

SCOTLAND *and* IRELAND

June 30, 2015

A
JUSTICE of PEACE
FOR
I R E L A N D :

CONSISTING OF
T W O B O O K S ;
The First, declaring the Exercise of that Office by one or more Justices of Peace out of Sessions ;
The Second, setting forth the FORM of PROCEEDING in Sessions, and the MATTER to be enquired of and handled therein.

Composed by Sir RICHARD BOLTON, Knt.
Chief Baron of His Majesty's Court of Exchequer in Ireland.

To which are now added,
In an ALPHABETICAL ORDER,
All the STATUTES now in Force in *England* and *Ireland*, (since Sir RICHARD BOLTON published his said Treatise) which concern the Office of a Justice of Peace for *Ireland*, both in and out of Sessions.

Here are likewise added,
Three T A B L E S :
The First shews the several Titles in Sir RICHARD BOLTON's Treatise to which Additions have been made. The Second shews the several New Titles added ; and the Third is designed for the more easy finding several Particular Matters contained under the General Titles.

With a Compleat INDEX to the Whole.

ALSO,
Some PRECEDENTS of COMMITTALS, CONVICTIONS, SUMMONSES and WARRANTS, are added, as a Help to Justices of the Peace in the Execution of their Office. With a TABLE of the PRECEDENTS.

By MICHAEL TRAVERS, Esq; Barrister at Law.

Psal. vii. Verse 9. Oh ! let the Wickedness of the Wicked come to an End, but establish the Truth : For the righteous God trieth the Hearts and Reins.

D U B L I N :
Printed for J. LEATHLEY, and T. MOORE, in *Dane-street*, and O. NELSON, in *Skinner-row*, Book-sellers. M,DCC,L.

THE
PRINCIPLES
OF THE
L A W
OF
SCOTLAND :

In the Order of Sir GEORGE MACKENZIE'S
Institutions of that Law.

VOLUME I.

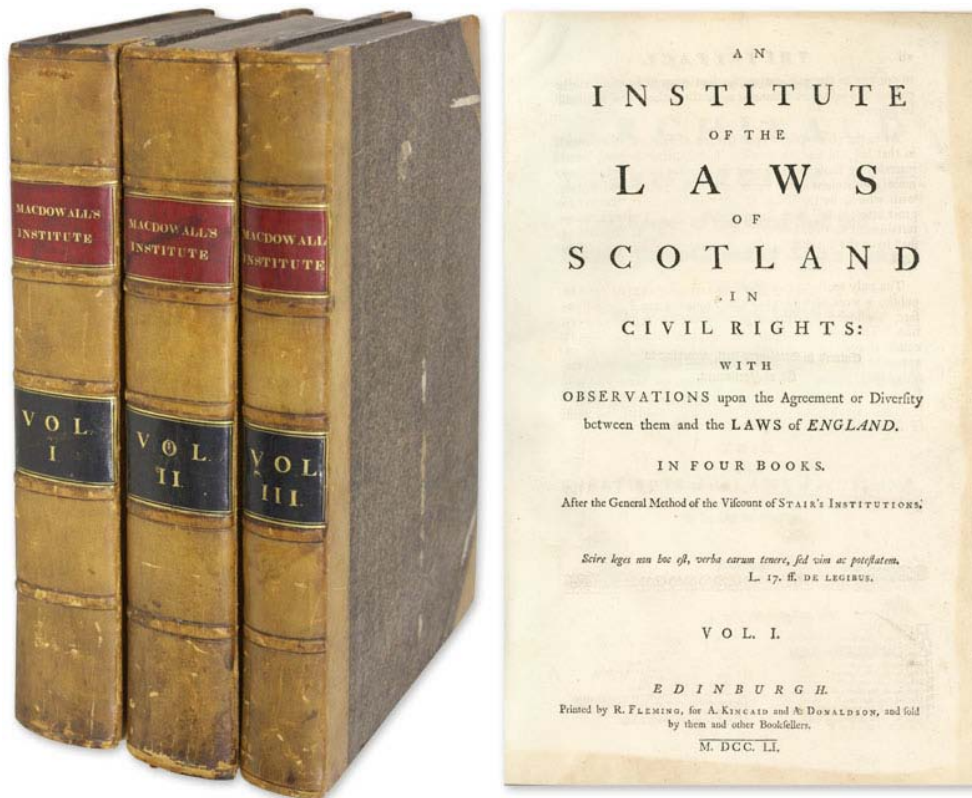
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M,DCC,LIV.

The Lawbook Exchange, Ltd.

Scotland and Ireland

30 June 2015



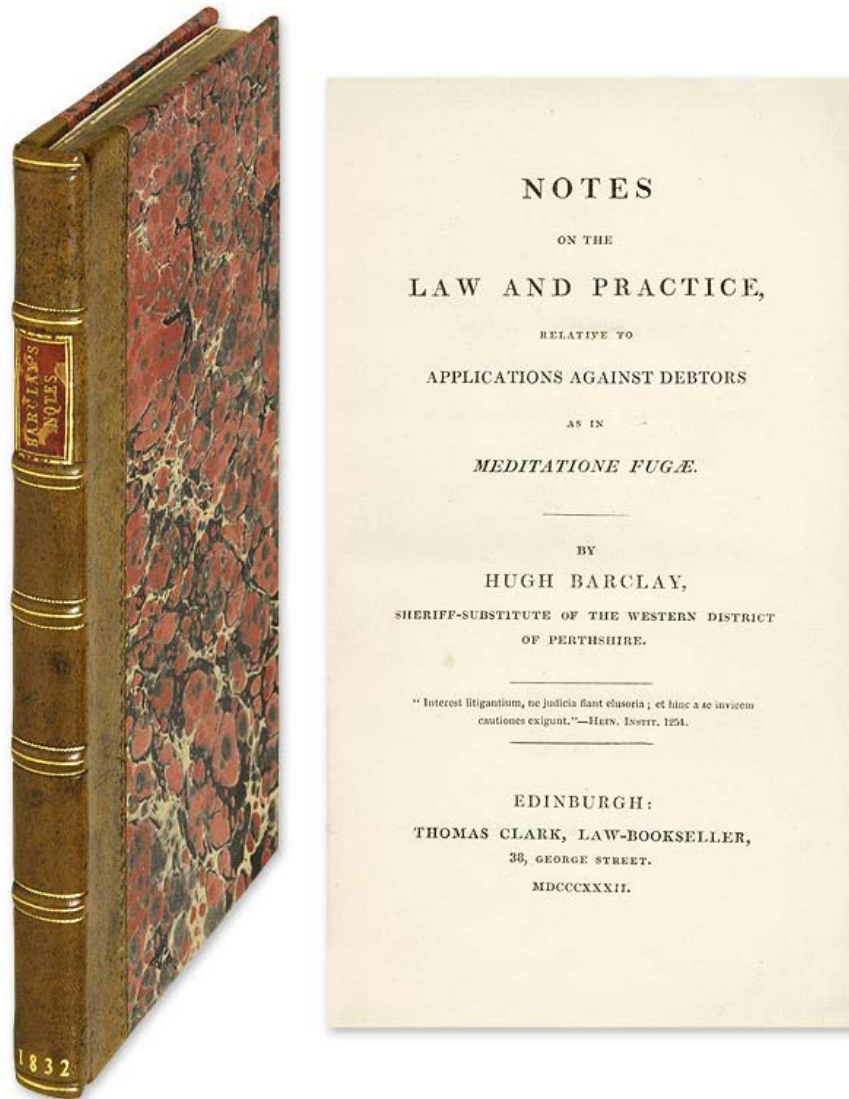
A Comparative-Law Response to the Act of Union

1. Bankton, Andrew MacDowall, Lord [1685-1760].

An Institute of the Laws of Scotland in Civil Rights: With Observations Upon the Agreement or Diversity Between Them and the Laws of England. In Four Books. After the General Method of the Viscount of Stair's Institutions. Edinburgh, Printed by R. Fleming, for A. Kincaid and A. Donaldson, 1751-53. Three volumes. xii, [ii], 696; [viii], 681; [iv], 190 pp. Folio (12" x 8").

Contemporary three-quarter calf over marbled boards, raised bands and lettering pieces to spine. Some rubbing and minor scuffing to boards and extremities, joints starting. Early armorial bookplates (of Alexander Thompson) to front pastedowns. Cracks near front and rear hinges of text blocks, small tears and chips to margins of a few leaves, larger chip to fore-edge of leaf in Volume I with minor loss to side-notes. Contemporary annotations in a few places, interiors otherwise clean. A nice set. \$750.

* Only edition. With side-notes and comprehensive indexes. The 1707 Act of Union compelled Scottish and English jurists to comprehend each other's legal systems. As Bankton put it, "now, since the union of the two kingdoms, there is such an intercourse between subjects of South and North Britain, that it must be of great moment that the laws of both be generally understood, and their agreement or diversity attended to; so that people, in their mutual correspondence, may regulate themselves accordingly" (Preface). As one would expect of an eighteenth-century Scottish jurist, the arrangement of the *Institute* is strongly influenced by the *Institutes* of Justinian. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 5:72.



