The Lawbook Exchange, Ltd. 30 Items from Our Inventory - September 2013

Eighteenth-Century German Legal Humor

1. Bechmann, J[ohann] V[olckmar] [1624-1689].

Tractatus Juridicus De Amore, Von der Liebe. Halle: Impensis Jo. Christ. Hendelli, 1722. 2, 46 pp. Woodcut title vignette.

[Bound with]

Grupen, Christian Ulrich [1692-1767].

Schediasma de Amoris Illecebris: Von Liebes-Caressen und Charmiren in Nuptias Treverianas et Griesebachianas Emissum. Jena: Litteris Mullerianis, [1715]. 20 pp. Woodcut title vignette and tail-piece.

[Bound with]

Grupen, C[hristian] U[lrich].

Tractatio Iuridica de Virgine Prae Vidua Ducenda, Das es Besser Sey, Eine Jungfer zu Heyrathen, Als Eine Wittwe. Cui Subjiciuntur Quaedam de Virgine Florentina Sive Pandectis Florentinis, Corollaria. Jena: Sumptibus Christoph. David. Wertheri, [1720]. [iv], [5]-68. Woodcut title vignette and tail-piece.

Quarto (7-1/2" x 6"). Disbound, light rubbing to extremities, careful repair to title page of first title, which is just beginning to detach at foot. Toning, light foxing in a few places. Early annotations to heads of title pages, otherwise clean. Appealing copies of three scarce items. \$1,500.

* Tractatus Juridicus: second edition; Amoris Illecebris: first edition; Tractatio Iuridica de Virgine: third edition. These three items are satirical essays on love and marriage in the manner of academic theses. Bechmann was a professor of law at the University of Jena. Grupen was a notable legal scholar and historian who served as an advisor to the House of Hanover. His publications include De Uxore Theoretica (1748). Tractatus Juridicus: KVK locates 4 copies, OCLC locates none. No copies located in North America. Amoris Illecebris: KVK and OCLC locate 4 copies, 2 in North America (at Yale Law School and UC-Berkeley Law School). Tractatio Iuridica de Virgine: KVK and OCLC locate 2 copies, none in North America. All editions of these titles are scarce.

The First Study of Prisons by an American

2. [Eddy, Thomas (1758-1827)].

An Account of the State Prison or Penitentiary House, In the City of New-York. By One of the Inspectors of the Prison. New York: Printed by Isaac Collins and Son, 1801. 94, 83-97 pp. 2 leaves of folded copperplates, 2 folding tables. Octavo (9-1/2" x 5-1/2").

Disbound, untrimmed edges. Light soiling to exterior, dampstaining to head of text block, internally clean. Item housed in cloth clamshell box with printed paper title label. \$850

* Only edition. According to the entries listed in Cohen, this is the first study of prisons by an American. Eddy was a businessman, philanthropist and politician from New York. Devoted to the reform of New York's penal laws, he advocated the abolition of corporal punishment, pillories and solitary confinement. In 1796 he helped to draft the bill that established New York's penitentiary system and was appointed to the commission to carry out the bill's mandate. Chosen to supervise the construction of the first State Prison, located in Greenwich Village, he was its first director from 1797 to 1801. Pages 95 to 109 are incorrectly numbered 83-79. OCLC locates 2 copies in Law Libraries (Georgetown, Harvard). American National Biography 7:301-302. Cohen, Bibliography of Early American Law 4419.

The Prehistory of Gibbons v. Ogden

3. [Fulton, Robert].

[Livingston, Robert L.].

The Right of a State to Grant Exclusive Privileges, In Roads, Bridges, Canals, Navigable Waters, &c. Vindicated; By a Candid Examination of the Grant from the State of New-York to, And Contract with Robert R. Livingston and Robert Fulton, For the Exclusive Navigation of Vessels, By Steam or Fire, For a Limited Time, On the Waters of Said State, And Within the Jurisdiction Thereof. New York: Printed by E. Conrad, 1811. 44, [9] pp. Octavo (7-3/4"x 5").

Stab-stitched pamphlet in plain wrappers. Light rubbing to extremities, a few minor chips and creases, small stain to front board, wrapper worn away from foot of spine. Moderate toning to text, faint dampspotting and stains to first few leaves of text, internally clean. \$950.

* First edition. This anonymously written pamphlet analyzes the case of Robert R. Livingston and Robert Fulton v. The Owners of the Albany Steam Boats," the first of a series of cases that culminated in the landmark U.S. Supreme Court decision Gibbons v. Ogden. The Livingston-Fulton monopoly was granted by the State of New York in 1798. The rival Albany Company challenged this monopoly unsuccessfully in 1810. Livingston and Fulton attempted to secure monopolies elsewhere in the United States and succeeded in obtaining one in Orleans Territory. More competitors challenged Livingston and Fulton, arguing that the commerce power of the federal government was exclusive and superseded state or territorial laws. The most important of these was Gibbons v. Ogden (22 U.S. 1), which was decided in 1824. The Court overturned the New York-granted monopoly, declaring that the Commerce Clause granted Congress the exclusive power to regulate interstate commerce. More important, this definition of commerce was broad enough to include inland navigation. The final nine pages of our pamphlet, "Supplemental Remarks," are not recorded in Sabin or American Imprints. OCLC locates 12 copies, none in law libraries. Cohen, Bibliography of Early American Law 14736.

Prince's Digest

4. [Georgia].

Prince, Oliver [1782-1837], Compiler.

A Digest of the Laws of the State of Georgia: Containing All Statutes and the Substance of All Resolutions of a General and Public Nature, And Now in Force, Which Have Been Passed in This State, Previous to the Session of the General Assembly of December, 1820. With Occasional Explanatory Notes, And Connecting References, And a List of the Statutes Repealed or Obsolete. To Which is Added, An Appendix; Containing the Constitution of the United States; The Constitution of the State of Georgia as Amended; The Statute of Frauds and Perjuries; The Habeas Corpus Act, &c. &c. Also References to such Local Acts as Relate to Towns, Counties, Internal Navigation, County Academies, &c. With a Copious Index. Compiled by the Appointment, And Under the Authority of the General Assembly. Milledgeville: Grantland & Orme, 1822. xiii, 669 pp. Octavo (9" x 5-1/4").

