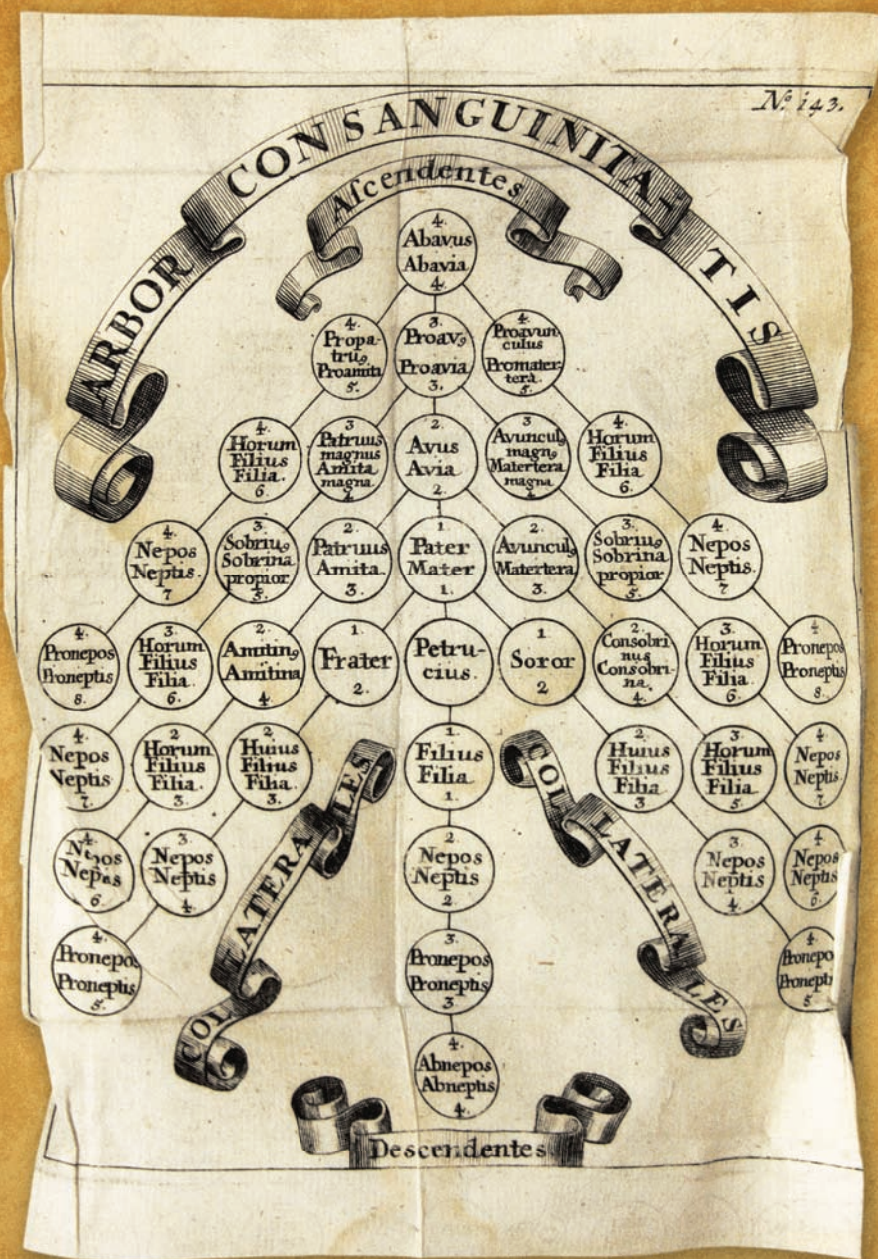


# FAMILY LAW

October 6, 2015





# The Lawbook Exchange, Ltd.

Family Law  
6 October 2015



## Eighteenth-Century German Legal Humor on the Subject of Family Law

### 1. Bechmann, J[ohann] V[olckmar] [1624-1689].

*Tractatus Juridicus De Amore, Von der Liebe*. Halle: Impensis Jo. Christ. Hendelli, 1722. 2, 46 pp. Woodcut title vignette.

[Bound with]

### Grupen, Christian Ulrich [1692-1767].

*Schediasma de Amoris Illecebris: Von Liebes-Caressen und Charmiren in Nuptias Treverianas et Griesebachianas Emissum*. Jena: Litteris Mullerianis, [1715]. 20 pp. Woodcut title vignette and tail-piece.

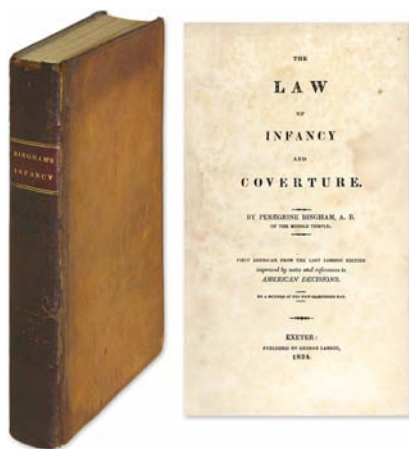
[And]

### Grupen, C[hristian] U[lrich].

*Tractatio Iuridica de Virgine Prae Vidua Ducenda, Das es Besser Sey, Eine Jungfer zu Heyrathen, Als Eine Wittwe. Cui Subjiciuntur Quaedam de Virgine Florentina Sive Pandectis Florentinis, Corollaria*. Jena: Sumptibus Christoph. David. Wertheri, [1720]. [iv], [5]-68. Woodcut title vignette and tail-piece.

Quarto (7-1/2" x 6"). Disbound, light rubbing to extremities, careful repair to title page of first title, which is just beginning to detach at foot. Toning, light foxing in a few places. Early annotations to heads of title pages, otherwise clean. Appealing copies of three scarce items. \$1,500.

\* *Tractatus Juridicus*: second edition; *Amoris Illecebris*: first edition; *Tractatio Iuridica de Virgine*: third edition. These three items are satirical essays on love and marriage in the manner of academic theses. Bechmann was a professor of law at the University of Jena. Grupen was a notable legal scholar and historian who served as an advisor to the House of Hanover. His publications include *De Uxore Theoretica* (1748). *Tractatus Juridicus*: KVK locates 4 copies, OCLC locates none. No copies located in North America. *Amoris Illecebris*: KVK and OCLC locate 4 copies, 2 in North America (at Yale Law School and UC-Berkeley Law School). *Tractatio Iuridica de Virgine*: KVK and OCLC locate 2 copies, none in North America. All editions of these titles are scarce.



Item 2



Item 3

### First American Edition of the First Work Devoted to the Law of Infants

#### 2. Bingham, Peregrine [1788-1864].

*The Law of Infancy and Coverture. Improved by Notes and References to American Decisions. By a Member of the New-Hampshire Bar.* Exeter: Published by George Lamson, 1824. viii, 367 pp. Two tipped-in leaves between pp. 180 and 181, one filled with notes. Octavo (8" x 5").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Some rubbing to extremities, darkening and light gatoring to spine and upper portions of boards, small chip to head of spine, front joint just starting at head. "S. Eno's book/ price \$3.50/ June 30-1824" and "Jonathan Holdeen/ D 26 1935" to front free endpaper, annotations to endleaves, occasional underlining, check marks and notes to text, apparently by Eno. Toning, occasional light foxing. A solid copy with two interesting associations. \$350.

\* First American edition, from the only London edition (1816). Written by a barrister and legal writer of the Middle Temple, this work on the status of infants and married women "is a good summary of what was then a difficult and very technical branch of the law, parts of which were by no means well settled. The most important cases, old and new, are discussed" (Holdsworth). Stephen Eno [1762-1852] was a prominent lawyer and civic leader in Dutchess County, New York who practiced in Pine Plains, Amenia, and Poughkeepsie. A very wealthy man, he was known for his extreme frugality, which may be why he noted the purchase price in his owner inscription. His annotations are summaries of leading cases with page references to the text. Jonathan Holdeen [1881-1967] was an eccentric Dutchess County lawyer and millionaire businessman who established a series of trust funds that were intended to make Pennsylvania a tax-free state, a plan originally devised by Benjamin Franklin. Holdsworth, *History of English Law* XIII:490. Cohen, *Bibliography of Early American Law* 4738.

