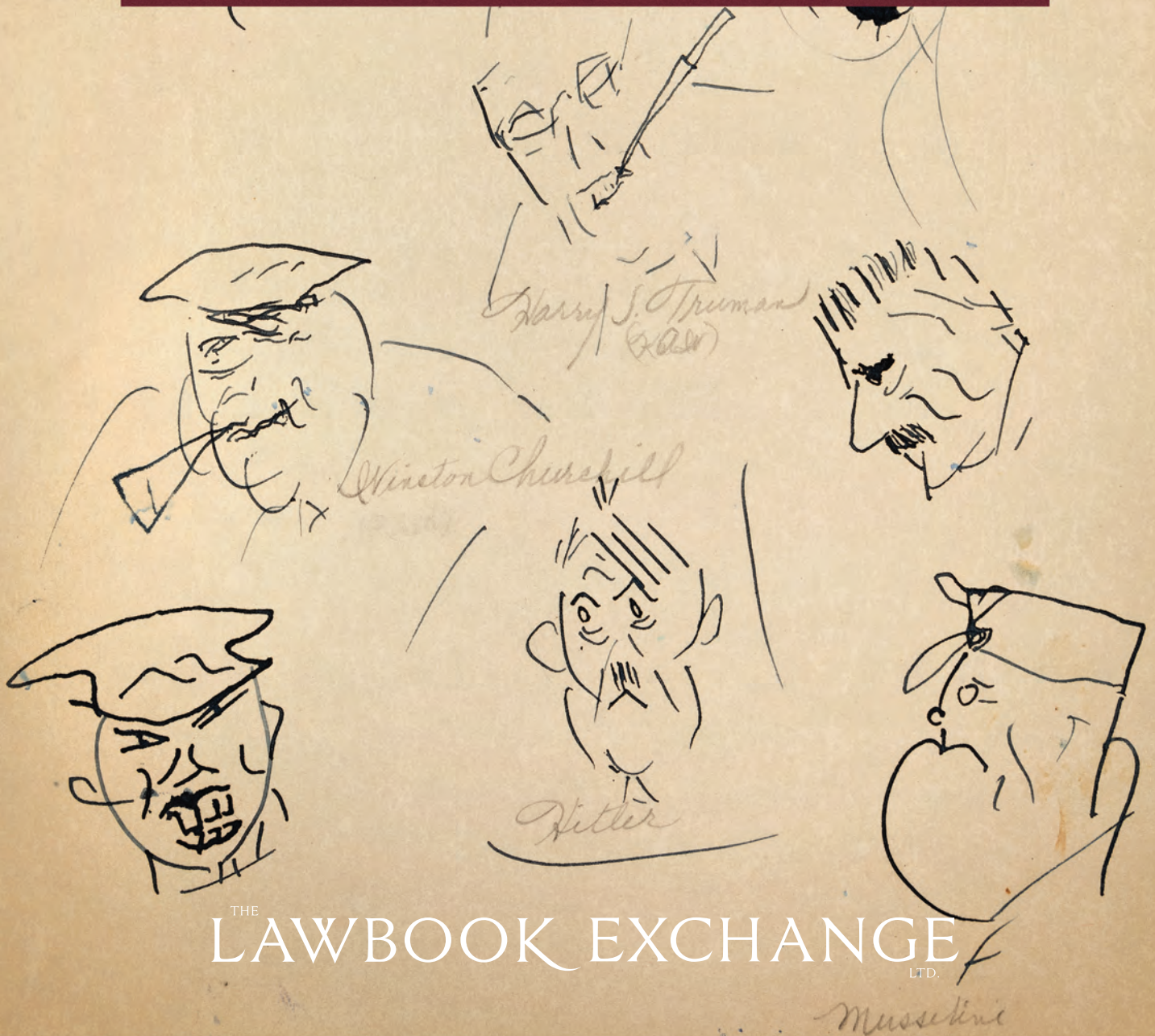


Recent Acquisitions

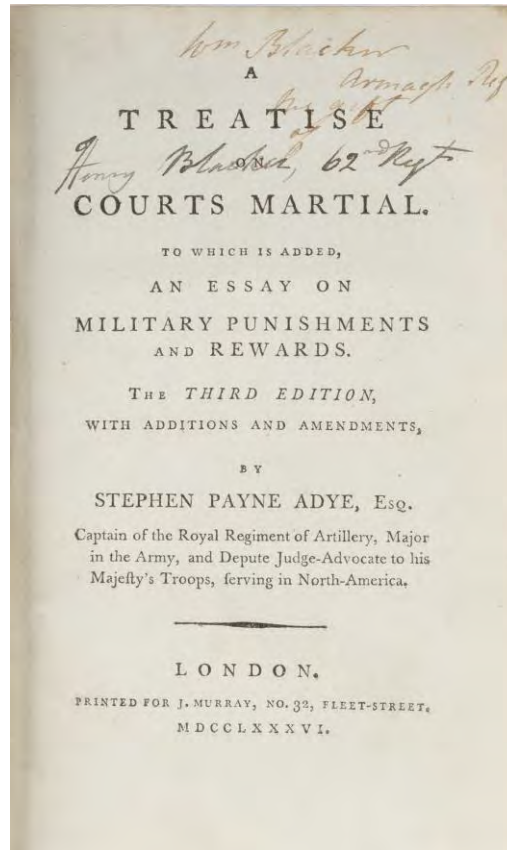
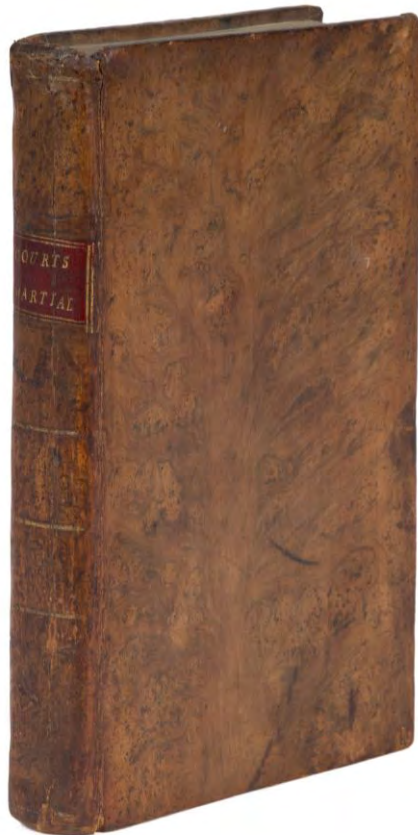
ENGLISH, SCOTTISH, AMERICAN &
CONTINENTAL LAW, 1584–1938

30 ITEMS

April 5, 2022



THE
LAWBOOK EXCHANGE
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The First Anglo-American Treatise on Courts-Martial

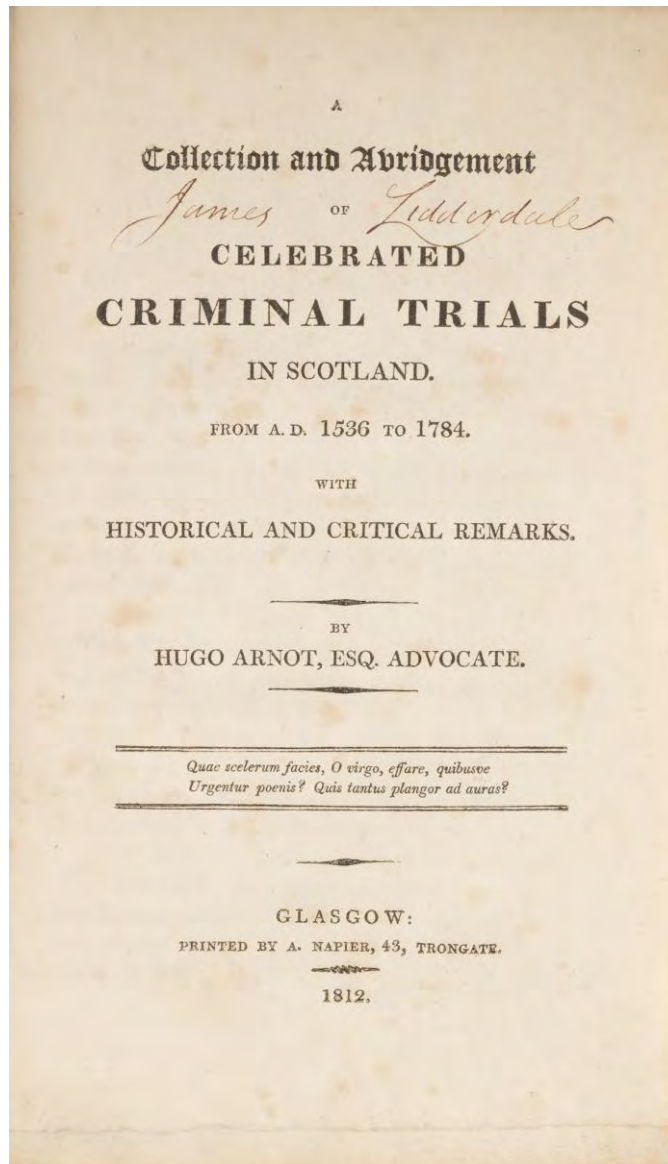
1. Adye, Stephen Payne [d.1794].

A Treatise on Courts Martial To Which is Added, An Essay on Military Punishments and Rewards London: Printed for J. Murray, 1786. viii, 284, [4] pp. Includes four-page publisher catalogue. Octavo (7-1/4" x 4-1/2").

Contemporary tree calf, lettering piece and gilt fillets to spine, blind tooling to board edges. A few minor nicks and scuffs to boards, corners bumped, light creasing to spine, light wear to spine ends, joints starting, armorial bookplate of William Blacker to front pastedown. Light toning to interior, "Wm Blacker Armagh Regt., his gift of Henry Blacker 62nd Regt" to head of title page. An attractive copy of a scarce title. \$1,750.

* Reissue of the third edition, which was published by Murray in 1785 (with an identical format and pagination). First published in New York in 1769, this title was the first Anglo-American treatise on courts-martial (and the 1769 edition was one of the first law books printed in America). It was the standard guide used by the British and American forces during the Revolutionary War. A standard treatise for many years, and an authority today, it went through eight editions, the final in 1810. The third edition is a much-expanded version of its predecessor.

Adye was Deputy Judge Advocate for the British Army in North America from 1769 to 1783. William and Henry Blacker, brothers, were stationed in America. Henry served in the Northern Campaign of 1777 and surrendered with the rest of Burgoyne's army at Saratoga on October 17, 1777. He remained in captivity with the rest of his regiment until the end of the war. OCLC locates eleven copies of this reissue in North America, 5 in law libraries (Columbia, Harvard, Howard, Library of Congress, Thurgood Marshall State Law Library, Annapolis, MD). Wiener, *Civilians Under Military Justice* 182-188. *English Short-Title Catalogue* N47734. [Order This Item](#)



The Most Famous Collection of Scots Trials

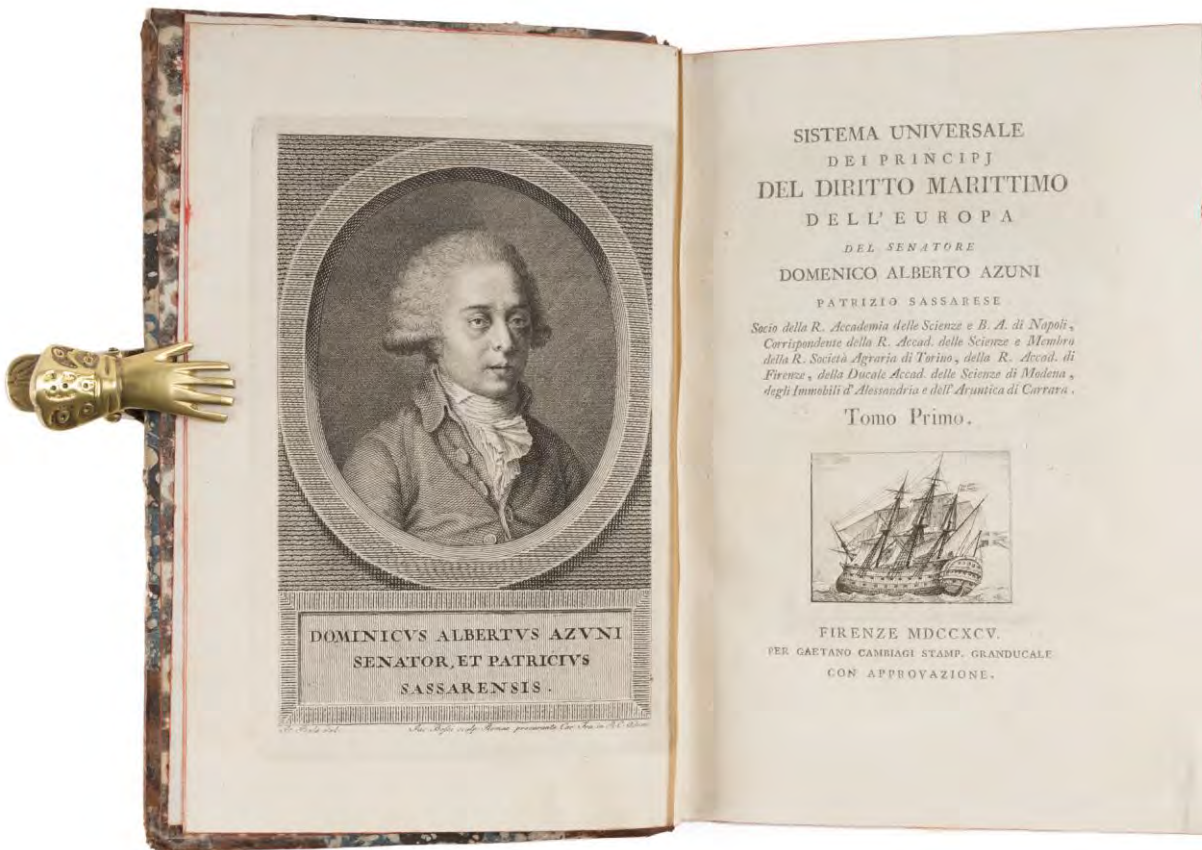
2. Arnot, Hugo [1749-1786].

