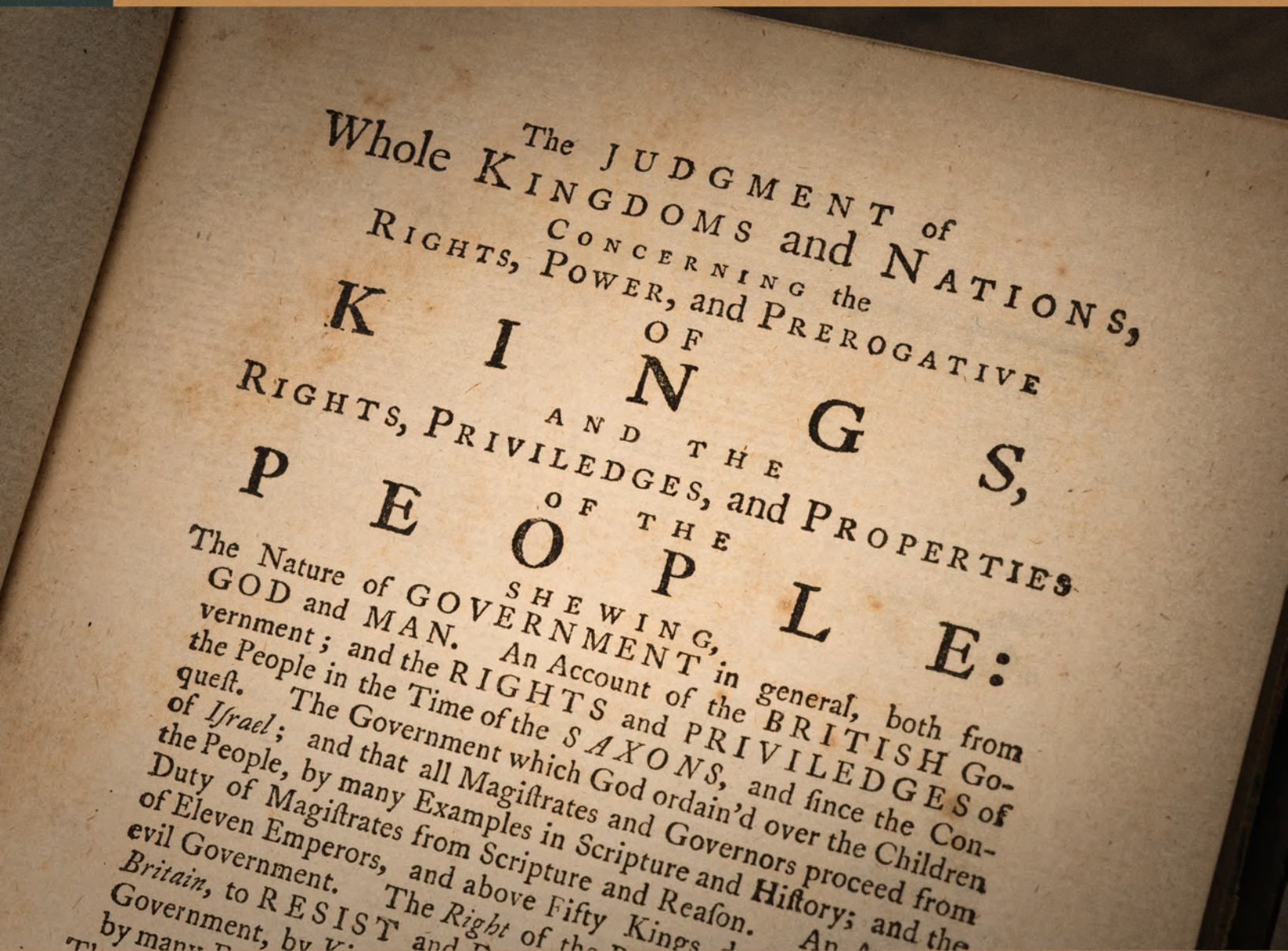


NOVEMBER 19, 2024

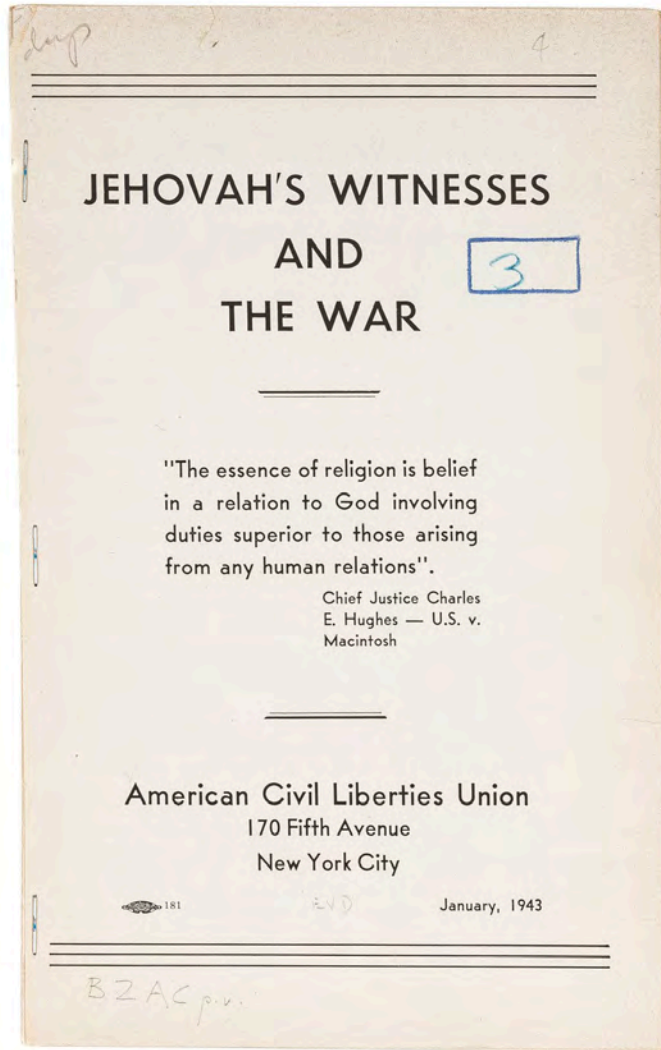
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Against the Persecution of Jehovah's Witnesses

1. American Civil Liberties Union.

Jehovah's Witnesses and the War. New York: American Civil Liberties Union, 1943. 36 pp.

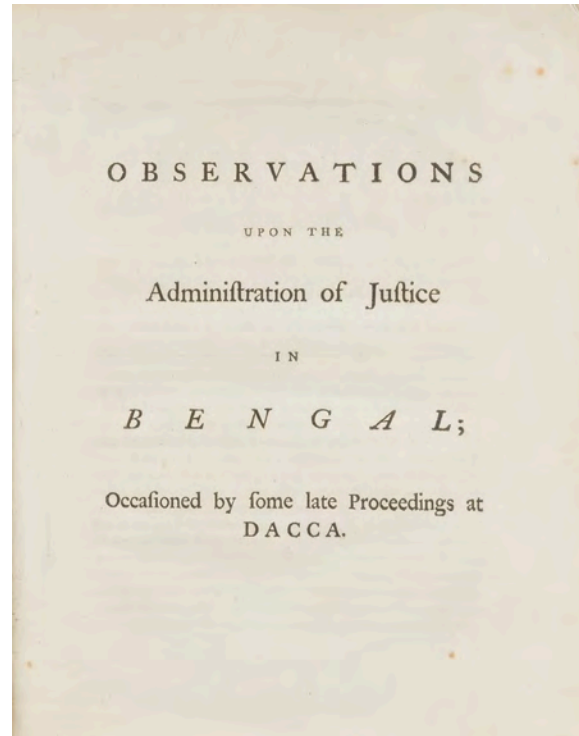
Stapled pamphlet in self-wrappers. Moderate toning, pencil annotations (shelfmarks) to first leaf, which has a small clean tear to its fore-edge not affecting text, ink stamps to front wrapper and final page, internally clean. Item housed in custom 9-1/4" x 5-3/4" cloth folder. \$350.

* Only edition. This pamphlet, an "extraordinary record of attacks upon the liberty of a religious organization," was produced by the American Civil Liberties Union and prominent supporters in order to bring attention to the persecution of Jehovah's Witnesses, who were conscientious objectors to American participation in World War II. It encourages "vigorous action" in order to "maintain those liberties of speech, press and conscience so essential to us all in a democracy."

OCLC locates 2 copies of this title in law libraries (Library of Congress, Harvard).

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British Rule, Not British Rights

2. [British Empire].

Observations Upon the Administration of Justice in Bengal; Occasioned by Some Late Proceedings at Dacca. [London, 1778]. 52; 68 pp. Quarto (9-3/4" x 7-3/4").

Recent marbled boards, endpapers renewed. Light toning to interior, light creasing or faint fold lines in a few places, light foxing and soiling to several leaves. A nice copy of a scarce and interesting title. \$950.

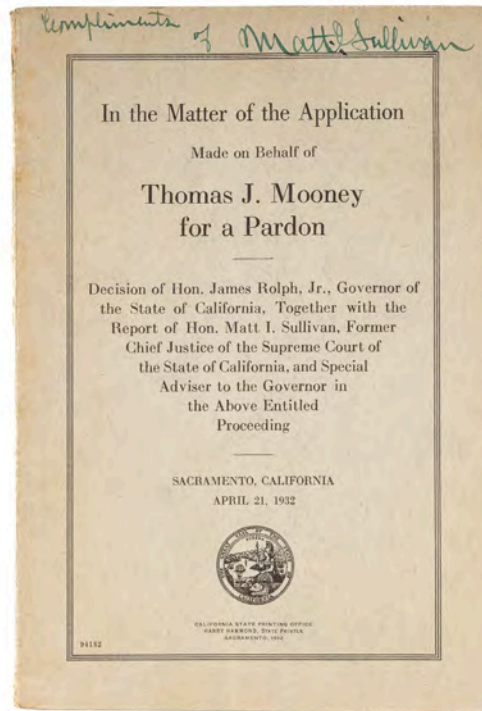
* Only edition. This work was published five years after the Regulating Act of 1773, the radical reorganization of the East India Company that elevated Warren Hastings to the position of Governor-General. It reviews the new legal system in light of its stated goals: "To preserve the Commerce and Revenues of the Company from Depredation, ...to relieve the Subject from Oppression, by facilitating the Means of Redress; and...to establish a fixed, lasting, and regular Course of Justice" (4). It studies political philosophy, examples of English justice in India and primary documents. These include correspondence to and from Hastings and petitions to the King from native inhabitants in translation.

The author concludes that English law and customs suffer from a fundamental "Incongruity...with the religious Institutions and local Habits of the People of Bengal" and cannot be applied there without significant modification. At play in this conclusion are both concern for the wishes of the locals and the desire to maintain a rigid social hierarchy. Any call to suspend the English justice system would also suspend the rights afforded to those it governs, and "retaining preconquest legal systems would preserve what [was] perceived as Indians[']...habits of obedience" (Bursset). The author notes that the English system "introduces a Levelling Principle among People accustomed to the most rigid Subordination of Rank and Character."

OCLC locates 6 copies of this title in North America, 2 in law libraries (Harvard, University of Minnesota). Bursset, "Why Didn't the Common Law Follow the Flag?" in *Virginia Law Review* 105, no. 3 (2019): 508. *English Short-Title Catalogue* T99076.

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A Wrongfully Convicted Bomber?

3. [California].

[Mooney, Thomas J. (1882-1942)].

In the Matter of the Application Made on Behalf of Thomas J. Mooney for a Pardon: Decision of Hon. James Rolph, Jr., Governor of the State of California, Together with the Report of Hon. Matt I. Sullivan, Former Chief Justice of the Supreme Court of the State of California, And Special Adviser to the Governor in the Above Entitled Proceeding. Sacramento: California State Printing Office, 1932. 93 pp.

Stapled pamphlet in printed wrappers. Light toning and negligible light soiling to wrappers, bold inscription "Compliments of Matt I. Sullivan" to head of front wrapper, hinges cracked, staples just starting to rust. Light toning to interior, very slight vertical fold line. \$300.

* Only edition. Mooney was a socialist activist and labor leader accused of bombing the San Francisco Preparedness Day parade in 1916. He and an associate were arrested, tried and sentenced to death despite a notable lack of clear evidence implicating the two. President Wilson commuted their death sentences to life in prison, but public outcry over their convictions, particularly Mooney's, continued. The case became a cause célèbre among liberals, labor activists and defenders of civil liberties, among them Felix Frankfurter and Clarence Darrow.

This report, compiled by three prominent California jurists on behalf of Governor James Rolph, Jr., concludes that Mooney's conviction was fair and that without compelling new evidence, which he had not provided, his pardon should be denied. Our copy is inscribed by one of these jurists, Matt I. Sullivan [1857-1937], former chief justice of the Supreme Court of California. Sullivan was also a close friend and advisor of Governor Rolph, who had publicly stated that he would follow Sullivan's recommendation (and thus "distance himself from any political damage resulting from a denial of the appeal") (Worthen). Rolph kept to his word and denied the pardon. Mooney was eventually pardoned seven years later by a more liberal governor.

Worthen, *Governor James Rolph and the Great Depression in California* 130.

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First Edition of a Classic Guide to English Law and Government That Inspired the American Founders

4. [Care, Henry (1646-1688)].

English Liberties: Or, The Free-Born Subject's Inheritance, Containing I. Magna Charta, The Petition of Right, The Habeas Corpus Act; And Divers Other Most Useful Statutes: With Large Comments Upon Each of Them. II. The Proceedings in Appeals of Murther; The Work and Power of Parliaments; The Qualifications Necessary for Such as Should be Chosen to that Great Trust; Plain Directions for All Persons Concerned in Ecclesiastical Courts; And How to Prevent or Take Off the Writ De Excommunicato Capiendo. As Also the Oath and Duty of Grand and Petty Juries. III. All the Laws Against Conventicles and Protestant Dissenters with Notes, And Directions both to Constables and Others Concern'd, Thereupon; And an Abstract of All the Laws Against Papists. London: Printed by G. Larkin, for John How, at the Seven-Stars at the South-west Corner of the Royal Exchange in Cornhil, [1682]. [xii], 228 pp. Lacking final four leaves of advertisements. 12mo. (5-3/4" x 3-1/4").

