

The Lawbook Exchange, Ltd.

30 Titles on International Law and Diplomacy

A Crucial Issue
During Jefferson's Presidency

1. Barton, William [1754-1817].

A Dissertation on the Freedom of Navigation and Maritime Commerce, and Such Rights of States, Relative Thereto, As Are Founded On the Law of Nations: Adapted More Particularly to the United States; and Interspersed with Moral and Political Reflections, and Historical Facts. With An Appendix, Containing Sundry State Papers. Philadelphia: John Conrad and Company, 1802. 339, xlv, [3] pp. Octavo (8" x 5").

Contemporary calf, gilt device (of the Society of Writers to the Signet) to center of each board, rebaked retaining original spine with raised bands and lettering piece, hinges mended. Bookplate to front pastedown, early annotation to front free endpaper. Some offsetting to margins of endleaves and preliminaries, occasional light foxing, interior otherwise fresh. \$1,150.

* Only edition. Barton admired Thomas Jefferson and dedicated this book to him. Jefferson was pleased by this honor: "Accept my best wishes for the success of your work and assurances of my high esteem and respect" (Sowerby). One of the earliest works of its kind, Barton presents an American interpretation of maritime law affecting freedom of navigation and the rights of neutral merchant vessels during times of war. Barton uses a broad overview of international law and treaties of the Washington and Adams administrations to criticize English interference with American shipping and the impressment of sailors. This volume offers a contemporary interpretation of the actions that would lead to the Non-Intercourse and Embargo Acts (1807, 1809) and, in the following administration, the War of 1812. Cohen, *Bibliography of Early American Law* 7447.

"An Authority in
Mercantile Customs": Kent

2. Beawes, Wyndham [fl. 1775].

Mortimer, Thomas, Editor.

Lex Mercatoria Rediviva: Or, The Merchant's Directory. Being a Complete Guide to All Men in Business; Whether as Traders, Remitters, Owners, Freighters, Captains, Insurers, Brokers, Factors, Supercargoes, Agents. Containing an Account of Our Mercantile Companies; Of Our Colonies and Factories Abroad; Of Our Commercial Treaties with Foreign Powers; Of the Duty of Consuls, And of the Laws Concerning Aliens, Naturalization, and Denization. To Which Is Added, a Sketch of the Present State of the Commerce of the Whole World; Describing the Manufactures and Products of Each Particular Nation; With Tables of the Correspondence and Agreement of Their Respective Coins, Weights, and Measures. Extracted from the Works of the Most Celebrated British and Foreign Commercial Writers. The Whole Equally Calculated for the Information and Service of the Merchant, Lawyer, Member of Parliament and Private Gentleman. Considerably Enlarged and Improved. London: Printed for J. Rivington, and Sons, [et. al.], 1783. vi, [6], 944 [16] pp. Fold-out table. Folio (15-1/2" x 9-1/2").

Recent period-style quarter calf over cloth, raised bands and contemporary lettering piece to spine, endpapers renewed. Clean tear to license leaf, toning, occasional light foxing. Early owner signature to head of title page, brief annotations to a few leaves, interior otherwise clean. A handsome copy. \$650.

* Reissue of the fourth edition. Beawes was a merchant and his book was intended to be "a guide to all men in business." Nonetheless the *Lex Mercatoria* was often cited in court, and its authority formed the basis of several decisions. It was especially influential in the United States, where, according to Kent, it was "an authority in mercantile customs." Kent, *Commentaries on American Law* III:126. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:518-19 (7).

Du Ponceau's
Edition of Bynkershoek

3. Bynkershoek, Cornelis van [1673-1743].

Du Ponceau, Peter Stephen [1760-1844], Editor and Translator.

A Treatise on the Law of War: Being the First Book of His Quaestiones Juris Publici. Translated From the Original Latin with Notes, by Peter Stephen du Ponceau. Philadelphia: Published by Farrand & Nicholas [et al.], 1810. xxxiv, 218 pp. Octavo (8-1/2" x 5-1/2").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Some rubbing to extremities, chipping to spine ends, front board just beginning to separate but still quite secure, rear joint starting, rear hinge cracked, rear board secure. Offsetting to margins of endleaves, toning to text, light browning and dampspotting in places. Early annotations in pencil to front pastedown, interior otherwise clean. Ex-library. Location label to spine, bookplate residue to front pastedown, card pocket to rear. A solid copy. \$750.

* Only edition, one of two issues (the other in Volume III of the *American Law Journal*). A translation of *De Rebus Bellicis*, part one of Bynkershoek's *Quaestiones Juris Publici* (1737), *A Treatise on the Law of War* addresses the customs of land and sea warfare. A notably humane work, it condemns actions against civilians and advocates the fair treatment of prisoners of war. Du Ponceau's able translation is prefaced by a biography of the author, a table of cases, an index of citations from the *Corpus Juris Civilis* and an annotated bibliography of civil law treatises cited or referred to by the author. This latter item, which lists editions and translations, is interesting for its insights into the American reception of the civil law in the early 1800s. One of the most important jurists and international lawyers of his time, Bynkershoek was an influential Dutch jurist who founded the positive school of international law, which held that usage and practice were more important than deductions drawn from natural law. Du Ponceau is an important figure in the early history of American Law and letters. He founded the Law Academy of Philadelphia in 1821, was the President of the American Philosophical Society and was a much-consulted expert on international relations and linguistics. Cohen, *Bibliography of Early American Law* 7166.

Notable Studies of Roman International and Family Law

4. Bynkershoek (Bijnkershoek), Cornelis van [1673-1743].

Opuscula Varii Argumenti, His Inscriptionibus: I. Praetermissa as L.2. D. de Orig. Juris. II. De Rebus Mancipiet nec Mancipi. III. De Jure Occidendi, Vendendi, et Exponendi Liberos apud Veteres Romanos. IV. De Cultu Religionis Peregrinae apud Veteres Romanos. V. De Captatoris Institutionibus. VI. De Legatis Poenae Nomine. Leiden: Apud Joannem van der Linden, 1719. [xvi], 408 pp. Following 30-page index misbound after following title.

