

AMERICAN LAW

1719–2000

CATALOGUE 109

COMMENTARIES
ON
AMERICAN LAW.
BY JAMES KENT.
VOLUME I.
NEW-YORK:
PUBLISHED BY O. HALSTED
1826.

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AMERICAN LAW

1719–2000

CATALOGUE 109



Detail from N° 124

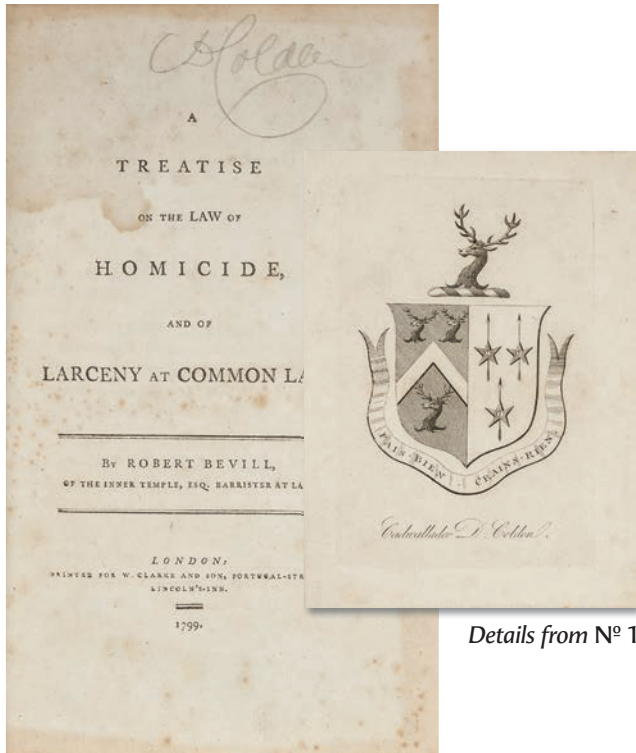
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1719–1800



Details from Nº 1

A COPY OF A 1799 TREATISE ON LARCENY AND HOMICIDE LAW OWNED BY A DISTINGUISHED 19TH-CENTURY NEW YORK LAWYER AND POLITICIAN

1
Bevill, Robert [d.1824]. *A Treatise on the Law of Homicide, And of Larceny at Common Law.* London: Printed for W. Clarke and Son, 1799. [xiv], 287 pp. Octavo (9" x 5-3/4"). \$2,500.

Contemporary calf, blind fillets to boards, lettering piece and blind fillets to spine. Light rubbing and some minor nicks and scuffs to boards, moderate rubbing to extremities with some wear to spine ends and corners, rear joint cracked, armorial bookplate of Cadwallader David Colden to front pastedown, inscription, presumably his, to front free endpaper, Colden's signature in pencil to head of title page. Moderate toning and light foxing to text, faint dampstaining in a few places. A nice copy of a scarce title.

ONLY EDITION. Bevill was a barrister of the Inner Temple. "I have collected everything to be found in the books which appeared to be material; and I have endeavoured to extract all the principles by which the law, as to these offenses, is

governed: and although no direct authority can be cited in support of one of these principles, in the form in which I have stated them, yet when every part of the subject is examined, I feel some confidence, that they will be found correct" [iii-iv].

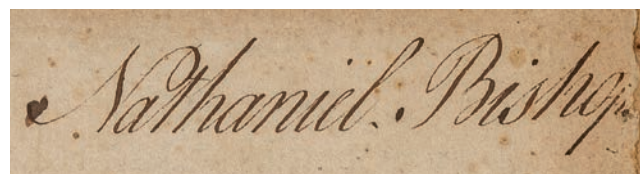
A member of a distinguished New York City family, Colden [1769-1834] was a mayor of New York City from 1818-1821, a U.S. Representative from New York from 1821-1823 and a member of the New York State Senate from 1825 to 1827. The inscription on the front free endpaper reads: "Murder is a killing of malice-/ Malice is where there is a felonious and deliberate interest/ to do bodily harm by probable means."

✦ ESTC N14026.

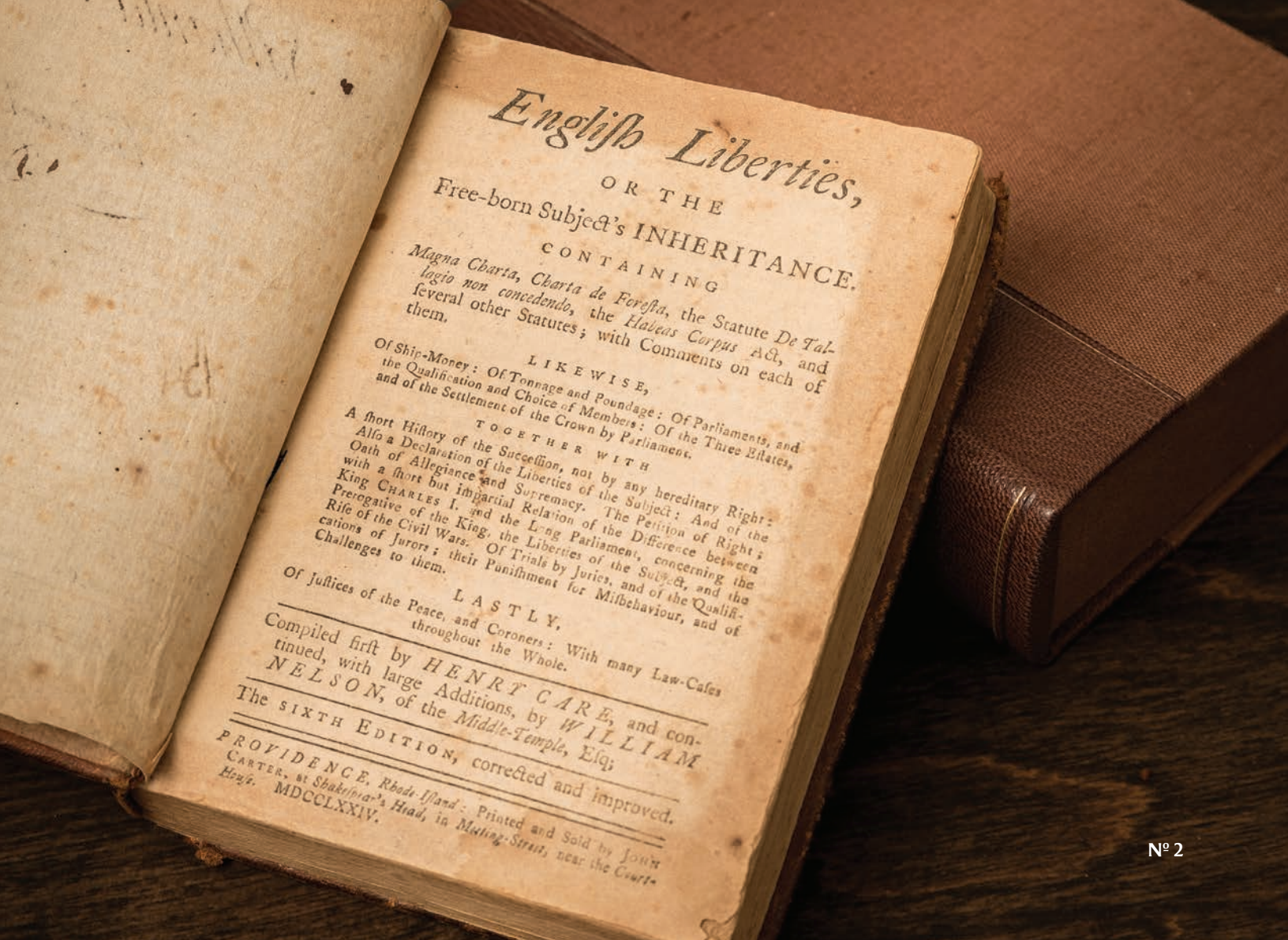
A COPY OWNED BY A SUBSCRIBER WHO WAS AN EARLY MASSACHUSETTS JUDGE AND POLITICIAN

2
[Care, Henry (1646-1688)]; N[elson], W[illiam] [b.1653], Editor. *English Liberties, Or The Free-Born Subject's Inheritance. Containing Magna Charta, Charta de Foresta, The Statute De Tallagio Non Concedendo, The Habeas Corpus Act, And Several Other Statutes; With Comments on Each of Them. [...] With a Short but Impartial Relation of the Difference Between King Charles I. And the Long Parliament, Concerning the Prerogative of the King, The Liberties of the Subject, And the Rise of the Civil Wars. Of Trials by Juries, And of the Qualifications of Jurors; Their Punishment for Misbehaviour, And of Challenges to Them. Lastly, Of Justices of the Peace, And Coroners: With Many Law-Cases Throughout the Whole. Corrected and Improved.* Providence: Printed and Sold by John Carter, 1774. viii, 350, [6] pp. Includes six-page subscriber list. Octavo (7" x 4-3/4"). \$7,500.

Contemporary sheep, raised bands to spine, blind tooling to board edges. Light rubbing and a few shallow scuffs and scratches to boards, early ink annotation (faint and illegible) to front board, moderate rubbing to extremities, front joint starting, rear joint cracked, chipping to spine ends, corners bumped and worn, hinges cracked (rear hinge before final text leaf), faint offsetting to preliminaries, small tear and brief annotation ("August 24th: 1796") to front pastedown, owner signature (of Nathaniel Bishop [1757-1826], dated at Richmond, December 9, 1781) to front free endpaper, which is lightly edgeworn and lacking its lower outside corner. Moderate toning and light foxing to interior, printer's flaw to p. 93 with loss to text, light soiling and tiny spark burns to



Detail from Nº 2



Nº 2

a few leaves. Item housed in custom clamshell box, quarter morocco over cloth, gilt title and gilt-edged raised bands to spine. An appealing copy in a contemporary binding.

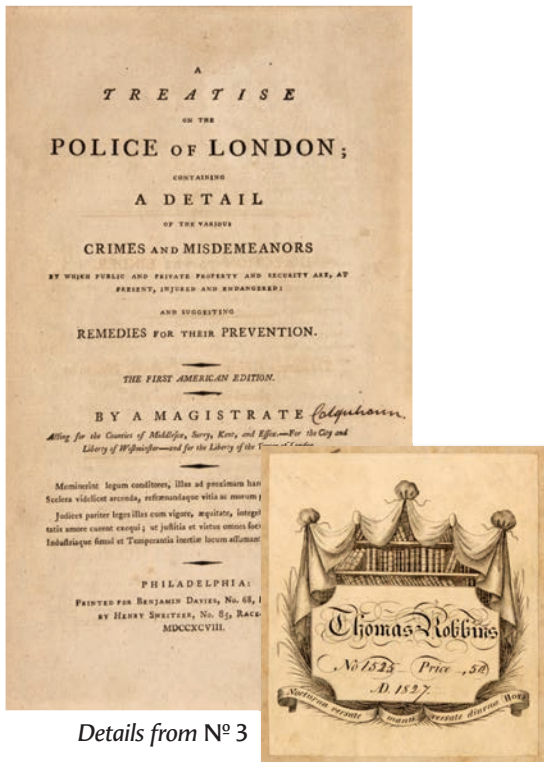
SECOND AMERICAN EDITION. Preceded by a 1721 Boston edition from Benjamin Franklin's elder half-brother, James Franklin, this Providence edition was published in the same year as the first Continental Congress and the Intolerable Acts (and about a year after the Boston Tea Party). A publisher's note says this edition was "principally designed for America" and contained "extracts from several late celebrated writers on the constitution" (vi). It is almost certain that this publisher was capitalizing on popular resentment toward the Crown and Parliament.

First published in England in 1680 (or 1682, the first edition was not dated), *English Liberties* reviews, from a Whig perspective, the principles of English law and government. Containing the texts of Magna Carta and other foundational documents of the English Constitution, it emphasizes the role of juries in the preservation of civil rights and prevention of tyranny. *English Liberties* was one of the very first legal titles published in the American colonies

and had a profound influence on colonial readers, including the founders. It was the primary source for William Penn's *Excellent Priviledge of Liberty and Property* (1687), a work that inspired support for the revolution. George Mason used it when drafting Virginia's Declaration of Rights (1776). And Jefferson, who owned two copies, probably referred to it when he wrote the Declaration of Independence and the Virginia Statute for Religious Freedom. Its influence is also evident in the Bill of Rights.

Our copy is inscribed by Nathaniel Bishop, who is listed among the subscribers from Guilford, Connecticut. His ownership reflects that, in addition to its ideological uses, the work served its stated purpose: a layman's guide and legal manual. Bishop settled in Richmond, Massachusetts in 1777. He inscribed the book during a thirty-year tenure as a register of probate and justice of the peace. He went on to serve as a judge of the Court of Common Pleas from 1795-1811 and then Chief Justice of the Court of Sessions, in addition to service in the Massachusetts state legislature.

◆ Cone & Root, *Record of the Descendants of John Bishop* 40. Sowerby 2702, 2703. Cohen 3416.



Details from N° 3

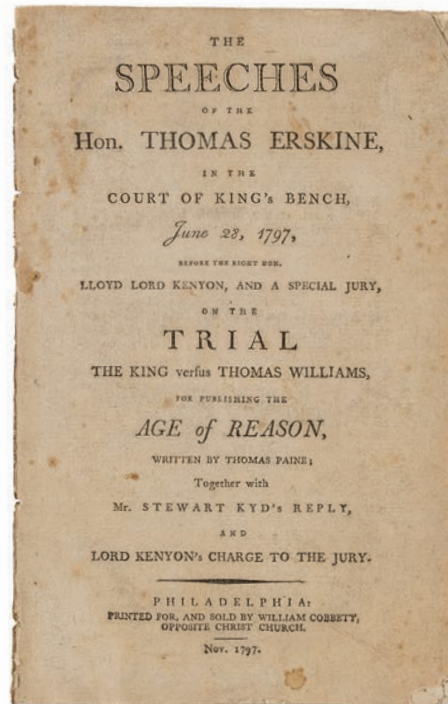
**ONLY AMERICAN EDITION
OF AN IMPORTANT WORK ON CRIME**

3
[Colquhoun, Patrick (1745-1820)]. *A Treatise on the Police of London; Containing a Detail of the Various Crimes and Misdemeanors By Which Public and Private Property and Security Are, At Present, Injured and Endangered: And Suggesting Remedies for Their Prevention*. Philadelphia: Printed for Benjamin Davies, 1798. xii, [7], 342, xxiv pp. Folding table. Octavo (8-1/4" x 5"). \$500.

Contemporary sheep treated to resemble tree calf, lettering piece, gilt fillets and faint early hand-lettered author name to spine. Light rubbing and a few minor scuffs to boards, corners bumped and moderately worn, head of spine rubbed away, front board partially detached but secured by cords, rear joint and hinge starting at head, bookplate (of Thomas Robbins, 1827) to front pastedown. Moderate toning to text, "Colquhoun" added to title page in contemporary hand.

ONLY AMERICAN EDITION. Colquhoun was a tireless reformer and public-minded citizen. First published in London in 1796, his treatise on criminology offered innovative proposals, such as the appointment of public prosecutors and paid magistrates, productive labor by convicts and a system of preventative police. This Philadelphia imprint was a response to the keen interest in this subject among elite circles of reformers and legislators in America. Their efforts were reflected in Philadelphia's Eastern State Penitentiary, New York's Auburn Prison and Livingston's penal code.

◆ Cohen 1010.



N° 4

**PROSECUTED FOR PUBLISHING
PAINE'S AGE OF REASON**

4
Erskine, Thomas Erskine, Baron [1750-1823]; Kyd, Stewart [1759-1811]; Kenyon, Lloyd Kenyon, Baron [1732-1802]. *The Speeches of the Hon. Thomas Erskine, In the Court of King's Bench, June 28, 1797, Before the Right Hon. Lloyd Lord Kenyon, And a Special Jury, On the Trial of the King Versus Thomas Williams, For Publishing The Age of Reason, Written by Thomas Paine; Together with Mr. Stewart Kyd's Reply, And Lord Kenyon's Charge to the Jury*. Philadelphia: Printed For, And Sold by William Cobbett, 1797. 23, [1] pp. Octavo (8" x 5"). \$950.

Disbound stab-stitched pamphlet. Moderate toning, occasional light foxing, small faint stains to exterior and first leaf, lower outer corners of first several leaves worn, leaves separating at ends but secure.

ONLY AMERICAN EDITION. The French Revolution struck fear in the British government, which made the suppression of radical thought its top priority. Thomas Paine, who had been tried for seditious libel in 1794 after the publication of *Rights of Man* (1791-1792), was one of the government's top targets. The success of Parts I and II of *The Age of Reason* (1794-1795), an irreverent and accessible deist critique of institutionalized religion, led to another prosecution. This time, the government targeted the publisher, Thomas Williams. Ironically, the prosecution was led by Thomas Erskine, who had defended Paine in 1794. Williams was convicted of seditious and

blasphemous libel and sentenced to a year's hard labor.

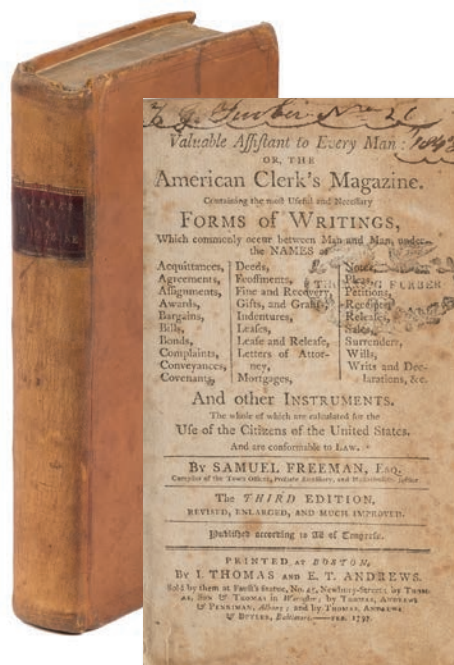
◆ This edition not in McCoy. Cohen (2003 Supplement) 13376.52.

PRINTED BY ISIAH THOMAS

5

Freeman, Samuel [1743-1831]. *A Valuable Assistant to Every Man: Or, The American Clerk's Magazine. Containing the Most Useful and Necessary Forms of Writings, Which Commonly Occur Between Man and Man, Under the Names of Acquittances, Agreements, Assignments, Awards, Bargains, Bills, Bonds, Complaints, Conveyances, Covenants, Deeds, Feoffments, Fine and Recovery, Gifts, And Grants, Indentures, Leases, Lease and Release, Letters of Attorney, Mortgages, Notes, Pleas, Petitions, Receipts, Releases, Sales, Surrenders, Wills, Writs and Declarations, &c. And Other Instruments. The Whole of Which are Calculated for the Use of the Citizens of the United States. And are Conformable to Law. Revised, Enlarged, And Much Improved. Published According to Act of Congress.* Boston: Printed by I. Thomas and E.T. Andrews, 1797. iv, [2], [7]-297, [1] pp. Includes a one-page list of legal manuals published by Thomas and Andrews. 12mo. (6-3/4" x 4"). \$500.

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Light rubbing, a few faint stains to boards, chip to head of spine, corners bumped, hinges cracked, front free endpaper lacking. Moderate toning, light foxing to portions of text, clean tears to leaves A2-3 not affecting legibility, light soiling, moderate edgewear, faint early owner stamp of Thomas G. Furber and his signature, dated 1843, to title page, signature of John M. Furber, "Newington, Jany 3rd 1832" to its verso. A remarkably well-preserved copy.

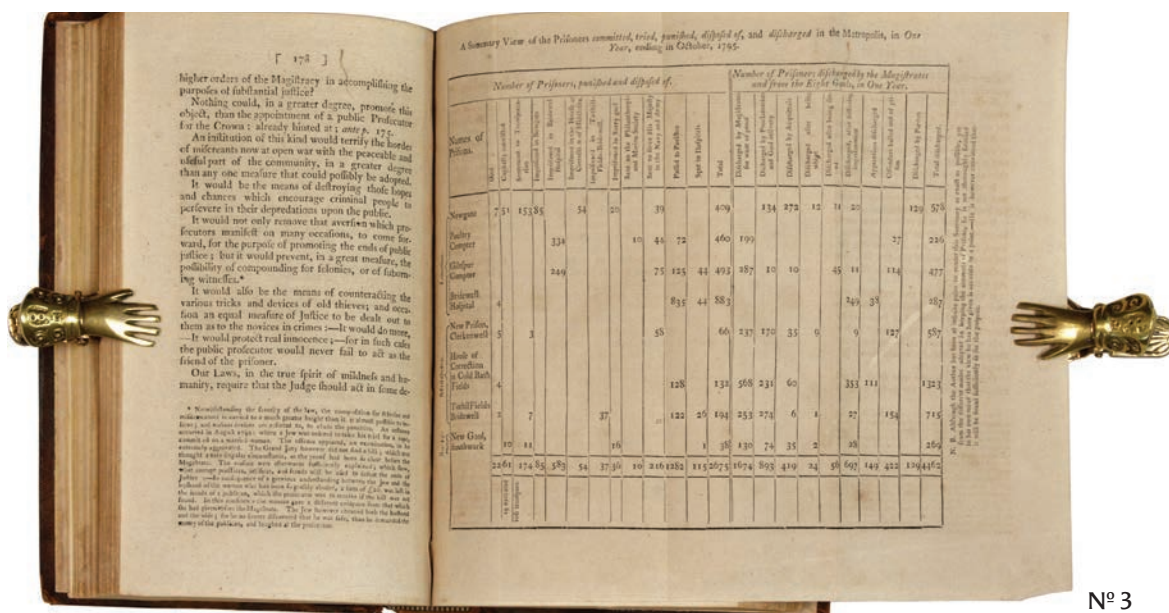


Nº 5

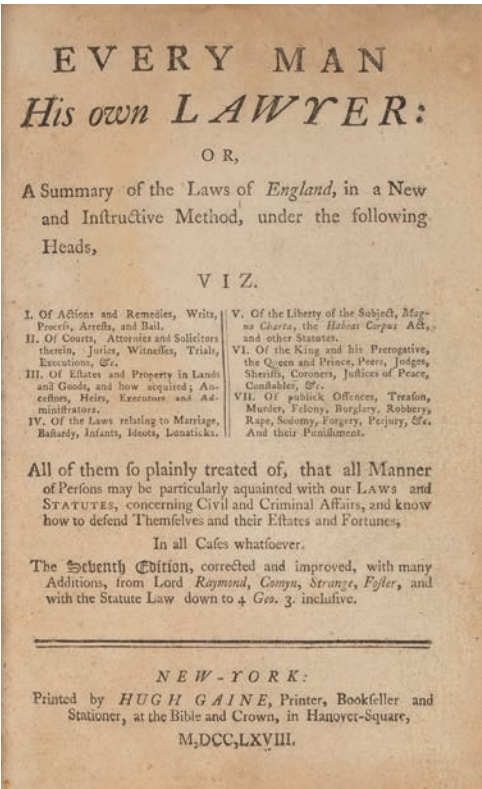
THIRD EDITION. Freeman was clerk of courts, a register of probate and a probate judge in Massachusetts. Thomas [1749-1831] was an important early Massachusetts printer, newspaper publisher and author. He was also the founder of the American Antiquarian Society.

Our copy was owned by two members of a prominent New Hampshire agricultural family. The book was likely passed from John Miller Furber [1804-1861] to his younger brother Thomas Gerrish Furber [1811/12-1888]. Both men would have found this book's accessible style useful when their farming business intersected with the law, as it did for the younger Furber brother in 1867 (*Garland v. Furber*, 47 N.H. 301).

◆ Cohen 8013.



Nº 3



Nº 6

**THE FIRST LAYMAN'S GUIDE
PUBLISHED IN AMERICA**

6
[Jacob, Giles (1686-1744)]. *Every Man His Own Lawyer: Or, A Summary of the Laws of England, In a New and Instructive Method, Under the Following Heads, Viz. I. Of Actions and Remedies, Writs, Process, Arrests, And Bail. II. Of Courts, Attornies and Solicitors Therein, Juries, Witnesses, Trials, Executions, &c. III. Of Estates and Property in Lands and Goods, And How Acquired, Ancestors, Heirs, Executors and Administrators. IV. Of the Laws Relating to Marriage, Bastardy, Infants, Ideots, Lunaticks. V. Of the Liberty of the Subject, Magna Charta, The Habeas Corpus Act, And Other Statutes. VI. Of the King and his Prerogative, The Queen and Prince, Peers, Judges, Sheriffs, Coroners, Justices of Peace, Constables, &c. VII. Of Publick Offences, Treason, Murder, Felony, Burglary, Robbery, Rape, Sodomy, Forgery, Perjury, &c. And Their Punishment. [...]. Corrected and Improved, With Many Additions, From Lord Raymond, Comyn, Strange, Foster, And with the Statute Law Down to 4 Geo. 3. Inclusive.* New-York: Printed by Hugh Gainé, 1768. iv, 289, [13] pp. Octavo (7-1/4" x 4-1/2"). \$1,750.

Contemporary sheep, blind fillets to boards, raised bands and lettering piece to spine. Light rubbing and a few nicks and scuffs to boards, a few creases to front board, early repairs to rear board, small nick and larger chip to fore-edge of front board, small nick to foot of rear board, some chipping to

foot of spine, joints just starting at foot, corners bumped and lightly worn, crack in text block between front free endpaper and title page, another crack between rear free endpaper and adjacent leaf. Moderate toning to interior, light foxing, dampstaining and browning in a few places. Offsetting and wear to edges of endleaves, early owner signature "Arch Campbell/ Inveraray" to front free endpaper.

FIRST AMERICAN EDITION, designated the seventh on the title page in reference to the prior six editions published in London. This popular layman's guide by one of the most prolific legal writers of eighteenth-century England went through ten English editions between 1736 and 1788. According to Cohen, this was the first layman's guide published in America. The next two, also intended for aspiring lawyers, were *The Young Clerk's Magazine* (Philadelphia, 1774) and *The Young Clerk's Vade Mecum* (New York, 1776).

The signature seems to be that of an Archibald Campbell. Inveraray Castle was the home of the Campbells, a distinguished Scottish noble family. It is possible that the former owner of this book, most likely one who immigrated to America, belonged to this family or was an unrelated, non-noble Campbell from the town of Inveraray.

♣ Cohen 8202.



Handwritten notes on a page from the book:

34. A proposer of a bill must ^{admit} the acceptance of a procurator/ attorney/ if he have a general power to accept &c -

when a promissory note/ negotiable & indorsed it resembles a Bill - the Indorser of the note - Drawer of the bill maker of so. Acceptor of so. Indorser of so payee of so -

40 Bank notes, by common consent, are considered as money - A will which bequeath all monies, passes them - when they are paid away a receipt is taken for money.

41 - They are not a tender, at all events, but if tendered, and no objection against them on account of their being bills, the H. B. have adjudged them a legal tender -

48 Actions on bills & notes - the law presumes a corporation until the contrary be proved. they being an exception to the genl. rule of simple contracts - and are favoured as specialties

50 B. 11 & 11.1 to be transferable must be for money Only

60 the words "Value received" not essential in a bill or note

64 Common law when an order on A. who becomes insolvent and whether he had the order long time and thus deprives part of drawer - should whether give credit -

REVOLUTION-ERA NEW YORK EDITION
OF A POPULAR JP MANUAL

7

[Justice of the Peace Manual]. *The Young Clerk's Vade Mecum: Or, Compleat Law-Tutor. Being a Useful Collection of a Great Variety of the Most Approved Precedents in the Law, And Adapted to Almost Every Transaction in Life Wherein an Attention to Legal Forms is Indispensably Necessary. And Consisting Chiefly of Bonds, [...] and Proceedings at Law. To Which is Added, A Collection of English Precedents, Relating to the Office of a Justice of Peace.* Belfast Printed: New-York, Re-Printed by H. Gaine, In Hanover-Square, 1776. [xii], 236; iv, 86, [6] pp. Two parts, each with title page and individual pagination. The title part for the second part reads (in part): *A Collection of English Precedents, Relating to the Office of a Justice of Peace.* Lacking final two leaves, which are publisher advertisements. 12mo. (6-1/4" x 3-3/4"). \$850.

Later pebbled cloth, gilt title, fillets and publication date to spine, endpapers renewed. Some chipping to spine ends, light rubbing to corners, later library bookplate to front pastedown, front free endpaper detached, rear free endpaper partially detached, cracks in text block preceding title

page and following final leaf of text, binding secure. Light browning to interior, light foxing in a few places, later library stamp (of the Long Island Historical Society) to head of title page, "1426" in small hand to rear pastedown.

LATER EDITION. "In those days, when anyone who was anybody was a judge, and most of those who were not quite anybody were justices of the peace, a *vademecum*...was an essential tool..." (Cohen). Alphabetically organized with forms for pleading, this popular work, derived from an English manual first published in 1723, covers topics such as bonds, bills of sale, grants, indentures and wills. The final edition was printed in Dublin in 1795. Gaine's edition is a reprint of an edition published in Belfast in 1771. (He also issued the second part as an independent title.) It is a scarce edition, especially in commerce; the last two copies appeared at auction in 2019 and 1941.

◆ Cohen, "Historical Development of the American Lawyer's Library," *61 Law Library Journal* (1968) 440, 445. ESTC W21107. Cohen 8207.

FIRST AMERICAN EDITION WITH
SIX PAGES OF CONTEMPORARY NOTES

8

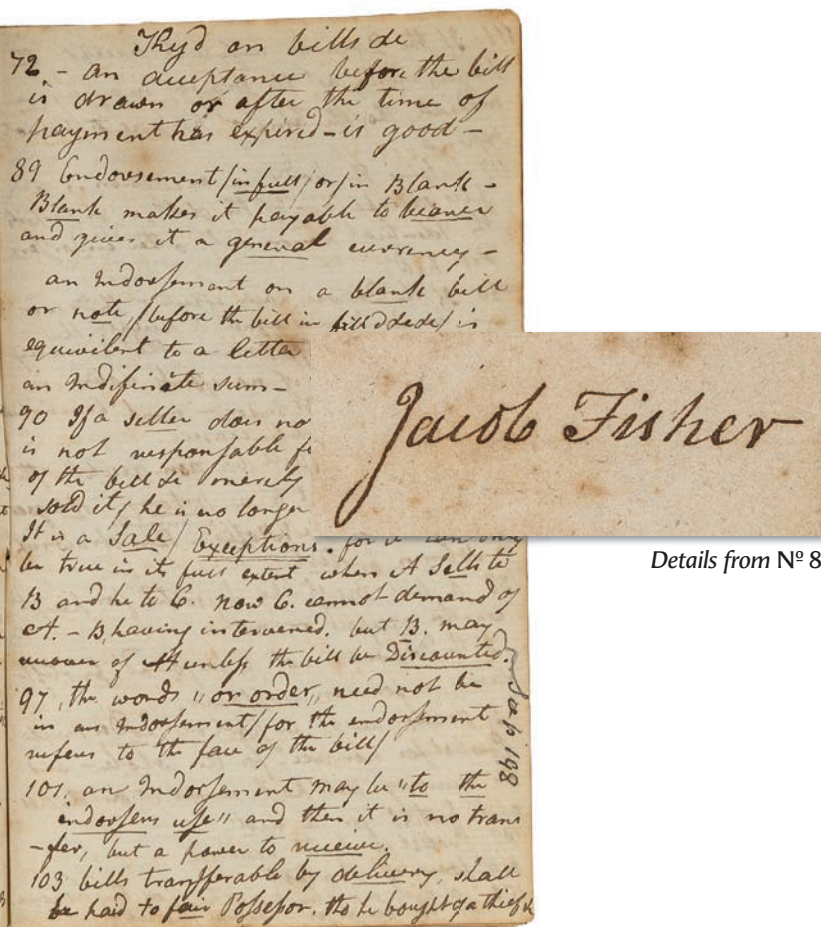
Kyd, Stewart [d.1811]. *A Treatise on the Law of Bills of Exchange and Promissory Notes.* Boston: Printed by Manning & Loring, 1798. xii, 288 pp. 12mo. (6-3/4" x 4"). \$1,500.

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine, blind tooling to board edges. Light rubbing and a few faint dampstains to boards, which are separated but secured by cords, moderate rubbing to extremities, chipping to spine ends, corners lightly bumped and worn, owner signature (of Jacob Fisher) to front free endpaper, 3 sheets (6-1/4" x 3-3/4" folded) secured with pin along vertical fold laid in, contemporary manuscript notes in Fisher's hand to first 6 pp. Light toning to interior, occasional light foxing, underlining, brief annotations or corrections and manicules in ink to several leaves.

FIRST AMERICAN EDITION, from the third London edition, 1795. With considerable additions. Kent called this early treatise on bills of exchange "a very valuable digest to the practicing lawyer, and particularly as during the times of Lord Holt and Lord Mansfield, the law concerning negotiable paper was extensively discussed and vastly improved."

The laid-in notes, mostly summaries of key points of law, are keyed to page numbers and demonstrate careful study and engagement. Though it is difficult to be certain, the Jacob Fisher who made them may have been Jacob Fisher [1768-1843] of Lancaster, Massachusetts, a public servant and state legislator.

◆ Kent, *Commentaries on American Law* III:128. Cohen 2542.



Details from N° 8

Know all men that whereas Nathaniel Southworth for me of Plymouth in the County of Hampshire New England. By a certain Judgement bearing date ye fifth Day of February 1709. Did Acknowledge your self indebted unto Joseph Wanton of Liverton in the County of Bristol in the Sum of Two Hundred pound Silver Money with a further Security of Two Hundred Acres of Land and Ten Cows of meadow: to him the said Joseph of Land and Ten Cows: upon Condition y^t he the said Nathaniel his heirs and assigns: upon Condition y^t if the Children of the said Nathaniel Southworth before his wife should sign and execute a Release of the said Claim & Discharge of all these Rights & Title to the said Joseph his heirs Assigns in his & their heirs possession & Seizin of the Twenty Seven Acre of Land with the Common thereto Belonging in New England and in Justice thereunto which the said Southworth formerly sold to said Joseph by deed: that then the said Joseph should be holden & liable in full force & effect of the said Release & Discharge: and that the said Joseph by the same more plainly appears: and that the said Joseph of the said Nathaniel Southworth and before he will have fully completed the same: therefore the said Joseph for him self and his heirs do Release said Claim & Discharge the said Instrument that the said Joseph and his heirs for ever acquit and Discharge of and from the said Joseph the said Nathaniel Southworth and his heirs the sum of Two Hundred pound therein contained with the said Two Hundred pound for ever. At Witness my hand & Seal ye fifth Day of July A.D. 1728

Signed Sealed & Delivered in the presence of

Joseph Wanton

Joseph Howland

Bristol July 8: 1728

Personally Appeared Joseph Wanton and acknowledged the above Instrument to be his voluntary act & deed

Coram N. Blagrove Jus. Pac.

Nº 10

ELIZABETH HARRIS, "MARRIED-WOMAN," ACCUSES TOM SHORTER, "NEGRO," OF ASSAULT

9

[Manuscript]; [Pennsylvania]. [Clerical Copies of Two Legal Documents]. Dauphin County, Pennsylvania, [after 1785, before 1793]. \$750.

3-3/4" x 8-1/2" scrap of paper, text in single neat hand to recto and verso, annotations (sums) in a different hand to foot of recto. Moderate toning, light foxing, small clean tear to top-edge.

THE RECTO OF THIS DOCUMENT records testimony given by Elizabeth Harris, a "Married-Woman" living in Lancaster County, to a justice of the peace of Dauphin County, Pennsylvania. (Dauphin County separated from Lancaster County in 1785.) Harris claimed that "a certain Tom Shorter negro did on the night of yesterday assault & beat her this Complainant down with his fist at Lancaster County." The verso contains a land purchase agreement made by John Groh. Both documents are clearly copies, possibly drafts or clerical copies.

A RHODE ISLAND DEBT CLAIM FROM 1728

10

[Manuscript]; [Rhode Island]; Wanton, Joseph [1705-1780]. [Autograph Legal Document, Signed, Bristol, Rhode Island, July 5, 1728]. \$950.

12-1/4" x 7-1/2" leaf, franked below signature, docketed on verso ("Joseph Wanton's Release"). Light browning, horizontal and vertical creases, wax seal at signature, some separation along fold lines.

THIS DOCUMENT certifies that Nathaniel Southworth, Jr., has transferred land and money to Wanton to settle a debt. Wanton was a successful Newport, Rhode Island merchant who was involved with privateers during the French and Indian wars. He was also one of the original trustees of

Dauphin County

Before me the Subscriber one of the Justices of the Peace in & for said County in & for the County of Dauphin personally came Elizabeth Harris of Lancaster County Married-Woman who upon her oath did depose & say that a certain Tom Shorter negro did on the night of yesterday assault & beat her this Complainant down with his fist at Lancaster County aforesaid

66 15	3.5.2	2 17.9	18 16 3
400 10	66 15	17. 6 6	40 3 5 2
300	6	100	1 6 2
100	400 10	374 6	6 2
100	20	374 6	1 2
	400	374 6	7 6 8
		374 6	1 5 8

Nº 9

the school that eventually became Brown University. He served as Governor of Rhode Island from 1769-1775, but was removed from office for refusing to swear an oath of loyalty to the Continental Congress. He had frequent business dealings with the Southworth family, prominent residents of Middleborough, MA.

"FAIL NOT OF APPEARANCE AT YOUR PERIL"

11

[Massachusetts]. Bristol, ff. George the Second, By the Grace of God of Great Britain, France & Ireland, King, Defender of the Faith, &c. To [Samuel Miller of Milton in Our County of Suffolk Innholder] Greeting. Bristol, Massachusetts, October 24, 1732. 1 pp. **SOLD**

6-1/4" x 7-3/4" part-printed document completed in manuscript, manuscript text in single neat clerical hand with autograph signature in a different hand, wax seal to upper left corner, docket to verso. Moderate toning, fold lines, a few faint fox spots, very light soiling to verso.

THIS DOCUMENT summons the innkeeper Samuel Miller to appear before Bristol's Inferior Court of Common Pleas in answer to a charge brought against him by Godfrey Alfrey, a shipwright who accused Miller of refusing to pay for a barrel of pork he received from Alfrey in July 1730. Miller's bond was twenty pounds and the trial was set for the second Tuesday of the following January. The document is signed by Timothy Fales [1690-1777] in his capacity as the court clerk. Fales, a former sea captain educated at Harvard, served in various public offices from 1724 until at least 1774.

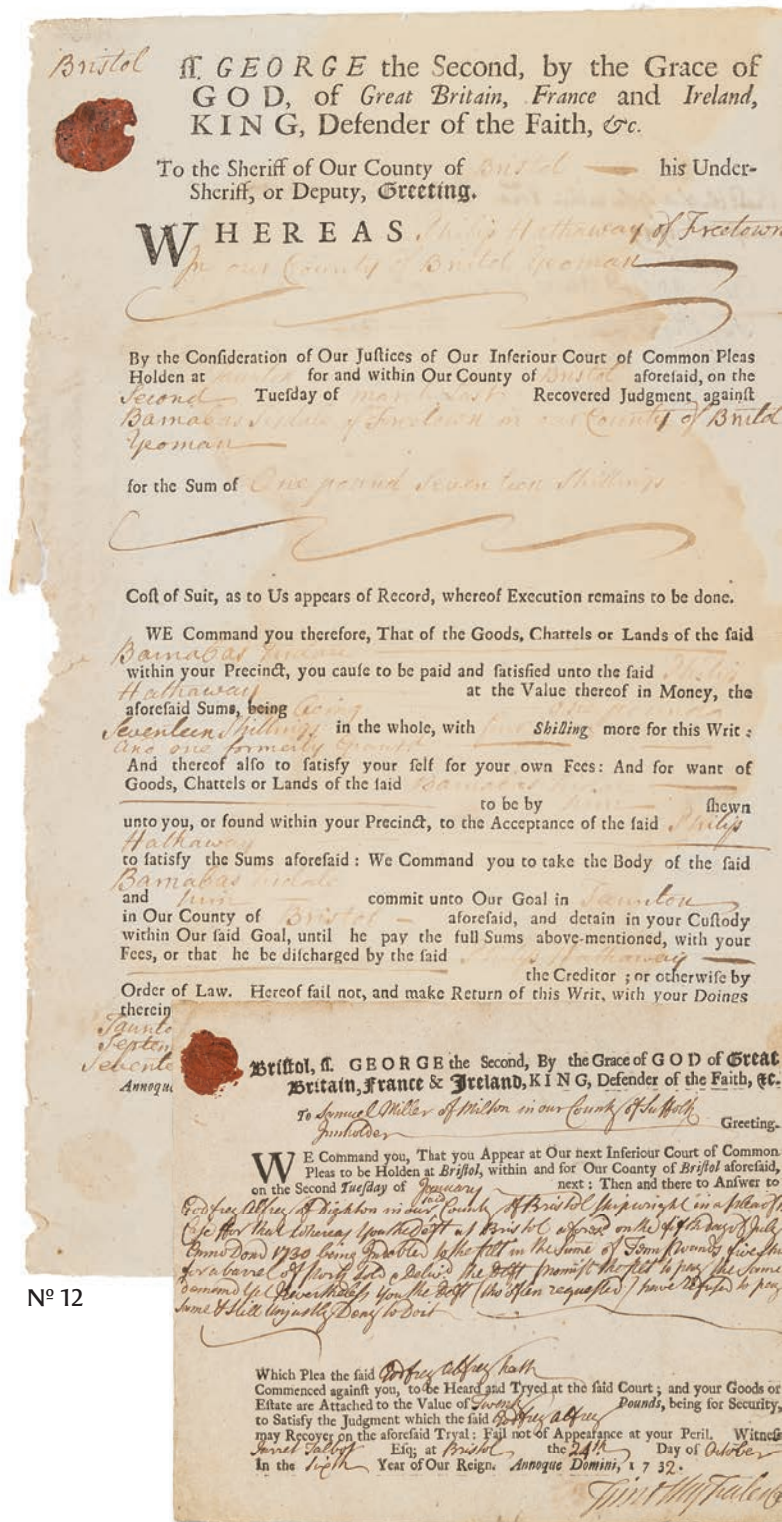
"DETAIN IN YOUR CUSTODY WITHIN OUR SAID GOAL, UNTIL HE PAY THE FULL SUMS ABOVE-MENTIONED"

12

[Massachusetts]. [Bristol] ff. George the Second, By the Grace of God, Of Great Britain, France and Ireland, King, Defender of the Faith, &c. To the Sheriff of Our County of [Bristol] his Undersheriff, Or Deputy, Greeting. Taunton, Massachusetts, June 17, 1749. 1 pp. **SOLD**

12-1/4" x 7-1/2" part-printed document completed in manuscript, wax seal to upper left corner, annotations, signature and docket to verso. Moderate toning, horizontal fold lines, large dampstain causing fading to text, which remains legible, small clean tears starting along fold lines, light edgewear, small tear to left edge with minor loss to docket.

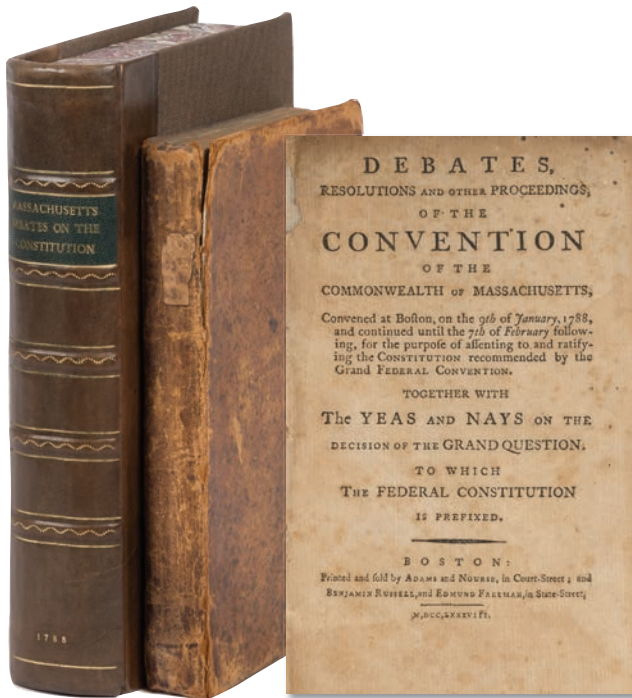
THIS DOCUMENT records that Philip Hathaway, a yeoman, successfully sued Barnabas Tisdale for one pound, seventeen shillings in the Bristol County Inferior Court of



Nº 12

Nº 11

Common Pleas. It authorizes the sheriff's office to ensure the sum is paid to Hathaway, collect any fees and jail Tisdale for non-compliance. It is signed by Timothy Fales in his capacity as the court clerk. The annotations and signature to the verso attest that the sum was collected by Samuel White and that Hathaway received the money.



Nº 13

187 TO 168 IN FAVOR OF RATIFICATION

13

[Massachusetts]; [Federal Constitution]. *Debates, Resolutions and Other Proceedings, Of the Convention of the Commonwealth of Massachusetts, Convened at Boston, On the 9th of January, 1788, And Continued Until the 7th of February Following, For the Purpose of Assenting to and Ratifying the Constitution Recommended by the Grand Federal Convention. Together with The Yeas and Nays on the Decision of the Grand Question. To Which The Federal Constitution is Prefixed.* Boston: Printed and Sold by Adams and Nourse, and Benjamin Russell, and Edmund Freeman, 1788. 219 pp. Octavo (7" x 4-1/2"). \$3,000.

Contemporary speckled sheep, blind fillets and fragment of later hand-lettered paper title label to spine. Moderate rubbing to extremities with wear to head of spine, front joint starting, hinges cracked, later owner bookplate to front pastedown, front free endpaper lacking. Moderate toning to interior, occasional light foxing, internally clean. Item housed in a period-style clamshell box, lettering piece and blind fillets to spine.

FIRST EDITION. "The ratification process in Massachusetts was viewed with anxiety by supporters of the Constitution throughout the nation. Massachusetts was a key state, and it was thought that actions there might determine the ultimate fate of the Constitution. The struggle was hard, bitter, and characterized by wild rumor and allegations of corrupt behavior. The Federalist strategy was to ratify the Constitution first and then consider amendments to

it. On February 6 the Constitution was endorsed by the narrow vote of 187 to 168. Massachusetts became the sixth state to ratify. Massachusetts was the first state to propose amendments along with ratification, setting a pattern for the states that followed. All except Maryland and Rhode Island were to ratify and simultaneously propose amendments" (Peckham). A second edition was published in 1808; another, edited by Bradford K. Peirce and Charles Hale, in 1856.

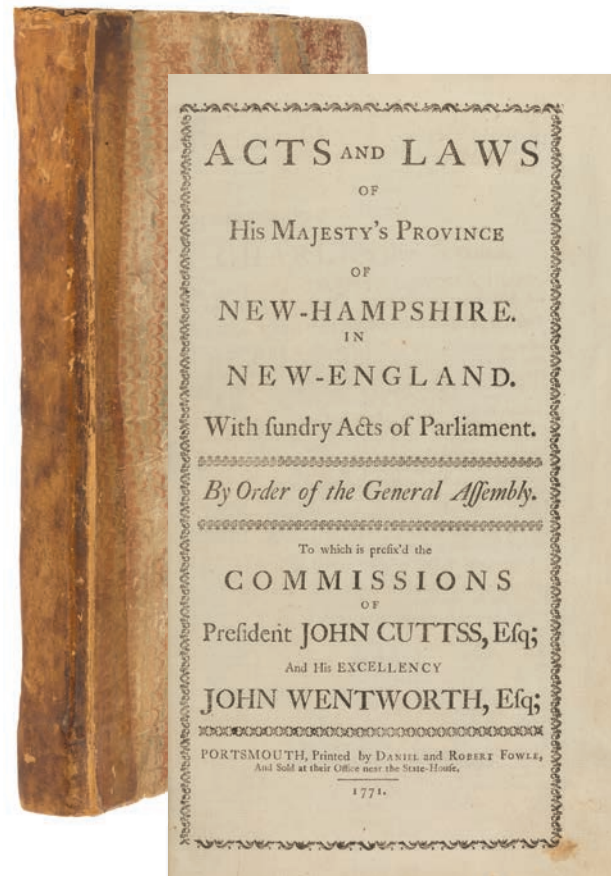
♦ Peckham, *Liberty's Legacy* USC-25. Cohen 2859. Sabin 45702.