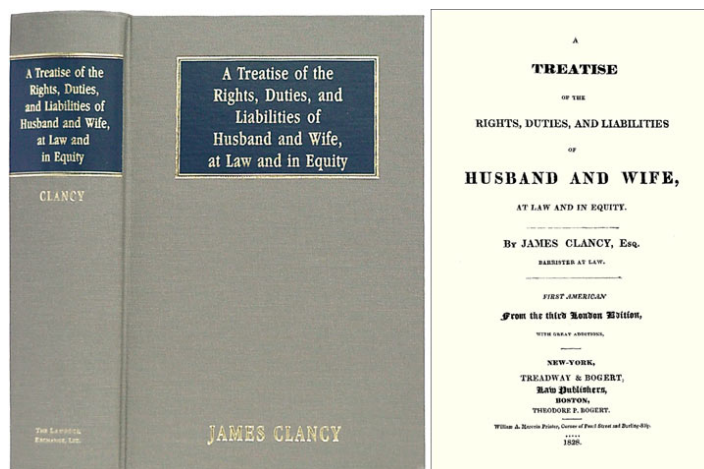
### First Edition of an Important Roman-Dutch Treatise on Marriage

#### 3. Brouwer, Hendrik [1625-1714].

*De Jure Connubiorum Apud Batavos Recepto, Libri Duo. In Quibus Jura Naturae, Divinum, Civile, Canonicum, Prout de Nuptiis Agunt, Referuntur, Expenduntur, Explicantur.* Amsterdam: Apud Casparum Commelinum, 1665. [xx], 721 (i.e. 719), [43] pp. Quarto (9" x 7").

Contemporary vellum, early hand-lettered title to spine. Some soiling, corners and spine ends bumped, vellum beginning to crack through text block, hinges cracked, front endleaves lacking. Title page printed in red and black, woodcut decorated initials and text ornaments. Light toning to text, faint dampstaining to lower corner of text block, internally clean. Ex-library. Location label to spine, small inkstamps to title page, a few annotations in pencil to verso. \$300.

\* First edition. Wessels holds this comprehensive treatise on marriage law in the canon, civil, Holy Roman, Roman-Dutch and natural-law systems in high regard and says it's a "monument of research." An interesting treatise on an interesting subject, it has sections dealing with sexual relations, perversions, rape, incest and domestic violence. In this regard it offers a valuable perspective on the social history of the Lowlands. Brouwer was an advocate and later a judge of the Court of Leiden. A second edition was published in 1714. Dekkers gives Brouwer's life span as 1612-1665. Other sources say he died in 1714. Both editions are scarce, especially the first edition. OCLC locates 5 copies in North American law libraries (Columbia, Harvard, Social Law, Yale, UT-Austin). Wessels, *History of Roman-Dutch Law* 305. Dekkers, *Bibliotheca Belgica Juridica* 28.

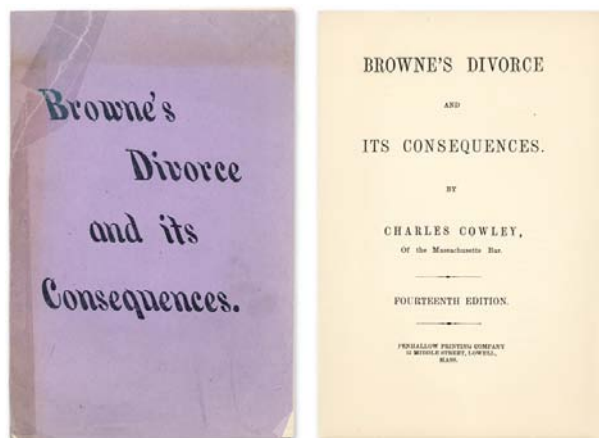


### Marriage in Early Nineteenth-Century America

#### 4. Clancy, James.

*A Treatise on the Rights, Duties, and Liabilities of Husband and Wife at Law and in Equity*. First American from the Third London Edition, with Great Additions. Originally published: New York: Treadway & Bogert, 1828. xxiii, 684 pp. Reprinted 2003 by The Lawbook Exchange, Ltd. ISBN-13: 9781584772811; ISBN-10: 1584772816. Hardcover. New. \$44.95

\*This popular and useful work went through several English and American editions, and is instructive of the legal status of marriage at the time. It examines the equitable rights of husband and wife in their legal relationship to each other, in terms of personal property, liability, debts, survivorship, suicide, inheritance, children, cohabitation, dower, arrest of a married woman, settlement and the like.



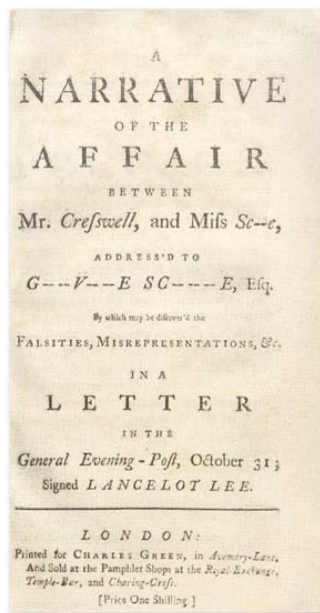
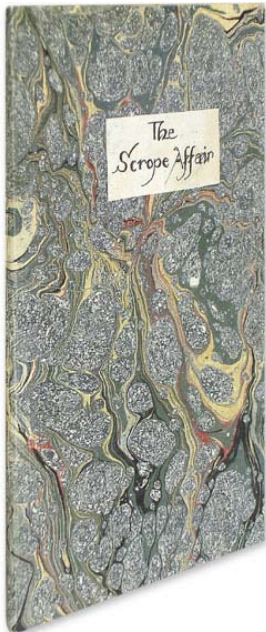
### Criticism of Massachusetts Divorce Law

#### 5. Cowley, Charles [1832-1908].

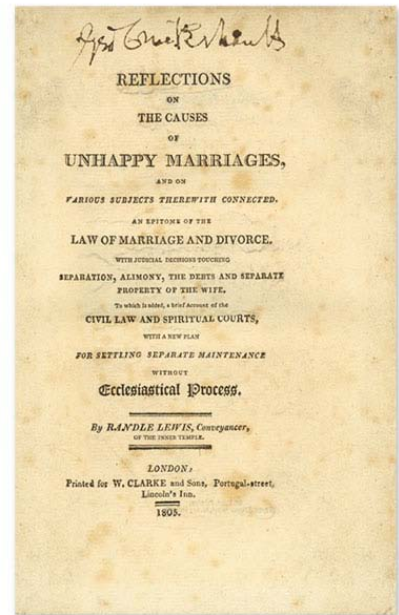
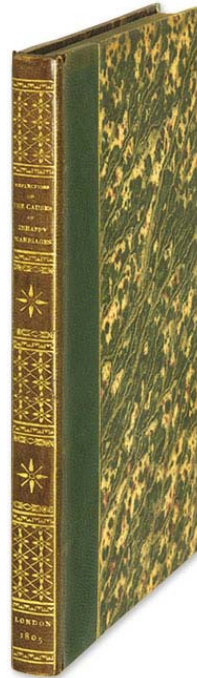
*Browne's Divorce and Its Consequences*. Lowell, MA: Penhallow Print. Co., [c. 1880]. 88 pp. Octavo (7" x 4-3/4").

Stab-stitched pamphlet in printed wrappers. Light soiling and edgewear, front wrapper, with some discoloration along top edge and spine, carefully reattached. Light toning to text, internally clean \$50.

\*"In all my observation and experience in domestic litigation, no case has ever occurred, which illustrates so strikingly some of the abuses and defects of our divorce code, as that of George H. Browne and Jeannie E. Browne" (5). OCLC locates 4 copies, none in law libraries.



Item 6



Item 7

A "Load of Infamy"

6. Cresswell, Thomas Estcourt [d.1788].

*A Narrative of the Affair Between Mr. Cresswell, And Miss Sc--e, Address's to G--v--e Sc---e, Esq. By Which May be Discover'd the Falsities, Misrepresentations, &c. In a Letter in the General Evening-Post, October 31; Signed Lancelot Lee.* London: Printed for Charles Green, [1747]. [iv], 78 pp. Octavo (7-1/2" x 4-1/2").

