

A SELECTION OF 30

# ANTIQUARIAN ITEMS

Canon, Civil, Common, Customary,  
Ecclesiastical, Feudal, Roman & Scots Law

*December 11, 2018*



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**Comprehensive Digest of  
the Laws of the Holy Roman Empire**

**1. Andler, Franz Friedrich von [1617-1703].**

*Corpus Constitutionum Imperialium*, Das ist: Alle des Heiligen Römischen Reichs Aufgerichtete Reichs: Und Deputations Abschied/ Zusambt der Guldenen Bull/ Concordatis Germaniae, Reichs-Hoff-Raths- und Cammer-Gerichts- Auch Kayser Caroli V. Peinlicher Hals-Gerichts-Ordnung, Reichs-Matricul de Anno 1521 und Deren Enderung, Passawischen Vertrag, Wie Nicht Weniger dem Pragerischen und Munsterischen Frieden-Schluss u. Kayserl. Wahl-Capitulation; dem Alphabet Nach, In Gute Ordnung Gebracht, Dass Jede Materi, Aus allen Solchen Constitutionen Ausgezogen, Auf Einmal Gantz Bysammen Gefunden Werden Kann. Regensburg: Gedruckt in Leonhardt Christophen Lochners Buch-Druckerey, 1675. [viii], 1457 pp. Main title page preceded by copperplate pictorial title page. Two tables, one misbound after p. 796 rather than before p. 877. Folio (12-3/4" x 8").

Contemporary speckled vellum, blind rules to boards, raised bands and lettering piece to spine. Some rubbing to extremities, minor chipping to head of spine, corners bumped, joints just starting at ends, pictorial title page mounted, early repair to lower corner of title page. Woodcut head-pieces and decorated initials. Some toning, internally clean. \$2,500.

\* Second edition. Andler was a state official in Schwarzenberg and a counselor to the Holy Roman Emperor. First published in 1673, *Corpus Constitutionum Imperialium* is a comprehensive digest of the laws governing the Holy Roman Empire. Later editions were published in 1700 and 1704. All are scarce in North America. OCLC locates no copies of the first edition, 2 of the second (at Harvard and Yale Law Schools), 2 of the third (at Harvard and UC-Berkeley Law Schools) and no copies of the fourth. The two tables in the second edition are usually bound so they fold out, but they are not bound that way in our copy. *British Museum Catalogue* (Compact Edition) 1:648. [Order This Item](#)



### Three Rare Argentinean Items

#### 2. [Argentina].

*Codigo Penal de la Provincia de Corrientes*. Buenos Aires: Imprenta de Pablo E. Coni, 1878. 110 pp.

[Bound with]

Llerena, Juan.

*La Provincia de Buenos Aires y su Nueva Capital*. Buenos Aires: Establecimiento Tipografico, 1881. 54 pp.

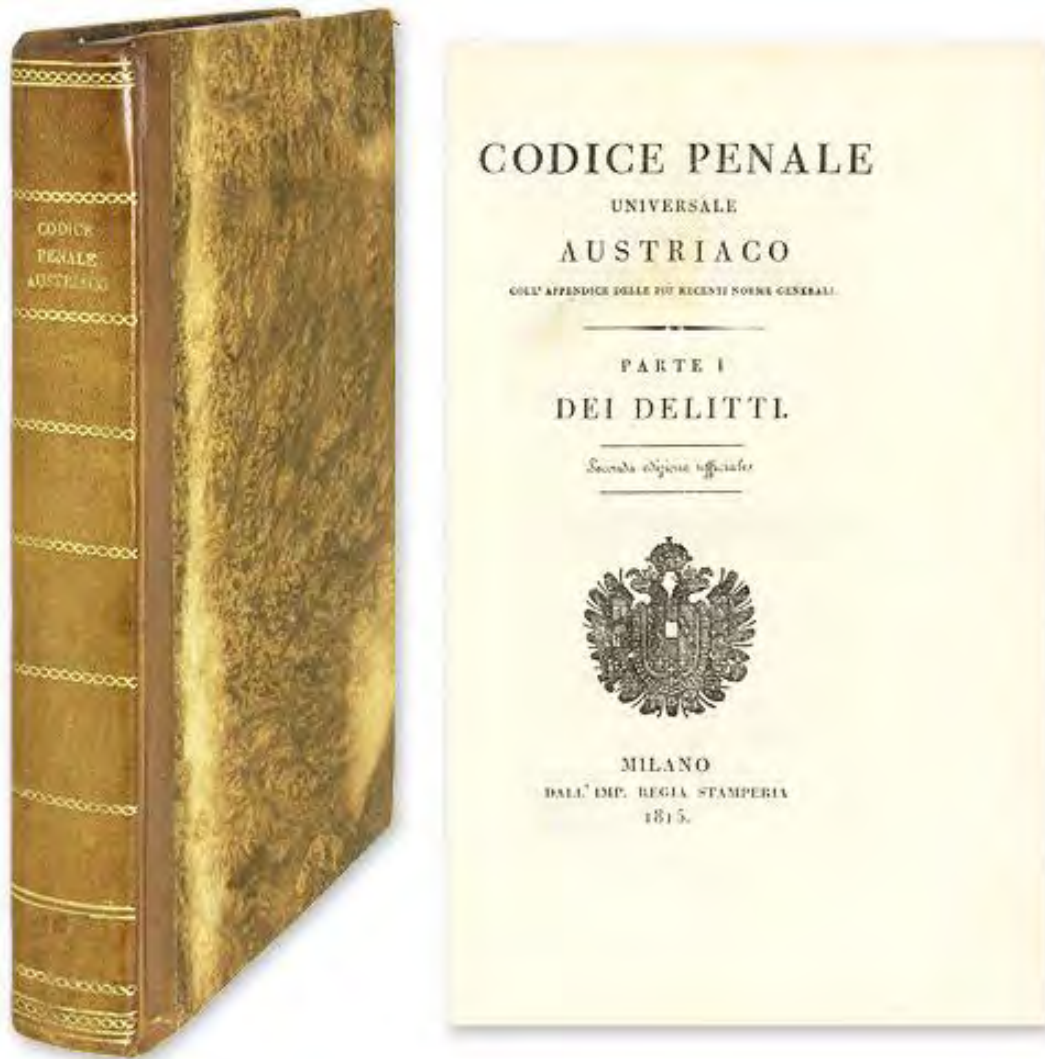
[And]

Stegmann, Carlos.

*Construccion y Disposicion Interior de las Escuelas Publicas en Relacion con la Higiene*. Buenos Aires: Imprenta de Pablo E. Coni, 1878. 24 pp. Five plates, two folding.

Octavo (9-1/4" x 6-1/4"). Later cloth, gilt titles to spine. Light shelfwear, some toning to text, final three leaves of *Construccion* detached, internally clean. \$950.

\* Only editions located. The first item is the penal code for Corrientes, one of the provinces of Argentina. The second title, which is not legal in nature, is an essay defending the establishment of Buenos Aires as the national capital in 1880. Illustrated with plates depicting classrooms and school furniture, the final title is a book of regulations governing the construction of schools and the furnishing of classrooms. All of these titles are rare. OCLC locates 1 copy each of *Corrientes* and *Provincia* (both in Germany), no copies of *Construccion*. See Borchard, *Guide to the Law and Legal Literature of Argentina, Brazil and Chile* 115-116. [Order This Item](#)



**Austrian Code Governing the Kingdom of Lombardy-Veneto**

**3. [Austria].**

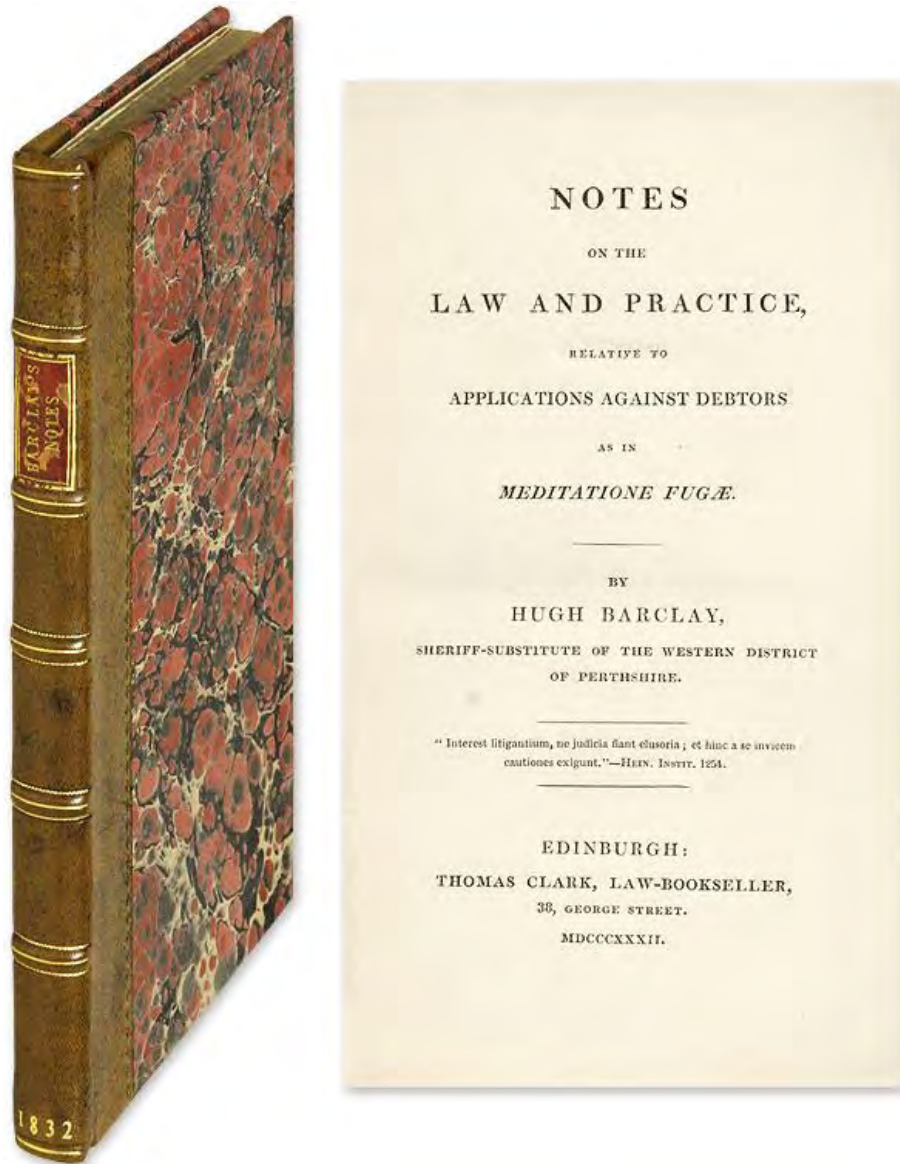
**Lombardy-Veneto, Kingdom of.**

*Codice Penale Universale Austriaco, Coll' Appendice Delle Più Recenti Norme Generali.* Milan: Dall'Imp. Regia Stamperia, 1815. Two parts in one, each with title page and individual pagination. Octavo (9-1/4" x 6-1/4").

Contemporary three-quarter calf over marbled boards, gilt fillets and title to spine, speckled edges. Light rubbing to extremities with minor wear to corners, light fading to spine and portions of boards. Offsetting to margins, light to moderate toning to text, foxing to a few places. A handsome copy. \$650.

