# The Golden Age of Legal Publishing in Massachusetts

This exhibit was curated by Laurel Davis, Legal Information Librarian & Lecturer in Law and Curator of Rare Books at the Boston College Law Library.

Another early statut

The first legal texts published in Massachusetts were sources of primary law, such as statutes and case reports.

The first statutory compilation printed in colonial Massachusetts was The Book of the General Lawes and Libertyes (often referred to as the Code of 1648). This compilation included much—but not all—of the legislation of the General Court that was in force at the time of publication. The compilation was published by Matthew Day, son of the first American colonial printer, Steven Day, at their printing shop in Cambridge. Next up is a photo taken from a 1929 reprint of the one surviving copy of the original code. Thought lost for many years, the original surfaced in Rye, England in 1909 and ultimately landed in the Huntington Library in San Marino, California.

THE
BOOK OF THE GENERAL

# LAUUES AND LIBERTYES

CONCERNING THE INHABITANTS OF THE MASSACHUSETS

*COLLECTED OUT OF THE RECORDS OF THE GENERAL COURT FOR THE SEVERAL YEARS WHERIN THEY WERE MADE AND ESTABLISHED,*

And now revised by the same Court and disposed into an Alphabetical order and published by the same Authority in the General Court held at *Boston* the fourteenth of the first month *Anno* 1647.

---

*Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist receive to themselves damnation. Romans 13. 2.*

---

*CAMBRIDGE.*
Printed according to order of the *GENERAL COURT.*
1648.

---

And are to be solde at the shop of *Hezekiah Usher*
in *Boston*.

Another early statutory compilation is called Acts and Laws, of His Majesty's Province of the Massachusetts-Bay in New-England. It was printed by S. Kneeland, in Boston, 1759, and includes the charter of William and Mary.

THE

# CHARTER

Granted by their Majesties

King WILLIAM

AND

Queen MARY,

TO THE

INHABITANTS

OF THE

PROVINCE

OF THE

*Massachusetts-Bay*

IN

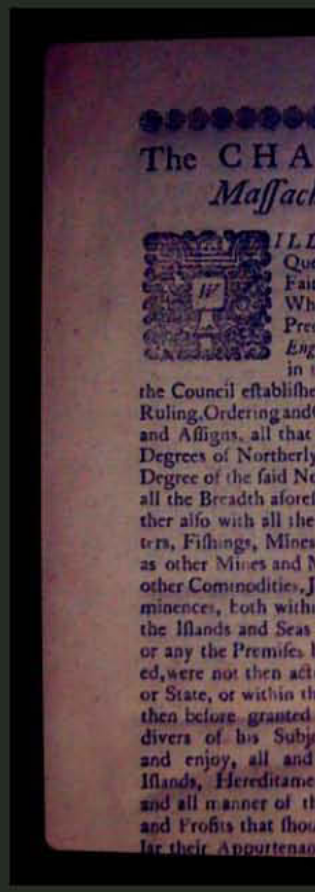
NEW-ENGLAND.

*BOSTON*, in NEW-ENGLAND:

Printed by S. KEELAND, by Order of His Excellency the GOVERNOR, COUNCIL and House of REPRESENTATIVES.

MDCCLIX.

# Take a look at the first bit of the charter...



# The CHARTER of the Province of the *Massachusetts-Bay* in *New-England.*

WILLIAM and MARY, by the Grace of GOD, King and Queen of *England*, *Scotland*, *France* and *Ireland*, Defenders of the Faith, *&c.* To all to whom these Presents shall come, Greeting. Whereas his late Majesty King *James* the first, Our Royal Predecessor, by his Letters Patents under the Great Seal of *England*, bearing Date at *Westminster* the third Day of *November*, in the eighteenth Year of his Reign, did give and grant unto the Council established at *Plymouth* in the County of *Devon*, for the Planting, Ruling, Ordering and Governing of *New England* in *America*, and to their Successors and Assigns, all that Part of *America* lying and being in Breadth from forty Degrees of Northerly Latitude, from the Equinoctial Line to the forty eighth Degree of the said Northerly Latitude, inclusively, and in Length of and within all the Breadth aforesaid throughout all the Main Lands from Sea to Sea, together also with all the firm Lands, Soils, Grounds, Havens, Ports, Rivers, Waters, Fishings, Mines and Minerals, as well Royal Mines of Gold and Silver, as other Mines and Minerals, Precious Stones, Quarries, and all and singular other Commodities, Jurisdictions, Royalties, Priviledges, Franchises and Preheminences, both within the said Tract of Land, upon the Main, and also within the Islands and Seas adjoining, Provided always, that the said Lands, Islands, or any the Premises by the said Letters Patents intended or meant to be granted, were not then actually possessed or inhabited by any other Christian Prince or State, or within the Bounds Limits or Territories of the Southern Colony, then before granted by the said late King *James* the first, to be planted by divers of his Subjects in the South Parts; To have and to hold, possess and enjoy, all and singular the aforesaid Continent Lands, Territories, Islands, Hereditaments, and Precincts, Seas, Waters, Fishings, with all and all manner of their Commodities, Royalties, Liberties, Preheminences and Profits that should from thenceforth arise from thence, with all and singular their Appurtenances, and every Part and Parcel thereof, unto the said

Recital That Kin[g] *James* I. granted t[o] Council a[t] *Plymouth* *Devon*,

All that [Part] of *Ameri*[ca] from 40 [to] Degrees [of] Latitude.

To hol[d in] Fee.

# And the first law passed by the General Court after the charter...

Anno Regni GULIELMI et MARIÆ, Regis et Reginæ Angliæ, 1692.

Building with Stone or Brick.

GIIII GR

Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*: Begun and held at *Boston* the eighth of *June* 1692. and continued by Adjournment

# Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England* : Begun and held at *Boston* the eighth of *June* 1692. and continued by Adjournment unto the twelfth Day of *October* following.

## CHAP. I.

### An Act for building with Stone or Brick in the Town of *Boston*, and preventing Fire.

*WHEREAS Great Desolations and Ruins have sundry Times happened by Fire breaking out in the Town of* Boston, *principally occasioned by Reason of the joining and nearness of the Buildings, being mostly of Timber, and covered with Shingle :* Preamble.

The Perpetual Laws of the Commonwealth of Massachusetts, from the Establishment of its Constitution in October 1780 to the Last Wednesday in May 1789. Boston: Adams and Nourse, 1789.

# THE PERPETUAL LAWS OF THE COMMONWEALTH OF MASSACHUSETTS,

FROM THE COMMENCEMENT OF THE CONSTITUTION, IN OCTOBER, 1780, TO THE LAST WEDNESDAY IN MAY, 1789.

TO WHICH ARE PREFIXED, THE DECLARATION OF INDEPENDENCE, THE ARTICLES OF CONFEDERATION, THE CONSTITUTION OF THE COMMONWEALTH, THE TREATY OF PEACE, BETWEEN GREAT-BRITAIN AND AMERICA, AND THE CONSTITUTION OF THE UNITED STATES.

Published by Order of the General Court.

BOSTON:
PRINTED BY ADAMS AND NOURSE,
Printers to the Honourable GENERAL COURT.

M,DCC,LXXXIX.

Printer and patriot Isaiah Thomas published a smaller version of the Perpetual Laws for the convenience of practioners. Below are photos of the title page and Thomas's explanatory preface.

JUDGES

OF THE

SUPREME JUDICIAL COURT

OF THE

COMMONWEALTH

OF

*MASSACHUSETTS:*

THIS EDITION,

OF

**The Perpetual Laws**

OF THE

COMMONWEALTH AFORESAID,

IS MOST

RESPECTFULLY DEDICATED

By the Editor,

THEIR HONOURS VERY HUMBLE,

AND MOST OBEDIENT SERVANT,

ISAIAH THOMAS.

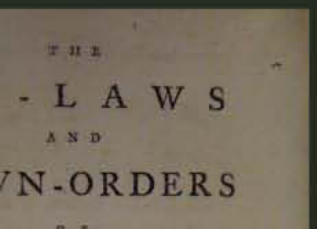
*Worcester, May* 15, 1788.

# PREFACE.

*As the Statutes of this Commonwealth, made since the establishment of the Constitution, have never been printed in any well digested order, general complaint has been made for the want of such a work. This influenced the Editor, at the request of a number of very respectable gentlemen, to undertake the business. The intention of printing the Statutes in so* small a volume, *was to make the book* convenient for the pocket, *and* cheap to the purchaser, *that the laws might be more generally disseminated throughout the Commonwealth.*

The By-Laws and Town-orders of the Town of Boston. Boston: Printed by Edmund Freeman, 1786.

An early example of a municipal law compilation, this volume contains bylaws passed during 1785 and 1786.



THE

# BY-LAWS

AND

# TOWN-ORDERS

OF

THE TOWN OF BOSTON,

*Made and passed at several Meetings*

IN

1785 and 1786.

AND

*Duly approved by the* COURT *of* SESSIONS

BOSTON:

PRINTED by EDMUND FREEMAN, at his PRINTING OFFICE,
North side of the TOWN-DOCK.

M, DCC, LXXXVI.

## FOOTBALL, *not to be played at, or kicked through any part of the Town.*

IT IS HEREBY VOTED AND ORDERED, that whosoever shall, at any time hereafter, use the exercise of playing or kicking of FOOTBALL within any of the Streets, Lanes or Alleys of this Town, shall forfeit and pay the sum of *one shilling* for every transgression of this *By-Law*, to be paid by each offender respectively; which fine or penalty shall be paid, where any offender herein shall happen to be under age, by the parent or guardian of any such offender.

AND *see an act of the late province*, made in the year of our Lord 1715, entitled, " *An Act for preventing damage to the housing and other estate, within the several Towns of this province*," and published in the same year 1715; whereby " any person or persons wilfully breaking any glass windows of any house within any Town, by throwing *Stones*, *Snow-balls*, *kicking* FOOTBALLS, or any other ways, are made liable to the suit of the person damnified, and to pay a fine, of *twenty shillings*, at the least, and not exceeding *Five Pounds*, for the use of the poor of the Town." *See* Perpetual Laws page 188.

FORE-

MOURNING, *to prevent Excess and vain Expence therein, &c.*

IT IS HEREBY ORDERED, That in future no scarfs, gloves or rings shall be given at any funeral in this town, nor shall any wine, rum, or other spirituous liquor, be allowed or given at, or immediately before or after, any funeral in this town, under pain that the person or persons giving, allowing, or ordering the same shall respectively forfeit and pay the sum of *twenty shillings* for each offence.

*And it is further Ordered*, That whatever male person shall appear or walk in the procession of any funeral in this town with any new mourning or new black or other new mourning coat or waistcoat, or with any other new black apparel, save and except a black crape around one arm, or shall afterwards, on account of the decease of any relation, or other person or persons, put on and wear any other mourning than such piece of black crape around one arm, shall forfeit and pay the sum of *twenty shillings* for every day he shall put on and wear or appear in the same.

AND

AND no female, of whatever degree, shall put on, wear or appear at any funeral in this town, in any other mourning or new black cloaths whatever, other than a black hat or bonnet, black gloves, black ribbons and a black fan, on pain to forfeit and pay the sum of *twenty shillings*; and also forfeit and pay a like sum of *twenty shillings* for every day she shall at any time at, or after such funeral, put on, wear or appear in such new black cloaths, as or for mourning, other than black hat, bonnet, black gloves, black ribbons, and a black fan as aforesaid.

N. B. See Temp. Laws, 15, 16.

Thomas Hutchinson, The History of the Colony of Massachusets-Bay. Boston, New-England: Printed by Thomas & John Fleet, at the Heart and Crown in Cornhill, 1764. Gift of Frank Oliver.

Though not a lawbook, Hutchinson's history of Massachusetts-Bay includes valuable information on the colony's early legal history. At the time of publication, Hutchinson, the great-great grandson of Anne Hutchinson, was a Lieutenant Governor of Massachusetts. He would later become Governor and was known for his belief in Parliamentary supremacy. He was sent to England on a conciliatory mission and ultimately stayed for the remainder of his life, watching from abroad as his native colony became an independent state.

# THE HISTORY OF THE COLONY OF MASSACHUSETS-BAY,

FROM THE FIRST SETTLEMENT THEREOF IN 1628.

UNTIL ITS INCORPORATION WITH THE Colony of PLIMOUTH, Province of MAIN, &c. BY THE Charter of King WILLIAM and Queen MARY, IN 1691.

Historia, non ostentationi, sed fidei, veritatique componitur.
Plin. Epist. L. 7. E. 33.

---

By MR. HUTCHINSON,
Lieutenant-Governor of the MASSACHUSETS Province.

---

BOSTON, NEW-ENGLAND:
Printed by THOMAS & JOHN FLEET, at the *Heart* and *Crown* in Cornhill, MDCCLXIV.

The constitutions of the several independent states of America. Boston: Printed by Norman and Bowen, in Marshall's Lane, near the Boston stone, 1785. Second edition. Gift of Kathryn Preyer.

Published by order of the U.S. Congress, this lovely volume contains the state constitutions of the original 13 colonies, along with the Declaration of Independence, the Articles of Confederation, and several importance treaties, including the Treaty of Paris of 1783.

# CONSTITUTIONS

OF THE

SEVERAL INDEPENDENT STATES

OF

# AMERICA;

THE

DECLARATION OF INDEPENDENCE;

THE

ARTICLES OF CONFEDERATION
BETWEEN THE SAID STATES;

THE

TREATIES BETWEEN HIS MOST CHRISTIAN MAJESTY AND THE UNITED STATES OF AMERICA. —AND THE TREATIES BETWEEN THEIR HIGH MIGHTINESSES THE STATES GENERAL OF THE UNITED NETHERLANDS AND THE UNITED STATES OF AMERICA.

---

*Published originally by Order of Congress.*

case reports were also among the earliest legal texts published. Massachusetts was the first jurisdiction to have an official reporter of decisions. The first was Ephraim Williams; the second was Dudley Tyng.

# REPORTS

OF

# CASES

ARGUED AND DETERMINED

IN THE

## SUPREME JUDICIAL COURT,

IN THE

## Commonwealth of Massachusetts,

FROM MARCH, 1806, TO JUNE, 1807,

BOTH INCLUSIVE.

VOL. II.

BY DUDLEY ATKINS TYNG, Esq.
Counsellor at Law.

TO WHICH IS ADDED

## A SUPPLEMENT,

CONTAINING SOME FEW DECISIONS OF THE SAME COURT OF A PRIOR DATE.

NEWBURYPORT:
PUBLISHED BY EDWARD LITTLE & CO.
Proprietors of the Copyright.
1811.

C. Norris & Co. Printers.

Justice of the Peace manuals were among the earliest law books published in the American colonies. The first such manuals printed in Massachusetts were reprints of English manuals. After the Revolution, there was a need for localized manuals for justices of the peace, who played a significant role both in the administration of the government and the adjudication of cases in the new U.S., as they had in the colonies.

ard Burn, An Abridgment of Burn's Justice of the Peace and
n officer, Boston: Printed for, and sold by Joseph Greenleaf,
. Gift of Kathryn "Kitty" Preyer.

adjudication of cases in the new U.S., as they had in the colonies.

