

APRIL 2, 2024

RECENT ACQUISITIONS

English & American Law, 1684–1965

12 ITEMS



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An Interesting Collection of Brandeis Letters

1. Brandeis, Louis D. [1856-1941].

[Lowenthal, Max (1888-1971)].

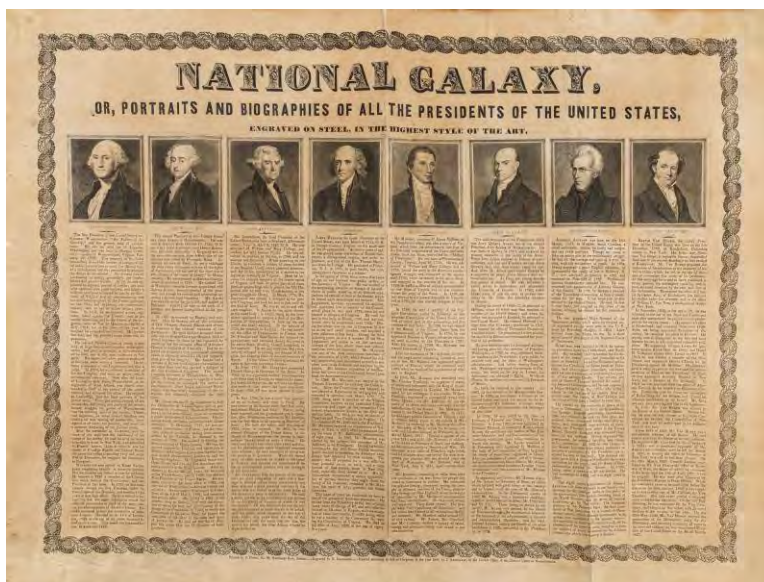
[Letters from Louis D. Brandeis to Max Lowenthal, 1929, Washington, DC and Chatham, MA, January 17, June 1, September 2, December 12 and December 26].

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 gazed, with a caption, in a 24" x 34" frame. \$3,000.

* These letters, three of which are marked confidential, deal with a matter involving before the Department of Justice in 1929. (The Stolen Property Act is mentioned in one letter.) Brandeis outlines strategic and political 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.

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"Engraved on Steel, In the Highest Style of the Art"

2. [Broadside].

Dearborn, Nathaniel [1786-1852], Engraver.

National Galaxy, Or, Portraits and Biographies of all the Presidents of the United States, Engraved on Steel, In the Highest Style of the Art. Boston: Printed by J. Howe, No. 39, Merchants Row, Boston....Engraved by N. Dearborn.....Entered according to Act of Congress by J. Greenleaf, 1840.

21-1/2" x 29" broadside, printed area measuring 19-1/2" x 26." Headline with "National Galaxy" in floral woodcut capitals, text below in 8 columns, each headed by mounted intaglio portraits of Presidents Washington, Adams, Jefferson, Madison, Monroe, Quincy Adams, Jackson and Van Buren, attractive woodcut border surrounding. Toning, faint horizontal and vertical fold lines, a few small tears and faint dampspotting to edges not affecting text or border, negligible light foxing, slight creasing to lower corners, reinforced neatly on verso at corners and five places along edges and fold lines without loss to text or images. A notably handsome broadside. \$2,500.

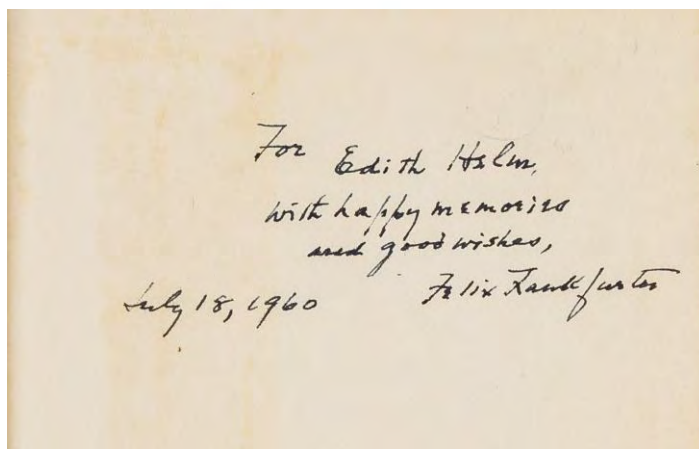
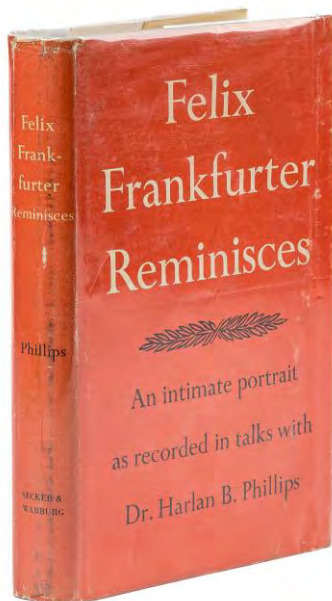
* First edition. The *National Galaxy* depicts the presidents through Van Buren with biographies of each beneath their portraits. It is particularly striking given that each portrait, produced by Boston engraver Nathaniel Dearborn, was printed separately and painstakingly mounted on the printed broadside sheet. This use of steel engraving, which produced more lifelike and detailed images, was laborious and expensive, and is uncommon on broadsides of this period, which were far more likely to use cheaper, cruder woodblock engravings. The publisher describes this intaglio technique as "the highest style of the art."

