

# SMALL BOOKS: *American, Continental & English*

September 1, 2015

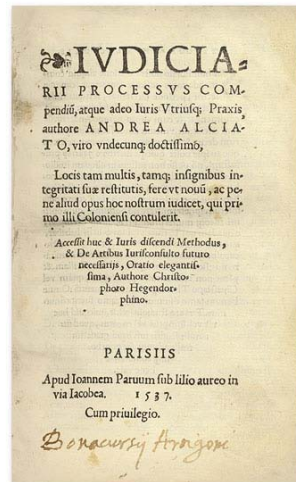


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Small Books: American, Continental and English

1 September 2015



## Procedure Manual Attributed to Alciati

**1. Alciati, Andrea[s] [1492-1550], Attributed.**

**Hegendorph, Christoph [1500-1540], Editor.**

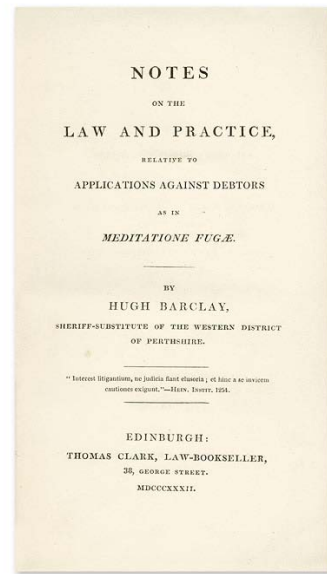
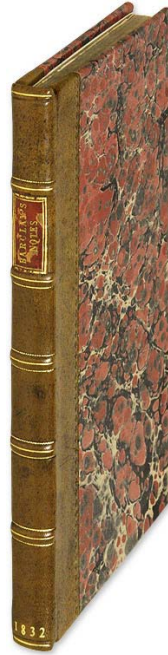
*Iudiciarii Processus Compendiu[m], Atque Adeo Iuris Utrius[ue]; Praxis. Locis tam Multis, Tamq[uam] Insignibus Integritati Suae Restitutis, Fere ut Nov[um], Ac Pene Aliud Opus hoc Nostrum Iudicet, Qui Primo Illi Coloniensi Contulerit. Accessit huc & Iuris Discendi Methodus, & De Artibus Iurisconsulto Futuro Necessariis, Oratio Elegantissima, Authore Christophoro Hegendorphino.* Paris: Apud Ioannem Paruum [Chevallon], 1537. [viii], 271 ff. Signatures M and N (ff. 97-104) bound in reverse order. Octavo (6-1/2" x 4").

Contemporary vellum, raised bands and early hand-lettered title to spine, another title to foot of text block in early hand, ties lacking. Light soiling, rubbing to extremities with some wear to spine ends, top edge of front board and corners, a few worm holes to boards and front pastedown, partial crack between text block and rear free endpaper. Attractive crible initials. Toning, faint dampstaining to endleaves and a few text leaves. Early owner signature to foot of title page, annotation in his hand to endleaves, interior otherwise clean. \$1,000.

\* Later edition of a work first published in 1530 (one of three imprints issued in 1537, the others in Cologne and Venice). An important Italian humanist and professor of law at Avignon, Bologna, Milan, Padua, Ferrara and Bourges, Alciati was one of the first jurists to base his interpretation of civil law on the history, languages and literature of antiquity, and to conduct original research on the texts rather than merely copy earlier glosses. His work was deeply influential and his services were retained by the kings of France and Spain, as well as by several Italian princes. As one would expect, there was a large market for his works. In addition to those published by Alciati there are several unauthorized publications based on lecture notes compiled by his students. First published in Cologne in 1530, *Iudiciarii Processus Compendium*, a treatise on procedure in civil and canon law, appears to fall into this latter category. Some sources say it is not based on Alciati's work and is the work of an anonymous author. It was nevertheless a popular work that went through several editions and issues over the next 30 years. OCLC locates 3 copies of this imprint, 1 in North America (at the University of Iowa). Not in Adams or the USTC.



Item 2



Item 3

### Legal Pointers for Lawyers in Sixteenth-Century Naples

#### 2. Arnono, Giovanni d' [fl. 1524-1534].

*Singularia Domini Ioannis de Arnono in Utroque Iure Memoratu Digna et in Regno Satis Accommodata: Foeliciter Incipiunt.* Venice: [In Officina Aurelii Pincii Veneti, Ad Instantiam D. Petri Facholi, Ditto Dal Cauallo], 1536. 68 ff. Octavo (6-1/4" x 4").

Contemporary limp vellum, light soiling, covers somewhat bowed. Large woodcut printer device to verso of final leaf, woodcut decorated initials. Some toning to text, faint dampstaining to final few leaves, internally clean. A well-preserved copy. \$600.

\* Second edition. This handy treatise was first published in 1534 and went through three editions, the last in 1540. The first part offers pointers for lawyers practicing in the Kingdom of Naples. The second part, entitled *Tractatus Cautelarum*, addresses Neapolitan civil law and procedure. All editions are rare. OCLC locates 2 copies in North America at UC-Berkeley Law School and the Library of Congress; both have copies of the 1534 edition. *Censimento Nazionale delle Edizioni Italiane del XVI Secolo* CNCE3098.

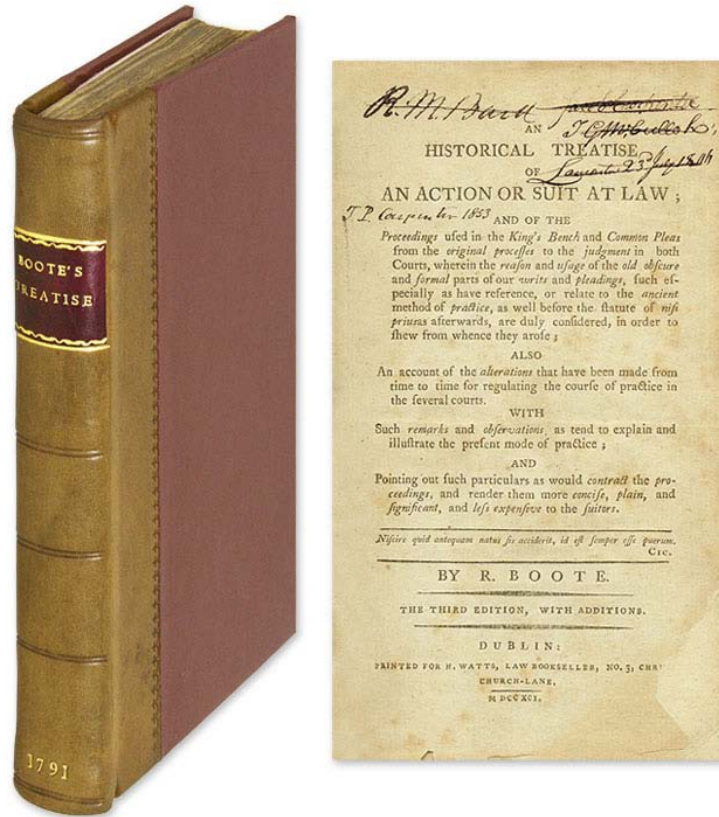
### An Interesting Aspect of the Scottish Law of Debtor and Creditor

