

# The Lawbook Exchange, Ltd.



See Item 33

## ABAA California International Book Fair February 7-9, 2014 Pasadena Convention Center Booth 122

### Satirical French Courtroom Images

1. [Artwork].

[France].

*L'Incidente.*

[And]

*La Sentence.*

N.p.: De L'Editrice P.V., c. 1900. Attractively glazed and matted 13" x 8-1/2" colored lithographs in identical handsome 21-1/4" x 16-3/4" wooden frames, small brass plaques to center of bottoms. Light toning to margins, images vivid. \$1,250.

\* A pair of rather grotesque, and very funny, images of a trial in a French court. Though garbed in eighteenth-century dress, these prints appear to be from the early 1900s.

### Nothing But the Truth!

2. [Artwork].

Sharp, William [1900-1961].

*Nothing But The Truth!* [New York, 1940s-50s]. Attractively glazed and matted 9-3/4" x 9-1/2" color lithograph in attractive 18" x 17" wooden frame, small plaque to center of bottom. Negligible rubbing to frame, image fine. \$1,500.

\* Born Leon Schleifer in Lemberg, Austria (now part of Ukraine), in 1900, Sharp was a book illustrator, painter, etcher and lithographer, who specialized in trial sketches for magazines. After being threatened with imprisonment by the Nazis in 1933 for his satirical cartoons, Schleifer and his wife fled to New York in 1934, where he resumed his career. Schleifer became a United States citizen in 1940 and changed his name to William Sharp.

### Six Scarce Titles on Bankruptcy, Heretics, Legal Reform and the Professional Conduct of Lawyers

3. [Barlow, Thomas (1607-1691)].

*A Discourse Concerning the Laws, Ecclesiastical and Civil, Made Against Hereticks, By Popes, Emperors and Kings, Provincial and General Councils, Approved by the Church of Rome: Shewing I. What Protestant Subjects May Expect to Suffer Under a Popish Prince Acting According to Those Laws. II. That No Oath or Promise of Such a Prince Can Give Them Any Just Security That He Will not Execute these Laws Upon Them. With a Preface Against*

*Persecuting and Destroying Hereticks. By a Cordial Friend to the Protestant Religion Now by Law Established in These Realms. Now Re-Published, With an Introduction.* London: Printed for John Wyat, 1723. xviii, [6], 128 pp. Octavo (7-1/4" x 4-1/2"). Third edition. *English Short-Title Catalogue* T31931.

**[Bound with]**

**An Attorney.**

*Proposals Humbly Offered to the Parliament for Remedying the Great Charge and Delay of Suits at Law and in Equity.* The Sixth Edition. London: Printed for James Roberts, 1730. [ii], iv, 42 pp. Octavo (7-1/4" x 5"). Seventh and final edition. *ESTC* N12389.

**[And]**

*The Statutes at Large Concerning Bankrupts, Containing a Compleat Collection of All Such Acts of Parliament as in Any Wise Relate to Bankrupts. To Which is Added, A Table by Way of Abstract, Of All the Aforesaid Acts, Digested Under Proper Heads.* London: Printed by J. Baskett, 1735. [iv], 143, [27], 4, [2] pp. Octavo (7-1/2" x 5"). Third edition. *ESTC* T225267.

**[And]**

**[Fobton, John].**

*Friendly Hints to Young Gentlemen, Who Are or Intend to be Bound by Articles to Attorneys or Solicitors.* [London?: S.n.], 1754. 15 pp. Octavo (7-1/2" x 5"). Second edition? Not in the *ESTC*, which lists editions from 1751 and 1758.

**[And]**

*Observations on the Duty of an Attorney and Solicitor. Submitted to the Publick Consideration, But Addressed More Especially to Young Practisers of the Law.* London: Printed for J. Shuckburgh, 1759. Octavo (7-1/2" x 4-3/4"). Only edition. *ESTC* T63402.

**[And]**

**An Attorney.**

*A Serious Address to All Gentlemen of the Law, Who Are Zealous for Promoting the Honour of Their Profession.* London: Printed for the Author, 1760. v, 35, [1] pp. Octavo (7-1/2" x 4-3/4"). Only edition. *ESTC* N38086.

Six titles in all. Nineteenth-century three-quarter calf over pebbled cloth, gilt-edged raised bands and lettering piece to spine (reading: Juridical Tracts 1723-60). Some dampspotting (which looks like intentional mottling), light rubbing to extremities with negligible wear to spine ends, joints and corners, armorial bookplate of the Earl of Macclesfield to front pastedown. Light to moderate toning, browning and light foxing in a few places. Occasional annotations to margins of *Proposals*, markings to a few other leaves elsewhere, interiors otherwise clean. An interesting group. \$4,000.

\* The first edition of the *Statutes at Large Concerning Bankrupts* appeared in 1728. It offers an interesting perspective on the legal ramifications of the South Seas Bubble and other financial failures associated with Great Britain's transformation into a market society based on overseas trade and colonization. Later editions appeared in 1733, 1735, 1756 and 1765. *Proposals* was originally published in 1707. It offers reforms to expedite law suits, which could go on for decades in eighteenth-century England. Barlow's *Discourse*, first published in 1686, the eve of the Glorious Revolution, is an anti-Jacobite tract. It was republished in 1723 and 1744, the years of two Jacobite threats: The Atterbury Plot and the ill-fated French invasion of 1744. The final three items deal with the legal profession. *Friendly Hints* and *Duty* deal with professional conduct. *A Serious Address* outlines a proposal to establish a fund for widows and children of indigent lawyers. All editions of *Bankrupts* are scarce, as are copies of *Friendly Hints*, *Observations* and a *Serious Address*.

## Handsomely Bound Edition of Bartolus's Commentary on the *Authenticus*

**4. Bartolus de Saxoferrato [1314-1357].**

**Loseo, Alessandro [1514-1571], Editor.**

**Vadi, Benedetto [16th. c.], Editor.**

*In Authenticis Commentaria, Necnon Additionibus Domi Benedicti de Vadis, & D. Alexandri Losaei. Nec Deest Elementario Ordine Constructus Index, Ita ut Citra Laborem Quasuis Insigniores Decisiones, Vel Mediocriter Eruditus Reperiet.* Venice: [Ex Officina Coronae: Haer. Lucantonio I Giunta & Gabriele Giolito De Ferrari & Haer. Ottaviano I Scoto & Federico Torresano], 1556. Main text in parallel columns with side-notes. 66 ff. Folio (15-1/4" x 10-1/2").

Later calf with elaborate gilt tooling to boards and spine, gilt edges. Light rubbing to extremities, two small scuffs to front board, corners bumped and lightly worn, front board somewhat bowed, later armorial bookplate to front pastedown. Title printed within ornate architectural border, woodcut decorated initials, main text printed in rounded Gothic type. Light toning to text, foxing and spark burns to a few leaves, internally clean. A handsome volume. \$5,000.

\* Later edition. Between 1250 and 1450 the Post-Glossators, a group of legal scholars and teachers in Italy, initiated the recovery of Roman law texts from the corruptions of the medieval Glossators. Their efforts to apply Roman law to the jurisprudence of their day also prepared the way for the natural law school of the seventeenth century and helped to lay the foundations of the modern state. The greatest member of this group was Bartolus, a practicing lawyer and professor at the University of Perugia. His unrivalled reputation derives from his enormous literary output, much of it dealing with the texts later collected as the *Corpus Juris Civilis*. He produced commentaries on most of these texts. The most notable are the ones dealing with the *Digest* and *Code*; all of them went through numerous editions and issues. *In Authenticis Commentaria* discusses the *Authentica*, a collection of 134

constitutions of Justinian, later included in the Novels of the *Corpus Juris Civilis*. It was thought to be a collection intended for promulgation in Byzantine Italy, but this is doubted today. No copies of this imprint listed on OCLC. *Censimento Nazionale delle Edizioni Italiane del XVI Secolo* CNCE 4380.

### The English Law of Evidence in the Mid-Eighteenth Century

#### 5. [Bathurst, Henry].

*The Theory of Evidence*. Dublin: Printed for Sarah Cotter, 1761. [iv], 123, [9] pp. Includes one-page printer advertisement. Octavo (7-1/2" x 5").

Contemporary calf, rebacked in period style, raised bands and lettering piece (reading incorrectly "Gilbert Theory") to spine, corners and hinges mended. A few shallow scuffs and some minor stains to boards. Moderate toning to text, light foxing in places. Later owner signature (of C.H. Buffett) to front pastedown, three other signatures (one erased, one illegible and one of W.C. Johnson) to head of title page, interior otherwise clean. A nice copy of a scarce title. \$950.

\* Reissue of the only edition, published the same year in London. Published anonymously, this concise treatise is a good summary of the field as it stood in the mid-eighteenth century. It was later incorporated into Buller's treatise on nisi prius. An interesting feature is the Analysis and Index, which arranges the book's contents in a tree diagram with page references. OCLC locates 12 copies in North American Law libraries, 5 of the Dublin issue. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:378 (1).