\* Second edition, issued the same year as the first. Established by the Congress of Vienna in 1815, this Northern Italian kingdom was part of the Austrian Empire. Lombardy was annexed to the Sardinia in 1859 and the kingdom ceased to exist when the rest of its territory was annexed to the Kingdom of Italy in 1866. The Italian translation offered here was the first adapted to the Kingdom's local conditions. Part I: Dei Delitti; Parte II: Delle Gravi Trasgressioni di Polizia. OCLC locates 3 complete copies in North America, all in law libraries (Harvard, University of Kansas, Washington University, St. Louis). *British Museum Catalogue* (Compact Edition) 15:777. [Order This Item](#)





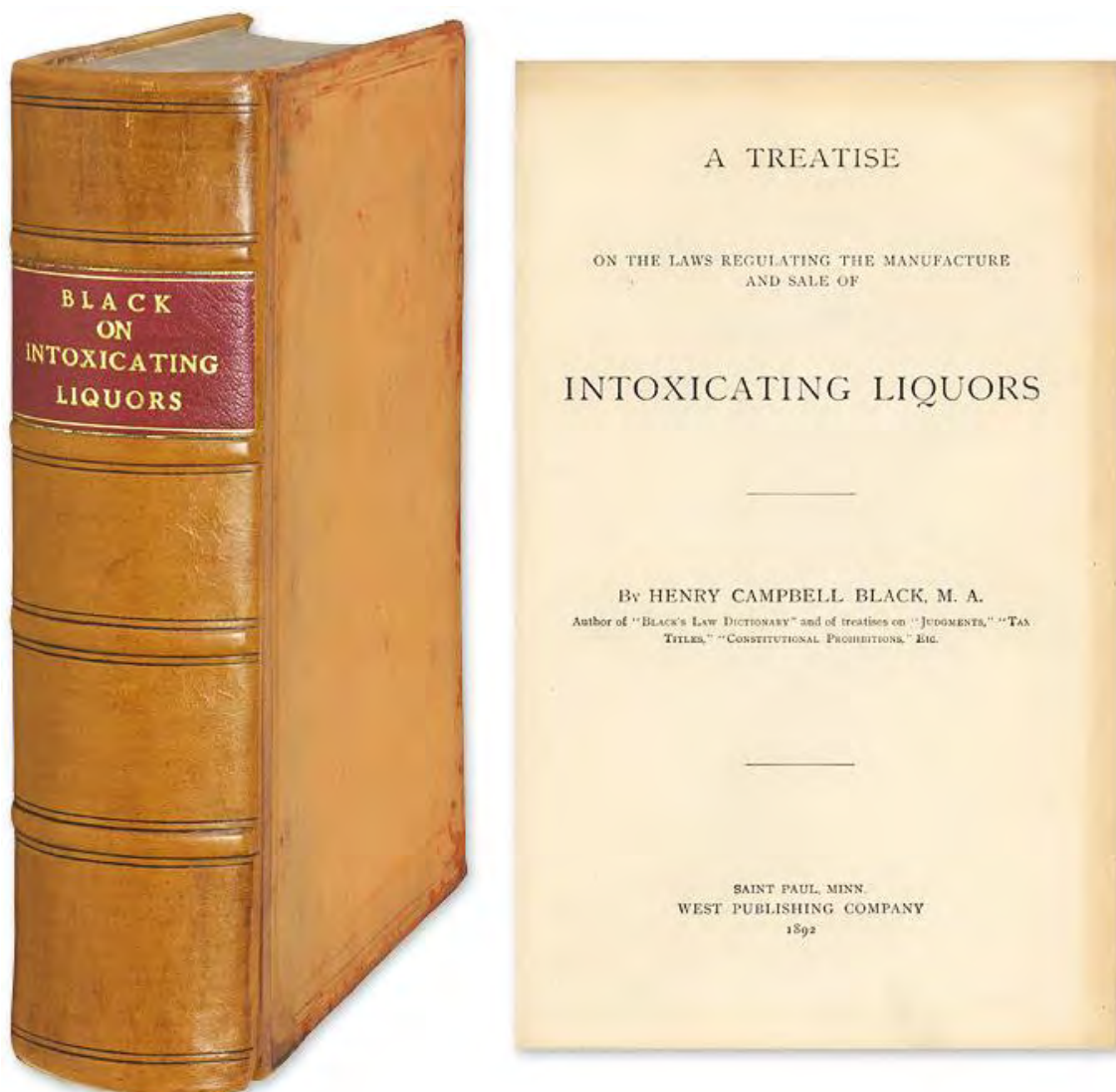
**An Interesting Aspect of the  
Scottish Law of Debtor and Creditor**

**4. Barclay, Hugh [1799-1884].**

*Notes on the Law and Practice, Relative to Applications Against Debtors as in Meditatione Fugæ.* Edinburgh: Thomas Clark, 1832. xii, 117 pp. 12mo. (7" x 4").

Recent period-style quarter calf over marbled boards, raised bands and lettering piece to spine, endpapers renewed. Toning to text, light wear to edges of a few leaves, internally clean. \$350.

\* Only edition. "*Meditatio Fugæ* is an old principle of Scots law that if a creditor could make an oath that his debtor was in *meditatione fugæ* to avoid payment of his debt, he may apply to a magistrate who may grant warrant for apprehending the debtor for examination, and subsequently, grant warrant to imprison the debtor until he finds caution *judicio sisti*" (Walker). OCLC locates no copies in North America. Copies located at the Library of Congress and Harvard Law School. Walker, *Oxford Companion to Law* 832. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 5:9. [Order This Item](#)



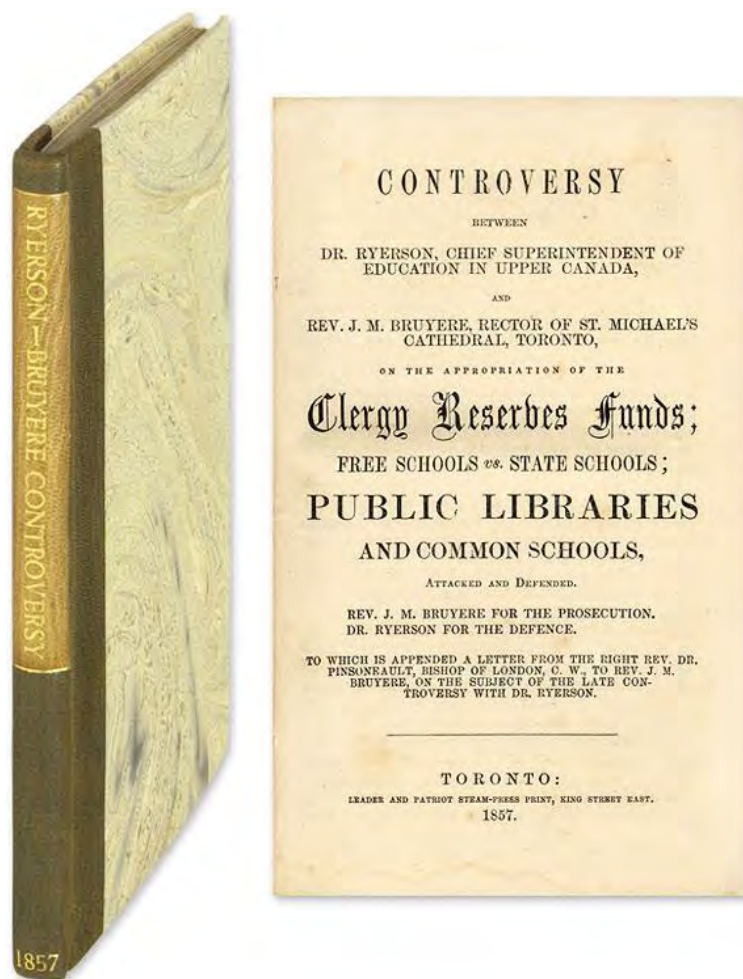
**The First American Treatise on the Law of Alcoholic Beverages**

**5. Black, Henry Campbell [1860-1927].**

*A Treatise on the Laws Regulating the Manufacture and Sale of Intoxicating Liquors*. St. Paul: West Publishing Company, 1892. lii, 711 pp. Octavo (9" x 6").

Contemporary law calf, rebacked in period style. Blind frames to boards, raised bands and lettering piece to spine, hinges mended. Light rubbing to board edges, corners lightly bumped, light toning to text, offsetting to margins of endleaves. Small early bookseller stamp to front pastedown, interior otherwise clean. A handsome copy. \$950.

\* Only edition. Black is best known as the author of the great law dictionary that bears his name, but he also wrote several highly regarded treatises. His treatise on alcoholic beverages, the first published in the United States, was a response to contemporary debates about prohibition, which were gaining in intensity in the late 1800s. Given this background it is not surprising that Black declared his neutrality at the end of his preface: "This book is not a plea for any particular system of liquor legislation. It is purely and solely a legal treatise. The law-writer has no more to do with the wisdom, justice, or expediency of the statutes whose legal effect he discusses than has the court which is called upon to administer them" (iv). *Catalogue of the Library of the Harvard Law School* (1909) I:183. [Order This Item](#)



**1857 Controversy Concerning the Use of Public Funds for Catholic Schools in Canada**

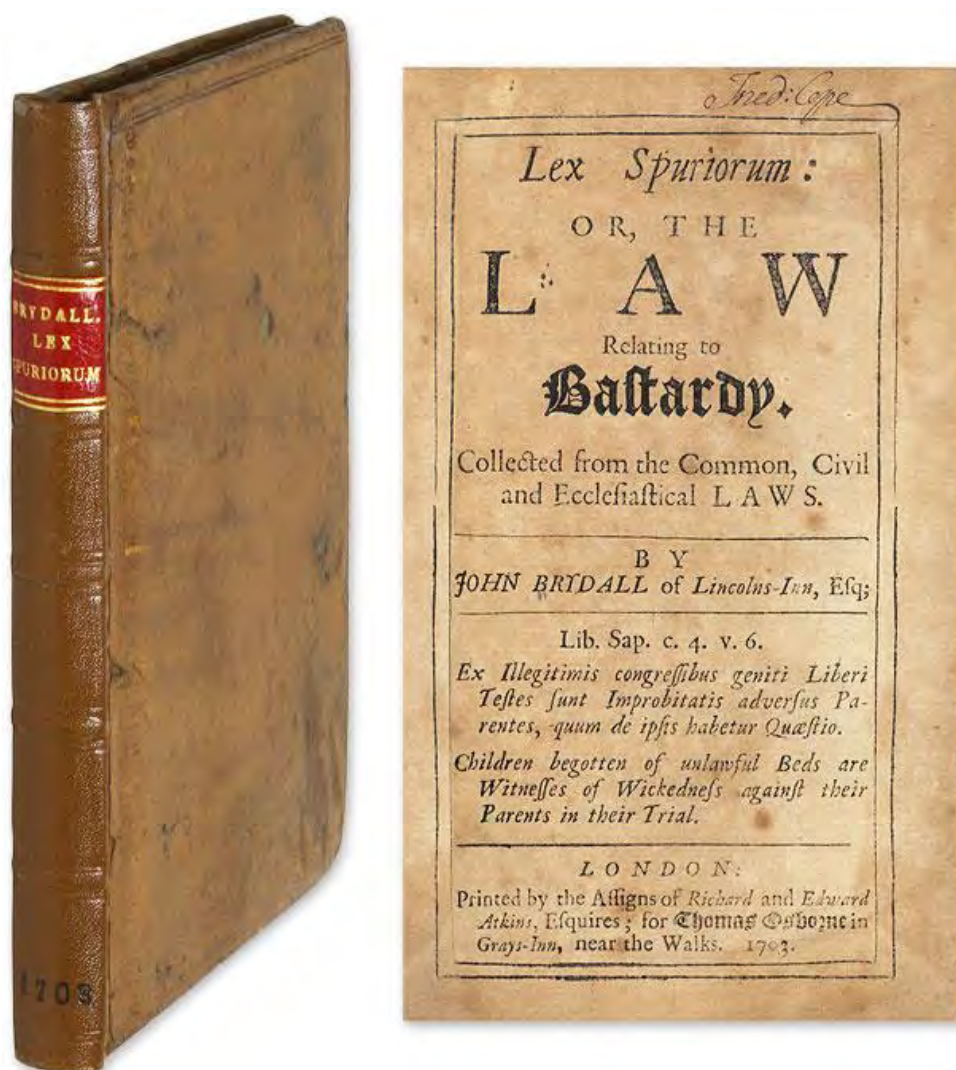
**6. Bruyere, J.M.**

*Controversy Between Dr. Ryerson, Chief Superintendent of Education in Upper Canada, and Rev. J.M. Bruyere, Rector of St. Michael's Cathedral, Toronto, On the Appropriation of the Clergy Reserve Funds; Free Schools vs. State Schools; Public Libraries and Common Schools Attacked and Defended. Rev. J.M. Bruyere for the prosecution, Dr. Ryerson for the Defence. To Which is Appended a Letter from the Right Rev. Dr. Pinsonneault, Bishop of London, C.W., to Rev. J.M. Bruyere, on the Subject of the Late Controversy with Dr. Ryerson.* Toronto: Leader and Patriot Steam-Press Print, 1857. 108 pp. Octavo (7-1/2" x 4-3/4").