Like others of its kind, this broadside was likely intended to hang in a school or home. "Popular prints offering portraits of all the presidents in a grand design on a single sheet not only celebrated the presidency but also subordinated individual presidents to the institution...the presidency emerged as the central unifying agent and the foremost symbol of the American republic. Mass-produced prints played an important role in reinforcing public perceptions of the president as the center of the Union and its preserver" (Cunningham). Updated broadsides with the portraits and biographies of subsequent presidents were issued by Greenleaf in 1844, 1846, 1849 and 1850.

All editions are rare. OCLC locates 1 copy of the 1840 edition worldwide (American Antiquarian Society). Cunningham, *Popular Images of the Presidency From Washington to Lincoln* 282 (see also pp. 64-66).

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Inscribed by Frankfurter to Edith Benham Helm

3. Frankfurter, Felix [1882-1965].

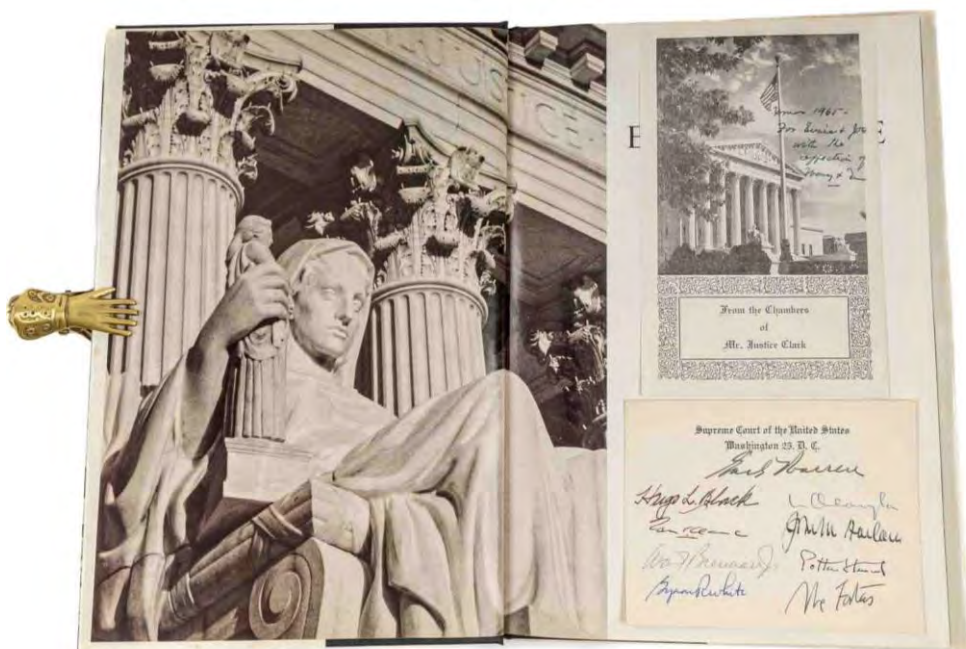
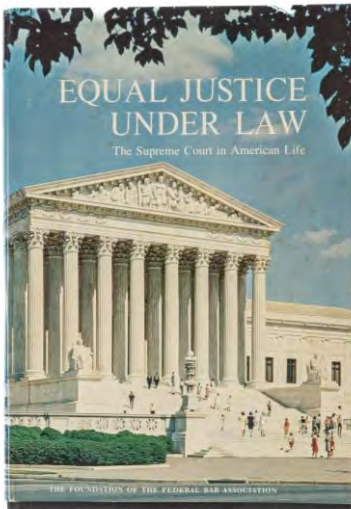
Felix Frankfurter Reminiscences: An Intimate Portrait as Recorded in Talks with Dr. Harlan B. Phillips. New York: Reynal & Company, [1960]. [ix], 310 pp.

Cloth in a lightly soiled and edgeworn Secker & Warburg dust jacket, 7" x 5" black-and-white promotional photograph of Frankfurter, which has a small chip to its bottom-edge, laid in. Presentation inscription from Frankfurter to front free endpaper reads: "For Edith Helm,/ with happy memories/ and good wishes,/ July 18, 1960/ Felix Frankfurter." Edith Helm [1874-1962] was the White House social secretary for First Ladies Wilson, Roosevelt and Truman. \$500.

* First edition, first printing. 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, career and his thoughts on such topics as religion and the function of judges.

