

The Lawbook Exchange, Ltd.



See Items 31, 25 and 35

American Association of Law Schools Annual Meeting New York Hilton Midtown New York, NY, January 3-5, 2014

A Selection of Items From Our Inventory Booth 414

A Landmark in the History of Penology

**1. Beaumont, Gustave de [1802-1866].
Tocqueville, Alexis de [1805-1859].**

Du Systeme Penitentiaire aux Etats-Unis et de son Application en France; Suivi d'un Appendice sur les Colonies Penales et de Notes Statistiques. Paris: H. Fournier Jeune, 1833. [iv], viii, [2], 439 pp. Five plates, two folding. Octavo (8-1/4" x 5").

Contemporary quarter calf over marbled boards, lettering piece and gilt and blind ornaments to spine, marbled edges and endpapers, ribbon marker. Some rubbing to extremities with light wear to spine ends and corners, front joint just starting at head, front hinge cracked. Light toning to text, moderate toning to plates, occasional light foxing. A few minor tears to plates, interior otherwise fresh. An appealing copy. \$2,500.

* First edition. In 1831 Beaumont and Tocqueville were commissioned by the French government to examine America's latest prisons, which were renowned for their innovative approaches to penology. Their nine-month tour included visits to prisons in Connecticut, Maryland, Massachusetts, New York and Pennsylvania. *Du Systeme Penitentiaire aux Etats-Unis*, the result of their tour, was an immediate success that was quickly translated into English and German. It was one of the most influential books on penology ever written. Beaumont and Tocqueville were affected deeply by their experiences in the United States. It led Beaumont to espouse abolition and inspired Tocqueville to write *De la Democratie en Amerique* (1835). Sabin, *A Dictionary of Books Relating to America* 4190.

The First Edition, One of Five Hundred Copies

2. [Bentham, Jeremy (1748-1832)].

A Fragment on Government; Being an Examination of What is Delivered, On the Subject of Government in General, In the Introduction to Sir William Blackstone's Commentaries: With a Preface, In Which is Given a Critique on the Work at Large. London: Printed for T. Payne, 1776. [iv], lvii, [2], 208 pp. Octavo (8-1/2" x 5-1/2").

Nineteenth-century quarter calf over marbled boards, gilt fillets and title to spine. Moderate rubbing to boards and extremities, front hinge starting at head. Moderate toning and light foxing to text, a few corners dog-earned, small hole to margin of a leaf. Early owner

signature (William Duane) to head of title page and preface, annotation, presumably in his hand to foot of p. xxi (part of final line lost to trimming), interior otherwise clean. \$7,500.

* First edition of the author's first book, this trenchant analysis of contemporary legal and political ideas offered the first significant criticism of Blackstone. "If it were nothing more, it would have no interest for later generations, which do not regard Blackstone as an authority upon speculative questions of politics or history, and therefore do not need to have Blackstone's theories corrected or disproved. But in criticizing Blackstone's views, Bentham necessarily expounds his own. As Bentham is one of the few English writers of mark upon the theory of political institutions, and as his doctrine forms a link in the chain of English political philosophy, we still read the *Fragment of Government* in order to see, not how far Blackstone was wrong, but how far Bentham was right" (Montague). The William Duane who owned this copy may have been the important Philadelphia lawyer and politician. Born in Ireland in 1780, he settled in Philadelphia, where he helped his father publish the important anti-Federalist newspaper, the *Aurora*. He became an influential lawyer and powerful state politician, serving several terms in the state assembly, and was later Jackson's treasury secretary. He died in 1865. OCLC locates 2 copies in North American law libraries (Baylor, Ohio State). Another copy located at Harvard Law School. Montague, "Introduction" in Bentham, *A Fragment of Government* (Oxford, 1891) 59. Eller, *The William Blackstone Collection in the Yale Law Library* 248.

The Final Fifteenth-Century Imprints of the *Liber Sextus Decretalium* and *Clementinae*

3. [Boniface VIII, Pope (1235-1303)]. [D'Andrea, Giovanni [c.1270-1348], Glossator. [Brant, Sebastian (1457-1521), Editor].

Sextus Decretalium cum Certis Additionibus Johannis Andree. [Basel: Johann Froben and Johann Amerbach, December 1, 1500]. Two parts in one, Part II is titled *Constitutiones Clementinarum*. [288] ff. Main text surrounded by linear glosses in parallel columns, printed in red and black throughout. Large woodcut depicting the presentation of the *Liber Sextus* to Boniface on fol. [8]v, woodcut tables of consanguinity and descent on ff. [3]v and [5]r. Collation: AA6, a-y8, z12; AA-MM8. Quarto (8" x 6").

Recent vellum, hand-lettered title to spine, endpapers added, edges rouged. Text in 72-line gothic type printed throughout in red and black. Light toning to text. Early annotation to title page of the *Liber Sextus*, marginalia to a few leaves, some affected by trimming. Light soiling to bottom inner margins on first 100 leaves, faint dampstaining to outer margins of a few leaves at end of text block, interior otherwise fresh. \$9,500.

* With a register of titles and D'Andrea's *Super Arboribus Consanguinitatis et Affinitatis*. Attempts to codify the body of canon law began in earnest during the Carolingian Empire. These efforts reached fruition between 1020 and 1025 in the twenty-volume *Decretum* of Burchard, Bishop of Worms. The next great step was taken in 1234 with the *Libri Quinque Decretalium* of Gregory IX, which formed the basis of the *Corpus Juris Canonici*. The *Liber Sextus* of Boniface VIII (1298), the last great collection of the pre-Reformation era, consists of updates and modifications. The *Clementinae Constitutiones* (1313) is a collection of papal legislation that modifies portions of the *Liber Sextus*. It was followed by the *Extravagantes Joannes XXII* and the *Extravagantes Communes* in 1325. All of these texts were edited after the Council of Trent in 1582 under the collective title *Corpus Juris Canonici*. Andrea was an Italian canonist and professor of canon law at the University of Bologna. An eminent figure who received the highest tributes from Arithemius, Baldus, Forster and Bellarmin, his principal writings circulated widely in manuscript and were among the earliest printed works on canon law. His glosses were first published in 1472. Our edition by the great Basel printers Froben and Amerbach was the last printed in the fifteenth century. Remembered today as the moral and satirical poet of *Das Narrenschiff* (*The Ship of Fools*, 1549), Brant was also a noted legal scholar and humanist. His edition of the *Liber Sextus* was first published in 1494. OCLC locates 3 copies of our 1500 imprint in North American law libraries (Harvard, Library of Congress, UC-Berkeley). *Gesamtkatalog der Wiegendrucke* 4905. Goff, *Incunabula in American Libraries* B1015.

The German Reception of Roman Law

4. Brant, Sebastian [1457-1521], Editor.

Der Richterlich Clagspiegel: Eyn Nutzlicher Begriff, Wie man Setze[n] und Formieren Sol Nach Ordnung der Rechten, Eyn Yede Klag, Antwort, Und Aussspreche Urteylen, Gezogen Auss Geystlichen und Weltlichen Rechte[n]. Da Durch sich ein Yed[en] Ersey Clager, Antwoerter, Od Richter un Recht Geschickt Machen, Dasseluben, Brauchen, Un[en] Dargeg[en] vor Unrechter That, Ansechtung, Unnd Furnnen Verbuten Mag. Mit Mererm Fleiss Wider Durchsichtiget, Und von Neuwem zum Theyl Gebessert. [Haguenau: In Verlegung Pauli Gotzen, 1529]. [viii], 151, [1] ff. Woodcut title page, two woodcuts in text.

[Bound with]

Tengler, Ulrich [1445-1521/22].

[Tengler, Christoph], Editor.

[Locher, Jacob (1471-1528)], Editor.

[Brant, Sebastian], Editor.

Layenspiegel. Von Rechtmassigen Ordnungen in Burgerlichenn und Peinlichen Regimenten. Mit Additionen Ursprunglicher Rechtspruchen. Auch der Guldin Bulla, Künigklicher Reformation, Landtfriden, &c. Sampt Bewarungen Gemainer Rechten, Und Anderm Anzuigen. Newlich Getruckt. Strassburg: Hans Knoblauch der Jungen, 1530. [viii], 151, [5] ff. Woodcut title page, 26 woodcuts in text.

Folio (12" x 8"). Contemporary calf with elaborate blind-tooling, rebacked retaining spine with raised bands, clasps lacking (brass buckles present). A few minor scuffs, light rubbing to boards, somewhat heavier rubbing to extremities, corners bumped and lightly worn, hinges mended, front endleaves lacking. Moderate toning to texts, darker in places, faint dampstaining and dampspotting in a few places, minor tears to a few leaves, light soiling to title page of *Clagspiegel*, internally clean. A handsome volume. \$9,500.

* Later editions. The *Klagspiegel*, or *Clagspiegel*, was the first German-language treatise on Roman law. It was originally compiled in the early years of the fifteenth century from a number of Italian treatises by an anonymous author. It has two parts, one on civil law and one on criminal law. The second part was especially influential because it introduced several fundamental principles of criminal law and procedure that were adopted in the German states. The first edition edited by Brant was published in 1516. An expanded version of the *Klagspiegel*, the *Layenspiegel*, or *Laienspiegel*, was first published in 1509. It is somewhat notorious for its original commentary by Tengler on witches, magicians, heretics and Jews. Our 1530 edition, which includes notes by Brant, is interesting for its observations on the German reception of Roman law since the beginning of the century. Both volumes are appealing for their handsome woodcut title pages and text illustrations, which depict legal allegories, law-giving monarchs, crimes and punishments. All editions of these works are rare in North America. Concerning our copies, OCLC locates none of the *Clagspiegel* and 3 of the *Layenspiegel* (at Trinity College, Harvard Law School and the Library of Congress). *Verzeichnis der im Deutschen Sprachbereich Erschienenen Drucke des 16. Jahrhunderts* B7089, T346.

Important Seventeenth-Century Law Dictionary

5. Calvinus, Johannes (Kahl, Johannis). [c.1550-c.1610].

Lexicon Iuridicum: Juris Caesarai Simul, Et Canonici: Feudalis Item, Civilis, Criminalis, Theoretici, Ac Practici: & in Schola, & in Foro Usitatarum, Ac Tum ex Ipso Juris Utriusque Corpore, Tum ex Doctoribus & Glossis, Tam Veteribus, Quam Recentioribus Collectarum Vocum Penus: Simul & Locorum Communium, & Dictionarii Vicem Sustinens: Feudale Lexicon; Leges ac Magistratus Romanos, & Caetera Huic Operi Adjecta Vide in Complemento, Post Sinem Operis Ipsius. Collectum Vero est Hoc Opus ex Collatis Inter Sese Iuridicis, Quotquot Hactenus Fere Prodiierunt, & Antiquioribus & Recentioribus Lexicis. Auctum Deinde, Expolitum et Emendatum, Ex Hactenus Editis Accuratissimis Locubrationibus Do. Cujacii, Brissonii, Donelli, Duareni, Gothofredi, Pacii, Vultei, Goeddaeii Item Corrasii, Fabri, Wesembecii, Aliorumque Praestantissimorum Virorum: Quorum Catalogum Mox Post Praefationes Invenies; Editio Postrema, Prioribus Auctior et Longe Limatior, Cum Praefationibus Clarissimorum & Eminentissimorum Hujus avi Iurisconsultorum Dionisii Gothofredi, & Hermanni Vultei. Geneva: Sumptibus Leonardi Chovet, & Socii, 1684. [xiii], 1047 pp. Text printed in parallel columns. Folio (13-3/4" x 8-1/2").

