

30 Recent Acquisitions

Canon, Civil, Common, Customary & Roman Law

December 17, 2019



THE
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Early German Edition of Beccaria

1. [Beccaria, Cesare Bonesana, Marchese de (1738-1794)].

[Schultes, Jakob, Translator and Editor].

Von den Verbrechen und Strafen: Aus dem Italienischen mit des Hrn Verfassers noch Nicht Gedruckten Ergänzungen nach der Neuesten Auflage ins Deutsche Übersetzt und mit Vielen Anmerkungen Vermehrt. Ulm: Verlegts Albrecht Friedrich Bartholomäi, 1767. [vii], 214 pp. Copperplate allegorical frontispiece. Octavo (7-1/4" x 4-1/2").

Contemporary speckled-paper boards. Binding slightly cocked, moderate rubbing and light scuffing to boards, heavier rubbing to extremities with wear to spine ends and corners. Light toning to text, somewhat heavier in a few places, worm hole near gutter from front free endpaper to p.4 with no loss to text, frontispiece partially detached and lightly edgeworn, illegible owner signature dated 1821 to verso of frontispiece and rear free endpaper, tiny illegible early owner signature dated 1778 and annotation to title page. \$1,850.

* Third German edition. First published in Italy in 1764, *Dei Delitti e Delle Pene* [On Crimes and Punishments] was the first systematic study of the principles of crime and punishment. Infused with the spirit of the Enlightenment, its advocacy of crime prevention and the abolition of torture and capital punishment marked a significant advance in criminological thought, which had changed little since the medieval era. It had a profound influence on the development of criminal law in Continental Europe, Great Britain and the United States. Schultes's edition is interesting for its insights into the early reception of Beccaria in German-speaking Europe. The frontispiece depicts Lady Justice shunning an executioner. OCLC locates 2 copies of this edition in North America (Harvard Law School, UC-Berkeley Law School). *Das Verzeichnis Deutscher Drucke des 18. Jahrhunderts* 10533346. [Order This Item](#)



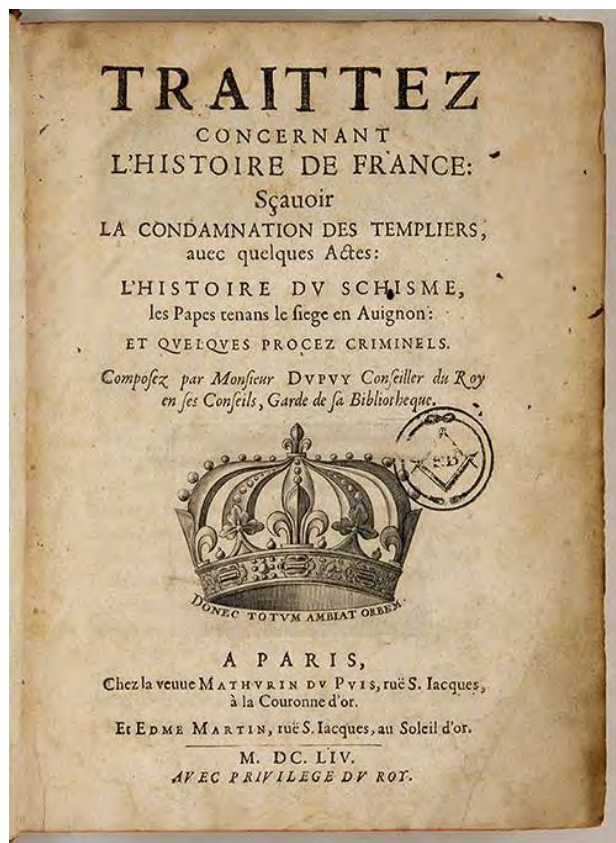
**Handsome Copy of a Classic
Illustrated 16th-Century Treatise on Criminal Law**

2. Damhouder, Josse (Joost) de [1507-1581].

Praxis Rerum Criminalium: Praetoribus, Propraetoribus, Consulibus, Proconsulibus, Magistratibus, Reliquisque id Genus Iustitiariis ac Officialiis, Apprime Utilis & Necessaria. Antwerp: Ioannem Bellerum, 1570. [xxxii], 508, [64] pp. Text printed in double columns. 70 large woodcuts in text. 68 depict criminal acts, 2 depict types of torture. Large armorial woodcuts at beginning and end of book. Quarto (8-1/2" x 6-1/2").

Contemporary vellum, faint early hand-lettered title to spine. A few minor stains to boards, light soiling to rear boards, light rubbing to extremities, pastedowns loose. Light toning to text, somewhat heavier in places, faint, gradually diminishing dampstaining to head of text block, (illegible) early owner signature in miniscule hand to front pastedown. A handsome copy. \$2,500.

* First published in 1554, this was the first comprehensive study of criminal procedure published in northern Europe. A synthetic work drawn mostly from Roman-Dutch sources, it was based on Philip Wielant's *Practycke Crimineele* (c.1510) and other earlier treatises. Published in Latin, Dutch and French, it was standard authority throughout the continent for many years. This Belgium edition from 1570 is illustrated throughout with woodcuts depicting adultery, murder, theft and many other crimes. Damhouder was an advisor to the Duke of Burgundy and a prolific author of legal and religious treatises. Dekkers, *Bibliotheca Belgica Juridica* 44. [Order This Item](#)



The Suppression of the Knights Templar

3. Dupuy, Pierre [1582-1651].

[Dupuy, Jacques (1591-1656)].

Traitez Concernant l'Histoire de France: Sçavoir la Condamnation des Templiers, Avec Quelques Actes, l'Histoire du Schisme, Les Papes Tenant le Siege en Avignon, Et Quelques Procez Criminels. Paris: Chez la Veuve Mathurin du Puis, Et Edme Martin, 1654. [x], 189, [1], 190, [3], 191-510 pp. Full-page copperplate portrait of author facing p. 1. Complete. Quarto (8-1/2" x 6-1/2").

Contemporary sprinkled calf, gilt spine with raised bands and lettering piece, marbled endpapers, edges rouged. Rubbing and shallow scuffing to boards and extremities with wear to spine ends and corners, chipping to edges of lettering piece, joints cracked, hinges secure, later owner bookplate of Jean-Baptiste L'Écuy to front pastedown. Moderate toning, some what heavier in a few places, worm hole from front board trough most of text block with minor loss to text, small early stamp of Masonic organization (?) to title page. \$750.

* First edition. Dupuy chronicles the political and legal suppression of the Knights Templar, the Catholic military order established in 1119 and disbanded around 1312. Skilled fighters who played a leading role in the crusades, and the inspiration for a great deal of medieval lore and legend, the Templars had significant land holdings in Europe and the Middle East, a naval fleet and a banking network. Support for the Templars faded after the failure of the crusades and several powerful people began to openly resent their power and wealth, among them King Philip IV of France, who was deeply in debt to the order. In 1307, using a lurid rumor about the Templars' secret initiation ceremony as an excuse, Philip ordered several French members of the arrested. They were tortured into giving false confessions and burned at the stake. Later, under pressure from Philip, Pope Clement V disbanded the order in 1312. Jean-Baptiste L'Écuy [1740-1834] was the last abbé général of the French Premonstratensian Order before the French Revolution. Brunet, *Manuel du Libraire et de l'Amateur de Livres* II:902. [Order This Item](#)



**A Seventeenth-Century
Guide to the Coutumes of Paris**

4. Ferrière, Claude de [1639-1715], Editor.

Texte des Coutumes de la Prevoste et Vicomte de Paris, Avec des Nottes ou Decisions Sommaires Sur Chaque article, & les Rapports des Articles les Uns Avec Les Autres. Paris: Chez Jean Cochart, 1680. [x], 274 pp. 12mo. (4-1/2" x 2-1/2").

Contemporary calf, gilt spine with raised bands, edges rouged. Light rubbing to boards, moderate rubbing to extremities, tiny chip to head of spine, corners bumped and somewhat worn, hinges starting at ends. Light toning to text, slightly heavier in places, lower corner lacking from Leaf Tiii (pp. 221-222) with minor loss to text and no loss to legibility. \$1,250.

* First edition. Claude de Ferrière was a prominent *jurisconsulte* and professor at the Law Faculty of Paris who later held, simultaneously, the Chair of Civil and Canon Law and Chair of French Law at the University of Rheims. He produced numerous works on subjects ranging from Roman, canon, and customary law to notaries, the law of fiefs and patronage and civil and criminal practice. Generally designed for the practitioner, they were useful works that retained their popularity long after the author's death. His son, Claude-Joseph [c.1680-c.1748], was an important legal writer and the compiler of an important law dictionary. *Texte des Coutumes*, a study of the customary laws of Paris and their correspondence with civil law, went through four editions, the final appearing in 1764. OCLC locates 4 copies of the first edition in North American law libraries (George Washington University, Library of Congress, UC-Berkeley, Yale). Gourin and Terrin, *Bibliographie des Coutumes de France* 1676. [Order This Item](#)



Impressive Early Post-Tridentine Edition of Gratian

5. Gratian, the Canonist [c.1090-c.1160].

[Johannes Teutonicus (d.1253), Glossator].

[Bartolomeo da Brescia (d.1258), Glossator].

[Haloander, Gregor (1501-1531), Translator and Editor].

[Martinus, Polonus (d.1279)].

Decretum Gratiani Emendatum et Notationibus Illustratum una cum Glossis, Gregorii XIII. Pont. Max. Iussa Editum, As Exemplar Romanum Diligenter Recognitum. Paris: [Compagnie de la Grand-Navire], 1585. [lxxii] pp., 2546 [i.e. 2540] cols., [2], 88, [4] pp. Single-column main text surrounded by two-column linear gloss with side-notes. Full-page woodcut before main text depicting prophets, evangelists, and saints surrounding the papal court, full-page woodcut tables of consanguinity and affinity. Folio (14-1/4" x 9").

Recent three-quarter morocco stamped calf over marbled boards, gilt-edged raised bands, gilt title and gilt and blind ornaments to spine, endpapers renewed, early hand-lettered titled to fore-edge of text block, title page re-hinged. A few minor nicks and scuffs to exterior, front hinge starting. Title page with large woodcut vignette of a caravel with Grand-Navire insignia printed in red and black. Light toning, somewhat heavier in places, light soiling, light edgewear and a few early marks to title page, small library stamp and a bit of bookplate residue (?) to verso. An impressive volume. \$1,500.

* The *Concordia Discordantia Canonum*, or as it is better known, the *Decretum Gratiani*, is the cornerstone of modern canon law. The first work of its kind, it was compiled by Gratian, a Camaldolese monk, around 1140. Using the latest scholastic and juristic techniques from Bologna, he attempted to harmonize these disparate texts. Like the *Corpus Juris Civilis* in the study of the civil law, it became the basic text for the study of canon for many centuries. The *Decretum Gratiani* addresses various aspects of church jurisdiction, offenses and legal proceedings, as well as administrative issues like baptism, feast days, confirmation and the consecration of churches. In the following century an extensive gloss was added by Teutonicus. Known as the *Glossa Ordinaria*, it was later revised and enriched by another Bartolomeo of Brescia. The gloss and its revisions become a standard feature of subsequent manuscripts and printings. Though never an official edition of canon law, it was a standard work for nearly 800 years until it was superseded in 1918, along with the other books of the *Corpus Iuris Canonici*, by the *Codex Iuris Canonici*. As indicated by its title, our 1585 Paris edition incorporates the changes ordered in 1580-1582 by the council of revisers established by the Council of Trent (the *Correctores Romani*). It also includes two related texts, the *Canones Sanctorum Apostolorum per Clementem à Petro*, a collection of Roman-era church law translated and edited by Haloander and Plonus's *Margarita Decreti*, an index to the Decretals of Gregory IX. Adams, *Catalogue of Books Printed on the Continent of Europe, 1501-1600* G1061. [Order This Item](#)



A Scarce Sixteenth-Century Commentary on the *Institutes*

6. Grempp von Freudenstein, Ludwig [1509-1583], Editor.
[Brederode, Pieter Cornelis van [d. 1593], Attributed.

Analysis, Seu Resolutio Dialectica Quatuor Librorum Institutionum Imperialium: Una cum Quarundam Utilium Quaestionum Iuris Explicatione, Recognita, & Nitidior in Lucem nunc Iterum Emissa. Strassburg: Excudebat Theodosius Rihelius, [1569]. 393, [5] ff. Octavo (6-1/2" x 4-1/4").

