

INTERNATIONAL LAW:
A LIST TO CELEBRATE OUR NEW JOURNAL

Jus Gentium

Journal of International Legal History

October 27, 2015



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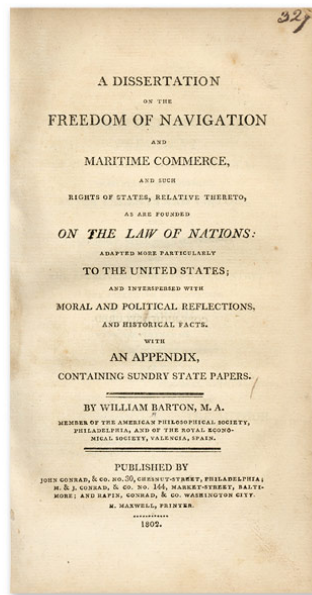
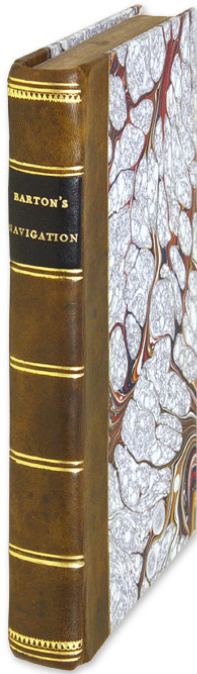
Scarce Eighteenth-Century Treatise on Prize Law and Privateering

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

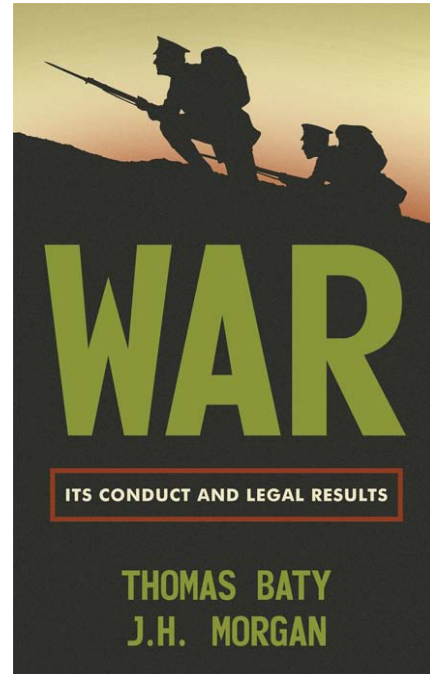
Traite Juridico-Politique sur les Prises Maritimes, et Sur les Moyens qui Doivent Concourir pour Rendre ces Prises Legitimes. Paris: Chez la Veuve Delaguette, 1758. Two volumes in one, each with title page and individual pagination. Octavo (6-1/2" x 4").

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 Envoye Extraordinaire de S.M. Catholique aupres du Roi de la Grande-Bretagne." 5 copies located in the Americas, 1 of this edition (at Columbia University Law Library). KVK locates 13 copies of all 4 editions, all in Europe. Not in the *British Museum Catalogue*. Camus, *Bibliothèque Choisie des Livres de Droit* 2289 (citing a later edition).



Item 2



Item 3

A Crucial Issue During Jefferson's Presidency

2. Barton, William [1754-1817].

A Dissertation on the Freedom of Navigation and Maritime Commerce, and Such Rights of States, Relative Thereto, As Are Founded On the Law of Nations: Adapted More Particularly to the United States; and Interspersed with Moral and Political Reflections, and Historical Facts. With An Appendix, Containing Sundry State Papers. Philadelphia: John Conrad and Company, 1802. 339, xlv, [3] pp. Octavo (8" x 5").

Recent period-style quarter cal over marbled boards, lettering piece and gilt fillets to spine, endpapers renewed. Light browning to text, early handwritten page numbers to upper corners of each leaf, interior otherwise clean. An attractive copy. \$750.

* Only edition. Barton admired Thomas Jefferson and dedicated this book to him. Jefferson was pleased by this honor: "Accept my best wishes for the success of your work and assurances of my high esteem and respect" (Sowerby). One of the earliest works of its kind, Barton presents an American interpretation of maritime law affecting freedom of navigation and the rights of neutral merchant vessels during times of war. Barton uses a broad overview of international law and treaties of the Washington and Adams administrations to criticize English interference with American shipping and the impressment of sailors. This volume offers a contemporary interpretation of the actions that would lead to the Non-Intercourse and Embargo Acts (1807, 1809) and, in the following administration, the War of 1812. The added page numbering suggest this copy was probably bound with another book or two. Cohen, *Bibliography of Early American Law* 7447. Sowerby, *Catalogue of the Library of Thomas Jefferson*, 2134.

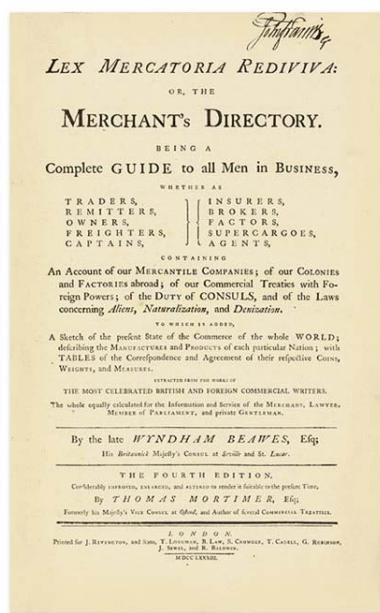
The First World War and International Law

3. Baty, Thomas [1868-1954].

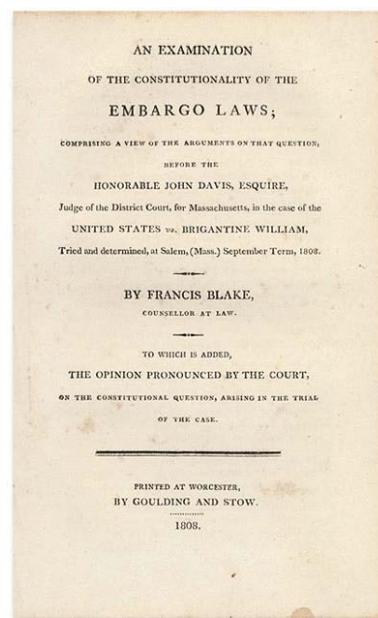
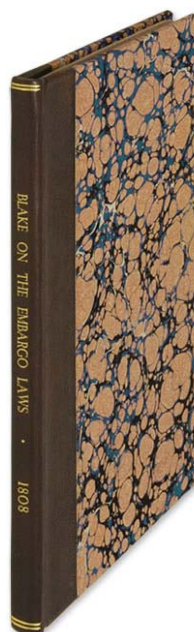
Morgan, J.H. [1876-1955].

War: Its Conduct and Legal Results. Originally published: London: John Murray, 1915. xxviii, [ii], 578 pp. Reprinted 2014 by The Lawbook Exchange, Ltd. New. Hardcover. \$39.95 Paperback. \$29.95

* The authors argue that the First World War effectively ended the existing system of international law, a system that was already in decline due to the growing economic and political interdependence of states. These changes have created a new set of problems that will provide the basis of a new system of international law when the war ends. In addition to supplying an intellectual framework for this new system, Baty and Morgan address practical topics, such as international arbitration, and more abstract issues, such as the clash between nationalism and cosmopolitanism. "[V]ery good reading....It is a thoughtful book." --T.S.W., *Yale Law Journal* 19:313-314.



Item 4



Item 5

"An Authority in Mercantile Customs": Kent

4. 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. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:518-19 (7).

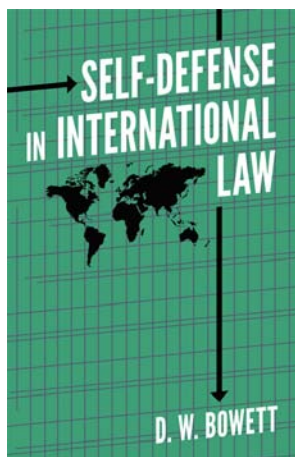
A Decision that Endorsed the Constitutionality of Jefferson's Embargo Laws

5. Blake, Francis [1774-1817].

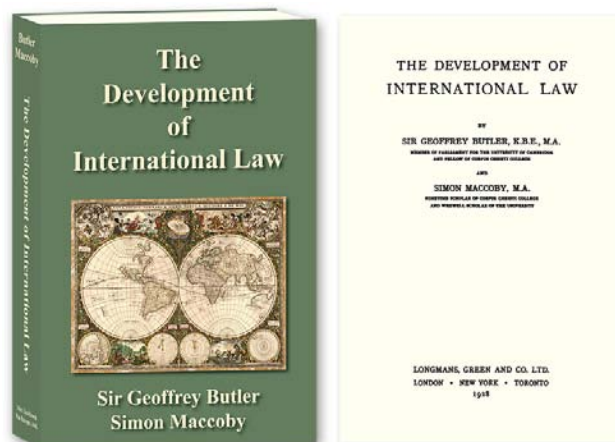
An Examination of the Constitutionality of the Embargo Laws comprising a View of the Arguments on that Question Before the Honorable John Davis, Esquire, Judge of the District Court for Massachusetts, in the Case of the United States vs. Brigantine William, Tried and Determined, at Salem (Mass.) September Term, 1808. To Which is Added the Opinion Pronounced By the Court, on the Constitutional Question, Arising in the Trial of the Case. [Worcester, MA]: Printed at Worcester by Goulding and Stow, 1808. 61 pp. Octavo (8-1/2" x 5-1/4").

