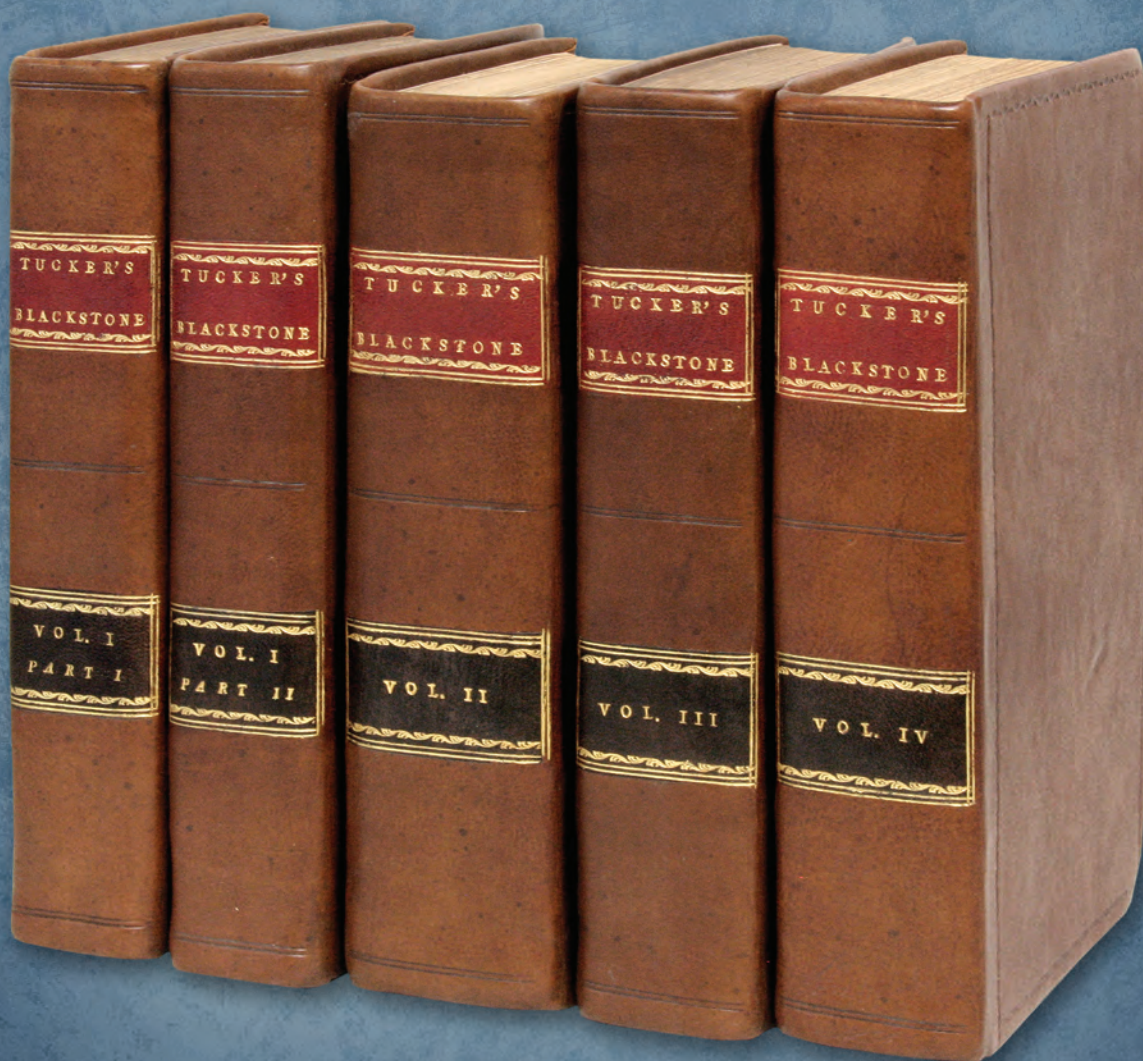


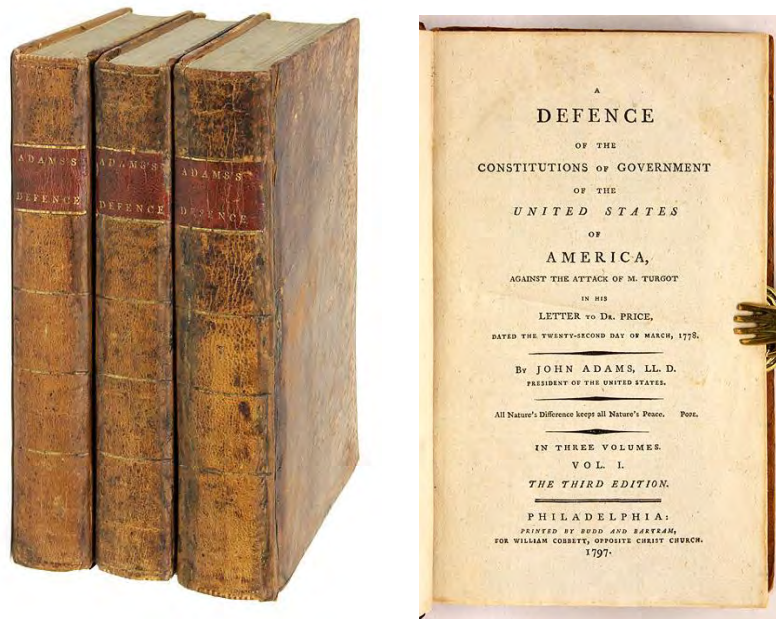
American Law *Before 1860*

30 TITLES

September 24, 2019



THE
LAWBOOK EXCHANGE
LTD.



First Complete American Edition of Adams's Landmark Study of America's Constitutions

1. Adams, John [1735-1826].

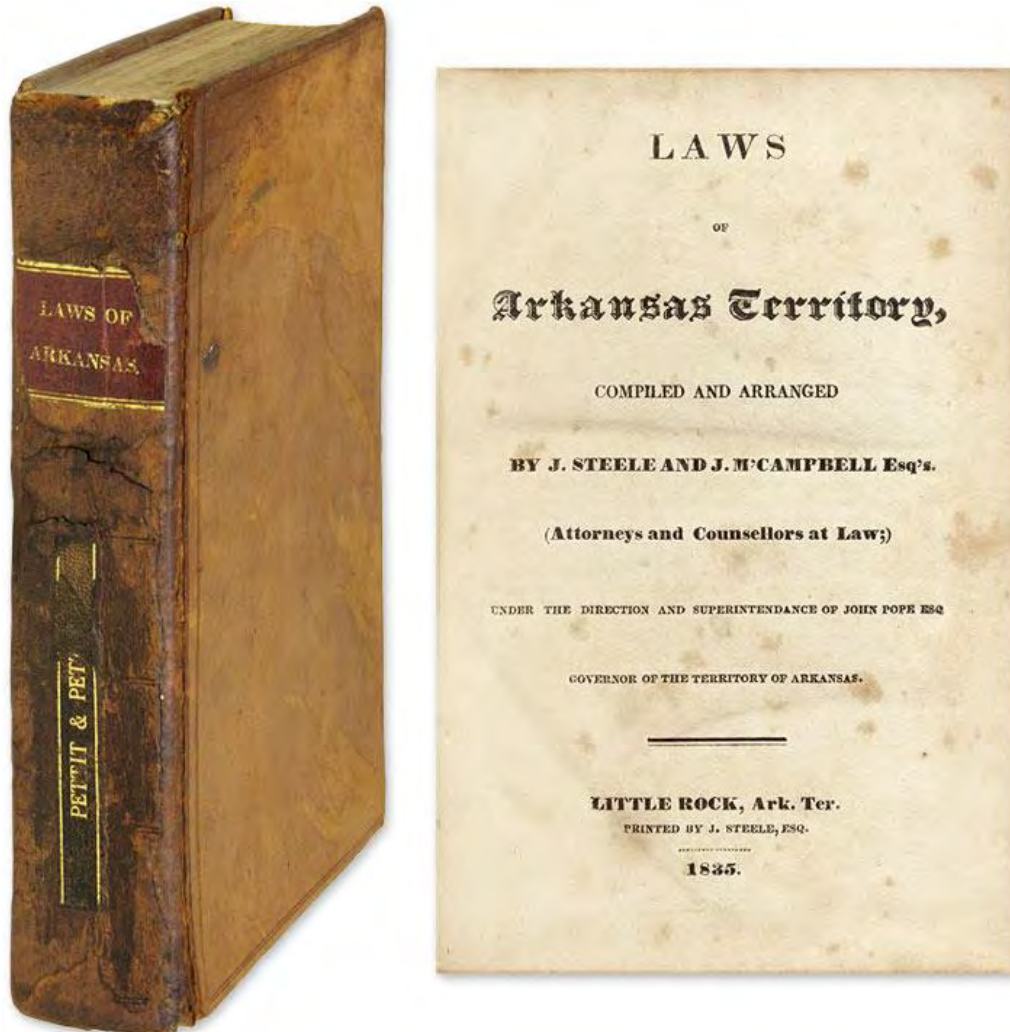
A Defence of the Constitutions of Government of the United States of America, Against the Attack of M. Turgot in His Letter to Dr. Price, Dated the Twenty-Second Day of March, 1778. Philadelphia: Printed by Budd and Bartram, For William Cobbett, 1797. Three volumes. 6, xxxiii, [1], [3]-392; [iv], 451; [ii] 528, [36] pp. Volume I has six-page subscriber list. This copy does not have the 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. \$4,500.

* The first American edition of the complete three-volume text, this from the 1794 London 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.

Some copies have a copperplate portrait frontispiece of Adams in Volume I. We have seen several copies without one. 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 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](#)



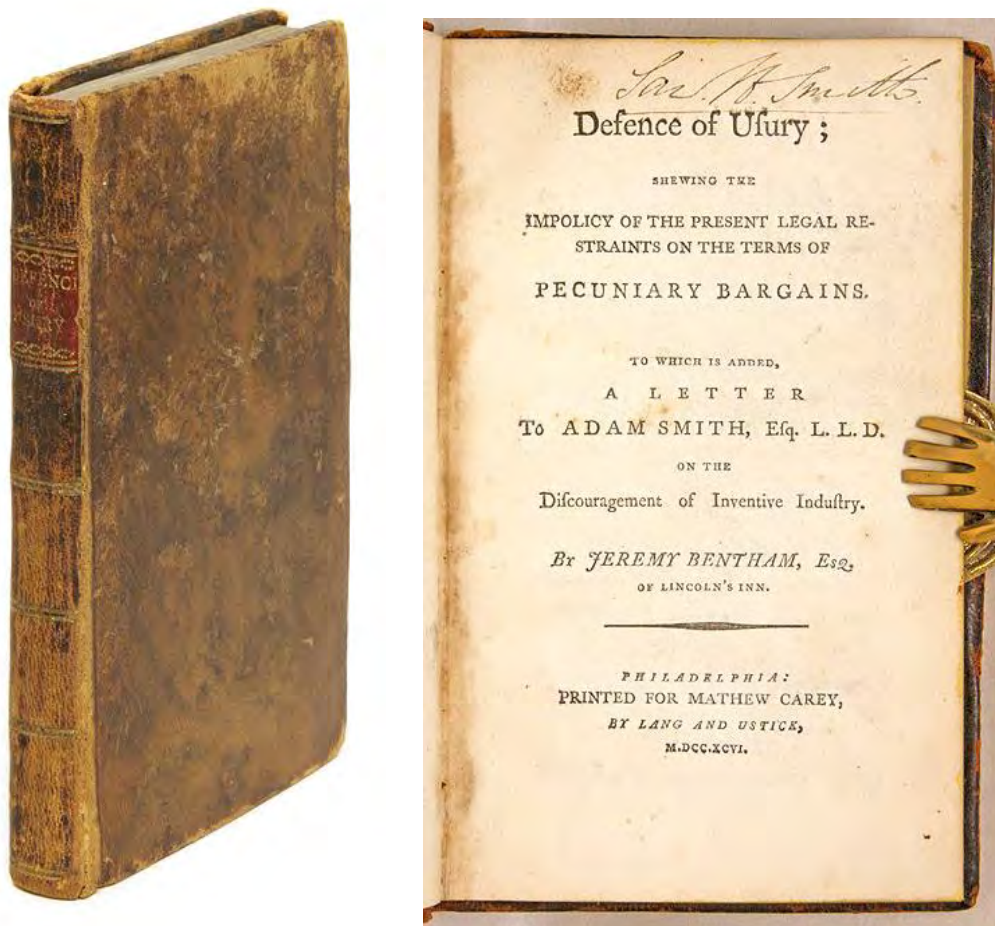
The Final Territorial Compilation of the Laws of Arkansas

2. [Arkansas].
Steele, J.
M'Campbell, J.

