

30

RECENT ANTIQUARIAN ACQUISITIONS

October 18, 2016



CUSTOM of RIDING the BLACK RAM.

Published June 1, 1785.

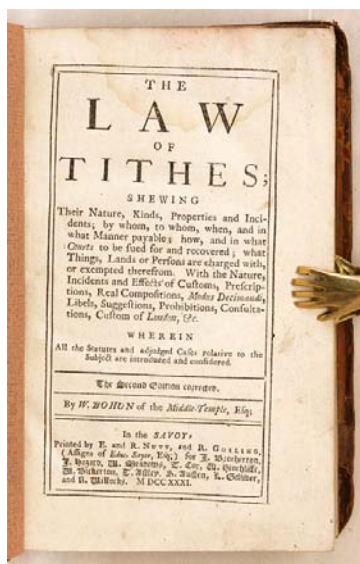
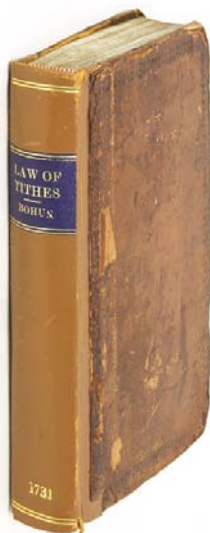
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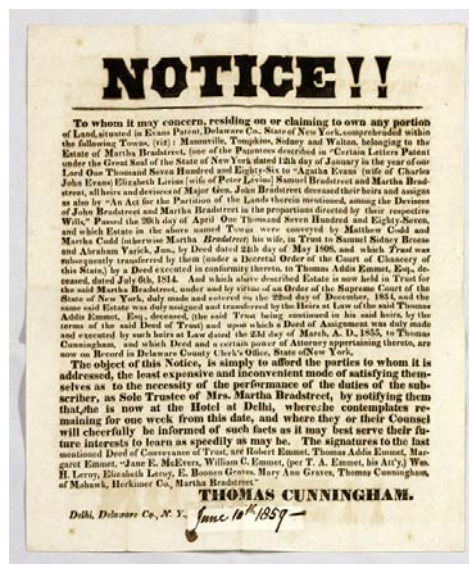
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30 Recent Antiquarian Acquisitions



Item 1



Item 2

The 'Nature, Kinds, Properties and Incidents' of Tithes

1. Bohun, W[illiam].

The Law of Tithes; Shewing Their Nature, Kinds, Properties and Incidents; By Whom, To Whom, When, And in What Manner Payable; How, And in What Courts to be Sued for and Recovered; What Things, Lands or Persons are Charged with, Or Exempted Therefrom. With the Nature, Incidents and Effects of Customs, Prescriptions, Real Compositions, Modus Decimandi, Libels, Suggestions, Prohibitions, Consultations, Custom of London, &c. Wherein All the Statutes and Adjudged Cases Relative to the Subject are Introduced and Considered. [London]: Printed by E. and R. Nutt, and R. Gosling, 1731. [iv], iv, 473, [7] pp. Octavo (7-3/4" x 4-3/4").

Contemporary calf, rebacked, blind fillets to boards, lettering piece to spine, endpapers renewed. A few shallow scuffs to boards, considerable rubbing to board edges, corners worn. Light toning to text, faint dampstaining to upper margins of preliminaries, which diminishes gradually, internally clean. \$250.

* Second edition. This practical treatise for lawyers was first published in 1730. Its fourth and final edition was published in 1760. *English Short-Title Catalogue* T121444.

A Quest to Recover Land Titles in Delaware County, New York

2. [Broadside].

[Bradstreet, Martha (1780-1871)].

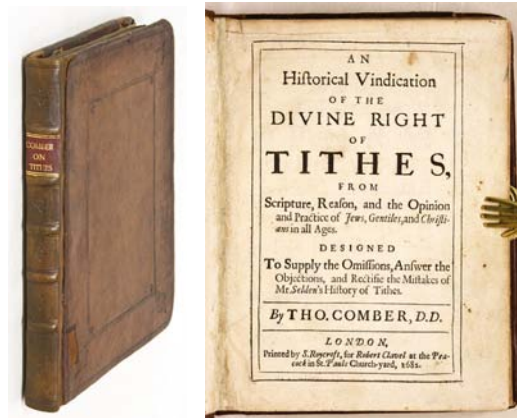
Notice!! To Whom it May Concern, Residing on or Claiming to Own Any Portion of Land Situated in Evans Patent, Delaware Co., State of New York, Comprehended within the Following Towns (viz): Masonville, Tompkins, Sidney and Walton Belonging to the Estate of Martha Bradstreet [Running Title]. Delhi, NY, June 10, 1859.

12-1/2" x 11" broadside, hand-lettered date affixed to foot of text. Light toning, faint fold lines, a few passages have very faint underlining, tiny ink spot to bottom margin. "Martha Bradstreet/ Nov 1867" in pencil to verso. A well-preserved item. \$500.

* This notice records an episode in Martha Bradstreet's unsuccessful quest to recover a series of land titles originally designated to her in bequests of her father and aunt. Poorly drafted deeds of sales created uncertain titles to a portion of the land owned by her father. The estate of her aunt, Elizabeth Bradstreet Livius was complicated because she had married without the approval of the estate's executor. Bradstreet subsequently discovered that much of the land she inherited from her aunt Martha was sold by the estate's executor through his son and attorney. In 35 law suits she pursued litigation to cancel the land sales of several properties designated for her. In 1831, one of her cases went to the U.S. Supreme Court, Martha Bradstreet, v. Henry Huntington, 30 U.S. 5 Pet. 402 (1831). The Court ruled against her. Undeterred, Bradstreet continued to pursue land claims in communities throughout the Mohawk River Valley until her death. The notice is signed in print by Bradstreet's lawyer, Thomas Cunningham.



Item 3 (See Also Front Cover)



Item 4

The Adulterous Widow

3. [Broadside].

[Women].

[Great Britain].

Custom of Riding The Black Ram. [London]: Published June 1, 1785.

7-3/4" x 5-1/2" etching on 9-1/2" x 7-3/4" laid-paper sheet. Very light toning, minor edgewear and light soiling to margins outside of plate mark, a bit of tape residue to upper left corner (that could be covered with a matte). A well-preserved copy. SOLD.

* A fine example of a classic image of courtroom satire: the unchaste widow riding a black ram backwards in a courtroom. In this example the court officers, townspeople and widow are clearly amused. The custom regarding the black ram was said to be a ritual of the manors of East and West Enbourne enacted when errant widow intended to inherit her husband's land. She would enter a court and recite the words: "Here I am/Riding on the back of a black ram/ like the whore that I am..." Susan Heinzelman writes that by this time more civilized means of redress were available: "There is no evidence that the widow was required to undergo the ram-riding ritual of humiliation. The forfeiture could often be reversed with the payment of a fine...the anecdotal customer...was most likely a seventeenth or eighteenth century fanciful version of medieval law..." As popular entertainment the image was too good to let go. We found versions from ca. 1750 to 1790; it was also used to satirize prostitutes, and appeared as late as 1820 in Queen Caroline's adultery trial. There are two issues. Ours, which is the first, appeared as an illustration in *The Wit's Magazine*, 1785 (115). This copy shows no obvious evidence of extraction; the margins are perfect. It may have been surgically sliced from a tab. A second, separate issue is an exact restrike of this, but on wove paper with the publication date removed from the plate. That issue can be viewed online (Walpole Library copy found on Orbis, Yale's online catalogue, which also has digital reproduction of a ca. 1750 variant not nearly as rambunctious as this). See Heinzelman, *Riding the Black Ram: Law Literature and Gender* 48,52.

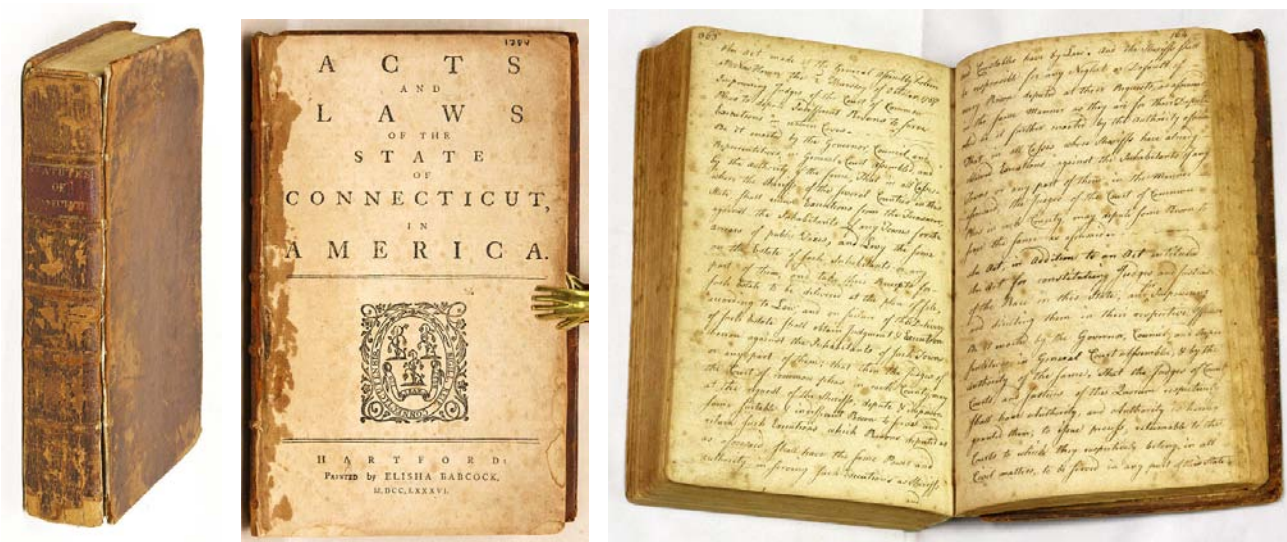
An Important Reply to Selden's *Historie of Tithes*

4. Comber, Thomas [1645-1699].

An Historical Vindication of the Divine Right of Tithes, From Scripture, Reason, And the Opinion and Practice of Jews, Gentiles, And Christians in All Ages. Designed to Supply the Omissions, Answer the Objections, And Rectify the Mistakes of Mr. Selden's History of Tithes. London: Printed by S. Royston, for Robert Clavel, 1682. [xxviii], 247, [1] pp. Quarto (8" x 6").

