

# Recent Acquisitions

ENGLISH, AMERICAN &  
CONTINENTAL LAW, 1651–1945

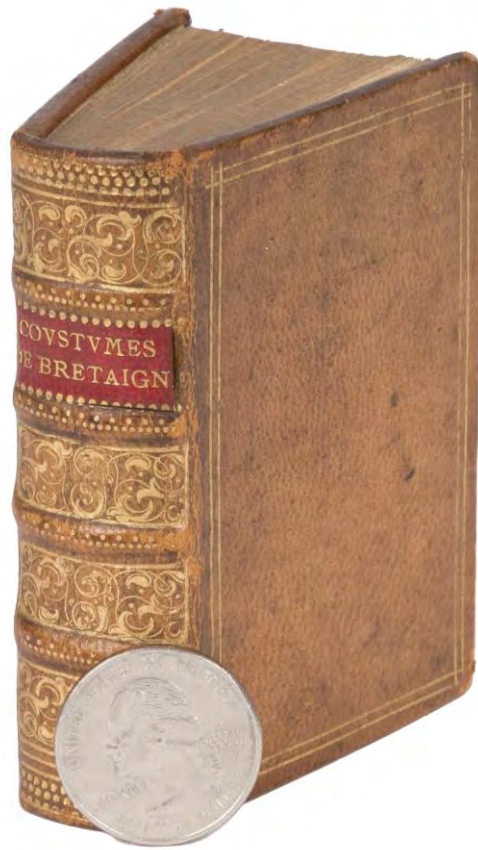
20 ITEMS

September 7, 2021



THE  
LAWBOOK EXCHANGE  
LTD.





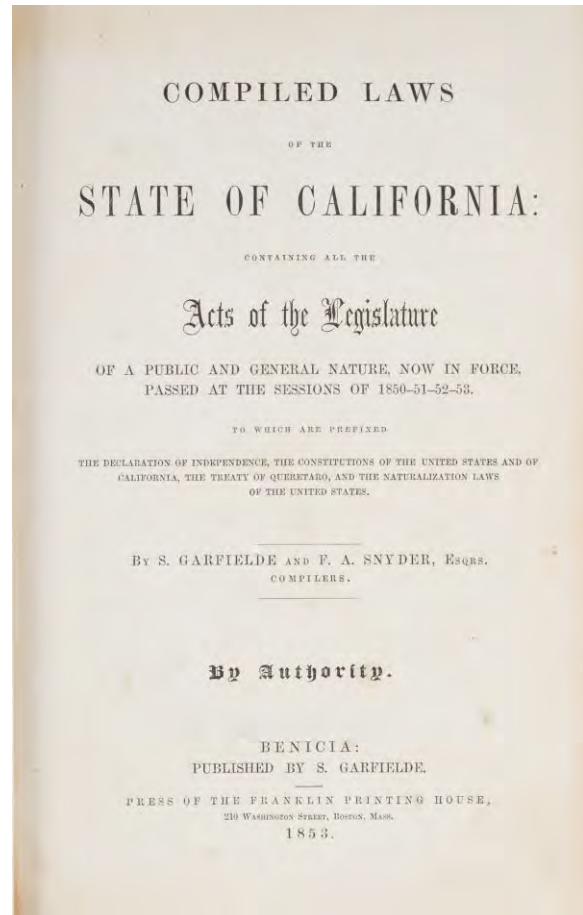
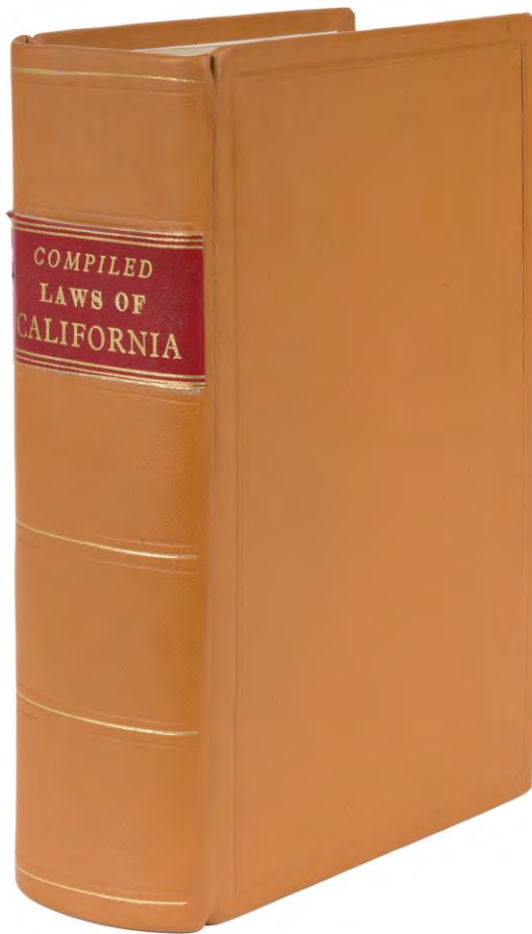
**A Rare Three-Part Pocket-Sized Breton Coutumier**

**1. [Brittany].**

*Les Coustumes Générales des Pays et Duché de Bretagne: Naguères Réformées, Et Publiées aux Estats Tenus à Plöermel.* Rennes: Et se Vendent, Chez Iean Vatar Marchand Libraire, 1651. 303, [2]; 111, [1]; 122, [6] pp. Three parts each with title page and individual pagination, collation register continuous. Second part titled: *Les Nobles Coutumes ou Guidon, Stille et Uzances des Marchands qui Mettent a la Mer*, third part titled *Traicté de la Nature et Usage des Marches Separantes des Provinces de Poïctou, Bretagne, & Anjou* "par M. Gabriel Hullin." 16mo. (3-1/4" x 2").

Contemporary calf, gilt rules to boards, gilt spine with raised bands, speckled edges. A few minor nicks, light rubbing to extremities, (illegible) early owner signature and later owner bookplate (R. Chardey) to front pastedown. Moderate toning to interior, crack in text block between front free endpaper and title page of first part, which is soiled and has a small faint stain and an (illegible) early owner signature. A well-preserved copy in a handsome binding. \$7,500.

\* Scholars are unsure when the coutume of Brittany was compiled, or the names of its authors, but it was first cited officially in 1341. Its final codification was issued in 1580. It deals primarily with civil and criminal procedure and is original in many respects. It also incorporated some aspects of English law, especially in matters concerning succession of certain fiefs, and a good deal of canon law, more so than any other coutumiers. The first part of our pocket-sized edition is the text of the coutume. The second and third parts address parts of the coutume dealing with maritime law, commercial law and territorial jurisdiction. These three parts were also issued separately. OCLC locates 1 copy in a North American law library identical to ours (George Washington University). Not in Caswell & Sipkov. Gouron & Terrin, *Bibliographie des Coutumes de France* 731. [Order this Item](#)



### The First California Law Compilation

#### 2. [California].

Garfielde, S., Compiler.

Snyder, F.A., Compiler.

*Compiled Laws of the State of California: Containing all the Acts of the Legislature of a Public and General Nature, Now in Force, Passed at the Sessions of 1850-51-52-53. To Which are Prefixed the Declaration of Independence, The Constitution of the United States and of California, The Treaty of Queretaro, And the Naturalization Laws of the United States. By Authority.* Benicia: Published by S. Garfielde, Press of the Franklin Printing House, 210 Washington Street, Boston, Mass., 1853. xix, [1], 1071 pp. Octavo (9" x 6").

Recent period-style calf, blind frames to boards, lettering piece and blind fillets to spine, endpapers renewed. Negligible light rubbing to extremities, light wear to edge of lettering piece along rear joint. Light to moderate toning, somewhat heavier in places, occasional faint dampstaining to foot of text block, light foxing in a few places, smudges and soiling to a few leaves. \$450.

\* Only edition. California's first compiled laws, this book records the state's first four years of legislation, based on the acts as enrolled (as opposed to issued in print), with notes of California Supreme Court opinions provided as applicable. It includes a 100-page index. Babbitt, *Hand-List of Legislative Sessions and Session Laws* 24. [Order this Item](#)



### Early French Translation of an Important Document of the Enlightenment

#### 3. Catherine II [1762-1796], Empress of Russia.

[Balthasar, Joseph Anton Felix von, (1737-1810), Translator].

*Instruction Donnée par Catherine II., Impératrice et Législatrice de Toutes les Russies, a la Commission Établie par cette Souveraine, pour Travailler à la Rédaction d'un Nouveau Code de Loix, Telle Qu'elle e été Imprimée en Russe & en Allemand, Dans l'Imprimerie Impériale de Moscov. Nouvelle Edition, Augmentée.* Lausanne: Chez Francois Grasset & Comp., 1769. [iv], xiv, 160 (i.e. 204) pp. Copperplate portrait frontispiece.

[Bound Between]

Jacquet de Malzet, Louis Sébastien [1715-1800].

*Le Militaire Citoyen, Ou l'Emploi des Hommes.* Amsterdam, Et se Trouve a Paris, Chez N.B. Duchesne, 1760. [iv], 207 pp.

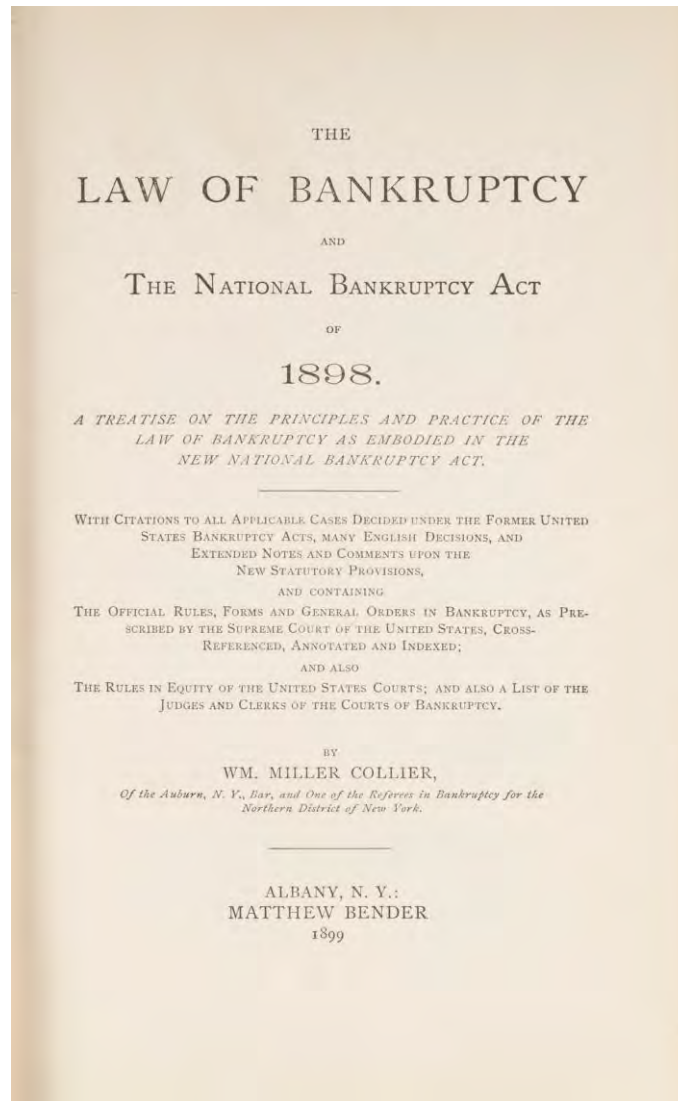
[And]

Anville, Jean Baptiste Bourguignon d' [1697-1782].

