

1. **[Boy Hez, The]:** AUTOGRAPH MANUSCRIPT DEED OF SALE, BY MARTHA FLUKER TO Z.G. NORWOOD, OF "ONE NEGRO BOY NAMED HEZEKIAH, SOME TEN YEARS OLD SPARE BUILT AND A LITTLE TINGED WITH YELLOW." St. Helena Parish, Louisiana: 17 May 1856. Neat ink manuscript, single leaf, 7-1/8" x 11-3/4," blue lined paper. Sworn to and attested on verso, with red seal remnant. Very Good.

Located about fifty miles northeast of Baton Rouge, St. Helena Parish was briefly a part of West Florida. "The Boy Hez," as he is colloquially described in this deed, is sold for \$550, without reference to any parent or other family member.

Martha A.E. Fluker [born c.1825] was married to George William Fluker [1820-1854], a St. Helena farmer who died two years before this sale. Zachariah Gaulden Norwood [born 1819-1866] was a St. Helena farmer who owned a plantation near Greensburg; he owned 17 slaves at the time of the 1860 federal slave schedules.

(37650)

\$750.00

2. **[Boyd, Jabez]:** AN ACCOUNT OF THE ARREST, TRIAL, CONVICTION AND CONFESSION OF JABEZ BOYD, FOR THE MURDER OF WESLEY PATTON. BY A GENTLEMAN OF THE NEIGHBOURHOOD. Philadelphia: T.K. & P.G. Collins, Printers, 1845. 15, [1 blank] pp. Stitched and lightly foxed, some pencil linings in margins. Good+.

"The victim was beaten to death at Westchester, Pennsylvania, while being robbed. Boyd was arrested in church 'with a hymn book in his hand, and from which he was singing with apparent composure.' He was hanged" [McDade]. The pamphlet's author says Boyd "was brought up in ignorance, and surrounded by depraved companions." From his youth he "exhibited a cruel disposition, and a manifest delight in tormenting and witnessing the sufferings of others, and more especially those of dumb animals." Conceiving a plan to poison someone with arsenic, he tested it by giving "it to a coloured man engaged about the premises." The pamphlet recounts his pattern of criminal behavior.

"Eventually to be known as the American Jekyll and Hyde, Jabez Boyd was always judged to be a highly religious man in his community, but it appears that he used his church-going activities to learn when potential victims would be abroad with sums of money on their persons or in their homes" [Steakis, Encyclopedia of American Crime 118]. FIRST EDITION. McDade 126. AI 45-953 [3]. Cohen 12386. OCLC 70114956 [3- Yale, Lib. Cong., Clements], 82107487 [1- Harv. Law School] as of July 2021.

(37655)

\$850.00

3. **[Clough, Joel]:** REPORT OF THE TRIAL OF JOEL CLOUGH, ON AN INDICTMENT FOR THE MURDER OF MRS. MARY W. HAMILTON, AT BORDENTOWN, NEW-JERSEY ON THE 6TH OF APRIL, 1833. New York: Printed and Sold at No. 2 William-street up stairs, 1833. 24pp. Frontis woodcut, captioned, "Clough stabbing Mrs. Hamilton, as described by witnesses, pages 10 and 11." Disbound, light upper blank corner spotting to some leaves, else Very Good.

"Clough was infatuated with Mrs. Hamilton, a widow who did not return his affection. In a fit of frustration he stabbed her to death. The case attracted wide attention at the time, as is evidenced by the various pamphlets" [McDade]. Clough "frequently wrote to her, and she threw his letters in the fire." The widow Hamilton was 27 years old, and had been married to "Dr. Hamilton, of Bordentown, a practitioner of deserving respectability in point of character

and talents." Clough, "the unhappy man," was 28, born in New Hampshire, "his manners delicate but sociable; and he was particularly partial to the society of the ladies."

Clough's legal team included David Paul Brown of Philadelphia, one of the most accomplished contemporary trial lawyers. The pamphlet summarizes the testimony of witnesses and prints the Judge's Charge to the jury. Clough had argued a defense of insanity or, at least, severely diminished mental capacity. Acknowledging the possible persuasiveness of such a defense, the Judge opines, "In these investigations we can derive, after all, but little practical benefit from the learned and scientific works on medical jurisprudence." The jury returned a verdict of guilty, Clough nevertheless continuing to insist upon his innocence. The death sentence was pronounced with great solemnity, interrupted by "tears" and "the contagion of sympathetic feeling."

McDade records seven different pamphlets [McDade 185-191] on this sensational murder and trial. He does not note our copy, nor does Sabin. American Imprints lists five Clough pamphlets, none of which is ours; Cohen 12429-12436 also lists other imprints, but not ours.