Contemporary calf, rebaked in period style, blind rules and panels to boards, raised bands, blind ornaments and lettering piece to spine, upper corner of rear board and hinges mended. A few minor nicks and scuffs to boards, light rubbing and a few nicks to extremities, corners bumped and lightly worn, front free endpaper lacking, original lower half of final leaf (Ii4, p. 247) lacking with minor loss to text, the word "Finis" below last sentence, leaf carefully repaired with recent paper. Light toning to text, ginger smudges to a few leaves, light soiling to title page and rear free endpaper. Later owner signature to front pastedown, interior otherwise clean. \$450.

* First edition. Comber's spirited work is a reply to Selden's *Historie of Tythes* (1618), especially his claim that tithes are not a divine right, and an attack on Catholic and Protestant dissenters, most notably Quakers and Anglican churchmen who fail to give full, uncritical support to the Church of England. This book had a second edition in 1685. Both are scarce. OCLC locates 4 copies of the first edition in North American law libraries (Harvard, UC-Berkeley, University of Minnesota, University of Pennsylvania). *English Short-Title Catalogue* R6540.



**With Extensive Manuscript Additions
Concerning Toll Bridges, Taxation and Revolutionary War Veterans**

5. [Connecticut].

Acts and Laws of the State of Connecticut, In America. Hartford: Printed by Elisha Babcock, 1786. 8, 2, 5, 3, 346, [8] pp.

[Bound with]

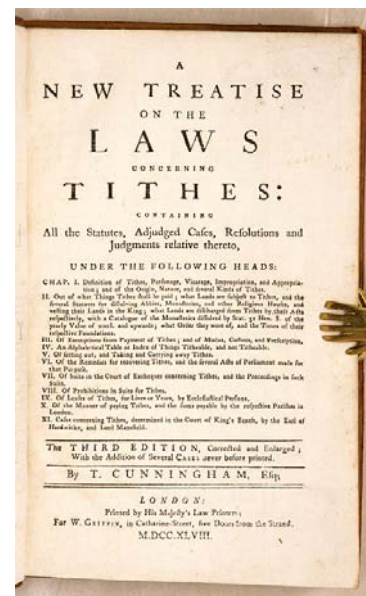
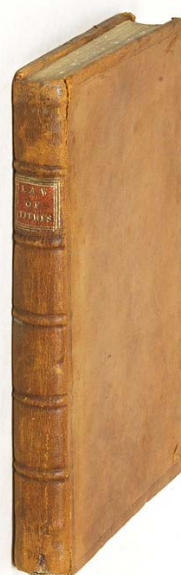
[*Manuscript Copies of Subsequent Acts, Laws and Resolutions, 1786-1817*]. 347-387, [388-390] pp.

Octavo (9" x 5-3/4"). Contemporary sheep, raised bands and lettering piece to spine. Rubbing to boards and extremities with wear to spine ends and corners, rear board partially detached, front board and both free endpapers detached and edgeworn, front free endpaper has early repair. Moderate toning and dampspotting to text, faint dampstaining in a few places, minor edgewear to title page. Early owner inscription, "John Benjamin's Law Book, 1786/ 1785" to head of front free endpaper, "1784" in small later hand to head of title page, early owner annotations to a few leaves of text, a few other jottings to rear pastedown. \$750.

* This fascinating collection addresses a variety of topics, such as adultery, bail, burglary, cattle, children, counterfeiting, debtors, divorce, dogs, dowry, dueling, drunkenness, elections, executions, fornication, frauds and perjuries, fraudulent conveyances, gaming, horse racing, Indians, insolvent estates, jurors, lotteries, marriage, maritime affairs, murder, oaths, rape, rogues, rum, the Sabbath, slaves, taverns, tobacco, treason, usury and vice. The owner of this copy had this copy bound with 50 blank leaves. He filled most of these with fair copies of several later acts, laws and resolutions. The majority of these deal with toll bridges, the second largest group deal with Revolutionary War veterans. It is likely that the owner of this book was John Benjamin of Stratford, Connecticut, who was involved in several bridge-building ventures in Bridgeport. He was also a veteran. Babbitt, *Hand-List of Legislative Sessions and Session Laws* 45.



Item 6



Item 7

Setting the Terms for Coolie Labor in Cuba

6. [China]
[Cuba].
["Coolie" Labor].
[Labor Contracts for Chinese Immigrant Workers]. [Havana], 1868-1869.

Part-printed documents, three 8-1/2" x 12", one 8-1/2" x 13." Two have some toning, the other two browned. Faint horizontal fold lines, a few worm holes, some wear and chipping to edges. Each contract endorsed with a stamped or embossed seal. \$950.

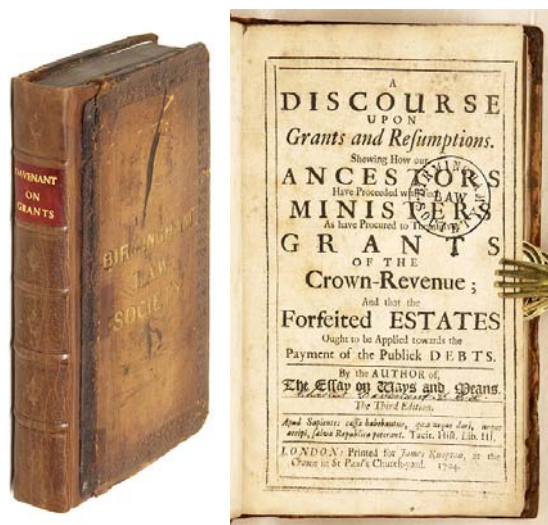
*These immigration contracts for indentured Chinese "coolie" laborers are valuable sources of information. They outline the duration of the contract, the nature of the work, the hours to be worked per day, payment and special considerations. They are signed by witnesses for the workers; three of these are signed in Chinese characters. In the mid-nineteenth century, Cuban agents supplemented the slave population with thousands of Chinese indentured laborers. They were needed to build railroads and work on sugar plantations. Most contracts granted free Cuban citizenship to workers when they satisfied the term of their contracts. Several remained in Cuba. And by the end of the nineteenth century Havana had the largest Chinatown in Latin America.

Standard Eighteenth-Century English Treatise on Tithes

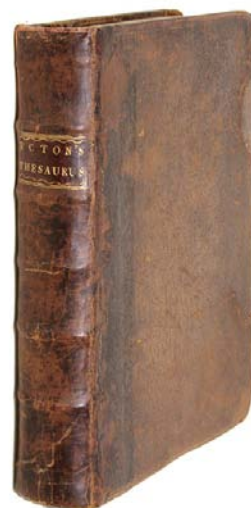
7. Cunningham, T[imothy] [d. 1789].
A New Treatise on the Laws Concerning Tithes: Containing All the Statutes, Adjudged Cases, Resolutions and Judgments Relative Thereto. (...) Corrected and Enlarged; With the Addition of Several Cases Never Before Printed. London: Printed by His Majesty's Law Printers, 1748. [iv], 304, [8] pp. With a half-title reading: *Laws Concerning Tithes*. Octavo (8-1/4" x 5").

Contemporary sheep, blind rules to boards, raised bands and lettering piece to spine. A few minor nicks to boards, some rubbing to extremities with wear to spine ends, joints and hinges just starting at ends, corners bumped. Moderate toning to text, somewhat heavier in places, faint dampstaining to margins of a few leaves, internally clean. \$150.

*Third edition. The standard eighteenth century work on the subject which provides a summary of statutes and decided cases. Many of the cases are stated at considerable length. Its first edition was published in 1748; its fourth and final edition in 1777. "Probably one of the most useful features of the book is the alphabetical list in Chapter IV of things tithable and things not tithable": Holdsworth, *History of English Law* XII:621. *English Short-Title Catalogue* T140756.



Item 8



Item 9

A Notable Study of Crown Revenue

8. [Davenant, Charles (1656-1714)].

A Discourse Upon Grants and Resumptions, Shewing How Our Ancestors have Proceeded with Such Ministers as Have Procured to Themselves Grants of the Crown-Revenue; And that the Forfeited Estates Ought to be Applied Towards the Payment of the Publick Debts. By the Author of, The Essay on Ways and Means. London: Printed for James Knapton, 1704. [xvi], 448, [viii] pp. Lacking pp. 168-176 and 351-352. Octavo (7-1/2" x 4-1/2").

