

The Lawbook Exchange, Ltd.

30 Recent Acquisitions

October 2013

Eller 94

1. Blackstone, Sir William [1723-1780].

Commentaries on the Laws of England: By the Late Sir W. Blackstone. To Which is Added an Analysis by Barron Field, Esq. A New Edition, With Practical Notes, By Christian, Archbold, And Chitty; Together with Additional Notes and References, By a Gentleman of the New-York Bar. New York: Published by Collins & Hannay [et al.], 1830. Two volumes. xx, 393, 532 [i.e. 432]; xv, 379, 335, 107 pp. Blackstone's paging retained in margin. Fold-out Table of Descents. Octavo (8-1/2" x 5-1/2").

Recent paper-covered boards, calf lettering pieces, endpapers renewed. Some toning, light foxing to most of text, early annotations in pencil to a few leaves. A nice copy. \$950.

* A corrected reissue of the 1827 New York edition copyrighted by W.E. Dean and published by E. Duyckinck. Blackstone's paging retained in margins. The American editor is unknown, as is the "Gentleman of the New-York Bar." The longer notes, which are from the 1803 and 1811 London editions, are signed, but many notes taken from other editions are not. American authorities are included in the notes. Unlike the 1827 edition, this does not have a portrait frontispiece. OCLC locates 28 copies. Eller, *The William Blackstone Collection in the Yale Law Library* 94.

Eller 120

2. Blackstone, Sir William.

Commentaries on the Laws of England: In Four Books; With an Analysis of the Work. In Two Volumes, From the Nineteenth London Edition. With a Life of the Author, And Notes, By Christian, Chitty, Lee, Hovenden, And Ryland; And Also References to American Cases, By a Member of the New York Bar. Philadelphia: J.B. Lippincott & Co., 1870. Two volumes. xxxvi, 404, 468; xx, 369, 402 pp. Blackstone's paging retained in margin. Fold-out Table of Descents. Octavo (8-1/2" x 5-1/2").

Later buckram retaining original lettering pieces, endpapers renewed. Light shelfwear, some soiling to spine, corners bumped. Light toning to text, faint spotting in places. Early owner embossed stamp to title pages, internally clean. \$250.

* This is a reissue of the 1841 New York edition, which follows the text and notes of the 1832 New York edition. Eller, *The William Blackstone Collection in the Yale Law Library* 120.

The Best Edition of *Britton*

3. [Breton, John le (d. 1275), Attributed].

Wingate, Edm[und] [1596-1656], Editor.

Britton. The Second Edition. Faithfully Corrected According to Divers Ancient Manuscripts of the Same Booke. London: Printed by the Assignes of John Moore, 1640. [xv], 287, [21] ff. Octavo (5-3/4" x 3-1/2").

Recent period-style speckled calf, blind rules to boards, raised bands and blind rules to spine, endpapers renewed, other endleaves lacking, early armorial bookplate (of James Bengough of ye Inner Temple London Gent. 1702) to verso of title page. Some toning to text, light foxing in a few places, light foxing to title page, internally clean. A handsome copy. \$2,500.

* Second edition. Text in Law French, preliminaries and corrections in English. Along with *Fleta*, *Britton* is one of two significant law books produced during the reign of Edward I [1272-1307]. According to Francis Morgan Nichols, editor of the 3rd ed. (1865), it is a legal compilation with no known author, wrongly attributed to John Britton, or Le Breton, bishop of Hereford. The oldest English book in Law-French, it was probably a response to a wish by Edward I to produce a digest of the English law in the spirit of Justinian's *Institutes*. Book One outlines the authority of justices and officers and defines the nature of various personal pleas (including pleas of the crown). Book Two describes disseisins and their remedies. Book Three treats intrusions and their remedies. Book Four describes pleas relating to advowsons and the property of churches (and of attaints). Book Five outlines pleas of dower and entry. Book Six defines different kinds of proprietary actions. In all, this treatise offers an incomparable overview of British law during the medieval era. The first edition was issued was printed in 1540. As Wingate observes, it is "exceeding full of manifest imperfections,"

including the omission of an entire chapter (Advertisement [iii]). Wingate corrects these errors and supplies the missing chapter. (All of these improvements to the 1540 edition are listed in an appendix.) Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:52 (11).

Rights Reserved by the Crown

4. [Brydall, John (b.1635?)].

Jura Coronae. His Majesties Royal Rights and Prerogatives Asserted, Against Papal Usurpations, And All Other Anti-Monarchical Attempts and Practices. Collected Out of the Body of the Municipal Laws of England. London: Printed for George Dawes, 1680. [xiv], 147, [5] pp. Copperplate frontispiece (of the royal arms of Great Britain). Includes five-page publisher catalogue. Octavo (6-1/2" x 4-1/2").

Contemporary sheep, blind rules to boards and spine, early hand-lettered title to fore-edge of text block. Light rubbing to extremities, corners bumped and lightly worn, chipping to head of spine, boards lightly scuffed and slightly bowed, pastedowns loose. Light toning to text, somewhat darker in places. Brief early annotations to front pastedown and title page, interior otherwise clean. \$1,500.

* Only edition. Brydall was a fellow of Queen's College, Oxford, and a bencher of Lincoln's Inn. A remarkably prolific writer, he published 36 legal treatises, and left 30 others in manuscript at the time of his death. All of these are brief, synthetic works. Holdsworth says they are good summaries that are "clearly arranged and based on the leading authorities." Written near the end of the Stuart Monarchy, *Jura Coronae* is a strongly monarchist overview of the laws and legal rights reserved by the Crown. Thomas Jefferson owned a copy of this work. OCLC locates 10 copies in North American law libraries. Holdsworth, *A History of English Law* VI:605. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:113 (7). Sowerby, *Catalogue of the Library of Thomas Jefferson* 2706.