Stab-stitched pamphlet bound into recent period-style quarter calf over marbled boards, endpapers renewed. Toning, light foxing to a few leaves, internally clean. \$850.

* Sole edition. The American merchant marine thrived during the early years of the Napoleonic wars. Remaining neutral and trading freely with Great Britain and France, who were occupied with warfare rather than commerce, American traders contributed greatly to the expansion of the U.S. economy. Beginning in 1805, however, France and Great Britain began to restrict and punish U.S. trade to their enemies. President Jefferson responded with Non-Intercourse and Embargo Acts (1807, 1809), which aimed for a restoration of free American trade through economic pressure. It had a devastating effect on the U.S. economy and was extremely unpopular in New England and the Mid-Atlantic states, which had benefited the most from the maritime economy. Tried in Salem, MA, *United States v. Brigantine William* was, in effect, a referendum on Jefferson's embargo. The decision, reported at 28 *Federal Cases* 615 (D.C., D. Mass. 1808), upheld the constitutionality of the embargo laws. Cohen, *Bibliography of Early American Law* 11226.



Item 6



Item 7

Self-Defense and the Right to Go to War

6. Bowett, Derek William, Sir [1927-2009].

Self-Defense in International Law. Originally published: New York: Praeger, [1958]. xv, 294 pp. Reprinted 2009, 2014 by The Lawbook Exchange, Ltd. Hardcover. New. \$65.

* Bowett observes that the use or threat of force by any state can be a delict, an approved sanction, or a measure taken in self-defense. He examines the evolution of the doctrine in the nineteenth and early twentieth centuries, with the assumption of the existence of a state's unlimited 'right' to go to war. He then attempts to outline the limited and provisional effects of this right under the U.N. Charter. "Throughout the work there is a refusal to dogmatize or to state in absolute terms any aspect of the 'privilege' of self-defence in its present context. (...) [Bowett] is to be congratulated on producing a timely and scholarly survey of one of the most fundamental, and often abused, sovereign rights known to international law." K.R. Simmonds, *British Year Book of International Law* 34 (1958) 432.

"One of the Most Valuable Contributions to the History of International Law."

7. Butler, Sir Geoffrey.

Maccoby, Simon.

The Development of International Law. Originally published: London: Longmans, Green and Co., 1928. xxxv, 566 pp. Reprinted 2010 by The Lawbook Exchange, Ltd. New. Hardcover. \$59.95 Paperback. \$49.95

* Writing in the *Yale Law Review*, J.P. Bullington observes that "[t]he most striking feature about this work is the method of treatment--quite the most effective which has yet been employed in dealing with the subject. Believing that the changes in international law have been the reflection of changes in the political theory and practice of states, the author has divided his work into three major periods--the Age of the Prince, the Age of the Judge, and the Age of the Concert... Based on a wide knowledge of history filtered through an objective and realistic brain, this book must take its place as one of the most valuable contributions to the history of international law." *Yale Law Review* 38:843 quoted in Marke, *A Catalogue of the Law Collection at New York University* (1953) 566.



With Two Important Essays on International Law

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

Opera Minora, Olim Separatim, Nunc Conjunctim Edita. Recensuit et Nonnulla Addidit Auctor. Indicem Operum Exhibet Pagina, Quae Generalem Praefationem Excipit. Leiden: Apud Samuelam Luchtmans et Filios, 1752. [xvi], 571, [23] pp. Quarto (8" x 6").

Contemporary vellum, early hand-lettered title to spine, small shelf label to foot of spine. Some shelfwear and light soiling, boards slightly bowed. Title page with copperplate vignette printed in red and black, woodcut initials. Interior notably fresh. A handsome copy of an important title. \$350.

* Second, and final, edition. (The first edition was reissued in 1744.) Bynkershoek was a Dutch jurist who founded the positive school of international law, which held that usage and practice were more important than deductions drawn from natural law. He was also the first to propose the "three-mile limit" rule, which states that a nation may claim sovereignty over territorial waters to a distance of three miles from shore. Respected during his lifetime, his works are still consulted today. This collection of "minor works" actually contains two of his most important essays: "Dissertation de Domino Maris (Dissertation on the Sovereignty of the Sea)" and "De Foro Legatorum, Tam in Causa Civili, Quam Criminali (On the Jurisdiction Over Ambassadors in Both Civil and Criminal Cases)." The other five essays address aspects of Roman and Dutch law. Dekkers, *Bibliotheca Belgica Juridica* 15 (15).



1599 Venetian Edition of the *Consolato del Mare*

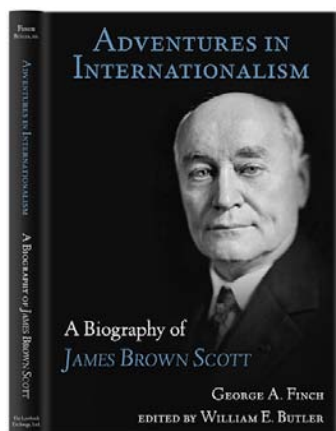
9. [Consolato del Mare].

Ca da Mosto, Alvise [1432-1488].

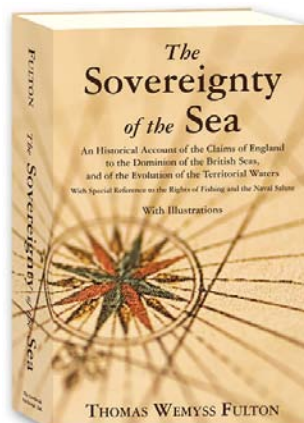
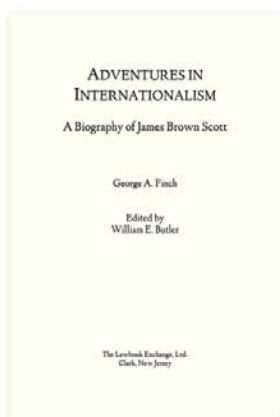
Il Consolato Del Mare. Nel Quale si Comprendono Tutti Gli Statuti, & Ordini, Disposti da Gli Antichi, Per Ogni Caso di Mercantia & Di Navigare: Così a Beneficio di Marinari, Come di Mercanti, & Patroni di Nave, & Navilii: Con l'Aggiunta delle Ordinationi Sopra l'Armata di Mare, Sicurta Entrate, Uscite; & 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.

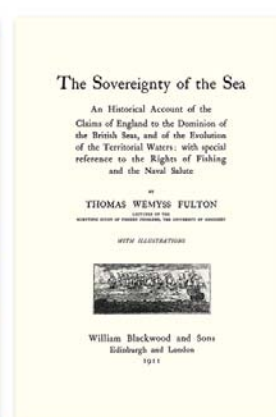
* Later edition. A landmark in the development of maritime law, the *Consolato del Mare* was first published in Barcelona in 1484. A digest of the law and practice commonly followed by the commercial judges in the chief ports around the Mediterranean, it became a maritime common law of the Mediterranean 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.



Item 10



Item 11



A Compelling Biography of James Brown Scott

10. Finch, George A. [1884-1957].

Butler, William E., Editor .

Adventures in Internationalism: A Biography of James Brown Scott. Clark: The Lawbook Exchange, Ltd. 2012. xxviii, 245 pp. Hardcover. New. \$49.95

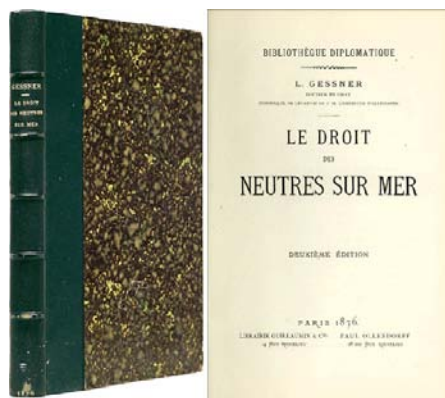
* One of the greatest figures in modern international law, James Brown Scott [1866-1943] intended to publish an autobiography titled *Adventures in Internationalism*. He wrote a few paragraphs for this book, but he never completed it. He decided instead to entrust his life's story to George A. Finch, a protege and friend. Finch began work on a biography with Scott's participation in the late 1930s, but he never completed it. Using Finch's manuscripts and notes, Butler has produced a compelling study of Scott's key role in several important diplomatic conferences and work as an author, secretary of the Carnegie Endowment for International Peace and guiding force behind the American Society of International Law. "[Scott] fathered and fostered the development of international law during the greatest period of its history." --Manley O. Hudson, *Harvard Alumni Bulletin* XXXIII No. 14 (1 January 1931) 419.