Richard Burn, An Abridgment of Burn's Justice of the Peace and Parish Officer, Boston: Printed for, and sold by Joseph Greenleaf, 1773. Gift of Kathryn "Kitty" Preyer.

One of the most famous English manuals of this type was Burn's manual, first published in England in 1755; it became the standard manual for late-eighteenth and early-nineteenth-century magistrates. This is the first American edition, an abridgment of the original.

BURN
GRIDGE

AN

# ABRIDGMENT

OF

# BURN'S JUSTICE of the PEACE

AND

# PARISH OFFICER.

---

To which is ADDED,

AN

# APPENDIX,

CONTAINING

Some general rules and directions necessary to be known and observed by all justices of the peace.

---

*BOSTON:*

*Printed for, and Sold* by JOSEPH GREENLEAF, at his PRINTING-OFFICE, in HANOVER-STREET, near CONCERT HALL.

M, DCC, LXXIII.

# LUNATICKS.

1. NON *compos mentis* is of four kinds;

First, Ideots; who are of *non sane memory* from their nativity, by a perpetual infirmity.

Secondly, Those that lose their memory and understanding by the visitation of God, as by sickness, or other accident.

Thirdly, Lunaticks; who have sometimes their understanding, and sometimes not.

Fourthly, Drunkards; who by their own vicious act for a time deprive themselves of their memory and understanding. 1 *Inst.* 247.

2. He who incites a madman to do a murder, or other crime, is a principal offender, and as much punishable as if he had done it himself. 1 *Haw.* 2.

3. But ideots and lunaticks who are under a natural disability of distinguishing between good and evil, are not punishable by any criminal prosecution. *Id.*

Yet drunkards shall have no privilege by their want of sound mind; but shall have the same judgment as if they were in their right senses. 1 *Inst.* 247. 1 *Haw.* 2. 1 H. H. 32.

4. But if a person, who wants discretion, commit a trespass against the person or possession of another; he shall be compelled in a civil action to give satisfaction for the damage. 1 *Haw.* 2.

5. If one who hath committed a capital offence become *non compos* before conviction, he shall not be arraigned; and if after conviction, he shall not be executed. *Hale's Pl.* 10. 1 *Haw.* 2.

6. By the common law, if it be doubtful whether a criminal, who at his trial [illegible] is a lunatick, be such in truth or not, it shall be tried by an in- [illegible] and if it be found by them, that

Joseph Greenleaf, the printer, was an interesting character. He helped Isaiah Thomas, another printer and publisher featured in this exhibit, publish the pro-independence newspaper the Massachusetts Spy before the Revolution. Greenleaf, who was a Justice of the Peace in Plymouth County in addition to being a printer, was summonsed before the governor in 1771 for writings in the Spy. He failed to appear and was dismissed from his duties as a Justice of the Peace.

TO

His Majesty's *Justices* of the *Peace*,

in the Province of the MASSACHUSETTS-BAY,

IN

*NEW-ENGLAND*:

THIS

ABRIDGMENT

OF

BURN'S JUSTICE of the PEACE

AND

PARISH OFFICER,

IS

INSCRIBED:

BY

Their Humble Servant,

*J. GREENLEAF.*

# ADVERTISMENT.

*Just PUBLISHED,*

And to be SOLD at

## GREENLEAF's New Printing-Office

In HANOVER-STREET, near *Concert-Hall,*

*BOSTON;*

The Following Books. *Viz.*

A CALM and plain answer to the enquiry, *Why are you a Dissenter from the Church of England?* Containing some remarks on it's doctrine, spirit, constitution, and some of it's offices and forms of devotion. By the author of the dissenting gentlemen's answer to Dr. *White.*

THE *Case of the Dissenting Ministers,* addressed to the lords spiritual and temporal. By *Israel Mandit.*

ENGLAND'S *Warning-Piece*; a sermon occasioned by the untimely death of Mr. *William Allen* the younger, who was inhumanly MURDERED by an arbitrary millitary power, *May* 10th, 1768. By *John Free,* D. D. and Vicar of *East Coker* in *Somersetshire,* &c.

AN *Anniversary Sermon,* being the sequel to that occasioned by the murder of Mr. *William Allen* the younger, on the BLOODY 10th of *May,* 1768. By the same author.

THE *Adulateur,* a *Tragedy,* as it is now acted in UPPER SERVIA, said to be wrote by a LADY. Upon reading this tragedy one may be apt to think that that acted in *Boston,* on the 5th of *March,* 1770, was a realizing the same.

A DISSUASION from the *Slave trade,* shewing the injustice thereof. Dedicated to the governor, council, and house of representatives, of this province.

THE

This is an example of a later manual aimed specifically at Massachusetts justices of the peace.

Rodolphus Dickinson, A Digest of the common Law, the statute Laws of Massachusetts, and of the United States, and the Decisions of the Supreme Judicial Court of Massachusetts, Relative to the Powers and Duties of Justices of the Peace, to which is subjoined an Extensive Appendix of Forms. Deerfield, MA: Published by John Wilson. 1818.

John Wilson's printing office produced a number of items typical of a printer of his day, including reprints of popular works and broadsides. Rodolphus Dickinson was his brother-in-law and partner at the printing press.

A

# DIGEST

OF THE

COMMON LAW, THE STATUTE LAWS OF MASSACHUSETTS, AND OF THE UNITED STATES, AND THE DECISIONS OF THE SUPREME JUDICIAL COURT OF MASSACHUSETTS, RELATIVE TO

THE

## *POWERS AND DUTIES*

OF

## JUSTICES OF THE PEACE,

TO WHICH IS SUBJOINED AN EXTENSIVE

## APPENDIX OF FORMS.

13656

By RODOLPHUS DICKINSON,
Attorney at Law, Compiler of a Work upon the Duties of Sheriffs, &c.

DEERFIELD:

PUBLISHED BY JOHN WILSON.

1818.

# LARCENY, ROBBERY AND CHEATS.

2 East's P. C. 553, 554.

The offence of fraudulently taking and carrying away the personal property of another is denominated either larceny, where the fact is accomplished secretly, or by surprise or fraud, or robbery, where accompanied by circumstances of violence, threats, or terror to the person despoiled.

Stat. March 10, 1835, sec. 1. Punishment for larceny.

Any person who shall feloniously steal, take and carry away of the property of another, any money, goods or chattels, or any bank, promissory note, bill of exchange, or other bill, order or certificate, or any book of accounts for or respecting any money or goods, due or becoming due and payable, or to be delivered, or any deed or writing, containing a conveyance of lands, or other real estate, or any other valuable contract remaining in force, or any receipt, release or discharge, or any writ, process, or public record, shall be deemed guilty of the crime of larceny, and every such offender, and any person present, aiding and abetting in any such larceny, or accessary thereto before the fact, by counselling, hiring, or otherwise procuring the same to be done, who, being any court having jurisdiction thereof, shall be duly convicted of either of the felonies and offences aforesaid, shall be punished, when the money, goods, or other article or articles stolen shall not exceed, in amount or value, the sum of *one hundred dollars*, by solitary imprisonment for a term not exceeding six months, and by confinement afterwards to hard labour for a term not exceeding one year; or by a fine, not exceeding *one hundred dollars*, and imprisonment in the common gaol for a term not exceeding one year. And when the money, goods, or other article or articles stolen shall exceed in amount or value the sum of *one hundred dollars*, then by solitary imprisonment, for a term not exceeding one year, and by confinement afterwards to hard labour for a term not exceeding three years, to be ordered by the court before whom the conviction may be, according to the degree and aggravation of the offence.

Sec. 2. Jurisdiction of larcenies.

The Supreme Judicial Court shall have exclusively the jurisdiction of all larcenies, where the money, goods, or other article or articles stolen, shall be alleged to exceed in amount or value the sum of *one hundred dollars*; the said Supreme Judicial Court, the Courts of Common Pleas within their respective counties, and the



Municipal Court of the town of Boston, within the said town of Boston, shall have concurrent jurisdiction of all larcenies, where the money, goods, or other article or articles stolen, shall not be alleged to exceed in amount or value the sum of *one hundred dollars*; and every justice of the peace, within his proper county, shall have concurrent jurisdiction with the said courts, of all larcenies, where the money, goods, or other article or articles stolen, shall not be alleged to exceed in amount or value the sum of *five dollars*.

Sec. 3.

Any person duly convicted before a justice of the peace, of any larceny, either as principal, or as accessary before or after the fact, shall be punished by such fine, not exceeding *five dollars*, and imprisonment in the common gaol, for such term, not exceeding twenty days, either or both, as the said justice before whom the conviction may be, shall sentence and order according to the aggravation of the offence.

Sec. 3. Punishment for one or more larcenies.

If any person having been before convicted of the crime of larceny, or as accessary thereto before the fact, shall afterwards commit, or shall be alike accessary to another larceny, and shall be duly convicted thereof before the Supreme Judicial Courts, or if any person before the Supreme Judicial Court at one and the same term thereof, shall be duly convicted as principal or as accessary before the fact, in three distinct larcenies, every such offender shall be punished as a common and notorious thief, by solitary imprisonment for a term not exceeding one year, and by confinement afterwards to hard labour for a term not less than three years, and not exceeding fifteen years.

Sec. 4. For larceny in any dwelling, &c. in the night time.

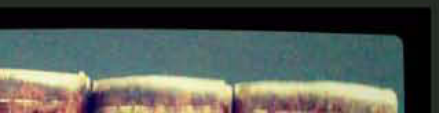
If any person in the night time shall break and enter any shop, warehouse, or office not adjoining to, or occupied with a dwelling-house, or any ship or vessel lying within the body of a county, and shall there commit a larceny, every such offender, and every person present aiding and abetting in the commission of such felony, or accessary thereto before the fact, by counselling, hiring, or procuring the same to be committed, and being thereof duly convicted before the Supreme Judicial Court, shall be punished by solitary imprisonment for such term, not exceeding one year, and confinement afterwards to hard labour for such term, not exceeding fifteen years, as the Justices of the said Court, before whom the conviction may be, shall sentence and order, according to the aggravation of the offence.

Sec. 5. For robbing a dwelling-house, &c. in any time.

If any person in the night time shall enter, without breaking, or in the day time shall break and enter any dwelling-house or outhouse thereto adjoining, and occupied therewith, or any office, shop, warehouse, ship, or vessel, as aforesaid, the owner or other person being therein and put in fear, every such offender, and any

In addition to justice of the peace manuals, American printers and publishers would reprint English and continental legal texts. Editors would often add annotations to American cases and statutes in order to make the works more useful to their readers.

After its initial publication in England in 1765, William Blackstone's commentaries were widely imported and sold throughout the American colonies. A pre-revolution Philadelphia edition from printer Robert Bell was so well received that Isaiah Thomas, a famous Boston and Worcester printer, published the first post-revolution American edition from his Worcester shop in 1790.



BLACKSTONE's
COMMENTARIES.
BLACKSTONE's
COMMENTARIES.
BLACKSTONE's
COMMENTARIES.
BLACKSTONE's
COMMENTARIES.

# COMMENTARIES

ON THE

# LAWS

OF

# ENGLAND.

IN *FOUR* BOOKS.

---

BY

SIR WILLIAM BLACKSTONE, KNT.

ONE OF THE LATE JUSTICES OF HIS BRITANNICK MAJESTY'S COURT OF COMMON PLEAS.

IN FOUR VOLUMES.

THE FIRST *WORCESTER* EDITION,

Carefully copied from the last LONDON EDITION.

CONTAINING,

THE LAST CORRECTIONS OF THE AUTHOR,

THE *ADDITIONS* BY *RICHARD BURN*, LL.D.

AND CONTINUED TO THE PRESENT TIME,

BY *JOHN WILLIAMS*, ESQ.

---

VOL. I.—BOOK I.

---

PRINTED AT *WORCESTER*, MASSACHUSETTS.

BY ISAIAH THOMAS,

SOLD AT HIS BOOKSTORE IN WORCESTER, AND BY HIM AND COMPANY IN BOSTON.

MDCCXC.

BY

# SIR WILLIAM BLACKSTONE, KNT.

ONE OF THE LATE JUSTICES OF HIS BRITANNICK MAJESTY'S COURT OF COMMON PLEAS.

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## VOL. I.—BOOK I.

---

PRINTED AT *WORCESTER*, MASSACHUSETTS,

BY ISAIAH THOMAS,

SOLD AT HIS BOOKSTORE IN *WORCESTER*, AND BY HIM AND COMPANY IN BOSTON.

TO

THE PRACTITIONERS OF THE LAW,

IN THE *UNITED STATES*,

THIS *AMERICAN* EDITION

OF

*Judge* Blackstone's *Commentaries*

ON THE

LAWS OF ENGLAND,

IS

MOST RESPECTFULLY INSCRIBED,

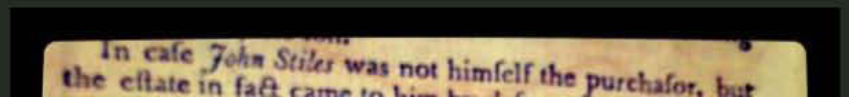
BY THEIR MOST OBEDIENT,

AND VERY HUMBLE SERVANT,

ISAIAH THOMAS.

WORCESTER, MASSACHUSETTS.

one of my favorite features of Blackstone's work is a Table of Descent, showing how the property of one John Stiles would be distributed upon his death..

