

# American Law Before 1860

30 TITLES

September 25, 2018

## A BRIEF ACCOUNT OF THE

## EXECUTION



## OF THE SIX MILITIA MEN!!

As we soon expect to have official documents in relation to the Six Militia Men, arrested, tried, and put to death, under the orders of General Andrew Jackson, this may not be an improper time to give to the public some of the particulars of the execution, as we have them from "an Eye Witness," who appeals to Col. Russell, for the truth of every word he relates.—*Democratic Press.*

Harris was a Baptist preacher, with a large family. He had hired as a substitute for three months. This was the case with most of them. They were ignorant men, but obstinate in what they believed right; and what they had been told by their officers was right. They were all sure they could not be kept beyond three months, and they gave up their muskets, and had provisions dealt out to them, from the public stores, before they left the camp. This confirmed their convictions that they were right and doing what was lawful.

Col. Russell commanded at the execution. The Militia men were brought to the place in a large wagon. The military dispositions had been made, and the execution was about to be commenced. Harris, who was the only one of the militia men who was a soldier, and who had a family of nine children; the parting with his son; and the fear of a quickly approaching ignominious death! quite overcame him, and he sunk in unmanly grief. No feeling of military pride could brace him up.

py men. Harris evidently trembled, and I could almost persuade myself that the heart of Lewis was enlarged, and that his bosom rose with manly courage to meet death.—The fatal word was given, and they all fell.

As we approached the scene of blood and carnage, Lewis gave signs of life—the rest were all dead—he crawled upon his coffin. After the lapse of a few minutes he said—I give his very words—"Colonel," the Col. was close to him, "Colonel, I am not killed, but I am sadly cut and mangled." His body was now examined, and it was found that but four balls had wounded him. "Colonel," said he, "did I behave well?"—"Yes, Lewis," said the Col. in the kindest tone of voice, "like a man." "Well, sir," said he, "have I not atoned for this offence? Shall I not live?" The Colonel was much agitated, and gave orders that the Surgeon should, if possible, preserve his life. They did all that skill and humanity could do—it was of no avail. Poor Lewis expressed a great desire to live—"not," said he at one time, "that I fear death, but I would repent me of some sins, and I desire to live yet a little longer in the world." He suffered inconceivable pain from his wounds, and he died.

Many a soldier as well as a militia man was a brave man and much beloved. He suffered twenty deaths. I have seen the big drops chase each other down his forehead with pain and anguish. There was much sensibility and sympathy throughout the camp. I would not have, unjustly and unnecessarily

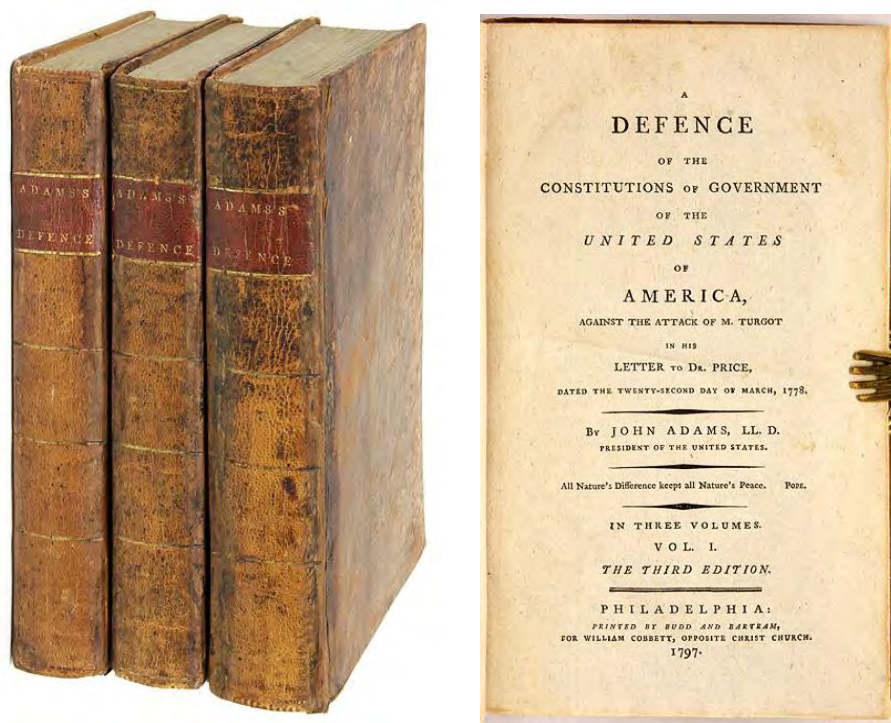
were examining the documents to ascertain what course it would be best to adopt when they were announced to the House. When Mr. Sloane, to whom the country is under great obligations, moved that the documents be printed. Mr. Wickliffe opposed it vehemently. He feared the consequence to the character of Gen. Jackson—he appealed to the candor of Mr. Sloane—he appealed to his magnanimity—to the magnanimity of the house—and did most piteously beseech them not to print these documents until he had made inquiry whether there were not in existence some other papers which might soften the darkness, and shade the cruelty of the picture, as it was exhibited in the papers before them. The subject was postponed—but the documents must be printed. There must be no supposing, no garbling, no obstructing—we must have the whole of the documents. The people demand them; and the people will have them; and a majority of their representatives will not venture to withhold them. Whatever may be the writhings and twistings, the moanings and complaints, which precede the publication of the documents, published they must be. We do not fear that the public will be deceived.

### The Case of Sergt. LTD. Morrow.

The militia documents have been furnished to the House of Representatives. When they shall be published, then the public will see a case that leaves every thing which has yet been said as to the six militia men, finished.—If he possible

LAWBOOK EXCHANGE





### Adams's Landmark Study of America's Constitutions

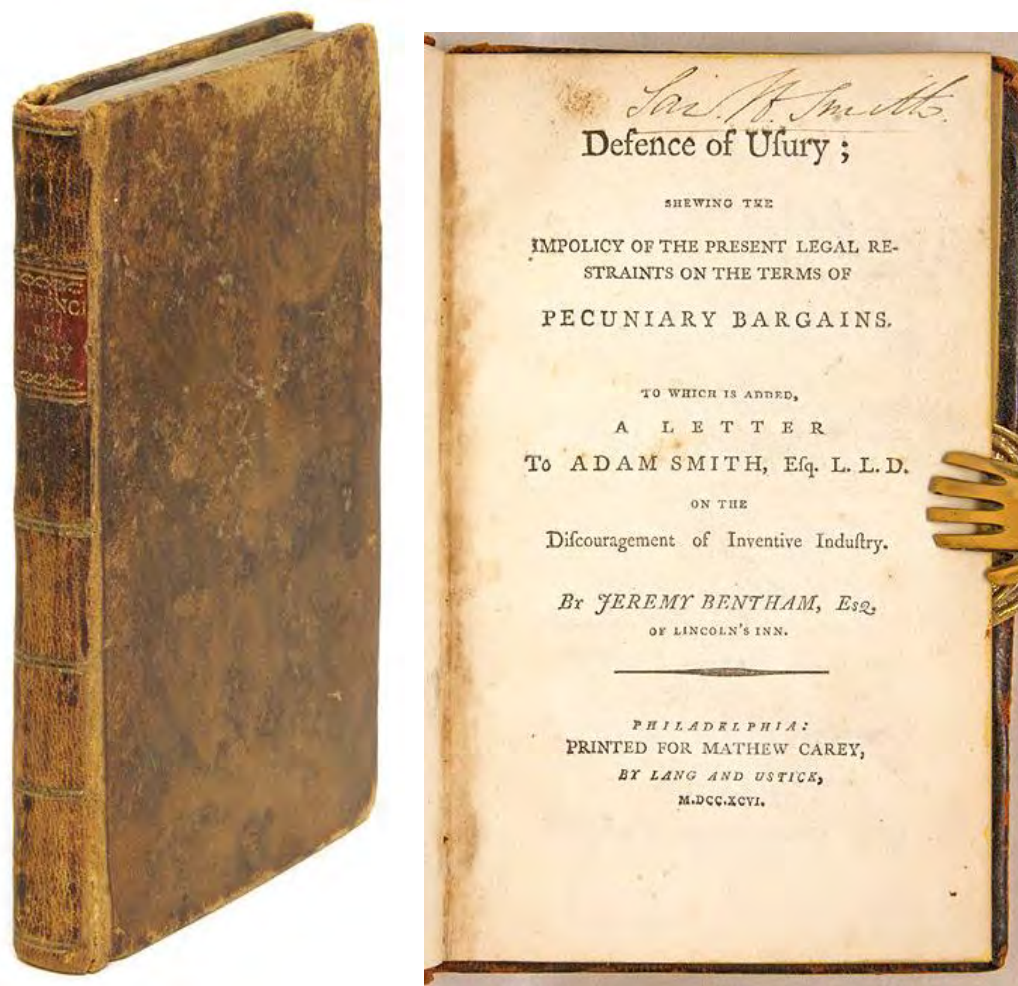
#### 1. Adams, John [1735-1826].

*A Defence of the Constitutions of Government of the United States of America, Against the Attack of M. Turgot in His Letter to Dr. Price, Dated the Twenty-Second Day of March, 1778.* Philadelphia: Printed by Budd and Bartram, For William Cobbett, 1797. Three volumes. 6, xxxiii, [1], [3]-392; [iv], 451; [ii] 528, [36] pp. Volume I has six-page subscriber list; copperplate portrait frontispiece, found in some copies, not present (see note at end of annotation below); text complete. Volume II has half-title, it lacks the blank front endleaf. Final two leaves of Volume III bound in reverse order. Octavo (8" x 5").

Contemporary tree sheep, carefully rebacked retaining spines with lettering pieces and gilt fillets, hinges mended. Light rubbing and a few shallow scuffs and nicks to boards, moderate rubbing to spines and extremities with some wear to corners and spine ends. Light toning to text, somewhat heavier in places, light foxing to some leaves. A notably handsome copy. \$4,000.

\* Third and final edition, a reprint of the 1794 London edition, which is a reprint of the first edition. First published by Adams in 1787-1788 in London when he was the American ambassador at the Court of St. James, the *Defence* was a profound influence on the delegates to the Constitutional Convention of 1787 and the framers of several post-Revolutionary state constitutions. It also did much to familiarize Europeans with the novel political events taking place in America. Adams intended the *Defence* to be a one-volume work. He added two more volumes in 1787 and 1788 to offer more examples and address issues raised by critics. The first volume, reprinted from the London edition, was reprinted in New York and Philadelphia in 1787 and Boston in 1788. An abridged two-volume French translation was published in Paris in 1792. The third edition, a corrected reprint of the second and final London edition, 1794, was the only complete three-volume text published in the United States.

Many copies have a copperplate portrait frontispiece of Adams in Volume I, but not all. We have seen several copies without one. Also, Cohen's collation does not call for one, though he notes a frontispiece in the London edition of 1794. Close inspection of our copy gives no indication of a now-lost frontispiece, such as offsetting on the adjacent leaf. (There is a semi-circular mark above the title page of Volume I; it is an impression from a circular object visible in the following few pages.) These reasons lead us to conclude that our copy is complete as issued. Howes, *U.S.iana* 60. Cohen, *Bibliography of Early American Law* 2736. [Order This Item](#)



**First American Edition of Bentham's Classic Essay on Usury**

**2. Bentham, Jeremy [1748-1832].**

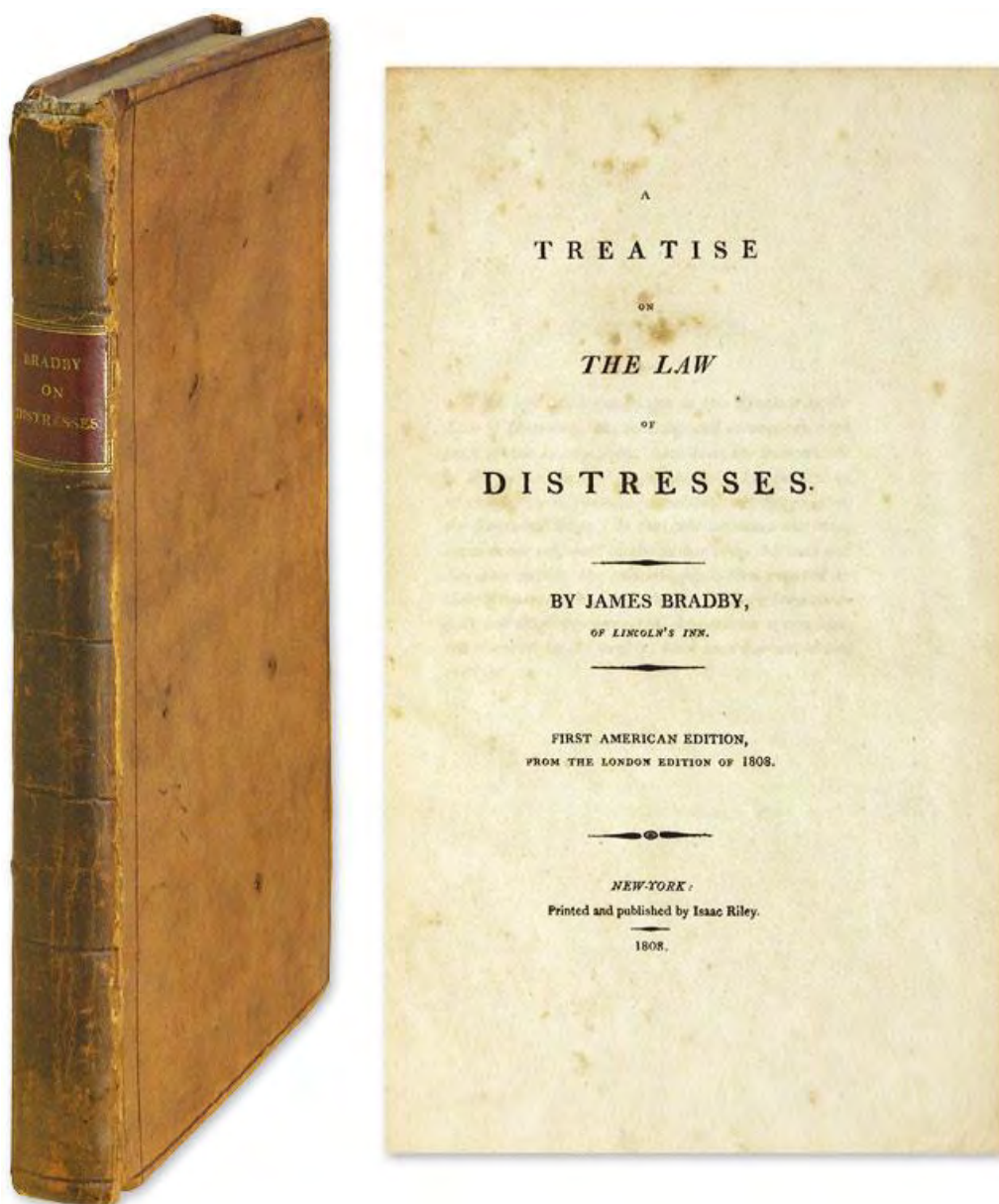
*Defence of Usury; Shewing the Impolicy of the Present Legal Restraints on the Terms of Pecuniary Bargains. To Which is Added, A Letter to Adam Smith, Esq. LL.D. On the Discouragement of Inventive Industry.* Philadelphia: Printed for Matthew Carey, 1796. [iv], [5]-149, [3] pp. Includes 2 pp. publisher advertisement. 12mo. (5-3/4" x 3-1/2").