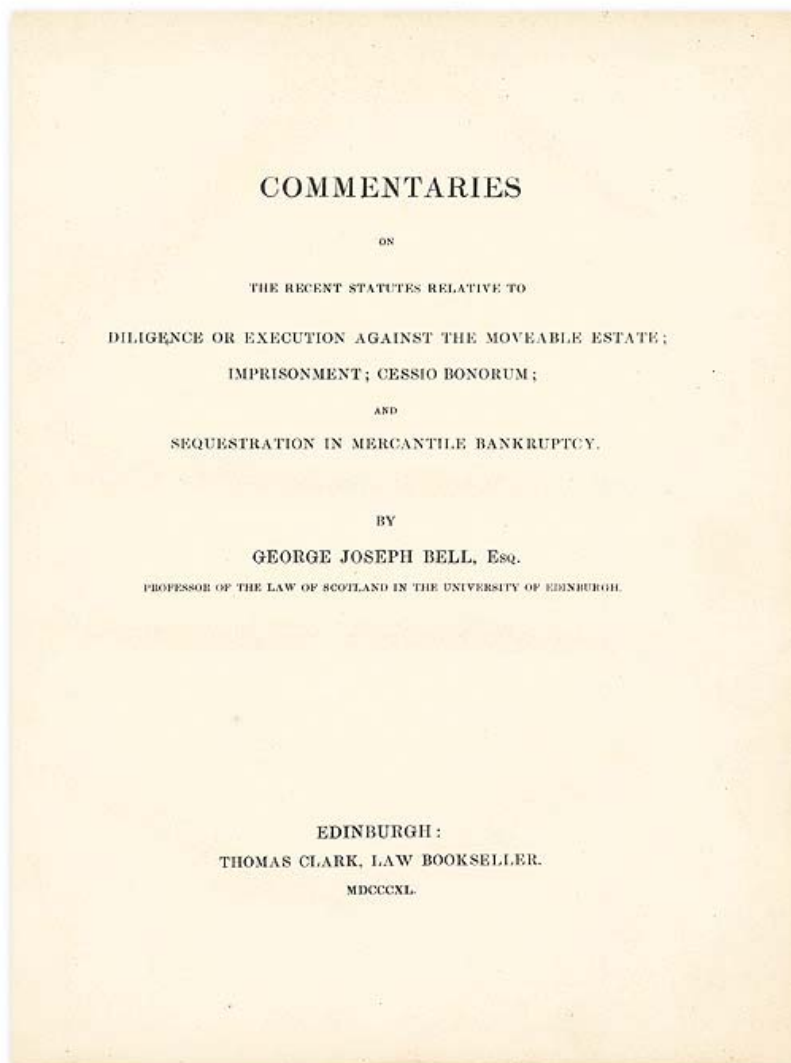
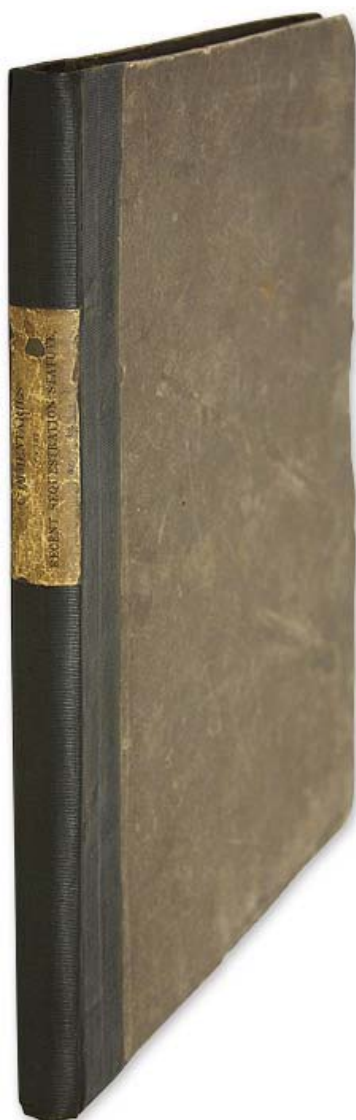
**An Interesting Aspect of the
Scottish Law of Debtor and Creditor**

2. Barclay, Hugh [1799-1884].

Notes on the Law and Practice, Relative to Applications Against Debtors as in Meditatione Fugae. Edinburgh: Thomas Clark, 1832. xii, 117 pp. 12mo. (7" x 4").

Recent period-style quarter calf over marbled boards, raised bands and lettering piece to spine, endpapers renewed. Toning to text, light wear to edges of a few leaves, internally clean. \$350.

* Only edition. "*Meditatio Fugae* is an old principle of Scots law that if a creditor could make an oath that his debtor was in *meditatione fugae* to avoid payment of his debt, he may apply to a magistrate who may grant warrant for apprehending the debtor for examination, and subsequently, grant warrant to imprison the debtor until he finds caution *judicio sisti*" (Walker). OCLC locates no copies in North America. Copies located at the Library of Congress and Harvard Law School. Walker, *Oxford Companion to Law* 832. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 5:9.



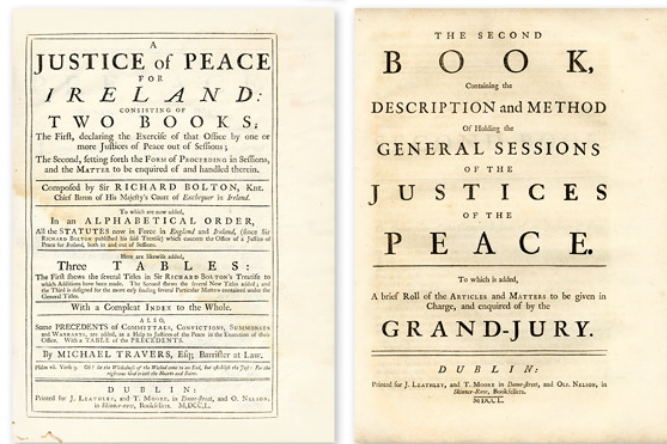
**An Important Scottish
Authority on Commercial Law and Bankruptcy**

3. Bell, George Joseph [1770-1843].

Commentaries on the Recent Statutes Relative to Diligence or Execution Against the Moveable Estate, Imprisonment, Cessio Bonorum, and Sequestration in Mercantile Bankruptcy. Edinburgh: Thomas Clark, 1840. xii, 207 pp. Quarto (11-1/2" x 9").

Contemporary quarter cloth over paper boards, printed paper title label to spine. Moderate rubbing to boards, light rubbing to extremities, corners bumped and somewhat worn, hinges partially cracked but secure. Some toning, interior otherwise fresh. An appealing copy of a scarce title. \$500.

* First edition. Bell was an important figure in the history of Scottish law. Two of his books, *Commentaries on the Laws of Scotland* and *Principles of the Law of Scotland*, are, according to Walker, "among the half-dozen classics of Scottish legal literature." As Marvin indicates, Bell's writings on commercial law and bankruptcy were highly important during the first half of the nineteenth century and were cited often by Kent, Legere, Story and other American jurists. Walker, *The Oxford Companion to Law* 122. Marvin, *Legal Bibliography* 108-109.



The First Irish Legal Treatise

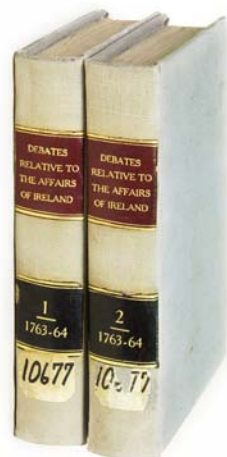
4. Bolton, Sir Richard [c.1570-1648].

Travers, Michael.

A Justice of Peace for Ireland: Consisting of Two Books; The First, Declaring the Exercise of That Office by One or More Justices of Peace Out of Sessions; The Second, Setting Forth the Form of Proceeding in Sessions, And the Matter to be Enquired of and Handled Therein. To Which are Now Added, In an Alphabetical Order, All the Statutes Now in Force in England and Ireland, (Since Sir Richard Bolton Published His Said Treatise) Which Concern the Office of a Justice of Peace for Ireland, Both in and Out of Sessions. Here are Likewise Added, Three Tables: The First Shews the Several Titles in Sir Richard Bolton's Treatise to Which Additions Have Been Made. The Second Shews the Several New Titles Added; And the Third is Designed for the More Easy Finding Several Particular Matters Contained Under the General Titles. With a Compleat Index to the Whole. Also, Some Precedents of Committals, Convictions, Summonses and Warrants, Are Added, As a Help to Justices of the Peace in the Execution of Their Office. With a Table of the Precedents. Dublin: Printed for J. Leathley, And T. Moore, 1750. xiv, 586, 292 pp. Two parts, each with title page and individual pagination. Quarto (10" x 8").

Contemporary calf, raised bands and recent period-style lettering piece to spine. Light rubbing to extremities, a few minor scuffs and stains to boards, minor worming to lower edges of pastedowns and some adjacent leaves. Light toning, a bit darker in places, faint dampstaining to portions of text, internally clean. A nice copy. \$750.

* Third and final edition. First published in 1638, this was the first Irish legal treatise. Considerably enlarged by Travers, the third is the preferred edition of this work. Bolton was chief baron of the Irish Court of Exchequer. OCLC locates 9 copies of this edition in North American law libraries. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 4:8-9.



Item 5



Item 6

Ireland Debates Resistance to the Navigation Acts

5. [Caldwell, Sir James].

Debates Relative to the Affairs of Ireland; In the Years 1763 and 1764. Taken by a Military Officer. To Which is Added, An Enquiry How far the Restrictions Laid Upon the Trade of Ireland, By British Acts of Parliament, Are a Benefit or Disadvantage to British Dominions in General, And to England in Particular, For Whose Separate Advantage They Were Intended. With Extracts of Such Parts of the Statutes as Lay the Trade of Ireland Under Those Restrictions. London: s.n., 1766. Two volumes. [iv], [ix], [i], iii, [i], 404; [iv], [405]-853, [1], [26] pp. Octavo (7-1/2" x 4-3/4").

Later buckram, red and black lettering pieces to spines. Some soiling and shelfwear, minor wear to lettering pieces, a few minor stains to boards. Moderate toning to text, minor tears to a few leaves, one with early cellotape repair. A few early corrections to text, interior otherwise clean. Ex-library. Location labels to spines, stamps to title pages, annotations to verso. \$350.

* Second and final edition, one of three imprints from 1766. Like their counterparts in the North American colonies, the Irish questioned the validity of the Navigation Acts imposed at the end of the Seven Years' War. The debates in the Irish Parliament recorded in these volumes offer an interesting perspective on the debates in North America. In the end Ireland accepted the acts, a factor in its growing resentment of Great Britain. *English Short-Title Catalogue* T225382.

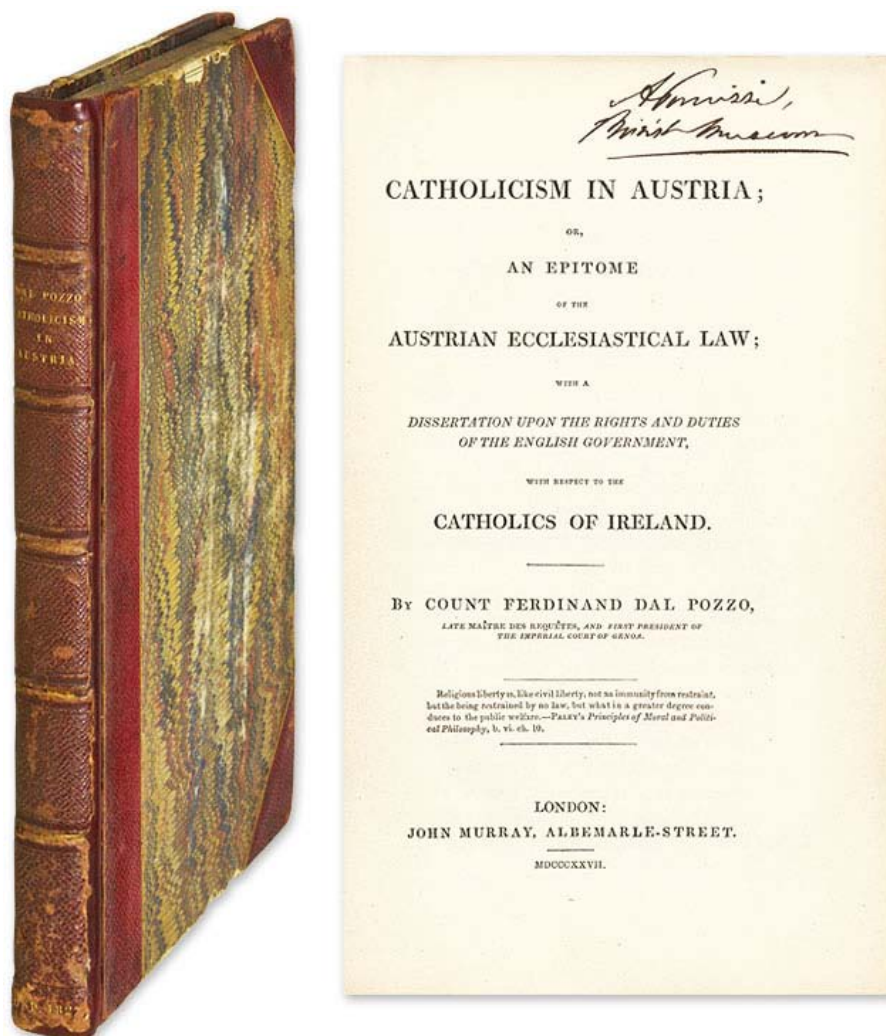
First Edition of the First Systematic Work on Scots Law

6. Craig, Sir Thomas [1538-1608].

Jus Feudale Tribus Libris Comprehensum: Quibus Non Solum Consuetudines Feudales & Praediorum Jura, Quae in Scotia, Anglia, & Plerisque Galliae Locis Obtinent, Continentur; Sed Universum Jus Scoticum, et Omnes Fere Materiae Juris Clare & Dilucide Exponuntur, Et ad Fontes Juris Feudalis & Civilis Singula Reducuntur. Edinburgh: [s.n.] Impressum Anno. Dom. 1655. [xii], 383, [1 blank] pp. Folio (12" x 8").