Recent quarter morocco over marbled boards, lettering piece to spine, endpapers renewed. Moderate toning to title page, light toning to text, printing flaw to p. 16 (with no loss to legibility), internally clean. \$250.

\* First edition. A church-state controversy involving the use of public funds to finance the common school system to the detriment of Catholic sectarian schools. The Clergy Reserve funds were intended for Catholics and Protestants alike. To avoid dissension the legislature decided instead to devote the funds to educational resources for the common school system and public libraries. Rev. Bruyere, representing Catholic interests, protests the use of Catholic and Protestant money to bolster common schools where religion is "banished ... where the child of Christian parents must be taught practically that all religious systems are equally pleasing ... be he a believer in the immutable decrees of eternal reprobation or a follower of the imposter Joe Smith." OCLC locates 14 copies worldwide, none in North American law libraries. We located 1 copy, however, at Osgoode Hall, York University. See Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 3:59 for related publications, missing this. Sabin, *A Dictionary of Books Relating to America* 74551. [Order This Item](#)





### 1703 Treatise on the Law Relating to Bastardy

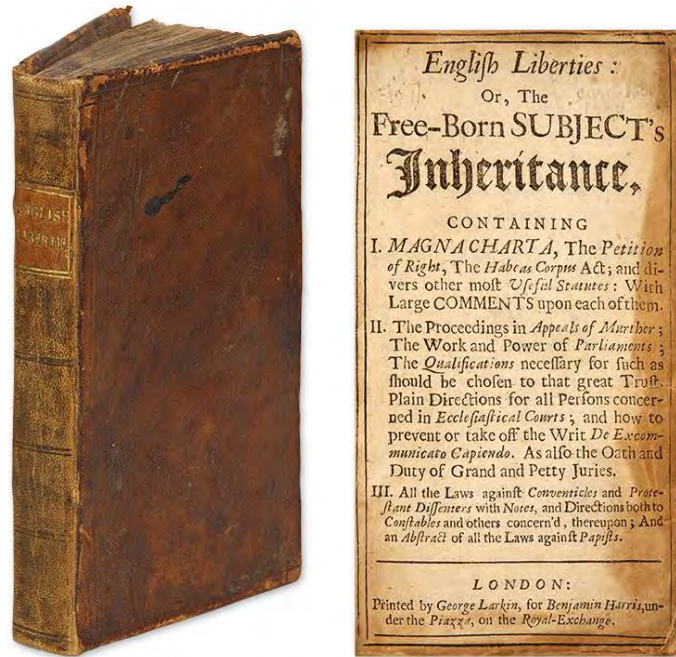
#### 7. Brydall, John [b. 1635?].

*Lex Spuriorum: Or, The Law Relating to Bastardy. Collected from the Common, Civil and Ecclesiastical Laws.* London: Printed by the assigns of Richard and Edward Atkins, Esquires; For Thomas Osborne, 1703. [viii], 127, [9] pp. Octavo (6-3/4" x 4-1/2").

Contemporary calf, blind rules to boards, blind fillets along joints, rebacked, raised bands and lettering piece to spine, endpapers renewed. Some rubbing to extremities, corners worn, a few minor scuffs to boards, crack in text block between title page and following leaf. Light browning and foxing to text. Small early owner signature to head of title page, interior otherwise clean. Ex-library. Bookplate to front pastedown. \$750.

\* Only edition. Brydall was a fellow of Queen's College, Oxford, and a bencher of Lincoln's Inn. A remarkably prolific writer, he published 36 legal treatises, and left 30 others in manuscript at the time of his death. All of these are brief, synthetic works. Holdsworth says they are good summaries that are "clearly arranged and based on the leading authorities." *Lex Spuriorum*, a handbook of English laws concerning illegitimacy, is cited in Holdsworth's review of legal writings of the seventeenth and eighteenth centuries. OCLC locates 6 copies in North American law libraries (Harvard, NY State Appellate Division, Ohio State, Southern Methodist University, University of Michigan, US Supreme Court). Holdsworth, *A History of English Law* VI:605, 607. *English Short-Title Catalogue* T116601. [Order This Item](#)





**First Edition of a Classic Guide to English Law and Government that Inspired the American Founding Fathers, A Variant Imprint Overlooked by the ESTC**

**8. [Care, Henry (1646-1688)].**

*English Liberties: Or, The Free-Born Subject's Inheritance, Containing I. Magna Charta, The Petition of Right, The Habeas Corpus Act; And Divers Other Most Useful Statutes: With Large Comments Upon Each of Them. II. The Proceedings in Appeals of Murther; The Work and Power of Parliaments; The Qualifications Necessary for Such as Should be Chosen to that Great Trust. Plain Directions for All Persons Concerned in Ecclesiastical Courts; And How to Prevent or Take Off the Writ De Excommunicato Capiendo. As Also the Oath and Duty of Grand and Petty Juries. III. All the Laws Against Conventicles and Protestant Dissenters with Notes, And Directions both to Constables and Others Concern'd, Thereupon; And an Abstract of All the Laws Against Papists.* London: Printed by George Larkin, For Benjamin Harris, Under the Piazza, On the Royal-Exchange, [1682?]. [xii], 228 pp. 12mo. (5-1/2" x 3").

Contemporary sheep, rebaked in period-style, blind rules to boards, blind rules and lettering piece to spine. Boards slightly bowed, light rubbing, minor worming and a few tiny scuffs and stains to boards, some rubbing to extremities with wear to corners, pastedowns loose, illegible early owner signature to front pastedown. Moderate toning, somewhat heavier in places, some offsetting and light edgewear to preliminaries and final few leaves, small clean tear to title page. A handsome copy of an important work. \$10,000.

\* First edition, an unrecorded variant of one of the two undated imprints listed in the *English Short-Title Catalogue* with a conjectured publication date of 1682; a third imprint in the *ESTC* is dated 1682. This classic layman's guide reviews, from a Whig perspective, the principles of English law and government. It emphasizes the role of Magna Carta, Parliament and juries in the preservation of civil rights and prevention of tyranny. First published in America in 1721, it had a profound influence on several colonial readers, including the founding fathers. It was the primary source for William Penn's *Excellent Privilege of Liberty and Property* (1687), a work that inspired support for the revolution. George Mason used it when drafting Virginia's Declaration of Rights (1776). Jefferson, who owned two copies, probably referred to it when he wrote the Declaration of Independence and the Virginia Statute for Religious Freedom. Its influence is also evident in the Bill of Rights. With the exception of the imprint statement, our copy is identical to *ESTC* entry R31286. Its title page states: "Printed by G. Larkin, for Benjamin Harris, at the Stationers Arms and Anchor in the Piazza under he Royal-Exchange." Ours reads: "London: Printed by George Larkin, or Benjamin Harris, under the Piazza, on the Royal-Exchange." Sowerby, *Catalogue of the Library of Thomas Jefferson* 2702, 2703 (citing different editions). Not in *English Short-Title Catalogue*.

[Order This Item](#)



### Rare Commentary on the Customary Law of Mechelen

9. Christynen, Paul van [1543-1631].

Christynen, Sebastian van, Editor.

*Syndici, Consiliarii, Ac Pensionarii Civitatis ac Provinciae Mechliniensis In Leges Municipales Eiusdem Civitatis Ac Provinciae Commentaria Ac Notae.* Antwerp: Apud Hieronymum & Ioannem Bapt. Verdussen, 1671. [xvi], 656, [70] pp. Complete with additional final blank and half-title. Text in Latin with running Dutch translation in parallel columns. Folio (13" x 8").

Recent quarter calf over marbled boards, blind fillets and gilt title to spine. Light browning to text, internally clean, Ex-library. Small bookplate to front pastedown. \$950.

\* Sixth, final and best edition, with ample revisions and additions. Text in Latin and Dutch. The customary law of Mechelen was compiled in 1535. Christynen's commentary was first published in 1625, with later editions in 1642, 1653, 1657, 1661 and 1671. All editions are scarce. OCLC locates no copies of the sixth edition in North America and only 5 copies of previous editions (at the Library of Congress, the University of British Columbia and Yale Law School, which have the first edition, and Columbia and Harvard Law Schools, which have the fourth). Dekkers, *Bibliotheca Belgica Juridica* 36. [Order This Item](#)





**Early Ecuadoran Code Printed in New York City**

**10. [Ecuador].**

*Codigo Penal en Materia Criminal de la Republica del Ecuador.* New York: Imprenta de "Las Novedades," 1889. 148, 76 pp. Octavo (9" x 6").

Cloth, blind frames to boards, blind arms of Ecuador to front, gilt title to spine, endpapers renewed. Light rubbing, corners bumped, a few minor dampstains to boards, some fading to spine. Faint dampstaining to margins, internally clean. Ex-library. Small inkstamp and manuscript shelf number to title page. A nice copy. \$350.

\* Second issue. First issued in 1872, and replaced by a revised code in 1971, this penal code was important because it formally endorsed such principles as the assumption of innocence until proven guilty and the prohibition of arrests without warrants. Offenses covered include abortion, adultery, illegal marriages, dueling, and homicide among others. OCLC locates 6 copies in North American law libraries (GWU, Harvard, Library of Congress, Tulane, University of Michigan, Yale). Another copy located at UC-Berkeley Law School. Not in the *British Museum Catalogue*. [Order This Item](#)



### Satirical French Courtroom Images

#### 11. [France].

*L'Incidente.*

[And]

*La Sentence.*

N.p.: De L'Editrice P.V., c. 1900. Attractively glazed and matted 13" x 8-1/2" colored lithographs in identical handsome 21-1/4" x 16-3/4" wooden frames, small brass plaques to center of bottoms. Light toning to margins, images vivid. \$1,250.

\* A pair of rather grotesque, and very funny, images of a trial in a French court. Though garbed in eighteenth-century dress, these prints appear to be from the early 1900s. [Order This Item](#)

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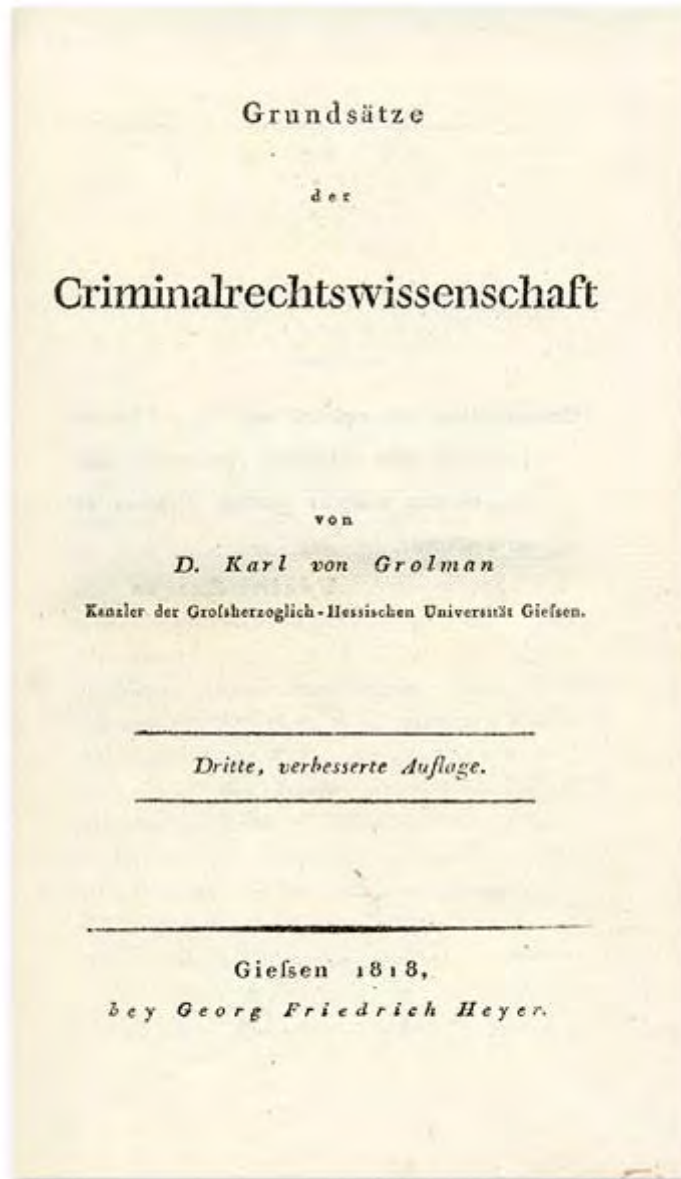
**Supports the Supremacy of the Crown  
Over the Church in Spain's American Colonies**

**12. Frasso, Pedro [1630-1691].**

*De Regio Patronatu Indiarum. Quaestiones Aliquae Desumptae et Disputatae, In Alia Quinquaginta Capita Partitae.* Madrid: Ex Typographia Blasii Roman, 1775. Two volumes. [iv], 328, XC; [iv], CXIV, 383 pp. Main text in parallel columns. Folio (Volume I: 13-1/2" x 9"; Volume II: 13-1/4" x 9").

