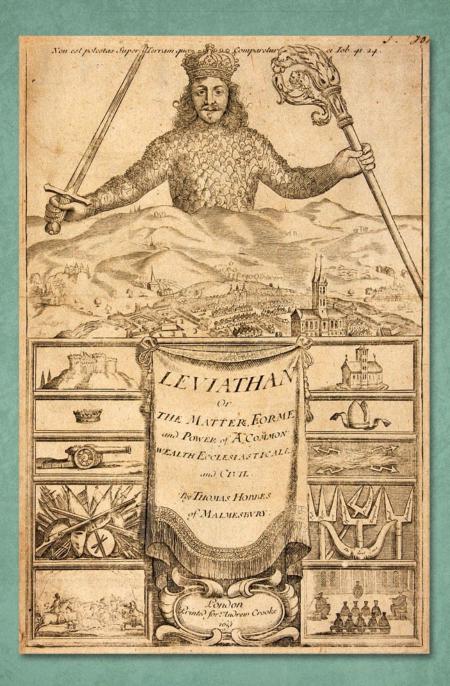
30 Recent Antiquarian Acquisitions

February 16, 2016

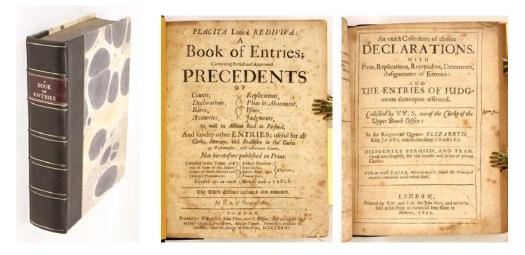


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30 Recent Antiquarian Acquisitions



Pleading During the Commonwealth and Restoration

1. A[ston], R[obert].

Placita Latinè Rediviva: A Book of Entries; Containing Perfect and Approved Precedents of Counts, Declarations, Barrs, Avowries, Replications, Pleas in Abatement, Issues, Judgments, As Well in Actions Real as Personal, And Sundry Other Entries; Useful for All Clerks, Attorneys, And Practisers in the Courts at Westminster, And Inferiour Courts. Not Heretofore Published in Print. Collected in the Times, And Out of Some of the Manuscripts, Of Those Famous and Learned Protonotaries. Richard Brownlow, John Gulston, Robert Moyl, and Thomas Cory, Esquires; Digested Into an Exact Method, With a Table. Corrected and Amended. London: Printed for H. Twyford, John Place, And T. Basset, 1673. [viii], 144, 177-332, 369-520, [16] pp. Text continuous despite pagination.

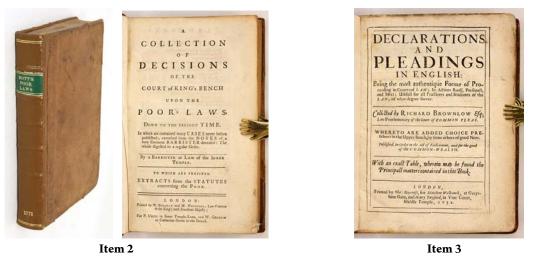
[Bound with]

S[mall], W[illiam].

An Exact Collection of Choice Declarations, With Pleas, Replications, Rejoynders, Demurrers, Assignement of Errours: And the Entries of Judgments Thereupon Affirmed. Collected by W.S. One of the Clerks of the Upper Bench Office: In the Reignes of Queene Elizabeth, King James, And the Late King Charles. Diligently Perused, And Translated into English, For the Benefit and Helpe of Young Clerkes. With an Exact Table, Wherein May be Found the Principall Matters Contained in the Whole Book. London: Printed by T.W. and T.R. for John Place, 1653. [iv], 52, 56, 65-112, 107, [13] pp. Text continuous despite pagination.

Quarto (8-1/4 x 6-1/4"). Recent period-style quarter morocco over marbled boards, gilt-edged raised bands and lettering piece to spine. Negligible light rubbing to extremities, corners lightly bumped. Moderate toning to text, occasional faint dampspotting. Woodcut head-pieces, tail-pieces and decorated initials. Two nice copies in a handsome binding. \$1,250.

* Aston: second and final edition; Small: only edition. The collections by Aston and Small are fine examples of seventeenth-century pleading manuals. Sometimes attributed incorrectly to William Sheppard, Small's manual reflects changes introduced during the Commonwealth. As suggested by its title, Aston's, first issued at the beginning of the Restoration in 1661, aimed to revive aspects of pleading that were discarded during the Civil War and Commonwealth. Small's manual is scarce. OCLC locates 6 copies in North American law libraries (Harvard, LA County, Library of Congress, University of Minnesota, Northwestern, University of Pennsylvania). *English Short-Title Catalogue* R27666 (Aston), R10408 (Small).



An Authority on the Poor Laws of England

2. [Bott, Edmund].

A Collection of Decisions of the Court of King's Bench Upon the Poor's Laws, Down to the Present Time. In Which are Contained Many Cases Never Before Published; Extracted from the Notes of a Very Eminent Barrister Deceased: The Whole Digested in a Regular Order. By a Barrister at Law of the Inner Temple. To Which are Prefixed, Extracts from the Statutes Concerning the Poor. London: Printed by W. Strahan and M. Woodfall, [c.1770]. [xxxviii], LXXIII, 291 [i.e.292], [3] pp. Octavo (8-1/4" x 5-1/4").

Contemporary sheep, rebacked and re-cornered, blind rules to boards, blind fillets along joints, raised bands, gilt fillets and lettering piece to spine, endpapers renewed. A few nicks and light scuffs to boards, moderate rubbing to extremities. Moderate toning to text, some edgewear to front endleaf facing title page. Early owner annotations and signatures to front endleaf and head of preface, interior otherwise clean. \$450.

* First edition. This well-indexed and annotated collection of cases and statutes was a well-regarded authority that went through five later editions, the last in 1827. The *ESTC* conjectures 1770 as the publication date, others suggest 1771. Despite its popularity, all editions of this book are scarce. OCLC locates 9 copies of the first edition in North American law libraries (Columbia, Harvard, LA County, Library of Congress, State of Oregon, UC-Berkeley, University of Georgia, University of Michigan, University of Pennsylvania). *English Short-Title Catalogue* T184869.

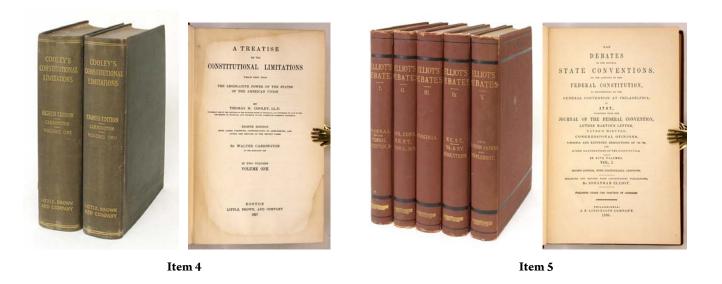
Pleading During the Commonwealth Era

3. Brownlow, Richard [1553-1638].

Declarations and Pleadings in English: Being the Most Authentique Forme of Proceeding in Courts of Law; In Actions Reall, Personall, And Mixt; Usefull for All Practicers and Studients of the Law, Of What Degree Soever. Collected by Richard Brownlow Esq; Late Prothonotary of the Court of Common Pleas. Whereto are Added Choice Presidents in the Upper Bench, by Some Others of Good Note. Published in Order to the Act of Parliament, And for the Good of the Common-Wealth. With an Exact Table, Wherein May be Found the Principall Matters Contained in This Book. London: Printed by Tho. Roycroft, For Matthew Walbanck, 1652. [4], 291, [13] pp. Portrait frontispiece lacking. pp. 145-176 misbound between pp. 56-57. Quarto (8-1/2" x 6-1/2").