[Bound with]

Curae Secundae de Jure Occidendi et Exponendi Liberos apud Veteres Romanos. Ad Virum Clarissimum Gerardum Noodt. Leiden: Apud Joannem van der Linden, 1723. [vi], 99, [30] pp.

Quarto (8" x 6"). Contemporary vellum, early hand-lettered title to spine. Light rubbing and soiling, heavier soiling to spine, vellum just beginning to break through pastedowns, minor worming to margins of preliminaries and endleaves, crack in text block between front endleaf and title page of *Opuscula*, which is printed in red and black. Woodcut title page device, decorated initials and tail-pieces. Light toning to text, finger smudges in a few places, corners of some leaves in *Curae* dog-eared. Later owner signature to head of title page of *Opuscula*, interior otherwise clean. Ex-library. Location and title label to spine, small inkstamp to title page of *Opuscula*, another to rear pastedown. \$250.

* First editions. Bynkershoek was a renowned Dutch jurist who founded the positive school of international law, which held that usage and practice were more important than doctrines drawn from natural law. His works are still consulted today. *Opuscula* and *Curae Secundae* address topics in Roman law. Essays I, II, IV, V and VI of the first work deal with international and maritime law. Essay III and *Curae Secundae* address the legal rights of unwanted and abandoned children, abortion and infanticide. These latter writings reflect Bynkershoek's debate on this topic with his distinguished contemporary Gerard Noodt [1647-1725]. The notoriety of this exchange, which became acrid and lasted several years, did much to promote their circulation. Dekkers, *Bibliotheca Belgica Juridica* 15 (10 and 13).

Joseph Chitty on the Law of Nations

5. Chitty, Joseph [1776-1841].

A Practical Treatise on the Law of Nations, Relative to the Legal Effect of War on the Commerce of Belligerents and Neutrals; And Orders in Council and Licences. London: Printed for W. Clarke and Sons, 1812. xii, 296 pp. Octavo (8-1/2" x 5-1/2").

Original publisher boards, rebacked retaining original spine and printed paper title label, untrimmed edges. Some rubbing and faint stains to boards, some abraded and somewhat darkened. Toning, occasional browning and foxing to text, internally clean. \$950.

* Only edition. Chitty was one of the most wide-ranging and prolific legal writers of the nineteenth-century. This treatise and an edition of Beawes's *Lex Mercatoria* (1813) were his two contributions to international law. Marvin's *Legal Bibliography* (1847), though critical of the *Practical Treatise*, finds merit in its digest of Sir William Scott's judgments in prize cases (190). It is also interesting because it summarizes the British view of wartime commerce at the outbreak of the War of 1812, a point Chitty makes in the Preface. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:63.

**1599 Venetian
Edition of the *Consolato del Mare***

6. [Consolato del Mare].

Ca da Mosto, Alvise [1432-1488].

Il Consolato Del Mare. Nel Quale si Comprendono Tutti Gli Statuti, & Ordini, Disposti da Gli Antichi, Per Ogni Caso di Mercantia & Di Navigare: Così a Beneficio di Marinari, Come di Mercanti, & Patroni di Nave, & Navili: Con l'Aggiunta delle Ordinationi Sopra l'Armata di Mare, Sicurtà Entrate, Uscite; & Con Il Portolano del Mare. Di Nuouo con Quella più Accurrata Diligentia, Che s'e Potuto Corretto, & Ristampato. Con una Nuova Tavola de i Capitoli. Venice: Appresso L. Spineda, 1599. [xvi], 232; [4], 37 [i.e. 74] pp. The second part, *Il Portolano del Mare*, has title page and separate foliation. Quarto (7-1/2" x 6").

Contemporary vellum, spine repaired, pastedowns renewed, ties lacking. Minor edgewear, light soiling and a few stains to boards, which are slightly bowed. Attractive woodcut head-pieces, tail-pieces and decorated initials. Light toning, minor worming in a few places with negligible loss to text. Early owner signature to title page, contemporary underlining and check marks to a few leaves, interior otherwise clean. An appealing copy. \$3,500.

* Later edition. A landmark in the development of maritime law, the *Consolato del Mare* was first published in Barcelona in 1484. A digest of the law and practice commonly followed by the commercial judges in the chief ports around the Mediterranean, it became a maritime common law of the Mediterranean and a foundation for subsequent European maritime laws and customs. Its circulation was widest in Italy, especially among the Venetians, but it was also influential in Western Europe. In addition to maritime law, it contains a great deal of information about the day-to-day operations of a ship and practical advice on seafaring. *Il Portolano del Mare*, an appendix, is usually attributed to Alvise Ca da Mosto, a Venetian navigator who made two voyages to Guinea in the service of Portugal's Prince Henry the Navigator. Adams, *Catalogue of Books Printed on the Continent of Europe, 1501-1600* C2538.

**A Monumental
Collection of Treaties**

7. Dumont, Jean, Baron de Carelscoorn [1667-1727].

Rousset de Missy, Jean [1686-1762].

Barbeyrac, Jean [1674-1744].

Corps Universel Diplomatique du Droit des Gens; Contenant un Recueil des Traitez d'Alliance, de Paix, De Treve, de Neutralité, De Commerce, d'Echange, de Protection & de Garantie, De Toutes les Conventions, Transactions, Pactes, Concordats, & Autres Contrats, Qui ont Ete Faits en Europe, Depuis le Regne de l'Empereur Charlemagne Jusques a Present; Avec les Capitulations Imperiales et Royales; Les Sentences Arbitrales & Souveraines dans les Causes Importantes; Les Declarations de Guerre, Les Contrats de Mariage des Grands Princes, Leurs Testamens, Donations, Renonciations, & Protestations; Les Investitures des Grands Fiefs: Les Erections des Grandes Dignités, Celles des Grandes Compagnies de Commerce, & En General de Tous les Titres, Sous Quelque Nom qu'on les Designe, Qui Peuvent Servir a Fonder, Etablir, Ou Justifier. Les Droits et les Interets des Princes et Etats de l'Europe; Le tout Tire en Partie des Archives de la Tres-Auguste Maison d'Autriche, & En Partie de Celles de Quelques Autres Princes & Etats; Comme Aussi des Protocoles de Quelques Grands Ministres; Des Manuscrits de la Bibliotheque Royale de Berlin; Des Meilleures Collections, Qui ont deja Paru Tant en Allemagne, Qu'en France, en Angleterre, En Hollande, & Ailleurs; Sur Tout des Actes de Rymer; & Enfin les plus Estimes, Soit en Histoire, En Politique, Ou en Droit. Amsterdam and The Hague: Chez P. Brunel, R. et G. Wetstein, Les Janssons Waesberge, et L'Honore et Chatelain [et al.], 1726-31.