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

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

* Originally part of the Territory of Louisiana, then the Territory of Missouri, Arkansas Territory was established in 1819. It became a state in 1836. The first territorial compilation, a brief 149-page volume that included statutes of Missouri, was published in 1821. Steele and Campbell's alphabetically digested compilation was the second and last published during the territorial period. As indicated by such sections as Indians, Slaves and Vice and Immorality, it offers an interesting perspective on Arkansas when it was beginning its transition from a territory to a state. Babbitt, *Hand-List of Legislative Sessions and Session Laws* 16. [Order This Item](#)



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

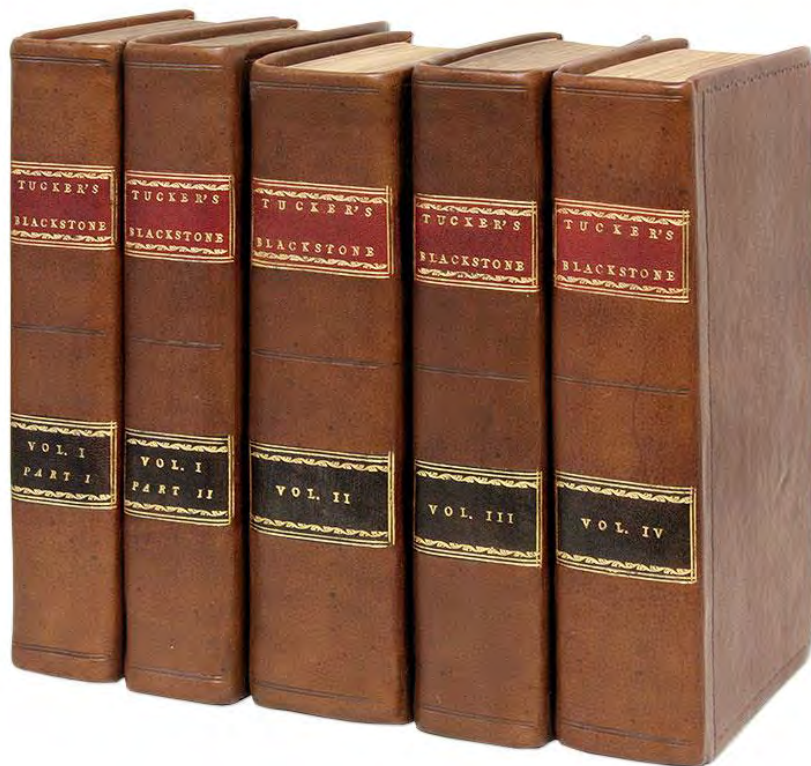
3. Bentham, Jeremy [1748-1832].

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](#)



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

**4. 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. 4 volumes in 5 books. Volume 1 in two parts. 4 tables (3 folded); Volume 2 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. \$20,000.

* 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](#)



Anti-Jackson Broadside from the 1828 Presidential Race

5. [Broadside].

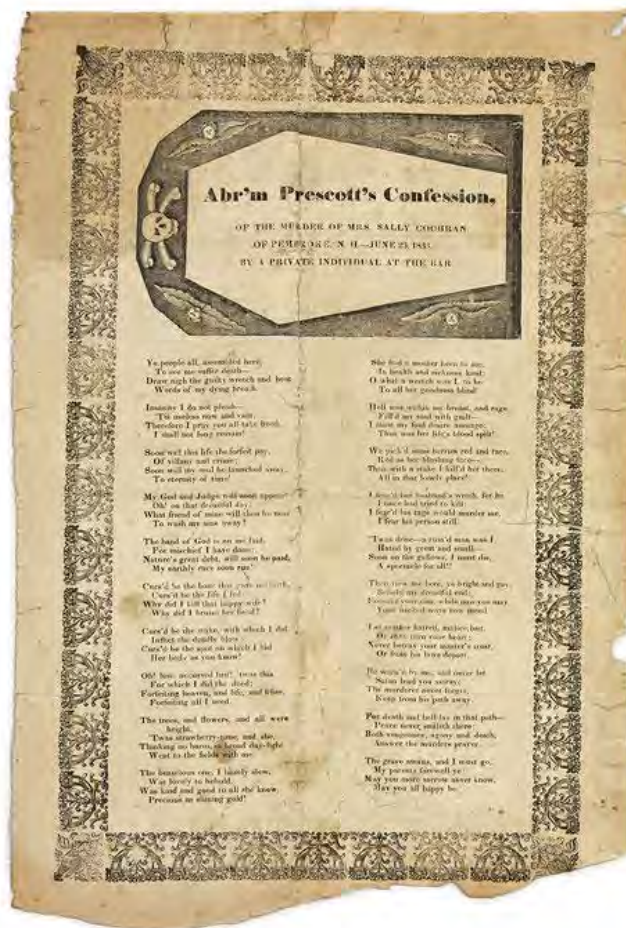
[Jackson, Andrew (1767-1845)]

[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](#)



**"Oh! Lust, Accursed Lust!
'Twas This for Which I Did the Deed"**

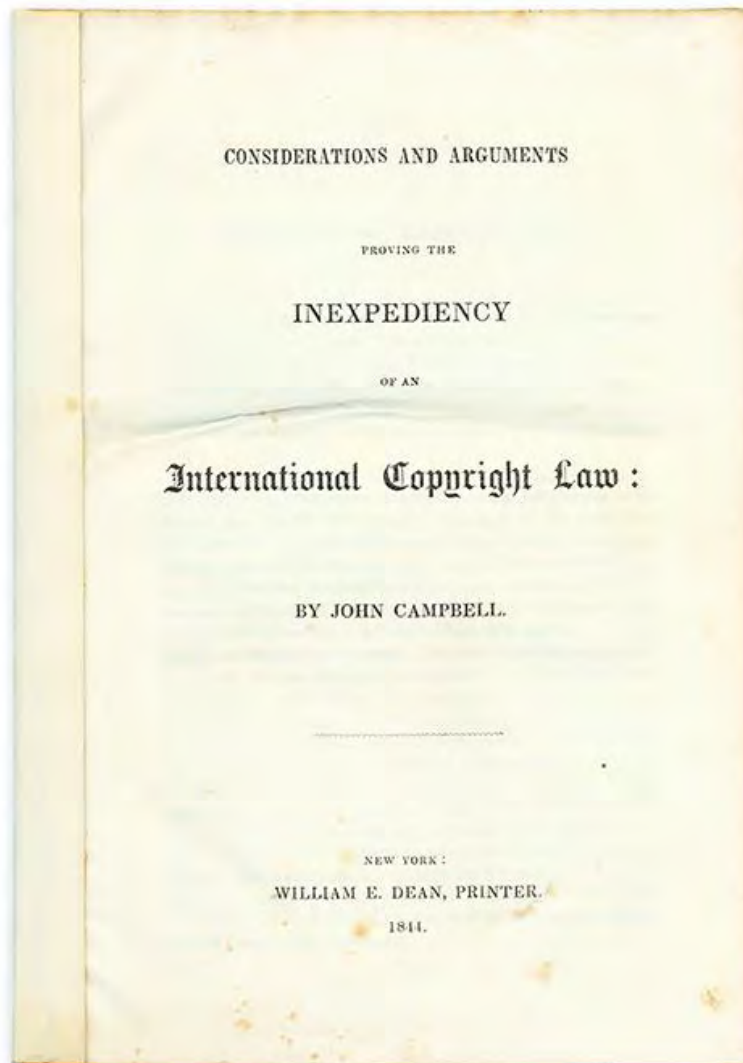
6. [Broadside].
[Murder].
Private Individual at the Bar.

Abr'm Prescott's Confession of the Murder of Mrs. Sally Cochran of Pembroke, N.H.--June 23, 1833. [Concord, NH.]: S.n., 1836.

17" x 11-1/2" broadside. Two-columns of verse in twenty stanzas within woodcut ornamental border, text headed by large woodcut vignette of a coffin. Light browning and a few minor stains, faint horizontal and vertical fold line, chipping to edges, section lacking from bottom margin, just touching bottom right corner of border, a few tears along fold lines with no loss to text, later repairs to verso. \$2,500.

* Abraham Prescott was found guilty of the murder of Sally Cochran in two separate trials held in Concord in September 1834 and September 1835. Despite a well-crafted insanity defense, he was sentenced to be hanged on December 23, 1835, in Hopkinton, New Hampshire. The execution was postponed to January 6, 1836. The verse account in this broadside presents the murder as a crime of passion: "Oh! lust, accursed lust! 'twas this for which I did the deed; Forfeiting heaven, and life, and bliss, Forfeiting all I need." See McDade, *The Annals of Murder* 769. OCLC locates 7 copies (American Antiquarian Society, Brown, Dartmouth, Harvard, Peabody Essex Museum, University of Michigan, Yale).