Contemporary calf, rebaked, blind fillets to boards, raised bands, blind ornaments and gilt title to spine, endpapers renewed. A few scuffs to boards, moderate rubbing to extremities, corners worn. Moderate toning to text, light foxing in places. Early annotation to front endleaf, "Charles Devenant, D.C.L." in early hand to foot of title page, marks in pencil to margins of some leaves, interior otherwise clean. Ex-library (Birmingham Law Society). Gilt insignia to boards, bookplate to front pastedown, small inkstamps to title page and a few other leaves. \$50.

* Second and final edition. *English Short-Title Catalogue* T81096.

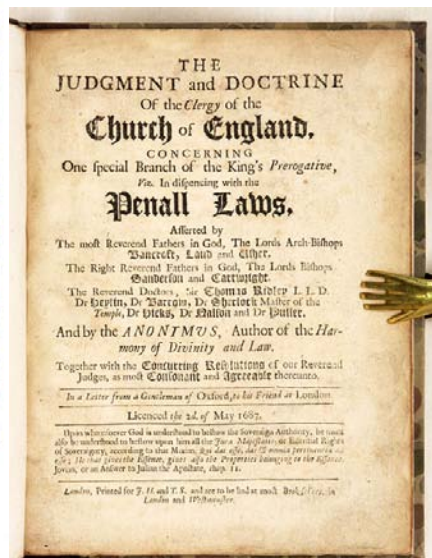
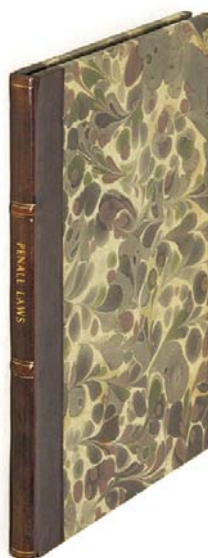
Financing the Churches of England and Wales

9. Ecton, John [d.1730].

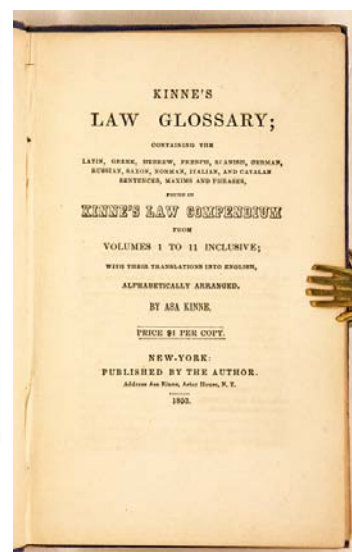
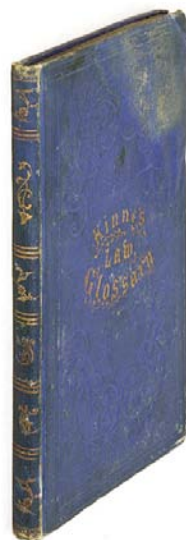
Thesaurus Rerum Ecclesiasticarum. Being an Account of the Valuations of All the Ecclesiastical Benefices In the Several Dioceses in England and Wales, As They Now Stand Chargeable With, Or Lately were Discharged From, The Payment of First-Fruits and Tenths. To Which are Added the Names of the Patrons, And Dedications of the Churches. To the Whole are Subjoin'd, Proper Directions and Precedents Relating to Presentation, Institution, Induction, Dispensations, &c. London: Printed for J. and P. Knapton, S. Birt [et al.], 1754. xl, 704 pp. Folio (10-1/4" x 8-1/2").

Contemporary calf, blind rules to boards, rebaked retaining existing spine with raised bands and lettering pieces, a few repaired scuffs to boards, upper corners mended, hinges reinforced with cloth tape. Moderate rubbing to boards, corners bumped and somewhat worn, signatures c and d (pp. xvii-xxxii) partially detached, crack in text block between pp. 698-699. Some toning to text, spotting to a few leaves, internally clean. \$150

* "Second" edition, actually the fifth. First published in 1711 as *Liber Valorum et Decimarum*, this is a list of all of the churches in England and Wales and their sources of income. In most cases extracts from procurations, synodals and decrees creating sources of income are included. Our 1754 edition is the second to bear the title *Thesaurus Rerum Ecclesiasticarum*. Later editions were published in 1763, 1785 and 1786, the final two editions with the title *Liber Regis, Vel Thesaurus Rerum Ecclesiasticarum*. *English-Short Title Catalogue* T136240.



Item 10



Item 11

Penal Laws and Royal Prerogative

10. Gentleman of Oxford.

The Judgment and Doctrine of the Clergy of the Church of England, Concerning One Special Branch of the King's Prerogative, Viz. In Dispensing with the Penall Laws, Asserted by the Most Reverend Fathers in God, The Lords Arch-Bishops Bancroft, Laud and Usher. The Right Reverend Fathers in God, The Lords Bishops Sanderson and Cartwright. The Reverend Doctors, Sir Thomas Ridley L.L.D. Dr Heylin, Dr Barrow, Dr Sherlock Master of the Temple, Dr Hicks, Dr Nalson and Dr Puller. And by the Anonymus, Author of the Harmony of Divinity and Law. Together with the Concurring Resolutions of Our Reverend Judges, As Most Consonant and Agreeable Thereunto. In a Letter from a Gentleman of Oxford, To His Friend at London. Licenced the 2d. of May 1687. London: Printed for J.H. and T.S., [1687]. 46, [2] pp. Last leaf blank. Quarto (7-3/4" x 6").

Pamphlet bound into recent quarter-calf over marbled boards. Some toning to text, light soiling to title page and verso of final leaf. A nice copy in a handsome binding. \$350.

* Only edition. Dating mostly from the reign of Charles II [1630-1685], the penal laws punished Protestant nonconformists and Catholicism by subjecting them to various forfeitures and excluding them from public life. Citing support from the works of several important leaders of the Church of England, this pamphlet asserts the King's right, as a royal prerogative, to exempt individuals from the penalties imposed by the penal laws. OCLC locates 3 copies in North American law libraries (Harvard, LA County, UC-Berkeley). *English Short-Title Catalogue* R1415.

A Rare American Law Dictionary from 1853

11. Kinne, Asa.

Kinne's Law Glossary; Containing the Latin, Greek, Hebrew, French, Spanish, German, Russian, Saxon, Norman, Italian, and Catalan Sentences, Maxims and Phrases, Found in Kinne's Law Compendium from Volumes 1 to 11 Inclusive; With Their Translations into English, Alphabetically Arranged. New York: Published by the Author, 1853. [ii], 109 pp. Octavo (7-1/4" x 4-1/2").

Original textured cloth with decorative blind stamping, gilt titles to boards, gilt ornaments to spine, all edges gilt. Moderate rubbing to extremities, spine ends and corners bumped and lightly worn, dampstain to upper corner of front board, a few partial cracks to text block. Moderate toning, light foxing to a few leaves, dampstaining to front free endpaper, internally clean. \$450.

* Only edition. Both an author and publisher, Kinne produced an array of legal works for laymen and professionals. As we can see in the subtitle of his *Law Glossary*, he often used one work to promote another, in this case Kinne's *Law Compendium*, a quarterly digest of American and British cases published in the 1840s and 50s. OCLC locates 2 copies (New York Public Library, UC-Davis Law School). Cohen, *Bibliography of Early American Law* 5448



Item 12



Item 13

Anxiety About the Effects of Abolition in Jamaica

12. [Manuscript].

[Slavery].

[Cuba].

[Jamaica].

[Brosa, Antonio].

[Duquesnay, Carlos].

[Three Letters Reporting on Slavery on the Letterhead of the Cuban Consulate in Jamaica]. Jamaica, 1839-1842.

Three letters, 8" x 12-3/4," manuscript in ink. Two letters, dated March 28, 1839 and July 20, 1839, are single leaves with blank versos. The third, dated August 3, 1842, is a bifolium with content on recto of the first leaf. This letter encloses a bifolium addendum dated August 23, 1842, 6" x 8-1/2," with content on recto of the first leaf.

Moderate toning and foxing, some edgewear, faint fold lines, minor burn through, a few minor tears and worm holes, very good overall. \$2,500.

*These letters were written at a time when the Cuban government had a constant fear of its slave and free-black population. The Haitian Revolution was a fairly recent event, the abolition movement was becoming more popular and there was constant talk about slave insurrections. What's more, Cuba was a nation in a region with a majority population of free, enslaved and recently emancipated people of African origin. Addressed to the Capitan General de la Isla de Cuba from the consulate in Jamaica, these letters record impressions about the effects of abolition, which occurred in stages between 1834 and 1838. They were dispatched by two consular officials, Antonio Brosa and Carlos Duquesnay. The first letter, from March 28, 1839, reports that his troop level has dwindled down to 1,300 men, including 100 "negroes." He is concerned about the effectiveness of this force and doubts the loyalty of his "negro" soldiers. The other letter by Brosa, dated July 20, 1839, requests a company of troops to address a "disorder" resulting from a group of "negroes" refusing to pay their rent. The Letter from Duquesnay, reports on a series of "disruptions" caused by "los emancipados." Taken together, these letters record the anxiety of Cuba's governing class over the shifting dynamics of slavery.

The Administration of Cuban Slavery

13. [Manuscript].

[Slavery].

[Cuba].

[Documents Relating to Cuban Slavery]. Havana, 1845-1886.

17 documents, 13 are 8-1/2" x 12-1/2," 4 are 6" x 8-1/2," (3 with conjugate blanks), manuscript in ink on versos, all have embossed stamps or inkstamps. Light to moderate toning, negligible light foxing, fold lines, light edgewear, a few minor worm holes, one item browned with moderate edgewear and a few chips, condition of group very good overall. \$5,000.