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Signed by the Nine Justices of the Warren Court

4. Harrell, Mary Ann.

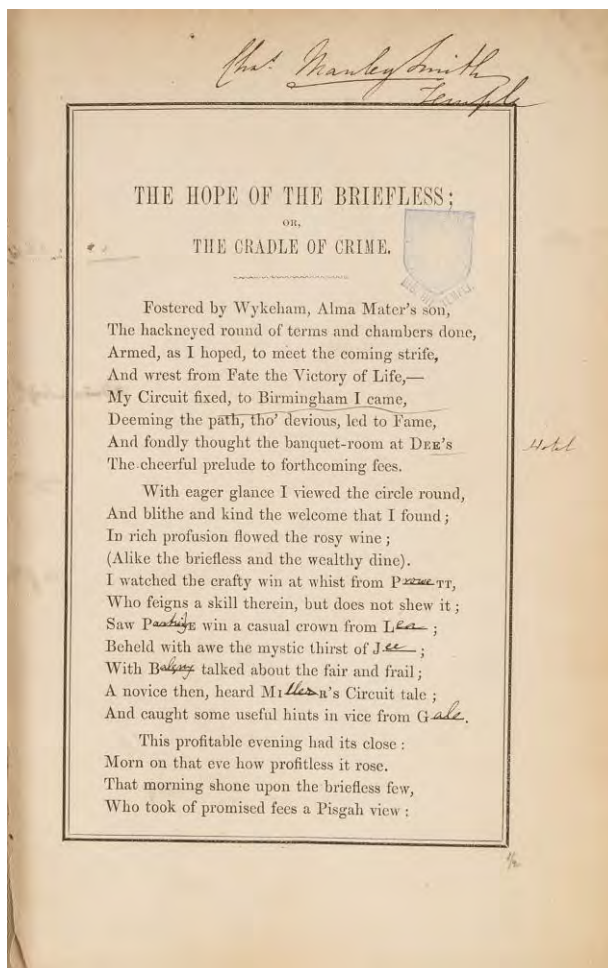
Equal Justice Under Law: The Supreme Court in American Life. Washington D.C.: Foundation of the Federal Bar Association with the Cooperation of the National Geographic Society, [1965]. 143 pp. Illustrations, most in color.

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. \$1,750.

* A popular history of the U.S. Supreme Court. Chief Justice Earl Warren; the associate justices were Hugo L. Black, William O. Douglas, Tom C. Clark, John M. Harlan, William J. Brennan, Potter Stewart. Byron R. White and Abe Fortas.

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**"The Last Recorded Syllable of Time
Shall Throb to Human Weakness, Want, And Crime"**

5. [Legal Poetry].

[Eardley-Wilmot, Sir John Eardley (1810-1892), Attributed].

The Hope of the Briefless; Or, The Cradle of Crime. [London?]: Printed for private circulation, [c.1850]. 7 pp. Octavo (8-1/4" x 5-1/4").

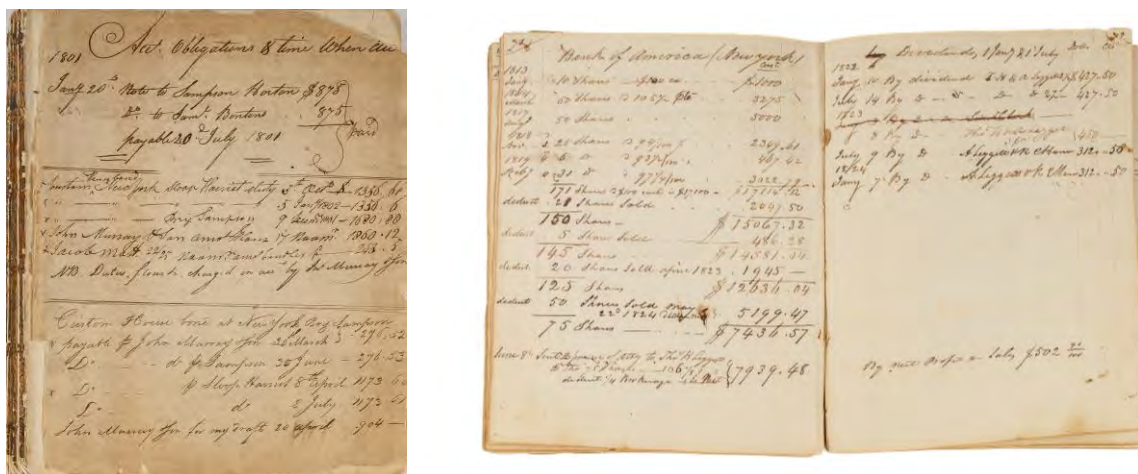
Stab-stitched pamphlet bound in later three-quarter morocco over cloth, gilt seal to front board, gilt title and library seal to spine, endleaves added. Light rubbing to extremities, some fading to fore-edges of boards, faint offsetting to endleaves, later bookplate (Inner Temple Library) to front pastedown, small ink library stamps to rear pastedown and a few other leaves. Light toning, some soiling to front wrapper, brief annotation to its verso, early owner signature (Charles Manley Smith) to head of p. 1, brief additions, mostly in the same hand, throughout. \$500.

* Only edition. This poem satirizes the Birmingham assizes. Later sources attribute the work to Sir John Eardley-Wilmot, a British politician and judge. Smith, called to the bar at the Inner Temple, was the author of several important treatises and legal works. His annotations identify the names of figures whose names were not printed in full.

OCLC locates 2 copies of this rare title (British Library, University of Birmingham).

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Account Book of a Connecticut Attorney with Many Eminent and Wealthy Clients

**6. [Manuscript].
[Connecticut].**

[*Account Book*]. [Hartford, CT, 1801-1837]. 25-60; [2], [191], [32 blank], [2], [1 blank] pp. Lacking pp. 1-24. Account book entries numbered 1-100. Octavo (7-3/4" x 6-1/2").