Laws Relating to the Stuart-Era Nobility

5. Brydall, John.

Jus Imaginis Apud Anglos; Or the Law of England Relating to the Nobility & Gentry. Faithfully Collected and Methodically Digested for Common Benefit. London: Printed for John Billinger, 1675. [xvi], 76, [1] pp. Copperplate frontispiece. Folding table. Octavo (6-1/2" x 4-1/4").

Contemporary sheep, blind rules to boards, blind rules and gilt ornaments to spine. Light rubbing to extremities, heavier rubbing to spine removing gilding from title and parts of ornaments, spine ends bumped some wear to head of spine, paper covering of front pastedown loose. Early shelf label and copperplate armorial bookplate (of John Hirey Esq.) to front pastedown. Moderate toning to text, occasional faint dampspotting, light soiling to title page, some edgewear to front endleaves. Tiny early owner signature (of Jonathan Airey) to head of title page, interior otherwise clean. \$900.

* Only edition. OCLC locates 12 copies in North American law libraries. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:203 (9).

A Stuart-Era "Nutshell"

6. Brydall, John.

Speculum Juris Anglicani, Or, A View of the Laws of England, As They are Divided into Statutes, Common-Law and Customs: Incidentally, Of the Customs Appertaining to the Famous City of London, Never Before Printed; Together with Resolutions on Several of Them, Given by the Reverend Judges at Westminster. London: Printed by John Streater, Eliz. Flesher and H. Twyford, 1673. [viii], 150 pp., final blank included in most collations lacking. Octavo (5-3/4" x 3-3/4").

Contemporary sheep, blind rules to boards, later gilt fillets to spine, publication date to foot, fragment of lettering piece. Some rubbing to extremities, some chipping to head of spine, corners bumped, front board beginning to separate but still quite secure, rear hinge starting, partial crack in text block between pp. 144 and 145. Light toning to text, internally clean. A solid copy. \$1,750.

* Only edition, one of two imprints issued the same year. *Speculum Juris Anglicani* is an elementary review of English statutory and customary law. It was, says Holdsworth, "doubtless useful" to the student. OCLC locates 5 copies in North American law libraries (Columbia, Georgetown, Library of Congress, University of Michigan, University of Minnesota). Holdsworth, *A History of English Law* VI:600. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:237 (5).

First Edition of a Classic Guide to English Law and Government that Inspired the American Founding Fathers

8. [Care, Henry (1646-1688)].

English Liberties: Or, The Free-Born Subject's Inheritance, Containing I. Magna Charta, The Petition of Right, The Habeas Corpus Act; And Divers Other Most Useful Statutes: With Large Comments Upon Each of Them II. The Proceedings in Appeals of Murther; The Work and Power of Parliaments; The Qualifications Necessary for Such as Should be Chosen to that Great Trust. Plain Directions for All Persons Concerned in Ecclesiastical Courts; And

How to Prevent or Take Off the Writ De Excommunicato Capiendo. As Also the Oath and Duty of Grand and Petty Juries. III. All the Laws Against Conventicles and Protestant Dissenters with Notes, And Directions both to Constables and Others Concern'd, Thereupon; And an Abstract of All the Laws Against Papists. London: Printed by G. Larkin, For Benjamin Harris, [1680 or 1682]. [x], 228 pp. 12mo. (5-3/4" x 3-1/4").

Recent quarter calf over marbled boards, gilt-decorated raised bands and gilt title to spine, endpapers renewed. Light toning to text, somewhat darker in places, worm hole to bottom margin of leaves at beginning of text, to pp. 17-18, clean horizontal tear to pp. 219-20, internally clean. An appealing copy. \$2,850.

* First edition, one of two imprints from that year (1682 publication date conjectured by Wing). This classic layman's guide reviews, from a Whig perspective, the principles of English law and government. It emphasizes the role of Magna Carta, Parliament and juries in the preservation of civil rights and prevention of tyranny. First published in America in 1721, it had a profound influence on several colonial readers, including the founding fathers. It was the primary source for William Penn's *Excellent Privilege of Liberty and Property* (1687), a work that inspired support for the revolution. George Mason used it when drafting Virginia's Declaration of Rights (1776). Jefferson, who owned this edition and another copy, printed in London in 1719, probably referred to it when he wrote the Declaration of Independence and the Virginia Statute for Religious Freedom. Its influence is also evident in the Bill of Rights. OCLC locates 2 copies of this imprint (at Harvard Law School and the Library of Congress, Law Division). See Sowerby, *Catalogue of the Library of Thomas Jefferson* 2702, 2703. Wing, *Short-Title Catalogue of Books Printed in England, Scotland, Ireland, Wales and British America* C515. *English Short-Title Catalogue (ESTC)* R31286.

A Profound Influence in the American Colonies, One of the Two Editions Owned by Jefferson

9. [Care, Henry].

N[elson], W[illiam] [b.1653], Editor.

English Liberties, Or the Free-Born Subject's Inheritance; Containing Magna Charta, Charta de Foresta, The Statute De Tallagio non Concedendo, The Habeas Corpus Act, And Several Other Statutes; With Comments on Each of Them. Likewise, The Proceedings in Appeals of Murder: Of Ship-Money; Of Tonnage and Poundage. Of Parliaments, And the Qualification and Choice of Members: Of the Three Estates, And of the Settlement of the Crown by Parliament. Together with a Short History of the Succession, Not by Any Hereditary Right: Also a Declaration of the Liberties of the Subject: And of the Oath of Allegiance and Supremacy. The Petition of Right; With a Short but Impartial Relation of the Difference Between Charles I. And the Long Parliament, Concerning the Prerogative of the King, The Liberties of the Subject, And the Rise of the Civil Wars. Of Trials by Juries, And of the Qualifications of Jurors: Their Punishment for Misbehaviour, And of Challenges to Them. Lastly, Of Justices of the Peace, Coroners, Constables, Church-Wardens, Overseers of the Poor, Surveyors of the Highways, &c. With Many Law Cases Throughout the Whole. Compiled First by Henry Care, And Now Continued, With Large Additions, By W.N. of the Middle Temple, Esq. [London]: Printed by Eliz. Nutt and H. Gosling, 1719. [xii], 356 pp. Octavo (7-1/2" x 4-3/4").

