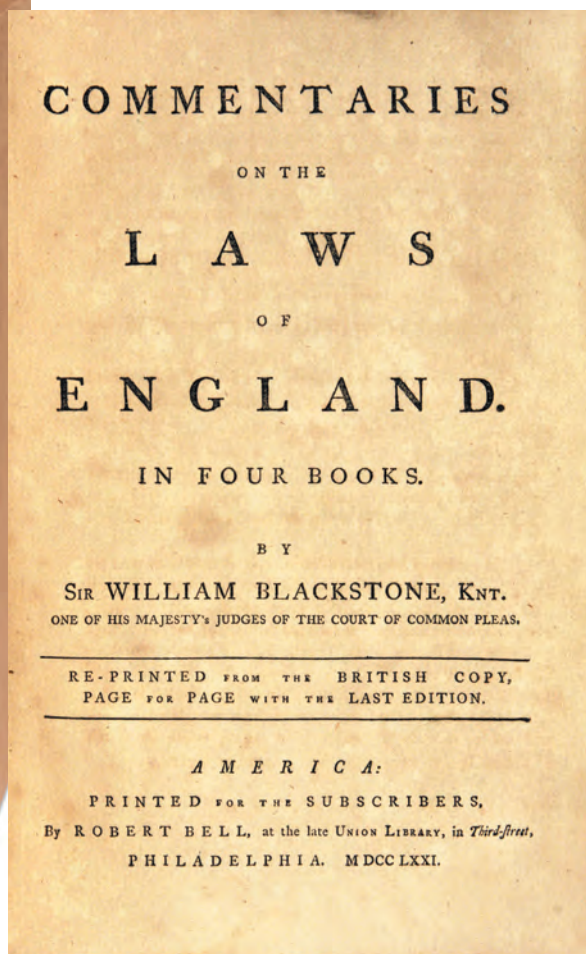


Nº 14





N° 15



SUBSCRIBER'S COPY OF THE FIRST AMERICAN EDITION OF BLACKSTONE'S COMMENTARIES

## 15 BLACKSTONE, SIR WILLIAM [1723–1780].

***Commentaries on the Laws of England. In Four Books. Re-Printed From the British Copy, Page for Page with the Last Edition. America***

[Philadelphia]: Robert Bell, 1771–1772. Four volumes. [viii], ii, [vi], 485; [viii], 520, xix; [viii], 455, [1], xxvii; [xxii]; [viii], 436, vii, [1], [39] pp. Copperplate Table Of Consanguinity and copperplate folding Table of Descents in Volume II. 22-page subscriber list in Volume IV. Publisher advertisement in Volume I, two leaves before title page, and Volume III, p. 456. Our copy does not have the tipped-in publisher advertisements, present in front endleaves of some copies of Volumes III and IV. Complete set. Octavo (8-3/4" x 5-1/2").

Contemporary calf, Volume I and II, and sheep with later calf rebacking, matching first two volumes. Volumes III and IV, raised bands and later uniform gilt volume numbers and calf lettering pieces to spines, repairs to spine ends of Volumes I–III and front joints of Volumes III and IV. Moderate rubbing to extremities with some wear, corners bumped, front joint of Volume III cracked, hinges starting, most of front pastedown removed from Volume I, early armorial bookplates of subscriber William Nicoll to pastedowns of other volumes. Moderate toning, somewhat heavier in places, occasional faint dampspotting, some places have foxing, a few leaves have light stains, moderate edgewear to endleaves, a few have chips, front free endpaper of Volume II

partially detached. Owner signatures of Benjamin Nicoll to front free endpapers, later signatures in pencil of S.B. Nicoll, F. Nicoll, dated 1820, and William Nicoll to front free endpaper of Volume I. Books housed in attractive cloth slipcases. A set with an appealing association. \$17,500.

FIRST AMERICAN EDITION. Blackstone's *Commentaries*, a synoptic review of the English legal system, is the most influential publication in the history of modern Anglo-American law. It was especially popular in America, where it was the standard introductory legal textbook into the late nineteenth century and was the primary, or only, book studied by hundreds of self-taught lawyers, such as Abraham Lincoln. The first multi-volume book printed in America, Bell's edition, a reprint of the fourth London edition, 1770, is a landmark in the history of American publishing. Our set contains the two tipped-in advertisement leaves, for *An Interesting Appendix* (Volume III) and Ferguson's *Essay on the History of Civil Society* (Volume IV), that are often missing in copies of this set. Volume IV also includes a 22-page subscriber list of 839 men, who ordered 1,557 sets. This impressive group included John Adams, John Jay, John Dickinson, several colonial governors and many other leaders of colonial America. Sixteen subscribers went on to become members of the Continental Congress that signed the Declaration of Independence. William Nicoll, the subscriber to our copy, was an attorney and major landowner who belonged to the distinguished Long Island family that established the town of Islip. Eller 80. Laeuchli 131.



VOLUME I OF THE FIRST AMERICAN EDITION  
OF BLACKSTONE'S COMMENTARIES

## 16 BLACKSTONE, SIR WILLIAM

*Commentaries on the Laws of England. In Four Books. Re-Printed From the British Copy, Page for Page with the Last Edition.*

America [Philadelphia]: Robert Bell, 1772. Volume I [ONLY]. [iv], ii, [iii], [iv], 485 pp. Octavo (9" x 5-1/2").

Contemporary sheep, blind fillets to boards, raised bands and lettering piece to spine. Light rubbing to boards and extremities, corners bumped, a few shallow scuffs to boards, hinges cracked, front pastedown loose, "James Congdon's/ Charlestown May 1776" to recto, brief contemporary annotation to following endleaf. Toning, faint dampspotting in a few places, internally clean. A nice copy. \$800.

FIRST AMERICAN EDITION, contains four pages of advertisements, including Bell's prospectus for this edition (addressed "To the American World"). Eller 80. Laeuchli 131.

FROM THE LIBRARY OF A NOTABLE PENNSYLVANIA  
LAWYER AND POLITICIAN

## 17 [BLACKSTONE, SIR WILLIAM].

PRIESTLEY, JOSEPH [1733–1804].

FURNEAUX, PHILIP [1726–1783].

FOSTER, SIR MICHAEL [1689–1763].

MURRAY, WILLIAM, EARL OF MANSFIELD [1705–1793].

*An Interesting Appendix to Sir William Blackstone's Commentaries on the Laws of England. Containing, I. Priestley's Remarks on Some Paragraphs in the Fourth Volume of Blackstone's Commentaries, Relating to the Dissenters. II. Blackstone's Reply to Priestley's Remarks. III. Priestley's Answer to Blackstone's Reply. IV. The Case of the Late Election of the County or Middlesex Considered on the Principles of the Constitution and the Authorities of Law. V. Furneaux's Letters to the Hon. Mr. Justice Blackstone Concerning his Exposition of the Act of Toleration, and Some Positions Relative to Religious Liberty, in his Celebrated Commentaries on the Laws of England. VI. Authentic Copies of the Argument of the late Hon. Mr. Justice Foster in the Court of Judges Delegates, and of the Speech of the Right Hon. Lord Mansfield in the House of Lords, in the Cause Between the City of London and the Dissenters.*

[Philadelphia]: Printed for the Subscribers, by Robert Bell, 1773. [iv], iv, [5]–119, [1], xii, 155, [1]. Includes one-page publisher advertisement. Each section preceded by divisional title page, first work also preceded by general title page. Octavo (8-3/4" x 5-3/4").

Contemporary sheep, raised bands, with original red lettering piece ("Letters to Blacks." in gilt capital lettering). Rubbed, with shallow scuffs to boards, wear with slight chipping to spine ends, corners somewhat worn, joints just starting at ends, contemporary owner bookplate (reading "John W. Kittera's Property. No. [handwritten] 1799/ at Lancaster. S.P.N.A.") to front pastedown. Offsetting to margins of endleaves, toning, occasional light foxing, internally clean. A desirable unsophisticated copy of an uncommon colonial imprint. \$1,250.

SECOND ISSUE. Later re-issued under the title *The Palladium of Conscience*, this book contains a group of essays on religious

liberty inspired by a passage from Section III of Book IV, Chapter 4, "Of Offences Against God and Religion." It was originally published in 1772 as a fifth volume to Bell's edition of Blackstone's *Commentaries* (1771–1772) with a "5" stamped to its spine. John Wilkes Kittera [1752–1801] was a notable lawyer and politician who lived in Lancaster, Pennsylvania. He was a Congressman in the U.S. House of Representatives from 1791 to 1801 and was a founding member, along with Stephen S. Du Ponceau and Bushrod Washington, of the Law Society of Philadelphia, which became the Law Academy of Philadelphia. Cohen 5369. Sowerby 2899. Eller 256. Laeuchli 616.

1766 PAMPHLET QUESTIONING THE EXTENT  
OF PARLIAMENTARY SUPREMACY

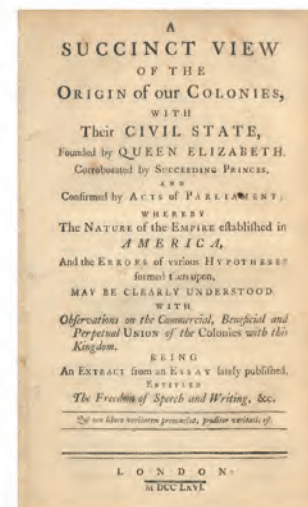
## 18 [BOLLAN, WILLIAM (c.1710–1776)].

*A Succinct View of the Origin of our Colonies, With Their Civil State, Founded by Queen Elizabeth, Corroborated by Succeeding Princes, And Confirmed by Acts of Parliament; Whereby the Nature of the Empire Established in America, And the Errors of Various Hypotheses Formed Thereupon, May be Clearly Understood. With Observations on the Commercial, Beneficial and Perpetual Union of the Colonies with This Kingdom. Being an Extract from an Essay Lately Published, Entitled The Freedom of Speech and Writing, &c.*

London: S.n., 1766. [iii], 46 pp. Octavo (7" x 4-1/2").

Stab-stitched pamphlet bound into recent stiff marbled wrappers, printed title panel to front cover. Moderate toning to text, light foxing to a few leaves, small chip to fore-edge of title page, internally clean. \$2,000.

ONLY EDITION (IN THIS FORM). Bollan was a lawyer and agent for Colony of Massachusetts. A *Succinct View* is an extract from Bollan's *The Freedom of Speech and Writing upon Public Affairs Considered*, a longer work first published in 1766, that discusses the role of parliamentary supremacy. It is a subtle and somewhat subversive work. Bollan begins by asserting "that the 'care of common rights' should be left to Parliament. In the midst of what was essentially an apologia for parliamentary supremacy, Bollan thus implied, first, that some non-common rights existed, and second, that protecting such rights might be within the purview of an authority other than Parliament" (LaCroix). OCLC locates several copies, but none in law libraries. LaCroix 242 (n94). Sabin 93387. ESTC N24544.







N° 22

SIGNED BY BRANDEIS

## 19 BRANDEIS, LOUIS D. [1856–1941].

***The Curse of Bigness: Miscellaneous Papers of Louis D. Brandeis.***

Edited by Osmond K. Fraenkel. New York: The Viking Press, 1935. ix, 339 pp.

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

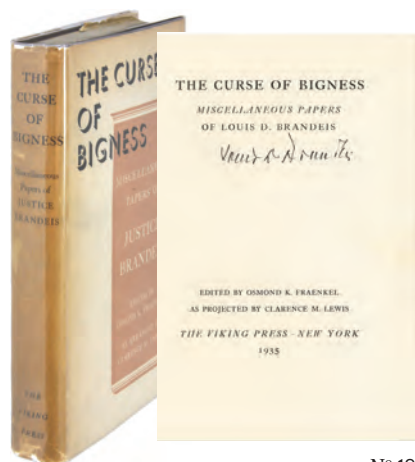
FIRST EDITION, SECOND PRINTING. "Preceding the text of the reprinted matter each section of this work contains a brief note and following it a bibliography of the articles and addresses on the subject covered by that section. The reprinted articles are given in full even when parts of them appear more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

SIGNED BY BRANDEIS

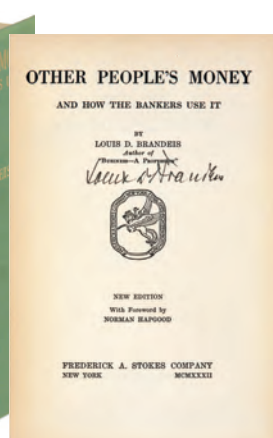
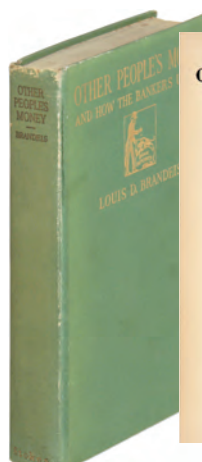
## 20 BRANDEIS, LOUIS D.

***Other People's Money And How the Bankers Use It. New Edition.***

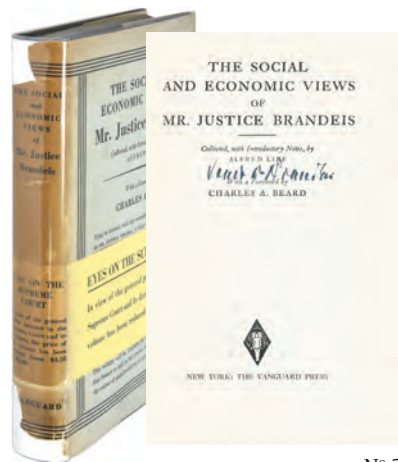
With Foreword by Norman Hapgood. New York: Frederick A. Stokes Company, 1932. lxii, 223 pp.



N° 19



N° 20



N° 21

Original cloth, gilt titles to front board and spine. Some rubbing to extremities, light fading to spine, spine title oxidized. Large Brandeis signature to center of title page, light toning to text, internally clean. \$1,250.

"NEW EDITION," TECHNICALLY THE SECOND, with a new Foreword by Hapgood and his preface to the first edition. This scathing critique of "Our Financial Oligarchy" is based on a series of articles published in *Harper's Weekly* from 1913 to 1914. This copy is the tenth printing, copyright 1932, printed December 5, 1934.

TITLE PAGE SIGNED "LOUIS D. BRANDEIS"

21 BRANDEIS, LOUIS D.  
LIEF, ALFRED [1901–1971], EDITOR.***The Social and Economic Views of Mr. Justice Brandeis.***

With a Foreword by Charles A. Beard. New York: The Vanguard Press, [1930]. xxi, 419 pp.

Cloth in dust jacket. Cloth very good, moderate edgewear to dust jacket, some soiling to spine, chipping to ends. "Louis D. Brandeis" in bold hand to head of title page, internally clean. \$850.

FIRST EDITION, SECOND PRINTING. "The papers are primarily the work of a great lawyer. His work is considered to have a tremendous effect upon not only the body of law already assimilated and codified but also upon the law which is being called into being in response to the modern development of society, particularly as regards the industrial situation": *Boston Transcript*, November 22, 1930, cited in Marke1061.

PHOTOGRAPH OF BRANDEIS WITH SIGNED  
AND INSCRIBED STUDIO CARD EXPRESSING THANKS  
FOR "SERVICES TO THE JEWISH CAUSE"

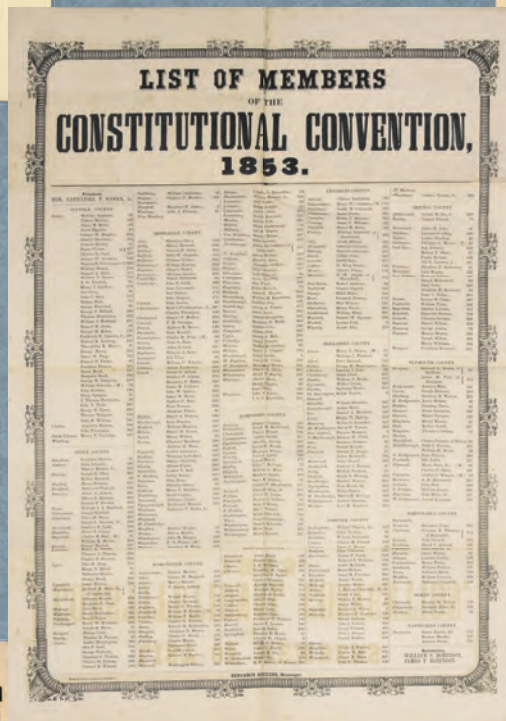
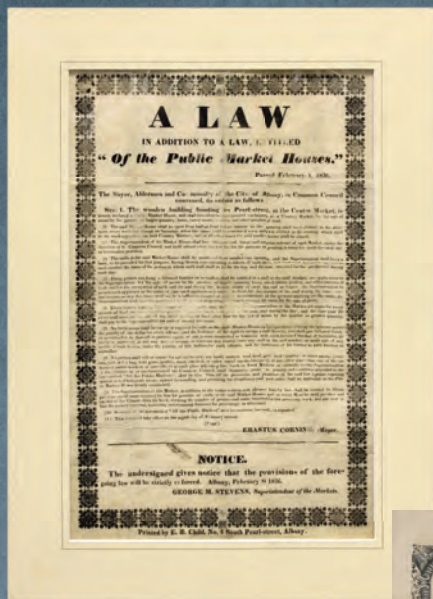
## 22 BRANDEIS, LOUIS D.

***[Photograph of Brandeis in Judicial Attire with Signed and Inscribed Studio Card].***

Washington: The Clinedinst Studio, 1920. 7" x 10" portrait black-and-white photograph and 2" x 7" card from the Clinedinst Studio. Card inscribed and signed in bold hand. Handsomely matted and glazed. \$1,250.

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







1836 BROADSIDE OF LAWS REGULATING  
ALBANY'S PUBLIC MARKETS

23 [BROADSIDE].  
[ALBANY, NEW YORK].

***A Law in Addition to a Law, Entitled "Of the Public Market Houses." Passed February 1, 1836. The Mayor, Aldermen and Commonalty of the City of Albany, in Common Council Convened, do Ordain as Follows:... Erastus Corning, Mayor.***

Albany: Printed by E. B. Child, No. 6 South Pearl-Street, 1836.

17-1/2" x 12-3/4" broadside, mounted and matted, text printed inside wide decorative typographical border. Toning, faint vertical and horizontal fold lines. A few expert repairs, with no loss to text, and minor fading to text in five lines. \$1,500.

AN UNRECORDED BROADSIDE in eleven sections outlining regulations concerning the handling of meat, poultry and other food in Centre Market in Albany, New York. This was one of three public markets established in 1836; the others were the North Market and South Market. The laws address hours of operation, allocation of stalls, licensing, costs of permits and the salary of the market's superintendent. Section ten repeals previous laws, and section eleven decrees that this law will take effect on 8 February. The printer of this broadside was located near the market on the corner of South Pearl and State Street.

FOR SALE: NEW HAMPSHIRE FARM, SAW MILL AND PASTURE

24 [BROADSIDE].  
[ESTATES].  
BROWN, W[ILLIAM] M., EXECUTOR.

***Executor's Sale, Valuable Real Estate at Auction!***

Concord, NH: Steam Printing Works of McFarland & Jenks, 1853. 20-1/2" x 12-1/2" broadside.

Light toning, some crinkling and edgewear with small tears and chips, faint vertical and horizontal fold lines, a few minor faint stains. \$450.

"BY VIRTUE OF A LICENSE FROM THE JUDGE OF PROBATE for the County of Merrimack, the subscriber will sell at public Auction at the Dwelling House of Dexter Pritchard, late of Boscawen, deceased, on Saturday, the 9th day of April next, at 1 o'clock in the afternoon, so much of the Real Estate of said deceased, situated in said Boscawen, as may be necessary to raise \$1,600, to pay debts, legacies, and incidental charges." This state included a 100-acre farm, a saw mill and a 23-acre pasture.

AN UNRECORDED ILLINOIS BROADSIDE?

25 [BROADSIDE].  
[ILLINOIS].  
TWENTY-SECOND GENERAL ASSEMBLY.

***An Act to Incorporate the Town of Dekalb.***

[Springfield, IL, 1861]. 25" x 14" broadside, dense text in five columns. Complete as issued.

Light browning, fold lines, a few chips to each edge, isolated spots to wear at centerfold touching five words, all easily inferred. A rare item. \$750.

AS FAR AS WE CAN DETERMINE, this broadside printing of the act founding this northern Illinois town, home of Northern Illinois University, is unrecorded. This appears to be an unofficial printing. The anonymous printer ran out of space at the end of the fifth column of text. Omitting the penultimate Article 44, on filling the vacancy of the office of the constable, the printer assigned that number to the final pro-forma two-line article, "This act shall be deemed a public act... &c.," but then omitted the date, "Approved Feb. 21, 1861." No copies listed on OCLC or in the state-wide catalogue of the Illinois State Library.

WILL A NEW TAX BE NECESSARY  
TO FINANCE THE LOUISIANA PURCHASE?

26 [BROADSIDE].  
[LOUISIANA PURCHASE].

***Direct Tax.***

[New Hampshire: S.n, c.1807].

18" x 11" broadside, untrimmed edges, text in three columns and a table.

Fold lines, light browning. A well-preserved item. \$850.

SIGNED IN TYPE BY "AMERICANUS," this broadside discusses the cost of the Louisiana Purchase. The writer argues the difficulty, if not impossibility, of paying France without a special tax due to the revenue lost to the Embargo Act. The table described the proportionate cost to each New Hampshire county of the \$15 million bill. The author also warns of the threat of European war. No copies listed on OCLC. Shaw and Shoemaker 11983.

RARE BROADSIDE LISTING MEMBERS OF THE 1853  
MASSACHUSETTS CONSTITUTIONAL CONVENTION

27 [BROADSIDE].  
[MASSACHUSETTS].

***List of Members of the Constitutional Convention, 1853.***

Boston: White & Potter, 1853.

Single sheet, measuring 18-1/2" x 26." Text printed in five columns within elaborate woodcut border. Fold lines with a few minor tears, light toning and a minor foxing. A well-preserved item. \$650.

THE DELEGATES ARE LISTED by county and town. This convention, the third in the history of the commonwealth, produced eight proposals. All were defeated by large majorities. Our searches failed to locate a copy anywhere. This may be the only surviving example.

"YOU OFT BENEATH A RIGHTEOUS ROBE,  
MAY FIND A WOLF CONCEALED"

28 [BROADSIDE].  
[MURDER].  
[AVERY TRIAL].

***The Death of Sarah M. Cornell.***

N.p: S.n., c.1832.

11-1/4" x 8" broadside mounted to 11-1/2" x 8-3/4" backing, text enclosed by woodcut typographical border. Printed in two columns within border of type ornaments. Poem in twelve stanzas about the murder of Sarah Cornell by her seducer, Ephraim Avery. Some toning, some chipping, edgewear and tears to margins and small hole near center remedied by mounting, no loss to text.

\$450.



ONLY EDITION. This was one of the most famous American murder trials of the nineteenth century. Although questions about this case remain, it appears that Avery murdered Cornell when he learned she was pregnant with his child. After strangling her he put a noose around her neck and hung her from a barn rafter to make it appear that she had committed suicide. This broadside, which reviews the events of the murder, laments Cornell and curses Avery. Not in McDade. OCLC locates 12 copies, 1 in a law library (Harvard).

INFANTICIDE IN READING, PENNSYLVANIA

- 29 [BROADSIDE].  
[MURDER].  
[COX, SUSANNA].

*Ein Neues Trauer-Lied/Enthaltend die Geschichte der Susanna Cox Die in Reading Wegen dem Mord Ihres Kindes Hingerichtet Wurde*

[continued in 32 stanzas of verse, two columns divided by a single rippled line, all within a 3/4 inch wide, grape-cluster border].  
[Reading, PA?], [c. 1809].

17-1/2" x 11" broadside (top margin a little trimmed), printed German type. Folded (some small breaks along one old fold line); foxed. Still a presentable copy of an uncommon broadside. \$850.

ONE OF SEVERAL BROADSIDE PRINTINGS of this narrative in verse about Susanna Cox from Reading, Pennsylvania, who was hanged for the murder of her illegitimate child in 1809. OCLC records another printing in 16 stanzas, another that is smaller in size and has a double-rule between the columns and a version in English. All are scarce. OCLC locates 4 copies of our version (at the American Antiquarian Society, Brown University, University of Cincinnati, Pennsylvania State University). Not in McDade, who records nothing about Susanna Cox. Shaw and Shoemaker 18183 (giving the date "1809?").

VERSE ACCOUNT OF A MURDER-SUICIDE IN PENNSYLVANIA

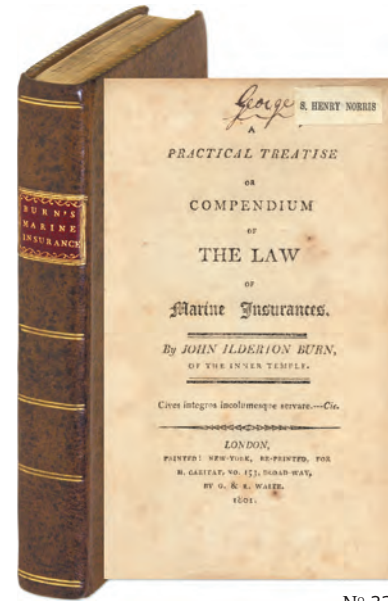
- 30 [BROADSIDE].  
[MURDER-SUICIDE].  
[KOPPELBERGER, JOHANNES].

*Ein Neues Lied von der Mord-Geschichte des Joseph Miller, Welcher im Januar 1822, Einer Sonntags Nacht Seine Schwangere Frau und zwei Kinder auf eine Grausame Art Ermordete, Und sich Selbst Erhing, Welches Alles, Wie man Glaubet, Aus Armuth Geschah...*[Running Title].

[N.p.: S.n., 1822]. 12-1/2 x 10" broadside. Text in three columns printed within woodcut border and separated by black rules.

Moderate toning and light foxing, fraying and a few chips to edges, tear to bottom edge with negligible loss to text. \$750.

THIS SIXTEEN-STANZA "NEW SONG OF THE MURDER-STORY OF JOSEPH MILLER" is attributed to Johannes Koppelberger. It tells the sad story of a murder-suicide committed by Miller, a German-American. The verses say he eloped from Poland with the daughter of a nobleman in 1817. The couple made their way to Philadelphia and from there to Lebanon, Pennsylvania, where Miller found work as a schoolteacher. The job paid poorly and his wife was increasingly homesick. Depressed, Miller killed his pregnant wife, two children with an ax and himself. It was a grisly affair involving an axe and a knife. This poem was quite popular and issued in a number of different broadside formats. According to Vellenreuter, there were, in all, 16 printings. All are rare. OCLC locates 3 copies of our version (American



Nº 32

Antiquarian Society, Library Company of Philadelphia, University of Michigan). Not in Shaw & Shoemaker. Wallenreuther 13.

"ORDER OUT OF CHAOS"

- 31 BROWNE, WILLIAM HENRY.

*A Treatise on the Law of Trade Marks and Analogous Subjects (Firm Names, Business-Signs, Good Will, Labels, Etc.). Revised and Enlarged, With Supplement.*

Boston: Little, Brown, and Company, 1898. xxiv, 706, xviii, 222 pp. Octavo (9" x 6").

Recent period style quarter calf over cloth retaining original red and black lettering pieces, endpapers renewed. Offsetting and a few minor chips to margins of endleaves, toning to text, internally clean. \$450.

SECOND EDITION, WITH SUPPLEMENT; the best edition of this work. "The first edition of this book sprang from the author's desire to bring order out of chaos. There was a need for a collation of authorities on the Law of Trade-Marks and kindred matters; and that need was felt, not only by owners of applied symbols of manufacture and commerce, but also by bench and bar alike. (...) It is probable that no other branch of legal science has had a more rapid growth during the twelve years since the first edition appeared. (...) The latest obtainable decisions of courts of various nations have been consulted and cited in the following pages" (v-vi).

"CALCULATED FOR THE USE OF MERCHANTS"

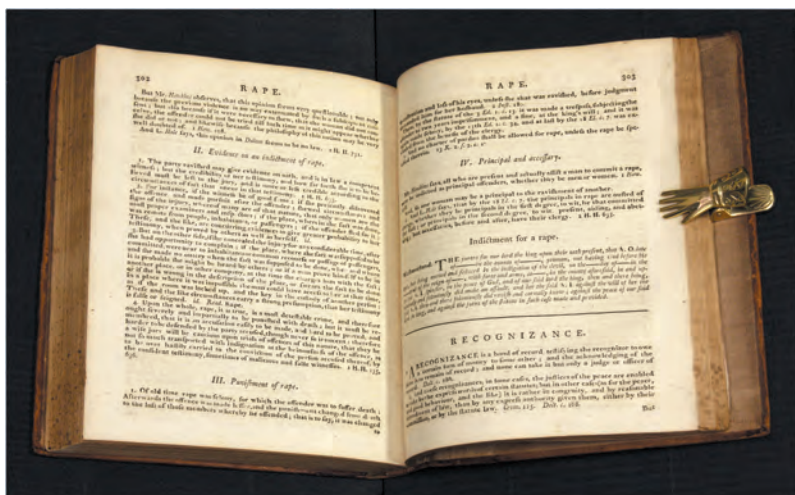
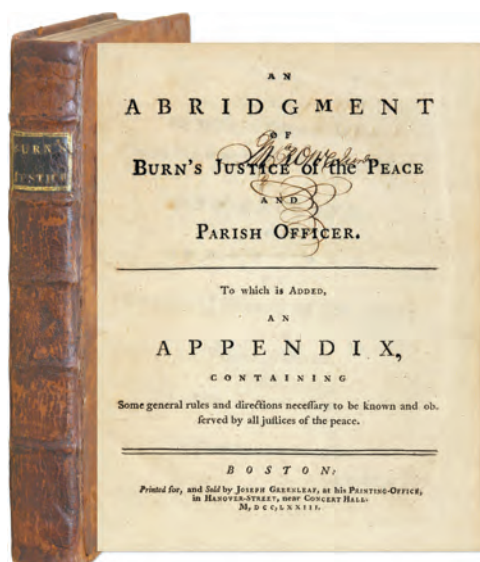
- 32 BURN, JOHN ILDETON [1774?-1848].

*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").

Recent period-style quarter calf, 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 handsome copy. \$850.





N° 33

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 7055.

THE ONLY AMERICAN ABRIDGMENT  
PUBLISHED BEFORE THE REVOLUTION

**33** BURN, RICHARD [1709–1785].  
GREENLEAF, JOSEPH [1720–1810], EDITOR.

*An Abridgment of Burn's Justice of the Peace and Parish Officer. To Which is Added, An Appendix, Containing Some General Rules and Directions Necessary to be Known and Observed by All Justices of the Peace.*

Boston: Printed For, And Sold By, Joseph Greenleaf, 1773. [viii], 386, [2] pp. Includes two-page publisher advertisement. Quarto (8-1/2" x 7").

Contemporary sheep, rebacked retaining original spine with raised bands and lettering piece, hinges mended, spine ends restored. Moderate rubbing and minor scuffing to boards, some offsetting to margins of endleaves, very light browning to text. Early owner signature (J. Rowe/ Sept 16. 1776) to title page, interior otherwise clean. A handsome copy. \$2,400.

ONLY AMERICAN EDITION and the only abridgement of a legal treatise printed in America before the Revolution. Richard Burn was an attorney and antiquarian who edited the ninth, tenth, and eleventh editions of Blackstone's *Commentaries*. His *Justice of the Peace, and Parish Officer* (1755) was perhaps his most important work. Holdsworth considered it to be one of the best treatments of the subject, an opinion shared by Burn's contemporaries, both in England and in the colonies. The "best proof that his book...was accepted as the leading text-book on that topic is the number of editions through which it passed.... It deserved its success. Burn carefully abridged the statutes, and stated the manner in which their clauses had been interpreted by the courts. His treatment of the criminal law was based upon a thorough study of the works of Coke, Hale, and Hawkins." Greenleaf explains the nature of

his abridgement in the preface: "The London edition takes in the whole practice of England and Scotland, this renders it both bulky and dear. The circle of a justices business in those places is vastly extensive, and is founded chiefly on acts of the British parliament, which can never have any relation to this colony" [i]. Greenleaf also added an appendix of forms and general rules and directions for American courts. HEL XII:332–333. Cohen 8325.

THE FIRST AMERICAN TREATISE ON COMMERCIAL  
AND ADMIRALTY LAW

**34** [CAINES, GEORGE (1771–1825)].

*An Enquiry into the Law Merchant of the United States; Or, Lex Mercatoria Americana, on Several Heads of Commercial Importance. Dedicated by Permission to Thomas Jefferson, President of the United States. In Two Volumes. Vol. 1* [all published].

New York: Printed by Isaac Collins & Son, For Abraham and Arthur Stansbury, 1802. xxxviii, [2], 648; clxvii, [1] pp. Octavo (8-1/2" x 5").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Light rubbing and minor scuffing to boards, somewhat heavier rubbing to spine and extremities, front hinge cracked, rear hinge starting, front free endpaper lacking, small chip to head of title page. Moderate toning to text, faint dampstaining, edgewear and light foxing to a few leaves. Early owner markings to front pastedown, his signature to head of p. 7, interior otherwise clean. \$750.

ONLY EDITION. With an appendix of forms. As Horwitz has pointed out, this is "the first American treatise on commercial law." Surrency notes that it was also the first to deal with admiralty law. It focused on shipping and maritime commerce, with substantial sections on insurance and bankruptcy. Reflecting the tension that existed between arbitrators and courts of law, Caines insisted that "in what appertains to trade, let it be constantly remembered, that custom alone is law" (220). Among other topics, this treatise has fascinating entries on the slave trade and the character of different ports. Caines was the official reporter of the New York Supreme Court. Surrency 141. Horwitz 150. Cohen 1570.



A WARM THANK-YOU NOTE FROM CARDOZO  
TO THE WIFE OF A NOTABLE NEW YORK JUDGE

- 35 CARDOZO, BENJAMIN N. [1870–1938].  
[SEABURY, MRS. SAMUEL (RICHEY, MAUDE) (D. 1952)].

*[Autograph Letter, Signed, To Seabury on Personal Letterhead, March 1, 1928].*

Single sheet folded to form two 6-1/2" x 4-1/2" leaves and 5" x 3" transmittal envelope. Horizontal fold line to letter, light soiling and vertical fold line to envelope, which is missing flap, otherwise fine.

[WITH]

CARDOZO, BENJAMIN N.

*[6-1/2" x 8-1/2" Black-and-White Photograph of Cardozo].*

[New York: Acme News Agency, October 11, 1937]. Light wear to edges, crop marks and minor retouching to image, stamps, annotation and caption to verso. \$500.

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

CARDOZO TLS REGARDING  
THE NON-EXISTENCE OF HIS BOOKPLATE

- 36 CARDOZO, BENJAMIN N.

*[Typewritten Letter, Signed, on Supreme Court Stationary].*

Washington, DC: April 2, 1936.

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

THIS LETTER IS A REPLY TO A BOOKPLATE COLLECTOR. Cardozo says he is unable to give him one because he does not use them. This letter relates to what was to become a confusing issue. Sometimes books are found with "Cardozo" bookplates. These were added posthumously to mark books that were in his library.

INSCRIBED COPY OF ONE OF THE MOST IMPORTANT  
LEGAL BOOKS OF THE TWENTIETH CENTURY

- 37 CARDOZO, BENJAMIN N.

*Law and Literature and Other Essays and Addresses.*

New York: Harcourt, Brace and Company, [1931]. [ix], 190 pp.

Cloth in dust jacket. Moderate shelfwear and a few minor dampstains to cloth, moderate soiling and edgewear to dust jacket, folds mended on verso with archival tape, which is preserved in a Mylar jacket. Inscription signed "Benjamin N. Cardozo" in bold hand to front free endpaper, internally clean. \$1,500.

FIRST EDITION. The inscription reads: "To Caroline Bijur/ with the cordial good/ wishes of an old-time friend./ Benjamin N. Cardozo/ April, 1931." One of the most important legal books published in the twentieth century, it changed the way lawyers thought about the law. "It has remained for Judge Cardozo to give us the first real analysis of the literature of the bench. Himself one of America's outstanding judicial stylists, he brings to this task the rare combination of legal and literary learning, and our only loss is that we are foreclosed from an analysis of the judge's own decisions." (Garfinkel). Bijur [1883–1964], the daughter of a prominent New York lawyer, worked for several charities and civic organizations. John H. Garfinkel, *California Law Review* 19 (1930–31) 654.

PHOTOGRAPHS OF BENJAMIN CARDOZO

- 38 [CARDOZO, BENJAMIN N.].

*[A Collection of Nineteen Black-and-White Press Photographs of Cardozo, 1920–1938].*

Sizes ranging from 5" x 7" to 8" x 10." Light to moderate edgewear, annotations and tipped-in caption to verso, some photos have faint crop marks and creases. \$1,500.

ELEVEN OF THESE ARE CANDID and posed images of Cardozo in his office or attending public functions, three are formal portraits in judicial attire. There is also a picture of Cardozo at the bench of the N.Y. Court of Appeals. Two other pictures show Cardozo receiving honorary degrees at the University of Chicago and St. Lawrence University. The final pair of images depict Cardozo with Chief Justice Hughes. One is a candid outdoor photo in business attire, the other a more formal indoor photo in judicial attire.

HANDSOMELY FRAMED IMAGE OF CARDOZO  
WITH INSCRIBED CARD

- 39 CARDOZO, BENJAMIN N.

*[Photograph of Cardozo in Judicial Attire with Inscribed Studio Card].*

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

THE CARD IS DATED NOVEMBER 5, 1932. Cardozo, an Associate Justice of the Supreme Court from 1932 to 1938, was one of the most influential American jurists of the twentieth century.

HANDSOME ETCHING OF BENJAMIN CARDOZO  
INSCRIBED TO HIS SECRETARY

- 40 [CARDOZO, BENJAMIN N.].  
WOOD, FRANKLIN T. [1877–1945].

*[Etching of Cardozo, Signed and Inscribed to Joseph M. Paley].*

N.p., N.d. (c. 1925). 17-1/2" x 12" portrait etching of Cardozo in judicial robes, signed in pencil by artist Franklin T. Wood on lower right, glazed and framed in tasteful brown wooden 15" x 19" frame. Bold inscription and full signature in pencil by Cardozo below image on lower left. Some scuffs and nicks to frame, some toning to mat, image fine. \$1,500.

THE INSCRIPTION READS: "To my friend and co-worker,/ Joseph M. Paley,/ With the friendship and esteem / of Benjamin



March 6, 1928  
SIXTEEN WEST SEVENTY-FIFTH STREET

My dear Mrs. Leary,

It was delightful  
of you to send those  
exquisite flowers to my  
sister.

She was really pleased  
I am sure - did her  
much in  
many vis-  
its.

NEW YORK, N. Y. 17  
JAN 2 1928  
1928

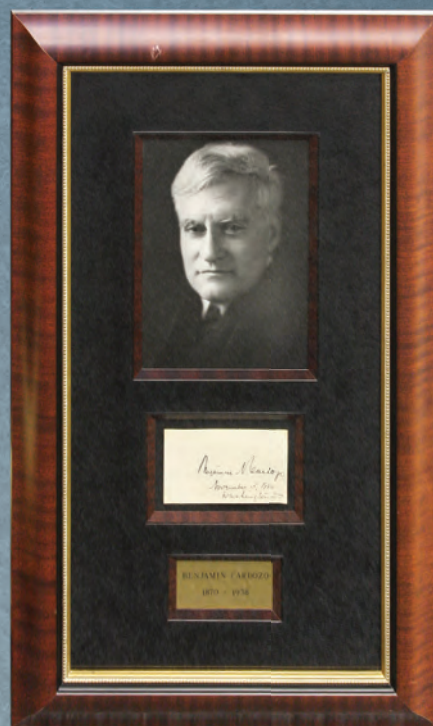


NEW YORK, N. Y.  
MAR 2  
1894  
1872

ADDRESS  
YOUR MAIL  
TO  
STREET  
NUMBER

POSTAGE  
PAID  
10  
NEW YORK, N. Y.

Mrs Samuel Seabury  
154 East 63<sup>rd</sup> St  
N.Y.



N° 39

Supreme Court of the United States  
Washington, D. C.

April 2, 1936

Mr. Paul Dunlap

Charles City, Iowa

Dear Mr. Dunlap:

I have your letter of March 27.

I am unable to comply with your request for the reason that I have no bookplate for my books.

