

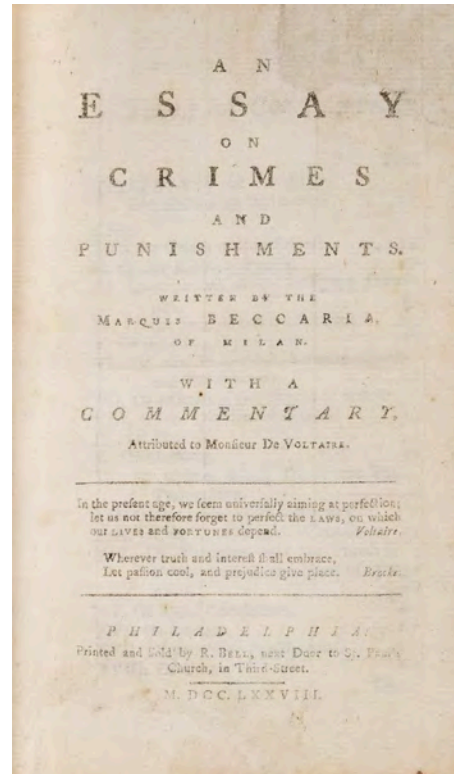
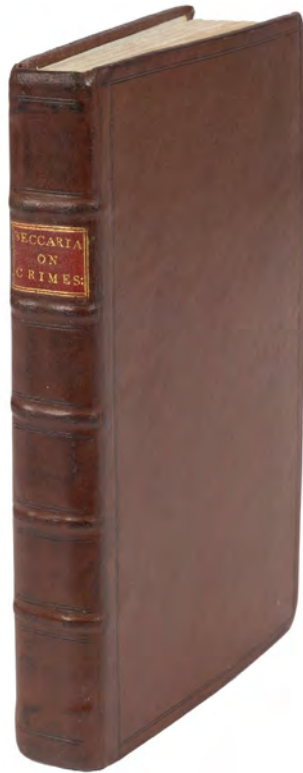
FEBRUARY 27, 2024

INFLUENCES ON THE AMERICAN FOUNDERS

30 Titles



THE
LAWBOOK EXCHANGE
LTD.



Early American Edition of Beccaria in an Exceptional Period-Style Binding

1. Beccaria, [Cesare Bonesana, Marchese di] [1738-1794].

Sharpe, Granville [1735-1813].

Rousseau, Jean-Jacques [1712-1778].

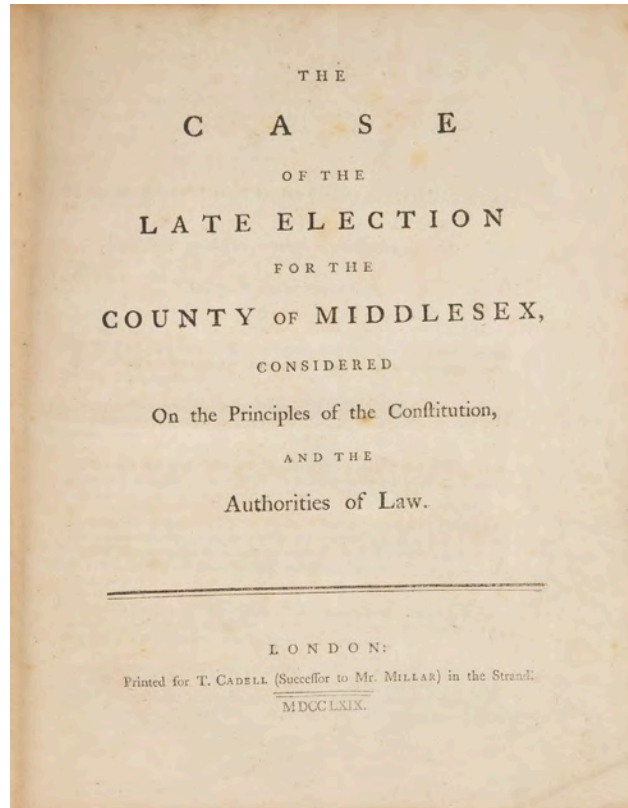
An Essay on Crimes and Punishments. Written by the Marquis Beccaria of Milan. With a Commentary Attributed to Monsieur De Voltaire. Philadelphia: Printed by R. Bell, 1778. [iv], 352, [4] pp. Includes one-page publisher list. Three works in one with continuous pagination. The second work, preceded by a half-title and title page is Sharpe's *Remarks on the Opinions of Some of the Most Celebrated Writers on Crown Law, Respecting the Due Distinction Between Manslaughter and Murder*, the third, with a drop-head title, is J.J. Rousseau, *Citizen of Geneva, His Opinion on Duelling*. Octavo (7-1/2" x 4-1/2").

Period-style calf by Philip Dusel, blind rules to boards, raised bands and lettering piece to spine, endpapers renewed, upper corner and chip to foot of title page restored, leaves washed. Light toning, slightly heavier in places, faint spotting to a few leaves. An exceptional copy. \$3,500.

* With a table of authorities and cases. *Dei Delitti e Delle Pene* (1764) was the first systematic study of the principles of crime and punishment. Infused with the spirit of the Enlightenment, its advocacy of crime prevention and the abolition of torture and capital punishment marked a significant advance in criminological thought, which had changed little since the medieval era. It had a profound influence on the development of criminal law. It was especially popular among American thinkers, who sought to use Beccaria to reform the system of criminal law inherited from England, and heavily influenced the drafting of America's founding documents, particularly the Bill of Rights. Though a matter of some debate, the first American edition was published in Charleston, SC, in 1777. (Earlier American imprints, including one printed in New York in 1773, are ghosts).

Cohen, *Bibliography of Early American Law* 4233.

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Blackstone's Remarks on the Wilkes Cause

2. [Blackstone, Sir William (1723-1780), Attributed].

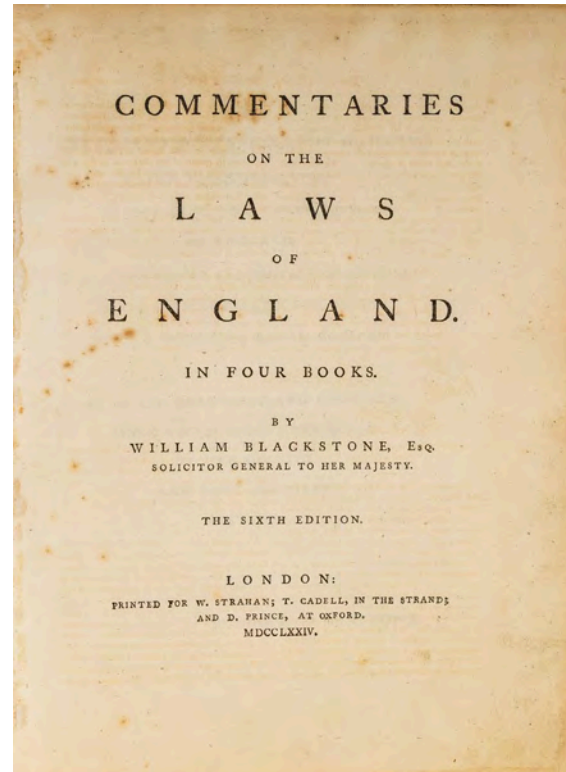
The Case of the Late Election for the County of Middlesex, Considered on the Principles of the Constitution, And the Authorities of Law. London: Printed for T. Cadell, 1769. [iv], 48 pp. With a half-title. Quarto (10-1/4" x 7-3/4").

Stab-stitched pamphlet recently re sewn into marbled wrappers. Moderate toning to interior, light foxing and soiling in a few places, faint fold lines to corners of a few leaves, small tear to half-title not affecting text, "N 24" written in ink at its head. \$2,500.

* First edition, one of two 1769 issues. In 1768, Wilkes [1727-1797], the publisher of the controversial paper the *North Briton*, was elected to Parliament by Middlesex County. After his election, however, he was imprisoned for seditious libel and expelled. While the legitimacy of his sentence was being debated, Middlesex attempted to re-elect him several times without success. Blackstone supported Parliament's position. During the expulsion debate, Blackstone was challenged by Grenville, who noted a discrepancy between his position on the floor and in the *Commentaries*. Unable to deliver a satisfactory rebuttal on the spot, he replied with the anonymously published *The Case of the Late Election*. It initiated a lively pamphlet exchange that involved Samuel Johnson, Sir William Meredith and others. Wilkes was particularly popular across the Atlantic, where American colonists saw him as a champion of the people whose struggle for freedom against the tyrannical English government mirrored their own. John Adams, Samuel Adams, John Hancock and James Otis were among those who signed petitions in Wilkes's favor. This pamphlet has also been attributed to Jeremiah Dyson [1722-1776] and Owen Ruffhead [1723-1769].

English Short-Title Catalogue N26881. Eller, *The William Blackstone Collection in the Yale Law Library* 231, which notes Ms. Eller had not seen a copy of this work. Laeuchli, *A Bibliographical Catalog of William Blackstone* 539.

[Order This Item](#)



The First London Edition of Blackstone's *Commentaries*

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

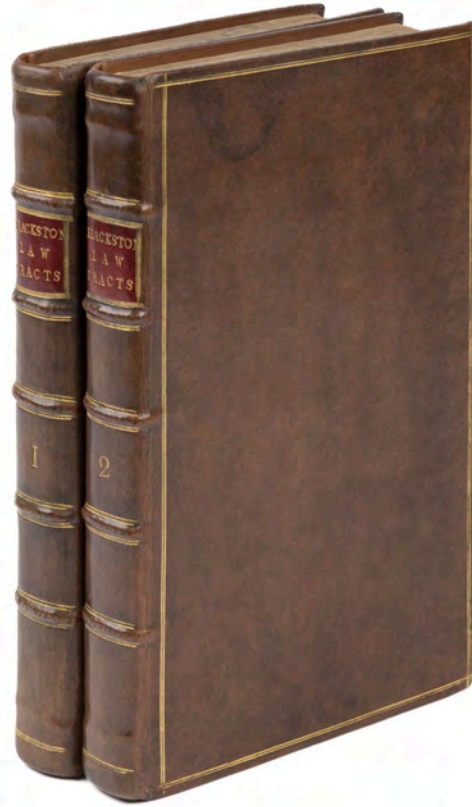
Commentaries on the Laws of England. In Four Books. London: Printed for W. Strahan; T. Cadell, In the Strand; And D. Prince, At Oxford, 1774. Four volumes. Table of Consanguinity and folding Table of Descents in Volume II. Quarto (11" x 8-1/2").

Nineteenth-century speckled calf, rebaked in period style, gilt fillets to boards, raised bands, gilt ornaments and lettering pieces to spines, hinges mended, ribbon markers. Light rubbing and some minor scuffs and scratches to boards, moderate rubbing to extremities, corners bumped and somewhat worn, contemporary armorial bookplates (of Harrington Hulton) to front pastedown of each volume. Light toning to text, light foxing to a few leaves in each volume, later owner annotations to front pastedown and free endpaper of Volume I. A very attractive set. \$3,000.

* Sixth edition and the first edition published in London. The most influential publication in the history of modern Anglo-American law, the *Commentaries on the Laws of England* is based on a course of lectures delivered at Oxford University. Because they were not intended for aspiring practitioners, they described general principles rather than practical specifics. Sensitive to the systematizing trends of the day and the prestige of the natural sciences, it described the common law as an intricate, well-designed system akin to Newton's mechanistic universe. It was also an important account of the law's evolution. As Holdsworth notes, "the *Commentaries* are not only a statement of the law of Blackstone's day, but the best history of English law as a whole which had yet appeared...The skillful manner in which Blackstone uses his authorities new and old, and the analogy of other systems of law, to illustrate the evolution of the law of his day, had a vast influence, both in England and America, in implanting in the profession a sound tradition of the historical development of the law."

Holdsworth, *The Historians of Anglo-American Law* 22. Eller, *The William Blackstone Collection in the Yale Law Library* 9. Laeuchli, *A Bibliographical Catalogue of William Blackstone* 12.

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A First Edition of Blackstone's *Law Tracts* in an Exceptional Binding

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

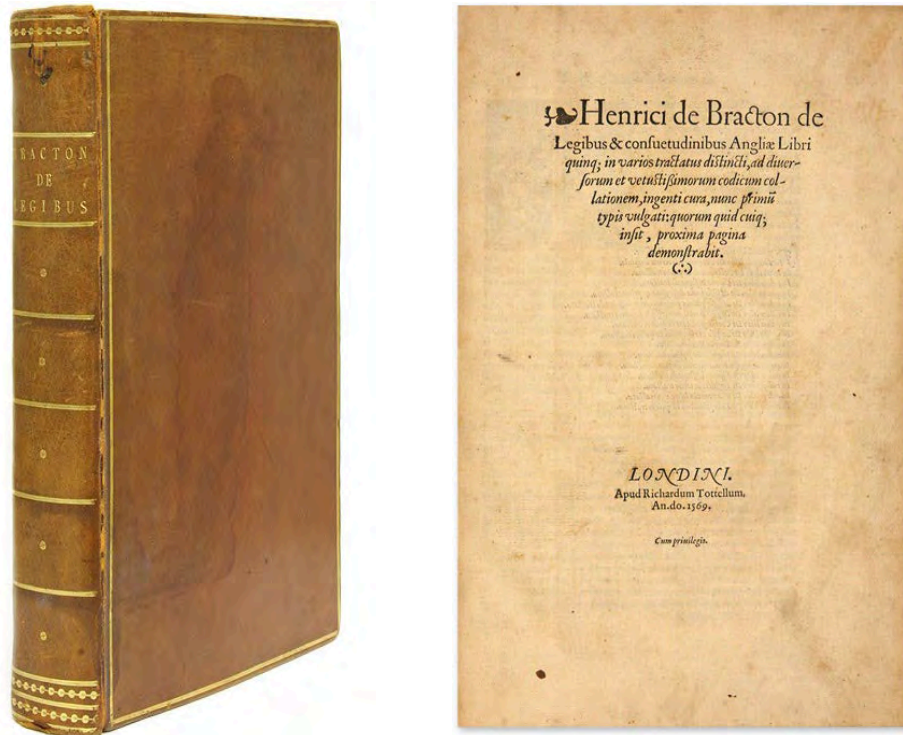
Law Tracts, In Two Volumes. Oxford: At the Clarendon Press, 1762. Two volumes. [iv], 257, [7]; [iv], cxv, [5], 135, [9] pp. 4 parts, each with divisional title page. 8 copperplate facsimiles (of royal seals), copperplate Table of Descents and folding Table of Consanguinity. Octavo (7-3/4" x 5").

Superb period-style calf by Philip Dusel, gilt rules to boards, raised bands, lettering pieces, gilt fillets and gilt volume numbers to spines, blind tooling to board edges, pastedowns and free endpapers renewed. Light toning to interiors, minor dampstaining to heads of text blocks in a few places, faint offsetting and light edgewear to margins of preliminaries and final few leaves. A handsome set in an exceptional binding. \$3,500.

* First edition. The first collected edition, with revisions, of five early works, several of which are quite rare in their original editions. They are reprinted here "with a few corrections and additions"; each of the volumes contains a general index. The works are, Volume I: *An Essay on Collateral Consanguinity* (1750, Blackstone's first legal publication), *Considerations on Copyholders* (1758), *Treatise on the Law of Descents in Fee-Simple* (1759), Volume II: *The Great Charter* (1759) and *Magna Carta, Carta de Forest, Etc.* (1759). A "third" edition was published in 1771. (There is no evidence of a second edition, unless one counts the pirated Dublin reissue of the first, which was printed in 1767.) The contents of the two editions differ. The first does not have *Analysis of the Laws of England* (1756) or *Observations on the Oxford Press* (1757); the "third" does not have *Treatise on the Law of Descents in Fee-Simple*.