Stab-stitched pamphlet in later (?) marbled paper wrappers, small hand-lettered title label to front, light shelfwear. Toning and light foxing to title page and verso of final leaf, interior otherwise fresh. A well-preserved copy. \$350.

\* Only edition. This pamphlet offers a unique perspective on contemporary English law concerning breach of promise, bigamy, adultery. In it Cresswell defends himself against accusations of these transgressions, along with much else, by Gervase Scrope, the father of Elizabeth Scrope. "I thought myself under a necessity of publishing the following Sheets, in order to take off part of that Load of Infamy that has been laid upon me" (Preface). Mr. Scrope was right, however. A few years after entering into a clandestine marriage with Elizabeth Cresswell he married Anne Warneford in order to acquire her fortune. This scandal was one of the great events of the day. *British Museum Catalogue* (Compact Edition) 6:555.

George Cruikshank's Copy of a Rare Treatise on the Law of Marriage and Divorce

7. [Cruikshank, George (1792-1878)].

Lewis, Randle.

*Reflections on the Causes of Unhappy Marriages, And on Various Subjects Therewith Connected. An Epitome of the Law of Marriage and Divorce. With Judicial Decisions Touching Separation, Alimony, the Debts and Separate Property of the Wife. To Which is Added, a Brief Account of the Civil Law and Spiritual Courts, with a New Plan for Settling Separate Maintenance Without Ecclesiastical Process.* London: W. Clarke. 1805. [ii], vi, 160 pp. Octavo (7-1/2" x 5").

Contemporary quarter morocco over marbled boards, gilt ornaments to spine, marbled endpapers, ribbon marker. Light rubbing to extremities, some light fading to spine (that is not really obvious). Some toning to text, light foxing in a few places, some soiling to title page, which has Cruikshank's signature at its head, internally clean. A lovely copy of a rare title with an interesting association. \$1,800.



\* Only edition. Written by a conveyancer of the Middle Temple, this is a little-known but well-argued treatise on marriage from a legal and social perspective. "The following sheets", Lewis writes, "will doubtless present themselves to the reader as a novelty: the subjects are various, but they are mostly connected; part of them have not hitherto been treated on, and none in the same way. The author having designed this little book for the perusal and information of the middle class of society, he has endeavoured to compose it in a plain, familiar, and concise manner; and introduced some passages, for the use and assistance of such as may be uninformed what books to consult, or may not have leisure or means to read voluminous, or expensive works" (iii). The chapter headings give some idea of this book: "The Causes of Unhappy Marriages," "On Love and Marriage," "On Modesty- Chastity-Contenance-And Adultery," "On Separations-The Usual Methods Adopted-Advertisements-The Wife's Debts-Credit by Tradesmen-With advice Thereon," and nine other chapters on the law of divorce, property, the wife's rights, the jurisdiction of the courts, legal alimony and maintenance and other matters, including, surprisingly, the position of paupers. This copy belonged to the great caricaturist and book illustrator Cruikshank. It reflects his large body of satirical work dealing with English life and its sociopolitical issues. OCLC locates 2 copies in North American law libraries (US Supreme Court, Yale). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:215.



**A Scarce Sixteenth-Century  
Treatise on the Benefit of Inventory**

**8. Fanucci, Fanuccio de.**

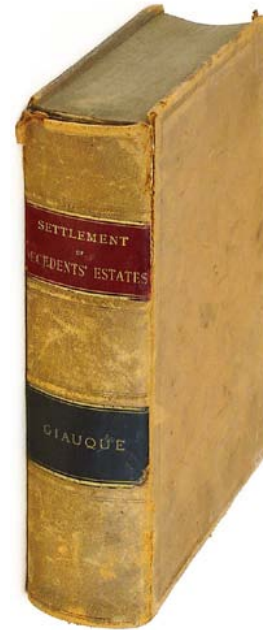
*Tractatus de Inventario Haeredis ac Eius Beneficio. Cui Accedit, Eiusdem Authoris, Non Inelegans Responsum, Super Statuto Lucensi. Nunc Primum In Lucem Editus, & Ceteris Omnibus, Qui Hactenus Super Huiuscemo di Materia Conscripti Sint, Longe Auctior, & Locupletior. Cum Indicibus, Ac Summariis Copiosissimis.* Venice: Apud Haeredes Vincentij Valgrisiij, 1574 (colophon dated 1573). [xxxii], 314 (i.e. 310), [4], [8] pp. Octavo (6" x 4").

Contemporary limp vellum, somewhat later hand-lettered paper title label, early hand-lettered title to foot of text block, ties lacking. Light soiling, some rubbing to extremities, a few small wormholes through covers, pastedowns, endleaves and final leaf of text with negligible damage to legibility (parts of two words), occasional minor worming to margins. Attractive woodcut decorated initials. Light toning to text, early owner signatures to foot of front free endpaper and title page, interior otherwise clean. \$1,250.

\* Only edition. This treatise analyzes benefit of inventory, a concept in Roman (and civil) law concerning an heir's right to commission a legally binding inventory of his ancestor's estate for representatives of the estate's creditors. It also concerns the right to limit debts and legacies to the amount of three fourths of an estate, thus preserving one fourth for the heir. OCLC locates 3 copies in North American law libraries (Columbia, Harvard, Library of Congress). *Censimento Nazionale delle Edizioni Italiane del XVI Secolo* CNCE18578.



Item 9



Item 10

### Catalonian Marriage Law

#### 9. Ferrer y Nogues, Francisco.

*Commentarius Analyticus ad Constitutionem ex Insignioribus Principatus Cathalonie Primam, Sub Titulo Soluti Matrimonio, Incipientem: Hac Nostra Opus Quidem Nedum ad Usus Practicum Provincialium, Verum & Valentinarum ob eorum Consimiles Foros, Aragonensiumque Propter Suas Viduitates, Huic Tractationi Valde Familiars, Utile, & Pernecessarium.* Lleida: Apud Viduam Margaritam Anglada, & Andreaam Laurentium, 1629. [xvi], 731, [114] pp. Main text in parallel columns. Folio (12" x 8").

Contemporary limp vellum with lapped edges, early hand-lettered title to spine, fragments of thong ties. Light soiling and a few tiny stains, spine somewhat darkened, small section of lapped edge lacking from front cover, front pastedown and free endpaper lacking, rear pastedown loose, minor edgewear to title page and following few leaves. Large woodcut arms to title page. Moderate toning to text, occasional light foxing, internally clean. \$1,650.

\* Only edition. An encyclopedic study of Catalonian marriage law by one of Catalonia's greatest jurists. Lleida, then the intellectual center of Catalonia, is the home of the third oldest university in Spain. OCLC locates 3 copies in North American law libraries (Harvard, Library of Congress, UC-Berkeley). Palau, *Manual del Librero Hispano-Americano* 90538.

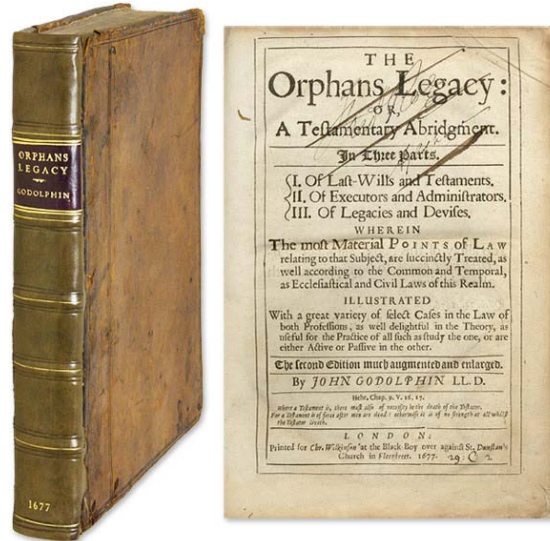
### An Authority on the Laws of Ohio

#### 10. Giaouque, Florian [1843-1921].

*The Settlement of Estates of Deceased Persons, Including the Subjects of Wills, Executors, Administrators, Testamentary Trustees, Dower and Partition, and Other Matters Connected with Such Estates in Ohio with Numerous Notes, Forms and Practical Suggestions.* Cincinnati: The Robert Clarke Company, 1898. xvi, 866 pp. Octavo (9" x 6")

Contemporary law calf, blind fillets to boards, red and black lettering pieces to spine. Moderate rubbing to extremities, light rubbing to boards, joints just starting at ends, chipping to head of spine, hinges partially cracked. Owner stamp to front pastedown, light toning to text, internally clean. \$50.

