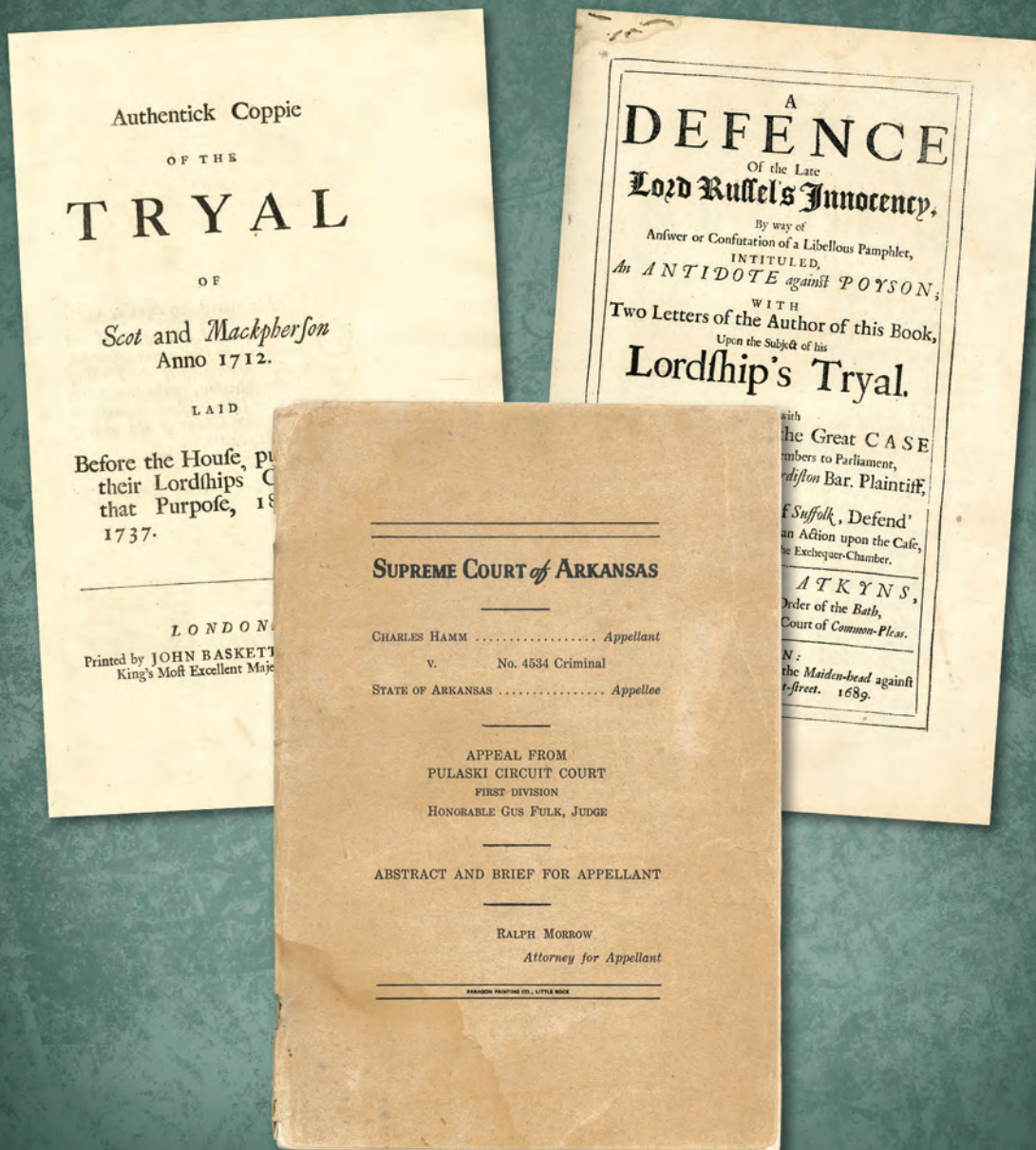
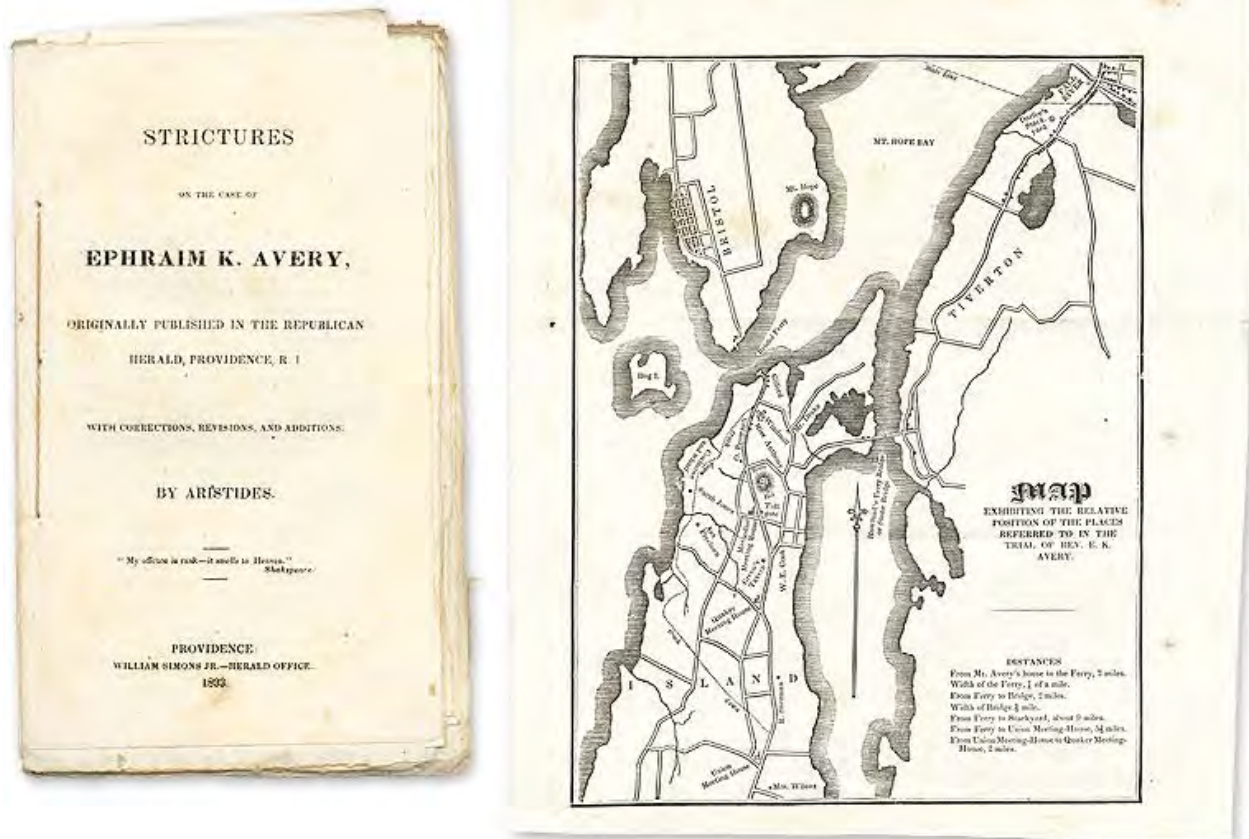


30 American, English & Scottish Trials

November 27, 2018



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A Famous Rhode Island Murder Trial

1. Aristides.

Avery, Rev. Ephraim K. (d.1869), Defendant.

Strictures on the Case of Ephraim K. Avery, Originally Published in the Republican Herald, Providence, R.I. With Corrections, Revisions, And Additions. By Aristides. Providence: William Simons, Jr., 1833. [ii], [3]-100 pp. Fold-out map. Octavo (8-1/2" x 5").

Stab-stitched pamphlet in printed wrappers, untrimmed edges. Map detached, light foxing to most of text, internally clean. A nice copy of a scarce item. \$200.

* Only edition. This was one of the most famous American murder trials of the nineteenth century. Although questions about this case remain, it appears that Avery murdered Cornell when he learned she was pregnant with his child. After strangling her he put a noose around her neck and hung her from a barn rafter to make it appear that she had committed suicide. The evidence, including the letters reproduced in this pamphlet, supported this scenario, but it was not quite convincing. The trial, which lasted 27 days and involved 196 witnesses, resulted in Avery's acquittal. "Aristides" offers eighteen reasoned articles on the case and is strongly anti-Avery. McDade, *The Annals of Murder* 47. [Order This Item](#)



An Unrecorded Extra: The Victim Maimed with Oil of Vitriol

2. [Broadside].

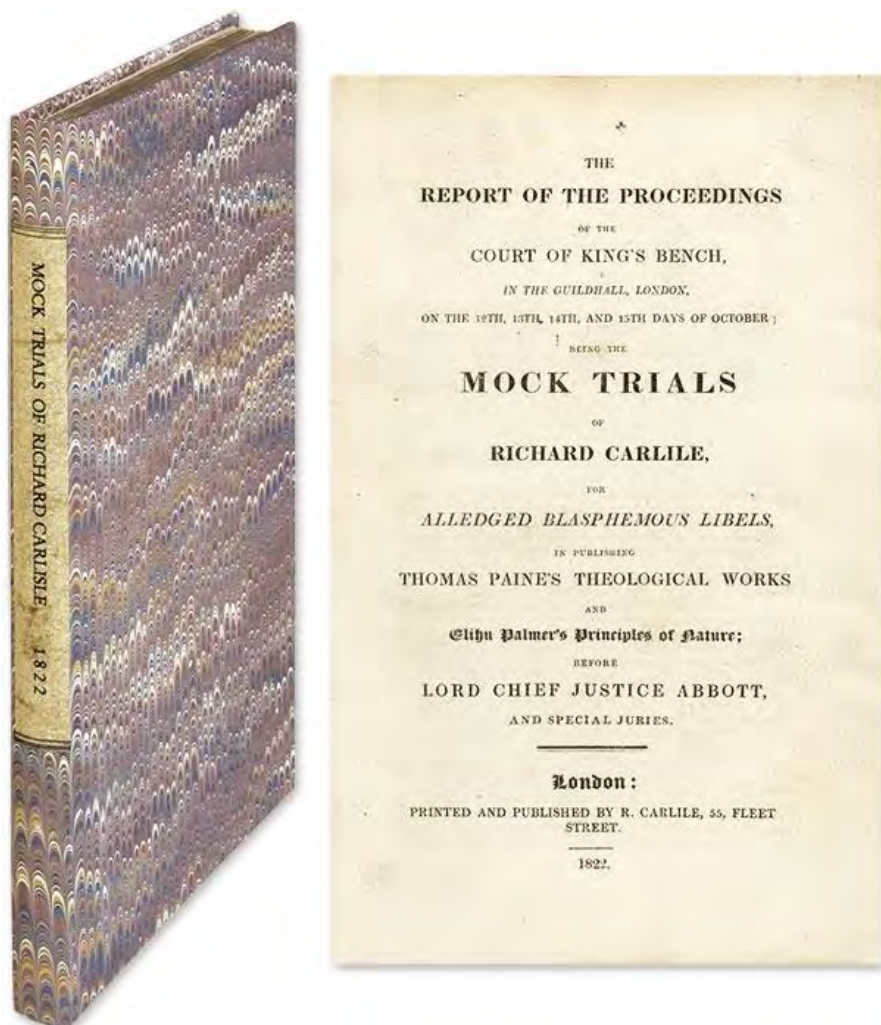
Townsend, Washington L., Defendant.

"Trial of Washington L. Townsend on an Indictment for Mayhem, Lying in Wait For and Maiming Joh[n] Reese, By Throwing Oil of Vitriol in His Face," *The Extra Sun* (New York, 1839).

20" x 15" newspaper broadsheet, six-column text on recto and verso. Light browning and a few tiny stains, horizontal fold line across center, some edgewear and minor chips and tears to margins. \$750.

* This extra issued by the *New York Sun* offers a complete account of a grisly assault with sulfuric acid (oil of vitriol). Townsend, a carpenter, and Reese, a bookbinder, were acquaintances who knew each other for about five years. Shortly before his maiming, Reese heard a rumor that Townsend was a bigamist. He shared this information with Townsend's wife. It seems he was conducting an affair with her and was hoping this news would persuade her to leave her husband. Townsend was indicted for mayhem and assault and battery with intent to kill. Townsend, though apparently guilty, was acquitted. According to *The Law Reporter*, this was a case that "caused much excitement in New York." However, our broadside appears to be its only popular account. Also, it appears to be unrecorded. *The Law Reporter* 1 (1838-1839) 344.

[Order This Item](#)



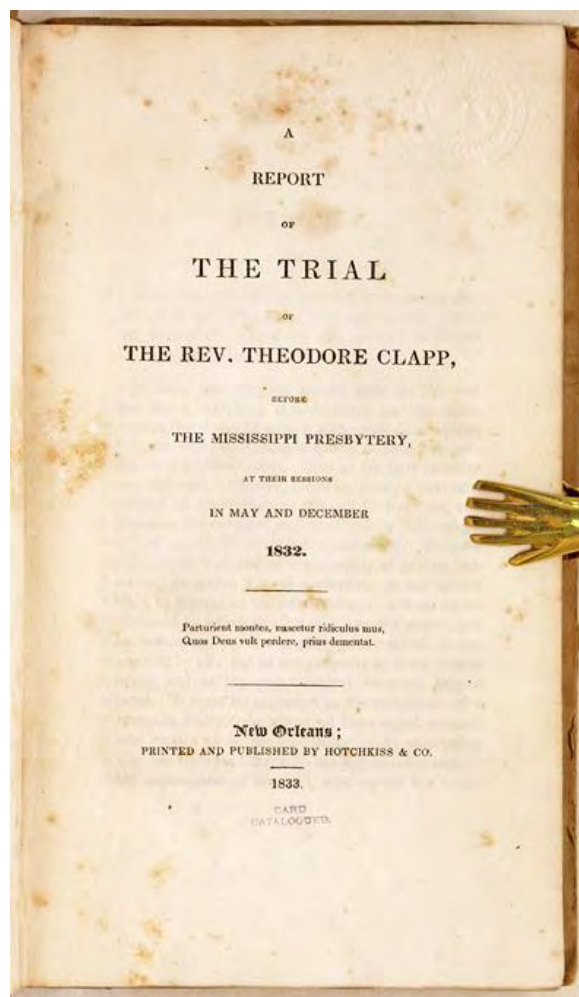
**A Notable Freethinker and Publisher
Of Thomas Paine Reports One of His Blasphemy Trials**

3. Carlile, Richard [1790-1843], Defendant and Reporter.

The Report of the Proceedings of the Court of King's Bench, In the Guildhall, London, On the 12th, 13th, 14th, And 15th Days of October: Being the Mock Trials of Richard Carlile, For Alledged [sic] Blasphemous Libels, In Publishing Thomas Paine's Theological Works and Elihu Palmer's Principles of Nature; Before Lord Chief Justice Abbott, And Special Juries. London: Printed and Published by R. Carlile, 1822. xx, 203 pp. Octavo (8-1/4" x 5-1/4").

