

A LIST TO CELEBRATE THE
*48th California International
Antiquarian Book Fair*

January 27, 2015

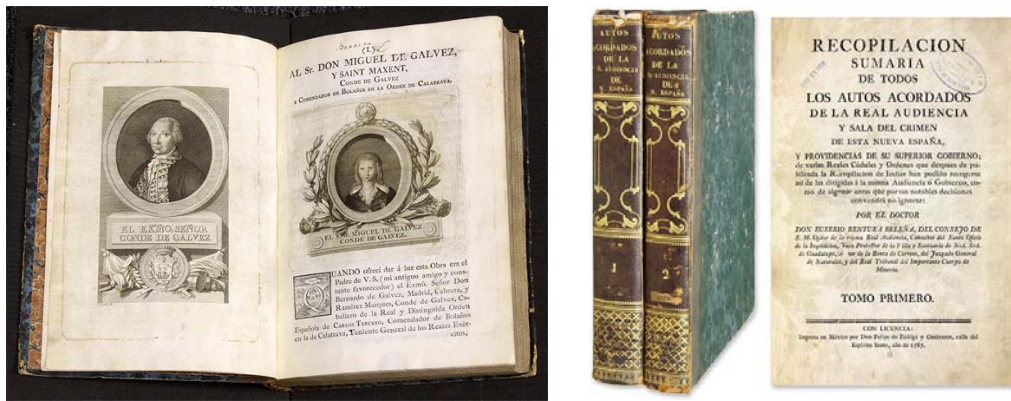


THE
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A List to Celebrate the 48th California International Antiquarian Book Fair

27 January 2015



Very Scarce 1787 Mexican Compilation of Colonial Spanish Laws

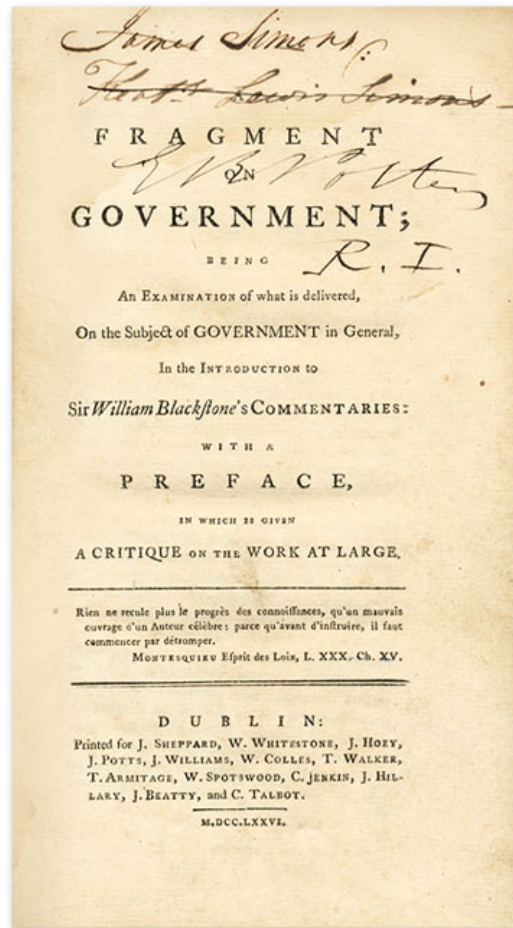
1. Belena, Eusebio Buenaventura [1736-1794].

Montemayor y Cordova de Cuenca, Juan Francisco de [1620-1685].

Recopilacion Sumaria de Todos los Autos Acordados de la Real Audiencia y Sala del Crimen de Esta Nueva Espana, y Providencias de su Superior Gobierno; De Varias Reales Cédulas y Ordenes que Despues de Publicada la Recopilacion de Indias Han Podido Recogerse asi de las Dirigidas a la Misma Audiencia o Gobierno, Como de Algunas Otras que por sus Notables Decisiones Convendra no Ignorar. [Mexico City]: Por don Felipe de Zuniga y Ontiveros, 1787. Six volumes in two books, each with title page, Books 3-5 paged continuously, first book preceded by introduction and tables preceded by general title page. Copperplate portraits to verso of title-page and first leaf of introduction. Folio (11" x 7-1/2")

Later (probably nineteenth-century) quarter morocco over marbled boards, gilt titles and ornaments to spine, marbled endpapers. Light wear to boards, moderate rubbing to extremities, corners bumped and somewhat worn, some chipping to head of spine, front joints just starting at head, hinges cracked. Attractive woodcut initials, two depicting the native Mexican landscape. Marginalia in early hand to a few leaves. Light toning, somewhat heavier in places, light foxing to some leaves. Annotations in early hand to a few leaves in Parts 3-6, interior otherwise clean. Ex-library. Small shelf label to foot of second book, stamps to title pages. A solid copy of a very scarce title. \$5,000.

* First edition. This is an important compilation of legislation, royal orders and criminal court decisions in colonial Mexico. According to Sabin, this is a book of "highest rarity." Many of these deal with law, slaves, property rights and the local government of the Native Americans. Part I: Recopilacion Sumaria de Algunos Autos Acordados de la Real Audiencia y Chancilleria de la Nueva Espana. Part II: Recopilacion de Algunos Mandamientos y Ordenanzas del Gobierno de esta Nueva Espana. Part III: Recopilacion Sumaria de los Autos Acordados de la Real Audiencia de esta Nueva Espana. Part IV: Recopilacion Sumaria de los Autos Acordados de la Real Sala del Crimen de la Audiencia de Esta Nueva Espana. Part V: Recopilacion Sumaria de las Providencias de este Superior Gobierno Posteriores a las Recopiladas por el Señor Montemayor, y las Reales Cédulas y Ordenes que Despues de Publicada la Recopilacion de Indias... Part VI: Copias a la Letra Ofrecidas en el Primer Tomo de la Recopilacion Sumaria de Todos los Autos Acordados de la Real Audiencia y Sala del Crimen de Esta N.E. OCLC locates 5 copies in North American law schools (UC-Berkeley, Tulane, Harvard, Rutgers and Columbia). Sabin, *A Dictionary of Books Relating to America* 56261. Palau, *Manual del Librero Hispano-Americano* 26569.



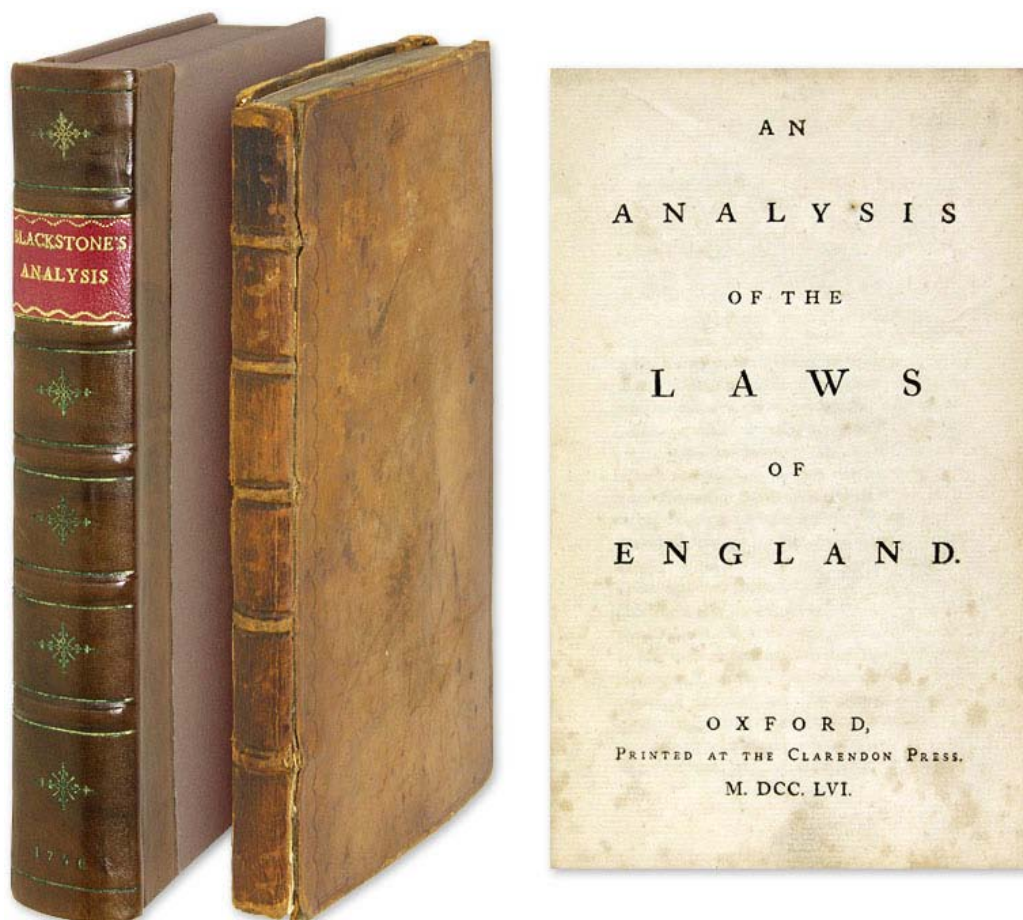
Rare First Irish Edition of Bentham's *Fragment on Government*

2. [Bentham, Jeremy (1784-1832)].

A Fragment on Government: Being an Examination of What is Delivered, On the Subject of Government in General, In the Introduction to Sir William Blackstone's Commentaries: With a Preface, In Which is Given a Critique of the Work at Large. Dublin: Printed for J. Sheppard, W. Whitestone, J. Hoey, J. Potts, J. Williams, J. Colles, T. Walker, T. Armitage, W. Spotswood, C. Jenkin, J. Hillary, J. Beatty, and C. Talbot, 1776. [ii], xli, [1], 132 pp. Octavo (8-1/4" x 4-3/4").

Recent period-style calf, gilt spine with lettering piece, endpapers renewed. Light toning, heavier in places, faint dampstaining to upper margins of text block in places. Early owner signatures to title page (of James Simons, Robert Lewis Simons and E. B. Potter, R.I.), interior otherwise clean. An appealing copy in an attractive binding. \$4,500.

* First Irish edition, published in London in the same year. This is Bentham's first work and a masterly criticism of Blackstone's *Commentaries*. "As Bentham is one of the few English writers of mark upon the theory of political institutions, and as his doctrine forms a link in the chain of English political philosophy, we still read the "Fragment in government" in order to see, not how far Blackstone was wrong, but how far Bentham was right (Montague)." The work was the first indication of the genius which later made him the foremost writer in the field. Not seen by Eller, who mentions it in a footnote. OCLC locates 6 copies in North America, 2 in law libraries (Baylor, Ohio State). Additional copies found at Yale Law School and the Library of Congress. The ESTC locates eight locations in the British Isles. Montague, "Introduction" in Bentham, *A Fragment of Government* (Oxford, 1891) 59. Not in Eller. Laeuchli, *A Bibliographical Catalog of William Blackstone* 577.



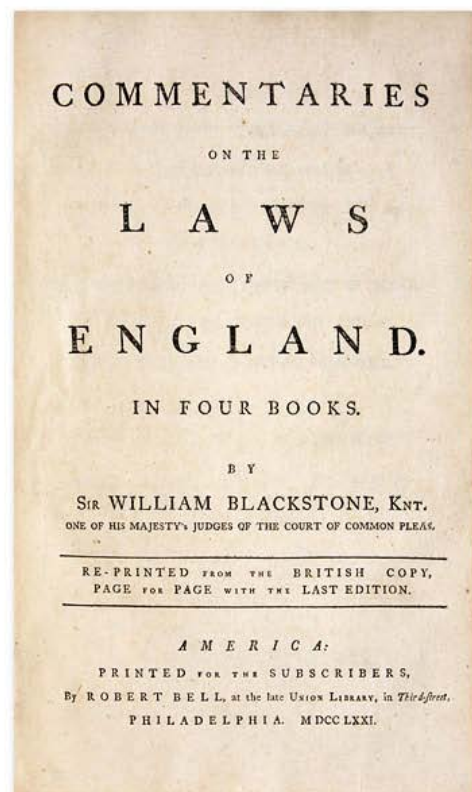
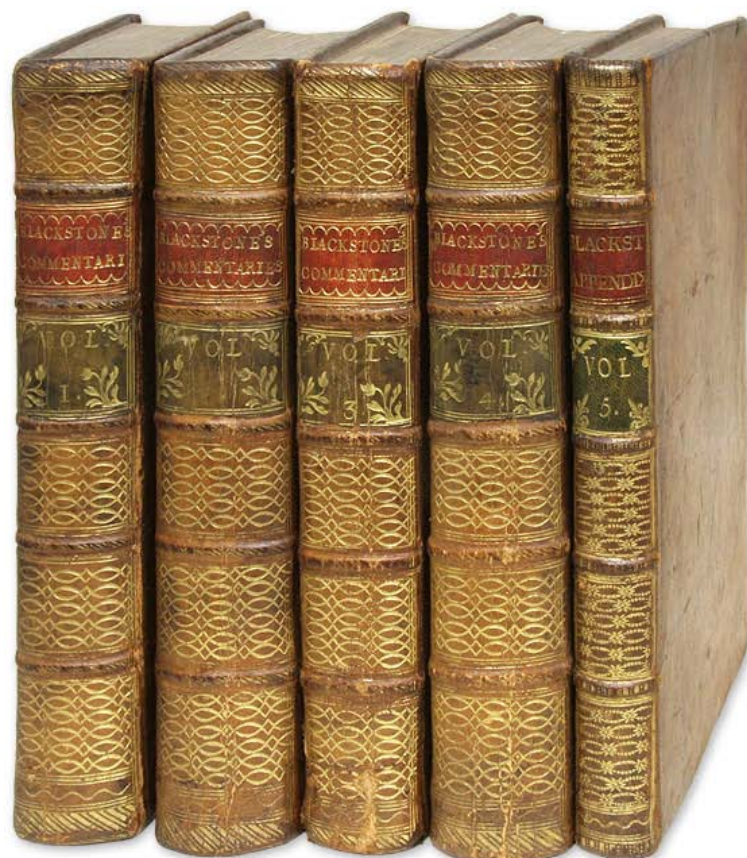
The Outline for Blackstone's *Commentaries*

3. [Blackstone, Sir William (1723-1780)].

An Analysis of the Laws of England. Oxford: Printed at the Clarendon Press, 1756. x, [iv], 180 pp. 2 copperplate tables, 1 folding. Octavo (7-3/4" x 5").

Contemporary calf, blind rules and fillets to boards, rebacked retaining existing unlettered spine with raised bands. Light rubbing and some scratches to boards, moderate rubbing to extremities, corners bumped and somewhat worn, early armorial bookplate (of Sir John Hussey Delaval) to front pastedown, lower corners of rear endleaves restored. Light toning to text, somewhat heavier in places, occasional faint dampspotting. Delaval's signature and a later owner stamp (of Arthur W. Baldwin) to front free endpaper, interior otherwise clean. Book housed in period-style quarter-calf over cloth clamshell box, raised bands and lettering piece to spine. An appealing copy of a scarce title. \$5,000.

* First edition. Published anonymously, the *Analysis* is a synopsis of Blackstone's Vinerian lectures at Oxford. Issued as a companion to his course, it was, in effect, the outline for Blackstone's *Commentaries on the Laws of England* (1765-1769). The main text is preceded by a detailed diagrammatic table of contents. The plates depict lines of descent and consanguinity. OCLC locates 14 copies in North American law libraries. *English Short-Title Catalogue* T56692. Eller, *The William Blackstone Collection in the Yale Law Library* 217. Laeuchli, *A Bibliographical Catalog of William Blackstone* 520.



Exceptional Set in Elaborate Colonial Bindings of the First American Edition of Blackstone's *Commentaries* with the Fifth Appendix Volume

4. Blackstone, Sir William.

Commentaries on the Laws of England. In Four Books. Re-Printed From the British Copy, Page for Page with the Last Edition. America [Philadelphia]: Robert Bell, 1771-772. Four volumes. [viii], ii, [vi], 485; [viii], 520, xix; [viii], 455, [1], xxvii; [xxx], vii, 39 pp. Volume III leaf Iii2 (pp. 451-452) lacking, signature Mmm (pp. xvii-xxiv) lacking, replaced with signature Mmm from Volume I due to a binder error. Copperplate Table Of Consanguinity and copperplate folding Table of Descents in Volume II. 22-page subscriber list in Volume IV. Publisher advertisement in Volume I, two leaves before title page, and Volume III, p. 456. There are also tipped-in publisher advertisements to front endleaves of Volumes III and IV.

[And]

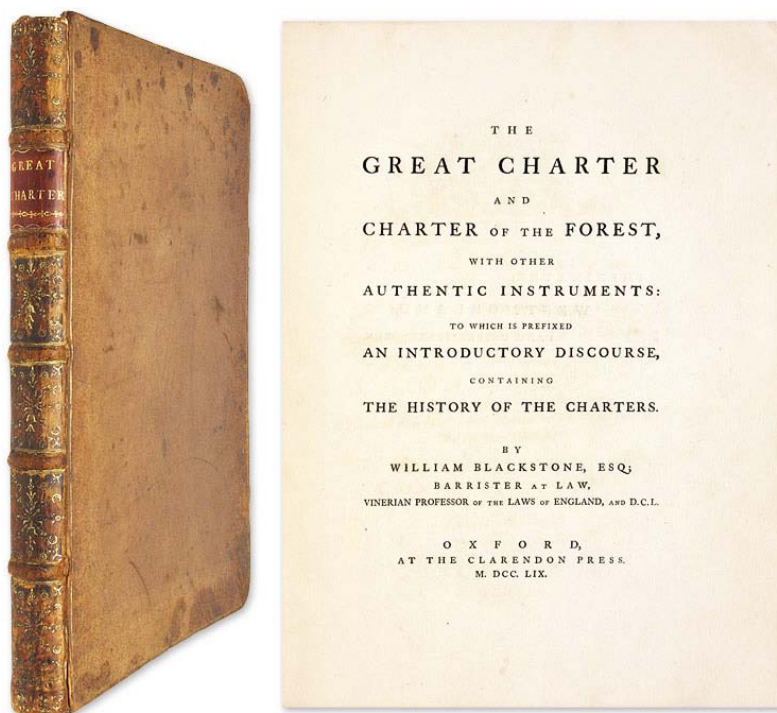
[Priestley, Joseph (1733-1804),

Sir William Blackstone, Philip Furneaux (1726-1783), Sir Michael Foster (1689-1763) and William Murray, Earl of Mansfield (1705-1793)].

An Interesting Appendix to Sir William Blackstone's Commentaries on the Laws of England. Containing, I. Priestley's Remarks on Some Paragraphs in the Fourth Volume of Blackstone's Commentaries, Relating to the Dissenters. II. Blackstone's Reply to Priestley's Remarks. III. Priestley's Answer to Blackstone's Reply. IV. The Case of the Late Election of the County of Middlesex Considered on the Principles of the Constitution and the Authorities of Law. V. Furneaux's Letters to the Hon. Mr. Justice Blackstone Concerning His Exposition of the Act of Toleration, and Some Positions Relative to Religious Liberty, In His Celebrated Commentaries on the Laws of England. VI. Authentic Copies of the Argument of the Late Hon. Mr. Justice Foster in the Court of Judge Delegates, and of the Speech of the Right Hon. Lord Mansfield in the House of Lords, in the Cause Between the City of London and the Dissenters. Philadelphia: Printed for the Subscribers, by Robert Bell, 1773. [iv], iv, [5]-119, [1], xii, 155, [1] pp. Includes one-page publisher advertisement. Five volumes in all. Complete set.

Octavo (8-3/4" x 5-1/2"). Contemporary calf, with elaborately gilt decorated spines, raised bands and lettering pieces, gilt dentelles to edges of boards. Moderate rubbing to extremities, minor stains and abrasions and scuffs to boards, spines lightly abraded, corners bumped and lightly worn, some worming to rear joint of Volume I near head of spine, near-invisible Volume III at foot of spine, a few hinges cracked or starting, bookplate residue to front pastedown of each volume. Light toning to text, somewhat heavier in places, light foxing in places, offsetting to margins of endleaves, minor worming to a few preliminary leaves of Volume IV (before title page) internally clean. A superb copy in unusually handsome well-preserved period bindings. \$20,000.

* First American edition of the *Commentaries* with the second issue of the *Interesting Appendix*. Blackstone's *Commentaries*, a synoptic review of the English legal system, is the most influential publication in the history of modern Anglo-American law. It was especially popular in America, where it was the standard introductory legal textbook into the late nineteenth century and was the primary, or only, book studied by hundreds of self-taught lawyers, such as Abraham Lincoln. The first multi-volume book printed in America, Bell's edition, a reprint of the fourth London edition, 1770, is a landmark in the history of American publishing. Our set contains the two tipped-in advertisement leaves, for *An Interesting Appendix* (Volume III) and Ferguson's *Essay on the History of Civil Society* (Volume IV), that are often missing in copies of this set. Volume IV also includes a 22-page subscriber list that includes John Adams, John Jay, John Dickinson, several colonial governors and many leading merchants, judges and military officers of colonial America. An original work compiled by Bell, *An Interesting Appendix* is a group of essays on religious liberty inspired by a passage in the *Commentaries*, Book IV, Chapter 4, Section III, "Of Offences Against God and Religion." Intended to be the fifth volume of his Blackstone edition, it was first published in 1772. The English-style binding of our set is uncommonly ornate and accomplished for an eighteenth-century American book. We have never seen a copy of this title with such a handsome contemporary binding. The spine of *An Interesting Appendix* differs slightly from the uniform spines of Volumes I-IV, but was clearly designed to match them as closely as possible. Eller, *The William Blackstone Collection in the Yale Law Library* 80, 255. Laeuchli, *A Bibliographical Catalogue of William Blackstone* 131, 616.



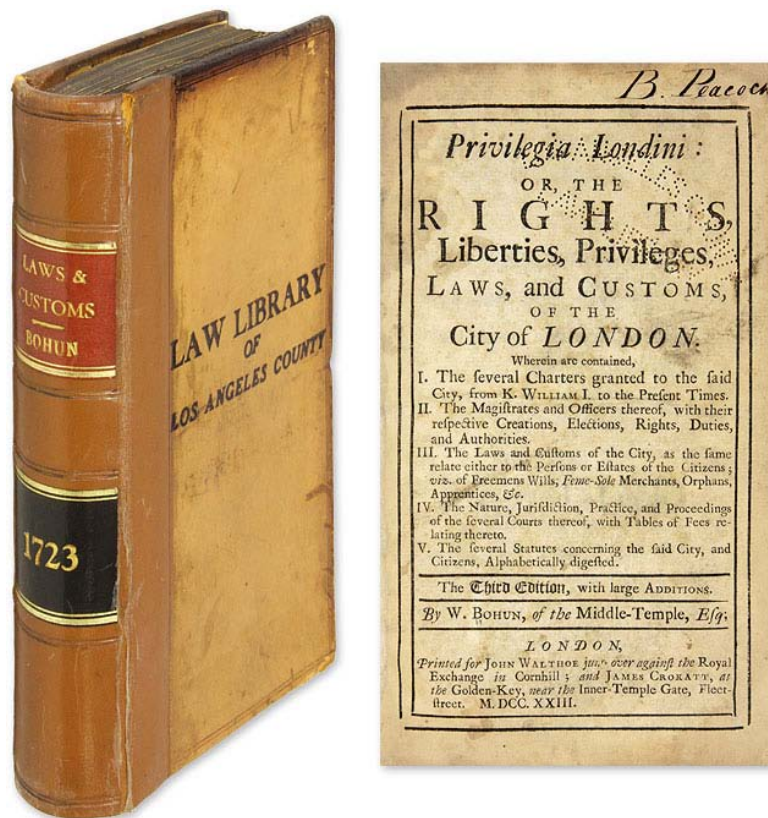
Blackstone's Handsome Edition of *Magna Carta*

5. Blackstone, Sir William.

The Great Charter and Charter of the Forest, With Other Authentic Instruments: To Which is Prefixed an Introductory Discourse, Containing the History of the Charters. Oxford: Clarendon Press, 1759. [iv], lxxvi, [iv], 86 pp. As in many copies, the half-title and table of contents (Tabula) are bound between pp lxxvi and p. 1. Folio (13-1/2" x 10-1/2").