Somewhat later law sheep, rebacked, printed paper spine label, endpapers renewed. Moderate rubbing to extremities with some wear to spine ends and corners, a few minor scuffs, recent owner bookplate to front pastedown. Moderate toning and foxing throughout, dampstaining to portions of text. Early owner signature to front endleaf, interior otherwise clean. A solid copy. \$500.

* First edition. Known as "Prince's Digest," this is an important early digest of public and general laws, with a small digest of local laws. It had a second edition in 1837. It is very useful source with a thorough index. Catalogue of the Wymberley Jones De Renne Georgia Library I:382. Babbitt, Hand-List of Legislative Sessions and Session Laws 87.

With an Annotated Text of Magna Carta

5. [Georgia].

Schley, William, Compiler.

A Digest of the English Statutes of Force in the State of Georgia; Containing All the Statutes of a General Nature Which were "Usually in Force on the Fourteenth Day of May, 1776, And not Repugnant to the Constitution, Laws, And Form of Government Since Established in this State." With Explanatory Notes, Connecting References, And References to English and American Decisions, And the Acts of the General Assembly of Georgia: And An Appendix, Containing Several Statutes Which the Compiler Believes to be in Force; And which are Recommended by The Committee of Revision to the Legislature, As Containing Principles Worthy of Being Incorporated in Our Laws.--Also the Petition of Right--The Bill of Rights--And the Charter of Georgia: With a Copious Index, Compiled by the Appointment, And Under the Authority of the General Assembly. Philadelphia: J. Maxwell, 1826. [xxxi], 500 pp. Octavo (8-1/2" x 5-1/2").

Contemporary calf, blind fillets to boards, lettering piece and blind fillets to spine. Rubbing to extremities with some wear to spine ends and corners, a few stains to boards, which are partially separated but secure, recent owner bookplate to front pastedown, moderate toning and light foxing to text, faint dampstaining in a few places. Early signatures and annotations to preliminaries, interior otherwise clean. \$200.

* Only edition. The English statutes include Magna Carta, with annotations. "The work is printed with elaborate notes throughout.": Catalogue of the Wymberley Jones De Renne Georgia Library I:382. Babbitt, Hand-List of Legislative Sessions and Session Laws 87.

Early Nineteenth-Century Maryland Formbook

6. Harris, Thomas [1769-1829].

Modern Entries, Adapted to the American Courts of Justice, Being a Complete System of Approved Precedents, Consisting of Conveyancing, Declarations, Entries, Pleas, Replications, &c. and Writs. With an Index to the Principal Work, And of Reference to Most of the Ancient and Modern Entries. Annapolis: Printed by Frederick Green, 1801. Two volumes. viii, 703; [iv], 800, [196] pp. Octavo (8" x 5").

Recent period-style quarter-calf over marbled boards, lettering piece and blind fillets to spine, endpapers renewed. Light toning to text, occasional light foxing, dampstaining to a few leaves of each volume, text blocks shaved close for binding without touching text or catch words, corner of one leaf torn, removing a single letter, upper section lacking from imprimatur leaf with no loss to text. Early signatures and inkstamps to title pages, early annotations to verso of Volume II title page, additional early ink markings in text. A solid copy in an attractive binding. \$1,000.

* First edition. Harris served as deputy clerk of the Maryland General Court from 1789 to 1804 and as clerk of the Maryland Court of Appeals for the western shore from 1806 to 1829. He was also reporter of the first thirteen volumes of Maryland decisions. Though intended primarily for use in Maryland, his formbook has material relating to other states. A second edition, completed by Thomas Harris with a title beginning Modern Entries, Or Approved Precedents, was published in 1831-32. Both are scarce. OCLC locates 10 copies of the first edition in North American law libraries, 13 of the second. Cohen, Bibliography of Early American Law 8029.

1876 Catalogue of the Tennessee State Law Library

7. Haskell, Paralee, Compiler.

Catalogue of the General and Law Library of the State of Tennessee. Prepared by Order of the Judges of the Supreme Court. Nashville: [Jones, Purvis & Co.], 1871. v, [3], 432 pp. Octavo (8-1/2" x 5-1/2").

Recent quarter calf over marbled boards, lettering piece and gilt fillets to spine. Light toning, faint dampstaining to portions of text, internally clean. \$250.

* Mrs. Haskell was Tennessee's state librarian. This catalogue shows that the state owned a remarkably comprehensive collection. OCLC locates 9 copies in North American law libraries. (Harvard, Library of Congress, Yale and the Universities of Arkansas, Kansas, Michigan, Tennessee, Texas, Virginia).

The First JP Manual Printed in Tennessee

8. Haywood, John [1762-1826], Compiler.

The Duty and Authority of Justices of the Peace, In the State of Tennessee. Nashville: Printed and Sold by Thomas G. Bradford, 1810. [iv], 372, [7] pp. An additional four leaves, all containing advertisements, not present in this copy. Octavo (7" x 4-1/2").

Recent period-style calf, gilt rules and lettering piece to spine, hinges mended. Some toning and faint dampspotting to text, several printing faults resulting in torn leaves near the gutter, typical with early frontier imprints. Two later owner signatures to front pastedown, interior otherwise clean. \$1,800.

* First edition. The first JP manual printed in Tennessee. With its choice of topics and rather amateurish printing, this manual evokes the state of frontier life in the early nineteenth century. Haywood was a jurist and historian from North Carolina who moved to Tennessee in 1807. Soon after his arrival he enhanced his already solid reputation by publishing a series of legal compilations and the earliest important histories of his adopted state. He served on the Tennessee Supreme Court for the last 12 years of his life. Other editions of his manual were published in 1811 and 1816. Though all editions are somewhat common in institutional collections, there are few copies of any edition in law libraries. Regarding the first edition, OCLC locates 4 copies (at Harvard, the Universities of Michigan and Minnesota and Yale). Also, no copy has appeared at auction in more than 30 years. Allen, Tennessee Imprints 162. Allen, More Tennessee Rarities 340. Cohen, Bibliography of Early American Law 8470.