Stab-stitched pamphlet (without wrappers) bound into recent marbled boards with paper title label. Toning, light soiling to title page, creases to corners of a few leaves. An appealing copy. \$950.

* Only edition. Carlile was one of the most prolific freethinking journalist-publisher-political activists of his day. As one would suspect, he was often at odds with the government. In 1819 he was fined 1,500 pounds and imprisoned for three years for six counts of "blasphemous libel." He published this account of the first day of his 1819 trial after his release. It deals with the information against him for publishing Thomas Paine's *Age of Reason* and *Examination of the Passages in the New Testament Quoted from the Old and Called prophecies concerning Jesus Christ*, which Carlile issued as *The Age of Reason, Part the Third*. Portions of these were read in court by Carlile with commentary. *Catalogue of the Library of the Harvard Law School* II:1035. [Order This Item](#)



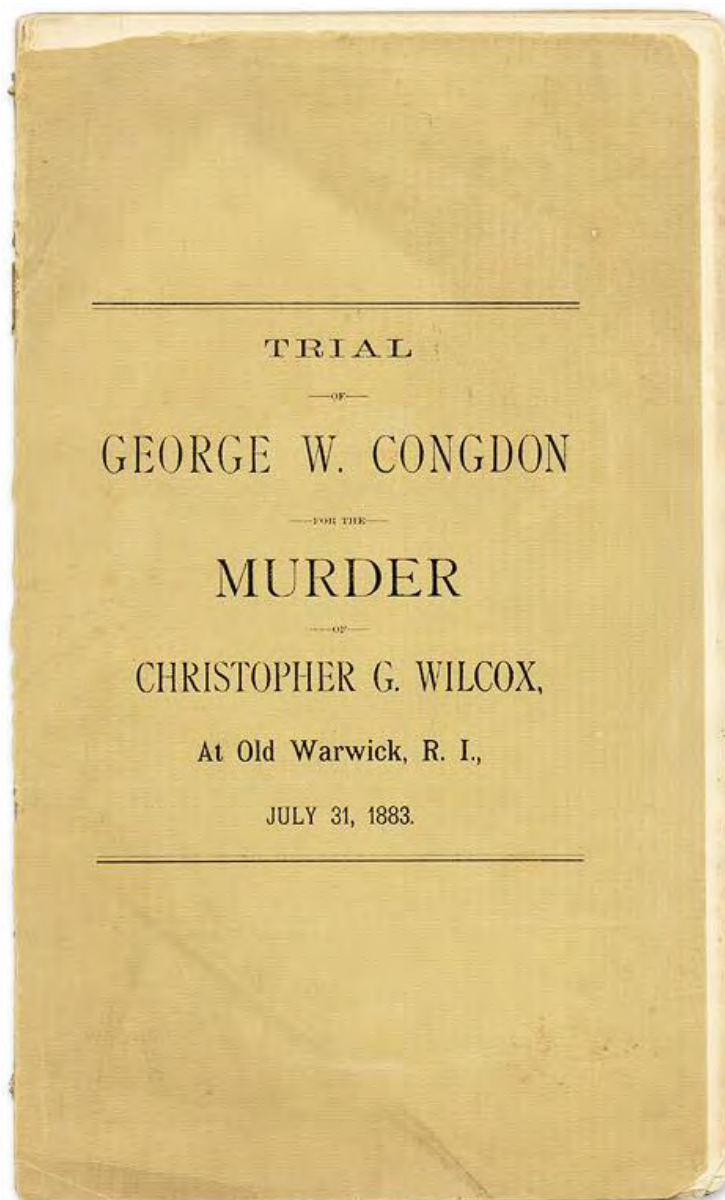
Religious Liberty and the Tyranny of the Mississippi Presbytery

4. Clapp, Theodore [1792-1866], Defendant. [Channing, William Ellery (1780-1842)].

A Report of the Trial of the Rev. Theodore Clapp, Before the Mississippi Presbytery, At Their Sessions in May and December, 1832.
New Orleans: Printed and Published by Hotchkiss & Co., 1833. xiv, 374 pp. Octavo (9-1/4" x 5-1/4").

Contemporary quarter cloth over plain boards, printed paper title label to spine. Light soiling and a few minor stains to boards, moderate rubbing to extremities with some wear to spine ends and corners, which are bumped, chipping to spine label. Some toning to text, occasional light foxing, brief early annotations in pencil to a few leaves. Ex-library. Location label to foot of spine, bookplate to front pastedown, small embossed stamp to title page. A nice copy of a scarce trial. \$500.

* Only edition. Clapp paid a heavy price for his gradual rejection of Calvinist views and embrace of Unitarian principles. He spent seven stormy years at the First Presbyterian Church of New Orleans, affiliated with the Mississippi Presbytery, which finally convicted him of heresy in 1832. This is the record of his trial, preceded by a reprint of a sermon concerning the trial, "on the Subject of Religious Liberty," by William Ellery Channing, the foremost Unitarian preacher and theologian of the early nineteenth century. It warns of the evils of religion when it turns into "tyranny," as exemplified by the Mississippi Presbytery. Indeed, says the introduction, "no Presbytery in the United States ever before had the moral turpitude, the hardihood, the utter recklessness of justice, evinced by the Mississippi Presbytery" (xiv). OCLC locates 2 copies in North American law libraries (Harvard, Social Law). Jumonville, *Bibliography of New Orleans Imprints* 790. [Order This Item](#)



It Began as a Dispute over a "Quantity of Scallop Shells"

5. Congdon, George W., Defendant.

The Trial of George W. Congdon for the Murder of Christopher Wilcox. Providence, RI: Sidney S. Rider, 1884. [iv], 176 pp. Octavo (10" x 6").

Original printed wrappers, front cover and first two signatures detached, light soiling to covers, chipping to edges of some leaves, most signatures unopened. \$100.

* "The shooting, which took place at Warwick, Rhode Island, was the culmination of a dispute over a quantity of scallop shells which had lead to a law suit. Congdon was convicted of manslaughter." McDade, *The Annals of Murder* 209.

[Order This Item](#)



"The Murder of Mrs. Sarah Stout, A Quaker"

6. Cowper, Spencer [1669-1728], Principal Defendant.

The Tryal of Spencer Cowper, Esq; John Marson, Ellis Stevens, And William Rogers, Gent. Upon an Indictment for the Murther of Mrs. Sarah Stout, a Quaker. Before Mr. Baron Hatsell, At Hertford Assizes, July 18, 1699. Of Which They were Acquitted. With the Opinions of the Eminent Physicians and Chyrurgeons on Both Sides, Concerning Drowned Bodies, Delivered in the Tryal. And the Several Letters Produced in Court. London: Printed for Isaac Cleave in Chancery-Lane, Matt. Wotton in Fleet-street, and John Bullord, 1699. [ii], 22 [i.e.46] pp. Folio (11-1/2" x 7").

[Bound with]

P.D.

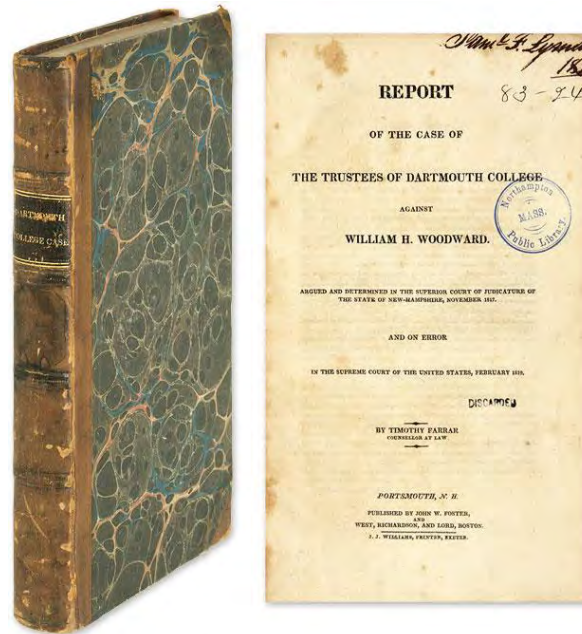
The Hertford Letter: Containing Several Brief Observations on a Late Printed Tryal, Concerning the Murder of Mrs. Sarah Stout. London: Printed and Sold by the Booksellers of London, and Westminster, 1699. 16 pp. Octavo (8-1/2" x 5").

[And]

A Reply to the Hertford Letter: Wherein the Case of Mrs. Stout's Death is More Particularly Considered; And Mr. Cowper Vindicated from the Slandorous Accusation of Being Accessory to the Same. London: Printed; And Sold by the Booksellers of London, and Westminster, 1699. 8 pp. Octavo (8-1/2" x 5").

Three titles in an 11-1/2" x 7-1/2" binding. Three-quarter cloth over paper-covered boards, gilt title to spine. Light soiling, dampspotting and offsetting to boards, some rubbing to extremities, early owner bookplate top front pastedown. Light browning and foxing to interior, internally clean. \$3,500.

* Only editions. Spencer Cowper, a judge, was indicted for the murder of Sarah Stout. He was at her house late on the evening before she was found drowned in a river. Cowper's alleged motivations were a desire to end an illicit love affair and avoid payment of a debt. Cowper's lawyers argued that Stout's parents wanted to hide the fact that their daughter committed a suicide, a heinous act among Quakers. The defence also suggested a political motivation: a desire by local Tories to harm the career of a rising Whig. Cowper had been at the woman's house late on the evening before she was found drowned in the river, but there was little material evidence against him. Also, his lawyers benefited from expert medical testimony from three leading physicians, Samuel Garth, Hans Sloane and William Cowper." He was acquitted. The trial attracted a good deal of attention and generated several pamphlets, including post-verdict pamphlets that attempted unsuccessfully to reopen the case. Our volume collects three examples. The *Tryal of Spencer Cowper* is one of the standard accounts of the trial. *The Hertford Letter* and *A Reply to the Hertford Letter* reflect the post-trial debates about the verdict. The *Tryal* and *The Hertford Letter* are scarce; *A Reply* is rare and apparently unrecorded. No copies are found on OCLC. The ESTC lists a pamphlet with the same title, but it has a different imprint and a much-different collation. *English Short-Title Catalogue* R226805 (*Tryal*), R493540 (*Letter*). [Order This Item](#)



First Report of the Landmark Dartmouth College Case

7. [Dartmouth College Case].

Farrar, Timothy [1788-1874], Reporter.

Report of the Case of the Trustees of Dartmouth College Against William H. Woodward. Argued and Determined in the Superior Court of Judicature of the State of New-Hampshire, November 1817. And on Error in the Supreme Court of the United States, February 1819. Portsmouth, N.H.: Published by John W. Forster, And West, Richardson, And Lord, Boston, [1819]. [iv], 406 pp. Octavo (9" x 5").

Later nineteenth-century three-quarter calf over marbled boards. Moderate rubbing to extremities with wear to corners, hinges cracked. Moderate toning and light foxing to text. Early owner signature and annotation to head of title page, interior otherwise clean. Ex-library. Bookplate to front pastedown, two small inkstamps to title page, residue from card pocket to rear pastedown. A solid copy. \$750.

* First published report. This is probably the most important American case concerning the contract right of corporations. The New Hampshire legislature passed a bill in 1816 that revoked Dartmouth College's original charter and converted the college from a private to a state institution. The college challenged the constitutionality of this act in the state Supreme Court without success, but the U.S. Supreme Court reversed the state's decision in a landmark opinion based on the contract clause of the Constitution. This decision represented "an assurance for all investors in American corporate enterprises that the terms upon which they had committed their capital could not be unilaterally altered by a state. At a time when corporations were first being widely used, it thus encouraged the expansion of American business enterprise. The decision vested the Corporation with indestructible contract rights, even against its creator" (Schwartz, 86, 111). "By construing the contract clause as a means of protecting corporate charters from state interventions, Marshall derived a significant limitation on state authority. As a result, various forms of private economic and social activity would enjoy security from state regulatory policy. Marshall thus encouraged, through constitutional sanction, the emergence of the relatively unregulated private, autonomous economic actor as the major participant in a liberal political economy that served the commonwealth by promoting enlightened self interest" (Konefsky). Farrar's comprehensive report contains all material related to the case, including the arguments of Webster and Wirt and the opinions of Chief Justice Marshall and Justices Story and Washington and texts of related documents. Alfred F. Konefsky, "Dartmouth College v. Woodward" in *The Oxford Companion to the Supreme Court* 218-219. Sabin, *A Dictionary of Books Relating to America* 23887. Cohen, *Bibliography of Early American Law* 11614. [Order This Item](#)



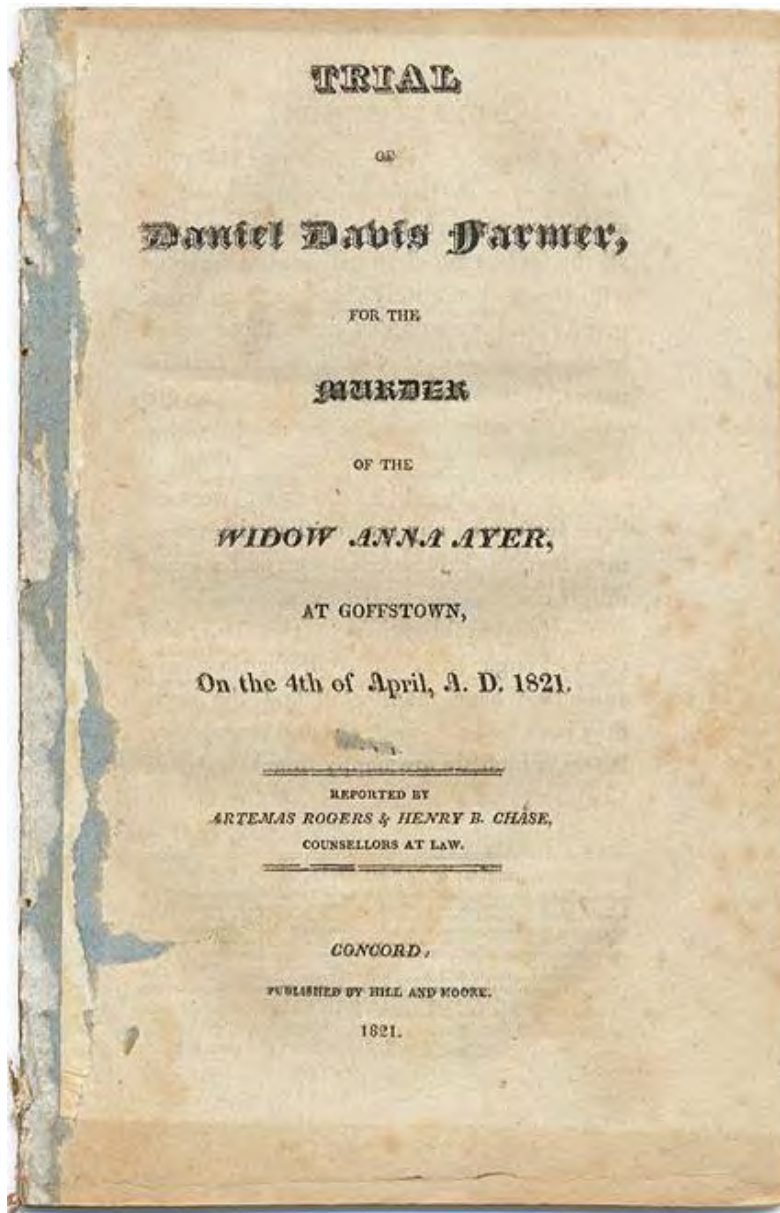
"In All, He Might Have Had 15 or 20 Connections with Me"

**8. Fairchild, Joy Hamlet [1790-1859], Defendant.
Weeks, James E.P., Reporter.**

Trial of Rev Joy Hamlet Fairchild, On a Charge of Adultery with Miss. Rhoda Davidson. [Boston]: Boston Daily Times, 1845. 32 pp. Main text in parallel columns. Octavo (9" x 6").