*L'Empire Turc Considéré dans son Établissement et dans ses Accroissemens Successifs.* Paris: De l'Imprimerie Royale, 1772. [ii], iv, 138 pp.

Octavo (6-1/4" x 4-1/4"). Contemporary quarter sprinkled calf over marbled boards, lettering piece (reading Recueil No. 14) and gilt tooling and ornaments to spine, speckled edges. A few minor scuffs to boards, a few tiny nicks to spine, light rubbing to extremities with some wear to corners, tiny worm hole to foot of front joint, hinges just starting at ends, small recent owner bookplate (Peter Stewart Young, Tillingham) to front pastedown. Light toning to interior, light foxing to a few leaves. An attractive volume. \$850.

\* Third French-language edition of the *Nakaz*. An important document of the Enlightenment composed by Catherine the Great, the *Nakaz* (Instruction) was a guide for the assembly summoned in 1766 to draft a new code of laws for the Russian Empire. Drawn primarily from Montesquieu, as well as Rousseau, Beccaria and other Enlightenment thinkers, the *Nakaz* condemned torture and capital punishment and endorsed such principles as the equality of all before the law. Published in the principal European tongues between 1767 and 1769, it proved to be a statement to the world as much as a practical legal text. Three editions in French were published in 1769, first in Moscow, then in Yverdon (with a false St. Petersburg imprint) and Lausanne. (The book was banned in France.) Balthasar, the translator of our edition, was a Swiss historian and member of the Enlightenment's international "Republic of Letters." His introduction, pp. iii-iv, is a notable document of the early reception of the *Nakaz* in Western Europe. This copy is bound with two unrelated works, both in their only editions. *Le Militaire Citoyen* addresses issues concerning the civil status of soldiers and the care and employment of veterans. *L'Empire Turc* is a political history of the Turkish Empire from the fall of Constantinople (1453) to the unsuccessful siege of Vienna (1683). Butler, *The Nakaz of Catherine the Great* 531 (Entry 42). [Order this Item](#)



**First Edition of One of  
America's "Great Textbooks" on Bankruptcy**

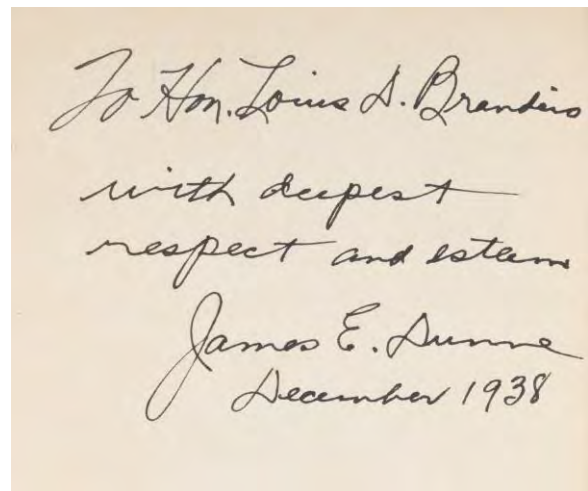
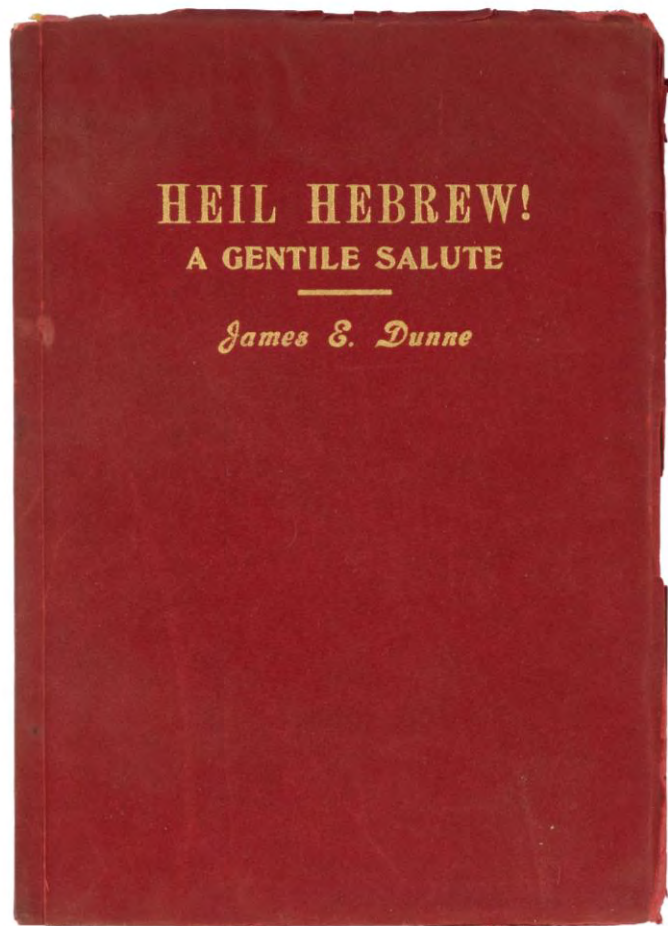
**4. Collier, W[illia]m. Miller [1867-1956].**

*The Law of Bankruptcy and the National Bankruptcy Act of 1898. A Treatise on the Principles and Practice of the Law of Bankruptcy as Embodied in the New National Bankruptcy Act. With Citations to All Applicable Cases Decided Under the Former United States Bankruptcy Acts, Many English Decisions, And Extended Notes and Comments Upon the New Statutory Provisions.* Albany, NY: Matthew Bender, 1898. xxx, 586 pp. Octavo (9" x 6").

Recent library buckram, red and black calf lettering pieces to spine. Moderate toning to interior, crack in text block between front endleaf and title page. \$450.

\* First edition. *Collier on Bankruptcy* is perhaps the most authoritative and comprehensive treatise on the subject. Vanderbilt considers it one of America's "great textbooks" in which the "history of American law might well be traced." Now in its revised fifteenth edition, *Collier on Bankruptcy* remains a highly-respected standard authority. Vanderbilt, *Men and Measures in the Law* 21 cited in Marke, *A Catalogue of the Law Collection at New York University* (1953) 442. [Order this Item](#)





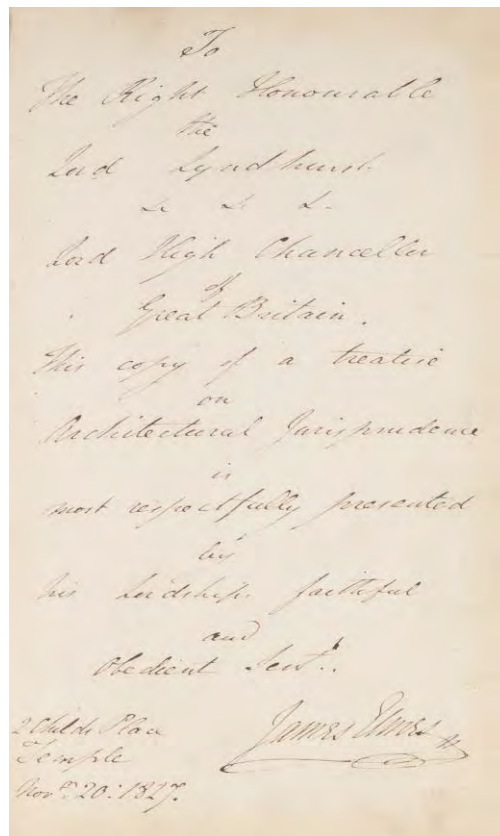
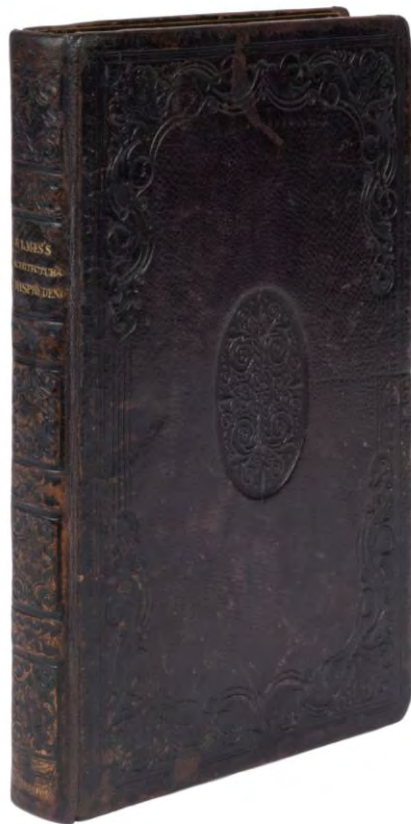
**A Copy Inscribed to Louis D. Brandeis**

**5. Dunne, James E. [1891-1961].  
[Brandeis, Louis D. (1856-1941)].**

*Heil Hebrer! A Gentile Salute*. Louisville, KY: Alliance Press, 1938. [vii], [i], 99 pp.

Flexible felt-covered stiff wrappers with deckle edges, gilt title to front cover, ribbon marker. Light rubbing and a few minor spots, some wear to spine ends and corners, small chip to top-edge of rear cover. Light toning to interior, presentation inscription to Brandeis from Dunne to front free endpaper. \$1,250.