Best Edition Of "A Desideratum For Our Country"

9. Hening, William Waller [1767/8-1828], Compiler.

The Statutes at Large; Being a Collection of All the Laws of Virginia, From the First Session of the Legislature, In the Year 1619. Published Pursuant to an Act of the General Assembly of Virginia, Passed on the Fifth Day of February One Thousand Eight Hundred and Eight. New York: Printed for the Editor, by R.& W.& G. Bartow (and other publishers), 1819-1823. 13 Volumes. Complete. Octavo (8" x 5").

Contemporary sheep, blind fillets to boards, uniform lettering pieces and fillets to spine, early owner label to Volume II. Some rubbing and scuffing, a few later repairs to spines, bindings varnished, some hinges starting, wear to outer portions of text blocks of Volumes VIII and IX, not affecting text. Early owner signatures (of T. Crutchfield) to spines (very faint) and preliminaries. As noted in Tower, we find for the most part that "The Certificate &c., is usually pasted on the back of the title page." Toning, occasional faint dampstaining, interiors otherwise fresh. A handsome set. \$2,000.

* Uncommon complete set, Volumes I-IV, second edition (the best edition according to Tower), remaining volumes, first. A project sponsored by Thomas Jefferson, this compilation represents the legislation and political history of Virginia from 1619 to 1792. Jefferson initiated a similar project but was unable to complete it. Delighted to have recruited Hening, he gave him his materials, offered advice and contributed the preface. He also circulated a promotional letter to attract subscribers, which states: "The opinion I entertain of the importance of the work may be justly inferred from the trouble & expense I incurred during the earliest part of my life, to save such remains of our antient laws as were then still in existence. The compilation appears to be correctly & judiciously made, and gives us exactly what I had so long considered as a desideratum for our country. It sheds a new light on our early history, and furnishes additional security to the tenure of our rights & property" (quoted in Sowerby). The preface of Volume I notes that only 350 of the first four volumes were printed and 500 of the later volumes, thus vols. I-IV went to a second edition by the completion of Volume XIII in 1823. Sowerby, Catalogue of the Library of Thomas Jefferson II:255-261. Bryson, A Bibliography of Virginia Legal History Before 1900 518. The Charlemagne Tower Collection of Colonial Laws 263.

A Blend of Martindale-Hubbell and Burke's Peerage

10. H.P., Gent. [Henry Philipps].

The Grandeur of the Law: Or, An Exact Collection of the Nobility and Gentry of this Kingdom, Whose Honors and Estates Have by Some of Their Ancestors Been Acquired or Considerably Augmented by the Practice of the Law or Offices and Dignities Relating Thereunto. The Name of Such Ancestor, Together with the Time in Which he Flourished, The Society in Which He was a Member, And to What Degree in the Law He Arrived, Being Perticularly Expressed. London: Printed for Arthur Jones, 1684. [viii], 276, [12] pp. (last leaf blank). Lacking copperplate portrait frontispiece (of Francis, Lord Guilford, Lord Keeper of the Great Seal, to whom the work is dedicated. Octavo (6-1/4" x 3-1/2").

Contemporary calf, blind rules to boards, raised bands and fragment of early hand-lettered title label to spine. Some rubbing to extremities with wear to spine ends and corners, corners worn, front joint cracked, rear joint starting, front pastedown loose, rear pastedown detached. Light soiling to title page, light toning to text. Early owner signature to front free endpaper, interior otherwise clean. \$400.

* First edition. A work that combines elements of the Martindale-Hubbell directory and *Burke's Peerage*, this is a biographical dictionary of eminent lawyers who became members of the nobility, or achieved higher ranks as nobles, due to their legal careers. A second edition was published in 1685. There is no evidence that the frontispiece was removed. It is possible that some copies were issued without one. Sowerby, *Catalogue of the Library of Thomas Jefferson* 413. *English Short-Title Catalogue* R30532.

The First Law Book, And Second Book of Any Kind, Printed in Iowa

11. [Iowa].

The Statute Laws of the Territory of Iowa, Enacted at the First Session of the Legislative Assembly of Said Territory, Held at Burlington, A.D. 1838-'39. Published by Authority. Du Buque: Russell & Reeves, Printers, 1839. [ii], 597, [1] pp. Octavo (8-1/4" x 5").

Contemporary quarter sheep over paper-covered boards, lettering piece to spine. Moderate rubbing with wear to corners, spine lightly abraded, hinges cracked. Toning, light foxing to most of text, faint dampstaining and inkspots in places. Early annotations in pencil to endleaves, interior otherwise clean. A solid copy of a scarce imprint. \$600.

* First edition. With the texts of the Declaration of Independence, the U.S. Constitution and Bill of Rights, including the original non-ratified 13th Amendment, the Northwest Ordinance and the act establishing the territory and its organic law. Part of the Louisiana Purchase, Iowa Territory, which included parts of present-day Minnesota and the Dakotas, was created in 1838. It became a state in 1846. The present volume is significant because it was the first law book, and second book of any kind, printed in Iowa. The statutes offer a valuable perspective on the early days of the territory. Babbitt, Hand-List of Legislative Sessions and Session Laws 121.

Leibniz Analyzes an Important Chapter in Diplomatic History

12. [Leibniz, Gottfried Wilhelm (1646-1716)].

Codex Juris Diplomaticus, In Quo Tabulae Authenticae Actorum Publicorum, Tractatuum, Aliarumque Rerum Majoris Momenti per Europam Gestarum, Pleraeque Ineditae vel Selectae, Ipso Verborum Tenore Expressae ac Temporum Serie Digestae, Continentur; A Fine Seculi Undecimi ad Nostra Usque Tempora Aliquot Tomis Comprehensus: Quem ex Manuscriptis Praesertim Bibliothecae Augustae Guelferbytanae Codicibus, Et Monumentis Regiorum Aliorumque Archivorum, Ac propriis Denique Collectaneis Edidit G.G.L. Guelph: Apud Joh. Christoph. Meisnerum. 1747. Two volumes bound as one. [xxxii], 24, 479, [1]; [xx], 180, [12], 380 pp. Volume II has title beginning Godefridi Guilielmi Leibnitii Mantissa Codicis Juris Gentium Diplomatici. Folio (13-1/4" x 8").