Contemporary sheep, blind rules to boards, recent lettering piece to spine. Rubbed with some loss to spine ends, some worming to rear board and head of spine, joints starting at ends, front hinge partially cracked, about half of front free endpaper lacking, recent armorial bookplate (of the Baron de Spon) to front free pastedown, early wax seals to verso of front free endpaper. Light toning to text, internally clean. A solid copy of an important work. \$500.

* First edition. Unlike previous compilations, *Jus Feudale* is an original work. "Indeed Craig was the first systematic writer on law in Scotland. The *Jus Feudale* is not a mere textbook of the law of land rights, but is a learned disquisition upon a great social system. The opening chapters are devoted to an examination of the sources of law in general, and trace the history and development of the Civil, Canon and Feudal laws. If Craig had accomplished no more than that he would have been entitled to a foremost place amongst our jurists, for unquestionably the form of his book not only exemplified the philosophical outlook of the learned Scots lawyer, but provided a model of construction and treatment for his successors" Black, *The Institutional Writers* 62-63. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 5:26.



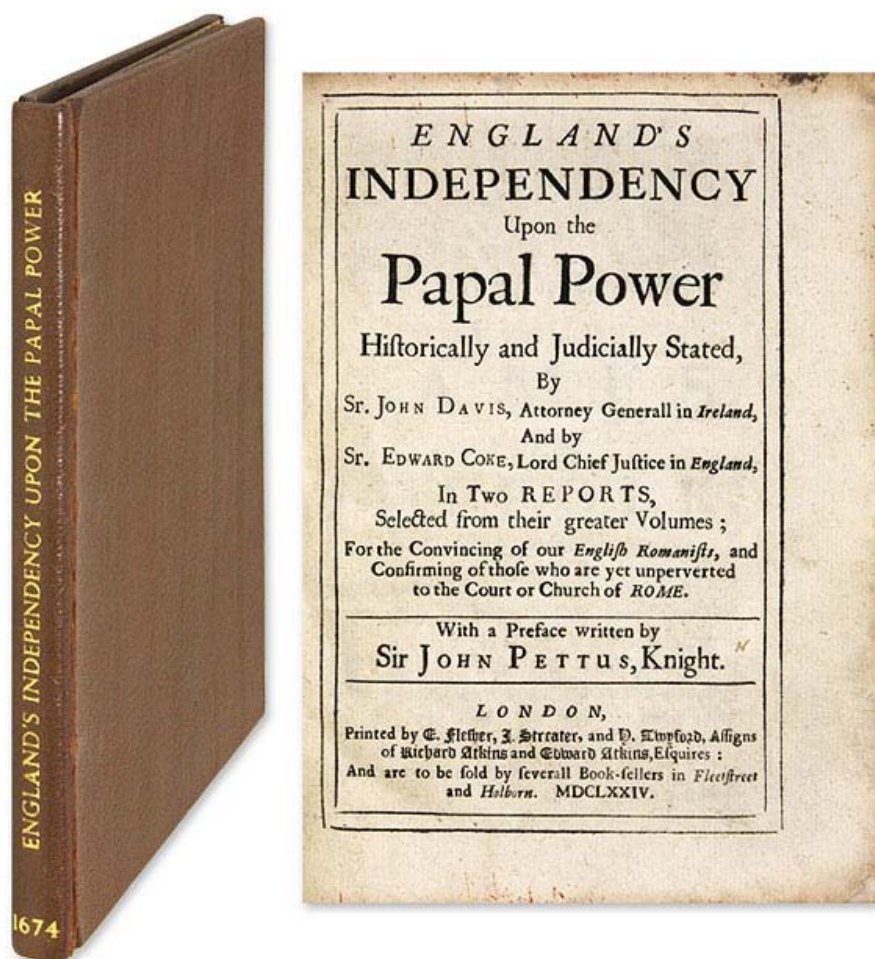
An Early Assessment of Catholic Emancipation by an Italian Lawyer and Judge

7. Dal Pozzo, Ferdinando, Comte [1768-1843].

Catholicism in Austria; Or, An Epitome of the Austrian Ecclesiastical Law; With a Dissertation Upon the Rights and Duties of the English Government, With Respect to the Catholics of Ireland. London: John Murray, 1827. xx, 252 pp. Octavo (8-3/4" x 5-1/2").

Contemporary three-quarter morocco over marbled boards, marbled edges and endpapers, rebacked retaining original spine with gilt title and raised bands, hinges mended. Moderate rubbing to boards edges with some wear to corners. Early owner signature to head of title page, interior otherwise fresh. \$450.

* Only edition. Dal Pozzo was a lawyer and former First President of the Imperial Court at Genoa. In this book he offers a cautious assessment of the arguments that resulted in the Catholic Relief Bill, or Catholic Emancipation Bill, of 1829. He advocated "a middle course between continued restrictions and immediate emancipation" that would curtail the Church's "ultramontane pretensions" and exclude monks and Jesuits. OCLC locates 24 copies, none in law libraries. *British Museum Catalogue* (Compact Edition) 20:830.



Asserting the Act of Supremacy

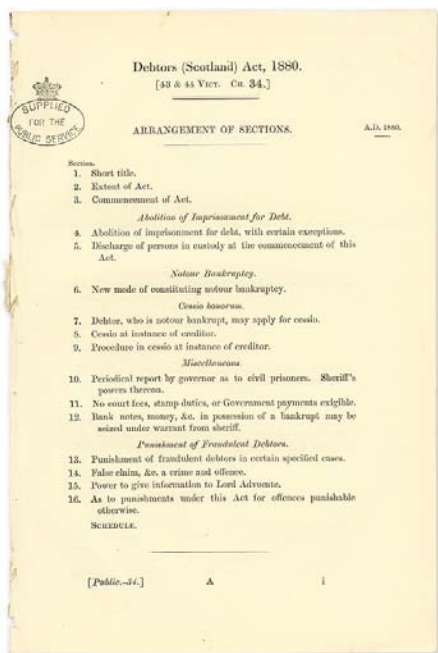
8. [Davies, Sir John (1569-1626)].

Pettus, Sir John [1613-1690], Preface.

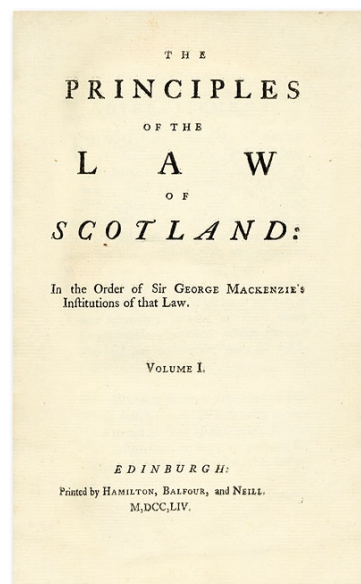
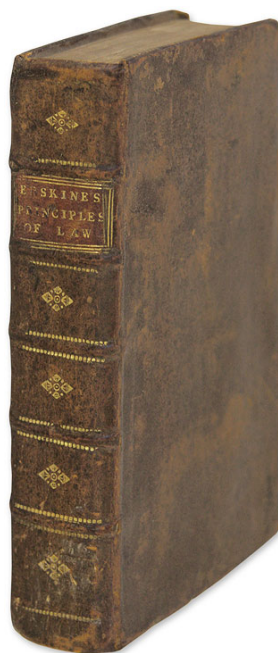
England's Independency Upon the Papal Power Historically and Judicially Stated, By Sr. John Davis, Attorney Generall in Ireland, And by Sr. Edward Coke, Lord Chief Justice in England, In Two Reports, Selected from Their Greater Volumes; For the Convincing of our English Romanists, And Confirming of Those Who are Yet Unperturbed to the Court or Church of Rome. With a Preface Written by Sir John Pettus, Knight. London: Printed by E. Flesher, J. Streater, and H. Twyford, 1674. [xvi], 88 [i.e. 84] pp. (Pp. 82-84 mis-numbered 84, 85, 88, respectively.) Quarto (7-1/2" x 5-1/2").

Stab-stitched pamphlet bound into later morocco, gilt title to spine, endpapers renewed. Light rubbing to extremities, front joint starting at foot. Attractive large woodcut head-pieces and decorated initials. Light toning to text, somewhat heavier in places, light soiling and some edgewear to title page, internally clean. \$950.

* Only edition. Davies is an important figure in English and Irish constitutional history. Also a notable poet, he was attorney general for Ireland. During that time he framed several legal principles that were used to support the growth of the British Empire. *England's Independency* reflects his fear of the pro-Catholic King Charles II. It warns the king to restrict his support through a clever reading of the Act of Supremacy. Issued by King Henry VIII in 1534, it declared the king to be the "supreme head on earth of the Church in England" in place of the pope. Therefore, he argues, any sympathy towards Catholicism is treasonous because it cedes power to the pope, who, like the king, claims political power over his followers. OCLC locates 12 copies in North America, 2 in law libraries (Library of Congress, Yale). *English Short-Title Catalogue* R21289.



Item 9



Item 10

Acts Concerning Debtors in Scotland

9. [Debtors]. [Scotland].

[An Act to Abolish Imprisonment for Debt, And to Provide for the Better Punishment of Fraudulent Debtors in Scotland; And for Other Purposes (7th September 1880)]. [ii], 7, [1] pp. Octavo (11" x 7"). Disbound. Light toning, small stamp to verso of first leaf, internally clean. \$45.

* 43 & 44 Victoria, Chapter 34. This item was disbound from the annual volume of session laws.