Very truly yours,

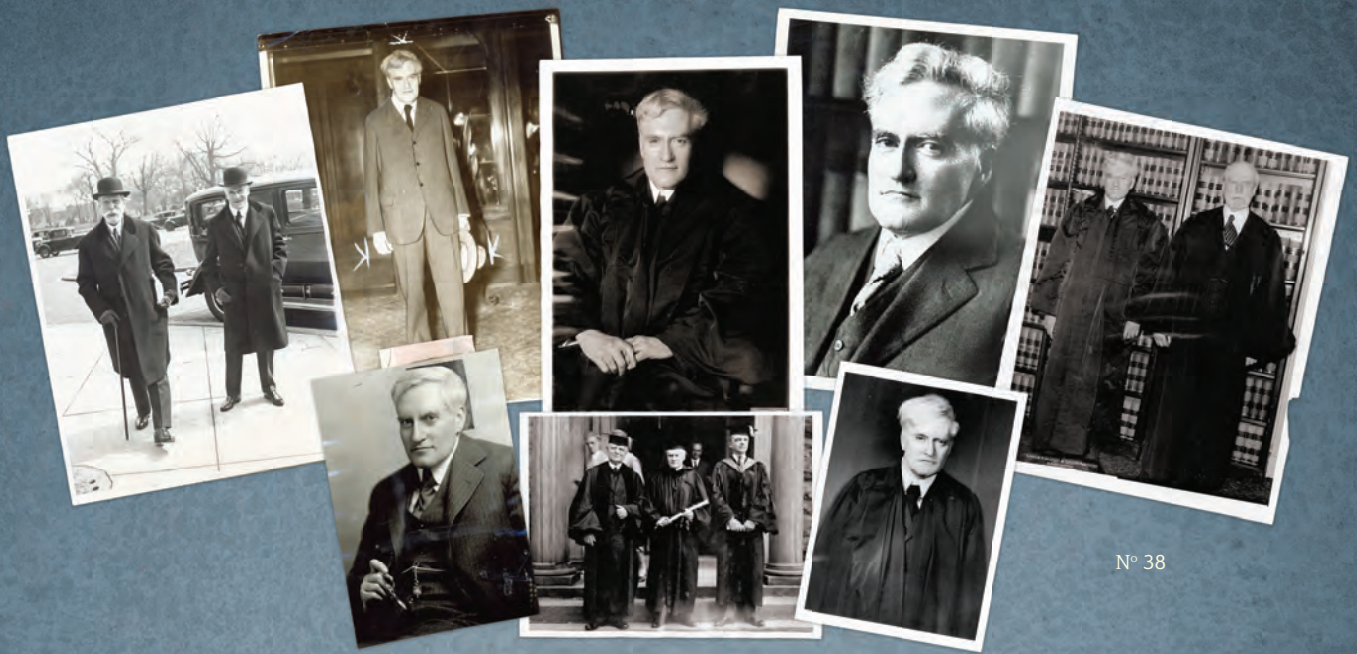
Very truly yours,  
 Benjamin Mendez

N° 36

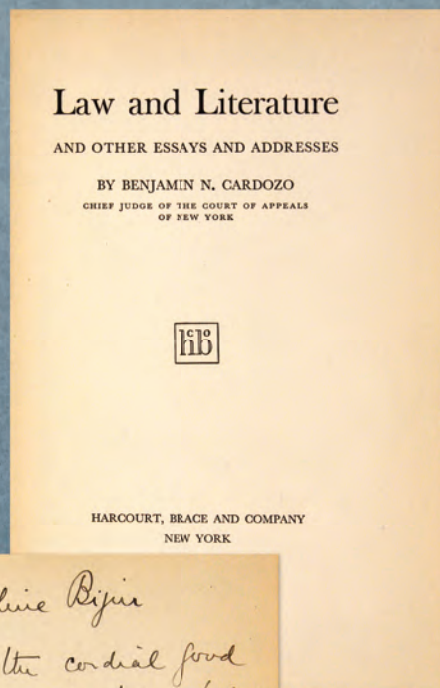
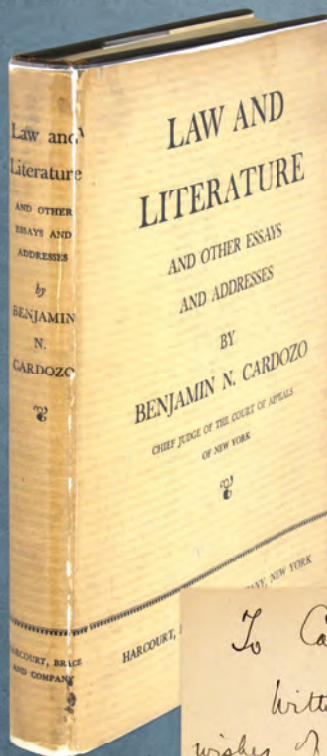


N° 40



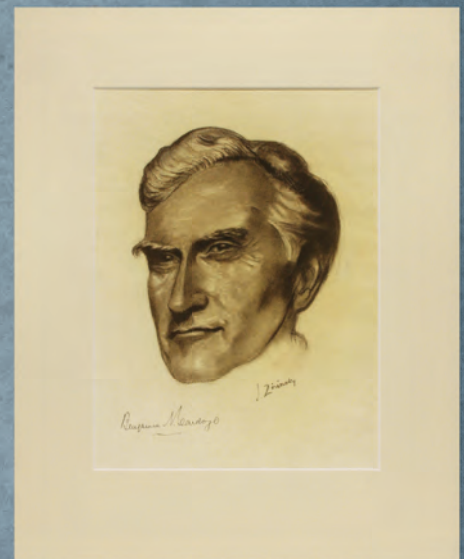


N° 38



*To Caroline Bijie  
with the cordial good  
wishes of an old-time friend.  
Benjamin N. Cardozo  
April, 1931.*

N° 37



N° 41



N. Cardozo." Paley was Cardozo's secretary from 1918 to 1937. He was hired at the beginning of Cardozo's tenure at the N.Y. Court of Appeals and stayed with him through his years on the U.S. Supreme Court. Wood, an artist and illustrator based in Vermont, was highly regarded for his portraits, etchings and landscape paintings. Note: Item unexamined out of the frame.

PORTRAIT OF CARDOZO, SIGNED BY CARDOZO AND THE ARTIST

# 41 [CARDOZO, BENJAMIN N.].

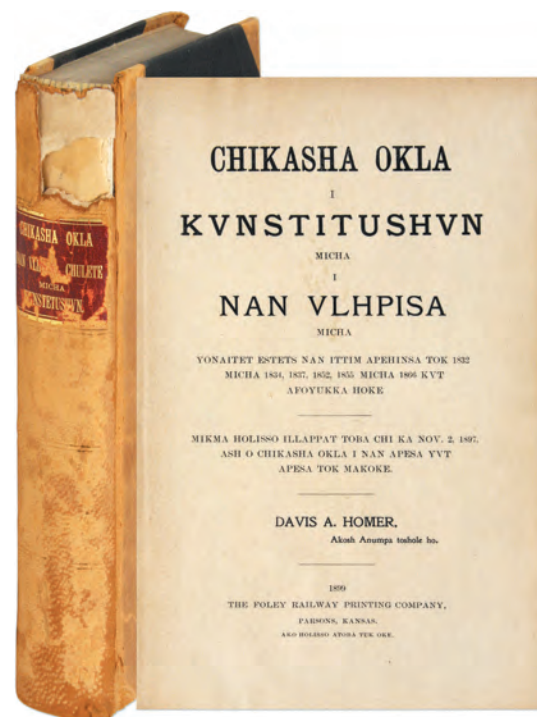
Zirinsky, Julius [1898–1970].

## [Portrait of Cardozo].

[Washington, DC? c.1935]. 24-1/4" x 19-1/2" black-and-white lithograph, image size 16-1/4" x 12-1/4," signed in ink by Cardozo and Zirinsky in pastel. Light toning, attractively mounted and double-matted. \$950.

ZIRINSKY WAS A NOTABLE NEW-YORK based artist. In the mid-1930s he traveled the United States to produce a series of portraits of living luminaries. His portrait of Albert Einstein, done in Princeton, New Jersey in 1935, is the best-known of these. Cardozo was an associate justice of the U.S. Supreme Court and near the end of his life when he sat for Zirinsky.

THE FINAL PRINTING OF THE CONSTITUTION, LAWS AND TREATIES OF THE CHICKASAW NATION



Nº 42

FIRST AMERICAN EDITION OF COKE UPON LITTLETON

# 42 [CHICKASAW NATION, OKLAHOMA].

HOMER, DAVIS A. [B. 1864?], TRANSLATOR.

*Chikasha Okla I Kvnstitushvn: Michal Nan Vlhpsa Michal Yonaitet Estets Nan Ittim Apehinsa Tok 1832 Michal 1834, 1837, 1852, 1855 Michal 1866 Kvt Afoyukka Hoke. Mikma Holisso Illappat Toba Chi Ka Nov. 2, 1897, Ash o Chikasha Okla I Nan Apsa Yvt Apsa Tok Makoke.*

Parsons, KS: Foley Railway Print. Co., 1899. 531, xi pp. Octavo (8-1/4" x 5-3/4").

Contemporary three-quarter sheep over textured boards. Rubbing to joints and backstrip, chip to head of spine, corners bumped and somewhat worn, hinges starting. Lettering piece in Chocktaw and presentation inscription, presumably by Homer, to front pastedown. Light toning to text, later inscriptions and stamps (of W.C. and George M. Bayles) to front pastedown and free endpaper. An appealing copy. \$850.

IN THE CHOCTAW LANGUAGE. With an appendix of treaties. This work provides the Constitution and laws of the (sovereign) Chickasaw Nation, together with the treaties of 1832, 1833, 1834, 1837, 1852, 1855 and 1866. It also includes an act of Congress from January 1898 governing the tribal courts of the Indian Territory and the Curtis Act of June 28, 1898. A landmark in the history of Indian affairs, this act, also known as the General Allotment Act, completed the work of the earlier Dawes Act (1887), which dissolved the sovereignty of the tribes and gave U.S. citizenship to Native Americans. The Curtis Act abolished tribal governments on March 6, 1906 and weakened tribal structures through the conversion of tribal lands to individual plots. The act also provided for the assimilation of the young through the establishment of public schools. It was repealed in 1935. Taking advantage of this opportunity, the Chickasaw reorganized its tribal government in the 1960s and adopted a new constitution in 1983 to manage tribal businesses. Homer, or Homma, was a Choctaw lawyer and preacher. According to Hargrett, 500 copies of this book were printed. OCLC locates 12 copies. 5 in North American law libraries (Duke, Harvard, UC-Berkeley, University of Michigan, University of Washington, Yale). Hargrett 106.

# 43 COKE, SIR EDWARD. [1552–1634].

DAY, THOMAS, EDITOR.

*The First Part of the Institutes of the Laws of England; Or, a Commentary upon Littleton: Not the Name of the Author Only, But of the Law Itself. Revised and Corrected, With Additions of Notes, References, and Proper Tables by Francis Hargrave and Charles Butler, Including Also the Notes of Lord Chief Justice Hale and Lord Chancellor Nottingham: And an Analysis of Littleton, Written by an Unknown Hand, 1658–1659. To Which Are Now Added, Considerable Improvements.*

Philadelphia: Published by Johnson and Warner, and Samuel R. Fisher, 1812. Three volumes. Octavo (9" x 5-1/2").

Contemporary calf, blind fillets to boards, blind rules and red and black lettering pieces to spine. Light rubbing and some scratches to boards, moderate rubbing to extremities, some chipping to spine ends of Volumes I and II, joints and hinges of all volumes cracked or starting, all boards secure, endpaper of Volume II torn. Light toning to text, somewhat heavier in places. Early owner signature and stamp of (N.J. Wyeth of Staten Island) to preliminaries and endleaves, interior otherwise clean. Set housed in lightly shelfworn cloth slipcase. A solid set. \$750.

FIRST AMERICAN EDITION. from the sixteenth London edition, 1809. Text is unpaginated with English and French (or Latin) texts in parallel columns. The first *Institutes*, better known as *Coke on Littleton*, contains the text of Sir Thomas Littleton's *Tenures* with extensive commentary. First published in 1628, it was a standard work for decades and was often used as a textbook. Generally considered the most important of the four *Institutes*, this was the only one published during Coke's lifetime. "N.J. Wyeth," the former owner of this book, is probably Nathaniel Jarvis Wyeth [1830–1916], a prominent corporate attorney, state legislator and civic leader who lived on Staten Island. Shaw and Shoemaker 25106. Cohen 9451.

ONLY AMERICAN EDITION OF AN IMPORTANT WORK ON CRIME

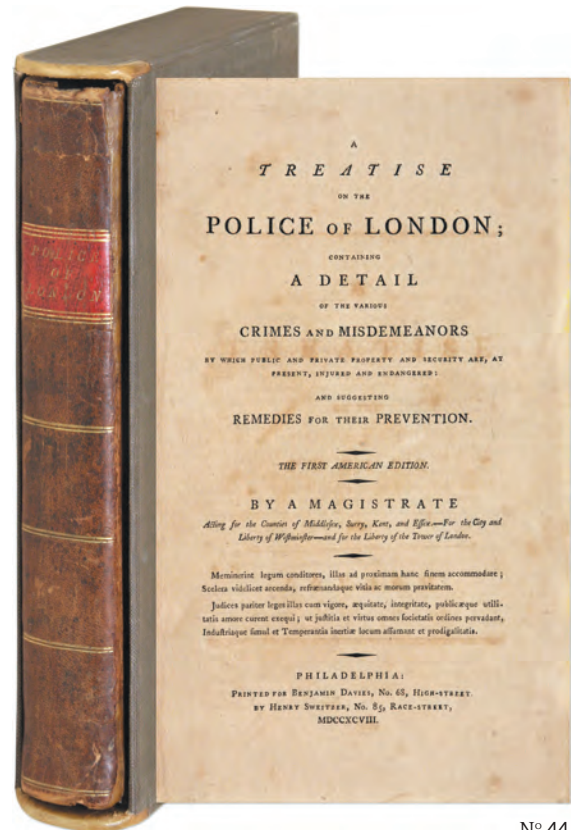
## 44 [COLQUHOUN, PATRICK (1745-1820)].

*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.*

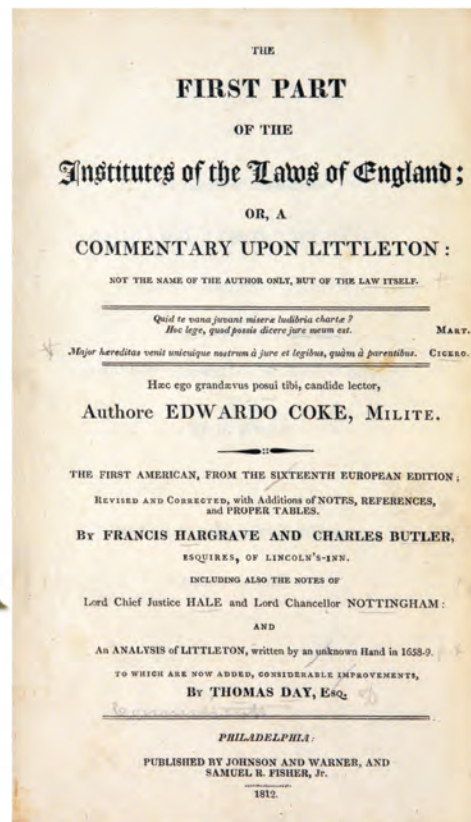
Philadelphia: Printed for Benjamin Davies, 1798. xii, [7], 342, xxiv pp. Folding table. Octavo (8-1/4" x 5").

Contemporary tree sheep, lettering piece and gilt fillets to spine, neat early repair to head of spine. Negligible light rubbing to boards, moderate rubbing to extremities, minor chipping to spine ends, some wear to corners, partial crack in text block between front endleaf and half-title. Moderate toning to text, brief early annotations and struck-thought signature to preliminaries. Item housed is lightly shelfworn cloth slipcase with calf accents at head and foot of opening. An appealing copy. \$750.

ONLY AMERICAN EDITION. Colquhoun was an 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 1010.



N° 44



N° 43



RARE PENNSYLVANIA-GERMAN IMPRINT  
WITH SEVEN WOODCUTS

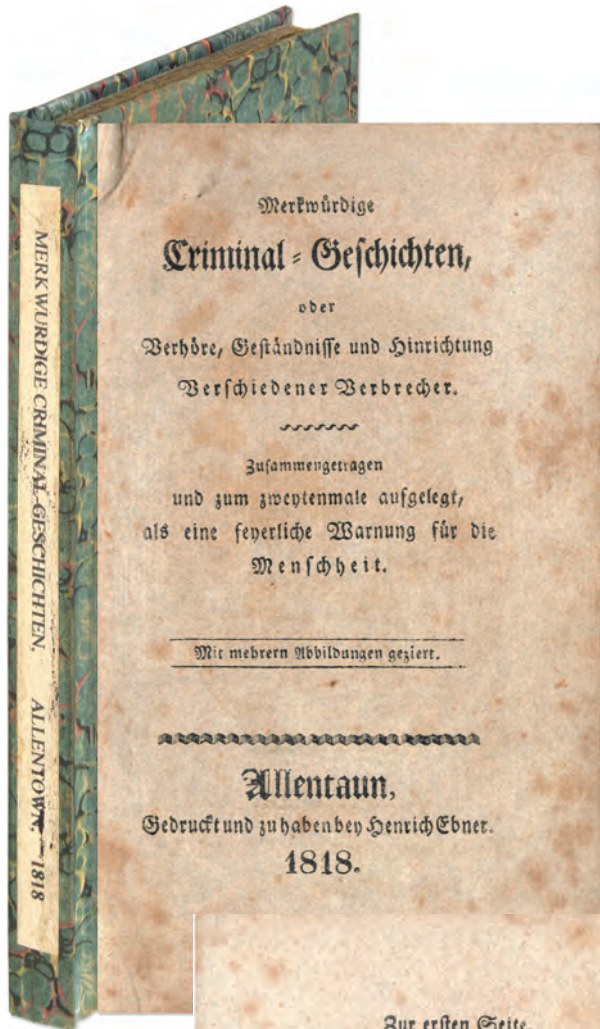
45 [CRIMINALS].  
[PENNSYLVANIA].

*Merkwürdige Criminal-Geschichten, Oder Verhore, Gestandnisse und Hinrichtung Verschiedener Verbrecher: Zusammengetragen und zum Aweytenmale für die Menschheit. Mit Mehrern Abbildungen Geziert.*

Allentown: Gedruckt und Zuhabenden bey Heinrich Ebner, 1818.  
[ii], 176 pp. Woodcut frontispiece. Six woodcut plates. 12mo.  
(7" x 4").

Recent period-style marbled boards, printed paper title label to spine, title page re-hinged. Moderate browning and foxing to text, chip to foot of first text leaf with minor loss to text, a few leaves have minor tears, internally clean. A handsomely bound copy of a rare title. \$750.

ONLY EDITION. Published for the German-American community in Pennsylvania, this book offers a sensational collection of English and American criminal biographies. These include Mary Blandy, an English poisoner, and Baker, Brous and Peterson, a trio of pirates tried in Philadelphia. The frontispiece depicts a rural constable. The others, all rather lurid, illustrate crimes by Catherine Hayes, John Gow, Ned Findley, Baker, Brous and Peterson, Blandy and John Schild. Shaw & Shoemaker and the copies located on OCLC list 6 plates, 1 plate fewer than in our copy. OCLC locates 3 copies (Franklin and Marshall College, Millersville University, Lehigh University). Shaw & Shoemaker 44811.



DARROW DISCUSSES AN ISSUE CONCERNING  
THE PUBLICATION OF HIS AUTOBIOGRAPHY

- 46 DARROW, CLARENCE [1857–1938].  
[SPINGARN, ARTHUR (1878–1971)].

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

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

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

DARROW DISCUSSES PROHIBITION WITH A COLLEAGUE

- 47 DARROW, CLARENCE.  
[BLACK, FORREST R].

**[Autograph Letter, Signed, To Black, On the Letterhead of the Hotel Fenway, Denedin, Florida, February 26].**

Single 10-1/2" x 7-1/4" sheet. Some toning, two horizontal fold lines, light soiling to upper right hand corner, otherwise fine.

[WITH]

DARROW, CLARENCE.

***The Story of My Life.***

New York: Charles Scribner's Sons, 1932. xiv, 465 pp. Fourteen plates (with 16 illustrations). First edition, first issue (Scribner "A").

Cloth in moderately worn and lightly soiled multi-color Art Deco dust jacket, light toning to text. Check marks and underlining in pencil to a few pages, interior otherwise clean. \$1,950.

BLACK WAS A LAW PROFESSOR at the University of Kentucky and the author of *Ill-Starred Prohibition Cases: A Study in Judicial Pathology* (1931), which has a foreword by Darrow. Darrow's letter from February 26 was probably written in 1930 or 1931, the period in which the two exchanged a number of letters about the manuscript of Black's book. Darrow appears to be discussing a passage in the manuscript: "I am convinced that both propositions you are examining would stand the test of law, assuming they ever reached the courts. Of course you and I both know that it would be easier to win on them now than it would have been a few years ago. I can really imagine no argument against it. The only thing that could be said is that it is an effort to do something indirectly that can't be done directly, but that is not a valid objection. It seems to me that essentially every point has been pressed upon." The letter is accompanied by a first edition, first issue, of Darrow's autobiography. Hunsberger 272.

INSCRIBED BY DARROW  
TO A FELLOW CRIMINAL DEFENSE ATTORNEY

- 48 DARROW, CLARENCE.

***An Eye for an Eye.***

New York: Fox, Duffield & Company, 1905. 213 pp.

Original cloth, gilt titles to front board and spine. Some rubbing to extremities, corners and spine ends bumped, a few tiny stains, some fading to sections of boards and spine, rear hinge starting. Author inscription to front endleaf, light toning to text, negligible foxing to a few leaves. \$1,750.

FIRST EDITION. Darrow's only fictional work, aside from his autobiographical novel, *Farmington*, published in 1904. It tells the story of Jim Jackson, who struggles with poverty and harsh circumstances, before finally murdering his wife in a fit of rage. Faced with the gallows, Jackson confesses: "If ther'd been forty scaffolds right before my eyes, I'd have brought down the poker just the same." Darrow's novel is a sociological polemic which foreshadows such later works as Theodore Dreiser's *An American Tragedy* and Upton Sinclair's *The Jungle*. Abe Ravitz, in his *Clarence Darrow and the American Literary Tradition*, observed that *An Eye for an Eye* was worthy of a trophy not only for sociological veracity but also for genuine literary achievement. This copy was inscribed "with the regards of his friend and admirer" to James K. Jones, a lawyer in Washington, DC, who often served in criminal cases. The University of Minnesota owns the letter in which he acknowledges receipt of Darrow's book. Jones praises it as "a vivid and truthful picture...of much that comes along in many a poor devil's life... [It] turns light on places where light was needed." Hunsberger 55.

SIGNED FIRST EDITION OF DARROW'S *FARMINGTON*

- 49 DARROW, CLARENCE.

***Farmington.***

Chicago: A.C. McClurg & Co., 1904. vi, 277 pp.

Cloth, arts-and-crafts style multi-color vignette and gilt title to front board, gilt title and black-stamped fillets to spine, top edge gilt, deckle fore and bottom edges. Some rubbing to extremities with some wear to spine ends and corners, front hinge just starting. Title page with large engraved vignette printed in red and black. Toning to text. Inscribed and signed by Darrow: "Mrs Goodlawd/ Clarence Darrow" in bold hand to front free endpaper, interior otherwise clean. \$1,000.

FIRST EDITION. *Farmington* is a fictionalized account of the author's youth in Ohio. Though it went through seven editions, it was never a critical or commercial success. This pained Darrow because he thought it was his finest book. Hunsberger 49.

INSCRIBED BY DARROW TO BRITISH ACTRESS  
ROSALINDE FULLER

- 50 DARROW, CLARENCE.

***A Persian Pearl and Other Essays.***

Chicago: C.L. Ricketts (Lakeside Press colophon), 1902. 160, [1] pp.

Quarter cloth over patterned paper boards, gilt title to spine, top edge gilt, deckle fore and bottom edges. Light soiling, some wear to spine ends and corners, author inscription to front free endpaper. Light toning to text, internally clean. A nice copy with an interesting association. \$1,500.









N° 53

CLARENCE DARROW  
1537 EAST 80TH STREET  
CHICAGO

October 24-th, 1931.

Mr. Arthur Spingarn :---  
19 West 44-th Street:---  
NEW YORK CITY, N.Y. :---

My Dear Spingarn ---

The book will be finished this month. As I have said, no contract has been made with any one, but several publishers seem anxious to get it. I do not feel like giving it to Liveright & Co. I have said that I will show it to them, which I will do; still, that is superfluous, if they are not in the running. I presume I could ask each publisher to make an offer, and I could safely give it to the one that makes the best offer; still there are other things to consider.

Had I better send a copy of manuscript to you to deliver to them when I send out any others? Have you any idea of the best way to handle the situation? I do not like to make any pretense that I feel is not true, but I think I should put it where I want to, and, of course, since I have given them \$1,000.00 and you got me a clean release, I have the right to do it.

One of these days I will be in New York, but on account of the other fellow rushing his book out in a hurry -- after promising to wait! -- I felt that I had better get mine done.

With thanks, and best wishes,  
*Clarence Darrow.*

*I have a story in the current Nov. number of Vanity Fair on what we can and can not do to get rid of prohibition. We can not repeal the 18th Amendment, I think my plan has now been published.*

N° 46



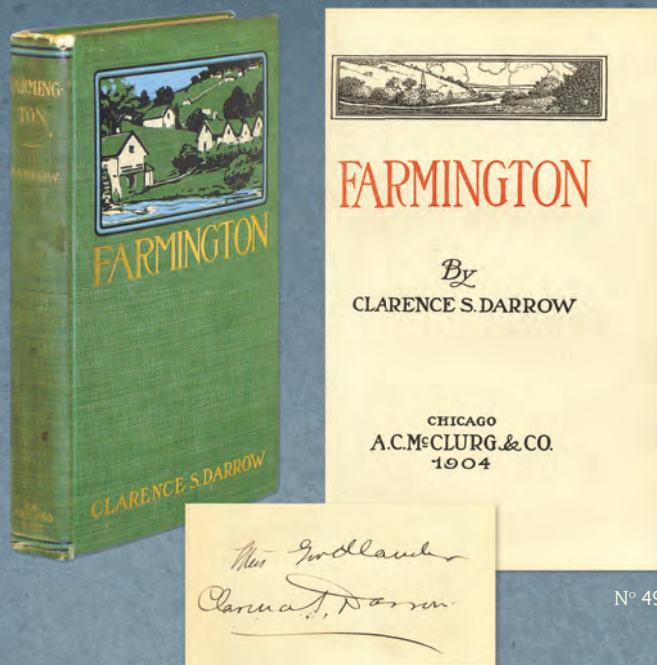
*To Rosalyn Fuller  
from  
Clarence Darrow  
July 9th 1917*

N° 50

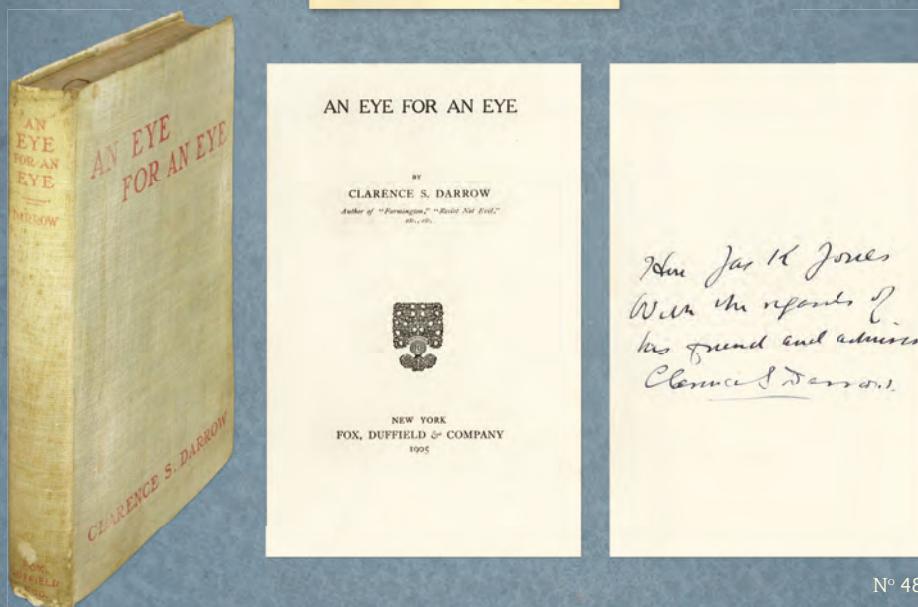


Detail from N° 51

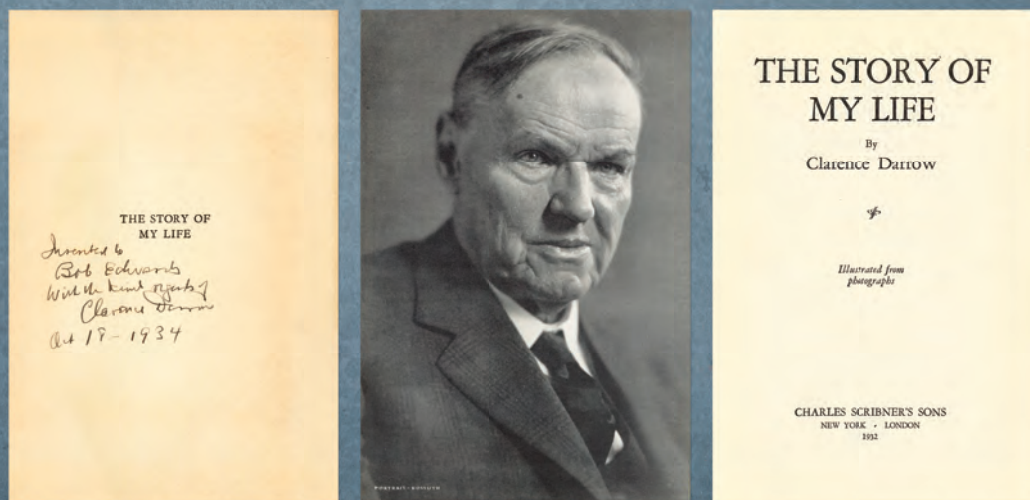




N° 49



N° 48





SECOND EDITION. The inscription reads "To Rosalyn [sic] Fuller/ from/ Clarence Darrow/ Feby 9th 1917." *A Persian Pearl* was Darrow's first book and the cornerstone of any Darrow collection. It consists of five essays. "A Persian Pearl" is an appreciation of Omar Khayyam's *Rubaiyat*. The other essays discuss Walt Whitman, Robert Burns, realism in literature and art and the importance of facing up to past mistakes without fear or shame. Fuller [1892–1982], a distinguished British actress, was famous for her portrayal of Ophelia to John Barrymore's celebrated Hamlet on Broadway in 1922 and continued to perform into the 1970s. She also has a footnote in literary history for her brief affair with F. Scott Fitzgerald. Some scholars believe she was the model for Marcia, the bold chorus girl in "Head and Shoulders," a story later included in *Flappers and Philosophers* (1920). Hunsberger 44.

WITH DARROW'S SIGNATURE AND BOOK LABEL

## 51 DARROW, CLARENCE.

### *The Story of My Life.*

New York: Charles Scribner's Sons, 1932. viii, [iv], 465 pp. Fourteen plates (with 16 illustrations).

Cloth very good in edgeworn, creased and lightly soiled dust jacket. Leather 2-1/2" x 3/4" calf label reading "C.S. Darrow" affixed to front pastedown, Darrow signature to half-title in bold hand. \$2,500.

FIRST EDITION (SCRIBNER "A," BLUE CLOTH). A curious feature of this copy, one we have never seen before, is the label affixed to the front pastedown. It is not a bookplate; it appears to be a lawyer's spine label, this one from Darrow's office. The label may have been added by the owner of the book. (It is unlikely that Darrow would have owned an autographed copy of his book.) Darrow's *Story of My Life* is one of the great autobiographies of the twentieth century. When Darrow died in 1938 at the age of 81, few disputed that he was one of the great attorneys and public intellectuals of his day. There were other lawyers in his lifetime who contributed more to the development of legal science, who rose to positions of greater influence, or who won larger financial rewards, but perhaps none who could match his record as a crusader for the common man.

INSCRIBED BY DARROW

## 52 DARROW, CLARENCE.

### *The Story of My Life.*

New York: Charles Scribner's Sons, 1932. xiv, 495 pp. Fourteen plates (with 16 illustrations). Cloth very good in dustjacket with some edgewear and chipping. Author inscription in bold hand to half-title. \$1,500.

FIRST EDITION, SECOND ISSUE. With the account of the Massie Trial. The inscription reads: "Inscribed to/ Bob Edwards / With the kind regards of/ Clarence Darrow/ October 18 - 1934."

COLLECTION OF TRIAL-RELATED DARROW PHOTOGRAPHS

## 53 [DARROW, CLARENCE].

### *[Fifteen Black-and-White Press Photographs of Darrow, 1924–1936].*

Sizes ranging from 5-1/2" x 8" to 8" x 10." Light to moderate edgewear, annotations and tipped-in captions to versos, some photos have crop marks and creases, a few have captions printed below image. An interesting collection. \$1,500.

THESE PHOTOGRAPHS, SOME LATER REPRINTINGS, record incidents from four of Darrow's greatest trials. Four relate to the Loeb-Leopold Trial (1924). Three were taken during trials, the fourth is an image of Nathan Leopold from 1957. There are three courtroom scenes from the Scopes Trial (1925) and a single image of Darrow and his client Russell McWilliams, a young man sentenced to death in 1933. The remaining six images depict incidents surrounding the Massie Trial (1931–1932). This group also includes a 1936 picture of Darrow and his wife, Ruby.

COLLECTION OF DARROW PHOTOGRAPHS

## 54 [DARROW, CLARENCE].

### *[Eighteen Black-and-White Press Photographs of Darrow, 1894–1936].*

Sizes ranging from 3-1/2" x 6-1/2" to 8" x 10." Light to moderate edgewear, annotations and tipped-in captions to versos, some photos have crop marks and creases. \$2,500.

THIS INTERESTING COLLECTION comprises seven formal and informal images of Darrow, seven images of Darrow with associates and three images with Darrow and his wife, Ruby and an image of her alone.

DARROW ATTENDS A BANQUET  
IN HONOR OF LINCOLN STEFFENS

## 55 [DARROW, CLARENCE].

[STEFFENS, LINCOLN (1866–1936)].

### *[12" x 20" Photograph of a Banquet Honoring Steffens, Party Includes Clarence and Ruby Darrow]*

New York: Standard Flashlight Company, 27 April 1931.

[WITH]

*[11" x 6" Printed List of People Who Attended the Banquet].*

[AND]

DARROW, CLARENCE

[FILENE, EDWARD A. (1860–1937)].

### *[Autograph Letter, Signed, To Filene, On the Letterhead of the Murray Hill Hotel, New York, New York, April 17, 1931].*

Single 9-1/2" x 6" sheet.

Some edgewear to photo, upper left corner of image repaired, light toning and fold lines to list, early annotations to photograph, a few chips and nicks to edges of both. Items mounted on 16" x 32" foam-core board. Letter, which is not mounted, has some toning, two horizontal fold lines, a few light pencil lines (offsetting from another document) and glue residue to verso, probably from mounting in an album, otherwise fine. Three items in all. \$1,750.

THERE ARE TWO CAPTIONS at the foot of the image. One identifies the photography company, the other reads "Dinner to Lincoln Steffens and Characters in His Book Given by Edward A. Filene. Ritz Carlton Hotel April 27, 1931." The list, which includes several media people, social reformers and reform-minded politicians, such as Ida Tarbell and Bernard Baruch, is captioned: "Cast of Characters from 'The Autobiography of Lincoln Steffens'" and from his next book, present at the dinner given to the author and his characters by Edward A. Filene, Ritz-Carlton Hotel, April 27, 1931." Some of the attendees are identified in a contemporary hand. Darrow is seated at the center of the main table next to Steffens; Ruby Darrow is sitting at the right end. Darrow, in his letter, thanks Filene for the invitation to the event, "which I am very glad to accept" and adds: "Mrs. Darrow is here with me. May I bring her along?" This late request may be the reason why Ruby Darrow is seated several places away from Clarence.





N° 56

PHOTOS OF (AND ABOUT) JUSTICE DOUGLAS

## 56 [DOUGLAS, WILLIAM O. (1898–1980)].

**[A Collection of five Black-and-White Press Photographs of (or About) Douglas, 1958–1970].**

Sizes ranging from 4-1/2" x 6-1/2" to 8-1/2" x 11." Light edgewear, annotations and stamps to versos, a few have minor creases. \$450.

TWO CANDID PHOTOS show Douglas speaking in a casual setting, another shows Douglas grilling steaks on a patio with his fourth wife. There is also a photograph of his first wife, Mildred Miller, and a photograph of Gerald Ford and Rep. Louis C. Wyman discussing a motion to impeach Douglas.

DUPONCEAU'S ESSAY ON THE CONSTITUTION, THIS COPY FROM THE LIBRARY OF A NOTABLE SOUTH CAROLINA POLITICIAN

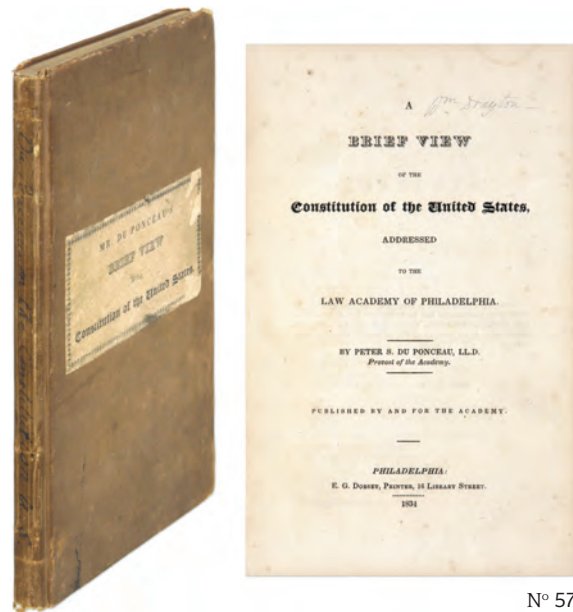
## 57 DU PONCEAU, PETER S. [1760–1844].

**A Brief View of the Constitution of the United States, Addressed to the Law Academy of Philadelphia, Published by and for the Academy.**

Philadelphia: E.G. Dorsey, 1834. xxiv, 106, [1] pp. 12mo. (7-1/4" x 4-1/2").

Contemporary cloth, printed paper title panel to front board, early hand-lettered title to spine. Moderate rubbing with some wear to spine ends and corners, some scuffing to corners of title panel few minor inkstains to boards. Light toning to text, faint dampspotting in places. Small early owner signature of William Drayton to head of title page, interior otherwise clean. A nice copy of a scarce title with an interesting association. \$650.

FIRST EDITION. Du Ponceau [1760–1844] is an important figure in the early history of American Law and letters. Aide-de-camp to Baron von Steuben during the American Revolution, he founded the Law Academy of Philadelphia, was the President of the American Philosophical Society and was a much-consulted expert on international relations and linguistics. *Brief View* discusses the history of the Continental Congress and Articles of Confederation,



N° 57

examines the powers granted to the three branches of government and reviews topics such as commerce, finance, foreign relations, the admission new states and the relationship between the Constitution and the common law. The appendix prints the texts of the Declaration of Independence, Articles of Confederation, Constitution, and Washington's Farewell Address. A Spanish-language edition intended for Cuba and Puerto Rico was published in 1848, a French edition in 1837. Drayton [1776–1846] held a variety of political posts in South Carolina and was elected to Congress as a Democrat in 1824. He supported slavery, but he was a firm opponent of nullification, despite its wide support in South Carolina. After leaving Congress in 1833 he moved to Philadelphia and served for a time as President of the Bank of the United States. Bauer 75. Cohen 2809.

AN "UNRIVALLED" AUTHORITY ON COMMERCIAL LAW

## 58 EMERIGON, BALTHAZARD-MARIE [1716–1785]. [HALL, JOHN E., TRANSLATOR].

**An Essay on Maritime Loans, From the French; With Notes: To Which is Added an Appendix, Containing the Titles De Exercitoria Actione, De Lege Rhodia de Jactu, and De Nautico Foenore, Translated From the Digest and Code of Justinian. And the Title Des Contracts a la Grosse Aventure ou a Retour de Voyage, From the Marine Ordinance of Louis XIV.**

Baltimore: Published by Philip H. Nicklin & Co., 1811. xvi, [17]–313, [1] pp. Octavo (8-1/2" x 5-1/4").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Some rubbing to extremities, front joint just starting at head, a few light scuffs to boards. Light browning to foxing in a few places, dampstaining to a few leaves. Early owner signature (Abner Beck, 1815) to title page, interior otherwise clean. \$500.

ONLY AMERICAN EDITION. With notes and references to English and American cases. Emerigon was the leading French authority on commercial law. His work was held in the highest regard by English and American jurists. James Kent observed that "no subject in Emerigon is discussed without being exhausted." Lord Ellenborough said he was an "unrivalled" theorist and practical writer. This treatise on bottomry and respondentia is a useful companion to his treatises on maritime law and maritime insurance. Citations from Marvin 293. Cohen 7060.



N° 59

CHARMING HOOKED-RUG DEPICTING AN EAGLE

## 59 [FOLK ART].

**[American Primitive-Style Hooked Rug, Dated 1907].**

25" x 40," mounted to wooden frame. \$2,250.

THE HOOKED RUG with bound edges has a large eagle in the center below the date 1907 against a background of stars and other decorative devices. The position of the eagle's head and wings, and what appears to be a shield below its body, suggests that it is a version of the Great Seal of the United States. A unique piece.

FRANKFURTER ALS WITH INTERESTING CONTENT  
CONCERNING JUDGES

## 60 FRANKFURTER, FELIX [1882-1965].

**[Autograph Letter, Signed, On Harvard Law School Letterhead, Signed F.F. and Dated Sept. 19] c.1935.**

Three-page letter on three 5" x 8" sheets and 5" x 7" portrait photograph of Frankfurter in judicial attire in attractively matted and glazed 28" x 14" frame. \$1,250.

IN THIS INTERESTING LETTER to an unidentified recipient Frankfurter shares his thoughts on the judicial system and elected

judges. "I agree with you altogether that the quality of our judges is fundamental to the quality of our judicial output and I also agree that the method & selection, the tenure & termination of office are most important. Of course I am all against short election terms and recall of judges. My own inclination is strongly, on the whole, for an appointive judiciary particularly with, possibly, an elected C.J. as the administrative head of the whole judicial system..." Frankfurter was a professor at Harvard Law School from 1914 to 1939.

