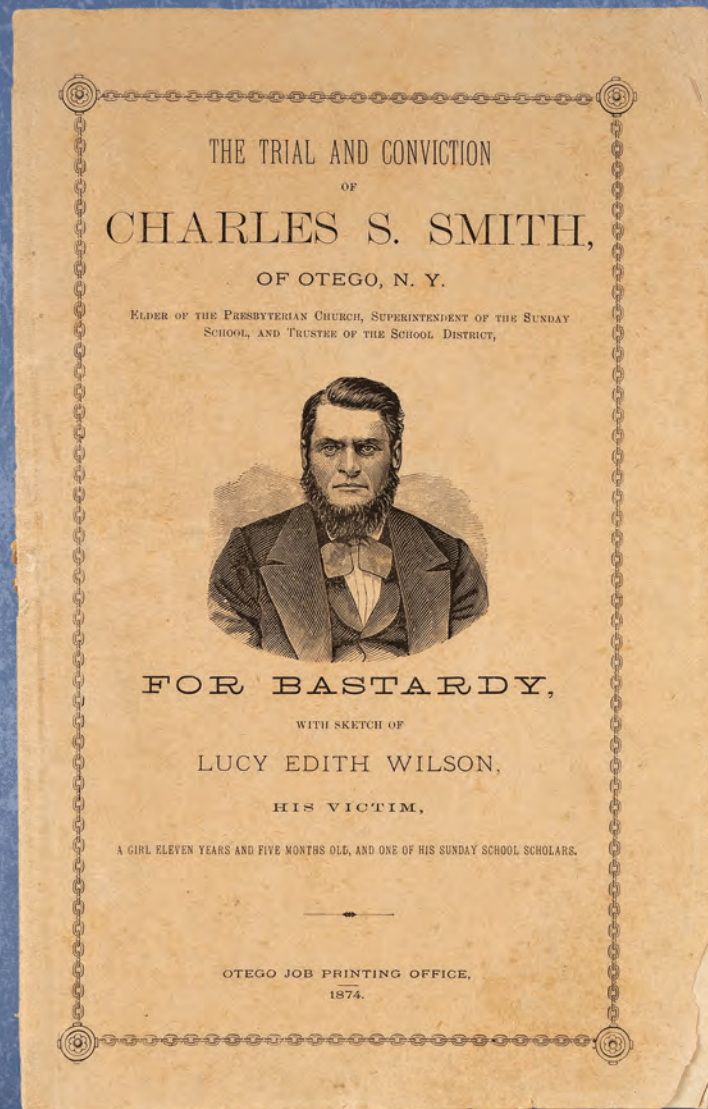


Recent Acquisitions

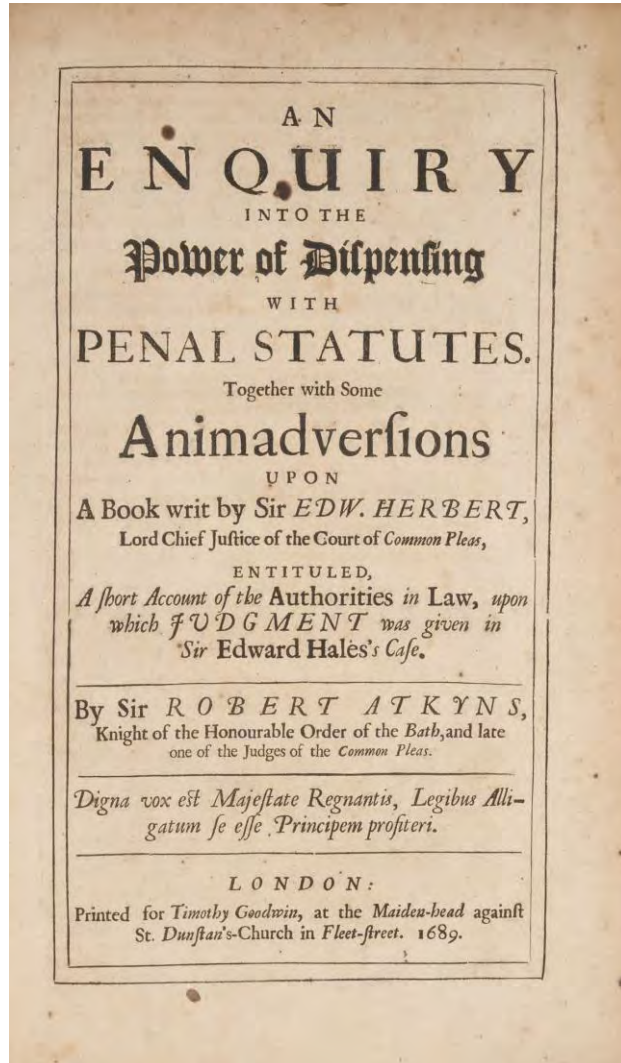
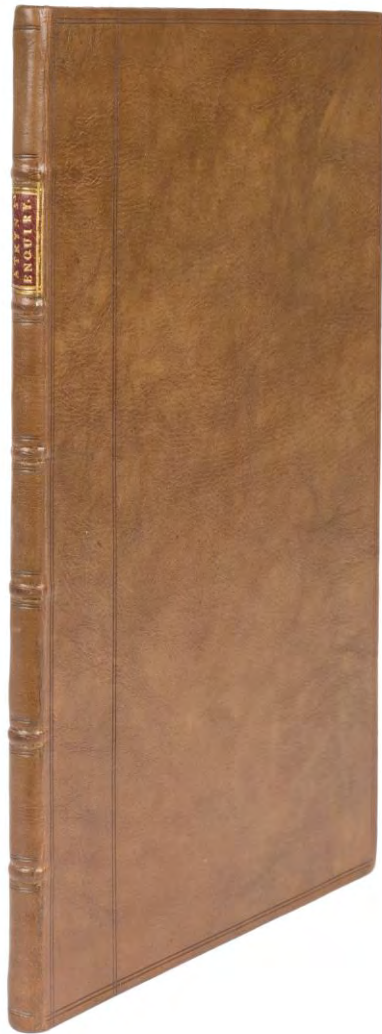
ENGLISH, AMERICAN &
CONTINENTAL LAW, 1654–1938

30 ITEMS

November 2, 2021



THE
LAWBOOK EXCHANGE
LTD.



A Work Central to the Political Theory of the Glorious Revolution

1. Atkyns, Sir Robert [1621-1710].

An Enquiry into the Power of Dispensing with Penal Statutes. Together with Some Animadversions upon A Book Writ by Sir Edm. Herbert, Lord Chief Justice of the Court of Common Pleas, Entituled, A Short Account of the Authorities in Law Upon Which Judgment Was Given in Sir Edward Hales's Case. London: Printed for Timothy Goodwin, 1689. [ii], 58, pp. Lacking initial leaf, a printer advertisement, and final leaf, a blank. Folio (11-1/4" x 7-1/2").

Recent period-style goatskin, blind rules to boards, raised bands, blind fillets and lettering piece to spine. Light bronning and occasional light foxing to interior, negligible faint dampstaining to margins, underlining, annotations and tiny spark burns to a few leaves, light soiling to title page and verso of final leaf of text. An appealing copy in a notably handsome binding. \$650.

* First edition. A work central to the political theory of the Glorious Revolution, this essay refutes the Royalist claim that monarchs have the exclusive power to dispense with laws. Instead, it argues, this is a power shared equally with Parliament. A second edition was also published in 1689. *English Short-Title Catalogue* R22814. [Order This Item](#)



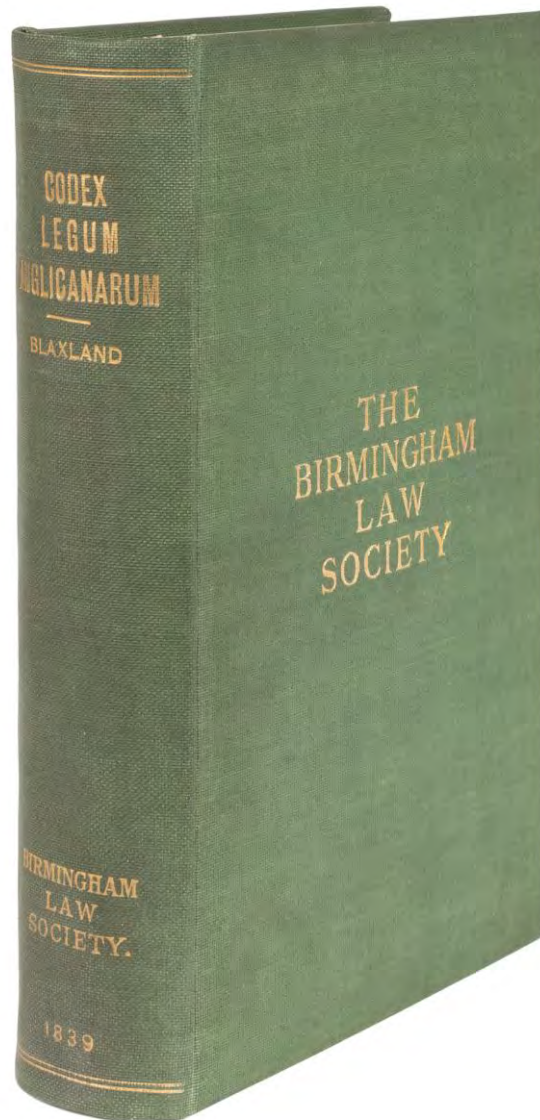
The Genesis of Blackstone's *Commentaries*

2. Blackstone, Sir William [1723-1780].

A Discourse on the Study of the Law; Being an Introductory Lecture, Read in the Public Schools, October XXV, M.DCC.LVIII. Published by Direction of the Vice-Chancellor, Heads of Houses, And Proctors. Oxford: Printed at the Clarendon Press, 1758. 40 pp. Quarto (10" x 8").

Recent period-style calf by Philip Dusel, raised bands, gilt fillets and lettering piece to spine, gilt tooling to board edges. Light toning, light foxing to a few leaves, soiling and two later library stamps to title page, another library stamp to pp. 23 and 39, discreet repairs to edges of title page and final leaf. A handsomely bound copy. \$2,500.

* First edition. This is the published version of Blackstone's inaugural lecture as Vinerian professor of English law. Presented to a large audience, it was "[h]astened into print less than a fortnight later as *A Discourse on the Study of the Law*, by late December a London correspondent claimed to hear Blackstone's lecture 'commended wherever I go.' What one reviewer terms 'this sensible, spirited, and manly exhortation to the study of the law' was reprinted in a further thousand copies next year; it also prefaced subsequent editions of the *Analysis of the Laws*, and eventually the first volume of the *Commentaries*."': Prest, *William Blackstone* 151. Eller, *The William Blackstone Collection in the Yale Law Library* 233. Laeuchli, *A Bibliographical Catalog of William Blackstone* 542. [Order This Item](#)



The Code Napoleon as a Model to Reform English Law

3. Blaxland, George.

Codex Legum Anglicanarum; Or, A Digest of Principles of English Law Arranged in the Order of the Code Napoleon. London: Henry Butterworth, 1839. xxiv, 502, [2], 157 pp. Octavo (9-3/4" x 6-1/4").

Later cloth, gilt library name to front board, gilt title and library name to spine, endpapers renewed. A few finger smudges to boards, negligible light rubbing to extremities. Moderate toning to interior, light foxing in a few places, small library stamp to title page and a few other leaves. \$500.

* Only edition. Written at a time when the codification movement was active in Great Britain, this ingenious book proposed a recasting of English law according to the outlines of the Code Napoleon. OCLC lists copies dated 1830 and 1834, but they are ghosts. (The preface is dated 1839.) Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:34. [Order This Item](#)



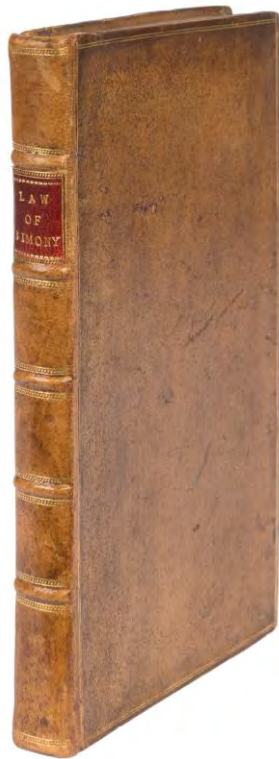
The First English Treatise on the Law of Infants

4. [Carter, Samuel].

The Infants Lawyer: Or the Law (Ancient and Modern) Relating to Infants. Setting Forth Their Priviledges; Their Several Ages for Divers Purposes; Guardians and Prochein Amy, As to Suits and Defences by Them; Actions Brought by and Against Them, With the Manner of Declarations and Pleadings; Fines and Recoveries, And other Matters of Record Suffered or Acknowledged by Them, How Reversible; Conveyances and Specialties, How Bound by Them or Not; Contracts, Promises, &c. Also Treating of Infant-Executors, Administrator Durante Minori Aetate; Actions and Suits Brought by Them and Against Them, With the Manner of Declaring and Pleading. Likewise, Of Devises by and to Infants, Apprentices, Custom of London, And Pleadings, Orphans, Tryals of Infancy, Portions and Legacies, And Resolutions and Decrees at Common Law and Chancery Concerning the Same. With an Appendix of the Forms of Declarations and Pleadings Concerning Infants. With Many Additions of Late Adjudged Cases in Common Law and Chancery; and the Explication of All the Late Statutes Relating to Infants. [London]: Printed by J. Nutt, 1712. [xxiv], 380, [28] pp. Octavo (7-1/2" x 4-1/2").

Later library cloth, red and black calf lettering pieces and paper shelf label to spine, endpapers added. Some soiling and light shelfwear, some chipping to lettering pieces. Moderate toning and occasional light foxing to interior, chipping and a few tears to edges of title page, later struck-through signatures to title page, crude repair and library mark to its verso, another signature ("Elias H. Ely 1816") to head of following leaf. \$750.