\* Fourth edition. The first edition was published in 1893. A durable work, it reached its seventh and final edition in 1907. Giaouque was an authority on the laws of Ohio and editor of *The Revised Statutes of the State of Ohio* (1889 and later editions).



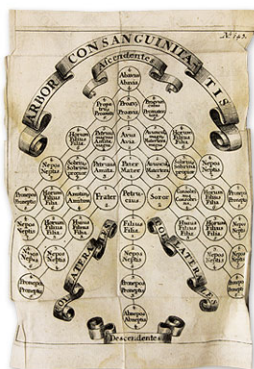
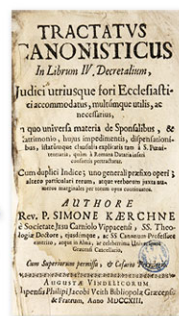
The "First Really Able" Book on the Subject

**11. Godolphin, John [1617-1678].**

*The Orphans Legacy: Or, A Testamentary Abridgment. In Three Parts: I. Of Last-Wills and Testaments, II. Of Executors and Administrators, III. Of Legacies and Devises: Wherein the Most Material Points of Law Relating to That Subject, Are Succinctly Treated: As Well According to the Common and Temporal, As Ecclesiastical and Civil Laws of This Realm. Illustrated with a Great Variety of Select Cases in the Law of Both Professions, As Well Delightful in the Theory, As Useful for the Practice of All Such as Study the One, Or Are Either Active or Passive in the Other. Much Augmented and Enlarged.* London: Printed for Chr. Wilkinson, 1677. [viii], 478 [i.e. 476], [20] pp. Quarto (8-3/4" x 6-1/2").

Contemporary calf, blind rules and small corner fleurons to boards, rebacked in period style with raised bands and lettering piece. Some rubbing to extremities, a few minor scuffs and spots to boards, corners bumped and somewhat worn, hinges mended. Toning to text, early owner annotations and signatures to endleaves, some scribbling to title page, interior otherwise clean. A nice copy. \$250.

\* Second edition. "The first really able books upon ecclesiastical law as a whole were written by Godolphin in the latter half of the seventeenth century. (...) [One of them is his] *Orphan's Legacy* [which deals with the subject] from the point of view not only of the ecclesiastical law, but also of the common law, and of the rising jurisdiction of the Chancellor" (Holdsworth). First published in 1674, its fourth and final edition appeared in 1701. Holdsworth, *A History of English Law* V:12. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:492 (13).



Item 12



Item 13



**Sex, Betrothal, and Marriage**

**12. Kaerchner, Simon [1649-1722].**

*Tractatus Canonisticus in Librum IV. Decretalium, Judici Utriusque Fori Ecclesiastici Accommodatus, Multumque Utilis, Ac Necessarius, In Quo Universa Materia de Sponsalibus, & Matrimonio, Hujus Impedimentis, Dispensationibus, Istarumque Clausulis Explicatis tam a S. Poenitentiaria, Quam a Romana Dataria Inseri Consuetis Pertractantur. Cum Duplici Indice; Uno Generali Praefixo Operi; Altero Particulari Rerum, Atque Verborum Juxta Numeros Marginales per Totum Opus Continuatos.* Augsburg: Impensis Philippi Jacobi Veith, 1713. [xcviii], [i], 931, [1] pp. Folding woodcut table of consanguinity. Octavo (6" x 4").

Contemporary limp vellum, early hand-lettered title to spine, ties lacking. Light rubbing to extremities, vellum beginning to crack through pastedowns, hinges cracked but secure. Woodcut head and tail-pieces. Light toning to text, faint dampstaining to lower corner of first third of text block, some soiling to title page. Small later owner stamps to verso of front free endpaper and foot of title page, interior otherwise clean. \$2,500.

\* Only edition. A commentary on the 21 chapters of Book IV of the Decretals of Gregory IX that relate to sex, betrothal and marriage. Pp. 920-931 is an appendix of problems. The book has two useful indices. Kaerchner was chancellor of the University of Graz. OCLC locates 1 copy in North America (at the University of Alberta). Not in Backer-Sommervogel or the *British Museum Catalogue*.

**Marriage Issues in the Ancien Regime**

**13. 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 Suadetur, Ne Matrimonia, Quae Contrahuntur a Filiis Familias Sine Consensu Eorum in Quorum Sunt Potestate, Habeantur Deinceps pro Legitimis. Cui Accedunt Aliquot Excerpta ex Concilio Tridentino, & Variis Authoribus ad Rem Pertinentia.* 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).



**Item 14**

**Distinguished Commentary on  
the *Infortiatum* Titles Dealing with Family Law**

**14. Maino, Giasone dal [1435-1519].**

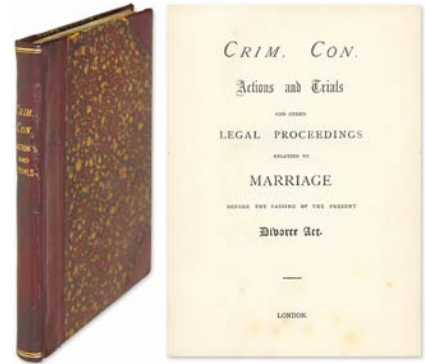
*In Primam Infortiatum Partem Commentaria: Summa Diligentia & Fide Emendata, & Suo Candori Restituta. Quibus, Praeter Solitas Insignium Doctorum Praesertim Purpurati, Adnotationes Accesserunt. Eminentissimorum I.C. Bellacombae, Panciroli, Trotti, Masueri, & Aliorum Additamenta, Receptarumq[ue], Sententiarum, Quas Communes Opiniones Vocant, & Forensium Questionum ac Decisionum Centuria, Suis Quibusq[ue] Locis Adiecta.* Turin: Apud Nicolaum Bevilaquam, 1573. 219 ff. Main text in parallel columns. Volume I of a two-volume set. Folio (16" x 11").

Contemporary vellum with recent vellum rebacking, raised bands and calf lettering piece to spine, early hand-lettered abbreviated title to head of text block (?), ties lacking. Light soiling to spine, hinges bumped and somewhat worn, minor worming to boards and pastedowns, hinges reinforced, endleaves lacking. Large woodcut vignette to title page, woodcut head-pieces and decorated initials. Some toning to text, dampstaining and light foxing in a few places. Early underlining to passages in a few leaves, interior otherwise clean. Ex-library. Bookplate to front pastedown. \$500.

\* Later edition. Maino, a respected Italian jurist, was one of the last commentators of the Bartolist school. He taught at the Universities of Pavia and Padua. Among his students were Filippo Decio and Andrea Alciati. First published in 1499, his commentaries on the first and second parts of the *Infortiatum*, Books XXIV, Title 2-XXXVIII of the *Digest*, were standard works that went through numerous issues and editions into the seventeenth century. *In Primam Infortiatum Partem Commentaria* discusses the books concerning donations between husband and wife, divorce, curatorship, wills and testaments and trusts and legacies. Our 1573 imprint is augmented with additional notes by Giovanni Bellacomba [16th c.], Guido Pancirolli [1523-1599], Giovanni Francesco Porporato [1485-1544], Bernardo Trotti [d. 1595] and Jean Masuer [d. 1450]. Complete in itself, this volume is part of a two-volume set. *Censimento Nazionale Delle Edizioni Italiane del XVI Secolo* CNCE 16665.