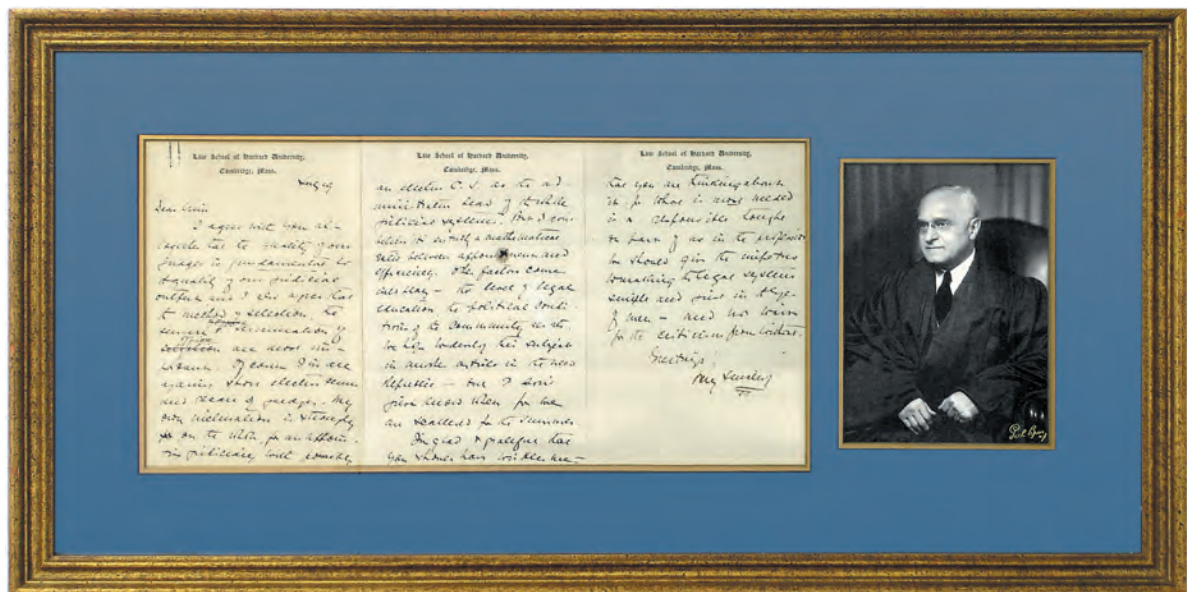
FRANKFURTER QUOTES HOLMES

## 61 FRANKFURTER, FELIX

**[Typed Letter, Signed, On Harvard Law School Letterhead, November 5, 1932].**

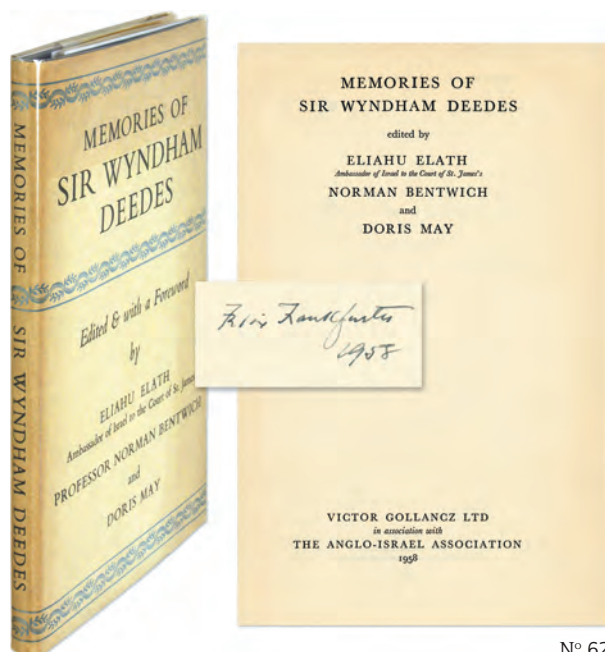
Single 8" x 5-1/2" sheet and 6" x 3-1/2" envelope. Some toning, two horizontal fold lines to letter, which has a full signature. Items housed in handsome recent cloth solander case with calf lettering piece. \$650.

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



N° 60





N° 62

FELIX FRANKFURTER'S COPY

- 62 [FRANKFURTER, FELIX]  
ELATH, ELIHU, NORMAN BENTWICH AND DORIS MAY,  
EDITORS.

***Memories of Sir Wyndham Deedes.***

[London]: Victor Gollancz, Ltd. In Association with the Anglo-Israel Association, 1958. 93 pp.

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

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

WITH A WARM INSCRIPTION BY FRANKFURTER

- 63 FRANKFURTER, FELIX

***The Commerce Clause Under Marshall, Taney and Waite.***

Chapel Hill: The University of North Carolina Press, 1937. 114 pp.

Lightly shelfworn cloth in moderately worn and lightly edgeworn and moderately soiled dust jacket, faint dampstaining to rear panel. Warm author inscription, most likely to Robert H. Jackson, signed "Felix," interior otherwise clean. \$1,250.

FIRST EDITION. The inscription reads: "Dear Bob/ This is not a Roland for an Oliver, but law, at least in my poor hands, is only on the river of philosophy./ But 'we live by symbols,' and this brings you my gay devotion & ardent hopes./ Yrs/ Felix/ 18 December 1936." "Bob" is probably Robert H. Jackson [1894–1954], one of Frankfurter's closest friends. In 1936 Jackson was the assistant attorney general heading the Tax Division of the Department of Justice. He was attorney general from 1937 to 1941 and an associate justice of the Supreme Court from 1941 to 1954.



N° 63

RARE NEW YORK DIGEST OF CERTIORARI CASES  
PRINTED IN BALLSTON SPA, NEW YORK

- 64 GENTLEMAN OF THE BAR.  
[JOHNSON, WILLIAM (1769–1848)].  
[CAINES, GEORGE (1771–1825)].

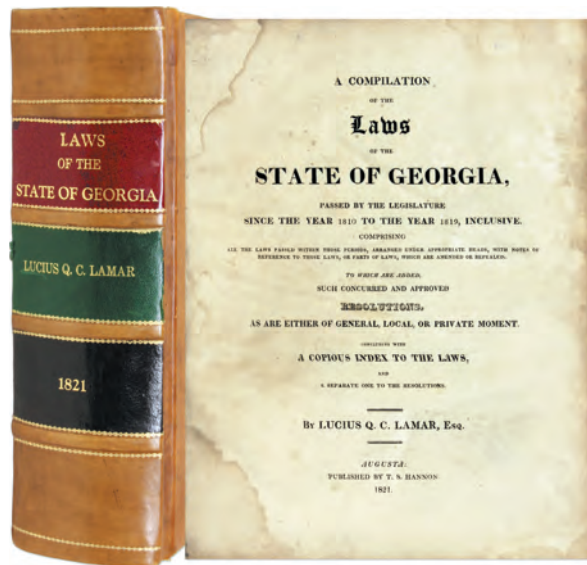
***The Justices' Directory, Or, Points on Certiorari, Being a Digest of the Cases Reported by Johnson & Caines.***

Ballston Spa [NY]: Published by Samuel R. Brown, Proprietor of the Copy-Right, 1813. 58 pp. Octavo (7" x 4").

Stab-stitched pamphlet in printed wrappers bound into later three-quarter morocco over marbled boards, gilt title to spine, front wrapper cover and title page mounted. Moderate rubbing to extremities, a few minor scratches to boards. Moderate toning to text, light foxing in places, edgewear to a few leaves at beginning and end of text, soiling to front wrapper and verso of final leaf, brief early annotations to foot front wrapper and margins of a few leaves. Ex-library. Two small inkstamps to title page. A rare title in an attractive binding. \$1,250.

FIRST EDITION. Digested by topic, this is a digest of quotations taken from the reports by Caines and Johnson of the senior New York state courts concerning judicial review of cases decided in the lower state courts. It seems to have been a well-received book; later editions were published in 1814 and 1816. All are rare. OCLC locates 2 copies of the first edition (at the American Antiquarian Society and Harvard Law School), no copies of the later editions. Cohen, *Bibliography of Early American Law* 8423.





Nº 66

1812 COMPILATION OF GEORGIA LAW

- 65 [GEORGIA].  
CLAYTON, AUGUSTIN SMITH, COMPILER.

*A Compilation of the Laws of the State of Georgia, Passed by the Legislature Since the Political Year 1800, To the Year 1810, Inclusive. Containing All the Laws, Whether in Force or Not, Passed Within Those Periods, Arranged in a Chronological Order, With Comprehensive References to Those Laws or Parts of Laws, That are Amended, Suspended or Repealed: Together with an Appendix, Comprising Such Concurred and Approved Resolutions, As Are of a General Operative Nature, And as Relate to the Duty of Officers, The Relief of Individuals, And the Settlement of Boundary Between Counties, And this State with North Carolina: Concluding with a Copious Index to the Whole.*

Augusta: Printed by Adams & Duyckinck, 1812. [vi], 708, [20] pp. Includes four pages of testimonials. Quarto (10" x 8").

Later buckram, calf lettering piece to spine, endpapers renewed. Some rubbing to extremities, light fading to spine, later owner bookplates to front pastedown and free endpaper, one of Ellis Merton Coulter. Light browning and foxing to text, occasional dampstaining. Early annotations to front endleaf, interior otherwise clean. A solid copy with a nice provenance. \$900.

FIRST EDITION. This was the third digest of Georgia state laws, preceded by others from 1801 and 1802. It is digested alphabetically by topic. Coulter [1890–1981] was a notable American historian of the South and a founding member of the Southern Historical Association. He was known for his glorification of the Old South, belief in white supremacy and segregation. *De Renne* 1:346. Babbitt 86.

1821 COMPILATION OF GEORGIA LAW

- 66 [GEORGIA].  
LAMAR, LUCIUS Q.C.A., COMPILER.

*A Compilation of the Laws of the State of Georgia, Passed by the Legislature Since the Year 1810 to the Year 1819, Inclusive: Comprising All the Laws Passed Within Those Periods, Arranged Under Appropriate Heads, With Notes of Reference to Those Laws, Or Parts of Laws, Which Are Amended or Repealed: To Which Are Added, Such Concurred*

*and Approved Resolutions, As Are Either of General, Local, or Private Moment: Concluding with a Copious Index to the Laws, And a Separate One to the Resolutions.*

Augusta: Published by T.S. Hannon, 1821. iv, 1300 pp. Quarto (10-1/2" x 8-1/2").

Recent period-style imitation sheep, raised bands and lettering pieces and gilt fillets to spine, marbled endpapers. Light rubbing to extremities, owner bookplate to front pastedown. Light to moderate browning, foxing and occasional marginal damp staining, internally clean. \$1,000.

FIRST EDITION. This was the fourth digest of Georgia state laws, preceded by others from 1801, 1802 and 1812. It is digested alphabetically by topic. Babbitt 86.

PRINCE'S DIGEST

- 67 [GEORGIA].  
PRINCE, OLIVER [1782–1837], COMPILER.

*A Digest of the Laws of the State of Georgia: Containing All Statutes and the Substance of All Resolutions of a General and Public Nature, And Now in Force, Which Have Been Passed in This State, Previous to the Session of the General Assembly of December, 1820. With Occasional Explanatory Notes, And Connecting References, And a List of the Statutes Repealed or Obsolete. To Which is Added, An Appendix; Containing the Constitution of the United States; The Constitution of the State of Georgia as Amended; The Statute of Frauds and Perjuries; The Habeas Corpus Act, &c. &c. Also References to such Local Acts as Relate to Towns, Counties, Internal Navigation, County Academies, &c. With a Copious Index. Compiled by the Appointment, And Under the Authority of the General Assembly.*

Milledgeville: Grantland & Orme, 1822. xiii, 669 pp. Octavo (9" x 5-1/4").

Somewhat later law sheep, rebacked, printed paper spine label, endpapers renewed. Moderate rubbing to extremities with some wear to spine ends and corners, a few minor scuffs, recent owner bookplate to front pastedown. Moderate toning and foxing throughout, dampstaining to portions of text. Early owner signature to front endleaf, interior otherwise clean. A solid copy. \$500.

FIRST EDITION. Known as "Prince's Digest," this is an important early digest of public and general laws, with a small digest of local laws. It had a second edition in 1837. It is very useful source with a thorough index. *De Renne* 1:382. Babbitt 87.

PRE-FIRE CHICAGO IMPRINT

- 68 HAINES, ELIJAH M.

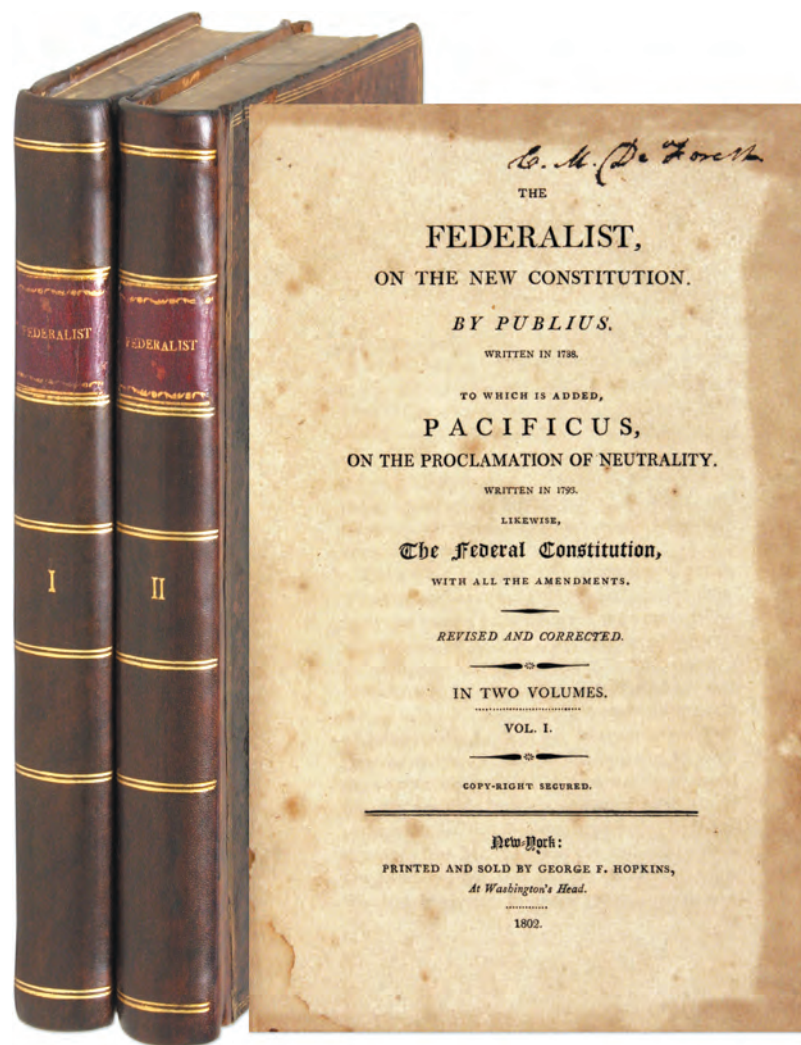
*The Probate Manual, Being a Complete Guide for Executors, Administrators, And Guardians, Under the Law of Illinois, With Practical Forms.*

Chicago: Keen & Lee, 1856. 147, [1] pp. Octavo (8-1/2" x 5-1/4").

Contemporary three-quarter morocco over marbled boards, gilt title and fillets to spine. Some rubbing to boards and extremities, moderate toning and foxing to text. Early owner signature to front free endpaper, interior otherwise clean. \$450.

FIRST EDITION. This appears to be the earliest manual of its kind produced for Illinois. OCLC locates 8 copies, 4 in law libraries (LA County, Library of Congress, St. Louis University, University of Cincinnati, Cohen 4687).





N° 69

THE LAST EDITION PUBLISHED IN HAMILTON'S LIFETIME, AND THE FIRST AMERICAN EDITION TO PUBLICLY IDENTIFY THE AUTHORS

- 69 [HAMILTON, ALEXANDER (1755 or 57–1804)],  
[MADISON, JAMES (1751–1836)].  
[JAY, JOHN (1745–1829)].

*The Federalist, On the New Constitution. By Publius. Written in 1788. To Which is Added, Pacificus, On the Proclamation of Neutrality. Written in 1793. Likewise, The Federal Constitution, With All the Amendments. Revised and Corrected.*

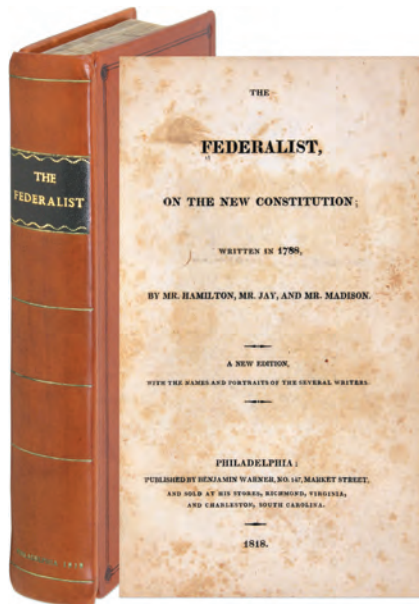
New York: George F. Hopkins, 1802. Two volumes. viii, 317, [1]; v, [3], 351 pp. Octavo (8-1/2" x 5").

Contemporary tree sheep, gilt rules to boards, expertly rebacked retaining original spine with gilt fillets, ornaments and lettering pieces, hinges, corners and a few scuffs carefully mended. Light rubbing and a few minor nicks to boards. Moderate toning to text, light foxing and faint dampstaining to margins in a few places. Early owner signatures to front free endpapers and title pages, interiors otherwise clean. A handsome copy of scarce edition of a fundamental work.

\$12,500.

LANDMARK SECOND EDITION, "Revised and Corrected" with Hamilton's approval by George Hopkins, and the last edition in Hamilton's lifetime. For more than two centuries, this work has influenced our understanding of the U.S. Constitution and the government and nature of the United States. Written to encourage ratification of the proposed constitution by New York State, it was seen almost immediately as the most compelling commentary on the most radical form of government the world had seen. Most of the essays that comprise this work appeared originally under the collective pseudonym "Publius" in New York newspapers and journals from October 27, 1787 to early June 1788. (Most scholars agree that 51 of the essays were written by Hamilton, 29 Madison and 5 by Jay.) The first edition was published by the M'Lean brothers as a two-volume work in March and May 1788. The second edition is significant because its preface establishes Hamilton, Madison and Jay as the authors and discusses the extent of their contributions. Published fourteen years after the U.S. Constitution's ratification and two years before Hamilton's death, it also includes the text of the U.S. Constitution with the first eleven amendments and Hamilton's "Pacificus" essays, which defended Washington's 1793 proclamation of neutrality during the Anglo-French War. Cohen 2818. Sabin 23981.





N° 70

WARNER'S EDITION OF *THE FEDERALIST*

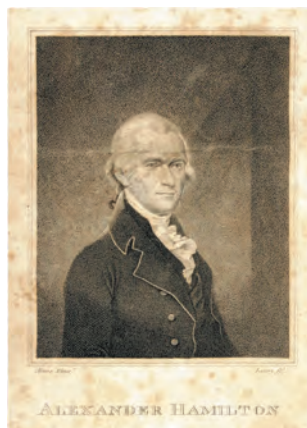
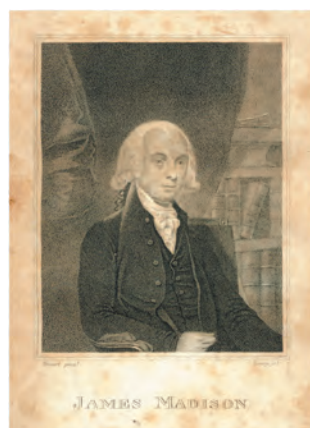
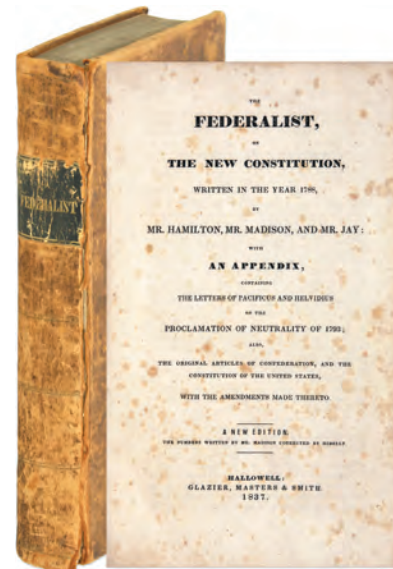
**70** HAMILTON, ALEXANDER  
MADISON, JAMES  
JAY, JOHN

*The Federalist, On the New Constitution; Written in 1788. A New Edition, With the Names and Portraits of the Several Writers.*

Philadelphia: Published by Benjamin Warner, 1818. vi, [7]–504 pp. Lithographed portrait frontispiece of Hamilton, two other plates with portraits of Madison and Jay, both with tissue overlays. Octavo (8-1/2" x 5-1/2").

Recent period-style calf, blind rules to boards, lettering piece and gilt fillets to spine. Moderate toning, occasional light foxing, faint dampstaining to some leaves, chip to margin of a leaf with no loss to text. Early markings to margins of a few leaves, interior otherwise clean. Ex-library. Small inkstamps to verso of title page and foot of final page. A nice copy in an attractive binding. \$1,250.

SECOND SINGLE-VOLUME EDITION, a reissue of the first with plates. With the text of the Articles of Confederation and the U.S. Constitution. This edition follows the text of the 1802 Hopkins edition (see above). Cohen 2818. Ford 14 (50).

Details from  
N° 70

N° 71

EARLY EDITION OF *THE FEDERALIST*

**71** HAMILTON, ALEXANDER  
MADISON, JAMES  
JAY, JOHN

*The Federalist, Or The New Constitution, Written in the Year 1788, by Mr. Hamilton, Mr. Madison, and Mr. Jay: With an Appendix, Containing the Letters of Pacificus and Helvidius on the Proclamation of Neutrality of 1793; Also, The Original Articles of Confederation, and the Constitution of the United States, With the Amendments Made Thereto. A New Edition. The Numbers Written by Mr. Madison Corrected by Himself.*

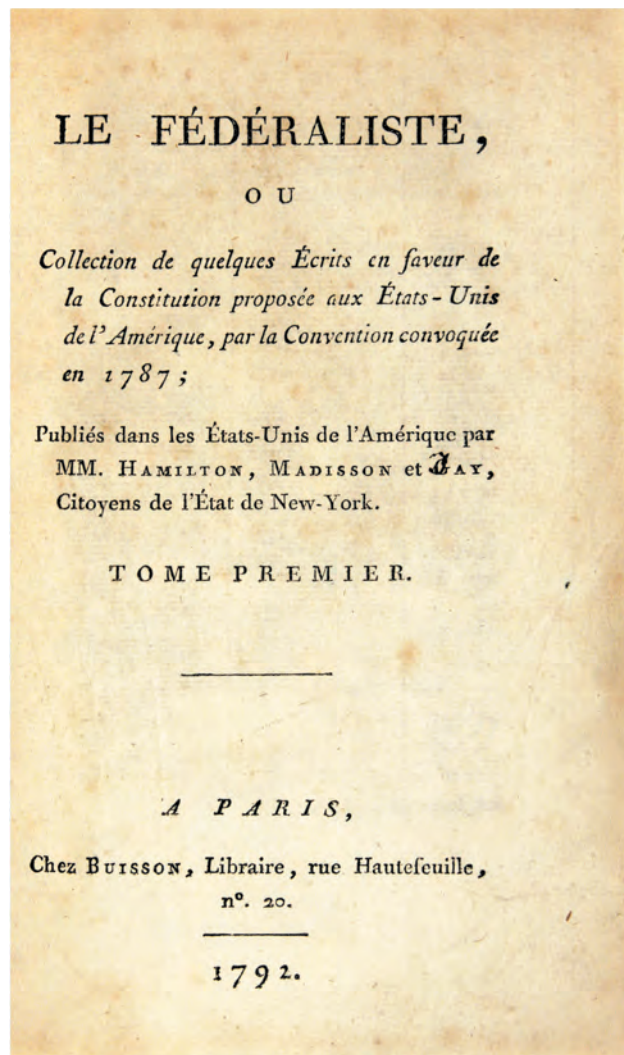
Hallowell, ME: Glazier, Masters & Smith, 1837. 500 pp. Octavo (9" x 5-1/4").

Contemporary sheep, gilt fillets to spine, with lettering piece. Moderate rubbing, front board beginning to separate, rear hinge starting. Toning, occasional light foxing, offsetting to small section of pp. 324 and 325 from laid-in newspaper clipping. Early owner signature (of J.A. Ackley) to front pastedown, interior otherwise clean.

\$400.

LATER EDITION. With index and the text of the U.S. Constitution. This edition follows the text of the 1818 Gideon edition, which was the first to contain Madison's notes and corrections. The author of each essay is indicated. Cohen 2818.





N° 71A

THE FIRST FRENCH EDITION OF THE FEDERALIST, ALSO THE FIRST EDITION TO IDENTIFY THE AUTHORS

- 71A** HAMILTON, ALEXANDER  
 MADISSON (MADISON), [JAMES]  
 GAY (JAY), [JOHN]  
 [TRUDAINE DE LA SABLIÈRE, CHARLES MICHEL (1766-1794), TRANSLATOR].

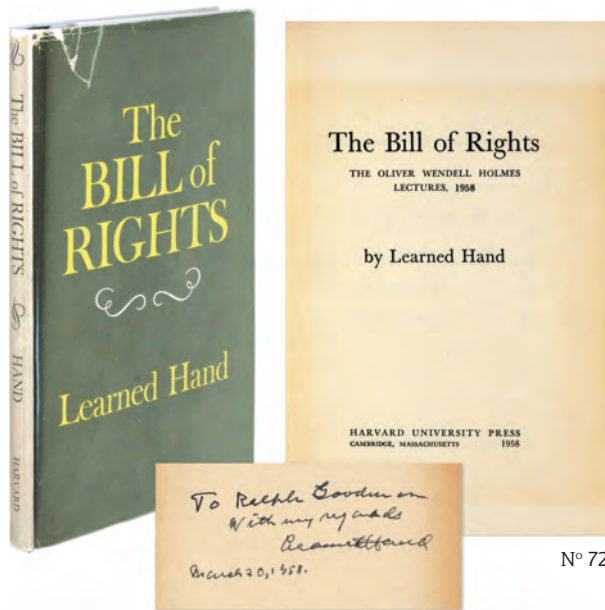
***Le Fédéraliste, Ou Collection de Quelques Écrits en Faveur de la Constitution Proposée aux États-Unis de l'Amérique, Par la Convention Convoquée en 1787; Publiés dans les Etats-Unis de l'Amérique par MM.***

Hamilton, Madisson et Gay, Citoyens de l'Etat de New-York. Paris: Chez Buisson, Libraire, 1792. Two volumes. [v], xxii-liv, 366; [ii] 511 pp. Complete; half-titles present. Octavo (7-1/2" x 4-1/2").

Contemporary paper-covered boards with vellum corners, later contrasting paper spines with printed title labels. Moderate rubbing to boards and extremities, hinges cracked, except front hinge of Volume I, which has a recent repair, small recent owner book plates to front pastedowns. Light toning, somewhat heavier in places, occasional light foxing, internally clean. \$7,500.

FIRST FRENCH EDITION. This translation, which includes the text of the Constitution, was the first to appear after the first printing, published in New York by J. and A.M. M'Lean in 1788. It demonstrates the depth of elite French sympathy for the United States and a keen interest in the development of its political system. It is also the first edition to identify the authors (two with misspellings, one, Madison, listed incorrectly as a "citizen of the State of New York"). Both issues are from the same set of sheets, but the other has an introduction by the translator, which explains the pagination of our copy of Volume I. According to Sabin, this introduction was removed from later printings of the first edition for political reasons. Our second volume has 511 pages followed by a blank, though Sabin calls for only 506. Sabin 23993. Ford 44.





Nº 72

INSCRIBED BY LEARNED HAND

## 72 HAND, LEARNED [1872-1961].

*The Bill of Rights.*

Cambridge: Harvard University Press, 1958. v, 82 pp.

Cloth very good in moderately worn dust jacket with lightly soiled rear panel. Author inscription to front free endpaper in bold hand, internally fresh. \$1,500.

FIRST EDITION. The inscription reads To Ralph Goodman/ With my regards/ Learned Hand/ March 20, 1958. The published version of the Oliver Wendell Holmes Lectures delivered at Harvard University in 1958, this influential book discusses the propriety of judicial efforts to expand the scope of the first ten amendments. It has three chapters, "When a Court Should Intervene," "The Fifth and Fourteenth Amendments" and "The Guardians." One of the most significant American jurists of the twentieth century, Hand was a judge of the U.S. Southern District of New York from 1904-1924 and a judge of the Court of Appeals, Second Circuit, from 1924 to 1956. His judgments were renowned for their lucidity and elegance.

INSCRIBED BY LEARNED HAND  
TO A NOTABLE INTERNATIONAL LAWYER

## 73 HAND, LEARNED

*The Spirit of Liberty: Papers and Addresses of Learned Hand Collected, And With an Introduction and Notes, by Irving Dilliard.*

New York: Alfred A. Knopf, 1952. xxx, 262, [2] pp. Cloth in moderately worn dust jacket, large chip to foot of spine. Author inscription to Frank Oppenheimer on front free endpaper, interior otherwise clean. \$1,000.

THE INSCRIPTION READS: "To Franz M. Oppenheimer,/ We both see things through/ much the same lenses, I think,/ and that is indeed a bond./ Learned Hand." Franz Oppenheimer [1919-2014] was a notable international lawyer who specialized in international banking and finance.

FIRST POST-REVOLUTION EDITION OF AN IMPORTANT WORK  
ON THE RIGHT TO TRIAL BY JURY

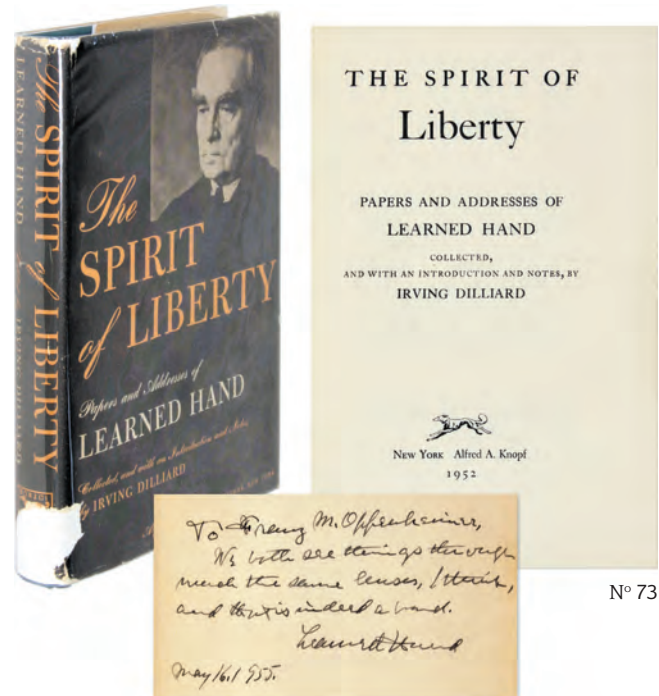
74 HAWLES, SIR JOHN (1645-1716).  
[BACON, FRANCIS (1561-1626)].  
BRODIE, ALEXANDER, BOOKSELLER.

*The Englishman's Right; A Dialogue Between a Barrister at Law and a Jurymen; Shewing, I. The Antiquity, II. The Excellent Designed Use, III. The Office and Just Privileges of Juries by the Law of England (Being a Choice Help for All Who Are Qualified by Law to Serve on Juries). To Which is Prefixed, An Introductory Essay, On the Moral Duty of a Judge. By Lord Bacon.*

Philadelphia: Printed by John Thompson, of Philadelphia; For Alexander Brodie, 1798. 6, [vii]-viii, [1], [17]-70 pp. Octavo (7-1/2" x 4-1/2").

Contemporary marbled sheep over marbled boards. Light rubbing to extremities, heavier rubbing and a few minor stains to boards, hinges starting. Moderate toning to text, dampstaining in a few places, internally clean. An appealing copy. \$1,250.

THIRD AMERICAN EDITION. First published in London in 1680, and in Boston in 1693 and 1772, this 1798 Philadelphia edition was the first printed after the Revolution. Possibly a response to the recent passage of the Alien and Sedition Acts, it has an interesting preface by the bookseller, Alexander Brodie: "But lest (sic) the title 'The Englishman's Right' should give offence to any, it is proper to observe that the Charter of the Liberties of England is a grant from their kings obtained by force. This charter is the fountain of all their Rights; and among others of the Englishman's Right to be tried by a Jury of his Equals. As Americans we possess the same Right, and Juries by our Laws have the same powers and privileges, as by the Law of England. Neither we or our Ancestors ever were Slaves. We hold our Liberties from God alone, and to him alone are we accountable for the use or abuse of them. It is no mark of Vassalage to borrow instructions from English Jurisprudence. To understand our rights well, we must study them, and endeavour to profit by



Nº 73



the experience of other Nations. The better to enable Jurymen to discern between Judge and Prisoner, if a lawless stretch of power should be attempted, of which at present there appears no danger, from the high character of our American Judges, I have prefixed by way of Introduction, Lord Bacon's Essay on the Moral duty of a Judge. And let it be remembered, that Judges are appointed to interpret the Laws faithful but Juries were instituted to watch and restrain Judges; so may the blessing 'Him That Was Ready To Perish Upon Them!'"

A staunch Whig, Hawles wrote *The Englishman's Right* to outline the rights, duties and proper behavior of a jurymen and to promote the jury system as a bulwark against tyranny. Immediately successful among Whigs and others who saw themselves as defenders of English liberties, it was received with great enthusiasm in America, where it was reprinted several times well into the nineteenth century. According to Cohen, it was probably the first English law book reprinted in the American colonies. Cohen 1481.

A LITERARY HOAX ON A LEGAL SUBJECT

75 HEAD, FRANKLIN D. [sic] [1832–1914].  
[OLMSTED, FREDERICK LAW (1822–1903)].

**A Notable Law Suit.**

Np. Privately Printed, c.1923. 54 single-sided typed sheets. Autograph letter from Arthur P. Rugg, signed, bound in before title page. Quarto (8" x 6-1/4").

Cloth, gilt title to front board, cord tie, marbled endpapers. A one page Autograph Letter Signed is bound in before title page. Cloth pocket on inside of rear board imprinted in gilt, "Sequel," containing within it an envelope, also titled "Sequel," containing a one-page, bifoliate autograph letter, signed, a four-page, typed circular letter and a two-page typed copy of a letter. Some separation along seam on cloth pocket along fore-edge, otherwise very good.

\$500.

FRANKLIN H. HEAD'S after-dinner conversation about treasure buried on the coast of Maine by the notorious pirate Captain Kidd resulted in the writing of a tongue-in-cheek story intended only for intimate friends, but which soon afterwards, because of a very convincing narrative, was taken for a true tale. The work's title refers to a supposed lawsuit between Frederick Law Olmsted, the noted landscape architect, and members of the Astor family. Olmsted purportedly accused the Astors of stealing Kidd's treasure from the Olmsted family's land on Deer Isle, Maine. It was Olmsted's daughter Marion's after-dinner conversation with the author that led to the production of this, to use Frederick Law Olmsted's words, "burlesque hoax."

This book is a typescript copy of privately printed book from 1898 (later reprinted in 1931 in *Forum* magazine). It also includes Frederick Law Olmsted's "sequel," a circular letter in which he explains the hoax. The two autograph letters in this book imply it was produced by Massachusetts Chief Justice Arthur P. Rugg [1815–1938]. Dated June 23, 1923, they are addressed to a colleague, Associate Justice Charles A. DeCourcy [1857–1924]. Rugg's bound-in letter presents the book to DeCourcy, hoping he will enjoy it on an upcoming trans-Atlantic voyage and vacation. The second letter, a kind of cover letter housed in the pocket with the sequel, sheds further light on Olmsted's sequel, which explains the hoax. Additional light on "the delicious hoax" is provided by a typed copy of a letter from Rugg's friend and pastor, Shepard Knapp, to James Logan, a local civic leader and former mayor of Worcester.



Nº 76

COPY OF THE FIRST BOOK PRINTED IN ALABAMA  
WITH A NOTABLE ASSOCIATION

76 HITCHCOCK, HENRY [1795–1839], COMPILER.

***The Alabama Justice of the Peace, Containing All the Duties, Powers and Authorities of That Office, As Regulated by the Laws Now in Force in This State: To Which is Added a Great Variety of Warrants, Recognizances, Bonds, Deeds of Bargain and Sale, Lease and Release, Of Trust, Mortgages, Bills of Sale, Contracts, And Other Precedents, Interspersed Under Their Several Heads; Together with the Constitution of the State of Alabama.***

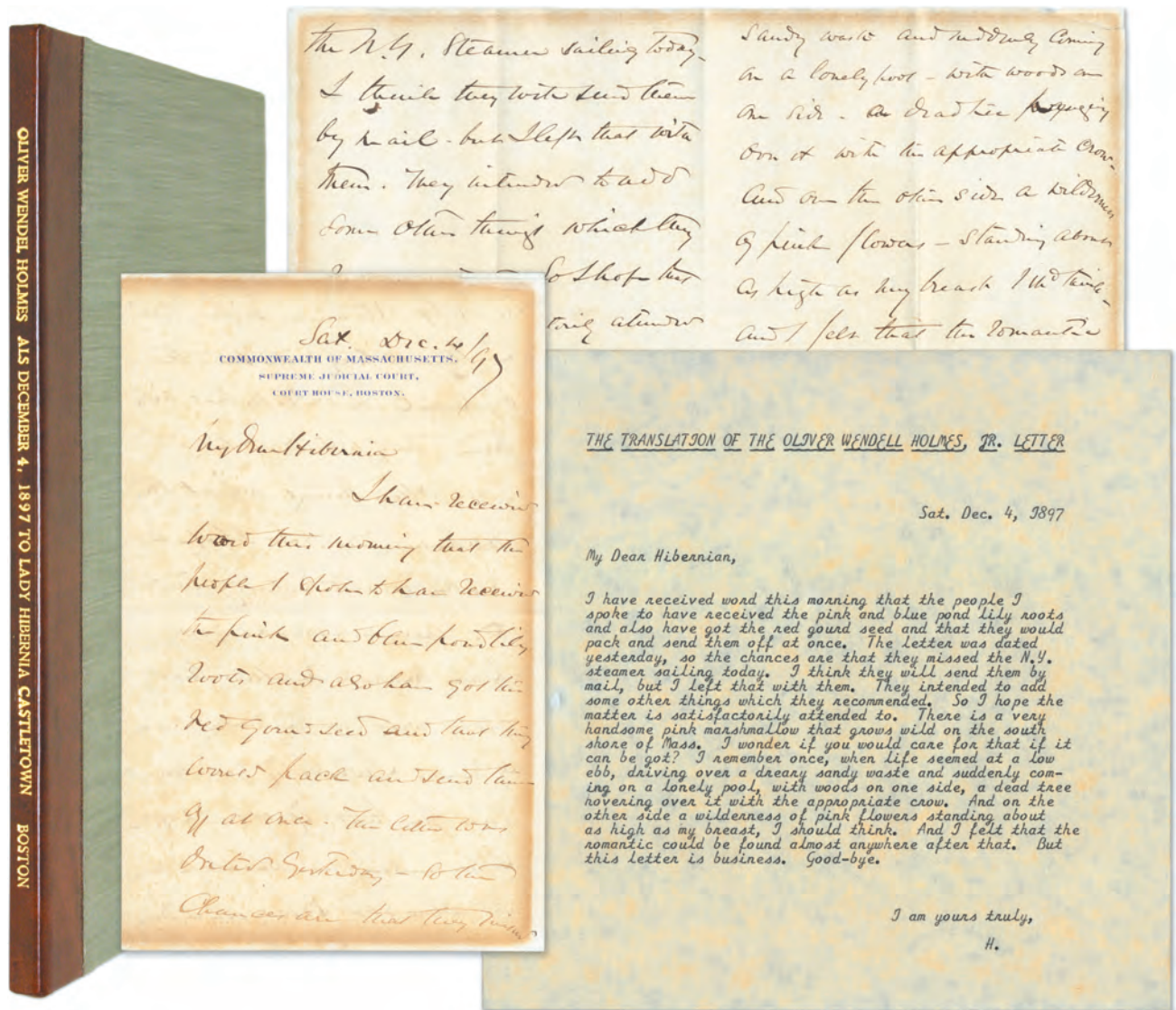
Cahawba, Ala.: Published by William B. Allen. And for sale at the bookstore of Ginn & Curtis., 1822. [ii], 494, [2] pp. Octavo (8-1/4" x 5").

Contemporary sheep, lettering piece and blind fillets to spine. Light rubbing to boards and extremities with some wear to corners, a few minor stains to boards, hinges starting, crack near rear of text block repaired with archival tape. Toning to text, occasional light dampstaining and foxing. Faint early owner initials (MB) to spine, "M. Bohannon" to foot of text block, Bohannon's signature and annotations to front free endpaper, which has a few holes repaired with archival tape, autograph document laid in. A well-preserved copy.

\$2,000.

ONLY EDITION. According to Owen, this was the first book printed in Alabama other than collected documents of the constitutional convention of 1819 and the journals and session laws of the general assembly. Hitchcock, who was Alabama's attorney general when he compiled this book, is an important figure in that state's history. He helped to write its constitution and went on to become chief justice of the Alabama Supreme Court. The autograph document, signed by Hitchcock, is dated July 9, 1822. It acknowledges receipt of his salary as attorney general. Owen 981. Cohen 8316.





Nº 77

"HOLMES' GREATEST ROMANCE"

## 77 HOLMES, OLIVER WENDELL [1841-1935].

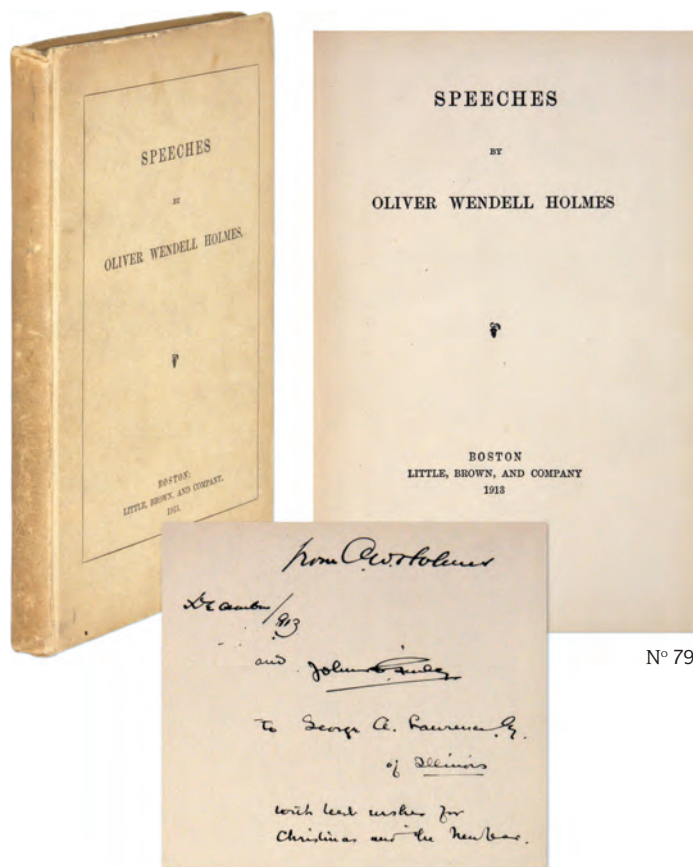
[Autograph Letter, Signed ("H"), To Lady Hibernia Castletown].

Boston, December 4, 1897.

3 pp. on conjoined 8" x 10" Commonwealth of Massachusetts Supreme Judicial Court stationery, 4-3/4" x 3-3/4" transmittal envelope and typed transcription. Lightly foxed and toned, faint vertical and horizontal fold lines, light browning along outer edges, tiny chip to upper corner with later repair, some soiling and edgewear to envelope, rear flap torn away. Typewritten transcription of letter laid-in. Items housed in recent 14" x 10" cloth solander case with calf spine and gilt spine title. \$3,000.