Contemporary limp vellum, early hand-lettered titles to spine, ties lacking from Volume II, which had renewed endleaves. Moderate rubbing and light soiling, a few minor chips to spines, corners bumped, wear to corners of Volume I, vellum just beginning to crack though its rear pastedown. Light toning to text, worming to a few sections of Volume II, mostly to margins and with negligible loss to text, light foxing to a few leaves in each volume, internally clean. Ex-library. Bookplates to front pastedowns. A handsome copy. \$1,250.

\* Second and final edition. Frasso, a Peruvian jurist of the Regalist school, presents an important legal analysis that supports the crown's power over the church in Spain's American colonies. The treatment of indigenous peoples was the source of tension between the Church and Crown. Both parties pursued colonial goals, but the Church was concerned about welfare of native people and attempted to ameliorate the effects of their exploitation by the Spanish government. The first edition was published in 1677-1679. Both editions are rare in the trade. OCLC locates 3 copies of the second edition in North American law libraries (Columbia, Harvard, UT-Austin). Medina, *Biblioteca Hispano-Americana* 4711. Palau, *Manual del Librero Hispano-Americano* 94685. [Order This Item](#)



### A Notable Contribution to Criminology

#### 13. Grolman, Karl von [1775-1829].

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

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

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





**Early History of the High Court of Parliament**

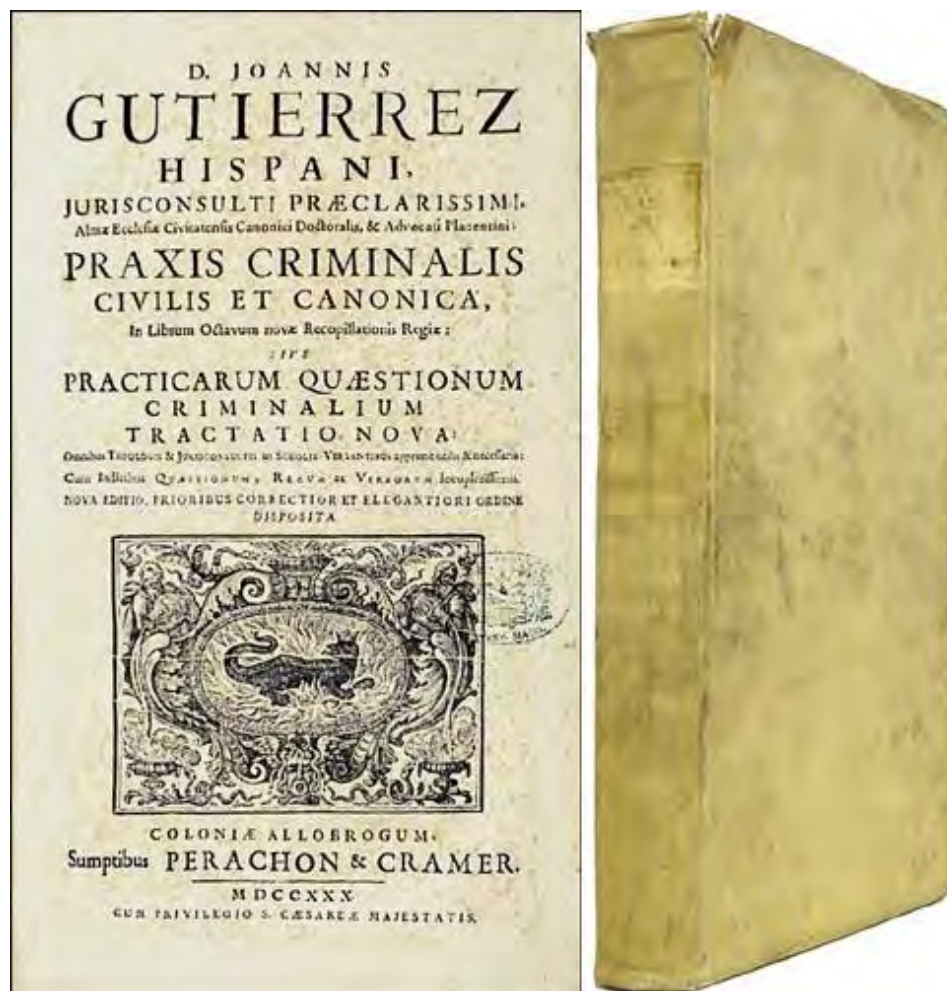
**14. [Gurdon, Thornhagh (1663-1733)].**

*The History of the High Court of Parliament, Its Antiquity, Prebeminence and Authority; and The History of Court Baron and Court Leet, A Chronological History of Them From the Earliest Times Drawn Down to the Present. Together with the Rights of Lords of Manors in Common Pastures, and the Growth of Privileges the Tenants Now Enjoy There.* London: Printed for R. Knaplock...and J. Tonson, 1731. Two volumes. xviii, [28], 254; [255-258], [259]-445 [i.e. 645], 9 pp. Complete. Octavo (8" x 5").

Contemporary paneled calf, raised bands, lettering piece. Wear to board edges and spine ends, corners bumped, joints starting. Front free endpaper lacking from Volume Two. Attractive woodcut head-pieces, tail-pieces and decorated initials. Early armorial bookplates to versos of title pages. Wear to endleaves and preliminaries with some loss, dampstaining to lower half of text blocks. \$500.

\* Only edition. This important early history includes a subject index and an interesting index of the books and manuscripts used by the author. "In this historical account of the government of England, of its senates and councils or parliaments, I take a cursory view of them in other nations, as introductory to the British, Saxon and Norman national councils or Parliaments, and so gradually slide down from Antiquity to modern times, shewing the conformity of modern with ancient constitutions; how ancient Laws and Decrees have been, some of them confirmed, some amended, and some totally abrogated, according to the wisdom of the several ages, thereby in a short history giving the reader a large view into times past.": Preface, Volume One, v-vi. The second part, on courts leet and baron, treats the history of two early feudal courts. Court baron arbitrated dealings between the lords of manors and their tenants. Court leet was a court held by the right of franchise in which a private lord oversaw land under a sheriff's jurisdiction. *English Short-Title Catalogue* T130666.

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### The Criminal in Civil and Canon Law

#### 15. Gutierrez, Juan [d. 1618].

*Praxis Criminalis Civilis et Canonica, in Librum Octavum Novæ Recopilationis Regiæ: Sive Practicarum Quæstionum Criminalium. Tractatio Nova: Omnibus Theologis & Jurisconsultis in Scholis Versantibus Apprime Utilis & Necessaria: Cum Indicibus Quæstionum, Rerum ac Verborum Locupletissimis. Nova Editio.* Geneva: Sumptibus Perachon & Cramer, 1730. [iv], 334, 10 pp.

[Bound with]

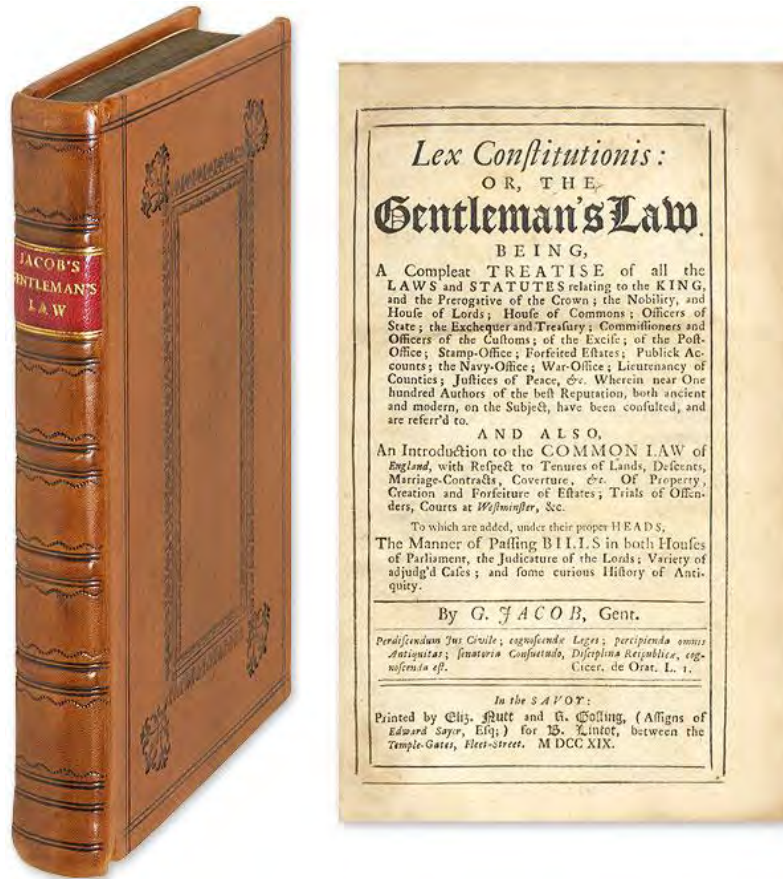
**S[acrae] Rotæ Romanæ.**

*Decisiones Novissimæ & Recentissimæ, Nullo in Alia Libro Usque Nunc Impressæ, D. Joannis Gutierrez. Comprobantes, Fulcientes, Laudantes, &c. Super Materias Tam Civiles Quam Canonicas & Criminales, Studio & Opera J.U.D. Argumentis, Summariis, & Indicibus Necessariis Exornatæ.* Geneva: Sumptibus Perachon & Cramer, 1731. [xii], 126, [24] pp.

Folio (15" x 9"). Contemporary vellum, traces of gilt stamping to spine. Rubbing and light soiling to boards, chipping to tips and head of spine. Attractive woodcut armorial title page devices, head-pieces and tail-pieces. Light browning to most of text. Ex-library. Small institution stamps to title page and a few leaves, interior otherwise clean. A nice copy. \$750.