Item 16



Item 17

**Probably the First Lay Guide for Women Published in the United States**

**15. Mansfield, Edward D.**

*The Legal Rights, Liabilities and Duties of Women; With an Introductory History of Their Legal Condition in the Hebrew, Roman and Feudal Civil Systems. Including the Law of Marriage and Divorce, The Social Relations of Husband and Wife, Parent and Child, of Guardian and Ward, and of Employer and Employed.* Salem: Published by John P. Jewett & Co., 1845. 369 pp. Reprinted 2005 by The Lawbook Exchange, Ltd. ISBN-13: 9781584774693. ISBN-10: 158477469X. Hardcover. New. \$34.95

\* Published three years before the Seneca Falls Convention, this lay guide for women is probably the first ever published in the United States. It is infused with the spirit of early feminism. As Mansfield [1801-1880] states in the preface: "Rights, and the knowledge of rights are no longer hidden from the masses of men; and why should they be from women?" (6). The book has four parts. The first is a general history of woman's legal status from biblical times to the 1840s. The second is an account of the American woman's civil rights. The third reviews the laws of property common to both genders. The final section reviews the rights, liabilities and duties of women in domestic relations. Mansfield was a Connecticut lawyer who later moved to Cincinnati, where he became professor of constitutional law and history at Cincinnati College.



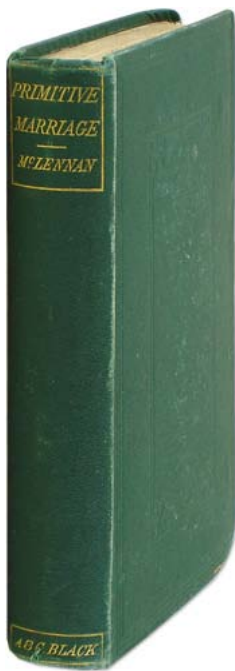
**Criminal Conversation's Influence on Later Divorce Law**

**16. [Marriage Law].**

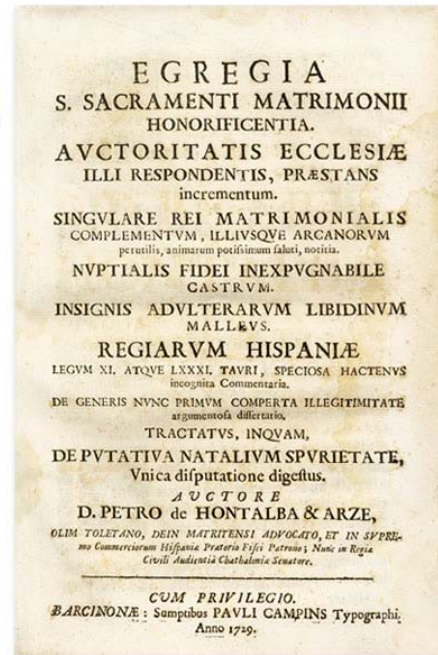
*Crim. Con. Actions and Trials and Other Proceedings Relating to Marriage Before the Passing of the Present Divorce Act.* London: N.p, c.1857. [iv], 110, [2] pp. Octavo (7-1/2" x 5").

Three-quarter calf over marbled boards, rebacked retaining portions of original backstrip, hinges mended. Some rubbing to extremities, offsetting and foxing to endleaves, light toning to text. A handsome copy of a scarce title. \$350.

\* Only edition. With two cases involving Thomas Erskine as counsel. "Actions for what was formerly known...as crim[inal] con[versation] were *nominally* abolished thirty years ago: that they were not *actually* got rid of, as will presently be shewn, is evident from the wording of the Divorce Act... It is a remarkable fact, however, that in spite of the loose wording of the Act, such actions have become of such a rare occurrence as to be virtually at an end, and what the Act was intended to bring about, while failing to do it technically, has yet to come to pass. The object of the following pages is to show the nature of the legal proceedings formerly in vogue as necessary before an injured husband could clear himself of an adulterous wife and marry again, and a number of interesting cases, which attracted a deal of public attention, in their day, are given, from which it may be readily perceived with what facility conspiracy and fraud could be perpetuated.": Preface [iii]. Not in Sweet & Maxwell or the *British Museum Catalogue*.



Item 18



Item 19

**Classic Study of Early Marriage Ceremonies**

**17. M'Lennan, John Ferguson [1827-1881].**

*Primitive Marriage: An Inquiry Into the Form of Capture in Marriage Ceremonies.* Edinburgh: A. and C. Black, 1865. xii, [5]-326 pp. Octavo (8" x 5").

Original textured cloth. Some rubbing with wear to board edges, joints and spine ends, corners bumped, hinges starting. Early owner inscriptions to half-title and verso of front free endpaper, (very) light foxing and soiling to a few leaves, interior otherwise clean. \$150.

\* First edition. "In the course of some inquiries which I had been making in the early history of civil society, the meaning and origin of the form of capture in marriage ceremonies fell to be investigated. (...) If I am right in my conclusions as to the origin of the symbol of capture, my essay will be accepted as throwing new light on the primitive state. For it will be seen that the symbol is not peculiar to any of the families of mankind.": Preface v-vi.

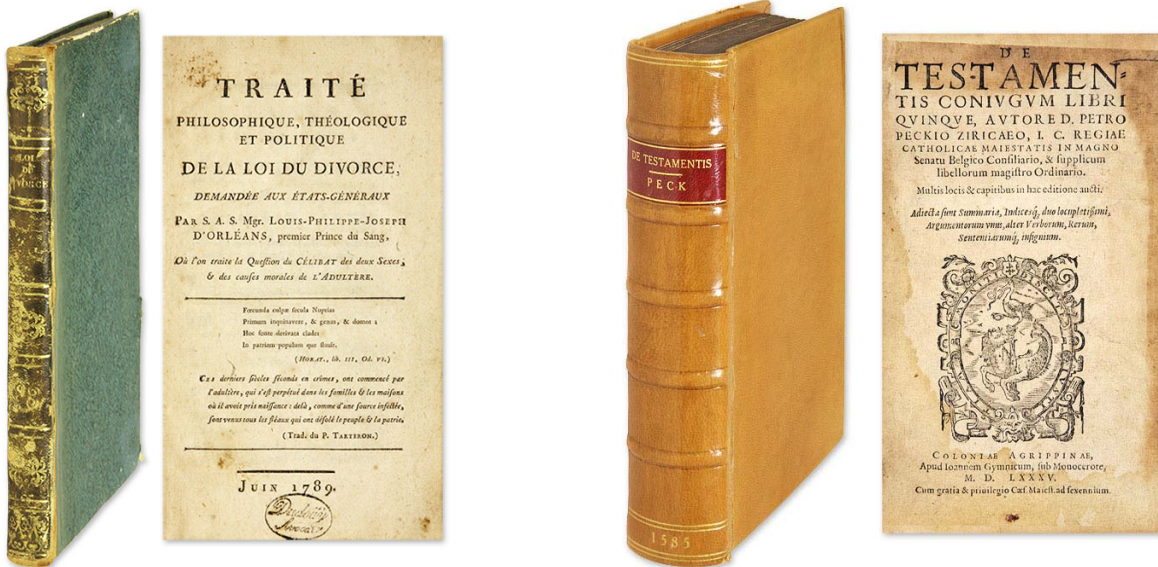
**Scarce Spanish  
Treatise on Matrimony and Family Issues**

**18. Ontalba y Arce (Hontalva y Arce), Pedro de.**

*Tractatus Inquam de Putativa Natalium Spurietate. Unica Disputatione Digestus.* Barcelona: Sumptibus Pauli Campins Typographi, 1729. [lxviii], 288, [51] pp. Main text in parallel columns. Folio (11-1/2" x 8").

Contemporary limp vellum, early hand lettered title to spine, ties lacking. Light soiling, a few minor stains, one-inch strip cut from fore-edge of lower two-thirds of front board, rear fore-edge-abraded, pastedowns beginning to come loose, some edgewear to preliminaries and rear endleaves. Attractive woodcut head and tail pieces. Toning to text, light browning and faint dampstaining to margins in a few places. Early owner signature to half-title, brief annotations to a few leaves, interior otherwise clean. A nice copy of a scarce title. \$1,500.

\* First edition. This treatise addresses marriage, heirs and other aspects of family relations in Canon, Visigothic and Spanish law. A second edition was published in 1760. Little is known about the author, who is identified as a Spanish canon lawyer on the title page. OCLC locates 1 copy of the first edition (at the National Library of Chile), 2 of the second edition (at UC-Berkeley Law School and St. Joseph's Seminary, New York). Not in *The Canon Law Collection of the Library of Congress*.