England, Holland and the Right of Free Navigation

11. Fulton, Thomas Wemyss [1855-1929].

The Sovereignty of the Sea. An Historical Account of the Claims of England to the Dominion of the British Seas, and of the Evolution of the Territorial Waters: With Special Reference to the Rights of Fishing and the Naval Salute. Originally published: Edinburgh: William Blackwood and Sons, 1911. xxvi, 799 pp. Illustrated. Reprinted 2002, 2010 by The Lawbook Exchange, Ltd. New. Hardcover. \$49.95 Paperback. \$36.95

* Fulton is interested in two related themes: claims made to the sovereignty of the British Seas in the past and the evolution of its territorial waters in recent times. Though concerned primarily with fishing rights and the naval salute, Fulton addresses broader issues relating to the freedom of commerce. The book falls into two sections. The first is an historic account of pretensions to the dominion of the sea, with an emphasis on the English and Dutch. The second looks at their influence on the legal treatment of territorial waters, especially in relation to the Law of Nations and fishing rights. With an extensive appendix of source readings. "In 1911, a lecturer on fishery problems at the University of Aberdeen, Thomas Wemyss Fulton, gave us probably the best history of the law of the sea that has ever been written." --D. H. N. Johnson, 11 *Int'l & Comp. L. Q.* 416 (1962)



Comprehensive 1876 Treatise on the Rights of Neutrals

12. Gessner, L[udwig] [1828-1890].

Le Droit des Neutres Sur Mer. Paris: Librairie Guillauman & Cie/Paul Ollendorff, 1876. xvi, 444 pp. Octavo (9" x 6").

Contemporary quarter morocco over marbled boards, raised bands, marbled endpapers. Light rubbing with minor wear to corners, a few negligible tiny scuffs to spine, internally fresh. A nice copy. \$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 read 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*.



The First French-Language Edition of *De Jure Belli ac Pacis*

13. Grotius, Hugo [1583-1645].

Courtin, [Antoine de], Translator.

Le Droit de la Guerre et de la Paix, Divise en Trois Livres, Ou il Explique Le Droit De Nature, Le Droit des Gens, & Les Principaux Points du Droit Public, Ou qui Concerne le Gouvernement Public d'un Etat. Paris: Chez Arnould Seneuze, 1678. Two volumes. [xlviii], 621, [2]; [iii], 304, 197, [2] pp. Signatures T and V in Volume II (pp. 153-168) bound in reverse order. Title preceded by copperplate allegorical title page, main text preceded by copperplate portrait of Courtin. Quarto (10" x 7-1/2").

Contemporary mottled calf, gilt spines with raised bands and lettering pieces, speckled edges. Moderate rubbing to extremities, chipping to spine ends, corners bumped and somewhat worn, a few small scuffs to boards, a few partial cracks to text block. Moderate toning to text, somewhat darker in places, foxing and dampstaining in a few places, worming to rear pastedown and margins of final 40 leaves of Volume II, a few chips to edges of preliminaries. Early owner annotations and signatures to front pastedowns and title pages, interiors otherwise clean. An appealing copy of a title scarce in the trade. \$2,000.

* First edition in French. With side-notes and index. First published in Paris in 1625, *The Rights of War and Peace* established the system of modern public international law, based on the concept of "*droit naturel*," a morality-based law that superseded the personalities of individuals or nations. Grotius describes the situations in which war is a valid tool of law enforcement and outlines the principles of armed combat. Though based on Christian natural law, Grotius advanced the novel argument that his system would still be valid if it lacked a divine basis. In this regard he pointed to the future by moving international law in a secular direction. "The distinction between religion and law or morality is not clearly made, but Grotius' principle of an immutable law, which God can no more alter than a mathematical axiom, was the first expression of the *droit naturel*, the natural law which exercised the great political theorists of the eighteenth century, and is the foundation of modern international law" (Carter and Muir). The first edition, in Latin, was published in Paris 1625. The first French-language edition is scarce. Copies have not appeared at auction since 2006, where one sold for \$6,000. Carter and Muir, *Printing and the Mind of Man* 125. Ter Muelen and Diermanse, *Bibliographie des Ecrits Imprimés de Hugo Grotius* 650.



The First English Translation of Grotius

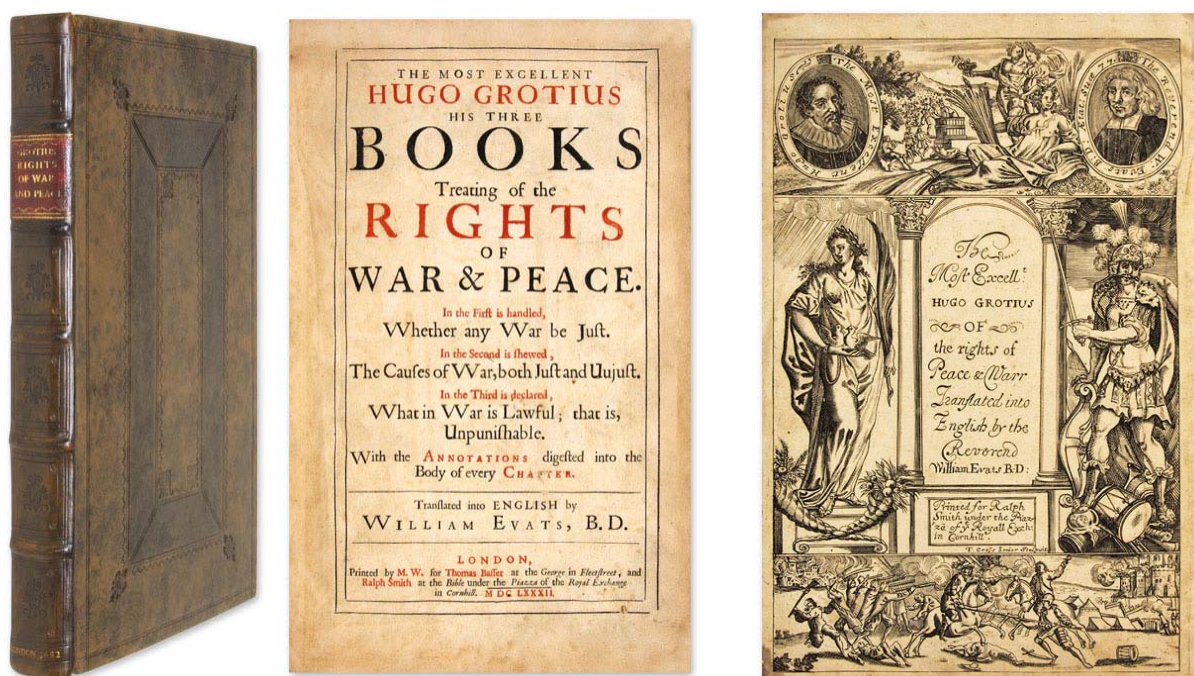
14. Grotius, Hugo.

[Barksdale, Clement (1609-1687), Editor and Translator].

The Illustrious Hugo Grotius: Of the Law of Warre and Peace, With Annotations. III. Parts. And Memorials of the Author's Life and Death. London: Printed by T. Warren, For William Lee, 1655. [lxxx], [ii], 660, [82 of 92] pp. Lacking index. Two-page list of biblical references misbound at beginning of text after [p. lxxx]. Copperplate portrait frontispiece. Eight-page publisher catalogue. Octavo (6-1/2" x 4").

Contemporary calf, blind rules to boards, early rebacking with raised bands and gilt title, repairs to corners, hinges mended. Some rubbing to extremities, corners bumped, a few minor scuffs to boards, hinges partially cracked. Moderate toning to text, some edgewear and minor tears to preliminaries, repair to fore-edge of frontispiece (with no loss to text). Underlining and annotations in a few places, interior otherwise clean. Ex-library. Bookplate to front free endpaper. A scarce title. \$3,500.

* Reissue of the first English translation, 1654, one of two from 1655, the other with a cancel title page identifying the editor as "C.B." Barksdale's annotated translation, the first in English, appeared in 1654. It includes an original biographical sketch of the author. These early English translations mark an important phase in the reception history of this book. These projects were undertaken due to the author's reputation as a leading Protestant scholar and a faith-motivated desire to reduce international conflict. Barksdale edited this work considerably and added numerous annotations to add a stronger Christian component. *English Short-Title Catalogue* R16252. Ter Meulen and Diermanse, *Bibliographie de Grotius* 628.