* Slavery existed in Cuba from the 16th century to 1886, when it was abolished by royal decree. These official documents record some of the everyday administrative aspects of Cuban slavery in its final decades. The group includes 4 sale documents (1872), 5 documents allowing slaves to travel (1845), including one signed by Duke Leopoldo O'Donnell [1809-1867], Captain General of Cuba, and 4 manumission documents (1872). The others address a freed slave that has fallen ill (1855), the state of freed slaves in Mantanzas (1886), the status of a freed slave and his daughter (1882) and the case of a freed slave who was mistakenly captured as a runaway (1868). Taken together, these items offer an interesting perspective on slavery as a conspicuous but administratively mundane aspect of Cuban society.

On or before the 1st day of January 1863, I
do hereby agree to pay to Sally H. Hunter Two hundred
and seventy dollars for the hire of three negroes, Joe,
Austin and Beverly, that is, twenty dollars for each,
for the year 1863; to keep the said negroes on my farm
a good year round, and to clothe them well & return them with
a hat and blanket each at the end of the year. In witness
whereof I have hereunto set my hand & seal
this 29th December 1862.
J.M. Martin
Tappahannock - Slave Hire

An 1862 Agreement to Rent Three Slaves

14. [Manuscript].

[Slavery].

[United States].

[Agreement to Rent Three Slaves]. Tappahannock, VA (?), December 29, 1862. 4" x 7" lined leaf, content in clear hand to recto.

Some toning, faint fold lines, "Tappahannock-Slave Hire" in pencil at foot of document. A well-preserved item. \$500.

* This document, written, signed and sealed (in ink) by J.M. (or S.G.) Martin, promises to pay Sally H.H. Hunter \$270.00 for the "hires of three negroes, Joe, Austin, and Beverly...for the year 1863." He says he will "keep the said negroes on my farm" and "clothe them well." An annotation in a different hand adds that he will return them "with a hat and blanket each" at the end of the year.

Rec^d of Wm. Jones, an adm^r of the estate of
Robert S. Mc Lane one hundred & fifty
dollars & full for defending a slave named
Bob on a charge of the murder of Moses, a
slave belonging to Crook Leath. This
17 May 1854.
S. Lee Gayle

Legal Fees Charged to Represent a Slave in Court

15. [Manuscript].

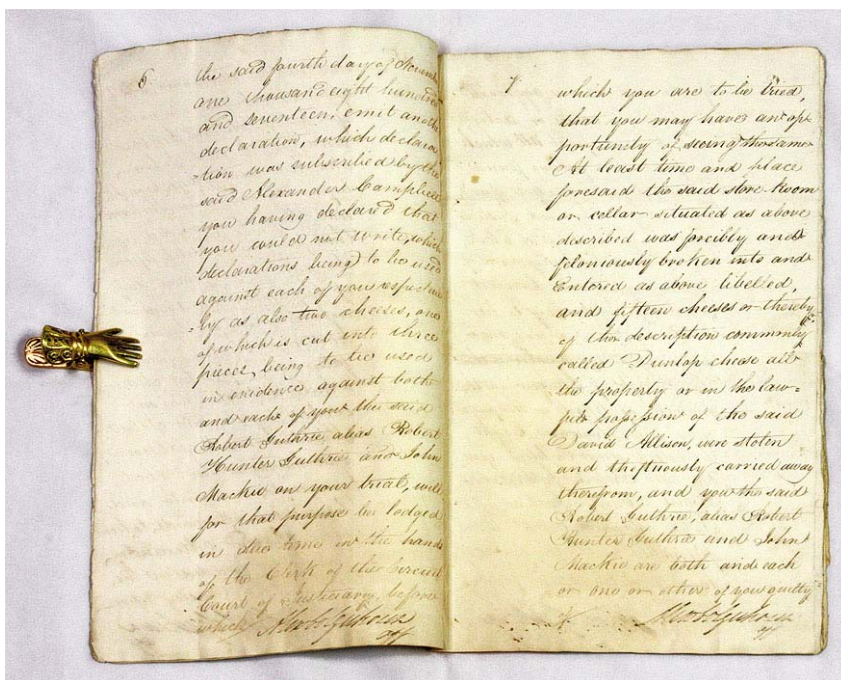
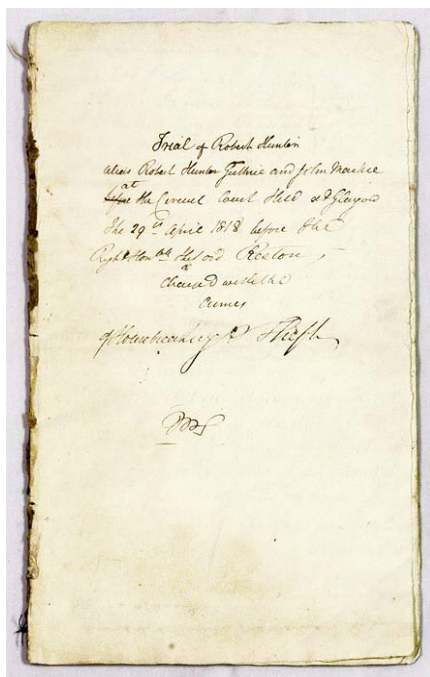
[Slavery].

[United States].

[Receipt for Legal Fees Charged for the Defence of a Slave]. N.p.: May 17, 1854. 4-1/2" x 7-3/4" lined blue leaf, content in clear hand to recto, "(38)" in tiny hand to verso.

Some toning and light foxing, faint fold lines. A well-preserved item. \$500.

* Signed by G.W. Gayle, most likely the defence attorney, this document reads (in part): "Rec.d of Wm. Jones, an admin. of the estate of Robert S. McLane, Decd., one hundred & fifty dollars in full for defending a slave named Bob (or Rob), on a charge of the murder of Moses, a slave belonging to Enoch Walton."



Who Stole My Cheese?

16. [Manuscript].

[Trial].

[Glasgow, Scotland].

Trial of Robert Hunter, Alias Robert Hunter Guthrie and John Mackie... [Glasgow: April 29, 1818]. 18 ff. Last leaf partially blank, docketed on verso. Folio (12-1/2" x 7.5").

Disbound, light soiling and edgewear, three horizontal fold lines, lower portion of final leaf lacking with no loss to text. Content in neat hand throughout. \$1,500.

* A curious collection of court documents involving a pair of men who were stealing and fencing stolen wheels of cheese from a warehouse. Sensing that the police were closing in on them, they fled, one is tempted to say "like mice," but were eventually apprehended. These documents appear to have been given to someone who organized them, added annotations, including the title on the first leaf, and had them bound into a volume.



Appealing Copy of the 1742 Acts and Laws of Massachusetts

17. [Massachusetts].

The Charter Granted by Their Majesties King William and Queen Mary, to the Inhabitants of the Province of the Massachusetts-Bay in New-England. Boston: Printed and Sold by Samuel Kneeland and Timothy Green, 1742. 14 pp.

[Bound with]

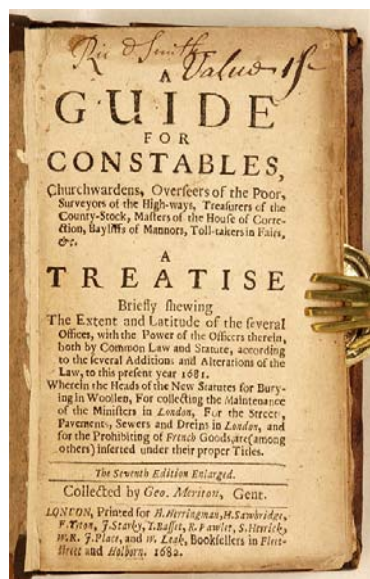
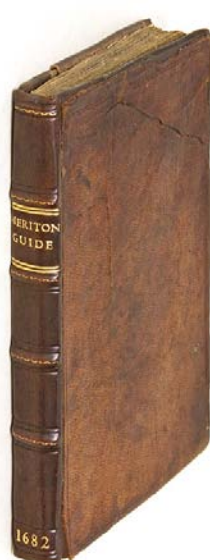
The Table [to the Acts] [Boston: Printed and Sold by Samuel Kneeland and Timothy Green, 1742] 28 pp.

[And]

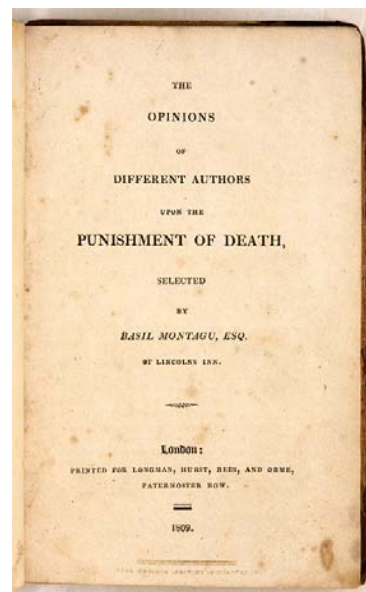
Acts and Laws of His Majesty's Province of the Massachusetts-Bay in New England. Boston: Printed and Sold by Samuel Kneeland and Timothy Green, 1742. [ii], 333; [334]-340 pp. Pages after p. 333 contains two acts from 1743: "An Act for Fixing the Times for Holding the Superior Courts of Judicature [and Other Courts]," "An Act in Addition to the Several Acts for Regulating Fences" and "An Act in Addition to an [Act]...to Ascertain the Value of Money and of Bills of Publick Credit of this Province." 38 blank leaves bound to rear of text. Folio (11-1/2" x 7-1/2").