Contemporary paneled calf, large corner fleurons to boards, raised bands, tiny early owner shelf label and lettering piece to spine. Light rubbing to extremities with minor wear to spine ends and corners, which are lightly bumped, crack in text between front free endpaper and title page. Light toning to text, somewhat heavier in places. Early owner note (shelf number?) and small ink smudge to head of title page, interior otherwise clean. A handsome copy. \$1,500.

* Fourth edition. Jefferson owned a copy of this edition. See Sowerby, *Catalogue of the Library of Thomas Jefferson* 2702. *English Short-Title Catalogue (ESTC)* T112711.

Opinions Formed by Bribery?

10. [Care, Henry].

The Legality of the Court Held by His Majesties Ecclesiastical Commissioners, Defended. Their Proceedings No Argument Against the Taking Off Penal Laws & Tests. London: Printed, And Are to be Sold by Richard Janeway, 1688. [ii], 39, [1] pp. Front endleaf, a blank including in collation, lacking. Quarto (7-1/2" x 6").

Stab-stitched pamphlet bound into recent paper wrapper with typewritten spine title. Some edgewear and tiny tears to extremities, some fading to spine, moderate soiling to title page. Very light browning to text, inkspots and a few minor stains in places. "36" in small early hand to title page, interior otherwise clean. \$750.

* Only edition. In this essay Care, formerly an important Whig spokesman, defends the efforts of James II to push the Church of England towards Catholic doctrine through a selective purging of its clergy. Critics have attributed Care's uncharacteristic views in this piece to bribery by the Catholic faction in James's court. OCLC locates 4 copies in North American law libraries (Harvard, LA County, University of Minnesota, UVA). See *Dictionary of National Biography* III:954. *English Short-Title Catalogue (ESTC)* R23058. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:184 (5).

Darrow's Bribe?

11. [Darrow, Clarence (1857-1938)].

[6-1/2" x 8-1/2" Black-and-White Photograph of \$3,500 Bribe Intended for Juror George N. Lockwood at the McNamara Trial]. [Los Angeles: Newspaper Enterprise Association (Pacific Bureau), December 2, 1911]. A few creases, some wear to edges, margins excised, upper left hand corner clipped, stamps, annotation and caption to verso. \$150.

* The annotation reads: "Show Federal Dist. Atty. Devlin this foto and see if any Federal Law against using it. It's a peach, hope it goes. It's the \$3,500 that was to be paid to Geo. N. Lockwood as bribe in case he sat on jury. Money. Lar R." The sting operation that resulted in Darrow's bribery trial occurred on November 28, 1911, three days before the commencement of the McNamara trial.

Handsome Copy of a Rare Seventeenth-Century Treatise on Ecclesiastical Benefices

12. Delvaux (Del Vault), Andre [1569-1636].

De Beneficiis Libri IV. Quibus Tum ea Quae Theoriam Concernunt, Tum Maxime Quae in Iudiciis Practicantur, Solide Enucleantur. Cum Indice Omnium Rerum & Materiarum Locupletissimo. Opera Iuris-Consultis, Iudicibus, Advocatis, Ac Aliis Curiarum Utriusque Fori Practicis, & Theologis Utilissimum. Mechelen: Typis Roberti et Viduae Henrici Iaye, 1646. [xxxiv], 612, [84] pp. Copperplate pictorial title page, full-page coat-of-arms and author portrait. Quarto (7-1/2" x 5-3/4").

Contemporary vellum with lapped edges, hand-lettered spine (with later retouching), edges rouged, recent thong ties. Some darkening to spine, light spotting to boards, some wear to board edges and corners, rear pastedown just starting to detach along edges. Light toning to text, internally clean. A handsome copy. \$1,750.

* First edition. Andre del Vault, also known as Vallensis, taught canon Law at the University of Louvain. *De Beneficiis* is a treatise on ecclesiastical benefices. A second edition was published in 1758. Both editions are rare. Concerning the first edition, OCLC locates 4 copies, 1 in North America (at UC-Berkeley Law School). Not in Ferreira-Ibarra.

James I Prohibits Dueling

13. [Dueling].

[Great Britain].

James I [1566-1625], King of England.

A Publication of His Ma[aj]esties Edict, And Severe Censure Against Private Combats and Combatants; Whether Within his Highnesse Dominions, Or Without; With their Seconds, Accomplives, And Adhaerents: Straitly Charging All Officers, And Other his Ma[aj]esties Subjects, To Use no Connivencie, Or Remisse Proceeding Toward Such Offenders: For the Necessary and Timely Prevention of Those Heavy Events, Whereunto Aswell Kingdomes, As Worthy Families Become Obnoxious, By the Odious and Enormous Impieties Inevitably Subsequent Thereupon. London: Imprinted by Robert Barker, 1613 [i.e. 1614]. [iv], 119, [1] pp. (Original endleaves, counted in the ESTC collation, renewed.) Quarto (7" x 6-1/2").

Recent cloth, gilt title to spine. Large woodcut arms of Great Britain to verso of title page, large woodcut head-piece. Some toning to text, (very) faint dampstaining to foot of text block, some soiling to title page and verso of final leaf, internally clean. \$2,500.

* Only edition, one of two issues from the same year. A series of high-profile duels between leading courtiers in 1613 prompted James I to launch a campaign to suppress the practice. He prohibited dueling in a 1613 proclamation, classifying it a serious offense punishable in Star Chamber. He also reorganized the Court of Chivalry to serve as a substitute to the field of honor. (In a sense, these actions laid the foundation of the modern laws of libel and slander.) Several related rules and decrees followed. The proclamations and later edicts are collected in this book. Counting both issues, OCLC locates no copies in North American law libraries. We located a copy, however, at the law library of George Washington University. *English Short-Title Catalogue (ESTC)* S100678.