### A Landmark in the History of Penology

#### 6. 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.

### "An Authority in Mercantile Customs": Kent

#### 7. Beawes, Wyndham [fl. 1775].

#### Mortimer, Thomas, Editor.

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

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

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

### First English-Language Edition of *PMM 209*, "One of the Most Influential Books in the Whole History of Criminology"

#### 8. Beccaria, [Cesare Bonesana, Marchese de] [1738-1794].

##### Voltaire (Arouet, Francois-Marie) [1694-1778].

*An Essay on Crimes and Punishments, Translated from the Italian; With a Commentary, Attributed to Mons. De Voltaire, Translated from the French.* London: Printed for J. Almon, 1767. xii, 179, [1], lxxix, [1] pp. Last page blank. Octavo (8" x 5").

Recent period-style three-quarter calf over marbled boards, raised bands and lettering piece to spine, endpapers renewed, contemporary armorial bookplate ("Parker of Park Hall Esq.") on front pastedown retained. Light toning to text, faint dampspotting to a few leaves, some offsetting to margins of preliminaries and final few leaves. An attractive copy. \$2,500.

\* First edition in English. First published in Livorno in 1764 as *Dei Delitti e Delle Pene*, this landmark work is, to quote *Printing and the Mind of Man*, "one of the most influential books in the whole history of criminology. It is significant because it was the first systematic study of the subject. Infused with the spirit of the Enlightenment, its advocacy of crime prevention and the abolition of torture and capital punishment marked a significant advance in criminological thought, which had changed little since the Middle Ages. It had a profound influence on the development of criminal law. It was especially influential among American thinkers, such as Thomas Jefferson, who saw Beccaria as a source of enlightened ideas to reform English common law. *Printing and the Mind of Man* 209. *English Short-Title Catalogue* T138985. Sowerby, *Catalogue of the Library of Thomas Jefferson* 2349.

### Eighteenth-Century German Legal Humor

#### 9. Bechmann, J[ohann] V[olckmar] [1624-1689].

*Tractatus Juridicus De Amore, Von der Liebe.* Halle: Impensis Jo. Christ. Hendelli, 1722. 2, 46 pp. Woodcut title vignette.

##### [Bound with]

##### Gruppen, Christian Ulrich [1692-1767].

*Schediasma de Amoris Illecebris: Von Liebes-Caressen und Charmiren in Nuptias Treverianas et Griesebachianas Emissum.* Jena: Litteris Mullerianis, [1715]. 20 pp. Woodcut title vignette and tail-piece.

##### [Bound with]

##### Gruppen, C[hristian] U[rich].

*Tractatio Iuridica de Virgine Prae Vidua Ducenda, Das es Besser Sey, Eine Jungfer zu Heyrathben, Als Eine Wittwe. Cui Subjiciuntur Quaedam de Virgine Florentina Sive Pandectis Florentinis, Corollaria.* Jena: Sumptibus Christoph. David. Wertheri, [1720]. [iv], [5]-68. Woodcut title vignette and tail-piece.

Quarto (7-1/2" x 6"). Disbound, light rubbing to extremities, careful repair to title page of first title, which is just beginning to detach at foot. Toning, light foxing in a few places. Early annotations to heads of title pages, otherwise clean. Appealing copies of three scarce items. \$1,500.

\* *Tractatus Juridicus*: second edition; *Amoris Illecebris*: first edition; *Tractatio Iuridica de Virgine*: third edition. These three items are satirical essays on love and marriage in the manner of academic theses. Bechmann was a professor of law at the University of Jena. Gruppen was a notable legal scholar and historian who served as an advisor to the House of Hanover. His publications include *De Uxore Theoretica* (1748). *Tractatus Juridicus*: KVK locates 4 copies, OCLC locates none. No copies located in North America. *Amoris Illecebris*: KVK and OCLC locate 4 copies, 2 in North America (at Yale Law School and UC-Berkeley Law School). *Tractatio Iuridica de Virgine*: KVK and OCLC locate 2 copies, none in North America. All editions of these titles are scarce.

### Notarial Guide for Eighteenth-Century German Businessmen

#### 10. Beck, Johann Jodocus.

*Vollständiges und nach dem Heutigen Curial-Stilo Eingerichtetes Formular Darinnen Verschiedene Instrumenta und Wechsel-Protest, Wie sie von denen Notariis Ausgefertiget Werden, Allerhand Obligationes und Schuld-Burgschaft und Gesellschafts-Verschreibungen....* Nuremberg: By Johann Adam Lochner, 1765. [viii], 1266, [36] pp. Bound in three parts. Copperplate frontispiece. Quarto (8-1/4" x 6-3/4").

Original thick publisher wrappers, later hand-lettered titles to spines. Some edgewear, soiling and minor stains, moderate toning to text, somewhat darker in places, minor stains to frontispiece and some following leaves. Title page printed in red and black, attractive woodcut head and tail-pieces. Later owner bookplates to preliminaries, internally clean. \$1,850.

\* Seventh and final edition. First published in 1716, this is a combination handbook and formbook for businessmen who wish to transact legal business without the services of notaries. The text alternates between subject matter and forms. The frontispiece depicts activity in the office of a busy notary. This was a popular book that was generally used until it fell to pieces; copies are scarce today. OCLC locates few copies of any edition. It locates 7 copies worldwide of our edition, none in North America. *Verzeichnis der im Deutschen Sprachraum Erschienenen Drucke des 18. Jahrhunderts* 1027569X.

### The First Edition, Eller 248, One of Five Hundred Copies

#### 11. [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.

### Rare First Irish Edition

#### 12. [Bentham, Jeremy].

*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 of the Work at Large.* Dublin: Printed for J. Sheppard, W. Whitestone, J. Hoey, J. Potts, J. Williams, J. Colles, T. Walker, T. Armitage, W. Spotswood, C. Jenkin, J. Hillary, J. Beatty, and C. Talbot, 1776. [ii], xli, [1], 132 pp. Octavo (8-1/4" x 4-3/4").

Recent period-style calf, gilt spine with lettering piece, endpapers renewed. Light toning, heavier in places, faint dampstaining to upper margins of text block in places. Early owner signatures to title page (of James Simons, Robert Lewis Simons and E. B. Potter, R.I.), interior otherwise clean. An appealing copy in an attractive binding. \$5,000.

\* First Irish edition, published in London in the same year. Not seen by Eller, who mentions it in a footnote. OCLC locates 6 copies in North America, 2 in law libraries (Baylor, Ohio State). Additional copies found at Yale Law School and the Library of Congress. The *ESTC* locates eight locations in the British Isles. Eller, *The William Blackstone Collection in the Yale Law Library*, note to entry 248

### Illustrated Throughout with "Characteristic" Images

#### 13. Bertolini, Gino.

*Le Anime Criminali: La Legge Determinista, La Guerra di Razza.* Venice: Istituto Veneto di Arti Grafiche, [1914]. 480 pp. 70 plates, 24 text illustrations. Quarto (9-1/2" x 7").

Original printed publisher wrappers, untrimmed edges. Light edgewear, a few minor stains, spine somewhat darkened, moderate toning to text, foxing in a few places, internally clean. \$850.

\* Only edition located. An example of the somatic school of criminology associated with Cesare Lombroso, this well-illustrated book is a collection of essays, mostly profiles of exemplary criminals. As one would suspect in a European book from 1914, there are several politically motivated assassinations. The images depict the criminals, their victims, crime scenes, courtroom scenes, court officers, prisons and artifacts. OCLC locates 7 copies worldwide, 1 in North America at Harvard Law School. Another copy located at the John Jay College of Criminal Justice, CUNY.

## Criminal Law in Eighteenth-Century Hungary

### 14. Bodo, Matyas.

*Jurisprudentia Criminalis Secundum Praxim & Constitutiones Hungaricas in Partes Duas Divisa. Cujus Pars Prior, Jus & Processum Criminalem Publica Delicta & Malefactores, Modumque Contra Eos Procedendi, In Genere; Pars Posterior, Crimina Publica & Privata, Eorumque Poenam & Modum Puniendi, In Specie, Exponit.* Bratislava : Ex Typographia Joannis Michaelis Landerer, 1751. [xii], 325, [14] pp. Folio (12-1/4" x 8").

Contemporary calf, gilt spine with raised bands and lettering piece, marbled endpapers, edges rouged. Some rubbing to extremities, minor scuffing to boards, small bump to fore-edge of front board. Title page printed in red and black, woodcut head and tail-pieces. Moderate toning to text, light foxing in places. Early owner signature to front endleaf, interior otherwise clean. \$1,500.

\* Only edition. This is a handbook on criminal law and procedure for lawyers and legislators in Slovakia, then part of the Kingdom of Hungary. At this time Hungarian criminal law was identical in most respects to that of Austria and the German states. It even adopted some of the Enlightenment's ideas about the use of torture. However, it had a more conservative view of adultery and "crimes against nature." It also had a large number of laws concerning vampirism and witchcraft. OCLC locates 5 copies in North American law libraries (Columbia, Harvard, UC-Berkeley, University of Michigan, Yale). Not in the *British Museum Catalogue*.

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

### 15. [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 Bellarmine, 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.

## An 1818 Plan to Reform the Laws of Inheritance and Succession in Peru

### 16. Borda, Josefa.

Aliaga, Juan de

Armas, Jose de.