Stab-stitched pamphlet with untrimmed edges bound into recent stiff wrappers with quarter buckram spine, small typed title label to front cover. Light wear to spine ends and corners of wrappers, moderate toning, light foxing to some leaves. Ex-library. Tiny inkstamp to bottom margin of p.2. A well-preserved copy of a scarce pamphlet. \$450.

* At head of text: "Times" Report, the first of three editions published by the *Boston Daily Times*. One of several publications about this celebrated, notorious case, consuming much contemporary print. Fairchild allegedly seduced a young woman, Rhoda Davidson, of Edgecomb, Maine, while she was a domestic in his family. She had a child, and nominated Fairchild as the father. Fairchild claimed that rival ministers had defamed him by calling him an habitual libertine and adulterer. This pamphlet includes witnesses' testimony, including that of Miss Davidson. "In all, he might have had 15 or 20 connections with me." The pamphlet closes with the verdict of Not Guilty; "the audience burst out in involuntary applause, which was immediately checked." Another, earlier issue does not include the jury verdict, the pamphlet noting that deliberations were ongoing. Accounts of this case are scarce. OCLC locates 3 copies of our account (American Antiquarian Society, Harvard Law School, New Hampshire Historical Society). Cohen, *Bibliography of Early American Law* 13693. [Order This Item](#)



He Beat Her to Death with a Cudgel

9. Farmer, Daniel Davis [1793-1822], Defendant.

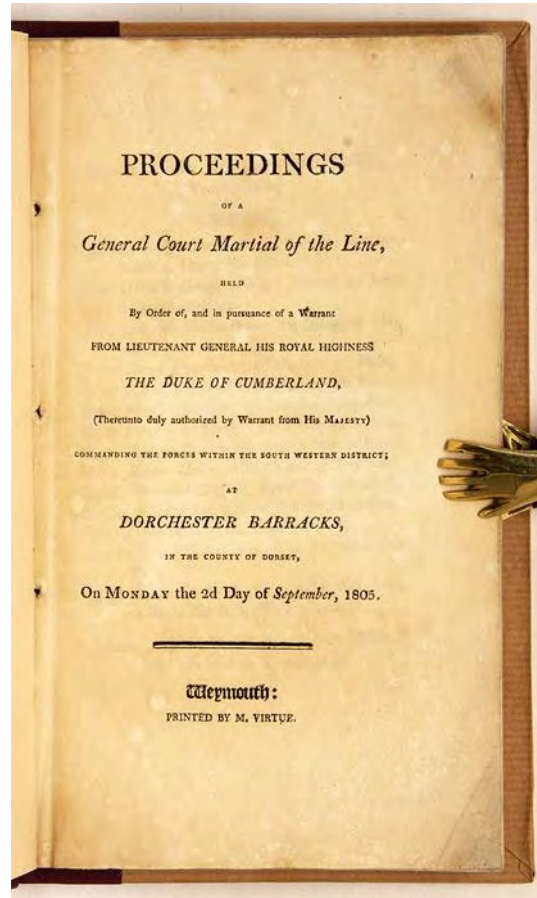
Rogers, Artemas, Reporter.

Chase, Henry B., Reporter.

Trial of Daniel Davis Farmer, For the Murder of the Widow Anna Ayer, At Goffstown, On the 4th of April, A.D. 1821. Concord [NH]: Published by Hill and Moore, 1821. 72 pp. Octavo (8" x 5-1/4").

Disbound stab-stitched pamphlet, fragments of wrapper along spine. Light rubbing to extremities, light browning to text, light foxing to a few leaves. \$400.

* Only edition. "Mrs. Ayer had charged Farmer with fathering her child. He beat her to death with a cudgel and tried to burn her house" (McDade). Farmer was found guilty and executed. McDade, *The Annals of Murder* 300. [Order This Item](#)



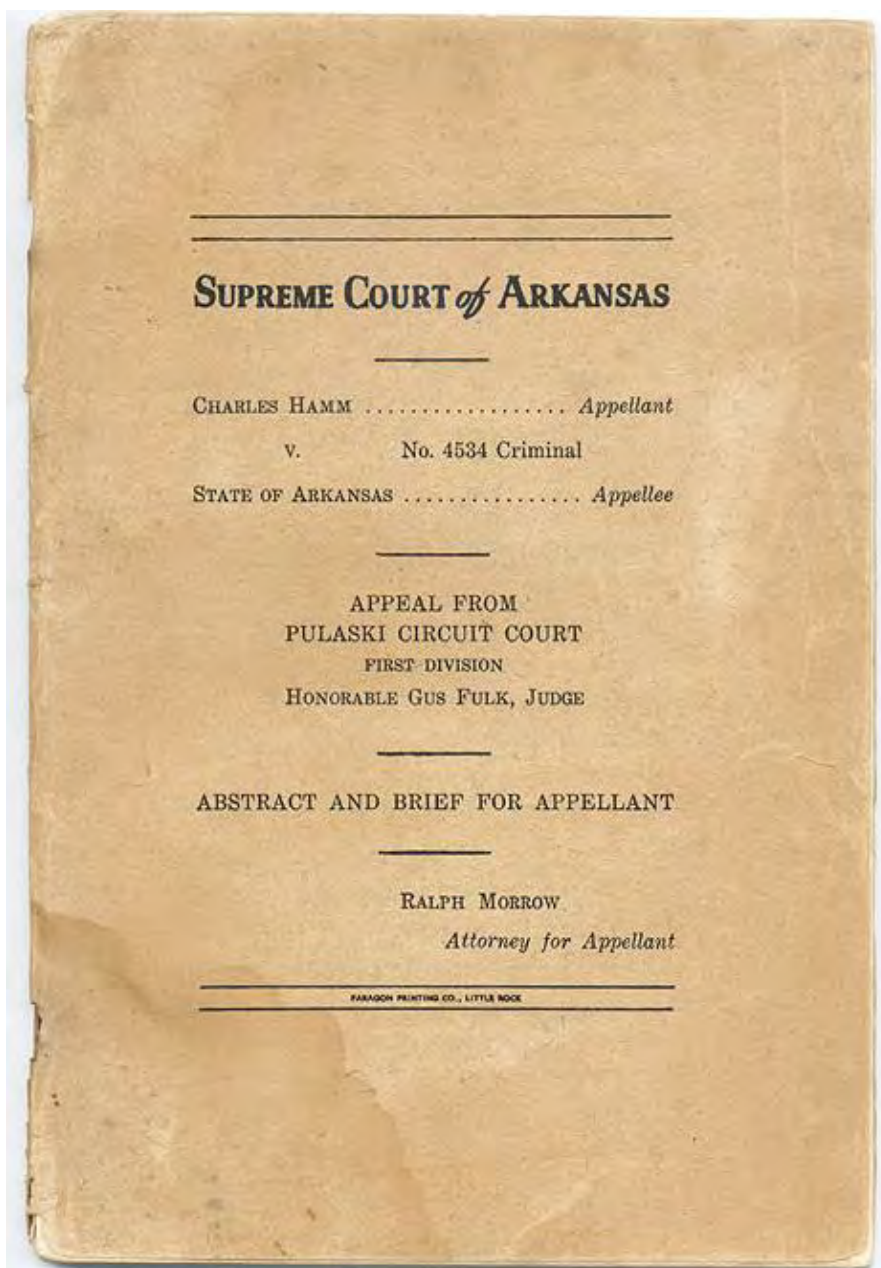
A Rare English Court Martial from 1805

10. [Graham, Captain Henry Charles Edward Vernon, Defendant].

Proceedings of a General Court Martial of the Line, Held by Order of, And in Pursuance of a Warrant from Lieutenant General His Royal Highness the Duke of Cumberland, (Thereunto Duly Authorized by Warrant from His Majesty) Commanding the Forces within the South Western District; at Dorchester Barracks, In the County of Dorset, On Monday the 2d Day of September, 1805. Weymouth: Printed by M. Virtue, [1805]. 84 pp. Octavo (8-1/2" x 5").

Stab-stitched pamphlet bound into recent quarter cloth over paper-covered boards, hand-lettered title label to spine. Light toning to text, somewhat heavier in places, light foxing to a few leaves, light browning to title page. A very good copy. \$1,250.

* Only edition located. Captain Henry Charles Edward Vernon Graham, of the 15th (or King's) Regiment of [Light] Dragoons was faced with two charges. The first charge was "scandalous and infamous behaviour, unbecoming the character of an officer and gentleman" occasioned by accusing an officer, Captain Broadhurst, "before a Sergeant of his Troop, of having behaved improperly" by observing to the sergeant "that he had a great mind to put Captain Broadhurst under arrest" (6). The second charge related to letters sent to Capt. Graham to his Commanding Officer stating that "the whole of the Junior Officers [were] forming a systematic plan to drive him [Capt. Graham] out of the Regiment (7). In the event, Graham was found not guilty on the first charge but guilty on the second, for which it was ordered that he be reprimanded by the commanding officer in the presence of the field officers of the Regiment. Graham appears to have sponsored this publication. The trial ends with an afterword by Graham that adds his perspective and notes that he printed a number of copies of his trial report for "the information of my relations, and those friends most interested in my welfare" (83-84). No copies listed on COPAC. OCLC locates one copy worldwide (Yale University). [Order This Item](#)



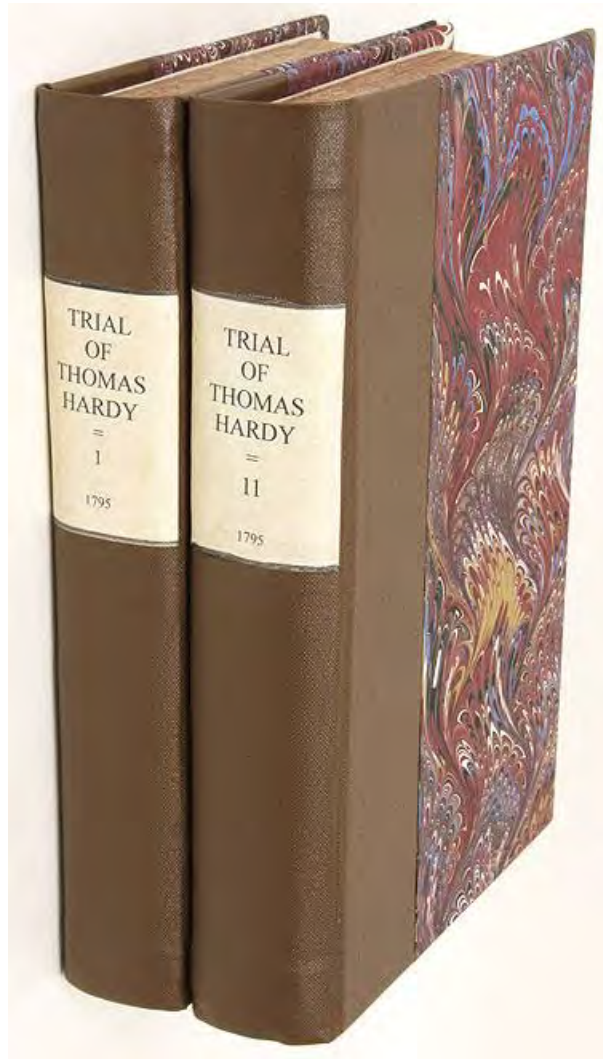
**An African-American Appeals His
Rape Conviction in Jim Crow-Era Arkansas**

11. Hamm, Charles, Defendant.

Supreme Court of Arkansas. Charles Hamm Appellant v. State of Arkansas, Appelle. Appeal from Pulaski Circuit Court, First Division Honorable Gus Fulk, Judge. Abstract and Brief for Appellant. Little Rock: Paragon Printing Co., [1948]. 64 pp.

Pamphlet in stiff stapled wrappers. Light soiling to wrappers, faint dampstaining near foot, some edgewear and minor tears, spine abraded at ends, staples rusted, four pages at center of text detached. Light toning, internally clean. \$150.

