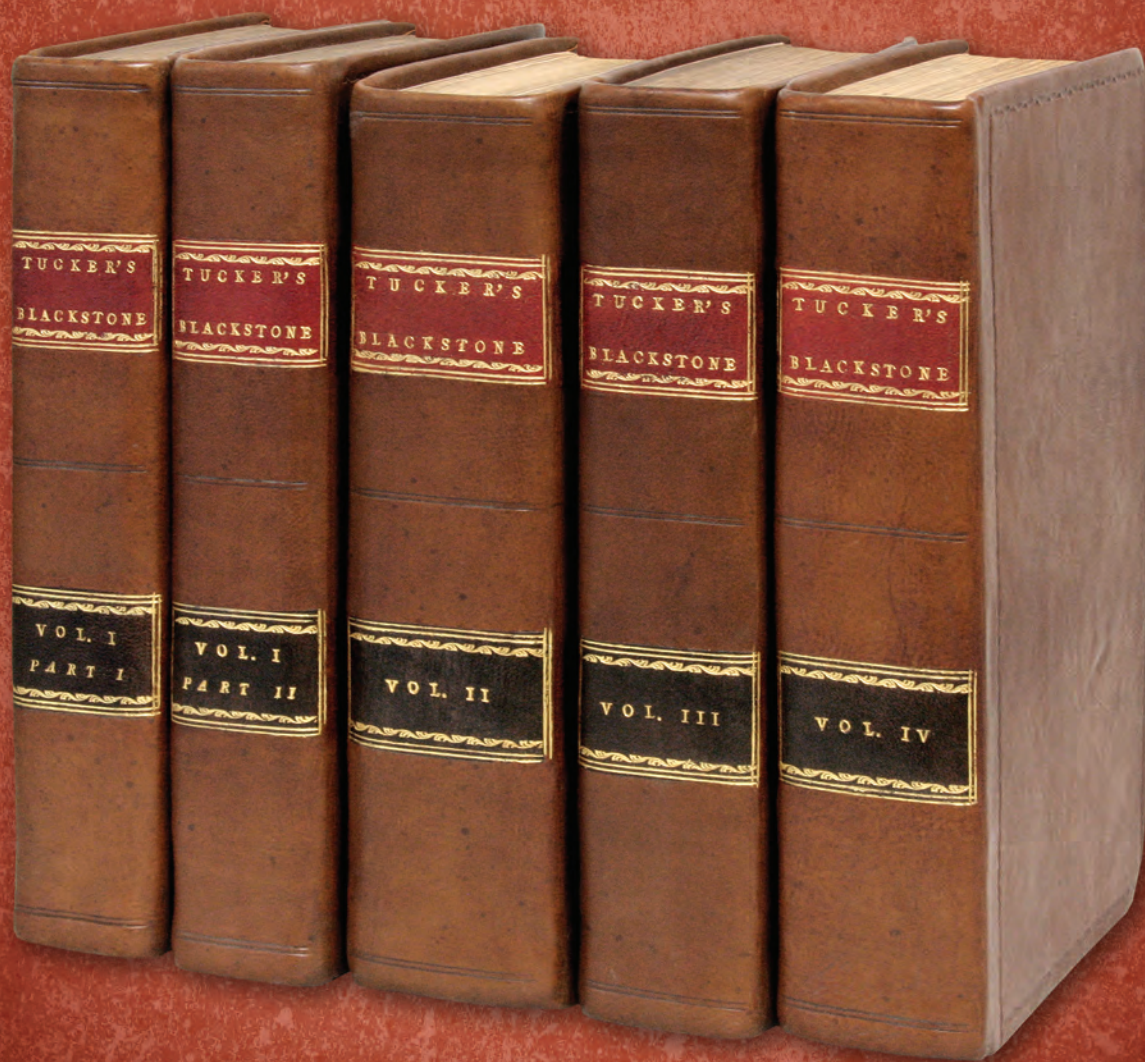


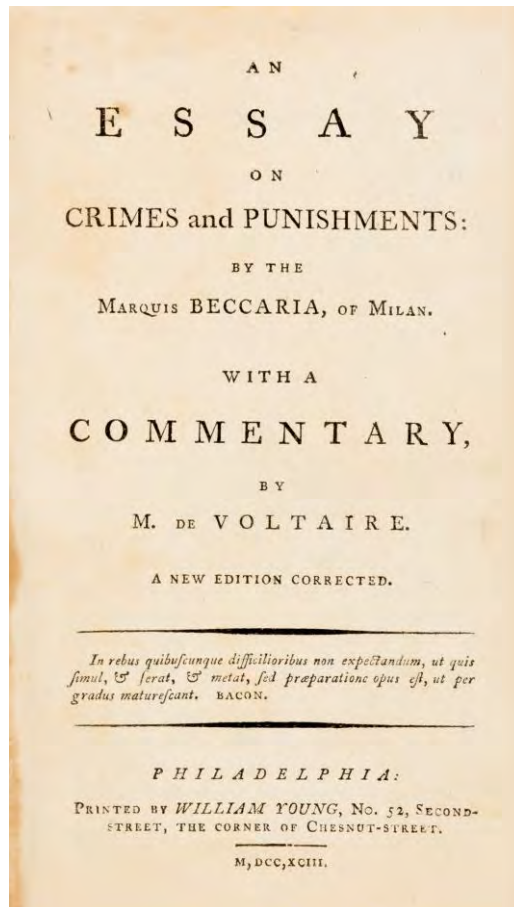
American Law, 1762–1853

30 ITEMS

September 14, 2021



THE
LAWBOOK EXCHANGE
LTD.



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

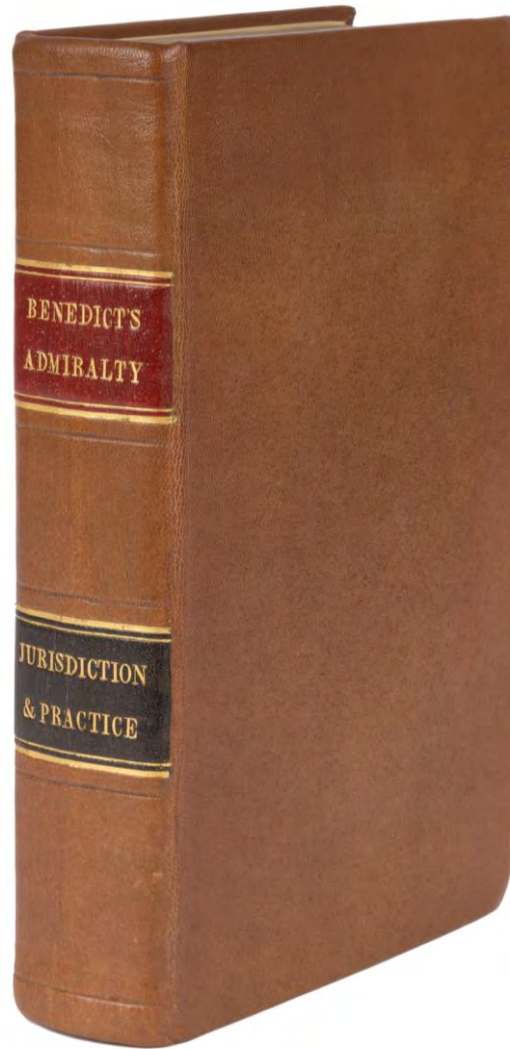
1. Beccaria, [Cesare Bonesana, Marchese de] [1738-1794].

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

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

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

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



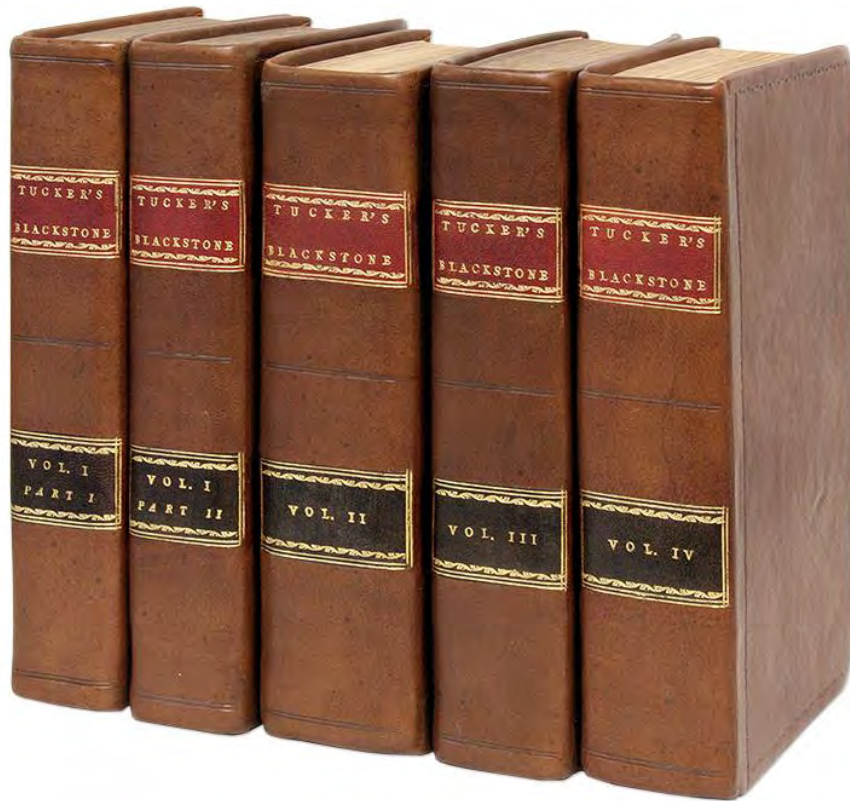
First Edition of a Standard American Treatise on Admiralty Law

2. Benedict, Erastus C. [1800-1880].

The American Admiralty: Its Jurisdiction and Practice with Practical Forms and Directions. New York: Banks, Gould & Co., 1850. xiii, 651 pp. Octavo (9" x 6").

Recent period-style calf (by Phil Dusel), red and black lettering piece and blind fillets to spine, endpapers renewed, faint early hand-lettered owner name (Haskell) to fore-edge of text block. Moderate toning and occasional light foxing, faint dampstaining to lower half of text block, mostly along inner margins. Early owner stamp (Burnett G. Haskell) to head of p.1, brief early annotations, underlining and marks in a few places, early manuscript copy of a Supreme Court rule issued in 1854 tipped-in at rear of text. \$1,500.