\* Only edition. The inscription reads: "To Hon. Louis D. Brandeis/ with deepest/ respect and esteem/ James E. Dunne/ December 1938." A "token of deep esteem for a great race of wronged people," this is a collection of essays against the anti-Semitic atrocities of Nazi Germany and American Anti-Semitism. It also has a list of brief tributes to notable American Jews, which includes Brandeis. Dunne was a politician and civic leader in Louisville, Brandeis's hometown. OCLC locates 1 copy (Harvard). [Order this Item](#)



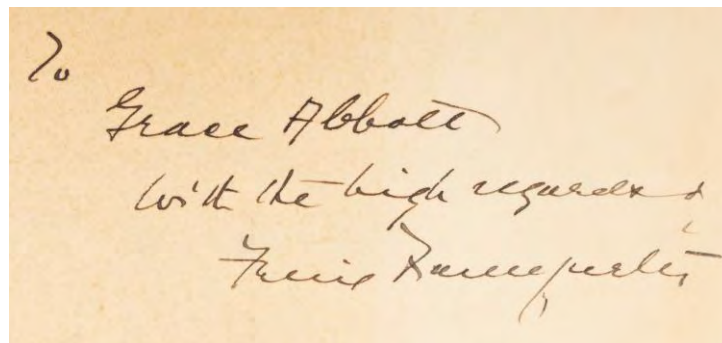
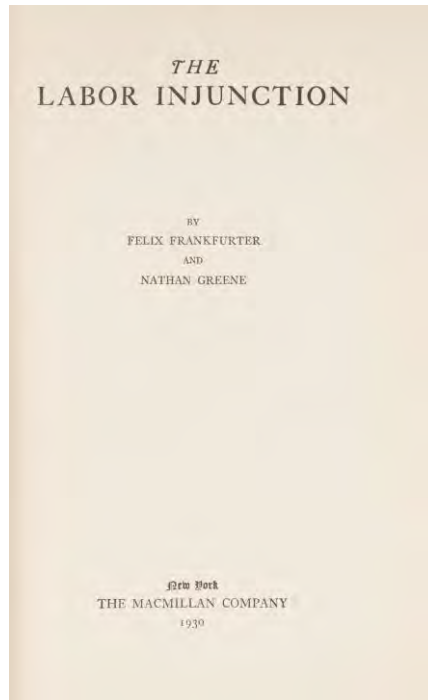
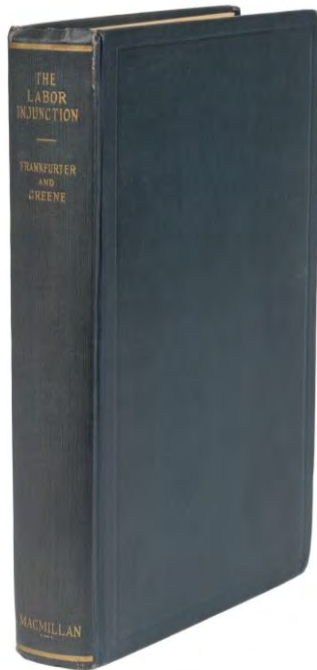
**Handsome Presentation Copy Inscribed by the  
Author to Lord Lyndhurst, To Whom the Book is Dedicated**

**6. Elmes, James [1782-1862].**

*A Practical Treatise on Architectural Jurisprudence; In Which the Constitutions, Canons, Laws and Customs Relating to the Art of Building, Are Collected from the Best Authorities; For the Use of Architects, Surveyors, Landlords, Tenants, Incumbents, Churchwardens and Ecclesiastical Persons in General.* London: W. Bening, Law Bookseller, 1827. xv, 279, [1] pp. Octavo (9-1/4" x 5-1/2").

Contemporary paneled morocco, large arabesques to centers of boards, elaborate blind stamping and gilt title to spine, all edges gilt, gilt inside dentelles, silk-covered pastedowns and free endpapers. Light rubbing to boards, slightly heavier rubbing to extremities, corners bumped, armorial bookplate of Lord Lyndhurst and faint stain to front pastedown, bookplate residue to front free endpaper. Moderate toning, light foxing in a few places, light soiling to a few leaves, presentation inscription from Elmes to Lyndhurst to front endleaf. \$2,500.

\* Only edition. The inscription reads: "To/ The Right Honourable/ the Lord Lyndhurst/ &c.&c./ Lord High Chancellor/ of/ Great Britain./ This copy of a treatise/ on/ Architectural Jurisprudence/ is/ most respectfully presented/ by/ his Lordship's faithful/ and/ obedient Serv.t./ 2 Childs Place/ Temple/ Novm. 20, 1827." The book is divided into two parts. The first is a general introduction followed by a history of building laws, with a emphasis on Roman law and the Code Napoleon. The second is a digest of relevant laws arranged by topic (from Abate to Writs of Waste). Elmes was an architect. His *Practical Treatise on the Law of Dilapidations* (1820) was the first English treatise on laws concerning architecture. John Singleton Copley, Lord Lyndhurst, 1st Baron Lyndhurst, [1772-1863] was the Lord High Chancellor of Great Britain from 1827 to 1830, 1834 to 1835 and 1841 to 1846. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:110. [Order this Item](#)



**Inscribed by Frankfurter to a Distinguished Female Social Worker**

**7. Frankfurter, Felix [1882-1965].**

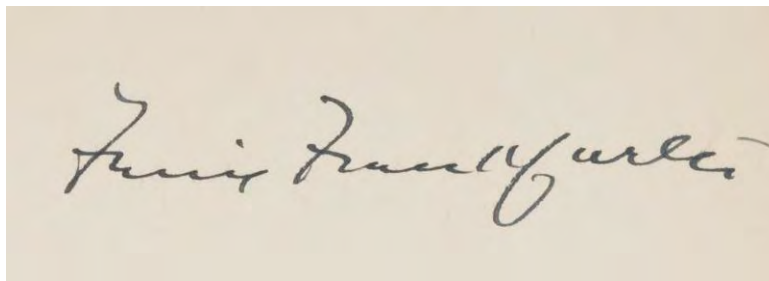
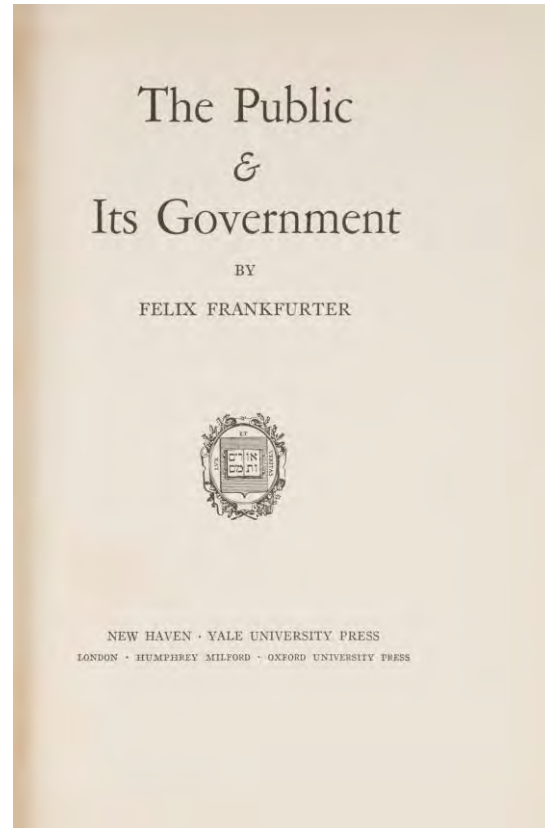
**Green, Nathan [c.1902-1964].**

*The Labor Injunction*. New York: The Macmillan Company, 1930. [xii], 343 pp. 11 folding tables.

Original cloth, blind frames to boards, gilt title to spine. Light rubbing to extremities, corners and spine ends bumped, tiny tear near head of front joint. Light toning to interior, a few minor tears, creases and edgewear to tables, light browning to sections of endleaves, inscription from Frankfurter to Grace Abbott to front free endpaper. \$1,500.

\* Only edition. The inscription reads: "To Grace Abbott/ With the best regards of/ Felix Frankfurter." A Nebraska native who spent most of her life in Chicago, Abbott [1878-1939] was a distinguished social worker known for her efforts to improve the lives of immigrants and children. She began her career at Hull House and went on to serve as the director of the child labor division of the U.S. Children's Bureau (1917-1919) and a professor of public welfare at the University of Chicago (1934-1939). During her time at the University of Chicago she helped to draft Social Security Act and chaired several government committees on child welfare and social issues. The School of Social Work at the University of Nebraska at Omaha is named in her honor. [Order this Item](#)





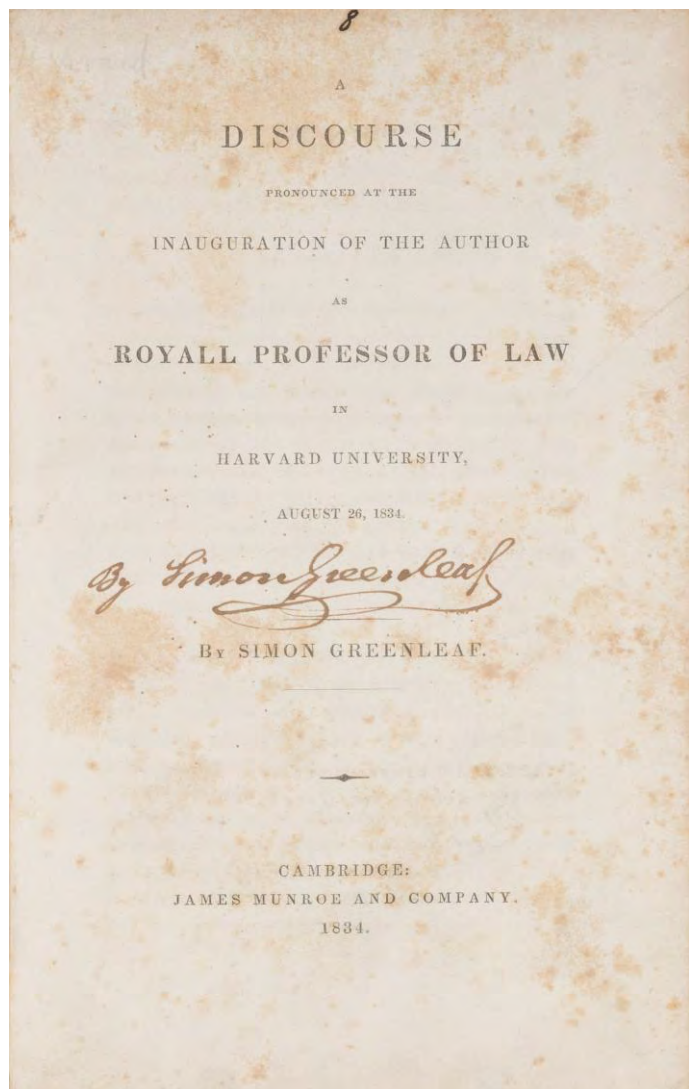
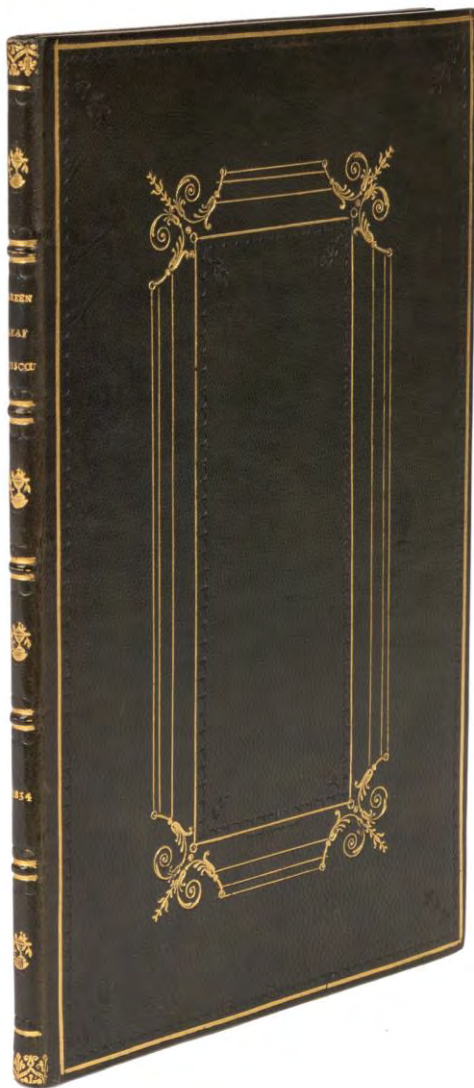
Signed by Frankfurter

**8. Frankfurter, Felix [1882-1965].**

*The Public and Its Government*. New Haven: Yale University Press. 1931. [viii], 170 pp.

