

**The Lawbook Exchange, Ltd.**  
**30 Titles on Wills and Estates**  
**November 2013**



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## 30 Titles on Wills and Estates

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#### Comprehensive and Uncommon Treatise on Wills

##### 1. Alexander, John Edmundson.

*Commentaries on the Law of Wills Embracing Execution Interpretation and Administration, including Those Rules of Real Property and Principles of Equity Which Effect Testamentary Dispositions, With Full References to American and English Statutes and Decisions, And Also an Appendix Containing Forms and Precedents, and the Leading Wills Acts.* San Francisco: Bender-Moss Co., 1917-1918. Three volumes.

Original buckram, red and black lettering pieces to spine. Light shelfwear and soiling. Owner signatures to heads of spine, boards and preliminaries, interiors otherwise clean. \$450.

\* Sole edition. "The author has attempted to set forth the principles and rules under and by which wills were first governed, to trace their changes, to explain their development, and to state those today governing. And since the present rules have evolved from those in the past, it is hoped that the portions of this work dealing with very early matters may prove not only of interest, but of actual benefit; and since the statutory law in the United States is based largely upon that of England, the statutes and decisions of England have been given equal prominence with those of the United States" (Volume I, iv).

#### Two Scarce Sixteenth-Century Italian Works on Roman and Canon Law

##### 2. Bero, Agostino [1474-1554].

Thomasius, Joannes, Editor.

*Quaestiones Familiares: Pragmaticis Percommoda.* Venice: Apud Io. Antonium Bertanum, 1574. [lxxii], 445, [3] pp.

[Bound with]

Marzari, Francesco.

*In Materiam Fideicommissariam Epitome Francisci Marzarii Vicentini Iurisconsulti ac in Rot. Genuens. Bononiens. Florentina Quondam Auditoris Integerrimi.* Venice: Apud Vincentium Vianum, 1574. [viii], 67, [1] pp.

Octavo (6" x 4"). Contemporary vellum, early hand-lettered title to spine. Some soiling, a few minor stains, light rubbing to extremities, vellum beginning to crack through front and rear pastedowns, hinges cracked, text block secure. Moderate toning to text, faint dampstaining to margins of a few leaves, internally clean. Nice copies of two scarce titles. \$1,500.

\* Bero, Later edition; Marzari, first edition. *Quaestiones Familiares* was first published in Bologna with title *Familiares Quaestiones*. Its 136 *quaestiones* deal mostly with Roman or canon law. Whatever the topic, most of Bero's authorities come from canon law. A durable work, it went through five editions, the last in 1629. As indicated by its title, Marzari's treatise addresses the Roman law of fideicommissum, the request by a testator to any person who benefited by his will or intestacy to give certain objects to a third party. Both titles are scarce, especially Marzari's. OCLC locates 3 copies in North America, all of the 1574 edition (UT-Austin Ransom Library, Harvard and UC-Berkeley Law Schools). *Censimento Nazionale Delle Edizioni Italiane del XVI Secolo* (EDIT16) Bero: CNCE5561; Marzari CNCE38579.

#### A Curious, And Scarce, Blackstone Item

##### 3. Blackstone, Sir William [1723-1780].

*Brief of Sir William Blackstone, Photolith Facsimile from the Original in the Possession of the Publisher. Limited to One Hundred Copies.* San Francisco: Fred T. Darvill, [c. 1938]. [8] pp. Folio (17" x 11").

Stiff stapled printed wrappers. Light soiling, negligible shelfwear, internally clean. \$500.

\* Facsimile copies of the printed briefs for the case in the House of Lords between Thomas Broome *v.* Samuel Swann. The brief submitted by Blackstone and his co-counsel the year he finished Volume II of his *Commentaries* (1766) displays his talents as an appellate advocate and conveyancer. Blackstone prevailed through a clever point regarding a writ of recovery.

## An Important Study of Inheritance and Succession in Roman law

### 4. Bluntschli, Johann Caspar (Kaspar) [1808-1881].

*Entwicklung der Erbfolge Gegen den Letzten Willen nach Römischen Recht mit bes. Rücksicht auf die Novelle 115.* Bonn: Bei Adolph Marcus, 1829. x, 310 pp. Octavo (8" x 5").

Original marbled publisher boards, paper title label to spine. Moderate rubbing to extremities, heavy rubbing to spine, front joint starting, lower half of rear joint cracked through hinge, early bookseller stamp to front pastedown. Light toning to text, early annotations to rear pastedown. A nice copy. \$950.

\* First edition. A notable work of Historical School jurisprudence, this treatise addresses the Roman law of inheritance and succession and wills with comparisons to these laws in Prussia and, to a lesser extent, other German states. Bluntschli was one of the great Continental Jurists of the nineteenth century. He published a code for the Canton of Zurich and works on German private law, the law of war and international law. His most important historical work is the *Geschichte des Allgemeinen Staatsrechts und der Politik* (1864). *British Museum Catalogue* (Compact Edition) 3:687.