* Hamm, an African-American, was convicted of raping a white girl. This appeal was based on several grounds, none of which seem likely to have been successful. No copies found on OCLC. [Order This Item](#)



Treason Trial Inspired by Fear of the French Revolution

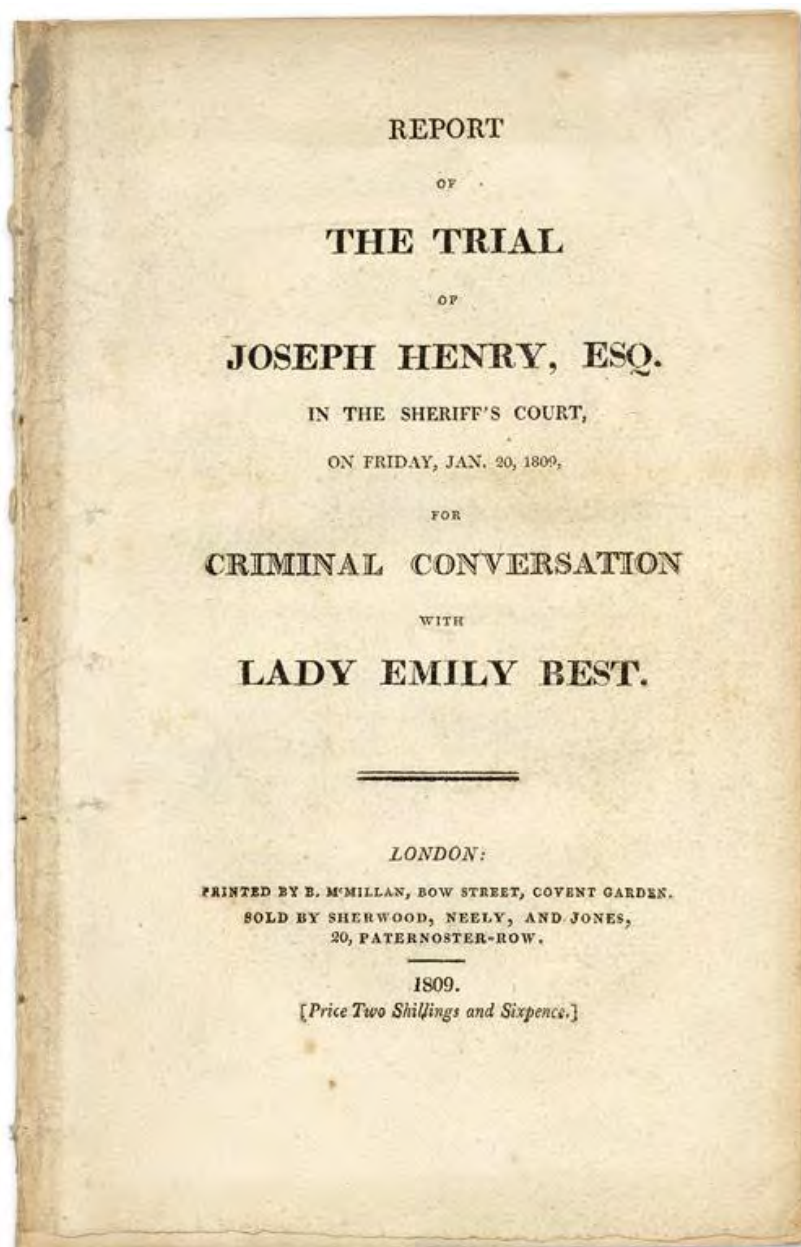
12. Hardy, Thomas [1752-1832], Defendant.

Sibly, Manoah, Reporter.

The Genuine Trial of Thomas Hardy for High Treason, At the Sessions House in the Old Bailey, From October 28 to November 5, 1794. London: Printed for J.S. Jordan, 1795. Two volumes. viii, [9]-508; viii, 602 pp. Lacking half-titles. Octavo (8-1/2" x 5").

Recent quarter cloth over marbled boards, printed paper title labels to spines, speckled edges. Moderate toning, light foxing in a few places, underlining to a few passages in Volume II, early owner signature to title page of Volume I. Ex-library. Small perforated stamp to title page of Volume II. A nice copy in a handsome binding. \$750.

* Only edition. A shoemaker by trade, Hardy was the founder and First Secretary of the London Corresponding Society. This was a popular association of workingmen committing to the cause of universal male suffrage. Unnerved by the excesses of the French Revolution, and eager to set an example, Hardy was indicted for high treason in 1794. The public favored Hardy's cause and he was seen as an unjustly persecuted apostle of English liberty. As the trial proved, the Crown's case, prosecuted by Lord Eldon, had little merit and Hardy was acquitted to great acclaim. This account contains a complete transcript of the trial, along with a narrative account and the texts of letters and documents introduced as evidence. *English Short-Title Catalogue* T73925. [Order This Item](#)



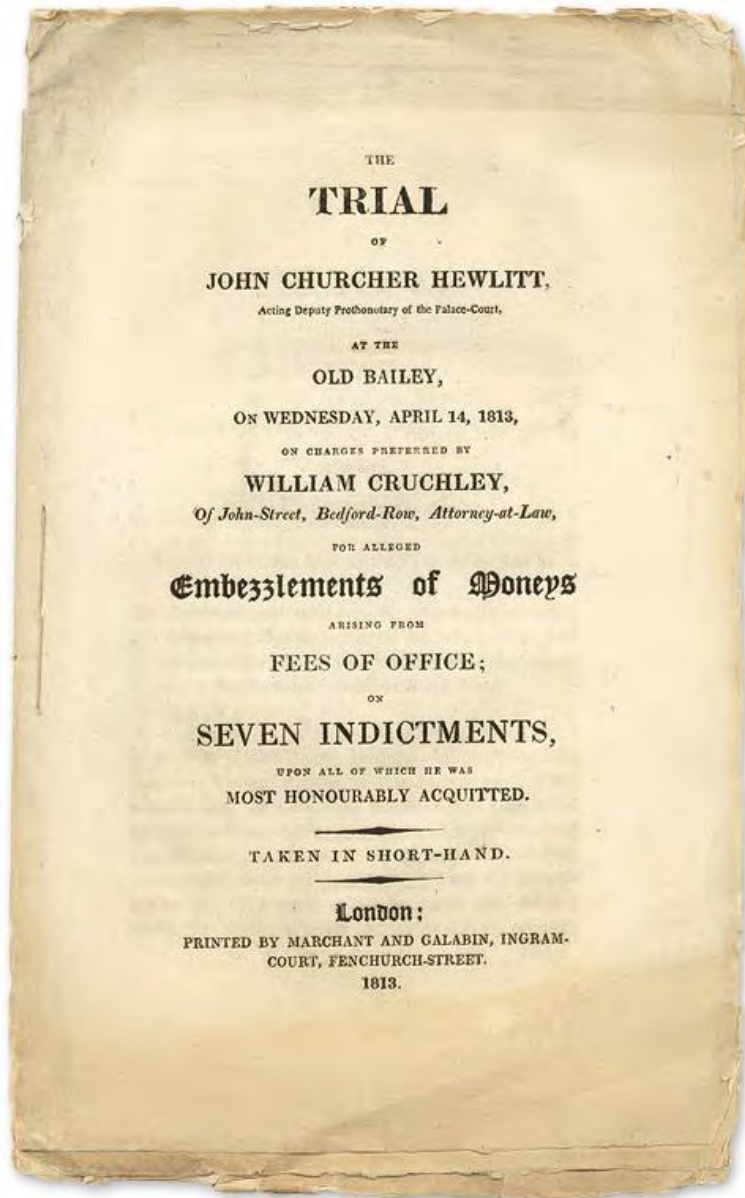
The Lady Deserted Her Husband and Daughter

13. [Henry, Joseph, Defendant].

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

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

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



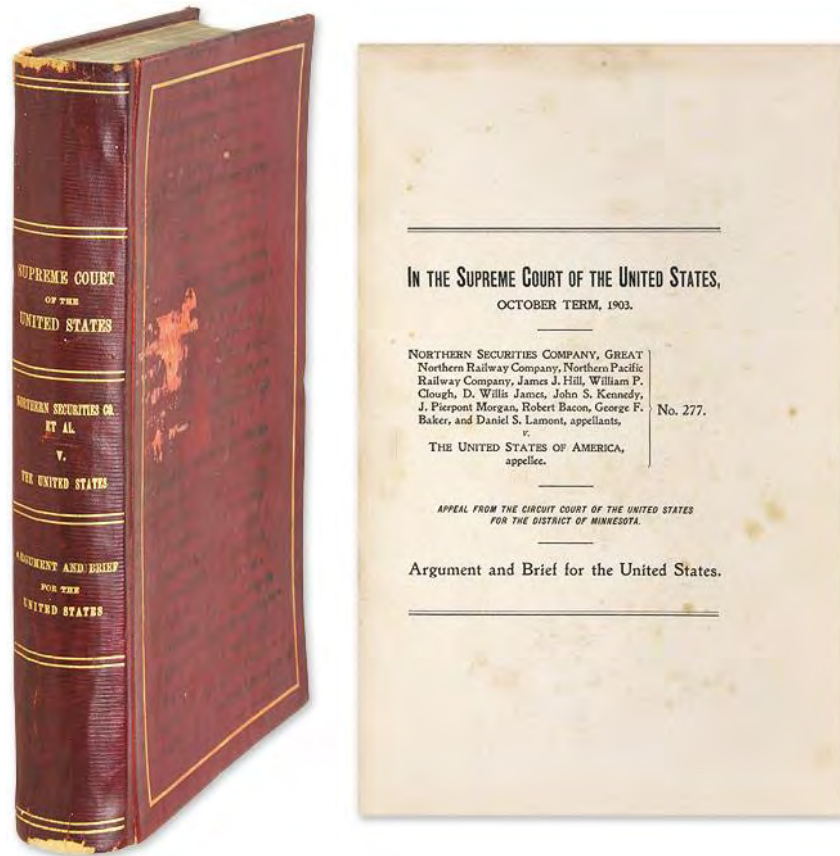
Scarce English Embezzlement Trial

14. Hewlitt, John Churcher, Defendant.

The Trial of John Churcher Hewlitt, Acting Deputy Prothonotary of the Place-Court, At the Old Bailey, On Wednesday, April 14, 1813, on Charges Preferred by William Cruchley, Of John-Street, Bedford-Row, Attorney-at-Law, For Alleged Embezzlements of Moneys Arising from Fees of Office; On Seven Indictments, Upon All of Which he was Most Honourably Acquitted. Taken in Short-Hand. London: Printed by Marchant and Galabin, 1813. [ii], 16 pp. Octavo (9" x 5-1/2").

Stab-stitched pamphlet. Light browning, several leaves unopened, internally clean. \$450.

* Only edition. Hewlitt was accused of embezzlement by his employer, Cruchley. This appears to be a vindication of Hewlitt's honor and innocence. It may have been published at his expense or urging. OCLC locates 4 copies in North America, 2 in law libraries (Harvard and Social Law). [Order This Item](#)



A Landmark Antitrust Case

15. [Knox, Philander (1853-1921)].

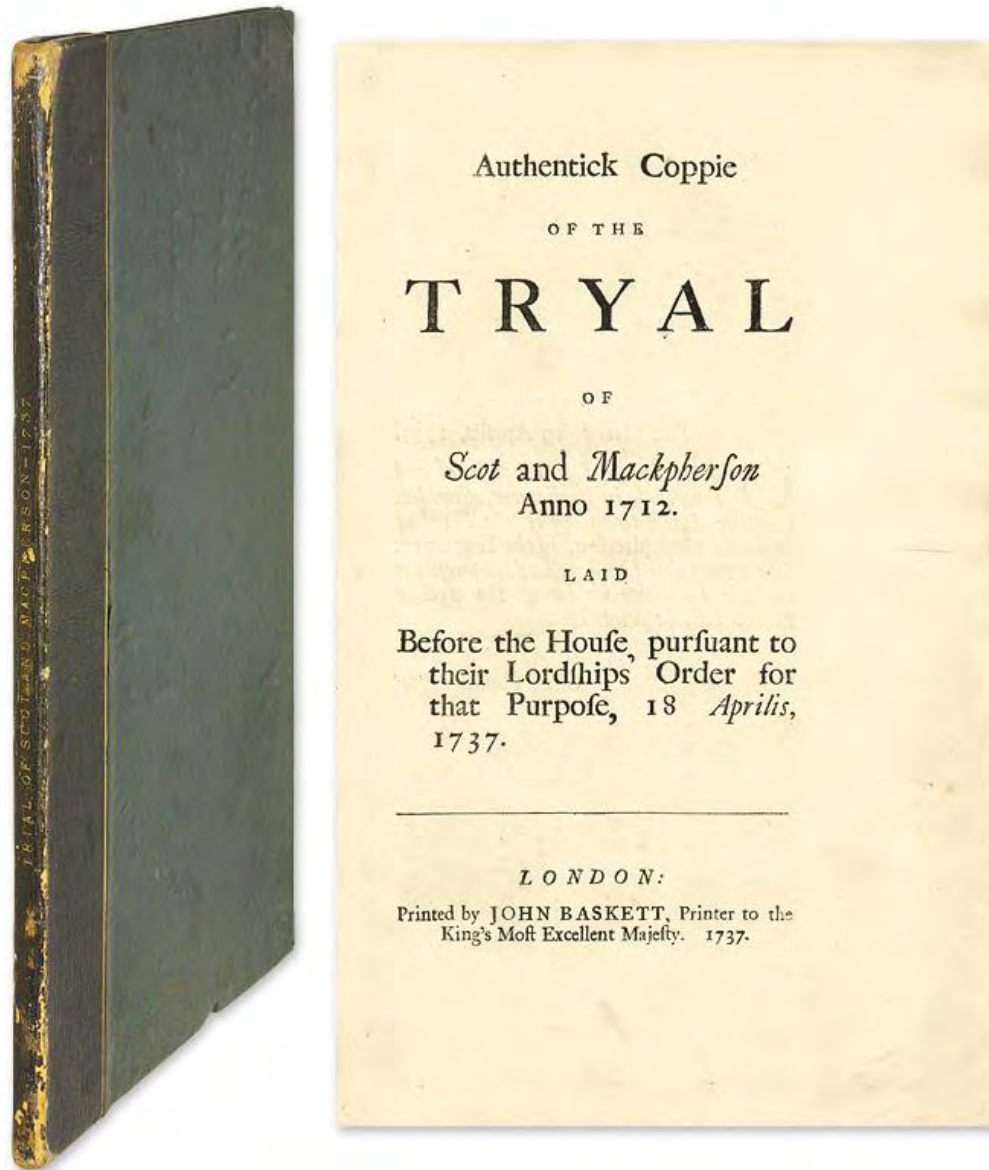
[Northern Securities Co. v. United States].

In the Supreme Court of the United States, October Term, 1903. Northern Securities Company [et al.] v. United States of America, Appellee. Appeal for the Circuit Court of the United States for the District of Minnesota. Argument and Brief for the United States. [Washington, DC: Government Printing Office, 1904]. [iv], 94; [ii], ii, 180 pp. Two parts preceded by general title page.

Contemporary morocco, gilt frames to boards, gilt title to spine, untrimmed edges. Moderate rubbing to extremities, with some wear to spine ends and corners, scuffing and light soiling to front board, which is slightly bowed, a few cracks to text block. Light toning to text, foxing in a few places, internally clean. \$950.

* First edition. This volume, containing Attorney General Philander C. Knox's Supreme Court argument in the landmark Northern Securities Case, and the federal government's appeal of the case from the Circuit Court to the Supreme Court, was likely bound by Knox as a gift to a colleague or friend. Decided in 1904, the Northern Securities Case was a pivotal case in the legal history of the Progressive Era and the history of railroads in the American West. The Northern Securities Company was a powerful trust formed by J.P. Morgan and James G. Hill to control railroad trunk lines in the Northwest and into Chicago and stifle competition. President Roosevelt, seeing an opportunity to exert federal power against a business monopoly, instructed Knox to bring suit against the Northern Securities Company. Knox handled the case personally, writing the appeal from the decision of the Minnesota Circuit Court, and arguing the government's case before the U.S. Supreme Court. Invoking the Sherman Antitrust Act of 1890, Knox argued that The Northern Securities Company acted in restraint of trade. The court's decision, on a 5-4 vote with Oliver Wendell Holmes and Chief Justice Melville Fuller dissenting, upheld the government's argument, affirming the constitutionality of the Sherman Antitrust Act.

