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List 10 (new series)
2022

Eighteenth-
and
Nineteenth-
Century
Medical
Jurisprudence

Postage additional

Rare copy, in original printed wrappers, of the first Italian book on the relation of medicine and law

1. BARZELLOTTI, Giacomo. *Medicina legale secondo lo spirito delle leggi civili e penali veglianti nei governi d'Italia*. 2 vols. Pisa: presso Ranieri Prosperi, 1818. 2 vols. Original printed wrappers (spine ends a little worn; several small pieces torn from spines). Uncut. A few blank upper corners creased; in volume 2, tiny worm hole in blank upper margins through p. 186, a few blank lower margins lightly stained. A very good copy contained in a cloth clamshell box, printed paper spine label. \$2250

Collation: vol. 1: xxxvi, 291; vol 2: 355 pp.

First edition of the rare first systematic treatise on the place of medicine in Italian civil and criminal law.

Volume 1 consists of 232 numbered paragraphs divided into three "books." The paragraphs in volume 2 are numbered 232 [sic] to 482 and are divided into two "books." Barzellotti covers the laws relating to reproduction and sexual issues, insanity and legal responsibility, toxicology, and surgery (or forensic surgery). There are numerous references to Italian law and to the earlier writers on medical jurisprudence (particularly Paolo Zacchias).

Barzellotti was professor of medicine at Pisa when he published this book. He soon after moved to Sienna where, in 1823, he inaugurated the first course of legal medicine in Italy. "Early in the nineteenth century Giacomo Barzellotti . . . founded the school [of legal medicine] from which came, even though indirectly, Giuseppe Lazzaretti . . . Angiolo Filippi . . . , [both] especially successful in applying biological and clinical knowledge to medico-legal problems" (Castiglioni, *History of medicine*, 891). Paolo Zachias had earlier published a nine-volume work on legal medicine which dealt with the handling of different kinds of injuries and diseases (Rome, 1621-61). Barzellotti, however, was concerned with "the application of medicine in

Italian law, both criminal and civil" (Nemec, Highlights in medicolegal relations, no. 363). This book later formed the basis of Barzellotti's lectures (see Hirsch, Biographisches Lexikon, 1367).

Barzellotti's book is not mentioned in the standard histories of medicine. In his chapter on "Early history of legal medicine" in Legacies in law and medicine, edited by Chester R. Burns, Erwin Ackerknecht deals almost exclusively with the French and German literature. Renzi refers to Barzellotti's contributions to neurology, public health, and vaccination, as well as to his writings on fevers, but fails to mention this book on legal medicine (see Storia della medicina Italiana, 5: 470, 521, 534, 804).

OCLC locates copies in the U.S. at National Library of Medicine and Wisconsin.

Major work by the founder of medical jurisprudence in Austria

2. BERNT, Johann Joseph. Systematisches Handbuch der gerichtlichen Arzneikunde, zum Gebrauche für Aerzte, Wundärzte, und Rechtsgelehrte und zum Leitfaden bey öffentlichen Vorlesungen. Vienna: Bey Kupffer und Wimmer, 1813. Contemporary half calf (spine gilt; traces of worming), marbled boards (edges a little worn). Illegible, partly deleted, ink notation on front flyleaf; a few pencil notes. A very good copy. \$2250

Collation: xii, 339 pp.

First edition—issue with a Vienna imprint (see below)—of the major work by the founder of medical jurisprudence in Austria. Bernt's Systematisches Handbuch became one of "the most widely used textbooks in the German-speaking countries" (Lesky, Vienna medical school, 89).

Bernt's Handbuch consists of 951 numbered sections, most of them a paragraph in length. It is one of the first books to survey the entire field of medical jurisprudence. Bernt was well-prepared to write this book. He was the first to occupy the chair of state medicine at the medical school at Prague, an appointment made in 1807, and he prepared this book prior to his departure for Vienna in 1813. In that year he succeeded Ferdinand Vietz to the chair of state medicine at Vienna. During his time at Vienna, Bernt established the first facility devoted to instruction in forensic medicine. He also published a series of important books on medical jurisprudence and organized an institute of forensic medicine where autopsies were performed and records compiled concerning cause of death.

Bernt's Systematisches Handbuch was published in Prague just as he was leaving for Vienna (the preface is dated "Prag, 1813"). Once in Vienna, Bernt arranged for the remaining sheets printed in Prague (by Franz Gerzabed according to the printer's slug at the foot of the last page) to be issued in Venice with a cancel title page giving the name of a local publisher.

NUC shows a copy of the Prague issue at the National Library of Medicine and a copy of the Vienna issue at Michigan. OCLC adds for the U.S. a copy of the Prague issue at Wright State and a copy of the Vienna issue at UCLA.

See Hirsch, Biographisches Lexikon, 1:495-96; Lesky, 88-90; Nemec, Highlights in medicolegal relations, nos. 348 and 362.

Early book on forensic methods in the detection of infanticide

3. BÜTTNER, Christoph Gottlieb. Vollständige Anweisung wie durch anzustellende Besichtigungen ein verübter Kindermord aus-

zumitteln sey, nebst Acht und Achtzig beygefügtten eigenen Obductions-Zeugnissen, zum Nutzen derer neuangehenden Aerzte und Wundärzte, herausgegeben von Christoph Gottlieb Büttner, Königsberg and Leipzig: bey Joh. Dan. Zeisens Wittwe und Joh. Heinr. Hartungs Erben, 1771. Modern quarter morocco, marbled boards. Tiny wormhole in blank lower corners of first three leaves; browned and foxed. A very good copy. \$1850

Collation: [16], 137, [7], 135, 138-242 pp. Pagination irregular but complete.

First edition of an early work on infanticide and on forensic methods for its detection. Büttner's book is based on reports prepared by him over a period of thirty-eight years that document cases of questionable death in infants. The second part of his book presents details of eighty-eight autopsies conducted by him during this period.

The first part of Büttner's study deals, first, with the infant's appearance at death with special attention to signs of violence or findings suggesting murder. He mentions the importance of establishing if the infant was stillborn and, in the event of death, whether it was accidental or natural rather than murder, and recommends a variety of tests including close examination of the blood vessels, heart, and lungs. In addition to providing physicians with criteria for use in identifying instances of infanticide, Büttner describes in detail the appropriate forensic methods together with instructions on preparing post-mortem reports.