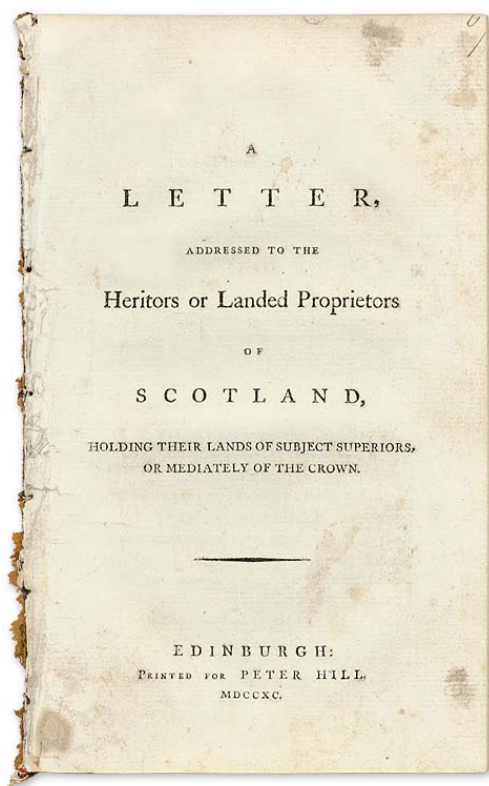
A Scottish Work "Of Very Great Importance"

10. [Erskine, John (1695-1768)].

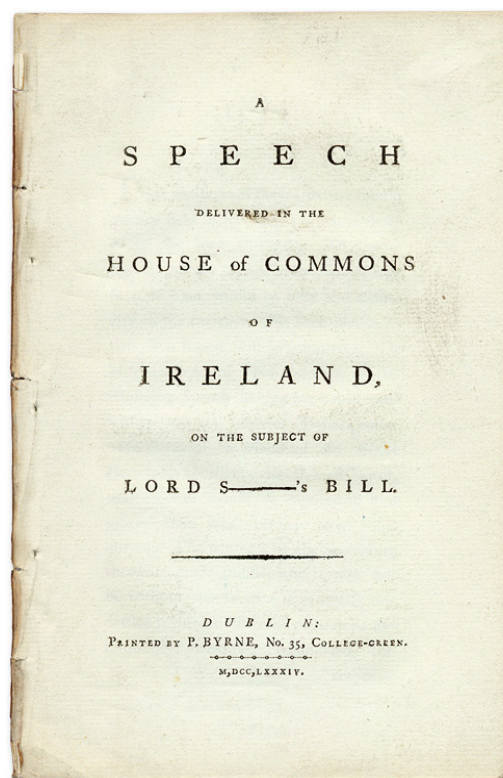
The Principles of the Laws of Scotland: In That Order of Sir George Mackenzie's Institutions of That Law. Edinburgh: Printed by Hamilton, Balfour, and Neill, 1754. Two volumes in one book with continuous pagination and individual title pages. [viii], 261, [1]; [2], [265]-509, [29] pp. Octavo (7-1/2" x 5").

Contemporary calf, raised bands, gilt ornaments and lettering piece to spine, edges rouged. Some rubbing to boards and extremities, corners bumped and lightly worn, hinges cracked but secure, rear free endpaper lacking, tear to leaf Z1 in second volume carefully repaired. Early armorial bookplate (of Hugh McLean of Ardgour) to front pastedown. Offsetting to endleaves, light toning to text, internally clean. \$750.

* First edition. The *Dictionary of National Biography* says this is a work "of very great importance. (...) [It] was first published in 1754 as a manual for the use of his class, for whom he had hitherto prescribed Sir George Mackenzie's work. It became at once popular. New editions were published under the author's supervision in 1757 and 1764, and after his death it was edited in succession by Gillon, Professor Schank More, Mr. Guthrie Smith, and Mr. William Guthrie. The seventeenth edition was published in 1886 by Professor Macpherson, by whom 'the book has been restored to its original position as the Scots law manual in the metropolitan university.'" OCLC locates 9 copies. Not in COPAC. *Dictionary of National Biography* VI:849. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 5:40.



Item 11



Item 12

Scarce Scottish Pamphlet Land Tenure and Parliamentary Representation

11. [Grant, James (1743-1835)].

A Letter, Addressed to the Heritors or Landed Proprietors of Scotland, Holding Their Lands of Subject Superiors, Or Mediate of the Crown. Edinburgh: Printed for Peter Hill, 1790. [ii], 37, [1] pp. Octavo (8-1/4" x 5").

Disbound pamphlet, spine secure. Toning, light soiling and minor stains to title page, internally clean. \$125.

* Only edition. This pamphlet addresses land tenure and the right of landed proprietors in Scotland to choose their representatives in Parliament. The pamphlet is signed Scoto-Britannus. OCLC locates 9 copies, 5 in North America (at the NY Public Library, Harvard Law School, Columbia University, the University of Missouri, Columbia, and Princeton University). *Kress Library of Business and Economics Catalogue* B.1892.

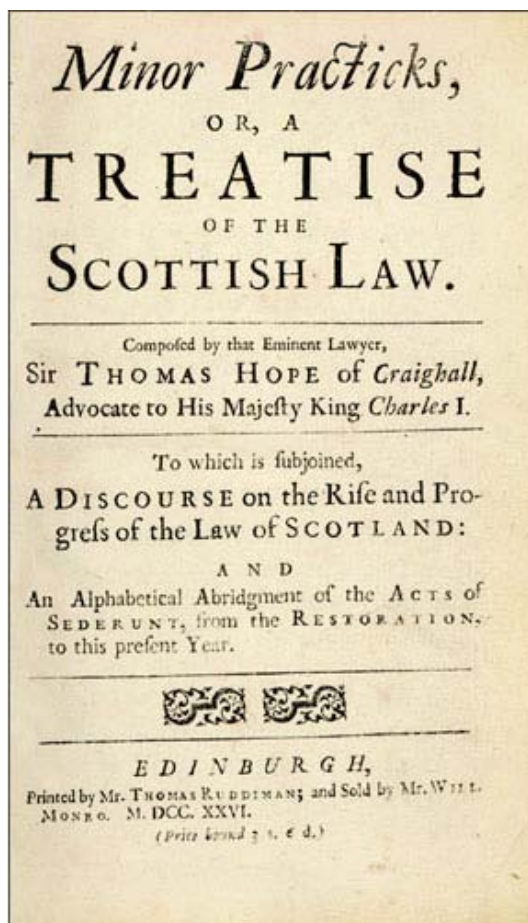
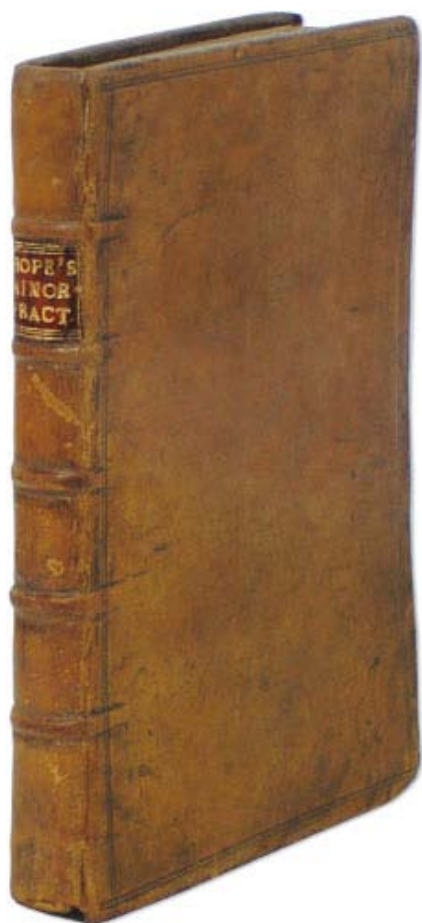
Argument for an Impeachment in the Irish House of Commons

12. [Hely Hutchison, John, Attributed].

A Speech Delivered In The House Of Commons Of Ireland, On the Subject of Lord S...s Bill. Dublin: P. Byrne, 1784. 31, [1] pp. Octavo (8" x 5").

Neatly disbound, light soiling to title page. Light toning to text, internally clean. \$125.

* Only edition. A legal-constitutional essay arguing for impeachment by the House of Commons over proceedings by an *ex-post-facto* bill in the House of Lords in a case involving a member of Lords. This speech has been attributed to Hely-Hutchison, an Irish patriot, who supported Irish independence and political liberty for Roman Catholics. He is best known for his *Commercial Restraints of Ireland*, 1779, a strong defense of free trade. See *Dictionary of National Biography*, missing this. *English Short-Title Catalogue* N24430.



A Handy Guide to Scots Civil Law Circa 1726

13. Hope, Sir Thomas [1580?-1646].

Minor Practicks, Or, a Treatise of the Scottish Law. To Which is Subjoined, A Discourse On the Rite and Progress of the Law of Scotland: And an Alphabetical Abridgment of the Acts of Sederunt, From the Restoration to this Present Year. viii, 148, [2] pp.

[And]

Bayne, Alexander [d.1737].

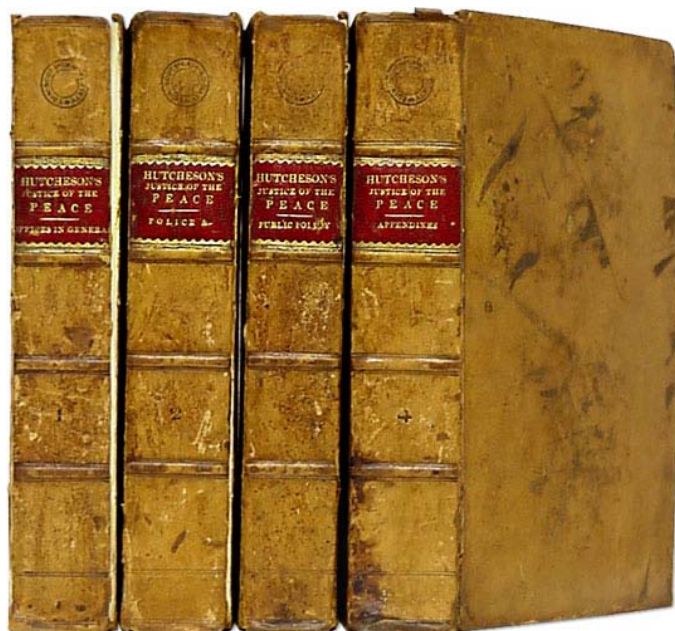
A Discourse on the Rise and Progress of the Law of Scotland, and the Method of Studying It. For the Use of the Students of the Municipal Law. [ii], 151-187, [1] pp.

[And]

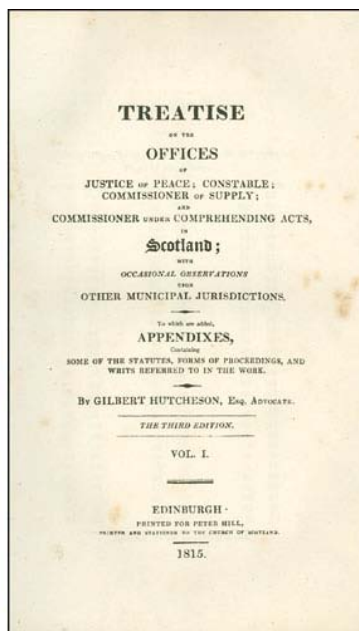
An Alphabetical Index and Abridgment of the Printed Acts of Sederunt of the Lords of Council and Session, From June 1661, To January 1726. [ii], 191-245 pp.