#### 3. 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.



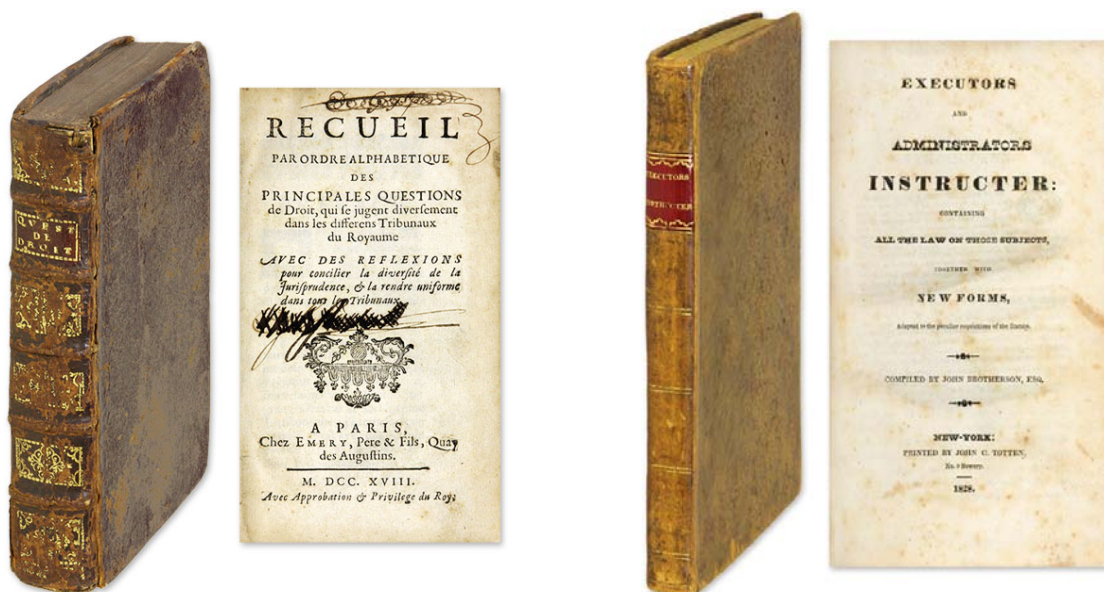
**Boote's *Suit at Law*: Sole Dublin Edition**

**4. Boote, R[ichard] [d. 1782].**

*An Historical Treatise of an Action on Suit at Law; And of the Proceedings Used in the Courts of King's Bench and Common Pleas From the Original Processes to the Judgment in Both Courts, Wherein the Reason and Usage of the Old Obscure and Formal Parts of Our Writs and Pleadings, Such Especially as Have Reference, Or Relate to the Ancient Method of Practice, As Well Before the Statute of Nisi Prius as Afterwards, Are Duly Considered, In Order to Shew From Whence They Arose; Also an Account of the Alterations That Have Been Made from Time to Time for Regulating the Course of Practice in the Several Courts. With Such Remarks and Observations, As Tend to Explain and Illustrate the Present Mode of Practice; And Pointing Out Such Particulars as Would Contract the Proceedings, And Render Them More Concise, Plain, and Significant, And Less Expensive to the Suitors. With Additions.* Dublin: H. Watts, 1791. xxxi, 268 pp. Octavo (6-1/2" x 3-1/4").

Recent period-style quarter calf over cloth, lettering piece and blind fillets to spine, endpapers renewed. Light browning, occasional light foxing, lower corner lacking from title page with minor loss to text. Struck-through early owner signatures to head of title page, interior otherwise clean. \$350.

\* Only Dublin edition, stated the third, presumably a reissue of the sixth London edition (1791). This popular work was first published in London in 1766 and was generally referred to as "Boote's Suit at Law." It went through several editions, the last one in 1839. "The history of procedure [in the eighteenth century] is represented by [this book]. It is an able summary of which I have made use of in a preceding volume of this History. One of the objects of the book was to lay a foundation for some very necessary reforms in this branch of the law, the need for which was clearly explained by the author" (Holdsworth). The *English Short-Title Catalogue* locates 6 copies in North America, 2 in law libraries (Columbia and York University). This imprint not in Sweet & Maxwell. Holdsworth, *A History of English Law* XII:411.



Item 5

Item 6

### A Curious Hybrid of Encyclopedia, Treatise and Reform Tract

#### 5. [Bretonnier, Barthelemy-Joseph (1656-1727)].

*Recueil Par Ordre Alphabetique des Principales Questions de Droit, Qui se Jugent Diversement dans les Differens Tribunaux du Royaume. Avec des Reflexions pour Concilier la Diversite de la Jurisprudence, & la Rendre Uniforme dans tous les Tribunaux.* Paris: Chez Emery, 1718. lxxii, 463, [18] pp. Octavo (6-1/2" x 3-3/4").

Contemporary sheep, gilt spine with raised bands and lettering piece, edges rouged. Moderate rubbing to extremities with wear to spine ends and corners, joints starting at ends. Woodcut head and tail-pieces. Some toning to text. Early annotations to verso of front free endpaper, two early struck-through signatures to title page, interior otherwise clean. \$750.

\* First edition. Organized alphabetically, this guide to French law and judicial administration is an encyclopedia, a treatise and a reform tract. As the title indicates, it outlines different jurisdictions in order to advance an argument for a comprehensive uniform court system. The "questions" relate, for the most part, to tricky aspects of family law. Some of the topics it covers are the marriage of wives of absent husbands, dowries, bastards, the passing on of jewelry, the marriage of minors, second marriages, subrogation, wills, and wards. Bretonnier was an avocat of the Paris Parlement. First published in 1718, his treatise went through five editions, the final appearing in 1783. All are scarce in North America. OCLC locates 3 copies of the first edition in North America, 2 in law libraries (Harvard, University of Michigan). This edition not in Camus.

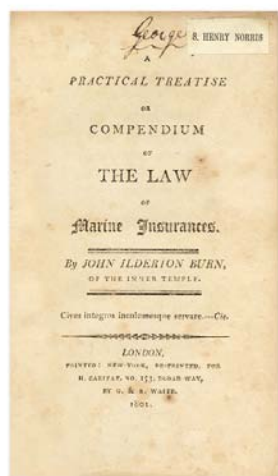
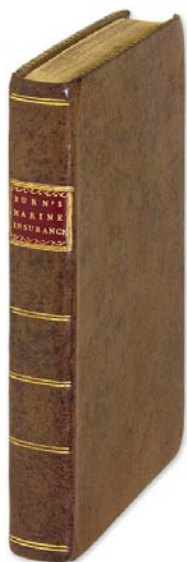
### An Unrecorded Imprint?

#### 6. Brotherson, John, Compiler.

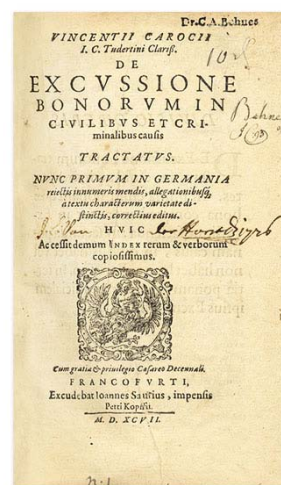
*Executors and Administrators Instructor: Containing All the Law on Those Subjects, Together with New Forms, Adapted to the Peculiar Requisitions of the Statute.* New York: Printed by John C. Totten, 1828. iv, 204 pp. Octavo (7" x 4").