* Second edition. First published in 1697, this is the first English treatise on the subject. Its twenty comprehensive chapters consist of a digest of the case law relating to each topic with explanatory comments. Holdsworth notes that "[i]t was a useful book to practitioners since it covers all the topics connected with its subject." A third edition was published in 1726. All editions are scarce. Holdsworth, *A History of English Law* XII:399-400. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:499 (17). [Order This Item](#)



The Only Work on the English Law of Simony

5. Cunningham, T[imothy] [1718?-1789].

The Law of Simony: Containing, All the Statutes, Cases at Large, Arguments, Resolutions, And Judgments Concerning It, Under the Following Heads: Chap. I. Definition, And Oath of Simony, And by What Authority this Oath is Administered. Chap. II. Of Simony, By the Canon and Common Law; The Stat. of 31st Eliz; c. 6. Concerning It; And the Erroneous Opinions of Lord Holt, And Several Other Judges, In Saying that the Word Simony is Not in that Act. Chap. III. Commentaries and Determinations upon that Act, From Lord Coke, And Other Reporters Chap. IV. Cases Adjudged at Law and in Equity, Respecting General and Special Bonds of Resignation. (...) Chap. XII. The Cases at Large in the Great Cause Determined in the House of Peers, In May 1783, Between the Right Reverend Robert Lord Bishop of London and Lewis Disney Ffytche, Esq. On a Writ of Error from the Court of King's Bench, With the Arguments of the Judges, Namely, Mr. Justice Heath, Buller, Nares, Willes, And Gould, And of the Lord Chief Baron Skynner, Mr. Baron Perryn, And Mr. Baron Eyre, In Support of Their Respective Answers to the 12 Questions Proposed to Them by the Lords, On the Motions of Lord Thurlow and the Earl of Mansfield; And also, The Speeches of the Bishops of Salisbury, Bangor, Llandaff, And Gloucester, Of Lord Thurlow, The Earl of Mansfield, And the Duke of Richmond; With the Judgment of the House of Peers, As It is Entered in Their Journal. London: Printed by His Majesty's Law-Printers, 1784. [2], xvi, 192 pp. Octavo (8-1/2" x 5").

Contemporary sprinkled calf, rebacked in period style, gilt rules to boards, gilt-edged raised bands and lettering piece to spine, gilt rules to board edges, hinges mended. Minor nicks and scuffs to boards, some rubbing to extremities. Moderate toning, side-notes affected by trimming in a few places with no loss to legibility. A handsome copy. \$950.

* Only edition. This is the only work on the buying or selling of ecclesiastical privileges under English law. It provides a detailed review of its criminal nature and its association with perjury. "This book is an intelligent summary of the case law and statutes on the subject. The interest caused by the famous case of the *Bishop of London v. Fytche*, of which the author gives a very elaborate account, was the reason why he wrote the book.": Holdsworth, *A History of English Law* XII:398. *English Short-Title Catalogue* T140750. [Order This Item](#)



A Notable Grub-Street Publisher

**6. [Divorce].
[Great Britain].**

Cases of Divorce for Several Causes; Viz. I. Memoirs of the Life of Robert Feilding, Esq; Containing an Account of His Amours; A Collection of His Love-Letters; Characters of His Mistresses; And a True Copy of his Last Will and Testament. II. The Case of Barbara, Late Dutchess of Cleaveland, With the Whole Proceedings Between Her Grace, And Major-General Feilding, In Doctors-Commons; And Sir John Cooke's Definitive Sentence at Large in this Remarkable Tryal. III. The Case of John Dormer, Esq. IV. The Case of Sir George Downing, Bart. And Mrs. Mary Forester. V. Depositions Taken in the Lady Howard's Case: Also the Judgment of the Most Eminent Divines, &c. Concerning the Dissolution of Marriage. London: Printed for E. Curll, 1715. [viii], xlvii, [1], 48,40, [2], 41-60, [2], 34 pp. Copperplate portrait frontispiece (of Robert Feilding). With a 7 pp. catalogue of Curll's publications.

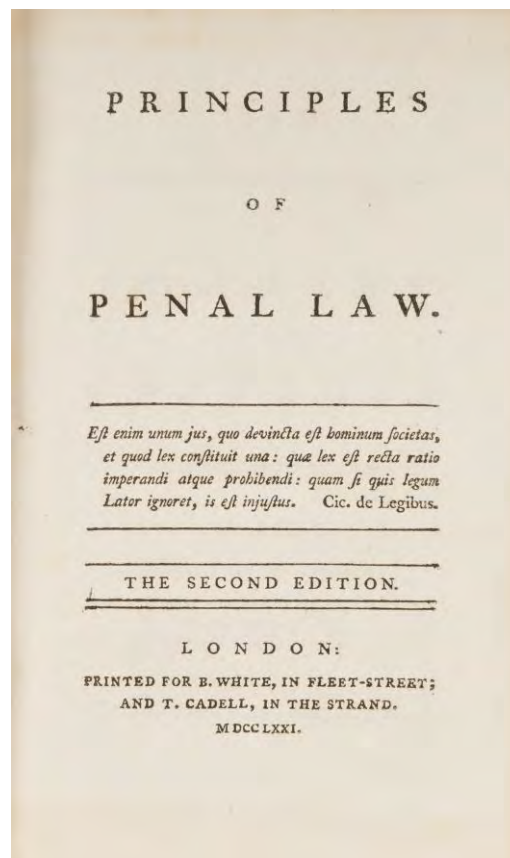
[Bound after]

Abbott, George [1562-1633].

The Case of Impotency, As Debated in England, In that Remarkable Tryal, 1613. Between Robert Earl of Essex, And the Lady Frances Howard, Who, After Eight Years Marriage, Commenc'd a Suit Against Him for Impotency. Containing I. The Whole Proceedings and Debates on Both Sides. II. The Report of the Seven Matrons Appointed to Search the Countess. III. The Intrigue Between Her and the Earl of Somerset, Who After the Divorce Married Her. IV. A Detection of Some Politicks in the Court of King James the First. London: Printed for E. Curll, 1719. [viii], 192 pp. Copperplate portrait frontispiece (of Robert and Lady Frances Howard). First volume of a two-volume work.

12mo. (6-1/2" x 3-1/4"). Contemporary calf, rebacked, raised bands and blind ornaments to spine, hinges mended. Light rubbing and a few minor nicks to boards, moderate rubbing to board edges with wear to corners, hinges starting. Moderat toning to interior, faint spotting to a few leaves, recent newspaper clipping (titled "A Naked Bed") affixed to center of rear pastedown. \$1,500.

* *Divorces*: first edition; *Impotency*: third edition. A notorious Grub-Street publisher, Curll specialized in salacious and otherwise offensive material. He is remembered today as the nemesis of Alexander Pope. *Case of Divorce*, an anonymous work, offers salacious accounts of five notable seventeenth and eighteenth-century divorces proceedings involving members of the aristocracy for such causes as adultery, impotence and bigamy. The final section is a collection of documents on the "dissolution of marriage," many of them concerning impotence. Bound to our copy is the first volume of *The Case for Impotency*, which contains the case of Robert, Earl of Essex, and Lady Frances Howard. *English Short-Title Catalogue* T76890 (*Divorce*), T76338 (*Impotency*). [Order This Item](#)



“A Remarkable Precursor” to Bentham

7. [Eden, William, Baron Auckland (1744-1814)].

Principles of Penal Law. London: Printed for B. White and T. Cadell, 1771. Xxvii, 331 pp. with half-title. Octavo (8-1/4" x 5-1/4").

Contemporary calf, blind rules to boards, blind fillets along joints, gilt-edged raised bands and lettering piece to spine, blind tooling to board edges. Light rubbing and a few minor scuffs to boards, moderate rubbing to extremities, front joint cracked, rear joint starting, contemporary armorial bookplate (of Joseph Pickford, Esq.) and annotation to front pastedown, some offsetting to endleaves. Light toning to interior, light foxing to a few leaves, early annotation to p. 124. A handsome copy. \$650.

* Second edition, published the same year as the first edition. This important treatise reached its third and final edition in 1775. “The first person to review English criminal law at once critically and comprehensively was William Eden.... [His] book is a pioneer treatise. It discusses topics which, under the influence of Bentham and Romilly, aroused much attention in the last years of the eighteenth and the first years of the nineteenth century; and it discussed them effectively, because, as the author says in his closing chapter he had tried to establish his principles not as abstract propositions, ‘but rather as argumentative inferences, interwoven with, and to be collected from, observations on the penal systems of different governments. (...) The conclusion which he draws, that the reform of the English penal code ‘is become an important and almost necessary work,’ is irresistible. (...) The book is a remarkable precursor of that new era of agitation for the reform of the law, which, under Bentham’s leadership, was soon to begin.”: Holdsworth, *A History of English Law* XII:364-65. *English Short-Title Catalogue* T144607. [Order This Item](#)



A Handsomely-Bound Set of Pamphlets on Penology and Confinement

8. [Great Britain].

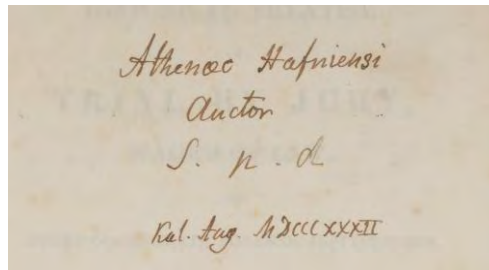
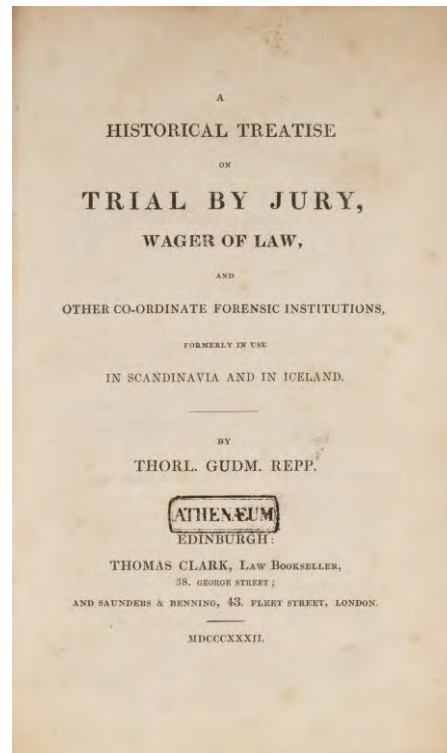
[Valpy, Abraham John (bap.1786-1854), Publisher].

[*Thirty-five (35) Legal Pamphlets Extracted from the Pamphleteer*]. London: Printed by A.J. Valpy, 1812-1826. Three volumes. [438]; [320]; [404] pp. Octavo (8-1/4" x 5").

Contemporary calf, rebacked in period style, gilt fillets and small central monogram stamp to boards, gilt fillets and lettering pieces to spines, gilt tooling to corners of board edges, marbled endpapers, speckled edges. Light rubbing and a few spots, scuffs, nicks and scratches to boards, moderate rubbing to extremities, corners lightly bumped. Light toning to interior, light spotting in a few places, trimming to fore-edge of third pamphlet of Volume III with minor loss to legibility. A handsome set. \$1,500.

* A collection of over 35 pamphlets bound in three volumes, all extracted from various issues of the *Pamphleteer* and presented in chronological order. Authors include Basil Montagu, Henry Parnell, and Joseph John Gurney. The subject matter has a broad focus on penology and confinement, with topics including prison conditions in Great Britain and abroad, penal laws against Irish Catholics, capital punishment, madhouses in England, hospitals and lunatic asylums, arrests for debt, the English criminal code, etc.

The *Pamphleteer*, a quarterly publication intended to represent a curated selection of the best pamphlets of the day, was issued by Valpy for fifteen years (1813-1828). Some of these pamphlets are quite scarce in their original form, and many are exclusive to the *Pamphleteer*. A complete list of included works is available upon request. [Order This Item](#)



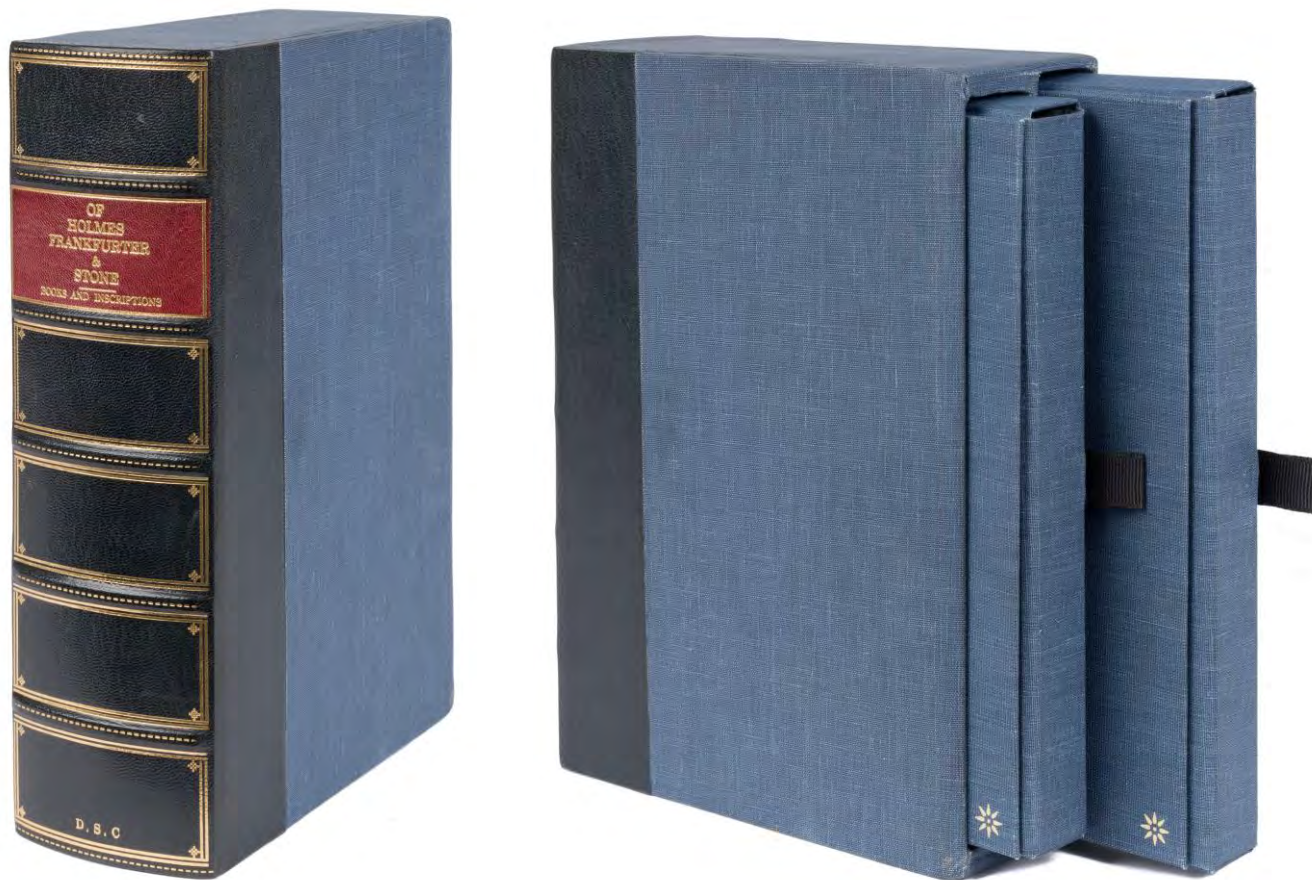
A Notable Historical Study of Juries, Wager of Law and Related Practices in Scandinavia

9. Repp, Thorleifr Gudmundson [1794-1857].

A Historical Treatise on Trial by Jury, Wager of Law, And Other Co-Ordinate Forensic Institutions, Formerly in Use in Scandinavia and Iceland. Edinburgh: Thomas Clark, Law Bookseller, 1832. xiv, 192 pp. Octavo (8-1/4" x 5-1/4").