Contemporary tree sheep, lettering piece and gilt fillets to spine. Moderate rubbing to extremities, front joint just starting at ends. Light toning to text, light foxing to a few leaves, early owner signature to head of title page and left-hand margin of p. 50. An attractive copy. \$2,500.

\* First American edition. Bentham's celebrated essay on the usury laws as an attack on liberty. It began as a series of letters written between January and April 1787 during his long stay with his brother Samuel at his house at Zadobras, near Crichoff in Russia. The letters (13 in all) were written to his friend, George Wilson, in London, largely in response to reports (later to be unconfirmed) that Pitt was then contemplating a reduction of the rate of interest from 5 to 4%. Bentham took the opportunity to write about the commercially thorny interest-rate question including, of course, what he regarded as the stupidity of the government controlled interest rates. He early on took issue with Adam Smith, who seemed, in the *Wealth of Nations*, to approve the 5% limitation. In May 1787, the manuscript was sent to Wilson. It was published in 1788 through the agency of Jeremiah Bentham. Cohen, *Bibliography of Early American Law* 2641.

[Order This Item](#)





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

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

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

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

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



Anti-Jackson Broadside from the 1828 Presidential Race

#### 4. [Broadside].

[Jackson, Andrew (1767-1845)]

[1828 Presidential Campaign].

*A Brief Account of the Execution of the Six Militia Men!!* [Philadelphia: Democratic Press, 1828].

18-1/2" x 10 1/4" broadside with untrimmed edges, text in three columns below headline and woodcut image of six coffins. Moderate toning, light foxing and a few faint dampstains, three tiny scuffs with minor loss to text, mended on verso with archival tape. Item hinged to archival-quality cloth-covered illustration board. \$2,750.

\*This is one of a series of broadsides attacking candidate Andrew Jackson for an incident that occurred during the War of 1812. In 1815 Jackson ordered the execution of six soldiers who tried to leave the service shortly before the conclusion of their three-month enlistment term. They were condemned as deserters and executed by firing squad in Nashville, Tennessee. Many thought execution was unfair, a classic case of a punishment that did not fit the crime. Jackson was running mainly on the strength of his war-hero resume, so broadsides such as this one were intended to undermine this reputation and to show him as a cruel individual. As we know, the strategy failed. Jackson defeated John Quincy Adams. This appears to be an unrecorded broadside. Shaw & Shoemaker records a later issue of this broadside, with the same title, entry 32473, but it is in four columns and has additional text dated 20 January 1828. [Order This Item](#)



**The Only American Abridgment Published Before the Revolution**

**5. Burn, Richard [1709-1785].**

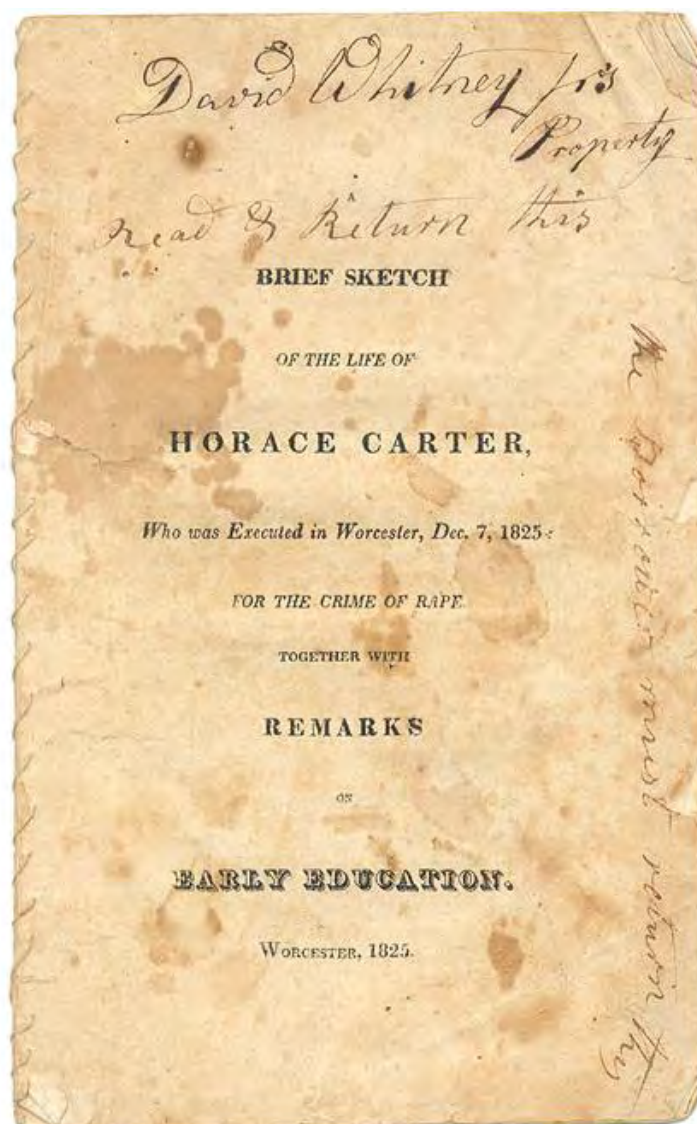
**Greenleaf, Joseph [1720-1810], Editor.**

*An Abridgment of Burn's Justice of the Peace and Parish Officer. To Which is Added, An Appendix, Containing Some General Rules and Directions Necessary to be Known and Observed by All Justices of the Peace.* Boston: Printed For, And Sold By, Joseph Greenleaf, 1773. [viii], 386, [2] pp. Includes two-page publisher advertisement. Quarto (8-1/2" x 7").

Contemporary sheep, expertly rebacked and spine ends restored by Philip Dusel retaining original spine with raised bands and lettering piece, hinges mended, spine ends expertly restored by Dusel. Moderate rubbing and minor scuffing to boards, some offsetting to margins of endleaves, very light browning to text. Early owner signature (J. Rowe/ Sept 16. 1776) to title page, interior otherwise clean. A handsome copy. \$1,750.

\* Only American edition and the only abridgement of a legal treatise printed in America before the Revolution. Richard Burn was an attorney and antiquarian who edited the ninth, tenth, and eleventh editions of Blackstone's *Commentaries*. His *Justice of the Peace, and Parish Officer* (1755) was perhaps his most important work. Holdsworth considered it to be one of the best treatments of the subject, an opinion shared by Burn's contemporaries, both in England and in the colonies. The "best proof that his book...was accepted as the leading text-book on that topic is the number of editions through which it passed.... It deserved its success. Burn carefully abridged the statutes, and stated the manner in which their clauses had been interpreted by the courts. His treatment of the criminal law was based upon a thorough study of the works of Coke, Hale, and Hawkins." Greenleaf explains the nature of his abridgement in the preface: "The London edition takes in the whole practice of England and Scotland, this renders it both bulky and dear. The circle of a justices business in those places is vastly extensive, and is founded chiefly on acts of the British parliament, which can never have any relation to this colony" [i]. Greenleaf also added an appendix of forms and general rules and directions for American courts. Holdsworth, *A History of English Law* XII:332-333. Cohen, *Bibliography of Early American Law* 8325. [Order This Item](#)





### The Value of Education

#### 6. [Criminals].

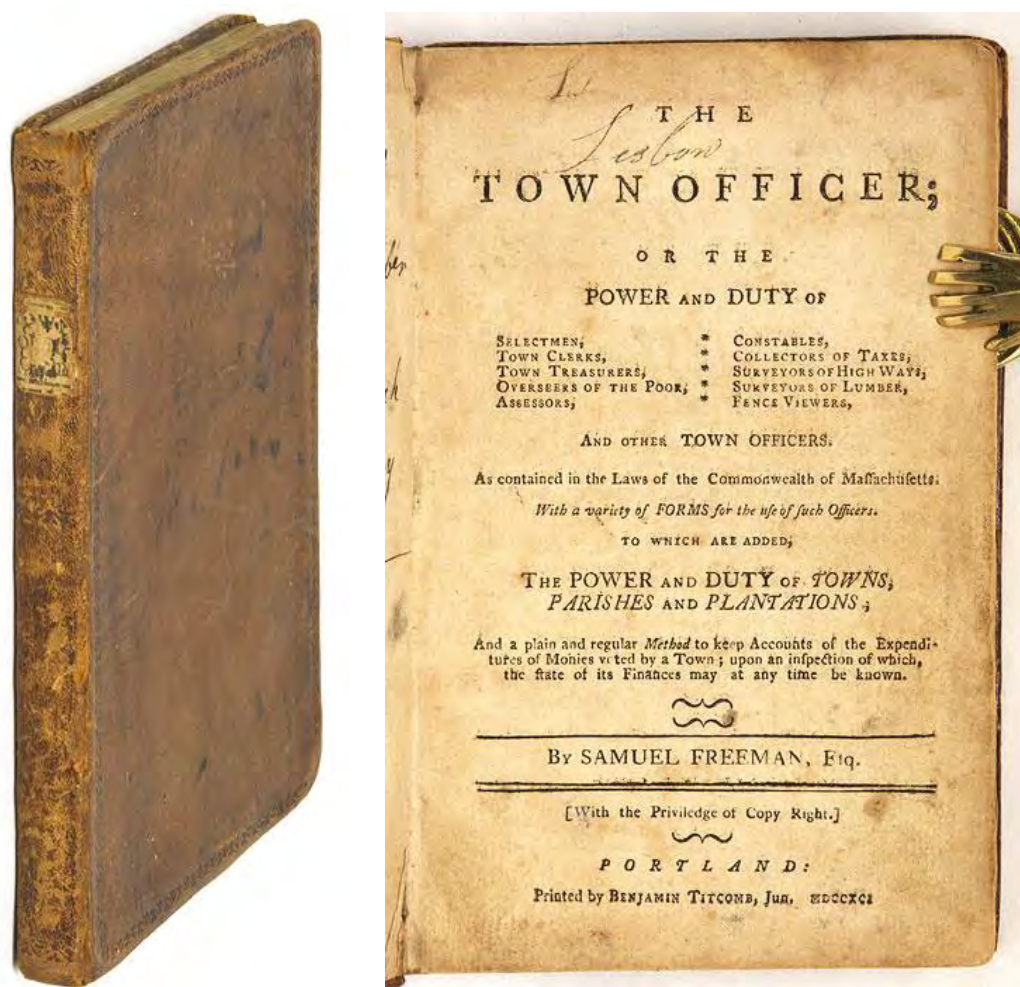
#### [United States].

#### Carter, Horace [d.1825].

*A Brief Sketch of the Life of Horace Carter, Who Was Executed in Worcester, Dec. 7, 1825, For the Crime of Rape. Together with Remarks on Early Education.* Worcester: S.n., 1825. 16 pp. Octavo (8-1/2" x 5-1/4").

Stitched pamphlet. Light soiling to title page and final leaf, minor tears and chipping to some leaves, including title page, light browning and foxing throughout. Early owner annotations to title page, inkspots to a few leaves. A scarce title. \$850.

\* Only edition. Carter, a thief and petty criminal, was executed for the rape of an elderly woman resident of the public almshouse in Worcester. Carter confessed to the crime, and offered drunkenness and his lack of moral instruction as excuses. A sociological text, the *Brief Sketch* says almost nothing about Carter's crime and trial. In the form of six lessons, it outlines the steps that led him to the gallows. It argues, overall, that a childhood education would have transformed him into a law-abiding, productive adult. OCLC locates 9 copies, none in law libraries. Cohen, *Bibliography of Early American Law* 13781. [Order This Item](#)



Scarce First Edition of Freeman's *Town Officer*

## 7. Freeman, Samuel [1743-1831].

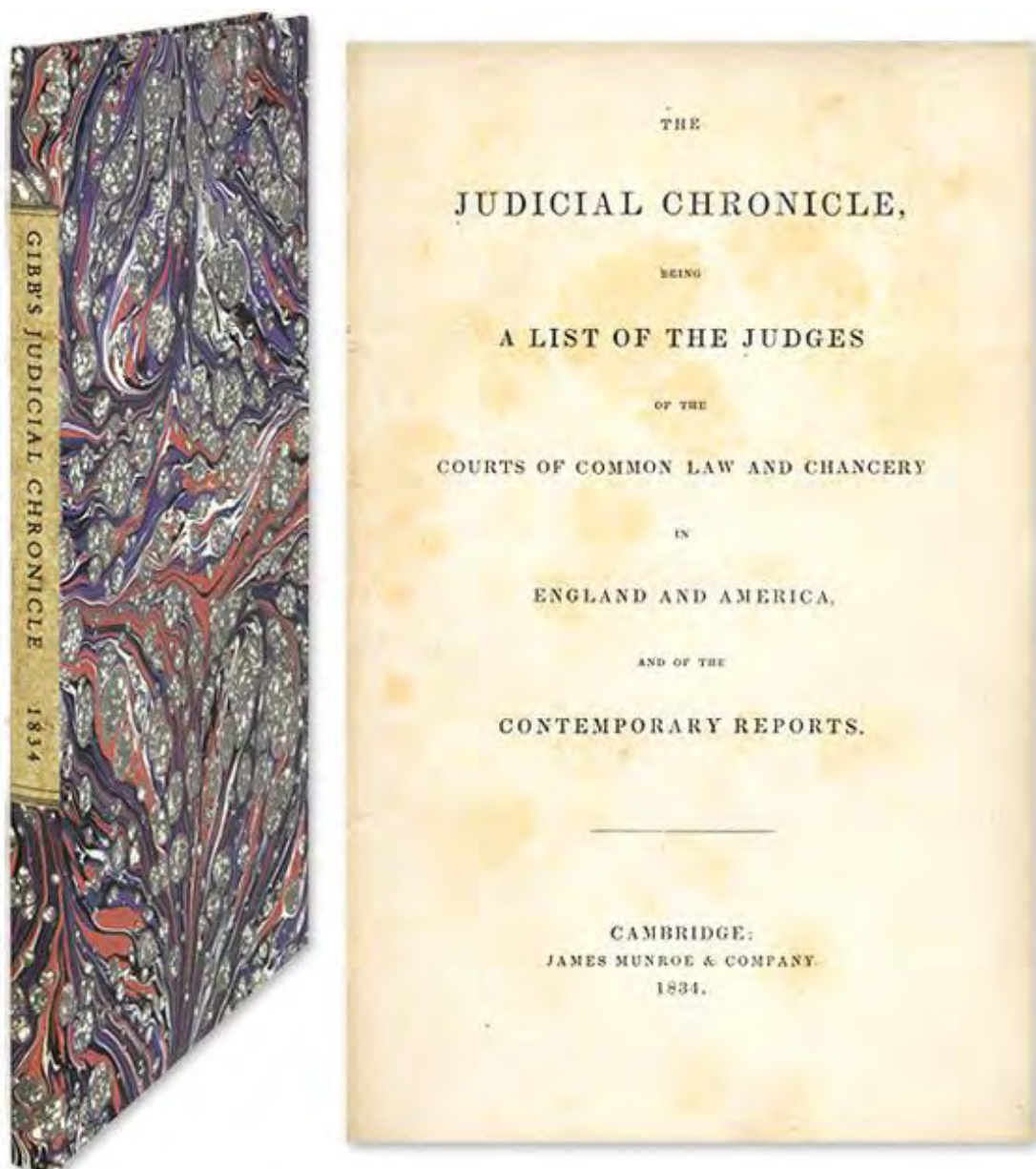
*The Town Officer; Or, The Power and Duty of Selectmen, Town Clerks, Town Treasurers, Overseers of the Poor, Assessors, Constables, Collectors of Taxes, Surveyors of High Ways, Surveyors of Lumber, Fence Viewers, and Other Town Officers. As Contained in the Laws of the Commonwealth of Massachusetts. With a Variety of Forms for the Use of Such Officers. To Which Are Added, The Power and Duty of Towns, Parishes and Plantations; And a Plain and Regular Method to Keep Accounts of the Expenditures of Monies Voted by a Town; Upon an Inspection of Which, The State of Its Finances May at Any Time be Known.* Portland [ME]: Printed by Benjamin Titcomb, Jun. 1791. 178 pp. Final advertisement leaf and rear endleaf lacking. Octavo (6-3/4" x 4-1/2").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Moderate rubbing to extremities and rear board, light rubbing and a few inkstains to front board, hinges cracked. Light browning to text, some leaves have minor edgewear, cello tape repairs to two clean tears on front free endpaper. Nineteenth-century annotations to endleaves (recording family tree of the Jack family), interior otherwise clean. A nice copy of a scarce title. \$500.