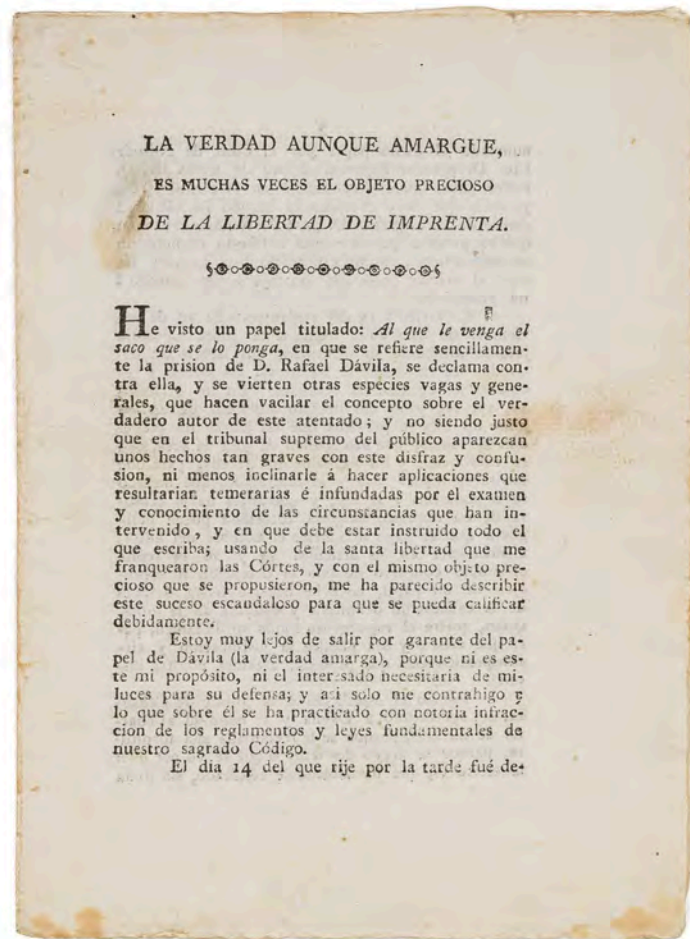
Later three-quarter calf over marbled boards, raised bands and lettering piece to spine, endpapers renewed. Light rubbing to boards, moderate rubbing to extremities, corners bumped and somewhat worn, hinges cracked, front endleaves and title page partially detached but secure, partial crack to text block between H1 and H2 (pp.146-147). Light browning to interior, faint dampstaining in places, fore-edge of title page affected by trimming and two small chips resulting in loss to six words of text. \$1,850.

* First edition, one of two imprints from that year (1682 publication date conjectured by Wing). This classic layman's guide reviews, from a Whig perspective, the principles of English law and government. It emphasizes the role of Magna Carta, Parliament and juries in the preservation of civil rights and prevention of tyranny. First published in America in 1721, it had a profound influence on several colonial readers, including the founders. It was the primary source for William Penn's *Excellent Privilege 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). Jefferson, who owned this edition and another copy printed in London in 1719, 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.

OCLC locates 2 copies of this imprint (at Harvard Law School and the Library of Congress, Law Division). Wing, *Short-Title Catalogue of Books Printed in England, Scotland, Ireland, Wales and British America* C515. Sowerby, *Catalogue of the Library of Thomas Jefferson* 2702, 2703. *English Short-Title Catalogue* R32534.

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Rare Anonymous 1820 Mexican Pamphlet Advocating Freedom of the Press

5. [Censorship].

[N., Pseudonym].

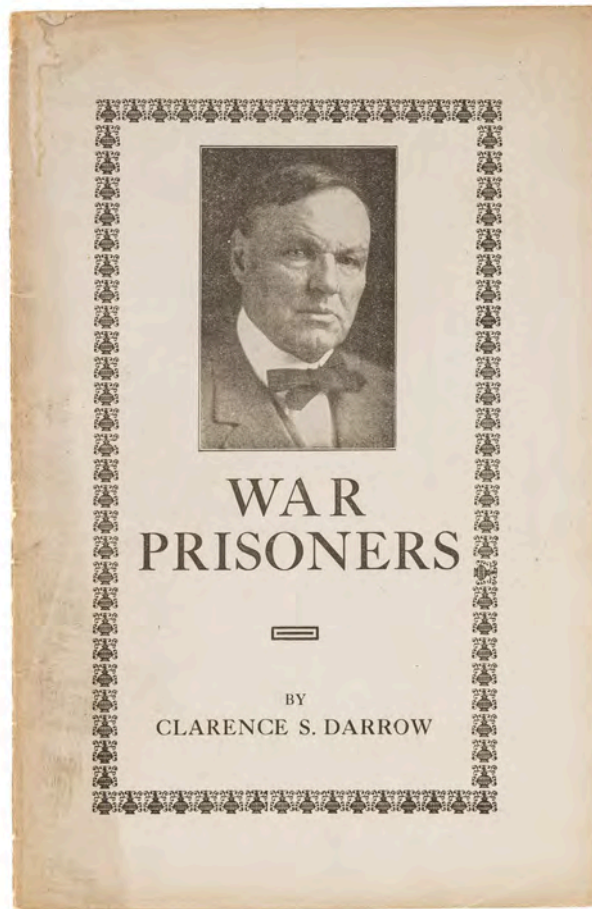
La Verdad Aunque Amargue, Es Muchas Veces el Objeto Precioso de la Libertad de Imprenta [Running Title]. Mexico City: S.n., October 28, 1820. 8 pp. Quarto (8-1/2" x 6-1/4").

Unbound sheets, as issued. Minor smudges and some light staining, otherwise fine. \$750.

* First printing of a pamphlet defending the imprisoned liberal pamphleteer Rafael Davila. Freedom of the press was granted under the Constitution of 1812, repudiated by Ferdinand VII in 1814 and eventually revived after the revolt of Rafael del Riego y Nunez in 1820. Richard H. Dillon notes Davila's importance and observes: "Pamphlets constitute the major source of fresh new material on nineteenth-century and earlier Mexico.... [O]ne can find no surer guide to the troublous times of eighteenth-and nineteenth-century Mexico than these booklets. Written in the heat of argument, of battle, of revolution, they bring to life a time and place removed from us by hundreds of miles and years."

Dillon, *The Hispanic American Historical Review* 45, No. 2 (May 1965), 270-271. Sabin, *A Dictionary of Books Relating to America* 98934. Palau, *Manual del Librero Hispano-Americano* 359296.

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**"You Cannot Speak in the Face of the Prison,
And You Cannot Write with Chains Around Your Wrists!"**

6. Darrow, Clarence [1857-1938].

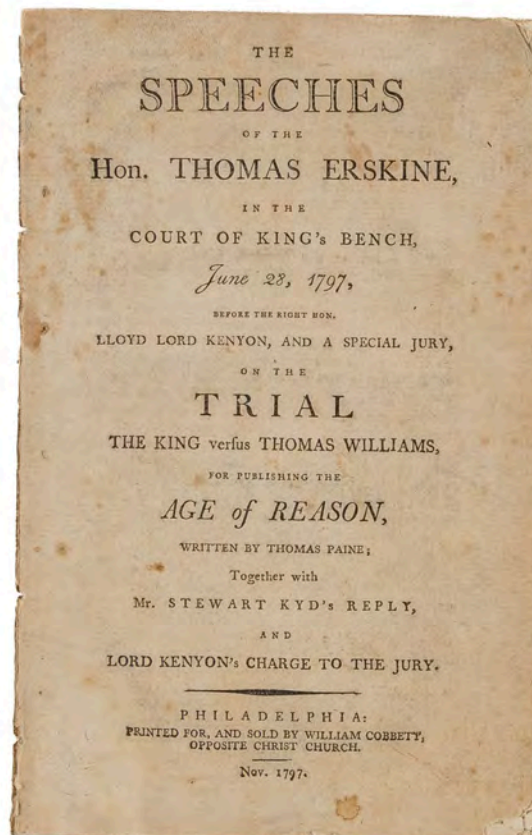
War Prisoners: Address by Clarence S. Darrow at the Garrick Theatre, Chicago, Illinois, November 9, 1919. Chicago: Maclaskey & Maclaskey, Court Reporters, [1919]. 26 pp. 3 blank leaves at rear.

Stapled pamphlet in printed wrappers. Light toning, light soiling to exterior, small hole to rear wrapper, occasional faint staining to upper left corner not affecting text. \$250.

* Only edition. In this address, Darrow stakes out a number of controversial viewpoints. Unlike many American leftists, he supported U.S. entry into World War I, but he viewed the use of the Espionage and Sedition Acts after the war's end as overreach and opposed conscription and imprisonment of conscientious objectors on principle. This address calls for the release of convicted seditionists, conscientious objectors and other "victims of the war feeling." Appended is Justice Oliver Wendell Holmes's famous dissent in *Abrams v. United States* (1919), a decision upholding convictions under the Sedition and Espionage Acts.

OCLC locates 11 copies, 3 in law libraries (University of Minnesota, University of Notre Dame, Harvard). Hunsberger, *Clarence Darrow: A Bibliography* 124.

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Prosecuted for Publishing Paine's *Age of Reason*

7. Erskine, Thomas Erskine, Baron [1750-1823].

Kyd, Stewart [1759-1811].

Kenyon, Lloyd Kenyon, Baron [1732-1802].

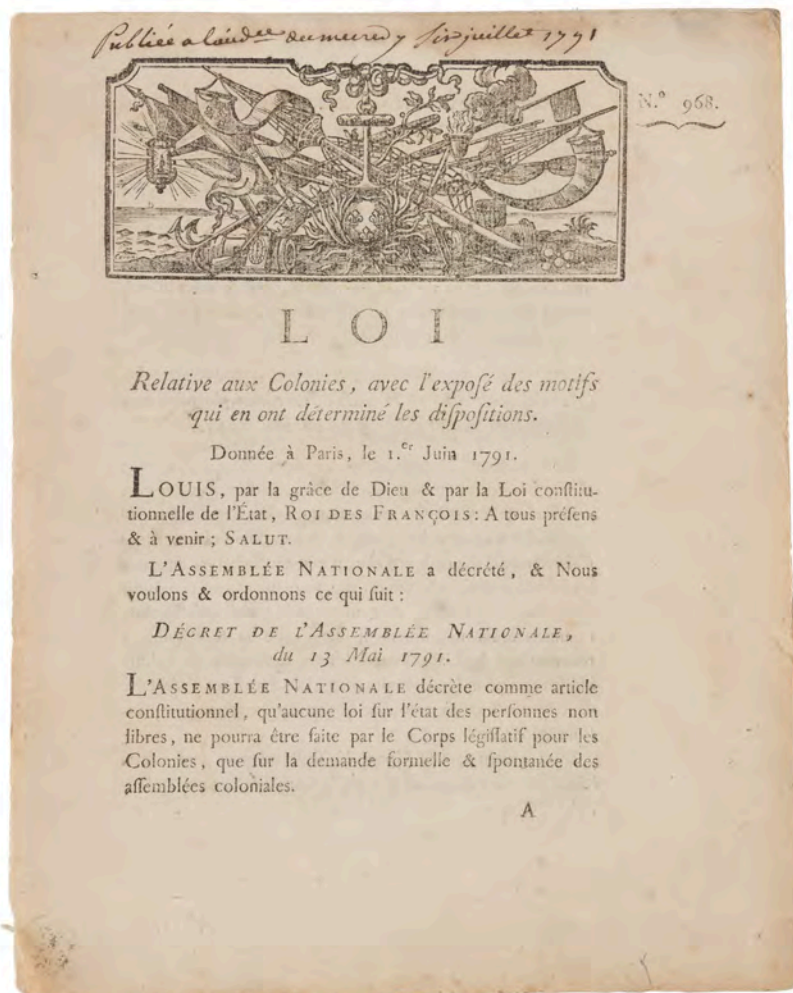
The Speeches of the Hon. Thomas Erskine, in the Court of King's Bench, June 28, 1797, Before the Right Hon. Lloyd Lord Kenyon, And a Special Jury, On the Trial The King Versus Thomas Williams, For Publishing The Age of Reason, Written by Thomas Paine; Together with Mr. Stewart Kyd's Reply, And Lord Kenyon's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

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. \$950.

* 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, *Bibliography of Early American Law* (2003 Supplement) 13376.52.

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France Grants Suffrage to People of Color Born to Free Parents

8. [France].

[Assemblée Nationale Constituante].