First Edition of the First Complete English Translation

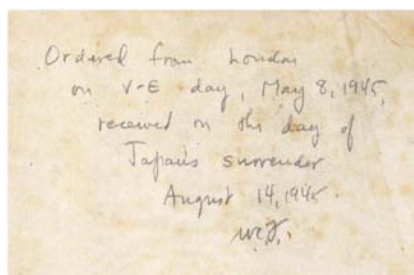
15. Grotius, Hugo.

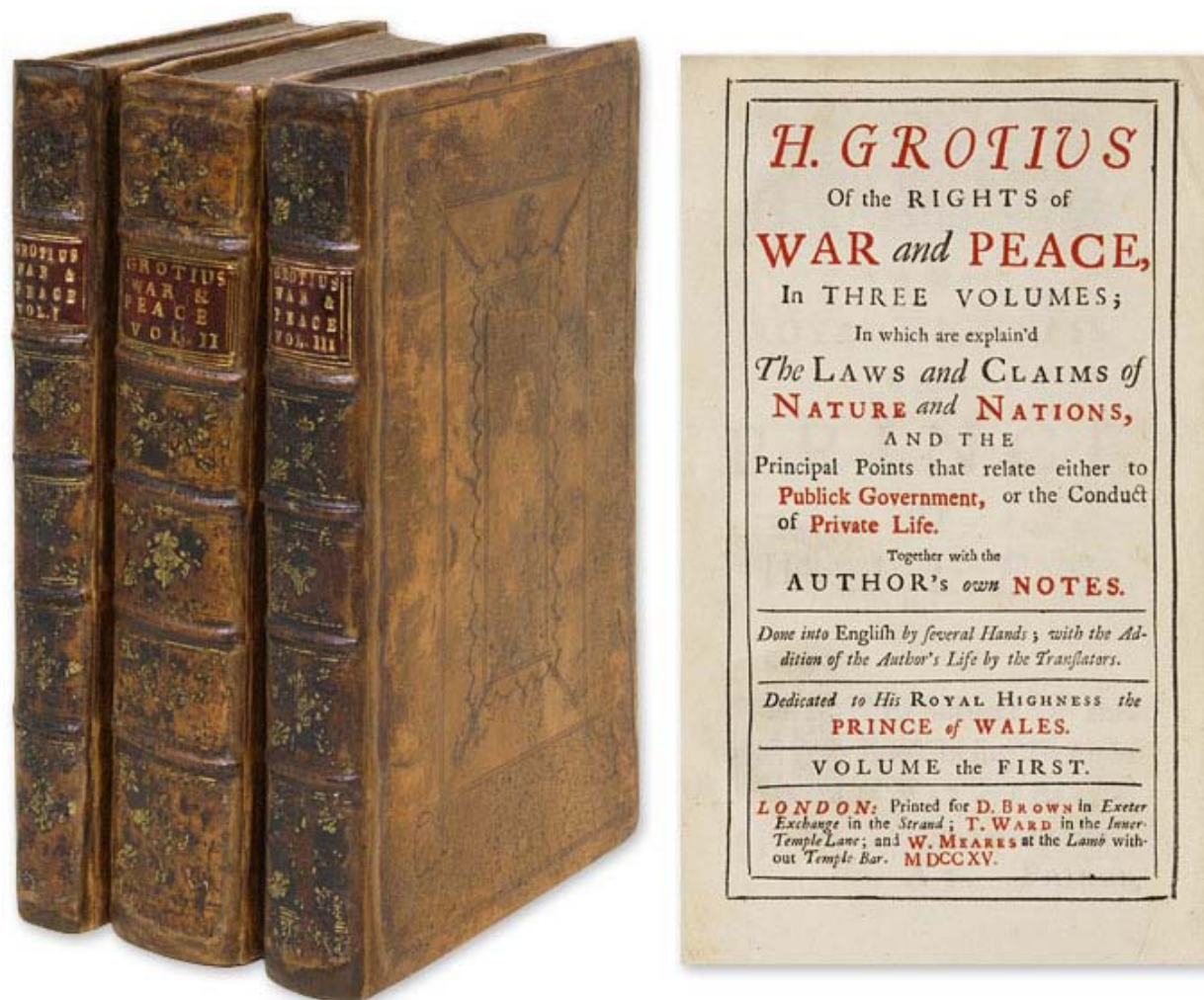
Evats, William [c.1606-1677], Translator.

The Most Excellent Hugo Grotius His Three Books Treating of the Rights of War & Peace. In the First is Handled, Whether any War be Just. In the Second is Shewed, The Causes of War, Both just and Unjust [sic]. In the Third is Declared, What in War is Lawful; That is, Unpunishable. With the Annotations Digested Into the Body of Every Chapter. Translated into English by William Evats, B.D. London: Printed by M[argaret] W[hite] for Thomas Basset, 1682. [ii], xxi, [7], 220, 361-572, [32] pp. Extra copperplate pictorial title page. Text continuous despite pagination. Folio (12-1/2" x 8").

Recent period-style paneled calf, raised bands, blind ornaments and lettering piece to spine, pictorial title page re-hinged. Main title page printed in red and black, woodcut head-pieces. Moderate toning, minor edgewear and light soiling to preliminaries, spark burns and offsetting from laid-in items to a few leaves. Owner inscription from 1945 to front endleaf (discussed below), interior otherwise clean. A solid copy of an important edition in a handsome binding. \$4,500.

* First edition of the first complete translation in English. This copy belonged to a Walton Ferris, an official in the U.S. State Department. His note on a front endleaf reads: "Ordered from London/ on V-E Day, May 8, 1945,/ received on the day of/ Japan's surrender/ August 14, 1945/ W.F." Now housed in a folder, this book has Ferris's invoice, along with several newspaper clippings, offprints and other items relating to the end of World War II, international law, Grotius and the Nuremberg Trials. Among these items is a six-page press release from the State Department, dated November 20, 1944, describing the United Nations, "a general international organization proposed tentatively by the United States, Great Britain, the Soviet Union and China on October 9, 1944, following the conversations of their representatives held at Dumbarton Oaks, Washington, D.C." *English Short-Title Catalogue* R8527. Ter Meulen and Diermanse, *Bibliographie de Grotius* 630.





The Third English Translation of *De Jure Belli ac Pacis*

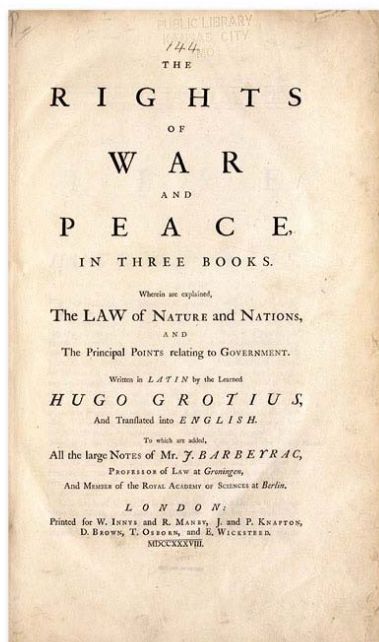
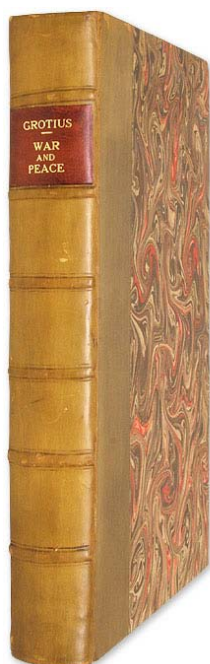
16. Grotius, Hugo.

[Morrice, John, Translator and Editor].

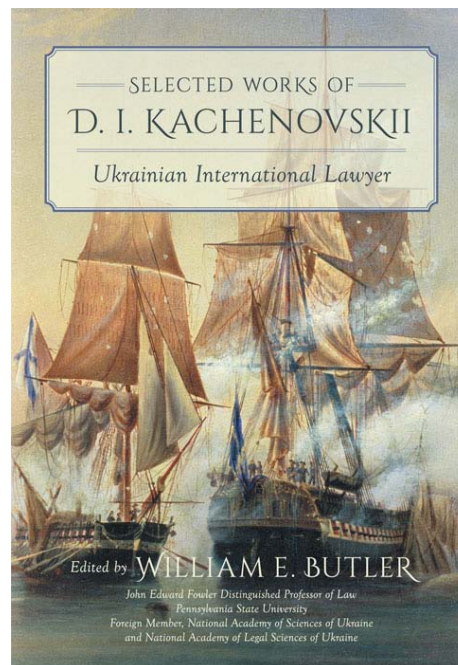
Of the Rights of War and Peace, In Three Volumes; In Which are Explain'd the Laws and Claims of Nature and Nations, And the Principal Points that Relate Either to Publick Government, Or the Conduct of Private Life. Together with the Author's Own Notes. Done into English by Several Hands; With the Addition of the Author's Life by the Translators. Dedicated to His Royal Highness the Prince of Wales. London: Printed for D. Brown, T. Ward and W. Meares, 1715. Three volumes. Volume I has a one-page publisher list. [xv], civ, 212; [ii], 648 [ii], 356, [48] pp. Octavo (7-1/2" x 5").