A FLIRTATIOUS LETTER to the object of Holmes's affection, Lady Clare Castletown, "My Dear Hibernia," about a shipment of pink and blue pond lily roots he plans to send her as a gift. Displaying shades of his poet father, he goes on to wax lyrical about another botanical specimen: "There is a very handsome

pink marshmallow that grows wild on the south shore of Mass. I wonder if you would care for that if it can be got? I remember once, when life seemed at a low ebb, driving over a dreary sandy waste and suddenly coming on a lonely pool, with woods on one side, a dead tree hovering over it with the appropriate crow. And on the other side a wilderness of pink flowers standing about as high as my breast, I should think. And I felt that the romantic could be found almost anywhere after that." Holmes was introduced to Lady Clare while traveling through England in the summer of 1889. A mutual infatuation followed, which led to a correspondence—punctuated with occasional visits—that lasted until Lady Clare's death in 1926. In an effort to keep the relationship a secret—both Holmes and Lady Clare were married—Holmes destroyed most of her letters, but Lady Clare did not follow suit, and many of Holmes' letters to her survive. They reveal an intimate relationship. Its extent remains a mystery, but which, in the opinion of White and Minor, was "Holmes' greatest romance." See White and Minor, *Justice Oliver Wendell Holmes* 229-252.



N° 79

FIRST GERMAN EDITION OF *THE COMMON LAW*

**78 HOLMES, OLIVER WENDELL**  
LEONHARD, RUDOLF [1851–1921].

*Das Gemeine Recht Englands und Nordamerikas (The Common Law) in Elf Abhandlungen Dargestellt von Dr. O.W. Holmes, Jr. Mitglied des Obersten Gerichtshofes der Vereinigten Staaten in Washington.*

Leipzig: Verlag von Duncker & Humblot, 1912. xix, 423 pp. Octavo (9" x 6").

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

FIRST GERMAN EDITION. The title page states that this work was translated with permission of the author by Dr. Rudolph Leonhard, Professor of the University of Breslau and Doctor of Laws of Columbia University. Leonhard introduced this book to German-speaking Europe. He lectured on it and published an essay about its treatment of possession. OCLC locates 12 copies in North America, 9 in law libraries. *Holmes-Pollock Letters* 1:175.

INSCRIBED BY HOLMES

**79 HOLMES, OLIVER WENDELL**

*Speeches.*

Boston: Little, Brown, and Company, 1913. vi, 103 pp.

Original printed paper boards. Light soiling, somewhat heavier on spine, corners and spine ends bumped. Author inscription to front free endpaper, light toning to text. \$1,250.

REISSUE OF THE FIRST EDITION, 1891. Inscribed by Holmes, this book appears to have been sent as a gift to a third party. The inscription reads: "From O.W. Holmes/ Decatur/ [1]913/ [continued in another hand] and John Pauley [?]/ to George A. Lawrence, Jr./ of Illinois/ with best wishes for/ Christmas and the New Year. This work includes the following speeches: Memorial Day, Harvard College in the War, The Law, The Puritan, The Profession of the Law, On Receiving the Degree of Doctor of Laws, The Use of Law Schools, Sidney Bartlett, Daniel S. Richardson, The Use of Colleges, William Allen, The Soldier's Faith, Learning and Science, George Otis Shattuck, Walbridge Abner Field, At a Dinner Given by the Bar Association of Boston, John Marshall, The Class of '61, Law and the Court.

A COLLECTION OF HUGHES'S SPEECHES, SIGNED BY HUGHES

**80 HUGHES, CHARLES EVANS [1862–1948].**

*Addresses of Charles Evans Hughes, 1906–1916. With an Introduction by Jacob Gould Shurman. Revised, With New Material, Including the Address of Acceptance, July 31, 1916.*

New York: G.P. Putnam's Sons, 1916. lxxxi, 363 pp. Portrait frontispiece.

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

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



PAN AMERICAN PEACE PLANS, SIGNED BY HUGHES

## 81 HUGHES, CHARLES EVANS

*Pan American Peace Plans.*

New Haven: Yale University Press, 1929. [iv], 68 pp.

Cloth in dust jacket. Light edgewear to dust jacket, some fading to spine, chipping to ends. "Charles E. Hughes" in bold hand to front free endpaper, internally clean. \$500.

FIRST EDITION. An associate justice of the U.S. Supreme Court from 1910–1916, Hughes resigned to accept the Republican presidential nomination. Secretary of State from 1921 to 1925, Hughes was appointed again to the Court as Chief Justice, an office he held from 1930 to 1941. He is the only person who served two terms on the Court. In 1928 Hughes represented the U.S. at the Pan American Conference. *Pan American Peace Plans* is his review of that event. Hughes believed this conference "represented the most complete and effective cooperation that has been witnessed in any meeting of the representatives of the American republics" (68).

THE FIRST LAW BOOK, AND SECOND BOOK OF ANY KIND,  
PRINTED IN IOWA

## 82 [IOWA].

*The Statute Laws of the Territory of Iowa, Enacted at the First Session of the Legislative Assembly of Said Territory, Held at Burlington, A.D. 1838–'39. Published by Authority.*

Du Buque: Russell & Reeves, Printers, 1839. [ii], 597, [1] pp. Octavo (8-1/4" x 5").

Contemporary quarter sheep over paper-covered boards, lettering piece to spine. Moderate rubbing with wear to corners, spine lightly abraded, hinges cracked. Toning, light foxing to most of text, faint dampstaining and inkspots in places. Early annotations in pencil to endleaves, interior otherwise clean. A solid copy of a scarce imprint. \$500.

FIRST EDITION. With the texts of the Declaration of Independence, the U.S. Constitution and Bill of Rights, including the original non-ratified 13th Amendment, the Northwest Ordinance and the act establishing the territory and its organic law. Part of the Louisiana Purchase, Iowa Territory, which included parts of present-day Minnesota and the Dakotas, was created in 1838. It became a state in 1846. The present volume is significant because it was the first law book, and second book of any kind, printed in Iowa. The statutes offer a valuable perspective on the early days of the territory. Babbitt 121.

THE FIRST LAYMAN'S GUIDE PUBLISHED IN AMERICA

## 83 JACOB, GILES [1686–1744].

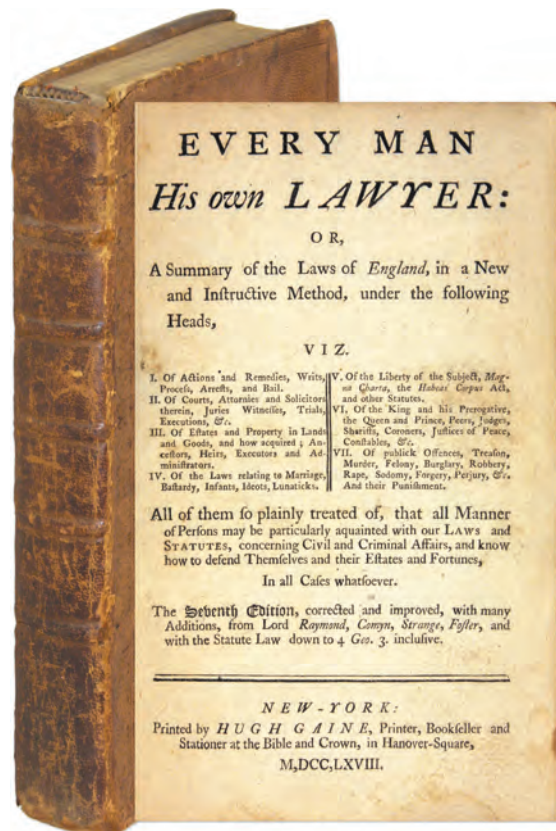
*Every Man His Own Lawyer: Or, A Summary of the Laws of England, In a New and Instructive Method, Under the Following Heads, Viz. I. Of Actions and Remedies, Writs, Process, Arrests, and Bail. II. Of Courts, Attornies and Solicitors Therein, Juries, Witnesses, Trials, Executions, &c. III. Of Estates and Property in Lands and Goods, And How Acquired, Ancestors, Heirs, Executors and Administrators. IV. Of the Laws Relating to Marriage, Bastardy, Infants, Ideots, Lunatics. V. Of the Liberty of the Subject, Magna Charta, the Habeas Corpus Act, and other Statutes. VI. Of the King and his Prerogative, the Queen and Prince, Peers, Judges, Sheriffs, Coroners, Justices of Peace, Constables,*

*&c. VII. Of Publick Offences, Treason, Murder, Felony, Burglary, Robbery, Rape, Sodomy, Forgery, Perjury, &c. and Their Punishment. All of Them so Plainly Treated of That All Manner of Persons May be Particularly Acquainted With Our Laws and Statutes, Concerning Civil and Criminal Affairs, And Know How to Defend Themselves and Their Estates and Fortunes, An All Cases Whatsoever. Corrected and Improved, With Many Additions, from Lord Raymond, Comyn, Strange, Foster, And with the Statute Law Down to 4 Geo. 3. Inclusive.*

New-York: Printed by Hugh Gaine, 1768. iv, 289, [13] pp. Octavo (7-1/4" x 4-1/2").

Contemporary sheep, blind fillets and decorative blind tooling to boards. Moderate rubbing to extremities, some chipping to spine ends, corners bumped and lightly worn, a few minor scuffs to boards, hinges cracked, light browning to text. Early owner signature to rear pastedown, interior otherwise clean. \$1,950.

FIRST AMERICAN EDITION, designated the seventh on the title page in reference to the prior six editions published in London. This popular layman's guide by one of the most prolific legal writers of eighteenth-century England went through ten English editions between 1736 and 1788. The mention of "All Manner of Persons" in the subtitle is significant. Jacob, though certainly interested in boosting sales by attracting the widest audience possible, was an idealist who believed that widespread knowledge of the law would help create a more just society. This is also evident in his other publications, such as *The Common Law Common-Placed* (1726) and *Treatise of Laws* (1721). According to Cohen, this was the first laymen's guide published in America. The next two, which were intended also for aspiring lawyers, were *The Young Clerk's Magazine* (Philadelphia, 1774) and *The Young Clerk's Vade Mecum* (New York, 1776). Cohen 8202.



Nº 83

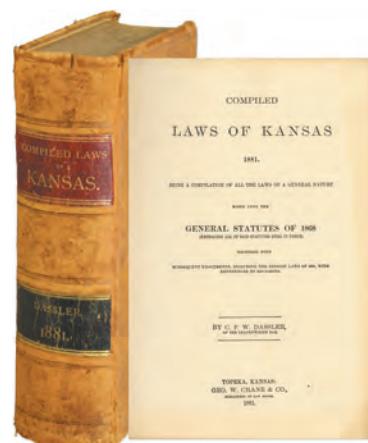
# 84 JACOB, GILES [TOMLINS, THOMAS EDLYNE (1762–1841)].

*The Law-Dictionary: Explaining the Rise, Progress, and Present State of the English Law; Defining and Interpreting the Terms or Words of Art; And Comprising Copious Information on the Subjects of Law, Trade, and Government. Corrected and Greatly Enlarged.*

New York: Printed for, and Published by I. Riley, 1811. Six volumes. Complete set. Signatures S and T in Volume 6 bound in reverse order. Octavo (9" x 5-1/2").

Contemporary reversed calf, blind fillets to boards, morocco lettering pieces, blind fillets and black-stamped volume numbers to spines. Moderate rubbing with some wear to corners, chipping to spine ends, some joints and hinges cracked, a few cracks to text blocks, "Advertisement" in Volume 1 printed off-register; the lower portion of that page's text is cut. Moderate toning and occasional light foxing to text, early owner signature (J.W. Scott) to title pages. Ex-library. Bookplates and card pockets to pastedowns. Volumes housed in two lightly shelfworn slipcases. A nice copy of an uncommon set. \$2,000.

FIRST AMERICAN EDITION, from the second Tomlins edition, 1809. The leading Anglo-American law dictionary of the eighteenth century, Jacob's *New Law-Dictionary* was first published in 1729. It went through several editions. Tomlins edited and substantially enlarged editions in 1797, 1809 and 1810. He also used Jacob's work as the basis of his own dictionary, which was published in 1811. In addition to definitions, Tomlins added citations to the vast number of statutes at large, term reports in the several courts, parliamentary reports and recent treatises and other sources that had been published since Jacob's death. The editions of Jacob by Tomlins and, for a brief time, Tomlins's own dictionary were standard works in the early 1800s. They were eventually supplanted in England by Wharton's *Law Lexicon* (1848) in Great Britain and Bouvier's *Law Dictionary* (1839) in the United States. Cohen 5446.



N° 85

1881 COMPILATION OF THE LAWS OF KANSAS

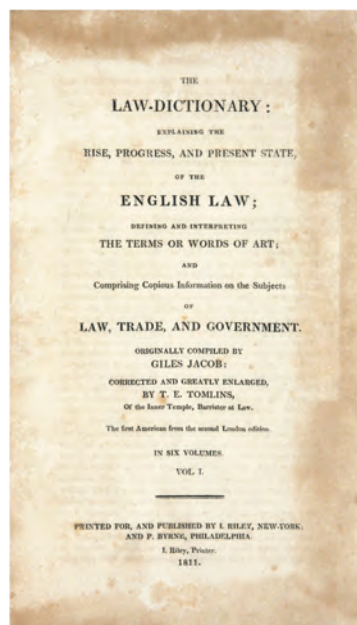
# 85 [KANSAS]. DASSLER, C.F.W. [B. 1852]. COMPILER.

*Compiled Laws of Kansas, 1881: Being a Compilation of All the Laws of a General Nature Based Upon the General Statutes of 1868 (embracing all of Said Statutes Still in Force) Together with Subsequent Enactments, Including the Session Laws of 1881, With References to Decisions.*

Topeka: G.W. Crane and Co., 1881. [ii], [5]–1156 (i.e. 1192) pp. Octavo (9-3/4" x 6-1/2").

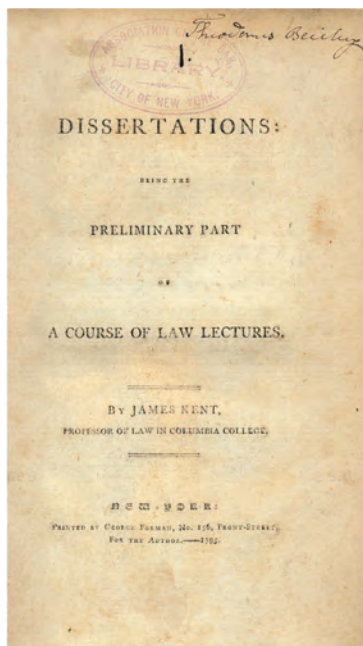
Contemporary sheep, blind frames to boards, raised bands and red and black lettering pieces to spine. Moderate rubbing with some wear to spine ends and corners, a few minor scuffs to boards, joints starting at head, front hinge starting, rear hinge cracked but secure. Some toning to text. Contemporary and later annotations to front pastedown, interior otherwise clean. \$500.

ONLY EDITION. With the texts of the Declaration of Independence, the Articles of Confederation and the U.S. Constitution. Kansas was admitted to the Union in 1861 and issued its first compilation of state laws in 1862. The 1881 compilation was the fourth issued by the state. It is valuable in part because it corrects errors in the previous compilation, from 1879. Babbitt 129.



N° 84





N° 86

THE GENESIS OF KENT'S COMMENTARIES

## 86 KENT, JAMES [1763–1847].

***Dissertations: Being the Preliminary Part of a Course of Law Lectures.***

New York: Printed for George Forman, No. 156, Front Street, For the Author, 1795. 87 pp. Octavo (8-1/4" x 5").

Recent period-style calf, raised bands and lettering piece to spine. Light browning to text, light foxing to a few leaves, light soiling to title page, which has a small early owner signature. Ex-library. Small inkstamp to title page. A nice copy in a handsome binding.

\$4,000.

ONLY EDITION. A landmark in the development of American law and legal education, Kent's *Dissertations*, a summary outline of his law lectures at Columbia College, was expanded into three great four-volume *Commentaries on American Law* (1826–1830), the American equivalent of Blackstone's *Commentaries*. This work is also notable as an artifact of the first academic legal course offered in New York, and one of the first in the United States. The three dissertations, titled "Lectures" are "Of the Theory, History and Duties of Civil Government," "Of the History of the American Union" and "Of the Law of Nations." The last part is "A Summary of the Course of Lectures in Columbia College." This work is very rare on the antiquarian market. The Rare Book Hub does not record any auction records for this work. Sabin37474. Cohen 8646.

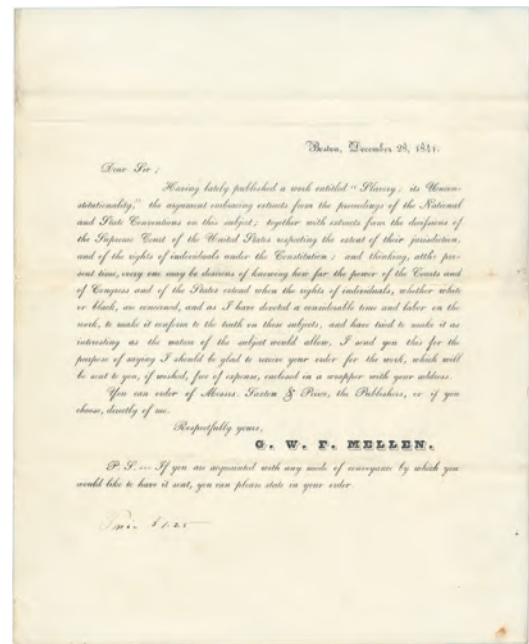
EARLY ALABAMA LEGAL IMPRINT THAT ADDRESSES SLAVERY

## 87 KEYES, WADE [1821–1879].

***An Essay on the Learning of Partial, And of Future Interests in Chattels Personal.***

Montgomery, Ala.: 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



N° 88

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 9033.

PROMOTIONAL ITEM FOR AN ANTI-SLAVERY PUBLICATION

## 88 [LEGAL PUBLISHING].

SAXTON &amp; PEIRCE

MELLEN, G[EO]RGE W[ASHINGTON] F[ROST].

***[Promotional Letter for Mellen's Argument on the Unconstitutionality of Slavery].***

[Boston: Saton & Peirce, December 28, 1841]. Single sheet folded once to form two 8" x 10" leaves. Printed text on one page, fourth page franked and postmarked (to a member of the U.S. House of Representatives, whose name is illegible).

Light edgwear and soiling, some fading along edges, horizontal and vertical fold lines, some with minor tears. Manuscript annotation "Price \$1.25" to foot of text. \$450.

PUBLISHED UNDER THE AUTHOR'S NAME, this printed form letter is an offer for a complimentary copy of the recently-published *An Argument on the Unconstitutionality of Slavery, Embracing an Abstract of the Proceedings of the National and State Conventions on this Subject*. "I send you this for the purpose of saying I should be glad to receive you order for the work, which will be sent to you, if wished, free of expense, enclosed in a wrapper." As indicated by the address, Mellen offered free promotional copies to members of the U.S. Congress and other influential men. This strategy may have been successful; a second Mellen's book was published in 1849.

UNPUBLISHED AUTOBIOGRAPHY OF PROMINENT PHILADELPHIA  
LAWYER AND JUDGE

## 89 LEWIS, EDWIN O. [1879-1974].

*[Here Lies an Honest Lawyer].*

[Philadelphia, c.1969] 125 pp.

[AND]

*The Papers of Judge Edwin O. Lewis: Table of Contents.*

[Philadelphia, n.d.] 21 pp.

Photocopied typescripts in bound in calf-stamped cloth dissertation binder, light shelfwear. "Here Lies an Honest Lawyer/ Edwin O Lewis retired/ former President, Judge/ Common Pleas Court # 2/ Philadelphia County/ An Autobiography/ (Typographical Corrections/ by CLW) in pencil to sheet preceding typescript. "For Geoffrey/ LB Walton" to head of *Papers*, photocopied (but signed) 4 pp. letter from Edwin O. Lewis clipped to *Papers*. \$750.

BORN IN RICHMOND, Edwin O. Lewis attended law school at the University of Pennsylvania and settled in Philadelphia, where he became a prominent lawyer, judge and civic leader. He led the effort to establish Independence National Historic Park. This photocopy of his interesting and rather charming autobiography, never published, bears corrections by his daughter, Caroline Lewis Walton, who seems to have been assigned the role of editor. According to the letter by Lewis, *Papers* is an inventory of papers Lewis donated to the archives of the Independence National Historic Park. Geoffrey Walton was Lewis's grandson.

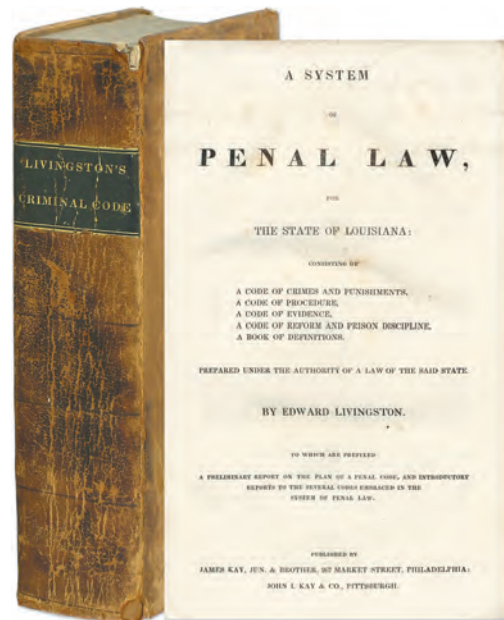
1833 PRINTING OF LIVINGSTON'S INFLUENTIAL PENAL CODE

## 90 [LOUISIANA].

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.*

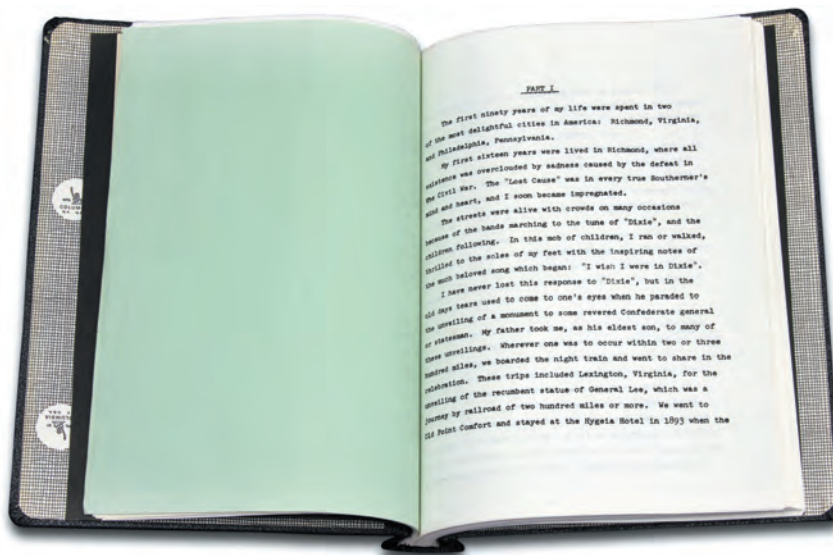
Philadelphia: James Kay, Jun. & Brother, [1833]. v, 745 pp. Octavo (9" x 5-3/4").



N° 90

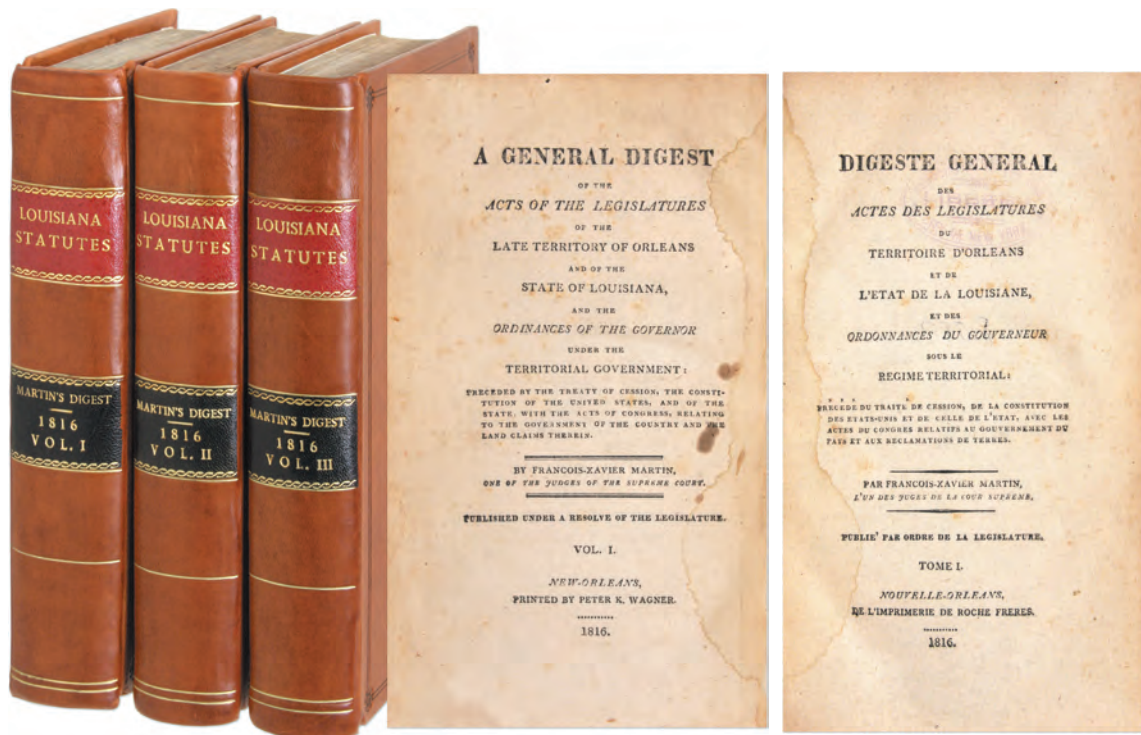
Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Moderate rubbing with scuffing to boards, small chips to spine ends, wear to corners. Discoloration to edges of text block, occasional light foxing, faint dampstaining to a few leaves. A solid copy of a scarce title. \$1,000.

SECOND EDITION. 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. First published in 1828, 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. R.W. Colcock was a prominent attorney in Charleston and the father of notable South Carolina politician William J. Colcock. Hicks 180. Cohen 10348.



N° 89





N° 91

A LANDMARK IN LOUISIANA'S LEGAL HISTORY

91 [LOUISIANA].  
MARTIN, FRANÇOIS-XAVIER [1762–1846].

*A General Digest of the Acts of the Legislatures of the Late Territory of Orleans and of the State of Louisiana, And the Ordinances of the Governor Under the Territorial Government: Preceded by the Treaty of Cession, The Constitution of the United States, And of the State, With the Acts of Congress, Relating to the Government of the Country and the Land Claims Therein. Published Under a Resolve of the Legislature.*

New Orleans: Printed by Peter K. Wagner, 1816. Three volumes. 742; 696; 290, 295–513, [3], 107 pp. Volume III lacking pp. 291–294, which are supplied in facsimile. English and French translation on facing pages. Added title page in French reading: *Digeste General des Actes des Legislatures du Territoire d'Orleans et de l'Etat de la Louisiane...* Folding table in Volume I. Four pages of contemporary manuscript notes bound to rear of Volume II. Octavo (8" x 5").

Recent period-style calf, blind rules to boards, lettering pieces and gilt fillets to spine. Moderate toning, somewhat heavier near margins, light browning in places, light foxing to text. Faint dampstaining in places, worming to middle leaves of the bottom edge of Volume II with minor loss to margin (text not affected), a bit of edgewear to folding leaf, internally clean. Ex-library. Faint stamps to title pages, hand-lettered inventory numbers to versos. A handsome set. \$3,000.

FIRST EDITION. One of the great landmarks in Louisiana's history, this was the first post-territorial digest of the Louisiana legislature. It contains the treaty ceding the Territory of Louisiana to the United States and, on pp. 601–691 of Volume I, the infamous *Code Noir* of 1685, which ordered the expulsion of the Jews from French colonies, banned non-Catholic practices there and provided a system for the regulation of slavery. Martin was an

important figure in the legal history of the south. A French-born lawyer, judge, author, translator, printer and historian, he began his career in North Carolina. He later moved to the Louisiana territory, where he played the leading role in the reorganization of its legal system. Appointed attorney-general when Louisiana became a state, he is considered the father of Louisiana jurisprudence. The manuscript pages at the end of Volume II are an index. Jumonville 281, 282, 283. Cohen 5663.

THE FIRST ANNOTATED EDITION OF THE LOUISIANA CIVIL CODE

92 [LOUISIANA].  
UPTON, WHELOCK S.  
JENNINGS, NEEDLER R.

*Civil Code of the State of Louisiana; With Annotations. By Authority.*

New Orleans: E. Johns & Co., 1838. [vi], [v]–xl, 536, [2], 51 pp. Octavo (9-1/2" x 6").

Contemporary calf, blind fillets to boards, lettering piece, raised bands and blind fillets to boards. Some rubbing to extremities, corners bumped, a few minor stains and light rubbing to boards, front hinge cracked, rear hinge starting, front free endpaper detached, a few leaves partially detached, a few signatures loose. Light toning to text, occasional light foxing. Early owner signatures and stamps (of Samuel Dalton and Thom. B. Percy) to preliminaries, contemporary annotations in a few places, interior otherwise clean. \$750.

FIRST EDITION. In 1822 Derbigny, Livingston and Lislet were commissioned to revise the 1808 compilation of territorial laws. The result of their effort was the Civil Code of 1825. Also issued in a bilingual French-English format, Upton and Jennings's edition of that code is significant because it was the first to include annotations. Marvin 476. Babbitt 138.



EARLY NINETEENTH-CENTURY ACCOUNT BOOK  
OF PENNSYLVANIA LAWYERS

N° 93

93 [MANUSCRIPT].

[BARNARD, JAMES (1755–1806)].  
[BARNARD, ISAAC D. (1791–1834)].  
[BARNARD, THOMAS D. (1793–1873)].

*Acct. of Money Recd. for the Estate of James Barnard, Esq. Decd. in the Office, Etc. [And] Acct. of Money Recd. by Isaac D. Barnard Belonging to His Late Father's Estate].*

Chester, PA, February, 26 1806–August 22, 1845. Content in fine hand filling 23 pp. followed by several blank leaves, final six excised. Oblong octavo (8" x 5-1/2").

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

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

The accounts are notable as the first segment records all of the monies collected for various legal work performed by Isaac's older brother, James, from recording judgments, estate administration, vendue matters, for certificates for naturalization of citizenship, or for fees earned for specific cases (Gibbons v.

Riley, Miles v. Adams, McElroy v. Hibbard, etc.). These accounts span 1806–1807 and suggest that the fees within must have been collected posthumously by Isaac for services performed before his brother's death. The notebook's second segment records moneys earned by the father in office, primarily for recording deeds. Again, the chronology suggests a similar scenario as the notebook's first segment. There are also several leaves of entries with much later dates recording monies received by Thomas Barnard. All accounts are clearly legible and amounts of fees charged for all legal services are provided. In all, this record provides a fine image, in microcosm, of legal costs on Pennsylvania during the early nineteenth century.

"DIABOLICAL AND AGAINST THE ORDER OF NATURE"

94 [MANUSCRIPT].

[BUGGERY].  
[VIRGINIA].

*[Documents Relating to a Act of Buggery Between a Man and a Horse].*

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

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

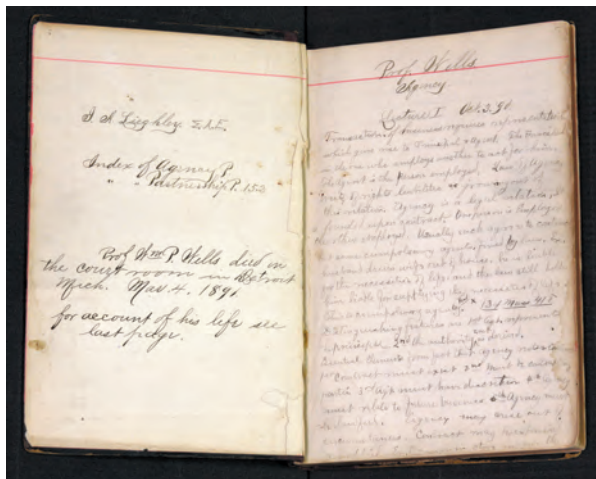
\$1,500.

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



N° 94





N° 95

LECTURE NOTES COMPILED BY A STUDENT AT THE UNIVERSITY OF MICHIGAN LAW SCHOOL IN 1890-1891

- 95 [MANUSCRIPT].  
[LIEGHLEY, I.A.].  
[WELLS, WILLIAM P (1831-1891)].

[Lectures Notes from Courses on Agency and Partnership Taught by Prof. Wells].

[Ann Arbor, October 3, 1890-March 4, 1891]. 161 [i.e. 191] pp. Quarto (9" x 6").

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

This notebook offers an opportunity to "audit" two courses taught at the University of Michigan in the early 1890s by one of its leading professors. These appear to be notes taken in class. Lieghley added an index at a later point. The notes indicate the durability of the lecture format at Michigan, but with some influence from the new case-method system. Lieghley signed the front pastedown

and noted his membership in the Sigma Alpha Epsilon fraternity. The lower part of the page contains a note stating the date of Professor Wells's death. Wells, the Kent Professor of Law, taught at the university from 1874 to 1891. After Thomas M. Cooley, he was the most distinguished member of Michigan's faculty in the late nineteenth century. Little is known about Lieghley. Martindale directories from 1890s and early 1900s indicate that he had a private practice in Detroit.

DOCKET BOOK OF A NOTABLE NINETEENTH-CENTURY LAWYER AND JUDGE IN LANCASTER COUNTY, PENNSYLVANIA

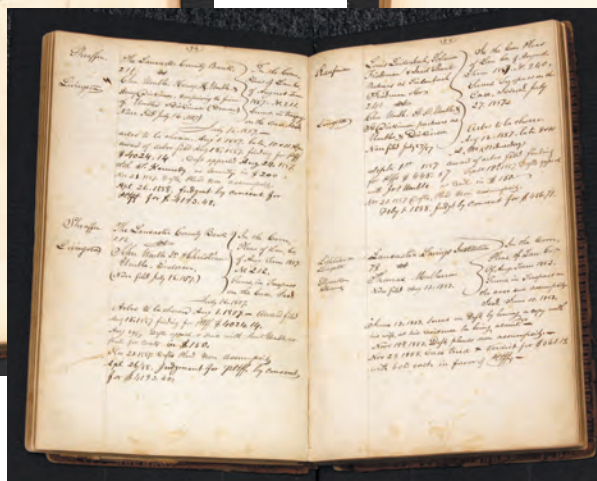
- 96 [MANUSCRIPT].  
[LIVINGSTON, JOHN B. (1821-1906)].

[Docket Book of John B. Livingston, A Pennsylvania Lawyer and Judge, 1851-1862].

Cover reads "J.B. Livingston's Docket/ January [28] 18[51]." [Lancaster County, PA, January 28, 1851-January 13, 1862]. [xxviii], 322 pp. Thumb-tabbed index. Folio (12-1/2" x 8").

Reversed calf, black-stamped panels to boards. Boards detached and moderately edgeworn, most of spine perished, "John B Livingston/ Lancaster City/ Pennsylvania/ January 27th A.D. 1851" to verso of final index leaf, similar inscription to verso of following leaf dated January 28. This leaf also bears the signature of a later owner, John Hampton, dated January 23, 1923, another Hampton signature to rear board. Light toning, text in small neat hand until p. 247, several Civil War-era pro-Union woodcuts and cartoons affixed to front and rear pastedowns. Item housed in lightly worn cloth slipcase. An interesting manuscript. \$750.

LIVINGSTON WAS AN ATTORNEY AND JUDGE in Lancaster County, Pennsylvania. He read law from 1845 to 1848 with Thaddeus Stevens [1792-1868], who, as a member of the U.S. House of Representatives, went onto become leaders of the anti-slavery Radical Republicans during the Civil War and Reconstruction. In 1862 Livingston became the county's district attorney. In 1871 he was elected president judge of the second judicial district of Pennsylvania, a post he held until 1904. His docket book, which lists memoranda of cases, services rendered and fees charged over an 11-year period, offers a fine perspective on the professional activity of a well-respected attorney with a thriving practice. Eastman, *Courts and Lawyers of Pennsylvania: A History, 1623-1923* III:599.



Details from N° 96

ACCOUNT BOOK OF NINETEENTH-CENTURY LAWYER  
FROM GARDINER, MAINE

- 97 [MANUSCRIPT].  
[STILPHEN, ASBURY COKE (B. 1842)].

***Account of Monies Expended from May 1st 1865 to 1880.***  
**[Collection and Cash Book].**

Gardiner, ME, 1870–1874. [120] pp. Folio (13" x 8").

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

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

INTERESTING DUTCHESS COUNTY LAND INDENTURE FROM 1796  
SIGNED BY A NOTABLE SUPREME COURT JUSTICE

- 98 [MANUSCRIPT].  
THOMPSON, SMITH [1768–1843].

***Signed Land Deed, Dutchess County, New York. November 9, 1796.***

Single 13" x 16" sheet, accomplished in ink on recto and verso, signed and sealed by Smith Thompson and Gilbert Livingston.

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

AN INDENTURE CONVEYING A PARCEL OF LAND in Dutchess County, on the east side of the Hudson River, from Frost Powell and his wife Catherine Powell to Daniel Lockwood. Signed by Smith Thompson [1768–1843], future associate Justice of the United States Supreme Court [1823–1843] and his law partner, Gilbert Livingston. Thompson graduated from Princeton in 1788. Soon after voting for ratification of the United States Constitution as a youthful member of the New York Convention, he began his legal apprenticeship with James Kent and Gilbert Livingston. In 1794 Thompson married Livingston's daughter and replaced Kent as Livingston's partner when Kent moved to New York City following an unsuccessful bid for Congress. "Thompson's major role was in interpreting the Commerce Clause. (...) Thompson believed that states could regulate commerce unless such acts directly conflicted with congressional laws (...) (His) concurrent position contrasted with the exclusive theory of Marshall and Joseph Story. (...) Thompson's position on Native Americans also reflected his New York background in so far as his dissent in *Cherokee Nation v. Georgia* (1831) relied upon his former mentor, James Kent. Arguably his finest opinion, Thompson's Cherokee dissent set forth the concept that Indian tribes are separate sovereigns despite their conquered position" (Hall). Thompson also played a major role in the *Amistad* case. As presiding judge in the U.S. Circuit Court at Hartford, Thompson upheld the U.S. District Court when it

ruled against the return of the captives to Cuba, thereby forcing an appeal by the Federal government to the U.S. Supreme Court, where Thompson joined Story's majority opinion declaring the *Amistad* captives free. Thompson's autograph is scarce; nothing in *American Book Prices Current* since at least 1975. Hall, *Oxford Companion to the Supreme Court of the United States* 871–72.

DOCKET BOOK OF A NOTABLE NINETEENTH-CENTURY RHODE  
ISLAND LAWYER WHO TOOK PART IN THE DORR REBELLION

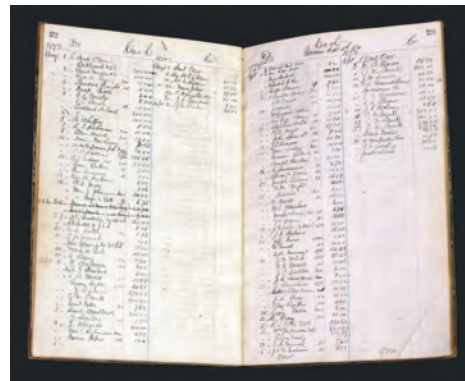
- 99 [MANUSCRIPT].  
[TITUS, JONAH (1796–1876)].

***[Docket Book of Jonah Titus, Rhode Island Lawyer and Dorrite Attorney General].***

[Scituate, RI, May 1836–December 23, 1875]. [400] pp. Folio (13" x 8").

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

TITUS, BELIEVED TO BE THE FIRST LAWYER to establish a practice in Scituate, was a leader of the Rhode Island bar. He is remembered for his participation in the Dorr Rebellion of 1841–1842, an attempt to force broader democracy in Rhode Island by establishing a rival state government under "Governor" Thomas Wilson Dorr. Titus was Dorr's attorney general. The turbulence of that period is not reflected in this docket book, which lists memoranda of cases, services rendered and fees charged. Also listing personal expenses, this offers a fine perspective on the working life of a well-respected attorney with a thriving practice over a 39-year period. Payne 41–43.

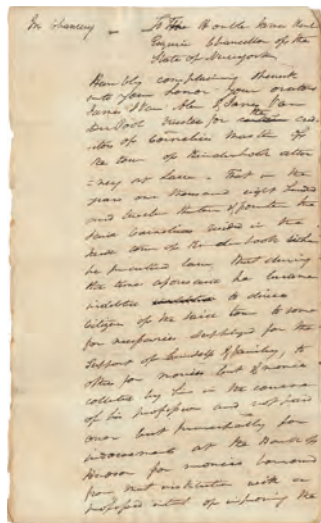


Nº 97



Nº 99





Nº 100

BILL OF DEMURRER SUBMITTED TO CHANCELLOR KENT  
BY A YOUNG MARTIN VAN BUREN100 [MANUSCRIPT].  
VAN BUREN, MARTIN [1782-1862].**[Bill of Demurrer Submitted to the New York Court of Chancery].**

Kinderhook, NY, 1812. Eight leaves, 13" x 8." Content to rectos and versos of first seven, endorsement to verso of final leaf, items held together with contemporary straight pin. Three horizontal fold lines, light browning and minor edgewear, some wear along a fold line of final leaf. An interesting item. \$950.

THIS BILL WAS SUBMITTED TO CHANCELLOR KENT on behalf of James J. Van Alen, his half-brother and law partner, and James Vanderpool, who were seeking to recover debts from the estate of Cornelius Master, a Kinderhook attorney. Van Buren was admitted to the New York Bar in 1803. An excellent

attorney, he was admitted as a counselor of the Supreme Court in 1807 and was Surrogate of Columbia County in 1808. He was a state senator in 1812 and President from 1837 to 1841.

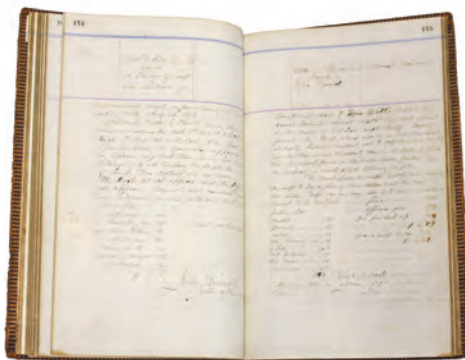
1868 JUSTICE'S DOCKET FROM RURAL WISCONSIN

101 [MANUSCRIPT].  
[WISCONSIN].**Justice Docket for the Town of Lake Mills, Jefferson County, Wisconsin, 1868**

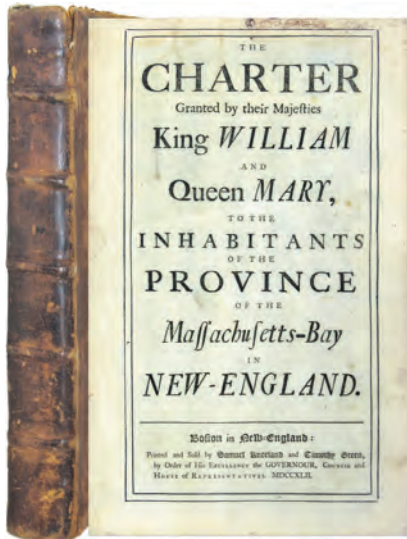
(Manuscript title on first leaf). [Lake Hills, WI, 1868-1888]. [xxvi], 318 pp., a few blanks at rear. Folio (13-1/2" x 8-1/4").