Edinburgh: Printed by Mr. Thomas Ruddiman, 1726. Three volumes in one, each with title page. Octavo (6-3/4" x 4-1/4"). Contemporary speckled calf, blind double rules to boards, raised bands and lettering piece to spine. Light rubbing, corners bumped, a few small scuffs and faint stains, front joint just starting at ends, hinges cracked but secure. Attractive woodcut head and tail-pieces. Tiny owner signature to front pastedown. Light offsetting to margins of endleaves, interior otherwise fresh. An appealing copy of a scarce title. \$400.

* First edition, and the only edition in this form. A concise manual of the laws of Scotland. Hope became a member of the Scottish Bar in 1605 and became a Joint Lord Advocate in 1626, sole Lord Advocate in 1628. A work based on *Minor Practicks* was published in 1734 with the title *Practical Observations Upon Divers Titles of the Law of Scotland*. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 5:51.



Item 14



Item 15



Extensive Scottish JP Treatise

14. Hutcheson, Gilbert.

Treatise on the Offices of Justice of Peace; Constable; Commissioner Under Comprehending Acts, in Scotland; with Occasional Observations Upon Other Municipal Jurisdictions. To Which Are Added Appendixes, Containing Some of the Statutes, Forms of Proceedings, and Writs Referred to in the Work. Edinburgh: Printed for Peter Hill, 1815. Four volumes. Four-page publisher catalogue before title page of each volume. Octavo (8-1/2" x 5").

Contemporary calf, raised bands, lettering pieces. Moderate shelfwear, front board of Volume I detached, other joints cracked but secure, internally fresh. Ex-library. Small institution stamp to head of each spine. \$50.

* Third edition. The first book outlines the history, constitution and nature of the several offices, the second and third deal with the public peace and police, the fourth deals with rural polity (with an emphasis on landed property) and the fifth addresses public polity. Marvin, *Legal Bibliography* 407.

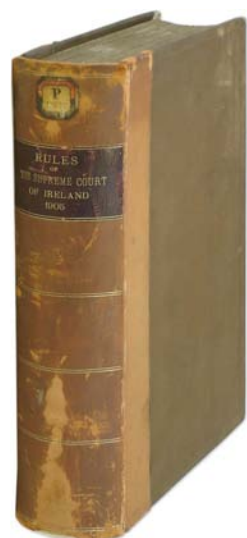
An Interesting 1799 Debate Concerning the Union of the Legislatures of Ireland and Great Britain

15. [Ireland].

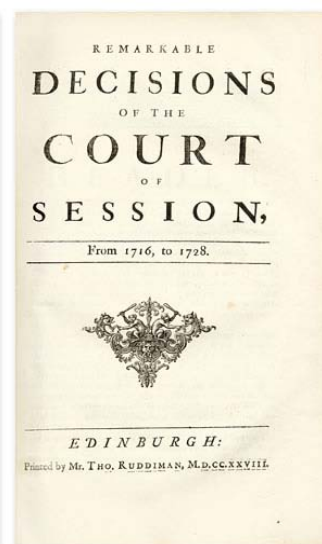
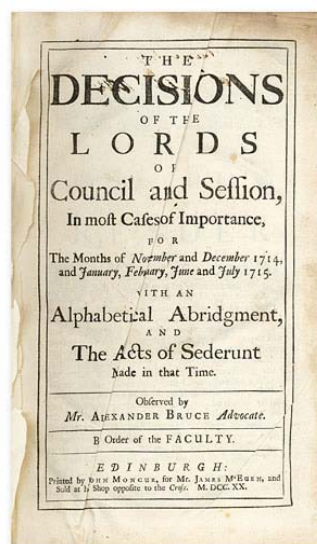
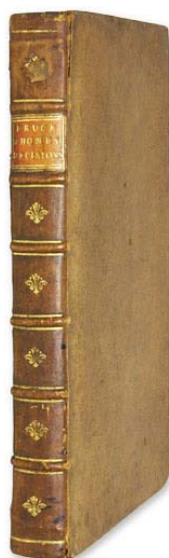
A Report Of The Debate Of The Irish Bar, On Sunday, The 9th Of December, 1798, On the Subject Of An Union Of The Legislatures Of Great Britain And Ireland. To Which is Added, The Resolutions and Protest. Dublin: Printed for J. Moore, 1799. [ii], 90 pp. Octavo (8-1/2" x 5").

Stab-stitched pamphlet bound into later three quarter morocco over marbled boards, marbled endpapers. Some rubbing to extremities with light wear to spine ends, boards and front free endpaper detached. Moderate toning to text, light foxing to a few leaves. \$75.

* Only edition of an interesting debate by the experts, which involves both constitutional theory and such practical concerns as commercial advantages. Not in Goldsmiths,' despite good economic content. Not in Sweet & Maxwell.



Item 16



Item 17

Rules of the Irish Supreme Court of Judicature

16. [Ireland].

Supreme Court of Judicature.

Rules of the Supreme Court (Ireland), 1905. With Appendices. Dublin: Printed for his Majesty's Stationery Office, 1905. xix, 929 pp.

Original printed wrappers bound into contemporary quarter calf over cloth. Some rubbing to spine and extremities, internally clean. Ex-library. Location label to spine, small stamp to title page. \$100.

* Only edition. A committee to revise the court rules was established in 1897. The rules framed by that committee was approved in 1904 and enacted in 1905. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 4:82.

First Edition of Lord Kames's First Publication

17. [Kames, Henry Home, Lord (1696-1782)].

Remarkable Decisions Of The Court Of Session, From 1716, to 1728. Edinburgh: Printed by Mr. Tho. Ruddiman, 1728. iv, 287, [1], xx pp.

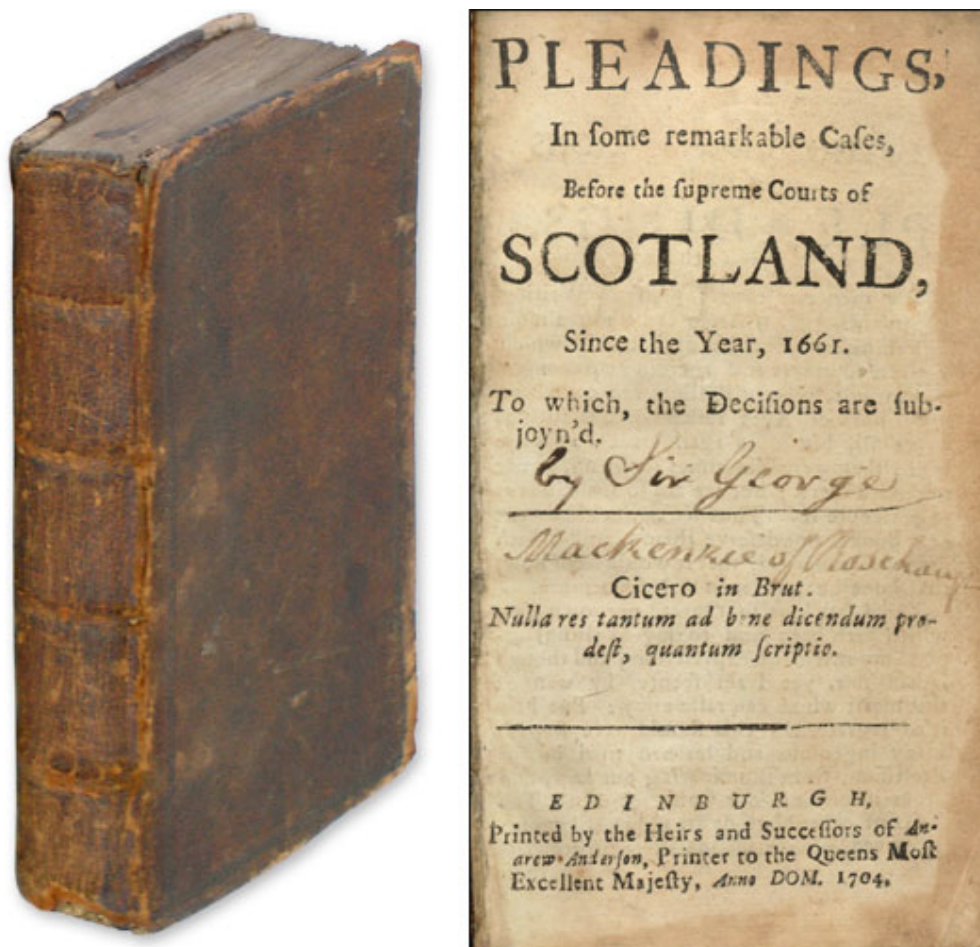
[Bound After]

Bruce, Alexander [d. 1729], Reporter.

The Decisions Of The Lords Of Council And Session, In Most Cases of Importance, For the Months of November and December 1714, And January, February, June and July, 1715. With an Alphabetical Abridgment, And the Acts of Sederunt Made in that Time. Edinburgh: Printed by John Moncur for James M'Euen, 1720. vi [i.e. iv], 178, 14 pp.

Folio (11-1/2" x 7"). Contemporary speckled calf, raised bands, lettering piece and gilt ornaments to spine, free endpapers lacking. Some rubbing to extremities, joints starting at ends, light toning to text. Early owner signature to front free endpaper, interior otherwise clean. An appealing copy. \$1,250.

* First edition. This was Kames's first publication and an auspicious beginning to a long and successful publishing career. Admitted to the Scottish Bar in 1724, Kames was initially "not very successful. In 1728, however, he published his 'Remarkable Decisions ...,' a carefully executed work, which drew attention to (his) abilities. From this time his progress was assured" (DNB). Some copies were issued with a 6-page preface; this one was not, nor were two other copies we have handled; the copy in the British Library and the entry in the NUC also omit the preface. Whether this represents the "normal issue" is undetermined, but by no means is it uncommon. *Dictionary of National Biography* IX:1126. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 5:57 (listing Kames's continuation of these reports to 1752). Wallace, *The Reporters* 553.



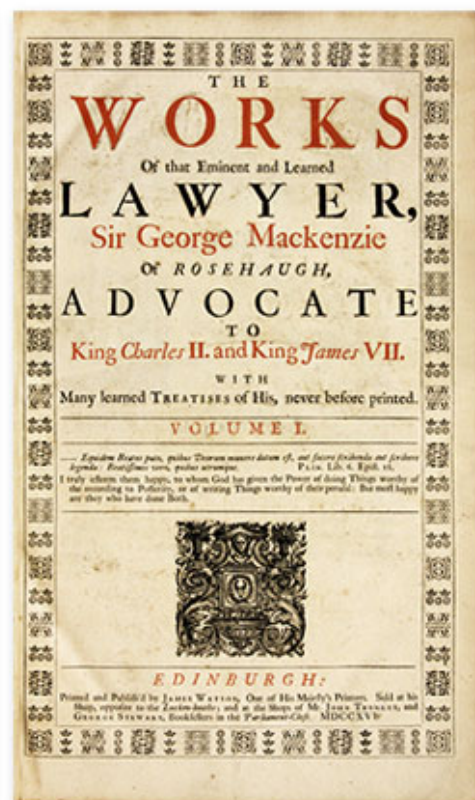
**"Remarkable" Cases on Witchcraft, Wife Beating,
Insanity and Other Matters Selected and Annotated by Mackenzie**

18. [Mackenzie, Sir George (1636-1691), Compiler].