An Important Early Study of Russian Law

14. Ewers, Johann Philipp Gustav [1779-1830], Editor.

Das Altteste Recht der Russen in Seiner Geschichtlichen Entwicklung. Dorpat: Bei August Sticinsky/Hamburg: Bei Friedrich Perthes, 1826. xvi [i.e. xviii], 348 pp. Octavo (7-3/4" x 4-3/4").

Contemporary marbled paper, printed paper title label to spine. Some rubbing to boards and extremities, joints and spine ends abraded, corners bumped and somewhat worn. Some toning to text, light foxing in places. Owner signature (of Konrad von Maurer, dated 1849) to title page, interior otherwise clean. Ex-library. Location label to spine, bookplate to front pastedown, stamps and annotations to title page and its verso. \$250.

* First edition. Ewers, a German legal historian, established the field of Russian legal history. His 1826 monograph, one of his principal works, went through two more editions in Russian translation in 1835 and 1875. All are scarce today. Konrad von Maurer [1823-1902] was a distinguished legal historian who taught at the University of Munich. OCLC locates 3 copies of the first edition, none in North America. *British Museum Catalogue* (Compact Edition) 8:1154.

Greek Civil and Criminal Law Under the New Codes

15. Gaitas, Paulos.

Stoicheia tou Politikou Dikaiomatos. Smyrna: Ek tes Ionikes Typhgraphias Antoniou Patrikiou, 1835. Two volumes. [xx], 338, [9]; [viii], 253, [11] pp. Octavo (7" x 4-1/2").

Later buckram, red and black lettering pieces to spine, endpapers renewed. Some shelfwear and soiling, wear to lettering pieces of Volume I. Some toning, edges of a few leaves trimmed closely (due to binder error) with minor loss, internally clean. Ex-library. Location number to spines, bookplate to front pastedown, stamps and annotations to title pages and their versos. \$1,000.

* Only edition located. Modern Greece was established by the conclusion of the Greek War of Independence in 1829. In the following years it established a codified legal based influenced by French and German models. *Stoicheia tou Politikou Dikaiomatos* analyzes the civil and criminal law of Greece according to codes adopted in 1833 and 1834. It appears to be the first book to address these codes. All early modern-era Greek law books are rare. Concerning the present volume, OCLC locates 4 copies, 1 in a law library (Indiana University). Not in the *British Museum Catalogue*.

The Power to Tax is Restricted to Parliament

16. Hakewill, William [1574-1655].

The Libertie of the Subject: Against the Pretended Power of Impositions. Maintained by an Argument in Parliament An. 7. Jacobi Regis. London: Printed by R.H., An. Dom. 1641. [viii], 142, [2] pp. Quarto (7-1/2" x 5-1/4").

Contemporary mottled calf, rebaked in period style, blind rules to boards, gilt title and blind rules to spine. Light scuffing to boards, which are slightly bowed, corners bumped, joints just starting at head, hinges cracked, front free endpaper partially detached but secure, section lacking from rear pastedown. Title printed within typographical border, typographical head-pieces and tail-pieces. Light toning to text, faint dampstaining to upper margins of some leaves. Early institution annotation (Union Theol. Sem'y 117f) to front pastedown, early owner signature (Ri. Corbett/ 1680) to title page, interior otherwise clean. A solid copy of a scarce title. \$950.

* Only edition. This book was based a speech delivered at the last session of the long Parliament before the Civil War by Hakewill, M.P. for Bossiney in Cornwall, Bencher of Lincoln's Inn and a notable legal antiquarian. Copies of the text circulated widely. Appreciating its value, the Long Parliament ordered it to be printed. Based on a wide range of historical sources, some from the time of the Saxon kings, it asserts the illegality of extra-parliamentary taxation. It is an important early statement of the principal that taxation without representation is illegal and tyrannical. *English Short-Title Catalogue (ESTC)* R9193.

A Notable Orientalist

17. Hammer-Purgstall, Joseph, Freiherr von [1774-1856].

Des Osmanischen Reichs Staatsverfassung und Staatsverwaltung, Dargestellt aus den Quellen seiner Grundgesetze. Vienna: In der Camesinaschen Buchhandlung, 1815. Two volumes. xlii, 499, [1]; x, 531 pp. Octavo (8" x 4-3/4").

Contemporary marbled paper, lettering pieces to spines. Some wear to extremities, shallow scuff to front board of Volume 2, corners bumped and somewhat worn. Some toning to text, light foxing in places. Owner signature (of Konrad von Maurer, dated 1841) to title pages, interiors otherwise clean. Ex-library. Location label to spine, bookplates to front pastedowns, stamps and annotations to title pages and versos. \$750.

* Only edition. Hammer-Purgstall was an Austrian diplomat who held posts in Constantinople and other Eastern cities. He spent the latter part of his career in Vienna as a privy counselor. An important Orientalist, he wrote extensively on Arabic, Persian and Turkish culture and history. *Des Osmanischen Reichs Staatsverfassung und Staatsverwaltung* is a historical study of the constitutional history, constitutional law and administrative law of the Ottoman Empire. Konrad von Maurer [1823-1902] was a distinguished legal historian who taught at the University of Munich. OCLC locates 3 copies in North American law libraries (Harvard, Library of Congress, UC-Berkeley).

A Pioneering Study of Italian Political and Constitutional History

18. Hegel, Karl von [1813-1901].

Geschichte der Städteverfassung von Italien seit der Zeit der Römischen Herrschaft bis zum Ausgang des Zwölften Jahrhunderts. Leipzig: Weidmann'sche Buchhandlung, 1847. Two volumes. [xii], 499, [9]; [ii], 465, [5] pp. Octavo (8" x 4-3/4").