Sowerby, *Catalogue of the Library of Thomas Jefferson* 2009. *Catalogue of the John Adams Library in the Public Library of the City of Boston* (1917) 262.2. Eller, *The William Blackstone Collection in the Yale Law Library* 238. Laeuchli, *A Bibliographical Catalog of William Blackstone* 551.

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Printing and the Mind of Man 89: The First Treatise on English Law

5. Bracton, Henry de [d. 1268].

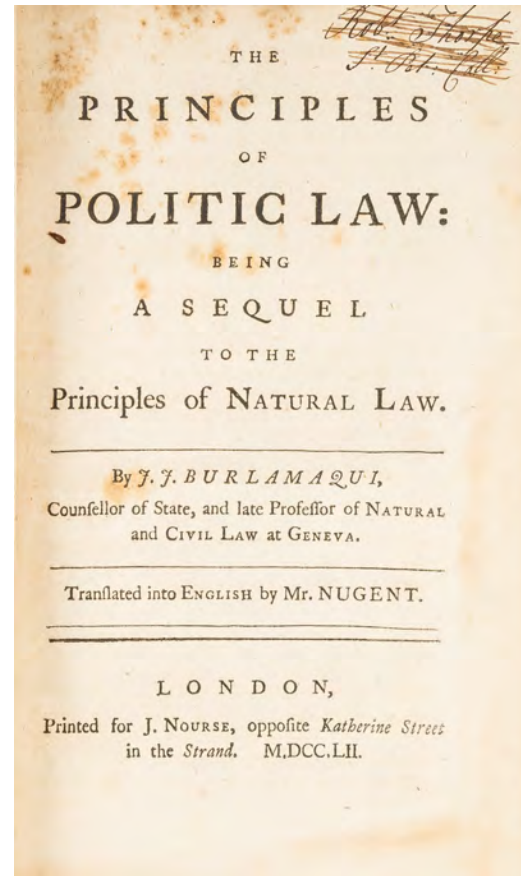
De Legibus et Consuetudinibus Angliae, Libri Quinq; In Varios Tractatus Distincti, ad Diversorum et Vetustissimorum Codicum Collationem, Ingenti Cura, Nunc Primum Typis Vulgati; Quorum Quid Cuique Insit, Proxima Pagina Demonstrabit. London: Apud Richardum Tottellum, An. do. 1569. With imprimatur "Cum priuilegio" at foot of title. [xvi], 172, 175-444 ff. Complete. Folio (11-1/4" x 7-3/4").

Nineteenth-century diced calf, gilt rules to boards, gilt fillets, ornaments and title to spine, gilt rules to board edges, gilt inside rules, marbled endpapers, ribbon marker. Light rubbing to boards, faint dampstain to front board, moderate rubbing to extremities, front joint just starting at head, corners bumped and somewhat worn, armorial bookplate (ExLibris Munden) to front pastedown. Attractive large woodcut decorated initials. Light toning to text, somewhat heavier in places, light foxing and finger smudges to some leaves, some fading to text of ff. 1 and 2. A handsome copy of a landmark work. \$8,500.

* First edition. Written between 1250 and 1256, *De Legibus et Consuetudinibus Angliae* [*The Laws and Customs of England*] is the first treatise on English law. A systematic work, it emphasizes the separation of procedural and substantive matters and also cites cases as sources of at least intellectual, if not formal, authority. The principles formulated in this work including mens rea (criminal intent) and its use of precedents determined the development of English law and established the method adopted by Littleton and Coke. In Maitland's words, it is "the crown and flower of English medieval jurisprudence" and "by far the greatest of our medieval law books." Jefferson considered it "one of the greatest desiderata in the Law."

Maitland, *Collected Papers* II:43. Jefferson cited in Sowerby, *Catalogue of the Library of Thomas Jefferson* 1771 (citing 1640 ed.). Beale, *Bibliography of Early English Law Books* T323. *Printing and the Mind of Man* 89. *English Short-Title Catalogue* S122159. *STC* (2nd ed.), 3475.

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First English Edition of Burlamaqui's *Politic Law*

**6. Burlamaqui, J[ean] J[acques] [1694-1748].
Nugent, [Thomas] [1700?-1772], Translator.**

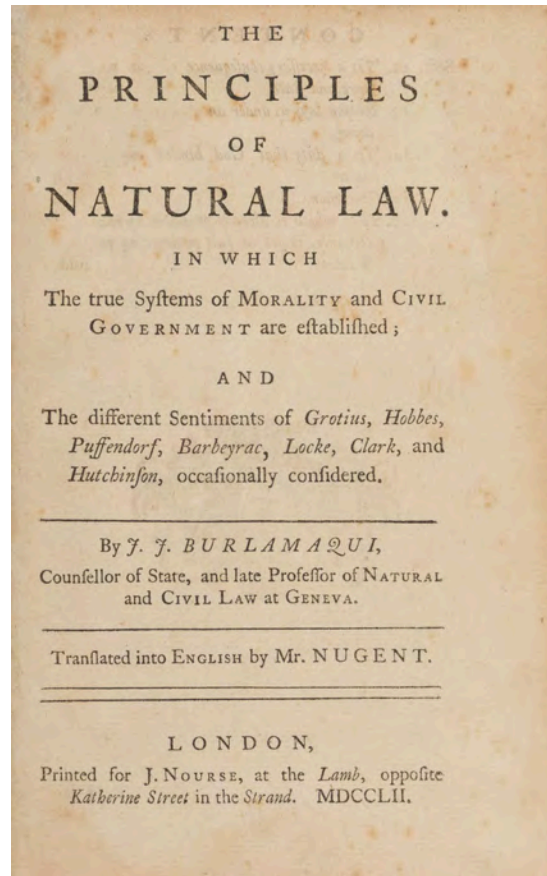
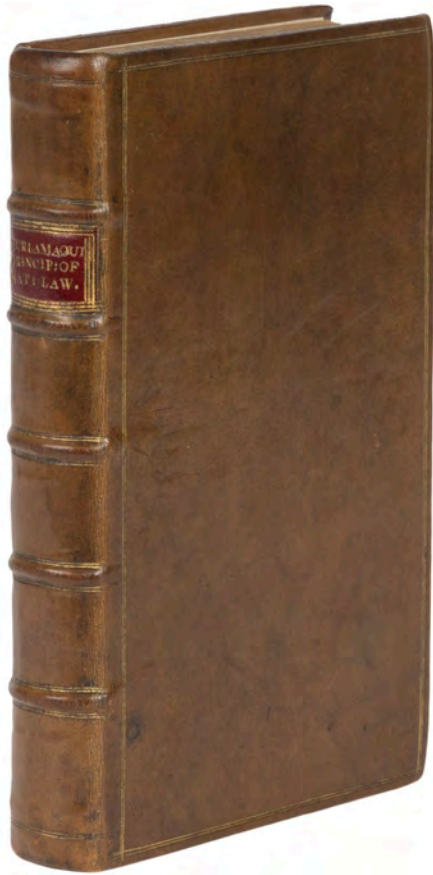
The Principles of Politic Law: Being a Sequel to the Principles of Natural Law. Translated into English by Mr. Nugent. London: Printed for J. Nourse, 1752. [viii], 372 pp. Octavo (8" x 5").

Contemporary speckled calf, raised bands, letting piece and gilt ornaments to spine. Some rubbing to extremities with wear to spine ends, boards partially detached but secure, corners bumped, a few minor early inkstains to boards, early armorial book plate to front pastedown. Moderate toning to text, light foxing in places, offsetting to margins of endleaves. Early struck-through signature to head of title page, interior otherwise clean. \$1,000.

* First edition in English. The sequel to *The Principles of Natural Law*, his other major work, *The Principles of Politic Law* develops his thesis that international law is based on natural law and examines the principles of sovereignty with respect to considerations such as foreign rights, the necessity of war, the concept of absolute power, public treaties and economic factors. Burlamaqui, a Swiss jurist and professor of civil and natural law at Geneva, outlined a constitutional system based on principles similar to those the American founders would adopt. "Burlamaqui formulated the principles of popular sovereignty, of delegated power, of a constitution as a fundamental law, of a personal and functional separation of powers into three independent departments...and finally, he provided for an institutional guardian of the fundamental law" (Harvey). Burlamaqui's other great achievement was to put Pufendorf's theories into systematic form.

Harvey, *Jean Jacques Burlamaqui: A Liberal Tradition in American Constitutionalism* 178-179. *English Short-Title Catalogue* T112807.

[Order This Item](#)



**Handsomely Bound Early English Edition
of One of the Great Treatises on Natural Law**

7. Burlamaqui, J[ean] J[acques] [1697-1748].

Nugent, [Thomas] [1770?-1772], Translator.

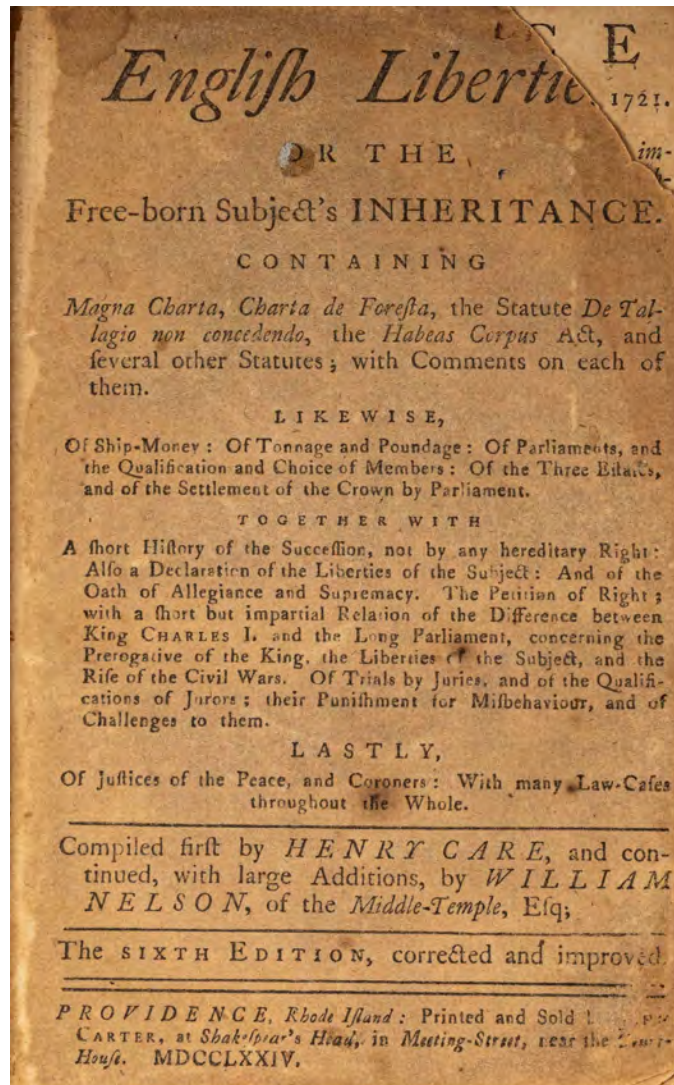
The Principles of Natural Law. In Which the True Systems of Morality and Civil Government Are Established; And the Different Sentiments of Grotius, Hobbes, Puffendorf, Barbeyrac, Locke, Clark, and Hutchinson, Occasionally Considered. Translated Into English by Mr. Nugent. London: Printed for J. Nourse, At the Lamb, Opposite Katherine Street in the Strand, 1752. xvi, [24], 312 pp. Octavo (7-1/4" x 4-3/4").

Superb period-style calf (by Philip Dusel), gilt rules to boards, raised bands and lettering piece to spine, endpapers renewed. Moderate toning to interior, light foxing to title page and the final four leaves of text, small light stain to head of p.iii. A very appealing copy. \$1,500.

* Second edition, one of the two reissues of the first English edition (1748), both by Nourse. Burlamaqui, a Swiss jurist and professor of civil and natural law at Geneva, influenced several important Anglo-American jurists and political theorists, such as Blackstone. He was especially influential among the American founders. As Harvey notes, "[he] formulated the principles of popular sovereignty, of delegated power, of a constitution as a fundamental law, of a personal and functional separation of powers into three independent departments... and finally, he provided for an institutional guardian of the fundamental law."

Harvey, *Jean Jacques Burlamaqui: A Liberal Tradition in American Constitutionalism* 178-179. *English Short-Title Catalogue* N20840.

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A Profound Influence in Pre-Revolutionary America

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

N[elson], W[illiam] [b.1653], Editor.

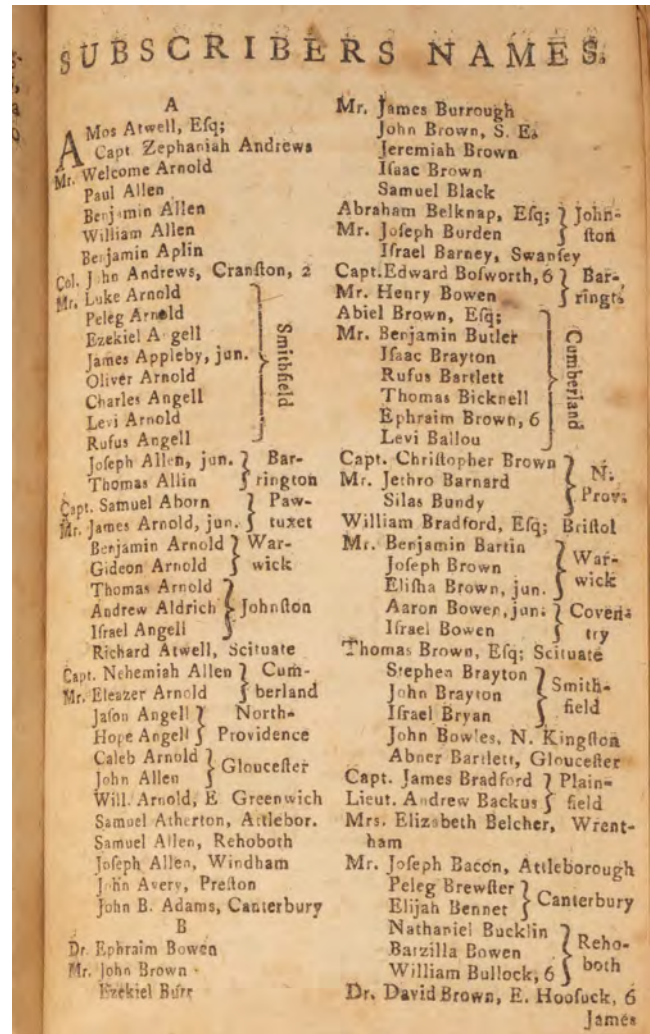
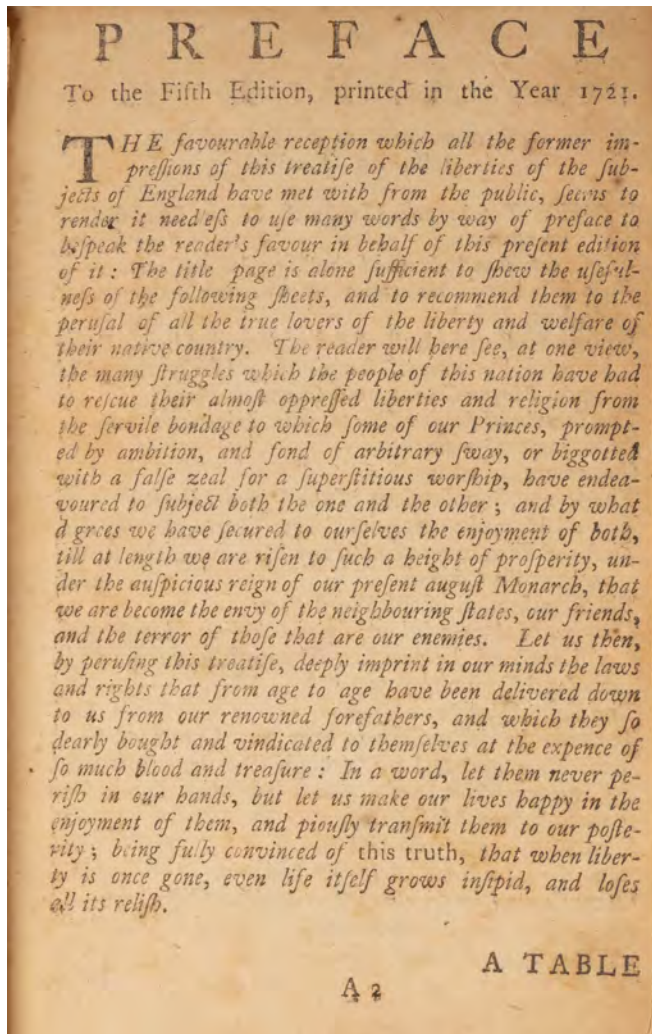
English Liberties, Or The Free-Born Subject's Inheritance. Containing Magna Charta, Charta de Foresta, The Statute De Tallagio, Non Concedendo, The Habeas Corpus Act, And Several Other Statutes; With Comments on Each of Them. Likewise, Of Ship-Money: Of Tonnage and Poundage. Of Parliaments, and the Qualification and Choice of Members: Of the Three Estates, And of the Settlement of the Crown by Parliament. Together with a Short History of the Succession, Not by Any Hereditary Right: Also a Declaration of the Liberties of the Subject: And of the Oath of Allegiance and Supremacy. The Petition of Right; With a Short but Impartial Relation of the Difference Between King Charles I and the Long Parliament, Concerning the Prerogative of the King, The Liberties of the Subject, And the Rise of the Civil Wars. Of Trials by Juries, and of the Qualifications of Jurors; Their Punishment for Misbehaviour, And of Challenges to Them. Lastly, Of Justices of the Peace, And Coroners: With Many Law Cases Throughout the Whole. Corrected and Improved. Providence: Printed and Sold by John Carter, 1774. viii, 350, [6] pp. Includes six-page subscriber list. Octavo (6-3/4" x 4-1/2").