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

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



Nº 101



N° 102

A COPY WITH INTERESTING ASSOCIATIONS

## 102 [MASSACHUSETTS].

*The Charter Granted by Their Majesties King William and Queen Mary, to the Inhabitants of the Province of the Massachusetts-Bay in New-England.*

[AND]

*Acts And Laws Of His Majesty's Province Of The Massachusetts-Bay In New England.*

[BOUND WITH]

*[Nine Separately Issued Session Laws].*

Boston: Printed and Sold by Samuel Kneeland and Timothy Green, 1742 (i.e. 1743). [ii], 14, 28, 337, [1], 339–374 pp. Folio (11" x 7-1/2").

Contemporary sheep, raised bands to spine. Moderate rubbing to extremities. Light toning to text, minor loss to leaf of table due to chip in margin, page numbers, which are penciled in, a few blank leaves at end of text block excised. Front free endpaper inscribed by Jeremiah Powell to Samuel Foxcroft, Powell's ownership inscription to title page of *Charter*. A very good copy in a well-preserved unrestored binding. \$1,250.

A DESIRABLE COPY OF THIS mid-eighteenth century compilation of Massachusetts colonial statutes, relating in part to the winding down of the controversial land-bank and paper money schemes of 1739 and 1740 that were quashed by act of Parliament in 1740. This is also an interesting association copy. Jeremiah Powell [1714–1789] acquired this copy upon publication in 1743, at age 29, for 6 pounds, according to his still intelligible if obscured inscription on the title page. The front free endpaper bears his full name again and several signature trails, as well as his later presentation inscription to Samuel Foxcroft [1734–1805], a 1754 graduate of Harvard and minister of New Gloucester, Maine. Powell, Maine landowner, businessman, justice of the peace and member of the General Assembly, rose to prominence during the Revolution as *de facto* Governor of Massachusetts due to his role as President of the Massachusetts Council, which replaced the executive branch during the war. Powell served six consecutive terms, from November 1776 to June 1780, thereafter alternating with James Bowdoin, Artemas Ward, and William Sever. Some indication of his importance can be gained from his frequent correspondence with George Washington. There are nine session laws published subsequent to the main volume bound in at the rear; unused blank sheets at the end of the volume were at some time excised. Of the nine session laws five contain legislation intended to wind down, by order of Parliament, the affairs of the

land-banks established in 1739/1740, and to address the vexatious uncertainty of the value of paper money. *Benedict* 151, 153–62. *Tower* 262–272.

187 TO 168 IN FAVOR OF RATIFICATION

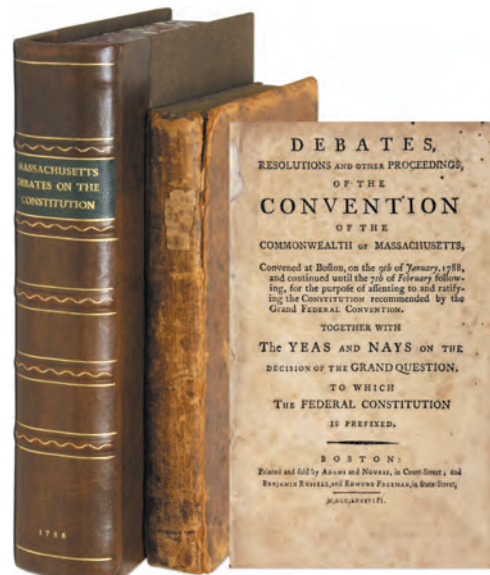
103 [MASSACHUSETTS].  
[FEDERAL CONSTITUTION].

*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" (Paecckham). A second edition was published in 1808; another, edited by Bradford K. Peirce and Charles Hale, in 1856. *Peckham* USC-25. *Cohen* 2859. *Sabin* 45702.



N° 103



SCARCE DIGEST OF MASSACHUSETTS CRIMINAL LAWS,  
ALPHABETICALLY DIGESTED

- 104 [MASSACHUSETTS].  
WILLIAMS, GORHAM D., COMPILER.

*The Penal Statutes of Massachusetts.*

Greenfield, MA: W.S. Carson, 1880. [i]. 304 pp. Octavo (7-1/2" x 5").

Contemporary law sheep, lettering piece to spine. Moderate rubbing to extremities, front board beginning to separate but still quite secure. Early owner signature (of J.H. Dawes) to head of title page. Toning to text, internally clean. \$450.

SOLE EDITION. Digested alphabetically by topic, this handbook provides a window into the criminal laws and their punishments. Some examples: abortion was punishable with a seven year jail sentence and a \$1,000. fine. The sentence for abuse of a female child (child rape) was life in prison. Removing the collar from a licensed dog would earn one a \$500. fine, gambling threatened a \$50. fine and traveling on the Lord's Day could cost you \$10. Running a house of prostitution or beating a horse or dog carried the same penalty: a year in jail. OCLC locates 11 copies. Not in the *Harvard Law Catalogue*.

RALLYING SUPPORT TO SUPPRESS THE AMERICAN REVOLUTION

- 105 [MAUDUIT, ISRAEL (1708–1787), ATTRIBUTED].

*Considerations on the American War. Addressed to the People of England.*

London: Printed for T. Becket, 1776. [iv], 60 pp. Lacking half-title. Octavo (7" x 4-1/2").

Stab-stitched pamphlet bound into recent stiff marbled wrappers, printed title panel to front cover. Moderate browning to text, light foxing to a few leaves, some loss of text to three leaves due to printer error, internally clean. \$750.

ONLY EDITION. Mauduit, or Maudit, was a British merchant, writer and colonial agent for Massachusetts. *Considerations* urges the British public to support measures to suppress the American Revolution. He dismisses concerns about the economic consequences of military force and trade disruption, describes the value of retaining the colonies and stresses how the English constitution would be undermined if the colonists were granted independence. Since most colonists are loyal subjects held captive by a band of "tyrants," the Continental Congress, he observes, the Crown is obligated to defend their freedom. Maudit changed his mind after three years of warfare. In 1779 he became an advocate for American independence. OCLC locates 12 copies in North America, none in law libraries. Sabin 15198. ESTC T1114.

UNCOMMON 1822 MARYLAND TREATISE ON EJECTMENT

- 106 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. 264 pp. Octavo (8" x 5").

Contemporary calf, blind fillets to boards, carefully rebacked, lettering piece and gilt fillets to spine, hinges mended. Some rubbing to extremities with wear to corners, faint owner initials to front

board, offsetting to margins of endleaves, moderate toning to text. Early owner signature (of Frank Gosnell) to front pastedown, interior otherwise clean. \$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 9491.

THOMAS NAST CARICATURE OF "BOSS" TWEED

- 107 NAST, THOMAS [1840–1902].  
[TWEED, WILLIAM M., "BOSS" (1823–1878)].

*Can the Law Reach Him?—The Dwarf and the Giant Thief.*

New York: *Harper's Weekly*, January 6, 1872. Attractively glazed and matted 15" x 10" woodcut in handsome 24" x 30" wooden frame, small plaque to center of bottom. Light rubbing to frame, light even toning to background of image. An attractive piece.

\$500.

THIS IS ONE OF NAST'S FAMOUS EDITORIAL CARTOONS from *Harper's Weekly*. An infamous figure in New York City history, Tweed exploited his position as a political leader to amass immense wealth and power. He was a symbol of corruption and the target of urban political reformers. One of these was Nast, who chronicled Tweed's activities in a series of cartoons in *Harper's Weekly* from 1870 to 1873. Some of the greatest editorial cartoons of the nineteenth-century, and important models for later cartoonists, they played a key role in Tweed's downfall. Note: Item unexamined out of the frame.



Nº 107

108 [NEW JERSEY].  
WILSON, PETER, COMPILER.

*Acts of the Council and General Assembly of the State of New-Jersey from the Establishment of the Present Government, and Declaration of Independence, to the End of the first sitting of the Eighth Session, on the 24th Day of December, 1783; With the Constitution Prefixed. To Which is Annexed, an Appendix, Containing the Articles of Confederation of the United States, &c. With Two Alphabetical Tables and an Index.*

Trenton: Printed by Isaac Collins, 1784. [i], x, 389, 28, 4, 4, 30 pp. Folio (9" x 13-1/2").

Later quarter cloth retaining original lettering piece over original paper boards, hinges mended. Some rubbing to extremities, corners bumped and somewhat worn. Occasional spotting, browning to some leaves. Ex-library. Institution stamp to title page. \$750.

SECOND ISSUE. Known as "Wilson's Laws," this fascinating compilation of Revolutionary-era acts opens an interesting window on the state in the years between the Revolution and the ratification of the Federal Constitution. Wilson, a resident of Bergen County, was the principal of the Hackensack Academy. He was a member of the New Jersey State Assembly from 1778–1781 and again in 1787. Felcone notes an earlier issue, which is distinguished by a slightly different title page reading "Acts of the General Assembly" instead of "Acts of the Council and General Assembly." Tower 564. Felcone 162.

AN IMPORTANT COMPILATION OF RECORDS  
OF NEW YORK'S NATIVE AMERICANS

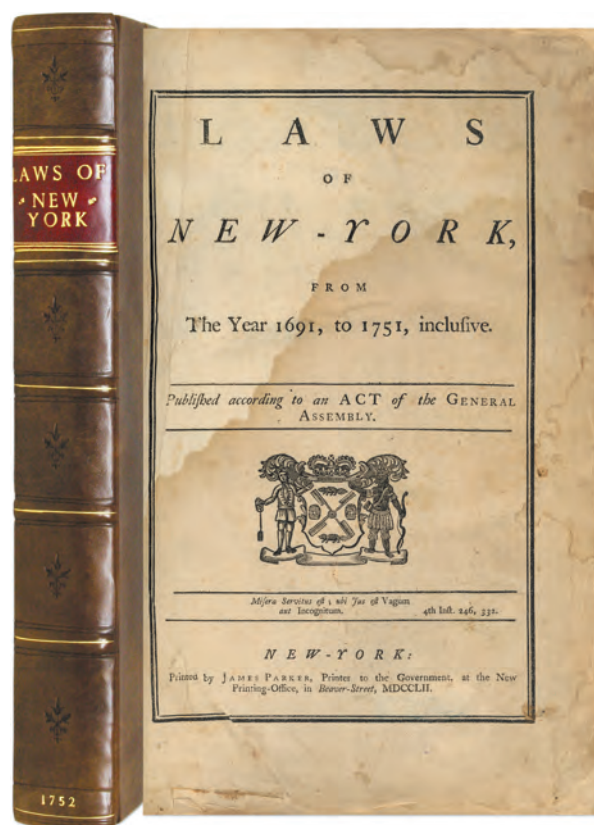
109 [NEW YORK].  
COMMISSIONERS OF INDIAN AFFAIRS.  
HOUGH, FRANKLIN B. [1822–1885]. NOTES AND  
INTRODUCTION.

*Proceedings of the Commissioners of Indian Affairs, Appointed by Law for the Extinguishment of Indian Titles in the State of New York. Published from the Original Manuscript in the Library of the Albany Institute. With an Introduction and Notes.*

Albany: Joel Munsell, 1861. Two volumes. [ii], viii, 255; [iv], [257]–501 pp. Three folding color maps. Facsimiles of signatures from original documents. Quarto (8-1/2" x 7").

Later cloth, red and black lettering pieces to spines. Light shelfwear and soiling, chipping to edges of lettering pieces. Text printed in red and black. Moderate toning, half-title of Volume I detached and lightly edgeworn, title page and following four leaves partially detached, map facing title page torn neatly along fold lines into four pieces, all lightly edgeworn, similar damage to other two maps, internally clean. Ex-library. Location labels to spines, stamps to title pages. \$750.

ONLY EDITION. Produced to assist a title-search project, these volumes contain an important compilation of records concerning the Mohawk, Seneca and other Native American tribes from New York. The commission was formed to investigate and, in most cases dismiss, Native American land claims during the years of 1822 to 1855. Hough, a scientist and historian, was an expert on the history and ecology of New York State.



Nº 110

COLONIAL LAWS OF NEW YORK  
PRINTED BY JAMES PARKER, 1752

110 [NEW YORK].  
[LIVINGSTON, WILLIAM (1723–1790), COMPILER].  
[SMITH, WILLIAM, JR. (1728–1793), COMPILER].

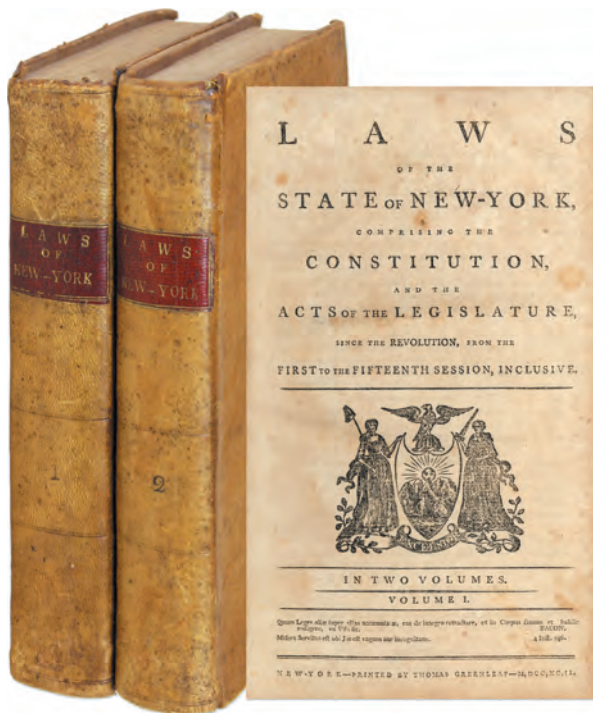
*Laws of New-York, from the Year 1691 to 1751, Inclusive.*  
Published According to an Act of the General Assembly.

New York: Printed James Parker, 1752. [i], iv, [liii], [1], 488. Folio (13-1/2" x 9").

Recent quarter calf over cloth, raised bands and lettering piece to spine, endpapers renewed. Light browning, occasional faint dampstaining, confined mostly to margins, some edgewear to title page and final three index leaves, internally clean. \$2,000.

FIRST EDITION. With a subscriber list that includes Benjamin Franklin, Charles Pinckney, and James De Lancey. This volume was commissioned by the colonial assembly in order to codify the body of laws that had accrued since becoming a crown colony in 1690. Livingston and Smith were prominent New York attorneys who followed divergent paths during the Revolution. Smith, a loyalist, served as Chief Justice of New York during the British occupation. He settled in Canada after the war, served as Chief Justice of Quebec, and ended his career as the first chief justice of Lower Canada. Livingston was an ardent supporter of American independence and a delegate to the First, Second, and Third Continental Congresses. He became New Jersey's governor in 1776 and represented that state at the Constitutional Convention in 1787. The importance of this publication is evident in its subscriber list, a virtual "who's who" of colonial statesmen. It appears that fewer than 200 copies of this volume were printed, counting the 169 subscriber copies and three official copies produced for the colony. Tower 624. Benedict 343–345.





N° 111

EARLY POST-REVOLUTIONARY COMPILATION  
OF NEW YORK LAWS

## 111 [NEW YORK].

***Laws of the State of New York, Comprising the Constitution, And the Acts of the Legislature, Since the Revolution, From the First to the Fifteenth Session, Inclusive.***

New York: Printed by Thomas Greenleaf, 1792. Two volumes. [iv], 511, [1] pp.; [iv], 521, [15] pp. Octavo (8" x 4-3/4").

Contemporary varnished sheep, blind fillets, lettering pieces and black-stamped volume numbers to spine. Light rubbing to extremities, corners bumped, light fading to spines, minor chipping to spine head of Volume 1, hinges starting. Toning to text, light browning and negligible foxing in places, internally clean. \$950.

ONLY EDITION. With the state constitution, a digested index and subscriber list that includes Aaron Burr, Edward Livingston and other prominent New Yorkers of the period. This was the second compilation of New York's laws published since the Revolution, and the first octavo edition. This format was chosen to make this edition more affordable. 1400 subscriber copies were issued. Complete in itself, a third volume was added to this set in 1798. Babbitt 350.

ARGUMENT FROM IMPORTANT MARITIME INSURANCE CASE  
BOUND WITH ANTHOLOGY OF MARITIME LAWS

## 112 [NICHOLS, BENJAMIN ROPES].

***Argument of Plaintiffs' Counsel in the Case of Willard Peele and Others Versus the Merchants' Insurance Company, Before the Supreme Court of the United States, February Term, 1826, Upon the Question of Admiralty Jurisdiction, In Cases of Policies of Insurance. With Extracts from Various Learned Treatises Upon This Subject.***

Boston: Howe & Norton, Printers, 1826. 35 pp.

[BOUND WITH]

GODOLPHIN, JOHN [1617–1678], JENKINS, SIR LEOLINE [1623–1685], MALYNES, GERARD [FL. 1586–1641], ZOUCH, RICHARD [1590–1661], EXTON, JOHN [1600?–1668], JUSTICE, ALEXANDER.

***Extracts from Godolphin, Sea Laws, Jenkins, Maline, Zouch and Exton, Of All the Parts of Those Treatises Which Relate to the Admiralty Jurisdiction in Cases of Contracts: Also, The Commission of George III. to the Vice Admiralty Court in New Hampshire in 1776. And an Abstract of the Records of the Vice Admiralty Court in Massachusetts Prior to the Revolution.***

Boston: Howe & Norton, 1826. 132 pp.

Octavo (9" x 5-1/2"). Contemporary plain wrappers. Some edgewear and a few minor stains. Toning, light foxing to a few leaves, internally clean. \$650.

ONLY EDITIONS. *Peele et Al. v. the Merchants' Insurance Company* concerned claims on a merchant ship that was wrecked off the coast of Portsmouth, New Hampshire, and abandoned. Though damaged, the cargo was ultimately saved. At issue was the effect of abandonment on the insurance claim of the owners. In the U.S. Circuit Court, Justice Story held that the owners had the right to abandon their ship under the circumstances of the wreck and were entitled to recover their claim. The case was appealed to the U.S. Supreme Court, but no decision can be found. The second item was probably intended for busy New England lawyers who dealt with maritime contracts. It would have been a handy reference and a useful source for erudite references. The core of this curious volume is an anthology of writings by the leading seventeenth-century English writers on admiralty. An editor isn't listed and the extracts are presented without commentary, but the editor used sources for each work which are mentioned and the extracts are collated against them in side-notes. These items have separate bibliographic records in the standard references, but OCLC locates 4 copies with these works bound together (at Trinity College, the Library of Congress and the law libraries of Harvard and the University of Virginia). Cohen 11488 (Nichols) 1583 (Godolphin).

BIOGRAPHICAL SKETCHES OF THE ANTEBELLUM BAR  
OF SOUTH CAROLINA

## 113 O'NEALL, JOHN BELTON.

***Biographical Sketches of the Bench and Bar of South Carolina. To Which is Added, The Original Fee Bill of 1791, With the Signatures in Fac-Simile, The Rolls of Attorneys Admitted to Practice, From the Records at Charleston and Columbia. Etc., Etc.***

Charleston: S.C. Courtenay & Co., 1859. Two volumes. Folding table. Plates of facsimile signatures. Octavo (9" x 6").

Recent cloth, lettering pieces to spine. Light toning to text, faint dampstaining to head of text block in parts of Volume II, careful repair to tear in folding table, Early owner signature to title page of each volume, interior otherwise clean. \$450.

ONLY EDITION. With a list of various judicial officers dating back to 1698. Early bar histories are valuable sources of first-hand information that are not available in other sources. In addition to archival material, Judge O'Neill, a senior member of South Carolina's bench and bar, drew heavily on interviews, personal memory and interviews with relative and descendants. Cohen 2198.

## 114 [OREGON].

LORD, WILLIAM PAINE, COMPILER AND ANNOTATOR.  
MONTAGUE, RICHARD WARD, COMPILER AND  
ANNOTATOR.

*Lord's Oregon Laws Showing All the Laws of a General Nature in Force in the State of Oregon Including the Sessions of 1909, and the Laws and Constitutional Amendments Adopted at the General Election of 1910. Published by Authority of an Act Approved March 19, 1909.*

Salem: Willis S. Duniway, State Printer, 1910. Three volumes. lxxiii, 1054, 281; lxxiii, [1055]–1996, 281; lxxiii, [1997]–2708, 281 pp.

Contemporary buckram, red and black lettering pieces. Negligible shelfwear and soiling, hinges starting. Small chip to title page of Volume I interiors otherwise pristine. A well-preserved set. \$350.

"IN THE PROSECUTION OF THE WORK a systematic search was made of all session laws and codes from the beginning and the results carefully checked with previous compilations. The laws printed have been carefully read and compared with the original and authentic source, the enrolled bills, thus securing for the first time it is believed, an accurate text. The general order of the Bellingier and Cotton compilation has been preserved, as being most familiar, and therefore most convenient to the bar and public in general, and indeed it has been the plan to make changes from that excellent work only when a clear and plain reason required it....Special pains have been taken to bring the annotations down to date....": Preface, Volume I [iii]. Babbitt 414.

1788 PRINTING OF PARKER'S CONDUCTOR GENERALIS

## 115 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. \$500.

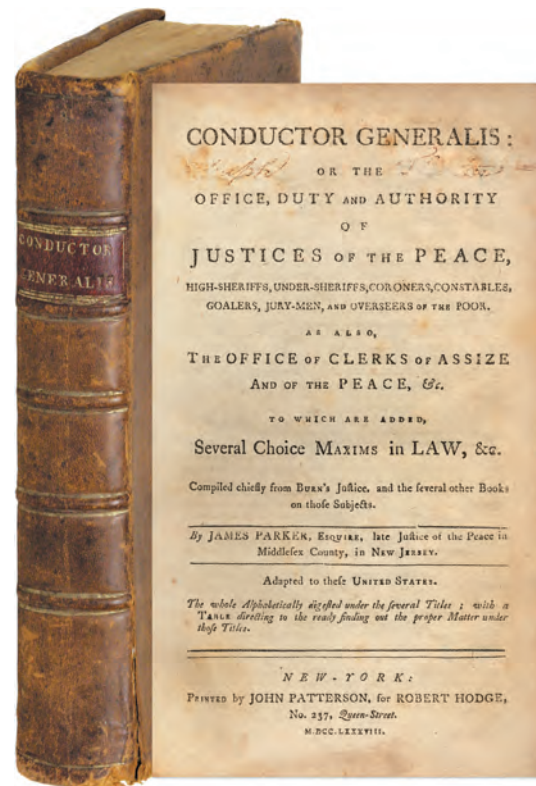
A POPULAR AMERICAN LEGAL MANUAL issued by different printers and publishers based largely on Burn and other English sources. Part II contains (with caption titles only): The Office and Duty of Sheriffs; The Office of a Gaoler, and Concerning Escapes; The Office and Duty of the Clerk of Assize and Clerk 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 7959.

116 PETERS, RICHARD [1740–1848].  
[STORY, JOSEPH (1779–1845)].

*[Autograph Letter, Signed, to Story, Philadelphia, October, 26 1828].*

Single leaf folded to form 10" x 8" quarto bifolium, written in ink, addressed, franked and postmarked on verso of fourth page, which has a wax seal. Fold lines, some toning along margins, otherwise fine. \$500.

PETERS, A PHILADELPHIA LAWYER and county official, was the reporter of the U.S. Supreme Court from 1828 to 1843. (His volumes are reported today as 26–41 U.S.). This letter refers to the delayed commissioning of Joseph Hopkinson [1770–1842], son of founding father Francis Hopkinson, as a judge on the United States District Court for the Eastern District of Pennsylvania, a post held previously by Peter's father. President Adams issued Hopkinson's recess appointment to the District Court on 23 October 1828. He was confirmed by the Senate and formally commissioned in February 1829. According to Peters: "It has been long, very long, withheld, and Mr Adams has suffered much from the delay -- I do not know how he can justify it -- The public interests suffered, and this he knew -- He seems to have forgotten the maxim 'Bis dat qui' &c [Bis dat qui cito dat- he gives twice who gives promptly]. It was a wise appointment. Joseph Hopkinson's distinguished legal career included his successful defense of Supreme Court Associate Justice Samuel Chase during his impeachment trial (1804–1805). (Hopkinson also wrote the lyrics to the patriotic anthem "Hail, Columbia.") Peters also thanks Story for sending him a copy of an address, most likely *A Discourse at the Request of the Essex Historical Society, September 18th, 1828, in Commemoration of the First Settlement of Salem, Massachusetts*, and says he was "exceedingly gratified and instructed by its perusal."



Nº 115



## 117 PRATT, LUTHER.

***An Exposition of the Constitution of the United States: To Which is Prefixed, The Forms of Government in Different Parts of the World, Intended for the Use of Schools, And for the Benefit of the Rising Generation, By Way of Question and Answer.***

Albany: Published at the "Common School Depository," 1836. 60 pp. Includes six-page publisher catalogue. 16mo. (4-1/4" x 3").

Stiff printed wrappers, cloth-reinforced spine. Light soiling and edgewear, light toning to text, foxing to a few leaves, internally clean. SOLD

ONLY EDITION, ONE OF THREE ISSUES, the others by two New York City publishers, Sylvester and Owens and W.W. Pratt. Notably Jacksonian, this charming, and surprisingly rigorous, textbook on Constitutional law was intended for elementary-age school children. OCLC locates 4 copies of the New York issue, 1 of the Albany, 1 in a law library (Yale, which has a New York imprint). Cohen 2770.

A NOTABLE TREATISE ON CONTEMPT OF COURT

## 118 RAPALJE, STEWART [1843–1896].

***A Treatise on Contempt Including Civil and Criminal Contempts of Judicial Tribunals, Justices of the Peace, Legislative Bodies, Municipal Boards, Committees, Notaries, Commissioners, Referees and Other Officers Exercising Judicial and Quasi-Judicial Functions. With Practice and Forms.***

New York: L.K. Strouse & Co., 1884. xlvii, 273 pp. Octavo (9" x 6").

Recent period-style three-quarter tan calf over marbled boards, raised bands and red and black lettering pieces to spine, endpapers renewed. Light toning to text, some soiling to title page, minor edgewear to a few leaves, internally clean. Ex-library. Small inkstamp to verso of title page. A very nice copy. \$750.

FIRST EDITION. "One of the first comprehensive studies of the subject, still useful as background reference. It covers contempt powers of courts, legislative bodies, administrative groups, and public officials": Swindler, *A Bibliography of Law on Journalism* cited in Marke 415.

FIRST AMERICAN EDITION OF RASTELL'S *TERMES DE LA LEY*

## 119 [RASTELL, JOHN (D.1536)].

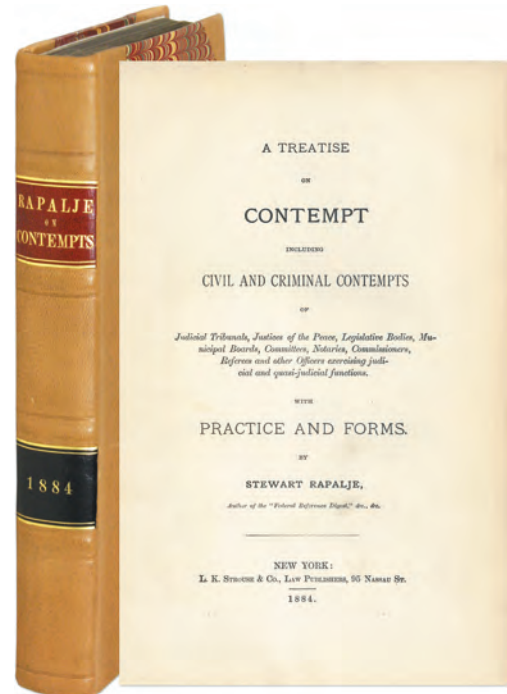
***Les Termes de la Ley, Or Certain Difficult and Obscure Words and Terms of the Common and Statute Laws of England, Now in Use, Expounded and Explained. Faithfully Translated From the Norman French, With Many Great and Useful Additions and Corrections Throughout the Whole Book, Never Printed in Any Other Impression.***

Portland: Printed by J. Johnson, 1812. iv, 391 pp. Octavo (8-1/2" x 5-1/2").

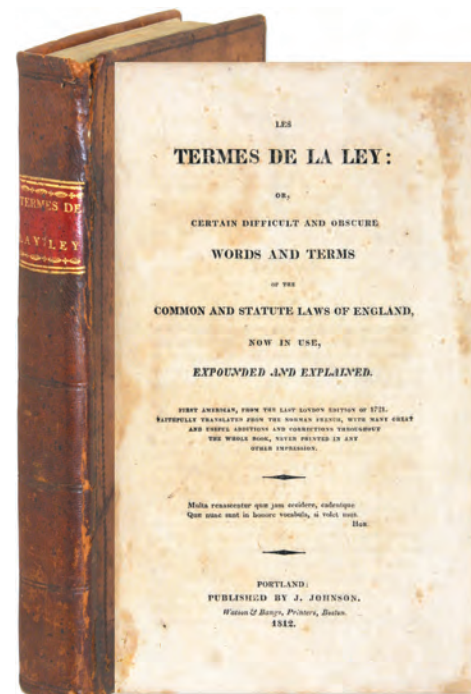
Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Moderate rubbing, a few light scuffs to boards, minor chipping to spine ends, front joint starting, corners bumped and somewhat worn, negligible worming to spine and front pastedown, moderate toning and occasional light foxing to

text. Early owner inscription (of A.W. Hoyt of Deerfield, MA dated 1850) to front pastedown, interior otherwise clean. A nice copy. \$750.

FIRST AMERICAN EDITION, from the 1721 London edition. The title was also the second law dictionary printed in America. (A Philadelphia edition of Jacob's *Law Dictionary* was issued in 1811.) First published around 1523, Rastell's is the most important English law dictionary before Cowell's *Interpreter* (1607). Immediately successful, it went through at least twenty-nine editions, the last appearing in 1819. Cohen 5450.



N° 118



N° 119

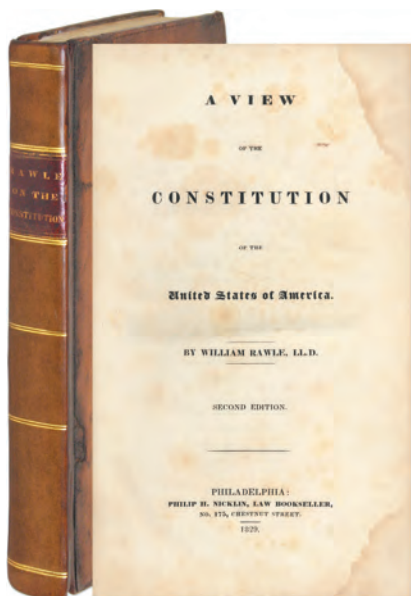
USED TO JUSTIFY SECESSION

## 120 RAWLE, WILLIAM [1759–1836].

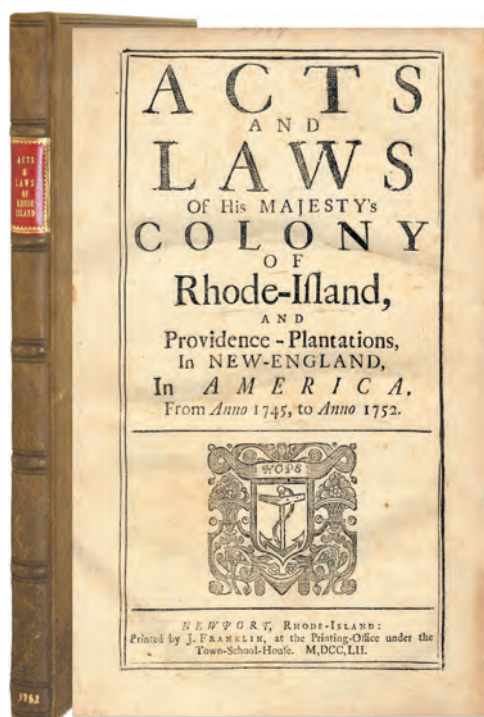
*A View of the Constitution of the United States of America.*

Philadelphia: Philip H. Nicklin, Law Bookseller, 1829. viii, [9]–349 pp. Octavo (8-3/4" x 5-1/2").

Contemporary sheep, rebacked in period style retaining lettering piece. Moderate rubbing and a few light scuffs to boards, corners bumped and worn. Moderate toning, occasional foxing and faint dampstaining. Early owner signature to front free endpaper, interior otherwise clean. A handsome copy of an important work. \$1,750.



N° 120



N° 121

SECOND EDITION. Rawle's treatise is one of the earliest works on the United States Constitution, and one of the most important. This text is significant also because it suggests that states have a right to secede from the Union. As Cohen observes, the popularity of this text, which was used at West Point and other schools throughout the country, "is generally considered to have influenced the leaders and supporters of the Confederacy, although in fact Rawle opposed secession." Cohen 2894.

1752 COMPILATION OF RHODE ISLAND ACTS AND LAWS  
PRINTED BY JAMES FRANKLIN

## 121 [RHODE ISLAND].

*Acts and Laws of His Majesty's Colony of Rhode-Island, And Providence-Plantations, in New-England, in America. From Anno 1745, To Anno 1752.*

Newport: Printed by J. Franklin, 1752. [viii], 110 pp. Folio (11" x 7").

Later reversed calf, red lettering piece with gilt title and date at foot of spine. Internally clean. A very good copy. \$2,500.

"A CONTINUATION OF THE THIRD REVISION of Rhode Island laws" (*Benedict*). The first revised laws of the colony were printed in Boston in 1719; the second and third revisions were printed in Newport in 1730 and 1745 respectively. The present compilation is considered a supplement to the 1745 laws. Unlike the revisions which are in topical digest form, this is arranged chronologically by session. Printed by James Franklin, the son of James Franklin (1697–1735), brother of Benjamin Franklin. The younger James Franklin and his mother Ann Franklin were official printers for the colony throughout much of this period. *Benedict* 449. Tower 812.

THE FIRST COMPILATION SINCE THE REVOLUTION

## 122 [RHODE ISLAND].

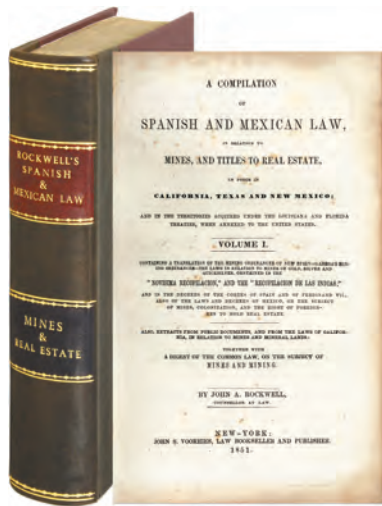
*The Public Laws of the State of Rhode-Island and Providence Plantations, As Revised by a Committee, and Finally Enacted by the Honorable General Assembly, at Their Session in January, 1798. To Which are Prefixed, The Charter, Declaration of Independence, Articles of Confederation, Constitution of the United States, and President Washington's Address of September, 1796. Published by Authority.*

Providence: Carter and Wilkinson, 1798. 652 pp. Octavo (8-1/2" x 5").

Contemporary calf, lettering piece and blind fillets. Rubbing to extremities, some rubbing and scuffing to boards and spine, corners bumped, hinges cracked, a few partial cracks to text block. Very light browning to text, negligible light foxing and faint dampstaining in places. Early owner annotations to endleaves, including a fine example of calligraphy, interior otherwise clean. \$600.

FIRST EDITION. This was Rhode Island's first post-Revolution compilation; its predecessor was published in 1772. Babbitt 456.





Nº 123

"LIGHT READING FOR THE GOLD HUNTER ON HIS VOYAGE  
AROUND THE HORN"

### 123 ROCKWELL, JOHN A(RNOLD) [1803–1861].

*A Compilation of Spanish and Mexican Law, in Relation to Mines, and Titles to Real Estate, in Force in California, Texas and New Mexico; and in the Territories Acquired under the Louisiana and Florida Treaties, When Annexed to the United States. Containing a Translation of the Mining Ordinances of New Spain-Gamboa's Mining Ordinances-The Laws in Relation to Mines of Gold, Silver and Quicksilver, Contained in the "Novisima Recopilacion," and the "Recopilacion de las Indias," and in the Decrees of the Cortes of Spain and of Ferdinand VII, Also of the Laws and Decrees of Mexico, on the Subject of Mines, Colonization, and the Right of Foreigners to Hold Real Estate. Also, Extracts from Public Documents, and from the Laws of California, in Relation to Mines and Mineral Lands: Together With a Digest of the Common Law, on the Subject of Mines and Mining. Volume I (all published).*

New York: John S. Voorhies, 1851. [i–iii] iv–xix [1, blank], [2], [7] 8–663 [1, blank] pp. Octavo (9–1/2" x 6").

Recent period-style quarter calf over cloth, red and black lettering pieces to spine, endpapers renewed. Toning, occasional light foxing, discoloration to a few leaves. Contemporary annotations to a few leaves, interior otherwise fresh. A handsomely bound copy of a scarce and important title. \$2,000.

ONLY EDITION. Sabin remarked humorously that this was "light reading for the Gold Hunter on his voyage around the Horn." Rockwell's *Compilation* addressed the needs of miners and other individuals who needed to reconcile Mexican land titles with the new U.S. laws that went into effect in the territory acquired by the United States in the recently concluded Mexican-American War (1846–1848). An impressive achievement and a notable contribution to comparative law, it discusses Mexican mining and real estate laws, and their Spanish colonial antecedents, and offers comparisons to the common law of mines and mining. Also included are treaties and other general documents, such as the Treaty of Guadalupe Hidalgo and Mexican colonization laws from 1823 to 1846, and a vocabulary of Spanish words. Recognized as an authority at the time of its publication, it remained a standard work for decades and is even cited today. Arnold, a lawyer, judge and politician, was a U.S. Representative from Connecticut. Sabin 72430. Cohen 5296.

AN IMPORTANT AMERICAN ESSAY ON CODIFICATION FROM  
THE LIBRARY OF A NOTABLE HARVARD LAW SCHOOL PROFESSOR

### 124 SAMPSON, WILLIAM [1764–1836]. THOMPSON, PISHEY [1784–1862], EDITOR.

*Sampson's Discourse And Correspondence With Various Learned Jurists, Upon The History Of The Law, With the Addition of Several Essays, Tracts, And Documents Relating to the Subject.*

Washington, D.C.: Printed by Gales & Seaton, 1826. viii, 202 pp. Octavo (9" x 6").

Original publisher's cloth-backed boards, printed paper spine label, untrimmed edges. Some soiling, moderate edgewear, some wear to corners, joints cracked. Light toning to text, light foxing in places. Owner signature of Emory Washburn to front board and front free endpaper, his stamp to head of title page. Later owner signature "Lee / 1896" to front free endpaper and head of title page, annotations in pencil to some leaves, probably by Lee. A nice copy with an interesting association. \$450.

FIRST EDITION. Sampson's *Discourse* is important example of opposition to English common law and advocacy of codification in the early American Republic. Few could have been better qualified to launch such an assault on the British legal tradition than Sampson, an Irish political immigrant who settled in the United States around 1806. A learned and persuasive advocate, Sampson soon acquired a successful, high profile law practice, often taking the side of the underdog in landmark trials involving the rights of labor and the religious and civil rights of American Catholics (though Sampson was a Protestant). Sampson's natural antipathy to England and his legal erudition made him a formidable spokesman for the cause of legal reform. The *Discourse* was delivered in 1823 and published separately in 1824; it is joined here by numerous ephemeral pieces by Sampson, and also by others responding pro and con to his incendiary address. Marvin describes Sampson as "the first in our country to fix public attention on ... legal reform." Washburn [1800–1877] was a distinguished legal author and professor at Harvard Law School. Marvin 627. Cohen 10370.

A LEGAL DEFENSE OF THE SHAKERS

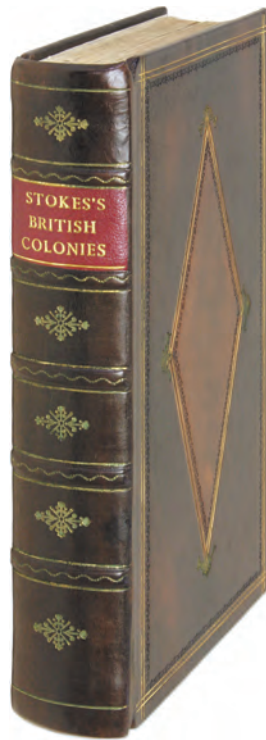
### 125 [SHAKERS]. [DYER, MARY].

*A Remonstrance Against the Testimony and Application of Mary Dyer, Requesting Legislative Interference Against the United Society, Commonly Called Shakers, Together [sic] With the Affidavits and Certificates Showing the Falsity of her Statements.*

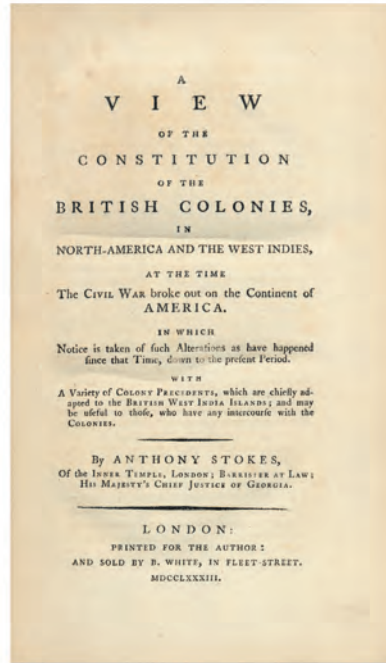
Boston: Printed for N. Coverly, 1818. 24 pp. Octavo (7" x 4").

Disbound stab-stitched pamphlet. Light edgewear, some browning and foxing, internally clean. \$1,500.