Contemporary tree sheep, lettering piece and gilt fillets to spine. Light rubbing to extremities, corners lightly bumped, hinges starting. Some toning and faint dampspotting to text. Early owner signature (Lemuel C. Baine) to front free endpaper and following endleaf, interior otherwise clean. \$150.

\* This appears to be a true first. Cohen lists this as an 1829 (c. 1828) imprint with the following pagination: viii, 212 pp. This copy has a title page dated 1828 and a different pagination. Shaw lists the 1829 imprint but omits the 1828. OCLC locates 4 copies dated 1828 with the pagination of the 1829 imprint, 2 identical to ours. See Cohen, *Bibliography of Early American Law* 4634. Shaw and Shoemaker, *American Bibliography* 37952.



Item 7



Item 8

**"Calculated For the Use of Merchants"**

**7. Burn, John Ilderton [1774?-1848].**

*A Practical Treatise or Compendium of the Law of Marine Insurances.* London, Printed: New-York, Re-Printed, for H. Caritat by G. & R. Waite, 1801. xiv, [2], 235 pp. 12mo. (6-1/4" x 4").

Recent period-style quarter calf, lettering piece and gilt fillets to spine, endpapers renewed. Light browning to text, negligible foxing in places. Head of title page has early owner signature partially covered by small owner label (S. Henry Norris), interior otherwise clean. A very handsome copy. \$850.

\* Only edition, published the same year in London and New York. "[T]he author trusts he will not be thought presumptuous in stating, that a compendious digest, immediately calculated for the use of merchants and their agents, still remains a desideratum in the merchant's world. With a view to supply this deficiency, he commenced the following compilation": (vii). Burn was a barrister of the Inner Temple who published several law books. The appendix contains summaries of two recent English decisions, and the form of an insurance policy for a ship or goods. Cohen, *Bibliography of Early American Law* 7055.

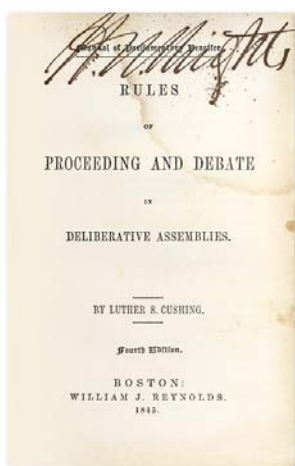
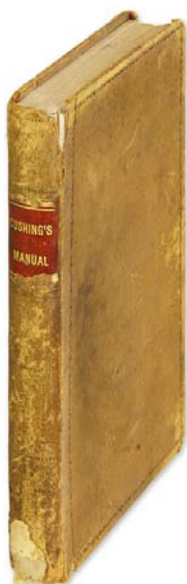
**Claims and Liens**

**8. Carocci, Vincenzo [fl. 1584].**

*De Excussione Bonorum in Civilibus et Criminalibus Causis Tractatus. Nunc Primum in Germania Reiectis Innumeris Mendis, Allegationibusque a Textu Characterum Varietate Distinctis, Correctius Editus.* Frankfurt: Excudebat Ioannes Saurius, Impensis Petri Kopffii, 1597. [viii], 503, [70] pp. Octavo (5-3/4" x 4").

Contemporary vellum with lapped edges, early hand-lettered title to spine. Some soiling and shelfwear, another short work removed from rear of volume. Woodcut printer devices to title and recto of final leaf, woodcut head and tail-pieces. Light toning to text, early owner signature and small later inkstamp to margins of title page, interior otherwise clean. \$1,250.

\* First German edition, published the same year as the first Venice edition. Carocci discusses the Roman law dealing with priorities of claims and liens. According to the title, this edition corrects numerous inaccuracies of the Venice edition. It was published at the expense of Peter Kopff, a notary in Frankfurt. A second edition was published in Venice in 1603. All are scarce. OCLC locates 3 copies of the 1597 imprints in North American law libraries, 2 of the Venice (UC-Berkeley, University of Michigan), 1 of the Frankfurt (Harvard). *Verzeichnis der im Deutschen Sprachbereich Erschienenen Drucke des 16. Jahrhunderts* C1192.



Item 9



Item 10

**It "Gave Order to the Democratic Process"**

**9. Cushing, Luther Stearns [1803-1856].**

*Manual of Parliamentary Practice: Rules of Proceeding and Debate in Deliberative Assemblies.* Boston: William J. Reynolds, 1845. 173, [2] pp. Includes two pages of critical notices. 12mo. (5-3/4" x 3-1/2").

Contemporary sheep, blind-stamped fillets to boards, lettering piece and blind fillets to spine. Some rubbing to extremities, chipping to spine ends and edges of lettering piece, a few minor scuffs to boards, some wear to corners, joints just starting at ends. Some toning to text, faint dampstain to title page and following few leaves. Early owner signatures to front free endpaper and head of title page, interior otherwise clean. \$250.

\* Fourth edition, published the same year as the first three. "As soon as it appeared, Cushing's *Manual*...became a guide for the procedure of all organized assemblies. Its sale was extensive, and thousands of copies were abroad as well as in this country...It was so thorough and complete in its original form that it is in constant use today by legislative bodies. From town-meeting to cabinet meeting, the *Manual* gave order to the democratic process." : Grolier Club, *One Hundred Influential American Books Printed Before 1900* 53. Cohen, *Bibliography of Early American Law* (2003 Supplement) S967.30.

**Scarce Eighteenth-Century English Treatise on Election Law**

**10. [Election Law].**

**[Great Britain].**

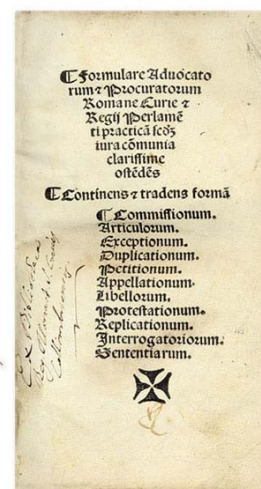
*The Law of Elections: Being an Abstract of All the Statutes Now in Force Relating to the Election of Members to Serve in the House of Commons: In Three Sections, Viz. The Duties &c. of the Electors, The Elected, And the Officers Returning.* [London]: Printed for J. Nutt, Assignee of Ed. Sayer Esq., for Jacob Tonson, 1713. [vi], 126, [6], 21, [3] pp. Half-title lacking. Octavo (6-1/2" x 4").

Contemporary sheep, blind frames and fillets to boards, raised bands to spine, rebacked retaining original backstrip, hinges mended. Some rubbing with wear to corners, a few large scuffs to boards. Toning to portions of text, light foxing to a few leaves, internally clean. \$750.

\* Second edition, "continued to the end of the last session of Parliament, 1713," which adds an addenda to the first edition of 1708. It was one of the earliest books on the subject. According to Sweet & Maxwell, the first studies were *Freedom of Elections to Parliament* (1680) and *Observations Concerning the Regulation of Elections for Parliament* (1689), a work attributed to the Earl of Shaftsbury). OCLC locates 6 copies, 3 in North America (at the Library of Congress, Harvard Law School and Stanford University). The ESTC locates 9 copies, 8 in Great Britain, 1 in North America (at the University of Indiana). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:151 (20).



Item 10



Item 11

### A Roman Precursor of the Restraining Order

#### 10. Ercolani, Francesco [1541-1569].

*De Cautione de Non Offendendo*. Venice: Apud Io. Andream Valuassorem Cognomine Guadagnino, 1571. [32], 159 [i.e. 317] ff. Octavo (6-1/2" x 4").