Period-style quarter morocco over marbled boards, gilt fillets to boards at edges of morocco, raised bands, gilt title and gilt fillets to spine. Moderate toning and light foxing to interior, corner folds to final few leaves, light browning to preliminaries, tiny stain to title page at head of gutter, its upper-outside corner lacking with loss of part of "e" and all of "s" of title, short clean tears to upper-outside corners of following two leaves. A handsome copy. \$5,000.

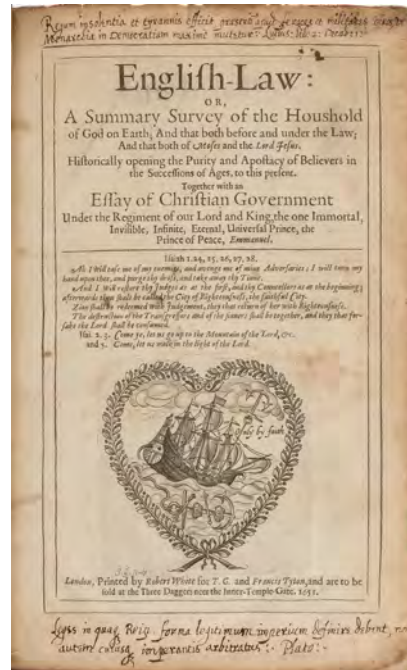
* Second American edition. Preceded by a 1721 Boston edition, this 1774 Providence edition was published in the same year as the first Continental Congress and the Intolerable Acts (and about a year after the Boston Tea Party). A publisher's note at the end of the table of contents says this edition was "principally designed for America" and contained "extracts from several late celebrated writers on the constitution" (vi). It is almost certain that this publisher was capitalizing on popular resentment toward the king and Parliament. First published in England in 1680 (or 1682, the first edition was not dated), this layman's guide reviews, from a Whig perspective, the principles of English law and government. Containing the texts of Magna Carta and other foundational documents of the English Constitution, it emphasizes the role of juries in the preservation of civil rights and prevention of tyranny.

First published in America in 1721 by James Franklin, the half-brother of Benjamin Franklin, who may have offered editorial guidance, this was one of the very first legal books published in the American colonies. 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). And 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.

Sowerby, *Catalogue of the Library of Thomas Jefferson* 2702, 2703. Cohen, *Bibliography of Early American Law* 3416.



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With "An Essay on Christian Government"

9. [Cock, Charles George].

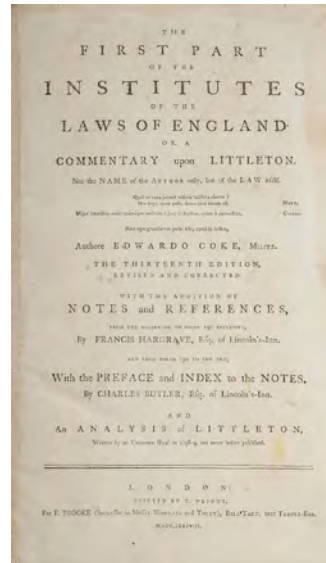
English-Law: Or, A Summary Survey of the Household of God on Earth; And that Both Before and Under the Law; And that Both of Moses and the Lord Jesus. Historically Opening the Purity and Apostacy of Believers in the Successions of Ages, To this Present. Together with an Essay of Christian Government Under the Regiment of our Lord and King, The One Immortal, Invisible, Infinite, Eternal, Universal Prince, The Prince of Peace, Emmanuel. London: Printed by Robert White for T.G. And Francis Tyton, 1651. [xx], 95, [1]; [17], 101-194, [2] pp. "An Essay on Christian Government" has separate dated title page. Pagination irregular, text complete. Folio (11" x 6-1/2").

Recent period-style calf, blind rules to boards, raised bands, blind fillets and lettering piece to spine, edges rouged, endpapers renewed. Moderate toning to interior, light browning to edges of text block, light foxing in places, moderate edgewear to preliminaries and final few leaves. Recent owner inscription to front free endpaper, early owner annotations to title page and a few other leaves, faint, often very faint, recent marks in pencil and colored pencil to margins of several leaves. \$4,500.

* Only edition. Cock's treatise is a characteristic and exceptionally detailed exposition of an important strain of Puritan thought during the Commonwealth era: that English law and government should be reformed along biblical lines. This belief was shared by the New England Puritans and became extremely influential in early colonial America, but the ideal of an explicitly Christian government was ultimately rejected by the founders in favor of broad separation between church and state. The core of the book's argument is encapsulated by its title vignette of a ship, representing the Commonwealth, in a storm-tossed sea. It will be saved because it has cast off the anchor decorated with crowns and scepters, that is, monarchy, and fastened itself to an anchor secured by the clouds with the caption "only by faith." This is a scarce title. It has appeared only three times at auction since 1939. The early annotations, in Latin and English, are quotations from Lucius, Plato and the Bible. (One quote, which we can't identify, appears to be a paraphrase of Proverbs 13.)

Combined, the *ESTC* and *OCLC* locate 16 copies, 8 in North America, 4 in North American law libraries (Columbia, Georgetown, Harvard, UC-Berkeley). *English Short-Title Catalogue (ESTC)* R37185.

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The First Critical Edition of *Coke on Littleton*

10. Coke, Sir Edward [1552-1634].

Hargrave, Francis [1741?-1821], Editor.

Butler, Charles [1750-1832], Editor.

Hale, Sir Matthew [1609-1676].

[Finch, Heneage, Earl of Nottingham (1621-1682)].

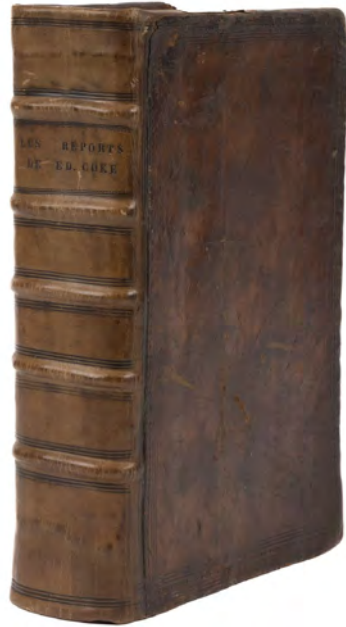
The First Part of the Institutes of the Laws of England or, A Commentary upon Littleton. Not the Name of the Author Only, But of the Law Itself. With the Addition of Notes and References From the Beginning to Folio 195 Inclusive, by Francis Hargrave, And From Folio 196 to the End, With the Preface and Index to the Notes, by Charles Butler and an Analysis of Littleton. London: Printed by T. Wright, For E. Brooke (Successor to Messrs. Worrall and Tovey), 1788. [xxii], xx pp., 395 ff., [66] pp. Folding table of consanguinity. Folio (14-1/4" x 9-1/4").

Contemporary tree calf, blind panels to boards, lettering piece, gilt-edged raised bands and gilt ornaments to spine. Moderate rubbing to boards, which are beginning to separate but secure, minor worming to front board, moderate rubbing to extremities, a few vertical creases to spine, corners bumped and somewhat worn, title page re-hinged. Moderate toning to interior, light foxing in a few places, light edgewear to endleaves, minor worming to pastedowns, rear pastedown loose, early repair to rear hinge. \$750.

* Thirteenth edition, the first critical edition of this landmark work. The four books of Coke's *Institutes* are considered the first textbooks on modern common law. They are virtually a legal encyclopedia. The importance of this work is indicated by its inclusion in *Printing and the Mind of Man*, which notes: "[if] Bracton first began the codification of the common law, it was Coke who completed it.... In the *Institutes* (...) the tradition of the common law from Bracton to Littleton, whose name Coke's commentary made famous, firmly established itself as the basis of the constitution of the Realm." In addition to their status as a scholastic landmark, the *Institutes* represent an ideological project. Through them, Coke sought to create an image of legal history that decreased the power of the monarch in favor of parliaments and the common-law courts. His advocacy for law reform and defense of individual liberty, particularly regarding personal property and taxation, was instrumental in the English revolution and made him an indispensable resource for the American founders. Refined by later editors, Hargrave and Butler's edition became the standard version of this landmark work.

Printing and the Mind of Man (citing first edition) 126. *English Short-Title Catalogue* T117845.

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Early Printings of the First Four Parts of Coke's *Reports*

11. Coke, Sir Edward [1552-1634].

[*Les Reports de Edward Coke*]. Second editions, London, c.1601-1604. Parts 1-4 (of 11) in one volume:

- 1: Thomas Wight, [c.1601]. [iv], 177, [1] ff.
- 2: Thomas Wight, [c.1604]. [vi], 94 ff.
- 3: Thomas Wight, 1602. [xviii], 91, [1] ff.
- 4: Thomas Wight, 1604. [x], 128 ff.

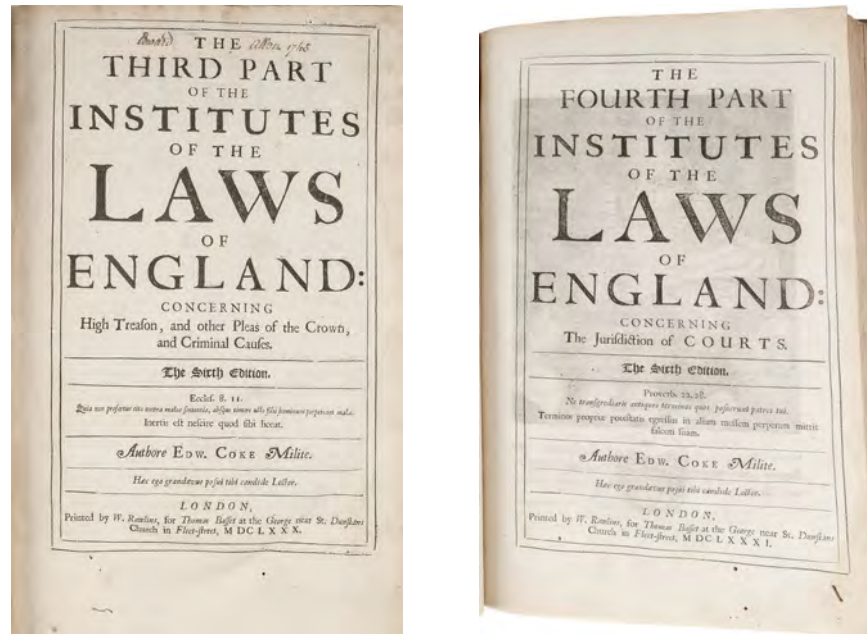
Folio (10-3/4" x 7-1/4"). Contemporary calf with later rebacking, blind rules and fillets to boards, raised bands, black-ruled fillets and black-stamped title to spine, corners mended. Some scratches and shallow scuffing to boards, moderate rubbing to extremities, corners bumped, pastedowns loose. Moderate toning to interior, faint dampstaining and dampspotting in a few places, gradually diminishing worm-track to gutter of Fols. 80-128 of the fourth part, moderate soiling, edgewear to endleaves, preliminaries of first part and final leaves of fourth part, brief early annotations to a few leaves in each part, some affected by trimming, inkstains to a few leaves, including title page of the fourth part, three early struck-through signatures to title page of first part, a small piece near its top-edge removed. \$2,500.

* Second editions. First published at the beginning of the seventeenth century, Coke's *Reports* is not a conventional reporter. It is a selection of cases, documented with related cases, treatises and other authorities, that aimed to establish, clarify and modernize the principles of the common law. On a practical level, it provided the most extensive and detailed treatment of common law pleading that had yet appeared. A work of immense authority, it was often cited as *The Reports*, there being no need to mention the author's name.

The first editions, all in Law-French, were first published in 1600, 1602, 1602, 1604, 1605, 1607, 1608, 1611, 1613, 1614, 1615. After Coke's death editors compiled a "General Table" to Parts 1-11, which was first published in 1652, and two more parts, which were first published in 1656 and 1659. The first edition in English, which did not include pleadings, was published in 1658. The annotations in this volume are glosses of the cases and cross-references.

English Short-Title Catalogue S124194, S116287, S107227, S107228.

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Early Editions of Coke's *Third* and *Fourth Institutes*

12. Coke, Sir Edward [1552-1643].

The Third Part of the Institutes of the Laws of England: Concerning High Treason, And Other Pleas of the Crown, And Criminal Causes. London: Printed by W. Rawlins, For Thomas Basset, 1680. [vi], 243, [20] pp. Lacking portrait frontispiece.

[Bound with]

Coke, Sir Edward.

The Fourth Part of the Institutes of the Laws of England: Concerning the Jurisdiction of Courts. London: Printed by W. Rawlins, 1681. [x], 364, [36] pp. Copperplate portrait frontispiece.

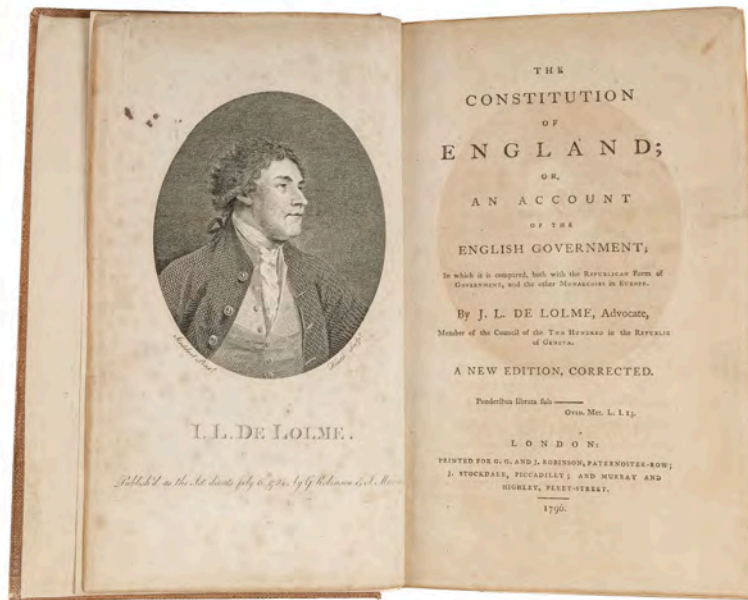
Folio (12-1/4" x 7-3/4"). Contemporary calf, blind rules to boards, later tiny label (reading "62") to foot of front board, blind fillets along joints, gilt tooling to board edges, raised bands and gilt lettering piece to spine. Light rubbing and some gouges and scuffs to boards, which are beginning to separate but secure, gilding mostly rubbed away from board edges, moderate rubbing to extremities with wear to spine ends, corners bumped and somewhat worn. Moderate toning to interior, faint dampstaining and minor worming to foot of text block in a few places, later owner signature (Joseph White, Hereford) to verso of front free endpaper, earlier owner signature (Howard Allen, 1745) to head of title page. \$1,500.