Contemporary sheep, blind rules to boards, gilt spine with raised bands, edges rouged, marbled endpapers. Light rubbing to extremities and spine, which is slightly faded, minor scuffing to boards, corners bumped, front hinge cracked. Very light browning to text, light foxing and dampspotting in places, internally clean. \$1,500.

* Second and final edition. Better known for his important contributions to philosophy and mathematics, Leibniz was also an attorney, diplomat, state official and judge of the Mainz court of appeals. First published in 1693, the second volume in 1700, the *Codex Juris Diplomaticus* is a collection of annotated treaties and other source materials relating to the diplomatic history of the Guelphs, the factions in central and northern Italy who supported the Pope against the Holy Roman Emperor and his supporters, the Ghibellines, during the 12th and 13th centuries. The main states controlled by the Guelphs were Bologna, Brescia, Crema, Genoa, Mantua, Orvieta and Perugia. The conflict between the Guelph and Ghibbelline states, which was initiated by the Investiture Conflict of 1075, was one of the major international issues of the time. It was not resolved until the 15th century. Copies of both editions are scarce. OCLC locates 5 copies of the second edition in North American law libraries (Columbia, Harvard, Library of Congress, Rutgers, University of Michigan). *British Museum Catalogue* (Compact Edition) 14:1231.

Cluverius Defended by a Friend of the Family, McDade 194

13. [Leigh, Phillip].

[Cluverius, Thomas J. (1861-1887), Defendant].

Lillian Madison's Marriage and Murder: Cluverius Did Not Kill Her. The Sequel Told. Richmond, VA: Patrick Keenan, Printer, 1887. 29 pp. Octavo (7-3/4" x 5").

Stab-stitched pamphlet in printed wrappers. Some soiling, staining and edgewear, toning and light foxing to text. Early signatures to front cover, internally clean. A solid copy of a rare title. \$650.

* Only edition. Dedicated to Willie Cluverius, this is a defense by a friend of the Cluverius family. "Cluverius came from one of the 'better' Virginia families. He had married Lillian Madison, a country girl, but ad kept the marriage a secret from his family and friends. He finally had her come to Richmond, where he murdered her and threw her body into the reservoir. He was quickly traced, tried, and executed" (McDade). OCLC locates two copies (at the New-York Historical Society and the University of Michigan, Clements Library). McDade, *The Annals of Murder* 194.

Attractive 1679 Edition of the *Liber Assisarum*

14. [Liber Assisarum]. Rastell, John [d.1536].

Brooke, Sir Robert [d.1558], Editor.

Le Livre des Assises et Pleas Del' Corone, Moves & Dependants Devant les Justices Sibien en Lour Circuits Come Aylours, En Temps du Roy Edward le Tiers, Avec une Table des Principal's Matter's des Pleas del' Corone. Or Nouvel'ment Imprime, & Corrige: Avec une Novelle Table des Touts les Principals Cases Contenus in Cest Livre, & Les Titles sous Queux Sir Robert Brook les Pleas de Ceo ad Abbrege: Colges, & Proprement Escrits en le Margin de Chacun Plea. London: Printed by George Sawbridge, William Rawlins, and Samuel Roycroft, Assigns of Richard and Edward Atkins, 1679. [iv], 326, [38] pp. Folio (14" x 9-1/2").

Recent quarter calf over cloth boards, gilt-edged raised bands and lettering piece to spine lettering piece, endpapers renewed. Dampstaining and wear to lower corners of first quarter of text block, interior otherwise fresh. Ex-library. Small inkstamps to title page and final leaf. An attractive copy. \$1,500.

* Later issue of the edition first published by the Society of Stationers in 1606. "The Books of Assises, first published by John Rastell in 1516, are reports in a style very different from that of the other Year Books from the reign of Edward III. They are more concise than the Year Books usually are, giving rather the gist of the argument and the decision than a report of the actual proceedings. They consist chiefly of reports of assizes of novel disseisin and mort d'ancestor and various pleas of the crown heard before justices of assize in the county. They also contain a considerable number of cases in trespass and error heard in the King's Bench, and a few cases in Chancery originated by bill. Thus they were supplementary to the ordinary series of Year Books, which chiefly contained cases heard in the common bench.": Holdsworth, A History of English Law II:536-537. Wing, Short-Title Catalogue of Books Printed in England, Scotland, Ireland, Wales and British America L2616.

A Cautionary Tale

15. Martin, Michael [1795-1821].

Waldo, Francis Wainwright [1791-1836], Editor.

Life of Michael Martin, Who was Executed for Highway Robbery, December 20, 1821. As Given By Himself. Boston: Published by Russell & Gardner, 1821. 102 pp. Octavo (8-1/2" x 5-1/4").

Recent marbled boards, printed title label to spine. Some toning, light foxing to title page and a few leaves, internally clean. \$450.

* Only edition. "I was induced to undertake the compilation of these pages by the particular request of Martin. (...) The story, however extravagant some parts of it may appear, is given to the world as the last words of a dying man; and as I verily believe, of one who was determined to tell the truth, and the whole truth. The object which he had in view, in desiring that his autobiography might be published, (...) was, that it might be an example and a warning to others" (3). Pp. 101-102 contain the text of Martin's last will and testament. Sabin, A Dictionary of Books Relating to America 44903

1724 Legal Document Regarding the Murder of a Native American Woman

[Manuscript]. [Massachusetts]. [Homicide].

[Legal Document Dealing with the Killing of a Native American Woman]. Plymouth, MA, His Majesty's Court of Assize & General Goal Delivery, April 1724. 11" x 7-1/2" sheet, content in fine hand to upper half of recto, franked on verso. Light browning, vertical and horizontal fold lines, otherwise fine. A well-preserved item. \$1,500.

* This document is a recognizance served to Jesse Harding, a fourteen year-old laborer residing of Eastham, who was indicted for the murder of a Native American woman named Betty Stephen. He was held to a bond of £500.00. The murder, caused by a gunshot wound to the neck at close range, occurred in Eastham on January 4, 1723. The case was heard by a grand jury, which returned a verdict of ignoramus. There was no question that Stephen's death was premeditated homicide, but the court could not determine the motive. Why it couldn't is a mystery. The defendant's status as a minor and racism may have been factors. However. £500.00, a large amount for a bond, indicates that the court took this case seriously.