1771 COMPILATION OF NEW HAMPSHIRE LAWS

14

[New Hampshire]. *Acts and Laws of His Majesty's Province of New-Hampshire. In New-England. With Sundry Acts of Parliament. By Order of the General Assembly. To Which is Prefixed the Commissions of President John Cuttss, Esq; And His Excellency John Wentworth, Esq;.* Portsmouth: Printed by Daniel and Robert Fowle, 1771. [ii], 6, 8, iv, 272, 51, [1], xiii pp. Folio (12" x 7-1/4"). \$2,500.

Contemporary marbled boards, calf spine. Moderate rubbing to boards, heavier rubbing to extremities with wear to board edges, spine ends and corners, which are bumped, hinges cracked, rear free endpaper partially detached and lightly



Nº 14

edgeworn. Moderate toning to interior, somewhat heavier in places, smudges to fore-edges of final 21 leaves of text, small tear (or paper flaw) to center of leaf PP2 (pp. 247-248), tiny stains to margins of title page, early owner inscription dated 1771 (of Walter Robie) and later owner signature dated 1871 (Walter S. Robie) to front free endpaper. A desirable copy.

ALSO KNOWN AS “FOWLES SECOND EDITION” to distinguish it from a 1761 compilation, this fascinating volume of acts and laws from 1698 to 1771 provides unparalleled insights into the colony’s attitude towards Indians, the poor, fornication, incest, polygamy, bankruptcy, fraud, court procedure and many other social and political topics. The main text is followed by a 51 pp. collection of temporary laws, which was also published as a separate volume.

Walter Robie [1741-1818], an attorney and lifelong resident of Candia, New Hampshire, was likely an early owner of this book. He was active in civic life and was voted onto a number of committees related to the Revolutionary War. Walter S. Robie may be a descendant.

◆ Moore, *History of the Town of Candia, Rockingham County, N.H.* 65-99, passim. Benedict 258. Tower 546.

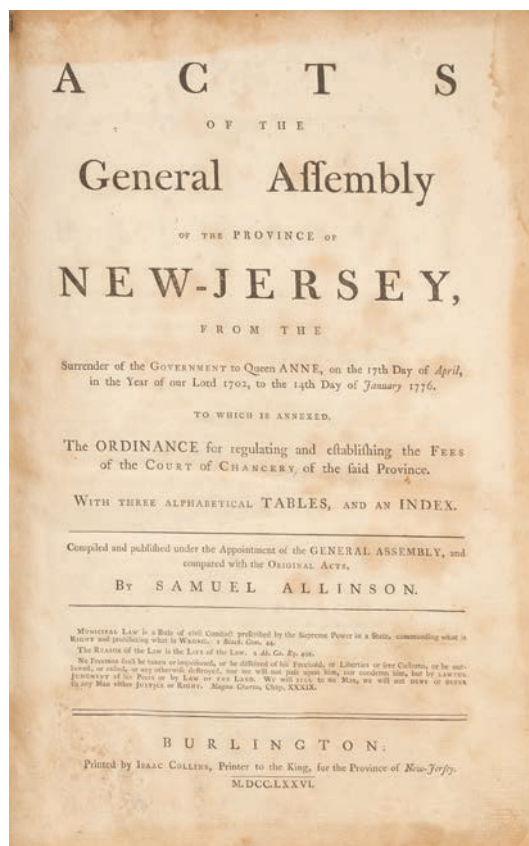
NEW JERSEY’S LAST COLONIAL-ERA COMPILATION

15

[New Jersey]; Allinson, Samuel [1739-1791], **Compiler.** *Acts of the General Assembly of the Province of New-Jersey, From the Surrender of the Government to Queen Anne, On the 17th Day of April, In the Year of Our Lord 1702, To the 14th Day of January 1776. To Which is Annexed, The Ordinance for Regulating and Establishing the Fees of the Court of Chancery of the Said Province. With Three Alphabetical Tables, And an Index. Compiled and Published under the Appointment of the General Assembly, And Compared with the Original Acts.* Burlington: Printed by Isaac Collins, 1776. viii, 493, [1], 6, 6, 4, 4, 3, [1], 15, [1] pp. Folio (13” x 8-1/2”). \$750.

Contemporary sheep, blind rules and fillets to boards, raised bands and lettering piece to spine, blind tooling to board edges. Moderate rubbing and some scuffing to boards, which are separated but secured by cords, light wear to extremities, large chip to front joint, chipping to spine ends, corners bumped and worn, small later bookplate (of Chicago book collectors Louis and Anne Marie Davidson) to front pastedown, which has a few small tears, inscription of Peter D. Vroom indicating that the book belonged to Abraham Staats dated 1786 to front free endpaper. Moderate toning to interior, occasional light foxing, faint dampstaining in a few places, contemporary manuscript corrections (as in all copies) and brief annotations to several leaves.

ONLY EDITION. The last compilation of New Jersey’s colonial-era laws, commonly referred to as Allinson’s

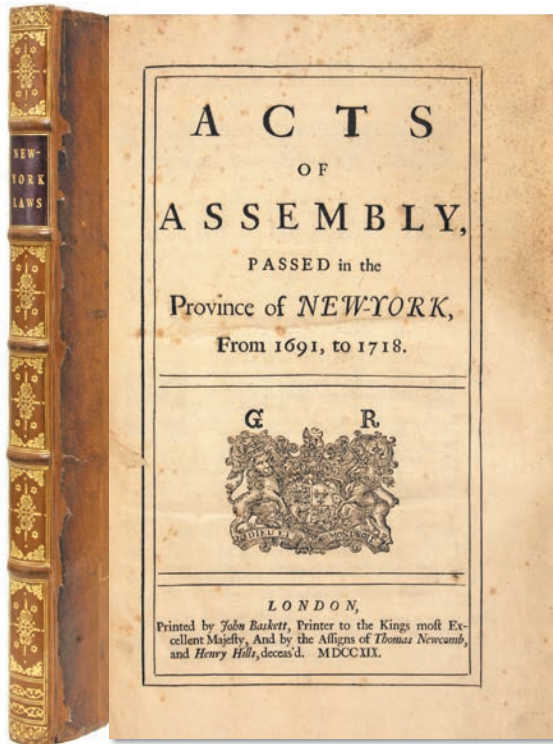


Nº 15

Laws, provides a portrait of life in New Jersey from 1702 to the landmark year 1776. It addresses several topics that relate to the American Revolution, such as the regulation of ammunition and militias. Also included are laws regulating private gun ownership, such as “An Act for the preservation of Deer and other Game, and to prevent trespassing with Guns.” Isaac Collins was known for the excellence of his work. After the death of the appointed printer “to the King’s Most Excellent Majesty” James Parker in 1770, Collins acquired Parker’s business. He achieved additional renown in 1777 as the printer of *The New Jersey Gazette*, the first regularly published weekly newspaper in the state.

As Felcone points out, all copies have manuscript corrections that were probably executed in Collins’s shop. Due to shortages, the quality of the paper varied considerably from copy to copy, and accordingly all copies have different degrees of foxing and toning between gatherings. According to a note on the front free endpaper, our copy was owned by Abraham Staats, a member of a prominent early New Netherland family, and lent to Peter Dumont Vroom in 1786. Vroom served as a colonel during the Revolutionary War and his son, Peter Dumont Vroom, Jr., would go on to be the ninth governor of New Jersey.

◆ Felcone, *New Jersey Books* (2nd ed.) 1424. Tower 166.



Nº 16

**1719 COMPILATION OF NEW YORK LAWS
PRINTED IN LONDON BY JOHN BASKETT**

16

[New York]. *Acts of Assembly Passed in the Province of New-York, From 1691, To 1718.* London: Printed for John Baskett, Printer to the Kings Most Excellent Majesty, 1719. xv, 292 pp. Folio (13-1/2" x 8-1/2"). \$3,000.

Contemporary calf, rebacked, gilt rules to boards, extra gilt spine with raised bands and lettering piece, endleaves retained, hinges mended. Shallow scuffing to boards, some rubbing to extremities, corners bumped, hinges starting, early armorial bookplate of the Oswalds of Dunnikier, Fife to front pastedown. Light toning to text, somewhat heavier in places, light foxing to a few leaves, light soiling and faint spotting to title page, a tear near the gutter carefully repaired. A very handsome copy.

PUBLISHED THE SAME YEAR as William Bradford's compilation, this was the fourth codification of New York laws, preceded by three collections printed by William Bradford in 1694, 1710 and 1713. It comprises all the acts of the New York Assembly from 1691 through 1718, including many concerning trade and slaves, such as the 1709 "Act for Preventing the Conspiracy of Slaves." According to Rich, Baskett's edition was likely copied from Bradford's and "according to Trott, printed by order of the Lords Commissioners of Trade and Plantation." Titles of expired or repealed laws are included.

The Oswalds of Dunnikier, Fife were a politically connected family of Scottish merchants active in the Atlantic trade.

◆ Tower 609. Benedict 332.

**A POPULAR LEGAL MANUAL
OWNED BY A NINETEENTH-CENTURY
PENNSYLVANIA JUSTICE OF THE PEACE**

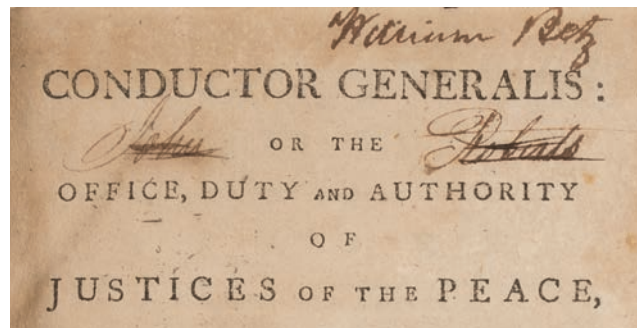
17

Parker, James [1714-1770], Compiler. *Conductor Generalis: Or the Office, Duty and Authority of Justices of the Peace, High-Sheriffs, Under-Sheriffs, Coroners, Constables, Goalers, 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. Adapted to These United States. 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"). \$650.

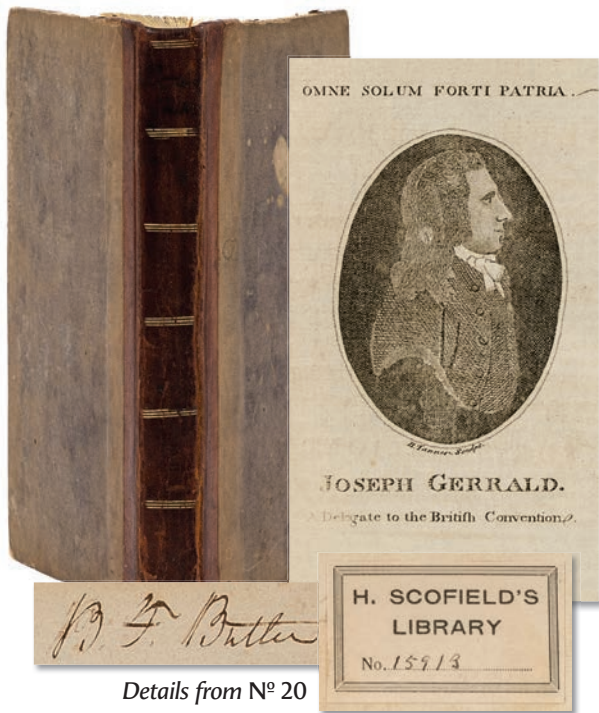
Contemporary sheep, raised bands and lettering piece to spine. Light rubbing and a few minor spots and stains to boards, moderate rubbing to extremities with wear to spine ends and corners, joints partially split at ends, early owner signature (William Betz/ Reading PA/ 1835) to front pastedown, another struck-through signature (A. Hopkins) to front free endpaper, which is detached, other front endleaf lacking. Moderate toning to interior, light foxing and faint dampstaining in a few places, offsetting to margins of endleaves, early owner signatures (William Betz and, struck through, John Roberts) to head of title page.

THE *CONDUCTOR GENERALIS* was issued by different colonial American printers and based largely on Burn and other English sources. The first edition by Parker was published in 1764. This 1788 edition, the fourth, is significant because it was the first published after the ratification of the Constitution and "adapted to these United States." Our copy was owned by a Pennsylvanian attorney and justice of the peace, William Betz [1812-1860], "a magistrate of decided ability" (Montgomery).

◆ Montgomery, *History of Berks County in Pennsylvania* 1:565. Cohen 7959.



Detail from Nº 17



Details from N° 20

**COPY OF AN ACCOUNT
OF AN ANTI-RADICAL CRACKDOWN
OWNED BY TWO LAWYERS
WHO WERE UNION ARMY OFFICERS**

20

[Trial]; Gerrald, Joseph [1763-1796]. *The Trial of Joseph Gerrald, Delegate from the London Corresponding Society, To the British Convention. Before the High Court of Justiciary at Edinburgh, On the 3d, 10th, 13th, And 14th of March, 1794. For Sedition. Taken in Short-Hand by Mr. Ramsey.* New York: Printed and Sold by Samuel Campbell, No. 124, Pearl-Street, 1794. 207, [1] pp. With a frontispiece portrait of Gerrald. Octavo (7-3/4" x 4-3/4"). \$1,250.

Contemporary quarter calf over plain paper-covered boards, gilt fillets and hand-lettered title to spine, edges dyed yellow. Light rubbing to boards, a few faint stains to front board, moderate rubbing to extremities, front joint starting at head, corners lightly worn, hinges cracked, later pencil notes to front free endpaper, which has a small clean tear at fore-edge affecting annotations, book label of "H. Scofield's/ Library/ No. 15913" to its verso. Moderate toning to interior, light foxing in a few places, faint offsetting from frontispiece, early owner signature of Benjamin F. Butler to head of title page.

FIRST AMERICAN EDITION. Gerrald, a radical political activist and reformer, was a member of the Society for Constitutional Information and the London Corresponding Society. During a wave of prosecutions of radical activists after the French Revolution, Gerrald was arrested along with four of his colleagues and tried for sedition. Like others carried out during this time, the trials resulted in guilty

verdicts; the group of Scottish activists tried between 1793 and 1794 are often referred to as the "Scottish Martyrs." Gerrald was sentenced to fourteen years' transportation and died in 1796 in Botany Bay. Other American editions were published by Campbell the same year.

Remembered today as a general in the U.S. Army during the Civil War, Butler [1818-1893] was a leading Massachusetts trial lawyer who practiced in Lowell and Boston. Later, he was a member of the U.S. House of Representatives, where he played a central role in the impeachment of President Andrew Johnson, and governor of Massachusetts. Hiram Scofield [1830-1906] was a prominent lawyer and Civil War colonel. A dedicated bibliophile, he amassed a significant private library which was donated to the Iowa cities of Washington and Wellman upon his death.

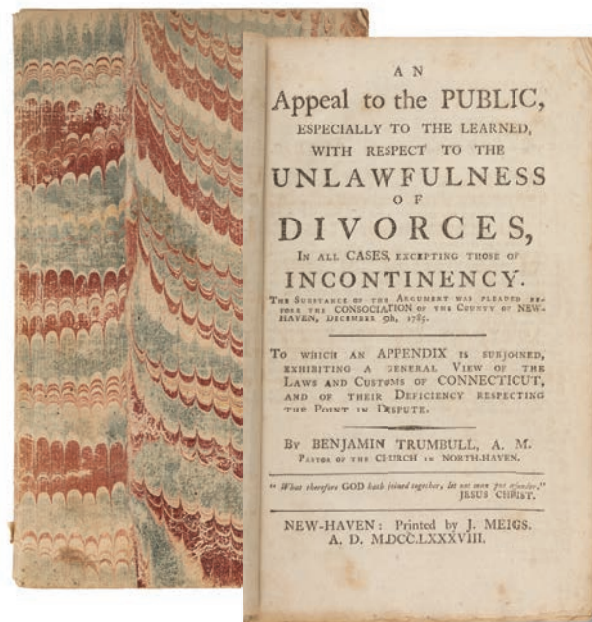
♣ Not in Cohen. Evans 27591.

**TRUMBULL'S 1788 ATTACK ON CONNECTICUT
DIVORCE LAW, AN AUTHOR PRESENTATION COPY**

21

Trumbull, Benjamin [1735-1820]. *An Appeal to the Public, Especially to the Learned, With Respect to the Unlawfulness of Divorces, In All Cases, Excepting Those of Incontinency. The Substance of the Argument Was Pleaded Before the Consociation of the County of New-Haven, December 9th, 1785. To Which an Appendix is Subjoined, Exhibiting a General View of the Laws and Customs of Connecticut, And of Their Deficiency Respecting the Point in Dispute.* New-Haven: Printed by J. Meigs, 1788. 53, [1] pp. Octavo (7-1/4" x 5"). \$750.

Stab-stitched pamphlet in contemporary marbled wrappers. Light rubbing to wrappers and chipping to spine. Light

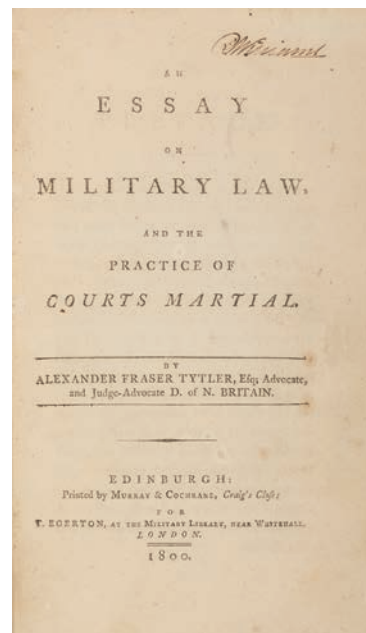


N° 21

toning to interior, light foxing in a few places. Inscription to head of half-title reading "Eph[raim] Ward's / f[r]om ye Author." An appealing copy.

FIRST EDITION. Trumbull, a Congregational minister, attacks the leniency of Connecticut's divorce laws and argues for their reform. With an argument based in scripture, Trumbull shows that divorces are "opposed to the authority of Jesus Christ." The text of his sermon is followed by an appendix which reviews contemporary Connecticut divorce laws and compares them to those of the other New England states, ancient Rome, the early Christian church and the Jews of the Old Testament. A second edition was published in 1819 with additional material by Timothy Dwight as *What Therefore God Hath Joined Together, Let Not Man Put Asunder: An Appeal to the Public with Respect to the Unlawfulness of Divorces*. The former owner of this copy was probably Ephraim Ward [1741-1818], a fellow minister from Brookfield, Massachusetts.

♣ Cohen 4788.



Nº 22

COPY OF A TREATISE ON MILITARY LAW OWNED BY AN OFFICER WHO WAS PART OF THE HONOR GUARD THAT ESCORTED LINCOLN'S FUNERAL TRAIN TO SPRINGFIELD, ILLINOIS

22

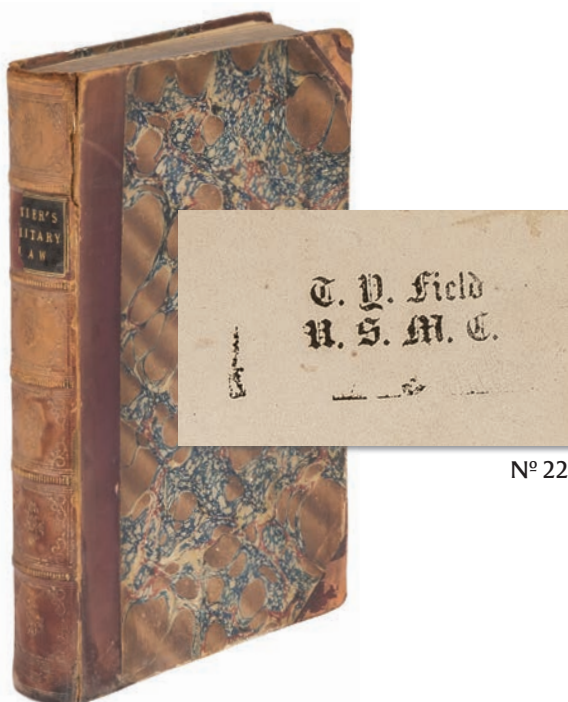
Tytler, Alexander Fraser, Lord Woodhouselee [1747-1813]. *An Essay on Military Law, And the Practice of Courts Martial*. Edinburgh: Printed by Murray & Cochrane, Craig's Close; For T. Egerton, at the Military Library, Near Whitehall, London, 1800. [iii], vi-xi, [3], 428 pp. Octavo (8-1/4" x 5-1/4"). \$1,500.

Contemporary three-quarter calf over marbled boards, gilt-edged raised bands, gilt ornaments and lettering piece to spine. Light rubbing to boards, moderate rubbing to extremities, chipping to head of spine and lettering piece, gilding mostly rubbed away from spine, joints starting at head, corners bumped and somewhat worn, front hinge cracked, rear hinge starting. Moderate toning, light foxing in a few places, a few upper corners dog-eared. Early owner signature ("Williams"?) to head of title page, later owner stamp (of "T[homas] Y. Field U.S.M.C") to front free endpaper and p. 287, early marks and underlining in pencil to a few passages.

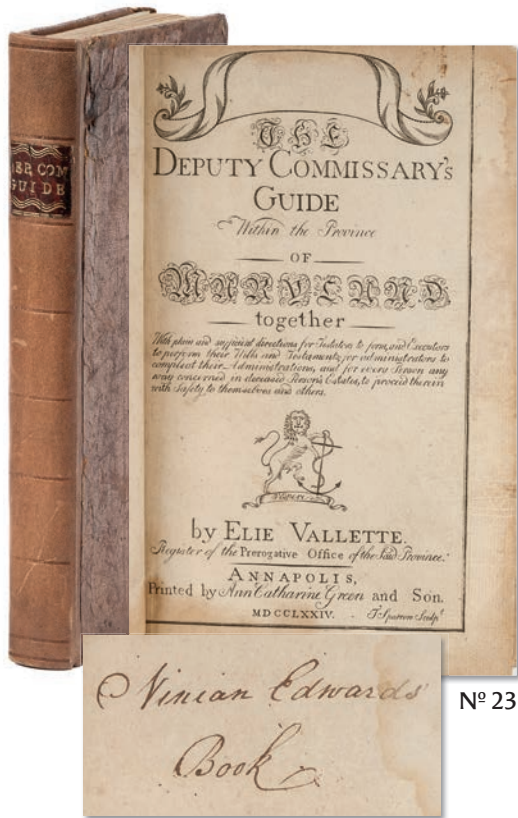
FIRST EDITION. In addition to his legal career, Tytler, later Lord Woodhouselee, was a highly respected teacher and polymath. "The following Treatise is the joint result of the Author's reading, and enquiry into every source of information, relative to the Military Law of the country, and of his professional experience in the Forms and Practice of General Courts-Martial, during a period of several years, in which he has had the honour of holding his Majesty's commission of Judge-Advocate for this part of the United Kingdom" (Preface). An important and well-received treatise, it went through fifteen editions and issues between 1800 and 1814.

Thomas Y. Field, who is also identified by a laid-in note, had a lengthy and distinguished career with the Marines and would have found this text useful during his several stints as a judge advocate. Commissioned a second lieutenant in 1847, he later attained the rank of colonel and was part of the honor guard that escorted Lincoln's body from D.C. to Springfield, Illinois.

♣ ESTC T130384.



Nº 22



A COPY OF THE FIRST AMERICAN TREATISE ON WILLS THAT BELONGED TO AN IMPORTANT EARLY ILLINOIS STATESMAN

23

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 Catharine Green and Son, 1774. [ii], iv, 248, [12] pp. Copperplate title page and table of descents. Octavo (7-3/4" x 5"). \$1,400.

Contemporary sheep, rebacked 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 signatures of Ninian Edwards to front endleaf and margin of p. 50, interior otherwise clean.

THE FIRST ORIGINAL AMERICAN LEGAL GUIDE, this is also the first American book on the law of wills. Dedicated to Maryland Governor Robert Eden, it was printed by Dutch immigrant Ann Catherine Hoof Green, wife of Jonas Green, whom she succeeded as public printer of Maryland from 1767 to 1775 (inheriting his bankruptcy debt along with his shop). The engraved title page, the

only one issued from a colonial Maryland press, and the copperplate table are considered the finest work of Thomas Sparrow, the only engraver south of the Mason-Dixon Line prior to 1775. Vallette was registrar of the Prerogative Office of Maryland Province.

Originally from Maryland, Edwards [1775-1833] was an important early Illinois statesman and political leader. He was the only governor of the Illinois Territory from 1809 to 1818, one of the first two U.S. senators from Illinois from 1818 to 1824 and the state's third governor from 1826 to 1830.

♣ Wroth, *A History of Printing in Colonial Maryland: 1686-1776* 338. Cohen 4632.

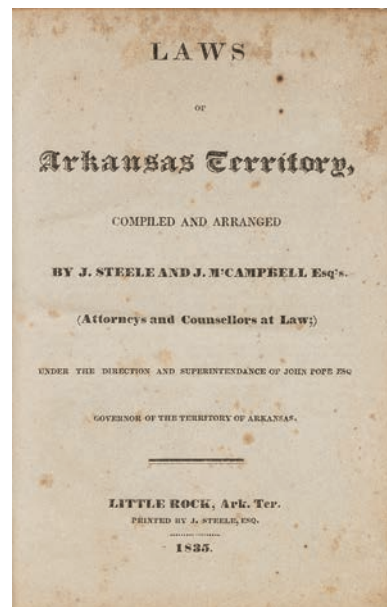
1801-1860

THE FINAL TERRITORIAL-ERA COMPILATION OF THE LAWS OF ARKANSAS

24

[Arkansas]; Steele, J., Compiler; McCampbell, J., Compiler. *Laws of Arkansas Territory.* Little Rock, Ark. Ter.: Printed by J. Steele, 1835. [iv], 562, [12] pp. Octavo (7-1/2" x 5"). \$1,500.

Contemporary calf, blind fillets to boards, blind tooling to board edges, blind fillets and lettering piece to spine. A few minor scuffs to boards, moderate rubbing to extremities, somewhat heavier rubbing to backstrip, front hinge cracked. Moderate toning to text, somewhat heavier in places, light foxing, faint dampstaining to margins in a few places.



Nº 24

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 M'Campbell's alphabetically digested compilation was the second and last published during the territorial period. As indicated by such sections as Indians, Slaves, Vice and Immorality, it offers an interesting perspective on Arkansas when it was beginning its transition from a territory to a state.

◆ Babbitt 16.

**AN IMPORTANT WESTERN AMERICANA
TRACT ON SPANISH LAND CLAIMS IN
MISSOURI AND ARKANSAS**

25

Bates, Edward [1793-1869]. *Edward Bates Against Thomas H. Benton.* St. Louis: Charless & Paschall, Printers, 1828. 12 pp. 12mo. (7-1/2" x 4-3/4"). \$1,250.

Stab-stitched pamphlet as issued in recent plain wrappers, untrimmed edges. Moderate toning, faint spotting and "(20)" in small early hand to title page. Uncommon in commerce.

ONLY EDITION. Bates accuses Benton [1782-1858], the important Missouri politician and United States Senator, of political opportunism and corruption and refutes Benton's charge that he failed to protect his constituents against Spanish land claims in Missouri and Arkansas as a member of the U.S. Congress. "Among other things, Benton is accused of being a public defaulter, tainted in every relation of life with peculation and falsehood; his alleged dishonesty as a lawyer, as a director in the Bank of Missouri, and as a United States Senator is painstakingly argued" (Anderson Galleries Auction Catalogue, 1922). Despite the topicality of this pamphlet and its political motivation, it makes a number of useful observations about the nature of land claims.

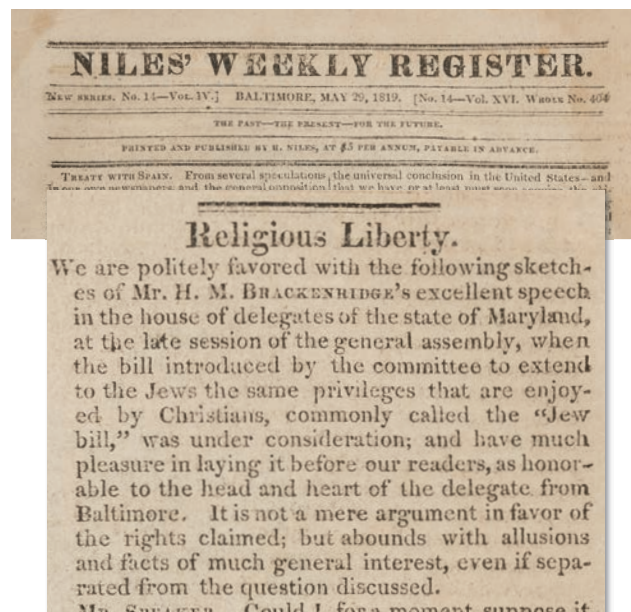
This pamphlet is also notable as an early Missouri imprint by Missouri's first printer, Joseph Charless, who introduced printing there in 1808. He established his partnership with Paschall in 1828. Bates later served as the first attorney general of Missouri after it was admitted as a state and the U.S. attorney general under President Lincoln.

◆ Streeter 1853. Cohen (2003 Supplement) 7901.50.

**FIRST PRINTING OF BRACKENRIDGE'S ELOQUENT
DEFENSE OF RELIGIOUS LIBERTY
FOR MARYLAND JEWS**

26

[Brackenridge, Henry Marie (1786-1871)]. *Niles' Weekly Register. New Series. No. 14-Vol. IV. Baltimore, May 29, 1819.* [Baltimore]: Printed and Published by H. Niles, [1819]. 225-240 pp. Octavo (9-3/4" x 6-1/4"). \$1,250.



Details from N° 26

Disbound, leaves starting to separate at ends but secure, moderate toning, faint dampstaining to corners, light soiling to a few leaves, small tear to fore-edge of first two leaves not affecting text.

INCLUDES the first printing of Henry Brackenridge's speech in favor of Maryland's act "to extend to the sect of people professing the Jewish religion the same rights and privileges enjoyed by Christians," better known as the "Jew Bill." Like many other states, Maryland's constitution required public officials to profess "a belief in the Christian religion," barring Jews from holding any public office, including military service and the legal profession.

The struggle to change the law was long and bitter. Petitions to the legislature were submitted by Maryland Jews beginning in 1797, but the bill was repeatedly defeated on the floor. In 1818, the bill was reintroduced and Brackenridge gave an extensive, passionate speech in its favor. Referring to the exclusion of Jews from office as "degrading" and "odious," he argued that the law violated the federal constitution and the founding principles of the nation, citing, among other sources, James Madison and Tucker's Blackstone. Despite his efforts, the bill was defeated again and would not pass until 1826.

The speech was issued in pamphlet form along with the full text of the bill and another speech from Thomas Kennedy in November 1819, with the text of Brackenridge's speech taken from this issue of the *Weekly Register* (Cohen). Though there is no official record of the debates, a collection of speeches on the bill was published by Brackenridge in 1829.

◆ See Cohen 3516. Eitches, "Maryland's Jew Bill," *American Jewish Historical Quarterly* 60.3 (1971): 258-279.

An die Stimmgeber von Libanon County.

Unter dieser Rubrik befindet sich ein Handbill im Umlauf, um die Stimmgeber von Libanon County in Verwirrung zu bringen, als Antwort desselben werden

100 Thaler Belohnung angeboten um Henry Clay's Ansichten über den Tarif in Erfahrung zu bringen.

Es ist un möglich, weil er, gleich einem schlauen Coon seine Ansichten auf veredelte Weise bekannt gemacht hat.

100 Thaler ist eine andere Belohnung für irgend Jemand der berechtigt was in gegen Handbill von Henry Clay's Ideen gesagt hat. Die Unterschriften derselben sind vollkommen sicher in der Anbeterung der obigen Belohnung, weil Clay für den Tarif und gegen denselben; für freies Handel und gegen Handel; für den Anschlag von Texas und gegen denselben gesprochen.

100 Thaler ist eine andere Belohnung an irgend eine Person, welche berechtigt Henry Clay nicht für den Tarif von 1842 ist. Nach hier sind die Unterschriften sicher in der Anbeterung ihrer Belohnung, denn Henry Clay würde sich fürchten von irgend etwas erklären was er glauben könnte es würde ihn zum Schanden machen.

100 Thaler ist noch eine andere darin angebotene Belohnung, und ist eine von Milch und Wasser Dinge. Es ist eine Belohnung irgend einer Person, obenan um zu beweisen, daß James K. Wolf nicht für den augenblicklichen Anschlag von Texas ist. Schicklich ist James K. Wolf, so wie auch seine Freunde für jeden Anschlag ohne Verzug, weil sie ihn auf den nächsten Freitag Präsidenten machen werden. Henry Clay ist nicht gegen den Anschlag, er er und seine Freunde wünschen jauch an das Weiße Haus anzuschließen zu sein. Aber Henry und seine Coons können es nicht können!!
 Dieser werden noch andere 100 Thaler angeboten um zu beweisen daß James Wolf nicht für eine Unter-Schlagkammer ist. Wir wissen daß er nicht für National Bank ist mit einem Capital von

50 Millionen Thaler,

das gegen alle solche Unter-Schlagkammern ist als die Clay Clubs aufzungen um die Wahl von Henry Clay zu befördern, und um die Treuante um Rechte zu betrügen. Die in besagtem Handbill angebotene Belohnung ist George W. Klein nicht schon andern unterschrieben.

Wenn obige Herren gerne ihr Geld los werden möchten, so würden wir ihnen rathen die folgende Belohnung anzubieten:

Er ist ein — 400 Thaler Belohnung für irgend eine Person, welche es weiß, daß Henry Clay ein frecher Fälscher, ein politischer Schänder und ein unethischer Mann ist. Adam merke die leben wie bald ihr euer Geld los sein werdet.

Er ist ein — 200 Thaler Belohnung für irgend eine Person, welche die Missethäter und alle ihre Coone verriet, welche am 1ten dieses Monats October aus Pennsylvania verjagt wurden, und nicht mehr zu finden sind.

Er ist ein — 200 Thaler Belohnung wird nur alsdann bezahlt werden, wenn sie angeboten werden sind vor dem nächsten Freitag.

Er ist ein — 200 Thaler Belohnung für irgend eine Person, welche weiß, daß die Wolf und Dallas Parthei von Pennsylvanien, nicht ihren Gewinn mehr erndlich hat, nemlich:

Schunk über Merkel; Hartschorne über Guilford; eine Mehrheit der Glieder des Senats, und eine Mehrheit der Glieder des Hauses der Repräsentanten.

N. B. Am nächsten Freitag wird das Volk von Pennsylvanien den Herren Wolf und Dallas eine weit größere Mehrheit geben als es Hartschorne über Guilford gegeben hat.

Da diejenigen Personen, welche das Handbill unterschrieben haben welches die jetzt oben angebotene Belohnung enthält, ihre Namen nicht zum Uebertritt jenes Handbills gesetzt haben, so lassen wir es stillschweigend sein, indem wir glauben sie hätten es nicht der Unterschreibung werth, oder daß sie gläubten sie könnten sich ihrem Führer Clay,

hart und laut "Br ä g g" spielen, und einen verpöhlten Verfall machen um das Volk von Libanon County zu betrügen. Aber die Coons können nicht länger betrügen, welches weisentlich prop der obigen Unterschriber, (ein gegenwärtiger Canalcommissioner und ein gegenwärtiger Schatzmeister,) mit ihren Namensunterschriften bekräftigen könnten.

James K. Wolf ist gegen eine stehende Armee. Henry Clay ist für eine stehende Armee!!

Er ist ein Unterführer des alten John Adams seiner Administration, zu Gunsten der Fremden und Bräuber-Gelbes, Feindes des Paz, und einen

Tax auf Thee und Caffee,

nicht einem Tax auf alles was der Bauer hat. Erinnert Ihr Euch Pauren von Libanon County, daß Ihr vor ungefähr 4 Jahren gemüthlich waren Eure Steuerung einen Bericht zu erhalten über Eure Pferde, Eure Kinder, Eure Schafe, Eure Schweine, ja sogar über Euren Boute und Euer. Wohl Ihr für Clay stimmen.

Er ist der Mann für hohen Tarif und

Hohe Taxen;

und hoch verachtet daß sein Anfall den der Bauer hat fern von Tax fern wird. Erndlich Clay, so werden Ihr mit offenen Augen und eigenen Händen alle diese Liebel über Euch selbst und Eure Kinder bringen.

Erndlich, erndlich Henry Clay, so wird er alle seine Schritte auf bieten, um Verste zu erhalten nach welchem einer den andern umgestoßt im Dack erndlich darf, denn er ist ein rachsüchtiger, vündelhafter Mann, den in mehr als einem Dack begriffen war, und bey heutigem Tage noch unter 10.000 Thaler Dürghalt ist für die Erhaltung des Friedens.

Erndlich, wenn Ihr aber für Wolf und Dallas stimmt, so werden Ihr allen diesen Liebeln angehören. Wolf und Dallas und die Parthei welche sie unterstützen, sind

Gegen eine stehende Armee, und gegen eine Vereinigten Staaten Bank.

Um diese Vereinigten Staaten Bank Parthei zu unterstützen, und um die verhassten Maßregeln des alten John Adams wieder einzuführen, muß Clay eine stehende Armee haben, wenn er zum Wohl des Landes, als Präsident erwählt werden sollte.

Ein Alter Demokrat.

UNRECORDED BROADSIDE MOBILIZING THE PENNSYLVANIA-GERMANS OF LEBANON COUNTY TO VOTE FOR POLK

27

[Broadside]; [Pennsylvania Germans]; [Presidential Election of 1844]. An die Stimmgeber von Libanon County. [Lebanon County, PA?: S.n., 1844]. \$1,500.

14-1/2" x 11" broadside, text in two columns below headline. Light toning, light soiling and wear to edges, a few minor creases, vertical and horizontal fold lines. A well-preserved item.

THIS BROADSIDE urges the Pennsylvania German voters of rural Lebanon County, Pennsylvania to choose Polk over Clay in the upcoming presidential election. It urges them to reject Clay due to his high tax proposals and vote a straight Democratic ticket, which would ensure lower taxes. It fails to say that a large share of Clay's proposed taxes would be used to fund internal improvements, such as roads and canals, that would benefit the local economy.

◆ This broadside appears to be unrecorded. No copies listed on OCLC.

IN A SUPERB PERIOD-STYLE BINDING

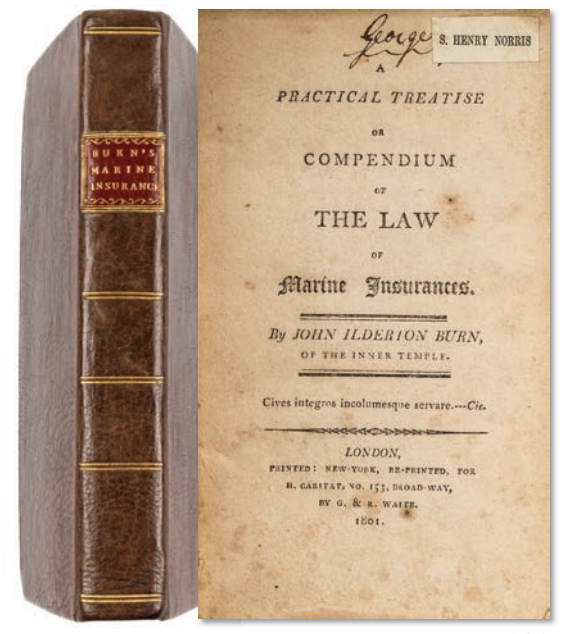
28

Burn, John Ilderton [1774?-1848]. A Practical Treatise or Compendium of the Law of Marine Insurances. London, Printed: New-York, Re-Printed, for H. Caritat, No. 153, Broad-way, by G. & R. Waite, 1801. xiv, [2], 235 pp. 12mo. (6-1/4" x 4"). \$650.

Period-style calf by Philip Dusel, lettering piece and gilt fillets to spine, endpapers renewed. Light brownning to text, negligible foxing in places. Head of title page has early owner signature partially covered by small owner label (S. Henry Norris), interior otherwise clean. A very attractive copy.

ONLY EDITION, published the same year in London and New York. "[T]he author trusts he will not be thought presumptuous in stating, that a compendious digest, immediately calculated for the use of merchants and their agents, still remains a desideratum in the merchant's world. With a view to supply this deficiency, he commenced the following compilation": (vii). Burn was a barrister of the Inner Temple who published several law books. The appendix contains summaries of two recent English decisions, and the form of an insurance policy for a ship or goods. The S. Henry Norris who owned this book was likely Septimus Henry Norris [1830-1917], a Philadelphia lawyer from a family prominent in the railroad industry.

◆ Cohen 7055.



Nº 28

MCDADE 240: "HOW WRETCHED IS THE MAN WHO'S WISE TOO LATE"

29

Daniels, Thomas H. [d.1819]. *Some Particulars of the Life of Thomas H. Daniels, Alias Daniel H. Thomas, Who Was Apprehended in Newport on the 29th November, On Suspicion of Being Concerned in the Robbery and Murder of Mr. Jacob Gould, Of Stoneham, On the Evening of the 25th November, And Who Put an End to His Existence by Hanging Himself, In Middlesex Prison, On the 13th Instant. Communicated by Said Daniels While in Prison in Newport, To a Gentleman of This Town. Annexed is a Serious Address to the Public on the Pernicious Effects of Vice and Immorality.* Boston: Printed for William Chamberlain, 1819. 24 pp. Woodcut portrait frontispiece. 12mo. (7" x 4"). \$1,850.

Disbound stab-stitched pamphlet. Light browning and dampspotting, a few minor chips and tears to margins of frontispiece. Rare.

ONLY EDITION. Daniels, who took part in a robbery that ended in murder, had a criminal career that included convictions for horse-theft and counterfeiting. He hanged himself in his cell with a handkerchief. The frontispiece depicts Daniels kneeling in chains in his cell below a stanza of verse, which summarizes the message of the pamphlet: "Youths! By my example, learn to shun my fate, (How wretched is the man who's wise too late!), Ere innocence, and fame, and life be lost, Here purchase wisdom cheaply at my cost."

◆ This title is rare in commerce; its last two auction sales were in 1991 and 1910. OCLC locates 10 copies, 1 in a law library (Harvard). McDade 240.

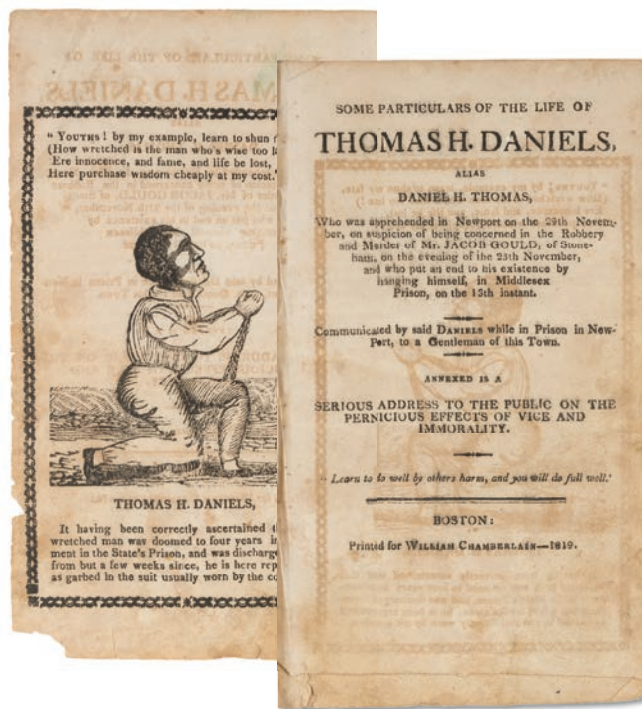
FIRST ENGLISH EDITION OF THE STANDARD AMERICAN EVIDENCE TREATISE BEFORE WIGMORE

30

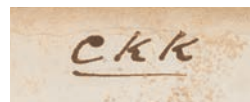
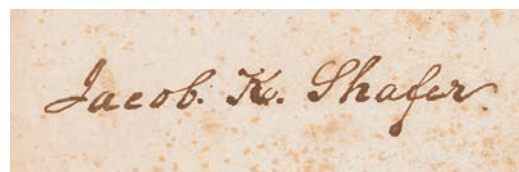
Greenleaf, Simon [1783-1853]. *A Treatise on the Law of Evidence.* London: A. Maxwell/Boston: Charles C. Little & James Brown, 1842. xlviii, 658 pp. Octavo (9" x 6"). \$500.

Contemporary sheep, blind fillets to boards, lettering piece and raised bands to spine. Light rubbing and some shallow scuffing to boards, moderate rubbing to spine and extremities, minor chipping and wear to head of title page, corners bumped and somewhat worn. Light toning and foxing to interior, early owner signature (of Jacob K. Schafer) to front pastedown, "CKK" in early hand to front free endpaper.

FIRST ENGLISH EDITION, published simultaneously with the first American edition. Greenleaf succeeded Joseph Story as Dane Professor of Law at Harvard and played a



Nº 29

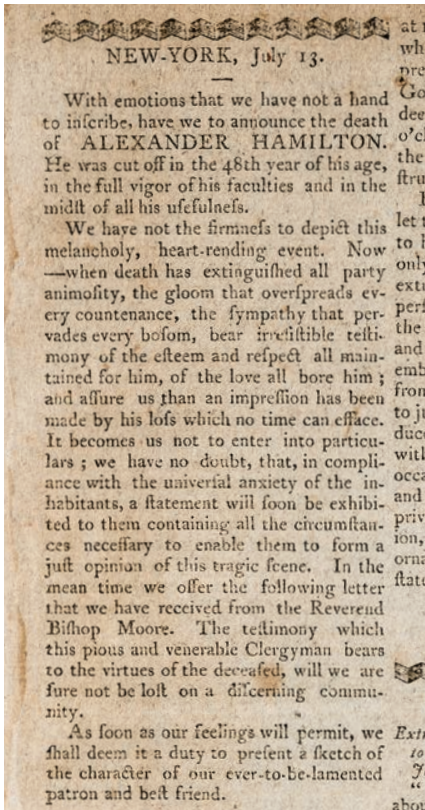


Details from Nº 30

leading role in the development of its law school. His seminal treatise on evidence was the first important American work on the topic. It was originally issued as a one-volume work devoted to general principles of evidence. Greenleaf published a second volume in 1846 on particular cases of evidence and a third volume on criminal evidence and pleading in 1853. These two books were given volume designations. All three were then re-issued with a revised Volume I in 1853 as the second edition. From that edition onward, *Greenleaf on Evidence* remained a three-volume work.

As indicated on the versos of their title pages, the English and American editions were printed in Cambridge, Massachusetts by Torrey and Ballou. Other than the order of the publishers on the title page, both editions are identical. Our copy may have been owned by Jacob K. Schafer [1823-1876], a Virginia-born lawyer who practiced in California and Idaho Territory in addition to his home state. He was a delegate to the U.S. House of Representatives for Idaho from 1869-1871.