Not in McDade, Sabin, American Imprints, Cohen, Marke, Harv. Law Cat. Not located on OCLC or the online AAS site as of June 2021. (37658) \$950.00

4. **[Faulkner, Charles J.]:** IT IS UNDERSTOOD TO BE A SUBJECT OF COMPLAINT ON THE PART OF THE WINCHESTER & POTOMAC RAILROAD CO. AGAINST THE BALTIMORE & OHIO RAIL ROAD COMPANY, THAT THE LATTER HAS REGULATED ITS CHARGES FOR TRANSPORTATION UPON THE PART OF ITS LINE WEST OF THE JUNCTION OF THE TWO WORKS, AT HARPER'S FERRY, SO AS TO DEPRIVE THE WINCHESTER COMPANY OF A PART OF THE TRADE WHICH IT ENJOYED PREVIOUS TO THE OPENING OF THE BALTIMORE AND OHIO RAIL ROAD BEYOND THAT POINT... [np. Martinsburg?: 1843]. A rare Folio Broadside, 17-1/2" x 8." Two columns, separated by a rule. Bright, unblemished, pristine copy with a horizontal fold. Fine. The 1843 publication date is indicated from context.

Faulkner [1806-1884], the probable author of this broadside, represented the B&O on several other occasions and was the most prominent lawyer in western Virginia. He built a successful legal practice on his skills as a railroad lawyer. The Winchester line ran from Winchester, Virginia to Harper's Ferry [now West Virginia], where it connected with the B&O. That connection caused great anxiety in Virginia: it offered farmers and industries in Virginia's Great Appalachian Valley the opportunity to ship from ports in Baltimore and Philadelphia, rather than exclusively through Virginia ports.

Faulkner demonstrates that the Winchester Line's "complaint is not just." He displays the "table of rates for passengers and principal articles of transportation on the two lines" [AAS description]. The B&O has adjusted its rates in accordance with accepted "and very simple and intelligible principles." The Winchester Line's hard times are, as the Winchester Company itself has admitted, "manifestly the result of the general decline in the business of the country." But if the B&O's greater efficiencies and improvements have caused any dissatisfaction with the Winchester's services, that's just the way markets work.

As a member of the House of Delegates Faulkner sought the abolition of slavery in Virginia in the early 1830's, after the Nat Turner rebellion; served in Congress as a Buchanan Democrat; and was attached to Stonewall Jackson's staff during the War. In his doomed battle to end Slavery in Virginia, he allied with Thomas Jefferson's grandson, Thomas Jefferson Randolph, to enact a law freeing all children born of slave parents after July 4, 1840. Had Faulkner succeeded Virginia-- and other border states-- would have been unlikely candidates

for secession in 1861. But he lost a close contest. Virginia remained a Slave State and the somewhat reluctant cornerstone of the Confederacy.

AAS online catalogue [BDSDS. 1843]. Not in Hummel, BRE, Haynes, Sabin, American Imprints. OCLC 24205737 [4- Appalachian State, Lib VA, U VA, VA Hist. Soc.], 694518431 [1- Johns Hopkins], 78144832 [1- AAS] as of June 2021.

(37660)

\$750.00

5. **Florida:** JOURNAL OF THE PROCEEDINGS OF THE CONSTITUTIONAL CONVENTION OF THE STATE OF FLORIDA, WHICH CONVENE AT THE CAPITOL, AT TALLAHASSEE, ON TUESDAY, JUNE 9, 1885. Tallahassee: N.M. Bowen, State Printer, 1885. 631, [1 blank] pp. Bound in contemporary sheep [rubbed] with gilt-lettered morocco spine labels. A clean text, Very Good. Inscribed on front free endpaper: "Judge Thomas Settle from your friend Philip Walter." Settle was a Federal court judge in Northern Florida, appointed in 1877 by President Grant, and served until his death in 1888. Philip Walter, a Jewish Floridian, was clerk of the Federal court, and a delegate to the 1885 Constitutional Convention. See, 1901 Jewish Encyclopedia [Florida].

Democrats deemed the "carpetbag" constitution of 1868 a "relic of Reconstruction." Its highly centralized provisions permitted control of the State by the "carpetbaggers." Only seven of the delegates to this 1885 Convention were Negroes. Article VI of the proposed Constitution authorized the legislature to make payment of a "capitation tax a prerequisite for voting." Establishment of the poll tax "was obviously directed at the disfranchisement of the Negro and the obliteration of the Republican Party in Florida" [Williamson].

This document records the day-by-day proceedings, lists the delegates, and prints the proposed Constitution.

Williamson, 'The Constitutional Convention of 1885,' in 41 Florida Historical Quarterly 116-126 [1962]. (37676)

\$350.00

6. **[Harrington, Michael]:** MICHAEL HARRINGTON, AGAINST THE STATE OF OHIO. RESERVED TO THE SUPREME COURT FROM LUCAS COUNTY, ON MOTION FOR NEW TRIAL. ARGUMENT OF JAMES R. TYLER, OF COUNSEL FOR DEFENDANT. [Toledo?: 1869]. 15, [1 blank] pp. Stitched in original printed title wrappers [lightly worn]. Very Good.

Indicted for murder in the first degree, Harrington was convicted of murder in the second degree. Tyler made several arguments in his appeal to overturn the verdict. Ohio's Supreme Court agreed, and held that the trial judge had erred in instructing the jury that evidence of Harrington's good character was unimportant. Its opinion is printed at 19 Ohio St. 264 [1869]

Noting that the evidence against Harrington was entirely circumstantial, the Supreme Court observed that "a large number of witnesses testified to the good character of the prisoner for peace, and in other respects. On the subject of good character there was no conflict in the evidence." But the trial judge had instructed the jury that evidence of Harrington's good character was not significant in a murder trial. The Supreme Court held: "The weight that ought to be given to proof of good character does not depend upon the grade of the crime, but rather upon the cogency and force of the evidence."

