

19th-Century Law

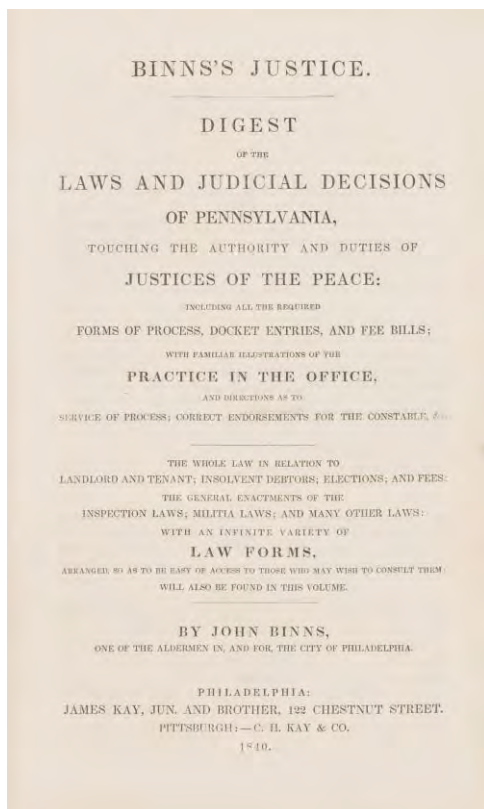
America, Great Britain & Europe

30 ITEMS

January 4, 2022



THE
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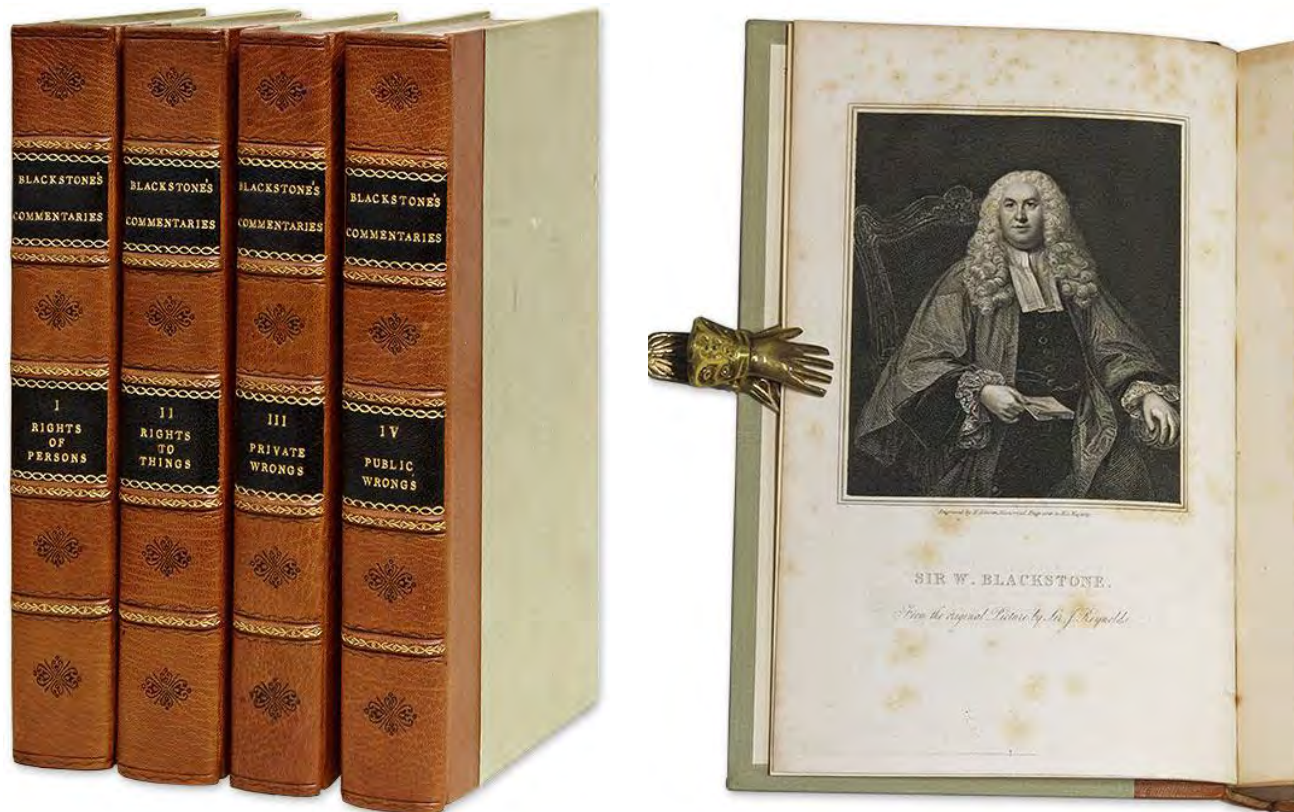
**First Edition of Notable Pennsylvania JP
Manual, Includes a Dictionary of Law Terms and Phrases**

1. Binns, John [1772-1860].

Digest of the Laws and Judicial Decisions of Pennsylvania, Touching the Authority and Duties of Justices of the Peace: Including All the Required Forms of Process, Docket Entries, and Fee Bills; With Familiar Illustrations of the Practice in the Office, and Directions as to Service of Process; Correct Endorsements for the Constable &c. The Whole Law in Relation to Landlord and Tenant; Insolvent Debtors; Elections; and Fees: The General Enactments of the Inspection Laws; Militia Laws; and Many Other Laws: With an Infinite Variety of Law Forms, Arranged, So as to be Easy of Access to Those Who May Wish to Consult Them: Will Also be Found in this Volume. Philadelphia: James Kay, Jun. and Brother, 1840. [i], [iii]-xl, 556 pp. Title page preceded by a one-page list of endorsements. Like many copies, this one lacks the other leaf of endorsements. Octavo (9-1/4" x 6-1/4").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Faint spotting, a few shallow scuffs to boards, moderate rubbing to extremities, later armorial bookplate (of George Dawson Coleman) to front pastedown, owner signature and inscription ("G. Dawson Coleman, Colmanville Works") to front free endpaper. Moderate toning to text, light foxing to a few leaves. \$350.

* First edition. With the texts of the United States Constitution, the Pennsylvania state constitution (both with indexes), "The Magistrate's Vocabulary of Law Terms and Law Phrases", which includes "Technical Law Terms, Explained" and a list of "Law Phrases, &c. Translated." Binns, an Irish radical who immigrated to Philadelphia in 1801, was a journalist, newspaper editor and three-term alderman. Six editions of the Digest were published in Binns's lifetime. Revised editions were issued well into the twentieth century. Coleman [1825-1878] was a prominent Pennsylvania businessman, philanthropist and two-term member of the state House of Representatives. Cohen, *Bibliography of Early American Law* 7990. [Order This Item](#)



***Chitty's Blackstone*, The Only Edition with a
Frontispiece Based on the Portrait Attributed to Reynolds**

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

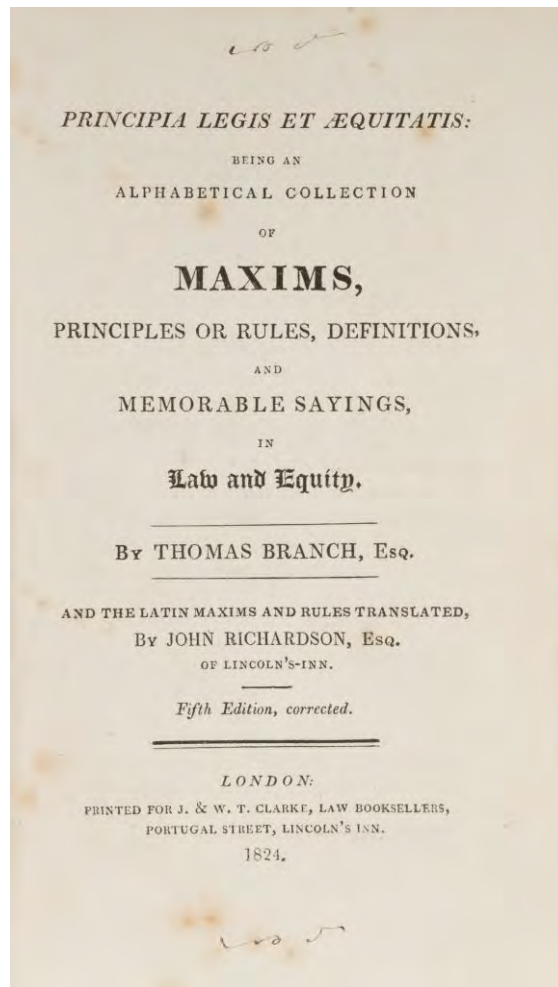
Chitty Joseph [1796-1838], Editor, Notes.

Commentaries on the Laws of England: By the Late Sir W. Blackstone. A New Edition, With Practical Notes, By Joseph Chitty. London: Printed for William Walker [et al.], 1826. Four volumes. Title page of Volume I preceded by engraved portrait frontispiece. Table of Descents and folding Table of Consanguinity in Volume II. Four leaves from the table of Contents of Volume III misbound into the table of contents of Volume II. Table of Descents misbound after p. 236 instead of p. 203. Octavo (9-1/4" x 5-3/4").

Recent period-style quarter morocco over cloth, gilt-decorated raised bands, blind ornaments and lettering pieces to spines, speckled edges, endpapers renewed. Negligible light shelfwear. Light toning to text, slightly heavier in a few places, contemporary penciled notes to a few passages in each volume, minor stains to a few leaves, light offsetting from portrait and tables. A handsome set. \$950.

* This is the only edition by Chitty and the only edition that does not have a frontispiece based on Thomas Gainsborough's portrait of Blackstone. Instead, it has one based on a portrait attributed to Sir Joshua Reynolds. Chitty was one of the greatest barristers, teachers and legal authors of the nineteenth centuries. His treatises on contracts and criminal law were standard works in Great Britain and the United States. Selections from his Blackstone notes were included in several American editions of the *Commentaries*. Laeuchli, *A Bibliographical Catalog of William Blackstone* 42.

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Final Edition of Branch's Collection of Legal Maxims

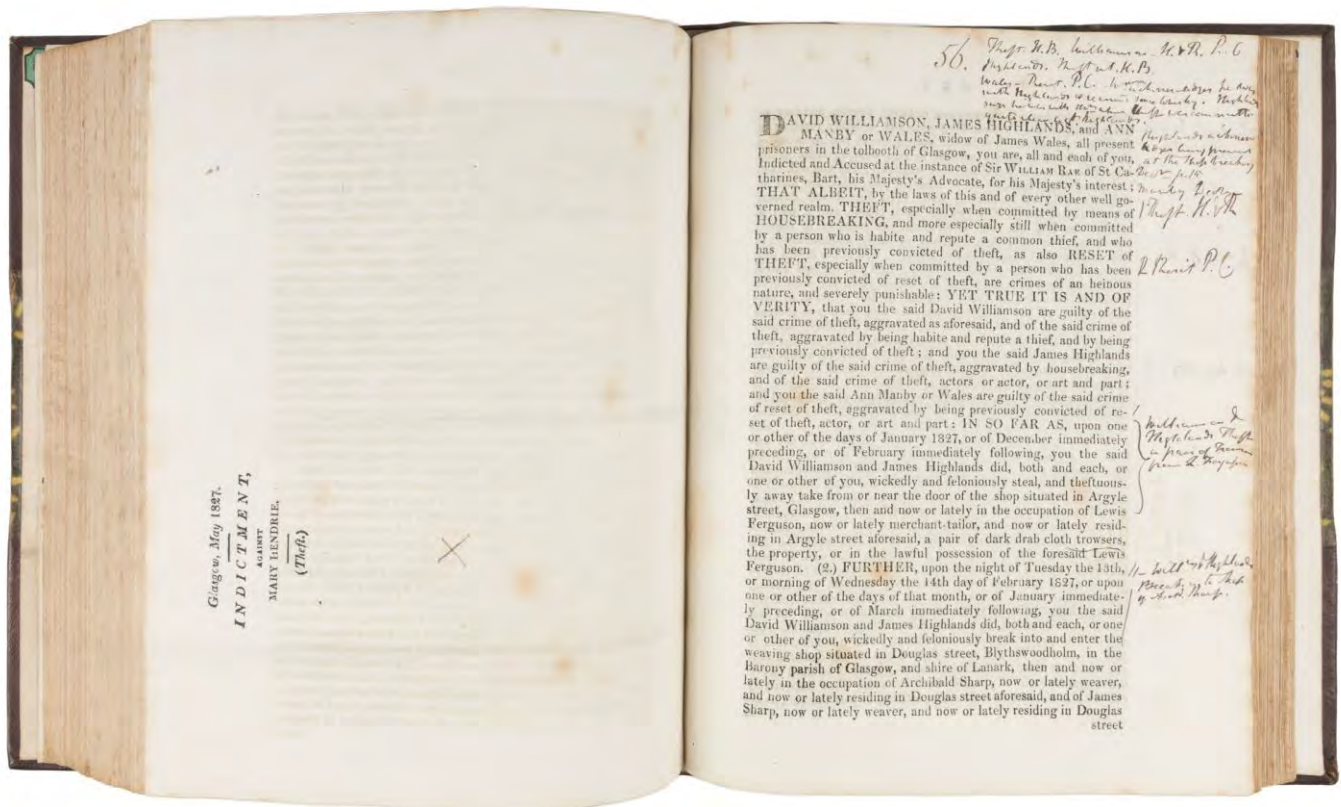
3. Branch, Thomas [fl. 1738-1753].