Contemporary calf, rebacked in period style with raised bands and lettering piece, corners mended, front free endpaper renewed, title page re-hinged. Some rubbing to boards, corners bumped, crack in text between title page and following leaf, armorial book plate of William Curtis Noyes to front pastedown. Title page printed in red and black. Large woodcut printer device, head-pieces, tail-pieces and decorated initials. Some edgewear to preliminaries, toning to text, occasional light foxing and dampstaining, internally clean. \$600.

* Later edition. With prefaces by Denis Godefroy [1549-1622] and Hermann Vultei [1565-1634]. Calvinus was a German jurist and professor of law at the University of Heidelberg who wrote several books on politics, Jewish law and Roman law. The *Lexicon Iuridicum* proved to be his most honored and durable publication. First published in 1600, it went through numerous editions during the seventeenth and eighteenth centuries. It draws on several authors, including Albericus, Brisson, Cicero, Hotoman and Tacitus. A scholarly work, it contains an extensive list of sources. The definitions are admirably clear and concise; each one includes a list of citations. Roberts says this dictionary is "more useful" than those of Vicat and Brisson. Noyes [1805-1864] was a leading New York lawyer and a member of the commission to codify the state's laws, which resulted in the Field Codes. A man of extensive learning, he owned one of the finest law libraries in the U.S. Roberts, *South African Legal Bibliography* 72 (citing other editions).

A Fine Collection of Maxims From the Library of Charles Purton Cooper

6. [Clayton, John].

Topicks in the Laws of England. Containing Media, Apt for Argument, And Resolution of Law Cases: Also an Exposition of Severall Words, Not Touched by Former Glossaries. London: Printed by R.L. for William Leake, 1646. [xx], 138 pp. Final leaf, a blank, lacking. Octavo (5-1/2" x 3-1/2").

Contemporary calf, blind rules to boards, rebacked in period style, gilt fillets and lettering piece to spine, corners repaired, front and rear free endpapers renewed, fore-edge of title page expertly restored. Some rubbing to extremities, a few minor scuffs to boards, bookseller ticket, later owner signature (of Alfred J. Norwood) and armorial bookplate of Charles Purton Cooper to front pastedown. Some toning to text, light browning to title page, faint dampstaining to margins of some leaves. Cooper's small inkstamp to head of dedication page, interior otherwise clean. A nice copy with an interesting association. \$1,500.

* First edition. Intended for the layman, this is an alphabetically digested collection of 167 maxims and common legal phrases (i.e. topicks) with references to reporters and other works. A second edition was published in 1647. The dedication to Oliver Cromwell in 1646 is relatively early. It was to be a full ten years before Cromwell sought a comprehensive reform of English law. Cooper (1793-1873) was a distinguished lawyer, legal reformer and legal historian. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:575 (7). Sowerby *Catalogue of the Library of Thomas Jefferson*, 2094.

"The Most Learned Civilian of His Time"

7. Cowel[?], John [1554-1611].

The Institutes of the Lawes of England, Digested Into the Method of the Civill or Imperiall Institutions. Useful for all Gentlemen Who are Studious, And Desire to Understand the Customes of this Nation. Written in Latine by John Cowel, Doctor of the Civill Law, And Regius Professor in the University of Cambridge. And Translated into English, According to Act of Parliament, For the Benefit of All. By W.G. Esquire. London: Printed by Tho. Roycroft for Jo: Ridley, 1651. [x], 283, [1] pp. Octavo (6" x 3-3/4").

Contemporary speckled calf, gilt fillets to boards and spine. Moderate rubbing to extremities, corners bumped, chipping to spine ends, joints partially cracked, light toning to text. Later owner signature (of Henry Bromley, 1693) to front free endpaper, interior otherwise clean. \$1,750.

* Only edition. As Walker notes, Cowell was considered to be "the most learned civilian of his time." Regius Professor of Civil Law at Cambridge from 1594 to 1611, he is remembered today as the author of an important (and controversial) dictionary, *The Interpreter* (1607), which went through several subsequent editions. His *Institutes* was originally published in 1605 in Latin as *Institutiones Juris Anglicani ad Methodum Institutionum Justiniani*. As indicated by the title it is an elementary textbook on English law organized in the manner of Justinian's *Institutes*. As Holdsworth notes, "The objects of [this book] were to promote the union of England and Scotland by pointing out the resemblances between the common law and the civil law; to give the student of the common law some knowledge of the general principles of law; and to show the students of the civil law that if they would study the common law, they would improve their knowledge of both laws, and cease to be regarded as mere children in legal knowledge. That these ideas were sound is fairly obvious [today]... but they were in advance of their time." The translation of this book was ordered by Parliament, which indicates its stature during the Commonwealth period, a stature that was not affected by Cowell's Royalist leaning. Walker, *The Oxford Companion to Law* 311. Holdsworth, *A History of English Law* V:21. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:21 (7).

English Bankruptcy Law at the Beginning of the Nineteenth Century

8. Cullen, Archibald [1755-1824].

Principles of the Bankrupt Law. London: Printed by A. Strahan, 1800. viii, [xii], 477, [15] pp. Octavo (8-1/4" x 5").

Contemporary tree calf, gilt spine with lettering piece, gilt dentelles along board edges. Light rubbing to extremities, a few minor scuffs to boards, early owner bookplate (Fasquel) to front pastedown. Light toning to text, negligible foxing to a few leaves. A well-preserved copy in a handsome binding. \$1,850.

* Sole edition. Cullen's detailed treatise is arranged in four books: Of the Persons Who May be Bankrupt, Of the Acts Which Make a Person a Bankrupt, Of the Commission, And Proceedings Under It, Of Suits, and Other Proceedings, At Law, and Equity and Of Commissions Against Partners. It offers an excellent synopsis of English bankrupt law at the beginning of the nineteenth century, a time when the laws would change considerably due to the Industrial Revolution and the growth of the British Empire. OCLC locates no copies in North America; the ESTC locates 7 copies, 5 in law libraries (Columbia, Harvard, UCLA, UC-Berkeley and Yale). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:541 (17).

First Report of the Landmark Dartmouth College Case

9. [Dartmouth College Case].

Farrar, Timothy [1788-1874], Reporter.

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

Later three-quarter morocco over cloth, a signed binding by the Knickerbocker Press Bindery of G.P. Putnam's Sons, Raised bands, gilt ornaments and gilt title to spine, top-edge gilt, deckle fore and bottom-edges, ribbon marker, endpapers renewed. Light rubbing to spine ends, light, even fading to backstrip, a few tiny nicks to top-edges of boards, including loss of a small bit of fabric (about 1/2" x 1/2") at top of the front board. Light toning to text, negligible foxing in a few places. Owner bookplate of Amos Tuck French to front pastedown, penciled annotations in his hand to verso of front free endpaper and the following endleaf, along with a tipped-in

biographical note about William Merchant Richardson, a judge in the case, pencil marks, probably by French, to a few leaves. A handsome copy. \$1,000.

* First published report. This is probably the most important American case concerning the contract right of corporations. The New Hampshire legislature passed a bill in 1816 that revoked Dartmouth College's original charter and converted the college from a private to a state institution. The college challenged the constitutionality of this act in the state supreme court without success, but the U.S. Supreme Court reversed the state's decision in a landmark opinion based on the contract clause of the Constitution. "By construing the contract clause as a means of protecting corporate charters from state interventions, Marshall derived a significant limitation on state authority. As a result, various forms of private economic and social activity would enjoy security from state regulatory policy. Marshall thus encouraged, through constitutional sanction, the emergence of the relatively unregulated private, autonomous economic actor as the major participant in a liberal political economy that served the commonwealth by promoting enlightened self interest" (Konefsky). Farrar's comprehensive report contains all material related to the case, including the arguments of Webster and Wirt and the opinions of Chief Justice Marshall and Justices Story and Washington and texts of related documents. Amos Tuck French [1863-1941], a prominent New York banker and society leader, was a member of an old and distinguished New Hampshire family. Alfred F. Konefsky, "Dartmouth College *v.* Woodward" in *The Oxford Companion to the Supreme Court* 218-219. Sabin, *A Dictionary of Books Relating to America* 23887. Cohen, *Bibliography of Early American Law* 11614.

An Important Digest of Canon Law With a Tract Against Jewish Moneylenders

**10. De Ausmo (Osimo), Nicolaus [d. 1453].
De Nevo (Nievo), Alexander [d. 1484].
[Bartholomew, Of San Concordio (1262-1347)].**

[*Supplementum Summae Pisanellae et Canonum Poenitentiales Fratris Astensis et Consilia Alexandri de Nevo Contra Judaeos Foenerantes*]. [Venice: Andreas Torresanus, de Asula, Bartolomeo de' Blavi and Maffeo de Paterbonis, 10 March 1481]. [336] ff. Text in parallel columns. Collates complete: a-f12, g-h8, i12, k-o8, oo8, p-r8, [et]8, s-y8, A-M8, j8, [et]12. First leaf [a1] unsigned and blank. Quarto (7-1/2" x 6").

Eighteenth-century three-quarter vellum over marbled boards, hand-lettered title to spine. Light rubbing, spine ends bumped, joints just starting at foot, a few minor worm holes to hinges, leaves L3-6 partially detached. A very handsomely printed incunable with initials supplied in alternating red and blue, paragraph marks in red, first initial, Q, in blue with ornate red background and long penwork border, with numerous smaller rubricated initials in red and blue. Light toning to text, finger smudges and negligible faint dampstaining to some leaves, interior otherwise clean. \$15,000.

* Completed in 1444, this important alphabetically digested encyclopedia of canon law is an enlargement of the *Summa de Casibus Conscientiae* by Bartholomew of San Concordio. Appended to the *Summa* are two other important texts: Alexander de Nevo's (or Nievo's) analysis of the Church's view of Jewish money lenders, *Consilia Contra Judaeos Fenerantes*, and the *Canonum Poenitentiales* by Astesano (d. 1330?). These two texts appear in editions of the *Supplementum* published after 1476. The *Summa* and other digests of concilia are important guides to legal doctrine. As Pazzaglioni and Hawks note, they "represent a body of precedent and reflect the underlying political, social, and economic tensions of the day. The consilium merged legal theory with facts of a case to produce a constantly developing law on a wide range of issues, such as the status of women and Jews, laws of inheritance, statute legislation, court procedure, imprisonment and homicide. (...) There is always an element of casuistry in the consilia, as they apply general principles of doctrine to the particular cases of fact. Thus, consilia are as firmly grounded in reality as any historical source can be" (xiii). OCLC locates 10 copies in North America, 2 in law libraries (George Washington University, Library of Congress). Pazzaglioni & Hawks, *Consilia: A Bibliography of Holdings in the Library of Congress and Certain Other Collections in the United States* xiii (listing other editions). Goff, *Incunabula in American Libraries* N73. *Gesamtkatalog der Wiegendrucke* M26265.

