

30 ANTIQUARIAN TITLES ON  
ADMIRALTY,  
MARITIME &  
NAVAL LAW

*May 10, 2016*



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## 30 Antiquarian Titles on Admiralty, Maritime and Naval Law



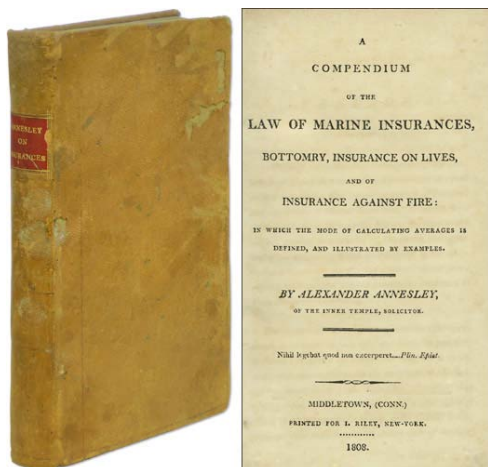
### Scarce Eighteenth-Century Treatise on Prize Law and Privateering

#### 1. Abreu y Bertodano, Felix Joseph de [c.1700-1775].

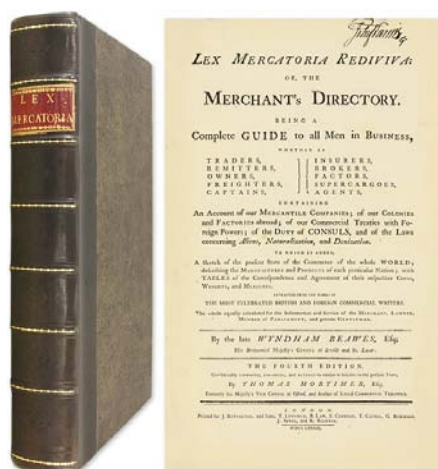
*Traite Juridico-Politique sur les Prises Maritimes, et Sur les Moyens qui Doivent Concourir pour Rendre ces Prises Legitimes.* Paris: Chez la Veuve Delaguette, 1758. Two volumes in one, each with title page and individual pagination. Octavo (6-1/2" x 4").

Contemporary speckled sheep, raised bands, lettering piece and gilt ornaments to spine, speckled edges, patterned endpapers. Some wear to corners, joints starting, some worming to lettering piece, joints and hinges. Attractive woodcut head-pieces. Toning to sections of text, light foxing to a few leaves, internally clean. An appealing copy of a scarce title. \$1,500.

\* Second French edition. First published in Madrid in 1746, this treatise on prize law and privateering went through three other editions, all in France in a translation by the author, in 1753, 1758 and 1802. Little is known about Abreu, a minor Spanish noble and diplomat. According to the title page, he was a "membre de l'Academie Espagnole, & actuellement Envoyé Extraordinaire de S.M. Catholique auprès du Roi de la Grande-Bretagne." All editions are scarce. OCLC locates 5 copies of all editions in the Americas, 1 of this edition (at Columbia University Law Library). Not in the *British Museum Catalogue*. Camus, *Bibliothèque Choisie des Livres de Droit* 2289 (citing a later edition).



Item 2



Item 3

### For the Merchant, Broker and Underwriter

#### 2. Annesley, Alexander [d. 1813].

*A Compendium of the Law of Marine Insurances, Bottomry, Insurance on Lives, and of Insurance Against Fire: In Which the Mode of Calculating Averages is Defined, and Illustrated by Examples.* Middletown [CT]: Printed for I. Riley, 1808. xv, [1], [17]-258 pp. 12mo. (7-1/2" x 4-1/2").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Light rubbing with light wear to corners, boards have some scuffing and a few spots of worming. Light foxing to endleaves, light toning to text. A nice copy. \$300.

\* Only American edition, published the same year as the first (and only) London edition. "The present excellent system of maritime jurisprudence, so enlarged in principle, and liberal in practice, is detailed in works too voluminous to afford a ready and practicable reference to the merchant, the broker, or the underwriter; the Compiler, therefore, has abridged the law and the dicta on adjudged cases of insurance, arranging the whole under distinct heads to serve as a vade mecum to every class of readers, who may comprehend with facility, and decide with confidence." : Preface v-vi. Annesley was a barrister of the Middle Temple and a London solicitor. Cohen, *Bibliography of Early American Law* 7050.

### "An Authority in Mercantile Customs": Kent

#### 3. Beawes, Wyndham [fl. 1775].

**Mortimer, Thomas, Editor.**

*Lex Mercatoria Rediviva: Or, The Merchant's Directory. Being a Complete Guide to All Men in Business; Whether as Traders, Remitters, Owners, Freighters, Captains, Insurers, Brokers, Factors, Supercargoes, Agents. Containing an Account of Our Mercantile Companies; Of Our Colonies and Factories Abroad; Of Our Commercial Treaties with Foreign Powers; Of the Duty of Consuls, And of the Laws Concerning Aliens, Naturalization, and Denization. To Which Is Added, a Sketch of the Present State of the Commerce of the Whole World; Describing the Manufactures and Products of Each Particular Nation; With Tables of the Correspondence and Agreement of Their Respective Coins, Weights, and Measures. Extracted from the Works of the Most Celebrated British and Foreign Commercial Writers. The Whole Equally Calculated for the Information and Service of the Merchant, Lawyer, Member of Parliament and Private Gentleman.* Considerably Enlarged and Improved. London: Printed for J. Rivington, and Sons, [et. al.], 1783. vi, [6], 944 [16] pp. Fold-out table. Folio (15-1/2" x 9-1/2").

Recent period-style quarter calf over cloth, raised bands and contemporary lettering piece to spine, endpapers renewed. Clean tear to license leaf, toning, occasional light foxing. Early owner signature to head of title page, brief annotations to a few leaves, interior otherwise clean. A handsome copy. \$500.

\* Reissue of the fourth edition. Beawes was a merchant and his book was intended to be "a guide to all men in business." Nonetheless the *Lex Mercatoria* was often cited in court, and its authority formed the basis of several decisions. It was especially influential in the United States, where, according to Kent, it was "an authority in mercantile customs." : Kent, *Commentaries on American Law* III:126. *English Short-Title Catalogue* T136426.



1599 Venetian Edition of the *Consolato del Mare*

#### 4. [Consolato del Mare].

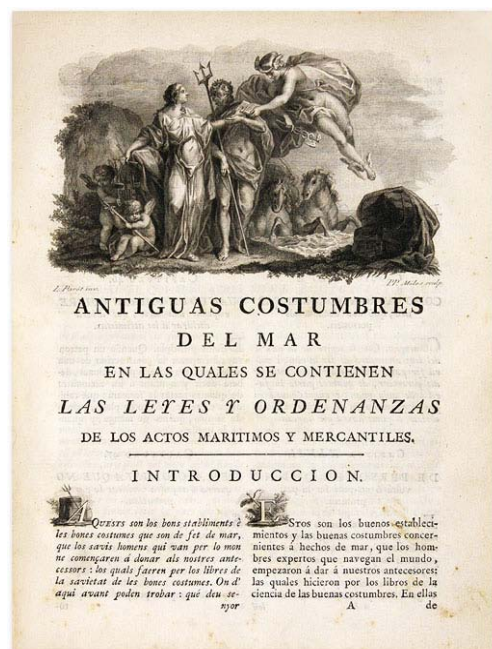
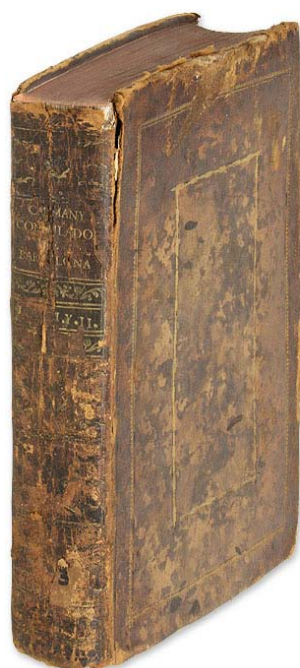
Ca da Mosto, Alvise [1432-1488].

*Il Consolato Del Mare. Nel Quale si Comprendono Tutti Gli Statuti, & Ordini, Disposti da Gli Antichi, Per Ogni Caso di Mercantia & Di Navigare: Così a Beneficio di Marinari, Come di Mercanti, & Patroni di Nave, & Navilii: Con l'Aggiunta delle Ordinationi Sopra l'Armata di Mare, Sicurtà Entrate, Uscite; & Con Il Portolano del Mare. Di Nuouo con Quella piu Accurrata Diligentia, Che s'e Potuto Corretto, & Ristampato. Con una Nuova Tavola de i Capitoli.* Venice: Appresso L. Spineda, 1599. [xvi], 232; [4], 37 [i.e. 74] pp. The second part, *Il Portolano del Mare*, has title page and separate foliation. Quarto (7-1/2" x 6").

Contemporary vellum, spine repaired, pastedowns renewed, ties lacking. Minor edgewear, light soiling and a few stains to boards, which are slightly bowed. Attractive woodcut head-pieces, tail-pieces and decorated initials. Light toning, minor worming in a few places with negligible loss to text. Early owner signature to title page, contemporary underlining and check marks to a few leaves, interior otherwise clean. An appealing copy. \$2,500.

\* Later edition. A landmark in the development of maritime law, the *Consolato del Mare* was first published in Barcelona in 1484. A digest of the law and practice commonly followed by the commercial judges in the chief ports around the Mediterranean, it became a maritime common law of the Mediterranean and a foundation for subsequent European maritime laws and customs. Its circulation was widest in Italy, especially among the Venetians, but it was also influential in Western Europe. In addition to maritime law, it contains a great deal of information about the day-to-day operations of a ship and practical advice on seafaring. *Il Portolano del Mare*, an appendix, is usually attributed to Alvise Ca da Mosto, a Venetian navigator who made two voyages to Guinea in the service of Portugal's Prince Henry the Navigator. Adams, *Catalogue of Books Printed on the Continent of Europe, 1501-1600* C2538.