Contemporary three-quarter sheep over marbled boards, small gilt library name to center of front boards, gilt fillets and title to spine. Light rubbing to boards, moderate rubbing to extremities with wear to spine ends and corners, joints and front hinge starting at ends. Moderate toning to interior, light foxing to a few leaves, small library stamp to title page and a few other leaves, early hand-lettered shelf mark (?) to front pastedown, author presentation inscription to front endleaf. \$450.

* Only edition. Repp was a Danish philologist, linguist and journalist. His most important scholarly work was a Latin translation of the *Laxdaela Saga*. His study of the origins of jury trials, wager of law and related practices in Scandinavia was a notable contribution to comparative legal history. A German translation was published in 1835, then reissued in 1836. *British Museum Catalogue* (Compact Edition) 21:430. [Order This Item](#)



Presentation Copies from Oliver Wendell Holmes and Felix Frankfurter Inscribed to Harlan Fiske Stone

10. Holmes, Oliver Wendell [1841-1935].

Speeches. Boston: Little, Brown, and Company, 1918. [vi], 103 pp. Original printed paper boards. Light soiling, somewhat heavier on spine, moderate rubbing to extremities with some wear to spine ends and corners. Moderate toning to text, author inscription to front free endpaper.

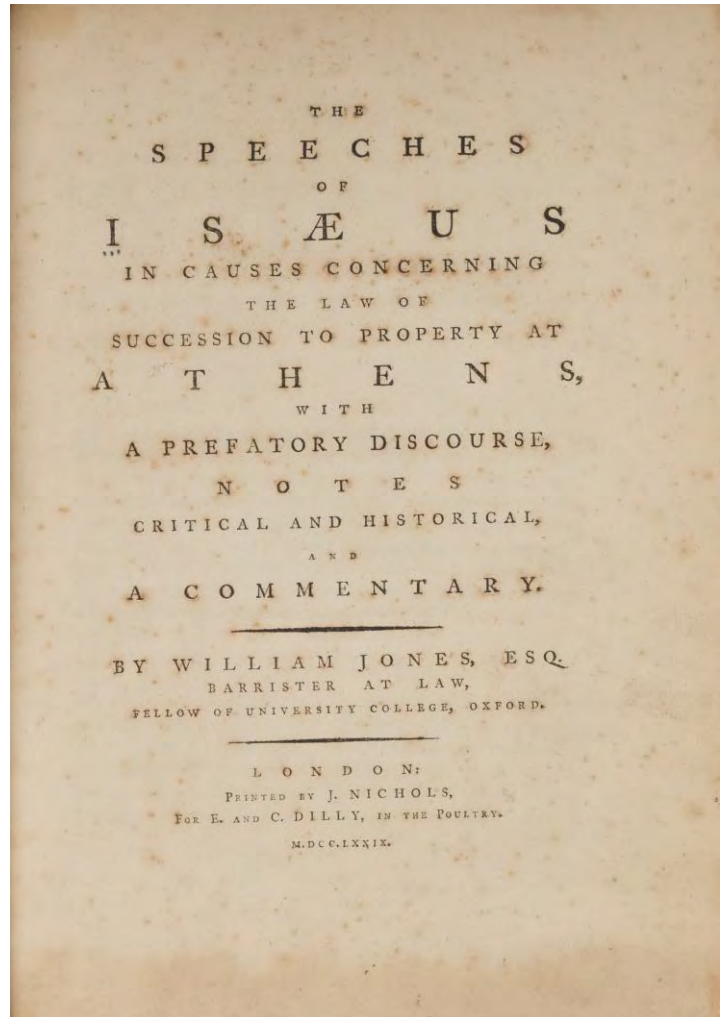
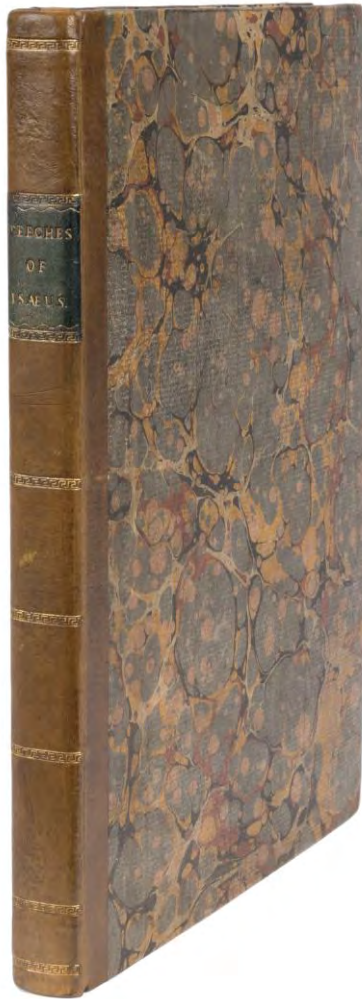
[Boxed with]

Frankfurter, Felix [1882-1965].

Mr. Justice Holmes and The Supreme Court. Cambridge: Harvard University Press, 1938. 137 pp. Frontispiece. Original cloth, gilt title to spine. Light rubbing to extremities with light wear to spine ends and corners, light fading to spine. Moderate toning to interior, author inscription to front free endpaper.

Books, each in a cloth flap folder, housed in handsome two-compartment cloth slipcase, quarter morocco spine with raised bands, gilt ornaments and gilt title reading: *Of Holmes Frankfurter & Stone, Books and Inscriptions*. \$10,000.

* *Speeches*: later printing; *Mr. Justice Holmes*: first edition. Both of these books were presented to Harlan Fiske Stone when he was an associate justice of the U.S. Supreme Court. (He was chief justice from 1941 to 1946.) *Speeches* is inscribed: "To Harlan F. Stone from his associate and friend Oliver Wendell Holmes. May 23, 1928. *Mr. Justice Holmes* is inscribed: "For H.F.S., a meagre conveyance of your great friend, but it comes to you with the highest regards from F.F. Cambridge, 6 October 1938." Frankfurter became Stone's associate on the Court in 1939. Holmes retired in 1932. [Order This Item](#)



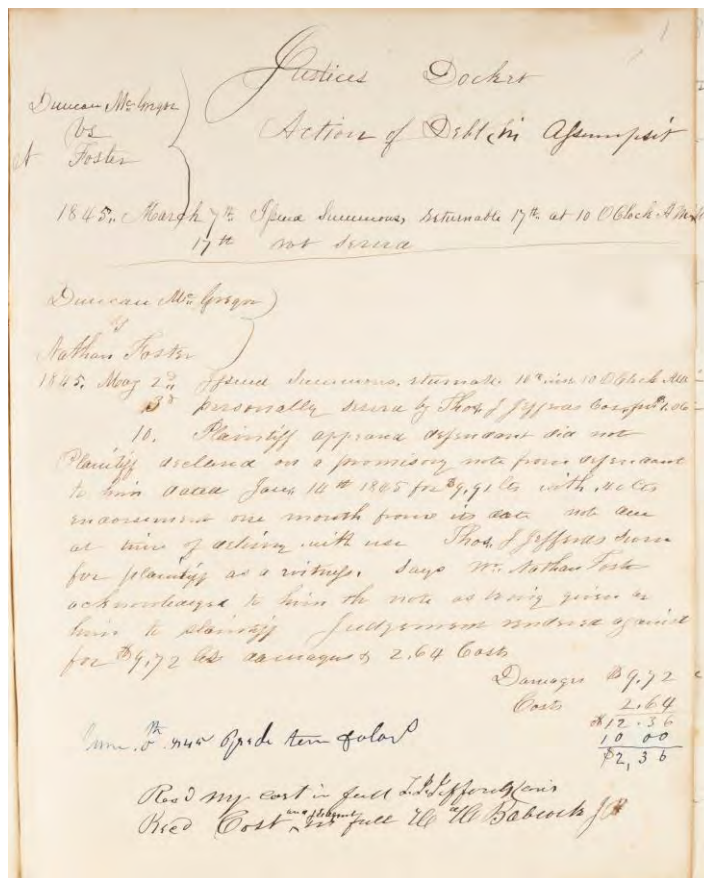
The Book That Established Sir William Jones's Reputation as a Legal Scholar

11. Jones, Sir William [1746-1794].

The Speeches of Isaeus in Causes Concerning the Law of Succession to Property at Athens, With a Prefatory Discourse, Notes Critical and Historical, And a Commentary. London: Printed by J. Nichols, For E. and C. Dilly, In the Poultry, 1779. vii, [1], xxxix, [1], 204, [2] pp. 11 copperplates, one folding. Quarto (10-3/4" x 7-1/2").

Recent period-style three-quarter calf over marbled boards, lettering piece and gilt fillets to spine, endpapers renewed. Moderate toning to interior, occasional light foxing, pencil marks to the right margins in a few places, fore-edge of leaf P1 (pp. 105-106) discreetly mended. \$650.

* Only edition of Jones's first treatise on law, establishing his reputation as a legal scholar. A man of wide interests, Jones was a philologist and scholar of ancient India in addition to his service as a puisne judge in Bengal. This book is the first translation of Isaeus into English. In his commentary, Jones distinguishes Isaeus from other, better-known Attic orators and suggests changes to English land law on the basis of principles laid out in the speeches. The translation was well-received and was praised by Burke and Gibbon. Jones is perhaps best known today as one of the founders of modern linguistics for his contributions to understanding the relationship between Indo-European languages. A nice copy of an interesting work. *English Short-Title Catalogue* T82184. [Order This Item](#)



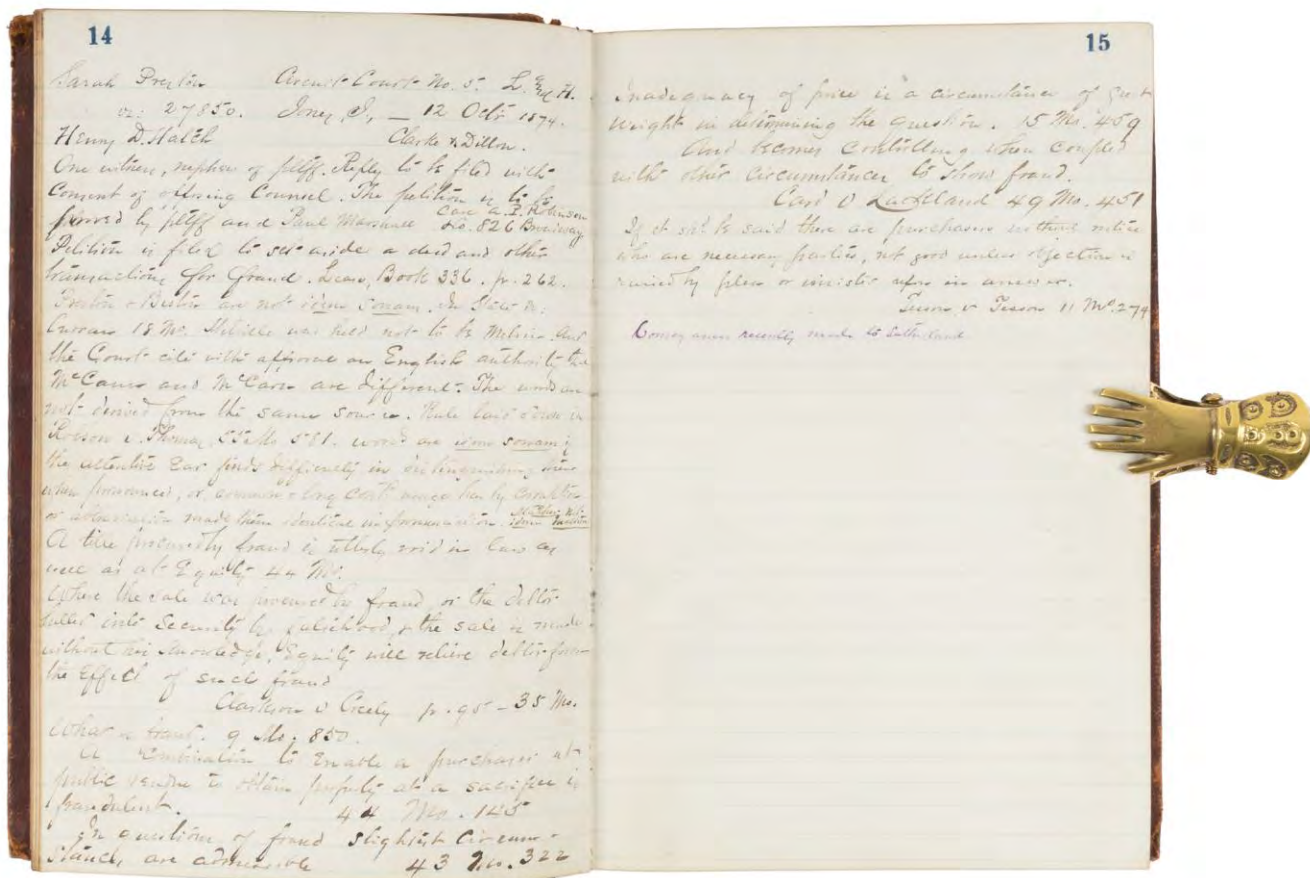
Mid-Nineteenth-Century Docket Book of an Upstate New York Justice of the Peace

**12. [Manuscript].
Babcock, Henry H.**

Docket 1845. Rush, NY, March 1845-February 1850. [120] pp., content to 63 pp. Quarto (9-3/4" x 7-3/4").

Contemporary three-quarter calf over marbled boards, gilt fillets and hand-lettered title (reading "HHB 1845 Docket") to spine. Light rubbing to boards, moderate rubbing to extremities, a few nicks and scuffs to spine, small chip to foot of spine, corners bumped, contemporary annotations to endleaves, owner signature and "Docket 1845" in ink to front free endpaper. Moderate toning and occasional light foxing to interior, text in a single neat hand on ruled pages with scrap paper and a legal document pinned in, penultimate two leaves loose and pinned together, pp. 15-16 and 43-44 removed, likely by Babcock. \$650.