[With]

Supplement au Corps Universel Diplomatique du Droit des Gens... Amsterdam and The Hague: Chez P. Brunel, R. et G. Wetstein, Les Janssons Waesberge, et L'Honore et Chatelain [et al.], 1739.

24 books bound in 13 volumes. Main text in parallel columns. Complete set. Folio (18" x 11"). Contemporary three-quarter vellum over cloth, raised bands and lettering pieces to spines, edges rouged. Light soiling, some rubbing to extremities with wear to corners and heads of spines, a few hinges starting, first gathering of Volume I partially detached. Title pages printed in red and black, woodcut head and tail-pieces, Volume I of *Corps* and Volume I of the *Supplement* have additional copperplate pictorial title, wide margins throughout. Some toning, light browning in places, internally clean. Ex-library. Small gilt stamps to foot of each spine. A handsome set, very uncommon in the trade. \$20,000.

* Only edition. This remarkable collection of nearly 2000 annotated treaties from 315 CE to 1730 is a notable testament to the Enlightenment belief that humanity would progress when it applied reason to large bodies of hitherto-unavailable evidence. It was begun by Carelscoorn, a French publicist and continued in 1739 by Rousset de Missy and Barbeyrac. The treaties are in their original languages (Latin, German, Spanish and Dutch). The first volume of the five-volume *Supplement* is a history of diplomacy during antiquity by Barbeyrac. Other volumes contain additional treaties, both ancient and modern, essays on diplomacy and indexes. Camus, *Bibliotheque Choisie des Livres de Droit* 236-237.

Contemporary Analysis of the *Chesapeake* Affair Based on International Law

8. [Everett, David (1770-1813), Attributed].

An Essay on the Rights and Duties of Nations, Relative to Fugitives from Justice; Considered with Reference to the Affair of the Chesapeake. By An American. Boston: Printed by David Carlisle, No. 5, Court Street, 1807. 62 pp. Octavo (9" x 5-1/2")

Stab-stitched self-wrappers, untrimmed edges. Light browning, faint dampspotting to a few leaves. Author presentation inscription to head of title page, internally clean. \$850.

* First edition. The inscription reads: "Messrs. Russell & Cutler/ Editors of the Boston Gazette/ From your friend/ The Author." Everett was a Massachusetts lawyer, journalist and poet. His *Essay* is an analysis of the recent *Chesapeake* affair. In 1807 the HMS *Leopard* attacked the USS *Chesapeake* off the coast of Virginia, forced it to surrender, boarded it and took away three crewmen who were deserters from the Royal Navy. Three of the *Chesapeake's* crewmen were killed, eighteen were injured. Responding to American outrage, President Jefferson responded with the 1807 Embargo Act, one of the events that led to the War of 1812. Everett analyzes the incident as a case under international law. He claims the British committed an act of piracy, a claim he advances with evidence drawn from such jurists as Grotius, Pufendorf, Vattel, Coke and Blackstone. OCLC locates 3 copies in North American law libraries (Harvard, NYU, Yale). Sabin, *A Dictionary of Books Relating to America* 23242. Cohen, *Bibliography of Early American Law* 7472.

Defense of the Admiralty Courts

9. Exton, John [1600?-1668].

The Maritime Dicaeologie; Or, Sea-Jurisdiction of England. In Three Books. I. Setting Forth the Antiquity of the Admiralty in England, Proving the Same to Have Been Settled Before Edward the Third's Time, Shewing the Beginning of the Sea Laws. The Laws of Oleron. The King of England's Dominion over the British Seas. The Sea Laws of the Grecians, Romans, &c. And the Power of the Admiral of Scotland. II. Proving the Ports, Havens, and Creeks of the Sea to be Within the Jurisdiction of the Admiralty, From the Rhodian Laws, The Laws of Oleron, and Several Antient Records and Adjudications as well in England as in Other Nations. III. Shewing that All Contracts Concerning Maritime Affairs are Within the Jurisdiction of the Admiralty, And There Cognizable, From the Antient Statutes of the Admiralty, The Laws of Oleron, Several Antient Records in the Tower, Chancery, &c. And Arguments to the Contrary Drawn from Several Statutes, &c. Answered. London: Sold by J. Worrall, 1755. xvi, vi, 404 pp. Octavo (8" x 5").

Nineteenth-century calf, blind rules to boards, raised bands and lettering piece to spine. Light rubbing to extremities, minor chipping to head of spine, some negligible scuffs along joints, front hinge cracked. Light toning, foxing in a few places. Early owner signature (of J. Matson) to head of title page, interior otherwise clean. Ex-library. Location label to foot of spine, card pocket to rear pastedown. \$1,500.

* "Second edition," actually the fourth and final edition, a reissue of the sheets of the 1746 edition with a cancel title leaf and the addition of six pages following p. xvi. First published in 1664, this book, though ostensibly descriptive, was written chiefly to maintain the jurisdiction of the Admiralty court in the new government. Beyond its political interest, it offers a detailed analysis of seventeenth-century maritime law and admiralty jurisdiction at the time when Great Britain was emerging as a major maritime and colonial power. Exton was educated at Cambridge, earning the LL.D. in Civil Law in 1634. He was appointed President of the High Court of Admiralty by Parliament in 1649, and was reappointed by the Duke of York after the Restoration. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth of Nations* 1:351 (15).