Richardson, John (Translator).

Principia Legis et Aequitatis: Being an Alphabetical Collection of Maxims, Principles or Rules, Definitions, and Memorable Sayings in Law and Equity. And the Latin Maxims and Rules Translated, By John Richardson. Fifth Edition, Corrected. London: Printed for J. & W.T. Clarke, 1824. [viii], 244 pp. Octavo (7" x 4-1/4").

Contemporary three quarter calf over marbled boards, lettering piece and gilt fillets to spine. Light rubbing to boards, moderate rubbing to extremities with light wear to spine ends and corners, a few shallow scuffs and minor nicks to spine, hinges cracked, two early bookplates to front pastedown (of James Barratt, Lymm Hall and Charles J. Bewlay, Carleton Hall). Moderate toning to interior, light foxing in a few places, annotations in miniscule early hand to a few passages and title page. \$500.

* Fifth and final edition. This popular book was first published in 1753. (The first edition by Richardson, the fourth, was published in 1822. According to Marvin, "As a manual, this little book contains more law and more useful matter, than any one book of the same size which can be put into the hands of the student.' It is more extensive than Noy's Maxims, and 'draws so copiously from the common law reports and writers of the age of Elizabeth, and since that time, that it may be regarded as the accumulated spirit and wisdom of the great body of the English law.'" Marvin's first quote is from *Preston on Abstracts*, the second from Kent's *Commentaries on American Law*. Marvin, *Legal Bibliography* 143. [Order This Item](#)



A Compilation of Scottish Justiciary Records Annotated by Lord Alloway

4. Cathcart, David, Lord Alloway [1763-1829].

List of Cases for Trial at the Glasgow Spring Circuit, May, 1827. Right Honourable Lord Gillies and Lord Alloway. A. Wood, Esq. Advocate Depute [Drop-Head Title]. [Glasgow]: Printed by John Graham and Co., [1827]. [788] pp. Quarto (10" x 8-1/4").

Contemporary three-quarter morocco over marbled boards, gilt-stamped label reading "The Right Hon. Lord Alloway" to front board, blind decoration, gilt-edged raised bands and title to spine. Light rubbing to boards, a few small scuffs, nicks and scratches, moderate rubbing to extremities, corners bumped. Light toning to interior, occasional light foxing, two slight horizontal fold lines to many leaves, a few folded corners, light soiling in a few places, crack to text block before final leaf. A handsome volume. \$1,500.

* Compiled over the course of the term, this volume is comprised of a list of 77 cases on the docket for the Glasgow Circuit Court of Justiciary in May 1827 followed by records for 72 of those cases. The records, typically 5-8 pp. in length, consist of a short summary of the indictment along with a list of witnesses and jury members, if applicable. Each record is individually paginated and docketed in print on the verso of the final leaf, suggesting that they were issued individually as the term progressed. The list of cases and many of the records are annotated by Lord Alloway, a Scottish lord of session appointed to the Justiciary Court in 1826. The charges range in severity from murder to petty theft. Almost certainly rebound by Alloway for his future reference, this handsome volume is a fascinating glimpse of the work of a nineteenth-century Scottish court from a judge's perspective. Compilation volumes like these were created for the personal use of judges and advocates and are quite scarce. OCLC locates 6 copies of compilations from the Glasgow Justiciary Court, 5 at the University of Glasgow and 1 at Harvard, none of which match ours. [Order This Item](#)



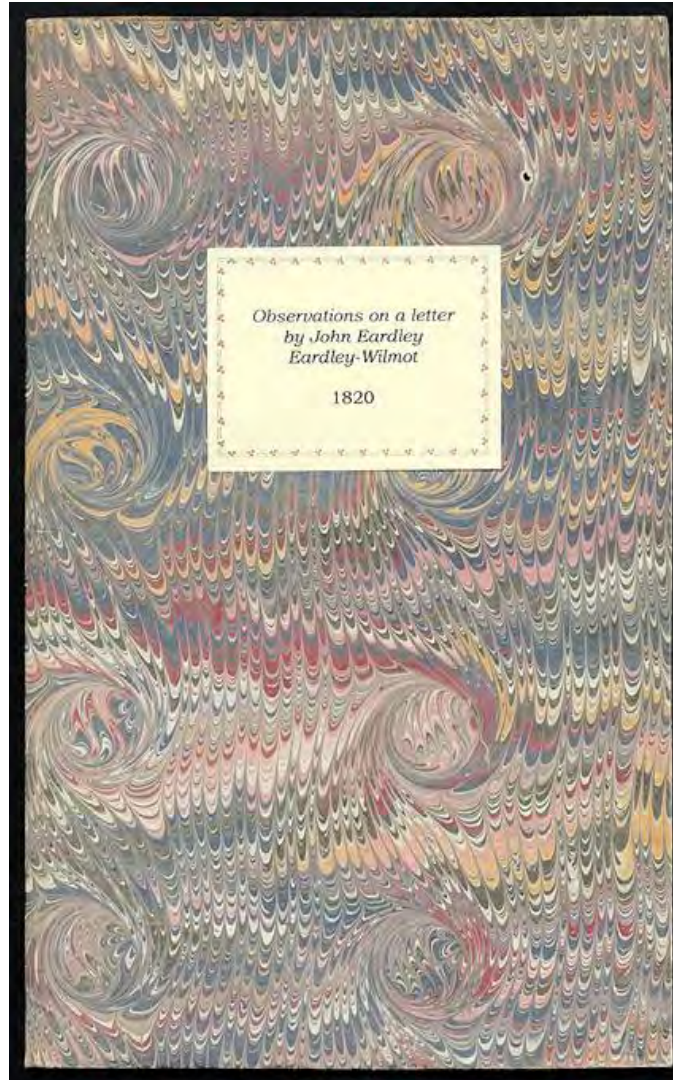
The Last Edition of the Nakaz Published in the Nineteenth Century

**5. Catherine II [1762-1796], Empress of Russia.
Bezgin, Il'ia Grigor'evich, Editor.**

Nakaz Eja Imperatorskago Velicestva Ekateriny Vtoryja Samoderzicy Vserossijskaja Dannyj Kommissii o Socinenii Proekta Novago Ulozenija. St. Petersburg: Izd. L.F. Pantelieeva, 1893. 53, 201 pp. Text of *Nakaz* in Russian with parallel French translation.

Original printed stiff wrappers bound into recent quarter calf over cloth, gilt fillets and lettering piece to spine, endpapers renewed. Gilding mostly rubbed away from lettering piece, light soiling and edgewear to wrappers, moderate toning to text, faint dampspotting to a few leaves. Small early owner label to front free endpaper, internally clean. \$1,750.

* The last edition published in the nineteenth century. The *Nakaz*, or *Instruction*, is a statement of legal principles written by Catherine II between 1764 and 1766. It was among her most ambitious and significant undertakings. Infused with the ideas of the French Enlightenment, and copied mostly from the work of Voltaire, Montesquieu and Beccaria, it was compiled as a guide for the All-Russia Legislative Commission convened by the Empress in 1767 to create a new code to replace the 1649 Muscovite Code. Revised in consultation with Frederick the Great and Voltaire, the *Instruction* proclaimed the equality of all men before the law and denounced torture and the death penalty. Unfortunately, her proposed code was never completed. The first two editions, one with parallel texts in Russian and German, were published in 1767. OCLC locates 1 copy in a North American law library (Columbia). Another copy located at Harvard Law School. Butler, *The Nakaz of Catherine the Great* 526 (Entry 18). [Order This Item](#)



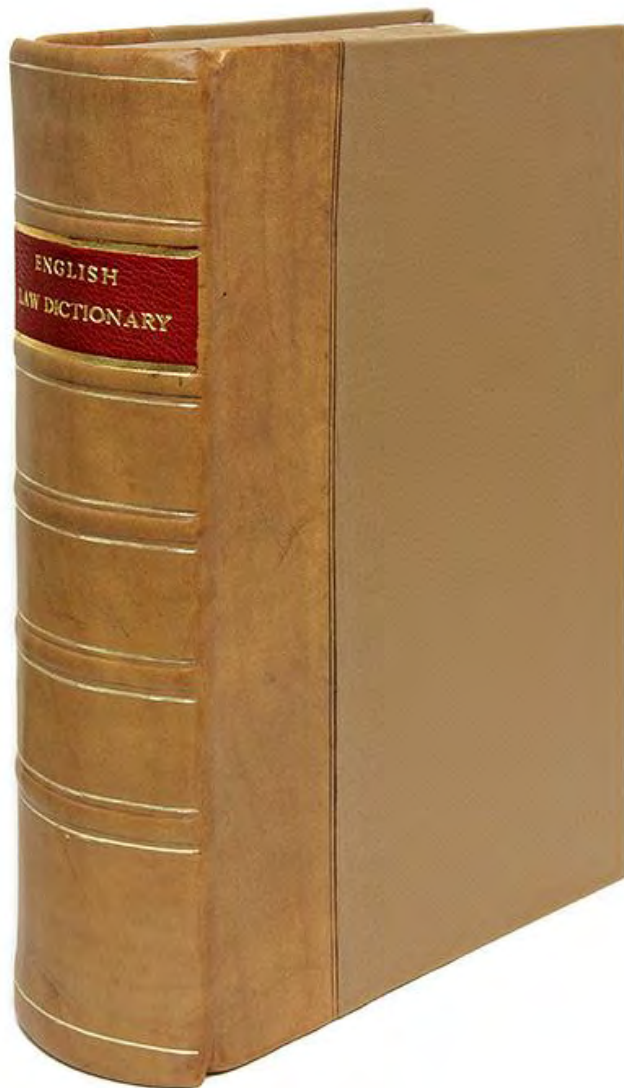
Juvenile Offenders in Nineteenth-Century Warwickshire

6. [Eardley-Wilmot, Sir John Eardley (1783-1847)].

Observations on a Letter by John Eardley Eardley-Wilmot, Esq. One of His Majesty's Justices of the Peace for the County of Warwick, To the Magistrates of Warwickshire. London: Published by T. & G. Underwood and Beilly and Knott, Birmingham, 1820. [iv], 23 pp. With a half-title. Octavo (9" x 5-1/4").

Recent staff marbled wrappers, printed paper title label to front cover. Moderate toning to text, some edgewear to title page. A very good copy of a rare pamphlet. \$350.