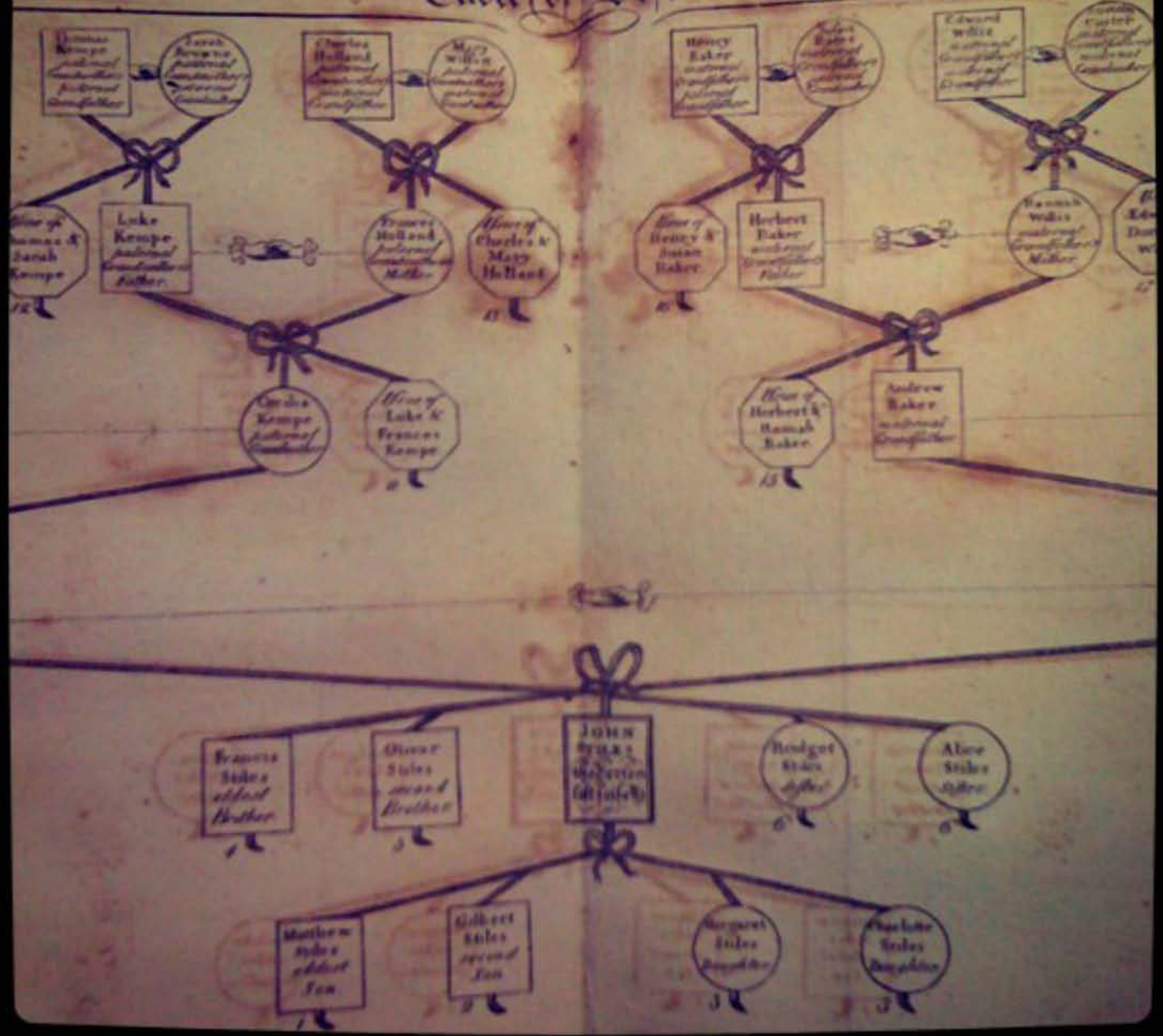

In caſe *John Stiles* was not himſelf the purchaſor, but
the eſtate in faſt came to him

In caſe *John Stiles* was not himſelf the purchaſor, but the eſtate in faſt came to him by deſcent from his father, mother, or any higher anceſtor, there is this difference, that the blood of that line of anceſtors, from which it did not deſcend, can never inherit; as was formerly fully explained [4]. And the like rule, as is there exemplified, will hold upon deſcents from any other anceſtors.

The ſtudent ſhould alſo bear in mind, that, during this whole proceſs, *John Stiles* is the perſon ſuppoſed to have been laſt actually ſeiſed of the eſtate. For if ever it comes to veſt in any other perſon, as heir to *John Stiles*, a new order of ſucceſſion muſt be obſerved upon the death of ſuch heir; ſince he, by his own ſeiſin, now becomes himſelf an anceſtor or *ſtiper*, and muſt be put in the place of *John Stiles*. The figures, therefore, denote the order, in which the ſeveral claſſes would ſucceed to *John Stiles*, and not to each other: And before we ſearch for an heir in any of the higher figures, (as No. 8) we muſt be firſt aſſured that all the lower claſſes (from No. 1 to No. 7) were extinct, at *John Stiles*'s deceaſe.

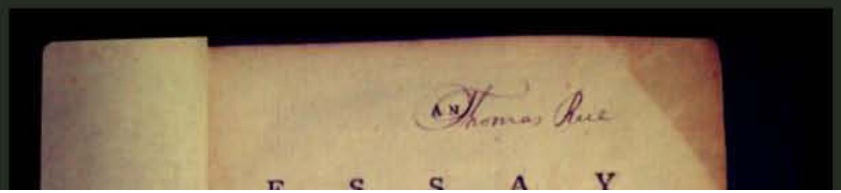
CHAPTER

# Table of Descents



William Jones, An Essay on the Law of Bailments. Cornhill, Boston: From the press of Samuel Etheridge, for John West, no. 75, 1796. First American edition. Gift of Kathryn "Kitty" Preyer.

First published in England in 1781, this work became an indispensable guide on its subject matter well into the 19th century and greatly influenced Joseph Story's later work on the law of bailments. Jones himself was a fascinating individual and true polymath. He was the greatest linguist of his age, mastering 28 languages. During the American Revolution, he was outspoken in his criticism of English policy in the American colonies and was a great friend and correspondent of Benjamin Franklin. From 1783 until his death, Jones was a justice on the Bengal Supreme Court in India. A sampling of his other achievement includes pioneering the western study of Sanskrit and translations of Hindu poetry into English and Latin.



Thomas Rice

# AN ESSAY

ON THE

# Law of Bailments.

By WILLIAM JONES, Esq.
OF THE MIDDLE TEMPLE.

Thomas Rice

In bonis, fiducias, *fidelia*, mandata, rebus saepe ut ipsis vendita, conductiones, quibus illae facietas continetur, magni est judicii statuere, (praesertim cum in plerique duo judicia contraria) quid quemque cuique praestare oporteat.

Q. SCAEVOLA, apud CIC. de Offic. Lib. III.

*From the Press*
*of* Samuel Etheridge,
For JOHN WEST, No. 75,
*Cornhill, BOSTON.*

1796.

one and the ſame thing;" a notion, which was denied to be law by the whole court in the time of chief juſtice *Holt*.(*m*)

It is far from my intent to ſpeak in derogation of the great commentator on *Littleton*: ſince it may truly be aſſerted of him, as *Quintilian* ſaid of Cicero, that *an admiration of his works is a ſure mark of ſome proficiency in the ſtudy of the law*; but it muſt be allowed, that his profuſe learning often ran wild, that he has injured many a good caſe by the vanity of thinking to improve them.

The pleader, who drew the replication in

steward kyd, a treatise on the law of bills of exchange and promissory notes. boston: printed by manning & loring, for s. hall, w. spotswood, j. white, thomas & andrews, d. west, e. larkin, w.p. & l. blake, and j. west, 1798.

this is the first american edition of kyd's text.

Elisha Fairbanks.

A

# TREATISE

ON THE

# LAW

OF

# *BILLS OF EXCHANGE*

AND

# PROMISSORY NOTES.

BY

STEWART KYD, OF THE MIDDLE TEMPLE, ESQ.
BARRISTER AT LAW.

The First American,
From the Third London, Edition.
WITH CONSIDERABLE ADDITIONS.

Boston:
Printed by MANNING & LORING,
for S. HALL, W. SPOTSWOOD, J. WHITE,
THOMAS & ANDREWS, D. WEST,
E. LARKIN, W. P. & L. BLAKE,
and J. WEST.

1798.

BY

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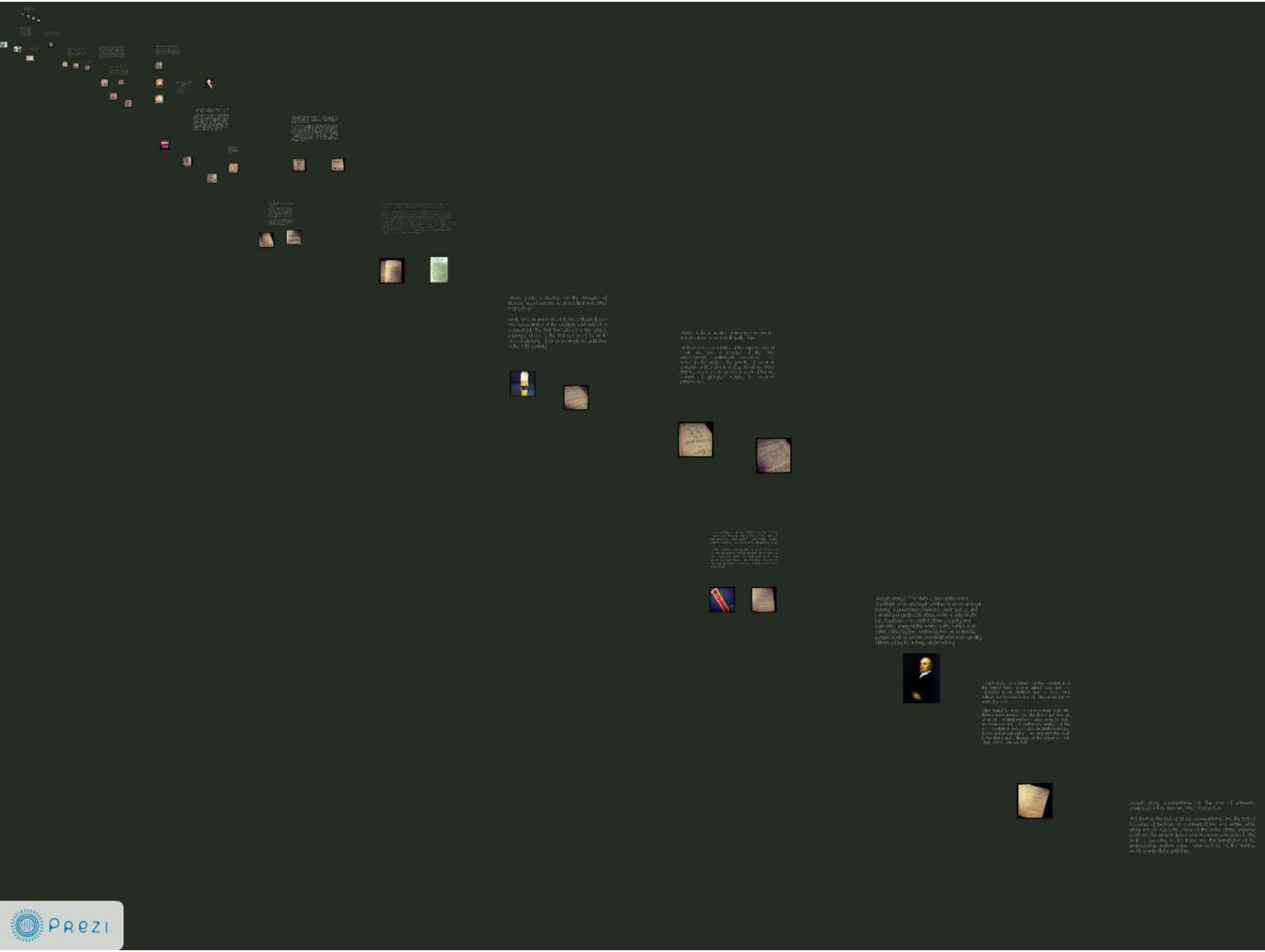
1798.

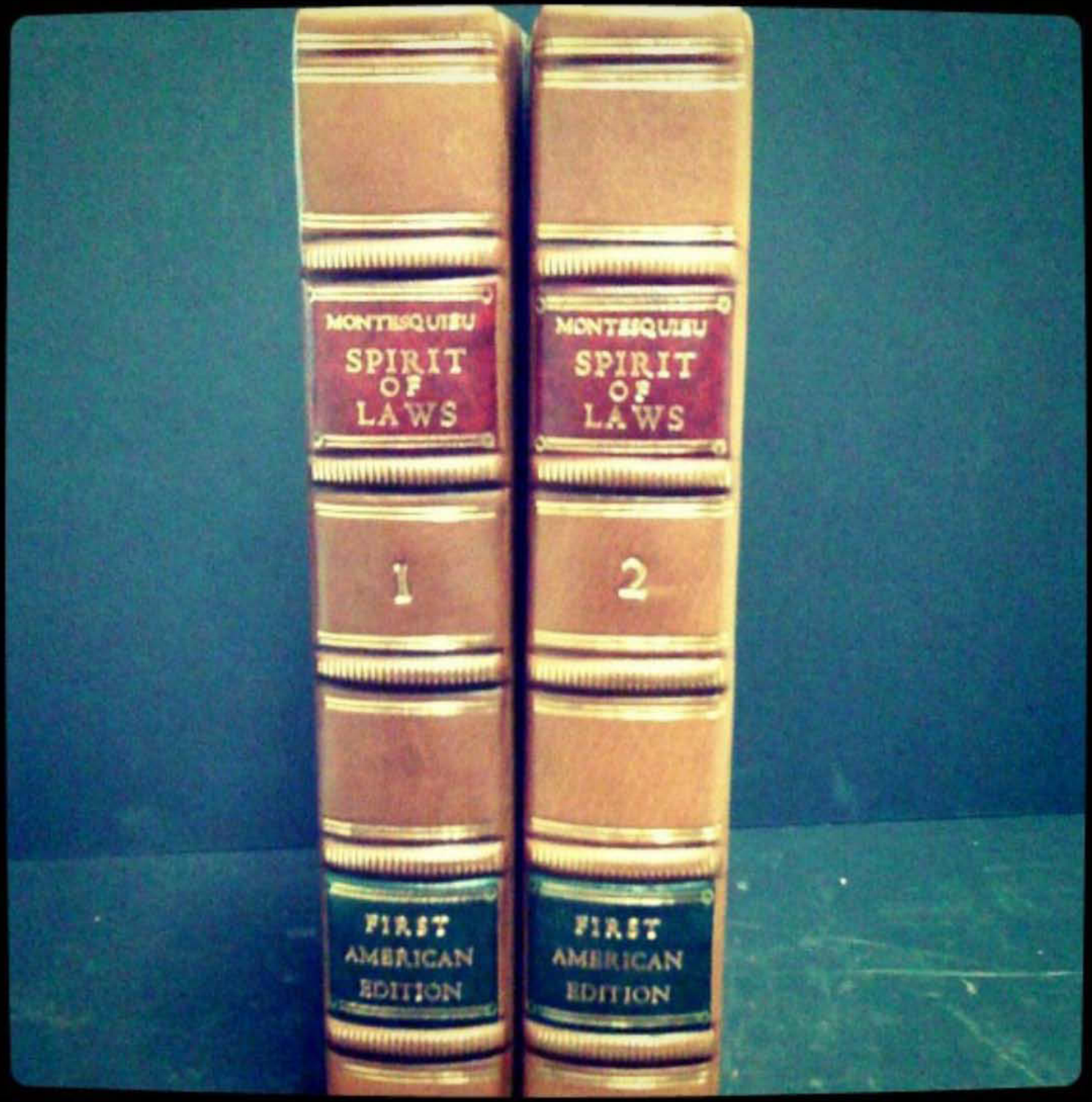


Prezi

charles de secondat, baron de montesquieu, the spirit of laws. worcester: isaiah thomas, 1802. first american edition from the fifth london edition.

montesquieu was an 18th century french political thinker and social commentator famous for his articulation of the theory of separation of powers. the spirit of laws was his most famous work and greatly influenced the drafters of the massachusetts declaration of rights and the united states constitution.

Prezi


MONTESQUIEU
SPIRIT OF LAWS
1
FIRST AMERICAN EDITION
MONTESQUIEU
SPIRIT OF LAWS
2
FIRST AMERICAN EDITION

Prezi

THE

# SPIRIT

OF

# LAWS.

TRANSLATED FROM THE FRENCH OF

M. DE SECONDAT,

BARON DE MONTESQUIEU.

FIRST AMERICAN FROM THE FIFTH LONDON EDITION.

IN TWO VOLUMES.—VOL. I.

* * * * PROLEM SINE MATRE CREATAM.

PRINTED AT WORCESTER,
BY ISAIAH THOMAS, JUN.
Sold by him, and by MATHEW CAREY, Philadelphia; also by the various Booksellers throughout the United States.
JULY——1802.