Main text in single neat hand (two different neat hands on pp. 25-60). Disbound, leaves separating or separated, moderate toning, light egewear to a few leaves with minor loss to a few words of text. \$2,500.

* Compiled by a Hartford attorney, this manuscript contains records associated with many early wealthy citizens of Connecticut, New York, and Philadelphia, chiefly shipping merchants. The first thirty-five pages, most under the heading of "Process Continued," consist of forms for pleading (writs, judgments, attachments, etc.). Given the lacking pages in this portion and the different topic, they may have originally come from a different manuscript stored in the same office and become associated with the account book later.

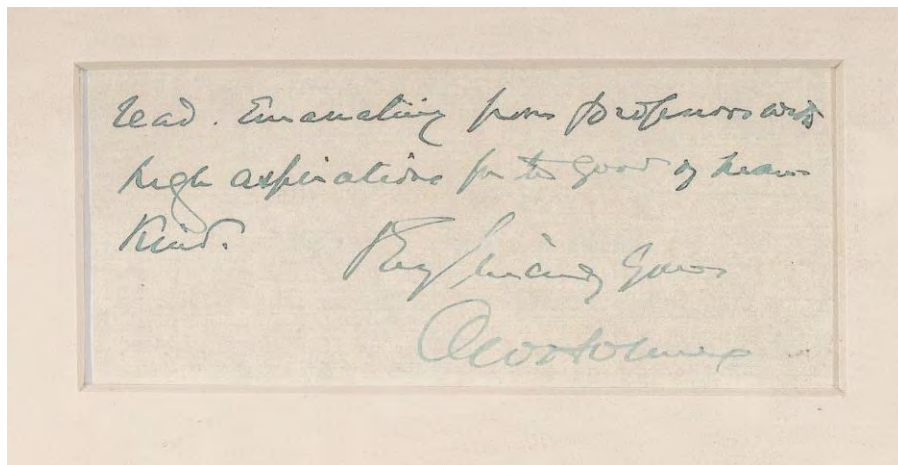
The first account entry is dated 1801. Many entries relate to John Murray & Son, a large commercial firm (likely not the famous publishing company of the same name). Entries include custom house bonds charged to the firm for the shipment of dry goods on several sloops and brigs. Others show that the firm held vast sums of money in the Bank of New York--over \$21,000.

Another entry is headed "William Hart's property as assessed in October 1798." This list includes the Shaw farm, the Willard farm, Buckingham House, and a house in Hartford. The Hart family of Connecticut were wealthy merchants; entries also appear for Richard W. Hart, a Saybrook merchant and eventual founder of the town of Hartsgrove, Ohio.

Many of the entries are interconnected, showing the tightly woven business networks of the compiler's wealthy clients. A lawsuit for Nathaniel Bayly is included which also involves John Murray & Sons. Another entry for Bayly "lately of Jamaica deceased" appears in June of 1801, and refers to business with William Hart. Others deal with the compiler's personal transactions. In 1804, there is an entry which says "Henry Wyles, Hartford. To rent my store at "Sinking Fund" from Novem 1803 to 1 Nove 1804. \$120." The attorney also rented "my barn and lot" to Frances Stitt of Hartford for \$38-\$40 a year.

Entries appear for William Rhinelander (old landholders of NYC), John Warder & Sons of Philadelphia (1751-1828, wealthy Quaker shipping merchants), and Simon Perkins of Warren, Ohio. The attorney seems to have also purchased land in Ohio; "1810 Oct. by paid my land tax in the state of Ohio as per the Collectors acct. \$609.19." Many later accounts are stock sales and accounts and bank accounts, some of which appear to be William Hart's. Other clients include John Morgan and the Hon. Samuel Mather.

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"I Believe in Panaceas As Little As You Do"

7. [Manuscript].

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

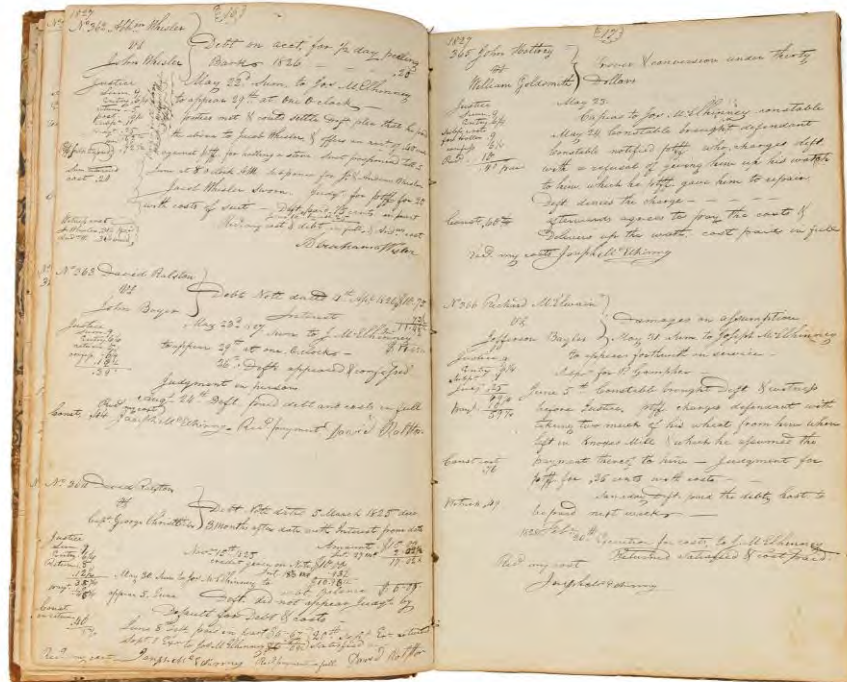
[Autograph Letter, Signed "O W Holmes," On Personal Beverly Farms Letterhead, to Frank T. Benner, Jr., Washington, DC, June 25, 1920]. 2 pp. With transmittal envelope and portrait of Holmes.

