

MAY 23, 2023

RECENT ACQUISITIONS

English & American Law, 1602–1925

30 ITEMS

[455]

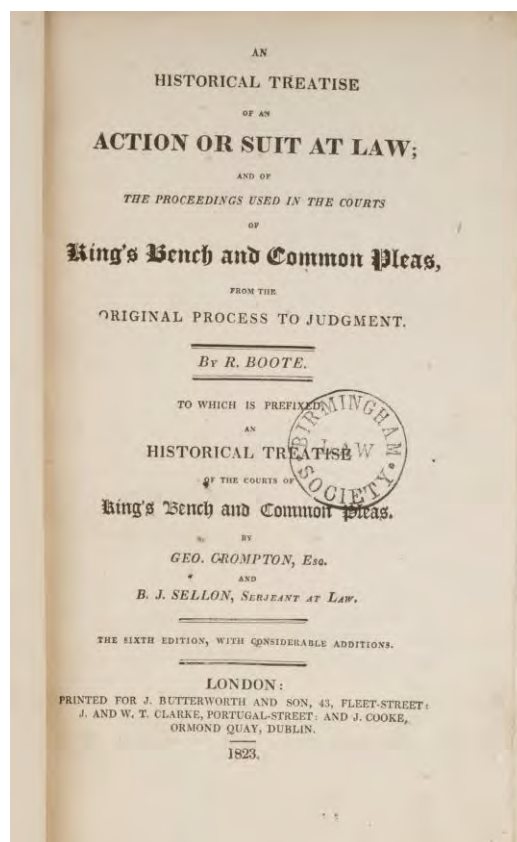
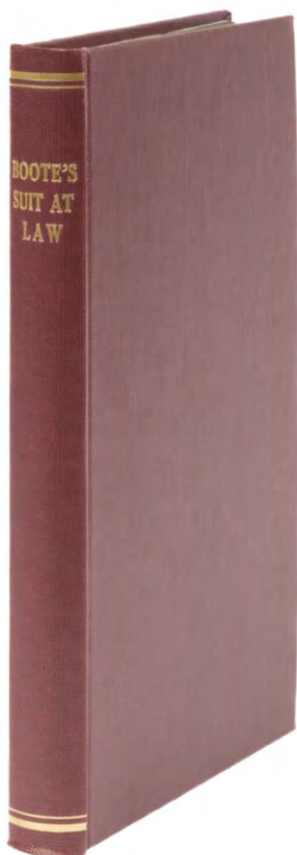


DISCEPTATIO EPISTOLARIS.

Amplissimo & Nobilissimo Baroni,

Domino SOMERS

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LTD.



"Boote's Suit at Law"

1. Boote, R[ichard] [d. 1782].

Crompton, George [d. 1787].

Sellon, B[aker] J[ohn] [1762-1835].

An Historical Treatise of an Action or Suit at Law; And of the Proceedings Used in the Courts of King's Bench and Common Pleas, From the Original Process to Judgment. To Which is Prefixed an Historical Treatise of the Courts of King's Bench and Common Pleas. By Geo. Crompton, Esq. And B.J. Sellon, Serjeant at Law. With Considerable Additions. London: Printed for J. Butterworth and Son., 1823. xvi, 294 pp. Octavo (8-1/2" x 5-1/2").

Later library cloth, gilt title to spine, endpapers renewed. Light toning to interior, light soiling to endleaves, small library stamps to title page and a few other leaves. \$250.

* Sixth edition. This popular work was first published in London in 1766 and was generally referred to as "Boote's Suit at Law." It went through several editions, the last one in 1839. "The history of procedure [in the eighteenth century] is represented by [this book]. It is an able summary of which I have made use of in a preceding volume of this History. One of the objects of the book was to lay a foundation for some very necessary reforms in this branch of the law, the need for which was clearly explained by the author" (Holdsworth). There is only one difference between the two issues of this title: the printer name is given as "H. Watts" in one and "Henry Watts" in the other.

Holdsworth, *A History of English Law* XII:411. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:258.

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First Edition of the Third Part of Coke's Reports

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

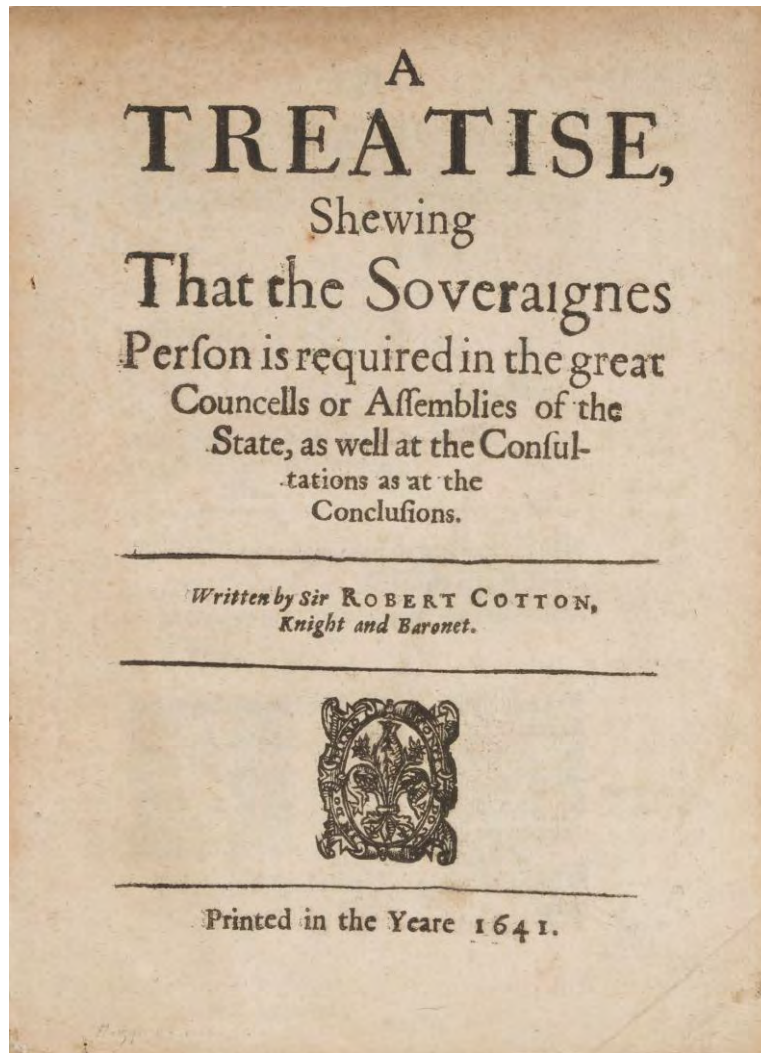
Le Tierce Part des Reportes del Edward Coke Lattorney Generall le Roigne, de Diuers Resolutions & Iudgements Donnes avec Graund Deliberation, per les Tresreverend Iudges, & Sages de la Ley, De Cases et Matters en Ley, Queux ne Fueront Unques Resolve, Ou Adjudges par Devant, Et les Raisons et Causes des Dits Resolutions et Iudgements, Durant les Tresheureux Regiment de Tresillustre et Renomes Roigne Elizabeth, Le Fountaine de Tout Iustice, Et la Vie de la Ley. . [London]: In Aedibus Thomae Wight, 1602. [18] pp., 91 ff. Lacking final leaf, a blank; text complete. Folio (10-1/2" x 7").

Recent calf, blind fillets and lettering piece to spine, endpapers renewed. A few minor scuffs and scratches to boards. Light toning to interior, faint dampstaining to lower corner and right margin not affecting text, very light foxing and soiling to a few leaves, clean tear to bottom-edge of leaf C3 not affecting text, occasional annotations, underlining and manicules in two early hands (most in a single hand). \$1,500.

* First edition. Contains the cases of the Marquee of Winchester, Heydon, Dowtie, Sir William Harbert, Boraston, Walker, Butler and Baker, Ratcliffe, Boyton, Sir George Browne, Rigewaie, Lincoln College, Pennant, Westbie, Deane and Chap. de Norwich, Fermor, Twine and The Case of Fines. Coke's *Reports* are not reports in the conventional sense, but highly detailed anthologies of precedents organized according to the cases they consider. 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. Taken together, the *Reports* form the most extensive and detailed treatment of common law pleading that had yet appeared. A work of immense authority, it was often cited as *The Reports*, there being no need to mention the author's name. The annotations to our copy are brief glosses and case citations.

English Short-Title Catalogue S469030.

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The Essential Role of Parliament

3. Cotton, Sir Robert [1571-1631].

A Treatise, Shewing that the Sovereignes Person is Required in the Great Councells or Assemblies of the State, As Well at the Consultations as at the Conclusions. [London]: S.n., 1641. [ii], 14 pp. Quarto (7-1/2" x 5-1/2").

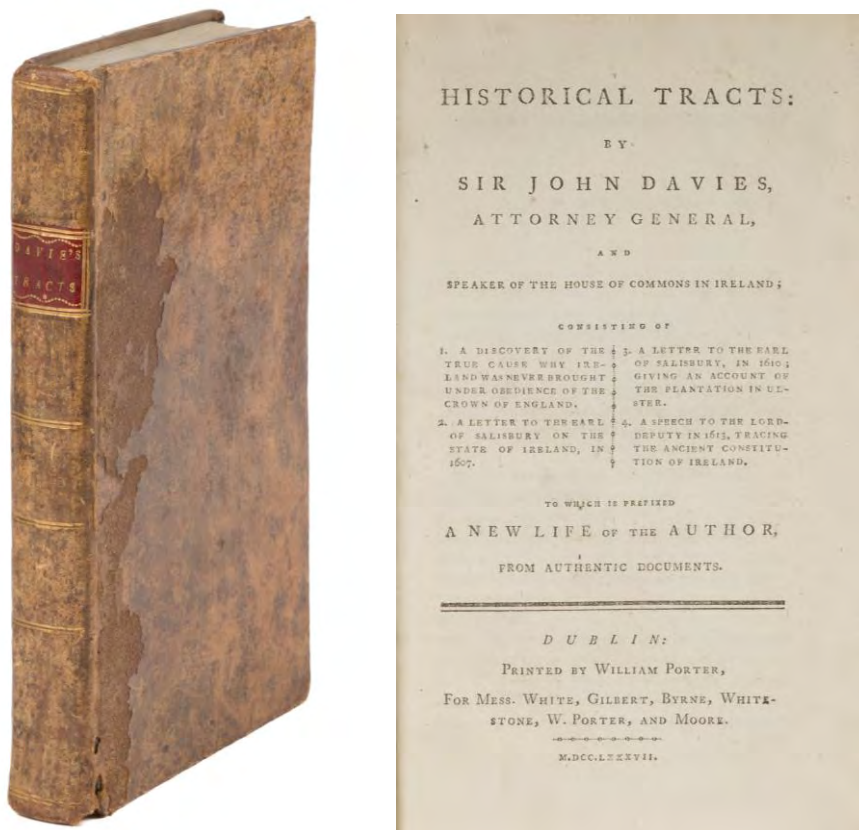
Disbound stab-stitched pamphlet. Moderate toning, light soiling to exterior, upper outside corner lacking from final leaf with no loss to text. \$450.

* Only separate printing. Cotton was member of Parliament and an important scholar of early English legal and political records. (His vast collection of manuscripts became the British Museum's Cotton Library.) *A Treatise* is one of Cotton's important Parliamentary speeches. A commanding argument grounded in archival sources, it contends that Parliament has been an essential part of English government since Anglo-Saxon period.

English Short-Title Catalogue R15895.

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A Notable Figure in the History of Ireland and the British Empire

4. Davies, Sir John [1569-1626].

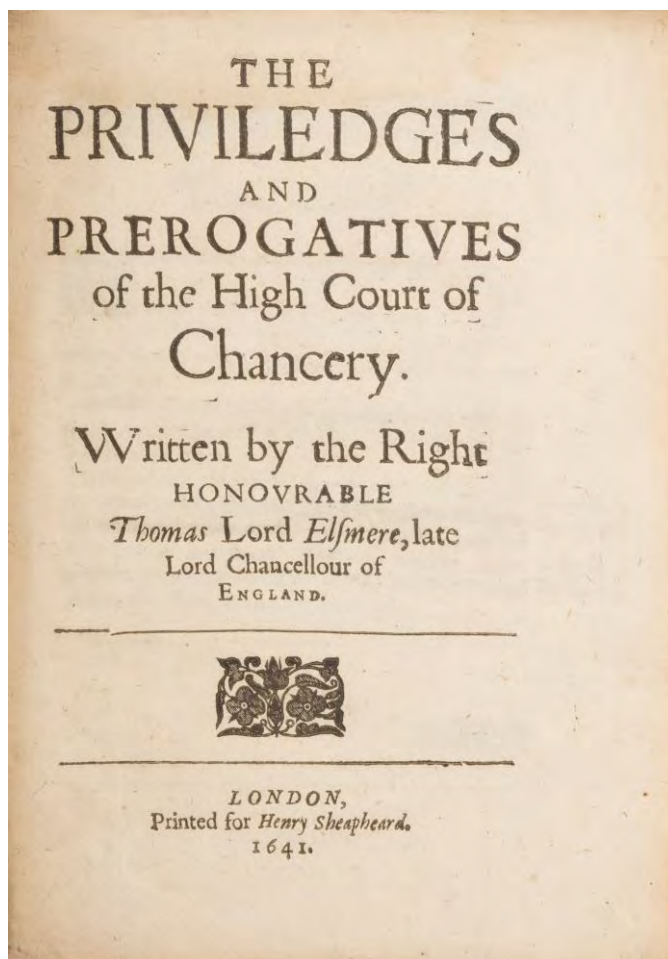
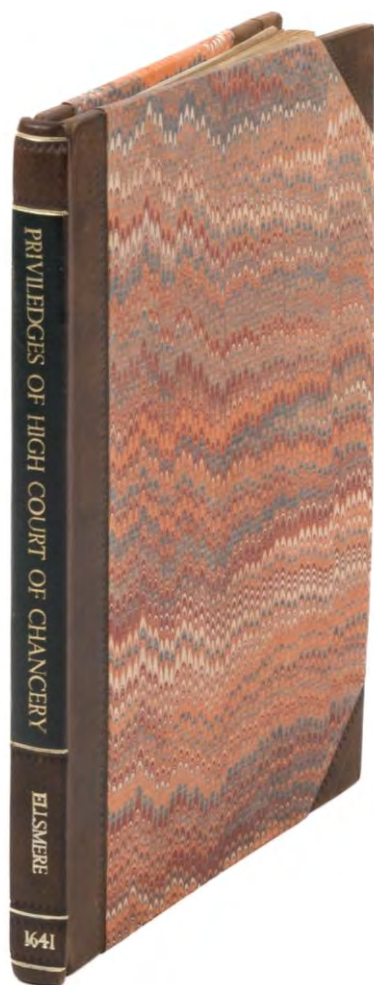
Historical Tracts: By Sir John Davies, Attorney General, And Speaker of the House of Commons in Ireland; Consisting of 1. A Discovery of the True Cause Why Ireland was Never Brought Under Obedience of the Crown of England. 2. A Letter to the Earl of Salisbury on the State of Ireland, in 1607. 3. A Letter to the Earl of Salisbury, In 1610; Giving an Account of the Plantation in Ulster. 4. A Speech to the Lord-Deputy in 1613, Tracing the Ancient Constitution of Ireland. To Which is Prefixed a New Life of the Author, From Authentic Documents. Dublin: Printed by William Porter, for Mess. White, Gilbert, Byrne, Whitestone, W. Porter, And Moore, 1787. [iv], xxxviii, 313 pp. Lacking the 8 leaves of printer advertisements usually bound at rear of text. Octavo (8" x 4-3/4").