OCLC locates copies in the U.S. at Chicago, Children's Hospital/Philadelphia, College of Physicians, National Library of Medicine, and New York Academy of Medicine..

See Hirsch, Biographisches Lexikon, 6 (Nachträge):145.

4. CASPER, Johann Ludwig. A handbook of the practice of forensic medicine, based upon personal experience. . . . Translated from the third edition of the original by George William Balfour. 4 vols. London: New Sydenham Society, 1861-65. Original blind-stamped brown cloth. Book label in volume 1 (Dr. J. A. Osborn, Co. Donegal, Ireland). One blank corner renewed in volume 3. A nearly fine set. \$650

Collation: vol. 1: xvi, 317, [1] pp.; vol. 2: vi [i.e., vii], [1], 331, [1] pp.; vol. 3: ix, [1], 417 pp.; vol. 4: xv, [1], 364 pp.

First edition in English of Casper's *Practisches Handbuch der gerichtlichen Medicin* (Berlin, 1857-58), a landmark in the development of medical jurisprudence.

Casper, a student of Adolf Henke—the author of a book on legal medicine published in 1812—was instrumental in establishing medical jurisprudence as a distinct specialty. “[T]he most celebrated of Henke's followers, [Casper] published many papers based on his wide experience and succeeded in tying legal medicine more closely to general medicine and excluding everything foreign to the subject. He also succeeded in having lectures arranged for students and physicians for the first time and offered his institute as a place for instruction” (Haberling, *German medicine*, 131). *Practisches Handbuch*, Casper's principal work, “contained a wealth of facts and was unsurpassed for a long time. Reprinted several times, it was translated into English, French, Italian, Russian, and Dutch” (Nemec, *Highlights of medicolegal relations*, no. 424).

Due to its original fragile binding, complete sets of the English translation are seldom found in nice condition.

Garrison-Morton 1743 (first edition). See Burns, *Legacies in law and medicine*,

First book on medical jurisprudence published in the U.S.

5. COOPER, Thomas, ed. Tracts on medical jurisprudence. Including Farr's Elements of medical jurisprudence, Dease's Remarks on medical jurisprudence, Male's Epitome of juridical or forensic medicine, and Haslam's Treatise on insanity. With a preface, notes, and a digest of the law relating to insanity and nuisance, by Thomas Cooper. Philadelphia: Published by James Webster, 1819. Modern quarter calf, marbled boards. Crease in blank lower corner of title; old ink stamp on title verso and two further pages (Boston Medical Library Association); light dampstain in lower third of first twelve leaves; foxing. A very good copy. \$850

Collation: [16], 456, [2 (publisher's catalog)] pp.

First edition of the first book on medical jurisprudence published in the United States.

Present here, in abridged form, are four of the most important British books on this subject. The first "tract," Samuel Farr's Elements of medical jurisprudence (London, 1788 [Garrison-Morton 1733]), is the first English book on medical jurisprudence. Following Farr's work are Willaim Dease's Remarks on medical jurisprudence (Dublin, 1793), George Edward Male's An epitome of juridical or forensic medicine (London, 1816), and John Haslam's Medical jurisprudence, as it relates to insanity (London, 1817). Cooper has added a 68-page appendix reprinting portions of two landmark English trial reports involving the claim of insanity: "Erskine's speech for James Hadfield, indicted for shooting at the king" and "An abstract of the trial of Abraham Kessler, indicted for poisoning his wife with white arsenic, and laudanum." The editor has added, on pages 355-88, a digest of the laws relating to insanity.

Cooper was a native of England who held degrees in both law and medicine when he arrived in the United States in 1795. He was active in politics and a friend of Thomas Jefferson.

Austin 537; Norman 515. See Kelly and Burrage, American medical biography, 256-57.

Medical ethics for British physicians

6. DAVIES, John. An exposition of the laws which relate to the medical profession in England: containing a brief account of the various ordinances, charter, and acts of Parliament, under which the practice of medicine in England has been governed from the earliest period of its history down to the present time. With an appendix, containing an ample analysis of Sir James Graham's bill for the better regulation of medical practice throughout the United Kingdom. London: John Churchill, . . . and E. W. Cobb, Hertford, 1844. Buckram (stamped on rear endpaper: Reynold Binder Sep 9 1905), red and black leather lettering pieces on spine. Faint embossed stamp on title (Association of the Bar Library New York City) and accession number on title verso. Blank lower corner of title removed. A very good copy. \$500

Collation: vi, [2], 84 pp.

First edition (but reprinting, in revised form, material published earlier) of a scarce book on medical ethics. It contains a thorough review of the relevant legal standards applicable to the conduct of British physicians as well as an examination of the probable effects of recent alterations in the rules governing the practice of British medicine.

Davies has devoted separate chapters to the various acts and charters affecting the College of Physicians (pp. 1-20), the College of Surgeons (pp. 21-48), the Society of Apothecaries (pp. 49-66), and the University of London (pp. 67-68). The appendix (pp. 69-84) consists of an analysis of a bill, recently passed by Parliament, setting out the new terms for the conduct of medicine in the U.K.

Davies studied medicine in London before establishing himself as a physician at Hertford. He is described on the title page to his book as a member of "the Royal Colleges of Physicians and Surgeons of England," but there is no mention of him in either Munk's Roll of the Royal College of Physicians or Plarr's Lives of the Fellows of the Royal College of Surgeons. Davies is apparently not cited in Legacies in law and medicine, edited by Chester R. Burns (the lack of an index is a serious deficiency!).

OCLC locates copies in the U.S. at College of Physicians, Harvard, National Library of Medicine, Nebraska, New York Academy of Medicine, and Pennsylvania.

Brittain, Bibliography of medico-legal works in English, p. 47. See Hirsch, Biographisches Lexikon, 2:191.

Scarce early American book on medical jurisprudence

7. DEAN, Amos. Principles of medical jurisprudence designed for the professions of law and medicine. Albany: Gould, Banks & Gould, . . . [and] New York: Banks, Gould & Co., 1850. Modern quarter calf, cloth. Illegible signature on title. Outer edges of first three and final two leaves browned. A very good copy. \$1250

Collation: vi, [2], 664 pp.