American Prize Cases From the War of 1812

10. [Fisher's Prize Cases].

United States, Circuit Court (Third District).

Cases Decided in the District and Circuit Court of the United States for the Pennsylvania District, And Also a Case Decided in the District Court of Massachusetts, Relative to the Employment of British Licences on Board of Vessels of the United States. Philadelphia: Published by Redwood Fisher, 1813. [iv], [3]-91 pp. Octavo (9-1/2" x 6").

Stab-stitched pamphlet in original plain wrappers and untrimmed edges bound into later buckram with red and black lettering pieces. Light soiling and some shelfwear. Light browning, occasional spotting and minor tears. Early owner annotation to front wrapper, interior otherwise clean. \$200.

* Only edition. The cases are: *United States, &c. v. the Brig Tulip and Cargo, United States, &c. v. the Ship Ariadne and Cargo, United States, &c. v. the Brig South Carolina, Asa Hooper Et. Al. v. the Brig Hiram, The Case of the Aurora* (Note). Cohen, *Bibliography of Early American Law* 1612.

Gronov's Edition of Grotius

11. Grotius, Hugo [1583-1645].

Gronov (Gronow), Johannes, Editor.

De Jure Belli ac Pacis Libri Tres: In Quibus Jus Naturae & Gentium, Item Juris Publici Praecipua Explicantur: Cum Annotatis Auctoris, Ex Postrema Ejus Ante Obitum Cura: Accesserunt Ejusdem Dissertatio de Mari Libero, & Libellus Singularis de Aequitate, Indulgentia, & Facilitate: Nec non Joann. Frid. Gronovii v.c. Notae in Totum Opus De Jure Belli ac Pacis. Amsterdam: Apud Janssonio-Waesbergios, 1712. [xii], xxxiv, 946, [94] pp. Copperplate allegorical frontispiece, copperplate portrait of Grotius lacking. Octavo (7-1/2" x 4-1/2").

Somewhat later three-quarter calf over marbled boards, raised bands and lettering piece to spine. Moderate rubbing with wear to spine ends and corners, front board detached, later bookplate (of William Paine Sheffield) to front pastedown. Title page printed in red and black. Light toning to text, faint dampstaining to margins of some leaves, early owner signatures to heads of frontispiece and title page. internally clean. Ex-British Library. "For sale" red ink stamp dated "1831" to verso of title page. \$150.

* Later Gronov edition. With side-notes and index. Of all his numerous works *De Jure Belli ac Pacis* will always be considered Grotius' *magnum opus*, the work upon which his reputation most solidly rests. "The distinction between religion and law or morality is not clearly made, but Grotius' principle of an immutable law, which God can no more alter than a mathematical axiom, was the first expression of the *droit naturel*, the natural law which exercised the great political theorists of the eighteenth century, and is the foundation of modern international law" (Carter and Muir). The first Gronov edition was published in 1663. This copy includes *Mare Liberum*, or *Freedom of the Seas* (1609), Grotius's influential treatise on maritime law and the right of free navigation. Carter and Muir, *Printing and the Mind of Man* 125. Ter Muelen and Diermanse, *Bibliographie des Ecrits Imprimés de Hugo Grotius* 596.

James Kent on International Law

12. Kent, James [1763-1847].

Abdy, J[ohn] T[homas] [1822-1899], Editor.

Kent's Commentary on International Law. Cambridge: Deighton, Bell and Co., 1878. xvi, 525, 16 pp. Includes 16-page publisher catalogue. Octavo (7-1/2" x 5").

Original cloth, blind frames to boards, gilt title to spine. Moderate rubbing to extremities, some chipping to spine ends, front hinge cracked but secure, first three gatherings (though p. 16) somewhat loose but secure. Light toning to text, internally clean. \$350.

* Second edition. Derived from Kent's *Commentaries on American Law* (1826-1830), these passages edited by Abdy comprise, in effect, the first American treatise on international law. A mature work of balanced judgment and precise and succinct presentation, it dismisses the natural law doctrine in favor of a progressive positivism. *Catalogue of the Library of the Harvard Law School* (1909) I:1088.

First Issue of Ladd's Influential Essay on a Congress of Nations

13. [Ladd, William (1778-1841)].

American Peace Society.

Prize Essays on a Congress of Nations, For the Adjustment of International Disputes, And for the Promotion of Universal Peace Without Resort to Arms. Together With a Sixth Essay, Comprising the Substance of the Rejected Essays. Boston: Published by Whipple & Damrell, For the American Peace Society, 1840. [iii], iv-xiii, [6], xii, [13]-706 pp. Octavo (9" x 5-3/4").

Original moire cloth with decorative blind stamping, gilt title to spine. Light rubbing, corners bumped, spine lightly fading with minor wear to ends. Light foxing to text. Early owner bookplate to front pastedown. Early owner annotation and later bookseller stamp to front free endpaper, interior otherwise clean. A nice copy. \$500.

* Only edition. This volume contains the first issue of Ladd's important "Essay on a Congress of Nations," the first important statement on the preservation of peace through international mediation published in the United States. It became a central text for American peace organizations and participants in international law conferences, and did much to persuade Americans to accept the idea of an international peace organization. It was also distributed widely in Europe, where it was well-received. Influential into the twentieth century, it was reprinted in 1916 by the Carnegie Endowment for International Peace. Anticipating the creation of the Permanent Court of International Justice and the League of Nations by a good 75 years, Ladd proposed an international "congress with legislative powers" that worked with a court that enforced its laws and settled international disputes. *Prize Essays* grew out of a contest sponsored in 1831 by the American Peace Society, of which Ladd was president. It offered a \$1,000.00 prize for the best essay describing the form and function of a "congress of nations." The judges were William Wirt, Joseph Story, Daniel Webster and John Marshall. They could not decide on a clear winner, so they published the five best essays. Ladd's essay, which was intended to serve as a summary and review of all of the submissions, synthesized their best elements, expanded them and combined them with his original ideas. Ladd reissued his essay later that year as an offprint from this volume. Cohen, *Bibliography of Early American Law* 7595.