Pleadings, In Some Remarkable Cases, Before the Supreme Courts of Scotland, Since the Year 1661. To Which the Decisions are Subjoyn'd. Edinburgh: Printed by the Heirs and Successors of Andrew Anderson, 1704. [viii], 295 pp. 12mo. (5" x 3").

Contemporary sheep, blind rules to boards, raised bands to spine. Rubbing to extremities with some wear to spine ends and corners, a few scuffs to boards, binding slightly cocked, hinges cracked but secure, front free endpaper lacking, margins trimmed closely with no loss to text. "By Sir George Mackenzie of Rosenhaugh" in fine early hand to title page. Offsetting to margins of title page and final leaf, interior otherwise clean. An appealing copy of a scarce title. \$750.

* Third (and final) edition. First published in 1672, Mackenzie's "remarkable" collection of 18 pleadings is prefaced by "The Author's Reflections Upon These Pleadings." Most examples have a brief heading that indicates its significance, such as "How Fury and Lucid Intervals May be Proven." Among this group is a pleading "For Maevia, Accused of Witchcraft" and "For Titius, Accused Before the Secret Council for Beating His Wife." Mackenzie was Lord Advocate during the reigns of Charles II and James II. Best known for his role in the persecution of Scottish Presbyterians, which earned him the nickname "Bloody MacKenzie," he was an important jurist, scholar and author, and the founder of the Advocates Library, which is now part of the National Library of Scotland. OCLC locates 5 copies of this edition, 17 copies of all editions. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 5:74.



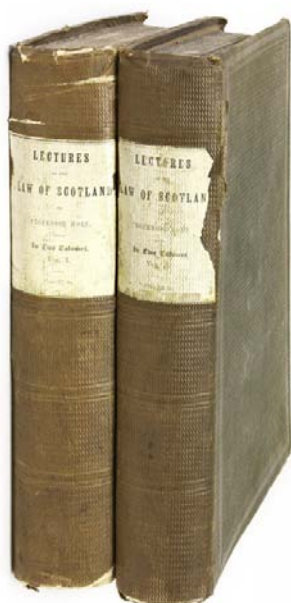
**Collected Works of Sir
George Mackenzie, With 30 Engravings**

19. Mackenzie, Sir George.

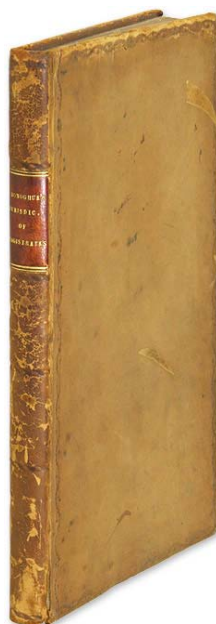
The Works of that Eminent and Learned Lawyer, Sir George Mackenzie of Rosehaugh, Advocate to King Charles II. And King James VII. With Many Learned Treatises of His, Never Before Printed. Edinburgh: Printed and Published by James Watson, 1716, 1722. Two volumes. [4], XX, [iv], [4], 192, [4], 446; [iv], 670, [4] pp. Copperplate portrait frontispiece in each volume, division title page and 30 plates. Folio (15" x 9-1/2").

Contemporary paneled calf, rebacked retaining spines, hinges mended. Light rubbing to extremities, corners bumped and lightly worn, a few nicks to boards. Woodcut head-pieces and tail-pieces, decorated initials and 30 copperplate engravings. Offsetting to margins of endleaves, light toning to text, somewhat darker in places, light foxing to a few leaves in each volume. A notably handsome set. \$2,500.

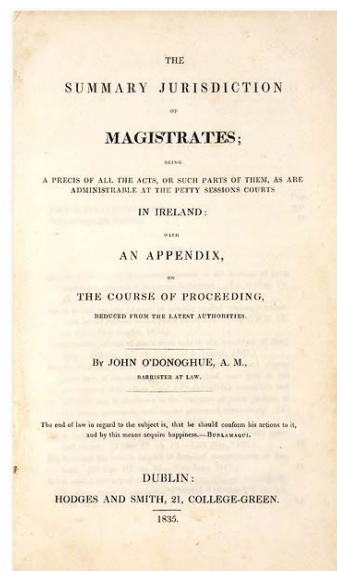
* Only edition. Mackenzie was Lord Advocate during the reigns of Charles II and James II. He is best known for his leading role in the persecution of Scottish Presbyterians, which earned him the nickname "Bloody MacKenzie." (In many cases, he bent the law to secure a conviction.) He was an important jurist, scholar and author, and the founder of the Advocates Library, which is now the national law library for Scotland. This set collects all of his legal, historical and literary works except *Aretina* and *The Discovery of the Fanatical Plot*. *The Science of Heraldry* is preceded by a copperplate pictorial title page and is embellished with 30 copperplates illustrating heraldic devices. Unlike most sets, Volume II of our copy has a portrait frontispiece. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 5:74.



Item 20



Item 21



A Notable Authority on Scots Law

20. More, John Schank.

McClaren, John, Editor.

Lectures on the Law of Scotland. Edinburgh: Bell & Bradfute, 1864. Two volumes. xix, 647; viii, 566 pp. Octavo (10" x 6").

Original textured cloth, blind frames to boards, printed paper labels to spine. Moderate rubbing with chipping to spine ends, some chipping to spine labels, corners bumped and somewhat worn, front joint of Volume II starting at head, hinges starting, armorial bookplate (of S.P. Scott) to front pastedowns, light toning to text, internally clean. \$150.

* Only edition. More, who was an advocate and professor of Scots law at the University of Edinburgh. McLaren was an important Scottish judge liberal MP, and lord advocate. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 5:80.

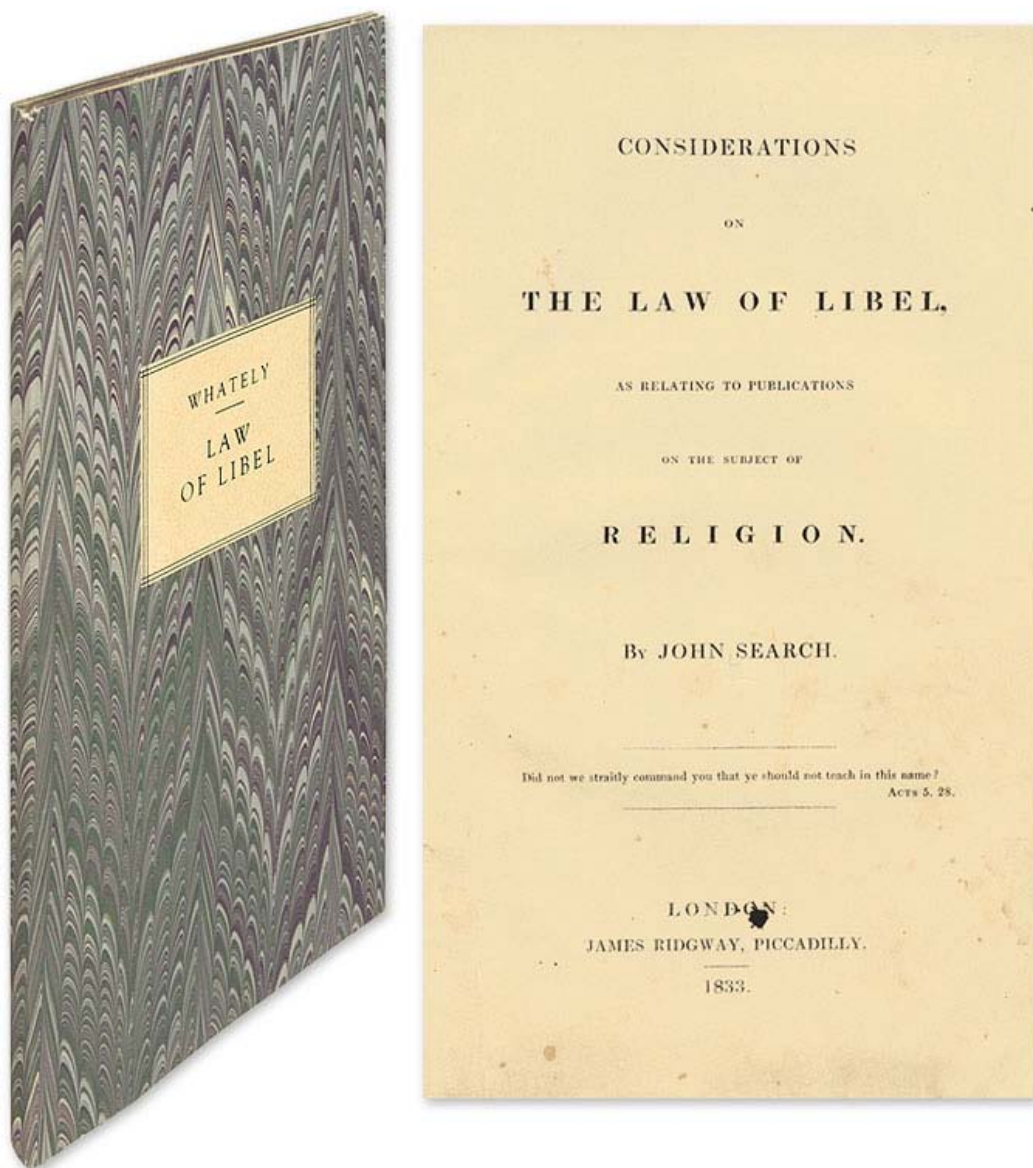
The Jurisdiction of the Irish Courts of Petty Sessions

21. O'Donoghue, John.

The Summary Jurisdiction of Magistrates; Being a Precis of All the Acts, Or Such Parts of Them, As are Administrable at the Petty Sessions Courts in Ireland, With an Appendix on the Course of Proceedings Deduced from the Latest Authorities. Dublin: Hodges and Smith, 1835. xix, 238 pp. Octavo (8-1/4" x 5-1/4").

Contemporary calf, blind fillets to boards, lettering piece and blind fillets to spine. Moderate rubbing to spine and extremities, a few small scuffs and stains to boards, which are slightly bowed, front hinge starting at foot, crack in text block between front free endpaper and following leaf. Light toning to text. Extensive early annotation and a few brief annotations to front endleaves, interior otherwise clean. A nice copy of a scarce title. \$350.

* Only edition. The Courts of Petty Sessions were established in the 1820s and organized formally by the Irish Petty Sessions Act of 1851. Judged by justices of the peace, they were the lowest courts and handled most of Ireland's civil and criminal cases. The extensive annotation in our copy is the text of an act regulating weights and measures ("5 & 6 Wm. IV. C. 63"). OCLC locates 10 copies, 3 in North America, 1 in a law library (St. Louis University). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 4:65.