A Collection and Abridgement of Celebrated Criminal Trials In Scotland. From A.D. 1536, To 1784. With Historical and Critical Remarks. Glasgow: Printed by A. Napier, 1812. x, 440 pp. Octavo (8-3/4" x 5-1/2").

Contemporary publisher's boards, rebacked, typed label to spine. Light soiling to boards, rubbing and wear to board edges, corners bumped, light foxing to pastedowns. Moderate toning to interior, occasional light foxing, light soiling in a few places, early ownership signature (of James Lidderdale) to title page. \$150.

* Second and final edition. According to Walker, Arnot's work contains the only accounts of many trials otherwise unknown. Contents include chapters on treason, murder, piracy, forgery, incest, adultery, blasphemy, witchcraft and crimes against religion and the state among others. Lidderdale [1786-1878] was a Scottish lawyer from a large and eminent Lowland family. Walker, *The Oxford Companion to Law* 79. [Order This Item](#)

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First Edition of Azuni's Important Treatise on Maritime Law

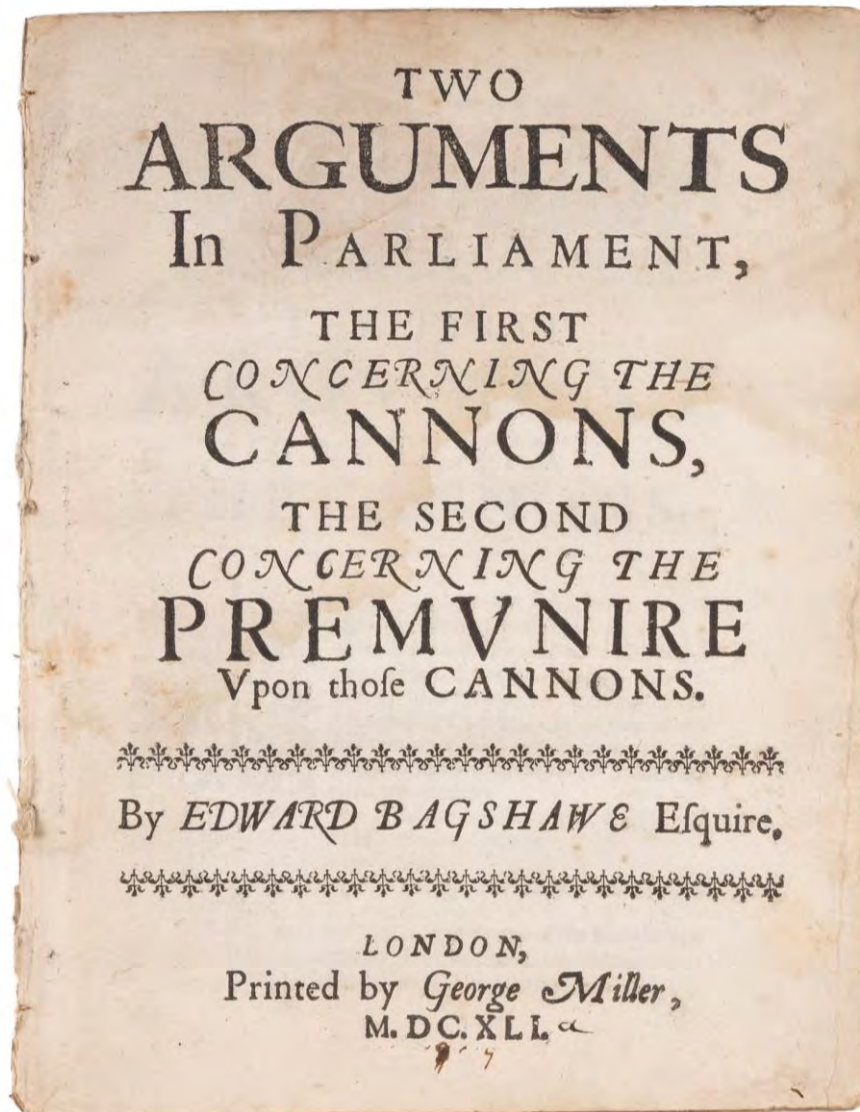
3. Azuni, Domenico Alberto [1749-1827].

Sistema Universale dei Principi del Diritto Marittimo dell'Europa. Florence: Per Gaetano Cambiagi, 1795-1796. Two volumes. Copperplate vignette of a ship to title pages, copperplate arms at head of dedication leaf and engraved copperplate portrait frontispiece of Azuni in Volume I, engraved allegorical copperplate vignette at head of p.1 of Volume II.

Volume I: Octavo (8" x 5-1/4"). Contemporary three-quarter calf over marbled boards, raised bands, lettering piece and gilt fillets to spine, edges rouged, patterned endpapers on pastedowns. Moderate rubbing to boards and extremities with some wear to joints and corners, a bit of paper residue to rear pastedown. Light toning to interior, slightly heavier in places, light soiling to title page. Volume II: Octavo (8-1/2" x 5-1/2"). Original publisher's stiff wrappers, untrimmed edges, early hand-lettered title and fragment of early shelf label (?) to spine. Moderate soiling, rubbing to spine with wear to joints and spine ends, section of armorial bookplate to front free endpaper. Light toning to interior, foxing and minor stains to a few leaves. \$1,750.

* First edition. This systematic work on the maritime law of Europe has interesting content about the capture of goods, vessels at sea, the Rhodian laws and the *Consolato del Mare*. As Marvin notes, it "relates rather to maritime international law, properly so called, than to private maritime jurisprudence... It points out what is always of the highest importance to the diligent inquirer after truth, the sources of information upon maritime jurisprudence." American and French translations of this work were published in 1806. Marvin, *Legal Bibliography* 82. *British Museum Catalogue* (Compact Edition) 2:9.

[Order This Item](#)



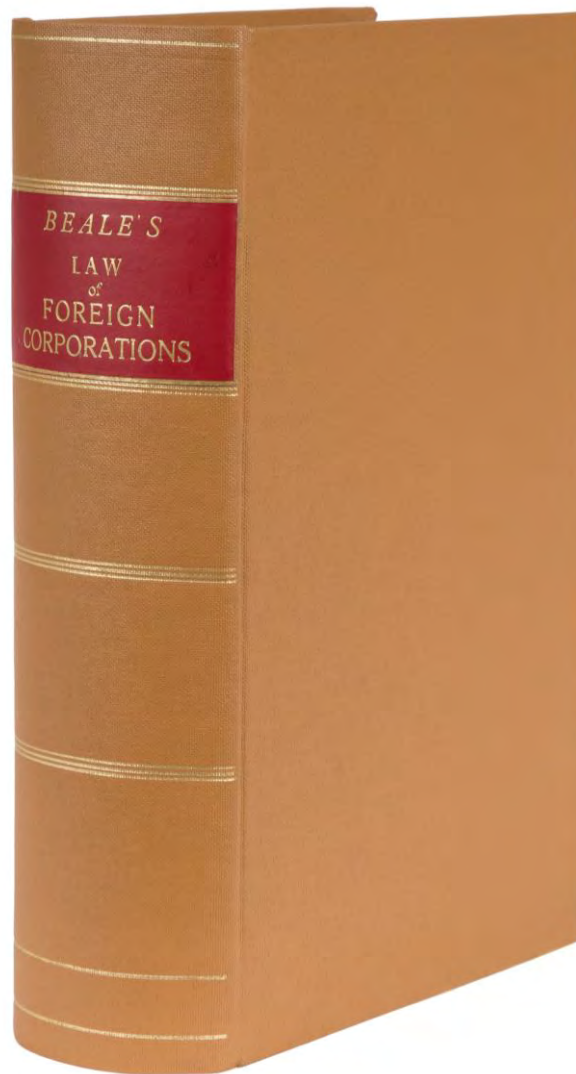
The King's Supremacy over the Church

4. Bagshaw, Edward [c.1589-1662].

Two Arguments in Parliament, The First Concerning the Cannons, The Second Concerning the Premunire Upon Those Cannons. London: Printed by George Miller, 1641. [ii], 43, [3] pp. Final leaf blank. Quarto (7-1/2" x 5-1/2").

Disbound stab-stitched pamphlet. Light toning, faint dampstain to upper half of text block, light soiling in a few places, small holes to edges of a few leaves not affecting text, first leaf starting to separate at head but secure, small early annotations to title page and p. 39. \$350.

* Only edition. Bagshaw (or Bagshawe) was an English MP and eventual Royalist who advocated the separation of ecclesiastical and civil affairs. Here, he recounts two speeches he gave in Parliament on the eve of the English Civil Wars. The speeches argue in favor of the oath of supremacy to the monarch, required for holders of public and religious offices, and the writ of praemunire that enforced it. *English Short-Title Catalogue* R16597. [Order This Item](#)



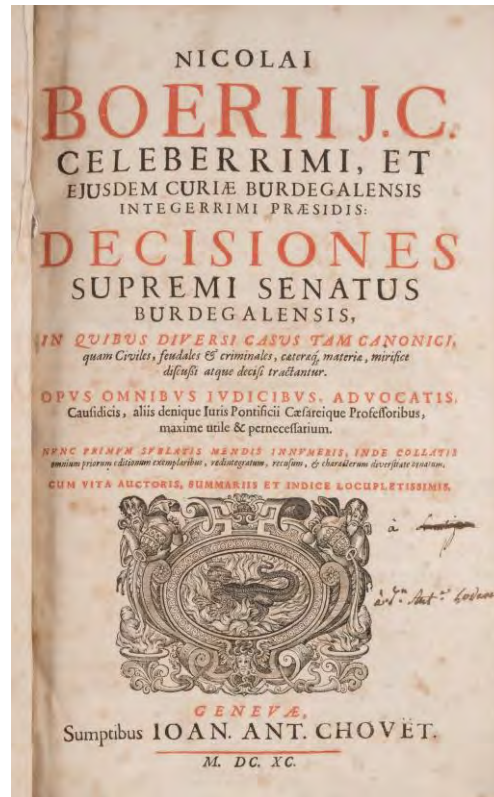
Beale on Foreign Corporations and the Taxation of Corporations

5. Beale, Joseph Henry [1861-1943].

The Law of Foreign Corporations and Taxation of Corporations Both Foreign and Domestic. Boston: W.J. Nagel, 1904. xxvi, 1149 pp.

Later library cloth, lettering piece and gilt fillets to spine, endpapers renewed, light toning to interior. \$350.

* Only edition. "The great and growing practical importance of the law of Foreign Corporations, rather than any intrinsic difficulty in the subject, must be the excuse for this treatise. At this time, when so large a part of the commerce of the country is carried on by foreign corporations, a knowledge of the law and the authorities herein discussed is needed with great frequency; and such a knowledge this book aims to supply" (Preface, [iii]). *Catalogue of the Library of the Harvard Law School* (1909) I:137. [Order This Item](#)



A Well-Regarded Digest of Decisions of the Parlement of Bordeaux

6. Bohier, Nicolas de [1469-1539].

Decisiones Supremi Senatus Burdegalensis, In Quibus Diversi Casus Tam Canonici, Quam Civiles, Feudales & Criminales, Caeteraque Materiae, Mirifice Discussi atque Decisi Tractantur. Opus Omnibus Iudicibus, Advocatis, Causidicis, Aliis Denique Iuris Pontificii Caesareique Professoribus, Maxime Utile & Pernecessarium. Nunc Primum Sublati Mendis Innumeris, Inde Collatis Omnium Priorum Editionum Exemplaribus, Redintegratum, Recusum, & Characterum Diversitate Ornatum. Cum Vita Auctoris, Summariis et Indice Locupletissimis. Geneva: Sumptibus Ioan. Ant. Chovet, 1690. [xvii], 732, [24] pp. Folio (13-1/2" x 8").

Contemporary mottled calf, raised bands, gilt decoration to compartments and lettering piece to spine, edges rouged. Light rubbing and a few small scuffs to boards, which are bowing slightly, faint dampstain to front board, moderate rubbing to extremities, corners bumped and slightly worn, front joint just starting at head, front hinge cracked, front free endpaper detaching in middle but secure, early ownership signature to rear pastedown. Title page printed in red and black, text in parallel columns. Moderate toning to interior, light browning to text block in places, occasional light foxing, minor worming to bottom margin in several places, just touching bottom line of text block in a few places without loss to legibility, light edgewear to a few leaves, creasing to half title, early (illegible) note to title page. \$850.