◆ Not in Sweet & Maxwell. See Cohen 5059.



Detail from N^o 31

AN EARLY REPORT OF THE DEATH OF ALEXANDER HAMILTON

31
[Hamilton, Alexander (1755 or 1757-1804)]. *The Connecticut Courant*, Wednesday, July 18, 1804. Vol. 40. Num. 2060. 4 pp. Folio (19-1/2" x 12"). \$1,500.

Disbound bifolium reinforced at left edge, text in five columns below masthead. Light browning and foxing, faint dampstaining to foot of both leaves, moderate edgewear and a few minor tears, faint horizontal fold line. A well-preserved item.

THE CONNECTICUT COURANT was a pro-Federalist Hartford newspaper. Its July 18, 1804 issue is notable for its heartfelt notice of the death of Alexander Hamilton, the leader of the Federalist Party, on July 12, one day after his duel with Aaron Burr. This was one of the earliest reports of this event. It reads (in part): "With emotions that we have not a hand to inscribe, have we to announce the death of ALEXANDER HAMILTON. He was cut off in the 48th year of his age, in the full vigor of his faculties and in the midst of all his usefulness. [quoting clergyman Benjamin Moore upon visiting Hamilton after the duel:] 'Should it please God to restore you to health, Sir, will you never be again engaged in a similar transaction? And will you employ all your influence in society to discountenance this barbarous custom?' His [Hamilton's] answer was, 'That Sir, is my deliberate intention.... Do you sincerely repent of your sins

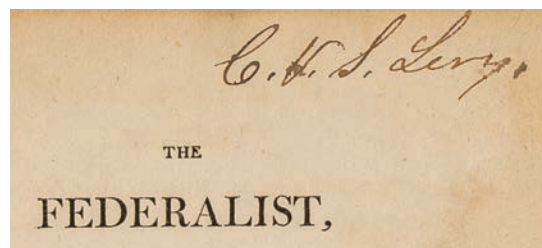
past; have you a lively faith in God's mercy through Christ, with a thankful remembrance of the death of Christ? And are you disposed to live in love and charity with all men? He [Hamilton] lifted up his hands and said, 'With the utmost sincerity of heart I can answer those questions in the affirmative - I have no ill-will against Col. Burr. I met him with a fixt resolution to do him no harm - I forgive all that happened.'"

Other events noted in this issue include a report on the legislation naming Napoleon emperor of France and an account of the Battle of Vizagapatam, an engagement between British and French warships in the approaches to Vizagapatam Harbor in British India.

AN ATTRACTIVE SET OF THE LAST EDITION PUBLISHED IN HAMILTON'S LIFETIME WITH A MARYLAND PROVENANCE

32
[Hamilton, Alexander; Madison, James (1751-1836); Jay, John (1745-1829)]. *The Federalist, On the New Constitution. By Publius. Written in 1788. To Which is Added, Pacificus, On the Proclamation of Neutrality. Written in 1793. Likewise, The Federal Constitution, With All the Amendments. Revised and Corrected.* New York: Printed and Sold by George F. Hopkins, 1802. Two volumes. viii, 317, [1]; v, [3], 351 pp. Volume I has two pages numbered 167 and two pages numbered 168, as noted on the errata sheet and with page numbering 263-270 repeated. 1 pp. publisher advertisement at rear of Volume II. Octavo (8-3/4" x 5-1/4"). \$10,000.

Contemporary early American tree calf with red morocco gilt title lettering pieces, gilt decorative ornaments and fillets creating six compartments. Gilt volume numbers in red ovals. Joints of Volume I cracked but secure. Repair to foot of Volume II, its front and rear boards neatly reattached, hinges mended. A few minor nicks and scuffs to boards, moderate rubbing to extremities, minor chips to heads of spines. Moderate toning to interior, light foxing in places, offsetting to margins of endleaves, faint dampstaining to front endleaves of Volume II, minor worming to its rear pastedown, early owner signature, "C.V.S. Levy," i.e. Charles Van Swearingen Levy, to front free endpaper and title page of both volumes. Housed in attractive red cloth slipcase. An appealing set.



Detail from N^o 32



Nº 32

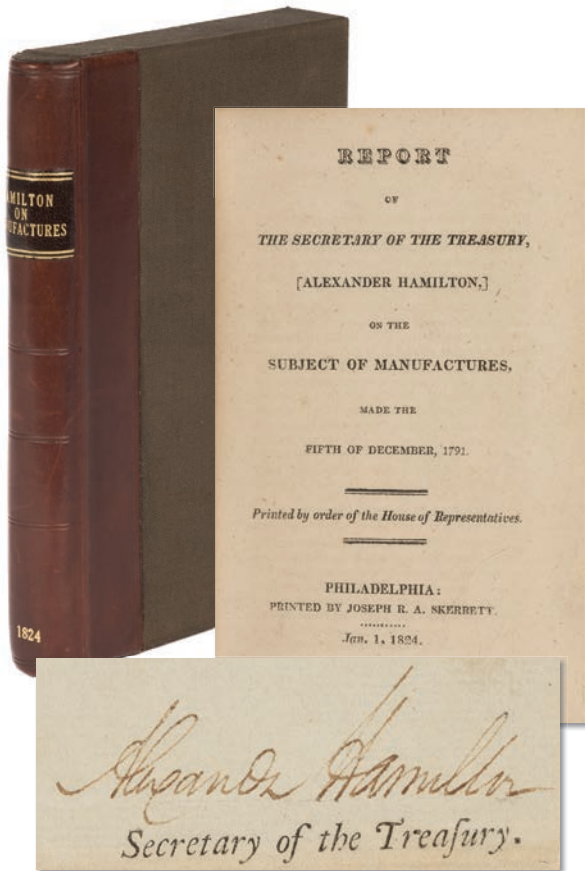
SECOND EDITION, “Revised and Corrected” with Hamilton’s approval by George Hopkins. First published by the M’Lean brothers in March and May 1788, *The Federalist* collected a series of essays published in New York periodicals under the collective pseudonym “Publius” between October 1787 and May 1788 that encouraged ratification of the proposed constitution by New York State. (Most scholars agree that 51 were written by Hamilton, 29 by Madison and 5 by Jay.) Taken together, these essays were seen almost immediately as the most compelling commentary on the most radical form of government the world had seen.

The second edition is significant because its preface establishes Hamilton, Madison and Jay as the authors and discusses the extent of their contributions. It is also the

last edition published in Hamilton’s lifetime. Published fourteen years after the U.S. Constitution’s ratification, it includes the text of the U.S. Constitution with the first eleven amendments and Hamilton’s “Pacificus” essays, which defended Washington’s 1793 proclamation of neutrality during the Anglo-French War.

Our copy was owned by Charles Van Swearingen Levy [1844-1895], a leading nineteenth-century attorney in Frederick, Maryland who served as the town’s city attorney for twenty years and held a number of other important positions in local institutions.

◆ *Portrait and Biographical Record of the Sixth Congressional District, Maryland* (1898) 219-220. Sabin 23981. Cohen 2818.



Details from N° 33

**WITH A TIPPED-IN
ALEXANDER HAMILTON SIGNATURE**

33

Hamilton, Alexander [1755 or 1757-1804]. *Report of the Secretary of the Treasury, On the Subject of Manufactures, Made the Fifth of December, 1791. Printed by Order of the House of Representatives.* Philadelphia: Printed by Joseph R.A. Skerrett, Jan. 1, 1824. vii, [9]-143 pp. 12mo. (6-1/4" x 4"). \$3,000.

Stiff printed boards, deckle edges. Soiled and moderately worn, boards detached, text block secure. Moderate toning to interior, somewhat heavier in places, full signature of Alexander Hamilton, clipped from a Treasury document, tipped-in to front free endpaper. Housed in recent clamshell box, quarter calf over cloth, lettering piece, blind fillets and gilt publication date to spine.

LATER PRINTING. Howes refers to this work as "one of the great American state papers, 'the Magna Carta of industrial America.'" Submitted to Congress in 1791, it outlined a system of economic principles and proposed a series of legislative actions to encourage American industry. Subsequent printings were issued in Dublin in 1792, London in 1793 and Washington, DC in 1809 and at other times over the 1800s, usually to influence current opinion. The 1824 printing was sponsored by the Pennsylvania Society

for the Encouragement of American Manufactures, a group founded in 1787 that favored the protective types of legislation actions proposed by Hamilton. It was probably issued to increase support for the Tariff of 1824, which was designed to protect American industry by increasing the cost of imported British goods.

◆ Howes H123. Sabin 29977. Reese, *The Federal Hundred* 38.

**FIRST AMERICAN EDITION OF AN IMPORTANT
ENGLISH TREATISE ON SLANDER AND LIBEL**

34

Holt, Francis Ludlow [1780-1844]; [Bleecker, Anthony, Editor]. *The Law of Libel: In Which is Contained a General History of This Law in the Ancient Codes, And of Its Introduction, And Successive Alterations, In the Law of England. Comprehending a Digest of All the Leading Cases Upon Libels, From the Earliest to the Present Time.* New York: Published by Stephen Gould, 1818. xii, [13]-328 pp. Octavo (8-1/4" x 5-1/4"). \$500.

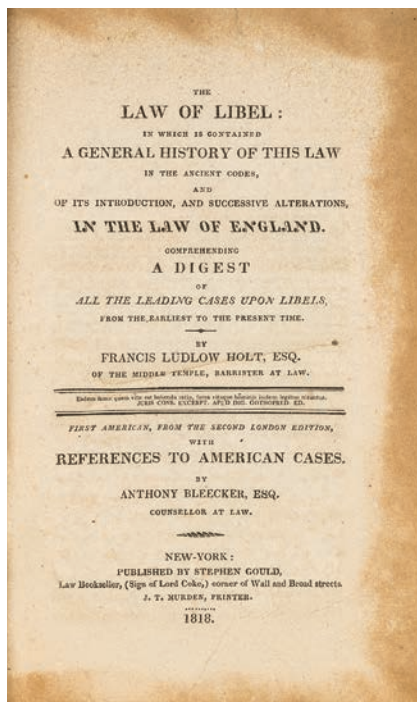
Contemporary sheep, blind fillets to boards, calf lettering piece, fragment of calf owner label and blind fillets to spine. Light rubbing and a few minor scuffs to boards, faint owner inscription ("Nath. Pereles [& Sons/ Mar 28/82"?) to heads of boards, moderate rubbing and a few bumps and scuffs to extremities, front joint starting at ends, early owner bookplate (Benjamin Rand) to front pastedown, early embossed stamp (Nath. Pereles & Sons) to following endleaf and title page. Moderate toning to interior, faint dampspotting to sections of text.

FIRST AMERICAN EDITION, from the second London edition, 1816. First published in 1812, this was the standard English treatise on slander and libel in the opening decades of the nineteenth century. Though it was eventually superseded, it remained an authoritative history of the subject. With its intelligent discussion of sources and cases, it is just as valuable today. This copy appears to have come from the reference library of Nath. Pereles & Sons, an important nineteenth-century law firm based in Milwaukee. Founded in 1874 by Nathan Pereles, a Hungarian immigrant, the firm specialized in commercial and real estate law.

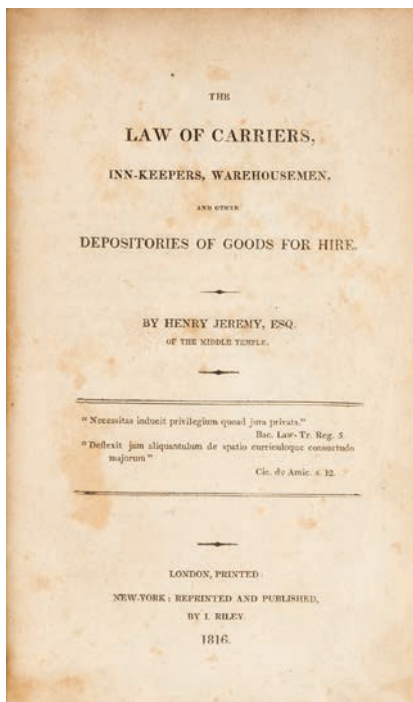
◆ Cohen 10934.



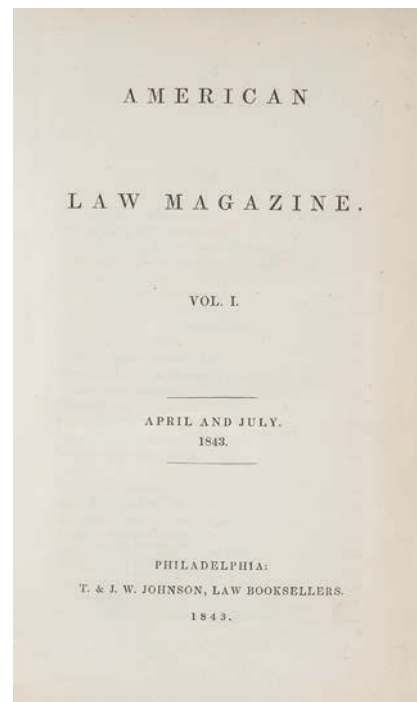
N° 34



Nº 34



Nº 35



Nº 36

**THE LAW OF CARRIERS, HOTELS,
BARS AND WAREHOUSES**

35
Jeremy, Henry. *The Law of Carriers, Inn-keepers, Warehousemen, And Other Depositories of Goods for Hire.* London, Printed: New York: Reprinted and Published by I. Riley, 1816. vii, 163 [i.e. 139], [5] pp. Octavo (8-1/4" x 5"). \$850.

Contemporary three-quarter calf over marbled boards. Moderate rubbing and a few shallow scuffs to boards, a few nicks to spine, moderate rubbing to extremities, corners bumped, early owner signature (Nich. Brewer, Jr.) to front pastedown, later owner signature (Raphael Hayden, 1892) to front free endpaper. Moderate toning to interior, browning and light foxing in places.

ONLY AMERICAN EDITION, based on the only London edition (1815), to which it is star-paged. Its chapters are entitled, "Who Are Considered to be Carriers Under That Term," "Conveyance of Persons," "Conveyance of Goods; And First, Of the Extent of Liability at Common Law," "Liability—How Restrained by the Act of Parties, Or Otherwise," "What Acts Shall be a Discharge of this Liability," "Miscellaneous Duties Connected with this Contract," "In Case of Suit," "Of the Duties and Privileges of Inn-keepers" and "Appendix: Regulations as so Portorage in London by Statute Cases."

◆ Cohen 10951.

**A COMPLETE SET OF
AMERICAN LAW MAGAZINE, 1843-1846**

36
[Journal]. *American Law Magazine.* Philadelphia: T. & J.W. Johnson, April and July, 1843-October and January, 1846. Six volumes, each with a table of contents. Complete set. Octavo (8-1/2" x 5-1/2"). \$750.

Later library buckram, lettering pieces and black-stamped volume numbers, dates and library name (Rochester Appellate Division) to spine, endpapers renewed. Light shelfwear, library markings to endleaves. Light toning, creases and minor stains to a few leaves. An appealing set.

THE QUARTERLY AMERICAN LAW MAGAZINE was intended to replace the *American Jurist and Law Magazine*, which ceased publication in January 1843. Like its illustrious predecessor, it contained scholarly essays on legal points, jurisprudence and significant current events, review essays, American and British case notes, question-and-answer materials, historical pieces, biographies, reports on Continental law, digests of important recent treatises, critical notices and lists of new and forthcoming publications.

◆ HLC I:40. Marvin 59.



Nº 37

**A HANDSOME FIRST-EDITION SET OF KENT'S
COMMENTARIES, PROBABLY THE MOST INFLUENTIAL
INTERPRETATION OF AMERICAN LAW**

37

Kent, James [1763-1847]. *Commentaries on American Law*. New York: Published by O. Halsted, 1826-1830. Four volumes. vi, [2], 508; viii, 528; viii, 413; viii, 550 pp. Octavo (8-3/4" x 5-1/4"). \$6,500.

Superb period-style calf, blind frames to boards, blind and gilt fillets and red and black lettering pieces to spines, endpapers renewed, owner signature of William Porter clipped from original endpapers and affixed to recent endleaves. Light toning and foxing to interior, brief early annotations to a few leaves in Volumes II and III, faint embossed library stamp to title pages and a few other leaves. A very appealing set, handsomely bound.

FIRST EDITION. Kent's *Commentaries* is probably the single most important interpretation of American law. Writing in 1847, Marvin ranked it above Blackstone and observes that it contains "not only a clear statement of the English law, with all the alterations that have taken place since the time of Blackstone, but a full account of the main principles of Equity, also, a review of the modifications engrafted on the English law by the different states of the Union." Marvin's latter observation points to the significance of this landmark work.

Published at a time when there was considerable opposition to English law, Kent's *Commentaries* established it in a manner that appealed to the majority of influential American jurists and legislators. As Roper notes, by transplanting English common law, the *Commentaries* "had the two-prong effect of helping to maintain the primacy of judge-made law in contrast to codification by legislatures,

while providing the legal profession with the degree and kind of certainty it craved.”

According to records accessed through *Ancestry.com*, Porter [1792-1853], the former owner of our set, was a lawyer who lived and practiced in Hadley and, later in life, Lee, Massachusetts. Among his handful of brief annotations are cross-references to treatises by Joseph Story (on agency, partnership and bailments). According to an annotation in Volume I, it was acquired by his son, also named William [1820-1917], who was a distinguished professor at Beloit College. Bookplates, one removed from each volume and laid in, state that he donated the set to Beloit, which later deaccessioned it.

◆ Marvin 438. Roper, “James Kent” in *American National Biography* 12:598-199. Cohen 5398.

A MATHEMATICAL CORRECTION OF BLACKSTONE AND A PARTIAL DEFENSE OF BIBLICAL INCEST

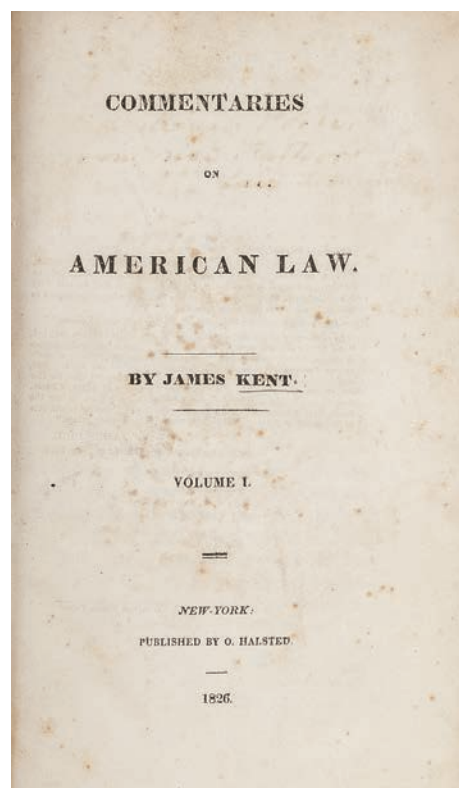
38

Lee, John; [Blackstone, Sir William (1723-1780)]. *A Letter to the Honorable Judge Story, LL.D., Discovering and Correcting the Errors of Blackstone and His Editors, On the Theory of Human Genealogy and Kindred, And Destroying the Concomitant Fallacious Inductions of Eternal Pre-Existing Population, And the Physical Necessity of Crime, By the Doctrine of Infinite Series: With Remarks on the Nuptial Connections of the First Human Generation.* Cambridge; Metcalf, Torry, and Ballou, 1840. 32 pp. Octavo (8-1/2" x 5-1/2"). \$650.

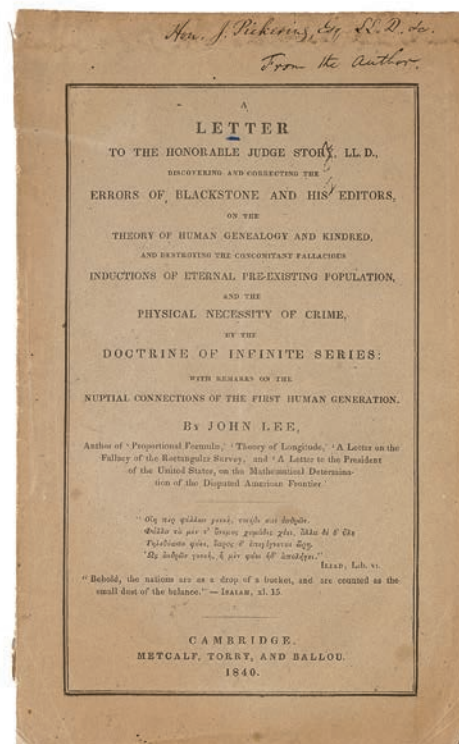
Stab-stitched pamphlet in printed wrappers. Faint vertical crease through center, a few spots and stains to wrappers, which have a few creases and chips to corners and are partially detached. Light toning to interior, folds to corners of a few leaves, light foxing and faint early library stamp to title page, presentation inscription from the author to John Pickering at head of front wrapper.

ONLY EDITION. Lee's *Letter* is a curious and somewhat witty mathematical critique of Blackstone's theory of descents, which appears in Volume I, Book 2 of the *Commentaries on the Laws of England*. Arguing that the existence of incest in pre-Biblical society was a necessary evil to expand the population, it refutes Blackstone's "atheistical" doubts about the Biblical origins of the human race and places incest and its judgement in a situational context. Pickering [1777-1846] was a distinguished Massachusetts lawyer, politician and linguist. He is best known for his publications on American English, Classical Greek and the languages of Native Americans.

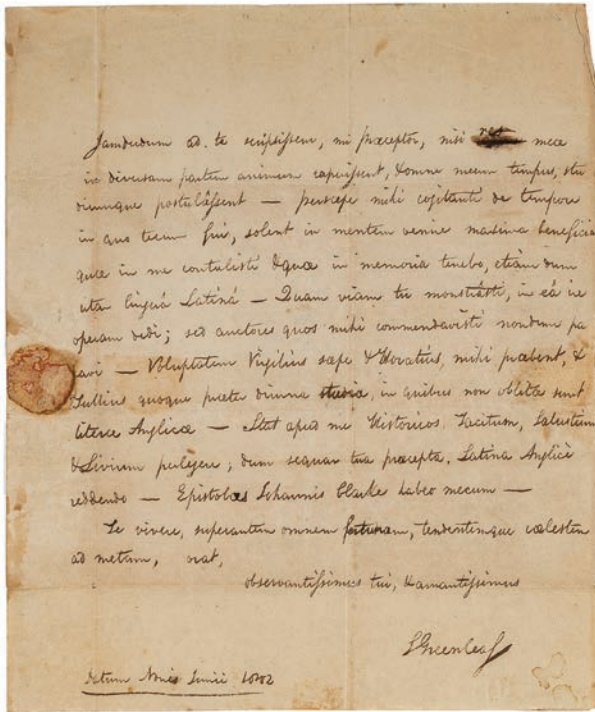
◆ OCLC locates 11 copies, 5 in law libraries (Columbia, Library of Congress, Notre Dame, University of Minnesota, Yale). Not in Eller. Cohen 4617. Laeuchli, *A Bibliographical Catalog of William Blackstone* 617.



Nº 37



Nº 38



N^o 39

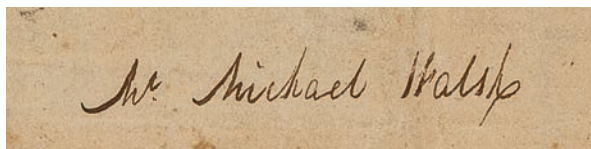
**THE EARLIEST KNOWN LETTER
WRITTEN BY SIMON GREENLEAF?**

39

[Manuscript]; **Greenleaf, Simon [1783-1853]**. [Autograph Letter, Signed, To Michael Walsh, Newburyport, MA, June 5, 1802]. \$1,200.

9" x 7-1/2" bifolium with integral address leaf and residue from wax seal. Moderate toning, and light foxing, horizontal and vertical fold lines, a few small tears to fold lines, tiny dampstain to lower outside corners. Content in neat hand to recto of first leaf.

GREENLEAF, the distinguished jurist and Harvard Law School professor, was raised in Newburyport, Massachusetts and attended the local grammar school, which was kept by Michael Walsh [1763-1840]. When Greenleaf wrote this letter, he was 18 years old, had completed his studies with Walsh and was an apprentice in the law office of Ezekiel Whitman in New Gloucester, Maine. In schoolboy Latin, Greenleaf reports his diligent study of Virgil, Horace, Cicero, Tacitus, Sallust, Livy and the letters of John Clarke, possibly the minister of Boston's First Church, who died in 1798. This is quite possibly the earliest known Greenleaf letter. It is certainly interesting for its insight into his educational background and intellectual habits as a young man.



N^o 39

**A SOON-TO-BE-DISTINGUISHED OHIOAN
LAUNCHES HIS LAW PRACTICE**

40

[Manuscript]; [King, Rufus (1817-1891)]; **King, T[homas] W[orthington] [1820-1851]**. [Autograph Letter, Signed, to Rufus King on Proof Copy of a Circular for Rufus King's Law Practice, Philadelphia, October 14, 1841]. 4 pp. \$500.

11-1/2" x 9" bifolium circular, integral address leaf with postmarks and residue from wax seal. Moderate toning, negligible light soiling, horizontal and vertical fold lines, minor chips and tears to fore-edges.

BORN AND RAISED in Chillicothe, Ohio, Rufus and Thomas Worthington King were the grandsons of American founder Rufus King of New York [1755-1827] and Ohio senator and governor Thomas Worthington [1773-1827]. Both had distinguished careers. Thomas was involved in the China trade and wrote a notable travel diary; Rufus was a lawyer, president of the University of Cincinnati, dean of the Cincinnati Law School and author of a history of Ohio.

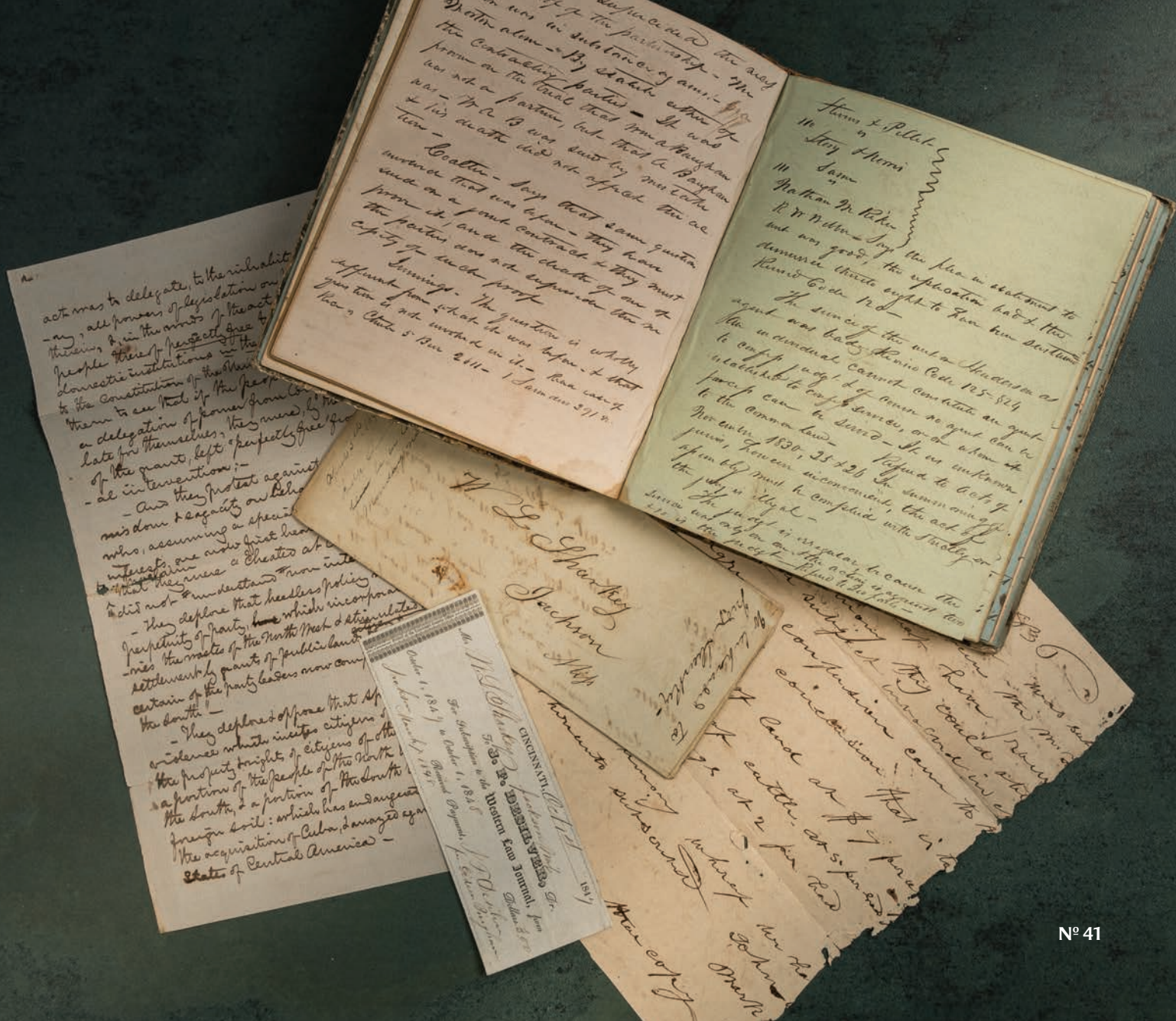
The circular is a proof copy advertising Rufus's recently established practice. (He studied at Harvard Law School and was admitted to the Ohio Bar in March 1841.) Thomas, then based in New York, oversaw its production. The first part of the appended letter discusses its final text, print run and distribution. Added in manuscript to its list of references, all leading lawyers and judges such as Joseph Story, is William B. Reed of Philadelphia, a lawyer, politician, diplomat and man of letters. Thomas probably received this endorsement of Rufus from Reed while in Philadelphia, where he mailed the circular to his brother. The rest of the letter discusses family matters and recent personal events.

**DETAILED CASE NOTES OF AN IMPORTANT EARLY
MISSISSIPPI STATE SUPREME COURT JUDGE**

41

[Manuscript]; [Mississippi]; [Sharkey, William L. (1798-1873)]. [Notes on Cases]. [Jackson, MS, 1835-1837]. [130] pp. (some leaves removed from center and rear). Three leaves of notes and a receipt (for a law journal subscription) laid in. Quarto (7-1/2" x 6-1/4"). \$7,500.

Quarter sheep over marbled boards, gilt spine, copperplate pictorial vignette to first leaf captioned "Album, New York, 1832," sections of text block in various colors. Moderate rubbing to boards, heavier rubbing to extremities, with wear to spine and corners, rear board just beginning to separate, but secure. Moderate toning to interior, faint dampstaining to first few leaves of text block, large sections lacking from final two leaves, content in neat hand to rectos and versos, Sharkey's signature, "Arguments Argued in the High Court of" and crossed-out note reading "Notes on Cases Argued," to front free endpaper, later signatures and address



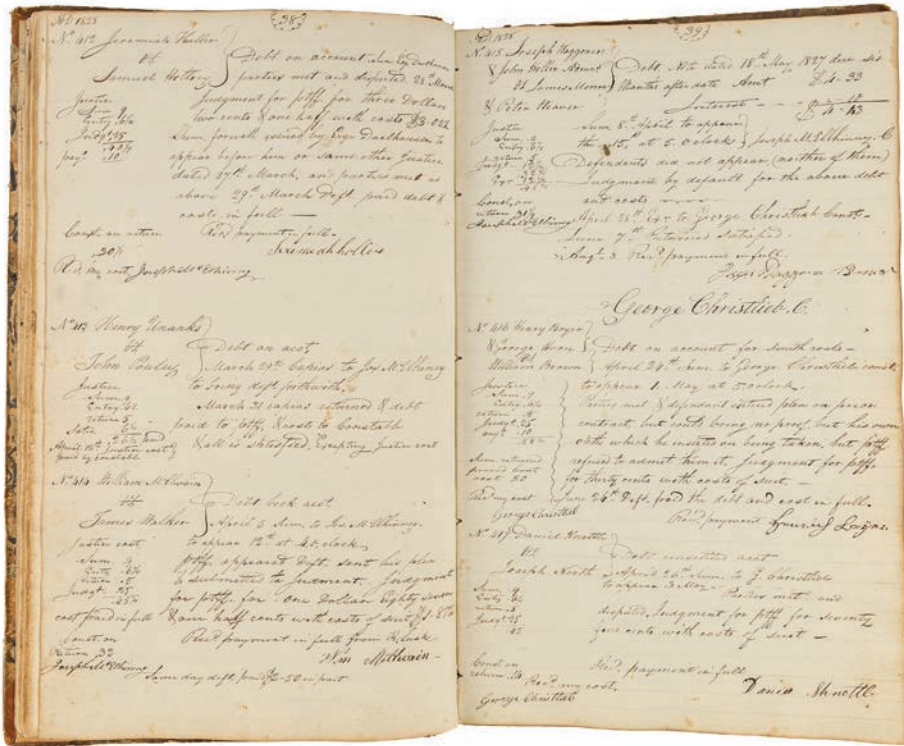
(of Miss Hattie Holling of Yazoo City) to front free endpaper and pastedown.

BORN IN TENNESSEE, Sharkey was a lawyer, judge and politician who spent most of his life in Mississippi, which became a state in 1817. He served a single term in the Mississippi House of Representatives from 1828 to 1829 and was the U.S. Consul in Havana, Cuba from 1851 to 1854. A staunch Unionist, he was Mississippi's commissioner on Reconstruction and its provisional governor in 1865. Appointed to the U.S. Senate, he wasn't seated when the legislature failed to ratify the 13th Amendment. He then retired from politics and returned to his legal practice.

Sharkey compiled the manuscript offered here when he was one of the three justices of the Mississippi Supreme Court (then called the High Court of Errors and Appeals), a post he held from 1832 to 1851. It is a collection of notes on

cases heard before that court in July Term, 1835, December Term, 1836, and January Term, 1837, about 50 in all. Most of these concern property and estates. Most of these are quite detailed, filling several pages, and are, in effect, case reports. There are very few changes or corrections, which suggests these entries were compiled from an earlier set of notes. Clearly written and often quite engaging, they offer an interesting personal counterpart to the official case reports.

While manuscript case records of lower-level judicial officials are fairly common, those of upper-level judges are not. A search of auction records from the past 150 years locates no other examples by a state Supreme Court justice, much less one from the antebellum South.



Nº 42

AN INTERESTING DOCKET BOOK FROM CUMBERLAND COUNTY, PENNSYLVANIA

42
[Manuscript]; [Pennsylvania]; Lusk, Robert.
 [Docket Book]. Cumberland County, PA, 1826-1840. [iv],
 111, [1], 66 pp. With two indexes. Folio (12-1/2" x 7-3/4").
 \$1,500.

Contemporary three-quarter sheep over marbled boards. Moderate rubbing, light wear to extremities, portion of spine abraded near foot, corners bumped and worn, hinges cracked. Entries in single neat hand, occasional signatures or notes in different hands from plaintiffs or defendants, several smaller sheets, part-printed documents and paper scraps laid-in or pinned to leaves. Moderate toning to interior, light foxing and soiling to a few leaves, small hole to pp. 43-44 with minor loss to text, a few partial cracks to text block, some signatures loosening slightly but secure.

THIS DOCKET BOOK was compiled by Robert Lusk, a justice of the peace for Cumberland County, Pennsylvania. Each entry lists the names of the parties, a brief summary of the case, the costs incurred, and the outcome (generally resolution or referral of the case to the quarter sessions). The majority of the cases deal with everyday financial and property disputes, such as debt, trespass and breach of contract, but Lusk was no stranger to more sensitive matters. Other cases he heard involved assault, domestic abuse, larceny, buggery, "breach of Sabath [sic]," bastardy, and "damages arising from the bite of a dog."

Interestingly, one of the domestic abuse cases appears to have been privately mediated by Lusk without further

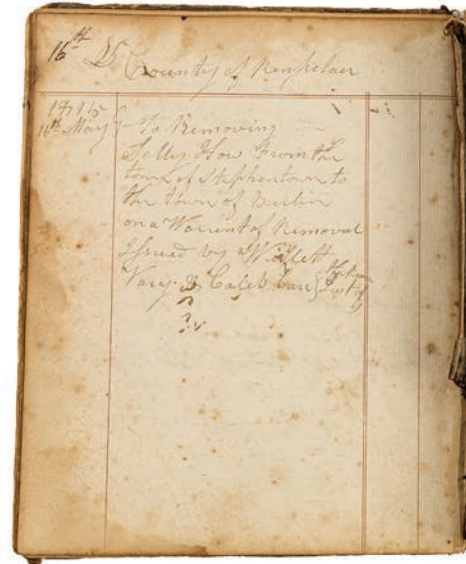
criminal charges. The plaintiff, Elizabeth Rynard, was "to be at liberty to leave" her abusive husband John "with all the property which she had before married," but the two agreed "to live in mutual love and friendship toward one another for the future" upon the condition that John would "do better & use her as he ought to use a wife." The signatures of both Elizabeth and John are appended to the entry, with Lusk listed as a witness to their agreement. Spanning nearly twenty years, Lusk's meticulous entries provide interesting insight into the day-to-day mechanisms of local law enforcement and life in early nineteenth-century Pennsylvania.

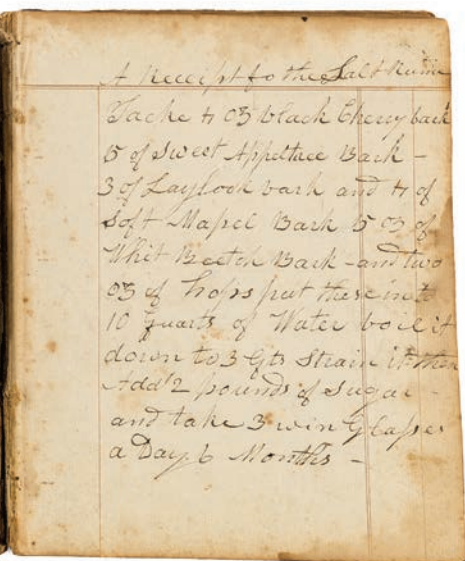
NINETEENTH-CENTURY ACCOUNT BOOK OF A HUDSON VALLEY JUSTICE OF THE PEACE

43
[Manuscript]; [Sweet, Rufus (1774-1860)]. [Account Book]. [Stephenville, NY, 1813-1857]. [288] pp. Quarto (7-1/2" x 6-1/4").
 \$750.

Three-quarter calf over marbled boards. Considerable wear, lower section of spine lacking, front board and first two signatures detached. Main text in neat hand to rectos and versos of leaves, and rear endleaves. Moderate toning and foxing, faint dampstaining to sections, some edgewear to leaves at beginning and end of text block.

STEPHENVILLE is a small Upper-Hudson Valley town in Rensselaer County, New York, a few miles from the Massachusetts border. Like several rural justices of the peace, Sweet was primarily a farmer. His account book, which records both of his careers, offers a fascinating ground-level

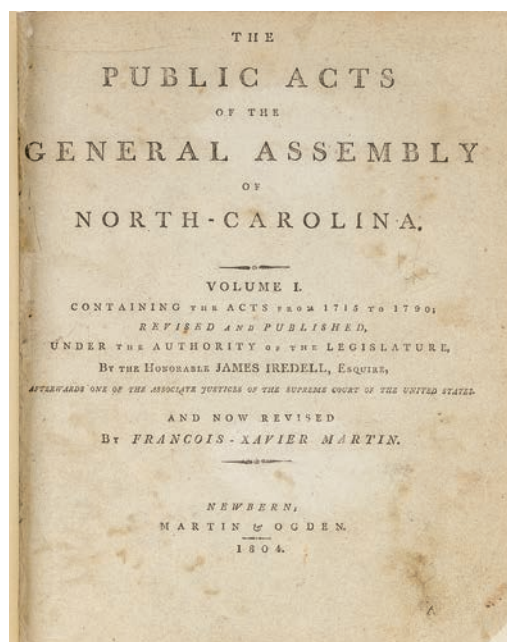




N° 43



N° 44



N° 44

view of everyday legal and agricultural life in rural upstate New York, as well as a record of Sweet's personal expenses. (It also has two recipes for remedies to treat "salt rheumatism.") A note following the table of contents that begins the book, dated 1857, states that Sweet settled all of the recorded accounts and that he transferred the justice post to Lorenzo Chase [1840-1914].

NORTH CAROLINA PUBLIC ACTS WITH 1804-1805 APPENDIX

44

Martin, François-Xavier [1762-1846], Editor; Iredell, James [1751-1799], Compiler. *The Public Acts of the General Assembly of North-Carolina. Volume I. Containing the Acts from 1715 to 1790; Revised and Published, Under the Authority of the Legislature.* Newbern (NC): Martin & Ogden, 1804. [iv], 501, [1] pp. **[Bound with]** **Martin, François-Xavier, Compiler.** *The Public Acts of the General Assembly of North-Carolina. Volume II. Containing the Acts from 1790 to 1803; Revised and Published, Under the Authority of the Legislature.* Newbern (NC): Martin & Ogden, 1804. 226, [16], [2]; [227]-272 pp. With a one-page list of books published or distributed by Martin. Pp. [227]-272 is an appendix of acts from 1804 to 1805. \$2,800.

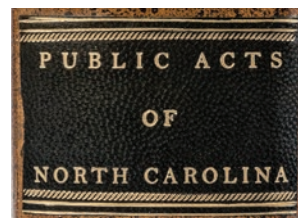
Quarto (9-1/4" x 7-3/4"). Recent period-style speckled calf over marbled boards, gilt rules to boards, lettering piece, gilt fillets and gilt publication date to spine. Light browning to interior, light foxing and spotting in places, all edges trimmed, recent repairs to edges of title page of Volume I, light edgewear to a

few leaves at beginning and end of text, minor chipping to fore-edges of several leaves at center of text, original front wrapper of appendix bound in. Annotation in contemporary hand to last page of text, ownership inscription (of the Superior Court of Law for Perquimans County, indicating that the volume was processed by clerk Robert Wheaton, dated August 19, 1808), at bottom of last page of Appendix. A very nice copy with the uncommon appendix.

ONLY EDITION. Martin's revision of James Iredell's compilation of the laws of North Carolina from 1715 to 1790, with Martin's own compilation of the laws from 1790 to 1803. With side-notes, index and the texts of the North Carolina Constitution (1776), the Articles of Confederation (1781), the Treaty of Paris (1783), the U.S. Constitution (1787), and documents relating to its ratification by North Carolina.

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 North Carolina. He later moved to the Louisiana Territory, where he played a 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.

◆ Babbitt 385.



N° 44



**FIRST AMERICAN EDITION OF MONTEFIORE'S
FASCINATING COMMERCIAL DICTIONARY**

45

Montefiore, Joshua [1762-1843]. *A Commercial Dictionary: Containing the Present State of the Mercantile Law, Practice and Custom. With Very Considerable Additions Relative to the Laws, Usages, and Practice of the United States.* Philadelphia: Printed and Sold by James Humphreys, 1804. Three volumes. li, [2], 54-562, [6]; [ii], 481, [3]; 479, [1] pp. 4 pp. publisher advertisements at rear of each volume. Subscriber list at beginning of Volume I. Octavo (8-1/2" x 5"). \$4,500.

Recent period-style speckled goatskin, lettering pieces, gilt fillets and gilt volume numbers to spines, speckled edges, endpapers renewed. Moderate toning, light foxing and ink spots to a few leaves in each volume. A handsome copy of a scarce title.

FIRST AMERICAN EDITION, based on the 1803 London edition with a considerable addition of American material. The subscriber list includes businessmen throughout the Eastern Seaboard and several notable Philadelphia jurists, such as Horace Binney, Alexander James Dallas, Peter S. Du Ponceau and William Rawle. Intended for merchants, this dictionary offers a wealth of information about contemporary commercial and maritime law, international business practices and commercial ports and their primary imports and exports. It also discusses the present state of banks and insurance companies in the United States, the laws of copyright and letters patent, the regulation of coastal trade and the funding system and state of the U.S. national debt. It was useful for lawyers as well as merchants: Thomas Jefferson owned a copy.

Montefiore was born in London and had a distinguished career there as a notary public and solicitor despite obstacles to Jewish participation in public life. He published a number of works on commercial law; two had American editions, making him the first Jewish author to publish a legal work in the United States. Upon his retirement in 1835, he moved to St. Albans, Vermont with his family. His wife and children were Catholic, but he maintained his Jewish faith and was Vermont's first Jewish citizen.



Detail from N° 45



N° 46

◆ Dorn, "Joshua Montefiore, First Jewish Author to Publish a Law Book in America," *In Custodia Legis* (accessed online). Sabin 50100. Sowerby 3544. Cohen 2433.

**A DISTINGUISHED POLITICIAN AND JURIST
IN MARYLAND AND PENNSYLVANIA**

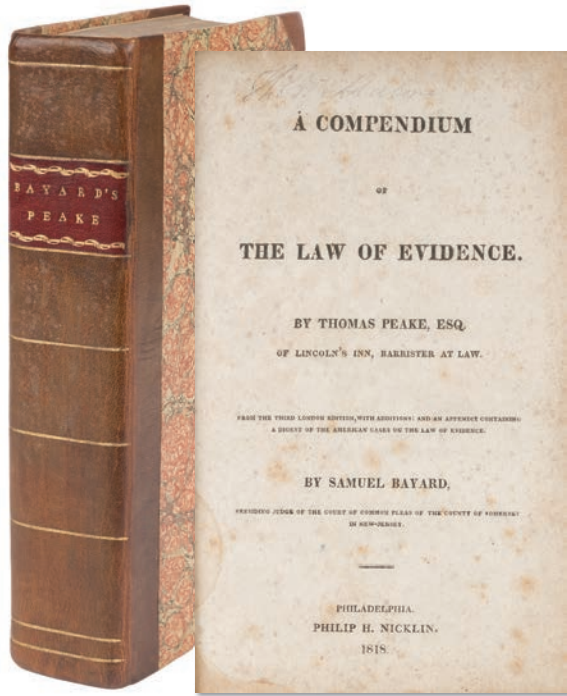
46

Neagle, John [1796-1865]; [Peale, Rembrandt (1778-1860), After]. *Portrait of William Tilghman.* Philadelphia, c.1815. 29" x 24" (image size). \$6,000.

Oil on canvas in ornate nineteenth-century gilded wood frame, small plaque reading "William Tilghman/ Chief Justice of Penna. 1806-1827/ Obiit April 30th, 1827" to head of frame. Some minor nicks and chips to frame, gilding slightly dulled, otherwise fine.

WILLIAM TILGHMAN [1756-1827] was a politician and jurist in Maryland and Pennsylvania. He was a member of the Maryland Assembly from 1788 to 1790, and of the Maryland Senate from 1791 to 1793, Chief Judge of the U.S. Circuit Court for Pennsylvania from 1801 to 1802, President Judge of the Court of Common Pleas for Philadelphia District in 1805 and Chief Justice of the Pennsylvania Supreme Court, 1806 to 1827. Tilghman ran unsuccessfully for governor of Pennsylvania as a Federalist in 1811.

This portrait belonged to the Philadelphia Bar Association. Founded in 1802, it is the oldest association of lawyers in the United States. Its library, where this portrait was last displayed, was renamed the Theodore F. Jenkins Memorial Law Library in 1967.