\* First edition. Freeman's long career included two terms in the Massachusetts House of Representatives (1776, 1778) and a long tenure as clerk to the state courts. At other times he served as a probate judge. He also wrote several legal manuals. *The Town Officer* includes oaths, instructions, descriptions of powers and duties of officials, tables and also an extensive appendix that includes an outline of the power and duty of a grand jurors, a table of crimes and punishments, and an index. The final edition of this guide, the eighth, was published in 1815. Cohen, *Bibliography of Early American Law* 8278.

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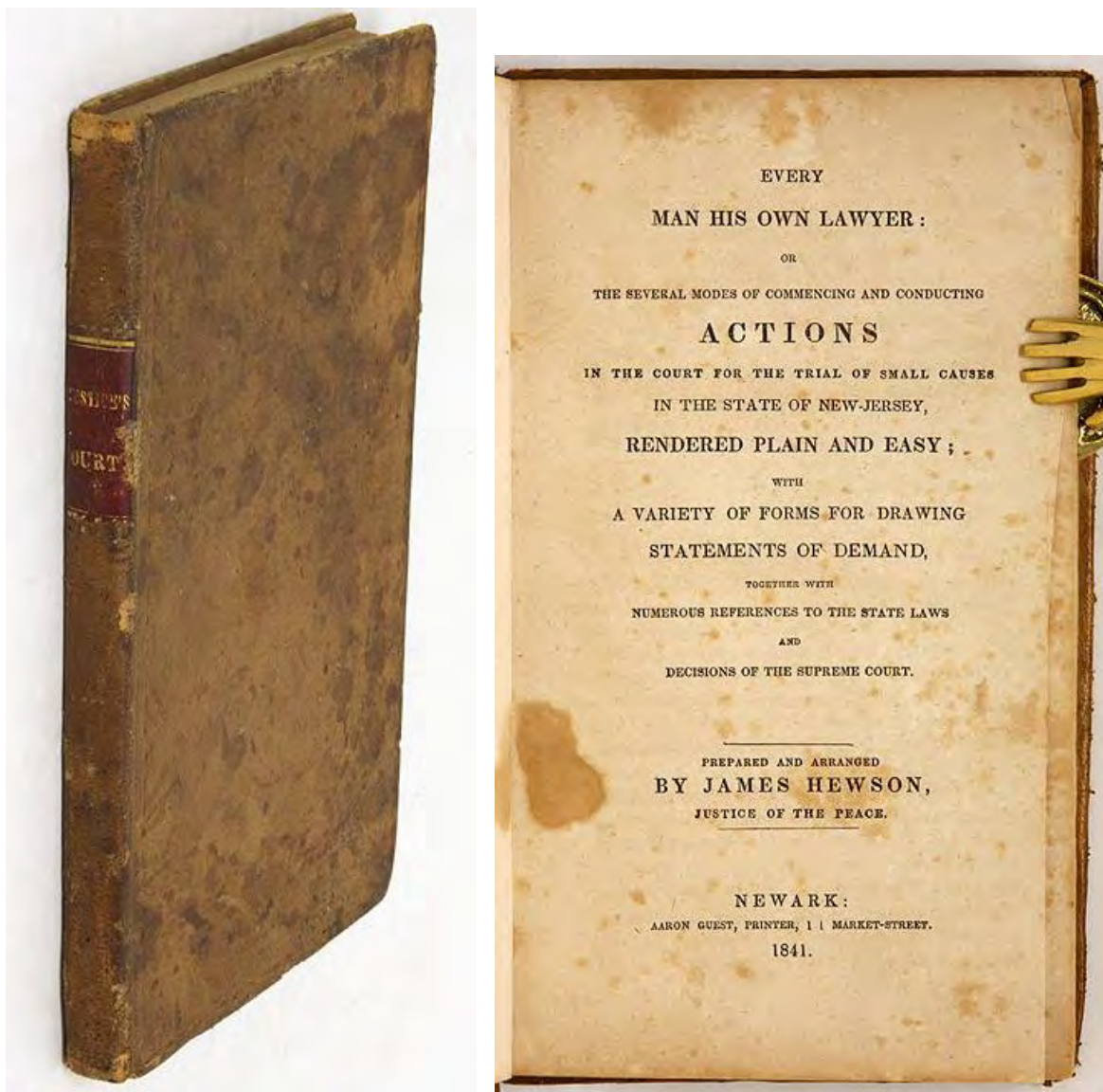
### The Judicial Chronicle

**8. [Gibbs, George (1815-1873)].**

*The Judicial Chronicle, Being a List of Judges of the Courts of Common Law and Chancery in England and America, And of the Contemporary Reports.* Cambridge, MA: J. Munroe & Company, 1834. iv, [4], 55 pp. Octavo (8-3/4" x 5-1/2").

Recent period-style marbled boards, printed paper title label to spine, endpapers renewed. Occasional light foxing, internally clean \$250.

\* Only edition. A work of painstaking research and a useful reference, this book has two parts: English Judges and Reports and American Judges and Reports. Gibbs practiced law in New York with a special interest in the history of conveyancing. He compiled several collections of titles and abstracts. Cohen, *Bibliography of Early American Law* 8571. [Order This Item](#)



**Scarce New Jersey Layman's Manual**

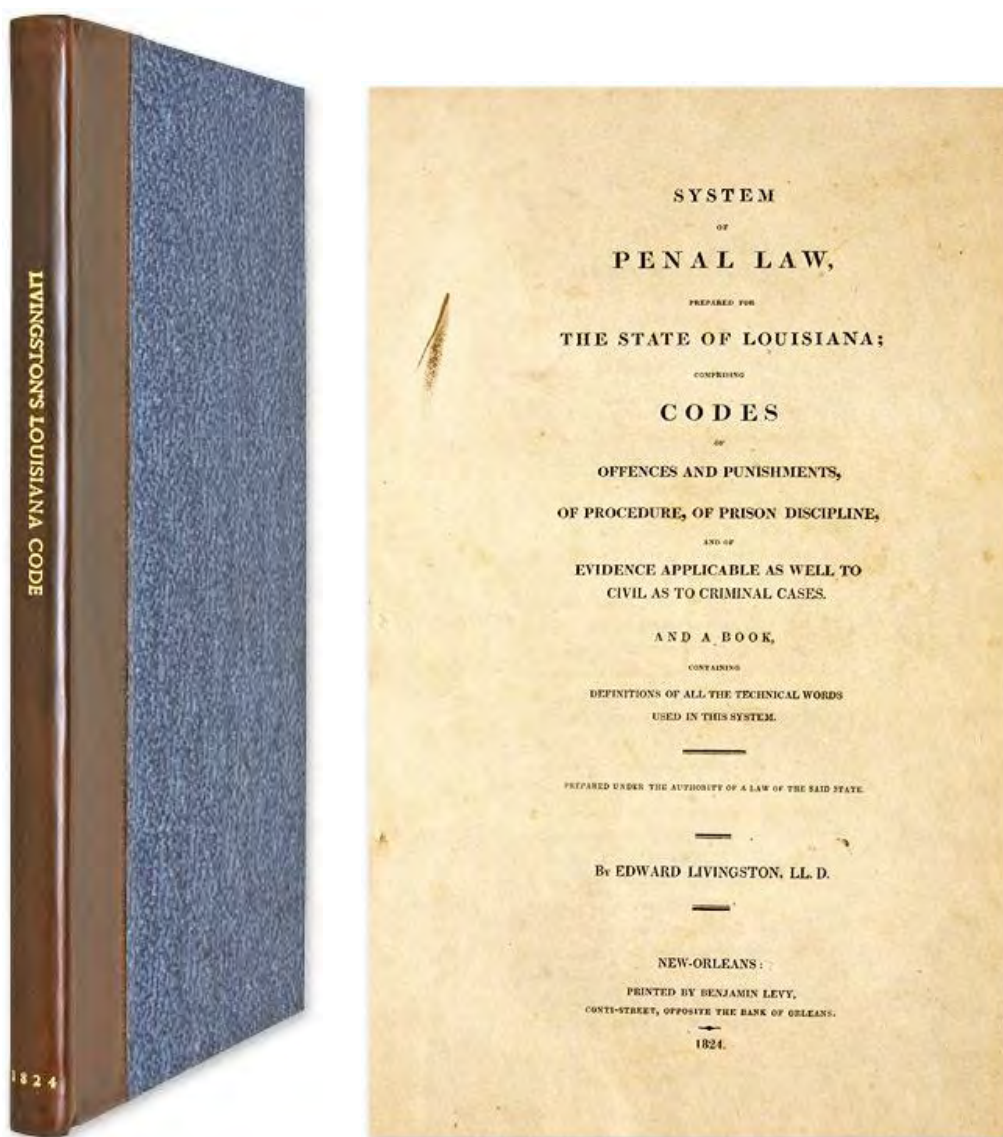
**9. Hewson, James.**

*Every Man His Own Lawyer: Or, The Several Modes of Commencing and Conducting Actions in the Court for the Trial of Small Causes in the State of New Jersey: Rendered Plain and Easy, With a Variety of Forms for Drawing Statements of Demand: Together with Numerous References to the State Laws and Decisions of the Supreme Court.* Newark [NJ]: Aaron Guest, 1841. 124 pp. Newspaper clipping dated 1897 laid between rear endleaves (with no offsetting). Octavo (7" x 4").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Moderate rubbing to extremities with some wear to spine ends, joints and corners. Light browning to text, some edgewear to a few leaves, one with a clean tear. Early annotations and signatures to endleaves, interior otherwise clean. \$250.

\* Only edition. Hewson, a justice of the peace (and former merchant tailor), was the author of a similar manual published anonymously in 1824 with a title beginning *The Law Instructor*. OCLC locates 13 copies 10 in law libraries (Brigham Young, Duke, Georgetown, Harvard, Rutgers, Seton Hall, University of New Mexico, University of Pennsylvania, Villanova, Yale). Felcone, *New Jersey Books* 761. Cohen, *Bibliography of Early American Law* 8217. [Order This Item](#)





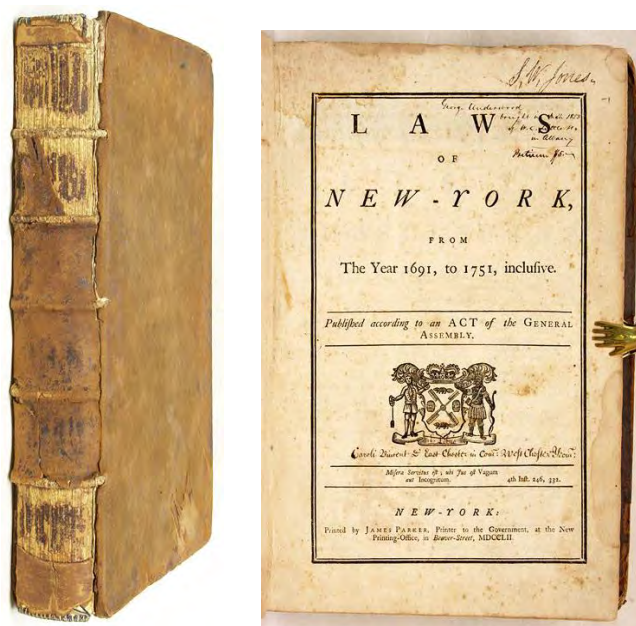
First Issue of Livingston's Louisiana Penal Code

**10. Livingston, Edward [1764-1836].**

*System of Penal Law, Prepared for the State of Louisiana: Comprising Codes of Offenses and Punishments, Of Procedure, Of Prison Discipline, And of Evidence Applicable as Well to Civil as to Criminal Cases. And a Book, Containing Definitions of All the Technical Words Used in This System.* New Orleans: Benjamin Levy & Co., 1824. 164 pp. (12-1/4" x 7-1/2").

Recent period-style quarter calf over marbled boards, gilt title and date to spine. Light toning to text, negligible light foxing in a few places. \$3,000.

\* First edition. Livingston's *Penal Code* marked an epoch in the broad international movement for penal reform. Profoundly influenced by Bentham, it stressed prevention over vengeance. Never enacted, it nevertheless established itself as one of the great standards for other reformers. Hicks marvels at the scope and clear organization of this code and notes that Bentham, Hugo, Lafayette, Story, Marshall, Madison, Kent and Jefferson considered it "the most comprehensive and enlightened system of criminal law that has ever been presented to the world.": Hicks, *Men and Books Famous in the Law* 180. Jumonville, *Bibliography of New Orleans Imprints* 430. Cohen, *Bibliography of Early American Law* 10329. [Order This Item](#)



# 1752 Colonial Laws of New York with the Errata Leaf and a Rare 1752 Printing of the Fee Ordinance

## 11. [New York].

[Livingston, William (1723-1790), Compiler].

[Smith, William, Jr. (1728-1793), Compiler].

*Laws of New-York, From the Year 1691 to 1751, Inclusive.* Published According to an Act of the General Assembly. New York: Printed by James Parker, 1752. [i], iv, [iii], [1], 488, [2] pp.

## [Bound with]

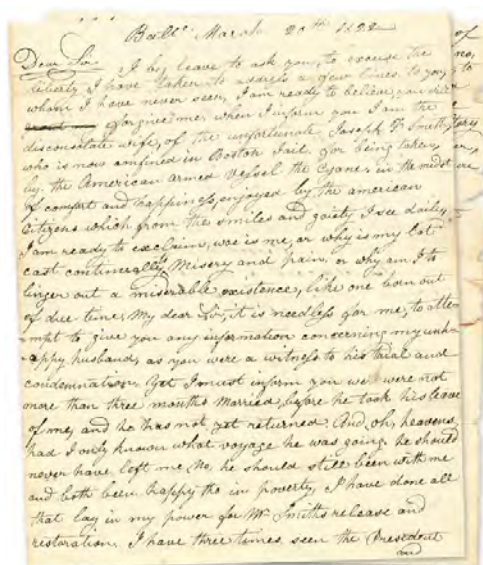
*An Ordinance for Regulating and Establishing Fees [October 19, 1710] By His Excellency Robert Hunter, Esq...* [New York: James Parker, 1752]. [8] pp.

