

# The Lawbook Exchange, Ltd.

## 30 Recent Acquisitions - August 2013

### Angell on Incorporeal Hereditament

#### 1. Angell, Joseph K. [1794-1857].

*An Inquiry into the Rule of Law Which Creates a Right to an Incorporeal Hereditament, By an Adverse Enjoyment of Twenty Years. With Remarks, On the Application of the Rule to Light, and in Certain Cases to a Water Privilege.* Boston: Hilliard, Gray, Little and Wilkins, 1827. vi, [1], [9]-117 pp. Octavo (8-1/2"x 5-1/4").

Contemporary sheep, blind fillets to boards, carefully rebacked retaining spine and lettering piece. Light rubbing to extremities with some wear to spine ends and corners, hinges cracked, offsetting to margins of endleaves. Toning to text, light browning in places, foxing to some leaves. Early owner signature (of W.B. Raxwell/ Jan'y-1846) to front endleaf, interior otherwise clean. \$300.

\* Only edition. Angell was one of America's first significant legal scholars. His works were esteemed highly by Kent and Story, and several were required reading at Harvard Law School. "The object of [this book] is to investigate the original establishment, and to trace the progress of the modern rule of Law which raises the presumption of a *grant* of an incorporeal right, or hereditament, after a quiet enjoyment of twenty years duration. Also, to explain the qualifications to which that rule is subject..." [iii]. Cohen, *Bibliography of Early American Law* 9575.

### A Landmark in the History of Penology

#### 2. Beaumont, Gustave de [1802-1866].

#### Tocqueville, Alexis de [1805-1859].

*Du Systeme Penitentiaire aux Etats-Unis et de son Application en France; Suivi d'un Appendice sur les Colonies Penales et de Notes Statistiques.* Paris: H. Fournier Jeune, 1833. [iv], viii, [2], 439 pp. Five plates, two folding. Octavo (8-1/4" x 5").

Contemporary quarter calf over marbled boards, lettering piece and gilt and blind ornaments to spine, marbled edges and endpapers, ribbon marker. Some rubbing to extremities with light wear to spine ends and corners, front joint just starting at head, front hinge cracked. Light toning to text, moderate toning to plates, occasional light foxing. A few minor tears to plates, interior otherwise fresh. An appealing copy. \$2,500.

\* First edition. In 1831 Beaumont and Tocqueville were commissioned by the French government to examine America's latest prisons, which were renowned for their innovative approaches to penology. Their nine-month tour included visits to prisons in Connecticut, Maryland, Massachusetts, New York and Pennsylvania. *Du Systeme Penitentiaire aux Etats-Unis*, the result of their tour, was an immediate success that was quickly translated into English and German. It was one of the most influential books on penology ever written. Beaumont and Tocqueville were affected deeply by their experiences in the United States. It led Beaumont to espouse abolition and inspired Tocqueville to write *De la Democratie en Amerique* (1835). Sabin, *A Dictionary of Books Relating to America* 4190.

### "His Prospects as a Lawyer Were Injurious Affected"

#### 3. [Collier, John Payne (1789-1883)].

*Criticisms on the Bar; Including Strictures on the Principal Counsel Practising in the Courts of King's Bench, Common Pleas, Chancery, and Exchequer.* By Amicus Curiae. London: Printed for W. Simpkin and R. Marshall, 1819. [iv], ix, [i], ii, 308 pp. 12mo. (6-1/2" x 4").

Original quarter cloth over paper-covered boards, printed paper title label to spine. Moderate edgewear and light soiling, spine ends worn, front board beginning to separate, but quite secure, rear joint starting, light toning to text. "(John Payne Collier)" in early hand to center of title page, interior otherwise clean. \$400.

\* First edition. This is a collection of thirty vignettes of famous barristers. The Dictionary of National Biography notes that "his prospects as a lawyer were injuriously affected" by this publication because his "tone gave not unnatural offense." Although he later thought the book "a very foolish piece of business," his criticisms revealed shortcomings in the legal system that were eventually addressed. *Dictionary of National Biography* 4:805. *Catalogue of the Library of the Harvard Law School* (1909) I:488.

**A Scarce 1825  
Compilation of Military Laws**

**4. Cross, Trueman, Compiler.**

*Military Laws of the United States; To Which is Prefixed the Constitution of the United States.* Compiled and Published Under the Authority of the War Department. Washington, DC: Edward De Krafft, Printer, 1825. xxxi, 279 pp. Octavo (8-1/2" x 5-1/2").

Recent period-style calf, lettering piece and blind fillets to spine, endpapers renewed. Moderate toning to text, light foxing to a few leaves. Early owner signature to title page (of James Eakin), interior otherwise clean. \$750.

\* First edition. A well-indexed and annotated compilation of military laws in force in 1825, along with related legislation. A revised edition was published in 1838. Both are very scarce. OCLC locates 2 copies of the first edition (both at the British Library). Cohen, *Bibliography of Early American Law* 8984.