Contemporary mottled calf, gilt fillets and lettering piece to spine, blind tooling to board edges. Light rubbing to boards, which are very slightly bowed, large scuff along front joint, large nick along rear joint, moderate rubbing to extremities, corners bumped and lightly worn, brief early ink annotation to rear free endpaper. Light toning to interior, very light foxing to a few pages. \$250.

* Second and final edition, one of two issues from 1787. Also a notable poet, Davies was an English lawyer and politician who sat in the English House of Commons at various times between 1597 and 1621. He became Attorney General for Ireland in 1603, a post he held until 1617, and served as speaker of the Irish House of Commons from 1614 to 1617. While in Ireland he formulated many of the legal principles that underpinned the British Empire. He is also remembered as the compiler of Davies's *Reports* (1615), a collection of Irish cases. *Historical Tracts* was first published in 1786.

English Short-Title Catalogue T134678.

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The Supremacy of the High Court of Chancery

5. Ellesmere, Thomas Egerton, Baron [1540?-1617].

The Priviledges and Prerogatives of the High Court of Chancery. London: Printed for Henry Sheapheard, 1641. [24] pp. Quarto (7-1/4" x 5-1/4").

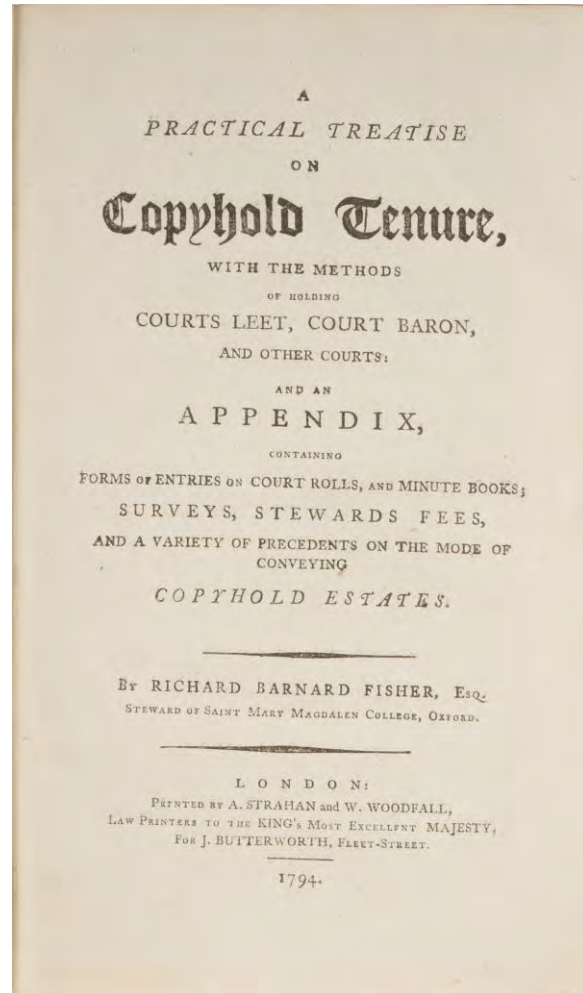
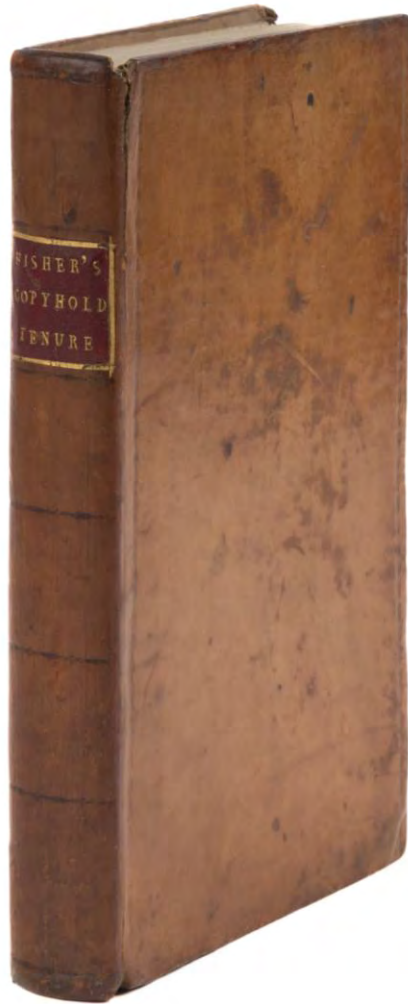
Stab-stitched pamphlet bound into recent three-quarter calf over marbled boards, blind fillets to boards, lettering piece, gilt author name and blind and gilt fillets to spine. Moderate toning to interior, light foxing to final quarter of text, moderate edgewear and creases to a few leaves, offsetting to margins of final text leaf and following endleaf. \$1,250.

* Only edition. Ellesmere composed this work in 1615, two years before death ended his long career as lord chancellor. Admired for its reason and learning, it is powerful argument for the supremacy of the Chancery Court. It was attacked by Coke, then lord chief justice of the King's Bench. The debate that followed played a role in Coke's dismissal by the king, a staunch supporter of Ellesmere, in 1616. The printing of this pamphlet in 1641 reflected the strife between Parliament and Charles I that would end with the outbreak of civil war in 1642.

English Short-Title Catalogue R11911.

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The First Systematic Treatise on this Topic Since Coke

6. Fisher, Richard Barnard.

A Practical Treatise on Copyhold Tenure, With the Methods of Holding Courts-Leet, Court-Baron, And Other Courts; And an Appendix, Containing Forms of Entries on Court-Rolls, And Minute-Books; Surveys, Stewards Fees, And a Variety of Precedents on the Mode of Conveying Copyhold Estates. London: Printed by A. Strahan and W. Woodfall, Law Printers to the King's Most Excellent Majesty, For J. Butterworth, 1794. xiv, 356, xi, [1] pp. Two folding tables. Final page is a publisher advertisement. Octavo (8-1/4" x 5").

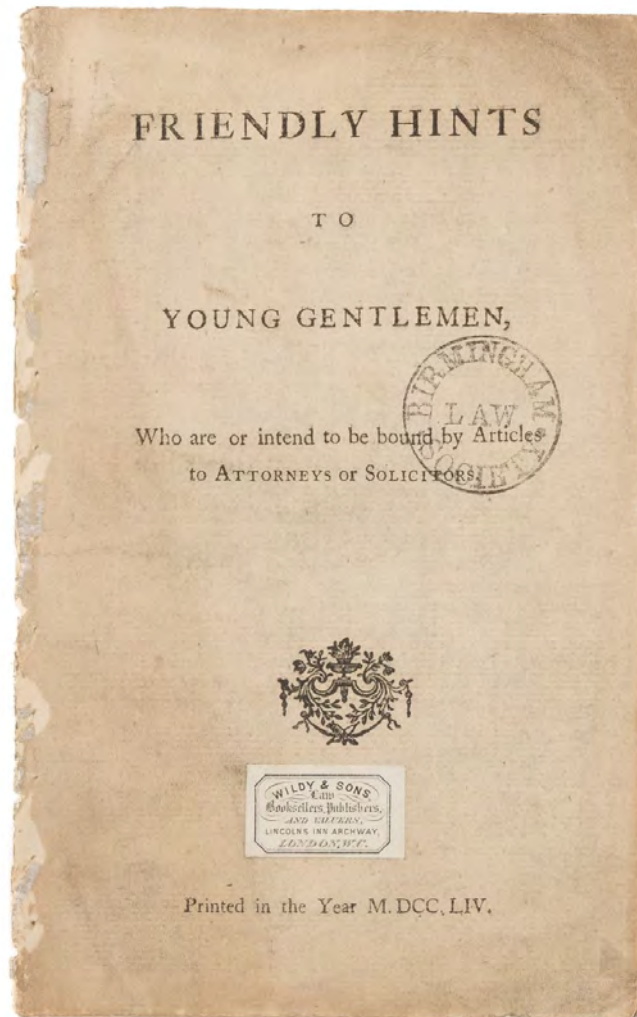
Contemporary calf, blind fillets to boards, lettering piece and blind fillets to spine. Light rubbing, a few minor scuffs to boards, tiny chip to head of front joint, which is just starting, corners bumped, tiny wormtrack and early owner signature (George Fuson/ Ilchester) to front free endpaper, notably light toning to interior. A handsome copy. \$450.

* First edition. This was the first systematic treatise on the topic since Coke, taking into account modern variations in the law, including bastard species of copyhold. A second edition was published in 1803 and reprinted the following year.

English Short-Title Catalogue T95659.

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Legal Advice for Young Clerks

7. [Fobton, John].

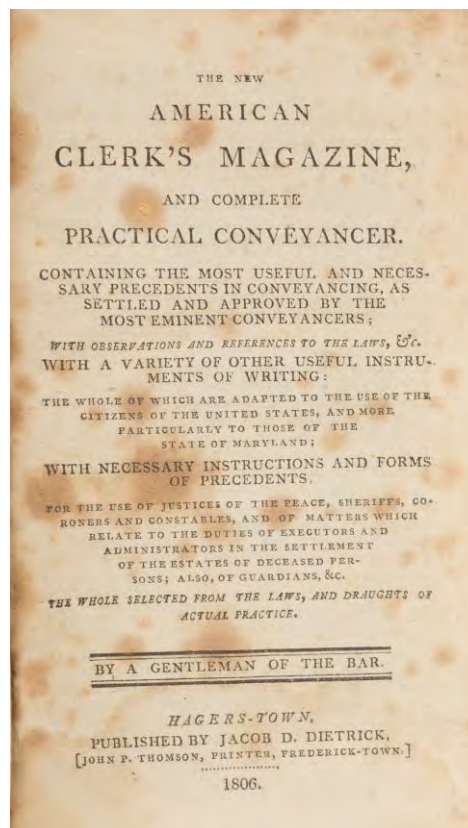
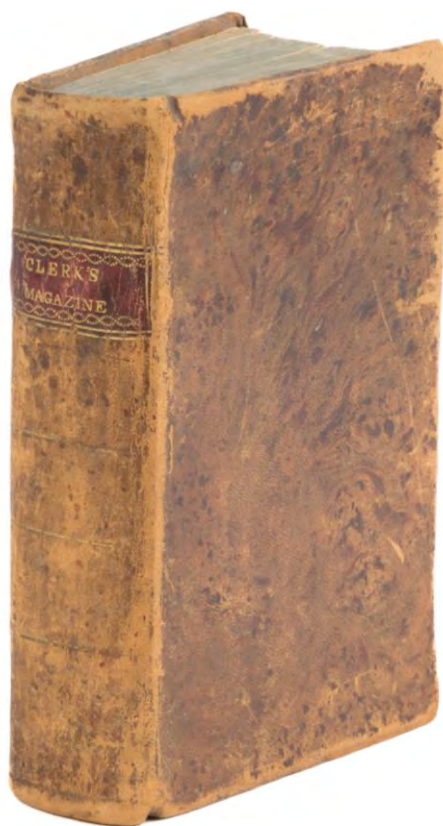
Friendly Hints to Young Gentlemen, Who are or Intend to be Bound by Articles to Attorneys or Solicitors. [London?: S.n.], Printed in the Year 1754. 15, [1] pp. Octavo (7-3/4" x 4-3/4").

Disbound stab-stitched pamphlet. Moderate toning, leaves separating, light soiling to a few leaves, bookseller ticket and ink library stamp to title page. Rare. \$450.

* Second edition (?). A summary of the laws concerning the execution of articles of clerkship intended for new and prospective clerks. It also includes rules and forms for passing fines. The *ESTC* records editions from 1751 and 1758; our copy does not have an edition statement. OCLC and the *ESTC* locate 2 copies of this title (British Library, Waseda University), both designated the fourth edition.

See *English Short-Title Catalogue (ESTC)* T63428.

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First Edition of a Scarce Maryland Formbook

8. [Formbook].

[Maryland].