Contemporary paneled calf, rebacked retaining spines with raised bands, gilt ornaments and lettering pieces. Light rubbing and a few minor scuffs to boards, corners bumped and lightly worn, a few hinges starting. Title pages printed in red and black, woodcut head-pieces. Moderate toning, light foxing in places, finger smudges to a few leaves, internally clean. A handsome set. \$2,500.

* Third English-language edition. According to sources cited in the *ESTC*, the 1715 edition was translated and edited by Morrice with the assistance of Edward Littlehales and John Spavan. The English editions differ considerably and are very interesting to compare. *English Short-Title Catalogue* T117018. Ter Meulen and Diermanse, *Bibliographie de Grotius* 634.



Item 17



Item 18

The "Best Edition" of Grotius, With "Excellent" Notes

17. Grotius, Hugo.

[Morrice, John (1685-1740), Translator and Editor].

The Rights of War and Peace, In Three Books. Wherein are Explained, The Law of Nature and Nations, And the Principal Points Relating to Government. Written in Latin by the Learned Hugo Grotius, And Translated into English. To Which are Added, All the Large Notes of Mr. J. Barbeyrac. London: Printed for W. Innys [et al.], 1738. [iv], xxxvi, 817 pp. Notes in parallel columns beneath single-column main text. Folio (19" x 14").

Recent period-style quarter calf over marbled boards, raised bands and lettering piece to spine. Some rubbing to extremities with light wear to joints and corners. Light toning to text, spark burns to a few leaves, edgewear to preliminaries and a few other leaves, internally clean. Ex-library. Small perforated stamp to half-title, another perforated stamp and "144" in small hand to head of title page. A handsome copy. \$1,500.

* First English edition with Barbeyrac's notes. Lowndes describes this is the "best edition;" Marvin says Barbeyrac's notes are excellent. First published in 1715 (with Barbeyrac's notes). *English Short-Title Catalogue* T110924. Ter Meulen and Diermanse, *Bibliographie de Grotius* 635.

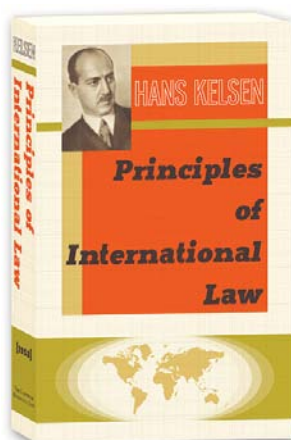
Selected Works of a Great Ukrainian International Lawyer

18. Kachenovskii, Dmitrii Ivanovich [1827-1872].

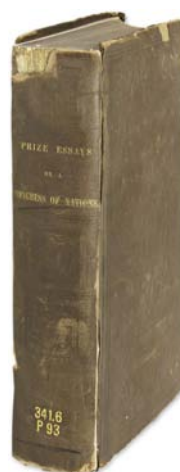
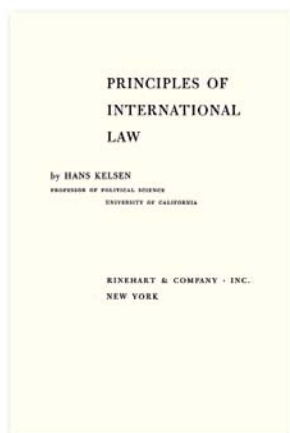
Butler, William E., Compiler and Editor.

Selected Works of D.I. Kachenovskii: Ukrainian International Lawyer. xlv, 270 pp. Compiled and edited, with an introduction by William E. Butler, John Edward Fowler Distinguished Professor of Law, Pennsylvania State University Foreign Member, National Academy of Sciences of Ukraine and National Academy of Legal Sciences of Ukraine. Clark, New Jersey: Talbot Publishing (an imprint of The Lawbook Exchange, Ltd.), 2014. Hardcover. New. \$65.

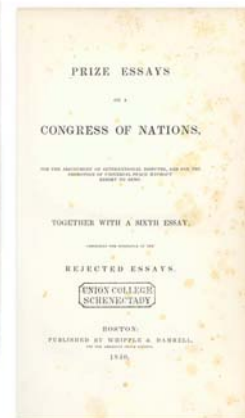
*The development of international law and doctrine in the Russian Empire was influenced by the works (on prize law, constitutionalism and other facets of international law) of Ukrainian jurist Dmitrii Ivanovich Kachenovskii, who held the Chair of International Law at Kharkov University. Rare among his colleagues, Kachenovskii traveled extensively throughout Europe and spoke, wrote, and published in English. In this volume we collect his English publications, all of them uncommon and never before assembled in one place. Edited by WILLIAM E. BUTLER, who contributes an introductory essay on the life and works of Kachenovskii.



Item 19



Item 20



Kelsen's Systematic Study of International Law

19. Kelsen, Hans [1881-1973].

Principles of International Law. Originally published: New York: Rinehart & Company, Inc. [1952]. xvii, 461 pp. Reprinted 2012 by The Lawbook Exchange, Ltd. New. Hardcover. \$65 Paperback. \$49.95

* Arguably his most important work, *Principles of International Law* was published after Kelsen's retirement from the University of California at Berkeley in 1952. It is an important synthesis of Kelsen's earlier work on international law and jurisprudence. "Any contribution by Professor Kelsen to international law is always welcome. This certainly applies to the book under review. (...) [It is] a model of precision and clarity and (...) a stimulus to thought. If for no other reason, this introduction to international law is an outstanding and fully successful attempt-of which there are but few-to present the entirety of the international law of peace within the framework of a jurisprudential system." : Hersch Lauterpacht, *British Yearbook of International Law* 29 (1952) 509, 513.

Includes the First Issue of Ladd's Influential *Essay on a Congress of Nations*

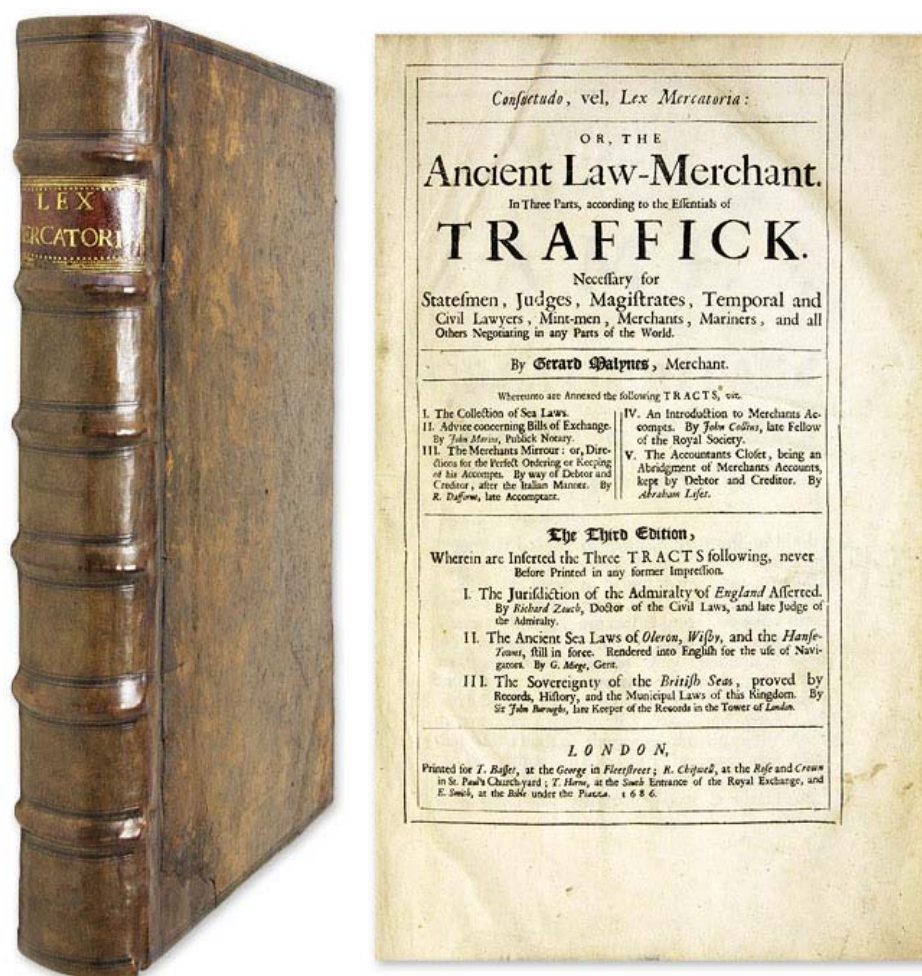
20. [Ladd, William (1778-1841)].

American Peace Society.