Nº 48

**FIRST POST-STATEHOOD PRINTING
OF OREGON'S CONSTITUTION**

47

[Oregon]. *The Constitution; Together with the Session Laws of Oregon, Enacted During the First Regular Session of the Legislative Assembly of Oregon, Begun, Sept. 10, 1860.* Salem, OR: Asahel Bush, State Printer, 1860. 111, [1], 9, [1], 5, [1], 6, [2] pp. Octavo (8-1/2" x 5-1/4"). \$750.

Later library cloth, red and black lettering pieces to spine, endleaves renewed, cloth hinges. Some soiling to cloth, spine somewhat darkened, lettering pieces partially abraded, tear to bottom-edge of front endleaves, which are loosening but secure. Moderate toning to interior, light foxing in a few places, lower outside corners of a few leaves folded and untrimmed, faint dampstain to top half of last 15 or so leaves, faint staining, ink annotations and (illegible) pencil owner signature to title page, which is lacking its upper outside corner without loss to text, ink library stamps to title page and following leaf.

THIS COLLECTION OF LAWS passed during Oregon's first regular legislative session includes the first post-statehood printing of Oregon's constitution, framed in 1857 and effected when Oregon became a state on February 14, 1859. The constitution notably provided for a referendum on the question of whether Oregon would be a slave state or free state and whether it would permit the residence of "free negroes and mulattoes." Residents voted to make Oregon a free state but banned free Negroes by a wide margin. Suffrage was limited to white male citizens aged 21 and older; women and anyone who was "an idiot or insane

person," a felon, or a "negro, Chinaman, or mulatto" were excluded from the franchise.

♣ This title is scarce in commerce. Not in Streeter. Babbitt 412. Sabin 57548.

**A STANDARD NINETEENTH-CENTURY
ENGLISH EVIDENCE TREATISE WITH
EXTENSIVE AMERICAN ADDITIONS**

48

Peake, Thomas [1771-1838]; Bayard, Samuel [1767-1840], American Additions. *A Compendium of the Law of Evidence. From the Third London Edition, With Additions: And an Appendix Containing a Digest of American Cases on the Law of Evidence.* Philadelphia: Philip H. Nicklin, 1818. xxxii, 460, [1], xcix; xv, [1], 134, [16] pp. Two parts. Each with title page and individual pagination. Title page of second part, by Bayard, dated 1810, has title reading *A Digest of American Cases on the Law of Evidence Intended as Notes to Peake's Compendium of the Law of Evidence.* Octavo (8-1/4" x 5-1/4"). \$750.

Recent period-style three-quarter calf over marbled boards by Philip Dusel, gilt fillets and lettering piece to spine, endpapers renewed. Moderate toning, somewhat heavier in places, and foxing to text, negligible diminishing faint dampstaining to lower margins of preliminaries and following leaves through p. 8, early owner signature ("Thos W. Malone") in pencil to head of title page.

LATER AMERICAN EDITION, the only one by Bayard. First published in 1802, this was a standard treatise in the first decades of the nineteenth century, both in England and America. Its final edition, the fifth, was published in 1822. An American edition followed in 1824. Bayard was a distinguished lawyer, judge and legal author who practiced and held judicial posts in New Jersey and Pennsylvania. This copy may have been owned by Thomas W. Malone [1799-1864], a prominent English-born attorney who practiced in Charleston, South Carolina.

♣ Cohen 5096.

**A CIVIC GUIDE FOR
GERMAN-SPEAKING AMERICANS**

49

Peters, Anton, Publisher. *Der Amerikanische Bürger. Handbuch des Deutschredenden Bürgers der Vereinigten Staaten, Enthaltend in Einfacher und Verständlicher Sprache Einen Umriss Unserer Regierungsform, Und die Gesetze, Wissenswerth Für Jeden Bürger Als Mitglied des Einzel- Und Gesamtstaates, Sowie Als Farmer, Handwerks- Und Geschäftsmann, Nebst den Nöthigen Formen Für*

Ausfertigung Aller Arten von Documenten und Papieren; Mit Einer Schlusszugabe: "Kurzgefasste Geschichte der Vereinigten Staaten." East New York: Selbst-Verlag von Anton Peters, 1860. iv, 60 pp. Octavo (7" x 4-1/2"). \$2,500.

Stab-stitched pamphlet in printed wrappers, text in German and English. Wear and soiling to wrappers, tear to upper front wrapper causing it to separate, its upper and lower corners lacking, crease to front wrapper and title page, early owner signatures (of members of the Diefenbach family, Erie, Pennsylvania) to wrappers, light toning and foxing to interior, small stain to upper corner of pp. 39-42. Rare.

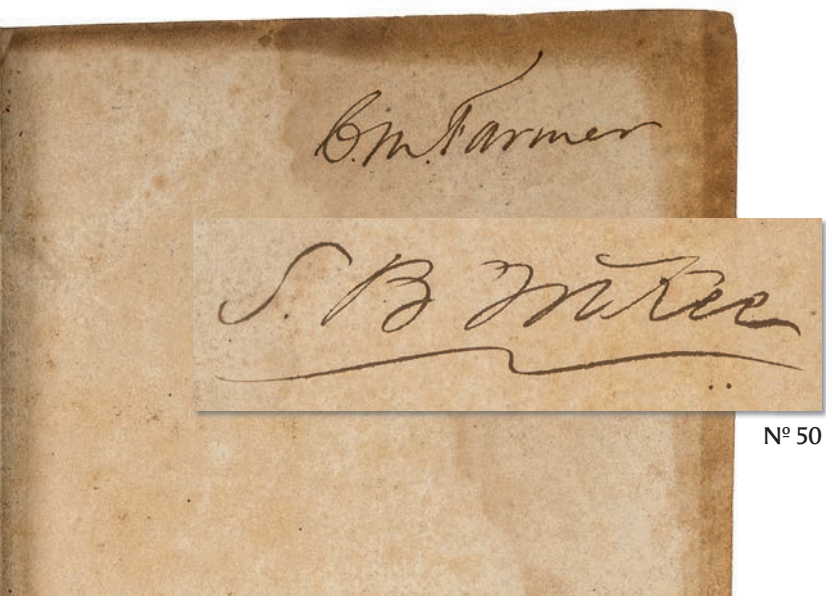
ONLY EDITION LOCATED. Intended for the "German-speaking citizen," this rare pamphlet contains a brief explanation of the function of the American court system and a history of the United States. It also includes various forms in German and English, including citizenship and naturalization oaths, indentures, real estate transactions and other contracts.

◆ OCLC locates 2 copies (UNC-Chapel Hill, German Society of Pennsylvania). Not in Sabin.

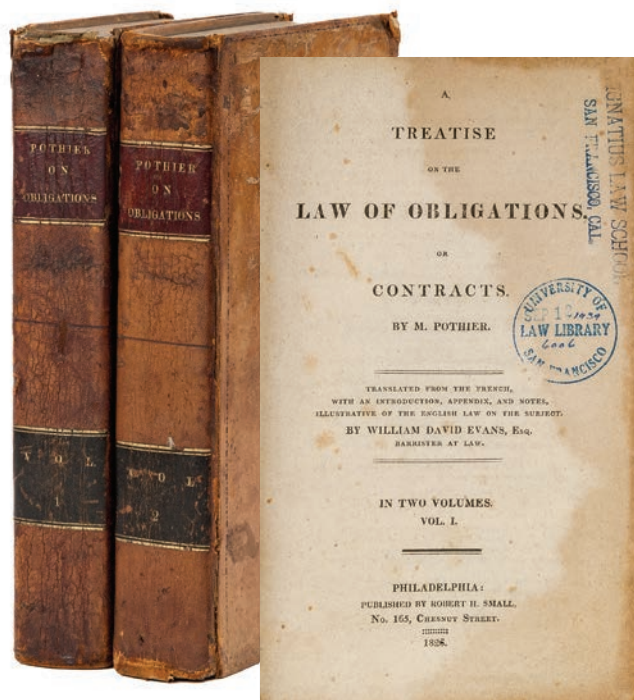
**FIRST AMERICAN EDITION OF
EVANS'S POTHIER ON OBLIGATIONS**

50

Pothier, Robert Joseph [1699-1722]; [Evans, William David (1767-1821), Translator and Editor]. *A Treatise on the Law of Obligations, Or Contracts. Translated From the French, With an Introduction, Appendix, And Notes, Illustrative of the English Law on the Subject.* Philadelphia: Published by Robert H. Small,



Nº 50



Nº 50

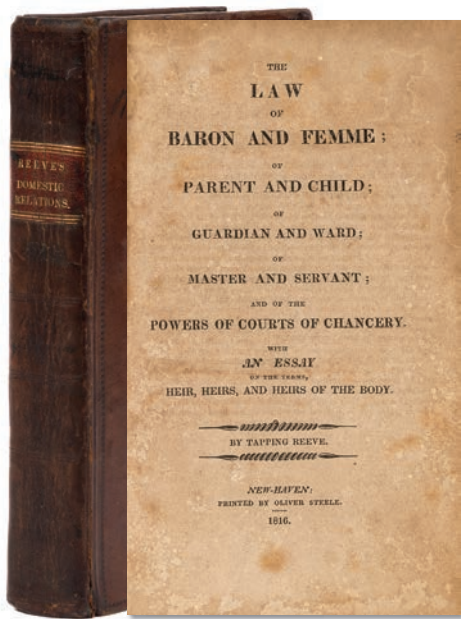
1826. Two volumes. xvi, [17]-103, 516; iv, 631 pp. Octavo (8-1/2" x 5-1/2"). \$950.

Contemporary sheep, blind fillets to boards, red and black lettering pieces and blind fillets to spines, blind tooling to board edges. Scuffing to boards, faint creasing to spines, chipping to spine ends, corners bumped and somewhat worn, faint library stamps to boards and edges, hinges cracked. Light browning and foxing to interiors, creases and fold lines to a few leaves, library stamps to preliminaries, rear endleaves and a few other leaves, early owner signatures ("Birchett," "S.B. McKee," "C.M. Farmer") to front pastedowns and free endpapers, gradually diminishing faint dampstaining to Volume I through p. 60.

FIRST AMERICAN EVANS EDITION, the second American edition of this work. (The first, a translation by F.X. Martin, was published in Newbern, NC in 1802.) Evans's edition was first published in London in 1806. Holdsworth says it introduced Pothier to English lawyers, which "did considerable service to the development of the English law of contract." It was "soon recognized as a major contribution to legal science...and frequently cited in British courts" (Walker).

"S.B. McKee" was likely Samuel B. McKee [1822-1887], an associate justice of the Supreme Court of California and, over the course of his judicial career, one of the longest serving judges in California history. "C.M. Farmer" may have been the lawyer and poet who practiced in Virginia in the mid-nineteenth century and published a volume of poetry, *The Fairy of the Stream* (1847), which was poorly (but not unkindly) reviewed by Edgar Allen Poe.

◆ Holdsworth XIII:467. Cohen 3657.



N° 51

FIRST EDITION OF REEVE'S *BARON AND FEMME* IN AN ATTRACTIVE CONTEMPORARY BINDING

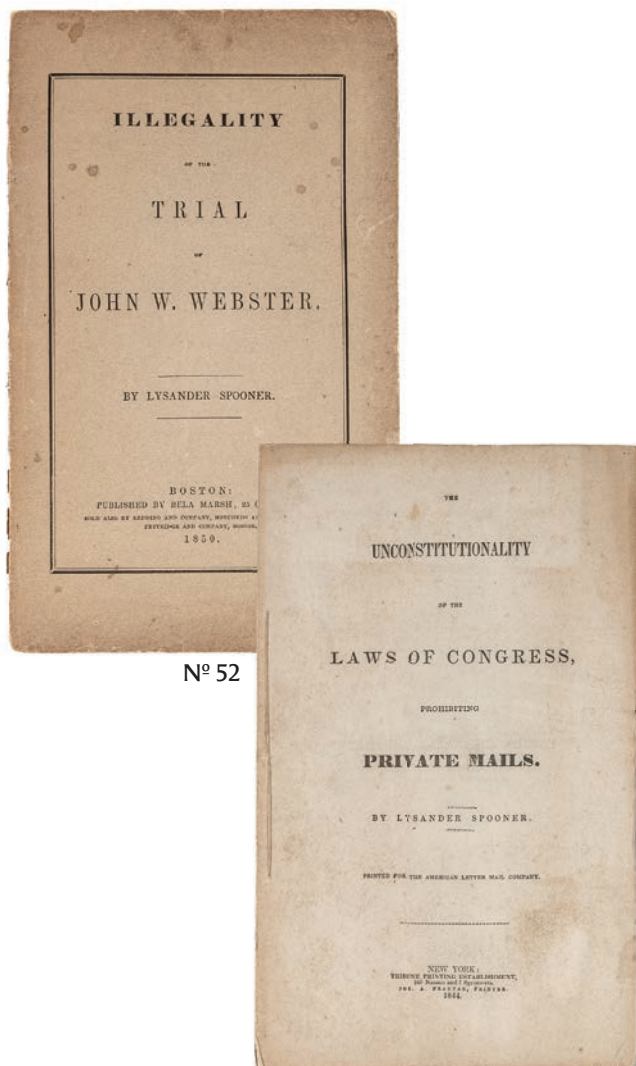
51

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 (8-1/2" x 4-3/4"). \$500.

Contemporary calf, blind fillets to boards, blind fillets and lettering piece to spine. A few minor spots and nicks to boards, two faint early owner signatures ("McMichael" and "W.W. Thomas, 1832") to front board, faint creases and very faint illegible lettering to spine, front joint starting, corners bumped, front hinge starting, rear hinge cracked. Owner inscription (by McMichael) and another early owner inscription in pencil ("Oliver") to front free endpaper, light browning and light foxing to interior, underlining and check marks in an early hand to a few leaves.

FIRST EDITION. 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. 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.

♣ Cohen 4745.



N° 52

LYSANDER SPOONER'S OPINION OF THE FAMOUS WEBSTER CASE

52

Spooner, Lysander [1808-1887]. *Illegality of the Trial of John W. Webster.* Boston: Published by Bela Marsh, 1850. 16 pp. Errata sheet, often lacking in copies of this title, present. Octavo (9-1/2" x 5-3/4"). \$500.

Stab-stitched pamphlet in printed wrappers. Light edgewear and stains to wrappers, wrappers detaching but secure, internally clean.

ONLY EDITION. The grisly murder of Dr. John Parkman by Professor John W. Webster at Harvard Medical School was one of the most famous American crimes of the nineteenth century. Webster was convicted and hanged. Spooner, the great Boston radical, claims the trial was rigged because potential jurors who opposed capital punishment were dismissed. There is also a larger point: "[I]f the government

N° 53

can exclude, on account either of their opinions or feelings, any persons thus drawn by lot, the trial is no longer a trial by 'the country,' but only by a portion of the country. It is, in fact, a trial by *the government*, instead of 'the country,'—because it is a trial by that portion only of the country, which has been selected by the government, on account of their having no opinions or feeling different from its own" (4).

◆ McDade 1058.

A SIGNIFICANT CHALLENGE TO THE U.S. POSTAL SERVICE

53

Spooner, Lysander. *The Unconstitutionality of the Laws of Congress Prohibiting Private Mails.* New York: Tribune Printing Establishment, 1844. 24 pp. Octavo (5-1/2" x 8-1/2"). \$650.

Stab-stitched pamphlet, light shelfwear and soiling.

FIRST EDITION. Adams describes Spooner as "an American anarchist who had a genius for opposing government. He considered the postal rate of 25 cents from Boston to Washington exorbitant & the result of government monopoly. He founded his own American Letter Mail Company. The government overwhelmed him with injunctions to which he replied in the present pamphlet. He abandoned his scheme but his efforts resulted in an act of Congress reducing rates."

◆ Adams, *Radical Literature* 48.

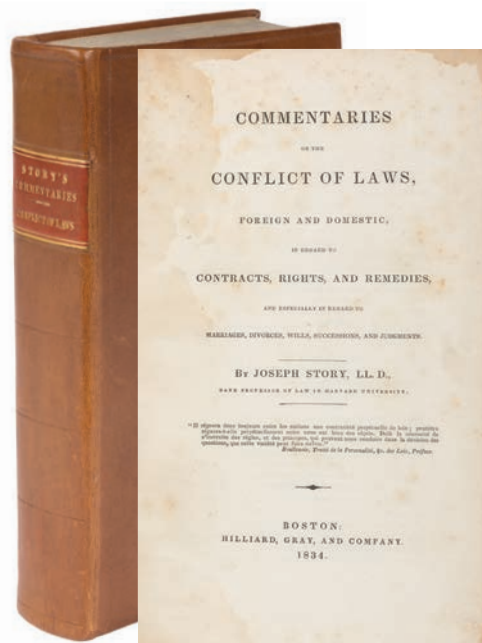
FIRST EDITION OF ONE OF STORY'S MOST IMPORTANT TREATISES IN A SUPERB BINDING

54

Story, Joseph [1779-1845]. *Commentaries on the Conflict of Laws, Foreign and Domestic, In Regard to Contracts, Rights, And Remedies, And Especially in Regard to Marriages, Divorces, Wills, Successions, And Judgments.* Boston: Hilliard, Gray and Company, 1834. xxv, [1], 557 pp. Octavo (8-1/2" x 5-1/2"). \$1,500.

Period-style calf, blind rules to boards, lettering piece and blind fillets to spine, original endpapers retained. Moderate toning to text, somewhat darker or browned in places, light foxing, faint, gradually diminishing dampstaining to margins of several leaves at beginning and end of text. A handsome copy in a superb binding.

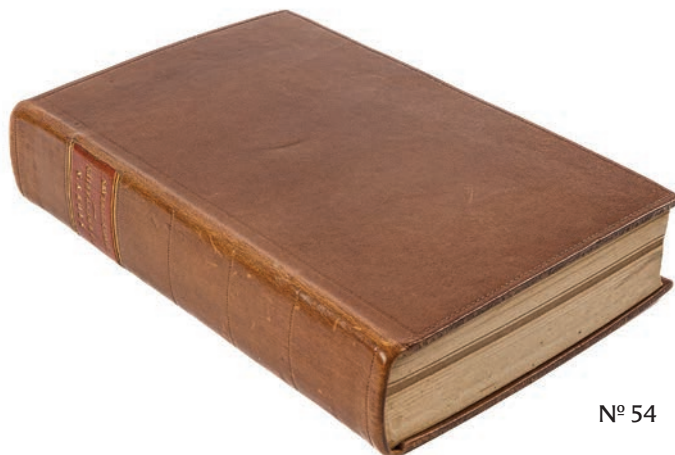
FIRST EDITION. Story's *Conflict of Laws*, the first systematic treatise on the subject, is one of his greatest and most influential works. Warren says: "It is not too much to say that its publication constituted an epoch in the law; for it became at once the standard and almost the sole authority...[it] received the honor of being practically the



Nº 54



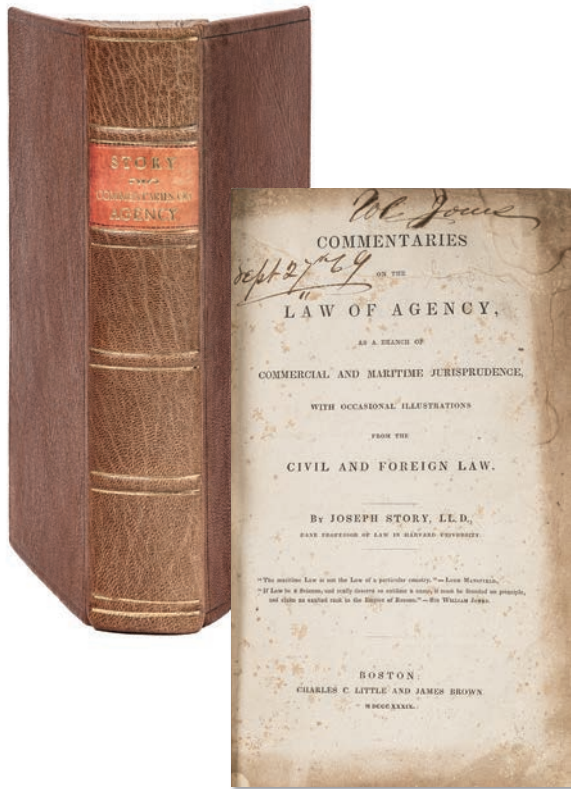
Nº 54



Nº 54

first American law book to be cited as authority in English courts." Expanding on this latter point Marvin quotes "a late English writer" who says that "no work on international jurisprudence merited, nor received, greater praise from the jurists of Europe. It impressed English lawyers with the highest respect for [Story's] extensive learning."

◆ Warren, *A History of the American Bar* 545. Marvin 471. Cohen 2723. Woxland & Ogden 25.



Nº 55

FIRST EDITION OF STORY ON AGENCY

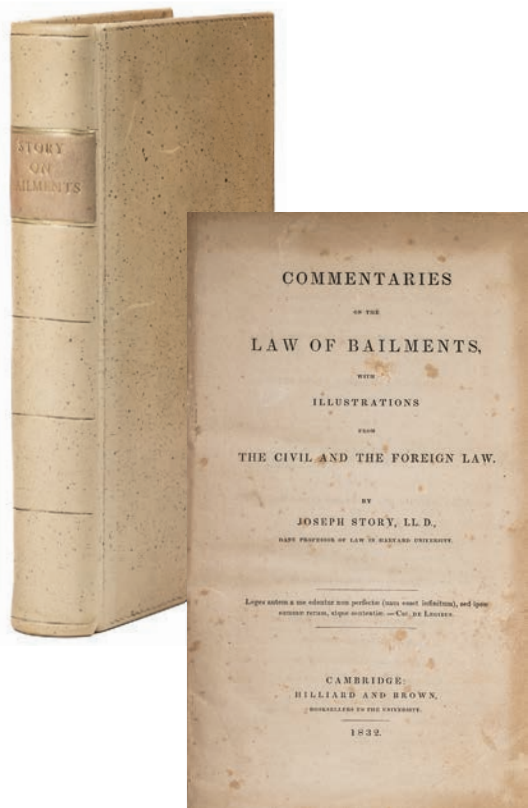
55

Story, Joseph. *Commentaries on the Law of Agency, As a Branch of Commercial and Maritime Jurisprudence, With Occasional Illustrations from the Civil and Foreign Law.* Boston: Charles C. Little and James Brown, 1839. xxiii, 544 pp. Octavo (8-1/2" x 5-1/2"). \$750.

Recent period-style morocco, blind rules to boards, gilt-edged raised bands and lettering piece to spine, marbled (renewed) endpapers, top-edge of text block rouged. Light fading to spine, moderate toning and light foxing to interior, offsetting and light edgewear to first and final few leaves, title page and last two leaves reinforced neatly with tissue at edges, occasional faint dampstaining to top-edge of text block, owner signatures (one of "Goodrich," two of "W.C. Jones") to title page and following leaf.

FIRST EDITION. Marvin praised the thoroughness of this treatise, noting that "[Story] has everywhere illustrated the doctrines of common law, by copious extracts from distinguished writers on Roman and Continental law." Pound includes this title in a list of the most influential and authoritative American treatises written during the nineteenth century.

◆ Marvin 672. Pound, *The Formative Era in American Law* 140-141. Cohen 1628.



Nº 56

STORY ON BAILMENTS, FIRST EDITION

56

Story, Joseph. *Commentaries on the Law of Bailments, With Illustrations from the Civil and Foreign Law.* Cambridge: Hilliard and Brown, 1832. xxxiv, 411 pp. Octavo (8-3/4" x 5-1/4"). \$950.

Period-style calf, blind fillets to boards, lettering piece and gilt fillets to spine. Fading and a few very shallow scratches to exterior, moderate toning to interior, occasional light foxing, brief early annotations, corrections and marginal marks to several leaves, owner signature of Seymour Van Santvoord dated 1879 to foot of p. 394.

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). Seymour Van Santvoord [1858-1938] chaired the New York Public Service Commission and served as dean of the Rensselaer County Bar Association in addition to his legal practice and work as a novelist.

◆ Marvin 668-669. Cohen 2451.

FIRST EDITION OF ONE OF THE STANDARD AMERICAN TEXTS OF THE NINETEENTH CENTURY

57

Story, Joseph. *Commentaries on the Law of Bills of Exchange, Foreign and Inland, As Administered in England and America; With Occasional Illustrations from the Commercial Law of the Nations of Continental Europe.* Boston: Charles C. Little & James Brown/London: A. Maxwell & Son, 1843. xxiv, 608 pp. Octavo (9-1/4" x 5-3/4"). \$700.

Period-style speckled calf, blind fillets to boards, gilt-edged raised bands and lettering piece to spine, blind tooling to board edges, hinges mended with cloth. Light fading to spine, negligible wear to corners. Moderate toning to interior, occasional light foxing, tiny chips to edges of several leaves, small tear to top margin of pp. 541-580 not affecting text, pencil check marks to margins of a few pages.

FIRST EDITION. Story's treatise on bills of exchange was a standard text during the nineteenth century. As Marvin notes, it was certainly the most complete and wide-ranging text of its day. In addition to American and English sources, it draws on the work of Heineccius and other civil-law jurists.

♣ Marvin 673. Cohen 2555.

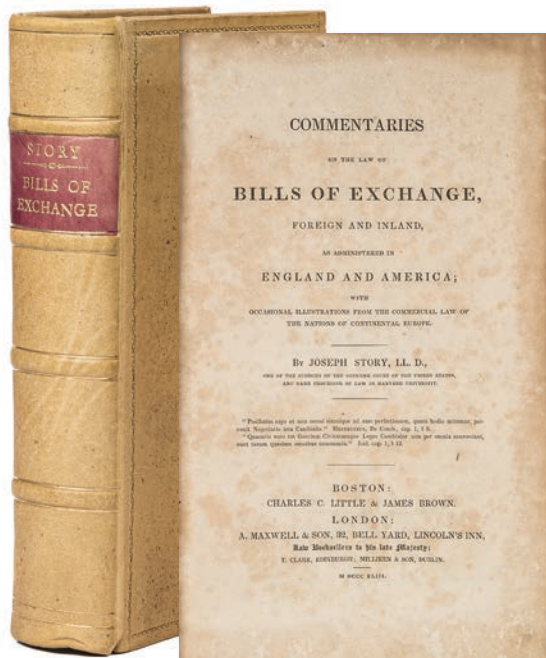
STORY'S FINAL TREATISE

58

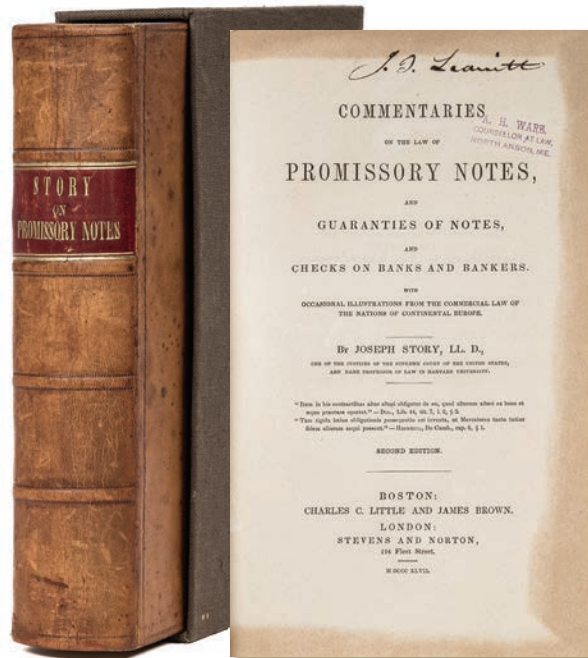
Story, Joseph. *Commentaries on the Law of Promissory Notes, And Guarantees of Notes, And Checks on Banks and Bankers. With Occasional Illustrations from the Commercial Law of the Nations of Continental Europe.* Boston: Charles C. Little and James Brown/London: Stevens and Norton, 1857. xxxi, 700 pp. Octavo (9-1/4" x 5-1/2"). \$850.

Contemporary sheep, blind fillets to boards, raised bands, blind fillets and lettering piece to spine, blind tooling to board edges. Light rubbing, spotting and a few shallow scuffs and scratches to boards, moderate rubbing to extremities, front joint just starting at head, faint offsetting to preliminaries, early owner signature (of J.T. Leavitt, dated 1869) and later owner stamp (of A.H. Ware) to front free endpaper and title page. Moderate toning to interior, light foxing in a few places. Housed in recent cloth slipcase. An attractive copy.

SECOND EDITION (and only London edition) of the last treatise published by Story. According to Cohen, "Joseph Story's work on promissory notes was the last of his great treatises. (...) Unlike many of his predecessors, Story treated each aspect of commercial law separately in a series of works which included his treatises on agency (1839), partnership (1841), bills of exchange (1843) and finally the one on promissory notes. The inclusion of comparative sources from the commercial law of



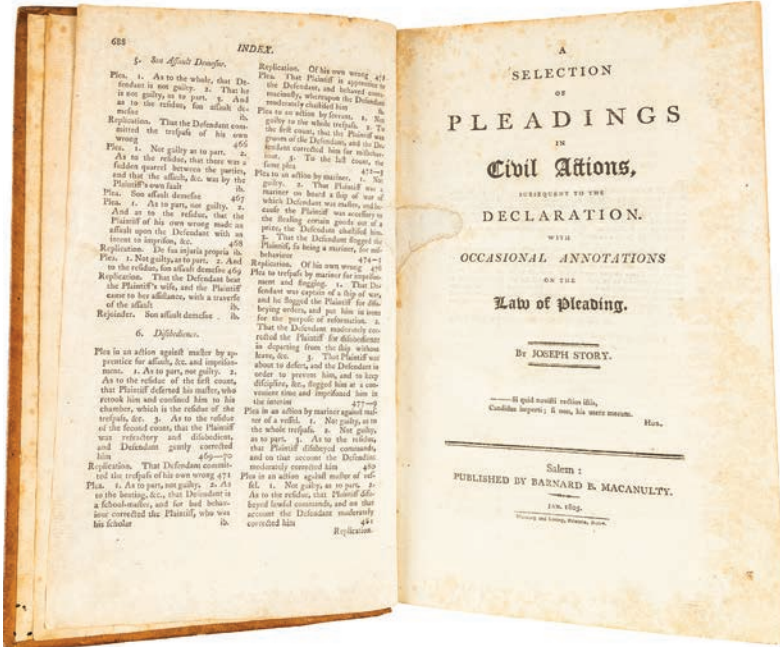
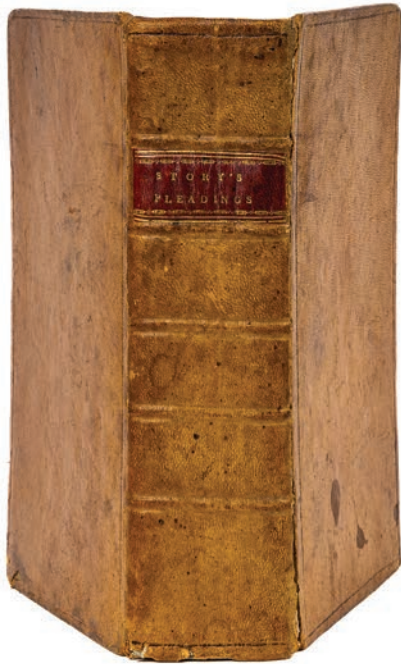
Nº 57



Nº 58

other countries reflects Story's view, expressed in his opinion for the Supreme Court in *Swift v. Tyson* (1842) that commercial law was international, not the 'law of a single country only, but of the commercial world.'" The advertisement to the second edition is by William Wetmore Story [1819-1895], who prepared it after his father's death. Two of this book's former owners were likely James Tufton Leavitt [1804-1857], a Maine attorney and politician who served in both branches of the state legislature, and Albert Harris Ware [1827-1893], an attorney who practiced in North Anson, Maine.

♣ Cohen 2562.



Details from N° 59

THE FIRST LEGAL WORK BEARING STORY'S NAME

59

Story, Joseph. *A Selection of Pleadings in Civil Actions, Subsequent to the Declaration. With Occasional Annotations on the Law of Pleading.* Salem: Published by Barnard B. Macanulty, 1805. viii, 697, [6] pp. Includes six-page publisher catalogue of law books. Octavo (9" x 5-1/2"). \$1,500.

Contemporary sheep, blind frames to boards, raised bands and lettering piece to spine, blind tooling to board edges, endleaves derived from printer waste (extra index leaves for this title). Light rubbing and a few minor stains to boards, front board partially detached but secure, rear board beginning to separate, moderate rubbing to extremities, light wear to spine ends and corners. Moderate toning to interior, light foxing in a few places, faint dampstaining to upper-outside corners of index leaves and publisher catalogue, light soiling and early paper repair to title page.

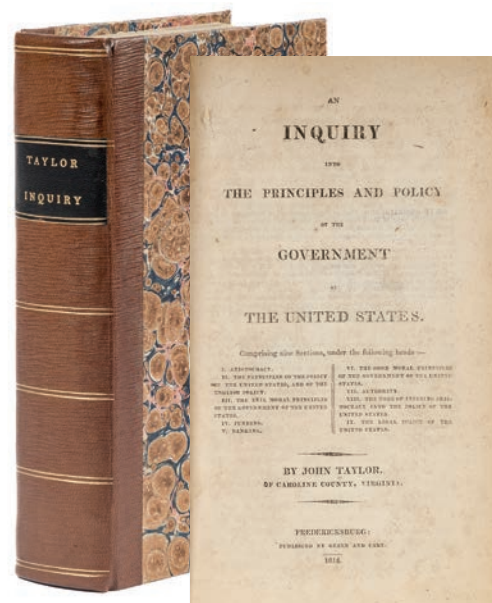
FIRST EDITION. This is both the first legal work bearing Story's name and the first American book of entries of precedents. It had a second edition in 1829. According to Marvin, the work's "notes and references show that the author had made no ordinary attainments in the science of special pleading." Story was an associate justice of the U.S. Supreme Court, a professor at Harvard Law School and the most respected and prolific legal writer of his time.

◆ Marvin 668. Cohen 9274.

"DESERVES TO RANK AMONG THE TWO OR THREE REALLY HISTORIC CONTRIBUTIONS TO POLITICAL SCIENCE WHICH HAVE BEEN PRODUCED IN THE UNITED STATES"

60

Taylor, John, Of Caroline [1753-1824]. *An Inquiry into the Principles and Policy of the Government of the United States. Comprising Nine Sections, Under the Following Heads: I. Aristocracy; II. The Principles of the Policy of the United States, And of the English Policy; III. The Evil Moral Principles of the Government of the United States; IV. Funding; V. Banking; VI. The Good Moral Principles of the Government of the United States; VII. Authority;*



N° 60

VIII. *The Mode of Infusing Aristocracy into the Policy of the United States*; IX. *The Legal Policy of the United States*. Fredericksburg, [VA]: Green and Cady, 1814. viii, 656, [1] pp. Octavo (8" x 5"). \$1,850.

Recent period-style quarter morocco over marbled boards, gilt fillets and calf lettering piece to spine, endpapers renewed. Light browning to interior, unobtrusive light foxing and dampspotting in places. A handsome copy.

ONLY EDITION. A reply to John Adams's *Defence of the Constitutions of Government of the United States of America*, this book rejects the concept of "a natural aristocracy" of "paper and patronage" and a powerful federal government based on a system of debt and taxes. Also opposed to the extent of power awarded to the executive office, it calls for shorter terms for the president and all elected officers. It was a deeply influential work among antebellum Southern proponents of states' rights and decentralized government. A later assessment by Charles Beard in the *Dictionary of American Biography* says it "deserves to rank among the two or three really historic contributions to political science which have been produced in the United States."

◆ DAB IX:331. Sabin 94491. Cohen 5823.

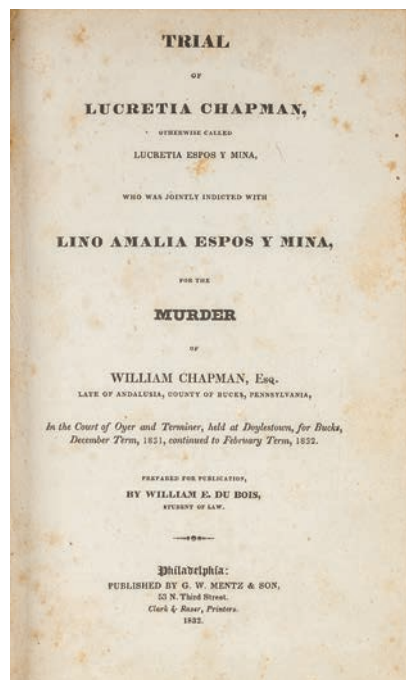
"THE TRUE CHARACTER OF THE SPANISH ADVENTURER": MCDADE 169

61

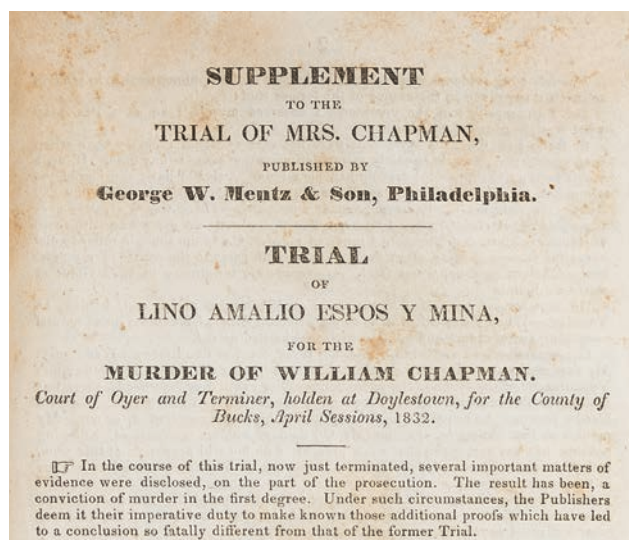
[Trial]; Chapman, Lucretia [1788-1841], Defendant; Du Bois, William E. [1810-1881], Compiler. *Trial of Lucretia Chapman, Otherwise Called Lucretia Espos y Mina, Who was Jointly Indicted with Lino Amalia Espos y Mina, For the Murder of William Chapman, Esq. In the Court of Oyer and Terminer, Held at Doylestown, for Bucks, December Term, 1831, Continued to February Term, 1832*. Philadelphia: G.W. Mentz & Son, 1832. 213; 11 pp. Final section (11 pp.) has the drop-head title *Supplement to the Trial of Mrs. Chapman, Published by George W. Mentz & Son, Philadelphia*. Octavo (9" x 6"). \$500.

Contemporary sheep, blind rules to boards, blind fillets to spine, lettering piece lacking. Light rubbing and a few scuffs to boards, front board detached, rear board partially detached but secure, moderate rubbing to extremities, spine abraded, spine ends and corners worn, early owner bookplate (Owen Stover) to front pastedown. Moderate toning and light foxing to interior, offsetting to margins of endleaves, annotations in early hand to rear free endpaper.

ONLY EDITION. With the *Supplement* that, as noted by Cohen, was not included in all copies. Lucretia Chapman began an affair with Lino Amalia Espos y Mina, a Spanish boarder who claimed to be the son of the governor of California. They poisoned Chapman's husband with arsenic, moved to New York and married. McDade notes: "Almost



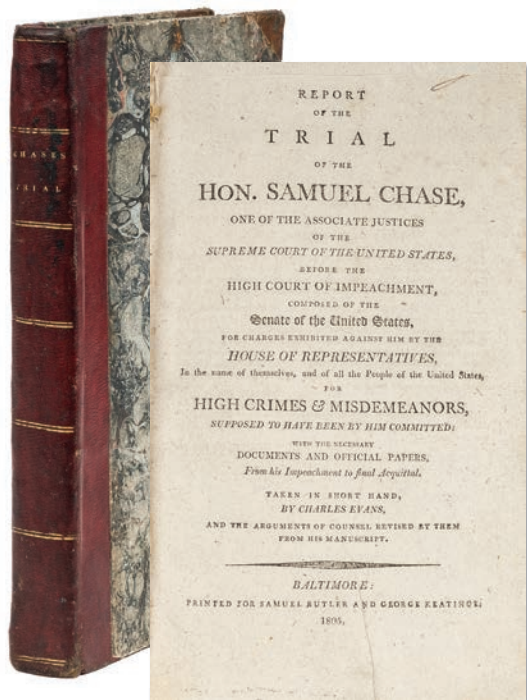
Nº 61



Detail from Nº 61

immediately the true character of the Spanish adventurer came out, with the disappearance of the family silver and other obvious signs of his chicanery. Other swindles drew the attention of the Philadelphia constable to him, and once suspicion was directed to the curious couple, the evidence mounted rapidly. (...) In separate trials she was acquitted while he was convicted and executed. It is difficult to tell whether they had acted in concert in the murder; at least the jury gave her the benefit of the doubt." The former owner of our copy was likely Owen Stover [1801-1878], an attorney from Chester County, Pennsylvania.

◆ Cohen 12416. McDade 169.



Nº 62

**THE ONLY IMPEACHMENT OF
A U.S. SUPREME COURT JUSTICE**

62

[Trial]; Chase, Samuel [1741-1811], Defendant; Evans, Charles, Reporter. *Report of the Trial of the Hon. Samuel Chase, One of the Associate Justices of the Supreme Court of the United States, Before the High Court of Impeachment, Composed of the Senate of the United States, For Charges Exhibited Against Him by the House of Representatives, In the Name of Themselves, And of All the People of the United States, For High Crimes and Misdemeanors, Supposed to Have Been by Him Committed; With the Necessary Documents and Official Papers, From His Impeachment to Final Acquittal.* Baltimore: Printed for Samuel Butler and George Keatinge, 1805. [vi], [12], [3]-268, [2], 68 pp. Main text in double columns. Octavo (10" x 6"). \$500.

Contemporary three-quarter calf over marbled boards, gilt fillets and title to spine. Binding slightly cocked, light rubbing to boards, moderate rubbing to extremities, corners lightly bumped and moderately worn, crack in text block between p. 68 and following endleaf. Moderate toning to interior, light foxing and corner folds in places, faint dampstaining to endleaves, top-edge neatly removed from title page with no loss to text.

ONLY EDITION (one of several accounts published in 1805). Chase was impeached for alleged misdemeanors in the trials of John Fries and James Thomson Callender for treason and seditious libel under the Alien and Sedition Acts. This was the only time a Supreme Court justice was impeached.

Hall notes, "[Chase] is usually dismissed by most American historians as nothing but a rabid partisan. He was, as a study of Chase's opinions reveals, one of the most important political and legal theorists at work in the early republic, and there is still much that can be learned from his work...There is even a chance that future scholars will begin to accord Chase the recognition he deserves and raise the man...to his proper place in the judicial pantheon, one very possibly at the level of Marshall himself."

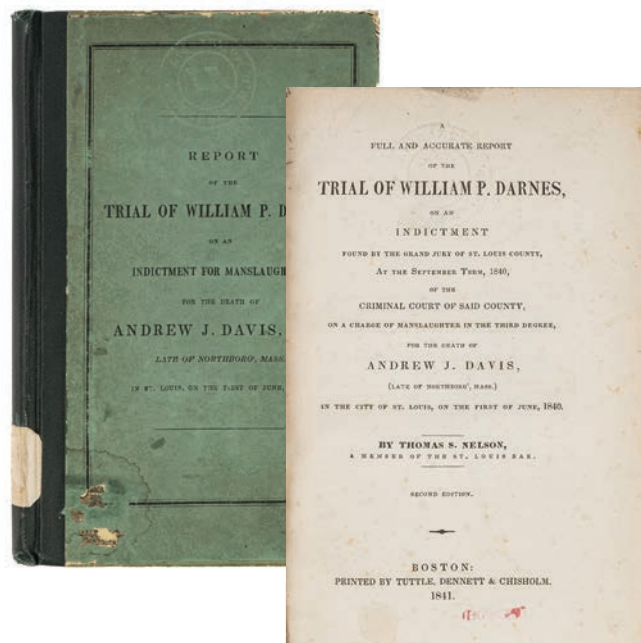
◆ Hall, *Oxford Companion to the Supreme Court* 138ff. Cohen 1447¹.

**FROM THE LIBRARY OF A NOTABLE
WORCESTER DOCTOR AND BIBLIOPHILE**

63

[Trial]; Darnes, William P., Defendant; Nelson, Thomas S., Reporter. *A Full and Accurate Report of the Trial of William P. Darnes, On an Indictment Found by the Grand Jury of St. Louis County, At the September Term, 1840, Of the Criminal Court of Said County, On a Charge of Manslaughter in the Third Degree, For the Death of Andrew J. Davis, (Late of Northboro', Mass.) In the City of St. Louis, On the First of June, 1840.* Boston: Printed by Tuttle, Dennett & Chisholm, 1841. 269 pp. 12mo. (7-3/4" x 5"). \$650.

Stab-stitched pamphlet bound into later quarter cloth, front and rear wrappers of pamphlet affixed to front and rear boards, library shelf label to foot of spine. Light rubbing, soiling and a few minor stains to boards, moderate rubbing to extremities with some wear to spine ends, corners, and foot of front board, hinges cracked,



Nº 63

front free endpaper detached. Light toning to interior, light spotting in places, tiny stain and embossed owner stamp of John Green, M.D. to title page, library discard inkstamp to verso of title page, other embossed Green stamps to front wrapper and rear endleaf.

SECOND AND FINAL EDITION, one of two issues, both in 1841. Davis was the well-known owner of a St. Louis newspaper that published several highly critical columns about Darnes, an important local politician. Enraged, Darnes attacked Davis on the street with an iron rod, striking him in the head. Davis was rushed to a hospital, but died a few days later. Darnes was indicted. The trial lasted two weeks and engaged some of the best lawyers and medical experts in the area. The case turned on whether Davis died from the blow or his medical treatment. Both sides offered a strong case. In the end Darnes was convicted of fourth-degree manslaughter and fined \$500.

Our copy belonged to John Green III, MD [1784-1864]. A member of a distinguished Worcester, MA family, Dr. Green was an avid bibliophile and the founder of the Worcester Public Library, to which he donated his personal library of nearly 12,000 titles.

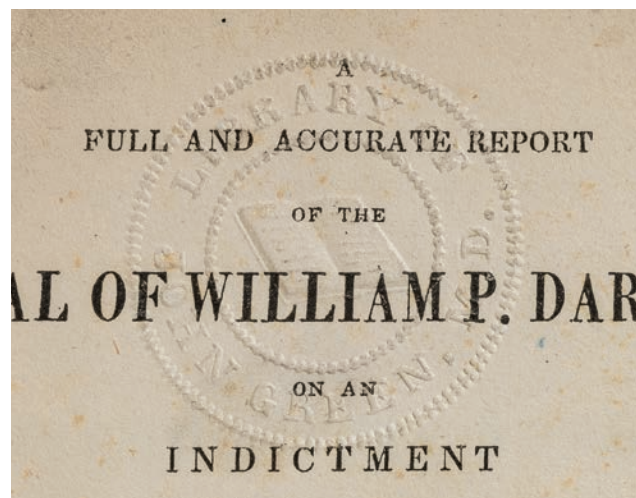
◆ This case not in McDade. Stevens, *St. Louis, The Fourth City, 1764-1911* I:369-370. HLC II:1057.