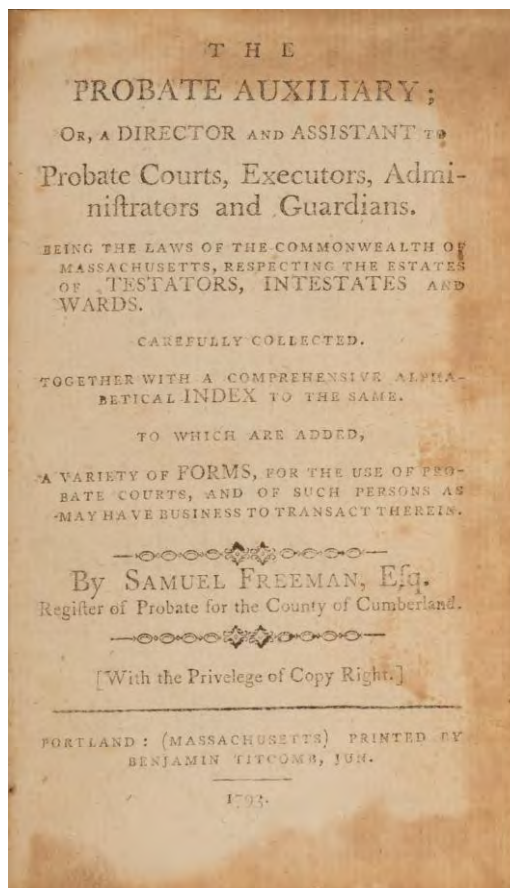
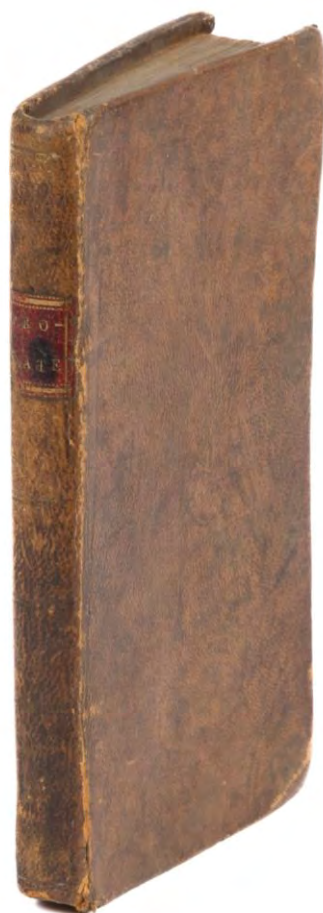
The New American Clerk's Magazine, And Complete Practical Conveyancer. Containing the Most Useful and Necessary Precedents in Conveyancing, As Settled and Approved by the Most Eminent Conveyancers; With Observations and References to the Laws, &c. With a Variety of Other Useful Instruments of Writing: The Whole of Which Are Adapted to the Use of the Citizens of the United States, And More Particularly to Those of the State of Maryland; With Necessary Instructions and Forms of Precedents for the Use of Justices of the Peace, Sheriffs, Coroners and Constables, And of Matters Which Relate to the Duties of Executors and Administrators in the Settlement of the Estates of Deceased Persons; Also of Guardians, &c. The Whole Selected From the Laws, and Draughts of Actual Practice. Hagers-town, [Maryland]: Jacob D. Dietrick, 1806. iv, 527, 67 pp. Octavo (6-1/2" x 4").

Contemporary tree sheep, gilt fillets and lettering piece to spine. Light rubbing to boards, moderate rubbing to spine and extremities, corners bumped, early owner inscription (Charles M. Calley, dated 1806) to front pastedown. Light browning, light foxing in places, fold lines to corners of several leaves. \$125.

* First edition. With an interesting subscriber list that includes names from various towns and counties in Maryland, Virginia, Pennsylvania, Washington, DC and a few names from New Jersey, New York, Ohio, Kentucky and Tennessee. This popular formbook went through several later editions in Maryland and Virginia.

Cohen, *Bibliography of Early American Law* 8051.

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Freeman's *Probate Auxiliary*

9. Freeman, Samuel [1743-1831].

The Probate Auxiliary; Or, A Director and Assistant to Probate Courts, Executors, Administrators and Guardians. Being the Laws of the Commonwealth of Massachusetts, Respecting the Estates of Testators, Intestates and Wards. Carefully Collected. Together With a Comprehensive Alphabetical Index to the Same. To Which Are Added, A Variety of Forms, For the Use of Probate Courts, And of Such Persons as May Have Business to Transact Therein. Portland: Printed by Benjamin Titcomb, 1793. xi, [1], 156 pp. Octavo (6-1/2" x 4").

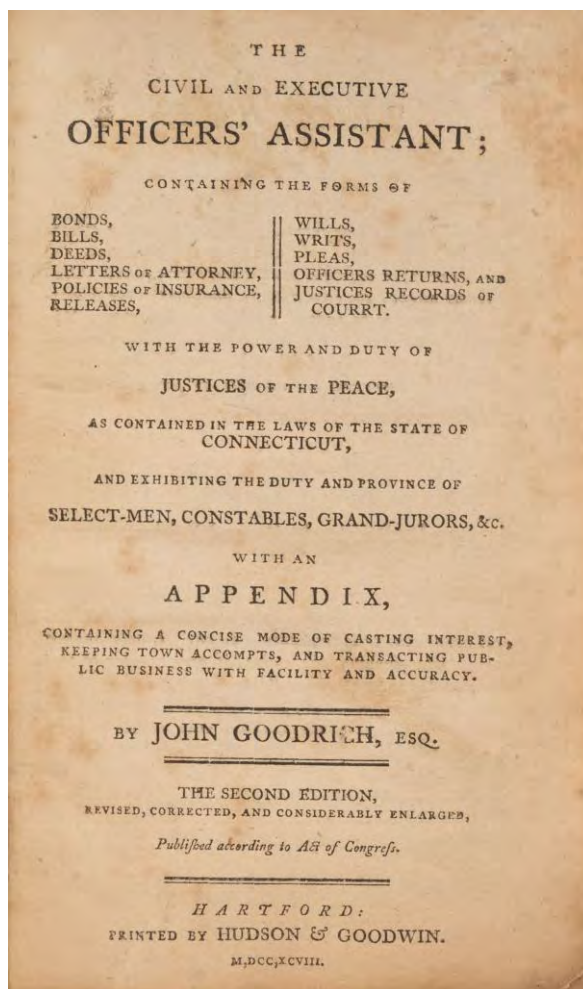
Contemporary sheep, lettering piece and blind fillets to spine Moderate rubbing to extremities, corners bumped, front hinge cracked, rear hinge starting. Light browning and foxing to interior, tears to a few leaves, all mended with archival tape, offsetting to margins of preliminaries, final few leaves of text and rear endleaves. An appealing copy. \$250.

* Only edition. Written when he was probate register for Cumberland County, Freeman was a lawyer and judge in Portland, who served in the Provincial Congress (1775) and the Massachusetts House of Representatives (1776, 1778). He wrote several legal manuals including *The Probate Directory* (1803) and *The Massachusetts Justice* (1795).

Cohen, *Bibliography of Early American Law* 4683.

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Final Edition of Goodrich's JP Manual

10. Goodrich, John [1753-1800].

The Civil and Executive Officer's Assistant; Containing the Forms of Bonds, Bills, Deeds, Letters of Attorney, Policies of Insurance, Releases, Wills, Writs, Pleas, Officers Returns and Justices Records of Court. With the Power and Duty of Justices of the Peace as contained in the laws of the State of Connecticut, And Exhibiting the Duty and Province of Select-Men, Constables, Grand-Jurors, &c.: With an Appendix Containing a Concise Mode of Casting Interest, Keeping Town Accounts, And Transacting Public Business with Facility and Accuracy. Revised, Corrected, And Considerably Enlarged. Hartford: Printed by Hudson & Goodwin, 1798. xii, 239 pp. Octavo (7-1/2" x 4-1/2").

Recent period-style calf, gilt fillets to boards and board edges, gilt spine, endpapers renewed. Light browning and foxing to interior, edges of text block trimmed with no loss to text. \$200.

* Second and final edition. Cohen notes: "Educated at Dartmouth and Yale, Goodrich "had several different occupations, in 1784 he became a member of the County Medical Society; in 1786 and for a few years thereafter, he ran a drug store; later he kept an inn and served as a constable; and by 1793 he had become a lawyer."

Cohen, *Bibliography of Early American Law* 8009.

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The Collection of Crown Revenue

11. [Great Britain].

[Customs Administration].

[Carkesse, Charles, Compiler].

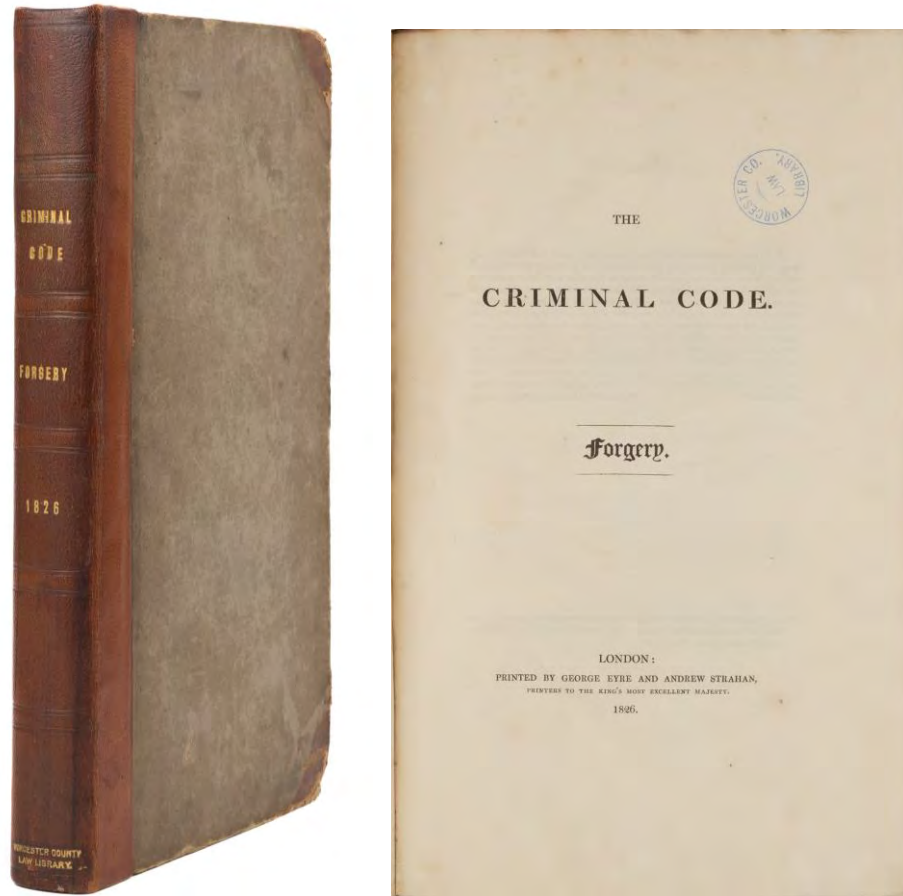
The Act of Tonnage and Poundage, And Rates of Merchandize, With The Further Subsidy; The Old Impost; The Additional Impost; And All Other Duties Relating to Her Majesties Customs, Now Payable Upon any Sort of Merchandize Imported or Exported. Digested into an Easie Method, Whereby may in One View be Found the Several Duties upon Each Particular Commodity Specified in the Book of Rates, Or any Other Act of Parliament. As also the Twenty Seven Rules Annex't to the Book of Rates; And the Table of Officers Fees. To Which is Added, A Collection of Such Statutes, And Part of Statutes, Relating to Her Majesties Customs, As Passed Since the Act of Tonnage and Poundage. 12 Car. 2. And are Now in Force. Likewise, An Abridgment of Several Statutes Now in Force and Use, Which were Made Before the Said Act of Tonnage and Poundage. As Also The Duties of Excise on Imported Commodities: The Ports of England and Wales: Lawful Keys, And Wharfs in the Port of London: With the Tables of Scavage, Package, Balliage, Packers-Porters Duties, And Usual Tares. Together with an Alphabetical Index to the Whole. London: Printed by Charles Bill, And the Executrix of Thomas Newcomb, Deceas'd; Printers to the Queens Most Excellent Majesty, 1702. [xxiv], 768, [52] pp. Folding woodcut table. Publisher advertisement to final page. Octavo 97-3/4" x 4-3/4").

Recent period-style quarter calf over marbled boards, raised bands, retained, somewhat edgeworn, early lettering piece, blind and gilt fillets and gilt publication date to spine, endpapers renewed. Light toning to interior, light smudges to a few leaves, light soiling to title page, two clean tears and light edgewear to folding table. \$350.

* Updated edition. In existence from the time of Edward II to the Customs and Excise Act of 1787, Tonnage and poundage was a set of import and export taxes levied for the crown by Parliament. This compilation provides an excellent perspective on their implementation by clerks, collectors and other dockside officials. Like many books of this kind, they are valuable sources of detailed information that is difficult to find elsewhere. First published in 1660, it went through several editions, the last appearing in 1737.

Goldsmiths' Library of Economic Literature 3892. *English Short-Title Catalogue* T132661.

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Precursor to Peel's Acts

12. [Hammond, Anthony (1758-1838)].

The Criminal Code. Forgery. London: Printed by George Eyre and Andrew Strahan, 1826. xxxvi, 380, [2] pp. Folio (13-1/4" x 8-1/2").