Contemporary limp vellum, early hand-lettered title to spine, one ties present, the other lacking, colored edges. Light soiling, heavier soiling to spine, moderate rubbing to extremities, small tears to front cover at spot where tie was removed, early annotations to front pastedown. Light toning to text, two annotations in later hands to title page naming Brederode as author. \$1,750.

* Second edition. Grempp von Freudenstein was a lawyer and state official who spent his professional life in Tübingen and Strassburg. A well-regarded commentary first published in 1567, *Analysis*, is a textbook commentary on Justinian's *Institutes* derived from a manuscript by Brederode, a Dutch jurist and diplomat. Cast in question-and-answer form, it follows Justinian's text, paraphrasing, abridging, or adapting the text. It is equally interesting for its insights into the reception of Roman law at the end of the sixteenth century. *Das Verzeichnis der im Deutschen Sprachbereich Erschienenen Drucke des 16. Jahrhunderts* A2448. [Order This Item](#)



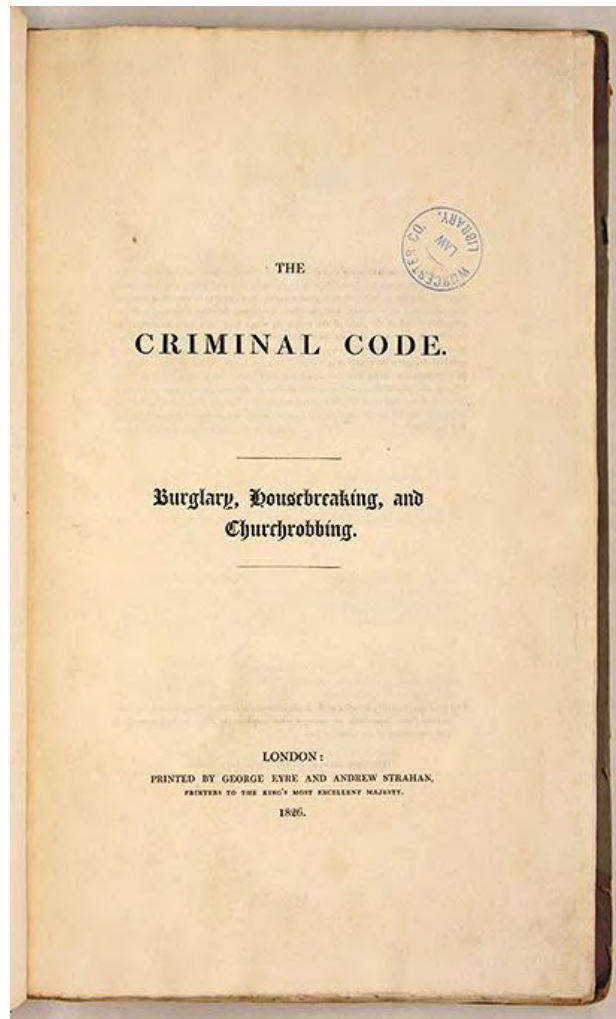
A Rare 1848 Mexican Abridgment of a Spanish Treatise on Criminal Law

7. Gutiérrez, Jose Marcos.

Discurso Sobre los Delitos y las Penas, Para Mayor Ilustracion, La mas Facil Inteligencia y el Mejor Uso de las Doctrinas Contenidas en la Parte Tercera. Mexico City: Imprenta de la Voz de la Religion, 1848. [iv], 114 pp. Octavo (7-1/2" x 4-1/4").

Contemporary quarter calf over marbled boards, gilt spine, speckled edges. Light rubbing to boards and extremities with light wear to spine ends and corners, moderate toning to interior. A handsome copy. \$950.

* Only edition (in this form). This is a rare abridged Mexican edition of Gutierrez's three-volume *Práctica Criminal de España*. First published in 1804-1806, its fifth and final edition was published in 1828 and reissued in New York (in Spanish) in 1836. The Mexican abridgment of the fifth edition appears to be the final edition of this work. OCLC locates 1 copy (Harvard Law School). [Order This Item](#)



**Hammond's Proposed Criminal Code
for Burglary, Housebreaking and Churchrobbing**

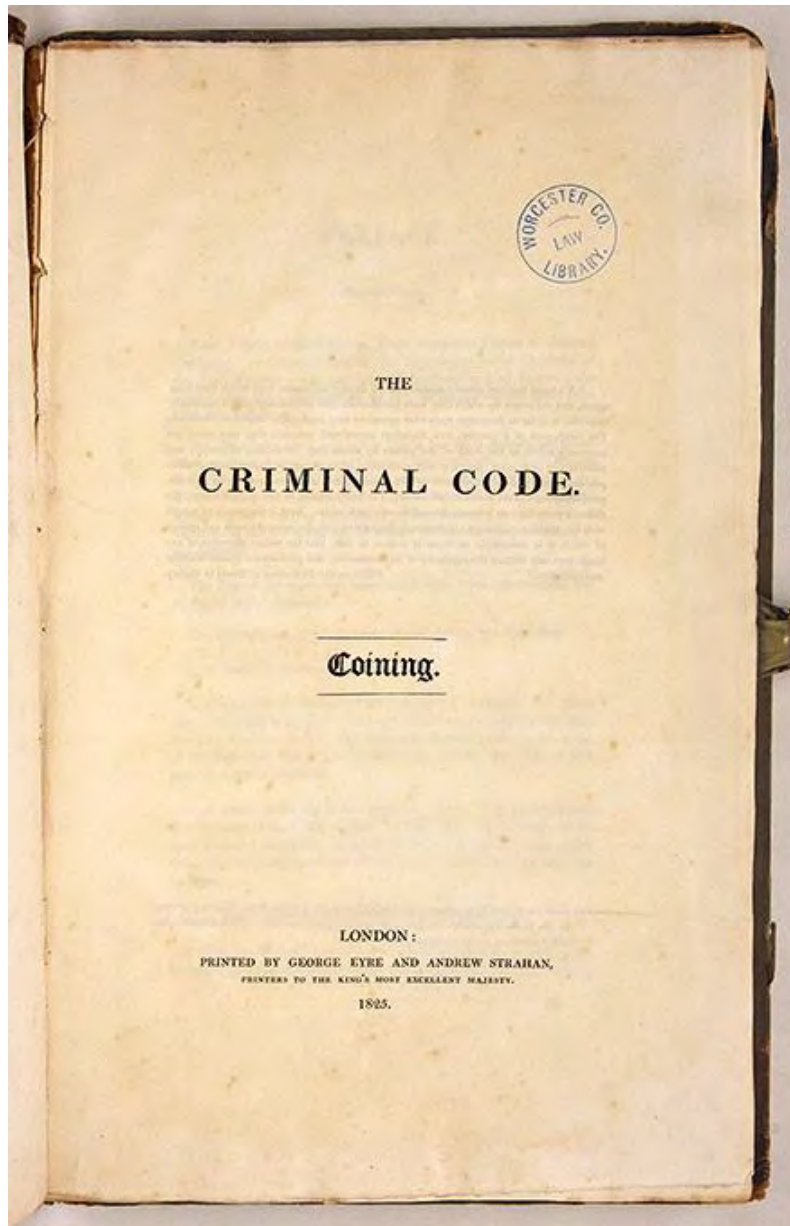
8. [Hammond, Anthony (1758-1838)].

The Criminal Code. Burglary, Housebreaking, And Churchrobbing. London; Printed by George Eyre and Andrew Strahan, 1826. xxiv, 168 pp. Folio (13-1/4" x 8-1/4").

Contemporary three-quarter calf over plain-paper boards, gilt title and paper shelf label to spine, untrimmed edges. Moderate rubbing with wear to corners, sections lacking from spine, front board detached. Light toning, light foxing to a few leaves, small library stamp to title page. \$500.

* Hammond, a barrister and legal reformer, was commissioned by Parliament to propose a code of English criminal law. Between 1823 and 1829 he produced a series of six codes under the general title *The Criminal Code*. Although the codes weren't adopted, they formed the basis of Peel's Acts, the first substantial reform of English criminal law. In turn, Peel's acts paved the way for the Criminal Law Consolidation Acts 1861. Printed in limited numbers for Parliament and the courts, copies of these codes (or sets) are scarce today. OCLC locates 2 copies of the Burglary Code in North American law schools (Social Law, University of Michigan). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:153.

[Order This Item](#)



Hammond's Proposed Criminal Code of Coining

9. [Hammond, Anthony].

The Criminal Code. Coining. London; Printed by George Eyre and Andrew Strahan, 1825. xx, 109, 21 pp. Folio (13-1/4" x 8-1/4").

Contemporary three-quarter calf over plain-paper boards, gilt title and paper shelf label to spine, untrimmed edges. Moderate rubbing with wear to spine ends and corners, boards and preliminaries partially detached. Light toning, light foxing to a few leaves, small library stamp to title page. \$500.

* OCLC locates 3 copies in North American law schools (Harvard, Osgoode Hall, Social Law). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:153. [Order This Item](#)



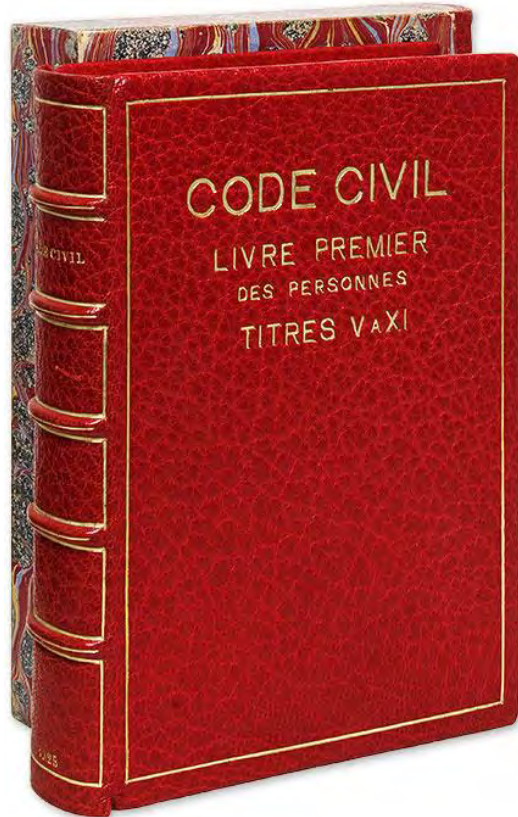
An Influential Eighteenth-Century Study the *Institutes*

10. Heineccius, Johann Gottlieb [1681-1741].

Antiquitatum Romanorum Iurisprudentiam Illustrantium Syntagma Secundum Ordinem Institutionum Iustiniani Digestum, In Quo Multa Iuris Romani Atque Auctorum Veterum Loca Explicantur. Auctior & Emendatio. Strasbourg: Sumptibus Io. Reinoldi Dulsseckeri, 1724. [xxxii], 492, [4], 307 [i.e. 370], [62] pp. Copperplate allegorical frontispiece. Folding woodcut table of consanguinity. Octavo (6-1/2" x 4").

Contemporary vellum, early hand-lettered title to spine. Some rubbing and soiling, spine ends and corners bumped, vellum just beginning to crack through pastedowns. Title page printed in red and black. Moderate toning a few minor tears and light edgewear to table. An appealing copy. \$750.