Contemporary calf, gilt rules to boards, raised bands, gilt ornaments and lettering piece to spine, dentelles to board edges, marbled endpapers. Rubbing to extremities with wear to head of spine, front joint cracked, rear joints starting, corners bumped and somewhat worn, a few shallow scuffs and some minor staining to boards. Moderate toning to text, light foxing in places, upper corner of text block bumped, internally clean. \$6,000.

* First edition. Texts of documents in Latin, Blackstone's essay in English. The engraved dedication to the Earl of Westmoreland is surmounted with his armorial ensigns; initials in the text are ornamented with engravings of various buildings at Oxford University. The tail pieces on pages lxxvi and 73 are historical vignettes; the other ten tail-pieces are facsimiles of the royal seals attached to the original documents. This remarkable work is esteemed for its production and scholarship. Its physical appeal was recognized as early as 1829 in Richard Thompson's *An Historical Essay on the Magna Charta of King John*, which described it as a "beautiful and rare edition." Blackstone's essay, which is based on a great deal of original research, supported Coke's belief that the charter was the foundation of English liberties. More important, Blackstone's research into the original texts demonstrated that all earlier editions of the charter were based on the significantly different reissue of 1225, in the reign of Henry III, rather than the original one endorsed at Runnymede. His philological approach was highly influential; it established the textual focus that has governed subsequent study of the charter. Eller notes that Worrall's *Bibliotheca Legum Angliae* (1788) lists an edition from 1758 with the title *Magna Charta and Charta de Foresta*. She was not able to locate any copies, however. Later research, including that of Ann Laeuchli, indicates this edition is a ghost. Eller, *The William Blackstone Collection in the Yale Law Library* 237. Laeuchli, *A Bibliographical Catalog of William Blackstone* 548.



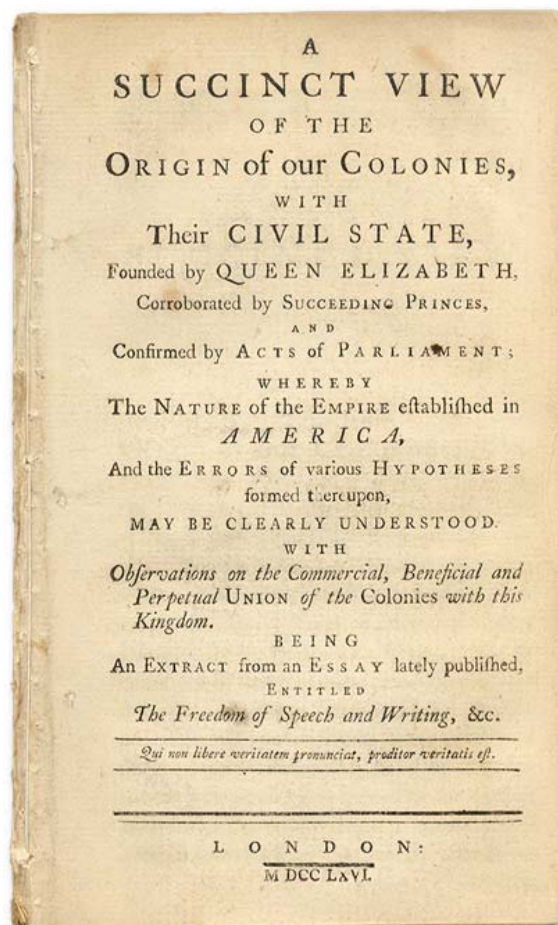
The Laws, Rights and Liberties of London

6. Bohun, William.

Privilegia Londini: Or, The Rights, Liberties, Privileges, Laws, And Custom of the City of London. Wherein are Contained, I. The Several Charters Granted to the Said City, From King William I. to the Present Times. II. The Magistrates and Officers Thereof, With Their Respective Creations, Elections, Rights, Duties, And Authorities. III. The Laws and Customs of the City, As the Same Relate Either to the Persons or Estates of the Citizens; Viz. of Freemens Wills, Feme-Sole Merchants, Orphans, Apprentices, &c. IV. The Nature, Jurisdiction, Practice, And Proceedings of the Several Courts Thereof, With Tables of Fees Relating Thereto. V. The Several Statutes Concerning the Said City, And Citizens, Alphabetically Digested. With Large Additions. London: Printed for D. Browne, W. Mears, [et al.], 1723. xvi, 498, [22] pp. Octavo (7-1/2" x 4-3/4").

Contemporary calf, blind frames to boards, later calf rebacking with blind fillets and red and black lettering pieces, endpapers renewed. Rubbing to extremities with light wear, a few minor scuffs to boards. Woodcut head-pieces, tail-pieces and decorated initials. Moderate toning to text, occasional light dampspotting. Early owner name to head of title page, annotations to margins of a few leaves. Ex-library. Inkstamps to boards, bookplate to front pastedown, perforated stamps to title page and a few other leaves. A solid copy. \$950.

* Third and final edition. "Having observed in the Course of our English History many Attempts made (by the Ministers of some artful and designing Princes) to weaken and undermine the ancient, legal, and fundamental Rights, Liberties, and Privileges of the City and Citizens of London: I thought myself obliged to Endeavor to collect and ascertain such Laws, Customs, and Usages of the said City, Wherein the Original Constitution and Foundation of its Government seem to have been laid; and whereby its Happiness, Opulency, and Glory do (under God and his present Majesty) evidently subsist" (Preface). Though little is known about him personally, Bohun was an attorney and prolific author who published well-received treatises on legal education, pleading, ecclesiastical law and other subjects. The first and second editions of *Privilegia Londini* were published in 1702 and 1716. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:436 (27).



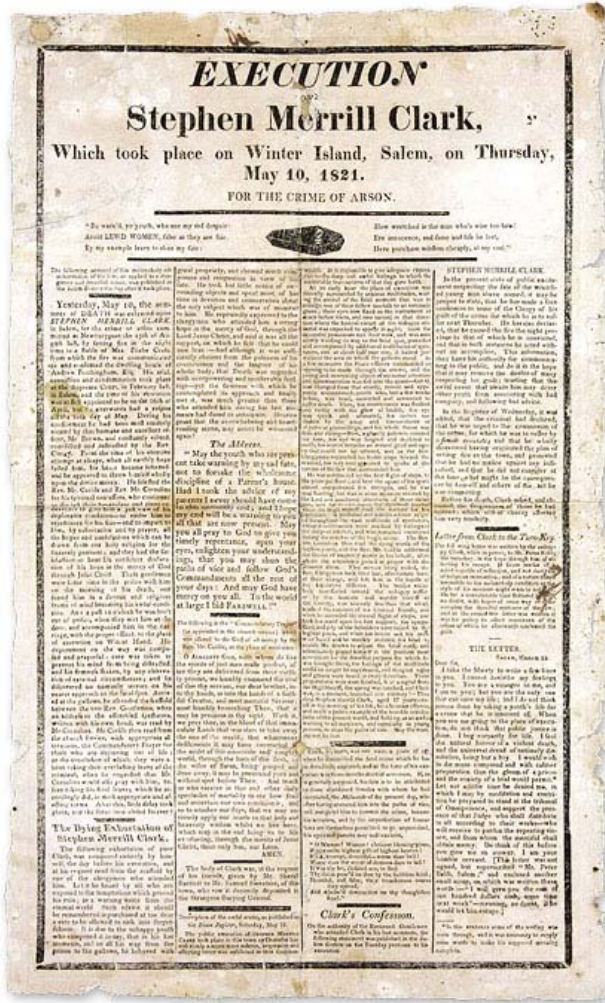
**1766 Pamphlet Questioning
the Extent of Parliamentary Supremacy**

7. [Bollan, William (c.1710-1776)].

A Succinct View of the Origin of our Colonies, With Their Civil State, Founded by Queen Elizabeth, Corroborated by Succeeding Princes, And Confirmed by Acts of Parliament; Whereby the Nature of the Empire Established in America, And the Errors of Various Hypotheses Formed Thereupon, May be Clearly Understood. With Observations on the Commercial, Beneficial and Perpetual Union of the Colonies with This Kingdom. Being an Extract from an Essay Lately Published, Entitled The Freedom of Speech and Writing, &c. London: S.n., 1766. [ii], 46 pp. Octavo (7" x 4-1/2").

Stab-stitched pamphlet bound into recent stiff marbled wrappers, printed title panel to front cover. Moderate toning to text, light foxing to a few leaves, small chip to fore-edge of title page, internally clean. \$2,500.

* Only edition (in this form). Bollan was a lawyer and agent for Colony of Massachusetts. A *Succinct View* is an extract from Bollan's *The Freedom of Speech and Writing upon Public Affairs Considered*, a longer work first published in 1766, that discusses the role of parliamentary supremacy. It is a subtle and somewhat subversive work. Bollan begins by asserting "that the 'care of common rights' should be left to Parliament. In the midst of what was essentially an apology for parliamentary supremacy, Bollan thus implied, first, that some non-common rights existed, and second, that protecting such rights might be within the purview of an authority other than Parliament" (LaCroix). OCLC locates several copies, but none in law libraries. LaCroix, *The Ideological Origins of American Federalism* 242 (n94). Sabin, *A Dictionary of Books Relating to America* 93387. *English Short-Title Catalogue* N24544.



An Event That Advanced a Successful Movement to Reduce the Number of Capital Crimes in Massachusetts

8. [Broadside].
[Execution].
[Salem, Massachusetts].

Execution of Stephen Merrill Clark, Which Took Place on Winter Island, Salem, On Thursday, May 10, 1821. Salem, MA?: S.n., 1821. 17-3/4" x 11" broadside. Text in four columns enclosed by black rules, small woodcut of a coffin below headline, untrimmed edges.

Light browning, fold lines, a few unobtrusive repairs, a few tiny dampspots. A rare item \$1,850.

* In 1820 Clark burned down a barn. There was no loss of life, but he was tried for a capital crime, found guilty and sentenced to death. The jury recommended commutation to no avail. He was sixteen years of age when he committed the crime, seventeen when executed. His case helped to advance a successful movement to reduce the number of capital crimes. By 1852 only murder remained as a capital offense. OCLC locates 4 copies (at Yale Law School, the New-York Historical Society, the Massachusetts Historical Society and the Vermont Historical Society). We located another copy at the American Antiquarian Society. Cohen lists this item but notes that he didn't handle a copy; his entry based on a dealer's catalogue. Cohen also notes another broadside, again unseen, a 16-page pamphlet at Harvard Law School, and a 63-page report of the trial, at Yale Law School. Curiously, there is nothing for Clark in McDade, which is surprising given the contemporary and long-term importance of the case. These omissions in McDade suggest the rarity of these four accounts. Cohen, *Bibliography of Early American Law* 1238.



"The Burglar Carried Away Mr. Griffith's Pantaloons"

9. [Broadside].

[New York].

\$500 Reward! A Reward of \$500 Will Be Paid for the Arrest and Conviction of the Person Who Entered the House of John M. Griffith... Portage, NY: October 11, 1897.

14" x 10" broadside. Light toning and edgewear, minor foxing, three horizontal and one vertical fold lines, some with minor tears, a few mended on verso with archival tape. \$400.

*The criminal "committed an assault upon [Griffith] by striking him in the face with a revolver, breaking his nose and cheek bone and severely [sic] injuring him." The burglar then "carried away Mr. Griffith's pantaloons containing about \$6 or \$7 in cash and his keys [sic]." Portage is a town in Livingston County, New York. No copies located on OCLC.



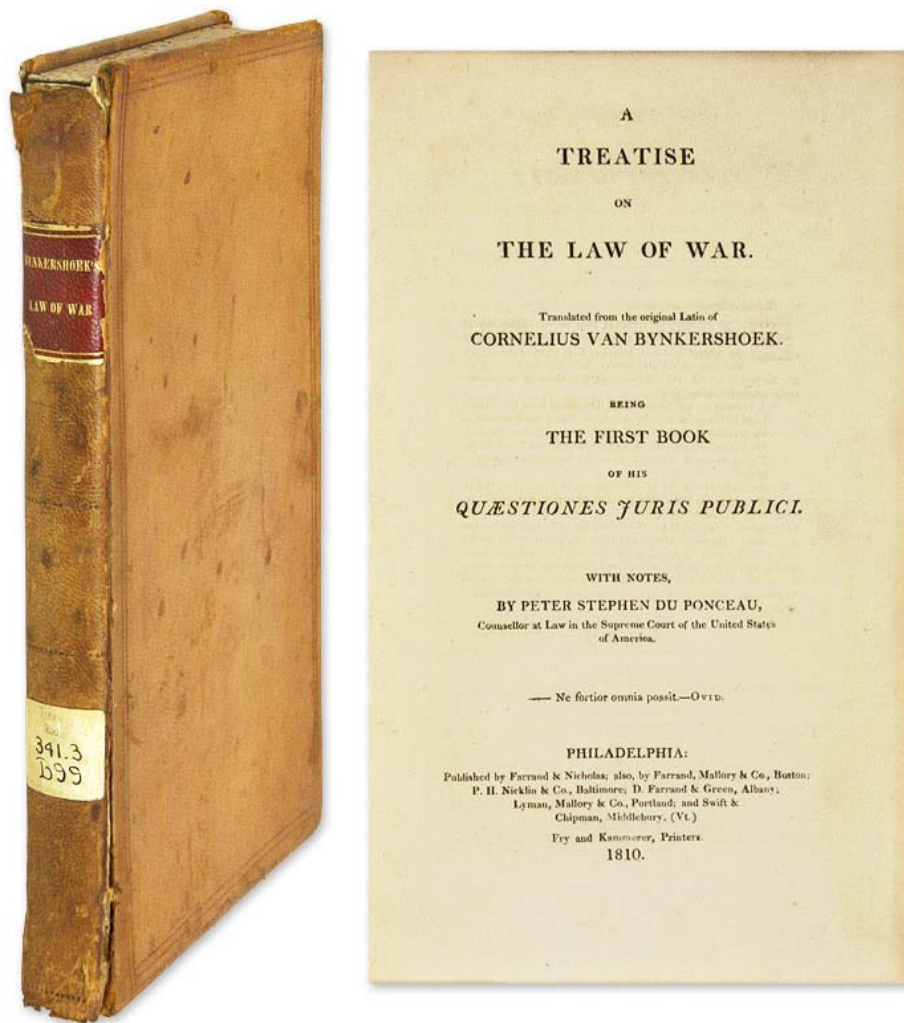
461 Consilia by a Notable Mantuan Jurist

10. Bursati (Borsati), Francesco [16th. c.].

Consiliorum Sive Responsorum. Frankfurt: Ex Officina Typographica Ioannis Saurii, 1601 (Volume I), Sumptibus Rulandiorum, 1610 (Volume II), Apud Ioannem Fejrabend, 1594 (Volumes III and IV). Four volumes bound in one book. Complete as issued. Main text in parallel columns. Folio (15" x 9-1/2").

Contemporary vellum, blind rules and large central arabesques to boards, rebacked retaining original spine with raised bands and early hand-lettered title, ties lacking. Light soiling, moderate wear to extremities, large scuff to front board, corners worn, vellum beginning to crack through pastedowns, rear hinge starting at ends. Armorial bookplate of William Curtis Noyes to front pastedown, title page of Volume I printed in red and black, large woodcut printer devices to all title pages, woodcut head-pieces, tail-pieces and decorated initials throughout. Toning, occasional browning, light foxing and dampspotting, minor creases and edgewear to a few leaves. Neat early underlining and annotations in a few places, interior otherwise clean. \$7,500.

* Second and final edition. These massive volumes collect 461 consilia (detailed analysis of specific legal points) by a notable Mantuan jurist. Most of these deal with canon law. This collection was first published in Venice in four volumes from 1573-1586. Both editions are very scarce today, both as sets and individual volumes. OCLC locates 6 complete copies of the second edition, 1 in North America (Harvard Law School). Another copy located at the Library of Congress. Noyes [1805-1864] was a leading New York lawyer and a member of the commission to codify the state's laws, which resulted in the Field Codes. A man of extensive learning, he owned one of the finest law libraries in the United States. Adams, *Catalogue of Books Printed in the Continent of Europe* B2523. Pazzaglini and Hawks, *Consilia* B119, B120, B121.



Du Ponceau's Edition of Bynkershoek

11. Bynkershoek, Cornelius van [1673-1743].

Du Ponceau, Peter Stephen [1760-1844], Editor and Translator.

A Treatise on the Law of War: Being the First Book of His Quaestiones Juris Publici. Translated From the Original Latin with Notes. Philadelphia: Published by Farrand & Nicholas [et al.], 1810. xxxiv, 218 pp. Octavo (8-1/2" x 5-1/2").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Some rubbing to extremities, chipping to spine ends, front board just beginning to separate but still quite secure, rear joint starting, rear hinge cracked, rear board secure. Offsetting to margins of endleaves, toning to text, light browning and dampspotting in places. Early annotations in pencil to front pastedown, interior otherwise clean. Ex-library. Location label to spine, bookplate residue to front pastedown, card pocket to rear. A solid copy. \$750.

* Only edition, one of two issues (the other in Volume III of the *American Law Journal*). A translation of *De Rebus Bellicis*, part one of Bynkershoek's *Quaestiones Juris Publici* (1737), *A Treatise on the Law of War* addresses the customs of land and sea warfare. A notably humane work, it condemns actions against civilians and advocates the fair treatment of prisoners of war. Du Ponceau's able translation is prefaced by a biography of the author, a table of cases, an index of citations from *the Corpus Juris Civilis* and an annotated bibliography of civil law treatises cited or referred to by the author. This latter item, which lists editions and translations, is interesting for its insights into the American reception of the civil law in the early 1800s. One of the most important jurists and international lawyers of his time, Bynkershoek was an influential Dutch jurist who founded the positive school of international law, which held that usage and practice were more important than deductions drawn from natural law. Du Ponceau is an important figure in the early history of American Law and letters. He founded the Law Academy of Philadelphia in 1821, was the President of the American Philosophical Society and was a much-consulted expert on international relations and linguistics. Cohen, *Bibliography of Early American Law* 7166.



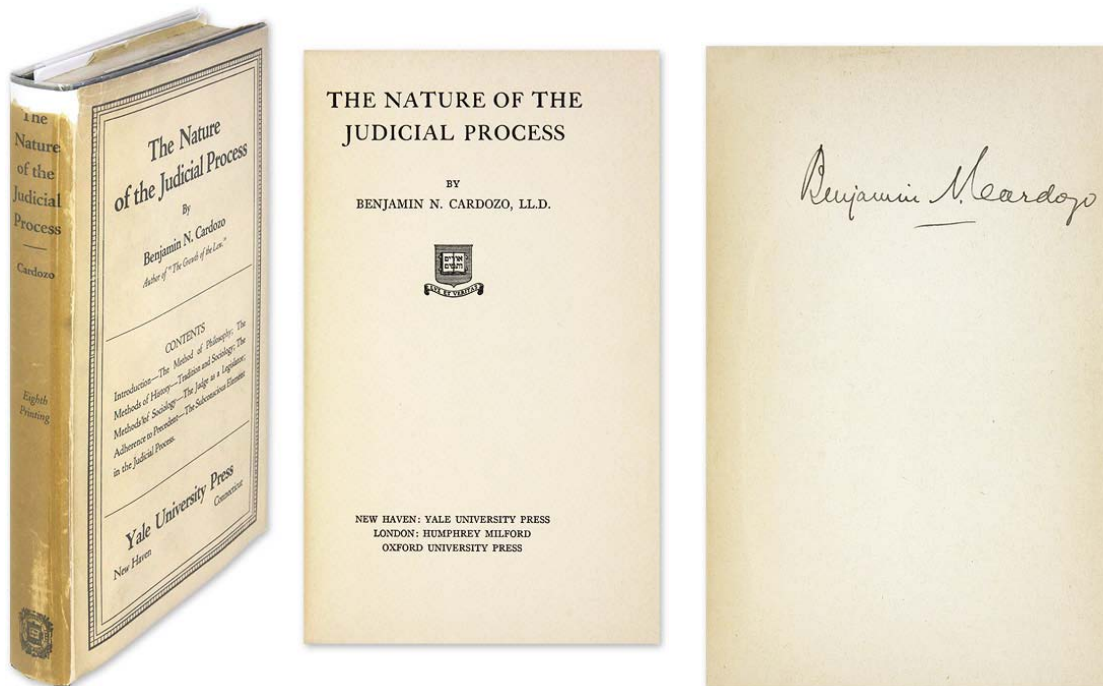
Commemorative Document Relating to the First Public Execution Using the Electric Chair

12. [Capital Punishment].

[Thomas Edison].

In Common Council, Stated Session, Monday, September 23rd, 1889, Hon. John McCarty, President in the Chair and a Quorum Present. (...) A Singularly Brutal and Wanton Murder was Committed on August 22nd, 1889 at 171 Jay Street (...) on the Person of an Estimable and Inoffensive Citizen, The Late Christian W. Luca. Whereas the Prompt Arrest of the Red-Handed Murderer and His Accessories Exemplified by the Acumen, Activity, Courage, And Devotion to Duty, Which is Characteristic of the Police Force of the City of Brooklyn, In a Marked Degree... [Brooklyn: Kensington Art Studio, 1889]. 13-1/2" x 9-1/4" albumen photograph of printed and manuscript certificate mounted on 14" x 11" board. Light rubbing to edges, otherwise fine. \$650.