Rare 1801 Printing of New York Laws, Including the First Law that Called for a Constitutional Convention

17. [New York].

Laws of the State of New York, Viz. An Act for the Assessment and Collection of Taxes; An Act for Defraying the Public and Necessary Charge of the Respective Counties of this State; An Act to Regulate Highways; An Act Recommending a Convention for the Purposes Therein Mentioned; An Act to Repeal the Acts and Parts of Acts Therein Mentioned. Albany: Printed by Charles R & George Webster, 1801. [ii], [3]-54 of 56 pages, pp. 55-56 containing "An Act to Repeal the Acts" lacking. Octavo (9-1/2" x 5-1/4").

Stab-stitched pamphlet, untrimmed edges, final leaf detached. Toning, tear to title page with minor loss to text, tiny dampstains and foxing to a few leaves. Signature of "John Housmon, Esq., Supervisor of Castletown" to front cover, illegible inscription to foot of p. 54. Rare. \$750.

* Only edition. Of these four acts, one calls for the collection of taxes based on an assessment of real and personal property. Another calls for a constitutional convention to expand the number of state senators and assembly members and to modify the 23rd article of the state constitution, which deals with nomination to state office. The convention held later that year, the first in the state's history, established an expanded Senate with 32 members and an assembly of 100. Provisions were also made to assess legislative representation after each census. OCLC locates 1 copy, New York Public Library. Another copy located at the Library of Congress. Curiously, the collation of the copy listed in Benedict is identical to our copy. Not in Cohen. Shaw and Shoemaker, American Bibliography 1801. [Benedict], Acts and Laws of the Thirteen Original Colonies and States 418.

The First Abridgment of Plowden in English

18. Plowden, Edmund [1518-1585]. Walter, Sir John, Digestor [1566-1630]. Hicks, Fabian, Translator.

An Exact Abridgment of the Commentaries, Or Reports of the Learned and Famous Lawyer, Edmond Plowden, An Apprentice of the Common Law. Concerning Divers Cases and Matters in Law, And the Arguments Thereupon; In the Times of the Reignes of King Edward the Sixth, Queen Mary, King Philip and Queen Mary, And Queen Elizabeth; With the Exceptions to the Pleadings, And Answers Thereunto; The Resolution of the Matters in Law, And All Other Principall Matters Arising Upon the Same. Digested by Sir John Walter. Englished by Fabian Hicks. London: Printed by J. Streater for H. Twiford, 1659. [viii], 385 [i.e. 387] pp. Octavo (5-3/4" x 3-3/4").

Contemporary calf, blind frames and corner fleurons to boards, blind fillets along joints, raised bands and somewhat later hand-lettered paper title label to spine. Some rubbing with wear to corners, heavier rubbing to spine, minor chipping to spine ends, boards beginning to separate but still quite secure. Toning, light browning in a few places. Tiny early owner signature to head of title page, interior otherwise clean. \$1,500.

* Second edition. Thomas Ashe's Abridgment des Touts les Cases Reportes a Large per Plonden (1607) was the first abridgment of Plowden. Originally published in 1650, An Exact Abridgment was the first in English. First published in 1571 and covering the period of 1550-1580, Plowden's Reports marks the transition away from the cumulative method of the Year Books to one based on exposition and commentary. In most respects it is a precursor of the modern law report. OCLC locates 7 copies of this edition, 10 copies of the 1650 edition. Sweet & Maxwell, A Legal Bibliography of the British Commonwealth 1:307 (101).

Addresses on Moral and Legal Subjects by a Notable Pennsylvania Judge

19. Rush, Jacob [1746-1820].

Charges, And Extracts of Charges, On Moral and Religious Subjects; Delivered at Sundry Times, By the Honorable Jacob Rush, President of the Third District of the Court of Common Pleas and Quarter Sessions for the State of Pennsylvania. With a Recommendation by the Reverend Clergy of the Presbyterian Church, In the City of Philadelphia. To Which is Annexed, The Act of the Legislature of the State of Pennsylvania, Respecting Vice and Immorality. Philadelphia-Printed: New York; Re-printed, Geo: Forman for Jonathan Weeden, 1804. [iv], [9]-183 pp. 12mo. (7" x 4").

Recent period-style quarter calf over marbled boards, raised bands and lettering piece to spine, endpapers renewed. Moderate toning, light foxing and faint dampstaining in places. Early owner signature (James A. Scott) to title page and a few other places, interior otherwise clean. \$150.

* Second edition. Rush addresses such subjects as gaming, drunkenness, swearing, and dueling. Rush was the brother of Benjamin Rush [1745-1813], the important Pennsylvania physician and founding father. The first edition of this book was published in 1803, the fourth and final edition in 1829. According to OCLC, few copies are held by law libraries. Cohen, *Bibliography of Early American Law* 9678.

Two Sixteenth-Century Works: An Anthology of Legal Opinions and a "Trial" of Humanity, Jesus Christ for the Defense.

20. I. Schneidewein, Johann [1519-1568]. Thoming, Jakob. Wesenbeck, Matthaeus [1531-1586].

wesenbeck, Mathiaeus [1551-1560]

Matthias, Konrad, Editor.

Schonwetter, Johann Theobald, Editor.

Illustres, Aureae, Solemnes, Divq. Exoptatae Quaestionum V ariarum apud Iuris Utriusque Interpretes Controversarum Decisiones & Discussiones: Ex Iure Caesareo, Pontificio, Et Saxonico ad Praxin Camerae Accommodatae, Et Illustriss. Mem. Heroi, D.D. Augusto, Electori Saxoniae, &c. In Anno 1572. Ad Celsitudinis Eius Mandatum, Per DDn. Schneidewinum, M. Wesenbecium, Thomingium, & Alios in Studio & Scabinatu Wittembergensi et Lipsensi, Tum Temporis Antecessores, IC. Praestantissimos, Exhibitae, Quinque Partibus Comprehensae, Quarum I. De Contractibus vel Quasi, & Caussis Matrimonialibus, II. De Successionibus & Ultimis Voluntatibus, III. De Iudicio & Processu, IV. De Delictis vel Quasi Delictis: Agit: V. Miscellaneas Quaestiones Tractat. Ex Authentico Auctorum Manuscripto, Singulari & Speciali Caesar. Maiest. Privilegio ad Decennium Munito, Nunc Primum Typis Descriptae. Ac Duplici Quaestionum & Rerum Indice nec non Praefatione de Operis Excellenti Praestantia Donatae. Frankfurt: Ex Officina Iohannis Spiessii: Sumtibus Iohannis Theobaldi Schonwetteri, 1599. [xxiv], 54, 203, [21] ff.