Not located on OCLC as of July 2021. (37667)

\$375.00

7. **Lincoln, Abraham:** THE ADDRESS OF THE HON. ABRAHAM LINCOLN, IN VINDICATION OF THE POLICY OF THE FRAMERS OF THE CONSTITUTION AND

THE PRINCIPLES OF THE REPUBLICAN PARTY, DELIVERED AT COOPER INSTITUTE, FEBRUARY 27TH, 1860, ISSUED BY THE YOUNG MEN'S REPUBLICAN UNION, (659 BROADWAY, NEW-YORK,) WITH NOTES BY CHARLES C. NOTT & CEPHAS BRAINERD, MEMBERS OF THE BOARD OF CONTROL. New York: George F. Nesbitt & Co., Printers and Stationers, 1860. 32pp. Stitched, lightly worn. Very Good.

This is the 1907 reprint, "almost indistinguishable from the original," of Lincoln's great Cooper Union speech, originally published in September 1860, during that year's chaotic presidential campaign. Unlike the original, page 32 of this edition is numbered.

Thirty-eight detailed footnotes by Nott and Brainerd, leading attorneys and men of letters, buttress Lincoln's argument that the Framers and early Congresses contemplated a restricted and gradually diminishing role for American slavery. By examining constitutional and early Congressional debates, Lincoln demonstrates that contemporary statesmen viewed slavery "as an evil, not to be extended, but to be tolerated and protected only because of and so far as its actual presence among us makes that toleration and protection a necessity." Lincoln's speech received wide press coverage; it catapulted him into presidential contention, for its great contribution was to place the new Republican Party at the center of American constitutional and legal thought rather than at an unacceptable extreme. He thus made it easy for moderate Northern Democrats and Whigs to vote Republican in 1860.

Monaghan 68. LCP 5933. Sabin 41162n.

(37668)

\$150.00

8. **[Lucinda, A Slave]:** SALE OF SLAVE LUCINDA JANE, PARISH OF DE SOTO, LOUISIANA, 26 DECEMBER 1853, "NEGRO SLAVE WOMAN AGED FORTY-FIVE YEARS OF DARK COMPLEXION AND A SLAVE FOR LIFE," FOR \$350. De Soto Parish, Louisiana: 26 December 1853. Folio sheet, folded to 8" x 12-1/2." [4] pp bifolium. Entirely in neat ink manuscript, written on recto and verso of first leaf and docketed on page [4]: "Caleb Pate to Spencer Adams Sale of Negro Slave." Old folds, Very Good.

Caleb Pate of De Soto Parish sold Lucinda Jane to Spencer R. Adams of De Soto Parish. The document was written by William R. Jackson, "Parish Recorder and Ex Officio notary public," who also docketed the deed.

William Reuben Jackson [1828-1903] was an interesting fellow. He was born in Alabama; at the age of eight, both parents died from separate accidents on the same day. He was raised by a guardian and learned farming on his father's old Alabama plantation. He moved to De Soto Parish in 1851, where he bought a large farm and raised cattle, sheep, hogs, cotton, corn, and various grains. The 1860 Census Slave Schedules show him owning at least 10 slaves. In 1862, he enlisted with Company B, Shelby's Battalion, participating in several battles. After the war, he returned to farming, eventually owning over 2700 acres; served twice as Parish Recorder; and was engaged in a family mercantile business for 12 years.

Caleb Pate [born c.1820], a native of Tennessee, settled in De Soto by 1850, worked as a carpenter and later as a grocer. His name did not appear on any slave schedules. Spencer R. Adams [1818-c.1880s], a native of Kentucky, had settled in De Soto Parish by 1840 and was a farmer. The 1860 census shows him owning five slaves, including two females and three children; one of the females was about Lucinda's age.

(37647)

\$850.00

9. **McLean, Nathaniel:** AUTOGRAPH LETTER, SIGNED, FROM UNION GENERAL MCLEAN TO HIS WIFE WHILE IN THE FIELD ON SHERMAN'S MARCH THROUGH

THE CAROLINAS, 27 MARCH 1865, DISCUSSING THE GRIM FUTURE OF LEE'S ARMY. Headquarters, 2nd Division, 23d A.C. Camp near Moseley Hall, NC: 27 March 1865. 4pp bifolium, each page 5" x 8." Entirely in ink manuscript, signed "McLean." Very Good. With accompanying postal envelope addressed to Mrs. McLean in Glendale Ohio [postage stamp removed].

Ohio General Nathaniel McLean was the son of United States Supreme Court Justice John McLean. Young McLean, a Harvard-educated lawyer, organized the 75th Ohio Regiment, became its colonel in September 1861, and fought in most of the battles of the Virginia campaign.