**By a Pioneering Scholar of
Commercial and International Law**

14. Levi, Leone [1821-1888].

The History of British Commerce and of the Economic Progress of the British Nation 1763-1878. London: John Murray, 1880. 19, [1], 579 pp. Ten tables, two fold-out. Octavo (8-1/2" x 5-1/2").

Contemporary morocco prize binding, gilt spine with raised bands blind frames to boards, large gilt arms of King's College, London, to front, inside dentelles, all edges gilt. Some rubbing to extremities with minor wear to spine ends and corners, front hinge starting. Presentation bookplate to front pastedown. Light toning and foxing to a few leaves, interior otherwise fresh. \$300.

* Second, and best, edition. Levi, an internationally prominent theorist and reformer of commercial practice, was Professor of Commerce and Commercial Law at King's College, London. He was one of the pioneers in the field of comparative law. First published in 1872, *The History of British Commerce* is a brilliant summary of his work. *British Museum Catalogue* (Compact Edition) 15:218.

**An Example of the Partisan
Nature of Early American Works on International Law**

15. [Lowell, John (1769-1840)].

Review of A Treatise On Expatriation. By George Hay, Esquire, Attorney of the U.S. for the District of Virginia. By a Massachusetts Lawyer. Boston: Published by Russell, Cutler & Co., 1814. 39 pp. Octavo (8-1/4" x 5-1/4").

Stab-stitched pamphlet in plain wrappers. Negligible shelfwear and soiling. Light toning, foxing to a few leaves, internally clean. \$200.

* Only edition. A good example of the partisan origins of early American works on international law. Lowell, a tireless opponent of the administration's war policy, skillfully dissects Hay's *Treatise*, published in 1814, and suggests that it may actually have been written by the U.S. Attorney General because it was printed by the government's printers and was distributed by Monroe himself, under his frank, allegedly to prepare the public for harsh war measures. OCLC locates 4 copies in North American law libraries (Harvard, University of Michigan, UVA, UC-Berkeley). Cohen, *Bibliography of Early American Law* 2331.

**Maine's Lectures on
International Law In a Handsome Prize Binding**

16. Maine, Sir Henry Sumner [1822-1888].

International Law: A Series of Lectures Delivered Before the University of Cambridge. London: John Murray, 1894. vi, 234 pp. Octavo (8-1/4" x 5-1/4").

Contemporary extra-gilt signed morocco prize binding (by J. Low, London). Gilt fillets to boards, large gilt arms of the London Law Society to front, marbled endpapers, inside dentelles. Light rubbing to extremities, light fading to spine, small wear mark to gilding at top edge, negligible small faint stains to boards, which are slightly bowed, partial crack in text block between front endleaf and title page. Presentation bookplate from the London Law Society (to William Henry Champness) and later owner signature (of H. Donald Sills) to front pastedown, internally clean. \$250.

* Second edition. First published (posthumously) in London in 1887, this book is based on the lectures Maine presented as the Whewell Professor of International Law at Cambridge. Maine's pathbreaking works, most notably *Ancient Law*, established his reputation as a founder of the sociology of law. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:230.

Final Edition of Martens's *Law of Nations*

17. Martens, G.F. von. [1756-1821].

William Cobbett [1763-1835], Translator.

The Law of Nations: Being the Science of National Law, Covenants, Power, &c. Founded Upon the Treaties and Customs of Modern Nations in Europe. To Which is Added, a List of Principal Treaties, Declarations, and Other Public Papers, from the Year 1731-1738, by the Author; and Continued by the Translator Down to November, 1815. London: William Cobbett, 1829. xxxii, 468 pp. Octavo (8-3/4" x 5-1/2").

Original quarter cloth over paper boards, printed paper spine label. Some fading to spine, moderate rubbing with wear to extremities, boards just beginning to separate, occasional light foxing. Early owner signature and later bookseller ticket to front pastedown, interior otherwise clean. \$350.

* Fourth and final edition. First published in 1789, Martens' treatise was deeply influential in the United States and Great Britain, especially after the publication of Cobbett's translation in 1802. Martens was a German diplomat and jurist who published several important treatises on international law. Like Bynkershoek and Moser, Martens rejected the idea that international law derived from God or nature. Instead, it is an acquired behavior practiced by civilized states. This perspective informs his *Essay on Privateers*, which was one of the first books on the subject. A model of rational organization, it treats international law as a system based on a set of clear principles. This is actually the fifth edition; Cobbett was not aware that an edition revised by Martens was published in Gottingen in 1801. *British Museum Catalogue* (Compact Edition) 16:991.

Montefiore's Synopsis of American Commercial Law

18. Montefiore, J[oshua] [1762-1843].

The American Trader's Compendium; Containing the Laws, Customs, and Regulations of the United States, Relative to Commerce. Including the Most Useful Precedents Adapted to General Business. Dedicated by Permission to the Honorable William Tilghman, Chief Justice of Pennsylvania. Philadelphia: Published by Samuel R. Fisher, 1811. xii, 304 pp. Octavo (8-1/2" x 5").

Contemporary sheep, blind rules to boards, blind fillets and lettering piece to spine. Some rubbing with wear to extremities, a few minor scuffs to boards, front joint starting at foot. Offsetting to margins, toning to text. Early owner signatures (of J. Knapp and Samuel Clark) to preliminaries and title page, interior otherwise clean. An appealing copy. \$500.

* With forms. Topics are arranged alphabetically. A member of a distinguished family of Jewish merchants in London, Montefiore was a solicitor who moved to the United States after the War of 1812. He published several works on commercial law. This one offers a "well-digested arrangement...of the various topics of information, which are not only requisite to constitute the well-informed business man, but to protect him against those artifices and impositions, to which, from the hurry of business, and the want of ready information, he may be daily exposed" (Preface). Cohen, *Bibliography of Early American Law* 2430.

Argument from Important Maritime Insurance Case Bound With Anthology of Maritime Laws

19. [Nichols, Benjamin Ropes].