## Duties of the Surrogate Courts

### 5. [Bridgen, T. Attwood (d.1833)].

*The Office of Surrogate; and Executor's and Administrator's Guide: With Precedents and Forms, Suited to All Cases in Relation to the Duties of Executors and Administrators.* By A Surrogate of Albany. Albany: Published by William Gould and Co., 1825. [iv], [5]-192 pp. Octavo (8" x 5").

Contemporary quarter sheep over paper boards, blind rules and lettering piece to spine. Some rubbing with wear to spine ends, joints and corners, a few tiny ink spots to boards, front hinge cracked but secure, clean tear to fore-edge of a leaf with no loss to text. Light foxing in a few places, interior otherwise clean. \$75.

\* First edition. "[I]t is the sole design of the author to endeavour to produce a due estimation and duties of the SURROGATE COURTS: and to render familiar to a large class of the community the responsible duties of their office of Executors and Administrators.": Preface, [iii]. Cohen, *Bibliography of American Law* 4602.

## Popular Sixteenth-Century Study of Topics in Roman Law

### 6. Claro, Giulio [1525-1575].

*Tractatus de Testamentis, De Feudis, De Donationibus, De Iure Emphyteotico: Nunc ab Omnibus Erroribus Maxima Diligentia Emendati: Cum Summariis, & Repertoriis Omnium Quaestionum, Ac Incidenter Dictorum.* Venice: Apud Franciscum Laurentinum, 1566. 8, [32], 243 ff. Octavo (6" x 4").

Contemporary limp vellum with lapped edges, faint early hand-lettered title to spine, later signature (Romatelli) to front cover, ties lacking. Light soiling, rubbing to extremities, insect damage to rear cover, front joint cracked, pastedowns loose. Large woodcut printer device to title page, woodcut decorated initials. Occasional early annotations and underlining. Toning, dampstaining in a few places, interior otherwise clean. A solid copy. \$800.

\* Second edition. With indexes. First published in 1565, this popular work on wills, gifts, feudal writs, usury and other topics in Roman criminal and civil law went through numerous editions throughout Europe well into the eighteenth century. These four tracts were books 3-4 of the author's unfinished *Sententiae Receptae*. Claro was a Milanese jurist. OCLC and KVK locate one copy of this edition in North America (at the Library of Congress). Another copy located at Harvard Law School. This edition not in Adams. *Censimento Nazionale delle Edizioni Italiane del XVI Secolo* (EDIT 16) CNCE 12641.

## Uncommon Innovative Treatise Dealing With Deeds

### 7. Cornish, William Floyer [c.1801-1830].

#### Horsey, George [1819-1899], Editor.

*Cornish's Treatise on Purchase Deeds, of Freehold Estates, And Incidentally of Leasehold Property, With Precedents and Practical Notes.* Philadelphia: T. & J.W. Johnson & Co., 1856. xxiii, [25]-172, 4 pp. Star-paged. Includes four-page publisher catalogue. Octavo (9" x 5-3/4").

Contemporary sheep, blind frames to boards, blind fillets and lettering piece to spine. A few scuffs and stains to boards, some wear to spine ends, joints and corners, hinges just starting at ends. Offsetting to margins of endleaves, light foxing to a few leaves. Owner annotation to front pastedown, his signature to facing free endpaper and head of preface, interior otherwise clean. \$350.

\* First and only American edition, based on the second London edition of 1855, to which it is star-paged. "In many respects this is a remarkable work. Originally published in 1828, it was the precursor of the modern forms of conveyancing, in respect to brevity and conciseness. Certainly it is most highly creditable to the sagacity of the author, and demonstrates the soundness of his acquaintance with principles, to find that so little advance has been made ahead of the principles which being then in a miserable minority, he so many years ago advocated, and so little improvement effected in the framework in which he embodied his views. But the book is not only remarkable it is in the highest degree adapted for use. (...) This work having been given to the world at a time when the public was not prepared for innovation, and had not acquired the now reigning tastes for brevity despatch, and economy of time, labour, and expense, attracted but little attention, and has never been as well known as it deserved to be. Mr. Horsey, however, the editor of the new edition, by careful additions and improvements, has brought up the work to the standard of the present day...": *Law Magazine: Or Quarterly Review of Jurisprudence* 23 (1855) 198. This treatise was also reprinted in *The Law Library* 90 (May/June 1856). Cohen, *Bibliography of Early American Law* 9515.