Contemporary marbled paper, hand-lettered title labels to spines. Some wear to extremities, corners bumped and somewhat worn. Some toning to text, light foxing in places. Owner signature (of Konrad von Maurer, dated 1847) to title pages, interiors otherwise clean. Ex-library. Location label to spine, bookplates to front pastedowns, stamps and annotations to title pages and their versos. \$450.

* Only edition. Karl von Hegel, son of the great philosopher, was a notable historian. His *Geschichte der Städteverfassung* is a pioneering study of the political and constitutional history of Italy during the Medieval era, with a focus on the period spanning 476 to 1268. This copy belonged to Konrad von Maurer [1823-1902], a distinguished legal historian who taught at the University of Munich. *British Museum Catalogue* (Compact Edition) 11:1066.

Welcome Home, Mr. Justice

19. Jackson, Robert H. [1892-1954].

[7" x 9" *Black-and-White Photograph of Jackson Kissing His Wife*]. [New York: Acme News Agency, August 2, 1946]. Light wear to edges, stamps, annotations and caption to verso. \$125.

* The caption reads (in part): "JACKSON BACK FROM WAR CRIMES TRIALS (...) Supreme Court Justice Robert H. Jackson is greeted by his wife shortly after his arrival at Washington National Airport from Nuremberg, Germany, where he has been chief American prosecutor at the Nazi War Crimes Trials."

A Spirited Defense of the Common Law

20. [Lawyers].

[Great Britain].

The Impartial Lawyer, Or, Suitor's Guide. Containing Such Special Adjudged Cases, As Immediately Concern Persons Employed in the Laws of England; As Chief Officers, Counsellors, Justices, Sheriffs, Bayliffs, Attorneys, Clerks, And Solicitors. Wherein is Demonstrated, What Remedy the Lawyers and Lawful Officers May have Against Such as Would Defame or Defraud Them in Their Lawful Practice. As Also, Such Relief as Others May Have Against Them, For Their Unjust or Irregular Proceedings. To Which is now Prefixed, A Preface, In Answer to Several Popular Objections Made Against Our Laws. London: Printed by J. Walthoe, 1731. xx, 255, [1] pp. Includes one-page publisher advertisement. Octavo (7-1/4" x 4-1/2").

Later three-quarter sheep over marbled boards, endpapers renewed, lettering piece lacking. Moderate rubbing to extremities, chipping to spine ends, corners bumped and somewhat worn, joints starting, hinges cracked. Light toning to text, foxing in a few places. Top-edge of text block trimmed closely (with minor loss to head lines and page numbers, upper corner of text block worn with no loss to legibility). Early struck-through owner signature to head of title page, interior otherwise clean. \$500.

* Second and final edition. Originally published in 1709 and known colloquially as the "Suitor's Guide," this is, on the surface, a handbook for lawyers and lay-people with an interest in the legal system. Woven through it is a spirited, sometimes cranky, defense of the common law. OCLC locates 1 copy in North America (at Yale Law School, which has the second edition). The second edition is reissue of the first with a new preface. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:271 (83).

Curious Promotional Item

21. [Legal Advertisement].

Bishop, George H., Composer.

Pleading and Practice Grand March. 2 Step. Compliments of the Edward Thompson Company, Northport Long Island, N.Y. [Northport: Edward Thompson Company, 1896].

4 leaves of sheet music in double staves (for piano) bound in color lithographed pictorial wrappers. White portions lightly toned, colors vibrant. Minor edgewear, including a few small tears, spine reinforced with archival tape, internally clean. A curious item. \$350.

*The rear cover reads: "Don't Worry About Your Procedure But Use 'Encyclopaedia of Pleading and Practice.'" Conceived for performance on the parlor piano, this march was distributed to potential purchasers of *The Encyclopedia of Pleading and Practice, Under the Codes of Practice Acts at Common Law, in Equity and In Criminal Cases* by William Mark McKinney [1865-1955], which was published by the Edward Thompson Company in 23 volumes from 1895 to 1902. The front cover depicts a grand parade in honor of the encyclopedia. Flanked by a brass band, human-sized copies of the first two volumes are riding at the head in an elegant carriage with two fine horses and a driver in livery. They are followed by a column of motley books (with arms, legs and heads) titled Criminal Law, Law of Torts, Law of Contracts and Law of Evidence that is marching under the banner "Old Style Text Books."

A Landmark Treatise on the Art of Advocacy

22. Mackenzie, Sir George [1636-1691].

An Idea of the Modern Eloquence of the Bar. Together with a Pleading Out of Every Part of Law. Edinburgh: Printed by Mr. Robert Freebairn, 1711. xxvi, 298 pp. Octavo (6-1/2" x 4").

Contemporary paneled sheep with gilt central panel with large corner fleurons, raised bands and gilt ornaments to spine, all edges gilt, marbled endpapers. Light rubbing to boards, somewhat heavier rubbing to extremities, corners bumped, gilding to spine ornaments oxidized, about an inch of the bottom edge of front pastedown and free endpaper worn away, less wear to title page and following two leaves with minor loss to text, a few partial cracks to text block, faint dampstaining and dampspotting to some leaves, internally clean. \$2,000.

* Only separate edition in English. This landmark treatise on the art of advocacy was originally published in 1681 in Latin as *Idea Eloquentiae Forensis Hodiernae*. It was the first book on this subject in the English-speaking world. MacKenzie "became notable for his resistance to the pretensions of the Crown, but in 1677, he was made Lord Advocate and in the next few years prosecuted and persecuted Covenanters with such zeal as to earn the title 'The Bloody Mackenzie.' In many cases he strained the law so as to obtain a conviction" (Walker). He is also well-known as an important man of letters and as the founder the Advocates Library, now the national law library for Scotland. OCLC locates 6 copies in North American law libraries (Harvard, University of Cincinnati, University of Pennsylvania, U.S. Supreme Court, Wisconsin State, Yale). Walker, *Oxford Companion to Law* 792. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 5:74.