FIRST AMERICAN FROM THE FIFTH LONDON EDITION.

# IN TWO VOLUMES.—VOL. I.

* * * * PROLEM SINE MATRE CREATAM.

PRINTED AT WORCESTER,
BY ISAIAH THOMAS, JUN.
Sold by him, and by MATHEW CAREY, Philadelphia; also by the various Booksellers throughout the United States.
JULY——1802.

Prezi

# THE SPIRIT OF LAWS.

## BOOK XX.

### OF LAWS IN RELATION TO COMMERCE CONSIDERED IN ITS NATURE AND DISTINCTIONS.

### CHAP. I.

*Of Commerce.*

THE following ſubjects deſerve to be treated in a more extenſive manner; But the nature of this work will not allow it. Fain would I glide down a gentle river; but I am carried away by a torrent.

Commerce is a cure for the moſt deſtructive prejudices; for it is almoſt a general rule, that wherever we find agreeable manners, there commerce flouriſhes; and that wherever there is commerce, there we meet with agreeable manners.

Isaiah Thomas was an ardently pro-independence printer, and before the Revolution, he published the patriot newspaper The Massachusetts Spy. The offices for the Spy were rumored to be a meeting place of the Sons of Liberty. In addition to his accomplishments as a printer and patriot, Thomas also founded the American Antiquarian Society. He printed the Montesquieu and Blackstone volumes seen above.

Prezi

*Isaiah Thomas was the leading publisher in the decades following the Revolutionary War. His printing, publishing, and bookselling business was centered in Worcester but included a major publishing enterprise in Boston under the name of Thomas and Andrews and many retail bookstores across New England and the Middle Atlantic states. Portrait in pastel, attributed to Gerrit Schipper, ca. 1804. Courtesy of the American Antiquarian Society.*

PREZI

THE

# Massachusetts Spy

## Or, Thomas's Boston Journal.

"Do THOU Great LIBERTY inspire our Souls—And make our Lives in THY Possession happy—Or, our Deaths glorious in THY just Defence."

VOL. IV.) THURSDAY, JULY 7, 1774. (NUMB. 179.

JOIN OR DIE

*THE great demand for this paper, has often occasioned many good customers being disappointed, for which the publisher is very sorry: He will, in future, endeavour to prevent any thing of the like kind happening, so long as he may have the honour of being an hand-servant to the public.*

*The gloomy prospect of public affairs, at present, in this disturbed capital, has occasioned some pressing Demands upon him, which with great reluctance he informs his customers, he can by no means answer without their kind assistance: He is loath to trouble them with a "dunning" advertisement, but his affairs make it necessary: His customers in the country towns in this province, and those in the other colonies, he hopes will take proper notice of it, and consider there is no possibility, (especially for a young beginner) in carrying on business without regular payments.*

*A work of this kind, it is well known is attended with great expence, and he begs leave to mention, that the* MASSACHUSETTS SPY *is a third larger than any News-Paper published in this province, and contains as much News, as many Political Essays, as any in America; and is the cheapest on the globe.*

I. THOMAS.

Boston, July 9, 1774.

In the House of Representatives, June 14, 1774.

WHEREAS there will become due in this month, sundry notes given by the province-treasurer, and sufficient provision having been made for the paying off the same, and if the possessors of such notes should not bring them in to the treasury to be paid, the province will suffer damage by such neglect;

Therefore Resolved, That the possessors of such notes, who shall not bring them to the province-treasurer, to be paid by the last day of July next, shall not receive any interest on the same, after that time, and the province treasurer, is hereby directed forthwith to cause this order to be published in all the Boston News-papers, three weeks successively, that every one concerned may be notified hereof.

Sent up for concurrence. T. CUSHING, speaker.

In council, June 15th. Read and concurred.

JOHN COTTON, D. sec'ry.

Consented to, THO'S. GAGE.

A true copy, attd. JOHN COTTON, D. sec'ry.

*** The treasurer of the province hereby gives public notice to the delinquent constables and collectors of the province taxes, that they pay the same into the treasury by the 31st of July next.

Treasury-Office, June 28, 1774.

---

From the PENNSYLVANIA GAZETTE.

LETTER IV.

*To the Inhabitants of the British Colonies in* AMERICA.

*Brethren,*

THE intelligence received, since the preceding letter was written, begins to render credible every attempt to prove from *former transgressions*,—any *dark intentions*, if British had premeditated—that a regular plan has been laboriously pursued to infatuate their colonies, and that the act of Parliament for blockading the port of Boston is a part of

Riots and weak publications, by a small number of individuals, are sufficient reasons with Parliament to ruin many thousand inhabitants of a truly respectable town, to dissolve charters, to abolish the benefits of the *trial by jurors*, and extirpate American liberty—for the principle reaches all. But in *England* the pulse groans with publications, seditious, treasonable and even blasphemous. The *libertines* swarm over the kingdom, proclaiming their sentiments. Many enormous riots have disturbed the public peace. The sovereign has been insulted in passing from his palace to the Parliament-house, on the business of the nation. Is it to be concluded from these facts, that the BODY OF THE PEOPLE is seditious and traitorous? can his Majesty believe, that he is thought by his English subjects in *general* to be such a prince, as those of them have represented him? will the two houses of Parliament acknowledge what has been spoken and written and acted against them in *England*, expressive of the sentiments of the kingdom? or will they say, that the *people of England* have surrendered their liberty, because *some of them* have run into licentiousness? let a judgment be formed in *both cases* by the *same rules*. Let these conclusions *stop* or *unpolish* us.

Pretences and realities are totally different. The pretentions, said to be given by our sister colony, are but the PRETENCES for the severitiest severity exercised against her. The REASONS are these—the policy, delightful and desirable as it is, of suppressing the freedom of *America* by a military force, to be supported by money taken out of *our own pockets*, and the happiest convenience of opportunity for attaining this end. These REASONS are evident from the minister's speeches. The system is formed with art, but the art is discoverable. Indeed, I do not believe it was expected, we should have such early and exact intelligence of the schemes agitated against us, as we have received. Any person, who examines the multitude of lewd pieces published in pamphlets and news papers in *Great-Britain*, or the speeches made in either house of Parliament, will find them directed *against the colonies in general*. The people in that kingdom have

adversus valetudinem gaudia pro nobis vellent, quam quod in COMMUNIS NOTICIAE LUCRUM. Rerum id propinquorum *omnium particular* commodum. Ita dum *singuli* pugnant omnes vincuntur.

Why did the little *Batavian* cantons, and some small provinces of the low countries, so successfully oppose the tyrants, that not commanded with an empire founded in humanity and mutual advantages, unmagnanimously and unmanfully threw to "LAY" the faithful and affectionate provinces "AT THEIR FEET?" Because, they wilfully regarded the interest of each as the interest of all.

Our own experience furnishes a memorable additional proof of an observation made by a great and good man, Lord president *Forbes*. "It is a certain truth," says he, "that all states and kingdoms, in proportion as they grow great, wealthy and powerful, grow wanton, wicked and oppressive, and the history of all ages gives evidence of the fatal catastrophe of *all such states and kingdoms*, where the top of their iniquity is full." Another "truth" as "certain" is—that "such states and kingdoms" never have been, and never will be checked in the career of their "abominable, wicked, cruel and oppressive" by a people in any degree, dependent upon them, but by the prudent, vigorous and steady exertions of that people. To employ these words to elucidate a point so manifest, would be the idle attempt of gilding gold.

Surely you cannot doubt at this time, my countrymen, but that the people of *Hindostan-Bay* are suffering in a cruel manner to us all; and therefore, that we ought immediately to consider the most prudent measures for their relief and our own safety.

Our latest depending of the patriot instructively is unspeakably valuable. We have met the fresh prospect of human affliction. The pallion of injustice raging like a plague, for eight-teen years past, has spread with unabated malignity through *Europe, Asia, Africa*, and *America*, have sunk beneath it. The fascinating spirit of freedom, that fingered and languished in the parliaments of *France*, has lately expired, by the new modeling their parliaments. What kingdom or state interpaled for the relief of their dif-

The cartoon shown below the masthead on the spy was based on Paul Revere's early patriotic cartoon.

Prezi

P.
S. C.
M.
N. E.
V.
N. Y.
N. J.
N. C.
JOIN, or DIE.

samuel marshall, a treatise on the law of insurance. boston: printed by manning and loring, 1805.

another example of an american reprint of an english favorite--this is the first american edition of marshall's popular work.

Prezi

Prezi

charles Abbott, Treatise of the Law Relative to Merchant ships and seamen. Newburyport: E. Little & Co., 1810. second American edition from the 3rd London edition.

This is an American reprint of Abbott's well-known treatise on maritime law, which went through many editions in both the U.S. and Great Britain. This is a classic example of the trend of "Americanizing" English law books. Here, Joseph story served as the American editor and provided copious annotations to the relevant cases in the U.S. court system.

Prezi

A

# TREATISE

OF THE

# LAW

RELATIVE TO

## MERCHANT SHIPS AND SEAMEN:

IN FOUR PARTS;

I. OF THE OWNERS OF MERCHANT SHIPS;
II. OF THE PERSONS EMPLOYED IN THE NAVIGATION THEREOF;
III. OF THE CARRIAGE OF GOODS THEREIN;
IV. OF THE WAGES OF MERCHANT SEAMEN.

By CHARLES ABBOTT,

OF THE INNER TEMPLE, BARRISTER AT LAW.

The Second American, from the Third London Edition,

WITH ANNOTATIONS

By JOSEPH STORY, Esq.

COUNSELLOR AT LAW.

NEWBURYPORT:

PUBLISHED BY EDWARD LITTLE & CO.

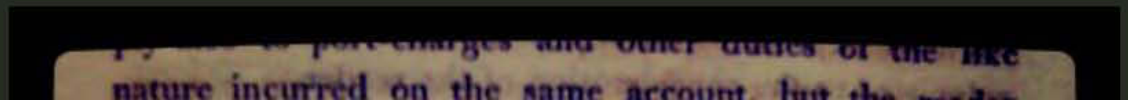
CHARLES NORRIS & Co. Printers.

1810.

age of government in maritime concerns: whoever wishes to learn the ancient as well as the modern systems of commercial monopoly or free navigation, will not rise from the perusal of this work without receiving light and instruction.

In preparing the present edition, the object of the editor was to collect cases and principles which have been discussed or settled in the courts of the United States, relative to the law of shipping. Sometimes he has contented himself with a bare statement of the point; at other times he has stated the facts and the opinions of the court at large. The importance of the question, or the ability with which it has been investigated, have been his general guides in this particular. Generally the foreign authorities quoted have been stated as he found them in the Reports. In a few instances, however, he has recurred to the originals within his reach, in which he includes Valin, Emerigon and Straccha. He aspires to no other claim than that of an accurate selection from the labors of others. He wishes to be con-

Notice editor Joseph story's annotations to American cases...




Prezi

nature incurred on the same account, but the reader will consider the whole as unsupported by authority, and propounded only for the consideration of the learned. (1)

There is indeed a decision of the Court of King's Bench, upon the construction of a charter-party, which may properly be mentioned in this place. A ship, chartered for a voyage to the *East-Indies* and back, sprung

---

(1) In the case of Walden v. Leroy, 2 Caine's New-York Rep. 263., the court decided that if a vessel be from sea-damage, as by springing a leak, &c. obliged to bear away to a port of necessity in order to refit, the wages and provisions from the moment of bearing away to the period of sailing on her voyage after refitting, constitute a subject of general average. From this decision Mr. Justice Livingston in a very able and learned argument dissented and adopted the doctrine laid down in this section by Abbot. In the case of Breed v. Ship Venus, (cited ante, 160. note,) Judge Davis said "the modern and approved doctrine on this subject appears to be, that when a ship is obliged to go into port to repair, it is considered for the benefit

Toward the end of the 18th century, a native base of legal literature began appearing in the united states. while reprints of English and continental texts continued to be popular (Joseph chitty's works, for example, were reprinted in the u.s. throughout the 19th century), American jurists and theorists began to create their own works, based on the distinct traditions and needs of the new nation. Joseph story, James Kent, and simon Greenleaf were three of the most important figures in establishing this canon of American legal literature, but other, perhaps less familiar names were also great contributors.

Prezi

samuel Freeman, The Probate Auxiliary. Portland, MA: Printed by Benjamin Titcomb, 1793. First edition. Gift of Morris Cohen.

Freeman wrote this early Massachusetts probate manual while he was serving as a Register of Probate in Maine (then still a part of Massachusetts). It is a collection of laws related to the estates of testators, intestates, and wards. Freeman created an alphabetical index for the work and included forms for the use of probate courts. Published first as The Probate Auxiliary, it was later retitled The Probate Directory.

Prezi

THE

# PROBATE AUXILIARY;

OR, A DIRECTOR AND ASSISTANT TO

## Probate Courts, Executors, Administrators and Guardians.

BEING THE LAWS OF THE COMMONWEALTH OF MASSACHUSETTS, RESPECTING THE ESTATES OF TESTATORS, INTESTATES AND WARDS.

CAREFULLY COLLECTED.

TOGETHER WITH A COMPREHENSIVE ALPHABETICAL INDEX TO THE SAME.

TO WHICH ARE ADDED,

A VARIETY OF FORMS, FOR THE USE OF PROBATE COURTS, AND OF SUCH PERSONS AS MAY HAVE BUSINESS TO TRANSACT THEREIN.

By SAMUEL FREEMAN, Esq.
Register of Probate for the County of Cumberland.

[With the Privelege of Copy Right.]

PORTLAND: (MASSACHUSETTS) PRINTED BY BENJAMIN TITCOMB, JUN.

1793.

Prezi

BETICAL INDEX TO THE SAME.

TO WHICH ARE ADDED,

A VARIETY OF FORMS, FOR THE USE OF PROBATE COURTS, AND OF SUCH PERSONS AS MAY HAVE BUSINESS TO TRANSACT THEREIN.

By SAMUEL FREEMAN, Esq.
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PORTLAND: (MASSACHUSETTS) PRINTED BY BENJAMIN TITCOMB, JUN.

1793.

Prezi

# PREFACE.

IF we except the influence of religion upon the hearts of men, perhaps nothing conduces ſo much to the pence and order of a well governed community, as a ſtrict obſervance of its Laws.—That the laws may be thus obſerved; a knowledge of them is abſolutely neceſſary. For want of this, how many bring themſelves into difficulty by ſteps which they would not otherwiſe have taken; or expoſe themſelves to injuries from thoſe who may take advantage of their ignorance.

To ſay nothing of other contentions in the law, which diſturb the happineſs of men, how often do we ſee the Heirs of deceaſed perſons involved in the moſt violent diſputes, and their eſtates waſted by expenſive law-ſuits. A prudent attention to the operation of the law reſpecting ſuch eſtates, by thoſe who have eſtates

# CONTENTS.

## The Laws.


1. *For establishing Probate Courts,* Page 1
2. *Prescribing the manner of devising Estates,* 5
3. *For filing and recording Wills proved without the government,* 14
4. *Respecting the Descent and Partition of Estates,* 16
5. *Settlement and Sale of Estates,* 27
6. *Appointment of Guardians,* 37
7. *Dismissing of Guardians,* 42
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10. *Respecting Executors and Administrators who live without the Commonwealth,* 47
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15. *For limiting the time for prosecuting Executors and Administrators, and for perpetuating notice of sale, &c.* 61
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James Sullivan, History of Land Titles in Massachusetts. Boston: printed by I. Thomas and E. T. Andrews, 1801.