* First edition. With an appendix containing admiralty rules, rules of the United States Supreme and other U.S. Courts, fee schedules, statutes and forms. At the time of its publication there were other popular treatises on admiralty law, but the particular American viewpoint of this work, and its practicality, enabled it to surpass its peers in the United States. Published today as *Benedict on Admiralty*, it remains a standard work on the subject. Cohen, *Bibliography of Early American Law* 1568. [Order this Item](#)



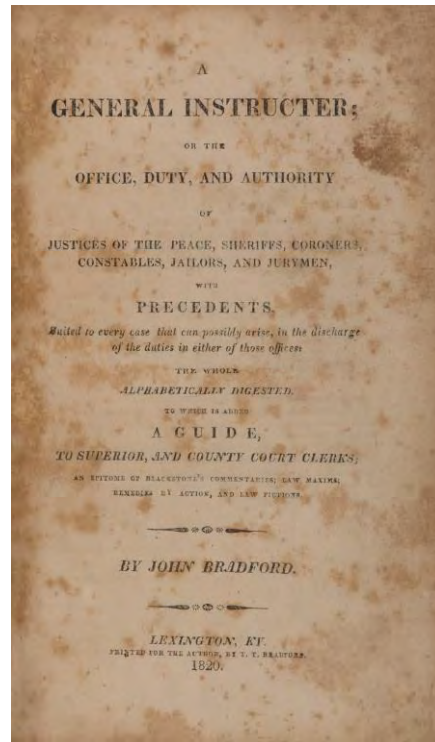
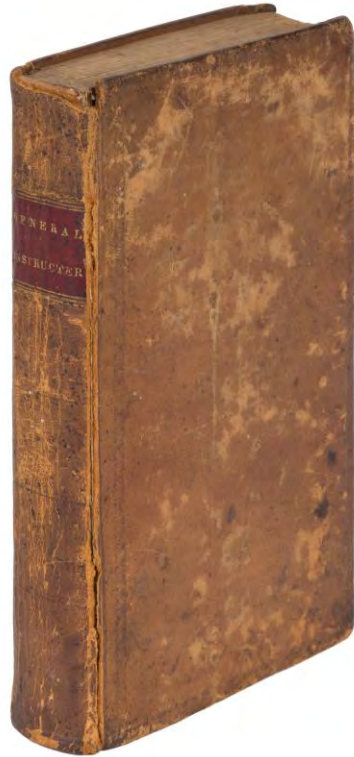
Handsome Copy of an Important (And Very Rare) American Edition of Blackstone

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

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

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

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



An Interesting Blackstone-Related Title, The Unrecorded Ohio Version

4. Bradford, John [1747-1830].

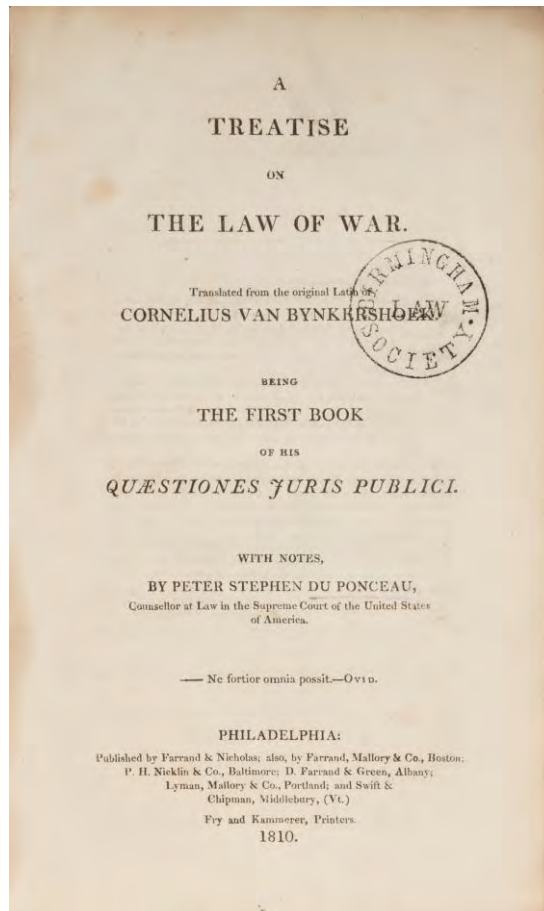
[Blackstone, Sir William (1723-1780)].

A General Instructor [sic]; Or the Office, Duty and Authority of Justices of the Peace, Sheriffs, Coroners, Constables, Jailors, And Jurymen, With Precedents, Suited to Every Case that Can Possibly Arise, in the Discharge of the Duties in Either of Those Offices. The Whole Alphabetically Digested. To Which is Added a Guide, to Superior, And County Court Clerks; An Epitome of Blackstone's Commentaries; Law Maxims; Remedies by Action, And Law Fictions. Lexington, KY: Printed for the Author, By T.T. Bradford, 1820. viii, 450 pp. Octavo (8" x 5").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Moderate rubbing to boards and extremities, corners bumped, chip to head of spine, front joint just starting at foot, front hinge cracked, front free endpaper lacking early owner signatures and annotations to pastedowns and rear free endpaper, owner signature of Philip Ardery to front endleaf. Moderate toning and light foxing to text, light browning in places, lower corner lacking from leaf A1 (pp. 1-2) with minor loss to text. \$2,500.

* Second and final edition, the only one with Blackstone content. This manual includes four features that aim to provide a smattering of legal education and erudition, enough at least to impress a frontier judge and jury. There are the lists of legal maxims and legal fictions, examples of remedies and an "Epitome of the Commentaries of Sir William Blackstone, On the Laws of England" (pp. 405-425), which consists of the first sentences from, or summaries of, sections of selected chapters. The first edition of this work, published in 1800, does not have a Blackstone section. When Bradford published the second edition, he also produced versions for Indiana and Ohio. Bradford was an early printer and newspaper publisher in Kentucky. He was also an engineer, surveyor and sheriff. Philip Ardery [1914-2013] was a distinguished bomber pilot during World War II. He was one of the founders of the Kentucky Air National Guard and its first wing commander. The Ohio version appears to be unrecorded. No copies listed on OCLC. Not in Eller, Laeuchli or Cohen.

[Order this Item](#)



Du Ponceau's Translation of *De Rebus Bellicus*

5. Bynkershoek, Cornelius van [1673-1743].

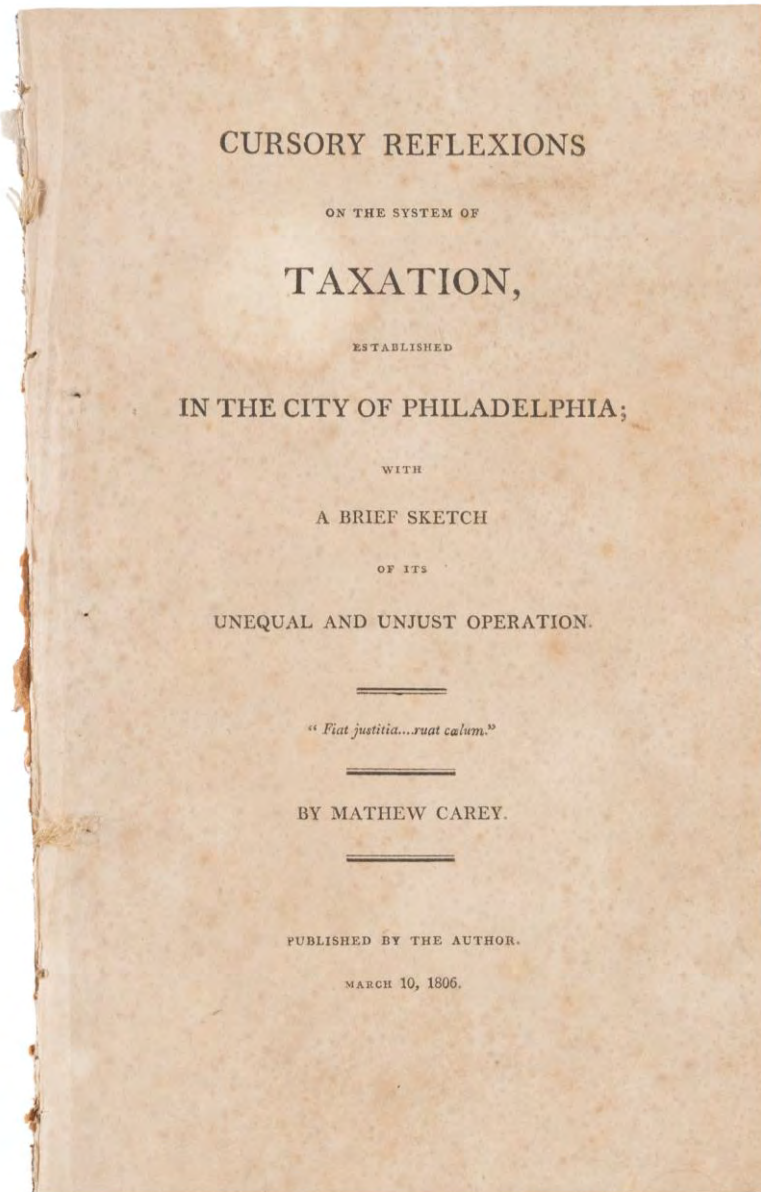
Du Ponceau, Peter Stephen [1760-1844], Editor and Translator.

A Treatise on the Law of War: Being the First Book of His Quaestiones Juris Publici. Translated From the Original Latin with Notes, by Peter Stephen du Ponceau. Philadelphia: Published by Farrand & Nicholas [et al.], 1810. xxxiv, 218 pp. Octavo (8-1/2" x 5-1/2").

Later library cloth, gilt title, date and library name to spine. Negligible light shelfwear, library bookplate and shelf to front pastedown, library stamp to title page and a few other leaves at beginning and end of text. Moderate toning to text, slightly heavier in places, browning and a few minor to upper margins of final ten leaves. \$450.

* Only edition, one of two issues (the other bound into copies of Volume III of the *American Law Journal*). A translation of *De Rebus Bellicus*, part one of Bynkershoek's *Quaestiones Juris Publici* (1737), *A Treatise on the Law of War* addresses the customs of land and sea warfare. A notably humane work, it condemns actions against civilians and advocates the fair treatment of prisoners of war. Du Ponceau's able translation is prefaced by a biography of the author, a table of cases, an index of citations from the *Corpus Juris Civilis* and an annotated bibliography of civil law treatises cited or referred to by the author. This latter item, which lists editions and translations, is interesting for its insights into the American reception of the civil law in the early 1800s. Du Ponceau is an important figure in the early history of American law and letters. He founded the Law Academy of Philadelphia in 1821, was the President of the American Philosophical Society and was a much-consulted expert on international relations and linguistics. Cohen, *Bibliography of Early American Law* 7166.

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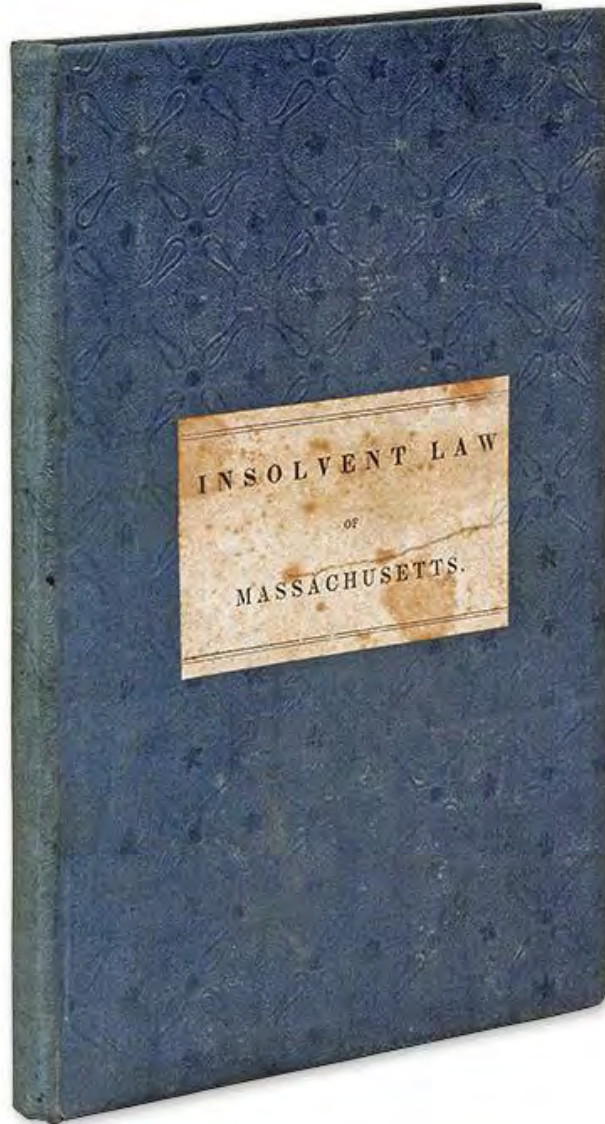
A Notable Critique of Philadelphia Property Taxes

6. Carey, Mathew [1760-1839].

Cursory Reflexions on the System of Taxation, Established in the City of Philadelphia: With a Brief Sketch of Its Unequal and Unjust Operation. [Philadelphia]: Printed for the Author [by Robert Carr], 1806. 47 pp. Octavo (8-1/4" x 5").

Disbound stab-stitched pamphlet. Moderate toning and light foxing, p. 32 has a brief correction in an early hand. \$650.