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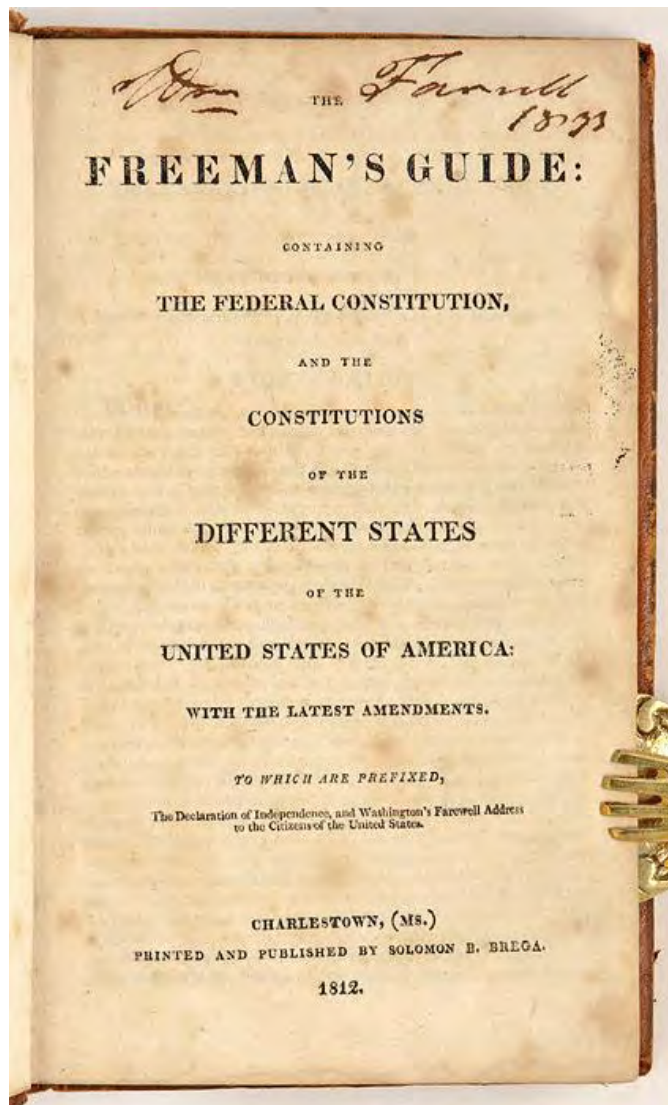
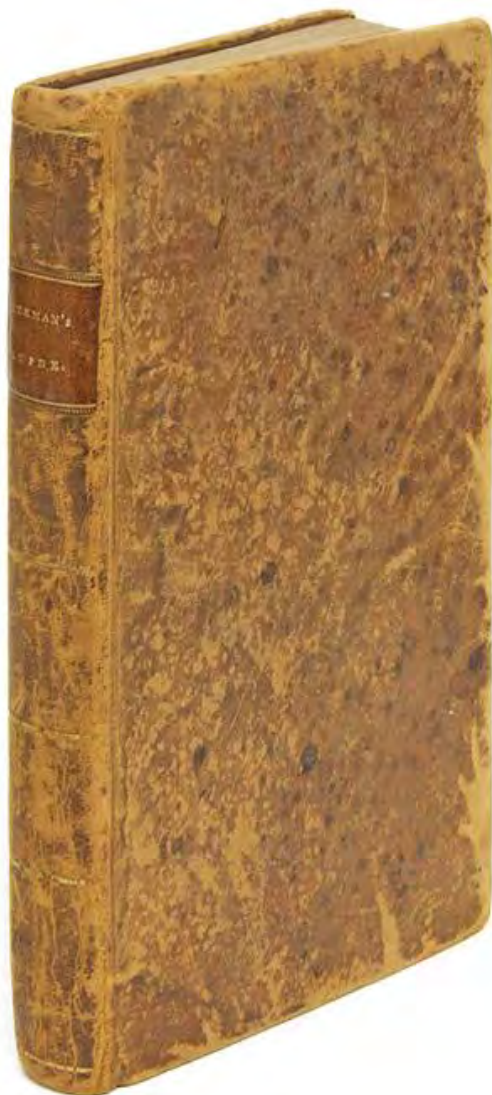
Copyright Does Not Protect the American Author

7. Campbell, John.

Considerations and Arguments Proving the Inexpediency of an International Copyright Law. New York: William E. Dean, 1844. 24 pp. Octavo (8" x 5-1/2").

Disbound stab-stitched pamphlet. Light toning, light foxing to a few leaves. \$150.

* Only edition. Campbell argues that copyright does not protect the economic interests of American authors; it only restricts the distribution of their work. Thomas Adamson published a pamphlet-length response shortly afterwards. OCLC locates 3 copies (American Antiquarian Society, Harvard Business School, University of London). Cohen, *Bibliography of Early American Law* 7093. [Order This Item](#)



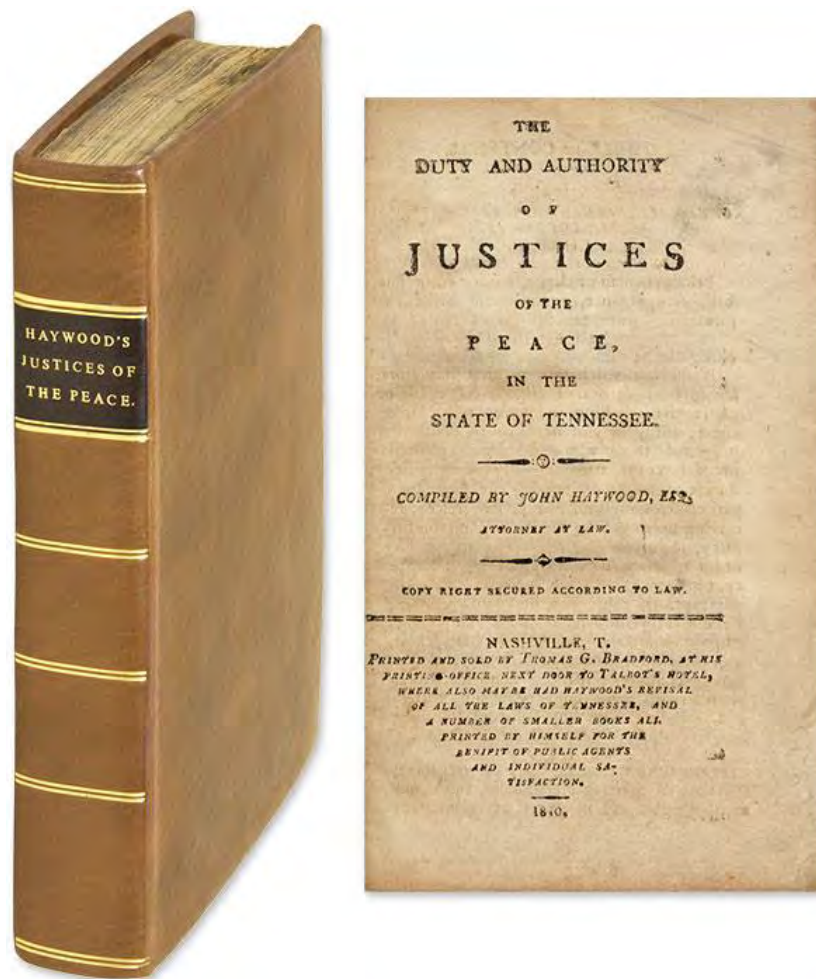
With an Early Printing of the Louisiana State Constitution

8. [Constitutions].

The Freeman's Guide: Containing the Federal Constitution, and the Constitutions of the Different States of the United States of America: With the Latest Amendments. Charlestown [MA]: Printed and Published by Solomon B. Brega, 1812. 294 pp. 12mo. (7" x 4").

Contemporary sheep, blind fillets to boards, lettering piece and gilt fillets to spine. Moderate rubbing with some wear to corners, recent owner bookplate to front pastedown. Light browning to text, occasional light foxing, early owner signatures to front free endpaper and head of title page. A well-preserved copy. \$650.

* Only edition. Includes the Declaration of Independence and Washington's Farewell Address. The U.S. Constitution includes the original 13th Amendment. The 18 state constitutions are printed in chronological order, Louisiana's is dated January 22, 1812. The other states are: Connecticut, Delaware, Georgia, Kentucky, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont and Virginia. Cohen, *Bibliography of Early American Law* 3067. [Order This Item](#)



The First JP Manual Printed in Tennessee

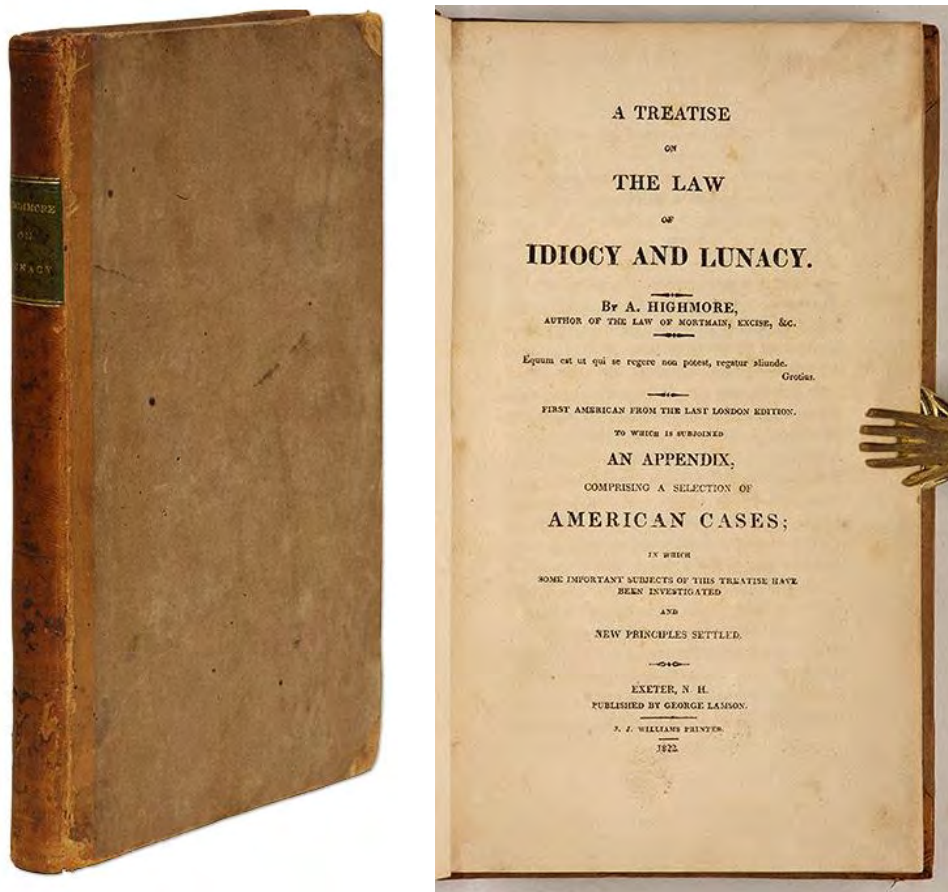
9. Haywood, John [1762-1826], Compiler.

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](#)



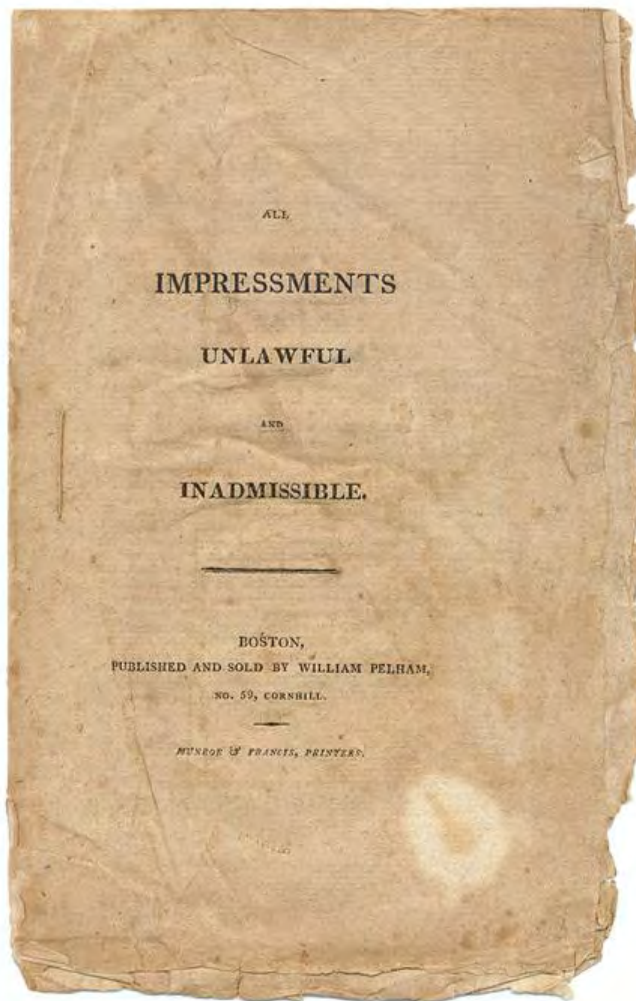
**Only American Edition of One of
The First Books on the Law of "Idiocy and Lunacy"**

10. Highmore, A[nthony] [1758-1829].

A Treatise on the Law of Idiocy and Lunacy. To Which is Subjoined an Appendix, Comprising a Selection of American Cases; In Which Some Important Subjects of This Treatise Have Been Investigated and New Principles Settled. Exeter, NH: Published by George Lamson, 1822. x, [2], 194 pp. Octavo (8-1/2" x 5").