* Sixth editions. Coke's *Third* and *Fourth Institutes* deal with crime, punishment and the jurisdiction of the English courts. The *Third Institutes* lists felony crimes and requisite punishments in great detail and concludes with a discussion of pardons and restitutions. The *Fourth Institutes* outlines the authority and jurisdictions of the courts, including Star-Chamber, Kings Court, Chancery, the Court of Common Pleas, Ecclesiastical Courts, Courts of Exchequer, Augmentations, Admiralty, the Justices Assize, university courts, the Eighteen Courts of the City of London and the ecclesiastical courts.

Given Coke's critical view of the royal prerogative and the tendency of monarchical courts towards what many viewed as abusive and arbitrary outcomes, both treatises also concern the limits of royal authority and create an image of English legal history that deemphasizes the power of the monarch in favor of parliaments and the common-law courts. It was this view as much as his scholastic achievement that made the *Institutes* a foundational text in both Commonwealth-era England and Revolutionary America.

Marvin, *Legal Bibliography* 208. *English Short-Title Catalogue* R18334, R24769.

[Order This Item](#)



**Sir Frederick Pollock's Copy of an
Important and Influential Treatise on the English Constitution**

13. De Lolme, J[ean] L[ouis] [1740-1806].

[Stuart, Gilbert, Translator].

The Constitution of England; Or, An Account of the English Government; In Which it is Compared, Both with the Republican Form of Government, And the Other Monarchies in Europe. London: Printed for G.G. and J. Robinson, Paternoster-Row; J. Stockdale, Piccadilly; And Murray and Highley, Fleet-Street, 1796. [xii], xvi, 522, [18] pp. Copperplate portrait frontispiece. Octavo (8-1/4" x 5-1/4").

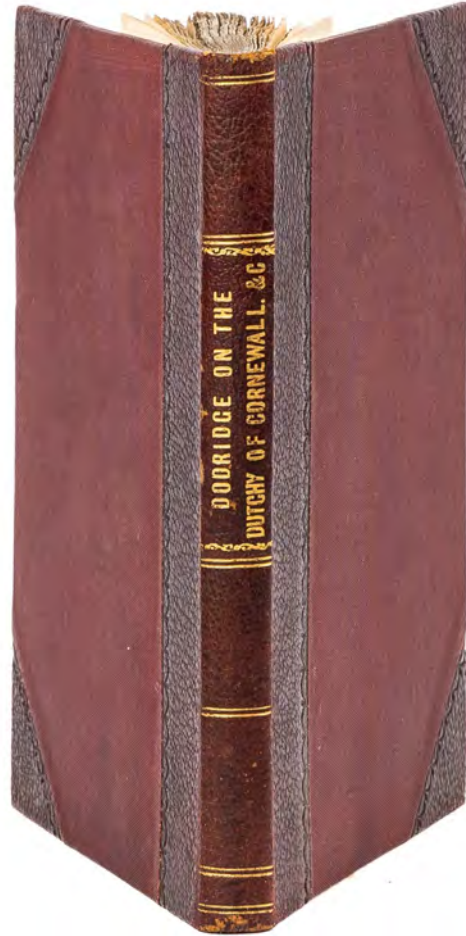
Nineteenth-century cloth, gilt fillets and calf lettering piece to spine, text block re-cased. Light rubbing to extremities, two tiny cracks to front joint, corners bumped, two tiny cracks to rear hinge, signature of Sir Frederick Pollock ("F. Pollock/Linc: Inn) to front pastedown, earlier owner signature (W. Mellers, dated 1836) to verso of frontispiece. Moderate toning to interior, light foxing to a few leaves, light rubbing to fore-edges of preliminaries. \$950.

* Later edition. First published in 1771, De Lolme's highly regarded exposition of the English constitution went through several editions well into the nineteenth century. It was the first book-length analysis of the "separation of powers" proposed in Book XI of Montesquieu's *Spirit of Laws*, which sketched an institutional distinction between the legislative, executive, and judicial branches of government. As one would expect, it was held in high regard by many of the American founders. Hamilton cites it favorably in *The Federalist*, and Adams relied upon the 1784 edition extensively in writing *A Defence of the Constitutions of Government of the United States*.

Pollock [1845-1937], the former owner of our copy, was one of the greatest British judges and legal scholars of his day. His treatises on contracts, jurisprudence, the common law and other subjects did much to clarify and systematize English law. Several of these were standard texts that went through several editions. He is also remembered for his collaboration with F.W. Maitland on *The History of English Law Before the Time of Edward I* and his correspondence with Oliver Wendell Holmes, which was published posthumously as *The Holmes-Pollock Letters*.

English Short-Title Catalogue T109936.

[Order This Item](#)



Jefferson Owned a Copy

14. Doddridge (Dodderidge), Sir John [1555-1628].

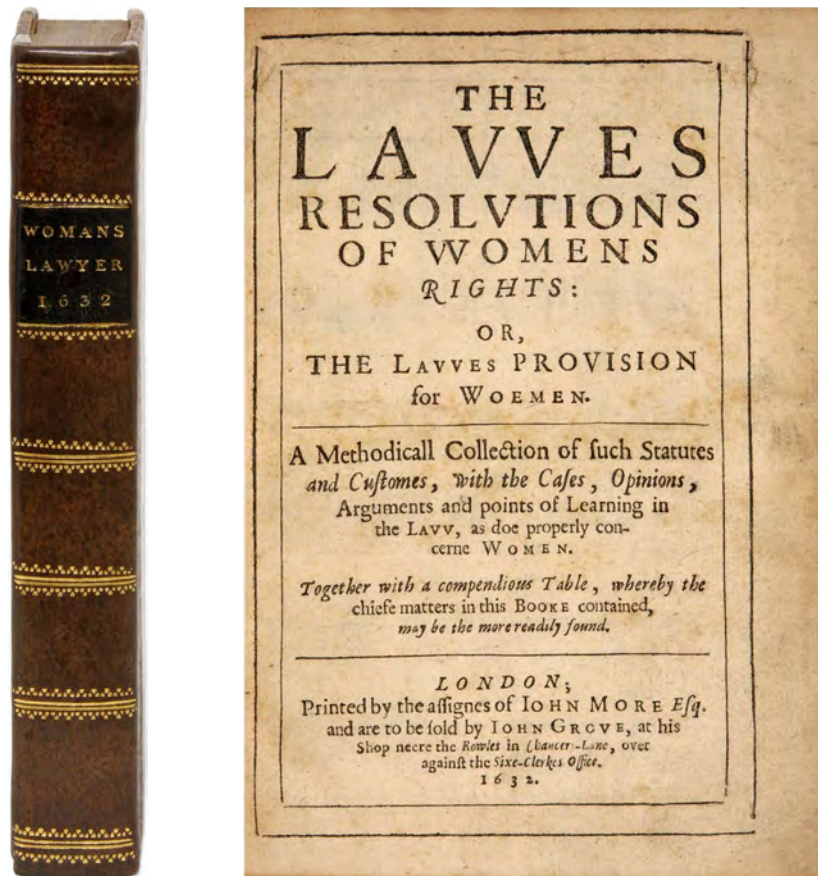
The History of the Ancient and Moderne Estate of the Principality of Wales, Dutchy of Cornwall, And Earldome of Chester. Collected Out of the Records of the Tower of London, And Divers Ancient Authours. By Sir Iohn Doddridge Knight, Late One of His Maiesties Iudges in the Kings Bench. And by Himselfe Dedicated to King Iames of Ever Blessed Memory. London: Printed by Tho. Harper, For Godfrey Emondson, And Thomas Alchorne, 1630. [xvi], 142, [2] pp. Final leaf blank. Quarto (7" x 5-1/2").

Recent three-quarter morocco over cloth, blind fillets along edges of morocco, gilt title and fillets to spine, endpapers renewed. Some rubbing to extremities with light wear to spine ends and corners, recent owner bookplate to front pastedown. Moderate toning to text, faint dampspotting in a few places, light soiling to title page, a few faint early doodles to p. 142. A nice copy. \$450.

* First edition. Sir John Doddridge, or Dodderidge, a judge of King's Bench, was a formidably learned jurist who was both a common lawyer and a civilian who held a D.C.L. from Cambridge. His work is held in high esteem by Holdsworth. The *History* was written during the early part of the reign of James I to urge the revival of Wales as a principality. After a period of decline, the principality was abolished by Parliament in 1641. (It was revived during the Restoration before being finally abolished in 1689.) A second edition was published in 1714; Thomas Jefferson owned a copy of the second edition.

Sowerby, *Catalogue of the Library of Thomas Jefferson* 3038. *English Short-Title Catalogue* S109765.

[Order This Item](#)



The Earliest Work in English Devoted to Laws Relating to Women

15. E[dggar], T[homas] [fl. 1615-1649], Attributed.

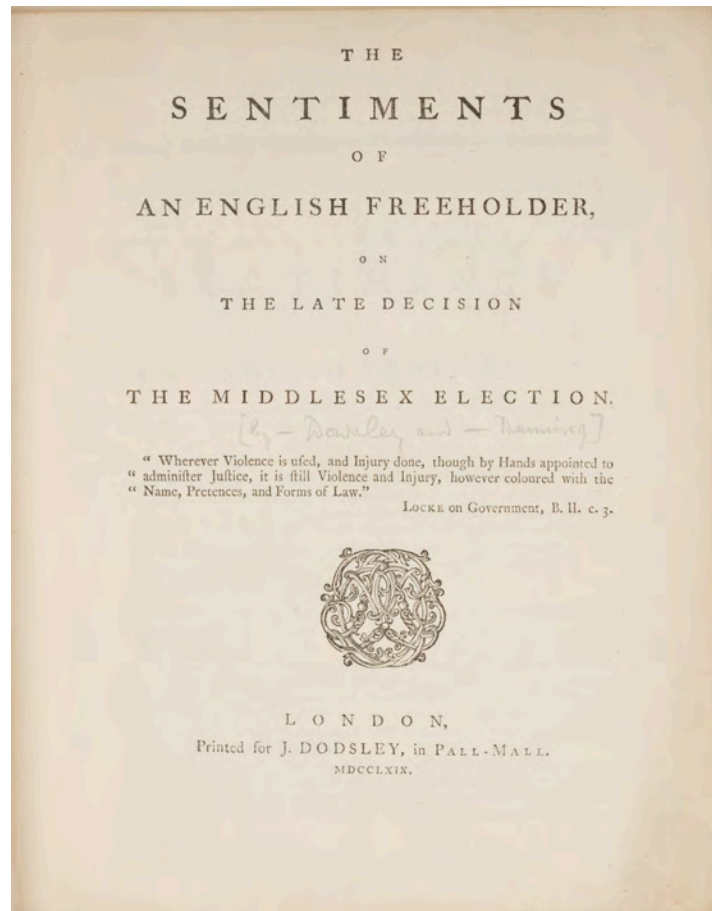
The Lawes Resolutions of Womens Rights: Or, The Lawes Provision for Woemen. A Methodicall Collection of Such Statutes and Customes, With the Cases, Opinions, Arguments and Points of Learning in the Law, As Doe Properly Concerne Women. Together with a Compendious Table, Whereby the Chiefe Matters in This Booke Contained, May Be the More Readily Found. London: Printed for the Assignes of John More Esq., 1632. [xiv], 404 pp. First leaf in collation, a blank, lacking. Quarto (7-1/2" x 5-1/2").

Contemporary speckled calf, rebaked in period style, gilt fillets and lettering piece to spine, gilt tooling to board edges, corners mended, endpapers renewed, speckled edges. Light rubbing to boards, tiny nick to lettering piece. Light toning to text, light foxing to a few leaves. Housed in a custom quarter morocco over cloth clamshell box with gilt-edged raised bands and gilt title to spine. A handsome copy. \$25,000.

* First edition. The earliest work in English devoted to laws relating exclusively to women, this incomparable digest from the time of the Civil War is also known as *The Womens Lawyer*. It is notable, in part, as the first book in English with the phrase "women's rights." A wide-ranging work, it treats such diverse topics as age of consent, dower, hermaphrodites, polygamy, wooing, partition, chattels, divorce, descent, seisin, treason, felonies and rape. Some sources, such as the *English Short-Title Catalogue*, believe this work was written in 1603 by Sir John Doderidge [1555-1628], an important legal figure during the reign of James I. Its preface is signed T.E., who is believed to be Thomas Edgar. Jefferson owned a copy of this book, which suggests a few copies could be found in early American libraries.

Sowerby, *Catalogue of the Library of Thomas Jefferson* 1999. *English Short-Title Catalogue* S100217.

[Order This Item](#)



A Defense of John Wilkes

16. English Freeholder.

The Sentiments of an English Freeholder, On the Late Decision of the Middlesex Election. London: Printed for J. Dodsley, 1769. [iv], 60 pp. Quarto (10" x 8").

Disbound stab-stitched pamphlet in recent marbled wrappers. Very light edgewear to wrappers, light rubbing to spine. Light toning to interior, light soiling to half-title, light foxing to a few leaves, a few corners folded and untrimmed, later pencil annotation to title page. \$650.

* Only edition, reprinted in Dublin the same year. In 1768, John Wilkes, the publisher of the controversial paper *The North Briton*, was elected to Parliament by Middlesex. However, during his term, he was imprisoned for seditious libel and subsequently expelled. While the legitimacy of his sentence was being debated, Middlesex attempted to re-elect him several times without success. The Wilkes Cause, as it was known, was a significant controversy of its day, and many prominent figures, including Sir William Blackstone, weighed in. Among others, our pamphlet replies to Blackstone's *The Question Stated* (1769), pointing out inconsistencies between his endorsement of Wilkes's expulsion and his position in his *Commentaries* in a defense of Wilkes. Wilkes was particularly popular across the Atlantic, where American colonists saw him as a champion of the people whose struggle for freedom against the tyrannical English government mirrored their own. John Adams, Samuel Adams, John Hancock and James Otis were among those who signed petitions in his favor.

English Short-Title Catalogue T47461.