You're Not Supposed to Kill Your Opponent

11. Doyle, John [1797-1868].

A Hint to Duellists, A Supposed Case, Founded on Facts. [London]: Published by Thomas McLean, 1830. 15-1/2" x 11" hand-colored lithograph in 20-1/2" x 16" hinged matte. Light soiling to matte, some toning and light foxing to margins, a bit of light foxing to image, colors vivid. \$450.

* Doyle moved English caricature from the ridiculous, grotesque and sometimes bawdy style of Thomas Rowlandson and James Gillray to the more witty and genteel manner developed further by later cartoonists, such as those associated with *Vanity Fair*. Doyle's pictures appeared anonymously in the *London Times* and a series of books, *Political Sketches*, between 1830 and 1851 under the signature H.B. They were commentaries on recent events and were sometimes accompanied by explanatory essays. *A Hint to Duellists* is a commentary on a recent trial of R.W Lambrecht, who was tried for manslaughter as the result of a duel. The title, personified by the substitution of The Duke of Wellington [1769-1852] for Lambrecht in the dock, alludes to an event the previous year in which Wellington and his opponent went through the motions of a duel with no intention of drawing blood. Lambrecht was ultimately acquitted due to a hung jury. George, *Catalogue of Political and Personal Satires in the British Museum* XI:1954.

**An Untrimmed Interleaved Copy of Dyer's
Abridged Reports Annotated Throughout in Contemporary Hand**

12. Dyer, Sir James [1510-1582].

Un Abridgement de Touts les Cases, Reportes per Mounsieur Iasques Dyer. Ore Novelment Imprimee. London: Printed for the Companie of Stationers, 1609. 99, [1] ff., interleaves, 23 blank leaves at rear of text. Octavo (5-1/2" x 4").

Contemporary vellum with fold-over flap and later (?) cloth tie, old repair to head of spine. Light shelfwear and soiling, some edgewear to bottom edge of rear board, hinges cracked. Very light toning to text, annotations throughout text and interleaves in neat contemporary hand, owner signature, "Tho. Peachell/ 1685," to front pastedown, "George Curo, his book, Ended March 25th 1643/ Sit gloria Deo" to foot of fol. 99. An appealing copy with wide untrimmed margins. \$6,500.

* Second dated edition, preceded by the 1602 edition and two undated editions (London; c. 1590? and c. 1595?). Dyer's *Reports*, which contains cases heard in the Courts of Common Pleas, King's Bench, Exchequer and Chancery from 1513 to 1582, was originally issued in 1585. One of the first publications of its kind, it was also the first to be referred to regularly as "Reports." A work of great authority (second only to that of the Year Books), it went through several editions and abridgments in Law-French and English. Our copy is particularly interesting for its extensive notes by a contemporary owner (probably by Curo) who had the sheets bound with interleaves. These are filled with case and text citations, glosses and analytical comments. *English Short-Title Catalogue* S100016. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:300 (50).

**An Interesting, and Notable,
Eighteenth-Century Example of Comparative Law**

13. Eden, Robert [1701-1759].

Jurisprudentia Philologica, Sive Elementa Juris Civilis, Secundum Methodum et Seriem Institutionum Justiniani, In Brevem & Facilem Ordinem Redacta, Notis Classicis, & Historicis, Nec non Parallels Juris Anglicani Locis, Illustrata. Quibus Accessit Prooemium de Jure Civili Romanorumante Justinianum, Et de Libris Juris Civilis Romanorum per Justinianum Compositis. In Usum Juventutis Academicæ. Oxford: E Theatro Sheldoniano, 1744. xx, 307 pp. Copperplate portrait frontispiece. Quarto (9-1/2" x 7-1/2").

Recent period-style quarter calf over marbled boards, raised bands, blind ornaments and lettering piece to spine, endpapers renewed. Light toning, somewhat darker in places, occasional faint dampspotting, blank rear endleaf detached and somewhat edgeworn. Attractive copperplate vignette at head of dedication. Later owner signatures (Geo B Young/ Oct 21 1862) to verso of frontispiece, another signature (of Young) to rear endleaf, interior otherwise clean. \$1,250.

* Only edition. Text in Latin. An interesting work of comparative law, Eden's textbook presents an annotated summary of Roman law arranged in the order of Justinian's *Institutes* with references to parallel rules in English law. Eden was archdeacon of Winchester. Holdsworth includes this book in short list of notable eighteenth-century titles on Roman law. Holdsworth, *A History of English Law* XII:641. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 5:133. *English Short-Title Catalogue* T106360.

The First Work Devoted to Laws Relating to Women

14. E[dgar], T[homas], Attributed.

The Lawes Resolutions of Womens Rights: Or, The Lawes Provision for Woemen. A Methodicall Collection of Such Statutes and Customes, With the Cases, Opinions, Arguments and Points of Learning in the Law, As Doe Properly Concerne Women. Together with a Compendious Table, Whereby the Chiefe Matters in This Booke Contained, May Be the More Readily Found. London: Printed by the Assignes of John More, 1632. [xiv], 404 pp. (First leaf in collation, a blank, lacking.) Quarto (7-1/2" x 5-1/2").

Recent period-style calf, blind rules to boards with corner fleurons, Raised bands and lettering piece to spine, endpapers renewed. Some fading to spine. Woodcut head and tail-pieces. Light to moderate toning, occasional browning to margins, some edgewear to title page, shallow tear, about half an inch deep, near center of fore-edge of text block, text not affected. Early and later annotations and signatures to title page, interior otherwise clean. \$9,500.

* Only edition. The earliest work devoted to laws relating exclusively to women, this incomparable digest of laws in force at the time of the Civil War is also known as *The Womens Lawyer*. An anonymous work, its preface is signed T.E. Often attributed to Thomas Edgar [fl. 1615-1649], some believe the author was actually Sir John Doderidge [1555-1628], an important legal figure during the reign of James I. Lord Campbell considers it "a learned work on the subject of marriage" (cited in Sweet & Maxwell). It also treats such diverse topics as age of consent, dower, hermaphrodites, polygamy, wooing, partition, chattels, divorce, descent, seisin, treason, felonies and rape. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:500 (24) Sowerby, *Catalogue of the Library of Thomas Jefferson* 1999.

Rare Lyons
Imprint of a Notable Canon-Law Handbook

15. [Formularium Procuratorum].

Formulare Advocatorum & Procuratorum Romane Curie & Regii Parlamenti Practicam Secundum Jura Communia Clarissime Ostendens: Continens & Tradens Formam Commissionum Articularum; Exceptionum; Duplicationum; Petitionum; Appellationum; Libellorum; Protestationum; Replicationum; Interrogatoriorum; Sententiarum. [Lyons: Magistrum Simonem Bivilaqua, 1518]. [vi], CLXXVIII ff. Main text in parallel columns. Octavo (6-1/2" x 4").

Contemporary limp vellum with lapped edges and thong ties, faint early hand-lettered titles to spine and top edge of text block, endpapers renewed. Some rubbing to extremities, moderate soiling, spine darkened, early signatures to front and rear covers. Woodcut initials. Light browning to title page, toning to text, faint dampstaining in a few places. Later owner signature to title page, tiny inkstamp to head of following leaf, interior otherwise clean. \$3,500.

* The work, compiled from unidentified sources by an unidentified compiler, was originally published in Rome in 1479 with colophon title *Procuratorum Formularius*. Usually referred to as the *Formularium Procuratorum*, it is a collection of canon-law legal instruments established by the Roman Curia relating to procedure, actions and defenses. It offers an excellent "ground level" view of canon law practice in the early modern era. No copies of the 1514 Lyons imprint located on OCLC, or in Adams or Baudrier. One copy located in North America (at GWU Law School).

First English-Language
Edition of Fortescue's *De Laudibus*

16. Fortescue, Sir John [1394?-1476?].

Mulcaster, Robert [16th. c.], Translator.

A Learned Commendation of the Politique Lawes of England: Wherein by Moste Pitty Reasons and Evident Demonstrations They are Plainely Proved Farre to Excell Aswell the Civile Lawes of the Empiere, As Also All Other Lawes of the Worlde, With a Large Discourse of the Difference Betwene the ii. Governementes of Kingdomes: Whereof the One is Onely Regall, And the Other Consisteth of Regall and Politique Administration Conjoynded. Written in Latine Above an Hundred Yeares Past, By the Learned and Right Honorable Maister Fortescue Knight, Lorde Chauncellour of England in ye Time of Kinge Henry VI. and Newly Translated into Englishe by Robert Mulcaster. [London: In Fletestrete Within Temple Barre, At the Signe of the Hand and Starre, by Rychard Tottill, 1567]. [i], 132, [3] ff. English and Latin in parallel columns. Octavo (5-1/2" x 3-1/4").

Contemporary calf, blind panels with corner fleurons and large central fleurons to boards, rebaked in period style, raised bands and gilt ornaments to spine, ties lacking. Some rubbing to extremities, corners worn, hinges cracked, small later owner bookplate to verso of front endleaf, crack in text block between ff. 2 and 3, some edgewear to preliminaries. Light toning to text, faint dampstaining in places. Early and somewhat later signatures and annotations to endleaves, interior otherwise clean. An appealing copy. \$7,500.

* First edition in English. *De Laudibus Legum Angliae*, a history of English law, was written for the instruction of Edward, the young Prince of Wales. Cast in dialogue form, it demonstrates that the common law was the oldest and most reasonable legal system in Europe. It also compares the common and Roman systems and extols the superiority of a constitutionally limited monarch to an absolute monarch. *De Laudibus* was written around 1470 and first published (in Latin) in 1537. "Fortescue was a favorite among the old lawyers, and will be read with profit in modern times by those who are interested in the origin and progress of the Common Law" (Marvin). This was the first work to examine extensively trial by jury and the Inns of Court. OCLC locates 4 copies in North American law libraries (Georgetown, Harvard, LA County, UVA). Marvin, *Legal Bibliography* 321. Beale, *A Bibliography of Early English Law Books* T357. *English Short-Title Catalogue* S102454.

Frankfurter Quotes Holmes

17. Frankfurter, Felix [1882-1965].

[*Typed Letter, Signed, On Harvard Law School Letterhead, November 5, 1932*]. Single 8" x 5-1/2" sheet and 6" x 3-1/2" envelope. Some toning, two horizontal fold lines to letter, which has a full signature. Items housed in handsome recent cloth solander case with calf lettering piece. \$650.

* Friendly letter to Alice Strong, who was compiling an anthology of quotations. It appears she asked Frankfurter for a suggestion. He writes, "I should like to offer...Mr. Justice Holmes' words: 'The mode by which the inevitable comes to pass is effort'." It appears that Strong never completed (or published) her anthology. This letter was part of the collection of James S. Copley, the newspaper chief and bibliophile.