Cloth in lightly rubbed and moderately edgeworn dust jacket, bookplate of John Forrest Flobert to front pastedown. Moderate toning to interior, faint dampstaining to head of text block near gutter, large signature of Felix Frankfurter to front free endpaper. \$850.

\* First edition, second printing. Based on his 1930 "Yale Lectures on the Responsibilities of Citizenship," this classic book offers an interpretation of democracy as a theory of political organization. "Charles Beard remarked not long ago to this reviewer that no first class political thinking had appeared in the United States in the twentieth century. The quality of this little book of Frankfurter's...should lighten Beard's discouragement" (C.P. Howland). Floberg [1915-1911] was the assistant secretary of the navy from 1949 to 1953. C.P. Howland, *Yale Law Journal* 40: 672-673 cited in Marke, *A Catalogue of the Law Collection at New York University* (1953) 938. [Order this Item](#)



**Signed by Greenleaf**

**9. Greenleaf, Simon [1783-1853].**

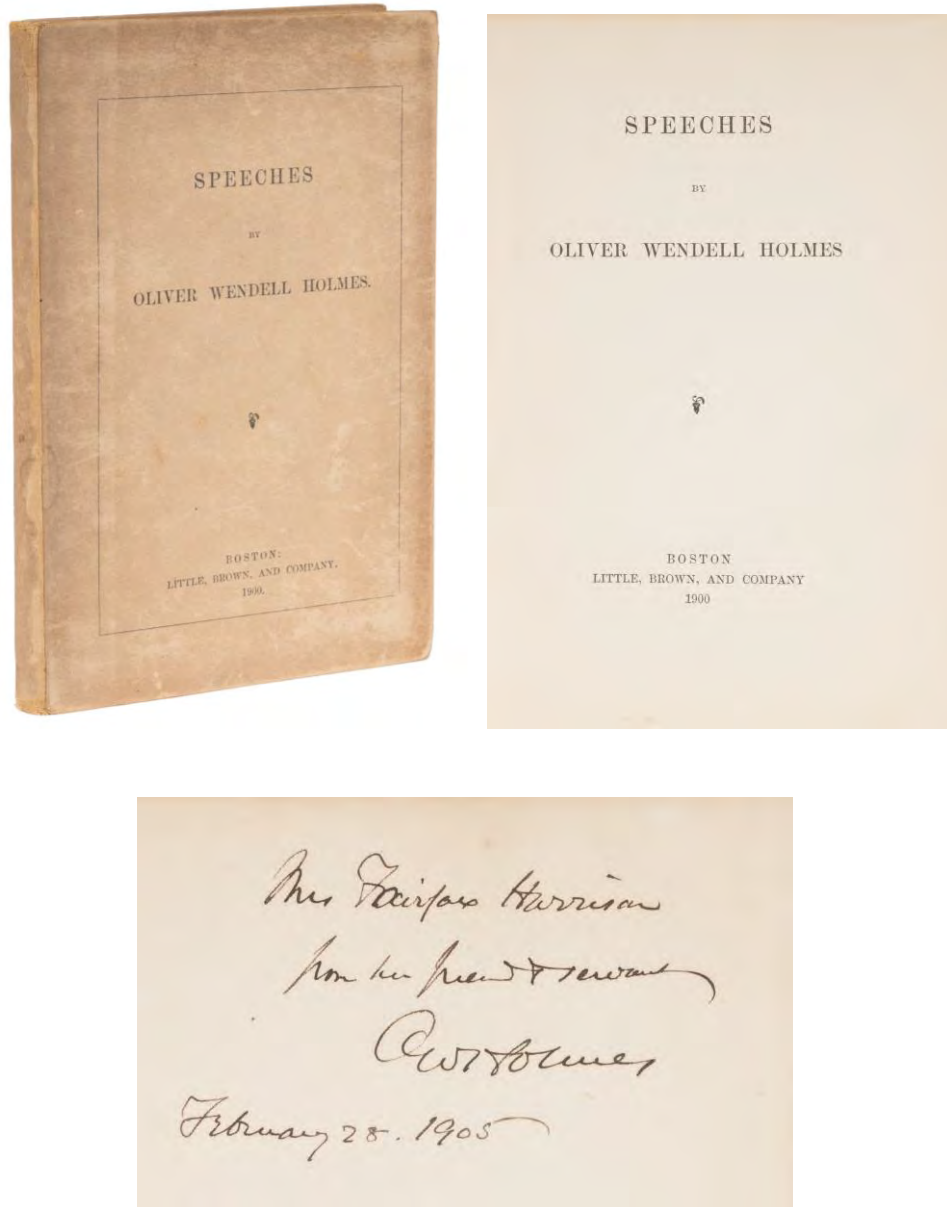
*A Discourse Pronounced at the Inauguration of the Author as Royall Professor of Law in Harvard University, August 26, 1834.* Cambridge: James Munroe and Co., 1834. 28 pp. Octavo (8-1/2" x 5-1/4").

Stab-stitched pamphlet bound into recent period-style calf, gilt and blind panels, rules and fillets to boards, raised bands and gilt and blind ornaments to spine, gilt tooling to board edges. Moderate toning and light foxing to interior, author signature to center of title page. \$1,250.

\* Only edition. Greenleaf replaced John Ashmun, who died in 1833. He was a member of the Harvard faculty until 1848. He played a key role in the development of the law school. His *Treatise on the Law of Evidence* (Three volumes, 1842-1853) was a standard textbook in until the end of the Nineteenth century. Cohen, *Bibliography of Early American Law* 8621.

[Order this Item](#)





**Inscribed by Holmes**

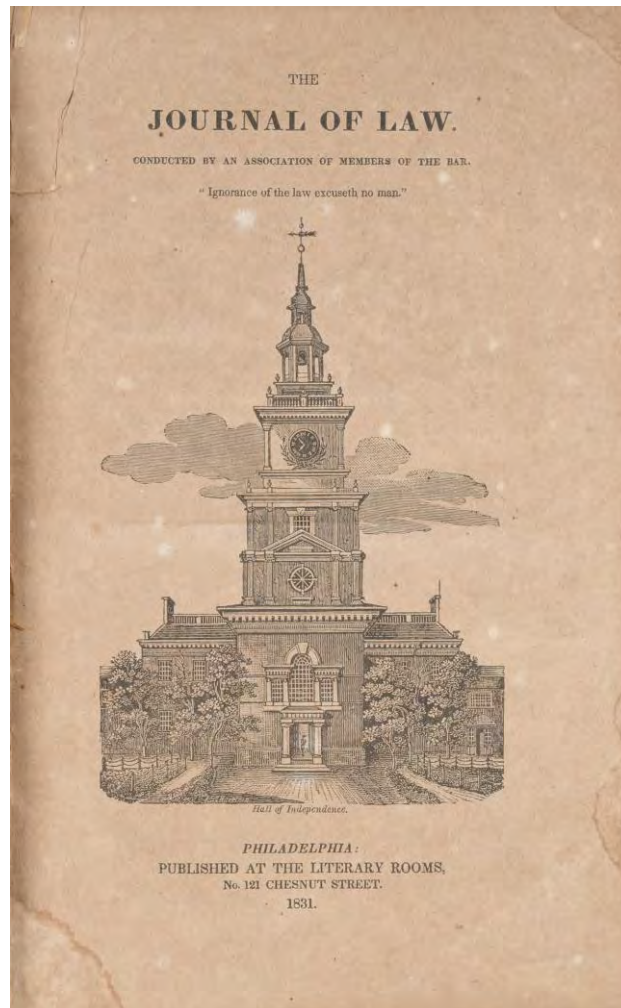
**10. Holmes, Oliver Wendell, Jr. [1841-1935].**

*Speeches*. Boston: Little, Brown, and Company, 1900. [vi], 86 pp. Octavo (8-1/2" x 5-1/2").

Original printed paper-covered boards, deckle edges. Moderate rubbing with some wear to joints, spine ends and corners, which are bumped, tiny stain to front board, rear free endpaper lacking. Moderate toning to interior, presentation inscription from Holmes to front free endpaper. \$1,500.