Two weeks before Lee's surrender at Appomattox General McLean renders an informed prediction on the end of the War in Virginia. He writes, "... I cannot understand how the rebels can much longer prolong the contest unless we meet with some great and unlooked for disaster. If you will take the map, you will see that Sherman's army at Goldsboro is distant not over one hundred and fifty- or - sixty miles from Genl. Grant's pickets south of Petersburg. Now if Lee remains at Richmond we can start from Goldsboro and allowing five days for fighting and detentions in crossing streams and in fifteen days easily reach Genl Grant. Without detentions of any kind, we could make this march in less than ten days. With both Sherman and Grant Lee cannot hope for a moment to fight a successful battle and would be compelled to surrender. If, however Lee should evacuate Richmond and get the start of Grant as to avoid being destroyed in the attempt his status is equally as hopeless..." In any attempt to escape the Union's pincers, Lee's "men are out of heart, and they will melt away from his column by thousands on any long march."

(37649)

\$875.00

10. **Montgomery, Zach:** THE SCHRODER TRIAL. BOTTOM FACTS AND LEADING INCIDENTS CONNECTED WITH THE KILLING OF DR. ALFRED LeFEVRE, AND THE TRIAL AND DISGRACEFUL ACQUITTAL OF THE SLAYER. UNDOUBTED INNOCENCE OF THE DECEASED. THE VEILED WOMAN THAT THREATENED TO HAVE REVENGE, AND HOW SHE ACCOMPLISHED HER THREAT. TRUE THEORY AS TO THE CAUSE OF THE KILLING, AS GATHERED FROM EVIDENCE ADDUCED, EVIDENCE EXCLUDED AND EVIDENCE SUPPRESSED. WHY MRS. SCHRODER WAS NOT CALLED AS A WITNESS. VALUABLE DISCOVERY IN THE LAW OF EVIDENCE. AN ENTIRELY NEW, CONVENIENT AND PERFECTLY SAFE MODE, OF PROVING BY ONE'S OWN WIFE, A CRIMINAL INTIMACY (WHICH NEVER OCCURRED) BETWEEN HERSELF AND HER IMAGINARY PARAMOUR, IN ORDER TO JUSTIFY THE KILLING OF THE LATTER: WITHOUT SUBJECTING THE DEAR CREATURE TO THE MORTIFICATION OF A CROSS-EXAMINATION, OR TO THE PERILS OF A PROSECUTION FOR PERJURY. THE AUTHOR'S OBJECT IN PUBLISHING THIS PAMPHLET IS NOT TO VILLIFY GUILTY LIVING, BUT TO VINDICATE THE MEMORY OF THE SLANDERED DEAD. DEDICATED TO THE LOVERS OF TRUTH, JUSTICE AND THE IMPARTIAL ADMINISTRATION OF THE LAW. BY ZACH MONTGOMERY, OF COUNSEL FOR THE STATE. [Oakland CA: 1881]. 21, 3 pp. Frontis portrait of Dr. LeFevre. Stitched in original printed pink wrappers. Light wrapper wear [couple of closed margin tears, wear along spine, slight discoloration]. A pristine text. Near Fine. The final three pages print the prospectus of Family's Defender, "An Independent, Non-Partisan, Non-Sectarian, Monthly Magazine and Educational Review."

"This is another case of a husband's shooting a man suspected of being his wife's lover and getting away with it" [McDade]. Montgomery, this pamphlet's author, was hired specially

to prosecute Schroder. He had recently retired after a long, successful career as a trial lawyer, in order to devote his energies to reform in public education. But this case induced him to return to the legal wars: "Dr. LeFevre had for many years been my dentist, my client, and my friend ... I believed him to have been foully murdered by an assassin who, after killing him was seeking to destroy his reputation by falsely charging him with the seduction of his wife in order to paliate the murder." Angered by this libel upon his now defenseless friend, he decided to "assist in the prosecution of the murderer." He did so without fee.

However, his efforts-- "to vindicate the good name of the slandered dead and to assist to the extent of my humble ability in protecting society against a repetition of similar deeds of blood in the future"-- failed: Schroder, a man "considerably addicted to playing cards and speculation in stocks," was acquitted. In fact, says Montgomery, Schroder committed an "unmerciful beating of his wife" to force her to testify to a "criminal intercourse with Dr. Le Fevre" that had never occurred. And LeFevre, in his dying declaration, said that Schroder had murdered him "without any cause!"

McDade 589. Rocq 923. Cowan 439. (37661)

\$1,250.00

11. **[Morris, Robert]:** PLAN OF ASSOCIATION OF THE NORTH AMERICAN LAND COMPANY, ESTABLISHED FEBRUARY, 1795. Philadelphia: Printed by R. Aitken and Son, Market Street, 1795. 25, [1 blank] pp, stitched into contemporary [or a bit later] marbled wrappers [rubberstamp of Ten Mile Square Club of Washington DC on blank inner rear wrapper]. Light spotting, Good+.

This is the Prospectus for the North American Land Company, the brainchild of Founding Father Robert Morris, which he established in 1795. The Company, "at a great expence of money and time, with much industry," had acquired "six millions of acres" of prime lands in "Pennsylvania, Virginia, North-Carolina, South-Carolina, Georgia and Kentucky." The Financier of the American Revolution, Morris joined with John Nicholson of Philadelphia and James Greenleaf of New York [formerly, for six weeks, American Consul to Amsterdam] as the original Subscribers to the Company, whose twenty-eight Articles of Agreement are printed here. The Company had 30,000 shares of stock, each share valued at \$100.00. This document itemizes, by County within each State, the Company's lands.