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First Tottell Edition of the Book that "Made the Common Law"

17. Fitzherbert, Sir Anthony [1470-1538].

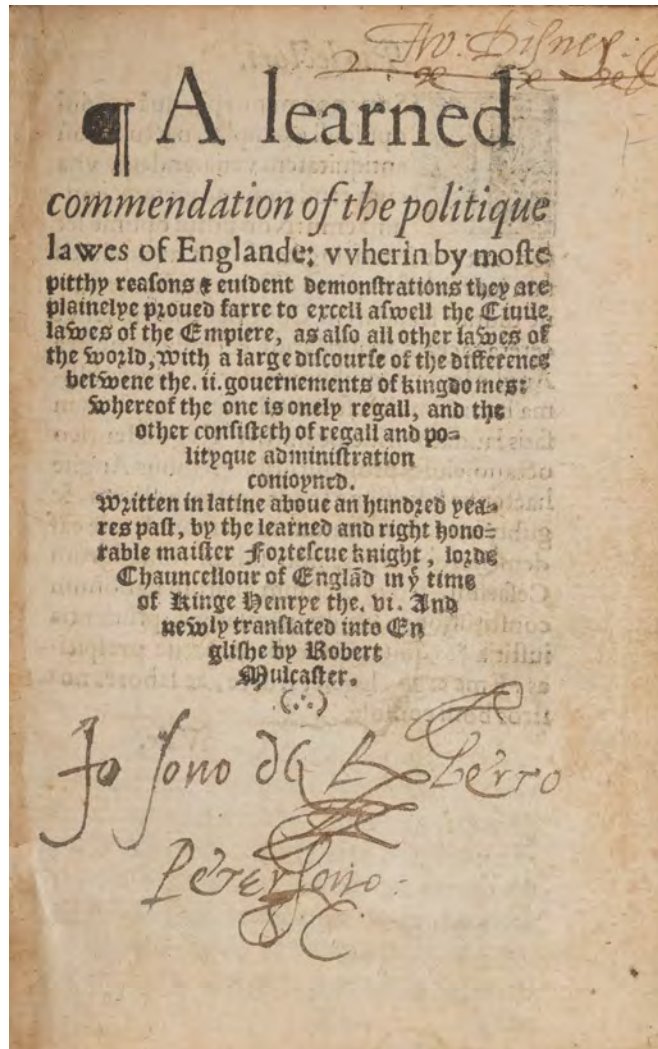
La Graunde Abridgement Collecte par le Juge Tresreverend Monsieur Anthony Fitzherbert, Dernierment Conferre Ouesque la Copy Escrip et per Ceo Correct: Aueques le Nombre del Sueil, Per Quel Facilement Poies Trover les Cases cy Abyrdges en les Livres Dans, Novelment Annote: Iammais Devaunt Imprimee. London: In Aedibus Ricardi Tottell, 1565. Three parts in two books [i], 379; [i], 128; 207 ff. First and second parts have title pages, second part has title beginning: *La Secoude Part du Graund Abridgment*. Tipped-in cancel slip to verso of leaf M2 in third part. Folio (13-1/2" x 9-1/4").

Contemporary calf, rebaked in period style, blind rules to boards, raised bands and lettering piece to spine, endpapers renewed with carefully matched antique paper. Moderate rubbing and light gatoring to boards, heavier rubbing to board edges with wear to corners. Title pages printed within woodcut architectural borders. Moderate toning, faint dampstaining to foot of text block, light soiling to title page of first part, "W" in small later hand to upper right-hand corner. An impressive copy. \$2,800.

* First Tottell edition. Arguably one of the most imposing volumes in the history of English law, Fitzherbert abridged 13,485 cases under 263 titles in alphabetical order. First published in 1514 (or 1516), it was the first serious attempt to arrange the common law in a systematic manner and was a model for such writers as Brooke and Rolle. According to Boersma, Fitzherbert accomplished "nothing less than to abridge all notes of significant cases at common law." A standard work in Great Britain, it was equally important in the American colonies. Thomas Jefferson, for example, owned a copy from 1577. Graham and Heckel refer to this work as the "book that 'made' the common law." Beale's record for the second part differs from our copy, which matches that in the *ESTC*. The most notable difference is that the Beale copy does not include the first 128 leaves of the second part.

Boersma, "Sir Anthony Fitzherbert: A Biographical Sketch and Short Bibliography," *Law Library Journal* 71 (1978) 395. Graham and Heckel, "The Book That 'Made' the Common Law," *Law Library Journal* 51 (1957) 101. Sowerby, *Catalogue of the Library of Thomas Jefferson 1776*. Beale, *A Bibliography of Early English Law Books* R463, R464. *English Short-Title Catalogue* S122166.

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Handsome Annotated Copy of the
First English-Language Edition of Fortescue's *De Laudibus*

18. Fortescue, Sir John [1394?-1476?].

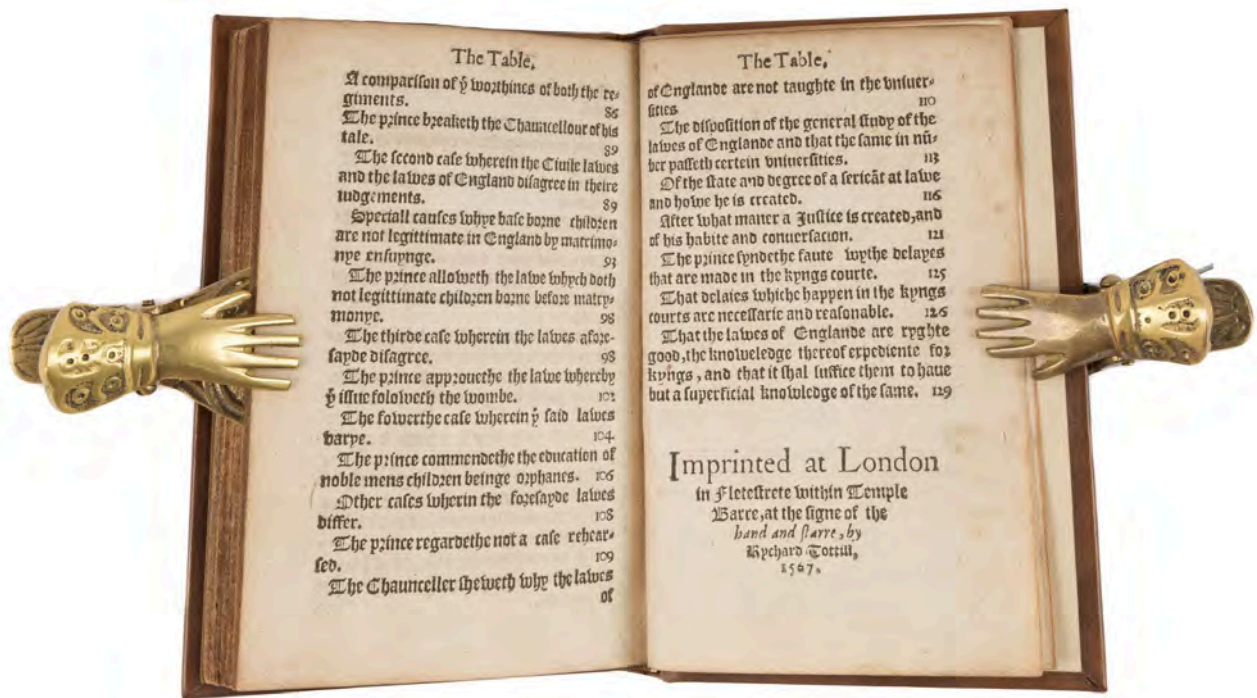
Mulcaster, Robert [16th. c.], Translator.

A Learned Commendation of the Politique Lawes of England: Wherin by Moſte Pitthy Reaſons and Evident Demonſtrations They are Plainely Proved Farre to Excell Aſwell the Civile Lawes of the Emperie, As Also All Other Lawes of the Worlde, With a Large Diſcourſe of the Difference Betwene the .ii. Gouernementes of Kingdomes: Whereof the One is Onely Regall, And the Other Conſiſteth of Regall and Politique Adminiſtration Conioyned. Written in Latine Aboue an Hundred Yeares Paſt, By the Learned and Right Honorable Maſter Forteſcue Knight, Lorde Chauncellour of England in ye Time of Kinge Henry VI. and Newly Tranſlated into Engliſhe by Robert Mulcaſter. [London: In Fletestrete Within Temple Barre, At the Signe of the Hand and Starre, by Rychard Tottill, 1567]. [i], 132, [3] ff. English and Latin in parallel columns. Octavo (5-1/2" x 3-1/4").

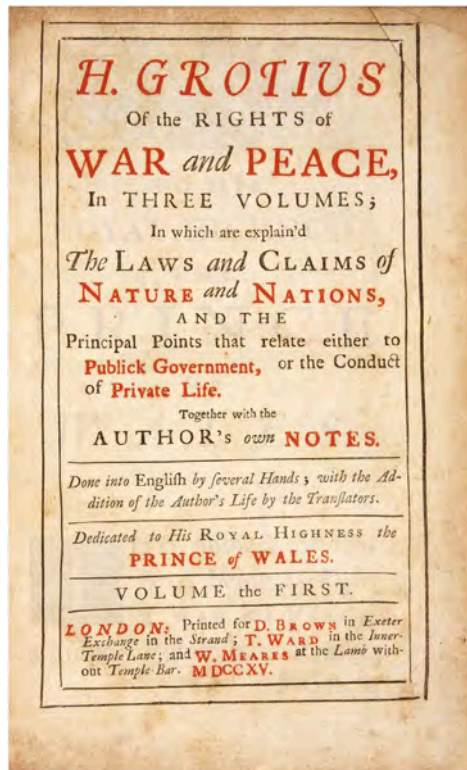
Recent period-style calf, blind frames and corner fleurons to boards, raised bands and lettering piece to spine, endpapers renewed, edges rouged. Front hinge just starting. Moderate toning to interior, lower corners of ff. 91 and 121 and upper corner of f. 32 lacking without loss to text, small tear to text block of f. 1 without loss to legibility, occasional early and later (seventeenth and eighteenth-century?) underlining and annotations, mostly brief glosses, in two hands in Latin and English, early ownership signatures (of Thomas Disney and Gilbert Peterson) to title page. A very appealing copy. \$10,000.

* First edition in English, by Robert Mulcaster, the great Elizabethan educationalist. *De Laudibus Legum Angliae*, a history of English law, was written for the instruction of Edward, the young Prince of Wales. Cast in a friendly dialogue form, it demonstrates that the common law was the oldest and most reasonable legal system in Europe. The first work to examine trial by jury and the Inns of Court at length, it also extols the superiority of a constitutionally limited monarch to an absolute monarch. *De Laudibus* was written around 1470 and first published (in Latin) in 1537. "Fortescue was a favorite among the old lawyers, and will be read with profit in modern times by those who are interested in the origin and progress of the Common Law" (Marvin). Coke deemed it "worthy to be written in letters of gold." Jefferson and Adams both owned copies of a later translation.

OCLC locates 9 copies of this edition in North American law libraries (Los Angeles County, University of Michigan, University of Minnesota, University of Virginia, Georgetown, George Washington University, Library of Congress, College of William and Mary, Harvard). Coke cited in Skeel, "The Influence of the Writings of Sir John Fortescue," *Transactions of the Royal Historical Society* 10: 93. Marvin, *Legal Bibliography* 321. Beale, *A Bibliography of Early English Law Books* T357. *English Short-Title Catalogue* S102454.



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Early English Translation of *De Jure Belli ac Pacis*

19. Grotius, Hugo [1535-1645].

[Morrice, John, Translator and Editor].

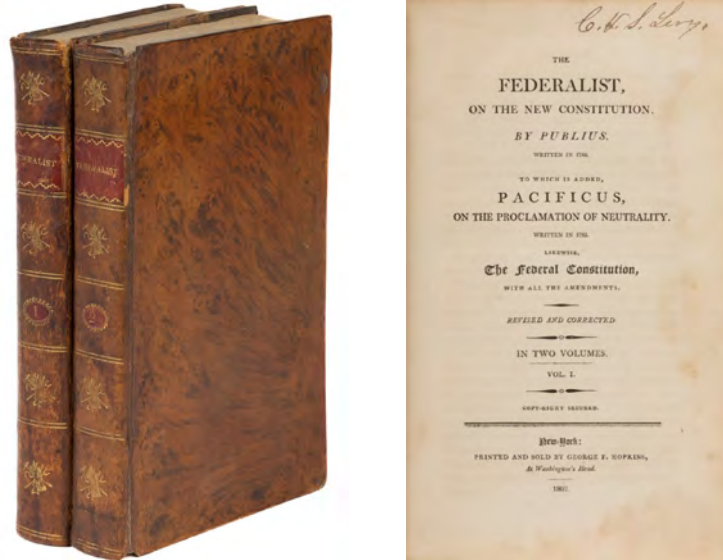
Of the Rights of War and Peace, In Three Volumes; In Which are Explain'd the Laws and Claims of Nature and Nations, And the Principal Points that Relate Either to Publick Government, Or the Conduct of Private Life. Together with the Author's Own Notes. Done into English by Several Hands; With the Addition of the Author's Life by the Translators. Dedicated to His Royal Highness the Prince of Wales. London: Printed for D. Brown, T. Ward and W. Meares, 1715. 3 volumes. [xv], civ, 212; [iii], 648 [ii], 356, [48] pp. Title page of each volume preceded by publisher advertisement. Collates complete. Octavo (7-1/2" x 4-3/4").

Contemporary paneled calf, raised bands and gilt volume numbers to spines, speckled edges, gilt tooling to edges of boards. Minor nicks, scuffs and light stains to boards, moderate rubbing to extremities with some wear to spine ends and corners, light gatoring to spines, boards beginning to separate but secure, early copperplate armorial bookplate to front pastedown of Volume I. Title pages printed in red and black. Light toning, somewhat heavier in places, occasional light foxing. \$1,250.

* Third English-language edition. First published in Paris in 1625, *The Rights of War and Peace* established the system of modern public international law. It presented a system of international relations based on morality-based legal principles that superseded the laws of individuals or nations; this conception of natural law would form the basis of eighteenth-century political theory and prove highly influential among the founders. Recognized immediately as an important work, it was translated into the principal languages of Europe. According to sources cited in the *ESTC*, the 1715 edition was translated and edited by Morrice with the assistance of Edward Littlehales and John Spavan. The English editions differ considerably and are very interesting to compare.

English Short-Title Catalogue T117018. Ter Meulen and Diermanse, *Bibliographie de Grotius* 634.

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Attractive Set of the Last Edition of *The Federalist* Published in Hamilton's Lifetime

20. [Hamilton, Alexander (1755 or 1757-1804)].

[Madison, James (1751-1836)].

[Jay, John (1745-1829)].

The Federalist, On the New Constitution. By Publius. Written in 1788. To Which is Added, Pacificus, On the Proclamation of Neutrality. Written in 1793. Likewise, The Federal Constitution, With All the Amendments. Revised and Corrected. New York: Printed and Sold by George F. Hopkins, 1802. Two volumes. viii, 317, [1]; v, [3], 351 pp. Volume I has two pages numbered 167 and two pages numbered 168, as noted on the errata sheet and with page numbering 263-270 repeated. 1 pp. publisher advertisement at rear of Volume II. Octavo (8-3/4" x 5-1/4").

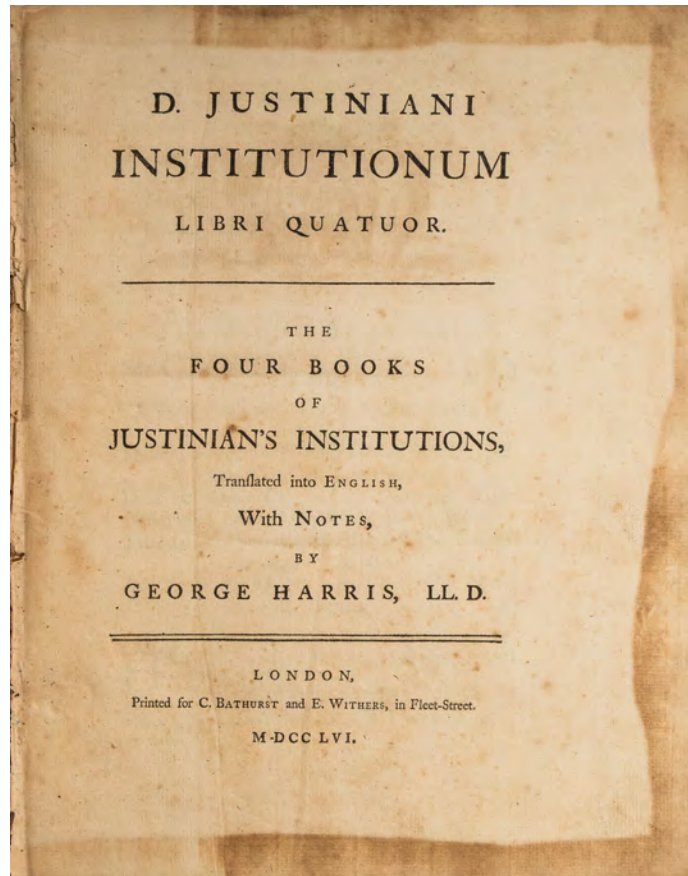
Contemporary tree calf, lettering pieces, gilt fillets, ornaments and volume numbers to spines, repair to foot of Volume II, its front and rear boards neatly reattached, hinges mended. A few minor nicks and scuffs to boards, moderate rubbing to extremities, minor chips to heads of spine, joints of Volume I cracked, its hinges starting. Moderate toning to interior, light foxing in places, offsetting to margins of endleaves, faint dampstaining to front endleaves of Volume II, minor worming to its rear pastedown, early owner signature (C.V.S. Levy) to front free endpaper and title page of both volumes. An attractive set. \$12,500.