* Little is known about Babcock himself other than that he belonged to a large family with deep roots in New York and in the legal system. His docket book includes many prosaic entries on highway obstruction or unpaid bills, but some are more interesting, like a legal dust-up between William Erwin and Cyrus Davis. Erwin came in front of Babcock for "assaulting and beating the said Cyrus Davis," for which he was fined two dollars. He refused to pay and indeed sued Davis himself, but ultimately withdrew and paid court costs for both cases. Several documents are pinned in, including an original 1850 summons signed by Babcock. A good example of the period, written in a fine hand and with more complete entries than those in most records of this type. [Order This Item](#)



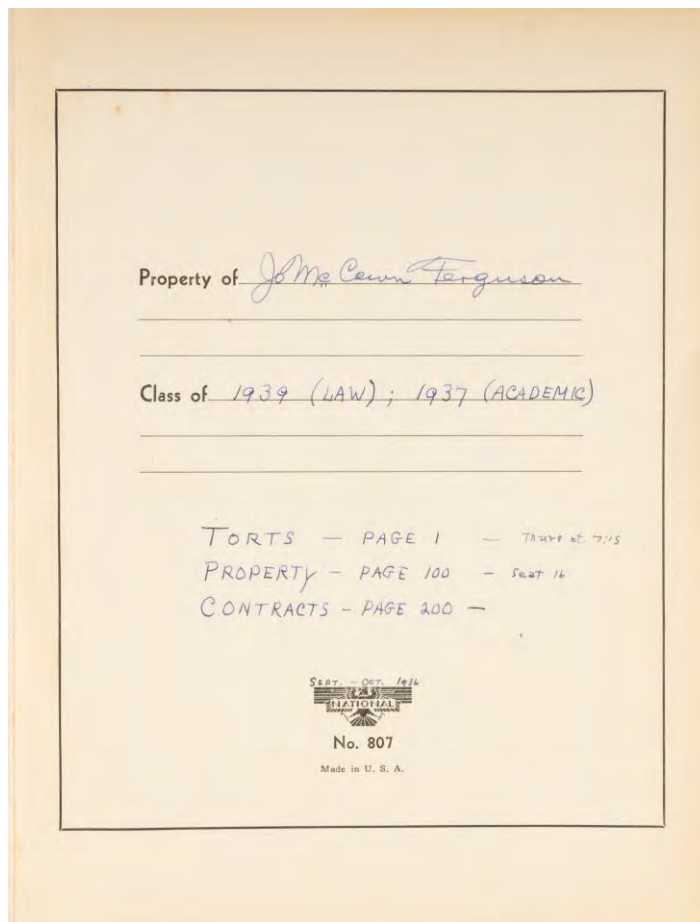
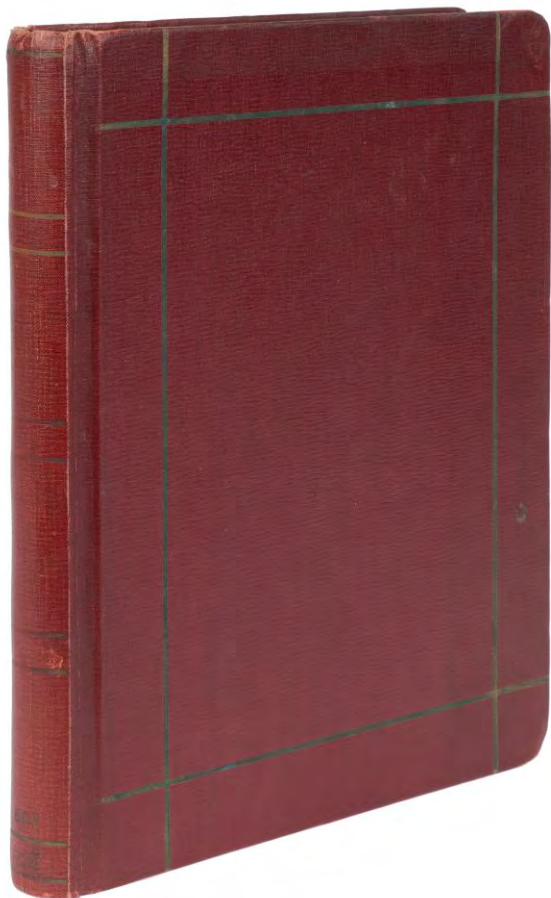
Thorough Records from a Nineteenth-Century Missouri Court

13. [Manuscript].

[Docket Book]. [Missouri, c.1880]. 289 pp. Octavo (8" x 5-1/2").

Contemporary sheep, gilt fillets to boards, gilt raised bands and gilt title to spine (reading "Record"), marbled edges. Light rubbing, a few scuffs and nicks, some soiling to boards, illegible signature to rear board, moderate rubbing to extremities with some wear to spine ends and corners, which are bumped, rear joint and front hinge cracked, rear hinge starting, front endleaf lacking, fragment of court calendar dated 1880 affixed to rear pastedown. Text in single elegant hand to approximately 250 pages, mostly in black ink with some entries in purple ink or pencil. \$250.

* Record book of proceedings in an unspecified Missouri court in the late nineteenth century. Thorough entries cover a wide range of topics, from real estate transactions to a husband's liability for slander uttered by a wife. A mostly typical, but occasionally exciting example of a record book of the period. [Order This Item](#)



Class Notes from the Future Attorney General of Kentucky

14. [Manuscript].

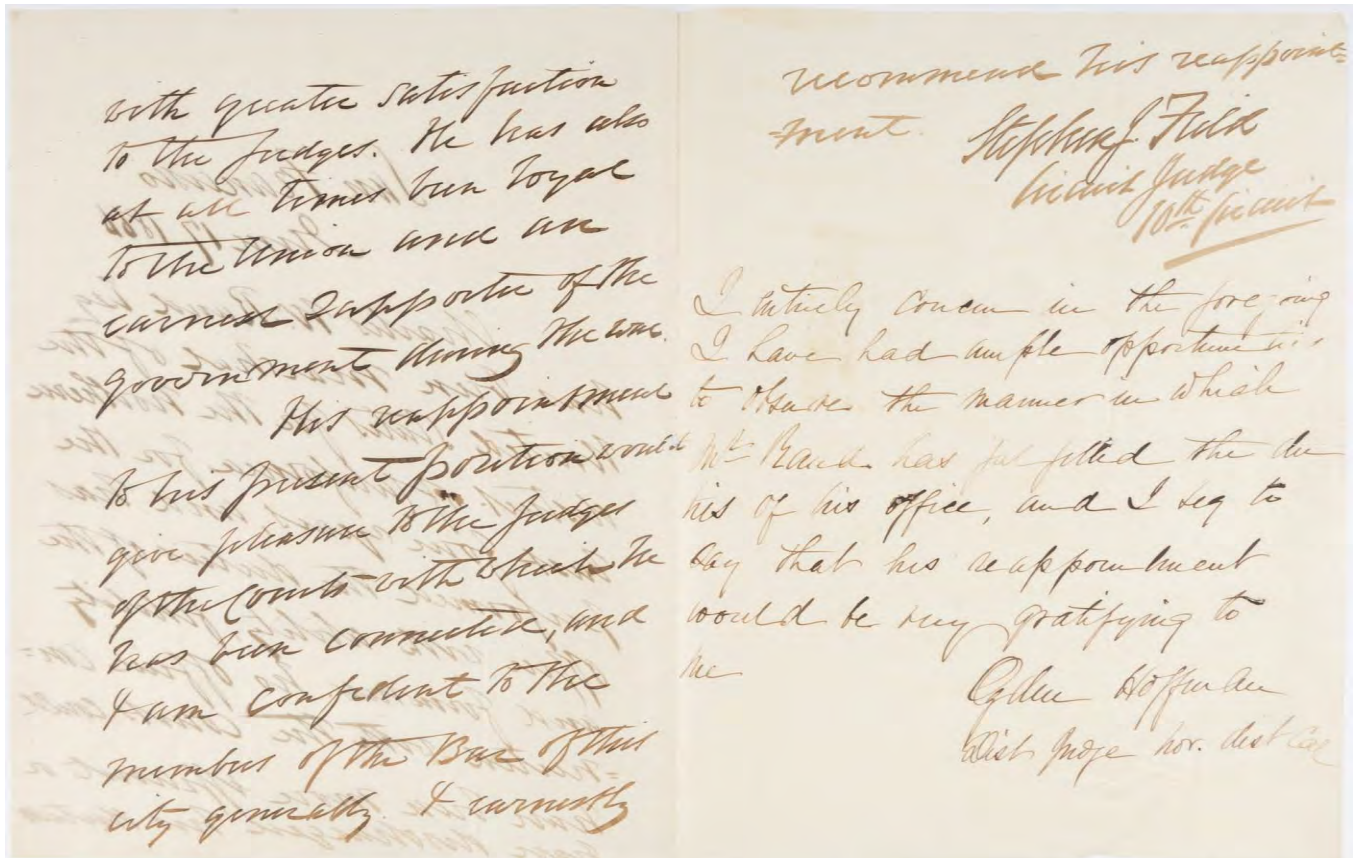
Ferguson, Jo McCown [1915-2015].

[*Class Notes, University of Kentucky*]. [Lexington, KY], September-October, 1936. 300 pp. Quarto (9-1/2" x 7-1/2").

Contemporary cloth, gilt rules to boards and spine. A few small scratches and light soiling to boards, light rubbing to extremities with and some wear to fore-edge of rear board, annotations to pastedown and endleaves with owner's information and brief index to front endleaf. Light to moderate toning to interior, written in a single neat hand and divided into sections on Torts, Property and Contracts. Typewritten sheet of sample questions on contracts (possibly for an exam) laid in between pp. 106-107. \$450.

* This manuscript represents class notes taken by Jo McCown Ferguson, likely in introductory courses for his law degree. Ferguson went on to become Attorney General of Kentucky and had a long and prominent career in the state. During WWII, he was Chief of Property Control and Restitution for the Military Government of Bavaria, in which role he seized more than two billion dollars worth of stolen property from the Nazis. Thorough and well-organized, the notes are a nice glimpse into the studies of a Depression-Era law student who had an interesting life and career. A copy of his obituary is available online at <https://www.legacy.com/us/obituaries/louisville/name/jo-ferguson-obituary?pid=175891744>.

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A Glowing Recommendation from Stephen J. Field

15. [Manuscript].

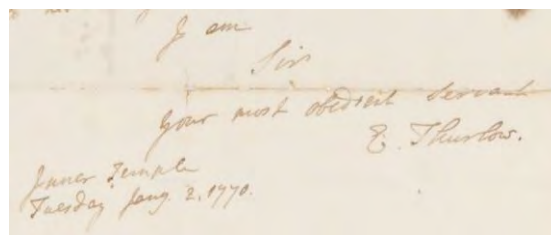
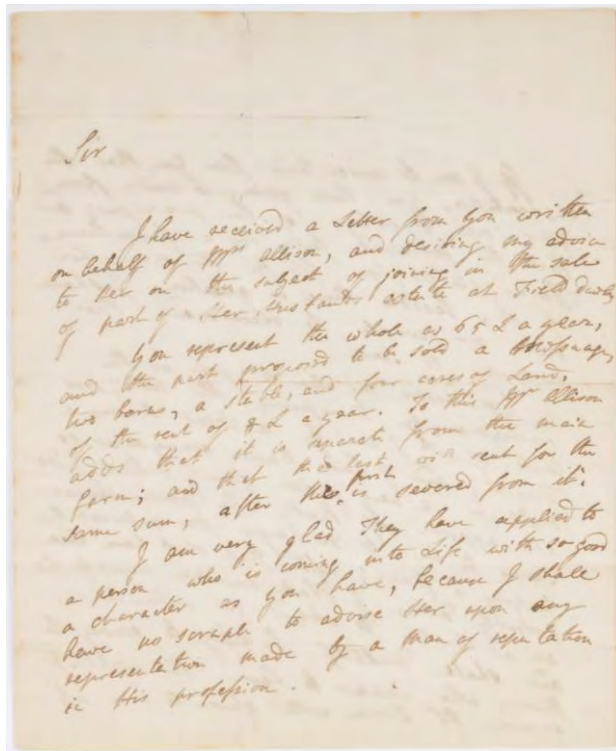
Field, Stephen J. [1816-1899].

[Autograph Letter, Signed, San Francisco, June 17, 1866].

9-1/2" x 7-1/2" bifolium, light creasing and two small tears along horizontal fold, moderate toning, very light stains to second sheet. Typed transcript included. \$350.

* Stephen J. Field was an American jurist and Lincoln appointee to the United States Supreme Court with the longest term there save for William O. Douglas. Prior to his appointment, he had a burgeoning California law practice after moving there during the gold rush in 1848.