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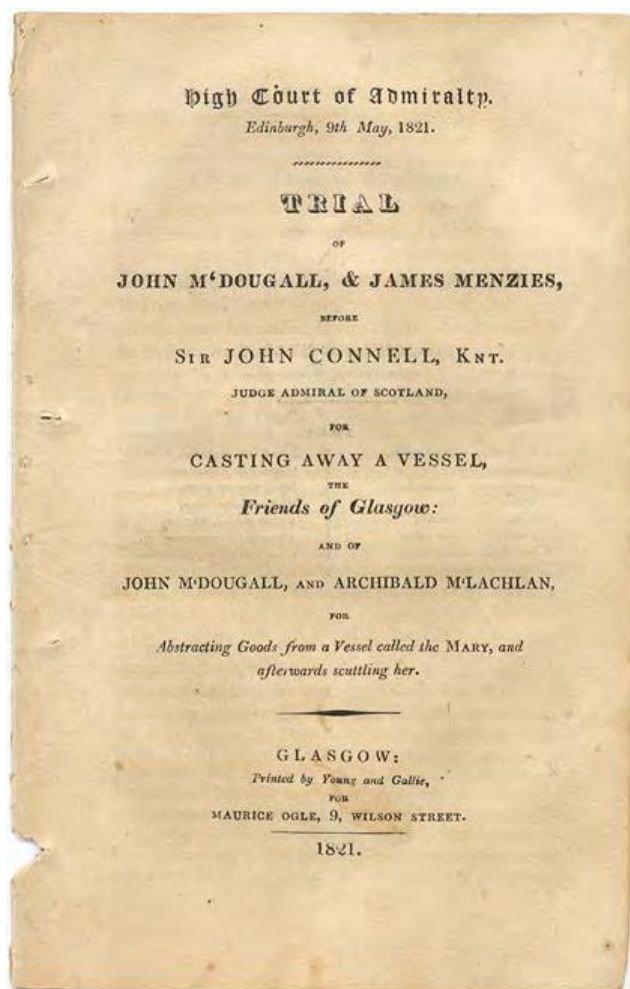
Highway Robbery

16. Laidly, William, Defendant.

Authentick Coppie of the Tryal of Scot and Mackpherson, Anno 1712: Laid Before the House, Pursuant to Their Lordships Order for that Purpose, 18 Aprilis, 1737. London: Printed by John Baskett, 1737. 33, [1] pp. Folio (12-1/2" x 8").

Later quarter morocco over cloth, gilt title to spine, endpapers renewed. Some rubbing to extremities, minor blistering to boards, partial crack near center of text block. Light toning to text. Later annotations in pencil to endleaves, interior otherwise clean. \$250.

* Trial of William Laidly (alias Scot of Mossphennan) for assault and robbery before the High Court of Justiciary. Laidly, assisted by his brother and three servants, attacked McPherson and stole 5 of 6 of his cattle. During the attack several cattle were driven over a cliff and died. Laidly and his brother were convicted and punished with substantial fines. OCLC locates 13 copies in North America, 3 in law libraries (Yale, Harvard and the University of Washington). *English Short-Title Catalogue* T22795. [Order This Item](#)



A Brazen Case of Maritime Insurance Fraud in Scotland

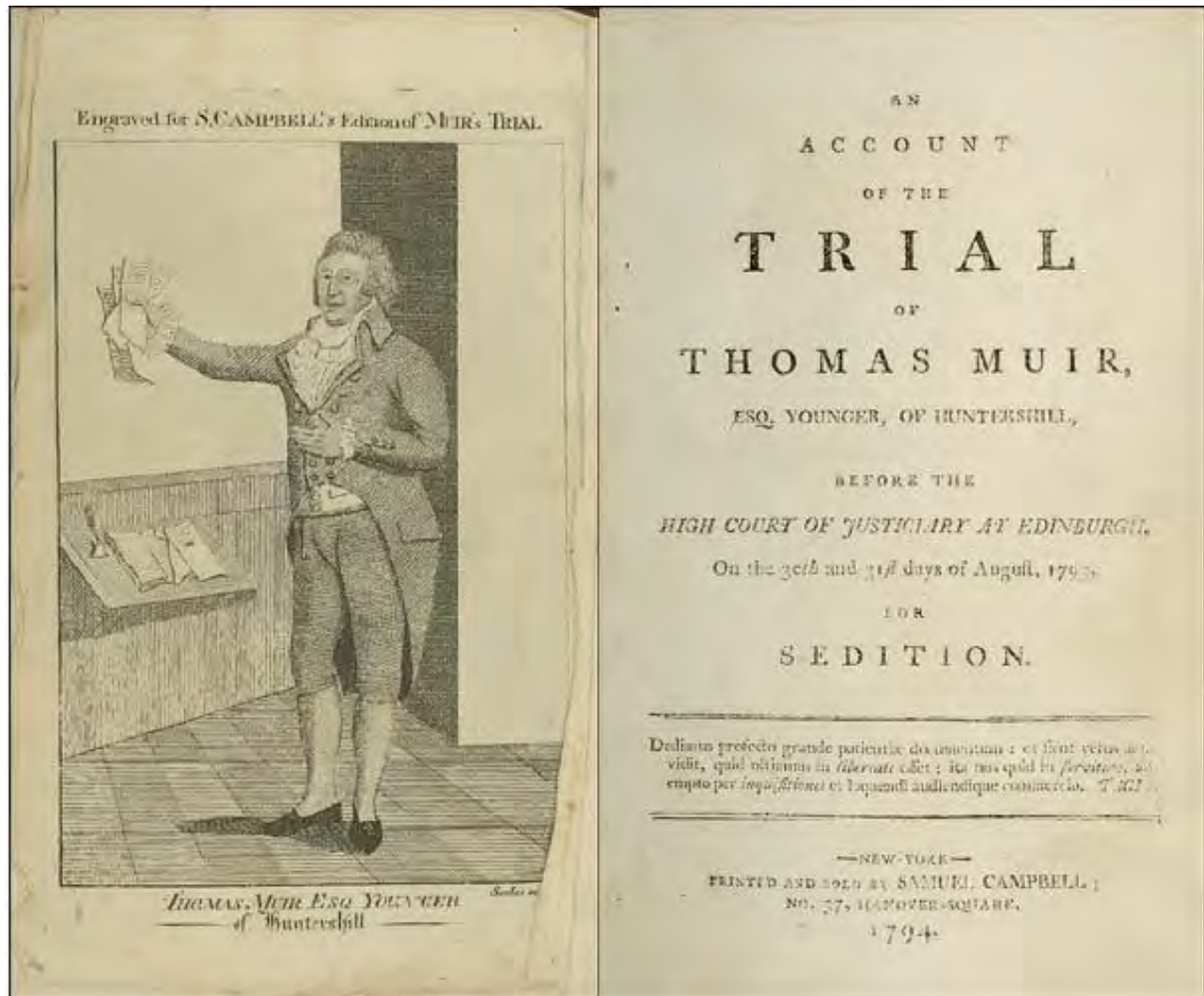
17. M'Dougall, James, Defendant.

Menzies, James, Defendant.

Trial of John M'Dougall & James Menzies, Before Sir John Connell, Knt. Judge Admiral of Scotland, For Casting Away a Vessel, The Friends of Glasgow: And of John M'Dougall, And Archibald M'Lachlan, For Abstracting Goods from a Vessel Called the Mary, And Afterwards Scuttling Her. Glasgow: Printed by Young and Gallie, For Maurice Ogle, 1821. 34 pp. Lacking half-title. Octavo (8" x 4-3/4").

Disbound stab-stitched pamphlet. Minor edgewear, light soiling to exterior, moderate toning, light foxing to a few leaves. A scarce title. \$750.

* Only edition. The well-insured ships owned by M'Dougall and Menzies had a suspicious tendency to founder. This was not a problem for the firm. Indeed, insurance payments enabled it to prosper. The present case involved two ships that were built by the firm, then scuttled for insurance. The *Friends of Glasgow*, with a cargo of coffee for Hamburg, and the *Mary*, with a cargo of calico cloth for Trinidad. Providentially, and just like previous scuttlings, the captains and crews were saved. M'Dougall was indicted for insurance fraud. He successfully faked insanity at his trial and escaped with a light sentence: banishment to Botany Bay for the rest of his life. OCLC locates 3 copies (LA County Law Library, Social Law Library, National Library of New Zealand); COPAC adds 1 more (National Library of Scotland). MacKenzie, *Old Reminiscences of Glasgow and the West of Scotland* 520-552. [Order This Item](#)



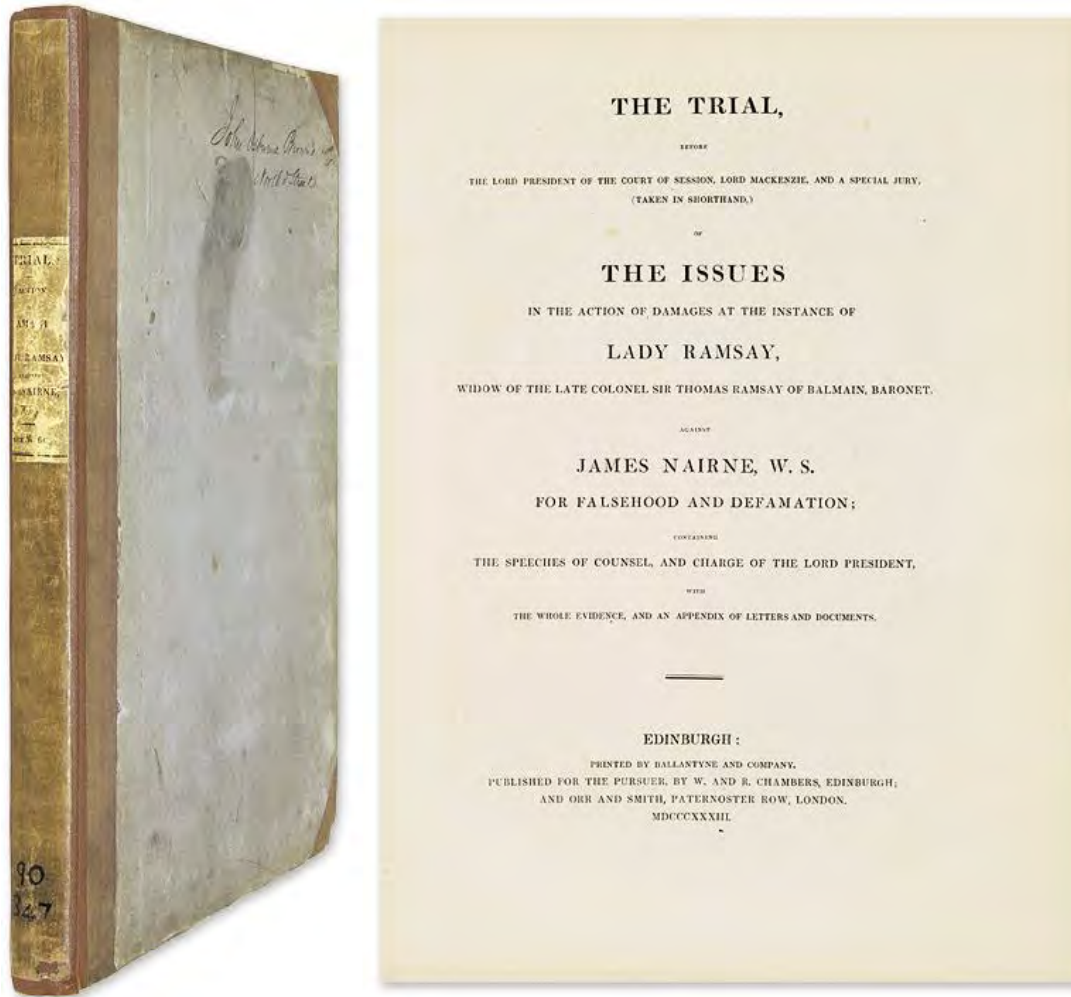
One of the Principal Scottish Martyrs Transported to Australia

18. Muir, Thomas [1765-1799], Defendant.

An Account of the Trial of Thomas Muir, Esq. Younger of Huntershill, Before the High Court of Justiciary at Edinburgh, On the 30th and 31st Days of August 1793, For Sedition. New York: Printed and Sold by Samuel Campbell, 1794. 148 pp. Copperplate frontispiece. Octavo (8" x 5").

Contemporary sheep, lettering piece to spine. Moderate rubbing to extremities, corners worn, front board detached, rear board partially detached, frontispiece detached and edgeworn, wear to lower corner of p. 5 few leaves with minor loss to text (not affecting legibility). Some toning to text, light dampspotting in places. Early owner signature to rear endleaf, interior otherwise clean. \$100.