* This certificate commemorated a resolution honoring members of the Brooklyn Police Department, the Second Precinct. The 1889 murder of Christian W. Luca, a grocer, by Charles McElvaine during a botched robbery, caused a sensation in Brooklyn and New York. McElvaine pleaded insanity, but was eventually sentenced to "death by electricity" after two years of trials and appeals. This was a controversial form of execution. The widely reported first electrocution in 1890, which used apparatus designed by the Edison Company, was a gruesome event. As a result of a gag order issued afterwards, members of the press and other witnesses were barred from the four executions that followed over the next eighteen months. Despite official claims that the electric chair delivered painless executions, stories of additional gruesome deaths found their way into print. The state had to act. Edison redesigned the electric chair, replacing metal electrodes affixed to the head and leg with a pair of electrodes in water-filled jars in which the condemned person's forearms were immersed. Satisfied that this new design resolved the issues that marred previous executions, the state lifted the gag order and invited eight reporters and Edison's chief engineer to witness McElvaine's demise. Unfortunately, Edison's theory of a "wet work" electric chair execution proved wrong, resulting in a terribly inhumane and brutal experiment. McElvaine died, but only after a miserable period of torture. This execution shaped public opinion and intensified the capital punishment debate, a debate that continues today.



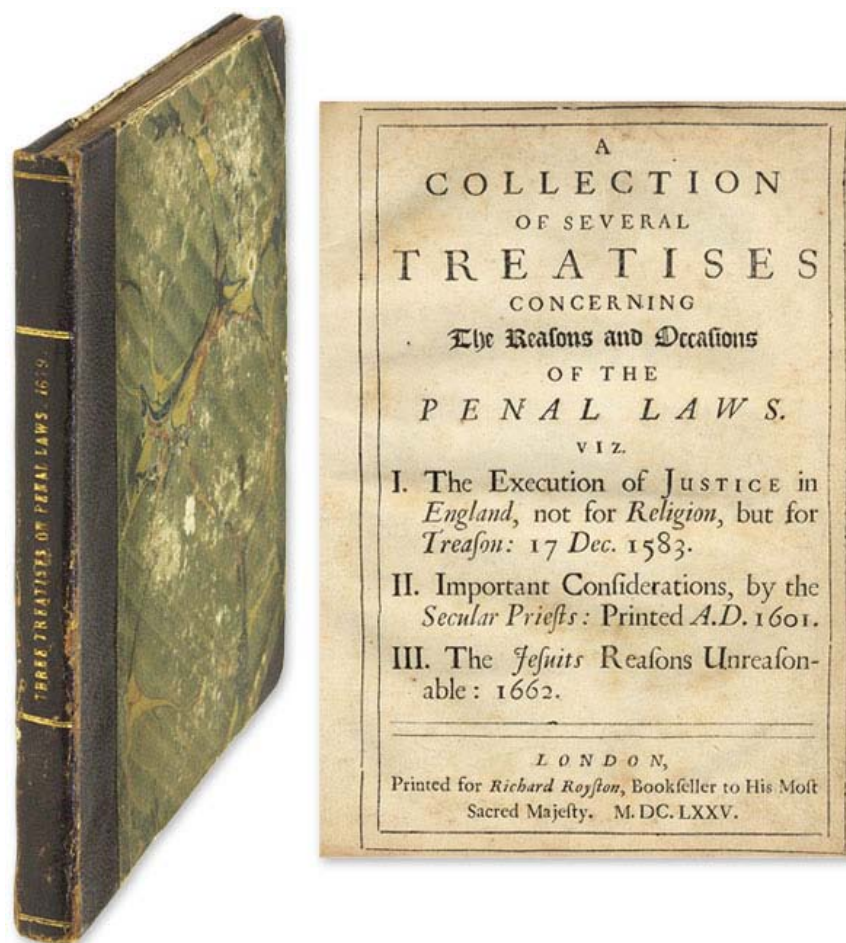
Cardozo's Most Influential Work, Signed by the Author

13. Cardozo, Benjamin N. [1870-1938].

The Nature of the Judicial Process. New Haven: Yale University Press, [1921 (1932 printing)]. 180 pp.

Cloth in dust jacket. Light soiling to spine of dust jacket, some wear to head. "Benjamin N. Cardozo" in bold hand to front free endpaper, internally clean. \$1,000.

* First edition, eighth printing. The Storrs Lectures delivered at Yale University Law School in 1921. One of the most important legal works of the twentieth century, *The Nature of the Judicial Process* argued that judges create law. Along with Holmes' *The Common Law*, this book is one of the seminal works that helped the American bar to move beyond the formalism of nineteenth-century jurisprudence.



Fear and Distrust of Charles II

14. [Cecil, William, Lord Burghley (1520-1598)].

[Bluet, Thomas].

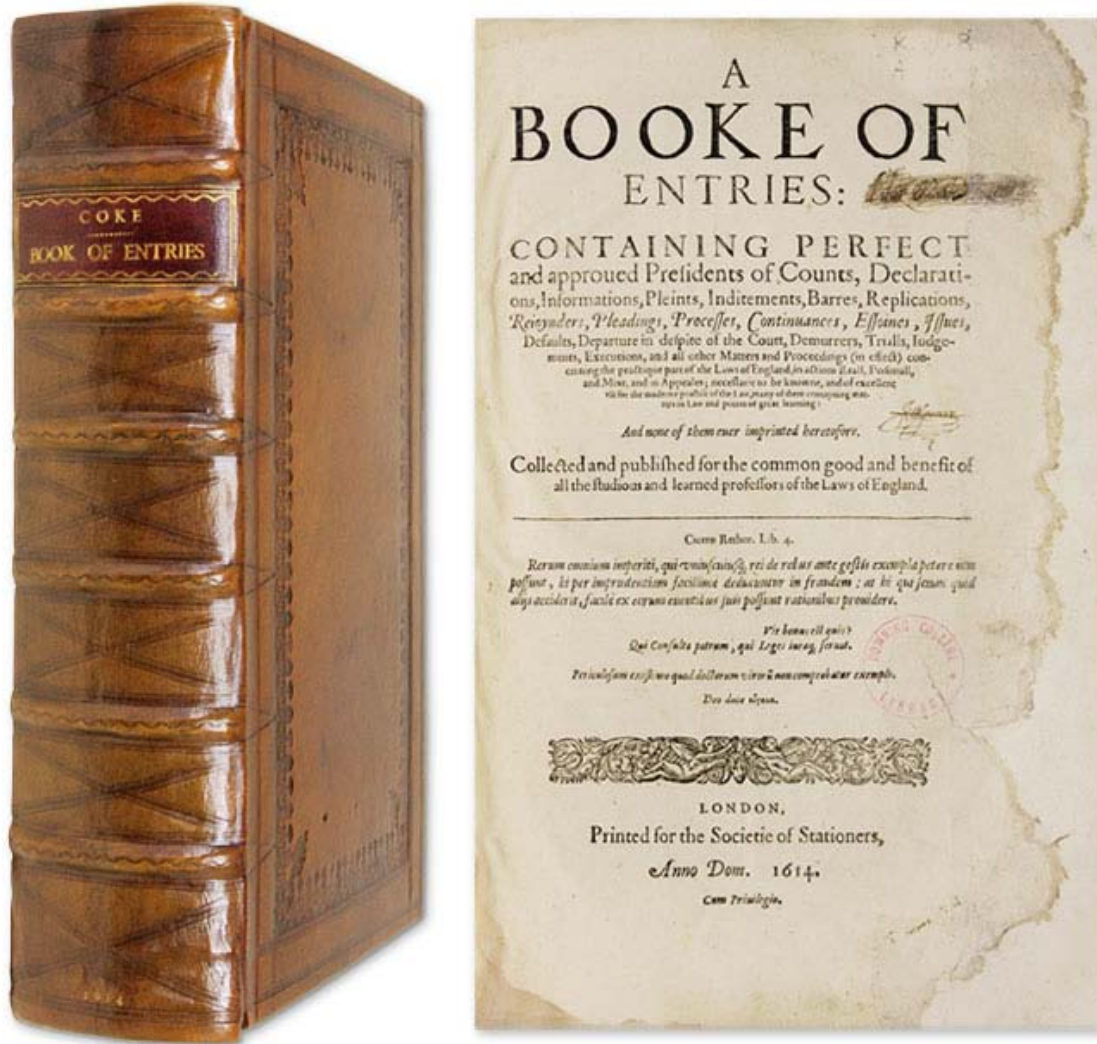
[Sergeant, John (1622-1707)].

A Collection of Several Treatises Concerning the Reasons and Occasions of the Penal Laws. Viz. I. The Execution of Justice in England, Not for Religion, But for Treason: 17 Dec. 1583. II. Important Considerations, By the Secular Priests: Printed A.D. 1601. III. The Jesuits Reasons Unreasonable: 1662.

London: Printed for Richard Royston, 1675. [8], 104, 109-13 [i.e. 131] pp. *The Jesuits Reasons* has separate title page dated 1662. Quarto (7" x 5-1/4").

Later three-quarter morocco over marbled boards, gilt title to spine. Moderate rubbing to extremities, lighter rubbing to boards, final three leaves of text loose (but secure), bottom edge of *The Jesuits Reasons* trimmed with some loss to text. Moderate toning to text, occasional faint dampspotting, smudges and minor inkstains to a few leaves. A solid copy. \$1,500.

* Only edition. This volume was assembled at a time when Charles II was arousing fear and distrust due to his increasingly overt support of Catholicism. Its title alludes to the Royal Declaration of Indulgence (1673), an unsuccessful attempt by the king to abolish the Penal Laws, thus extending religious liberty and civil rights to Protestant nonconformists and Roman Catholics. The first treatise, by William Cecil, Lord Burghley, was originally published in 1583 as *The Execution of Justice in England*. The second treatise, by Thomas Bluet, was first published in 1601 as *Important Considerations Which Ought to Move All True and Sound Catholics*. The third treatise, by John Sergeant, was originally published in 1662 as *The Jesuite's Reasons Unreasonable*. OCLC locates 9 copies in North American law libraries (Columbia, Harvard, Library of Congress, Northwestern, UC-Berkeley, University of Michigan, University of Minnesota, University of Pennsylvania, University of Virginia). *English Short-Title Catalogue* R11022.



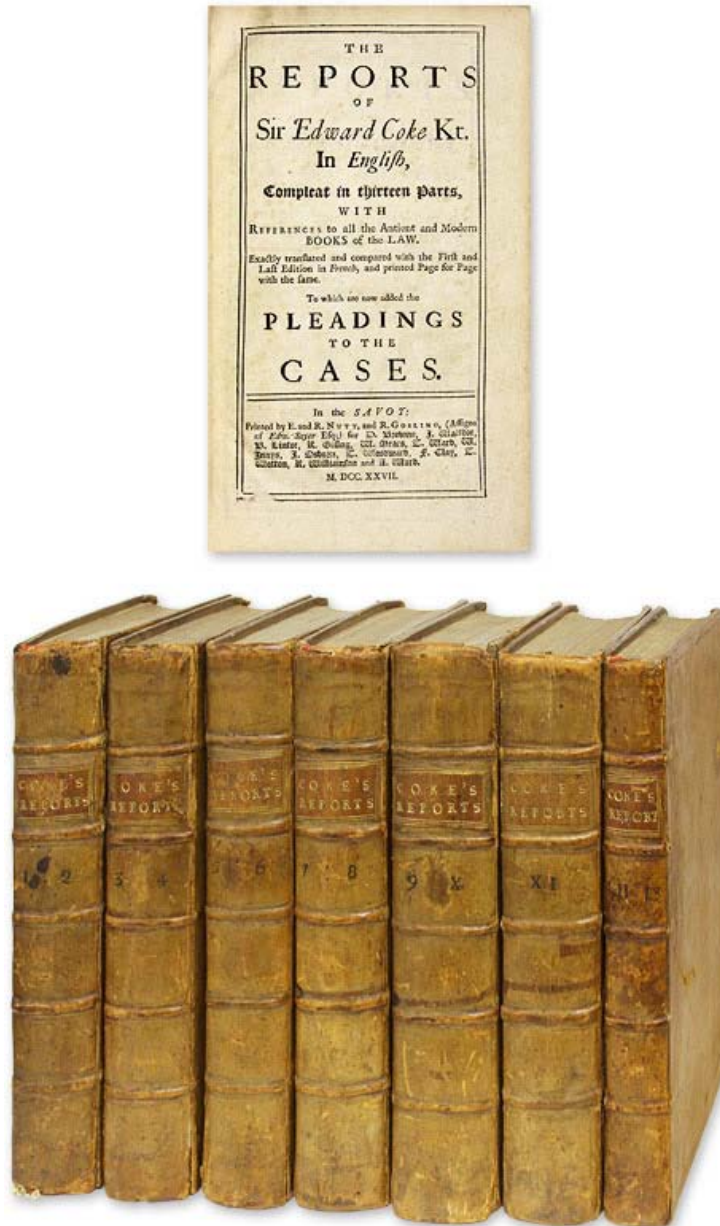
First Edition of Coke's Booke of Entries

15. Coke, Sir Edward [1552-1634].

A Booke of Entries: Containing Perfect and Approved Presidents of Counts, Declarations, Informations, Pleints, Inditements, Barres, Replications, Rejoynders, Pleadings, Processes, Continuances, Esoines, Issues, Defaults, Departure in Despite of the Court, Demurrers, Trialls, Iudgements, Executions, And all Other Matters and Proceedings (In Effect) Concerning the Practique Part of the Laws of England, In Actions Reall, Personall, And Mixt, And in Appeales; Necessarye to be Knowne, And of Excellent Use for the Moderne Practise of the Law, Many of Them Contayning Matters in Law and Points of Great Learning: And None of Them Ever Imprinted Heretofore. Collected and Published for the Common Good and Benefit of All the Studious and Learned Professors of the Laws of England. London: Printed for the Societie of Stationers, 1614. [x], 713, [11] ff. Paging irregular. Main text in parallel columns. Prefaces in Latin and English, text in Latin, index in French. Folio (13" x 9").

Recent period-style full calf, blind rules and fillets to boards, raised bands, blind tooling and lettering piece to spine, endpapers= renewed, early hand-lettered title to fore-edge. Toning to text, repairs to fore-edges of preliminaries, dampstaining to fore-edges at beginning of text, diminishing gradually through fol. 80, worming to margins near rear of text, from about fol. 643 onwards, spark burns to a few leaves. Woodcut head-pieces, tail-pieces and printer ornaments. Two early struck-through signatures to title page, annotations in contemporary hand to rear endleaf, interior otherwise clean. Ex-library. Small inkstamp and hand-written location number to title page. A lovely binding. \$1,250.

* First edition. This was the first comprehensive book of entries since Rastell's *Collection of Entries* (final edition, 1670). A second edition was published in 1671. Holdsworth notes that it embodied Coke's experiences at the bar and on the bench. Marvin adds: "This volume was published...before the completion of his reports. It is in some measure a supplement to them because it exhibits the entire record of many of the cases therein reported.": Marvin, *Legal Bibliography* 212. Holdsworth, *A History of English Law* V: 461. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:266 (43).



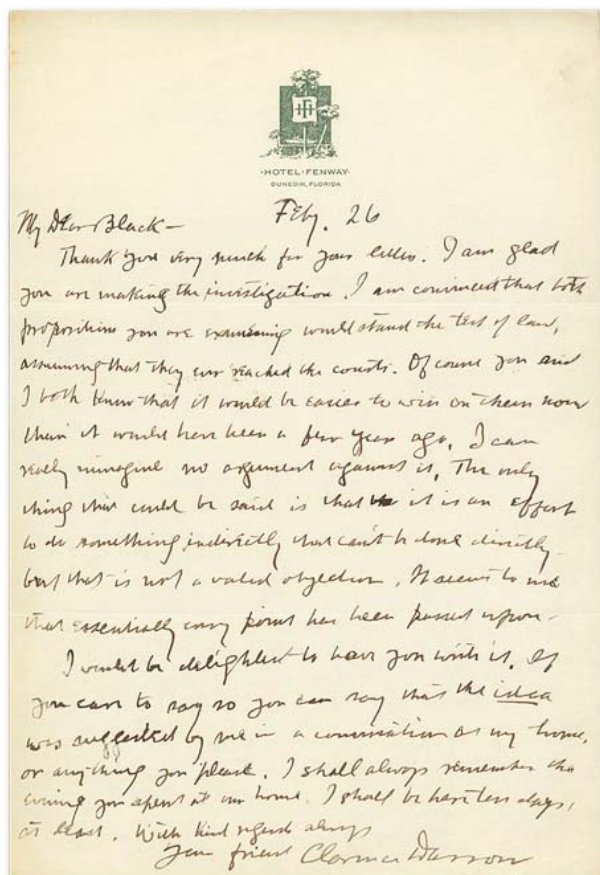
The First Complete Edition of The Reports

15. Coke, Sir Edward.

The Reports of Sir Edward Coke Kt. In English, Compleat in Thirteen Parts, With References to all the Antient and Modern Books of the Law. Exactly Translated and Compared with the First and Last Edition in French, And Printed Page for Page with the Same. To Which are Now Added the Pleadings to the Cases. [London]: Printed by E. and R. Nutt, And R. Gosling, 1727-1728. Thirteen parts in seven volumes. Octavo (8-3/4" x 5-1/4").

Contemporary calf, blind rules to boards, blind fillets to joints, raised bands, blind-stamped volume numbers and lettering pieces to spine to spines. Light rubbing exteriors with some minor nicks and scuffs, heavier rubbing to extremities with some chipping to spine ends, corners bumped and somewhat worn, several joints and hinges cracked or starting. London bookseller's bookplates indicating ownership of this set by Sir Robert E. Megarry to rear pastedown of each volume. Light toning to interiors, somewhat heavier in places, internally clean. \$1,500.

* First complete edition (the first two editions printed parts I-XI only) and the third edition in English. First published at the beginning of the seventeenth century, Coke's *Reports* are not reports in the conventional sense; they are highly detailed anthologies of precedents organized by topic. Each is illustrated by a large body of cases. Coke outlines their arguments and explains the reasons for the ways they were adjudged, using them as a basis for a statement of general principles. Taken together, it forms the most extensive and detailed treatment of common law pleading that had yet appeared. A work of immense authority, it was often cited as *The Reports*, there being no need to mention the author's name. The first edition in English, which did not include pleadings, was published in 1658. This set belonged to the notable British jurist Sir Robert E. Megarry [1910-2006], editor of the *Law Quarterly Review* and author of esteemed works on property law and legal trivia, such as *Miscellany-at-Law* (1955) and *A New Miscellany-at-Law* (2005). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:295-296 (31). Wallace, *The Reporters* 165-196.



Darrow Discusses Prohibition with a Colleague

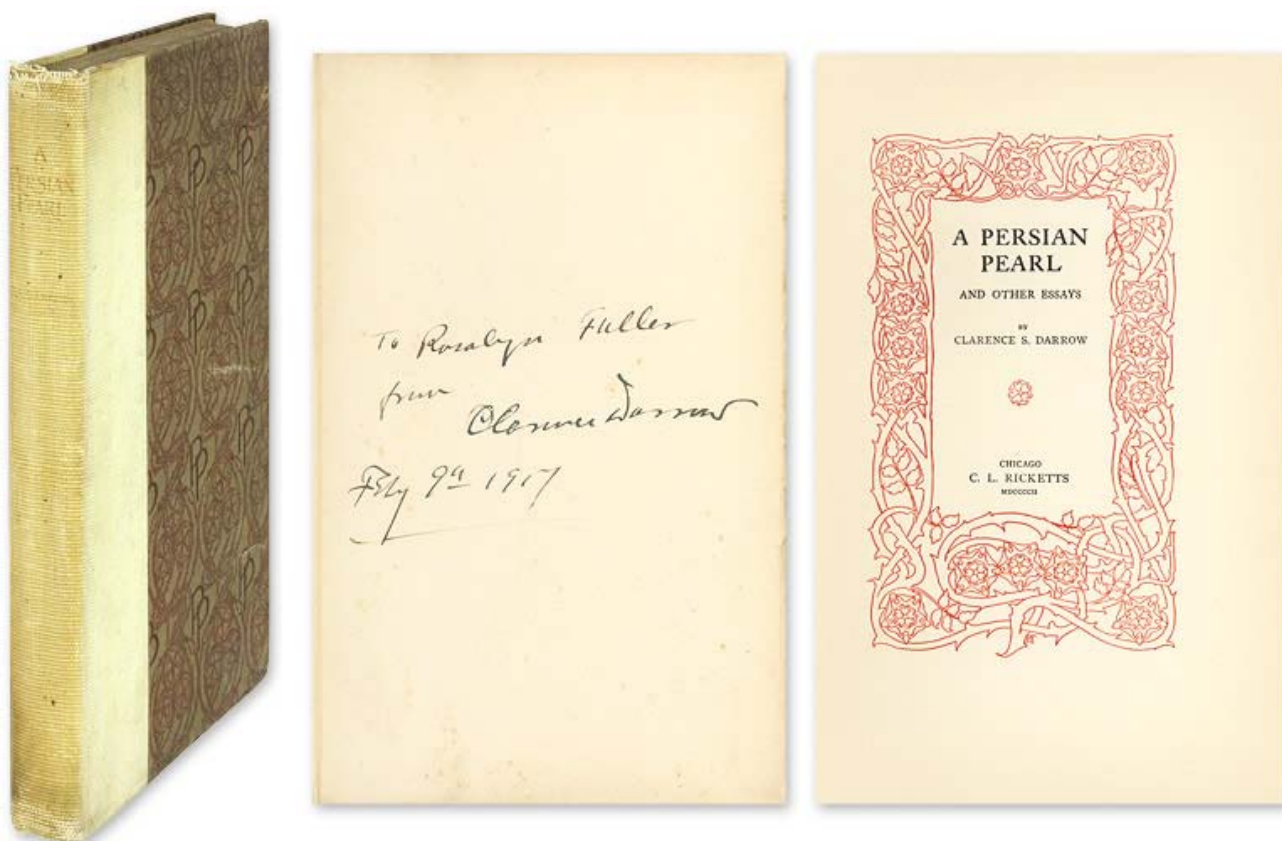
15. Darrow, Clarence [1857-1938].

[Black, Forrest R].

[Autograph Letter, Signed, To Black, On the Letterhead of the Hotel Fenway, Denedin, Florida, February 26].

Single 10-1/2" x 7-1/4" sheet. Some toning, two horizontal fold lines, light soiling to upper right hand corner, otherwise fine \$1,750.

* Black was a law professor at the University of Kentucky and the author of *Ill-Starred Prohibition Cases: A Study in Judicial Pathology* (1931), which has a foreword by Darrow. Darrow's letter from February 26 was probably written in 1930 or 1931, the period in which the two exchanged a number of letters about the manuscript of Black's book. Darrow appears to be discussing a passage in the manuscript: "I am convinced that both propositions you are examining would stand the test of law, assuming they ever reached the courts. Of course you and I both know that it would be easier to win on them now than it would have been a few years ago. I can really imagine no argument against it. The only thing that could be said is that it is an effort to do something indirectly that can't be done directly, but that is not a valid objection. It seems to me that essentially every point has been pressed upon."



Inscribed by Darrow to British Actress Rosalinde Fuller

16. Darrow, Clarence [1857-1938].

A Persian Pearl and Other Essays. Chicago: C.L. Ricketts (Lakeside Press colophon), 1902. 160, [1] pp.

Quarter cloth over patterned paper boards, gilt title to spine, top edge gilt, deckle fore and bottom edges. Light soiling, some wear to spine ends and corners, author inscription to front free endpaper. Light toning to text, internally clean. A nice copy with an interesting association. \$1,500.