* Third and final edition, with an index and life of the author. Bohier, Viscount of Pommiers, was a lawyer and principal magistrate of the Parlement of Bordeaux. Similar to courts of appeal, Parlements were the highest courts in pre-revolutionary France. The first edition of this well-regarded volume of decisions from that body appeared in 1599. OCLC locates 2 copies of this edition outside continental Europe (British Library, Harvard Law School). Not in the BMC.

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A Warning to Sailors

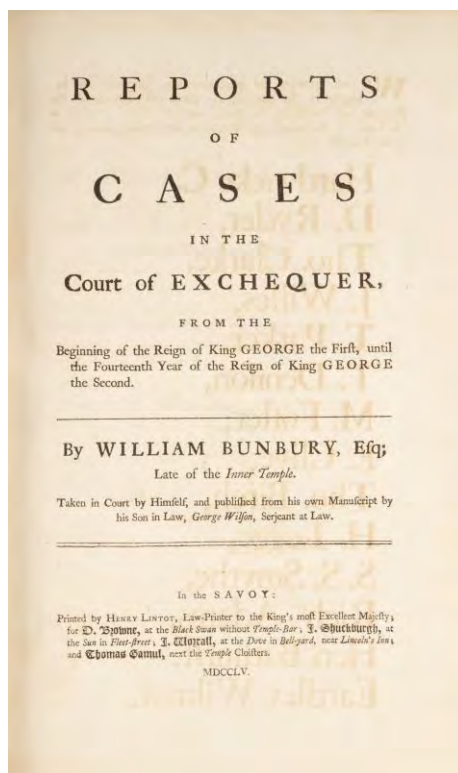
7. [Broadside].

[Great Britain].

Caution to Seamen. At the West Ham Police Court, On the 5th of October, 1882, A Fireman was Convicted of Having Assaulted a Police Officer Attached to the Board of Trade Office, Victoria Docks, E., And was Sentenced to Imprisonment for TWO MONTHS with Hard Labor. [London]: W.J.J., October, 1882.

18-1/4" x 11-1/4" broadside, single-column text below headline. Moderate toning, faint dampstaining to foot, horizontal and vertical fold lines, a few minor tears along fold lines. \$600.

* At head of text: "No. 173" and "M. 24517" above headline. Signed in type by Thomas Gray, an assistant secretary of the Board of Trade. The broadside was probably intended to warn sailors who engaged in rowdy behavior. It states that a (ship's) fireman was sentenced to two months in prison with hard labor on October 5, 1882 for assaulting a police officer attached to the Board of Trade Office at Victoria Docks. It appears to be unrecorded. No copies listed on OCLC or Library Hub. [Order This Item](#)



The Macclesfield Copy, Includes a Decision Disputed by Mansfield

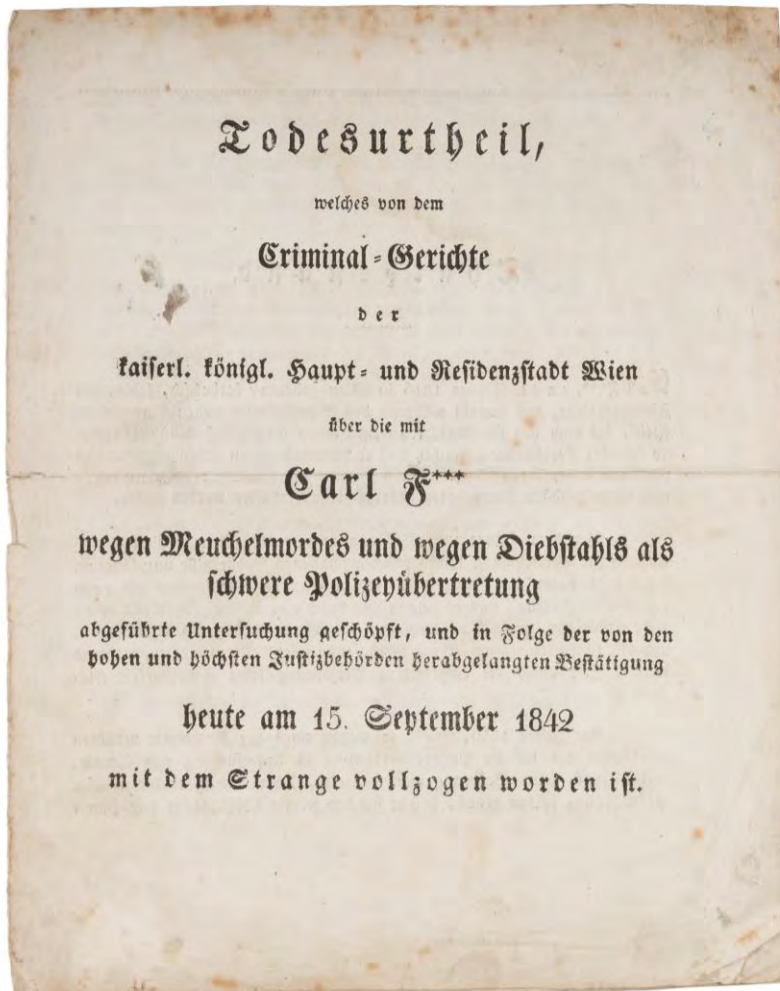
**8. Bunbury, William.
Wilson, George, Editor.**

Reports of Cases in the Court of Exchequer, From the Beginning of the Reign of King George the First, Until the Fourteenth Year of the Reign of King George the Second. By William Bunbury, Esq; Late of the Inner Temple. Taken in Court by Himself, And Published from His Own Manuscript by His Son in Law, George Wilson, Serjeant at Law. [London]: Printed by Henry Lintot, 1755. viii, 348, [48] pp. Folio (12-1/2" x 7-1/2").

Contemporary calf, gilt rules to boards, gilt spine with raised bands and lettering piece, gilt tooling to board edges, marbled endpapers, armorial library bookplate of the Earls of Macclesfield to front pastedown, shelf numbers in pencil and ink to verso of front free endpaper and front endleaf. A few small scuffs and nicks to boards light rubbing to extremities, light fading to spine. Light toning to interior, light foxing in a few places, small embossed Macclesfield crest to first three leaves. A handsome copy. \$750.

* First edition. Lord Mansfield thought these reports merely loose notes. "But Mansfield, in this as in other cases, was rather too ready to decry a set of reports because they contained a decision which was contrary to his own view of the law in the particular case before the court...Against Mansfield's condemnation we can set the opinions of Platt and Parker who recognized these reports as authoritative in 1853" (Holdsworth). The first edition was reissued in 1756 in Dublin. A second and final edition was published in Dublin in 1793. Our copy of this title belonged to the Earls of Macclesfield. Housed in Shirbirn Castle, near Watlington, Oxfordshire, it was one of the finest private libraries in Great Britain. Holdsworth, *History of English Law* XII:137-138. Wallace, *The Reporters* 419-420. *English Short-Title Catalogue* T97032.

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A Criminal Life in Vienna That Ended with an Execution

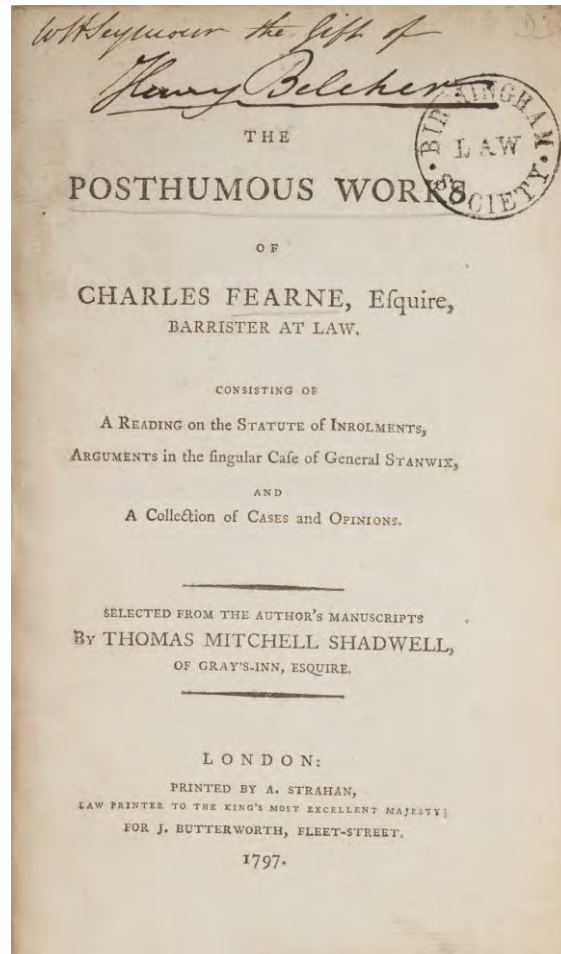
9. [Execution].

[Vienna].

*Todesurtheil Welches von dem Criminal-Gerichte der Kaiserl. Königl. Haupt-und Residenzstadt Wien über die mir Carl J*** Wegen Meuchelmordes und wegen Diebstahls als Schwere Polizeyübertretung Abgeführte Untersuchung Geschöpft, Und in Folge der von den Hohen und Höchsten Justizbehörden Herabgelangten Bestätigung Heute am September 184 mit dem Strange Vollzogen Worden Ist.* [Vienna]: S.n., [1842]. 4 pp.

9-1/4" x 7-1/2" bifolium, moderate toning, faint dampstaining, light foxing to margins, horizontal fold line through center, with short tears at margins, light soiling to exterior, moderate edgewear, a few creases to lower outside corners, upper outside corner clipped from second leaf. \$500.

* This pamphlet reports on the life and criminal career one Carl F*** of Vienna, who was executed on September 15, 1842 for murder, theft and an unnamed "serious criminal transgression." Born in Vienna on January 12, 1816, he showed a lack of diligence in school, was unable to earn a livelihood on leaving and fell into a life of increasing serious criminal activity. This appears to be an unrecorded broadside. No copies listed on OCLC. [Order This Item](#)



With Commentary on an Interesting Inheritance Case

**10. Fearne, Charles [1742-1794].
[Shadwell, Thomas Mitchell, Editor].**

The Posthumous Works, Consisting of a Reading On the Statute of Inrollments, Arguments in the Singular Case of General Stannix, and a Collection of Cases and Opinions. London: Printed by A. Strahan, 1797. ix, [15], 468, [12] pp. Includes a twelve-page Subscriber list. Octavo (8" x 5-1/4").

Later library cloth, gilt title and library name to spine. Negligible light rubbing to extremities, library bookplate and small location label to front pastedown. Moderate toning to interior, early gift inscription (to W.H. Seymour from Henry Belcher) and library stamp to head of title page, library stamps to a few other leaves in text. \$200.

* Only edition. Fearne wrote an influential treatise on contingent remainders that was praised by Kent and Marvin. The present work was collected from his manuscripts by one of his pupils. Along with cases and opinions, it contains the reading of the Statute of Inrollments delivered in 1778 in Lyons Inn and the interesting case of General Stanwix. "Stanwix and his daughter had perished in the same shipwreck, and the question, as between their representatives, was whether either could be presumed to be the survivor; the case was compromised; but Fearne for his own amusement composed these two arguments for the two claimants." Butler, preface to the seventh edition of *Contingent Remainders* cited in Holdsworth, *History of English Law* XII:374. *English Short-Title Catalogue* T140188. [Order This Item](#)



A Florentine Dowry Fund Established After the Black Death

11. [Florence].

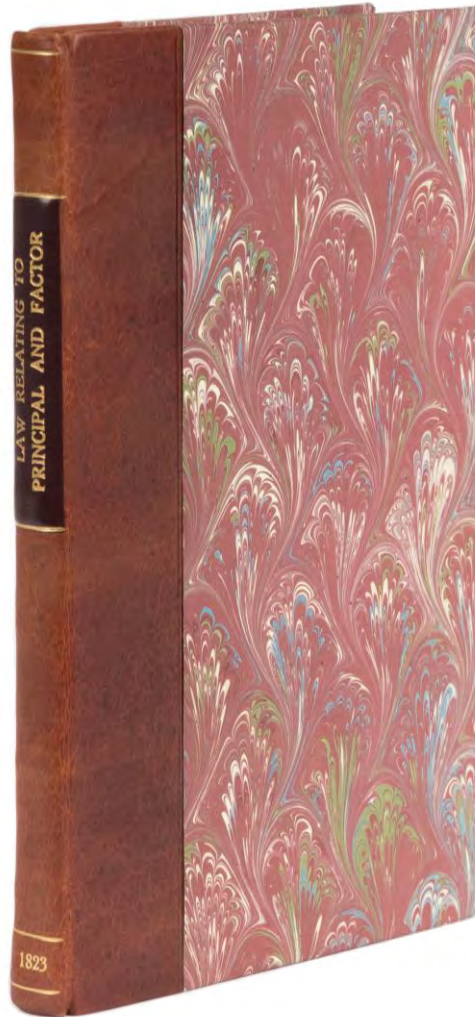
[Dowries].

Legge in Favore Delle Doti Delle Donne. A' di 12. d' Agosto. 1550. Florence: Appresso i Giunti, 1550 [but likely c.1775-1779]. [2] ff. Quarto (7-3/4" x 5-1/4").

Stab-stitched, recent stiff marble wrappers. Light browning, faint dampstaining to margins, page numbers in early hand to upper outside corners, large woodcut arms of Cosimo I de' Medici to title page. \$950.