"From the beginning, the North American Land Company was plagued by serious financial difficulties. Firstly, the authenticity of many of the titles to the lands were questioned. Secondly, the land company owned more than 2 million acres in the Georgia 'Pine Barrens'. These large tracts of barren wilderness were uninhabited, covered in sandy soil, and consequently difficult to sell to land purchasers and settlers. Furthermore, Morris, a former delegate to the Continental Congress and signer of the Declaration of Independence, sent his son-in-law, James Marshall, to Europe in order to sell shares in the company stock. Due to financial difficulties in Europe and doubts about the value of the North American Land Company's holdings, Marshall was unsuccessful.

"After Greenleaf was unable to secure loans from Dutch investors because of war and political instability in Holland, he used the company's securities to pay off private debts. Although Morris and Nicholson were heavily in debt, they bought out Greenleaf because he had continued to embezzle company funds and to engage in corrupt business practices. Morris and Nicholson soon became bankrupt and the promissory notes they used as payment to Greenleaf for his share of the company defaulted. Greenleaf became bankrupt and in 1797 was sent to Prune Street Prison in Philadelphia. Nicholson and Morris soon joined Greenleaf in the same debtors' prison. Morris was released after serving three and half years, but was left penniless and almost \$3 million in debt. Nicholson died in prison, but Greenleaf was

released in 1798 after serving less than one year" [description from online Historical Society of Pennsylvania].

Evans 29220. Howes P-412. Sabin 55548. (37674) \$5,000.00

12. **Shannon, Richard Cutts:** AUTOGRAPH LETTER SIGNED, FROM CAPTAIN AND AAG R.C. SHANNON, TO GENERAL THOMAS H. RUGER, SOLICITING HIS RECOMMENDATION FOR AN APPOINTMENT TO THE ORDINANCE BOARD, ADVISING OF THE DEPLOYMENT OF TROOPS, AND INFORMING HIM OF THE PROGRESS IN ORGANIZING THE 20TH U.S.C.T. Rikers Island, Draft Rendezvous, New York: 30 December 1863. [4] pp, bifolium, written in neat ink manuscript on recto and verso of first leaf only. Two unused 3 cent postage stamps [portrait of G. Washington] in upper blank corner of first page. Fine.

The Letter is to General Ruger, although he is unnamed and addressed simply as "General." This is confirmed from Shannon's diary entry for December 30, 1863. The diary is held at Colby College. Shannon, who graduated from Colby in 1862, enlisted with the 5th Maine Volunteers, was captured at Chancellorsville, and imprisoned at Libby for 18 days.

Shannon writes, "I shall soon in all probability go before the Ordinance Board for Examination for position in that Corps. Capt. Benet advised me to procure all the recommendations possible & it was with such a view that I troubled you .... We are very busy all the time. Our detachments go to Army of Potomac, Departments of the Gulf, Dept. of the South, but none to the Department of the Cumberland. Why is this? Possibly they think you have soldiers enough. I have all kinds of office work to do, & my clerks number over twenty. We shall soon go into barracks on Hart's Island very near Fort Scuyler further down the Harbor or rather 'Sound.' The 20th U.S.C.T. is organizing with us under the special patronage & care of the 'Union Leaguers' of New York city. It numbers about 700."

(37681)

\$450.00

13. **Speer, Emory:** UNDER THE AMERICAN SYSTEM THE CHAIN GANG HAS NO PLACE IN THE JURISDICTION AND PROCEDURE OF POLICE COURTS WHERE TRIAL BY JURY IS NOT A RIGHT OF THE ACCUSED. OPINION BY JUDGE EMORY SPEER, IN THE DISTRICT COURT OF THE SOUTHERN DISTRICT OF GEORGIA, JUNE 28, 1904. Macon: Burke's Linotype Printshop, 1904. Original stapled and printed gray wrappers with wrapper title, as issued. Presentation copy, inscribed above the caption title: "With compliments of Emory Speer." Fine.

[With] Typewritten letter laid in, signed by Judge Speer, written from his Chambers in Mt. Airy, to William Sayre, Editor of The Evening Standard, New Bedford, Mass.: "Replying to yours of the 21st instant forwarded me at this place, I write to say that it gives me great pleasure to mail you under separate cover a pamphlet containing my decision in the case of Henry Jamison. I am sure you will use it in a practical way toward the amelioration of condition of human suffering for the most trivial causes which my limitations as Judge obliged me but faintly to describe."

Henry Jamison, "a respectable colored man between fifty-five and sixty years of age," was arrested for a "trivial" violation "of a minor municipal ordinance" [disorderly conduct, drunk and disorderly] Arraigned in Recorder's Court "without any indictment, accusation, or written charge of any kind and without any form or semblance of a judicial trial, he was sentenced to pay a fine which he was wholly unable to pay, and then to serve a term of two hundred and ten days on the county chaingang of Bibb county." Such sentences were not unusual in the post-War South: they were a convenient way to circumvent the Thirteenth

Amendment, which abolished Slavery and involuntary servitude "except as a punishment for crime whereof the party shall have been duly convicted," See, Blackmon, SLAVERY BY ANOTHER NAME: THE RE-ENSLAVEMENT OF BLACK AMERICANS FROM THE CIVIL WAR TO WORLD WAR II. [Anchor Books: 2008].