Contemporary sheep, blind rules to boards, blind fillets to joints, raised bands, unlettered spine. Some rubbing to boards and extremities, a few shallow scuffs to rear board, rear joint just starting at foot, corners bumped and somewhat worn, hinges cracked, front free endpaper partially detached (but secure), rear free endpaper lacking. Moderate toning to text, somewhat heavier in places, light foxing, faint stains to fore-edges of *Charter*, some staining and edgewear to blank leaves at rear of text. In all a very good, fresh copy in the original state. \$1,850.

* This legislative compilation from 1692 to 1743 provides unparalleled insights into the colony's attitude towards Indians, "Free Negroes," piracy, buggery, bestiality, incest, "Jesuits and Popish priests," the killing of bastard children by their mothers, "misspending money in taverns," "keeping the Lord's day," adultery, polygamy and many other social and political topics. Although they are separate works, the *Charter* and *Laws* are almost always bound together. And like other copies, this one has additional acts published after 1742. These were issued with continuous pagination with the expectation that they would be bound with the original work. Babbitt, *Hand-List of Legislative Sessions and Session Laws* 193. Benedict, *Acts and Laws of the Thirteen Original Colonies and States* 151. Tower, *The Charlemagne Tower Collection of Colonial Laws* 262.



Item 18



Item 19

Meriton's Guide for Lay Officers

18. Meriton, George [1634-1711].

A Guide for Constables, Churchwardens, Overseers of the Poor, Surveyors of the High-Ways, Treasurers of the County-Stock, Masters of the House of Correction, Bayliffs of Mannors, Toll-Takers in Fairs &c. A Treatise Briefly Shewing the Extent and Latitude of the Several Offices, With the Power of the Officers Therein, Both by Common Law and Statute, According to the Several Additions and Alterations of the Law, To this Present Year 1681. London: Printed for H. Herringman, H. Sawbridge [et al.], 1682. [xii], 86, [iv], 87-175 pp. Complete. Two-parts with continuous pagination. Second part preceded by title page dated 1682 and reading (in part) *Conductor Generalis: A Guide for Churchwardens, Overseers of the Poor, Surveyors of High-Ways*. 12mo. (5-1/2" x 3-1/4").

Contemporary sheep, blind rules to boards, rebaked in period style, lettering piece and gilt-tooled raised bands to spine, upper corner of front board repaired. Light rubbing to extremities, a few cracks to front board, corners bumped and lightly worn, front hinge mended, margin of rear free endpaper re-margined, pastedowns and front endpapers lacking, early private library bookplate to verso of front board. Moderate toning to text, faint dampstaining to margins in a few places, faint oil stains to a few leaves, minor edgewear to preliminaries and final few leaves of text. Early signature to head of title page, early annotations to endleaves. A nice copy. \$750.

* Seventh edition. Meriton was a lawyer and a prodigious writer on a wide range of well-received legal and non-legal topics. Born in the North Riding of Yorkshire, he is also remembered for his dialect poem *The Praise of Yorkshire Ale* (1683). First published in 1669, the *Guide for Constables* reviews the legal obligation, rights and limitations of lay officers other than justices of the peace. A durable work, it reached its eighth and final edition in 1685. All editions are scarce despite its popularity and long publication history. OCLC locates 5 copies of the seventh edition worldwide, 2 in North American law libraries (Harvard, University of Minnesota). The ESTC adds 3 more (Eton College, Guildhall Library, Library of Congress). *English Short-Title Catalogue* R32425.

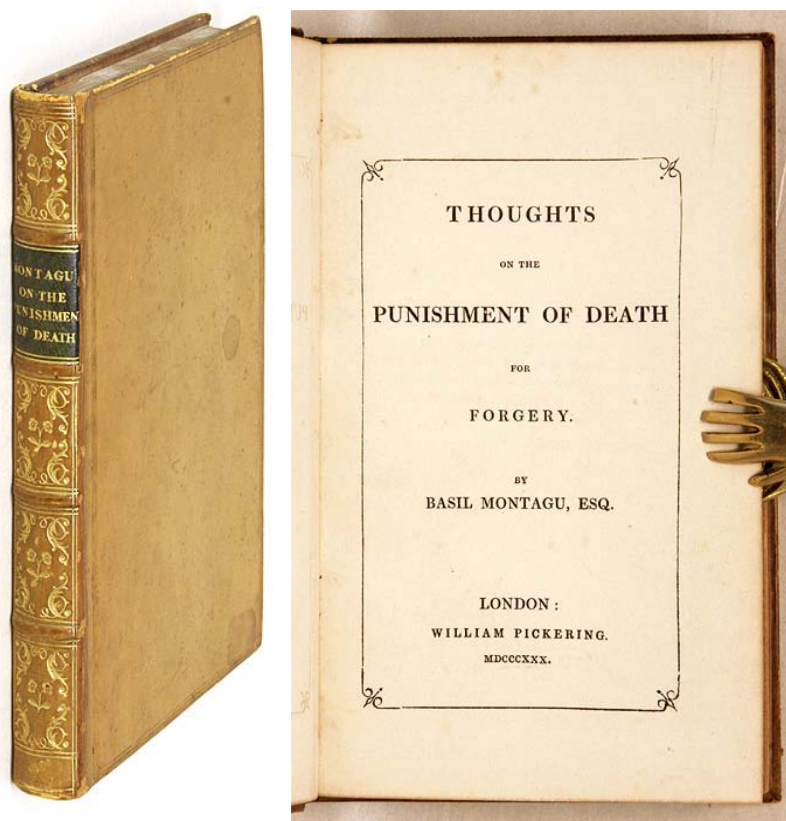
Montagu's Anthology of Writings on Capital Punishment

19. Montagu, Basil [1770-1851], Editor.

The Opinions of Different Authors Upon the Punishment of Death. London: Published by Longman, Hurst, Rees, Orme, and Brown [imprint varies], 1809, 1812, 1813. Three volumes. vi, [ii], 315; [ii], xxvii, ii, 401, [33]; [ii], ii, ii, 453, [17] pp. Folding table in Volume III. Octavo (8-1/4" x 5").

Recent period-style quarter calf over marbled boards, lettering piece and blind fillets to boards, endpapers renewed. Light toning to text, somewhat heavier in places, light foxing in a few places, internally clean. A handsome copy of a scarce set. \$2,500.

* First edition. Lawyer, versatile legal author, philanthropist and reformer, Montagu is best known for his tireless efforts to reform bankruptcy law and abolish capital punishment, work he pursued with considerable success. A remarkable work of research, *Opinions* is an anthology of writings from 62 authors ranging from More to Blackstone, Johnson, Beccaria, Bentham, Mackintosh and Romilly. There are also texts of English and foreign laws relating to capital punishment and crime, including selection from the *Nakaz* of Catherine the Great and Bentham's *Theory of Rewards and Punishments*, Bentham's essay on the Panopticon, excerpts from Parliamentary debates, editorials from periodicals and excerpts from historical works. A second edition of Volume I was issued in 1816. Complete first-edition sets are quite scarce; OCLC locates 9 copies in North American law libraries. Not in Sweet & Maxwell. *Catalogue of the Library of the Harvard Law School* (1909) II:139.



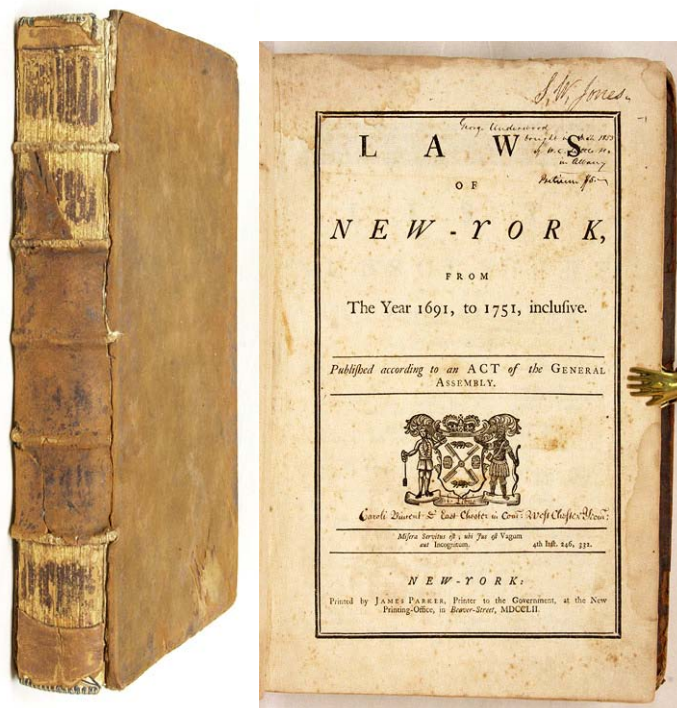
**A Sophisticated
Study of Crime and Punishment**

20. Montagu, Basil.

Thoughts on the Punishment of Death for Forgery. London: William Pickering, 1830. x, [ii], xiv, 202 pp. 12mo. (6-1/4" x 3-3/4").