### Two Well-Preserved Studies by a Notable French Humanist Jurist

#### 8. Du Moulin, Charles [1500-1566].

*Extrictio Labyrinthi de Eo, Quod Interest: Cum Nova & Analytica Explicatione, & Conciliatione Legum Omnium Materiae, Multis Iam Saeculis Densissimis Errorum, & Perplexitatum Tenebris Implicatissimae, Praecipue l. Unicae. C. De Senten. Quae Pro eo Quod Interest.* Lyons: Apud Antonium Vincentium, 1555. [xxiv], 302, [10] pp.

#### [Bound with]

#### Du Moulin, Charles.

*Tractatus Duo Analytici. Prior, De Donationibus Factis, Vel Confirmatis in Contractu Matrimonii. Posterior, de Inofficiosis Testamentis, Donationibus, & Dotibus.* Lyons: Apud Antonium Vincentium, 1556. 159, [1] pp.

Octavo (6-1/2" x 4"). Contemporary limp vellum with lapped edges and thong ties, early hand-lettered title to front cover. Light soiling and edgewear, minor horizontal crack to spine, a bit of bookplate residue to front free endpaper, interior notably fresh. A remarkably well-preserved volume containing two scarce titles. \$4,500.

\* Second edition. Du Moulin was a distinguished French humanist lawyer. First published in 1546, *Extrictio Labyrinthi* is a detailed commentary on the Roman law governing loans and interest. The other book is a commentary on marriage contracts, gifts and testaments. *Extrictio*: Baudrier, *Bibliographie Lyonnaise* V:231; *Tractatus*: Adams, *Catalogue of Books Printed on the Continent of Europe, 1501-1600* D-1078.

### Freeman's Probate Auxiliary

#### 9. Freeman, Samuel [1743-1831], Editor.

*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").

Recent period-style quarter calf over cloth, gilt fillets and lettering piece to spine, endpapers renewed. Small early owner signature to head of title page, interior otherwise clean. An appealing copy of a scarce title. \$500.

\* Only edition. Written when he was Probate Register for Cumberland County, Freeman was a lawyer and judge in Portland, Maine 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.

### An Authority on the Laws of Ohio

#### 10. Giaque, Florian [1843-1921].

*The Settlement of Estates of Deceased Persons, Including the Subjects of Wills, Executors, Administrators, Testamentary Trustees, Dower and Partition, and Other Matters Connected with Such Estates in Ohio with Numerous Notes, Forms and Practical Suggestions.* Cincinnati: The Robert Clarke Company, 1898. xvi, 866 pp. Octavo (9" x 6")

Contemporary law calf, blind fillets to boards, red and black lettering pieces to spine. Moderate rubbing to extremities, light rubbing to boards, joints just starting at ends, chipping to head of spine, hinges partially cracked. Owner stamp to front pastedown, light toning to text, internally clean. \$95.

\* Fourth edition. The first edition was published in 1893. A durable work, it reached its seventh and final edition in 1907. Giaque was an authority on the laws of Ohio and editor of *The Revised Statutes of the State of Ohio* (1889 and later editions).

## The "First Really Able" Book on the Subject

### 11. Godolphin, John [1617-1678].

*The Orphans Legacy: Or, A Testamentary Abridgment. In Three Parts: I. Of Last-Wills and Testaments, II. Of Executors and Administrators, III. Of Legacies and Devises: Wherein the Most Material Points of Law Relating to That Subject, Are Succinctly Treated: As Well According to the Common and Temporal, As Ecclesiastical and Civil Laws of This Realm. Illustrated with a Great Variety of Select Cases in the Law of Both Professions, As Well Delightful in the Theory, As Useful for the Practice of All Such as Study the One, Or Are Either Active or Passive in the Other. Much Augmented and Enlarged.* London: Printed for Chr. Wilkinson, 1677. [viii], 478 [i.e. 476], [20] pp. Quarto (8-3/4" x 6-1/2").

Contemporary calf, blind rules and small corner fleurons to boards, rebaked in period style with raised bands and lettering piece. Some rubbing to extremities, a few minor scuffs and spots to boards, corners bumped and somewhat worn, hinges mended. Toning to text, early owner annotations and signatures to endleaves, some scribbling to title page, interior otherwise clean. A nice copy. \$300.

\* Second edition. "The first really able books upon ecclesiastical law as a whole were written by Godolphin in the latter half of the seventeenth century. (...) [One of them is his] *Orphan's Legacy* [which deals with the subject] from the point of view not only of the ecclesiastical law, but also of the common law, and of the rising jurisdiction of the Chancellor" (Holdsworth). First published in 1674, its fourth and final edition appeared in 1701. Holdsworth, *A History of English Law* V:12. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:492 (13).

### Pre-Fire Chicago Imprint

### 12. Haines, Elijah M.

*The Probate Manual, Being a Complete Guide for Executors, Administrators, And Guardians, Under the Law of Illinois, With Practical Forms.* Chicago: Keen & Lee, 1856. 147, [1] pp. Octavo (8-1/2" x 5-1/4").