[Bound with]

II. Ayrer, Jakob [c.1543-1605].

Historischer Processus Iuris. In Welchem sich Lucifer uber Jesum, Darumb dass er Ihme die Hellen Zerstort, Eingenomen, Die Gefangene Darauss Erlosst und Hingegen Ihnen Lucifern Gefangen und Gebunden Habe, Auff das Aller Hefftigest Beklaget. Darinnen ein Gantzer Ordentlicher Process von Anfang der Citation bitz auff das Endturtheil Inclusive, In Erster und Anderer Instantz, Darzu die Form wie in Compromissen Gehandelt wird, Einuerleibt, Auch Allerley Schriften, Gerichts Gebrauch, Iuramenta und Pflicht Commissiones, Zeugenverhor, Sampt Allen Andern Acten und Actitaten zu dem Process Gehorig, In Etliche Underschiedliche Capita Abgetheilt, Und zu end bey einem Jeden Derselben, Die Darzu Dienliche Observationes und Notabilia mit Ihrer Darzu Gehorigen Rechts Grunden und Allegaten Begriffen und zu Finden Sein, Dergleichen in Truck Zuvorn nie Aussgangen, Den Gerichtsschreibern, Procuratorn, Notarien, Und der Schreiberey Verwandten Überauss Nutzlich, Dienstlich und Lieblich zu Wissen. Sampt einem Angehenckten Vollkommenen Register. Frankfurt: Gedruckt durch Nicolaum Bassaeum, 1597. Colophon dated 1598. [xii], 739 [i.e.731], [38] pp.

Folio (12-1/4" x 7-1/2"). Two works bound together in contemporary paneled vellum over wooden boards with elaborate tooling, raised bands and somewhat later hand-lettered title to spine, "E G L" and "1600" stamped to front board, clasps lacking. Moderate soiling, some rubbing to extremities, spine ends bumped, a few minor scuffs, minor worming to pastedowns. Title pages printed in red and black, woodcut decorated initials and text ornaments. Moderate toning to text, somewhat darker in places, light foxing to a few leaves in each book. Early owner signature and annotation to foot of *Illustres*, interiors otherwise clean. \$2,950.

* I. First edition. Arranged by topic in five sections, and well indexed, this is an anthology of legal opinions by three distinguished jurists. Complete in itself and bibliographically distinct, it was followed by another collection in 1608, confusingly titled *Tomus Tertius Continens Illustres*, that does not include contributions by Thoming. Both are scarce. OCLC locates 2 copies in North American law libraries (Harvard, UC-Berkeley), none of the 1608 collection. *Verzeichnis der im Deutschen Sprachbereich Erschienenen Drucke des 16. Jahrbunderts (VD16)* S8323.

II. First edition. This fascinating work casts the nature of human salvation as a trial argued by Christ and Satan. Its author, Ayrer, was an important German playwright, early translator of Shakespeare and distinguished lawyer and state official. Based on the *Processus Belial* of Jacobus de Theramo [1349-1417], the canon lawyer and bishop, it is a didactic work on the nature of redemption cast in a humorous "legal" style for the amusement of lawyers. A popular work, it went through several editions into the seventeenth century. OCLC locates 1 copy of this edition in a North American law library (UC-Berkeley). *Verzeichnis der im Deutschen Sprachbereich Erschienenen Drucke des 16. Jahrhunderts* (VD16) A4523.

Issued on the Eve of the Revolution

21. 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 Priviledges, & 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 Priviledges 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 Right 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.... Philadelphia: Re-Printed by John Dunlap, 1773. viii, 9-156, [1] pp. Includes one-page publisher advertisement. Octavo (7" x 4").

Recent period-style speckled calf, blind fillets to boards, raised bands and lettering piece to spine. Light browning to text, heavier browning to outer margins, internally clean. A handsome copy. \$950.

* Eleventh edition, corrected. This highly popular tract was first published in 1709 with the title 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 Boston, Newport and Philadelphia. This work is attributed sometimes to John Dunton or Daniel Defoe. Cohen, Bibliography of Early American Law 6371.

A Notable Libertarian and Anarchist

22. Spooner, Lysander [1808-1887].

A Letter to Thomas F. Bayard: Challenging His Right--And That of All the Other So-Called Senators and Representatives in Congress--To Exercise Any Legislative Power Whatever Over the People of the United States. Boston: Published by the Author, 1882. 11 pp. Octavo (8" x 5-1/2").

Sewn pamphlet, light shelfwear, internally clean. A well-preserved copy. \$250.

* First edition. This pamphlet was published near the end of Spooner's life. It is one of the purest expressions of his libertarian beliefs. One of the most colorful American reformers of the nineteenth century, Spooner is remembered for his abolitionist activities, challenge to the U.S. Post Office with his American Letter Mail Company and his contributions to libertarian and anarchist thought. Thomas F. Bayard [1828-1898] was a U.S. Senator from Delaware. OCLC locates 6 copies, none in law libraries.

"Probably the Result of Simple Viciousness and Liquor"

23. [Trial].

Hamilton, James [1791-1818], Defendant.

Sketches of the Life, And a Narrative of the Trial of James Hamilton, Who Was Tried and Convicted, And Sentenced to be Hung, The 6th November, For the Murder of Major Benjamin Birdsall, Of the United States Army. To Which is Added, A Succinct Statement of the Facts Relative to the Murder, By Lieut. Scott. Also, The Interview had with Major Birdsall During His Last Moments, By the Rev. Hooper Cumming. Also the Rev. Hooper Cumming's Address to the Soldiers of Major Birdsall's Company, And the Officers, Soldiers, And Citizens, At the Interment of Maj. Birdsall. Albany: S.n, 1818. 16 pp. Octavo (10" x 6").

Stab-stitched pamphlet, untrimmed edges, woodcut image of a man hanging from a gallows on title page. Light browning, occasional foxing, a few minor tears. \$1,000.