* Only edition. Carey was an Irish-born American printer and publisher who lived and worked in Philadelphia. An important figure in the early history of American publishing, he also issued several pamphlets on politics and economics. *Cursory Reflexions*, an original contribution to economic thought, discusses Philadelphia's property taxes and concludes they are unjust. OCLC locates 14 copies, 1 in a law library (Georgetown). Sabin, *A Dictionary of Books Relating to America* 10863. Cohen, *Bibliography of Early American Law* 10631. [Order this Item](#)



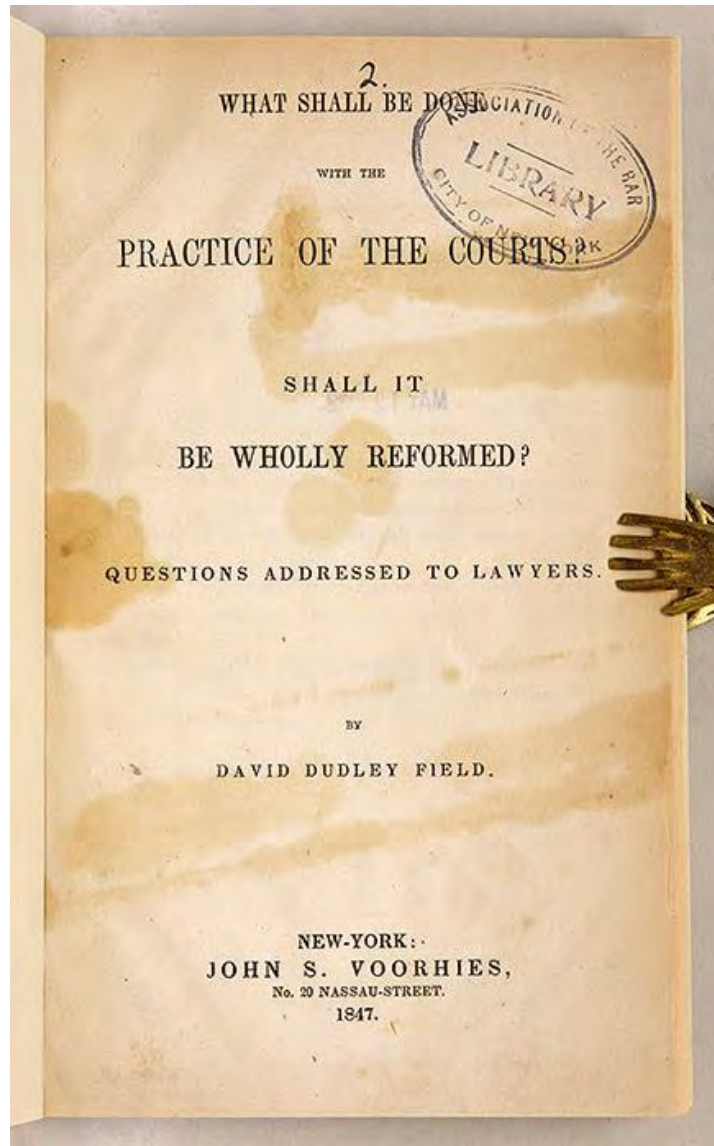
Massachusetts Addresses the Effects of the Panic of 1837

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

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

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

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



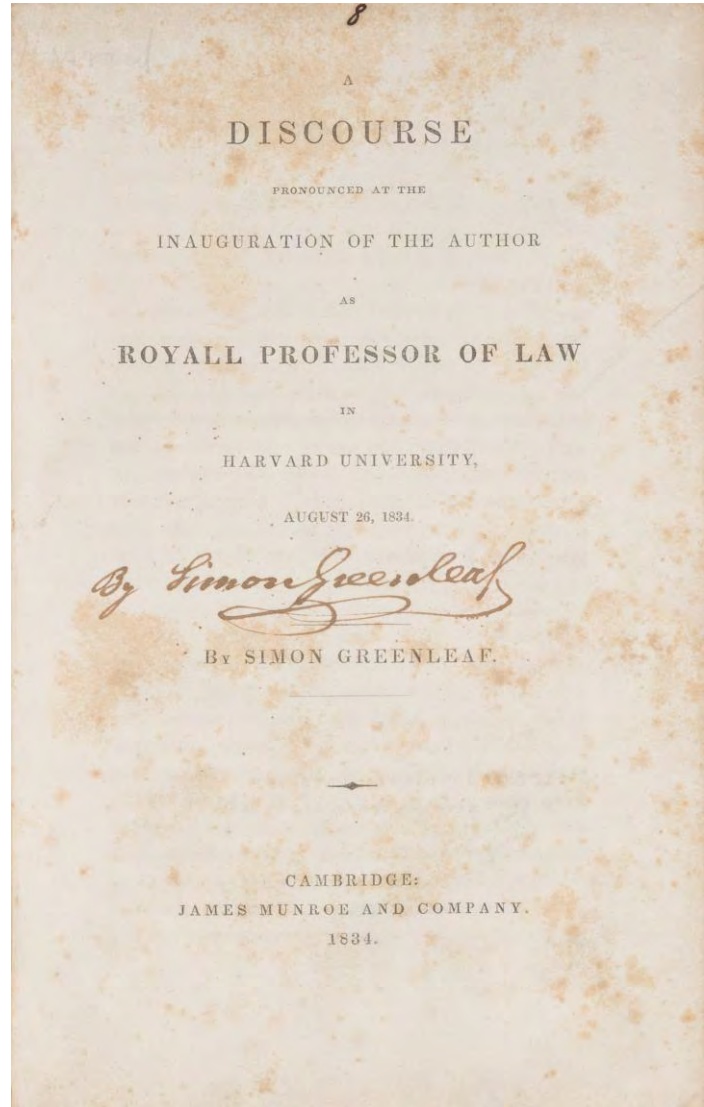
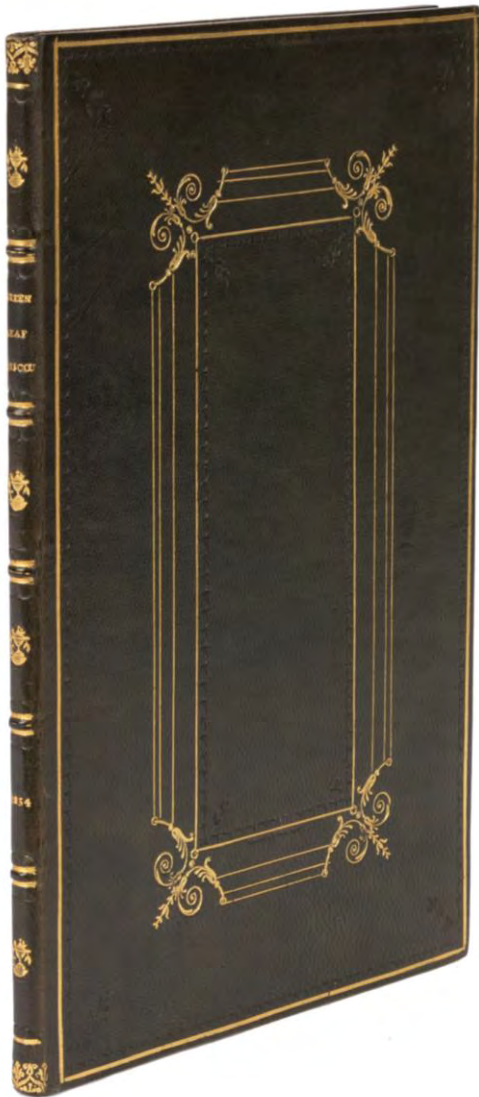
Field Campaigns for Court Reform

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

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

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

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



Signed by Greenleaf

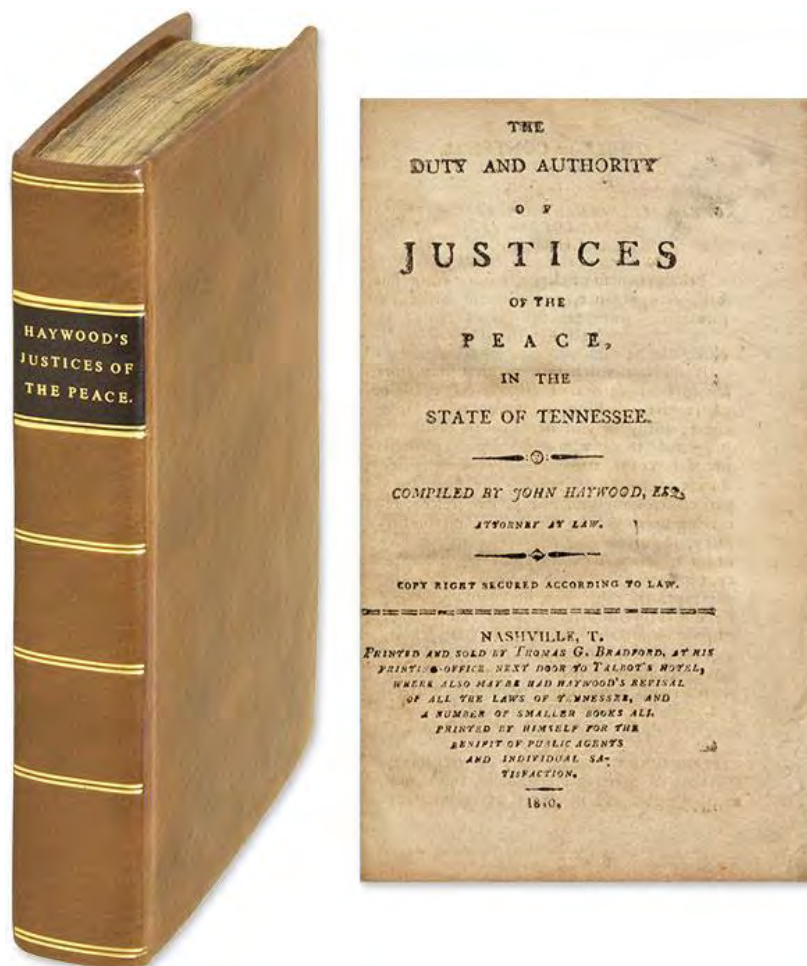
9. Greenleaf, Simon [1783-1853].

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 sumptuously 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.

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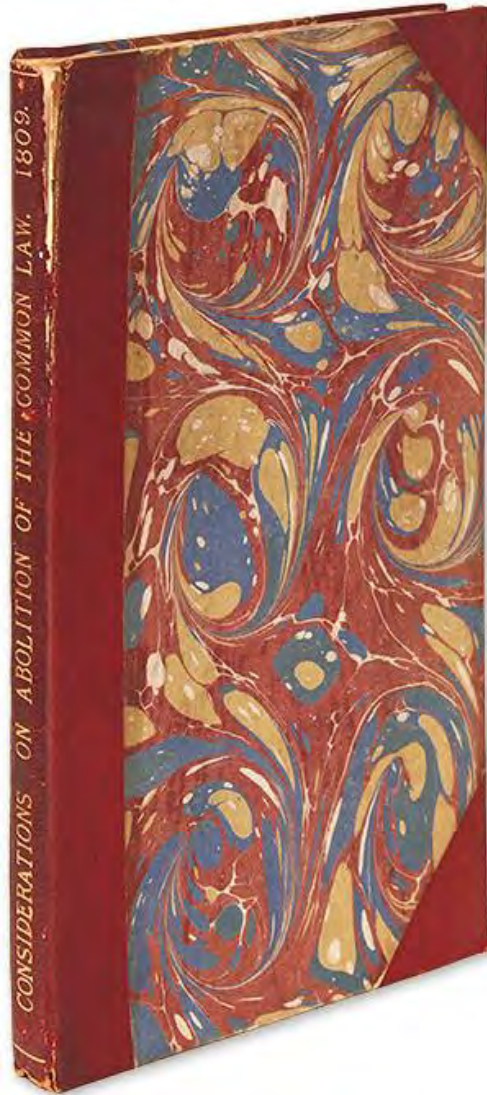
The First JP Manual Printed in Tennessee