Contemporary sheep, blind rules to boards, later repairs to spine ends and corners, endpapers renewed, later hand-lettered title to spine. Light scuffing, faint dampstaining and some worming to boards, moderate rubbing to extremities, corners bumped and somewhat worn, small chip to head of spine, front hinge cracked, early armorial and later private library bookplates to front pastedown. Moderate toning to text, some edgewear to preliminaries, chips to fore edges of final ten leaves, internally clean. \$450.

^{*} First edition, one of two issues from 1652. As Holdsworth notes, Brownlow "had a great reputation as one of the ablest prothonotaries of the Common Pleas." Published posthumously, *Declarations and Proceedings* replaced Rastell's *Book of Entries* as the standard work on pleading during the Commonwealth Period. Later editions were published in 1653, 1654 and 1659. Editions in Latin were published after the Restoration with the title *Placita Latine Rediviva*. Both issues of the first edition are scarce. Counting both, OCLC locates 4 in North American law libraries (Columbia, Harvard, LA County, York). Holdsworth, *A History of English Law* V:385. *English Short-Title Catalogue* R227641.



Final Edition of Cooley's Constitutional Limitations

4. Cooley, Thomas M[cIntyre] [1824-1898].

Carrington, Walter, Editor.

A Treatise on the Constitutional Limitations Which Rest Upon the Legislative Power of the States of the American Union. With Large Additions, Consideration of Amendments, and Giving the Results of the Recent Cases. Boston: Little, Brown, and Company, 1927. Two volumes. cciii, 730; xix, [2], [733]-1565 pp.

Original cloth, blind frames to boards, gilt titles and volume numbers to spine. Some shelfwear and light soiling. Light toning to text blocks, faint dampstaining to margins. Ex-law office library. Stamps to front and rear pastedowns. A nice set. \$150.

* Eighth and final edition. This influential work places Cooley on a par with Story as among the foremost commentators on the Constitution. "His discussion attained immediate fame and his views and suggestions practically dominated American Constitutional Law, particularly in the state courts...": Marke, A Catalogue of the Law Collection at New York University (1953) 396.

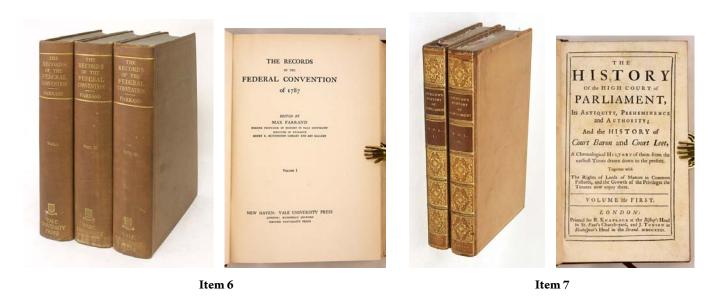
The Great Store House of American Constitutional History

5. Elliot, Jonathan, Editor.

The Debates in the Several State Conventions, Of the Adoption of the Federal Constitution, As Recommended by the General Convention at Philadelphia, In 1787. Together with the Journal of the Federal Convention, Luther Martin's Letter, Yates's Minutes, Congressional Opinions, Virginia and Kentucky Resolutions of '98-99, And Other Illustrations of the Constitution. With Considerable Additions. Philadelphia: J.B. Lippincott Company, 1896. Five volumes. Octavo (9" x 6").

Original textured cloth, black-stamped rules and ornaments to boards, gilt titles, gilt volume numbers and black-stamped horizontal rules to spines. Some rubbing to extremities with fraying to spine heads, corners bumped and lightly worn, a few minor stains to boards, a few cracks in text blocks of each volume, internally clean. Early owner signature to front free endpaper of each volume, interiors otherwise clean. \$400.

* Second and final edition, later printing. Brown's *Manual of Government Publications* says this is "the most important single source of information on the ratification of the Constitution by the States." In Paul Leicester Ford's estimation, it is "the great store house of American Constitutional history. It is almost impossible to exaggerate its importance." This edition has notes by Madison. Brown and Ford cited in Marke, *A Catalogue of the Law Collection at New York University* (1953) 373.



Farrand's "Indispensable" Records of the Federal Convention

6. Farrand, Max, Editor.

The Records of the Federal Convention of 1787. New Haven: Yale University Press, 1934. Three volumes. xxv, 606; 667; 685 pp.

Original cloth, blind frames to boards, gilt titles and volume numbers to spines. Moderate shelfwear and light soiling, front hinge just starting at foot, internally clean. Ex-private law firm library. Stamps to front pastedowns. A handsome set. \$250.

* Reissue of the first edition (1911). "[A] convenient and painstaking view of the various contemporaneous accounts of the proceedings of the Federal Convention.... [T] hese three volumes are indispensable to anyone who is searching at first hand for any fact as to the transactions of the Federal Convention": *Harvard Law Review* 25 (1911-12):198-199.

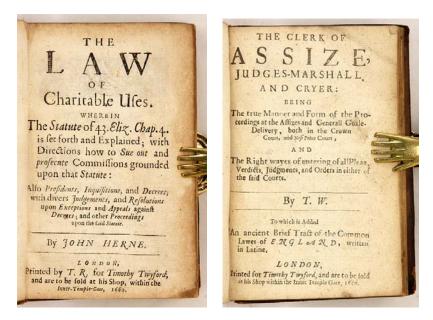
The High Court of Parliament

7. [Gurdon, Thornhagh (1663-1733)].

The History of the High Court of Parliament, Its Antiquity, Preheminence and Authority; And the History of Court Baron and Court Leet, A Chronological History of Them from the Earliest Times Drawn Down to the Present. Together With the Rights of Lords of Manors in Common Pastures, And the Growth of the Privileges the Tenants Now Enjoy There. London: Printed for R. Knaplock...and J. Tonson, 1731. Two volumes. xviii, [28], 254; [255-258], [259]-445 [i.e. 645], 9 pp. Octavo (7-1/2" x 4-1/2").

Nineteenth-century signed calf Riviere binding, gilt spines, gilt rules to boards, gilt dentelles to board edges, inside gilt dentelles, marbled endpapers, all edges gilt ribbon markers. Negligible light rubbing to boards, moderate rubbing to extremities with light wear to spine ends, joints and corners, front board of Volume I and rear board of Volume II beginning to separate, but secure, hinges cracked, small recent bookseller tickets to front pastedown of each volume. Woodcut head and tail-pieces. Very light toning to text, somewhat heavier in places, light foxing to a few leaves. Later annotations in pencil to front endleaves, interiors otherwise clean. A handsome set. \$500.

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



Item 8

A Treatise on Charitable Uses Bound with a Manual on Court Procedure that Contains a Selection of Maxims

8. Herne, John.

The Law of Charitable Uses. Wherein the Statute of 43. Eliz. Chap. 4. is Set Forth and Explained; With Directions How to Sue Out and Prosecute Commissions Grounded Upon that Statute: Also Presidents, Inquisitions, And Decrees, With Divers Judgements, And Resolutions Upon Exceptions and Appeals Against Decrees; And Other Proceedings Upon the Said Statute. London: Printed by T.R. for Timothy Twyford, 1660. [8], 151, [9] pp. First and last leaves blank.