* First American edition. Muir, a Scottish advocate, was sentenced to transportation to Australia for sedition, in support of the French Revolution and Irish independence, and agitation for parliamentary reform. He is among the five men honored by the Scottish Political Martyrs Monument in Edinburgh. Another monument in Muir's honor stands in Huntershill Village, the site of his estate. The first account of his controversial trial was published in Edinburgh in 1793. *Catalogue of the Library of the Harvard Law School* (1909) II:1149. [Order This Item](#)



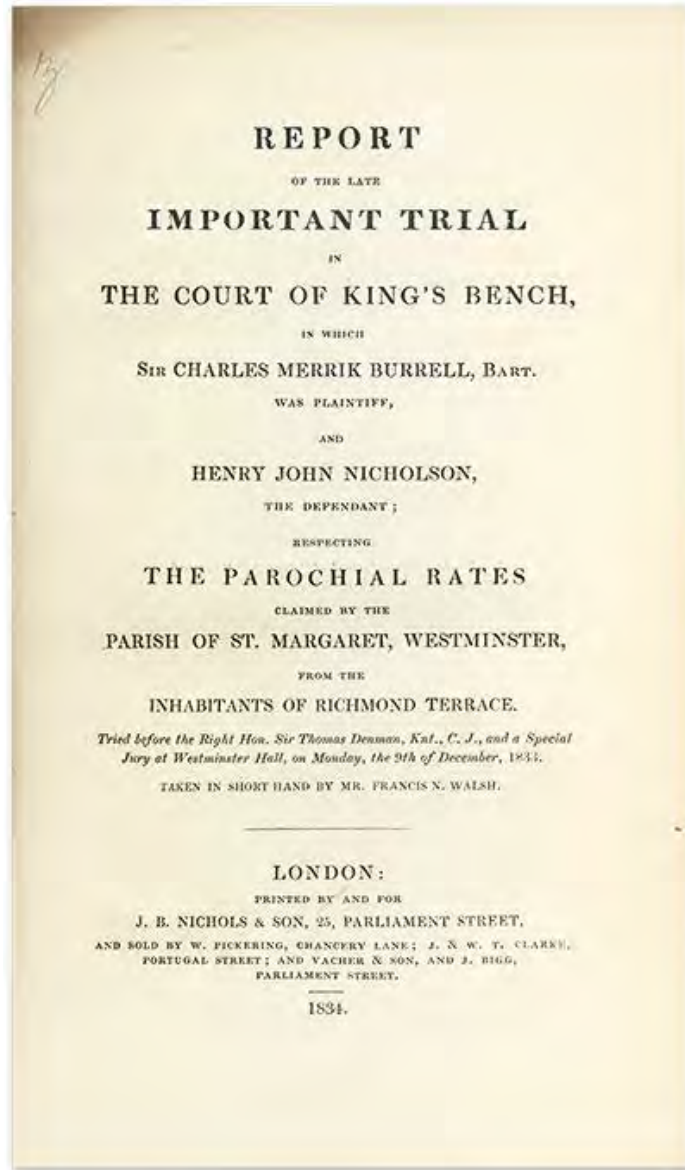
A Scarce Scottish Defamation Case

19. Nairne, James [1782-1847], Defendant.

The Trial Before the Lord President of the Court of Session, Lord Mackenzie, And a Special Jury, (Taken in Shorthand,) Of the Issues in the Action of Damages at the Instance of Lady Ramsay, Widow of the Late Colonel Sir Thomas Ramsay of Balmain, Baronet, Against James Nairne, W.S., For Falsehood and Defamation; Containing the Speeches of Counsel and Charge of the Lord President, With the Whole Evidence, And an Appendix of Letters and Documents. Edinburgh: Published for the pursuer by W. and R. Chambers; London: Orr and Smith, 1833. [iv], 234, 80 pp. Quarto (11-1/4" x 9").

Original three-quarter cloth over paper-covered boards, rebaced retaining original spine and printed paper title label, hinges mended, untrimmed edges. Some rubbing, a few stains to boards, early owner signature (of John Osbourne Browne, Esq.) to front. Annotations in contemporary hand to foot of table of contents, interior otherwise clean. Ex-library. Shelf number to foot of spine, bookplate to front pastedown, date-due sheet and label to front free endpaper. A nice copy of a scarce title. \$250.

* Only edition. A highly detailed record of a case involving accusations of marital infidelity by a colleague of Lady Ramsay's late husband. Lady Ramsay prevailed; the jury determined that her "character" was "perfectly pure and unsullied" and awarded her damages of 200 pounds sterling. (234). OCLC locates 10 copies in North American law libraries. *Catalogue of the Library of Harvard Law School* (1909) II:1171. [Order This Item](#)



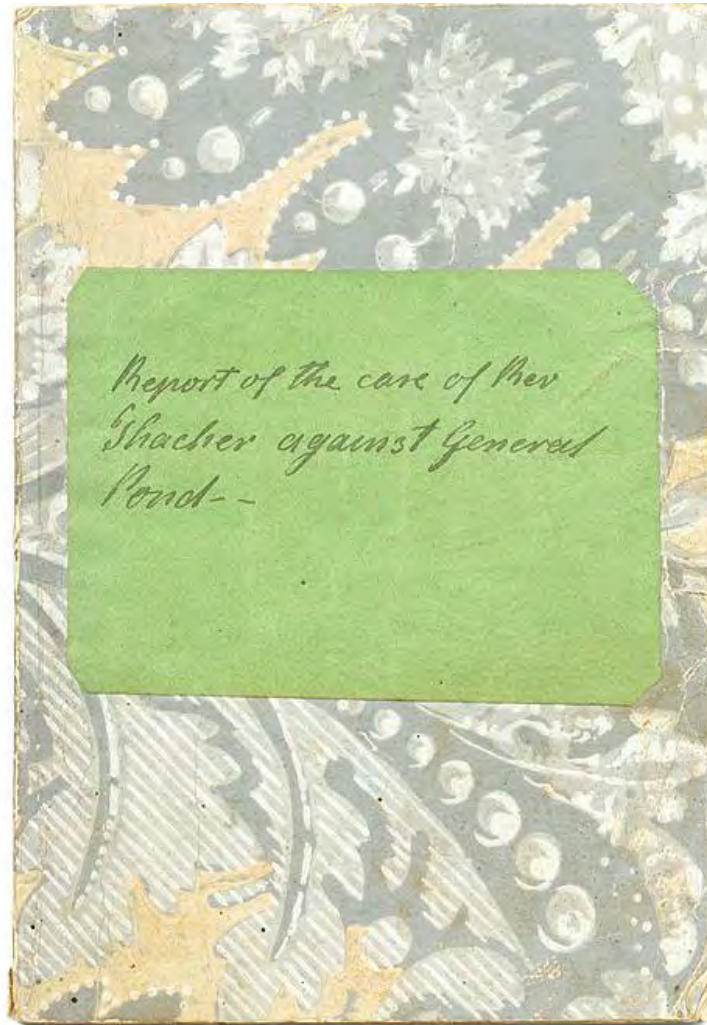
Interesting Trial Concerning Responsibility for Poor Relief

20. Nicholson, Henry John, Defendant.

Report of the Late Important Trial in the Court of King's Bench, In Which Sir Charles Merrik Burrell, Bart. Was Plaintiff, And Henry John Nicholson, the Defendant; Respecting the Parochial Rates Claimed by the Parish of St. Margaret, Westminster, From the Inhabitants of Richmond Terrace. London: Printed by and for J.B. Nichols & Son, 1834. 191 pp. [with 191 blanks interleaved]. Octavo (8-1/2" x 5-1/4").

Contemporary calf, lettering piece to spine. Considerable rubbing, spine abraded, front joint cracked, corners worn, front joint partly cracked, but secure. Light toning to text, internally clean. \$125.

* Only edition. The plaintiff claimed that Richmond Terrace was not within the parish of St. Margaret. Therefore, its inhabitants could not be compelled to contribute to the relief of the poor in that parish. *Catalogue of the Library of the Harvard Law School* (1909) II:1030. [Order This Item](#)



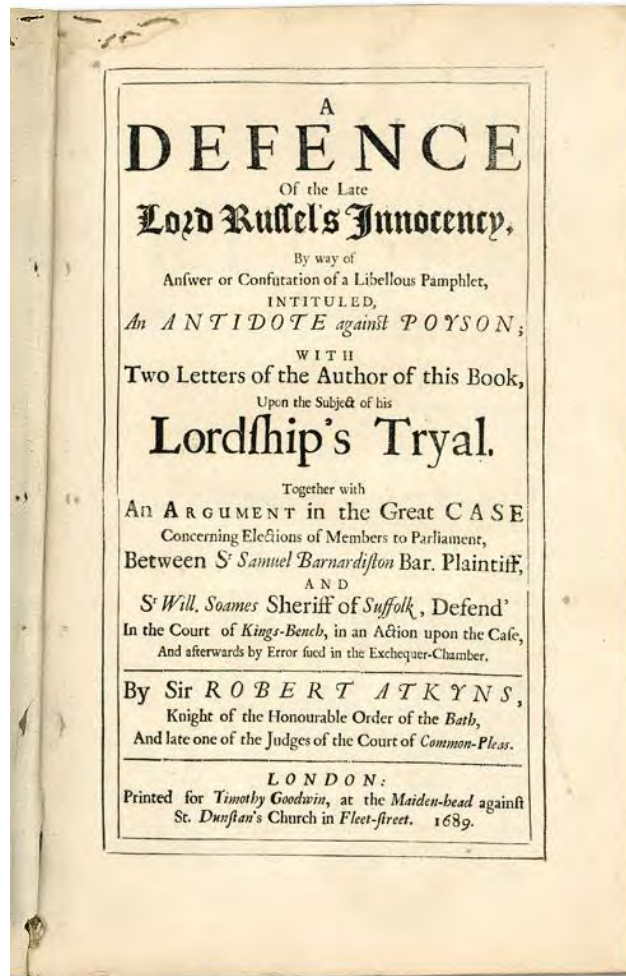
**1838 Libel Case in Dedham,
Massachusetts Due to an Accusation of Adultery**

21. Pond, Preston [1792-1868], Defendant.

Report of the Case of Rev. Moses Thatcher, Vs. Gen Preston Pond, For Slander, In Charging Him with Committing the Crime of Adultery. Reported for the Dedham Patriot. Dedham [MA]: Dedham Patriot and Boston Times, 1838. 31 pp. Quarto (7-3/4" x 4-1/2").

Stab-stitched pamphlet in contemporary thick patterned-paper wrappers, hand-lettered title panel to front cover. Some rubbing to extremities with a bit of wear to spine ends and corners, a few minor tears to wrappers. Light browning to text, occasional light foxing, dampstains to a few leaves, two leaves have clean tears, light soiling to title page. Early annotations and signatures to title page, interior otherwise clean. \$650.

* Only edition. "Moses Thatcher (sometimes spelled Thatcher) charged Pond with slander. Pond pleaded not guilty and alleged truth as a defense. The jury found for the plaintiff and awarded \$5.00 in damages and \$1.25 in costs" (Cohen). After the trial Thatcher left New England and served as pastor in Wysox, Pennsylvania and in Courtland and Cayuga Counties in New York. The trials attracted a fair amount of attention; according to Cohen, it was discussed in three pamphlets. All are scarce. OCLC locates 7 copies of the *Report* in North American law libraries (Columbia, Harvard, Library of Congress, Social Law, University of Minnesota, University of Missouri, William and Mary). Cohen, *Bibliography of Early American Law* 12063. [Order This Item](#)



The Legality of Lord Russell's Trial

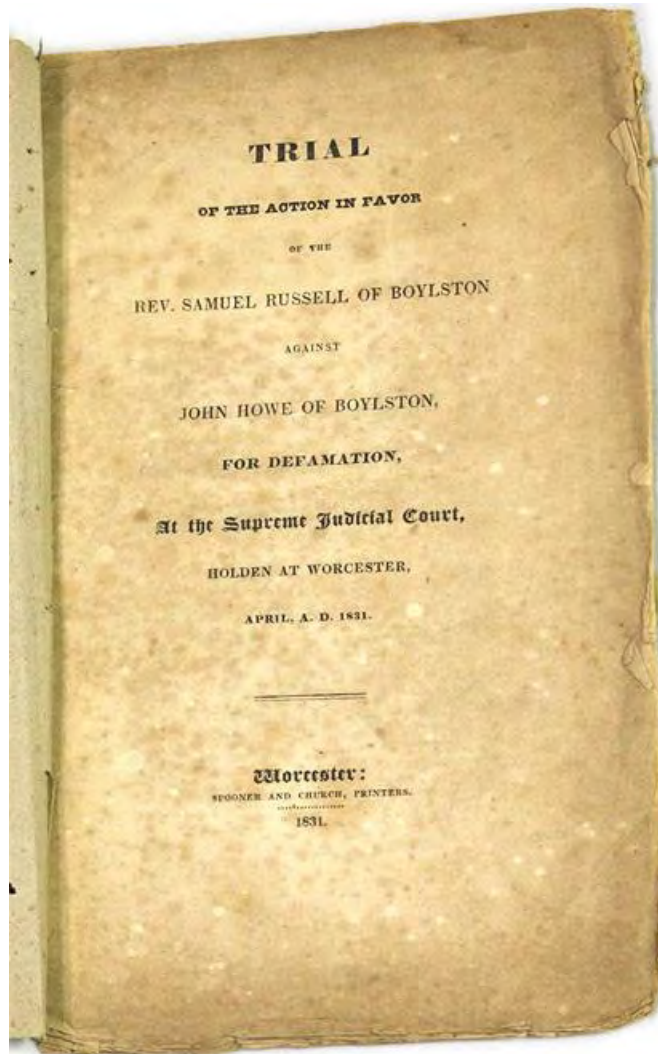
22. [Rye House Plot].

Atkyns, Sir Robert [1621-1709].

A Defence of the Late Lord Russel's Innocency, By Way of An Answer or Confutation of a Libellous Pamphlet, Intituled, An Antidote Against Poyson; With Two Letters of the Author of This Book, Upon the Subject of His Lordship's Tryal. Together with an Argument in the Great Case Concerning Elections of Members to Parliament, Between Sr Samuel Barnardiston Bar. Plaintiff, And Sr Will. Soames Sheriff of Suffolk, Defend' in the Court of King's-Bench, In an Action Upon the Case, And Afterwards by Error Sued in the Exchequer-Chamber. London: Printed for Timothy Goodwin, 1689. [iii], 51 pp. Title page preceded by advertisement leaf. *Argument in the Great Case* preceded by divisional title page. Folio (12" x 7").

Disbound, text secure. Some edgewear and soiling to first and final leaves, worming through upper margins of most leaves with no loss to text. Toning, small faint stains to a few leaves, internally clean. \$250.