First edition of the most comprehensive work on medical jurisprudence produced in the United States up to this time.

The author-described on the title page as "counsellor at law, and professor of medical jurisprudence in the Albany Medical College--has presented a thorough statement of all that was then considered relevant knowledge in the field of forensic medicine and medical jurisprudence. "The objects chiefly had in view, have been, a methodical, systematic arrangement of the topics legitimately embraced in the department [of medical jurisprudence]; and in the treatment of each, a condensation of the knowledge now possessed; and an exhibition of it in a clear, natural, and logical order, together with such illustrations as were deemed necessary to make an application of the principles in practice" (preface, p. [iii]).

Dean has divided his exposition into five main classes: (1) relations of sex including rape (pp. 1-122); (2) inflicted injuries, including infanticide (pp. 123-98), wounds (pp. 198-286), and poisons (pp. 286-412); (3) insanity or "mental alienation" (pp. 457-590); (4) "feigned diseases" (pp. 591-611); and (5) "age; identity; presumption of survivorship; life assurance; and medical evidence" (pp. 612-29).

Dean is unnoticed in the standard biographical compilations. Although well represented in American libraries, this book is very scarce in the trade.

Second book on medical jurisprudence for surgeons

8. [DEVAUX, Jean.] L'art de faire les rapports en chirurgie, où l'on enseigne la pratique, les formules & le stile le plus en usage parmi les chirurgiens commis aux rapports; avec un extrait des arrests, statuts & reglemens faits en consequence. Le tout mis en ordre par Monsieur D*** provost de la Compagne des Maîtres Chirugiens de Paris. Paris: Chez Laurent d'Houry, 1703. Contemporary calf (spine ends and corners repaired). Light stain in two blank outer margins; paper flaw in one leaf with loss of several letters (pp. 117-18). A very good copy. \$2750

Collation: [10], 550, 50, 53-71, [13] pp. Pagination irregular but complete

First edition of the first book addressed to surgeons informing them how to prepare an accurate report of a surgical case and important for both the history of surgery and medical jurisprudence. Devaux' book is one of the two principal works on medical jurisprudence from the period (the other being Nicolas de Blégny's *Doctrine des rapports en chirurgie*, 1683).

In this book, Devaux was the first to provide "detailed instruction on how to prepare reports in cases of injuries and death. Over 250 case reports were included" (Nemec, *Highlights in medicolegal relations*, no. 257). The preparation of accurate case reports was of fundamental importance for development of forensic medicine. Thus Devaux emphasizes the necessity of accuracy in reports to be used in a legal setting. He provides sample reports as well as forms for medical certificates and reprints official proclamations regarding surgeons.

"A series of royal decrees established in seventeenth century France a system of medical jurists, surgeons and physicians appointed by each town to examine and report on all wounded or murdered persons. Devaux's work served as a style manual for the preparation of such surgical reports" (Wechsler, *Bernard Becker collection in ophthalmology*, no. 108).

Dezeimeris notes that Devaux's book was for a long time the only authoritative (or "recommended") book on this subject (*Dictionnaire historique de la médecine*, vol. 2, part 1, p. 87).

OCLC locates copies in the U.S. at Buffalo, Columbia, Minnesota, National Library of Medicine, New York Academy of Medicine, Wisconsin, and Yale.

See Burns, *Legacies in law and medicine*, 257, 268-70; Hirsch, *Biographisches Lexikon*, 2:251.

Seminal work on forensic chemistry

9. DRAGENDORFF, Georg Johann Noel. Die gerichtlich-chemische Ermittlung von Giften in Nahrungsmitteln, Luftgemischen, Speiseresten, Körpertheilen, etc. . . . Mit in den Text eingedruckten Holzschnitten. St. Petersburg: Verlag der Kaiserlichen Hofbuchhandlung H. Schmitzdorff, 1868. Contemporary cloth-backed boards. A very good copy. \$850

Collation: xxiv, 426, [2 (errata on recto)] pp., 18 text figures.

First edition of the major contemporary contribution to forensic chemistry.

In this book—divided into 567 sections—Dragendorff examined the toxicological properties of a large number of substances. He described methods for detecting their presence in the human body and attempted to establish their absorption rates, amount ingested, and presence in the blood as well as elsewhere. His book was therefore important in establishing reliable methods for identifying "poisonous" levels of otherwise useful pharmaceutical preparations.

Dragendorff was for many years the director of the Pharmaceutical Institute at

Dorpat and during this time published widely in his specialty.

Garrison-Morton 1746; Nemeč, Highlights in medicolegal relations, no. 438. See Hirsch, Biographisches Lexikon, 2:305-6; Schelenz, Geschichte der Pharmazie, 696-97.

First American book on medical malpractice

10. ELWELL, John J. A medico-legal treatise on malpractice and medical evidence, comprising the elements of medical jurisprudence. New York: John S. Voorhies, . . . [and] Cleveland: Alfred Elwell, 1860. Modern quarter calf, cloth, leather spine label. Edges browned; traces of erasures on a few pages. A very good copy. \$1250

Collation: vi, [7]-588 pp.

First edition of the "first treatise on malpractice in the U.S." (Nemeč, Highlights in medicolegal relations, no. 426).

In his preface Elwell describes the circumstances that prompted him to write this book. "While a member of the medical profession, and in the practice of surgery; and also, during my subsequent practice at the bar; my attention has been repeatedly and imperatively called to the subject of malpractice, as well as that of medical evidence. In looking around for light upon these important questions, I was astonished, and disappointed to find nothing upon the subject of malpractice in our works of medical jurisprudence" (preface, p. v).

Elwell was both a physician and an attorney. His book "contained in compact form the law so clearly and thoroughly stated that the volume at once became a leading authority" (Kelly and Burrage, American medical biography, 379).