Light toning, horizontal fold line, light soiling to envelope. Items matted and glazed in 14" x 24" frame. \$1,000.

* 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.

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An Interesting Docket Book from Cumberland County, Pennsylvania

8. [Manuscript].
[Pennsylvania].
Lusk, Robert.

Docket. Cumberland County, PA, 1826-1840. [iv], 111, [1], 66 pp. With two indexes. Folio (12-1/2" x 7-3/4").

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. \$1,500.

* This docket book was compiled by Robert Lusk, 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 mutuall 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.

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Isaac Cool	1	
Titus Taugan	2	
Jacob Green	3	
Lot Swan	4	25.
Joshua Gardner	5	
Samuel Sherington Jr.	6	
Dexter Collin	7	30.
Charles Hall	8	
Lodowick Gardner	9	
Caleb Carr	10	25.
Jeps Delano	11	
William S. Bentley	12	
Jonathan Niles	13	
Benjamin Shaw	13	
Titus Taughan	14	
Samuel Holcomb	14	104.
Joseph Rogers	15	
County of Rensselaer	16	
Joseph O. Gardner	17	

Nineteenth-Century Account Book of a Hudson Valley Justice of the Peace

9. [Manuscript].

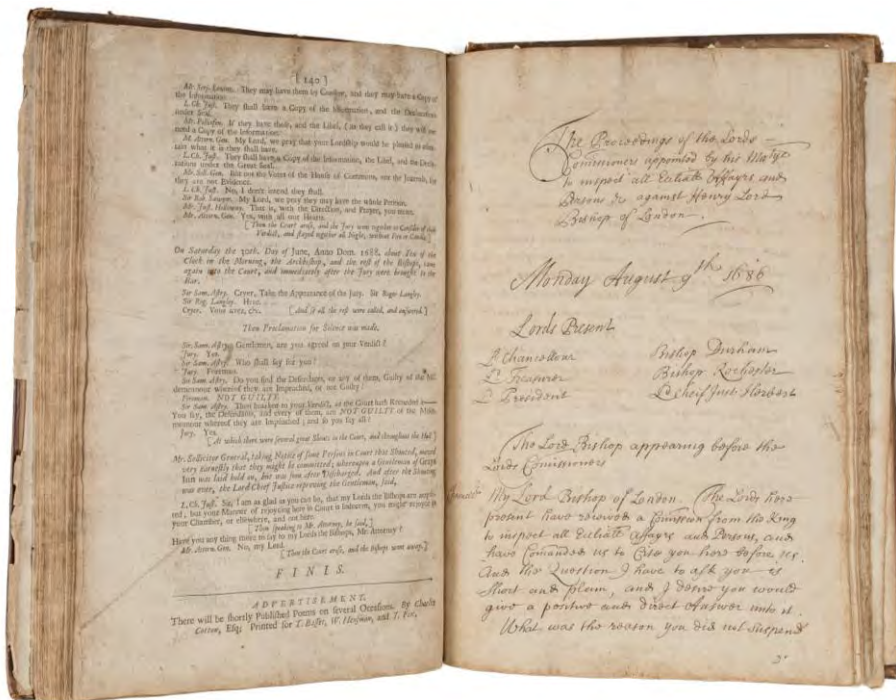
[Sweet, Rufus (1774-1860)].

[*Account Book*]. [Stephenville, NY, 1813-1857]. [288] pp. Quarto (7-1/2" x 6-1/4").

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. \$750.

* 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 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 the recorded accounts and that he transferred the justice post to Lorenzo Chase [1840-1914].

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Reports of Trials Concerning the Stuart Kings, One a Manuscript Version that Differs from the Printed Account

10. [Manuscript].
[Trials].

Compton, Henry [c.1632-1712], Defendant.

The Proceedings of the Lords Commissioners Appointed by His Ma'tye to Inspect All Ecc'tiall Affyrs and Persons &c Against Henry Lord Bishop of London [caption title]. [London, 1686]. [29] pp. Correction-free fair copy in an elegant hand.

[Bound between]

Sancroft, William [1617-1693], Principal Defendant.