Contemporary three-quarter sheep over paper boards, green lettering piece and blind fillets to spine. Light rubbing and a few ink spots to boards, moderate rubbing to extremities, minor scuffing to spine, corners bumped and somewhat worn, front joint and hinge just starting at head, faint early owner signature in pencil (of H. Stephens) and later owner signature (of Dr. Edward Gillespie, dated 1929) to front pastedown. Moderate toning, light foxing to some leaves, a few leaves have early marks to margins. A handsome copy. \$1,500.

* Only American edition, based on the first London edition, 1807. One of the very first books on the topic, Highmore's treatise examines precedents concerning the insane and their treatment under the law. It discusses the meaning of "idiot," *non compos mentis* and lunacy, as well as the custody of lunatics, commission of the insane to hospitals or asylums, *habeas corpus*, disability and recovery of the insane, regulations of asylums and criminal cases involving the insane. Highmore, a British legal writer and solicitor, was secretary to the London Lying-In Hospital. This American edition has a 27-page Appendix with valuable information on the insanity plea and the American criminal justice system at the time. It replaces that of the 1807 English edition which relates only to English courts. Cohen, *Bibliography of Early American Law* 8818. [Order This Item](#)



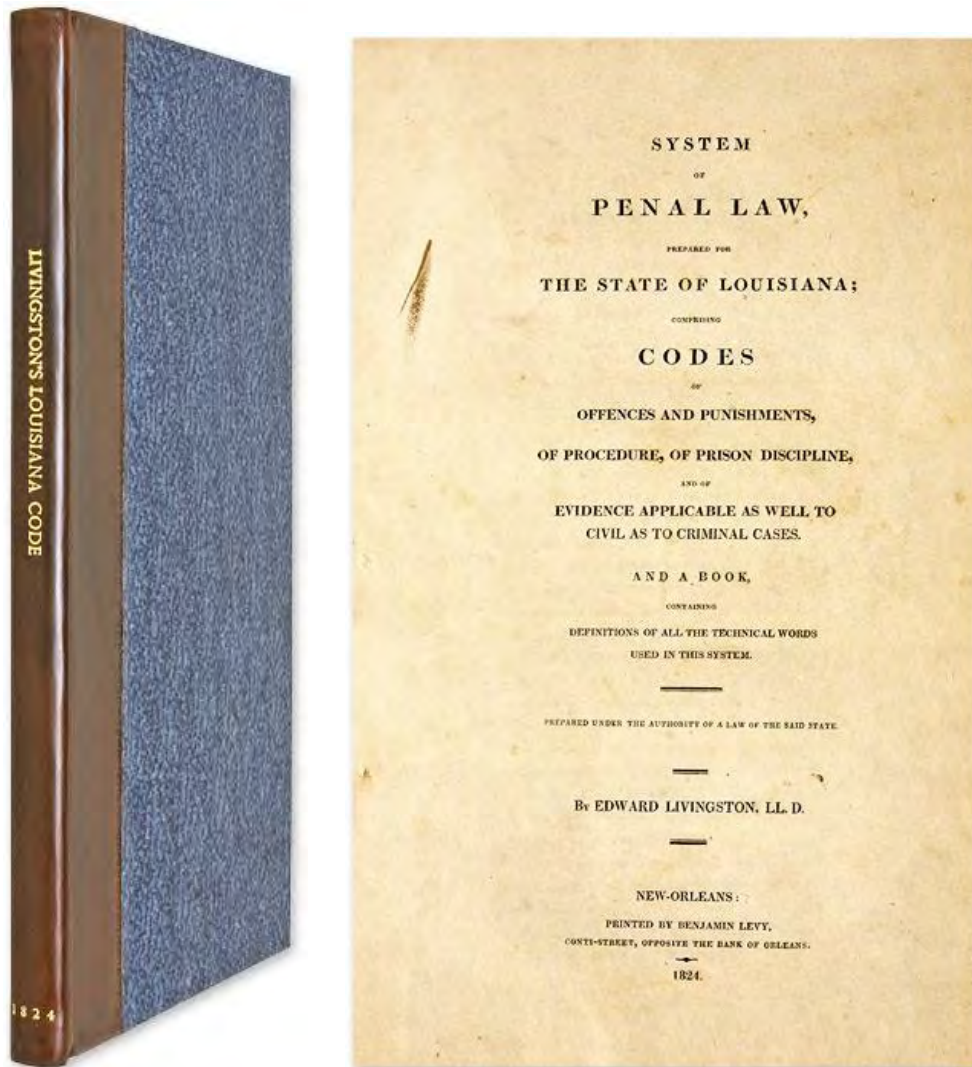
A Contemporary Response to the Chesapeake-Leopard Affair

11. [Impressment]. [United States].

All Impressments Unlawful and Inadmissible. Boston: Published and Sold by William Pelham, [c. 1808]. 12 pp. Octavo (9-1/4" x 5-3/4").

Stab-stitched pamphlet in self wrappers, untrimmed edges. Light browning, light soiling to exterior, a few minor stains, upper corner lacking from margin of final leaf, two small holes to final leaf with negligible loss to text, no loss to legibility. \$200.

* One of two issues, both printed c. 1808. This pamphlet addresses the Chesapeake-Leopard Affair, a naval engagement off the coast of Norfolk, Virginia between the HMS Leopard and USS Chesapeake. The Leopard pursued, attacked and boarded the Chesapeake to capture four deserters from the Royal Navy. This incident created an uproar among Americans and was one of the incidents that led to the War of 1812. The main part of this pamphlet is a letter from extracted from then Secretary of State James Madison to James Monroe, minister to Great Britain. The creation of this pamphlet is attributed in some sources to Tench Coxe. Cohen, *Bibliography of Early American Law* 7308. [Order This Item](#)



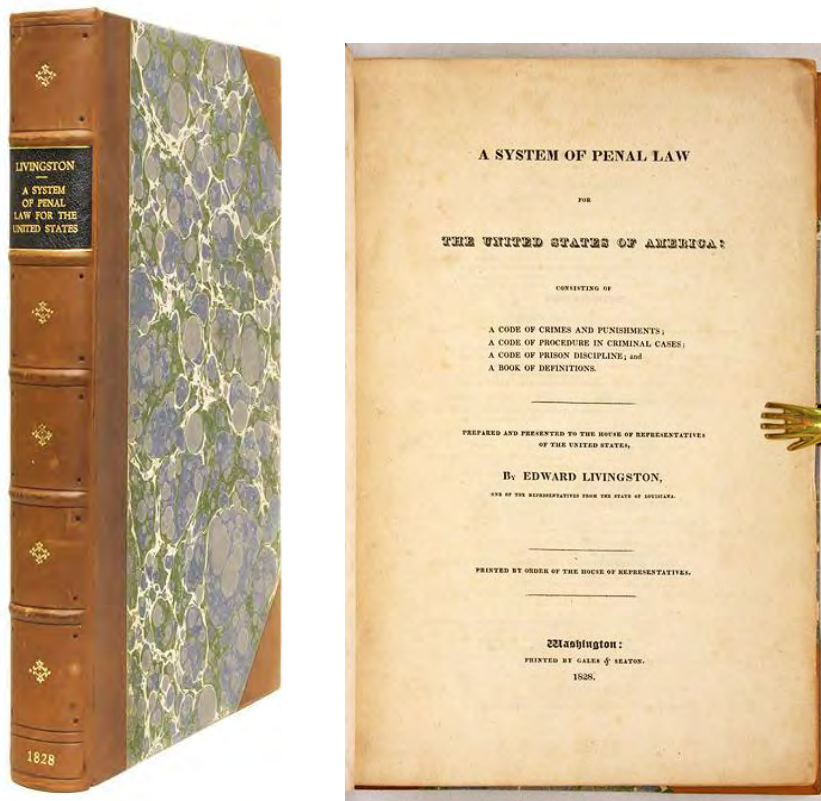
First Issue of Livingston's Louisiana Penal Code

12. 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](#)



"The Most Comprehensive and Enlightened System of Criminal Law that has ever been Presented to the World"

13. Livingston, Edward .

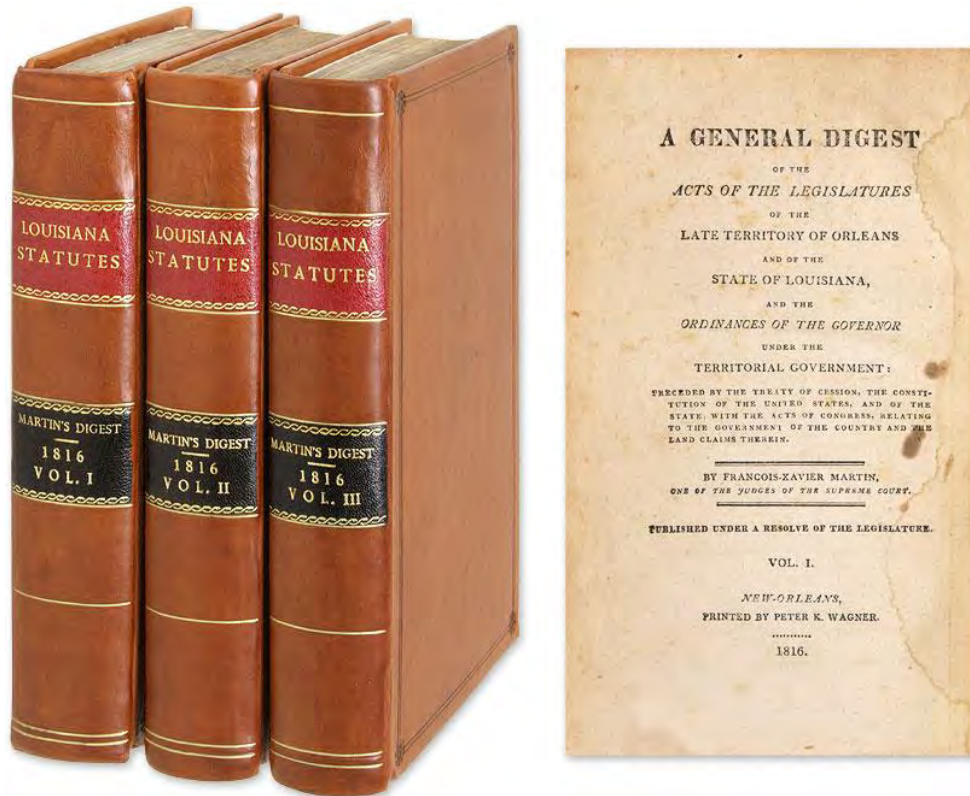
A System of Penal Law for the United States of America: Consisting of A Code of Crimes and Punishments; A Code of Procedure in Criminal Cases; A Code of Prison Discipline; and A Book of Definitions. Prepared and Presented to the House of Representatives of the United States. Printed by Order of the House of Representatives. Washington, D.C.: Printed by Gales & Seaton, 1828. x, [1], 142, 187, 45, 21 pp.

[Bound with]

Introductory Report to the Code of Reform and Prison Discipline [New Orleans: Printed by Benjamin Levy, c.1827]. 71 pp.

Overall collation: x, 142, 187, 71, 45, 21 pp. Folio (12" x 7-3/4"). Recent period-style three-quarter calf over marbled boards, raised bands, lettering piece, and blind and gilt ornaments to spine, endpapers renewed, hinges reinforced. Moderate toning to text, light foxing to a few leaves, heavier foxing to endleaves. \$3,750.