*Manifiesto Legal por la Senora Dona Josefa Borda, Marquesa de Fuente Hermosa, Y por el Senor don Juan de Aliaga, Actual Marques Dr Zalada de la Fuente, Para que se Reforme la Sentencia de Vista de Esta Real Audiencia, en la Parte que Confirma la del Senor Alcalde Ordinario, Conde de San Isidro, que Condeno a la Testamentaria del Sr. D. Felipe Colmenares, Anterior Marques de Zelada de la Fuente, Al Pago de 64 Mil y Mas Pesos del Jornal de Unos Esclavos Muertos y no Repuestos en la Hacienda de Huando, Arrendada al Sr. D. Juan de Palomares por la Senora Dona Maria Fernandez de Cordova.* Lima: Por Don Bernardino Ruiz, 1818. viii, 80 pp. Quarto (7-1/2" x 5-1/2").

Contemporary marbled sheep, gilt fillets to boards, gilt fillets and ornaments to spine, marbled endpapers. Rubbing to spine ends and corners, later bookplate to front pastedown. Light toning to text, occasional light foxing, internally clean. Ex-library. Location and title labels to spine, stamps and annotation to title page and verso. A nice copy of a rare title. \$1,500.

\* Only edition. An essay proposing reforms to the Peruvian laws governing inheritance and succession. Bardo and Aliaga were Spanish noblemen. OCLC locates 4 copies worldwide, 2 in North American law libraries (Library of Congress, Yale). Not in Clagett.

## The German Reception of Roman Law

### 17. 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 Aussprechene Urteylen, Gezogen Aus Geystlichen und Weltlichen Rechte[n]. Da Durch sich ein Yed[en] Ersey Clager, Antworter, Od Richter un Recht Geschickt Machen, Dasseluben, Brauchen, Un[en] Dargeg[en] vor Unrechter That, Ansechtung, Unnd Furnmen Verbuten Mag. Mit Mererm Fleiss Wider Durchsichtiget, Und von Neuem 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, Kunigklicher Reformation, Landtfriden, &c. Sampt Bewarungen Gemainer Rechten, Und Anderm Anzaigen. 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, rebaked 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* (VD16) B7089, T346.

## Scarce Eighteenth-Century Peruvian Court Decisions

### 18. Bravo de Lagunas y Castilla, Pedro Jose [1704?-1765], Editor.

*Coleccion Legal de Cartas, Dictamenes y Otros Papeles en Derecho.* Lima: En la Oficina de los Huerfanos, 1761. [xiv], 300 [i.e. 352], [16], 161, [4] pp. Quarto (7-3/4" x 6").

Contemporary limp vellum with lapped edges, early hand-lettered title to spine, ties lacking. Negligible rubbing to extremities, faint stain to front board, vellum beginning to crack through pastedowns, text block partially detached, clean tear to front free endpaper. Title page printed with woodcut typographical border, woodcut text ornaments. Light toning to text, internally clean. Ex-library. Bookplate to front pastedown, small inkstamps to title page, annotations to verso. A nice copy of a scarce eighteenth-century Peruvian imprint. \$3,000.

\* Only edition. The editor of this collection of exemplary judicial decisions given in Peruvian ecclesiastical and secular courts was a minister of the Supreme Council of the Indies, Judge of the Royal Court of Lima and a professor of law at the Royal University of San Marcos (in Mexico). These decisions deal with a variety of topics, such as slavery, Indians and the nullification of marriage. OCLC locates 14 copies in North America, 5 in law libraries (Columbia, Harvard, UC-Berkeley, University of Michigan, Yale). Another copy located at the Library of Congress. Not in Sabin. Medina, *La Imprenta en Lima: Epitome, 1584-1810* 1170.

## The Best Edition of *Britton*

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

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

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

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

\* Second edition. Text in Law French, preliminaries and corrections in English. Along with *Fleta*, *Britton* is one of two significant law books produced during the reign of Edward I [1272-1307]. According to Francis Morgan Nichols, editor of the 3rd ed. (1865), it is a legal compilation with no known author, wrongly attributed to John Britton, or Le Breton, bishop of Hereford. The oldest English book in Law-French, it was probably a response to a wish of Edward I to produce a digest of the English law in the spirit of Justinian's *Institutes*. Book One outlines the authority of justices and officers and defines the nature of various personal pleas (including pleas of the crown). Book Two describes disseisins and their remedies. Book Three treats intrusions and their remedies. Book Four describes pleas relating to advowsons and the property of churches (and of attaints). Book Five outlines pleas of dower and entry. Book Six defines different kinds of proprietary actions. In all, this treatise offers an incomparable overview of British law during the medieval era. The first edition was issued was printed in 1540. As Wingate observes, it is "exceeding full of manifest imperfections," including the omission of an entire chapter (Advertisement [iii]). Wingate corrects these errors and supplies the missing chapter. (All of these improvements to the 1540 edition are listed in an appendix.) Copies on this title were found in the libraries of several discerning readers, such as Thomas Jefferson, who had a copy of the 1640 edition. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:52 (11). Sowerby, *Catalogue of The Library of Thomas Jefferson* 1773.

## "Order Out of Chaos"

### 20. Browne, William Henry.

*A Treatise on the Law of Trade Marks and Analogous Subjects (Firm Names, Business-Signs, Good Will, Labels, Etc.).* Revised and Enlarged, With Supplement. Boston: Little, Brown, and Company, 1898. xxiv, 706, xviii, 222 pp. Octavo (9" x 6").

Recent period style quarter calf over cloth retaining original red and black lettering pieces, endpapers renewed. Offsetting and a few minor chips to margins of endleaves, toning to text, internally clean. \$450.

\* Second edition, with supplement; the best edition of this work. "The first edition of this book sprang from the author's desire to bring order out of chaos. There was a need for a collation of authorities on the Law of Trade-Marks and kindred matters; and that need was felt, not only by owners of applied symbols of manufacture and commerce, but also by bench and bar alike. (...) It is probable that no other branch of legal science has had a more rapid growth during the twelve years since the first edition appeared. (...) The latest obtainable decisions of courts of various nations have been consulted and cited in the following pages" (v-vi).

## "A Sure Law-Guide" for Conveyancers

### 21. Brydall, John [b. 1635?].

*Ars Transferendi Dominium: Or, A Sure Law-Guide to the Conveyancer. Consisting of Many Observations and Various Questions, With Their Resolutions; Relating to Feoffments, Grants, Fines, Common Recoveries, Exchanges, Releases, Confirmations, Attornments, Surrenders, Bargains and Sales, And Devises. Collected Out of the Year-Books, Books of Law and Reports.* London: Printed by the Assignes of R. and E. Atkyns, 1697. [iv], 224, [28] pp. Includes two-page publisher advertisement. Octavo (6-3/4" x 4-3/4").

Recent period-style three-quarter calf, raised bands, lettering piece and blind ornaments to spine, endpapers renewed. Light toning to text, somewhat heavier in places, internally clean. A handsome copy. \$650.

\* First edition, one of two imprints issued the same year. A companion volume was published in 1702. Brydall was a fellow of Queen's College, Oxford, and a bencher of Lincoln's Inn. A remarkably prolific writer, he published 36 legal treatises, and left 30 others in manuscript at the time of his death. All of these are brief, synthetic works. Holdsworth says they are good summaries that are "clearly arranged and based on the leading authorities." OCLC locates 3 copies of the 1697 imprints in North American law libraries (Harvard, Northwestern, University of Pennsylvania). Holdsworth, *A History of English Law* VI:600, 605. *English Short-Title Catalogue* R30255. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:480 (10).



## Laws Relating to the Stuart-Era Nobility

### 22. Brydall, John.

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

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

\* Only edition. Brydall was a fellow of Queen's College, Oxford, and a bencher of Lincoln's Inn. A remarkably prolific writer, he published 36 legal treatises, and left 30 others in manuscript at the time of his death. All of these are brief, synthetic works. Holdsworth says they are good summaries that are "clearly arranged and based on the leading authorities." OCLC locates 12 copies in North American law libraries. Holdsworth, *A History of English Law* VI:605. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:203 (9).

### "Calculated For the Use of Merchants"

### 23. Burn, John Ilderton [1774?-1848].

*A Practical Treatise or Compendium of the Law of Marine Insurances.* London, Printed: New-York, Re-Printed, for H. Caritat by G. & R. Waite, 1801. xiv, [2], 235 pp. 12mo. (6-1/4" x 4").

Recent period-style quarter calf, lettering piece and gilt fillets to spine, endpapers renewed. Light browning to text, negligible foxing in places. Head of title page has early owner signature partially covered by small owner label (S. Henry Norris), interior otherwise clean. \$850.

\* Only edition, published the same year in London and New York. "[I]he author trusts he will not be thought presumptuous in stating, that a compendious digest, immediately calculated for the use of merchants and their agents, still remains a desideratum in the merchant's world. With a view to supply this deficiency, he commenced the following compilation": (vii). Burn was a barrister of the Inner Temple who published several law books. The appendix contains summaries of two recent English decisions, and the form of an insurance policy for a ship or goods. Cohen, *Bibliography of Early American Law* 7055.

### The Only American Abridgment Published Before the Revolution

### 24. Burn, Richard [1709-1785].

#### Greenleaf, Joseph [1720-1810], Editor.

*An Abridgment of Burn's Justice of the Peace and Parish Officer. To Which is Added, An Appendix; Containing Some General Rules and Directions Necessary to be Known and Observed by All Justices of the Peace.* Boston: Printed For, And Sold By, Joseph Greenleaf, 1773. [viii], 386, [2] pp. Includes two-page publisher advertisement. Quarto (8-1/2" x 7").