\* Fourth edition. The inscription reads: "Mrs Fairfax Harrison/ from her friend & servant/ O W Holmes/ February 28. 1905." Mrs. Harrison was born Hetty Cary. Her husband, from a distinguished Virginia family, was a lawyer, businessman and author of books on thoroughbred horses, agriculture and Virginia history. He was an executive with the Southern Railway Company and its president from 1913 to 1937. [Order this Item](#)

Tel: (800) 422-6686 or (732) 382-1800 | Fax: (732) 382-1887 | [law@lawbookexchange.com](mailto:law@lawbookexchange.com) | [www.lawbookexchange.com](http://www.lawbookexchange.com)



**The Complete Run of All Published  
Issues of a Very Early American Legal Journal**

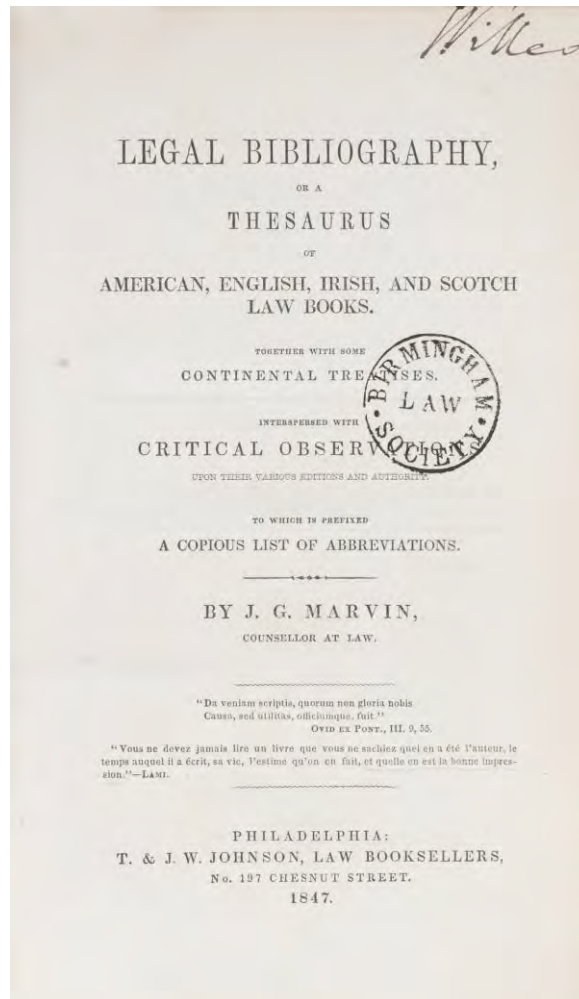
**11. [Legal Periodical].  
[United States].**

*The Journal of Law: Conducted by an Association of Members of the Bar.* Philadelphia: Published at the Literary Rooms, 1831. [ii], 384 pp. A complete run of all issues published with a title page and an index. Octavo (8-1/2" x 5").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Moderate rubbing and scuffing, wear to spine ends and corners, boards partially separated but secure, front free endpaper detached and edgeworn. Light browning, somewhat heavier in places, light foxing, faint dampstaining in a few places. \$850.

\* First edition as a book. Intended for laymen and practitioners, this journal offers an excellent panoramic view of the American bar in the early 1830s. Along with lengthy articles on topics like arbitration, insurance, debt, patents and medical jurisprudence the journal has reviews of recent publications, discussion of court cases and notes about law schools. There are also anecdotes and other examples of legal humor. *The Journal of Law* was originally published biweekly (with continuous pagination) from July 7, 1830 to June 22, 1831. (Its final number was Volume I, No. 24). The 1831 book was reissued in 1833. Both are rare, no copies listed on OCLC. We located a copy of the 1833 reissue at Georgetown Law School. Marvin, *Legal Bibliography* 430. [Order this Item](#)





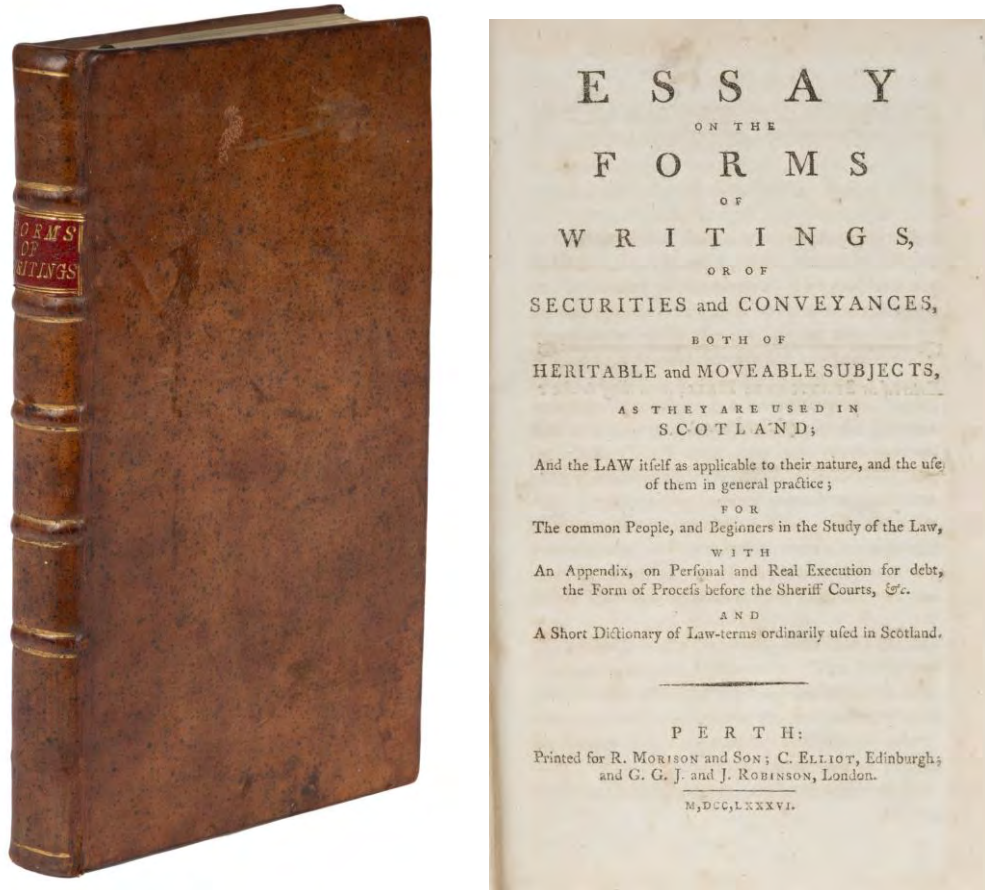
### The First American Legal Bibliography

#### 12. Marvin, J[ohn] G[age] [d. 1855].

*Legal Bibliography, Or a Thesaurus of American English, Irish & Scotch Law Books. Together with Some Continental Treatises. Interspersed with Critical Observations Upon Their Various Editions and Authority. To Which is Prefixed a Copious List of Abbreviations.* Philadelphia: J.W. Johnson, 1847. vii, [i], 800 pp. Octavo (9" x 5-1/2").

Contemporary calf, blind rules to boards, raised bands and lettering piece to spine, gilt-stamped library name to front board and foot of spine, gilt library insignia to rear board. A few minor nicks, scuffs and scratches to boards, some nicks and scuffs to spine, moderate rubbing to extremities with some to spine ends and corners, which are bumped and moderately worn, joints partially cracked, tiny library label to front pastedown. Light toning to interior, light foxing in a few places, small library stamp and (illegible) early owner signature to title page, another stamp to head of following leaf. \$450.

\* Only edition. Marvin was Harvard Law School's librarian when he was a student there. His experiences as a student and librarian led him to produce his bibliography, the first of its kind in America. Arranged alphabetically, it has around 5,000 entries. Since most of them have his comments and those of contemporary reviewers, it is a valuable guide to critical opinion in mid-nineteenth century America, as well as a good measure of titles that were available in America in the 1840s. Cohen, *Bibliography of Early American Law* 1794. [Order this Item](#)



**A Rare Scottish Guide with a Dictionary for Students and Laymen**

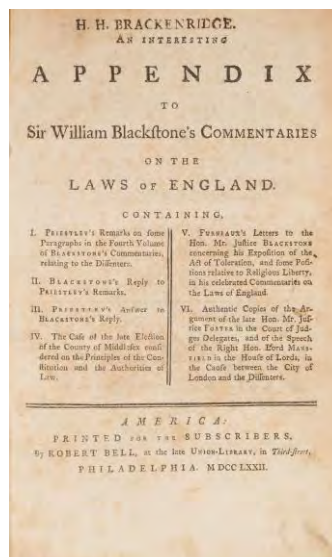
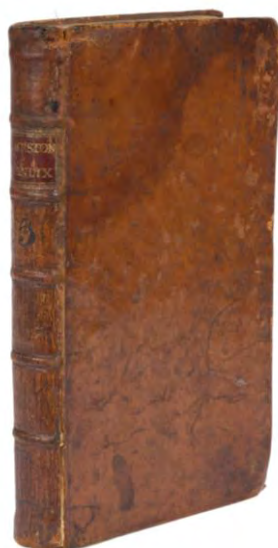
**13. [Mitchell, I.].**

*Essay on the Forms of Writings, Or of Securities and Conveyances, Both of Heritable and Moveable Subjects, As They are Used in Scotland; And the Law Itself as Applicable to Their Nature, And the Use of Them in General Practice; For the Common People, And Beginners in the Study of the Law, With an Appendix; On Personal and Real Execution for Debt, The Form of Process Before the Sheriff Courts, &c. And a Short Dictionary of Law-Terms Ordinarily Used in Scotland.* Perth: Printed for R. Morison and Son; C. Elliot, Edinburgh; and G.G.J. and J. Robinson, London, 1786. xv, [1], ix, 2-225, [1], lvi pp. Pagination irregular, text complete. Final 56 pp. is a law dictionary in parallel columns. Octavo (7-3/4" x 4-3/4").

Contemporary speckled calf, lettering piece and gilt-edged raised bands to spine, ribbon marker. A few nicks and shallow scuffs to boards, light rubbing to extremities, corners bumped, tiny hole to foot of rear joint. Moderate toning, faint dampstaining to margins of a few leaves, small faint dampspot to title page. A handsome copy of a rare title. \$1,250.

\* Only edition. "The professed design of the following Essay is, to be an introduction of the common people, and beginners in the study of the Law, into the knowledge of writings, or of securities and conveyances, used in the practice of the Law of Scotland, with the Law itself relative thereto. (...) Those who have bred regularly to the knowledge of the Law, and are in the daily practice of it, cannot expect to find anything extraordinary in the Essay; but the time was with each of them, when such a book might have been of use to them; and they will not forget the steps by which they ascended to the top" (Preface). The *English Short-Title Catalogue* locates 2 copies (National Library of Scotland, UCLA Law School). OCLC adds 3 other copies (Georgetown University Law School, Mount St. Vincent University, University of Aberdeen). *English Short-Title Catalogue* T181838. [Order this Item](#)





### First Edition of the Appendix Volume to Bell's American Blackstone With an Interesting Association

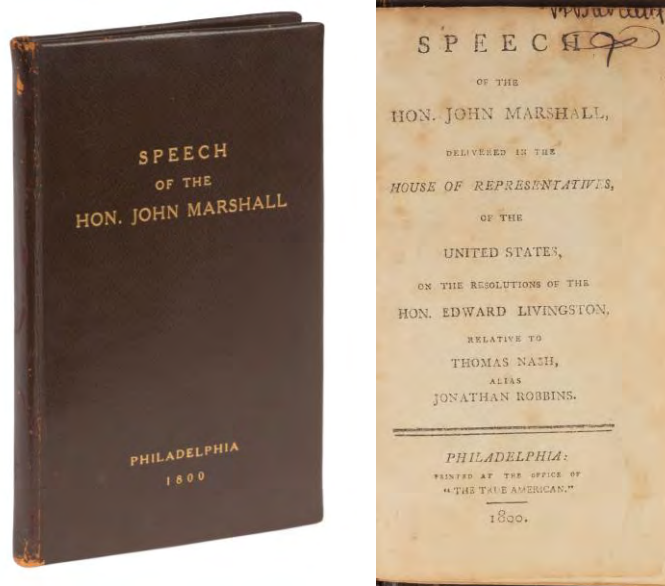
14. Priestley, Joseph [1733-1804]. Blackstone, Sir William [1723-1780].