* Second edition, revised. Heineccius was a prominent German jurist and a professor of jurisprudence and philosophy at the University of Halle. He belonged to the school of philosophical jurists that attempted to treat law as a rational discipline rather than as an empirical craft based on custom and expediency. His influence lasted well into the nineteenth century. First published in 1719, this study of Roman law and the *Institutes* of Justinian went through six editions edited by the author. Several other editions were issued after his death. Renowned for its erudition and elegance, it is considered to be one of his principal works. *British Museum Catalogue* (Compact Edition) 11:1098. [Order This Item](#)



**A Witty (And Very French) View of Family Law: A
Copy from an Edition Limited to 50 Copies in a Superb Binding**

11. Hémard, Joseph [1880-1961], Illustrator.

Code Civil: Livre Premier, Des Personnes: Titres V. Du Mariage. VI. Du Divorce. VII. De la Paternité. VIII. De l'Adoption. IX. De la Puissance Paternelle. X. De la Minorité. XI. De la Majorité. Paris: Rene Kieffer, [1925]. [vi], 126, [4] pp. Pochoir color text illustrations. Quarto (8" x 6-1/2").

Original publisher wrappers bound into contemporary red morocco signed binding by Magdelaine, gilt frames to boards, gilt title to front board, gilt title and gilt-edged raised bands to spine, top edge gilt, deckle fore and bottom edges, marbled endpapers. A few minor nicks to spine, negligible light toning to text, colors of images vivid. Item housed in lightly shelfworn marbled slipcase with a morocco-trimmed opening. An extraordinary copy. \$2,500.

* First edition on Japan paper with an original unpublished watercolor (*aquarelle originale inédite*) by Hémard and an additional set of plates limited to 50 copies, this number 41. Hémard presents the official text of the sections of the French Civil Code dealing with family law with witty, and often mildly erotic, color pochoir illustrations. Hémard applied this treatment to two other legal works *Code Penal* (1940) and *Code General des Impôts Directs et Taxes Assimilées* (1944). Hémard, a prolific artist, illustrator, designer and author, is best-known for his humorously illustrated editions of serious non-fiction books. [Order This Item](#)



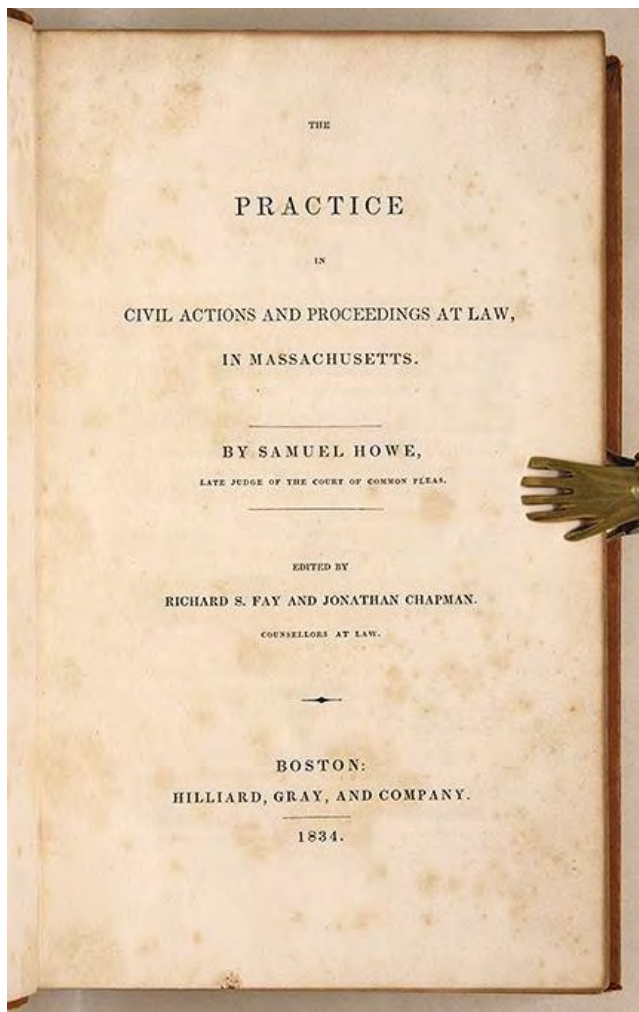
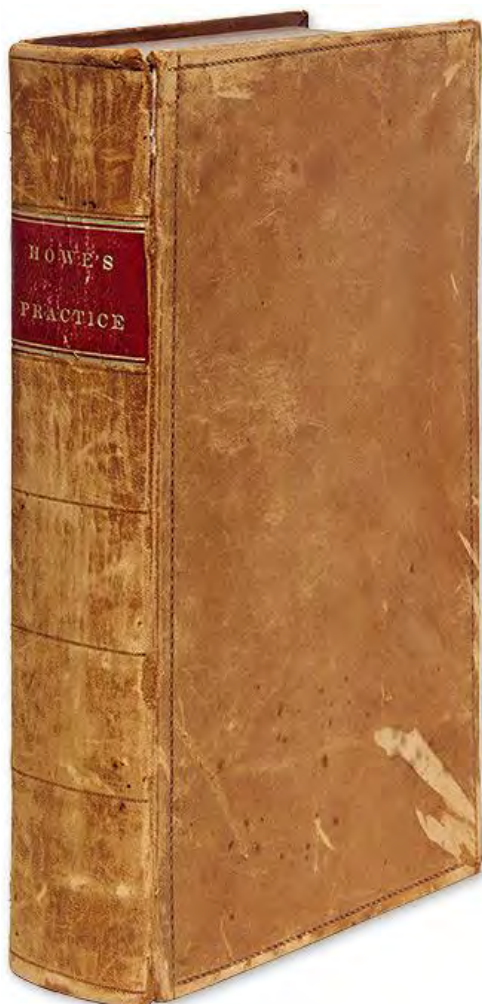
A Dictionary of Swindlers

12. Hönn, Georg Paul.

Betrügs-Lexicon: Worinnen die Meisten Betrügereyen in Allen Ständen, Nebst denen Darwider guten Theils Dienenden Mitteln. Coburg: Verlegts Paul Günther Pfotenhauer, 1721. [xvi], 458, [6] pp. Octavo (6-1/2" x 3-3/4").

Contemporary three-quarter vellum over marbled boards, early hand-lettered title to spine. Binding slightly cocked, rubbing to boards and extremities with wear to spine ends and corners, which are bumped, sections of marbled paper lacking, spine darkened, hinges cracked, front free endpaper lacking, rear free endpaper partially detached. Title page printed in red and black. Moderate toning, minor worming to foot of text block, light soiling to title page, "767" in early hand to front pastedown, marks in later pencil to margins of several leaves. \$2,500.

* First edition. Arranged alphabetically, this is a taxonomy of swindlers and other criminal types. Some entries are polemical. A few entries, most notably those for "monk" and "nun" bordered on blasphemy and were ordered to be removed from later editions. The book went through seven editions in all, the last in 1761. The first is the most desirable because it is uncensored. All are scarce. OCLC locates 3 copies of the first edition in North America (Columbia, University of Alberta, Yale). *Das Verzeichnis Deutscher Drucke des 18. Jahrhunderts* 10178082-008. [Order This Item](#)



Massachusetts Treatise on Civil Actions

13. Howe, Samuel [1785-1828].

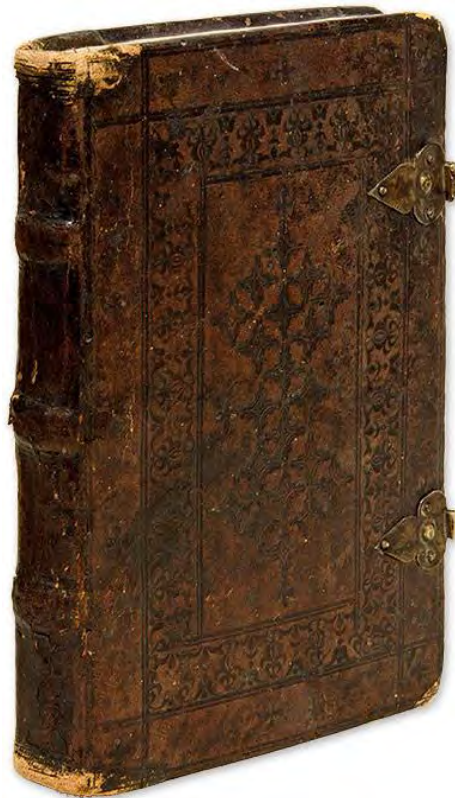
Fay, Richard S. [1806-1865], Editor.

Chapman, Jonathan [1807-1848], Editor.

The Practice in Civil Actions and Proceedings at Law in Massachusetts. Edited by Richard S. Fay and Jonathan Chapman. Boston: Hilliard, Gray, and Company. 1834. xii, 599 pp. Octavo (5-1/2" x 9").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Light rubbing and a few shallow scuffs to boards, moderate rubbing to extremities, front joints partially cracked, early owner signature of Edwin Conant and brief annotation in his hand to front free endpaper. Moderate toning and light foxing to text. \$250.

* Only edition. Howe, a Massachusetts lawyer and legislator, was an associate justice of the Court of Common Pleas who ran a law school in Northampton. The editors note: "The basis of the following work [was] a series of lectures which were prepared by the late lamented Judge Howe, and delivered to the students composing his law school at Northampton. It was his intention, when they should have been completed, to have published them; but before the outlines of his proposed work were entirely filled up, death arrested the progress of his labors" (Preface, [iii]). The work was completed by the editors using Howe's notes as a guide. Conant [1810-1891] was a prominent Worcester, Massachusetts, lawyer, businessman and philanthropist. Cohen, *Bibliography of Early American Law* 9151. [Order This Item](#)



1501 Venetian Edition of the *Institutes* in a Contemporary Binding

14. [Justinian I (485-565 CE), Emperor of the East].

[Accursius (Accorso, Francisco) (c.1182-c.1260), Glossator].

[Gradibus, Johannes de (active 15th-16th c)].

Instituta cum Summariis. [Venice: Per Paganinum de Paganinis, May 25, 1501]. 152 [i.e. 140] ff. Text in parallel columns with linear gloss. Octavo (6-3/4" x 4-3/4").

Contemporary calf, blind frames and ornaments to boards, raised bands to spine, clasps, lower clasp lacking strap and buckle, endpapers renewed, inner margins of title page and leaf s1 (fol. 137) reinforced. Light rubbing to boards, light gatoring to spine, rubbing and light wear to spine ends, rubbing with heavier wear to corners. Printed throughout in red and black, "I" of "Instituta" on title page colored red. Moderate toning, faint, in some places very faint, dampstaining, some edgewear to preliminaries and final three leaves, annotations in early hand to title page and its verso, the verso of final leaf, and some leaves of the text. \$7,500.