ONLY EDITION, also issued the same year in Concord, New Hampshire. A spirited defense of the Shakers by Enfield and Canterbury leaders against Mary Dyer's attempt to get the New Hampshire legislature to interfere with Shaker communities. Dyer and her family joined the Enfield community, but eventually left it. Her husband refused to release any of their children to her, so Mary began a 50-year campaign against the sect. OCLC locates 4 copies worldwide of the Boston imprint (at Brigham Young University, Hamilton College, Library of Congress, Syracuse University), no copies of either imprint in North American law libraries. Sabin 21596.



ONE OF THE GREAT AMERICAN LAW LIBRARIES  
OF THE NINETEENTH CENTURY



N° 127

Recent old-style paneled calf, gilt rules and blind fillets to boards, raised bands and lettering piece to spine, endpapers renewed. Light toning to text, somewhat darker in places, internally clean. A desirable copy of an uncommon work. \$1,950.

## 126 SOCIAL LAW LIBRARY.

### *A Catalogue of the Social Law Library, In Boston.*

Boston: Printed for the Proprietors, 1849. xii, 197 pp. Octavo (8-1/2" x 5-1/2").

Contemporary three-quarter calf over marbled boards, rebaced retaining spine with raised bands, gilt title and gilt fillets, marbled endpapers, hinges cracked. Moderate rubbing to boards and spine with some wear to corners, light toning to text. Early owner signature to head of title page, interior otherwise clean. \$250.

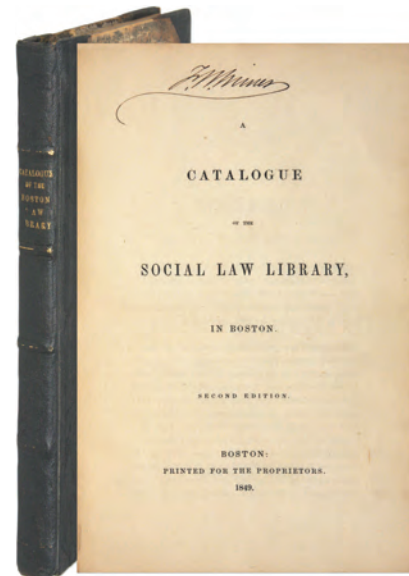
SECOND EDITION. With a subject index. Founded in 1803, the Social Law Library is one of the oldest in the United States and one of the great law libraries of the nineteenth century. (It houses over 450,000 volumes today.) Previous catalogues, appended to the society's rules, were published in 1814 and 1824. All are scarce. OCLC locates 7 copies of the 1849 catalogue in North American law libraries (Boston University, Columbia, Harvard, Social Law Library, UC-Davis, USC, University of Michigan). Cohen 1803.

NOTABLE STUDY OF THE BRITISH COLONIES  
BY A SOUTHERN LOYALIST JUDGE PUBLISHED IN 1783

## 127 STOKES, ANTHONY [1736-1799].

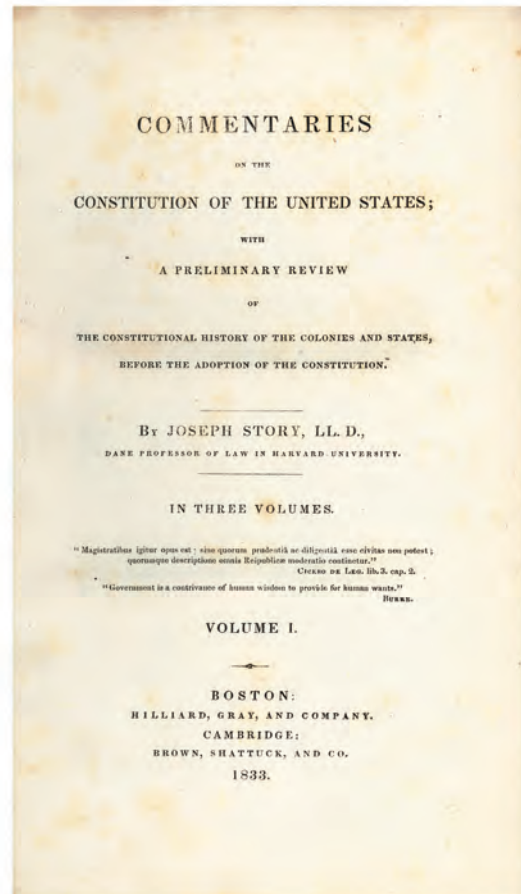
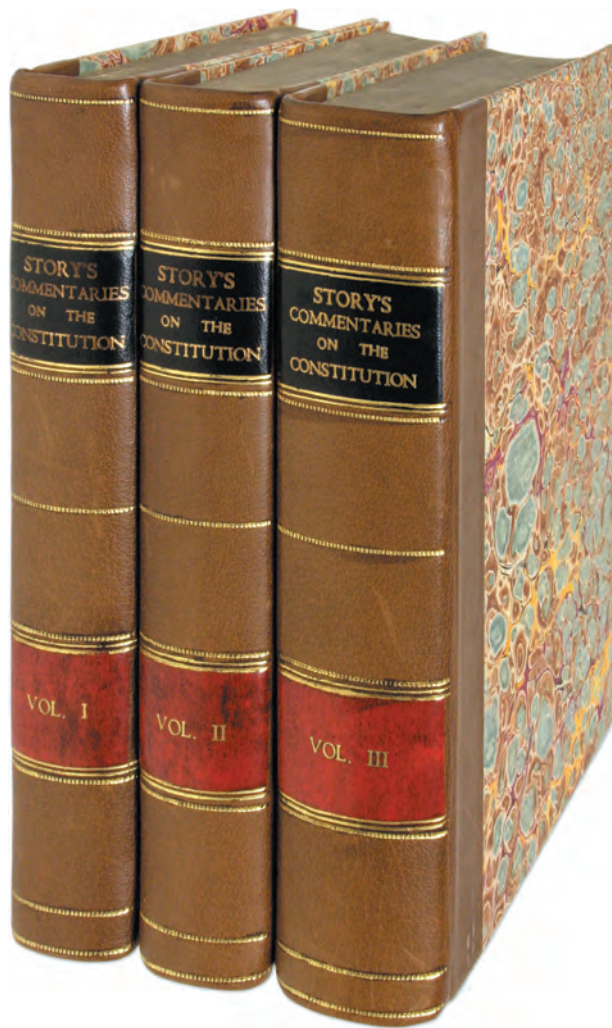
*A View of the Constitution of the British Colonies, in North-America and the West-Indies, at the Time the Civil War Broke Out on the Continent of America. In Which Notice is Taken of such Alterations as Have Happened Since that Time, Down to the Present Period. With A Variety of Colony Precedents, Which are Chiefly Adapted to the British West India Islands; And May be Useful to Those, Who Have Any Intercourse with the Colonies.*

London: Printed for the author and sold by B. White, 1783. [iv], xvi, 555, (1) pp. Octavo (8-1/2" x 5-1/2").



N° 126





N° 128

FIRST EDITION OF THE FIRST IMPORTANT WORK ON THE AMERICAN CONSTITUTION

**128** STORY, JOSEPH [1779-1845].

*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: Hilliard, Gray and Company, 1833. Three volumes. Octavo (8-1/2" x 5-1/2").

Recent quarter morocco-stamped calf over marbled boards in period style, contrasting lettering pieces and gilt fillets to spines. Small inkstain to fore-edge of first volume, light toning to text. A handsome set. \$9,500.

FIRST EDITION. Story's *Commentaries* was the most substantial and influential work written on the American

Constitution before the Civil War, and it remains an important work today. Written while Story was Dane Professor at Harvard Law School and an Associate Justice of the Supreme Court, it presented a strongly Nationalist interpretation. It is divided into three books. Book I contains a history of the colonies and discussion of their charters. Book II discusses the Continental Congress and analyzes the flaws that crippled the Articles of Confederation. Book III begins with a history of the Constitution and its ratification. This is followed by a brilliant line-by-line exposition of each of its articles and amendments. Comparing it to the *Federalist*, James Kent said that Story's work 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...a complete history and exposition of this branch of our jurisprudence, will have recourse to [this] 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 669-670. Cohen 2914.

## 129 STORY, JOSEPH

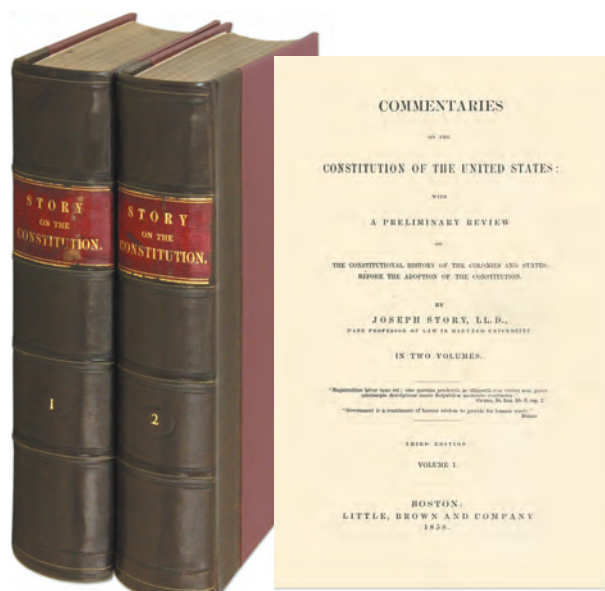
[Bennett, E.H., Editor].

*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, [iii], 735; [iii], 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 I title page, internally clean. A nice copy in a handsome binding. \$1,500.

THIRD EDITION. First published in 1833, this work is probably the most important work written on the American Constitution. 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 669-670). Cohen 2917.



N° 129

## 130 STORY, JOSEPH

ODENT, PAUL, EDITOR AND TRANSLATOR.

*Commentaire Sur la Constitution Federale des Etats-Unis, Precede d'un Aperçu sur l'Histoire des Colonies et des Etats Avant l'Adoption de la Constitution, Traduit du Commentaire de J. Story, Professeur de Droit a L'Universite de Harvard, Et Augmente des Observations de Mm. Jefferson, Rawle, De Tocqueville, Etc., Et de Notes Sur la Jurisprudence et L'Organisation Judiciaire, par Paul Odent, Docteur en Droit, Avocat a la Cour Royale de Paris, Ancien Avocat aux Conseils du Roi et a la Cour de Cassation.*

Paris: Joubert, Libraire de la Court de Cassation, 1843. Two volumes. ix, [i], x, lxxi, [1], 390; [iv], 498, [1] pp. Octavo (8" x 5-1/4").

Contemporary quarter sheep over marbled boards, gilt title, fillets and blind-stamped ornaments to spine, speckled edges, marbled endpapers. Some rubbing to extremities, light rubbing and a few minor scuffs to boards, hinges starting. Moderate toning to text, light foxing in places, mostly to margins. Early owner stamp (A. Armand) to front endleaf of each volume, interiors otherwise clean. A nice copy of a scarce title. \$2,000.

FIRST FRENCH EDITION. The first complete translation into a foreign language, it is taken from Story's first abridged edition (1833). Along with Franz Joseph Buss's *Über die Verfassungs-Urkunde der Vereinigten Staaten von Nord Amerika. Historischer Teil, Nach Story's Commentarien Bearbeitet* (1838), Odent's preface is an important source of information on the European reception of Story's work and the American Constitution. In addition to original notes Odent added relevant commentary by Jefferson, Rawle, Tocqueville and others and discussing aspects of the American government that could be adopted in Europe. OCLC locates 3 copies in North American law schools (George Washington University, University of Alabama, University of Michigan). Cohen 2918.



N° 130





Nº 133

EARLY FRENCH EDITION OF STORY'S  
COMMENTARIES ON THE CONSTITUTION

**131 STORY, JOSEPH**  
ODENT, PAUL, EDITOR AND TRANSLATOR.

*Commentaire Sur la Constitution des Etats-Unis Traduit du Commentaire de J. Story, Professeur de Droit a L'Universite de Harvard, Et Augmente des Observations de Mm. Jefferson, Rawle, De Tocqueville, Etc., Et de Notes Sur la Jurisprudence et L'Organisation Judicaire, par Paul Odent, Docteur en Droit, Avocat a la Cour Royale de Paris, Ancien Avocat aux Conseils du Roi et a la Cour de Cassation.*

Paris: Joubert, 1845. Two volumes. ix, lxxi, 390; [iii], 498, [1] pp. Octavo (8" x 5").

Contemporary quarter sheep over marbled boards, raised bands and lettering pieces to spines. Light rubbing to boards and extremities, a few minor nicks to spines, corners bumped. Moderate toning, occasional light foxing, internally clean. A handsome copy of an uncommon title. \$1,950.

REISSUE OF THE FIRST FRENCH EDITION (1843) with a slightly different title. OCLC locates 2 copies in North American law libraries (University of Alabama and University of Michigan). Cohen 2918.

"A REMARKABLE HISTORICAL STUDY" OF LIABILITY

**132 STREET, THOMAS ATKINS.**

*The Foundations of Legal Liability: A Presentation of the Theory and Development of the Common Law.*

Northport, Long Island: Edward Thompson Company, 1906. Three volumes. xxix, 500; xviii, 559; xi, 572 pp. Octavo (9-1/2" x 6-1/4").

Contemporary three-quarter calf over cloth, red and black lettering pieces to spine. Some rubbing with wear to extremities, a few minor stains, corners bumped, front hinge of Volume I starting, small tear to cloth on front board of Volume II. Owner stamps to preliminaries of Volume I, interiors otherwise clean. \$500.

SECOND EDITION. "It is a remarkable historical study of the ideas at the back of delictual and contractual liability, and, as a necessary part of that history, of the law of those actions by the working of which the principles of that liability were ascertained. It is exhaustive without being tedious; it is original and suggestive; and it is based on a thorough understanding of the vast number of decisions in which the law is contained. His account of contracts in general and of consideration, of bailment, and of negotiable instruments from the seventeenth century onwards, are particularly good." Holdsworth, *Historians* 105.

IMAGES OF THE U.S. SUPREME COURT

**133 [SUPREME COURT, UNITED STATES].**

*[A Collection of twenty-two (22) Black-and-White Press Photographs of (or About) the U.S. Supreme Court, 1935-1987].*

Sizes ranging from 7" x 9" to 8-1/2" x 11." Light edgewear, annotations, tipped-in captions and stamps to versos, some have minor creases, one is lacking a corner with no damage to image. \$1,800.

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

"THE MOST USEFUL BOOK EVER PUBLISHED IN OHIO"

## 134 SWAN, JOSEPH R. [1802–1884].

*A Treatise on the Law Relating to the Powers and Duties of Justices of the Peace and Constables in the State of Ohio, with Practical Forms.*

Columbus: Published by Isaac N. Whiting, 1837. [ii], [iij], [iiij]–xviii, [1], 582 pp. Two-page publisher list misbound between title page and preface. Octavo (9-1/4" x 5-1/2").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Light rubbing and a few small inkstains to boards, moderate rubbing to extremities, joints starting at ends, cracks in text block near hinges, early bookseller ticket (of Younglove & Wetmore, Cleveland) to front pastedown. Moderate toning to text, occasional light foxing, lower corner lacking from a leaf with no loss to text. Faint early owner annotations in pencil to front free endpaper, small early inkstains to a few leaves, interior otherwise clean. \$750.

FIRST EDITION. Swan was an important Ohio judge and legal writer. His classic JP manual, which reached its 27th edition in 1930, was described as "probably the most useful book ever published in Ohio" in an 1884 obituary of the author. Andrews, "Joseph Rockwell Swan--An American," *Columbus Dispatch*, 19 December 1884 cited in DAB IX:235. Cohen 8446.

SCARCE EARLY TENNESSEE FORMBOOK

## 135 [TENNESSEE].

*Forms of Precedents, For the Use of Justices of the Peace, Sheriffs, Coroners, And Constables, In the State of Tennessee; And a Complete Practical Conveyancer; Containing the Most Useful and Necessary Precedents in Conveyancing, With the Forms of Almost Every Useful Instrument of Writing.*

Nashville: Printed and Sold by T.G. Bradford, 1818. 153, [8] pp. Octavo (6-1/2" x 4").

Recent quarter imitation calf over cloth, gilt title to spine, endpapers renewed. Light rubbing to extremities, moderate browning to text. Early signatures and annotations to endleaves, interior otherwise clean. \$650.

SECOND AND FINAL EDITION of this early Tennessee formbook that was first published in 1816. With index. OCLC locates 1 copy of the first edition in a law library (Library of Congress), 1 of the second (Harvard Law School). Cohen 8146.

THE FIRST JP MANUAL PRINTED IN TENNESSEE

## 136 [TENNESSEE].

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 162. Cohen 8470.

EARLY COMPILATION OF TENNESSEE STATE LAWS

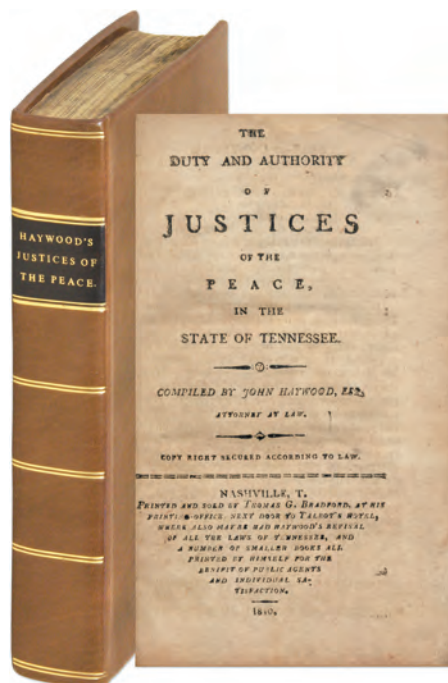
137 [TENNESSEE].  
HAYWOOD, JOHN, EDITOR.  
COBBS, ROBERT L., EDITOR.

*The Statute Laws of the State of Tennessee, Of a Public and General Nature: Revised and Digested by Order of the General Assembly.*

Knoxville: F. S. Heiskell, 1831. Two volumes. Complete set. Octavo (8-3/4" x 5-1/2").

Contemporary sheep, lettering piece and blind fillets to spines. Moderate rubbing to extremities, gatering to spines, letters of title dull, hinges cracked, corners missing from free endpapers of Volume I. Moderate dampspotting and browning to text. Early owner inscriptions to front boards, "1831" near foot of spine of Volume I. Early annotations to endleaves, interiors otherwise clean. A solid set. \$750.

ONLY EDITION. This was the fifth compilation of state laws. It offers excellent insights into the state as it began to emerge from its frontier period. Volume II, which includes land laws and Indian treatise, is quite scarce and rarely available in the trade. Babbitt 552.



N° 136



FIRST EDITION OF AN IMPORTANT DIGEST OF TEXAS STATUTES

**138 [TEXAS].**  
 SAYLES, JOHN.  
 SAYLES, HENRY.

*Revised Civil Statutes and Laws Passed by the 16th, 17th, 18th, 19th, & 20th Legislatures of the State of Texas. To Which is Added Notes of the Decisions of the Supreme Court and Court of Appeals of Texas.*

St. Louis: The Gilbert Book Co., 1888. Two volumes. xiv, 890, xli; 850 pp. Octavo (10" x 6-1/2").

Contemporary law calf, blind fillets to boards, rebaked retaining original spines with raised bands, red and black lettering pieces and early owner labels to spines, endpapers renewed. Some rubbing to boards and extremities, corners bumped, minor scuffs and stains to boards, light gatering to spines, faint dampstaining to foot of binding of Volume II. Moderate toning to text, fold lines to a few leaves. Early owner signatures (of R.C. Crane and Crane & Roby) to pastedowns and free endpapers, annotations to a few leaves in each volume, interiors otherwise clean. A nice set.

\$950.

THIS WAS THE FIRST DIGEST produced by Sayles and Sayles. A standard work, it was followed by six later volumes and lives on today as *Vernon's Sales' Annotated Civil Statutes of Texas*. John Sayles was an important figure in the development of Texas law. A prolific author, his works, many of several volumes, include *A Treatise on the Practice of the District and Supreme Courts of the State of Texas* (1858), *Constitution of the State of Texas* (1872) and *Rules of Pleading and Practice in the Courts of Record in the State of Texas* (1882). Henry Sayles was his son. Babbitt 535.



THE COCA-COLA COMPANY		
THE CHAIN OF THE COCA-COLA COMPANY'S TITLE TO COCA-COLA		
Date	Manufacturer	Owner
May, 1886	Piedmont Chemical Co.	J. N. Proctor
July 6, 1887	H. R. Venable	W. B. Moore, Jr., Atlanta, Ga.
Nov. 14, 1887	Wardlaw Walker	W. B. Moore, Jr., Atlanta, Ga.
April 14, 1888	J. Wardlaw Walker	W. B. Moore, Jr., Atlanta, Ga.
April 17, 1888	F. M. Robinson	W. B. Moore, Jr., Atlanta, Ga.
Aug. 20, 1888	F. M. Robinson	W. B. Moore, Jr., Atlanta, Ga.
April 22, 1891	F. M. Robinson	W. B. Moore, Jr., Atlanta, Ga.
Feb. 22, 1892	F. M. Robinson	W. B. Moore, Jr., Atlanta, Ga.
Nov. 12, 1893	The Coca-Cola Co.	W. B. Moore, Jr., Atlanta, Ga.

On the following pages are illustrated the various contracts, bills of sale, etc., covering the above chain.

SCARCE TITLE WITH COLOR FACSIMILES OF COLA COMPANY TRADEMARKS

**139 [TRADEMARKS].**  
 [COCA-COLA].  
 [SUPREME COURT, UNITED STATES].

*The Coca-Cola Company: Opinions, Orders, Injunctions, And Decrees Relating to Unfair Competition and Infringement of Trade-Mark.*

[Atlanta: The Coca-Cola Company, 1923]. 648, viii pp. Color plates. Facsimiles.

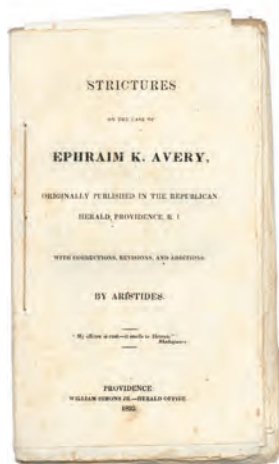
Original buckram, three lettering pieces to spine, two red, one black. Light rubbing to extremities, light soiling, minor chipping to edges of lettering pieces, light toning to text. Early annotations to front free endpaper, interior otherwise clean. \$950.

FIRST EDITION. Illustrated throughout with several color reproductions of cola company trademarks, this volume collects briefs and other documents relating to the several appellate, district and U.S. Supreme Court decisions regarding the Coca-Cola trademark from 1886 to 1923, including a famous decision by Justice Holmes. OCLC locates 4 copies in North American law libraries (Catholic University, Jenkins, University of Cincinnati and University of Denver).



Details from  
 N° 139





Nº 140

## A FAMOUS RHODE ISLAND MURDER TRIAL

- 140 [TRIAL].  
ARISTIDES.  
AVERY, REV. EPHRAIM K. (D.1869), DEFENDANT.

*Strictures on the Case of Ephraim K. Avery, Originally Published in the Republican Herald, Providence, R.I. With Corrections, Revisions, And Additions. By Aristides.*

Providence: William Simons, Jr., 1833. [ii], [3]–100 pp. Fold-out map. Octavo (8-1/2" x 5").

Stab-stitched pamphlet in printed wrappers, untrimmed edges. Map detached, light foxing to most of text, internally clean. A nice copy of a scarce item. \$200.

ONLY EDITION. This was one of the most famous American murder trials of the nineteenth century. Although questions about this case remain, it appears that Avery murdered Cornell when he learned she was pregnant with his child. After strangling her he put a noose around her neck and hung her from a barn rafter to make it appear that she had committed suicide. The evidence, including the letters reproduced in this pamphlet, supported this scenario, but it was not quite convincing. The trial, which lasted 27 days and involved 196 witnesses, resulted in Avery's acquittal. "Aristides" offers eighteen reasoned articles on the case and is strongly anti-Avery. McDade 47.

"MORE A STRUGGLE BETWEEN TWO FAMILIES  
THAN AN AFFAIR OF THE STATE"

- 141 [TRIAL].  
BAKER, ABNER, DEFENDANT.  
CROZIER, C.W.

*Life and Trial of Dr. Abner Baker, Jr., (A Monomaniac) Who Was Executed October 3, 1845, For the Alleged Murder of His Brother-In-Law, Daniel Bates; Including Letters and Petitions in Favor of a Pardon, And Narrative of the Circumstances Attending His Execution, Etc. Etc. Trial And Evidence by A.R. M'Kee.*

Louisville, KY: Prentice and Weissinger, 1846. [vi], v–xiii, 152 pp. Frontispiece (Diagram of murder scene). Portrait frontispiece lacking. Octavo (8-1/2" x 5").

Contemporary quarter sheep over marbled boards, gilt title

and fillets to spine. Light rubbing to boards, heavier rubbing to extremities with wear to corners, front hinge starting, rear free endpaper lacking. Moderate toning and light foxing to text, annotations to front endleaves. \$300.

ONLY EDITION. "Dr. Baker thought Bates was having an affair with his wife. On a street in Cumberland, Kentucky, he shot Bates in the back, but was released as insane. The Bates family published and award for his capture, and Baker family pride, stung by the publication, produced the doctor, who was convicted and hanged. Like many Clay County cases, this was more a struggle between two families than an affair of the state" (McDade). OCLC locates 2 copies (at Yale Law School and Los Angeles County Law Library). McDade 60.

THE POLITICALLY MOTIVATED 1862 COURT-MARTIAL  
OF THE U.S. SURGEON GENERAL

- 142 [TRIAL].  
BINGHAM, JOHN A.  
HAMMOND, WILLIAM ALEXANDER [1828–1900],  
DEFENDANT.

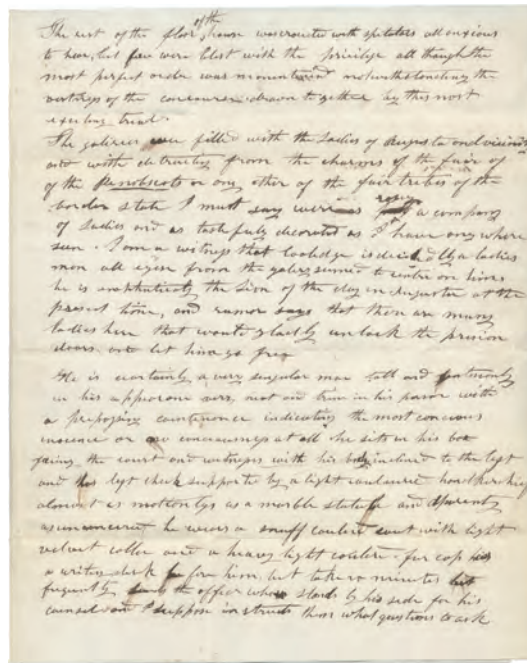
*Reply of the Judge Advocate, John A. Bingham, To the Defence of the Accused, Before a General Court-Martial for the Trial of Brig. Gen. William A. Hammond, Surgeon General, U.S.A.*

Washington: Government Printing Office, 1864. 64 pp. Octavo (9" x 5-3/4").

Stab-stitched pamphlet in printed wrappers. Light soiling, light wear to spine ends and corners. Presentation inscription to head of front wrapper, internally clean. \$250.

A FINE PRESENTATION COPY boldly inscribed on the front wrapper "J.W.P (?) with the compliments of Jno. A. Bingham." A prominent Ohio lawyer and politician, Bingham also played a leading role after the war in connection with the trial of the Lincoln's assassins, the impeachment of Andrew Johnson, and the passage of the Fourteenth Amendment, whose due process and equal protection clauses he framed. Bingham served in Congress from 1854 to 1873, except for his appointment as judge advocate in 1864. As a consequence of a clash with Secretary Stanton, Hammond was charged with irregularities in the awarding of military contracts. He was later exonerated, Hammond was a visionary reformer in his role as surgeon general. After the war he made pioneering contributions to American neurology. Not in the HLC.





N° 144

EARLY REPORT OF THE TRIAL OF AARON BURR

- 143 [TRIAL].  
BURR, AARON [1756-1836]. ET AL., DEFENDANTS.  
ROBERTSON, DAVID, REPORTER.

*Reports of the Trials of Colonel Aaron Burr, (Late Vice President of the United States), for Treason, And for a Misdemeanor, In Preparing the Means of a Military Expedition Against Mexico, A Territory of the King of Spain, With Whom the United States Were at Peace, In the Circuit Court of the United States, Held in the City of Richmond, In the District of Virginia, In the Summer Term of the Year 1807. To Which is Added an Appendix, Containing the Arguments and Evidence in Support and Defense of the Motion Afterwards Made by the Counsel for the United States, to Commit A. Burr, H. Blannerhassett and I. Smith, To be Sent for Trial to the State of Kentucky, For Treason and Misdemeanor, Alleged to be Committed There. Taken in Short Hand.*

Philadelphia: Published by Hopkins and Earle, 1808. Two volumes. [viii], 596; [iv], 539 pp. Octavo (9" x 6").

Volume I: Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Light rubbing and minor scuffs to boards and spine, moderate rubbing to extremities, crack in text block between front endleaf and title page. Volume II: Later three-quarter calf over marbled boards, raised bands and gilt title to spine, marbled endpapers. Some rubbing to extremities, chipping to foot of spine, corners bumped and lightly worn, inkspot to front board, which is detached, rear hinge cracked. Moderate toning to text, occasional light foxing, staining to preliminaries of Volume I, inkspatters to margins of a few leaves, tear to pp. 383-384 of Volume II with no loss to text. Small early owner signatures to title pages, interiors otherwise clean. \$150.

ONLY EDITION. This is one of the most detailed and well-reported accounts of the Burr trial and the trials of his associates. Burr was accused of leading a conspiracy to steal land from Mexico and the Louisiana Purchase in order to establish a nation

under his rule. Burr was arrested in 1807 and brought to trial on charges of treason, for which he was acquitted. Israel Smith [1759-1810] served in the Vermont legislature and both houses of the United States Congress. He went on to be Chief Justice of the Supreme Court of Vermont and the Governor of that state. Harman Blannerhassett [1765-1831], a wealthy Irish immigrant, owned the island where Burr's troops assembled. Cohen 14090.

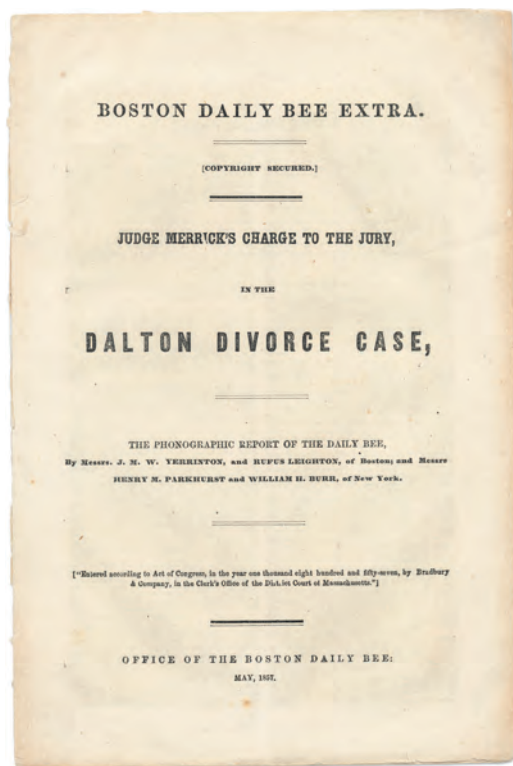
UNPUBLISHED EYEWITNESS ACCOUNT  
OF A FAMOUS MAINE MURDER TRIAL

- 144 [TRIAL].  
[COOLIDGE, DR. VALORUS P.].  
BROWN, DAVID.

*[Autograph Letter Describing the Trial of Dr. Coolidge].*

Augusta, ME, March 18, 1848. Single leaf folded to form 10" x 8" quarto bifolium, written in ink, addressed, franked and postmarked on verso of fourth page, which has a wax seal. Fold lines, some toning along margins, otherwise fine. \$750.

BROWN, OF GARDNER, MAINE, wrote this letter to his brother, an attorney in Bangor. The letter, which fills three sides of the bifolium in a small hand, begins: "Passing through Augusta during the trial of Coolidge for the murder of Mathews I felt inclined to take a peep into the court house or rather Doct. Tappan's meeting house where the trial is had and thinking I might notice some things there that will not be reported in the papers that would be interesting to you; will write you a few lines." The rest of the letter records his observations. Brown was aware that he was a witness to one of the most sensational trials of the day, which involved two leading citizens of Waterville, ME. Mathews, a wealthy cattle dealer, was poisoned with a shot of poison-laced brandy because he refused to loan Coolidge money. Though his motives seem unclear, it seems Coolidge planned to steal money and valuables from his corpse. When the body was found Coolidge was summoned by the coroner's jury to perform an autopsy on his own victim. After an inept series of attempts to hide his crime, Coolidge was convicted and sentenced to hang. He cheated the gallows, however, by committing suicide. The case is described in McDade 211.



Nº 145

A SCANDALOUS BOSTON DIVORCE

- 145 [TRIAL].  
DALTON V. DALTON  
MERRICK, PLINY [1794-1867].

*Judge Merrick's Charge to the Jury, In the Dalton Divorce Case, The Phonographic Report of the Daily Bee (Boston Daily Bee Extra), By Messrs J.M.W. Yerrinton, and Rufus Leighton, Of Boston, And Messrs Henry M. Parkhurst and William H. Burr, Of New York.*

[Boston]: Office of the Boston Daily Bee, 1857. 16 pp. Text in parallel columns. Octavo (10" x 6-1/2").

Stab-stitched pamphlet. Wrappers detached, light edgewear, vertical fold line through center. Light browning, some spotting to rear. \$150.

BENJAMIN F. DALTON SUED FOR DIVORCE on the grounds of his wife's alleged adultery with William Sumner, who had been killed by Dalton in a crime of passion. Mrs. Dalton denied the charge and alleged that Mr. Dalton had himself committed adultery. The trial was widely publicized and was a notorious society scandal. Richard Henry Dana was the lawyer for Benjamin Dalton, Rufus Choate for Helen Dalton. The jury ended deadlocked with ten votes for Dalton and two for Helen Dalton. Dalton later received a five-month sentence for the murder of Sumner. The light sentence reflected popular sympathy for supposedly cuckolded Dalton. OCLC locates 13 copies, 5 in North American law libraries (LA County, Harvard, Ohio State, University of Pennsylvania and Yale). Cohen 11433.

RUFUS CHOATE'S COPY

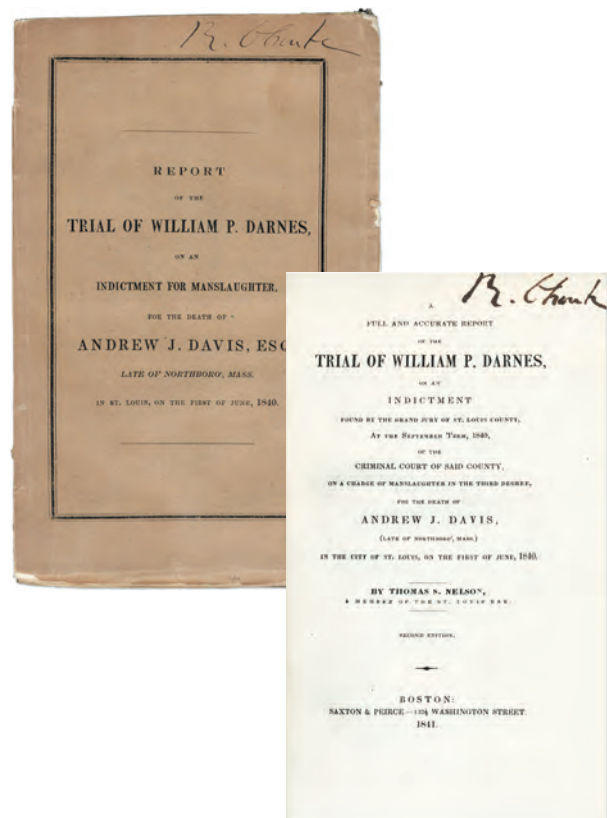
- 146 [TRIAL].  
DARNES, WILLIAM P., DEFENDANT.  
NELSON, THOMAS S., REPORTER.

*A Full and Accurate Report of the Trial of William P. Darnes, On an Indictment Found by the Grand Jury of St. Louis County, At the September Term, 1840, Of the Criminal Court of Said County, On a Charge of Manslaughter in the Third Degree, For the Death of Andrew J. Davis, (Late of Northboro', Mass.) In the City of St. Louis, On the First of June, 1840.*

Boston: Saxton and Peirce, 1841. 269 pp. Octavo (7-3/4" x 5").

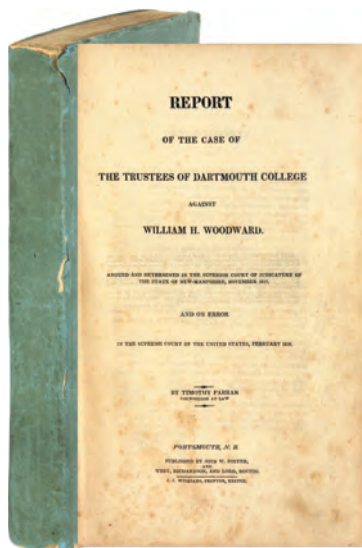
Stab-stitched pamphlet in printed wrappers, untrimmed edges. A few chips to extremities, front joints starting, some wear to foot of spine, interior notably bright. "R. Choate" to head of front wrapper and title page, interior otherwise clean. \$450.

SECOND AND FINAL EDITION. Davis was the well-known owner of a St. Louis newspaper that published several highly critical columns about Darnes, an important local politician. Enraged, Darnes attacked Davis on the street with an iron rod, striking him in the head. Rushed to a hospital, Davis was operated on, but died a few days later. Darnes was indicted. The trial lasted two weeks and engaged some of the best lawyers and medical experts in the area. The case turned on whether Davis died from the blow or his medical treatment. Both sides offered a strong case. In the end Darnes was convicted of fourth-degree manslaughter and fined \$500. This copy belonged to Rufus Choate [1799-1859], the great Massachusetts lawyer and statesman. He was a member of the U.S. House of Representatives from 1831-34, U.S. Senator from 1841-45 and Attorney General of Massachusetts from 1853-54. This case not in McDade. HLC II:1057.



Nº 146





N° 147

FIRST REPORT OF THE LANDMARK DARTMOUTH COLLEGE CASE

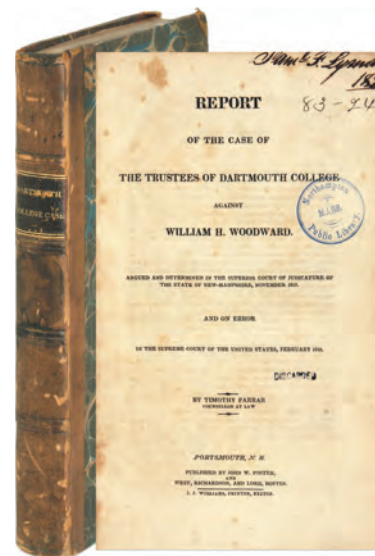
- 147 [TRIAL].  
[DARTMOUTH COLLEGE CASE].  
FARRAR, TIMOTHY [1788–1874], REPORTER.

*Report of the Case of the Trustees of Dartmouth College Against William H. Woodward. Argued and Determined in the Superior Court of Judicature of the State of New-Hampshire, November 1817. And on Error in the Supreme Court of the United States, February 1819.*

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

Original publisher boards covered in contemporary blue paper, untrimmed edges. Moderate rubbing with some wear to paper at extremities, corners bumped, a few chips and scuffs to paper along front joint, edges of boards and corners, hinges starting at ends, rear free endpaper edgeworn and partially detached, its upper corner lacking. Moderate toning and light foxing to text, internally clean. An appealing copy in a near-original state. \$1,500.

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



N° 148

- 148 [TRIAL].  
[DARTMOUTH COLLEGE CASE].  
FARRAR, TIMOTHY, REPORTER.

*Report of the Case of the Trustees of Dartmouth College Against William H. Woodward. Argued and Determined in the Superior Court of Judicature of the State of New-Hampshire, November 1817. And on Error in the Supreme Court of the United States, February 1819.*

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

Later nineteenth-century three-quarter calf over marbled boards. Moderate rubbing to extremities with wear to corners, hinges cracked. Moderate toning and light foxing to text. Early owner signature and annotation to head of title page, interior otherwise clean. Ex- library. Bookplate to front pastedown, two small inkstamps to title page, residue from card pocket to rear pastedown. A solid copy. \$750.

FIRST PUBLISHED REPORT. Sabin 23887. Cohen 11614.

ONE OF THE FIRST TRIALS TO CONSIDER  
HANDWRITING ANALYSIS

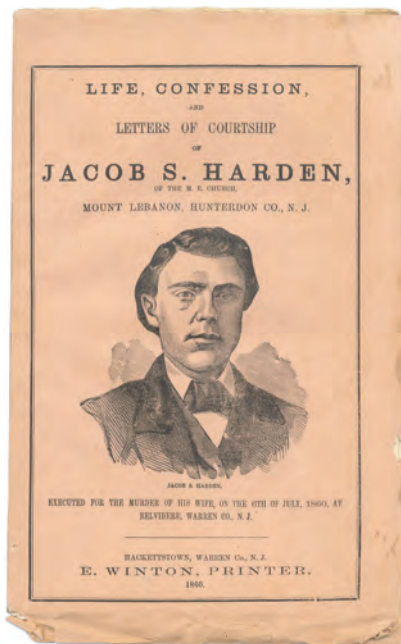
- 149 [TRIAL].  
GILMAN, EPHRAIM, DEFENDANT.

*Report of the Case of Ephraim Gilman, Indicted for the Murder of Mrs. Harriet B. Swan, Before the Supreme Judicial Court of Maine, Including the Arguments Before the Law Court Upon the Exceptions, And the Opinion of the Court.*

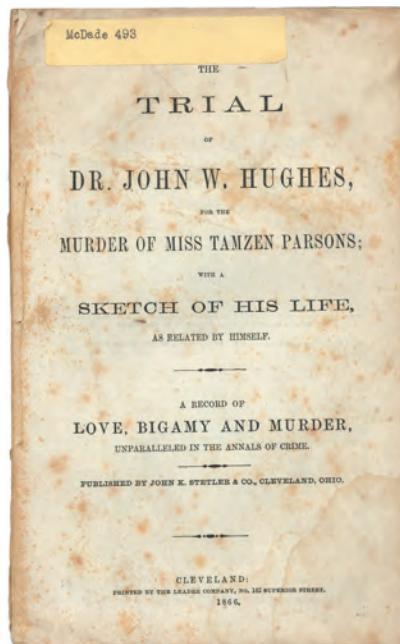
Portland: Stephen Berry, Printer, 1863. 77, [1] pp. Octavo (9" x 6").