Field was a notable hothead who made many enemies but could show just as much enthusiasm for his friends, as seen in this glowing recommendation for Charles W. Rand. Following Field's signature is a signed addendum by District Judge Ogden Hoffman, concurring with Field's recommendation. Rand, who was indeed reappointed, could rely on his past service record as well as Field's recommendation. He had successfully navigated a tricky bureaucratic situation with the 1863 seizure of the Almaden Mine, first ordered by Abraham Lincoln and later seemingly revoked. A memento from a fascinating time in California's chaotic early history. [Order This Item](#)



Legal Advice from a Prominent Jurist

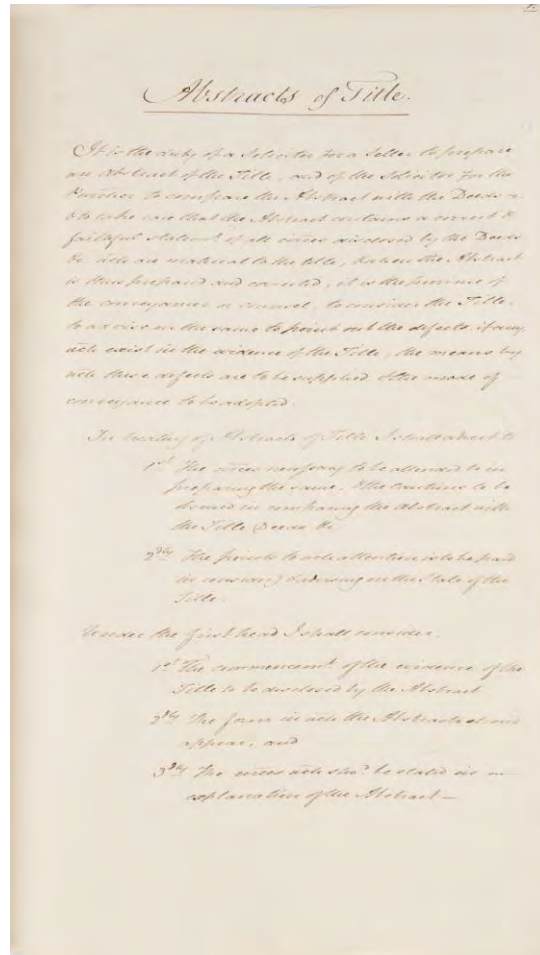
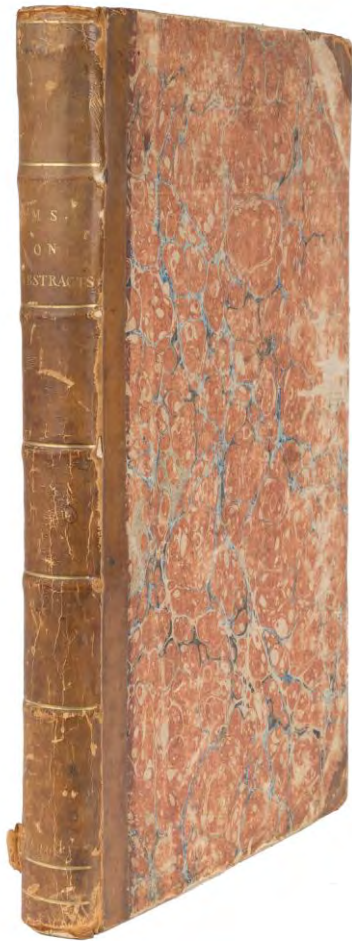
16. [Manuscript].

Thurlow, Edward, First Baron [1731-1806].

[Autograph Letter, Signed, Discussing Land Law. London, Inner Temple, January 2, 1770].

9" x 7-1/4" bifolium. Light toning, some light foxing around edges, creasing and some tearing at folds, franked on verso of second leaf: "Edward Thurlow, Esq. about Mr. Allison," "afterwards Lord Chancellor" added to Thurlow's name in a later hand. \$500.

* Letter written to an unknown colleague and signed "your most obedient servant, E. Thurlow". The letter discusses the finer points of a land conveyance and Thurlow's own proposed involvement as trustee, apparently on behalf of Mrs. Allison. The warmth of the letter suggests that Thurlow and the colleague to whom he writes the letter knew each other well, probably through his time as a barrister in the Inner Temple. Thurlow would go on to have a lengthy political career, culminating in his appointment as Chancellor in 1778 on the strength of his Tory views and loyalty to King George III. The letter reads, in part: "I am very glad They have applied to a person who is coming into Life with so good a character as you have, because I shall have no scruple to advise Her upon any representation made by a man of reputation in His profession." [Order This Item](#)



Early Nineteenth-Century Course Notes on Abstracts of Title

17. [Manuscript].

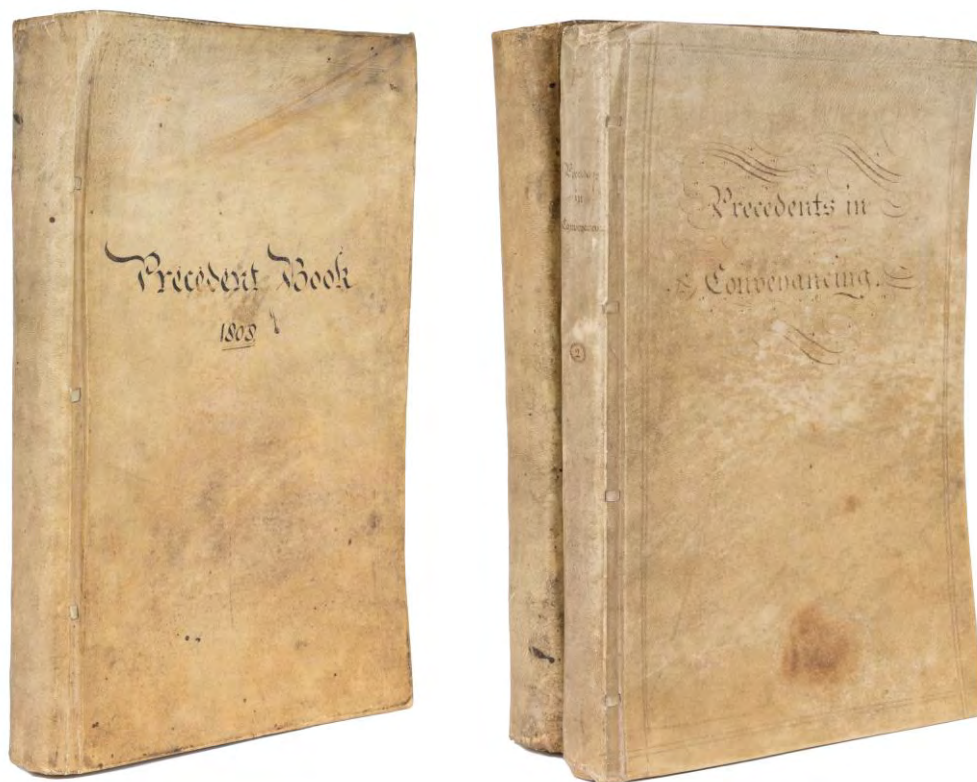
Twemlow, Francis.

[Preston, Richard (1768-1850)].

Manuscript on Abstracts of Title. [London], 1807. 343, [1] pp. Folio (12-1/2" x 7-1/2").

Contemporary three-quarter calf over marbled boards, raised bands, gilt fillets and title "M.S. On Abstracts" to spine. Moderate rubbing to boards and extremities, some creasing to spine, rear joint starting at foot, corners bumped and somewhat worn, some light offsetting corners of pastedown and endleaves, owner signature "Fra. Twemlow 1807" and "6" to front pastedown. Light toning to interior, light foxing in a few places, text in a single neat hand, mostly to rectos, followed by sixteen blank leaves. \$450.

* This appears to be a fair transcript of lectures given by Richard Preston at King's College, London, which formed the basis of his *Essay in a Course of Lectures on Abstracts of Title* (1818-1819). There are also some additional notes to versos from the transcriber. An important scholar, Preston edited an edition of Sheppard's *Touchstone* and wrote four important treatises on conveyancing. According to the *Dictionary of National Biography*, "his knowledge of the technique of real-property law was profound, and his works on conveyancing are masterpieces of patient research and lucid exposition" (XVI:312). [Order This Item](#)



Manuscript Precedent Books from an English Law Office

18. [Manuscript].

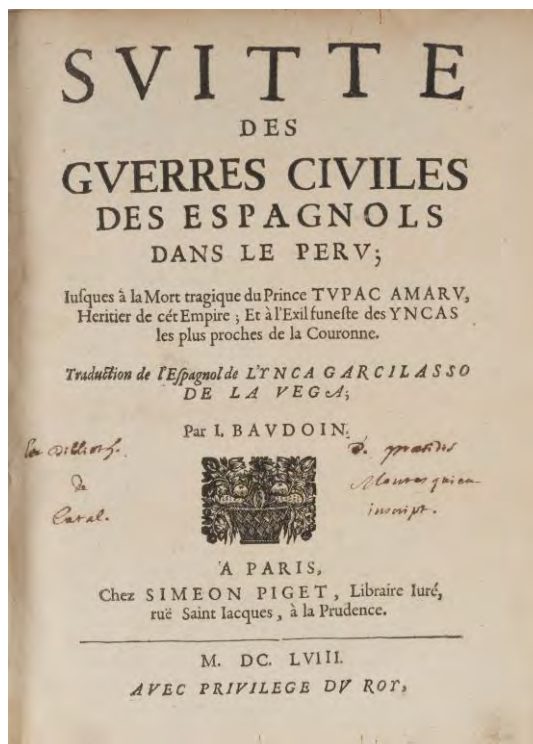
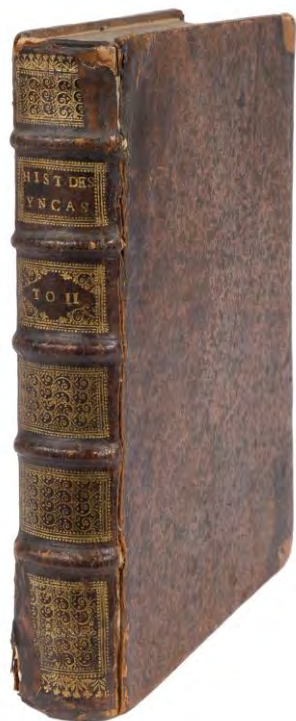
[Great Britain].

[*Two Manuscript Precedent Books*]. [Great Britain, c.1794, 1808]. 350 pp.; 200, 33 pp. Both manuscripts indexed. Folio (12-1/4" x 8"; 12-1/2" x 7-1/2").

Vellum, blind rules and hand-lettered ink titles to boards, reading "Precedents in Conveyancing" and "Precedent Book 1808," respectively, hand-lettered ink title and number "2" to spine of "Conveyancing" volume. Moderate soiling and a few spots to boards, which are slightly bowed, spine ends lightly worn. Signature of Edward Sampson dated September 1st, 1791 to front pastedown of "Conveyancing" volume. Light toning to interiors, light foxing in a few places, cracks in text block of "Conveyancing" between pp. 16 and 17 and 330 and 331, text in three neat hands to most leaves, inside margins ruled in red ink. \$1,850.

* Carefully organized, these are fine examples of precedent books of the late 18th and early 19th centuries, likely created by law clerks for use in an office. The conveyancing manuscript is written in two different hands, strengthening this possibility. The volumes are very similar in both appearance and genre, indicating that they may have come from the same source or been intended for reference in the same office. Both contain fair copies of texts from a wide range of topics in English law of the period. Frequent side notes throughout the conveyancing text provide additional notes and commentary on a variety of topics in property and contract law, such as inheritance, coverture, and mortgages. Cases cited in the 1808 manuscript cover various affidavits, agreements, bonds, conclusions, letters, warrants, etc. The 1808 manuscript also includes a separate 33 pp. section on assignment cases with its own index at the end of the notebook.

[Order This Item](#)



Signed by Montesquieu

19. [Montesquieu, Charles-Louis de Secondat, Baron de (1689-1755)].

Garcilaso de la Vega, Inca [1539-1616].

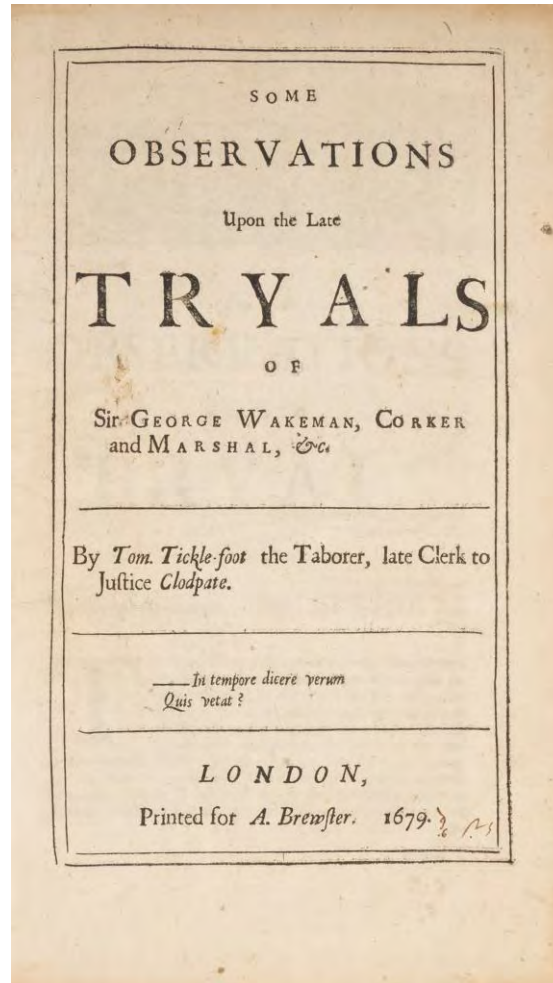
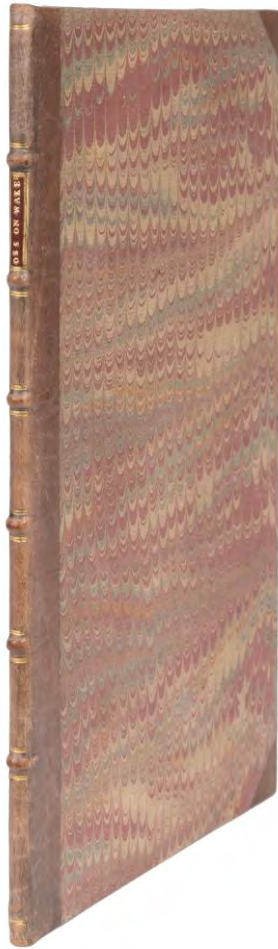
Baudoin, Jean [1590-1650], Translator.

Histoire des Guerres Civiles des Espagnols dans les Inde. Paris: Simeon Piget, 1658. Volume II of a two-volume set. [ii], 555, 21 pp. Quarto (9-1/4" x 6-3/4").

Contemporary mottled calf, gilt spine with raised bands, speckled edges, corners mended. A few light scuffs, nicks, scratches to boards, moderate wear to extremities, front joint cracked, front hinge starting, negligible worming to rear joint, which is starting at foot, brief early annotations to pastedowns, later bookplate of Otto Oren Fisher to front pastedown. Light to moderate toning to interior, occasional light foxing, a few small marginal tears, faint dampstain to upper right corner from p. 337, small tear to lower right corner of text block on ZZz3 [pp.549-550] with loss to half of one letter, early ownership inscription "Ex. Biblioth. D. praesidis de Montesquieu catal. inscript." to title page. \$7,500.

* Second edition in French. This volume was Montesquieu's own copy of a volume of de la Vega's extensive study of the Incas, *Comentarios Reales de los Incas*. The *Comentarios* have two sections, the first dealing with Inca life and the second, from which this volume is taken, with the Spanish conquest of Peru. De la Vega's father was a Spanish conquistador, but his mother was an Incan princess who encouraged him to write a pre-colonial history of the Incas and Peru. He was highly esteemed by the Incas, who considered him a descendant of royalty, but the Spanish Crown perceived broad dissemination of his book as a threat and eventually banned its distribution in Peru. Montesquieu cited this volume in his famous *De l'Esprit des Loix* (1748), which was in turn one of the philosophical foundations of the American Constitution.