* Second edition. The inscription reads "To Rosalyn [sic] Fuller/ from/ Clarence Darrow/ Feby 9th 1917." *A Persian Pearl* was Darrow's first book and the cornerstone of any Darrow collection. It consists of five essays. "A Persian Pearl" is an appreciation of Omar Khayyam's *Rubaiyat*. The other essays discuss Walt Whitman, Robert Burns, realism in literature and art and the importance of facing up to past mistakes without fear or shame. Fuller [1892-1982], a distinguished British actress, was famous for her portrayal of Ophelia to John Barrymore's celebrated Hamlet on Broadway in 1922 and continued to

perform into the 1970s. She also has a footnote in literary history for her brief affair with F. Scott Fitzgerald. Some scholars believe she was the model for Marcia, the bold chorus girl in "Head and Shoulders," a story later included in *Flappers and Philosophers* (1920). Hunsberger, *Clarence Darrow: A Bibliography* 44.

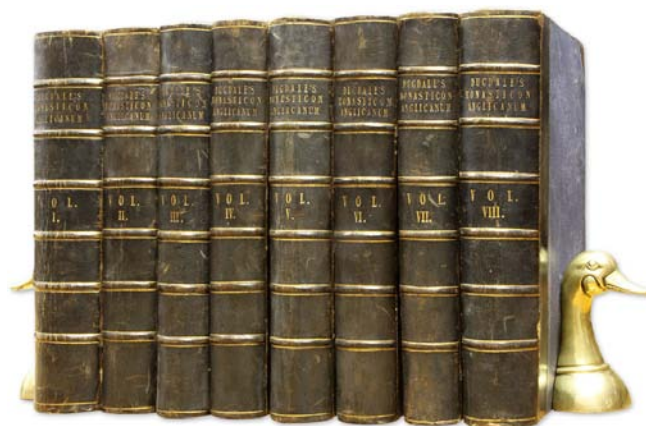


Oil Portrait of the Famous Trial Attorney Melvin Belli

17. "Dexter."

[*Portrait of Melvin Belli*]. [San Francisco?], 1987. Oil on Canvas, 30" x 40," signed "Dexter." Very good condition, glazing free of cracks. An interesting item. \$750.

*The work of an amateur artist, possibly a friend or client, this portrait hung in the office of the legendary trial attorney Melvin Belli [1907-1996]. Known as "The King of Torts" and "Melvin Bellicose," he was known for his colorful personality, innovative use of graphic evidence and expert witnesses, important class-action cases on behalf of consumers and famous clients, such as Jack Ruby, the Rolling Stones, Jim and Tammy Faye Bakker and Zsa Zsa Gabor. He won over \$600,000,000 in judgments during his legal career.



**Of Interest to "The Clergy, The Lawyer, The Antiquary, The Historian,
The Architect, And the Typographer, As Well as the Possessor of Real Property"**

18. Dugdale, Sir William [1605-1686].

[Dodsworth, Roger, Co-Author].

[Caley, John (1763-1834), Editor].

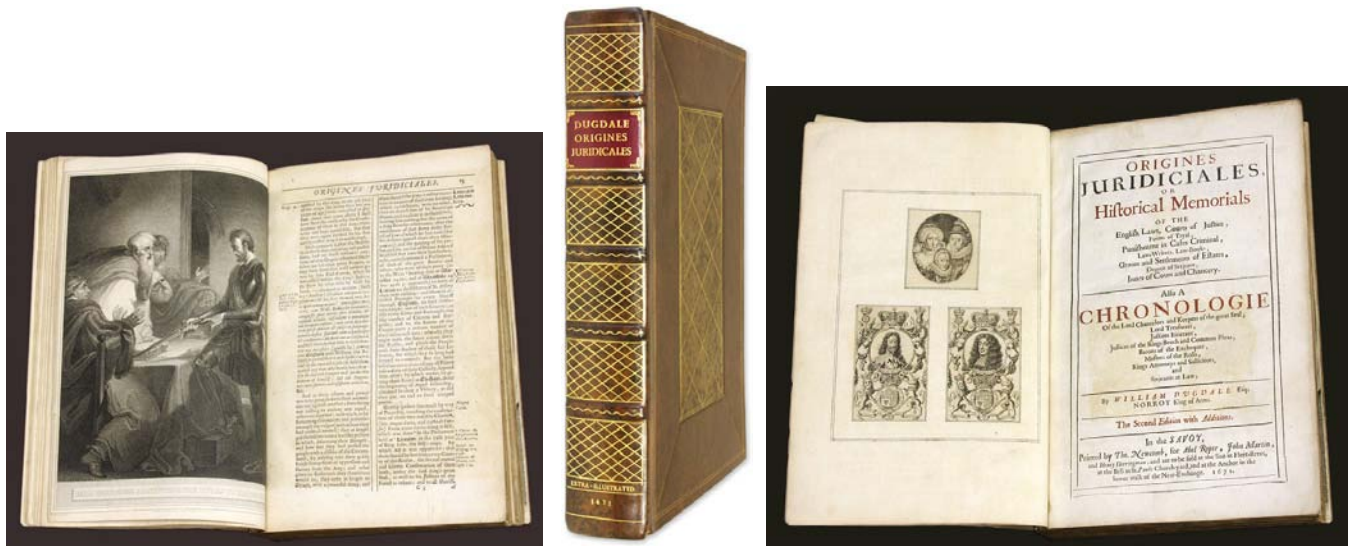
[Ellis, Henry (1777-1869), Editor].

[Bandinel, Bulkeley (1781-1861), Editor].

Monasticon Anglicanum: A History of the Abbies and Other Monasteries, Hospitals, Frieries, And Cathedral and Collegiate Churches, With Their Dependencies, In England and Wales; Also of All such Scotch, Irish, and French Monasteries, As Were in Any Manner Connected with Religious Houses in England; Together with a Particular Account of Their Respective Foundation, Grants, And Donations, And a Full Statement of Their Possessions, As Well Temporal as Spiritual. Originally Published in Latin. London: T.G. March, 1849. Six volumes in eight books. Complete with 245 plates and text illustrations; plates have tissue guards, some are double-leaved. Main text in parallel columns. Folio (15" x 10").

Contemporary three-quarter morocco over marbled boards, gilt titles and gilt-edged raised bands to spine, top-edges gilt. Moderate rubbing to extremities, occasional scuffs and minor stains to boards, corners bumped and somewhat worn, some joints and hinges starting at ends, a few hinges cracked. Light toning to text, several tissue guards detached and edgeworn, internally clean. Ex-library. Stamps to boards, edges and endleaves, bookplate to front pastedown of each volume. An impressive set. \$2,000.

* Final, and best edition of this work. With illustrations redrawn by John Coney, who also added 100 new illustrations. A lawyer by training, Dugdale was one of the great antiquarians of the seventeenth century and the author of such important works as *Origines Juridicales*, *The Antiquities of Warwickshire* and the present work, which is devoted to ecclesiastical institutions. Written with Roger Dodsworth, the first edition, in three-volumes, was published from 1655-1673. Our lavish 1849 edition, a reissue of Bohn's 1846 edition, the first with original and re-drawn images by Coney, features portraits, facsimiles of documents, views of buildings, floor plans, maps, coats of arms and trees of descent. Though not primarily a legal work, it has a great deal of legal information. As noted in the preface, "the work from Leiger Books, Chartularies, Rolls, and other National Documents [renders this work] indispensable to those professional men, who, on questions respecting Real Property, practice in the highest courts of the country, the Privy Council, and the Court of Chancery. Hence it will be seen that, acknowledged and admitted as it is, as evidence in all doubtful points as to the distribution of property, and in tracing landed possessions from their earliest proprietors, the *Monasticon* is indispensable to every Lawyer employed in the higher walks of his profession (i). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:197 (3).



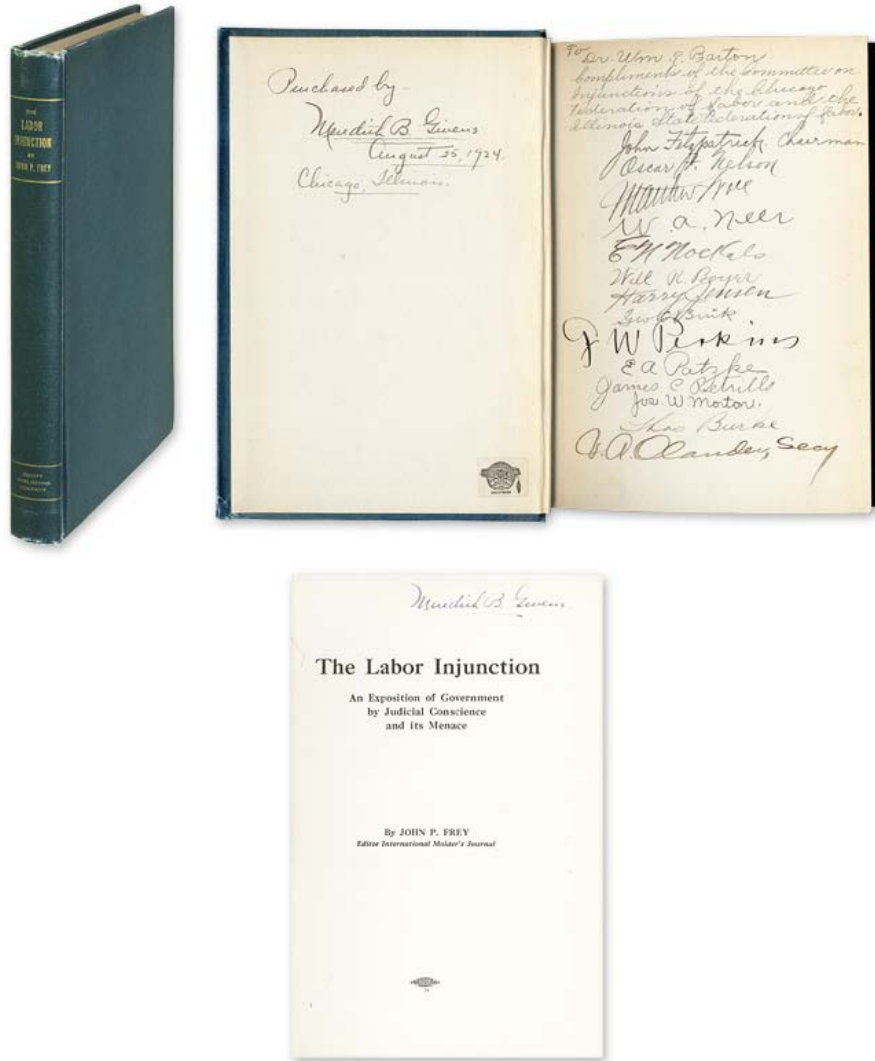
**1671 Edition of Dugdale's
Origines Juridiciales Extra-Illustrated on 138 Leaves**

19. Dugdale, Sir William.

Origines Juridiciales, Or Historical Memorials of the English Laws, Courts of Justice, Forms of Tryal, Punishments in Cases Criminal, Law-Writers, Law-Books, Grants and Settlements of Estates, Degree of Serjeant, Innes of Court and Chancery. Also a Chronologie of the Lord Chancelors and Keepers of the Great Seal, Lord Treasurers, Justices Itinerant, Justices of the Kings Bench and Common Pleas, Barons of the Exchequer, Masters of the Rolls, Kings Attorneys and Sollicitors, and Serjeants at Law. With Additions. [London]: Printed by Tho. Newcomb, for Abel Roper, John Martin, and Henry Herringman, 1671. [viii], 336, [4], 117, [3] pp. Copperplate coats-of-arms and heraldic devices, five (of six) portrait plates (of Heath, Clenche, Hide, Bridgeman and Crew), the sixth plate (of Coke), lacking. Extra-illustrated on 138 leaves of plates, 108 full-page, 3 folding. Main text in parallel columns. Folio (13-3/4" x 8-3/4").

Recent period-style paneled calf, gilt rules to boards enclosing central frames with lozenge pattern, raised bands and lettering piece to spine, endpapers renewed, all edges gilt, partially detached ribbon marker. Title page printed in red and black. Moderate toning in places, early annotations and owner signatures (S.G. Fenton) to front free endpaper, occasional annotations to added plates, interior otherwise clean. \$3,500.

* Second edition. Dugdale's *Origines* provides a wealth of information about the sources of English law and the early history of English legal institutions, including the Inns of Court, on which it is a chief authority. It is a well-documented work: sources of manuscripts are listed, and, in many instances, the sources of the information for the printed book entries are given. This copy is missing one of its original plates. However this loss is compensated by the addition of more than 100 extra-illustrated leaves depicting royalty, jurists, ecclesiastical and political leaders, the Inns of Court and other significant structures, documents and notable moments in history. *English Short-Title Catalogue* R225633. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:22 (13).



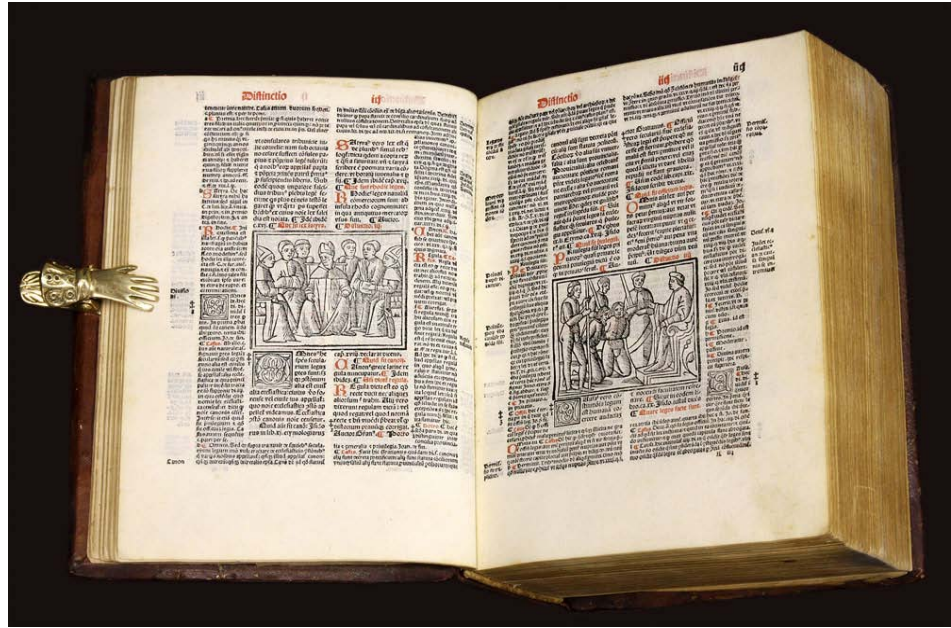
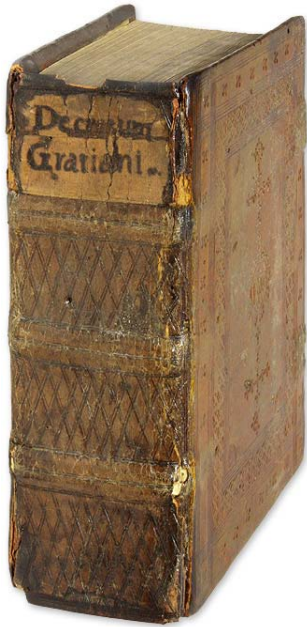
**An Examination of the Labor Injunction from the Early 1920s--
A Presentation Copy Copy from a Group of Notable Chicago Union Leaders**

20. Frey, John P. [1871-1957].

The Labor Injunction: An Exposition of Government by Judicial Conscience and Its Menace. [Cincinnati, OH: Equity Publishing Company, 1923]. ix, [4], 197 pp.

Cloth, gilt title to spine. Light rubbing to extremities. Presentation inscription to Dr. William E. Barton from John Fitzpatrick, Victor A. Olander and other members of the Chicago Federation of Labor and Illinois State Federation of Labor on front free endpaper, owner inscription (of Meredith B. Givens, dated 1924) to front pastedown, her stamp to margin of p. 196, interior otherwise fresh. \$200.

* Only edition, first issued in 1922. With an introduction by Samuel Gompers. This book originated as a series of articles written for the International Labor News Service. The reception given these articles, and the requests that they be published in book form, prompted the preparation of this volume. The Rev. Dr. William Eleazar Barton [1861-1930] was a distinguished clergyman, teacher and authority on Abraham Lincoln. Fitzpatrick and Olander were prominent Chicago labor activists. Fitzpatrick was President of the Chicago Federation of Labor from 1904 to 1946, Olander was secretary-treasurer of the Illinois State Federation of Labor.



Handsome Giunta Edition of the
Decretum Gratiani Illustrated with 130 Woodcuts

21. Gratian the Canonist [c. 1090-c. 1160].

Johannes Teutonicus (or Zeneka) [d.1253], Glossator.

Bartolomeo da Brescia (d.1258), Glossator.

Martinus, Polonus [d. 1279], Margariti Decreti.

Joannes, Diaconus Hispanus, Flos Decreti.

Decretu[m] Gratiani Cu[m] Glossis D[omi]ni Joannis Theutonici Prepositi Alberstatensis [et] Annotationibus Bartholomei Brixiensis, Divisionibus Archidiaconi, Casibus a Bene. So[m]positis per Bart. Brixi. Correctis [et] pro Clariore I[n]tellectu[m] Pluribus in Locis Extensis, Concordia ad Bibliam, Tabula Marginalium Glossularum, Omnium Canonum [et] Conciliorum, Margarita Decreti, Flosculus Totius Decreti a Domi[n]o Joanne Diacono Compositis, Additione in Margine Litterarum Quo Minusculi Characteres Lineis Intercepti Citius Legenti Apparea[n]t. [Venice: Per Lucantonium de Giunta, 1514.] [xxxviii], 652, [76] ff. Main text in parallel columns surrounded by linear gloss. Full-page woodcut (of Christ's Scourging) facing fol. 1, woodcut tables of descent and consanguinity, 130 woodcuts throughout text. Quarto (8" x 6").

Contemporary paneled calf with elaborate blind tooling, intricate borders enclosing cruciform IES device to boards, diced spine with raised bands and later hand-lettered title label, clasps lacking. Some rubbing to extremities, minor worming, some chipping to head of spine, joints starting at ends, rear free endpaper replaced with a printed vellum leaf from an edition of the *Aeneid*. Printed in red and black throughout, woodcut Giunta device to title page, woodcut decorated initials. Light toning to text, faint dampstaining to portions of text, foxing in a few places, light browning to a few leaves. Brief early annotations to a few leaves, internally clean. Ex-library. Bookplate to front pastedown. Item housed in lightly rubbed cloth slipcase with small shelf label to spine. A handsome copy. \$6,000.

* This edition is notable for its elegant typography and numerous woodcuts that illustrate points in the text. The *Concordia Discordantia Canonum*, or *Decretum Gratiani*, is the cornerstone of modern canon law. The first work of its kind, it was supposedly compiled by Gratian, a Camaldolese monk, around 1140. Using the latest scholastic and juristic techniques from Bologna, he created a work that synthesized the existing body of canon law. The *Decretum Gratiani* addresses various aspects of church jurisdiction, offenses and legal proceedings, as well as administrative issues like baptism, feast days, confirmation and the consecration of churches. In addition to the *Glossa Ordinaria* of Joannes Teutonicus and the glosses of Bartolomeo da Brescia this imprint includes the *Flos Decreti* of Joannes Hispanus, a set of commentaries on Gratian, and the *Margarita Decreti* of Polonus Martinus, a collection of excerpts from the *Decretals* of Gregory IX. A complete work (and bibliographically distinct), it is part of a three-volume edition of the *Corpus Juris Canonici* issued by Giunta in 1514. OCLC locates 3 copies in North American libraries (Harvard, UC-Berkeley, Yale). *Censimento Nazionale Delle Edizioni Italiane del XVI Secolo* CNCE 13367.



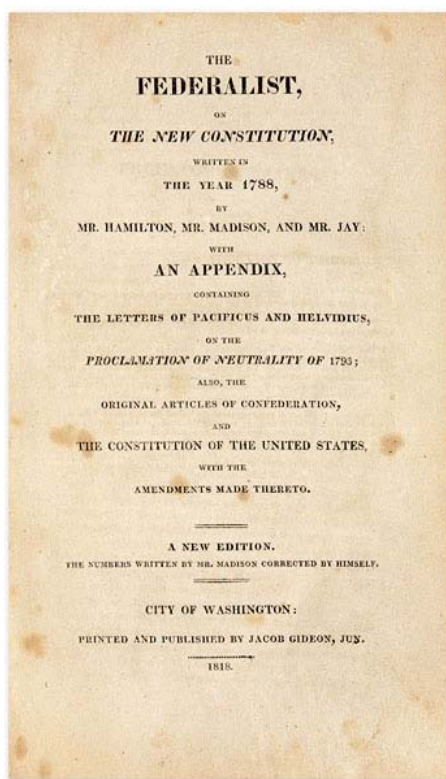
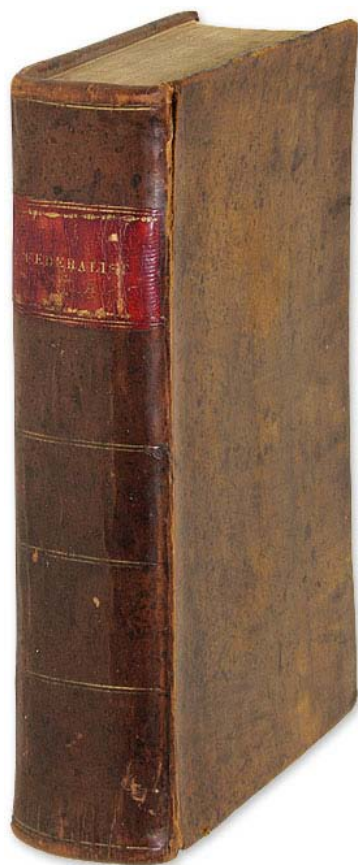
1482 Koberger Imprint of the *Decretals of Gregory IX with Exquisite Initials*

22. [Gregory, IX, Pope (c.1170-1241)].
[Bottoni, Bernardo (d.1266), Glosses].

[*Decretales*]. [Nuremberg: Anton Koberger, 14 July 1482]. Collation: a10, b-e8, f-g110, h-m8, n10, o-s8, t10, v-z8, [Xa]8, [Xb]10, [Xc]8, A-C8, D-E10, F-K8, L10 (a1 glued to pastedown). 314 ff. Complete. Main text surrounded linear gloss in parallel columns. Folio (13" x 9").

Contemporary tooled pigskin, "OBER RATH" gilt-stamped near head of front board, raised bands to spine, clasps lacking, later hand-lettered paper title label to spine, fragments of paper label to front board. Light soiling, a few minor scuffs and some tiny worm holes, light rubbing to extremities, corners and spine ends bumped, recent bookplates to front pastedown. Text printed in 78-line gothic type on wide-margined paper, rubricated throughout, beginning of each book decorated in blue, pink or green ink with bird or flower design. Light toning to text, minor edgewear and light soiling to a few leaves at the beginning and end of text. Rear endleaves filled with contemporary annotations, interior otherwise clean. Ex-library. Bookplate to front pastedown. A handsome copy with exquisite decorated initials. \$25,000.