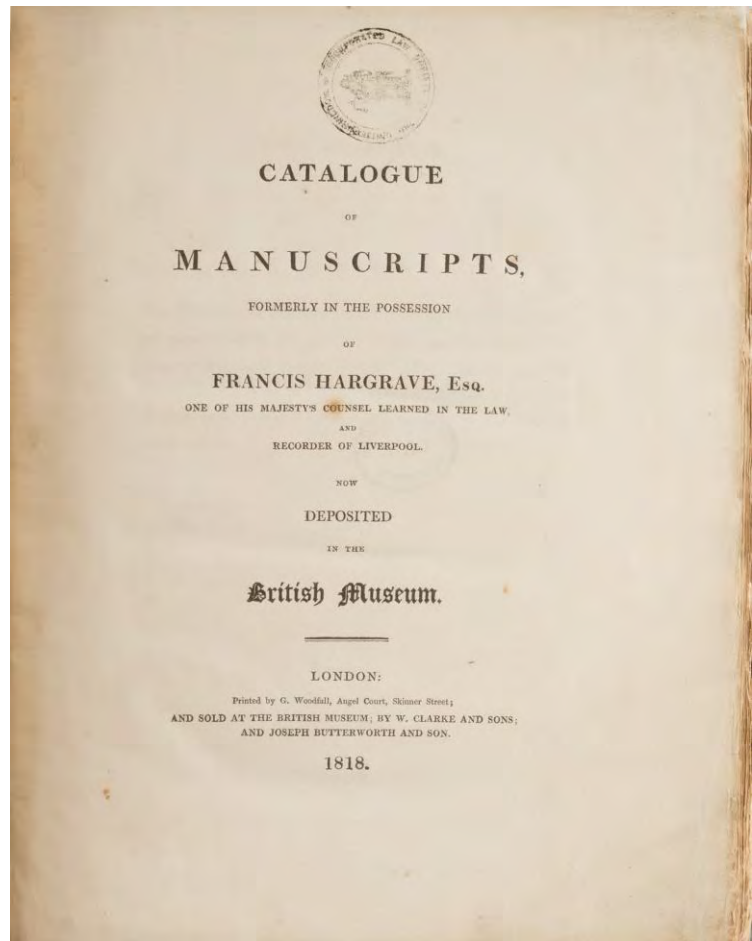
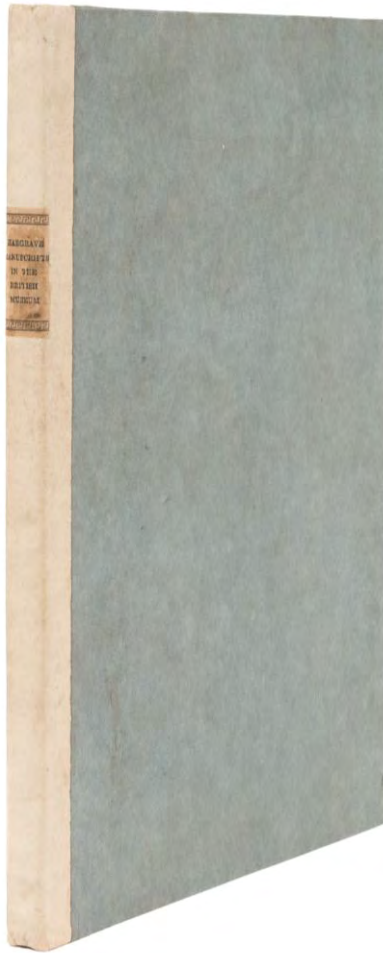
Contemporary three-quarter sheep over paper-covered boards, rebacked in morocco, blind fillets and gilt title, publication date and library name to spine, untrimmed edges. Moderate rubbing, a few faint stains to boards, corners bumped and somewhat worn, hinges cracked. Light toning to interior, light foxing to a few leaves, small library stamp to title page. \$650.

* Only edition. Hammond, a barrister and legal reformer, was commissioned by Parliament, under the sponsorship of Home Secretary Sir Robert Peel [1788-1850], to propose a code of English criminal law. Between 1823 and 1829 he produced a series of six codes under the general title *The Criminal Code*. Although they weren't adopted, they formed the basis of Peel's Acts, the first substantial reform of English criminal law. In turn, Peel's acts paved the way for the Criminal Law Consolidation Acts 1861. Printed in limited numbers for Parliament, courts and select members of the legal community, copies of these codes (and complete sets) are scarce today. OCLC locates 1 copy of the Forgery code (University of Edinburgh).

Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:153.

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An Important Collection of Manuscripts

13. [Hargrave, Francis (1741?-1831)].
[Ellis, Henry (1777-1829), Compiler].

A Catalogue of Manuscripts, Formerly in the Possession of Francis Hargrave, Now Deposited in the British Museum. London: Printed by G. Woodfall, Angel Court, Skinner Street, And Sold at the British Museum, 1818. [iv], 188 pp. Quarto (11" x 8-1/2").

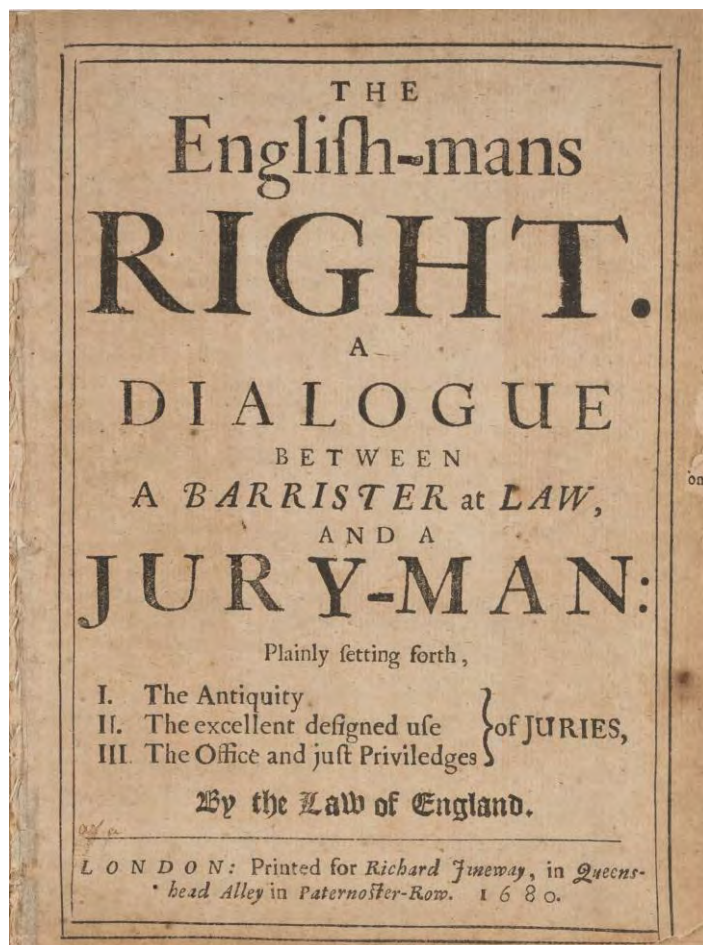
Recent period-style paper-covered boards, contrasting spine with printed paper title label, untrimmed edges, endpapers renewed. Moderate toning to interior, presentation inscription (from Ned. Lowry Barnwell) to front endleaf, early library stamps to title page and foot of p. 188, repairs to fore-edges of final two leaves. A handsome copy. \$250.

* Only edition. In 1813 Hargrave's library, which included 499 manuscripts, most of them dealing with law, was purchased for £8,000 in 1813 by the House of Commons and deposited in the British Museum. An important legal author and editor, Hargrave was one of the lawyers who represented James Somersett in the landmark case that determined the rights of enslaved people in England.

British Museum Catalogue 11:724.

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First Edition of an Important Work on the Right to Trial by Jury

14. Hawles, Sir John [1645-1716].

[Bacon, Sir Francis (1561-1626)].

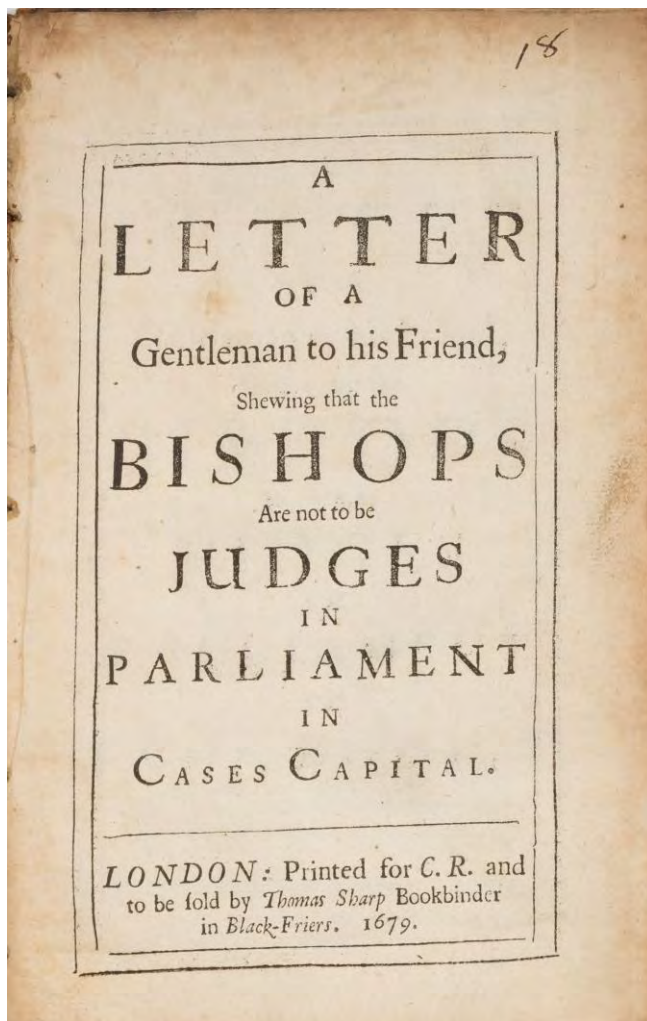
The English-Mans Right. A Dialogue Between a Barrister at Law, And a Jury-Man: Plainly Setting Forth, I. The Antiquity, II. The Excellent Designed Use, III. The Office and Just Privileges of Juries, By the Law of England. London: Printed for Richard Janeway, In Queenshead Alley in Paternoster-Row, 1680. [ii], 40 pp. Quarto (7-1/4" x 5-1/2").

Disbound stab-stitched pamphlet. Light browning, light soiling to exterior, light foxing to a few leaves, edges trimmed closely with loss to register, catchwords and side-notes, legibility affected in a few places, early annotation to foot of p. 11, a few tiny chips to fore-edges of title page and final leaf. \$450.

* First edition. A staunch Whig, Hawles wrote *The Englishman's Right* to outline the rights, duties and proper behavior of a juryman and to promote the jury system as a bulwark against tyranny. Immediately successful among Whigs and others who saw themselves as defenders of English liberties, it was received with great enthusiasm in America, where it was reprinted several times well into the nineteenth century. The annotation in our copy disputes a reference to a passage in *Coke on Littleton*.

English Short-Title Catalogue R14849.

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Bishops and "Cases Capital"

15. [Hollis, Denzil Hollis, Baron (1599-1680)].

A Letter of a Gentleman to His Friend, Shewing that the Bishops are Not to be Judges in Parliament in Cases Capital. London: Printed for C.R. And to be Sold by Thomas Sharp Bookbinder in Black-Friers, 1679. [ii]; [ii], 119, [1] pp. Octavo (6-3/4" x 4-1/4").

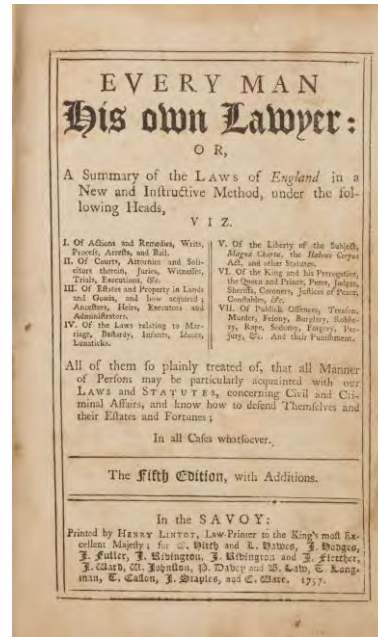
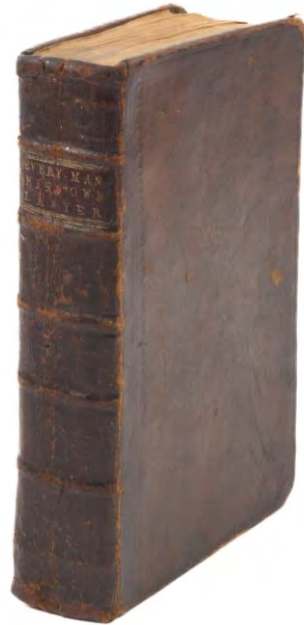
Contemporary sheep with later sheep rebacking, blind rules to boards, blind fillets to spine, front hinge mended. Moderate rubbing with wear to corners, chip to head of spine, rear hinge cracked. Moderate toning to interior, light browning to margins, minor chips and short tears to a few leaves, "18" in early hand to head of title page, light soiling to its fore-edge. \$125.

* Only edition, one of four issues, all in 1679. Our copy is a curious example; it is bound with the title pages of two of those issues. Hollis argues that bishops sitting as members of the House of Lords should not be allowed to take part in capital cases because they would not be allowed to apply the death penalty if they were judges in ecclesiastical courts.

English Short-Title Catalogue R204378 or R17416.

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Handsome Binding

16. [Jacob, Giles (1686-1744)].