\* With table and three indexes. Two volumes from the collected works edition, *Opera Omnia Civilia, Canonica, et Criminalia, Decisionibus S. Rotæ Romanæ* (1730-1731). The first examines criminal practice and procedure in civil and Canon law. The second is a compilation of commentaries on Gutierrez' legal writings issued between 1710 and 1730 by the Sacred Roman Rota, a Papal tribunal that deals with all contentious cases, including criminal cases, that come before the Holy See. *British Museum Catalogue* (compact edition) 11:333. Not in Brunet or Graesse. [Order This Item](#)





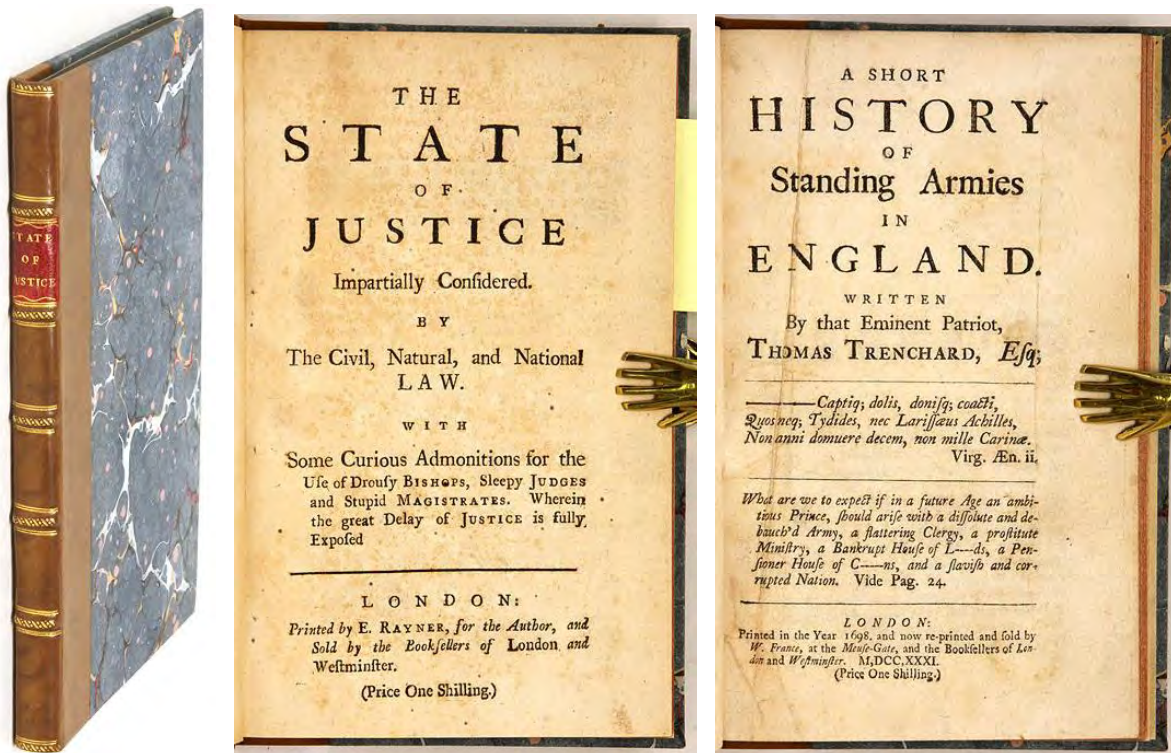
### A Legal Guide for "Gentlemen of All Ranks"

#### 16. Jacob, G[iles] [1686-1744].

*Lex Constitutionis: Or, The Gentleman's Law. Being, A Compleat Treatise of All the Laws and Statutes Relating to the King, And the Prerogative of the Crown; The Nobility, And House of Lords; House of Commons; Officers of State; The Exchequer and Treasury; Commissioners and Officers of the Customs; Of the Excise; Of the Post-Office; Stamp-Office; Forfeited Estates; Publick Accounts; The Navy-Office; War-Office; Lieutenancy of Counties; Justices of Peace, &c. Wherein Near One Hundred Authors of the Best Reputation, Both Ancient and Modern, On the Subject, Have Been Consulted, And are Referr'd to. And also, An Introduction to the Common Law of England, With Respect to Tenures of Lands, Descents, Marriage-Contracts, Coverture, &c. Of Property, Creation and Forfeiture of Estates; Trials of Offenders, Courts at Westminster, &c. To Which are Added, Under Their Proper Heads, The Manner of Passing Bills in Both Houses of Parliament, the Judicature of the Lords; Variety of Adjudg'd Cases; And some Curious History of Antiquity.* [London]: Printed by Eliz. Nutt and R. Gosling, (Assigns of Edward Sayer, Esq;) for B. Lintot, 1719. [ii], [v]-xiv, 360, [12] pp. Octavo (7-1/2" x 4-3/4").

Recent period-style calf, blind panels to boards, raised bands and lettering piece to spine, endpapers renewed. Moderate toning to text, faint dampspotting in places, internally clean. A handsome copy. \$1,000.

\* First edition. In his preface, Jacob indicates that he did not write this treatise on England's Constitution for the landed gentry exclusively, but for "gentlemen of all ranks," that is, the literate general public. This distinction is significant. Jacob, though certainly interested in boosting sales by attracting the widest audience possible, was an idealist who believed that widespread knowledge of the law would help create a more just society. This is also evident in his other publications, such as *A Treatise of Laws* (1721), *The Common Law Common-Placed* (1726) and *Every Man His Own Lawyer* (1736). Another edition of the *Lex Constitutionis* was published in 1737. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:102 (48). *English Short-Title Catalogue* T137002. [Order This Item](#)



**Rare Essay on Injustice Bound with a Warning About Standing Armies**

17. [Justice].

[Great Britain].

*The State Of Justice Impartially Considered. By The Civil, Natural, And National Law. With Some Curious Admonitions For The Use Of Drowsy Bishops, Sleepy Judges And Stupid Magistrates. Wherein The Great Delay Off Justice Is Fully Exposed.* London: Printed by E. Rayner, for the author, and sold by the booksellers of London and Westminster, [1732?]. 47, [1] pp.

[Bound with]

**Trenchard, Thomas [1662-1723].**

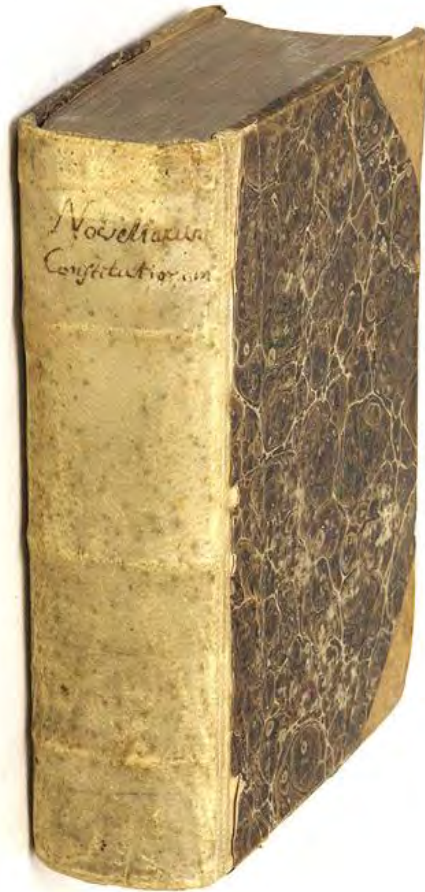
*A Short History of Standing Armies in England.* London: Printed in the Year 1698. And Now Re-Printed and Sold by W. France, 1731. 70 pp.

Octavo (7-1/4" x 4-1/2"). Stab-stitched pamphlets bound into recent period-style quarter calf over marbled boards, gilt-edged raised bands to spine. Light toning to text, somewhat heavier in places, light foxing to a few leaves. Excellent copies in a handsome binding. \$2,500

\* *State of Justice*: only edition; *Short History*: reissue of a title issued three times in 1698. The anonymous author of *The State of Justice* positions himself as an opponent of bribery and the sale of offices and sinecures and a supporter of an equal distribution of justice and the rule of law. He warns: "It is not the law alone that makes a right government, but upright justice, and the equal distribution of it, which ought to be deeper engraven in the hearts of those who are authorised to execute justice, than in tables of stone" (9). It is a learned, and somewhat cranky, essay filled with references to Roman, European and English history. Trenchard's *Short Essay* is a classic argument against standing armies, a central theme in the commonwealthmen tradition (that was quite influential in America). This issue was probably a reaction to the expansion of England's military establishment during the Anglo-Spanish War (1727-29) *The State of Justice* is a rare title. OCLC locates 6 copies worldwide, 4 in North America (Case Western Reserve University, Harvard Law School, Northwestern Law School, UNC-Chapel Hill). The ESTC adds the University of Kansas. *English Short-Title Catalogue* N23107, T126898.

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**A Respected Edition of the *Novels***

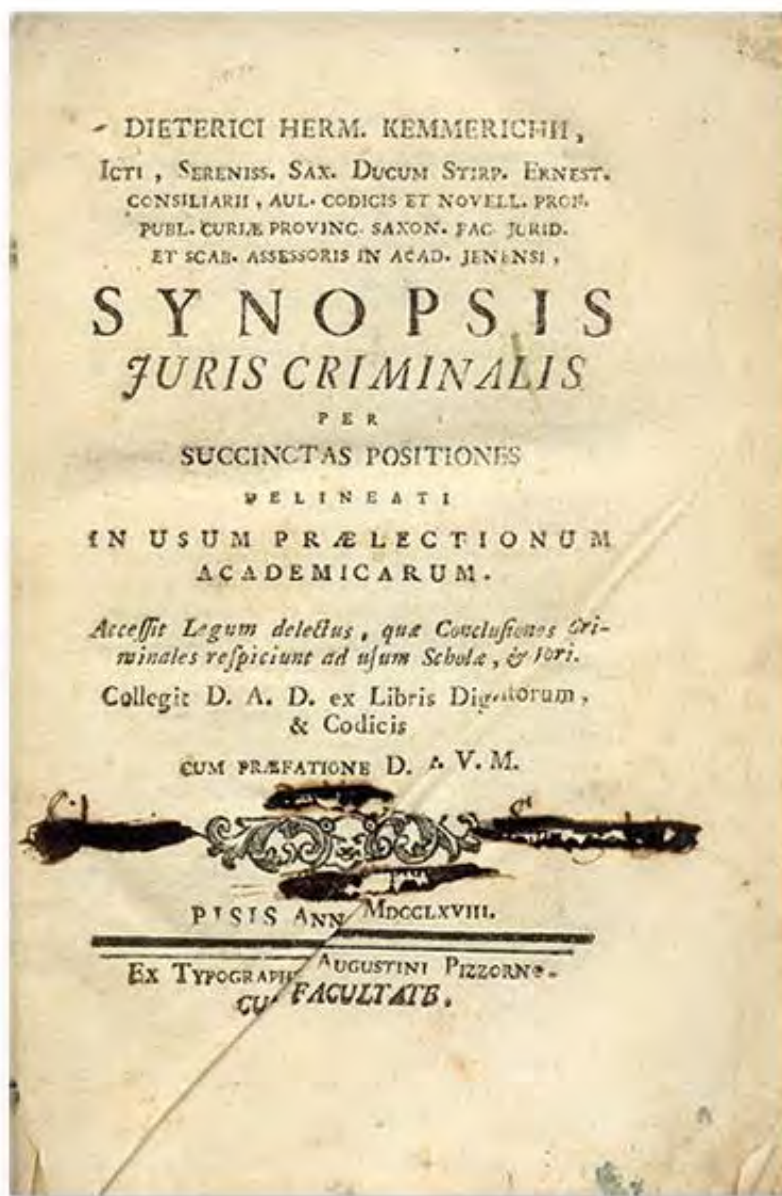
**18. Justinian I [483-565 CE], Emperor of the East.**

**Holoander, Gregor [1501-1531], Editor and Annotator.**

*Novellarum Constitutionum DN. Iustiniani Principis, Quae Exstant, Et ut Exstant, Volumen. Appositi Sunt Item Canones Sanctorum Apostolorum per Clementem in Unum Congesti, Gregorio Haloandro Interprete. Accesserunt et Haec, Feudorum Libri Duo. Constitutiones Lotharii, Conradi, Friderichi, Et Henrici Imp. De Pace Constantiae.* Paris: Apud Carolam Guillard, 1548. [viii], 367 ff. Octavo (6-1/4" x 4-1/4").

Later three-quarter vellum over marbled boards, hand-lettered title to spine, endpapers renewed, title page re-hinged. Light soiling and spotting to spine, some rubbing to extremities, a few cracks to text block. Light toning to text, very faint dampstaining in places to foot of text block, early inkspots to a few leaves, light soiling and dampstaining to title page. \$500.