**A Rare Hungarian Textbook from 1699**

**5. Foris Otrokocsi, Ferencz.**

*Breve Specimen Introductionis in Jurisprudenciam Methodicam. Una cum Annexa Suis Locis Succincta Juris Canonici Collatione cum Jure Civili. Huic Subnectitur, Experimentum Reductionis Juris Hungarici ad Suos Fontes in Aliquot Exemplis.* Trnava: Typis Academicis, Per Joannem Andream Hormann, 1699. [xiii], 53; [11], 44 pp. Two parts, each with title page, index, and individual pagination. 12mo. (4-3/4" x 3").

Contemporary quarter vellum over marbled boards. Rubbed with wear to corners, lower half of backstrip and rear free endpaper lacking. Some toning to text faint dampstaining to a few leaves, minor worming to rear pastedown and some leaves (with no loss to legibility). Annotations to pastedowns and front free endpaper, faint early signatures to endleaves, interior otherwise clean. A solid copy of a rare title. \$1,500.

\* Only edition located. This is a two-part elementary textbook on Hungarian law that emphasizes its relation to Civil and Canon law. It was printed in present-day Slovakia. The second part is titled *Experimentum Reductionis Juris Hungarici ad Suos Fontes in Aliquot Exemplis*. OCLC locates 3 copies, none in North America. Not in the *British Museum Catalogue*.

**1812 Compilation of Georgia Law**

**6. [Georgia].**

**Clayton, Augustin Smith, Compiler.**

*A Compilation of the Laws of the State of Georgia, Passed by the Legislature Since the Political Year 1800, To the Year 1810, Inclusive. Containing All the Laws, Whether in Force or Not, Passed Within Those Periods, Arranged in a Chronological Order, With Comprehensive References to Those Laws or Parts of Laws, That are Amended, Suspended or Repealed: Together with an Appendix, Comprising Such Concurred and Approved Resolutions, As Are of a General Operative Nature, And as Relate to the Duty of Officers, The Relief of Individuals, And the Settlement of Boundary Between Counties, And this State with North Carolina: Concluding with a Copious Index to the Whole.* Augusta: Printed by Adams & Duyckinck, 1812. [vi], 708, [20] pp. Quarto (10" x 8").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Moderate rubbing to extremities, light rubbing, a few stains and shallow scuffs to boards, early owner initials, "I.W.," to front, corners bumped, hinges cracked. Light to moderate browning, light foxing. Faint early owner signatures to title page, interior otherwise clean. \$1,000.

\* First edition. This was the third digest of Georgia state laws, preceded by others from 1801 and 1802. It is digested alphabetically by topic. Babbitt, *Hand-List of Legislative Sessions and Session Laws* 86.

**1831 Compilation of Georgia Law**

**7. [Georgia].**

**Dawson, William C., Compiler.**

*A Compilation of the Laws of the State of Georgia, Passed by the General Assembly Since the Year 1819 to the Year 1829, Inclusive: Comprising All the Laws Passed Within Those Periods, Arranged Under Titles, With Marginal Notes, And Notes of Reference to the Laws, Or Parts of Laws, Which are Amended or Repealed: To Which are Added, such Concurred and Approved Resolutions, As are Either of General, Local, or Private Nature: Concluded With a Full and Ample Index to the Laws, and a Separate One to the Resolutions.* Milledgeville: Published by Grantland and Orme, 1831. 488, 150, xxix pp. Text in parallel columns. Quarto (10" x 8").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Light rubbing to boards and extremities, corners bumped, a few minor scuffs and stains to boards, hinges starting. Toning and light foxing to text, faint dampstaining in places to margins, internally clean. A desirable copy. \$400.

\* First edition. This was the fifth digest of Georgia state laws, preceded by others from 1801, 1802, 1812 and 1821. It is digested alphabetically by topic. Babbitt, *Hand-List of Legislative Sessions and Session Laws* 87.

### 1821 Compilation of Georgia Law

#### 8. [Georgia].

**Lamar, Lucius Q.C.A., Compiler.**

*A Compilation of the Laws of the State of Georgia, Passed by the Legislature Since the Year 1810 to the Year 1819, Inclusive: Comprising All the Laws Passed Within Those Periods, Arranged Under Appropriate Heads, With Notes of Reference to Those Laws, Or Parts of Laws, Which Are Amended or Repealed: To Which Are Added, Such Concurred and Approved Resolutions, As Are Either of General, Local, or Private Moment: Concluding with a Copious Index to the Laws, And a Separate One to the Resolutions.* Augusta: Published by T.S. Hannon, 1821. iv, 1300 pp. Quarto (10-1/2" x 8-1/2").

Recent period-style imitation sheep, raised bands and lettering pieces and gilt fillets to spine, marbled endpapers. Light rubbing to extremities, owner bookplate to front pastedown. Light to moderate browning, foxing and occasional marginal damp staining, internally clean. \$1,000.

\* First edition. This was the fourth digest of Georgia state laws, preceded by others from 1801, 1802 and 1812. It is digested alphabetically by topic. Babbitt, *Hand-List of Legislative Sessions and Session Laws* 86.

### Regulating Prostitution in Nineteenth-Century Germany

#### 9. [Germany].

[Prostitution].