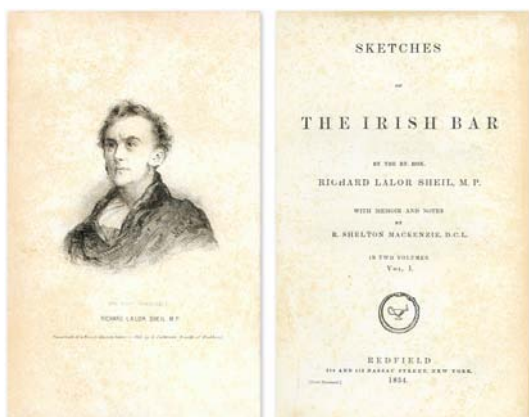
A Forceful Opponent of the English Libel Laws

22. Search, John, Pseudonym of Richard Whately [1787-1863].

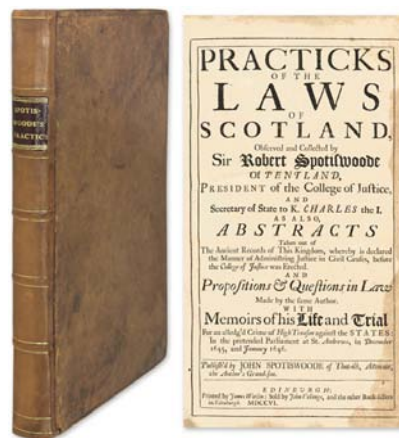
Considerations on the Law of Libel: As Relating to Publications on the Subject of Religion. London: James Ridgway, 1833. iv, 88 pp. Octavo (8-1/4" x 5").

Stab-stitched pamphlet bound into recent stiff marbled wrappers, contrasting printed paper title label to front cover. Toning, light foxing and a few tiny smudges to title page and verso of final leaf, interior otherwise fresh. \$450.

* Only edition. This pamphlet attacks the English libel laws through an argument grounded in legal, logical and philosophical principles. Whately, the Archbishop of Dublin, was a distinguished cleric and man of letters, professor of political economy at Oxford. A prolific author, he is best known as a champion of the oppressed and supporter of liberal causes. These included the reform of Ireland's poor laws and the establishment of a non-sectarian national school system in Ireland. *Dictionary of National Biography* XX:1334-1340. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:320.



Item 23



Item 24

Anecdotal History of the Nineteenth-Century Irish Bar

23. Sheil, Richard Lalor.

Sketches of the Irish Bar. New York: Redfield, 1854. Two volumes. Frontispiece. Octavo (7-1/4" x 5").

Contemporary three-quarter calf over marbled boards, marbled edges and endpapers. Moderate wear to extremities, front board of Volume I detached, Front Board of Volume II lacking. Occasional light foxing, internally clean. \$20.

* Contents include "An Irish Circuit," "Hall of the Four Courts, Dublin," "Catholic Leaders and Associations," "Confessions of a Junior Barrister," "Archibald Hamilton Rowan," "Lord Chancellor Brougham, in 1831" and "State of Parties in Dublin."

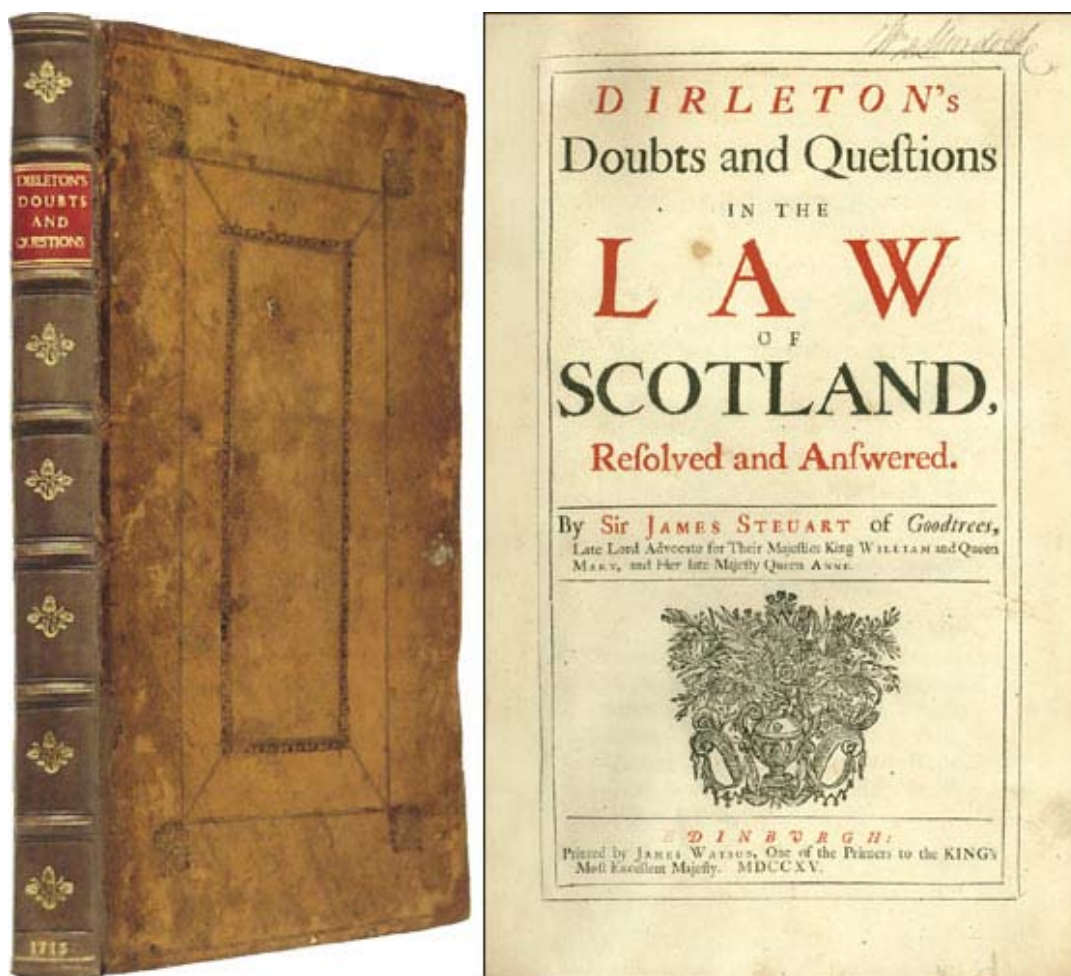
"A Pandect of Scots Law"

24. Spotiswoode, Sir Robert [1596-1646].

Practicks of the Laws of Scotland, Also Abstracts Taken Out of the Ancient Records of This Kingdom, Whereby is declared the Manner of Administrating Justice in Civil Causes, Before the College of Justice was Erected. And Propositions & Questions in Law Made by the Same Author. With Memoirs of His Life and Trial for an Alleg'd Crime of High Treason Against the States: In the Pretended Parliament at St. Andrews, In December 1645, And January 1646. Published by John Spotiswoode, of That-Ilk, Advocate, The Author's Grand-Son. Edinburgh: Printed by James Watson, 1706. [4], xli, [2], 372 pp. Folio (11-1/2" x 7").

Contemporary calf, blind rules to boards, rebacked in period style with lettering piece and gilt-edged raised bands. Some rubbing to boards, corners bumped and somewhat worn, hinges cracked but secure. Early library shelf label and armorial bookplate (of Mr. George Carre, Advocate) to front pastedown. Chip to bottom edge of title page with no loss to text. Offsetting to margins of endleaves, occasional spotting and light browning, internally clean. An appealing copy of a scarce title. \$950.

* Only edition. "An anonymous abridgment of both Durie and Hope, and epitome of part of Nicholson by Sir Peter Wedderburn...call for no special comment, and are altogether eclipsed by four other digest Practicks all prior to the civil wars. The first is that of Sir Robert Spotiswoode of Pentland and New Abbey, who was appointed an ordinary Lord in 1626 and Lord President in 1633. Besides excerpts from civilians, Craig and Balfour, he notes cases from 1625 to 1637, not long before he had to fly to England to escape from the Presbyterians, together with a few earlier ones from 1541 derived from an unknown source. It has been described as 'an unfinished collection of materials for a Pandect of Scots law,' and is the earliest of the Practicks generally cited to the Court today" (Stair Society). OCLC locates 3 copies (at Columbia, Yale and UC-Berkeley law libraries). COPAC locates 3 copies (at the University of London, University of Edinburgh and the University of Glasgow). Stair Society, *Introductory Survey of the Sources and Literature of Scots Law* 36. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 5:108.



A Controversial Scottish Political Writer

25. Steuart, Sir James [1635-1715].

Dirleton's Doubts and Questions in the Law of Scotland, Resolved and Answered. Edinburgh: James Watson, 1715. [iii], 340, 16 pp. Portrait frontispiece lacking. Folio (12-1/2" x 7-3/4").

Contemporary paneled calf, rebaked in period style with raised bands, gilt ornaments and lettering piece, hinges and corners repaired. Light rubbing, a few nicks and minor stains to boards. Title page printed in red and black, attractive woodcut head and tail-pieces throughout. Light toning to text, somewhat heavier in places. Early owner signature (William Murdoch) to head of title page, interior otherwise clean. \$300.

* First edition. "Widely respected not only for legal and political prowess, but also for religious devotion and theological acumen," Sir James Steuart was a judge and controversial political writer. He was forced to leave Scotland after the publication of his treatise *Jus Populi Vindicatum. Or, The Peoples's Right to Defend Themselves and Their Covenanted Religion, Vindicated* (1669), a work that combines biblical, natural, and contractual arguments to justify violent resistance to tyrannical monarchs. He eventually returned from exile and practiced law in London under an alias. In 1679 he returned to Scotland and continued his involvement in state matters. In 1685 he wrote the Duke of Argyll's declaration of war in the rebellion, was accused of treason and pardoned by William III, who went on to appoint him Lord Advocate of Scotland in 1692" (DNB). A second edition was published in 1762. *Dictionary of National Biography* XVIII:1114. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 5:117. *English Short-Title Catalogue* T135776.



Item 26



Item 27

Critical Edition Published by the Records Commission

26. [Thomson, Thomas, Editor].

Acts of the Lords of Council in Civil Causes [1478-1495]. [Edinburgh]: Printed by Command of His Majesty King George the Third, 1839. 430, 60, 33 pp. Main text in parallel columns. Folio (17-1/2" x 11").

Contemporary three-quarter calf over paper-covered boards. Moderate rubbing to extremities with wear to spine ends and corners, boards, preliminaries and final few leaves detached. Moderate toning, light foxing in places, internally clean. Ex-library. Small inkstamps to front free endpaper and title page. \$150.

* Published by the Record Commission. Contains judicial proceedings in civil matters held before various committees. *Catalogue of the Library of the Harvard Law School* (1909) I:791.