* Commissioned by the Emperor Justinian in 530 CE, the body of writings known collectively as the *Corpus Juris Civilis* restated all existing Roman law. It has four components: the *Code*, *Novels*, *Institutes* and *Digest*. Intended for students, the *Institutes* is a synopsis of the reformed legal system. Rediscovered during the late middle ages, it became the standard textbook of Roman law. The main text of our 1501 imprint is accompanied by Accorso's great *Glossa Ordinaria* (or *Magistralis*). A Professor of Law at Bologna and a leading figure in the revival of classical jurisprudence, Accorso examined every extant note and commentary when he prepared his epochal edition of Justinian's *Institutes*, *Digest* and *Code*. This massive effort eliminated much of the obscurity and contradiction introduced by earlier writers. His editions, which superseded all previous attempts, remained definitive until the 1583 revision by Denis Godefroy. OCLC locates 3 copies, 1 in North America (Library of Congress). Not in Adams. *Censimento Nazionale delle Edizioni Italiane del XVI Secolo* CNCE 14113. [Order This Item](#)



A Scottish Guillotine

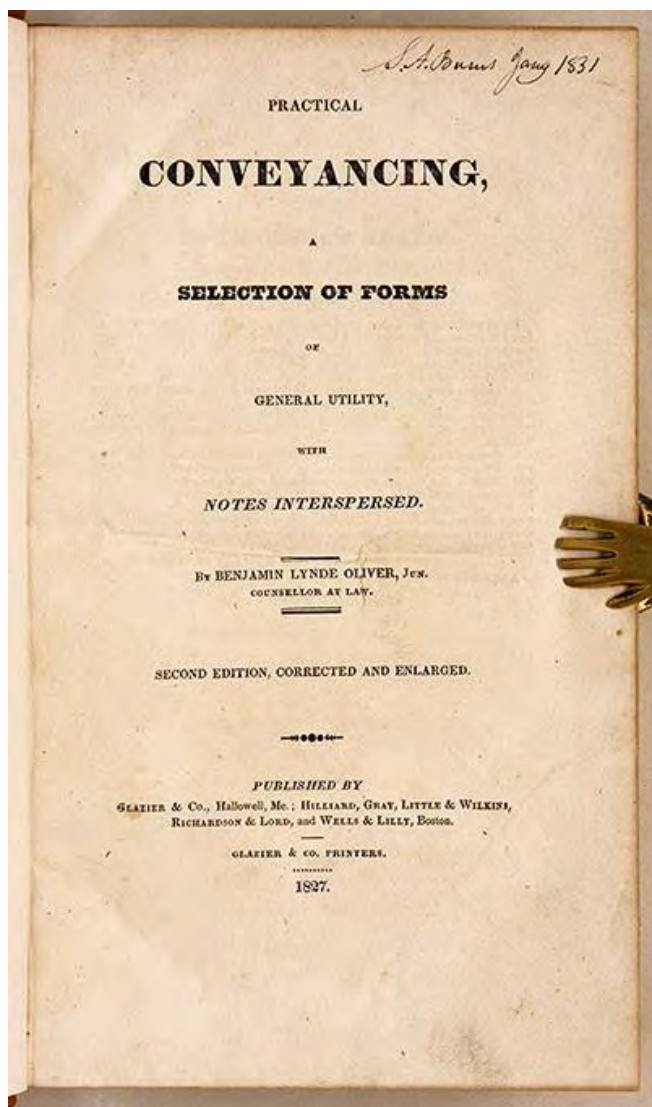
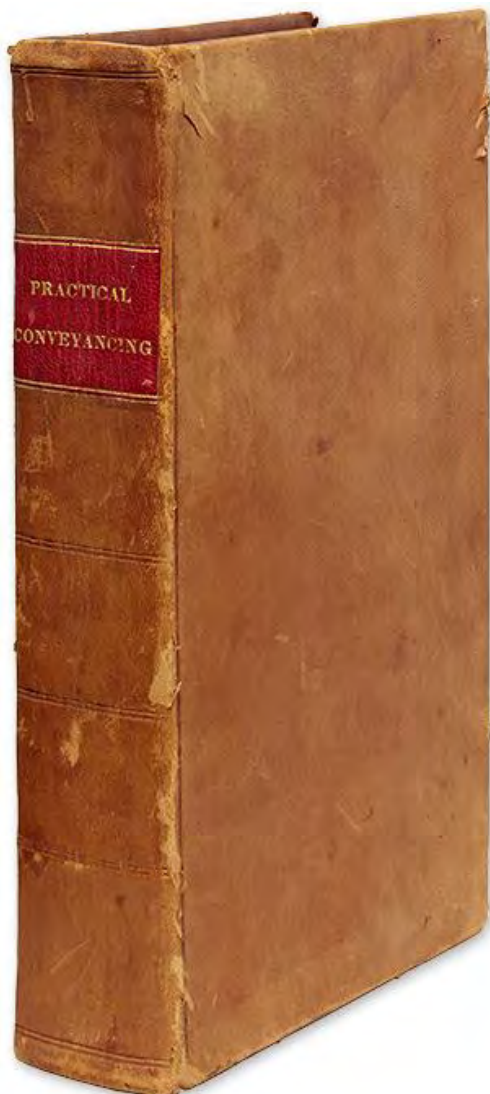
15. M'Culloch, William Thompson [1815-1869].

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. \$750.

* 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](#)

Tel: (800) 422-6686 or (732) 382-1800 | Fax: (732) 382-1887 | law@lawbookexchange.com | www.lawbookexchange.com



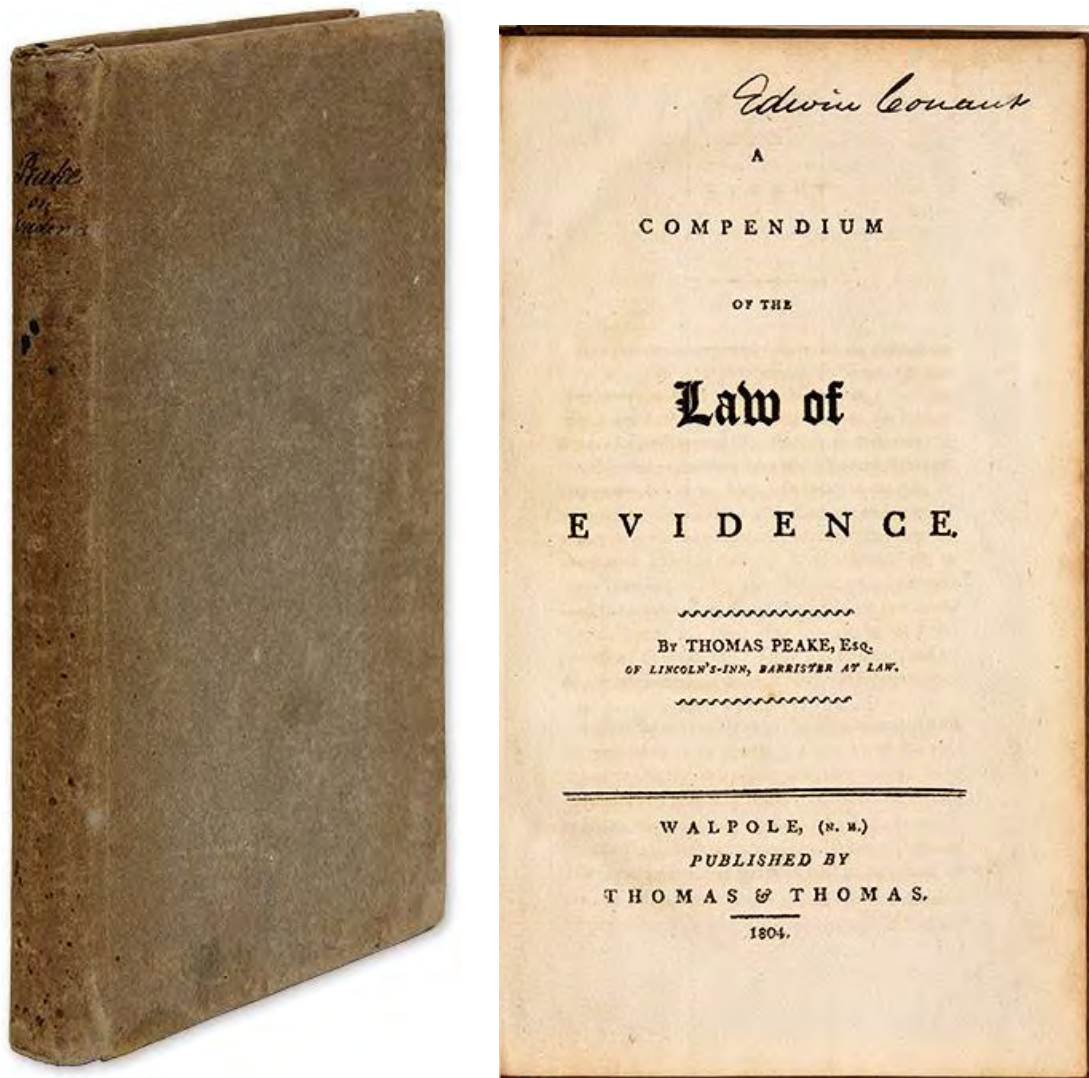
Praised in Marvin's *Legal Bibliography*

16. Oliver, Benjamin Lynde [1788-1843].

Practical Conveyancing, A Selection of Forms of General Utility, With Notes Interspersed. Corrected and Enlarged. Hallowell, ME: Glazier & Co.; Boston: Hilliard, Gray, Little & Wilkins, Richardson & Lord, And Wells and Lilly, 1827. 581 pp. Octavo (9" x 5-1/2").

Contemporary sheep, lettering piece and blind fillets to spine. A few shallow scuffs to boards, moderate rubbing to extremities with minor wear around spine ends, early owner signature of Edwin Conant (below a struck through signature) to front free endpaper, signature (of S.A. Burns) to head of title page. Moderate toning to text, light foxing in places, faint dampstaining to a few leaves. An appealing copy. \$350.

* Second edition. Marvin speaks highly of this conveyancing manual for its "concise and accurate collection of forms" and "excellent explanatory notes." It was first published in 1816 and reached its fourth and final edition in 1845. Conant [1810-1891] was a prominent Worcester, Massachusetts, lawyer, businessman and philanthropist. Marvin, *Legal Bibliography* 547. Cohen, *Bibliography of Early American Law* 9540. [Order This Item](#)



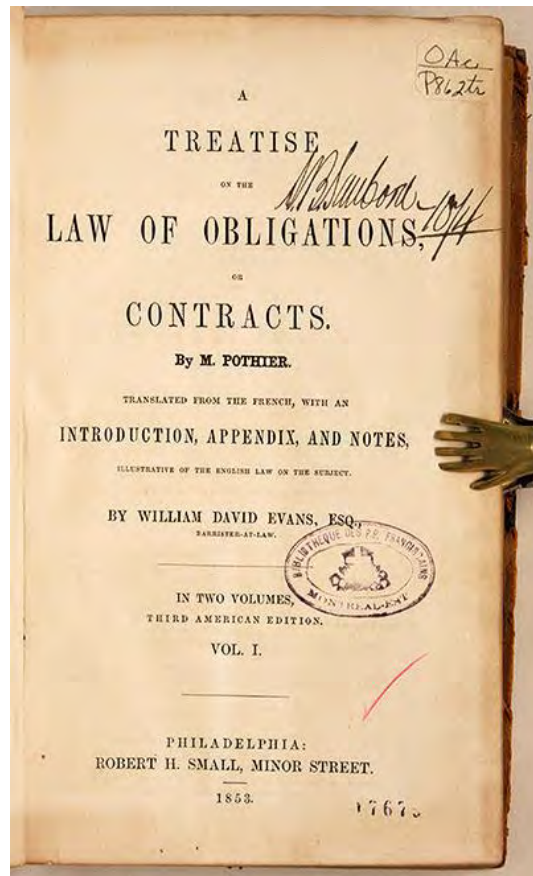
**1804 Edition of a Standard Nineteenth-Century
Evidence Treatise with Contemporary Annotations**

17. Peake, Thomas [1771-1838].

A Compendium of the Law of Evidence. Walpole, NH: Published by Thomas & Thomas, 1804. xvi (i.e. xiv), 199 pp. Octavo (8-1/4" x 5").

Contemporary sheep covered in a contemporary blue paper book cover affixed to pastedowns, hand-lettered title to spine. Light rubbing and fading, early owner bookplate of William Lincoln to front pastedown, inscription of Edwin Conant to front free endpaper, another Conant signature to head of title page. Light browning to text, light foxing in a few places, crack in text block between front free endpaper and following endleaf. \$250.