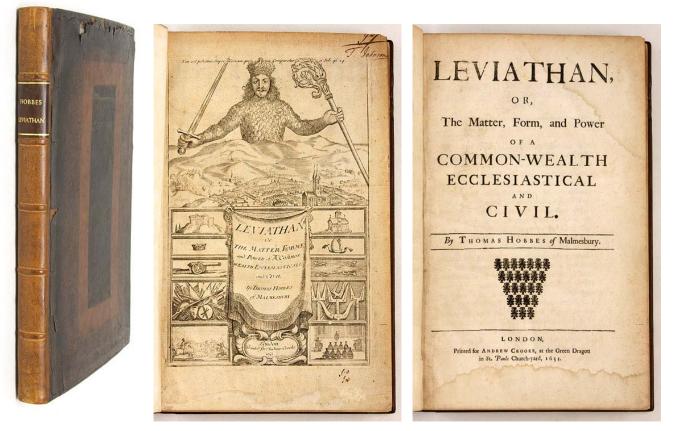
[Bound with]

T.W.

The Clerk of Assize, Judges-Marshall, And Cryer: Being the True Manner and Form of the Proceedings at the Assizes and Generall Goale-Delivery, Both in the Crown Court, And Nisi Prius Court, And the Right Wayes of Entering of All Pleas, Verdicts, Judgments, And Orders in Either of the Said Courts. To Which is Added an Ancient Brief Tract of the Common Lawes of England, Written in Latine. London: Printed for Timothy Twyford, 1660. [vi], 69, [3] pp. Two parts with continuous pagination, second part preceded by divisional title page reading: Principia Sive Maxima Legum Anglia [sic].

Octavo (5-1/2" x 3-1/2"). Contemporary sheep, carefully rebacked with section of existing spine, blind rules to boards and spine. Rubbing to extremities with some wear to spine ends, corners bumped and lightly worn, a few light scuffs to rear board, two larger deep scuffs to front, hinges cracked, later armorial bookplate of the Earls of Macclesfield to front pastedown, small embossed Macclesfield stamp to title page of *Charitable Uses*, rear free endpaper lacking. Light toning to text, light soiling to title pages. Early owner inscription to front free endpaper, texts otherwise clean. \$950.

* Herne: first edition; T.W.: first edition. Herne's treatise discusses Queen Elizabeth's 1601 Statute of Charitable Uses, the act that established the legal definition of a private charity. A second edition was published in 1663. T.W.'s manual addresses judicial administration and procedure in the civil and criminal courts. It went through three more editions in 1676, 1682 and 1694. Its second part, *Principia Sive Maxima Legum Anglia* [sic], an anonymous collection of maxims about the common law, was originally published in 1546. Both titles are scarce in all editions, the first edition of T.W.'s especially; OCLC locates 5 copies in North American law libraries (Allegheny County, Columbia, Harvard, Library of Congress, Yale). Thomas Jefferson owned copies of both titles in the same editions as our volume. See Sowerby, *Catalogue of the library of Thomas Jefferson*, 1724, 1910. *English Short Title Catalogue* R202417, R203975.



Item 9

The "Ornaments" Edition of Hobbes's Leviathan, The Last with Authorial Corrections

9. Hobbes, Thomas [1588-1679].

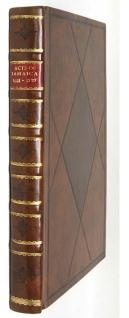
Leviathan, Or, The Matter, Form, And Power of a Common-Wealth Ecclesiastical and Civil. London: Printed for Andrew Crooke, At the Green Dragon in St. Pauls Church-yard, 1651 [i.e. 1680]. [vi], 250, 249-256, 261-394 [i.e. 396] pp. Text continuous despite pagination. Main title page, with upside down triangle of 25 ornaments grouped in 5 rows, preceded by copperplate pictorial title page. Folding table. Folio (11-3/4" x 7-1/2").

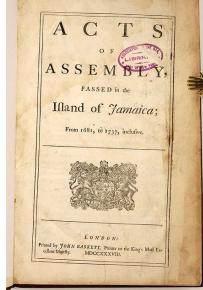
Recent period-style calf, original paneled calf boards laid down, gilt-edged raised bands and lettering piece to spine, endpapers renewed. Some gatoring and a few scuffs to boards, some chipping to edges of retained boards. Moderate toning to text, faint dampstining in a few places, faint dampspotting to a few leaves. Recent owner signature to front pastedown, early owner signature to head of pictorial title page, tiny early initials to foot. A nice copy. \$8,500.

* Third edition, with the final corrections by the author, the so-called "ornaments" edition distinguished by a title page device consisting of an inverted triangle of 25 ornaments grouped in five rows. One of the greatest works of political science, *Leviathan* analyzes the structure of society and legitimate government and is one of the most influential statements of social contract theory (under the rule of an absolute sovereign). Written during the time of the English Civil War, it is notable for its deeply pessimistic view of human nature. The early editions of *Leviathan*, all with the famous pictorial title page, list the same publisher and publication date: Andrew Crooke, 1651. They are distinguished by slight variations in the spelling of the title and the devices on their title pages. The first has a winged cherub's head, the second, actually printed in 1678, has a bear grasping two sprays of foliage. It was followed by the present issue. The *ESTC* gives a publication date of 1680, but some sources place its publication date between 1695 and 1702. Hobbes, *Leviathan*, ed. Noel Malcom (2014) 312-316. *Printing and the Mind of Man* 138. *English Short-Title Catalogue* R13935.

Stardin

Item 10







An Early Signed Note from Oliver Wendell Holmes

10. Holmes, Oliver Wendell [1841-1935].

[Autograph Note, Signed. (Boston), April 1, 1869].

Single 5" x 7" lined sheet (from notebook), signed "O W Holmes." Light edgewear, otherwise fine. \$150.

* The note dates from the time when Holmes was a young lawyer in Boston. It gives the address of Julia E. Clapp, the wife of Boston attorney William Clapp.

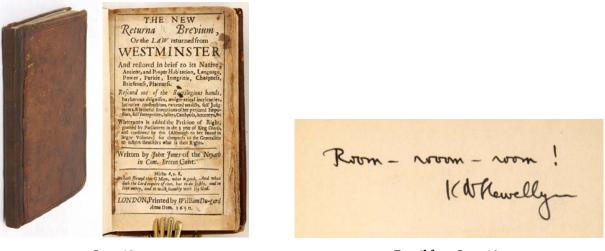
The First Collected Statutes and Laws of Jamaica

11. [Jamaica].

Acts of Assembly, Passed in the Island of Jamaica; From 1681, To 1737, Inclusive. London: Printed by John Baskett, 1738. [ii], xxii, 332, 329-387, [1] pp. Complete. Text continuous despite pagination. Folio (13" x 8-1/2").

Recent period-style diced calf, raised bands and lettering piece to spine. Moderate toning to text, faint dampstaining to upper half of text block, light foxing in a few places, later repairs to fore-edges of title page and following 30 leaves, internally clean. Ex-library. Small inkstamp to title page, annotations to verso, embossed stamp to following leaf. A scarce title in a handsome binding. \$2,500.

* Only edition, one of two issues from 1738. Taken from the Spanish in 1655, Jamaica was governed by a constitution granted by Charles II in 1681. It became a Crown Colony (placed under direct rule) in 1866. The first collection of Jamaican laws, a volume of session laws, was published in 1683. It was followed by continuation volumes in 1684, 1698 and 1719. The 1738 *Acts of Assembly* was the first compilation of Jamaican law, both civil and criminal. Counting both issues, OCLC locates 6 copies in North American law schools (Columbia, Harvard, Social Law, University of Michigan, University of Minnesota, Washington University). *English Short-Title Catalogue* T144016.