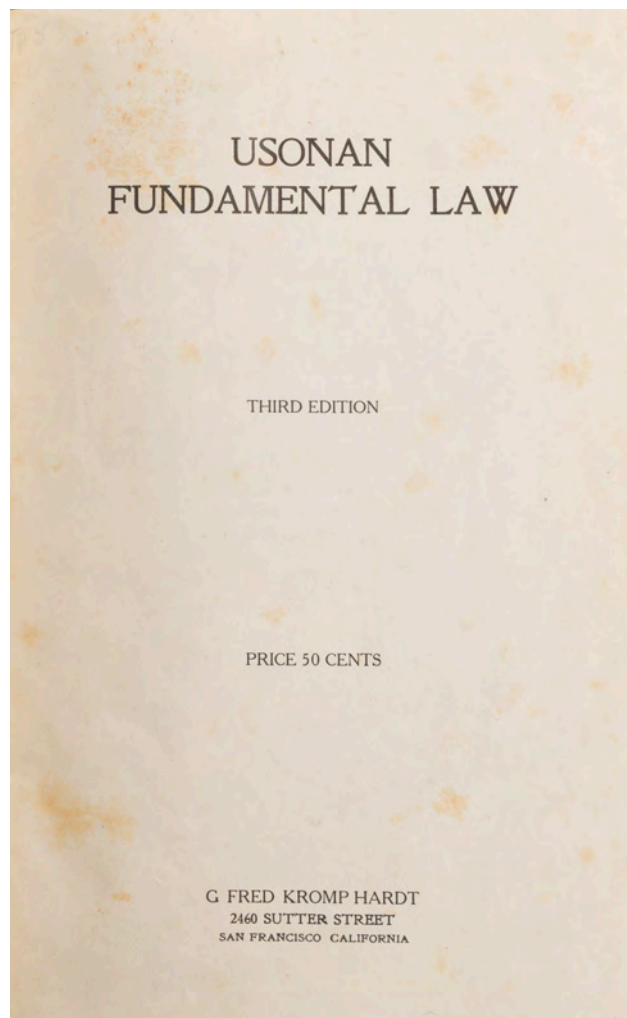
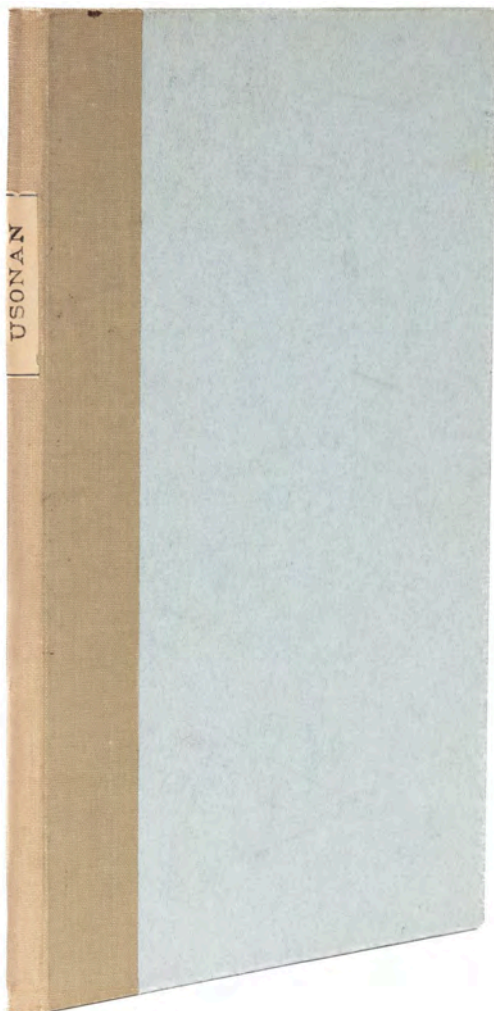
Loi Relative Aux Colonies, Avec l'Exposé des Motifs qui en ont Déterminé les Dispositions. Donnée à Paris, Le 1.er Juin 1791 [Drop-Head Title]. [Paris: De l'Imprimerie Royale, 1791]. [12] pp. Quarto (9-3/4" x 7-3/4").

Disbound, single-column text, large woodcut vignette above title, stamps of National Assembly in red ink and stamped signature of Marguerite-Louis-François Duport-Dutertre, minister of justice, at end of text. Moderate toning, light edgewear and soiling, first and final leaves detached, annotation in early hand above vignette. \$300.

* Grounded in the liberalizing spirit of the French Revolution, this act granted the right of membership in colonial assemblies to people of color born to free parents.

OCLC locates 9 copies of this imprint, 4 in North America (American Philosophical Society, Hagley Museum, Northwestern University, University of Michigan). Not in Bissainthe.

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A Scarce Early Twentieth-Century Libertarian Text

9. Kromphardt, G. Fred.

Usonian Fundamental Law. San Francisco: G. Fred Kromp Hardt, [1914]. 32 pp.

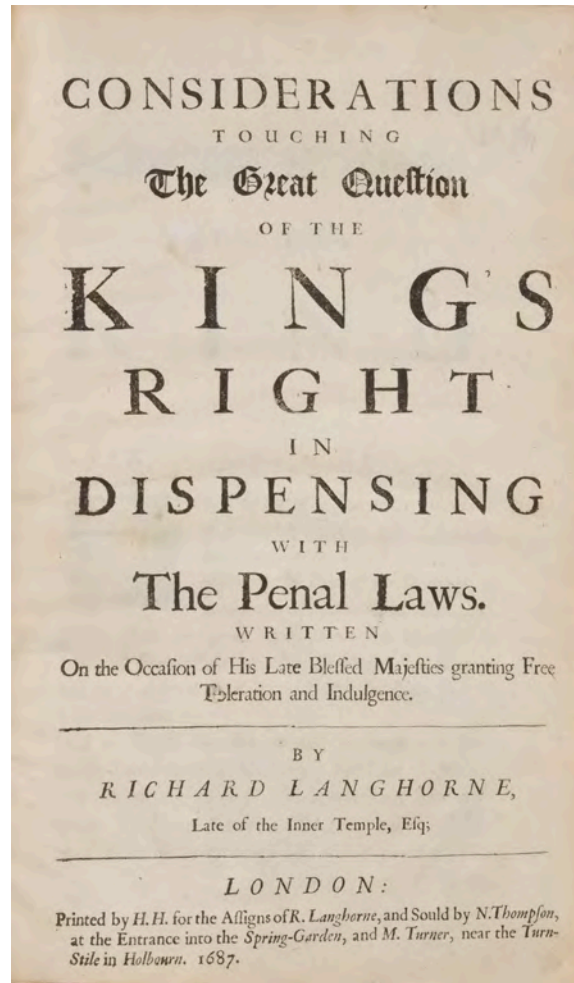
Publisher's quarter cloth over plain boards, printed paper label to spine. Very light soiling to boards, light rubbing to extremities, light fading to spine. Light toning to interior, light foxing to a few leaves. \$350.

* Third edition. First published in 1913, this interesting book proposes that the Constitution be amended to enact what the author terms "Usonian Fundamental Law." ("Usonian" refers to "Usonia," the alternative name for the United States popularized in the early twentieth century.) As outlined here, Usonian law is primarily concerned with individual liberty and what the author describes as "practical equity." Topics discussed include the powers of the federal government, national defense, conservation, middlemen, alcohol and sex. The latter portion of the text discusses marriage and family law, with a somewhat dim view of the "parasitic tendency of the Usonian woman" and an insistence that "the artificial age limit of twenty-one" for "sexual things" must be abolished.

OCLC locates 2 copies of all editions in North American law libraries (Yale, George Washington University) and no copies of this edition in North America.

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A Defense of the Declaration of Indulgence by a Roman Catholic Martyr

10. Langhorne, Richard [1624?-1679].

Considerations Touching the Great Question of the King's Right in Dispensing with the Penal Laws. Written on the Occasion of His Late Blessed Majesties Granting Free Toleration and Indulgence. London: Printed by H.H. for the assigns of R. Langhorne, 1687. [ii], ii, 31, [1] pp. Folio (12-1/4" x 7-1/2").

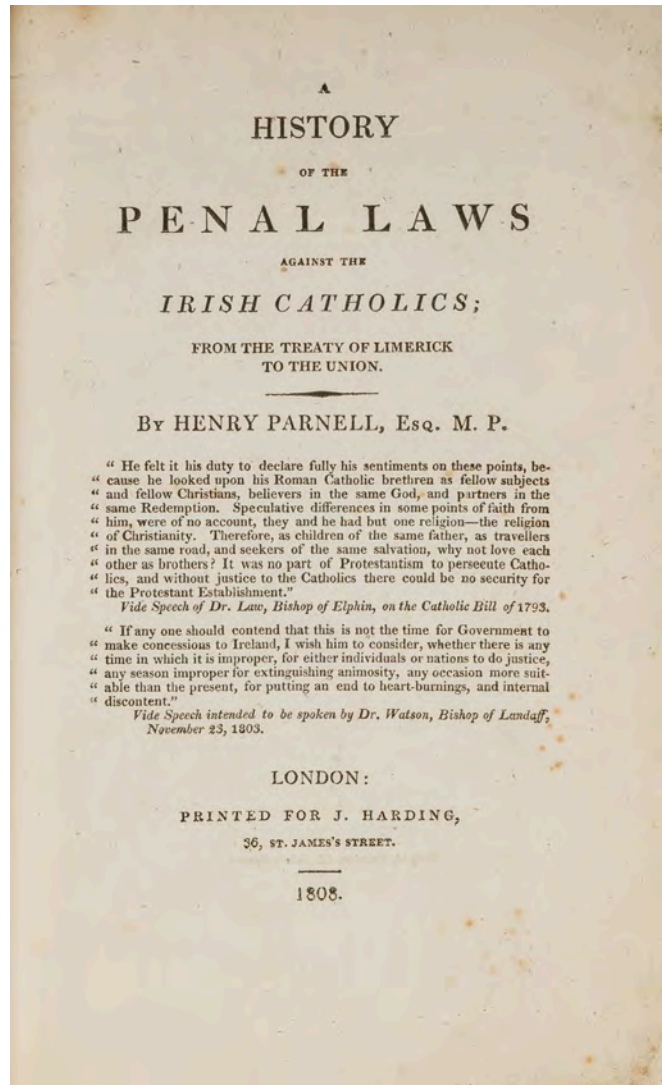
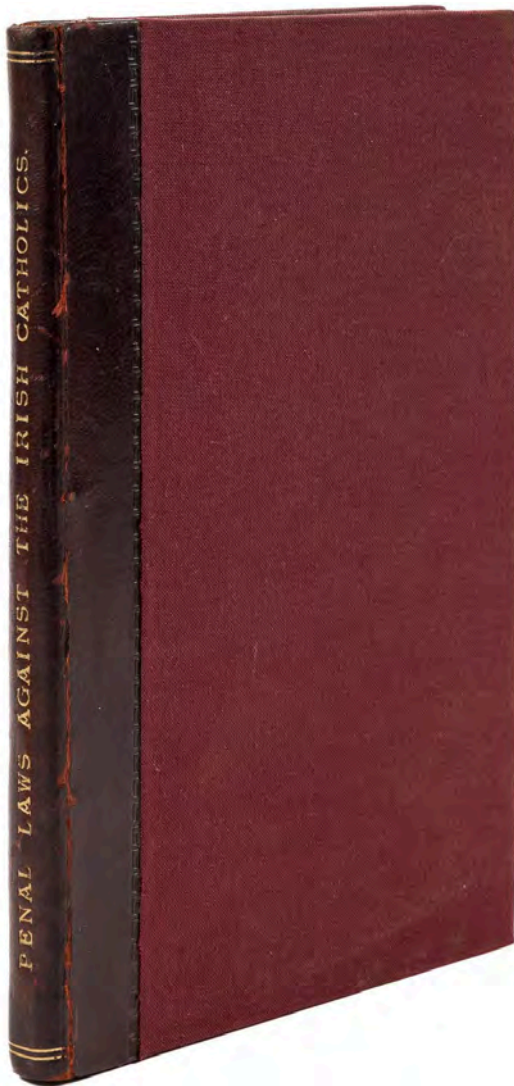
Stab-stitched pamphlet bound in recent quarter sheep over textured boards, raised bands, blind fillets and gilt title to spine, marbled endpapers. Moderate rubbing and light wear to spine, corners bumped, ownership signature (of J.A.S. Proctor, dated 1968) to verso of front free endpaper, typed notes on Langhorne pasted to verso of front endleaf. Light toning to interior, light foxing and soiling in a few places, light creasing to a few leaves. \$650.

* Only edition, one of two 1687 imprints. Langhorne was a Roman Catholic barrister who provided legal and financial advice to Jesuits in London. Swept up in the Popish Plot, a cruel anti-Catholic hoax devised by Titus Oates and Israel Tonge, he was executed for treason in 1679. This work defends Charles II's extension of greater religious liberty to nonconformists and Roman Catholics in the 1672 Declaration of Indulgence. Published posthumously, it features a dedication signed by his son. Langhorne was beatified as a Catholic martyr by Pope Pius XI in 1929.

English Short-Title Catalogue R10974.

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The Legal Persecution of Irish Catholics

11. Parnell, Henry [1776-1842].

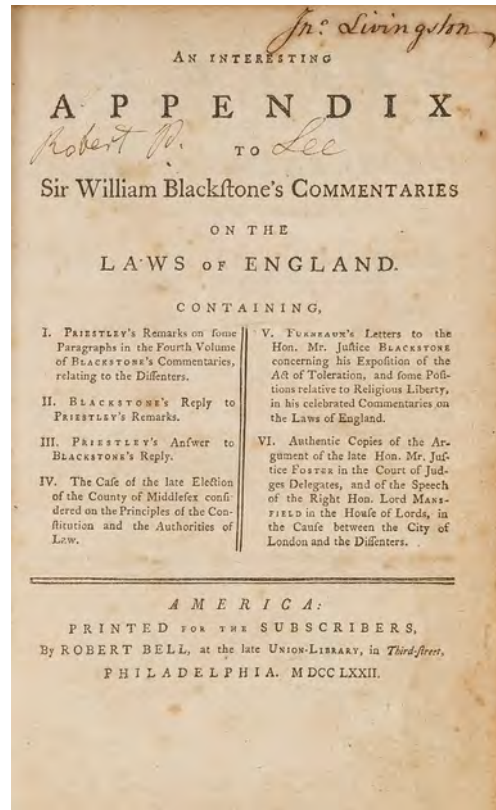
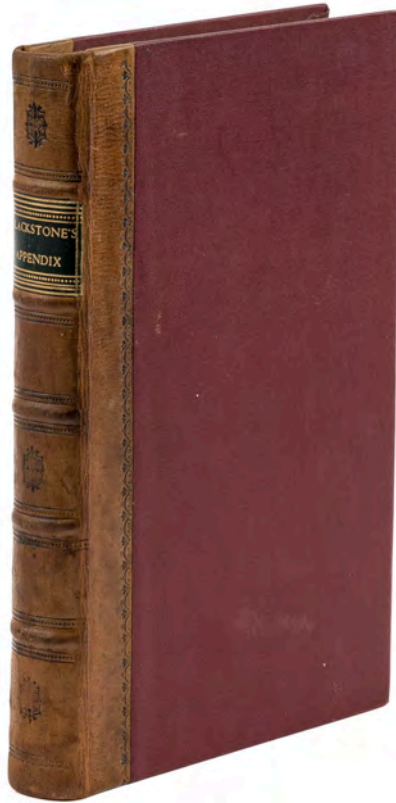
A History of the Penal Laws Against the Irish Catholics; From the Treaty of Limerick to the Union. London: Printed for J. Harding, 1808. [iv], 159, [i], xxiv pp. Octavo (8-1/2" x 5-1/2").