* Only edition. A paper on the increase in crime in Warwickshire, relative to the size of population, its causes and possible remedies. The author suggests that young offenders must be punished as much as older offenders. The paper was in response to Eardley-Wilmot's *A Letter to the Magistrates of England on the Increase of Crime: And an Efficient Remedy Suggested for Their Consideration*, first published in 1820, which suggesting that severe punishment of juvenile offenders often led them to a lifetime of criminal activity. He also argued for better prison conditions as an aid to rehabilitation of offenders, a claim refuted in *Observations*. OCLC and COPAC locate 2 copies (Cambridge University, Senate House Library of the University of London). *Goldsmiths'-Kress Library of Economic Literature* 22967. [Order This Item](#)



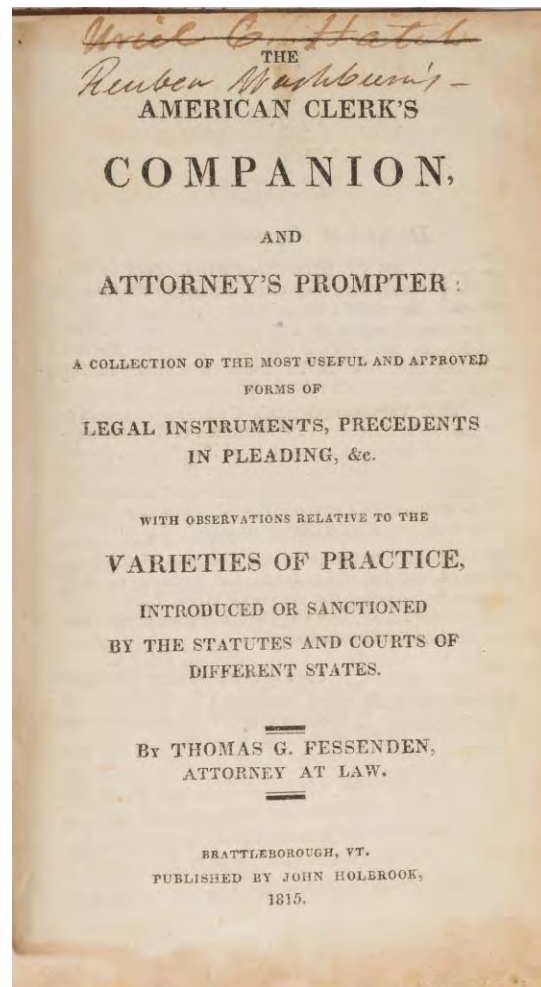
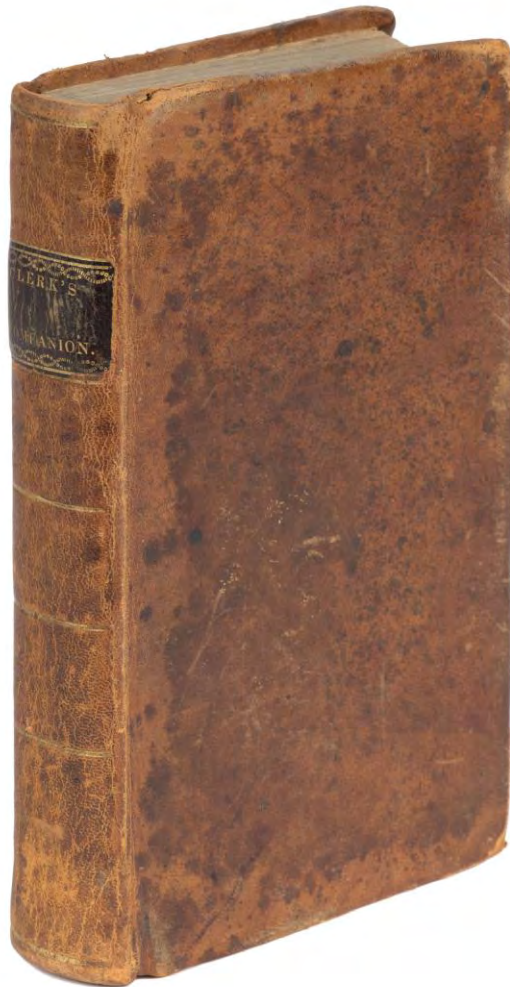
An Uncommon Nineteenth-Century Law Dictionary

7. English, Arthur.

A Dictionary of Words and Phrases Used in Ancient and Modern Law. Washington, DC: Washington Law Book Co., 1899. [iv], 979 pp. Main text in parallel columns. Small folio (10" x 6-1/2").

Recent period-style quarter calf over cloth, gilt-edged raised bands and lettering piece to spine, endpapers renewed. Light toning to text, faint dampstaining to heads of a few leaves. A handsome copy of a scarce title. \$650.

* Only edition. "In this work the effort has been to make the definitions as short as possible, yet so clear that a man without legal education can understand them. (...) Essays or long discussions of subjects have been avoided because few have time to read such, and fewer care to, while those who have time prefer to investigate for themselves" (Explanatory Statement). This is an uncommon book. OCLC locates 29 copies, a low number for a law dictionary published at the turn of the twentieth century. This is the second (non-reprint) copy we have seen. Not in the *Catalogue of the Library of the Harvard Law School* (1909). [Order This Item](#)



First Edition of a Successful Layman's Manual

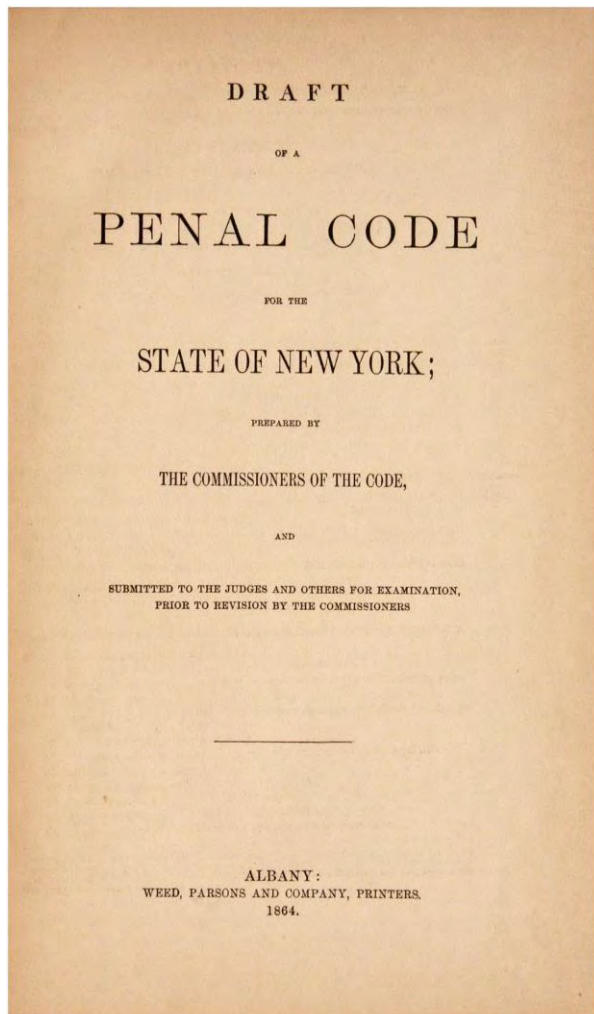
8. Fessenden, Thomas G[reen] [1771-1837].

The American Clerk's Companion, and Attorney's Prompter: A Collection of the Most Useful and Approved Forms of Legal Instruments, Precedents in Pleading, &c. With Observations Relative to the Varieties of Practice, Introduced or Sanctioned by the Statutes and Courts of Different States. Brattleboro, VT: Published by John Holbrook, 1815. [iv], [13]-377 pp. Complete. 12mo. (6-1/2" x 4").

Contemporary sheep, blind fillets to boards, gilt fillets and lettering piece to spine. Light rubbing and a few minor scratches to boards, moderate rubbing to extremities, corners bumped, front hinge starting at ends, rear joint just starting at head, early struck-through owner signature ("U.C. Hatch") and small fragment of dark paper to front pastedown. Moderate toning to text, offsetting to margins of preliminaries and final few leaves, two early signatures ("Uriel C. Hatch," struck through, and "Reuben Washburn") to head of title page. \$100.

* First edition. Immediately popular, this layman's guide went through seven later editions, all with a title beginning *A Valuable Assistant to Every Man: Or, The American Clerk's Magazine*. A true "Renaissance man," Fessenden was a lawyer, poet, journalist, inventor and venture capitalist who promoted various inventions. He was the holder of two patents for heating devices. He promoted "scientific" techniques in *The New England Farmer*, a journal he founded. Also a prominent satirist, he wrote numerous pieces under the pseudonym Christopher Caustic. Cohen, *Bibliography of Early American Law* 8010.

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A Presentation Copy From Noyes

9. [Field, David Dudley (1805-1894)].

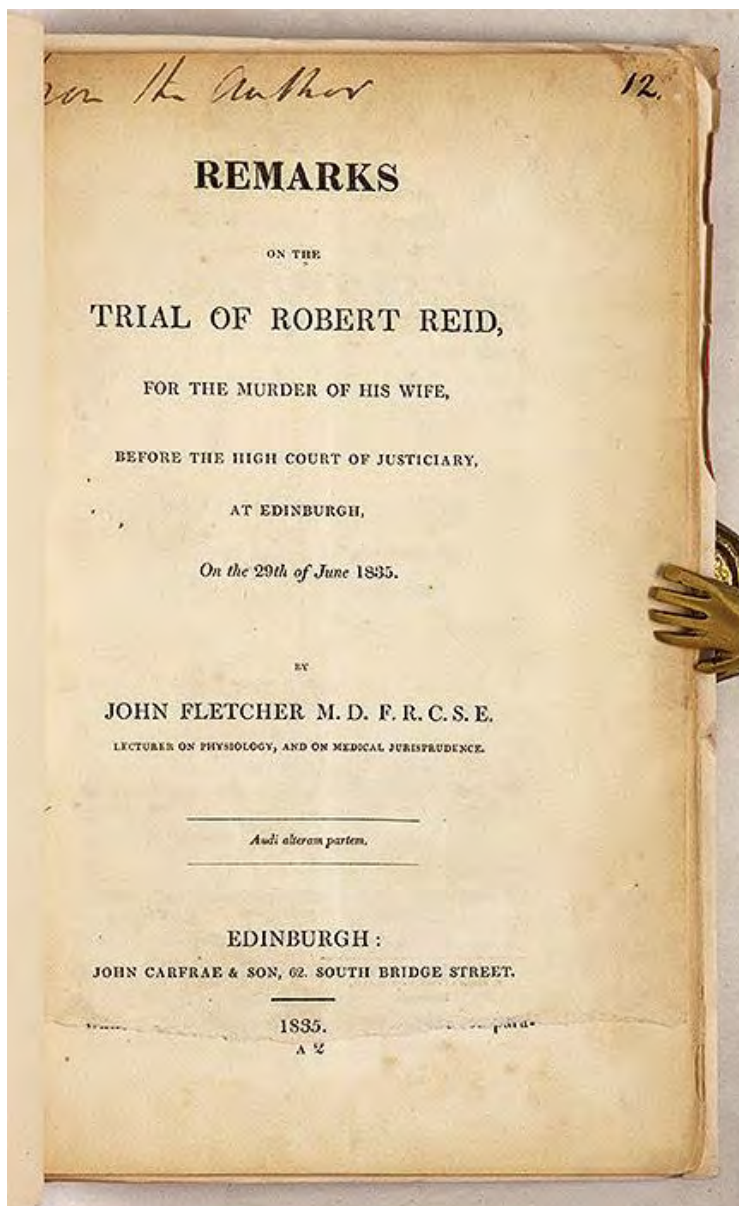
[Noyes, William Curtis (1805-1864)].

[Bradford, Alexander W. (1815-1867)].

Draft of a Penal Code for the State of New York; Prepared by the Commissioners of the Code, and Submitted to the Judges and Others for Examination, Prior to Revision by the Commissioners. Albany: Weed, Parsons and Company, 1864. lv, 285 pp. Octavo (9" x 5-3/4").

Original blind-stamped black moire cloth, gilt title to spine. A few bumps to edges of boards, light wear to corners, some chipping to spine ends, front joint starting at head, armorial book plate (of John Mack) to front pastedown, "With Compliments of Wm. Curtis Noyes," early owner signature (of L. Tremaine) and tiny later adhesive label to front free endpaper. Moderate toning to text, small chips to fore-edges of two leaves (pp. 261-266). \$500.

* This was a draft issued for public comment. It was completed on December 1864, just before Noyes' death. Noyes was a prominent New York City Lawyer. A man of extensive learning, he was an important member of the Code Commission. John Mack, a former owner of this book, may have been the notable nineteenth-century New York publisher. Babbitt, *Hand-List of Legislative Sessions and Session Laws* 364. [Order This Item](#)



Discussion of an 1834 Murder Case by a "Medical Advisor" to the Defense Counsel

10. Fletcher, John [1792-1836].

Remarks on the Trial of Robert Reid, For the Murder of His Wife, Before the High Court of Justiciary at Edinburgh on the 29th of June, 1835. Edinburgh : John Carfrae & Son, 1835. 54 pp. Tipped-in errata sheet. Octavo (8-1/2" x 5-3/4").

Stab-stitched pamphlet in recent red wrappers. Light rubbing to extremities, light toning to text, "From the author" to head of title page, lower margin removed with no loss to text. \$450.