Contemporary sheep, rebacked retaining original spine with raised bands and lettering piece, hinges mended, spine ends restored. Moderate rubbing and minor scuffing to boards, some offsetting to margins of endleaves, very light browning to text. Early owner signature (J. Rowe/ Sept 16. 1776) to title page, interior otherwise clean. A handsome copy. \$2,400.

\* Only American edition and the only abridgement of a legal treatise printed in America before the Revolution. Richard Burn was an attorney and antiquarian who edited the ninth, tenth, and eleventh editions of Blackstone's *Commentaries*. His *Justice of the Peace, and Parish Officer* (1755) was perhaps his most important work. Holdsworth considered it to be one of the best treatments of the subject, an opinion shared by Burn's contemporaries, both in England and in the colonies. The "best proof that his book...was accepted as the leading text-book on that topic is the number of editions through which it passed.... It deserved its success. Burn carefully abridged the statutes, and stated the manner in which their clauses had been interpreted by the courts. His treatment of the criminal law was based upon a thorough study of the works of Coke, Hale, and Hawkins." Greenleaf explains the nature of his abridgement in the preface: "The London edition takes in the whole practice of England and Scotland, this renders it both bulky and dear. The circle of a justices business in those places is vastly extensive, and is founded chiefly on acts of the British parliament, which can never have any relation to this colony" [i]. Greenleaf also added an appendix of forms and general rules and directions for American courts. Holdsworth, *A History of English Law* XII:332-333. Cohen, *Bibliography of Early American Law* 8325.

## A Notable Quaker's Theory of Government

### 25. B[urrough], E[dward] [1634-1662].

*A Message for Instruction, To All the Rulers, Judges, And Magistrates, To Whom the Law is Committed, Shewing What Just Government Is, And How Far the Magistrates Power Reacheth, And What the Sword of Justice is to Cut Down, And What it is to Defend. Whereby They May Learn and be Directed to Discern Betwixt the Guiltless and the Guilty; And Betwixt a Matter of Wilfull Wrong by Evill Doers, Which They Are to Punish, and a Matter of Conscience, By Men that Fears God, Which They Are to be a Praise Unto, And Not a Terror; And in Particular Divers Causes are Discovered; Which are Proved to be Matters of Conscience, And Not of Wilfull Wrong; Though Many Therefore are Unjustly Persecuted and Afflicted as Evill Doers. With an Exposition of Some Parts of the Law; For the Edification of Such, As Desires to Judge Righteously Between Man and Man, Who Would Discern of Different Causes; And Justify the Righteous, And Condemn the Evill Doers.* By a Friend to Righteousness, and a Lover of Just Judgement, Who Desireth the Increase of Good Government. E.B. London: Printed for Thomas Symmons, 1658. [ii], 29 pp. Quarto (6-1/2" x 5").

Stab-stitched pamphlet bound into recent paper-covered boards, contrasting paper spine with printed paper title label, recent owner bookplate to front pastedown. Moderate browning and foxing to text, faint dampstaining. Some wear and minor tears to edges, internally clean. \$950.

\* Only edition. Burrough is included among the "Valiant Sixty," the founding group of Quaker preachers and missionaries. He was a gifted pamphleteer and controversialist. *A Message for Instruction* is an important statement of Quaker political thought. It begins by stating the belief that governments, in this case Quaker assemblies, are drawn from the governed. Thus, lawmakers should behave so that "the people may receive examples of righteousness, and holy and lawfull walking from their Conversations" (1). They must not act "contrary to the light in [their] own conscience[s]" (2). These ideas are echoed in the work and writings of several prominent leaders of colonial Pennsylvania, most notably William Penn and John Dickinson. OCLC locates 5 copies in North America, none in law libraries. Calvert, *Quaker Constitutionalism and the Political Thought of John Dickinson* 138-40. *English Short-Title Catalogue* R25317.

## 461 *Consilia* by a Notable Mantuan Jurist

### 26. Bursati (Borsati), Francesco [16th. C.].

*Consiliorum Sive Responsorum*. Frankfurt: Ex Officina Typographica Ioannis Saurii, 1601 (Volume I), Sumptibus Rulandiorum, 1610 (Volume II), Apud Ioannem Feyrabend, 1594 (Volumes III and IV). Four volumes bound in one book. Complete as issued. Main text in parallel columns. Folio (15" x 9-1/2").

Contemporary vellum, blind rules and large central arabesques to boards, rebacked retaining original spine with raised bands and early hand-lettered title, ties lacking. Light soiling, moderate wear to extremities, large scuff to front board, corners worn, vellum beginning to crack through pastedowns, rear hinge starting at ends. Armorial bookplate of William Curtis Noyes to front pastedown, title page of Volume I printed in red and black, large woodcut printer devices to all title pages, woodcut head-pieces, tail-pieces and decorated initials throughout. Toning, occasional browning, light foxing and dampspotting, minor creases and edgewear to a few leaves. Neat early underlining and annotations in a few places, interior otherwise clean. \$7,500.

\* Second and final edition. These massive volumes collect 461 *consilia* (detailed analysis of specific legal points) by a notable Mantuan jurist. Most of these deal with canon law. This collection was first published in Venice in four volumes from 1573-1586. Both editions are very scarce today, both as sets and individual volumes. OCLC locates 6 complete copies of the second edition, 1 in North America (Harvard Law School). Another copy located at the Library of Congress. 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 United States. Adams, *Catalogue of Books Printed in the Continent of Europe, 1501-1600* B2523. Pazzaglini and Hawks, *Consilia* B119, B120, B121.

## Du Ponceau's Translation of *De Rebus Bellicus*

### 27. Bynkershoek, Cornelius van [1673-1743].

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

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

Recent period-style quarter calf over marbled boards, lettering piece and gilt-edge fillets to spine, endpapers renewed. Some toning to text, somewhat darker in places, dampspotting and early annotations in pencil to a few leaves. A handsome copy. \$750.

\* Only edition, one of two issues (the other bound into copies of Volume III of the *American Law Journal*). A translation of *De Rebus Bellicus*, part one of Bynkershoek's *Quaestiones Juris Publici* (1737), *A Treatise on the Law of War* addresses the customs of land and sea warfare. A notably humane work, it condemns actions against civilians and advocates the fair treatment of prisoners of war. Du Ponceau's able translation is prefaced by a biography of the author, a table of cases, an index of citations from the *Corpus Juris Civilis* and an annotated bibliography of civil law treatises cited or referred to by

the author. This latter item, which lists editions and translations, is interesting for its insights into the American reception of the civil law in the early 1800s. One of the most important jurists and international lawyers of his time, Bynkershoek was an influential Dutch jurist who founded the positive school of international law, which held that usage and practice were more important than deductions drawn from natural law. Du Ponceau is an important figure in the early history of American law and letters. He founded the Law Academy of Philadelphia in 1821, was the President of the American Philosophical Society and was a much-consulted expert on international relations and linguistics. Cohen, *Bibliography of Early American Law* 7166.

### The First American Treatise on Commercial Law

#### 28. [Caines, George (1771-1825)].

*An Enquiry into the Law Merchant of the United States; Or, Lex Mercatoria Americana, on Several Heads of Commercial Importance. Dedicated by Permission to Thomas Jefferson, President of the United States. In Two Volumes. Vol. 1* [all published]. New York: Printed by Isaac Collins & Son, For Abraham and Arthur Stansbury, 1802. xxxviii, [2], 648; clxvii, [1] pp. Octavo (8-1/2" x 5").

Recent period-style quarter calf over marbled boards retaining original lettering piece, gilt fillets and lettering piece to spine, endpapers renewed. Some wear to fore-edges of preliminaries, light foxing in a few places, internally clean. \$1,500.

\* Only edition. With an appendix of forms. As Horwitz has pointed out, this is "the first American treatise on commercial law." Surrency notes that it was also the first to deal with admiralty law. It focused on shipping and maritime commerce, with substantial sections on insurance and bankruptcy. Reflecting the tension that existed between arbitrators and courts of law, Caines insisted that "in what appertains to trade, let it be constantly remembered, that custom alone is law" (220). Among other topics, this treatise has fascinating entries on the slave trade and the character of different ports. Caines was the official reporter of the New York Supreme Court. Surrency, *A History of American Law Publishing* 141. Horwitz, *The Transformation of American Law 1780-1860* 150. Cohen, *Bibliography of Early American Law* 1570.

### A Profound Influence in Pre-Revolutionary America

#### 29. [Care, Henry (1646-1688)].

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

*English Liberties, Or The Free-Born Subject's Inheritance. Containing Magna Charta, Charta de Foresta, The Statute De Tallagio, Non Concedendo, The Habeas Corpus Act, and Several Other Statutes; With Comments on Each of Them. Likewise, Of Ship-Money: Of Tonnage and Poundage. Of Parliaments, and the Qualification and Choice of Members: Of the Three Estates, and of the Settlement of the Crown by Parliament. Together with a Short History of the Succession, Not by Any Hereditary Right: Also a Declaration of the Liberties of the Subject: And of the Oath of Allegiance and Supremacy. The Petition of Right; With a Short but Impartial Relation of the Difference Between King Charles I and the Long Parliament, Concerning the Prerogative of the King, the Liberties of the Subject, and the Rise of the Civil Wars. Of Trials by Juries, and of the Qualifications of Jurors; Their Punishment for Misbehaviour, And of Challenges to Them. Lastly, Of Justices of the Peace, And Coroners: With Many Law Cases Throughout the Whole. Corrected and Improved.* Providence: Printed and Sold by John Carter, 1774. viii, 350, [6] pp. Includes six-page subscriber list. Octavo (7" x 4-1/2").