**First Edition
of the First English Legal Treatise**

18. Glanville, Ranulf de [d. 1190], Attributed.

Tractatus de Legibus et Consuetudinibus Regni Anglie. Tempore Regis Henrici Secundi Compositus, Iusticie Gubernacula Tenente Illustri Viro Ranulpho de Glanvilla Iuris Regni & Antiquarum Consuetudinum eo Tempore Peritissimo. Et Illas Solu[m] Leges Continet et Consuetudines Secundum Quas Placitatur in Curia Regis ad Scaccarium et Coram Iusticiis Ubiq[ue] Fuerint. Hinc Adiectae Sunt a Quodam Legem Studioso Adnotationes Aliquot Marginales Inutiles. [London: In Aedibus Richardi Totteli, c.1554]. [iii], 5, 5-44, 43-113, [17] ff. (Fol. P8 a blank). Octavo (5-1/2" x 3-1/2").

Recent calf, old calf covers with small central arabesques laid down, endpapers renewed. Light toning to text, gutter of last page adhered slightly to facing endpaper just touching text, two small wormholes to upper margins with no loss to text, early annotations to head of title page and a few leaves. Ex-Birmingham Law Society bookplates to front pastedown and verso of title page, small inkstamp to title page and a few leaves. An attractive copy. \$15,000.

* First edition. As Winfield notes, the anonymous Latin text long attributed to Glanville (or Glanvill) is the "first classical textbook of English law." Completed around 1189, it describes the procedure of the King's Bench. There is much information pertaining to litigation and includes the texts of approximately eighty writs. Glanville was a major contribution to the development of the common law tradition. It continued to be a primary reference for several generations. Coke, for example, praised it wholeheartedly and used it liberally in his *Reports*. Though overshadowed by Bracton's larger treatise, Glanville is still cited today. It also remains useful for its unparalleled insights into the nature of land law and procedure in medieval England. *English Short-Title Catalogue* S102455. Beale, *A Bibliography of Early English Law Books* T365. Sowerby, *Catalogue of the Library of Thomas Jefferson*, 1769.

**Notable Treatise on Tax
Collection Bound to a Famous Witchcraft Trial**

19. Hale, Sir Matthew [1609-1676].

A Short Treatise Touching Sheriffs Accompts. Written by the Honourable Sir. Matthew Hale, Kt. Sometime Lord Chief Justice of His Majesty's Court of King's-Bench. To Which is Added, A Tryal of Witches, At the Assizes Held at Bury St. Edmonds, For the County of Suffolk, on the 10th of March 1664, Before the Said Sir Matthew Hale, Kt. London: Printed, And are to be Sold by Will. Shrowsbery, at the Bible in Duke-Lane, 1683. [viii], 110, [1]; [iv], 59 [1] pp. Two parts, each with title page and individual pagination, the second title with the imprint, London: Printed for William Shrowsbery at the Bible in Duck-Lane, 1682. Octavo (6-3/4" x 4-1/4").

Contemporary calf, blind rules to boards, rebaked in period style with blind fillets and lettering piece. Light rubbing to extremities, corners bumped and lightly worn, front pastedowns loose, early owner bookplate to inside of front board. A handsome copy. \$2,500.

* First edition, one of two issues from 1683, the other does not include the witchcraft trial. Hale was one of the greatest legal minds in the history of English law. His historically grounded treatise on the sheriff's role as a tax collector was commissioned by the Lord Treasurer and the Chancellor of the Exchequer. It had a second edition in 1716. "It show's Hale's mastery of the early history of the Exchequer, and of the history and seventeenth century practice of the financial relations of the sheriffs and the crown; and it contains some valuable suggestions for improvements in the existing practice (Holdsworth). *A Tryal of Witches*, an unrelated work, was originally issued in 1682. It is an account of the Lowestoft Witchcraft trial conducted at Bury St. Edmonds. Well-known in its day, this remains the most famous trial of its kind because it was well-documented in Hale's pamphlet and involved many leading jurists and experts of the day, most notably Thomas Browne, a physician who presented one of the earliest examples of psychiatric testimony as an expert witness. Brown's testimony was later quoted by Cotton Mather during the Salem Witchcraft trials. Some say the Salem trial was inspired by Hale's pamphlet. Holdsworth, *A History of English Law* VI:589. *English Short Title Catalogue* R14358.

**First English-Language
Edition of Horne's *Mirror of Justices***

20. Horne, Andrew [d.1328].

H[ughes], W[illiam], Translator.

[Fitzherbert, Anthony (1470-1538)].

The Booke Called, The Mirror of Justices: Made by Andrew Horne. With the Book, Called, The Diversity of Courts, And Their Jurisdictions. Both Translated Out of the Old French into the English Tongue. London: Matthew Walbancke, 1646. [xxxii], 288, 287-325, [9] pp.

Recent period-style calf, blind rules to boards, blind fillets to spine, front free endpaper renewed, later armorial bookplate of the Earl of Macclesfield to front pastedown, small embossed Macclesfield stamp to head of title page. Woodcut head and tail-pieces. Some browning to text, faint dampspotting in places. Early owner signature (of Thomas Clarke) and annotation to front free endpaper, occasional annotations to margins. \$2,000.

* First edition in English and the second edition overall. Written about 1290, *The Mirror of Justices* became an authority in the latter part of the sixteenth century when English lawyers began to look to Glanville, Bracton, and Britton as guides to put the common law into a more logical arrangement. It was not a reliable source, however. As Maitland observed, it is "the work of one profoundly dissatisfied with the administration of the law by the king's judges. As against this he appeals to myths and legends about the law of King Alfred's day and the like, some of which myths and legends were perhaps traditional, while others were deliberately concocted. Intelligently read it is very instructive; but the intelligent reader will often infer that the law is exactly the opposite of what the writer represents it to be." *Mirror* was first published in Law-French in 1642. The *Diversity of Courts* is by Fitzherbert. A note of the front free endpaper says: "Note in going over the *Mirror Justices* in French I cursorily compar'd the French with the English & wherever there appear'd any material error in either of 'em I corrected it in the margin." Maitland, *Collected Papers* II:46. Lowndes, *Bibliographer's Manual of English Literature* 3:1119. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:40-41 (19, 20).

Unusual Collection of Pamphlets Relating to Slavery and the Admission of Kansas as a Slave State, 1856-1858

21. Howard, Benjamin C. [1791-1872], Reporter.

A Report of the Decision of the Supreme Court of the United States, And the Opinions of the Judges Thereof, In the Case of Dred Scott Versus John F.A. Sandford. December Term 1856. New York: D. Appleton & Co., 1857. [ii], [393]-633, [3] pp.

[Bound with]

[33 *Speeches and Articles, All But Two About Slavery, Most About the Admission of Kansas to the Union as a Slave State*]. Various paginations and places of publication, 1856-1858.

Octavo (9" x 5-1/2"). Stab-stitched pamphlets bound into contemporary three-quarter calf over marbled boards, gilt fillets and title, reading *Dred Scott Decision & Speeches*, to spine. Moderate rubbing, corners bumped, a few partial cracks to text block. Light toning to text, light foxing in places. Annotations to some leaves, interior otherwise clean. \$2,500.

* Some of the 33 items bound after Howard's *Report* are:

--Maine, Senate. *Opinions of the Justices of the S.J. Court, On Question Propounded by the Senate, March 26, 1857* (Augusta, ME, 1857). [66] pp.

--U.S. House of Representatives, *The Lecompton Constitution* (Washington, March 10, 1858). 16 pp.

--U.S. Senate, *Report* [on the Lecompton Constitution] (Washington, February 18, 1858). 88 pp.

--*Kansas-Lecompton Convention: Speech of Senator Douglas, Of Illinois, On the President's Message, Delivered in the Senate of the United States, December 9, 1857* (Washington, 1857). 15 pp.

--*Kansas and the Supreme Court: Speech of John P. Hale, Of New Hampshire. Delivered in the United States Senate, January 19 and 21, 1858* (Washington, 1858). 16 pp.

--*Speech of Mr. Fessenden, Of Maine, On the Message of the President Transmitting the Lecompton Constitution. Delivered in the United States Senate, February 8, 1858* (Washington, 1858). 24 pp.

--*Human Beings Not Property: Speech of Hon. Owen Lovejoy, Of Illinois. Delivered in the U.S. House of Representatives, February 17, 1858* (Washington, 1858). 8 pp.

--*Freedom in Kansas: Speech of William H. Seward, In the Senate of the United States, March 3, 1858* (Washington, 1858). 15 pp.

--*The Rights of White Men Vindicated: Speech of Hon. Stephen C. Foster, Of Maine. Delivered in the U.S. House of Representatives, March 10, 1858* (Washington, 1858). 8 pp.

--*Speech of Hon. James H. Hammond, Of South Carolina, On the Admission of Kansas, Under the Lecompton Constitution* (Washington, 1858) 8 pp.

A complete list is available on request.

Sixteenth-Century German Manual With a Woodcut Vignette Depicting a Trial Scene

22. Knaust, Heinrich.

Feuerzeugk Gerichtlichlicher Ordnunge/ Process/ Lauffe/ und Sachen/ So sich in Gerichtepflegen Zuzutragen/ Tabelweiss in Drey Bucher der Ersten und Andern Instantz/ Auch von Rechtem Gebrauch der Supplicationen/ Sein Richtig und Ordentlich Verfasst und Zusammen Getragen. Frankfurt: [Christian Egenolff], 1582. 314, [12] ff. Octavo (6" x 4").

Contemporary paneled pigskin, raised bands to spine, edges rouged, early hand-lettered title to head of text block, clasps lacking, endpapers renewed. Some soiling, moderate rubbing to extremities with some wear to head of spine, corners bumped and somewhat worn, a few cracks to text block. Title page printed in red and black, woodcut vignette of trial scene at beginning of main text. Light toning to text, faint dampstaining to margins in a few places. Early annotations to title page, underlining and annotations to some leaves in text. A nice copy of a very scarce title. \$3,500.

* Second edition. This manual of criminal procedure in the Holy Roman Empire is a comprehensive work that pays attention to conflicting viewpoints of authorities. First published in 1578, it went through later editions in 1582, 1594, 1601 and 1616. All are scarce. OCLC locates 1 copy in North America (at the University of Rochester, which has a 1578 edition). *Verzeichnissen der im Deutschen Sprachraum Erschienenen Drucke des 16. Jahrhunderts* K1402.

First Edition of Lambard's *Eirenarcha*

23. Lambard(e), William [1536-1601].

Eirenarcha: Or of the Office of the Iustices of Peace, In Two Bookes: Gathered, 1579. And Now Revised, And First Published, In the 24. Yeere of the Peaceable Reigne of Our Gracious Queene Elizabeth. London: Imprinted by Ra. Newbery, And H. Bynneman, 1581. [viii], 511, [17] pp. Final index leaf and following leaf, which has a woodcut printer device on the verso, supplied in facsimile. Octavo (6-1/4" x 4-1/2").