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

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

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

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



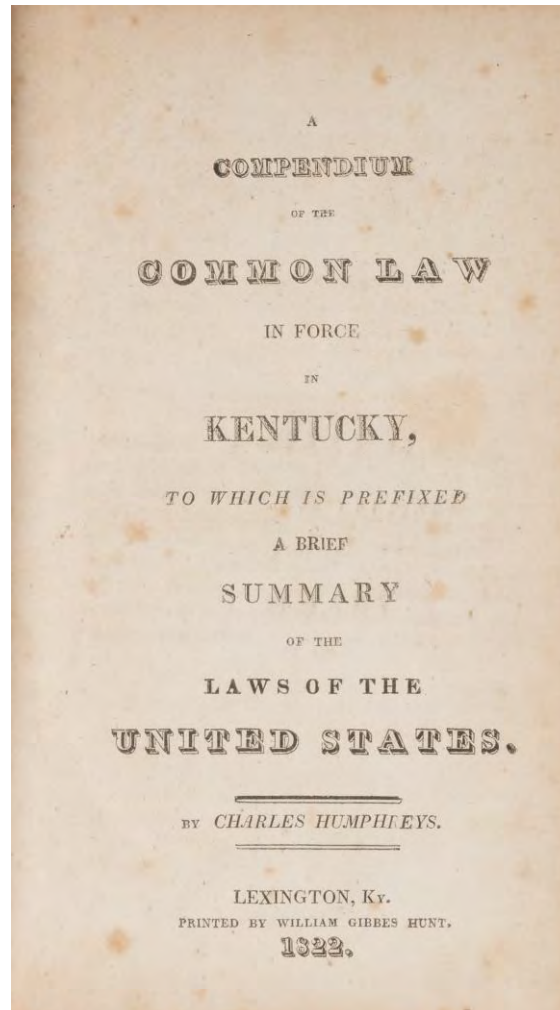
"The Clamour Raised Against the Common Law"

11. Hopkinson, Joseph [1770-1842].

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

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

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



A Kentucky Digest Based on Blackstone

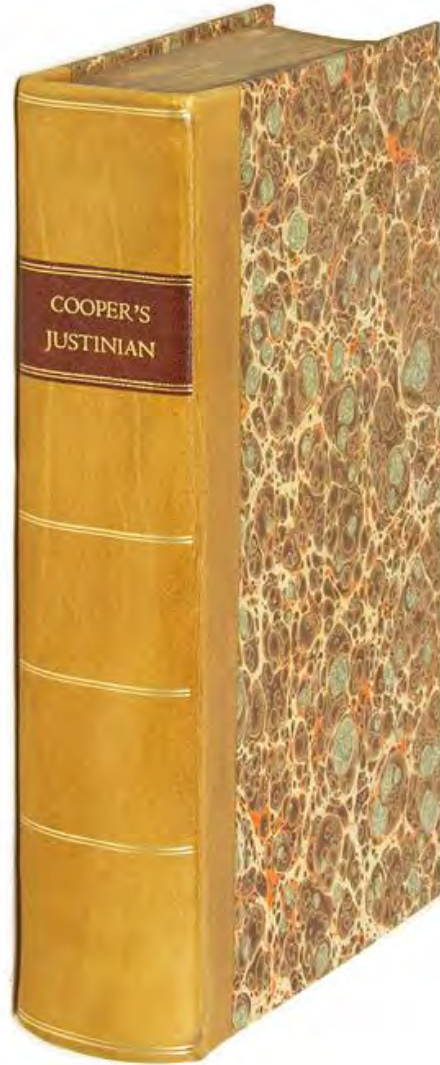
12. Humphreys, Charles [1775-1830].

[Blackstone, Sir William (1723-1780)].

A Compendium of the Common Law in Force in Kentucky, To Which is Prefixed a Brief Summary of the Laws of the United States. Lexington, KY: Printed by William Gibbes Hunt, 1822. xi, [1], 548, [1], 542-594, [2] pp. Pagination irregular, text complete. Octavo (7-3/4" x 4-3/4")

Contemporary calf, blind fillets to boards, lettering piece lacking. A few minor scuffs to boards, corners bumped, gatoring to spine, chipping to head of spine, some rubbing along joints, front hinged cracked, front free endpaper partially detached. Light to moderate browning and light foxing to text, early owner signature (Bullock) and brief annotation (price paid) to front pastedown. \$1,500.

* Only edition. "In his introduction (p. [vii]) the author writes: 'I propose to go through the volumes of Blackstone and some other leading works that treat more copiously on subjects slightly touched by him; and to select what appears to be in force in this country....' He further notes: 'Where practicable, his [Blackstone's] words will be preferred, from a conviction that he has, generally, selected the expressions that best convey the ideas intended.' Citations are made to Blackstone's Commentaries, volume and page" (Laeuchli). Humphreys was a law professor at Transylvania University and later a Federal circuit judge. Not in Eller. Laeuchli, *A Bibliographical Catalog of William Blackstone* 472. [Order this Item](#)



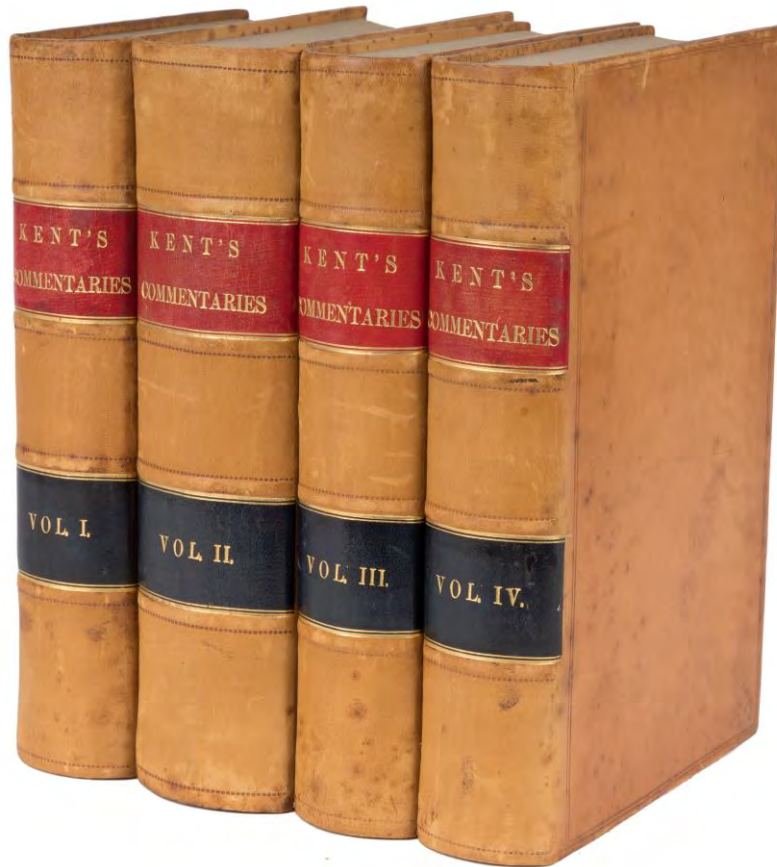
First Edition of Cooper's Translation of the *Institutes*

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

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

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

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



Well-Preserved Copy of Kent's *Commentaries*

14. Kent, James [1763-1847].

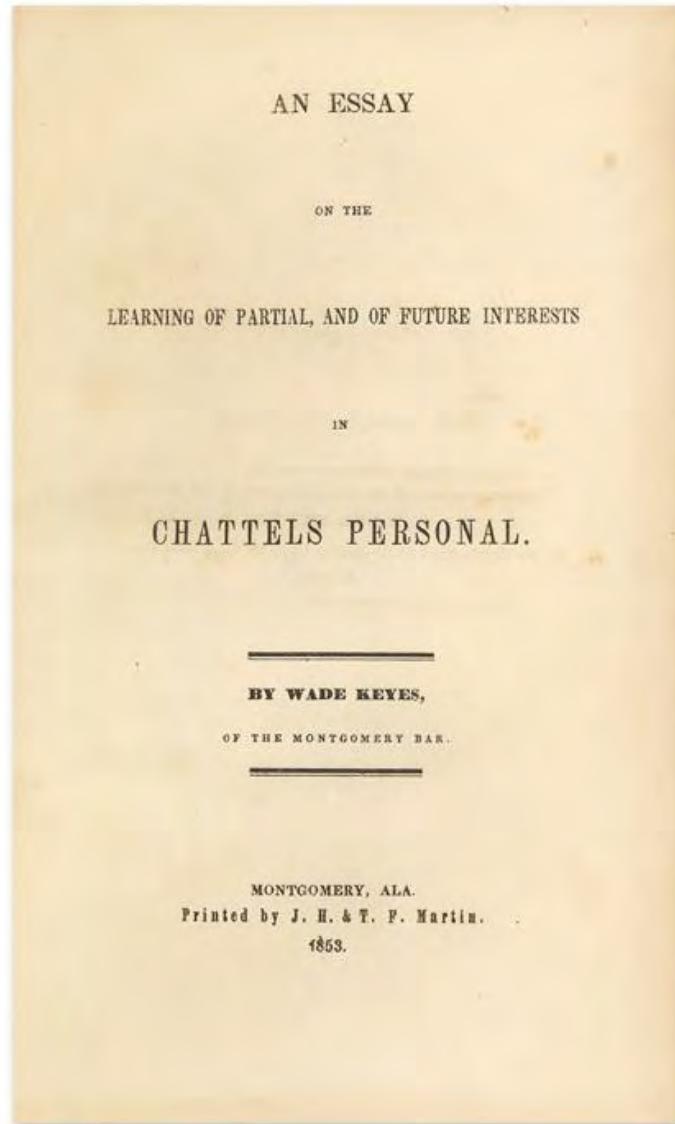
[Kent, William (1802-1861), Editor].

[Eaton, Dorman Bridgeman, Editor].

Commentaries on American Law. New York: Published by William Kent, 1851. Four volumes. Star-paged to the second edition (1832). Octavo (9-1/2" x 5-3/4").

Contemporary sheep, blind rules to boards, raised bands and red and black lettering pieces to spines, blind tooling to board edges. Light spotting in places and a few minor scuffs, light rubbing to extremities, a few hinges starting, early owner signature (A.H. Ware) to front free endpaper of each volume. Very light toning to text, offsetting to margins of pastedowns and free endpapers. A well-preserved set. \$1,500.

* Seventh edition. Kent's *Commentaries* is probably the single most important interpretation of American law. Writing in 1847, Marvin ranked it above Blackstone and observed that it contains "not only a clear statement of the English law, with all the alterations that have taken place since the time of Blackstone, but a full account of the main principles of Equity, also, a review of the modifications engrafted on the English law by the different states of the Union." Marvin's latter observation points to the significance of this landmark work. Published at a time when there was significant opposition to English law, Kent's *Commentaries* established it in a manner that appealed to the majority of influential American jurists and legislators. Marvin, *Legal Bibliography* 438. Cohen, *Bibliography of Early American Law* 5404. [Order this Item](#)