Contemporary limp vellum, early vellum rebacking and hand-lettered title to spine, early repair with paper to top edge of rear cover. Light soiling, some wear to corners, chipping to spine ends, front hinge cracked, rear hinge starting at ends, front endleaves lacking. Large woodcut printer device to title page, woodcut decorated initials. Interior notably fresh. \$350.

\* Second edition. Ercolani's treatise addresses the Roman law of interdict, a category of orders or prohibitions issued by a magistrate and addressed to a particular person to give immediate protection to a threatened interest of a complainer. They were also used to protect public interests, such as waterways. The first edition of this treatise was published in 1569, third and final in 1580. 7 copies located in North America, 2 of this edition (at UC-Berkeley and Harvard Law Schools). *Censimento Nazionale Delle Edizioni Italiane del XVI Secolo* CNCE 18254.

### Rare Lyons Imprint of a Notable Canon-Law Handbook

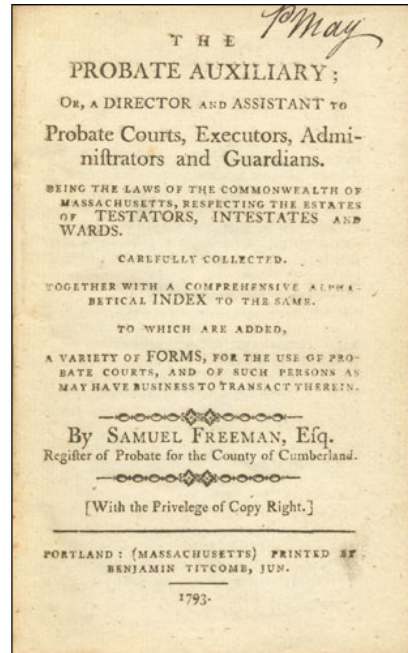
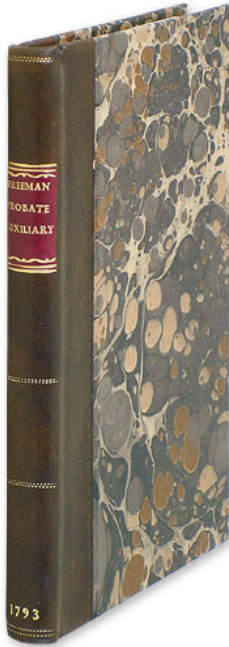
#### 11. [Formularium Procuratorum].

*Formulare Advocatorum & Procuratorum Romane Curie & Regii Parliamenti Practicam Secundum Jura Communia Clarissime Ostendens: Continens & Tradens Formam Commissionum Articulorum; Exceptionum; Duplicationum; Petitionum; Appellationum; Libellorum; Protestationum; Replicationum; Interrogationum; Sententiarum*. [Lyons: Magistrum Simonem Bivilaqua, 1518]. [vi], CLXXVIII ff. Main text in parallel columns. Octavo (6-1/2" x 4").

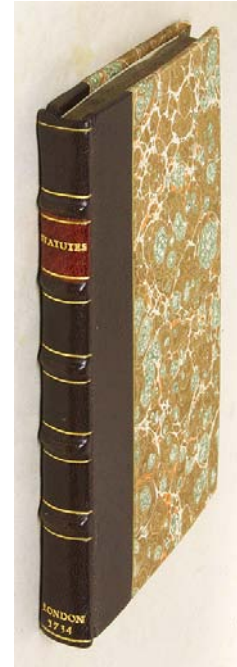
Contemporary limp vellum with lapped edges and thong ties, faint early hand-lettered titles to spine and top edge of text block, endpapers renewed. Some rubbing to extremities, moderate soiling, spine darkened, early signatures to front and rear covers. Woodcut initials. Light browning to title page, toning to text, faint dampstaining in a few places. Later owner signature to title page, tiny inkstamp to head of following leaf, interior otherwise clean. \$2,750.

\* The work, compiled from unidentified sources by an unidentified compiler, was originally published in Rome in 1479 with colophon title *Procuratorum Formularius*. Usually referred to as the *Formularium Procuratorum*, it is a collection of canon-law legal instruments established by the Roman Curia relating to procedure, actions and defenses. It offers an excellent "ground level" view of canon law practice in the early modern era. No copies of the 1514 Lyons imprint located on OCLC, or in Adams or Baudrier. One copy located in North America (at GWU Law School).





Item 12



Item 13

### Freeman's Probate Auxiliary

#### 12. Freeman, Samuel [1743-1831], Editor.

*The Probate Auxiliary; Or, A Director and Assistant to Probate Courts, Executors, Administrators and Guardians. Being the Laws of the Commonwealth of Massachusetts, Respecting the Estates of Testators, Intestates and Wards. Carefully Collected. Together With a Comprehensive Alphabetical Index to the Same. To Which Are Added, A Variety of Forms, For the Use of Probate Courts, And of Such Persons as May Have Business to Transact Therein.* Portland: Printed by Benjamin Titcomb, 1793. xi, [1], 156 pp. Octavo (6-1/2" x 4").

Recent period-style quarter calf over cloth, gilt fillets and lettering piece to spine, endpapers renewed. Small early owner signature to head of title page, interior otherwise clean. An appealing copy. \$250.

\* Only edition. Written when he was Probate Register for Cumberland County, Freeman was a lawyer and judge in Portland, Maine who served in the Provincial Congress (1775) and the Massachusetts House of Representatives (1776, 1778). He wrote several legal manuals including *The Probate Directory* (1803) and *The Massachusetts Justice* (1795). Cohen, *Bibliography of Early American Law* 4683.

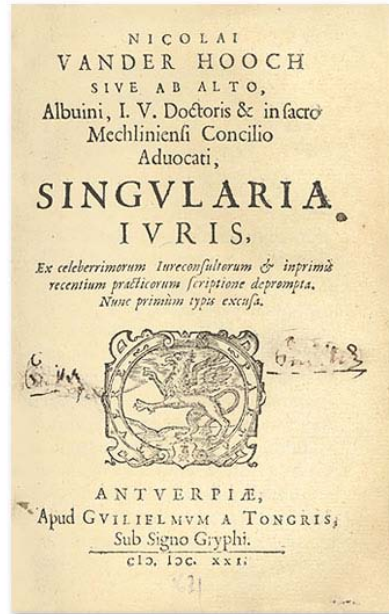
### Scarce Collection of Statutes Concerning Election to the House of Commons

#### 13. [Great Britain]. [Parliament].

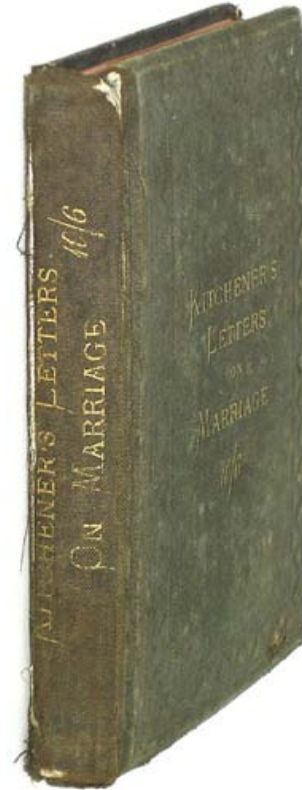
*The Statutes At Large Concerning Elections Of Members To Serve In The House Of Commons; Containing a Compleat Collection of All the Acts of Parliament, Now in Force, Which Relate Thereto, Continued to the End of the Last Session of Parliament, 1734.* London: Printed by John Baskett, 1734. [vi], 58, 49-109, [11], [6], 10 pp. 12mo. (6-1/2" x 3-1/2").