**Critical Spanish  
Edition of the *Consolato de Mare***

**5. [Consolato del Mare].**

**Capmany y de Montpalau, Antonio de [1742-1813], Editor.**

**[Montana, Pedro Pablo (d.1803), Illustrator].**

**[Moles, Pascal Pierre (1741-1797), Illustrator and Engraver].**

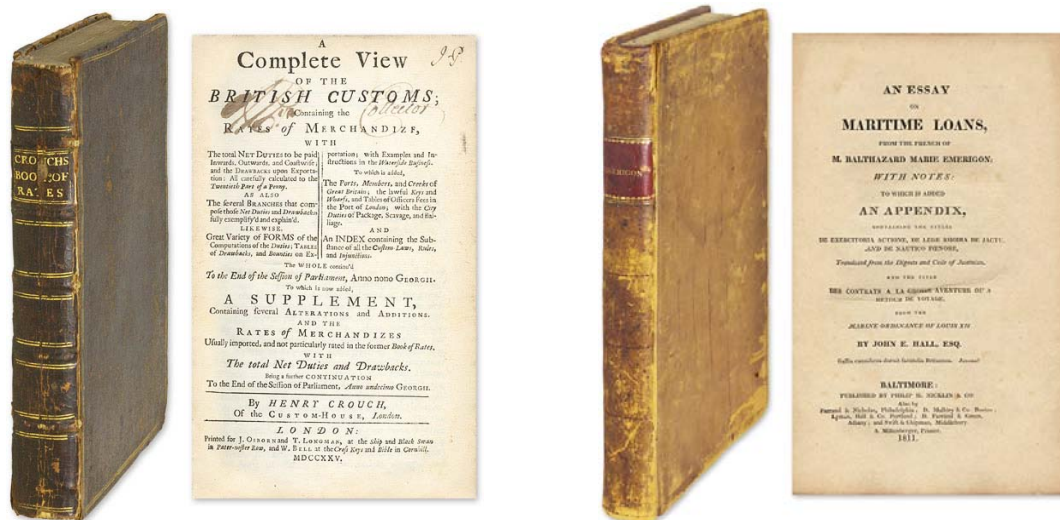
**[Carnicero, Antonio (1748-1814), Engraver.**

**[Paret y Alcazar (1746-1799), Engraver].**

*Codigo de las Costumbres Maritimas de Barcelona, Hasta Aqui Vulgarmente Llamado Libro del Consulado. Nuevamente Traducido al Castellano con el Texto Lemosin Restituido a su Original; Integridad y Pureza; E Ilustrado con Varios Apendices, Glosarios, Y Observaciones Historicas. Publicase por Disposicion y a Expensas de la Real Junta y Consulado de Comercio de la Misma Ciudad, Bano la Direccion de la General y Supremo del Reyno. Madrid: En la Imprenta de Don. Antonio de Sancha, 1791. lxxxi, 320, [4], 321-368; [ii], 7-224, [1] pp. Two volumes in one book, each with title page and individual pagination. Half-title and title page of Volume II misbound between pp. 320 and 321 of Volume I. Main text in parallel columns. Quarto (9-1/2" x 7-1/2").*

Contemporary tree sheep, gilt frames to boards, lettering pieces and gilt ornaments to spine, marbled endpapers, edges rouged. Rubbing to extremities with wear to spine ends, joints and corners, backstrip and lettering piece abraded, a few shallow scuffs to boards, front joint starting, crack in text block between front free endpaper and following leaf. Copperplate vignette to title pages, first page of main text and first page of the appendix, copperplate decorated initials. Some toning to text. Later gift inscription to front endleaf, interior otherwise clean. Ex-library. Fragment of location label to spine, small inkstamp and a few annotations to verso of title page. \$850.

\* Only edition. A landmark in the development of maritime law, the *Consolato del Mare*, or *Consulado del Mar*, was first published in Barcelona in 1484. A digest of the law and practice commonly followed by the commercial judges in the chief ports around the Mediterranean, it became a maritime common law of the Mediterranean and a foundation for subsequent European maritime laws and customs. Its circulation was widest in Italy, especially among the Venetians, which is why it is generally known by its Italian title, but it was also influential in Western Europe. In addition to maritime law, it contains a great deal of information about the day-to-day operations of a ship and practical advice on seafaring. This edition of the *Consulado* includes a related collection of early Spanish maritime, naval and commercial volume, the text of the Rhodian Sea Laws and a detailed 82-page introduction. Capmany y de Montpalau was an authority on the early history of maritime law. A skilled philologist, he edited and translated several important texts in that field. This edition features illustrations by four important eighteenth-century Spanish artists: Paret y Alcazar, Montana, Moles and Carnicero. OCLC locates 10 copies in North American law libraries. *Goldsmiths'-Kress Library of Economic Literature* 14701.



Item 6

Item 7

### "A Complete System of His Majesty's Revenue of Customs"

#### 6. Crouch, Henry [d. 1732].

*A Complete View of the British Customs. Containing, I. A Perfect and Distinct Account of the Several Particular Branches Whereof that Revenue Consists. II. The Former and Additional Books of the Rates of Merchandizes, From Which Most of Those Branches are Chargeable (...) All Calculated to the Utmost Exactness. Together With the Several Rules, Orders, &c. Annexed to the Book of Rates. III. Directions for, And Examples of, the Method of Computing the Aforesaid Duties to be Paid and Repaid; With the Drawbacks and Bounties on the Exportation of Several British Goods, &c. IV. The Several Ports, Members and Creeks of Great Britain; The Lawful Keys, Wharfs, &c. And the Fees Payable to the Officers of the Customs in the Port of London: with the Duties of Scavage, Package, &c. Payable to the Said City. V. An Index, Wherein is Comprehended the Substance of the Several Laws Now in Force, Relating to the Customs, &c.* London: Printed for J. Osborn and T. Longman, 1725. [iv], [2], 439, [1] pp. Octavo (8" x 5").

Contemporary calf, gilt rules enclosing blind fillets to boards, gilt-edged raised bands and lettering piece to spine. Rubbing to extremities with wear to spine ends and corners, a few scuffs to rear board, joints cracked but secure, hinges partially cracked. Toning, annotations in early hand to endleaves, early signature to head of title page. A nice copy. \$500.

\* Second edition. First published in 1724, a time when Great Britain was consolidating its status as the world's leading maritime power, Crouch's handbook is an encyclopedic account of English customs law. As one would expect, it contains a great deal of information relating to colonies. It went through five editions, the final in 1755. Taken together, they are a valuable source of information for students of Atlantic history and the economic origins of the American Revolution. OCLC locates 3 copies of this edition, 1 in North America (at the University of Iowa Law School). *English Short-Title Catalogue* T135021.

### An "Unrivalled" Authority on Commercial Law

#### 7. Emerigon, Balthazard-Marie [1716-1785].

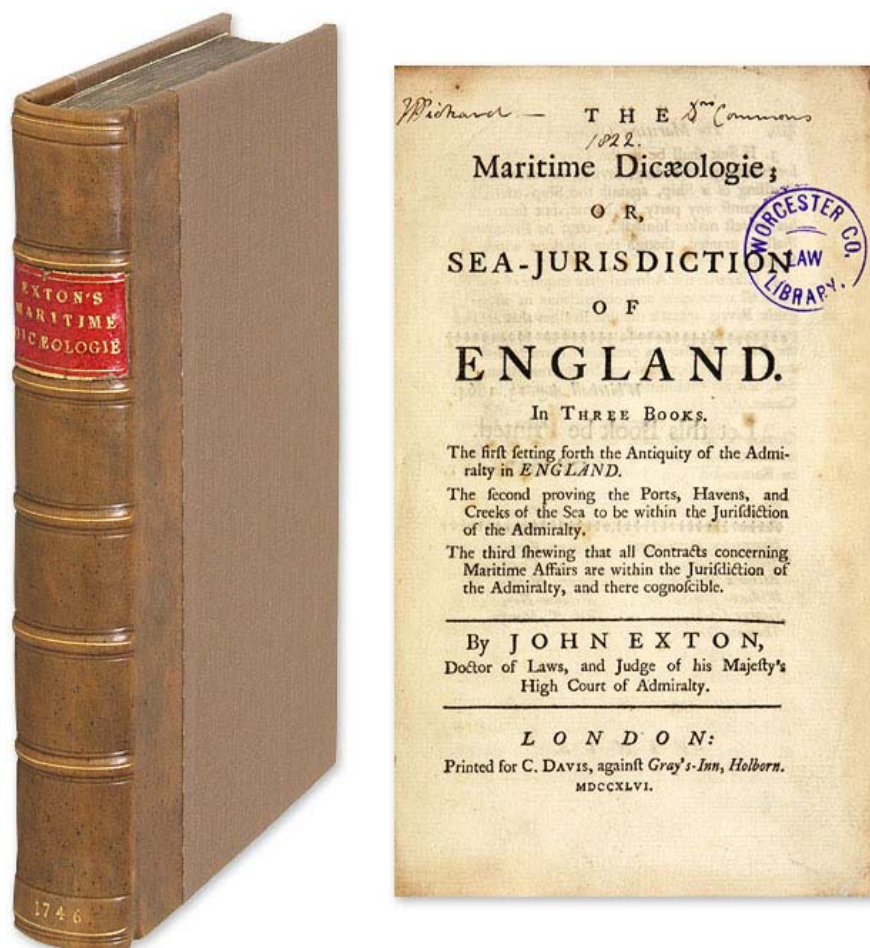
[Hall, John E., Translator].

*An Essay on Maritime Loans, From the French; With Notes: To Which is Added an Appendix, Containing the Titles De Exercitoria Actione, De Lege Rhodia de Jactu, and De Nautico Foenore, Translated From the Digest and Code of Justinian. And the Title Des Contracts a la Grosse Aventure ou a Retour de Voyage, From the Marine Ordinance of Louis XIV.* Baltimore: Published by Philip H. Nicklin & Co., 1811. xvi, [17]-313, [1] pp. Octavo (8-1/2" x 5-1/4").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Some rubbing to extremities, front joint just starting at head, a few light scuffs to boards. Light browning to foxing in a few places, dampstaining to a few leaves. Early owner signature (Abner Beck, 1815) to title page, interior otherwise clean. \$500.



\* Only American edition. With notes and references to English and American cases. Emerigon was the leading French authority on commercial law. His work was held in the highest regard by English and American jurists. James Kent observed that "no subject in Emerigon is discussed without being exhausted." Lord Ellenborough said he was an "unrivalled" theorist and practical writer. This treatise on bottomry and respondentia is a useful companion to his treatises on maritime law and maritime insurance. Citations from Marvin, *Legal Bibliography* 293. Cohen, *Bibliography of Early American Law* 7060.