Argument of Plaintiffs' Counsel in the Case of Willard Peele and Others Versus the Merchants' Insurance Company, Before the Supreme Court of the United States, February Term, 1826, Upon the Question of Admiralty Jurisdiction, In Cases of Policies of Insurance. With Extracts from Various Learned Treatises Upon This Subject. Boston: Howe & Norton, Printers, 1826. 35 pp.

[Bound with]

Godolphin, John [1617-1678], Jenkins, Sir Leoline [1623-1685],

Malynes, Gerard [fl. 1586-1641], Zouch, Richard [1590-1661], Exton, John [1600?-1668], Justice, Alexander.

Extracts from Godolphin, Sea Laws, Jenkins, Maline, Zouch and Exton, Of All the Parts of Those Treatises Which Relate to the Admiralty Jurisdiction in Cases of Contracts: Also, The Commission of George III. to the Vice Admiralty Court in New Hampshire in 1776. And an Abstract of the Records of the Vice Admiralty Court in Massachusetts Prior to the Revolution. Boston: Howe & Norton, 1826. 132 pp.

Octavo (9" x 5-1/2"). Contemporary plain wrappers. Some edgewear and a few minor stains. Toning, light foxing to a few leaves, internally clean. \$750.

* Sole editions. *Peele et Al. v. the Merchants' Insurance Company* concerned claims on a merchant ship that was wrecked off the coast of Portsmouth, New Hampshire, and abandoned. Though damaged, the cargo was ultimately saved. At issue was the effect of abandonment on the insurance claim of the owners. In the U.S. Circuit Court, Justice Story held that the owners had the right to abandon their ship under the circumstances of the wreck and were entitled to recover their claim. The case was appealed to the U.S. Supreme Court, but no decision can be found. The second item was probably intended for busy New England lawyers who dealt with maritime contracts. It would have been a handy reference and a useful source for erudite references. The core of this curious volume is an anthology of writings by the leading seventeenth-century English writers on admiralty. An editor isn't listed and the extracts are presented without commentary, but the editor used sources for each work which are mentioned and the extracts are collated against them in side-notes. These items have separate bibliographic records in the standard references, but OCLC locates 4 copies with these works bound together (at Trinity College, the Library of Congress and the law libraries of Harvard and the University of Virginia). Cohen, *Bibliography of Early American Law* 11488 (Nichols) 1583 (Godolphin).

**Napoleonic-Era Treaty
Granting British Access to Brazil**

20. [Portugal].

[Brazil].

Tratado De Commercio, E Navegacao Entre os Muito Altos, E Muito Poderosos Senhores O Principe Regente de Portugal, E el Rei do Reino Unido da Grande Bretanha e Irlanda, Assignado no Rio de Janeiro Pelos Plenipotenciarios de Huma e Outra Corte em 19 Fevereiro de 1810. E Ratificado por Ambas. Lisbon: Na Impressao Regia, 1819. 33 pp. Double-column text in Portuguese and English. Folio (12" x 8").

Recent half-calf over marbled boards, gilt ornaments and lettering piece to spine, ribbon marker. Light toning to text, internally clean. \$200.

* A rare printing of the 1810 treaty between Portugal and Great Britain which opened all Brazilian ports to English merchants, marking the first time that non-Portuguese dealers were allowed to trade directly with Brazil. The treaty was drawn up during the Peninsula Campaign, when Portugal was especially dependent on Great Britain; its republication reveals the radical changes brought about by the Napoleonic Wars. Our 1819 printing and the 1810 printing, issued in London, Lisbon and Rio de Janeiro, are very scarce. OCLC locates 1 copy of the 1819 imprint (at Florida State University). Not in Kress or Goldsmiths.'

**An Early Translation of
Pufendorf's *De Officio Hominis et Civis***

21. Pufendorf, Samuel von [1632-1694].

[Motte, Benjamin, Translator].

The Whole Duty of Man According to the Law of Nature. Now Made English. London: Benj. Motte for Charles Harper and John Jones, 1698. [xxxii], 208, 211-258, 257-336 pp. Complete; leaf a8 is blank. Octavo (7" x 4-1/2").

Contemporary paneled calf, raised bands to spine. Light rubbing to boards, moderate rubbing to extremities, rear joint starting, hinges cracked, front and rear free endpapers lacking, light toning to text. Early owner signature to front endleaf (of Jane Hamilton), another to head of title page (of J. Jones), interior otherwise clean. A nice copy. \$1,250.

* Second English-language edition. First published in 1672 in Latin as *De Officio Hominis et Civis*, this is a synopsis of Pufendorf's *De Jure Naturae et Gentium*, a landmark work that proposed a thorough system of private, public, and international law based on natural law. Beginning with a consideration of fundamental legal ideas and their various divisions, Pufendorf proceeds to a discussion of the validity of customs, the doctrines of necessity and innate human reason. It is significant in part because it develops principles introduced by Grotius and Hobbes. Unlike Hobbes, Pufendorf argued that peace, not war, was the state of nature, and he proposed that international law was not restricted to Christendom. Motte translated and published the first English-language edition in 1691. *English Short-Title Catalogue* R5550. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:598 (74).

**First Independent
Edition of a Classic Treatise on Maritime Law**

22. Rocco (Roccus), Francesco [1605-1676].

[Westerveen, Abraham, Editor].

De Navibus et Naulo. Item de Assecurationibus Notabilia. Accedunt Ejusdem Selecta Responsa. Editio Nova Priore Emendatio. Amsterdam: Excudit Franciscus Halma, 1708. [xxxii], 370 pp. Octavo (6" x 4").

Later three-quarter vellum over marbled boards, black rules and hand-lettered title to spine, marbled endpapers. Some soiling, light rubbing to extremities, heavier rubbing to boards with some wear. Title page, with attractive copperplate vignette, printed in red and black. Light toning to text, negligible foxing in a few places, early owner signature to title page (William Johnson/ 1802), internally clean. Ex-library. Location label to spine, bookplate to front pastedown, small inkstamps to title page, annotations to verso. A nice copy of a scarce edition. \$1,750.