Contemporary sheep, blind fillets to boards, carefully rebacked retaining original spine. Some shallow scuffing to boards, gatoring to spine, corners bumped, hinges starting, final text leaf partially detached but secure. Light toning to text, heavier toning to margins in a few places, inkspots and foxing to a few leaves, internally clean. An attractive copy. \$3,500.

\* Second American edition, final colonial-era edition and one of the three colonial printings of Magna Carta. First published in England in 1680 (or 1682, the first edition was not dated), this layman's guide reviews, from a Whig perspective, the principles of English law and government. It emphasizes the role of Magna Carta, Parliament and juries in the preservation of civil rights and prevention of tyranny. First published in America in 1721 by James Franklin, the half-brother of Benjamin Franklin, this was one of the very first legal books published in the American colonies. It had a profound influence on several colonial readers, including the founding fathers. It was the primary source for William Penn's *Excellent Privilege of Liberty and Property* (1687), a work that inspired support for the revolution. George Mason used it when drafting Virginia's Declaration of Rights (1776). Jefferson, who owned two copies, probably referred to it when he wrote the Declaration of Independence and the Virginia Statute for Religious Freedom. Its influence is also evident in the Bill of Rights. This edition was published a few months after the passage of the Intolerable Acts, and it is almost certain that the publisher was capitalizing on popular resentment toward the crown and parliament. A note at the end of the table of contents says this edition was "principally designed for America" and contained "extracts from several late celebrated writers on the constitution" (vi). See Sowerby, *Catalogue of the Library of Thomas Jefferson* 2702, 2703. Cohen, *Bibliography of Early American Law* 3416.

### Bandits and Outlaws

#### 30. Cartari, Flaminio [1531-1593].

*Tractatus de Executione Sententiae Contumacialis Capto Bannito. In Quo non Pauca Scitu Digna, Ad Universam Huius rei Theoricam, & Praxim, Ac Motuum Propriorum, & Constitutionum Summorum Pont. Statutorumque Diversorum Civitatum de Super Iusta Severitate Aeditorum Declarationem Pertinent, Continentur. Nunc Primum in Gratiam Tyronum, & Ad Communem Etiam Omnium Utilitatem Aeditus. Cum Indice Rerum, Ac Verborum Locupletissimo.* Venezia: Apud Giovanni Zenaro, 1593. [xlviij], 179, [1] ff. Quarto (8-3/4" x 6-1/2").

Contemporary vellum, raised bands and early hand-lettered title label and shelf number (?) to spine, early hand-lettered title to foot of text block. Light soiling and a few minor stains to boards, spine abraded with wear to ends and bands, corners worn. Front hinge starting, rear free endpaper lacking. Attractive woodcut head-pieces, tail-pieces and decorated initials. Moderate toning to text, heavier in places. Early owner signature to title page, annotations in similar hand to a few leaves, interior otherwise clean. \$1,500.

\* Second edition. The work of a leading jurist from Orvieto, this is a treatise on the laws concerning bandits and other outlaws in the mid-Italian states. Its first edition was published in 1587. A useful work, it went through four more editions, the last in 1607. All are scarce in North American law libraries; OCLC locates 3 copies of all editions, 1 of the second (at UC-Berkeley). *Censimento Nazionale delle Edizioni Italiane del XVI Secolo* CNCE9736.

### With 24 Copperplates

#### 31. Caulfield, James [1764-1826].

*The High Court of Justice; Comprising the Memoirs of the Principal Persons Who Sat in Judgment on King Charles the First, and Signed His Death-Warrant, Together With Those Accessories, Excepted by Parliament in the Bill of Indemnity. Illustrated With Their Portraits, Autographs, and Seals, Collected From Authentic Materials.* London: Printed For and Published by John Caulfield, 1820. xi, 112, [4]. Engraved portrait frontispiece, 23 plates. Quarto (10-1/2" x 8").

Contemporary three-quarter morocco over marbled boards, gilt spine. Light rubbing to spine ends and corners with negligible wear. Light toning to text, minor foxing in a few places, dampstaining to upper corners of frontispiece, title page and final few leaves, images and text not affected. A very good copy in a lovely binding. \$350.

\* Only edition. A collection of brief biographies and portraits of the judges who sent Charles I to the scaffold. A staunch Monarchist, Caulfield offers an unabashedly partisan perspective. An interesting feature of each portrait plate, which has a border featuring the skull and crossbones, chains, beheading axes, execution scenes and the Tower, is a caption that states the unpleasant demise of each Regicide. Caulfield seems pleased to report that most were executed, imprisoned or exiled. *British Museum Catalogue* (Compact Edition) 5:230.

### Fear and Distrust of Charles II

#### 32. [Cecil, William, Lord Burghley (1520-1598)].

[Bluet, Thomas].

[Sergeant, John (1622-1707)].

*A Collection of Several Treatises Concerning the Reasons and Occasions of the Penal Laws. Viz: I. The Execution of Justice in England, Not for Religion, But for Treason: 17 Dec. 1583. II. Important Considerations, By the Secular Priests: Printed A.D. 1601. III. The Jesuits Reasons Unreasonable: 1662.* London: Printed for Richard Royston, 1675. [8], 104, 109-13 [i.e. 131] pp. *The Jesuits Reasons* has separate title page dated 1662. Quarto (7" x 5-1/4").

Later three-quarter morocco over marbled boards, gilt title to spine. Moderate rubbing to extremities, lighter rubbing to boards, final three leaves of text loose (but secure), bottom edge of *The Jesuits Reasons* trimmed with some loss to text. Moderate toning to text, occasional faint dampspotting, smudges and minor inkstains to a few leaves. A solid copy. \$1,750.

\* Only edition. This volume was assembled at a time when Charles II was arousing fear and distrust due to his increasingly overt support of Catholicism. Its title alludes to the Royal Declaration of Indulgence (1673), an unsuccessful attempt by the king to abolish the Penal Laws, thus extending religious liberty and civil rights to Protestant nonconformists and Roman Catholics. The first treatise, by William Cecil, Lord Burghley, was originally published in 1583 as *The Execution of Justice in England*. The second treatise, by Thomas Bluet, was first published in 1601 as *Important Considerations Which Ought to Move All True and Sound Catholikes*. The third treatise, by John Sergeant, was originally published in 1662 as *The Jesuite's Reasons Unreasonable*. OCLC locates 9 copies in North American law libraries (Columbia, Harvard, Library of Congress, Northwestern, UC-Berkeley, University of Michigan, University of Minnesota, University of Pennsylvania, UVA). *English Short-Title Catalogue* (ESTC) R11022.

### One of the Great Italian Jurists of the Fifteenth Century

#### 33. Cipolla, Bartolomeo [d. ca. 1477].

[Gradibus, Johannes de (15th/16th c.), Editor].

*Incipit Sole[m]nes ac P[re]tiosas Tractatus Memoria[ue] ac Studio Dignissimi Egregij Viri: Iurisq[ue] Utriusq[ue] Peritissimi D. Bartholomei Cepolle, Videlicet.* [Lyons: Antoine Du Ry, Impensis Jacques and Franciscus Giunta, 1525]. [xii], cccxvi [i.e. 312], [2] ff. Main text in parallel columns. Octavo (7" x 5").

Contemporary vellum from manuscript leaf, hand-lettered title to spine, front endleaves recycled from another book. Some soiling, moderate rubbing to extremities, joints starting, some worming to spine, corners worn, pastedowns loose, worming to rear hinge, a few cracks to text block, a few signatures loose. Title page, with woodcut vignette and architectural border, printed in red and black, small woodcut vignette at head of main text, woodcut decorated initials. Moderate toning to text, occasional faint dampstaining to margins, some edgewear and a few minor tears to title page and the following four leaves. Finger smudges, annotations to rear endleaves, underlining and brief annotations in few places, interior otherwise clean. \$1,750.

\* Third edition. Cipolla was a professor of law at the University of Padua, Venetian diplomat and one of the greatest Italian Jurists of the fifteenth century. His works are notable for their humanistic scholarship and coordination of theoretical and practical concerns. *Tractatus Memoriaque* is a collection of seven essays on servitudes, real property and related topics in Roman and canon law. It is a collection based on titles that circulated in manuscript and the early printed era. The first edition in its final, seven-essay form appeared in 1511. It was issued several times into the sixteenth century. All editions are scarce. OCLC locates no copies of the 1525 imprint in North America. This edition not in Adams.

### **A Fine Collection of Maxims from the Library of Charles Purton Cooper**

#### **34. [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.

### **Scarce 1824 Treatise on Turnpikes**

#### **35. Cobbett, William, Jr. [1798-1878].**

*The Law of Turnpikes; Or, An Analytical Arrangement Of, And Illustrative Commentaries On, All of the General Acts Relative to the Turnpike roads of England: The Whole Being in Answer to the Following Questions: 1st.-What Are the General Acts Now in Force? 2d.-What Is the Extent of Them? 3d.-How Do They Affect Every Turnpike Road?* London: Published by Charles Clement, 1824. iv, 196 pp. Includes four-page publisher catalogue. Octavo (7-1/2" x 4-1/2").