Most other volumes from Montesquieu's library bear an identical ownership inscription (3 such volumes at The Library of Congress, 2 at Harvard). Copies of this edition are scarce: OCLC locates 1 in North America (University of Minnesota). Otto Oren Fisher [1881-1961] was an important collector of rare books and manuscripts. Palau, *Manual del Librero Hispano-Americano* 354828. Desgraves, et al. *Catalogue de la Bibliothèque de Montesquieu à la Brède* 3173. [Order This Item](#)



Perceptive Satirical Commentary on the Popish Plot of 1678

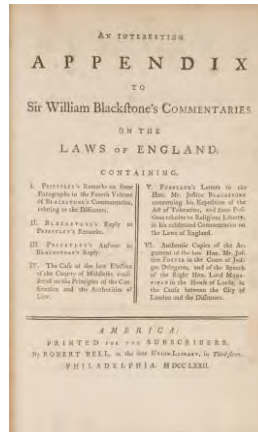
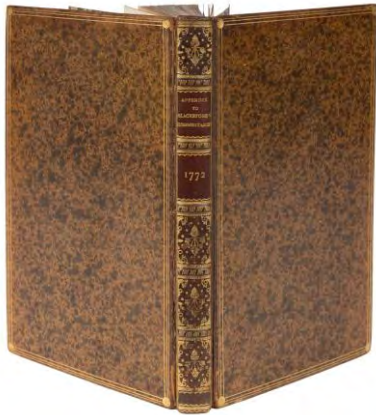
20. [Popish Plot].

[Smith, Francis (fl. 1657-1689)].

Some Observations Upon the Late Tryals of Sir George Wakeman, Corker and Marshall, &c. By Tom Tickle-Foot the Taborer, Late Clerk to Justice Clodpate. London: Printed for A. Brewster, 1679. 8, 7-9, [1] pp. Pagination irregular, text complete. Folio (11-3/4" x 7-3/4").

Stab-stitched pamphlet expertly in recent period-style three-quarter calf over marbled boards, raised bands and lettering piece to spine. Moderate toning and negligible light foxing to interior, brief early manuscript note to foot of title page. A copy of a scarce title in a notably handsome binding. \$500.

* Only edition. Supposedly written by a clerk to "Justice Clodpate," this satirical and sensational account of the Popish Plot of 1678 is also a remarkably perceptive and interesting contemporary analysis. One of the cruelest hoaxes in British history, one that led to a wave of anti-Catholic violence, the Popish Plot 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. After the hoax was discovered in 1685 Oates was convicted of perjury, severely flogged and imprisoned. Under William III he was released and pensioned. Wing, *English Short-Title Catalogue* R12969. [Order This Item](#)



On Religious Liberty, the Separation of Church and State and Free Speech: Bell's *Interesting Appendix* to Blackstone

21. Priestley, Joseph [1733-1804].

Blackstone, Sir William [1723-1780].

Furneaux, Philip [1726-1783].

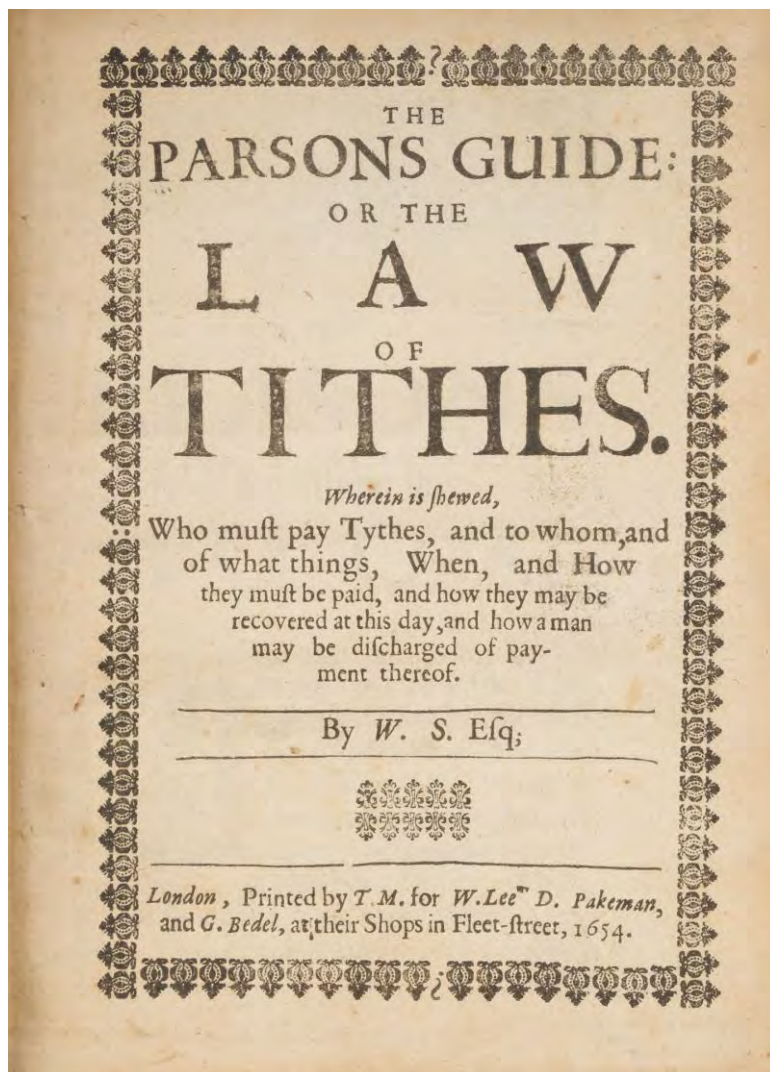
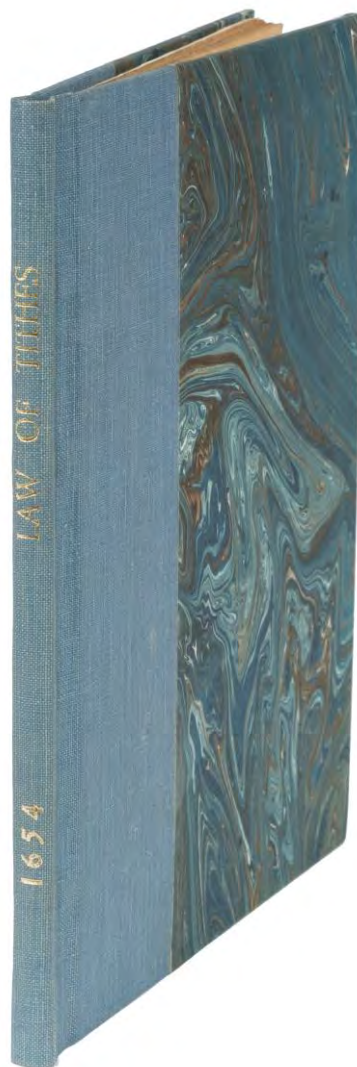
Foster, Sir Michael [1689-1763].

Murray, William, Earl of Mansfield (1705-1793)].

An Interesting Appendix to Sir William Blackstone's Commentaries on the Laws of England. Containing, I. Priestley's Remarks on Some Paragraphs in the Fourth Volume of Blackstone's Commentaries, Relating to the Dissenters. II. Blackstone's Reply to Priestley's Remarks. III. Priestley's Answer to Blackstone's Reply. IV. The Case of the Late Election of the County or Middlesex Considered on the Principles of the Constitution and the Authorities of Law. V. Furneaux's Letters to the Hon. Mr. Justice Blackstone Concerning His Exposition of the Act of Toleration, And Some Positions Relative to Religious Liberty, in his Celebrated Commentaries on the Laws of England. VI. Authentic Copies of the Argument of the Late Hon. Mr. Justice Foster in the Court of Judges Delegates, And of the Speech of the Right Hon. Lord Mansfield in the House of Lords, in the Cause Between the City of London and the Dissenters. [Philadelphia]: Printed for the Subscribers, By Robert Bell, Philadelphia, 1772 [-1773]. [iv], iv, [5]-119, [1], xii, 155, [1] pp. Each section preceded by divisional title page, first section also preceded by general title page, title page of *Letters to the Honourable Mr. Justice Blackstone* dated 1773. Includes one-page publisher advertisement for Bell's 1773 printing of Fergusons's *Essay on the History of Civil Society* and a subscription for a second American edition of Blackstone's *Commentaries*. Octavo (9" x 5-1/2").

Twentieth-century sprinkled calf, gilt rules with corner ornaments to boards, gilt spine with raised bands and lettering piece, gilt tooling to board edges, top-edge of text block gilt, gilt inside dentelles, marbled endpapers, hinger reinforced. Some rubbing to extremities, joints cracked. Moderate toning to interior, light foxing and dampspotting in a few places, annotation to front endleaf stating this book was purchased from Kenneth Nebenzahl. \$1,500.

* This influential commentary was issued as an appendix volume to Bell's edition of Blackstone's *Commentaries* (1771-1772). Reissued in 1773 and again in 1774, as *The Palladium of Conscience*. Most of the essays comprise a debate on religious liberty and the separation of church and state relating to Priestley's rebuttal of a passage in Blackstone that classified non-conformity to the Church of England as a crime. Part IV, which concerns freedom of speech, summarizes a debate concerning Blackstone's endorsement of the expulsion of the publisher John Wilkes from Parliament after his conviction for "seditious libel." The creation of this volume by Bell indicates the importance of these issues in colonial America on the eve of the Revolution. Laeuchli notes five different version of the 1772 issue, some, such as the present copy, with sections printed in 1773. Nebenzahl [1927-2020] was a distinguished Chicago dealer in antiquarian books and maps. Also a scholar, he published four important books on cartography. Eller, *The William Blackstone Collection in the Yale Law Library* 255. Laeuchli, *A Bibliographical Catalogue of William Blackstone* 615. [Order This Item](#)



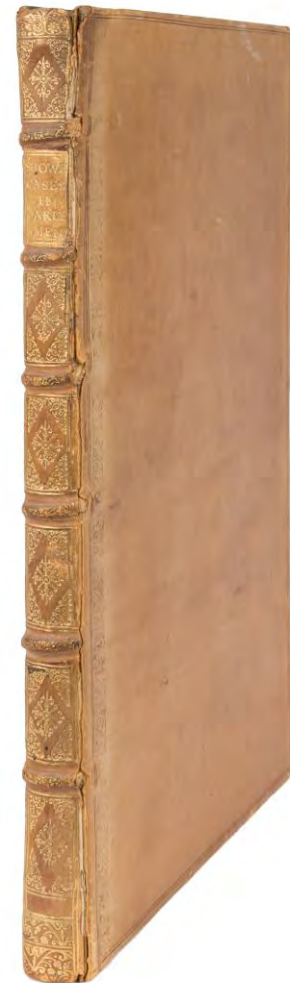
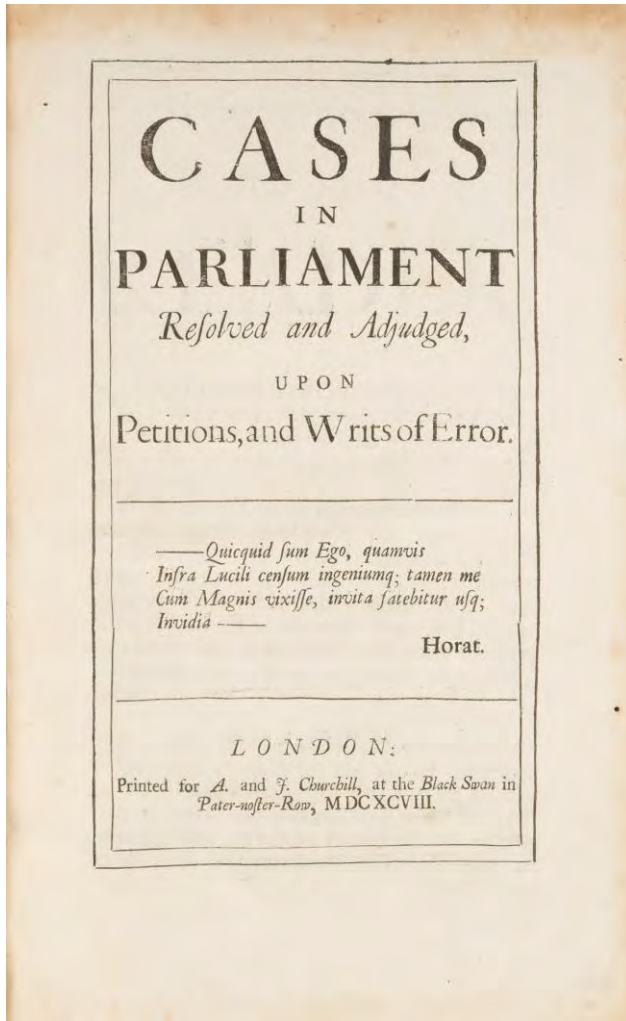
Paying Tithes to Cromwell

22. [Sheppard, William (d.1675?)].

The Parsons Guide: Or the Law of Tithes: Wherein is Shewed, Who Must Pay Tithes, And to Whom, And of What Things, When, And How They Must be Paid, And How they May be Recovered at this Day, And How a Man May be Discharged of Payment Thereof. By W.S. Esq; London: Printed by T.M. for W. Lee, D. Pakeman, And G. Bedell, At Their Shops in Fleet-street, 1654. [vi], 31, [1] pp. Lacking first leaf, a blank. Quarto (7-1/4" x 5-1/2").

Stab-stitched pamphlet bound into recent half cloth over marbled boards, untrimmed edges. Moderate toning to interior, light soiling and a few tiny spots to title page. \$500.