Property law was a dominant concern in the new nation, and several of the earliest American texts focused on the subject. One of the photos below shows the portion of the preface in which Sullivan discusses the need for American law books, as opposed to relying on English legal scholars.

Prezi

THE

# HISTORY

OF

# LAND TITLES

IN

## *MASSACHUSETTS.*

By JAMES SULLIVAN, L. L. D.
Attorney General of that Commonwealth.

IN QUO BREVITER EXPOSITUM EST, QUOD ANTEA OBTINEBAT, ET QUOD PRÆSENTI, ET QUOD DESUETUDINE FUIT INUMERATUM.

Printed at *BOSTON*,
By I. THOMAS and E. T. ANDREWS,
*FOR THE AUTHOR.*

AUGUST, 1801.

This proviſion ſeemed to carry with it an inhibition to the receiving any authorities from caſes to be after that time decided in any other country, and to urge the neceſſity of a deſcription of thoſe Laws, which had been adopted and practiſed upon. As there have been no accurate reports of adjudged caſes, we have had no guide in this point, excepting what was derived from the recollection of men, converſant in Courts of Juſtice, and the records containing the pleadings in actions.

The idea of our having adopted legal maxims and principles from that nation, of which we have lately been a part, is a very honorable one to our country.

But having imported the ſeed, and ſown it in our own ſoil, it would, in ſome meaſure, be relinquiſhing our independence, to be under a neceſſity for new importations. Could we fix our attention upon principles, which had been in uſe

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here before the Revolution, find their connexion with our own uſages, which have arifen from the peculiarity of our ſituation, and with the poſitive Laws of the State, we might thence raiſe a Syſtem on a foundation of our own; at leaſt as peculiar to us, as the Juriſprudence of Great Britain is to that nation: For though Littleton is an original there, yet he wrote on the tenures which were brought from other countries. It is not becoming an independent nation to repair ordinarily to the ſea ſhore, to liſten for opinions recently given in a foreign realm.

The following Treatiſe is intended to reduce the principles which govern real eſtates in this Commonwealth, to an eaſy and conciſe Syſtem. However deficient the attempt may eventually appear to be, yet I have confidence that the plan is a good one; and that by a proper attention to the deciſions of your Bench, for a few years to come, a ſecond edition may render the attempt complete and uſeful.

I have

Author sulllivan served as a member of the Provincial congress of Massachusetts (1774-1775), a member of the General court (1775-1776), Justice of the Massachusetts supreme Judicial court (1776-1782), Massachusetts Attorney General (1790-1807), and Governor of Massachusetts (1807-1808). He was admitted to the bar in 1782, after already serving six years in the state's supreme court. During his service as Massachusetts Attorney General (1790-1807), he authored a series of books on finance and history, in addition to legal issues. He was one of the founders of the Massachusetts Historical society and the namesake of sullivan square in charlestown. He died in 1808 while serving as Governor.

Prezi

Prezi

Joseph Story, Selection of Pleadings in Civil Actions. Salem: B. Macanulty, 1805. First edition.

Joseph Story was one of the most influential legal thinkers of his age and indeed in American legal history. This was the first book published under his name, though it is generally accepted that he anonymously wrote an early American form book, American Precedents of Declarations. Story was a practitioner in Salem when this volume was published. In the preface, he mentions the need for an American book on special pleading.

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A

SELECTION

OF

# PLEADINGS

IN

# Civil Actions,

SUBSEQUENT TO THE

DECLARATION.

WITH

*OCCASIONAL ANNOTATIONS*

ON THE

## Law of Pleading.

By JOSEPH STORY.

——Si quid novisti rectius istis,
Candidus imperti; si non, his utere mecum.

Hor.

Salem:
PUBLISHED BY BARNARD B. MACANULTY.

JAN. 1805.

Mighill and Ewing, Printers, Salem.

Prezi

# PREFACE.

THE design of the following selection is to facilitate to the American student the practice of special pleading. A variety of English books on this subject are at once elaborate and learned. Yet such is the difference of our customs, statutes, and common law, that they will be found, in many instances, inadequate to supply the necessities of our own juridical practice. The compilations of *Rastall*, *Coke*, *Thompson*, *Herne*, and *Brownlow*, however valuable for the conciseness and precision of their forms, are profuse in ancient lore, applicable to special jurisdictions, or obsolete with feudal doctrines; and those of *Mallory*, *Lilly*, *Morgan*, and *Wentworth*, though highly useful, abound with matter calculated only for an English forum. These considerations, added to the high price of foreign books, suggested the present compilation.

IN the arrangement of the pleadings method has been pursued, so far as it was deemed advantageous for facility of reference; but as portions only of the pleadings are occasionally selected * where the whole seemed unnecessary

Note story's references to Massachusetts cases...

Prezi

GENERAL ISSUES.

Plea. Nul disseisin.

PLEA. And the said D. comes and defends *his right* when, &c. and says, that he did not disseise the said Demandants, as they by their writ and declaration aforesaid above suppose; and of this he puts himself upon the country.

Rast. Ent. 272. b. 275. b. 278. a.

Plea. Nul disseisin.

PLEA. And the said D. comes and defends, &c. when, &c. and, the former pleadings being waved, saith, he is not guilty of disseising the Demandant, in manner and form as he hath above thereof declared against him; and thereof puts himself upon the country.

Ivers v. Hooper, Essex S. J. C. 1801.

T. PARSONS.

NOTE.

These pleas are the proper general issues in writs of entry at the common law in England. The forms of the real actions in this State, have never been settled in exact conformity with those writs of entry; but have partaken partly of the nature of detinue and novel disseisin. "*Not guilty in manner and form, &c.*" was till lately in the most general use, and perhaps is not exceptionable. Where the Defendant claims title, there seems to be no special plea in bar in our real actions. Everything may be given in evidence under the general issue.

Plea. By voucher,

PLEA. And the said D., as tenant by his warranty, de-

Benjamin Oliver, Practical Conveyancing: a selection of Forms of General Utility, with Notes Interspersed. Boston: Published by Cummings and Hilliard, No.1, Cornhill. Cambridge: Printed by Hilliard & Metcalf, 1816. First edition.

This work was quite popular and would ultimately go through four editions. Friend to Nathaniel Hawthorne and brother-in-law to Joseph Story, Oliver practiced law in Boston and wrote a number of books, mostly on the law. In the preface to this work, Oliver discusses the need for a work on this topic aimed specifically at American practitioners (a common sentiment expressed in the early American law texts). It was later described by legal bibliographer J. G. Marvin as "undoubtedly the best American manual upon conveyancing and use."

Prezi

PRACTICAL

# CONVEYANCING,

A

## SELECTION OF FORMS

OF

GENERAL UTILITY,

WITH

## NOTES INTERSPERSED.

By BENJAMIN LYNDE OLIVER Jun.

COUNSELLOR AT LAW.

BOSTON:

PUBLISHED BY CUMMINGS AND HILLIARD, NO. 1, CORNHILL.

*Cambridge....Printed by Hilliard & Metcalf.*

1816.

# PREFACE AND ADVERTISEMENT.

THE compiler thinks it incumbent upon him to make a few prefatory observations, as well by way of apology for the publication of the following sheets, as to apprise the reader of the nature and design of them.

Every gentleman of the profession of law in the practice of conveyancing, is frequently under the necessity of consulting some book of precedents. The works to which recourse is generally had on such occasions, are those which have been introduced into this country from England. These, from the excessive prolixity of the draughts contained in them, are either very bulky or very voluminous, and of course proportionally expensive. Besides, some of the titles of conveyancing contained in them, and many of the forms under the others, from the difference of laws, customs, and practice, are absolutely useless here. Nor is this all, most of those forms, which it may be useful to consult, no one thinks of following verbatim. Their great length, as well as the quantity of useless matter usually contained in them, would render the adoption of any such course very inconvenient. Much therefore still remains for the conveyancer

willard phillips, treatise on the law of insurance. boston: published by wells and lilly, no. 98, court street, 1823.

massachusetts born and educated, phillips was an insurance law practitioner and later was president of the new england mutual life insurance company. this represents one of the earliest american treatises on insurance law; five editions were ultimately published. phillips authored several other legal works, including the law of patents for inventions (1837), an early american intellectual property treatise.

one of the photos shows phillips discussion of the risks covered when ships are insured. notice the marginal notes which reference american cases, including opinions from the u.s supreme court and massachusetts supreme judicial court.

Prezi

Presented by the author.

# Treatise

ON THE

# LAW OF INSURANCE.

BY WILLARD PHILLIPS.

Boston:

PUBLISHED BY WELLS AND LILLY, NO. 90, COURT-STREET.

Trendwell's Power Press.

1823.

## *Section 3. An Agreement for Insurance.*

It is often desirable to conclude an agreement for insurance immediately, lest some intelligence should induce one party or the other to recede. Accordingly it is the practice with some of the English insurers, on agreeing upon a risk, to subscribe a *slip*, or short memorandum of the proposed insurance, (5) which, according to the statement of one of a special jury, and so probably a man practically acquainted with the course of business, is considered to be binding on the parties; but Lord Kenyon held that it was not legally binding for want of a stamp, (6) and Lord Ellenborough gave, in effect, the same opinion. (7) The reason here given why this *slip*, signed by the insurer, is not a valid agreement in England, shows that it would be so in the United States, while they have no stamp act, provided it contained the terms of the contract sufficiently expressed. It is not the general practice in the United States for insurers to subscribe any slip, though a memorandum of the contract is sometimes subscribed previously to executing the policy. The terms of the insurance being agreed upon, and nothing remaining but to make out the policy, the parties consider the risk to be assumed and the premium due, from that time. (*a*) But it does not appear that the parties

Agreement for Insurance.

(5) Marsh. Ins. 236. n.

(6) Rogers v. M'Carthy, Park, 45. n.

(7) Marsden v. Reid, 3 East, 572.

(*a*) The President of an insurance company in Providence, giving his testimony, said, 'in effecting or settling a policy, the assent of the parties to doing a thing, is in all respects as binding as the thing done, according to the usage and practice among underwriters.' And the practice and understanding of insurers generally, is according to this statement.

2 Cranch, 164

At Marseilles instead of a slip signed by the insurer, the broker made out a note containing an abstract of the risk and terms, and the underwriter subscribed to the policy in blank, leaving it to be filled up by the broker according to the note. But this note constituted no part of the contract, nor could it be used to correct any mistake in the policy. Signing policies in blank is contrary to the French

Emer. c. 2. s. 4.

Nathan Dane, A General Abridgment and Digest of American Law. Boston: Cummings, Hilliard & Co., 1823-29. Gift of Frank Oliver. Sole edition.

During the 1820s, two works sought to create an American version of Blackstone by analyzing the entire body of American law. The first was this nine volume work by Nathan Dane. It was an extremely important work, though it was ultimately eclipsed by the other effort—James Kent's commentaries on American Law. Royalties from the sale of Dane's magnum opus were used to found the Dane professorship at Harvard Law School—a position later occupied by none other than Joseph Story. Indeed, Story dedicated the first edition of his commentaries on the Law of Bailments (displayed in this exhibit) to Nathan Dane.

Prezi

A

# GENERAL ABRIDGMENT

AND

# DIGEST OF AMERICAN LAW,

WITH OCCASIONAL

## Notes and Comments.

BY NATHAN DANE, LL. D.
COUNSELLOR AT LAW.

IN EIGHT VOLUMES.

1832

VOL. I.

BOSTON:
PUBLISHED BY CUMMINGS, HILLIARD & CO.
1823.

Prezi

# INTRODUCTION.

It is the intention in this introduction, concisely to state the object and plan of the work, the manner in which it has been formed, and the reasons for now publishing it.

At the close of the American revolutionary war, when the United States being an independent nation, it was very material to inquire and to know what was law in them, collectively and individually; also to examine, trace, and ascertain, what were the political principles, on which their system was founded; and their *moral character*, so essential to be attended to in the support and administration of this system; especially in selecting from the English laws, in force in a monarchy, once feudal, those parts of them adopted here, and remaining in force in our republic. With such impressions the author early turned his attention to these subjects, and in good earnest engaged in collecting materials upon them; and the more readily, as such a pursuit perfectly accorded with his professional and political employments, in which he engaged in the spring of 1782. He early found there was in the United States nothing like *one collected body of American Law, or one collected system of American Politics*; but all was found in scattered fragments. Scarcely any native American Law was in print, but the colony statutes, charters, and some of the constitutions. No judicial decisions, made in America, of any importance, had been published, and but very few forms. The law enacted here was found separately published in many States, in Colony, Province, and State statutes. Our law labored under another material disadvantage; most of it was found only in English books; these were written and published to be used in England, not in America; a large part of which was of no real use here. No measures had ever been taken to ascertain, with any accuracy, what part of English law our ancestors had adopted in the colonies or provinces. The result was, our ablest lawyers were often unable to decide what parts of the English laws were in use here; and our students at law, often studied as laboriously the useless, as the useful parts of those laws. No one had attempted to embody our laws or po-

James Gould, A Treatise on the Principles of Pleading in Civil Actions. Boston: Lilly & Wait, 1832. First edition.

Gould was an American jurist and early professor and administrator at the Litchfield Law School in Connecticut, the first law school in the states. Displayed closed is the first edition of his work on civil pleading—four more would be published in the 19th century.

Prezi

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# TREATISE

ON THE

# PRINCIPLES OF PLEADING,

IN CIVIL ACTIONS.

BY JAMES GOULD.

'It is one of the most honourable, laudable, and profitable (useful) things in our law, to have the science of well *Pleading*, in actions, real and personal.' *Littleton.*

*Ordine placitandi servato, servatur et Jus.* *Coke.*

'The *Law itself* speaketh by good *pleading*'—'as if pleading were the living voice of the Law itself.' *Ib.*

BOSTON:
PUBLISHED BY LILLY AND WAIT
1832.

charles Jackson, Treatise on Pleadings and Practice in Real Actions. Boston: Wells & Lilly, 1828.

Jackson served as a justice of the supreme Judicial court and was a member of the 1820 Massachusetts constitutional convention. He notes in the preface the paucity of American materials on the real action of ejectment and states that he endeavored to provide a digest of law and manual of pleadings adapted to American jurisprudence.

Prezi

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# A TREATISE

ON THE

# PLEADINGS AND PRACTICE

IN

# REAL ACTIONS;

## With Precedents of Pleadings.

By CHARLES JACKSON.

Quis denique adstrictis istis et compositissimis Actionum, Exceptionum, atque totius Judicii ordinandi peragendique formulis, multo celerius feliciusque, quam hodierna illa in foro garriendi licentia, terminatas esse lites non fateatur.

*Præfat. ad Briissonium, de Formulis.*

BOSTON:
PUBLISHED BY WELLS & LILLY.
1828.

Prezi

ore than three
as have been almost wh
ir place being supplied by the ac
The real actions have consequently for
ast attracted very little of the attention of the
sion in that country; and the law concerning
is to be sought chiefly in some few ancient writ-
and in the Year Books, and other early reports.