* Only edition. Fletcher was a "Medical Adviser" to Robert Reid's legal counsel during Reid's trial for the murder of his wife in 1834. This pamphlet summarizes the comments he offered at the trial and tears apart the testimony of the Crown's expert. OCLC locates 11 copies in North America, 4 in law libraries (Harvard, Library of Congress, Social Law, University of Minnesota). [Order This Item](#)



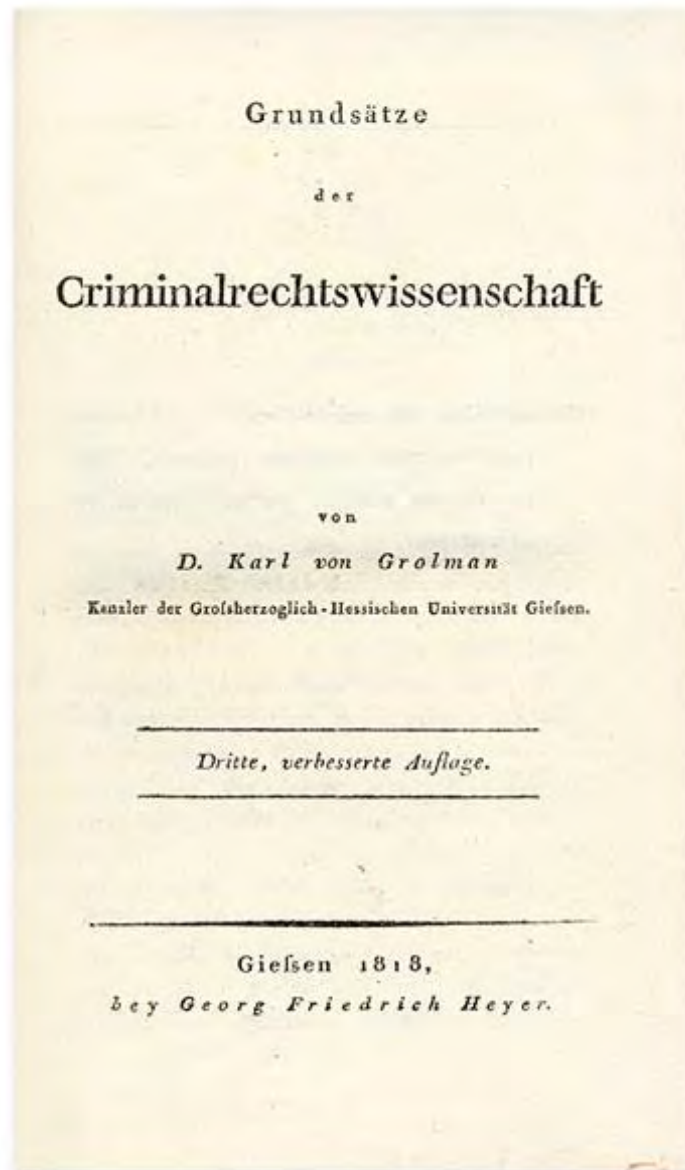
Interleaved With Contemporary Manuscript Annotations

11. [France].

Code d'Instruction Criminelle, Édition Conforme à l'Édition Originale du Bulletin des Lois; Suivi des Motifs Exposés par les Conseillers d'Etat, Et des Rapports Faits par la Commission de Législation du Corps Législatif, Sur Chacune des Lois qui Composent le Code; Avec une Table Alphabétique et Raisonnée, Qui Réunit sur Chaque Matière Toutes les dispositions Relatives, Et qui Indique, à l'Article de Chaque Fonctionnaire ou Officier Public, Toutes les Fonctions qui Lui Appartiennent, Ou Qu'il est Tenu de Remplir, En Matière Criminelle, Correctionnelle ou de Simple Police. Paris: Garnery, Libraire, Rue de Seine, De l'Imprimerie de Mame, 1809. Three parts. [iv], 162, 312, 34 pp. Interleaved through first section to p. 162. 12mo. (6-1/2" x 3-3/4").

Contemporary sheep, gilt frames with gilt corner fleurons to boards, lettering piece and gilt fillets to spine, speckled edges. Light rubbing, scuffing and a few minor stains to boards, moderate rubbing to extremities, chip to lettering piece, corners bumped. Light to moderate toning, light foxing in places, early repair to fore edges of title page and following leaf, occasional annotations in neat hand to interleaves, other, briefer, annotations to margins of text, some slightly affected by trimming. \$1,500.

* The 1808 *Code d'Instruction Criminelle*, a code of criminal procedure, was one the four codes of civil and criminal law issued under Napoleon's direction after the Code Napoleon (*Code Civil*, 1804). Garnery's is one of the unofficial editions produced at the same time as the official edition. Unlike the official edition, it features a second section, *Motifs du Livre Ier, Chapitre I a VIII du Code D'Instruction Criminelle* by "MM. Treilhard, Réal et Faure, Conseillers d'État" and a detailed alphabetical index. The notes, the latest dated 1817, elucidate points in the text or indicate that an article was amended. This edition not in Camus. [Order This Item](#)



A Notable Contribution to Criminology

12. Grolman, Karl von [1775-1829].

Grundsätze der Criminalrechtswissenschaft. Giessen: Georg Friedrich Heyer, 1818. xxii, 686 pp. Octavo (8" x 4-1/2").

Contemporary marbled boards, hand-lettered title label to spine, edges rouged. Some rubbing to extremities, corners bumped, light toning to text, internally clean. Ex-library. Shelf label to foot of spine. A nice copy. \$500.

* Third edition. First published in 1798, this influential treatise introduced the latest progressive theories of criminology to the German states. Unlike its predecessors, it emphasized deterrence and prevention rather than punishment. Its final edition was published in 1825. Grolman was a professor of law at the University of Giessen. All editions of the title are scarce in North American law libraries. OCLC locates 1 copy at the Library of Congress, which has a first edition. This edition not in the *British Museum Catalogue*. [Order This Item](#)



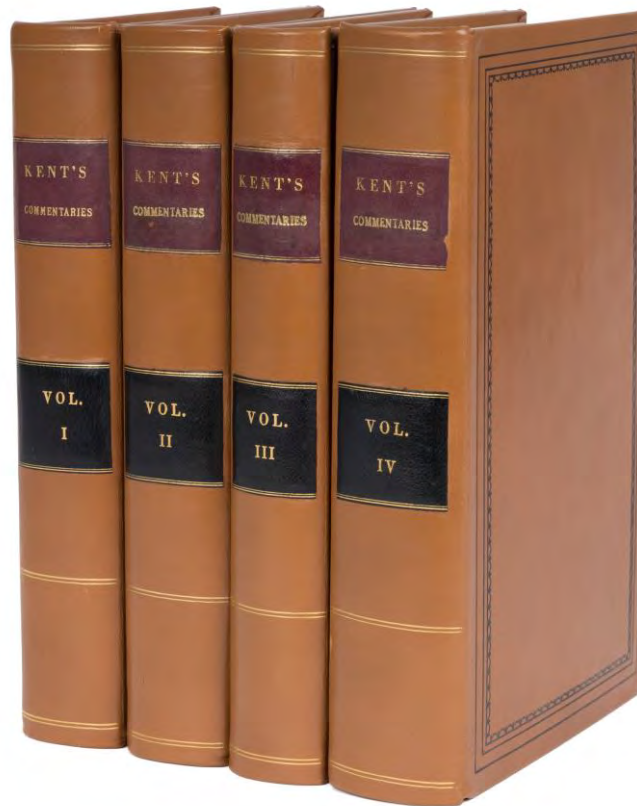
Study of Ottoman Constitutional Law by a Notable Orientalist

13. Hammer-Purgstall, Joseph, Freiherr von [1774-1856].

Des Osmanischen Reichs Staatsverfassung und Staatsverwaltung, Dargestellt aus den Quellen seiner Grundgesetze. Vienna: In der Camesinaschen Buchhandlung, 1815. Two volumes. xlii, 499, [1]; x, 531 pp. Octavo (7-1/2" x 4-3/4").

Contemporary paper-covered boards, lettering pieces and gilt fillets to spine, speckled edges. Some rubbing to boards and extremities, corners bumped and somewhat worn. Light toning to text, light foxing in a few places. Ex-library. Shelf-label residue to spines, small stamps to front pastedowns and versos of title pages, shelf numbers (?) in small early hand to foot of rear pastedowns. An attractive set. \$1,950.

* Only edition. Hammer-Purgstall was an Austrian diplomat who held posts in Constantinople and other Eastern cities. He spent the latter part of his career in Vienna as a privy counselor. An important Orientalist, he wrote extensively on Arabic, Persian and Turkish culture and history. *Des Osmanischen Reichs Staatsverfassung und Staatsverwaltung* is a historical study of the constitutional history, constitutional law and administrative law of the Ottoman Empire. OCLC locates 4 copies in North American law libraries (George Washington University, Harvard, Library of Congress, UC-Berkeley). [Order This Item](#)



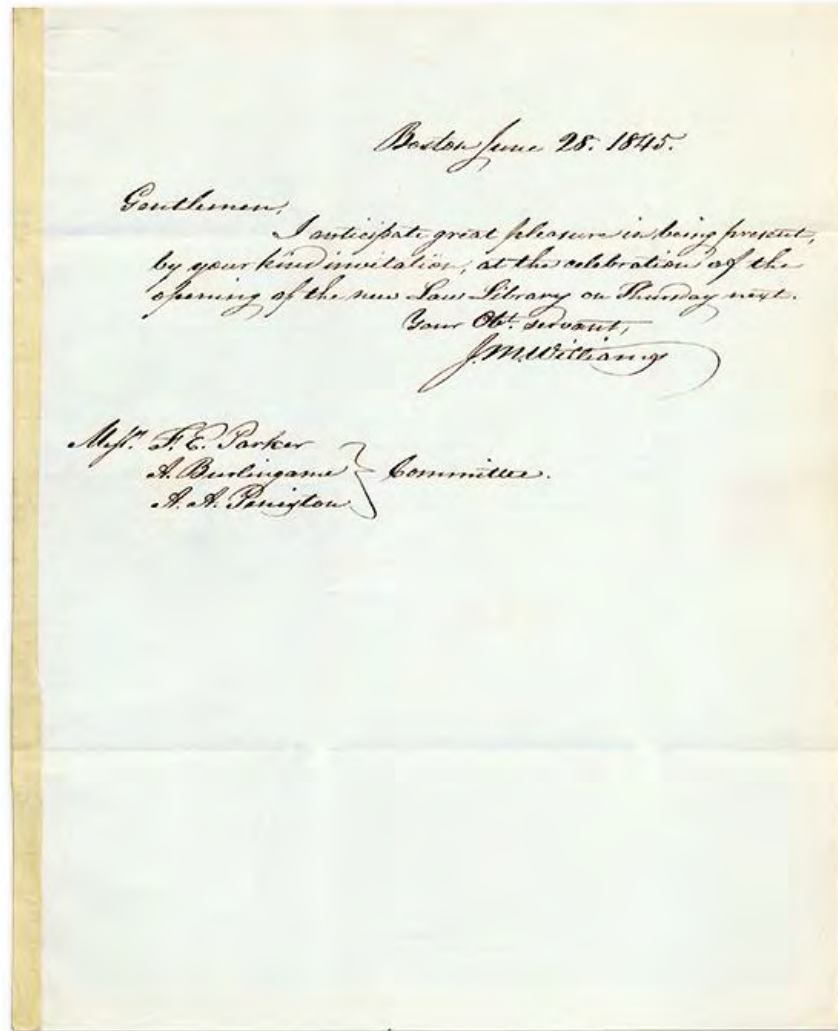
A Handsome First-Edition Set of Kent's *Commentaries*

14. Kent, James [1763-1847].

Commentaries on American Law. New York: Published by O. Halsted, 1826-1830. Four volumes. 508, 528, 413, 550 pp. Octavo (8-3/4" x 5-1/4").

Recent period-style calf, black-stamped frames to boards, gilt fillets and red and black lettering pieces, retained from earlier binding, to spines, endpapers renewed. Light toning to interiors, slightly heavier toning to Volume IV, negligible light foxing and ink spots to a few leaves in each volume, section of *The United States Review and Literary Gazette* (May 1827) containing an anonymous review of Volume I, with a contemporary manuscript note identifying Theron Metcalf as the reviewer, bound after index of Volume IV, two contemporary owner signatures to each title page (of Edwin Hutchingson, struck through, and Charles A.F. Swan), another signature (Edwin Hutchingson) to head of p. 1 of Volume IV. A handsomely bound copy with notably fresh interiors. \$5,000.

* First edition. Kent's *Commentaries* is probably the single most important interpretation of American law. Writing in 1847, Marvin ranked it above Blackstone and observes that it contains "not only a clear statement of the English law, with all the alterations that have taken place since the time of Blackstone, but a full account of the main principles of Equity, also, a review of the modifications engrafted on the English law by the different states of the Union." Marvin's latter observation points to the significance of this landmark work. Published at a time when there was considerable opposition to English law, Kent's *Commentaries* established it in a manner that appealed to the majority of influential American jurists and legislators. As Roper notes, by transplanting English common law, the *Commentaries* "had the two-prong effect of helping to maintain the primacy of judge-made law in contrast to codification by legislatures, while providing the legal profession with the degree and kind of certainty it craved." Marvin, *Legal Bibliography* 438. Roper, "James Kent" in *American National Biography* 12:598-199. Cohen, *Bibliography of Early American Law* 5398. [Order This Item](#)



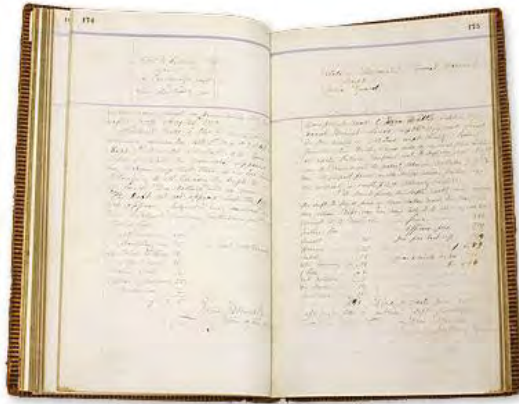
Celebrating Harvard's "New Law Library"

15. [Manuscript].
Williams, J[ohn] M.
[Parker, Francis E.].