A POISONING IN PENNSYLVANIA: MCDADE 280

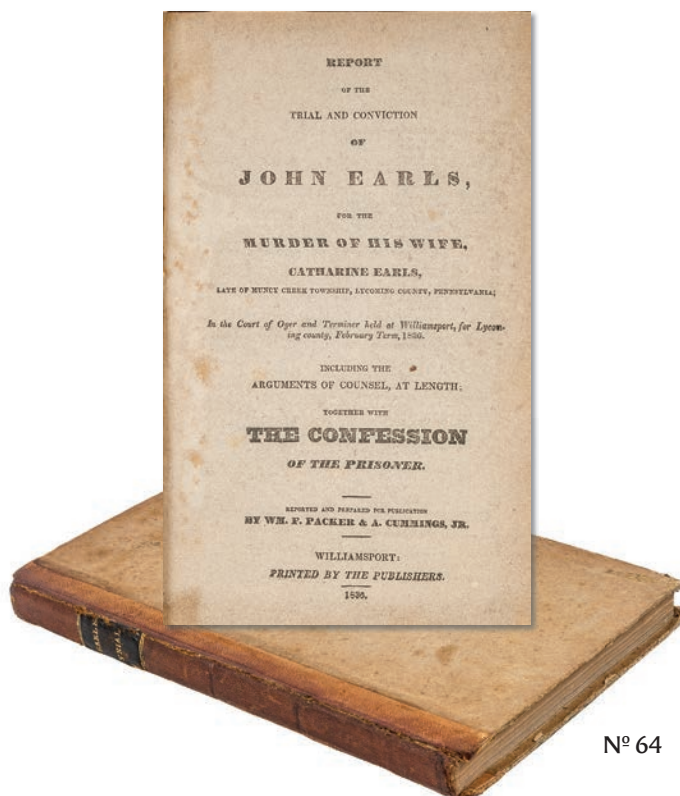
64
[Trial]; Earls, John [1802-1836], Defendant; Packer, W[illiam] F., Reporter, Editor; Cummings, A[lexander], Jr., Reporter, Editor. *Report of the Trial and Conviction of John Earls, For the Murder of His Wife, Catharine Earls, Late of Muncy Creek Township, Lycoming County, Pennsylvania; In the Court of Oyer and Terminer Held at Williamsport, For Lycoming County, February Term, 1836. Including the Arguments of Counsel, At Length; Together with the Confession of the Prisoner.* Williamsport, [PA]: Printed by the Publishers [Packer and Cummings], 1836. [iv], 188 pp. Octavo (8-1/2" x 5-1/4"). \$650.

Contemporary quarter sheep over paper-covered boards, lettering piece and blind fillets to spine. Light soiling, spotting and a few minor stains to boards, joints cracked, wear to spine ends, edges of lettering piece and fore-edges of boards edges, corners bumped, front hinge partially cracked. Moderate toning to interior, light browning in places, light foxing to a few leaves, "G.W. Stout/ from Elisha Allis/ Oct: 5 1870" to front pastedown.

ONLY EDITION. Earls murdered his wife with poison, and this trial account discusses poisons at length. McDade notes: "Earls' motive was the usual other-woman. He gave as his reason for purchasing the poison, 'to kill mink and



Detail from N° 63

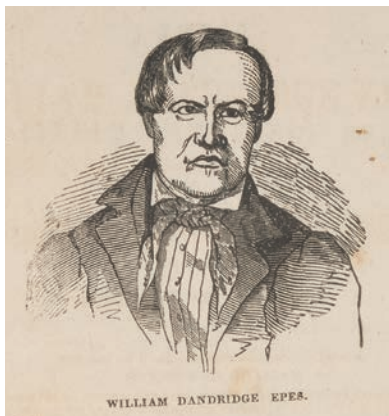
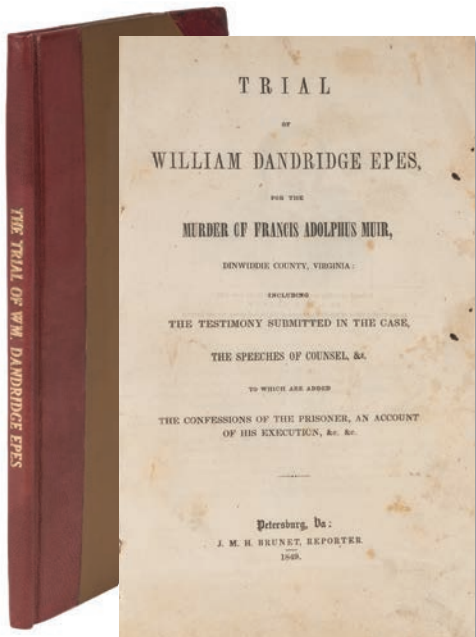


N° 64

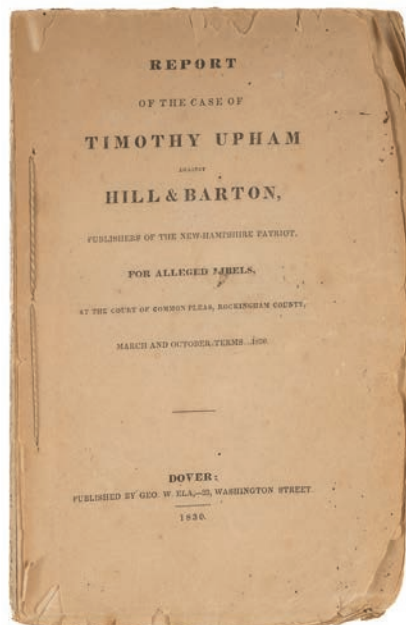
muskrats,' an imaginative variant. He poisoned his wife the day after she gave birth."

"G.W. Stout" is likely George W. Stout [1830-1906], a prominent Easton, Pennsylvania lawyer. The giver is likely Elisha Allis [1832-1893], also a resident of Easton. His wife Sarah was the daughter of William F. Packer [1807-1870], one of the reporters of our account, who later became the governor of Pennsylvania.

◆ McDade 280.



Nº 65



Nº 66

AN 1849 MURDER IN PETERSBURG, VA: MCDADE 286

65

[Trial]; Epes, William Dandridge [1806?-1848], Defendant; Brunet, [James] M[onroe] H[amilton] [1817-1856], Reporter. *Trial of William Dandridge Epes, For the Murder of Francis Adolphus Muir, Dinwiddie County, Virginia: Including the Testimony Submitted in the Case, The Speeches of Counsel, &c. To Which are Added the Confessions of the Prisoner, An Account of His Execution, &c. &c.* Petersburg, VA: J.M.H. Brunet, Reporter, 1849. 76 pp. Woodcut portrait of Epes on p. 3. \$1,850.

Stab-stitched pamphlet bound into later three-quarter calf over cloth, recently rebacked, gilt title to spine, endpapers renewed. Light rubbing to board edges, some wear to corners. Moderate toning to text, light foxing in a few places, light soiling and edgewear to title page, the following leaf and final leaf.

“MUIR THREATENED to foreclose [farm] property he had sold to Epes, so Epes shot his creditor and hid his body on the farm. He faked a series of letters to account for Muir’s absence, but he pawned his victim’s watch and led the police to his door” (McDade).

◆ OCLC locates 7 copies in law libraries (Harvard, Jenkins, Library of Congress, University of Missouri, University of Virginia, US Supreme Court, William & Mary). McDade 286.

LIBEL AND PRESS FREEDOM IN 1830 NEW HAMPSHIRE

66

[Trial]; Hill, Horatio [b.1807], Defendant; Barton, Cyrus [1795-1855], Defendant. *Report of the Case of Timothy Upham Against Hill & Barton, Publishers of the New-Hampshire Patriot, For Alleged Libels, At the Court of Common Pleas, Rockingham County, March and October Terms....1830.* Dover: Published by Geo. W. Ela, 1830. 159 pp. Octavo (8-3/4" x 5-1/2"). \$500.

Stab-stitched pamphlet, front and rear wrappers lacking, later hand-lettered title to spine, edges untrimmed. Light browning, light edgewear to several leaves, light foxing and soiling in a few places, light creasing to last few leaves, pencil marks and brief annotations to a few pages, small tear to title page affecting text without loss to legibility, final leaf separated with small tears but secured by thread.

ONLY EDITION. Hill and Barton, publishers of the *New Hampshire Patriot and Star Gazette*, accused Upham of impropriety during his time as Collector of Customs at Portsmouth and “impaired his candidacy for Governor by calling him a smuggler and a federalist” (Cohen). Upham sued for damages of \$10,000; the trial resulted in a hung jury and the case was slated for retrial at the court’s next session.

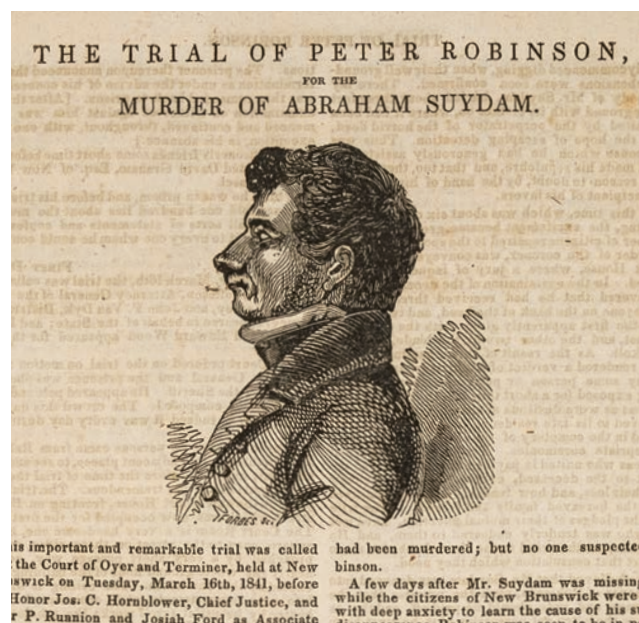
◆ OCLC locates 5 copies of this title in law libraries (Yale, Library of Congress, Harvard, University of Missouri, The Ohio State University). Cohen 12070. McCoy U236.

**A MURDER THAT MAY HAVE INSPIRED ONE OF
EDGAR ALLEN POE'S MOST FAMOUS STORIES:
MCDADE 809**

67

[Trial]; **Robinson, Peter, Defendant; Attree, William H., Reporter.** *The Trial of Peter Robinson for the Murder of Abraham Suydam, Esq., President of the Farmers' and Mechanics' Bank of New Brunswick: Containing a Very Full and Accurate Account of All the Testimony Adduced on the Trial, The Whole Having Been Carefully Taken Down as it Was Delivered: Also, The Very Eloquent and Impressive Charge of Chief Justice Hornblower to the Jury, And His Final Most Affecting Address to the Wretched Criminal on Pronouncing Upon Him the Sentence of Death: Together With a Full Account of All the Strange and Horrid Confessions of Robinson as Made to Different Persons Before His Trial, And to His Counsel and Others Since His Conviction: Sentenced to be Hung on the 16th Day of April Next.* New York: Published at the Office of the New York Herald, [c.1841]. 31, [1] pp. Woodcut portrait of Robinson at head of p. 4. Text in double columns. Octavo (9-1/2" x 6"). \$750.

Stab-stitched pamphlet bound into somewhat later three-quarter sheep over marbled boards. Light rubbing to boards, moderate rubbing to extremities with wear to spine ends and corners, front joint and hinge partially cracked but secure, a few creases and a minor tear to rear free endpaper. Moderate



Detail from N° 67

toning to interior, light foxing to a few leaves and title page, which is lightly soiled and has the remains of a mostly trimmed-away signature at the top-edge.

ONLY EDITION. This is the most detailed account of one of the most sensational American murder cases of the 1840s: the murder in New Brunswick, New Jersey, of Abraham Suydam, a banker, by Peter Robinson, one of his debtors. Robinson beat Suydam to death and buried him under the floorboards of his house. Many scholars believe this case provided the inspiration for Edgar Allan Poe's "The Tell-Tale Heart" (1843).

◆ OCLC locates 6 copies of the Herald issue in law libraries (Columbia, Harvard, Library of Congress, South Texas College of Law, University of Missouri, Yale). McDade 809.

**COPY OF AN ACCOUNT OF AN ADULTERY TRIAL
WITH AN INTERESTING VIRGINIA PROVENANCE**

68

[Trial]; **Ure, Andrew [1778-1857], Plaintiff; Chapman, Nathaniel, Editor.** *The Whole of the Proceedings, Duly Authenticated, In the Case of Divorce of Andrew Ure, M.D. v. Catharine Ure, For Adultery with Granville Sharpe Pattison. Tried in the Consistory Court at Edinburgh, On the 30th of January, 1819.* [Philadelphia: W. Fry, Printer, 1821]. [ii]; viii; [2]; [2]; 39, [1]; vi pp. Preface (viii pp.) preceding title page, signed: N. Chapman, then a statement of the printer, signed and dated 1 Sept. 1821, followed by the title page. Complete, final section (Analysis) numbered [i]-vi and not iii-viii as in Cohen. Octavo (8-1/4" x 5-3/4"). \$750.

Disbound stab-stitched pamphlet. Light toning, occasional light foxing and faint dampstaining to upper corner and top-edge not affecting legibility, light edgewear to several leaves, upper portions of half-title lacking, text unaffected, early annotations to head of half-title and ownership signature of Andrew Kean to title page.

ONLY EDITION. "This compilation was prepared by Nathaniel Chapman, a Philadelphia doctor, in order to block Granville Sharpe Pattison's academic appointment in this country. Pattison, a Scottish Anatomist, had been named co-respondent in the Ure divorce" (Cohen). Andrew Kean [1775-1837], an Irish immigrant and army surgeon in the War of 1812, was a Virginia physician employed by Thomas Jefferson and other notables. Jefferson would later (at Kean's suggestion) hire Kean's son John as the University of Virginia's first librarian.

◆ Lane, "A 'Quixotic' Exploration of Books Borrowed from UVA's First Library," *1828 Catalogue Project* (accessed online). Cohen 11459.



N° 69

AN IMPORTANT NINETEENTH-CENTURY PENNSYLVANIA JURIST

69
[Troubat, Francis (1802-1868)]. [*Portrait of Francis Joseph Troubat*]. Philadelphia?, c.1837. 29" x 24-1/4" (image size). \$4,500.

Oil on canvas in ornate nineteenth-century gilded wood frame, small plaque reading "Francis J. Troubat/ Born 1802- Died 1868" to head of frame. Some minor nicks and chips to frame, gilding slightly dulled, otherwise fine.

A PROLIFIC WRITER OF LEGAL TEXTS, Troubat is best known as the co-author, with William W. Haly, of *The Practice in Civil Actions and Proceedings in the Supreme Court of Pennsylvania, in the District Court and Court of Common Pleas for the City and County of Philadelphia, and in the Courts of the United States* (1837). This portrait belonged to the Philadelphia Bar Association. Founded in 1802, it is the oldest association of lawyers in the United States. Its library, where this portrait was last displayed, was renamed the Theodore F. Jenkins Memorial Law Library in 1967.

THE FIRST COMPILATION OF UNITED STATES CONSTITUTIONS SINCE 1787

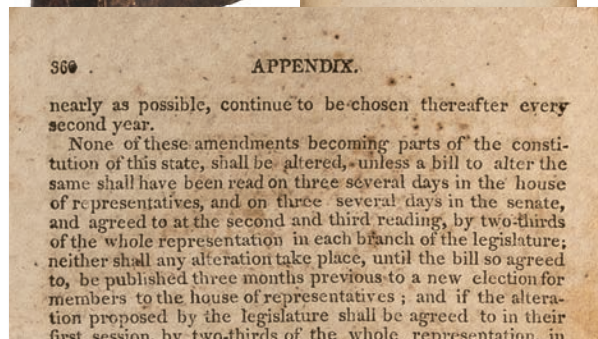
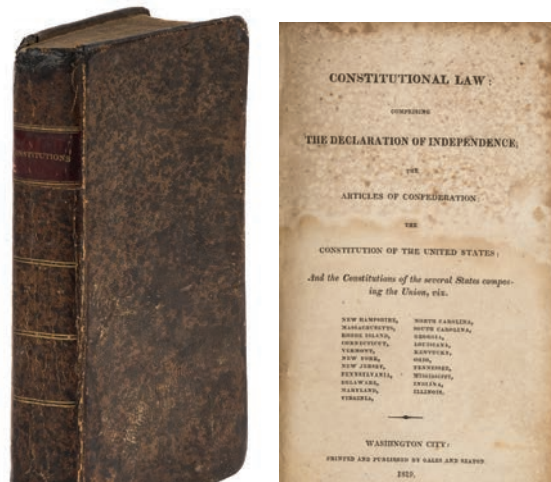
70
[United States]; [Constitutions]. *Constitutional Law: Comprising the Declaration of Independence; The Articles of Confederation; The Constitution of the United States; And the Constitutions of the Several States Composing the Union, Viz. New Hampshire, Massachusetts,*

Rhode Island, Connecticut, Vermont, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Louisiana, Kentucky, Ohio, Tennessee, Mississippi, Indiana, Illinois. Washington City [DC]: Printed and Published by Gales and Seaton, 1819. [iv], 360 pp. Pasted-in slip to foot of p. 360 containing a recent amendment to Georgia's constitution. 12mo. (6-3/4" x 4"). \$2,750.

Contemporary tree calf, lettering piece and gilt fillets to spine. Moderate rubbing to extremities, small chip to head of spine, corners bumped, hinges starting, bookplate residue to front pastedown, rear free endpaper lacking. Moderate toning and light foxing and dampstaining to interior, minor worming to first half of text block, mostly to margins, text affected in a few places with no loss to legibility.

FIRST EDITION. With an appendix containing the federal constitution and the constitutions and amendments of 21 states, including Indiana and Illinois. Federal and state amendments enacted between 1808 and 1816 are also included. This was the first compilation published in Washington. A quasi-official work, it was the first "government" compilation since the ratification of the Federal constitution. Later editions were published in 1820, 1822 and 1823.

◆ All editions are scarce. OCLC locates 5 copies of the first edition in law libraries (Duke, Georgetown, Harvard, Library of Congress, William and Mary). Cohen 3013.



Details from N° 70

**COPY OF THE FINAL ANTEBELLUM EDITION
OF VIRGINIA STATUTES WITH A DOCUMENT
CONCERNING THE CUSTODY OF
AN ENSLAVED PERSON**

71

[Virginia]. *The Code of Virginia: With the Declaration of Independence and Constitution of the United States; And the Declaration of Rights and Constitution of Virginia. Published Pursuant to an Act of the General Assembly of Virginia, Passed on the Fifteenth Day of August 1849.* Richmond: Printed by William F. Ritchie, Public Printer, 1849. xxxi, 898 pp. Octavo (9-1/2" x 5-3/4"). \$950.

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

THIS WAS THE LAST EDITION of Virginia's statutes published before the Civil War. The document affixed to the front pastedown of our copy is a warrant by John H. Tabb of Gloucester County charging a County Justice of the Peace to "confine in jail for safekeeping a negro slave John." It is signed in pencil by JP Wm K. Smith; an address on its verso reads "Jailer of Gloucester County." This document may have been added to our copy to serve as a model form for this procedure. The book may have been owned by Virginia plantation owner William Kennon Perrin [1784-1855] or his son of the same name [1834-1904].

◆ William K. Perrin Papers, Special Collections Research Center, Swem Library, College of William and Mary. Babbitt 593.

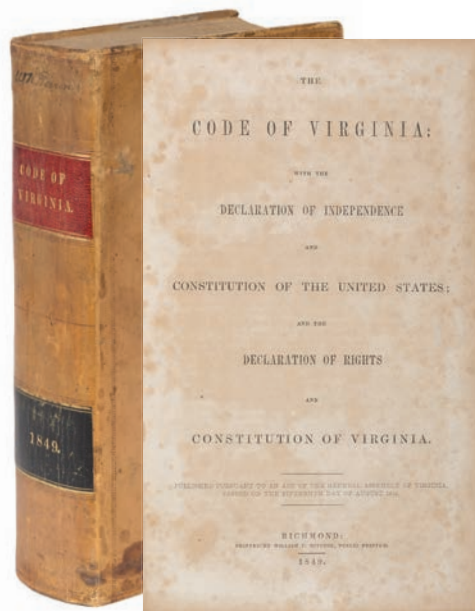
**A COPY OF DANIEL WEBSTER'S FIRST PUBLICATION
OWNED BY ONE OF HIS PROFESSIONAL
AND POLITICAL ASSOCIATES**

72

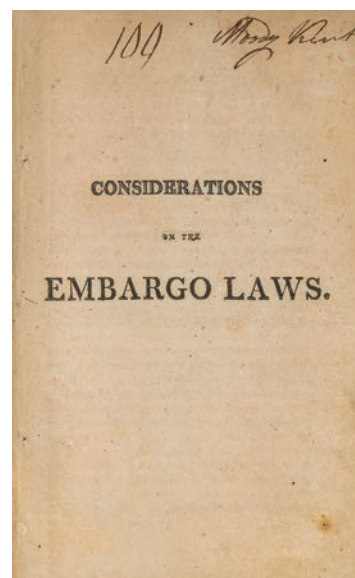
[Webster, Daniel (1782-1852)]. *Considerations on the Embargo Laws.* [Boston, 1808]. 16 pp. Octavo (9-3/4" x 5-3/4"). \$750.

Stab-stitched pamphlet in recent plain wrappers. Moderate toning, light foxing to a few leaves, "109" and early owner signature of Moody Kent to head of title page.

ONLY EDITION. This was Webster's first publication, written when he was 26. It expresses the opposition of New England Federalists to the Embargo Act of 1807, which prohibited American ships from trading in foreign ports. Devised by President Jefferson, this act was intended to



Nº 71



Nº 72

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 other states that depended on maritime trade. Webster argues that the embargo is unconstitutional because Congress only has the power to regulate commerce. It does not have the power to stop it.

Moody Kent [1779-1866] was a successful lawyer and leading citizen who practiced in Deerfield and Concord, New Hampshire. A lifelong bachelor, he was a notable philanthropist who left a large part of his estate to the New Hampshire Asylum for the Insane. Kent, Webster and Webster's brother, Ezekiel, also a lawyer and politician, were professional and political associates.

◆ See Webster, *The Writings and Speeches of Daniel Webster* 16:25, 32, 33. Sabin 102257. Cohen 7560.



Nº 73

INCLUDES EARLY COMMENTARIES ON THE U.S. CONSTITUTION BY ONE OF ITS FRAMERS

73

Wilson, James [1742-1798]; Wilson, Bird [1777-1859], Editor. *The Works of the Honourable James Wilson, L.L.D. Published Under the Direction of Bird Wilson, Esquire.* Philadelphia: At the Lorenzo Press, 1804. Three volumes. xvi, 467; vi, 497; iv, 439 pp. Volume I has a copperplate engraved portrait of James Wilson with a tissue guard. Octavo (8-1/4" x 5"). \$8,500.

Contemporary sheep, blind fillets and red and black morocco gilt lettering pieces to spine, small embossed owner stamp, "D.A. Smalley," to centers of front boards. Light rubbing, a few faint stains and minor scuffs to boards, moderate rubbing to extremities, corners bumped and somewhat worn, front joint of Volume I just starting at head, owner signature

("T.C. Aylwin," dated 1856) to front pastedowns, foxing and dampstaining to frontispiece, foxing and offsetting to title-pages. Moderate toning, light foxing and offsetting to text throughout set, light dampstaining in top corner of most leaves in second volume, wear and toning along edges of pp. (67)-70 in third volume, "D.A. Smalley" to title pages. A handsome set with an interesting provenance.

FIRST EDITION. Wilson was one of the most influential delegates to the Federal Constitutional Convention and one of the six founders who signed both the Declaration of Independence and the U.S. Constitution. He was also the principal author of the Pennsylvania Constitution, a professor of law and an associate justice of the United States Supreme Court.

Compiled and edited by his son, the *Works* consist mostly of lectures on American law delivered at the College of Philadelphia in 1790 and 1791. Wilson intended to revise

them and publish them as a treatise, but death intervened. As published, they cover several aspects of public and private law, such as the common law, general principles of the law of nations and the law of nature, crime, obligations and property. Other lectures are some of the earliest commentaries on the U.S. Constitution. The texts of several important speeches, including several concerning the Constitution, are also included.

One of the owners of this set was Thomas Cushing Aylwin [1806-1871], a renowned Canadian trial lawyer, judge and politician. "D.A. Smalley," another owner, is probably David Allen Smalley [1809-1877], a Vermont lawyer, judge and politician who was chairman of the Democratic National Committee from 1856 to 1860 and a judge of the United States District Court for the District of Vermont from 1857 to 1877.

♣ Cohen 2309. Sabin 104632.

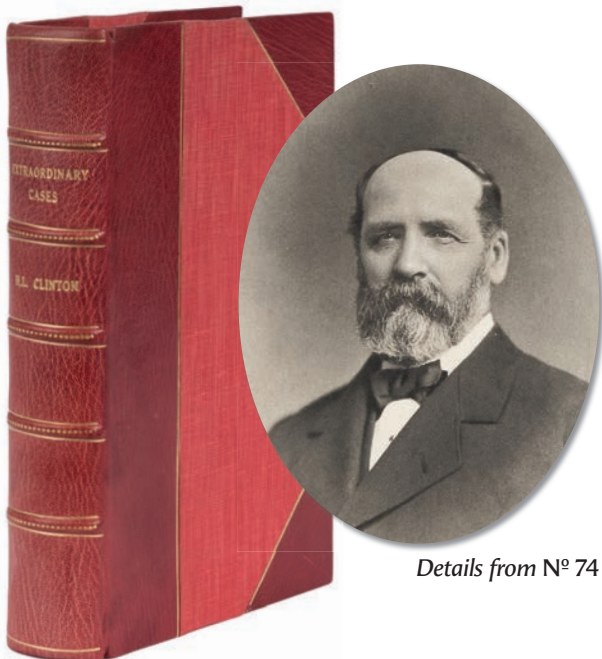
1861-1900

"EXTRAORDINARY CASES" OF A NOTABLE NINETEENTH-CENTURY LAWYER

74

Clinton, Henry Lauren [1820-1899]. *Extraordinary Cases.* New York: Harper & Brothers, 1896. ix, 403 pp. With a tissue-guarded portrait frontispiece of Clinton. Octavo (8-1/4" x 5-1/4"). \$650.

Contemporary three-quarter morocco over cloth boards, gilt rules to morocco edges, gilt-edged raised bands, gilt fillets



Details from N° 74

and author name and title to spine, marbled endpapers, top-edge gilt, fore and bottom-edges untrimmed. Light fading to spine. Light toning to interior, lower corner of pp. 141-142 lacking without loss to text. A handsome copy.

FIRST EDITION. Clinton was a notable nineteenth-century lawyer. He was one of the prosecutors of William "Boss" Tweed and one of the defense attorneys in the murder trial of Richard Croker, and was later counsel in a number of important contested will cases. Here, he chronicles twenty-nine cases which he felt were curious or exceptional.

♣ HLC I:403.

A CLASSIC TREATISE ON U.S. TAX LAW BY THE LEADING AMERICAN JURIST OF THE LATE NINETEENTH CENTURY

75

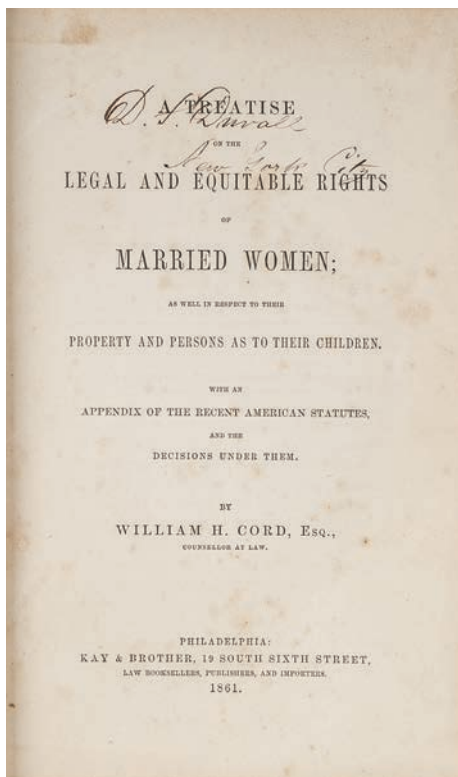
Cooley, Thomas M. [1824-1898]. *A Treatise on the Law of Taxation: Including the Law of Local Assessments. Greatly Enlarged.* Chicago: Callaghan and Co., 1886. lxxxviii, 991 pp. Octavo (9-1/4" x 5-3/4"). \$950.

Original sheep, blind rules to boards, raised bands, blinds fillets and red and black lettering pieces to spine. Minor nicks and scuffs to boards, moderate rubbing to extremities, front joint just starting at foot, hinges cracked, offsetting to margins of endleaves, small bookseller stamp (T.M. Flood) to front free endpaper. Moderate toning to interior, light foxing to a few leaves. A remarkably well-preserved copy.

SECOND EDITION. This treatise was first published in 1876. A standard work for decades, its final edition, the fourth, was published in 1924. Its success can be attributed in part to its holistic view of its subject. As noted in a contemporary review of the second edition in the *Western Jurist*, it "is not a mere treatise upon tax titles, but is rather a profound statesman-like and judicial treatise upon the sources of the power of taxation, and the proper subjects upon which it may be exerted, as well as the legitimate mode of its exercise. Judge Cooley has discussed the various questions connected with the subject, in the light of principle, and has presented with clearness and cogency, the reasons underlying them, as well as the authorities in their support."

Cooley was the leading American jurist of the late nineteenth century. He was one of the first three professors in the law department of the University of Michigan, one of the justices of the Michigan Supreme Court and the author of several important treatises, among them *A Treatise on the Constitutional Limitations* (1868).

♣ *Western Jurist* 10 (1876) 255. HLC I:460.



Nº 76

AN IMPORTANT EARLY AMERICAN TREATISE ON THE LEGAL RIGHTS OF MARRIED WOMEN

76
Cord, William H. *A Treatise on the Legal and Equitable Rights of Married Women; As Well as in Respect to Their Property and Persons as to Their Children. With an Appendix of the Recent American Statutes, And the Decisions Under Them.* Philadelphia: Kay & Brother, 1861. xxvi, 796 pp. Octavo (9-1/4" x 5-3/4"). \$650.

Original law calf, blind rules to boards, early embossed owner stamp (D.S. Duvall) to front board, red and black lettering pieces to spine, blind tooling to board edges. Light rubbing and a few nicks and scuffs to boards, gatoring to spine, small chip to head of spine, front joint partially cracked, corners bumped and lightly worn, hinges starting. Light toning to interior, light foxing in places, owner signature (D.S. Duvall/New York City) to head of title page.

FIRST EDITION. Cord's was the first American treatise on the rights of married women since the publication of the second edition of the first treatise on the subject, Tapping Reeve's *The Law of Baron and Femme* (1846, first edition 1816). It records the significant gains made by married women under the law by 1861: between 1844 and 1860, twenty-one states had enacted legislation expanding the rights of married women. A second edition of Cord's treatise was published in 1885.

◆ HLCI:467.



Nº 77

JEFFERSON DAVIS IN 1861—AND 1863

77
[Davis, Jefferson (1808-1889)]; Johnson, D[avid] C[laypoole] [1799-1865]. *Jeff Davis, After the Fall of Fort Sumter, 1861/ Jeff Davis After the Fall of Fort Sumter 1863.* Boston: Designed and Published by D.C. Johnston, Studio Building, Tremont St., [1863]. \$950.

4-1/2" x 2/4" lithographed mechanical (metamorphic) slide card. Negligible light soiling, tiny tear to lower outside corner without loss. A well-preserved piece of Civil War ephemera.

ONE IMAGE SHOWS a smiling Jefferson Davis "After The Fall of Fort Sumter, 1861." A slight pull of the slide tab at the bottom of the card transforms Davis's face into a scowling grimace with the caption: "After The Fall of Fort Sumter, 1863." The card is not entirely accurate, which suggests it was printed before Union forces attacked the fort on September 8, 1863. It was reduced to rubble, but it wasn't recaptured.

Johnson was an important American cartoonist, printmaker, painter and actor. Along with mechanical cards, he is known for his caricatures, cartoons, portraits of notable American and British actors.

◆ This is a rare item. OCLC locates 4 copies (Miami University, Syracuse University, University of Michigan, University of Virginia).

PRESENTATION COPY INSCRIBED BY HOLMES

78

Holmes, Oliver Wendell, Jr. [1841-1935]. *Speeches*. Boston: Little, Brown, and Company, 1891. [v], 55 pp. Octavo (8-1/4" x 5-1/2"). \$2,500.

Original cloth, title in gilt to front board, top-edge gilt, deckle fore and bottom-edges. Light soiling and some discoloration to boards, spine darkened, rubbing to extremities with some wear to spine ends and corners, light toning to interior, faint dampstaining to upper corner of text block and rear board, light foxing to a few leaves. Presentation inscription ("Mrs. Hill/From the Author") from Holmes, clipped from shipping envelope, tipped-in to front free endpaper. Book housed in a custom clamshell box, quarter morocco over cloth, raised bands and gilt title to spine.

FIRST EDITION. Holmes published two subsequent editions of this work, adding later speeches, but the 1891 version is the most elegantly printed of the three. This volume includes several of Holmes's memorable addresses, such as his 1886 lecture at Harvard on "The Profession of Law," his 1895 Memorial Day address at Harvard, "A Soldier's Faith," as well as speeches on John Marshall and "The Puritan."

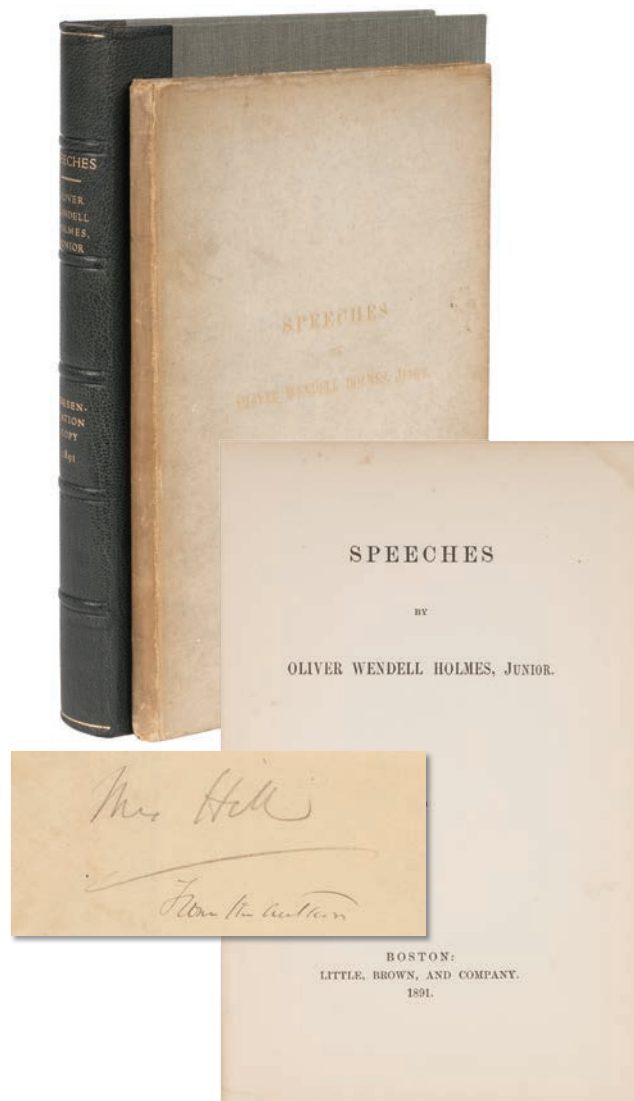
Holmes dedicated these "chance utterances of faith and doubt" to "a few friends who will care to keep them." One of those friends was Mrs. Caroline Hill, who acknowledged the gift in an October 21, 1891 letter to Holmes. She also expressed thanks "for intellectual suggestion in the old time & more for your interest in my boy in these days." That boy, Arthur Dehon Hill, became a lawyer, a professor of law at Harvard and a member of the State Street firm of Hill, Barlow Goodale & Wiswall. Copies of the first edition of *Speeches* were sealed in shipping envelopes. Holmes inscribed the envelopes of copies intended for presentation and, in many cases, added names of recipients at a later date. This seems to be the case with Mrs. Hill's copy: "Mrs. Hill" is written in pencil in a large hand over a flourish; "From the Author" is in a small hand in ink. A copy of Hill's letter and a brief biography of Arthur Hill are enclosed in a folder in the clamshell box.

COMPLETE RUN OF THE IMPORTANT JOURNAL THAT PUBLISHED HOLMES'S FIRST LEGAL WRITINGS

79

[Journal]. *The American Law Review*. Boston: Little, Brown, and Co., St. Louis: Review Publishing Company, 1866-1929. Issued bimonthly, 1883-1929; quarterly, 1866-1879; monthly, 1880-1882. 63 volumes (in 63 books). All issued. Octavo (9" x 6"). \$2,500.

Later library buckram, lettering pieces and black-stamped volume numbers, dates and library name (Rochester Appellate Division) to spine, endpapers renewed. Light shelfwear, library markings to endleaves. Moderate toning, some leaves have minor stains and marks to leaves, Volumes



Details from N° 78

5, 29 and 34 have a detached page. Volume 63 lacking title page. An uncommon complete set.

THE AMERICAN LAW REVIEW was probably the most sophisticated and rigorous legal journal of its day. Among its distinctions, it was the journal that published Oliver Wendell Holmes's first legal writings. Holmes was later one of its editors. Here is an assessment from an unsigned 1870 article in the *Albany Law Journal*: "Besides dignified and elaborately prepared articles upon legal topics, it contains a digest of English law reports, and selected state reports, book notices, a list of law books published in England and America, and a summary of events covering every state and England, with occasionally other foreign countries. We are particularly pleased with its book notices, which are fearless and impartial. (...) There is a manly, vigorous tone about the *Review*, which has earned for it a large measure of influence, and its value to lawyers as an organ worthy to represent them, can hardly be over-stated."

◆ *The Albany Law Journal*, December 10, 1870, 449.



Nº 80

**ONE OF THE MOST
IMPORTANT AMERICAN
LEGAL PERIODICALS OF ITS DAY**

**COMPLETE RUN OF A NOTABLE
NINETEENTH-CENTURY JOURNAL WITH
SEVERAL ARTICLES OF ENDURING VALUE**

80
[Journal]; Fuller, Horace W., Editor. *The Green Bag*. Boston: The Boston Book Company. Vol. 1 No. 1. January, 1889 to Vol. 10 No. 12. December, 1898. Ten volumes. Illustrated throughout with plates, photographs and engravings, *General Index to Vols. I to X. (1889 to 1898) of The Green Bag* at rear of Volume X. Quarto (10-1/2" x 8"). \$2,000.

81
[Journal]; [Thompson, Isaac Brent, Editor]; [Brown, Irving, Editor]. *The Albany Law Journal: A Weekly Record of the Law and the Lawyers*. Albany: Weed, Parsons & Co., January 1870-January 1909 (Imprint date December 1908). 70 volumes, each with index, text printed in double columns. All issued. Octavo (11" x 7-1/2"). \$1,750.

Contemporary three-quarter morocco over marbled boards, raised bands, gilt titles to spines. Moderate shelfwear and scuffing, two diagonal cracks to upper portion of front board of Volume X, internally clean. A very attractive and uncommon run of this periodical.

Later library buckram, lettering pieces and black-stamped volume numbers, dates and library name (Rochester Appellate Division) to spine, endpapers renewed. Light shelfwear, library markings to endleaves. Moderate toning, some leaves have minor stains and marks to leaves, some volumes have cracks to text blocks.

THE GREEN BAG was one of the most important American legal periodicals of its day. Published monthly until December 1914 (Vol. 26, No. 12), it provides colorful anecdotes, humorous verse, curious cases and other diversions. It is also a useful resource for the legal historian, offering book notices and reviews, biographies of contemporary legal figures based on first-hand accounts, obituaries, studies of current events, professional notices, profiles of law schools throughout the United States and other important source materials. F.W. Maitland, Louis Brandeis and Theodore Dwight are among the many important jurists who contributed to this journal. Well-designed and handsomely produced, it is a pleasure to read and handle these volumes.

AS SURRENCY NOTES, many articles in this journal "have an enduring quality which makes them enjoyable reading even today. Several historical articles are invaluable as a source of legal history of New York. Generally each issue began with a page or two of current topics reporting on amusing and human tragedies as revealed in the court room. It is only in the pages of such journals that bizarre behaviors are found. For example, the defendant who invited the jury over for a meal after being acquitted in Des Moines, Iowa, would never be recorded in any other legal literature. Full texts of decisions as well as digest are printed from many of the state courts. The book review shows a perception of legal literature that subsequent reviewers have

◆ Marke 1160.



Detail from N° 81

not shown.... One can only admire the work of the editor who kept this publication going for those years. Certainly, the two editors should receive greater recognition in legal literature for their contributions. Issac B. Thompson and Irving Browne were authors with literary flair rarely found in the legal profession. Their articles were vigorous, graceful and often elegant.”

◆ Surrency, *A History of American Law Publishing 192-193*. HLCI:26.

THE FINAL EDITION OF KENT'S COMMENTARIES

82

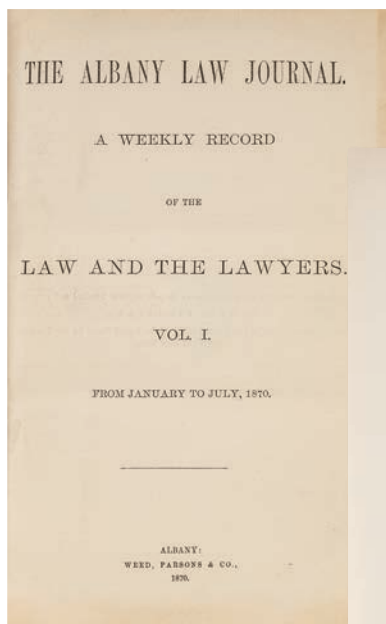
Kent, James [1763-1847]; Gould, John M. [1848-1909], Editor; Holmes, Oliver Wendell, Jr., Editor. *Commentaries on American Law. Fourteenth Edition.* Boston: Little, Brown & Co., 1896. Four volumes. Octavo (9-1/2" x 6"). \$1,500.

Original cloth, blind frames to boards, red and black lettering pieces to spines. Light soiling and shelfwear, a few minor

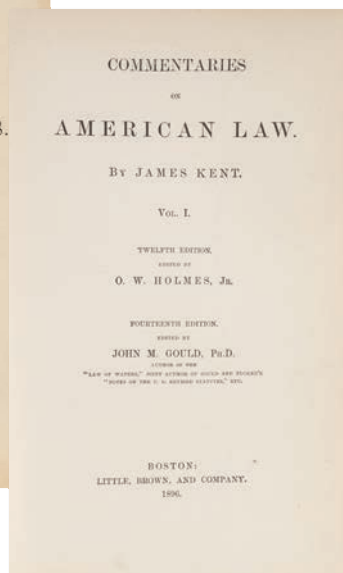
stains to boards, light edgewear and a few nicks to lettering pieces, spine ends bumped. Light toning to interiors, light soiling to a few leaves in each volume, a few cracks to text blocks of Volumes I and II, faint dampstaining to margins of Volume I. A handsome set.

FINAL EDITION. Based on the 12th edition by Holmes, all of his notes retained. Kent's *Commentaries* is probably the single most important interpretation of American law. Writing in 1847, Marvin ranked it above Blackstone and observed that it contains “not only a clear statement of the English law, with all the alterations that have taken place since the time of Blackstone, but a full account of the main principles of Equity, also, a review of the modifications engrafted on the English law by the different states of the Union.” Marvin's latter observation points to the significance of this landmark work. Published at a time when there was significant opposition to English law, Kent's *Commentaries* established it in a manner that appealed to the majority of influential American jurists and legislators.

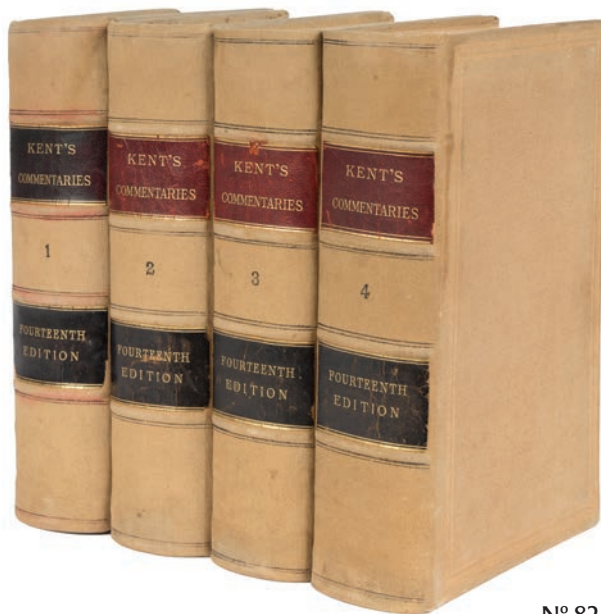
◆ Marvin 438. HLCI:1088.



N° 81



N° 82



N° 82



CLASS PORTRAIT OF THE UNIVERSITY OF MICHIGAN LAW SCHOOL CLASS OF 1893

83

[Law Schools]; [University of Michigan]. *University of Michigan, Law Class of 1893*. [Ann Arbor, c.1893]. \$1,200.

16" x 21-1/2" class composite photograph on 22" x 26" illustration board with printed text, recently backed with masonite board. Light toning and soiling, a few creases to image, a few stains, cracks and creases to margins, some chipping to edges, a few chips repaired.

THIS CHARMING CLASS PORTRAIT depicts 11 faculty members, 319 students and the law school building. The images of the students are numbered. Each number corresponds to a name on the list of students below the image. Two are female (Eva Jane Akers, Mary E. Benson), and six are African American, all men (C.W. Scrutchin, W.C. Swan, L.C. Jones, S.D. Blair, R.J. Willis, Benjamin F. Lester). A number went on to prominent careers in law. Charles William Scrutchin [1867-1930] became a criminal lawyer practicing in Bemidji, Minnesota, the first Black lawyer to practice in the state



Nº 83

outside of Minneapolis. William C. Swan, Robert J. Willis and Benjamin F. Lester remained in Michigan. All three practiced in Detroit, joining a number of educated Black people who migrated to the city in the 1880s and 1890s in search of economic, social and professional opportunity (Katzman).

◆ For more information about this class see "Directory of the Law Class of 1893," *Yearbooks & Class Year Publications* https://repository.law.umich.edu/class_pubs/42. Katzman, *Before the Ghetto: Black Detroit in the Nineteenth Century* 65.

FIRST AMERICAN EDITION OF ANCIENT LAW

84

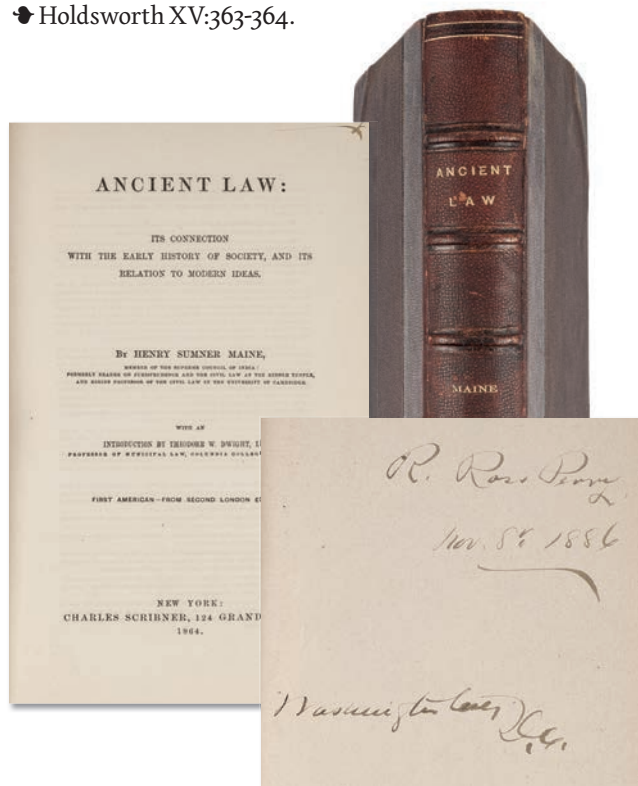
Maïne, Henry Sumner [1822-1888]; Dwight, Theodore W. [1822-1892], Introduction. *Ancient Law: Its Connection with the Early History of Society, And its Relation to Modern Ideas*. New York: Charles Scribner, 1864. lxxix, 400 pp. Octavo (8-1/2" x 5-3/4"). \$650.