* Second American edition. First published in 1802, this was standard treatise in the first decades of the nineteenth century, both in England and America. Its final edition, the fifth, was published in 1822. Lincoln [1802-1843] and Conant [1810-1891] were lawyers in Worcester. Lincoln published a history of that city. In addition to practicing law, Conant was a prominent businessman and philanthropist. Cohen, *Bibliography of Early American Law* 5092. [Order This Item](#)



Early American Edition of *Pothier on Obligations*

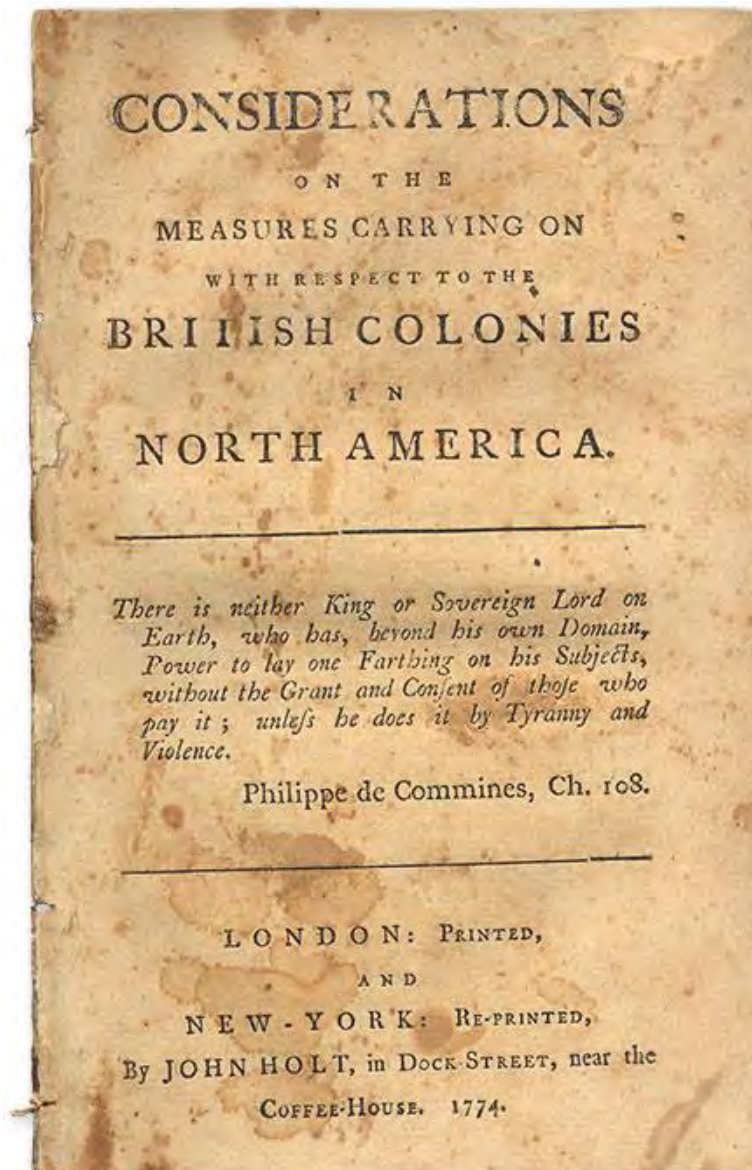
18. Pothier, Robert Joseph [1699-1722].

Evans, William David [1767-1821], Translator and Editor.

A Treatise on the Law of Obligations, Or Contracts. Translated from the French, With an Introduction, Appendix, And Notes Illustrative of the English Law on the Subject. Philadelphia: Robert H. Small, 1853. Two volumes. xv, [17]-605; [ii], iv, 628 pp. Octavo (9" x 5-1/2").

Contemporary sheep, blind frames to boards, red and black lettering pieces and small paper shelf labels to spines. Moderate rubbing to boards and extremities, Volume I boards beginning to separate but secure, corners bumped and somewhat worn, card pockets to front pastedowns, hinges of Volume II cracked, early owner inscription ("S.B. Sanborn, Montreal, October 1874") and presentation inscription ("Donated by the Estate of E.J. Bedard to Brother Walter Bedard") to front free endpaper, identical presentation inscription to front free endpaper of Volume II. Light toning to text, offsetting to margins of preliminaries and endleaves, small monastery library stamps and markings to title pages. \$1,250.

* Third American edition, from the sole London edition, 1806. Holdsworth praises Evans's edition for introducing Pothier to English lawyers, which "did considerable service to the development of the English law of contract." Marvin agrees and observes that "[Evans's] notes are comprehensive and learned, and deserve a careful perusal in connexion with the text, and he is entitled to considerable praise for having furnished *Pothier on Obligations* to the profession in so good and accurate an English garb." The first American edition, a translation by F.X. Martin, was published in 1802. The first American Evans edition, the second overall, was published in 1826. Holdsworth, *A History of English Law* XIII:467. Marvin, *Legal Bibliography* 578. Cohen, *Bibliography of Early American Law* 3659. [Order This Item](#)



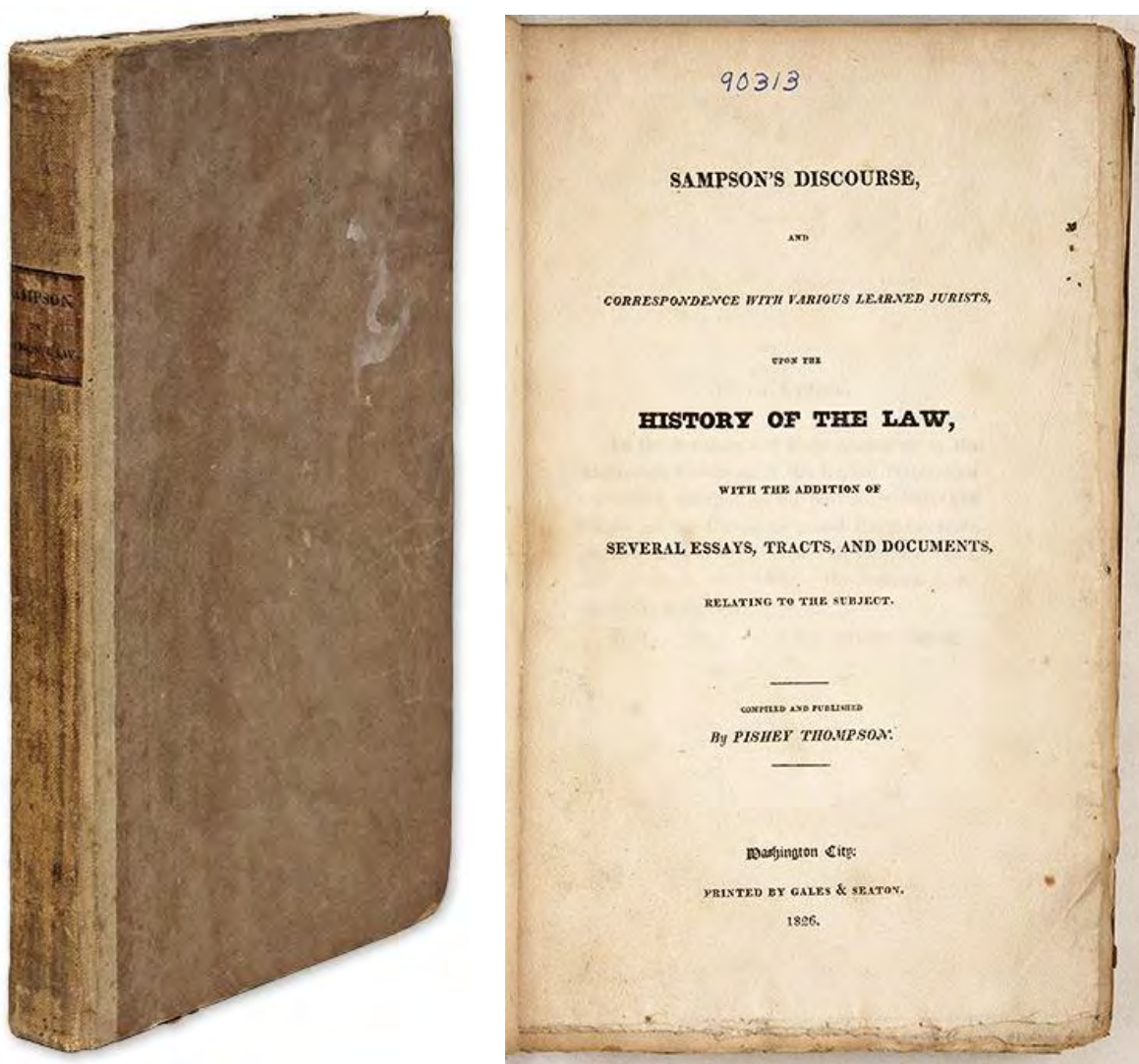
**A Pamphlet on Trade Policy that was
Popular with American Colonial Radicals**

19. [Robinson, Matthew, Baron Rokeby (1713-1800)].

Considerations on the Measures Carrying on With Respect to the British colonies in North America. [New York]: London: Printed, And New-York: Re-Printed, by John Holt, 1774. [ii], 73, [1] pp. Octavo (7-3/4" x 4-3/4").

Disbound stab-stitched pamphlet. Light browning, light foxing in a few places, faint dampstaining, and light foxing to title page, upper and lower corners lacking with no loss to text. \$650.

* Its opposition to Lord North's repressive colonial policies made this pamphlet popular among American radicals. First printed in London in 1774, it went through six American editions the same year. *English Short-Title Catalogue* W11914. Evans, *American Bibliography* 13586. [Order This Item](#)



An Important American Essay on Codification

20. Sampson, William [1764-1836].

Thompson, Pishey [1784-1862], Editor.

Sampson's Discourse And Correspondence With Various Learned Jurists, Upon The History Of The Law, With the Addition of Several Essays, Tracts, And Documents Relating to the Subject. Washington, D.C.: Printed by Gales & Seaton, 1826. viii, 202 pp. Octavo (9" x 6").

Original publisher's cloth-backed boards, printed paper title label to spine, untrimmed edges. Light rubbing to boards, minor stain to front board, moderate rubbing to extremities, wear to head of spine, corners bumped and moderately worn, library bookplate to front pastedown, front free endpaper partially detached. Moderate toning, light foxing to a few leaves "90313" in tiny recent hand to head of title page. \$100.

* First edition. Sampson's *Discourse* is important example of opposition to English common law and advocacy of codification in the early American Republic. It was delivered in 1823 and published separately in 1824 with responses to his address and additional pieces by Sampson. Marvin describes Sampson as "the first in our country to fix public attention on ... legal reform.": *Legal Bibliography* 627. Cohen, *Bibliography of Early American Law* 10370. [Order This Item](#)



Selden on the Jewish Laws of Inheritance

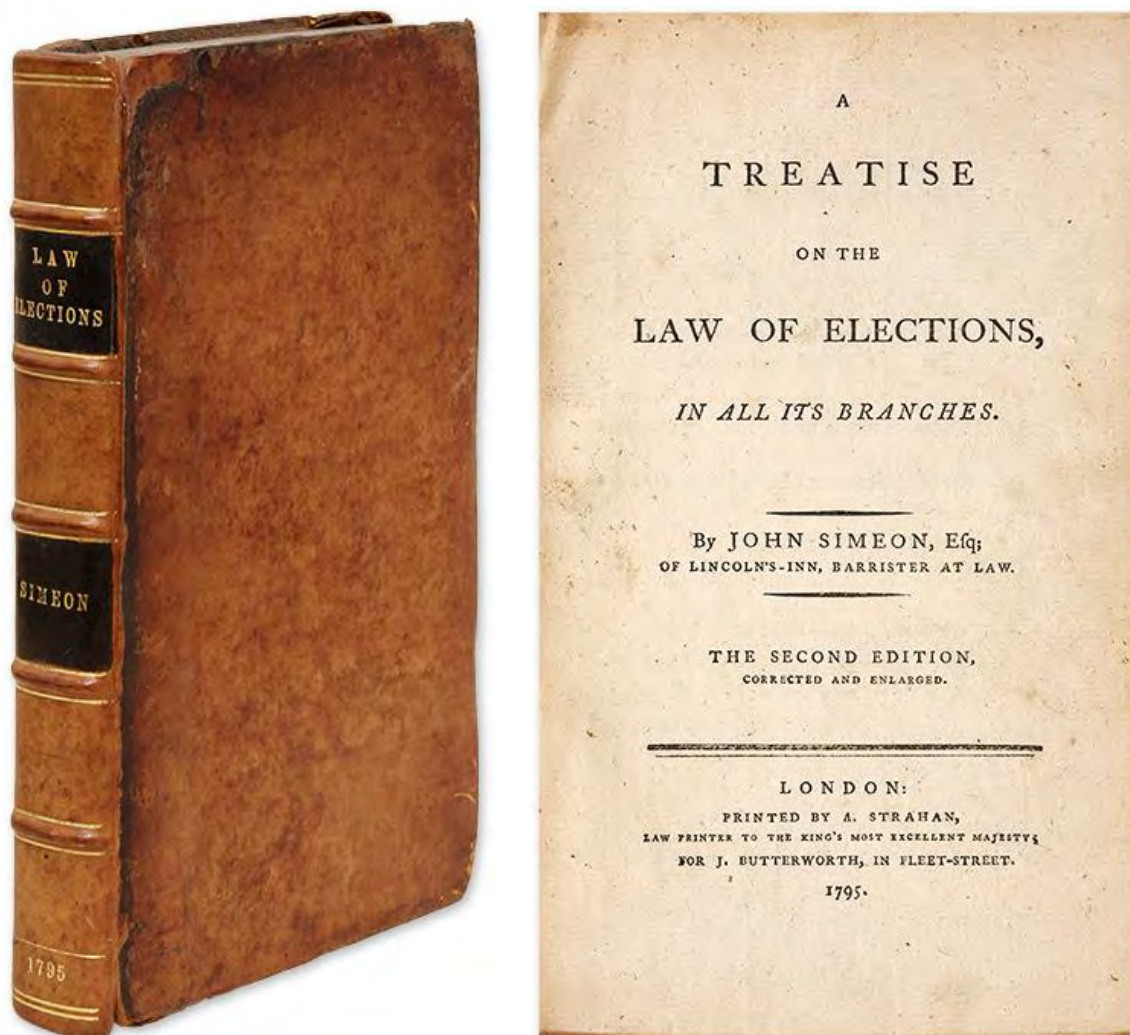
21. Selden, John [1584-1654].