**Item 20**

**Item 21**

**Scarce 1789 French Essay on Divorce and Related Topics**

**19. Orleans, Louis Philippe Joseph, Duc d' [1747-1793].**

**[Matigny, Hilaire-Joseph Hubert de], Author.**

*Traite Philosophique, Theologique et Politique de la Loi du Divorce: Demande aux Etats-Generaux par S.A.S. Mgr. Louis-Philippe-Joseph d'Orleans, Premier Prince du Sang, Ou l'on Traite la Question du Celibat des Deux Sexes, & Des Causes Morales de l'Adultere.* S.l.: S.n., June 1789. xii, 147 pp. Octavo (7-3/4" x 4-1/2").

Near-contemporary quarter sheep over marbled boards, gilt fillets, ornaments and title to spine. Some rubbing to extremities and spine, front hinge cracked. Moderate toning to text, light foxing in a few places. Small owner stamp to foot of title page, interior otherwise clean. \$500.

\* Only edition. This essay promoting the liberalization of divorce and related laws was published on the cusp of the French Revolution. The Tennis Court Oath was signed on June 20; the Bastille was stormed on July 14. Louis Phillippe Joseph d'Orleans was a member of the House of Bourbon. Though he supported the French Revolution and adopted the name Philippe Egalite, he was guillotined during the Reign of Terror. His son Louis-Philippe became king of the France after the July Revolution of 1830. OCLC locates 3 copies in North American law libraries (Harvard, Loyola, UC-Berkeley). Not in the *British Museum Catalogue*.



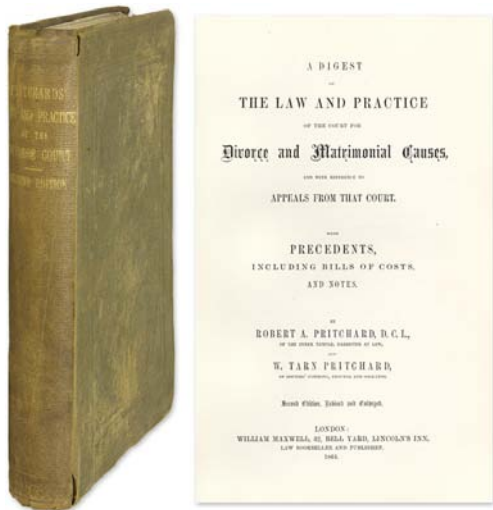
**Notable Treatise on the  
Roman Law Concerning Property Left to a Husband or Wife**

**20. Peck, Pieter [1529-1589].**

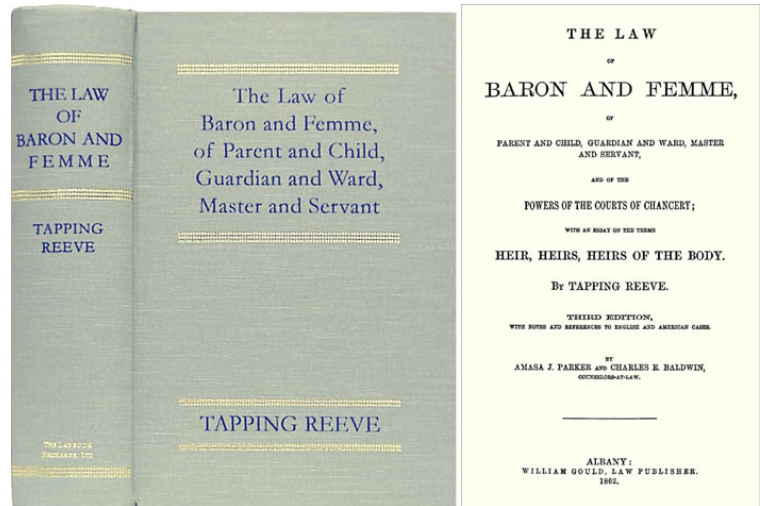
*De Testamentis Coniugum Libri Quinque; Adiectae Sunt Summaria Indicesq[ue] duo Locupletissimi, Argumentorum Unus, Alter Verborum, Rerum, Sententiarumq[ue] Insignium.* Cologne: Apud Ioannem Gymnicum, 1585. [xvi], 514, [88] pp. Octavo (6-1/2" x 4").

Recent polished calf, raised bands and lettering piece to spine, endpapers renewed, early hand-lettered title to fore-edge of text block, title page mounted and re-hinged. Light rubbing to extremities, some toning to text, occasional faint dampstaining to margins, early private-library bookplate to verso of title page, internally clean. Ex-library. Bookplate to front pastedown. A nice copy. \$950.

\* Second (or third) edition, one of two imprints from 1585, the other published in Namur. First published in 1564, *De Testamentis* analyzes the Roman laws that govern property bequeathed to a husband or wife in a will. Educated at the University of Leuven, Peck was a judge of the High Court of Mechelen. Later editions were published in 1599, 1627 and 1665. All are scarce. OCLC locates 2 copies of the 1585 Cologne imprint in North America (at the Morgan Library and the University of Chicago), none of the Namur imprint. This imprint not in Dekkers. *Verzeichnis der im Deutschen Sprachbereich Erschienenen Drucke des 16. Jahrhunderts* P1098.



**Item 22**



**Item 23**

**Divorce and Matrimonial  
Law in Victorian England**

**21. Pritchard, Robert A. [1828-1916].**

**Pritchard, W. Tarn [1820?-1901].**

*A Digest of the Law and Practice of the Court for Divorce and Matrimonial Causes, And with Reference to Appeals from that Court. With Precedents, Including Bills of Costs and Notes.* London: William Maxwell, 1864. xlv, 471 pp. Main text in parallel columns. Forms. Octavo (10" x 6-1/2").

Contemporary textured cloth, blind panels to boards, gilt title to spine. Light dampspotting, small tears to joints at ends, minor tears to head of spine, corners bumped and lightly worn, front hinge starting. Faint dampspotting to a few leaves, interior otherwise fresh. \$125.

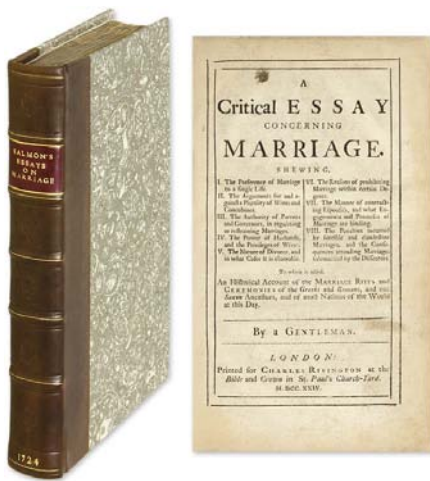
\* Second edition, "Revised and Enlarged." This comprehensive and well-arranged treatise provides an excellent overview of divorce and matrimonial law as it stood in the middle decades of the Victorian era. As the authors note, this work is a digest "in the most comprehensive sense. Most of the chapters...afford all the advantages of a treatise" (preface). The first edition was published in 1859, the third and final in 1874. All editions are scarce, especially in North American law libraries. OCLC locates 1 copy of the second edition in the Social Law Library. Other copies located at Harvard Law School and the Library of Congress. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:291.