Item 12

Detail from Item 13

An Angry Call for Procedural Reform from the Early Years of the Commonwealth

12. Jones, John, Of Neyath, Brecon.

The New Returna Brevium, Or the Law Returned from Westminster and Restored in Brief to Its Native, Antient, And Proper Habitation, Language, Power, Puritie, Integritie, Cheapness, Briefness, Plainness. Rescued Out of the Sacrilegious Hands, Barbarous Disguises, Aenigmatical Intricacies, Lucrative Constructions, Extorted Verdicts, Fals Judgments, & Bribeful Executions of Her Perjured Impostors, Fals Interpreters, Iailers, Catchpols, Attorneys, & Whereunto is Added the Petition of Right, Granted by Parliament in the 3 Year of King Charls, and Confirmed by This (Although to Bee Found in Larger Volumes) for Cheapness to the Generalitie to Inform Themselvs What is Their Rights. London: Printed by William Du-Gard, 1650. [x], 83, [1] pp. 12mo. (4-1/2" x 2-3/4").

Contemporary sheep, rebacked in period style, blind rules to boards, blind fillets to spine, early hand-lettered title to fore edge, endleaves renewed. Light rubbing to boards, moderate rubbing to extremities, corners bumped and somewhat worn, later armorial book plate of the Earls of Macclesfield to front pastedown, small embossed Macclesfield stamp to head of title page and following leaf, rear pastedown loose. Moderate toning to text, occasional faint dampstaining, light foxing to a few leaves. Early pen-marks to a few leaves, interior otherwise clean. \$1,850.

* First edition. The Commonwealth era inspired various proposals for legal reform, many inspired by a desire to settle scores with the Carolingian legal profession. Some of the more biting suggestions come from Jones, the author of such works as *Lawyers Unmask'd*, *Or*, *A Discovery of Their Matchless Villanies, Intolerable Oppressions, And Most Accursed Practizes in Perverting the Known Lawes of England* (1653) and *The Crie of Blood, Or, A Confutation of Those Thirteene Reasons of the Felicers at Westminster for the Maintenance of Their Illegall Capias for Debt* (1651). The equally angry *New Returna Brevium* calls for the reform of legal drafting and court procedure. A second edition was published in 1653. Both are scarce. OCLC locates 3 copies of the first edition in North American law libraries (Harvard, LA County, University of Virginia). Our copy once belonged to the library of Shirbirn Castle, the library of the Earls of Macclesfield, one of the finest private libraries in Great Britain. *English Short-Title Catalogue* R202637.

Signed and Inscribed by Llewellyn

13. Llewellyn, K[arl] N[ickerson] [1893-1962].

Put in His Thumb. New York: The Century Company, [1931]. [x], 119 pp.

Quarter cloth over speckled boards, black lettered title to front cover, deckle edges. Light shelfwear and soiling, early owner bookplate (of John M. Wiilliams, dated 1/10/40) to verso of front endleaf, author inscription and signature to front free endpaper, light toning to text. A handsome copy. \$150.

* First edition, first printing. The inscription reads: "Room-vroom--room!/ KN Llewellyn." Collected poems of one of the leading American legal thinkers of the twentieth century. One of these is a tribute to Oliver Wendell Holmes.



Important Early Treatise on Maritime Law

14. Molloy, Charles [1646-1690].

De Jure Maritimo et Navali: Or, a Treatise of Affairs Maritime and of Commerce. In Three Books. With Large Additions, Never Before Printed, Of Modern Cases, And Other Matters Proper Thereunto. London: Printed for J. Walthoe [et al.], 1707. [ii], xii [i.e. xvii], [3], 476 [i.e. 492], [16] pp. Page xvii numbered xii; pp. 278-293 repeated in paging. Pp. 55-56 is a laid-in facsimile; section lacking from following leaf, supplied as a laid-in facsimile. Copperplate allegorical frontispiece on facing leaves, one leaf lacking. Octavo (8-1/2" x 5-1/2").

Recent period-style quarter calf over cloth, raised bands and lettering piece to spine, frontispiece re-hinged. Moderate toning to text, somewhat heavier in places, occasional light spotting, faint dampstaining in a few places, soiling and edgewear to frontispiece, upper corner lacking from rear endleaf. Early owner signatures to verso of frontispiece and head of title page, early annotations to some leaves. \$150.

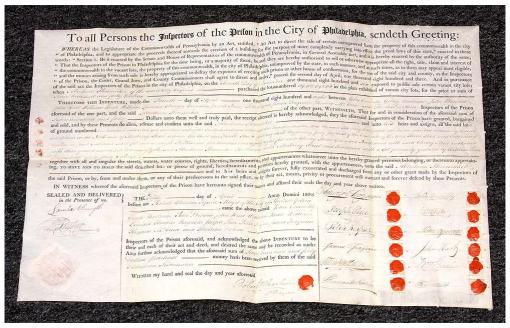
* Sixth edition. For many years this was the standard treatise on international, commercial and maritime law, and went through many editions, the first published in 1676, the last in 1778. "It was not until 1676 that a man, who had some claims to be called an English lawyer, wrote upon [bills of exchange]. Charles Molloy who was both a civilian and a member of Lincoln's Inn and Gray's Inn, in the second book of his very successful treatise, *De Jure Maritimo et Navali*, gives us some account of these branches of the law" (Holdsworth). Chapters III and IV deal with Privateers and Piracy. Holdsworth, *Sources and Literature of English Law* 210. *English Short-Title Catalogue* T129181.

Land Deed for Lots Sold to Finance Construction of the Arch Street Prison

15. [Prisons].

[Land Deed for Lots Sold to Raise Funds for the Arch Street Prison]. Philadelphia, 5 April 1808. 14-1/2" x 20."

Vellum deed, partially printed in several sizes and styles of type, completed and signed in manuscript, additions to verso in fine hand, signatures accompanied by wax seals, document bears embossed seal of Philadelphia. Light toning and soiling, fold lines, otherwise fine. \$1,850.





* This deed records the sale of two city lots to Abraham Shoemaker to help raise funds for the building of Philadelphia's Arch Street Prison in 1808. The recto contains the full wording of the deed and description of the sold lots, signatures and wax seals of Mayor Robert Wharton, the Inspectors of the Prison, Ebenezer Ferguson, Joseph Price, Peter Keysey, James Traquair, Thomas McEuen, Thomas Dobson, John Connelly, George Bartram, Peter Browne, John Hart, William Rush and William Linnard, and witness Lambert Smythe. The verso contains a manuscript about the property's transfer in 1828 by Shoemaker's estate, with signatures and wax seals, and separate recording information, with books and page numbers where recorded, each with a signature and embossed paper seal of the City and County of Philadelphia.

Philadelphia's prison, shared with the county and state, was old and overcrowded at the beginning of the nineteenth century. An 1803 Act was passed to allow the city to sell unimproved lots to finance prison construction. Our deed relates to that act. Abraham Shoemaker [1753-1818], the buyer, was a member of the Philadelphia Bar. He was a witness to Benjamin Franklin's Will and was associate justice for the City of Philadelphia from 1803 to 1818. Robert Wharton [1757-1834] was one of the most effective and popular early mayors of Philadelphia; he was elected 15 times between 1798 and 1824. Several signers were leading citizens of the city. Ebenezer Ferguson [1754-1837] was a carpenter, a militia officer and president of the Philadelphia Board of Health. Thomas Dobson [1751-1823] was a printer and bookseller who is credited with publishing the first complete Hebrew Bible in America and the first American edition of the *Encyclopedia Brittanica*. Peter Keyser [1766-1849], a leader of the Germantown church, was the first director and controller of the Philadelphia Board of Brokers, the oldest stock exchange in America. James Traquir [1755-1811], a stone cutter and sculptor, created a marble bust of William Penn, the first bust carved in the United States. William Linnard [1749-1835] was a distinguished army officer. William Rush [1756-1833] was an important sculptor and founder of the Philadelphia Academy of Fine Arts. His works include the "Spirit of the Schuylkil," the first public fountain built in the United States.