### Defense of the Admiralty Courts

#### 8. Exton, John [1600?-1668].

*The Maritime Dicæologie; Or, Sea-Jurisdiction of England. In Three Books. The First Setting Forth the Antiquity of the Admiralty in England. The Second Proving the Ports, Havens, and Creeks of the Sea to be Within the Jurisdiction of the Admiralty. The Third Shewing that All Contracts Concerning Maritime Affairs are Within the Jurisdiction of the Admiralty, and There Cognoscible.* London: Printed for C. Davis, 1746. xvi, 404 pp. Octavo (7-3/4" x 4-3/4").

Recent period-style quarter calf over cloth, raised bands and original (?) lettering piece to spine. Moderate toning to text, light foxing to a few leaves. Early owner signature to head of title page, interior otherwise clean. Ex-library. Small inkstamp to head of title page. A nice copy in a handsome binding. \$1,650.

\* Second edition. First published in 1664, this book, though ostensibly descriptive, was written chiefly to maintain the jurisdiction of the Admiralty Court in the new government. Beyond its political interest, it offers a detailed analysis of seventeenth-century maritime law and admiralty jurisdiction at the time when Great Britain was emerging as a major maritime and colonial power. Exton was educated at Cambridge, earning the LL.D. in Civil Law in 1634. He was appointed President of the High Court of Admiralty by Parliament in 1649, and was reappointed by the Duke of York after the Restoration. Two other editions were published in 1746 and 1755. *English Short-Title Catalogue* N4403.



**Scarce Pocket-Sized Edition of a Landmark  
in Maritime Law, Life Insurance and the Discourse of Slavery**

9. [France].

[Maritime Law].

[Colbert, Jean-Baptiste (1619-1683)].

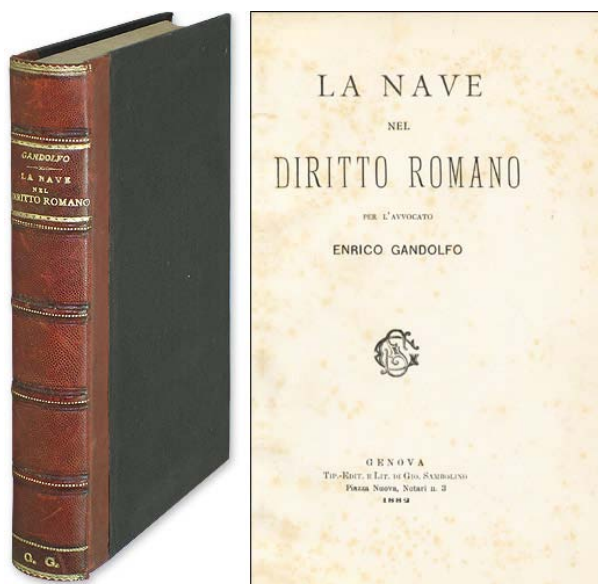
Louis XIV, King [1643-1715].

*Ordonnance de Louis XIV. Roy de France et de Navarre, Donnee a Fontainebleau au Mois d'Aoust 1681. Touchant la Marine.* Paris: Chez Denys Thierry, Et Christophe Ballard, 1687. [viii], 374, [2] pp. 16mo. (4" x 2").

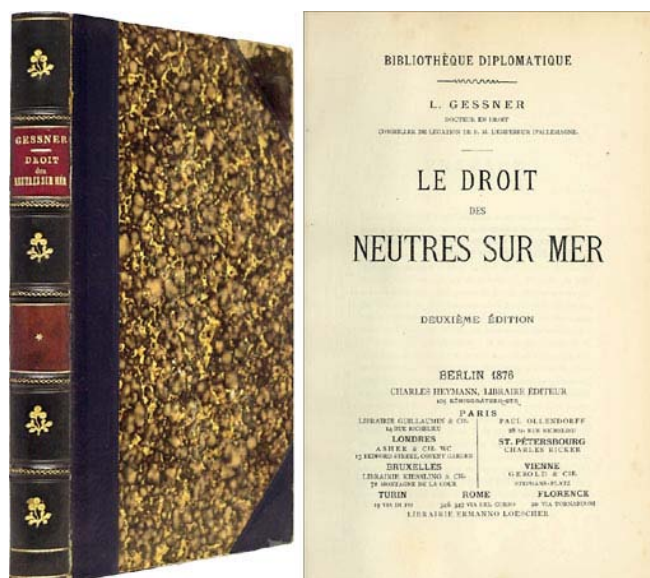
Contemporary calf, gilt spine with raised bands, brass clasps, gilt fillets to boards edges. Considerable wear to spine ends and corners, joints starting at ends, a few ink spots to edges of text block, portion of early owner bookplate to front pastedown, later owner bookplate to front free endpaper. Light toning to text, negligible foxing to a few leaves, clean tear to leaf G (pp. 97-98), early repair to fore and bottom-edges of leaf R4 (pp 263-264). Early owner signatures to front free endpaper and title page, interior otherwise clean. \$1,750.

\* Fourth edition, published the same year as a quarto. With a glossary of terms. Written by Colbert for Louis XIV, the *Ordonnance* of 1681 is significant as the first modern maritime code and a landmark in the history of insurance. As a clear exposition of maritime insurance it soon became a standard reference. More important, Articles 9, 10 and 11 appear to be the first published statement on life insurance. It describes circumstances in which lives may be insured to deal with situations unique to passengers, crews and slaves, most notably capture for ransom. This distinction was exploited initially by dealers in the slave trade, but it had a wider meaning as well. As Tim Armstrong has shown, it marked the beginning of a discourse that considered slaves as people rather than goods. This is a scarce imprint, OCLC locates 10 copies worldwide, 3 in North America, 2 in law libraries (Harvard, University of Washington). Armstrong, *The Logic of Slavery* 15-16. Polak, *Bibliographie Maritime Francais* 7160.





Item 10



Item 11

### Uncommon Italian Study of Roman Maritime Law

#### 10. Gandolfo, Enrico.

*La Nave del Diritto Romano*. Genoa: G. Sambolino. 1882. [iii], [3]-347 pp. Octavo (9" x 6").

Contemporary quarter morocco over pebbled cloth, raised bands and gilt title to spine, speckled edges. Light rubbing to extremities. Occasional light foxing, interior otherwise fresh. \$400.

\* Only edition. Gandolfo offers a thorough overview of Roman maritime law and its historical development. It was reprinted in 1980. Both issues are rare. OCLC locates 3 copies, all in Europe, none of the reprint. *British Museum Catalogue* (Compact Edition) 10:75.

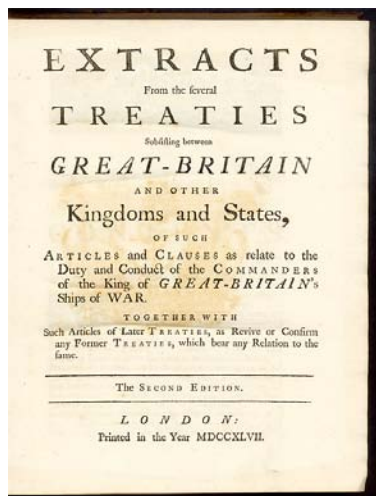
### Comprehensive 1876 Treatise on the Rights of Neutrals

#### 11. Gessner, L[udwig] [1828-1890].

*Le Droit des Neutres Sur Mer*. Berlin: Charles Heymann, Libraire Editeur, 1876. xvi, 444 pp. Octavo (9" x 6").

Contemporary three-quarter calf over marbled boards, raised bands, marbled endpapers, top edge gilt. Some rubbing with minor wear to corners and joints, a few negligible tiny scuffs to spine. Light foxing to endleaves and edges, interior otherwise fresh. \$125.

\* Second edition. Written by a German diplomat, this treatise is a comprehensive summary of the contemporary law of neutrality as it stood in the mid-nineteenth century. Written in French to reach the broadest educated audience possible, it is international in scope and lays particular emphasis on the contributions of German-speaking jurists, which Gessner believes are not as well known. After a general history of the field, Gessner devotes individual sections to contraband of war, blockade, the rights of neutrals when trading with belligerent nations, prize law and right of search and seizure. This edition not in the *British Museum Catalogue*.



Item 12



Item 13

### Issued to Senior Officers in the British Navy

#### 12. [Great Britain].

##### [Naval Treaties].

*Extracts From The Several Treaties Subsisting Between Great-Britain And Other Kingdoms And States, Of Such Articles and Clauses as Relate to the Duty and Conduct of the Commanders of the King of Great-Britain's Ships of War. Together With Such Articles of Later Treaties, As Revive or Confirm any Former Treaties, Which Bear any Relation to the Same.* London: S.n., 1747. xxiv, 264 pp. Copperplate frontispiece. Quarto (9-1/2" x 7-1/2").

Contemporary speckled calf, blind rules to boards, raised bands and lettering piece to spine. Some wear to spine ends and corners, joints cracked. Woodcut head and tail-pieces. Light toning to text, internally clean \$250.

\* Second edition. This guide was issued to senior naval officers. Several treaties in this book relate to America, such as the 1670 Treaty of Madrid, the 1686 Treaty with France, and the 1713 Treaty of Utrecht (1713). Other editions were issued in 1741, 1758, and 1792. Sabin, *A Dictionary of Books Relating to America* 23535.

### Attractive Copy of *Mare Liberum* with Three Other Works

#### 13. Grotius, Hugo [1583-1645]. *De Mari Libero*.

##### [With]

#### Merula (Merel) Paulus van [1558-1607].

*De Maribus*.

##### [And]

#### Boxhorn, Marcus Zuerius [1612-1663].

*Apologia Pro Navigationibus Hollandorum, Adversus Pontum Heuterum*.