*Das Deutsche Strafgesetzbuch und Polizeilich Concessionirte Bordelle: Aktenstücke einer Meinungsverschiedenheit Zwischen dem Deutschen Reichskanzleramt und dem Senat von Hamburg, Mit Rechtsgutachten von Sechzehn Deutschen Universitäten.* Hamburg: Verlag von J.F. Richter, 1877. [vi], 329 pp. Octavo (8-1/2" x 5-1/4").

Recent cloth, gilt title and fillets to spine, endpapers renewed. Light toning to text, internally clean. Ex-library. Stamps to title page, faint embossed stamp to following leaf. \$750.

\* Only edition. This handbook applies the Criminal Code of the German Empire (enacted in 1871) to the laws regulating prostitution in Hamburg (a port city with a large and well-established red-light district). Despite its local focus it offers a good deal of general information and discusses issues concerning the application of the national code to existing local laws. OCLC locates no copies in North America.

### First Edition of Cooper's Translation of the *Institutes*

#### 10. Justinian I [485-565 CE], Emperor of the East.

**Cooper, Thomas [1759-1839], Translator and Editor.**

*The Institutes of Justinian. With Notes.* Philadelphia: Printed for P. Byrne, 1812. xiv, 714 (i.e. 716) pp. Latin and English translation in parallel columns. Octavo (9" x 5-1/2").

Recent period-style quarter calf over cloth, gilt title and blind fillets to spine, endpapers renewed. Toning and faint dampstaining, light foxing and browning in places. Early owner signatures to head of title page, occasional underlining in pencil. An attractive copy. \$450.

\* First edition. Includes a bibliography of civil law and the complete text of The Law of the Twelve Tables. A landmark in the American reception of Roman law and the first translation of Justinian produced in the United States, this edition includes fascinating notes that compare Roman law with that of the United States. (He even includes a table of cases.) Cooper, a chemist and lawyer by training, was a polymath who published books on law, political science, economics, medicine and the natural sciences. A friend of Joseph Priestley and Thomas Jefferson, he was a professor of chemistry at Dickinson College and the University of Pennsylvania. He joined the faculty of South Carolina College in 1819 and became its president in 1820. Cohen, *Bibliography of Early American Law* 1644.

**An Edition of the *Institutes*  
With Notes by a Distinguished German Jurist**

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

**Stryk, Samuel [1640-1710], Annotator.**

*Institutionum Libri Quatuor: In Gratiam Cupidae Legum Iuventutis, Notis Maxime Necessariis Explanati.* [xvi], 663 pp. Added copperplate pictorial title page. Halle: Impensis Io. Friderici Zeitleri, 1708. Octavo (6-1/2" x 4").

Contemporary vellum with lapped edges, edges of text block rouged. Light rubbing and soiling, recent owner stamp to front free endpaper, light toning to text. Title page printed in red and black. Early annotations to rear endleaves, a few early struck-through signatures to title page, interior otherwise clean. \$850.

\* With index. Commissioned by the Emperor Justinian in 530 CE, the body of writings known collectively as the *Corpus Juris Civilis* preserved and restated all existing Roman law. It has four books: the *Code*, *Novels*, *Institutes* and *Digest*. Intended for students, the *Institutes* is a synopsis of the reformed legal system. It supplanted the earlier *Institutes* of Gaius. Stryk was a distinguished German jurist who was instrumental in developing German law from native sources rather than from received Roman law. He was eminent Professor of Law at Halle whose pupils included Thomasius, Boehmer, Heineccius and Ludovici. His annotated edition of the *Institutes* was first published in 1698 and went through five editions, the last in 1726. The annotations, all of them footnotes, are extensive. They form a running commentary on the text. *Verzeichnis der im Deutschen Sprachraum Erschienenen Drucke des 18. Jahrhunderts (VD18)* 11313838.

**False Accusations of Robbery**

**12. Kenniston, Levi, Defendant.**

**Kenniston, Laban, Defendant.**

*Report of the Evidence at the Trial of Levi & Laban Kenniston, Before Hon. Samuel Putnam on an Indictment for the Robbery of Major Elijah P. Goodridge, December 19, 1816.* Salem: Printed by T.C. Cushing, 1817. 32 pp. Octavo (9-1/2" x 5-1/2").

Stab-stitched pamphlet, untrimmed edges. Light browning, faint dampspotting to portions of text, internally clean. \$150.

\* Only edition. "Elijah Goodridge brought charges against a number of individuals whom he accused of robbing him, but apparently no robbery had taken place. Goodridge's accusations had been fabricated and the defendants were acquitted after a trial in the Massachusetts Supreme Judicial Court" (Cohen). This is one of three accounts of this case. Cohen, *Bibliography of Early American Law* 14018.

**A Bookseller Orders Law Books from Merriam**

**13. [Legal Publishing].**

**Cornwell, William K.**

[*Letter from William K. Cornwell to G & C Merriam*]. New York, April 26, 1845. Two-page 11" x 8-1/2" manuscript letter. Addressed and franked on verso of second leaf. Light toning, tiny stain from wax seal, a few minor tears, vertical and horizontal fold lines, most with toning, Hale & Co. carrier stamps. \$150.