* First edition. This law supported a state-sponsored dowry fund, the *Monte delle Doti*, that was a central feature of Florentine marriage policy from 1425 until the mid-sixteenth century. This fund was established to address the demographic impact of the Black Death, which inflated the price of dowries. This led many fathers to financial ruin and discouraged others from marrying off their daughters, which led to a large number of single women and a steep decline in birth rates. The dowry fund addressed this problem by allowing a family to pay into a communal treasury beginning when a daughter was five years old. With a guaranteed annual return of 11-12%, the fund helped many families to finance dowries. However, the fund came with financial risks and disputes arose occasionally when daughters died before marriage or entered into marriages that were annulled. References to the fund in legislative enactments after 1540 appeared only occasionally and were usually brief and schematic. Since little is known about the fund's operation in the second half of the sixteenth century, the present document is important.

According to Bertoli's census, it is one of only three laws relevant to the fund issued in Florence between 1534 and 1600. Based on the date of the law, copies of the present imprint are usually catalogued with a 1500 imprint date. As Bartoli notes, based on the appearance of the Medici arms, this is incorrect. It was printed no earlier than 1669, but was most likely printed between 1775 and 1777. A second edition was printed by Giorgio Marescotti around 1778-1779. OCLC locates 4 copies in North America, 2 by Giunta (Brigham Young University, Harvard Law School) and 2 by Marescotti (Yale, Yale Law School). Molho, *Marriage Alliance in Late Medieval Florence* 27-79. Kirschner and Molho, "The Dowry Fund and the Marriage Market in Early Quattrocento Florence," *The Journal of Modern History* 50 (1978):404-438. Bertoli, *Leggi e Bandi del Periodo Posseduti dalle Bibliotheca Nazionale Centrale di Firenze* 25, n. 62.1. [Order This Item](#)



Scarce 1823 Address on Principal and Factor

**12. Freshfield, James William [1774-1864].
Gurney, W[illiam] B[rodie], Transcriber.**

Law Relating to Principal and Factor. Address Delivered by Mr. Freshfield to the Select Committee of the House of Commons, To Whom the Petition of the Merchants, Bankers, And Others. London: Marchant, Printer, 1823. [iii]-xv, 148 pp. Half-title lacking. Octavo (8-1/4" x 5").

Recent quarter calf over marbled boards, blind rules to calf edges, gilt fillets, lettering piece and date to spine, edges speckled, endleaves renewed. Light toning to interior, light soiling in a few places, ink library stamps to title page, which is lightly foxed, and a few other pages, legibility not affected. An appealing copy of a scarce title. \$250.

* First edition, one of two published the same year. Freshfield was an English lawyer and MP appointed joint solicitor to the Bank of England in 1819. This address on principal and factor deals with the law relating to agency, auctions and brokers. OCLC locates 4 copies (British Library, University College London, University of London, University of Michigan Law School). The copy at the University of Michigan lacks the last four pages and may be a different edition or issue. *Goldsmiths'-Kress Library of Economic Literature* 23806. [Order This Item](#)



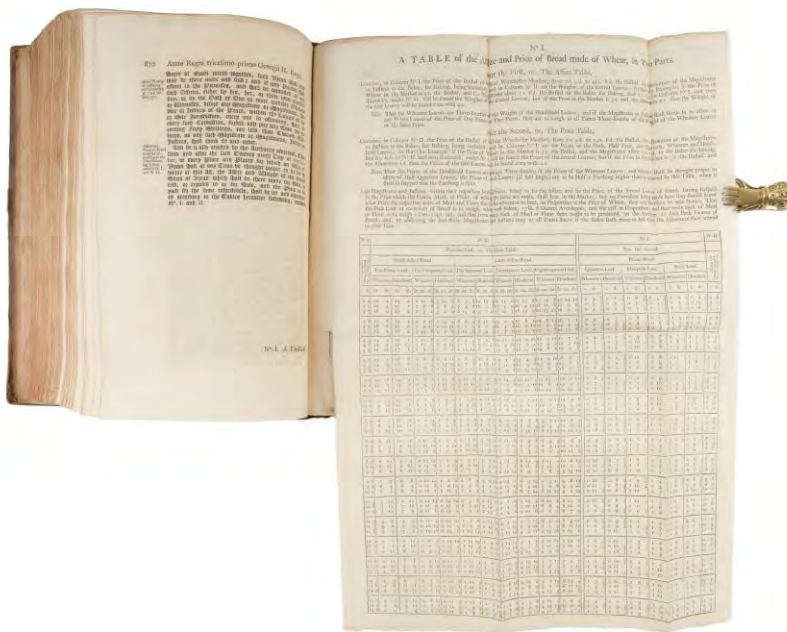
A Rare Eighteenth-Century Italy Study of Law and Justice

13. Giuliani, Francesc[o] Antonio.

La Nemesi O Sia La Giustizia Delle Pene E De' Premii. Naples: Presso I Fratelli Raimondi, 1777. [xii], 178,[4] pp. Octavo (8" x 5").

Contemporary vellum, title panel to spine, speckled edges, ribbon marker. A few minor nicks to boards, small chips and minor worming to spine ends, minor worming to front pastedown, recent repairs to margins of final three leaves and rear pastedown. Moderate toning, light foxing in a few places. \$2,400.

* Only edition located. This rare work discusses the nature of human justice in relation to law and reviews such topics as the role of the magistrate, the spirit of the legislator, the value of good legislation, the moral underpinning of legislation and the importance of public discipline and the value of education. OCLC locates 2 copies, 1 in North America (Florida State University). [Order This Item](#)



The Bread Act and Other Public and Private Acts of Parliament, 1754-1757

14. [Great Britain].

George II [1683-1760], King.

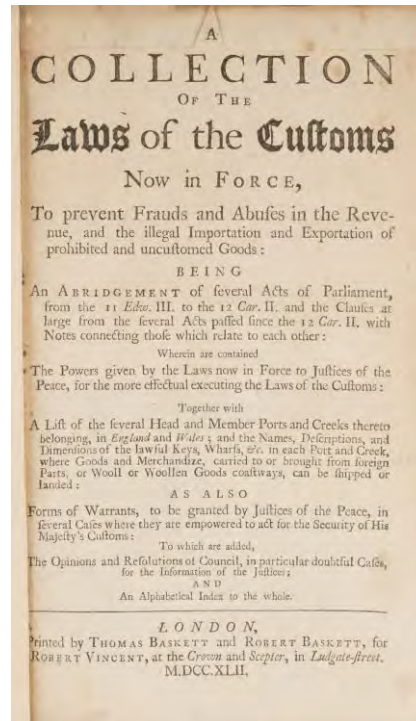
Anno Regni Georgii II. Regis Magnae Britanniae, Franciae, & Hiberniae, Tricesimo Primo. At the Parliament Begun and Holden at Westminster, The Thirty First Day of May, Anno Dom. 1754, in the Twenty Seventh Year of the Reign of our Sovereign Lord George the Second, By the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. And From Thence Continued by Several Prorogations to the First Day of December, 1757, Being the Fifth Session of this Present Parliament. London: Printed by Thomas Baskett, 1757 [i.e. 1758]. 1043, [15] pp. Same general title page preceding each act, Acts V-XLII dated 1758. With a folding table.

[Bound With]

An Abstract of the Publick Acts Passed in the Fifth Session of the Eleventh Parliament of Great Britain, And in the Thirty First Year of the Reign of Our Most Gracious Sovereign Lord King George the Second. London: Printed by Thomas Baskett, 1758. 130, [2] pp. With two folding tables.

Folio (12" x 7-1/2"). Contemporary paneled calf, gilt royal arms to boards, rebacked and recormered in period style with raised bands, blind fillets and lettering piece to spine, blind tooling to board edges, edges rouged. Moderate rubbing to boards, some scuffs, nicks and scratches, somewhat heavier rubbing and light wear to board edges, corners bumped, hinges cracked, faint offsetting to preliminaries and first leaf. Light toning to interior, somewhat heavier in places, light foxing and slight fading to text block in a few places. An appealing copy. \$500.

* A collection of 42 acts passed in the fifth session of the eleventh Parliament of Great Britain, with tables listing the titles of the public acts (including acts XLII-LXXVIII, which were not printed) and summaries of 42 private acts. Some of the more interesting acts include several acts dealing with military discipline, an act continuing the practice of stripping estates from Catholics and the 1757 Making of Bread Act, which aimed to crack down on the practice of adding alum, chalk or powdered bones to keep bread white. The Bread Act and its corresponding abstract include folding tables of prescribed bread prices and weights. Appended is a separately issued volume of abstracts. *English Short-Title Catalogue* N56596, T150487. [Order This Item](#)



A Scarce Collection of Customs Laws

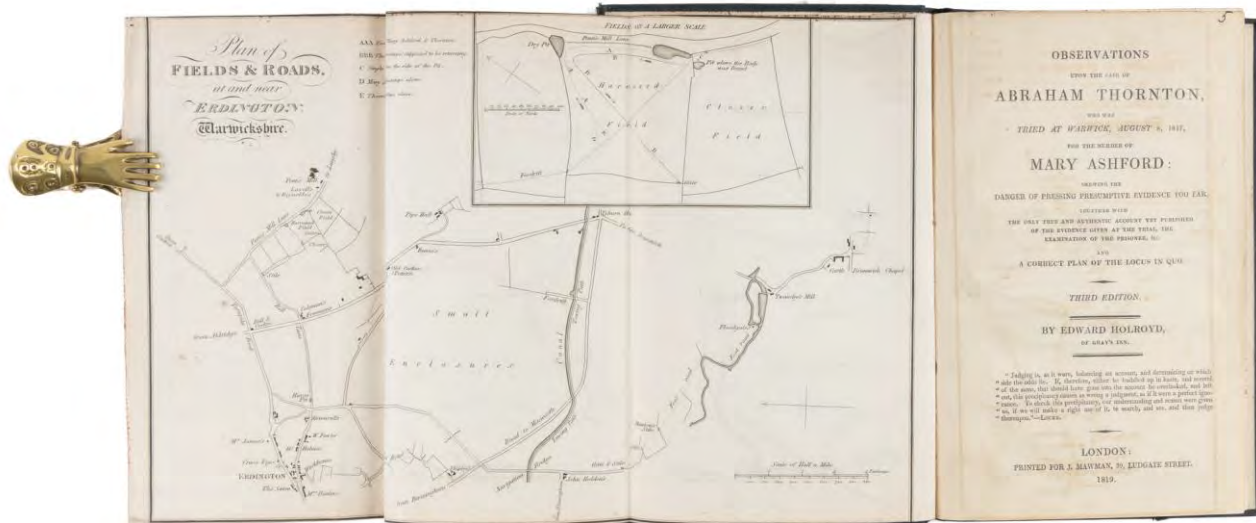
15. [Great Britain].

Manley, William, Compiler.

A Collection of the Laws of the Customs Now in Force, To Prevent Frauds and Abuses in the Revenue, And the Illegal Importation and Exportation of Prohibited and Uncustomed Goods: Being an Abridgment of Several Acts of Parliament from the 11 Edw. III. To the 12 Car. II. And the Clauses at Large from the Several Acts Passed Since the 12 Car. II. With Notes Connecting Those Which Relate to Each Other: Wherein are Continued the Powers Given by the Laws Now In Force to Justices of the Peace, For the More Effectual Executing the Laws of the Customs. [...] London: Printed by Thomas and Robert Baskett for Robert Vincent, 1742. [iv], viii, 285, [141] pp. Octavo (8-1/4" x 5").

Later period-style quarter sheep over marbled boards, blind rules to calf edges, blind fillets and gilt-edged red and black lettering pieces to spine, edges untrimmed, endleaves renewed. Light rubbing to boards, faint dampstain to upper left corner of front board, moderate rubbing to extremities, front joint starting at head, corners bumped and lightly worn, ownership signature ("James T. Bell") to verso of front free endpaper, small hole to upper corner of front endleaf, which has gift inscription "to Edward Rosslyn Mitchell from J.T.B." dated 1904 to its verso. Moderate toning to interior, occasional light foxing, light soiling and small marks in pencil to margins in a few places, a few folded corners, clean tear to fore-edge of leaf Q2 (pp. 227-228) just touching side note, upper margin of title page neatly removed, no loss to text, later note in ink to head of p. i. \$600.

* Only edition. This comprehensive collection of statutes dealing with customs administration covers the period from Edward III to George II and was compiled for the reference of customs officers. It includes a section on trade with plantations in the United States. Our copy was given to Edward Rosslyn Mitchell [1879-1965], a Labour MP and Glasgow solicitor. James T. Bell, a Glasgow tobacco manufacturer and the father of Mitchell's first wife Constance Bell, was an avid book collector. OCLC locates no copies of this title; the ESTC locates 3 (British Library, Harvard Business School Kress Library, Massachusetts Historical Society). *English Short-Title Catalogue* N27603. [Order This Item](#)



Murder, Rape and Trial by Battle

**16. Holroyd, Edward [1794-1881].
[Thornton, Abraham (c.1793-1860)].**

Observations Upon the Case of Abraham Thornton, Who was Tried at Warwick, August 8, 1817, For the Murder of Mary Ashford: Shewing the Danger of Pressing Presumptive Evidence too Far, Together with the Only True and Authentic Account Yet Published of the Evidence Given at the Trial, The Examination of the Prisoner, &c., And a Correct Plan of the Locus in Quo. London: Printed for J. Mawman, T. Miller, 1819. 88 pp. Folding map. Octavo (7-3/4" x 4-3/4").