Stab-stitched pamphlet bound into recent quarter calf over cloth, gilt title to spine. Light wear to joints and spine ends. Light toning to text, faint spotting in a few places, final two leaves re-hinged. \$450.

* First London edition, published the same year as the first Dublin edition. Sir Henry Parnell, later Lord Congleton, was an Anglo-Irish parliamentarian and treasury official sympathetic to the plight of Irish Catholics. Enhanced by its extensive quotation of source records, this book traces the history of laws against "religious non-conformists" between 1689 and 1801. Though certainly partisan, it is valuable for Parnell's perspective and first-hand knowledge of several crucial events of the 1780s and 1790s. Later editions were published in 1822, 1825 and 1827.

British Museum Catalogue (Compact Edition) 19:487.

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**On Religious Liberty, the Separation of Church and State,
and Free Speech: Bell's Interesting Appendix to Blackstone**

12. Priestley, Joseph [1733-1804].

Blackstone, Sir William [1723-1780].

Furneaux, Philip [1726-1783].

Foster, Sir Michael [1689-1763].

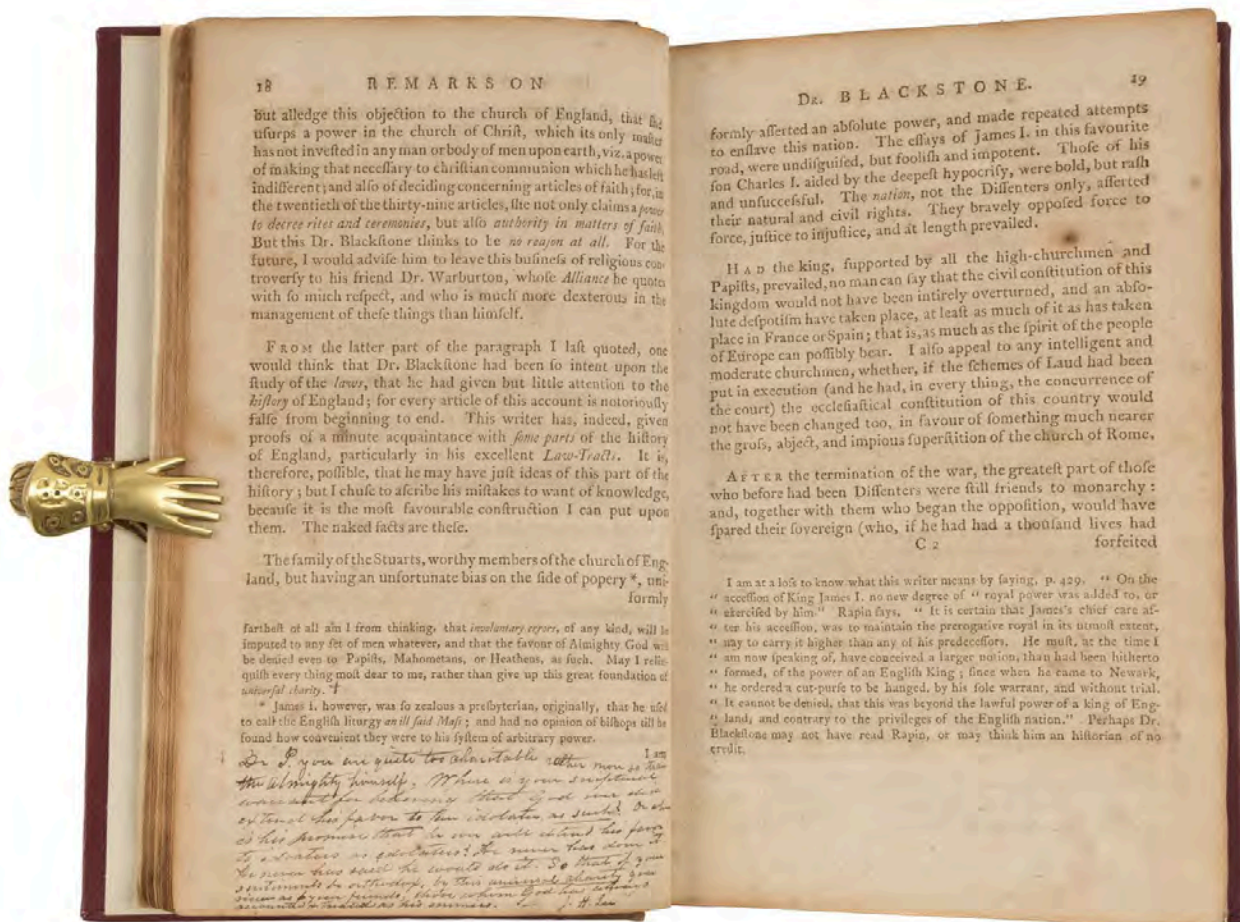
Murray, William, Earl of Mansfield (1705-1793)].

An Interesting Appendix to Sir William Blackstone's Commentaries on the Laws of England. Containing, I. Priestley's Remarks on Some Paragraphs in the Fourth Volume of Blackstone's Commentaries, Relating to the Dissenters. II. Blackstone's Reply to Priestley's Remarks. III. Priestley's Answer to Blackstone's Reply. IV. The Case of the Late Election of the County of Middlesex Considered on the Principles of the Constitution and the Authorities of Law. V. Furneaux's Letters to the Hon. Mr. Justice Blackstone Concerning his Exposition of the Act of Toleration, And Some Positions Relative to Religious Liberty, In his Celebrated Commentaries on the Laws of England. VI. Authentic Copies of the Argument of the Late Hon. Mr. Justice Foster in the Court of Judges Delegates, And of the Speech of the Right Hon. Lord Mansfield in the House of Lords, In the Cause Between the City of London and the Dissenters. [Philadelphia]: Printed for the Subscribers, By Robert Bell, 1772 [-1773]. [iv], iv, [5]-119, [1], xii, 155, [1] pp. Each section preceded by divisional title page, first section also preceded by general title page, title page of *Letters to the Honourable Mr. Justice Blackstone* dated 1773. Includes one-page publisher advertisement for Bell's 1773 printing of Ferguson's *Essay on the History of Civil Society* and a subscription for a second American edition of Blackstone's *Commentaries*. Octavo (9" x 5-3/4").

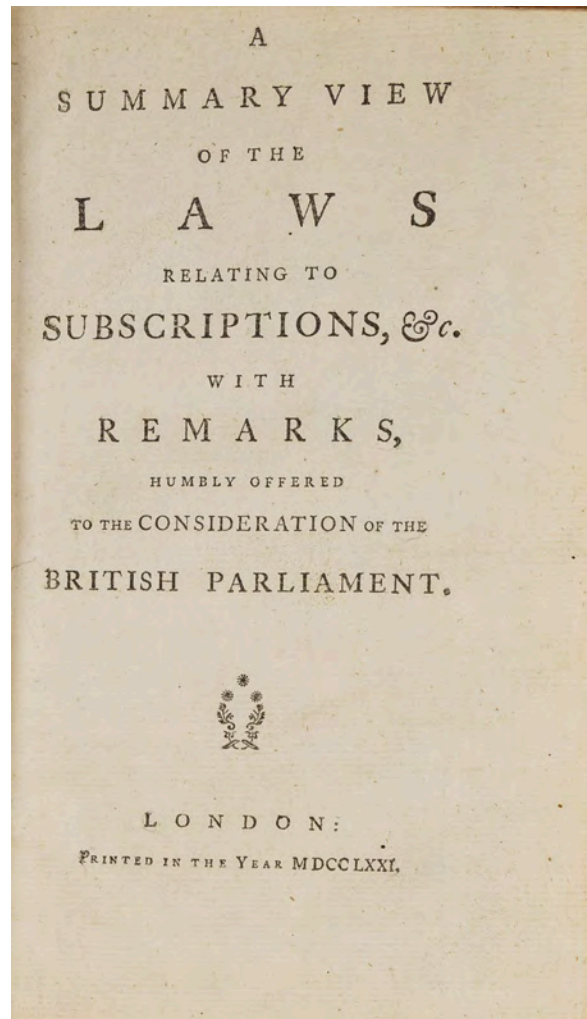
Recent period-style quarter calf over cloth, raised bands, lettering piece and blind ornaments to spine, endpapers renewed. Light rubbing to spine ends and corners, small recent owner bookplate to front free endpaper. Moderate toning, occasional light foxing, faint dampstaining to margins in places. Early owner inscription dated 1785 to front endleaf, early owner signatures, of Robert P. Lee (possibly Robert Perine Lee [1766-c.1845]) and Jonathan Livingston, to title page, another Livingston signature to following leaf, annotations, presumably by Livingston, to a few leaves, annotations signed "J.H. Lee" or "Jo H. Lee" to several leaves. A desirable copy. \$1,500.

* This influential commentary was issued as an appendix volume to Bell's edition of Blackstone's *Commentaries* (1771-1772). It was reissued in 1773 and again in 1774 as *The Palladium of Conscience*. Most of the essays comprise a debate on religious liberty and the separation of church and state relating to Priestley's rebuttal of a passage in Blackstone that classified non-conformity to the Church of England as a crime. Part IV, which concerns freedom of speech, summarizes a debate concerning Blackstone's endorsement of the expulsion of the publisher John Wilkes from Parliament after his conviction for "seditious libel." The creation of this volume by Bell indicates the importance of these issues in colonial America on the eve of the Revolution. Laeuchli notes five different versions of the 1772 issue, some, such as the present copy, with sections printed in 1773.

Eller, *The William Blackstone Collection in the Yale Law Library* 255. Laeuchli, *A Bibliographical Catalogue of William Blackstone* 615.



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Adherence to the Creed of the Church of England

13. [Randolph, Thomas (1701-1783), Attributed].

A Summary View of the Laws Relating to Subscriptions, &c. With Remarks, Humbly Offered to the Consideration of the British Parliament. London: [S.n.], Printed in the Year 1771. 36 pp. Octavo (7-3/4" x 4-3/4").

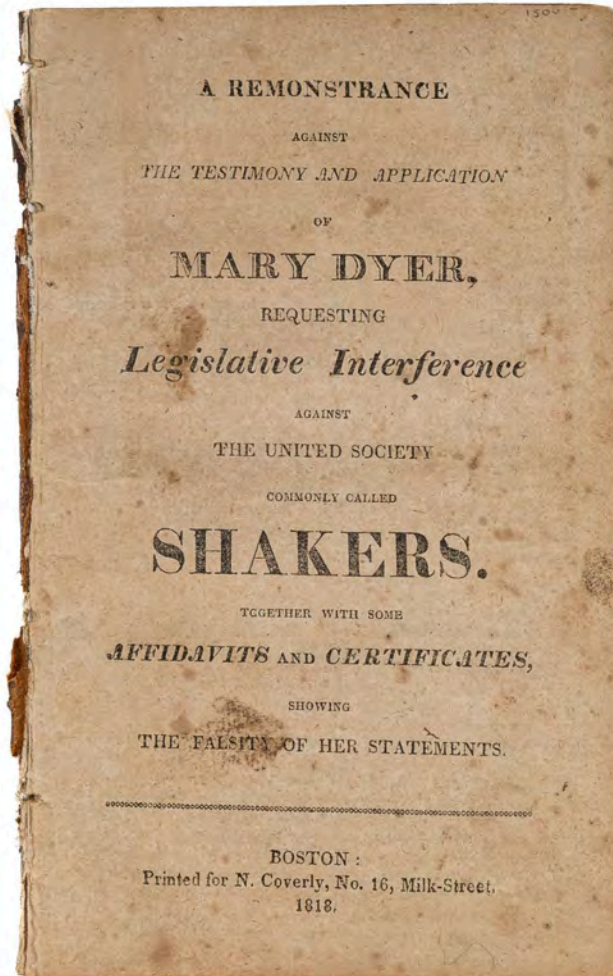
Stab-stitched pamphlet bound into recent period-style three-quarter calf over marbled boards, gilt fillets to spine, endpapers renewed. Negligible light rubbing to spine ends and corners, light toning to text. \$500.

* First edition, one of two issues from 1771 (the other an 8-pp. quarto). Subscription refers to one's adherence to the 39 Articles of Religion, the statement of the doctrines and practices of the Church of England that are part of the Book of Common Prayer. Degree candidates at Cambridge and Oxford were required to submit to a formal declaration of subscription. Using a legal argument, *A Summary View* opposes a recent movement to abolish this requirement. (Proponents of abolition, basing their case on William and Mary's 1701 Act of Toleration, presented a petition to Parliament in 1772 that was defeated.) Randolph, the presumed author, was a theologian, president of Corpus Christi College, Oxford and vice-chancellor of the university. A second edition of this pamphlet was published in 1772.

English Short-Title Catalogue T57412.

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A Legal Defense of the Shakers

14. [Shakers]. [Dyer, Mary].

A Remonstrance Against the Testimony and Application of Mary Dyer, Requesting Legislative Interference Against the United Society Commonly Called Shakers. Together [sic] With Some Affidavits and Certificates Showing the Falsity of her Statements. Boston: Printed for N. Coverly, 1818. 24 pp. Octavo (7" x 4").