A Spanish Critique of Lands Held in Mortmain by the Church

23. Rodriguez Campomanes, Pedro, Conde de [1723-1803].

Tratado de la Regalia de Amortizacion, En el Qual se Demuestra por la Serie de las Varias Edades, Desde el Nacimiento de la Iglesia en Todos los Siglos y Países Catolicos, El Uso Constante de la Autoridad Civil, Para Impedir las Ilimitadas Enagenaciones de Bienes Raices en Iglesias, Comunidades, Y Otras Manos-Muertas; Con una Noticia de las Leyes Fundamentales de la Monarquia Espanola Sobre Este Punto, Que Empieza con los Godos, Y se Continúa en los Varios Estados Sucesivos, Con Aplicacion a la Exigencia Actual del Reyno Despues de su Reunion, Y al Beneficio Comun de los Vasallos. Con Real Permiso. Madrid: En la Imprenta Real de la Gaceta, 1765. [viii], x, 296 pp. Folio (13-3/4" x 8-3/4").

Contemporary mottled sheep, gilt spine with raised bands, edges rouged, marbled endpapers. Moderate rubbing to extremities with some wear to spine ends and corners, front board beginning to separate, but quite secure, rear hinge starting. Title page printed in red and black, woodcut text ornaments. Very light toning to text, somewhat heavier in places. Early annotations to verso of half-title, interior otherwise clean. Ex-library. Location label to spine, small inkstamp to title page, annotations and stamps to verso. An attractive copy. \$650.

* First edition. In the Middle Ages the Church acquired an enormous amount of land and other property. In most cases, it was held in mortmain, a feudal principle, later adopted by the common law, that restricted conveyance to specific parties, in this case those within the Church, unless an exception was made by a monarch. The Church's accumulation of material wealth through this practice was an important aspect of the conflict between church and state in the Medieval and early modern periods. Secular criticism became stronger during the Enlightenment, a movement that viewed the Church with suspicion, as we can see in this treatise by Rodriguez Campomanes, a notable Enlightenment-influenced Spanish statesman. It begins with a history and review of mortmain, then builds an argument for its curtailment. It was a fairly well-circulated book. An Italian translation was published in 1767 and a second Spanish-language edition followed in 1821. *British Museum Catalogue* (Compact Edition) 21:880.

**Issued on the
Eve of the Revolution**

24. Somers (Sommers), Lord [John] [1651-1716], Attributed.

Defoe, Daniel [1661?-1731], Attributed.

Dunton, John [1659-1733], Attributed.

The Judgment of Whole Kingdoms and Nations, Concerning the Rights, Power and Prerogative of Kings, And the Rights, Privileges and Properties of the People: Shewing the Nature of Government in General, Both from God and Man. An Account of the British Government and the Rights and Privileges of the People in the Time of the Saxons, And Since the Conquest. The Government Which God Ordained Over the Children of Israel; And that All Magistrates and Governors Proceed From the People, By Many Examples in Scripture and History, And the Duty of Magistrates From Scripture and Reason. An Account of Eleven Emperors, And Above Fifty Kings Deprived for Their Evil Government. The Rights of the People and Parliament of Britain, To Resist and Deprive Their Kings for Evil Government, By King Henry's Charter, And Likewise in Scotland, By Many Examples.... Boston: Printed by I. Thomas, For J. Langdon, In Cornhill, [1773]. 144 pp. Octavo (8-1/2" x 5").

Recent period-style calf, raised bands and lettering piece to spine, hinges mended, light browning and foxing to text. Bookplate of Dwight Foster to front pastedown, his stamp to front free endpaper, internally clean. Book housed in a recent cloth clamshell box with morocco lettering piece. A handsome copy. \$1,750.

* Twelfth edition, corrected. This highly popular tract was first published in 1709 with the title *Vox Dei, Being True Maxims of Government*. Somers, a barrister of the Middle Temple, was Lord Chancellor of England and the author of *The Security of Englishmen's Lives* (1681), a tract on juries and one's right to a jury trial. The present work outlines the development of English freedoms, and calls for religious freedom, resistance to tyranny and a limited monarchy. It found a ready audience in the colonies on the eve of the American Revolution and was issued by presses in Philadelphia, Boston and Newport. It was read by several Founding Fathers, including Thomas Jefferson, who, owned the 1773 Philadelphia imprint. This work is attributed sometimes to John Dunton or Daniel Defoe. Dwight Foster [1757-1823], a Federalist, was a U.S. Senator from Massachusetts. Some sources, such as Evans and Cohen, date this imprint to 1774. Isaiah Thomas's copy, now owned by the American Antiquarian Society, bears his handwritten date of 1773. See Sowerby, *Catalogue of the Library of Thomas Jefferson* 2712. Cohen, *Bibliography of Early American Law* 6372.

**A Scarce
History of Roman-Dutch Law**

25. Spiegel, Laurens Pieter van de [1763-1800].

Verhandeling Over den Oorsprong en de Historie der Vaderlandsche Rechten, Inzonderheid van Holland en Zeeland. Goes: By Jacobus Huysman, 1769. xii, 138, [1] pp. Octavo (8" x 4-1/2").

Later buckram, red and black lettering pieces to spine, endpapers renewed. Some shelfwear and soiling, about half of lower lettering piece worn away, some toning to text. Early owner signature (of Konrad von Maurer, dated 1823) to title page, interior otherwise clean. Ex-library. Location number to spine, bookplate to front pastedown, stamp and annotations to title page and its verso. \$200.

* Only edition. Spiegel worked as a state official in Zeeland, where he held a variety of important offices. Roberts notes he was a "writer of some importance in the field of Dutch legal history." *Verhandeling*, one of his principal works, is a general history of Roman-Dutch law. Konrad von Maurer [1823-1902] was a distinguished legal historian who taught at the University of Munich. OCLC locates 7 copies in North America, 4 in law libraries (Harvard, UC-Berkeley, University of Michigan, Yale). Roberts, *A South African Legal Bibliography* 290. Dekkers, *Bibliotheca Belgica Juridica* 164 (2).