**The First American  
Treatise on Domestic Relations**

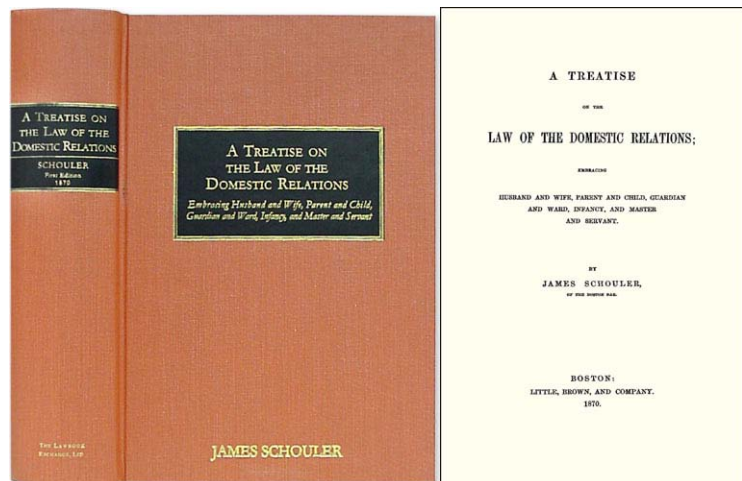
**22. Reeve, Tapping.**

*The Law of Baron and Femme, of Parent and Child, Guardian and Ward, Master and Servant, and of the Powers of the Courts of Chancery; with an Essay on the Terms Heir, Heirs, Heirs of the Body. Third Edition, With Notes and References to English and American Cases by Amasa J. Parker and Charles E. Baldwin, Counselors-At-Law.* Albany: William Gould, 1862. xlvi, 677 pp. Reprinted 1998 by The Lawbook Exchange, Ltd. ISBN-13: 9781886363588; ISBN-10: 1886363587. Hardcover. New. \$39.95

\* Third and final edition of the first American work devoted to the law of women is chiefly valued for its description of the legal character of domestic relations. This treatise delineates the marital, parental, guardian, master and chancery authority and rights of property, debts, wills, contracts and settlements. "American text writing as a significant force in our legal development begins in 1816 with Reeve's *Baron and Femme*": Pound, *The Formative Era*... 140. In 1782 Reeve [1744-1823] founded the first American law school, Litchfield Law School, where he was the only teacher until 1798 when he was appointed to the superior court bench. Amasa J. Parker was one of the founders of Albany Law School.



Item 24



Item 25

**From the Library of Lord Byron?**

**23. [Salmon, Thomas (1679-1767)].**

*A Critical Essay Concerning Marriage. Shewing, I. The Preference of Marriage to a Single Life. II. The Arguments For and Against a Plurality of Wives and Concubines. III. The Authority of Parents and Governors, in Regulating or Restraining Marriages. IV. The Power of Husbands, and the Privileges of Wives. V. The Nature of Divorce, and in What Cases It is Allowable. VI. The Reasons of Prohibiting Marriage Within Certain Degrees. VII. The Manner of Contracting Espousals, and What Engagements and Promises of Marriage are Binding. VIII. The Penalties Incurred by Forcible and Clandestine Marriages, and the Consequences Attending Marriages Solemnized by Dissenters. To Which is Added, an Historical Account of the Marriage Rites and Ceremonies of the Greeks and Romans, and Our Saxon Ancestors, and of Most Nations of the World at this Day.* London: Printed for Charles Rivington, 1724. [xx], 310 [i.e. 343], [5] pp. Octavo (7-3/4" x 4-3/4").

Recent period-style quarter calf over marbled boards, raised bands and lettering piece to spine, endpapers renewed preserving early armorial bookplate (of William Frederick Webb) and annotated auction record of this copy on front free endpaper. Armorial bookplate (of George Wildman) to verso of title page. Early check marks in pencil to first chapter. Attractive woodcut head and tail-pieces. Light soiling to title page, toning to text, negligible foxing to a few leaves. A nice copy that may have an interesting provenance. \$1,000.

\* First edition. Salmon was a prolific Scottish writer on legal, historical and geographical subjects. He spent many years abroad and later accompanied George Anson on his 1739-40 voyage around the world. His wide experiences as a traveler may have furnished the information used in the book's section on marriage rites, which discusses the practices of Denmark, Livonia, Lapland, Germany, Greece, Armenia, Turkey, Persia, India, Ceylon, Siam, China, Japan, Morocco, Guinea, Ethiopia, Chili, Peru, Brazil, Paraguay, America, Mexico, Canada, Russia and Sweden. Whether he actually visited these places or not, Salmon's book remains a fascinating document of English social values, anthropological views and legal philosophy in the immediate decades after the Civil



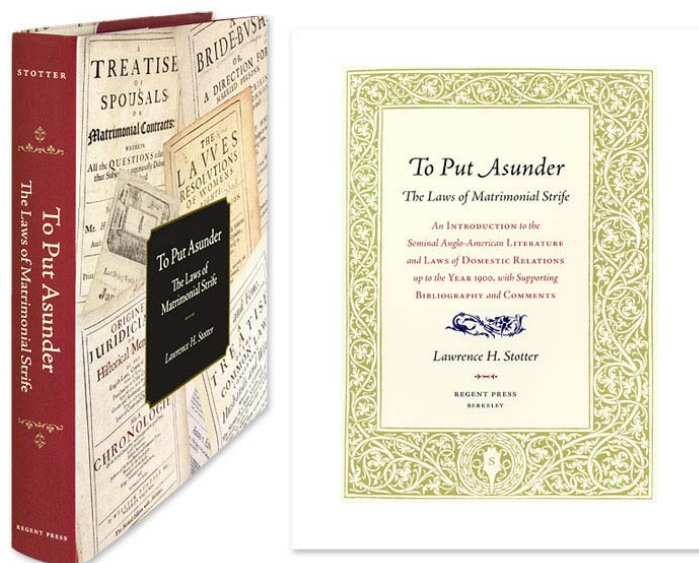
War and Restoration. This book was published anonymously in 1724. The second edition, which states the author's name, was published later that year. The auction record, which appears to be from the late nineteenth century, says this copy belonged to Lord Byron and adds "a few pencil marks by Lord Byron show that the first portion 'Marriage Preferable to a Single Life' was carefully perused, and it is to be hoped was not responsible for his life of misery." An annotation to this entry reads "From Lord Byron's Newstead Abby Library." *Dictionary of National Biography XVII:697-698. British Museum Catalogue (Compact Edition) 22:493.*

#### Standard Nineteenth-Century Treatise on Domestic Relations

##### 24. Schouler, James.

*A Treatise on the Law of the Domestic Relations; Embracing Husband and Wife, Parent and Child, Guardian and Ward, Infancy, and Master and Servant.* Originally published: Boston: Little, Brown, and Company, 1870. lix, 670 pp. Reprinted 2004 by The Lawbook Exchange, Ltd. ISBN-13: 9781584774198. ISBN-10: 1584774193. Hardcover. New. \$39.95

\* Reprint of the first edition. Schouler [1839-1920] was America's leading authority on family law. His book on domestic relations, the first thorough study published in the United States since Tapping Reeve's *The Law of Baron and Femme* (1816), describes domestic law as it stood in the states and territories during the 1860s. A standard text, it went through six editions, the final appearing in 1921.

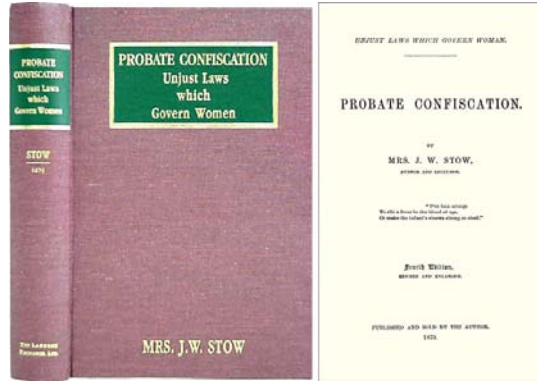


#### Lavishly Illustrated History of Family Law by One of its Most Distinguished Practitioners

##### 25. Stotter, Lawrence H.

*To Put Asunder: The Laws of Matrimonial Strife. An Introduction to the Seminal Anglo-American Literature and Laws of Domestic Relations up to the Year 1900, With Supporting Bibliography and Comments.* Berkeley, CA: Regent Press, [2011]. lxi, 413 pp. Color illustrations. Quarto (10" x 8"). Hardcover in dust jacket. New. Publisher's Price USD 150. Special \$75.

\* This lavish large-format volume recounts the history and literature of the field since its inception, with an emphasis on England and the United States. Now retired, Stotter was a distinguished trial lawyer specializing in family law litigation. He was the first recipient of the American Bar Association's Legal Legend Award.