Folio (13-1/2" x 9"). Contemporary reversed calf, blind rules to boards, blind fillets along joints, raised bands to spine. A few scuffs and light rubbing to boards, corners bumped and worn, sections of backstrip lacking from spine ends, front board beginning to separate, rear free endpaper lacking. Moderate toning, somewhat heavier in places, light foxing to most of text, minor worming to top margins of pp. 285-296 and a few other pages, faint dampstaining to margins of a few leaves, clean tear near center of pp. 177-178. Early annotations to front free endpaper (described below), owner signatures to title page (two from the nineteenth century), interior otherwise clean. An appealing copy. \$2,000.

\* First edition. With a rare 8-page printing of the *Ordinance*. This volume was commissioned by the colonial assembly in order to codify the body of laws that had accrued since becoming a crown colony in 1690. The importance of this publication and New York is evident in its subscriber list, a virtual "who's who" of colonial statesmen, such as Benjamin Franklin, James De Lancey and Charles Pinckney. It appears that fewer than 200 copies of this volume were printed, counting the 169 subscriber copies and three official copies produced for the colony. Our copy is enhanced by the inclusion of the 1710 *Ordinance*. Bibliographically distinct according to Evans and Benedict, it appears to be an integral part of our copy. An annotation on the front free endpaper states this copy was purchased at Parker's shop for "30 sch n.york Currency-February 5th:\* A.D. 1755. Florat Lex." Another annotation at the foot of the same leaf reads: "Stamford Nov. of 4th 1782. This certifies that this Book was taken a prize & condemned according to Law. Jabez Fitch Capt. Volunteers." (Fitch, 1752-1838, organized the Connecticut regiment that he commanded.) A note on the title page says this book was purchased in Albany in 1853 from W.C. Little, the notable law bookseller and publisher. The *Ordinance* printing in our copy not in Tower, Babbitt or the *ESTC*; OCLC locates 2 copies (New-York Historical Society, New York State Library). Evans, *American Bibliography* 6897, 6898. Benedict, *Acts and Laws of the Thirteen Original Colonies and States* 345, 325.

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**The First Convicted American  
Slave Trader, A Wife's Plea for Mercy**

**12. [Manuscript].**

**[Slavery].**

**Smith, Darcas (Mrs. Joseph F.)**

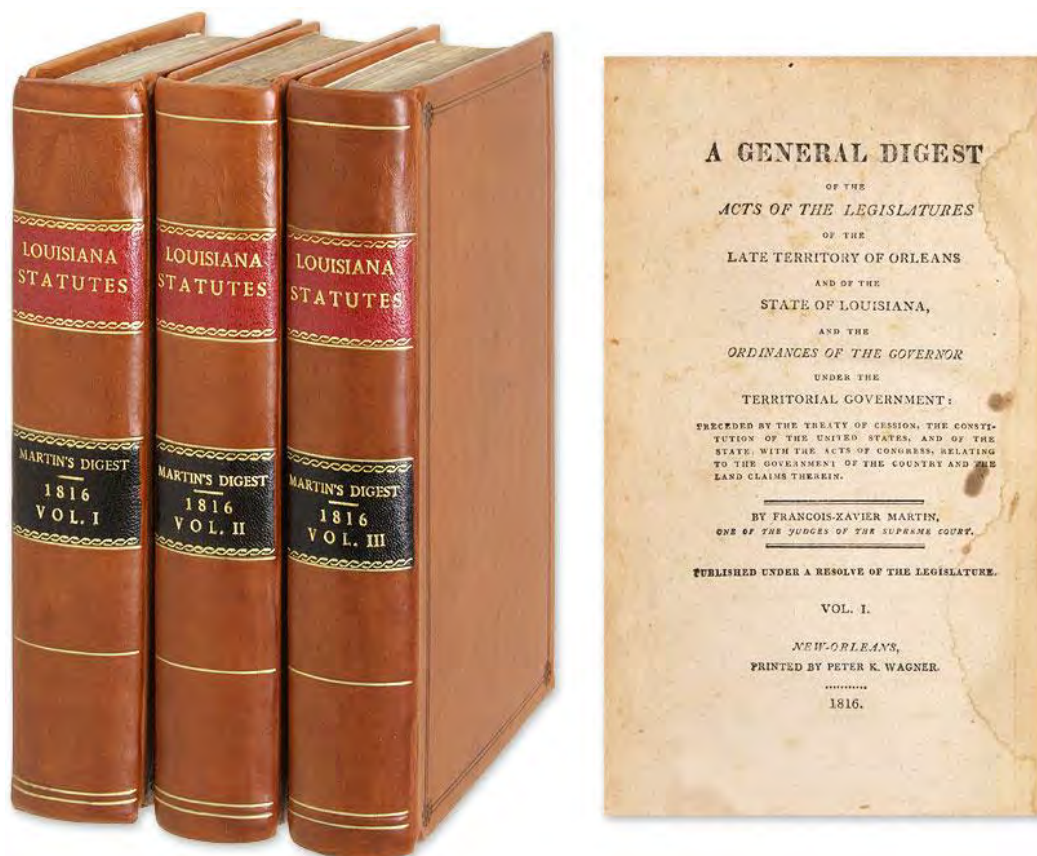
**[Davis, John (1761-1847)].**

*[Autograph Letter, Signed, to Judge John Davis, Baltimore, March 20, 1822].*

Two 9-3/4" x 7-3/4" leaves, content in fine hand to both, second leaf franked and docketed on verso. Light toning, vertical and horizontal fold lines, minor loss at wax seal with no loss to text, few minor chips and tears to second leaf. A rare document, unknown to the American historian who recently published a detailed account of the Smith case. \$4,500.

\* Plaintive plea for mercy addressed to Davis, judge of the United States district court for the district of Massachusetts, by the "disconsolate" wife of 29 year-old Baltimore sea captain Joseph Findley Smith, the first American convicted under the U.S. laws of 1808 and 1818 outlawing the transatlantic slave trade. In April 1820 Smith's schooner, the *Plattsburgh*, was captured off the West African coast by the U.S. Naval warship *Cyane*. While the *Plattsburgh* had no African natives aboard, it had been secretly outfitted as a slaver in Cuba with 50 sets of slave shackles, a set of deck cannons and a portfolio of fictitious papers of "Spanish" ownership. Smith was arrested and taken to Boston, where, in a trial presided over by U.S. Supreme Court Justice Joseph Story in January 1821, he was found guilty. With Monroe's hope that he would be "made an example of," sentenced to a five-year jail term. The trial was a small media sensation.

More than a year later, while Smith begged Monroe for a pardon, the "decent but poor girl" he had married just before sailing for Africa met with the President and Story. Both men were sympathetic to this "suffering daughter of America"; Story advised her to have her husband confess to and apologize for his crime and implicate the secret owners of his ship and their Cuban confederates. The impoverished Smith, who had not profited at all from the illegal voyage, complied, and was released from jail on August 30, 1822. Mrs. Smith wrote (in part) to the federal judge who had presided at a related slave-trade trial: "We were not more than three months married, before he took his leave of me, and he has not yet returned. And, oh, heavens had I only known what voyage he was going he should never have left me. He should still been with me and both been happy in poverty. I have done all that lay in my power for Mr. Smith's release and restoration. (...) I sincerely pray you, to aid and assist me, in having my dear husband released and restored to me once more. Africa's coast shall never see him again. Mercy is a darling attribute in which I am willing to believe you highly prize. (...) I hope you will excuse a suffering daughter of America. Stretch forth your hand to raise a suffering fellow creature." See Chambers, *No God but Gain: The Untold Story of Cuban Slavery, The Monroe Doctrine, and the Making of the United States* (2015), which describes this case. [Order This Item](#)



### A Landmark in Louisiana's Legal History

#### 13. Martin, Francois-Xavier [1762-1846].

*A General Digest of the Acts of the Legislatures of the Late Territory of Orleans and of the State of Louisiana, And the Ordinances of the Governor Under the Territorial Government: Preceded by the Treaty of Cession, The Constitution of the United States, And of the State, With the Acts of Congress, Relating to the Government of the Country and the Land Claims Therein. Published Under a Resolve of the Legislature.* New Orleans: Printed by Peter K. Wagner, 1816. Three volumes. 742; 696; 290, 295-513, [3], 107 pp. Volume III lacking pp. 291-294, which are supplied in facsimile. English and French translation on facing pages. Added title page in French reading: *Digeste General des Actes des Legislatures du Territoire d'Orleans et de l'Etat de la Louisiane...* Folding table in Volume I. Four pages of contemporary manuscript notes bound to rear of Volume II. Octavo (8" x 5").

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

\* First edition. One of the great landmarks in Louisiana's history, this was the first post-territorial digest of the Louisiana legislature. It contains the treaty ceding the Territory of Louisiana to the United States and, on pp. 601-691 of Volume I, the infamous *Code Noir* of 1685, which ordered the expulsion of the Jews from French colonies, banned non-Catholic practices there and provided a system for the regulation of slavery. Martin was an important figure in the legal history of the south. A French-born lawyer, judge, author, translator, printer and historian, he began his career in North Carolina. He later moved to the Louisiana territory, where he played the leading role in the reorganization of its legal system. Appointed attorney-general when Louisiana became a state, he is considered the father of Louisiana jurisprudence. The manuscript pages at the end of Volume II are an index. Jumonville, *Bibliography of New Orleans Imprints* 281, 282, 283. Cohen, *Bibliography of Early American Law* 5663. [Order This Item](#)





Appealing Copy of the 1742 Acts and Laws of Massachusetts

**14. [Massachusetts].**

*The Charter Granted by Their Majesties King William and Queen Mary, to the Inhabitants of the Province of the Massachusetts-Bay in New-England.* Boston: Printed and Sold by Samuel Kneeland and Timothy Green, 1742. 14 pp.

**[Bound with]**

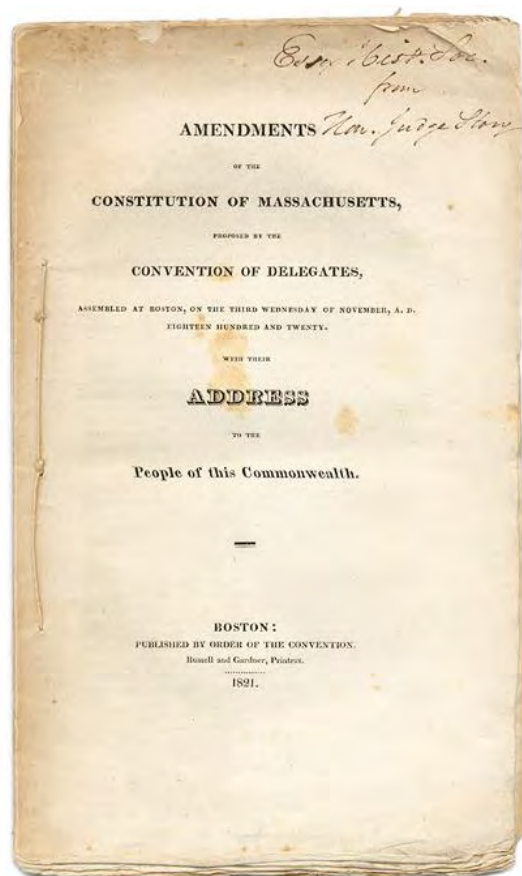
*The Table* [to the Acts] [Boston: Printed and Sold by Samuel Kneeland and Timothy Green, 1742] 28 pp.

**[And]**

*Acts and Laws of His Majesty's Province of the Massachusetts-Bay in New England.* Boston: Printed and Sold by Samuel Kneeland and Timothy Green, 1742. [ii], 333; [334]-340 pp. Pages after p. 333 contains two acts from 1743: "An Act for Fixing the Times for Holding the Superior Courts of Judicature [and Other Courts]," "An Act in Addition to the Several Acts for Regulating Fences" and "An Act in Addition to an [Act]...to Ascertain the Value of Money and of Bills of Publick Credit of this Province." 38 blank leaves bound to rear of text. Folio (11-1/2" x 7-1/2").

Contemporary sheep, blind rules to boards, blind fillets to joints, raised bands, unlettered spine. Some rubbing to boards and extremities, a few shallow scuffs to rear board, rear joint just starting at foot, corners bumped and somewhat worn, hinges cracked, front free endpaper partially detached (but secure), rear free endpaper lacking. Moderate toning to text, somewhat heavier in places, light foxing, faint stains to fore-edges of *Charter*, some staining and edgewear to blank leaves at rear of text. In all a very good, fresh copy in the original state. \$1,850.