Stab-stitched pamphlet bound into recent cloth, gilt title to spine. Faint vertical fold line through center of text. Toning to title page, upper corner clipped. "Gilman, Ephraim" in faint pencil to head of title page in contemporary hand, interior otherwise clean. \$450.

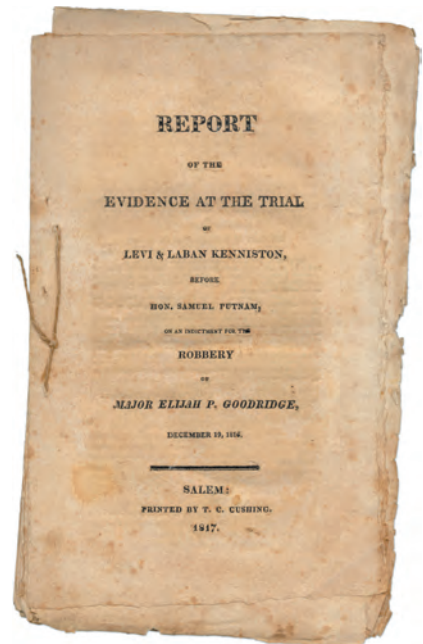
ONLY EDITION. This trial is notable because it was one of the first to admit handwriting analysis into evidence. "Gilman strangled Mrs. Swan at Fryeburg, Maine, because she objected to his attentions to her daughter. He spent forty-three years in prison before he was pardoned in 1906" (McDade). OCLC locates 11 copies worldwide. McDade 354.



N° 150



N° 151



N° 152

BLAME THE MOTHER-IN-LAW

150 [TRIAL].  
[HARDEN, JACOB S. (1837-1860)].

*Life, Confession, And Letters of Courtship of Rev. Jacob S. Harden, Of the M.E. Church, Mount Lebanon, Hunterdon Co., N.J. Executed for the Murder of His Wife, On the 6th of July, 1860, At Belvidere, Warren Co., N.J.*

Hackettstown, Warren Co., NJ: E. Winton, Printer, 1860. 48 pp. Woodcut portrait frontispiece. Octavo (9-1/2" x 6").

Stab-stitched pamphlet in pictorial wrappers, untrimmed edges. Light soiling, some rubbing to extremities with light wear. Some toning to text, a bit heavier in places, dampstaining to upper corners of pamphlet. \$200.

ONLY EDITION. "The Reverend poisoned his wife with arsenic after a fortune teller had told him that she would not live long. His mother-in-law was the real cause of the crime for she hounded him until he reluctantly married the girl, although there does not seem to have been any necessity that he do so." McDade 438.

AN "UNPARALLELED" RECORD OF LOVE, BIGAMY AND MURDER

151 [TRIAL].  
HUGHES, DR. JOHN W., DEFENDANT.

*The Trial of Dr. John W. Hughes, For the Murder of Miss Tamzen Parsons; With a Sketch of His Life, As Related by Himself. A Record of Love, Bigamy and Murder, Unparalleled in the Annals of Crime.*

Cleveland: Printed by the Leader Company, 1866. 58 pp. Octavo (9" x 5-3/4").

Stab-stitched pamphlet with printed back wrapper. Some wear to edges, occasional foxing and faint dampstaining. Small typed label stating "McDade 493" to head of title page, internally clean. \$350.

"JEALOUS AND INTOXICATED, Hughes, on the streets of Bedford, Ohio, shot the seventeen year old girl he had seduced. At his execution, he spoke for fifteen minutes until the sheriff reminded him 'Time is going.' Then he dropped." McDade 493.

FALSE ACCUSATIONS OF ROBBERY

152 [TRIAL].  
KENNISTON, LEVI, DEFENDANT.  
KENNISTON, LABAN, DEFENDANT.

*Report of the Evidence at the Trial of Levi & Laban Kenniston, Before Hon. Samuel Putnam on an Indictment for the Robbery of Major Elijah P. Goodridge, December 19, 1816.*

Salem: Printed by T.C. Cushing, 1817. 32 pp. Octavo (9-1/2" x 5-1/2").

Stab-stitched pamphlet, untrimmed edges. Light browning, faint dampspotting to portions of text, internally clean. \$150.

ONLY EDITION. "Elijah Goodridge brought charges against a number of individuals whom he accused of robbing him, but apparently no robbery had taken place. Goodridge's accusations had been fabricated and the defendants were acquitted after a trial in the Massachusetts Supreme Judicial Court" (Cohen). This is one of three accounts of this case. Cohen 14018.



MRS. KINNEY DEFENDS HERSELF

"LA CONFESSION D'UN MONSTRE"

- 153 [TRIAL].  
KINNEY, HANNAH, DEFENDANT.

*A Review of the Principal Events of the Last Ten Years in the Life of Hannah Kinney: Together with Some Comments Upon the Late Trial. Written by Herself.*

Boston: J.N. Bradley & Co., 1841. 87 pp. Octavo (7" x 4-1/2").

Contemporary cloth, rubbing with some wear to extremities, front hinge starting, front free endpaper lacking. Faint dampstaining to foot of text block near gutter, occasional light foxing, internally clean. \$200.

ONLY EDITION. When Mr. Kinney died of arsenic poisoning, Mrs. Kinney's suspicious behavior brought her to trial. She was acquitted. According to McDade, there is a related work entitled *A Brief Notice of the Life of Mrs. Hannah Kinney for Twenty Years by Ward Witham*, her first husband, who reports that she never tried to poison him. McDade 561.

SOUVENIR OF A LANDMARK ANTITRUST CASE

- 154 [TRIAL].  
[KNOX, PHILANDER (1853–1921)].  
[NORTHERN SECURITIES CO. V. UNITED STATES].

*In the Supreme Court of the United States, October Term, 1903. Northern Securities Company [et al.] v. United States of America, Appellee. Appeal for the Circuit Court of the United States for the District of Minnesota. Argument and Brief for the United States.*

[Washington, DC: Government Printing Office, 1904]. [iv], 94; [iii], ii, 180 pp. Two parts preceded by general title page.

Contemporary morocco, gilt frames to boards, gilt title to spine, untrimmed edges. Moderate rubbing to extremities, with some wear to spine ends and corners, scuffing and light soiling to front board, which is slightly bowed, a few cracks to text block. Light toning to text, foxing in a few places, internally clean. \$950.

FIRST EDITION. This volume, containing Attorney General Philander C. Knox's Supreme Court argument in the landmark Northern Securities Case, and the federal government's appeal of the case from the Circuit Court to the Supreme Court, was likely bound by Knox as a gift to a colleague or friend. Decided in 1904, the Northern Securities Case was a pivotal case in the legal history of the Progressive Era and the history of railroads in the American West. The Northern Securities Company was a powerful trust formed by J.P. Morgan and James G. Hill to control railroad trunk lines in the Northwest and into Chicago and stifle competition. President Roosevelt, seeing an opportunity to exert federal power against a business monopoly, instructed Knox to bring suit against the Northern Securities Company. Knox handled the case personally, writing the appeal from the decision of the Minnesota Circuit Court, and arguing the government's case before the U.S. Supreme Court. Invoking the Sherman Antitrust Act of 1890, Knox argued that The Northern Securities Company acted in restraint of trade. The court's decision, on a 5–4 vote with Oliver Wendell Holmes and Chief Justice Melville Fuller dissenting, upheld the government's argument, affirming the constitutionality of the Sherman Antitrust Act.

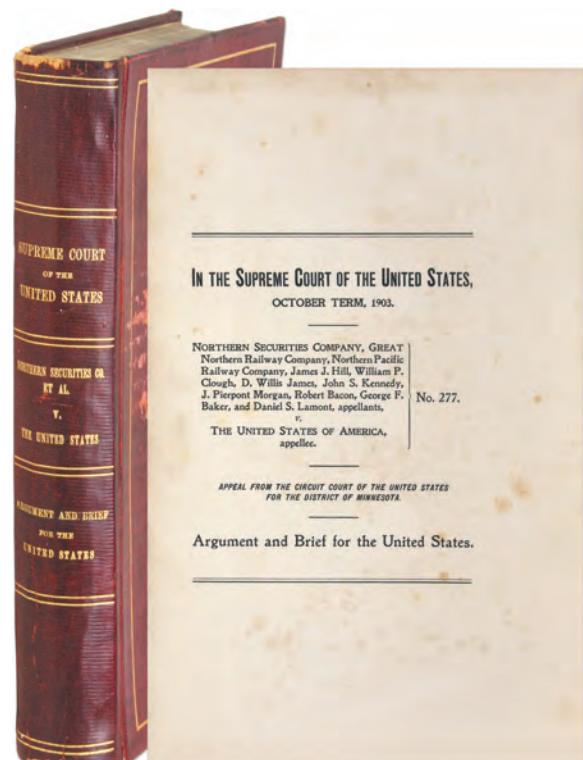
- 155 [TRIAL].  
LAPAGE, JOSEPH, DEFENDANT.

*Jugement, Confession et Execution du Demon Abatteur Joseph Lapage, Qui Attrappait Deux Jeunes et Belles Dames. Mes'dlles Ball et Langmaid, Sur Leur Chemin a L'Ecole, Et les Torturait a Mort d'une Maniere la Plus Horrible. Sa Confession Entiere, Conenant des Details Nouveaux et Singuliers. Ce Qu'il Disait sa Femme. [Cover title: La Confession D'Un Monstre].*

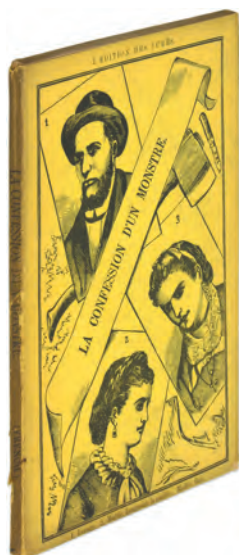
Chicago: C.J. Heck, 1889. 64 pp. Four woodcut plates. Octavo (8-1/2" x 6").

Original pictorial wrappers. Wear to spine ends, rear wrappers partially detached but secure, chip and minor tears to fore-edge of rear wrapper, some browning to text, internally clean. \$100.

ONLY EDITION. This account appears to be an original French-language work produced for the French-speaking community in Vermont and New Hampshire. "Josie Langmaid, a seventeen-year-old girl, was murdered in Pembroke, New Hampshire, while on her way to school. The murderer knocked her out with a club, cut off her head with an ax, made other cuts in her body, and then violated her. Lapage, a French-Canadian woodcutter, was convicted and executed for the crime. There was some evidence that he was guilty of a similar crime the year before in St. Albans, Vermont" (McDade). OCLC locates 9 copies, 2 in law libraries (Yale and the University of Missouri). McDade 581.



N° 154



N° 155

HE SHOT HIS FATHER, THEN HACKED THE BODY WITH AN AXE

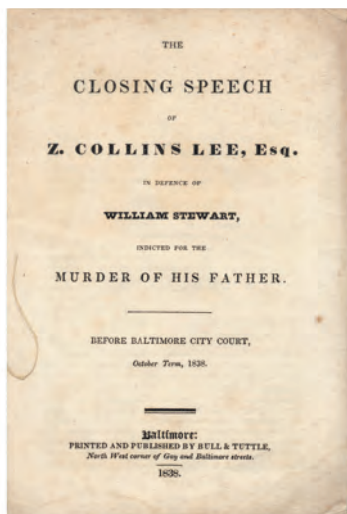
- 156 [TRIAL].  
LEE, Z. COLLINS.  
STEWART, WILLIAM, DEFENDANT.

*The Closing Speech of Z. Collins Lee, Esq. In Defence of William Stewart, Indicted for the Murder of His Father. Before Baltimore City Court, October Term, 1838.*

Baltimore: Printed and Published by Bull & Tuttle, 1838. 16 pp. 12mo. (6-1/2" x 4-1/2").

Stab-stitched pamphlet in printed wrappers. Some edgewear, small chips to edges of wrappers, short splits at spine. Moderate toning to text, internally clean. \$750.

HOPING TO INHERIT HIS FATHER'S ESTATE, Stewart shot him in the head, then beat him with a hatchet to hide the identity of his body. Stewart was tried and convicted of second-degree murder. "The pistol balls were specially molded for that weapon and were so identified, in what may be one of the earliest cases of such evidence" (McDade, note to 914). OCLC locates 5 copies (at Cornell, the Library of Congress, the American Antiquarian Society, Harvard Law School and the University of Virginia). McDade 915.



N° 156

CLUVERIUS DEFENDED BY A FRIEND OF THE FAMILY.  
MCDADÉ 194

- 157 [TRIAL].  
[LEIGH, PHILLIP].  
[CLUVERIUS, THOMAS J. (1861-1887), DEFENDANT].

*Lillian Madison's Marriage and Murder: Cluverius Did Not Kill Her. The Sequel Told.*

Richmond, VA: Patrick Keenan, Printer, 1887. 29 pp. Octavo (7-3/4" x 5").

Stab-stitched pamphlet in printed wrappers. Some soiling, staining and edgewear, toning and light foxing to text. Early signatures to front cover, internally clean. A solid copy of a rare title. \$650.

ONLY EDITION. Dedicated to Willie Cluverius, this is a defense by a friend of the Cluverius family. "Cluverius came from one of the 'better' Virginia families. He had married Lillian Madison, a country girl, but had kept the marriage a secret from his family and friends. He finally had her come to Richmond, where he murdered her and threw her body into the reservoir. He was quickly traced, tried, and executed" (McDade). OCLC locates two copies (at the New-York Historical Society and the University of Michigan, Clements Library). McDade 194.

A DECISION BY JAMES KENT SUPPORTING  
ROBERT FULTON'S STEAMBOAT MONOPOLY

- 158 [TRIAL].  
LIVINGSTON, ROBERT [1746-1813], DEFENDANT.  
FULTON, ROBERT [1765-1815], DEFENDANT.

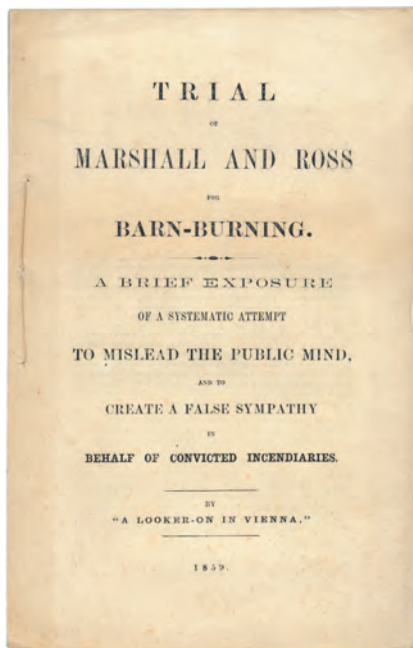
*The Opinions of the Judges of the Supreme Court, Delivered in the Court of Errors, In the Cause of Robert E. Livingston and Robert Fulton, vs. James Van Ingen, And Twenty Others.*

Albany: Printed by S. Southwick, 1812. 12, 12, 23, [1] pp. Octavo (9" x 6").

Stab-stitched pamphlet with untrimmed edges. Light browning, a few tiny tears to edges, faint dampspotting to title page and a few leaves. Early annotations to margins of a few leaves in fine hand, interior otherwise clean. A well-preserved copy of a scarce item. \$650.

FIRST EDITION. In this decision the Supreme Court of New York upheld the thirty-year monopoly on steamboat navigation on the Hudson River granted by the state legislature to Fulton and Livingston. The longest of the three opinions in this unanimous decision was written by Chief Justice James Kent. A scion of New York's most powerful family of the eighteenth and early nineteenth centuries, Livingston was one of the drafters of the Declaration of Independence. While serving as Minister to France from 1801 to 1804 he negotiated the Louisiana Purchase. It was during his time in France that he met Fulton, with whom he developed the first viable steamboat. Several lawsuits by disgruntled competitors followed. A few years later another steamboat entrepreneur, Thomas Gibbons, defied the law and established a ferry line between New York and New Jersey. This led to the 1824 U.S. Supreme Court ruling *Gibbons v. Ogden*. Declaring that states cannot regulate interstate commerce, the court struck down Fulton's monopoly. *HLC* II:1129.





N° 159

A CASE OF ARSON IN GLOUCESTER, MASSACHUSETTS

159 [TRIAL].  
[LOOKER-ON IN VIENNA.]

*Trial of Marshall and Ross for Barn-Burning: A Brief Exposure of a Systematic Attempt to Mislead the Public Mind, And Create a False Sympathy in Behalf of Convicted Incendiaries.*

[Gloucester, MA: S.n.], 1859. 20 pp. Octavo (8-3/4" x 5-1/2").

Stab-stitched pamphlet in printed wrappers. Light soiling and negligible edgewear, rear wrapper lacking, light toning to text.

\$650.

ONLY EDITION. Marshall and Ross (we are never given their first names) were a tenant and hired hand of a Mr. Niles, a farmer. They were convicted of arson after Niles's barns were destroyed by fire. This verdict seemed unfair and the defense attorney petitioned successfully for an appeal. Published in the weeks leading up to the second trial, this pamphlet offers an argument for their conviction. An interesting case, it is also a fine record of the social setting of criminal law in small-town New England in the mid-nineteenth century. OCLC locates 5 copies in North America law libraries (Columbia, Harvard, Library of Congress, Social Law, University of Missouri). HLC II:1140.

"BRIBES, THREATS AND ALARMS"

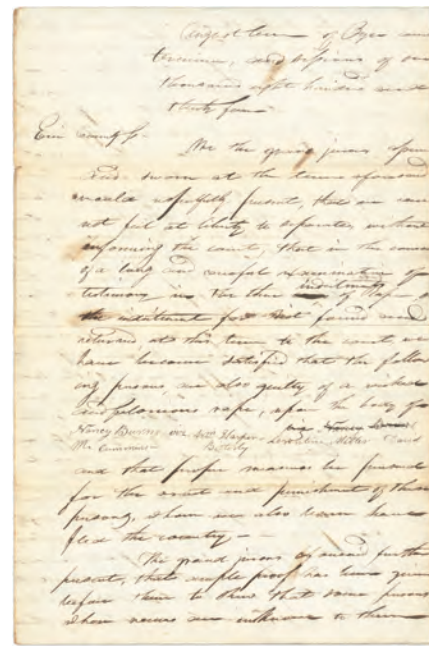
160 [TRIAL].  
[PENNSYLVANIA].

*[Grand Jury Presentment Concerning Improprieties in a Rape Case].*

[Erie County, PA, August 8, 1834]. 4 pp. 13" x 8" bifolium, docketed on verso of second leaf.

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

\$1,250.



N° 160

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

AN INTERESTING PATENT CASE

161 [TRIAL].  
[SICKELS ET AL. V. CORLISS ET AL.]  
[DICKERSON, E[DWARD] N[ICOLL] [1824-1889].

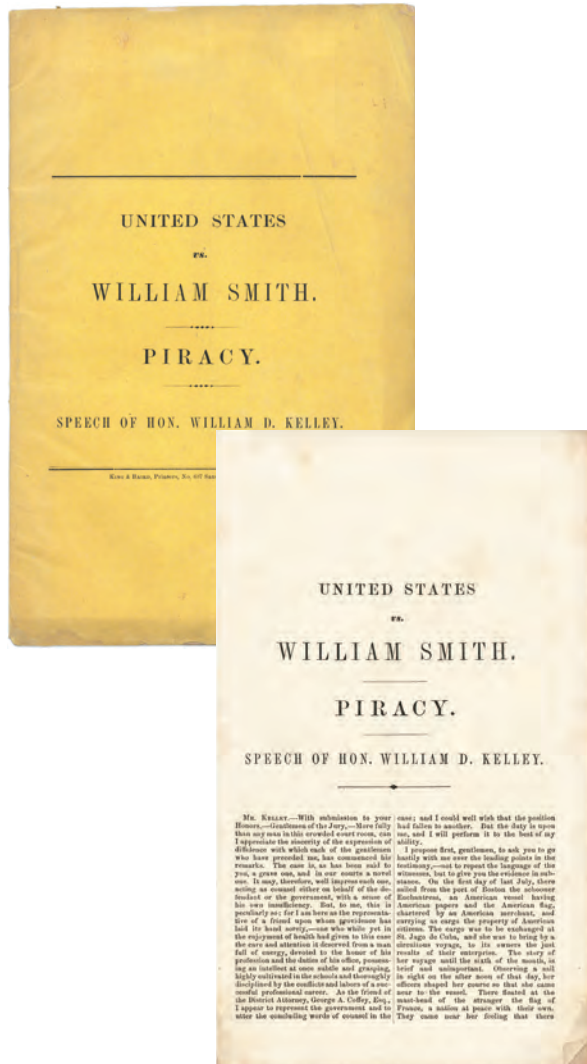
*The Argument of Mr. Edward N. Dickerson: With His Notes and Explanations: The Charge of Judge Nelson: And the Verdict of the Jury in the Case of Sickels vs. Borden Defended by "The Novelty Iron Works" and Mr. Horatio Allen.*

New York: John S. Voorhies, 1856. 67 pp. Octavo (9-1/2" x 6").

Stab-stitched pamphlet in printed wrappers. Light soiling, some rubbing to extremities. Light toning to text, foxing and faint dampstaining to a few leaves, internally clean.

\$100.

ARGUED BY A GREAT PATENT LAWYER and reported at 22 *Federal Cases* 67, this case involved the infringement of Sickels's patent on a steam value device, an important innovation that enabled the development of more powerful steam engines. The jury found a verdict for the plaintiff for \$720. Dickerson was the outstanding authority on patent law in the United States at this time. Cohen 11530.



N° 162

PRIVATEER OR PIRATE?

- 162 [TRIAL].  
SMITH, WILLIAM, DEFENDANT.  
KELLEY, WILLIAM D. [1814–1890].

***United States vs. William Smith. Piracy. Speech of Hon. William D. Kelley.***

[N.p.: S.n., c. 1862]. 13 pp. Main text printed in parallel columns. Octavo (9" x 5-1/2").

Stab-stitched pamphlet in printed wrappers. Light soiling, some edgewear and a few small chips, lower corner lacking from rear wrapper with some loss to text (publisher advertisement), a few light vertical creases. Moderate toning to text, light foxing to some leaves, internally clean. \$195.

ONLY EDITION (some records offer 1861 as the imprint date). In 1861, Smith captured the American schooner *Enchantress* and seized one of its crewmen, an African-American, to sell into slavery in Charleston. Smith's defense claimed he was acting as a privateer under the authority of the Confederate government. He was convicted. Kelley, a notable abolitionist, was a Republican member of the U.S. House of Representatives from Pennsylvania. Sabin 37272.

- 163 [TRIAL].  
STORY, JOSEPH [1779–1845].  
MCKEEN JOSEPH, DEFENDANT.

***The Opinion of Judge Story in the Case of William Allen vs. Joseph McKeen, Treasurer of Bowdoin College, Decided in the Circuit Court of the United States, At the May Term at Portland, 1833.***

Boston: Printed at the Office of the Daily Advertiser and Patriot, 1833. 21, [1] pp. Octavo (9-3/4" x 6").

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

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

A VICTORY FOR FREE SPEECH

- 164 [TRIAL].  
TOCKER, MARY ANN, DEFENDANT.  
COBBETT, WILLIAM [1763–1835], REPORTER.

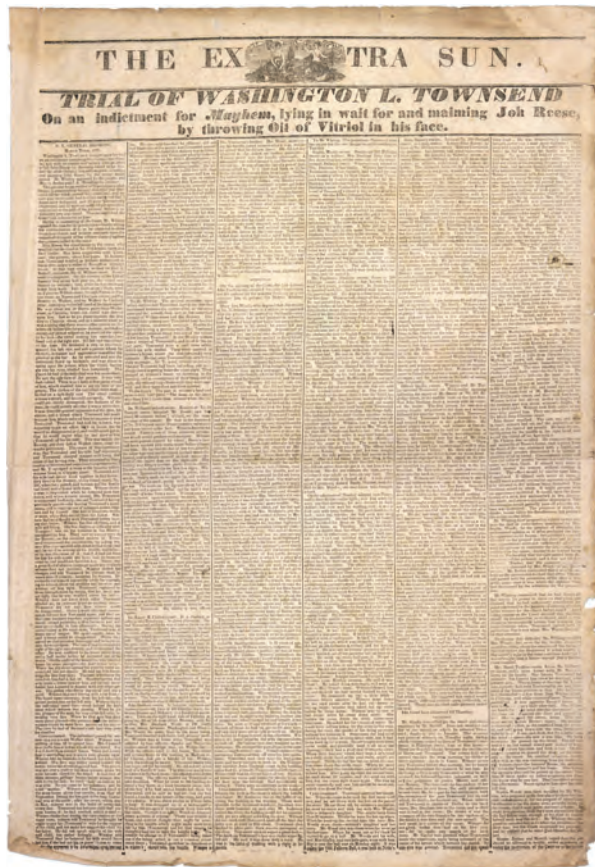
***The Trial of Miss Mary Ann Tocker, For an Alleged Libel, On R. Gurney, Jun. Vice-Warden of the Stannery Court, In the County of Devon; Which Trial Took Place Before Mr. Justice Burrough, One of the Judges of the Court of King's Bench, On Wednesday, The 5th of August, 1818, At the Town of Bodmin, In the County of Cornwall. To Which is Prefixed a Letter to Miss Tocker, And to Which is Added an Address to Jury-Men on Their Duties as Jurors, And Especially on Trials for Criminal Libel.***

New York: Printed for William Cobbett, By Clayton & Kingsland, 1818. 48 pp. Octavo (7" x 4-1/2").

Disbound stab-stitched pamphlet. Moderate toning and light foxing to text, title page partially detached but secure. Early signature to head of title page, text otherwise clean. \$850.

FIRST AMERICAN EDITION, the best account of this notable case. Tocker was prosecuted for libel upon on a local official. She represented herself and was exonerated by the jury, who declared that her accusations were true. "Miss Tocker achieved great fame in radical circles by the spirited manner in which she conducted her own defense. (...) Cobbett, too, was delighted with 'Miss Tocker's triumph,' in part by her appeal to the jury over the head of the judge, the unpopular Sir James Burrough (...) whom Cobbett himself had faced in 1809" (Pearl). Although there are several London editions, the American edition is the only one with additions by Cobbett, which are considerable, including the text of a letter to Tocker dated North Hempstead, Long Island, November 2, 1818 and notes to ten pages of the trial transcript. This edition was reprinted in Boston by Coverly "from the 3rd New York Edition." However, OCLC and Pearl list no edition other than ours. Pearl, *William Cobbett: A Bibliographical Account of His Life and Times* 99. Evans, *American Imprints* 43652.





N° 165

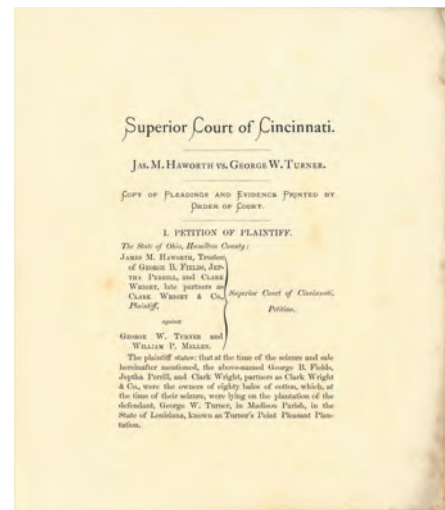
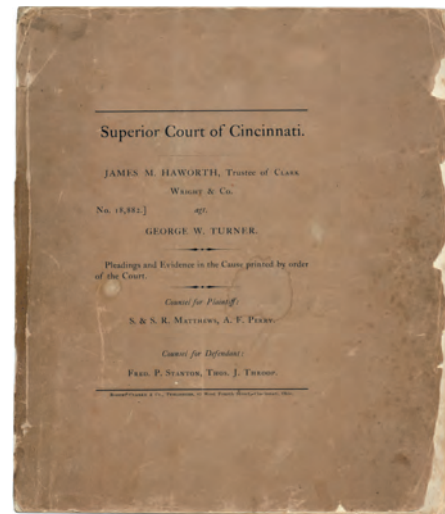
MAIMED WITH OIL OF VITRIOL

165 [TRIAL].  
TOWNSEND, WASHINGTON L., DEFENDANT.

"Trial of Washington L. Townsend on an Indictment for Mayhem, Lying in Wait For and Maiming Joh[n] Reese, By Throwing Oil of Vitriol in His Face," *The Extra Sun* (New York, 1839).

20" x 15" newspaper broadsheet, six-column text on recto and verso. Light browning and a few tiny stains, horizontal fold line across center, some edgwear and minor chips and tears to margins. \$750.

THIS EXTRA ISSUED by the *New York Sun* offers a complete account of a grisly assault with sulfuric acid (oil of vitriol). Townsend, a carpenter, and Reese, a bookbinder, were acquaintances who knew each other for about five years. Shortly before his maiming, Reese heard a rumor that Townsend was a bigamist. He shared this information with Townsend's wife. It seems he was conducting an affair with her and was hoping this news would persuade her to leave her husband. Townsend was indicted for mayhem and assault and battery with intent to kill. Townsend, though apparently guilty, was acquitted. According to *The Law Reporter*, this was a case that "caused much excitement in New York." However, our broadside appears to be its only popular account. Also, it appears to be unrecorded. *The Law Reporter* 1 (1838-1839) 344.



N° 166

CONTRABAND COTTON?

166 [TRIAL].  
TURNER, GEORGE W., DEFENDANT.  
MELLEN, WILLIAM O., DEFENDANT.

*James M. Haworth, Trustee of Clark, Wright & Co, Agt. George W. Turner: Pleadings and Evidence in the Cause Printed by Order of the Court.*

Cincinnati: Robert Clarke & Co., [1866]. 217 pp Quarto (8" x 9").

Stab-stitched printed wrappers, some soiling and chipping to wrappers, light toning to text. \$250.

CLARKE, WRIGHT & CO. claimed ownership of cotton bought from G.W. Turner that was confiscated by the U.S. Treasury Department from a New Orleans firm during the Civil War. OCLC locates 2 copies (Harvard Law School, Cincinnati Historical Library and Archives).

## TRIAL OF A NOTORIOUS "COPPERHEAD"

## 167 [TRIAL].

VALLANDIGHAM, CLEMENT L. [1820–1871],  
DEFENDANT.

*The Trial of Hon. Clement L. Vallandigham, By a Military Commission; And the Proceedings Under His Application for a Writ of Habeas Corpus in the Circuit Court of the United States for the Southern District of Ohio.*

Cincinnati: Rickey and Carroll, 1863. 272 pp. Octavo (9" x 6").

Original printed boards, spine and hinges reinforced with opaque cloth tape. Some soiling and edgewear, front board just beginning to separate at ends, early annotation to rear. Dampstain to rear board and, gradually diminishing dampstaining to fore-edge of text block, occasional light foxing to margins, internally clean.

\$350.

VALLANDIGHAM, A LAWYER and former Congressman from Ohio, was an outspoken member of the Copperheads, a faction of the Democratic Party that opposed the Civil War and pushed for a settlement with the Confederacy. In a speech delivered on May 1, 1863, he declared Lincoln a despot and called for his removal from office. This speech provoked the Army into arresting him for violating General Orders No. 38, which proscribed opinions that threatened the government's efforts to suppress the Confederacy. At the end of a sensational military trial, in which the accused was denied a writ of habeas corpus, Vallandigham was sentenced to a two-year prison term. Unwilling to make him a martyr, Lincoln commuted his sentence and delivered him to the Confederates. He then made his way to Canada, where he launched an unsuccessful bid to become governor of Ohio. He returned to Ohio after the war, resumed his law practice and ran unsuccessfully for the House and Senate on an anti-Reconstruction platform. This trial produced a notable U.S. Supreme Court opinion in February 1864. In *ex parte Vallandigham* (1 Wallace 243), the Court decided that it lacked the power to issue a writ of habeas corpus to a military commission. OCLC locates 2 copies (at UC-Santa Barbara and University of Michigan Law School). Another copy located at Harvard Law School.

ONE OF THE EARLIEST EXAMPLES OF JUDICIAL REVIEW IN AMERICA. JEFFERSON OWNED A COPY OF THIS ACCOUNT

## 168 [TRIAL].

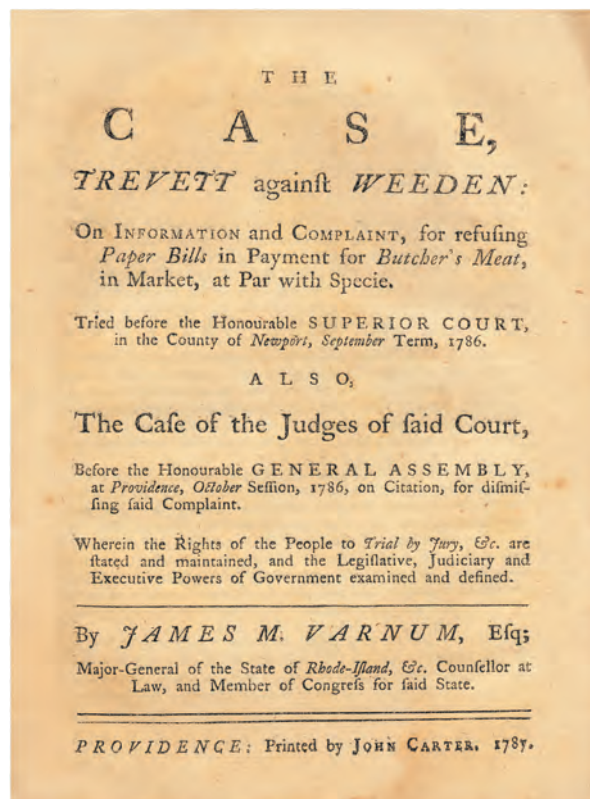
VARNUM, JAMES M. [1748–1789].  
WEEDEN, JOHN, DEFENDANT.

*The Case, Trevett Against Weeden: On Information and Complaint, For Refusing Paper Bills in Payment for Butcher's Meat, In Market, At Par with Specie. Tried Before the Honourable Superior Court, In the County of Newport, September Term, 1786. Also, The Case of the Judges of Said Court, Before the Honourable General Assembly, At Providence, October Session, 1786, On Citation, For Dismissing Said Complaint. Wherein the Rights of the People to Trial by Jury, &c. Are Stated and Maintained, And the Legislative, Judiciary and Executive Powers of Government Examined and Defined.*

Providence: Printed by John Carter, 1787. iv, 60 pp. Quarto (7-3/4" x 6").

Stab-stitched pamphlet in plain wrappers. Moderate edgewear and staining. Light browning to text, internally clean. An appealing copy of an important item. \$1,000.

FIRST EDITION. This landmark in the history of American judicial review arose from a dispute with a butcher. In 1786 Trevett attempted to purchase meat from Weeden with paper money issued by an act of the General Assembly of Rhode Island, which Weeden refused. Trevett lodged a complaint with Superior Court of Newport, but it ruled in favor of the defendant, who was defended by Varnum, stating that it was unconstitutional for the state to demand acceptance of its paper money. The judges were called before the state legislature, where they defended their actions. This event received a great deal of public attention and inspired Varnum's brief study, which examines the motivations of the legislature, the power of the judiciary to alter legislation and the rights of individual citizens. John Marshall noted Varnum's book in the debates leading to his decision in *Marbury v. Madison*. Also a general in the Rhode Island State Militia, Varnum was a Rhode Island lawyer who served in the Continental Congress from 1780 to 1782. He was appointed Judge of the Northwest Territory in 1787 and spent the rest of his life in Ohio. Ritz 157. Cohen 11239. Sowerby 2018.



Nº 168



## DOCUMENTS RELATING TO THE INSULAR CASES

- 169 [TRIALS].  
HOWE, ALBERT HOVEY, COMPILER.

*The Insular Cases, Comprising the Records, Briefs, and Arguments of Counsel in the Insular Cases of the October Term, 1900, In the Supreme Court of the United States, Including the Appendixes Thereto. Compiled and Published Pursuant to H.R. Con. Res. No. 72, Fifty-Sixth Congress, Second Session.*

Washington, DC: Government Printing Office, 1901. xxxix, 1075 pp.

Contemporary textured cloth, blind ornaments to boards, gilt title to spine. Light soiling to boards, minor rubbing to extremities, spine title oxidized, corners bumped. Foxing to endleaves, light toning to text, internally clean. \$450.

A GROUP OF FOURTEEN U.S. SUPREME COURT DECISIONS from the period spanning 1901 to 1922, *The Insular Cases* deals with the application of the Constitution and Bill of Rights to territories acquired by the United States after the Spanish-American War. They involved three issues of constitutional law and statutory construction: whether the national government has the power to acquire territories by treaty, whether certain statutes apply to territories and whether the Bill of Rights apply automatically to any territory acquired by the United States. The Court also considered whether duties could be imposed on goods shipped between Puerto Rico and the United States. The cases in this compilation are *DeLima v. Bidwell*, *Goetze v. United States*, *Armstrong v. United States*, *Downes v. Bidwell*, *Huus v. New York & Porto Rico S.S. Co.*, *Dooley v. United States* and *Fourteen Diamond Rings v. United States*. *Oxford Companion to the Supreme Court* 434. HLC I:958.

## AN INTERESTING MILITARY CASE

- 170 [TRIALS].  
LORING, JOSEPH, JR., [1767–1838].  
BINNEY, AMOS [1778–1833].  
HOWE, THOMAS, DEFENDANTS.

*The Militia Reporter; Containing The Trials of Capt. Jos. Loring, Jun. on the Charges of Maj. Davis, Capt. Amos Binney on the Charges of Maj. Osgood, Capt. Thomas Howe on the Charges of Maj. Messinger: Taken from Authentic Documents, For the Information of Officers of the Militia.*

Boston: Printed by T. Kennard, 1810. 299 pp. Octavo (9-1/2" x 5-3/4").

Original publisher boards, printed paper lettering piece, untrimmed edges. Moderate rubbing and a few small stains to boards, considerable wear to spine, boards just beginning to separate but secured by cords, text block tight. Light browning, occasional faint dampspotting. Early owner annotation to front free endpaper, interior otherwise clean. A solid copy of a scarce title. \$750.

ONLY EDITION. "Brigadier General John Winslow accused Captain Joseph Loring Jr. of permitting his men to mutiny by failing to enforce a brigade order to appear on parade in protest of a change in Winslow's rank and command. In 1805 a division court martial acquitted Loring, but Major General Simon Elliot, after asking for a reconsideration of the decision, refused to accept the acquittal and dissolved the court. A second division court martial convened in 1806 found Loring guilty, and ordered him removed and disqualified for military service for three years.

In 1807 Loring petitioned the Massachusetts General Court to ask that the decision be invalidated, arguing that it had not been regularly detailed and thus had denied him an impartial trial. The General Court overturned the 1806 decision and ordered Loring reinstated to his former rank and command" (Cohen). This was the first volume of *The Militia Reporter*. No other volumes were published. Cohen 13473, note to 13551.

AN IMPORTANT VIRGINIAN  
AND EARLY AMERICAN MAN OF LETTERS

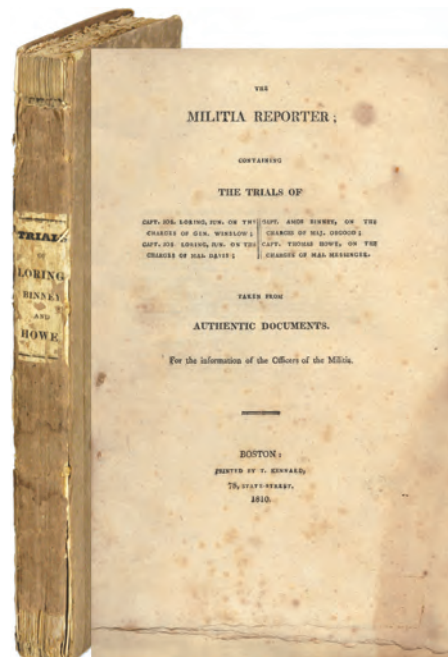
- 171 [TUCKER, GEORGE (1775–1861)].

*Essays on Various Subjects of Taste, Morals, And National Policy.*

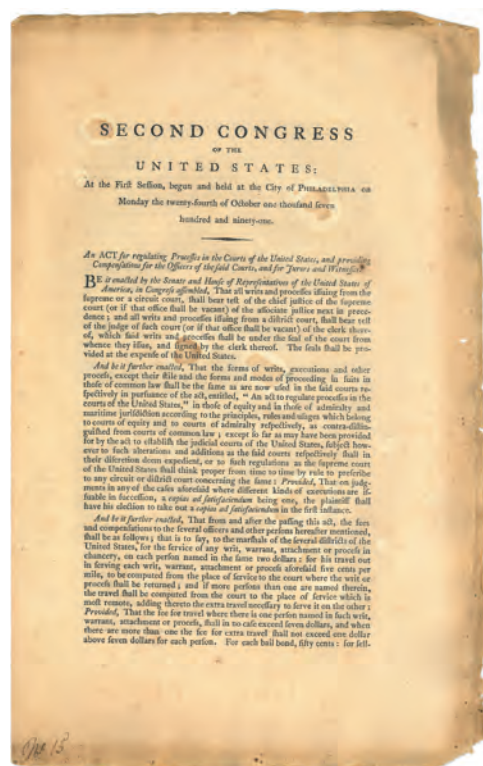
Georgetown, D.C.: Published by Joseph Milligan, 1822. [ii], [v]–xi, [iii], 350 pp. Octavo (8-1/4" x 5-1/2").

Recent period-style calf, raised bands and original lettering piece to spine. Chipping to edges of lettering piece, light browning and foxing to text, faint dampstaining to a few leaves, some edgewear to title page. Later owner signature to verso of title page, a few early manuscript corrections to text, interior otherwise clean. Ex-library. Three small inkstamps to title page. \$500.

ONLY EDITION. George Tucker, a cousin of St. George Tucker, was an important Virginian and a notable early American man of letters. He was an attorney, author, educator and politician who served in the Virginia House of Delegates and the U.S. House of Representatives. He wrote the first fictional work set in colonial Virginia and was one of the first Americans to write science fiction. Tucker also published the first comprehensive biography of Thomas Jefferson and a history of the United States. *Essays on Various Subjects* is based on a series of essays, titled *Thoughts of a Hermit*, that were published in the *Port Folio*, a periodical published in Philadelphia. Contents: "On the Future Destiny of the United States," "On Simplicity in Ornament," "On "American Literature," "On Density of Population," "On Classical Education," "On Architecture," "On National Debts," "On Style," "On Beauty," "On Banks of Circulation," "On Rhyme," "On Duelling," "On Instructions to Representatives," "On Scientific Pursuits" and "On the Theory of Malthus." Sabin 97300.