De Successionibus in Bona Defuncti, Ad Leges Ebraeorum, Liber Singularis. Editio Altera, Correctior & Multum Auctior. Accedunt Ejusdem De Successione in Pontificatum Ebraeorum, Libri Duo. Prior Historicus Est; Pontificum ab Aharone Usque ad Templi Secundi Excidium Successionem Continens. Posterior est Iuridicus; Legitima, Seu quae in Successione Pontificali Adeoque in Admissione ad Munus Sacerdotale apud Ebraeos Juris Fuere Complexus. London: Excudebat Richardus Bishop, 1636. [vi], XXIV, [4], 266 pp. Folio (11" x 7").

Contemporary vellum, hand-lettered title to spine. Light soiling, rubbing and a few minor stains to boards, tiny chip to center of spine, minor wear to corners, vellum just beginning to crack through pastedowns, tiny early owner signature (Zacharias Cautig) and later library bookplates to front pastedown, 1-1/4" strip removed from head of front endleaf. Title page printed in red and black. Moderate toning to text, light browning and faint dampspotting in a few places, light soiling, a few minor inkspatters and later owner signature (J. Jewell) to title page. \$750.

* Second edition. Text in Latin, some passages in Hebrew. Selden was the first great English jurists to study Jewish law seriously. As noted by the *Dictionary of National Biography*, Selden's "familiarity with rabbinical literature was such as has been acquired by few non-Israelite scholars; and many details of oriental civilization and antiquities were certainly brought to the knowledge of Europeans for the first time in them." First published in 1631, *De Successionibus* is a notable exposition of the rabbinical laws of inheritance and succession and laws concerning rabbis. It went through several editions into the eighteenth century. *Dictionary of National Biography* XVII:1157. *English Short-Title Catalogue* S117055.

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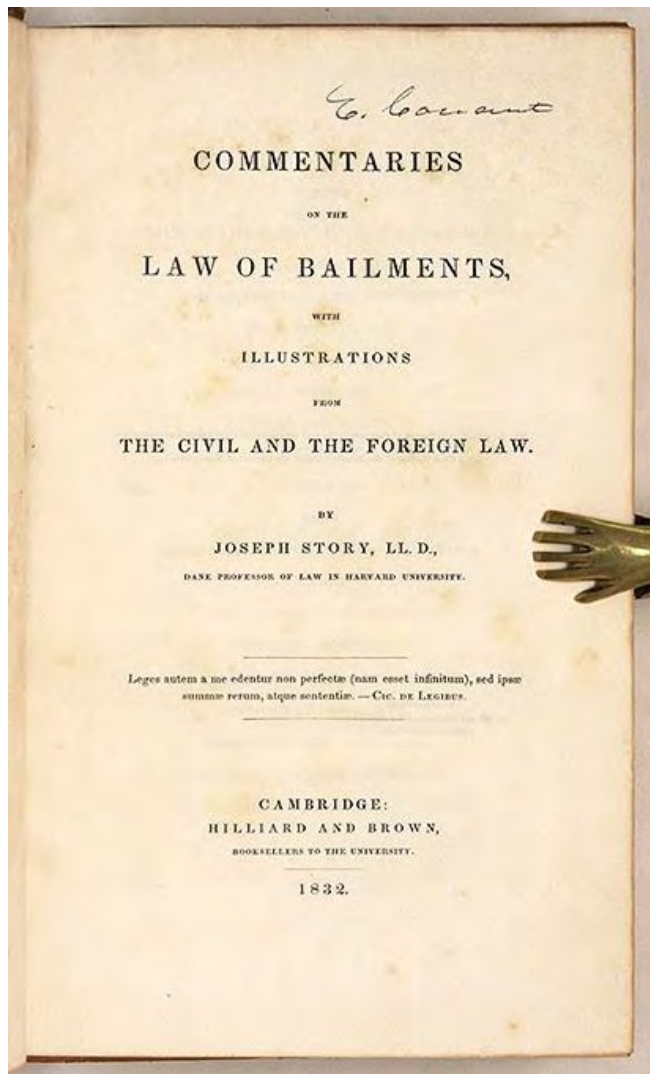
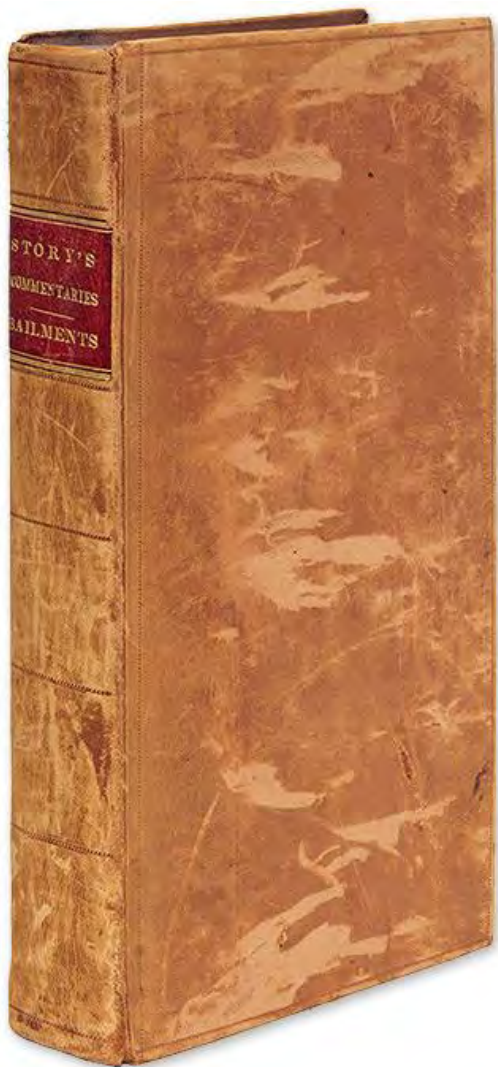
Pioneering English Treatise on Election Law

22. Simeon, John [1756-1824].

A Treatise on the Law of Elections, In All Its Branches. Corrected and Enlarged. London: Printed by A. Strahan, 1795. xx, 210, cxxvii, [13] pp. Octavo (8-1/2" x 5").

Contemporary calf, rebacked in period style, gilt-edged raised bands and lettering pieces to spine, front endpapers and rear free endpaper renewed. Negligible light rubbing and a few scuffs to boards, moderate rubbing and a few nicks to board edges, corners bumped and moderately worn, front hinge cracked, partial crack between final two leaves of index. Moderate toning to text, faint dampstaining to head of text block, short clean tear to margin of leaf Y4 (pp. cxvii-cxviii) not affecting text. A handsome copy. \$750.

* Second and final edition. With extensive index containing extracts from election cases. "We have seen that Douglas, the reporter in the court of King's Bench, had also made reports of election cases, which he published in 1775-177, and that other reports of election cases began to appear about the same time. The publication of these reports gave an opportunity for a more logical treatment of the subject, which was provided by Simeon's [book]...": Holdsworth, *History of English Law* XII:346. The first edition, which has less content, was published in 1789. *English Short-Title Catalogue* N14028. [Order This Item](#)



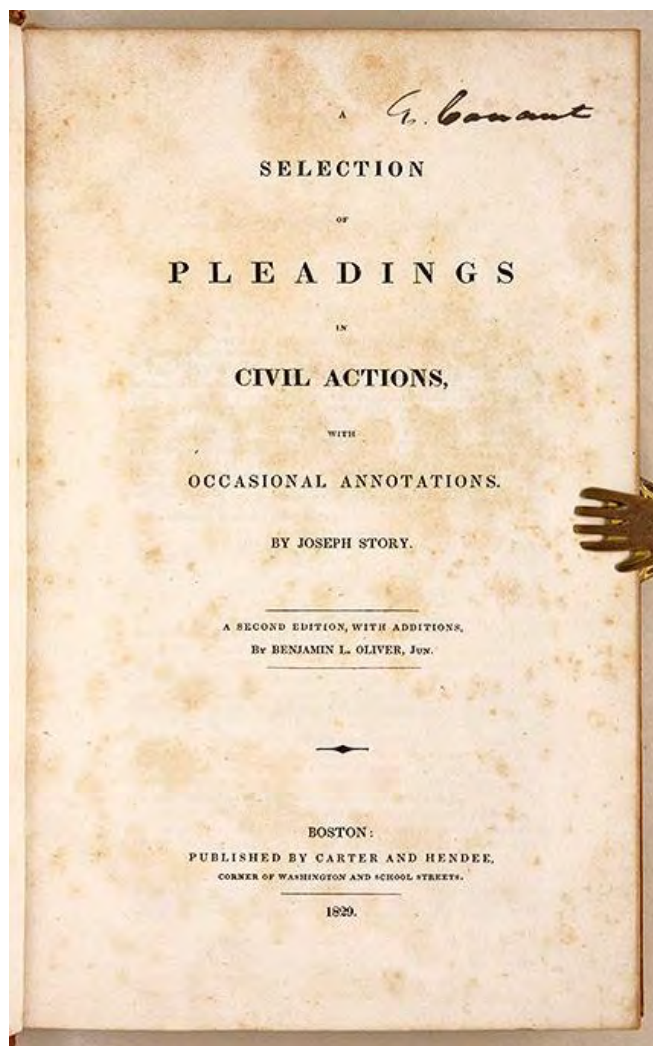
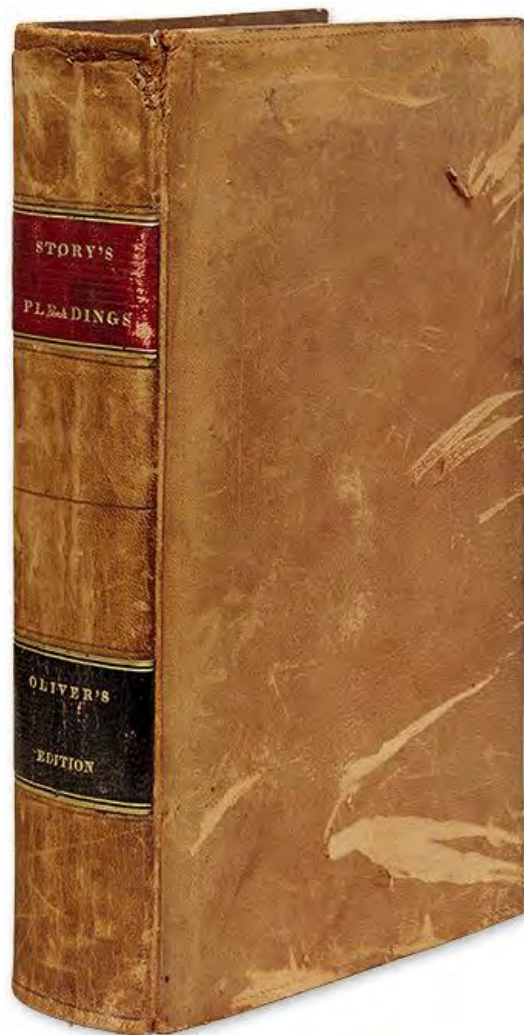
Story on Bailments, First Edition

23. Story, Joseph [1779-1845].

Commentaries on the Law of Bailments, With Illustrations from the Civil and Foreign Law. Cambridge: Hilliard and Brown, 1832. xxxiv, 411 pp. Octavo (9" x 5-1/2").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Light rubbing and a shallow scuffing to boards, moderate rubbing to extremities, a few small chips to head of spine, corners lightly bumped, early owner signature of Edwin Conant to front free endpaper and head of title page and p. 25. Moderate toning to text, browning to a few leaves, light foxing in a few places. A nice copy. \$950.