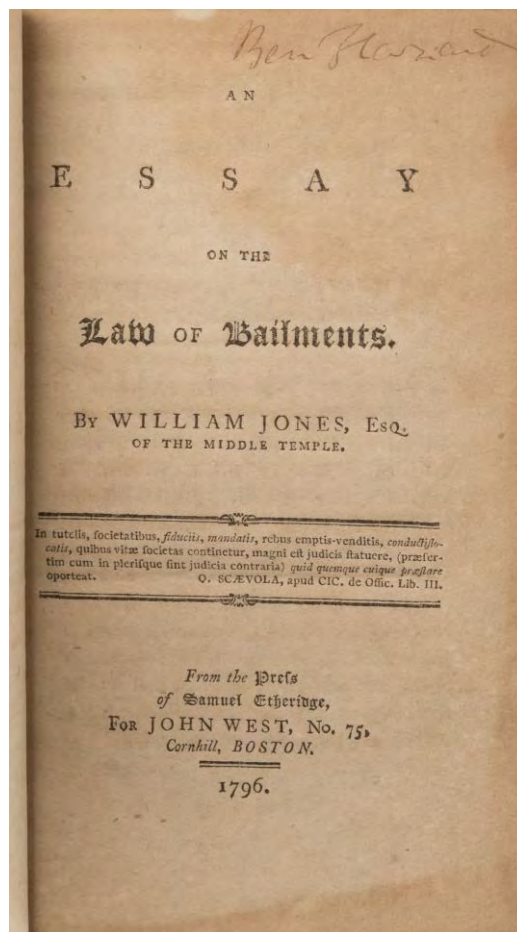
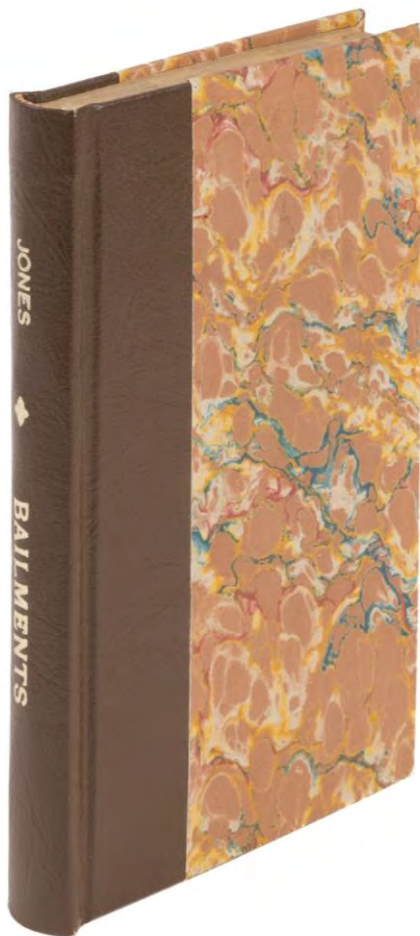
Every Man His Own Lawyer: Or, A Summary of the Laws of England in a New and Instructive Method, Under the Following Heads, Viz: I. Of Actions and Remedies, Writs, Process, Arrests, and Bail. II. Of Courts, Attornies and Solicitors Therein, Juries, Witnesses, Trials, Executions, &c. III. Of Estates and Property in Lands and Goods, and How Acquired; Ancestors, Heirs, Executors and Administrators. IV. Of the Laws Relating to Marriage, Bastardy, Infants, Ideots, Lunaticks. V. Of the Liberty of the Subject, Magna Charta, The Habeas Corpus Act, and Other Statutes. VI. Of the King and His Prerogative, The Queen and Prince, Peers, Judges, Sheriffs, Coroners, Justices of the Peace, Constables, &c. VII. Of Publick Offences, Treason, Murder, Felony, Burglary, Robbery, Rape, Sodomy, Forgery, Perjury, &c., And Their Punishment. All of Them so Plainly Treated of, That All Manner of Persons May be Particularly Acquainted With Our Laws and Statutes, Concerning Civil and Criminal Affairs, And Know How to Defend Themselves and Their Estates and Fortunes; In All Cases Whatsoever. With Additions. [London]: Printed by Henry Lintot, 1757. [ii], vi, 456, [14] pp. Publisher advertisement facing title page. Octavo (7-3/4" x 4-3/4").

Contemporary calf, blind rules to boards, blind fillets along joints, raised bands and lettering piece to spine. Light rubbing and some minor scuffs and scratches to boards, moderate rubbing to extremities, faint creasing to spine, small chip to head of spine, another to foot, corners bumped and somewhat worn, hinges cracked, a few cracks to text block, signature R (pp. 241-256) somewhat loose but secure, rear free endpaper partially detached. Moderate toning, light soiling, faint dampstaining and offsetting from pressed leaves in places, moderate edgewear to preliminaries, a final leaves of text block, annotations in early hand to endleaves, early inscription (Thomas Palmer/ His Lawbook) to verso of title page. \$450.

* Fifth edition. This popular guide reached its eleventh and final edition in 1791; it was reissued at least two more times in the 1800s. The mention of "All Manner of Persons" in the subtitle is significant. Jacob, though certainly interested in boosting sales by attracting the widest audience possible, was an idealist who believed that widespread knowledge of the law would help create a more just society. This is also evident in his other publications, such as *The Common Law Common-Placed* (1726) and *Treatise of Laws* (1721).

English Short-Title Catalogue N9502.

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First American Edition of *Jones on Bailments*

17. Jones, Sir William [1746-1794].

An Essay on the Law of Bailments. Boston: From the Press of Samuel Etheridge, For John West, 1796. 178, [1] pp. 12mo. (6-1/2" x 4").

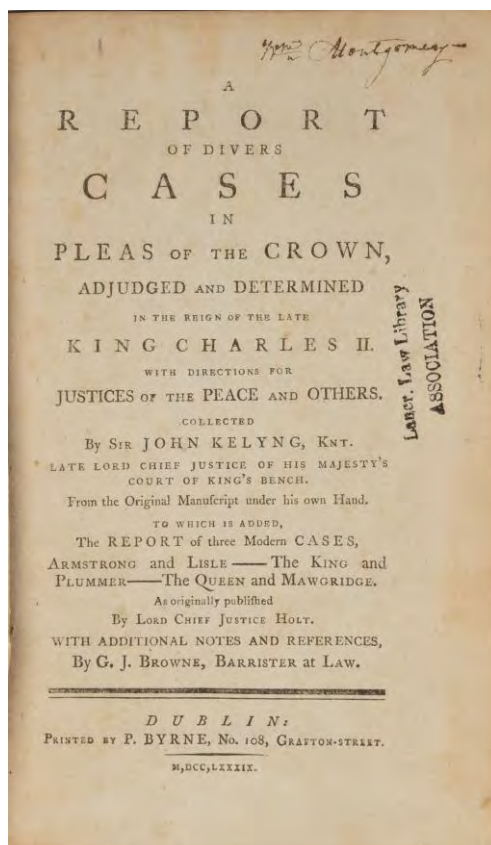
Recent quarter cloth over marbled boards, gilt title and author name to spine, colored (renewed) endpapers. Light browning to interior, occasional light foxing, faint dampstaining to fore-edge of first 70 pp., light soiling to a few leaves, ownership signatures (of Ben Hazard and Sibyl Horne? Amery, the latter dated 1899) to front endleaf, additional signature (Ben Hazard) to head of title page. \$150.

* First American edition, a reprint of the first London edition, 1781. One of the first significant books to use principles derived from Roman and civil law sources, this influential treatise played an important role in the introduction of their ideas into Anglo-American jurisprudence. Kent admired this work, as did Marvin, who praised its "artistic and scholar-like finish" (Marvin). Sir William Jones was a distinguished Orientalist and a brilliant jurist. A friend of Johnson, Gibbon and Burke, he was a judge of the High Court at Calcutta from 1783 until his death.

Marvin, *Legal Bibliography* 428-429. Hoeflich, *Roman & Civil Law and the Development of Anglo-American Jurisprudence* 38-39. Cohen, *Bibliography of Early American Law* 2419.

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The First Set of Reports Devoted to Criminal Law

18. Kelyng, Sir John [d. 1671], Reporter.

A Report of Divers Cases in Pleas of the Crown, Adjudged and Determined; In the Reign of the Late King Charles II. With Directions for Justices of the Peace and Others. Collected by Sir John Kelyng, Knt. Late Lord Chief Justice of His Majesty's Court of King's Bench. From the Original Manuscript Under His Own Hand. To Which is Added the Reports of Three Modern Cases, Armstrong and Lisle - The King and Plummer - The Queen and Mawgridge. As Originally Published by Lord Chief Justice Holt. With Additional Notes and References, By G.J. Browne, Barrister at Law. Dublin: Printed by P. Byrne, 1789. [xii], 142, [10] pp. Octavo (8" x 4-3/4").

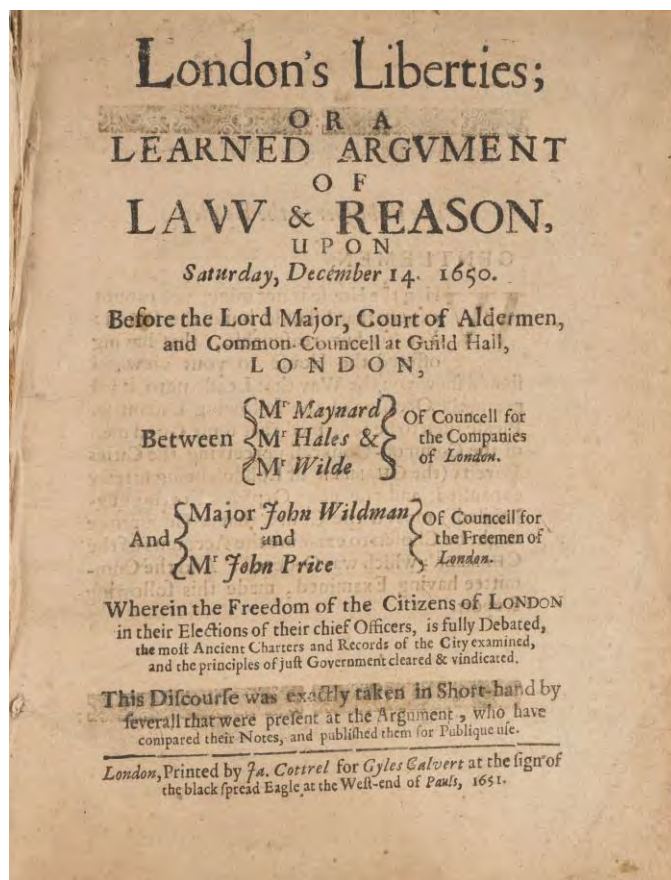
Contemporary calf, blind fillets along joints, blind fillets and lettering piece to spine, blind tooling to board edges. Light rubbing and scuffing to boards, which are starting to separate but secure, moderate rubbing to extremities, joints varnished, tape and adhesive residue to head of spine and upper corners of boards, corners bumped and worn, faint offsetting to endleaves, front endleaves loosening, library stamp and early ownership signature (Wm Montgomery) to title page. Moderate toning and light foxing to interior. \$125.

* Only Dublin edition. First published in London in 1708, these reports were the first set of reports devoted entirely to criminal law. They were collected after Kelyng's death and published by Justice Holt in 1708. Kelyng, a lawyer who specialized in criminal cases, became a judge of the King's Bench in 1663 and was made Chief Justice of that court in 1665. The cases cover the years 1662 to 1669. Wallace says he was considered "a learned, faithful and resolute judge." The work was reissued in London in 1739.

Wallace, *The Reporters* 328. *English Short-Title Catalogue* T175984.

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"The Principles of Just Government Cleared & Vindicated"

19. [London].

[Hale, Sir Matthew (1609-1676)].

[Maynard, Sir John (1604-1690)].

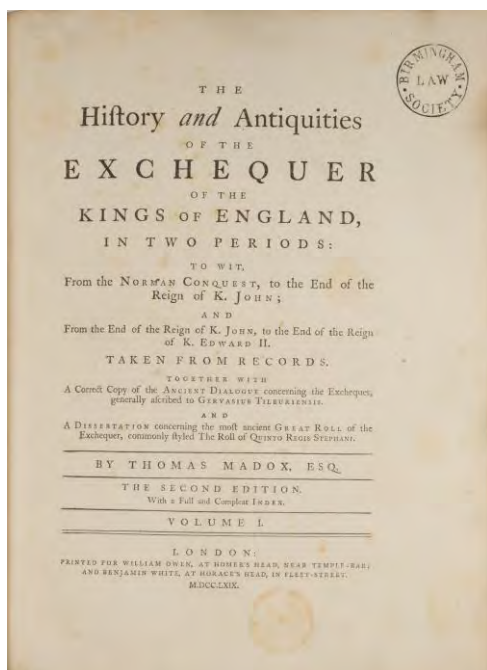
London's Liberties; Or a Learned Argument of Law & Reason, Upon Saturday, December 14. 1650. Before the Lord Major, Court of Aldermen, And Common Councell at Guild Hall, London, Between Mr Maynard Mr Hales & Mr Wilde of Councell for the Companies of London. And Major John Wildman and Mr John Price of Councell for the Freemen of London. Wherein the Freedom of the Citizens of London in Their Elections of Their Chief Officers, Is Fully Debated, The Most Ancient Charters and Records of the City Examined, And the Principles of Just Government Cleared & Vindicated. This Discourse was Exactly Taken in Short-Hand by Severall that were Present at the Argument, Who have Compared Their Notes, And Published Them for Publique Use. London: Printed by Ja. Cottrel for Gyles Calvert, 1651. [viii], 38 pp. Quarto (7-1/4" x 5-1/2").

Disbound stab-stitched pamphlet, untrimmed fore-edge. Light browning, light soiling to exterior, stain and three tiny holes to lower third of leaf a4 (pp. [vii-viii] with minor loss to text, legibility not affected. \$850.

* First edition. A collection of arguments by eminent London jurists, including Sir John Maynard and Sir Matthew Hale, in favor of the independence of the city of London, particularly with respect to its elections. A second edition appeared in 1682 that was reissued in 1683. OCLC locates 1 copy of this title in a law library (Harvard).

English Short-Title Catalogue R202774.