The Bottle Riot

27. [Trial]

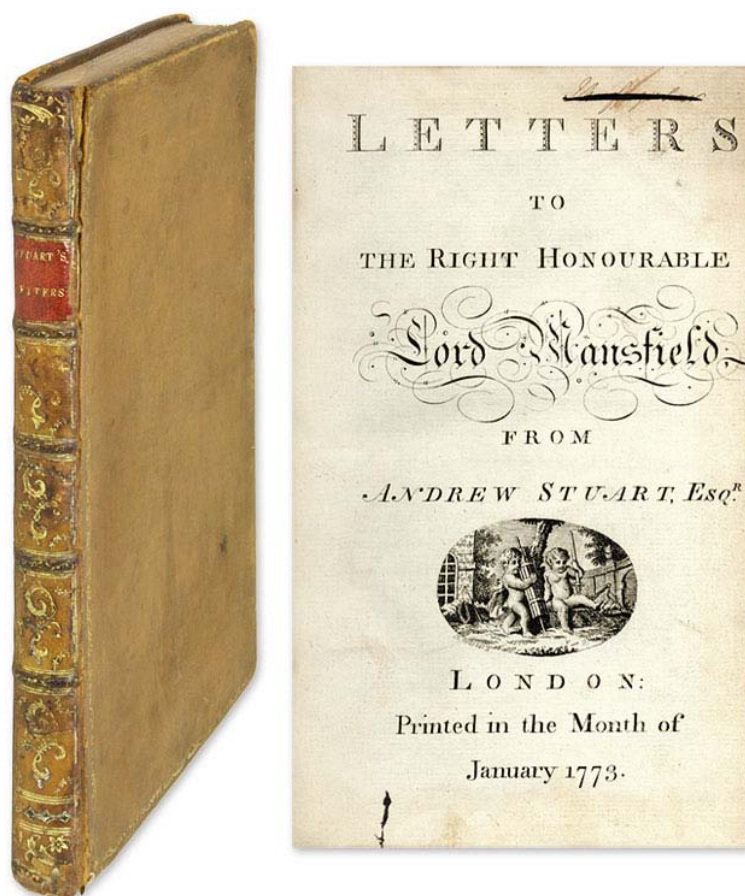
[Orangemen].

Forbes, James et al., Defendants.

A Report Of The Trial Of James Forbes, William Graham, George Graham, Mathew Handwich, Henry Handwich, and William Brownlow for a conspiracy to Create a Riot, and to Insult and Assault His Excellency the Lord Lieutenant, In the Theatre Royal, And Also for a Riot. Dublin: Richard Milliken, 1823. [iv], 371 pp. Octavo (9" x 5-1/2").

Original publisher boards, printed paper title label to spine, untrimmed edges. Moderate rubbing to extremities, light soiling and dampstaining to boards, spine heavily rubbed with chipping to ends, later bookplate to front pastedown. Light toning to text, negligible foxing in places. Later owner stamp to pastedown, edges and a few leaves, occasional brief annotations in pencil, interior otherwise clean. \$150.

* Only edition. The full report of the trial for the so-called "Bottle Riot." Forbes and group of Orangemen were prevented by the Marquis of Wellesley, Lord Lieutenant of Ireland, from conducting an annual celebration around the statue of William III, one of many anti-Catholic provocations that Wellesley, a dedicated representative of a government now sensitive to Catholic grievances, was determined to stop. Forbes retaliated by throwing an empty whiskey bottle at Wellesley when he attended the Hawkins Street theatre during a state visit. Charges against Forbes were ignored by a grand jury, but William Plunket, Lord Chancellor of Ireland, also pro-Catholic, was determined to prosecute, leading to this trial over which the eminent Irish judge, Richard Jebb, presided. A hung jury let the defendants go free. Plunket's censure by Parliament for overriding the grand jury provided the occasion for a legendary speech vindicating his conduct. *Catalogue of the Library of the Harvard Law School* (1909) II:1077.



A Critical Appraisal of Lord Mansfield's Conduct in the Douglas Cause

28. [Trial].

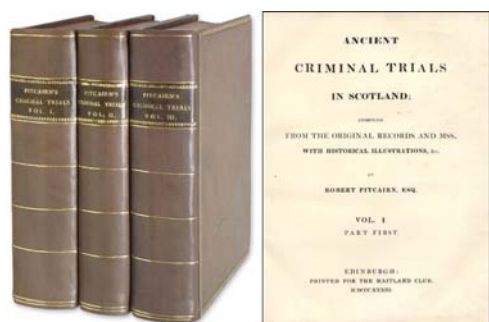
[Douglas Cause].

Stuart, Andrew [1725-1801].

Letters to the Right Honourable Lord Mansfield from Andrew Stuart, Esqr. London: S.n., Printed in the Month of January 1773. [ii], 39, [1], 64, 47, [1], 47 pp. Engraved title page. Following rear endleaf, a blank, lacking. Octavo (8" x 5").

Contemporary calf, gilt fillets to boards, raised bands, gilt ornaments and lettering piece to spine. Moderate rubbing to extremities, with minor wear to spine ends, corners bumped, front joint starting at head, minor loss at foot of rear board along joint due to worming, front hinge starting, upper section of front free endpaper removed. Copperplate vignette to title page. Light toning to text. Tiny early owner signature to front pastedown, early struck-through signature to head of title page, notes to verso of front free endpaper, interior otherwise clean. \$250.

* First edition, one of two issues from 1773, the other published in Dublin in July. The "Douglas Cause," which involved claims on the estate of Duke Douglas was one of the most sensational Scottish trials of the eighteenth century. It also involved one of the greatest jurists of the eighteenth century, Lord Mansfield, who presided over the case. Stuart, a lawyer who had been tutor to the Duke's children, represented Hamilton against Douglas and distinguished himself highly but the case was decided in Douglas favor - the result, according to Stuart, of Lord Mansfield's gross impartiality during trial. This was a rancorous case, and it captured the public's imagination. People tended to side with Douglas. When the House of Lords decided for Douglas a mob collected in Edinburgh, demanded a general illumination in honour of the event and, shouting "Douglas forever!" proceeded to wreak vengeance on the houses of the Lords who voted against him. *English Short-Title Catalogue* T11778.



Item 29



Item 30

Uncommon Collection of Early Scottish Trials Endorsed by Sir Walter Scott

29. [Trials].

Pitcairn, Robert, Compiler.

Ancient Criminal Trials in Scotland; Compiled From Original Records and MSS., With Historical Illustrations, &c. Edinburgh: Printed for the Maitland Club, 1833. Three volumes. Three engraved frontispieces, three plates in text. Quarto (9-1/2" x 8").

Contemporary calf, gilt double rules to boards, recently rebaced in period style with lettering pieces and gilt fillets, rouged edges, marbled endpapers, ribbon markers. Light rubbing to extremities, some minor scratches to boards, corners lightly bumped, hinges cracked but secure. Early armorial bookplate and small shelf label (of Colonel Malcomb of Poltalloch) to each front pastedown. Occasional dampstaining to margins, interiors otherwise fresh. A solid copy. \$500.

* Originally issued in ten parts and here bound as intended in three volumes. 101 sets on club paper were printed for the Bannatyne Club and 50 sets for the Maitland Club. This extraordinary work covers the period from 1488 to 1624. Sir Walter Scott, the founder of the Bannatyne Club, reviewed the earlier parts of this work at length in the *Quarterly Review*. He praised Pitcairn's "enduring and patient toil" and thanked him for producing "a most extraordinary picture of manners" that is both "highly valuable in a philosophical point of view" and of great interest "to the jurist and moralist.": Terry, *A Catalogue of the Publications of Scottish Historical and Kindred Clubs and Societies* 42. *British Museum Catalogue* (Compact Edition) 20:414.

Nineteenth-Century Scottish Treason Trials

30. [Trials].

[Treason].

Douglas, Niel [1750-1823], Defendant.

An Address to the Judges and Jury, In a Case of Alleged Sedition, On 26th May, 1817, Which was Intended to be Delivered Before Passing Sentence. Glasgow: Printed by D. Mackenzie, 1817. 40 pp.

[Bound with]

Dow, John, Reporter.

The Trial of the Rev. Niel Douglas, Before the High Court of Justiciary, At Edinburgh, On the 26th May 1817, For Seditio. Edinburgh: Printed for John Robertson, 1817. [ii], 50 pp. Portrait frontispiece.

[And]

[Bellingham, John].

An Authentic Account of the Trial and Execution of John Bellingham, For the Assassination of the Right Hon. Spencer Perceval. With a Vindication of the Character of Sir Francis Burdett from the Aspersions of Some of the London Prints. Edinburgh: Printed and Published by D. Schaw and Son, 1812. [ii], [5]-65 pp.

[And]

M'Laren, Alexander, Defendant.

Baird, Thomas, Defendant.

Dow, John, Reporter.

The Trial of Alexander M'Laren, And Thomas Baird, Before the High Court of Justiciary, At Edinburgh, On the 5th and 7th March 1817, For Seditio. Edinburgh: Printed for John Robertson, 1817. vi, 153 pp.

[And]

Account of the Proceedings of the Public Meeting of the Burgesses and Inhabitants of the Town of Kilmarnock, Held on the 7th of December, 1816, For the Purpose of Deliberating on the Most Proper Method of Remedying the Present Distresses of the Country. With a Full Report of the Speeches on that Occasion. Kilmarnock: Printed by H. Crawford, 1816. 45 pp.

Octavo (8-1/2" x 5"); *Account*: Octavo (6-1/2" x 4"). Stab-stitched pamphlets bound into contemporary three-quarter sheep over marbled boards, lettering piece and gilt fillets to spine. Moderate rubbing, a few scuffs to boards, some chipping to spine ends, corners bumped, front hinge cracked. Light to moderate toning, soiling to title page of *Bellingham*, internally clean. \$1,850.

* An exemplary gathering of five tracts, four of them concerning the trials of Douglas and M'Laren, the first trials for seditio held in Scotland during the aftermath of the Napoleonic Wars, a time of acute economic distress and social protest. These took place concurrently with the London trials of William Hone. Douglas, an eccentric non-conformist minister, poet, abolitionist and visionary social reformer was charged with seditio for comments in a sermon that compared the king to Nebuchadnezzar, the prince regent to Belshazzar and the House of Commons to a den of thieves. His counsel brought forth witnesses familiar enough with the preacher's eccentricities to prove his innocence. He was acquitted. M'Laren, a weaver, was charged with seditio for delivering a fiery speech at Kilmarnock in favor of Parliamentary reform. Thomas Baird, a grocer, was charged with printing it. They were fined and sentenced to six months in prison. Bellingham was the only person to assassinate a British Prime Minister. A merchant who had been imprisoned in Russia, he demanded compensation from the British government. Twice refused, he shot the prime minister in the lobby of the House of Commons. *An Address to the Judges*, prepared in advance of the trial, is scarce, more so than accounts of the trial. OCLC locates 6 copies in North America, 1 in a law library (Harvard). *Account of the Proceedings* is the rarest item in this volume. OCLC locates 1 copy (at the National Library of Scotland). Concerning Douglas and M'Laren, see May, *Constitutional History of England* II:192.

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