Contemporary calf, blind rules to boards, gilt spine with raised bands and lettering piece, blind tooling to board edges, edges of text block speckled. Some rubbing to extremities with light wear to spine ends and corners, a few minor nicks and stains to boards, front hinge partially cracked, early owner bookplate to front pastedown, early owner signature to front endleaf. Light toning to text, internally clean. \$950.

* Only edition. Lawyer, versatile legal author, philanthropist and reformer, Montagu is best known for his tireless efforts to reform bankruptcy law and abolish capital punishment, work he pursued with considerable success. The title of this book is somewhat misleading; it is devoted mostly to a sophisticated and persuasive survey of crime and punishment in general, touching on psychological, moral, ethical, and practical issues. His call for the reduction of severe punishments puts him in the tradition of Beccaria and Romilly. OCLC locates 12 copies worldwide, 4 in North America, 1 in a law library (University of Cincinnati). Not in Sweet & Maxwell. *Catalogue of the Library of the Harvard Law School* (1909) II:140.



1752 Colonial Laws of New York with the Errata Leaf and a Rare 1752 Printing of the Fee Ordinance

21. [New York].

[Livingston, William (1723-1790), Compiler].

[Smith, William, Jr. (1728-1793), Compiler].

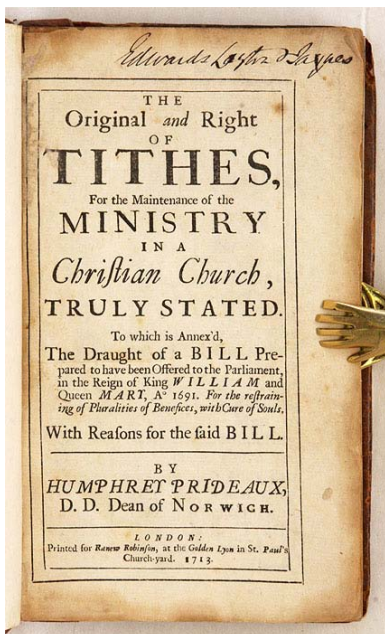
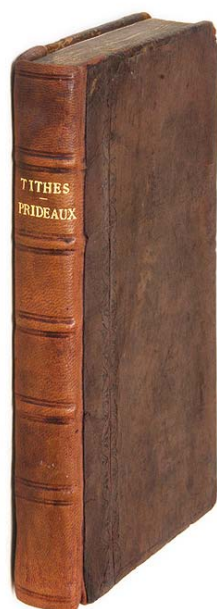
Laws of New-York, From the Year 1691 to 1751, Inclusive. Published According to an Act of the General Assembly. New York: Printed by James Parker, 1752. [i], iv, [iii], [1], 488, [2] pp. Main text followed by

[Bound with]

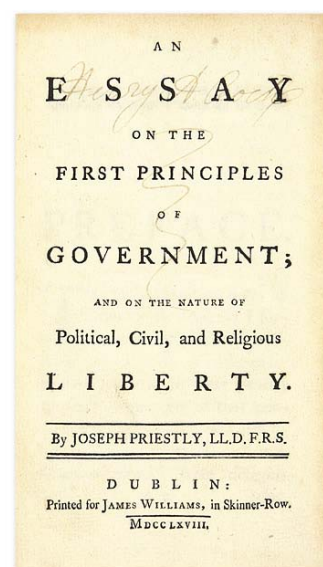
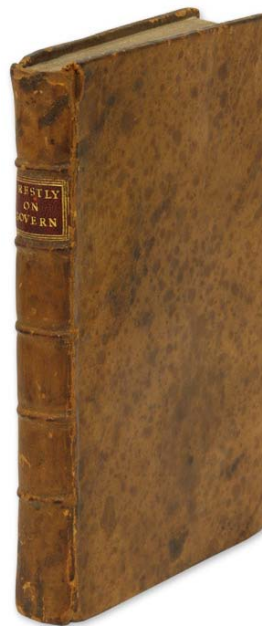
An Ordinance for Regulating and Establishing Fees [October 19, 1710] By His Excellency Robert Hunter, Esq... [New York: James Parker, 1752]. [8] pp.

Folio (13-1/2" x 9"). Contemporary reversed calf, blind rules to boards, blind fillets along joints, raised bands to spine. A few scuffs and light rubbing to boards, corners bumped and worn, sections of backstrip lacking from spine ends, front board beginning to separate, rear free endpaper lacking. Moderate toning, somewhat heavier in places, light foxing to most of text, minor worming to top margins of pp. 285-296 and a few other pages, faint dampstaining to margins of a few leaves, clean tear near center of pp. 177-178. Early annotations to front free endpaper (described below), owner signatures to title page (two from the nineteenth century), interior otherwise clean. An appealing copy. \$2,000.

* First edition. With a rare 8-pp. printing of the *Ordinance*. This volume was commissioned by the colonial assembly in order to codify the body of laws that had accrued since becoming a crown colony in 1690. The importance of this publication and New York is evident in its subscriber list, a virtual "who's who" of colonial statesmen, such as Benjamin Franklin, James De Lancey and Charles Pinckney. It appears that fewer than 200 copies of this volume were printed, counting the 169 subscriber copies and three official copies produced for the colony. Our copy is enhanced by the inclusion of the 1710 *Ordinance*. Bibliographically distinct according to Evans and Benedict, it appears to be an integral part of our copy. An annotation on the front free endpaper states this copy was purchased at Parker's shop for "30 sch n.york Currency-February 5th: * A.D. 1755. Florat Lex." Another annotation at the foot of the same leaf reads: "Stamford Nov. of 4th 1782. This certifies that this Book was taken a prize & condemned according to Law. Jabez Fitch Capt. Volunteers." (Fitch, 1752-1838, organized the Connecticut regiment that he commanded.) A note on the title page says this book was purchased in Albany in 1853 from W.C. Little, the notable law bookseller and publisher. The *Ordinance* printing in our copy not in Tower, Babbitt or the ESTC; OCLC locates 2 copies (New-York Historical Society, New York State Library). Evans, *American Bibliography* 6897, 6898. Benedict, *Acts and Laws of the Thirteen Original Colonies and States* 343, 325.



Item 22



Item 23

The Divine Obligation to Tithe

22. Prideaux, Humphrey [1648-1724].

The Original and Right of Tithes, For the Maintenance of the Ministry in a Christian Church, Truly Stated. To Which is Annex'd, The Draught of a Bill Prepared to Have Been Offered to the Parliament, In the Reign of King William and Queen Mary, Ao 1691. For the Restraining of Pluralities of Benefices, With Cure of Souls. With Reasons for the Said Bill. London: Printed for Ranew Robinson, 1713. [xvi], 323; [i], x, 3, [1], 30 pp. Two parts. The second part, *The Draught of a Bill* has a separate title page with the imprint Norwich: Printed by Fr. Collins, 1710. Complete. Octavo (7-1/2" x 4-1/2").

Contemporary calf, rebaked in period style, blind rules to boards, blind fillets along joints, raised bands and gilt title to spine, endpapers renewed. Light rubbing to boards, heavier rubbing to their extremities with some wear to corners, partial crack between pp. 28 and 29 of second part. Light toning, somewhat heavier in places, negligible faint dampspotting in places. Later owner signature to head of title page, interior otherwise clean. \$200.

* Second edition. Prideaux was a churchman and notable Orientalist. First published in 1710, defines them as a divine rather than legal obligation. The second part of this work is a proposed bill written with input by Prideaux to prevent churchman from holding multiple benefices. (The final version was not enacted.) Later editions were published in 1722 and 1736. All editions of this work are scarce. OCLC locates 2 copies of the second in North American law libraries (Columbia, University of Michigan). *English Short-Title Catalogue* T169189.

Priestley's First Substantial Political Work, An Influence on the Constitutional Thought of the American Founding Fathers

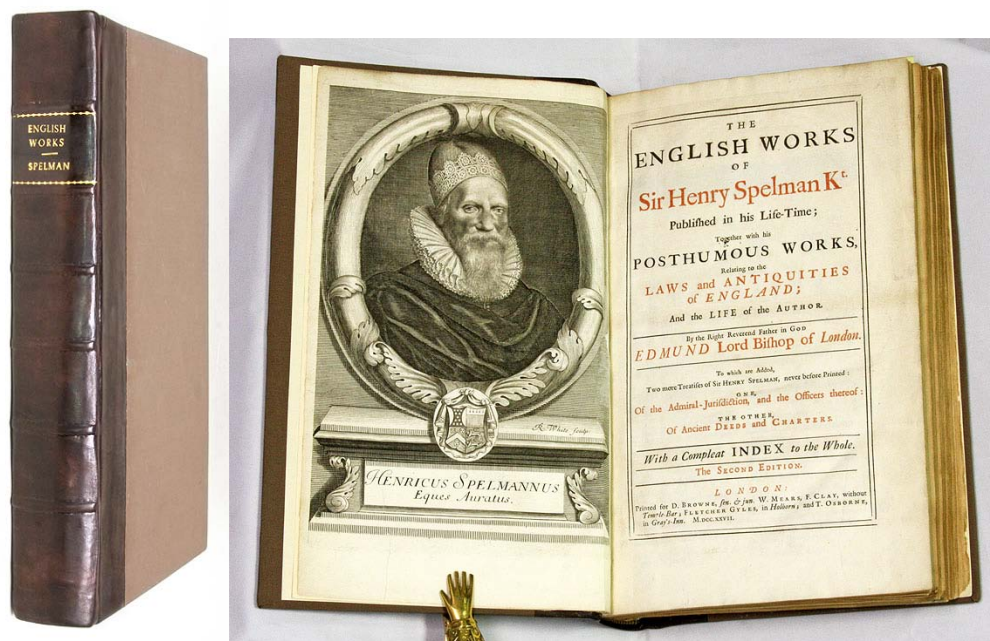
23. Priestley, Joseph [1733-1804].