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"Students Still Turn to Its Pages for Enlightenment and Guidance"

20. Madox, Thomas [1666-1727].

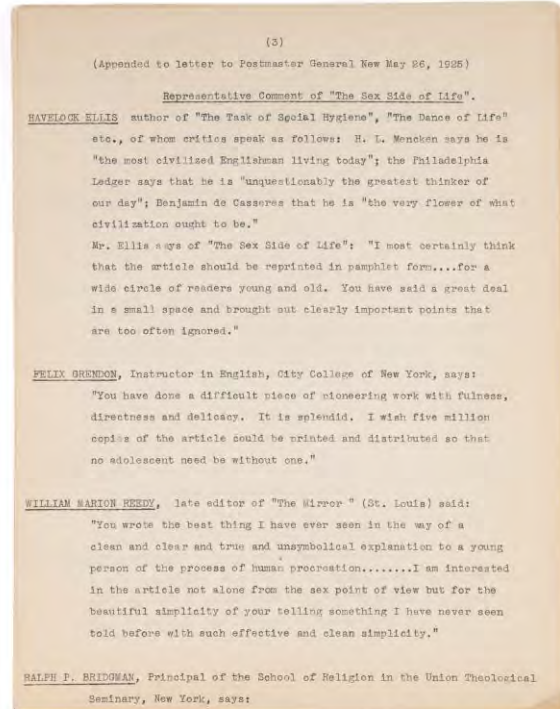
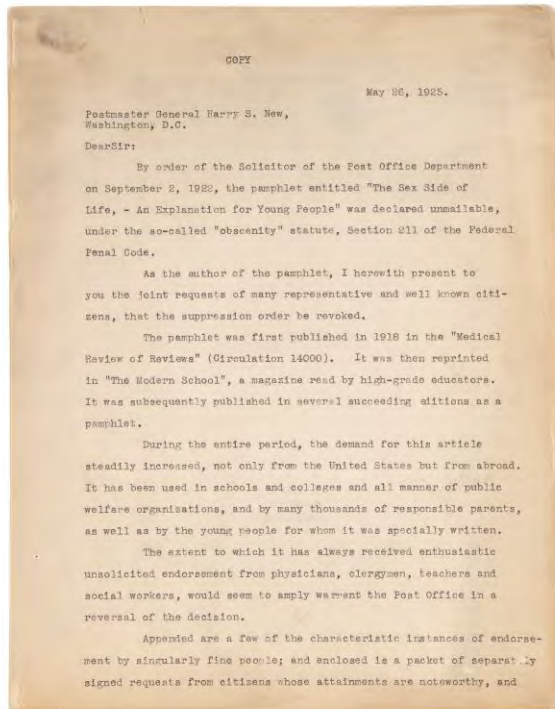
The History and Antiquities of the Exchequer of the Kings of England, In Two Periods: To Wit, From the Norman Conquest, To the End of the Reign of K. John; And from the End of the Reign of K. John, To the End of the Reign of K. Edward II: Taken from Records. Together with A Correct Copy of the Ancient Dialogue Concerning the Exchequer, Generally Ascribed to Gervasius Tilburiensis; And a Dissertation Concerning the Most Ancient Great Roll of the Exchequer, Commonly Styled the Roll of Quinto Regis Stephani. With a Full and Compleat Index. London: Printed for William Owen, 1769. Two volumes. [ii], xxx, [vi], 801; [iv], 477, [290] pp. 2 copperplate text images, 1 repeated. Quarto (11-1/4" x 8-3/4").

Contemporary calf with later rebacking, corners mended, gilt Greek-key fillets to boards, gilt library name to centers to front boards, blind fillets and gilt titles, volume numbers and publication dates to spines, hinges reinforced with cloth, endpapers renewed, marbled pastedowns and free endpapers. Moderate rubbing to boards and extremities with wear to spine ends and corners, library shelf labels and retained early armorial bookplates (Samuel Appleby) to front pastedowns, library bookplates to front free endpapers. Moderate toning to interiors, light foxing, minor creasing and soiling in a few places, library stamps to title pages and a few leaves. \$750.

* Second and final edition. First published in 1711, this was the first comprehensive study of the Royal Exchequer and English medieval taxation. It remains an important source. What H.D. Hazeltine observed in 1916 remains true today: "the present-day reader of Madox is surprised to find out how much English legal history lies embodied in the antiquary's learning as to fines and americiaments.... Most of the other chapters also throw much light upon the earlier history of the Common Law. (...) Madox's great work still serves a double purpose: it is the history of constitutional institutions and it is also an apparatus towards a history of the ancient common law. Legal as well as constitutional students still turn to its pages for enlightenment and guidance."

Hazaltine, "Thomas Madox as a Legal Historian," 32 *Law Quarterly Review* (1916) 285-286. *English Short-Title Catalogue* T97072.

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A Pioneering Sex Educator Defends Her Work Against Charges of Obscenity

21. [Manuscript].

Dennett, Mary Ware [1872-1947].

[Typed Copies of Correspondence Relating to "The Sex Side of Life," Long Island, New York and Washington, D.C., 1922-1925].

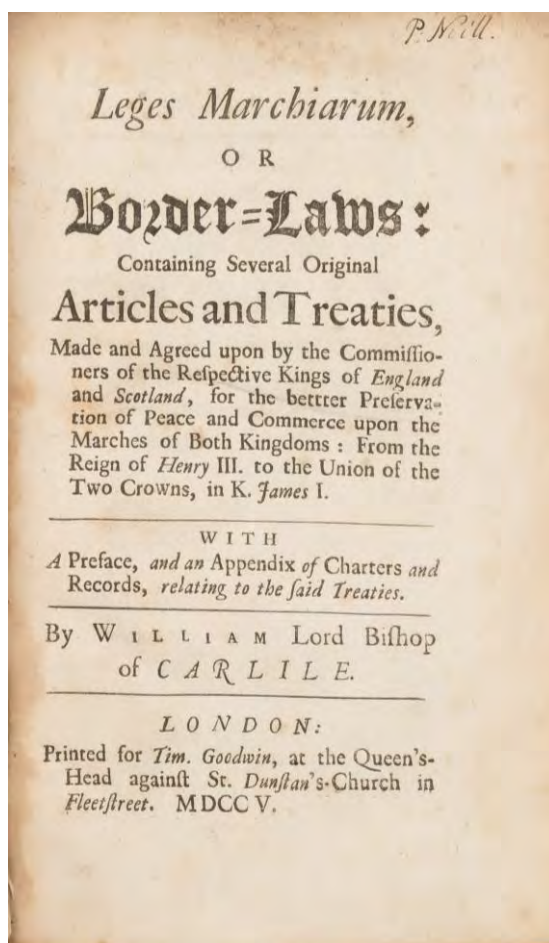
30 ff. of typed content to rectos of 11" x 8-1/2" sheets. Moderate toning, light soiling and finger smudges in places, light edgewear and small chips to a few leaves not affecting text, small library punch stamp and a few small holes (not affecting legibility) to foot of first leaf, which has two ink library stamps (one a deaccession stamp, the other reading "Gift/ H.L. Mencken/ Jan 21 1938") to its verso, faint offsetting to last two leaves, small clean tear to top-edge of final leaf, text not affected. \$1,500.

* Dennett was a social reformer and pioneering activist for birth control, sex education and women's rights. Probably produced by her for her personal records, these typed copies of correspondence between Dennett and representatives of the U.S. Post Office record her efforts to distribute her 1919 pamphlet "The Sex Side of Life" through the mail. The pamphlet, a frank discussion of sex and sexual health written for adolescent children, had been deemed obscene by the Post Office under the Comstock Act and could no longer be mailed.

As documented here, Dennett requested confirmation of what statutes had categorized the work as obscene and "a specific statement, quoting explicitly and completely, all portions of the pamphlet, which in your opinion, are properly to be forbidden under this statute" (25). When no such statement was forthcoming, she provided twenty-one pages of testimonials from "singularly fine people," among them parents, reformers and religious leaders, demanding that the pamphlet be deemed mailable. In the meantime, Dennett continued to distribute the work and was prosecuted under the Comstock Act in 1928. She was convicted and fined, but her sentence was overturned on appeal, setting an important precedent that culminated in an exemption for birth control and some educational materials from obscenity laws.

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The Union of Scotland and England

22. [Nicolson], William, Lord Bishop of Carlisle [1665-1727].

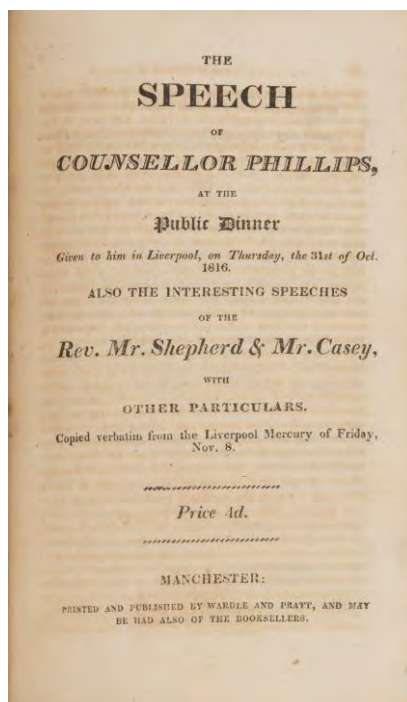
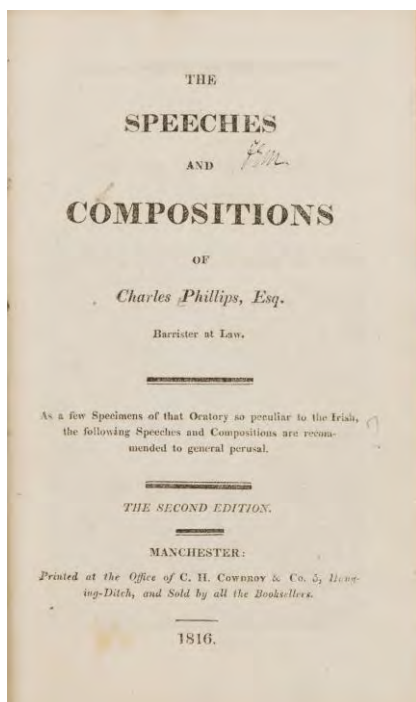
Leges Marchiarum, or Border-Laws: Containing Several Original Articles and Treaties, Made and Agreed upon by the Commissioners of the Respective Kings of England and Scotland, for the Better Preservation of Peace and Commerce upon the Marches of Both Kingdoms: From the Reign of Henry III. To the Union of the Two Crowns, in K. James I. With a Preface, and an Appendix of Charters and Records, Relating to the Said Treaties. London: Printed for Tim. Goodwin, 1705. [viii], lvi, 388, [4] pp. Includes four-page publisher catalogue. With a half-title. Octavo (7-1/2" x 4-1/2").

Later three-quarter sheep over marbled boards, raised bands, blind fillets and gilt ornaments and title to spine, edges rouged, endpapers renewed. Light rubbing to boards, moderate rubbing to extremities, front joint starting at head, corners lightly bumped and worn. Light toning to interior, more moderate in places, occasional light foxing, light soiling in a few places, ownership signature (P. Neill) to head of title page. \$400.

* First edition. Nicholson, Lord Bishop of Carlisle, was a strong advocate of the union of England and Scotland. Published two years before the Act of Union, his *Leges Marchiarum* addresses numerous issues regarding the union of these two states. A second edition was published in 1747.

English Short-Title Catalogue T56114.

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"A Few Specimens of that Oratory So Particular to the Irish"

23. Phillips, Charles [1787?-1859].

The Speeches and Compositions of Charles Phillips, Esq. Barrister at Law. Manchester: Printed at the Office of C.H. Cowdroy & Co., 1816. 100, [2] pp.

[Bound with]

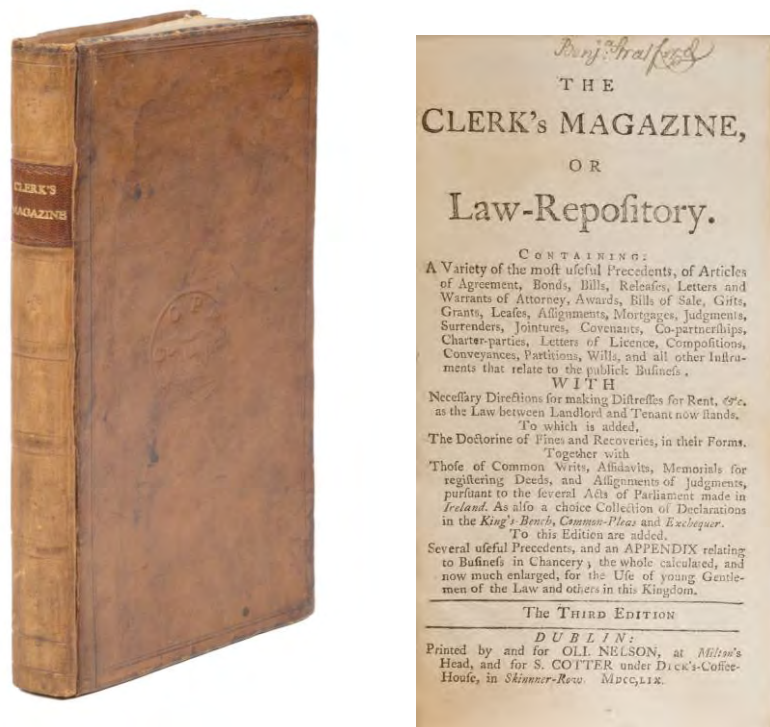
Phillips, Charles.

The Speech of Counsellor Phillips, At the Public Dinner Given to Him in Liverpool, On Thursday, The 31st of Oct. 1816. Also the Interesting Speeches of the Rev. Mr. Shepherd & Mr. Casey, With Other Particulars. Copied Verbatim from the Liverpool Mercury of Friday, Nov. 8. Manchester: Printed and Published by Wardle and Pratt, [1816?]. 23, [1] pp.