##### [And]

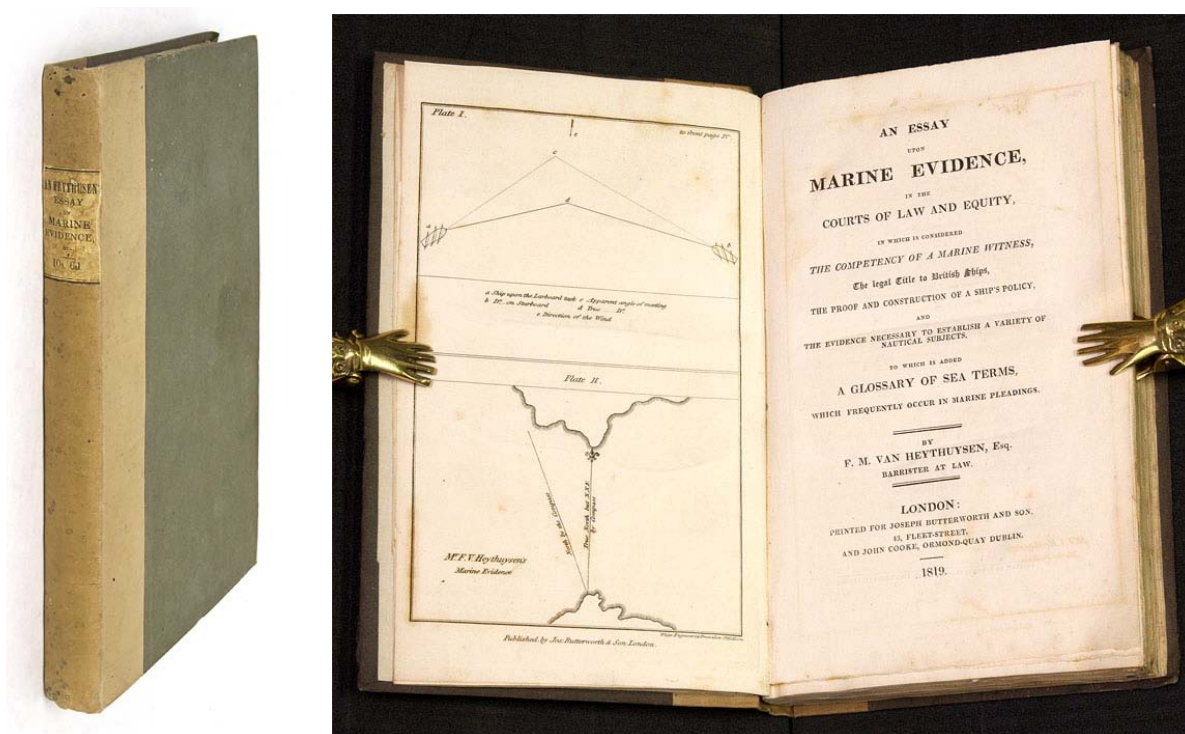
#### Boxhorn, Marcus Zuerius.

*Tractatus Pacis, Mutui Commericii, Sive Intercursus Navigationum, Confirmatus Londino Anno, [1295] Inter Henricum Septimum Angliae Regem, & Philippum Archiducem Austriae, Burgundiae, &c.* Leiden: Ex Officina Elzeviriana, 1633. 308 pp. The first two works preceded by (and listed on) copperplate pictorial general title page, third and fourth works preceded by divisional title pages. Octavo (2-1/4" x 4-1/4").

Contemporary calf, gilt rules with corner fleurons to boards, lettering piece and gilt fillets to spine, edges rouged. Light rubbing and a few nicks to boards, heavier rubbing to extremities with wear to spine ends and corners, front board beginning to detach but secure, pastedowns neatly excised (exposing leaf from older book used as binding material). Light toning to text, faint dampstaining in a few places. Early annotations to front endleaf, later signature ("WM Lincoln's Inn") in tiny hand to head of main title page, interior otherwise clean. \$750.



\* Later edition. First published in 1609, *Mare Liberum* contained the core of Grotius's thought on freedom of navigation. Using a sophisticated argument based on natural law, and not on the written codes of Roman law, Grotius argued for the free navigation of the seas. More specifically, Grotius defended the actions of Dutch fishermen, who were attempting to operate near the English coast, and the Dutch East India Company, which was engaged in a territorial dispute in the Caribbean with Portuguese traders. Selden vigorously attacked his position in his *Mare Clausum*. Grotius' work was enormously influential on the later development of international law. Grotius's essay is complemented by those of Merel and Boxhorn. A treaty between Henry VII of England and Philip, Archduke of Austria is appended to the latter essay. Ter Meulen and Diermanse, *Bibliographie de Grotius* 545. Dekkers, *Bibliotheca Belgica Juridica* 25 (1), 69 (3), 115 (4).



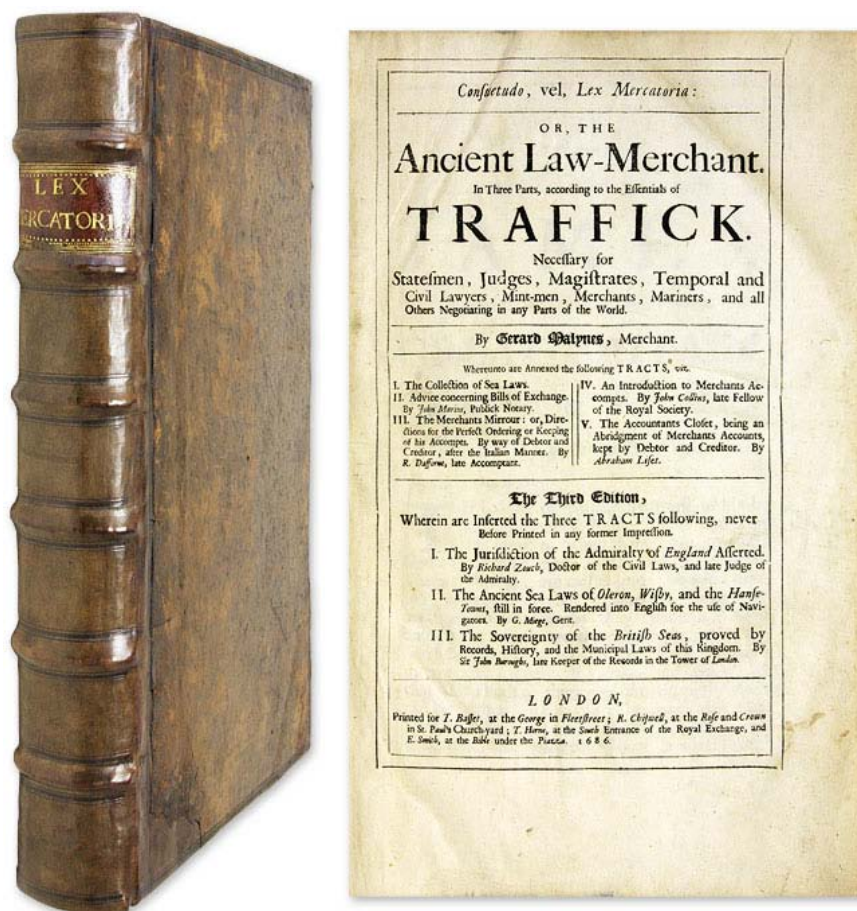
**Of Equal Value  
to Lawyers and Sailors**

**14. Heythuysen, F[rederick] M[iles].**

*An Essay Upon Marine Evidence, In the Courts of Law and Equity, In Which is Considered the Competency of a Marine Witness, The Legal Title to British Ships, The Proof and Construction of a Ship's Policy, and the Evidence Necessary to Establish a Variety of Nautical Subjects. To Which is Added a Glossary of Sea Terms, Which Frequently Occur in Marine Pleadings.* London: Printed for Joseph Butterworth and Son, 1819. 253 pp. Frontispiece (illustrating two examples of nautical charts). Octavo (8-3/4" x 5-1/2").

Contemporary quarter moire cloth over paper-covered boards, printed paper title label to spine. Light rubbing to extremities, a few minor spots and stains, corners bumped and lightly worn, upper section lacking from half-title with no loss to text. Light toning to interior, light foxing to a few leaves. \$650.

\* Only edition. With a 35-page glossary of sea terms. "Having been for many years concerned in maritime affairs, it has occurred to me, that the practitioners in our courts of justice require some nautical information upon marine subjects; it being too evident that the advocate is confounded when a cause turns upon the management of a ship, or of any of its incidents; under such circumstances, a verdict becomes uncertain, even to the party who has the merits upon his side. With these impressions the following pages were compiled" (Preface). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:366.



**Fascinating 1686 Final  
and Vastly Expanded Edition**

**15. Malynes, Gerard [fl. 1586-1641], Principal Author.**

*Consuetudo, Vel, Lex Mercatoria: Or, The Ancient Law-Merchant. In Three Parts, According to the Essentials of Traffick. Necessary for Statesmen, Judges, Magistrates, Temporal and Civil Lawyers, Mint-Men, Merchants, Mariners, And All Others Negotiating in Any Parts of the World. Whereunto are Annexed the Following Tracts, Viz. I. The Collection of Sea Laws. II. Advice Concerning Bills of Exchange. By John Marius. III. The Merchants Mirrour: Or, Directions for the Perfect Ordering or Keeping of His Accompts. By Way of Debtor and Creditor, After the Italian Manner. By R. Dassorne. IV. An Introduction to Merchants Accompts. By John Collins. V. The Accountants Closet, Being an Abridgement of Merchants Accounts, Kept by Debtor and Creditor. By Abraham Liset. Wherein are Inserted the Three Tracts Following, Never Before Printed in Any Former Impression. I. The Jurisdiction of the Admiralty of England Asserted. By Robert Zouch. II. The Ancient Sea Laws of Oleron, Wisby, And the Hanse-Towns, Still in Force. Rendered Into English for the Use of Navigators. By G. Miede. III. The Sovereignty of the British Seas, Proved by Records, History, and the Municipal Laws of This Kingdom. By Sir John Burroughs. London: Printed for T. Basset, At the George in Fleetstreet; R. Chiswell, At the Rose and Crown in St. Paul's Church- Yard; T. Horne, At the South Entrance of the Royal Exchange, And E. Smith, At the Bible Under the Piazza, 1686. Nine works in one with separate paginations and title pages (with various dates and imprints), first work preceded by general title page. [xvi], 340, 2; 43-78; [vi], 42; [xx], 54, [298]; [124]; [112]; [viii], 87-130; 28; 22 pp. First and final leaves blank. Complete as issued. Folio (13-1/4" x 8-1/4").*

Contemporary calf, blind rules to boards, rebacked, raised bands to spine, earlier lettering piece retained, marbled edges, hinges mended, eighteenth-century armorial bookplate of Brice Fisher to front pastedown. Moderate toning to text, occasional faint dampspotting to margins, spark burns to a few leaves, corner of one leaf repaired restoring minor loss to text, internally clean. A handsome copy. \$2,500.