Three-quarter morocco over pebbled cloth, raised bands and gilt title, "R. Ross Perry", to foot of spine, edges rouged, patterned endpapers. Light rubbing to boards, moderate rubbing to extremities, hinges cracked. Moderate toning to interior, Perry signature and inscription, "Nov. 8th 1886/ Washington D.C.," to front endleaf, small stain and Perry signature, mostly trimmed away, to title page.

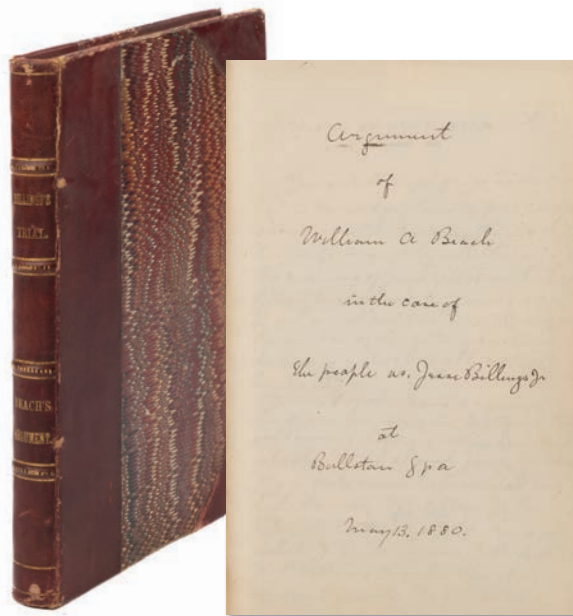
FIRST AMERICAN EDITION, from the second London edition (1863). "Maïne indicates the place in the development of a legal system of such agencies as legal fictions and equity. He explains the history of the concept of a law of nature; and in his account of the contrast between primitive and modern society—between the place which the law of persons occupies in primitive and modern law—he comes to the famous conclusion that the government of progressive societies has been from status to contract" (Holdsworth).

R. Ross Perry [1846-1914] was a Washington, DC, lawyer, Georgetown Law School professor and the author of a notable treatise, *Common-Law Pleading: Its History and Principles* (Boston, 1897).

◆ Holdsworth XV:363-364.



Details from N° 84



N° 85

MANUSCRIPT RELATING TO A SENSATIONAL MURDER CASE IN BALLSTON SPA, NY

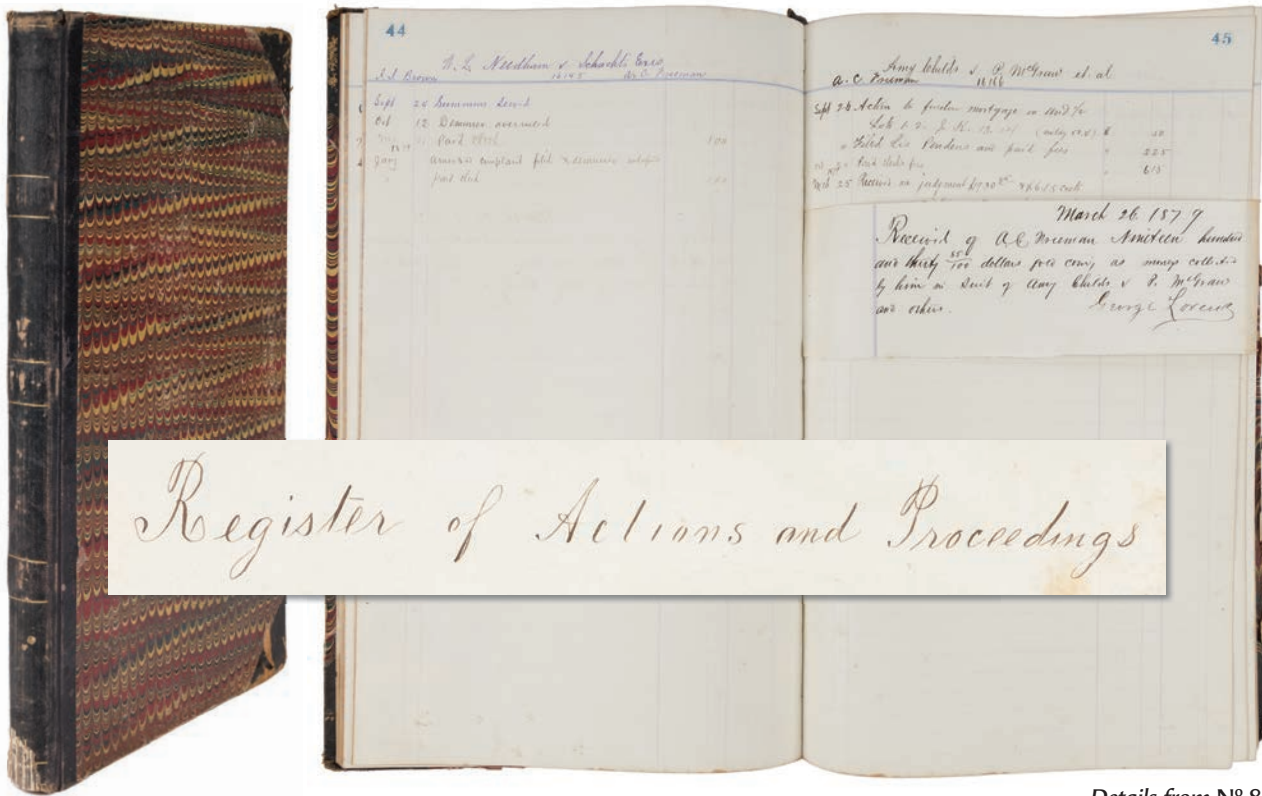
85

[Manuscript]; [Billings, Jesse, Jr.]; [Beach, William A.]. *Billings Trial, Beach's Argument* [Spine Title]. [Ballston Spa, NY, 1880]. [v], 252 ff. Octavo (8-1/4" x 5-1/4"). \$1,000.

Contemporary three-quarter calf over marbled boards, raised bands and gilt title and fillets to spine, marbled endpapers. Moderate rubbing to extremities, corners bumped and somewhat worn, front hinge cracked. Moderate toning to interior, text to rectos in neat hand.

BILLINGS, a wealthy and influential businessman in Saratoga County, NY, was accused of murdering his wife in 1878. There was a large body of evidence that showed he was the murderer. What's more, he had motives for the act: his marriage had been acrimonious for decades and he appeared to have a mistress. (Devout Methodists, Billings and his wife were forbidden by church edict to get a divorce.) Billings was tried twice. The first trial, in 1878, ended with a hung jury; the second, in 1880, ended with an acquittal. It is clear that Billings escaped justice due to his wealth, social clout and first-class legal defense.

A sensational case with elements of intrigue, marital strife, wealth, power and adultery, it was given a fair amount of press coverage. However, it produced little documentation. There is a printed version of the final prosecution's final argument in the first case (Albany, 1879) and a multi-volume manuscript account of both trials compiled by the prosecutor from shorthand records, which is held by Cornell Law School. Our manuscript, which contains the defense's final argument in the second case, along with a brief summary of the trial, appears to be from a similar multi-volume manuscript compiled by another lawyer involved in the case.



Details from N° 86

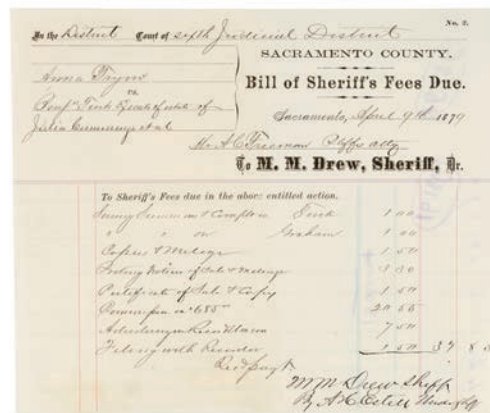
**AN INTERESTING PIECE
OF CALIFORNIA LEGAL HISTORY**

86
[Manuscript]; Freeman, Abraham Clark [1843-1911]. *Register of Actions and Proceedings*. Sacramento County, CA, 1877-1880. 244 pp. Folio (13" x 7-3/4"). \$2,500.

Contemporary three-quarter sheep over marbled boards, gilt fillets to spine, marbled edges. Light rubbing to boards, dampstain to rear board, heavier rubbing to extremities with some wear to spine ends and corners, chip to foot of spine, joints starting very slightly at head, hinges starting, slight offsetting to corners affecting first two leaves, contemporary handwritten title reading "Register of Actions and Proceedings" to front pastedown. Light toning to interior, occasional light foxing, minor spots and stains in a few places. Text in single legible hand, related documents tipped or laid in at several places.

FREEMAN was an influential California lawyer and author. After coming to California from Illinois in 1861, he settled in Sacramento County and received his law license three years later. In the 1870s he wrote a number of legal works, including *A Treatise on the Law of Judgements*, the first national treatise written or published in California and still highly regarded today. He was also a member of California's Constitutional Convention of 1878-1879 and took an active interest in legal reform in the state.

In this register he lists legal cases in which he was involved during his years in private practice. Nearly all are civil, and some involve noted California citizens such as the banker D.O. Mills or the businessman Sam Brannan. Several receipts and case-related documents are laid in. These include a postcard addressed to Freeman from an E.M. Marsham and a receipt for a \$702 money order from Wells Fargo dated 1879 related to the settling of a foreclosure.



N° 86

**JEALOUSY, FRAUD, ACCUSATIONS
AND MURDER: MCDADE 919**

87

[Murder]; [Stokes, Edward S. (1841-1901)]; [Fisk, James, Jr. (1835-1872)]. *Life, Adventures, Strange Career, And Assassination of Col. James Fisk, Jr. The Fisk-Stokes Tragedy. All about Miss Mansfield. Those Rich, Rare, And Racy Letters and Many Oddities Now for the First Time Made Public.* Philadelphia: Published by Barclay & Co., [1872]. [ii], [19]-111, [1] pp. 12 full-page engraved woodcuts. Complete. Octavo (9-1/4" x 5-3/4"). \$1,500.

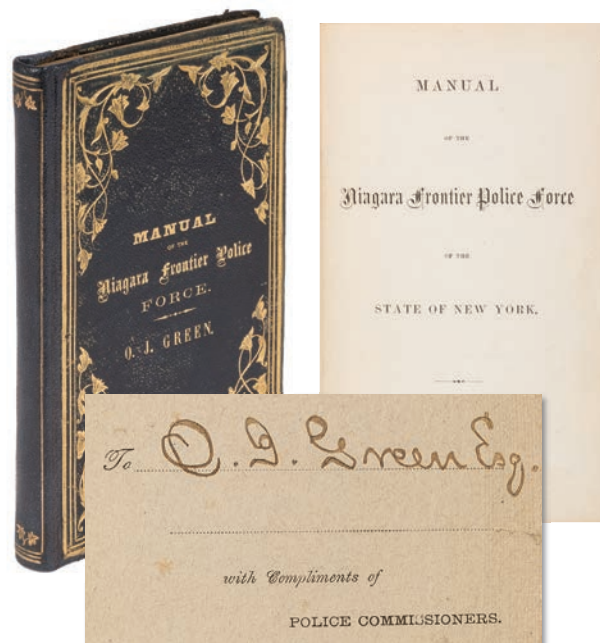
Stab-stitched pamphlet in pictorial wrappers. Binding slightly cocked, light soiling, rubbing to corners with light wear, spine ends abraded, wrappers just beginning to detach at ends. Moderate toning, light foxing to a few leaves.

ONLY EDITION. "Jim Fisk...was a financial wonder in New York in 1872. Edward Stokes had been associated with him in the oil business, but they had become engaged in a bitter legal battle which originated when Stokes stole Fisk's mistress, Josie Mansfield. In retaliation Fisk had charged Stokes with embezzling oil company funds; Stokes replied with a charge of false imprisonment. Then Mansfield threatened to publish letters from Fisk revealing some of his transactions. On January 5 an injunction was issued restraining the publication of the letters; on the next day Josie Mansfield was exposed to a humiliating cross-examination in police court on her relations with Fisk. Stokes, in a rage, followed Fisk to the Broadway Central Hotel where he shot him on the stairs. After two trials the state could only convict Stokes of third-degree manslaughter" (McDade, annotation to 917).

◆ OCLC locates 11 copies, 2 in law libraries (Library of Congress, Yale). McDade 919.



Nº 87



Details from Nº 88

**A NOTABLY HANDSOME PRESENTATION COPY OF
THE MANUAL OF THE FIRST FORMAL POLICE FORCE
OF BUFFALO, TONAWANDA AND WHEATFIELD**

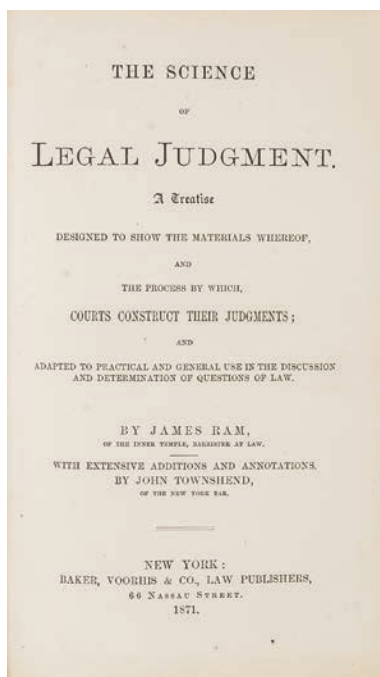
88

Niagara Frontier Police District. *Manual of the Niagara Frontier Police Force of the State of New York.* Buffalo: Thomas, Howard & Johnson, 1867. 181 pp. 12mo. (6-1/4" x 3-3/4"). \$1,500.

Contemporary morocco, expertly rebacked, gilt frames to boards, gilt title to front board, gilt edges, hinges mended, "O.J. Green" gilt-stamped below title. Moderate rubbing to extremities with some wear to corners, printed presentation inscription ("To [O.J. Green Esq.] with Compliments of Police Commissioners," "O.J. Green Esq." completed in manuscript) to front pastedown. Light toning to text, slightly heavier in places, light toning to a few leaves. A handsome presentation copy of a rare work.

ESTABLISHED BY the N.Y. State Legislature in 1866, the Niagara Frontier Police Department was the first formal police force in the region. Its jurisdiction encompassed the entire Niagara Frontier, which at the time consisted of Buffalo, Tonawanda and Wheatfield. This manual of rules and regulations was issued to policemen and other officers. It offers an excellent overview of the force and its mission, along with a good deal of information about Buffalo and its neighboring areas in the 1860s. Our copy, probably one of several bound ornately for presentation, belonged to Obadiah J. Green [1810-1887], a prominent local attorney, politician and member of the Board of Police Commissioners.

◆ OCLC locates 3 copies (Buffalo and Erie County Public Library, Buffalo History Museum, Cornell University).



Nº 89

“THERE IS NOT A MORE USEFUL LAW BOOK”

89

Ram, James [1793-1870]; Townshend, John [b.1819], Editor. *The Science of Legal Judgment. A Treatise Designed to Show the Materials Whereof, And the Process by Which, Courts Construct Their Judgments; And Adapted to Practical and General Use in the Discussion and Determination of Questions of Law. With Extensive Additions and Annotations by John Townshend, Of the New York Bar.* New York: Baker, Voorhis & Co., Law Publishers, 1871. 456 pp. Octavo (9" x 5-3/4"). \$500.

Contemporary sheep, blind frames to boards, raised bands, blind fillets and red and black lettering pieces to spine, blind tooling to board edges. Light rubbing and a few minor nicks and scuffs to boards, moderate rubbing to extremities with wear to spine ends and corners, joints starting at ends, front hinge cracked, illegible early owner signature, bookseller stamp (Rees, Welsh & Co., Philadelphia) and later owner stamp of Benjamin A. Maslan to front pastedown, embossed bookseller stamp (of Bourquin & Welsh, Philadelphia) to front free endpaper. Moderate toning to interior, light foxing in a few places, offsetting and minor chipping to edges of endleaves.

FINAL AND BEST EDITION. First printed in London in 1834, this work was reissued in Philadelphia in 1835. As indicated by an anonymous review of the 1835 issue in the *American Law Journal*, this was a well-received work: “There is not a more useful law book.... It is brief yet comprehensive, concise yet clear. Its composition must have cost the author infinite research, and there is not a page which does not

convey information necessary to be known by every member of the profession.” Townshend added an appendix of related texts, an index and citations to later English and American reports, which are enclosed in brackets.

Maslan [1901-1979] was a prominent Seattle attorney and bibliophile who created an important collection of Bibles that was later donated to the American Jewish University, Los Angeles.

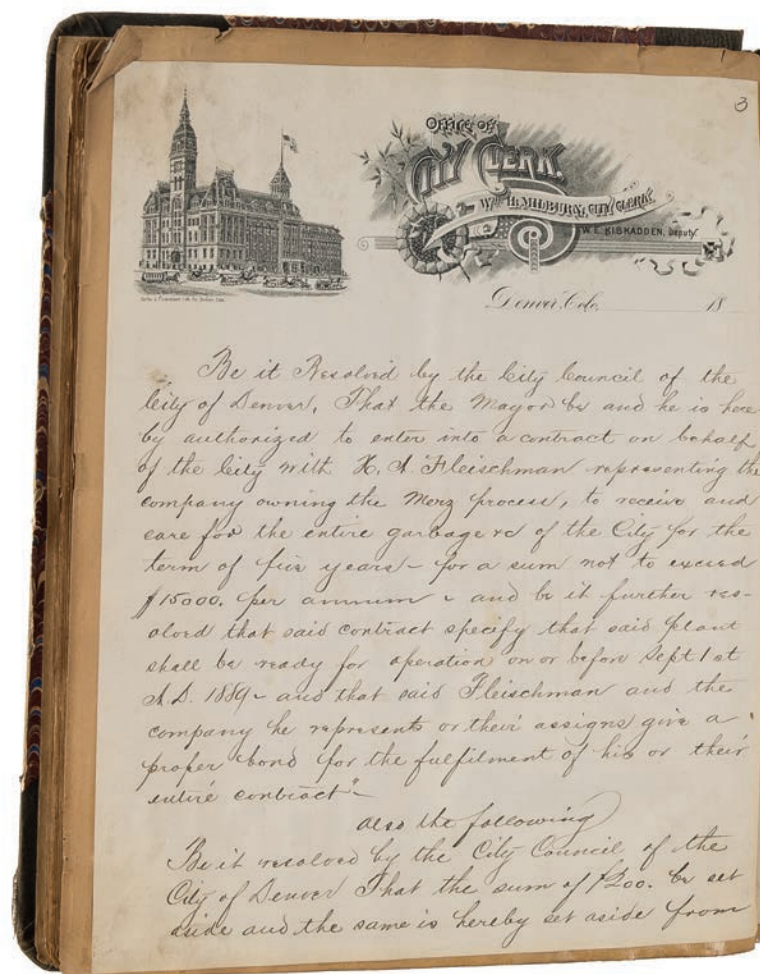
♥ *American Law Journal* cited in Marvin, *Legal Bibliography* 597. This edition not in the HLC or Sweet & Maxwell.

A FASCINATING LOOK AT DENVER
IN ITS EARLY DECADES

90

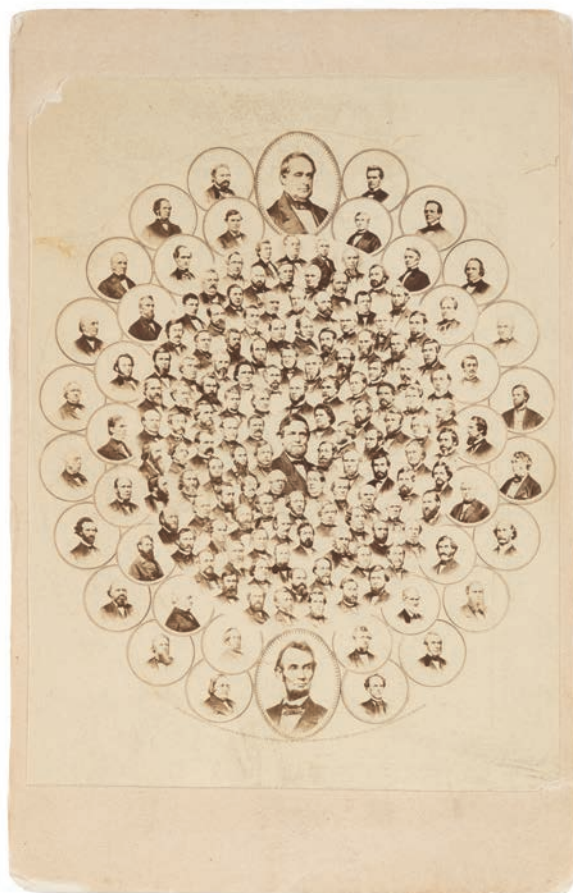
[Scrapbook]; [Denver City Council]. *Resolutions Passed by City Council* [cover title]. [Denver, 1888-1889]. [100] pp. A few documents laid in. Quarto (11-1/4" x 9"). \$2,500.

Three-quarter pebbled cloth over marbled paper boards, “Scrap Book” gilt-stamped to spine. Binding slightly cocked, moderate rubbing to boards, somewhat heavier rubbing to extremities with some wear to board edges and corners,



which are bumped. Documents affixed to rectos and versos of first 64 pages. Light toning and edgewear to contents, light browning, edgewear and occasional chipping to scrapbook leaves, light toning, edgewear and occasional creases to documents.

THIS SCRAPBOOK provides a fascinating look at Denver, Colorado, when it was about 30 years old. (The city was established in November 1858.) In 1888-1889 its mayor was the colorful Wolfe Londoner [1842-1912], a former dry-goods merchant who was elected by a campaign that turned to ballot stuffing and vote-buying. Most of the documents in this scrapbook are council resolutions, some of them appropriating sums of \$250 to \$500 to entertain various conventions for firemen, pharmaceutical salesmen and other visitors. Mayor Londoner, one of the leading entertainments in the city, took some of this money. An example from Denver's 1899 Festival of Mountain and Plain suggests why he was such a draw: "Thursday, the Masquerade, was Wolfe Londoner's day and the people's, with Wolfe as director and star comedian. Wolfe is an autumn daisy, who banks his reputation partly on his resemblance to Cupid in top boots and gray mustache, partly on the after-dinner speeches with which he regales his newspaper chums, but mainly on the wine cellar that props up his store."



Nº 91

c.1865 CARTE-DE-VISITE OF THE FRAMERS AND SUPPORTERS OF THE 13TH AMENDMENT

91

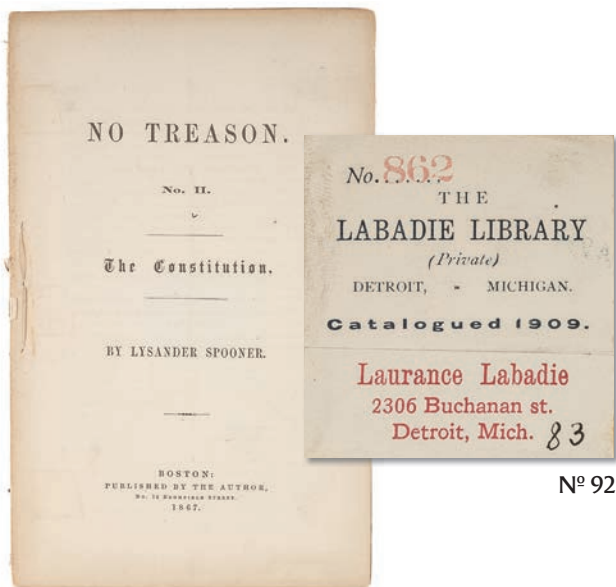
[Slavery]; [Lincoln, Abraham (1809-1865)]. [Carte-De-Visite of Lincoln, Vice President Hannibal Hamlin, House Speaker Schuyler Colfax and the Members of Congress Who Framed and Supported the 13th Amendment to the Constitution]. New York: Powell & Co., 1865. \$650.

3-1/2" x 2-1/4" composite photograph mounted on a 4" x 2-1/2" card. Light toning and soiling, tiny chip to upper-left corner of photograph with no loss to image, minor wear to corners of card.

A FASCINATING AND RARE piece of Lincoln and Civil War ephemera. The oval presentation of politicians shows Vice President Hannibal Hamlin at the top, Speaker of the House Schuyler Colfax at the center, and President Abraham Lincoln at the bottom. Surrounding them on the outer edges are members of Congress, senators on the outside, representatives on the inside.



Nº 90



FROM THE LIBRARY OF A NOTABLE ANARCHIST AND LABOR ORGANIZER

92
Spooner, Lysander [1808-1887]. *No Treason. No. II. The Constitution.* Boston: Published by the Author, 1870. 16 pp. Octavo (9" x 5-3/4"). \$650.

Stab-stitched pamphlet in self-wrappers. Moderate toning, minor wear to corners of a few leaves at front and rear of text, soiling to p. 16, library bookplates to verso of title page, "No. 862/ The/ Labadie Library/ (Private)/ Detroit Michigan" as well as the bookplate of Laurence Labadie, to verso of title page. A good copy of a scarce title.

ONLY EDITION. One of the most colorful American reformers of the nineteenth century, Spooner is remembered for his abolitionist activities, challenge to the U.S. Post Office with his American Letter Mail Company and his contributions to libertarian and anarchist thought. *No Treason. No. II* is part of a series of pamphlets critical of the legality of federal actions during the Civil War. In this lengthy essay, Spooner argues that the Constitution was a contract that had been irreparably violated during the war and was thus void. Furthermore, since the government now existing under the Constitution pursued coercive policies that were contrary to natural law and to the consent of the governed, it had been demonstrated that the document was unable to adequately stop many abuses against liberty or to prevent tyranny from taking hold.

Spooner bolstered his argument by noting that the federal government, as established by a legal contract, could not legally bind all persons living in the nation since none had ever signed their names or given their consent to it; that consent had always been assumed, thus failing the most basic burdens of proof for a valid contract in the courtroom. Spooner widely circulated the *No Treason* pamphlets, which also contained a legal defense against the crime of treason

itself intended for former Confederate soldiers (hence the name of the pamphlet, arguing that "no treason" had been committed in the war by the South). These excerpts were published in *DeBow's Review* and other well-known southern periodicals of the time.

Charles Joseph Antoine Labadie [1850-1933] was an anarchist and labor organizer who lived in Detroit. Most of his large library consisted of titles relating to social reform and is now housed by the University of Michigan as the Joseph A. Labadie Collection.

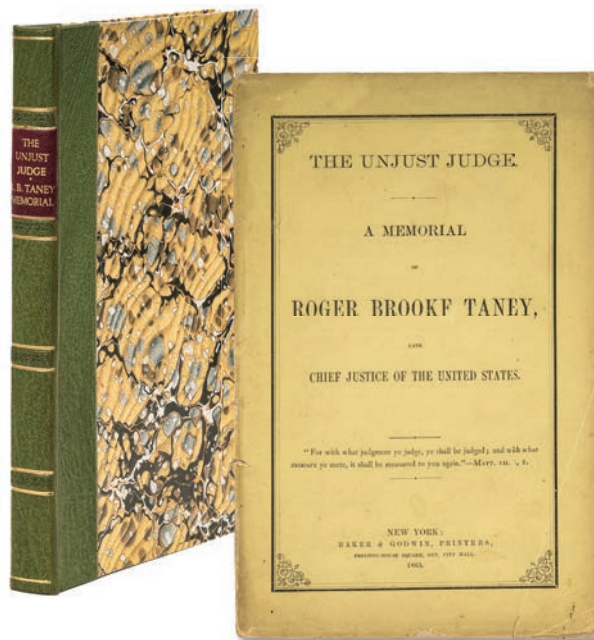
DID THE CIVIL WAR NULLIFY THE U.S. CONSTITUTION?

93
Spooner, Lysander. *No Treason. No. VI. The Constitution of No Authority.* Boston: Published by the Author, 1870. 59 pp. Octavo (8-3/4" x 5-3/4"). \$650.

Stab-stitched pamphlet in self-wrappers, recently re-sewn. Moderate toning, negligible light soiling and a few spots to exterior, faint dampstaining to upper-inside corners of wrappers and fore-edges of front wrapper and following six leaves. A well-preserved copy of a scarce title.

ONLY EDITION. *No Treason. No. VI* is the final title in a series of pamphlets critical of the legality of federal actions during the Civil War. In *The Constitution of No Authority*, Spooner expands on his contractual theory of the Constitution. He argues that neither voting nor paying taxes count as consent to the Constitution's contract: the right to vote had not been afforded to women or enslaved people, and taxation is compulsory and not consensual.

◆ OCLC locates 1 copy in a law library (Social Law).



Nº 95



**A PORTRAIT OF THE
U.S. SUPREME COURT JUSTICES IN 1882**

94

[Supreme Court, United States]; Bell, C[harles] M[ilton] [1848-1893], Photographer. *[Group Portrait of the Waite Court (1874-1888)].* Washington, DC: C.M. Bell, 1882. \$1,000.

15" x 20-1/2" albumen silver print mounted on illustration board with border and printed caption, tipped onto 27-1/2" x 24" matte. Light toning and soiling to board, a few tiny spots to image, some chipping to edges, upper corners lacking (not visible behind matte), clean crack near upper-right corner above image. \$1,000.

THIS WAS the fourth portrait taken of the Court. (The first was in 1867.) Morrison Waite was chief justice from 1874 to 1888. The associate justices pictured here are Samuel Blatchford, Joseph P. Bradley, Stephen J. Field, Horace Gray, John Marshall Harlan, Stanley Mathews, Samuel F. Miller and William Burnham Woods. The youngest member of a family of photographers based in Washington, DC, Charles Minton Bell was one of the Capitol's leading portrait photographers during the last quarter of the nineteenth century.

**"NEXT TO PONTIUS PILATE, PERHAPS THE WORST
THAT EVER OCCUPIED THE SEAT OF JUDGMENT"**

95

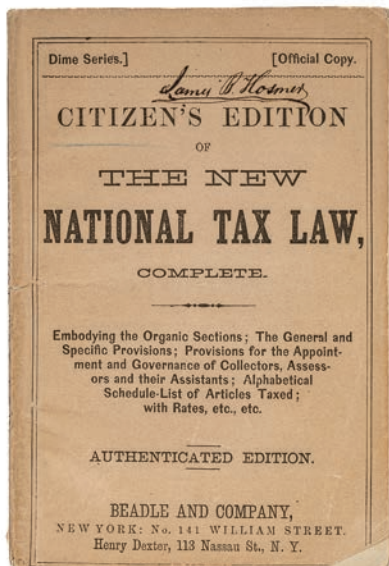
[Taney, Roger Brooke (1777-1864)]. *The Unjust Judge. A Memorial of Roger Brooke Taney, Late Chief Justice of the United States.* New York: Baker & Godwin, Printers, 1865. 68 pp. Octavo (9" x 5-3/4"). \$1,500.

Stab-stitched pamphlet in printed wrappers. Light soiling to exterior, a few small chips and minor tears to wrappers, moderate toning to interior, very light foxing to a few leaves, fold lines to lower outside corners of first few leaves. Pamphlet housed in handsome custom 9-1/4" x 6" clamshell box, quarter morocco over marbled boards, gilt-edged raised bands and lettering piece to spine.

ONLY EDITION. Taney held many state and federal political and legal positions and became chief justice of the United States Supreme Court in 1836, a post he held until his death in 1864. He is best known as the author of the majority opinion in the notorious Dred Scott decision (1857), which ruled that a slave who had resided in a free state or territory was not entitled to his freedom and that African Americans were not and could never be citizens of the United States. It also invalidated the Missouri Compromise of 1820, which prohibited slavery west of Missouri and north of latitude 36° 30'.

As this pamphlet makes clear, Taney was reviled by many of his contemporaries for the Dred Scott decision despite the respect he had previously accrued during his long career. The anonymous author reviews Taney's career in depth and points out that Taney had previously held antislavery views but proved "false to the liberal principles he had eulogized, and to a free Constitution he had sworn to support." The work also argues that slavery is incompatible with both divine law and the founding principles and documents of the United States.

◆ It is scarce. OCLC locates 4 copies, 1 in a law library (University of Notre Dame). We located additional copies at Harvard Law School and University of Chicago.



Nº 96

A "CITIZEN'S" INTRODUCTION TO THE RECENTLY ESTABLISHED INTERNAL REVENUE SERVICE AND ITS TAX CODE

96

[Taxation]; [United States]; [Internal Revenue Service]. *The National Tax Law, (Complete:) Embodying the Organic Sections; The General and Specific Provisions; Provisions for the Appointment and Governance of Collectors, Assessors and Their Assistants; Alphabetical Schedule-List of Articles Taxed, With Rates, Etc., Etc. Prepared from the Official Copy.* [Cover title begins: *Citizen's Edition of the New National Tax Law, Complete...*] New York: Beadle and Co., [1862]. vii, 122 pp. Publisher advertisements to wrappers. 12mo. (6-1/2" x 4-1/4"). \$500.

Stab-stitched, printed wrappers. Light rubbing and soiling with some wear to spine ends and corners, minor tear to title page, early owner signature, James B. Hosmer, to head, lower outside corner lacking. Light toning to interior, corner folds and minor chips and tears to a few leaves.

THE REVENUE ACT of July 1862 established the Internal Revenue Service. This new agency was assigned a schedule of taxable goods and, for the first time in U.S. history, an income tax, which was established to help finance the Civil War. Beadle's first tax guide was published in 1860 and went through several editions. The 1862 edition is notable because it was the first to present the Revenue Act's thorough revision of the tax code. It is one of the earliest, if not the first, layman's guides to this recently established system. The former owner of this copy was probably James Bidwell Hosmer [1781-1878], a prominent Hartford businessman and philanthropist. At the time of his death, he was Hartford's oldest resident.

◆ OCLC locates 3 copies in law libraries (California Western School of Law, Worcester Trial Court, Yale). Johannsen, *The House of Beadle and Adams and Its Dime and Nickel Novels* 1:412.

DID THE JUDGE PROMISE AN APPOINTMENT IN EXCHANGE FOR A DONATION?

97

[Trial]; Goddard, Luther M. [1840-1917], Defendant; Johnson, H.B., Reporter. *Trial of Judge Luther M. Goddard: Including Legislative, Quo Warranto and Disbarment Proceedings.* Denver: S.n., 1888. 470 pp. Octavo (9" x 6"). \$750.

Contemporary three-quarter law calf, lettering piece and blind fillets to spine. Light rubbing to extremities, faint spotting to boards, corners bumped and lightly rubbed, front hinge just starting at ends, early owner signature in pencil (S.T. Horn) to front free endpaper. Light toning to interior, faint crinkling from moisture to foot of text block.

ONLY EDITION. At the time of this trial, Goddard, later an associate justice of the Colorado Supreme Court, was an elected judge of the 5th Judicial District. Goddard's trial was the result of an accusation that he promised to appoint a donor court clerk if elected in exchange for a campaign contribution. Goddard was acquitted.

◆ This is a scarce title. OCLC locates 9 copies, 6 in law libraries (Brigham Young, Colorado Supreme Court, LA County, University of Colorado, University of Denver, University of South Dakota). Not in the HLC.

FIRST EDITION OF A LANDMARK TREATISE ON PATENTS, OWNED BY TWO KENTUCKY LAWYERS

98

Walker, Albert H. [1844-1915]. *Text-Book of the Patent Laws of the United States of America.* New York: L.K. Strouse & Co., 1883. lvii, 724 pp. Octavo (9" x 5-3/4"). \$750.

Contemporary calf, blind rules to boards, raised bands, gilt lettering piece and two early calf owner labels to spine, "John M. Brennan" at head and "G.C. Lockhart" at the foot. A few minor nicks to boards, some rubbing to extremities, a few light scuffs to spine, corners bumped and moderately worn, hinges cracked, light toning to text. A well preserved copy.

FIRST EDITION. First edition. Much modified over the decades, this landmark treatise remains in print today as Moy's Walker on Patents (2010 and later supplements). John Menefee Brennan [1870-1933] and George Catlett Lockhart [1848-1896], two former owners of this volume, were attorneys in Paris, Kentucky. Lockhart "attained the highest eminence as a practitioner of his profession" and is remembered as "profound and logical" as well as "eloquent and convincing" (Levin).

◆ Levin, *The Lawyers and Lawmakers of Kentucky* 643. HLC II:857.



**PORTRAIT OF A PROMINENT PHILADELPHIA
LAWYER-POLITICIAN BY ONE OF AMERICA'S
FIRST PROFESSIONAL FEMALE ARTISTS**

99

**Waugh, Ida [1846-1919]; [Haly, William
Worthington (1805-1851)].** [*Portrait of William
Worthington Haly*]. Philadelphia, n.d. 30" x 25" (image
size), signed "Ida Waugh, 1889" in lower right corner.
\$4,500.

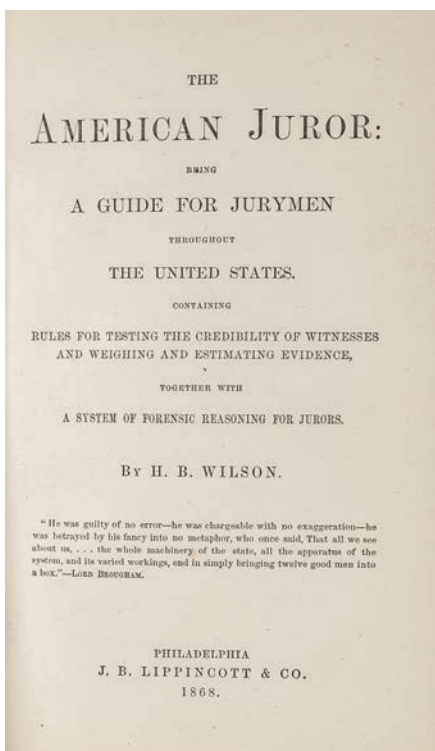
Oil on canvas in ornate nineteenth-century gilded wood
frame, plaque reading "William Worthington Haly/ Obt.
Decem. 26th 1851/ Ida Waugh Pinxt/ The Law Association of
Philadelphia" to head of frame. Some minor nicks and chips
to frame, gilding slightly dulled, otherwise fine.

BORN IN IRELAND, Haly was a prominent lawyer who
represented Philadelphia in the Pennsylvania House of

Representatives for two years. He is best known as the
co-author with Francis Troubat of *The Practice in Civil Actions
and Proceedings in the Supreme Court of Pennsylvania and in
the District Court and Court of Common Pleas for the City and
County of Philadelphia and also in the Courts of the United States*
(1837).

A lifelong Philadelphian, Ida Waugh was one of America's
first successful professional female artists and illustrators.
She studied with her father, the distinguished portrait,
landscape and panorama painter Samuel B. Waugh [1814-
1885], then at the Pennsylvania Academy of the Fine Arts and
the Académie Julian and Académie Delécluse in Paris.

This portrait belonged to the Philadelphia Bar Association.
Founded in 1802, it is the oldest association of lawyers in
the United States. Its library, where this portrait was last
displayed, was renamed the Theodore F. Jenkins Memorial
Law Library in 1967.



Nº 100

A HANDBOOK FOR THE PROSPECTIVE JUROR

100

Wilson, H[ugh] B[lair] [b.1827]. *The American Juror: Being a Guide for Jurymen Throughout the United States. Containing Rules for Testing the Credibility of Witnesses and Weighing and Estimating Evidence, Together with a System of Forensic Reasoning for Jurors.* Philadelphia: J.B. Lippincott & Co., 1868. 240 pp. Octavo (7" x 4-1/4"). \$500.

Publisher's pebbled cloth, blind frames to boards, gilt fillets and title to spine. Light rubbing, spine ends and corners bumped and lightly worn. Light toning to interior, light soiling and finger smudges to a few pages.

ONLY EDITION. Intended as an educational tool for prospective jurors and young people, this interesting treatise discusses the history of trial by jury and gives a basic overview of the rules of evidence and courtroom procedure. An appendix contains summaries of a number of cases intended to provide examples of common pitfalls for jurors. (Notably, most of the cases listed are British.)

AN EARLY TREATISE ON MINING CLAIMS IN CALIFORNIA

101

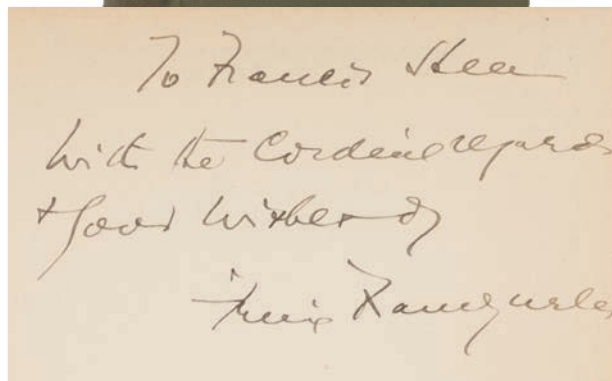
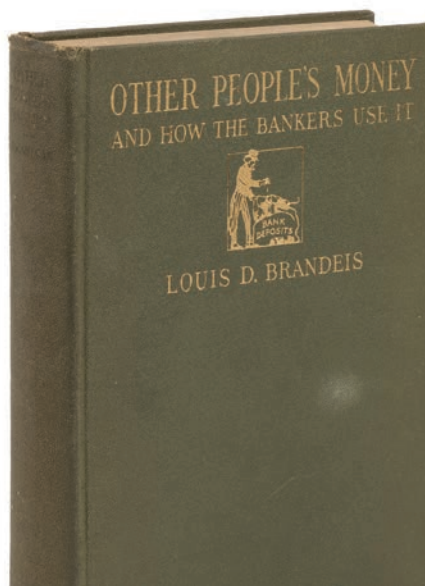
Yale, Gregory [1816-1871]. *Legal Titles to Mining Claims and Water Rights, In California, Under the Mining Law of Congress, Of July, 1866.* San Francisco: A. Roman

& Company, 1867. xxiii, [2], 10-452, [2] pp. Main text followed by 2 pp. of publisher advertisements. Octavo (8-3/4" x 5-1/2"). \$500.

Contemporary sheep, blind fillets to boards, blind fillets and red and black lettering pieces to spine. Light rubbing and a few minor scuffs, scratches and stains to boards, moderate rubbing to extremities, chipping to spine and spine ends, front joint starting at ends, corners bumped and worn, hinges cracked, light foxing and faint offsetting to endleaves. Light toning to interior, small spots and faint marginal staining to a few leaves.

ONLY EDITION. Published a year after the passage of the first federal mining law, this treatise gives a detailed overview of the history of mining laws in California and the implications of the new federal legislation. "The author was an attorney of great ability, who figured in some of the famous law cases of San Francisco. This work contains much early local mining history, not superseded by any later authority" (Cowan).

◆ Cowan, *A Bibliography of the History of California 1510-1930* 698.



Nº 103

1901-2000

THE CONSTRUCTION OF A "JEWISH COMMONWEALTH" IN PALESTINE

102

American Zion Commonwealth. *The American Zion Commonwealth (Inc.) Affiliated with the Zionist Organization of America.* [New York: American Zion Commonwealth?], 1920. 15 pp. \$650.

Pamphlet in printed wrappers, formerly stapled and recently re sewn. Light toning, soiling and a few small chips to wrappers, rear wrapper, which has two small stains, adhered to final leaf with cello tape, faint fold lines to corners, internally clean. Item housed in 9-1/4" x 4" three-quarter calf folder with gilt title to spine.

ONLY ENGLISH EDITION, published in Yiddish the same year. The American Zion Commonwealth was established in 1914 by American Zionists for the purpose of purchasing land in Palestine for Jewish settlements. Suspended during World War I, it became active after the Balfour Declaration and the Mandate for Palestine and established several large and well-known settlements still populated today.

Probably produced for fundraising purposes, this pamphlet describes the group's mission and business model as not only a business enterprise, but a social and political one: "It is our firm purpose to enlist in our ranks all those who see in Zionism not only a political project but a social ideal." Notably, it compares the Commonwealth to the British East India Company and holds up the latter's blend of political power and business acumen as a blueprint for the Commonwealth, though it disavows "the longing to live on luxuries secured by the toil of conquered subjects." The pamphlet also includes the group's articles of agreement with the Zionist Organization of America and an excerpt from "Justice Brandeis in Palestine."

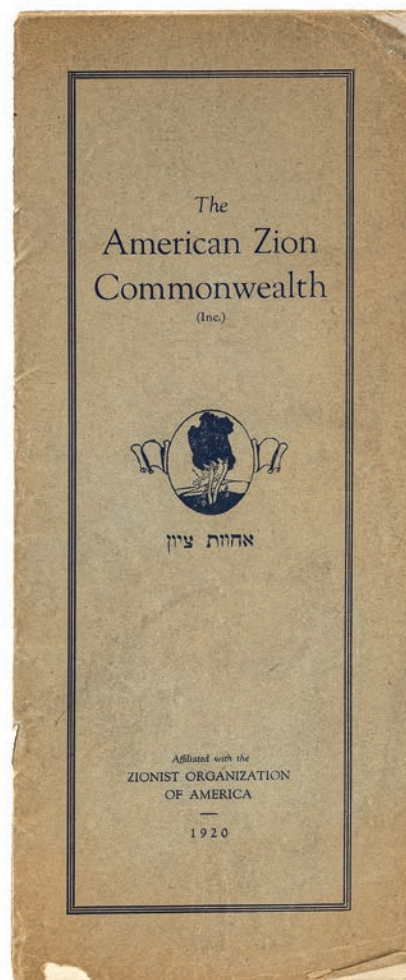
♣ This is a rare item. OCLC locates 1 copy (National Library of Israel).

FIRST EDITION, INSCRIBED BY FRANKFURTER TO A PROTÉGÉ

103

Brandeis, Louis D. [1856-1941]. *Other People's Money And How the Bankers Use It.* New York: Frederick A. Stokes Company, [1914]. xiv, [2], 223 pp. \$1,950.