* First edition. Livingston's criminal codes for Louisiana and the United States mark an epoch in the broad international movement for penal reform. Profoundly influenced by Bentham, they stressed prevention over vengeance. These codes were never adopted, but they were profoundly influential. "[I]t is probably safe now to say that these Codes embody the most comprehensive and enlightened system of criminal law that has ever been presented to the world. They constitute a thesaurus from which the world has ever since been drawing ideas and principles. The Code of Reform and Prison Discipline is especially striking from its breadth of its view, and in some particulars its wisdom is yet in advance of even the present age" (Hicks). Bound in the correct place, the Introductory Report in our copy is the version printed to accompany the Louisiana Code. The text is identical in both codes; the only difference is the pagination. (The text in the U.S. Code is 51 pp; that of the Louisiana Code is 71 pp.) Hicks, *Men and Books Famous in the Law* 180. Cohen, *Bibliography of Early American Law* 10311, 10344. [Order This Item](#)



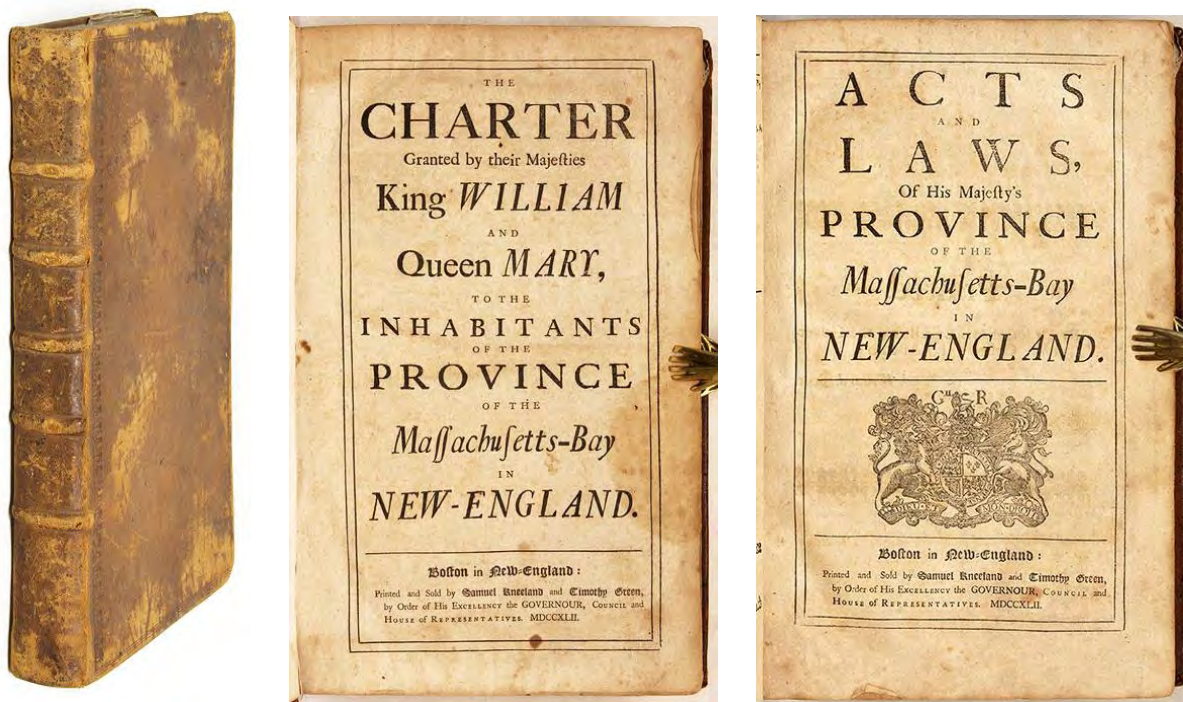
A Landmark in Louisiana's Legal History

14. 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

15. [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]

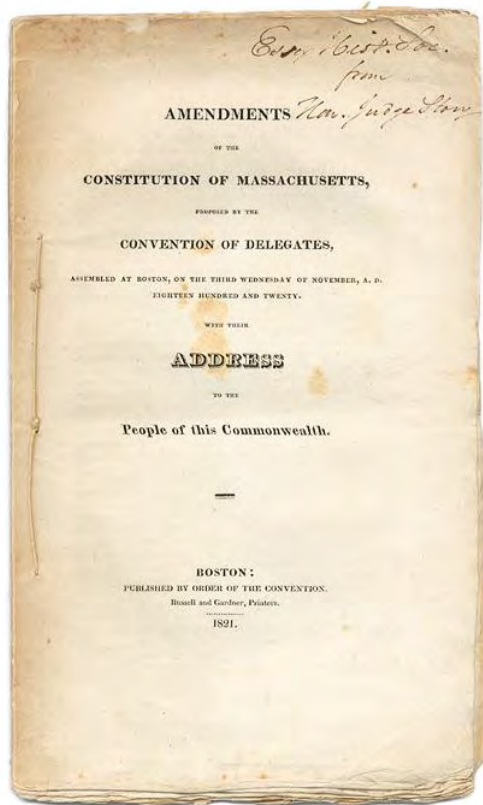
The Table [to the Acts] [Boston: Printed and Sold by Samuel Kneeland and Timothy Green, 1742] 28 pp.

[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, "mispending 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**

16. [Massachusetts].

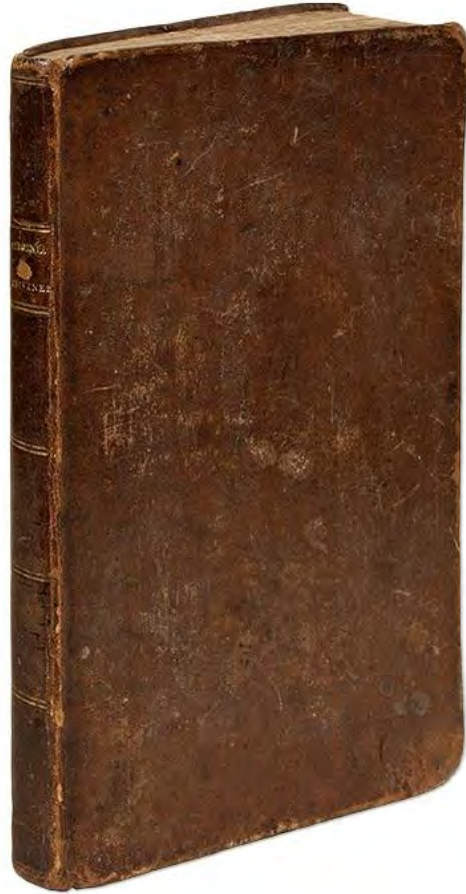
[Constitution].

[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](#)



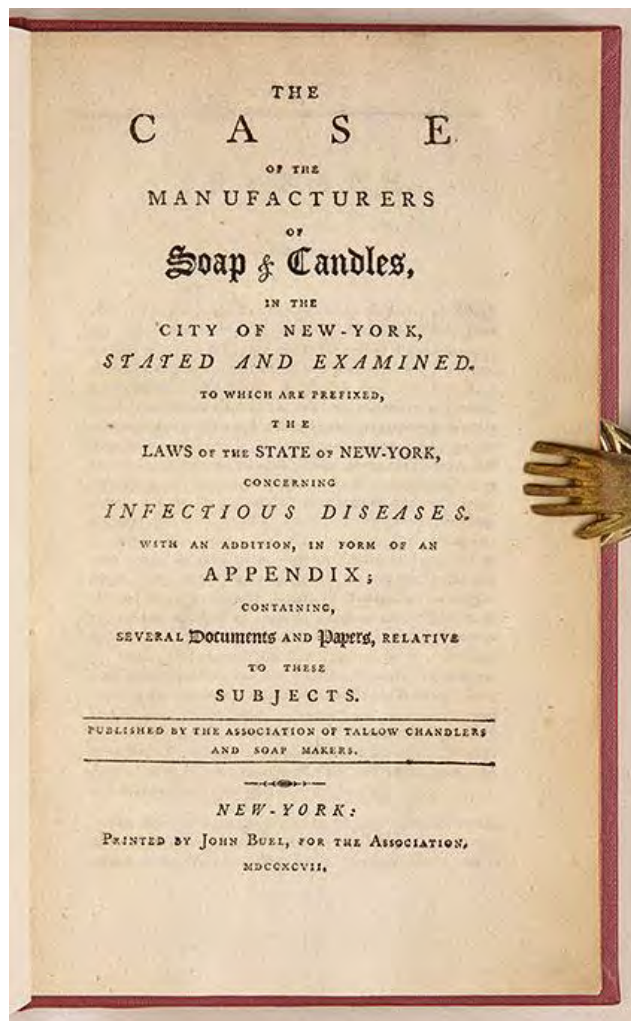
**"A Cheap Instructor" for Virginians,
Includes a Sample Inventory that Includes Slaves**

17. [Michie, Thomas Johnson (1795-1873), Attributed].

The Virginia Scrivener, Being a Collection of Forms of Bonds, Contracts, Conveyancing, and Other Instruments of Writing, Carefully Selected from the Most Approved Authors, and Accompanied by Plain and Well Established Explanatory Rules of Law: Together with the Mode of Authenticating Deeds for Record in All the States of the Union: Adapted to the Use of the people of Virginia. Prepared By a Gentleman of the Bar of Staunton. To Which are Prefixed the Constitution of the U. States, and the Bill of Rights, and New Constitution of the State of Virginia. Prepared by a Gentleman of the Bar of Staunton. Staunton, [Va.]: Kenton Harper, Publisher, 1833. iv [5]-181 pp. Octavo (8" x 5").

Contemporary sheep, lettering piece and gilt fillets to spine. Light rubbing and a few minor scuffs to boards, moderate rubbing to extremities, boards slightly bowed, corners bumped and somewhat worn, tiny chip to lettering piece, upper corner lacking from rear free endpaper. Moderate toning and light foxing to text. Contemporary (and near-contemporary) annotations and early owner inscriptions (of Hezekiah Taylor) to endleaves, marks to a few passages in text. \$250.

* Only edition. "The purpose of this production, is to place in the hands of every man a cheap instructor, by the aid of which, without too much abstraction from his ordinary business, he can acquire or transfer property and preserve his rights, without the danger of involving himself in litigation, or of having his transactions pronounced invalid by the laws of the land" [iii]. Among the sample forms is an estate inventory on p.175 that includes a list of slaves. Cohen, *Bibliography of Early American Law* 8153. [Order This Item](#)



**Defending the Rights of
New York City's Chandlers and Soap Makers**

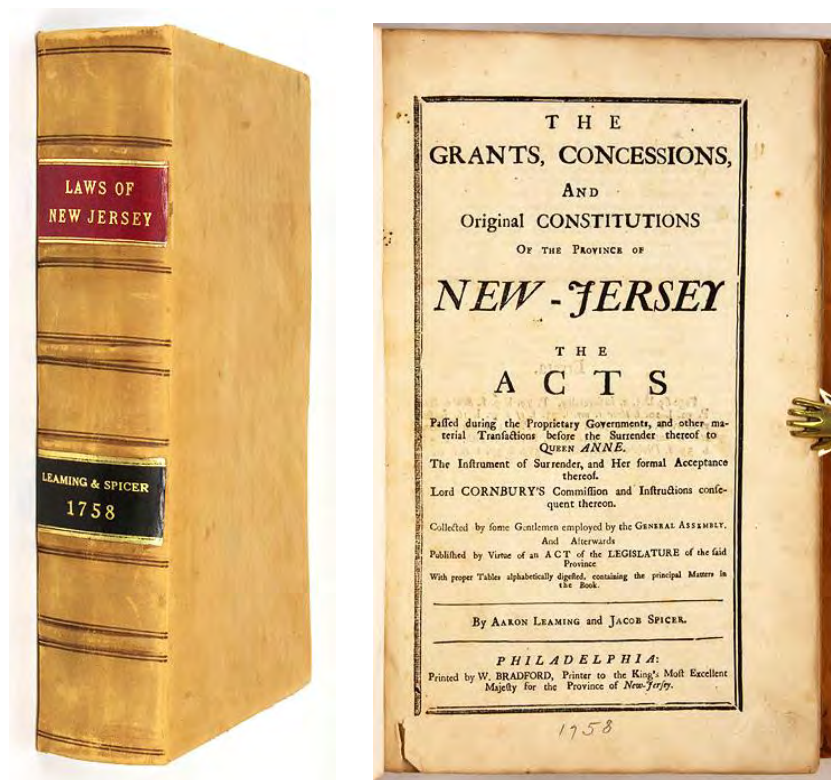
18. [Mitchill, Samuel Latham (1764-1831)].