[Autograph Letter, Signed, Accepting an Invitation to Attend the Opening of Harvard's "New Law Library," Boston, June 28, 1845].

Single leaf folded to form 13" x 8" bifolium with integral address leaf, franked on verso of second leaf, wax seal, minor paper loss where seal was attached to address leaf. Light toning, vertical and horizontal fold lines, fold forming bifolium neatly reinforced. \$650.

* Williams accepts an invitation from Francis E. Parker to attend the opening of Harvard's "New Law Library," which was housed in a recently completed addition to Dane Hall, the law school's home. A committee of three students, Francis E. Parker of Boston (Class of 1846), Anthony A. Penniston of New Orleans (Class of 1845) and Anson Burlingame of Detroit (Class of 1846), organized an opening festival on July 3, 1845. Current students and faculty, prominent citizens, alumni and members of the local bar were invited. J.M. Williams was probably John M. Williams, a Boston lawyer and judge, later chief justice of the Suffolk Court of Common Pleas. [Order This Item](#)



1868 Justice's Docket from Rural Wisconsin

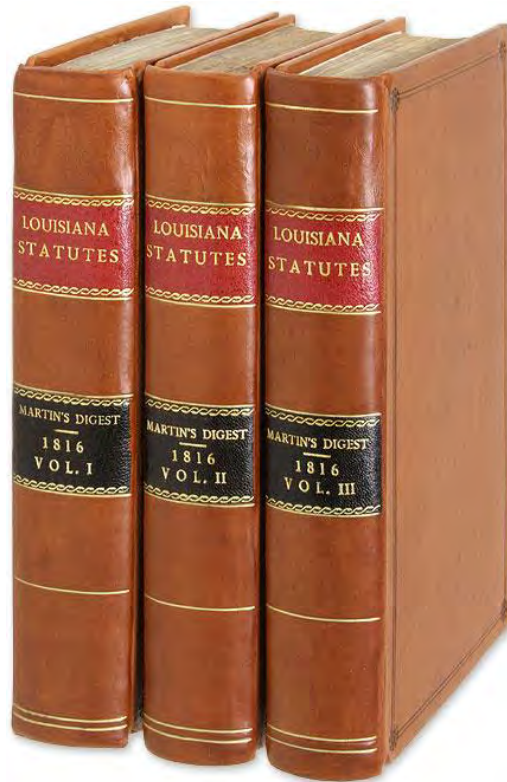
16. [Manuscript].

[Wisconsin].

Justice Docket for the Town of Lake Mills, Jefferson County, Wisconsin, 1868 (Manuscript title on first leaf). [Lake Hills, WI, 1868-1888]. [xxvi], 318 pp., a few blanks at rear. Folio (13-1/2" x 8-1/4").

Sheep, black-stamped panels to boards, raised bands and lettering pieces to spines, cloth reinforced hinges, marbled endpapers, thumb-tabbed index at front. Some rubbing to extremities with light wear to spine ends and corners. Five documents, some partially printed, laid or tipped-in. Light toning to interior, text in neat hand to rectos and versos of most leaves. A well-preserved item. \$750.

* This detailed docket book covering all manner of civil and criminal cases was compiled by seven successive justices of the peace in the Town of Lake Mills, Jefferson County, Wisconsin from 1868 to 1888. It records legal processes, judgments, and the associated service fees for approximately 250 civil and criminal cases. Among the civil proceedings were cases of breach of contract, recovery of debt, replevin, and bastardy. Criminal cases included trespass, larceny, vagrancy, arson, burglary, the use of abusive language and the violation of blue laws. Other criminal cases involved assault and battery, attempted rape and other forms of bodily violence. The docket book is arranged chronologically and documents each step of the judicial process. The docket names the parties involved and usually includes the names of their attorneys, if any. Receipts for the payments of judgments are noted as well. Further, the justices consistently itemized the court fees and those of the constables and marshals associated with each case. [A more detailed description is available on request.] [Order This Item](#)



A Landmark in the Legal History of the Louisiana Purchase

17. Martin, Francois-Xavier [1762-1846].

A General Digest of the Acts of the Legislatures of the Late Territory of Orleans and of the State of Louisiana, And the Ordinances of the Governor Under the Territorial Government: Preceded by the Treaty of Cession, The Constitution of the United States, And of the State, With the Acts of Congress, Relating to the Government of the Country and the Land Claims Therein. Published Under a Resolve of the Legislature. New Orleans: Printed by Peter K. Wagner, 1816. Three volumes. 742; 696; 290, 295-513, [3], 107 pp. Volume III lacking pp. 291-294, which are supplied in facsimile. English and French translation on facing pages. Added title page in French reading: *Digeste General des Actes des Legislatures du Territoire d'Orleans et de l'Etat de la Louisiane...* Folding table in Volume I. Four pages of contemporary manuscript notes bound to rear of Volume II. Octavo (8" x 5").

Recent period-style calf, blind rules to boards, lettering pieces and gilt fillets to spine. Moderate toning, somewhat heavier near margins, light browning in places, light foxing to text. Faint dampstaining in places, worming to middle leaves of the bottom edge of Volume II with minor loss to margin (text not affected), a bit of edgewear to folding leaf, internally clean. Ex-library. Faint stamps to title pages, hand-lettered inventory numbers to versos. A handsome set. \$2,500.

* First edition. One of the great landmarks in Louisiana's history, this was the first post-territorial digest of the Louisiana legislature. It contains the treaty ceding the Territory of Louisiana to the United States and, on pp. 601-691 of Volume I, the infamous *Code Noir* of 1685, which ordered the expulsion of the Jews from French colonies, banned non-Catholic practices there and provided a system for the regulation of slavery. Martin was an important figure in the legal history of the south. A French-born lawyer, judge, author, translator, printer and historian, he began his career in North Carolina. He later moved to the Louisiana territory, where he played the leading role in the reorganization of its legal system. Appointed attorney-general when Louisiana became a state, he is considered the father of Louisiana jurisprudence. The manuscript pages at the end of Volume II are an index. Jumonville, *Bibliography of New Orleans Imprints* 281, 282, 283. Cohen, *Bibliography of Early American Law* 5663. [Order This Item](#)



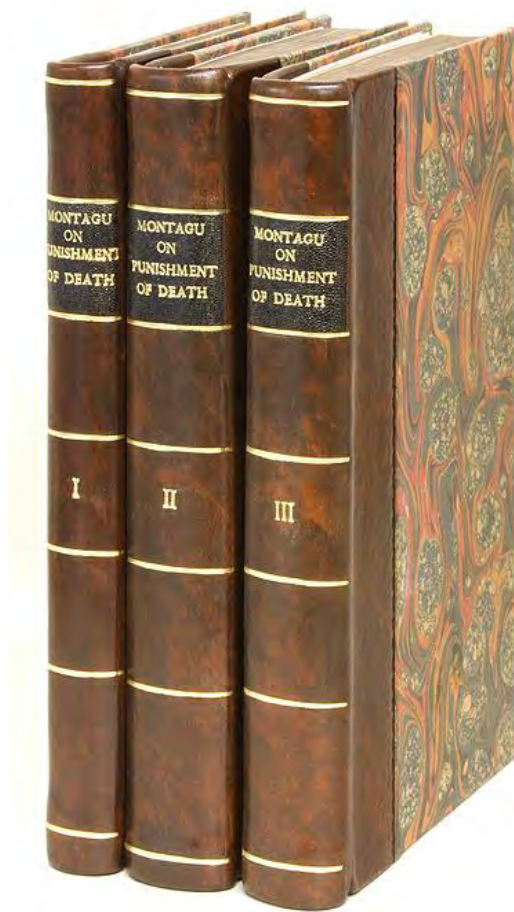
A Scottish Guillotine

18. M'Culloch, William Thompson [1815-1869].

History of the "Maiden" or Scottish Beheading Machine, With Notices of the Criminals Who Suffered by It. Edinburgh: Printed by Neill and Company, 1870. [535]-560 pp. 2 plates. 1 text illustration. Quarto (8-1/4" x 6-1/2").

Contemporary quarter cloth over marbled boards, calf lettering piece to spine, endpapers renewed. Light rubbing to extremities with minor wear to spine ends and corners. Moderate browning to text, some wear to corners of text block. \$500.

* Only edition (as an independent work). M'Colloch shows that an early form of the guillotine was used in Scotland from 1564 to 1710. This essay is a reprint from *The Proceedings of the Society of Antiquaries of Scotland*. OCLC locates 4 copies, 2 in North America (Northwestern University, University of Toronto). [Order This Item](#)



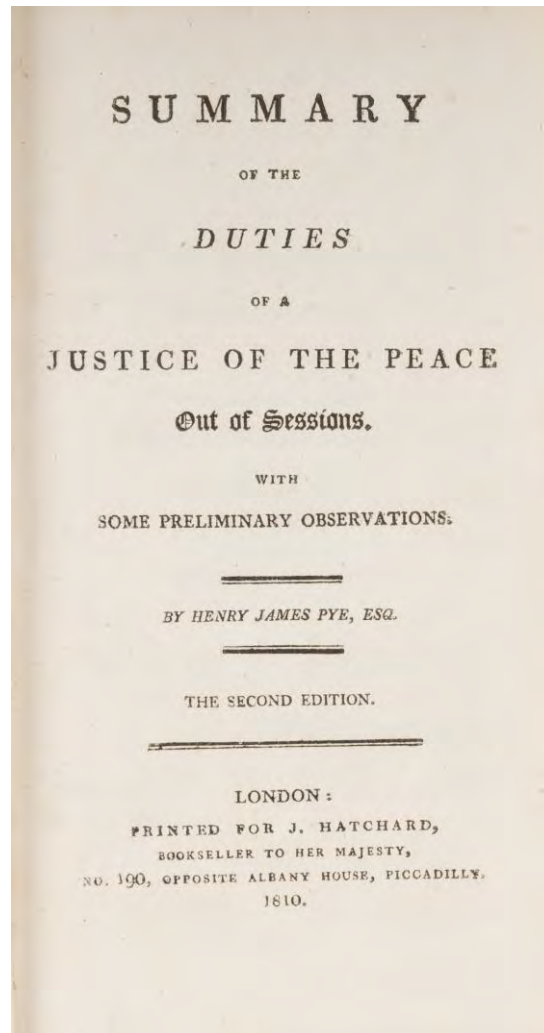
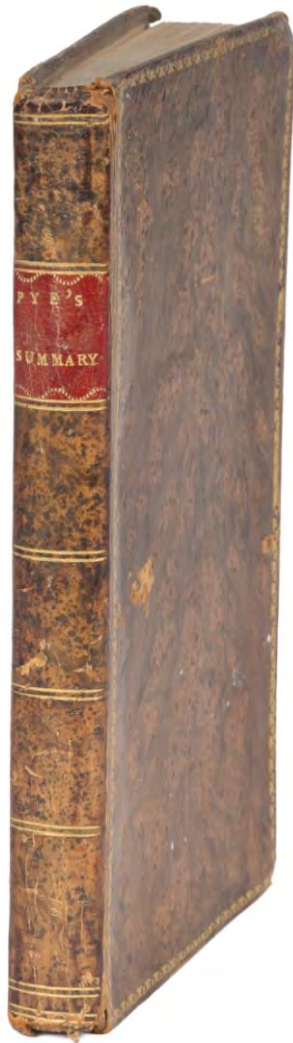
Montagu's Anthology of Writings on Capital Punishment

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 gilt 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. \$1,750.

* 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. [Order This Item](#)



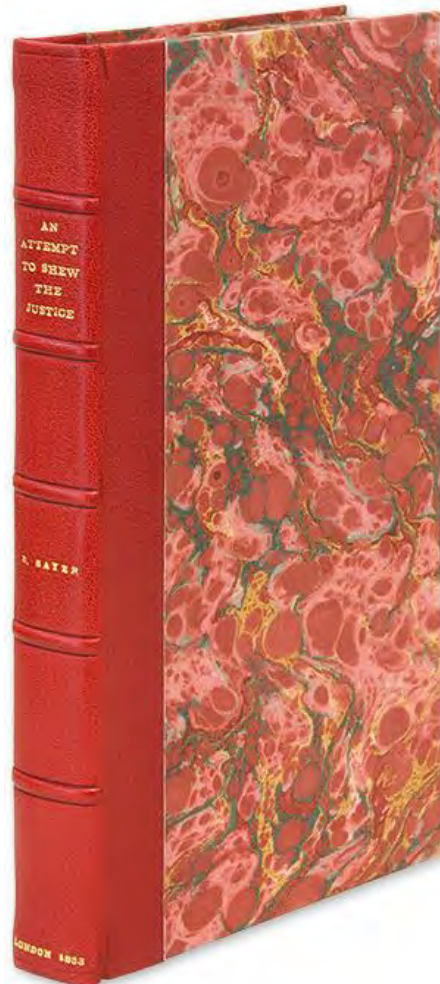
Appealing JP Manual with Laws Relating to London

20. Pye, Henry James [1745-1813].

Summary of the Duties of a Justice of the Peace Out of Sessions: With Some Preliminary Observations. London: Printed for J. Butterworth and Son, 1810. xvi, 200, [20] pp. 12mo. (7" x 3-3/4").