Contemporary paneled calf, gilt and blind fillets, corner gilt fleurons and central gilt arabesques to boards, raised bands and gilt ornaments to spine, head and lower portion carefully rebacked, corners restored, ties lacking. Moderate rubbing to extremities, light scuffs and some worming to boards, pastedowns and free endpapers lacking, lacking final two leaves, supplied in facsimile. Woodcut head-pieces and decorated initials, woodcut coat of arms facing dedication. Toning to text, faint dampstaining in a few places, worm hole, located near center of fore-edge, through rear quarter of text block, chips to fore-edges of a few leaves, light soiling, some staining and edgewear to title page and following leaf, lower corner of title page torn away and fore-edge of following leaf clipped away with no loss to text. Eighteenth-century annotations to a few leaves, interior otherwise clean. An appealing copy. \$4,000.

* First edition. Lambard(e), a barrister and legal historian, was the keeper of records at the Rolls Chapel and the Tower of London. First published in 1581, *Eirenarcha* is esteemed for its comprehensive and systematic account of the organization of local government under the justices of the peace at the end of the sixteenth century. It was the standard authority for many years and often reprinted. Like many books of its kind, *Eirenarcha* offers fascinating insights into the society that produced it. This is evident in the detailed indictments for such offenses as murder via witchcraft, raping a child or maid (the age of distinction was ten), hearing a Catholic mass, practicing usury and operating a bowling alley. OCLC locates 12 copies in North American law libraries. Beale, *Bibliography of English Law Books* T387. *English Short-Title Catalogue* S109320.

Lambard's Important Compilation of Anglo-Saxon Laws

24. Lambard(e), William [1536-1601], Compiler.

[Wheelocke, Abraham (1593-1653), Editor].

ARCHAIONOMIA, Sive de Priscis, Anglorum Legibus Libri, Sermones Anglici, Vetustate Antiquissimo, Aliquot ab Hinc Seculis Conscripti, Nunc Demum, Magno Jurisperitorum, & Amantium Antiquitatis Omnium Commodo, Etenebris in Lucem Vocati. Cambridge: Rogeri Daniel, 1644. [xvi], 226, 9 pp. Portions of text in parallel columns. Folio (14" x 9").

Contemporary calf, blind rules to boards, rebacked in period style with raised bands and lettering piece, endpapers renewed. A few scuffs to boards, moderate rubbing to edges, front hinge cracked. Title page printed in red and black, woodcut printer device, head-pieces, tail-pieces and decorated initials. Moderate toning to text, some browning to outer edges of margins, inkspots and dampspotting to a few leaves. \$1,500.

* Second edition, corrected, edited and expanded by Wheelocke. With side-notes, index and a preface by Sir Roger Twysden. First published in 1568, this collection of Anglo-Saxon laws presents the original Anglo-Saxon texts and Latin translations in parallel columns. This edition also includes the laws of William I in Norman and Latin, the law of Henry I in Latin and a glossary from a manuscript in the Monastery of St. Augustine. As Holdsworth observed, it is a significant work because it "restored the forgotten Anglo-Saxon laws to the students of the common law. Because they had a direct bearing upon constitutional and legal antiquities, they could be pressed into the service of those who fought the battle of the constitution in the following century...[A]nd they enabled pedigrees of our institutions and our laws to be traced back to an antiquity sufficiently remote and obscure to justify many ingenious deductions as to their rightful relations and proper sphere in the modern state.": *History of English Law* IV:117. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:47(24).

Curious Promotional Item

25. [Legal Publishing].

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."

Interleaved and Heavily Annotated 1583 Edition of Littleton

26. Littleton, Sir Thomas [1402-1481]. West, William [fl. 1568-1594], Editor.

Les Tenures du Monsieur Littleton, Ouesque Certain Cases Addees per Auters de Puisne Temps, Queux Cases vous Troveres Signes Ouesque Cest Sign[e] [fleuron] *al Co[m]mencement [et] Al Fine de Cbescun Deux, Au Fine que ne Poies eux Misprendre pur les Cases de Monsieur Littleton: pur quel Inconvenience, ils Fueront Dernierment Tolles de cest Liver. Et cy un Foits Plus Admotes al Request des Gentill Homes Students en le ley Dengleterre. Cum privilegio. 1583.* [London: In Fleestrete Within Temple Barre, At the Signe of the Hand and Starre, By Rychard Tottill, 1583]. [ii], 103, 105-171, [24] ff. Title page of index, compiled by West, misbound after main title page. Interleaves. Octavo (5-3/4" x 3-3/4").

Contemporary limp vellum with lapped edges, thong ties. Light soiling and edgewear, a few minor stains, a few cracks to text block. Light toning to text, wide margins, extensive underlining and annotations to text and interleaves and endleaves in contemporary hand. An appealing copy. \$12,500.

*Written during the reign of Edward IV [1442-1483] and first published around 1481, Littleton's *Tenures* is probably the most revered treatise in the history of the common law. Much admired for its learning and style, it is concerned with tenures and other issues relating to real property. This venerable work, which Coke called "the ornament of the Common Law, and the most perfect and absolute work that ever was written in any humane science," is considered a landmark because it renounced the principles of Roman law (and Latin) in favor of guidelines and doctrines drawn from the Year Books and, when necessary, hypothetical cases. The annotations in this copy are mostly interpretive; some are glosses, cross-references and case references. Holdsworth, *A History of English Law* II:573. *English Short-Title Catalogue* S108638. Beale, *A Bibliography of Early English Law Books* T31.

1576 Tottel Edition of Magna Carta

27. [Magna Carta].

Magna Charta, Cum Statutis, Tum Antiquis, Tum Recentibus, Maximopere, Animo Tenendis Nunc Demum ad Unum, Tipis Aedita, Per Richardum Tottell. Anno Domini 1576. [Imprinted at London in Fleetestrete Within Temple Barre at the Signe of the Hand and Starre, By Richard Tottell, The 8. Day of March, 1576]. [viii], 247 ff. Following leaf, a blank, lacking. Octavo (5-1/4" x 3-1/2").

Nineteenth-century calf, gilt rules to boards, raised bands, gilt title, rules and ornaments to spine, gilt board-edge rules, inside dentelles and edges, marbled endpapers. Some rubbing to extremities, corners bumped, rear hinge just starting at ends, armorial bookplate to front pastedown. Some toning to text, occasional faint browning or dampstaining to outer margins, occasional annotations in contemporary court hand, some affected by trimming, contemporary and later signatures to rear endleaf. An attractive copy. \$5,000.

*Text in Latin, English and Law-French. With two tables of statutes, one alphabetical. This edition offers one of the earlier printings of the *Magna Charta*. (The first was printed around 1508 by Richard Pynson.) It also includes corrections to earlier editions, the *Charta de Foresta* of Henry III, the Statutes of Merton and Marlebridge and additional information useful to "studentes of the law" and "practisers of the same." A valuable window on English society in the sixteenth century, the statutes deal with women, wills, leases, forcible entry, "Fraudulent Deedes" and many other topics. The annotations are mostly glosses and interpretive comments. Beale, *A Bibliography of Early English Law Books* S19. *English Short-Title Catalogue* S101094.

Manuscript Legal Dictionary on the Laws and Customs of Hungary, Compiled Circa 1650

28. [Manuscript]. [Law Dictionary]. [Kingdom of Hungary].

Suggestor Legum et Consuetudinum Regni Hungariae. [Hungary, c. 1650]. [420] pp. Quarto (7-1/2" x 6").

Contemporary vellum (cut from a manuscript calendar for the month of August, red-letter days indicated). Some soiling and edgewear, small chip to head of spine, minor worming to front board and pastedown, front hinge starting, vellum just beginning to crack through rear pastedown. Light toning to interior, early inscription and cancelled signature to front pastedown, text in Latin, written in a fine secretarial hand. \$5,000.

* This manuscript contains an alphabetical arrangement of Hungarian laws and customs relating to the principles and regulations established in a community by some authority. It pays careful attention to application and the distinction between legislation and custom. Several entries give citations, mostly of legal books with sixteenth and seventeenth-century dates. The inscription on the front pastedown reads: "Durant Virtute Parata" (Endurance Wins).

"Intended As a Companion to Blackstone's Commentaries"

29. Mortimer, Thomas [1730-1810]. [Blackstone, Sir William (1723-1780)].

Lectures on the Elements of Commerce, Politics, and Finances; Intended as a Companion to Blackstone's Commentaries on the Laws of England; And Peculiarly Calculated to Qualify Young Noblemen and Gentlemen for Situations in Any of the Public Offices Under Government, And for Parliamentary Business. London: Published by A. Strahan, 1801. xxviii, 442 pp. Includes six-page subscriber list. Octavo (8-1/4" x 5").

Contemporary tree sheep, rebaked retaining original spine with lettering piece and gilt fillets, front hinge mended. Some rubbing, corners bumped and lightly worn, upper corner of title page repaired. Light toning, negligible foxing to some leaves, internally clean. A handsome copy. \$1,250.

* Only edition. Best known as the author of *Every Man His Own Broker* (First edition, 1761), Mortimer was an attorney, diplomat and writer with an interest in commercial law. He believed Blackstone provided an essential component of the nobleman and gentleman's education. His *Lectures* were intended to cover the remaining areas: commerce, politics and finances. Not in Eller of the *British Museum Catalogue*.

Blame the Mother-In-Law

30. [Murder]. [Harden, Jacob S. (1837-1860)].

Life, Confession, And Letters of Courtship of Rev. Jacob S. Harden, Of the M.E. Church, Mount Lebanon, Hunterdon Co., N.J. Executed for the Murder of His Wife, On the 6th of July, 1860, At Belvidere, Warren Co., N.J. Hackettstown, Warren Co., N.J.: E. Winton, Printer, 1860. 48 pp. Woodcut portrait frontispiece. Octavo (9-1/2" x 6").

Stab-stitched pamphlet in pictorial wrappers, untrimmed edges. Light soiling, some rubbing to extremities with light wear. Some toning to text, a bit heavier in places, dampstaining to upper corners of pamphlet. \$300.

* Only edition. "The Reverend poisoned his wife with arsenic after a fortune teller had told him that she would not live long. His mother-in-law was the real cause of the crime for she hounded him until he reluctantly married the girl, although there does not seem to have been any necessity that he do so." McDade, *The Annals of Murder* 438.

A Handsome Copy of a Controversial Essay

31. Nevizzano, Giovanni [1490?-1540].

Sylva Nuptialis: P[er] Excelltum Iurisco[n]sul. D. Jo. de Nevizanis Asten[sis]; Co[n]structa, Materia[m] Matrimonij, Dotiu[m], Filiatio[n]is, Adulterij, Originis, Successio[n]is, [et] Monitorialiu[m]; Remedia Etia[m] ad Sedandu[m] Factiones de Guelphis et Giebellinis Co[m]p[er]te[n]s; Cu[m] Modo Iusia Principum Iudica[n]di [et] Exeque[n]di; Item de Autoritatib[us] Doctoru[m], Privilegijs[que] Miserabiliu[m] [Per]sonaru[m], Que sub Questione an Nubendum sit vel No[n] Sumpta Est. [Lyons: Jacques Giunta], 1540. [xvi], 256 ff. Octavo (6" x 4").