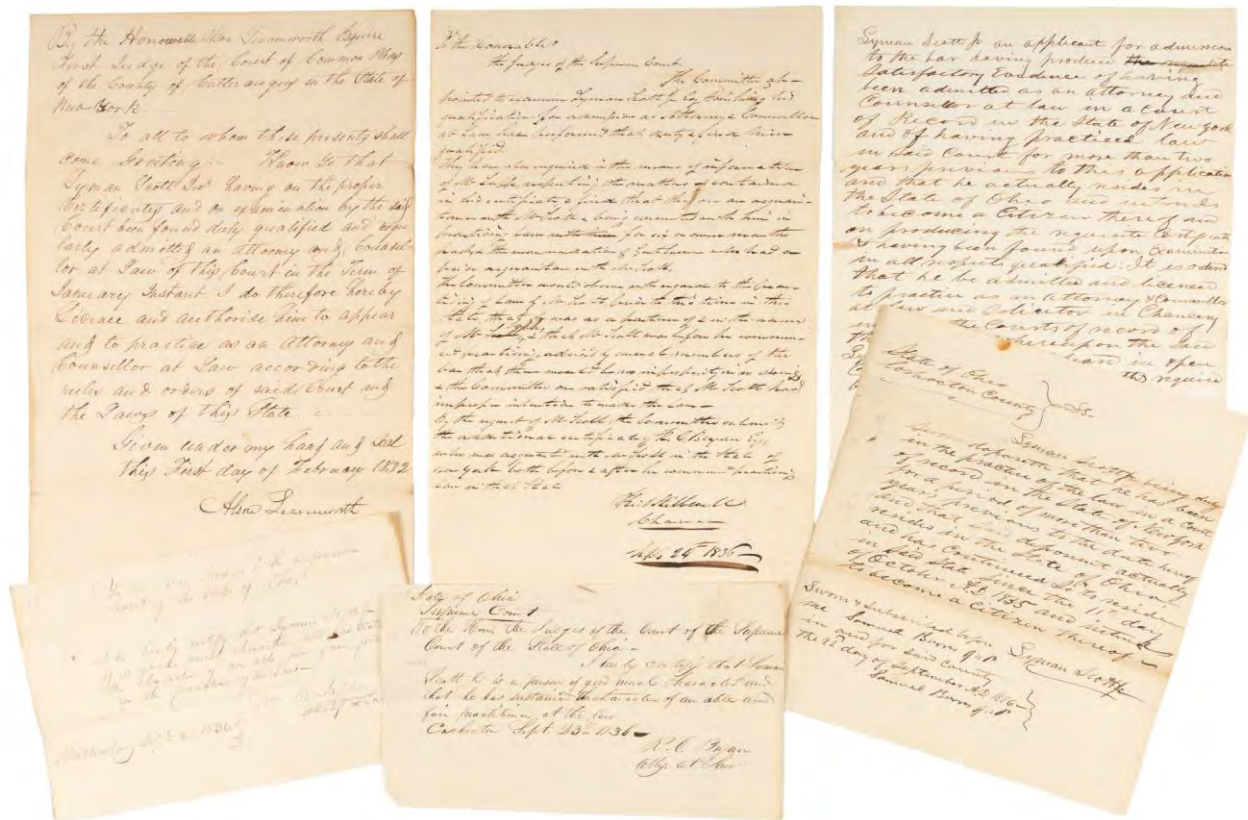
Early Alabama Legal Imprint that Addresses Slavery

15. 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 of endleaves, very light browning to text. Early owner signature (of Stephen F. Miller) to front pastedown, interior otherwise clean. \$450.

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



A New York Lawyer Re-Establishes His Practice in Ohio

16. [Manuscript Archive].
[Scott, Lyman, Jr.].

[Documents Concerning Scott's Application to Practice Law in Ohio]. Coshocton County, OH and Cattaraugus County, NY, 1832-1836.

Six documents, one franked on verso, sizes ranging from 4-1/2" x 8" to 12-1/2" x 7-1/2." Moderate toning, fold lines, light edgewear and soiling, all documents written in legible hands. \$500.

* Scott began his practice in Cattaraugus County, New York, in 1832. He moved to Coshocton County, Ohio, in 1836. Our archive records the steps he took to become a lawyer in Ohio. The earliest item, from February 1, 1832, is the certificate admitting him to practice in New York. The other items are addressed to the Ohio Supreme Court. Two letters, from September 6 and 23, 1836 are professional and character references from Ohio lawyers. A letter from Scott certifies that he has lived in Ohio since October 1835 and intends to become an Ohio citizen. A document from September (?) 24, 1836, states that Scott passed his examination by a committee of Ohio lawyers. The final document, which is undated and unsigned, states that Scott has been admitted to practice. [Order this Item](#)

Huntstown January 23 1762

To Lieut Obdiah Dickson proprietors Treasure of
Huntstown so called we the subscribers Being the Committee
of accounts of the sd proprietors Desire you wood pay to
Nathan Chapin of Huntstown so called the sum of two
pound thurteen shillings Lawfull money Being his
Bill for procuring Law Books for sd proprietors
and passed by us

Ebenezer Belding
Reuben Belding

the committee
of accounts

Concerns Payment for a Purchase of Law Books

17. [Manuscript].

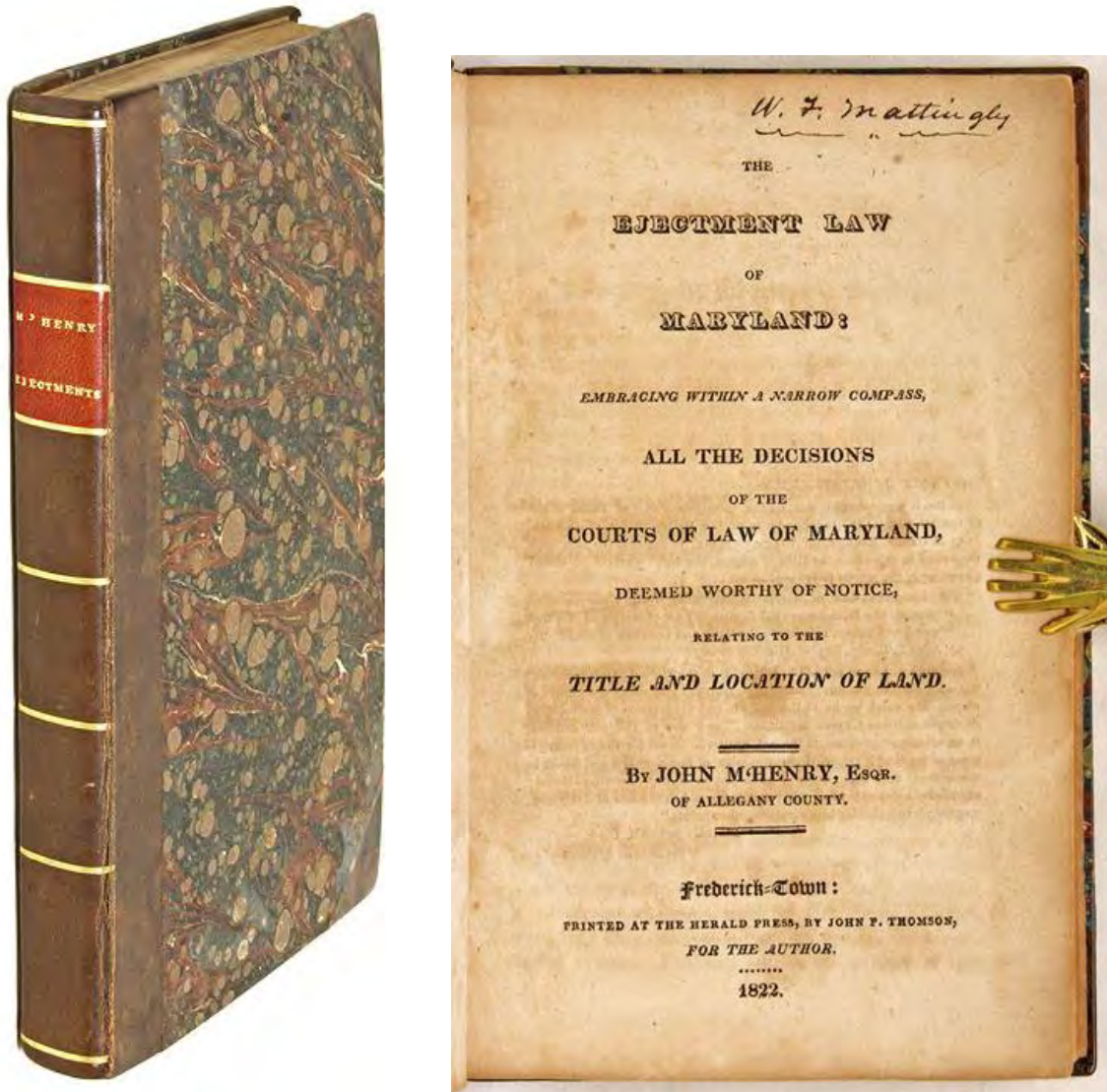
[Law Books].

[Massachusetts].

[Document Concerning Payment for the Purchase of Law Books, Huntstown (Ashfield), MA, January 23, 1762].

3-1/2" x 6-3/4" sheet, moderate toning, light toning and soiling, vertical and horizontal folds with cellotape reinforcements to verso. Content in neat hand, franked in different hand on verso. \$500.

* This document is signed by two early settlers, Ebenezer Belding and Reuben Belding. It reads, in part: "To Lieut. Obdiah Dickson proprietors' Treasure of Huntstown so called we the subscribers Being of the Committee of accounts of the s[ai]d proprietors Desire you wood [sic] pay to Nathan Chapin of Huntstown so called the sum of two pound thirteen shillings Lawfull money Being his Bill for procuring Law Books for s[ai]d proprietors and passed by us." The notes on the verso track the gradual repayment of the debt. [Order this Item](#)



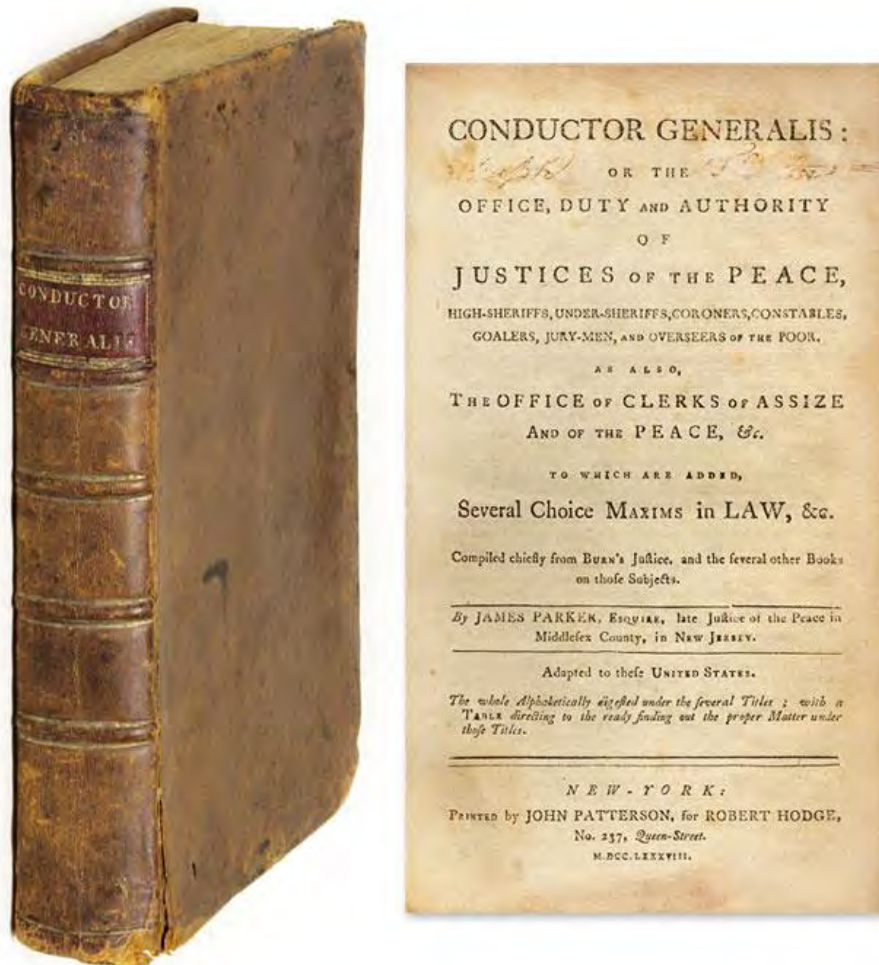
Uncommon 1822 Maryland Treatise on Ejectment

18. McHenry, John [d. 1860].

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

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

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



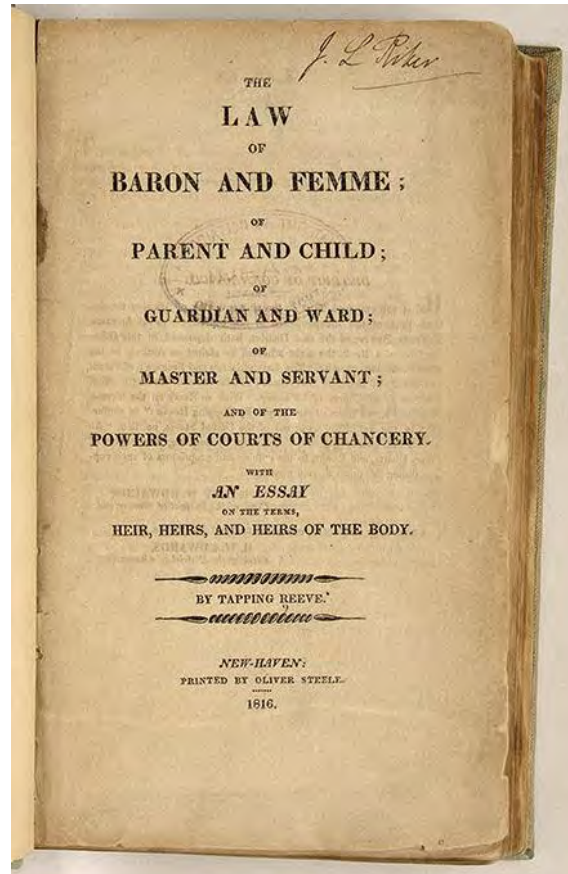
1788 Printing of Parker's *Conductor Generalis*