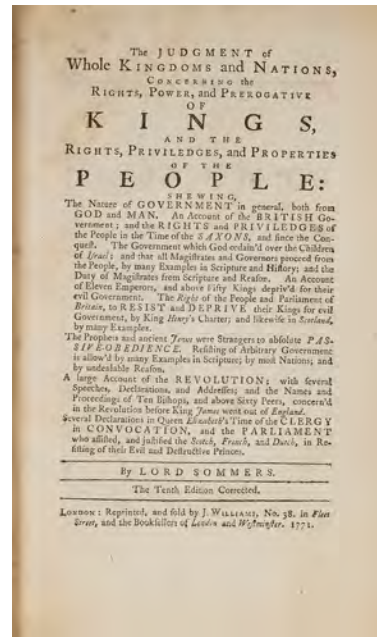
Disbound stab-stitched pamphlet. Light edgewear, some browning and foxing, internally clean. \$1,250.

* Only edition, also issued the same year in Concord, New Hampshire. A spirited defense of the Shakers by Enfield and Canterbury leaders against Mary Dyer's attempt to get the New Hampshire legislature to interfere with Shaker communities. Dyer and her family joined the Enfield community, but eventually left it. Her husband refused to release any of their children to her, so Mary began a 50-year campaign against the sect.

OCLC locates 4 copies worldwide of the Boston imprint (at Brigham Young University, Hamilton College, Library of Congress, Syracuse University), no copies of either imprint in North American law libraries. Sabin, *A Dictionary of Books Relating to America* 21596.

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A Classic Essay on the Rights of Englishmen

15. Somers, John, Baron [1651-1716], Attributed.

Defoe, Daniel [1661?-1731], Attributed.

Dunton, John [1659-1733], Attributed.

The Judgment of Whole Kingdoms and Nations, Concerning the Rights, Power and Prerogative of Kings, And the Rights, Priviledges, And Properties of the People: Shewing, The Nature of Government in General, Both from God and Man. An Account of the British Government; And the Rights and Priviledges of the People in the Time of the Saxons, And Since the Conquest. The Government Which God Ordain'd Over the Children of Israel; And that All Magistrates and Governors Proceed From the People, By Many Examples in Scripture and History; And the Duty of Magistrates From Scripture and Reason. An Account of Eleven Emperors, And Above Fifty Kings Depriv'd for Their Evil Government. The Right of the People and Parliament of Britain, To Resist and Deprive Their Kings for Evil Government, By King Henry's Charter, And Likewise in Scotland, By Many Examples.... London: Reprinted and Sold by J. William, 1771. [viii], 168 pp. Octavo (7-1/2" x 4-1/2").

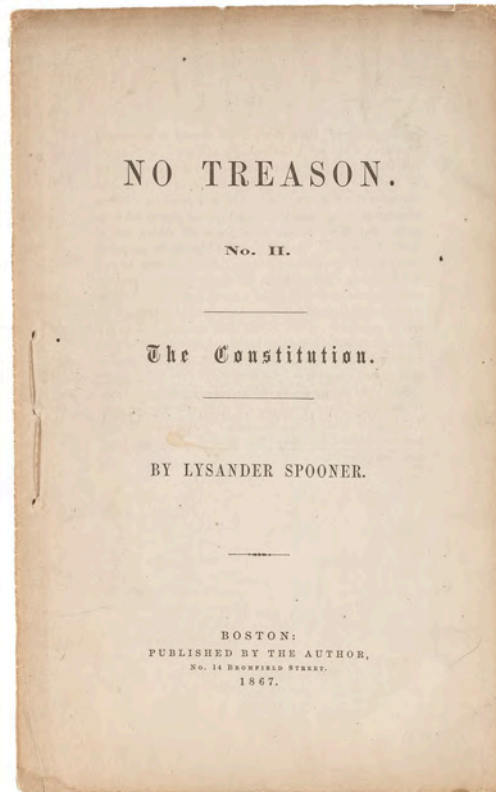
Contemporary calf, gilt fillets to boards, rebaced in period style with gilt-edged raised bands and retained contemporary lettering piece, marbled endpapers. Some rubbing to extremities, scuff to head of front board, negligible shallow scuff to rear, corners bumped and somewhat worn, early armorial bookplate (of the Barons Hawke, possibly Edward Hawke-Harvey, 3rd Baron [1774-1824]) to front pastedown, hinges mended. Light toning to text, spark burns and foxing to a few leaves. Later annotations to verso of front free endpaper, interior otherwise clean. An attractive copy. \$750.

* Tenth edition, corrected. This highly popular tract was first published in 1709 with the title *Vox Dei, Being True Maxims of Government*. Somers, a barrister of the Middle Temple, was Lord Chancellor of England and the author of *The Security of Englishmen's Lives* (1681), a tract on juries and one's right to a jury trial. The present work outlines the development of English freedoms and calls for religious freedom, resistance to tyranny and a limited monarchy. It found a ready audience in the colonies on the eve of the American Revolution and was issued by presses in Philadelphia, Boston and Newport. It was read by several of the American founders, including Thomas Jefferson, who owned the 1773 Philadelphia imprint. This work is attributed sometimes to John Dunton or Daniel Defoe.

See Sowerby, *Catalogue of the Library of Thomas Jefferson* 2712. *English Short-Title Catalogue* T29265.

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Did the Civil War Nullify the U.S. Constitution?

16. Spooner, Lysander [1808-1887].

No Treason. No. II. The Constitution. Boston: Published by the Author, 1870. 16 pp. Octavo (9" x 5-3/4").

Stab-stitched pamphlet in self-wrappers. Moderate toning, light wear to corners, offsetting to margins of title page, soiling to p.16. A well-preserved copy of a scarce title. \$450.

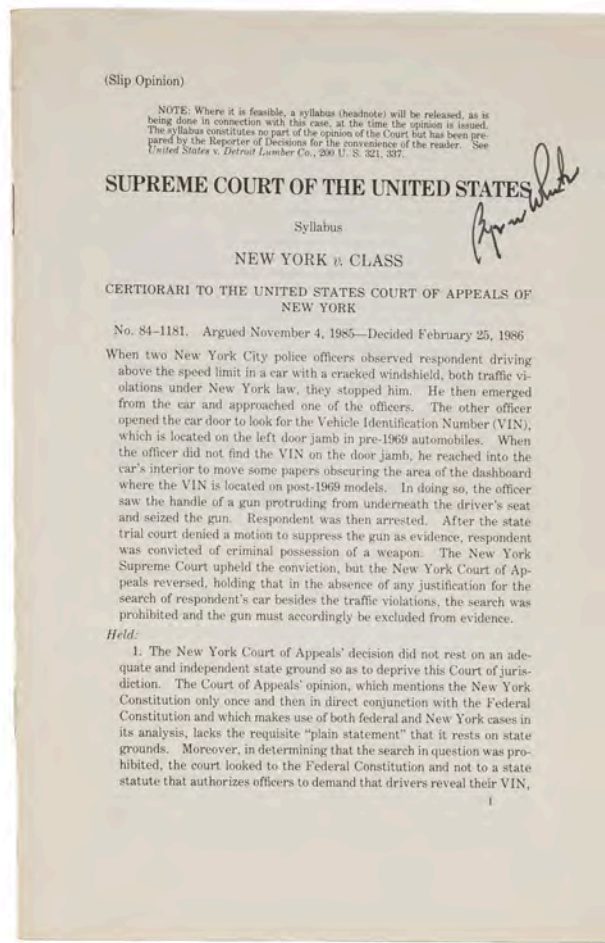
* Only edition. One of the most colorful American reformers of the nineteenth century, Spooner is remembered for his abolitionist activities, challenge to the U.S. Post Office with his American Letter Mail Company and his contributions to libertarian and anarchist thought. *No Treason. No. II* is part 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 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.

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

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Slip Opinion from a Notable Supreme Court Privacy Case, Signed by Justice White

17. Supreme Court of the United States. [White, Byron (1917-2002)].

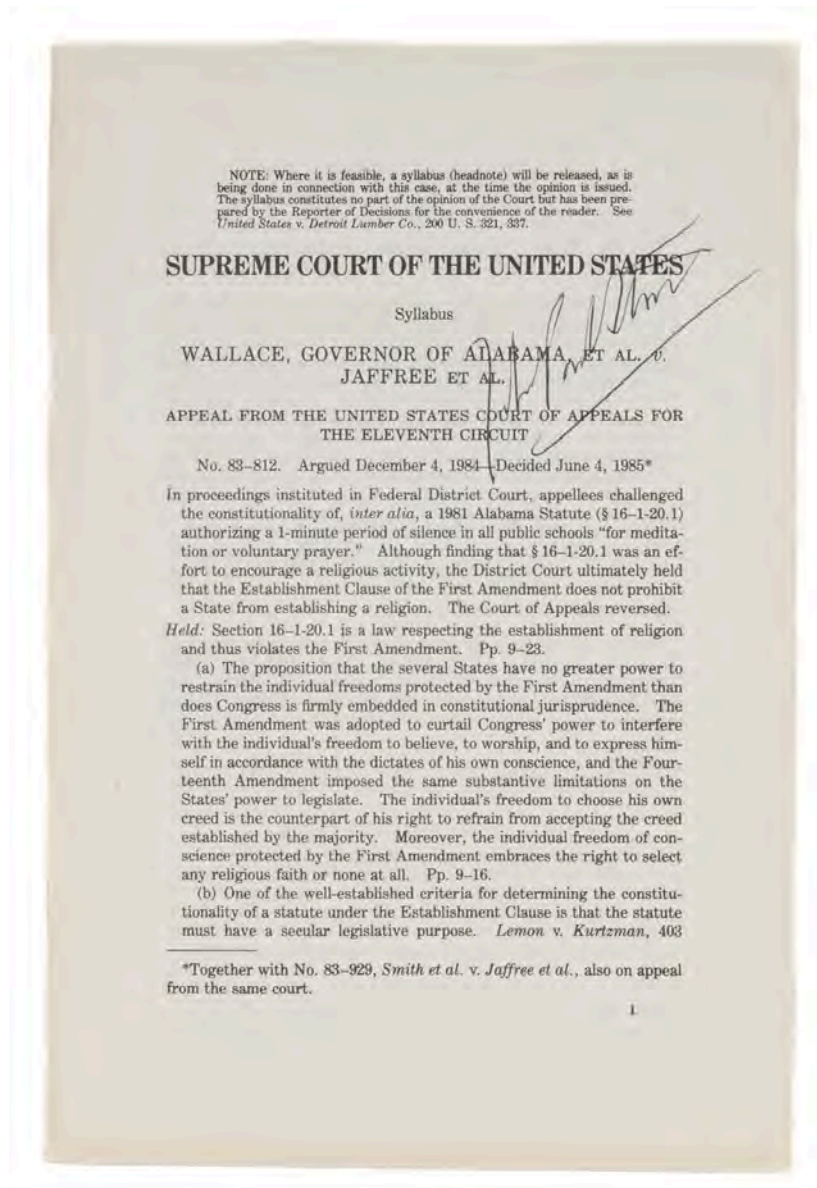
New York v. Class. Certiorari to the United States Court of Appeals of New York. [Washington, DC: Government Printing Office, 1986]. ii, 13, [1], 3, [1], 10, 2 pp. Octavo.

Stapled wrappers. Signature of Justice White to head on cover page. Fine. \$400.

* This decision determined that police officers are allowed to search an automobile. Holding there is no reasonable expectation of privacy in an automobile, it reversed a conviction by the New York State Court of Appeals. Justice O'Connor wrote the opinion of the Court; Justice White filed a dissent, which was joined by Justice Stevens.

A U.S. Supreme Court opinion is disseminated through a four-step process. The first is a bench opinion, which is issued on the day the Court announces a decision. A slip opinion, which often incorporates revisions, is issued a few days afterwards. With the addition of an index and other features, such as a table, an opinion is issued later as a softcover Preliminary Print designated as a Part. Over time, it is joined with other parts to make up a preliminary softcover *United States Reports* volume. A few years later, the opinion, after a final round of editing and indexing, is printed in its final, official, form in the hardcover *United States Reports*.

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**Slip Opinion from a Notable Case
Concerning Prayer in Public Schools, Signed by Justice Stevens**

**18. Supreme Court, United States.
[Stevens, John Paul].**

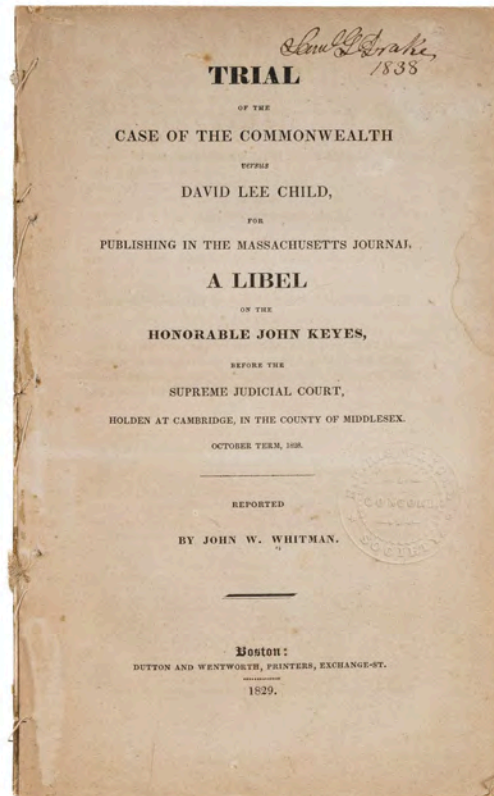
Wallace, Governor of Alabama, Et al. v. Jaffree, Et al. [Washington, DC: Government Printing Office, 1985]. ii, 23, [1], 6, 19, [1], 7, [1], 2, 24 pp. Octavo.

Stapled wrappers. Signature of Justice Stevens on cover page. Light finger smudges to a few leaves, otherwise fine. \$400.