"Marked a new era of legal medicine in France"

11. FODERÉ, François Emmanuel. Traité de médecine légale et d'hygiène publique de police de santé, adapté aux codes de l'empire français, et aux connaissances actuelles. A l'usage des gens de l'art, de ceux du barreau, des jurés et des administrateurs, de la santé publique, civils, militaires et de marine. . . . Ouvrage dans lequel la première édition a été entièrement refondue et augmentée de deux tiers. 6 vols. Paris: de l'imprimerie de Mame, 1813. Contemporary quarter calf, boards. New endpapers. A very good set. \$750

Collation: vol. 1: engraved frontispiece, lxxiv, 502 pp., 2 folding tables; vol. 2: [4], 492 pp.; vol. 3: [4], 483 pp.; vol. 4: [4], 526 pp.; vol. 5: [4], 502 pp.; vol. 6: [4], 606 pp.

Second edition of Les lois éclairées par les sciences physiques (3 vols., Paris, 1799), a landmark in the history of medical jurisprudence "accepted as a classic for half a century" (Castiglioni, History of medicine, 637). This work "was for many years the authoritative book on the subject in France" (Garrison-Morton).

"Together with clinical medicine, legal medicine entered its decisive stage of development at the end of the 18th century. . . . As in general medicine the new trends appeared most strongly and prevailed first in the France of the Great Revolution. . . . François Emmanuel Fodéré . . . , professor of legal medicine in Strasbourg from 1814 to his death, became the leading figure in this medicolegal revival. The field covered in Fodéré's great work is about the same as in [Paolo] Zacchias, even the sequence of subjects is the similar, But what a difference in approach and materials between the 17th century . . . and [Fodéré's treatise]"

(Burns, *Legacies in law and medicine*, 260-61). Fodéré's book "marked a new era of legal medicine in France and the advancement of the whole field. It became widely known outside of France and established Foderé as an international authority" (Nemec, *Highlights in medicolegal relations*, no. 335).

Garrison-Morton 1734 (first edition). See Garrison, *History of medicine*, 371 (a "great treatise"); Hirsch, *Biographisches Lexikon*, 2:552-53; Zilboorg, *History of medical psychology*, 392.

Early English manual of forensic medicine

12. FORSYTH, J. S. [OCLC supplies initials only]. A synopsis of modern medical jurisprudence, anatomically, physiologically, and forensically, illustrated; for the faculty of medicine, magistrates, lawyers, coroners, and jurymen. London: W. Benning, Law-Booksellers. 1829. Original green pebbled cloth, rebaked, original spine preserved; original printed paper spine label (worn). New endpapers. Uncut. A few leaves carelessly opened; foxing. A very good copy. \$950

Collation: xxiii, [I], 600 pp.

First edition of a book intended to inform individuals concerned in any way with issues relating to unexplained, or unlawful (or presumed illegal), violence injurious to the victim or causing death about all the relevant legal, or jurisprudential, issues.

Forsyth is described on the title page as a surgeon who has, in his book, drawn on "the authentic and respectable authorities to be met with in Europe, to serve as a convenient reference, either to revive the memory or point out the plainest and nearest road to the medical practitioner, or man of law, the principal features and facts connected with medico-legal subjects" (p. [liii]).

In forty-one chapters, the author reviews all of the principal topics while citing whenever possible the authority of earlier writers and quoting from the testimony of attorneys, defendants, and witnesses in English trials. Forsyth begins his book with a chapter on the laws relating to medical and general evidence followed by chapters on inquests and postmortem examinations. Further chapters are devoted to manslaughter, suicide, and murder, to real and apparent death, and to "the uncertainty of the signs of death." The chapter on "uncertainty" precedes further discussion of the importance of distinguishing between real and apparent death, with the opinions on this subject of "eminent physicians and philosophers" cited together with accounts of recovery from apparent death. Several chapters deal with death from acts of violence, including death from hanging and strangulation, dangerous intoxication, and lightning, smothering, and fire. Further chapters deal with insanity, pregnancy, rape, legitimacy, and "doubtful sex."

The author, who is unnoticed in the standard histories of medicine and medical compilations, exhibits wide knowledge of the relevant literature. The two-page bibliography on pp. [xix]-xx runs to nearly fifty titles, the books being in English, French, and Latin. There are books on forensic medicine and medical jurisprudence, on toxicology, and on law (both monographs such as those by Coke and Blackstone and compilations of trials).

The binding on this book is an early example of English cloth covers.

First systematic treatise on forensic psychiatry

13. FRIEDREICH, Johann Baptist. *Systematisches Handbuch der gerichtlichen Psychologie für Medicinalbeamte, Richter und Vertheidiger*. Leipzig: Verlag von Otto Wigand, 1835. Original (?) cloth (spine

ends and corners very slightly worn), leather spine label (illegible). On front flyleaf, ink stamp of an owl and initials H. W. K. A very good copy. \$2250

Collation: viii, 872 pp.

First edition. Friedreich's *Systematisches Handbuch* is the first monograph to deal comprehensively and in great detail with forensic psychiatry.

This book, a work of remarkable erudition intended for use by public health officials, judges, and prosecutors, surveys virtually the entire literature on the subject of mental illness from the standpoint of medical jurisprudence. The many footnotes—one or more on practically every page—contain a very large number of citations to both contemporary and earlier writings and include both book and journal publications in English, French, German, Italian, and Latin.

Friedreich was one of the principal German contributors to development of psychiatry during the second quarter of the nineteenth century. Hirsch wrote that Friedreich's thirty-five publications are devoted mainly to psychology and forensic medicine (*Biographisches Lexikon*, 2:624). In addition to this book on forensic psychiatry, Friedreich is remembered for his bibliography of psychiatric literature (1830), the first thorough work on the subject, and for his textbook of psychiatry published in 1839. Friedreich proposed an organic basis for mental illness which he argued resulted from physically identifiable disorders.

OCLC locates copies in the U.S. at Harvard Law School Library and National Library of Medicine.

See Wallace and Gach, *History of psychiatry*, 327-29; Zilboorg, *History of medical psychology*, 381 and passim.