* "Decretals are letters containing a papal ruling, particularly one relating to canonical discipline, and most precisely a papal prescript in response to an appeal...the *Decretals* of Gregory IX are the first authentic general collection of papal decretals and constitutions, compiled by Raymond of Penaforte at the request of Pope Gregory IX in 1230-34 and promulgated in 1234. (...) It gave rise to a vast amount of commentaries and literature" (Walker). The most important commentary, which is included in our copy, is the gloss of Bernard of Botone, also known as Bernard of Parma (Bernardus Parmensis), who composed it shortly before 1263. It is known as the "Ordinary Gloss," of *Glossa Ordinaria*. Gregory's *Decretales* is one of the four works known collectively as the *Corpus Juris Canonici*, a collection of papal decisions concerning ecclesiastical hierarchy, procedure, the functions and duties of clerks, family law, crime and vast areas of what are now called "private law." It was revised in 1580-1582 to reflect changes ordered by the Council of Trent. In this form it remained in force until the enactment of the *Code of Canon Law (Codex Iuris Canonici)* in 1918. OCLC locates 6 copies of this imprint in North America (Harvard Law School, Huntington, Kent State, UC Berkeley, University of Pennsylvania, Yale). Walker, *The Oxford Companion to Law* 177-179. Goff, *Incunabula in American Libraries* G457. *Gesamtkatalog der Wiegendrucke* 11466.



**Gideon's Edition of *The Federalist*,
Produced with Madison's Editorial Assistance**

24. Hamilton, Alexander [1757-1804].

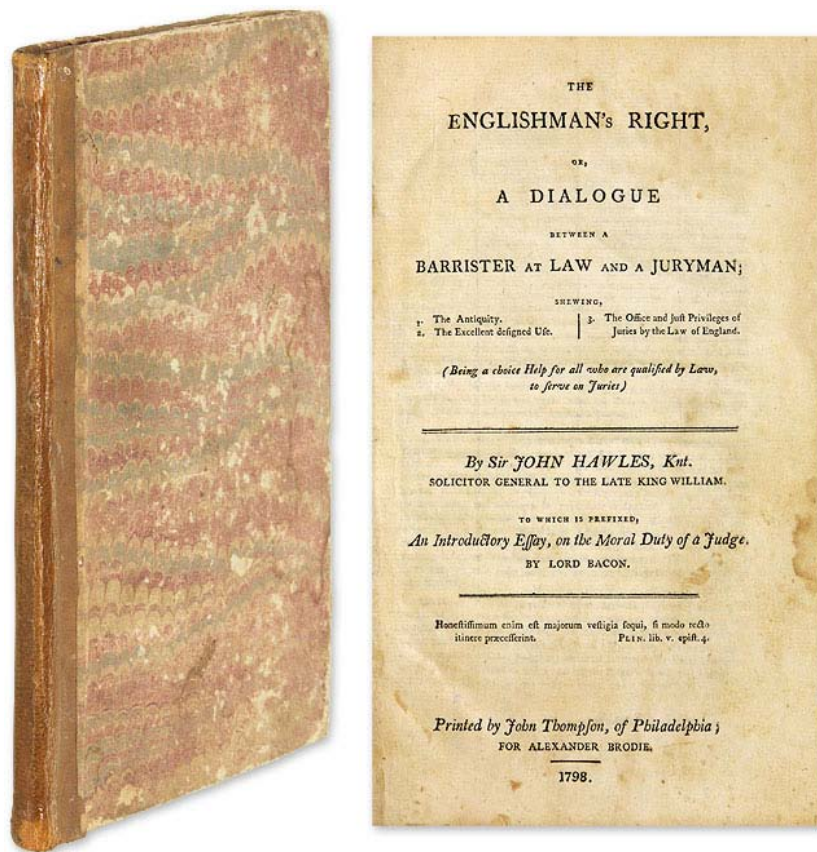
Madison, James [1751-1836].

Jay, John [1745-1829].

The Federalist, On the New Constitution, Written In 1788, By Mr. Hamilton, Mr. Madison, And Mr. Jay: With an Appendix, Containing the Letters of Pacificus and Helvidius, On the Proclamation of Neutrality of 1793; Also, The Original Articles of Confederation, And the Constitution of the United States, With the Amendments Made Thereto. A New Edition. The Numbers Written by Madison Corrected by Himself. Washington, DC: Printed and Published by Jacob Gideon, 1818. 671 pp. Octavo (8-1/4" x 5").

Contemporary tree calf, lettering piece and gilt fillets to spine. Light rubbing to boards, moderate rubbing to extremities, front joint starting at head, corners bumped, a few minor nicks to boards and spine, hinges partially cracked, bookplate residue to front pastedown. Moderate toning, light foxing to portions of text, internally clean. A handsome unsophisticated copy. \$4,000.

* Gideon's landmark edition, the first to reveal the authors of each essay, was produced with assistance from Madison. Responding to inquiries by Gideon, Madison identified the authors and corrected the ones he wrote. Madison also suggested that Gideon include the text of the Articles of Confederation. Originally a series of essays published under the collective pseudonym "Publius" in New York newspapers and journals from October 27, 1787 to early June 1788, this landmark work is the founding study of U.S. Constitutional law. Most of the essays appeared under the collective pseudonym "Publius" in New York newspapers and journals from October 27, 1787 to early June 1788. They were intended to encourage ratification of the proposed constitution by New York State, but were immediately recognized as the most compelling commentary on the most radical form of government the world had seen. The first edition was published anonymously and printed by the M'Lean brothers, who collected and published the first 36 essays as Volume I in March 1788 and the final 49 essays is Volume II in May of the same year, along with the text of the Constitution. The correspondence between Gideon and Madison, six letters in all, can be read online at: <http://tinyurl.com/o3as82f>. Cohen, *Bibliography of Early American Law* 2818. Howes, *USiana* H-114. Sabin, *A Dictionary of Books Relating to America* 23985.



First Post-Revolution Edition of an Important Work on the Right to Trial by Jury

25. Hawles, Sir John (1645-1716).

[Bacon, Francis (1561-1626)].

Brodie, Alexander, Bookseller.

The Englishman's Right; A Dialogue Between a Barrister at Law and a Juryman; Shewing, I. The Antiquity, II. The Excellent Designed Use, III. The Office and Just Privileges of Juries by the Law of England (Being a Choice Help for All Who Are Qualified by Law to Serve on Juries). To Which is Prefixed, An Introductory Essay, On the Moral Duty of a Judge. By Lord Bacon. Philadelphia: Printed by John Thompson, of Philadelphia; For Alexander Brodie, 1798. 6, [vii]-viii, [1], [17]-70 pp. Octavo (7-1/2" x 4-1/2").

Contemporary marbled sheep over marbled boards. Light rubbing to extremities, heavier rubbing and a few minor stains to boards, hinges starting. Moderate toning to text, dampstaining in a few places, internally clean. An appealing copy. \$1,950.

*Third American edition. First published in London in 1680, and in Boston in 1693 and 1772, this 1798 Philadelphia edition was the first printed after the Revolution. Possibly a response to the recent passage of the Alien and Sedition Acts, it has an interesting preface by the bookseller, Alexander Brodie: "But lest (sic) the title 'The Englishman's Right' should give offence to any, it is proper to observe that the Charter of the Liberties of England is a grant from their kings obtained by force. This charter is the fountain of all their Rights; and among others of the Englishman's Right to be tried by a Jury of his Equals. As Americans we possess the same Right, and Juries by our Laws have the same powers and privileges, as by the Law of England. Neither we or our Ancestors ever were Slaves. We hold our Liberties from God alone, and to him alone are we accountable for the use or abuse of them. It is no mark of Vassalage to borrow instructions from English Jurisprudence. To understand our rights well, we must study them, and endeavour to profit by the experience of other Nations. The better to enable Jurymen to discern between Judge and Prisoner, if a lawless stretch of power should be attempted, of which at present there appears no danger, from the high character of our American Judges, I have prefixed by way of Introduction, Lord Bacon's Essay on the Moral duty of a Judge. And let it be remembered, that Judges are appointed to interpret the Laws faithful but Juries were instituted to watch and restrain Judges; so may the blessing "Him That Was Ready To Perish Upon Them!" A staunch Whig, Hawles wrote *The Englishman's Right* to outline the rights, duties and proper behavior of a jurymen and to promote the jury system as a bulwark against tyranny. Immediately successful among Whigs and others who saw themselves as defenders of English liberties, it was received with great enthusiasm in America, where it was reprinted several times well into the nineteenth century. According to Cohen, it was probably the first English law book reprinted in the American colonies. Cohen, *Bibliography of Early American Law* 1481.



**"His Office Shelves With Parish Laws are Grac'd,
But Spelling Books and Guides Between Them Plac'd"**

**26. Hogarth, William [1697-1764], After.
Cook, Thomas [c.1744-1818], Engraver.**

A Woman Swearing Her Child to a Grave Citizen. Copperplate engraving by Thomas Cook after a painting by William Hogarth. London c. 1795-1822. 19-1/4" x 21" image size 11-3/4" x 14," copperplate engraving. Attractively mounted and matted. Negligible light toning and dampspotting to margins, image notably fresh. \$250.

* A fine example of Hogarth's satirical work, this engraving is captioned with twelve lines of verse describing the scene. It depicts a pregnant woman pleading with a seated justice of the peace to order the "rich old lecher" at the centre of the print to acknowledge his paternity and provide for the unborn child. (The books on the shelves are: *The Complete Justice* and *The Art of Spelling*; a just-consulted *Law of Bastardy* sits on the justice's table.) Hogarth never produced a print of this work during his lifetime. Cook's was the first. A skilled engraver, Cook played an important role in the preservation of Hogarth's legacy through his *Hogarth Restored: The Whole Works of the Celebrated William Hogarth* (1795 and later editions through 1822), which is the source of this plate.

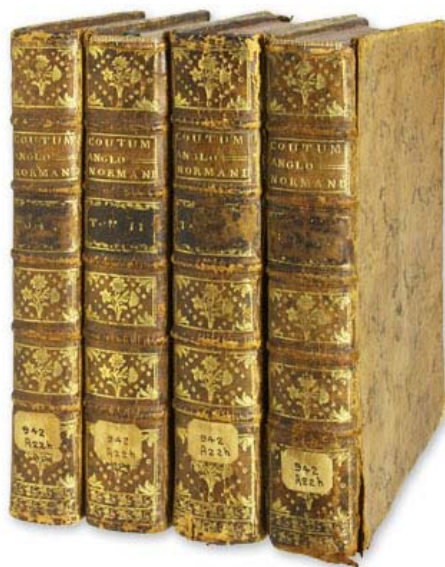


"Holmes' Greatest Romance"

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

[*Autograph Letter, Signed ("H"), To Lady Hibernia Castletown*]. Boston, December 4, 1897. 3 pp. on conjoined Commonwealth of Massachusetts Supreme Judicial Court stationery. Lightly foxed and toned. Item matted and framed with half-tone portrait plate portrait and transcription (mounted to frame behind letter), transmittal envelope affixed to back of frame. \$3,000.

* A flirtatious letter to the object of Holmes's affection, Lady Clare Castletown, "My Dear Hibernia," about a shipment of pink and blue pond lily roots he plans to send her as a gift. Displaying shades of his poet-father, he goes on to wax lyrical about another botanical specimen: "There is a very handsome pink marshmallow that grows wild on the south shore of Mass. I wonder if you would care for that if it can be got? I remember once, when life seemed at a low ebb, driving over a dreary sandy waste and suddenly coming on a lonely pool, with woods on one side, a dead tree hovering over it with the appropriate crow. And on the other side a wilderness of pink flowers standing about as high as my breast, I should think. And I felt that the romantic could be found almost anywhere after that." Holmes was introduced to Lady Clare while traveling through England in the summer of 1889. A mutual infatuation followed, which led to a correspondence-punctuated with occasional visits - that lasted until Lady Clare's death in 1926. In an effort to keep the relationship a secret - both Holmes and Lady Clare were married - Holmes destroyed most of her letters, but Lady Clare did not follow suit, and many of Holmes' letters to her survive. They reveal an intimate relationship. Its extent remains a mystery, but which, but it was, in the opinion of White and Minor, "Holmes' greatest romance." See White and Minor, *Justice Oliver Wendell Holmes* 229-252.



**Notable Eighteenth-Century
Comparative Study of Early English and French Law**

28. Houard, David [1725-1802].

Traites sur les Coutumes Anglo-Normandes, Publiés en Angleterre, Depuis le Onzième, Jusqu'au Quatorzième Siècle: Ouvrage qui Supplée aux Monuments de l'Histoire & de la Legislation Francoise, Qui nous Manquoient Depuis la Cessation des Capitulaires, Jusqu'aux Premières Ordonnances de nos Rois de la Troisième Race. Rouen: Le Boucher le Jeune/ Paris: Durand Neveu, 1776. Four volumes. Complete set. Quarto (10" x 8").

Contemporary mottled calf, gilt spines with raised bands and lettering pieces, marbled endpapers, edges rouged, ribbon markers. Light to moderate rubbing to extremities, minor scuffing to boards, front joint of Volume III partially cracked, chips and wear to fore-edges, joints of Volume IV starting at ends, nineteenth-century armorial bookplates (of John Beames) to front pastedowns. Attractive woodcut head-pieces and title-page devices. Light toning, negligible foxing in places, internally clean. Ex-library. Old paper location labels to spines, card pockets to rear pastedowns. A solid copy of a scarce set. \$2,950.

* Only edition. The scope of this massive comparative study is evident in a listing of its contents, which includes original scholarship and editions of primary texts: Preface, Dissertation Preliminaire sur les Variations de la Legislation Francoise et Angloise, Depuis l'entrée des Saxons dans les Gaules Jusqu'au Onzieme siecle, Extraits du Domesday, Loix d'Henry I, Traites sur les Coutumes Angloises, par Glanville, Leges Malcomi Mackenneth, Ejus Nominis Secundi, Regiam Majestatem, Quoniam Attachiamenta, Leges & Consuetudines Burgorum, Curia Quatuor Burgorum, Statuta Gildoe, Assisa Regis David, Iter Camerarii, Brevis, & Succincta Forma Itineris, Statuta Wilhelmi Regis, Leges Forestarum, Statuta Alexandri Secundi, Prima Statuta Roberti Primi, Statuta Secunda Roberti Primi, Assisa & Statuta Davidis Secundi, Statuta Roberti Secundi, Acta Parliamenti Roberti Tertii, Fleta, Liber I-VI, Traite de Britton, Somme de Hornes ou Myrror de Justices. Houard was a respected scholar of the customary law of Normandy who investigated links between Norman early English law. In addition to several studies of Norman coutumes, Hourd's works include *Anciennes Loix des Francois, Conservees Dans les Coutumes Angloises* (1766), which argues that Littleton's *Tenures* preserved and developed Norman law dating from the time of the conquest. Camus, *Bibliothèque Choisie des Livres de Droit* 1166.



"Had a Direct Bearing upon Constitutional and Legal Antiquities"

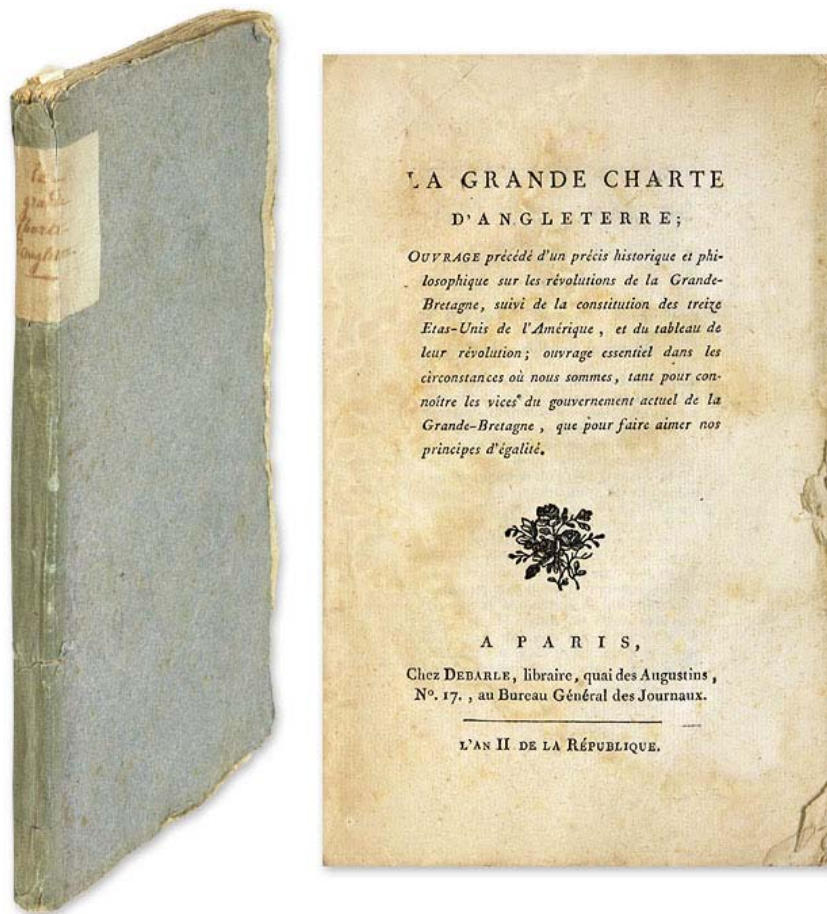
19. Lambard(e), William [1536-1601], Compiler.

[Wheeloche, Abraham (1593-1653), Editor].

ARCHAIONOMIA, Sive de Priscis, Anglorum Legibus Libri, Sermone Anglico, Vetustate Antiquissimo, Aliquot ab Hinc Seculis Conscripti, Nunc Demum, Magno Jurisperitorum, & Amantium Antiquitatis Omnium Commodo, Etenebris in Lucem Vocati. Cambridge: Rogeri Daniel, 1644. [xvi], 226, 9 pp. with a two-page map. Portions of text in parallel columns. Folio (14" x 9").

Contemporary calf, blind rules to boards, rebacked in period style with raised bands and lettering piece, endpapers renewed. A few scuffs to boards, moderate rubbing to edges, front hinge cracked. Title page printed in red and black, woodcut printer device, head-pieces, tail-pieces and decorated initials. Moderate toning to text, some browning to outer edges of margins, inkspots and dampspotting to a few leaves. \$1,200.

* Second edition, corrected, edited and expanded by Wheelocke. With side-notes, index and a preface by Sir Roger Twysden. Lambard(e), a barrister and legal historian, was the keeper of records at the Rolls Chapel and the Tower of London. First published in 1568, this collection of Anglo-Saxon laws presents the original Anglo-Saxon texts and Latin translations in parallel columns. This edition also includes the laws of William I in Norman and Latin, the law of Henry I in Latin and a glossary from a manuscript in the Monastery of St. Augustine. As Holdsworth observed, it is a significant work because it "restored the forgotten Anglo-Saxon laws to the students of the common law. Because they had a direct bearing upon constitutional and legal antiquities, they could be pressed into the service of those who fought the battle of the constitution in the following century...[A]nd they enabled pedigrees of our institutions and our laws to be traced back to an antiquity sufficiently remote and obscure to justify many ingenious deductions as to their rightful relations and proper sphere in the modern state.": *History of English Law* IV:117. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:47(24).



Constitutional Guidelines for the First French Republic

30. [Magna Carta].

[Constitution, United States].

La Grande Charte d'Angleterre: Ouvrage Precede d'un Precis Historique et Philosophique sur Revolutions de la Grande Bretagne, Suivi de la Constitution des Treize Etats-Unis de l'Amerique, Et du Tableau de Leur Revolution: Ouvrage Essentiel dans les Circonstances ou Nous Sommes, Tant pour Connaitre les Vices du Gouvernement Actuel de la Grande-Bretagne, Que pour Faire Aimer nos Principes d'Egalite. Paris: Chez Debarle, l'an II [1793-1794]. [ii], 139 pp. Quarto (8-1/2" x 5-1/2").

Original publisher's light blue wrappers, leaves from a contemporary work used as endpapers, early hand-lettered title label to spine, untrimmed edges. Light shelfwear and soiling. Light toning to text, small tears or minor staining to margins of a few leaves, internally clean. A largely unsophisticated, wide-margined copy. \$4,000.

* Only edition. Early and very rare French translation of the United States Constitution, preceded by a translation of the Magna Carta and a brief history of the events that preceded the publication of these two seminal documents. This edition, published in early years of the First French Republic, was likely intended to lend support to the principles on which the French Revolution was based. The work also includes the state constitutions of Massachusetts, Pennsylvania, Delaware, Maryland and Virginia. OCLC locates 3 copies in North America (at Union College, the John Carter Brown Library and the Society of the Cincinnati). We located one other copy at George Washington University Law School. Not in Sabin.



Canon Law and Capital Punishment

31. Matthaeus, Antonius (III) [1635-1710].

De Jure Gladii Tractatus et de Toparchis qui Exercent id in Dioecesi Ultrajectina. Leiden: Sumptu Auctoris Excudit Johannes Kellenaar, 1689. Quarto (8-1/2" x 7").

Contemporary Vellum, gilt-edged title panel to spine, edges rouged. Some soiling, mostly to spine, light rubbing to extremities, minor worming to pastedowns and joints, which are just starting at ends. Large copperplate arms of the Curia of the Holy Roman Empire to title page. Some toning, light browning in places. Ex-library. Fragment of shelf label to spine, small stamp to foot of title page. A nice copy of a scarce title. \$250.

* Only edition. The son and grandson of distinguished jurists of the same name, Antonius Matthaeus III was a professor of law at the University of Utrecht and later its rector. *De Jure Gladii* is a treatise on capital crimes in canon law as applied to the diocese of Utrecht. It also addresses corporal punishment and lesser crimes. Capital punishment was a complicated topic because it involved conflicts with local feudal law. (On a fundamental level, canon law forbids capital punishment, feudal law applies it to a broad spectrum of crimes.) These tensions were acute in Utrecht. Though part of the Protestant United Provinces (Dutch Republic), Utrecht was historically a Catholic center. The Church continued to be a strong presence in the seventeenth century. About 40% of the population was Catholic. This percentage was higher among elite groups. OCLC locates 3 copies in North American law libraries (Columbia, Harvard, Southern Methodist University, UC-Berkeley). Dekkers, *Bibliotheca Belgica Juridica* 112 (11).



With a Full-Page Allegorical Frontispiece by Albrecht Dürer

32. [Nuremberg].