* In this notable case, the Supreme Court ruled that an Alabama statute authorizing a one-minute period of silence in all public schools "for meditation or voluntary prayer" violated the First Amendment's establishment clause. Stevens wrote the majority opinion, which was joined by Justices Brennan, Marshall, Blackmun and Powell.

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Owned by a Notable American Bookseller

19. [Trial].

Child, David Lee [1794-1874], Defendant.

Whitman, John W. [1798-1833], Reporter.

Trial of the Case of the Commonwealth Versus David Lee Child, For Publishing in the Massachusetts Journal a Libel on the Honorable John Keyes, Before the Supreme Judicial Court, Holden at Cambridge, In the County of Middlesex, October Term, 1828. Boston: Dutton and Wentworth, Printers, 1829. 119 pp. Octavo (8-3/4" x 5-1/2").

Disbound stab-stitched pamphlet. Negligible light edgewear and soiling to exterior, embossed library stamp (of the New Hampshire Historical Society) and early owner signature (of Samuel G. Drake, dated 1838) to title page. Moderate toning, occasional early marks and notes in pencil to margins, faint dampstaining to margins of title page and a few other leaves. \$350.

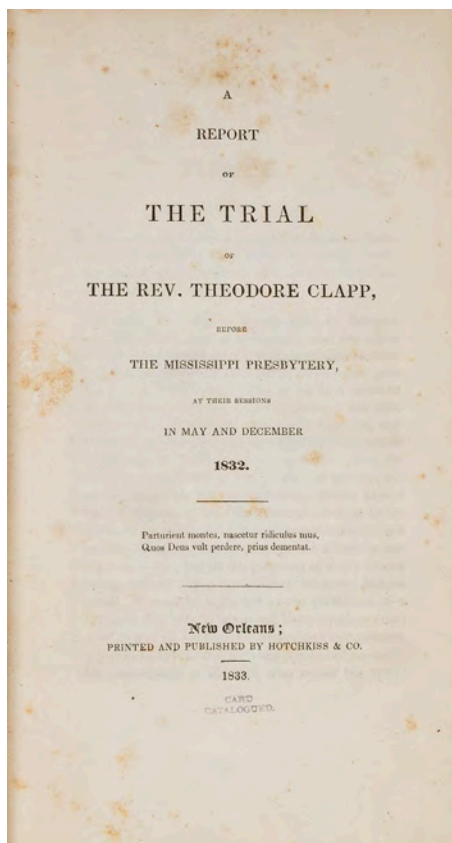
* Only edition. This trial addressed the contested boundary between freedom of the press and the law of libel. In his *Massachusetts Journal* and various handbills, Child accused Keyes of irregularities as chairman of the county Committee of Accounts, bid rigging and animosity toward the administration in power in Washington. Child was found guilty.

Our copy was owned by Samuel Gardner Drake [1798-1875], an important antiquarian bookseller, publisher and prolific historian. The bookstore he operated in Boston specialized in early American history, as Drake himself did; a copy of this title is listed in a catalogue he issued in 1869.

Cohen, *Bibliography of Early American Law* 13312. McCoy, *Freedom of the Press* C318. Drake, *Catalogue of Rare, Useful, and Curious Books, Tracts, &c., in American Literature* (1869) V:63.

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Religious Liberty and the Tyranny of the Mississippi Presbytery

20. [Trial].

Clapp, Theodore [1792-1866], Defendant.

[Channing, William Ellery (1780-1842)].

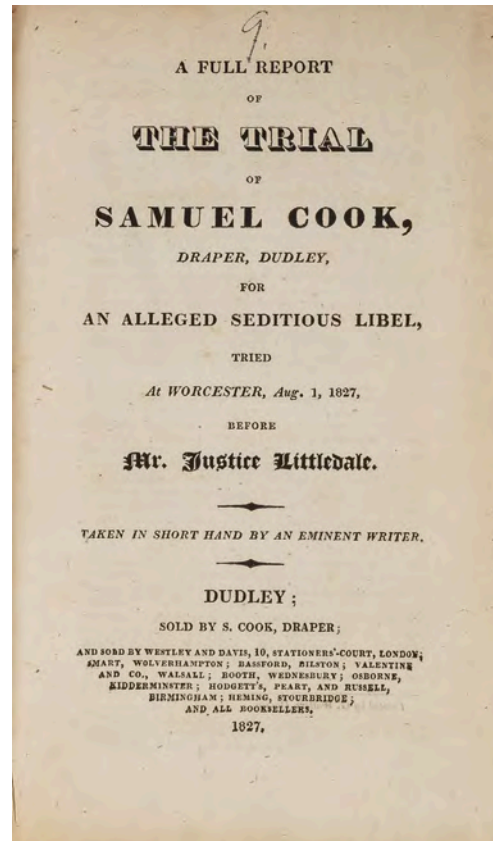
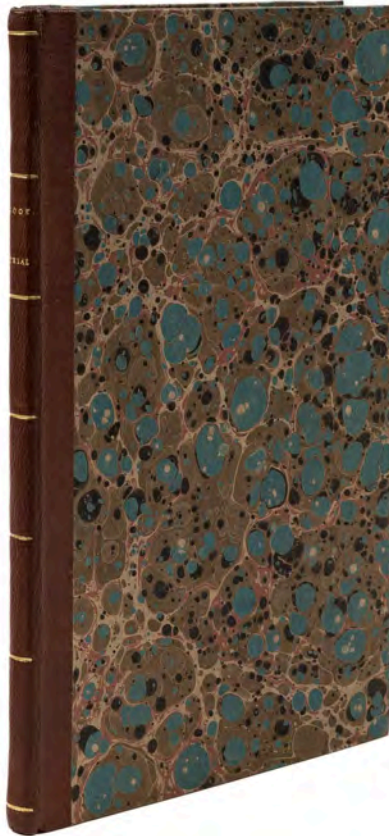
A Report of the Trial of the Rev. Theodore Clapp, Before the Mississippi Presbytery, At Their Sessions in May and December, 1832. New Orleans: Printed and Published by Hotchkiss & Co., 1833. xiv, 374 pp. Octavo (9-1/4" x 5-1/4").

Publisher's quarter cloth over plain boards, printed paper title label to spine. Light soiling and a few minor stains to boards, moderate rubbing to extremities with some wear to spine ends and corners, which are bumped, chipping to spine label. Some toning to text, occasional light foxing, brief early annotations in pencil to a few leaves. Ex-library. Location label to foot of spine, bookplate to front pastedown, small embossed stamp to title page. \$500.

* Only edition. Clapp paid a heavy price for his gradual rejection of Calvinist views and embrace of Unitarian principles. He spent seven stormy years at the First Presbyterian Church of New Orleans, affiliated with the Mississippi Presbytery, which finally convicted him of heresy in 1832. This record of his trial is preceded by a reprint of a sermon concerning the trial, "On the Subject of Religious Liberty," by William Ellery Channing, the foremost Unitarian preacher and theologian of the early nineteenth century. It warns of the evils of religion when it turns into "tyranny," as exemplified by the Mississippi Presbytery. Indeed, says the introduction, "no Presbytery in the United States ever before had the moral turpitude, the hardihood, the utter recklessness of justice, evinced by the Mississippi Presbytery" (xiv).

OCLC locates 2 copies in North American law libraries (Harvard, Social Law). Jumonville, *Bibliography of New Orleans Imprints* 790.

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A Draper is Charged with Seditious Libel for Displaying a Strike Notice in His Shop Window

21. [Trial].

Cook, Samuel [1786-1861], Defendant.

A Full Report of the Trial of Samuel Cook, Draper, Dudley, For an Alleged Seditious Libel, Tried at Worcester, Aug. 1, 1827, Before Mr. Justice Littledale. Taken in Short Hand by an Eminent Writer. Dudley [Worcestershire, Eng.]: Sold by S. Cook, Draper, 1827. [ii], 72 pp. Octavo (8-1/4" x 5-1/4").

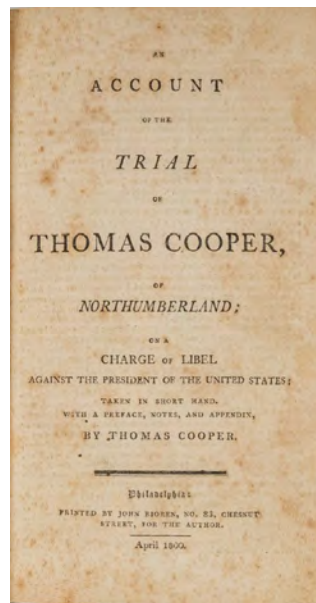
Stab-stitched pamphlet bound into period-style quarter morocco over marbled boards by Philip Dusel, gilt titles and ornaments to spine, endpapers renewed. Light toning to text, somewhat heavier in places, "4" in early hand to head of title page. \$850.

* First edition, one of two from 1827. Cook, a linen draper and the "radical conscience of middle-class Dudley," frequently displayed posters promoting various political events and made his business "the focal point of radicalism in the Black Country" (*ODNB*). In 1826, he was charged with seditious libel for displaying a handbill promoting a nailers' strike that accused government ministers of contributing to the starvation of the people. He was found guilty but received a relatively light sentence of a £100 fine and a £200 bond. This pamphlet was published by Cook to raise money for his legal expenses. A note at the foot of p. 72 appeals for additional financial assistance: "S. Cook will be happy to receive any Subscriptions towards his late expenses, and towards such subsequent proceedings as may be deemed requisite." A second edition with an identical page count may have been published the same year.

OCLC and Library Hub locate 4 copies of both editions, 2 in North America (Duke, Southern Illinois University). *Oxford Dictionary of National Biography* (accessed online). McCoy, *Freedom of the Press* (Supplement) IC318.

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**"Is This a Fair Specimen of the Freedom You Expected to Derive,
From the Adoption of the Federal Constitution?"**

22. [Trial].

Cooper, Thomas [1759-1839], Defendant.

An Account of the Trial of Thomas Cooper, Of Northumberland; On a Charge of Libel Against the President of the United States; Taken in Short Hand. With a Preface, Notes, And Appendix. Philadelphia: Printed by John Bioren, No. 83, Chesnut Street, For The Author, 1800. 64 pp. Octavo (8-1/4" x 4-3/4").

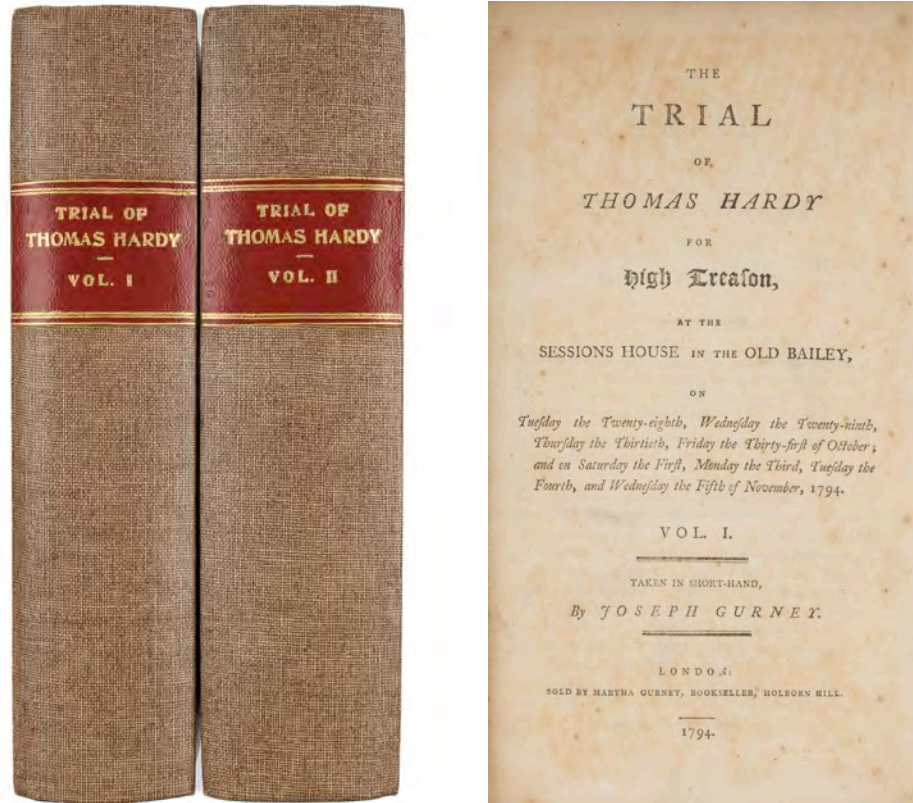
Recent buckram, gilt title and white ink shelf number to spine, endpapers added. Moderate toning to interior, occasional light foxing. \$2,000.

* Only edition. Cooper, a lawyer, political philosopher and reformer, immigrated to the United States in 1794 and settled in Northumberland, Pennsylvania. In addition to his legal practice, he briefly became the editor of the *Sunbury and Northumberland Gazette* and used the paper as a mouthpiece for his staunch Democratic-Republicanism. His final issue as editor contained a lengthy address highly critical of President John Adams, particularly the Alien and Sedition Acts and Adams's creation of a standing army. The address was issued separately as a handbill and republished multiple times, including in a leading Jeffersonian journal, and its growing circulation led to Cooper's indictment for seditious libel under the terms of the Sedition Act.

Cooper was convicted and published this annotated account of his trial from jail (though an erratum denies that it was printed for him). "The *Account* is fascinating not only because it exposed the manner in which a Federalist judiciary enforced the sedition laws against its Republican opponents, but also because it revealed Thomas Cooper's willingness to exploit his own arrest for political gain. Cooper skillfully framed the upcoming election as a referendum on the Sedition Act and on American citizens' right to engage in political debate rather than as a contest between two political parties and their ideologies" (Lehman). The Alien and Sedition Acts were a major issue in the election of 1800, which resulted in defeat for Adams.