First significant contribution to forensic psychiatry

14. HEINROTH, Johann Christian August. *System der psychisch-gerichtlichen Medizin, oder theoretisch-praktische Anweisung zur wissenschaftlichen Erkenntniss und gutachtlichen Darstellung der Krankhaften persönlichen zustände, welche vor Gericht vor Betracht kommen*. Leipzig: bei C. H. F. Hartmann, 1825. Contemporary marbled boards (spine top repaired), red spine label lettered in gilt. Foxing (heavier in the first half). A good copy. \$1500

Collation: [8], [ix]-xiv, 554 pp.

First edition of the first significant contribution to forensic psychiatry and to the medical-legal aspects of insanity.

Heinroth adopted a theological terminology—in the absence of a settled nomenclature—to describe and classify the various features of mental disease. In the book offered here Heinroth expanded on ideas first presented in his *Lehrbuch der Störungen des Seelenlebens* (1818). "Heinroth's central concept is the person. Mental disturbances affect the person as a psychological unit, and it is as a free person that the individual functions in society. In forensic decisions, psychiatry and the law join forces, for both are concerned with the question of whether a free agent chose to commit a criminal act. . . . One of Heinroth's main purposes was to establish meaningful limits to the insanity defense. He especially opposed the dominant trend in forensic psychiatry, which defined all reprehensible or criminal acts as the product of psychopathology. Heinroth recognized that punishment had not been an effective deterrent, and he separated guilt from punishment, recommending that the mentally ill who are found guilty should not be punished" (Wallace and Gach, *History of psychiatry and medical psychology*, 326). Heinroth drew a distinction between the "unconscious or repressed guilt" of the real criminal

and that of the mentally ill, whom he regarded as “transiently or chronically unfree” (ibid., 327).

“Heinroth was probably the first clinical psychiatrist to sense the need of a unitary concept in psychology—like that of the total personality today. He was probably the first to whom the ideational content of the mentally sick presented not merely a set of aberrations but a psychological process of meaning. His whole attitude was that of a man who intuitively sensed but was unable clearly to formulate the principle that there is no sharp dividing line between mental health and mental disease” (Zilboorg, *History of medical psychology*, 470).

Garrison-Morton 1736; Heirs of Hippocrates 1285. See Alexander, *History of psychiatry*, 140-43; Hirsch, *Biographisches Lexikon*, 3:139; Wallace and Gach, 323-27.

First book on the medical jurisprudence of insanity
by one of the founders of German psychiatry

15. HOFFBAUER, Johann Christoph. *Die Psychologie in ihren Hauptanwendungen auf die Rechtspflege nach den allgemeinen Gesichtspunkten der Gesetzgebung[,] oder die sogenannte gerichtliche Arzneywissenschaft nach ihrem psychologischen Theile*. Halle: bey Schimmelpfenning und Compagnie, 1808. Modern quarter morocco, marbled boards. Small ink stamp on title verso (6 / Copy [spelling?!]). Lightly browned; faint stain in lower corners through p. 26. A very good copy. \$2250

Collation: xvi, 406 pp.

First edition. Hoffbauer's book appears to be the first devoted to forensic psychiatry.

Hoffbauer was a colleague of Johann Christian Reil, and the two men were equally interested in the diagnosis and treatment of mental illness. Hoffbauer published two books on psychiatric topics prior to this one (in 1803 and 1807), but this was the first of his monographs to deal with the medical jurisprudence of insanity, a subject which had not elicited much interest before Hoffbauer's time. Wallace and Gach call attention to Hoffbauer in connection with their discussion of the Johann Christian August Heinroth's contributions to forensic psychiatry. Some years before Heinroth had begun to write on the medical jurisprudence of insanity, “Reil's collaborator, Hoffbauer, had already called for a criminal psychology in his ‘Applications of psychology to law’ of 1808 [the book offered here]” (*History of psychiatry and medical psychology*, 326). Hirsch wrote that Hoffbauer deserved high praise for his seminal contributions to the development of psychiatry (*Biographisches Lexikon*, 3:254-55).

Hoffbauer was professor of philosophy at Halle. Although not qualified as a physician, he contributed several books on mental disease. His first book on psychiatry was published in the same year as his friend Reil's famous *Rhapsodien über die Anwendung der psychischen Curmethode*. In 1808, Hoffbauer and Reil collaborated on a short-lived journal devoted to “mental therapeutics” (see Wallace and Gach, 322).

A French translation of this book was published in Paris in 1827.

First French edition with notes by Esquirol and Itard

16. HOFFBAUER, Johann Christoph. *Médecine légale relative aux*

aliénés et sourds muets, ou les lois appliquées aux désordres de l'intelligence. . . . Traduit de l'Allemagne sur la dernière édition par A.-M. Chambeyron, . . . avec des notes par MM. [Jean Étienne Dominique] Esquirol et [Jean Marie Gaspard] Itard. Paris: Chez J.-B. Baillière, 1827. Contemporary half calf (corners a bit worn), marbled boards, re-backed, original spine largely preserved. Illegible ink stamp on half-title, title, pp. [21] and [33], and verso of the table. A good copy. \$450

Collation: [4], xx, [21]-388 pp., large folding table at p. xx.

First edition in French of the preceding item.

This French translation includes the translators' notes and Esquirol's "Note sur la monomanie-homicide" (pp. 309-54). Esquirol was a central figure in the establishment of the specialty of psychiatry (the object of which, at the time of its founding, the treatment of insanity). See Garrison-Morton 4798 and 4929; Semalaigne, *Les pionniers de la psychiatrie Française*, 1:124-40. Itard was a pupil of Philippe Pinel. See Garrison-Morton 4969.1.

"A great scholarly book . . . surpassing everything on the subject that had been written at that time in Central Europe"

17. LÖW (or LOEW von ERLSFELD), Johann Franz. *Theatrum medico-juridicum continens varias easque maxime notabiles, tan ad tribunalia ecclesiastico-civilia, quam ad medicinam forensem, pertinentes materias. Ex diversis optimorum authorum, Pauli Zachiaë, Sanchez, Carpzovii et aliorum voluminibus excerptum, propriisque quæstionibus et annotationibus adornatum. Opus jctis, physicis, practicis, studiosis, chirurgis, aliisque utile et necessarium. Cum indice rerum et verborum. Norimbergæ [Nuremberg]: apud Joh. Frider, Rudigerum, 1725. Contemporary vellum, yapped edges, spine hand-lettered (and darkened), remains of two (of four) ties. Two early ownership notes on front flyleaf (one deleted, the other illegible) and one on title (also deleted); manuscript note in one blank margin (p. 88). Lightly browned (but heavier on a few gatherings); a few light spots and stains. A very good copy enclosed in a cloth clamshell box, printed paper spine label. \$2850*

Quarto. Collation: engraved frontispiece (portrait), [4], 889 pp.