The Proceedings and Tryal in the Case of The Most Reverend Father in God William Lord Archbishop of Canterbury, And the Right Reverend Fathers in God, William Lord Bishop of St. Asaph, Francis Lord Bishop of Ely, John Lord Bishop of Chichester, Thomas Lord Bishop of Bath and Wells, Thomas Lord Bishop of Peterborough, And Jonathan Lord Bishop of Bristol. In the Court of Kings-Bench at Westminster, In Trinity-Term in the Fourth Year of the Reign of King James the Second, Annoque Dom. 1688. London: Printed for Thomas Basset...and Thomas Fox, 1689. [viii], 140 pp. Copperplate portrait frontispiece of the seven bishops.

[And]

Sidney, Algernon [1623-1683], Defendant.

The Arraignment, Tryal and Condemnation of Algernon Sidney, Esq. for High-Treason. For Conspiring the Death of the King, And Intending to Raise a Rebellion in This Kingdom. Before the Right Honourable Sir George Jeffreys, Knight and Baronet, Lord Chief Justice of England at His Majesties Court of Kings-Bench at Westminster, on the 7th, 21th, and 27th of November, 1683. London: Printed for Benj. Tooke at the Ship, 1684. [iv], 67 pp.

Contemporary mottled calf, gilt arms of Benjamin Fletcher to boards, gilt spine with raised bands and lettering piece. Moderate rubbing to boards, which are partially detached, heavier rubbing to extremities, spine abraded with wear at ends, corners bumped and moderately worn, front free endpaper lacking, frontispiece of *Proceedings* and rear free endpaper detached and moderately edgeworn. Moderate toning to interior, faint dampstaining and light soiling in places, folds and light wear to corners of a few leaves at beginning and end of text block. \$4,500.

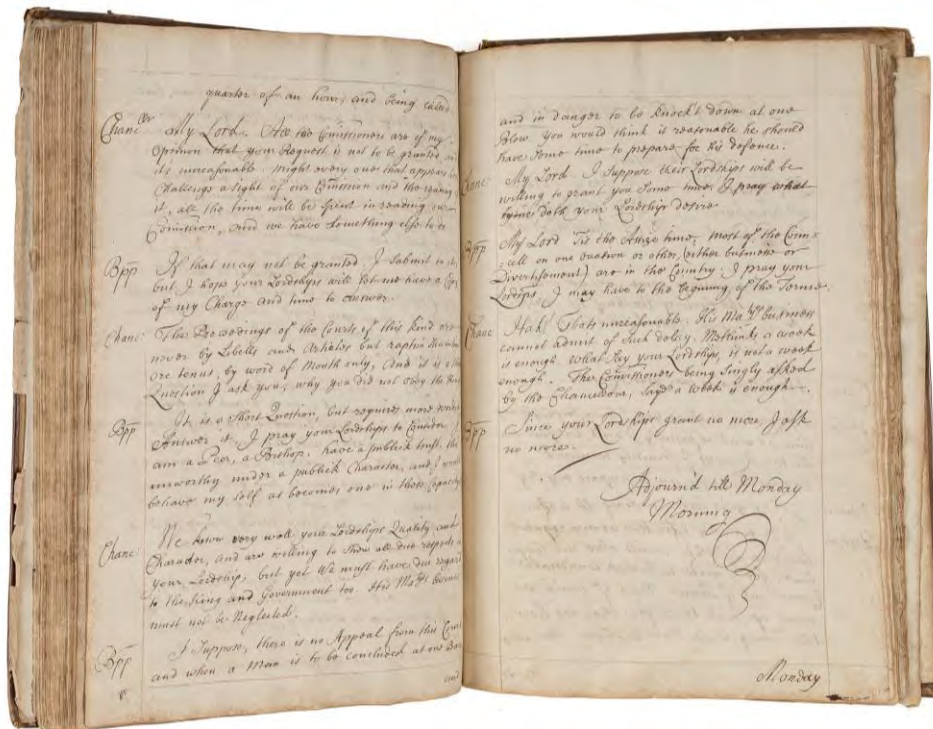
* The anti-Papal preaching of Compton, Bishop of London, enraged King James II, who, through his Ecclesiastical Commission, had him suspended from his post in 1686. A record of the proceedings against Compton was published in London in 1688. (A photocopy is enclosed.) Our manuscript, probably one of a few privately circulated copies, differs in two important ways from the published text in its account of the first day of the trial. It shows that Compton's testimony and the comments of the commission's head, Lord Jeffreys, are conflated and compressed in the published account and that Jeffreys' remarks were toned down. They are considerably more biased and hectoring in the manuscript. (A photocopy is enclosed.)

The *Proceedings*, offered here in its first edition is an account of the so-called "Trial of the Seven Bishops." One of the events that triggered the revolution, this case originated in the refusal of the archbishop of Canterbury and six bishops in 1688 to endorse James II's reissue of Charles II's Declaration of Indulgence, which suspended the penal laws against Catholics and dissenters. The seven were indicted for seditious libel, but acquitted to great public acclaim. The trial confirmed the subject's right to petition the crown. It also reflected the antipathy of English Protestants towards Catholicism.