Prize Essays on a Congress of Nations, For the Adjustment of International Disputes, And for the Promotion of Universal Peace Without Resort to Arms. Together With a Sixth Essay, Comprising the Substance of the Rejected Essays. Boston: Published by Whipple & Damrell, For the American Peace Society, 1840. [iii], iv-xiii, [6], xii, [13]-706 pp. Octavo (9" x 5-3/4").

Original moire cloth with decorative blind stamping, gilt title to spine. Heavy rubbing to extremities with chipping to spine ends, corners worn, joints cracked but secure, hinges starting. Light foxing to text in places, internally clean. Ex-library. Shelf number to foot of spine, bookplates to front pastedown, small inkstamps to preliminaries, date-due sheet and small security tag to rear free endpaper. A solid copy. \$250.

* Only edition. This volume contains the first issue of Ladd's important "Essay on a Congress of Nations," the first important statement on the preservation of peace through international mediation published in the United States. It became a central text for American peace organizations and participants in international law conferences, and did much to persuade Americans to accept the idea of an international peace organization. It was also distributed widely in Europe, where it was well-received. Influential into the twentieth century, it was reprinted in 1916 by the Carnegie Endowment for International Peace. Anticipating the creation of the Permanent Court of International Justice and the League of Nations by a good 75 years, Ladd proposed an international "congress with legislative powers" that worked with a court that enforced its laws and settled international disputes. *Prize Essays* grew out of a contest sponsored in 1831 by the American Peace Society, of which Ladd was president. It offered a \$1,000.00 prize for the best essay describing the form and function of a "congress of nations." The judges were William Wirt, Joseph Story, Daniel Webster and John Marshall. They could not decide on a clear winner, so they published the five best essays. Ladd's essay, which was intended to serve as a summary and review of all of the submissions, synthesized their best elements, expanded them and combined them with his original ideas. Ladd reissued his essay later that year as an offprint from this volume. Cohen, *Bibliography of Early American Law* 7595.



Fascinating 1686 Collection of Merchant and Maritime Laws

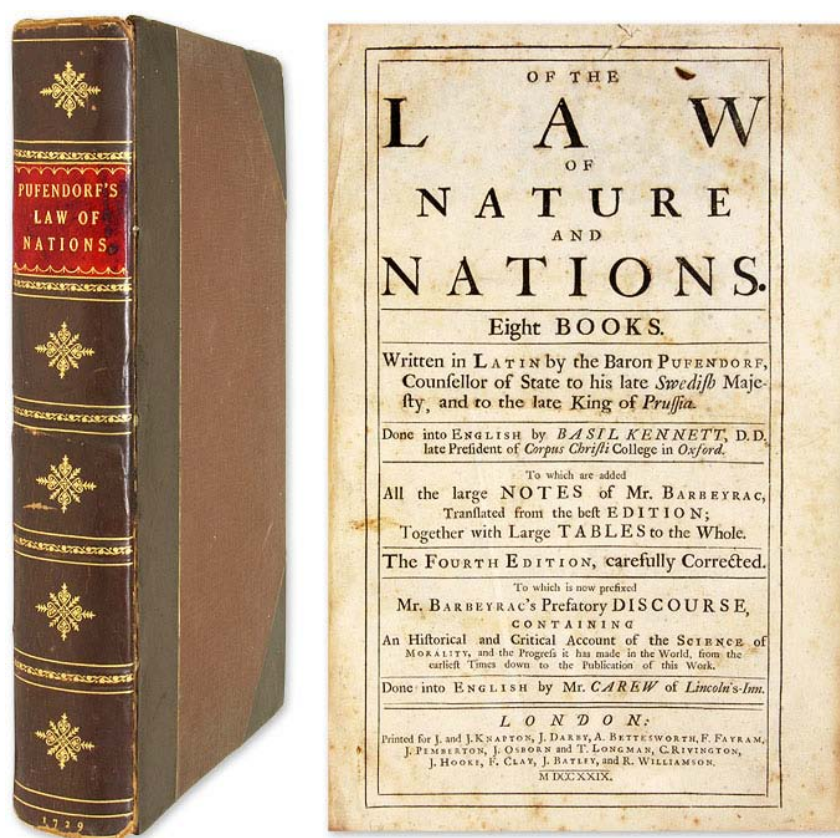
21. Malynes, Gerard [fl. 1586-1641], Principal Author.

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. Miege. 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.



Early English Edition of Pufendorf's *Law of Nature and Nations*

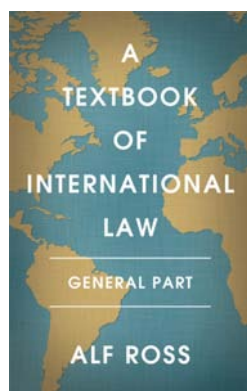
22. Pufendorf, Samuel von [1632-1694].

Barbeyrac, Jean [1674-1744], Prefatory Discourse.

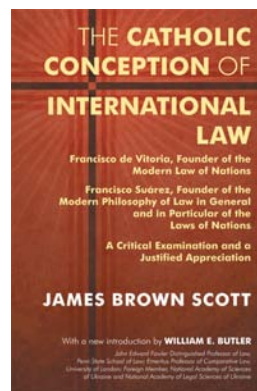
Of the Law of Nature and Nations. Eight Books. Written in Latin by the Baron Puffendorf. Done Into English by Basil Kennet. Carefully Corrected, with Two Tables. To Which Are Added All the Large Notes of Mr. Barbeyrac, Translated From the Best Edition; Together with Large Tables to the Whole. Carefully Corrected. To Which is Now Prefixed Mr. Barbeyrac's Prefatory Discourse, Containing an Historical and Critical Account of the Science of Morality, and the Progress It has Made in the World, From the Earliest Times Down to the Publication of This Work. London: Printed for J. Walthoe, R. Wilkin, [et. al.], 1729. [xxiv], 316, 321-480, 477-878; [iv], 39, 44-88, [4], [22] pp. Pagination irregular. Complete, but Barbeyrac's prefatory discourse is misbound at rear of text. Main text in parallel columns. Folio (13" x 8-1/2").

Nineteenth-century three-quarter calf over cloth, gilt fillets to boards, raised bands, lettering piece and gilt ornaments to spine, endpapers renewed, hinges reinforced with cloth tape. Moderate rubbing to extremities with some wear to spine ends and corners, joints cracked, later owner bookplate to front pastedown. Woodcut head-pieces, tail-pieces and decorated initials. Moderate toning to text, light foxing in places. Early owner corrections in a miniscule hand, to passages in a few leaves, interior otherwise fresh. \$1,250.

* Fourth English edition. In 1662 Pufendorf was appointed to the first modern professorship in natural law (at the University of Heidelberg). In 1670 he became professor of natural law at the University of Lund in Sweden. First published in 1672, *De Jure Naturae et Gentium* is his principal work and a landmark in the history of natural and international law. It proposed a thorough system of private, public, and international law based on natural law. Beginning with a consideration of fundamental legal ideas and their various divisions, Pufendorf proceeded to a discussion of the validity of customs, the doctrines of necessity and innate human reason. The work is significant in part because it developed principles introduced by Grotius and Hobbes. Unlike Hobbes, Pufendorf argued that peace, not war, was the state of nature, and he proposed that international law was not restricted to Christendom. *English Short-Title Catalogue* N61031.



Item 23



Item 24

"A Refreshingly New Approach to the Subject"

23. Ross, Alf [1899-1979].

A Textbook of International Law: General Part. Originally published: London: Longmans, Green and Co., [1947]. 313 pp. Reprinted 2006, 2013 by The Lawbook Exchange, Ltd. Hardcover. New. \$85.

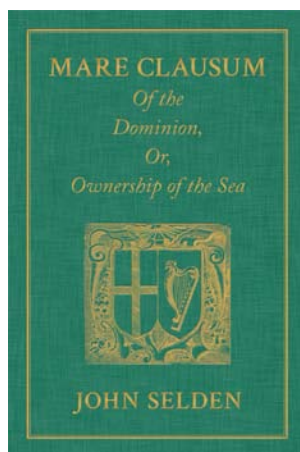
* Ross was an important Danish jurist who wrote a series of influential treatises that combined legal realism, Continental jurisprudence and Scandinavian legal concepts. Although its title suggests a basic introductory work, *A Textbook of International Law* is actually a sophisticated presentation of his international law of jurisprudence. Reprint of the sole edition, never before reprinted. "It is a pleasant task to welcome a treatise on international law with such a refreshingly new approach to the subject. (...) [It presents] the cardinal doctrines of international law according to a scheme which is at once novel and stimulating to the English reader." R.Y. Jennings, *Journal of Comparative Legislation & International Law*, 3rd. Series, 30 (1948) 122. Alf Niels Christian Ross was Professor of Law at the University of Copenhagen. In 1956 he was a visiting professor at the University of Illinois. He served for seven years on the constitutional committee that laid the groundwork for the Danish constitution of 1953. His many books, which have been translated extensively, include *Towards a Realistic Jurisprudence* (1946), *Constitution of the United Nations: Analysis of Structure and Function* (1950), *Why Democracy?* (1952), *Directives and Norms* (1968) and *On Guilt, Responsibility and Punishment* (1975).