First edition of the author's principal work published posthumously in the year of his death. *Theatrum medico-juridicum* is one of the major early books on medical jurisprudence, although inexplicably unnoticed in most of the historical studies dealing with this topic.

Nemec calls this "a great scholarly book . . . surpassing everything on the subject that had been written at that time in Central Europe" (Highlights in medicolegal relations, no. 271). There is very little prior to this book that may be regarded as a comprehensive survey of the entire field. Löw, however, attempted to cover all of the diseases, or conditions, that lent themselves to litigation or to civil or criminal inquiries. The comprehensive "index" (pp. 871-89) includes references to many disorders, as well as accidents and various kinds of trauma. Among the subjects covered are female complaints or conditions (including sterility and virginity), hermaphrodites, infanticide, so-called "mental" states (for example, dementia and what then passed for "hypochondria"), legal controversies associated with (for example) rabies, "nervous" conditions like epilepsy and "stupor," and wounds and

mutilation.

Löw's sources and authorities included both the "ancients" (Areteaus, Galen, and Hippocrates) and the medical literature from the previous two hundred years. He also refers to Canon and Roman Law, to the opinions of Thomas Aquinas, and to Paolo Zacchias' *Quæstiones medico-legales*, the first systematic work on forensic medicine.

Löw was professor of anatomy and surgery at Prague.

OCLC locates copies in the U.S. at Michigan (law school), National Library of Medicine, University of California/Berkeley (law school), and Yale.

See Hirsch, *Biographisches Lexikon*, 3:826.

Most important early American case of medical malpractice

18. (Malpractice) Report of the trial of an action. Charles Lowell against John Faxon and Micajah Hawks, doctors of medicine, defendants, for malpractice in the capacity of physicians and surgeons, at the Supreme Judicial Court of Maine. Holden at Machias for the County of Washington—June term, 1824. Before the Hon. Nathan Weston Jun. Justice of the Court. Portland: printed for James Adams, Jr., by David and Seth Paine, 1825. Modern quarter calf, marbled boards. Faded illegible ink stamp on the lightly soiled title page. A very good copy. \$1750

Collation: 124 pp.

First edition of a very scarce book defending the conduct of two of the physicians involved in the most important early American case of medical malpractice. This book is unrecorded in Brittain's *Bibliography of medico-legal works in English*.

The history of this case—which called forth an account by the plaintiff and a book by John Collins Warren defending his own actions (see below)—begins in 1821. In that year Charles Lowell suffered a dislocated hip from a fall from a horse. He was initially treated by John Faxon, a local physician, who was soon joined by Micajah Hawks, a physician in a nearby town. The two physicians, after declaring the hip properly repositioned, left the injured man and, subsequently, when the latter reported complications, refused to return. Later in 1821, Lowell traveled to Boston, where he was examined by John Collins Warren who "informed Lowell that he had suffered a simple hip dislocation, but that because the injury had been left untreated for such a long time, nothing could be done to remedy the deformity" (De Ville, *Medical malpractice in nineteenth-century America*, 11). Warren's efforts to repair the damaged hip were unsuccessful, and Lowell sued Faxon and Hawks. Three trials followed, at the last of which the judge "convinced Lowell to drop the malpractice charge permanently. . . . The series of trials reportedly cost Lowell \$2,000 and left him in financial ruin. Dr. Hawks spent between \$2,000 and \$3,000 on his defense and labored for years to overcome his debt. Ironically, a postmortem examination of Lowell's injury revealed that all the diagnoses offered at the trial had been wrong. Lowell had indeed suffered a dislocation, but of a character not anticipated by his physicians or Warren or [Nathan] Smith [who questioned Warren's competence at one of the trials], two of the best medical minds in America" (De Ville, 18-19). De Ville provides a lengthy account of this controversy (see *ibid.*, 9-13, 16-23).

Lowell published his own version of events as *An authentic report of a trial before the Supreme Court of Maine, for the County of Washington, June term, 1824. Charles Lowell vs. John Faxon & Micajah Hawks, surgeons and physicians* (Portland, 1824). Probably the most complete contemporary account of the case is

by John Collins Warren who published a defense of his diagnosis, and his actions, under the title *Letter to the Hon. Isaac Parker . . . containing remarks on the dislocation of the hip joint, occasioned by the publication of a trial which took place at Machias, in the State of Maine, June, 1824* (Cambridge, 1826). The last of the three trials took place in 1824.

Chief work of a celebrated writer on medical jurisprudence

19. METZGER, Johann Daniel. *Kurzgefasstes System der gerichtlichen Arzneiwissenschaft. Königsberg und Leipzig: im Verleg Hartungschens Buchhandlung, 1793*. Contemporary yellow boards (spine tips very slightly worn), leather lettering piece (chipped) on spine. Largely illegible ownership notes on front flyleaf (one dated 1797); ink underlining and marginalia on three pages (pp. 119, 265, 291). Occasional foxing. A very good copy. \$1850

Collation: xvi, 414, [2 (errata on recto)] pp.

First edition of the second, and the most important, of three books by Metzger on medical jurisprudence. Metzger's books "were the leading publications in this field for many years" (Nemec, *Highlights in medicolegal relations*, no. 305).

Metzger's *System* consists of 502 numbered sections dealing with the entire field of medical jurisprudence. Each section—most of them a paragraph in length—is devoted to a specific feature of the subject. Citations to the contemporary and historical literature, sometimes of considerable length, are appended to each section. The "author of a 'system' in 1793 [the book offered here], [he] opposed the belief in demons vigorously and successfully, and showed remarkable insight into the psychopathological character of simulated insanity" (Burns, *Legacies in law and medicine*, 259-60).