* First edition (as an independent work). This classic treatise on maritime law was first published in 1655 as the first part of a larger work on commercial law. "This manual is very highly esteemed by commercial lawyers in all countries, for its compressed, methodical, and accurate learning, and is a book of high authority" (Marvin). Some references, such as Roberts and Camus, state incorrectly that Utrecht was the place of publication of this edition. This copy may have been owned by William Johnson [1769-1848], the notable New York chancery and supreme court reporter. OCLC locates 6 copies of this edition in North American law libraries (Columbia, Harvard, Tulane, University of Michigan, University of Pennsylvania, Yale). Marvin, *Legal Bibliography* 616. *British Museum Catalogue* (Compact Edition) 21:848.

Essay on Neutral Rights Endorsed by Jeffersonians

23. Schlegel, J[ohan] F[riderich] W[ilhelm] [1765-1836].

Neutral Rights; Or, An Impartial Examination of the Right of Search of Neutral Vessels Under Convoy, And of a Judgment Pronounced by the English Court of Admiralty, The 11th June, 1799, In the Case of the Swedish Convoy: With Some Additions and Corrections. Philadelphia: Printed at the Aurora Office, 1801. 162 pp. Octavo (7-1/4" x 4-3/4").

Later three-quarter calf over marbled boards, gilt title and fillets to spine, endpapers renewed. Moderate rubbing to extremities with some wear to spine, front free endpaper detached, rear hinge partially cracked. Browning to title page and a few other leaves, occasional foxing, internally clean. Ex-library. Location label to spine, shelf number, stamp and card-pocket residue to front pastedown, card pocket to rear. A solid copy. \$100.

* Only American edition. Published by the editors of *Aurora*, a strongly Jeffersonian newspaper, this treatise by a Danish jurist condemns the harassment and seizure of neutral vessels by those of belligerent nations. Its viewpoint supported the anti-British sympathies of the Jeffersonians during the Anglo-French War. In this work Schlegel examines the history of the maritime law of Europe and concludes that no nation "trespassed so far upon the liberty of the seas and the rights of neutrals as England" (7). Cohen, *Bibliography of Early American Law* 7523.

British Manipulation of International Trade Laws

24. Severo, Veranio.

Datos Sobre Algunas Leyes Inglesas que han Contribuido al Poder de la Gran Bretana en Perjuicio de las Demas Naciones, Con Observaciones Utiles a los que Estudian la Economia Politica. Dedicalas al Espanol Amante de su Patria, Y a los Jovenes que Aprenden a Servirla. Madrid: En la Imprenta de Alban, 1807. x, [2], 257 pp. Octavo (5-3/4" x 3-3/4").

Contemporary tree-sheep, lettering piece and gilt fillets to spine, marbled endpapers. Some rubbing to extremities, corners bumped. Some toning to text, light dampstaining to upper corner of rear quarter of text block, interior otherwise clean. \$1,650.

* First edition. This enthusiastically anti-British work details the ways Britain has manipulated international trade laws in its favor, and against the interests of Spain. It sketches the history of British politics as it affected the country's foreign entanglements, and lists some of the tricks used by Britain to win over international opinion. Inspired by Adam Smith, Severo discusses a wide variety of trades and industries, including whaling, herring, fishing, the trade in coal and tobacco, and shipbuilding, describing the shipping routes used by British merchant vessels and British trade with India, the Americas (including South America) and the Baltic. Severo analyses the effect of British trade laws, and the enthusiasm with which the British sing (and mean) Rule Britannia. OCLC locates 2 copies in North America (at Harvard and Yale). Palau, *Manual del Librero Hispano-Americano* 311227.

Early Printing of Stracca's Landmark Commercial Law Treatise Treatise that Includes an Equally Important Treatise on Insurance

25. Stracca (Straccha), Benvenuto [1509-1578].

[Santerna, Pedro de].

Tractatus de Mercatura, Seu Mercatore, Omnia Quae ad Hoc Genus Pertinent, Susissime Complectens. Huc Accessit Propter Petri Santernae Tractatus de Sponsionibus & Affectu Rationibus Mercatorum. Venice: Apud Michaellem Bonellum, 1575 (colophon dated 1576). [lxxx], 375, [2] pp. Octavo (6" x 4").

Later three-quarter vellum over marbled boards, lettering piece to spine, endpapers renewed, speckled edges. Some rubbing to extremities with mild wear to board edges, corners and spine ends bumped, front hinge cracked, rear hinge starting. Light toning to text, negligible dampstaining and foxing in places. Early struck-through signature to title page, interior otherwise clean. Ex-library. Location label to spine, small inkstamps to title page and its verso. A solid copy of a scarce title. \$2,000.

* Third edition, "newly revised," and the last authorial edition. An eminent jurist from a prominent business family, Stracca was the first to treat commercial law as a distinct field. Perhaps as a result of his background, his approach blended jurisprudence and the practical necessities of commercial life. First published in Venice in 1553 by Aldus Minutius, *De Mercatura* is his principal work. This pathbreaking treatise went through several editions throughout Europe, the final appearing in 1669. Notable for its blend of synthesis and original thought, it is a systematic exposition on commercial law with an emphasis on maritime and bankruptcy law. It also has sections on usury, the restriction of trade and the value of free navigation. This edition also contains the *Tractatus de Sponsibus et Assecurationibus Mercatorum*, which begins on fol. 322, is an important treatise on insurance first published in 1554. According to the Kress catalogue, this is "the first modern treatise" on the subject. Pedro de Santerna was a Portuguese jurist who represented his nation's commercial interests in Florence, Livorno and Pisa. KVK locates 8 copies of this edition. OCLC locates 7 copies of this edition and 11 copies of all editions in North America. This edition not in Adams or the *British Museum Catalogue*. *Censimento Nazionale delle Edizioni Italiane del XVI Secolo (EDIT16)* CNCE 26382. *The Kress Library of Business and Economics* 156.