\* G. & C. Merriam was an important Springfield, Massachusetts, publisher and bookseller and the publisher of Webster's Dictionary. It also had an extensive law list. Cornwell was a bookseller located on Beaver St. in New York City. His letter is an order for ten legal titles and "a complete set of Story's books."

**Heavily Annotated 1594 Edition of Littleton**

**14. Littleton, Sir Thomas [1402-1481].**

**West, William [fl. 1568-1594], Editor.**

*Les Tenures de Monsieur Littleton, Ouesque Certaine Cases Addees per Auters de Puisne Temps: Queux Cases vous Troveres Signes Ouesque cest Signe [flower] al Commencement & Fine de Chescun de eux. Au Fine que ne Poies eux Misprenner pur les Cases de Mounseieur Littleton, Pur Quel Inconvenience, Ils Fueront Dernierment Tolles de Cest Lievr; Et cy un Soites plus Admotes al Request des Gentlehomes Students en le Ley Dengleterre. Reviu & Change en Lordre des Sections, Oue un Novel Index ou Table Pursuant Lordre des Dits Sections.* London: In Aedibus Caroli Yetswertii Armigeri, 1594. [i], 170, [27] ff. 12mo. (5-1/4" x 3").

Contemporary calf, blind rules and large central arabesques flanked by initials to center of boards, rebacked retaining spine with raised bands, clasps lacking, endpapers renewed. Some scratches and nicks, edges of boards mended, hinges cracked. Some toning to text, light browning to outer margins, edgewear to preliminaries and final few leaves. Wide margins, annotations to most leaves, early owner signature (Henry Bradsharve) to center of title page. \$6,500.

\* Written during the reign of Edward IV [1442-1483] and first published around 1481, Littleton's *Tenures* is probably the most revered treatise in the history of the common law. Much admired for its learning and style, it is concerned with tenures and other issues relating to real property. This venerable work, which Coke called "the ornament of the Common Law, and the most perfect and absolute work that ever was written in any humane science," is considered a landmark because it renounced the principles of Roman law (and Latin) in favor of guidelines and doctrines drawn from the Year Books and, when necessary, hypothetical cases. The annotations in this copy are mostly case references, but many are interpretive; some are case references. Holdsworth, *A History of English Law* II:573. *English Short-Title Catalogue* S108064 Beale, *Bibliography of Early English Law Books* T36.

### Interleaved and Heavily Annotated 1583 Edition of Littleton

#### 15. Littleton, Sir Thomas [1402-1481].

West, William [fl. 1568-1594], Editor.

*Les Tenures du Monsieur Littleton, Ouesque Certain Cases Addees per Auters de Puisne Temps, Queux Cases vous Troveres Signes Ouesque Cest Sign[e] [Fleuron] al Co[m]mencement [et] Al Fine de Chescun Deux, Au Fine que ne Poies eux Misprenner pur les Cases de Monsieur Littleton: pur quel Inconvenience, ils Fneront Dernierment Tolles de cest Liver. Et cy un Foits Plus Admotes al Request des Gentill Homes Students en le ley Dengleterre. Cum privilegio. 1583.* [London: In Fleestrete Within Temple Barre, At the Signe of the Hand and Starre, By Rychard Tottill, 1583]. [ii], 103, 105-171, [24] ff. Title page of index, compiled by West, misbound after main title page. Interleaves. Octavo (5-3/4" x 3-3/4").

Contemporary limp vellum with lapped edges, thong ties. Light soiling and edgewear, a few minor stains, a few cracks to text block. Light toning to text, wide margins, extensive underlining and annotations to text and interleaves and endleaves in contemporary hand. An appealing copy. \$12,500.

\* Written during the reign of Edward IV [1442-1483] and first published around 1481, Littleton's *Tenures* is probably the most revered treatise in the history of the common law. Much admired for its learning and style, it is concerned with tenures and other issues relating to real property. This venerable work, which Coke called "the ornament of the Common Law, and the most perfect and absolute work that ever was written in any humane science," is considered a landmark because it renounced the principles of Roman law (and Latin) in favor of guidelines and doctrines drawn from the Year Books and, when necessary, hypothetical cases. The annotations in this copy are mostly interpretive; some are glosses, cross-references and case references. Holdsworth, *A History of English Law* II:573. *English Short-Title Catalogue* S108638. Beale, *Bibliography of Early English Law Books* T31.

### Attractive 1556 Edition of Magna Carta

#### 16. [Magna Carta].

*Magna Carta et Cetera Antiqua Statuta nunc Noviter per Diversa Exemplaria Examinata et Summa Diligentia Castigata et Correcta cui Adiecta est Nova Tabula Valde Necessaria.* London: In Aedibus Thome Marsche, 1556. [xii], 2-160 ff.

[And]

*Secunda Pars Veterum Statutorum: Anno M.D.L.VI* [Imprinted at London...by Thomes Marshe. Anno 1556]. [iv], 80 ff.

Octavo (5-1/4" x 3-1/4"). Recent period-style vellum (?) with lapped edges, hand-lettered title to spine, endpapers renewed. Moderate toning to text, faint dampstaining in a few places, light soiling to title page and verso of final leaf. Faint early signature to head of title page, brief annotations to a few leaves, interior otherwise clean. A nice copy in an appealing binding. \$5,000.