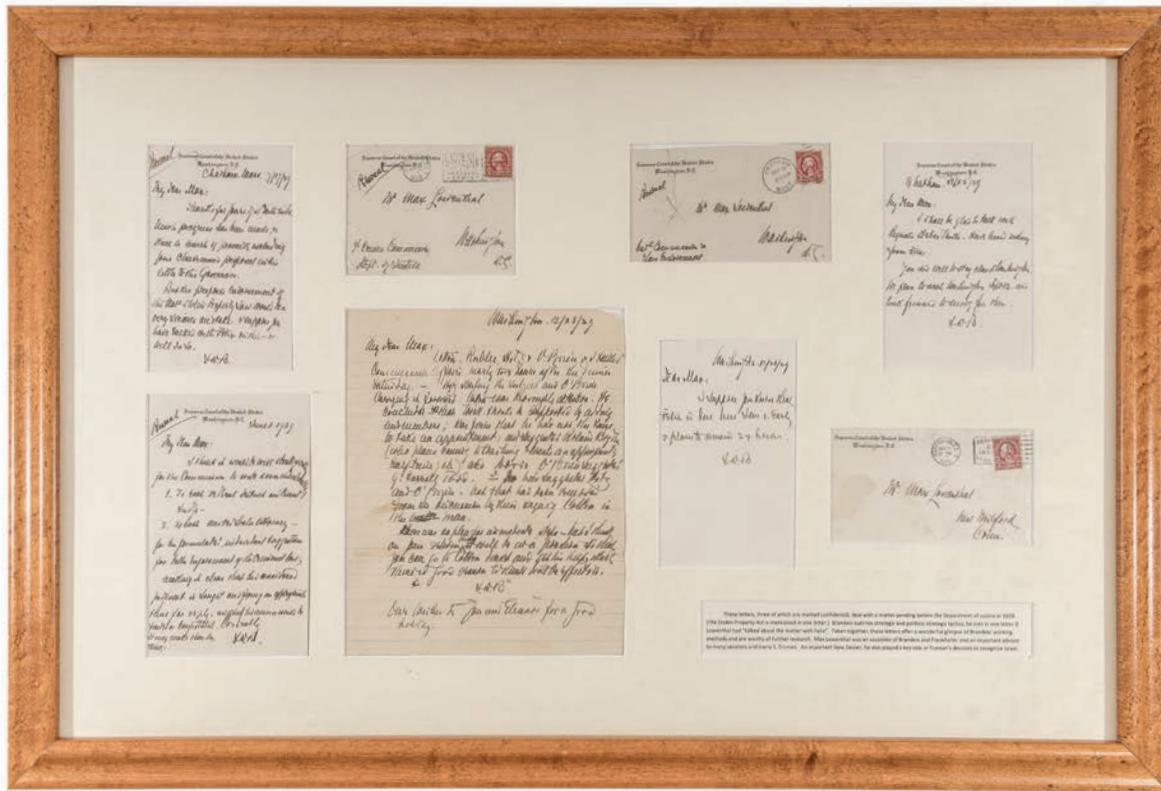
Original cloth, gilt titles to front board and spine. Small stain to front board, light wear to spine ends and corners,



Nº 102

majority of gilding rubbed away from spine title. Moderate toning to interior, gift inscription from Felix Frankfurter to front free endpaper.

FIRST EDITION, FIRST ISSUE. This scathing critique of "Our Financial Oligarchy" is based on a series of articles published in *Harper's Weekly* from 1913 to 1914. Frankfurter [1882-1965], a protégé of Brandeis, inscribed this copy to one of his protégés, Francis Shea [1905-1989], who was one of his former Harvard Law students (LL.B., 1928). Shea became a prominent New Deal official and went on to a distinguished career as the dean of the University of Buffalo School of Law, which experienced a renaissance under his direction. Recruited by Robert H. Jackson, he was Roosevelt's Assistant Attorney General, heading the Claims (now Civil) Division. In 1945 he joined the staff of American lawyers that helped to design the International Military Tribunal at Nuremberg, then served on as a prosecutor at the trials. Returning to Washington after the war, he established what became a leading Washington law firm, Shea & Gardner. The inscription reads: "To Francis Shea/ With the cordial regards/ & good wishes of/ Felix Frankfurter."



Nº 104

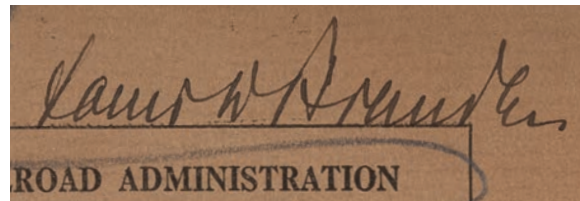
**AN INTERESTING COLLECTION
OF BRANDEIS LETTERS**

104

Brandeis, Louis D.; [Lowenthal, Max (1888-1971)].
[Letters from Louis D. Brandeis to Max Lowenthal, 1929,
Washington, DC and Chatham, MA, January 17, June 1,
September 2, December 12 and December 26]. \$3,000.

Five letters, three on 5" x 8" U.S. Supreme Court Letterhead, one a plain folded sheet, one a single 8-1/2" x 11" notebook leaf. All letters are written on one side of a single page and signed "L.D.B." Three letters have matching U.S. Supreme Court envelopes. Letters have usual fold lines but are otherwise clean, upper corner lacking from notebook leaf with no loss to text, envelopes have tears from being opened by hand. Letters attractively matted and glazed, with a caption, in a 24" x 34" frame.

THESE LETTERS, three of which are marked confidential, deal with a matter involving the Department of Justice in 1929. (The Stolen Property Act is mentioned in one letter.) Brandeis outlines political and strategic tactics; he asks in one letter if Lowenthal had "talked about the matter with Felix." Taken together, these letters offer a wonderful glimpse of Brandeis' working methods and are worthy of further research. Max Lowenthal was an associate of Brandeis and Frankfurter and an important advisor to many senators and Harry S. Truman. An important New Dealer, he also played a key role in Truman's decision to recognize Israel.



Detail from Nº 105

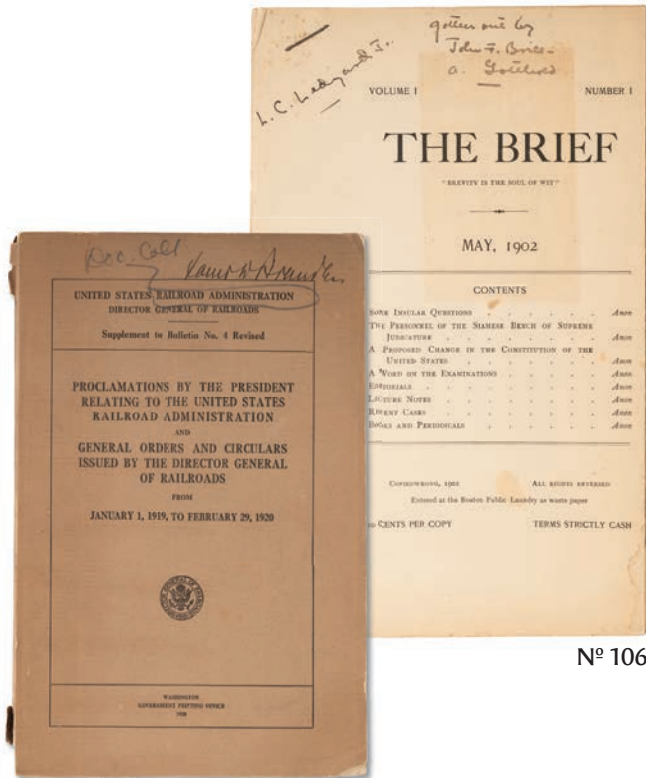
FROM THE LIBRARY OF LOUIS D. BRANDEIS

105

[Brandeis, Louis D.]; United States Railroad Administration. *Proclamations by the President Relating to the United States Railroad Administration and General Orders and Circulars Issued by the Director General of Railroads.* At head of title page: *United States Railroad Administration Director General of Railroads Supplement to Bulletin No. 4 Revised.* Washington, DC: Government Printing Office, 1920. 154 pp. Five folding tables. \$650.

Stiff printed wrappers. Light toning and soiling to wrappers, chipping to spine ends, diagonal fold line to lower outside wrapper, small hole along crease, small note in pencil and ownership signature of Louis D. Brandeis in ink at head of front wrapper. Moderate toning to interior.

ONLY EDITION. Brandeis's ownership of this title, a list of internal and external acts relating to railroad administration from 1917-1918, points to the deep and broad research that



Nº 105



Details from Nº 106

informed his legal opinions. Railroad administration was a hot-button issue of the early twentieth century, touching on various aspects of the federal government's commercial and military authority. It was also a topic close to Brandeis's heart after his successful actions against J.P. Morgan's New Haven Railroad monopoly in 1914.

"10 CENTS A COPY FOR FEMES COVERT"

106
[Brice, John Francis (1877-1937)]; [Gotthold, Arthur Frederick (1879-1951)]. *The Brief*. "Brevity is the Soul of Wit." Volume 1, Number 1, May 1902. Copiedwrong, 1902. All Rights Reversed. Entered at the Boston Public Laundry as Waste Paper. 10 Cents Per Copy. Terms Strictly Cash. [Cambridge?: S.n., 1902]. [6] frenchfold leaves forming 12 pages, all numbered 444 printed within black (mourning?) borders. Octavo (9-1/2" x 6"). **[With]** *The Brief*. "Brevity is the Soul of Wit." Volume 2, Number 1. May 1903. (Not April). Copiedrotten 1903. No Writes Preserved. Entered at the Crescent Athletic Club Ringside at 123 Pounds. 10 Cents a Copy for Law Students. 10 Cents a Copy for Femes Covert. 10 Cents for All Others. [Cambridge?: S.n., 1903]. [16] pp., numbering irregular. Advertisements to rear wrapper. Octavo (8-3/4" x 7"). \$500.

Stapled pamphlets in self-wrappers. Light to moderate toning, light rust to staples, faint offsetting to front wrapper

of Vol. 1, which has "L.C. Ledyard, Jr." and "gotten out by John F. Brice- A. Gotthold" inscribed at head, faint stains in a few places, small tears to surface of rear wrapper of Volume 2 affecting legibility of advertisements.

A FINE EXAMPLE of why law-school humor of the early 1900s by two Harvard law students (both Class of 1902) with time on their hands. Publication of the periodical was taken up by their successors and issues were published annually until 1905. Articles include "The Personnel of the Siamese Bench of Supreme Judicature," "Why the Law Review Should be Suppressed-A Symposium," "The Law for Lovers" and "Side-Talks with the Stack Boys." Brice, the son of lawyer, senator and Democratic National Committee chairman Calvin Stewart Brice, did not go on to a legal career. His co-editor Gotthold practiced law in New York and served as a judge advocate in the U.S. Army.

Lewis Cass Ledyard, Jr. [1880-1936], a 1903 graduate of Harvard Law School, was a socially prominent New York City lawyer and philanthropist.

◆ OCLC locates 2 copies of Volume 1 (Cornell, Harvard Law School) and 2 copies of Volume 2 (Purdue, Harvard Law School).

FIRE! FIRE!

LAWS OF NEW HAMPSHIRE RELATING TO FOREST FIRES.

If any person shall kindle a fire by the use of firearms, or by any other means, on land not his own, he shall be fined not exceeding ten dollars and if such fire spreads and does any damage to the property of others, he shall be fined not exceeding one thousand dollars.---Chapter 277, Section 4.

If any person, for a lawful purpose, shall kindle a fire upon his own land, or upon land which he occupies, or upon which he is laboring, at any suitable time, or in a careless and imprudent manner, and shall thereby injure or damage the property of others, he shall be fined not exceeding one thousand dollars.---Chapter 277, Section 5.

Nº 107

AN UNRECORDED CLOTH BROADSIDE LIST OF NEW HAMPSHIRE LAWS RELATING TO FOREST FIRES

107

[Broadside]; [Forest Laws]; [New Hampshire]. *Fire! Fire! Laws of New Hampshire Relating to Forest Fires.* Concord, NH: The Rumford Press, c.1904. \$750.

18" x 11" broadside printed on cloth. Light toning, light fraying to edges. A well-preserved, curious and rare item.

THIS BROADSIDE prints the texts of three statutes that set out the fines for setting forest fires. Signed in type by Henry O. Kent, George H. Moses, George E. Bales and Marshall C. Wentworth, Forestry Commissioners.

◆ This interesting item appears to be unrecorded. OCLC and Library Hub locate no copies. We found none in any institutional libraries.

**A FIRST EDITION OF CARDOZO'S
LAW AND LITERATURE WITH A
RELATED CARDOZO LETTER**

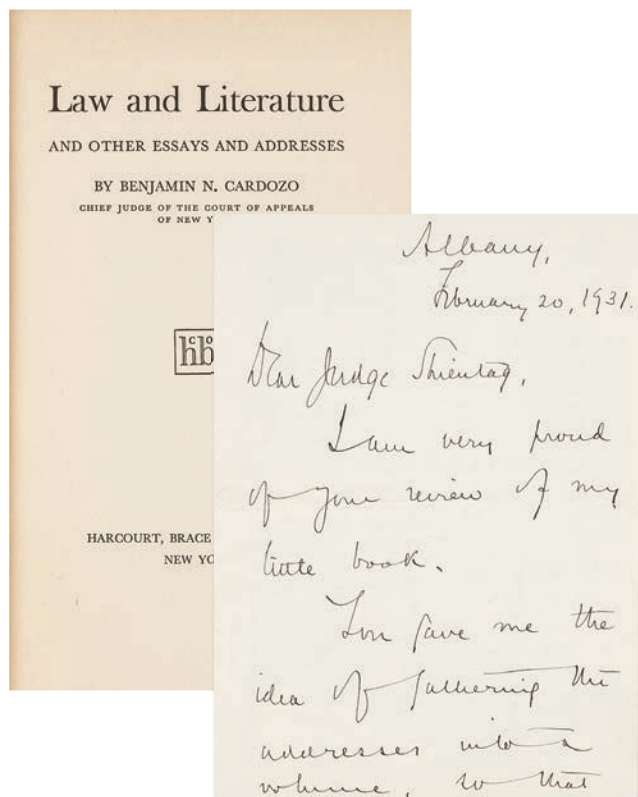
108

Cardozo, Benjamin N. [1870-1938]. *Law and Literature and Other Essays and Addresses.* New York: Harcourt, Brace and Company, [1931]. [ix], 190 pp. **[With [Manuscript]; Cardozo, Benjamin N.; [Shientag, Bernard L. (1887-1952)].** [Autograph Letter, Signed, To Bernard L. Shientag, February 20, 1931]. \$1,250.

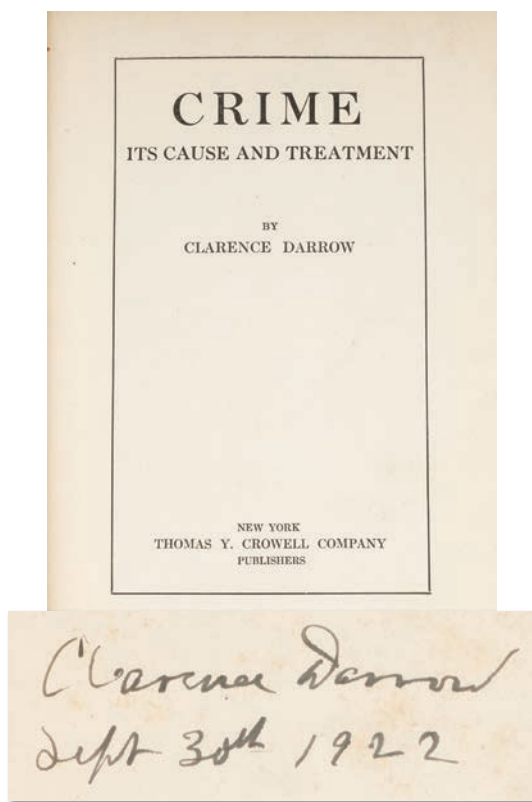
Book: Cloth. Light rubbing, spine ends and corners bumped, lettering rubbed away from spine, light toning to interior. **Letter:** Single sheet folded to form a pair of 8" x 6" leaves, content to both sides of first leaf and recto of second. Light soiling and edgewear, horizontal fold line. Together two items.

SHIENTAG was a distinguished New York Supreme Court Justice and legal author. The letter reads, in part: "I am very proud of your review of my little book [*Law and Literature and Other Essays*]. You gave me the idea of fathering the addresses into a volume, so that some of the responsibility for preserving them may perhaps be chargeable to you. It is pleasant to be assured that you have felt no cause for repentance. Your appreciation of my work is a joy and an encouragement."

Far from a "little book," Cardozo's *Law and Literature* is widely considered one of the most important American books on the law written in the twentieth century. Cardozo was a



Details from N° 108



Details from N° 109

justice of the New York Supreme Court from 1914 to 1917, an associate judge of the New York Court of Appeals from 1917 to 1926, chief judge of that court from 1926 to 1932 and an associate justice of the U.S. Supreme Court from 1932 until his death. He believed that the courts should not just interpret the law, but also adapt it to address changing social conditions.

SIGNED BY DARROW

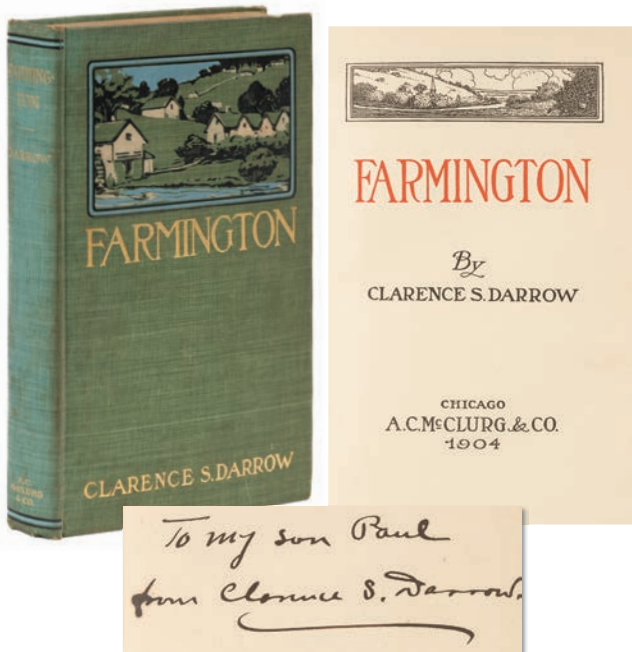
109

Darrow, Clarence [1857-1938]. *Crime: Its Cause and Treatment.* New York: Thomas Y. Crowell Company Publishers, 1922. x, 292 pp. \$1,500.

Original cloth in lightly edgeworn dust jacket, gilt title to spine and front board. Light rubbing to spine ends and corners, which are lightly bumped, front hinge cracked, light foxing to endpapers. Moderate toning to interior, a few slight cracks to text block. Ownership signature of L.K. [Louis Kent] Dalrymple [1884-1962] and bookplate of the Dalrymple Memorial Library to front pastedown, bold signature of Clarence Darrow dated September 30, 1922 to front free endpaper.

FIRST EDITION, FIFTH PRINTING. This sociological study of crime, punishment and humanity is the source of Darrow's famous statement: "You might as well hang a man because he is ill as because he is a criminal."

◆ Hunsberger 144.



Details from N° 110

INSCRIBED BY DARROW TO HIS SON

110

Darrow, Clarence. *Farmington*. Chicago: A.C. McClurg & Co., 1904. vi, 277 pp. \$2,000.

Original cloth, arts-and-crafts style multi-color vignette and gilt title to front board, gilt title and black-stamped fillets to spine, top edge gilt, deckle fore and bottom edges. Light soiling to exterior, light rubbing to spine ends and corners, small ink "274" to rear free endpaper, later newspaper clippings (excerpts from *Farmington*), one with a small hole, laid in. Title page with large engraved vignette printed in red and black. Moderate toning, internally clean. Bold inscription "To my son Paul/ from Clarence S. Darrow" to front free endpaper.

FIRST EDITION. *Farmington* is a fictionalized account of the author's youth in Ohio. Though it went through seven editions, it was never a critical or commercial success. This pained Darrow because he thought it was his finest book. Paul Darrow [1883-1956] was Darrow's only child and a businessman in Chicago for most of his adult life.

◆ Hunsberger 49.

INSCRIBED COPY OF DARROW'S FARMINGTON WITH THREE ADDITIONAL PHOTOS

111

Darrow, Clarence. *Farmington*. New York: Boni and Liveright, 1925. vi, [7]-255 pp. \$1,500.

Original quarter cloth over patterned paper boards, gilt title and author name to front board and spine, top-edge rouged, fore and bottom edges deckled. Light rubbing to boards

and extremities, front hinge cracked (before title page), a few slight cracks to text block, internally clean. Darrow's inscription "Inscribed to Gladys E. [Emig] Doing/ With the regards of/ Clarence Darrow/ Chicago Oct. 13th 1926" to front free endpaper along with a Washington, DC address in a different hand, photographs of Darrow tipped onto front pastedown and rear free endpaper, additional photograph laid in.

FIRST PUBLISHED IN 1904, *Farmington* is a fictionalized account of the author's youth in Ohio. A portrait of Darrow standing in a yard with his hat in his hand is tipped onto the front pastedown and his author photo from the dust jacket onto the rear free endpaper. An additional photo of a man with his arms around a child is laid in; their identities are unclear, though the man bears a strong resemblance to Ammirus Darrow and the photo appears to have been taken in Chicago.

◆ Hunsberger 176.



Details from N° 111

WITH DARROW'S PERSONAL BOOK LABEL

112

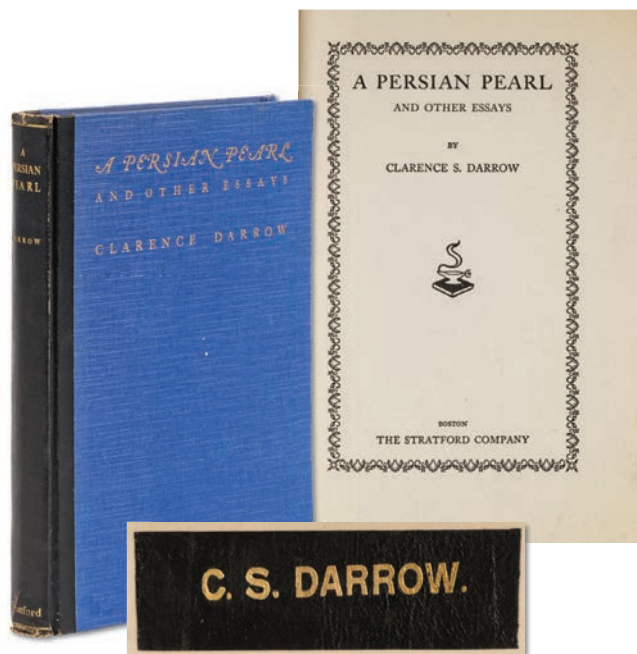
Darrow, Clarence. *A Persian Pearl and Other Essays.* Boston: The Stratford Company, [1931]. 160 pp. \$500.

Original textured blue cloth, gilt title to front board and spine, deckle fore and bottom edges. Light rubbing to extremities, faint offsetting to front free endpaper, internally clean. Leather 2-1/2" x 3/4" calf label reading "C.S. Darrow" affixed to front pastedown.

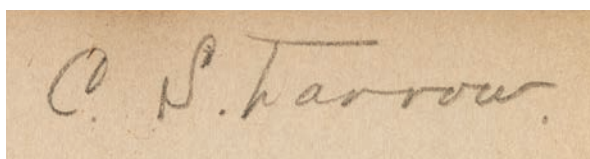
FIRST PUBLISHED IN 1899, *A Persian Pearl* was Darrow's first book and remains the cornerstone of any Darrow collection. It consists of five essays. "A Persian Pearl" is an appreciation of Omar Khayyam's *Rubaiyat*. The other essays discuss Walt Whitman, Robert Burns, realism in literature and art and the importance of facing up to past mistakes without fear or shame.

A curious feature of our copy is the label affixed to the front pastedown. It is not a bookplate; it appears to be a lawyer's spine label, this one from Darrow's office. Likely commissioned by Darrow early in his career, the label may have been applied by Darrow or someone who administered his library.

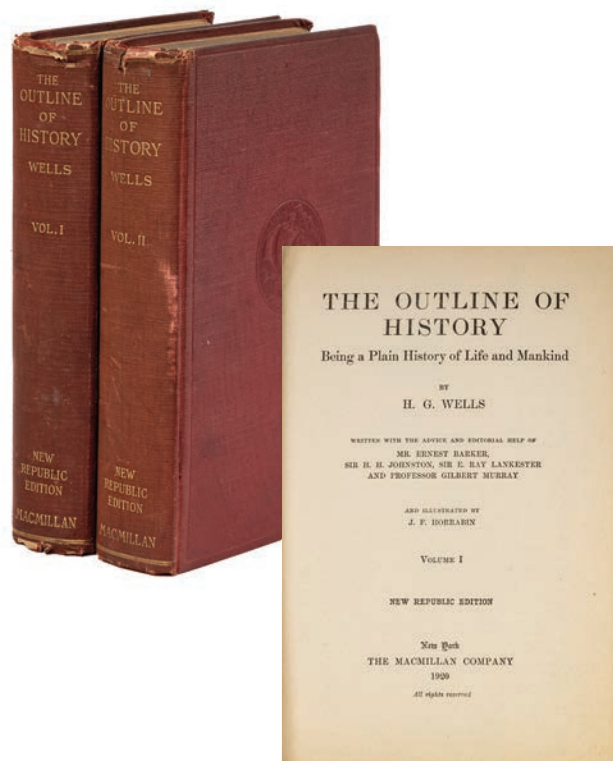
◆ Hunsberger 265.



Details from N° 112



Detail from N° 113



Detail from N° 113

DARROW'S COPY

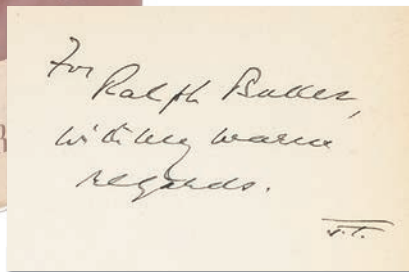
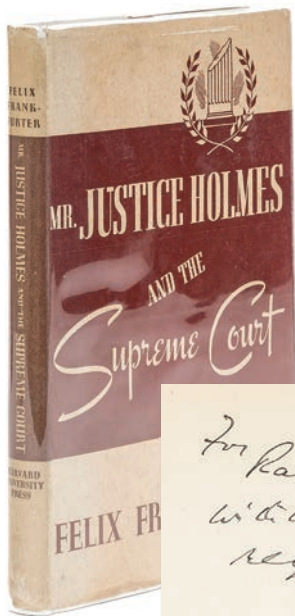
113

[Darrow, Clarence]; Wells, H.G. [1866-1946]. *The Outline of History: Being a Plain History of Life and Mankind.* New York: The Macmillan Company, 1920. xix, [1], 648; x, [2], 676 pp. 2 volumes. Illustrated. \$1,500.

Publisher's red textured cloth, central embossed vignette to front boards, gilt titles and volume numbers to spines. Light soiling and shelfwear, faint staining to front board of Vol. I and spine of Vol. II., light fading to spines, chipping to spine ends, corners bumped and lightly worn, front hinge of Vol. II cracked, moderate toning, pencil marks to margins of pp. 573-581 of Vol. I, text otherwise clean. Ownership signatures of Clarence Darrow ("C.S. Darrow") to front free endpapers.

NEW REPUBLIC EDITION, published the same year as the first collected American edition. Though best known for his science fiction, Wells was also a dedicated socialist and progressive thinker and wrote a number of non-fiction works discussing history, politics and society. Originally published in parts, his popular *Outline of History* documents world history from the origins of the Earth to World War I and "the next stage of history."

Darrow was famous not only for his skill as a lawyer, but for his intellectual contributions to progressive thought in the late nineteenth and early twentieth centuries. The pencil markings to Vol. I are in the section "The Beginnings of Christianity" and highlight paragraphs discussing the life and personal characteristics of Jesus Christ.



Details from N° 114

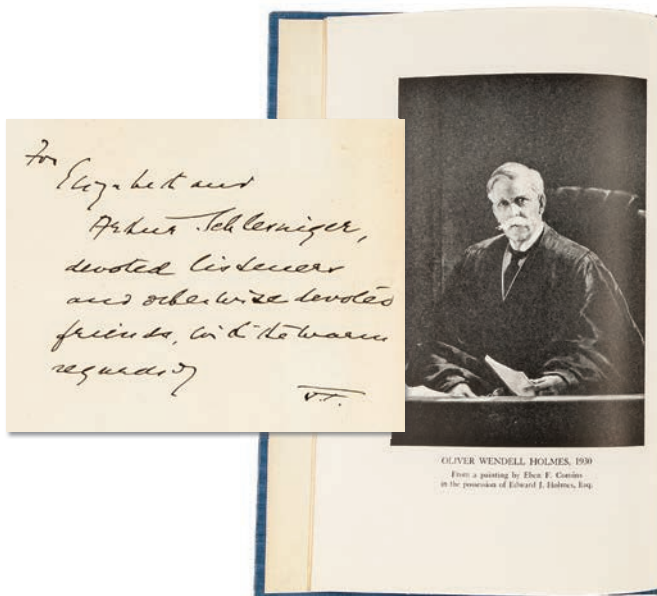
WARMLY INSCRIBED BY FRANKFURTER TO RALPH BAKER

114

Frankfurter, Felix. *Mr. Justice Holmes and the Supreme Court.* Cambridge, MA: Harvard University Press, 1938. [viii], 139 pp. Portrait frontispiece. \$650.

Original cloth, blind frames to boards, gilt title to spine, in lightly worn dust jacket. Light rubbing to extremities, light wear to spine ends, moderate toning, internally clean. Presentation inscription from Frankfurter to Ralph Baker to front free endpaper.

FIRST EDITION. The inscription reads: "For Ralph Baker, with my warm regards. F.F." *Mr. Justice Holmes* is



Frankfurter's finest statement of his admiration for Holmes. It did much to shape Holmes's posthumous reputation. Ralph Baker [1888-1966] was a law professor at Harvard from 1932 to 1958. He specialized in trust and corporation law.

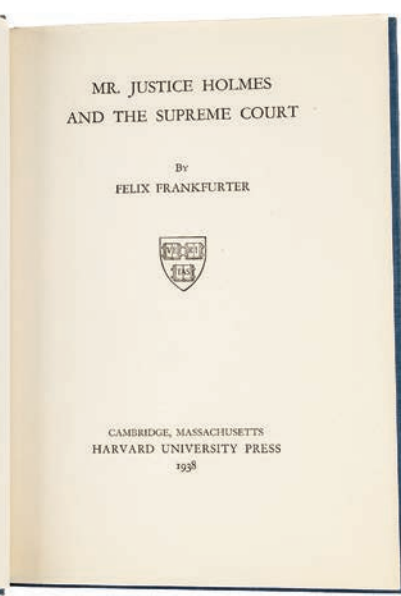
INSCRIBED BY FRANKFURTER TO ARTHUR MEIER SCHLESINGER AND ELIZABETH SCHLESINGER

115

Frankfurter, Felix. *Mr. Justice Holmes and The Supreme Court.* Cambridge: Harvard University Press, 1938. [viii], 137 pp. Portrait frontispiece. \$1,250.

Original cloth, blind frames to boards, gilt title to spine. Spine ends bumped and lightly worn, spine lettering dulled. Light toning to interior, bookplate of Arthur Meier Schlesinger to front pastedown, presentation inscription from Frankfurter to Schlesinger and Elizabeth Schlesinger to front free endpaper, set of Frankfurter images with caption clipped from a newspaper to verso, with some offsetting to adjacent leaf, the half-title.

FIRST EDITION. The inscription reads: "For/ Elizabeth and/ Arthur Schlesinger,/ devoted listeners/ and otherwise devoted/ friends, with the warm/ regards of/ F.F." Arthur Meier Schlesinger [1888-1965] was a prominent American historian who taught at Harvard from 1924 to 1954. He would later serve as a special assistant to President Kennedy from 1961-1963. Elizabeth Bancroft Schlesinger [1886-1977], his wife, was a notable feminist and one of the first scholars of women's history. They were part of Frankfurter's social circle at Harvard, along with such faculty luminaries as Josef Schumpeter and Alfred North Whitehead.



N° 115

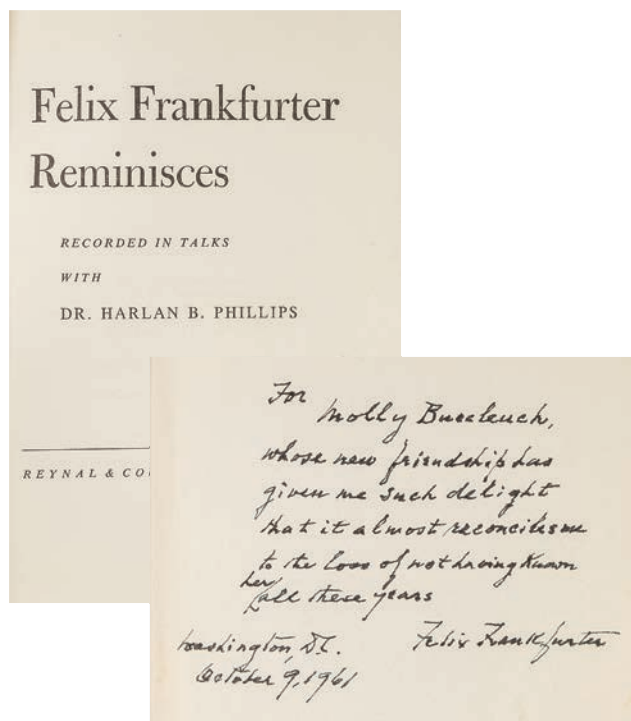
INSCRIBED BY FRANKFURTER TO
THE DUCHESS OF BUCCLEUCH

116

Frankfurter, Felix. *Felix Frankfurter Reminisces: An Intimate Portrait as Recorded in Talks with Dr. Harlan B. Phillips.* New York: Reynal & Company, [1960]. [ix], 310 pp. \$500.

Cloth in worn and chipped dust jacket, light edgewear to extremities, internally clean, presentation inscription from Frankfurter to Mary ("Molly") Montagu-Douglas-Scott, Duchess of Buccleuch, to front free endpaper.

FIRST EDITION, SIXTH PRINTING. The inscription reads: "For Molly Buccleuch, whose new friendship has given me such delight that it almost reconciles me to the loss of not having known her all these years. Washington, D.C./ October 9, 1961/ Felix Frankfurter." This incisive and fascinating memoir was transcribed from a series of interviews with Phillips conducted for the Columbia University Oral History Research Department. The only commercially published oral history conducted with a United States Supreme Court justice, it traces his life and career and records his thoughts on such topics as religion and the function of judges.



Nº 116

THREE AUTHOR-INScribed COPIES OF
FRANKFURTER'S SKETCH OF THE LIFE
OF OLIVER WENDELL HOLMES

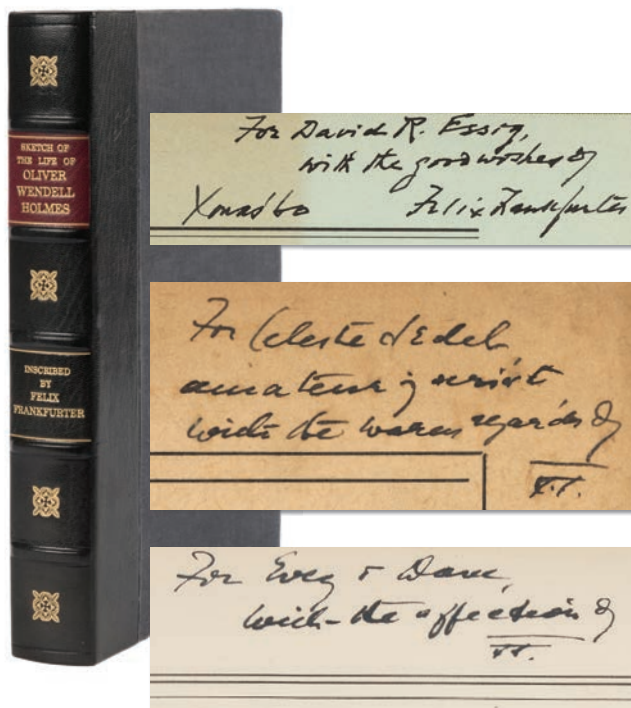
117

Frankfurter, Felix. *Sketch of the Life of Oliver Wendell Holmes.* Reprinted from *Dictionary of American Biography Volume XXI, Supplement One.* [New York?]: American Council of Learned Societies, [1944]. \$2,500.

Item 1 (29 pp.): Stapled pamphlet in stiff printed green wrappers, bound in recent quarter morocco over cloth, gilt title to spine. Light fading to wrappers, internally clean, presentation inscription "For David R. Essig, with the good wishes of Felix Frankfurter Xmas '60" to front wrapper.

Item 2 (23 pp.): Stapled pamphlet in stiff printed tan wrappers. Light soiling and a few faint stains to wrappers, gradually diminishing faint stain to fore-edge of first 15 pages, presentation inscription "For Celeste Jedel, amateur jurist, with the warm regards of F.F." to front wrapper.

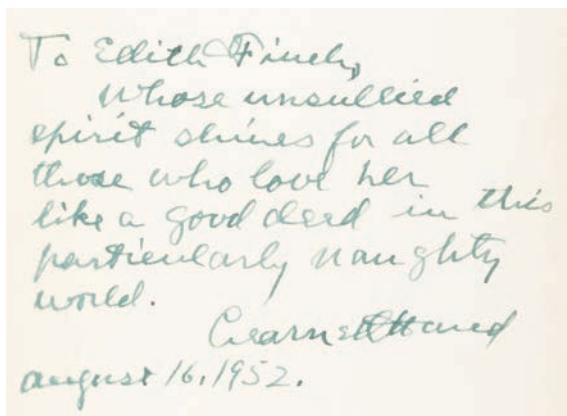
Item 3 (12 pp.): Stapled pamphlet in self-wrappers, text in two columns. Light toning, presentation inscription "For Evey & Dave, with the affection of FF." to front wrapper. Items, each in a cloth flap folder, housed in handsome two-compartment cloth slipcase, quarter morocco spine with raised bands, gilt ornaments and lettering piece.



Nº 116

Roosevelt administration, where Jedel was an assistant to Raymond Moley [1886-1975]. Moley and Frankfurter were both members of Roosevelt's informal "Brain Trust" and regarded Jedel as a reliable asset with "an extraordinarily brilliant mind" (Lash).

◆ Lash, *Dealers and Dreamers: A New Look at the New Deal* 109.



Detail from N° 118

**INSCRIBED BY LEARNED HAND TO EDITH FINCH,
FUTURE WIFE OF BERTRAND RUSSELL**

118

Hand, Learned [1872-1961]. *The Spirit of Liberty: Papers and Addresses of Learned Hand Collected, And With an Introduction and Notes, By Irving Dilliard.* New York: Alfred A. Knopf, 1952. xxx, 262, [2] pp. \$1,500.

Cloth in lightly edgeworn dust jacket, light soiling to rear panel. Author inscription to Edith Finch to front free endpaper, light toning to interior.

FIRST EDITION. The inscription, dated August 16, 1952, reads: "To Edith Finch/ Whose unsullied/ spirit shines for all/ those who love her/ like a good deed in this/ particularly naughty/ world." One of the most significant American jurists of the twentieth century, Hand was a judge of the U.S. Southern District of New York from 1904-1924 and a judge of the Court of Appeals, Second Circuit, from 1924 to 1956. His judgments were renowned for their lucidity and elegance. Edith Finch [1900-1978] was an American academic, writer and biographer specializing in English literature. Shortly after the date of this inscription, she became the fourth and last wife of renowned public intellectual Bertrand Russell [1872-1970].

**PRESENTATION COPY FROM
THE AUTHOR TO LEARNED HAND**

119

[Hand, Learned]; Bechtel, Edwin De Turck [1880-1957]. *Freedom of the Press and L'Association Mensuelle: Philipon versus Louis-Philippe.* New York: Grolier Club, 1952. Edition limited to 750 copies, oblong octavo, [3], 40; [51] pp. reproducing 24 lithographs, with descriptive comments. \$500.

Publisher's cloth bound hardcover with gilt stamped spine and front cover. Moderate shelfwear, internally clean. Presentation inscription on front free endpaper "To Judge Learned Hand/ Edwin DeT. Bechtel/ February 26, 1952."

A COLLECTION OF POLITICAL CARICATURES, originally published from August 1832 to August 1834, by such artists as J.-J. Grandville and Honoré Daumier. Bechtel, a partner in the prominent New York law firm Carter, Ledyard and Milburn, was an important collector of the works of Callot and Daumier and an avid gardener who was a leading expert on roses. He wrote prolifically about art, roses and related subjects.

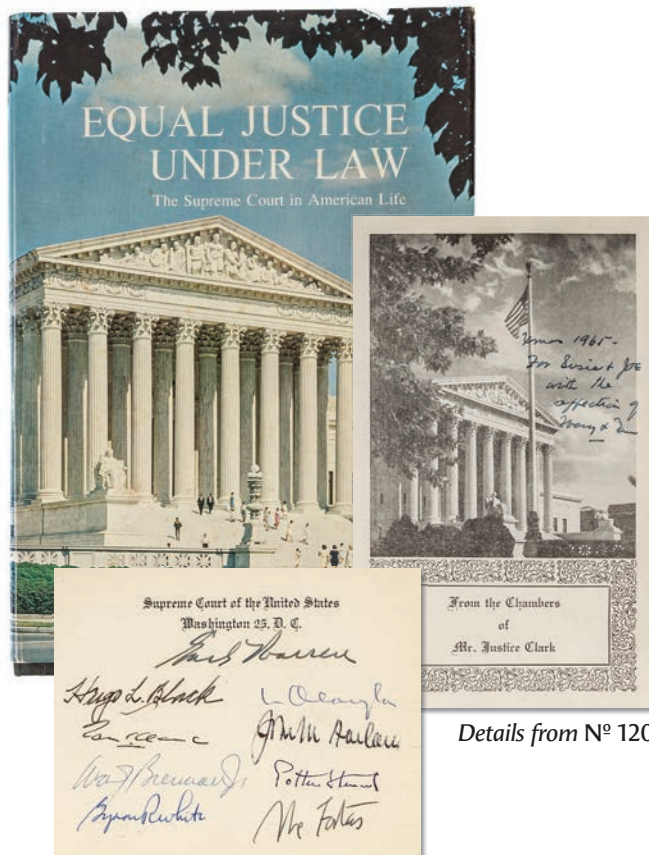
**SIGNED BY THE NINE JUSTICES
OF THE WARREN COURT**

120

Harrell, Mary Ann. *Equal Justice Under Law: The Supreme Court in American Life.* Washington D.C.: Foundation of the Federal Bar Association with the Cooperation of the National Geographic Society, [1965]. 143 pp. Illustrations, most in color. \$1,750.

Cloth in lightly edgeworn dust jacket. Supreme Court note card signed by all nine members of the Warren Court and Supreme Court bookplate of Tom Clark (with later gift inscription) affixed to front free endpaper.

A POPULAR HISTORY of the U.S. Supreme Court. The affixed note card is signed by Chief Justice Earl Warren, as well as associate justices Hugo L. Black, William O. Douglas, Tom C. Clark, John M. Harlan, William J. Brennan, Potter Stewart. Byron R. White and Abe Fortas.



Details from N° 120



Nº 121

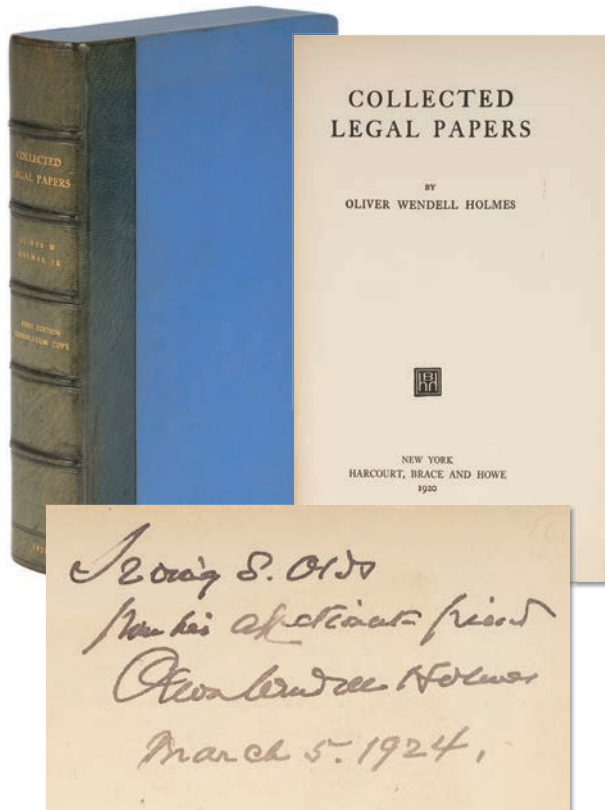
PRESENTATION COPIES FROM OLIVER WENDELL HOLMES AND FELIX FRANKFURTER INSCRIBED TO HARLAN FISKE STONE

121

Holmes, Oliver Wendell, Jr. [1841-1935]. *Speeches*. Boston: Little, Brown, and Company, 1918. [vi], 103 pp. Original printed paper boards. Light soiling, somewhat heavier on spine, moderate rubbing to extremities with some wear to spine ends and corners. Moderate toning to text, author inscription to front free endpaper. **[Boxed with] Frankfurter, Felix.** *Mr. Justice Holmes and The Supreme Court*. Cambridge: Harvard University Press, 1938. 137 pp. Frontispiece. Original cloth, gilt title to spine. Light rubbing to extremities with light wear to spine ends and corners, light fading to spine. Moderate toning to interior, author inscription to front free endpaper. \$5,000.

Books, each in a cloth flap folder, housed in handsome two-compartment cloth slipcase, quarter morocco spine with raised bands, gilt ornaments and gilt title reading: *Of Holmes Frankfurter & Stone, Books and Inscriptions*.

SPEECHES: LATER PRINTING; *Mr. Justice Holmes*: first edition. Both of these books were presented to Harlan Fiske Stone when he was an associate justice of the U.S. Supreme Court. (He was chief justice from 1941 to 1946.) *Speeches* is inscribed: "To Harlan F. Stone from his associate and friend Oliver Wendell Holmes. May 23, 1928." *Mr. Justice Holmes* is inscribed: "For H.F.S., a meagre conveyance of your great friend, but it comes to you with the highest regards from F.F. Cambridge, 6 October 1938." Frankfurter became Stone's associate on the Court in 1939. Holmes retired in 1932.



Details from N° 122

INSCRIBED BY HOLMES TO A FORMER CLERK WHO BECAME A PROMINENT LAWYER, BUSINESSMAN AND PHILANTHROPIST

122

Holmes, Oliver Wendell, Jr. *Collected Legal Papers*. New York: Harcourt, Brace and Howe, 1920. vii, 316 pp. \$3,500.

Original cloth, printed paper title label to spine, deckle edges. Light fading to spine and joints, a few chips to edges of spine label, spine ends and corners bumped and lightly worn, hinges cracked. Moderate toning to interior, inscription "Irving S. Olds/ from his affectionate friend/ Oliver Wendell Holmes/ March 5, 1924" to front free endpaper. Book housed in later lightly edgeworn slipcase, quarter morocco over cloth, raised bands and gilt title to spine, which has a bit of fading, a few minor smudges to cloth. An appealing copy in an attractive slipcase.

FIRST EDITION. A valuable compilation, this volume contains Holmes's most famous speeches and papers from 1885 to 1918. Its publication in 1920 was an important event in the legal community, and it was reviewed with great enthusiasm in the major journals and law reviews. Irving S. Olds [1887-1963], a New York lawyer and philanthropist, was chairman of the board and chief executive officer of U.S. Steel from 1940 to 1952 and a partner at White & Case. A graduate of Harvard Law School, he was Holmes's law clerk from 1910 to 1911.