Original publisher boards with contemporary paper rebacking, early hand-lettered title to spine, untrimmed edges. Some rubbing to extremities, minor staining to boards, front hinge cracked but secure. Early owner signature and bookplate and later owner stamp to front pastedown. Some toning, light foxing to a few leaves, internally clean. A nice copy of a scarce title. \$1,250.

\* First edition. Cobbett wrote this treatise to impose order on the tangled mass of turnpike law and thus to "prevent the mischiefs which have arisen in its operation; particularly in the various cases of toll, where the public have been so much abused" (3). A second edition was published in 1828. OCLC locates 9 copies of this edition, 2 of the second edition. 3 copies located in North American Law Libraries: LOC, first edition, Harvard and UVA, second edition. Not in Sweet & Maxwell. *British Museum Catalogue* (Compact Edition) 5:1066.

### **The First Complete Edition of *The Reports***

#### **36. Coke, Sir Edward [1552-1634].**

*The Reports of Sir Edward Coke Kt. In English, Compleat in Thirteen Parts, With References to all the Antient and Modern Books of the Law. Exactly Translated and Compared with the First and Last Edition in French, And Printed Page for Page with the Same. To Which are Now Added the Pleadings to the Cases.* [London]: Printed by E. and R. Nutt, And R. Gosling, 1727-1728. Thirteen parts in seven volumes. Octavo (8-3/4" x 5-1/4").

Contemporary calf, blind rules to boards, blind fillets to joints, raised bands, blind-stamped volume numbers and lettering pieces to spine to spines. Light rubbing exteriors with some minor nicks and scuffs, heavier rubbing to extremities with some chipping to spine

ends, corners bumped and somewhat worn, several joints and hinges cracked or starting. London bookseller's bookplates indicating ownership of this set by Sir Robert E. Megarry to rear pastedown of each volume. Light toning to interiors, somewhat heavier in places, internally clean. \$2,000.

\* First complete edition (the first two editions printed parts I-XI only) and the third edition in English. First published at the beginning of the seventeenth century, Coke's *Reports* are not reports in the conventional sense; they are highly detailed anthologies of precedents organized by topic. Each is illustrated by a large body of cases. Coke outlines their arguments and explains the reasons for the ways they were adjudged, using them as a basis for a statement of general principles. Taken together, it forms the most extensive and detailed treatment of common law pleading that had yet appeared. A work of immense authority, it was often cited as *The Reports*, there being no need to mention the author's name. The first edition in English, which did not include pleadings, was published in 1658. This set belonged to the notable British jurist Sir Robert E. Megarry [1910-2006], editor of the *Law Quarterly Review* and author of esteemed works on property law and legal trivia, such as *Miscellany-at-law* (1955). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:295-296 (31). Wallace, *The Reporters* 165-196.

### The "Celebrated" First Digest of the Laws of Colombia

#### 37. [Colombia].

##### Pombo, Lino de [1797-1862], Editor.

*Recopilacion de Leyes de la Nueva Granada, Formada I Publicada en Cumplimiento de la Lei de 4 de Mayo de 1843 I por Comision del Poder Ejecutivo por Lino de Pombo, Miembro del Senado. Contiene Toda la Lejislacion Nacional Vjente Hasta el Ano de 1844 Inclusive.* Bogota: Imprenta de Zoilo Salazar, Por Valentin Martinez, Febrero 1845. [iv], xxvi, 541 pp. Text in parallel columns. Folio (12" x 8").

Contemporary calf, gilt fillets to boards, lettering piece and gilt ornaments to spine, ribbon markers, marbled endpapers. Some rubbing with wear to spine ends and corners. Large woodcut arms of Colombia to title page, internally fresh. \$1,250.

\* This is the first digest of Colombia's laws since the nation became independent in 1821. It also includes the texts of treaties with England, the United States, France, and the Netherlands (with parallel translations). "By virtue of the laws of May 4, 1843 and June 12, 1844 the Congress of New Grenada [Colombia] specified the statutes then in force and ordered their compilation, a task which was entrusted to senator Lino de Pomba. This celebrated collection, popularly known as the *Recopilacion Granadina*, contained the extant legislation from 1821 to 1844 inclusive, arranged under appropriate headings, and was a work of high merit for its time": Backus and Eder, *A Guide to the Laws of Colombia* 125.

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

#### 38. [Consolato del Mare].

##### Ca da Mosto, Alvise [1432-1488].

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

Contemporary vellum, spine repaired, pastedowns renewed, ties lacking. Minor edgewear, light soiling and a few stains to boards, which are slightly bowed. Attractive woodcut head-pieces, tail-pieces and decorated initials. Light toning, minor worming in a few places with negligible loss to text. Early owner signature to title page, contemporary underlining and check marks to a few leaves, interior otherwise clean. An appealing copy. \$2,500.

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

### Scarce Seventeenth-Century Conveyancing Guide

#### 39. [Conveyancing].

*The Compleat Clerk, Containing the Best Forms of All Sorts of Presidents, For Conveyances & Assurances; And Other Instruments Now in Use and Practice. With the Forms of Bills, Pleadings and Answers in Chancery; As They Were Penned and Perfected by Eminent Lawyers, And Great Conveyancers, Both Ancient and Modern. Whereunto are Added Divers Presidents, Which were Wanting; And also Some Saxon Presidents; With the Exposition of*

*Certain Words, Used in Ancient Charters: And the Proper Names of Men and Women: With Additions of Titles of Honour, Trades and Occupations, Cities, Counties, Bishopricks; Names of Offices, Months and Days; Numbers of Money and Weights, In Latin and English: With a Computation of Years, From King William the Conquerour, To this Present. With Alphabetical Tables of the Whole Contents of the Said Book.* London: Printed by W. Rawlins, S. Roycroft, and H. Sawbridge, 1683. [vi], 936, [80] pp. Main title page preceded by copperplate pictorial title page with the title (adapted from first edition): *The Conveyancers Light or Exact Presidents for all Manner of Instruments and Conveyances.* Quarto (8-1/2" x 6-3/4").

Recent period-style calf, blind rules and corner fleurons to boards, gilt fillets to board edges, raised bands and lettering piece to spine, early hand-lettered title to fore-edge of text block, endpapers renewed. Some toning to interior, later owner bookplate (of Herbert L. Jacobs) to front pastedown, light soiling to title page, internally clean. A handsome copy. \$1,500.

\* Fifth and final edition. Originally published in 1655 as *The Compleat Clark, And Scriveners Guide*, this book is a fine guide to the state of conveyancing during the mid-seventeenth century. Its five editions indicate it was a fairly successful and well-regarded work. In all editions "To the Reader" is signed "J.H." This has led some bibliographers to speculate that the author was related to Sir Richard Hutton, whose works include *The Young Clerks Guide* (1653). *English Short-Title Catalogue* R16251. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:480 (16).

### 1873 Law Dictionary for Businessmen

#### 40. Cowdery, Jabez F. [1834-1914].

*The Pacific Law Encyclopedia: Complete Hand Book of all Matters Ordinarily Coming Before Judges, Attorneys, Justices of the Peace ... Farmers, Merchants and Business Men ... With Forms, in Conformity With the Statutes of, And Designed for Use in the States and Territories of the Pacific Coast. Fourth Edition.* San Francisco: A. L. Bancroft and Co., 1873. [iv], iv, 814 pp. Octavo (9" x 5-1/2").

Original sheep, double leather labels, a very good copy. \$250.

\* Styled "fourth edition," this is in fact the third printing of the second, revised edition of 1871, preceded by a "third edition," i.e. second printing of the 1871 edition, published in 1872. A "third, revised edition" was published in 1875. In the Preface the author writes, "This book, as its name indicates, is an Encyclopedia, or Dictionary of Law, intended for general use, and especially for the guidance of business men... To those who are so fortunate as to have always at hand a good lawyer, who never charges for his services, this book will be of little service; to all others it will prove convenient - to many invaluable." OCLC locates 5 copies this edition.

### English Bankruptcy Law at the Beginning of the Nineteenth Century

#### 41. 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).

### A Landmark Treatise on Justices of the Peace

#### 42. Dalton, Michael [d. 1648?].

*The Country Justice: Containing the Practice of the Justices of the Peace Out of their Sessions: Gathered for the Better Helpe of Such Iustices of Peace as Have Not Been Much Conversant in the Studie of the Lawes of This Realme: Now the Fourth Time Published, And Revised, Corrected, And Enlarged, The Additions Being Thus Marked, [Pointing Hand].* London: Printed by the Assigns of John Moore, 1630. [xii], 136, 133-276, 273-410, [14] pp. Folio (10-3/4" x 7").

Contemporary quarter sheep over marbled boards, raised bands, gilt ornaments and lettering piece to spine. Some rubbing to boards and extremities, corners bumped and lightly worn, a few tiny scuffs to boards, hinges cracked, early armorial bookplate (of Sir William Jenningham) to front pastedown. Woodcut head and tail-pieces. Light toning to text, internally clean. \$650.

\* Fourth edition. This venerable justice of the peace manual went through some twenty editions between 1618 and 1746. This work is also significant because it firmly established the alphabetical topical structure adopted in later texts. Rooted in Crompton, Fitzherbert and Lambard, *The Country Justice* offers advice on such matters as buggery, customs, highways, prisons, riots, soldiers, murder, felonies, rogues and vagabonds, wool, and high treason. Though "not a judicial authority" says Marvin, "it is of considerable weight." Marvin, *Legal Bibliography* (1847) 251. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:227 (24).