* Second edition, "Revised and Corrected" with Hamilton's approval by George Hopkins. First published by the M'Lean brothers in March and May 1788, *The Federalist* collected a series of essays published in New York periodicals under the collective pseudonym "Publius" between October 1787 and May 1788 that encouraged ratification of the proposed constitution by New York State. (Most scholars agree that 51 were written by Hamilton, 29 Madison and 5 by Jay.) Taken together, these essays were seen almost immediately as the most compelling commentary on the most radical form of government the world had seen.

The second edition is significant because its preface establishes Hamilton, Madison and Jay as the authors and discusses the extent of their contributions. It is also the last edition published in Hamilton's lifetime. Published fourteen years after the U.S. Constitution's ratification, it includes the text of the U.S. Constitution with the first eleven amendments and Hamilton's "Pacificus" essays, which defended Washington's 1793 proclamation of neutrality during the Anglo-French War.

Sabin, *A Dictionary of Books Relating to America* 23981. Cohen, *Bibliography of Early American Law* 2818.

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With Interesting Comparisons Between Roman and English Law

21. Justinian I (483-565 CE), Emperor of the East.

Harris, George [1722-1796], Editor and Translator.

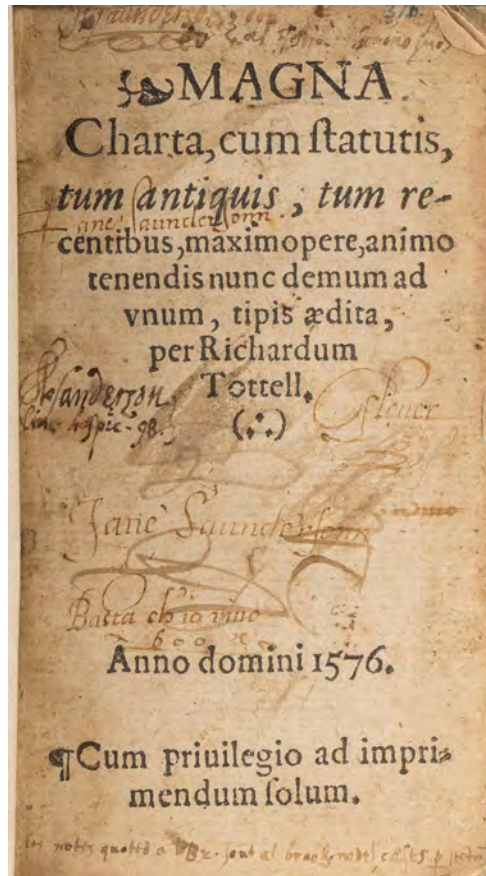
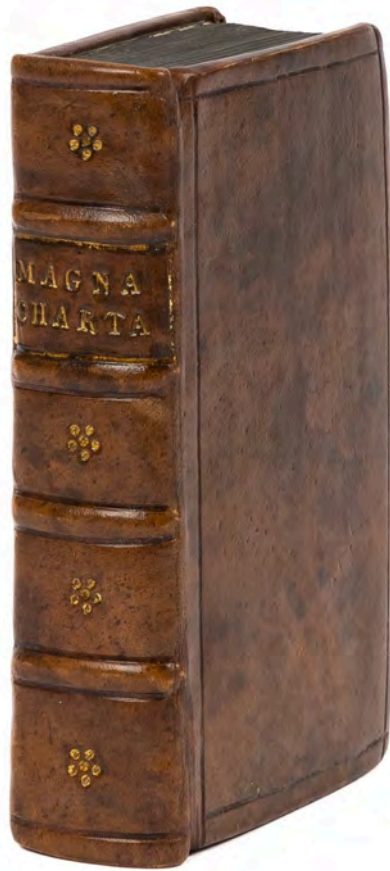
D. Justiniani Institutionum Libri Quatuor: The Four Books of Justinian's Institutions, Translated Into English, With Notes. London: Printed for C. Bathurst and E. Withers, 1756. xv, [1], 73, [1]; 121, [1]; 100; 92; 11, [5] pp. Copperplate table of descents. Quarto (11-1/4" x 9").

Contemporary paneled calf with early rebacking, raised bands and lettering piece to spine. Light rubbing and some shallow scuffing to boards, heavier rubbing to extremities and spine, wear to spine ends and corners, boards partially detached, owner bookplate of Charles Frost of Hull to front pastedown, title page partially detached but secure. Moderate toning and light foxing to text, early annotations, most likely by Frost, to several leaves, offsetting to margins of preliminaries and rear endleaves. \$450.

* First edition. This well-respected edition is notable for its elegant parallel translation. Harris, an advocate of Doctor's Commons, provides an interesting historical introduction and notes that compare the rules of Roman and English law. The final section is a translation of "Concerning the Succession of Descendents," Book 118 of the *Novels*. This work was owned by many sophisticated lawyers in Great Britain and America, such as Thomas Jefferson. Second and third editions were published in 1761 and 1811. Frost [1781?-1862], an English lawyer, was a notable legal writer and antiquary. He is known today for his research into the early history of Hull, England.

Sowerby, *Catalogue of the Library of Thomas Jefferson* 2191 (second edition). *English Short-Title Catalogue* N8181.

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Handsome Copy of the 1576 Tottel Edition of Magna Carta

22. [Magna Carta].

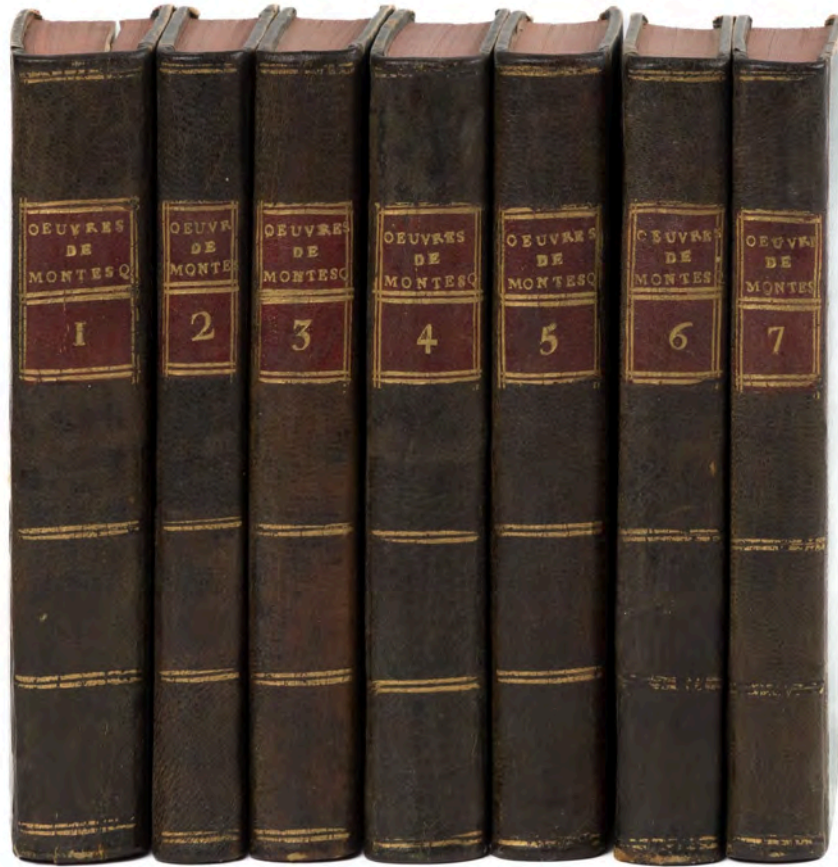
Magna Charta, Cum Statutis, Tum Antiquis, Tum Recentibus, Maximopere, Animo Tenendis Nunc Demum ad Unum, Tipis Aedita, Per Richardum Tottell. Anno Domini 1576. [Imprinted at London in Fleetestrete Within Temple Barre at the Signe of the Hand and Starre, By Richard Tottell, The 8. Day of Marche, 1576]. [viii], 247 ff. Octavo (4-1/2" x 2-3/4").

Period-style calf, raised bands and gilt title and ornaments to spine, endpapers renewed. Some toning to text, margins trimmed close with loss of a few letters on outer margin of leaf A1 (fol. 1), minor dampstaining in a few places. Contemporary ownership signatures of Jane Saunderson on title page and rear endleaf, brief annotations in a tiny hand to a few pages. An appealing copy. \$7,500.

* Text in Latin, English and Law-French. With two tables of statutes, one alphabetical. An early and uncommon edition of the Magna Carta printed here with corrections and additions from earlier editions, up to the 14th year of the reign of Elizabeth I. It includes, the *Charta de Foresta* of Henry III, the Statutes of Merton and Marlebridge and additional information useful to "studentes of the lawe" and "practisers of the same." A valuable window on English society in the sixteenth century, the statutes deal with women, wills, leases, forcible entry, "Fraudulent Deedes" and many other topics. In 1553 Tottel was granted an exclusive seven-year patent to print all "duly authorized books on the common law" (Dugdale). His patent was renewed several times over the following forty years. During that time he became one of the most important legal publishers of the sixteenth century.

Dugdale, *Origines Juridicales* 59-60. Beale, *A Bibliography of Early English Law Books* S19. *English Short-Title Catalogue* S92154.

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An Attractive Set of the Works of Montesquieu

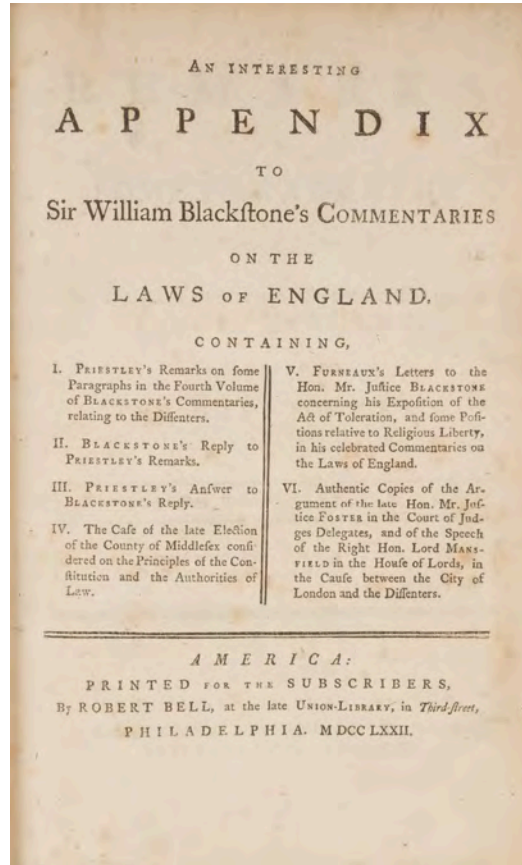
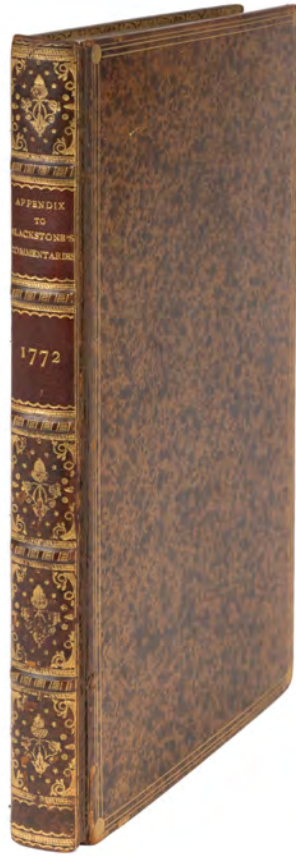
23. Montesquieu, Charles de Secondat, Baron de [1689-1755].

Oeuvres de Monsieur de Montesquieu. Nouvelle Édition, Revue, Corrigée & Augmentée de Plusieurs Pièces qui n'avoient pas Paru Jusqu'à Présent. Amsterdam: [S.n.], 1785. 7 volumes. Complete set, 2 folding tables in Vol. I. 12mo. (6-1/2" x 3-1/2").

Contemporary quarter calf over paper-covered boards, gilt fillets and lettering pieces to spines, edges rouged. Light rubbing to boards, moderate rubbing to extremities, faint offsetting along joints, corners bumped and worn, later owner signatures (of Elise [illegible] Powell) to front free endpaper of each volume, light foxing to endleaves, hinges of some volumes cracked or starting. Light toning to interior, light foxing and soiling in a few places, faint dampstaining to gutter of first few leaves of Vols. II and III, small hole to lower corner of leaf A1 (unnumbered) of Vol. IV, small tears to folding tables neatly mended with minor loss, fore-edge of first table reinforced. A handsome set. \$600.

* Later edition. This attractive set of the works of Montesquieu includes the complete text of *De L'Esprit des Loïs*, one of the landmark works of the eighteenth century. *De L'Esprit des Loïs* had an immeasurable influence on jurisprudence and political thought, especially in America. It contained provocative and wide-ranging ideas on the sociology of law, the separation of political powers and the need for checks on a powerful executive office, all concepts that weighed heavily on America's founders.

[Order This Item](#)



**On Religious Liberty, the Separation of Church and State
and Free Speech: Bell's *Interesting Appendix* to Blackstone**

24. Priestley, Joseph [1733-1804].

Blackstone, Sir William [1723-1780].

Furneaux, Philip [1726-1783].

Foster, Sir Michael [1689-1763].