\* This legislative compilation from 1692 to 1743 provides unparalleled insights into the colony's attitude towards Indians, "Free Negroes," piracy, buggery, bestiality, incest, "Jesuits and Popish priests," the killing of bastard children by their mothers, "misspending money in taverns," "keeping the Lord's day," adultery, polygamy and many other social and political topics. Although they are separate works, the *Charter* and *Laws* are almost always bound together. And like other copies, this one has additional acts published after 1742. These were issued with continuous pagination with the expectation that they would be bound with the original work. Babbitt, *Hand-List of Legislative Sessions and Session Laws* 193. Benedict, *Acts and Laws of the Thirteen Original Colonies and States* 151. Tower, *The Charlemagne Tower Collection of Colonial Laws* 262. [Order This Item](#)



**Amendments to the Massachusetts  
Constitution: A Presentation Copy from Joseph Story**

**15. [Massachusetts].**

**[Constitution].**

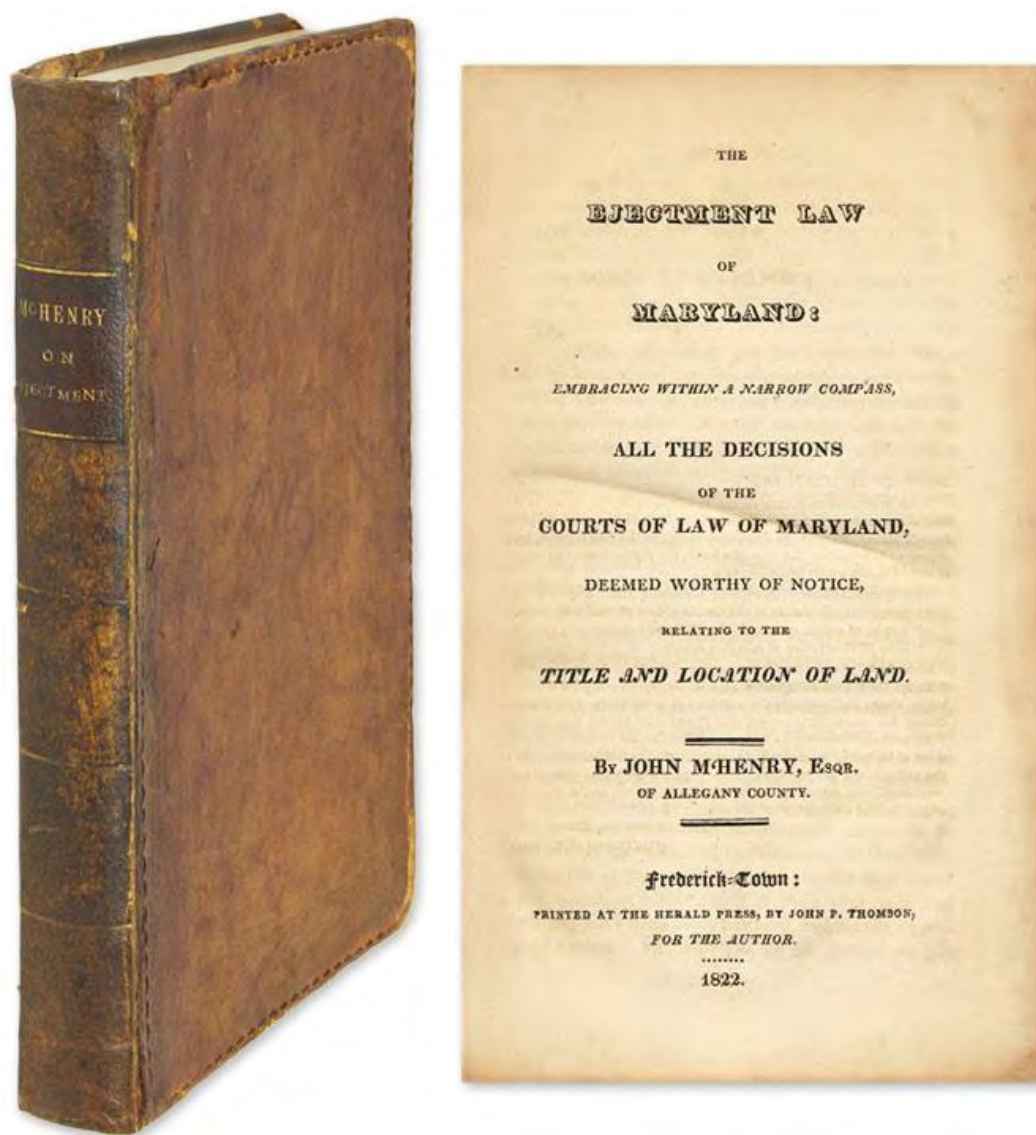
**[Story, Joseph (1779-1845)].**

*Amendments of the Constitution of Massachusetts, Proposed by the Convention of Delegates, Assembled at Boston, On the Third Wednesday of November, A.D. Eighteen Hundred and Twenty. With their Address to the People of this Commonwealth.* Boston: Published by Order of the Convention. Russell and Gardner, Printers. 1821. First Edition. [iii], 4-32 pp. Octavo (10-1/4" x 6").

Stab-stitched pamphlet in self-wrappers, untrimmed edges. Moderate toning, minor edgewear to a few leaves, light foxing and presentation inscription to title page, final leaf signed by Convention Secretary Benjamin Pollard. \$1,850.

\* First edition. Presented to the Essex Historical Society, this copy is inscribed "from Hon Judge Story." The great Supreme Court justice was member of the convention to amend to Massachusetts Constitution. Mel A. Topf in wrote about Story's importance at the Convention: "Story brought his prestige and leadership, together with his considerable political and legal skills, to what was for him and his allies at the convention the overriding mission: to save the Massachusetts frame of government from the democratizing forces (or from radicalism, the term Story used) that were threatening the Republic itself. It would be difficult to overemphasize the centrality of this mission to Story's theory of the judiciary. Story, along with Daniel Webster and others, led the conservative faction toward its goal of creating an alliance to protect the Massachusetts constitution from democratic extremes of the radicals, whose program was the convention's main agenda." An excellent association connecting Joseph Story to a critical event in his judicial career in Massachusetts. Topf, *A Doubtful and Perilous Experiment: Advisory Opinions, State Constitutions, and Judicial Supremacy* 32-33. Cohen, *Bibliography of Early American Law* 3144. [Order This Item](#)





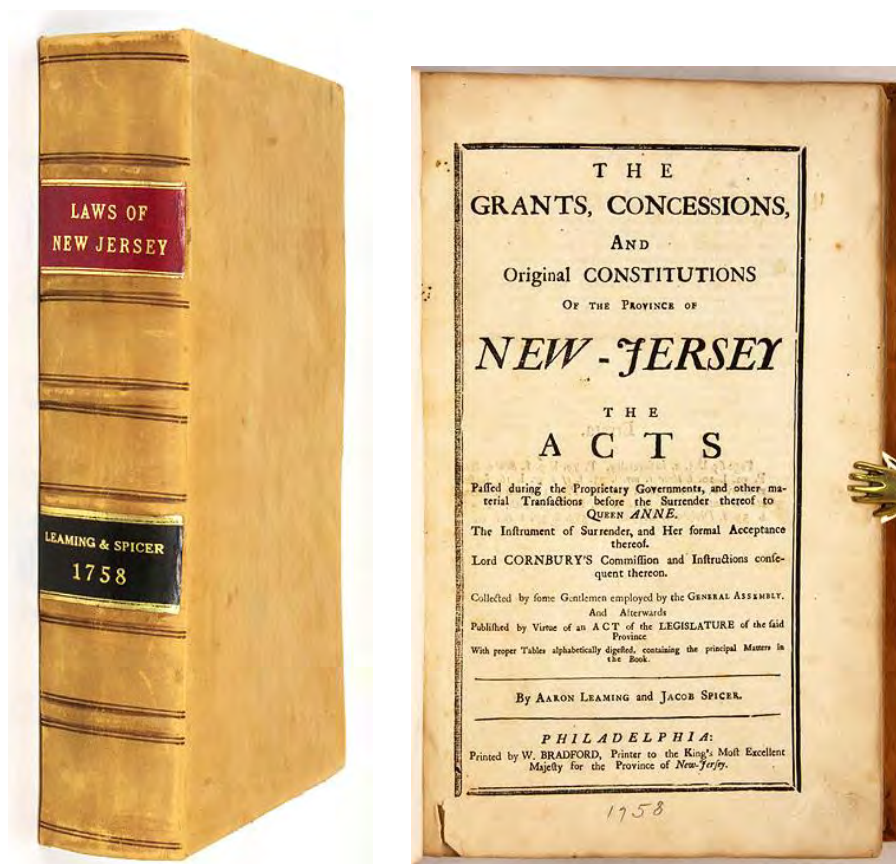
**Uncommon 1822 Maryland Treatise on Ejectment**

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

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

Contemporary calf, blind fillets to boards, carefully rebacked, lettering piece and gilt fillets to spine, hinges mended. Some rubbing to extremities with wear to corners, faint owner initials to front board, offsetting to margins of endleaves, moderate toning to text. Early owner signature (of Frank Gosnell) to front pastedown, interior otherwise clean. \$450.

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



### The First Retrospective Compilation of New Jersey Law

#### 17. [New Jersey].

Leaming, Aaron, Compiler.

Spicer, Jacob Compiler.

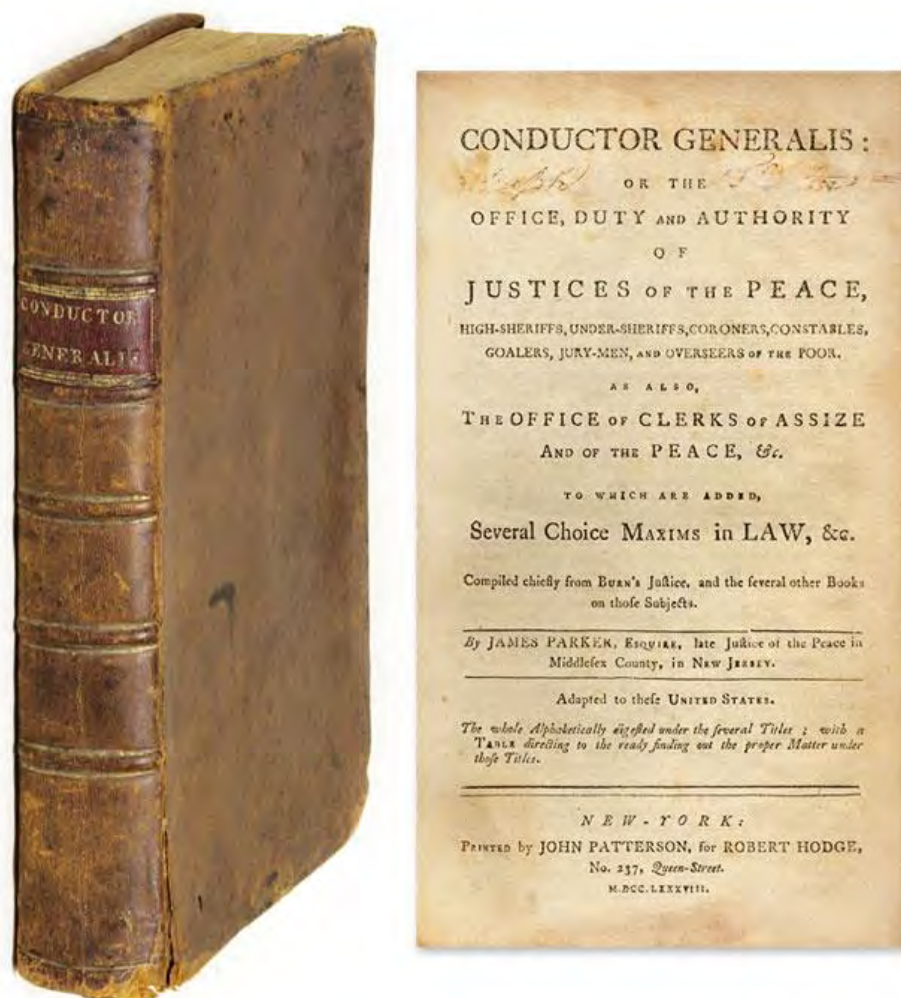
*The Grants, Concessions, And Original Constitutions of the Province of New-Jersey: The Acts Passed During the Proprietary Governments, And Other Material Transactions Before the Surrender Thereof to Queen Anne, The Instrument of Surrender, And Her Formal Acceptance Thereof, Lord Cornbury's Commission and Instructions Consequent Thereon. Collected by Some Gentlemen Employed By the General Assembly, And Afterwards Published by Virtue of an Act of the Legislature of the said Province With Proper Tables Alphabetically Digested, Containing the Principal Matters in the Book.* Philadelphia: Printed by W. Bradford, [1758]. [iv], 763 pp. Folio (11-1/4" x 7").

Later sheep, raised bands, black fillets and red and black lettering pieces to spine. Light rubbing to boards and spine and extremities, small recent bookseller ticket to front pastedown. Internally quite clean and fresh, with very light foxing in places, small tear to fore-edge of leaf Z6 (pp. 549-550). A very appealing copy. \$2,500.

\* First edition. With indexes for East Jersey and West Jersey. The third official compilation of New Jersey law, and the scarcest according to Felcone, it is the first to print fundamental laws, constitutions and documents from 1663 to 1702 and session laws from 1668 to 1702. "This handsome volume, generally known as Leaming and Spicer's Laws, was prepared under the authority of an act of Assembly passed in 1752, and is the largest work issued from the press of Wm. Bradford. Subscribers' names were first solicited in February, 1755, the compilers having spent nearly two years in its preparation. Three more years were consumed in printing, and it was not until May, 1758, that it was ready for delivery. Up to that time 170 copies had been subscribed for, and the editors say, in the *Pennsylvania Journal*, May 11. 1758, 'a number of copies yet remain not subscribed for,' and 'any person may be supplied' until 'the 17th of July next, after which we will not further extend the sale': *The Charlemagne Tower Collection of American Colonial Laws* 165. Felcone, *New Jersey Books* 156.

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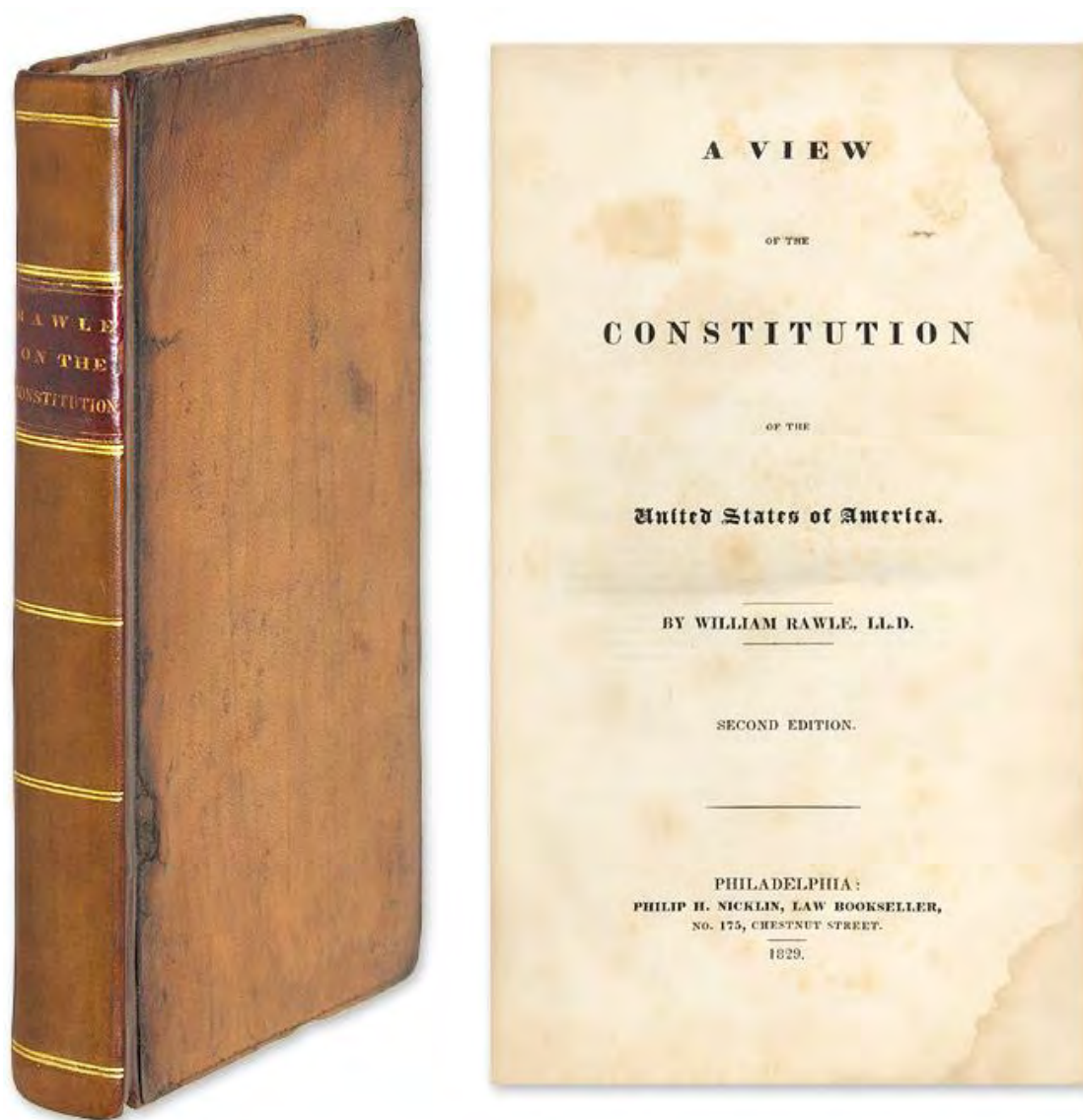
### 1788 Printing of Parker's Conductor Generalis