International Law Theory Before Grotius

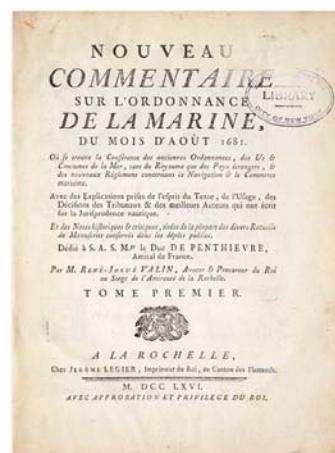
24. Scott, James Brown.

The Catholic Conception of International Law. Francisco de Vitoria, Founder of the Modern Law of Nations. Francisco Suarez, Founder of the Modern Philosophy of Law in General and in Particular of the Laws of Nations. A Critical Examination and a Justified Appreciation. Originally published: Washington, D.C.: Georgetown University Press, 1934. xxix (v-xxix new introduction), XV, [2], 494 pp. Reprinted 2014 by The Lawbook Exchange, Ltd. **With a New introduction by William E. Butler, John Edward Fowler Distinguished Professor of Law, Penn State School of Law; Emeritus Professor of Comparative Law, University of London; Foreign Member, National Academy of Sciences of Ukraine and National Academy of Legal Sciences of Ukraine.** ISBN-13: 9781616194529; ISBN-10: 1616194529. New. Hardcover. \$59.95 Paperback. \$49.95

* Reprint of the sole edition. This important study of international law theory before Grotius discusses the work of Victoria and Suarez, together with the writings of later Catholic jurists of the period, such as Mariana, Buchanan and Bellarmine. Contemporary Protestant jurists are discussed as well. "The outstanding merit of the book for which Dr. Scott has placed scholars and lawyers in his debt is that it is a needed reminder that the ideas and conceptions on which the internal order of states, no less than the good order of the international community, depend, are not of today nor of yesterday, but that they have a long history, and that their deepest roots are in the great tradition of Christian thought, which, through the centuries, was elaborated by schoolmen and canonists and jurists with a power of analysis and insight which puts to shame the contributions of much of what passes for contemporary jurisprudence.": John Dickinson, *Georgetown Law Journal* 24 (1935-1936) 218.



Item 25



Item 26

Selden's Famous Reply to *Mare Liberum*

25. Selden, John [1584-1654].

Mare Clausum. Of the Dominion, or, Ownership of the Sea. Two Books: In the First, is Shew'd that the Sea, by the Law of Nature, or Nations, is Not Common to All Men but Capable of Private Dominion or Propriety as well as the Land in the Second, is Proved That the Dominion of the British Sea, or That Which Incompasseth the Isle of Great Britain, is, and Ever Hath Been, a Part or Appendant of the Empire of that Island. Written at First in Latin and Entitled Mare Clausum, Seu, De Dominio Maris. Translated into English and set Forth with Some Additional Evidences and Discourses by Marchamont Nedham. Originally published: London: William Du-Gard, 1652. [xlv], 500, [2]; [10], 37 pp. Reprinted 2004, 2014 by The Lawbook Exchange, Ltd. ISBN-13: 9781584772729. ISBN-10: 1584772727. Hardcover. New. \$48.95

* Reprint of the first edition in English. *Mare Clausum (Dominion of the Sea)* is the most famous British reply to the argument of 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 common-law principles to rebut Grotius's philosophical argument is quite impressive. Holdsworth notes that his case was enriched by "a vast historical knowledge," replete with references to the customs of peoples from the times of the Greeks to his time.": Holdsworth, *A History of English Law* V: 10-11.

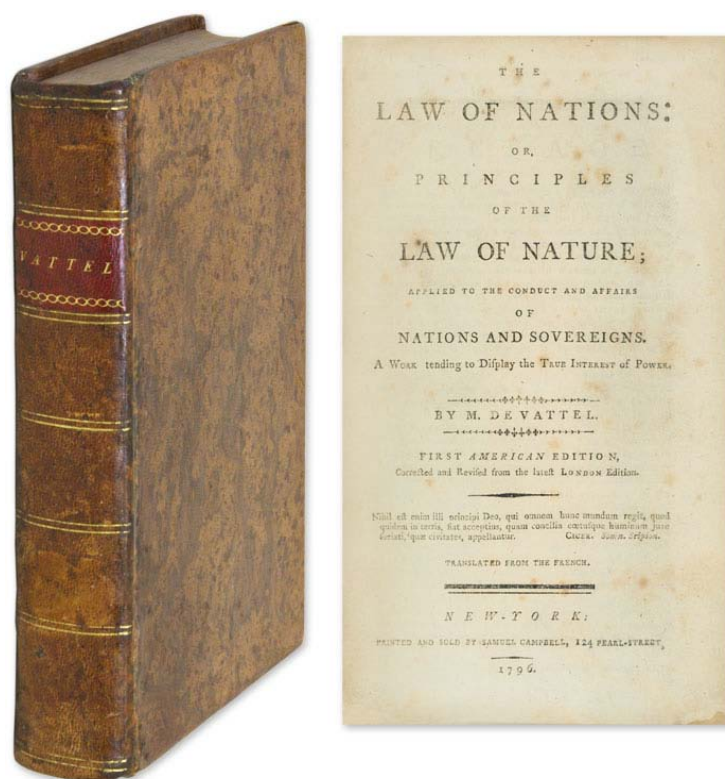
Colbert's Restatement of French Maritime Law

26. Valin, Rene-Josue [1695-1765].

Nouveau Commentaire sur l'Ordonnance de la Marine, Du Mois d'Aout 1681. Ou se Trouve la Conference des Anciennes Ordonnances, Des Us & Coutumes de la Mer, Tant du Royaume que des Pays Etrangers, & des Nouveaux Reglemens Concernans la Navigation & la Commerce Maritime. Avec des Explications Prises de l'Esprit du Texte, De l'Usage, des Decisions des Tribunaux & des Meilleurs Auteurs qui ont Ecrit sur la Jurisprudence Nautique. Et des Notes Historiques & Critiques, Tirees de la Plupart des Divers Recueils de Manuscrits Conservees dans les Depots Publics. Rochelle: Chez Jerome Legier, 1766. Two volumes. [vii], xliii, [1], 804; [iv], xii, 852 pp. Quarto (10" x 8").

Contemporary mottled calf, blind rules to boards, gilt spines with raised bands and lettering pieces, marbled endpapers, edges rouged. Worn, boards and a few signatures detached. Woodcut head and tail-pieces. Moderate toning, somewhat heavier in places, dampstaining and foxing to a few leaves, internally clean. Ex-library. Location labels to spines, small inkstamps to title pages, annotations to versos and rear endleaves. \$100.

* Fourth edition. Produced under the direction of Colbert and completed in 1681, *l'Ordonnance de la Marine* is a restatement of French maritime law. A synthetic work, it is based on the *Consolato del Mare*, the Laws of Wisby and other traditional sources. It 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. Valin's commentary was first published in 1746. A durable work, its seventh and final edition appeared in 1841. Armstrong, *The Logic of Slavery* 15-16. This edition not in Camus or the *British Museum Catalogue*.



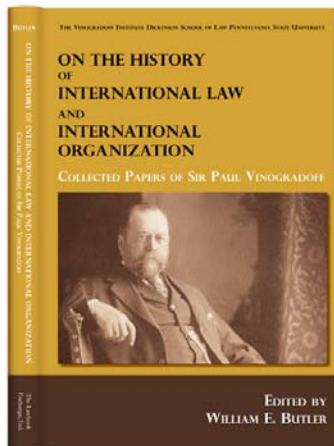
Early American Edition of Vattel's Classic Treatise

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

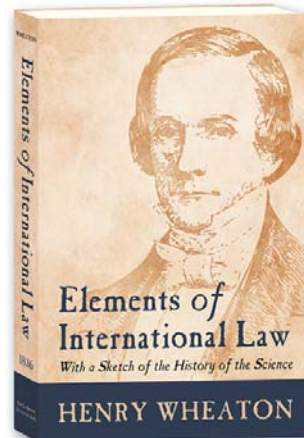
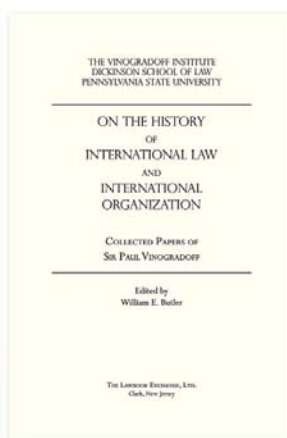
The Law of Nations: Or Principles of the Law of Nature; Applied to the Conduct and Affairs of Nations and Sovereigns. A Work Tending to Display the True Interest of Powers. First American Edition, Corrected and Revised From the Latest London Edition. Translated from the French. New York: Printed and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