Octavo (6-1/2" x 3-3/4"). Contemporary three-quarter calf over marbled boards, blind fillets to calf edges, raised bands, blind and gilt decoration and gilt title to spine, colored endpapers. Light rubbing to boards, moderate rubbing to extremities, front joint cracked, rear joint starting at foot, chipping to spine ends, corners bumped and somewhat worn, early armorial bookplate (of William Marshall), later bookplate of Anne and Ferdinand Gabriel Renier and small bookseller ticket to front pastedown, illegible recent ink annotation to rear pastedown, ownership signatures of William Marshall and Fred. E. Marshall dated 1815 and 1848 to front endleaf, owner initials "FEM" and small pencil question mark to title page. *Speech* misbound before final leaf of *Speeches and Compositions*. Moderate toning to interior, light foxing and soiling to a few leaves, early annotation to p. 77. \$250.

* Second edition; only edition. A leading Anglo-Irish barrister, Phillips was renowned for his oratorical skill and expertise with adultery cases. *Speeches and Compositions* collects four courtroom speeches, four speeches on Ireland and Catholic emancipation, and Phillips's famous "Character of Napoleon Bonaparte," a satirical elegy for Napoleon. The second work is a speech given by Phillips at a dinner held in his honor. Fernand Gabriel and Anne Renier were important collectors of popular printed material. OCLC locates 5 copies of *Speeches and Compositions*, 3 in North America (University of Kansas, University of Florida, Claremont College), and 1 copy of *Speech* (Newberry Library).

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Guidance for Young Clerks

24. [Practitioner in the Law].

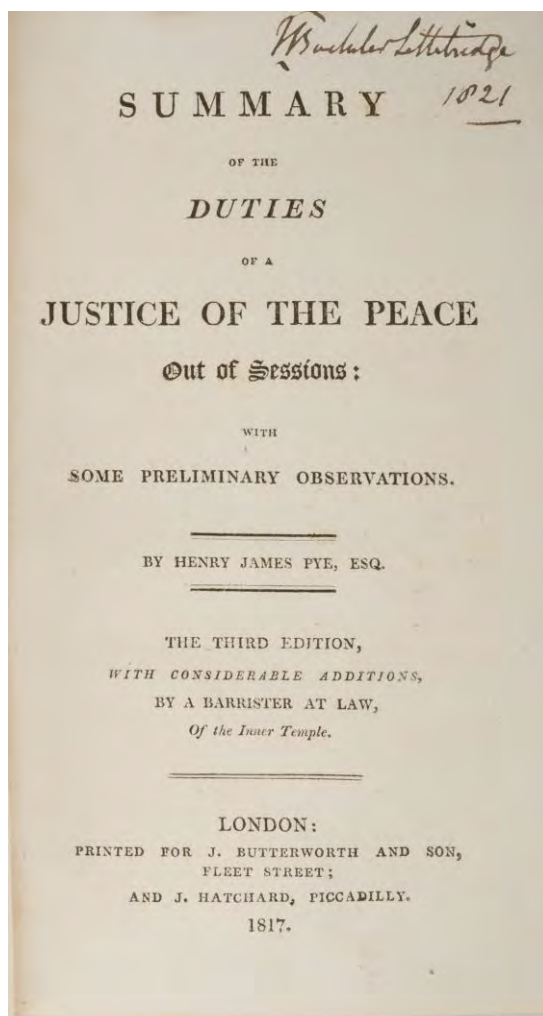
The Clerk's Magazine, Or Law-Repository. Containing: A Variety of the Most Useful Precedents [...] With Necessary Directions for Making Distresses for Rent, &c. As the Law Between Landlord and Tenant Now Stands. To Which is Added, The Doctrine of Fines and Recoveries, In Their Forms. Together with Those of Common Writs, Affidavits, Memorials for Registering Deeds, And Assignments of Judgments, Pursuant to the Several Acts of Parliament Made in Ireland. As Also a Choice Collection of Declarations in the King's Bench, Common-Pleas and Exchequer. To this Edition are Added. Several Useful Precedents, And an Appendix Relating to Business in Chancery; The Whole Calculated, And Now Much Enlarged, For the Use of Young Gentlemen of the Law and Others in this Kingdom. Dublin: Printed by and for Oli. Nelson and for S. Cotter, 1759. [xii], 215, [1] pp. 12mo. (6-1/2" x 3-3/4").

Contemporary calf, blind rules to boards, blind ownership stamp (Cooper) to front board, rebacked in period style with raised bands, blind fillets, lettering piece and blind ornaments to spine, blind tooling to board edges, hinges mended, rear pastedown renewed. Light rubbing and a few minor scuffs, scratches and stains to boards, moderate rubbing to board edges and head of spine, corners bumped and lightly worn, early annotation (a form for "Plea to the Jurisdiction of the Court") to rear endleaf. Light toning to interior, faint dampstaining to edges in a few places, light foxing and soiling to a few leaves, early ownership signature (Benj. Stratford) to head of title page. \$200.

* Third Dublin edition. First published in London in 1739 as *The Young Clerk's Magazine; Or, English Law-Repository*, this is a formbook with a section containing instructions for conveyancing. It was intended for law clerks, lawyers and laymen. A popular work, it went through six editions in London, the last in 1772, four editions in Philadelphia from 1774 to 1795, and five editions in Dublin from 1749 to 1791. The Dublin editions are scarce. OCLC locates 5 copies of the third edition, 2 in law libraries (Harvard, Northwestern).

English Short-Title Catalogue T118671.

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Appealing JP Manual with Laws Relating to London

25. Pye, Henry James [1745-1813].

Summary of the Duties of a Justice of the Peace Out of Sessions: With Some Preliminary Observations. With Considerable Additions, By a Barrister at Law, Of the Inner Temple. London: Printed for J. Butterworth and Son, 1817. xvi, 231, [20] pp. 12mo. (6-3/4" x 4").

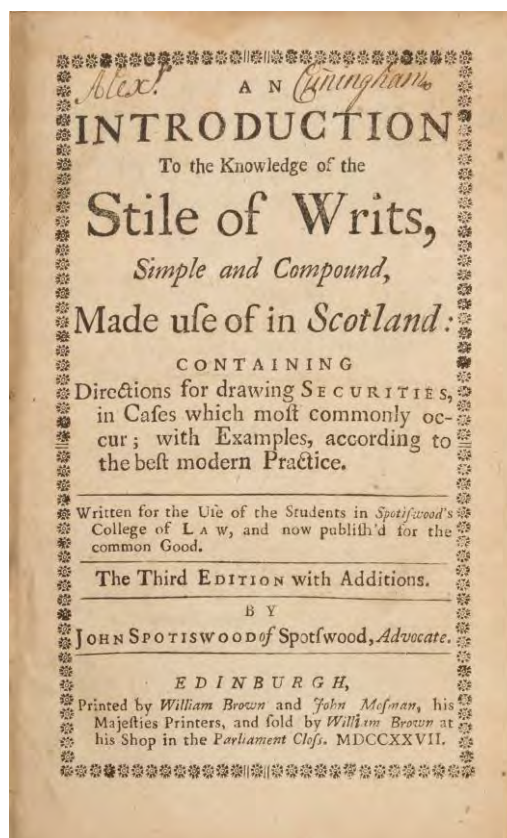
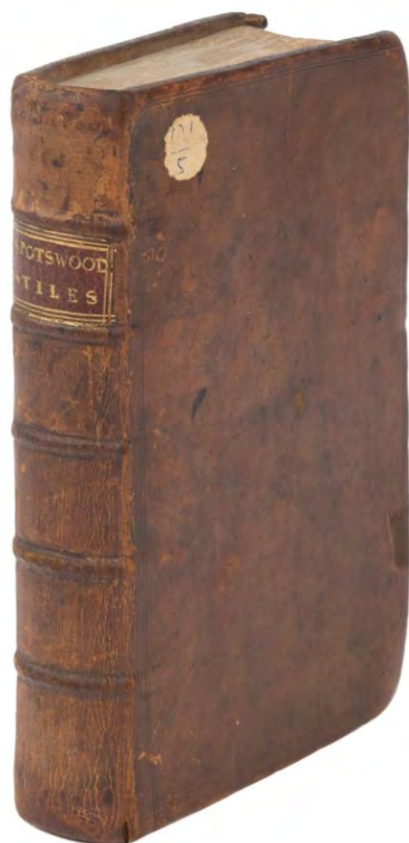
Contemporary calf, blind fillets to boards, lettering piece and blind fillets to spine, blind tooling to board edges. Light rubbing and a few minor scuffs to boards, front joint cracked, rear joint starting at ends. Light toning to interior, illegible owner signature dated 1821 to head of title page. \$125.

* Third edition. "This little Summary points out and abridges those laws that relate to the duties of a justice of the peace out of sessions.... This work is confined to the duties of a justice out of sessions because at the sessions the magistrate will find ample means of reference, besides the opportunity of consulting his friends at the bar and his colleagues on the bench...." ([vii]-viii). The first edition of this handbook was published in 1808, the fourth and final edition in 1827.

Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:293.

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**A Classic Scottish Treatise on Writs,
Forms and Other Aspects of Legal Composition**

26. Spottiswood, John.

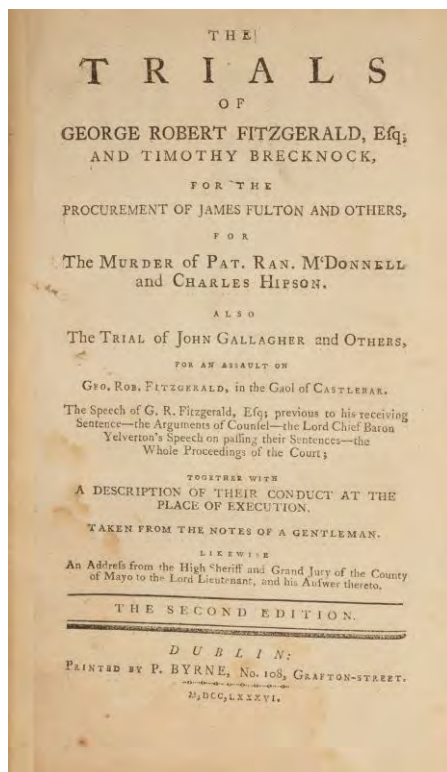
An Introduction to the Knowledge of the Stile of Writs, Simple and Compound, Made Use of in Scotland: Containing Directions for Drawing Securities, In Cases Which Most Commonly Occur, With Examples According to the Best Modern Practice. Written for the Use of the Students in Spotswood's College of Law, And Now Publish'd for the Common Good. With Additions. Edinburgh: Printed by William Brown and John Mosman, 1727. [xxiv], 413, [33] pp. Includes 5-page publisher catalogue. Octavo (6-1/2" x 3-3/4").

Contemporary speckled calf, blind rules to boards, raised bands and lettering piece to spine, blind tooling to board edges. Light rubbing and a few small nicks, scratches and stains to boards, small paper labels to front board and head of spine, moderate rubbing to extremities, corners bumped, front hinge cracked, faint offsetting to endleaves, armorial bookplate (Cuninghame of Lainshaw) to front pastedown, early ownership signature (Alex. Cuninghame) to head of title page. Moderate toning to interior, occasional light foxing, light soiling in a few places. \$200.

* Third edition. Around 1703, Spottiswood established Spottiswood's College of Law to compensate for the lack of a legal curriculum at the University of Edinburgh. Its main textbook was Sir George McKenzie's *Institutes*. Spottiswood wrote the *Stile of Writs* (1707), along with another book, *The Form of Process* (1711), to cover areas that are not treated in detail by Mackenzie. They were, in effect, supplementary textbooks.

English Short-Title Catalogue T147577.

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The Fighting Fitzgerald

27. [Trials].

Fitzgerald, George Robert [1746-1786], Defendant.

Brecknock, Timothy [d.1786], Defendant.

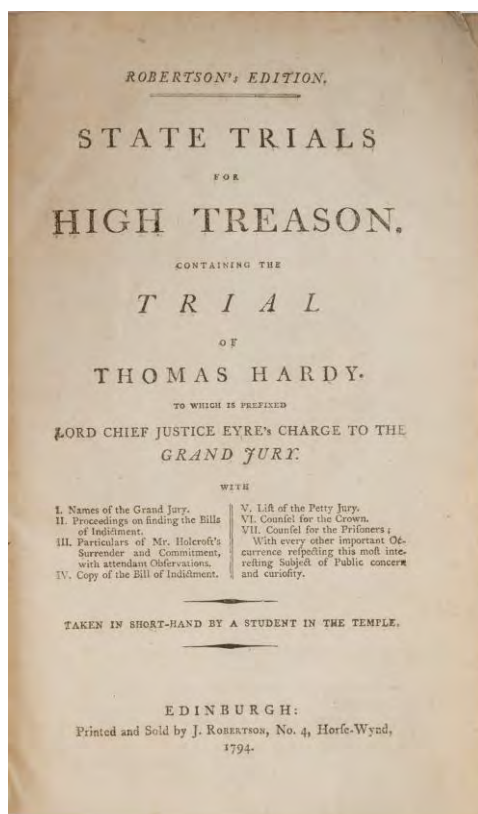
The Trials of George Robert Fitzgerald, Esq; And Timothy Brecknock, For the Procurement of James Fulton and Others, For the Murder of Pat. Ran. M'Donnell and Charles Hipson. Also the Trial of John Gallagher and Others, For an Assault on Geo. Rob. Fitzgerald....
Dublin: Printed by P. Byrne, 1786. [ii], 181, [4], 188-190 pp. Lacking half-title. Octavo (7-1/2" x 4-1/2").