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, At the late Union-Library, In Third-Street, Philadelphia, 1772. [iv], iv, [5]-119, [1], xii, 155, [1] pp. Includes one-page publisher advertisement for Bell's printing of Fergusons's *Essay on the History of Civil Society* and a subscription for a second American edition of Blackstone's *Commentaries*. Each section preceded by divisional title page, first section also preceded by general title page. Octavo (9" x 5-1/2").

Contemporary calf, raised bands, lettering piece and "5" to spine. Moderate rubbing to boards and extremities, minor scuffs and faint staining to boards, front joint partially cracked, corners bumped, rear joint and hinges starting. Moderate toning and light foxing, faint dampstaining in places, owner stamp of Hugh Henry Brackenridge to head of main title page. \$3,500.

\* First edition. Issued as a fifth volume to Bell's edition of Blackstone's *Commentaries* (1771-1772), 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," in which Blackstone classified religious non-conformity as a crime. There are at least five different issues of the first edition of this book, some with portions printed in 1773. In our issue, the title page of Furneaux's *Letters* is dated 1773 and the publisher advertisement states "fall of this present year 1773." This book was later reprinted with a 1773 date on the main and divisional title pages, then re-issued that year under the title *The Palladium of Conscience*. Brackenridge [1748-1816] was a lawyer, author, editor and civic leader who founded the first newspaper in western Pennsylvania, *The Pittsburgh Gazette*, now the *Pittsburgh Post-Gazette*, and the Pittsburgh Academy, now the University of Pittsburgh. He was a justice of the Pennsylvania Supreme Court from 1800 to 1816. His satirical novel *Modern Chivalry* (1792) is considered to be the first important fictional work about the American frontier. Eller, *The William Blackstone Collection in the Yale Law Library* 255. Laeuchli, *A Bibliographical Catalog of William Blackstone* 615. [Order this Item](#)



**"The Highest of Marshall's Efforts as a Public Speaker"**

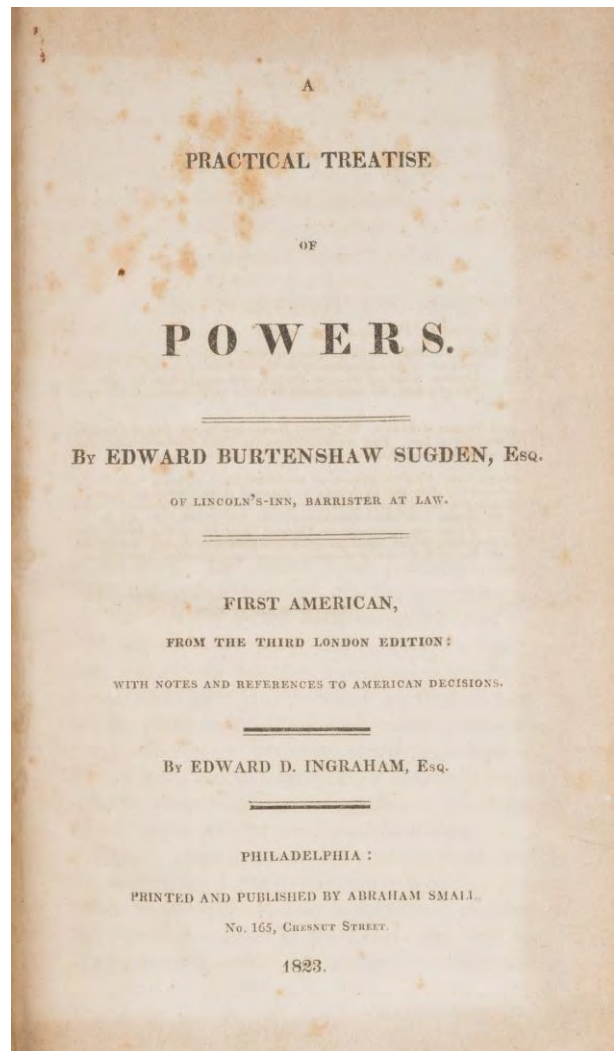
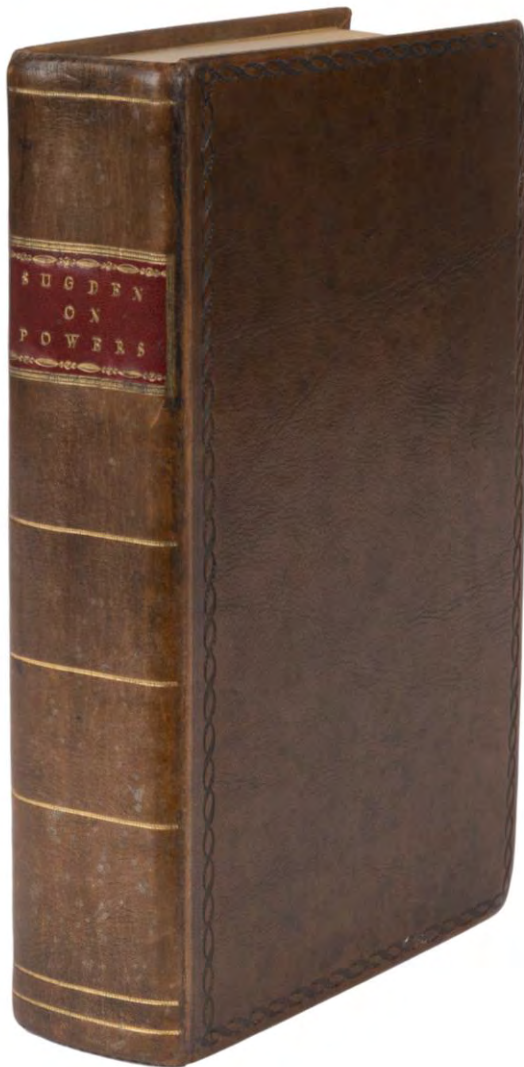
**15. Marshall, John [1755-1835].**

*Speech of the Hon. John Marshall, Delivered in the House of Representatives, Of the United States, On the Resolutions of the Hon. Edward Livingston, Relative to Thomas Nash, Alias Jonathan Robbins.* Philadelphia: Printed [by Samuel F. Bradford] at the Office of "The True American," 1800. 45, [1] pp. Lacking final leaf, a blank. 12mo. (6-1/4" x 3-1/2").

Stab-stitched pamphlet bound into later calf, gilt title to front board. A few minor nicks and scratches to rear board, light rubbing to extremities with some wear to spine ends and corners. Light browning to interior, light foxing to a few leaves, chips and clean tears to foot of pp. 45, [1], mostly below text but affecting "Finis," crude cello tape repairs to tears, cello tape reinforcement along gutter between pp. 44 and 45, early owner signature to head of title page, partially removed by trimming. \$4,500.

\* First edition. One of the great American speeches the 1800s, it was a landmark in the development of presidential supremacy in the execution of treaties. Nash, alias Robbins, was wanted for murder, piracy and mutiny while aboard the British frigate *Hermione*. Jailed in South Carolina and claiming American citizenship, he urged President Adams to deny Great Britain's request for extradition. Livingston argued that only the U.S. courts were empowered to decide whether the crimes had occurred within the jurisdiction of Great Britain. It was not a matter for the executive branch to decide. Marshall, then secretary of state, argued that the United States's recent treaty with Great Britain, known as the Jay Treaty, required the president to extradite Nash. What's more, Livingston's bill would violate international law; Congress cannot overrule a treaty obligation. "The President is the sole organ of the nation in its external relations, and its sole representative with foreign nations. He possesses the whole executive power. He holds and directs the force of the nation. He is charged to execute the laws. A treaty is declared to be a law. He must then execute a treaty, where he and he alone possesses the means of executing it."

This speech continued to be studied after the end of the *Hermione* affair. As noted by Beveridge: "It is the highest of Marshall's efforts as a public speaker. For many decades it continued to be published in books containing the masterpieces of American oratory as one of the best examples of the art. It is a landmark in Marshall's career and a monument in the development of the law of the land. They go far who assert that Marshall's address is a greater performance than any of the speeches of Webster, Clay, Sumner, or other American orators of the first class; and yet so perfect is this speech that the commendation is not extreme." Beveridge, *The Life of John Marshall* II:465. Not in Cohen, Eberstadt, Larned or Swem. Evans, *American Bibliography* 37887. Sabin, *A Dictionary of Books Relating to America* 44796n. [Order this Item](#)



**"It is Held in the Highest Estimation"**

**16. Sugden, Edward Burtenshaw [1781-1875].**

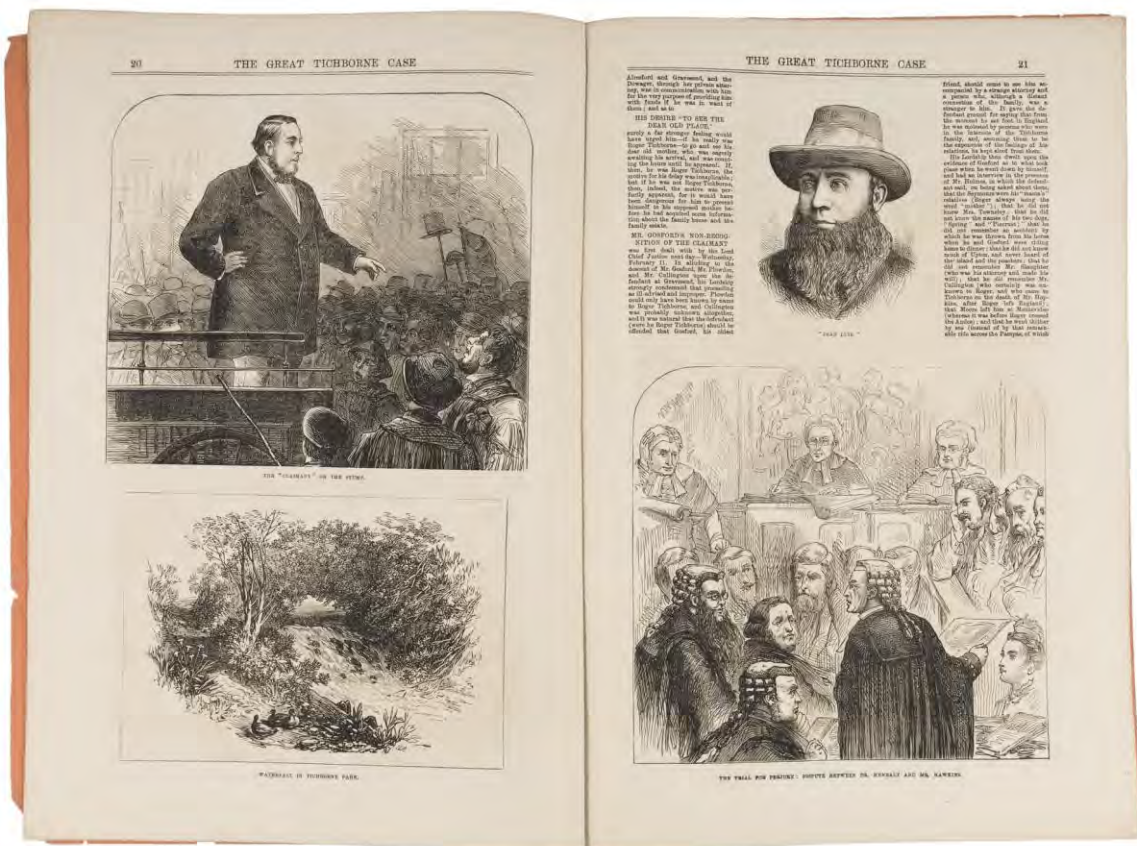
**Ingraham, Edward D. [1793-1854], Editor.**

*A Practical Treatise on Powers. With Notes and References to American Decisions.* Philadelphia: Printed and Published by Abraham Small, 1823. xxxii, 703 pp. Octavo (8-1/2" x 5-1/4").