\* With tables. One of the earliest printings of the *Magna Carta*, which was first printed around 1508 by Richard Pynson. It also includes the *Charta de Foresta* of Henry III, the Statutes of Merton and Marlebridge, the Statutes of Edward I and additional information. Among the most notorious statutes are those of Edward concerning Jews, which condemned them for irreverence and prevented them from practicing usury or acquiring land from Christians through pledges. Other "Antique Statutes" relate to women, wills, forcible entry, "Fraudulent Deedes" and other topics. *English Short-Title Catalogue* (ESTC) S101067. Beale, *A Bibliography of Early English Law Books* S15, S23.

### 1576 Tottel Edition of Magna Carta

#### 17. [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 in London in Fleetestrete Within Temple Barre at the Signe of the Hand and Starre, By Richard Tottell, The 8. Day of March, 1576]. [viii], 247 ff. Following leaf, a blank, lacking. Octavo (5-1/4" x 3-1/2").

Nineteenth-century calf, gilt rules to boards, raised bands, gilt title, rules and ornaments to spine, gilt board-edge rules, inside dentelles and edges, marbled endpapers. Some rubbing to extremities, corners bumped, rear hinge just starting at ends, armorial bookplate to front pastedown. Some toning to text, occasional faint browning or dampstaining to outer margins, occasional annotations in contemporary court hand, some affected by trimming, contemporary and later signatures to rear endleaf. An attractive copy. \$5,000.

\* Text in Latin, English and Law-French. With two tables of statutes, one alphabetical. This edition offers one of the earlier printings of the *Magna Charta*. (The first was printed around 1508 by Richard Pynson.) It also includes corrections to earlier editions, 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. The annotations are mostly glosses and interpretive comments. Beale, *A Bibliography of Early English Law Books* S19. *English Short-Title Catalogue (ESTC)* S101094.

### **First Tottell Edition of *Magna Carta* Extensive Contemporary Annotations**

#### **18. [Magna Carta].**

*Magna Charta, Cum Statutis Quae Antiqua Vocantur, Iam Recens Excusa, & Summa Fide Emendata, Iuxta Vetusta Exemplaria ad Parliamenti Rotulos Examinata: Quibus Accesserunt Nonnulla Nunc Primum Typis Edita.* [London]: Apud Richardum Totelum, 12. Iun. 1556. [viii], 170, [1] ff.

#### **[Bound with]**

*Secunda Pars Veterum Statutorum.* [London: In Aedibus Richardi Tottelli], Anno. do. 1556. [i], 2-72 ff.

Two parts in one, each with title page. Octavo (5-1/2" x 3-1/4"). Contemporary calf with later rebacking, blind panels with corner fleurons to boards, gilt-edged raised bands, blind ornaments and lettering piece to spine, corners repaired. Moderate rubbing to extremities, small chip to head of spine, joints just starting at ends, front hinge partially cracked, crack in text block between ff. 70 and 71 of the *Secunda Pars*. Moderate toning to text, light browning and faint dampstaining in places, light soiling to title page of *Magna Charta*. Extensive annotations in contemporary court hand to *Magna Carta*, none to the *Secunda Pars*. An interesting copy. \$6,500.

\* First Tottell edition and one of the earliest printings of the *Magna Carta*, which was first printed around 1508 by Richard Pynson. It also includes the *Charta de Foresta* of Henry III, the Statutes of Merton and Marlebridge, the Statutes of Edward I and additional information useful to "gentlemen studious of the lawes of Englande." Among the most notorious statutes are those of Edward concerning Jews, which condemned them for irreverence and prevented them from practicing usury or acquiring land from Christians through pledges. Other "Antique Statutes" relate to women, wills, forcible entry, "Fraudulent Deedes" and other topics. The annotations are mostly glosses and interpretive comments, some are case references. Tottell was granted an exclusive seven-year patent to print books on the common law. 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. *English Short-Title Catalogue (ESTC)* S101069. Beale, *A Bibliography of Early English Law Books* S16, S24.

### **An Anonymous Poet Celebrates the Adoption of Portugal's First Constitution**

#### **19. [Manuscript].**

#### **[Portugal].**

#### **[Constitution of 1822].**

*Quadras a Nossa Constituaçao.* c.1822. Conjugate 12-1/2" x 8-1/2" leaves forming 4 pp., text in neat hand to three pages. Light toning and some edgewear, horizontal and vertical fold lines, clean tear along fold dividing the two leaves mended with archival tape. A unique item. \$350.

\* This is a poem in 33 stanzas celebrating the adoption of Portugal's 1822 constitution. The nation's first written constitution, it was the political outcome of the Liberal Revolution of 1820.