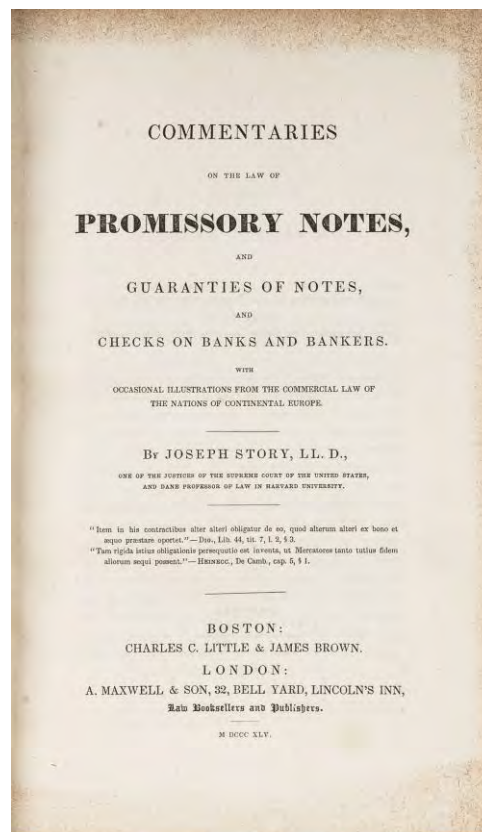
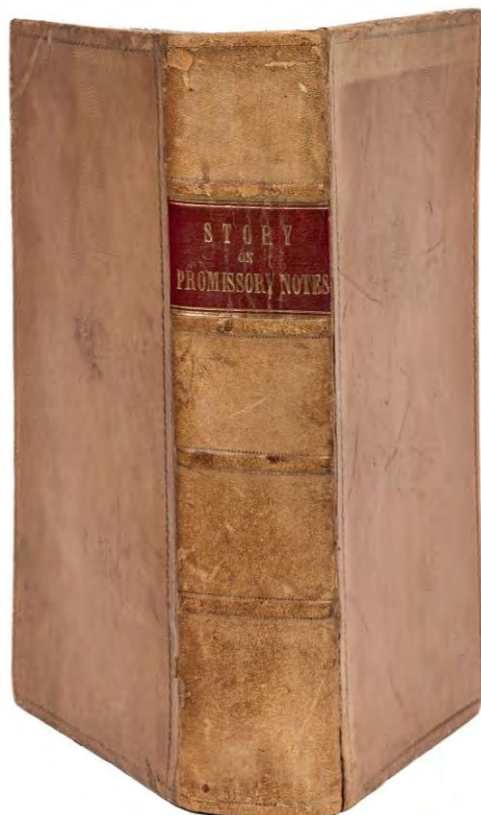
The *Arraignment* had one edition (reprinted the same year in Dublin). Sidney, the important republican political theorist, was implicated and executed for his participation in the Rye House Plot, a plan to assassinate King Charles II and his brother (and heir to the throne) James, Duke of York. The plotters were motivated by fear of their leanings towards Catholicism and Absolutism.

Fletcher, the former owner of this volume, was the colonial governor of New York from 1692 to 1697 and also, in 1693, governor of Pennsylvania. A strict Anglican, his Ministry Act of 1693 made the Church of England the official denomination in New York. He also built the first Trinity Church in 1698. Fletcher was also keen supporter of piracy, which he used to fuel New York's economic growth enhance and his personal wealth. His association with piracy eventually led to his dismissal. He then retired to Ireland, where he lived comfortably for the rest of his life.

English Short-Title Catalogue R7827, R23343.



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First Edition of Story's Final Treatise

11. Story, Joseph [1779-1845].

Commentaries on the Law of Promissory Notes, And Guaranties 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 & James Brown, 1845. xxviii, 675 pp. Octavo (9-1/2" x 5-3/4").

Contemporary sheep, blind fillets to boards, raised bands, blind fillets and lettering piece to spine, blind tooling to board edges. A few shallow nicks and scratches to boards, light rubbing and fading to extremities, front joint starting at foot, corners lightly bumped, front hinge cracked, rear hinge just starting, later owner signature (of Guiny Zaldastani, dated 1976) to front free endpaper and early owner signature (of N. Butler, Jr., dated 1847) to following endleaf. Moderate toning to interior, light foxing in a few places, partial crack in text block between pp. 184-185, all leaves secure, brief pencil annotations and marks to a few pages. An attractive copy. \$950.

* First edition of the last treatise published by Story. "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 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' (Cohen).

Cohen, *Bibliography of Early American Law* 2561.

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**The Landmark Supreme Court Decision Establishing
Judicial Review, As Reported in Alexander Hamilton's Newspaper**

12. [United States Supreme Court].

[Marbury v. Madison].

New-York Herald. Saturday, March 26, 1803. No. 129. [New York: Printed & Published by Michael Burnham, No. 40 Pine-Street], 1803. 4 pp. Folio (19-1/4" x 13-3/4").

Disbound bifolium reinforced at left edge, text in five columns in roman type below masthead in large display capitals. Toning, horizontal fold line, light soiling, staining and spotting, faint owner signature at head of first page affected by trimming, two small holes at head of first leaf affecting text without loss to legibility. \$7,500.

* Printed from 1802-1817, the *New-York Herald* was the semi-weekly edition of the *New-York Evening Post*, founded by Alexander Hamilton in 1801 and still published today as the *New York Post*. This issue reports the U.S. Supreme Court's decision in *Marbury v. Madison*. Remarkably, rather than publishing only a brief notice (or, as many pro-Jefferson papers did, no notice at all), the Federalist-leaning *Herald* reproduced the 11,000-word majority opinion in full, spanning nearly nine columns of text.