Recent period-style quarter morocco over marbled boards, lettering piece and gilt-edges raised bands to spine, endpapers renewed. Light toning to text, faint dampstaining to upper corners of a few leaves, internally clean. A handsome copy. \$250.

\* Second edition, enlarged. Added here is an act pertaining to elections in the Scottish Parliament. The first edition was published in 1733. Separate editions for Scotland were published in 1744 and 1747. Pagination is erratic but complete. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:152.



Item 14



Item 15

#### A Seventeenth-Century Dutch "Casebook"

##### 14. Hoogh, Nicolaas van der [c. 1580-1624].

*Singularia Juris, Ex Celeberrimorum Jureconsultorum et Imprimis Recentium Practicorum Scriptione Deprompta. Nunc Primum Typis Excusa.* Antwerp: Apud Guilielmum a Tongris, 1620. [xxviii], 263, [40] pp. Octavo (6-1/2" x 4-1/2").

Contemporary limp vellum, early hand-lettered title to spine. Faint early manuscript annotations to covers, light soiling and some shelfwear, front pastedown partially detached, rear pastedown loose, opening rear hinge. Light browning to text, struck-through early owner signature to title page, early annotations to margins in a few places, extensive annotations to rear endleaves. An appealing copy of a scarce title. \$1,500.

\* Only edition. Hoogh was a *doctor juris* and an advocate of the High Court of Mechelin, an influential tribunal. Like a modern casebook, Hoogh's book is a collection of cases arranged to demonstrate general legal principles. It cites numerous medieval and Renaissance authors. OCLC locates 4 copies, all in the Netherlands. Other copy located in the Robbins Collection at UC-Berkeley and Harvard Law school. Dekkers, *Bibliotheca Belgica Juridica* 83.

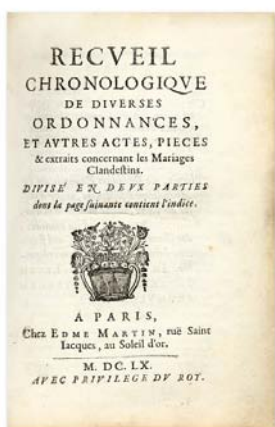
#### 1812 Essay on Marriage and Infidelity

##### 15. Kitchener, Henry Thomas.

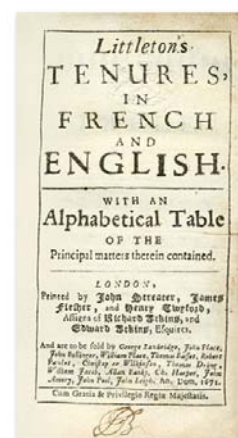
*Letters on Marriage, On the Causes of Matrimonial Infidelity, And the Reciprocal Relations of the Sexes.* London: C. Chapple, copyright 1812 [printed 1870?]. viii, 245 pp. Two volumes in one with continuous pagination. Octavo (6-1/2" x 4").

Cloth, gilt titles to front board and spine. Moderate rubbing to extremities, front hinge cracked but secure, rear cover detached, internally clean. \$95.

\* Reissue of the only edition. A series of twelve essays on these vexed topics. According to OCLC, this reissue was printed in 1870.



Item 16



Item 17

### Marriage Issues in the Ancien Regime

**16. Launoy, Jean de [1603-1678].**

**Hervet, Gentian [1499-1584].**

*Recueil Chronologique de Diverses Ordonnances, Et Autres Actes, Pieces & Extraits Concernant les Mariages Clandestins. Divise en Deux Parties dont la Page Suivante Contient l'Indice.* Paris: Chez Edme Martin, 1660. Two parts in one, each with title page and individual pagination. Part II, by Hervet, is titled: *Oratio ad Concilium, Qua Suadet, Ne Matrimonia, Quae Contrahuntur a Filiis Familias Sine Consensu Eorum in Quorum Sunt Potestate.* Paris: E. Martin, 1660. [ii], 74, [2]; [viii], 60 pp. Octavo (6-1/2" x 4-1/2").

Contemporary limp vellum, hand-lettered title to spine. Light soiling, spine ends bumped, minor wear to corners, few minor chips to edges. Attractive woodcut head-pieces and decorated initials. Some toning to text. Later (?) underlining in faint pencil to a few passages, interior otherwise clean. \$1,500.

\* Only edition. Two studies related to marriage, parental consent and illegitimacy. Launoy (of Lennoi) appended a reprint of Hervet's work, which was first printed in 1556. Not in the *British Museum Catalogue* or Camus. OCLC locates 1 copy in North America (at Yale University).

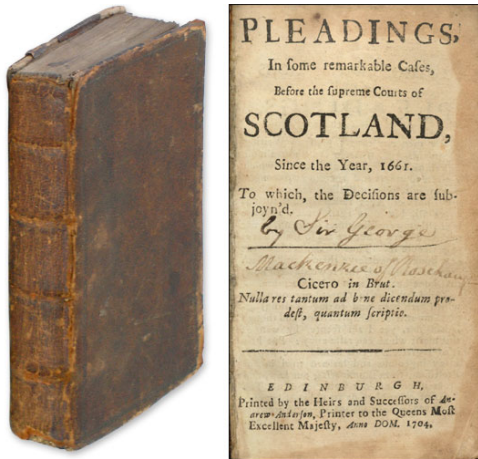
### The First Edition of Littleton with Parallel Texts in English and Law-French

**17. Littleton, Sir Thomas [d. 1481].**

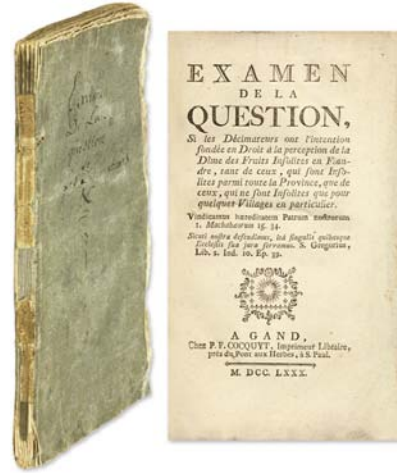
*Littleton's Tenures, In French and English. With an Alphabetical Table of the Principal Matters Therein Contained.* London: Printed by John Streater, James Fleisher and Henry Twyford, Assigns of Richard Atkins, and Edward Atkins, 1671. [xxii], 436 (i.e. 426), [2] pp. Main text in parallel columns. 12mo. (5-1/4" x 3").

Contemporary sheep, blind rules to boards and spine. Light rubbing to extremities, small chip to head of spine, rear joint just starting at head, front hinge cracked but secure, rear pastedown loose and worn around the edges. Clean tear to fore edges of a few leaves with no loss to text. Offsetting to margins of endleaves, toning to a few text leaves, interior otherwise fresh. From the Earls of Macclesfield library with their armorial bookplate on the front pastedown, the library's small embossed stamp to title page, small shelf labels to spine. A lovely unsophisticated copy very well preserved in the original state. \$750.