### **An Important Work That Advanced Whig Ideology**

#### **20. [Petyt, William (1636-1707), Attributed].**

#### **[Phillips, George (1599?-1696), Attributed].**

*Lex Parliamentaria, Or, A Treatise of the Law and Custom of Parliaments. Shewing Their Antiquity, Names, Kinds, And Qualities. Of the Three Estates; And of the Dignity and Excellency of Parliaments, Their Power and Authority. Of the Election of Members of the House of Commons in General, Their Privilege, Qualifications, And Duties. Of the Electors; And Their Rights, Duties; And Manner of Elections. Of the Returns to Parliament; The Sheriff's and Other Officers Duty Therein. Of the Manner of Election of the Speaker; And of His Business and Duty. Of the Manner of Passing Bills, And the Orders to be Observed in the House of Commons. Of Sessions of Parliament; As Also of Prorogations and Adjournments: Together with the Proper Laws and Customs of Parliaments. With an Appendix of a Case in Parliament Between Sir Francis Goodwyn and Sir John Fortescue, For the Knights Place for the County of Bucks, 1 Jac. I. With Large Additions.* London: Printed for J. Stagg, [c.1701]. [x], 434, [1] pp. Includes two one-page publisher advertisements. Octavo (7-1/2" x 4-3/4").

Contemporary calf, gilt rules to boards, rebacked in period style, gilt-edged raised bands to spine, hinges mended. Light rubbing, some chipping to spine ends, corners bumped. Early bookplate (of B.O. Taylor) to front pastedown. Minor toning to text, faint dampstaining to foot of text block. Early owner signature (of John Taylor) and "6/.6" in small hand to title page, interior otherwise clean. An appealing copy. \$1,500.

\* Second edition. Petyt, a member of the Inner Temple, was active in the Whig cause. In return for his support he was appointed Keeper of the Records in the Tower Of London after the Glorious Revolution, a post he held until his death in 1707. First published in 1690, *Lex Parliamentaria* is one of his five major works on Parliament that advanced Whig ideology. The others are *Ancient Rights of the Commons Asserted* (1680), *Miscellanea Parliamentaria* (1680), *Rights of the Commons Answered* (1681) and *Jus Parliamentaria* (1739). This book is also attributed to George Phillips. The ESTC records an edition from 1698. Our edition, designated the second, is not dated. Wing and the ESTC, based on a reading of the contents, which include acts to 1700, assign the date c. 1701. The ESTC locates 3 copies in North America, none in a law library. *English Short-Title Catalogue* R8206. Wing, *Short-Title Catalogue of Books Printed in England, Scotland, Ireland, Wales, and British America* P1944.

### The "Bases" of Portugal's Constitution

#### 21. [Portugal].

*Bazes da Constituicao da Monarquia Portuguesa. Com Licenca da Commissao de Censura.* Lisbon: Na Typografia de J.F.M. de Campos, 1821. 23 pp. Octavo (5-1/2" x 3-1/2").

Recent mottled sheep, gilt title to front board, endpapers renewed. Light rubbing to spine and corners, moderate toning to text, faint dampstains to a few leaves, internally clean. \$350.

\* Only edition. The Liberal Revolution overthrew the regency and initiated a series of parliamentary deliberations that resulted in the Portuguese constitution of 1822. Written to influence the constitution's authors, this contemporary pamphlet by an anonymous (royalist) author offers proposals for the monarchy's role. This is a rare title. No copies located on OCLC.

### Pro-Monarchist Essay on the Portuguese Constitution

#### 22. [Portugal].

##### Um Cartista.

*Memorandum ao Corpo Legislativo, Ou Reflexoes Sobre o Decreto do 1 de Agosto de 1844.* Lisbon: Na Typographia de Jose Baptista Morando, 1844. iv, 34 pp. Octavo (8" x 5-1/4").

Stab-stitched pamphlet, untrimmed edges, front wrapper lacking, spine reinforced with imitation morocco. Light soiling, recent owner bookplate to verso of title page, internally clean. \$500.

\* Only edition. Portugal's September Revolution of 1836-38 led to a new constitution. By 1844 there was public pressure, ultimately successful, to return to the more monarchist pre-war Charter. This pro-monarchist essay was a contribution to that debate. OCLC locates 4 copies worldwide, 2 in North America, none in law libraries.

### Restoration of the Portuguese Constitution of 1822

#### 23. [Portugal].

*Projecto de Constituicao Politica da Monarchia Portuguesa.* Lisbon: Na Typografia da Viuva Silva, 1836. 62 pp. Octavo (4-1/2" x 3").

Recent mottled sheep, gilt title to front board, endpapers renewed. Light rubbing to spine and corners, moderate toning to text, internally clean. \$350.

\* Only edition. The Liberal Revolution overthrew the regency and initiated a series of parliamentary deliberations that resulted in the Portuguese constitution of 1822. It remained in force until May 1823, when D. Joao VI renounced it. The reign of Maria II marked the beginning of the "liberal regime," which brought a return to projects for constitutional reform, such as our anonymous example. In the end the 1822 constitution was reinstated with modifications. This is a rare title. No copies located on OCLC.

## Gambia at the Turn of the Twentieth Century

### 24. Russell, Alexander David, Compiler.

*Ordinances of the Colony of the Gambia, In Force 31st July, 1900, With an Appendix Containing Rules Under Ordinances, Orders in Council &c.; Orders of the Queen on Council; Letters Patent and Various Acts of Parliament in Force in the Colony, And an Index. Prepared Under the Authority of "The Statute Laws (Revised Edition) Ordinance, 1899."* London: Stevens and Sons, 1900. Two volumes. Folio (13" x 8-1/2").