OCLC locates 7 copies in law libraries (Columbia, Yale, Library of Congress, Harvard, Duke, Jenkins Law Library, Social Law). Lehman, "'Seditious Libel' on Trial, Political Dissent on the Record" in *The Pennsylvania Magazine of History and Biography* (April 2008) 118-119. Cohen, *Bibliography of Early American Law* 13315.

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The Most Extensive Account of an Important Trial Inspired by Fear of the French Revolution

23. [Trial].

Hardy, Thomas [1752-1832], Defendant.

Gurney, Joseph [1744-1815], Reporter.

The Trial of Thomas Hardy for High Treason, At the Sessions House in the Old Bailey, On Tuesday the Twenty-Eighth, Wednesday the Twenty-Ninth, Thursday the Thirtieth, Friday the Thirty-First of October; And on Saturday the First, Monday the Third, Tuesday the Fourth, And Wednesday the Fifth of November, 1794. Taken in Short-Hand. London: Sold by Martha Gurney, Bookseller, 1794-1795. Four volumes in two books. [ii], 418, 412; [ii], 423, [1], 444, xiv pp. Octavo (8-1/2" x 5-1/4").

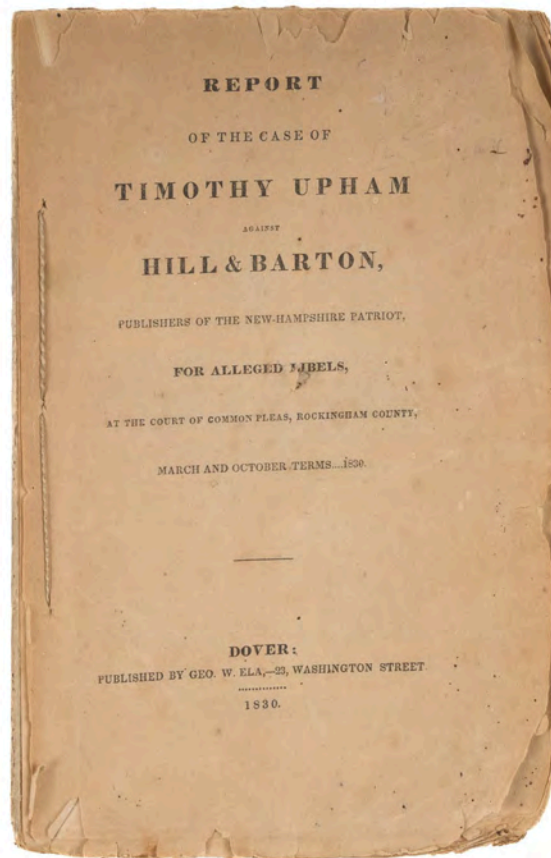
Later cloth, calf lettering pieces to spine. Light rubbing to boards and extremities. Moderate toning to interior, light foxing in a few places, light soiling to title pages. \$1,250.

* Only edition. A shoemaker by trade, Hardy was the founder and first secretary of the London Corresponding Society, a popular worker's association committed to the cause of universal male suffrage. Unnerved by the excesses of the French Revolution and fearful that it would inspire domestic unrest, the government indicted Hardy for high treason in 1794. He was the first person tried under these circumstances. The goal was to convict him in order to stifle dissent. However, the public saw Hardy as an unjustly persecuted apostle of English liberty. And, as the trial proved, the Crown's case, prosecuted by Eldon, had little merit. Hardy, defended by Erskine, was acquitted to great acclaim.

Of the several published accounts, Gurney's is the most extensive. Gurney was known for his shorthand reports of trials, taken with the shorthand technique developed by his father and published in partnership with his sister, a bookseller, publisher and abolitionist.

English Short-Title Catalogue T73926.

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Libel and Press Freedom in 1830 New Hampshire

24. [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").

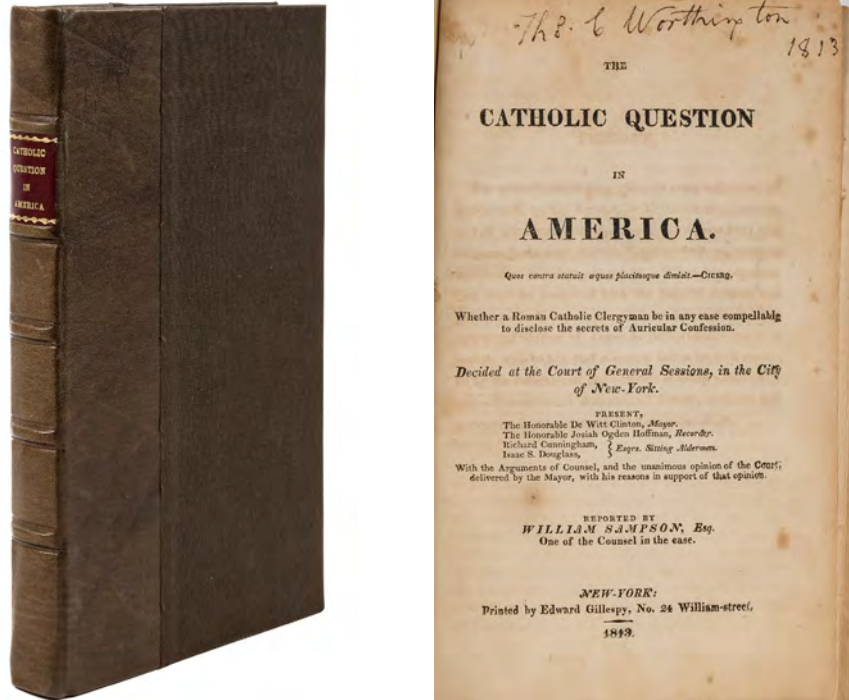
Stab-stitched pamphlet, front and rear wrappers lacking, later hand-lettered title to spine, edges untrimmed. Light browning, light edgewear to several leaves, light foxing and soiling in a few places, light creasing to last few leaves, pencil marks and brief annotations to a few pages, small tear to title page affecting text without loss to legibility, final leaf separated with small tears but secured by thread. \$500.

* 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, *Bibliography of American Law* 12070. McCoy, *Freedom of the Press* U236.

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Landmark Case Concerning the Confessional and the Court

25. [Trial].

Phillips, Daniel, Defendant.

Sampson, William [1764-1836], Reporter.

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

Recent quarter calf over cloth, raised bands and lettering piece to spine, endpapers renewed, extra calf lettering piece tipped-in to rear pastedown. Light browning to text, faint dampspotting in places, some edgewear to final leaves of text, early owner signature (Thos. C. Worthington 1813) to head of title page. \$450.

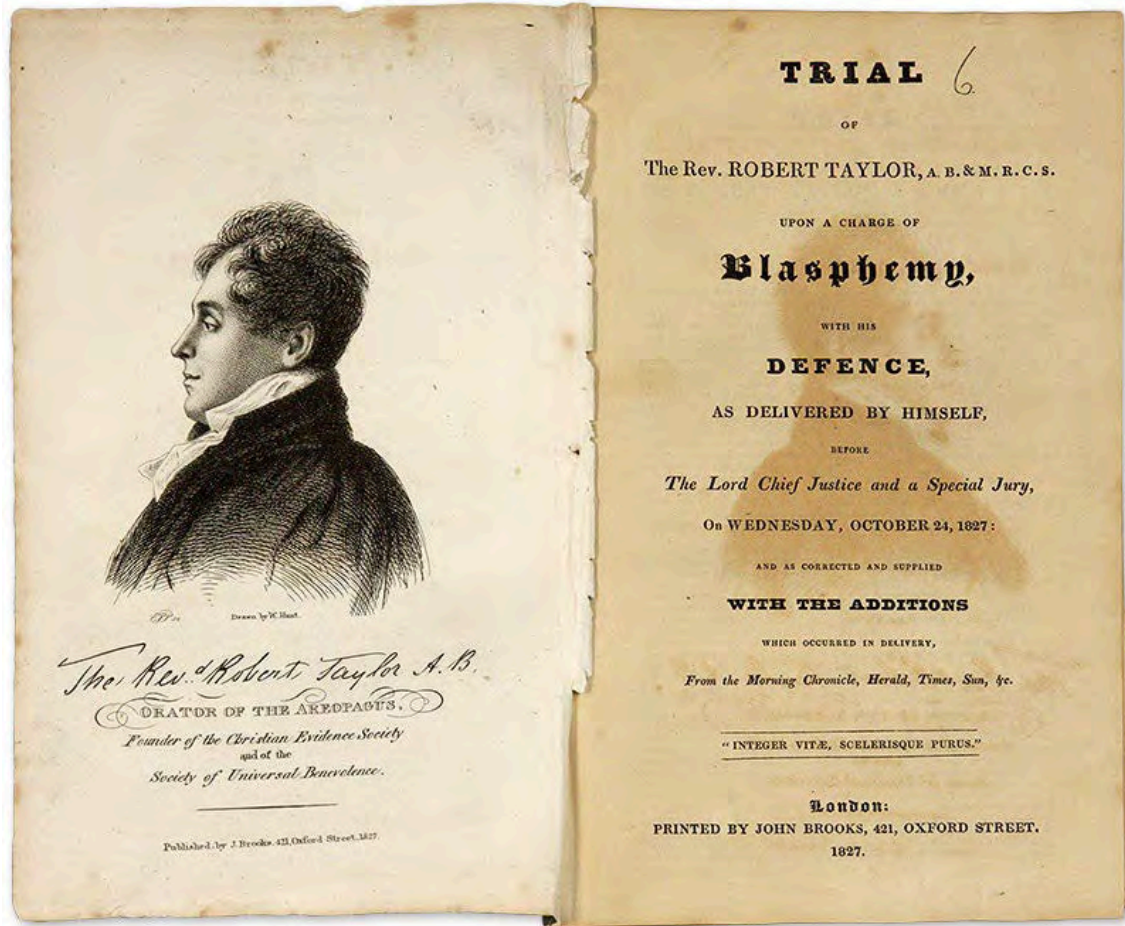
* Only edition. This landmark decision established the legal precedent exempting Catholic priests from disclosing evidence relating to criminal activities learned through the Sacrament of Confession. "The case against Daniel Phillips for receiving stolen property hung on the prosecution's attempt to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

This copy was owned by Thomas Contee Worthington [1782-1847], a Maryland lawyer who fought in the War of 1812 and served in the House of Representatives from 1825-1827.

Cohen, *Bibliography of Early American Law* 14043.

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A Radical Reverend Tried for Blasphemy

26. [Trial].

Taylor, Robert [1784-1884], Defendant.

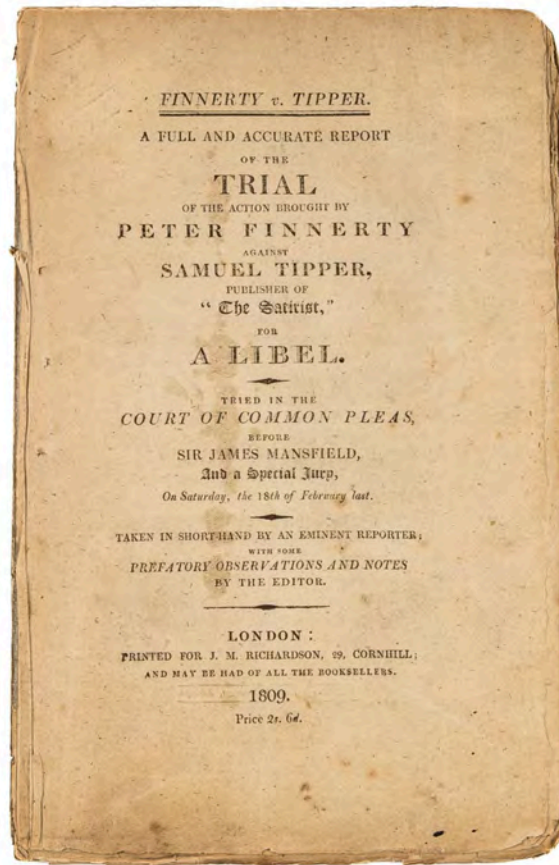
Trial of the Rev. Robert Taylor, A.B. & M.R.C.S.: Upon a Charge of Blasphemy, With His Defence, As Delivered by Himself, Before the Lord Chief Justice and a Special Jury, On Wednesday, October 24, 1827: And as Corrected and Supplied with the Additions which Occurred in Delivery, From the Morning Chronicle, Herald, Times, Sun, &c. London: Printed by John Brooks, 1827. 34 pp. Portrait frontispiece. Octavo (8-1/4" x 5").

Disbound stab-stitched pamphlet. Light rubbing to extremities, frontispiece partially detached, moderate toning to text, somewhat heavier in places, "6" in early hand to head of title page. \$950.

* First edition, one of two editions published in 1827. Trained as a surgeon, Taylor left medicine for the church in 1809. His career as a cleric was somewhat derailed by his adoption of increasingly freethinking religious views, and he was tried for blasphemy after delivering an unorthodox sermon about Christ's character. He was convicted and sentenced to a year in prison.

OCLC locates no copies of the first edition in North America and only 8 of the second, 3 in law libraries (Harvard; University of Missouri; Worcester, MA, Trial Court Library). Library Hub locates 1 copy of the first edition (London Library). McCoy, *Freedom of the Press* T38.

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A Rare Account of Libel Charges Brought by a Convicted Libeler

27. [Trial].

Tipper, Samuel, Defendant.

Finnerty, Peter [c.1766-1822], Plaintiff.

Finnerty v. Tipper. A Full and Accurate Report of the Trial of the Action Brought by Peter Finnerty Against Samuel Tipper, Publisher of "The Satirist," For a Libel. Tried in the Court of Common Pleas, Before Sir James Mansfield, And a Special Jury, On Saturday, The 18th of February Last. Taken in Shorthand by an Eminent Reporter; With Some Prefatory Observations and Notes by the Editor. London: Printed for J.M. Richardson, 1809. vii, 80 pp. Octavo (8-3/4" x 5-1/2").