\* Third and final edition, one of (at least) two issues from 1686. Also known as the law merchant, consuetudinary law or, somewhat anachronistically, commercial law, *lex mercatoria* is a system of customary law that developed in Europe during the middle ages to regulate the dealings of mariners and merchants. The earliest significant compilations are the eleventh-century Rules of Oleron, the Laws of Wisby and the Hanseatic Laws of the Sea. Although *lex mercatoria* fell out of use during the seventeenth century, many of its principles were incorporated into the common law. They would later provide the foundation of the (U.S.) Uniform Commercial Code. Malynes' *Consuetudo* was the final significant contribution to this field. (Beawes's *Lex Mercatoria Rediviva* (1752) was an attempt to revive it.) Malynes was a commissioner of trade in the Low Countries and was frequently consulted by the Privy Council during the reigns of Elizabeth and James, a dynamic period of commercial expansion and colonization. He was one of the first writers on business practice, economic affairs and foreign exchange. These interests are explored at length in this collection, both in Malynes's treatise and the texts by Marius, Dassorne, Collins and Liset. This volume also includes a collection of sea laws and two works on international law by Richard Zouch and John Burroughs. These assert the thesis expounded by John Selden in *Mare Clausum* (1635). Taken together, this volume provides a broad holistic view of *lex mercatoria* during its final maturity. The first edition was published in 1622, later editions and issues in 1629, 1636, 1656 and 1685. Our 1686 copy, designated the third edition, is one of four variants of the 1686 edition we have examined. The ESTC lists two from 1686, which have somewhat different collations. Fisher was a Member of Parliament and merchant who owned land in South Carolina and Georgia. See *English Short-Title Catalogue* R229419, R24438. Canney and Knott, *Catalogue of the Goldsmiths' Library* 2639. Institute of Chartered Accountants in England and Wales, *Historical Accounting Literature* 73.



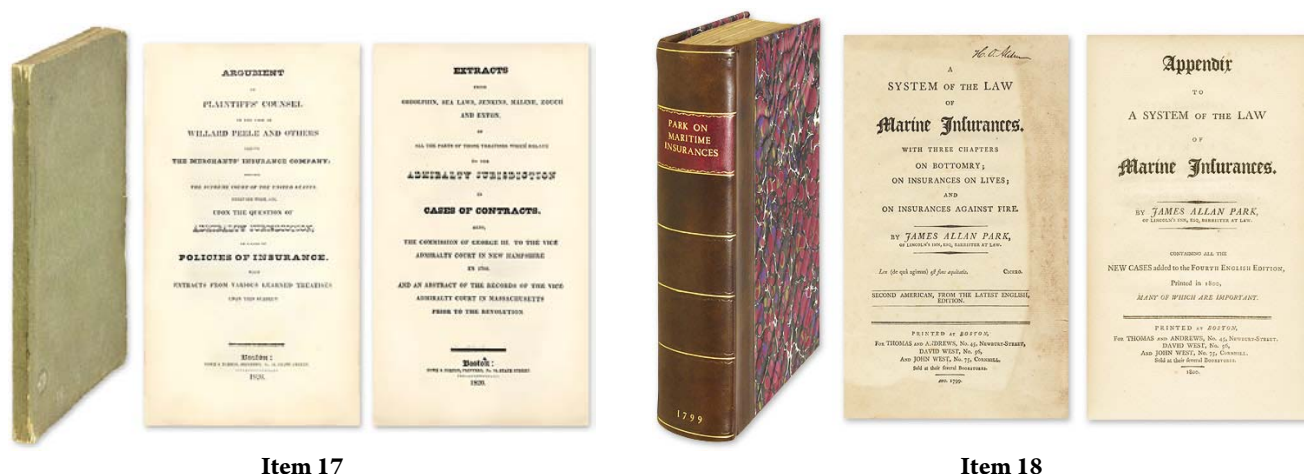
### Standard Early English Treatise on Maritime Law

#### 16. Molloy, Charles [1646-1690].

*De Jure Maritimo et Navali: Or, A Treatise of Affairs Maritime and of Commerce. In Three Books. Carefully Corrected, With the Addition of Several Hundred References and Many Modern Cases Never Before Printed.* London: Printed for John Walthoe, 1722. [vi], xvii, [3], 296, 281-479, [17] pp. Copperplate pictorial frontispiece, engraved added title page. Text continuous despite pagination. Octavo (8-1/2" x 5").

Recent period-style paneled calf, raised bands and lettering piece to spine. Light toning to text, somewhat heavier in places, minor tear to fore-edge of engraved title page. Early owner signature to title page, annotations in similar hand to margins of p. 257. Ex-library. Two small inkstamps to title page, inventory number to verso. An appealing copy. \$750.

\* Seventh edition. For many years this was the standard treatise on international, commercial and maritime law. It went through many editions, the first in 1676, the last in 1778. A Spanish translation was published in 1793. "It was not until 1676 that a man, who had some claims to be called an English lawyer, wrote upon [maritime law]. Charles Molloy who was both a civilian and a member of Lincoln's Inn and Gray's Inn, in the second book of his very successful treatise, *De Jure Maritimo et Navali*, gives us some account of these branches of the law" (Holdsworth). It deals with international as well as maritime and commercial law. Chapters III and IV discuss Privateers and Piracy. Holdsworth, *Sources and Literature of English Law* 210. *English Short-Title Catalogue* N438.



Item 17

Item 18

### Argument from Important Maritime Insurance Case Bound With Anthology of Maritime Laws

#### 17. [Nichols, Benjamin Ropes].

*Argument of Plaintiffs' Counsel in the Case of Willard Peele and Others Versus the Merchants' Insurance Company, Before the Supreme Court of the United States, February Term, 1826, Upon the Question of Admiralty Jurisdiction, In Cases of Policies of Insurance. With Extracts from Various Learned Treatises Upon This Subject.* Boston: Howe & Norton, Printers, 1826. 35 pp.

#### [Bound with]

**Godolphin, John [1617-1678], Jenkins, Sir Leoline [1623-1685],**

**Malynes, Gerard [fl. 1586-1641], Zouch, Richard [1590-1661], Exton, John [1600?-1668], Justice, Alexander.**

*Extracts from Godolphin, Sea Laws, Jenkins, Maline, Zouch and Exton, Of All the Parts of Those Treatises Which Relate to the Admiralty Jurisdiction in Cases of Contracts: Also, The Commission of George III. to the Vice Admiralty Court in New Hampshire in 1776. And an Abstract of the Records of the Vice Admiralty Court in Massachusetts Prior to the Revolution.* Boston: Howe & Norton, 1826. 132 pp.

Octavo (9" x 5-1/2"). Contemporary plain wrappers. Some edgewear and a few minor stains. Toning, light foxing to a few leaves, internally clean. \$650.

\* Only editions. *Peele et Al. v. the Merchants' Insurance Company* concerned claims on a merchant ship that was wrecked off the coast of Portsmouth, New Hampshire, and abandoned. Though damaged, the cargo was ultimately saved. At issue was the effect of abandonment on the insurance claim of the owners. In the U.S. Circuit Court, Justice Story held that the owners had the right to abandon their ship under the circumstances of the wreck and were entitled to recover their claim. The case was appealed to the U.S. Supreme Court, but no decision can be found. The second item was probably intended for busy New England lawyers who dealt with maritime contracts. It would have been a handy reference and a useful source for erudite references. The core of this curious volume is an anthology of writings by the leading seventeenth-century English writers on admiralty. An editor isn't listed and the extracts are presented without commentary, but the editor used sources for each work which are mentioned and the extracts are collated against them in side-notes. These items have separate bibliographic records in the standard references, but OCLC locates 4 copies with these works bound together (at Trinity College, the Library of Congress and the law libraries of Harvard and the University of Virginia). Cohen, *Bibliography of Early American Law* 11488 (Nichols) 1583 (Godolphin).

### The First English Treatise on Marine Insurance

#### 18. Park, James Allan [1763-1838].

*A System of the Law of Marine Insurances. With Three Chapters On Bottomry; On Insurances on Lives; And On Insurances Against Fire.* Boston: Thomas and Andrews, 1799. xxvii, liv, 516, [32] pp.

#### [Bound with]

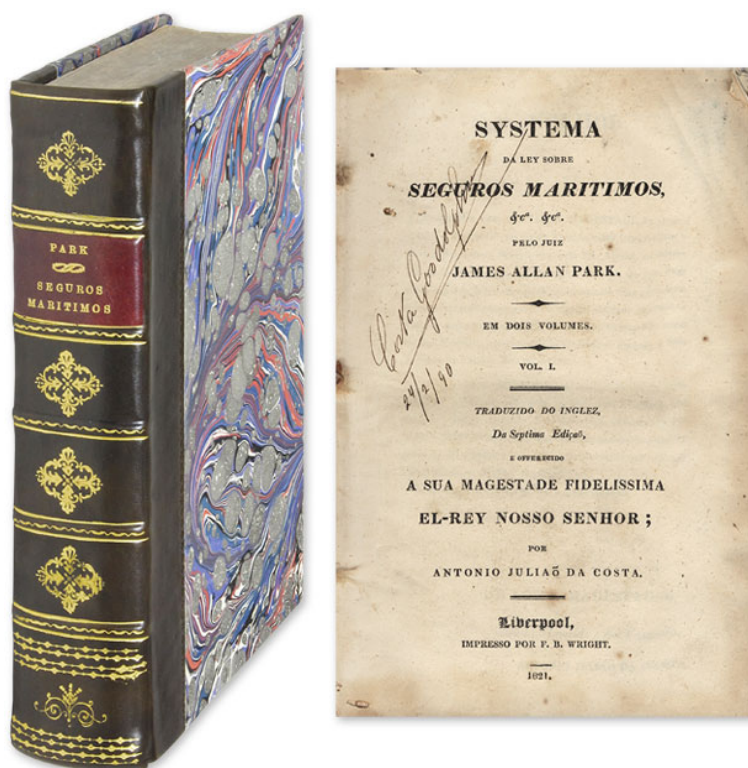
**Park, James Allan**

*Appendix to A System of the Law of Marine Insurances: Containing All the New Cases Added to the Fourth English Edition Printed in 1800 Many of Which are Important.* Boston: Printed for Thomas and Andrews, 1800. v, 62-499 [38] pp. Paging irregular, following that of the 4th English ed., with paging of earlier edition inset in the margin of the text.



Octavo (8" x 5"). Recent period-style quarter calf over marbled boards, gilt fillets and lettering piece to spine, endpapers renewed. Moderate toning to text, offsetting to and light edgewear to margins of preliminaries and index leaves. Early owner signature to head of title page, interior otherwise clean. \$300.