**Scarce Trial
Involving Poison, Abortion and Murder**

26. [Trial].

Angus, Charles, Defendant.

Jones, William, Jr., Reporter.

The Trial of Charles Angus, Esq., On an Indictment for the Wilful Murder of Margaret Burns, At the Assizes Held at Lancaster, On Friday, 2d Sept. 1808. Before the Hon. Sir Alan Chambre, One of the Justices of His Majesty's Court of Common Pleas. Taken in Short Hand. Liverpool: Printed by William Jones, [1808]. [iv], 288 pp. Octavo (8" x 5").

Three-quarter calf over marbled boards, rebaked with period-style gilt spine with lettering piece, hinges mended. Light rubbing to boards, corners lightly bumped, residue from bookplate to front pastedown, front free endpaper and final leaf re-hinged (and a small tear near the gutter carefully repaired). Moderate toning to text, light foxing in a few places, some soiling to verso of final leaf, internally clean. A nice copy. \$1,250.

* Only edition. Angus was charged with assisting Margaret Burns in the abortion of their child. They used "corrosive sublimate of Mercury," which killed the fetus, and Margaret. Angus was acquitted after a trial rich in lurid detail. The publisher, who also recorded the trial in shorthand, clearly hoped to profit from the scandalous nature of the trial. Whatever commercial success this publication may have had, it is an interesting trial that tells us much about the status of women in northern Britain in the early nineteenth century. OCLC locates 7 copies in North American law libraries (Indiana Supreme Court, Los Angeles County, Social Law, the Universities of Minnesota and Virginia and Yale and York Universities).

Wirt's Famous Speech at the Trial of Aaron Burr

27. [Trial].

Burr, Aaron [1756-1836], Defendant.

Wirt, William [1772-1834].

The Two Principal Arguments of William Wirt, Esquire, On the Trial of Aaron Burr, For High Treason, And on the Motion to Commit Aaron Burr and Others, For Trial in Kentucky. Richmond: From the Press of Samuel Pleasants, Jun., 1808. [iii], 221 pp. 12mo. (6" x 3-3/4").

Recent cloth, printed paper title label to spine, endpapers renewed. Moderate toning, somewhat darker in a few places, faint dampstaining near end of text block. Owner signature of Charles Sidney Coxe to head of title page, interior otherwise clean. \$1,800.

* Only edition. This book contains Wirt's famous principal speech for the prosecution in the trial of Aaron Burr. Lasting nearly four hours, and characterized by eloquence, wit and logic, it enhanced his national stature. Burr was accused of leading a conspiracy to steal land from Mexico and the Louisiana Purchase in order to establish a nation under his rule. Burr was arrested and tried in 1807 on charges of treason, but was acquitted. Charles Sidney Coxe, the probable owner this copy was a judge of the District Court of Philadelphia and associate of Tocqueville. OCLC locates 3 copies in North American law libraries (Harvard, Library of Congress, UVA). Cohen, *Bibliography of Early American Law* 14120.

Rufus Choate's Copy

28. [Trial].

Darnes, William P., Defendant.

Nelson, Thomas S., Reporter.

A Full and Accurate Report of the Trial of William P. Darnes, On an Indictment Found by the Grand Jury of St. Louis County, At the September Term, 1840, Of the Criminal Court of Said County, On a Charge of Manslaughter in the Third Degree, For the Death of Andrew J. Davis, (Late of Northboro', Mass.) In the City of St. Louis, On the First of June, 1840. Boston: Saxton and Peirce, 1841. 269 pp. Octavo (7-3/4" x 5").

Stab-stitched pamphlet in printed wrappers, untrimmed edges. A few chips to extremities, front joints starting, some wear to foot of spine, interior notably bright. "R. Choate" to head of front wrapper and title page, interior otherwise clean. \$650.

* Second and final edition. Davis was the well-known owner of a St. Louis newspaper that published several highly critical columns about Darnes, an important local politician. Enraged, Darnes attacked Davis on the street with an iron rod, striking him in the head. Rushed to a hospital, Davis was operated on, but died a few days later. Darnes was indicted. The trial lasted two weeks and engaged some of the best lawyers and medical experts in the area. The case turned on whether Davis died from the blow or his medical treatment. Both sides offered a strong case. In the end Darnes was convicted of fourth-degree manslaughter and fined \$500. This copy belonged to Rufus Choate [1799-1859], the great Massachusetts lawyer and statesman. He was a member of the U.S. House of Representatives from 1831-34, U.S. Senator from 1841-45 and Attorney General of Massachusetts from 1853-54. This case not in McDade. Stevens, *St. Louis, The Fourth City, 1764-1911* 1:369-70. *Catalogue of the Library of the Harvard Law School* (1909) II:1057.

"Diabolically Ravished, Murdered, And Thrown Into a Pit"

29. [Trial].

Thornton, Abraham [c.1793-1860], Defendant.

Horrible Rape and Murder!! The Affecting Case of Mary Ashford, A Beautiful Young Virgin, Who was Diabolically Ravished, Murdered, And Thrown Into a Pit, As She Was Returning From a Dance; Including the Trial of Abraham Thornton, For the Wilful Murder of the Said Mary Ashford; With the Whole of the Evidence, Charge to the Jury, &c. Tried at Warwick Assizes, Before Mr. Justice Holroyd, On the 8th of August, 1817. Taken in Short Hand. To Which is Added Copious Elucidations of this Extraordinary Case; And a Correct Plan of the Spot Where the Rape and Murder were Committed, &c. &c. London: Published by John Fairburn, 1817. [ii], 60 columns (34 pp), 64, [1] pp. Several contemporary newspaper clippings concerning this case pasted to final leaf, rear wrapper and verso of title page. Woodcut folding map of crime scene. Octavo (8-3/4" x 5-1/2").