The action of ejectment has never been in common
se in this part of our country; the writ of entry on
disseisin being found a more convenient and effectual
remedy, and being maintainable in every case in which
ejectment would lie. When the claimant has lost his
right of entry, so that he cannot maintain ejectment,
his only remedy, in England as well as in this country,
is by the appropriate real action. The only inconve-
nience that has attended the use of these real actions
with us, has arisen from the want of some digest of
this branch of the law, and of a manual of pleadings
adapted to our jurisprudence and modes of proceeding,
which might guide the researches and abridge the l
bour of students and practitioners.

n early stage of my professional life
veral occasions the inconvenien
nce, and began many

L. S. Cushing, A Practical Treatise on the Trustee Process, or, Foreign Attachment, of the Laws of Massachusetts and Maine. Cambridge: Brown, Shattuck and Co.; Boston: Hilliard, Gray and Co., 1833.

Luther Stearns Cushing was a prolific writer on Roman law and lectured at Harvard Law School on the subject for years; this was one of his few works on other topics. He served as Reporter for the Massachusetts Supreme Judicial Court from 1848-1853.

Prezi

Prezi

A

# PRACTICAL TREATISE

ON THE

# TRUSTEE PROCESS,

OR

# FOREIGN ATTACHMENT,

OF THE LAWS OF

MASSACHUSETTS AND MAINE;

WITH AN

APPENDIX,

CONTAINING THE STATUTES OF

MASSACHUSETTS, CONNECTICUT, RHODE ISLAND,
NEW HAMPSHIRE, VERMONT, AND MAINE,

ON THAT SUBJECT.

---

By L. S. CUSHING.

---

CAMBRIDGE:
BROWN, SHATTUCK AND CO.
BOOKSELLERS TO THE UNIVERSITY.
BOSTON:
HILLIARD, GRAY AND CO.

1833.

Prezi

Joseph story (1779-1845) is one of the most important jurists and legal scholars in American legal history. A practitioner, supreme court Justice, and Harvard Law professor, story wrote widely on the law, legal topics as conflict of laws, equity, and bailments. Many of the works in this exhibit were either edited by him, written by him, or written by people (such as simon Greenleaf) who were greatly influenced by his writings and teachings.

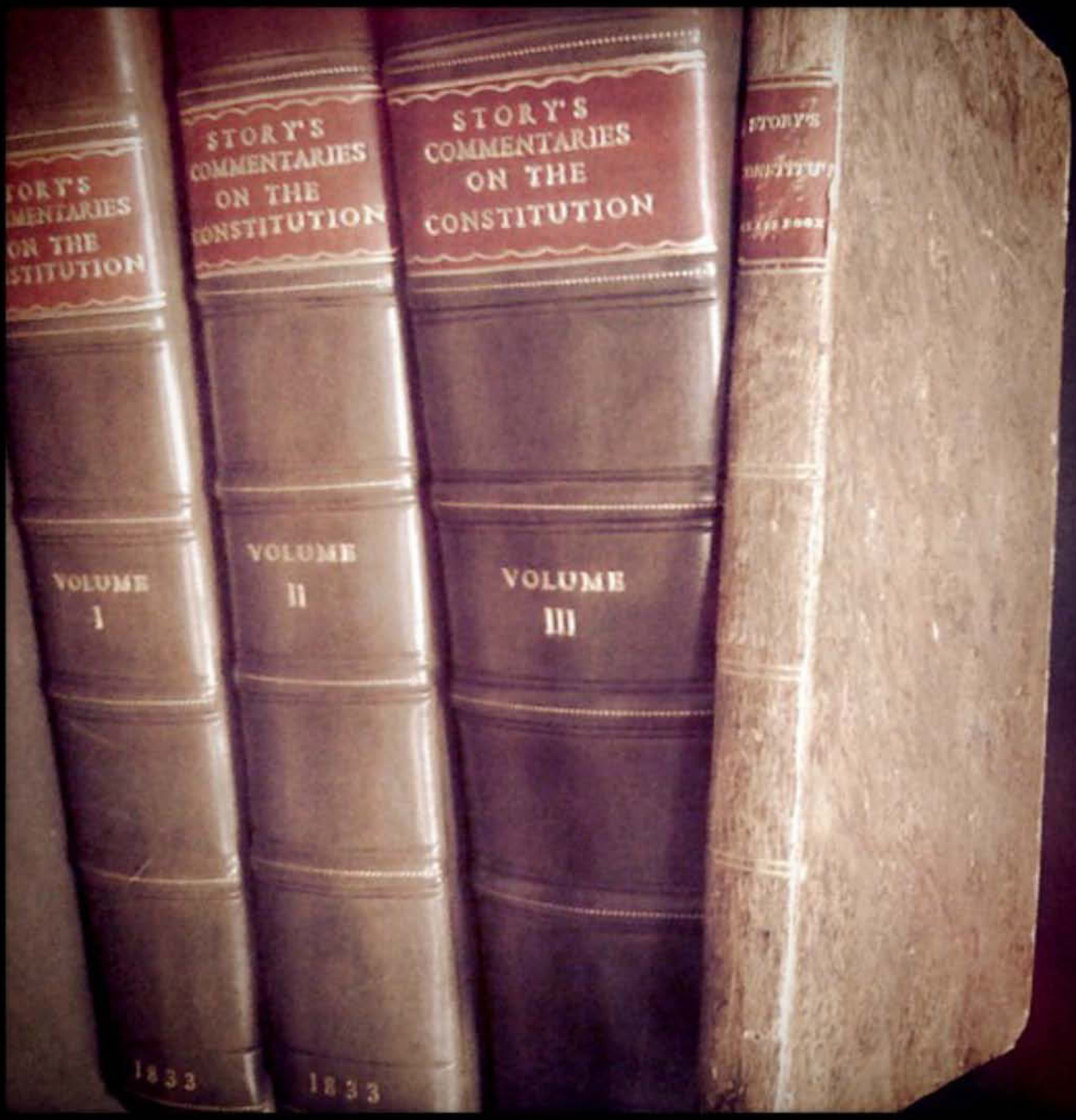
Prezi

Prezi

Joseph Story, Commentaries on the Constitution of the United States. Boston: Hilliard, Gray, and Co.; Cambridge: Brown, Shattuck, and Co., 1833. First edition. Purchased in honor of John Garvey, former Dean of BC Law.

Often hailed as Story's most important work, this three-volume treatise was the first major text on American constitutional law. Here, Story provides an extensive and comprehensive analysis of the U.S. Constitution and provides an intellectual basis for his judicial nationalism. He dedicated the work to his friend and colleague on the Supreme Court, Chief Justice John Marshall.

Prezi


STORY'S
COMMENTARIES
ON THE
CONSTITUTION
VOLUME
I
1833
STORY'S
COMMENTARIES
ON THE
CONSTITUTION
VOLUME
II
1833
STORY'S
COMMENTARIES
ON THE
CONSTITUTION
VOLUME
III

THE

# CONSTITUTIONAL CLASS BOOK:

BEING

A BRIEF EXPOSITION OF THE

CONSTITUTION

OF THE

UNITED STATES.

DESIGNED FOR THE USE OF THE HIGHER CLASSES IN COMMON SCHOOLS.

---

BY JOSEPH STORY, LL. D.,

Dane Professor of Law in Harvard University.

---

"The unity of Government, which constitutes you one People, is also dear to you. It is justly so; for it is the main prop in the edifice of your real independence, the stay of your tranquillity at home, and your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize."—*Washington's Farewell Address to the People of the United States.*

BOSTON:
HILLIARD, GRAY & COMPANY.
1834.

Joseph story, commentaries on the law of bailments. cambridge: Hilliard & Brown, 1832. First edition.

This treatise, the first of story's commentaries and the first of his series of treatises on commercial law, was written while story was an associate justice of the united states supreme court and the Dane Professor Law at Harvard Law school. The work is dedicated to his friend and the benefactor of his professorship, Nathan Dane. Nine editions of this treatise would eventually be published.

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# COMMENTARIES

ON THE

# LAW OF BAILMENTS,

WITH

ILLUSTRATIONS

FROM

## THE CIVIL AND THE FOREIGN LAW.

BY

JOSEPH STORY, LL. D.,

DANE PROFESSOR OF LAW IN HARVARD UNIVERSITY.

*Leges autem a me edentur non perfectæ (nam esset infinitum), sed ipsæ summæ rerum, atque sententiæ.* — CIC. DE LEGIBUS.

CAMBRIDGE:

HILLIARD AND BROWN,

BOOKSELLERS TO THE UNIVERSITY.

1832.

Prezi

TO THE

HONORABLE NATHAN DANE, LL. D.,

DISTINGUISHED ALIKE

FOR PURITY, SIMPLICITY, AND DIGNITY

IN HIS PRIVATE LIFE;

FOR

TALENTS, LEARNING, AND FIDELITY

IN HIS PROFESSION;

AND FOR

PUBLIC LABOURS IN THE STATE AND NATIONAL COUNCILS,

WHICH

HAVE CONFERRED ON HIM AN IMPERISHABLE

FAME

AS A STATESMAN AND PATRIOT.—

THIS WORK,

THE FIRST FRUITS OF THE PROFESSORSHIP

FOUNDED BY HIS BOUNTY,

IS RESPECTFULLY DEDICATED

BY HIS OBLIGED FRIEND AND SERVANT,

THE AUTHOR.

Prezi

the exhibit closes with a few notable works published before the rise of the west publishing empire in minnesota. john s. west founded his company in 1872; it quickly became very successful and the company began buying up local and regional publishers. little, brown is one of the few that survived and thrived, but massachusetts would not long remain one of the hubs of legal publishing.

john c. hurd, the law of freedom and bondage in the united states. boston: little, brown & co., 1858-1862

this beautiful two-volume set features a contemporary three-quarter calf binding over marbled boards and gilt spines with raised bands and lettering pieces. it begins with an early history of bondage and its construction in natural and positive law. it then traces the effect of international law on freedom and bondage, turning to the u.s. hurd outlines the evolution of slavery under english law and the constitution.

c.c. langdell, selection of cases on the law of contracts. boston: little, brown & co., 1871. first edition. gift of carlin c. coquillette

christopher columbus langdell was the dean of harvard law school from 1870-1895. langdell invented the case method of teaching law students, which is still in use today. this text revolutionized legal instruction and is the model for the casebooks used by modern law students. it includes many cases, such as adams v. lindsell, which would be familiar to a contracts student even today.

writers less famous than story, cleveland, and ramsey also contributed to the growing lists of american legal treatises.

Joseph Story, Commentaries on the Conflict of Laws, Foreign and Domestic. Boston: Hilliard, Gray, and Co., 1834. First edition.

Dedicated to James Kent, this first edition (seven more would follow) was the first systematic treatise on the topic of conflict of laws. It was widely acclaimed, and Story's son, William, deemed it his father's best work.

STORY ON
THE CONFLICT
OF LAWS

# 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.

---

BY JOSEPH STORY, LL. D.,

DANE PROFESSOR OF LAW IN HARVARD UNIVERSITY.

---

"Il régnera donc toujours entre les nations une contrariété perpétuelle de lois; peut-être régnera-t-elle perpétuellement entre nous sur bien des objets. Delà la nécessité de s'instruire des règles, et des principes, qui peuvent nous conduire dans la décision des questions, que cette variété peut faire naître."

*Boullenois, Traité de la Personalité, &c. des Lois, Préface.*

BOSTON:

HILLIARD, GRAY, AND COMPANY.

1834.

TO THE

# HONORABLE JAMES KENT, LL. D.

SIR,

It affords me very sincere satisfaction to have the opportunity of dedicating this work to you. It belongs to a branch of international jurisprudence, which has been long familiar to your studies, and in which you have the honor of having been the guide and instructer of the American youth. I can trace back to your early labours in expounding the civil and the foreign law the motive and encouragement of my own far more limited researches. I wish the present work to be considered as a tribute of respect to a distinguished Master from his grat

(A copy)

[illegible] about thirty-six years since you began your ju

Bench of the Supreme Court of the S

[illegible] intervening period between that t

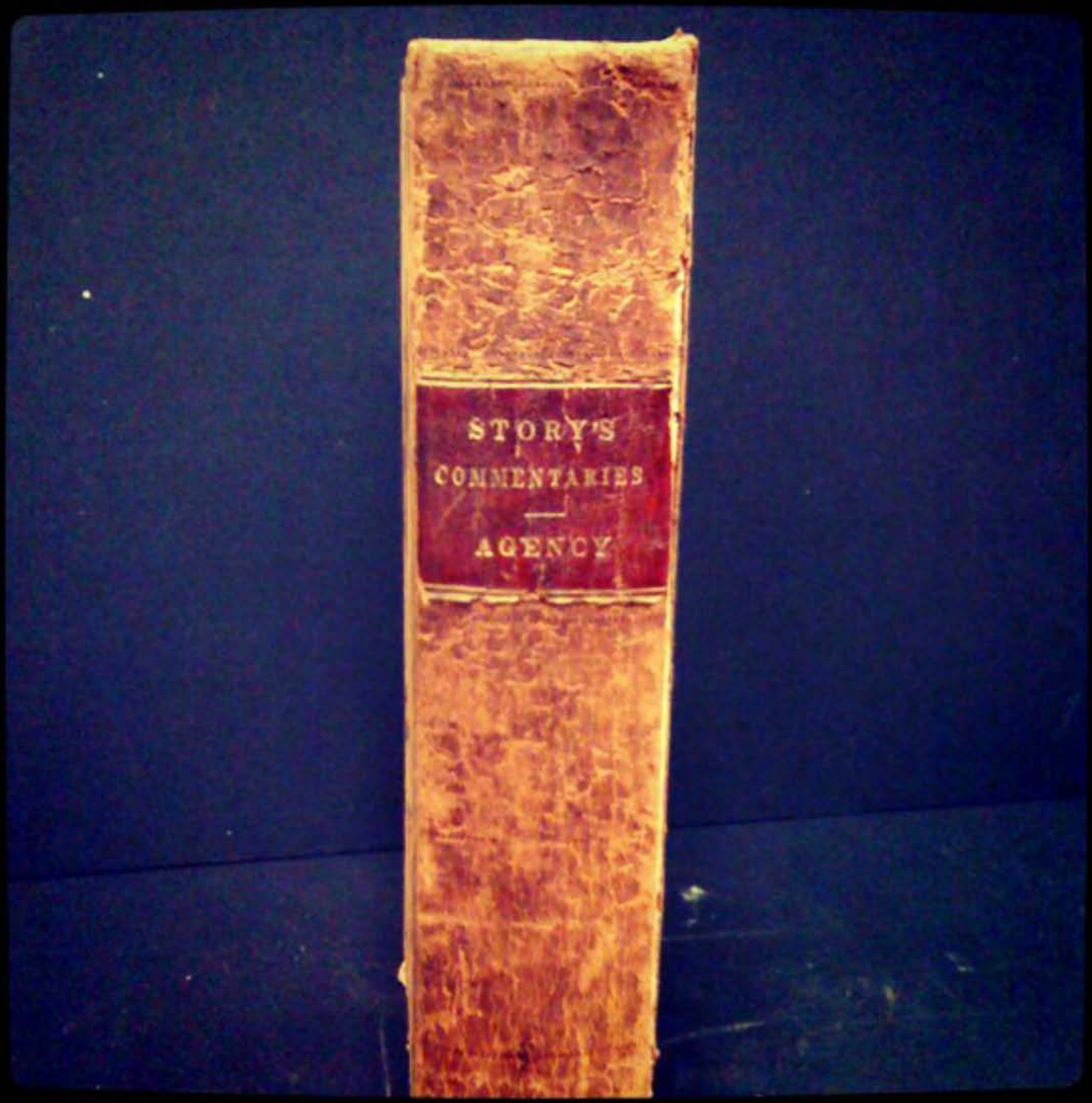
[illegible] exclusively occupied the

[illegible] the same State

shall diligently consider these questions, will not find them without serious embarrassment. They are incidentally treated in the Scottish decisions already alluded to; and the reasoning on each side is worthy of an exact perusal.[1] The attempt to engraft foreign remedial justice upon domestic institutions has always been found extremely difficult; and, as we shall hereafter see, has led to the conclusion, that the safest and best rule is, to give remedies only to the extent, and in the manner, which the *lex loci* justifies and approves.[2]

§ 228. In America, questions respecting the nature and effect of foreign divorces upon domestic marriages, and *vice versâ*, have, as might be expected, been under discussion in our courts. In Massachusetts, in some early cases, the Supreme Court refused to interfere, and grant a divorce, where the parties lived in another state at the time the adultery was charged to have been committed, and the libellant had since that time removed into the state. These decisions seem mainly to have proceeded upon the construction of the local statutes, which conferred jurisdiction upon the Court in matters of divorce; but it was admitted, that

Joseph Story, Commentaries on the Law of Agency. Boston: Charles C. Little and James Brown, 1839. First edition of nine.