Contemporary three-quarter morocco over marbled boards, gilt title and fillets to spine. Some rubbing to boards and extremities, moderate toning and foxing to text. Early owner signature to front free endpaper, interior otherwise clean. \$450.

\* First edition. This appears to be the earliest manual of its kind produced for Illinois. OCLC locates 8 copies, 4 in law libraries (LA County, Library of Congress, St. Louis University, University of Cincinnati, Cohen, *Bibliography of Early American Law* 4687.

### Popular Guide to a Legal Area "Beset With Doubts and Intricacies"

### 13. Hudson, J[ohn] C[orrie].

*The Executor's Guide.* London: Printed for Longman, Orme, Green, And Longmans, 1838. iv, 192, 4 pp. Includes four-page publisher catalogue. 12mo. (6" x 4").

Flexible moire cloth with decorative blind stamping, gilt title to front board, all edges gilt. Light rubbing to extremities, early owner signature to front free endpaper, internally clean. \$200.

\* First edition. Reissued and revised several times as late as 1878, this popular layman's handbook offered a guide to an area of the law "beset with doubts and intricacies." OCLC locates 2 copies of this edition in North America, one at Osgoode Hall, the other at the Livermore, California Public Library. No other editions located. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:174.

### An Important Eighteenth-Century Treatise on Wills

### 14. Lovelass, Peter [f. 1786-1812].

*The Law's Disposal of a Person's Estate Who Dies Without Will or Testament: Shewing in a Clear, Plain, Easy, And Familiar Manner, How a Man's Family or Relations Will be Entitled to His Real and Personal Estate, By the Laws of England, And Customs of the City of London and Province of York, To Which is Added the Disposal of a Person's Estate, by Will and Testament; Containing an Explanation of the Mortmain-Act, With Instructions and Necessary Forms for Every Person to Make, Alter, and Republish His Own Will. Likewise Directions for Executors How to Act After the Testator's Death.* London: Printed for the Author, and sold by T. Whieldon, 1790. xx [i.e. xxi], [1], 258, [10] pp. Octavo (8-1/2" x 5-1/2").

Contemporary mottled calf, lettering piece and gilt ornaments to spine. Light rubbing to extremities, corners bumped and somewhat worn, front joint starting at head. Some toning to text, faint dampstaining and minor worming to a few leaves, internally clean. A sound copy. \$450.

\* Sixth edition, enlarged. Published originally in 1785 as *The Will Which the Law Makes, Or How it Disposes of a Person's Estate in Case He Dies Without Will or Testament*, this useful and popular book went through thirteen subsequent editions, the last in 1839. Beginning with this edition, Lovelass expanded his scope to include people who had wills. Although this book was written for laymen, it was also embraced by the legal profession. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:492 (20, 21).

### Scarce Treatise on Transfer, Contracts and Other Topics in Roman Law

#### 15. Noalis, Nicolaus [16th/17th Cent.].

*De Transmissione Tractatus, In Quo Agitur de Transmissione Fideicommissorum, Legatorum, Substitutionum Directarum, Haereditatis, Contractuum, & Aliarum Materiarum. Nunc ab Autore Summa Diligentia Expurgatus, & Pluribus Additionibus Auctus. Cum Indice Locupletissimo.* Venice: Sumptibus Altobelli Boni, 1630. [xviii], 189 [i.e. 188] ff. Main text printed in double columns. Folio (13" x 9").

Original thick paper printer's boards, early hand-lettered title to spine, untrimmed edges. Some soiling to spine and wear to extremities, text block partially detached, pastedowns loose. Title page with attractive large copperplate printer device printed in red and black, handsome woodcut head-piece and decorated initials. Early owner signatures to front endleaf, tiny inkstain to title page, interior otherwise clean. \$1,500.

\* Third and final edition. First published in Frankfurt in 1624, this treatise discusses transfer, trusts and trustees, legacies, contracts and obligations in Roman law. Little is known about Noalis; he is identified as a "Iurisconsulti Veneti" on the title page of *De Transmissione*. OCLC locates 3 copies, none in a law library (Princeton, University of Chicago, Library of Congress). KVK locates 7 copies of this edition. Not in the *British Museum Catalogue*. See Pazzaglini and Hawks, *Consilia* N18, which notes a copy of this edition bound to another work.

### A Pair of Rare Portuguese Treatises

#### 16. Pinto, Antonio Joaquim de Gouvea [1777-1833].

*Manual de Appellacoes, E Aggravos, Ou, Deducao Systematica dos Principios Mais Solidos, E Necessarios, Relativos a Sua Materia, Fundamentada nas Leis Deste Reino, Para Uso, E Utilidade da Magistratura, E Advocacia.* Lisbon: Simao Thaddeo Ferreira, 1813. xii, 149, [1], 25, [1]. pp. Signatures I and K bound in reverse order.