Stab-stitched pamphlet bound into later cloth, gilt title to spine. A few tiny stains to boards, spine ends and corners bumped and lightly worn. Moderate toning to interior, a few creases, light soiling and edgewear to map, "5" in early hand to head of title page, which is lightly browned. \$500.

* Third and final edition, one of three printed in 1819. Abraham Thornton, a bricklayer, "was accused of rape and murder after attending a dance where he became intimate with a gardener's daughter named Mary Ashford. They left the dance together and her body was found the next morning in a deep pool of water near a local footpath. Thornton was tried at the Warwick assizes on 8 August 1817. Since the marks on Mary's body were not necessarily inconsistent with Thornton's claim that she had consented to sexual intercourse, and since the times on the morning in question when Thornton was seen walking home to Bromwich suggested he could not have been with her when she met her death, the jury found him not guilty.

The case aroused much interest and reminded people of a similar murder of a local woman a year earlier. Many were convinced of Thornton's guilt and he was assailed in local and London newspapers. A group collected around the Birmingham solicitor William Bedford invoked the old legal process of 'appeal of murder,' by which a person acquitted of murder could be tried again for the same offense. This process was generally regarded as obsolete, though there had been several instances in the eighteenth century. More controversy arose when Thornton came before the court of King's Bench in November 1817 and demanded ordeal by battle, which was open to the subject of an appeal of murder but had not been claimed since Charles I's reign. After several hearings between November 1817 and April 1818 the court decided that the appellee did have this right. The appeal of murder was dropped. Appeals of murder were abolished in 1819 partly because of this case" (Turner). Unable to lead a normal life, Thornton moved to the United States settled in Baltimore, Maryland. Turner, Michael J., "Thornton, Abraham," *Oxford Dictionary of National Biography* (online edition). *British Museum Catalogue* (Compact Edition) 12:496. [Order This Item](#)

Salem June 27th 1827

Sir

I beg to return you my warm thanks for the present of your address before the Literary & Philosophical and Society of S. Carolina - It is a very interesting & comprehensive discourse abounding with important thoughts & elevated views - I have been much interested by the language of your paper & more especially by the reasons & force with which it alleges & demonstrates the distinguished merits of the present advancement of Science & Literature - I feel that you have said of the value of Science, of the admirable man of Christianity and the essential importance of free political institutions, & further advocating I most cordially wish with you, to hold there is but a single topic, upon which it is not to be presumed to differ - That is the comparative value of classical learning - When this point I am perfectly aware, that many enlightened minds entertain opinions different from those which I have avowed - I am not sorry for this diversity of judgment - it will elicit free discussion, & ultimately subserve the course of truth - It may be, that I have been accustomed to overvalue classical learning, but I shall be the last to cling to an error, when I perceive it - I deem it a primary object with you & agree, that utility is the test of every study - Your views of physical Science are more agreeable to my sentiments - Indeed, there has been too much of your discourse, an enlarged & philosophical nature & purity of principle that cannot but commend themselves to every philosophical mind - May our Country realize all you noble hopes.

With my renewed thanks for your unexpected kindness, allow me to subscribe myself
With the highest respect
Your obliged friend & admirer
Joseph Story -

Salem July 4th 1827

Sir

I have again to thank you for your polite letter of your address before the South Carolina Bar Association - I could most greatly rejoice to be in constant discussion with you, & a little qualified to form an opinion, with respect to your opinions - I have been for many years a friend to the establishment of a Code, out of the Statute Law only, but also of the Municipal Branches of the Common Law - The Statute Law admits of great simplification & may be reduced into an order and more compact than it now possesses, the Common Law in many of its branches, to be well digested & methodized, that the task would not be very difficult to present those branches in the shape of a positive Code. I think for example that all of the principles laid down in Keene's admirable Treatise of Antiquary Tenures, & Ecclesiastical Services might be put into a Code of less than twenty pages - The Statute Law would what an immense saving of labour would it be for the Legislature to be able to refer to those principles, as positive Law, instead of being compelled, whenever they are disputed, to reason their way through an almost infinite number of judicial cases. The premises of Codes justly state that Legislation must never be imperfect & that no Code can ever

"I Shall Be the Last to Cling to an Error, When I Perceive It"

17. [Manuscript].
 Story, Joseph [1779-1845].
 [Grimké, Thomas Smith (1786-1834)].
 [Autograph Letter, Signed, To Thomas S. Grimké, Salem, June 27, 1827].

Single 13" x 8" sheet, text to recto and verso. Moderate toning, negligible light foxing, faint thumbprint to recto, three horizontal fold lines. Typed transcript included. \$1,500.

* Grimké was an attorney, orator and social activist with a notable focus on education reform. He came from a prestigious South Carolina family: his father was jurist John Faucheraud Grimké and his siblings included notable abolitionists Sarah Moore Grimké and Angelina Grimké Weld. In this warm letter, Story thanks him for sending a copy of an address given to the Literary and Philosophical Society of South Carolina in May 1827. He describes the address as "a very interesting & comprehensive discourse, abounding with important thoughts and elevated views" but notes his disagreement with Grimké on the importance of classical education: "I am not sorry for this diversity of judgment, it will elicit free discussion, & ultimately subserve the course of truth - it may be, that I have been accustomed to overvalue classical learning, but I shall be the last to cling to an error, when I perceive it."

The first portion of an additional letter dated July 14th, 1827 appears on the verso. It thanks Grimké "for the polite present" of his March 1827 oration before the Bar Association of South Carolina. It goes on to discuss the two's mutual support for codification (the topic of Grimké's address) as a "immense saving of labour." This additional letter is incomplete and was likely begun on the same sheet as the first to save paper. [Order This Item](#)



Notes (and Doodles) by a Student at Northeastern Law School

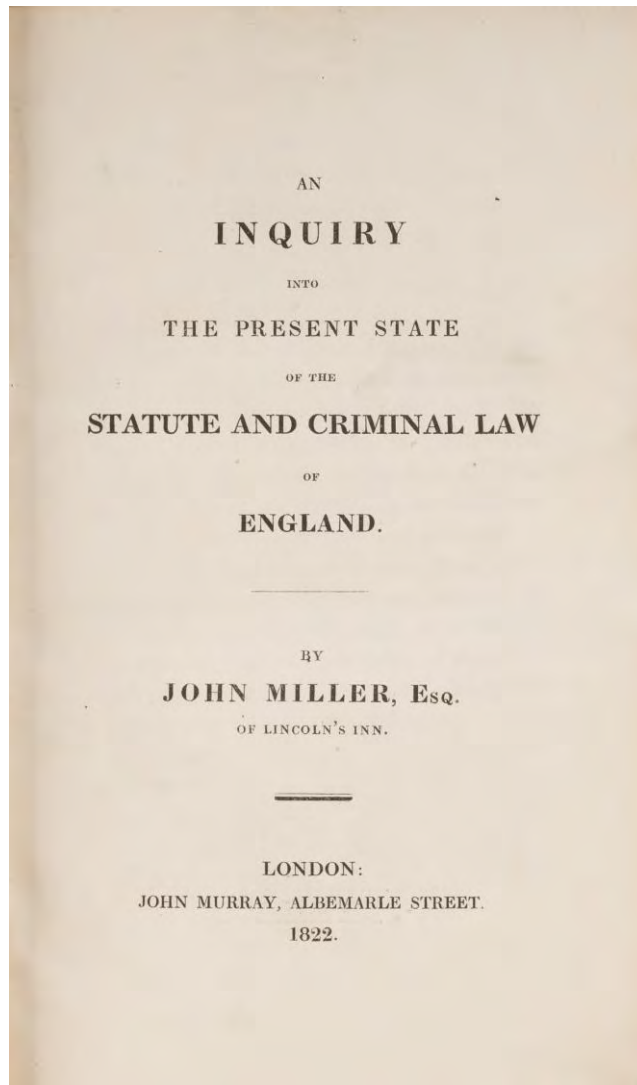
18. [Manuscript].

Ward, John W.

[*Course Notes on Business Associations, Northeastern University School of Law*]. January 28, 1938-June 3, 1938. 181 pp. of handwritten notes in a 300 pp. university notebook. Quarto (9-1/2" x 7-1/2").

Contemporary three-quarter maroon cloth over black pebbled cloth, gilt rules to maroon cloth edges, fillets and fragment of paper label to spine. Light rubbing to boards and extremities, light wear to spine ends, small faint dampstains to ends of cloth hinges, signature of "John W. Ward, Northeastern Univ. Law School [Class of] 1939" and note reading "Business Associations 2nd. Notebook" to front pastedown, ink stamps dated June 13, 1938 to front free endpaper. \$250.

* Notes taken for a course on business associations by John W. Ward, a student at Northeastern University School of Law in 1938. The notes begin with "Lecture XVII" (probably Lecture 19) and cover topics in business law such as partnership and the rights of stockholders. On the eve of World War II, Ward's coursework was not the only thing on his mind: caricatures of Roosevelt, Churchill, Stalin, Tojo and Mussolini appear on the page facing the beginning of the notes. They are attributed to Ward by his daughter, Kathleen Ward Atchason. (She labels the first figure as Truman, though it more likely depicts Roosevelt.) An interesting snapshot of legal study in early twentieth-century America. [Order This Item](#)



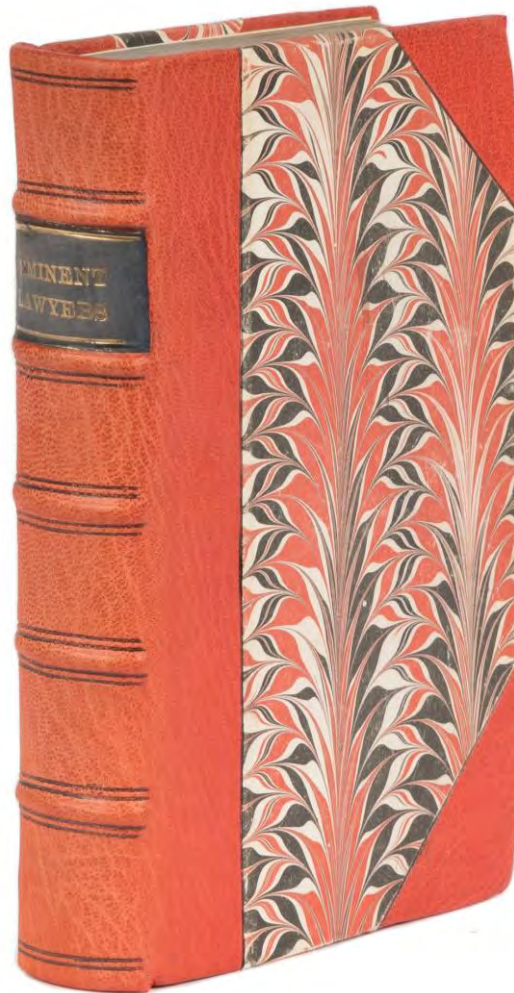
**A Rebuttal of the 1819 Report from
the Select Committee on Criminal Laws**

19. Miller, John.

An Inquiry into the Present State of the Statute and Criminal Law of England. London: John Murray, 1822. vi, [ii], 332 pp. Octavo (8-1/4" x 5-1/4").

Later three-quarter calf over marbled boards, raised bands, blind fillets and lettering piece to spine, "1822" black-stamped to foot, corners mended. Light rubbing to boards, moderate rubbing to extremities, hinges cracked, moderate toning to interior. \$650.