Original textured cloth, gilt titles to spine, marbled endpapers. Rubbing to extremities with some chipping to spine ends, corners bumped, internally clean. Ex-library. Location labels to spines, small stamps to title pages. A nice copy of a scarce set. \$500.

\* Only edition. One of the principal centers of the slave trade, Gambia was colonized by a succession of European governments and commercial groups during the sixteenth and seventeenth centuries. Great Britain and France fought to possess it during the seventeenth and eighteenth centuries, and it became a British possession in 1783 under the Treaty of Versailles. Gambia was originally subject to the government of neighboring colony Sierra Leone, which annexed it in 1821. Gambia became a separate colony in 1843. It was part of the West African Settlements from 1866 to 1888. Established as a crown colony in 1888, it achieved its independence in 1965. OCLC locates 5 copies. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 7:155.

## An Elizabethan Law Student Works His Way Through Staunford's *Plees* and *Kinges Prerogative*

### 25. Staunford, Sir William [1509-1558].

*Les Plees del Coron, Divisees in Plusors Titles & Comen Lieux. Per Queux Home Plus Redement & Plenairment Trovera Quelque Chose queil Quira, Touchant les Dits Plees. Dernierment Corrigee Avecques un Table Parfaite des Choses Notables Contenues en Ycelle, Nouvelment Revue et Corrigee.* [London]: In Aedibus Richardi Tottelli, 1574. [xiv], 198 ff.

#### [Bound with]

*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 Proces to the Same Prerogative Appertaynyng.* [London]: Richarde Tottle, 1573. [i], 85 ff.

Quarto (7-3/4" x 5-1/2"). Contemporary calf, blind frames and large arabesques to boards, rebacked in period style with blind fillets and raised bands, early hand-lettered title to fore-edge, ties lacking, corners repaired, hinges mended. Title page of *Plees* printed within large woodcut architectural border, woodcut decorated initials to both works. Light toning, underlining and annotations throughout in contemporary hand. \$5,000.

\* This heavily annotated volume, which contains two standard works of the Elizabethan era, provides excellent insights into the study habits of a contemporary law student, Henry Tilston, whose name appears on the title page of *Plees*. (He also notes that he purchased the book on 15 November 1604 for 12 shillings.) First published in 1557, Staunford's *Plees* is divided into three parts. The first treats offences, the second treats jurisdiction, appeals, indictments, and defenses. The third addresses trials and convictions. *Exposition of the Kinges Prerogative* was first published in 1567. It addresses discretionary rights enjoyed by the monarchy in foreign policy, domestic affairs, legal and governmental administration, religion and economic matters. The annotations, some in English, some in law-French, include extensive underlining, case citation, cross-references, references to other legal texts, glosses and analytical comments. He also added a list of twelve principles to a rear endleaf. He even records the date when he completed the two books: "1 February" at the end of *Plees* and "24 february 1604 (i.e. 1604/5)" at the end of *Exposition*. The owner was probably Henry Tilston of Cheshire [b.1589]. He matriculated at Brasenose College, Oxford, in 1600 and became a barrister of the Inner Temple in 1610. Beale, *A Bibliography of Early English Law Books* T489 (*Plees*), T493 (*Kinges Prerogative*).

## He Shot Her in the Back

### 26. [Trial].

#### Van Patten, John F. [1801-1825], Defendant.

*The Trial, Life and Confessions of John F. Van Patten, Who was Indicted, Tried, And Convicted of the Murder of Mrs. Maria Schermerborn, On the 4th of October Last, And Sentenced to be Executed on the 25th February, 1825.* New York: [Christian Brown], 1825. 16 pp. Octavo (8-1/2" x 5-1/4"). Disbound stab-stitched pamphlet, woodcut vignette of execution to front wrapper. Light browning and faint dampspotting, front cover partially detached and somewhat worn along gutter edge. Early owner initials to head of front wrapper, internally clean. \$750.

\* Only edition. "Van Patten was courting a girl and Mrs. Schermerhorn cautioned her against marrying him; as a result her parents forbade his suit. Borrowing a shotgun from a neighbor, he called on Mrs. Schermerhorn in Rotterdam, New York; while she was going upstairs to get some wadding he requested, he shot her in the back" (McDade). Our sis one of the three accounts of this case. All are scarce. OCLC locates 3 copies of the Christian imprint in law libraries (Harvard, Library of Congress, Yale). McDade, *The Annals of Murder* 1020.



## Treatise on Pleading by a Notable Virginian

### 27. Tucker, [Nathaniel] B[everley] [1784-1851].

*The Principles of Pleading*. Boston: Charles C. Little & James Brown, 1846. v, 220 pp. Octavo (7-3/4" x 4-3/4").

Contemporary quarter calf over pebbled cloth. Moderate rubbing to extremities with wear to corners, a few minor dampstains to boards, upper corner lacking from front pastedown and free endpaper. Moderate toning, light browning to sections of text. Early owner signature (James B. Dormain) to head of title page, notes in his hand to margins of a few leaves. \$300.