Later buckram, gilt fillets, title and date to spine, endpapers renewed. Minor inkstains to spine and front board, negligible light rubbing to front joint, spine ends and corners, bookplate (of Stoughton R. Vogel, M.D.) to front pastedown, later pencil annotations to front pastedown and front free endpaper. Moderate toning to interior, somewhat lighter or heavier in places, occasional light foxing, light soiling to a few leaves, first two and last three leaves re-hinged or reinforced at gutter, faint dampstain to title page. \$250.

* Second edition, one of two issues from the same year. Known as the "Fighting Fitzgerald" due to his reputation as a duelist, George Fitzgerald was a powerful landowner in Mayo and the target of much resentment. He and his associates were involved in two revenge murders that followed the abduction of his fiancée. His execution was dramatic. The rope broke on the first try. The second rope failed because it was too long. He was eventually hanged on the third attempt. Fitzgerald's bravado throughout this ordeal assured his immortality in County Mayo. Counting both issues, OCLC locates 5 copies of the second edition in law libraries (Yale, Library of Congress, Harvard, University of Pennsylvania, Social Law).

English Short-Title Catalogue N62050.

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A Treason Trial Inspired by Fear of the French Revolution

28. [Trials].

Hardy, Thomas [1752-1832], Defendant.

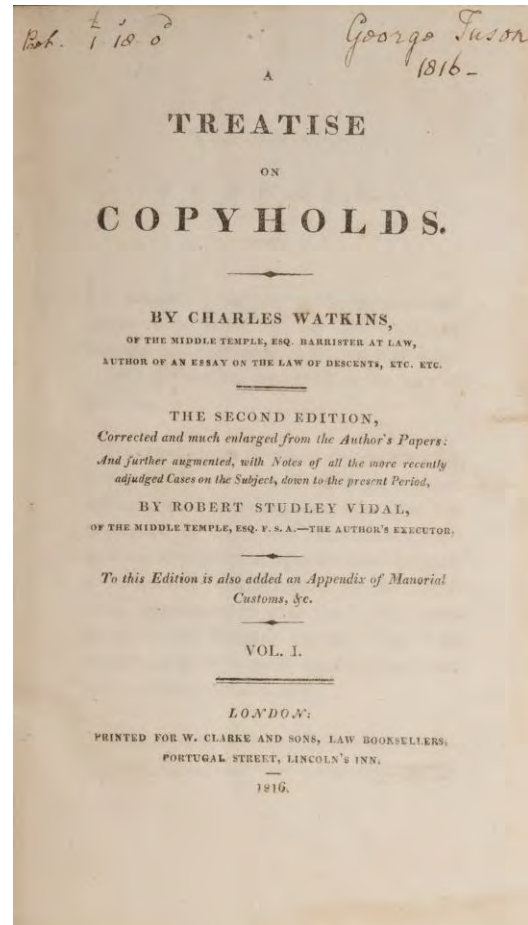
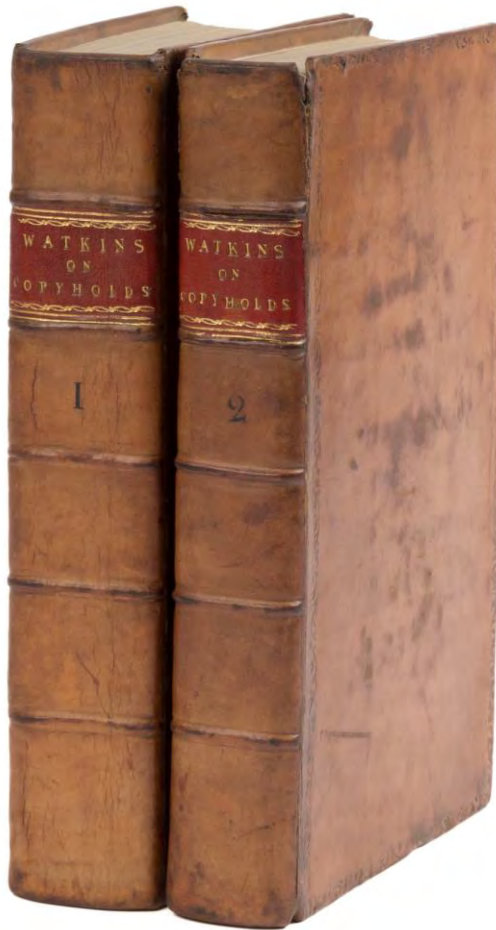
State Trials for High Treason. Containing the Trial of Thomas Hardy. To Which is Prefixed Lord Chief Justice Eyre's Charge to the Grand Jury. With I. Names of the Grand Jury. II. Proceedings on Finding the Bills of Indictment. III. Particulars of Mr. Holcroft's Surrender and Commitment, With Attendant Observations. IV. Copy of the Bill of Indictment. V. List of the Petty Jury. VI. Counsel for the Crown. VII. Counsel for the Prisoners; With Every Other Important Occurrence Respecting this Most Interesting Subject of Public Concern and Curiosity. Taken in Short-Hand by a Student in the Temple. Edinburgh: Printed and Sold by J. Robertson, 1794. 232, 235-270 pp. Pagination irregular, text complete; lacking portrait frontispiece. Octavo (8" x 5").

Later pebbled cloth, blind rules to boards, gilt title and fragment of paper label to spine, endpapers renewed, edges speckled red. Boards slightly bowed, light rubbing to extremities, light fading to spine, spine ends and corners lightly bumped, corners negligibly worn, later ownership label and ink stamp to front pastedown. Light toning to interior, very light foxing and soiling to a few leaves, pencil marks to margins in a few places. \$150.

* 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. With the government 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.

English Short-Title Catalogue N23163.

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"A Valuable Book"

29. Watkins, Charles [d.1808].

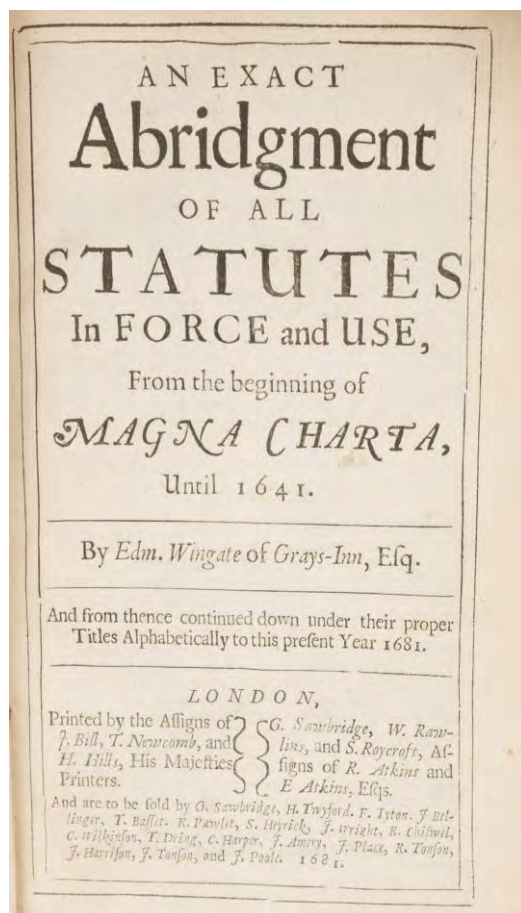
A Treatise on Copyholds. London: Printed for W. Clarke and Sons, 1816. Two volumes. xxviii, 570; xiv, 451, [1] pp. Publisher's advertisements to last page of Volume II. Octavo (8-1/4" x 5").

Contemporary calf, blind fillets to boards, raised bands, lettering pieces and black-stamped volume numbers to spines. Light rubbing and some minor scuffs, nicks and scratches to boards, moderate rubbing to extremities, front joint of Volume I and joints of Volume II starting at head, corners bumped and lightly worn, hinges of Volume I starting, chip to fore-edge of front endleaf of Volume II. Light toning to interior, occasional light foxing, early ownership signatures (of George Tuson, dated 1816) and annotations to head of title pages. An appealing set. \$350.

* Second edition. "Watkins on Copyholds is a valuable book upon this peculiar though common species of tenure. A good treatise upon the subject...was long a desideratum in the profession; it has at length, however, been supplied by this gentleman, in a manner which leaves but little room for further investigation" (Marvin). The first edition was published in 1797-1799 and the fourth and final edition in 1825. Watkins was a conveyancer and writer of several well-regarded treatises on conveyancing and land tenure, including *Principles of Conveyancing* (1st ed. 1800).

Marvin, *Legal Bibliography* 721. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:371.

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From *Magna Carta* to 1681

30. Wingate, Edmund (or Edmond) [1596-1656].

[Washington, Joseph, Editor].

An Exact Abridgment of All the Statutes in Force and Use, From the Beginning of Magna Charta Until 1641. By Edm. Wingate of Grays-Inn, Esq. And from Thence Continued Down Under Their Proper Titles Alphabetically to this Present Year 1681. London: Printed by the Assigns of J. Bill, T. Newcomb, And H. Hills [et al.], 1681. [iv], 688, [68] pp. Octavo (7" x 4-1/2").

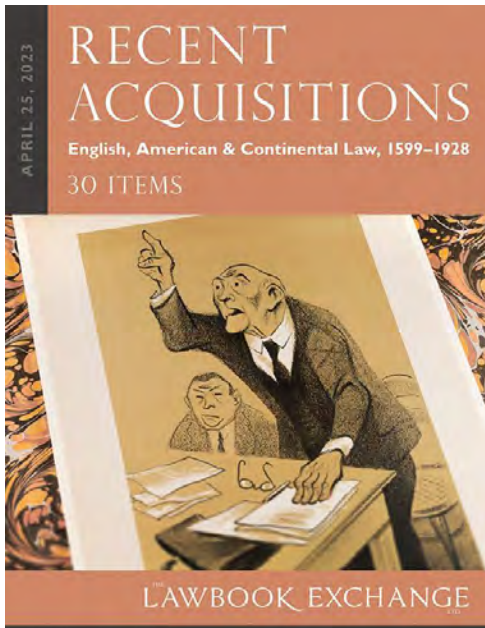
Contemporary calf, blind rules to boards, raised bands to spine, gilt tooling to board edges. Light rubbing, faint dampstaining and a few minor nicks and scuffs to boards, moderate rubbing to extremities, removing most of the board-edge gilding, chipping to head of spine, joints starting at ends, corners bumped and somewhat worn, hinges cracked, a few cracks to text block, library bookplate and small shelf label to front pastedown. Moderate toning to interior, faint dampstaining to upper-outside corners of final quarter of text block, light soiling to title page, (illegible) annotation in small early hand to front free endpaper. \$150.

* Later edition. First published in 1642, Wingate's *Exact Abridgment* offered a shorter alternative to the lengthy compilations of Rastell and Pulton. A standard work, it was updated and reissued several times. Its final edition appeared in 1708.

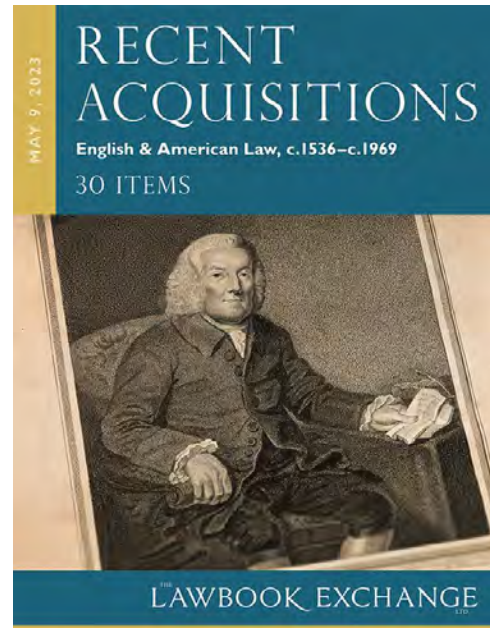
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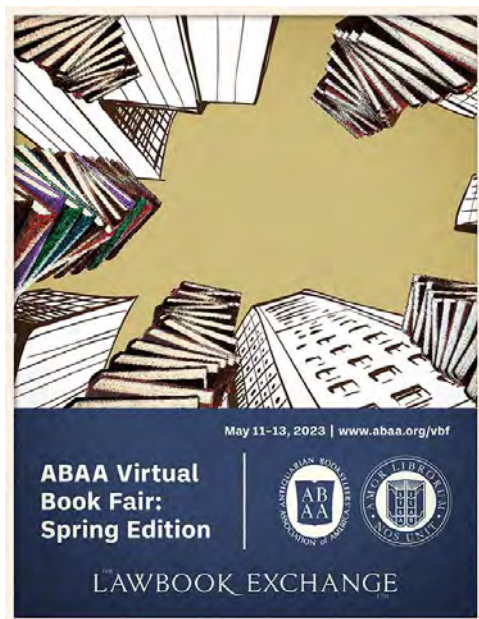
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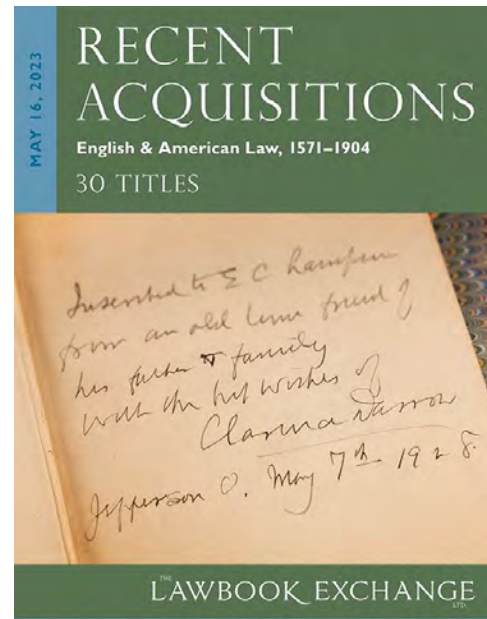
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