* Only edition. The first part of this two-part work by a member of Lincoln's Inn proposes methods to consolidate state and law reporting. The second, and larger, part is a rebuttal of the important Report from the Select Committee on Criminal Laws (1819), which proposed a series of important reforms, such as a reduction in the number of capital offenses. OCLC locates 8 copies, 1 in North America (Harvard Law School). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:242. [Order This Item](#)



Attractive Volume on the Lives of Eminent British Lawyers

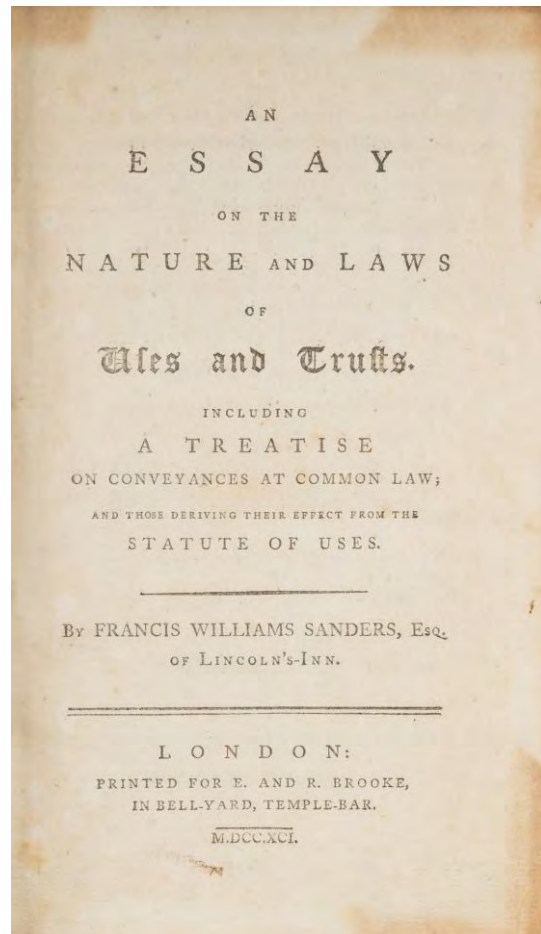
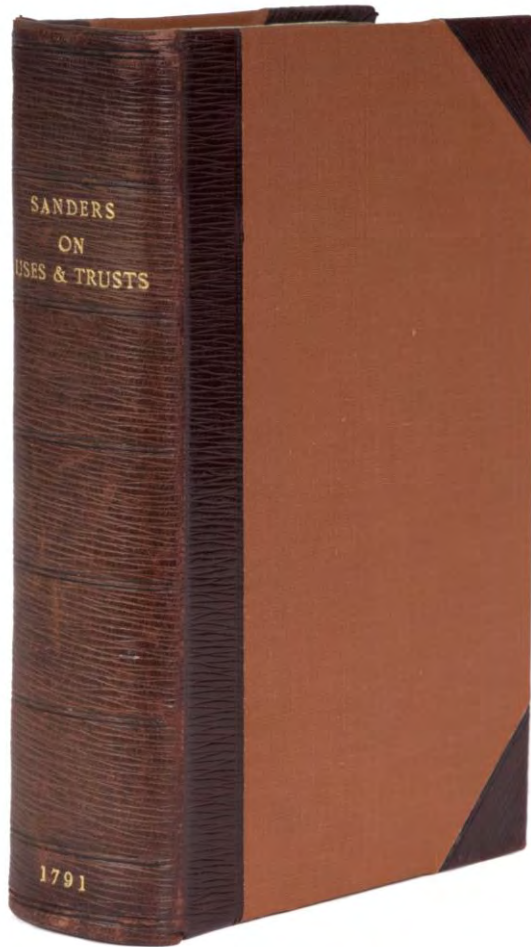
20. Roscoe, Henry [1800-1836].

Lives of Eminent British Lawyers. Engraved title page, preceded by general title page: *The Cabinet Cyclopaedia*. Conducted by the Rev. Dionysius Lardner LL.D. F.R.S. L. & E. M.R.I.A. F.L.S. F.Z.S. Hon. F.C.P.S. M.Ast.S. &c. &c. Assisted by Eminent Literary and Scientific Men. *Biography*. London: Printed for Longman, Rees, Orme, Brown & Green, 1830. [xiii], 428 pp. Octavo (6-1/2" x 4").

Recent three-quarter morocco over marbled boards, raised bands, blind fillets and lettering piece to spine, edges rouged, endpapers renewed. Negligible fading to spine. Light foxing to engraved title page, faint offsetting to final page, interior otherwise fresh. An attractive copy. \$150.

* Second edition. Contains short biographies of Coke, Selden, Hale, Guilford, Jefferies, Somers, Mansfield, Wilmot, Blackstone, Ashburton, Thurlow, Jones, Erskine and Romilly. Roscoe, a barrister, was the author of two important and long-lived treatises on evidence. This title was part of the Cabinet Cyclopaedia series. Edited by the Reverend Dionysius Lardner, it was designed to market moral self-improvement literature as an alternative to radical texts. *Catalogue of the Library of the Harvard Law School* (1909) II:494. [Order This Item](#)

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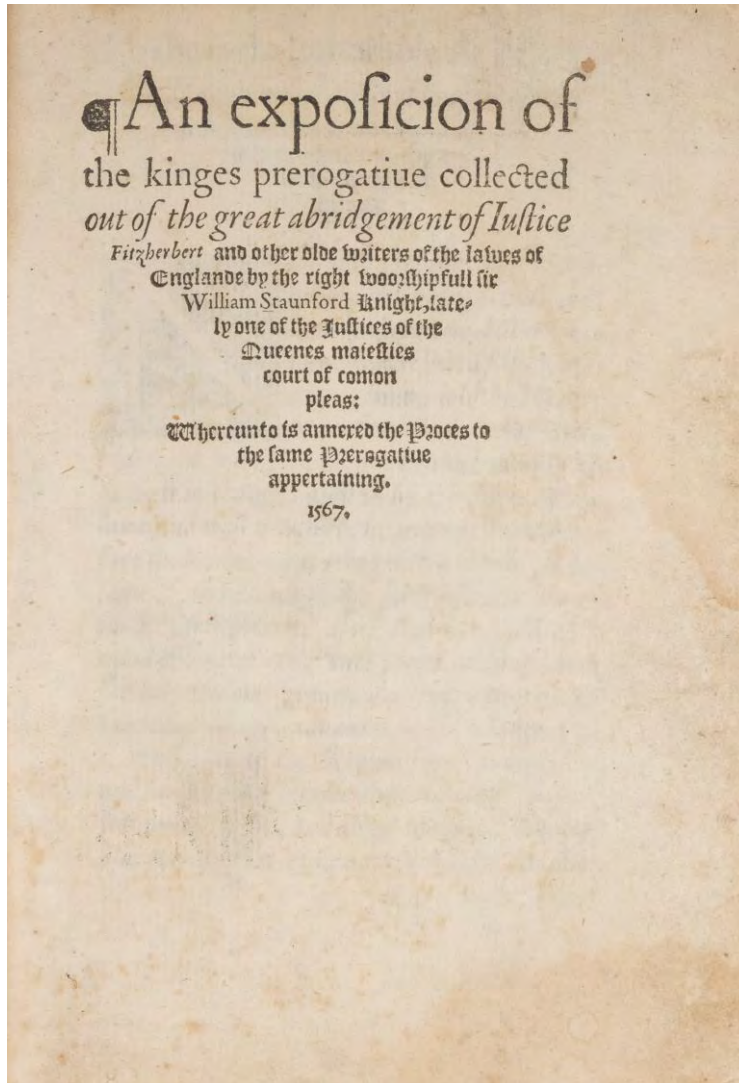
A "Thorough, Comprehensive and Learned Discussion" of Uses and Trusts

21. Sanders, Francis Williams [1769-1831].

An Essay on the Nature and Laws of Uses and Trusts, Including a Treatise on Conveyances at Common Law: And Those Deriving Their Effect from the Statute of Uses. London: Printed by E. and R. Brooke, 1791. [ii], v, [3], 564, [16] pp. Includes a 2 pp. publisher advertisement. Octavo (8-1/4" x 5").

Later three-quarter morocco over cloth, blind fillets, gilt title and publication date to spine, endpapers renewed. Moderate rubbing to extremities, some bubbling to cloth of rear board. Moderate toning to interior, light foxing to a few leaves, pp. iii-vi partially detached and lightly edgeworn, offsetting to outside corners of title page. Early underlining and marks in pencil in a few places, early owner signature (Charles George Persson, dated 1801) to head of p. [3]. An attractive copy. \$500.

* First edition. Marvin praised this treatise for its "thorough, comprehensive and learned discussion of the Law of Uses and Trusts." It was a popular and durable work that went through several English and American editions into the 1840s. Sanders was an English barrister and a member of the Royal Commission on Real Property Law. Marvin, *Legal Bibliography* 628. *English Short-Title Catalogue* T100936. [Order This Item](#)



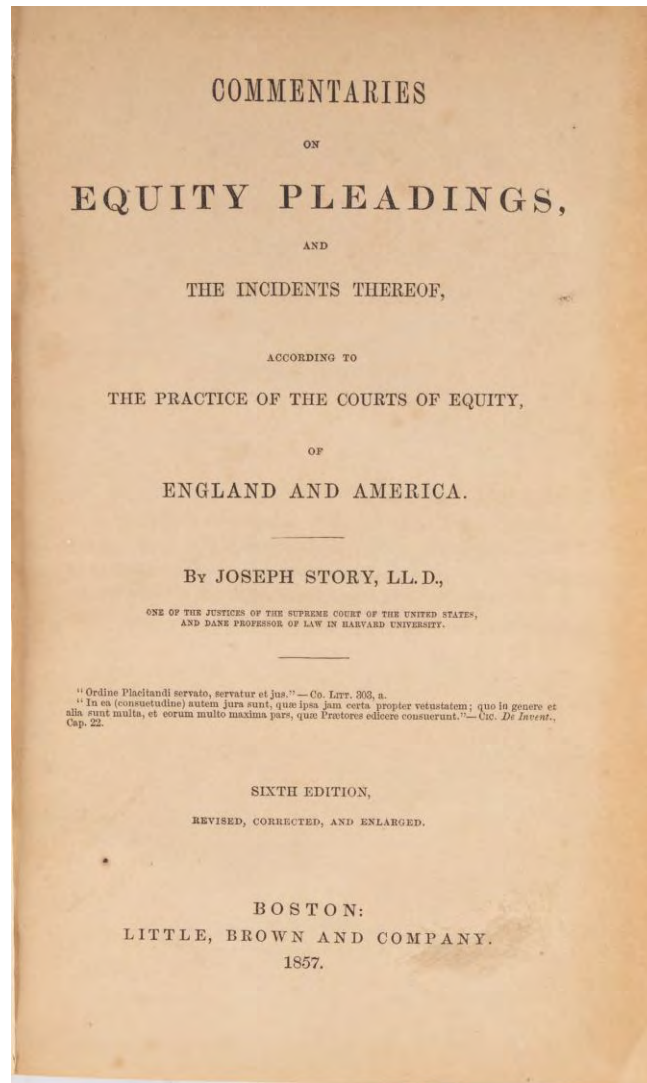
First-Edition Copy of *The Kinges Prerogative*

22. Staunford, Sir William [1509-1558].

An Exposition of the Kinges Prerogative Collected Out of the Great Abridgement of Iustice Fitzherbert and Other Olde Writers of the Lawes of England. Whereunto is Annexed the Proses to the Same Prerogative Appertaining. [London: Imprinted...in Fleete-Strete Within Temple Barre...By Rychard Tottel, 1567]. [i], 85 ff. Quarto (7-1/4" x 5-1/2").

Recent quarter morocco over marbled boards, gilt rules to boards, gilt title to spine, endpapers renewed. Moderate toning and dampstaining to interior, edgewear to a few leaves, repairs to margins of final two leaves with minor loss to a side-note, marks and brief early annotations in a few places. \$1,500.

* First edition. Staunford's *Exposition* addresses discretionary rights enjoyed by the monarchy in foreign policy, domestic affairs, legal and governmental administration, religion and economic matters. A well-received book that went through six editions by 1590. The annotations are case references, mostly from the Year Books. *English Short-Title Catalogue* S117783. Beale, *A Bibliography of Early English Law Books* T491. [Order This Item](#)



**The Standard Nineteenth-Century
American Treatise on Equity Pleading**

23. Story, Joseph [1779-1845].

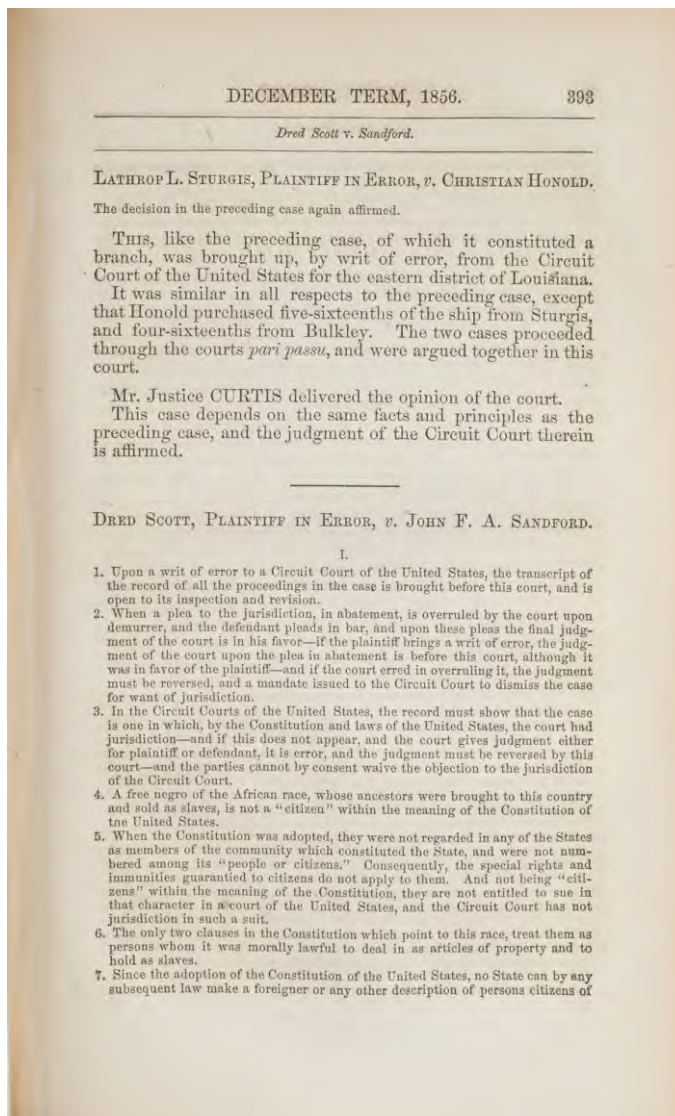
[Bennett, Edmund Hastings, Editor].