With Interesting Sections on International Law

26. Stubbe, Henry [1632-1676].

A Justification of the Present War. Against the United Netherlands. Wherein The Declaration of His Majesty is Vindicated, And the War Proved to be Just, Honourable, and Necessary. The Dominion of the Sea Explained, And His Majesties Rights Thereunto Asserted. The Obligation of the Dutch to England, And Their Continual Ingratitude Illustrated with Sculptures, In Answer to a Dutch Treatise Entituled, Considerations Upon the Present State of the United Netherlands. London: Printed for Henry Hills and John Starkey, 1673. [viii], 80 pp. Two folding plates, third plate lacking.

[Bound with]

Stubbe, Henry. *A Further Justification of the Present War Against the United Netherlands: Illustrated with Several Sculptures. By a Lover of the Honour and Welfare of Old England.* London: Printed for Henry Hills and John Starkey, 1673. [xxiv], 136 [i.e. 166] pp. Two plates, other three plates lacking.

Quarto (7" x 5-3/4"). Nineteenth-century quarter calf over marbled boards, gilt fillets and titles to spine. Moderate rubbing with some wear to spine and corners, crack between front free endpaper and title page, another at rear of text block. Faint dampstaining to portions of text, foxing to a few leaves, wear to fore-edge title page, a few leaves and a plate with no loss to text or image. Owner signature to head of title page in fine hand, interior otherwise clean. \$500.

* First title, second edition; second title, first edition. Stubbe's two works defended the deeply unpopular Anglo-Dutch War of 1672-74, which was waged by Charles II in alliance with the French. Charles's primary goal was the destruction of a rival sea-borne commercial power, but most Britons felt he was determined to promote Catholic interests by destroying the Protestant Dutch Republic. Though clearly works of propaganda, Stubbs's books contain excellent discussions of the principles of international law relating to the history of the Anglo-Dutch conflict. The sections of Dutch interests in the Americas are especially interesting. Wing, *Short-Title Catalogue of Books Printed in England, Scotland, Ireland, Wales and British America* S6046, S6051.

Early American Edition of Vattel's Classic Treatise

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

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

Contemporary sheep treated to look like tree calf, rebaked in period style with gilt fillets and original lettering piece, hinges mended. Light rubbing to extremities. Toning to text, occasional light foxing. Later small inkstamp to head of preface (a library shelf number?), interior otherwise clean. \$2,500.

* "First" American edition, actually the second, based on the 1760 London edition. First published in 1758, this is one of the great treatises on international law. It was especially influential in America and was among the earliest law books reprinted there; the first American edition was published in New York in 1787. Jefferson ranked it with the works of Grotius, Pufendorf and Wolff. It was also cited more frequently than any other writer on international law in early U.S. courts. "*Le Droit de Gens* is certainly a work of the first magnitude. It modernized the whole theory and business of International Law, brought it out of the study into the field, the mart, the council chamber, and the palace. (...) He did indeed, much for nations, for he imposed upon them theories of moral rational development up to which it became, in a sense, necessary for them to live." MacDonnell, *The Great Jurists of the World* 479, 504. Cohen, *Bibliography of Early American Law* 7187.

Two Works on Natural Law, One Based on Grotius

28. Vitriarius, Philippus Reinhardus (Glaser, Philipp Reinhard) [1647-1720].

[Vitriarius, Johann Jacob, Editor].

Buddeus, Johann Franz [1667-1729].

Institutiones Juris Naturae et Gentium ad Methodum Hugonis Grotii. Accedit Johannis Francisci Buddei Historia Juris Naturalis, Ut & Synopsis Juris Naturalis & Gentium Juxta Disciplinam Ebraeorum. Leiden: Samuelem Luchtmans, 1711. [xx], 662, [52]; 90 pp. Second work has divisional title page and separate pagination. Octavo (6" x 4").

Contemporary vellum with ties, large gilt-stamped arms of the city of Haarlem to boards, hand-lettered title to spine. Moderate soiling, minor wear to corners, front joint partially cracked at head, gilding mostly worn away from Haarlem's arms on front board, joints partially cracked, front free endpaper and following leaf partially detached and edgeworn. Title page printed in red and black. Some toning to text, light foxing in places, internally clean. \$400.

* Reissue of an edition first published in 1695. With indexes. Vitriarius was a Dutch jurist. Buddeus was a renowned German jurist, theologian, historian and professor at the University of Jena. Both authors address topics relating to international law. Vitriarius utilizes criteria drawn from Grotius; Buddeus draws on his background in history and theology. Dekkers, *Bibliotheca Belgica Juridica* 63.

"Well Done"

29. Walker, Thomas Alfred.

A Manual of Public International Law. Cambridge: At the University Press, 1895. xxviii, 244 pp. Octavo (8-1/2" x 5-1/2").

Original cloth, blind frames to boards, gilt title to spine. Some rubbing to extremities, faint stain to spine, internally clean. Ex- library. Bookplate to front pastedown, stamps to preliminaries. \$85.

* Only edition. "[J]udging, as we ought, with relation to other [manuals and textbooks], one must say that Dr. Walker's book is well done.": Joseph Henry Beale, *Harvard Law Review* 9 (1895-1896) 226.

Dana's Edition of Wheaton's *Elements of International Law*

30. Wheaton, Henry [1785-1848].

Dana, Richard Henry [1815-1882], Editor.

Elements of International Law. Edited, With Notes. Boston: Little, Brown & Co., 1866. xlvii, 749 pp. Octavo (9" x 6").

Recent period-style quarter calf over cloth, raised bands and lettering piece to spine, endpapers renewed. Toning to text, internally clean. A handsome copy. \$750.

* "Eighth, and best, edition. On his own merits Wheaton is clearly entitled to rank among the classics. Like Grotius, he embodied a happy combination of profound scholarship with a wide experience of diplomatic and public life, and his work further resembles that of Grotius in that it cannot be classified under the conventional labels of any doctrinal system. His insistence upon the fundamental principles of natural law is balanced by his analysis of practice as an immediate source of positive law.": H.A. Smith, *Law Quarterly Review* 307-308 cited in Marke, *A Catalogue of the Law Collection at New York University* (1953) 584.

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