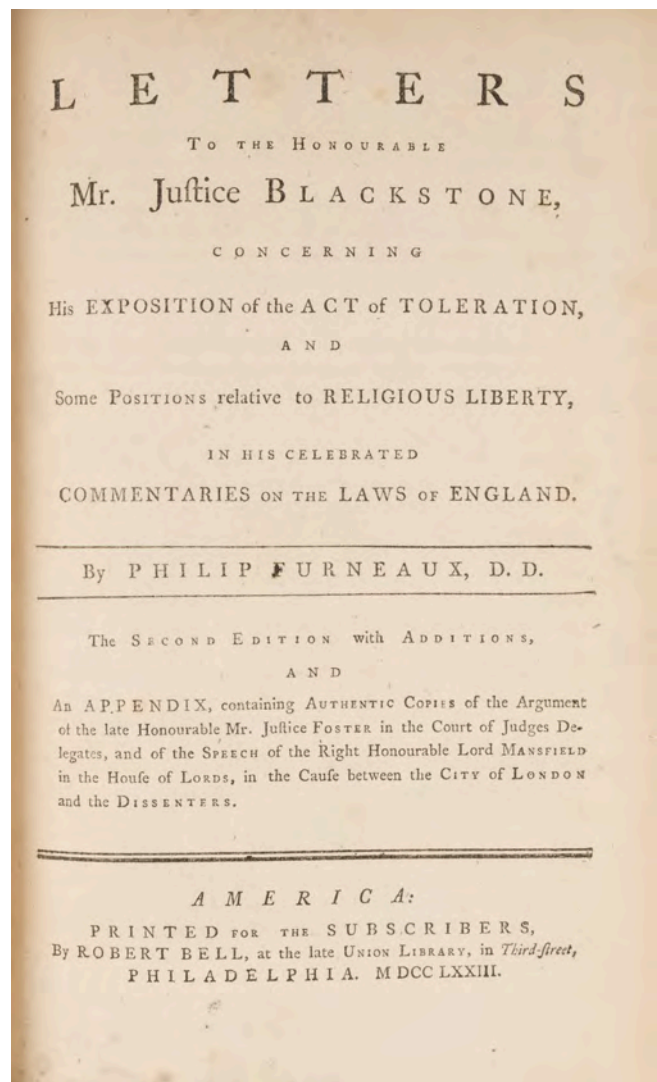
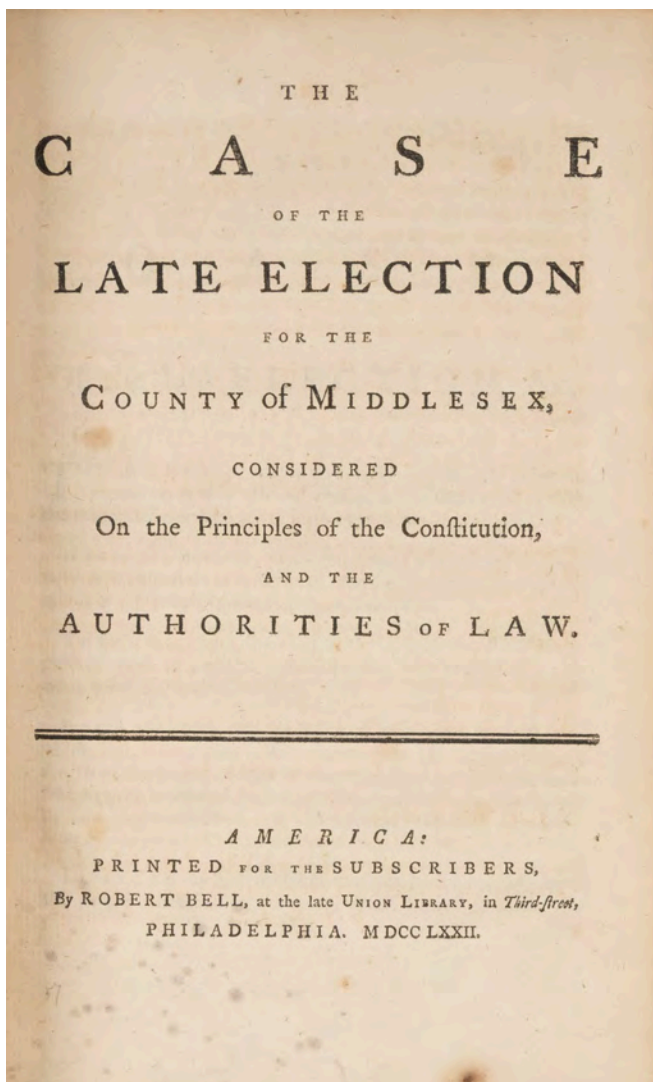
[Murray, William, Earl of Mansfield (1705-1793)].

An Interesting Appendix to Sir William Blackstone's Commentaries on the Laws of England. Containing, I. Priestley's Remarks on Some Paragraphs in the Fourth Volume of Blackstone's Commentaries, Relating to the Dissenters. II. Blackstone's Reply to Priestley's Remarks. III. Priestley's Answer to Blackstone's Reply. IV. The Case of the Late Election of the County of Middlesex Considered on the Principles of the Constitution and the Authorities of Law. V. Furneaux's Letters to the Hon. Mr. Justice Blackstone Concerning His Exposition of the Act of Toleration, And Some Positions Relative to Religious Liberty, In his Celebrated Commentaries on the Laws of England. VI. Authentic Copies of the Argument of the Late Hon. Mr. Justice Foster in the Court of Judges Delegates, And of the Speech of the Right Hon. Lord Mansfield in the House of Lords, In the Cause Between the City of London and the Dissenters. [Philadelphia]: Printed for the Subscribers, By Robert Bell, 1772 [-1773]. [iv], iv, [5]-119, [1], xii, 155, [1] pp. Each section preceded by divisional title page, first section also preceded by general title page, title page of *Letters to the Honourable Mr. Justice Blackstone* dated 1773. Includes one-page publisher advertisement for Bell's 1773 printing of Ferguson's *Essay on the History of Civil Society* and a subscription for a second American edition of Blackstone's *Commentaries*. Octavo (9" x 5-1/2").

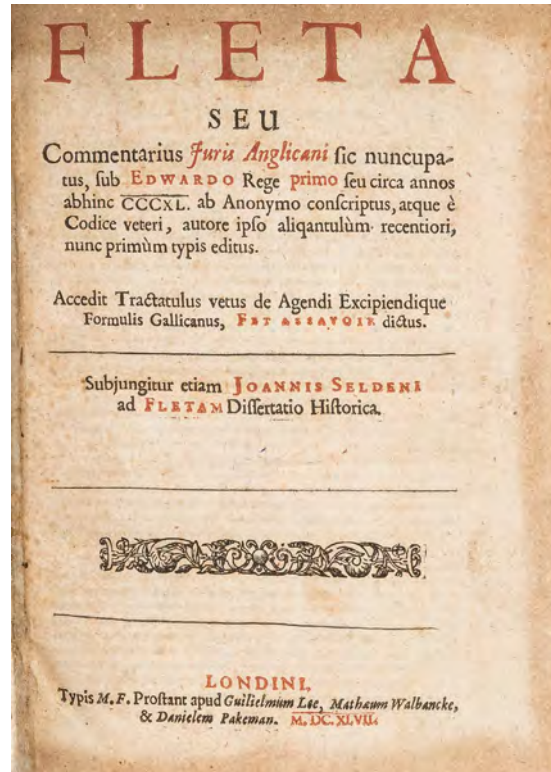
Twentieth-century sprinkled calf, gilt rules with corner ornaments to boards, gilt spine with raised bands and lettering piece, gilt tooling to board edges, top-edge of text block gilt, gilt inside dentelles, marbled endpapers, hinges reinforced. Some rubbing to extremities, joints cracked. Moderate toning to interior, light foxing and dampspotting in a few places, annotation to front endleaf stating this book was purchased from Kenneth Nebenzahl. \$1,500.

* This influential commentary was issued as an appendix volume to Bell's edition of Blackstone's *Commentaries* (1771-1772). Reissued in 1773 and again in 1774, as *The Palladium of Conscience*. Most of the essays comprise a debate on religious liberty and the separation of church and state relating to Priestley's rebuttal of a passage in Blackstone that classified non-conformity to the Church of England as a crime. Part IV., which concerns freedom of speech, summarizes a debate concerning Blackstone's endorsement of the expulsion of the publisher John Wilkes from Parliament after his conviction for "seditious libel." The creation of this volume by Bell indicates the importance of these issues in colonial America on the eve of the Revolution. Laeuchli notes five different version of the 1772 issue, some, such as the present copy, with sections printed in 1773. Nebenzahl [1927-2020] was a distinguished Chicago dealer in antiquarian books and maps. Also a scholar, he published four important books on cartography.

Sowerby, *Catalogue of the Library of Thomas Jefferson* 2899 (1773 ed.). *Catalogue of the John Adams Library in the Public Library of the City of Boston* (1917) 151.19. Laeuchli, *A Bibliographical Catalog of William Blackstone* 615.



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First Printing of Selden's Edition of *Fleta* and His *Ad Fletam Dissertatio*

25. Selden, John [1584-1645], Editor.

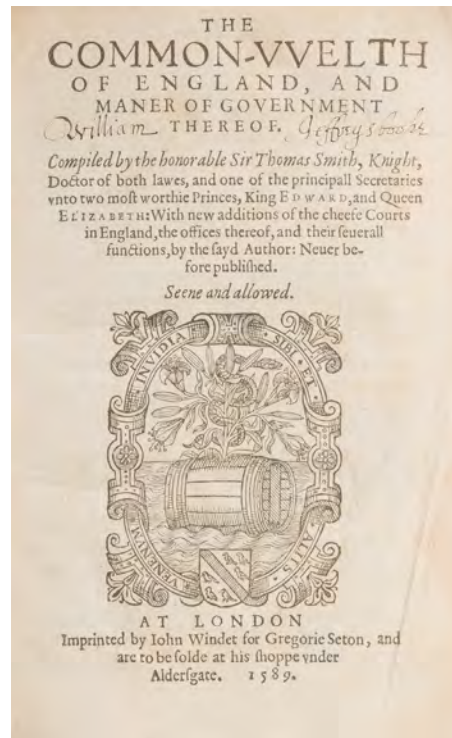
Fleta, Seu Commentarius Juris Anglicani Sic Nuncupatus, Sub Edwardo Rege Primo Seu Circa Annos ab Hinc CCCXL. Ab Anonymo Conscriptus, Atque e Codice Veteri, Autore Ipso Aliquantulum Recentiori, Nunc Primum Typis Editus. Accedit Tractatulus Vetus de Agendi Excipiendique; Formulæ Gallicanus, Fet-Assavoir Dictus. Subjungitur Etiam Joan. Seldeni ad Fletam Dissertatio Historica. London: Typis M.F. Prostant Apud Guil. Lee, & Dan. Pakeman, 1647. [8], 64, 63-452, [2], 453-553, [3] pp. Pagination irregular. Complete. Quarto (8-1/2" x 6-1/2").

Handsome period-style quarter calf over cloth, lettering piece, blind ornaments and gilt-ruled raised bands to spine. Negligible light rubbing to boards, some fading to spine. Title page printed in red and black. Moderate toning to text, occasional faint dampspotting, faint dampstaining to margins in a few places, internally clean. A very nice copy. \$750.

* First edition. The work by an anonymous author describes the practice of the courts, the forms of writs and an explanation of law terms as they existed during the reign of Edward I. Selden brought this ancient treatise to the public's attention and was instrumental in its publication. While Bracton earns the highest praise as the father of legal learning, Fleta earns a share of it for the illustrations he offered to some of the obscurities found in Bracton. Selden's appended dissertation (pp. 453-553) contains many interesting observations about Bracton, Britton, Fleta, and Thornton "and shows what use was made of the Imperial law in England whilst the Romans governed here, at what time it was introduced into this nation, what use was formerly made of it, how long it continued, and when the use of it totally ceased in the King's Courts at Westminster" (Bridgman). Jefferson owned a copy of Fleta, and Selden's theories on the origin of English law and the concept of natural law were highly influential.

Bridgman, *A Short View of Legal Bibliography* 87. Sowerby, *Catalogue of the Library of Thomas Jefferson* 1647. *English Short-Title Catalogue* R15006.

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**"The Most Important Description of the Constitution
and Government of England Written During the Tudor Age"**

26. Smith, Sir Thomas [1513-1577].

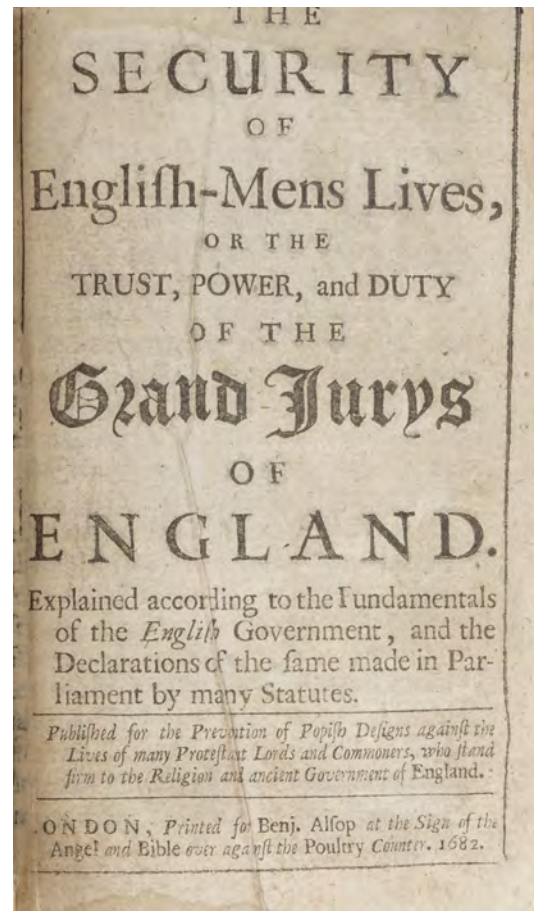
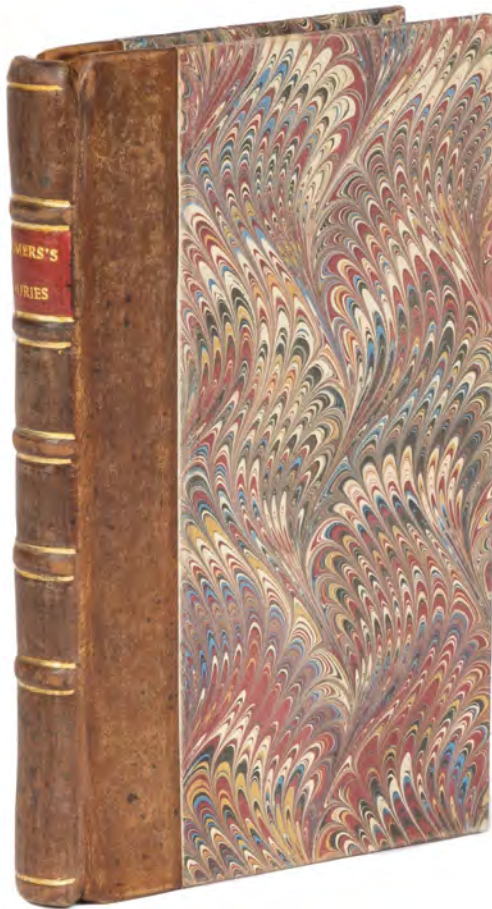
The Common-Wellth of England, And Maner of Government Thereof. Compiled by the Honorable Sir Thomas Smith, Knight, Doctor of Both Lawes, And One of the Principall Secretaries Unto Two Most Worthie Princes, King Edward, And Queen Elizabeth: With New Additions of the Cheef Courts in England, The Offices Thereof, And Their Severall Functions, By the Sayd Author: Neuer Before Published. Seene and Allowed. London: Imprinted by Iohn Windet for Gregorie Seton, 1589. [iv], 148 pp. Leaves of Signature K (pp. 73-80) bound out of order. Quarto (7-1/4" x 4-3/4").

Recent quarter morocco over cloth, gilt fillets, title and publication date to spine. Light toning to interior, margins trimmed with no loss to text, minor worming and brief early annotations and markings to a few leaves, light soiling, tiny dampstain and early owner inscription ("William Jeffreys Booke") to title page, tiny dampstain to following leaf. A handsome copy. \$3,500.

* Third edition. Written between 1562 and 1565 and first published in 1583, this essay "is the most important description of the constitution and government of England written in the Tudor age" (*DNB*). It is a work highly regarded by Maitland, who planned his own edition and wrote in the preface to the 1906 reprint that it "will be quoted and transcribed so long as men take any interest in the history of the English constitution." Adams cited it in *A Defence of the Constitutions of Government of the United States of America*. It went through eleven editions in English between 1583 and 1691. Four Latin editions, titled *De Republica et Administratione Anglorum*, appeared between 1610 and 1641. Abridged editions in Dutch and German were published in 1673 and 1688. Smith, an English scholar and diplomat, was Regius Professor of Civil Law at Cambridge University.