\* Along with the *Institutes*, *Code* and *Digest*, the *Novels* is one of the writings known collectively as the *Corpus Juris Civilis*. The first three books were commissioned by the Justinian I in 530CE. The *Code* is the restated code of law, the *Digest* is a compilation of legal opinions and the *Institutes* is an introductory textbook on the *Code*. The *Novels* is a compilation of laws enacted after the publication of the *Code*. The subsequent influence of these books on European jurisprudence is difficult to overestimate. Haloander was one of the great sixteenth-century authorities on Roman law. His edition of the *Novels* includes the Peace of Constantine (Edict of Milan), the act that recognized the legitimacy of Christianity in the Roman Empire, edicts of the Holy Roman Emperors Henry VI [reigned 1165-1197], Frederick II [reigned 1194-1250] and a collection of papal legislation falsely attributed to Pope Clement I [reigned 88-99CE], the so-called "False Decretals." Adams, *A Catalogue of Books Printed on the Continent of Europe* 1675. [Order This Item](#)



### Criminal Law in Eighteenth-Century Saxony

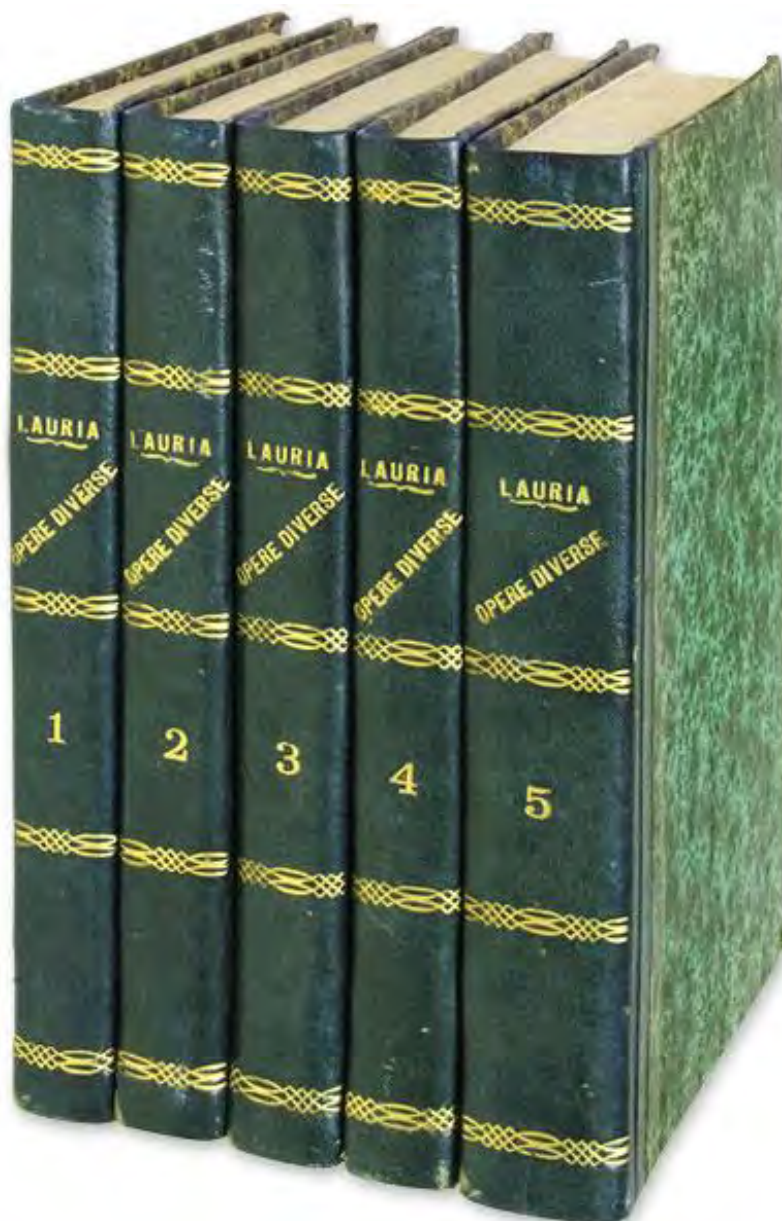
#### 19. Kemmerich, Dietrich Hermann [1677-1745].

*Synopsis Juris Criminalis per Succinctas Positiones Delineati in Usus Praelectionum Academicarum. Accessit Legum Delectus, Quae Conclusiones Criminales Respiciunt ad Usus Scholae, & Fori. Collegit D.A.D. Ex Libris Digestorum, & Codicis.* Pisa: Ex Typographia Augustini Pizzorno, 1768. xxii, 187 pp. Octavo (7" x 4-1/2").

Early plain paper wrappers, untrimmed edges. Light soiling, some wear to spine ends and corners. Moderate toning, light foxing in places. Early struck-through signature to title page, interior otherwise clean. \$300.

\* Later edition of a work first published in 1731. This was a university handbook on criminal law in Saxony with comparisons to Roman law. OCLC locates 1 copy in North America, at Harvard Law School, which has the 1768 edition. [Order This Item](#)





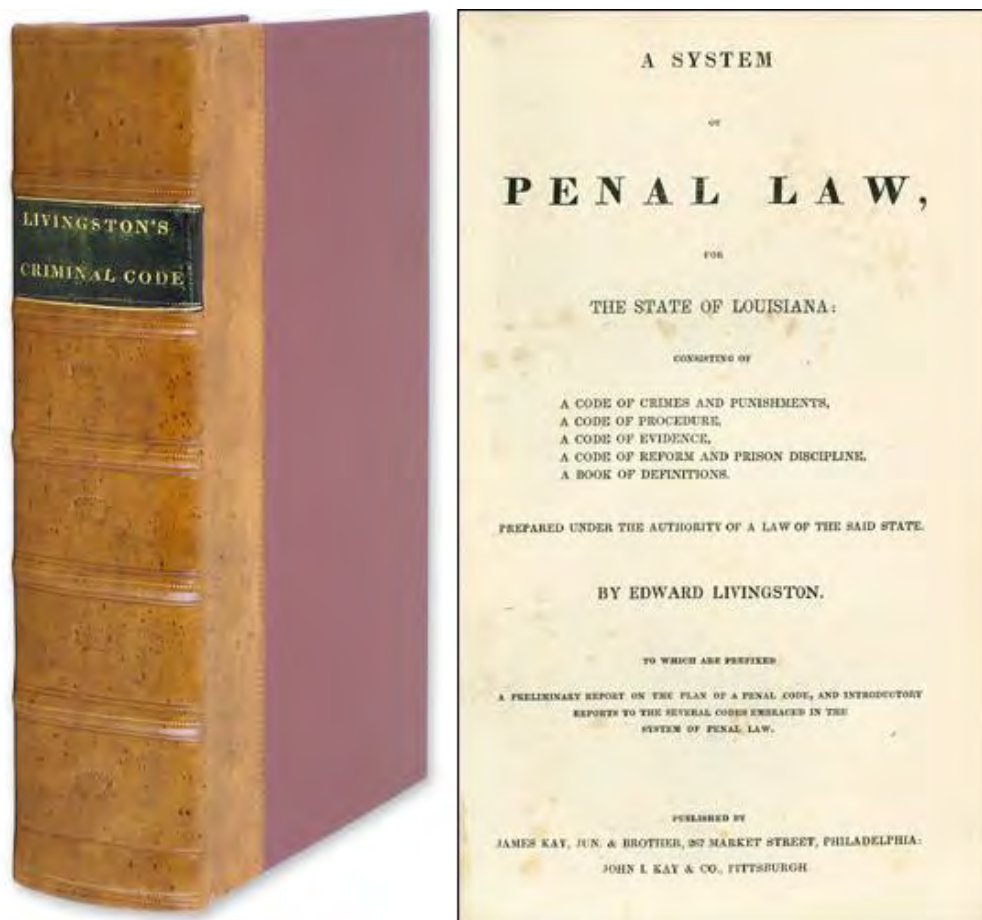
**An Authority on the Criminal Law of the Kingdom of the Two Sicilies**

**20. Lauria, Francesco [1769-1818].**

*Raccolta di Aringhe Penali*. Naples: Stabilimento Letterario-Tipografico dell'Ateneo, 1832. Five volumes. Volume I has portrait frontispiece. Octavo (7-1/2" x 4-3/4").

Contemporary quarter calf over marbled boards, gilt titles and fillets to spines. Light rubbing to extremities, corners lightly bumped. A few contemporary annotations to the title page of Volume I, interiors otherwise clean. \$500.

\* Only edition. A title in the series *Opere Diverse* di Francesco Lauria. With a biography of the author, a distinguished professor at the University of Naples. This is a collection of forensic orations and writings on criminal and criminal cases. OCLC locates 1 copy in North America (At UC-Berkeley Law School). [Order This Item](#)



### Livingston's Influential Penal Code

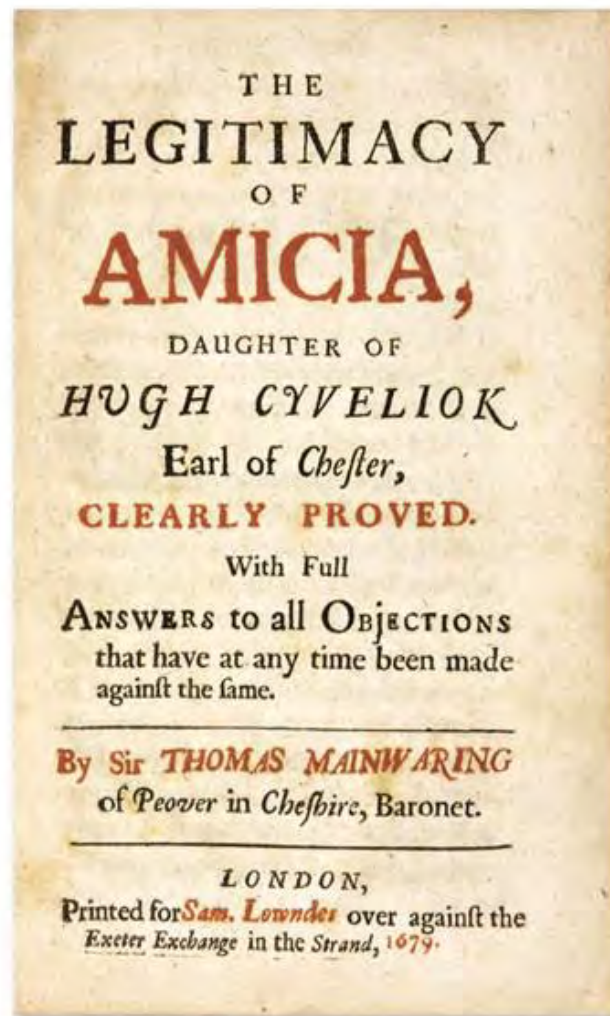
#### 21. Livingston, Edward [1764-1836].

*A System of Penal Law, For the State of Louisiana: Consisting of A Code of Crimes and Punishments, A Code of Procedure, A Code of Evidence, A Code of Reform and Prison Discipline, A Book of Definitions. Prepared Under the Authority of a Law of the Said State. To Which are Prefixed a Preliminary Report on the Plan of a Penal Code, and Introductory Reports to the Several Codes Embraced in the System of Penal Law.* Philadelphia: James Kay, Jun. & Brother, [1833]. v, 745 pp. Octavo (9" x 5-3/4").

Recent period-style quarter calf over cloth, blind fillets and lettering piece to spine, endpapers renewed. Small chips to margins of two leaves with no loss to text. Negligible light foxing in places, interior otherwise clean. A handsome copy. \$950.