#### [Bound With]

#### Pinto, Antonio Joaquim de Gouvea.

*Tratado Regular, E Pratico de Testamentos, E Sussessoes, Ou Comendio Methodico das Principaes Regras, E Principios que se Podem Deduzir das Leis Testamentarias, Tanto Patrias, Como Subsidiarias, Illustrados, e Aclarados com as Competentes Notas.* Lisbon: Na of. de S.T. Ferreira, 1813. xi, 193, [1] pp., errata leaf.

Quarto (8" x 6"). Contemporary quarter calf over marbled boards, lettering piece and gilt ornaments to spine, speckled edges. Light rubbing to extremities, corners bumped and somewhat worn, law-office bookplate to front pastedown. Some toning, light foxing to a few leaves. Early owner signatures to preliminaries, annotations to some leaves. An attractive volume. \$850.

\* First editions. Pinto held a variety of judicial posts and wrote several treatises on a variety of legal topics. *Manual de Appellacoes* addresses the law of appeals in general, special forms of appeal, the originals of appeal and appellate courts and their jurisdictions. The final 25-page section is a chronological list of laws referred to in the text, ranging in date from 1302 to 1812. Later editions were published in 1816, 1820 and 1846. The second title addresses wills, inheritance and succession. It is organized along the same lines as the *Manual de Appellacoes*. Later editions were published in 1820, 1851, 1877 and 1881. All are rare, especially in North America. OCLC locates 1 copy of each of our 1813 imprints (both in the Berlin Staatsbibliothek). These editions not listed in the *British Museum Catalogue*.

### A "Profound" Scholar of Estates and Real-Property

#### 17. Preston, Richard [1768-1850].

*An Essay on the Quantity and Quality of Estates, With More Immediate Reference to the Law of Merger.* Corrected with Additions. Philadelphia: John S. Littell, 1843. xiv, 244 pp. Octavo (9" x 5-1/4").

Recent cloth, lettering piece to spine, endpapers renewed. Occasional faint dampstaining, interior otherwise fresh. \$250.

\* First American edition, from the third volume of the third London edition of Preston's *A Treatise on Conveyancing* (1829), to which it is star-paged. A conveyancer and a member of the Inner Temple, Preston wrote several treatises on estates and real property. His "knowledge of the technique of real-property law was profound, and his works on conveyancing are masterpieces of patient research and lucid exposition." *Dictionary of National Biography* XVI:312. This book was Volume 42 of *The Law Library* (Oct./Dec. 1843). Cohen, *Bibliography of Early American Law* 9493.

## Commentaries on Two Royal *Ordonnances*

### 18. [Salle, Jacques Antoine].

*L'Esprit des Deux Ordonnances de Louis XV, Sur les Donations et sur les Testamens: Developpe par la Conference de Leur Texte, Avec Celui des Anciennes Ordonnances, Edits & Declarations, Ensemble, Avec la Jurisprudence des Differens Parlemens du Royaume & les Sentimens des Jurisconsultes.* Paris: Chez la Veuve Rouy, 1752. [xi], 2-475, [3] pp.

[And]

### Salle, Jacques Antoine.

*L'Esprit des Deux Ordonnances de Louis XV sur les Substitutions et sur le Faux: Pour Servir de Suite a l'Esprit des Deux Ordonnances sur les Donations & Sur les Testamens, Du Meme Auteur, M. Salle.* Paris: Chez Savoye [et al.], 1754. [iv], 561, [4] pp. Signatures hh and gg bound in reverse order.

Octavo (6" x 4"). Contemporary speckled calf, blind rules to boards, gilt spines with lettering pieces, edges rouged, marbled endpapers, ribbon markers. Some rubbing to extremities, corners bumped, some chipping to heads of spines, some scuffing to center of spine of 1752 volume. Light toning to text, discoloration to margins of a few leaves at beginning and end of each volume. Early owner signature to 1754 volume, interiors otherwise clean. \$1,000.

\* First editions. These are commentaries on *ordonnances* of Louis XV concerning wills, donations, substitution and forgery. Though issued and often catalogued separately, these two titles were intended to be a pair. OCLC locates 4 copies of this edition of the 1752 title, 2 in North America (at UC-Davis and Harvard Law School), 5 copies of the 1754 title, 2 in North America (at McGill University and the University of Chicago).

## A Scarce Treatise on the Roman Law of Wills

### 19. S[aumaise], Cl[audef] [1588-1653].

*Specimen Confutationis Animadversionum Desiderii Heraldi Sive Tractatus de Subscribendis & Signandis Testamentis, Item de Antiquorum & Hodiernorum Sigillorum Differentia.* Leiden: Ex Officina Elseviriorum, 1648. 376, [7] pp. Octavo (6-1/4" x 4-1/4").