"Property is Theft"

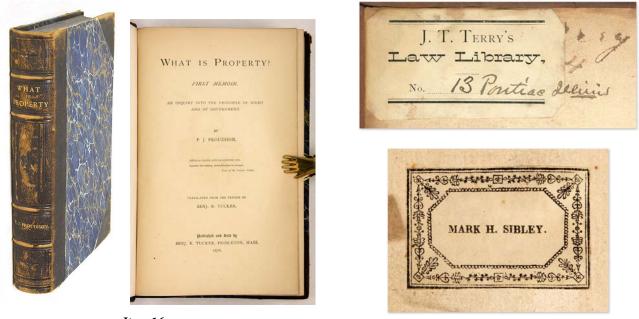
16. Proudhon, P[ierre]-J[oseph] [1809-1865]

Tucker, Benjamin Ricketson [1854-1939], Translator.

What is Property? An Inquiry Into the Principle of Right and of Government. Princeton, MA: Benj. R. Tucker, 1876. xli, 457 pp. Portrait frontispiece with tissue overlay. Octavo (9" x 5-3/4").

Contemporary three-quarter morocco over marbled boards, raised bands, blind ornaments and gilt title to spine, marbled edges and endpapers. Moderate rubbing to extremities and spine, a few cracks to text block. Light toning to text, internally clean. \$150.

* First American edition. This classic Anarchist study of the concept of property was first published in 1840 in France as *Qu'est-ce que la Propriété ? Uu Recherche Sur le Principe du Droit et du Gouvernement.* It was in this book that Proudhon declared that "property is theft." This edition includes an introduction by J.A. Langlois.



Item 16

Details from Item 17

First Edition of Reeve's Baron and Femme, the First American Treatise on Family Law

17. Reeve, Tapping [1744-1823].

The Law of Baron and Femme; Of Parent and Child; Of Guardian and Ward; Of Master and Servant; And of the Powers of Courts of Chancery. With an Essay on the Terms, Heir, Heirs, and Heirs of the Body. New Haven: Printed by Oliver Steele, 1816. [iv], 494, [11] pp. Octavo (5-1/2" x 9-1/4").

Contemporary calf, blind fillets to boards, lettering piece and blind fillets to spine. Light rubbing to boards, moderate rubbing to extremities, a few scuffs and nicks, faint creases to spine, corners bumped and somewhat worn, front hinge cracked, rear joint and hinge starting, early owner bookplates (of J.T. Terry and Mark H. Sibley) to front pastedown. Light browning to text, light foxing to a few leaves, lower corner lacking from p. 225-226 with no loss to text, small chip to front free endpaper. A nice copy of an important work. \$650.

* First edition. In 1782 Reeve founded the first American law school in Litchfield, Connecticut. The first American treatise on family law, Reeve's *Law of Baron and Femme* is a restatement of Blackstone's Commentaries, Book I, Chapters XIV-XVII. It rejects some of the fundamental doctrines of the common law, most notably coverture. As Blackstone puts it, "the husband and wife are one person in law; that is, the very being or legal existence of the woman is suspended during marriage." Reeve says the opposite. Also a prescriptive work, *Baron and Femme* aimed to liberalize the American law of domestic relations, arguing, for example, that married women were permitted to make wills, a point contradicted by the contemporary statute and case law of Connecticut and several other states. Terry and Sibley were lawyers who practiced in Ontario County, New York. The most prominent was Sibley [1796-1852], a Canandaigua lawyer and judge who served in the state assembly, state senate and U.S. House of Representatives. Congress, Cohen, *Bibliography of Early American Law* 4745.

An Interesting Form of Partible Inheritance

18. Robinson, Thomas [d. 1747].

The Common Law of Kent: Or, The Customs of Gavelkind. With an Appendix Concerning Borough-English. [London]: Printed by R. And B. Nutt, And F. Gosling, 1741. xxiii, [1], 300, [16] pp. Octavo (7-3/4" x 4-3/4").

Contemporary calf, rebacked in period style, blind rules to boards, blind fillets along joints, raised bands and lettering piece to spine. A few light scuffs to boards, corners bumped and somewhat worn, hinges cracked, early armorial bookplates to front pastedown and free endpaper. Light toning to text, somewhat heavier in places, light foxing to some leaves. Early owner signature to head of title page, underlining and check marks in pencil in a few places, interior otherwise clean. A handsome copy. \$250.

* First edition. Gavelkind is a type of land tenure used mostly in Kent, but also in other parts of England, Ireland and Wales. It is a form of partible inheritance in which land descends equally to the decedent's sons. It was common during the Saxon era, but was gradually supplanted by primogeniture after 1066. A second edition was published in 1788. *English Short-Title Catalogue* T100327.



Item 18

Item 19

A Classic English Treatise on the Law of Landlord and Tenant

19. R.T., Gent.

Tenants Law: A Treatise of Great Use for Tenants and Farmers of All Kinds, And All Other Persons Whatsoever. Wherein the Several Natures, Differences and Kinds of Tenures and Tenants are Discussed, And Several Cases in the Law Touching Leases, Rents, Distresses, Replevins, And Other Accidents Between Landlord and Tenant, And Tenant and Tenant Between Themselves and Others; Especially Such Who Have Suffered by the Late Conflagration in the City of London. London: Printed for, And Sold by, John Amery, 1674. [xii], 72, 75-157, [1] pp. First leaf (a renewed) blank. Final leaf includes publisher list. 12mo. (5-1/2" x 3-1/4").

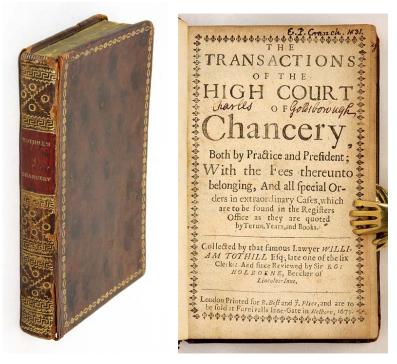
Contemporary sheep with recent calf rebacking, blind rules to boards, raised bands, blind ornaments and lettering piece to spine, endpapers renewed. A few minor scuffs and stains to boards, rubbing to edges, corners bumped and somewhat worn. Moderate toning to text, minor edgewear to a few leaves, a few minor stains to preliminaries, a bit of worming to final text leaf and following endleaf with no loss to legibility. Early owner signatures to head of title page, one struck through, interior otherwise clean. An appealing copy. \$500.

* Third edition. First published in 1666, shortly after the Great Fire of London, this layman's guide was immediately popular. With additions and other modifications at each printing, it went through several editions and issues eighteenth century. The identity of "R.T." is unknown. In any event, printings after 1684 appeared without attribution. Despite its popularity, printings of this title are scarce. Concerning the third edition, OCLC locates 5 copies, 2 in North America (Huntington Library, University of Pennsylvania Law School). *English Short-Title Catalogue* R10062.

Important for Its Insights Into the Development of Chancery Practice

20. Tothill, William, Compiler.

The Transactions of the High Court of Chancery, Both by Practice and President; With the Fees Thereunto Belonging, And All Special Orders in Extraordinary Cases, Which Are to be Found in the Registers Office as They Are Quoted by Terms, Years, And Books. Collected by that Famous Lawyer William Tothill Esq; Late One of the Six Clerks: And Since Reviewed by Sir Ro: Holborne, Bencher of Lincolns-Inne. London: Printed for R. Best and J. Place, 1671. [viii], 192, 225-240, 209-224, 257-288 pp. Text continuous despite pagination. Octavo (5-1/2" x 3-1/2").