#### 18. 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. \$400.

\* 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](#)



### Used to Justify Secession

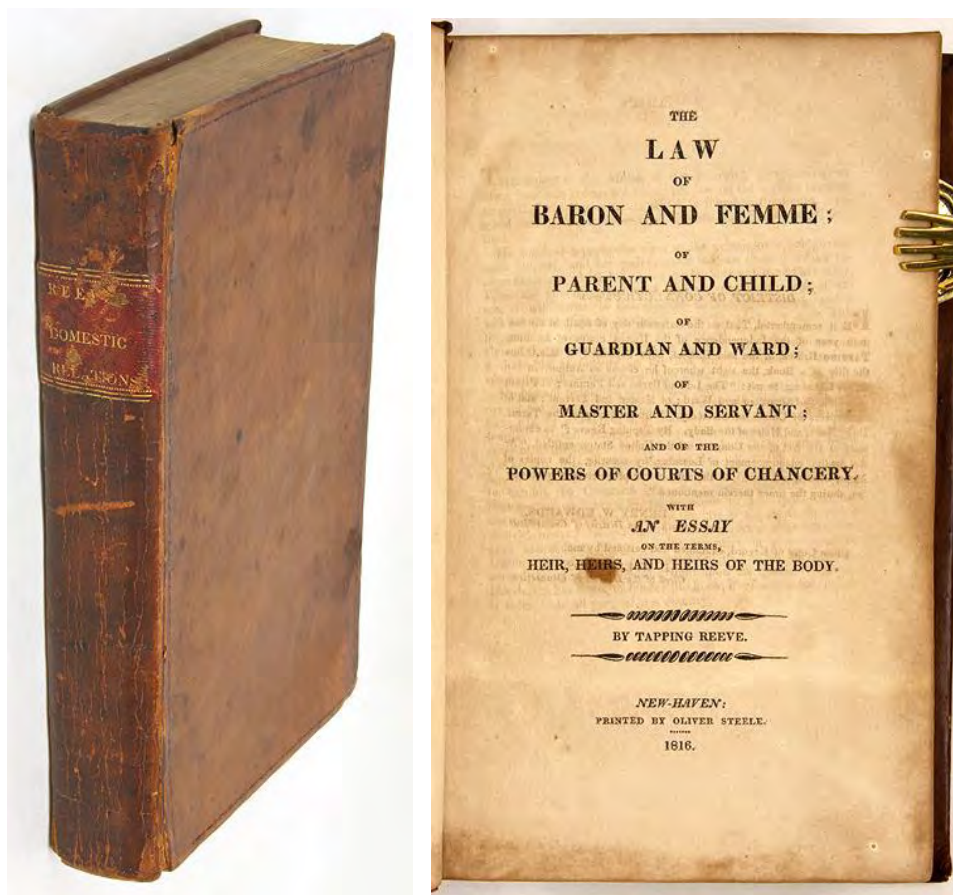
**19. Rawle, William [1759-1836].**

*A View of the Constitution of the United States of America.* Philadelphia: Philip H. Nicklin, Law Bookseller, 1829. viii, [9]-349 pp. Octavo (8-3/4" x 5-1/2").

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

\* Second edition. Rawle's treatise is one of the earliest works on the United States Constitution, and one of the most important. This text is significant also because it suggests that states have a right to secede from the Union. As Cohen observes, the popularity of this text, which was used at West Point and other schools throughout the country, "is generally considered to have influenced the leaders and supporters of the Confederacy, although in fact Rawle opposed secession." Cohen, *Bibliography of Early American Law* 2894. [Order This Item](#)





First Edition of Reeve's *Baron and Femme*,  
The First American Treatise on Family Law

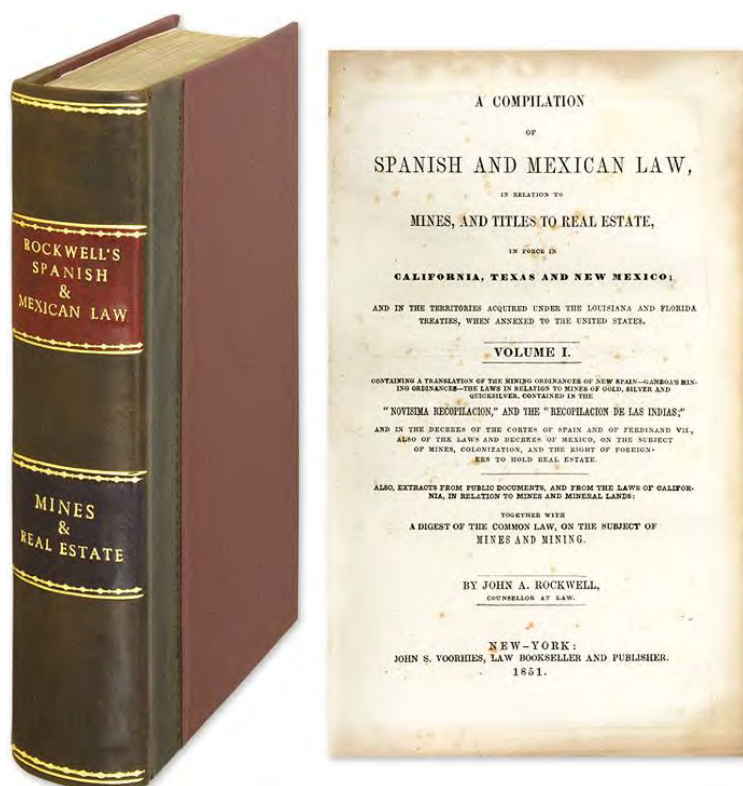
**20. Reeve, Tapping [1744-1823].**

*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").

Contemporary calf, blind fillets to boards, lettering piece and blind fillets to spine. Light rubbing to boards, moderate rubbing to extremities, a few scuffs and nicks, faint creases to spine, corners bumped and somewhat worn, front hinge cracked, rear joint and hinge starting, nineteenth-century owner bookplates (of J.T. Terry and Mark H. Sibley) to front pastedown. Light browning to text, light foxing to a few leaves, lower corner lacking from p. 225-226 with no loss to text, small chip to front free endpaper. A nice copy of an important work. \$500.

\* 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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"Light Reading for the Gold Hunter on His Voyage Around the Horn"

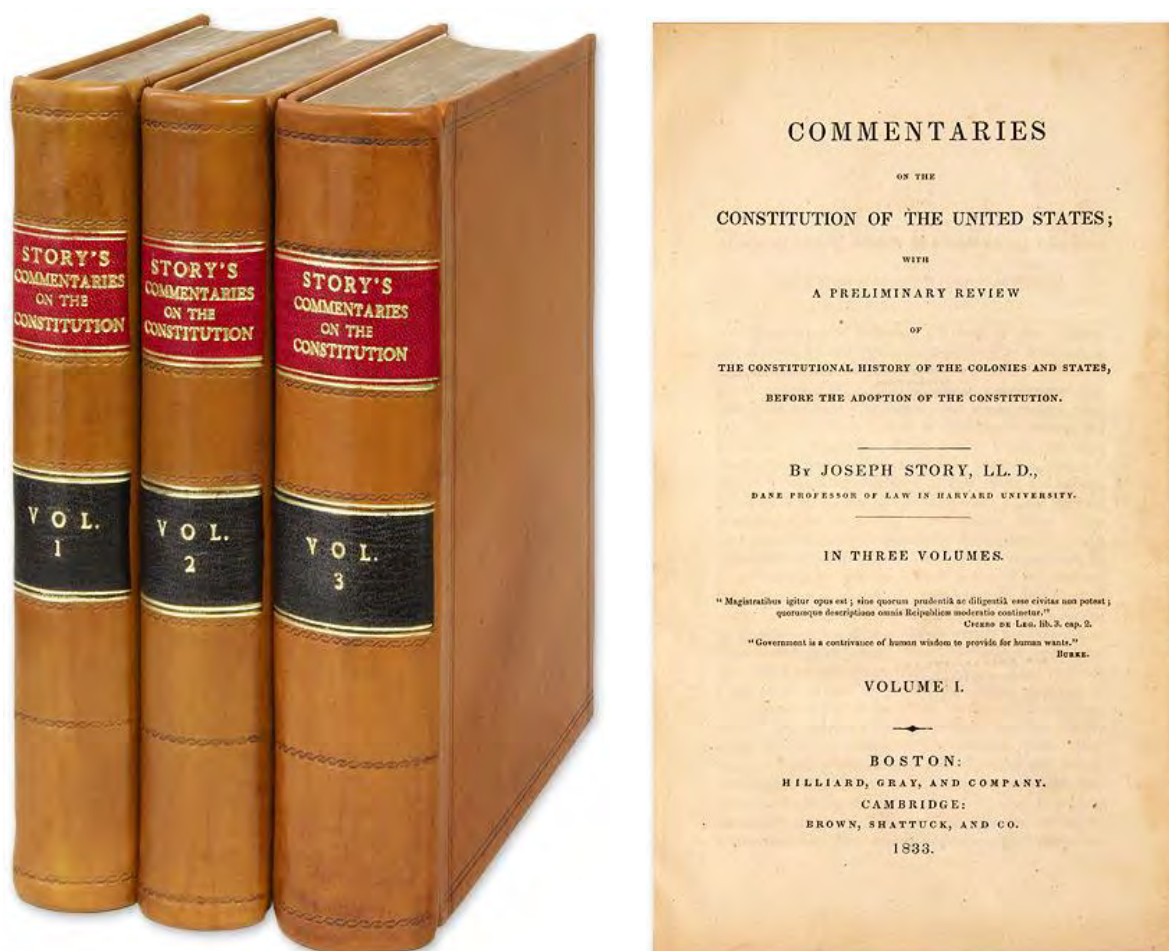
**21. Rockwell, John A(arnold) [1803-1861].**

*A Compilation of Spanish and Mexican Law, in Relation to Mines, and Titles to Real Estate, in Force in California, Texas and New Mexico; and in the Territories Acquired under the Louisiana and Florida Treaties, When Annexed to the United States. Containing a Translation of the Mining Ordinances of New Spain-Gamboa's Mining Ordinances-The Laws in Relation to Mines of Gold, Silver and Quicksilver, Contained in the "Novisima Recopilacion," and the "Recopilacion de las Indias," and in the Decrees of the Cortes of Spain and of Ferdinand VII, Also of the Laws and Decrees of Mexico, on the Subject of Mines, Colonization, and the Right of Foreigners to Hold Real Estate. Also, Extracts from Public Documents, and from the Laws of California, in Relation to Mines and Mineral Lands: Together With a Digest of the Common Law, on the Subject of Mines and Mining. Volume I (all published). New York: John S. Voorhies, 1851. [iii], iv-xix, [3], [7]-663, [1] pp. Octavo (9-1/2" x 6").*

Recent period-style quarter calf over cloth, red and black lettering pieces to spine, endpapers renewed. Toning, occasional light foxing, discoloration to a few leaves. Contemporary annotations to a few leaves, interior otherwise fresh. A handsomely bound copy of a scarce and important title. \$1,500.

\* Only edition. Sabin remarked humorously that this was "light reading for the Gold Hunter on his voyage around the Horn." Rockwell's *Compilation* addressed the needs of miners and other individuals who needed to reconcile Mexican land titles with the new U.S. laws that went into effect in the territory acquired by the United States in the recently concluded Mexican-American War (1846-48). An impressive achievement and a notable contribution to comparative law, it discusses Mexican mining and real estate laws, and their Spanish colonial antecedents, and offers comparisons to the common law of mines and mining. Also included are treaties and other general documents, such as the Treaty of Guadalupe Hidalgo and Mexican colonization laws from 1823 to 1846, and a vocabulary of Spanish words. Recognized as an authority at the time of its publication, it remained a standard work for decades and is even cited today. Arnold, a lawyer, judge and politician, was a U.S. Representative from Connecticut. Sabin, *A Dictionary of Books Relating to America* 72430. Cohen, *Bibliography of Early American Law* 5296. [Order This Item](#)





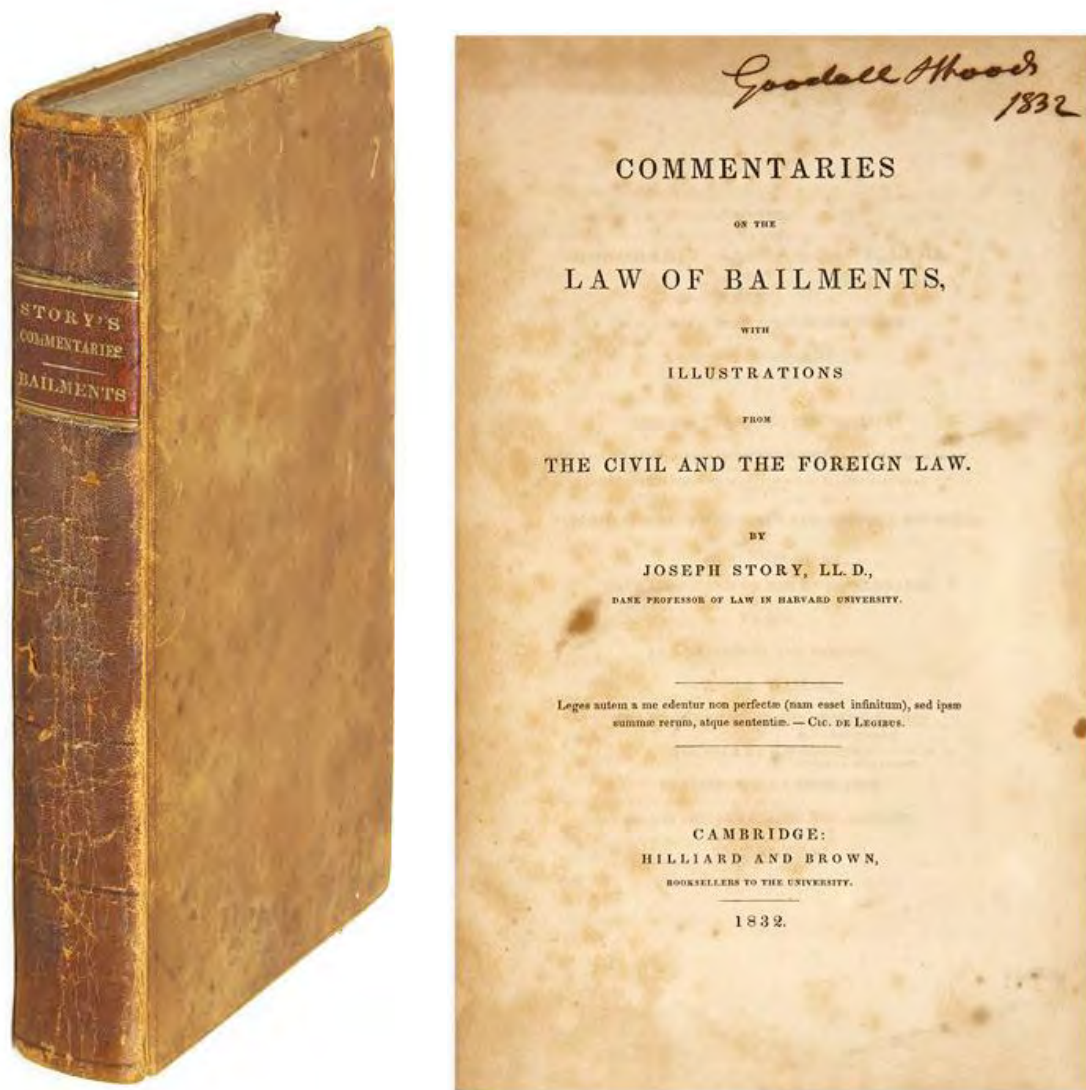
**Handsome First Edition of the First Substantial Treatise on the American Constitution**

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

*Commentaries on the Constitution of the United States; With a Preliminary Review of the Constitutional History of the Colonies and States, Before the Adoption of the Constitution.* Boston: Hilliard, Gray and Company, 1833. Three volumes. xxxiv, [ii], 494; [ii], 555; [ii], 776 pp. Octavo (8-1/2" x 5-1/2").