* First edition. "Whatever was to be found in the English and American decisions, whatever Roman and Continental jurisprudence afforded on illustration of the law of bailments, Joseph Story collected and combined with surprising industry, and wonderful learning...Story's *Bailments* affords one of the best examples, in modern times, of the illustration which our laws are susceptible of, by the aid of foreign jurisprudence"(Marvin). Conant [1810-1891] was a prominent Worcester, Massachusetts, lawyer, businessman and philanthropist. Marvin, *Legal Bibliography* 668-669. Cohen, *Bibliography of Early American Law* 2451. [Order This Item](#)



The First Legal Work Bearing Story's Name

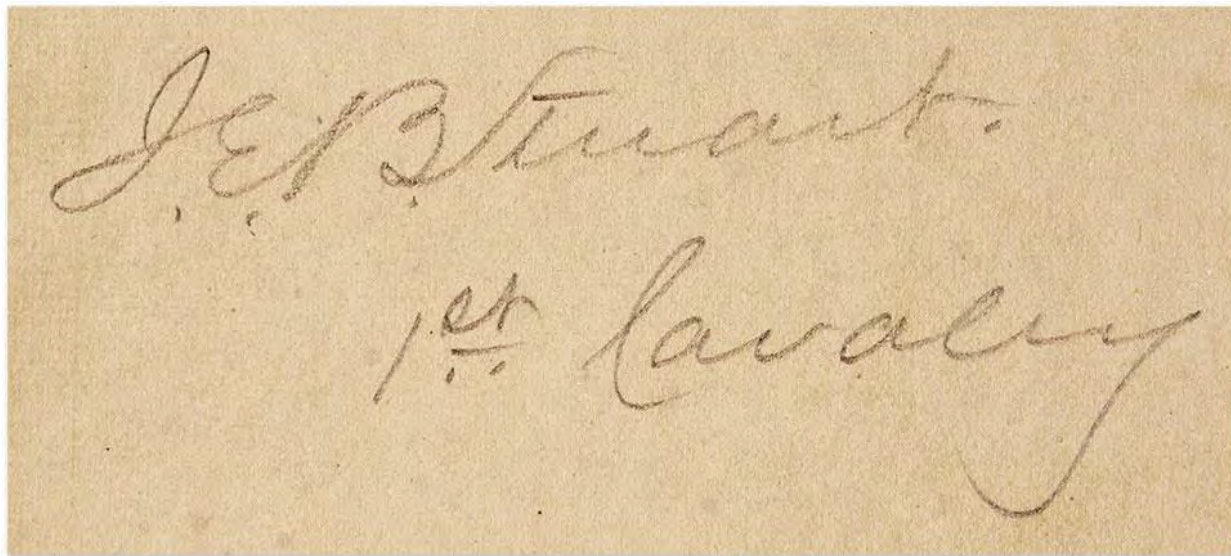
24. Story, Joseph.

Benjamin, Oliver [1788-1843], Editor.

A Selection of Pleadings in Civil Actions, With Occasional Annotations on the Law of Pleading. With Additions by Benjamin L. Oliver. Boston: Published by Carter and Hendee, 1829. xv, 709 pp. Octavo (9-1/2" x 6-1/4").

Contemporary sheep, blind fillets to boards, blind fillets and red and black lettering pieces to spine. Light rubbing and some shallow scuffing to boards, somewhat heavier rubbing to extremities, some chipping to head of spine, early owner signature of Edwin Conant to front free endpaper (below small struck-through signature). Moderate toning to text, somewhat heavier in places, occasional light foxing, light soiling to a few leaves. \$450.

* Second edition. This is both the first legal work bearing Story's name and the first American book of entries of precedents. According to Marvin, the work's "notes and references show that the author had made no ordinary attainments in the science of special pleading." Story was Associate Justice of the U.S. Supreme Court, a professor at Harvard Law School and the most respected and prolific legal writer of his time. Conant [1810-1891] was a prominent Worcester, Massachusetts, lawyer, businessman and philanthropist. Marvin, *Legal Bibliography* 668. Cohen, *Bibliography of Early American Law* 9275. [Order This Item](#)



**Treatise on Courts Martial Owned
by Confederate General J.E.B. Stuart**

25. [Stuart, J.E.B. (1833-1864)].

Simmons, Thomas Frederick.

Remarks on the Constitution and Practice of Courts Martial; With a Summary of the Law of Evidence, As Connected with Such Courts; Also Some Notice of the Criminal Law of England, With Reference to the Trial of Civil Offences Where There is no Competent Civil Judicature. London: Parker, Furnivall, And Parker, 1852. xvi, 668, [4] pp. Includes 4-page publisher catalogue. Octavo (8-3/4" x 5-1/2").

Original cloth, blind frames to boards, blind fillets and gilt title to spine. Light rubbing, soiling and a few minor dampstains, chipping to spine ends, corners bumped, hinges cracked. "J.E.B. Stuart./ 1st Cavalry" in large penciled hand to front free endpaper. Moderate toning to text, light foxing in a few places, upper corners of a few leaves dog-eared. A copy with an interesting Civil War association. \$3,500.

* Fourth edition. This copy of the standard nineteenth-century British treatise on courts martial belonged to James Ewell Brown "JEB" Stuart, the great Confederate general. The designation "1st Cavalry" dates his ownership of this book to 1855-1861, the period when he was a lieutenant, later Captain, in the U.S. Army. (He went on to lead the 1st Virginia Cavalry for the Confederacy in 1861-1862.) Stuart signatures and signed items are uncommon. The last three to appear at auction (in 2019), an undated clipped signature, a signed 1859 pay receipt and an 1863 letter with military content, received hammer prices of \$2,250.00, \$2,280.00 and \$5,700.00. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:326. [Order This Item](#)



A Scarce Critical Edition of the *Codex Theodosianus*

26. Theodosius II [401-450 CE], Emperor of the East.

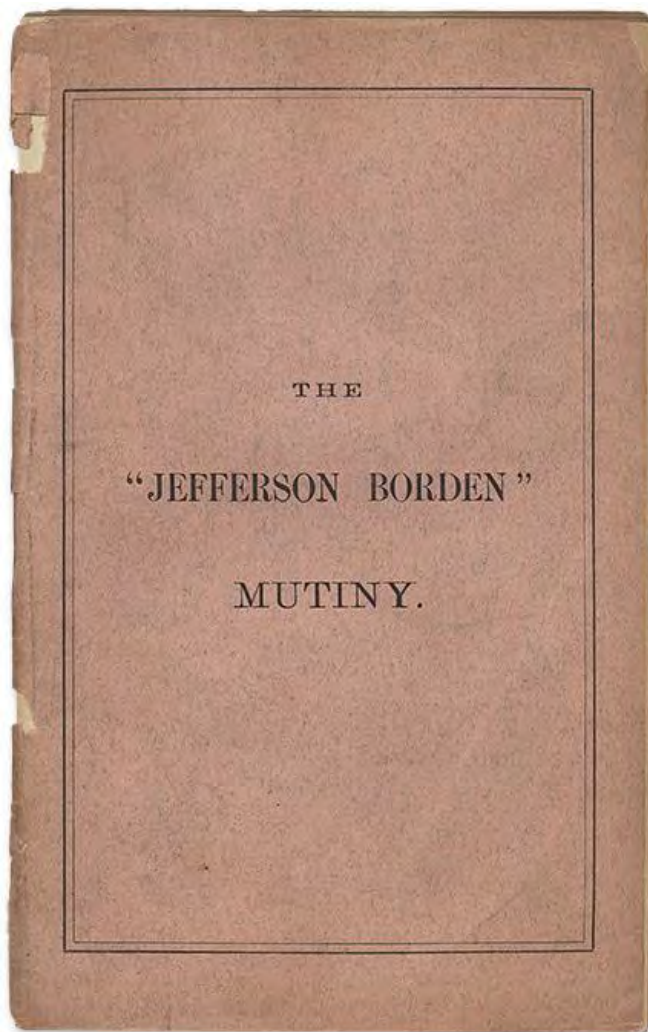
Du Tillet, Jean [d. 1570], Editor.

E Libris Constitutionum Theodosii A. Libri Priores Octo: Longè Meliores Quàm Adbuc Circumferebantur: Sed ab Alarico Rege Gothorum ita Deminuti, Ut uix Decima Pars in his Hodie Appareat Eoru[m], Quae in Theodosiano Codice Continebantur. Posteriores octo Integri, Nunc Primùm post M. Annos in Lucem Revocati à Io. Tilio Engolism. Paris: Apud Carolam Guillard sub Sole Aureo, & Gulielmum Desboys sub Cruce Alba, 1550. [xii], 123, [12], 580 pp. Octavo (6-3/4" x 4-1/4").

Contemporary vellum, blind frames and large arabesques to boards, raised bands, early hand-lettered title to spine, blind tooling to spine ends. Light soiling to spine, corners bumped and lightly worn, front joints and front and rear hinges starting, early owner signatures and annotations to front endleaves, early manuscript index inserted into rear endleaves, which contain part of index, a few cracks to text block. Moderate toning, occasional light dampstaining, light soiling to title page, light soiling and some edgewear to other preliminaries. \$1,850.

* Only edition. Commissioned by the Emperor Theodosius II in 429 CE, the *Codex* is an official compilation of all laws enacted since the reign of Constantine. Completed in 438 CE, and ratified that year by the Senate, it was the standard legal text of the empire, one that superseded all earlier codes. It would later exert enormous influence on the legal systems of the Barbarians who conquered the Western Empire. The first part, Books 1-8, was lost after the fall of empire and it was reconstructed by later scholars from sections preserved in later sources, most notably the Visigothic Code (*Lex Romana Visigothorum*). The first part in Du Tillet's edition presents the pieces of Books 1-8 in the Visigothic Code. The second part, which has its own title page, contains the rest of the *Codex*, Books 9-16. A French humanist jurist and associate of Cujas, Du Tillet was also the Bishop of Briec, later Meaux. He edited Ulpian's *Regulae* and assisted Cujas with his edition of the *Codex Theodosianus*. OCLC locates 3 copies in North American libraries (Library of Congress, Smith College, UC-Berkeley Law School). Adams, *Catalogue of Books Printed on the Continent of Europe* T-544.

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Mutiny and Murder on the High Seas, McDade 679

27. [Trial].

Miller, George [d. 1876], Defendant.