Metzger was professor of medicine at Königsberg. He specialized in medical jurisprudence and lectured mainly on forensic medicine. Dezeimeris calls Metzger a "célèbre médecin légiste et écrivain laborieux. . . . On estime particulièrement ce que à publié sur la médecine légale" (*Dictionnaire historique de la médecine*, vol. 3, part 2, p. 577).

A second edition of this book appeared in 1798 followed by a third in 1805 (the year of the author's death). A posthumous fourth edition was published in 1814. The importance attached to this book may be inferred from the translations into Italian (1806) and French (1812).

OCLC locates copies in the U.S. at Chicago, Harvard, National Library of Medicine, New York Academy of Medicine, and University of Texas/Austin.

See Hirsch, *Biographisches Lexikon*, 4:185-86.

Most comprehensive British work on medical jurisprudence published up to this time

20. PARIS, John Ayrton, and FONBLANQUE, John Samuel Martin. *Medical jurisprudence*. 3 vols. London: printed & published by W. Phillips, 1823. Original cloth-backed boards (spine tops repaired, slightly worn; boards lightly stained), printed paper spine labels (slightly worn). Uncut. Foxing; light stain in some lower corners in volume 3. A good set. \$2250

Collation: vol. 1: 1, [4 (advertisements misbound after p. 1)], xv, [1 (errata)], 440

pp.; vol. 2: [4], 472 pp.; vol. 3: [4], ii ["Contents of the appendix"], 184, 349-371, [1], 318 pp. Volume 3 pagination irregular but text complete.

First edition of the most comprehensive and detailed English treatise on medical jurisprudence published up to this time. Paris "published in 1823 a book on 'medical jurisprudence' which still continues to be the only English work on the subject with any pretensions to literary value" (Dictionary of national biography, 15:206).

This work opens with a fifty-page introduction that is both a history of the subject and a defense of specialized works like this one, which the authors justify by reference to significant recent developments in medicine and chemistry making possible, in a way hitherto impossible, the detection of deaths by methods regarded as criminal. The authors have chosen to organize their book in a novel manner. They have departed from earlier classifications by dividing their book "into three parts, the first comprehending the enumeration of the different medical corporations, with an account of their charters, powers, and privileges, together with the subjects of medical police. The second, all those subjects connected with medical evidence . . . in which the order of the subject corresponds with that of the progress of human life from infancy to old age. The third, the inquiries which are necessary to medical evidence, as applicable to criminal cases" (p. xl). The authors concern, therefore, is solely with issues connected with "the health, life, and physical well-being of the subject" (ibid.).

Part II is devoted to medical evidence, including questions relating to sexual issues (considered from a physiologically point of view) with sections on extra-uterine conception and hermaphrodites. Following sections include a careful review of legal issues connected with the diagnosis of insanity and a discussion of "impositions" associated with feigned diseases. In part III, the methods of causing death and injury are dealt with in considerable detail. There is a lengthy discussion of death by poison, with much on both mineral and vegetable poisons. The appendixes to the three parts review the relevant English statutes and provide summaries of important criminal cases.

John Ayrton Paris was a distinguished English physician remembered for his contributions to pharmacology and the materia medica. His extensive knowledge of the action of drugs, together with a wide familiarity with the most recent advances in chemistry, uniquely fitted him to deal with matters relating to forensic medicine. He was responsible for the first description of arsenic cancer (in the third edition of his *Pharmacologia*, London, 1820 [Garrison-Morton 2073]). "Dr. Paris's mental power which were naturally strong, had undergone that discipline which a complete university education and a deep study of chemistry are calculated to impart. . . . His writings are characterised by an elegance peculiarly his own. Their diffuseness, depending as it does, on the number and variety of his illustrations and the frequency and beauty of his metaphors, adds to, rather than detracts from, the pleasure of their perusal" (Munk, *Roll of the Royal College of Physicians*, 3:123, 124).

Scarce eighteenth-century book on medical jurisprudence

21. PRÉVOST, Claude Joseph. *Principes de jurisprudence sur les visites et rapports judiciaires des medecins, chirurgiens, apoticaire, & sages-femmes. Avec les indications des sources d'où ces principes ont été recueillis.* Paris: Chez Guillaume Desprez, 1753. Contemporary calf (spine ends repaired), spine gilt, red leather spine label. A very good copy. \$950

Collation: xvi, 316, [4] pp.

First edition, published posthumously in the year of the author's death, of a work of great erudition (according to the "Advertissement") which brings together a great many laws, royal edicts, judicial decisions, and rulings of tribunals relating to the practice of physicians, surgeons, apothecaries, and midwives in France.

The author, described on the title page as "Ancien bâtonnier de l'Ordre de Avocats," has devoted considerable effort to discovering not just the laws, etc., issuing from the royal government but the provincial laws pertaining to the conduct of physicians, etc. Further, his research has led him to examine the relevant earlier laws and judicial decisions going back to the seventeenth century. The "Advertissement," which is unsigned but obviously prepared by a person familiar with Prévost's accomplishments, observes that he was a man of rare talents and superior insight. Prévost was "avocat" for the Parlement de Paris.

The author had planned publication several years prior to his death. The "approbation" is dated in type "17 Avril 1749" and the "privilege du roi" is dated "23 Avril 1751."

OCLC locates copies in the U.S. at Delaware, Georgetown, National Library of Medicine, and Yale.

"One of the most authoritative works of its kind"

22. TARDIEU, Auguste Ambroise. *Étude médico-légale et cliniques sur l'empoisonnement. . . . Avec la collaboration de Z. Roussin. . . . Avec deux planches et 53 figures intercalées dans le texte.* Paris: J.-B. Baillière et Fils, 1867. Contemporary quarter morocco, marbled boards (lightly rubbed; label removed from lower spine). Partly illegible inscription dated 1868 on front pastedown; ink stamp on half-title and title (Université de Lausanne / École de Pharmacie / Officiel). A good copy. \$275

Collation: xxii, 1072 pp., 2 lithographed plates.

First edition of one of the major nineteenth-century treatises on poisoning.

"This exhaustive work . . . was, at the time of its writing, one of the most authoritative works of its kind. . . . Covering a wide range of drugs and poisons, the book is amply illustrated with case reports and autopsies" (Heirs of Hippocrates 1854).