An Essay on the First Principles of Government; And on the Nature of Political, Civil, And Religious Liberty. Dublin: Printed for James Williams, 1768. xii, 214 pp. Octavo (6-1/2" x 3-3/4").

Contemporary mottled calf, raised bands and lettering piece to spine. Moderate rubbing to extremities, small chip to head of spine, front joint just starting at head, corners bumped, light toning to text. Faint early owner signature to title page, small mark in miniscule hand ("17.355") to front pastedown, interior otherwise clean. \$1,750.

* First Dublin edition, and the second edition overall, a reprint of the London edition published the same year. Priestley's first substantial political work, one that influenced several American founding fathers, such as John Adams and Thomas Jefferson, *An Essay on the First Principles of Government* is a full expression of his deeply held humanitarian beliefs. It is based on Priestley's *Essay on a Course of Liberal Education* (1765), which took issue with the authoritarian educational philosophy favored by John "Estimate" Brown in his *Thoughts on Civil Liberty*. Priestley develops the theme of his earlier essay further, arguing for a system of education compatible with the liberal political philosophy that he advocates as a matter of morality and a prerequisite for social progress. Adams and Jefferson owned copies of this book.

A note in Sowerby says Jefferson often recommended it to others and cites a letter from 1802 in which he says it expressed the principles of the U.S. Constitution and their practical development in many of its articles. Sowerby, *Catalogue of the Library of Thomas Jefferson* 2332 (listing the second edition, London, 1771). www.johnadamslibrary.org/book/?book=241467Adams291.1 (listing the second edition). *English Short-Title Catalogue* N9377.



Spelman's Works on the Laws and Antiquities of England

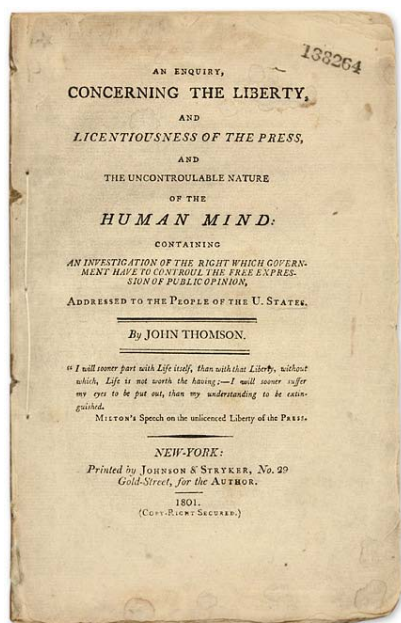
24. Spelman, Henry [1564?-1641].

Gibson, Edmund [1669-1748].

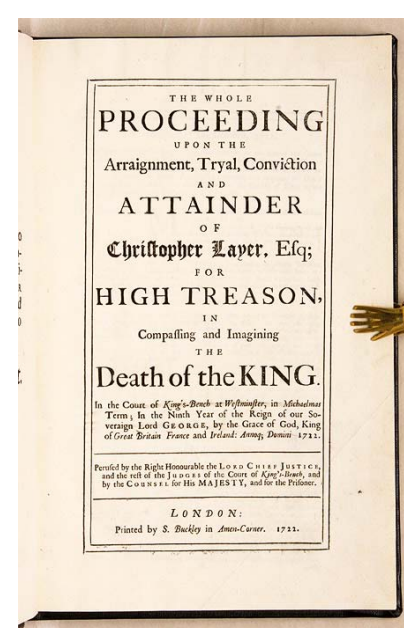
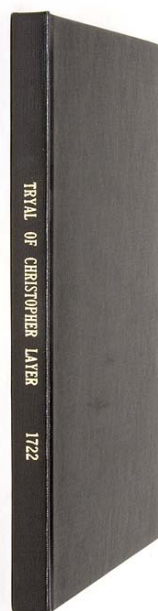
The English Works of Sir Henry Spelman Kt. Published in His Life-Time; Together with His Posthumous Works, Relating to the Laws and Antiquities of England; And the Life of the Author. By the Right Reverend Father in God Edmund Lord Bishop of London. To Which are Added, Two More Treatises of Sir Henry Spelman, Never Before Printed: One, Of the Admiral-Jurisdiction, And the Officers Thereof: The Other, Of Ancient Deeds and Charters. With a Compleat Index to the Whole. London: Printed for D. Browne, Sen. & Jun., W. Mears [et al.], 1727. Two volumes bound as one. The title page of Volume II, dated 1723, reads: *Reliquiae Spelmannianae: The Posthumous Works of Sir Henry Spelman Kt. Relating to the Laws and Antiquities of England. Publish'd from the Original Manuscripts.* [xxx], xxvi, 49 [i.e. 39], l-lxv, [1], 67-194, [166]; [xvi], 256, [24] pp. Copperplate portrait frontispiece. Two folding genealogical tables. Complete. Folio (13-1/4 x 8").

Recent period-style quarter calf over cloth, raised bands and lettering piece to spine, endpapers renewed. Title page of Volume I printed in red and black, attractive woodcut head-pieces, tail-pieces and decorated initials. Light toning, somewhat heavier in places, some leaves have light foxing, one of the folding tables has a clean tear and some edge wear. A handsome volume. \$750.

* Second and final edition. With a list of subscribers Spelman was an eminent antiquarian, legal historian and Member of Parliament. First published in 1723, this volume collects his principal works on common law, ecclesiastical law and legal history, including his essay on feuds and a his 1641 treatise *The Original Growth, Propagation and Condition of Tenures by Knight Service*. Another important item is the "Apologie for Arch-Bishop Abbot," which addresses Abbot's manslaughter conviction by chance medley in a test case for a clergyman's rights under such circumstances. Other essays discuss wills, land tenures, the rank of knights, early English law, and naval law. *English Short-Title Catalogue* T130826.



Item 25



Item 26

An Important Attack on the Sedition Act

25. Thomson, John.

An Enquiry Concerning the Liberty, And Licentiousness of the Press, And the Uncontroulable Nature of the Human Mind: Containing an Investigation of the Right which Government have to Controul the Free Expression of Public Opinion, Addressed to the People of the U. States. New York: Printed by Johnson & Stryker, No. 29 Gold-Street, for the Author, 1801. 84 pp. Octavo (9" x 5-1/2").

Disbound stab-stitched pamphlet, recently re-sewn, untrimmed edges. moderate toning, light foxing and staining in a few places, light soiling, edgewear and a few small chips to title page and final leaf. Small later stamp to head of title page (possibly a serial number), internally clean. \$2,500.

* Only edition. Thompson attacks the Sedition Act as tool to stifle freedom of the press. He casts his argument for unlimited freedom of expression in the terms of eighteenth-century Enlightenment radicalism and the U.S. Bill of Rights. Much of his case will sound familiar; it now accepted as irrefutable by most Americans today. The Sedition Act was passed with the Alien Act by the Federalist-controlled Congress in 1789 to curb the influence of Jefferson's Republican Party and French radicals. The Sedition Act made it unlawful to publish anything false, malicious or scandalous about the president or Congress, or to assist the designs of a foreign power against the United States. The unpopularity of these acts contributed to Jefferson's election and the rapid decline of the Federalist Party. In a wise move, Thomson dated his *Enquiry* March 4, 1801, the date of Jefferson's inauguration and, more important, the expiration of the Sedition Act. Thomson would have been pleased to know that Jefferson owned a copy of this work. OCLC locates 3 copies in law libraries (Harvard, University of Michigan, Yale). Sowerby, *Catalogue of the Library of Thomas Jefferson* 3533. Sabin, *A Dictionary of Books Relating to America* 95584. Cohen, *Bibliography of Early American Law* 3582.

A Leader of the Jacobite Rebellion of 1722

26. [Trial].

Layer, Christopher [1683-1723], Defendant.

The Whole Proceeding Upon the Arraignment, Tryal, Conviction and Attainder of Christopher Layer, Esq; For High Treason, In Compassing and Imagining the Death of the KING. In the Court of King's-Bench at Westminster, In Michaelmas Term; In the Ninth Year of the Reign of Our Sovereign Lord George, By the Grace of God, King of Great Britain France and Ireland: Annoq; Domini 1722. Perused by the Right Honourable the Lord Chief Justice, And the Rest of the Judges of the Court of King's-Bench, And by the Counsel for His Majesty, And for the Prisoner. London: Printed by S. Buckley in Amen-Corner, 1722 [i.e. 1723]. [iv], 152 pp. Leaves in Signature Y (pp. 85-88) bound in reverse order. With an initial imprimatur leaf dated Jan. 21, 1722/3. Folio (12-1/2" x 8").

Stab-stitched pamphlet bound into recent buckram, gilt-stamped title to spine. Very light toning to text, internally clean. \$200.

* First edition. This is the standard contemporary account of Layer's trial, which resulted from his leadership during Jacobite Rebellion of 1722. Also known as the Atterbury Plot, this was the second attempt to return James II to the thrones of England and Scotland. The trial ended with the execution of Layer and most of his colleagues. (One of them, Francis Atterbury, the Bishop of Rochester, was banished.) This account was reissued in Dublin in 1723. *English Short-Title Catalogue* T114598.