Recent period-style calf, blind rules to boards, red and black lettering pieces and blind fillets to spine, endpapers renewed. Internally clean and bright. A handsome set. \$8,500.

\* First edition. Story's *Commentaries* was the most substantial and influential work written on the American Constitution between the publication of the *Federalist* and the Civil War, and it remains an important work today. Written while Story was Dane Professor at Harvard Law School and an Associate Justice of the Supreme Court, it presented a strongly Nationalist interpretation. It is divided into three books. Book I contains a history of the colonies and discussion of their charters. Book II discusses the Continental Congress and analyzes the flaws that crippled the Articles of Confederation. Book III begins with a history of the Constitution and its ratification. This is followed by a brilliant line-by-line exposition of each of its articles and amendments. Comparing it to the *Federalist*, James Kent said that Story's work was "written in the same free and liberal spirit, with equal exactness and soundness of doctrine, and with great beauty and eloquence of composition. (...) Whoever seeks...a complete history and exposition of this branch of our jurisprudence, will have recourse to [this] work, which is written with great candor, and characterized by extended research, and a careful examination of the vital principles upon which our government reposes." cited in Marvin, *Legal Bibliography* 669-670. Cohen, *Bibliography of Early American Law* 2914. [Order This Item](#)



*Story on Bailments, First Edition*

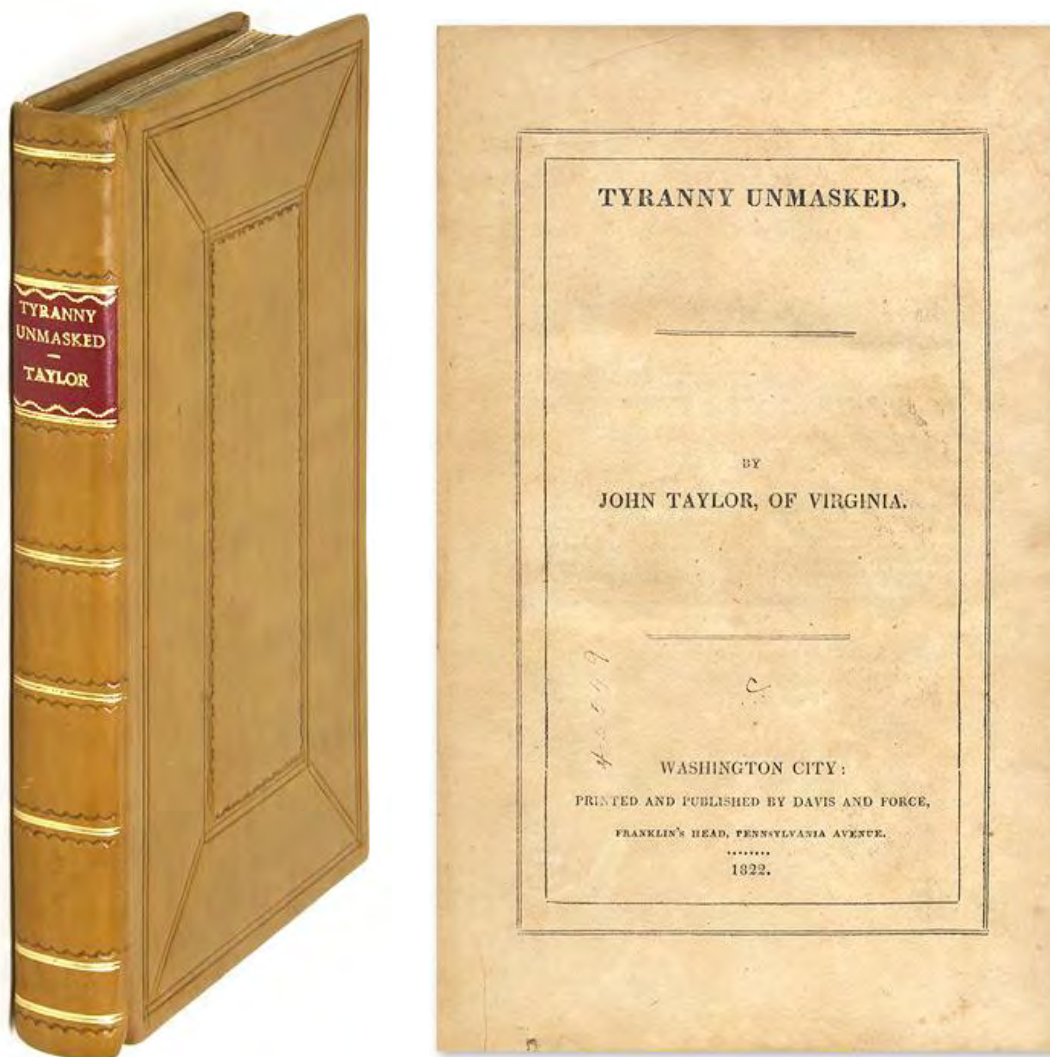
### 23. Story, Joseph.

*Commentaries on the Law of Bailments, With Illustrations from the Civil and Foreign Law.* Cambridge: Hilliard and Brown, 1832. xxxiv, 411 pp. Two tipped in leaves at rear with notes on both sides in an early hand. Octavo (8" x 5").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Light rubbing and a few minor scuffs to boards, moderate rubbing to extremities, somewhat heavier rubbing to spine, corners bumped, hinges starting, minor worming to rear hinge. Moderate toning to text, somewhat heavier in places, a few sections of text have light foxing, upper corners of some leaves have fold lines, a few leaves have minor inkspatters. Early owner signature to head of title page, early marks in pencil to a few passages. A nice copy. \$950.

\* First edition. "Whatever was to be found in the English and American decisions, whatever Roman and Continental jurisprudence afforded on illustration of the law of bailments, Joseph Story collected and combined with surprising industry, and wonderful learning...Story's *Bailments* affords one of the best examples, in modern times, of the illustration which our laws are susceptible of, by the aid of foreign jurisprudence." Marvin, *Legal Bibliography* 668-669. Cohen, *Bibliography of Early American Law* 2451. [Order This Item](#)





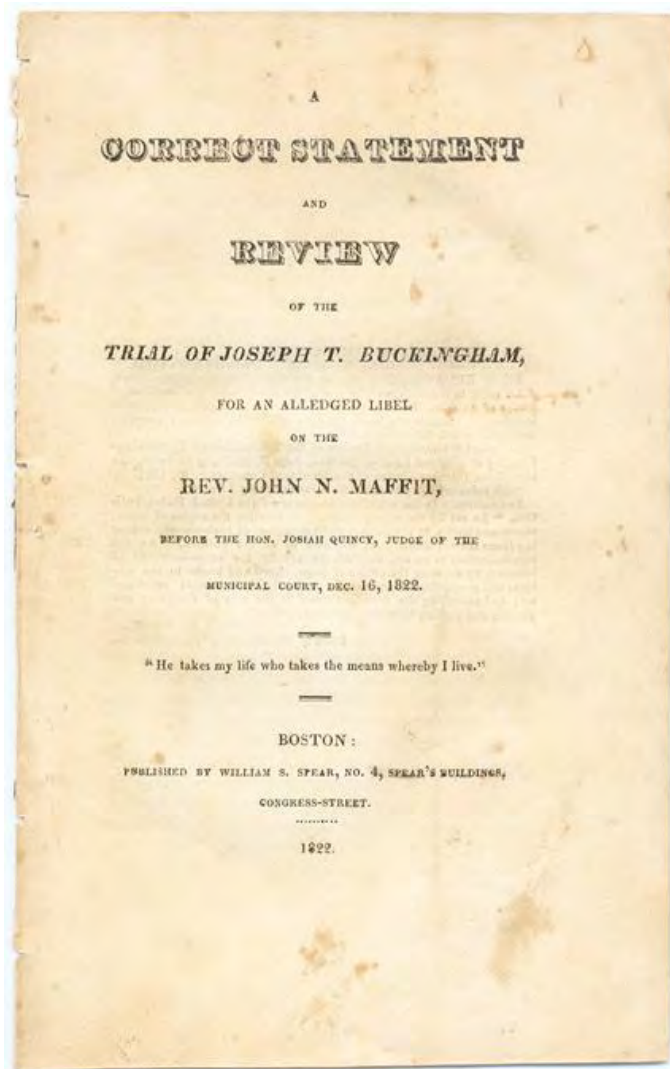
**An Important Southern Voice in the  
Political Debates That Followed the War of 1812**

**24. Taylor, John, Of Caroline [1753-1824].**

*Tyranny Unmasked*. Washington City [DC]: Printed and Published by Davis and Force, 1822. 349 pp. Octavo (8-1/2" x 5").

Recent period-style calf, blind panels to boards, lettering piece and gilt fillets to spine, endpapers renewed. Moderate toning, light foxing in places, a few leaves have faint markings in pencil, two very faint tiny marks in pen to title page ("45549" and "c"). A handsome copy. \$1,000.

\* Only edition. Taylor's work is an essential part of the political and intellectual history of the South, especially Southern constitutional theories used to justify secession. *Tyranny Unmasked* expands his theories of society, government and the U.S. Constitution introduced in *An Inquiry Into the Principles and Policy of the Government of the United States* (1814) and expanded in *Construction Construed* (1820). *Tyranny Unmasked* discusses the effect of the Constitution on social policies, particularly taxation, banking, tariffs, protectionism and currency. Along with many other Southerners, Taylor feared centralized national government, believing it would corrupt the virtue of the American people and upset the proper constitutional balance between state and federal authority. Sabin, *A Dictionary of Books Relating to America* 94495. Cohen, *Bibliography of Early American Law* 6334. [Order This Item](#)



**A Notable Nineteenth-Century Massachusetts Libel Trial**

**25. [Trial].**

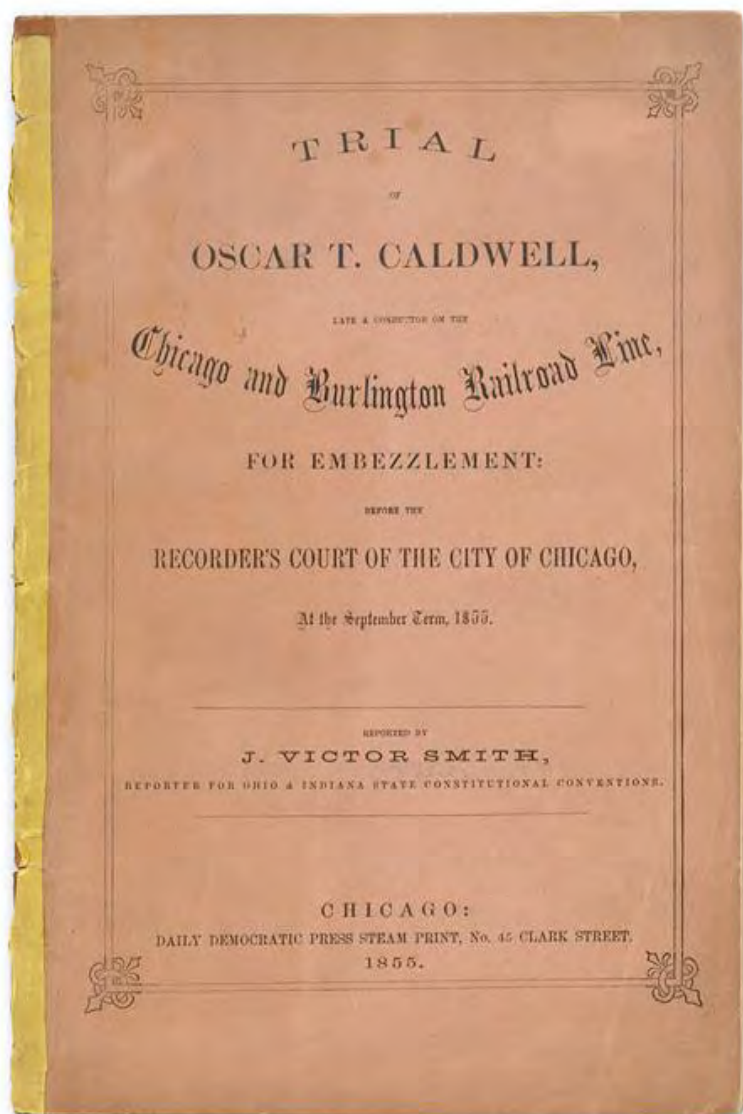
**Buckingham, Joseph T., Defendant.**

*A Correct Statement and Review of the Trial of Joseph T. Buckingham for an Alleged Libel of the Rev. John N. Maffitt, Before the Hon. Josiah Quincy, Judge of the Municipal Court, Dec. 6, 1822.* Boston: Published by William S. Spear, 1822. 16 pp. Octavo (8-1/2" x 5-1/4").

Disbound stab-stitched pamphlet. Moderate toning, light foxing in a few places, minor chips and edgewear to a few leaves, early marks to margins next to a few passages. \$450.