Contemporary calf, gilt fillets to boards, lettering piece and gilt fillets to spine, blind tooling to board edges. A few small nicks and spots to boards, moderate rubbing to extremities, foot of spine chipped, front joint just starting at ends, hinges starting at head, armorial bookplate to front pastedown, top portion of front free endpaper removed. Light toning to text, small tear to top-edge of leaves G5-6 (pp. 129-132), ownership signature (of William P. Lewis) dated 1841 to head of half-title. \$150.

* Second edition, the last in the author's lifetime. "This little Summary points out and abridges those laws that relate to the duties of a justice of the peace out of sessions.... This work is confined to the duties of a justice out of sessions because at the sessions the magistrate will find ample means of reference, besides the opportunity of consulting his friends at the bar and his colleagues on the bench...." ([vii]-viii). The first edition of this handbook was published in 1808, the fourth and final edition in 1827. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:293. [Order This Item](#)



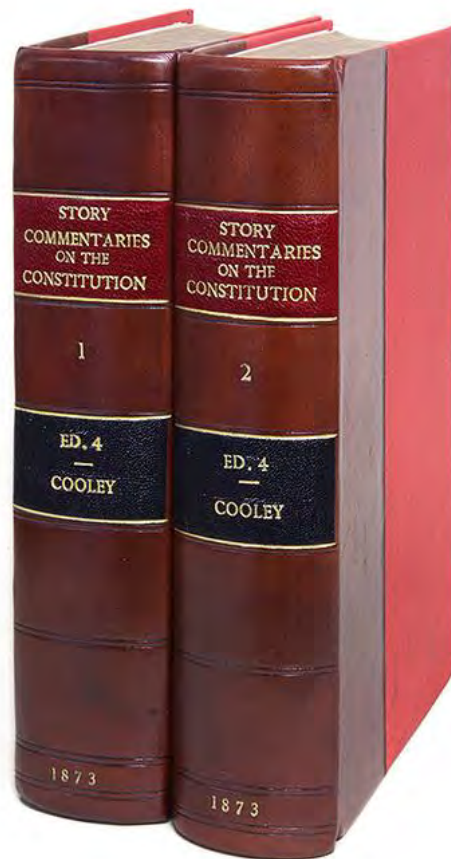
"A Valuable Work" of "Ability and Judgement"

21. [Sayer, Benjamin].

An Attempt to Shew the Justice and Expediency of Substituting an Income or Property Tax for the Present Taxes, Or a Part of Them; As Affording the Most Equitable, The Least Injurious, And (Under the Modified Procedure Suggested Therein), The Least Obnoxious Mode of Taxation: Also, The Most Fair, Advantageous, And Effective Plans on Reducing the National Debt. London: J. Hatchard and Son, 1833. xi, [5], 356, 72 pp. Octavo (9-1/2" x 5-3/4").

Recent period-style quarter morocco over marbled boards (by J. Macdonald, Co., Norwalk, CT.), endpapers renewed. Negligible light foxing to a few leaves, interior otherwise fresh. \$500.

* Only edition. According to McCulloch's landmark treatise *A Treatise on the Principles and Practical Influence of Taxation and the Funding System* (1845), the first systematic study of public finance in English, "[t]his is a valuable work. Its author having long been engaged in the supervision of the collection of the income or property tax repealed in 1815, it embodies much practical as well as theoretical information. We dissent from the views taken by Mr. Sayer of Taxes on Income: but we are not on that account the less ready to admit the ability and judgement he has displayed in recommending their adoption" (359). OCLC locates 35 copies. This study is based on an earlier work entitled *On the Advantages of Substituting an Income Tax or Property Tax for the Present Taxes* (1831). *Catalogue of the Goldsmiths' Library of Economic Literature* 28059. [Order This Item](#)



Uncommon Cooley Edition of Story's *Commentaries on the Constitution*

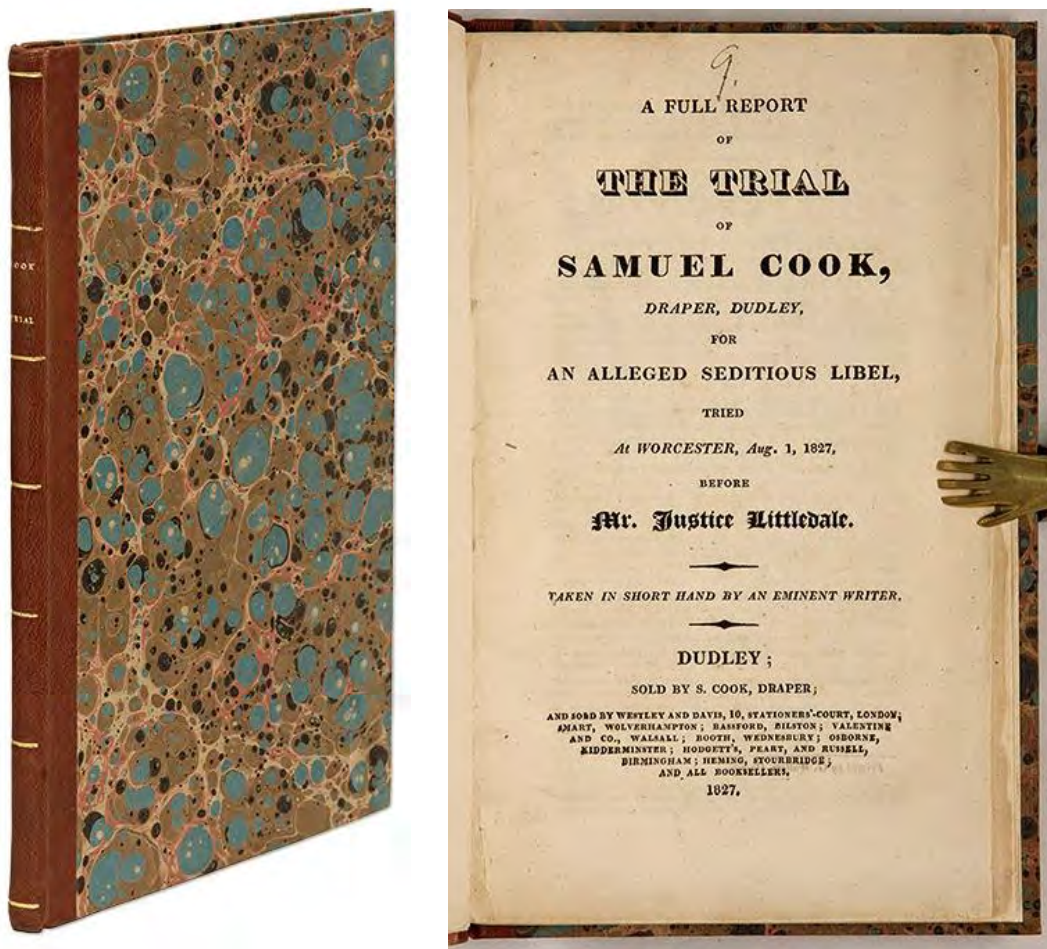
22. Story, Joseph [1779-1845].

Thomas M. Cooley, (1824-1898)], Editor.

Commentaries on the Constitution of the United States: With a Preliminary Review of the Constitutional History of the Colonies and States Before the Adoption of the Constitution. Boston: Little, Brown, And Company, 1873. Two volumes. xxxii, 752; 737 pp. Octavo (9" x 6").

Recent period-style calf, blind fillets and lettering pieces to spine, endpapers renewed. Light toning to text, moderate edgewear, light soiling and small library inkstamps to title pages. Quite uncommon in the trade. \$1,750.

* Fourth edition. *Commentaries on the Constitution* was the most extensive and widely discussed study of the Constitution written during the antebellum period. It was originally published in 1833 and the next two editions appeared in 1851 and 1858. Divided into three books, it offers a strongly nationalist interpretation of the Federal constitution. Book I contains a history of the colonies and a discussion of their charters. Book II discusses the Continental Congress and analyzes the flaws that crippled the Articles of Confederation. Book III begins with a history of the Constitution and its ratification. This is followed by a brilliant line-by-line exposition of each of its articles and amendments. Published in 1873, Cooley's edition updated Story's text to include discussion of the 13th, 14th and 15th Amendments, as well as other changes introduced during the Civil War and Reconstruction. Cooley's additions are enclosed in square brackets, some notes by Edmund Bennett, the editor of the third edition, are retained and attributed. *Catalogue of the Library of the Harvard Law School* (1909) II:669. [Order This Item](#)



**A Draper is Charged with Seditious Libel for
Displaying a Strike Notice in His Shop Window**

23. [Trial].

Cook, Samuel [1786-1861], Defendant.

A Full Report of the Trial of Samuel Cook, Draper, Dudley, For an Alleged Seditious Libel, Tried at Worcester, Aug. 1, 1827, Before Mr. Justice Littledale. Taken in Short Hand by an Eminent Writer. Dudley [Worcester]: Sold by S. Cook, Draper, 1827. [ii], 72 pp. Octavo (8-1/4" x 5-1/4").

Stab-stitched pamphlet bound into period-style quarter morocco over marbled boards by Philip Dusel, gilt titles and ornaments to spine, endpapers renewed. Light toning to text, somewhat heavier in places, "4" in early hand to head of title page. \$850.

* Only edition. Cook, a linen draper and political radical, was found guilty of displaying in his shop window a handbill promoting a nailers' strike that accused government ministers of contributing to the starvation of the people. However, his punishment was light, being bound over for the sum £200 to receive sentence "when called upon." This pamphlet was published by Cook to raise money for his legal expenses. A note at the foot of p. 72 is an appeal for additional financial assistance: "S. Cook will be happy to receive and Subscriptions towards his late expenses, and towards such subsequent proceedings as may be deemed requisite." OCLC locates 4 copies, 2 in North America (Duke, Southern Illinois University). McCoy, *Freedom of the Press* (Supplement) IC318. [Order This Item](#)



An Ungrateful Murderer

24. [Trial].

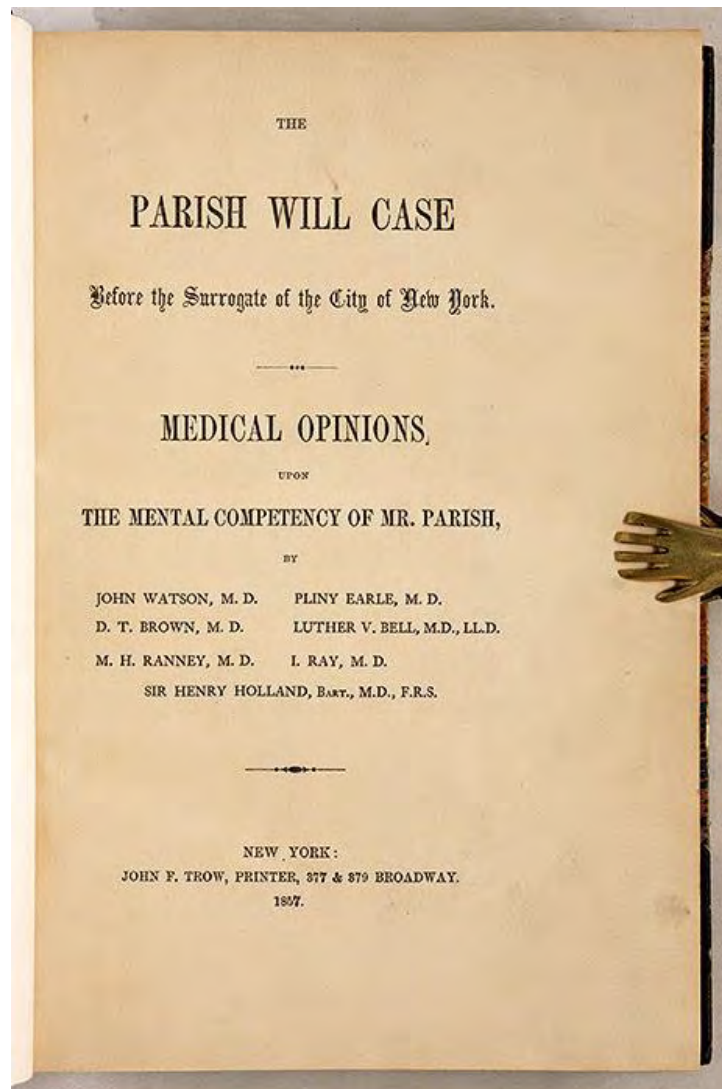
[Great Britain].