Recent period-style calf, blind fillets to boards, lettering piece and gilt fillets to spine, blind tooling to board edges. Moderate toning and occasional light foxing to interior, some offsetting to margins of title page. \$650.

\* First American edition, from the third London edition. This notable English treatise on powers in the law of decedents' estates was well received in America. Later editions were published in 1837, 1847 and 1856. As noted by a contemporary critic: "The authority of this work is second to no modern elementary book.... The defects of the treatise are said to be an insufficient development of the principles involved in the several doctrines discussed, and an occasional wandering into unnecessary detail, but with all, it is a masterly elucidation of the subtle doctrine of powers, and is held in the highest estimation.": Marvin, *Legal Bibliography* 677. Cohen, *Bibliography of Early American Law* 4627. [Order this Item](#)





Lavishly Illustrated Contemporary Account of a Case that Captivated Victorian England

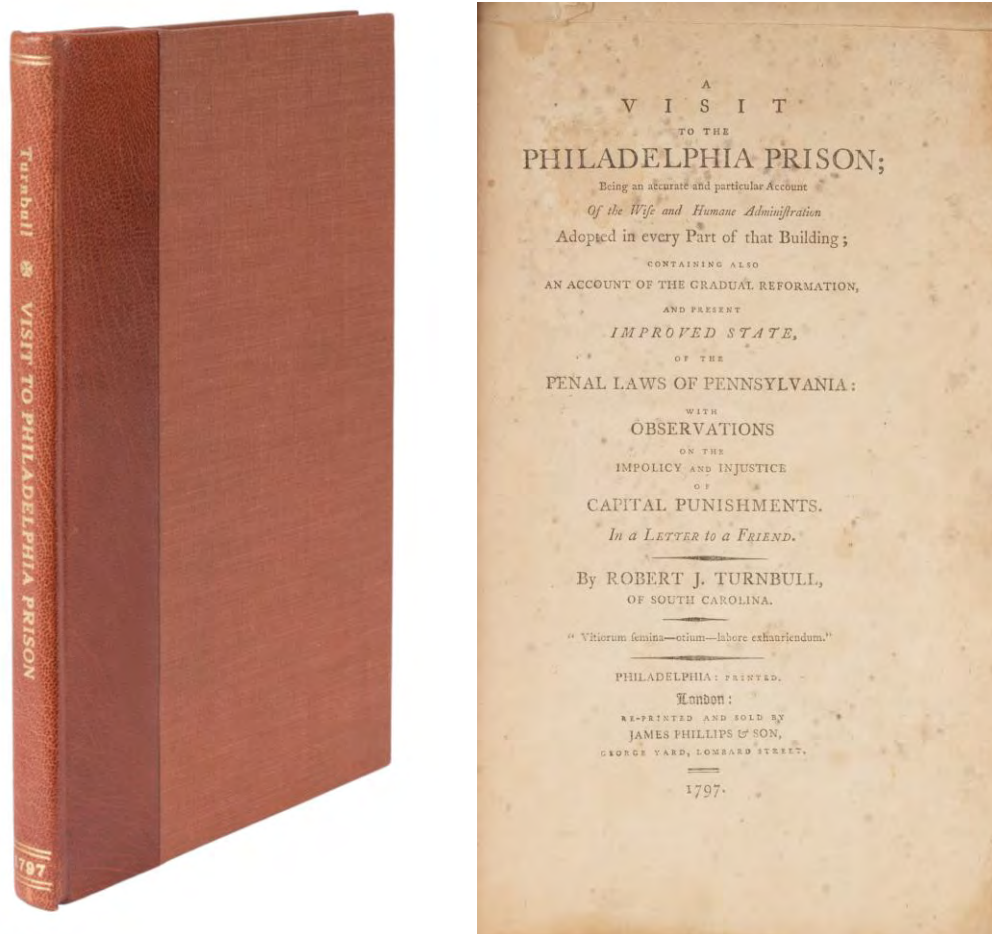
17. [Tichborne Case].

Orton, Arthur [1834-1898], Defendant.

*Pictorial Souvenir of the Great Tichborne Case, Being a Readable Narrative of the Remarkable Lives of Roger Tichborne & The Claimant, with a Clear and Succinct Account of the Two Great Trials from First to Last.* London: Published at the Office of the Penny Illustrated Paper, [February 28, 1874]. 32 pp. Includes 2 pp. of advertisements. 19 woodcut illustrations: 6 full-page, 1 double-page. Text in three columns. Lithograph pictorial sheet-music cover from "The Tichborne Galop," by M.C. Barter, laid in. Folio (14-1/2" x 10").

Softbound, pictorial wrappers, which are detached, lightly soiled and moderately edgeworn, "Tichborne" in faint pencil to head of front wrapper, moderate toning to interior. \$950.

\* Only edition located. One of the most famous examples of identity theft, the Tichborne case captivated Victorian England in the 1860s and 1870s. In 1854, Roger Tichborne, the 25 year-old heir to the Tichborne Baronetcy, disappeared while traveling in South America. He was presumed to have died in a shipwreck. His mother refused to abandon hope. When she heard rumors that he was in Australia, she placed several advertisements concerning his whereabouts in Australian newspapers. In 1865, an Australian butcher named Thomas Castro, sometimes referred to as Thomas Orton claimed to be the missing heir. He failed to convince the courts, was convicted of perjury and served a long prison sentence. The dispute over his identity continued until his death in 1898. Our lavishly illustrated account, a fine example of nineteenth-century English penny press journalism, is rare. OCLC Locates 6 copies, 2 in North America (Harvard, University of Cincinnati Law School). Library Hub adds another copy (University of Southampton). [Order this Item](#)



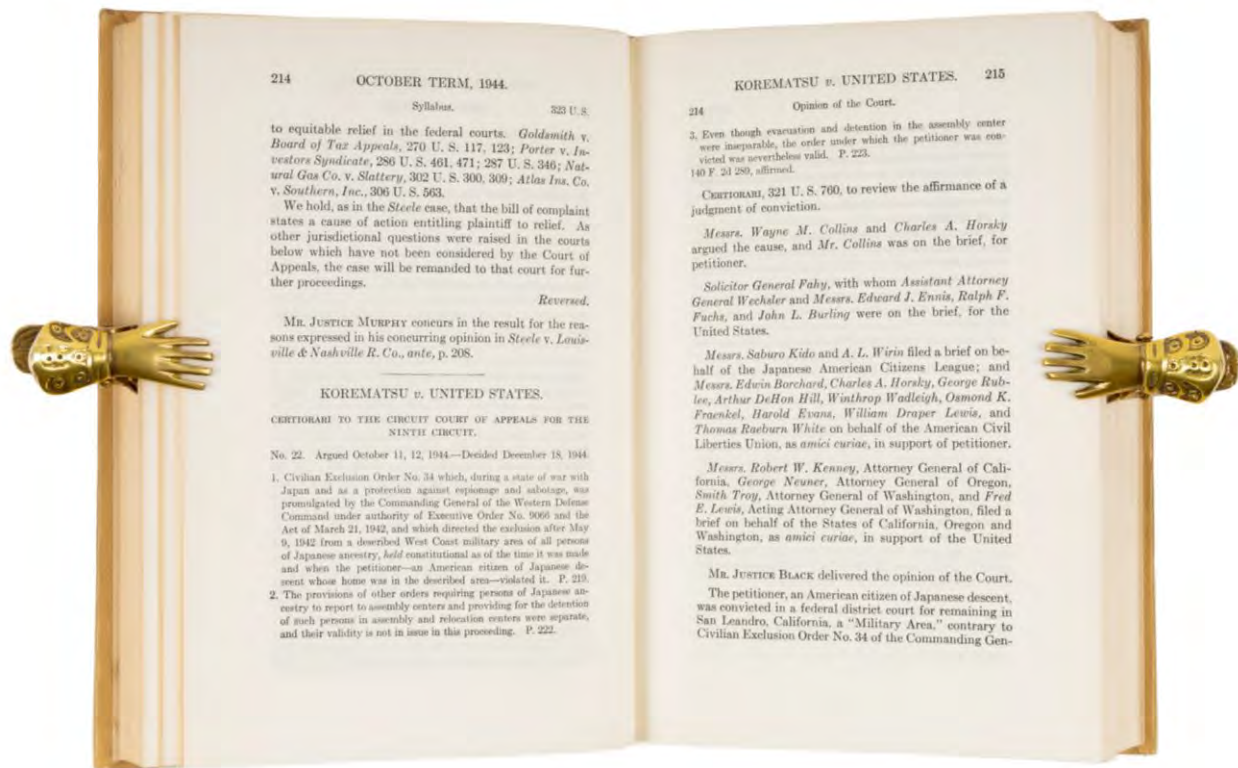
**The "Wise and Humane Administration" of Philadelphia's Walnut Street Prison**

**18. Turnbull, Robert J. [1775-1833].**

*A Visit to the Philadelphia Prison; Being an Accurate and Particular Account of the Wise and Humane Administration Adopted in Every Part of That Building; Containing Also an Account of the Gradual Reformation and Present Improved State, of the Penal Laws of Pennsylvania: With Observations on the Impolicy and Injustice of Capital Punishments. In a Letter to a Friend.* Philadelphia: Printed: London: Re-Printed and Sold by James Phillips & Son, 1797. [iii], ii, 93, [3] pp. Folding table. Final leaf is a publisher advertisement. Octavo (9" x 5-3/4").