\* Only edition. One of the first accounts of a notable nineteenth-century Massachusetts libel trials. (It is the first of ten publications listed in Cohen.) "Joseph Buckingham, publisher of the *New England Galaxy*, was indicted on the charge of printing a libel on John Maffitt, a Methodist preacher (sometimes spelled Maffit). His defense was built on proving the truth of the alleged libel, and he was acquitted. Several works about the trial itself were published long after it took place; their intent was to damage Maffitt's reputation, as he was by then engaged in parochial conflicts. Maffitt's career was also a factor in a libel suit brought twenty-eight years later, in which his father-in-law, a judge, was sued by Maffitt's friend, the Reverend John C. Green." : Cohen, *Bibliography of Early American Law* 13280. [Order This Item](#)





**Brought to Justice by the Pinkertons**

**26. [Trial].**

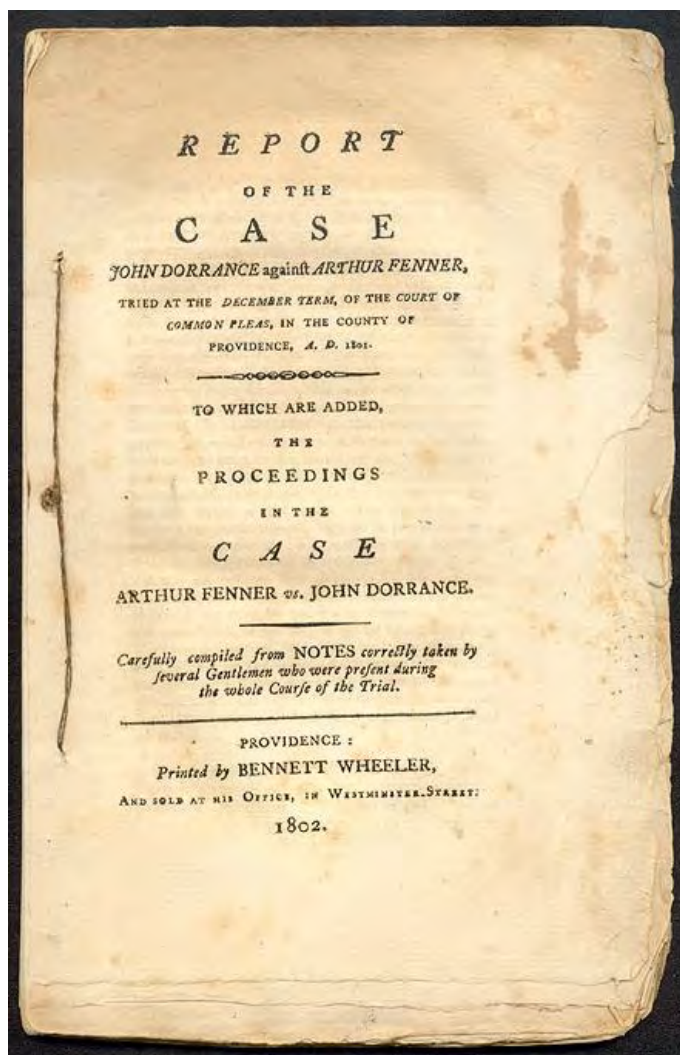
**Caldwell, Oscar T., Defendant.**

**Smith, J. Victor, Reporter.**

*Trial of Oscar T. Caldwell, Late a Conductor on the Chicago and Burlington Railroad Line, For Embezzlement: Before the Recorder's Court of the City of Chicago at the September Term, 1855.* Chicago: Daily Democratic Press Steam Print, 1855. 35 pp. Text in parallel columns. Octavo (8-1/2" x 5-1/2").

Stab-stitched pamphlet in printed wrappers, spine reinforced. Light soiling, minor edgewear, spine abraded (but secure), some toning to text. \$400.

\* Only edition. Caldwell's trial was the result of an investigation by the Pinkerton detective agency, then a five-year old company. Caldwell was convicted. The rear wrapper carries an advertisement for the Pinkerton & Company. OCLC locates 6 copies in law libraries (Harvard, Library of Congress, Rutgers, St. John's University, Social Law, University of Missouri). Cohen, *Bibliography of Early American Law* 13985. [Order This Item](#)



### Body Snatching in Rhode Island

#### 27. [Trial].

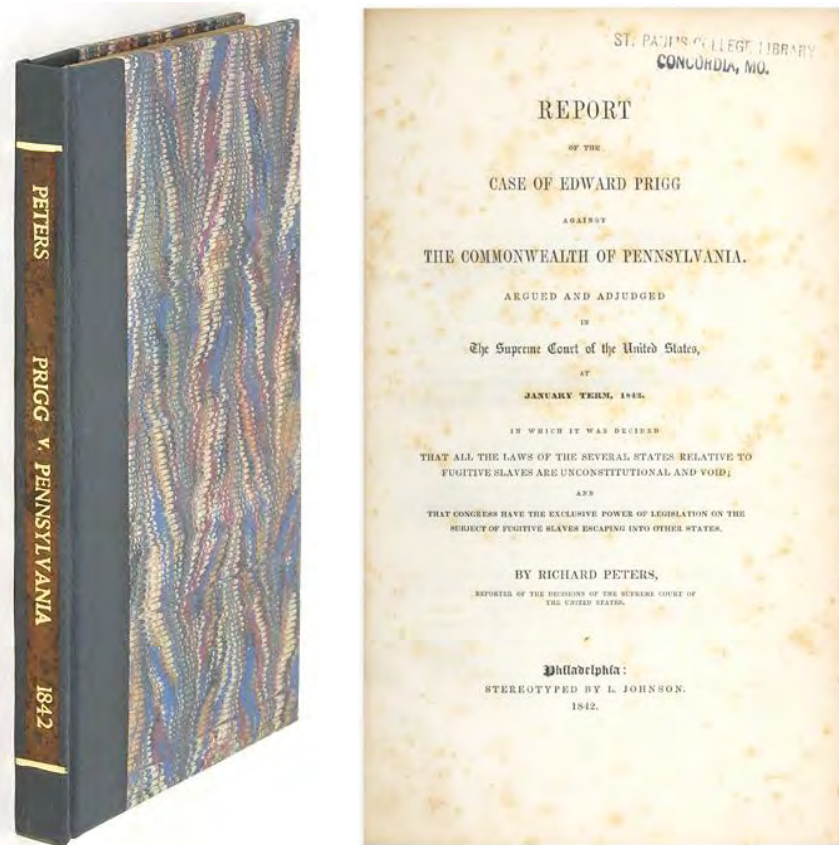
#### **Dorrance, John [1747-1813], Plaintiff.**

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

Stab-stitched pamphlet, untrimmed edges. Moderate toning, foxing and faint stains to a few leaves, light soiling to exterior, internally clean. \$450.

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





### The Crucial Decision that Undercut the Fugitive Slave Act

#### 28. [Trial].

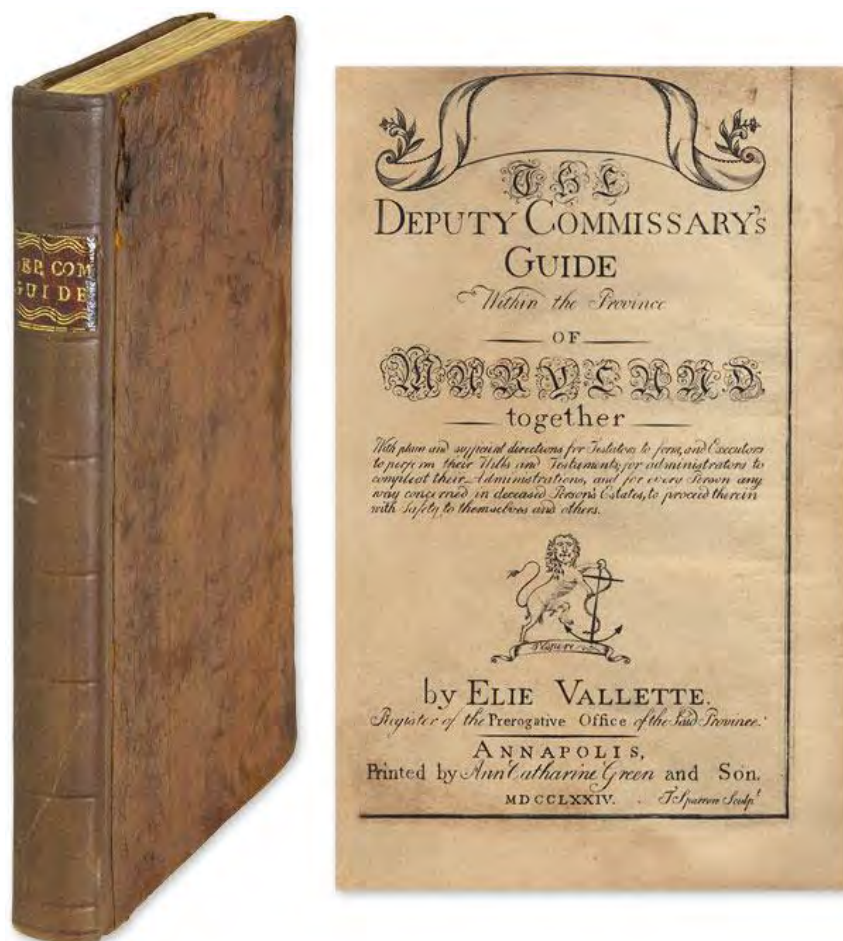
**Prigg, Edward, Plaintiff in Error.**

**Peters, Richard [1780-1848], Reporter.**

*Report of the Case of Edward Prigg Against the Commonwealth of Pennsylvania. Argued and Adjudged in the Supreme Court of the United States, At January Term, 1842. In Which it was Decided That All the Laws of the Several States Relative to Fugitive Slaves are Unconstitutional and Void: And that Congress Have the Exclusive Power of Legislation on the Subject of Fugitive Slaves Escaping into Other States.* Philadelphia: Stereotyped by L. Johnson, 1842. 140 pp. Octavo (9-3/4" x 6").

Recent quarter cloth over marbled boards, gilt title to spine. Light toning and foxing to text. Ex-library. Small inkstamps to edges and head of title page. A nice copy in a handsome binding. \$1,250.

\* Only edition. A landmark in the history of American slavery, *Prigg v. Pennsylvania* was the first Supreme Court case to address the state and Federal laws concerning fugitive slaves, most notably the Federal Fugitive Slave Act of 1793. Prigg, a Maryland slave-catcher, apprehended Margaret Moran, an alleged fugitive slave, in Pennsylvania and brought her back to Maryland. Pennsylvania convicted him for kidnapping because he failed to obtain a state-mandated Certificate of Removal, a court document permitting the capture of a fugitive slave. The U.S. Supreme Court reversed the decision. In an opinion written by Justice Story, the Court held that Congress had the exclusive power to regulate the treatment of fugitive slaves. Thus Pennsylvania's requirement of a Certificate of Removal was illegal under the Constitution. The Court held that slave-catchers could seize alleged fugitives without judicial approval. However, and more important, the Court also said the Federal government lacked the authority to compel state officials to enforce the Fugitive Slave Act. In sum, *Prigg v. Pennsylvania* undercut the power of that act. Anger in the slave states over this decision led to the Compromise of 1850, which compelled the governments and residents of free states to enforce the capture and return of fugitive slaves. Finkelman, *Slavery in the Courtroom* 60-64. Cohen, *Bibliography of Early American Law* 13856. [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].**

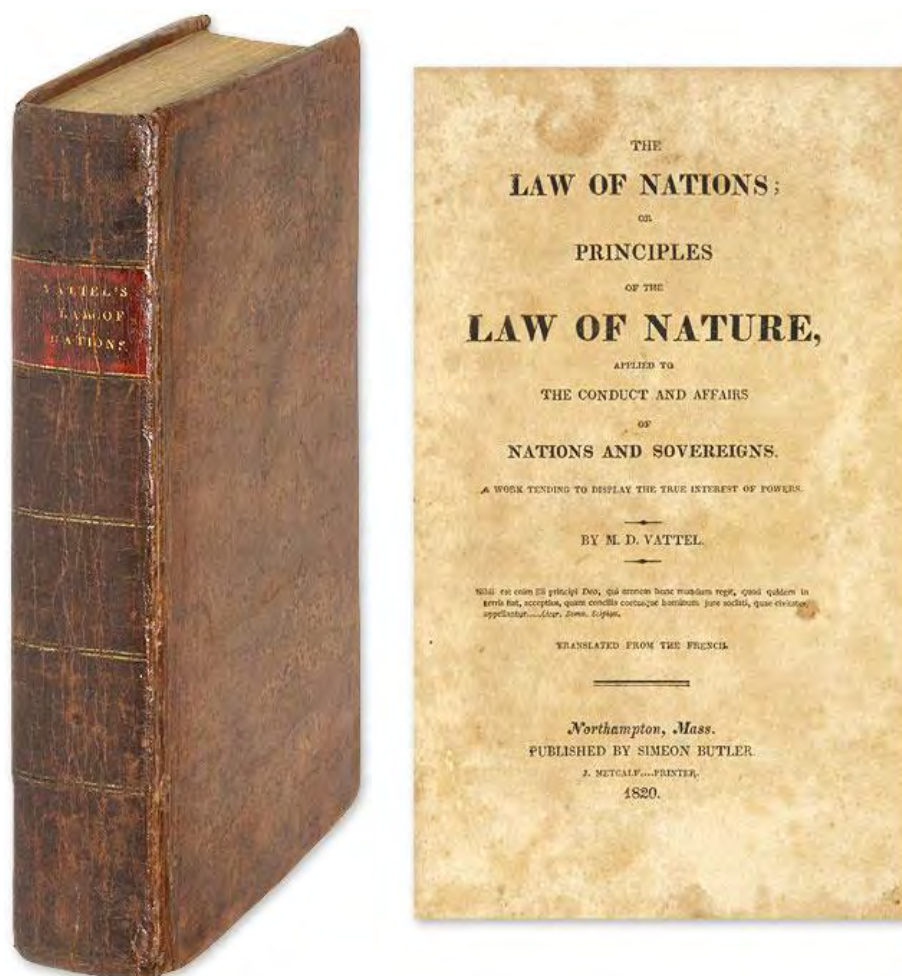
*The Deputy Commissary's Guide Within the Province of Maryland, Together with Plain and Sufficient Directions for Testators to Form, and Executors to Form Their Wills and Testaments, For Administrators to Compleat Their Administrations, And for Every Person Any Way Concerned in Deceased Person's Estates, 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. \$1,750.

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

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Northampton Edition of Vattel's *Law of Nations*

**30. Vattel, [Emmerich de] [1714-1767].**

*The Law of Nations; Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns. A Work Tending to Display the True Interest of Powers.* Translated from the French. Northampton, MA: Published by Simeon Butler, 1820. 560 pp. Octavo (8-1/4" x 5-1/4").

Contemporary tree sheep, lettering piece and gilt fillets to spine, joints mended. Light rubbing to extremities, a few minor scuffs and (very) light stains to boards, corners bumped and lightly worn, front hinge starting. Moderate toning to text, occasional light foxing. Early owner signature (Walter Nichols) to front free endpaper, interior otherwise clean. A nice copy. \$300.

\* Later issue of the first American edition (1787). The decisive influence of this classic study may be attributed to its eclecticism. Vattel rejected the extreme claims of the natural law of nations which went back to Aquinas. Instead, he recognized that the universal law of nature might have subsidiary force when customary or consensual international law was silent. "Le Droit de Gens is certainly a work of the first magnitude. It modernized the whole theory and business of International Law, brought it out of the study into the field, the mart, the council chamber, and the palace. (...) He did indeed, much for nations, for he imposed upon them theories of moral rational development up to which it became, in a sense, necessary for them to live" (MacDonnell). Rensselaer [1808-1860], a member of the distinguished New York family, was admitted to the New York bar in 1830. MacDonnell, *The Great Jurists of the World* 479, 504. Cohen, *Bibliography of Early American Law* 1820. [Order This Item](#)