Item 20

Later sprinkled calf, gilt fillets to boards, gilt spine with lettering piece, all edges gilt, marbled endpapers. A few light scratches and nicks to boards, moderate rubbing to extremities, joints starting at ends, corners bumped and somewhat worn. Title printed within typographical border, typographical head-pieces. Light browning and occasional faint spotting to text, spark burns to a few leaves. Later owner signaures to front endleaf and head of title page, early owner signature to head of following leaf, interior otherwise clean. \$700.

* Second edition. As Wallace notes, this work, originally published in 1649, is "frequently interesting as showing in a positive and plainly authentic form the rudimentary shape of the present...developed chancery system of England; and as illustrating, by instances, that singular constitution of jurisprudence peculiar to Great Britain and the United States of America, by which a copious, precise, and most artificial system of law is spun out, gradually, from a small expression of natural justice, and with scrupulous respect for existing law, by the safe and constantly improving process of judicial interpretation." A third edition was published in 1671. It was also reissued in 1820 and 1872. Wallace, *The Reporters* 475. *English Short-Title Catalogue* R38811.

Trial of the Leaders of the First Jacobite Rebellion

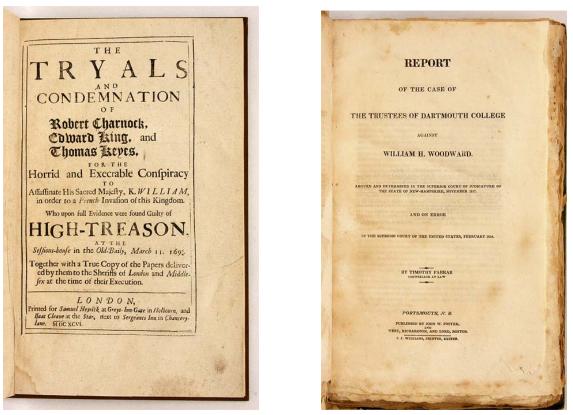
21. [Trial].

Charnock, Robert [1663?-1696], Primary Defendant.

The Tryals and Condemnation of Robert Charnock, Edward King, and Thomas Keyes, for the Horrid and Execrable Conspiracy to Assassinate His Sacred Majesty, K. William, in Order to a French Invasion of This Kingdom. Who Upon Full Evidence Were Found Guilty of High-Treason, at the Sessions-House in the Old-Baily, March 11, 1695/6, Together With a True Copy of the Papers Delivered by Them to the Sheriffs of London and Middlesex at the Time of Their Execution. London: Printed for Samuel Heyrick and Isaac Cleave, 1696. [iv], 76 pp. Folio (12-1/2" x 8").

Recent cloth, gilt title to spine. Light rubbing to extremities, moderate toning to text, spark burns and finger smudges to a few leaves, minor dampstaining to foot of title page and following few leaves. Early owner signature to front endleaf, interior otherwise clean. Ex-library. Bookplate to front pastedown. \$450.

* First edition. Charnock, Keyes and King were tried and executed for their leading roles in the first Jacobite Rebellion, which aimed to restore the exiled James II to the English throne after the Glorious Revolution of 1688. The leading figure was Charnock, who held a captain's commission from King James. This report contains a record of the charges against the defendants and the circumstances surrounding their plot to assassinate King William III, the arguments and testimony for the prosecution and defense, the judgment, sentence and the final statements of the condemned before their execution. Another edition was published in Dublin in 1696. *English Short-Title Catalogue* R4539.



Item 21

Item 22

First Report of the Landmark Dartmouth College Case

22. [Trial]. [Dartmouth College Case].

Farrar, Timothy [1788-1874], Reporter.

Report of the Case of the Trustees of Dartmouth College Against William H. Woodward. Argued and Determined in the Superior Court of Judicature of the State of New-Hampshire, November 1817. And on Error in the Supreme Court of the United States, February 1819. Portsmouth: Published by John W. Forster, And West, Richardson, And Lord, Boston, [1819]. [iv], 406 pp. Octavo (9" x 5").

Original publisher boards, rebacked with replica of spine with printed paper title label, front hinge mended, front free endpaper re-hinged, untrimmed edges, several signatures unopened. A few tiny stains to boards, light fading to edges, corners bumped and worn. Some toning to text, occasional light foxing, minor tears to margins of a few leaves. \$1,750.

* First published report. This is probably the most important American case concerning the contract right of corporations. The New Hampshire legislature passed a bill in 1816 that revoked Dartmouth College's original charter and converted the college from a private to a state institution. The college challenged the constitutionality of this act in the state Supreme Court without success, but the U.S. Supreme Court reversed the state's decision in a landmark opinion based on the contract clause of the Constitution. This decision represented "an assurance for all investors in American corporate enterprises that the terms upon which they had committed their capital could not be unilaterally altered by a state. At a time when corporations were first being widely used, it thus encouraged the expansion of American business enterprise. The decision vested the Corporate charters from state interventions, Marshall derived a significant limitation on state authority. As a result, various forms of private economic and social activity would enjoy security from state regulatory policy. Marshall thus encouraged, through constitutional sanction, the emergence of the relatively unregulated private, autonomous economic actor as the major participant in a liberal political economy that served the commonwealth by promoting enlightened self interest" (Konefsky). Farrar's comprehensive report contains all material related to the case, including the arguments of Webster and Wirt and the opinions of Chief Justice Marshall and Justices Story and Washington and texts of related documents. Alfred F. Konefsky, "Dartmouth College v. Woodward" in *The Oxford Companion to the Supreme Court* 218-219. Sabin, *A Dictionary of Books Relating to America* 23887. Cohen, *Bibliography of Early American Law* 11614.



Complete Account of a Notable 1851 New York Divorce Trial

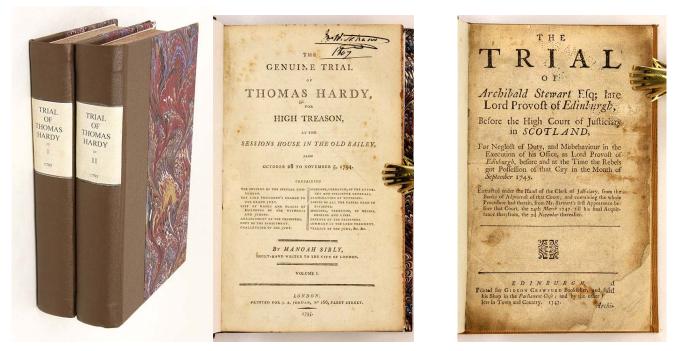
23. [Trial].

Forrest, Catherine Norton (Sinclair), Plaintiff.

The Forrest Divorce Suit, Report of the Trial of Catherine N. Forrest vs. Edwin Forrest. For Divorce, Held in the Superior Court of New York, Dec., 1851. Before Chief Justice Oakley and a Special Jury. Reported by the Law Reporter of the New York Herald. New York: Printed at the Herald Book and Job Office, 1851. 120, 81-185, [3] pp. Two woodcut portraits in text (at pp. 96-97). Format changes from single to double columns at p. 81 of the second paging sequence. The verdict, printed after the publication of the book, is pasted to the foot of p. 185 and its verso. Complete as issued.

Contemporary three-quarter morocco over cloth, gilt rules to boards, raised bands, gilt ornaments and gilt title to spine, patterned endleaves. Light rubbing to boards, moderate rubbing to extremities with some wear to spine ends and corners, early owner bookplate to front pastedown. Moderate toning to text, occasional light foxing, repair to margin of pp. 99-100, a few minor tears to final leaf of text. Early owner signature to front free endpaper, "No 5" to head of title page in early hand, interior otherwise clean. \$650.