A Minister Accused of Incest and Domestic Violence

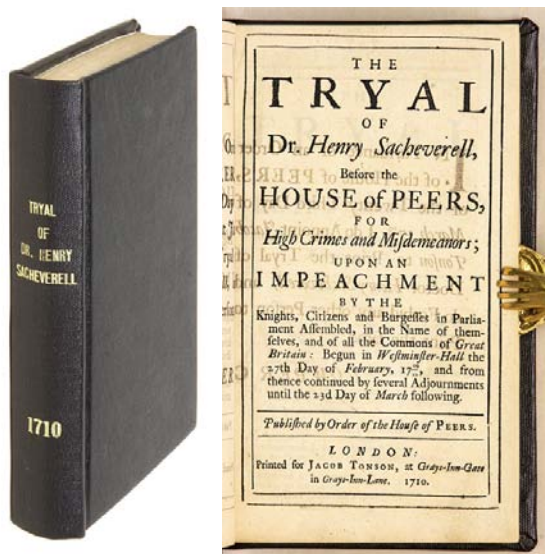
27. [Trial].

"Marcus" (Pseudonym of Daniel Dana (1771-1859)).

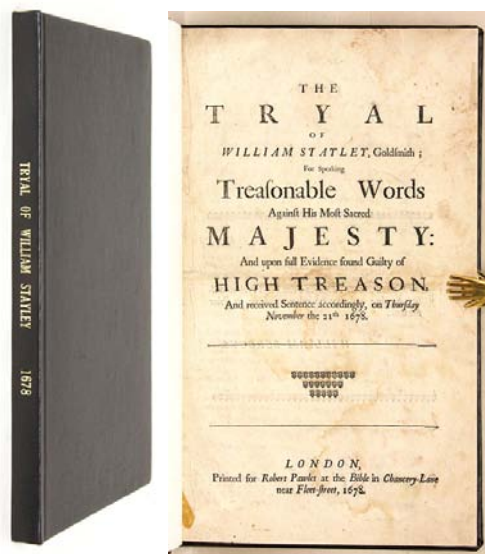
Supplement to the Salem Gazette. [Text Begins:] *Mr. Cushing, As the Extraordinary Result of the Ecclesiastical Council at Ipswich has been Officially Published...* Salem: Tuesday, December 3, 1805

17-1/4" x 10-3/4" newspaper broadsheet, untrimmed edges, four-column text on recto. Light browning, single vertical and horizontal fold lines, faint early owner signature to top margin. \$500.

* Joseph Dana [1742-1827], minister of the South Church, Ipswich was accused by his wife Elizabeth of physical abuse and committing incest with his stepdaughter sometime in October, 1805. Dana was tried by the church council, which failed to clearly exonerate him. The council's ambiguous deliberations, published in the press, brought forth this reply by Daniel Dana, Joseph's son and minister of the Presbyterian Church at Newburyport. Signing himself "Marcus," Daniel Dana vindicates his father's character and defends his conduct. Refuting the worst conclusions of the council, he claims that the wife is emotionally unstable, has been fixated on their daughter and the question of incest and has exaggerated whatever "physical abuse" he may have committed against her under extreme provocation. This piece first appeared in the *Newbury Herald*; shortly after this printing in the *Salem Gazette* it was separately published in pamphlet form under the title, *A Reply to the Vindication of the Result of the Late Council, Newburyport, Newburyport, Jan, 1806* (Shaw & Shoemaker, *American Imprints* 10787). It was answered in turn by Leonard Woods in *A Testimony Against the Publications of Marcus, an A Vindication of the Character of Mrs. Elizabeth Dana*, both Newburyport, 1806. (Shaw & Shoemaker 11897 & 11770). This broadside supplement appears to be unrecorded; it is not held by the American Antiquarian Society or listed on OCLC.



Item 28



Item 29

A Triumph for Tories and High-Churchmen

28. [Trial].

Sacheverell, Henry [1674-1724], Defendant.

The Tryal of Dr. Henry Sacheverell, Before the House of Peers, For High Crimes and Misdemeanors (...) Published by Order of the House of Peers. London: Printed for Jacob Tonson, 1710. 456 pp. With an initial imprimatur leaf. Octavo (7-1/2" x 4-3/4").

Recent buckram, gilt-stamped title to spine, interior notably fresh, a few page numbers affected by trimming. \$150.

* First octavo edition. Dr. Henry Sacheverell was impeached for preaching two sermons that advocated the Tory doctrines of non-resistance and passive obedience. His punishment was unique. He was not allowed to preach for three years, but he was allowed to perform other clerical functions and accept preferment during that time. His two sermons were ordered burned by the common hangman. Such a sentence was felt to be a triumph for him and the High-Church and Tory party, and the news of it was received with great enthusiasm throughout the kingdom. *English Short-Title Catalogue* T176104.

"For Speaking Treasonable Words Against His Most Sacred Majesty"

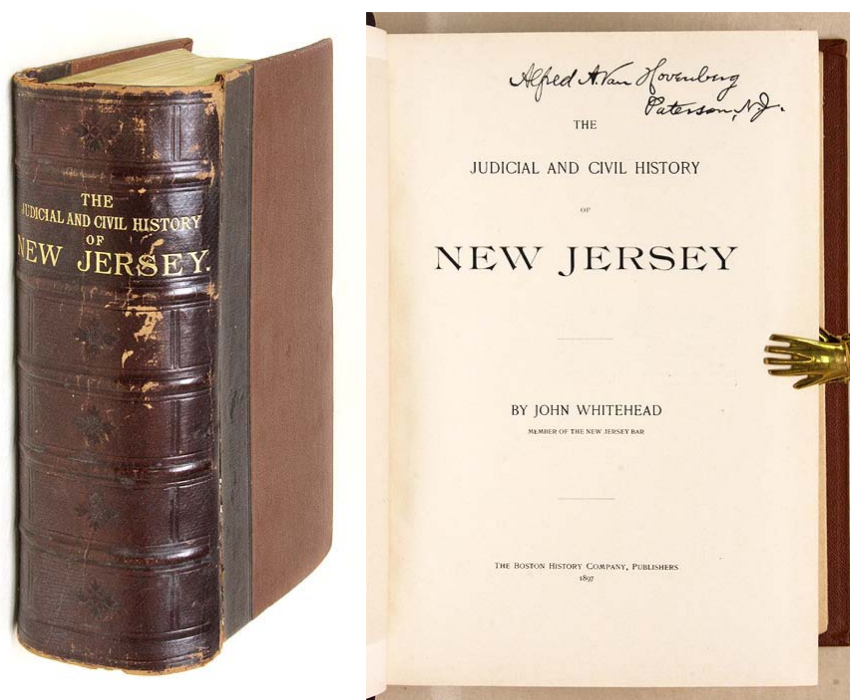
29. [Trial].

Staley, William [d.1678], Defendant.

The Tryal of William Staley, Goldsmith; For Speaking Treasonable Words Against His Most Sacred Majesty: And Upon Full Evidence Found Guilty of High Treason, And Received Sentence Accordingly, On Thursday November the 21th 1678. London: Printed for Robert Pawlet, At the Bible in Chancery-Lane near Fleet-Street, 1678. 8, 7-10 pp. Main text preceded by imprimatur on verso of title page. Text continuous, and complete, despite pagination. Folio (12-1/2" x 8").

Stab-stitched pamphlet bound into recent buckram, gilt-stamped title to spine. Moderate toning to text, faint dampstain and light soiling to title page, internally clean. \$250.

* Only edition, one of two issues from 1678. William Staley (or Stayley) was one of the victims of the Popish Plot, one of the cruelest hoaxes in British history and the inspiration for a wave of anti-Catholic violence. It was the invention of Titus Oates, an Anglican clergyman, and his friend, Dr. Israel Tonge, a cleric and passionate anti-Catholic. They pretended to have discovered a Jesuit plot to assassinate the King, massacre Protestants, and set James, Duke of York, the King's Catholic brother, on the throne. Convicted as a conspirator, Staley was executed and quartered in 1678. "Instead of his quarters being set upon the city gates the king allowed them to be delivered to his relatives. Mass was said over his remains and a 'grand' funeral was arranged from his father's house on 29 November, before his burial in St Paul's, Covent Garden. This incensed the government so much that the coroner ordered the body to be dug up and delivered to the sheriff to be set upon the city gates" [*Oxford Dictionary of National Biography*]. William Staley's head has a small place in London's history; it was the last to be displayed on London Bridge. This account was reissued in Dublin in 1723. *English Short-Title Catalogue* TR228446.



**Comprehensive Late-Nineteenth
Century Judicial History of New Jersey**

30. Whitehead, John.

The Judicial and Civil History of New Jersey. [Boston]: The Boston History Company, 1897. xv, 611 pp. 147 engraved portrait plates. Quarto (9-3/4" x 6-3/4").

Original quarter morocco over pebbled cloth, raised bands gilt title and blind ornaments to spine, patterned endpapers. Some rubbing to extremities, a few minor scuffs to spine, front board detached. Light toning, light foxing in places. Early owner signature to head of title page, interior otherwise clean. \$200.

* With an index and 147 engraved plates. Published for members of the New Jersey Bar, this massive judicial history has two parts. Part I covers all aspects of the state's legal history from the sixteenth century to 1897. Part II is a comprehensive biographical register of the most distinguished legal figures in the state's history. This section is especially valuable because it collects a great deal of biographical data that is difficult to find elsewhere.



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