\* First edition of the complete code, one of two printings issued in 1833. (The other has the date on the title page.) A comprehensive system of criminal law which, while not adopted in the United States, is still influential today because it is the first complete penal code built on Jeremy Bentham's principles of codification. The first part, Code of Offenses and Punishments, was published in 1824 with the misleading title: *A System of Penal Law, For the State of Louisiana*. The other four sections, containing the Codes of Procedure, Evidence, Reform and Prison Discipline and Book of Definitions were published separately in 1825 and 1826. All five parts appeared together for the first time in the 1833 edition. Hicks marvels at the scope and clear organization of this code and notes that Bentham, Hugo, Lafayette, Story, Marshall, Madison, Kent and Jefferson considered it "the most comprehensive and enlightened system of criminal law that has ever been presented to the world." A notably humane code, it is important for its advocacy of prevention rather than punishment. Livingston was a senator from Louisiana and later a member of Andrew Jackson's cabinet. Hicks, *Men and Books Famous in the Law* 180. Cohen, *Bibliography of Early American Law* 10348. [Order This Item](#)





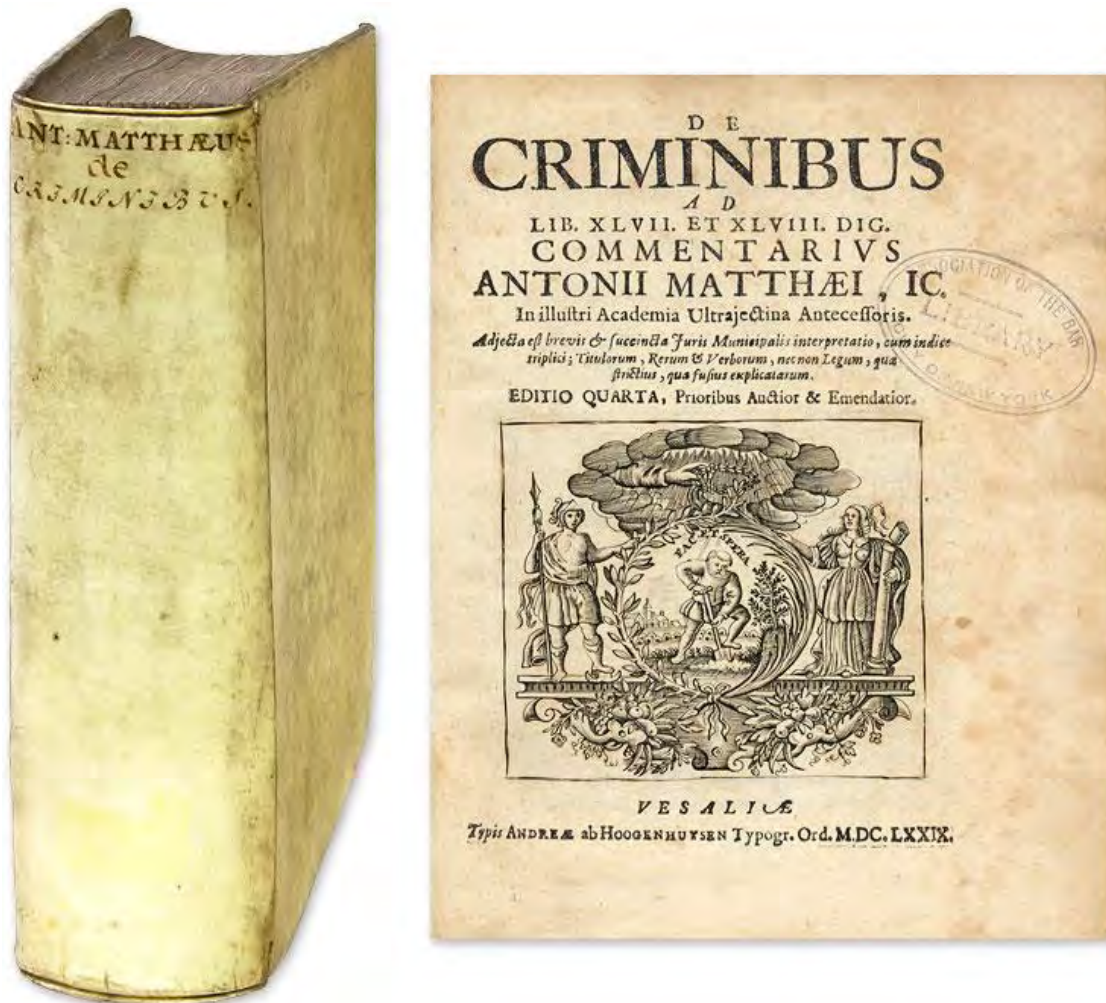
Interesting for Its Discussion of  
Early Common-Law Authorities on Marriage

**22. Mainwaring, Sir Thomas [1623-1689].**

*The Legitimacy Of Amicia, Daughter Of Hugh Cyveliok Earl Of Chester, Clearly Proved. With Full Answers to All Objections that Have at Any Time been Made Against the Same.* London: Printed for Sam. Lowndes, 1679. [x], 171, [1] pp. Octavo (6-1/2" x 4").

Contemporary speckled calf, blind rules to boards, raised bands to spine, marbled edges. Moderate rubbing to extremities, boards beginning to separate, but secured by cords. Title page printed in red and black. Moderate toning to text, small piece excised from rear endleaf, internally clean. \$500.

\* Only edition. A sequel to the author's *A Defence of Amicia*. The 8-page preface gives a useful account of the endless pamphlet-war that following the publication of *Defence* in 1673, including an account of the controversy itself and the publications of Mainwaring's opponent, Peter Leicester. Amicia, the author's grandmother, was the wife of Ralph Mainwaring. Leicester, another descendant of Amicia, claimed that she was a bastard. This tract, like the others, is of legal interest for its discussion of the early common law authorities on marriage. Both authors had been students at Gray's Inn. The issue was eventually decided in Mainwaring's favor. OCLC locates 13 copies in North America, 1 in a law library (Ohio State). *English Short-Title Catalogue* R21678. [Order This Item](#)



### A Classic Treatise on Roman Criminal Law

#### 23. Matthaeus, Antonius [1601-1654].

*De Criminibus ad Lib. XLVII. et XLVIII. Dig. Commentarius. Adjecta est Brevis & Succincta Juris Municipalis Interpretatio, Cum Indice Triplici; Titulorum, Rerum & Verborum, Nec non Legum, Qua Strictius, Qua Fusius Explicatarum.* Wesel: Typis Andreae ab Hoogenhuysen, 1679. [xvi], 902, [24] pp. Quarto (7-1/2" x 6").

Contemporary vellum, early hand-lettered title to spine. Some soiling and rubbing to extremities, corners and spine ends bumped, vellum just beginning to crack through pastedowns, upper corner lacking from front free endpaper. Toning to text, somewhat darker in places, light foxing in a few places, internally clean. Ex-library. Inkstamp to title page, a few annotations and another stamp to verso. \$250.

\* Fourth edition. Antonius Matthaeus, the progenitor of a line of noted jurists, first published *De Criminibus* in 1644. It is a commentary on Books 47 and 48 of Justinian's *Digest* with an additional treatise on the municipal law of Utrecht. Distinguished for its erudition, literary quality and critical use of original sources, rather than later commentaries, it was one of the first modern commentaries on Roman criminal law. A highly successful work, it reached its final edition in 1761. It remains an authority today in South Africa and other nations with roots in Roman-Dutch law. As von Bar observes, Matthaeus "went back to the sources of the Roman law, as distinct from Germanic and Canon law acquiring, for this reason, a wide influence abroad in the field of scientific law.": *A History of Continental Criminal Law* 307. Dekkers, *Bibliotheca Belgica Juridica* 111. [Order This Item](#)





With Four Woodcuts, Two Full-Page

**24. Maurer, Georg Ludwig [1790-1872].**

*Geschichte des Altgermanischen und Namentlich Altbairischen Oeffentlich-Muendlichen Gerichtsverfahrens, Dessen Vortheile, Nachteile und Untergang in Deutschland Ueberhaupt und in Baiern Indesondere.* Heidelberg: Akademische Buchhandlung von J.C.B. Mohr, 1824. xviii, 362 pp. Three plates with four woodcuts, two cuts full-page. Quarto (10" x 8").

Contemporary speckled boards, lettering piece to spine, edges rouged. Light wear to spine ends and corners, a few partial cracks to text block. Toning, light foxing to a few leaves. Small early owner signature to title page, interior otherwise clean. Ex-library. Location label to foot of spine, shelf number to front pastedown in fine hand, small stamp to verso of title page. An attractive copy. \$450.

\* Only edition. This is an interesting, historically grounded study of German criminal and civil procedure. A valuable work for legal historians, a facsimile edition was issued in 1965 by O. Zeller. Three of the woodcuts depict court scenes, the fourth is an allegorical (?) woodland court with animals. In this image a fox is being led to the gallows for his murder of a hen. (A lion is the judge, the executioner is a cat.) All of the images are discussed in the text. OCLC locates 4 copies, 1 in North America (at the University of Alberta). Other copies located at the Library of Congress and Harvard and Yale Law Schools. Not in the *British Museum Catalogue* or Roberts. [Order This Item](#)



**Betrothals Are Illicit Without  
Parental Consent, Whatever the Jesuits Say**

**25. Rebello, Bartholomeu Coelho Neves.**

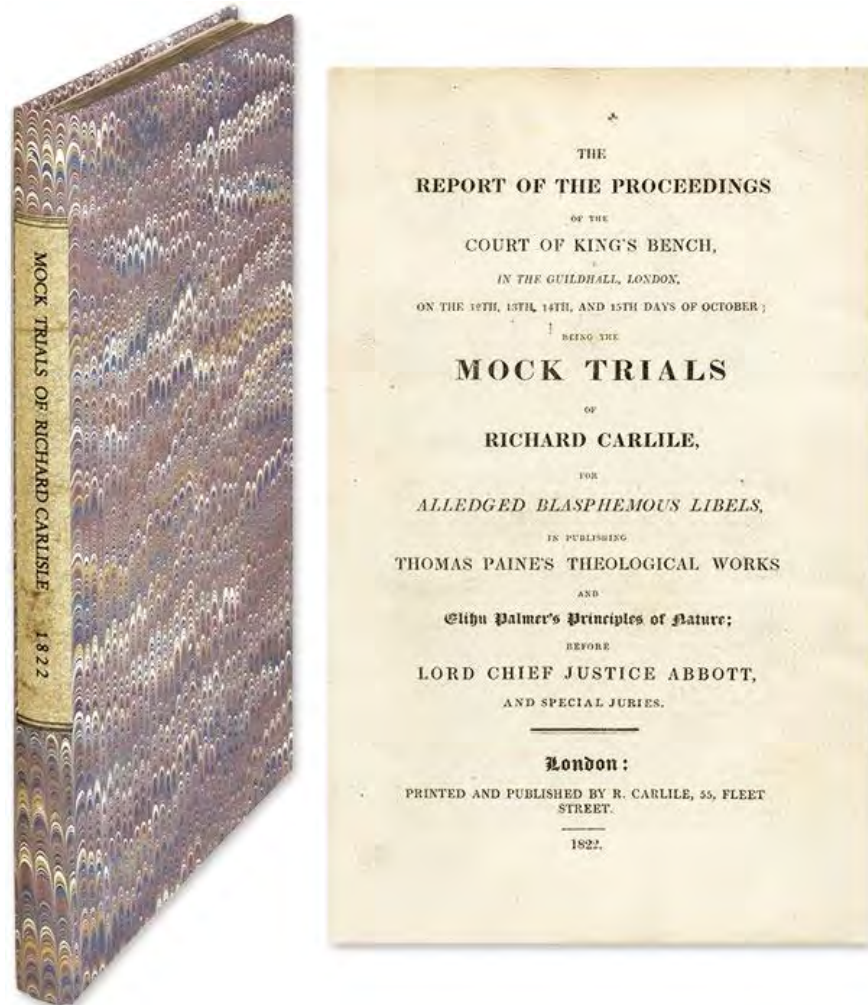
*Discurso Sobre a Inutilidade dos Esponsaes dos Filhos Celebrados sem Consentimento dos Pais; Em que se Mostra ser elle de Direito Divino, Natural, das Gentes, Canonico, Patrio, E Civil de Todos os Povos da Europa. E se Mostra Offensiva de Todos Estes Direitos a Doutrina dos Jezuitas, que Propunhao Huma Illimitada Liberdade a Este Respeito, Asseverando Serem Indignas de se Observarem as Leis dos Principes Catholicos, Que Determinao Esta Necessidade. Dedicado ao Ilmo. E Exmo. Senhor Marquez de Pombal, Conde de Oeyras, Senhor das Vendas Novas, do Conselho de Sua Magestade Fidelissima, E Seu Primeiro Ministro de Estado, &c. &c. &c.* Lisbon: Off. do Francisco Sabino dos Santos, 1773. [x], xvii, [1], 231, [1] pp. Half-title lacking. Octavo (6-1/4" x 3-3/4").

Contemporary mottled sheep, blind fillets and gilt-stamped title to spine, speckled edges. Moderate rubbing to extremities, a few light scuffs to boards, spine abraded with wear to ends, front joint partially cracked. Moderate toning to text, somewhat heavier in places, faint dampstaining to a few leaves. \$1,250.

\* Only edition. Rebello argues that betrothals are not legal without parental consent. In the dedication to the Marquês de Pombal and the Proemio, the author refers to the "relaxada Moral Jezuitica" and notes that allowing disobedience to parents in matters such as betrothals (which Jesuits such as Sanches and Molina advised) might well also encourage disobedience to the king. As a magistrate, Rebello had been involved in several cases of such illicit betrothals. He reviews the writings of Church Fathers, papal bulls, and Councils on this matter, and on pp. 170-218, reviews the laws in Spain, France, Germany, Prussia, Holland and Italy. Porbase contains a record with an incorrect publication date of 1755. OCLC locates 3 copies, 2 in North America (Newberry Library, UC-Berkeley Law School). Not in Ferreira-Ibarra.