### Knockout!

#### 43. [Darrow, Clarence (1857-1938)].

[6" x 8" Black-and-White Press Photo of Darrow and Carpentier]. [New York: Acme Newspictures, May 20, 1932].

Light wear to edges, a few minor creases and wrinkling to margins, stamps, annotations and caption to verso. \$150.

\* In this humorous photo Carpentier, in a boxer's robe, is throwing a right hook at Darrow, who is wearing a dark suit and regarding the camera with a smile. Carpentier [1894-1975], a former European light heavyweight champion, was one of the greatest boxers of the early twentieth century. He retired from the sport in 1927 and enjoyed success as an entertainer, actor and owner of a chic Parisian bar, Chez Georges Carpentier.

### Inscribed by Darrow to a Fellow Criminal Defense Attorney

#### 44. Darrow, Clarence.

*An Eye for an Eye*. New York: Fox, Duffield & Company, 1905. 213 pp.

Original cloth, gilt titles to front board and spine. Some rubbing to extremities, corners and spine ends bumped, a few tiny stains, some fading to sections of boards and spine, rear hinge starting. Author inscription to front endleaf, light toning to text, negligible foxing to a few leaves. \$1,750.

\* First edition. Darrow's only fictional work, aside from his autobiographical novel, *Farmington*, published in 1904. It tells the story of Jim Jackson, who struggles with poverty and harsh circumstances, before finally murdering his wife in a fit of rage. Faced with the gallows, Jackson confesses: "If ther'd been forty scaffolds right before my eyes, I'd have brought down the poker just the same." Darrow's novel is a sociological polemic which foreshadows such later works as Theodore Dreiser's *An American Tragedy* and Upton Sinclair's *The Jungle*. Abe Ravitz, in his *Clarence Darrow and the American Literary Tradition*, observed that *An Eye for an Eye* was worthy of a trophy not only for sociological veracity but also for genuine literary achievement. This copy was inscribed "with the regards of his friend and admirer" to James K. Jones, a lawyer in Washington, DC, who often served in criminal cases. The University of Minnesota owns the letter in which he acknowledges receipt of Darrow's book. Jones praises it as "a vivid and truthful picture...of much that comes along in many a poor devil's life... [It] turns light on places where light was needed." Hunsberger, *Clarence Darrow: A Bibliography* 55.

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

#### 45. De Ausmo (Osimo), Nicolaus [d. 1453].

De Nevo (Nievo), Alexander [d. 1484].

[Bartholomew, Of San Concordio (1262-1347)].

[*Supplementum Summae Pisanellae et Canones 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 Foenerantes*, and the *Canones 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 Pazzaglini 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). Pazzaglini & 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* (GW) M26265.

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

#### 46. Delvaux (Del Vaulx), Andre [1569-1636].

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

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

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

### James I Prohibits Dueling

#### 47. [Dueling].

#### [Great Britain].

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

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

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

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

### A Monumental Collection of Treaties

#### 48. Dumont, Jean, Baron de Carelsroon [1667-1727].

#### Rousset de Missy, Jean [1686-1762].

#### Barbeyrac, Jean [1674-1744].

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

[With]

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

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

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

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

#### **49. Dyer, Sir James [1510-1582].**

*Un Abridgement de Tous 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).

### **The First Study of Prisons by an American**

#### **50. [Eddy, Thomas (1758-1827)].**

*An Account of the State Prison or Penitentiary House, In the City of New-York. By One of the Inspectors of the Prison.* New York: Printed by Isaac Collins and Son, 1801. 94, 83-97 pp. 2 leaves of folded copperplates, 2 folding tables. Octavo (9-1/2" x 5-1/2").

Disbound, untrimmed edges. Light soiling to exterior, dampstaining to head of text block, internally clean. Item housed in cloth clamshell box with printed paper title label. \$850.

\* Only edition. According to the entries listed in Cohen, this is the first study of prisons by an American. Eddy was a businessman, philanthropist and politician from New York. Devoted to the reform of New York's penal laws, he advocated the abolition of corporal punishment, pillories and solitary confinement. In 1796 he helped to draft the bill that established New York's penitentiary system and was appointed to the commission to carry out the bill's mandate. Chosen to supervise the construction of the first State Prison, located in Greenwich Village, he was its first director from 1797 to 1801. Pages 95 to 109 are incorrectly numbered 83-79. OCLC locates 2 copies in Law Libraries (Georgetown, Harvard). *American National Biography* 7:301-302. Cohen, *Bibliography of Early American Law* 4419.

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

#### **51. 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

#### 52. 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.

### An "Unrivalled" Authority on Commercial Law

#### 53. Emerigon, Balthazard-Marie [1716-1785].

[Hall, John E., Translator].

*An Essay on Maritime Loans, From the French; With Notes: To Which is Added an Appendix, Containing the Titles De Exercitoria Actione, De Lege Rhodia de Jactu, and De Nautico Foenore, Translated From the Digest and Code of Justinian. And the Title Des Contracts a la Grosse Aventure ou a Retour de Voyage, From the Marine Ordinance of Louis XIV.* Baltimore: Published by Philip H. Nicklin & Co., 1811. xvi, [17]-313, [1] pp. Octavo (8-1/2" x 5-1/4").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Some rubbing to extremities, front joint just starting at head, a few light scuffs to boards. Light browning to foxing in a few places, dampstaining to a few leaves. Early owner signature (Abner Beck, 1815) to title page, interior otherwise clean. \$700.

\* Only American edition. With notes and references to English and American cases. Emerigon was the leading French authority on commercial law. His work was held in the highest regard by English and American jurists. James Kent observed that "no subject in Emerigon is discussed without being exhausted." Lord Ellenborough said he was an "unrivalled" theorist and practical writer. This treatise on bottomry and respondentia is a useful companion to his treatises on maritime law and maritime insurance. Citations from Marvin, *Legal Bibliography* 293. Cohen, *Bibliography of Early American Law* 7060.

### Three Scarce Pamphlets Concerning the Rights of Englishmen

#### 54. [English Liberties].

*A Dialogue Between a Country Farmer and a Juryman, On the Subject of Libels.* London: Printed for W. Flexney, Holborn, 1770. 30 pp. Half-title lacking. Octavo (8-1/4" x 5"). T63403

[With]

[Selden, John (1584-1654), Attributed].

[Cotton, Sir Robert (1571-1631), Attributed].

[D'Ewes, Sir Simonds (1602-1650), Attributed].

*A Briefe Discourse, Concerning the Power of the Peeres, And Commons of Parliament, In Point of Judicature. Written by a Learned Antiquerie, At the*

*Request of a Peere, Of This Realme.* [London: S.n.] Printed in the Yeaere, That Sea-Coale was Exceeding Deare, 1640. [ii], 6 pp. Quarto (7" x 5").

[And]

**Cotton, Sir Robert.**

*An Abstract Out of the Records of the Tower; Touching the Kings Revenue: And How They Have Supported Themselves.* London: Printed for G. Tomlinson, [1642]. [ii], 27 pp. Final leaf, a blank, lacking. Quarto (7-1/4" x 5").

Disbound pamphlets housed in recent slipcase, quarter morocco over marbled boards, period-style spine with raised bands, gilt titles and gilt ornaments. Pamphlets have some toning, edgewear, a few minor tears, light foxing and dampspotting in places, dampstaining to upper right corner of *Dialogue*. \$1,800.

\* *Dialogue* and *Discourse*: only edition, one of two issues from the same year; *Abstract*: only edition. This is an appealing trio of scarce Whig statements concerning the rights of Englishmen. The larger subject of *Dialogue* is indicated by the statement on its title page: "The Liberty of the Press and the Rights of Jurymen are the Bulwark of the English Constitution." *Discourse*, a work attributed to Cotton, D'Ewes and Selden, reviews the role of the House of Lords and House of Commons and defends the supremacy of Parliament. *Abstract* looks at the sources of Royal revenue, including taxation, and questions their legitimacy. All three are scarce. OCLC does not locate any copies of *Abstract* in North American law libraries. *English Short-Title Catalogue* T63403, R212268, R22041.

### First Edition of a Great Authority on the Law of Scotland

**55. Erskine, John, of Carnock [1695-1768].**

*An Institute of the Law of Scotland. In Four Books. In the order of Sir George Mackenzie's Institutions of that Law.* Edinburgh: Printed for John Bell, 1773. Two volumes. ix, [1], 410; [ii], [411]-758, [30] pp. Folio (14-1/4" x 9").

Contemporary calf, blind rules to boards, raised bands, blind-stamped volume numbers and lettering pieces to spines. Moderate rubbing to extremities with some wear to spine ends and corners, light rubbing and some scuffs to boards, joints starting at ends, hinges partially cracked. Early copperplate armorial bookplates (of Cuninghame of Lainshaw) to front pastedowns. Light toning to text, light foxing in a few places, some offsetting to preliminaries and final leaves of text. Early owner signature (of William Cuninghame) to title pages, annotations in his hand to margins of several leaves in Volume I, interior otherwise clean. A nice set. \$1,000.

\* First edition. Esteemed for its erudition, clarity and accuracy, Erskine's *Institute* was the definitive authorities on Scots law. A durable work, it went through four more authorial editions and four later editions by other authors, the last (eighth) in 1871. The owner of this copy added several notes to the margins of Title VI, "Of Marriage, And of the Relation Between Parents and Children." He added references to cases and authorities, notes from cases, interpretive glosses and summaries. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 5:40.