* First edition, one of four issues from 1654. A pamphlet supporting Cromwell's financial demands for the clergy. Active in the Protectorate, where he was Cromwell's legal advisor, Sheppard aimed to reform English law. Ahead of his time in many ways, many of his proposals anticipate changes that were adopted in the nineteenth century. *The Parsons Guide* supported Cromwell's reforms of tithing laws, which were drafted by Sheppard. Two other editions were published in 1670 and 1671. All editions and issues are scarce. *English Short-Title Catalogue* R203561. [Order This Item](#)



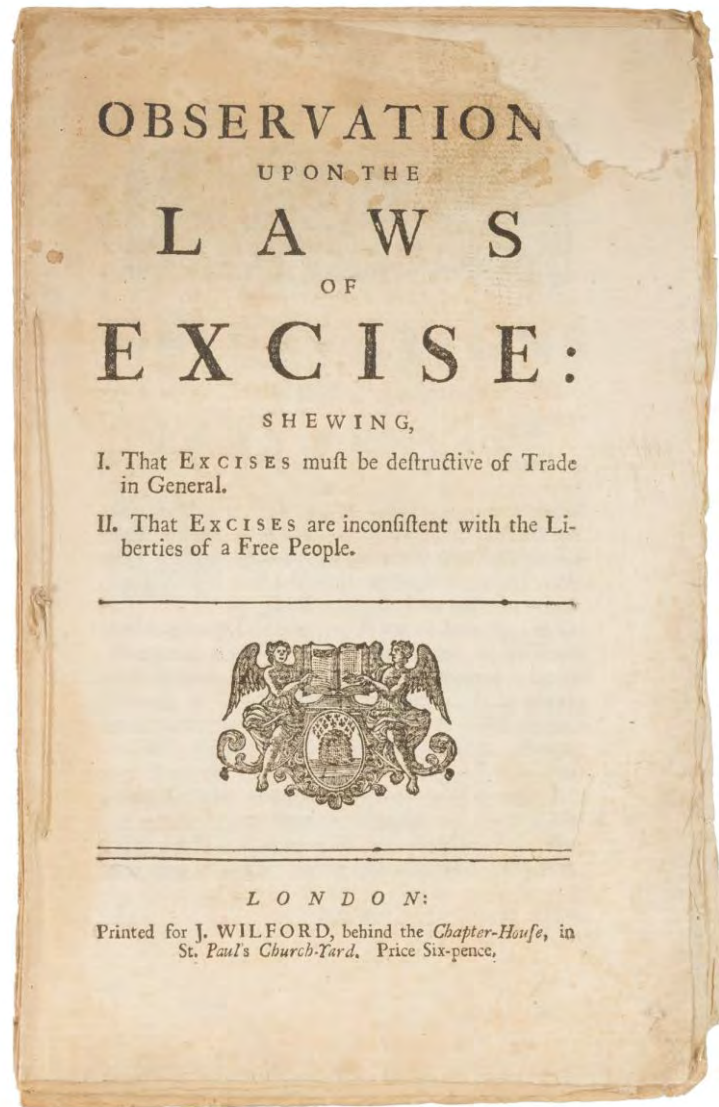
The First Reports of Cases Heard in the House of Lords

23. [Shower, Bartholomew (1658-1701)].

Cases in Parliament Resolved and Adjudged, Upon Petitions, And Writs of Error. London: Printed for A. and J. Churchill, 1698. [xii], 224, [2] pp. Folio (12" x 7-1/2").

Contemporary calf, blind rules to boards, blind fillets along joints, gilt spine with raised bands and lettering piece, gilt tooling to board edges. Negligible light rubbing and a few minor nicks to boards, Moderate rubbing to extremities with some wear to spine ends and corners, light fading to spine, front joint cracked, front hinge starting. Moderate toning to text, light foxing in places, minor worming to margins, brief early annotations, probably private-library shelf location numbers, to front pastedown. \$250.

* First edition. This is the first collection of cases heard in the House of Lords, at this time the final court of appeal. In the introduction, Shower writes in the introduction that he hopes "these Reports may probably convince the young nobles of this Realm that some knowledge of the laws of England...cannot be unworthy of the ambition of every Noble-man's son." The reports were found to be a breach of privilege, which put an end to other reports for almost a century. A second edition, mis-labeled the third, was issued in 1740 and re-issued in 1876. Wallace, *The Reporters* 400. *English Short-Title Catalogue* R562. [Order This Item](#)



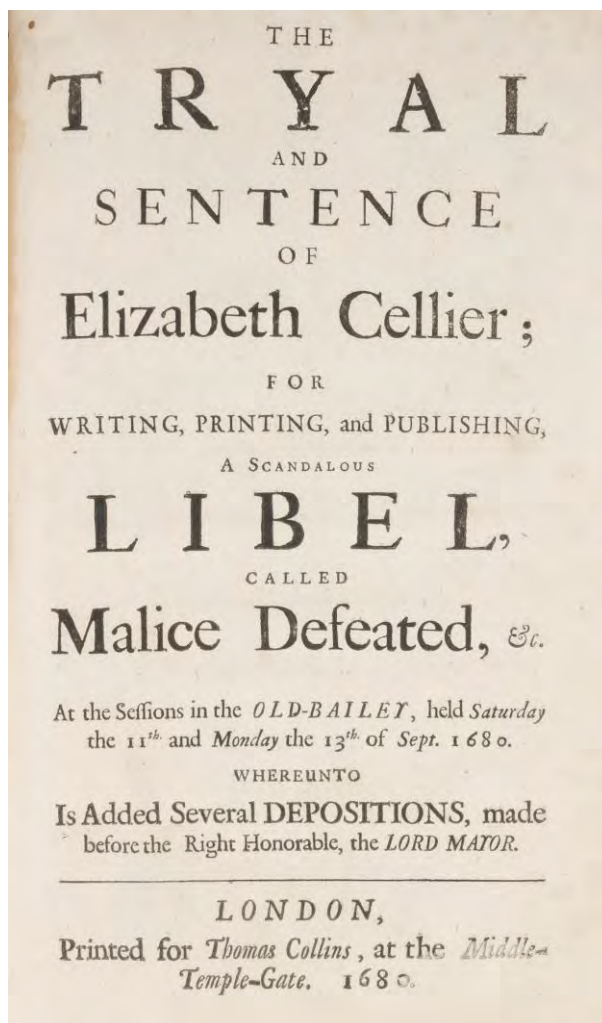
A Profound Influence on American Resistance to British Taxation

**24. [Taxation].
[Great Britain].**

Observations Upon the Laws of Excise: Shewing, I. That Excises Must be Destructive of Trade in General. II. That Excises are Inconsistent with the Liberties of a Free People. London: Printed for J. Wilford, [1733]. 32 pp. Octavo (8-1/2" x 5-1/4").

Stab-stitched pamphlet in self wrappers. Moderate soiling and a few spots to title page, of which the upper right corner is lacking with minor loss to first word of title, light toning to interior, light foxing to first few leaves. \$350.

* Only edition. An anonymous pamphlet decrying the proposed Excise Bill of 1733, which would have imposed unusually broad excise taxes and authorized customs officers to search private dwellings for contraband goods. The deeply unpopular bill was later withdrawn. Many of the arguments enumerated in this pamphlet had a profound influence on American resistance to British taxation, particularly the Stamp Act. *English Short-Title Catalogue* T134052. [Order This Item](#)



The "Popish Midwife" On Trial for Libel

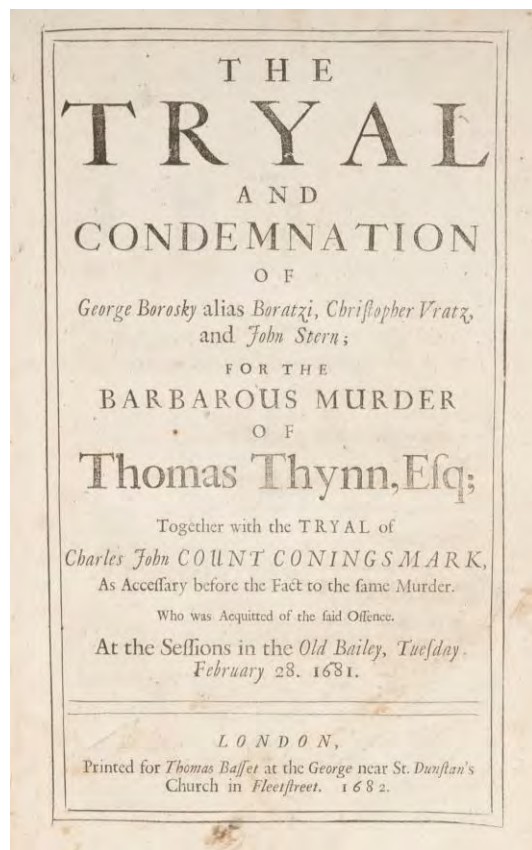
25. [Trial].

[Cellier, Elizabeth (fl.1668-1688)].

The Trial and Sentence of Elizabeth Cellier, for Writing, Printing, and Publishing, a Scandalous Libel, Called Malice Defeated, &c. At the Sessions in the Old-Bailey, Held Saturday the 11th. and Monday the 13th. of Sept. 1680. Whereunto is Added Several Depositions, Made Before the Right Honorable, the Lord Mayor. London: Printed for Thomas Collins, 1680. [iv], 9-39, [1] pp. Folio (11" x 7-1/4").

Recent period-style paneled calf by Philip Dusel, edges rouged. Light toning to interior, negligible worming and light dampstaining to margins, light dampspotting to title page and following few leaves. An attractively bound copy. \$650.

* Only edition. The principal contemporary account of the trial of Elizabeth Cellier for libel. Cellier had previously been acquitted of treason in the fabricated "Meal-Tub Plot." She subsequently published her account of those events, *Malice Defeated*, which alleged the torture of Catholic prisoners in Newgate. For this claim she was again put on trial, this time for libel, and was convicted, pilloried, fined £1,000 and had her book burnt. The fine was remitted seven years later, but Cellier was forced to spend the interim in prison. She went on to advocate for the incorporation of a royal college of midwives and foundling hospital, but nothing is known of her after the Glorious Revolution of 1688. *English Short-Title Catalogue* R24639. [Order This Item](#)



"The Barbarous Murder of Thomas Thynn"

26. [Trial].

[Great Britain].

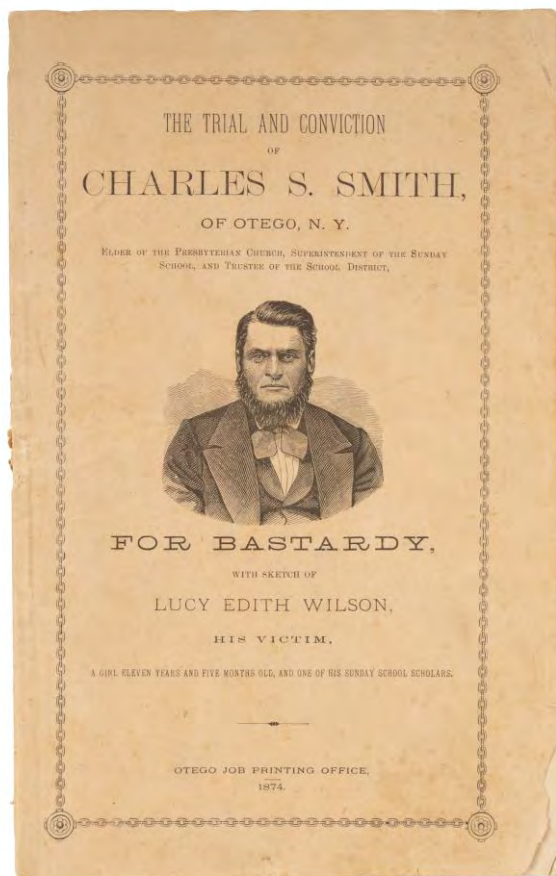
[Thynne, Thomas (1648-1682)].

The Tryal and Condemnation of George Borosky Alias Boratzki, Christopher Vratz, and John Stern; For the Barbarous Murder of Thomas Thynn, Esq; Together with the Tryal of Charles John Count Coningsmark, As Accessary before the Fact to the Same Murder. Who was Acquitted of the Said Offence. At the Sessions in the Old Bailey, Tuesday February 28. 1681. London: Printed for Thomas Basset, 1682. [iv], 56 pp. Folio (12" x 7-1/2").

Recent period-style three-quarter calf over speckled paper boards by Philip Dusel, raised bands, gilt fillets and lettering piece to spine, endpapers renewed, untrimmed edges. Light toning and occasional light foxing to text, corners folded and light soiling in a few places, lower right corner of leaf C2 (pp. 7-8) lacking with no loss to text, brief early annotation and a few minor stains to title page. \$500.

* While riding in his coach on February 12, 1682, Thomas Thynne was shot by three men, George Borosky, Christopher Vratz and John Stern. The three were suspected to have acted on the orders of Count Karl Johann von Konigsmark, who had been pursuing an affair with Thynne's wife. All four were arrested, and Konigsmark was charged as an accessory before the fact. The trial was apparently fraught with language barriers, since the men were all foreign nationals, but the three primary defendants were duly convicted and hanged on March 10, 1682. Konigsmark escaped the noose himself, to some controversy. The *ESTC* indicates a portrait frontispiece, but we have found many copies catalogued without the plate and our copy lacks any offsetting, suggesting that plates were inserted later, and only into some copies.

English Short-Title Catalogue R235837. [Order This Item](#)



A Case of "Criminal Intercourse" in Otego, NY

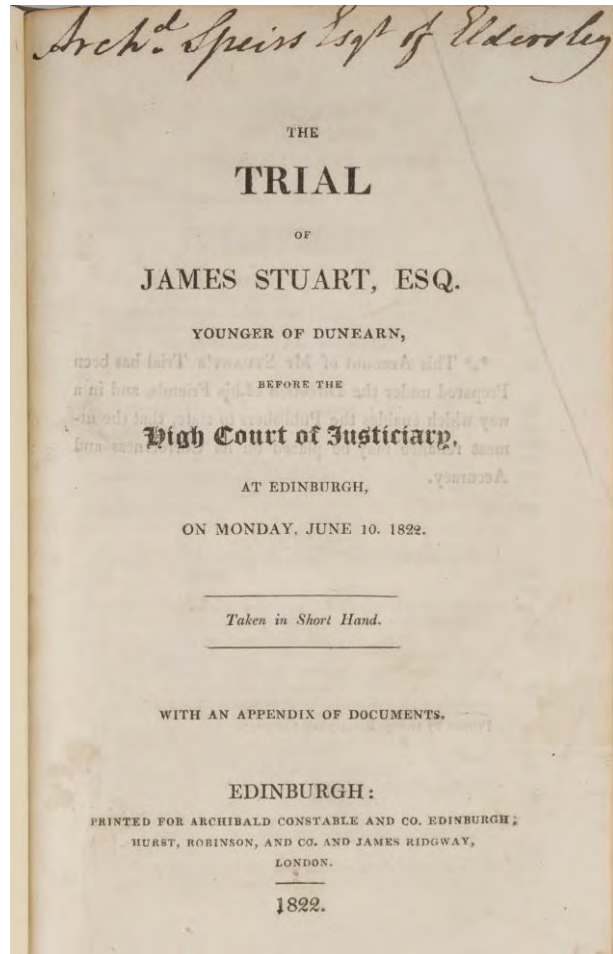
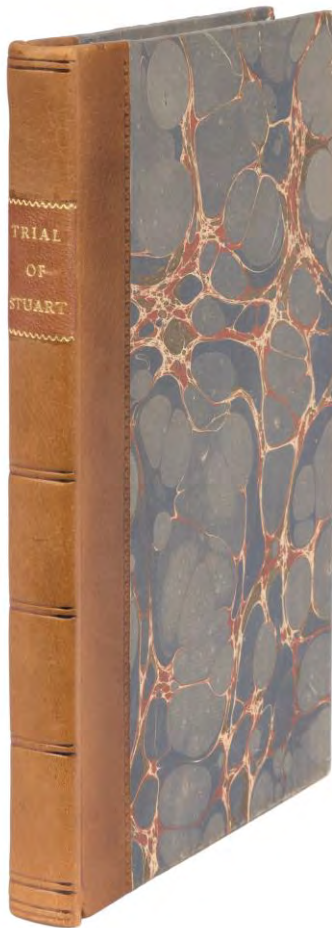
27. [Trial].