Maitland cited in Sweet & Maxwell, *A Bibliography of English Law to 1650* 1:89 (63). *Dictionary of National Biography* XVIII:535. *English Short-Title Catalogue* S117744. Beale, *A Bibliography of Early English Law Books* T483.

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A Landmark Work on a Fundamental English Right

27. [Somers, John Somers, Baron (1651-1716), Attributed].

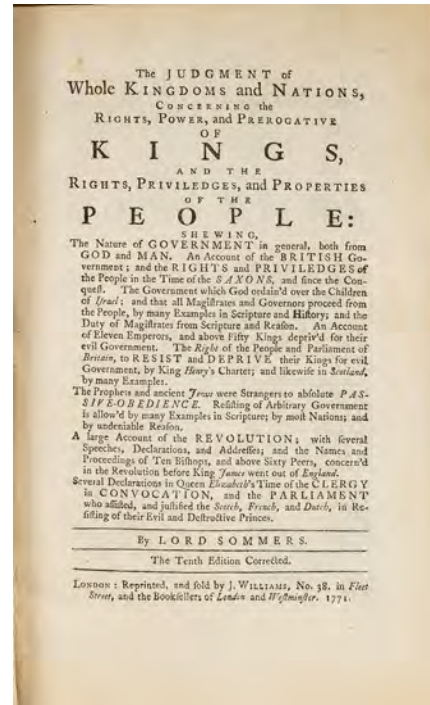
The Security of English-Mens Lives, Or the Trust, Power, And Duty of the Grand Jurys of England. Explained According to the Fundamentals of the English Government, And the Declarations of the Same Made in Parliament by Many Statutes. Published for the Prevention of Popish Designs Against the Lives of Many Protestant Lords and Commoners, Who Stand Firm to the Religion and Ancient Government of England. London: Printed for Benj. Alsop, 1682. 168 pp. Octavo (6" x 3-3/4").

Recent period-style quarter calf over marbled boards, lettering piece and gilt-edged raised bands to spine, endpapers renewed. Light toning to interior, light soiling and a few creases to title page, which has a ruled border. Head of text block trimmed with some loss to page numbers and rule at head of title page. A handsome copy. \$1,500.

* Second edition. First published in 1681, this influential essay defined a hearing before grand jury of peers as a fundamental English right. An assertion of the priority of the law over the English Crown, it was written to support the right of a grand jury to reject the bill of indictment against Anthony Ashley-Cooper, First Earl of Shaftesbury, issued by Charles II (a pro-Catholic monarch). Published anonymously, this work is attributed in most sources to Somers. A barrister of the Middle Temple and an important Whig statesman, he was Lord Chancellor of England during the reigns of William and Mary and Queen Anne and presided over the framing of the Bill of Rights (1689). As one would suspect, this book was studied by the American founding fathers.

English Short-Title Catalogue R10363.

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Classic Essay on the Rights of Englishmen

28. Somers (Sommers), Lord [John] [1651-1716], Attributed.

Defoe, Daniel [1661?-1731], Attributed.

Dunton, John [1659-1733], Attributed.

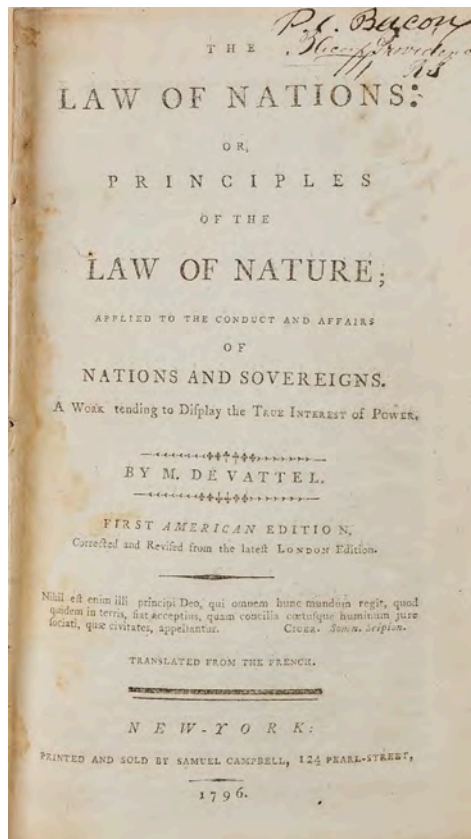
The Judgment of Whole Kingdoms and Nations, Concerning the Rights, Power and Prerogative of Kings, And the Rights, Privileges, And Properties of the People: Shewing, The Nature of Government in General, Both from God and Man. An Account of the British Government; And the Rights and Privileges of the People in the Time of the Saxons, And Since the Conquest. The Government Which God Ordain'd Over the Children of Israel; And that All Magistrates and Governors Proceed From the People, By Many Examples in Scripture and History; And the Duty of Magistrates From Scripture and Reason. An Account of Eleven Emperors, And Above Fifty Kings Depriv'd for Their Evil Government. The Rights of the People and Parliament of Britain, To Resist and Deprive Their Kings for Evil Government, By King Henry's Charter, And Likewise in Scotland, By Many Examples.... London: Reprinted and Sold by J. William, 1771. [viii], 168 pp. Octavo (7-1/2" x 4-1/2").

Nineteenth-century three-quarter calf over marbled boards, raised bands and lettering piece to spine. Moderate rubbing to boards and extremities, light chipping to head of spine, corners bumped, front hinge starting. Light toning to text, light foxing to a few leaves. An attractive copy. \$750.

* Tenth (stated) edition, corrected. This highly popular tract was first published in 1709 with the title *Vox Populi, Vox Dei, Being True Maxims of Government*. Somers, a barrister of the Middle Temple, was Lord Chancellor of England and the author of *The Security of Englishmen's Lives* (1681), a tract on juries and one's right to a jury trial. The present work outlines the development of English freedoms, and calls for religious freedom, resistance to tyranny and a limited monarchy. It found a ready audience in the colonies on the eve of the American Revolution and was issued by presses in Philadelphia, Boston and Newport. It was read by several founders, including Thomas Jefferson, who owned the 1773 Philadelphia imprint. This work is attributed sometimes to John Dunton or Daniel Defoe.

See Sowerby, *Catalogue of the Library of Thomas Jefferson* 2712. *English Short-Title Catalogue* T29265.

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"First" American Edition of Vattel's Classic Treatise

29. Vattel, [Emmerich] de [1714-1767].

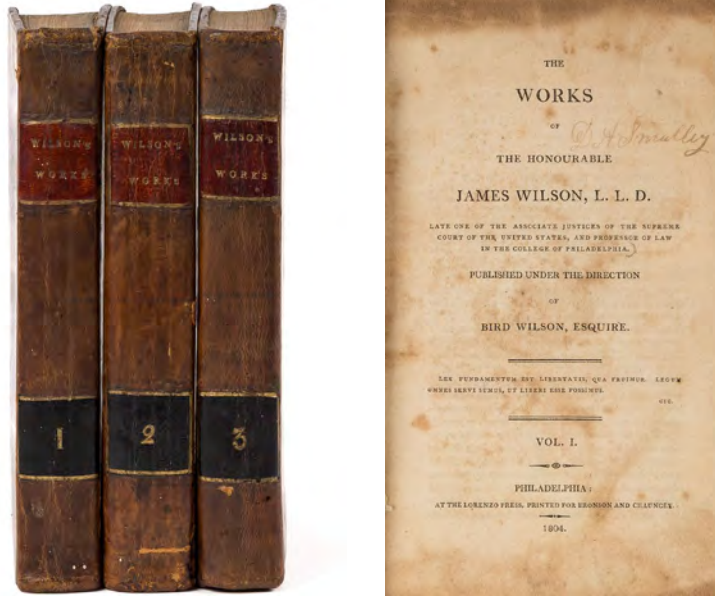
The Law of Nations: Or Principles of the Law of Nature; Applied to the Conduct and Affairs of Nations and Sovereigns. A Work Tending to Display the True Interest of Powers. First American Edition, Corrected and Revised From the Latest London Edition. Translated from the French. New York: Printed and Sold by Samuel Campbell, 1796. xlviii, [49]-563 pp. Octavo (7-1/2" x 4-1/2").

Recent quarter morocco over cloth, raised bands, blind ornament and gilt author name and title to spine, endpapers renewed, recent owner bookplate to front pastedown. Moderate toning to interior, occasional light foxing, first four leaves reinforced at gutter, tiny spark burns to several leaves, clean tear to leaf [a]4 (pp. vii-viii) mended with cellotape without loss, faint dampstain to first two leaves, early owner signatures ("P.L. (?) Bacon" and "Bacon (?), Providence RI") to head of title page. \$650.

* "First" American edition, actually the second, based on the 1760 London edition. First published in 1758, this is one of the great treatises on international law. It was especially influential in America and was among the earliest law books reprinted there; the first American edition was published in New York in 1787. Jefferson ranked it with the works of Grotius, Pufendorf and Wolff. It was also cited more frequently than any other writer on international law in early U.S. courts. "*Le Droit de Gens* is certainly a work of the first magnitude. It modernized the whole theory and business of International Law, brought it out of the study into the field, the mart, the council chamber, and the palace. (...) He did indeed, much for nations, for he imposed upon them theories of moral rational development up to which it became, in a sense, necessary for them to live.": MacDonnell.

MacDonnell, *The Great Jurists of the World* 479, 504. Cohen, *Bibliography of Early American Law* 7187.

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Includes Early Commentaries on the U.S. Constitution by One of the Framers

30. Wilson, James [1742-1798].

Wilson, Bird [1777-1859], Editor.

The Works of the Honourable James Wilson, L.L.D. Published Under the Direction of Bird Wilson, Esquire. Philadelphia: At the Lorenzo Press, 1804. Three volumes. xvi, 467; vi, 497; iv, 439 pp. Volume I has a copperplate engraved portrait of James Wilson with a tissue guard. Octavo (8-1/4" x 5").

Contemporary sheep, blind fillets and red and black morocco gilt lettering pieces to spine, small embossed owner stamp, "D.A. Smalley," to centers of front boards. Light rubbing, a few faint stains and a few minor scuffs to boards, moderate rubbing to extremities, corners bumped and somewhat worn, front joint of Volume I just starting at head, owner signature (George Ashburn, dated 1856) to front pastedowns, foxing and dampstaining to frontispiece, foxing and offsetting to title-pages. Moderate toning, light foxing and offsetting to text throughout set, light dampstaining in top corner of most leaves in second volume, wear and toning along edges of pp. (67)-70 in third volume, "D.A. Smalley" to title pages. A handsome set. \$8,500.

* First edition. Wilson was one of the most influential delegates to the Federal Constitutional Convention and one of the six founders who signed both the Declaration of Independence and the U.S. Constitution. He was also the principal author of the Pennsylvania Constitution, a professor of law and an associate justice of the United States Supreme Court.

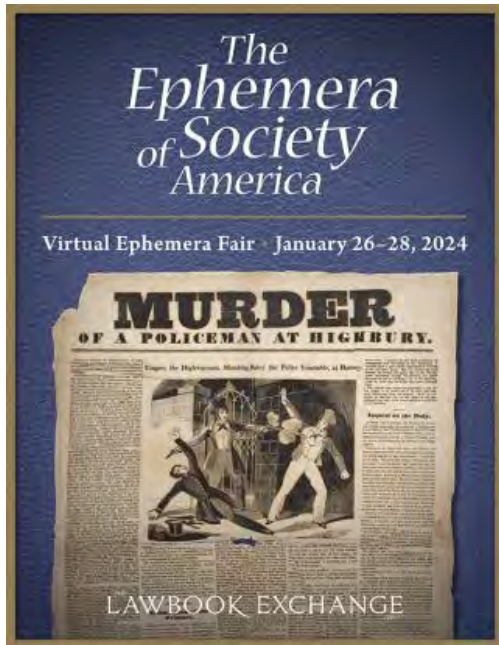
Compiled and edited by his son, the *Works* consist mostly of lectures on American law delivered at the College of Philadelphia in 1790 and 1791. Wilson intended to revise them and publish them as a treatise, but death intervened. As published, they cover several aspects of public and private law, such as the common law, general principles of the law of nations and the law of nature, crime, obligations and property. Other lectures are some of the earliest commentaries on the U.S. Constitution. The texts of several important speeches, including several concerning the U.S. Constitution, are also included.

"D.A. Smalley," the former owner of our copy, is probably David Allen Smalley [1809-1877], a Vermont lawyer, judge and politician who was chairman of the Democratic National Committee from 1856 to 1860 and a United States district judge of the United States District Court for the District of Vermont from 1857 to 1877.

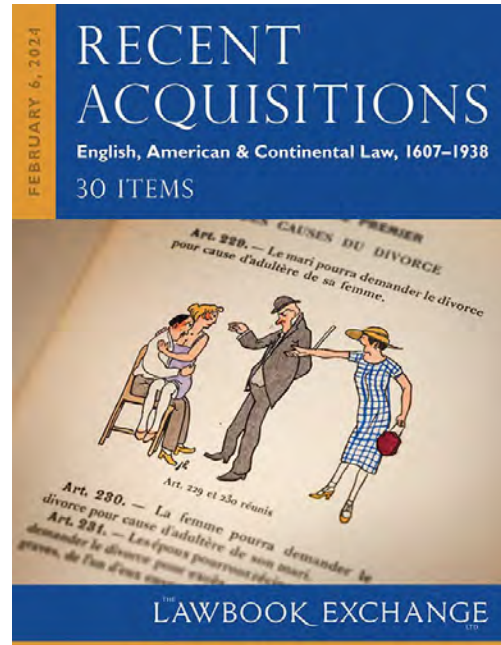
Cohen, *Bibliography of Early American Law* 2309. Sabin, *A Dictionary of Books Relating to America* 104632.

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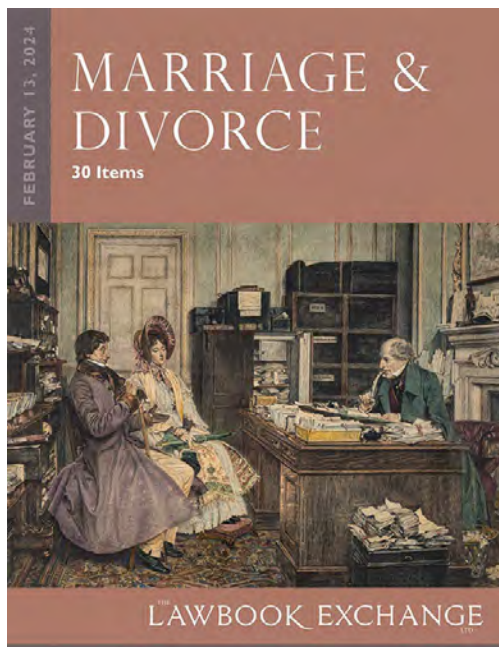
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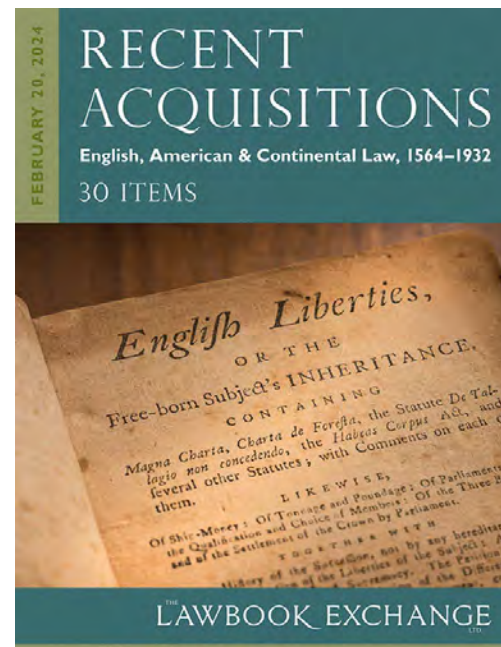
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