\* First American edition, based on the third London edition, 1797, to which it is starred. First published in 1787, Park's *Marine Insurances* was the first English treatise on the subject and, according to Holdsworth, "the best." It went through numerous editions, both in England and America and remained the standard text until the mid-nineteenth century. It begins with a history of insurance in the maritime states of Europe. The following chapters explain average, salvage, abandonment and how insurance policies are constructed. The final sections address liability and topics dealing with procedure and evidence. Cases and authorities are discussed at length, underlying principles are given as well. Later issues of the second edition have a different title page (dated 1800) and a 32 pp. appendix. Our copy appears to be a hybrid; it has the title page of the first issue and the appendix of the second. Holdsworth, *A History of English Law* VIII:263. Cohen, *Bibliography of Early American Law* 7072, 7073.



**Rare Portuguese Edition  
of Park's Treatise on Marine Insurances**

**19. Park, James Allan.**

**Costa, Antonio Juliao da, Translator.**

*Systema da Ley Sobre Seguros Maritimos, &c. &c.* Liverpool: Impresso por F.B. Wright, 1821. Two volumes bound as one. Volume II has a folding table. Octavo (8" x 5").

Recent period-style quarter calf over marbled boards, gilt fillets, ornaments and lettering piece to spine, endpapers renewed. Moderate toning to text, faint dampstaining to head of text block. Later owner signature to title page, underlining in a few places, interior otherwise clean. \$1,000.

\* Only Portuguese edition, from the seventh London edition. This rare Portuguese edition was produced for lawyers and merchants in Portugal and Brazil. Holdsworth, *History of English Law* XII:390. OCLC locates 2 copies of this edition, 1 in North America (at UVA Law School).



**Interesting Napoleonic-Era  
Treatise on Maritime and Commercial Law**

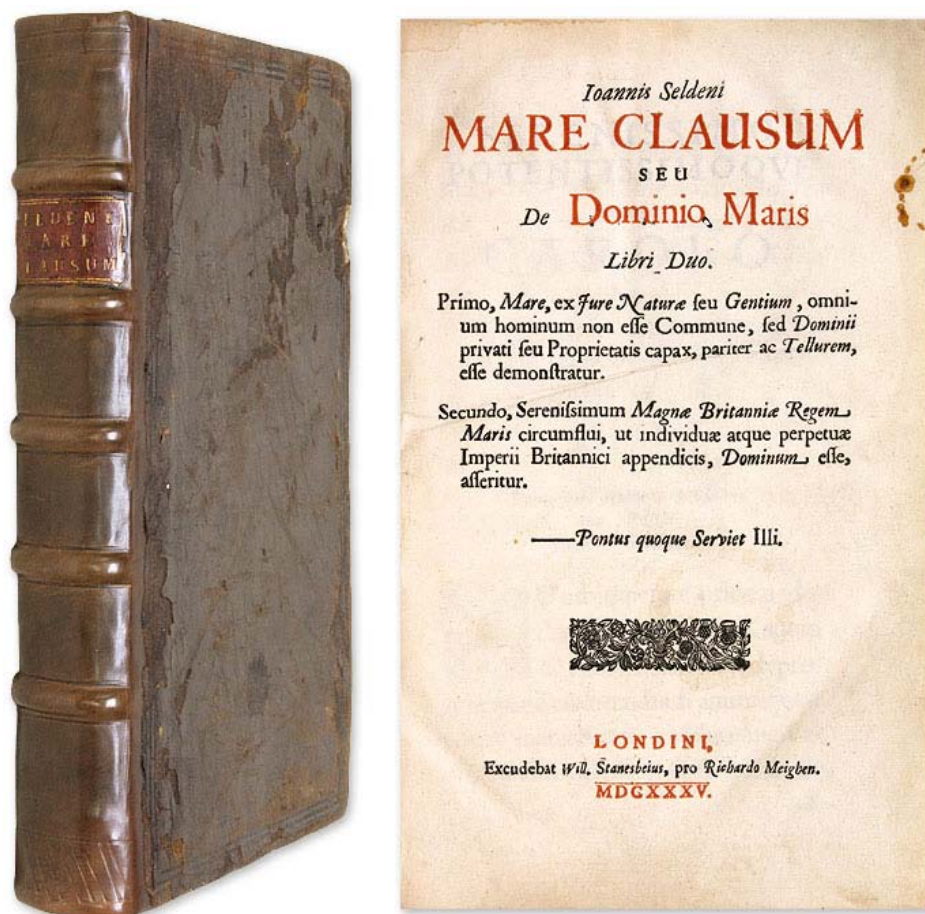
**20. Piantanida, Luigi.**

*Della Giurisprudenza Marittima-Commerciale Antica e Moderna.* Milan: Dalla Stamperia e Fonderia di Gio. Giuseppe Destefanis (Volume I); Dalla Stamperia e Fonderia di Giuseppe e Paolo Fratelli Veladini (Volumes II-IV), 1806-1808. Four volumes. Does not have the portrait frontispiece of author issued with some copies of this title. Complete set. Folio (11-1/4" x 8-1/2").

Three-quarter vellum over patterned paper boards, lettering pieces to spines. Light rubbing to extremities, a few minor stains to boards, corners and spine ends lightly bumped. Copperplate vignettes to dedication leaves of each volume. Light toning to text, occasional faint dampstaining to margins of Volume II, internally clean. \$1,950.

\* Only edition. Dedicated to Napoleon, this ambitious treatise uses a history of maritime and commercial law as the basis for a set of general principles. It is also useful for its overview of these subjects during the early phase of the Napoleonic era. His dedication indicates a keen desire for a commission to produce a commercial code for the Kingdom of Italy, the north-Italian puppet state established by Napoleon. OCLC locates 14 copies worldwide, 6 in North America, 5 in law libraries (Harvard, Library of Congress, UC-Berkeley, University of Michigan, Yale). *British Museum Catalogue* (Compact Edition) 20:268.





### The First Major English Text on International Law

#### 21. Selden, John [1584-1654].

*Mare Clausum Seu de Domino Maris Libri Duo. Primo, Mare, ex Jure Naturae Seu Gentium, Omnium Hominum non Esse Commune, Sed Domini Privati seu Proprietatis Capax, Pariter ac Tellurem, Esse Demonstratur. Secundo, Serenissimum Magnae Britanniae Regem Maris Circumflui, ut Individuae atque Perpetuae Imperii Britannici Appendicis, Dominum Esse, Asseritur.* London: Excudebat Will. Stanesbeius, pro Richard Meighen, 1635. [xxvi], 304, [12], [1] pp. Copperplate map, woodcut map, six woodcut text illustrations.

[Bound with]

**Selden, John.**

*De Successionibus in Bona Defuncti, Ad Leges Ebraeorum, Liber Singularis. Editio Altera, Correctior & Multum Auctior. Accedunt Ejusdem De Successione in Pontificatum Ebraeorum, Libri Duo. Prior Historicus Est; Pontificum ab Aharone Usque ad Templi Secundi Excidium Successionem Continens. Posterior est Iuridicus; Legitima, Seu Quae in Successione Pontificali Adeoque in Admissione ad Munus Sacerdotale Apud Ebraeos Juris Fuere Complexus.* London: Excudebat Richardus Bishop, 1636. [vi], xxiv, [4], 266 pp.

[And]

**Vossius, Dionysius [1612-1642].**

*Panegyricus Datus Frederico Henrico Arausionensium Principi. Ejusdem Fredericus Victor.* Amsterdam: Apud Guilielmum Blaeu, 1633. 31 pp.

[And]

**Heinsius, Daniel [1580-1655].**

*Panegyricus, Gustavo Magno, Suecorum, Gothorum, Vandalorum, &c. Regi, Consecratus.* Leiden: Ex officina Bonaventurae & Abrahami Elzivir, 1632. [iii], 66, [1] pp.

Folio (11" x 7"). Contemporary calf, blind rules to boards, rebacked in period style with raised bands and retained lettering piece, endpapers renewed, hinges mended. Moderate rubbing to extremities, moderate scuffing to boards, corners bumped and some what worn, small gouge to front board. Title pages of the Selden and Heinsius titles printed in red and black. Woodcut head-pieces, tail-pieces, tail, pieces and decorated initials, title pages of works by Vossius and Heinsius have large woodcut printer devices. Light toning to text, somewhat heavier in places, minor stains to a few leaves. Recent owner signature to front free endpaper, early owner signature to head of *Panegyricus, Gustavo Magno*, interior otherwise clean. \$4,500.

\* *Mare Clausum*, *Panegyricus, Gustavo Magno*, first edition; *Successionibus*; second edition; *Panegyricus Dicatus*, only edition. Selden's *Mare Clausum* is the most famous British reply to the argument of Hugo Grotius's *Mare Liberum*, which denied the validity of England's claim to the high seas south and east of England. Selden, argued that England's jurisdiction extends, in fact, to all waters surrounding the isles. His use of legal history and common-law principles to rebut Grotius's philosophical argument is quite impressive. *De Successionibus* is an exposition of rabbinical law and laws of inheritance by a commentator whose "familiarity with rabbinical literature was such as has been acquired by few non-Israelite scholars; and many details of oriental civilization and antiquities were certainly brought to the knowledge of Europeans for the first time in them" (DNB). The other two titles remind us that *Mare Clausum* dates from one of the most turbulent eras in European history. Vossius's piece is a poem commemorating the deeds of Frederick Henry, Prince of Orange [1584-1647], who led Dutch forces to victory, established the independence of the United Provinces and governed them for a large part of its golden age. Heinsius's essay praises Gustavus Adolphus of Sweden [1594-1632]. One of the greatest military commanders in European history, he established Sweden as a leading European power during the Thirty Years War. Two other editions of Heinsius's essay were published in 1633 and 1637. *Dictionary of National Biography* XVII:1157. Selden: *English Short-Title Catalogue* S117048 (*Mare Clausum*), S117055 (*De Successionibus*); Vossius, Heinsius: *British Museum Catalogue* (Compact Edition) 26:402, 11:1107.



### British Manipulation of International Trade Laws

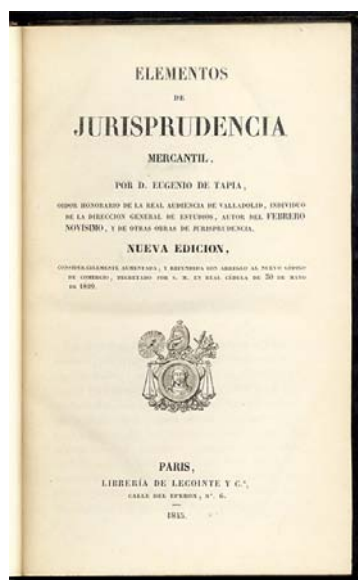
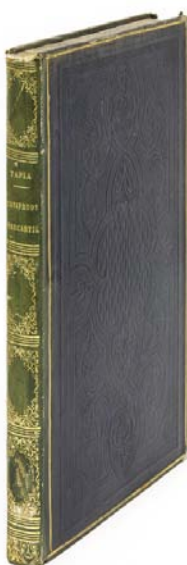
#### 22. Severo, Veranio.