STORY'S
COMMENTARIES
AGENCY

# COMMENTARIES

ON THE

# LAW OF AGENCY,

AS A BRANCH OF

## COMMERCIAL AND MARITIME JURISPRUDENCE,

WITH OCCASIONAL ILLUSTRATIONS

FROM THE

## CIVIL AND FOREIGN LAW.

By JOSEPH STORY, LL.D.,

DANE PROFESSOR OF LAW IN HARVARD UNIVERSITY.

"The maritime Law is not the Law of a particular country."—LORD MANSFIELD.

"If Law be a Science, and really deserve so sublime a name, it must be founded on principle, and claim an exalted rank in the Empire of Reason."—SIR WILLIAM JONES.

# CIVIL AND FOREIGN LAW.

By JOSEPH STORY, LL.D.,

DANE PROFESSOR OF LAW IN HARVARD UNIVERSITY.

"The maritime Law is not the Law of a particular country."—Lord Mansfield.

"If Law be a Science, and really deserve so sublime a name, it must be founded on principle, and claim an exalted rank in the Empire of Reason."—Sir William Jones.

BOSTON:

CHARLES C. LITTLE AND JAMES BROWN.

M DCCC XXXIX.

# PREFACE.

---

The present volume is the commencement of a series of Commentaries, which, in pursuance of the original scheme of the Dane Professorship, it is my design, if my life and health are prolonged, to publish upon the different branches of commercial and maritime jurisprudence. The task is truly formidable, and full of difficulties; and I approach it with a diffidence proportionate to the public sense of its importance, and to my own consciousness, that its perfect execution will require a leisure, and learning, and ability, which are very far beyond my reach. So various are the topics to be discussed, and so numerous the authorities to be consulted, that a whole life might well be spent in collecting and mastering the materials. Even when these should be brought together, the labor of analyzing the principles, and reducing them to a text of a moderate [illegible] illustrations necessary to explain and

Little, Brown was one of the most prolific publishers in America in the 19th century. It was founded in 1837 by Charles Little and James Brown; the company (and its progenitors Cummings & Hilliard and then Hilliard, Brown & Co.) published all of Justice Story's works.

LB
1837

Thanks to Chuck Whiting at Bibliophemera.com for sharing this photo of an early Little, Brown invoice:

TERMS CASH.

Boston Oct 1 1892

J. D. Cappelmann Esq

# Bought of Little, Brown & Company,

## Law-Booksellers, Publishers & Importers,

254 Washington St.

Thomas W. Boland
John M. Bunge

Goods sent out to be packed, or by mail, at your risk.
No claim for damages or imperfections allowed unless advised within ten days after receipt of Goods.

George Flagg
Charles W. Allen

Charlestown Mass

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Joseph Story, Commentaries on the Law of Partnership. Boston: Charles C. Little and James Brown, 1841. First edition of seven.

# COMMENTARIES

ON THE

# LAW OF PARTNERSHIP,

AS A BRANCH OF

COMMERCIAL AND MARITIME JURISPRUDENCE,

WITH OCCASIONAL ILLUSTRATIONS

FROM THE

CIVIL AND FOREIGN LAW.


BY JOSEPH STORY, LL. D.,

ONE OF THE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES,
AND DANE PROFESSOR OF LAW IN HARVARD UNIVERSITY.


"In Rationibus Contrariis Fides evidens."—Cod. Lib. 8, tit. 27, l. 3.

"Semper enim, non id, quod privatim interest eorum ex Pactis, servari oportet, sed quod Justitiæ
tali expedit."—Dig. Lib. 17, tit. 2, l. 65, § 5.

"Quodcunque jure ad naturam accommodatur; Magnamque Populorum adsumitur Societas."—
Cic. De Legibus, Lib. 2, ch. 10.


BOSTON:
CHARLES C. LITTLE & JAMES BROWN.
LONDON:
A. MAXWELL, 32, BELL YARD, LINCOLN'S INN,
Late Bookseller to His late Majesty.
T. CLARK, EDINBURGH; MILLIKEN & SON, DUBLIN.

MDCCC XLI.



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CHAPTER V.

Partnership — Different sorts of . . . . . 5

CHAPTER VI.

Interests of Partners in Partnership P . . . . . 5

Notice the variety of sources cited by story--from Roman law to James Kent's commenaries on American Law

# CHAPTER III.

## PARTNERSHIP BETWEEN THE PARTIES — COMMUNITY OF INTERESTS.

§ 15. In the next place, every partnership presupposes, that there must be something brought into the common stock or fund by each party.[1] But it is not necessary, that each should contribute or contract to contribute money, goods, effects, or other property, towards the common stock; for one may contribute labor or skill, and another may contribute property, and another may contribute money, according as they shall agree.[2] And for this there is good reason; and it is well put in the Roman law; *Plerumque enim tanta est industria socii, ut plus societati conferat, quam pecunia. Item, si solus naviget, si solus peregrinetur, pericula subeat solus.*[3] Sometimes it happens, that each partner contributes only skill or labor, or services for the common benefit; as, for example, housewrights, or shipbuilders, or riggers, who are partners; or commission merchants, brokers, or other agents, whose partnership only extends to the profits of their business, and who have no capital

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[1] 3 Kent, Comm. Lect. 43, p. 24, 25, 4th edit.

[2] Collyer on Partn. B. 1, ch. 1, § 1, p. 10, 2d edit.; Peacock v. Peacock, 16 Ves. 49; Reid v. Hollinshead, 4 Barn. & Cresw. 878; Meyer v. Sharpe, 5 Taunt. 74; Waugh v. Carver, 2 H. Bl. 235, 246; 2 Bell, Comm. B. 7, ch. 1, p. 614, 5th edit.; 1 Stair, Inst. B. 1, tit. 16, § 2; Domat, B. 1, tit. 8, § 1, art. 7; Dob v. Halsey, 16 John. R. 34.

[3] Dig. Lib. 17, tit. 2, l. 29, § 1; Pothier, Pand. Lib. 17, tit. 2, n. 3; Inst. Lib. 3, tit. 26, § 2; 1 Domat, B. 1, tit. 8, § 1, art. 7.

Joseph Story, Commentaries on the Law of Bills of Exchange. Little & Brown, 1843. First edition of four.

Story dedicated this work to his friend and colleague Simon Greenleaf.

# 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.

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By JOSEPH STORY, LL. D.,

ONE OF THE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES, AND DANE PROFESSOR OF LAW IN HARVARD UNIVERSITY.

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"Fundatior ergo et non semel dimolitur ad suos perfectissimos, quasi bulla nitentior, prorumpit Negotiorum Jura Gentilitia." Hugo Grotius, De Gentil. orig. 1, § 6.

"Quæstiis vero ex Gentium Civitatumque Legum Conflictu nati per omnia convenient, eadem tamen quoties similitur contingunt." Bibl. cap. 1, § 13.

---

BOSTON:

CHARLES C. LITTLE & JAMES BROWN.

LONDON:

A. MAXWELL & SON, 32, BELL YARD, LINCOLN'S INN,

Law Booksellers to his late Majesty;

T. CLARK, EDINBURGH; MILLIKEN & SON, DUBLIN.

M DCCC XLIII.

TO

# SIMON GREENLEAF, Esq., LL. D.

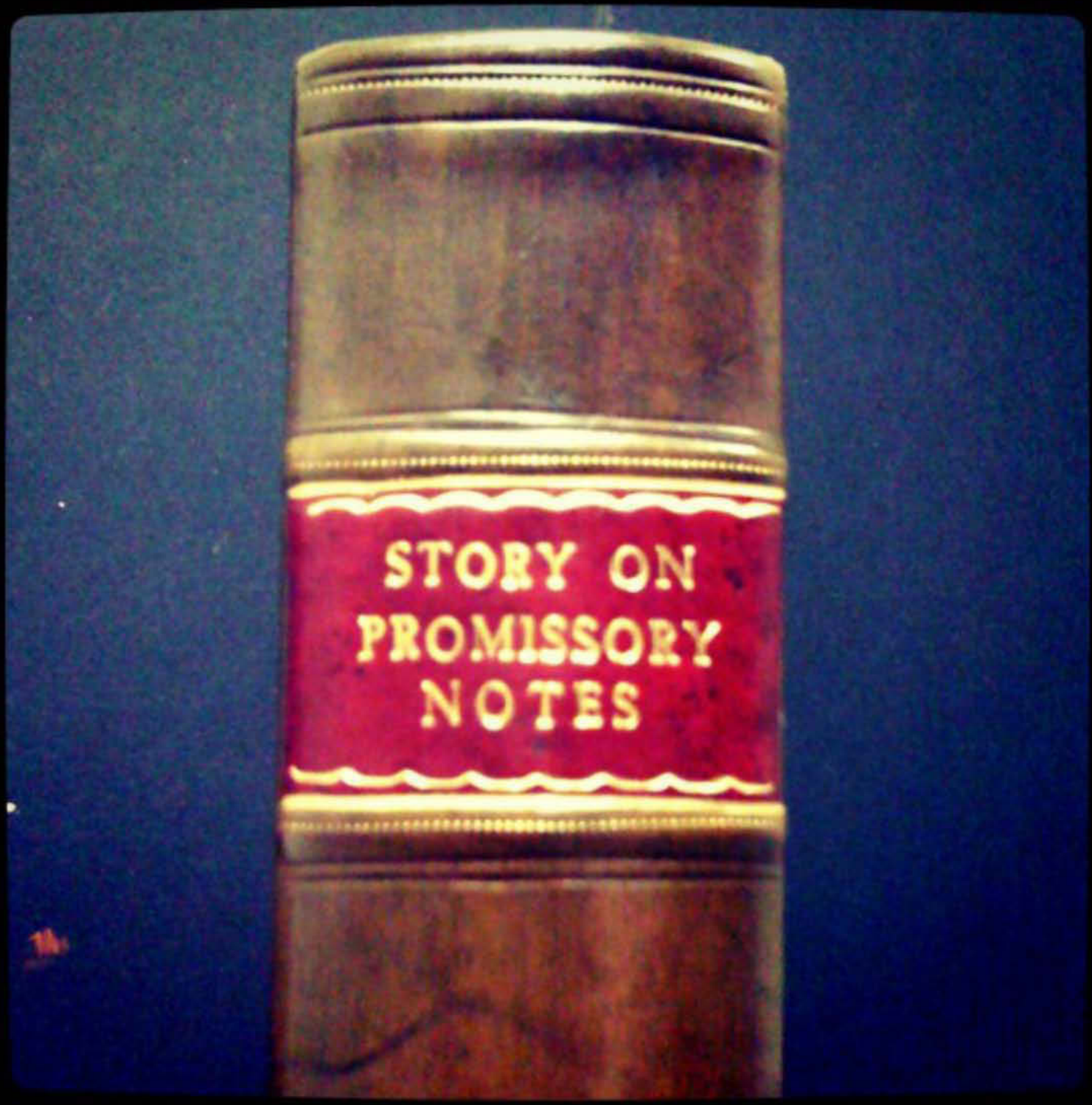
ROYALL PROFESSOR OF LAW IN HARVARD UNIVERSITY.

My dear Sir,

It was my original intention to dedicate to you the entire collection of my Juridical Works, when my labors in the Dane Professorship should be completed. But advancing years admonish me, that the term of my life may not be so far prolonged, as to enable me to reach the full consummation of my purposes. I avail myself, therefore, of the opportunity of dedicating this work to you, as a memorial of our long, uninterrupted, and confidential friendship. We have been coadjutors in the instructions

Joseph Story, Commentaries on the Law of Promissory Notes. Charles C. Little and James Brown, 1845. First edition of seven.

This was Story's last work—he died in September 1845. He had planned to write his next work on insurance law.


STORY ON
PROMISSORY
NOTES

# 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.

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By JOSEPH STORY, LL. D.,

ONE OF THE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES, AND DANE PROFESSOR OF LAW IN HARVARD UNIVERSITY.


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"Item in hic contractibus alter alteri obligatur de eo, quod alterum alteri ex bono et æquo prestare oportet."—Dig., Lib. 44, tit. 7, l. 52, § 2.

"Tum rigida iniræ obligationis præsumptio est invenita, ut Mercatorum tuitio fidem alterum æquæ potenat."—Heineccii, De Cambi., cap. 3, § 1.

---


BOSTON:

CHARLES C. LITTLE & JAMES BROWN.

LONDON:

A. MAXWELL & SON, 32, BELL YARD, LINCOLN'S INN,

Law Booksellers and Publishers.

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M DCCC XLV.

law on this subject; and the decisions there made have acquired a commanding influence and interest throughout the commercial world.

In no one branch of the law is more fulness in the statement and exposition of principles required, than in that of Promissory Notes. I have endeavoured, therefore, to bring within the text all the leading principles, with such illustrations as might serve to explain and confirm them. In the notes, many of the authorities will be found collected, with such auxiliary comments, and citations from the opinions of learned judges and jurists, as might give more free and ample information, than the text could properly supply. I have borrowed largely from the able writers, who have preceded me, and have also borrowed some materials from my own former works upon kindred subjects. The latter course was indispensable in order to make the present work, as is its design, entirely independent in its structure and completeness from them. Upon a close examination, however, the learned reader will find, that few passages have

There were other influential legal texts that came out of Harvard Law besides those written by Story. Two of his associates were Simon Greenleaf and Theophilus Parsons. Greenleaf was a law professor and indeed succeeded Joseph Story as Harvard's Dane Professor of Law. Parsons wrote widely on contracts, commercial law and maritime law and was a critically and commercial successful legal scholar.

simon greenleaf, a treatise on the law of evidence. boston: charles c. little and james brown, 1842-1853. 2 volumes. first edition. purchased in honor of michael morales, bc law class of 2009.

greenleaf's evidence treatise is one of the most famous and enduring legal texts of the 19th century and is the foundational text of the law of evidence in the u.s. the work went through 16 editions. john henry wigmore edited and annotated the final edition and would go on to write wigmore on evidence, also published by little, brown in boston. this lovely first edition, still in its original binding, belonged to joseph story and was inscribed to him by greenleaf.