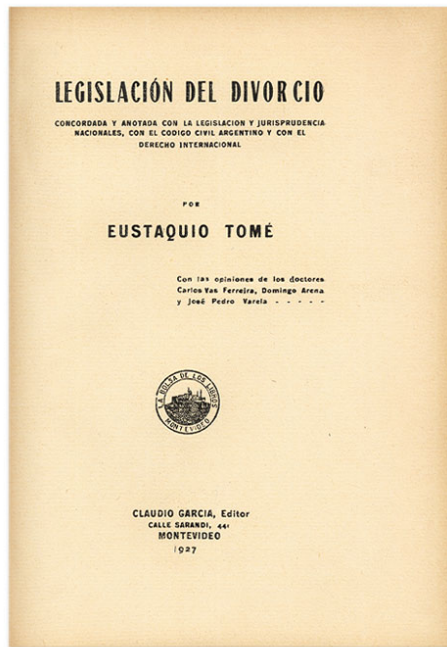


"Unjust Laws Which Govern Women"

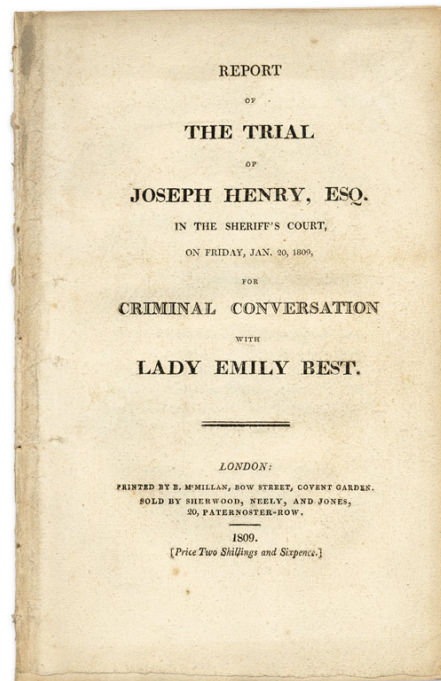
**26. Stow, J.W.**

*Probate Confiscation: Unjust Laws which Govern Women.* Fourth Edition, Revised and Enlarged. [N.p.]: Printed and sold by the Author, 1879. [irregular pagination] 381, 34, 288-301 pp. Reprinted 2003 by The Lawbook Exchange, Ltd. ISBN-13: 9781584773405. ISBN-10: 1584773405. Hardcover. New. \$29.95

\* Reprint of the fourth revised and enlarged edition, originally published in 1876. Printed for the author and sold on her lecture tours throughout the United States in an effort to enlighten citizens of those states and demand repeal of probate laws in each state. Mrs. J.W. Stow [d.1902], returned from a trip abroad to find that her husband, a prominent San Franciscan, had passed away. Although her husband was considered to be quite wealthy, Mrs. Stow found herself nearly penniless. Here she vigorously describes her dealings with the San Francisco Probate Court, and attempts to expose the injustice of the probate system. A fascinating source for scholars of women's history and legal history alike, the volume is a passionate and insightful first-hand account of the legal system as it was experienced by women in the United States in the latter quarter of the nineteenth-century, as well as a well-informed feminist legal tract calling for economic justice and property rights for women and widows and their children.



Item 28



Item 29

### Scarce Uruguayan Treatise on Divorce

#### 27. Tome, Eustaquio.

*Legislacion del Divorcio: Concordada y Anotada con la Legislacion y Jurisprudencia Nacionales, Con elCodigo Civil Argentino y con el Derecho Internacional.* Montevideo: Claudio Garcia, 1927. 137 pp.

Printed wrappers bound into contemporary quarter cloth over marbled boards, printed paper title label to spine. Light shelfwear, some browning to text, internally clean. Ex-library. Location labels to spines, brief annotations in pencil to preliminaries, small inkstamp to verso of title page. \$250.

\* Only edition. OCLC locates 3 copies in North American law libraries (Harvard, Tulane, Yale).

### The Lady Deserted Her Husband and Daughter

#### 28. [Trial].

[Henry, Joseph, Defendant].

*Report of the Trial of Joseph Henry, Esq., In the Sheriff's Court, On Friday, Jan. 20, 1809, For Criminal Conversation with Lady Emily Best.* London: Printed by B. McMillan, 1809. [ii], 50, [1] pp. Includes one-page advertisement. Octavo (8-1/2" x 5-1/2").

Disbound stab-stitched pamphlet. Light soiling to exterior, minor edgewear to first and final leaves, light toning to interior. \$350.

\* A report of the inquiry to award damages after Lady Emily Best deserted her formerly wealthy husband, who was currently living in a debtor's prison, and her infant daughter. The trial resulted in an award of £2000. OCLC locates 2 copies (at Cornell and Yale Universities). *Catalogue of the Library of the Harvard Law School* (1909) II:1098



### Commentaries on Passages from the Digest Concerning Accusations and Adultery

#### 29. Voltz, Valentin [1534-1581].

Burchard, Georg Adelbert, Notes.

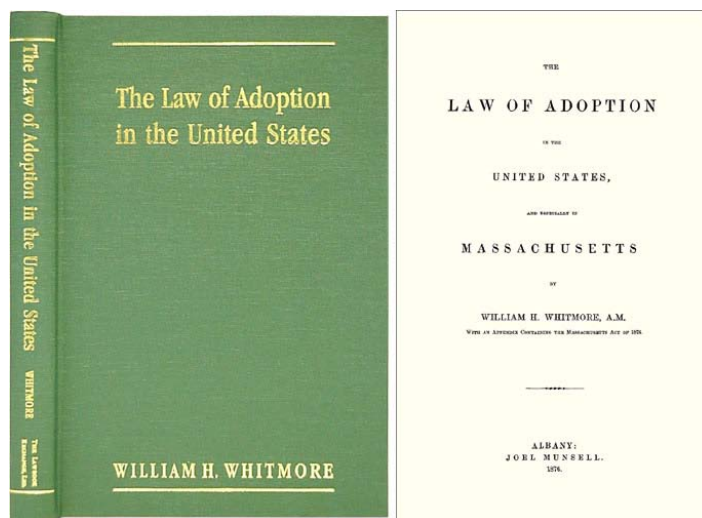
Schutz, Jakob, Editor.

*I. De Inquisitione: Sive ad L. 2. [Paragraph Symbol]. Si Publico Judicio. S. ff. Ad L. Jul. De Adult. II. In Tit. Digest. Ad Leg. Cornel. De Sicar. &c. Uturque Notis hinc Inde Illustratus: Per Georgium Adelbertum Burchardum. Nunc cum Notis Uberioribus, Summariis, & Indice in Lucem Editus, Cura ac Studio Jacobi Schytzii.* Tubingen: Typis Johan-Alexandri Cellii, 1620. [xxiv], 916, [52] pp. Octavo (6-1/4" x 3-1/4").



Contemporary binding with lapped edges using vellum from choirbook. Light soiling, some rubbing to extremities, a few small chips to front joint and fore-edges, minor worming to joints. Some toning to text. Early inscription to title page in small hand, indicating ownership by a monastery, interior otherwise clean. Ex-library. Shelf labels to spine, bookplate to front pastedown, small inkstamp to title page. \$1,500.

\* Only edition. Based on his dissertation *Disputatio de Inquisitione*, University of Tubingen, 1576, this work analyzes passages from two titles in Book 48 of Justinian's *Digest* concerning adultery and accusations. OCLC locates 1 copy in North America (at Princeton University). *Das Verzeichnis der im Deutschen Sprachraum Erschienenen Drucke des 17. Jahrhunderts* 1:011535Z.



**American Adoption Law During the Nineteenth Century**

**30. Whitmore, William H.**

*The Law of Adoption in the United States, and Especially in Massachusetts.* Originally published: Albany: Joel Munsell, 1876. vii, 111 pp. Reprinted 2003 by The Lawbook Exchange, Ltd. ISBN-13: 9781584773443; ISBN-10: 1584773448. Hardcover. New. \$29.95

\* Reprint of first and only edition. In 1875 the Massachusetts legislature considered a proposal to revise the state's adoption laws. Before it proceeded, however, it commissioned this study from Whitmore to serve as a reference for the legislators. Written in two parts, the first contains the texts of laws and related cases from twenty-two states. He also includes a brief summary of relevant European statutes. Organized by topic, the second part describes how these laws compare and differ. Though written for a specific purpose, this study remains a valuable guide for the scholar of the history of adoption law or family law to all aspects of American adoption law during the nineteenth century.



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