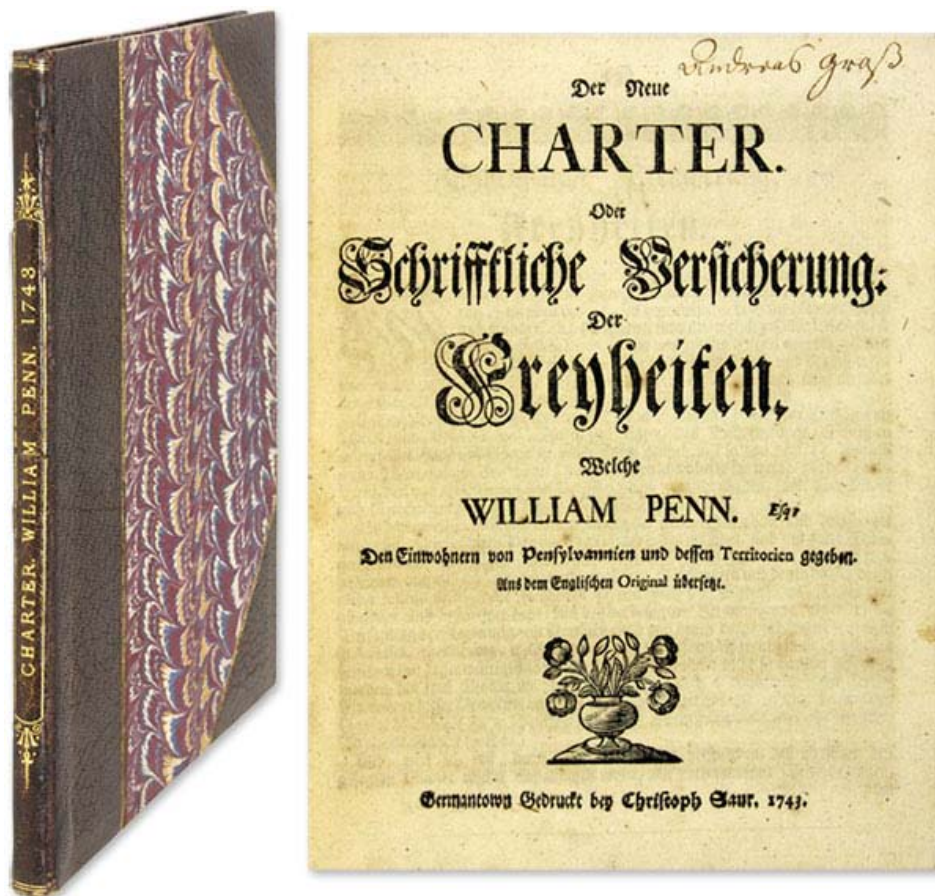
[Dürer, Albrecht (1471-1528)].

Reformation der Stat Nuremberg. [Nuremberg: Fridrichen Peypus, 1522]. [xxxvi], 30, 208 ff. Folio (12" x 8").

Contemporary panel-stamped reversed calf (with traces of gilt stamping), early repairs to spine ends, clasps present and intact, endpapers renewed at some point. Some rubbing to extremities, chipping to head of spine, a few scuffs and stains to boards, small crack to front joint, rear hinge cracked due to worming, minor worming to fol. 208. Allegorical frontispiece by Dürer featuring Lady Justice and a female figure representing charity, attractive woodcut decorated initials throughout. Light toning to text, some leaves lightly browned, faint stains and foxing to a few leaves, wide margins. "1522/ jahre" to title page in near-contemporary hand, interior otherwise clean. \$18,000.

* First edition. Nuremberg was the center of the Renaissance in Germany and was its leading cultural and intellectual center until the end of the sixteenth century. These qualities are reflected in the contents and design of this volume. The *Reformation*, or civic legal code, of Nuremberg is known for its humanistic orientation, straightforward language and elegant production. It revised the code enacted in 1498. The 1522 issue by Peypus is notable for its

splendid full-page frontispiece by the great Nuremberg artist Albrecht Dürer, which was originally issued as an independent print in 1521. The bottom half depicts two putti displaying the arms of the city and empire. The upper half depicts Lady Justice, holding scales and a sword, and a female figure representing charity, who is pouring coins from a purse and opening her bodice to bear her heart, which is represented by a flame. The woodcut initials are finely carved and possibly the work of Dürer or his workshop. OCLC locates 4 copies in North America, 1 in a law library (Harvard). *Verzeichnis der im Deutschen Sprachraum Erschienenen Drucke des 16. Jahrhunderts* N2027. Meder, *Dürer-Katalog* 285.



Rare German-Language Edition of Penn's Charter
Printed by Sauer in Germantown, Pennsylvania, One Known Copy

33. [Pennsylvania]

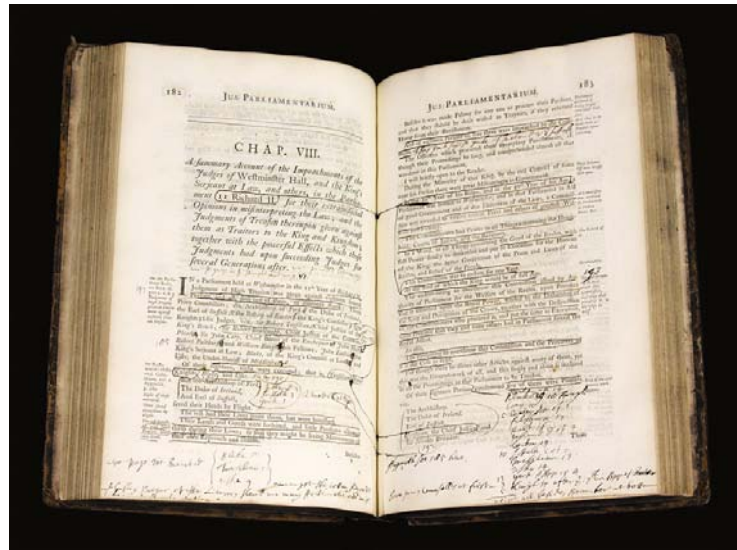
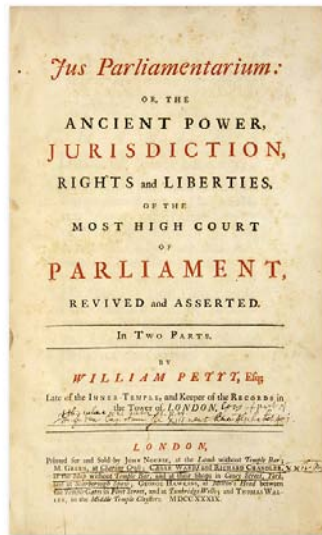
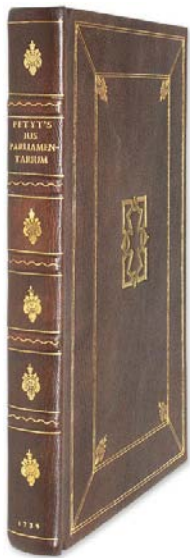
Penn, William [1644-1744].

[Sauer, Christoph (1695-1758), Translator and Publisher].

Der Neue Charter, Oder Schriftliche Versicherung der Freyheiten, Welche William Penn. Esqr den Einwohnern von Pennsylvanien und Dessen Territorien Gegeben. Auf dem Englischen Original Übersetzt. Germantown [PA]: Gedruckt bey Christoph Saur [sic], 1743-1744. 55 [i.e. 56] pp. Error in paging: page number 7 repeated. Quarto (7-3/4" x 6").

Stab-stitched pamphlet bound into nineteenth-century three-quarter morocco over marbled boards, rebacked retaining spine with gilt title and ornaments, top edge gilt, marbled endpapers. Light rubbing to extremities, some wear to spine ends, small tear to front free endpaper near gutter mended with archival tape, some toning to text. Early owner signature to head of title page, interior otherwise clean. \$7,500.

* Only edition. A notable artifact in the history of the Pennsylvania Dutch, Sauer's compilation was produced for the Pennsylvania German community around Germantown. In addition to the new charter of privileges granted by Penn in October 28, 1701, it contains the texts of the Royal grant of the province to Penn by Charles II, the first frame of government, adopted in 1682, English laws concerning the colony, conditions and concessions settled on July 11, 1681, the Act of Settlement, 1682, extracts from the charter of Philadelphia, an abstract of the poor laws and extracts from various laws. It was probably based on *The Charters of the Province of Pennsylvania and City of Philadelphia* (Philadelphia: Benjamin Franklin, 1741). "Sauer was the first German-language printer and publisher in North America. Evans notes this publication was "Given to the subscribers of Sauer's newspaper, *Der Hoch-Deutsch Pennsylvanische Geschicht-Schreiber*, as a premium in parts of eight pages each. Begun in 1743 but not finished printing till about July 1744." This is a rare title. We located one copy, the Library Company of Philadelphia. No copies located on OCLC or at the American Antiquarian Society, American Philosophical Society, the Harry Ransom Center, Harvard University, the John Carter Brown Library, the Library of Congress, the New York Public Library, the Pennsylvania State Library, the Rosenbach Library or the University of Pennsylvania. Not in Sabin. Hildeburn, *List of the Publications Issued in Pennsylvania* 809, 860. Botte and Tannhof, *The First Century of German Language Printing in the United States of America* 56. Evans, *American Bibliography* 5271.



Notable Whig Treatise on Parliament with Contemporary Annotations

34. Petyt, William [1636-1707].

Jus Parliamentarium: Or, The Ancient Power, Jurisdiction, Rights and Liberties of the Most High Court of Parliament, Revived and Asserted. In Two Parts. London: Printed and Sold by John Nourse, 1739. [xviii], xxiv, [iv] 180, 181-197, 182-400 pp. Subscriber list misbound after p. xxiv. Section page-numbered 181-197 with square brackets. Complete. Folio (12-1/2" x 8").

Recent period-style morocco, gilt panels with central arabesques to boards, raised bands and lettering piece to spine. Title page printed in red and black, woodcut tail-pieces. Light toning to text, clean tears to margins of a few leaves. Light toning, foxing in a few places, occasional annotations, some quite extensive, and underlining in a contemporary hand. A handsome copy. \$1,250.

* First edition. Petyt, a member of the Inner Temple, was active in the Whig cause. In return for his support he was appointed Keeper of the Records in the Tower Of London after the Glorious Revolution, a post he held until his death in 1707. *Jus Parliamentaria* is one of his five major works on Parliament that advanced Whig ideology. The others are *Ancient Rights of the Commons Asserted* (1680), *Miscellanea Parliamentaria* (1680), *Rights of the Commons Answered* (1681) and *Lex Parliamentaria* (1690). His books were read in the North American colonies. One of the subscribers to the 1739 edition of *Jus Parliamentarium* was Philip Ludwell of Virginia; Thomas Jefferson also owned a copy. Sowerby, *The Library of Thomas Jefferson* 2892. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:136. *English Short-Title Catalogue* T145553 .



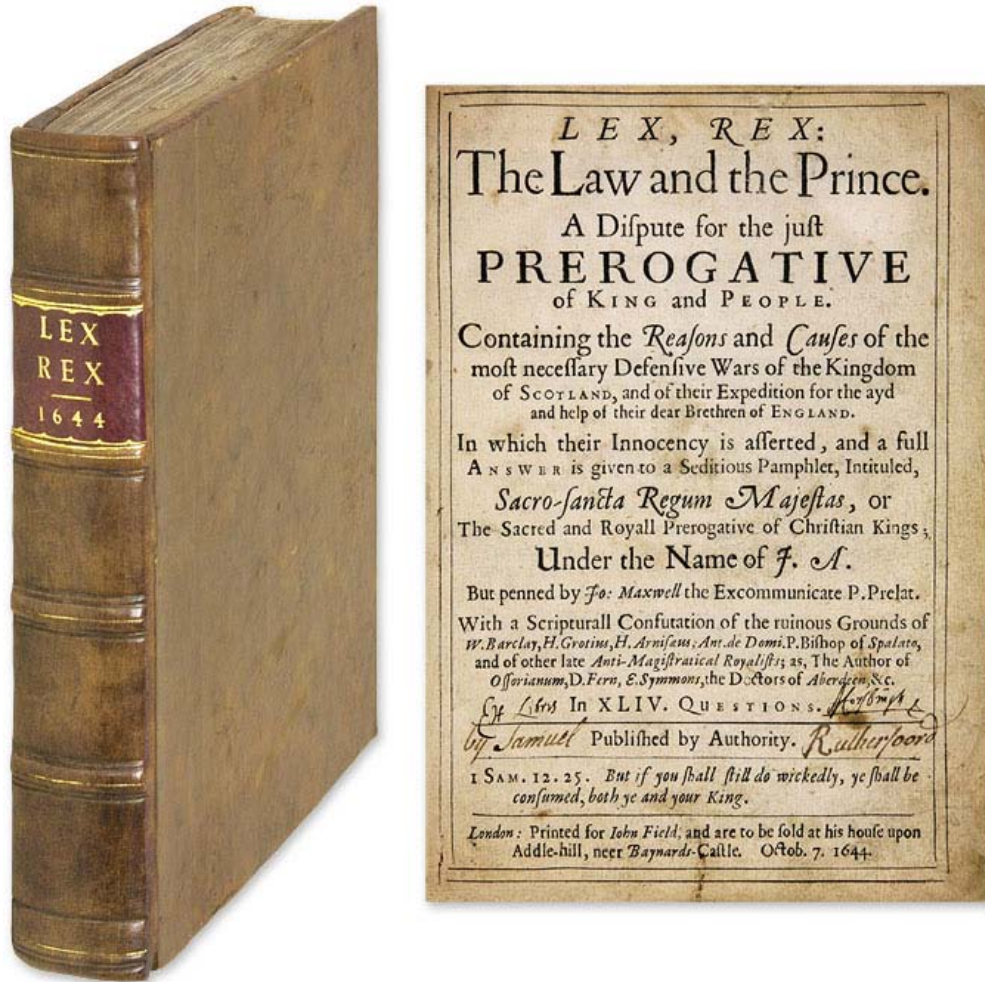
The Revival of Roman Law in Southern France

35. [Roman Law].

Exceptiones Legum Romanorum cum Tractatu[s] Actionum: Earu[n]demq[ue] Longiuitate. [Strassburg: Johann Schott, 4 November, 1500]. Collation: pi4, a-d8/4, e-f8. [iv], 38, [2] ff. Final two leaves are blanks. Complete. Quarto (8" x 6").

Recent period-style calf, blind rules to boards, raised bands to spine. Text printed in 38-line gothic type, wide margins. Light soiling and some edgewear to endleaves and title leaf, light toning to text, faint dampstaining to a few leaves. Early owner annotation to verso of title leaf, interior otherwise clean. Ex-library. Small inkstamp to recto of title leaf. A handsome copy. \$7,500.

* First edition, and the only incunable edition. *Exceptiones Legum Romanorum* is a tract on Roman law drawn from the books of the *Corpus Juris Civilis*. A practical handbook of everyday legal matters for local magistrates. It was compiled in the eleventh century in Dauphine, France. It is also known as the *Exceptiones Petri* because it is attributed in some sources to a compiler named "Petrus." It is an important document of the revival of Roman law in southern France. Our imprint is notable as one of the first books printed by Schott. OCLC locates 4 copies in North America (Newberry Library, Library of Congress, Morgan Library, Harvard Law School). Another copy located at George Washington University Law School. *Gesamtkatalog der Wiegendrucke* 9493. Goff, *Incunabula in American Libraries* E135.



The Law is King

36. [Rutherford, Samuel (1600?-1661)].

Lex, Rex: The Law and the Prince. A Dispute for the Just Prerogative of King and People. Containing the Reasons and Causes of the Most Necessary Defensive Wars of the Kingdom of Scotland, And of Their Expedition for the Ayd and Help of Their Dear Brethren of England. In Which Their Innocency is Asserted, And a Full Answer is Given to a Seditious Pamphlet, Intituled, Sacro-Sancta Regum Majestas, Or The Sacred and Royall Prerogative of Christian Kings; Under the Name of J.A. But Penned by Jo: Maxwell the Excommunicate P. Prelat. With a Scripturall Confutation of the ruinous Grounds of W. Barclay, H. Grotius, H. Arnisaeus, Ant. de Domi. P. Bishop of Spalato, And of Other Late Anti-Magistratical Royalists; As, The Author of Ossorianum, D. Fern, E. Symmons, The Doctors of Aberdeen, &c. In XLIV. Questions. Published by Authority. London: Printed for John Field, Octob. 7. 1644. [xl], 280, 313-467 pp. Text continuous despite pagination. The first leaf bears a dialogue between Seneca and Nero in Latin on verso. Quarto (7" x 5-1/2").

Contemporary calf, rebacked, raised bands and lettering piece to spine, endpapers renewed. Light rubbing to boards and extremities, corners bumped and lightly worn. Some toning to text, faint dampstaining in places, edges trimmed with occasional minor loss to side-notes and, in a few places, main text, some edgewear to preliminaries and final few leaves. A few early signatures and annotations to title page, later annotation to rear endleaf, interior otherwise clean. \$4,500.

* First edition. Important for its contribution to the social contract idea, the foundation for the political theory of John Locke, *Lex, Rex* is a comprehensive defense of the Scottish Presbyterian ideal in politics. Utilizing arguments from Scripture, Natural Law and Scottish law, it attacked royal absolutism and endorsed the rule of law (divine, natural and positive), limited government, the supremacy of the constitution, the separation of church and state and the

idea that government is founded on the consent of the governed. Rutherford was a Scottish Presbyterian minister and the principal of the University of St. Andrews. *Lex, Rex* was a response to Bishop John Maxwell's *Sacro-Sancta Regus Majestas* (1660), a defense of royal absolutism. Rutherford became a political target after the Restoration. He was indicted on a charge of high treason, but he died before he was brought to trial. The first edition of this work is uncommon in the trade and only two complete copies have appeared at auction in the last 35 years. Some early bibliographical records list an edition printed in Edinburgh in 1644, but it appears to be a ghost. OCLC locates 5 copies of the 1644 London edition in North American law libraries (Harvard, University of Minnesota, University of Michigan, University of Pennsylvania, Yale). *English Short-Title Catalogue* R12731.



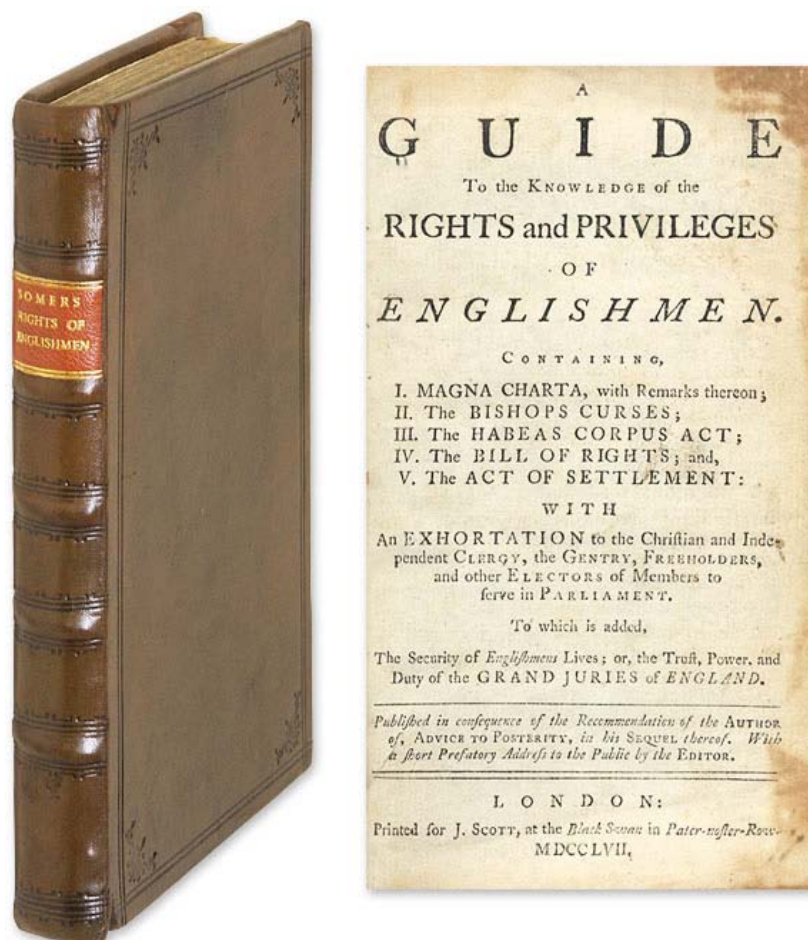
**The Unexpurgated First Edition
of a Notable Treatise on Royal Authority and the Church**

37. Salgado de Somoza, Francisco.

Tractatus de Supplicatione ad Sanctissimum a Litteris et Bullis Apostol. Nequam, Et Importune Impetratis in Perniciem Reipublicae, Regni, Aut regis, Aut Iuris Tertii Praejudicium: Et de Earum Retentione Interim in Senatu. Opus Sane Pulchrum et Grave Utrique Reipublicae Ecclesiasticae, & Temporali Utile Admodum a Doctis Petatum, & Acunctis Desideratum. Copiosa Litterarum per Politicarum Exornatione (Tum ad Regimen, Tum ad Status Rationem Conducibilem) Illustratum. Madrid: Apud Mariam de Quinones, 1639. [xvii], 350, [101] ff. Main text in parallel columns. Folio (11-1/4" x 8").

Contemporary limp vellum, large calligraphic title to spine. Light rubbing and a few minor chips to extremities, stain to upper corner of front cover, free endpapers lacking. Large copperplate arms to title page, woodcut decorated initials. Light toning to text, occasional light foxing. Minor stains, early signatures and annotations to title page, interior otherwise clean. \$2,500.

* First edition. Preferred for its unexpurgated text, this treatise asserts royal authority over papal bulls and apostolic letters. Other editions, edited in response to Papal censure, were published in 1664, 1758 and 1792. All are scarce in North America; OCLC locates 3 copies of the first edition (at Columbia, Harvard Law School and UC-Berkeley Law School). Palau, *Manual del Libro Hispano-Americano* 287429.



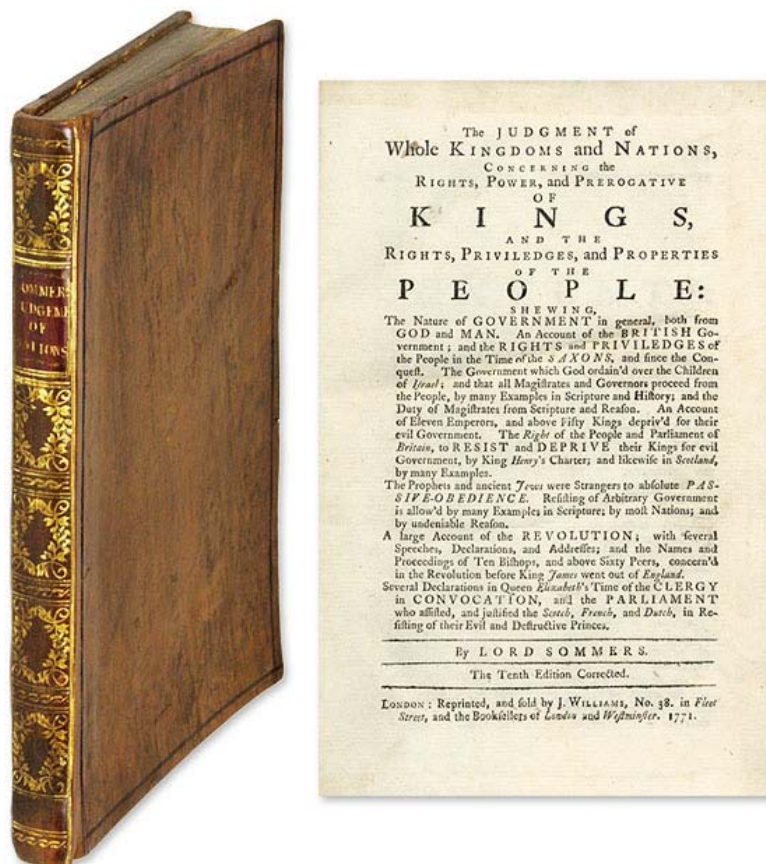
Classic Statement of English Liberties and Whig Ideology

38. [Somers, John Barton, Baron (1651-1716)].