\* First edition with parallel texts in English and Law French. Written during the reign of Edward IV [1442-1483] and first published around 1481, Littleton's *Tenures* is probably the most revered treatise in the history of the common law. Much admired for its learning and style, it is concerned with tenures and other issues relating to real property. This venerable work, which Coke called "the ornament of the Common Law, and the most perfect and absolute work that ever was written in any humane science," is considered a landmark because it renounced the principles of Roman law (and Latin) in favor of guidelines and doctrines drawn from the Year Books and, when necessary, hypothetical cases. Holdsworth, *A History of English Law* II:573. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:458 (119).



Item 18



Item 19

**"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.

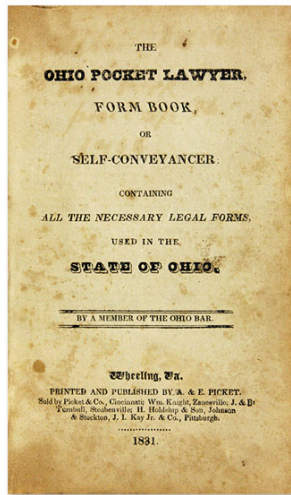
**1780 Pamphlet Questioning the Church's Right to Raise Tithes in Flanders**

**19. [Massez, C.].**

*Examen de la Question, Si les Decimateurs ont l'Intention Fondee en Droit a la Perception de la Dime des Fruits Insolites en Flandre, Tant Ceux, Qui Sont Insolites Parmi toute la Province, que de Ceux, Qui ne Sont Insolites que pour Quelques Villages en Particulier.* Ghent: Chez P.F. Cocquyt, 1780. vi, 84, [2] pp. Octavo (7-1/4" x 4-1/2").

Stab-stitched pamphlet in plain wrappers, untrimmed edges, early hand-lettered title to front, fragments of title label to spine. Some soiling and edgewear, later owner bookplate to verso of front wrapper. Some toning, light soiling to title page, internally clean. \$650.

\* Only edition located. Massez wishes to limit the rights of the church to raise tithes in Flanders. He notes that "God himself established tithes for the Jewish people, where it was part of the dividing-up of the lands, which God himself ordered: [however] amongst the Christian nations, it is men who have ordered this division, men have also introduced tithes there; thus [such a tax] depends on the civil law of each nation" (iii-iv). Massez discusses statutes from 1520 and 1530 onward and disputes their interpretation by Zeger Bernhard van Espen [1646-1728], the distinguished Flemish canon lawyer. OCLC locates 8 copies, 2 in North American law libraries (Columbia, UC-Berkeley). Not in the *British Museum Catalogue*.



Item 20



Item 21

### Early Ohio Formbook

#### 20. [Ohio].

[Picket, A. & E.]

*The Ohio Pocket Lawyer, Form Book, or Self-Conveyancer: Containing all the Necessary Legal Forms Used in the State of Ohio. By a Member of the Ohio Bar.* Wheeling, Va.: Printed and Published by A. & E. Picket, 1831. 140, [4] pp. Tipped-in errata sheet supplied in facsimile. 12mo. (6-1/2" x 4").

Contemporary quarter sheep over plain paper boards, gilt title to spine. Moderate rubbing and a few minor stains, corners bumped, some chipping to spine ends, light browning and dampspotting to text. Early owner inscription to front free endpaper (of Albert Davis, 1836), interior otherwise clean. \$150.

\* Third and final edition. It is considerably larger than the first edition, titled *The Ohio Form Book*, and second edition, both of which were published in 1831. The text runs parallel to the spine. It has an Advertisement leaf signed "A. & E. Picket," which indicates that the forms are in "conformity with the revised code of laws for 1830 & 1831." Cohen, *Bibliography of Early American Law* 8095.

### Oratorical Tricks for Lawyers

#### 21. Omphalius, Jacobus [1500-1567].

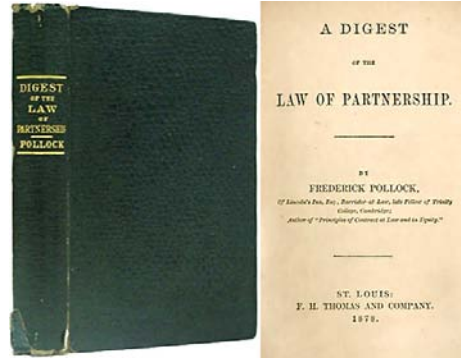
Pico della Mirandola, Giovanni Francesco.

Bembo, Pietro.

*De Elocutionis Imitatione ac Apparatu Liber Unus. His Accesserunt Jo. Francisci Pici Mirandulae ad Petrum Bembum, et Petri Bembi ad Jo Fr. Picam Mirandulam De Imitatione Epistolae Duae.* Paris: Apud Gulielmum Iulianum, 1555. [xxxii], 272 pp. Octavo (6-1/2" x 4").

Contemporary limp vellum with lapped edges, raised bands, ties lacking, faint hand-lettered titles to front board and spine. Light soiling and edgewear, heavier soiling to spine. Attractive woodcut head-piece and decorated initials. Light browning to text, faint dampstaining to margins of a few leaves, internally clean. \$1,250.

\* Second edition. Omphalius was a jurist. First published in 1537, his treatise on oratory, with an emphasis on legal oratory, is divided into two parts. The first part discusses the theory of the subject, the second is a digest of oratorical devices for any case a lawyer may need to address. The book concludes with a pair of related essays by Bembo and Pico della Mirandola. This was a popular work that went through several editions and imprints to 1615. All editions are scarce, however. OCLC locates no copies of this 1555 imprint in North American law libraries. Adams, *Catalogue of Books Printed on the Continent of Europe, 1501-1600* O175.



**Pollock on Partnership**

**22. Pollock, Sir Frederick [1845-1937].**

*A Digest of the Law of Partnership.* St. Louis: F.H. Thomas and Company, 1878. xlix, 169 pp. Octavo (5-3/4" x 4").

Original morocco-stamped paper, gilt title to spine. Moderate rubbing to extremities with wear to joints, chipping to spine ends, corners bumped and somewhat worn. Moderate toning to text, early owner signature and stamp to front endleaves, interior otherwise clean. \$50.

\* Pollock was one of the greatest British judges and legal scholars of his day. His treatises on contracts, jurisprudence the common law and other subjects did much to clarify and systematize English law. Several of these were standard texts that went through several editions. He is also remembered for his collaboration with F.W. Maitland on *The History of English Law Before the Time of Edward I* and his correspondence with Oliver Wendell Holmes, which was published posthumously as *The Holmes-Pollock Letters*.



**Humanistic Treatise on Jurisprudence Bound with Two Other Volumes**

**23. [Prasch, Johann Ludwig (1637-1690)].**

*Jurisconsultus Verus et Personatus: Ad Illustrissimum Baronem Boineburgium.* Nuremberg: Apud Joh. And. Endterum & Wolfg. Jun. Haered, 1664. 188, [4] pp.

[Bound with]

**Thou, Jacques Auguste de [1553-1617].**

*Rerum Memorabilium Excerpta. Historia, In Privatum Primo Usus Collecta, Lemmatibusq. Suis Interstincta.* Ulm: Impensis Georgii Wildeisen, 1664. [xxiv], 417, [5] pp.