Recent blind-tooled calf in period style, raised bands and gilt title to spine. Title page printed in black and red with a woodcut architectural border, 20 woodcut initials decorated in contemporary gold, red and blue pigments. Moderate toning to text, faint dampstaining in places. Interesting contemporary marginalia and underlining to preliminaries and text, heavier on some pages than others, occasional loss to marginalia due to trimming. A handsome copy of an important work. \$3,000.

* Fifth edition, the last in the author's lifetime. Nevizzano was a professor of law at the University of Turin and the author of several legal studies. His *Sylva Nuptialis* (1521) is a wide-ranging miscellany derived from Roman and Canon law that addresses judicial problems connected with virginity, marriage, sexual matters, domestic manners, morals and estates. His view of women in this work is notably satirical and sarcastic, which probably enhanced its popularity. In his opinion, women were enthusiastic and effective torturers of men. They were successful, he reasoned, because their bodies were created by Satan and inhabited by the souls of fallen angels. The author's misogyny, along with his relaxed views about fornication and

concubinage, which he did not consider mortal sins, attracted the Church's attention. He was commanded to remove some of the more objectionable passages in subsequent editions, which he did. He did not go far enough, however; the book was added to the Papal Index in 1596. This edition not in Adams; OCLC locates one copy in North America (at Cornell University). Cosenza, *Biographical and Bibliographical Dictionary of the Italian Humanists and of the World of Classical Scholarship in Italy, 1300-1800* III:2434. Graesse, *Tresor de Livres Rares et Precieux* IV:661. Baudrier, *Bibliographie Lyonnaise* V:190-191.

With a Full-Page Allegorical Frontispiece by Albrecht Dürer

32. [Nuremberg]. [Dürer, Albrecht (1471-1528)].

Reformation der Stat Nüremberg. [Nuremberg: Fridrichen Peypus, 1522]. [xxxvi], 30, 208 ff. Folio (12" x 8").

Contemporary panel-stamped reversed calf (with traces of gilt stamping), early repairs to spine ends, clasps present and intact, endpapers renewed at some point. Some rubbing to extremities, chipping to head of spine, a few scuffs and stains to boards, small crack to front joint, rear hinge cracked due to worming, minor worming to fol. 208. Allegorical frontispiece by Dürer featuring Lady Justice and a female figure representing charity, attractive woodcut decorated initials throughout. Light toning to text, some leaves lightly browned, faint stains and foxing to a few leaves, wide margins. "1522/ jahre" to title page in near-contemporary hand, interior otherwise clean. \$19,500.

* First edition. Nuremberg was the center of the Renaissance in Germany and was its leading cultural and intellectual center until the end of the sixteenth century. These qualities are reflected in the contents and design of this volume. The *Reformation*, or civic legal code, of Nuremberg is known for its humanistic orientation, straightforward language and elegant production. It revised the code enacted in 1498. The 1522 issue by Peypus is notable for its splendid full-page frontispiece by the great Nuremberg artist Albrecht Dürer. The bottom half depicts two putti displaying the arms of the city and empire. The upper half depicts Lady Justice, holding scales and a sword, and a female figure representing charity, who is pouring coins from a purse and opening her bodice to bear her heart, which is represented by a flame. The woodcut initials are finely carved and possibly the work of Dürer or his workshop. OCLC locates 4 copies in North America, 1 in a law library (Harvard). *Verzeichnis der im Deutschen Sprachraum Erschienenen Drucke des 16. Jahrhunderts* N2027. Meder, *Dürer-Katalog* 285.

Criminal Activities Classified

33. Oliveira, Eduard.

Compendium Bullae Cruciatuae Lusitaniae Concessae. Coimbra: Ex Typographia in Regali Artium Collegio Societatis Jesu, 1712. [xvi], 245, [35] pp. Main text in parallel columns. Quarto (7-1/2" x 5-3/5").

Contemporary speckled calf, raised bands, gilt title and gilt ornaments to spine. Light rubbing to extremities, a few minor nicks and worm holes, small chip to head of spine, corners bumped and lightly worn, negligible minor worming to pastedown, endleaves and a few text leaves. Small woodcut Jesuit device to title page and two head-pieces, a few decorated initials and typographical ornaments throughout text. Light toning, early readership marks to margins in a few places, interior otherwise clean. \$1,850.

* First edition. A rare commentary on the powers and effects in Portugal of a papal bull for a crusade. The book includes discussion of 32 types of criminal activity, whether they can be classified as cases reserved for episcopal jurisdiction and whether a defendant can be absolved with submission to the bull. These crimes include sorcery and invocation of demons, homicide, abortion, clandestine marriage, failure to pay church taxes, sex with non-Christians and cases involving subjection to slavery and the slave trade. Specific notes are given for individual dioceses, including those (160-161) of Bahia (Brazil), pp. 160-61, and Angola, pp. 161-62. The book includes a detailed descriptive index. OCLC locates no copies in North America. Not in Backer-Sommervogel.

Oratorical Tricks for Lawyers

34. Omphalius, Jacobus [1500-1567].

Pico della Mirandola, Giovanni Francesco.

Bembo, Pietro.

De Elocutionis Imitatione ac Apparatu Liber Unus. His Accesserunt Jo. Francisci Pici Mirandulae ad Petrum Bembum, et Petri Bembi ad Jo Fr. Picam Mirandulam De Imitatione Epistolae Duae. Paris: Apud Gulielmum Iulianum, 1555. [xxxii], 272 pp. Octavo (6-1/2" x 4").

Contemporary limp vellum with lapped edges, raised bands, ties lacking, faint hand-lettered titles to front board and spine. Light soiling and edgewear, heavier soiling to spine. Attractive woodcut head-piece and decorated initials. Light browning to text, faint dampstaining to margins of a few leaves, internally clean. \$1,850.

* Second edition. Omphalius was a jurist. First published in 1537, his treatise on oratory, with an emphasis on legal oratory, is divided into two parts. The first part discusses the theory of the subject, the second is a digest of oratorical devices for any case a lawyer may need to address. The book concludes with a pair of related essays by Bembo and Pico della Mirandola. This was a popular work that went through several editions and imprints to 1615. All editions are scarce, however. OCLC locates no copies of this 1555 imprint in North American law libraries. Adams, *Catalogue of Books Printed on the Continent of Europe, 1501-1600* O175.

First Edition of a Classic Satire

35. [Ruggle, George (1675-1622)].

Ignoramus: Comoedia Coram Regia Maiestate Iacobi Regis Angliae. &c. London: Impensis I.S., 1630. [iv], 161 pp. Copperplate frontispiece. 12mo. (4-3/4" x 2-1/2").

Contemporary sheep, blind rules with corner fleurons to boards, raised bands to spine, front free endpaper lacking, small recent owner bookplate (of S. Ives) to front pastedown. Rubbing to extremities with some wear to spine ends and corners, narrow, two-inch cut mark to front board. A few partial cracks to text block, edges trimmed closely with minor loss to text in a few places. Woodcut head and tail-pieces. Some toning to text, faint dampstaining to some leaves. Early owner signature to head of title page, annotations to rear endleaf, interior otherwise clean. An appealing copy. \$750.

* First edition. Ruggles's classic acerbic satire of the English bench and bar was written in Latin and first performed in 1615. Designed to ridicule the language of the common law and the dullness of lawyers, the play is based on events relating to a legal dispute between the vice-chancellor of Cambridge University and the mayor of Cambridge, Francis Brakin. As one would expect, it incensed the legal community. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:241 (34).

Fine Press Edition of 1937 Report Opposing FDR's Court-Packing Plan With Fascinating Inscriptions and the Signatures of the Committee Members

36. [Senate, United States] [Committee on the Judiciary].

Adverse Report of The Committee on the Judiciary on a Bill to Reorganize the Judicial Branch of the Government. Stamford: The Overbrook Press, 1937. 46, [1] pp. Octavo (9-3/4" x 7").

Original linen, scarlet frames to boards, scarlet title to spine, deckle fore and bottom-edges. Negligible shelfwear and soiling. Inscriptions by Senators M.M. Logan and Lewis B. Schwellenbach to front free endpaper, signatures of all ten committee members at end of report, signatures of fifteen other senators to rear endleaves. Text printed on wide-margined leaves and enclosed in scarlet double rules. A handsome book. \$950.

* Privately reprinted from the U.S. Senate Calendar; Number 734. Report Number 711: June 7th 1937. Report of the committee that opposed President Roosevelt's unsuccessful bill to expand the membership of the Supreme Court to include justices who would support his New Deal proposals. "Roosevelt lost the legislative battle, but won the war. His reforms were thereafter upheld by the Supreme Court. The ramifications on the court-packing controversy were significant. It shook the New Deal coalition that FDR had created costing him the support of some Democrats, many in the middle class and some Republicans as well. It augured an end to the social and economic reforms Roosevelt had begun. It reinforced the American people's understanding that law and politics should be separated, and that although the Supreme Court was not wholly above politics, it must not be converted into a political institution" (Hall). The inscriptions to the front free endpaper are by Marvel Mills Logan [1874-1939], a senator from Kentucky, and Lewis B. Schwellenbach [1894-1948], a senator from Washington. Both were Democrats who supported Roosevelt's plan. Logan writes: "My friend Joseph C. O'Mahoney [a Wyoming senator who opposed the Plan] thinks brochure is good and should be preserved. I think it is

not worth 'hell-room' so I gladly give it to him with condemnation and compliments." Schwellenbach replies: "This work has attracted my complete admiration as to its form. My deep affection for the senator from Wyoming causes me to withhold [sic] my opinion as to its substance." See *The Oxford Companion to the Supreme Court of the United States* 204.

An Elizabethan Law Student Works His Way Through Staunford's *Plees* and *Kinges Prerogative*

37. Staunford, Sir William [1509-1558].

Les Plees del Coron, Divisees in Plusors Titles & Comen Lieux. Per Queux Home Plus Redement & Plenirement Trovera Quelque Chose queil Quira, Touchant les Dits Plees. Dernierment Corrigee Avecques un Table Parfaicte des Choses Notables Contenues en Ycelle, Nouvelment Revue et Corrigees. [London]: In Aedibus Richardi Tottelli, 1574. [xiv], 198 ff.

[Bound with]

An Exposition of the Kinges Prerogative Collected Out of the Great Abridgement of Iustice Fitzherbert, And Other Olde Writers of the Lawes of England. Whereunto is Annexed the Proces to the Same Prerogative Appertaynyng. [London]: Richarde Tottle, 1573. [i], 85 ff.

Quarto (7-3/4" x 5-1/2"). Contemporary calf, blind frames and large arabesques to boards, rebaced in period style with blind fillets and raised bands, early hand-lettered title to fore-edge, ties lacking, corners repaired, hinges mended. Title page of *Plees* printed within large woodcut architectural border, woodcut decorated initials to both works. Light toning, underlining and annotations throughout in contemporary hand. \$5,000.