Judge Speer [1848-1918] had been a Confederate volunteer in the Fifth Kentucky Regiment. After the War, he practiced law in Georgia and was the State's Solicitor General for several years. President Chester Arthur made him a federal judge in 1885. Judge Speer decided that a mere police court judge, whose jurisdiction was limited to petty offenses for which a jury trial was unavailable, had no power to sentence Jamison to a chain gang.

Speer describes the unpleasant ordeal of the chain gang, which included indiscriminate whipping and other punishments. In closing his eloquent opinion, he quotes from an argument that he himself had made to a jury many years earlier: "A magnanimous people, a just people, they owe it to themselves to be magnanimous and just to the colored people... This is no color line case. It is a negro today. It may be a white man, aye, a white child or a white woman tomorrow. In this court the law is equal for all."

Not in De Renne, Work or LCP. OCLC 79612679 [1- Harv. Law], 44623275 [3- Wesleyan, Boston Ath., U NC] as of June 2021.

(37665)

\$1,750.00

14. **Taylor, William:** LAST WILL AND TESTAMENT OF WILLIAM C. TAYLOR, OF MADISON COUNTY, KENTUCKY, DIRECTING "THAT MY NEGROE WOMAN SCHARLOTT, BE SET AT LIBERTY AND GO FREE PROVIDED THERE IS SUFFICIENT AMOUNT OFMY ESTATE TO PAY DEBTS WITHOUT HER. I DIRECT THAT MY LAND AND NEGROES TOGETHER WITH MY OTHER ESTATE BE SOLD BY MY EXECUTORS TO THE HIGHEST BIDDER." Madison County, Kentucky: 1841 [11 January]. Bifolium leaf, [4] pp. Each page folded to 7-3/4" x 12-1/2." Entirely in neat ink manuscript. Signed in a shaky hand by the testator, "Will C. Taylor" with ink facsimile seal. Signatures of three witnesses-- John Stone, John E. McHenry, and Thomas Christopher-- and docketed on last page. Attested by the Clerk that the will "was produced in open Court, and proved to be the Last Will and Testament of William C. Taylor, Deceased, by the oaths of John Stone, and Thomas H. Christopher, subscribing witnesses thereto, and ordered to be recorded, which has been done accordingly."

(37720)

\$850.00

15. **[Tennessee: Civil War]:** PUBLIC ACTS OF THE STATE OF TENNESSEE, PASSED AT THE EXTRA SESSION OF THE THIRTY-THIRD GENERAL ASSEMBLY, FOR THE YEAR 1861. Nashville, Tenn.: E.G. Eastman, Public Printers, 1861. viii, 127, [1 blank] pp, plus a large folding chart printed to show strength of infantry companies [information left blank]. Later institutional cloth and old bookplate on front pastedown. Else Very Good.

This Confederate Imprint leads with Governor Isham Harris's Message of January 7, 1861, denouncing the North's "systematic, wanton, and long continued agitation of the slavery question," and its "actual and threatened aggressions." Deeply resentful of attempts to exclude slavery from the Western Territories, which were "acquired by the blood and treasure of all the States," he passionately urges alliance with Confederacy. But Tennessee did not secede until June 1861, the last State to leave the Union. West Tennessee heavily favored secession; East Tennessee was equally opposed. It came down to Middle Tennessee, which voted to cast the State's lot with the Confederacy.

The Acts include a referendum on calling a Convention "to consider the then existing relations between the government of the United States and the government and people of the State of Tennessee." Resolution Number 13, reflecting the State's substantial pro-Union sentiment, proposes a Convention of the slaveholding States to amend the U.S. Constitution to guarantee the protection of slave property in all the Territories, and otherwise to protect the security of slavery. The State's detailed Militia Law is also printed.

Parrish & Willingham 4129. Allen 5345.

(37687)

\$500.00

16. **[Tennessee: Civil War]]:** PUBLIC ACTS OF THE STATE OF TENNESSEE, PASSED AT THE [Second] EXTRA SESSION OF THE THIRTY-THIRD GENERAL ASSEMBLY, APRIL, 1861. Nashville, Tenn.: J.O. Griffith & Co., Public Printers, 1861. viii, (3)-103pp [as issued]. Later cloth, institutional bookplate on front pastedown, light rubberstamp on blank portion of title page. Else Very Good.

This Confederate Imprint leads with Governor Isham Harris's Message of April 25, 1861, two weeks after Sumter's surrender, replete with accusations of Northern tyranny, usurpation, and coercion. Even restored, the Union will cease to be a confederation of free and independent States. "It will become a consolidated, centralized government, without liberty or equality, in which some will reign and others serve..." He recommends that Tennessee adopt an Ordinance of Secession and join the rebel government.

This document prints the Ordinance of Secession and Tennessee's Declaration of Independence, and formal documentation tying Tennessee to the Confederacy. Also included are Acts reorganizing the State government in view of its transfer of allegiance.