Stab-stitched pamphlet in printed wrappers, untrimmed edges. Some soiling and edgewear, spine and fold-lines of table reinforced, fore-edge mended, some toning to text. Early owner signatures and annotation to front wrapper and map (not the image side), interior otherwise clean. \$950.

* "Third Edition." Abraham Thornton, a bricklayer, "was accused of rape and murder after attending a dance where he became intimate with a gardener's daughter named Mary Ashford. They left the dance together and her body was found the next morning in a deep pool of water near a local footpath. Thornton was tried at the Warwick assizes on 8 August 1817. Since the marks on Mary's body were not necessarily inconsistent with Thornton's claim that she had consented to sexual intercourse, and since the times on the morning in question when Thornton was seen walking home to Bromwich suggested he could not have been with her when she met her death, the jury found him not guilty. The case aroused much interest and reminded people of a similar murder of a local woman a year earlier. Many were convinced of Thornton's guilt and he was assailed in local and London newspapers. A group collected around the Birmingham solicitor William Bedford invoked the old legal process of 'appeal of murder,' by which a person acquitted of murder could be tried again for the same offense. This process was generally regarded as obsolete, though there had been several instances in the eighteenth century. More controversy arose when Thornton came before the court of King's Bench in November 1817 and demanded ordeal by battle, which was open to the subject of an appeal of murder but had not been claimed since Charles I's reign. After several hearings between November 1817 and April 1818 the court decided that the appellee did have this right. The appeal of murder was dropped. Appeals of murder were abolished in 1819 partly because of this case" (Turner). Unable to lead a normal life, Thornton emigrated to the US and settled in Baltimore. OCLC locates 7 copies of this imprint, 2 in North America, 1 in a law library (Yale). Turner, Michael J., "Thornton, Abraham," *Oxford Dictionary of National Biography* (online edition).

Trials of the Jacobites

[Trials].

Kilmarnock, William Boyd, Earl of, [1704-1746], Defendant.

Balmerino, Arthur Elphinstone, Lord [1688-1746], Defendant.

Cromarty, George Mackenzie, Earl of [c. 1702-1766], Defendant.

The Whole Proceedings in the House of Peers Upon the Indictments Against William Earl of Kilmarnock, George Earl of Cromartie, and Arthur Lord Balmerino; for High Treason, In Levying War Against His Majesty: The Proceeding in Westminster Hall Being Begun on Monday the 28th Day of July, and Continued on Wednesday the 30th of July, and Friday the First of August, 1746: On the Last of Which Days Judgment of High Treason Was Given Against Them. Published by Order of the House of Peers. London: Printed for Samuel Billingsley, 1746. [iv], 39, [1] pp.

[Bound with]

Lovat, Simon, Lord [1675?-1747], Defendant.

The Whole Proceedings in the House of Peers, Upon the Impeachment Exhibited by the Knights, Citizens, and Burgesses, in Parliament Assembled, in the Names of Themselves and of All the Commons of Great Britain; Against Simon Lord Lovat, for High Treason: The Proceedings in Westminster-Hall Being Begun on Monday the 9th day of March, and Continued on Tuesday the 10th, Wednesday the 11th, Friday the 13th, Monday the 16th, Wednesday the 18th, and Thursday the 19th Days of March 1746-7: On the Last of Which Days Judgment of High Treason Was Given Against Him. Published by Order of the House of Peers. London: Printed for Samuel Billingsley, 1747. [iv], 188 pp.

Folio (13-3/4" x 9"). Contemporary calf, gilt rules to boards, raised bands, gilt ornaments and lettering piece to spine. Moderate rubbing to extremities with some wear to spine ends and corners, minor scuffing, boards beginning to separate (but well secured by cords). Light toning to text. Ex-library. Location number in early hand to lower corner of front free endpaper, tiny inkstamp to title page. An appealing copy. \$750.

* First editions. Kilmarnock [1704-1706], Balmerino [1688-1746], Cromarty [1702-1766] and Lovat [1667?-1747] were leaders of the (second) Jacobite Rebellion. All three were convicted and executed for high treason. (Lovat holds the dubious honor as the last British peer to meet this fate.) Sponsored by France, the Jacobites attempted to restore the crown to Prince Charles Stuart (Bonnie Prince Charlie), the eldest son of James II, who was deposed by the House of Orange in the Glorious Revolution. These fascinating reports contain transcripts of the trials with narrative commentary and transcripts of the indictments and orders of the courts. They are invaluable sources dealing with the English interpretation of the rebellion when it was still a recent event. *Catalogue of the Library of the Harvard Law School* (1909) II: 1120, 1131.

**Final Edition of
Wheaton's *History of the Law of Nations***

30. Wheaton, Henry [1785-1848].

Histoire des Progres du Droit des Gens en Europe et en Amerique Depuis la Paix de Westphalie Jusqu'a nos Jours. Avec une Introduction sur les Progres du Droit des Gens en Europe Avant la Paix de Westphalie. Leipzig: F.A. Brockhaus, 1853. Two volumes. xii, 403; vi, 410 pp. Octavo (7-3/4" x 4-3/4").

Contemporary marbled paper, lettering pieces to spines. Some rubbing to extremities with wear to spine ends and corners. Some toning to text, light foxing in places. Owner signature (of Konrad von Maurer, dated 1853) to title pages, interiors otherwise clean. Ex-library. Location numbers to spines, bookplates to front pastedowns, stamps and annotations to title pages and versos. \$250.

* Third and final edition. Wheaton published his great treatise when he was the American envoy in Berlin. The first edition was published in French in 1841 by the Leipzig publisher Brockhaus. An expanded English-language edition, published in New York by Banks, Gould, followed in 1845. The final two editions were issued by Brockhaus, both in French. (The text in both is identical.) Konrad von Maurer [1823-1902] was a distinguished legal historian who taught at the University of Munich. Cohen, *Bibliography of Early American Law* 7210.

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