A Guide to the Knowledge of the Rights and Privileges of Englishmen. Containing, I. Magna Charta, with Remarks Thereon; II. The Bishops Curses; III. The Habeas Corpus Act; IV. The Bill of Rights; and, V. The Act Settlement: With an Exhortation to the Christian and Independent Clergy, the Gentry, Freeholders, and Other Electors of Members to Serve in Parliament. To Which is Added, The Security of Englishmens Lives: Or, The Trust, Power, and Duty of the Grand Juries of England. London: Printed for J. Scott, 1757. ix, [1], 254 pp. Includes one-page publisher list. 12mo. (6-1/2" x 4").

Recent period-style calf, blind rules and corner fleurons to boards, raised bands and lettering piece to spine endpapers renewed. Light toning to text, some offsetting to margins of title page and following leaf. Early owner initials to head of p. iii, interior otherwise clean. A handsome copy. \$950.

* First edition (of this anonymously edited imprint). Somers, a barrister of the Middle Temple, was Lord Chancellor of England. First published in 1681, his *The Security of Englishmen's Lives* (1681) is an important tract on juries and one's right to a jury trial. Attributed sometimes to John Dunton and Daniel Defoe, it went through numerous editions and was usually printed with the text of Magna Carta and other foundational documents of English liberty. (This is one of several variants.) Classic statements of Whig ideology, many copies were eagerly consumed in the American colonies on the eve of the Revolution. OCLC locates 9 copies in North American Law Libraries. *English Short-Title Catalogue* T61073.



Classic Essay on the Rights of Englishmen

39. Somers (Sommers), Lord [John] [1651-1716], Attributed.

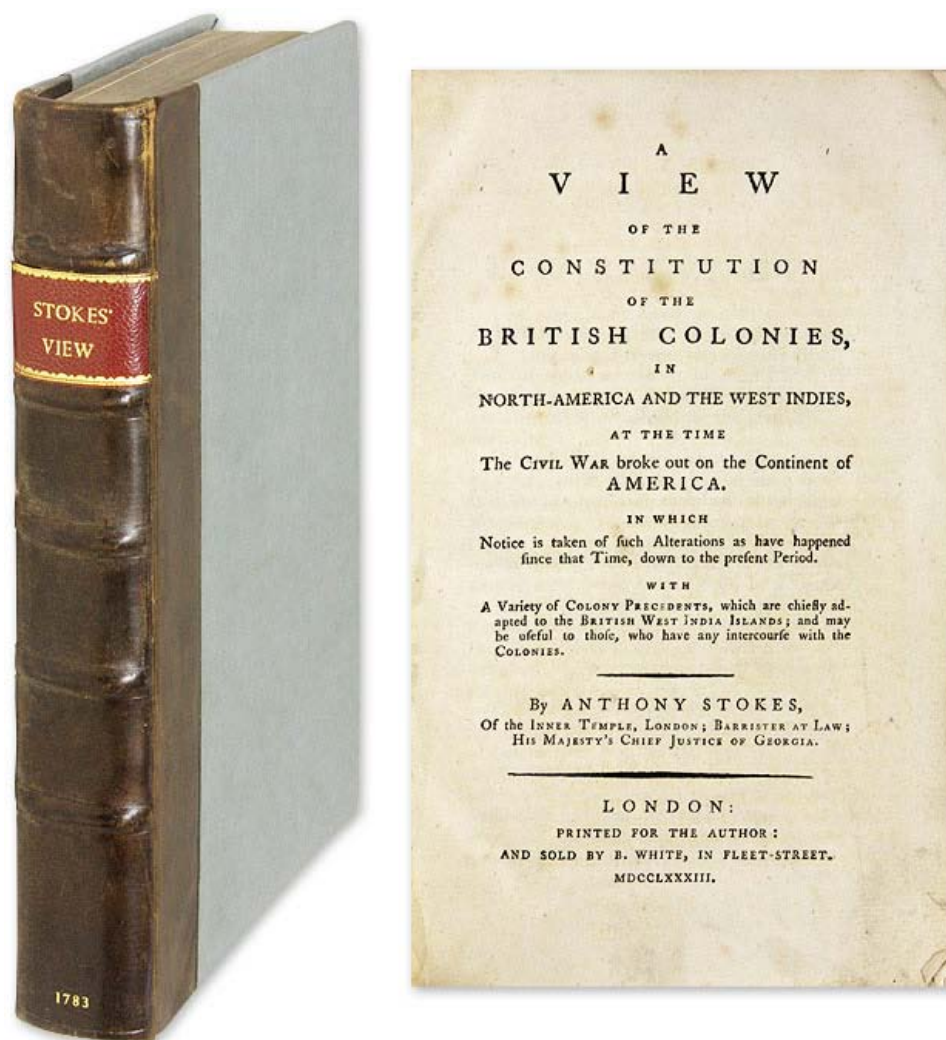
Defoe, Daniel [1661?-1731], Attributed.

Dunton, John [1659-1733], Attributed.

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

Contemporary tree calf, gilt dentelles to board edges, hinges mended, rebaced with period-style gilt spine. Light rubbing to boards, which are slightly bowed, light wear to corners, later armorial bookplate (of Sir Thomas Hesketh) and later private library shelf label (of Easton Neston) to front pastedown. Light toning to text, faint dampspotting to a few leaves, internally clean. An attractive copy. \$950.

* Tenth (stated) edition, corrected. This highly popular tract was first published in 1709 with the title *Vox Populi, Vox Dei, Being True Maxims of Government*. Somers, a barrister of the Middle Temple, was Lord Chancellor of England and the author of *The Security of Englishmen's Lives* (1681), a tract on juries and one's right to a jury trial. The present work outlines the development of English freedoms, and calls for religious freedom, resistance to tyranny and a limited monarchy. It found a ready audience in the colonies on the eve of the American Revolution and was issued by presses in Philadelphia, Boston and Newport. It was read by several Founding Fathers, including Thomas Jefferson, who owned the 1773 Philadelphia imprint. This work is attributed sometimes to John Dunton or Daniel Defoe. Easton Neston, owned by the Barons Hesketh to this day, is one of the great English country houses. See Sowerby, *Catalogue of the Library of Thomas Jefferson* 2712. *English Short-Title Catalogue* T29265.



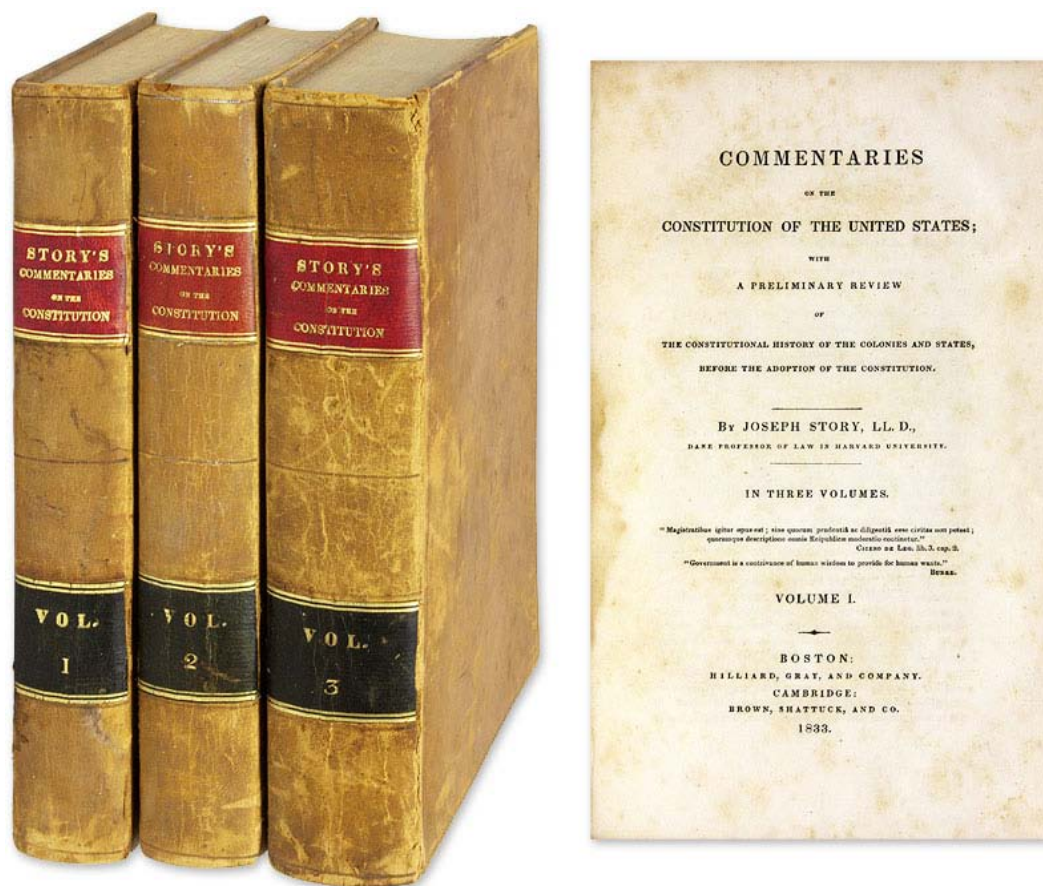
A Constitutional Study of the British Colonies Written by a Georgian Loyalist Judge During the American Revolution

40. Stokes, Anthony [1736-1799].

A View of the Constitution of the British Colonies, in North-America and the West-Indies, at the Time the Civil War Broke Out on the Continent of America. In Which Notice is Taken of such Alterations as Have Happened Since that Time, Down to the Present Period. With A Variety of Colony Precedents, Which are Chiefly Adapted to the British West India Islands; And May be Useful to Those, Who Have Any Intercourse with the Colonies. London: Printed for the author and sold by B. White, 1783. [ii], xvi, 555, [1] pp. Half-title lacking. Octavo (8-1/2" x 5-1/2").

Recent period-style calf over textured paper boards, raised bands and lettering piece to spine, endpapers renewed. Negligible light rubbing to extremities. Light toning to text, faint dampspotting in a few places, early repair to a torn leaf, later repair to another (text not affected). Annotations and underlining in an early hand in a few places, interior otherwise clean. An appealing copy of a scarce title published at the end of the American Revolution. \$1,750.

* Stokes, a member of the Inner Temple and the Loyalist chief justice of the General Court of the Georgia colony from 1769-1776, and in restored Royal Georgia from 1779-1782, "gives a very interesting discussion of the state of legal administration in the southern colonies...Stokes also discusses what part of the English Common Law the colonists had brought along with them" (Reinsch). Contents include chapters on the Colonial civil and criminal courts, counsel and attorneys in the colonies, the court of Vice-Admiralty, Negroes in the colonies and the modes of conveyance and manumission. Reinsch, "Colonial Common Law" in *Select Essays in Anglo-American Legal History* 409-410. Sabin, *A Dictionary of Books Relating to America* 91994. Cohen, *Bibliography of Early American Law* (listed twice) 5423, 6768.



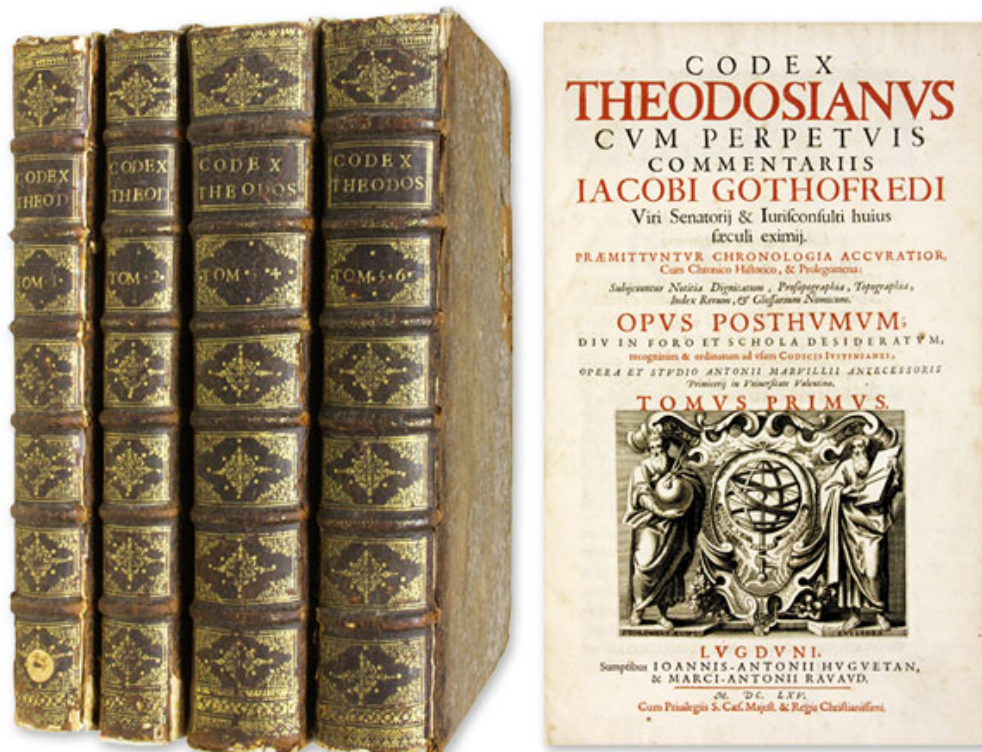
First Edition of the First Comprehensive Study of the United States Constitution

41. Story, Joseph [1779-1845].

Commentaries on the Constitution of the United States; With a Preliminary Review of the Constitutional History of the Colonies and States, Before the Adoption of the Constitution. Boston: Hilliard, Gray and Company, 1833. Three volumes. xxxiv, [ii], 494; [ii], 555; [ii], 776 pp. Octavo (8-1/2" x 5-1/2").

Original sheep, blind fillets to boards, red and black lettering pieces and blind fillets to spines. Light rubbing, somewhat heavier to spines, minor wear to spine ends and corners, a few stains and shallow scuffs to boards, early owner bookplate (of Arthur McArthur) to each front pastedown. Light toning to text, occasional faint spotting, faint dampstaining in a few places. A very nice unsophisticated set in the original bindings. Early owner inscription (of McArthur) to front endleaf of Volume II, brief annotations in his hand to a few leaves, interior otherwise clean. \$12,500.

* First edition. Story's *Commentaries* was the most substantial and influential work written on the American Constitution before the Civil War, and it remains an important work today. Written while Story was Dane Professor at Harvard Law School and an Associate Justice of the Supreme Court, it presented a strongly Nationalist interpretation. It is divided into three books. Book I contains a history of the colonies and discussion of their charters. Book II discusses the Continental Congress and analyzes the flaws that crippled the Articles of Confederation. Book III begins with a history of the Constitution and its ratification. This is followed by a brilliant line-by-line exposition of each of its articles and amendments. Comparing it to the *Federalist*, James Kent said that Story's work was "written in the same free and liberal spirit, with equal exactness and soundness of doctrine, and with great beauty and eloquence of composition. (...) Whoever seeks...a complete history and exposition of this branch of our jurisprudence, will have recourse to [this] work, which is written with great candor, and characterized by extended research, and a careful examination of the vital principles upon which our government reposes.": cited in Marvin. McArthur was a lawyer in Livingston, Maine. Marvin, *Legal Bibliography* 669-670. Cohen, *Bibliography of Early American Law* 2914.



First Edition of Godefroy's Edition of the Theodosian Code

43. Theodosius II, Emperor of the East [408-450 CE].

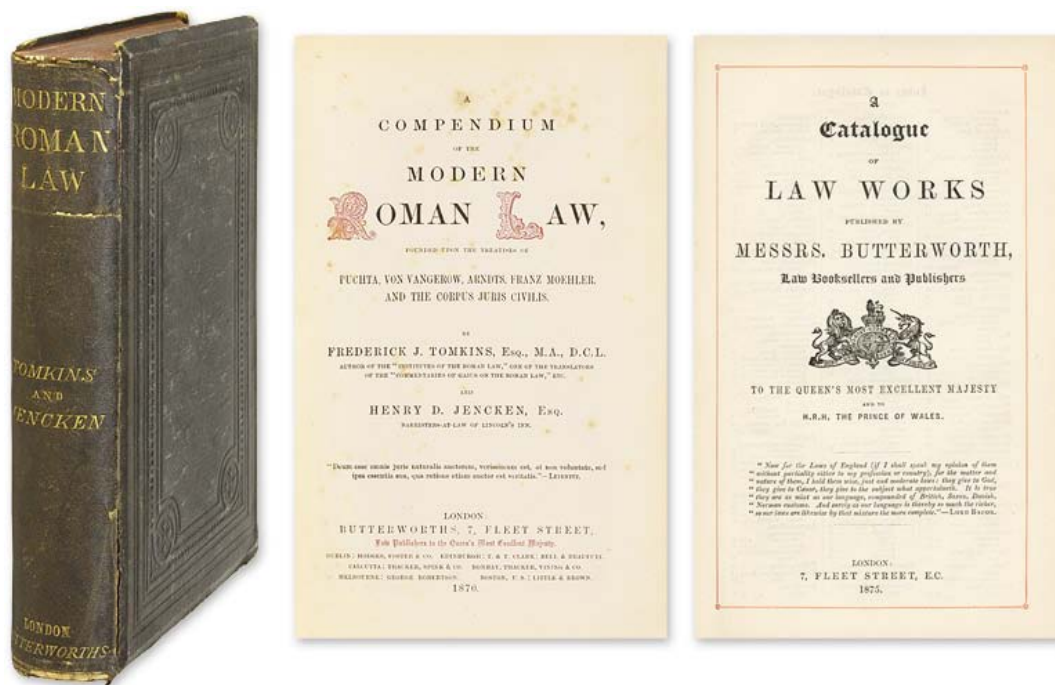
Godefroy, Jacques [1587-1652], Editor.

Antoine Marville [1609-1663], Editor.

Codex Theodosianus: Cum Perpetuis Commentariis Iacobi Gothofredi. Praemittuntur Chronologia Accuratio, Cum Chronico Historico, & Prolegomena: Subijciuntur Notitia Dignitatum, Prosopographia, Topographia, Index Rerum, & Glossarium Nomicum. Opus Posthumum; Div in Foro et Schola Desideratum, Recognitum & Ordinatam ad Usum Codicis Iustinianei, opera et Studio Antonii Marvillii Antecessoris. Lyons: Sumptibus Ioannis-Antonii Hugueta, & Marci-Antonii Rauaud, 1665. Six volumes in four books. Main text in parallel columns. Folio (14-1/4" x 9").

Contemporary calf, gilt spines, speckled edges. Moderate rubbing, some wear to spine ends and corners, some scuffing to boards, most joints and a few hinges cracked or starting, early armorial bookplate of private library to front pastedown of each book, small location label to spine of Volume I (at foot). Title pages in red and black, woodcut head-pieces and decorated initials. Light toning, occasional foxing, internally clean. A handsome set. \$7,500.

* First edition. The *Codex Theodosianus* is an official compilation of all laws enacted since the reign of Constantine that was commissioned by Emperor Theodosius II in 429 CE. Completed in 438 CE, and ratified that year by the senate, it was the standard legal text of the empire, one that superseded all earlier codes. It would later exert enormous influence on the barbarians who assumed control of the Western Empire. The Visigoths, Ostrogoths, Franks, Lombards and Burgundians used it as the basis for their legal codes. Godefroy's edition, which includes extensive commentary, was the first modern edition of the *Codex*. It remains a masterpiece of scholarship and erudition. This edition also contains additional notes by Antoine Marville. Graesse, *Tresor de Livres Rares et Precieux* 209. *British Museum Catalogue* (Compact Edition) 21:980.



Valuable Anthology for Scholars of Roman Law

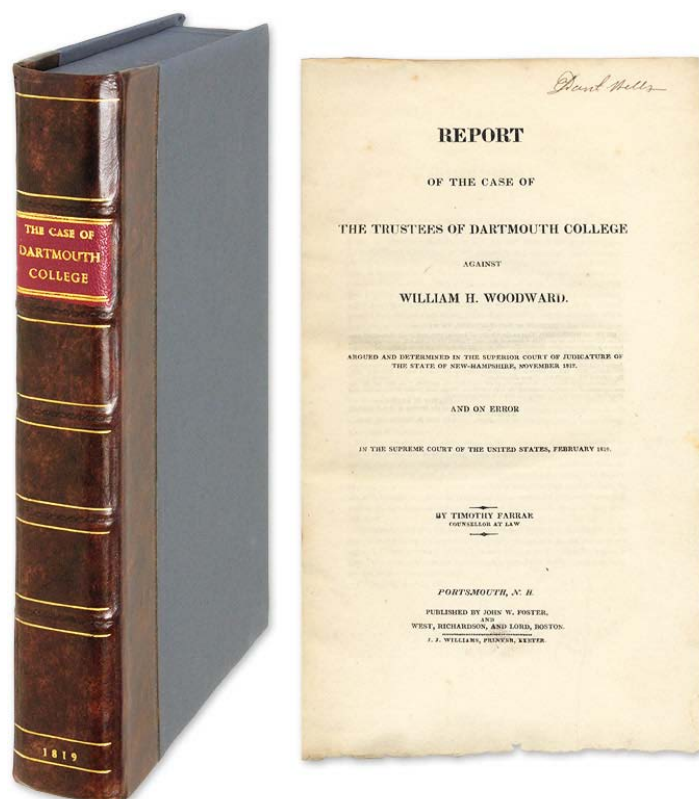
44. Tomkins, Frederick James.

Jencken, Henry D.

A Compendium of the Modern Roman Law, Founded Upon the Treatises of Puchta, Von Vangerow, Arndts, Franz Moehler, And the Corpus Juris Civilis. London: Butterworths, 1870. xix, 425, [3], [39], 1 pp. Publisher advertisements and catalogue at rear of text. Octavo (8-1/2" x 5-1/2").

Original textured cloth, ornate blind-stamped frames to boards, gilt title to spine. Moderate rubbing to extremities, chipping to spine ends, front board starting to detach at ends but still secure, rear hinge cracked. Light toning, foxing to margins of preliminaries. Presentation inscription from Tomkins to front endleaf, early owner stamp to dedication leaf, interior otherwise clean. \$150.

* First edition. "Recommended by Sherman in his 'list of principal works (mostly modern)--treatises and texts--on Roman law [in his Roman Law in the Modern World]': Marke, A Catalogue of the Law Collection at New York University (1953) 892.



First Report of the Landmark Dartmouth College Case

45. [Trial].