Association of Tallow Chandlers and Soap Makers.

The Case of the Manufacturers of Soap & Candles, In the City of New-York, Stated and Examined. To Which are Prefixed, The Laws of the State of New-York, Concerning Infectious Diseases. With an Addition, In Form of an Appendix; Containing Several Documents and Papers, Relative to These Subjects. Published by the Association of Tallow Chandlers and Soap Makers. New York: Printed by John Buel, for the Association, [1797]. 62 pp. Octavo (8" x 5").

Stab-stitched pamphlet bound into recent cloth, gilt title to spine. Light toning to text, corrections in neat early hand to a few leaves. A remarkably well-preserved copy. \$850.

* Only edition. This pamphlet was a response to recent legislation designed to prohibit candle and soap making in populated areas of New York City. Sponsors and supporters of that legislation believed these industries contributed to infectious disease. Mitchill, a scientist, physician, lawyer and politician, was a professor of natural history, chemistry and agriculture at Columbia University from 1792 to 1801. OCLC locates 4 copies (Bibliothèque nationale de France. Harvard Business School, Princeton Theological Seminary, Staatsbibliothek zu Berlin). Cohen, *Bibliography of Early American Law* 9419. [Order This Item](#)



The First Retrospective Compilation of New Jersey Law

19. [New Jersey].

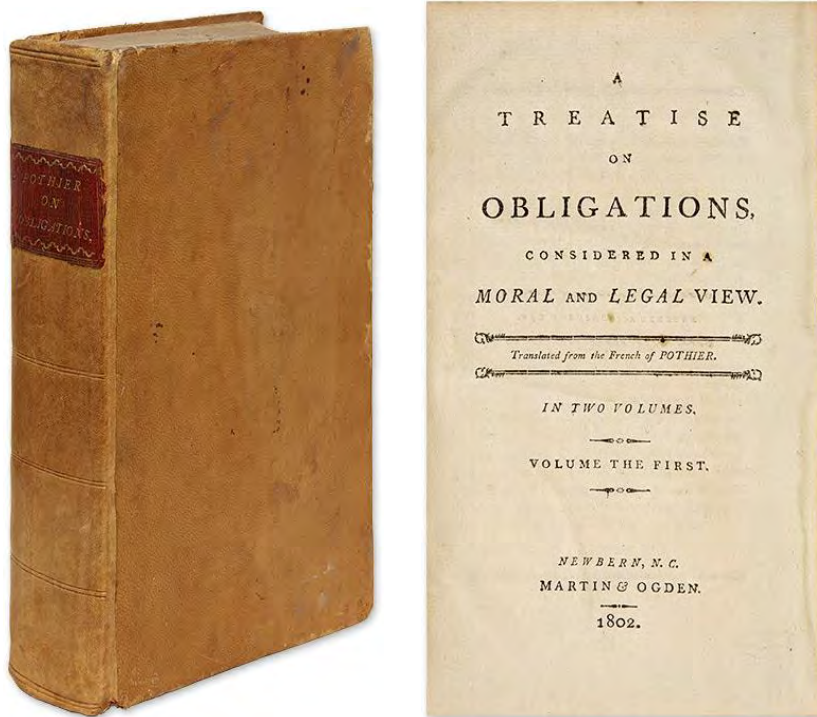
Leaming, Aaron, Compiler.

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. [Order This Item](#)



Translated By the Father of Louisiana Jurisprudence

20. Pothier, Robert Joseph [1699-1722].

[Martin, François-Xavier (1762-1846), Translator].

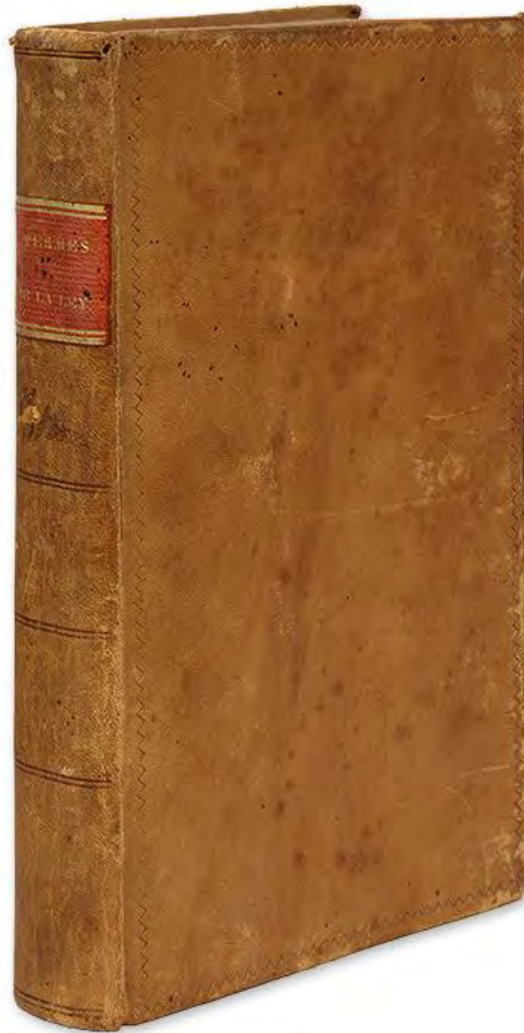
A Treatise on Obligations, Considered in a Moral and Legal View. Translated from the French of Pothier. Newbern, NC: Martin & Ogden, 1802. Two volumes bound as one. [xii], 364; [x], 315, [1] pp. Octavo (8" x 4-3/4").

Contemporary sheep, rebaked in period style, blind fillets and retained contemporary lettering piece to spine. Light rubbing and a few shallow scuffs to boards, moderate rubbing to board edges with some wear to corners, which are lightly bumped, minor worming to front hinge. Light toning to text, somewhat heavier in places, early owner signatures of Simeon Strong, Solomon Strong and Edwin Conant to endleaves, another Conant signature to head of p. 25. A handsome copy. \$3,500.

* First American edition. In the decades before the Civil War, this classic treatise was required reading for Anglo-American practitioners, scholars and law students. Marvin quotes and endorses Sir William Jones's assessment of Pothier's treatises: "For my own part, I am so charmed with them, that if my undissembled fondness for the study of jurisprudence, were never to produce any greater benefit to the public, than barely the introduction of Pothier to the acquaintances of my countrymen, I should think that I had, in some measure, discharged the debt which every man, according to Lord Coke owes to his profession."

An important figure in the legal history of the south, Martin was a French-born lawyer, judge, author, translator, printer and historian. His career began in New Bern, North Carolina; he later moved to the Louisiana territory, where he played the central role in the reorganization of the legal system. Appointed attorney-general when Louisiana became a state, he is considered the father of Louisiana jurisprudence.

This copy is inscribed by three notable owners from Massachusetts: Samuel Strong [1735-1805], a justice of the Massachusetts Supreme Judicial Court, his son Solomon Strong [1780-1850], a lawyer judge and politician and Edwin Conant [1810-1897], a prominent lawyer, businessman and philanthropist. Marvin, *Legal Bibliography* 578. Cohen, *Bibliography of Early American Law* 3656. [Order This Item](#)



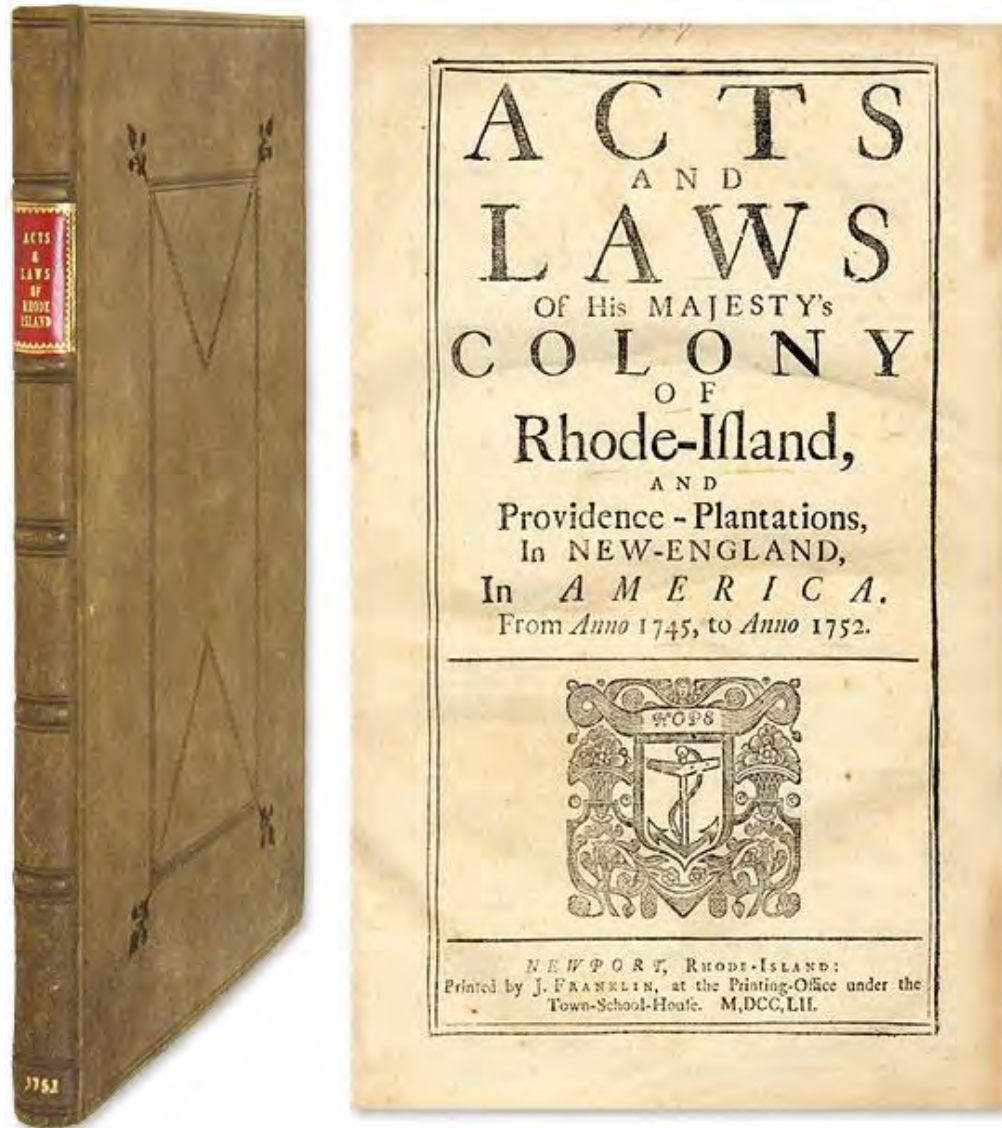
**First American Edition of Rastell's
Termes de la Ley in a Well-Preserved Contemporary Binding**

21. [Rastell, John (d.1536)].

Les Termes de la Ley, Or Certain Difficult and Obscure Words and Terms of the Common and Statute Laws of England, Now in Use, Expounded and Explained. Faithfully Translated From the Norman French, With Many Great and Useful Additions and Corrections Throughout the Whole Book, Never Printed in Any Other Impression. Portland: Printed by J. Johnson, 1812. iv, 391 pp. Octavo (8-1/2" x 5-1/2").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Negligible light rubbing, a few minor nicks, scuffs and inkspots, faint early owner name to spine, light wear to corners, hinges cracked. Moderate toning and occasional light foxing to text. Owner inscription in pencil (of G.N. Dale dated 1897) to front pastedown, interior otherwise clean. \$850.