* First edition. This is a reply to a pamphlet by Sir Bartholomew Shower that defended the legal position of the Russell trial. Atkyns was Russell's legal advisor. Russell [1639-1683] was implicated in and ultimately executed due to his supposed involvement in the Rye House Plot, a plan to assassinate King Charles II and his brother (and heir to the throne) James, Duke of York devised by a group of Whigs. Some historians believe this plot was largely fabricated by Charles II as a way to destroy the Whigs, most notably Russell and Algernon Sydney [1623-1683], who were convicted and executed on the basis of flimsy evidence. *English Short-Title Catalogue* R4958. [Order This Item](#)



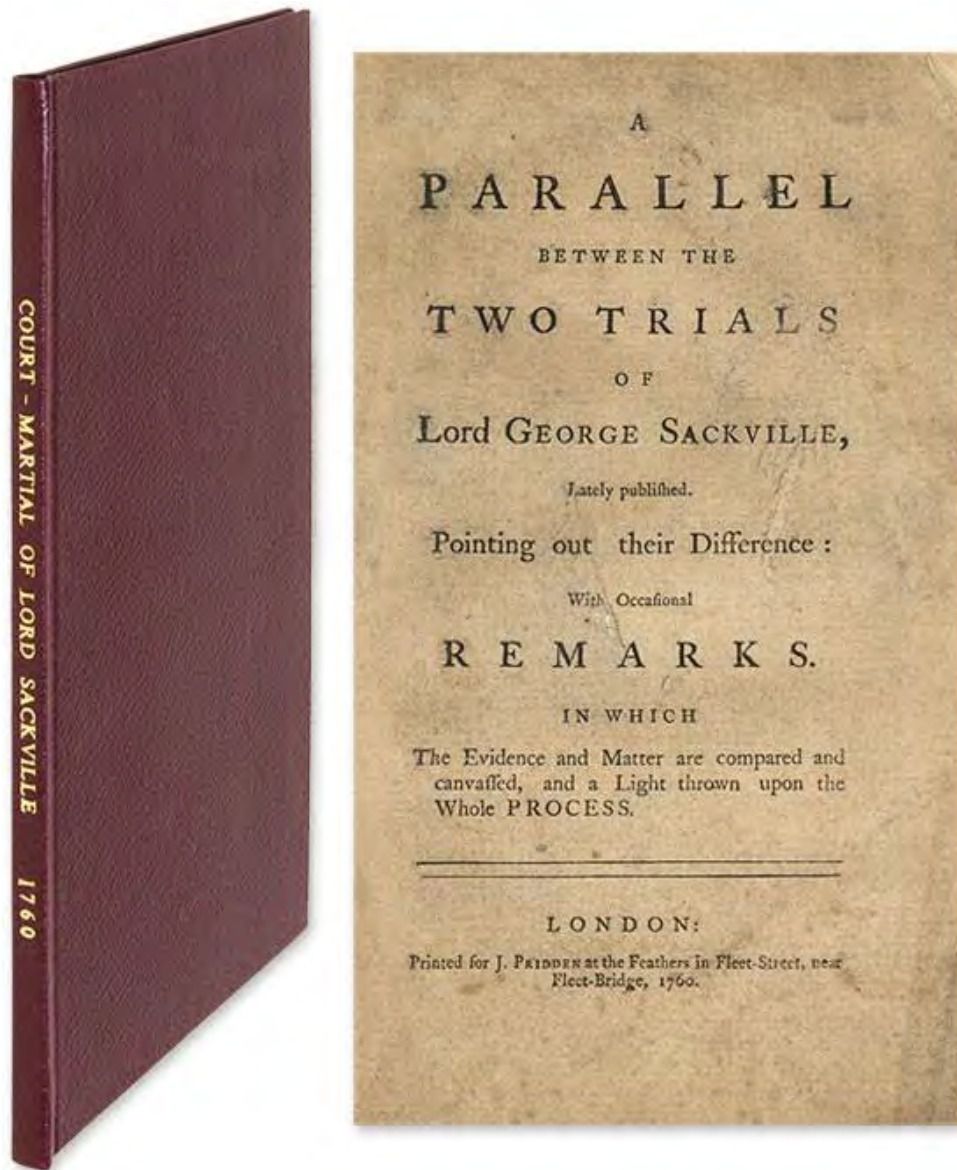
Libel in Worcester, Massachusetts

23. Russell, Samuel [1798-1835], Plaintiff.

Trial of the Action in Favor of the Rev. Samuel Russell of Boylston Against John Howe of Boylston, For Defamation: At the Supreme Judicial Court, Holden at Worcester, April, A.D. 1831. Worcester [MA]: Spooner and Church, Printers, 1831. 27 pp. Octavo (9-1/2" x 6").

Stab-stitched pamphlet in plain wrappers, untrimmed edges. Light soiling and moderate edgewear to wrappers, front wrapper partially detached. Moderate toning and light foxing to text, minor tears to edges of some leaves, internally clean. \$450.

* Only edition. "In protesting Russell's election to the school committee, Howe allegedly accused him of lying to a colleague about an exchange of church ministers. Russell sued for libel, but the jury found for the defendant. Russell's motion for a new trial was denied" [Cohen]. This pamphlet is a detailed summary of Russell's charges and the testimony of witnesses. Russell's motion for a new trial was based on an allegation that one of the jurors had improperly concealed a bias favoring Howe. This account contains the complete text of the court's opinion denying the motion. OCLC locates 10 copies, 4 in law libraries (Harvard, Library of Congress, Social Law, Yale). Cohen, *Bibliography of Early American Law* 12028. [Order This Item](#)



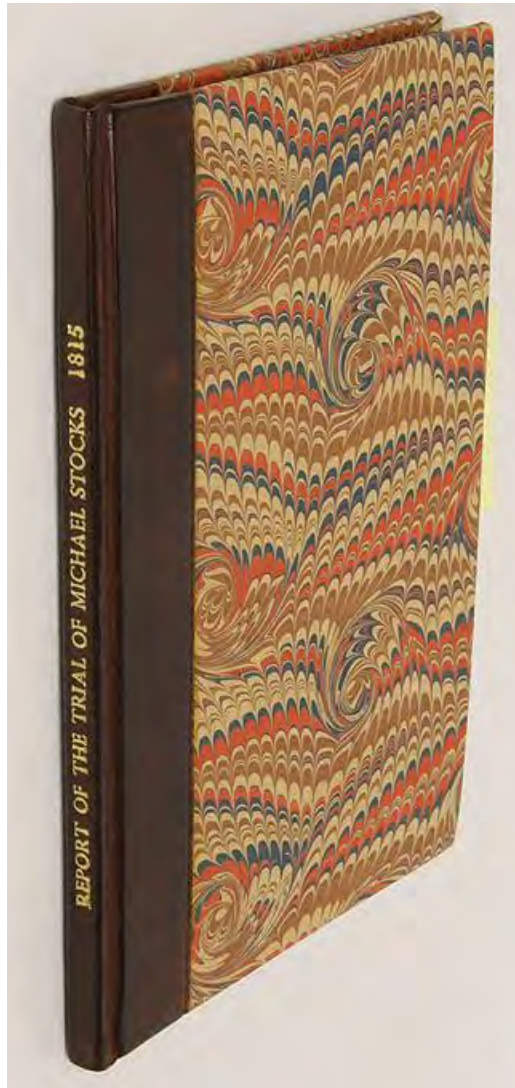
The Court-Martial of Lord Sackville

24. Sackville, George Germain, Viscount [1716-1785], Defendant.

A Parallel Between the Two Trials of Lord George Sackville, Lately Published Pointing out Their Difference: With Occasional Remarks in Which the Evidence and Matter are Compared and Canvassed, And a Light Thrown Upon the Whole Process. London: Printed for J. Pridden, 1760. 27, [1] pp. Octavo (8" x 5").

Stab-stitched pamphlet bound into recent cloth, gilt title to spine, endpapers renewed. Light browning, faint dampstaining and foxing to a few leaves. A nice copy of a scarce title. \$450.

* Only edition. Lord Sackville was dismissed from the British army for insubordination at the Battle of Minden (1759) during the Seven Years' War. Secretary for the colonies from 1775 to 1782, he received much of the blame for Great Britain's defeat in the American Revolution. ESTC locates 9 copies in North America. OCLC locates 1 copy in a North American law school (Harvard). *English Short-Title Catalogue* T043631. [Order This Item](#)



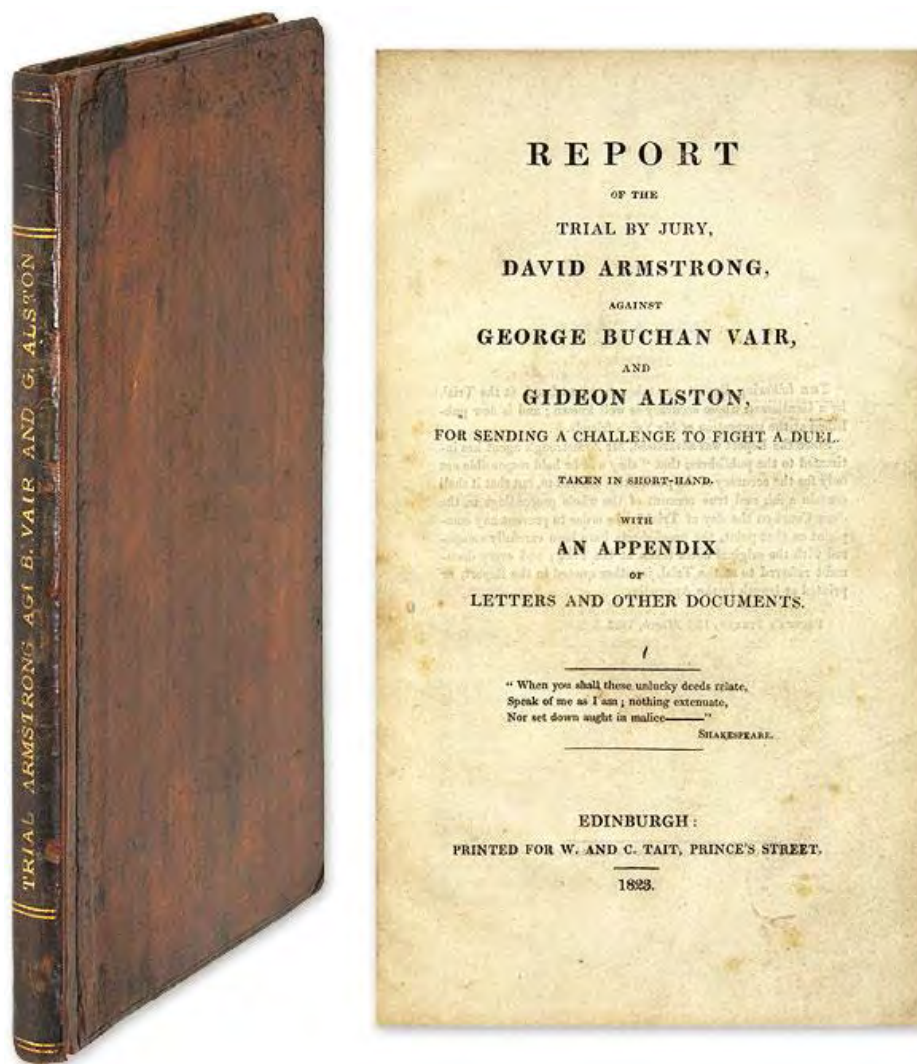
A Hand in the Scuttle?

25. Stocks, Michael [d. 1836], Defendant.

Report of the Trial of Michael Stocks, Esq. For Wilful and Corrupt Perjury, At the Yorkshire Lent Assizes, 1815, Before the Honourable Sir Alexander Thompson, Knight, Chief Baron of his Majesty's Court of Exchequer, And a special jury. Huddersfield [England]: Printed for the Editor, By J. Lancashire, 1815. [iv], 109, [1] pp. Octavo (8" x 5").

Recent period-style quarter calf over marbled boards, gilt title to spine. Moderate toning to text, newspaper article, "Last Moments of Jonathan Martin," pasted over errata list, the verso of p. 109, small newspaper clipping pasted to foot of title page. Early owner annotations to title page and following leaf, light soiling and minor edgewear to final two leaves, interior otherwise clean. \$500.

* Only edition, one of two issues, both from 1815. Stocks was accused of stealing and selling 10,000 tons of coal from mines in Northowram, in the West-Riding of Yorkshire, he owned in partnership with two other men. Stocks was not convicted. The trial details the contractual history of the partnership, such contentious matters as the exact legal boundaries of neighboring mines and coal-pits and the nature of written and verbal agreements. Including both edition, OCLC locates 9 copies in North America, 5 in law libraries (Harvard, Library of Congress, Ohio State, University of Georgia, Yale). Not in the *British Museum Catalogue*. [Order This Item](#)



Trial of a Would-Be Scottish Duelist

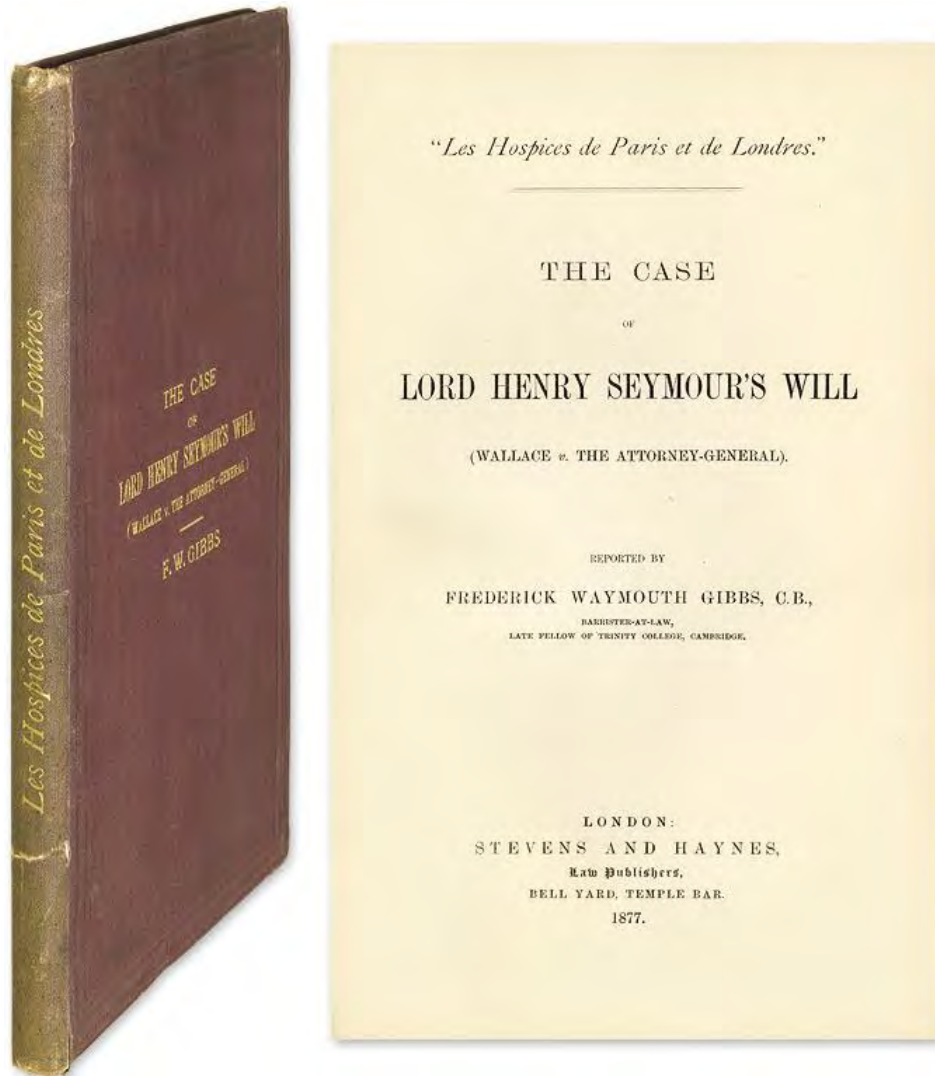
26. Vair, George Buchan, Defendant.