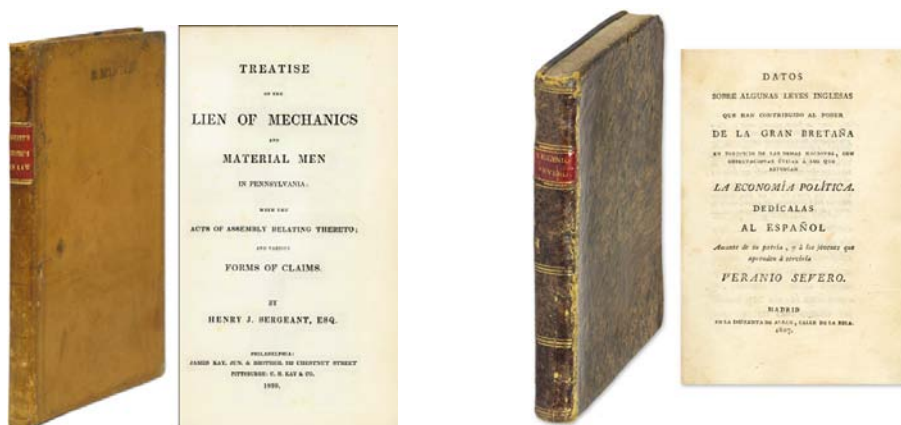
[And]

**Lassenius, Johann [1636-1692].**

*Turcken-Krieg der Christen-Sieg: Oder Bedencken Uber den Itzt vor Augen Schwebenden Turckischen Krieg.* Nuremberg: Bey Michael und Johann Friderich Endter, 1663. [xxiv], 284 pp. Title page preceded by copperplate pictorial title page.

12mo. (5" x 3"). Contemporary vellum with lapped edges, early hand-lettered title to spine. Some soiling, light wear to extremities, faint vertical crease, vellum beginning to crack through front pastedown, repair to small hole in title page of *Jurisconsultus Verus*, which is printed in red and black. Toning to text. Later annotation to front pastedown, interior otherwise clean. \$1,500.

\*Prasch: Only edition; Thou: Only edition (in this form); Lassenius, later edition. Prasch was a notable poet, bookseller and state official. Published under the cipher "I.L.P.," *Jurisconsultus Verus et Personatus* is a humanistic treatise on jurisprudence. The second title is an excerpt from the *Historiarum Sui Temporis* (1664), an important history of the sixteenth century by the eminent French statesman and scholar De Thou, who studied law under Cujas. The final title is by Lassenius, a Lutheran theologian. It is a religious tract predicting the victory of the Holy Roman Empire over the Ottoman Empire in the Turkish-Austrian War (1663-1664). No copies of these titles located in North America. Prasch: KVK locates 2 copies. *Das Verzeichnis der im Deutschen Sprachraum Erschienenen Drucke des 17. Jahrhunderts* (VD17) 1:008058L; Thou: KVK locates 3 copies. VD17 3:003112X; Lassenius: No copies of this imprint located on KVK. 1 copy located (at the National Library of Sweden). VD17 23:666520F.



Item 24

Item 25

### 1839 Pennsylvania Treatise on Mechanics' Liens

**24. Sergeant, Henry J. [1815?-1858].**

*Treatise on the Lien of Mechanics and Material Men in Pennsylvania: With the Acts of Assembly Relating Thereto; And Various Forms of Claims.* Philadelphia: James Kay, Jun. & Brother, 1839. 132 pp. 12mo. (7-1/2" x 4-1/2").

Contemporary sheep, Blind fillets to boards and spine, lettering piece. Rubbing with light wear to joints and corners, chip to head of spine, scuff to rear board, small owner stamp to front, hinges cracked but secure. Offsetting to margins of endleaves, owner stamp to front free endpaper, light foxing to most of text. A nice copy of a scarce title. \$150.

\*First edition. Sergeant was a Philadelphia lawyer and a reporter for the Pennsylvania Supreme Court. A second edition of this work was published in 1856. Cohen, *Bibliography of Early American Law* 9573.

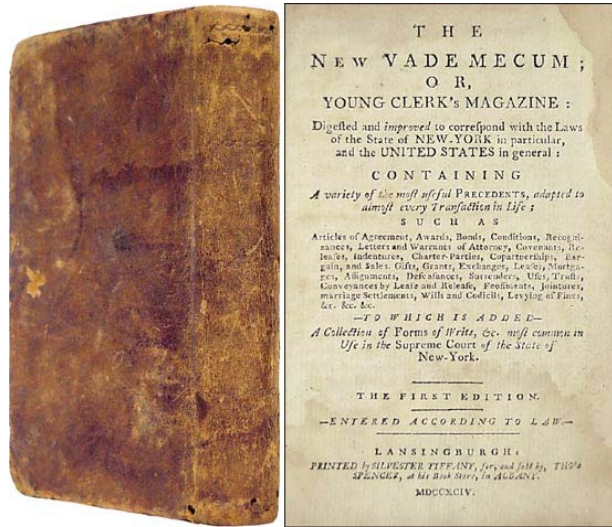
### British Manipulation of International Trade Laws

**25. Severo, Veranio.**

*Datos Sobre Algunas Leyes Inglesas que han Contribuido al Poder de la Gran Bretana en Perjuicio de las Demas Naciones, Con Observaciones Utiles a los que Estudian la Economia Politica. Dedicadas al Espanol Amante de su Patria, Y a los Jovenes que Aprenden a Servirla.* Madrid: En la Imprenta de Alban, 1807. x, [2], 257 pp. Octavo (5-3/4" x 3-3/4").

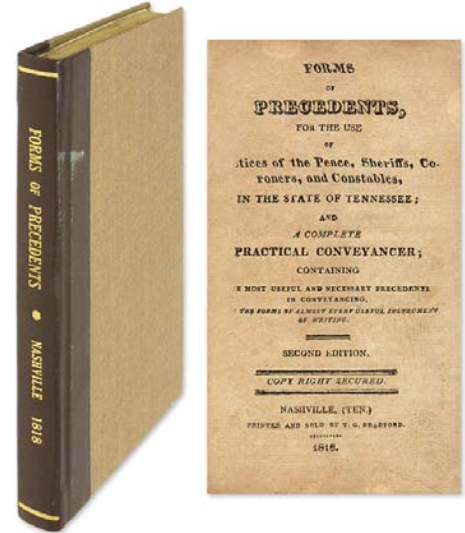
Contemporary tree-sheep, lettering piece and gilt fillets to spine, marbled endpapers. Some rubbing to extremities, corners bumped. Some toning to text, light dampstaining to upper corner of rear quarter of text block, interior otherwise clean. \$1,650.

\* First edition. This enthusiastically anti-British work details the ways Britain has manipulated international trade laws in its favor, and against the interests of Spain. It sketches the history of British politics as it affected the country's foreign entanglements, and lists some of the tricks used by Britain to win over international opinion. Inspired by Adam Smith, Severo discusses a wide variety of trades and industries, including whaling, herring, fishing, the trade in coal and tobacco, and shipbuilding, describing the shipping routes used by British merchant vessels and British trade with India, the Americas (including South America) and the Baltic. Severo analyses the effect of British trade laws, and the enthusiasm with which the British sing (and mean) Rule Britannia. OCLC locates 2 copies in North America (at Harvard and Yale). Palau, *Manual del Librero Hispano-Americano* 311227.



Item 26

1794 Clerk's Manual



Item 27

26. [Spencer, Thomas, Editor].