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

**26. [Trial].**

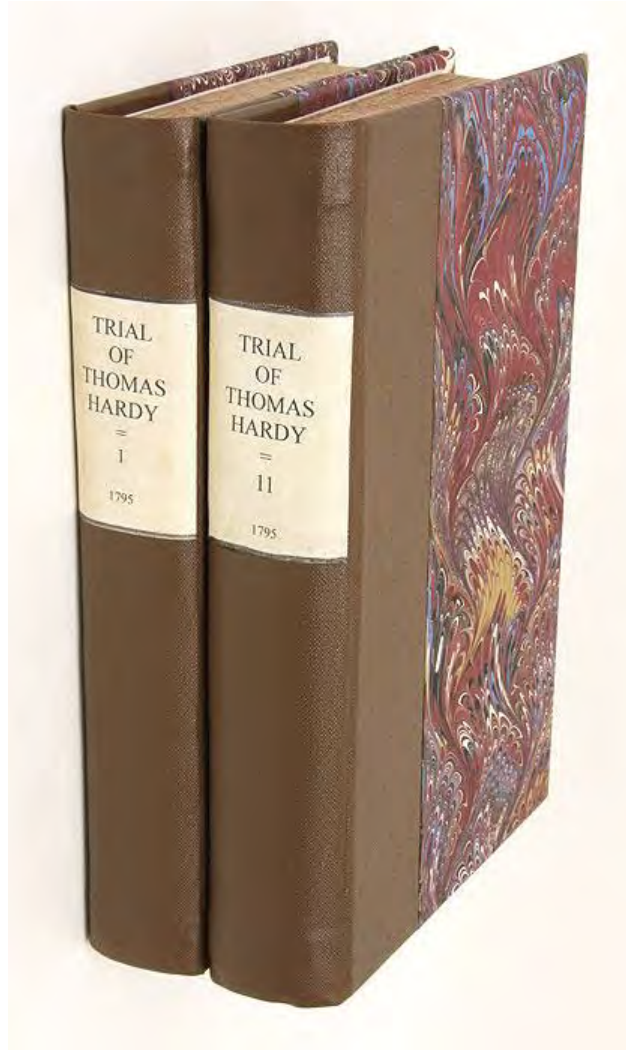
**Carlile, Richard [1790-1843], Defendant and Reporter.**

*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.

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**Treason Trial Inspired by Fear of the French Revolution**

**27. [Trial].**

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

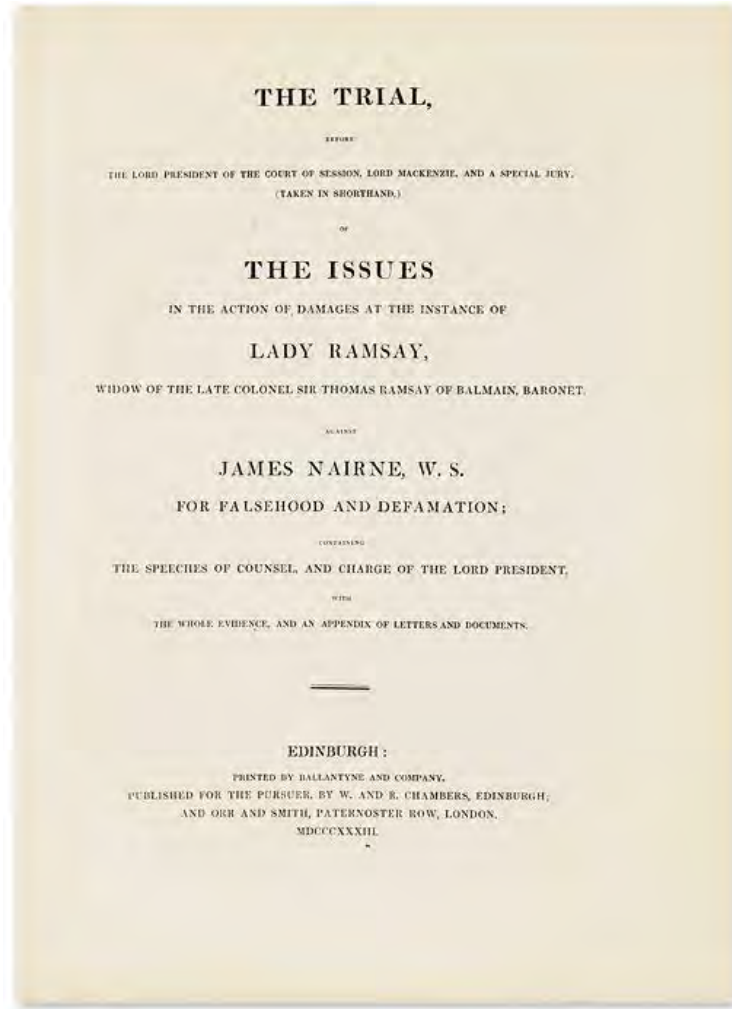
**Sibly, Manoah, Reporter.**

*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](#)





### A Scarce Scottish Defamation Case

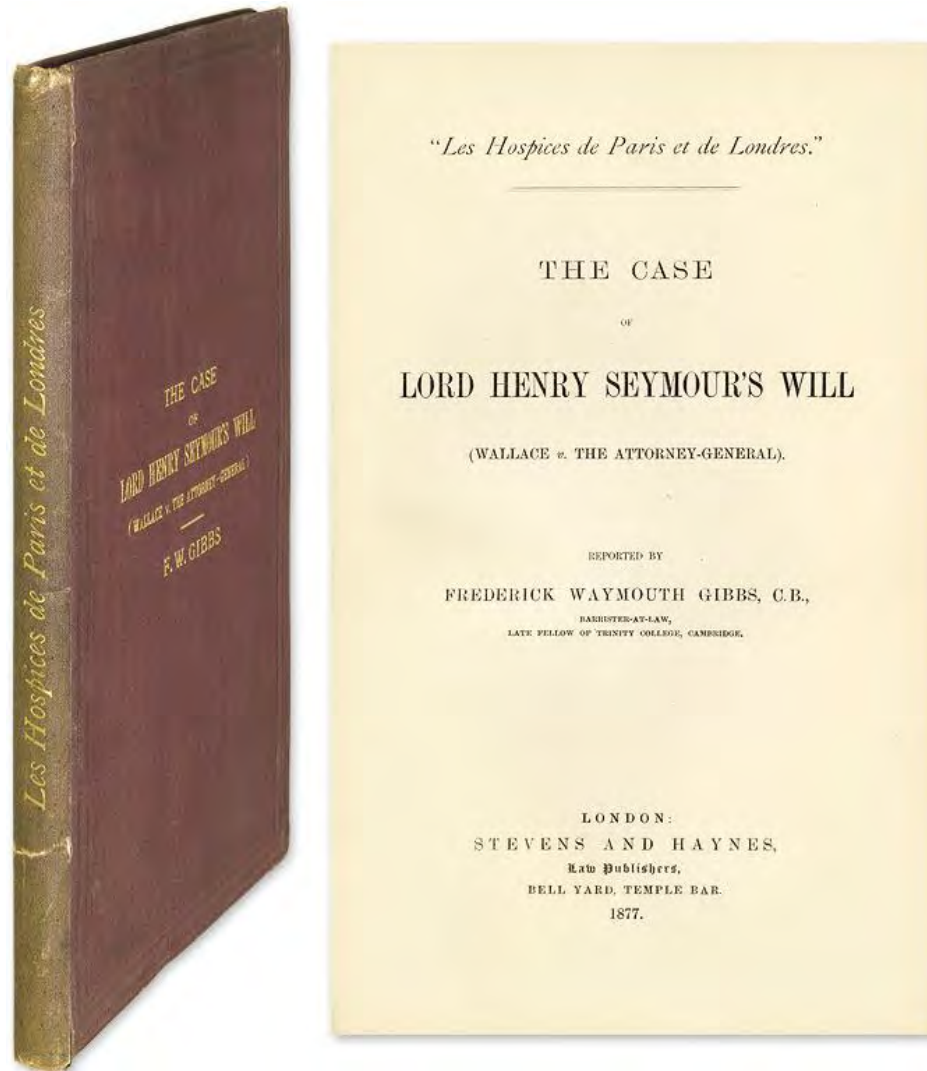
#### 28. [Trial].

#### 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, rebaked 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](#)



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

29. [Trial].

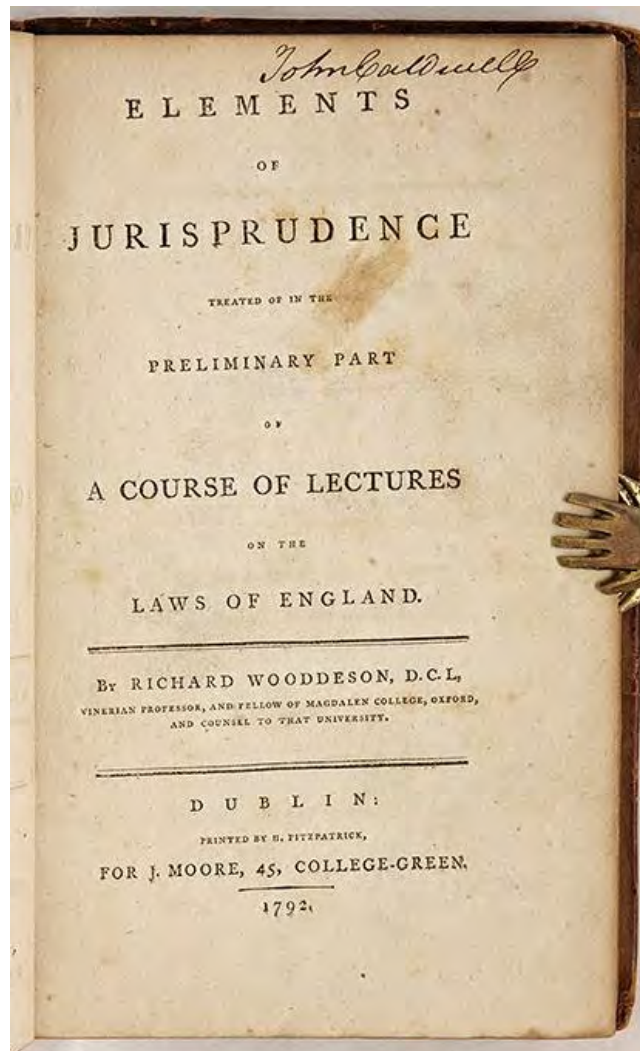
Wallace, Sir Richard [1818-1890].

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](#)



**"The Complement of Sir W. Blackstone's Commentaries"**

**30. Wooddeson, Richard [1745-1822].**

*Elements of Jurisprudence, Treated of in the Preliminary Part of a Course of Lectures on the Laws of England.* Dublin: Printed by H. Fitzpatrick for J. Moore, 1792. [vi], 207 pp. Octavo (8" x 5").

Contemporary calf, lettering piece and blind fillets to spine, blind tooling to board edges. Light rubbing to boards, moderate rubbing to extremities with some wear to spine ends and corners, boards slightly bowed, joints starting at ends. Moderate toning, occasional light foxing, two small early owner stamps to front board, early owner signature (M. Barnum) to front pastedown and free endpaper, another early signature (John Caldwell) to head of title page. A nice copy. \$850.

\* Dublin issue of the only edition, London 1783. Wooddeson was elected a Vinerian Scholar in 1766, became a Vinerian Fellow in 1776 and was Vinerian Professor from 1777 to 1793. He was steeped in Blackstone's work, and he strove to supplement it. "Dr. Wooddeson's Lectures form, in a measure, the complement of Sir W. Blackstone's Commentaries, for he supplies some deficiencies in the production of his predecessor, and treats more in detail, some topics, but slightly noticed by him. Though of acknowledged merit, as to learning, method of arrangement, and accuracy of rules, they do not seem to have attained so great a reputation as their real worth entitles them to. In point of style, and beauty of narration, they follow the Commentaries, *haud non passibus auquis*." Marvin, *Legal Bibliography* 745 (citing the London 1783 edition). *English Short-Title Catalogue* N1371. [Order This Item](#)