Contemporary vellum with lapped edges, blind frames and large central arabesques to boards, raised bands and lettering piece to spine, marbled edges and endpaper, ribbon marker. Light soiling, spine ends bumped, corners bumped and somewhat worn. Elzevier tree device to title page, woodcut head and tail-pieces. Some toning to text, light foxing in a few places, faint dampstaining to margins of index and rear endleaves, internally clean. \$1,250.

\* First edition. This is treatise on the Roman law of wills that pays particular attention to the proper drafting, endorsement and presentation of testaments. A second edition was published in 1653. Saumaise was an *avocat* of the *Parlement* of Paris. OCLC locates no copies of either edition in North American law libraries, but we located 2 copies of the 1646 edition at George Washington and UC-Berkeley Law Schools. Willems, *Les Elzevier: Histoire et Annales Typographiques* 645.

## Historic Study of Gavelkind

### 20. Somner, William [1598-1669].

*A Treatise of Gavelkind, Both Name and Thing, Shewing the True Etymologie and Derivation of the One, the Nature, Antiquity, and Original of the Other. With Sundry Emergent Observations, Both Pleasant and Profitable to be Known of Kenting-Men and Others, Especially Such as Are Studious, Either of the Ancient Custome, Or the Common Law of This Kingdome. By (A Well-Wisher to Both).* London: Printed by R. and W. Leybourn, 1660. [xxiv], 216 [8] pp. Quarto (7" x 5-1/2").

Nineteenth-century three-quarter calf over marbled boards, raised bands, gilt fillets and lettering piece to spine, endpapers renewed. Light rubbing to boards, some wear to extremities, joints just starting at ends, front hinge cracked but secure, rear hinge starting, title page partially detached but secure. Armorial bookplate to front pastedown, woodcut head-pieces, tail-pieces and decorated initials. Light toning to text, occasional light foxing. An attractive copy overall. \$1,000.

\* First edition, second issue. Gavelkind is a form of land tenure unique to Kent (and its environs) in which land descends equally to the decedent's sons. It was common during the Saxon era, but was gradually supplanted by primogeniture after 1066. Produced during the first wave of modern English legal scholarship, Somner's pioneering work was the first study of gavelkind, and one of the first important studies of early English law. Philological in orientation, it is a history of gavelkind and an analysis of its forms. Texts of significant documents are included. He also goes beyond his subject in one section to discuss the law of succession to chattels. Somner, a pupil of Causubon, was an ecclesiastical lawyer and historian of Anglo-Saxon law and literature who is best known for his pioneering Saxon-Latin-English dictionary (1659). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:477 (31). *English Short-Title Catalogue* R20010.

## "Noted For the Soundness of Its Doctrines"

### 21. Sugden, Sir Edward Burtenshaw [1781-1875].

*A Practical Treatise of the Law of Vendors and Purchasers of Estates. Second American, From the Fifth London Edition: With Notes and References to American Decisions By Edward D. Ingraham.* Philadelphia: Published by J. Webster, 1820. lxx, 558, 83 pp. Octavo (9" x 5-1/2").

Contemporary calf, maroon lettering piece, blind-stamped fillets to boards. Small chip to head of spine, light wear to joints, hinges starting, blank leaf after front free endpaper lacking. Owner name in faint letters near head of spine, early annotations to endleaves and verso of p. 81, occasional light foxing, interior otherwise clean. An attractive copy. \$200.

\* Second American from Fifth London edition. With forms and an appendix containing summaries of important cases. Sugden was a barrister of Lincoln's Inn and Solicitor General. And as a member of Parliament, he was instrumental in the passage of several acts dealing with estates, wills and trusts. "The number of editions through which *Vendors and Purchasers* has passed evinces the estimation with which it is regarded by the profession. It was first published in one vol. 8vo. in 1805, and each successive edition has been enlarged, in order to keep pace with the growth of the law. It is a most useful and thoroughly written work, and is noted for its accuracy, and the soundness of its doctrines.": Marvin, *Legal Bibliography* 678. Cohen, *Bibliography of Early American Law* 2713.

### Preparing to File with the Surrogate's Office

### 22. Surrogate's Office, Hudson, New York.

*Directions to Executors and Administrators on Taking Inventory.* Hudson: [Surrogate's Office], 1872. 13 pp. 12mo. (5-3/4" x 3-1/2").

Stab-stitched pamphlet in printed wrappers. Light soiling and minor edgewear, early owner signature to front wrapper. Light browning to text, internally clean. \$75.

\* "The following sections of the Statutes prescribe the manner in which the inventory shall be taken, in order to be filed with the Surrogate, and the kind and character of the property which is to be deemed assets, and of which the executor or administrator, as such, is to have the control and management (3).