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

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

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

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



First Edition of the First American Treatise on Family Law

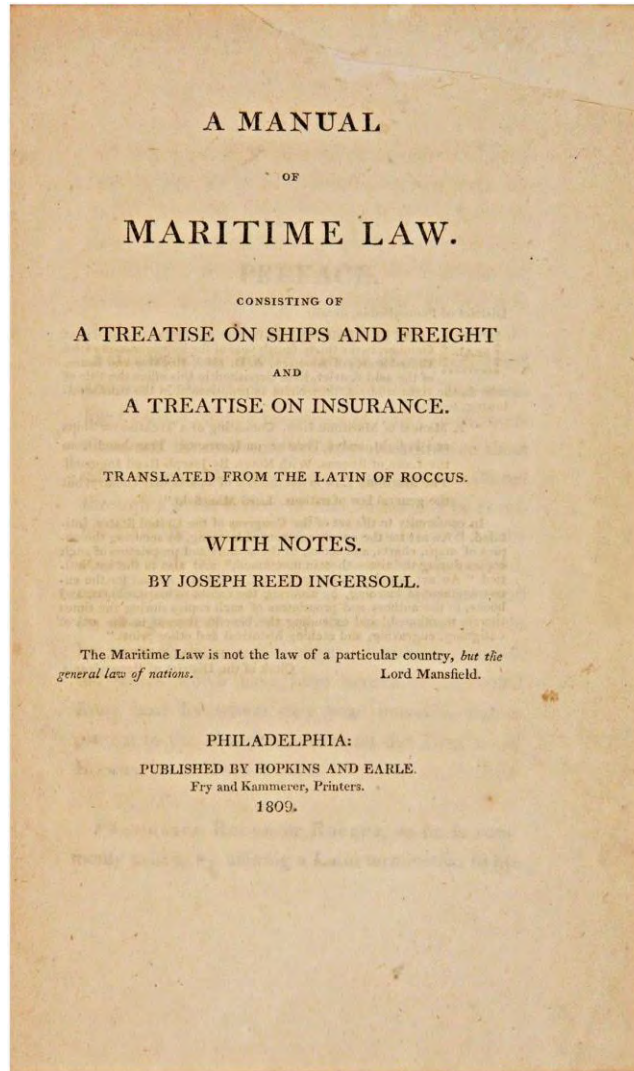
20. Reeve, Tapping [1744-1823].

The Law of Baron and Femme; Of Parent and Child; Of Guardian and Ward; Of Master and Servant; And of the Powers of Courts of Chancery. With an Essay on the Terms, Heir, Heirs, and Heirs of the Body. New Haven: Printed by Oliver Steele, 1816. [iv], 494, [11] pp. Octavo (9-1/4" x 5-1/2").

Later library cloth, red and black calf lettering pieces and fragment of paper shelf label to spine. Light shelfwear, some rubbing and edgewear to lettering pieces. Light browning to text, brief notes in early hand to a few leaves, light chipping and edgewear to preliminaries, which are partially detached, early owner signature ("J.L. Riker") and faint library stamp to title page, brief library markings to verso, partially legible fragment of leaf of contemporary notes bound between preface and following leaf. \$250.

* First edition. In 1782 Reeve founded the first American law school in Litchfield, Connecticut. The first American treatise on family law, Reeve's *Law of Baron and Femme* is a restatement of Blackstone's Commentaries, Book I, Chapters XIV-XVII. It rejects some of the fundamental doctrines of the common law, most notably coverture. As Blackstone puts it, "the husband and wife are one person in law; that is, the very being or legal existence of the woman is suspended during marriage." Reeve says the opposite. Also a prescriptive work, *Baron and Femme* aimed to liberalize the American law of domestic relations, arguing, for example, that married women were permitted to make wills, a point contradicted by the contemporary statute and case law of Connecticut and several other states. Terry and Sibley were lawyers who practiced in Ontario County, New York. The most prominent was Sibley [1796-1852], a Canandaigua lawyer and judge who served in the state assembly, state senate and U.S. House of Representatives. Cohen, *Bibliography of Early American Law* 4745.

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Scarce Classic Treatise on Maritime Law Praised by Joseph Story

21. Rocco (Roccus), Francesco [fl. 1655].

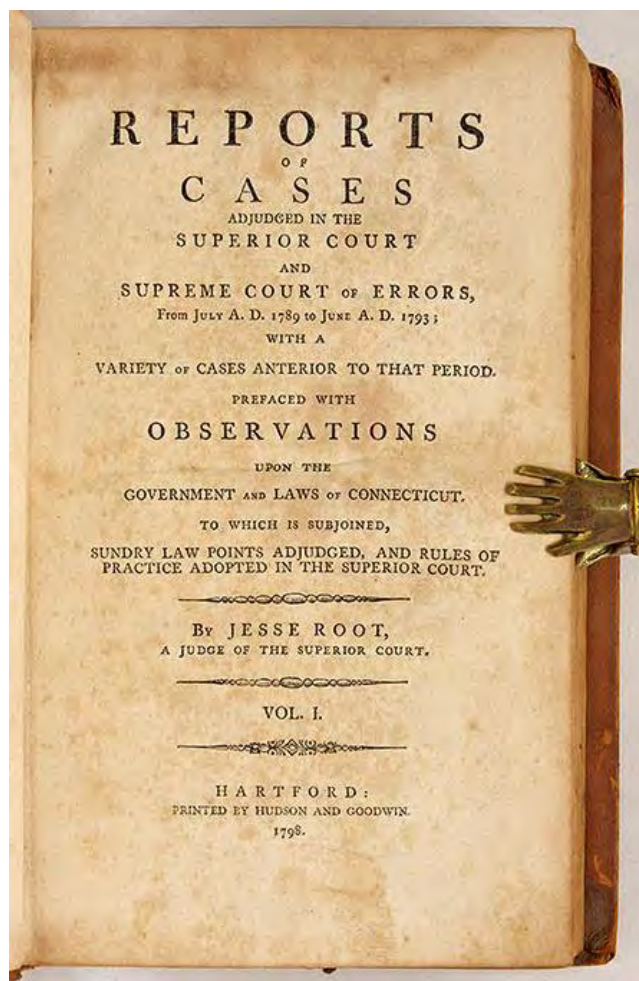
Ingersoll, Reed [1786-1868], Translator and Editor.

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

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

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

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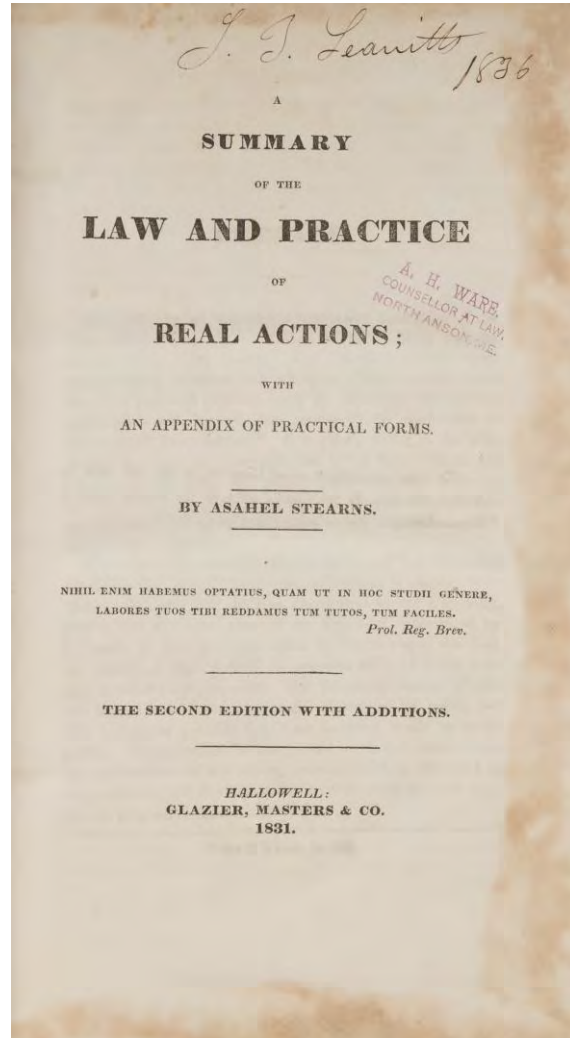
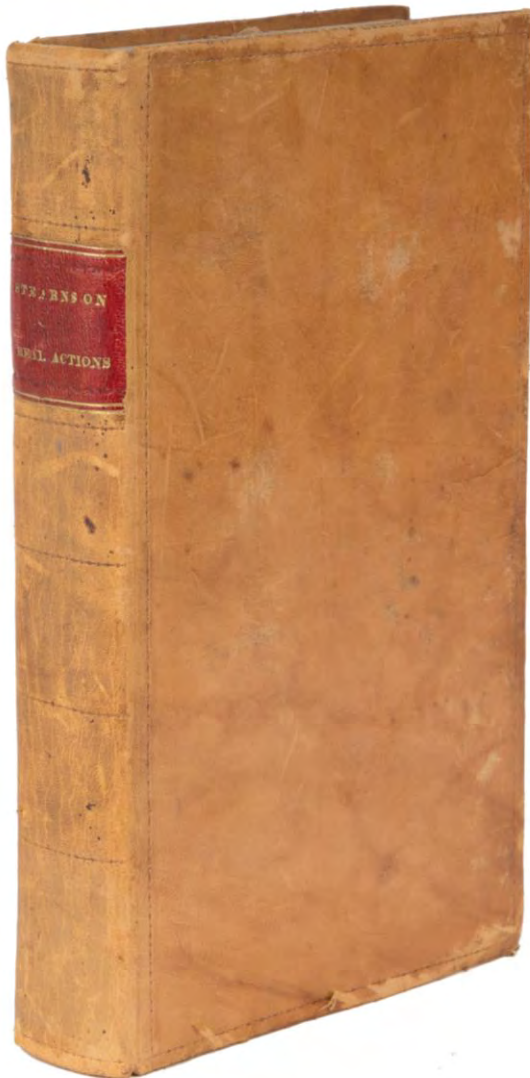
With Two Important Essays About the Common Law in America

22. Root, Jesse [1736-1822].

Reports of Cases Adjudged in the Superior Court and Supreme Court of Errors, From July A.D. 1789 to June A.D. 1793; With a Variety of Cases Anterior to That Period, Prefaced with Observations Upon the Government and Laws of Connecticut, To Which is Subjoined, Sundry Law Points Adjudged, And Rules of Practice Adopted in the Superior Court. Hartford: Printed by Hudson and Goodwin, 1798. Two volumes. 584, [48]; [viii], 536, [28] pp. Subscriber list at end of Volume I. Octavo (8-1/2" x 5-1/4").

Contemporary sheep, blind fillets to boards and spine, lettering pieces lacking. Considerable rubbing to boards and extremities, chipping to spine ends, boards partially detached but secure. Moderate toning and light foxing to text, early owner signatures (of Frederick W. Jewitt and James H. Smith) to preliminaries, armorial bookplate of William Paine Sheffield to front pastedowns. \$300.