Commentaries on Equity Pleadings, And the Incidents Thereof, According to the Practice of the Courts of Equity, Of England and America.
Boston: Little, Brown and Company, 1857. xxxiii, [1], 871 pp. Octavo (9" x 6").

Later tan buckram, black-stamped fillets and calf lettering piece to spine. Light soiling and a few tiny stains, light rubbing to extremities, some chipping to lettering piece, hinges cracked. Moderate toning to interior, tiny owner stamp (Morris Barasch) to front pastedown, small owner signature (of Barasch) to front free endpaper. \$350.

* Sixth edition. This standard work was first published in 1838. Its final edition, the tenth, in 1892. Roscoe Pound lists it among the treatises "which went far to shape the law" during the nineteenth century. Pound, *The Formative Era of American Law* 140-141. Cohen, *Bibliography of Early American Law* 5026. [Order This Item](#)

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First Official Printing of the Dred Scott Decision

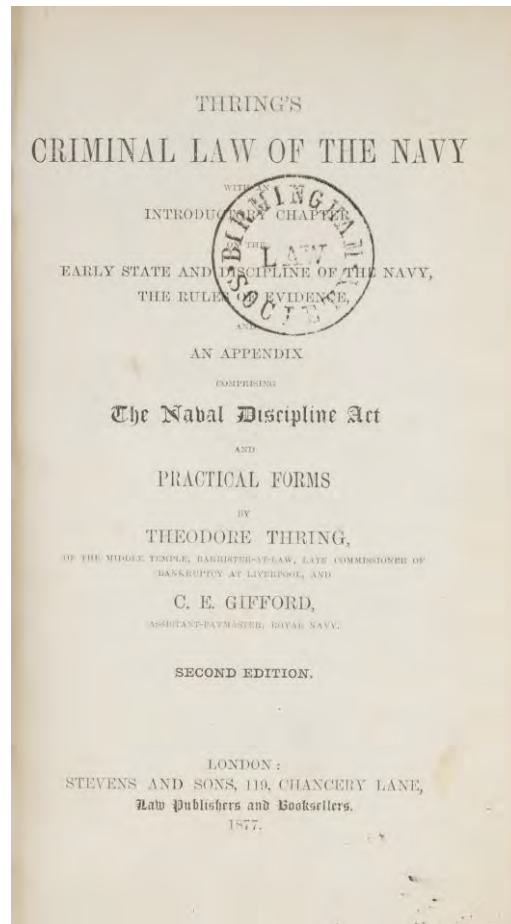
24. [Supreme Court, United States].

Howard, Benjamin C. [1791-1872], Reporter.

Dred Scott, Plaintiff in Error, v. John F.A. Sandford in *Reports of Cases Argued and Adjudged in the Supreme Court of the United States*, Volume XIX, 393-633. Washington, D.C.: William M. Morrison and Company, 1857.

Later tan cloth, red and black lettering pieces to spine. Light shelfwear and soiling, slight darkening to spine, minor wear to lettering pieces. Moderate toning to interior, light foxing to fore-edges of preliminaries, lower corners lacking from pp. 645-648 with no loss to text. \$1,500.

* First edition. This deeply controversial decision ruled that slaves were not, and were never intended to be, citizens of the United States. Aware of the public's interest in this case, Howard reprinted the decision in the same year as the *Reports* volume as an unofficial pamphlet. Cohen and O'Connor, *A Guide to the Early Reports of the Supreme Court of the United States* 187 Grolier Club, *One Hundred Influential American Books Printed Before 1900* 68. [Order This Item](#)



Criminal Law in the British Navy

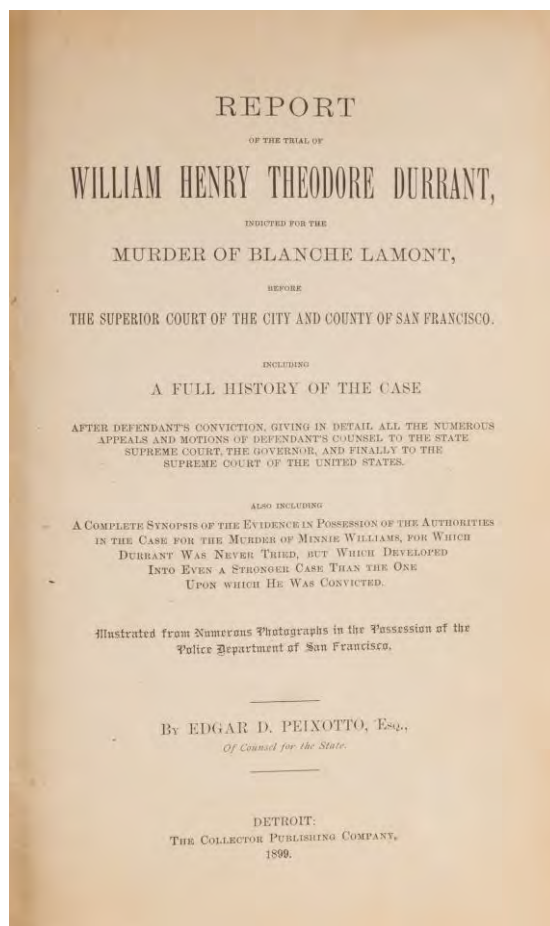
25. Thring, Theodore [1816-1891].

Gifford, C[harles] E[dwin] [1843-1922].

Thring's Criminal Law of the Navy With an Introductory Chapter on the Early State and Discipline of the Navy, The Rules of Evidence, and An Appendix Comprising the Naval Discipline Act and Practical Forms. London: Stevens and Sons, 1877. xii, 529, 30, [2] pp. Includes 32-page publisher catalogue, endleaves have additional advertisements. Octavo (7-1/4" x 4-1/4").

Original cloth, blind frames to boards, gilt library name to front, its gilt insignia to rear, gilt title and library name to spine. Light rubbing to boards, moderate rubbing to extremities, corners bumped, hinges cracked, bookplate residue and small library shelf label to front pastedown. Moderate toning to interior, small library stamps to title page and a few other leaves. \$350.

* Second edition. "The edition...has been carefully revised, and in many chapters remodeled and enlarged. The Naval Discipline Act of 1866, the foundation of the Criminal Law of the Navy, (in itself to a great extent a reprint of the Acts of 1861 and 1864), is set out in the Appendix. All other statutes, cases, and instructions of the Admiralty, bearing on the subject, which have been passed, decided, or promulgated since the preceding edition, are referred to and, when necessary, with as much brevity as is consistent with a clear demonstration of their effect" [iii]. This book was first published in 1866; its final edition, the fourth, in 1912. The final two editions, titled *Manual of Naval Law and Court Martial Procedure*, were edited by J.E.R. Stephens. All editions are scarce. OCLC locates 11 copies in North America. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:357. [Order This Item](#)



"A Classic of American Criminal History": McDade 276

26. [Trial].

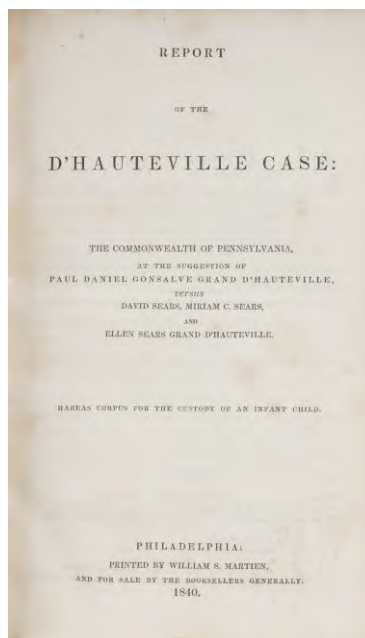
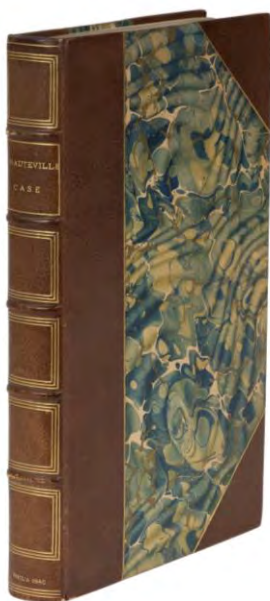
Durrant, William Henry Theodore [1871-1898], Defendant.

Peixotto, Edgar D., Reporter.

Report of the Trial of William Henry Theodore Durrant: Indicted for the Murder of Blanche Lamont, Before the Superior Court of the City and County of San Francisco. Including a Full History of the Case After Defendant's Conviction, Giving in Detail All the Numerous Appeals and Motions of Defendant's Counsel to the State Supreme Court, the Governor, And Finally to the Supreme Court of the United States. also Including a Complete Synopsis of the Evidence in Possession of the Authorities in the Case for the Murder of Minnie Williams, For Which Durrant was Never Tried, But Which Developed into Even a Stronger Case Than the One Upon Which He was Convicted. Illustrated from Numerous Photographs in the Possession of the Police Department of San Francisco. Detroit: The Collector Publishing Co., 1899. vi, 214 pp. 20 plates. Octavo (8-3/4" x 5-3/4").

Later cloth, lettering piece and silver fillets to spine, endpapers renewed. Light toning to interior, slightly heavier in places, clean tear to fore-edge of leaf containing pp. 65 and 66. \$350.

* Only edition. "Durrant was a twenty-four-year medical student who also served as the assistant superintendent of Sunday school of the Emanuel Baptist Church in San Francisco. By any standard he was a 'good' young man, and the mystery, if there is one in this case, is how, from a seemingly proper life, he could within the space of nine days commit two atrocious murders in his church. (...) The case is a classic of American criminal history": McDade, *The Annals of Murder* 276. [Order This Item](#)



A Famous Child Custody Case

27. [Trial].

Sears, David [et al.], Defendants.

Report of the d'Hauteville Case: The Commonwealth of Pennsylvania, At the Suggestion of Paul Daniel Gonsalve Grand d'Hauteville, Versus David Sears, Miriam C. Sears, and Ellen Sears Grand d'Hauteville: Habeas Corpus for the Custody of an Infant Child. Philadelphia: Printed by W.S. Martien, 1840. 295 pp.

[Bound With]

De Rham, Henry Casimir [1785-1873].

The Petition of Henry C. De Rham, To the General Assembly of Rhode-Island, To Except Paul Daniel Gonsalve Grand d'Hauteville, From the Operation of the Law, "To Secure the Fulfillment of Certain Contracts, and for the Relief of Married Women in Certain Cases."... Providence: Knowles & Vose, Printers, 1841. 124 pp. Errata slip tipped-in to p. 124.

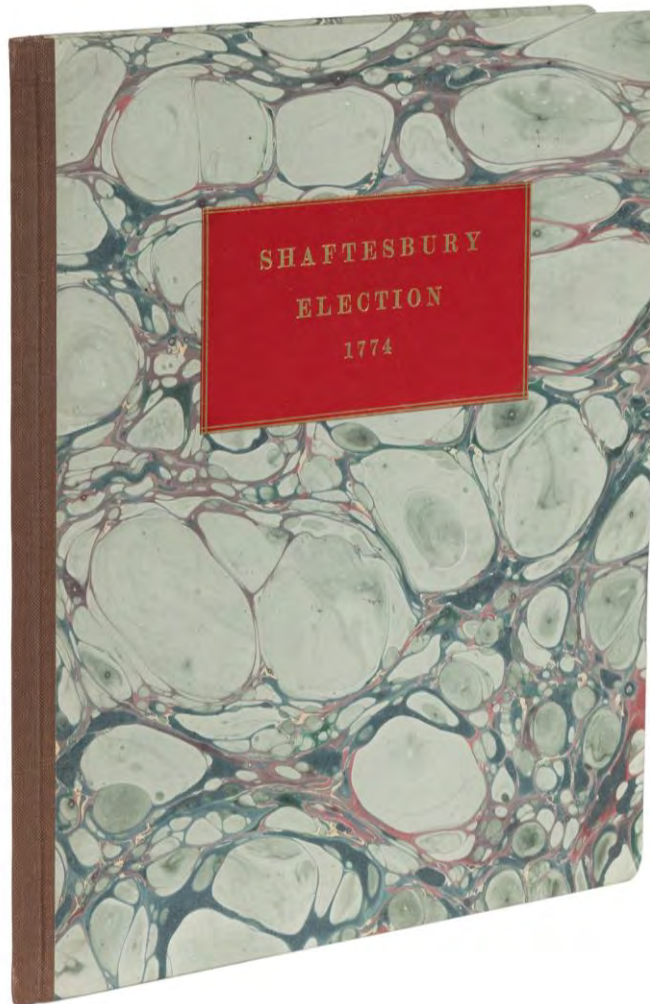
[And]

[Chandler, Peleg Whitman (1816-1889)].

Review of the D'Hauteville Case: Recently Argued and Determined in the Court of General Sessions, For the City and County of Philadelphia. Reprinted from the January Number of the Law Reporter. Boston: Weeks, Jordan and Company, 1841. [ii], 44 pp.

Octavo (8-3/4" x 5-1/2"). Later three-quarter morocco over marbled boards by Bradstreet's, raised bands, gilt title, date and frames to spine, top-edge gilt, marbled endpapers. Negligible light rubbing to extremities, armorial bookplate of Samuel F. Barger to front pastedown. Light toning to interior, light foxing in a few places. A handsome copy. \$950.