* Only edition. Edwin Forrest was a famous New York Shakespearean actor who filed for divorce in Philadelphia on the grounds of adultery, having found his wife with another actor. His wife countersued in New York. The trial lasted six weeks with a judgment against Mr. Forrest, who went on to appeal the case five times. As one would expect, this celebrity trial attracted a great deal of attention, in part though Mr. Forrest's efforts. A larger-than-life figure, his notoriety from the trial filled theaters, where he gave passionate speeches about the trial during intermissions. As printed, this book ends with the retirement of the jury. The verdict was printed later in the *New York Evening Post* with instructions to cut and past the verdict into the endleaves of the book. Some copies do not have the verdict, other copies have it pasted on one or more leaves, which is why collations of this book differ. OCLC locates 8 copies in North American law libraries (Duke, Harvard, Library of Congress, Social Law, University of Denver, University of Missouri, University of Pennsylvania, U.S. Supreme Court). Cohen, *Bibliography of Early American Law* 1142.



Item 24

Item 25

Treason Trial Inspired by Fear of the French Revolution

24. [Trial].

Hardy, Thomas [1752-1832], Defendant.

Sibly, Manoah, Reporter.

The Genuine Trial of Thomas Hardy for High Treason, At the Sessions House in the Old Bailey, From October 28 to November 5, 1794. London: Printed for J.S. Jordan, 1795. Two volumes. viii, [9]-508; viii, 602 pp. Lacking half-titles. Octavo (8-1/2" x 5").

Recent quarter cloth over marbled boards, printed paper title labels to spines, speckled edges. Moderate toning, light foxing in a few places, underlining to a few passages in Volume II, early owner signature to title page of Volume I. Ex-library. Small perforated stamp to title page of Volume II. A nice copy in a handsome binding. \$750.

* Only edition. A shoemaker by trade, Hardy was the founder and First Secretary of the London Corresponding Society. This was a popular association of workingmen committing to the cause of universal male suffrage. Unnerved by the excesses of the French Revolution, and eager to set an example, Hardy was indicted for high treason in 1794. The public favored Hardy's cause and he was seen as an unjustly persecuted apostle of English liberty. As the trial proved, the Crown's case, prosecuted by Lord Eldon, had little merit and Hardy was acquitted to great acclaim. This account contains a complete transcript of the trial, along with a narrative account and the texts of letters and documents introduced as evidence. *English Short-Title Catalogue* T73925.

25. [Trial].

A Turncoat?

Stewart, Archibald [1697-1780], Defendant.

The Trial of Archibald Stewart Esq; Late Lord Provost of Edinburgh, Before the High Court of Justiciary in Scotland, For Neglect of Duty, and Misbehaviour in the Execution of His Office, As Lord Provost of Edinburgh, Before and at the Time the Rebels Got Possession of That City in the Month of September 1745. Extracted Under the Hand of the Clerk of Justiciary, From the Books of Adjournal of that Court; And Containing the Whole Procedure had Therein, From Mr. Stewart's First Appearance Before that Court, The 24th March 1747. Till his Final Acquittance Therefrom, The 2d November Thereafter. Edinburgh: Printed for Gideon Crawfurd, 1747. 178; 203, [1] pp. Two parts. The second has the drop-head title: Proceedings in the Second Trial of Archibald Stewart, Esq. Octavo (7-1/2" x 4-1/2").

Later buckram, calf lettering piece to spine. Light soiling, corners bumped and lightly worn. Moderate toning to text, soiling and edgewear to title page, lower corner lacking with minor loss to text. Ex-library. Stamps to boards, edges and endleaves, bookplate to front pastedown, perforated stamps to title page, following leaf. \$250.

* Only edition. Stewart was tried for his failure to prevent Jacobite troops from taking Edinburgh. After a long trial he was acquitted, though many believed he was a secret Jacobite who handed Edinburgh to the rebels. OCLC locates 9 copies in North American law libraries (Harvard, Indiana Supreme Court, Library of Congress, Social Law, UC-Berkeley, University of Georgia, University of Miami, University of Minnesota, University of Pennsylvania). *English Short-Title Catalogue* T140658.

HÆC Un Exact Alphaberical EPITOME Undecim Librorum De tout l'Principal RELATIONUM HONORATISSIMI Matteires. ET DOCTI VIRI Maximes. EDVARDI COKE ET Mil. defuncti, quondam capital' Juflic placitor coran iplo Rege tenend', & Regia: Majeftati à fanctioribus con-filis, cum venia Reverendorum & Honoratifimorum Judicum prælo commifiafuit : Axiomes. Conteynus en le ABRIDGM ET HOC OPUSCULUM E DVARDUS TROTMAN Armig Interioris Templi Socius, in lege Ap-prenticius, Honorabili Societati ejuldem Hofpiti(cujus voto DE LE Siegneur (OKE REPORTES. idem editum fuir MERITO DEDICAT, Per Edwardum Trotman. Ar. Et optat quod hoc Compendium non fit alicui Lectori difpendium. andon, Printed for W. Lee, at the Turks-Head in Fleet Printed for ". ees ; and H. Twyford, in Vinc-Temple, 2664. Cou LONDINI Excus per affignat. J. More Armigeri. 1640.

Item 26

The First Abridgement of Coke's Reports

26. Trotman, Edward [1579 or 1580-1643].

[Coke, Sir Edward (1552-1634), Reporter].

Haec Epitome Undecim Librorum Relationum Honoratissimi et Docti Viri Edvardi Coke Mil. Defuncti, Quondam Capital' Justic' Placitor' Coram Ipso Rege Tenend', & Regiae Majestati à Sanctioribus Consiliis, Cum Venia Reverendorum & Honoratissimorum Judicum Praelo Commissa Fuit: Et ho Opusculum Edvardus Trotman Armig' Interioris Templi Socius, In Lege Apprenticius, Honorabili Societati Ejusdem Hospitii (Cujus Voto Idem Editum Fuit) Merito Dedicat, Et Optat Quod hoc Compendium non Sit Alicui Lectori Dispendium. London: Excus. Per Assignat. I. More Armigeri, 1640. [xii], 579, [1] pp. First leaf blank, included in collation.

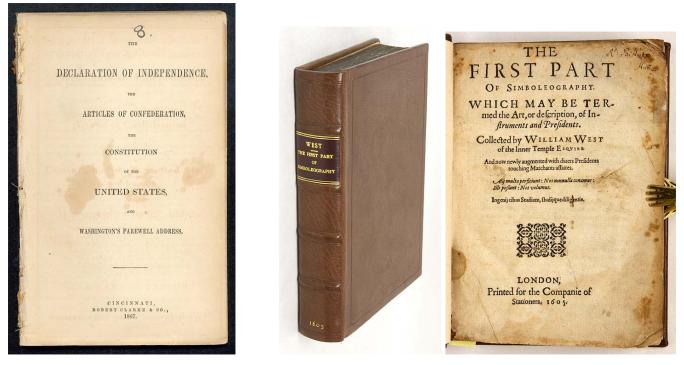
[Bound with]

Trotman, Edward.

Un Exact Alphabetical Table de Tout l'Principal Matteires, Maximes, Et Axiomes, Conteynns en le Abridgment de le Siegneur Cokes Reportes. London: Printed for W. Lee...and H. Twyford, 1664. [36] pp.

Octavo (5-3/4" x 3-1/2"). Contemporary calf, blind rules to boards, raised bands to spine, gilt fillets to board edges. Light rubbing, corners bumped and somewhat worn, rear joint starting at foot, hinges cracked. Light toning to text, light soiling to title page of *Alphabetical Table*. Appealing copies in a handsome binding. \$750.