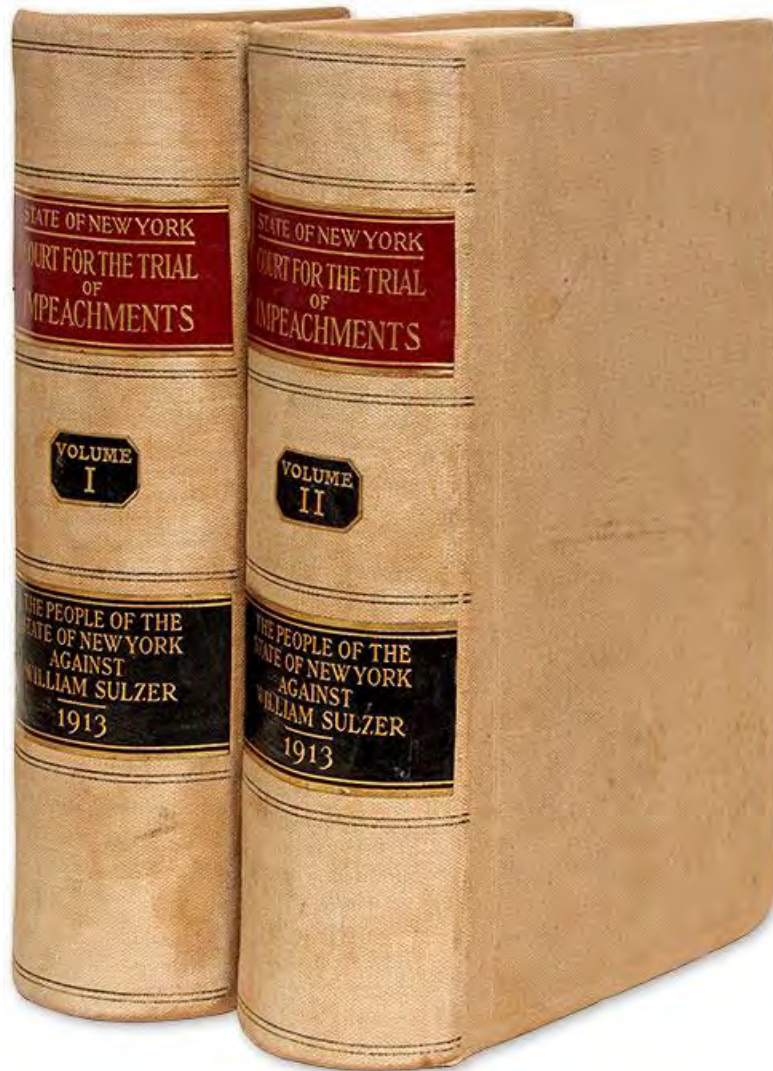
Glew, John, Defendant.

Smith, William [d. 1876], Defendant.

The Jefferson Borden Mutiny: Trial of George Miller, John Glen, And William Smith for Murder on the High Seas: Before Clifford & Lowell, JJ. Boston: Printed Under the Direction of the Clerk of the Court, 1876. 141 pp. Octavo (7-1/2" x 4-3/4").

Stab-stitched pamphlet, printed wrappers, which are detached with moderate edgewear, fading and light soiling, spine perished, text block secure. Moderate toning to text, faint offsetting to title page, light foxing to a few leaves, heavier offsetting to verso of final leaf, a blank. \$450.

* Only edition. "The *Jefferson Borden* was bound for London from New Orleans. Corydon Trask Patterson was the mate, and in the course of a mutiny, he was hit with an iron bar and thrown overboard. The mutiny was suppressed, and at this trial Glew was acquitted and Miller and Smith were condemned" (McDade). This official account includes the indictment, arraignment, pleas, assignment of counsel to prisoners, empanelling of the jury, evidence, charge to the jury, verdict, remarks of the Court on passing sentence and the sentences. McDade, *The Annals of Murder* 679. [Order This Item](#)



**The Only New York Governor Who
Was Impeached and Removed from Office**

28. [Trial].

Sulzer, William [1863-1941], Defendant.

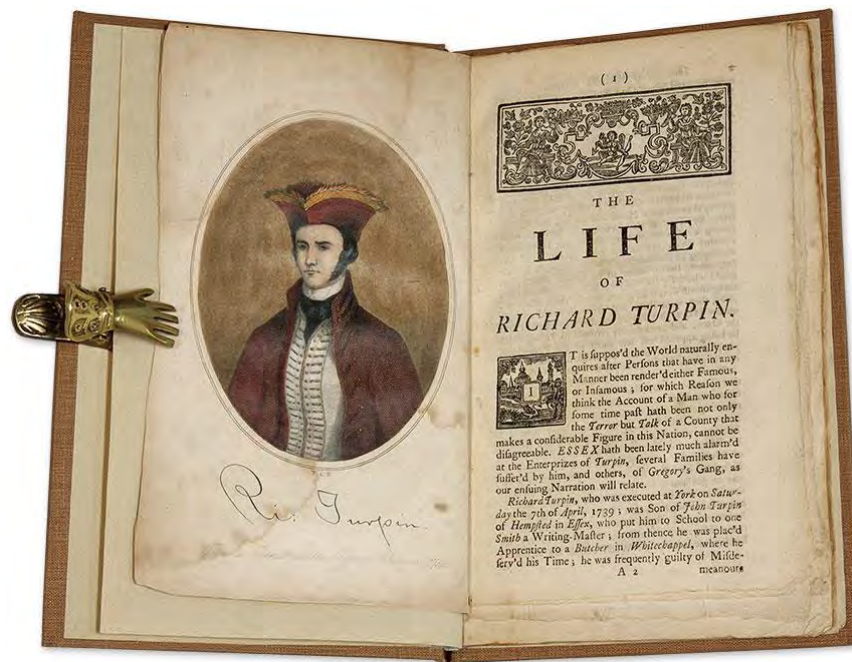
Proceedings of the Court for the Trials of Impeachments: The People of the State of New York by the Assembly Thereof Against William Sulzer, As Governor. Held at the Capitol in the City of Albany, New York September 18, 1913, To October 17, 1913. Albany: J.B. Lyon Company, 1913. Two volumes. 942; 943-1792 pp. Plates.

Original tan buckram, blind frames to boards, red and black lettering pieces to spines. Light shelfwear and soiling, light fading to spines, internally clean. A well-preserved copy. \$650.

* Sulzer was the only New York governor to be impeached and removed from office. A reformer, he was targeted by the Tweed machine, which engineered his impeachment for dubious charges during his first year in office. His removal demonstrated the power of corrupt machine politics. Marke, *A Catalogue of the Law Collection at New York University* 1017.

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Unrecorded Imprint With an Added Hand-Colored Portrait of the Criminal

29. [Trial].

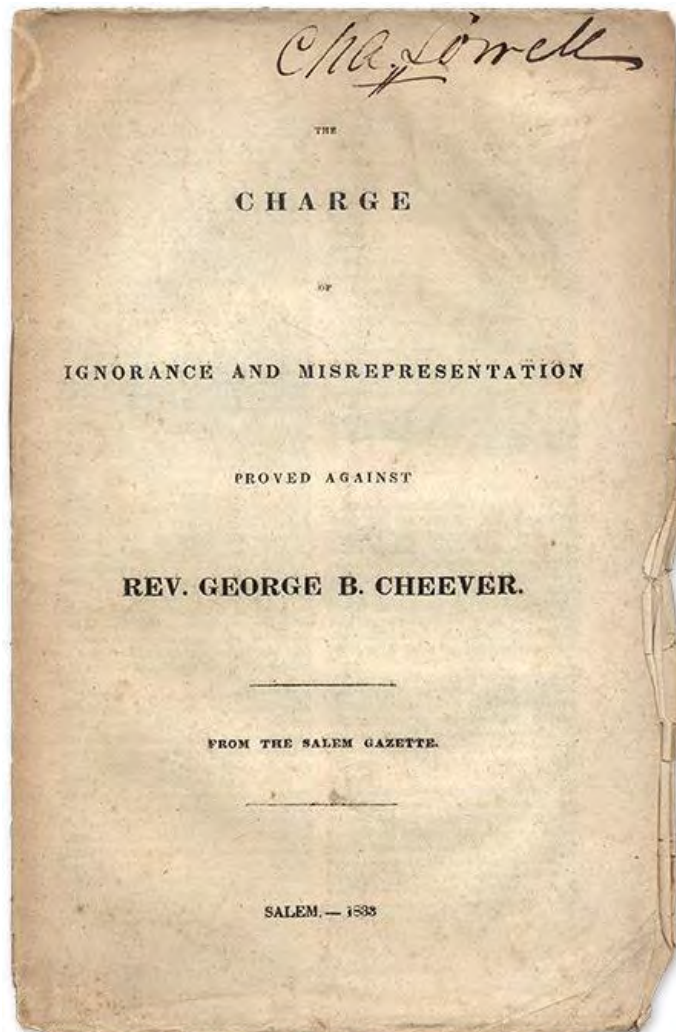
Turpin, Richard [c.1705-1739], Defendant.

Kyll, Thomas, Reporter.

The Whole Life and Trial at Large of the Notorious Highwayman Richard Turpin, At York Assizes, On the 22d Day of March, 1739, Before the Hon. Sir William Chapple, Knt. Judge of Assize, And One of His Majesty's Justices of the Court of King's Bench. Taken Down in Court by Mr. Thomas Kyll, Professor of Short-Hand. To Which is Prefix'd, An Exact Account of the Said Turpin, From His First Coming Into Yorkshire, To the Time of His Being Committed Prisoner to York Castle; Communicated by Mr. Appleton of Beverly, Clerk of the Peace for the East-Riding of the Said County. With a Copy of a Letter which Turpin Received from his Father, While Under Sentence of Death. To which is Added, His Behaviour at the Place of Execution, On Saturday the 7th of April, 1739. Together with the Whole Confession he Made to the Hangman at the Gallows; Wherein he Acknowledg'd Himself Guilty of the Facts for Which he Suffer'd, Own'd the Murder of Mr. Thompson's Servant on Epping-Forest, And Gave a Particular Account of Several Robberies which he Had Committed. The Sixth Edition. To Which is Prefix'd, a Large and Genuine History of the Life of Turpin, From his Birth to his Execution; And of All his Transactions and Robberies, And the Various Methods he Took to Conceal himself. The Whole Grounded on Well-Attested Facts, And Communicated by Mr. Richard Bayes, At the Green Man on Epping-Forest, and Other Persons of the County of Essex. York: Printed by Ward and Chandler Booksellers, At their Printing-Office in Coney-Street; And Sold at Their Shop without Temple-Bar, London; 1739. (Price Sixpence). [vi], [2], 18, iii-vii, [1], [3]-25, [1] pp. Copperplate portrait frontispiece of Richard "Dicky" Dickinson. Added Colored portrait of Turpin dated 1742 preceding p. iii. Complete. Octavo (8" x 5").

Stab-stitched pamphlet with untrimmed edges bound into recent cloth, gilt title to spine, small bookplate (Waite Collection) to front pastedown. Moderate toning, somewhat heavier in places, light foxing to title page and a few other leaves, faint dampstaining to margins of Turpin portrait. \$1,850.

* Sixth edition. Turpin, a charismatic highwayman, was one of the "media sensations" of his day, especially after his execution for horse theft. Not related to the text, the frontispiece depicts Richard "Dicky" Dickinson was a popular eccentric who managed a spa house in the fashionable spa town of Scarborough, North Yorkshire. The publisher's preface says it was included as a bonus. All editions by Ward and Chandler are rare, with no copies this edition found on OCLC or COPAC. Not in the *English Short-Title Catalogue*. [Order This Item](#)



**Pamphlet Concerning a Notable
Nineteenth-Century Libel Case in Salem, Massachusetts**

30. [Upham, Charles W. (1802-1875)].

The Charge of Ignorance and Misrepresentation Proved Against the Rev. George B. Cheever. From the Salem Gazette. Salem: S.n., 1833. [16] pp. Text in parallel columns. Octavo (9-1/2" x 6").

Stab-stitched pamphlet in self-wrappers, untrimmed edges. Light soiling to exterior, minor wear to spine ends, owner signature (Charles Lowell) to head of front wrapper, light toning to text, faint spotting to a few leaves. \$750.

* Only edition. Cheever, a Unitarian minister, social reformer and Temperance advocate, published a thinly disguised portrayal of John Stone, a well-liked Unitarian deacon in Salem who owned a distillery. It was first published in 1835 as a newspaper article in Salem and as an illustrated broadside. Cheever's neighbors, one of them Upham, were outraged by this slanderous text and he was soon convicted for libel, imprisoned and publicly whipped. A case that attracted a good deal of attention, it brought Cheever national fame, which led to several job offers and several more editions of his tract. After an extended tour of Europe and the Near East, he became the minister of the Allen Street Presbyterian Church in New York City. OCLC locates 11 copies, none in law libraries. Not in McCoy, *Freedom of the Press: An Annotated Bibliography*. Sabin, *A Bibliography of Books Relating to America* 98032. [Order This Item](#)