Nº 170



Nº 173

TUCKER'S IMPORTANT 1843 LECTURES ON THE CONSTITUTION

## 172 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").

Contemporary pebbled cloth, light rubbing, minor wear to spine ends and corners, dampspotting to front board, some fading to spine. Light toning, occasional light foxing. Early owner signature to head of title page, interior otherwise clean. \$850.

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 2928.

FIRST PRINTING OF THE PROCESS AND COMPENSATION ACT:  
A LANDMARK IN THE DEVELOPMENT  
OF THE FEDERAL COURT SYSTEM

## 173 [UNITED STATES].

*An Act for Regulating Processes in the Courts of the United States, and Providing Compensations for the Officers of the Said Courts, and for Jurors and Witnesses.*

[Philadelphia: Printed by Childs and Swaine, 1792]. [4] pp. Folio (13-1/2" x 8-1/2").

Removed, untrimmed edges. Toned, some browning to outer edges of margins, a few small damp spots, "No 15" in fine early hand to foot of p. 1., otherwise very good. \$1,500.

"PERHAPS THE MOST PRESSING JUDICIAL ISSUE facing the Second Congress was the need for some more detailed regulation of federal process and procedure. The Process Act of 1789, which had been intended as a stopgap measure, left most of these questions to be settled by reference to the practice of the various states. This temporary solution resulted in inequities. Some of these inequities, such as the inadequacy of state fees for service of process, had been addressed by the Compensation and Circuit Court Act of 1791. But because the 1791 act had not established uniform federal fees for judicial personnel, such as clerks, their compensation still varied widely from state to state. Faced with the expiration of the 1791 act in May 1792, the Senate appointed a committee to draft a bill providing compensation for judicial officers, jurors, and witnesses on November 1, 1791. The committee consisted of John Henry of Maryland, Caleb Strong of Massachusetts, and James Monroe of Virginia. Despite the committee's limited mandate, on January 26, 1792, Henry reported a bill that also touched on judicial process. Its first two sections essentially reenacted the Process Act of 1789, with two changes. Section 1 directed that court seals were to be provided at the expense of the United States (a point not specified in the 1789 act), and section 2 Omitted the direction that fees in the federal courts were to be determined by the fees allowed in the highest courts of the respective states. The remaining section specified, among other things, some of the fees that were to prevail in the federal system" (Marcus and Perry). Two states noted. One, unrecorded, has the statement of deposition on p. [4]: "Deposited Among the Rolls in the Office of the Secretary of State: Secretary of State." Ours is a copy of the other issue, which lacks this statement. Marcus and Perry, *The Documentary History of the Supreme Court of the United States* 177. Evans 24896.





N° 174

SCARCE HARTFORD IMPRINT OF THE ACTS PASSED  
AT THE FIRST U.S. CONGRESS

174 [UNITED STATES].  
[CONGRESS].

*Acts Passed at a Congress of the United States of America, Begun and Held at the City of New-York, on Wednesday the Fourth of March, in the Year M,DCC,LXXXIX, and of the Independence of the United States the Thirteenth. Being the Acts Passed at the First Session of the First Congress of the United States, to wit, New-Hampshire, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, South-Carolina and Georgia, Which Eleven States Respectively Ratified the Constitution of Government for the United States, Proposed by the Federal Convention, Held in Philadelphia, On the Seventeenth of September, One Thousand Seven Hundred and Eighty Seven.*

Hartford: Re-Printed and Sold by Hudson and Goodwin, 1791. [x], [3]–327 pp. Octavo (9-1/4" x 5-1/2").

Contemporary sheep, gilt fillets and lettering piece to spine. Some rubbing to extremities, staining and a few scuffs to boards, corners bumped, front endleaves and a few rear endleaves lacking. Moderate toning to text, somewhat heavy but gradually diminishing dampstaining to foot of the first third of text block with no loss to legibility, inkstaining to head (above text). Early signatures and annotations to front board, title page and a few other leaves. A solid copy. \$1,250.

VERY SCARCE HARTFORD EDITION. Includes the acts and resolutions of all three sessions of the First Congress (March 1789 to March 1791) and the texts of the Declaration of Independence, the Articles of Confederation, and the U.S. Constitution. The Bill of Rights had yet to be ratified and those amendments are included within the general legislative text. This edition not in Sabin or Evans, which do describe later Hartford edition dated 1791, containing 486 pages, which was actually printed after March, 1792. Howes A35.

THE FIRST OFFICIAL PRINTINGS  
OF THE ALIEN AND SEDITION ACTS

175 [UNITED STATES].  
[CONGRESS].

*Acts Passed at the First [Second, Third] Session of the Fifth Congress of the United States of America: Begun and Held at the City of Philadelphia, in the State of Pennsylvania, on Monday the Fifteenth of May, One Thousand Seven Hundred and Ninety-Seven, and of The Independence of the United-States, The Twenty-First. Published by Authority. [Spine Title: Laws of U. States]*

Philadelphia: Printed by William Ross, 1797 [i.e. 1798]. [iii], 4–240, vii; [4], 244–561, [1]; [3], 26, iv, [48] pp. Octavo (8" x 5").

Contemporary sheep, blind fillets to boards, blind fillets and black-stamped '4' to spine. Moderate rubbing, minor scuffs and stains to boards, corners bumped and somewhat worn, "Hon Paul Brigham" in early hand to head of front board, crack in text block between front endleaf and title page, clean tear to leaf A4 (pp. 7–8). Moderate toning to text, light foxing in places, internally clean. \$350.

WITH TABLE, INDEX, A 1798 TREATY with the Cherokee (of Tennessee) establishing borders and the text of the U.S. Constitution. It includes the first official printings of the notorious Alien and Sedition Acts, which were passed in 1798. Published two years before Folwell's fourth volume, this is a continuation of the three-volume edition he published in 1796, which was the first compilation authorized by Congress. The spine title, by which this volume is known, indicates that it was intended to form a set with the Folwell volumes. Paul Brigham [1746–1825], an officer during the Revolutionary war, was the first lieutenant governor and the second governor of Vermont. Sections of this volume were issued separately. See Evans 32953. Complete work not in Babbitt, Evans or Sabin.

1837 MANUAL FOR MEMBERS OF  
THE U.S. HOUSE OF REPRESENTATIVES

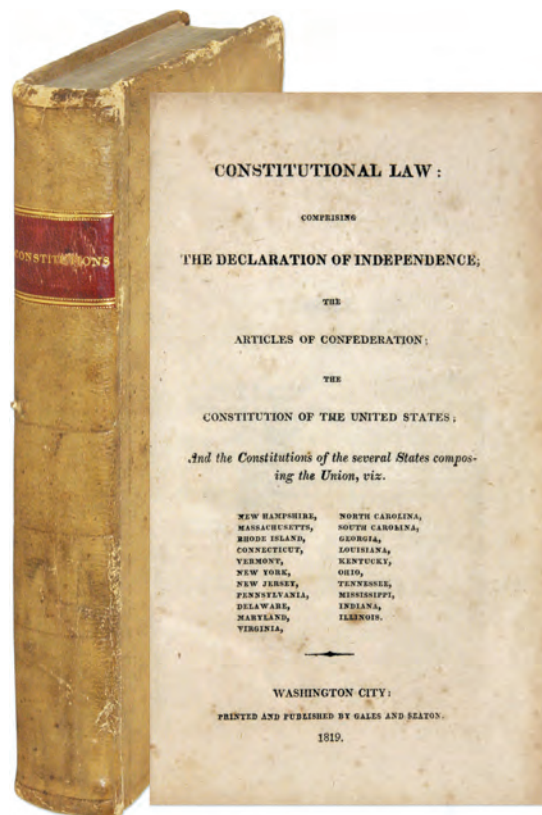
176 [UNITED STATES].  
[CONGRESS].

*Constitution of the United States of America: Rules of the House of Representatives, Joint Rules of the Two Houses and Rules of the Senate, With Jefferson's Manual. Printed by Order of the House of Representatives.*

Washington: Thomas Allen, Printer to the House, 1837. 222 pp. Octavo (9" x 5-1/2").

Contemporary morocco signed binding by Gaskell of Philadelphia, Gilt frames and large arabesques to boards, "Luther Reily" stamped to front, raised bands, gilt title and gilt ornaments to spine, all edges gilt, inside dentelles. Rubbing with some wear to extremities, front hinge just starting. Light foxing to endleaves, interior otherwise fresh. An uncommon item. SOLD

WITH INDEX. This manual was issued to incoming members of the U.S. House of Representatives. This copy was owned by Luther Reily [1794–1839], a Democrat from the 10th district of Pennsylvania who served a single term from 1837 to 1839. Evans 4.48244.



N° 178

"THE MAGNA CARTA OF THE UNITED STATES"

THE FIRST COMPILATION OF UNITED STATES CONSTITUTIONS  
SINCE 1787177 [UNITED STATES].  
[CONSTITUTIONS].

*The Constitutions of the Several Independent States of America; The Declaration of Independence; The Articles of Confederation Between the Said States; And the Definitive Treaty Between Great-Britain and the United States of America. Published Originally by Order of Congress.*

New York: Re-Printed by E. Oswald, 1786. 36, 10-266 pp. Octavo (6-1/2" x 4").

Contemporary sheep, gilt fillets to spine. Moderate rubbing to boards, heavier rubbing to extremities, small chip to head of spine, joints cracked but secure, corners bumped and worn, front free endpaper lacking. Moderate toning to text, somewhat heavier in places, light foxing and dampstaining to some leaves, a few leaves creased or dog-eared, offsetting and some edgewear to endleaves. Early owner signature (H.E. Ingraham) to head of title page, his inkstamp to head of following leaf, interior otherwise clean. Item housed in recent cloth clamshell box with period-style calf spine. \$3,500.

THIRD AMERICAN EDITION, preceded by the rare 1781 Philadelphia printing, 200 copies, and 1785 Boston edition. (London, Dublin and Glasgow editions were issued in 1782 and 1783). Published originally by order of Congress, this compilation exerted a significant influence on the 1787 Federal Constitution. "This work was the first authoritative and original printed texts of these important documents... It is, in short, the book which may be considered as the Magna Carta of the United States. It is scarcely necessary to say that this important work has been repeatedly reprinted" (Sabin). OCLC locates 7 copies of the 1785 edition in North American law libraries (Boston College, Duke, Georgetown, Harvard, Social Law, University of Michigan, Yale). Sabin 16092. Cohen 3025.

178 [UNITED STATES].  
[CONSTITUTIONS].

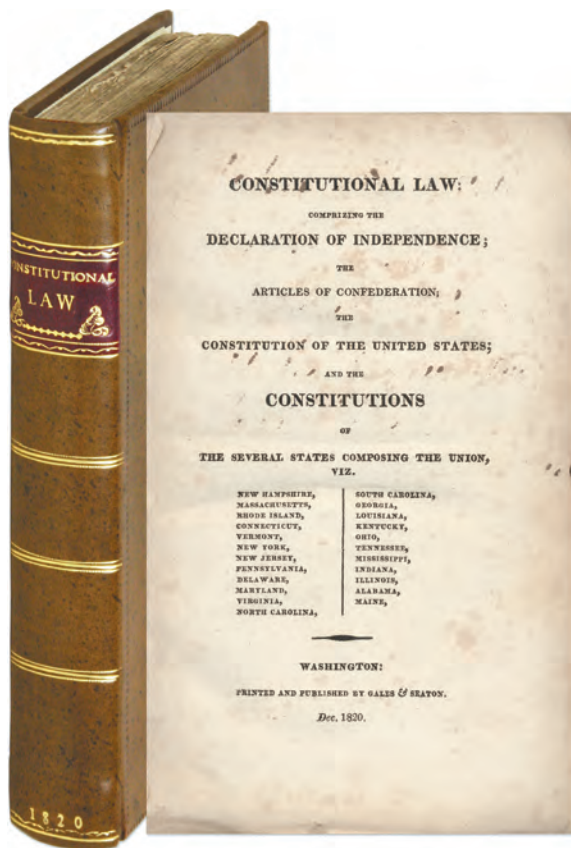
*Constitutional Law: Comprising the Declaration of Independence; The Articles of Confederation; The Constitution of the United States; And the Constitutions of the Several States Composing the Union, viz. New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Louisiana, Kentucky, Ohio, Tennessee, Mississippi, Indiana, Illinois.*

Washington City: Printed and Published by Gales and Seaton, 1819. [iv], 360 pp. Pasted-in slip to foot of p. 360 containing a recent amendment to Georgia's constitution. 12mo. (6-3/4" x 4").

Contemporary sheep, blind fillets to spine, lettering piece and blind fillets to boards. Some rubbing to extremities, a few minor scuffs and stains to boards, corners lightly bumped. Light toning to text, somewhat darker in places, faint dampstaining and dampspotting to some leaves. Early (illegible) owner signatures to front endleaf, interior otherwise clean. A very nice and desirable copy. \$3,750.

FIRST EDITION. With an appendix containing federal constitution and the constitutions and amendments of 21 states, including Indiana and Illinois. Federal and state amendments enacted between 1808 and 1816 are also included. This was the first compilation published in Washington. A quasi-official work, it was the first "government" compilation since the ratification of the Federal constitution. Later editions were published in 1820, 1822 and 1823. OCLC locates 16 copies, 3 in law libraries (William and Mary, Duke and the NY State Appellate Division Law Library). Cohen 3013.





N° 179

FIRST EXPANDED EDITION OF THE FIRST COMPILATION  
OF U.S. CONSTITUTIONS SINCE 1787

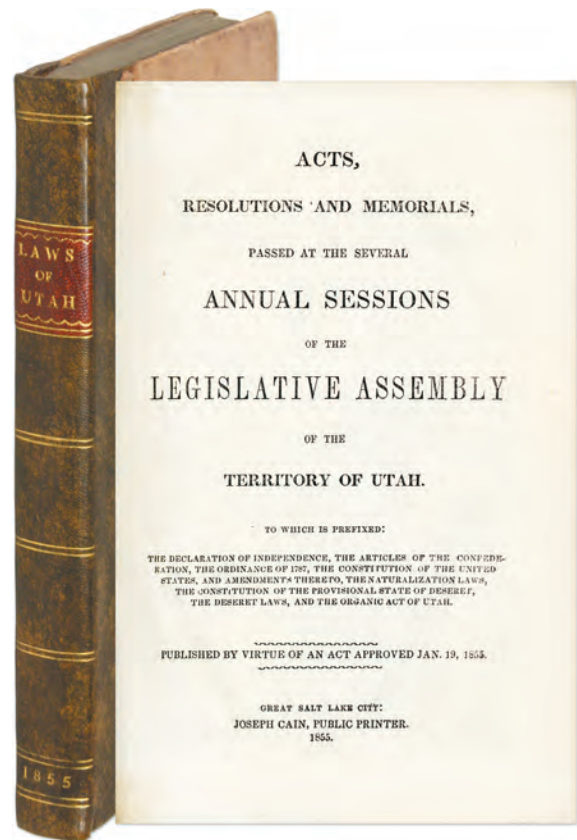
179 [UNITED STATES].  
[CONSTITUTIONS].

*Constitutional Law: Comprising the Declaration of Independence; The Articles of Confederation; The Constitution of the United States; And the Constitutions of the Several States Composing the Union, Viz. New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Louisiana, Kentucky, Ohio, Tennessee, Mississippi, Indiana, Illinois, Alabama, Maine.*

Washington: Printed and Published by Gales and Seaton, 1820. [iv]. 409 pp. 12mo. (6-3/4" x 4").

Recent period-style calf, gilt fillets and lettering piece to spine, endpapers renewed, untrimmed edges. Toning, light foxing in a few places. A few tiny ink spots on title page, interior otherwise clean. An appealing copy of a scarce title. \$3,000.

FIRST EXPANDED EDITION with 23 state constitutions, first edition to contain the constitutions of the newly-admitted states of Alabama and Maine and an appendix containing Federal and state amendments enacted between 1808 and 1816. This book is the first compilation of its kind since the ratification of the United States Constitution. It was preceded by the 1819 edition with 21 state constitutions. Later editions were published in 1822 and 1823. OCLC locates 7 copies of the 1820 edition, 2 in law libraries (USC, Yale). Cohen 3014.



N° 180

FIRST COLLECTED LAWS OF UTAH TERRITORY

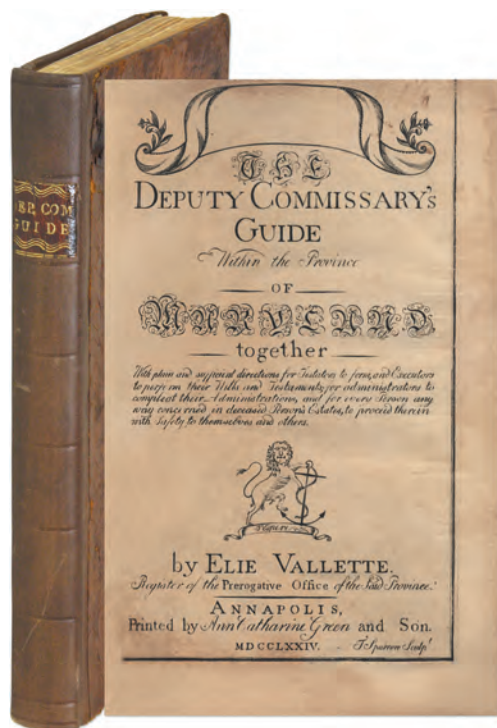
180 [UTAH TERRITORY].

*Acts, Resolutions and Memorials, Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah. To Which is Prefixed: The Declaration of Independence, The Articles of the Confederation, The Ordinance of 1787, The Constitution of the United States, And Amendments Thereto, The Naturalization Laws, The Constitution of the Provisional State of Deseret, The Deseret Laws, And the Organic Act of Utah. Published by Virtue of an Act Approved Jan. 19, 1855.*

Great Salt Lake City: Joseph Cain, Public Printer, 1855. 460 pp. Octavo (7-1/2" x 5").

Recent quarter calf over contemporary paper-covered boards, lettering piece and gilt fillets to spine. Light soiling, edgewear and a few minor stains to boards, corners bumped, corners bumped. Light toning to text, internally clean. \$450.

WITH SIDE NOTES AND INDICES. This volume collects to first laws of Utah Territory, established by Mormon settlers as the State of Deseret in 1849 and organized as Utah Territory by the Federal government in 1850. The laws of the fourth annual session were not printed separately; they only appeared in this compilation. It also contains the first published versions of the constitution of the State of Deseret and the 1851 Ordinances of General Assembly. A few laws concern grants and concessions to Brigham Young, Ezra T. Benson and other early Mormon leaders. Babbitt 563, 565, 566.



N° 181

COPY OF THE FIRST AMERICAN TREATISE ON WILLS THAT BELONGED TO AN IMPORTANT EARLY ILLINOIS STATESMAN

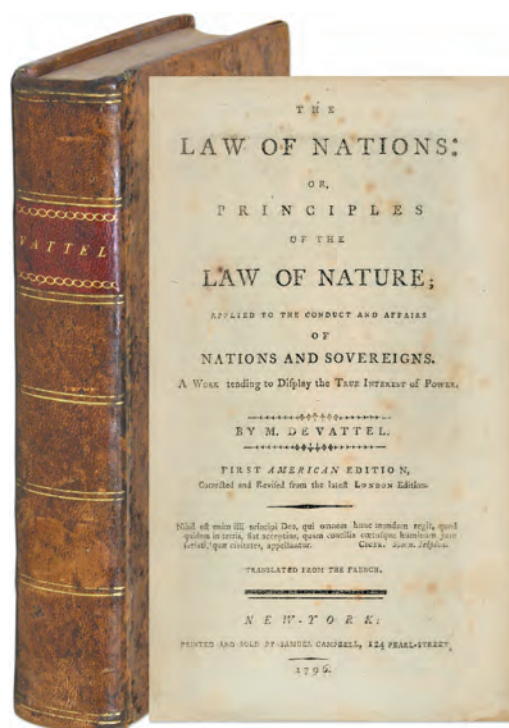
- 181 VALLETTE, ELIE.  
[SPARROW, THOMAS (1746?-1780?), ENGRAVER].

*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. \$2,000.

ONLY EDITION. 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 Ann Catherine Green, wife of Jonas Green, whom 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 were the work 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. *Maryland Imprints* 338. *Colonial Printer in America* 290. Cohen 4632.



N° 182

EARLY AMERICAN EDITION OF VATTEL'S CLASSIC TREATISE

- 182 VATTEL, [EMMERICH] DE [1714-1767].

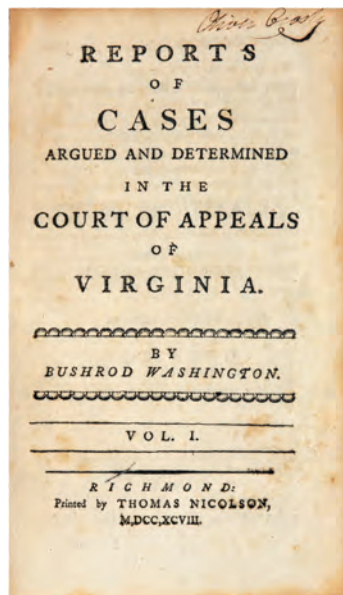
*The Law of Nations: Or Principles of the Law of Nature; Applied to the Conduct and Affairs of Nations and Sovereigns. A Work Tending to Display the True Interest of Powers. First American Edition, Corrected and Revised From the Latest London Edition. Translated from the French.*

New York: Printed and Sold by Samuel Campbell, 1796. xlviii, [49]-563 pp. Octavo (7-1/2" x 4-1/2").

Contemporary sheep treated to look like tree calf, rebacked in period style with gilt fillets and original lettering piece, hinges mended. Light rubbing to extremities. Toning to text, occasional light foxing. Later small inkstamp to head of preface (a library shelf number?), interior otherwise clean. \$950.

"FIRST" AMERICAN EDITION, actually the second, based on the 1760 London edition. First published in 1758, this is one of the great treatises on international law. It was especially influential in America and was among the earliest law books reprinted there; the first American edition was published in New York in 1787. Jefferson ranked it with the works of Grotius, Pufendorf and Wolff. It was also cited more frequently than any other writer on international law in early U.S. courts. "*Le Droit de Gens* is certainly a work of the first magnitude. It modernized the whole theory and business of International Law, brought it out of the study into the field, the mart, the council chamber, and the palace. (...) He did indeed, much for nations, for he imposed upon them theories of moral rational development up to which it became, in a sense, necessary for them to live." MacDonnell 479, 504. Cohen 7187.





Nº 184

"A THING UNPRECEDENTED IN  
THE HISTORY OF VIRGINIA ASSEMBLIES"

183 [VIRGINIA].  
ROBERTSON, DAVID, REPORTER.

*Debates and Other Proceedings of the Convention of Virginia, Convened at Richmond, on Monday the Second Day of June, 1788, For the Purpose of Deliberating on the Constitution Recommended by the Grand Federal Convention; To Which is Prefixed the Federal Constitution.*

Richmond: Printed at the Enquirer-Press, For Ritchie & Worsley and Augustine Davis, 1805. viii, 477 pp. Octavo (8" x 5").

Contemporary tree calf rubbed and scuffed, with original green gilt lettering piece and gilt fillets to spine. Small loss to headcap of spine, front joint starting at head, light toning to interior. Early signature of Samuel Spackman to title, to front endleaf at head of title page, interior otherwise clean. A desirable copy in its original state. \$650.

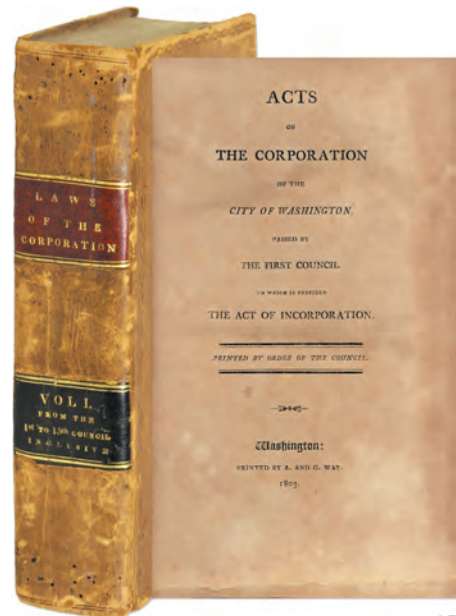
SECOND EDITION. Among those debating the Federal Constitution, which appears just following the Preface, were James Madison, Patrick Henry, James Monroe, John Marshall, Benjamin Harrison, Bushrod Washington, George Wythe, George Mason, Richard Henry Lee, and many other notable Virginians of the day. Assisted by another reporter, Roberson recorded the debates, "a thing unprecedented in the history of Virginia assemblies" (Swem). The first edition was published as a three-volume set in 1788. Cohen 2949. Sabin 100029.

FIRST EDITION OF WASHINGTON'S REPORTS.  
RICHMOND 1790–1799

184 [VIRGINIA].  
WASHINGTON, BUSHROD [1762–1829].

*Reports of Cases Argued and Determined in the Court of Appeals of Virginia.*

Richmond: Thomas Nicolson, 1798–1799. Two volumes. [x], 392, [30]: vii, [1], 302, 19 pp. Errata sheet in Volume I bound between Table of Contents and main text. Octavo (8" x 5").



Nº 185

Contemporary sheep, blind fillets to boards, lettering pieces and blind fillets to spines. Moderate rubbing to extremities, chipping to spine ends, corners worn, front board of Volume I just beginning to separate, insect damage to portions of boards. Moderate toning, occasional light foxing, small paper flaw to pp. 299–300 of Volume II with negligible loss to text. Small early owner signatures to head of each title page, interior otherwise clean. An appealing unsophisticated nice set. \$450.

FIRST EDITION. Covers the years 1790–1796, includes Tables of Cases and an Index. Gathered when Washington was in practice in Richmond, these reports demonstrate his methodical attention to legal detail. Washington, nephew of President Washington, was a member of the Virginia House of delegates in 1787 (voting for ratification of the U.S. Constitution) and later an associate justice of the U.S. Supreme Court from 1798–1829. This was one of the first, and one of the best, American reporters of the eighteenth century. Marvin 719.

THE EARLY YEARS OF WASHINGTON, D.C.

185 [WASHINGTON, D.C.].

*[Volume of Fifteen Pamphlets on the Establishment and Conduct of the City].*

Washington, DC: Printed by A. and G. Way [and other printers], 1803–1818.

Contemporary sheep, blind fillets to boards, red and black lettering pieces to spine (reading Laws/of the/Corporation and Vol I./From the/ First to 15th Council/Inclusive. Some rubbing to boards and extremities, a few shallow scuffs to boards, minor worming to spine and pastedowns. Moderate toning and occasional browning and light foxing to text, internally clean. \$2,250.

THIS FASCINATING VOLUME offers an excellent perspective on the formative years of Washington, D.C., from the 1803 "Act to Incorporate the Inhabitants of the City of Washington, in the District of Columbia" to 1818 legislation to pave roads in the district. This volume contains fifteen volumes of acts passed by the first fifteen governing councils. Eleven are titled *Acts of the Corporation of the City of Washington* (1803, 1804, 1805, 1806, 1807, 1808, 1809, 1811, 1813, 1814, 1816). The remaining four are titled *Laws Passed by the Eighth [Twelfth, Fourteenth, Fifteenth] Council* (1810, 1815, 1817, 1818).

NOTABLE ESSAYS BY A NOTABLE EARLY AMERICAN ECONOMIST  
AND POLITICAL THINKER

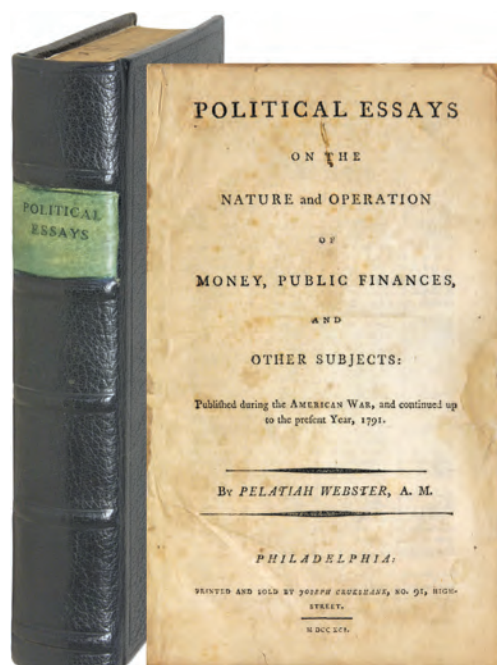
# 186 WEBSTER, PELATIAH [1726–1795].

***Political Essays on the Nature and Operation of Money, Public Finances, And Other Subjects: Published During the American War, And Continued up to the Present Year, 1791.***

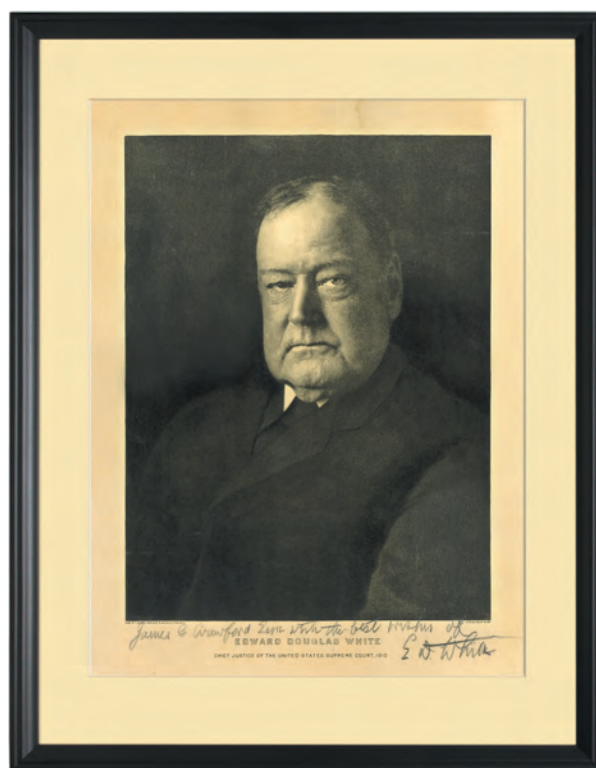
Philadelphia: Printed and Sold by Joseph Cruikshank, 1791. viii, 504 pp. Octavo (7-3/4" x 4-3/4").

Recent morocco, blind rules to boards, raised bands and lettering piece to spine, marbled endpapers. Some toning to text, light foxing in places, faint dampstaining to outer margins of a few leaves, some edgewear and minor tears to title page, internally clean. \$2,500.

ONLY EDITION. Pelatiah Webster, a Yale-educated Philadelphia merchant, is often cited as America's first economist. He wrote several essays on the subject and was often consulted by the Continental Congress on economic matters. He was also a notable political thinker. Indeed, he is remembered today for his "Dissertation of the Political Union and Constitution of the Thirteen United States of North America" (1783), which argued for a new constitution to replace the Articles of Confederation. This essay was studied carefully by members of the Constitutional Convention. He played a large part in the struggle for ratification, and his arguments, based on historical and economic principles, were influential. *Political Essays* collects all of his principal writings. In addition to the "Dissertation," it includes, among other essays, "An Essay on the Danger of Too Much Circulating Cash in a State," "An Essay on Free Trade and Finance," "Strictures on Tender-Acts," "An Essay on the Economy, Policy, And Resources of the Thirteen States, And the Means of Their Preservation," "A Dissertation on the Nature, Authority, And Uses of the Office of a Financier-General," "Remarks on the Resolution of Council, Of the 2d May, 1781, for Raising the Exchange to 175 Continental Dollars for One Hard," "Remarks on the address of sixteen members of the Assembly of Pennsylvania to their Constituents, Dated Sept. 29, 1787," "An Essay on credit," "Strictures on the Net Produce of Great-Britain in the Year 1784" and "An Essay on the Extent and Value of Our Western Inlocated Lands." Kress 2235. Evans 23972.



Nº 186



Nº 181

SIGNED PORTRAIT OF CHIEF JUSTICE WHITE

# 187 WHITE, EDWARD DOUGLAS [1845–1921].

**[Large Black & White Photogravure Portrait].**

New York: Close, Graham and Scully, 1910. Frame size 20" x 16," image size, 11-1/2" x 8-1/2." Attractively matted and glazed.

Wide-margined portrait photograph with caption reading "Edward Douglas White/ Chief Justice of the United States Supreme Court. 1910." Inscribed in pencil by White to James G. Crawford and signed. Image dark and strong, presentation large and clear, toning and negligible faint dampspotting to outer edges of margins. A handsome, well-preserved image. \$1,250.

A RARE SIGNED PORTRAIT OF THE NINTH CHIEF JUSTICE. White was a United States Senator from Louisiana when he was appointed to the Court by President Cleveland in 1894. Following the death of Chief Justice Melville W. Fuller in 1910 White was nominated as Chief Justice by President Taft and held that office until his death. Note: Item unexamined out of the frame.



- 188 WHITE, JOSEPH M. [1781–1839].  
[JORDAN DE ASSO Y DEL RIO, IGNACIO (1742–1804)].  
[MANUEL Y RODRIQUEZ, MIGUEL DE (FL. 1780)].

*A New Collection of Laws, Charters and Local Ordinances of the Governments of Great Britain, France and Spain: Relating to the Concessions of Land in their Respective Colonies, Together with the Laws of Mexico and Texas on the Same Subject, to Which is Prefixed Judge Johnson's Translation of Azo and Manuel's Institutes of the Civil Law of Spain.*

Philadelphia: T. & J.W. Johnson, 1839. Two volumes. xv, 731; 753, [3] pp. Octavo (9" x 6").

Later buckram, blind frames to boards, red and black lettering pieces to spine, endpapers renewed. Some rubbing to extremities, light soiling and some minor smudges to boards, chipping to edges of lettering pieces. Light toning, light foxing and dampspotting in places. Owner inscriptions to pastedowns, interiors otherwise clean. A solid set. \$950.

FIRST EDITION. Volume I contains *Institutes of the Civil Law of Spain*, a translation by Judge Johnson of Trinidad of the *Instituciones del Derecho Civil de Castilla* by Ignacio Jordan de Asso y del Rio, the mode of acquiring dominion from the *Instituciones de Derecho Real de Espana* by Jose Maria Alvarez and material reprinted from *Laws of the State of Coahuila and Texas* and *Laws, Orders and Contracts, on Colonization, from January, 1821, up to 1829* edited by Stephen Austin. White was a Delegate from the Florida Territory to the U.S. House of Representatives from 1824 to 1837. Cohen 5300. (see also 5290 and 5281).

- 189 WILSON, JENNIE L. [B. 1847], COMPILER.

*Legal Status of Women in Iowa.*

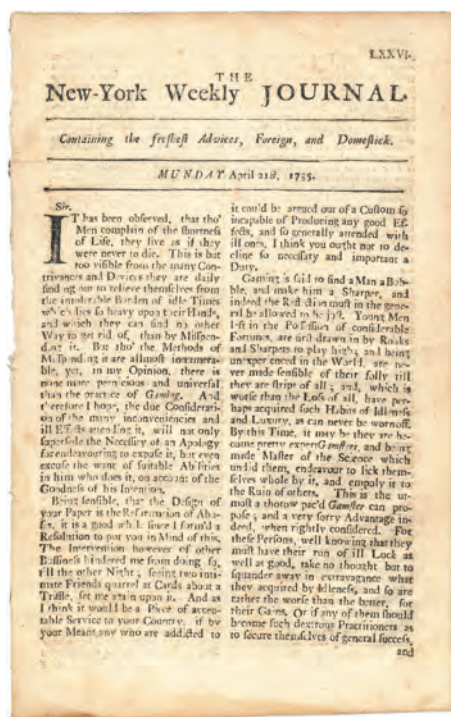
Des Moines: Iowa Printing Company, 1894. 83, [2] pp. Octavo (9" x 6").

Original quarter sheep over cloth, calf lettering piece to spine. Minor wear to foot of spine and corners, very faint stain to front board, front hinge just starting at head, partial crack in text block between pp. 82 and 83, negligible light toning to text. A well-preserved copy. \$450.

ONLY EDITION. Jennie Wilson, who held an LL.B. from the University of Iowa, was a member of the bar in Polk County, Iowa. Intended for non-professionals, her book summarizes the legal status of women in such areas as marriage, divorce, property rights, apprenticeships of children, rape and estates and wills. The annotations are corrections to the text. OCLC locates 5 copies in North American law libraries (Harvard, Library of Congress, Stanford, University of Iowa, University of New Mexico).



Nº 188



Nº 190

PRINTED WHILE ZENGER WAS IMPRISONED ON A CHARGE OF SEDITIOUS LIBEL

## 190 [ZENGER, JOHN PETER (1697–1746)].

*The New-York Weekly Journal* (New York: 21 April 1735).

[4] pp. Text in parallel columns. Folio (11" x 7").

Some browning and edgewear, faint dampstaining to bottom margin, partial tear along fold line. A well-preserved copy.

\$2,500.

AN ISSUE OF ZENGER'S NEWSPAPER printed while he was in prison on a charge of seditious libel against New York's colonial governor, William Cosby. Zenger's eventual acquittal was a landmark in the establishment of freedom of the press in America.

A "letter" in this issue by "Israel Whimsey," evidently Zenger, who continued to publish his paper while in prison, refers to Zenger's situation. It begins: "As some people who read your papers turn everything that is there said to reflections upon the Governor and his Friends, I hope they won't do so with the following." It continues with a lightly veiled satire on his imprisonment: "My garrets, or rather Cocklofts are indeed very indifferently furnished. However I make shift to rub on in my little Way, and when rent day comes I must see and discharge as well as I can. Whensoever I am turned out depends upon a low spirited creeping Family, remarkable for nothing but being instrumental in advancing the reputation of the great Moor in Abchurch Lane."

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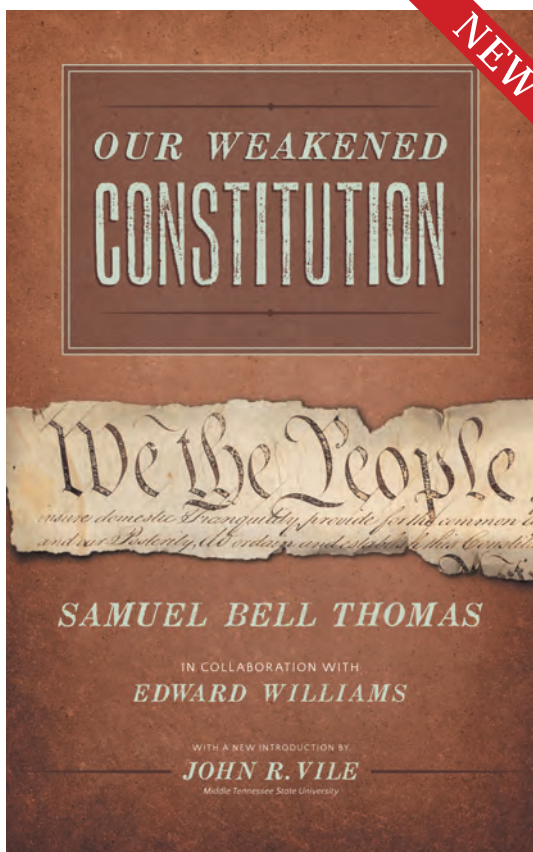
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In Collaboration With  
Edward Williams

New introduction by

**John R. Vile**

Middle Tennessee State University

Originally published: New York: Dauber & Pine Bookshops, 1932  
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SAMUEL BELL THOMAS [1868–1943] practiced law in New York. He graduated from the University of Texas and received his law degree from Southwestern University. He lost his bid for Congress as a New York Independence League candidate in 1910.

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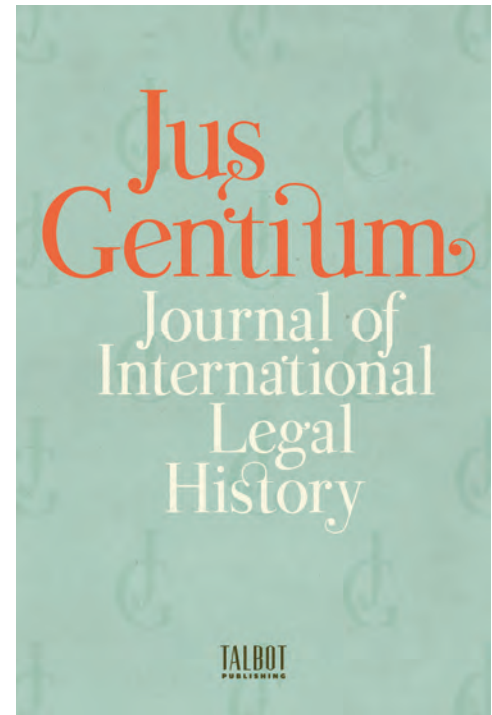
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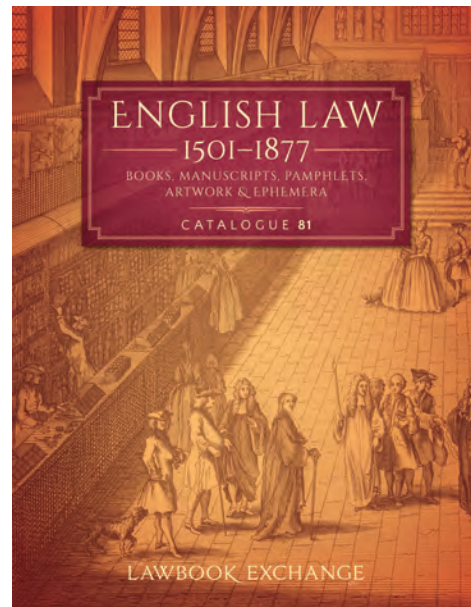
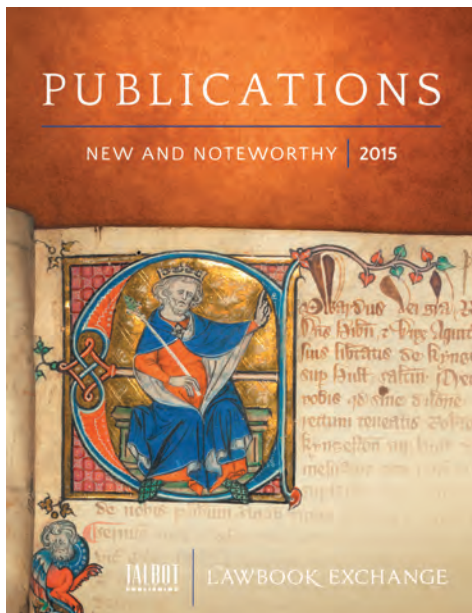
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