Tardieu, a pupil of Orfila, is now remembered as one of the great nineteenth-century toxicologists and contributors to forensic medicine. He was the author of a series of important books on these subjects. "[Paul Camille Hippolyte] Brouardel and Ambroise Auguste Tardieu . . . , pupil of [Mathieu Joseph Bonaventure] Orfila and like his master a courtroom 'star' of many 'causes célèbres,' were essentially casuists. They no longer produced 'treatises,' but series of monographs on limited problems such as hanging, abortion, poisoning, wounds, and so forth. Tardieu also did outstanding work in the field of industrial hygiene" (Burns, *Legacies in law and medicine*, 263).

Garrison-Morton 1745. See Hirsch, *Biographisches Lexikon*, 5:515-16.

"One of the most productive writers
in legal medicine and toxicology"

23. TARDIEU, Auguste Ambroise. *Étude médico-légale sur l'infanticide. . . . Avec trois planches coloriées.* Paris: J.-B. Baillière et Fils, 1868. Contemporary quarter morocco, marbled boards. Foxing. A

very good copy.

\$450

Collation: viii, 342 pp., 3 chomolithographs (one double page).

First edition of Tardieu's book on infanticide. The author was "[o]ne of the most productive writers in legal medicine and toxicology" (Nemec, *Highlights in medicolegal relations*, no. 420).

See Garrison-Morton 1745 and 2123.1.

Medical jurisprudence in France on the eve of the Revolution

24. VERDIER, Jean. *Essai sur la jurisprudence de la médecine en France, ou abrégé historique et juridique. Des établissemens, reglemens, police, devoirs, fonctions, récompenses, honneurs, droits & privilèges des trois corps de médecine, avec les devoirs, fonctions & autorité des juges à leur égard.* Alençon: Chez Malassis le jeune, Imprimeur de Roi; Et se vend à Paris, chez Prault pere, 1763. Contemporary quarter calf (inch crack at front upper joint), marbled boards, spine gilt, leather spine label. A very good copy. \$950

Collation: [4], 5-383 pp.

First edition of the first of Verdier's books on medical jurisprudence in France, all of them valuable for understanding the organization and regulation of medicine and surgery during the period immediately preceding the Revolution.

The *Essai* consists of four "books." Verdier begins with an overview of the duties and responsibilities of the three branches of the medical profession—namely, physicians, surgeons, and apothecaries—including their relations with one another and common crimes and transgressions by members. He also deals with the organization of hospitals. The second book, on medical education, deals with the establishment, organization, and regulations of university medical faculties and medical colleges. Legislation affecting surgeons are covered in the third book and pertaining to apothecaries in the final book.

Among the special topics discussed are ignorant physicians, the role of ecclesiastics and religion in general in medicine, charlatans and persons trying to exploit medical secrets, and jurisprudence in relation to medicine, surgery, and pharmacy. The second book contains a chapter on book censorship.

Verdier intended this book as a résumé of a four-part study on the medico-legal aspects of medicine, surgery, and pharmacy in France, but only two of the planned volumes were published (each in two volumes, in 1763-64). The author was for a time the personal physician of King Stanislas of Poland. Verdier was a member of a family devoted to the mechanical correction of deformities (one of Verdier's nephews introduced rubber surgical appliances into France), and he appears to have had a private clinic in Paris for treating patients. Verdier also published books on vaccination and on the work of Franz Joseph Gall.

OCLC locates copies in the U.S. at Duke, Harvard (law school), National Library of Medicine, University of California/Berkeley (law school), UCLA, and Yale.

See Hirsch, *Biographisches Lexikon*, 5:728; Le Vay, *History of orthopaedics*, 237.

Early American book on medical jurisprudence

25. WEBSTER, James, Jr. *An essay on medical jurisprudence.* Philadelphia: printed by William Brown, 1824. Modern cloth-backed

marbled boards. Inscribed by Webster: "To/ Professor Horner / with the compts of the / Author." Foxing. A very good copy. \$750

Collation: [6], [5]-52 pp.

First edition of Webster's "inaugural essay" for a medical degree at the University of Pennsylvania. This is one of the earliest contributions by an American to medical jurisprudence.

Webster's Essay is based on close reading of the few texts then available in English including Beck's Elements of medical jurisprudence (Albany, 1823), Male's Epitome of juridical and forensic medicine (London, 1816), and Smith's Principles of forensic medicine (London, 1821). Chapter 1 (pp. [5]-10) covers the "phenomena" and "termination" of pregnancy. The second chapter (pp. 10-52) reviews the numerous ways of causing death and the methods for their detection. Webster discusses infanticide (pp. 15-24) and homicide (pp. 24-52), and under the latter heading deals with wounds leading to death, hanging, drowning, suffocation, strangulation, and poisons.

Webster had been encouraged by his father to study law, and his medical dissertation may reflect that early interest. He later acquired a reputation as an anatomist.

OCLC locates copies in the U.S. at American Philosophical Society, Commonwealth Library/Pennsylvania, Duke, Huntington, National Library of Medicine, Pennsylvania, and University of Texas/Austin.

See Kelly and Burrage, American medical biography, 1274,

William Edmonds Horner, the recipient of this copy, was an eminent American anatomist. He followed John Syng Physick to the chair of anatomy at the University of Pennsylvania. See Garrison-Morton 1494 and 2287; Kelly and Burrage, 595-97.

First Swedish book on forensic medicine

26. WISTRAND, August Timoleon. Handbok i forensiska Medicinen. Stockholm: Zacharias Hæggström, 1838. Contemporary unlettered half calf, boards (edges slightly rubbed). Small stain on title; small pieces torn from several blank margins. A good copy. \$950

Collation: xiv, [2], 312 pp.

First edition of the first book in Swedish on forensic medicine.

Wistrand received his medical education in Upsala where he spent most of his career following a period as a military physician. He was the author of a fair number of books including further books on medical jurisprudence. His bibliography is given by Hirsch, Biographisches Lexikon, 5:970.

OCLC locates copies in the U.S. at Harvard, Johns Hopkins, National Library of Medicine, and Virginia Tech.

Nemec, Highlights in medicolegal relations, no. 394.