* This heavily annotated volume, which contains two standard works of the Elizabethan era, provides excellent insights into the study habits of a contemporary law student, Henry Tilston, whose name appears on the title page of *Plees*. (He also notes that he purchased the book on 15 November 1604 for 12 shillings.) First published in 1557, Staunford's *Plees* is divided into three parts. The first treats offences, the second treats jurisdiction, appeals, indictments, and defenses. The third addresses trials and convictions. *Exposition of the Kinges Prerogative* was first published in 1567. It addresses discretionary rights enjoyed by the monarchy in foreign policy, domestic affairs, legal and governmental administration, religion and economic matters. The annotations, some in English, some in law-French, include extensive underlining, case citations, cross-references, references to other legal texts, glosses and analytical comments. He also added a list of twelve principles to a rear endleaf. He even records the dates when he completed the two books: "1 February" at the end of *Plees* and "24 february 1604 (i.e. 1604/5)" at the end of *Exposition*. The owner was probably Henry Tilston of Cheshire [b.1589]. He matriculated at Brasenose College, Oxford, in 1600 and became a barrister of the Inner Temple in 1610. Beale, *A Bibliography of Early English Law Books* T489 (*Plees*), T493 (*Kinges Prerogative*).

Story Helps an Office-Seeker

38. Story, Joseph [1779-1845].

[*Autograph Letter, Signed, To William Tudor*]. Salem, December 11, 1819. Single leaf folded to form 9-1/2" x 8-1/2" quarto bifolium, written in ink, addressed, franked and postmarked on verso of fourth page, which has Story's wax seal. Fold line, some foxing, chip to fore-edge of second leaf. \$1,250.

* A response to a request for a recommendation from Justice Story to serve as commissioner of bankruptcy for Massachusetts under a national law then pending in Congress. William Tudor [1779-1830], son of William Tudor [1750-1819], a prominent Boston attorney, was an important figure in the Boston Athenaeum. His father served as Massachusetts Commissioner of Bankruptcy alongside John Quincy Adams in 1801-1802. Perhaps his son felt entitled to replace him, especially if he was (unlikely) still in office at the time of his death on July 18, 1819. In any case Story obliges him with "a recommendatory letter as you wished (not present)." He continues, "You are doubtlessly aware that the bill before Congress provides for the appointment of the Commissioners by the judges of the courts of the US States & not by the President. It is only proper, in the event of this clause being struck out of the bill, to transmit the recommendation to the President. I wish too, in order to prevent my being annoyed with a flood of applications, which I cannot yield to, that you would not communicate the fact of my signature more extensively than may be necessary for your own advantage." A national bankruptcy law was high on Story's agenda throughout his career, as it was for many others. The Bankruptcy Act of 1800, repealed in 1803, left the nation without a Federal law until 1841. Bills were put forward from time to time without success.

My Son, the Sculptor

39. Story, Joseph.

[*Autograph Letter, Signed, To Msrs. Wiley & Putnam, Booksellers, New York*]. Washington, February 2, 1840. Single leaf folded to form 10" x 8" quarto bifolium, written in ink, addressed, franked and postmarked on verso of fourth page, which has a wax seal and Daniel Webster's free-frank. Fold lines, some toning along margins, otherwise fine. \$1,500.

* A brief but intriguing letter, in which Story orders two books on art, apparently for his son, William Wetmore Story [1819-1895], who would graduate from the Harvard Law School later this year. (The books are: Flaxman's *Lectures on Sculpture* "with first impressions of the plates" and "Bloomfield's *Recensio Synoptica*.) Was this meant to be a graduation present? Whether it was or not, Joseph Story knew William had an interest in art and, like any good father, nurtured his son's passions. (He couldn't image his some would later abandon a distinguished legal career to become a sculptor.) Upon graduation, William entered the law firm of Hillard and Sumner and published two law treatises by 1847. Sculpture remained an avid hobby at this time; by 1846 Harvard had a bust of his father that he made. Ironically, it was his father's death in 1845 that led him to abandon law and become a professional sculptor. The trustees of Mt. Auburn cemetery elected him to sculpt a likeness of his father for the cemetery's memorial chapel. "To prepare himself to carry out this commission he went to Italy in 1847 and from that time forth became a professional sculptor. The trustees of Mt. Auburn cemetery elected him to sculpt a likeness of his father for the cemetery's memorial chapel. "To prepare himself to carry out this commission he went to Italy in 1847 and from that time forth became more and more eager to give up the law entirely in favor of sculpture." (Gardner). Perhaps his best-known work is the iconic statue of Joseph Story that graces the entrance to Langdell Hall at Harvard Law School. The fact that this was sent under Daniel Webster's free frank is odd. Presumably Story had his own franking privilege. Perhaps he left Washington in a hurry, giving Webster his letters to mail. Gardner, "William Story and Cleopatra," *Metropolitan Museum of Art Bulletin*, New Series II:4 (December 1943). 147-152.

Scarce Title with Color
Facsimiles of Cola Company Trademarks

40. [Trademarks].

[Coca-Cola].

[Supreme Court, United States].

The Coca-Cola Company: Opinions, Orders, Injunctions, And Decrees Relating to Unfair Competition and Infringement of Trade-Mark. [Atlanta: The Coca-Cola Company, 1923]. 648, viii pp. Color plates. Facsimiles.

Original buckram, three lettering pieces to spine, two red, one black. Light shelfwear and soiling, tiny chip to edge of spine label, internally fresh. \$650.

* First edition. Illustrated throughout with several color reproductions of cola company trademarks, this volume collects briefs and other documents relating to the several appellate, district and U.S. Supreme Court decisions regarding the Coca-Cola trademark from 1886 to 1923, including a famous decision by Justice Holmes. OCLC locates 4 copies in North American law libraries (Catholic University, Jenkins, University of Cincinnati and University of Denver).

"The Magna Carta of the United States"

41. [United States].

[Constitutions].

The Constitutions of the Several Independent States of America; The Declaration of Independence; The Articles of Confederation Between the Said States; The Treaties Between His Most Christian Majesty and the United States of America. And the Treaties Between Their High Mightinesses the States General of the United Netherlands and the United States of America. Published Originally by Order of Congress. Boston: Printed by Norman and Bowen, 1785. 28, 5-180, [1], 29 pp. Octavo (6-1/2" x 4").

Contemporary sheep, rebacked in period style, hinges mended. Some rubbing to extremities with wear to corners, minor nicks and rubbing to boards. Some toning to text, negligible dampspotting in a few places, internally clean. Book housed in a lightly worn quarter-morocco slipcase with raised bands and gilt title (reading Constitutions of the Thirteen United States"). An appealing copy of an important title. \$2,500.

* Second American edition, preceded by the rare 1781 Philadelphia printing of 200 copies. (London, Dublin and Glasgow editions were issued in 1782 and 1783). Published originally by order of Congress, this compilation exerted a significant influence on the 1787 Federal Constitution. "This work was the first authoritative and original printed texts of these important documents... It is, in short, the book which may be considered as the Magna Carta of the United States. It is scarcely necessary to say that this important work has been repeatedly reprinted" (Sabin). OCLC locates 7 copies of the 1785 edition in North American law libraries (Boston College, Duke, Georgetown, Harvard, Social Law, University of Michigan, Yale). Sabin, *A Dictionary of Books Relating to America* 16092. Cohen, *Bibliography of Early American Law* 3024.

The First American
Treatise Dealing with the Law of Wills

42. 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 Compleat 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.

**Handsome Copy of a
Principal Treatise on Roman-Dutch Law**

43. Voet, Johannis [1647-1713].

Commentarius ad Pandectas. In Quo Praeter Romani Juris Principia ac Controversias Illustriores Jus Etiam Hodiernum, Et Praecipuae Fori Quaestiones Excutiuntur. The Hague: Apud Anthonium van Dole, 1734. Two volumes. [xx], 974, [31]; [ii], 1180, [34] pp. Main text in parallel columns. Folio (13-1/2" x 8").

Contemporary paneled vellum over wooden boards with elaborate blind tooling, raised bands and early hand-lettered titles to spines, edges of text block colored green, bronze clasps, one lacking. Light soiling, light rubbing to extremities, a few minor stains to boards, front hinge of Volume II partially cracked. Title page printed in red and black, woodcut decorated initials. Light toning to text, somewhat heavier in places, minor worming in places with negligible loss to text, internally clean. A nice copy in handsome bindings. \$1,250.

* Sixth edition. With indexes. First published in 1698-1704, this exhaustive commentary on Justinian's *Digest* is one of the principal works of Roman-Dutch law. A deeply influential work that was translated into Italian, Dutch and English, it was a part of the law libraries of such men as John Adams and Joseph Story. It remains an authority in South Africa. Voet discusses all of the titles, then explains how they were influenced by customary and local law. The second volume pays special attention to subjects relevant to the Netherlands, such as maritime law. Voet was Professor of Law at the Universities of Utrecht and Leiden. Walker, *The Oxford Companion to Law* 1280. Dekkers, *Bibliotheca Belgica Juridica* 181 (9).

**Webster
Certifies an Apprentice**

44. Webster, Daniel [1782-1852].

[Autograph Letter, Signed, to Mr. Pickering, Secretary of the Suffolk Bar]. [Boston], March 29, 1817. Single leaf folded to form 10" x 8" quarto bifolium, written in ink, addressed and franked on verso of fourth page. Fold lines, otherwise fine. A well-preserved item. \$500.

* A letter of certification for admission to the Suffolk Bar written on behalf of Martin Whiting [d. 1823], who graduated Harvard in 1814 and entered Webster's law office on March 1, 1817. He says Whiting was also admitted to the office of Isaac Fiske, a counselor at law in the County of Middlesex, in September of that year, where he continued his "diligent prosecution of his studies from that time to Feb. 10, 1817 in that office." Whiting was admitted to the bar on May 5, 1818. He had a brilliant, though brief, career. One of the nation's foremost advocates, he won several major Supreme Court cases in rapid succession. Davis, *Bench and Bar of Massachusetts* 1:556.

**An Important Source
for the History of American Slavery**

45. Wheeler, Jacob D.

A Practical Treatise on the Law of Slavery. Being a Compilation of All the Decisions Made on that Subject, In the Several Courts of the United States, And State Courts. With Copious Notes and References to the Statutes and Other Authorities, Systematically Arranged. New York: Allan Pollock, Jr./New Orleans: Benjamin Levy, 1837. xviii, 476 pp. Octavo (9" x 6-1/4").

Contemporary law calf, blind fillets to boards, lettering piece and blind fillets to spine. Moderate rubbing to extremities, heavier rubbing to spine with some chipping to head, joints just starting, corners bumped and somewhat worn. Moderate toning to text, light foxing in a few places, early owner signature to front free endpaper. Ex-library. Bookplate to front pastedown, small inkstamp to title page. A solid copy. \$650.

* Only edition. One of the earliest works of this kind, and one of the most comprehensive, this work digests practically all decisions relating to slavery until 1837. Marvin endorsed its value to lawyers as a reference and said it offered "much instruction to philanthropists and statesmen interested in reconciling the welfare of slaves with the integrity and just operation of Constitutional Law." It remains a valuable source for the history of American slavery. Marvin, *Legal Bibliography* 729. Cohen, *Bibliography of Early American Law* 9883.