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



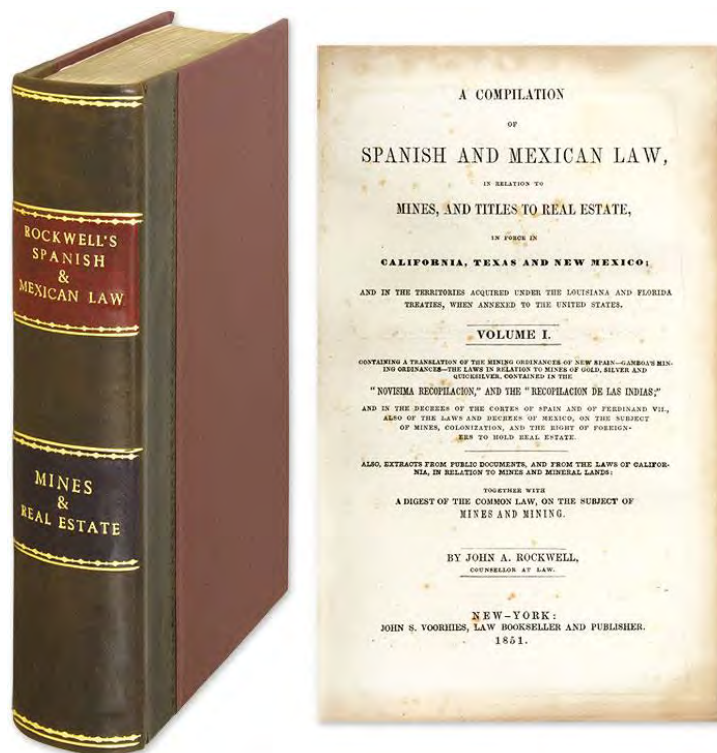
1752 Compilation of Rhode Island Acts and Laws Printed by James Franklin

22. [Rhode Island].

Acts and Laws of His Majesty's Colony of Rhode-Island, And Providence- Plantations, In New-England, In America. From Anno 1745, To Anno 1752. Newport: Printed by J. Franklin, 1752. [viii], 110 pp. Folio (11" x 7").

Later reversed calf, red lettering piece with gilt title and date at foot of spine. Internally clean. A very good copy. \$1,500.

* "A continuation of the third revision of Rhode Island laws" (Benedict). The first revised laws of the colony were printed in Boston in 1719; the second and third revisions were printed in Newport in 1730 and 1745 respectively. The present compilation is considered a supplement to the 1745 laws. Unlike the revisions which are in topical digest form, this is arranged chronologically by session. Printed by James Franklin, the son of James Franklin (1697-1735), brother of Benjamin Franklin. The younger James Franklin and his mother Ann Franklin were official printers for the colony throughout much of this period. [Benedict], *Acts and Laws of the Thirteen Original Colonies and States* 449. *The Charlemagne Tower Collection of Colonial Laws* 812. [Order This Item](#)



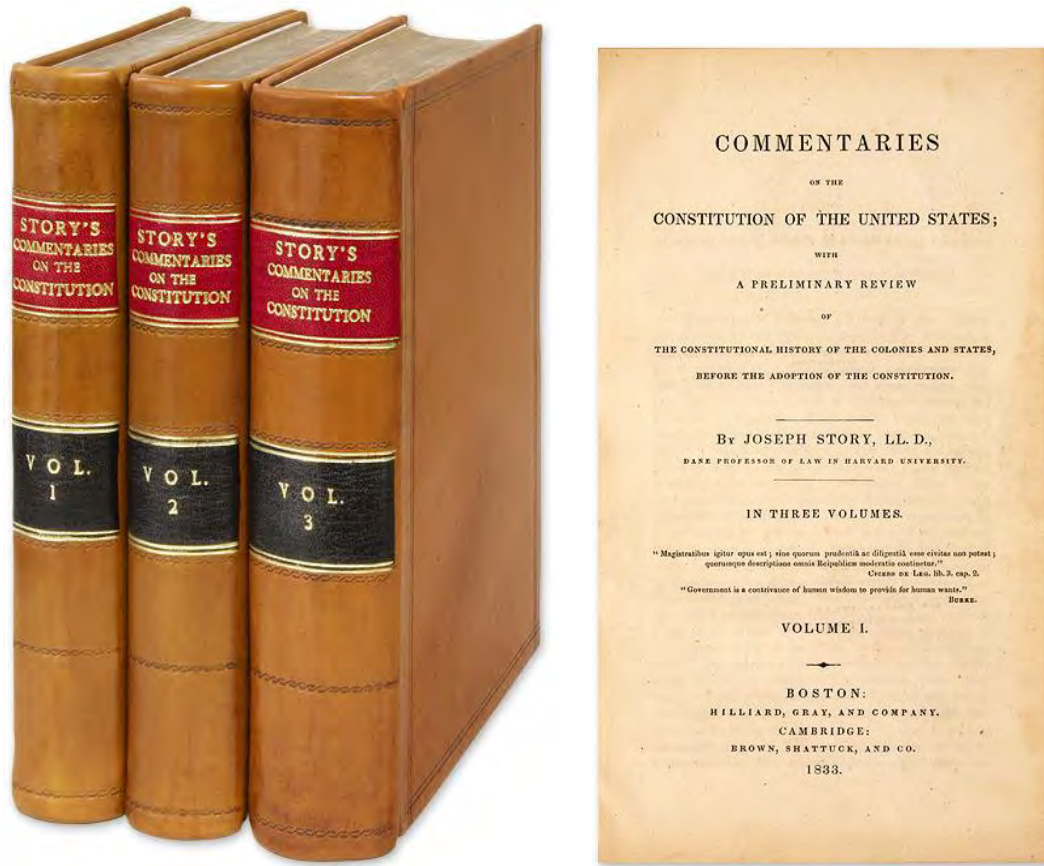
"Light Reading for the Gold Hunter on His Voyage Around the Horn"

23. 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 "Novissima 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](#)



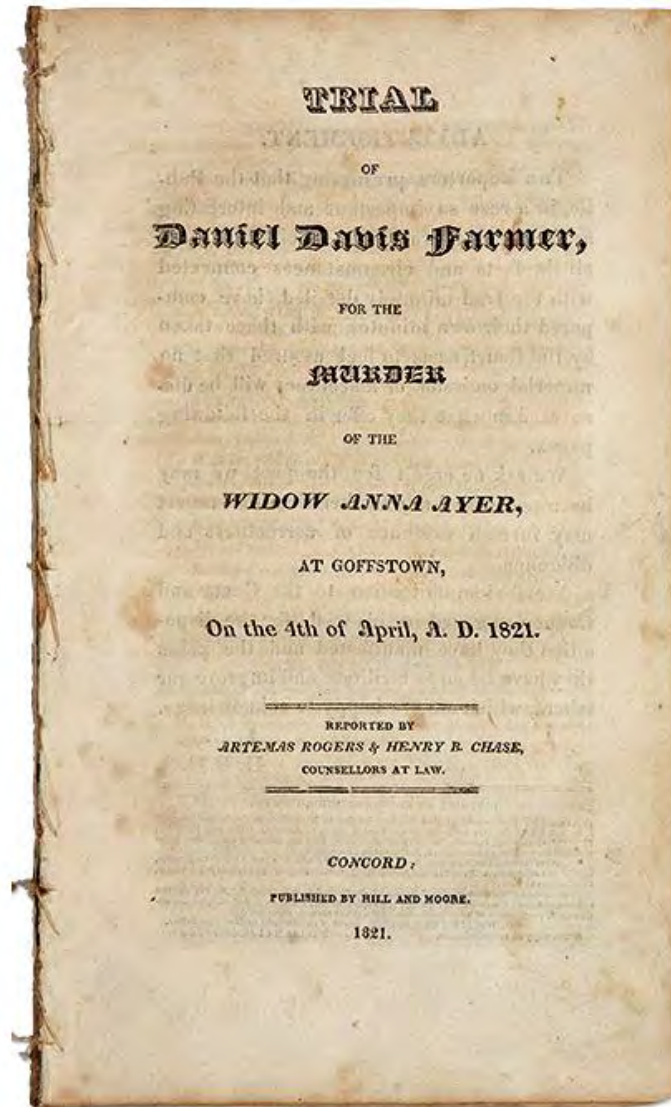
**Handsome First Edition of the First
Substantial Treatise on the American Constitution**

24. 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](#)



He Beat Her to Death with a Shovel

25. [Trial].

Farmer, Daniel Davis [1793-1822], Defendant.

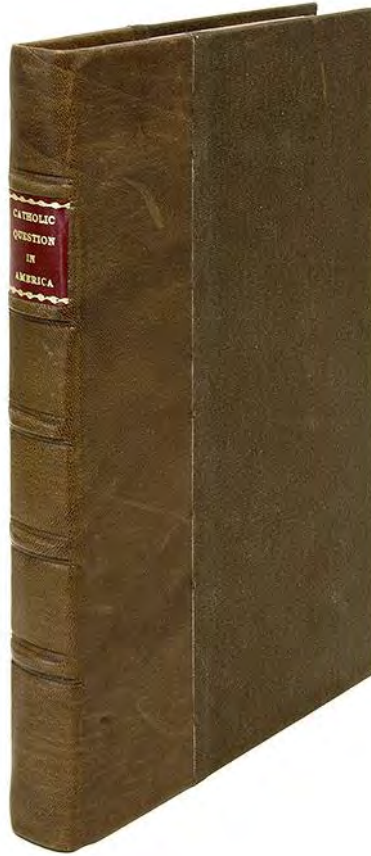
Rogers, Artemas, Reporter.

Chase, Henry B., Reporter.

Trial of Daniel Davis Farmer, For the Murder of the Widow Anna Ayer, At Goffstown, On the 4th of April, A.D. 1821. Concord [NH]: Published by Hill and Moore, 1821. 72 pp. Octavo (8" x 5-1/4").

Disbound stab-stitched pamphlet. Light soiling to exterior, light rubbing to extremities, light browning and occasional light foxing to text. \$500.

* Only edition. "Mrs. Ayer had charged Farmer with fathering her child. He beat her to death with a cudgel [sic] and tried to burn her house" (McDade). The report states that the murder weapon was an iron shovel. Farmer was found guilty and executed. McDade, *The Annals of Murder* 300. [Order This Item](#)



Landmark Case Concerning the Confessional and the Court

26. [Trial].

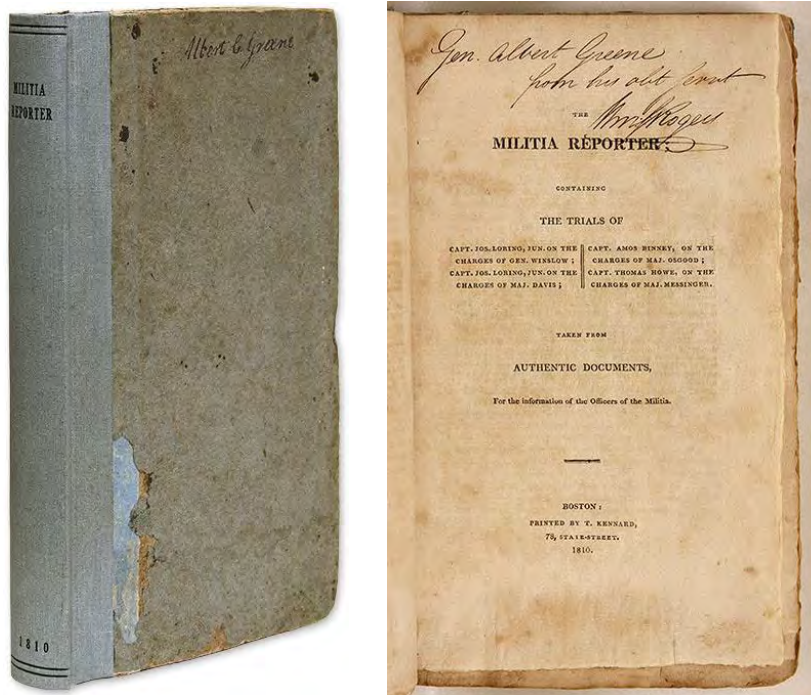
Phillips, Daniel, Defendant.