### First Edition of the First Standard Treatise on Wills

### 23. Swinburne, Henry [1560?-1623].

*A Briefe Treatise of Testaments and Last Willes, Very Profitable to be Understood of All the Subjects of This Realme of England, (Desirous to Know, Whether, Whereof, And How, They May Make Their Testaments: And by What Meanes the Same May be Effected or Hindered,) And no Lesse Delightfull, Aswell for the Rareness of the Worke, As for the Easines of the Stile, And Method: Compiled of such Lawes Ecclesiasticall and Civill, As be Not Repugnant to the Lawes, Customes, Or Statutes of this Realme, Nor Derogatorie to the Prerogative Royall. In which Treatise Also are Inserted Divers Statutes of this Land, Together with Mention of Sundrie Customes, As Well General as Particular, Not Impertinent Thereunto: Besides Divers Marginall Notes, And Quotations Not to be Neglected, Especially of Iustinianists, Or Young Students of the Civil Law: With Two Tables, The One Analytical, Describing the Generall Order of the Whole Treatise: The Other Alphabetically, Disclosing the Particular Contents Thereof: That in the Beginning; This in the End of the Booke.* London: Printed by Iohn Windet, 1590 [colophon date 1591]. [xii], 293, [13] ff. Quarto (9" x 6-1/2").

Contemporary calf, blind rules and later corner fleurons to boards, rebacked, raised bands and lettering piece to spine, endpapers renewed. Some rubbing to extremities, corners bumped and somewhat worn, front hinge starting at head. Woodcut head-pieces and decorated initials. Minor toning to text, faint dampstaining in places, minor worm hole to outer margins of final sixteen leaves. Early owner signatures and annotations to front endleaf, interior otherwise clean. An appealing copy. \$5,000.

\* First edition. The testamentary jurisdiction of ecclesiastical law was a separate branch that produced its own literature. From the sixteenth until well into the seventeenth century Swinburne's was the standard treatise on this subject. Holdsworth, who cites it often and considers it "the most practically useful book of [its] period" notes that "it is a very useful summary of the law as to wills and executors as administered in the ecclesiastical courts.": *A History of English Law* V:14. *English Short-Title Catalogue* S118058. Beale, *A Bibliography of Early English Law Books* T498.

### With Interesting Information Regarding the Legal Status of Women

### 24. Thornton, James B. [1806-1867].

*A Digest of the Conveyancing, Testamentary and Registry Laws of All the States of the Union: Embracing References to the Leading Decisions Upon These Subjects, In Most of the States, Together With the Forms, of Acknowledgment, Probate, Relinquishment, Etc., Required by the Statutes of and in Use by*



*Each: Preceded by a Brief Treatise on the General Rules Relating to the Nature, Execution and Operation of Deeds and Wills: Followed by an Appendix, Of the Most Approved General forms of Those Instruments: Being a Practical Manual and Guide, For Lawyers, Public Officers, And Men of Business.* Philadelphia: T. & J.W. Johnson, 1847. xxviii, [9]-470, [4] pp. Includes four pages of testimonials.

Contemporary sheep, blind fillets to boards, blind fillets and lettering piece to spine. Moderate rubbing to extremities, light scuffing to boards, some gatoring to spine, corners bumped. Light toning to text, foxing in places. Early owner signatures to front free endpaper, interior otherwise clean. \$100.

\* First edition (also a second and final edition in 1854). The author was a Virginia attorney practicing in Memphis. His book covers inter alia, Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and, by no means least, Texas (pp.381-88). There is much here relating to the legal status of women in each state. A valuable source and not a common book. A second and final edition was published in 1854. Cohen, *Bibliography of Early American Law* 9545.

### Executors and Administrators

#### 25. Toller, Sir Samuel [d.1821].

*The Law of Executors and Administrators.* Philadelphia: Published by Thomas Desilver, 1824. xxxvii, 584 pp. Octavo (8" x 5").

Contemporary calf, red and black lettering pieces. Moderate wear to boards and edges, chipping to spine ends, boards just beginning to separate from spine but still secure. Early owner signatures to front pastedown and title page, interior otherwise clean. \$40.

\* Second American from the Fifth London Edition. Sir Samuel Toller's work on the law of executors and administrators was originally published in 1800. Its final (seventh) edition was published in 1838. A popular treatise, it was esteemed for its brevity, clarity and clear organization. It remained the standard text until the publication of Williams's treatise on executors in 1832. Cohen, *Bibliography of Early American Law* 4662

### Tomlins on Wills

#### 26. Tomlins, Thomas Edlyne [1761-1841].

*A Familiar, Plain, And Easy Explanation of the Law of Wills and Codicils, And of the Law of Executors and Administrators. And Also the Rules by which Estates, Freehold and Copyhold, and Personal Estates in General, Descend, And Are to be Distributed, In Case No Will is Made. With Instructions to Every Person to Make his Own Will; The Necessary Forms for That Purpose; And The Expence of Obtaining Probates and Letters of Administration. The Whole Written as Much as Possible Without the Use of Law Words or Terms.* London: Printed for R. Baldwin, 1787. xii, 137, [3] pp. Octavo (9" x 5-1/2").