Smith, Charles S., Defendant.

The Trial and Conviction of Charles S. Smith, Of Otego, N.Y., Elder of the Presbyterian Church, Superintendent of the Sunday School, And Trustee of the School District, For Bastardy, With Sketch of Lucy Edith Wilson, His Victim, A Girl Eleven Years and Five Months Old, And One of His Sunday School Scholars. Otego, NY: Otego Job Printing Office, 1874. 60 pp. Octavo (9" x 5-3/4").

Stab-stitched pamphlet in printed wrappers, portrait of Charles S. Smith to front wrapper and title page. Light soiling to wrappers, some chipping to extremities with loss to lower right front corner, small tear to back wrapper near spine. Light toning to interior, occasional light foxing, some small folds to corners. \$650.

* Only edition. Smith, a married Presbyterian elder, was put on trial in December 1873 for repeatedly raping and ultimately impregnating Edith Wilson, an eleven-year-old girl. Although the account is highly sympathetic to the victim, the assault, described as "criminal intercourse," was apparently less at issue than the bastardy. Edith swore an affidavit in November 1873 that she was pregnant by Charles Smith, "without means of support," and "likely to become a charge upon the town." Still pregnant, she testified against Smith in open court, a remarkable act of bravery and self-possession. The scandal rocked the small upstate New York town. Despite gossip that Edith's father had been involved and a certain degree of scapegoating by other witnesses, Smith was convicted of criminal bastardy on the strength of her testimony. Nothing is known about the aftermath of this remarkable trial. OCLC locates 8 copies, 3 in law libraries (Harvard, Social Law, University of Missouri). [Order This Item](#)



Tried for Killing Boswell's Son in a Duel

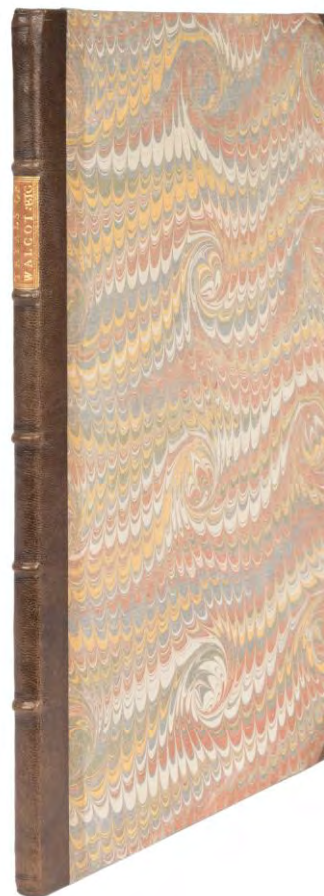
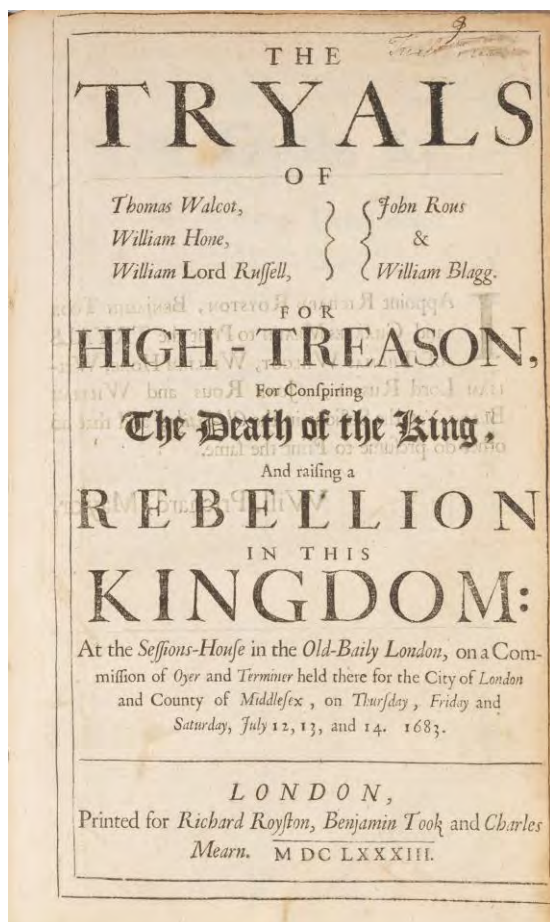
28. [Trial].

Stuart, James [1775-1849], Defendant.

The Trial of James Stuart, Esq., Younger of Dunearn, Before the High Court of Justiciary, At Edinburgh, On Monday, June 10, 1822. With an Appendix of Documents. Taken in Short Hand. Edinburgh: Printed for Archibald Constable and Co./London: Hurst, Robinson, and Co.: James Ridgway, 1822. [iv], 186, [2], 20 pp. Octavo (8-1/4" x 5-1/4").

Recent period-style quarter calf over marbled boards, lettering piece and blind fillets to spine, marbled edges, endpapers renewed. Moderate toning to text, light foxing to a few leaves, light soiling and owner signature ("Archb. Speirs Esq. of Elderley") to title page, faint fold line to its upper outside corner. A nice copy in a handsome binding. \$350.

* First edition. The son of Samuel Johnson's associate James Boswell, Sir Alexander Boswell, first Baronet [1775-1822] was a Scottish poet, antiquary, and song writer. He used the funds from his inheritance to purchase a seat in Parliament and later achieved a Baronetcy for his political support of the government. After he left Parliament, Boswell wrote a series of anonymous essays denouncing James Stuart, a prominent Whig. When Stuart suspected Boswell's authorship, he demanded that Boswell deny authorship or apologize. Boswell refused to do either, so Stuart challenged him to a duel. Boswell deliberately fired wide, but Stuart, who had never before handled a gun, shot Boswell in the collarbone. The wound was fatal. Despite Boswell's popularity, Stuart was acquitted unanimously. *Catalogue of the Library of the Harvard Law School* (1909) II:1200. [Order This Item](#)



Trials of Conspirators in the Rye House Plot

29. [Trials].

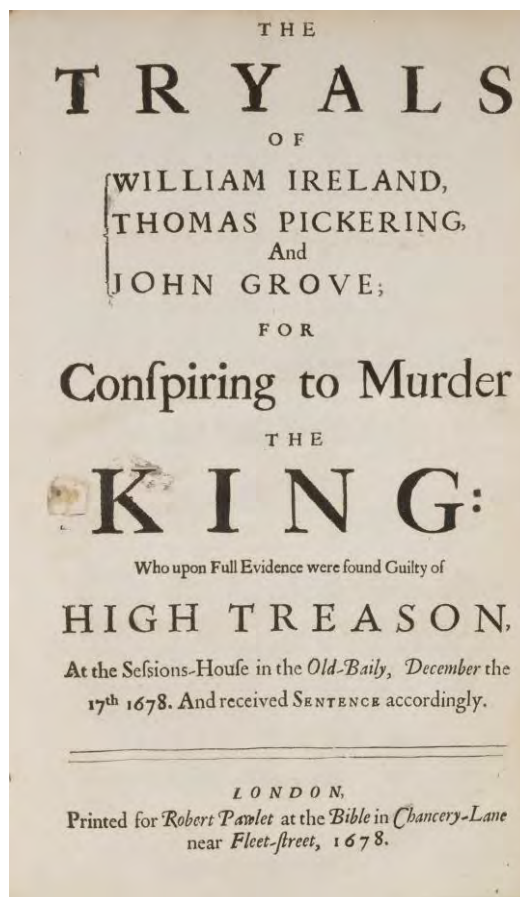
[Great Britain].

[Rye House Plot].

The Tryals of Thomas Walcot, William Hone, William Lord Russell, John Rous & William Blagg, for High-Treason, for Conspiring the Death of the King, and Raising a Rebellion in this Kingdom: At the Sessions-House in the Old-Baily London, on a Commission of Oyer and Terminer Held There for the City of London and County of Middlesex, on Thursday, Friday and Saturday, July 12, 13, and 14. 1683. London: Printed for Richard Royston, Benjamin Took and Charles Mearn, 1683. [ii], 81, [1] pp. Folio (11" x 6-3/4").

Recent period-style three-quarter calf over marbled boards by Philip Dusel, raised bands and lettering piece to spine. Light toning to interior, very slight foxing in a few places, some trimming to head of text block affecting headlines in a few places, legibility not affected. Brief contemporary annotation to head of title page, illegible contemporary ownership signature to verso. \$500.

* Only edition. The principal contemporary account of the trial of conspirators in the "Rye House Plot" to kill Charles II and his brother, the Duke of York. The defendants were found guilty and summarily hanged, drawn and quartered. While most likely were guilty, Lord Russell's guilt was later called into question. He received a posthumous pardon and is remembered as a Whig martyr. Popular discontent at Charles II's use of the Rye House Plot to remove many of his political opponents ultimately led to the Glorious Revolution of 1688 and the reform of English treason law. *English Short-Title Catalogue* R21861. [Order This Item](#)



Three Victims of the Popish Plot

30. [Trials].

[Popish Plot].

Ireland, William [1636-1679], Defendant.

Pickering, Thomas, [d. 1679], Defendant.

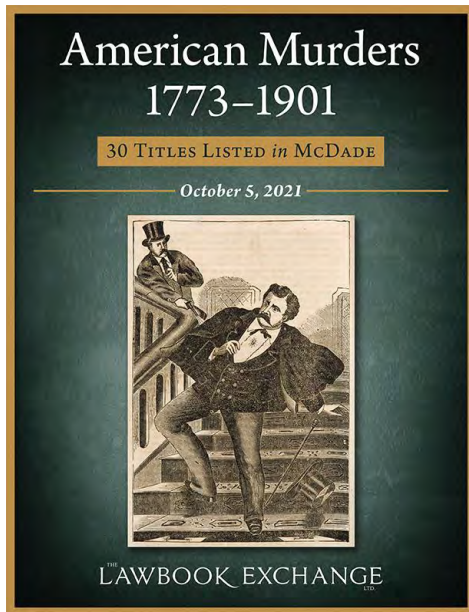
Grove, John [d. 1679], Defendant.

The Tryals of William Ireland, Thomas Pickering, and John Grove; For Conspiring to Murder the King: Who Upon Full Evidence were Found Guilty of High Treason, At the Sessions-House in the Old-Baily, December the 17th 1678. And Received Sentence Accordingly. London: Printed for Robert Pawlet, 1678. [iv], 84 pp. With licence leaf. Folio (11" x 6-3/4").

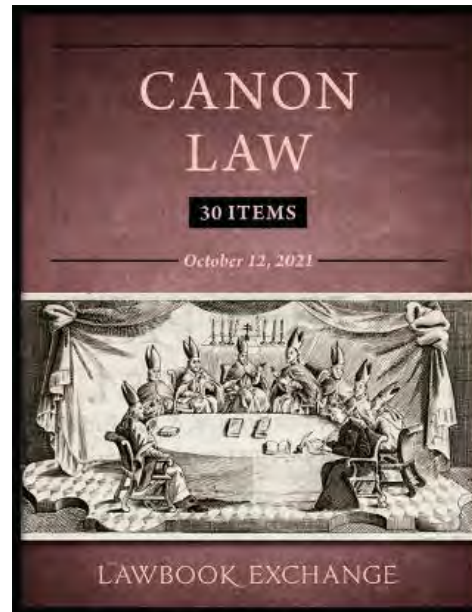
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* First edition. One of the cruelest hoaxes in British history, and one that led to a wave of anti-Catholic violence, the Popish Plot was the invention of Titus Oates, an Anglican clergyman, and his friend, Dr. Israel Tonge, a cleric and passionate 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. Grove, Ireland and Pickering were three victims of this hoax. Ireland and Pickering, now Catholic Martyrs, were beatified in 1929 by Pope Pius XI. *English Short-Title Catalogue* R2719. [Order This Item](#)

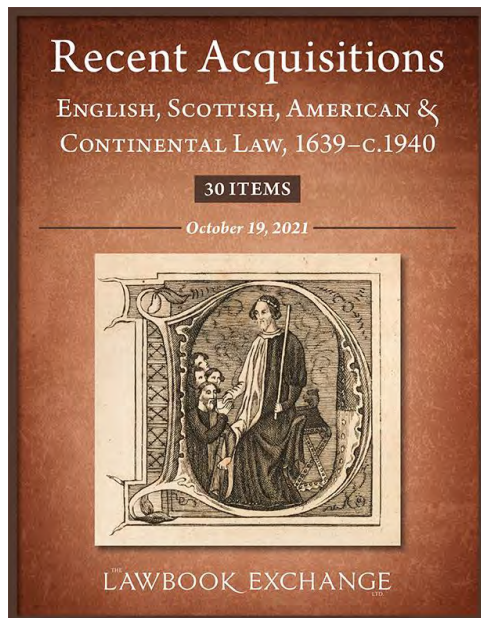
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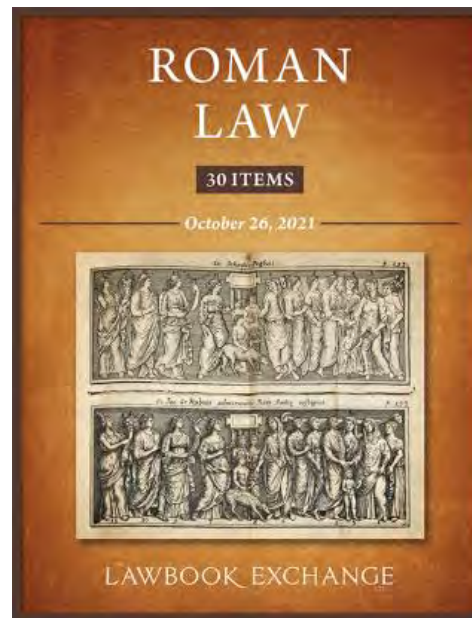
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