* An unrecorded imprint according to McDade. "This was a particularly senseless crime, probably the result of simple viciousness and liquor. Hamilton was a refractory and quarrelsome soldier with an ungovernable temper. He had tried to drive off a negro who wanted to enlist and was reprimanded for it by [Major Birdsall]. He returned with a rifle and deliberately shot the Major. One of the reports describes the rope's breaking at the execution and his being hanged a second time" (McDade). McDade notes a variant with a slightly different title and an additional sentence: "To which is added his last speech and dying words." Our copy seems to offer another variation. It is identical to McDade's entry except for the title page image, which features a hanging man instead of a coffin. OCLC locates 10 copies of all 1818 Albany imprints. See McDade, *The Annals of Murder* 536.

An "Unparalleled" Record of Love, Bigamy and Murder

24. [Trial].

Hughes, Dr. John W., Defendant.

The Trial of Dr. John W. Hughes, For the Murder of Miss Tamzen Parsons; With a Sketch of His Life, As Related by Himself. A Record of Love, Bigamy and Murder, Unparalleled in the Annals of Crime. Cleveland: Printed by the Leader Company, 1866. 58 pp. Octavo (9" x 5-3/4").

Stab-stitched pamphlet with printed back wrapper. Some wear to edges, occasional foxing and faint dampstaining. Small typed label stating "McDade 493" to head of title page, internally clean. \$450.

* "Jealous and intoxicated, Hughes, on the streets of Bedford, Ohio, shot the seventeen year old girl he had seduced. At his execution, he spoke for fifteen minutes until the sheriff reminded him "Time is going.' Then he dropped.": McDade, *The Annals of Murder* 493.

He Shot His Father, Then Hacked the Body With An Axe

25. [Trial].

Lee, Z. Collins.

Stewart, William, Defendant.

The Closing Speech of Z. Collins Lee, Esq. In Defence of William Stewart, Indicted for the Murder of His Father. Before Baltimore City Court, October Term, 1838. Baltimore: Printed and Published by Bull & Tuttle, 1838. 16 pp. 12mo. (6-1/2" x 4-1/2").

Stab-stitched pamphlet in printed wrappers. Some edgewear, small chips to edges of wrappers, short splits at spine. Moderate toning to text, internally clean. \$750.

* Hoping to inherit his father's estate, Stewart shot him in the head, then beat him with a hatchet to hide the identity of his body. Stewart was tried and convicted of second-degree murder. "The pistol balls were specially molded for that weapon and were so identified, in what may be one of the earliest cases of such evidence" (McDade, note to 914). OCLC locates 5 copies (at Cornell, the Library of Congress, the American Antiquarian Society, Harvard Law School and the University of Virginia). McDade, The Annals of Murder 915.

A Decision by James Kent Supporting Robert Fulton's Steamboat Monopoly

26. [Trial].

Livingston, Robert [1746-1813], Defendant.

Fulton, Robert Fulton [1765-1815], Defendant.

The Opinions of the Judges of the Supreme Court, Delivered in the Court of Errors, In the Cause of Robert E. Livingston and Robert Fulton, vs. James Van Ingen, And Twenty Others. Albany: Printed by S. Southwick, 1812. 12, 12, 23, [1] pp. Octavo (9" x 6").

Stab-stitched pamphlet with untrimmed edges. Light browning, a few tiny tears to edges, faint dampspotting to title page and a few leaves. Early annotations to margins of a few leaves in fine hand, interior otherwise clean. A well-preserved copy of a scarce item. \$750.

* First edition. In this decision the Supreme Court of New York upheld the thirty-year monopoly on steamboat navigation on the Hudson River granted by the state legislature to Fulton and Livingston. The longest of the three opinions in this unanimous decision was written by Chief Justice James Kent. A scion of New York's most powerful family of the eighteenth and early nineteenth centuries, Livingston was one of the drafters of the Declaration of Independence. While serving as Minister to France from 1801 to 1804 he negotiated the Louisiana Purchase. It was during his time in France that he met Fulton, with whom he developed the first viable steamboat. Several lawsuits by disgruntled competitors followed. A few years later another steamboat entrepreneur, Thomas Gibbons, defied the law and established a ferry line between New York and New Jersey. This led to the 1824 U.S. Supreme Court ruling Gibbons v. Ogden. Declaring that states cannot regulate interstate commerce, the court struck down Fulton's monopoly. Catalogue of the Library of the Harvard Law School II:1129.

Letter From Tucker to a Leading Virginia Statesman About Enrolling His Son at Tucker's Winchester Law School

27. Tucker, Henry St. George [1780-1848]. [Cabell, William H. (1772-1853)].

[Autograph Letter, Signed, to Cabell, Concerning The Winchester Law School.]. Winchester, 30 August 1824. Leaf folded to form four-page 10" x 8" quarto bifolium, written in ink, addressed on fourth page to Cabell at his address in Richmond. Related 8" x 5" note by John Bruce to Tucker, 28 July 1824, enclosed.

Fold lines, minor at edges around folds, one carefully mended, area around wax seal torn away, otherwise fine. A well-preserved item. \$2,950.

* This letter is a response to a request for information about Winchester Law School, where Cabell, the distinguished Virginia statesman, was planning to send his son. Tucker, who was about to open the school, describes its curriculum, philosophy and fees. The enclosed note was written by John Bruce, who taught the school along with Tucker. This note, which he passed along to Cabell, describes the cost of boarding with him and related expenses and offers more details about the school and its program. The Winchester Law School existed from 1824 to 1831 and was quite successful, training around 200 students. It was for this school that Tucker wrote his Notes on Blackstone's Commentaries for the Use of Students (1826) and Commentaries on the Law of Virginia (1831). Mr. Cabell (we could not identify his first name) was a member of the school's first class, which had 11 students. See Bryson and Shepard, "The Winchester Law School, 1824-1831," Law and History Review 21 (2003), 1824-1831, 393-409.