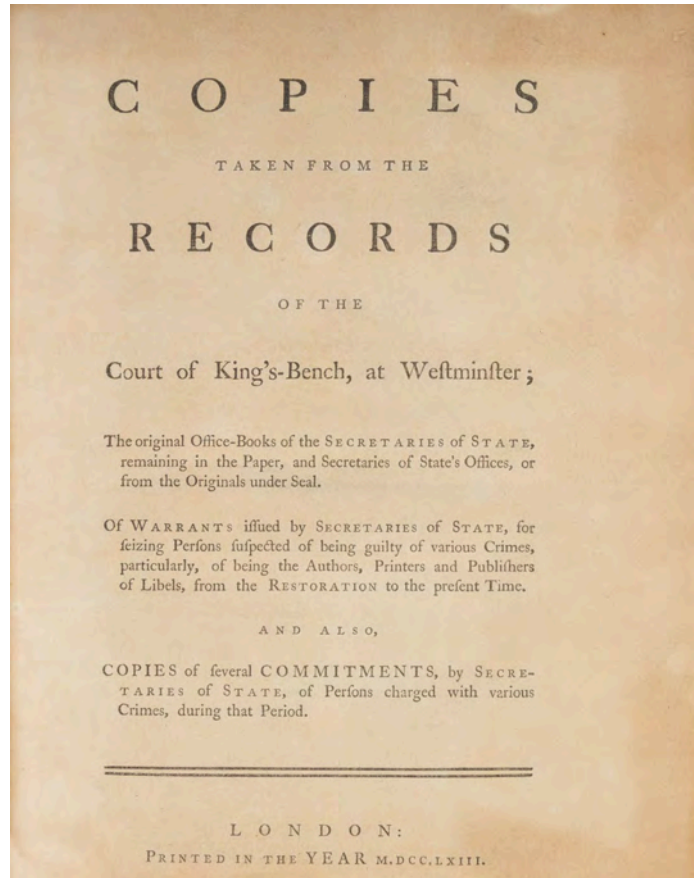
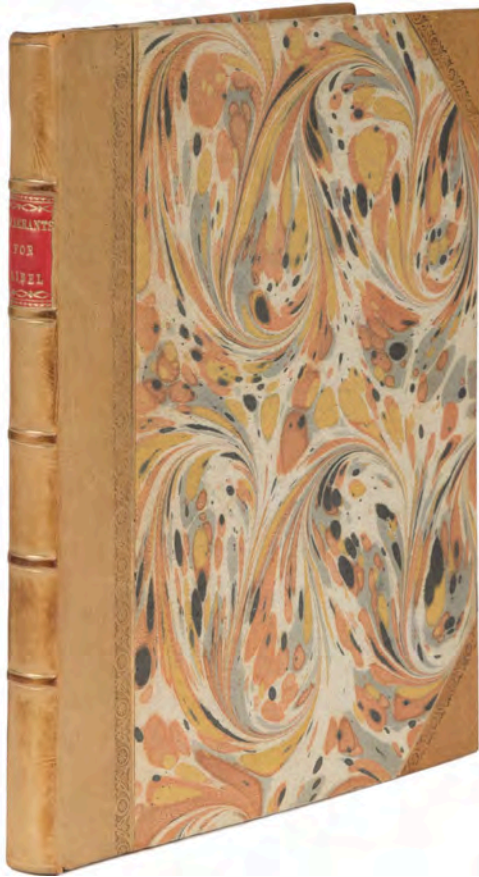
Disbound stab-stitched pamphlet, edges untrimmed. Moderate toning, light foxing and soiling in a few places, leaves separating at head but secure. \$1,500.

* Only edition. Finnerty was a radical Irish journalist and publisher convicted of seditious libel in 1797. Again charged with libel, this time against the Duke of York by publishing a pamphlet critical of his sale of military promotions, he was attacked in the Tory magazine *The Satirist* while his libel charges were pending. He quickly brought his own libel proceedings against the publisher in civil court. Though Mansfield reluctantly concluded that the attacks in *The Satirist* did constitute libel, he also concluded that Finnerty's already less-than-sterling character made extensive damages impossible. The jury agreed. Finnerty was awarded one shilling in damages and forced to pay court costs.

OCLC and Library Hub locate 1 copy of this title (British Library). Not in McCoy. *British Museum Catalogue* (Compact Edition) 9:308.

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Inspired by the Wilkes Cause

28. [Webb, Philip Carteret, Compiler].

Copies Taken from the Records of the Court of King's-Bench, At Westminster; The Original Office-Books of the Secretaries of State, Remaining in the Paper, And Secretaries of State's Offices, Or from the Originals Under Seal. Of Warrants Issued by Secretaries of State, For Seizing Persons Suspected of Being Guilty of Various Crimes, Particularly, Of Being the Authors, Printers and Publishers of Libels, From the Restoration to the Present Time. And Also, Copies of Several Commitments, By Secretaries of State, Of Persons Charged with Various Crimes, During that Period. London: [S.n.], 1763. [ii], 80 pp. Quarto (9-1/2" x 7-3/4").

Recent period-style three-quarter calf over marbled boards, blind fillets and gilt rules along edges of calf, gilt-edged raised bands and lettering piece to spine, endpapers renewed. Moderate toning to interior, light browning to title page and p. 80. \$750.

* Only edition. General warrants were a powerful tool to stifle political enemies. Webb's collection was likely inspired by the Wilkes Cause, one of the great political events of the day. In 1763, John Wilkes [1725-1797], the great radical journalist and politician, was charged with libel and sedition in a warrant issued by King George III. (The text is on p. 77.) These charges were a response to Wilkes's critical remarks, in issue 45 of his paper *The North Briton*, about the king's speech endorsing the Paris Peace Treaty at the opening of Parliament on April 23, 1763. Eventually vindicated in the courts, Wilkes's acquittal was seen as a victory for free speech.

OCLC locates 4 copies in North American law libraries (Harvard, Library of Congress, University of Pennsylvania, Washington University, St. Louis). *English Short-Title Catalogue* T3999.

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A Call to Allow "Willing and Able" Protestants to Hold Public Office

29. William III [1650-1702], King of England.

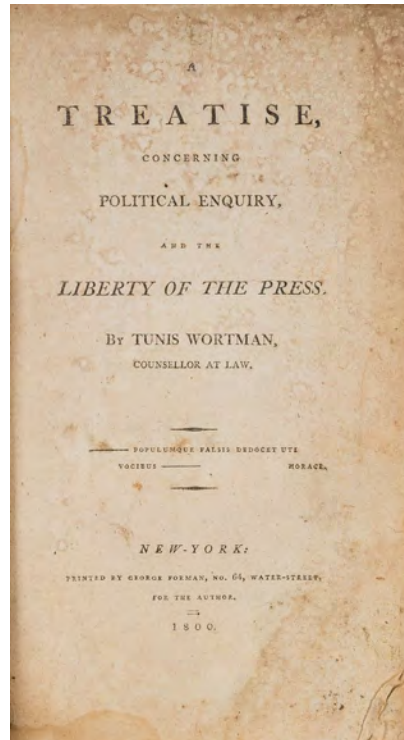
His Majesties Most Gracious Speech to Both Houses of Parliament, On Saturday the Sixteenth of March, 1688. London: Printed by Charles Bill, and Thomas Newcomb, 1688 [i.e. 1689]. 4 pp. Folio (10-3/4" x 6-3/4").

Disbound bifolium pamphlet. Light toning, leaves nearly separated, faint dampstain to bottom margin. \$650.

* Only edition, one of two issues. A request by William III that Parliament might "leave Room for the Admission of all Protestants that are willing and able to Serve" in public office while continuing to "sufficiently Provide against Papists." This ultimately resulted in the Act of Toleration, which allowed certain groups of nonconformist Protestants freedom of worship but continued to exclude dissenters and Roman Catholics from public office.

English Short-Title Catalogue R507163.

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"The Book that Jefferson Did Not Write, But Should Have"

30. Wortman, Tunis [d.1822].

A Treatise Concerning Political Enquiry, and the Liberty of the Press. New York: Printed by George Forman for the Author, 1800. xii, [1], 14-296 pp. Octavo (8-1/4" x 4-3/4").

Contemporary tree sheep, gilt fillets to spine. Light rubbing, exterior lightly varnished, later mends to extremities, vertical crack starting at head of spine, rear joint starting, front hinge mended, edgewear, faint dampstaining and tears to endleaves. Toning to interior, occasional light soiling and faint dampstaining, light foxing in a few places, crack in text block between pp. 288-289, all leaves secure, clean tear to bottom-edge of final leaf crudely mended with cellotape affecting three words of text without loss, early owner signatures ("Tim. Gardiner?") to head of first page of Preface and p. 19. \$6,500.

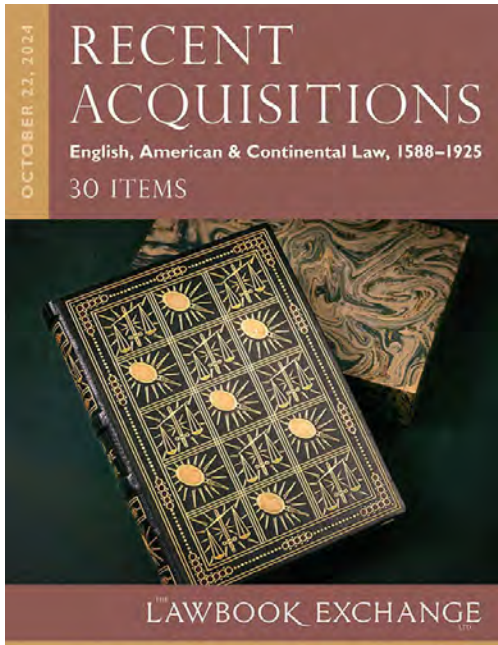
* Only edition. This important work is acclaimed as a notable early libertarian exposition of free speech. A response to the then-recent First Amendment (adopted 1791) and Alien and Sedition Acts (1798), it can be seen as an early response to their implications. As Leonard Levy notes, Wortman "contributed pre-eminently to the emergence of American libertarianism in his book...It is, in a sense, the book that Jefferson did not write, but should have. Devoid of party polemics and of the characteristically American preoccupation with legal and constitutional problems, it is a work of political philosophy that systematically presents the case for freedom of expression...Wortman's treatise is surely the pre-eminent American classic, because of its scope, fullness, philosophical approach, masterful marshalling of the facts, and uncompromisingly radical view."

Wortman was a New York lawyer, author, newspaper publisher and politician. He is also known for his political tracts, one of which, *A Solemn Address to Christians and Patriots*, defended Jefferson against charges of atheism prior to the election of 1800.

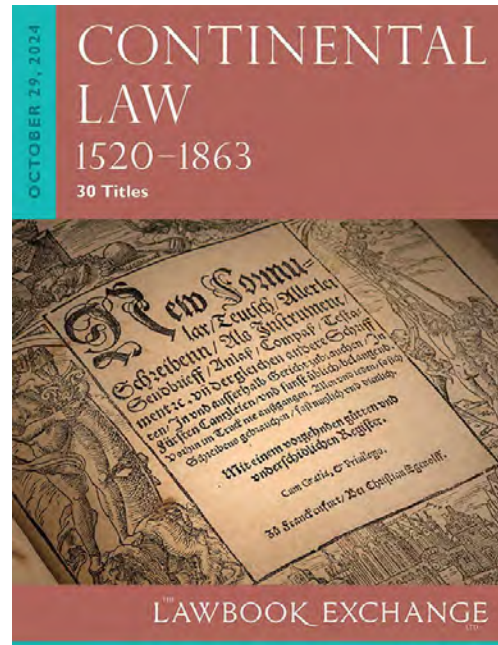
Levy, *Legacy of Suppression: Freedom of Speech and Press in Early American History* 283-289. McCoy, *Freedom of the Press* W398. Cohen, *Bibliography of Early American Law* 3603. Reese, *The Federal Hundred* 85.

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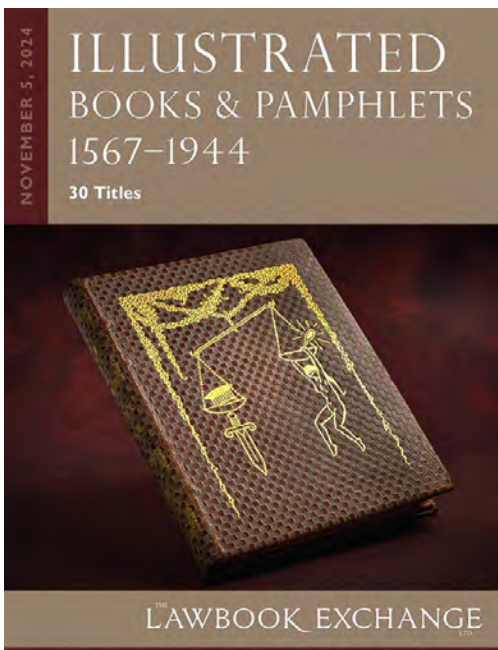
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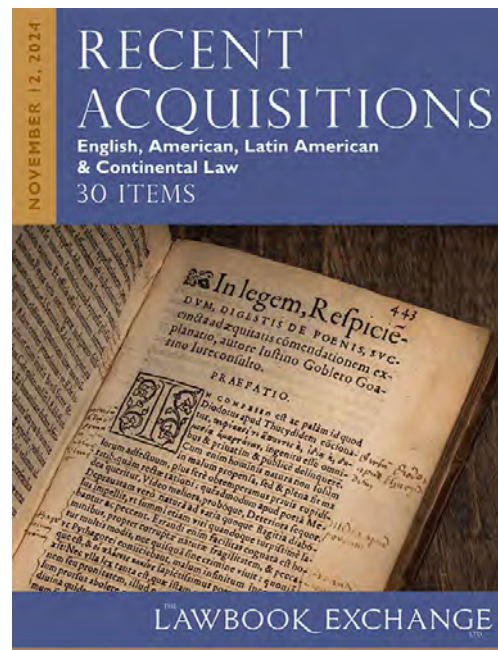
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