Stab-stitched pamphlet bound into recent quarter morocco over cloth, gilt title to spine, untrimmed edges. Moderate toning, occasional faint dampspotting to margins, neat underlining (of names) in a few places. \$450.

\* First London edition, a reissue of the first edition, Philadelphia, 1796. This notable title in the early 19th-century literature of prison reform praises Philadelphia's Walnut Street Prison and its enlightened approach to penology, which included the grouping of prisoners according to the severity of their crimes, vocational training and strict rules regarding sanitation and cleanliness. The latter part of Turnbull's report is a condemnation of capital punishment. A sophisticated critique, it calls for the elimination of the death penalty for all crimes except pre-meditated murder. Our copy includes the table that was included in one of the two issues of the first American edition. It is overlooked in the *ESTC* record. OCLC locates copies identical to ours, which indicates that some, like their American counterparts, were issued with a table. Not in Eberstadt. *English Short-Title Catalogue* W29677. Sabin, *A Dictionary of Books Relating to America* 97470. [Order this Item](#)



## The Internment of Japanese-Americans

### 19. [United States Supreme Court].

#### [Korematsu v. United States].

#### [Ex Parte (Mitsuye) Endo].

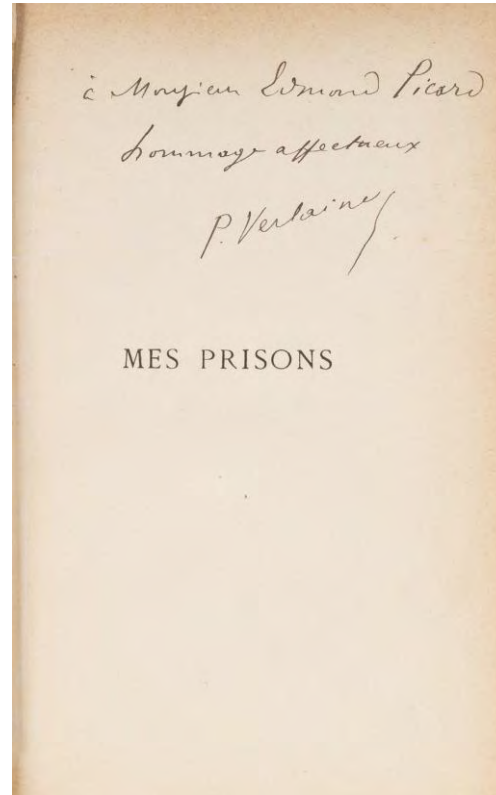
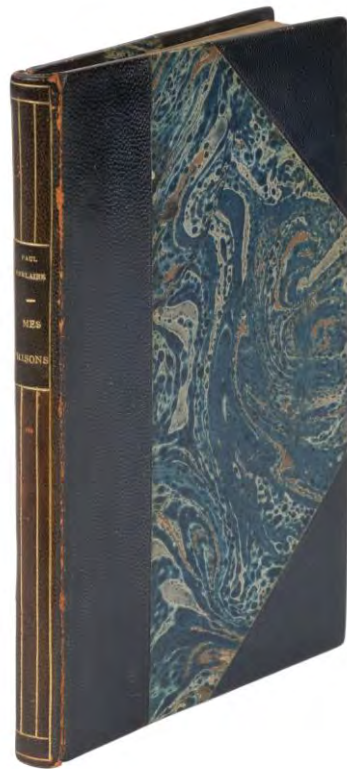
*United States Reports, Volume 323: Cases Adjudged in the Supreme Court at October Term, 1944, From October 2, 1944, To and Including (In Part) January 29, 1945.* Washington: United States Government Printing Office, 1945.

Original buckram, red and black lettering pieces. Light soiling and shelfwear, card pocket and law-library stamp to front pastedown, internally clean. \$150.

\* First printing. This volume contains the landmark decision *Korematsu v. United States* (323 U.S. 214), which upheld the exclusion order that led to the internment of Japanese-American citizens on the West Coast during World War II as threats to national security. Decided on the same day as the *Korematsu* case, but opposed to it in most respects, *Ex Parte Endo*, or *Ex Parte Mitsuye Endo*, (323 U.S. 283) held that the U.S. Government could not detain a citizen who was "concededly loyal" to the United States. The *Endo* decision effectively voided *Korematsu*. In response to both decisions, the Roosevelt administration rescinded its exclusion orders and allowed internees to return to the West Coast.

[Order this Item](#)





Inscribed by Verlaine

**20. Verlaine, Paul [1844-1896].**

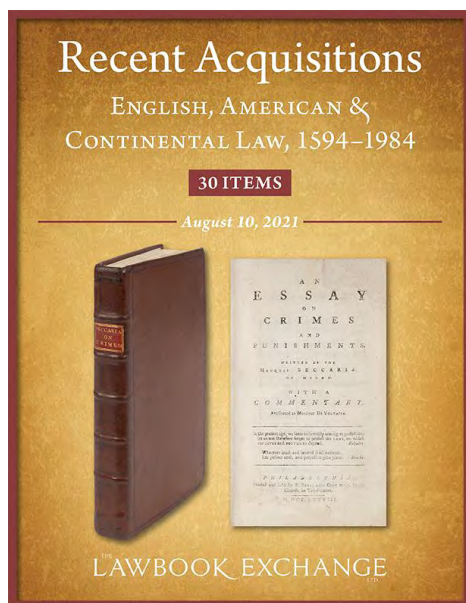
*Mes Prisons*. Paris: Léon Vanier, 1893. [iv], 81, [1] pp. Octavo (7" x 4-1/2").

Sewn pamphlet in printed wrappers bound into contemporary (or near-contemporary) three quarter morocco over marbled boards by (P. Hauttecoeur), gilt rules and title to spine, marbled endpapers, ribbon marker. Light wear to spine ends and corners, moderate rubbing along joints. Moderate toning to interior, slightly heavier near edges of margins, tiny binders ticket to head of front wrapper, later exhibition or auction slip (of Galerie Georges Giroux) tipped-in to front endleaf, presentation inscription to Edmond Picard from Verlaine to front free endpaper. \$3,500.

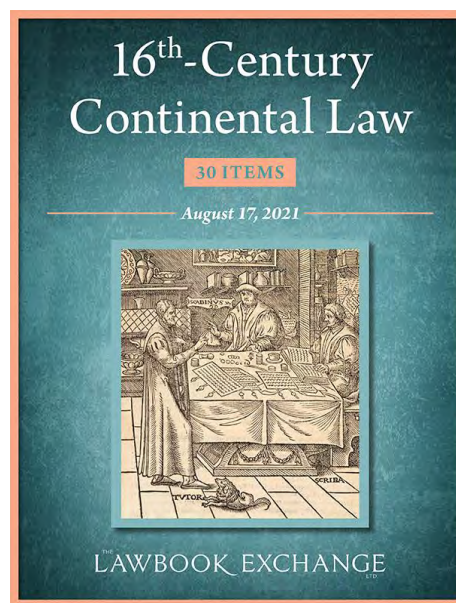
\* First edition. The inscription reads: "à Monsieur Edmond Picard/ hommage affectueux/ P. Verlaine." *Mes Prisons* is an account of the various prisons endured by the great poet, beginning with the school "dungeon" where he was sent as a child for an incorrect Latin conjugation through several incarcerations for disturbing the peace as an adult. Most of this book is concerned with his two-year sentence to Mons prison (of which he served 18 months) for the murder of Arthur Rimbaud, his lover, in Brussels, on July 12, 1873. Verlaine discusses the shooting and the trial, his life in prison afterwards and the various psychic prisons he has since occupied.

Picard [1836-1924] was Verlaine's lawyer in the Rimbaud affair and one of the poet's closest friends. Also a distinguished journalist, playwright and patron of the arts, he was nominated for the Nobel Prize in literature five times. A lecture Verlaine delivered on his prison experiences in Picard's home was the basis of *Mes Prisons*. This lecture was arranged by Octave Maus [1856-1919], a Belgian art critic, writer and lawyer. His invitation to Verlaine asked for a presentation that would "have a little bearing on the law.... [I]t might be interesting to hear your account of your judicial dealings in Belgium.... My Prisons by Paul Verlaine-what an alluring title for a lecture" (cited in Richardson). This presentation was a notable event. According to Petitfils, it was attended by all of Belgium's most important writers. Richardson, *Verlaine* 303. Petitfils, *Verlaine* 398-403. [Order this Item](#)

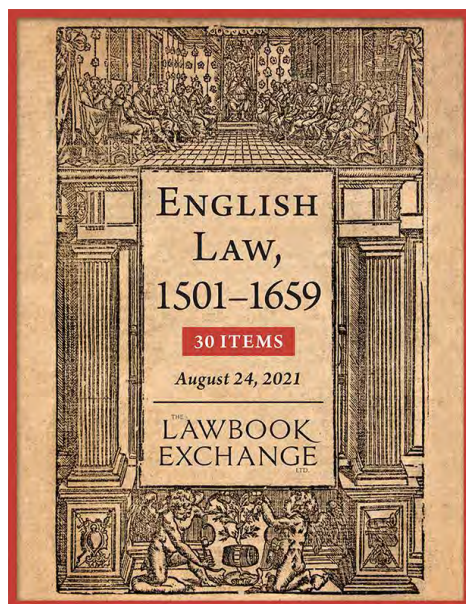
## Recent Weekly E-Lists



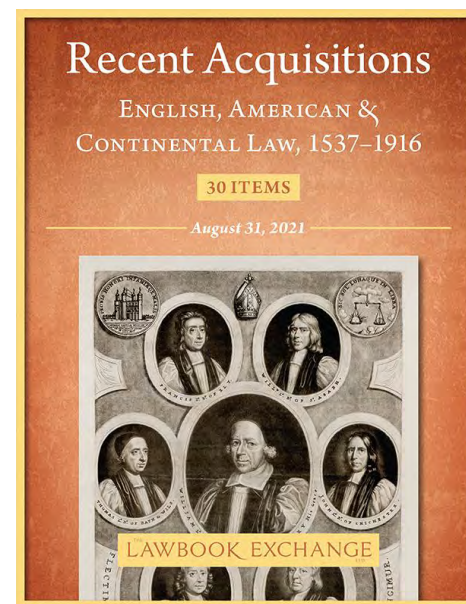
[August 10, 2021](#)



[August 17, 2021](#)



[August 24, 2021](#)



[August 31, 2021](#)

We are happy to hold items for institutional customers who wish to reserve items today and have them invoiced or shipped at a later date