* First edition. Root's was the second set of Connecticut reports. Especially notable are the two introductory essays that appear in Volume I: "The Origin of Government and Laws in Connecticut" and "On the Common Law of Connecticut." These show Root to be an original legal thinker striving to reconcile English common law with the legal history and traditions of Connecticut. The subscriber list is a "who's who" of important Connecticut lawyers, judges and politicians. A member of a distinguished New England family, Sheffield [1820-1907] was a United States Representative and Senator from Rhode Island. See Horwitz, *The Transformation of American Law, 1780-1860* 20. Wallace, *The Reporters* 571. Marvin, *Legal Bibliography* 619. [Order this Item](#)



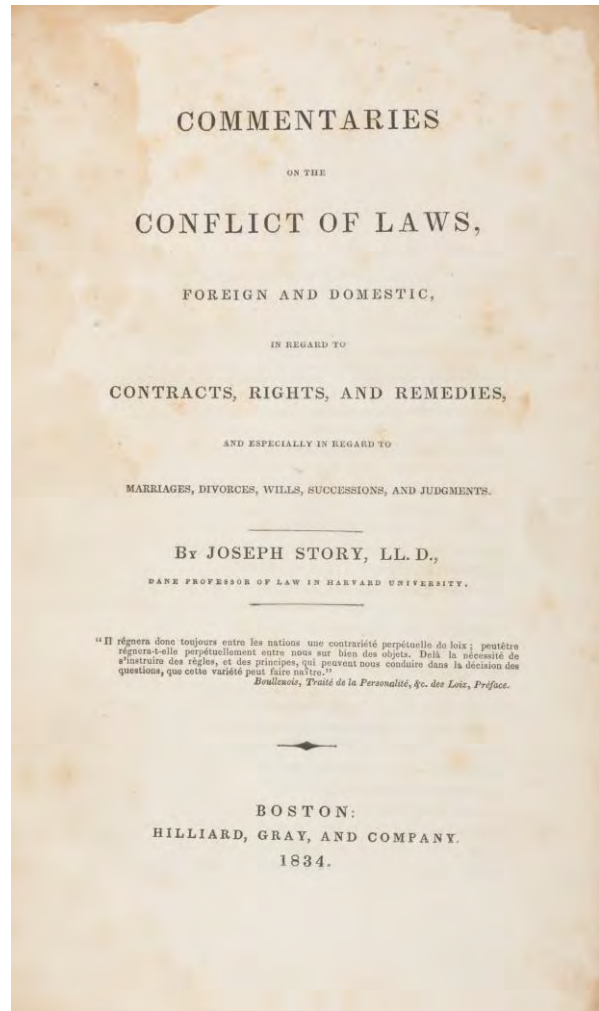
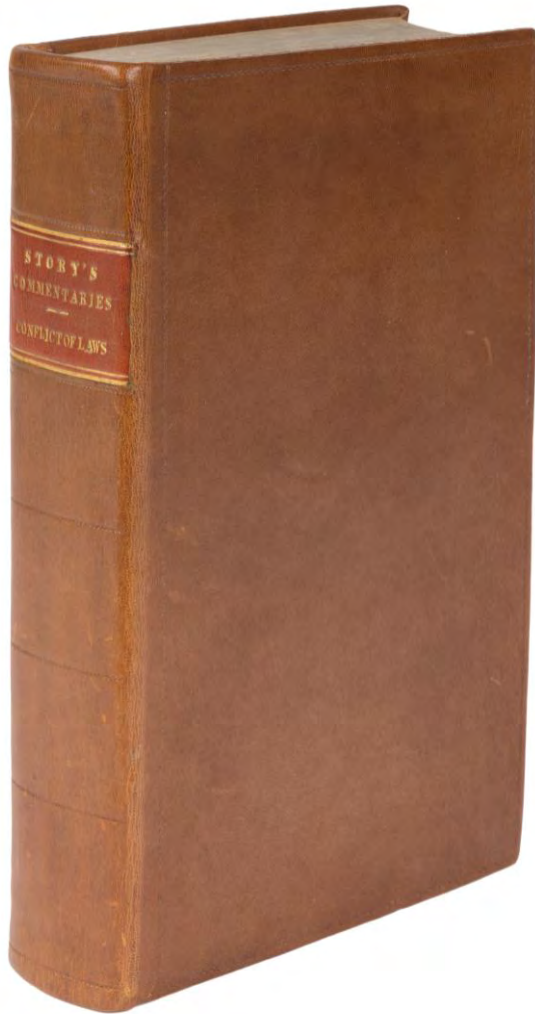
"One of the Notable Early American Law Books"

23. Stearns, Asahel [1774-1839].

A Summary of the Law and Practice of Real Actions with an Appendix of Practical Forms. With Additions. Hallowell: Glazier, Masters & Co. 1831. 5, [vii]-xxxiv, 495 pp. Octavo (9" x 5-1/2").

Contemporary sheep, blind fillets to boards, calf lettering piece and blind fillets to spine, blind tooling to board edges. Faint spotting in a few places, light rubbing and a few shallow scuffs to boards, moderate rubbing to spine and extremities, hinges cracked, early owner stamp (A.H. Ware, North Anson, Maine) and signature (J.T. Leavitt, 1886) to front free endpaper and title page. Light toning, offsetting to margins of preliminaries and rear endleaves. \$450.

* Second, final and best edition. This treatise is based on lectures given by Stearns at Harvard Law School, where he was one of its earliest professors. Pound says this work "proved to be one of the notable early American law books and was welcomed by a bar in need of accurate available information on technical procedure." Pound, *The Formative Era of American Law* 141. Cohen, *Bibliography of Early American Law* 9502. [Order this Item](#)



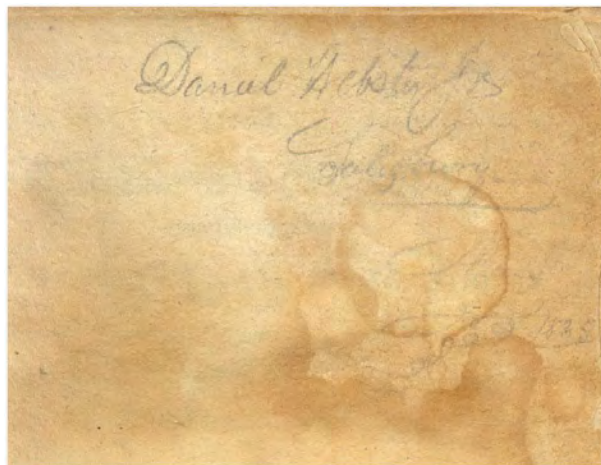
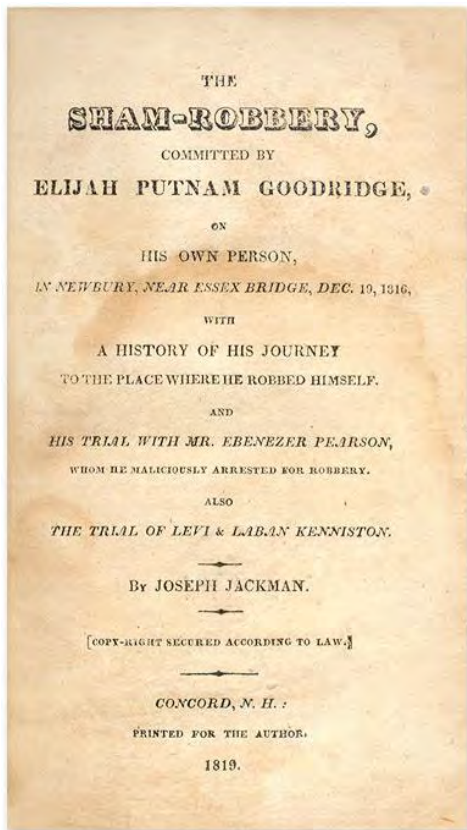
Handsomely Bound First Edition of One of Story's Most Important Treatises

24. Story, Joseph [1779-1845].

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

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

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



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

25. [Trial].

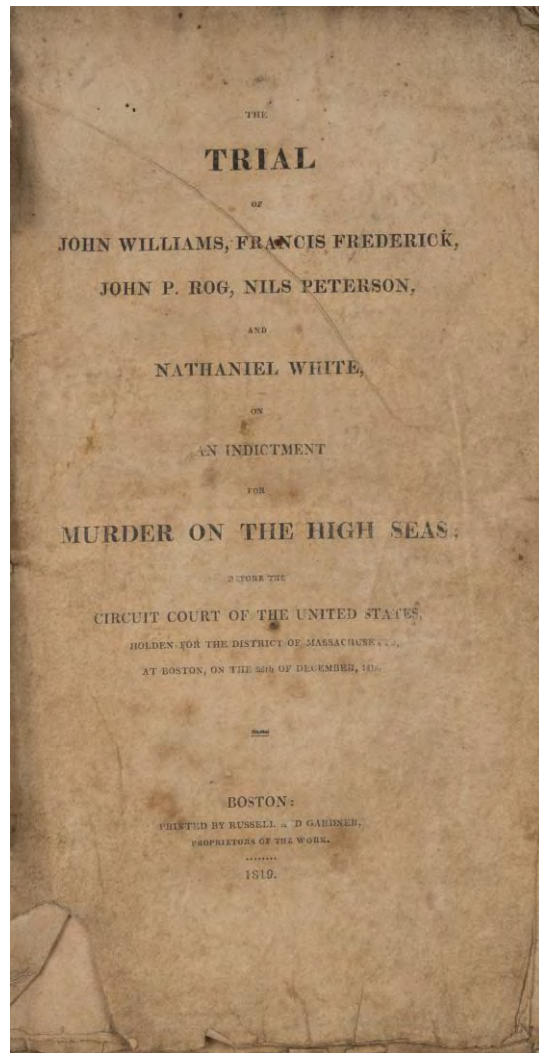
Jackman, Joseph.

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

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

Stab-stitched pamphlet in plain wrappers, untrimmed edges. Light soiling and a few minor stains, wrappers worn, but secure. Light browning to text, light foxing in a few places, faint dampstaining to a few leaves, "Daniel Webster, Jr" in pencil to front endleaf and recto of rear wrapper, "Polly Webster" to rear free endpaper. \$350.

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



An Interesting Murder and Piracy Trial, Joseph Story Presided

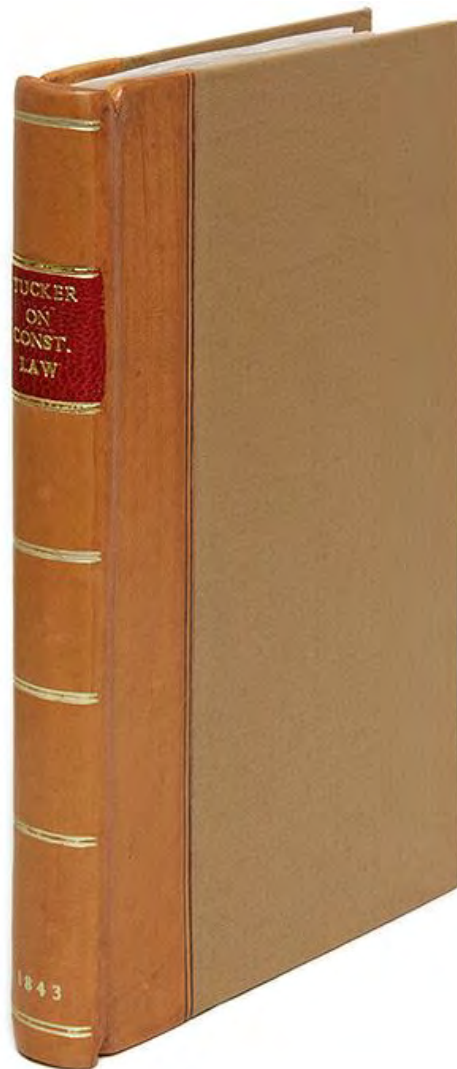
26. [Trial].

Williams, John, Primary Defendant.

The Trial of John Williams, Francis Frederick, John P. Rog, Nils Peterson and Nathaniel White, On an Indictment for Murder on the High Seas: Before the Circuit Court of the United States, Holden for the District of Massachusetts, At Boston, On the 29th of December, 1818. Boston: Printed by Russell and Gardner, 1819. 92 pp. Octavo (9-1/2" x 5-1/2").