Parrish & Willingham 4128. Allen 5346. (37688)

\$500.00

17. **[Tennessee: Post-War]:** ACTS OF THE STATE OF TENNESSEE, PASSED AT THE FIRST SESSION OF THE THIRTY-FOURTH GENERAL ASSEMBLY, FOR THE YEAR 1865. Nashville, Tenn.: S.G. Mercer, Printer to the State, 1865. Later tan institutional cloth, title stamped on spine with institution's name stamped on spine base. No other library marks. 12, [2 blanks], xiii, [1 blank], 178 pp. A clean and bright text. Very Good.

A record of significant activity in Tennessee's [partial] return to the Union. Edwin Stanton and President Lincoln appoint Andrew Johnson Military Governor of Tennessee in March 1862. Proposed Amendments to Tennessee's Constitution abolish slavery, prohibit the Legislature from making any law "recognizing the right of property in man," repudiate Secession and its accompanying ordinances, and require an oath of loyalty to the Union. Governor Johnson's Proclamation announces the scheduling of an election to vote on the Proposed Amendments, and later announces their adoption.

Governor Johnson's April 6, 1865 Message to the Tennessee Senate and House declares Secession "an abomination that I cannot too strongly condemn." He urges immediate adoption of the 13th Amendment to the U.S. Constitution, abolishing slavery. "The negro has had no agency himself in bringing on our troubles, and does not merit unkind treatment at our hands." "Roving bands of guerrillas" must be suppressed, he says, and the Legislature obliges.

The Legislature also enacts a law "to limit the Electoral Franchise." Only white adult males who establish their loyalty to the Union may vote; Blacks remain disqualified. As a sign of the changing times, previous Governor Isham Harris-- who herded the State into secession-- is denounced as a traitor, and a reward of \$5,000 offered for his apprehension. Early steps toward Reconstruction are commenced.

Allen 6074. (37689)

\$450.00

18. **[Tennessee: Post-War]:** THE NEW CONSTITUTION OF THE STATE OF TENNESSEE, AS REVISED BY THE CONVENTION OF DELEGATES, ASSEMBLED IN NASHVILLE, JANUARY 10, 1870. [bound with] ACTS OF THE STATE OF TENNESSEE, PASSED BY THE SECOND SESSION OF THE THIRTY-SIXTH GENERAL ASSEMBLY. FOR THE YEARS 1869-70. Nashville: Jones, Purvis & Co. Printers to the State, 1870. xxxii, 238pp. Later cloth, morocco spine titles, old bookplate on front pastedown. Occasional foxing. Except as noted, Very Good.

The 1870 Constitution expressly guaranteed citizens "a right to keep and to bear arms for their common defense. But the Legislature shall have power, by law, to regulate the wearing of arms with a view to prevent crime." The Constitution prohibited Slavery, "except as a punishment for crime, whereof the party shall have been duly convicted." This was a loophole that provided a path to forced labor on chain gangs and the like.

All adult male citizens were entitled to vote, "except that each voter shall give satisfactory evidence that he has paid his poll taxes... without which his vote cannot be received." Intermarriage or cohabitation between whites and "negroes, mulattoes, or persons of mixed blood, descended from a negro to the third generation," were prohibited.

Allen 7050. (37686)

\$375.00

19. **[Traupmann, Jean Baptiste]:** "THE PANTIN MASSACRE." THE MOST TERRIBLE TRAGEDY OF THE AGE! TRIAL OF TRAUPMANN FOR THE MURDER OF THE KINCK FAMILY, IN THE COMMUNE OF PANTIN, NEAR PARIS. New York: New York News Company, 1870. Original printed blue wrappers, portrait of the murderer on front wrapper, wrapper title as issued. [2], 32 pp. Portrait frontis, stitched. Wrapper wear along spine and light extremity chipping to the wrappers. Pristine text. Very Good plus.

Traupmann was convicted of "the butchery of the Kinck family," including a husband, wife, and their six children. From the Canadian illustrated News, 30 October 1869: "All Paris, and it may be said all France, was horrified when the lifeless and mutilated bodies of a woman and five children were known to have been found buried in the ground near the station of Pantin, a short distance from Paris. The bodies were discovered to be those of the wife and children of Jean Kinck. It was at first supposed that Kinck, with the assistance of his son Gustave, had been the murderer. To give consistency to this theory the wife was accused of infidelity, or at least it was believed that Kinck had murdered her from a feeling of jealousy, prompted thereto, perhaps, by her step-son. It has since been discovered beyond dispute, that the murderer was Jean Baptiste Traupmann, and no doubt is entertained that he also murdered the elder Kinck, while the body of Gustave, having been discovered near the place where the body of the others were found, dispels all suspicion of his having any part in the dreadful deed."

Traupmann wormed his way into the affections of the happy family, all with the purpose of stealing the Kincks' assets. This pamphlet, with the usual dramatic flourishes, tells the story of the murder and trial, offers biographies of the murderer and his victims, and recounts the dramatic execution. "Notwithstanding the early hour, the execution was witnessed by a great crowd of people, who taunted and yelled at Trautmann as he mounted the scaffold." Marke 1007. Not in Harv. Law Cat. or Sabin.