**A SENSATIONAL THRILL KILLING
DRAMATIZED BY HITCHCOCK**

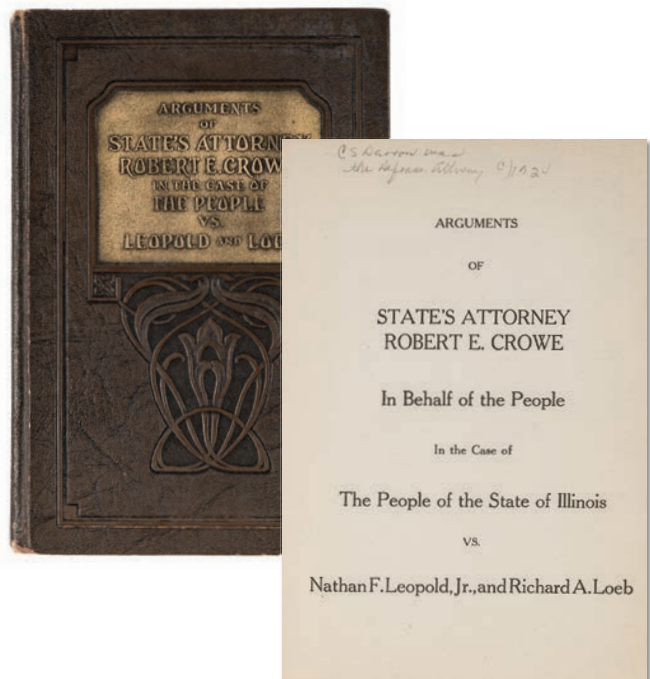
123

[Loeb-Leopold Case]; Crowe, Robert E. [1879-1958]. *Arguments of State's Attorney Robert E. Crowe In Behalf of the People In the Case of The People of the State of Illinois vs. Nathan F. Leopold, Jr., And Richard A. Loeb.* [Chicago?: S.n., 1924?]. 90 pp. \$750.

Original art-deco styled blind-stamped front cover, patterned endpapers. Moderate rubbing to extremities, corners bumped, rear hinge starting at head, early ownership inscription (of Gertrude M. Chadima, St. Paul, Minnesota) to front free endpaper. Light toning to interior, light soiling to a few leaves, a few, mostly partial, cracks to text block, all leaves secure, brief early pencil annotation to head of title page.

ONLY EDITION. The Loeb-Leopold case was one of the most fascinating and sensational trials of the twentieth century, later dramatized by Hitchcock in his classic thriller *Rope* (1948). On May 21, 1924, Nathan Leopold and Richard Loeb confessed to the thrill killing of fourteen-year-old Bobby Franks. Clarence Darrow led their defense team. Robert Crowe, the prosecutor, was an equally skillful adversary, but Darrow ultimately saved the two from the electric chair. This account focuses on the prosecution with excerpts from Crowe's opening address and his complete closing argument, including objections by Darrow and subsequent brief exchanges.

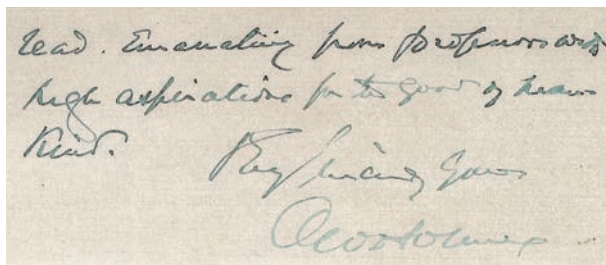
◆ OCLC locates 11 copies of this scarce title, 2 in law libraries (Harvard, University of Minnesota). Not in Hunsberger.



Details from N° 123



Nº 124



Detail from Nº 124

"I BELIEVE IN PANACEAS AS LITTLE AS YOU DO"

124

[Manuscript]; Holmes, Oliver Wendell, Jr. [Autograph Letter, Signed "O W Holmes," on Personal Beverly Farms Letterhead, to Frank T. Benner, Jr., Washington, DC, June 25, 1920]. 2 pp. With transmittal envelope and portrait of Holmes. \$1,000.

Light toning, horizontal fold line, light soiling to envelope. Items matted and glazed in 14" x 24" frame.

BENNER was a Boston lawyer with the law firm Benner & Foster. He seems to have written to Holmes to discuss a point of law, perhaps related to one of his cases. Holmes's interesting reply briefly answers Benner's question and discusses philosophical commonalities between the two men.

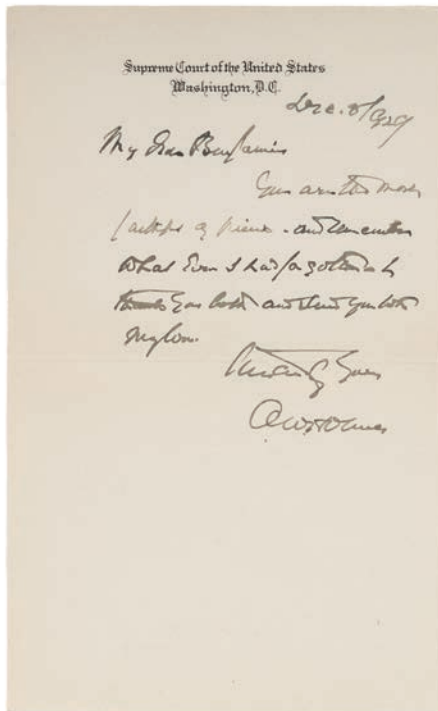
"YOU ARE THE MOST FAITHFUL OF FRIENDS"

125

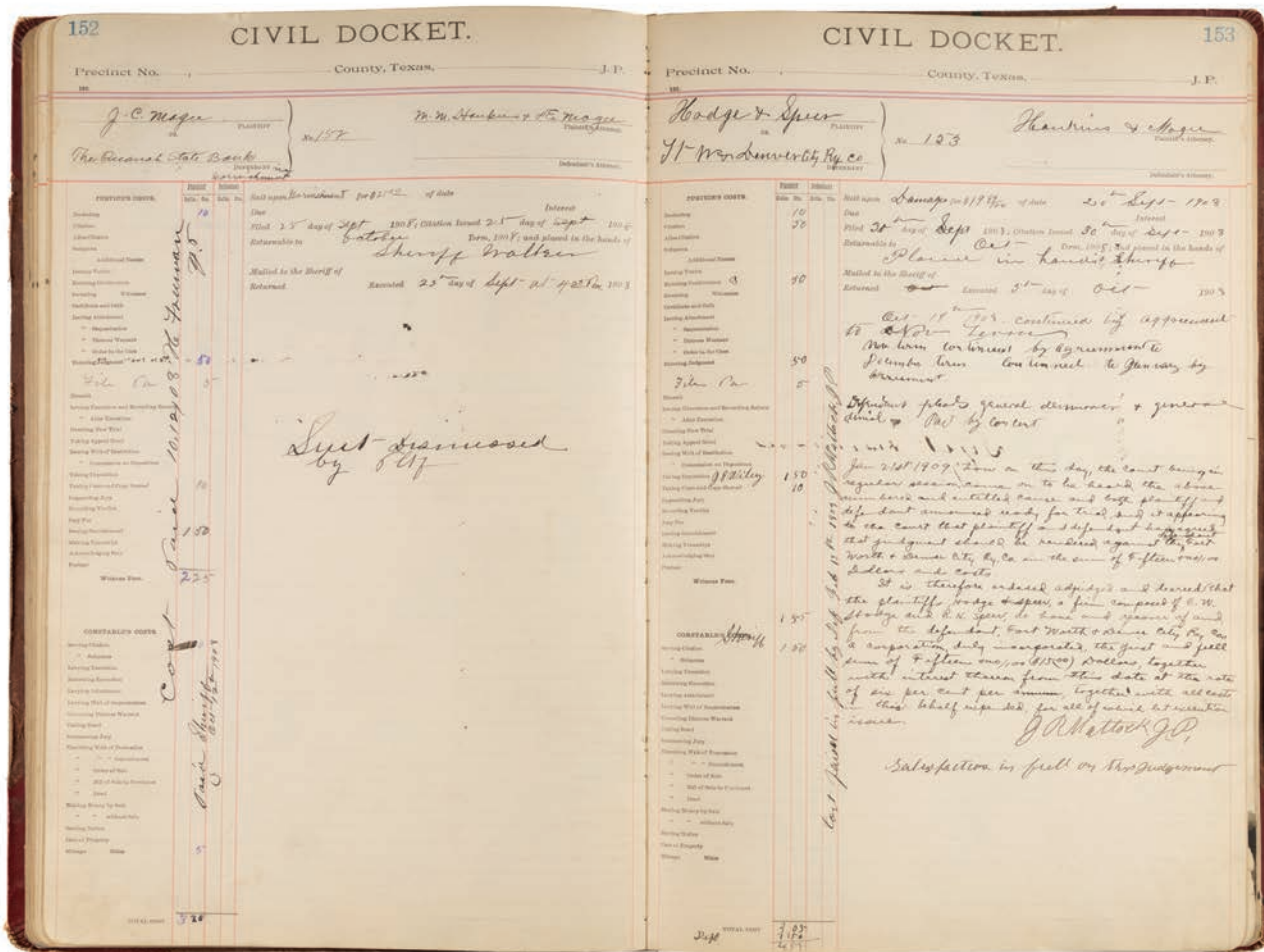
[Manuscript]; Holmes, Oliver Wendell, Jr.; [Benjamin, Robert M. (1896-1966)]. [Autograph Note, Signed, Washington, DC, December 8, 1929]. \$850.

7-3/4" x 5-1/2" Supreme Court bifolium letterhead, content to recto of first leaf. Light toning, horizontal fold line.

THIS NOTE was probably addressed to Robert M. Benjamin [1896-1966], Holmes's clerk from 1922 to 1923. It reads: "My Dear Benjamin, You are the most faithful of friends. Another custom (?) that even I had forgotten - I thank you both and send you both my love. Affectionately yours, O.W. Holmes." In 1953 Benjamin was part of the legal team that represented another former Holmes clerk, Alger Hiss.



Nº 125



№ 127

**A POIGNANT EULOGY FOR CARDOZO
BY ONE OF HIS COLLEAGUES**

126
[Manuscript]; Stone, Harlan Fiske [1872-1946].
[Typed Letter, Signed, Regarding the Death of Benjamin Cardozo, On U.S. Supreme Court Letterhead, October 17, 1938]. \$500.

Single-sided letter on 10-1/2" x 8" sheet, signed "Harlan Stone." Faint horizontal fold lines, a few minor creases to edges, negligible light soiling to upper left corner.

THIS LETTER was sent to Harold Roland Shapiro, a lawyer, law professor and legal writer who was involved with trade and anti-trust regulation during the New Deal. Stone eulogizes Associate Justice Cardozo, who had died three months before this letter was written. He writes: "The death of Justice Cardozo was an irreparable loss to his friends, to the Court, and to the country. I could hardly undertake to say how greatly I miss him." Stone also thanks Shapiro for sending him a "very interesting account" of "Mr. Wellman's book," most likely Francis Wellman's *Luck and Opportunity: Recollections* (1938).

**TWENTIETH-CENTURY DOCKET BOOK
FROM HARDEMAN COUNTY, TEXAS**

127
[Manuscript]; [Texas]. [Justice's Civil Docket (spine title)]. Hardeman County, Texas, 1905-1910. [xxviii], 290 pp. Final leaf possibly removed. Folio (15-3/4" x 10-1/2"). \$650.

Three-quarter dark red cloth over light red pebbled cloth, gilt fillets and title to spine, marbled edges, hinges and endleaves reinforced with cloth, stationer's bookplate to front pastedown, a few annotations to rear free endpaper. Moderate rubbing and several small scuffs and inkstains to boards, somewhat heavier rubbing and light wear to extremities, joints starting in a few places, corners worn. 28-pp. thumb-tabbed address book (blank) followed by 290-pp. part-printed docket book completed in manuscript, several additional typed pieces of paper tipped or laid in. Moderate toning to interior, a few cracks in text block, all leaves secure.

THIS DOCKET of civil cases from Precinct 1 of Hardeman County, Texas appears to have been compiled by at least two justices of the peace, H. Freeman and J.R. Mattock. Freeman was a justice of the peace from approximately 1897-1908;

Mattock, who had previously served as the county sheriff in 1903, seemingly takes over the docket in late 1908. Most of the entries are remarkably comprehensive, recording the names of the parties and their attorneys, the outcome of the case and a full accounting of court costs. The cases cover a wide range of disputes: property rights, escaped livestock, mortgages, refusal to pay fines and personal and corporate debts all feature. An interesting look at the judicial process in early twentieth-century Texas.

JUSTICE LEWIS POWELL'S COPY

128

Medina, Harold R. [1888-1990]; Virtue, Maxine Boord, Editor. *Judge Medina Speaks: A Group of Addresses by Harold R. Medina.* New York: Matthew Bender & Company, [1954]. viii, 319 pp. \$750.

Cloth in lightly worn and soiled dust jacket with a few minor tears, ownership signature of Lewis F. Powell Jr. to front free endpaper.

ONLY EDITION. Medina was an important attorney, educator and judge, later senior judge, of the United States Court of Appeals, Second Circuit (1951-1958, 1958-1980). In 1948 he presided over the widely publicized "Medina Trial" against the 11 top leaders of the U.S. Communist Party. Appointed by President Nixon, Powell [1907-1998] was an associate justice of the U.S. Supreme Court from 1971 to 1987. He is also known as the author of the Powell Memorandum, a confidential essay for the United States Chamber of Commerce that was a founding document of the modern conservative movement.

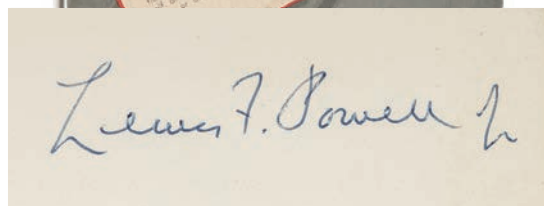
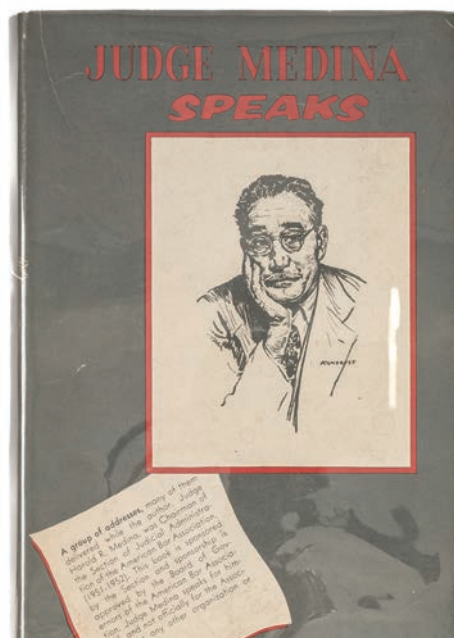
**INSCRIBED BY ROBERT H. JACKSON
TO JOHN LEO BLAIR**

129

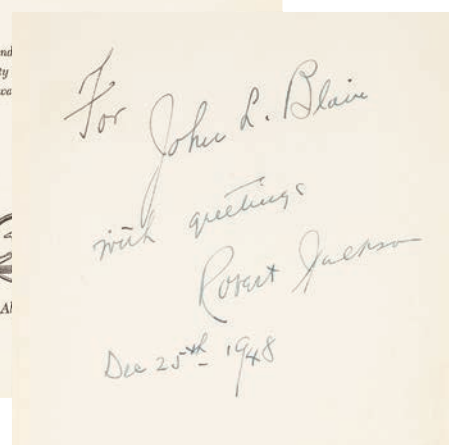
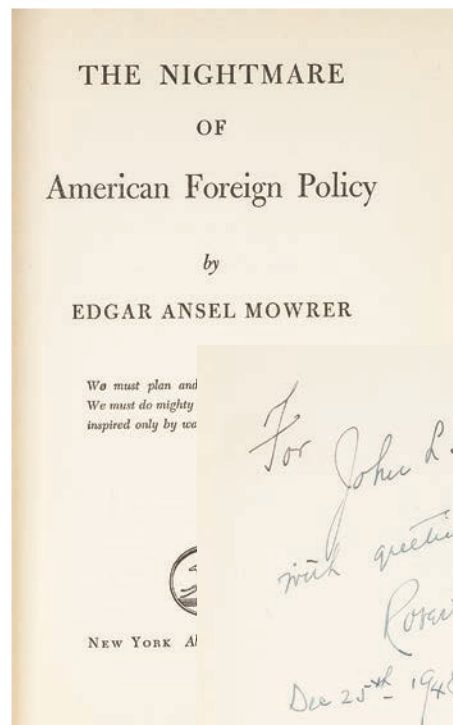
Mowrer, Edgar Ansel. *The Nightmare of American Foreign Policy.* New York: Alfred A. Knopf, 1948. viii, 283, xxii pp. \$500.

Hardcover, very good with light shelfwear in lightly worn and price-clipped dust jacket, internally clean. Inscription "For John L. Blair/ with greetings/ Robert Jackson/ Dec 25th 1948" to front free endpaper. Item housed in custom cloth slipcase.

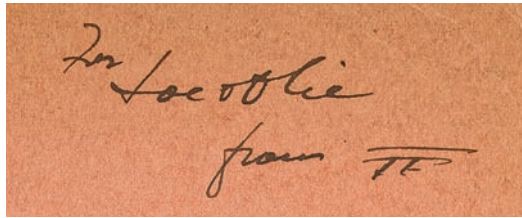
FIRST EDITION. Robert H. Jackson [1892-1954], who had a long and distinguished career as a lawyer and politician, served as United States Solicitor General, United States Attorney General and an associate justice of the United States Supreme Court. He was also the chief prosecutor for the United States at the Nuremberg trials. Blair was a close friend of Jackson's. He was a successful businessman and advisor to Franklin D. Roosevelt and Henry Morgenthau, Jr.



Nº 128



Details from Nº 129



Detail from N° 130

PRESENTATION COPIES FROM THE LIBRARY OF AN IMPORTANT CIVIL RIGHTS LAWYER

130

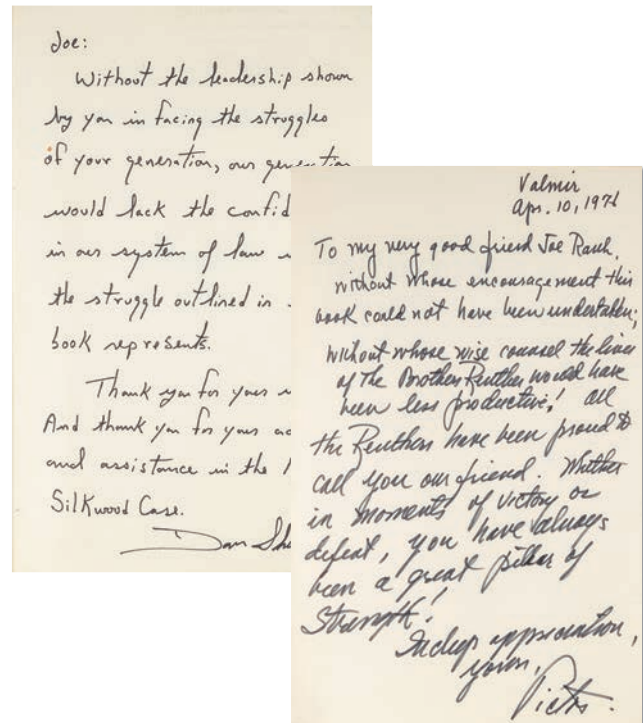
[Rauh, Joseph Louis, Jr. (1911-1992)]. [11 Titles Inscribed to Joseph Rauh and His Wife]. 10 hardcover books, 1 pamphlet. Varying imprints, 1947-2000. \$1,750.

Books: hardcover cloth, very good to near-fine in lightly to moderately worn dust jackets, some with light fading, minor creases or small tears, underlining in pencil and ink in several places in *The Ways of a Judge*, all other titles internally clean with presentation inscriptions, most from authors, to Joe Rauh, Olie Rauh or the couple to half-titles or front free endpapers. **Pamphlet:** stab-stitched, light fading and shelfwear to exterior, wrappers starting to separate at foot but secure, internally clean, presentation inscription from Felix Frankfurter to front wrapper. An interesting collection.

JOSEPH RAUH was a central figure in the development of post-war liberalism in America. His passionate devotion to liberal causes encompassed civil rights, organized labor and freedom of speech, both in public service and private practice. He began his career in the Roosevelt administration and clerked for justices Cardozo and Frankfurter. He served as counsel for organizations, such as United Auto Workers under Walter Reuther's leadership and the NAACP, and

individuals, including those targeted as communists by the House Committee on Un-American Activities. He was posthumously awarded the Presidential Medal of Freedom by President Clinton for his work.

The titles and inscriptions in this collection reflect his broad social network, personal interests and sterling reputation among his friends and allies. They include gifts from intimate associates, such as Rauh's early mentor Felix Frankfurter and client Victor Reuther, and sympathetic colleagues, like constitutional lawyer Daniel Sheehan. Together, the collection offers insight into the life of a distinguished and passionate advocate who helped shape the American civil rights movement.



Details from N° 130





N° 131

**“HIS FAMOUS WIG COMPOSED ENTIRELY OF
SPLIT HAIRS AND ADORNED WITH THE
CEREMONIAL CRIMSON TAPE”**

131

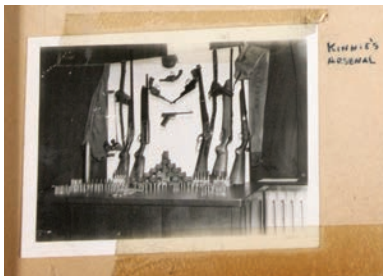
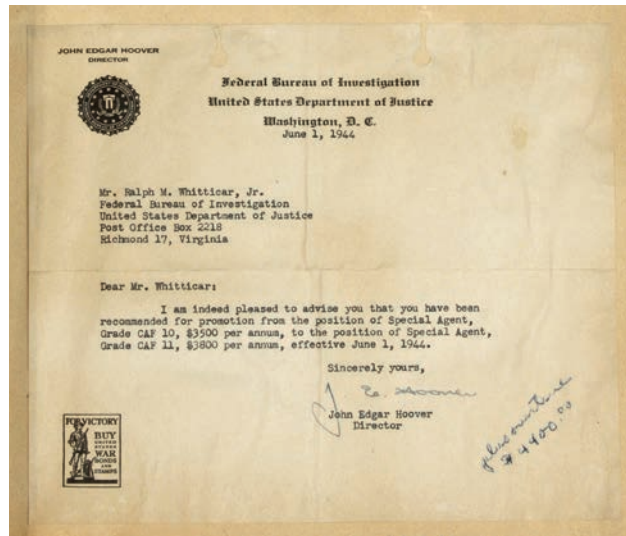
Robinson, Boardman [1876-1952]; [Becker-Rosenthal Murder Trial]. *Mr. Justice Precedent*. [New York, 1914]. \$3,500.

21" x 15-1/2" gouache image on 26" x 19-1/2" sheet, image signed twice and inscribed by Robinson, caption in pencil below image, most likely in another hand, laid down on illustration board. Image in 30-1/2" x 24" wooden frame, glazed. Light soiling, a few minor stains and four crop-marks to margins outside of image, which could be covered with a matte, image fine. Several minor scuffs and nicks to frame. A unique item relating to a notable trial.



THIS PIECE was created to illustrate “Leaden Footed Justice in New York State,” an article that appeared in the Special Feature section of the *New York Tribune* on Sunday, March 1, 1914. The caption reads: “Mr. Justice Precedent wearing his famous wig composed entirely of split hairs and adorned with the ceremonial crimson tape.” The caption refers to the protracted nature of the Becker-Rosenthal Murder case, which began on October 7, 1912, restarted on May 2, 1914 and finally concluded after a series of procedural events in 1915. The case involved a group of corrupt police officers, led by Charles Becker, who ran a protection racket on illegal casinos. Becker hired gangsters to kill a casino owner and rival gangster who threatened to expose the racket. A breathtaking example of police corruption, the investigation and trial were front-page news in New York for months. In the end Becker was sent to the electric chair at Sing Sing. (This was the first time a police officer received the death penalty). The case lived on for several years in the popular imagination; it is mentioned, for example, in *The Great Gatsby* (1925).

Robinson, the creator of this illustration, was a distinguished artist, illustrator and cartoonist. A native of Nova Scotia, he studied art in Boston and completed his training at the Académie Colarossi and the École des Beaux-Arts, both in Paris. “Mr. Justice Precedent” shows his affinity, acquired in Paris, for the work of Daumier, Forain and Steinlen. Robinson produced work for several newspapers and periodicals. He created “Mr. Justice Precedent” when he was an editorial cartoonist for the *Tribune*, a position he held from 1910 to 1914. The piece is signed twice; the second signature is part of a mostly illegible (and undated) inscription to an attorney.



Details from № 132

SCRAPBOOK COMPILED BY A LAWYER WHO SERVED AS AN F.B.I. AGENT IN THE EARLY 1940s

132

[Scrapbook]; [Whitticar, Ralph M.]. [Scrapbook Compiled by FBI Agent and Lawyer Ralph M. Whitticar]. Richmond and Fredericksburg, VA, 1941-1947, 1982-1983. [100] pp. Folio (14-1/2" x 11-1/2"). \$1,500.

Padded imitation calf with ties, large hearth scene stamped to front cover below "Scrapbook." Light wear to extremities, front board detached, rear board partially detached, first leaf detached and moderately edgeworn, some edgewear and minor tears to several following leaves. Photographs, newspaper clippings, letters and documents affixed (with glue or cello tape) to rectos of 33 pages, three newspaper clippings from 1982 and 1983 laid in rear of book. Most of these items have brief annotations.

RALPH WHITTICAR was a lawyer from Columbus, Ohio who joined the F.B.I. as a special agent in 1941. He served in Washington, DC and Virginia until he resigned in 1944 to take a position with the Virginia Department of Motor Vehicles. Remaining in Virginia, he returned to legal practice in 1946. This scrapbook, which is devoted to Whitticar's career, is devoted mostly to his years in the F.B.I., which were clearly a high point in his life. He was involved in several cases in Washington, DC, Virginia and Kentucky. Several pages, most with photographs taken, we presume, by Whitticar or other agents, are devoted to his role in the capture of legendary bootlegger, robber and murderer Kinnie Wagner. There are also four letters to Whitticar from J. Edgar Hoover, one of them a letter of commendation.

LARGE PHOTOGRAPH OF GENERAL DOUGLAS MACARTHUR WITH EARL WARREN AND ELMER ROBINSON, SIGNED BY ALL THREE

133

Warren, Earl [1891-1974]; MacArthur, Douglas [1880-1964]; Robinson, Elmer [1894-1982]. [8" x 10" Black-and-White Photograph of Douglas MacArthur, Elmer Robinson and Earl Warren]. [San Francisco, 1951]. With autograph signatures of MacArthur, Robinson and Warren. **[With] Warren, Earl.** [Typed Letter, Signed, On U.S. Supreme Court Letterhead, To William R. McVay, Washington, DC, June 27, 1969]. 1 pp. \$1,500.

Together two items in attractively matted and glazed 14-1/4" x 22-1/4" frame. Fine, horizontal fold lines to letter.

THE PHOTOGRAPH was taken on the day of the San Francisco parade celebrating MacArthur's return to the United States. He had previously been relieved of duties by President Truman for demanding China's surrender in the Korean War without presidential authorization. Seated in an automobile (part of a motorcade), MacArthur is shown in profile, wearing his signature Field Marshall-style hat and trench coat. He is seated next to Elmer E. Robinson, the San Francisco mayor, and Earl Warren, the former governor of California and Chief Justice of the Supreme Court, both of whom are looking toward the camera.

Warren's letter thanks McVay for good wishes sent to Warren upon his retirement in 1969.

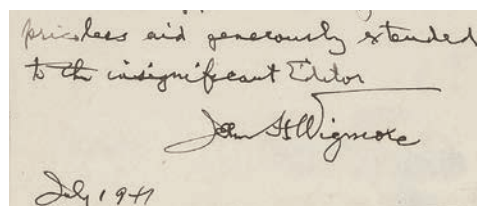
INSCRIBED BY WIGMORE

134

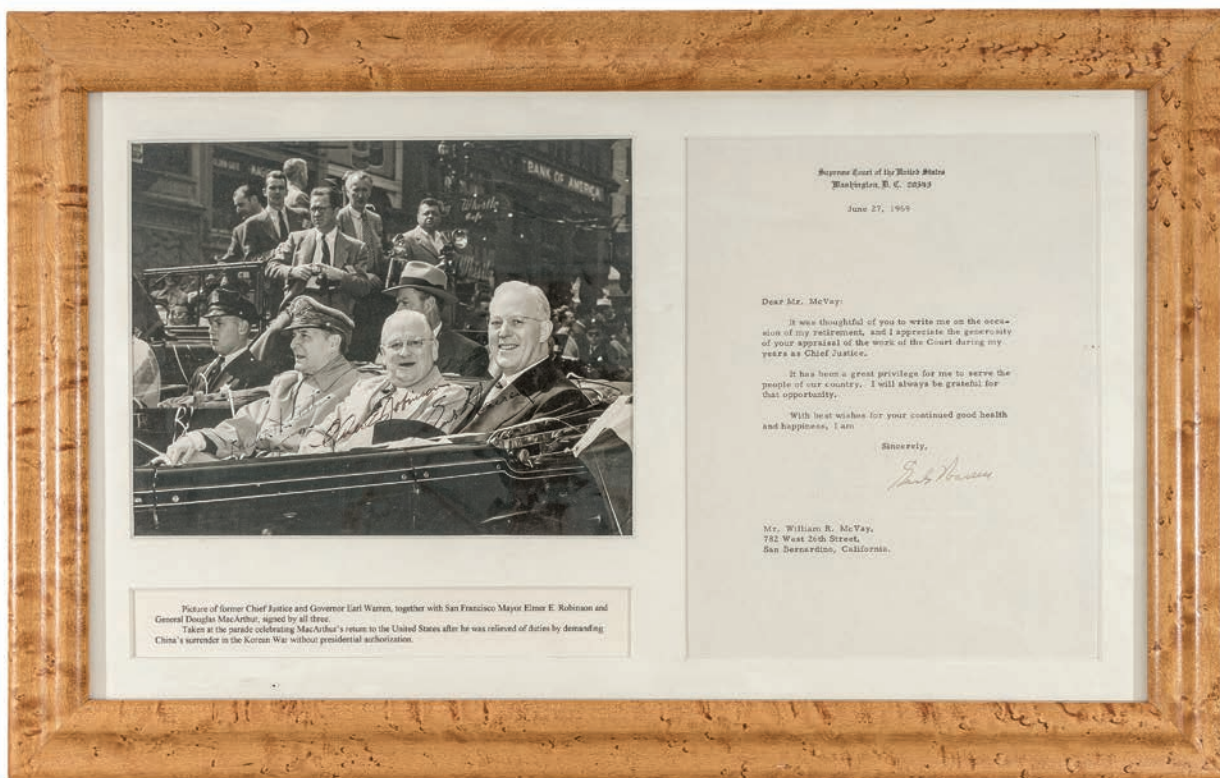
Wigmore, John H. [1863-1943]. *A Kaleidoscope of Justice: Containing Authentic Accounts of Trial Scenes from All Times and Crimes.* Washington, DC: Washington Law Book Co., 1941. xxx, 751 pp. 1 folded leaf of plates with color illustrations. \$500.

Publisher's cloth, gilt stamped spine and front cover. Light dampspotting to boards. Author's presentation inscription to front pastedown: "This wretched compilation/ is presented to the eminent Sinologist/ Arthur W. Hummel/ in humble appreciation of/ priceless aid generously extended/ to the insignificant Editor/ John H. Wigmore/ July 1941."

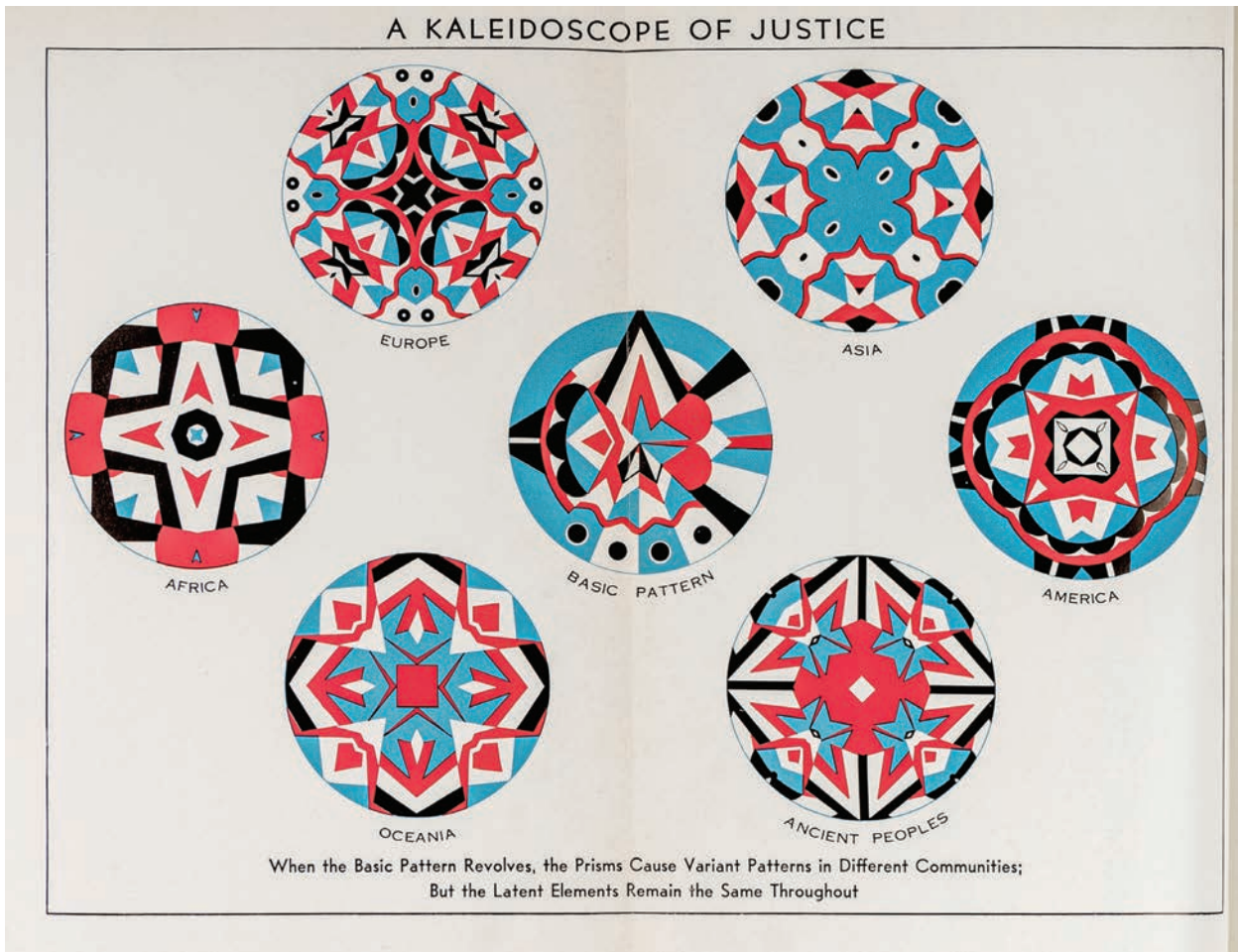
THOUGH PERHAPS BEST KNOWN for his scholarship on evidence in Anglo-American law, Wigmore also taught law at Tokyo's Keio University from 1889-1892. He later became Northwestern Law School's first full-time dean. Arthur W. Hummel Sr. [1884-1975], a prominent American sinologist and missionary, was the first president of the Association for Asian Studies.



Detail from N° 134



N° 133



Detail from N° 134 (See previous page)

“ABSOLUTELY THE LAST WORD ON THE MATTER OF JUDICIAL PROOF”

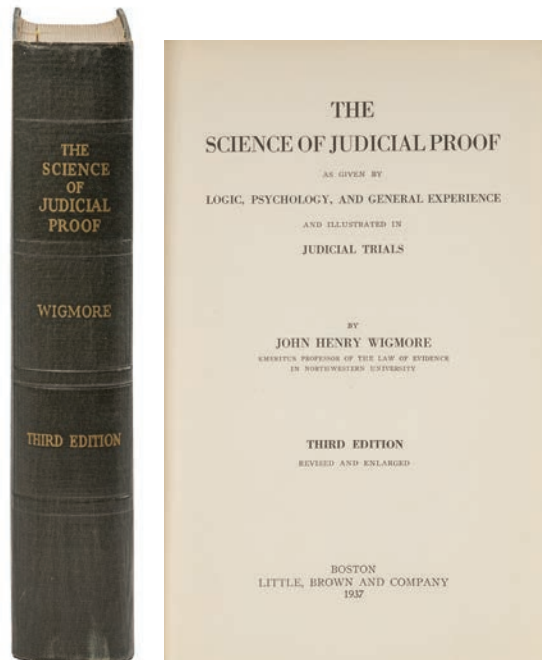
135

Wigmore, John Henry [1863-1943]. *The Science of Judicial Proof As Given by Logic, Psychology, And General Experience and Illustrated in Judicial Trials.* Boston: Little, Brown and Company, 1937. xxiii, 1065 pp. Two folding plates, illustrations. \$500.

Original green cloth, light shelfwear. Property stamp of “Terence M. O’Brien, Kansas City, Missouri” to front and rear pastedowns, with his embossed stamp to front free endpaper, edges stamped. Interior otherwise fresh.

THIRD EDITION, revised and enlarged. An extensively revised and expanded edition of *The Principles of Judicial Proof* (1913). According to a contemporary review cited in Marke, it “is absolutely the last word on the matter of judicial proof and can be used to great value, not only by all practicing lawyers, but as an additional help to those more advanced in the profession.” Terence M. O’Brien [1910-1993], the former owner of our copy, was a leading Kansas City attorney and president of the Kansas City Metropolitan Bar Association.

◆ Marke 532.



N° 135

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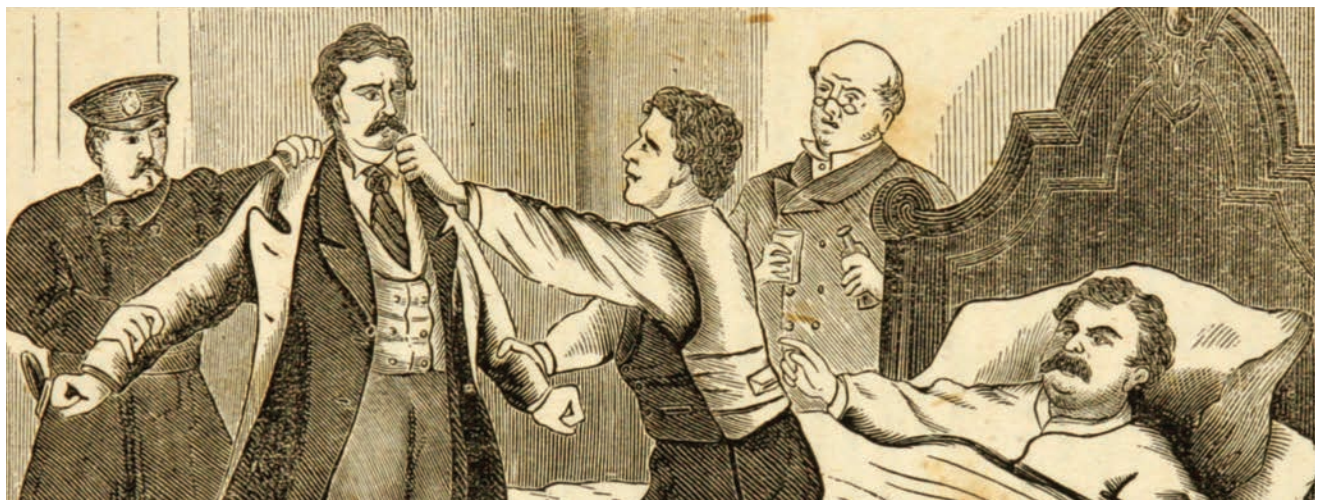
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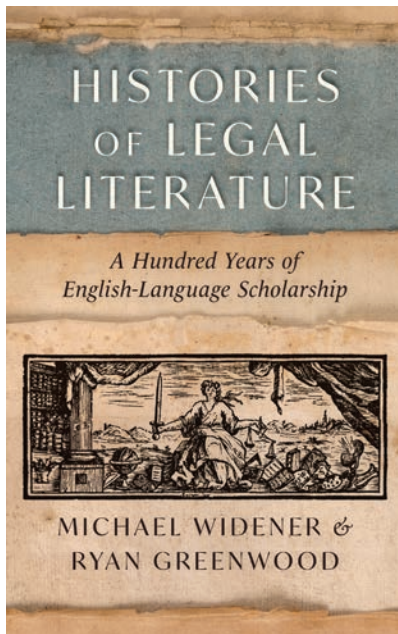
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Detail from N° 87 (See page 57)



Histories of Legal Literature A Hundred Years of English-Language Scholarship

Michael Widener &
Ryan Greenwood

[viii], 202 pp.
ISBN 978-1-61619-691-2
Hardcover with Dust Jacket 2024
\$49.95

A “unique and exceedingly valuable work, useful to anyone interested in the ‘how’ of the preservation and transmission of law.”

Ross E. Davies

Professor of Law, Antonin Scalia Law School, George Mason University

THE HISTORY OF THE LAW is known above all through its literature, an extraordinarily diverse body of texts in an equally diverse variety of formats. *Histories of Legal Literature* maps the past hundred years of English-language scholarship with a bibliography of 998 publications on the origins, authorship, dissemination, design, readership, and preservation of the works that shaped the law books of today, including the vast legal literatures from outside the Anglo-American world. With the help of a detailed subject index and statistical analysis, Widener and Greenwood reveal the strengths and gaps in this body of scholarship and point to opportunities for new contributions. *Histories of Legal Literature* will be a useful reference for legal historians, book historians, librarians, and those working in allied fields.

Michael Widener was Rare Book Librarian at the Yale Law School Library until his retirement in 2021. He teaches a course on law books for the University of Virginia’s Rare Book School. He is co-author (with Mark S. Weiner) of *Law’s Picture Books: The Yale Law Library Collection* (Talbot Publishing, 2017), which won the 2018 Joseph L. Andrews Legal Literature Award from the American Association of Law Libraries.

Ryan Greenwood is Curator of Rare Books and Special Collections at the University of Minnesota Law Library, and has served as Widener’s coinstructor at Rare Book School. He is co-author (with Patrick Graybill) of *Jewels of the Collection: Treasures of the Riesenfeld Rare Books Research Center*, which won the 2024 Joseph L. Andrews Legal Literature Award from the American Association of Law Libraries.

THE HISTORY OF LEGAL LITERATURE needed this study by Widener and Greenwood. Readers now have a priceless tool that shows the exponential growth in English-language scholarship on legal literature in the past 100 years. The authors provide a checklist and the necessary analysis to help assess the scope of collections, narratives, topics, and authors. This study is a joy and a must-read for those interested in legal history and the history of books and reading practices!

Agustín Parise

Faculty of Law, Maastricht University

LAW IS THE INTERSECTION of language and power, and the medium through which law works is legal literature. Now two of the world’s foremost experts on the history of legal literature have compiled an authoritative and fascinating bibliography of that history. Michael Widener and Ryan Greenwood’s work on this is a giant step toward creating a new discipline of the historiography of legal publications.

Fred R. Shapiro

*Associate Director for Collections, Yale Law Library, and Editor,
New Yale Book of Quotations*

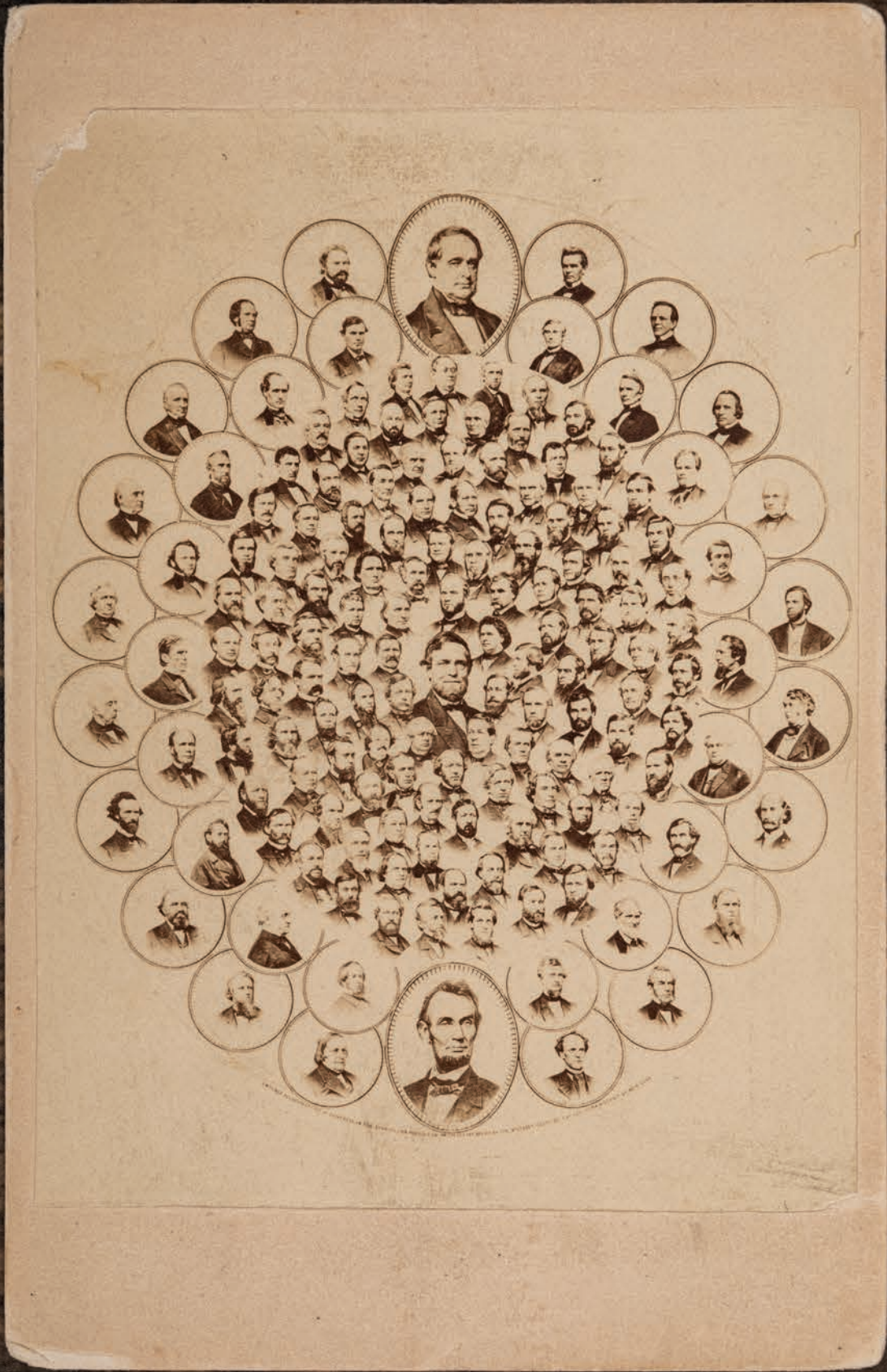
THE FEDERALIST.

no foundation, the evidence of known facts will not us to deny that they are in some degree true. It will be found, indeed, on a candid review of our situation, that some of the distresses under which we labour, have been erroneously charged on the operation of our governments; but will be found, at the same time, that other causes will not alone account for many of our heaviest misfortunes; and, particularly, for that prevailing and increasing distrust of public engagements, and alarm for private rights, which are echoed from one end of the continent to the other. These must be chiefly, if not wholly, effects of the unsteadiness and injustice, with which a factious spirit has tainted our public administration.

By a faction, I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.

There are two methods of curing the mischiefs of faction: The one, by removing its causes; the other, by controlling its effects.

There are again two methods of removing the causes of faction: The one, by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests. It could never be more truly said, than of the fire, that it is worse than the disease. Liberty is an aliment, without which the human mind could not subsist.



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