* Only editions. Ellen Sears, an American, left Grand d'Hauteville, a Swiss, and returned to the U.S. with their child, Frederick. She refused access to her estranged husband, then sued successfully for child custody. She then moved to Rhode Island, which had recently passed an act extinguishing the rights of husbands of women who had won custody. This was a complicated case involving child welfare, Victorian notions concerning mothers and fathers, state jurisdictions and the relative claims of Swiss and American family law. This trial is the subject of Michael Grossberg's *A Judgment for Solomon: The d'Hauteville Case and Legal Experience in Antebellum America* (Cambridge, 1996). Barger [1832-1914] was a lawyer and a director of the New York Central Railroad (and other railroads). Cohen, *Bibliography of Early American Law* 11423, 11424, 11426. [Order This Item](#)



Perhaps the Most Notorious English Example of a Rigged Election

28. [Trial].

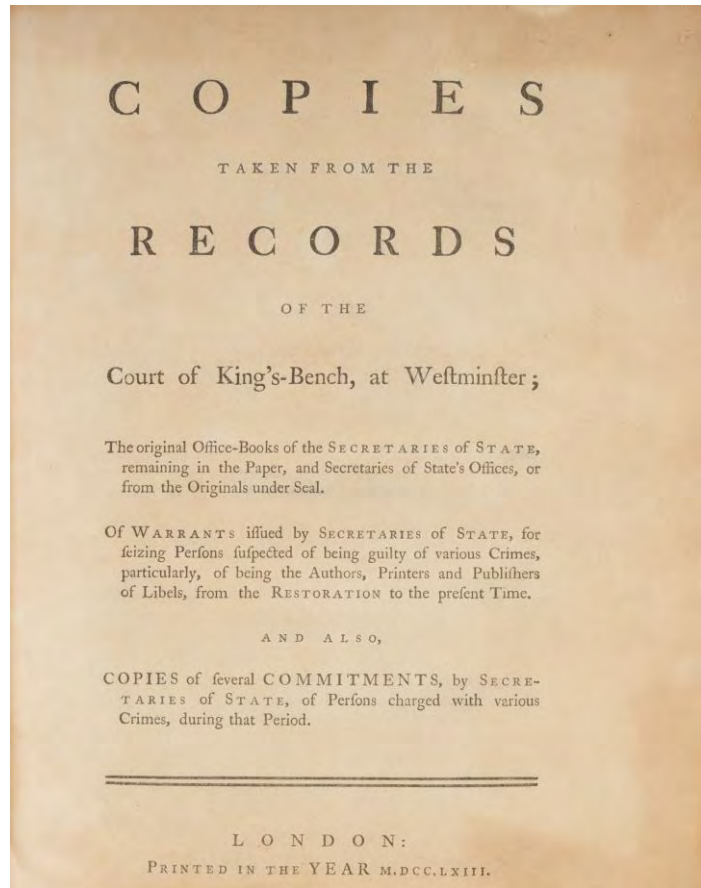
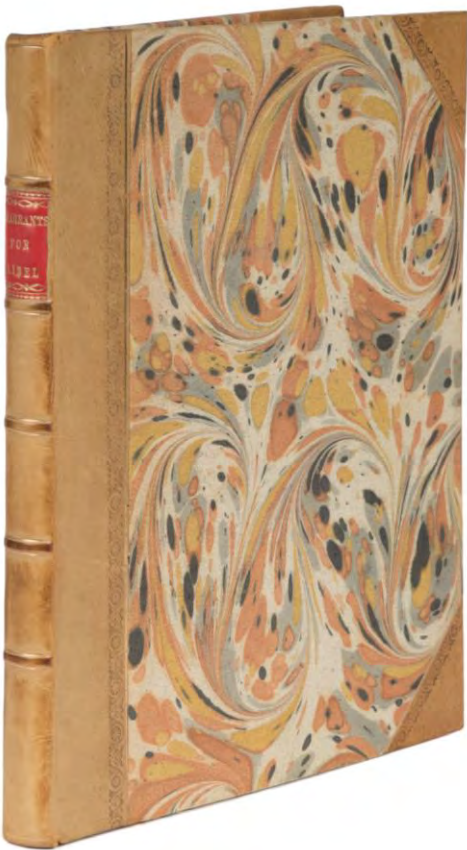
Sykes, Francis [1730-1804], Defendant.

The Trial of the Cause on the Action Brought by Hans Wintrop Mortimer, Esq; Member for the Borough of Shaftesbury, Against Francis Sykes, Esq; For Bribery Committed at Shaftesbury, Previous to the General Election, In October, 1774. Tried by a Special Jury, On Saturday the 27th of July, 1776. At the Assize Held at Dorchester for the County of Dorset, Before The Honourable Sir James Eyre, One of the Barons of His Majesty's Court of Exchequer. [London?]: [S.n.], 1776. 19, [1] pp. Main text in parallel columns. Quarto (10" x 8").

Stab-stitched pamphlet bound into recent marbled boards with cloth spine, imitation calf lettering piece to front board. Moderate toning to interior, faint dampstaining throughout, mostly along fore and bottom edges. \$350.

* Only edition. The Shaftesbury Election of 1774 was perhaps the most notorious English example of a rigged election. After learning that Sykes won the election after distributing thousands of pounds of bribes to the voters, Mortimer disputed the outcome. Mortimer brought actions against Sykes for twenty-six acts of bribery, won his case, was awarded £11,000. in damages and given his seat in the House of Commons. OCLC locates 8 copies in North America, 3 in law libraries (Harvard, Library of Congress, Yale). English Short-Title Catalogue N13883. [Order This Item](#)

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Inspired by the Wilkes Cause

29. [Webb, Philip Carteret, Compiler].

Copies Taken from the Records of the Court of King's-Bench, At Westminster; The Original Office-Books of the Secretaries of State, Remaining in the Paper, And Secretaries of State's Offices, Or from the Originals Under Seal. Of Warrants Issued by Secretaries of State, for Seizing Persons Suspected of Being Guilty of Various Crimes, Particularly, Of Being the Authors, Printers and Publishers of Libels, from the Restoration to the Present Time. And Also, Copies of Several Commitments, by Secretaries of State, Of Persons Charged with Various Crimes, During that Period. London: [S.n.], 1763. [ii], 80 pp. Quarto (9-1/2" x 7-3/4").

Recent period-style three-quarter calf over marbled boards, blind fillets and gilt rules along edges of calf, raised bands and lettering piece to spine, endpapers renewed. Moderate toning to interior, light browning to title page and p.80. \$750.

* Only edition. General warrants were a powerful tool to stifle political enemies. Webb's collection was likely inspired by the Wilkes Cause, one of the great political events of the day. In 1763, John Wilkes [1725-1797], the great radical journalist and politician, was charged with libel and sedition in a warrant issued by King George III. (The text is on p. 77.) These charges were a response to Wilkes's critical remarks, in issue 45 of his paper *The North Briton*, about the king's speech endorsing the Paris Peace Treaty at the opening of Parliament on April 23, 1763. Eventually vindicated in the courts, Wilkes's acquittal was seen as a victory for free speech. OCLC locates 4 copies in North American law libraries (Harvard, Library of Congress, University of Pennsylvania, Washington University, St. Louis). *English Short-Title Catalogue* T3999. [Order This Item](#)



Two Scarce Sixteenth-Century Studies of Feudal Law

30. Wesenbeck (Wesembeke), Matthaeus [1531-1586].

Tractatus de Feudis. Wittenberg: Excudebat Zacharias Lehman, 1584. [x], 307 pp.

[Bound with]

Silvano, Lorenzo.

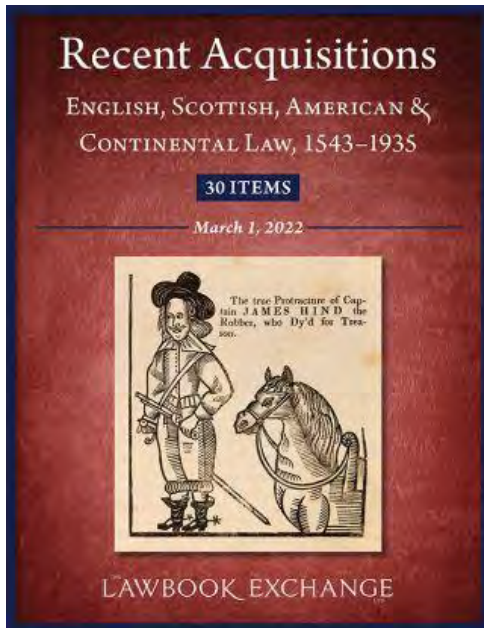
Tractatus de Feudi Recognitione. Accesserunt hac Editione Praeter Diligentem Mendorum Correctionem, Summaria Cuilibet Quaestioni Praefixa. Unà cum Indice Verborum & Rerum Locupletissimo, Opera R.A.K.Z. Cologne: Apud Theodorum Baumium, 1578. [xvi], 456, [48] pp.

Octavo (6-1/4" x 3-3/4"). Contemporary vellum with lapped edges, "1584" in later hand and later paper title label to spine, ties lacking. Light soiling, some darkening to spine, rear joint starting at foot, hinges cracked, bookplate residue to front pastedown, which is missing a small section along the foot, front free endpaper lacking. Light browning to interior, later library stamps to title pages, early underlining and brief annotations to a few leaves in Silvano's *Tractatus*. \$950.

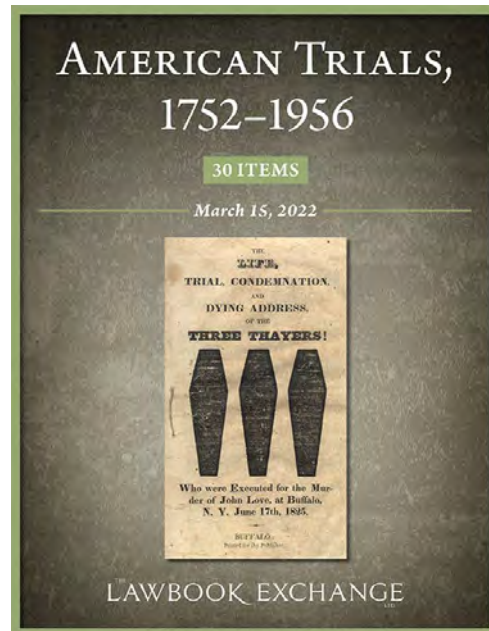
* Later editions. This volume contains two treatises on feudal law. The better-known of the two is by Wesenbeck, a leading Belgian humanist jurist with a pan-European reputation who taught at the Universities of Jena and Wittenberg. First published in 1583, his *Tractatus* went through three editions by 1616 and was often incorporated into editions of his other works into the late 1600s.

Little is known about Silvano. The title page identifies him as a lawyer from a noble family who taught feudal law at the University of Padua. His *Tractatus* was first published in 1542. It went through five subsequent editions, the last one in 1608, which suggests it was held in high regard. *Verzeichnissen der im Deutschen Sprachbereich Erschienenen Drucke des 16. Jahrhunderts* W2142, S6485. [Order This Item](#)

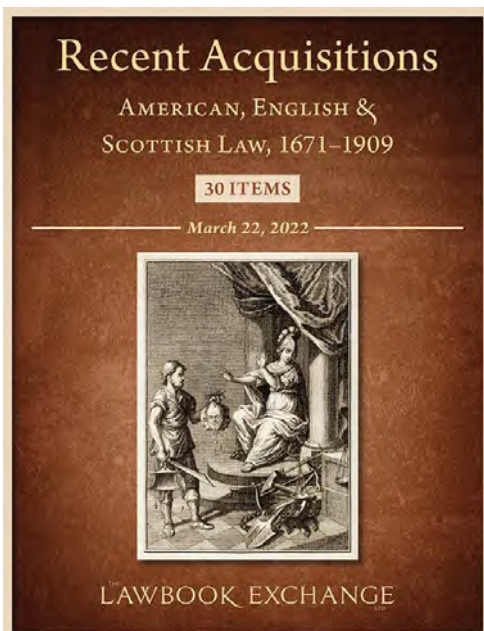
Recent Weekly E-Lists



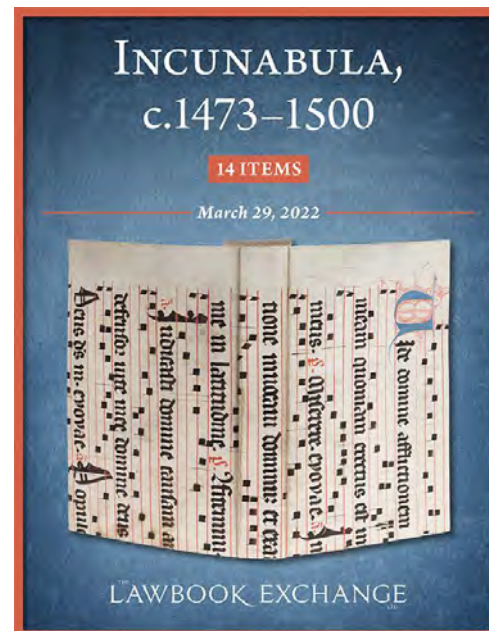
[March 1, 2022](#)



[March 15, 2022](#)



[March 22, 2022](#)



[March 29, 2022](#)

We are happy to hold items for institutional customers who wish to reserve items today and have them invoiced or shipped at a later date