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](#)



**A Complicated Case of Inheritance and Succession
Involving a Charity and the Laws of France and Great Britain**

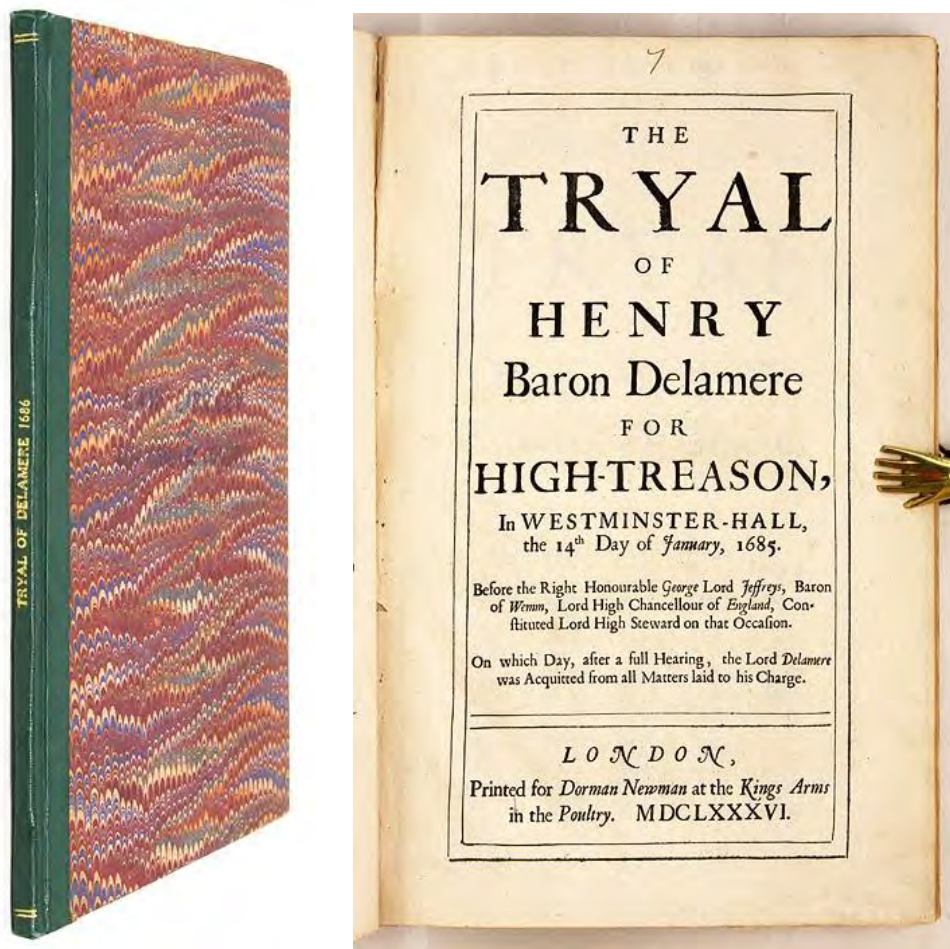
27. Wallace, Sir Richard [1818-1890].

Gibbs, Frederick Waymouth [1821-1898], Reporter.

The Case of Lord Henry Seymour's Will (Wallace v. the Attorney-General). London: Stevens and Haynes, 1877. vii, 98, 48 pp. Includes forty-eight page publisher catalogue. Octavo (9-1/2" x 6-1/2").

Original cloth, blind rules to boards, gilt titles to front board and spine. Some rubbing to extremities, light fading to spine, joints and front hinge just starting at ends. Early owner annotation to half-title, interior otherwise fresh. \$450.

* Only edition. Text in English and French. At head of title: "Les Hospices de Paris et de Londres." This was an unusually complicated case of inheritance and succession. "France ... was the country to whose courts belonged the principal administration of his estate, and his will was brought before the Court of Chancery here by Mr. Wallace ... in aid of the French administration. The universal legacy gave rise to two questions ... 1st, what was the extent, topographically, of the word 'London' as used by the testator; and 2ndly, what institutions were included within the description, 'Les Hospices de Londres'" (1-2). *Catalogue of the Library of the Harvard Law School* (1909) II:1218. [Order This Item](#)



A Member of a Plot to Depose James II?

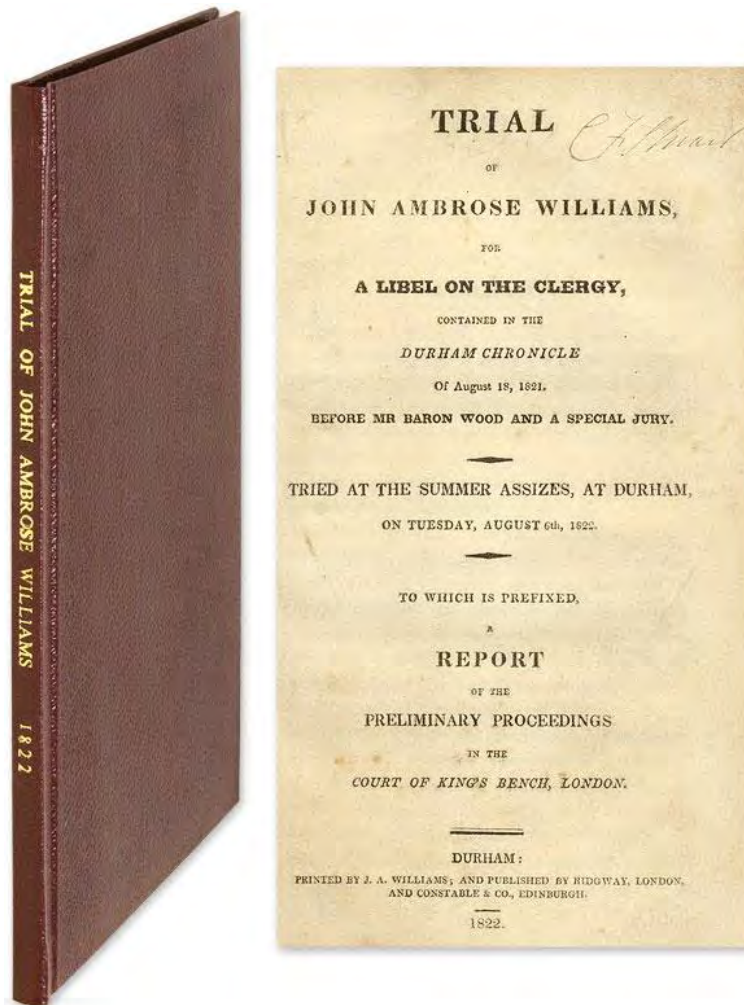
28. Warrington, Henry Booth, Earl of [1652-1694], Defendant.

The Tryal of Henry Baron Delamere for High-Treason, In Westminster-Hall, The 14th Day of January, 1685. Before the Right Honourable George Lord Jeffreys, Baron of Wemm, Lord High Chancellor of England, Constituted Lord High Steward on that Occasion. On Which Day, After Full Hearing, The Lord Delamere was Acquitted from All Matters Laid to His Charge. London: Printed for Dorman Newman, 1686. [iv], 87, [1] pp. Main text preceded by "Order to Print" (imprimatur) leaf. Collates complete. Folio (11-1/2" x 7-1/2").

Stab-stitched pamphlet bound into recent quarter cloth over marbled boards, gilt title to spine. Light rubbing to extremities, corners bumped and somewhat worn. Light toning to text, somewhat heavier in places, light foxing to a few leaves. "7" in early hand to head of title page, interior otherwise clean. Ex-library. Bookplate to front pastedown, stamp and annotation to front free endpaper. A nice copy. \$200.

* Only edition. Warrington was indicted as a participant in Monmouth's rebellion, an attempt by the Duke of Monmouth, an illegitimate son of Charles II, to the claim the throne and depose James II. The special charge against Delamere "was that at the time of Monmouth's rebellion he had gone secretly to Cheshire with the view of inciting a rising in the north of England." While it is nearly certain that Delamere sympathized with Monmouth's designs, he was able to explain his journey as a wish to visit a favorite child who was dangerously ill. "Moreover, Thomas Saxon, the only witness who would positively swear to the correspondence of Delamere and Monmouth, so hopelessly contradicted himself that he was afterwards convicted of perjury." *Dictionary of National Biography* II:842-844. *English Short-Title Catalogue* R23568.

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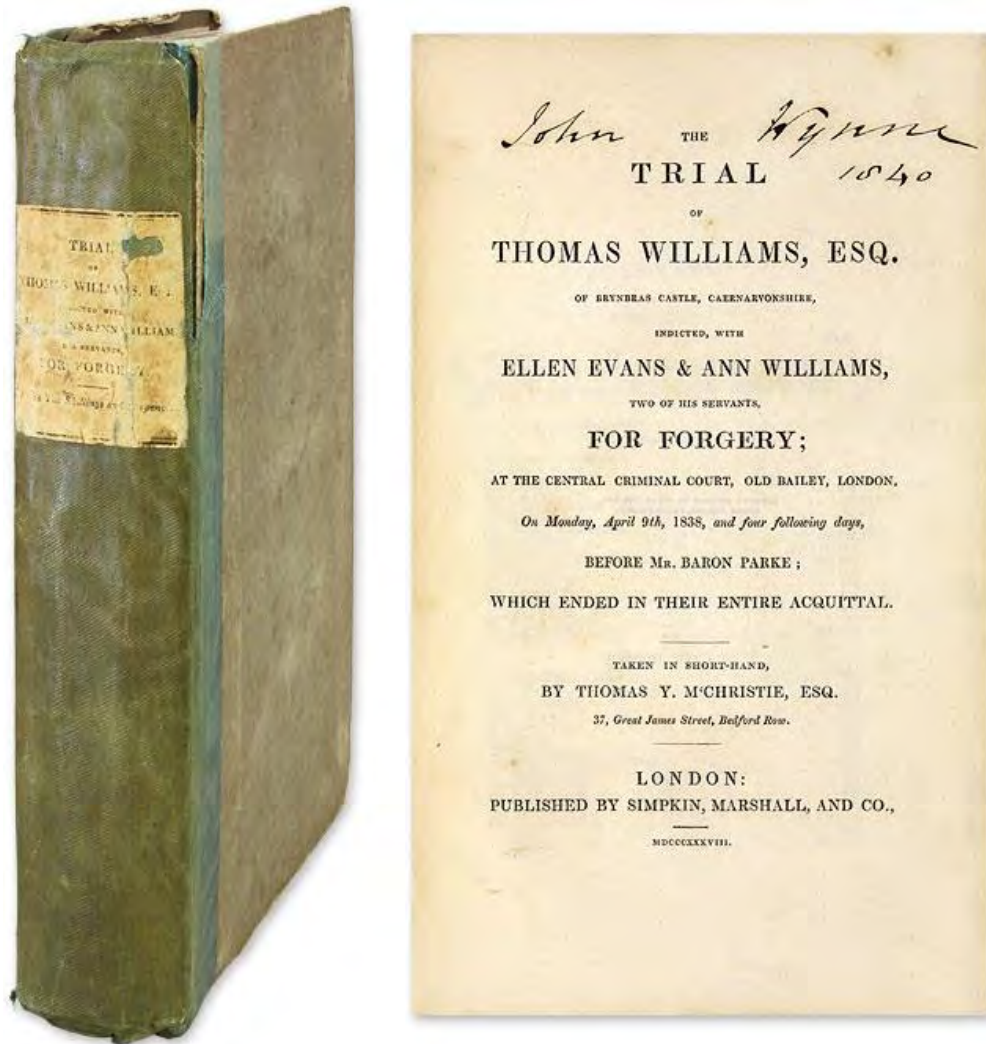
Notable Libel Trial With a Defence by Lord Brougham

29. Williams, John Ambrose [1793-1854], Defendant.

The Trial of John Ambrose Williams, For a Libel on the Clergy, Contained in the Durham Chronicle of August 18, 1821. Before Mr. Baron Wood and a Special Jury. Tried at the Summer Assizes, At Durham, On Tuesday, August 6th, 1822. To Which is Prefixed, A Report of the Preliminary Proceedings in the Court of King's Bench, London. Durham: Printed by J.A. Williams, 1822. iv, 57 pp. Octavo (8" x 5").

Stab-stitched pamphlet bound into recent cloth, gilt title to spine. Light soiling to title page and verso of final leaf, light browning. Early owner signature to head of title page, interior otherwise clean. \$250.

* First edition. "When [Queen Caroline] died in 1821, the clergy of Durham refused to allow the bells to be tolled. Mr. John Ambrose Williams, who owned the *Durham Chronicle*, published an article in it attacking the conduct of the clergy, who set the law in motion against Mr. Williams in the shape of a criminal information for libel. [The] case came for trial before a special jury at Durham. Mr. Scarlett (afterwards Lord Abinger), a most consummate advocate, conducted the prosecution, and Brougham the defense. Brougham made a magnificent speech, but it was rather a political manifesto than a wise appeal to a jury at Durham, who were not likely to be pleased with torrents of irony addressed to such topics as the revenues and management of their palatinate. The result was that his client was found guilty..." (Archer). This pamphlet was also issued the same year in London and Edinburgh. OCLC locates 2 copies of the Durham issue (at Cambridge and Glasgow Universities). Archer, *William Ewart Gladstone and his Contemporaries* 40. McCoy, *Freedom of the Press* W297. [Order This Item](#)



Trial Involving a Forged Codicil

30. Williams, Thomas, et al., Defendants.

The Trial of Thomas Williams, Esq. Of Brynbras Castle, Caernarvonshire, Indicted, With Ellen Evans & Ann Williams, Two of His Servants, For Forgery; At the Central Criminal Court, Old Bailey, London, On Monday, April 9th, 1838, And Four Following Days, Before Mr. Baron Parke; Which Ended in Their Entire Acquittal. London: Published by Simpkin, Marshall, And Co., 1838. [iv], [3]-634 pp. Octavo (9" x 5-1/2").

Original cloth backed publisher boards, printed paper spine label. Moderate rubbing to extremities, spine ends bumped, front joint starting. Light toning, foxing in a few places. Early owner signature to head of title page, interior otherwise clean. \$125.

* First edition. A substantial report of a trial involving the alleged forgery of a codicil to a will which would have altered the disposition of landed property situated in Wales, London, and Devonshire; with interesting expert testimony on handwriting and graphics. The defendant, Thomas Williams, of Brynbras Castle, Caernarvonshire, was indicted along with two of his servants; all three were acquitted to great applause. The forensic evidence, which is considerable, includes analyses of paper, ink, and handwriting, as well as testimony given by an engraver by the name of Allard and by a lithographer, Joseph Netherclift, who was employed at the British Museum. OCLC locates 4 copies in North American law libraries (Library of Congress, Social Law, Stanford, Yale). [Order This Item](#)