Stab-stitched pamphlet in plain wrappers, untrimmed edges. Moderate edgewear, a few small tears and chips to wrappers, spine abraded, wrappers partially detached but secure, faint inscription in pencil to head of front wrapper. Moderate toning and light foxing to text, faint dampstaining to a few leaves, soiling to p.92 and title page, which has a chip to its lower inside corner. \$1,500.

* Only edition. Tried before Joseph Story in his capacity as the Judge of the U.S. Circuit Court for the District of Massachusetts, this trial involved murders committed on the merchant schooner *Plattsburgh* bound from Baltimore to Smyrna. Led by Williams, the accused murdered the captain and took the ship to Norway. All the defendants except White were found guilty of murder and piracy and hanged. Cohen, *Bibliography of Early American Law* 13248. McDade, *The Annals of Murder* 1103. [Order this Item](#)



Tucker's Important Lectures on the Constitution

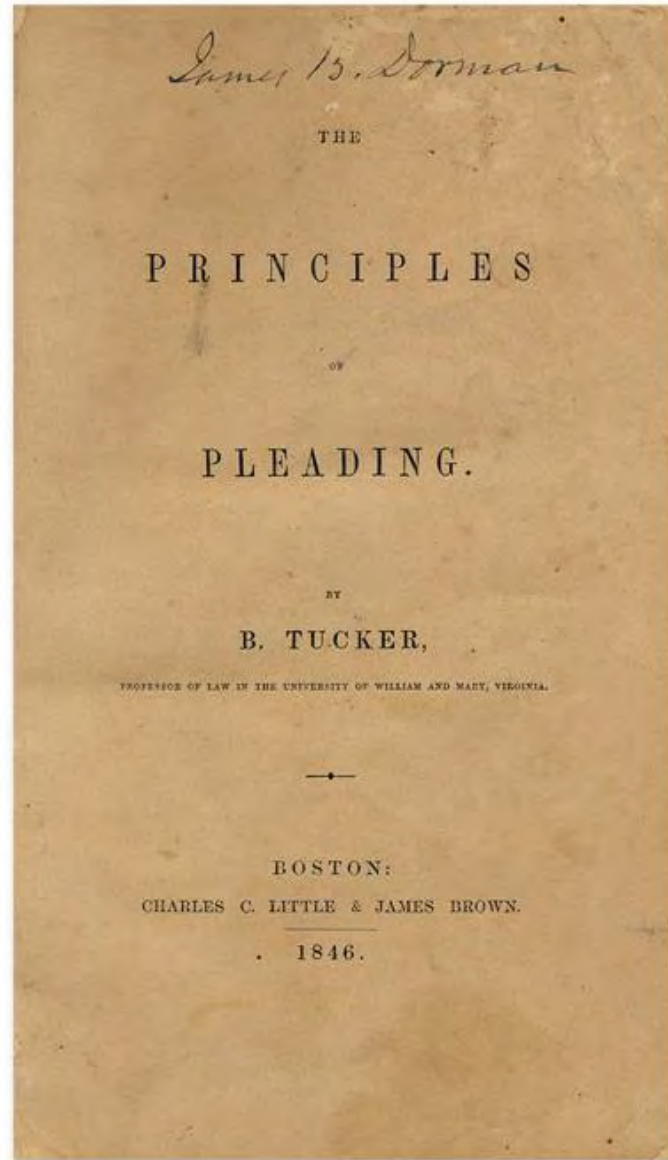
27. Tucker, Henry St. George [1780-1848].

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

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

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

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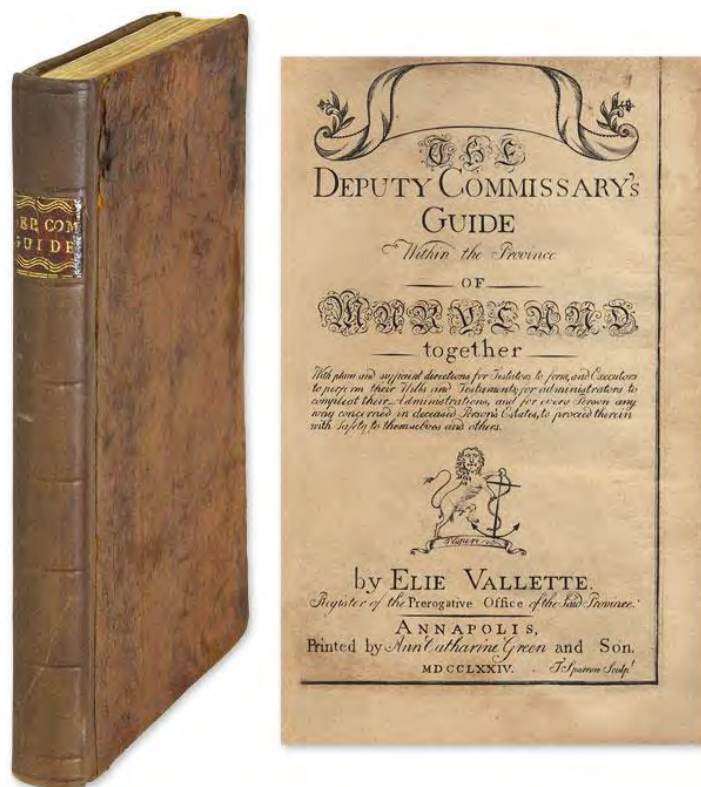
Treatise on Pleading by a Notable Virginian

28. Tucker, [Nathaniel] B[everley] [1784-1851].

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

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

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



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

29. Vallette, Elie.

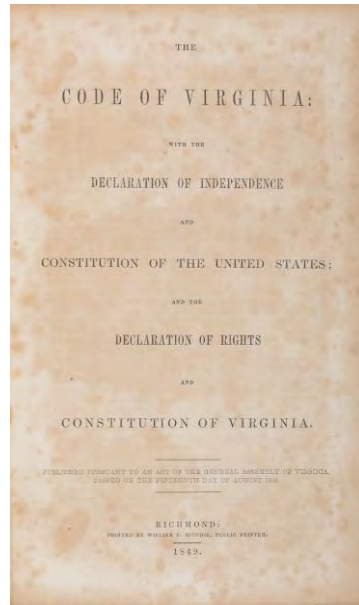
[Sparrow, Thomas (1746?-1780?), Engraver].

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

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

* The first original American legal guide, it is also the first American book on the law of wills. Dedicated to Maryland Governor Robert Eden, it was printed by Dutch immigrant Ann Catherine Hoof Green, wife of Jonas Green, who inherited his bankruptcy debt along with his shop, and she succeeded as public printer of Maryland from 1767 to 1775. The engraved title page, the only one issued from a colonial Maryland press, and the plate is considered to be the finest work of Thomas Sparrow, the only engraver south of the Mason-Dixon Line prior to 1775. Vallette was registrar of the Prerogative Office of Maryland Province. Originally from Maryland, Edwards [1775-1833] was an important early Illinois statesman and political leader. He was the only governor of the Illinois Territory from 1809 to 1818, one of the first two United States Senators from Illinois from 1818 to 1824 and the third Governor of that state from 1826 to 1830. Wroth, *Maryland Imprints* 338. Wroth, *The Colonial Printer in America* 290. Cohen, *Bibliography of Early American Law* 4632.

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Copy of the Final Antebellum Edition of Virginia Statutes with a Document Concerning the Custody of a Slave

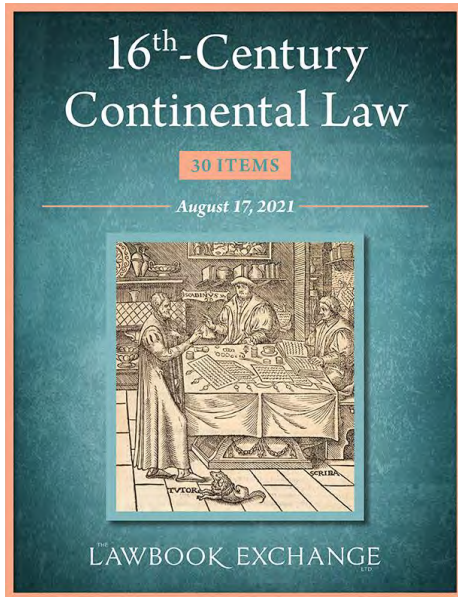
30. [Virginia].

The Code of Virginia: With the Declaration of Independence and Constitution of the United States; and the Declaration of Rights and Constitution of Virginia. Published Pursuant to an Act of the General Assembly of Virginia, Passed on the Fifteenth Day of August 1849. Richmond: Printed by William F. Ritchie, Public Printer, 1849. xxxi, 898 pp. Octavo (9-1/2" x 5-3/4").

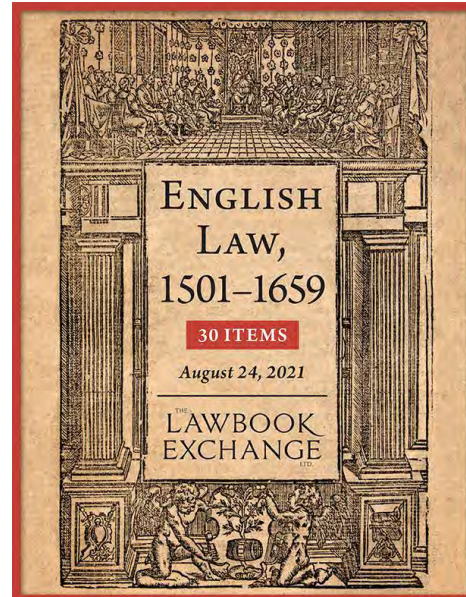
Contemporary calf, blind fillets to boards, blind fillets and red and black lettering pieces to spine, faint early owner signature at head. Light rubbing and a few minor stains and nicks, somewhat heavier rubbing to extremities, corners bumped, manuscript court document dated February 27, 1844 tipped-in to front pastedown, moderate toning and light foxing to text, light edgewear and a few minor tears to document. \$750.

* This was last edition of Virginia's statutes published before the Civil War. The document affixed to the front pastedown of our copy is a warrant by John H. Tabb of Gloucester County charging a County Justice of the Peace to "confine in jail for safekeeping a negro slave John." It is signed in pencil by JB Wm K. Smith; an address on its verso reads "Jailer of Gloucester County." This document may have been added to our copy to serve as a model form for this procedure. Babbitt, *Hand-List of Legislative Sessions and Session Laws* 593. [Order this Item](#)

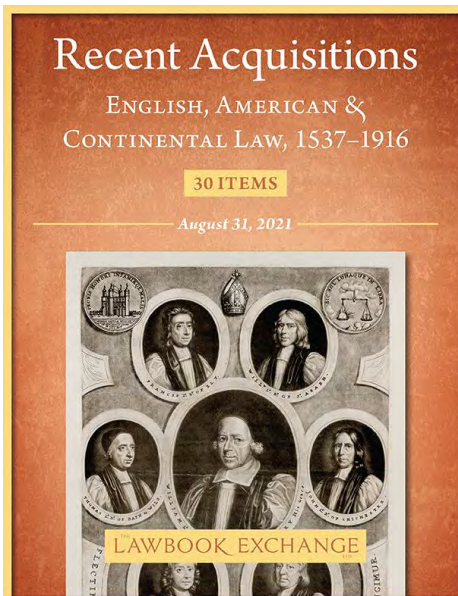
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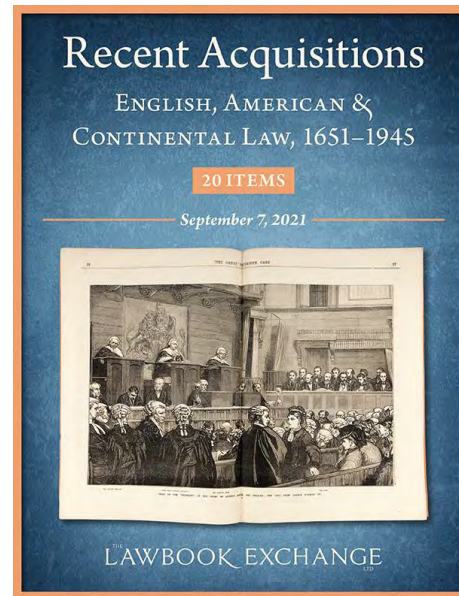
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