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

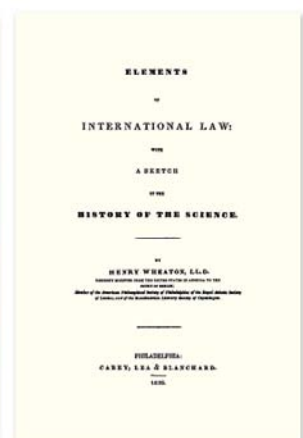
* "First" American edition, actually the second, based on the 1760 London edition. First published in 1758, this is one of the great treatises on international law. It was especially influential in America and was among the earliest law books reprinted there; the first American edition was published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



Item 28



Item 29



Vinogradoff on International Law

28. Vinogradoff, Sir Paul [1854-1925].
Butler, William E., Editor.

On the History of International Law and International Organization: Collected Papers of Sir Paul Vinogradoff. Edited and with introductory and other materials by William E. Butler, John Edward Fowler Distinguished Professor of Law and Director of the Vinogradoff Institute at the Pennsylvania State University Dickinson School of Law and Emeritus Professor of Comparative Law at University College London; Academician of the National Academy of Sciences of Ukraine and the Russian Academy of Natural Sciences. Clark: The Lawbook Exchange, Ltd., 2009. xiii, 204 pp. New. Hardcover. \$49.95 Paperback. \$39.95

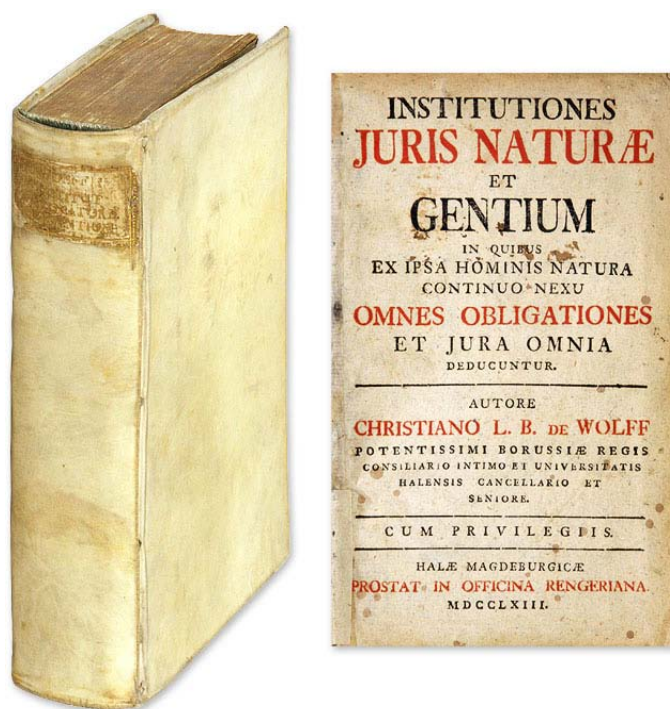
* Justly famous as a historian and comparative lawyer, Vinogradoff also wrote on public international law. This original volume collects most of his most important contributions to this field: *The Legal and Political Aspects of the League of Nations* (1918), *The Reality of the League of Nations* (c. 1919), *The Covenant of the League: Great and Small Powers* (1919) and *History of the Law of Nations* (1921). The first three, which discuss the League during its formative months in the context of contemporary international affairs, are little known today. *The Reality of the League of Nations* is published here for the first time. *History of the Law of Nations*, an outgrowth of his research in historical jurisprudence, is a brilliant synthesis of international law and legal history that elaborates many of the subjects treated in his *Outlines in Historical Jurisprudence*. In sum, this book introduces a lesser-known side of this important scholar. Published in association with The Vinogradoff Institute, Dickinson School of Law of Pennsylvania State University.

"Clearly Entitled to Rank Among the Classics"

29. Wheaton, Henry [1785-1848].

Elements of International Law: with a Sketch of the History of the Science. Originally published: Philadelphia: Carey, Lea & Blanchard, 1836. xiv, 375 pp. Reprinted 2012 by The Lawbook Exchange, Ltd. New. Hardcover. \$54.95 Paperback. \$44.95

* Written when the author was a diplomat posted in Berlin, this distinguished treatise went through several American and English editions, and several more in French, Italian, Spanish and Chinese. A standard work during the nineteenth century, an edition was published in England as late as 1936. "On his own merits Wheaton is clearly entitled to rank among the classics. Like Grotius, he embodied a happy combination of profound scholarship with a wide experience of diplomatic and public life, and his work further resembles that of Grotius in that it cannot be classified under the conventional labels of any doctrinal system. His insistence upon the fundamental principles of natural law is balanced by his analysis of practice as an immediate source of positive law." H.A. Smith, *Law Quarterly Review* 307-308.



Wolff Summarizes His Classic Work on International Law

30. Wolff, Christian, Frieherr von [1679-1754].

Institutiones Juris Naturae et Gentium, In Quibus ex Ipsa Hominis Natura Continuo Nexu Omnes Obligationes et Jura Omnia Deducuntur. Halle: Prostat in Officina Rengeriana, 1763. [xxxii], 774, [36] pp. Final leaf, a blank, lacking. Octavo (6-3/4" x 4").

Contemporary vellum, gilt title to spine, edges rouged. Light soiling and a few minor stains, minor wear to corners, spine ends bumped, front and rear endleaves lacking. Title page printed in red and black, woodcut head and tail-pieces. Light browning to text, faint dampspotting to a few leaves. Early owner signatures to front pastedown, early underlining to a few passages, interior otherwise clean. \$650.

* Fifth edition. To quote Quincy Wright, "Christian Wolff was perhaps the most influential writer on international law of the eighteenth century. His influence flowed not only from his reputation in other fields - mathematics, philosophy and theology - from the voluminousness of his writings, from the notoriety of his philosophical controversies, but also from the logic, completeness and definiteness of his treatise on international law, first published in 1749, as the ninth volume of his *Jus Naturae et Gentium* [1740-1749]. A major work on its jurisprudence and basis in the law of nature, it is an important document of Enlightenment-era legal theory and an undisputed classic in its field. As Wolff recognized, it is also a rather daunting work, which prompted him to produced the *Institutiones*, an introductory guide and summary of his larger work. A well-received work that was soon translated into French and German, it went through several editions. All are rather scarce, however. OCLC locates 2 copies of the fifth edition in North America (at Brown and Cornell Universities). Wright, *American Journal of International Law* 29/3 (July 1935) 552-554. This edition not in the *British Museum Catalogue*.



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This is the first dedicated journal in the United States to address the history of international law. Much of modern scholarship on the history of international law is preoccupied not with international law, but with international legal doctrine; the doctrinal writings of remarkably few individuals dominate the discourse while the rest remain unseen or overlooked. This journal will encourage further exploration in the archives for new materials and confirmation of the accuracy of past uses, but welcomes the continued reassessment of international legal history in all of its dimensions.

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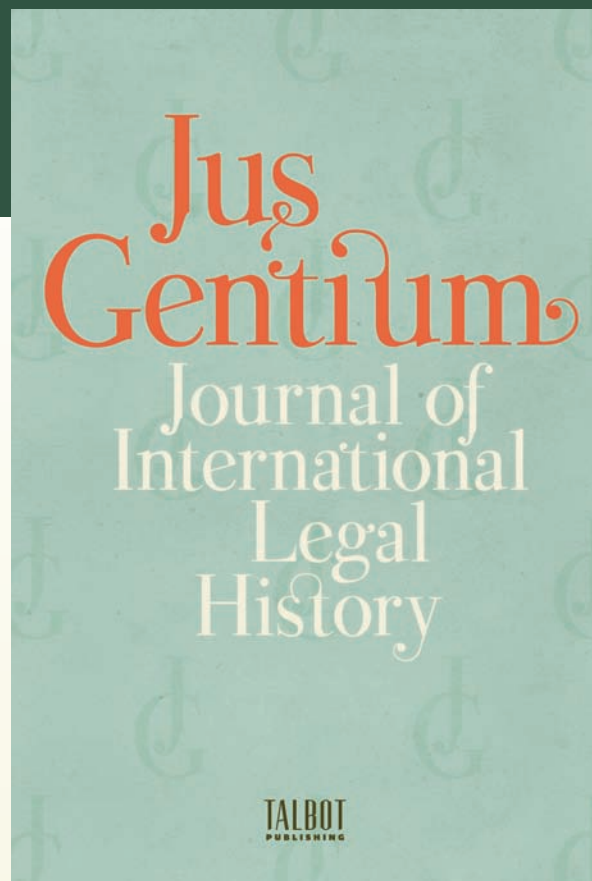
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