Handsome Copy of a Principal Treatise on Roman-Dutch Law

28. Voet, Johannis [1647-1713].

Commentarius ad Pandectas. In Quo Praeter Romani Juris Principia ac Controversias Illustriores Jus Etiam Hodiernum, Et Praecipuae Fori Quaestiones Excutiuntur. The Hague: Apud Anthonium van Dole, 1734. Two volumes. [xx], 974, [31]; [ii], 1180, [34] pp. Main text in parallel columns. Folio (13-1/2" x 8").

Contemporary paneled vellum over wooden boards with elaborate blind tooling, raised bands and early hand-lettered titles to spines, edges of text block colored green, bronze clasps, one lacking. Light soiling, light rubbing to extremities, a few minor stains to boards, front hinge of Volume II partially cracked. Title page printed in red and black, woodcut decorated initials. Light toning to text, somewhat heavier in places, minor worming in places with negligible loss to text, internally clean. A nice copy in handsome bindings. \$1,250.

* Sixth edition. With indexes. First published in 1698-1704, this exhaustive commentary on Justinian's *Digest* is one of the principal works of Roman-Dutch law. A deeply influential work that was translated into Italian, Dutch and English, it was a part of the law libraries of such men as John Adams and Joseph Story. It remains an authority in South Africa. Voet discusses all of the titles then explains how they were influenced by customary and local law. The second volume pays special attention to subjects relevant to the Netherlands, such maritime law. Voet was Professor of Law at the Universities of Utrecht and Leiden. Walker, *The Oxford Companion to Law* 1280. Dekkers, *Bibliotheca Belgica Juridica* 181 (9).

Not in Beale

29. [Yearbook].

Edward V, Richard III, Henry VII, Henry VIII.

Anni, Regum, Edwardi Quinti, Richardi Tertii, Henrici Septimi, Et Henrici Octavi, Omnes, Qui Antea Impressi Fuerunt, Iam Recens Post Priores Editiones Emendati & Repurgati, Numeris Interlinearibus, Notatis Tum in Margine, Tum in Capite, Priorum Editionu[m] Foliis, Respondentibus, Quorum Principijs Signa Ista ** In Textu Praeponuntur. Accessit nunc Primum, Annalium Regis Henrici Octavi, In Honorandi Illius Iudicis Domini Roberti Brooki Equitis, Epitomes Titulis Digestorum, in Margine Annotatio. London: In Aedibus Ianae Yetsweirt, 1597. [390] ff. in various pagings. Folio (11-3/4" x 8").

Recent period-style calf, blind double fillets forming two panels with corner fleurons to boards, raised bands and lettering piece to spine, endpapers renewed with marbled paper, early hand-lettered title to fore-edge of text block. Light rubbing to extremities, cracks in text block between text block and free endpapers. Title printed within handsome woodcut architectural border, woodcut decorated initials. Some toning to text, light browning in a few places, struck through signature to head of title page, annotations in tiny early chancery hand to a few leaves. Ex-library. Perforated stamp to title page. A handsome copy. \$2,000.

* Covers regnal years 1 Edward V (1483), 1-2 Richard III (1483-85), 1-16, 20-21 Henry VII (1485-1509), and 12-14, 18-19, 26-27 Henry VIII (1509-1547). With an index of cases, side-notes and cross-references to Brooke, Fitzherbert and other authorities. It is difficult to overestimate the importance of the Year Books. As a series of notes on debates and points of pleadings in Norman England they are of crucial primary sources for our knowledge of medieval common law. They also provide a richly detailed portrait of contemporary English life, customs and manners. The origin of

the Year Books is unknown. Maitland believed that the earliest volumes were notes taken by law students in court copied for the use of pleaders in later cases. Holdsworth maintains that they were records of cases made by lawyers for personal use. Though it is not known when the first manuscript volumes were compiled, it is clear that cases can be found to date from the 1270's and the series continues to 1535. Printed editions of the Year Books were first issued by William de Machlinia between 1481 and 1482. The present volume belongs to the so-called "Quarto Edition." Not a set in the conventional sense, these volumes were issued separately with various dates and impressions between 1522 and 1619. OCLC locates four copies of the present imprint in North American law libraries (Columbia, Harvard and the Universities of Minnesota and Pennsylvania). Holdsworth, A History of English Law V: 357-377. Not in Beale or its supplement (published 1943), but it is given the designation "382a" in an annotated copy and an unpublished "Supplement 2" held by the Harvard Law School Library (as noted in its online catalogue). English Short-Title Catalogue S121406.

1-16, 20, 21 Henry VII

30. [Yearbook]. Henry VII.

In Hoc Volumine Continentur Omnes Anni Regis Henrici Septimi, Ab Anno Primo, Usque ad Annum Vicesimum Secundum Eiusdem Regis, Qui Antea Impressi Fuerunt. Ore Novelment Imprimee & Corrigee, Ouesque Plusours Bones Notes, Letters, & Figures en le Margent, Et en le Pag. Mesme. Queux Notes Referre les Cases al Abridgement del Brooke, [et] Auters Lieurs del Ans. Et les Letters & Figures Monstront Toutes les Pointes del Arguments & Cases. London: In Aedibus Richardi Tottelli, 1585. Colophon dated 1583. xxxi, xix, xv, xviii, xli, ii-xvi, xiii, xiii, ii-xxvi, ii-xxx, ii-xxix, ii-xxiii, xviii, xviii, xviii, xiii, xli ff. Folio (10-1/2" x 7-1/2").

Recent period-style calf, blind fillets and large central ornaments to boards, raised bands and lettering piece to spine, endpapers renewed with marbled paper. Negligible light rubbing to extremities. Title printed within handsome woodcut architectural border, woodcut decorated initials. Some toning to text, light foxing in a few places, minor worm holes to margins in a few places, light soiling to title page. Occasional annotations in tiny early chancery hand, some affected by trimming, interior otherwise clean. An attractive copy. \$2,500.

* Covers regnal years 1-16, 20 and 21 Henry VII. With an index of cases, side-notes and cross-references to Brooke, Fitzherbert and other authorities. The present volume belongs to the so-called "Quarto Edition." Not a set in the conventional sense, these volumes were issued separately with various dates and impressions between 1522 and 1619. OCLC locates two copies of the present imprint in North American law libraries (Harvard, University of Pennsylvania). Holdsworth, A History of English Law V: 357-377. English Short-Title Catalogue S121423. Beale, Bibliography of Early English Law Books R414

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