* Only editions. Texts in Law-French. Trotman's was the first of several abridgments, or "epitomes," of Coke's *Reports*. The cases are arranged in the same order as Coke. The second work is a useful index of cases. Written between 1572 and 1616, Coke's *Reports* are not reports in the conventional sense; they are detailed anthologies of precedents organized by topic. In each instance Coke assembled a large body of cases, outlined their arguments and explained the reasons for the judgment, using it as a basis for a statement of general principles. They are, in effect, a series of treatises on the points of law. A work of immense authority, it was often cited as The *Reports*, there being no need to mention the author's name. The *Alphabetical Table* is scarce work. OCLC locates 2 copies in North American law libraries (Harvard, University of Virginia). *English Short-Title Catalogue* S108467, R35650.



Item 27

Item 28



27. [United States].

Washington, George [1732-1799].

The Declaration of Independence, The Articles of Confederation, The Constitution of the United States, And Washington's Farewell Address. Cincinnati: Robert Clarke & Co., 1867. 60 pp. Octavo (8-1/4" x 5").

Disbound stab-stitched pamphlet, light toning to text, faint stain to title page, "8" in early hand near top edge. \$20.

* The Constitution includes the recently ratified 13th Amendment and the 14th and 15th amendments, which were recently submitted to the states.

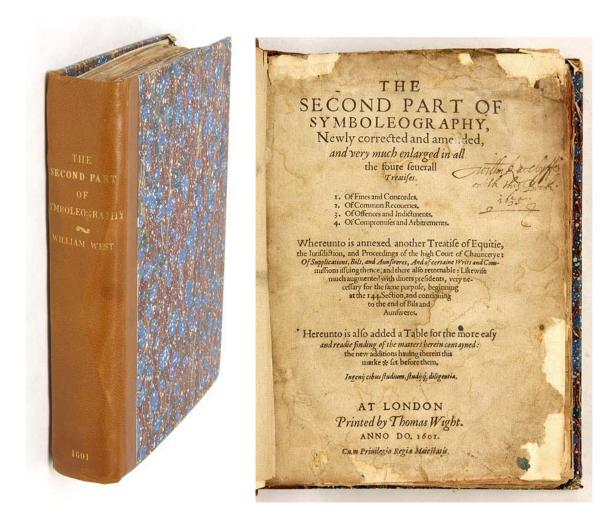
One of the Earliest English Texts on Conveyancing.

28. West, William [1568-1594].

The First Part of Simboleography. Which May be Termed the Art, Or Description, Of Instruments and Presidents. And Now Newly Augmented with Divers Presidents Touching Marchants Affaires. London: Printed [by Adam Islip] for the Companie of Stationers, 1604. [648] pp. [paragraph symbol]6, A-2Q8, 2R6. Lacking signatures O,P,Q. Quarto (8-1/2" x 6").

Recent period-style morocco, blind rules to boards, lettering piece and raised bands to boards, early hand-lettered title to fore-edge of text block, added marbled endpapers and cloth hinges. Moderate toning to text, somewhat heavier in places, occasional faint dampstaining, dampspotting to a few leaves, some edgewear to preliminaries, minor worming and discoloration to margins in a few places, a few cracks to text block. Early owner signature to head of text block, annotation in early hand to a few leaves. \$150.

* Later edition of the first part of one of the earliest English texts that addresses conveyancing, which was first published in 1590 and 1593. (Each volume is a complete work.) It is "a general practical treatise on English law under its several divisions, and was held in great esteem at the time. The demand for it was so great that West immediately began to prepare a second edition, practically rewriting the whole book." Marvin adds: "West's *Symboleographie* has always been esteemed a book of authority...and contains not only precedents in conveyancing, but of indictments, and of proceedings in chancery.": *Legal Bibliography* 726. *English Short-Title Catalogue* S119714.



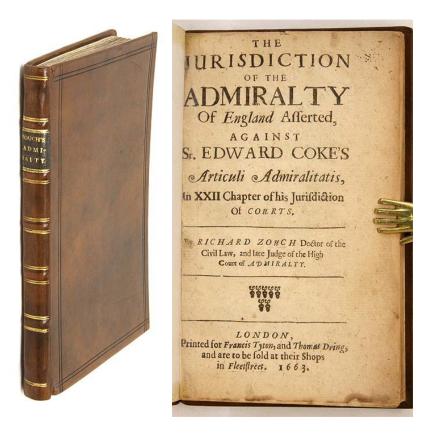
Continuation of One of the Earliest English Texts on Conveyancing.

29. West, William.

The Second Part of Symboleography, Newly Corrected and Amended, And Very Much Enlarged in All the Foure Severall Treatises. 1. Of Fines and Concordes. 2. Of Common Recoveries. 3. Of Offences and Indictments. 4. Of Compromises and Arbitrements. Wereunto is Annexed Another Treatise of Equitie, The Iurisdiction, And Proceedings of the High Court of Chauncerye: Of Supplications, Bils, And Aunsweres, And of Certaine Writs and Commissions Issuing Thence, And There also Retornable: Likewise much Augmented with Divers Presidents, Very Necessary for the Same Purpose, Beginning at the 144. Section, And Continuing to the End of Bils and Aunsweres. Hereunto is Also Added a Table for the More Easy and Readie Finding of the Matters Herein Contayned: The New Additions Having Therein This Marke * Set Before Them. London: Printed by Thomas Wight, 1601. [ii], 304, [6] ff. Lacking final leaf, a blank. Quarto (8-1/2" x 6-1/2").

Recent quarter calf over marbled boards. Some rubbing to extremities, corners bumped and somewhat worn. Text block has moderate toning, dampstaining, edgewear, chips and tears with occasional loss to catchwords, tears to a few leaves repaired with cellotape. Later owner signature to front endleaf (dated 1834), early owner signature (dated 1635) to title page, annotations in early hand to a few leaves. \$250.

* Later edition of the continuation of one of the earliest English texts that addresses conveyancing. *English Short-Title Catalogue* \$119713.



Zouch on Admiralty Jurisdiction

30. Zouch, Richard [1590-1661].

The Jurisdiction of the Admiralty of England Asserted, Against Sr. Edward Coke's Articuli Admiralitatis, in XXII Chapter of His Jurisdiction of Courts. London: Printed for F. Tyton and T. Dring, 1663. [xvi], 152 pp. Octavo (6-1/2" x 4").

Recent period-style calf, blind rules to boards, gilt-edged raised bands and lettering piece to spine, title page re-hinged. Moderate toning to text, light foxing and finger smudges to a few leaves, light soiling and minor edgewear to title page. Ex-library. Faint embossed seal to title page, brief annotations to verso. A nice copy in a handsome binding. \$1,250.

* First edition. The expansion and improvement in English naval power under Cromwell and Great Britain's growth as a maritime power created a demand for works on admiralty law. Also, the controversy between the admiralty and the common law courts for jurisdiction, which culminated during the chief justiceship of Lord Coke, elicited several publications in which the law merchant and the civil law play prominent parts. Along with Godolphin's *A View of the Admiral Jurisdiction* (1653), Zouch's treatise was among the first to address this need, and one of the most important. One of England's greatest civilians, he was an advocate of Doctors' Commons, Judge of the High Court of Admiralty and Regius Professor of Civil Law at Oxford. He published treatises on a broad range of legal topics and is renowned for his contributions to international law. Later editions were published in 1683 and 1685. It was also reissued in the 1686 edition of Malynes's *Lex Mercatoria. English Short-Title Catalogue* R21844.



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