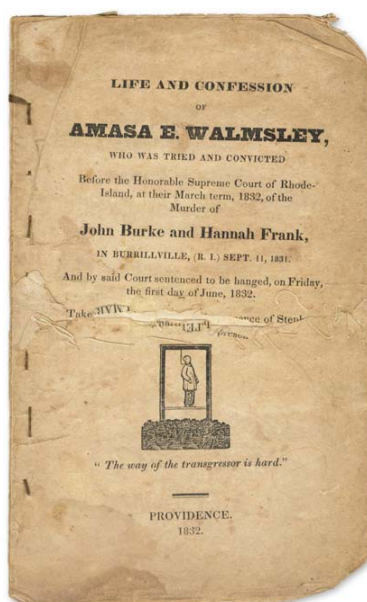
[Dartmouth College Case].

Farrar, Timothy [1788-1874], Reporter.

Report of the Case of the Trustees of Dartmouth College Against William H. Woodward. Argued and Determined in the Superior Court of Judicature of the State of New-Hampshire, November 1817. And on Error in the Supreme Court of the United States, February 1819. Portsmouth: Published by John W. Forster, And West, Richardson, And Lord, Boston, [1819]. [iv], 406 pp. Octavo (9" x 5").

Original publisher boards, untrimmed edges, printed paper title label to spine. Moderate rubbing, considerable wear to spine ends, corners bumped and somewhat worn, bottom edges bumped, front board partially detached, front endleaves loose. Some toning to text, light foxing, chips and minor tears to some leaves. Early owner annotations to boards and spine. Signature (Daniel Wells) to front free endpaper, interior otherwise clean. Item housed in recent cloth-covered clamshell box, calf spine with raised bands and lettering piece. \$1,500.

* First published report. This is probably the most important American case concerning the contract right of corporations. The New Hampshire legislature passed a bill in 1816 that revoked Dartmouth College's original charter and converted the college from a private to a state institution. The college challenged the constitutionality of this act in the state Supreme Court without success, but the U.S. Supreme Court reversed the state's decision in a landmark opinion based on the contract clause of the Constitution. "By construing the contract clause as a means of protecting corporate charters from state interventions, Marshall derived a significant limitation on state authority. As a result, various forms of private economic and social activity would enjoy security from state regulatory policy. Marshall thus encouraged, through constitutional sanction, the emergence of the relatively unregulated private, autonomous economic actor as the major participant in a liberal political economy that served the commonwealth by promoting enlightened self interest" (Konefsky). Farrar's comprehensive report contains all material related to the case, including the arguments of Webster and Wirt and the opinions of Chief Justice Marshall and Justices Story and Washington and texts of related documents. Alfred F. Konefsky, "Dartmouth College v. Woodward" in *The Oxford Companion to the Supreme Court* 218-219. Sabin, *A Dictionary of Books Relating to America* 23887. Cohen, *Bibliography of Early American Law* 11614.



"Walmsley Had...The Indians' Weakness for Liquor"

46. [Trial].

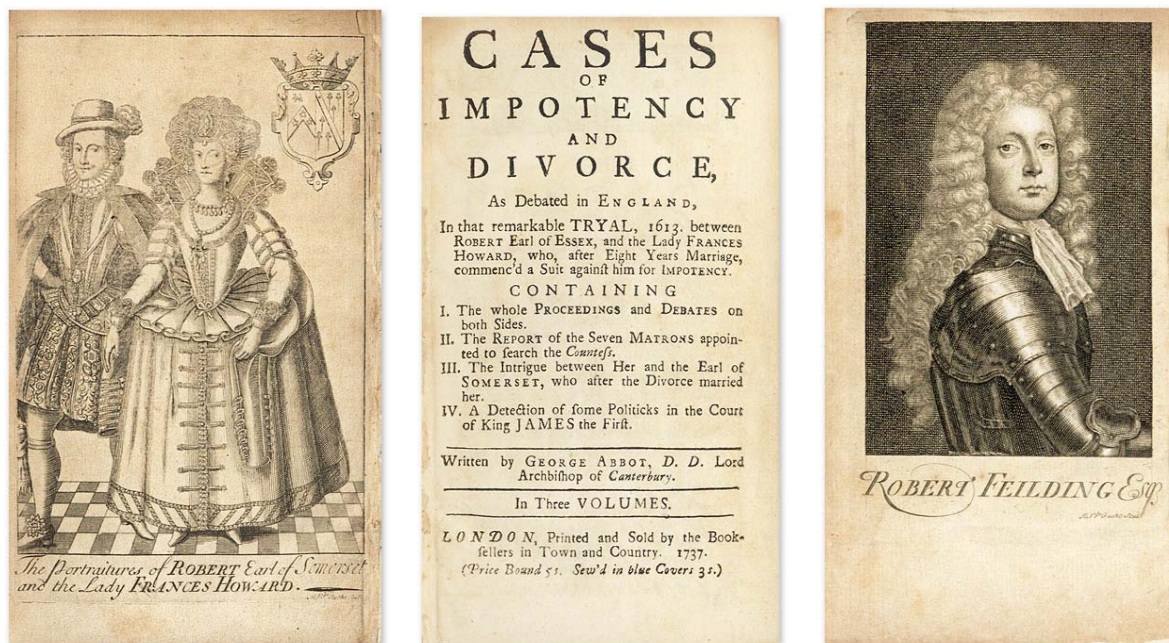
Walmsley, Amasa E. [1806-1832].

Wilmarth, Stephen, Compiler and Editor.

Life and Confession of Amasa E. Walmsley: Who Was Tried and Convicted Before the Honorable Supreme Court of Rhode-Island, At Their March Term, 1832, of The Murder of John Burke and Hannah Frank, in Burrillville, (R.I.) Sept. 11, 1831. And by Said Court Sentenced to be Hanged, On Friday the First Day of June 1832. Taken From His Own Mouth in the Presence of Stephen Wilmarth, Esq., Jailer. Providence: S.n., 1832. 16 pp. Woodcut of hanging on front cover. Octavo (8-1/2" x 5-1/4").

Stab-stitched pamphlet in printed wrappers. Light browning and faint dampspotting, corners worn, crude early stitched repair to spine, similar repair with paper backing to horizontal tear through center of front wrapper, with some loss to text, internally clean. A copy with character. \$1,250.

* Only edition. This account emphasizes the evils of liquor. "Walmsley was the son of a half-blood Indian of the Narragansett tribe and had the Indians' weakness for liquor. He also felt 'shut out by my complexion and the ignominy which the world has cast upon the tribe I belong.' After a drinking bout at his house, he and his brother followed Burke and his mulatto [i.e. Native American] woman into the woods where they beat them and left them senseless. Two weeks later their bodies were found; they apparently died of the attack" (McDade). Hannah Frank, apparently a Nipmuc Indian, was a beautiful 19-year old woman who worked as a housekeeper for the Walmsley brothers. John Burke was a peddler who came to town recently to sell his wares. They fell in love and decided to marry, which angered the brothers. Their mood enhanced by liquor, they followed the couple and beat them to death. (Some accounts say that one of the victims was decapitated, but none say whether it was Frank or Burke.) OCLC locates 4 copies (American Antiquarian Society, Brown University, New-York Historical Society, University of Michigan). *American Imprints* locates 4 more (New Hampshire Historical Society, Library of Congress, the Rhode Island Historical Society, Elwood Public Library, RI). Shaw and Shoemaker, *American Imprints* 16946. McDade, *The Annals of Murder* 1035.



Rare Eighteenth-Century Collection of Eight Seventeenth-Century English Trials Concerning Impotency, Adultery, Sodomy and Divorce

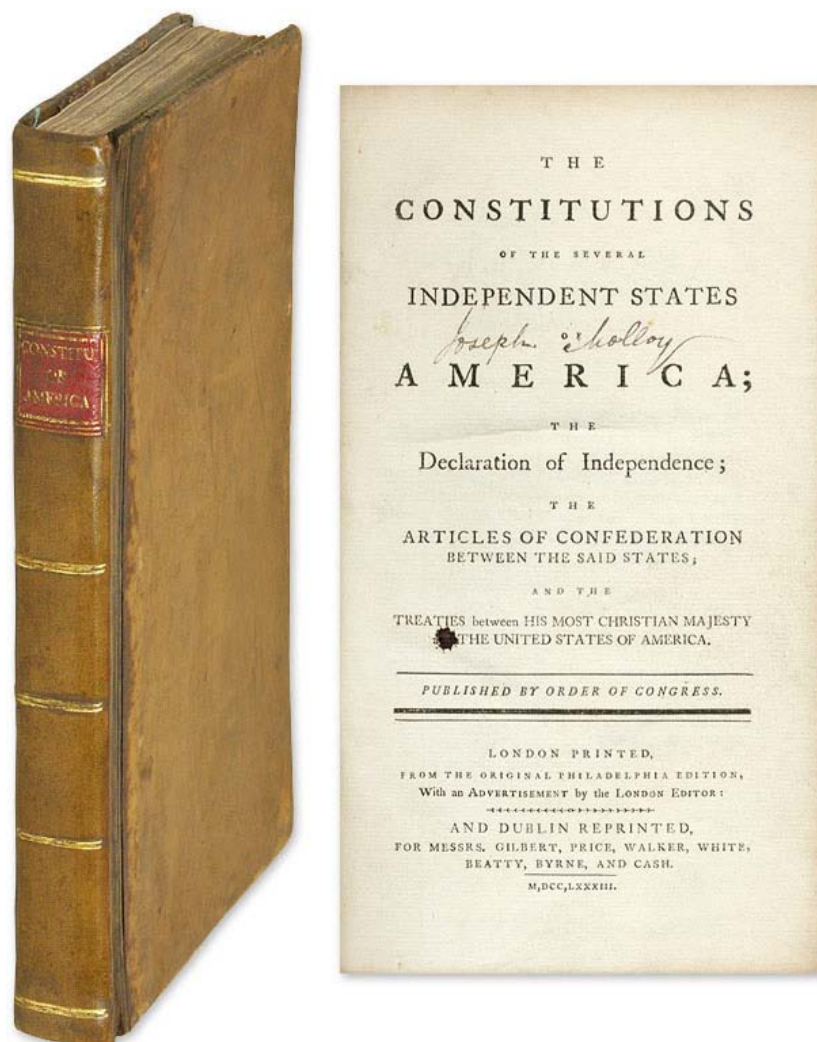
47. [Trials].

Abbot, George [1562-1633].

Cases of Impotency and Divorce, As Debated in England. In Three Volumes. [Subtitle of each volume differs, see below]. London: Printed and Sold by the Booksellers in Town and Country, 1737. Three volumes. [ix], 192; [ii], 324; [xi], xlvii, 144, 36 pp. Volumes I and II have copperplate frontispieces. Complete as issued. 12mo. (6-1/4" x 3-3/4").

Later calf, gilt rules to boards, rebacked in period style, gilt spines with raised bands and lettering pieces, gilt edges. Some rubbing, corners lightly bumped and worn. Moderate toning, occasional faint dampspotting. Later owner stamps of Charles S. Dixwell to versos of front free endpapers, his notes in pencil to endleaves, interior otherwise clean. An appealing copy of a rare set. \$3,500.

* Only edition, one of two issues from 1737. Ostensibly didactic, but clearly intended to titillate, this is an anthology of sensational English trials concerning impotency, adultery, sodomy and divorce. The author was the Archbishop of Canterbury. Contents (taken from title pages) Volume I: [T]hat Remarkable Tryal, 1613. Between Robert Earl of Essex, And the Lady Frances Howard, Who, After Eight Years Marriage, Commenc'd a Suit Against Him for Impotency. Containing I. The Whole Proceedings and Debates on Both Sides. II. The Report of the Seven Matrons Appointed to Search the Countess. III. The Intrigue Between Her and the Earl of Somerset, Who After the Divorce Married Her. IV. A Detection of Some Politicks in the Court of King James the First; Volume II: The Tryal of Mervin Lord Audley, Earl of Castlehaven, For a Rape and Sodomy. Also, The Proceedings Between the Duke of Norfolk and His Dutchess; Volume III: I. Memoirs of the Life of Robert Feilding, Esq; Containing an Account of His Amours, With a True Copy of His Last Will and Testament. II. The Case of Barbara Late Dutchess of Cleaveland, With the Whole Proceedings Between Her Grace, And Major-General Feilding in Doctor's-Commons; And Sir John Cooke's Definitive Sentence at Large in this Remarkable Trial. III. The Case of Sir. George Downing, Bart. And Mrs. Mary Forester. IV. The Case of John Dormer, Esq; V. The Case of Lord Roos. VI. The Judgment of the Most Eminent Divines, &c. Concerning the Dissolution of Marriage. Otherwise identical, our issue differs from the other by a statement of the title page of Volume I reading "Price Bound 5s. Sew'd in blue Covers 3s." This copy belonged to the notable erotica collector Charles S. Dixwell [1868-1934]. (Yes, his name. was Dixwell.) OCLC locates 2 copies worldwide, 1 in North America (at the University of Pennsylvania). We located another copy at the Library of Congress. *English Short-Title Catalogue* N65977.



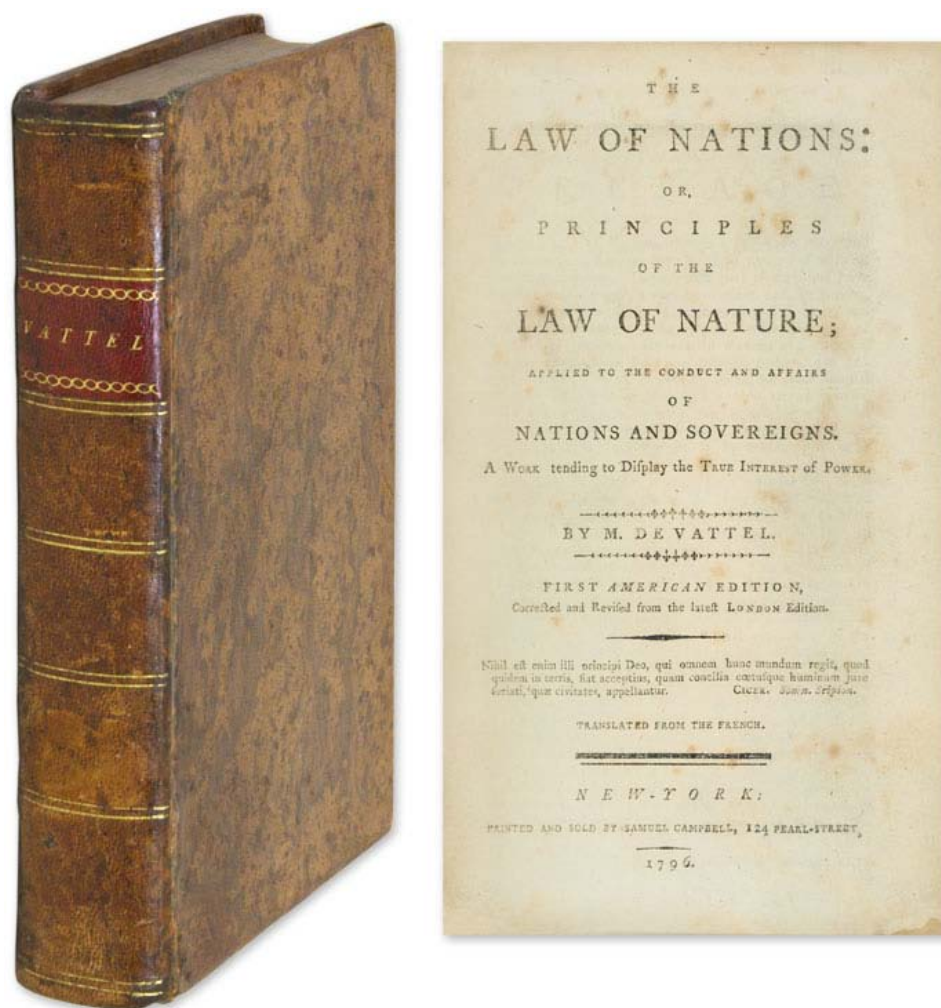
"The Magna Carta of the United States"

48. [United States].
[Constitutions].

The Constitutions of the Several Independent States of America; The Declaration of Independence; the Articles of the Confederation Between the Said States, And the Treaties Between His Most Christian Majesty and the United States of America. Published by Order of Congress. Dublin: London Printed, From the Original Philadelphia Edition, With an Advertisement by the London Editor: And Dublin Reprinted, For Messrs. Gilbert, Price, Walker, White, Beatty, Byrne, and Cash, 1783. [viii], 264 pp. Octavo (8" x 4-3/4").

Contemporary calf, rebacked in period style with lettering piece and gilt fillets, hinges mended. Light rubbing to boards, moderate rubbing to extremities with some wear to corners, early armorial bookplate and two faint signatures (of Joseph Molloy) to front pastedown, another signature of his to center of title page, light toning to text, browning to outer edges of margins. A handsome copy of a scarce imprint. \$2,000.

* Only Dublin edition, published the same year as the Glasgow edition and preceded by the rare 1781 Philadelphia printing (200 copies) and the London editions of 1782 and 1783. Published originally by order of Congress, this compilation was a valuable reference work and a source of ideas for the framers of the 1787 Federal Constitution. "This work was the first authoritative and original printed texts of these important documents... It is, in short, the book which may be considered as the Magna Carta of the United States. It is scarcely necessary to say that this important work has been repeatedly reprinted" (*Monthly Review* cited in Sabin). OCLC locates 3 copies of the Dublin edition in North American law libraries (Harvard, Northwestern, University of Minnesota). Sabin, *A Dictionary of Books Relating to America* 16090. Cohen, *Bibliography of Early American Law* 3022.



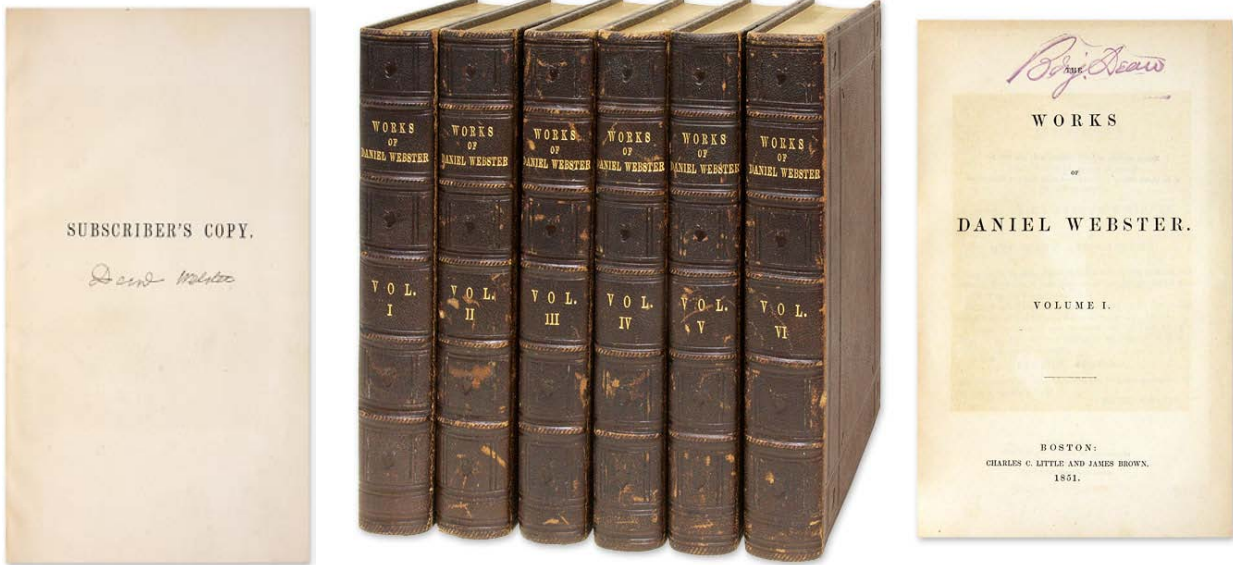
Early American Edition of Vattel's Classic Treatise

49. Vattel, [Emmerich] de [1714-1767].

The Law of Nations: Or Principles of the Law of Nature; Applied to the Conduct and Affairs of Nations and Sovereigns. A Work Tending to Display the True Interest of Powers. First American Edition, Corrected and Revised From the Latest London Edition. Translated from the French. New York: Printed and Sold by Samuel Campbell, 1796. xlviii, [49]-563 pp. Octavo (7-1/2" x 4-1/2").

Contemporary sheep treated to look like tree calf, rebacked in period style with gilt fillets and original lettering piece, hinges mended. Light rubbing to extremities. Toning to text, occasional light foxing. Later small inkstamp to head of preface (a library shelf number?), interior otherwise clean. \$950.

*"First" American edition, actually the second, based on the 1760 London edition. First published in 1758, this is one of the great treatises on international law. It was especially influential in America and was among the earliest law books reprinted there; the first American edition was published in New York in 1787. Jefferson ranked it with the works of Grotius, Pufendorf and Wolff. It was also cited more frequently than any other writer on international law in early U.S. courts. "Le Droit de Gens is certainly a work of the first magnitude. It modernized the whole theory and business of International Law, brought it out of the study into the field, the mart, the council chamber, and the palace. (...) He did indeed, much for nations, for he imposed upon them theories of moral rational development up to which it became, in a sense, necessary for them to live.": MacDonnell, *The Great Jurists of the World* 479, 504. Cohen, *Bibliography of Early American Law* 7187.



Handsome Edition of Webster's Writings, Signed by Webster

50. Webster, Daniel [1782-1852].

[Everett, Edward (1794-1865), Biographical Memoir].

The Works of Daniel Webster. Boston: C.C. Little and J. Brown, 1851. Six volumes. Three plates with tissue overlays. Complete set. Octavo (8-1/2" x 5-1/2").

Contemporary morocco, blind rules to boards, raised bands, gilt titles and blind ornaments to spines, gilt edges, marbled endpapers. Moderate rubbing to extremities, some scratches and nicks to spine, front endleaf in Volume I detached. Webster signature and Engraved portrait frontispiece and plate depicting Webster's birthplace in Volume I, portrait frontispiece in Volume II, frontispiece depicting Webster's house in Volume III. Light toning to text, light foxing to plates. Early gift inscription and small ink stain to front endleaf of Volume I, small later owner stamps to heads of title pages, interiors otherwise clean. A handsome set. \$750.

* Subscriber's edition, the first edition of this set. Webster was renowned in his day as one of America's greatest statesmen and lawyers. Marketed as the Subscriber's Edition, this handsome edition was produced under Webster's supervision. He signed the first volume of each set (on a leaf with the heading: "Subscriber's Copy"). It Contents, Volume I: Biographical Memoir [by Edward Everett] and Speeches on various occasions; Volume II: Speeches on Various Occasions; Volume III: Speeches in the Convention to Amend the Constitution of Massachusetts, And Speeches in Congress; Volume IV: Speeches in Congress; Volume V: Speeches in Congress, And Legal Arguments and Speeches to the Jury; Volume VI: Legal Arguments and Speeches to the Jury, Diplomatic and Official Papers, And Miscellaneous Letters. Volume VI also contains an index.

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