**Eighteenth-Century Acts
Relating to Windows, Lights and Houses**

46. [Windows and Lights].

[Great Britain].

Anno Regni Georgii II. At the Parliament Begun and Holden at Westminster. The First Day of December, Anno Domini 1741, In the Fifteenth Year of the Reign of Our Sovereign Lord George the Second (...) *An Act for Repealing the Several Rates and Duties Upon Houses, Windows and Lights*

[And]

[Five Acts, Variousy Dated, With Continuous Pagination].

London: Eyre and Strahan, 1781. 300, [4] pp. Octavo (7" x 4-1/2"). Contemporary marbled boards, rebacked in period style, blind fillets and contemporary lettering piece to spine, endpapers renewed. Some rubbing to board edges, corners bumped and somewhat worn. Light toning to text, internally clean. \$250.

* An official collection of eight acts, without a general title page but complete as issued, all relating to the taxation of houses, windows, and lights. Each act begins with a separate title leaf indicating the session of Parliament and date; all eight leaves bear have the identical 1781 imprint as above. Pagination and signatures are continuous, with a 4-page table of contents at the end. There are several recorded variants of this compilation. Ours consists of the following: 20 Geo.II.c.3 (1746); 20 Geo.II.c.42 (1746); 21 Geo.II.c.10 (1747); 31 Geo.II.c.22 (1757); 2 Geo.III.c.8 (1762); 6 Geo.III.c.38 (1765); 18 Geo.III.c.26 (1777); and 19 Geo.III.c.59 (1778). The copy in ESTC (also without a general title) has the same pagination as ours, but is dated 1778 and lists only seven acts, the last of which differs from ours (17 Geo.III.c.39 instead of 18 Geo. III.c.26). There is a copy at Harvard Law School dated 1778 that contains only 259 pp.

Landmark in the Evolution of Insanity Jurisprudence

47. Winslow, Forbes [1810-1874].

The Plea of Insanity, In Criminal Cases. Boston: Charles C. Little and James Brown, 1843. viii, 111 pp. Octavo (7-1/2" x 4-3/4").

Original textured cloth with decorative blind stamping, gilt title to front board. Light rubbing to extremities with minor wear to spine ends and corners. Light toning to text, light foxing mostly to margins. Early owner signature to head of title page, interior otherwise fresh. An extremely well preserved and fine copy. \$500.

* First American edition. This treatise was one of the first attempts to outline criteria through which to determine the legitimacy of an insanity plea. This issue would be resolved later that year with the establishment of the McNaghten Rules, which this work undoubtedly influenced, and which are still applied in England today. Dr. Winslow was a member of the Royal College of Surgeons and the father of Dr. Winslow Lyttleton Forbes, who is best known for his work on the case of Jack the Ripper. Cohen, *Bibliography of Early American Law* 8839.

Measures Against "Prophaneness and Vice"

48. [Woodward, Josiah (1660-1712), Attributed].

A Help to a National Reformation. Containing an Abstract of the Penal-Laws Against Prophaneness and Vice. A Form of the Warrants Issued Out Upon Offenders Against the Said Laws. Directions to Inferior Officers in the Execution of Their Office. Prudential Rules for the Giving of Informations to the Magistrates in These Cases. A Specimen of an Agreement for the Forming of a Society for Reformation of Manners in any City, Town, Or Larger Village of the Kingdom. And Her Majesty's Proclamation for Preventing and Punishing Immorality and Prophaneness; And the Late Act of Parliament Against Prophane Swearing and Cursing. To Which is Added, An Account of the Progress of the Reformation of Manners in England and Ireland, And Other Parts of the World. With Reasons and Directions for our Engaging in this Glorious Work. And the Special Obligations of Magistrates To be Diligent in the Execution of the Penal-Laws Against Prophaneness and Debauchery, For the Effecting of a National Reformation. As Also, Some Considerations Offered to such Unhappy Persons as are Guilty of Prophane Swearing and Cursing, Drunkenness, And Uncleaness, And are Not Past Counsel. With Great Additions. London: Printed and Sold by Joseph Downing, 1706. [xvi], 131, [1] pp. Includes one-page advertisement leaf. Copperplate portrait frontispiece (of Queen Anne). Octavo (6-1/2" x 4-1/2").

Contemporary sheep, blind rules to boards, blind fillets to joints, raised bands to spine, speckled edges, recent repairs to spine ends and corners. Some rubbing to extremities, minor scuffing to boards, chip to foot of spine, crack in text block between frontispiece and title page, front endleaves and part of rear free endpaper lacking, small shelf label to front pastedown. Light toning to text, faint dampstaining to lower corners of some leaves at rear of text, internally clean. \$650.

* Fifth edition. First published in 1700, this book reflects the eighteenth-century movement to reform manners and morals, one of the more enduring legacies of the Enlightenment. OCLC locates 3 copies of this edition in North American law libraries (Harvard, University of Pennsylvania, UVA). *English Short-Title Catalogue* N8116.

Important Contributions To The Early-Modern Reception of Roman Law

49. Zasius, (Johann) Ulrich [1461-1535].

Catalogus Legum Antiquarum una cum Adiuncta Summaria Interpretatione, per Joannem Ultricum Zasium Brigantinum Diligenter Collectus. Strassburg: Apud Vuolisium Cephalaeum, 1551. [viii], 121, [3] ff.

[Bound with]

Du Rivail, Aymar [1491-1558].

Civilis Historiae Juris, Sive in XII Tab. Leges Commentarioru[m] Libri Quinq[ue]. Historiae Item Juris Pont. Liber Singularis. Mainz: [Apud Ioannem Schoeffer], 1527. [xvi], 291 pp.

Octavo (6" x 4"). Contemporary paneled vellum, beveled edges, raised bands and later paper shelf labels to spine, bronze clasps. Some rubbing to extremities, spine darkened. Title pages of both volumes printed within woodcut architectural borders, both have woodcut decorated initials, *Catalogus* has a large woodcut printer device on verso of final leaf. Light toning to text, somewhat heavier in places, a few cracks to text block. *Catalogus* has contemporary notes and underlining in places, including a partially erased annotation on the title page indicating ownership by a religious institution, interiors of both volumes otherwise clean. A handsome volume. \$3,500.

* Zasio: First edition; Rivail: later edition. This volume joins a pair of important works by two humanist scholars who made important contributions to the early modern reception of Roman law. Both were among the first to apply modern philological methods to the study of Roman law. The *Catalogus Legum Antiquarum* of Zasio describes the sources of Roman law before the Twelve Tables and the nature of Roman legislation. It went through seven editions, the last in 1597. Rivail's *Civilis Historiae Juris* is a set of commentaries on the Twelve Tables. It was first published in 1515 and went through four subsequent editions, the final in 1539. The laws identified erroneously or questionably as those of the Twelve Tables are included as well. The final section is a historical sketch of canon law entitled *Historia Pontificii Iuris Liber Singularis*. Zasio: *Verzeichnis der im Deutschen Sprachbereich Erschienenen Drucke des 16. Jahrhunderts (VD16)* Z126; Rivail Adams, *Catalogue of Books Printed on the Continent of Europe, 1501-1600* R592.

The First English Writer on Jurisprudence

50. Z[ouch] R[ichard] [1590-1661].

Elementa Iurisprudentiae, Definitionibus, Regulis, & Sententiis Selectoribus Iuris Civilis, Illustrata; Quibus Accessit Descriptio Iuris & Iudicii Temporalis Secundum Consuetudines Feudales & Normannicas. Nec non Descriptio Iuris & Iudicii Ecclesiastici Secundum Canones & Constitutiones Anglicanas. Oxford: Excudebat Leonardus Lichfield, 1636. [xii], 145; [7], 51; [7], 60, [2] pp. Three parts in one, each with title page and individual pagination. Quarto (7-1/2" x 5-1/2").

Contemporary limp vellum, early hand-lettered title and two early private library shelf labels to spine. Light soiling, front pastedown loose, armorial bookplate of the Earls of Macclesfield to front pastedown, small embossed stamp to head of title page. Woodcut head and tail-pieces, text printed within ruled borders. Light toning to text, minor worming to gutter in a few places. A few early doodles to front free endpaper, interior otherwise clean. \$4,500.

* Second edition. One of England's greatest civilians, Zouch was an advocate of Doctors' Commons, Judge of the High Court of Admiralty and Regius Professor of Civil Law at Oxford. He published treatises on a broad range of legal topics, and he is best known for his contributions to international law. He is equally important as the first English writer to publish works on jurisprudence. First published in 1629, *Elementa Iurisprudentiae* is an ambitious general study that lays out a general theory of general principles applicable to all branches and systems of legal science. The second and third parts, *Descriptio Iuris & Iudicii Temporalis Secundum Consuetudines Feudales et Normannicas* and *Descriptio Iuris & Iudicii Ecclesiastici Secundum Canones & Constitutiones Anglicanas*, are distinct essays on topics in feudal and ecclesiastical law. Later editions of *Elementa Iurisprudentiae*, with different additional contents, were issued in Holland in 1652 and 1665. *English Short-Title Catalogue* S120616.

**First Edition of a Deeply
Influential International Law Treatise**

51. Z[ouch], R[ichard].

Iuris et Iudicii Feccialis, Sive Iuris Inter Gentes, Et Quaestionum de Eodem Explicatio. Qua Quae ad Pacem & Bellum Inter Diversos Principes, Aut Populos Spectant, Ex Praecipuis Historico-Jure-Peritis, Exhibentur. Oxford: Excudebat H. Hall, Impensis Tho. Robinson, 1650. [xvi], 196 pp. Quarto (6-3/4" x 5-1/4").

Recent quarter calf over marbled boards, gilt title to spine, endpapers renewed. Woodcut and typographical head-pieces and tail-pieces. Moderate toning to text, faint dampspotting in places, fore-edge of title page trimmed with minor loss to rule enclosing text, internally clean. A handsome copy. \$3,500.

* First edition. Zouch was an advocate of Doctors' Commons, Judge of the High Court of Admiralty and Regius Professor of Civil Law at Oxford. He published treatises on several legal topics, but his lasting fame rests on the present work. Drawing on the work of Gentili and Grotius, it was the first work to treat the law of nations as an ordered system, one in which the law of warfare played a subordinate role. It also helped to popularize the work of Grotius and Gentili and to make international law a part of English law. According to Holdsworth, this book succeeded for three reasons: "In the first place, (...) international law appeared for the first time in a compact and orderly form. In the second place, he so clearly defined it that no one in the future could be under any misapprehension as to its scope. In the third place, he originated the modern division of the subject into Peace and War." He notes, moreover, that "in his book the tradition, inherited from the medieval books, of grouping the whole subject round the rules of war, was finally abandoned." The influence of this study beyond the seventeenth century is evident in its inclusion in the series *Classics of International Law* by the Carnegie Foundation (Washington, 1911). OCLC locates 8 copies in North American law libraries (Boston College, Columbia, Harvard, Library of Congress, University of Michigan, University of Minnesota, UNC, Yale). Holdsworth, *Sources and Literature of English Law* 227. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:603.

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