Patch, Richard, Defendant [c.1770-1806].

The Trial of Richard Patch, For the Wilful Murder of Mr. Isaac Blight, September 23, 1805, At Rotherhithe, In the County of Surry; Before the Right Hon. Sir A. Macdonald, Knt. Lord Chief Baron of His Majesty's Court of Exchequer; At the Sessions House, Newington; On Saturday, April 5, 1806. London: Printed, By the Express Appointment of the Sheriff, For Edward Jeffery, 1806. xvi, 194 pp. With 5 plates, xvi, 194 pp. With 5 plates, including 3 portraits, a facsimile of a letter, and a folding illustration. Octavo (8-1/4" x 4-3/4").

Marbled wrappers. Light edgewear with slight chipping to top-edge and small tear to fore-edge of rear wrapper. Light toning to interior, light foxing in a few places. Ownership signature to head of title page dated May 10, 1831 with notes in ink in the same hand to front free endpaper. \$250.

* Second edition. Patch, the eldest son of a smuggler, had been forced to mortgage his Exeter farm and subsequently fled to London in order to dodge his creditors. While there, he met Blight, a ship-breaker, who proposed that he become a partner in the business. Patch agreed, but lacked the money to pay for his share and killed Blight instead. Despite many attempts to conceal the crime, he was convicted on strong circumstantial evidence in 1806. In passing sentence, the judge told Patch: "you began this practice in fraud, continued it in ingratitude, and completed it by shedding the blood of your friend and benefactor." [Order This Item](#)



**Testimony of the Seven Medical Experts in a Notable
Nineteenth-Century Will Case Involving Questions of Sanity**

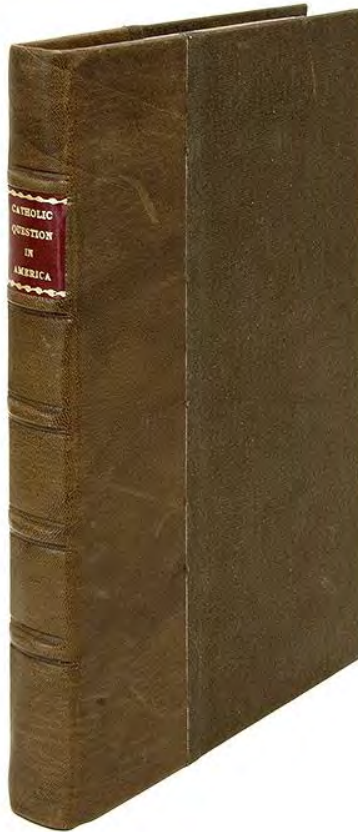
25. [Trial].

[Parish Will Case].

The Parish Will Case Before the Surrogate of the City of New York. Medical Opinions upon the Medical Competency of Mr. Parish, by John Watson, M.D., D.T. Brown, M.D., M.H. Ranney, M.D., Pliny Earle, M.D., Luther V. Bell, M.D., LL.D., M.H. Ranney, M.D., I. Ray, M.D., Sir Henry Holland, Bart., M.D., F.R.S. New York: John F. Trow, 1857. [iii], 573 pp. Each section preceded by divisional title page. Octavo (9-1/2" x 6-1/4").

Contemporary three-quarter morocco over marbled boards, gilt-ruled raised bands and gilt title to spine, speckled edges. Some rubbing to boards and extremities, moderate toning to text, light foxing to a few leaves. A well-preserved copy. \$450.

* First edition. Henry Parish, a New York merchant, died in 1856, at age 69, having left a will made in 1842 and amended with three codicils signed by him some time after suffering a paralyzing stroke in 1849. Later editions were issued in 1858 and 1860. Cohen, *Bibliography of Early American Law* 11386. [Order This Item](#)



Landmark Case Concerning the Confessional and the Court

26. [Trial].

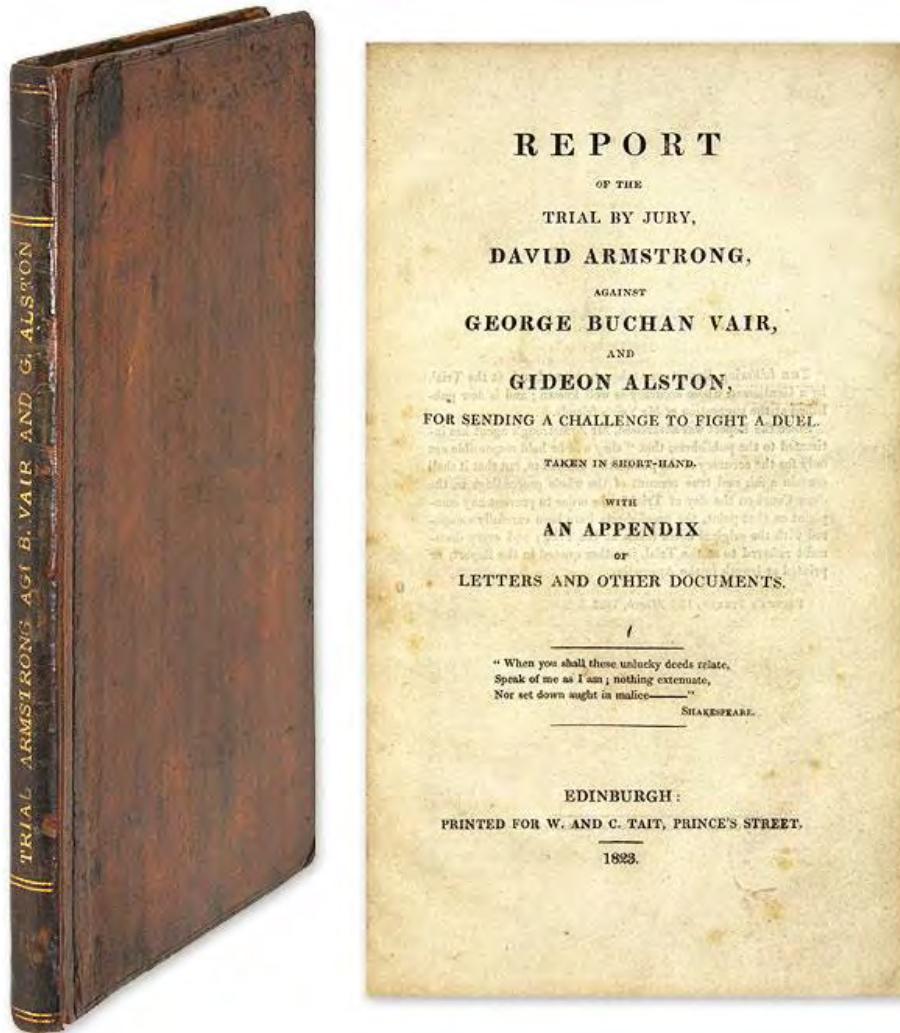
Phillips, Daniel, Defendant.

Sampson, William [1764-1836], Reporter.

The Catholic Question in America: Whether a Roman Catholic Clergyman be in Any Case Compellable to Disclose the Secrets of Auricular Confession. Decided at the Court of General Sessions, In the City of New York. Present, The Honorable DeWitt Clinton, Mayor. The Honorable Josiah Ogden Hoffman, Recorder. Richard Cunningham, Isaac S. Douglass, Esqrs. Sitting Aldermen. With the Arguments of Counsel, And the Unanimous Opinion of the Court, Delivered by the Mayor, With His Reasons in Support of that Opinion. New York: Printed by Edward Gillespy, 1813. 138, cxxviii, [1] pp. Lacking final errata leaf, supplied in facsimile. Octavo (9" x 6").

Recent quarter calf over cloth, raised bands and lettering piece to spine, endpapers renewed, extra calf lettering piece tipped-in to rear pastedown. Light browning to text, faint dampspotting in places, some edgewear to final leaves of text, early owner signature (Thos. E. Worthington 1813) to head of title page. \$750.

* Only edition. This landmark decision established the legal precedent exempting Catholic priests from disclosing evidence relating to criminal activities learned through the Sacrament of Confession. "The case against Daniel Phillips for receiving stolen property hung on the prosecution's attempt to extract testimony from Anthony Kohlmann, a Catholic priest who may have heard Phillips's confession. The extensive 'Report,' p. [5]-114, gives a good general account of confidential conversation between defendants and religious leaders, doctors, lawyers, spouses, and other persons. Although the district attorney claimed to be reluctant to pursue the matter, Catholic authorities had asked that the question be settled before the court. The court recognized the inviolability of the confessional, and Phillips was acquitted due to lack of evidence.": Cohen, *Bibliography of Early American Law* 14043. [Order This Item](#)



Trial of a Would-Be Scottish Duelist

27. [Trial].

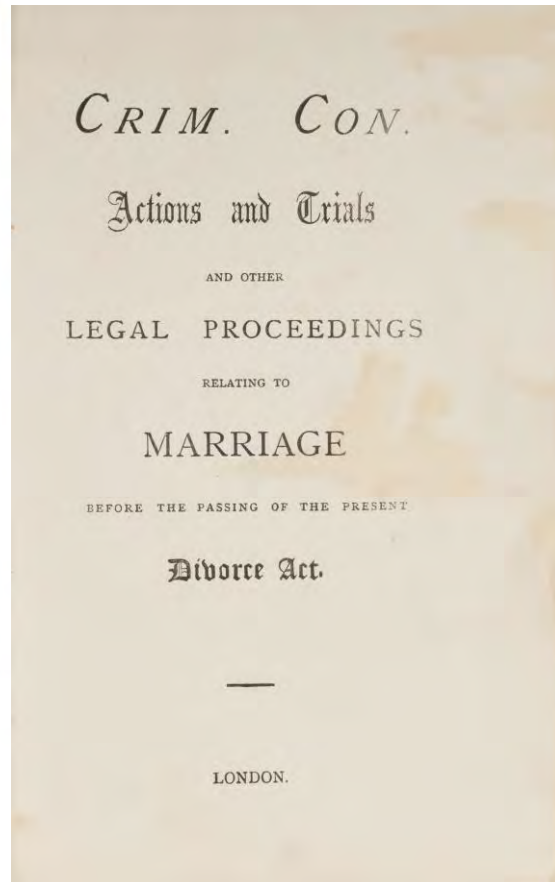
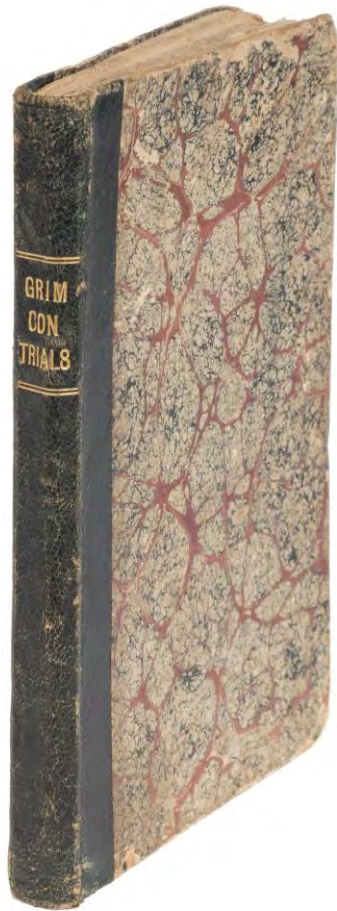
Vair, George Buchan, Defendant.

Alston, Gideon, Defendant.

Report of the Trial by Jury, David Armstrong, Against George Buchan Vair, and Gideon Alston, For Sending a Challenge to Fight a Duel. Taken in Short-Hand. With an Appendix of Letters and Other Documents. Edinburgh: Printed for W. and C. Tait, 1823. iv, 134, [2] pp. Octavo (8-1/2" x 5").

Contemporary calf with later rebacking, blind fillets to boards, gilt title to spine, hinges mended. Moderate rubbing to extremities, corners bumped and somewhat worn, some gatoring along joints. Moderate toning to text, light foxing to a few leaves, internally clean. \$400.