*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").

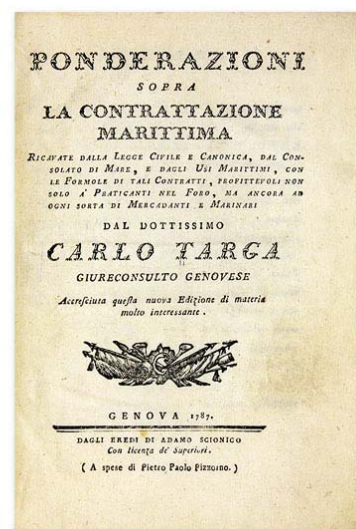
Contemporary tree-sheep, lettering piece and gilt fillets to spine, marbled endpapers. Some rubbing to extremities, corners bumped. Some toning to text, light dampstaining to upper corner of rear quarter of text block, interior otherwise clean. \$1,650.

\* 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 23



Item 24

### A Notable Nineteenth-Century Spanish Treatise on Mercantile Law

#### 23. Tapia, Eugenio de [1776-1860].

*Elementos De Jurisprudencia Mercantil. Nueva Edicion, Considerablemente Aumentada, Y Refundida con Arreglo al Nuevo Codigo de Comercio, Decretado por S.M. En Real Cedula de 30 de Mayo de 1829.* Paris: Libreria de Lecointe y C.a, 1845. [iv], 259 pp. Octavo (8" x 5").

Contemporary morocco with elaborate blind stamping, gilt rules to boards, gilt spine, marbled edges and endpapers. Some rubbing to extremities with wear to spine ends and corners. Light toning to text, internally clean. Ex-library. Bookplate to front pastedown, card pocket to rear pastedown. A nice copy. \$50.

\* Second (?) edition. We can trace a Valencia edition in 1838, and an 1850 edition. Part two is devoted to maritime commerce; much of part three is devoted to bankruptcy. Tapia held prominent positions as royal advisor and educator in Valladolid, and produced several substantial works on jurisprudence.

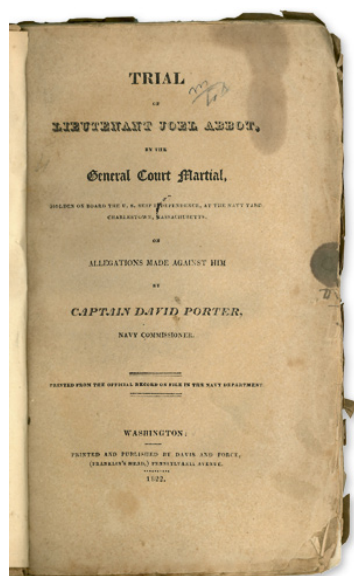
### Interesting Treatise on Maritime Law Praised by Joseph Story

#### 24. Targa, Carlo.

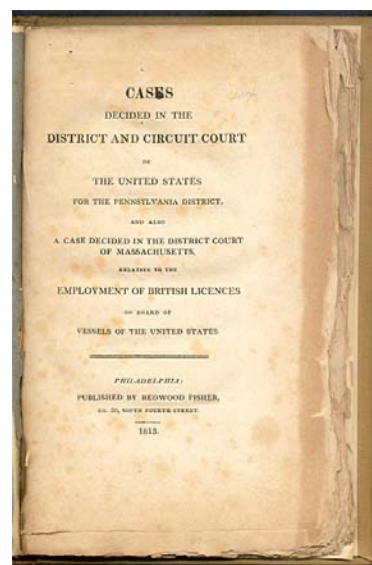
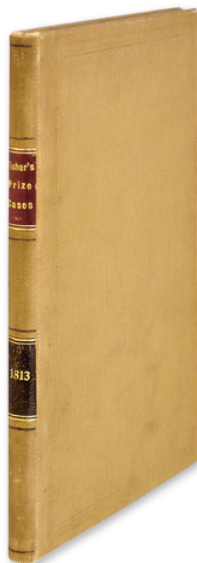
*Ponderazioni Sopra la Contrattazione Marittima.* Genoa: Dagli Eredi di Adamo Scionico, 1787. [viii], 259 pp. Quarto (8" x 5-1/2").

Contemporary tree calf, blind rules to boards, lettering piece and gilt ornaments to spine, edges rouged. Light rubbing to extremities with minor wear to corners, a few minor scuffs to boards, hinges cracked. Light toning to text, internally clean. Ex-library. Bookplate to front pastedown. A handsome copy. \$500.

\* An enlarged later edition of an interesting treatise on maritime law, contracts and insurance. The main text is followed by a critical edition of the Rhodian Sea Law (in Greek with a parallel Latin text), which was compiled between 600-800 CE, and the complete text of the Florentine insurance statutes, which were enacted in 1529. Joseph Story held this work in high regard: "We had almost forgotten to speak of Targa, who, in his *Reflections on Maritime Contracts*, has drawn from the civil and canon law, the *Consolato del Mare*, the usages of maritime nations, and preceding writers, the most useful learning on all the subjects of maritime law except insurance; and has adapted his work to practice by collecting the forms of the various contracts, with hints for their proper application. He is generally esteemed as an industrious and correct author; but his fame seems lost in the superior blaze of his illustrious countryman.": "Literature of the Maritime Law" (1818) reprinted in *The Miscellaneous Writings of Joseph Story*, ed. William W. Story 111-112. OCLC locates 4 copies of this edition, 2 in the United States, both in law libraries (University of Michigan, University of Virginia). Not in Kress or Goldsmiths.' This edition not in the *British Museum Catalogue*.



Item 25



Item 26

### Early U.S. Navy Court Martial

#### 25. [Trial].

**Abbot, Joel [1793-1855], Defendant.**

*Trial of Lieutenant Joel Abbot by the General Naval Court Martial, Holden on Board the U.S. Ship Independence, at the Navy Yard, Charlestown, Massachusetts, on Allegations Made Against Him, by Capt. David Porter, Navy Commissioner. Printed From the Official Record on File in the Navy Department. Washington: Printed and Published by Davis and Force, 1822. 152 pp. Octavo (9" x 6").*

Stab-stitched pamphlet in plain wrappers, contemporary hand-lettered label to front board, uncut edges. Moderate rubbing with wear to corners and spine ends, front cover just beginning to detach at head. Several uncut signatures, light browning and occasional light foxing to text. Small inkstain to title page, interior otherwise clean. \$125.

\* First edition, issued the same year as the Boston imprint published by Russell and Gardiner. With an appendix containing texts of documents relating to irregularities at the Boston naval station and the misconduct of the naval agent, Amos Binney. Abbott was a decorated naval officer who fought under Commodore Rogers on the frigate President during the War of 1812. "In March 1822...he discovered a series of frauds upon the government... [and] made very serious charges against his commandant, Captain Isaac Hull. Failing to prove these accusations when brought before a court-martial, Abbot was suspended from the naval service for the period of two years." : *Dictionary of American Biography* 1:14. Cohen, *Bibliography of Early American Law* 13395.

### American Prize Cases from the War of 1812

#### 26. [Trials].

**[Fisher's Prize Cases].**

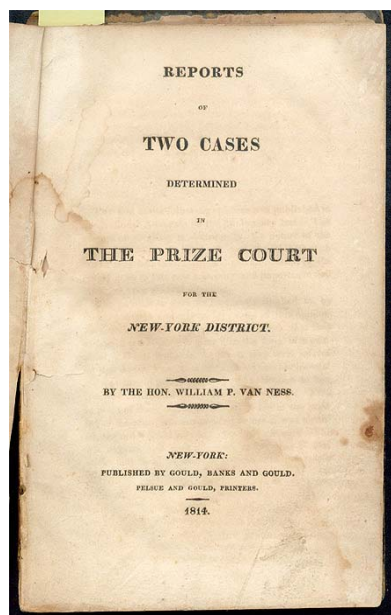
**United States, Circuit Court (Third District).**

*Cases Decided in the District and Circuit Court of the United States for the Pennsylvania District, And Also a Case Decided in the District Court of Massachusetts, Relative to the Employment of British Licences on Board of Vessels of the United States. Philadelphia: Published by Redwood Fisher, 1813. [iv], [3]-91 pp. Octavo (9-1/2" x 6").*

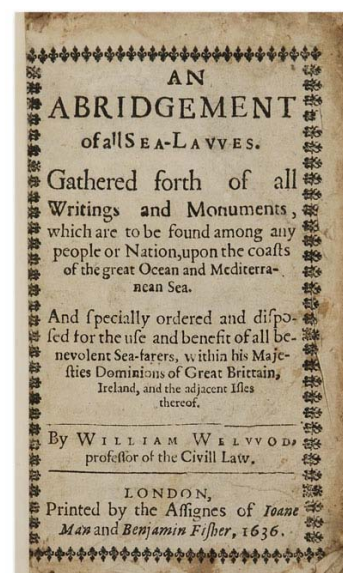
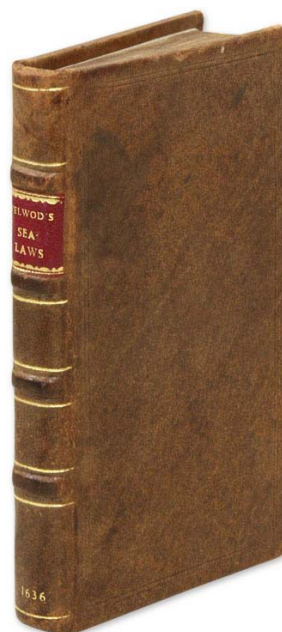
Stab-stitched pamphlet in original plain wrappers and untrimmed edges bound into later buckram with red and black lettering pieces. Light soiling and some shelfwear. Light browning, occasional spotting and minor tears. Early owner annotation to front wrapper, interior otherwise clean. \$150.

\* Only edition. The cases are: United States, &c. v. the Brig *Tulip* and Cargo, United States, &c. v. the Ship *Ariadne* and Cargo, United States, &c. v. the Brig *South Carolina*, Asa Hooper Et. Al. v. the Brig *Hiram*, The Case of the *Aurora* (Note). Cohen, *Bibliography of Early American Law* 1612.