\* Only edition. The son of St. George Tucker and half-brother of John Randolph of Roanoke, Nathaniel Beverley Tucker studied and practiced law in Virginia from 1801 to 1815. He was a judge in the Circuit Court of Missouri from 1815 to 1830 and was professor of law at the College of William and Mary, his alma mater, from 1834 to 1851. He was also a notable essayist and novelist. Cohen, *Bibliography of Early American Law* 9276.

### 1783 Dublin Printing of "The Magna Carta of the United States"

### 28. [United States]. [Constitutions].

*The Constitutions of the Several Independent States of America; The Declaration of Independence; the Articles of the Confederation Between the Said States, And the Treaties Between His Most Christian Majesty and the United States of America. Published by Order of Congress*. Dublin: London Printed, From the Original Philadelphia Edition, With an Advertisement by the London Editor: And Dublin Reprinted, For Messrs. Gilbert, Price, Walker, White, Beatty, Byrne, and Cash, 1783. [viii], 264 pp. Octavo (8" x 4-3/4").

Contemporary calf, rebaked in period style retaining lettering piece, hinges mended. Light rubbing to boards, moderate rubbing to extremities with some wear to corners, early armorial bookplate and two faint signatures (of Joseph Molloy) to front pastedown, another signature of his to center of title page, light toning to text, browning to outer edges of margins. A handsome copy of a scarce imprint. \$3,500.

\* Only Dublin edition, published the same year as the Glasgow edition and preceded by the rare 1781 Philadelphia printing (200 copies) and the London editions of 1782 and 1783. Published originally by order of Congress, this compilation was a valuable reference work and a source of ideas for the framers of the 1787 Federal Constitution. "This work was the first authoritative and original printed texts of these important documents... It is, in short, the book which may be considered as the Magna Carta of the United States. It is scarcely necessary to say that this important work has been repeatedly reprinted" (*Monthly Review* cited in Sabin). OCLC locates 3 copies of the Dublin edition in North American law libraries (Harvard, Northwestern, University of Minnesota). Sabin, *A Dictionary of Books Relating to America* 16090. Cohen, *Bibliography of Early American Law* 3022.

### Contemporary Analysis of John Brown's Raid by the Attorney Who Defended One of Its Leaders

### 29. Voorhees, Daniel W. [1827-1897].

*Addresses of Hon. Daniel W. Voorhees of Indiana, Comprising His Argument Delivered at Charlestown, Va., Nov. 8, 1856 [i.e. 1859], Upon the Trial of John E. Cook for Treason and Murder: Also, An Address Delivered Before the Literary Societies of the University of Virginia, July 4, 1860*. Richmond: Published by West & Johnston, 1861. 55 pp. Octavo (9" x 5-1/2").

Stab-stitched pamphlet in printed wrappers, rear wrapper lacking. Moderate rubbing to extremities, spine worn, light soiling and creases to exterior, moderate toning and occasional foxing to text (more extensive foxing to final few leaves). Early owner signatures to front wrapper, brief annotations to a few leaves. A solid copy of a scarce title. \$650.

\* Only edition. Voorhees was the defense lawyer of John E. Cook [1830-1859], one of the leaders of John Brown's raid on Harper's Ferry. We wonder how his second address was received. Secession and fear of Lincoln's election was on the mind of many Virginians when it was delivered. Voorhees was a Federal district attorney in Indiana. He represented that state in the U.S. House of Representatives and was a U.S. Senator for 20 years. OCLC locates 4 copies in law libraries (Harvard, University of Iowa, U.S. Supreme Court, Yale). Not in Sabin.

**Admired Precursor to Blackstone's *Commentaries***

**30. Wood, Thomas [1661-1722].**

*An Institute of the Laws of England; Or, The Laws of England in Their Natural Order, According to Common Use. Published for the Direction of Young Beginners, Or Students in the Law; And of Others That Desire To Have a General Knowledge in Our Common and Statute Laws.* [London]: Printed by E. and R. Nutt and R. Gosling, 1724. [ii], xi, [1], 663, [34], [1] pp. Includes one-page publisher list. Copperplate portrait frontispiece. Folio (12-1/2" x 8").

Contemporary calf, blind frames to boards, fillets along joints, expertly rebaked at some time retaining original spine with raised bands and lettering piece. Some very minor scuffs to boards, corners bumped and very lightly worn. Offsetting to margins of endleaves, light foxing and toning to portions of text. Early owner signature and early personal library location label (?) to front pastedown, small later private owner stamp to front free endpaper, interior otherwise clean. An appealing copy. \$300.

\* Third edition, corrected. First published in 1720, Wood's *Institute* was the only treatise until Blackstone's *Commentaries* to furnish a comprehensive view of the common law. According to Holdsworth, it was "the most important and the most popular of his books. It was written, he tells us, to supply the want of a methodical book on English law, which could be put into the hands of students in the Inns of Court and the Universities." Blackstone says "his work is undoubtedly a valuable performance; and great are the obligations of the student to him, and his predecessor Finch, for their happy progress in reducing the elements of law from their former chaos to a regular methodical science.": *A History of English Law* XII:419. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:38.

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