Recent period-style quarter calf over marbled boards, raised bands and lettering piece to spine, endpapers renewed. Toning, inkstains to a few leaves. Early owner signature to title page, interior otherwise clean. \$750.

\* Third edition. First published in 1785, this useful and popular book went through seven subsequent editions, the last in 1819. It was written for laymen. According to the preface, it was inspired by the author's "daily experience...of the mischiefs attending the neglect of that duty which every man owes his family, friends, or dependents, in the disposal and settlement of his property by will." Tomlins was a leading legal writer of his day. He published an important dictionary, edited important editions of Littleton's *Tenures* and Jacob's *A New Law-Dictionary* and contributed entries to the *Statutes of the Realm*. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:494 (37).

### The First American Treatise Dealing with the Law of Wills

#### 27. Vallette, Elie.

##### [Sparrow, Thomas (1746?-1780?), Engraver].

*The Deputy Commissary's Guide Within the Province of Maryland, Together with Plain and Sufficient Directions for Testators to Form, and Executors to Form Their Wills and Testaments, For Administrators to Complete Their Administrations, And for Every Person Any Way Concerned in Deceased Person's Estates, To Proceed Therein with Safety to Themselves and Others.* Annapolis: Printed by Ann Catherine Green and Son, 1774. iv, 248, [12] pp. Copperplate title page and table of descents. Octavo (7-3/4" x 5").

Contemporary sheep, re-backed retaining original spine with raised bands and lettering piece, hinges mended. Some edgewear, scuffs and contemporary hand-lettered titles to boards, early owner bookplate to front pastedown, top edge of text block trimmed affecting top edge of frame surrounding engraved title page. Light toning to text, early annotations to endleaves, early owner signatures to heads of title page and dedication leaf. \$2,500.

\* Only edition. The first original American legal work, and the earliest book published in America on the law of wills. Dedicated to Maryland Governor Robert Eden, it was printed by Ann Catherine Green, wife of Jonas Green, whom she succeeded as public printer of Maryland from 1767 to 1775. The engraved title page, the only one issued from a colonial Maryland press, and the plate were the work of Thomas Sparrow, the only engraver south of the Mason-Dixon Line prior to 1775. Vallette was registrar of the Prerogative Office of Maryland Province. Wroth, *Maryland Imprints* 338. Wroth, *The Colonial Printer in America* 290. Cohen, *Bibliography of Early American Law* 4632.

**"A Very Valuable Treatise on  
That Very Intricate and Important Subject"**

**28. Watkins, Charles [d.1808].**

*An Essay Towards the Further Elucidation of the Law of Descents.* London: Printed by A. Strahan and W. Woodfall, 1793. viii, 192, [15] pp. Fold-out copperplate Table of Descents. Octavo (5-1/2" x 8-1/2").

Original publisher boards with contrasting spine, untrimmed edges. Heavy rubbing to extremities and spine, joints starting, heavy scuffing to boards, Table of Descents partially detached but secure. Light foxing to a few leaves, interior otherwise fresh. A solid copy. \$350.

\* First edition. This is a useful supplement to Chapter 14, Volume II, of Blackstone's *Commentaries*, "Of Title by Descent". (This is, according to Blackstone, "the principal object of the laws of real property in England.") "Mr. Watkins' Essay on Descents is a very valuable treatise on that very intricate and important subject." Barton, *Modern Precedents in Conveyancing* cited in Marvin, *Legal Bibliography* 721. This treatise went through four editions, the final in 1837. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:478 (35).

**The Romance of Wills**

**29. [Wills].**

*Studies in Wills: Romance and Interest of An Old Story.* Baltimore: Mercantile Trust and Deposit Company, [1926]. [iv], 25 pp. Color frontispiece. Black-and white plates. Cloth very good in lightly worn and moderately soiled dust jacket. \$45.

\* A charming history of wills from antiquity to the present.

**"An Able and Learned Little Treatise"**

**30. Worthington, George.**

*A General Precedent for Wills, with Practical Notes.* Philadelphia: T. & J.W. Johnson, 1848. iii, 307 pp. Octavo (9" x 5-1/2").

Recent buckram. black-stamped title to spine, endpapers renewed. Light foxing in a few places, interior otherwise fresh. \$100.

\* Only American edition, from the fourth London edition, to which it is star-paged. It was also issued by Johnson as Volume 60 of *The Law Library*. "The separate clauses of wills are given, and each are explained and illustrated with notes. The notes are full, and amount, in fact, to an able and learned little treatise on the law of wills." *Jurist* cited in Marvin, *Legal Bibliography* 749. Cohen, *Bibliography of Early American Law* 4737.

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