(37659)

\$850.00

20. **[United States Colored Troops]:** PRINTED POWER OF ATTORNEY, COMPLETED IN MANUSCRIPT, BY JAMES HENRY, "AN ENLISTED FREE COLORED MAN," APPOINTING DANIEL T. OREM TO COLLECT ALL BOUNTIES TO WHICH HE IS ENTITLED "BY VIRTUE OF MY ENLISTMENT AS A VOLUNTEER" IN COMPANY E, 4TH REGIMENT, UNITED STATES COLORED TROOPS. Baltimore: July 4, 1865. Broadside, 8-1/2" x 12-1/4." with old horizontal folds [several closed tears repaired without loss]. With 50 cent United States Conveyance Stamp, and the mark of James Henry [his signature supplied]. Good+.

Henry's power of attorney is attested by 1st Lieutenant Reynolds, Acting Adjutant of the 4th Regiment, U.S. Colored Troops. On the blank verso is Henry's written request to "Keep my Bounty from me until I Come Home. Mr Jerry Wright & Mr. Thomas K. Emmick Will Witness to my Freedom." Attached to the document are two printed oaths of Hugh Maguire and William Rea, completed in manuscript, swearing to their personal knowledge of Henry, his enlistment, and his status as "a free man, and recognized as such by the community in which he lived, and had been so recognized for at least six years."

"I, James Henry an enlisted free colored man, Volunteer of Co. E of the 4th Regiment United States Colored Troops, do constitute and appoint DANIEL T. OREM of the County of Dorchester in the State of Maryland, my true and lawful attorney for me and in my name to collect, demand, receive and receipt for the State of Maryland Bounty to which I may be entitled by virtue of my enlistment as a Volunteer in said Regiment, under the provisions of the law or laws passed at the late session of the General Assembly of Maryland, and also the Baltimore City Bounty to which I may be entitled, under the provisions of any ordinance of the Mayor and City Council of Baltimore."

Henry enlisted in Company E of the 4th Colored Infantry Regiment on August 1, 1863. Moeb's records the chronological history of this fighting Regiment [BLACK SOLDIERS, BLACK SAILORS... page 1152-1153]. According to military records, Henry was 37 years old in 1863.

(37645)

\$850.00

21. **Vignoles, Charles:** OBSERVATIONS UPON THE FLORIDAS. New York: E. Bliss & E. White, 128 Broadway, 1823. 219, [1 errata] pp. Contemporary half morocco and marbled paper over boards [rubbed, front cover detaching]. Early and late leaves browned, scattered light foxing. Good+.

In this book, the expanded second issue of the first edition, a resident of St. Augustine describes, based on his "several extensive journeys," Florida's "topography, soil, suitable crops, temperature and climate, the Florida Keys and Wreckers, Indians, and land titles" [Clark]. Vignoles was a trained surveyor and military engineer. The Appendix, which prints the Adams-Onis Treaty, documents the transfer of sovereignty from Spain to the United States.

This is one of the earliest detailed American descriptions of Florida after acquisition of the Territory and, says Clark, was probably "inspired by the cession of Spanish Florida to the United States." A separately sold map was "issued with none of the editions" [Howes], although it is occasionally found inserted.

Howes V97. Servies 1179. II Clark 238. Siebert Sale 624. Sabin 99608. 107 Eberstadt 136.

(37648)

\$750.00

22. **[Williams, John et al.]:** A CONCISE SKETCH OF THE EXECUTION OF JOHN WILLIAMS, PETER PETERSON, (ALIAS NILS PETERSON,) FRANCIS FREDERICK,

AND JOHN P. ROG, WHO WERE EXECUTED ON THE 18TH FEBRUARY, 1819, FOR MURDER AND PIRACY. PREFACED WITH MORAL REFLECTIONS. TO WHICH IS ADDED, A SOLEMN ADDRESS. Boston: Printed for N. Coverly, 1819. 23, [1 blank] pp. Stitched. Original pale grey rear wrapper present. Corners rounded. Except as noted, Very Good. With contemporary owner's inscription on final blank: "Henry Ward's Book 1821."

"The crew of the 'Plattsburg' mutinied and threw the captain, mate, and super-cargo overboard, taking the vessel to Norway. These four were apprehended - Williams in Copenhagen, where he was kept in jail for over two years waiting for a vessel to take him back to the United States. The confessions paint a picture of the rugged life at sea in those times" [McDade 1099].

The unknown author of this rare item, pondering the question of man's innate depravity, laments the "deplorable fact" that "the progress of crimes, seems, in the present age of the world to be in advance of the march of virtue." He is pleased that the pirates' executions were public, as a lesson for those disposed to a life of crime. The pamphlet gives "an account of the solemn ceremony preceeding [sic] and during the Execution," including the order of procession, preliminary remarks to the crowd, the prisoners' garb, the Roman Catholic priest's final remarks to the prisoners, and their expression of appreciation for the fine treatment they received in prison. Pages 13-16, in 23 verses of four lines each, comprise "THOUGHTS On the Execution of Williams, Peterson, Frederick and Rog."

AI 47690 [1- MB]. Not in McDade, Cohen, Sabin, or at AAS [which owns a 24-page variant with folding plate, and does not own our printing]. OCLC records AAS's 24-page printing and acknowledges the existence of our copy. (37677) \$1,250.00