* Only edition. Vair, a spirit-dealer in Leith, was apparently engaged to Miss Dinah Grive, "a lady in Dumfries." He objected to inappropriate attentions paid her by David Armstrong, a writer. Vair alleged that Armstrong had caused the lady to break off her engagement and was therefore entitled to challenge him to a duel. Armstrong refused the challenge, won the court case and was awarded 20 pounds in damages. OCLC locates 4 copies in North American law libraries (LA County, Library of Congress, Social Law, University of Pennsylvania). [Order This Item](#)



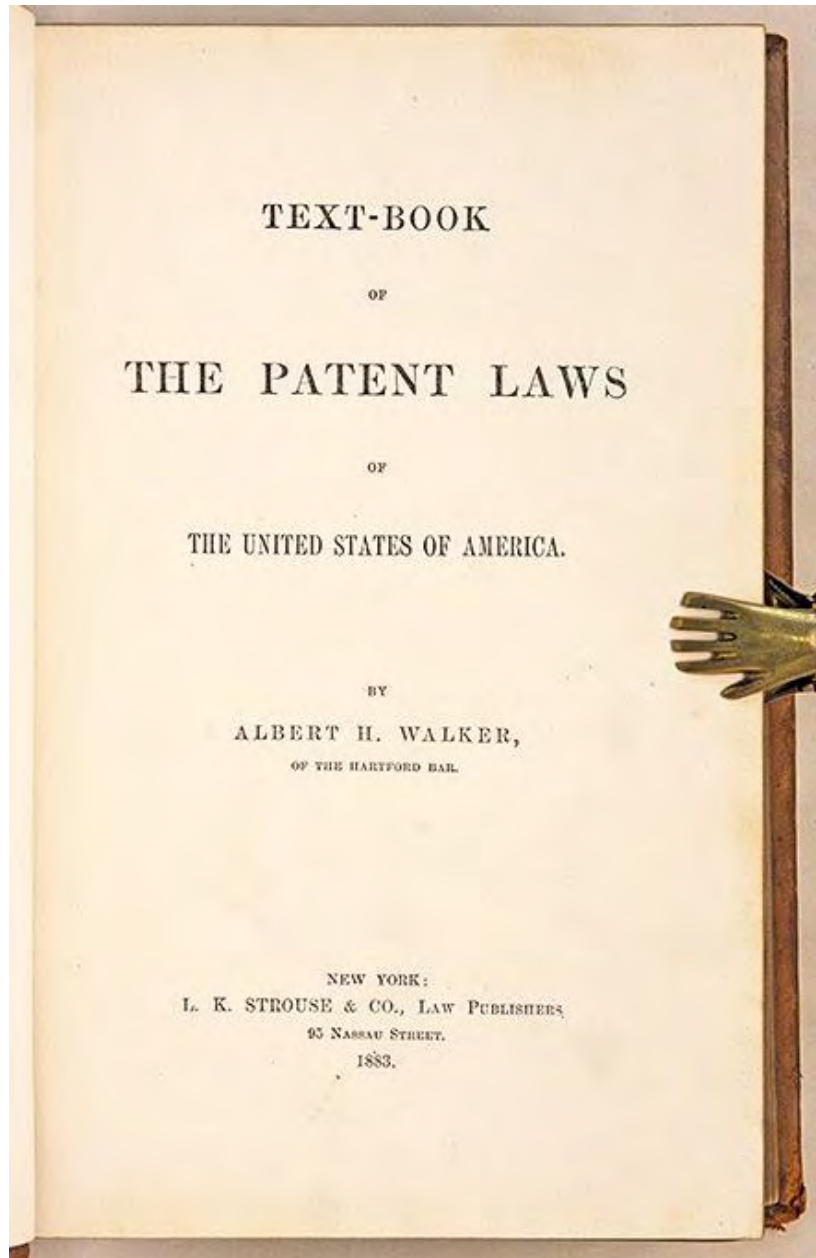
Criminal Conversation's Influence on Later Divorce Law

**28. [Trials].
[Marriage Law].**

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

Contemporary quarter sheep over marbled boards, gilt title to spine, edges untrimmed. Light rubbing to boards, moderate rubbing and light wear to extremities including corners, which are bumped, hinges starting at both ends, some offsetting to endleaves. Light toning to interior, light soiling, foxing and staining in a few places, crack in text block between pp. 34 and 35. \$250.

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



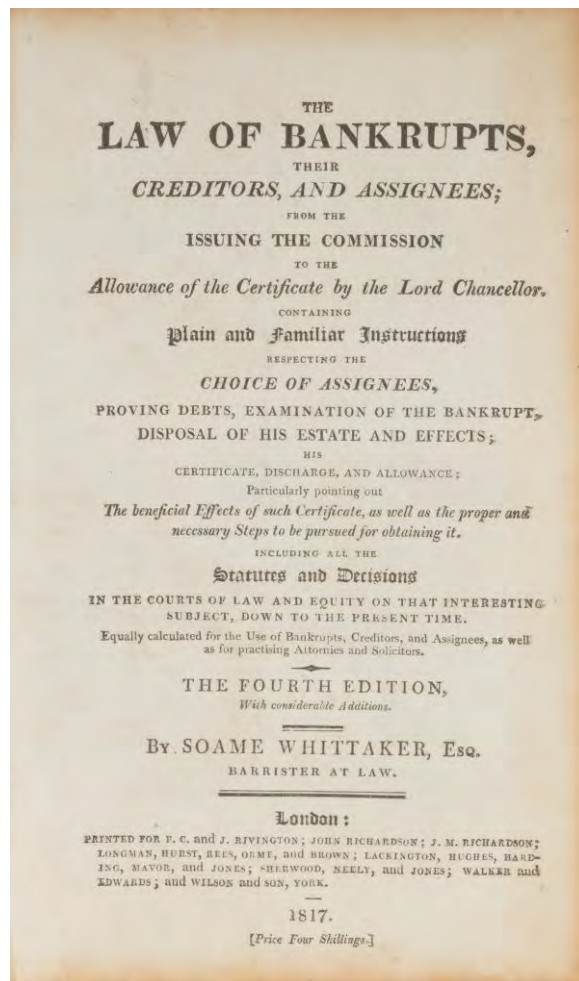
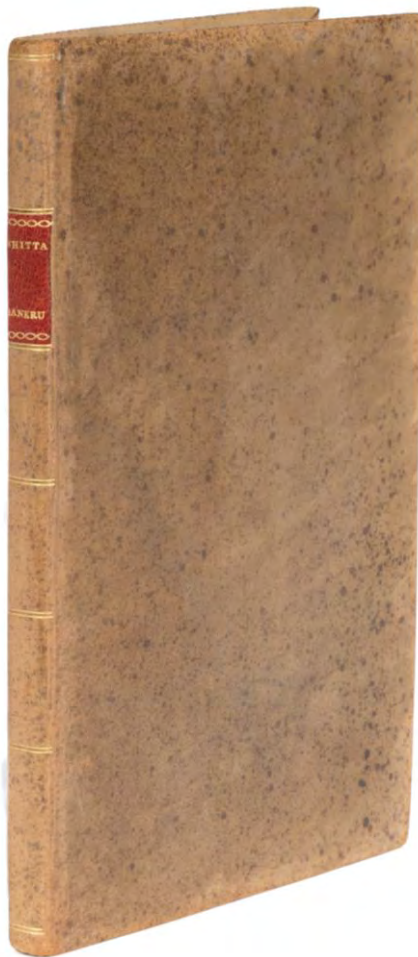
First Edition of a Landmark American Treatise on Patents

29. Walker, Albert H. [1844-1915].

Text-Book of the Patent Laws of the United States of America. New York: L.K. Strouse & Co., 1883. lvii, 724 pp. Octavo (9" x 5-3/4").

Contemporary calf, blind rules to boards, raised bands, lettering piece and two early calf owner labels to spine. A few minor nicks to boards, some rubbing to extremities, a few light scuffs to spine, corners bumped and moderately worn, hinges cracked, light toning to text. \$500.

* First edition. Much modified over the decades, this landmark treatise remains in print today as *Moy's Walker on Patents* (2010 and later supplements). Catalogue of the Library of the Harvard Law School (1909) II:857. [Order This Item](#)



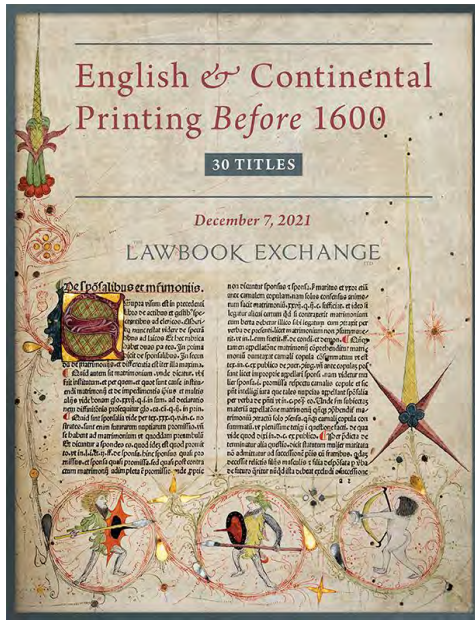
A Rare Nineteenth-Century Guide to Bankruptcy Law and Procedure

30. Whittaker, Soame.

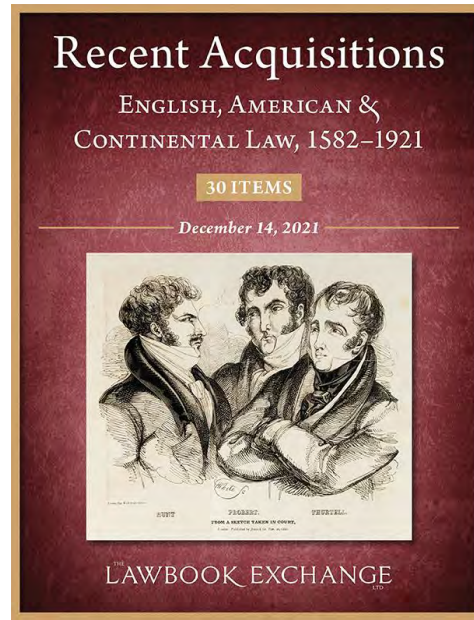
The Law of Bankrupts, Their Creditors, And Assignees; From the Issuing the Commission to the Allowance of the Certificate by the Lord Chancellor. Containing Plain and Familiar Instructions Respecting the Choice of Assignees, Proving Debts, Examination of the Bankrupt, Disposal of His Estate and effects; His Certificate, Discharge, And Allowance; Particularly Pointing Out the Beneficial Effects of Such Certificate, As Well as the Proper and Necessary Steps to be Pursued for Obtaining It. Including All the Statutes and Decisions in the Courts of Law and Equity on that Interesting Subject, Down to the Present Time. Equally Calculated for the Use of Bankrupts, Creditors, And Assignees, As Well as for Practising Attornies and Solicitors. With Considerable Additions. London: Printed for F.C. Rivington; John Richardson [et al.], 1817. [ii], 126 pp. Octavo (8-1/4" x 5").

Recent period-style sprinkled calf, morocco lettering piece and gilt fillets to spine, blind tooling to board edges, endpapers renewed. Light toning to interior, somewhat heavier toning to title page and edges of text block. Rare. \$950.

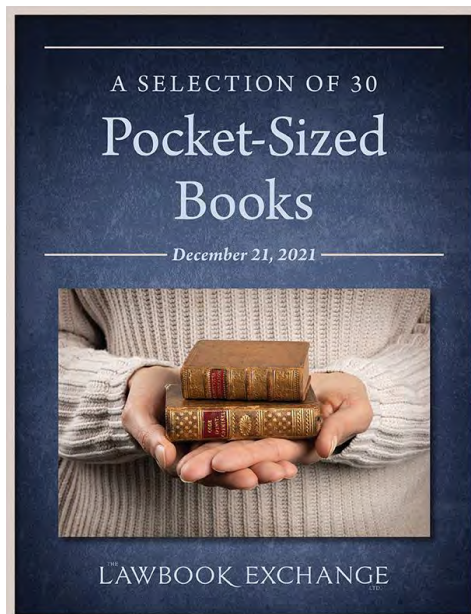
* Fourth and, we assume, final edition. First published in 1801, this is a practical guide to bankruptcy law and procedure written for professional and lay readers. A second edition, published in 1807, was reissued in 1808. We located no records of a third, fourth or later edition. All editions of this work are rare. No copies on any edition listed in the *British Museum Catalogue*. No copies of the fourth edition listed on OCLC or in the *Harvard Law Catalogue* or Sweet & Maxwell, which only list the first edition. [Order This Item](#)



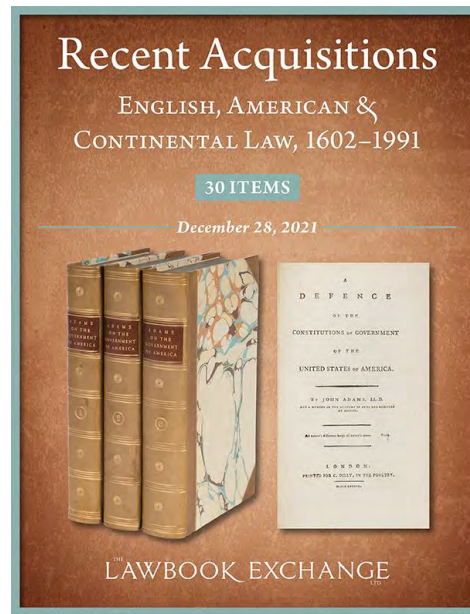
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