*The New Vade Mecum; or Young Clerk's Magazine: Digested and Improved to Correspond with the Laws of the State of New-York in Particular, and the United States in General: Containing a Variety of the Most Useful Precedents, Adapted to Almost Every Transaction in Life.* Lansingburgh: Printed by Silvester Tiffany for Tho's Spencer, 1794. 346 pp. (pp. 289-336 incorrectly numbered pp. 299-346). 12mo. (6" x 4").

Contemporary calf. Rubbing to board edges and joints, chipping to corners, minor worming to spine and pastedowns, hinges cracked but secure. Early bookplate to front pastedown. Some dampstaining and foxing, interior otherwise clean. A sound copy. \$75.

\* First edition. The preface states that this manual is based on the British *Young Clerk's Magazine* with modifications for American use. Cohen, *Bibliography of Early American Law* 8002.

Scarce Early Tennessee Formbook

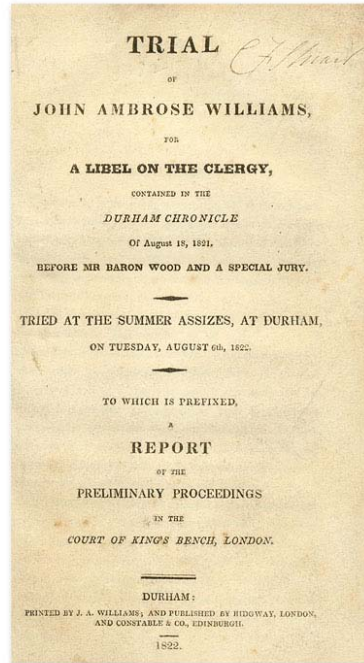
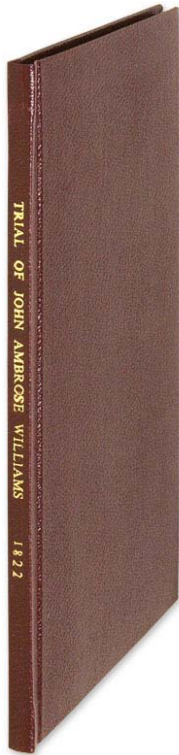
27. [Tennessee].

*Forms of Precedents, For the Use of Justices of the Peace, Sheriffs, Coroners, And Constables, In the State of Tennessee; And a Complete Practical Conveyancer; Containing the Most Useful and Necessary Precedents in Conveyancing, With the Forms of Almost Every Useful Instrument of Writing.* Nashville: Printed and Sold by T.G. Bradford, 1818. 153, [8] pp. Octavo (6-1/2" x 4").

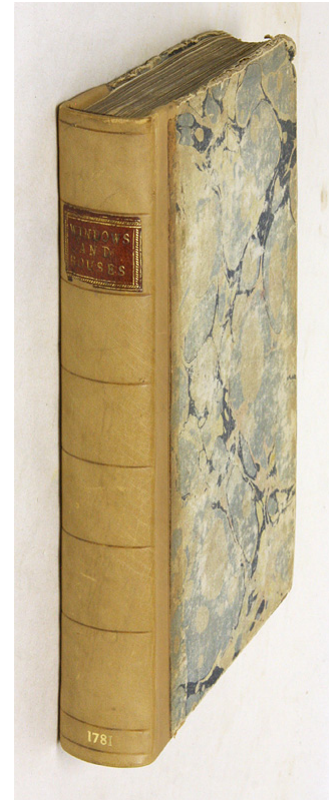
Recent quarter imitation calf over cloth, gilt title to spine, endpapers renewed. Light rubbing to extremities, moderate browning to text. Early signatures and annotations to endleaves, interior otherwise clean. \$650.



\* Second and final edition of this early Tennessee formbook that was first published in 1816. With index. OCLC locates 1 copy of the first edition in a law library (Library of Congress), 1 of the second (Harvard Law School). Cohen, *Bibliography of Early American Law* 8146.



Item 29



Item 30

### Notable Libel Trial with a Defence by Lord Brougham

#### 29. [Trial].

#### Williams, John Ambrose [1793-1854], Defendant.

*The Trial of John Ambrose Williams, For a Libel on the Clergy, Contained in the Durham Chronicle of August 18, 1821. Before Mr. Baron Wood and a Special Jury. Tried at the Summer Assizes, At Durham, On Tuesday, August 6th, 1822. Durham: Printed by J.A. Williams, 1822. iv, 57 pp. Octavo (8" x 5").*

Stab-stitched pamphlet bound into recent cloth, gilt title to spine. Light soiling to title page and verso of final leaf, light browning. Early owner signature to head of title page, interior otherwise clean. \$350.

\* First edition. "When [Queen Caroline] died in 1821, the clergy of Durham refused to allow the bells to be tolled. Mr. John Ambrose Williams, who owned the *Durham Chronicle*, published an article in it attacking the conduct of the clergy, who set the law in motion against Mr. Williams in the shape of a criminal information for libel. [The] case came for trial before a special jury at Durham. Mr. Scarlett (afterwards Lord Abinger), a most consummate advocate, conducted the prosecution, and Brougham the defense. Brougham made a magnificent speech, but it was rather a political manifesto than a wise appeal to a jury at Durham, who were not likely to be pleased with torrents of irony addressed to such topics as the revenues and management of their palatinate. The result was that his client was found guilty..." (Archer). This pamphlet was also issued the same year in London and Edinburgh. OCLC locates 2 copies of the Durham issue (at Cambridge and Glasgow Universities). Archer, *William Ewart Gladstone and his Contemporaries* 40. McCoy, *Freedom of the Press* W297.

**Eighteenth-Century Acts Relating to Windows, Lights and Houses**

**30. [Windows and Lights].**

**[Great Britain].**

*Anno Regni Georgii II. At the Parliament Begun and Holden at Westminster. The First Day of December, Anno Domini 1741, In the Fifteenth Year of the Reign of Our Sovereign Lord George the Second (...) An Act for Repealing the Several Rates and Duties Upon Houses, Windows and Lights*

**[And]**

*[Five Acts, Variousy Dated, With Continuous Pagination].*

London: Eyre and Strahan, 1781. 300, [4] pp. Octavo (7" x 4-1/2"). Contemporary marbled boards, rebacked in period style, blind fillets and contemporary lettering piece to spine, endpapers renewed. Some rubbing to board edges, corners bumped and somewhat worn. Light toning to text, internally clean. \$250.

\* An official collection of eight acts, without a general title page but complete as issued, all relating to the taxation of houses, windows, and lights. Each act begins with a separate title leaf indicating the session of Parliament and date; all eight leaves bear have the identical 1781 imprint as above. Pagination and signatures are continuous, with a 4-page table of contents at the end. There are several recorded variants of this compilation. Ours consists of the following: 20 Geo.II.c.3 (1746); 20 Geo.II.c.42 (1746); 21 Geo.II.c.10 (1747); 31 Geo.II.c.22 (1757); 2 Geo.III.c.8 (1762); 6 Geo.III.c.38 (1765); 18 Geo.III.c.26 (1777); and 19 Geo.III.c.59 (1778). The copy in ESTC (also without a general title) has the same pagination as ours, but is dated 1778 and lists only seven acts, the last of which differs from ours (17 Geo.III.c.39 instead of 18 Geo. III.c.26). There is a copy at Harvard Law School dated 1778 that contains only 259 pp.

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