Sampson, William [1764-1836], Reporter.

The Catholic Question in America: Whether a Roman Catholic Clergyman be in Any Case Compellable to Disclose the Secrets of Auricular Confession. Decided at the Court of General Sessions, In the City of New York. Present, The Honorable DeWitt Clinton, Mayor. The Honorable Josiah Ogden Hoffman, Recorder. Richard Cunningham, Isaac S. Douglass, Esqrs. Sitting Aldermen. With the Arguments of Counsel, And the Unanimous Opinion of the Court, Delivered by the Mayor, With His Reasons in Support of that Opinion. New York: Printed by Edward Gillespy, 1813. 138, cxxviii, [1] pp. Lacking final errata leaf, supplied in facsimile. Octavo (9" x 6").

Recent quarter calf over cloth, raised bands and lettering piece to spine, endpapers renewed, extra calf lettering piece tipped-in to rear pastedown. Light browning to text, faint dampspotting in places, some edgewear to final leaves of text, early owner signature (Thos. E. Worthington 1813) to head of title page. \$750.

* Only edition. This landmark decision established the legal precedent exempting Catholic priests from disclosing evidence relating to criminal activities learned through the Sacrament of Confession. "The case against Daniel Phillips for receiving stolen property hung on the prosecution's attempt to extract testimony from Anthony Kohlmann, a Catholic priest who may have heard Phillips's confession. The extensive 'Report,' p. [5]-114, gives a good general account of confidential conversation between defendants and religious leaders, doctors, lawyers, spouses, and other persons. Although the district attorney claimed to be reluctant to pursue the matter, Catholic authorities had asked that the question be settled before the court. The court recognized the inviolability of the confessional, and Phillips was acquitted due to lack of evidence." Cohen, *Bibliography of Early American Law* 14043. [Order This Item](#)



**Cases Selected "For the
Information of Officers of the Militia"**

27. [Trials].

Loring, Joseph, Jr., [1767-1838], Defendant.

Binney, Amos [1778-1833], Defendant.

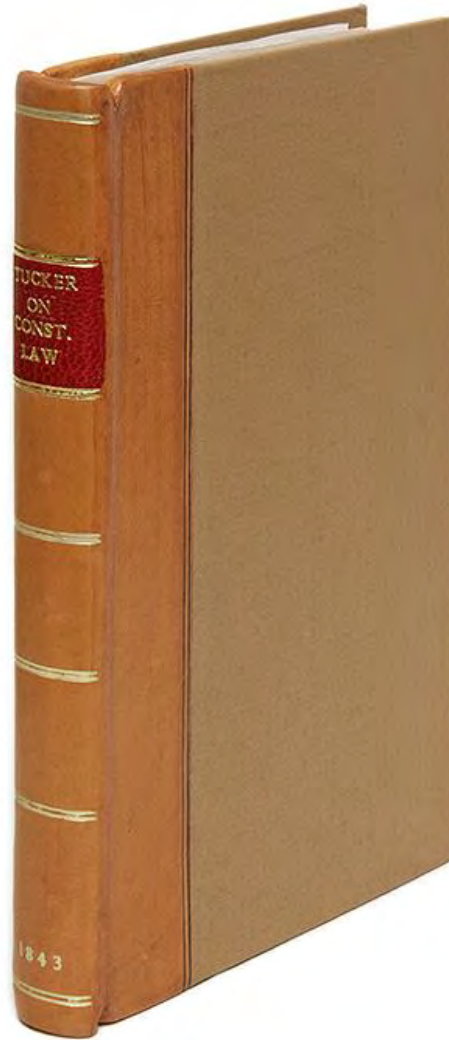
Howe, Thomas, Defendant.

The Militia Reporter; Containing The Trials of Capt. Jos. Loring, Jun. on the Charges of Maj. Davis, Capt. Amos Binney on the Charges of Maj. Osgood, Capt. Thomas Howe on the Charges of Maj. Messenger: Taken from Authentic Documents, For the Information of Officers of the Militia.

Boston: Printed by T. Kennard, 1810. 299 pp. Octavo (9-1/2" x 5-3/4").

Original publisher boards, recent cloth rebacking, untrimmed edges, black-stamped title and fillets to spine, hinges mended, several signatures unopened. Light soiling and rubbing to boards, heavier rubbing to board edges with some wear, corners bumped, owner signature (Albert E. Greene) and a few inkspots to front board. Moderate toning, somewhat heavier in places, occasional light foxing, library stamps to pp. 9 and 83, recent owner inscription to front free endpaper, early presentation inscription (to Greene from William P. Rogers) to head of title page. \$1,250.

* Only edition. This is the first and only volume of *The Militia Reporter*. It contains accounts of three courts-martial, including the notable court-martial of Captain Joseph Loring. "Brigadier General John Winslow accused [Loring] of permitting his men to mutiny by failing to enforce a brigade order to appear on parade in protest of a change in Winslow's rank and command. In 1805 a division court martial acquitted Loring, but Major General Simon Elliot, after asking for a reconsideration of the decision, refused to accept the acquittal and dissolved the court. A second division court martial convened in 1806 found Loring guilty, and ordered him removed and disqualified for military service for three years. In 1807 Loring petitioned the Massachusetts General Court to ask that the decision be invalidated, arguing that it had not been regularly detailed and thus had denied him an impartial trial. The General Court overturned the 1806 decision and ordered Loring reinstated to his former rank and command.": Cohen, *Bibliography of Early American Law* 13473, note to 13551. [Order This Item](#)



St. Tucker's Important Lectures on the Constitution

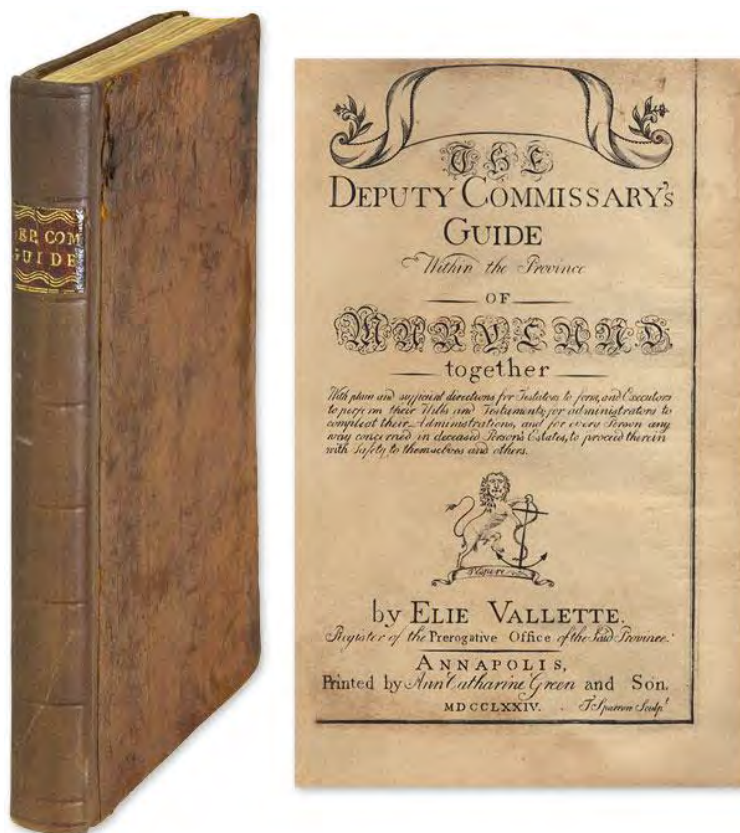
28. Tucker, Henry St. George [1780-1848].

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.

[Order This Item](#)



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

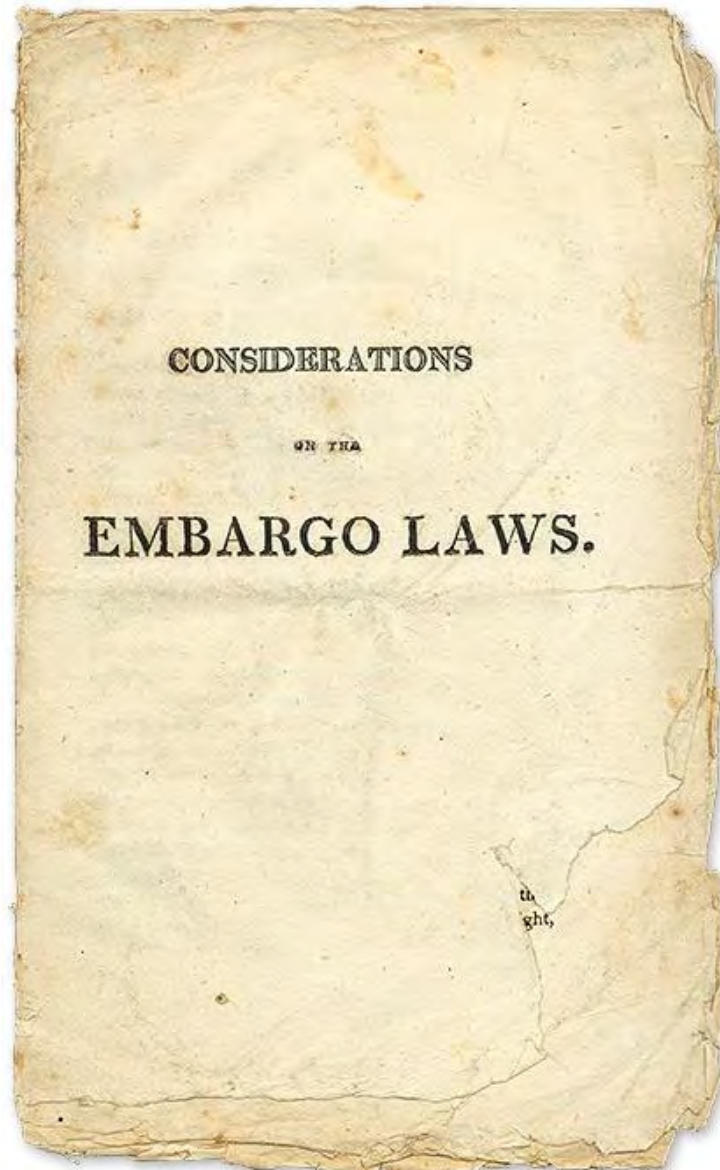
29. Vallette, Elie.

[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. [Order This Item](#)



Daniel Webster's First Publication

30. [Webster, Daniel (1782-1852)].

Considerations on the Embargo Laws. [N.P., S.n., but Boston, 1808]. 16 pp. Octavo (9-3/4" x 5-3/4").

Stab-stitched pamphlet in printed self-wrapper, untrimmed edges. Light soiling to exterior, 3" chip to first leaf, including lower corner, with no loss to text. Light toning to text, faint dampstains to margins of a few leaves. \$450.

* Only edition. Written when Webster was 26, this was his first publication. It expresses the Federalist opposition to the Embargo Act of 1807, which prohibited American ships from trading in foreign ports. Devised by President Jefferson, this act was intended to punish Britain and France for interfering with American trade while those nations were at war with each other. It was deeply resented in New England and others states that depended on maritime trade. Sabin, *A Dictionary of Books Relating to America* 102257. [Order This Item](#)