Item 27



Item 28

### The First Prize Cases Tried in the United States District Court for the District of New York

#### 27. [Trials].

Van Ness, William P. [1778-1826].

*Reports of Two Cases Determined in the Prize Court for the New-York District.* By the Hon. William P. Van Ness. New York: Published by Gould, Banks and Gould, 1814. 59 pp. Octavo (8-1/2" x 5").

Stab-stitched pamphlet bound into recent quarter calf over paper-covered boards, gilt title to spine, tears to title page mended. Light browning, foxing in a few places, faint dampstaining title page and following leaf. \$850.

\* Only edition, one of two issues. Also known as *Van Ness's Prize Cases*, this volume reports two prize cases during the War of 1812. These were the first cases tried and reported in the United States District Court for the District of New York. Both involved British ships captured by an American privateer in 1814: "Charles Johnson, on behalf of himself, officers and crew of the private armed vessel the *Tickler*, vs. 21 bales, 28 cases of merchandise, and 2708 bars of iron, goods & merchandise claimed by Robert Falconer, for and on behalf of John Richardson" and "Charles Johnson, on behalf of himself, owners, officers and crew of the private armed vessel called the *Tickler*, against Thirteen bales and thirteen cases of goods & merchandise, found on board the ship *Mary and Susan*, Josiah Wilson, master: William Falconer claimant of nine bales of merchandise, in behalf of James Beswicke and Son." According to Sabin, there are two issues of this title, distinguished by a few small typographical points. This is the most obvious: in issue A, the copy offered here, p. 39 ends "But however distinct-." In Issue B, p. 39 ends "But however dis-." Sabin, *A Dictionary of Books Relating to America* 98533. Wallace, *The Reporters* 567.

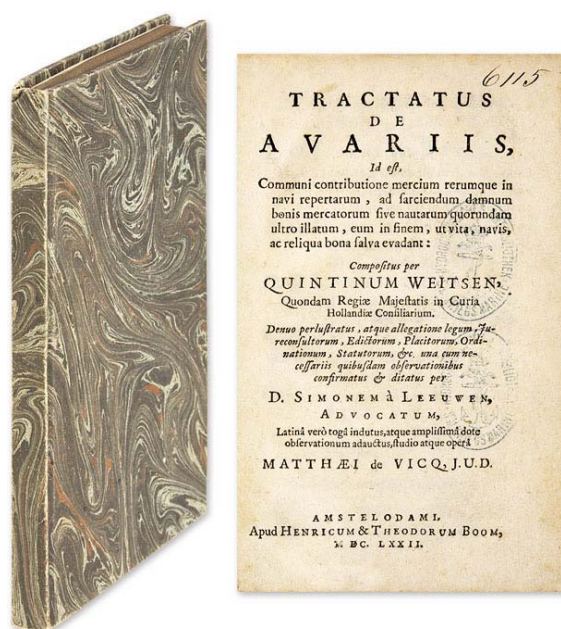
### Grotius Replied to, And was Influenced By, This Critique of *Mare Liberum*

#### 28. Welwood, William [fl. 1578-1622].

*An Abridgement of All the Sea-Lawes. Gathered Forth of All Writings and Monuments, Which are to be Found Among Any People or Nation, Upon the Coasts of the Great Ocean and Mediterranean Sea. And Specially Ordered and Disposed for the Use and Benefit of all Benevolent Sea-Farers, Within His Majesties Dominions of Great Brittain, Ireland, And the Adjacent Isles Thereof.* London: Printed by the Assignes of Ioane Man, and Benjamin Fisher, 1636. [16], 25 [i.e. 253], [3] pp. First and final leaves blank. Octavo (5-1/2" x 3-1/2").

Recent period-style calf, blind rules to boards, gilt-edged raised bands and lettering piece to spine. Light rubbing to extremities with minor wear to spine ends and corners, a few very faint stains to boards, early armorial bookplate to verso of title page. Title printed within woodcut typographical border, woodcut head-pieces and decorated initials. Moderate toning to text, somewhat heavier in places, minor chipping to centers of fore-edges of pp. 109-146, some soiling and edgewear to title page, milder edgewear to following three leaves. Faint underlining and brackets in faint later pencil to a few leaves, interior otherwise clean. A nice copy of a scarce title. \$2,500.

\* Second and final edition. First published in 1613, this was the first comprehensive English manual of maritime law. Based in part on Welwood's earlier work, *The Sea-Law of Scotland* (1590), the first treatise on maritime law written in the British Isles, his *Abridgement* was a response to a request by King James I to refute an argument in the fifth chapter of Grotius's, *Mare Liberum* (1609). According to Grotius, the king did not have the right to exclude foreign vessels from fisheries along the British and Irish coasts. Quoting extensively from biblical and Roman sources, Welwood defended the right of a coastal state to control adjacent waters. This was the only critique of *Mare Liberum* that provoked a reply by Grotius, *Defensio Capitis Quinti Maris Liberi Oppugnati a Guilielmo Welwodo* (1615, published 1872). Later, Grotius changed his mind about Welwood's critique; in *De Iure Belli ac Pacis* (1625), he argues that nations are allowed to possess coastal waters. Both editions of the *Abridgement* are rare in the trade. Only two copies have come up at auction since 1977, both second editions. Feenstra, Robert, Ed., *Hugo Grotius, Mare Liberum 1609-2009: Original Latin Text and English Translation* xxii-xxiii. *English Short-Title Catalogue* S119612.



### Classic Treatise on the Maritime Law of Average

**29. Weytsen, Quintyn (Quintijn) [1518-1565].**

**van Leeuwen, Simon [1625/6-1682], Notes.**

**Wicq, Matthaeus de, Translator and Editor.**

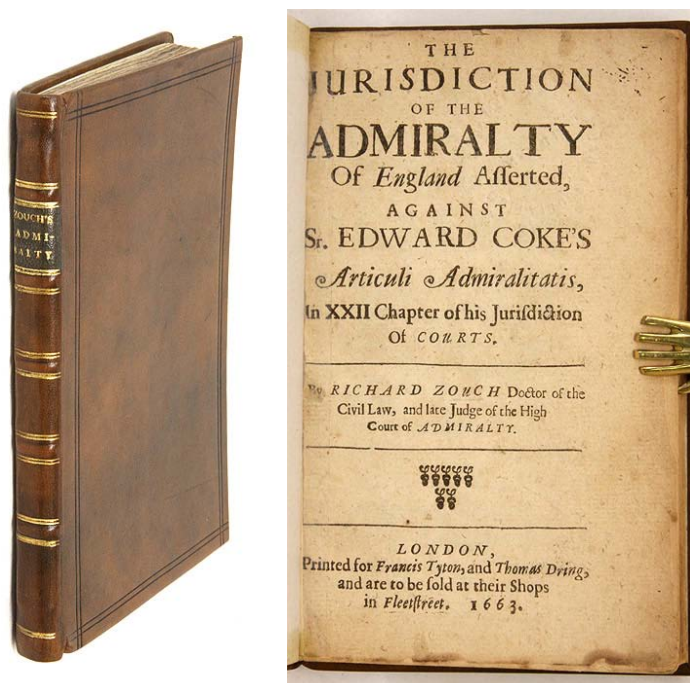
*Tractatus de Avariis: Id est, Communi Contributione Mercium Rerumque in Navi Repertarum ad Sarcendum Damnum Bonis Mercatorum Sive Nautarum Quorundam Ultro Illatum Eum in Finem ut Vita, Navis, ac Reliqua Bona Salva Evadant. Compositus per Quintinum Weitsen, Quondam Regiae Majestatis in Curia Hollandiae Consiliarium. Denuo Perlustratus, Atque Allegatione Legum, Jureconsultorum, Edictorum, Placitorum, Ordinationum, Statutorum, etc.* Amsterdam: Apud Henricum & Theodorum Boom, 1672. [xvi], 127 [1] pp. Octavo (6" x 4").

Recent marbled boards. Light rubbing to extremities, minor wear to spine ends. Light toning to text, internally clean. Ex-library. Bookplate to front pastedown, small inkstamp and shelfmark to title page, small inkstamps to a few other leaves. An attractive copy of a scarce title. \$750.

\* Only edition in Latin, with significant additions. The Roman maritime law of average, which requires all parties involved in a shipping enterprise to share the cost of sacrificing some goods in order to save others, is a principle that still applies in most countries. This classic treatise was written in the sixteenth century, but first published in 1617 in Dutch. It went through eleven more Dutch-language editions, the final in 1736. A French-language edition was published in 1703. The Latin edition incorporates the notes and observations of Simon van Leeuwen, which were added to later Dutch editions, and



additional commentary by Matthaeus de Vicq. The notes are identified and arranged in double columns. Educated at the University of Louvain, Weytsen was a King's Counselor at the Hague during the mid-sixteenth century. OCLC locates no copies of this edition, and few copies of any other, in North America. Dekkers, *Bibliotheca Belgica Juridica* 190.



**Zouch on Admiralty Jurisdiction**

**30. Zouch, Richard [1590-1661].**

*The Jurisdiction of the Admiralty of England Asserted, Against Sr. Edward Coke's Articuli Admiralitatis, in XXII Chapter of His Jurisdiction of Courts.* London: Printed for F. Tyton and T. Dring, 1663. [xvi], 152 pp. Octavo (6-1/2" x 4").

Recent period-style calf, blind rules to boards, gilt-edged raised bands and lettering piece to spine, title page re-hinged. Moderate toning to text, light foxing and finger smudges to a few leaves, light soiling and minor edgewear to title page. Ex-library. Faint embossed seal to title page, brief annotations to verso. A nice copy in a handsome binding. \$1,250.

\* First edition. The expansion and improvement in English naval power under Cromwell and Great Britain's growth as a maritime power created a demand for works on admiralty law. Also, the controversy between the admiralty and the common law courts for jurisdiction, which culminated during the chief justiceship of Lord Coke, elicited several publications in which the law merchant and the civil law play prominent parts. Along with Godolphin's *A View of the Admiral Jurisdiction* (1653), Zouch's treatise was among the first to address this need, and one of the most important. One of England's greatest civilians, he was an advocate of Doctors' Commons, Judge of the High Court of Admiralty and Regius Professor of Civil Law at Oxford. He published treatises on a broad range of legal topics and is renowned for his contributions to international law. Later editions were published in 1683 and 1685. It was also reissued in the 1686 edition of Malynes's *Lex Mercatoria*. *English Short-Title Catalogue* R21844.

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