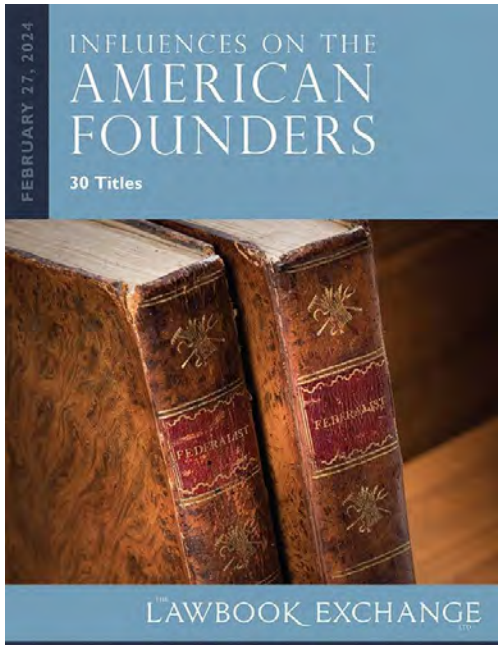
The landmark case centered around Secretary of State James Madison's refusal to complete last-minute judicial appointments made by the outgoing Federalist administration. The court held that Madison had violated the existing statute in denying Marbury's appointment. Crucially, however, it also held that Congress had overstepped its authority and that it was "the province and duty of the judicial department" to "say what the law is"; the court struck down the statute, establishing the principle of judicial review.

The text of the opinion is followed by two paragraphs of unsigned commentary, focusing on the court's finding that Madison (and thus President Thomas Jefferson) had violated the law. The commentator describes Jefferson's "smooth-faced hypocrisy concealing an ambition the most criminal, the most enormous, the most unprincipled" and remarks: "He solicits the limitation of his rightful powers, yet the first act of his administration is to stretch his powers beyond their limits, and from motives most unworthy, to commit an act of direct violence on the most sacred rights of private property!"

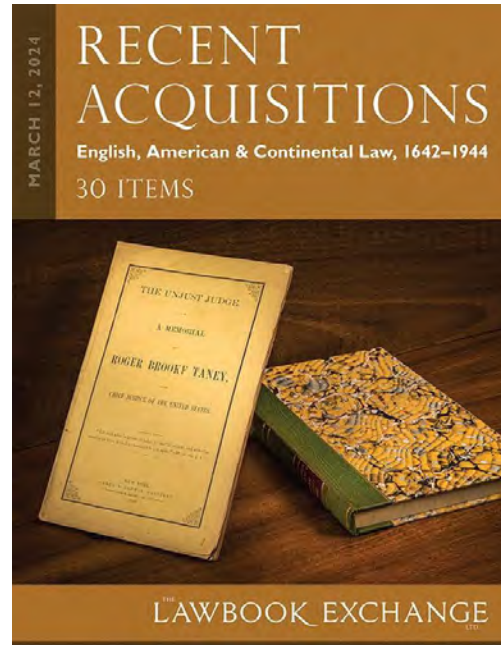
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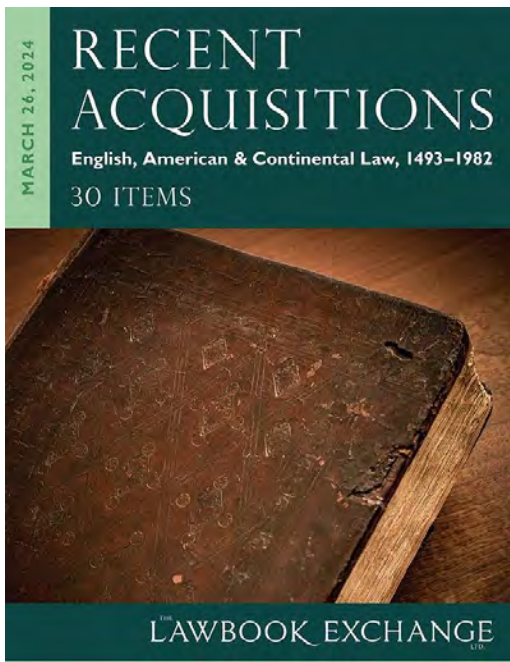
Recent Weekly E-Lists



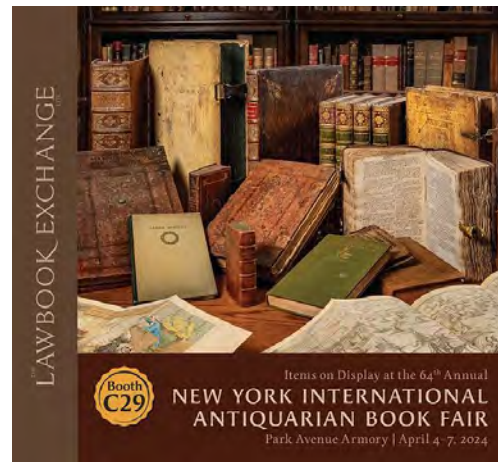
[February 27, 2024](#)



[March 12, 2024](#)



[March 26, 2024](#)



Preview:

[April 4-7, 2024](#)

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