GREENLEAF
ON
EVIDENCE
H . PETERS.
GREENLEAF
ON
EVIDENCE
PETERS.

# A TREATISE

ON THE

# LAW OF EVIDENCE,

BY

SIMON GREENLEAF, LL.D.,

ROYALL PROFESSOR OF LAW IN HARVARD UNIVERSITY.

---

Quæstum enim maxime lucrosum et gratissimum justitia ministrare jus omnibus tribuendo? — MARGARITA DE UNGER.

---

BOSTON:

CHARLES C. LITTLE & JAMES BROWN.

LONDON:

A. MAXWELL, 32, BELL YARD, LINCOLN'S INN,

Late Bookseller to His late Majesty;

T. CLARK, EDINBURGH; MILLIKIN & SON, DUBLIN.

MDCCCXLII.

To

The Hon. Joseph Story

with the affectionate

regards of

S. Greenleaf

Theophilus Parsons, The Laws of Business for Business-men. Boston: Little, Brown, 1857.

Another Dane Professor of Law at Harvard, Parsons wrote several successful treatises, including Law of Contracts, Law of Promissory Notes and Bills of Exchange, A Treatise on Maritime Law, and the text displayed here. His father, also Theophilus Parsons, served as chief Justice of the Supreme Judicial Court.

LAWS OF BUSINESS

FOR

BUSINESS MEN.

PARSONS.

# LAWS OF BUSINESS

FOR

# BUSINESS MEN,

IN ALL THE STATES OF THE UNION.

WITH

FORMS FOR MERCANTILE INSTRUMENTS, DEEDS,
LEASES, WILLS, &c.

BY THEOPHILUS PARSONS, LL.D.
PROFESSOR OF LAW IN THE UNIVERSITY AT CAMBRIDGE.

---

COMPILED BY THE AUTHOR PRINCIPALLY FROM HIS TREATISES ON THE LAWS OF CONTRACTS, AND ON THE ELEMENTS OF COMMERCIAL LAW.

---

BOSTON:
LITTLE, BROWN, AND COMPANY.
1857.

THE

# LAWS OF BUSINESS

FOR

# BUSINESS MEN.

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## CHAPTER I.

### OF THE PURPOSE AND USE OF THIS BOOK.

THE title of this work indicates, to some extent, its purpose and character; but, as they are in certain respects peculiar, it is thought that some remarks respecting them may make the volume more useful.

Eight years ago, I accepted the office of Dane Professor in the Law School of Harvard University. I have employed whatever leisure the duties of that office have left me, in preparing a series of text-books on Commercial Law. I have already published three volumes, and I have others in preparation; and the manner in which those I have published have been received by my brethren, calls for my most grateful acknowledgments. The last of those works was entitled "The Elements of Mercantile Law," and was intended as a general

writers less famous than story, Greenleaf, and Parsons also contributed to the growing lists of American legal treatises...

THE

# ELEMENTS OF LAW;

BEING

A COMPREHENSIVE SUMMARY

OF

## AMERICAN CIVIL JURISPRUDENCE.

FOR THE USE OF STUDENTS, MEN OF BUSINESS,
AND GENERAL READERS.

KF
385
.H5
1835

BY FRANCIS HILLIARD,
COUNSELLOR AT LAW.

146928

BOSTON:
HILLIARD, GRAY, AND COMPANY.
NEW YORK:
HALSTED AND VOORHIES.
1835.

# LEGAL AND POLITICAL HERMENEUTICS,

OR PRINCIPLES

OF INTERPRETATION AND CONSTRUCTION

IN LAW AND POLITICS,

WITH REMARKS

ON PRECEDENTS AND AUTHORITIES.

ENLARGED EDITION.

BY FRANCIS LIEBER.

BOSTON:
CHARLES C. LITTLE AND JAMES BROWN.
MDCCCXXXIX.

PAUL SOLOMON

HAMMOND'S
JUSTICE

A

PRACTICAL TREATISE;

OR, AN

# ABRIDGMENT OF THE LAW

APPERTAINING TO THE OFFICE OF

# JUSTICE OF THE PEACE;

AND ALSO RELATING TO THE PRACTICE IN

# JUSTICES' COURTS,

## IN CIVIL AND CRIMINAL MATTERS,

WITH APPROPRIATE FORMS OF PRACTICE.

IN THREE PARTS.

BY E. HAMMOND, ESQ.,
COUNSELLOR AT LAW.

WEST BROOKFIELD:
PUBLISHED BY C. A. MIRICK & CO.
1841.

# AMERICAN CRIMINAL TRIALS.

BY PELEG W. CHANDLER.

Wm Stoughton

VOLUME I.

BOSTON:

CHARLES C. LITTLE AND JAMES BROWN.

LONDON:

A. MAXWELL, 32 BELL YARD, LINCOLN'S INN.

# CONTENTS.


ANNE HUTCHINSON.

Trial of Anne Hutchinson before the General Court of Massachusetts, for sedition and heresy, 1637, . . . . . 1

THE QUAKERS.

Trials of the Quakers before the General Court and Court of Assistants, Massachusetts, 1656—1661, . . . . . 31

SALEM WITCHCRAFT.

Trials for Witchcraft, before the Special Court of Oyer and Terminer, held in Salem, Massachusetts, 1692, . . . . . 65

THOMAS MAULE.

Trial of Thomas Maule before the Superior Court of Massachusetts, for a slanderous publication and blasphemy, 1696, 141

JOHN PETER ZENGER.

Trial of John Peter Zenger before the Supreme Court of New York, for two libels on the Government, 1735, . . . . . 151

NEW YORK NEGRO PLOT.

Trials of certain Negroes and others before the Supreme Court of New York, for a conspiracy to burn the city and murder the inhabitants, 1741, . . . . . 211

# A TREATISE

ON

# MARITIME LAW.

BY

HENRY FLANDERS.

15256

BOSTON:
LITTLE, BROWN AND COMPANY.
1852.

## *Of Title, by Capture and Condemnation.*

§ 158. The ships of an enemy and the ships of a neutral engaged in transactions not permitted by the law of nations to the neutral character, such as violation of blockade, trading in contraband and interposition in the war, are subject to the right of capture.[1] The property in a prize belongs originally to the sovereign of the captor. His grant alone vests it in others. When the capture is made by a public armed ship of a belligerent power, the condemnation is to the government. But the proceeds, by the general usage of nations, are distributed among the captors.[2] The courts of a belligerent sovereign may be empowered to condemn directly to the captors. Thus by the act of 26th June, 1812, in cases of privateers duly commissioned for the capture, condemnation is to the owners, officers, and crew of the privateer.

§ 159. It was formerly held, that as between enemies when the *spes recuperandi* was gone, and the captors had actual possession of the prize, or when they had brought it into

# TREATISE

ON THE

# LAW OF HIGHWAYS.

BY

JOSEPH K. ANGELL, AND THOMAS DURFEE.

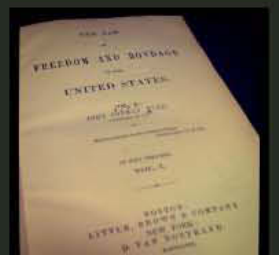
BOSTON:
LITTLE, BROWN AND COMPANY.
1857.

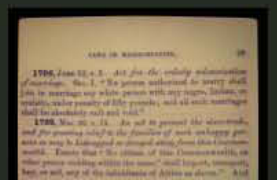
The exhibit closes with a few notable works published before the rise of the West Publishing empire in Minnesota. John B. West founded his company in 1872; it quickly became very successful and the company began buying up local and regional publishers. Little, Brown is one of the few that survived and thrived, but Massachusetts would not long remain one of the hubs of legal publishing.

ived and thrived, but Massachusetts would remain one of the hubs of legal publishing.

John C. Hurd, The Law of Freedom and Bondage in the United States. Boston: Little, Brown & Co., 1858-1862.

This beautiful two volume set features a contemporary three-quarter calf binding over marbled boards and gilt spines with raised bands and lettering pieces. It begins with an early history of bondage and its construction in natural and positive law, then traces the effect of international law on freedom and bondage. Turning to the U.S., Hurd outlines the evolution of slavery under English law and the constitution.





HURD'S
LAW OF FREEDOM
AND
BONDAGE

VOL.
I.

HURD'S
LAW OF FREEDOM
AND
BONDAGE

VOL.
II.

THE LAW

OF

# FREEDOM AND BONDAGE

IN THE

# UNITED STATES.

JOHN CODMAN HURD,
COUNSELLOR AT LAW.

Moribus antiquis res stat Romana virisque.
Ennius, apud Cic. de Rep.

IN TWO VOLUMES.

VOL. I.

BOSTON:
LITTLE, BROWN & COMPANY.
NEW YORK:
D. VAN NOSTRAND.
M.DCCC.LVIII.

**1786**, June 22, c. 3. *Act for the orderly solemnization of marriage.* Sec. 7. "No person authorized to marry shall join in marriage any white person with any negro, Indian, or mulatto, under penalty of fifty pounds; and all such marriages shall be absolutely null and void."

**1788**, Mar. 25, c. 11. *An act to prevent the slave-trade, and for granting relief to the families of such unhappy persons as may be kidnapped or decoyed away from this Commonwealth.* Enacts that "No citizen of this Commonwealth, or other person residing within the same," shall import, transport, buy, or sell, any of the inhabitants of Africa as slaves."[1] And

appears to have been decided, that the issue of a female slave, though born prior to the Constitution, was free; 2 Kent's Comm. 205. If this be so the Constitution has received an interpretation which goes to divest the title of the master to break the bonds of the slave and to annul the condition of servitude. It emancipates and sets free by its own force and efficacy, and does not wait the enforcement of its principles by judicial decision. It is more operative than the common law and more resembles the effect of our statute, declaring free all slaves imported contrary to law. But this depends upon the construction of the Constitution of Massachusetts by its courts, which we would of course respect and follow, if we were sufficiently advised of them. But, without their reports here, we should perhaps venture too far to rest our decision upon the Massachusetts Constitution. It is not deemed

A catalogue of Law and Miscellaneous Books Published by Little, Brown and Company. Boston: Little, Brown & Co., 1862.

This small catalog remains in good condition with its original sewn wraps. The first 34 pages list law books for sale, while the remainder of the catalog is devoted to imported English and French books, including law journals. Most of the entries are accompanied by descriptions and often excerpts from reviews.

# CATALOGUE

OF

# LAW AND MISCELLANEOUS BOOKS

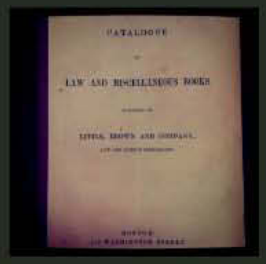
PUBLISHED BY

LITTLE, BROWN AND COMPANY,

LAW AND FOREIGN BOOKSELLERS.

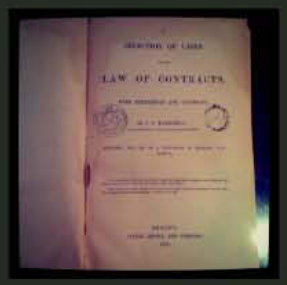
BOSTON:

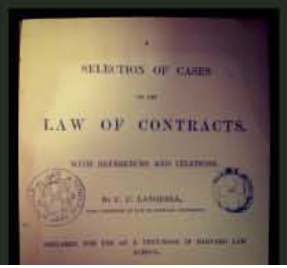
110 WASHINGTON STREET.




c. c. Langdell, selection of cases on the Law of contracts. Boston: Little, Brown & Co., 1871. First edition. Gift of Daniel R. Coquillette.

christopher columbus Langdell was the dean of Harvard Law school from 1870-1895 and pioneered the case method of teaching law students, which is still in use today. This text revolutionized legal instruction and is the model for the casebooks used by modern law students. It includes many cases, such as Adams v. Lindsell, which would be familiar to 1L contracts students even today.



A

# SELECTION OF CASES

ON THE

# LAW OF CONTRACTS.

WITH REFERENCES AND CITATIONS.

By C. C. LANGDELL,

DANE PROFESSOR OF LAW IN HARVARD UNIVERSITY.

PREPARED FOR USE AS A TEXT-BOOK IN HARVARD LAW SCHOOL.

"It is some good to rely upon the book at large, for many times comparatis sunt odiosa, and *malitiae est quaere finitur quam multum remotum*." — Co. Litt. 303 b.

"The ablest and reliably leading case of the books at large, I absolutely determine to be the right way to enabling and perfect knowledge." — Fost. 70 & Kay.

BOSTON:

LITTLE, BROWN, AND COMPANY.

1871.

A

# SELECTION OF CASES

ON THE

# LAW OF CONTRACTS.

WITH REFERENCES AND CITATIONS.

MIDDLE TEMPLE

By C. C. LANGDELL,

DANE PROFESSOR OF LAW IN HARVARD UNIVERSITY.

PREPARED FOR USE AS A TEXT-BOOK IN HARVARD LAW SCHOOL.

Charles Almy and Horace Fuller, The Law of Married Women in Massachusetts. Boston: George B. Reed, 1878.

Almy and Fuller were members of the Suffolk County Bar Association, and, in this book, they dissect the contemporary state of the law as it pertains to married women in the areas of contractual powers, real estate, criminal liability, divorce, child custody, wills and intestacy and many others.

THE

# LAW OF MARRIED WOMEN

IN

# MASSACHUSETTS.

BY

CHARLES ALMY, JR., AND HORACE W. FULLER,
OF THE SUFFOLK BAR.

BOSTON:
PUBLISHED BY GEORGE B. REED.
1878.

# CHAPTER IV.

## CRIMINAL LIABILITY. — TORTS. — ARREST.

### CRIMINAL LIABILITY.

If a wife commits a criminal act in the presence of her husband, she is presumed to have acted, not of her own will, but under his coercion, and she will not be liable for it, but he will.[1] But she can be convicted by a rebuttal of this presumption, showing that she was not coerced.[2] There is no presumption of coercion if the criminal act is committed in the absence

[1] *Com.* v. *Burk*, 11 Gray, 437; *Com.* v. *Gannon*, 97 Mass. 547. This presumption of the wife seems to extend at com-

Much of the information in this exhibit comes from the following sources:

Morris Cohen, "Legal Literature in Colonial Massachusetts," in Law in Colonial Massachusetts 1630-1800. Boston: The Colonial Society of Massachusetts, 1984.

Jenni Parrish, "Law Books and Legal Publishing in America, 1760-1840," 72 Law Libr. J. 355 (1979).

Edwin C. Surrency, A History of American Law Publishing. New York: Oceana, 1990.

please come visit the physical exhibit, which will be on display in the rare book room into spring 2012!