### A Remarkable Work of Comparative Law

**56. Ferriere, Claude de [1639-1715].**

*La Jurisprudence du Digeste, Conferee Avec les Ordonnances Royaux, Les Coutumes de France et les Decisions des Cours Souveraines, Ou Toutes Sortes de Matieres du Droit Romain, & du Droit Coutumier, Sont Traitees Suivant l'Usage des Provinces de Droit Ecrit & de l'Usage de la France Coutumiere.* Paris: Chez Jean Cochart, 1677. Two volumes. [xvi], 616, [22]; [xiv], 620, [32] pp. Quarto (9-1/2" x 7-1/2").

Contemporary calf, gilt spines with raised bands. Moderate rubbing to extremities with wear to spine ends and corners, front joint of Volume I partially cracked, hinges of both volumes starting, two preliminary leaves in Volume I just beginning to detach at foot. Woodcut head and tail-pieces. Light to moderate toning, light dampspotting in places, faint dampstains to a few leaves. Early owner signatures to title pages, a few later annotations to front pastedowns, interiors otherwise clean. \$2,500.

\* First edition. This remarkable work of comparative law presents a title-by-title analysis of the *Digest* from the *Corpus Juris Civilis* with parallel comparisons to Roman law, current civil law, royal decrees and the coutumes in force in different parts of France. Ferriere, a law professor at Paris, *Avocat au Parlement* and prolific author, was the father of Claude Joseph de Ferriere, an equally notable jurist and author. Later editions were published in 1688 and 1733. All are scarce. OCLC locates 1 copy of the first edition in a North American law library (Harvard). We located another copy at GWU Law School. Gouron & Terrin, *Bibliographie des Coutumes de France* 61.

### 1658 Formbook Collected With "Industry and Care"

**57. Fidell, Thomas, Compiler.**

*A Perfect Guide for a Studious Young Lawyer. Being Presidents for Conveyances, And Other Business of the Like Kind. Collected and Gathered Together Out of the Most Studious, Carefull, and Learned Labours of the Reverend and Learned Sages of the Law; The Lord Coke, The Lord Hobart, The Lord*

*Richardson, Justice Haughton, Justice Reve, Justice Bacon, Sir William Denny, Master Godfrey, Sometimes of Lincolns Inne, and Master Jermy, Sometimes of Norwich. Also Divers Copyhold Entries in Court-Barons, With Justice of Peace Business, Very Usefull for Them and Their Clerks; With an Addition of Indictments and Fines. Collected Together by the Industry and Care of Thomas Fidell, of Furnivals Inne, Gent., Who at Spare Houres, Hath Made it His Study for Above Thirty Years.* London: Printed by Tho. Roycroft, for John Place, 1658. [iv], 277, [32] pp. Portrait frontispiece, included in some copies, not present. Octavo (6-1/4" x 4-1/4").

Contemporary sheep with recent rebacking, blind rules to boards, gilt title to spine, endpapers renewed. Minor scuffing to boards, moderate edgewear, corners worn. Some toning to text, title page re-hinged with some glue residue along gutter affecting a few letters of title, internally clean. \$1,500.

\* Second edition. With side-notes. First published in 1654, this is an extensive formbook drawn from the works of Bacon, Coke and other distinguished British jurists. Both editions are scarce. OCLC locates 2 copies of the second edition in North American Law libraries (Harvard, Library of Congress). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:481 (24).

### **Heavily Annotated Copy of a Work Highly Esteemed by Coke and Blackstone**

**58. Fitzherbert, Anthony [1470-1538].**

**Rastell, William [1508?-1565].**

*La Nouvelle Natura Brevium[m] du Juge Tresreverende Monsieur Anthonie Fitzherbert, Dernierement Renue & Corrigee per Lauteur, Avecques un Table Perfaicte des Choses Notables Contenues en Ycelle, Novelment Co[m]posee per Guillaumle Rastell, & Jamais per Cydeuaunt Imprimee.* London: In Aedibus Richardi Tottelli, 1553 [colophon date: 1560]. [xxxii] of [xxxiii], 271, [1] ff. The missing leaf is a blank. Octavo (6-1/4" x 4-1/4").

Nineteenth-century paneled calf, dentelles to board edges and interior, rebacked retaining earlier spine, raised bands and lettering piece to spine, edges rouged, marbled pastedowns, free endpapers lacking (or never present). Moderate rubbing to extremities with some wear to spine ends, hinges cracked, armorial bookplate to rear pastedown. Title printed within woodcut architectural border. Some toning to interior, very faint dampstaining to portions of text, dampspotting to a few leaves, light soiling and some edgewear to title page. Annotations in early court hand to endleaves, title page and most of text. An appealing wide-margined copy. \$6,500.

\* First published in 1534, the *Nouvelle Natura Brevium* is a manual of procedure written by a Judge of the Common Pleas during the reign of Henry VIII. Winfield notes that "Coke put it among the books which he considered most necessary and of greatest authority and excellency"; Blackstone considered it an authority as well. Compiled from the earlier *Natura Brevia* and the *Registrum Brevium*, it includes several original observations on the form and function of writs. Rastell's revisions include the addition of a table. A popular work, it went through numerous editions in Law French and English, the final appearing in 1794. It remains significant to this day for its descriptions of writs that were becoming obsolete in the early sixteenth century. Most of the annotations in our copy are case references. Some offer commentary or cite passages in other treatises, such as Lambard's *Eirenarcha*. A few combine references to cases, commentary and a treatise citation. *English Short-Title Catalogue (ESTC)* S113138. Beale, *A Bibliography of Early English Law Books* T344.

### **Rare Lyons Imprint of a Notable Canon-Law Handbook**

**59. [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*

### 60. Fortescue, Sir John [1394?-1476?].

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

*A Learned Commendation of the Politique Lawes of England: Wherein by Moste Pitthy Reasons and Evident Demonstrations They are Plainely Proved Farre to Excell Aswell the Civile Lawes of the Emperie, 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 Conjoynd. 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.

## A Maxim-Based Synopsis of English Law

### 61. [A Gentleman of the Middle Temple].

*The Grounds and Rudiments of Law and Equity, Alphabetically Digested: Containing a Collection of Rules or Maxims, With the Doctrine Upon Them, Illustrated by Various Cases Extracted from the Books and Records, to Evince that These Principles Have Been the Foundation Upon Which the Judges and Sages of the Law Have Built Their Solemn Resolutions and Determinations. The Whole Designed to Reduce the Knowledge of the Laws of England to a more Regular Science, And to Form Them Into a Proper Digest for the Service of the Nobility, Clergy, Gentlemen in the Commission of the Peace, and Private Gentlemen, As Well as the Professors and Students of the Law. With Three Tables. First, Of the Rudiments and Grounds. Second, Of the new Cases. Third, of Principal Matters.* London: T. Osborne, 1751. [i], [xxxii], 372, [16] pp. Publisher advertisement precedes title page. Folio (12-1/2" x 8").

Contemporary calf, rebaked in period style with raised bands and lettering piece, corners and hinges mended. Some rubbing, scuffing and light gatoring to boards. Early armorial bookplate (of William Milbourne, Esq. of Lincoln's Inn) to front pastedown. Toning, some offsetting and edgewear to endleaves, light foxing to a few leaves, internally clean. An appealing copy. \$1,500.

\* Second edition. First published in 1749, this fascinating textbook for laymen and law students is a fine example of the maxim-based pedagogy represented by such authors as Bacon, Noy, Wingate and Broome. *Grounds and Rudiments* contains 526 alphabetically arranged maxims, rules, principles and quotations accompanied by comments and illustrations. It also includes short essays on law in general, the sources of law, the nature of equity and the pedagogical value of maxims. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:243 (6).

## Best Edition of a Definitive Study of Anglican Ecclesiastical Law

### 62. Gibson, Edmund [1669-1748].

*Codex Juris Ecclesiastici Anglicani: Or, The Statutes, Constitutions, Canons, Rubricks and Articles of the Church of England, Methodically Digested Under Their Proper Heads. With a Commentary, Historical and Juridical. Before it, Is an Introductory Discourse, Concerning the Present State of the Power, Discipline and Laws, Of the Church of England: And After It, An Appendix of Instruments, Ancient and Modern. Revised and Improved with Large Additions by the Author.* Oxford: At the Clarendon Press, 1761. Two volumes. [iv], xxx, [26], 746; [ii], 747-1575, [99] pp. Folio (9-1/2" x 14-1/2").

Recent period-style quarter calf over marbled boards, raised bands, black-stamped ornaments and lettering pieces to spines, endpapers renewed. Light toning to text, negligible foxing in places, internally clean. Ex-library. Small inkstamps to title pages. An attractive copy. \$1,500.

\* Second, final and best edition. Holdsworth, who discusses this book at length, holds it in the highest regard. The *Encyclopaedia Britannica* says it "discusses more learnedly and comprehensively than any other the legal rights and duties of the English clergy, and the constitution, canons and articles of the English Church." First published in 1713, it went through several printings. An abridged edition by Richard Grey was published in 1730 that went through four other editions in 1732, 1735 and 1743. Gibson, an English divine and jurist, was chaplain and librarian to the archbishop of Canterbury. He went on to become the Bishop of London. In addition to *Codex Juris Anglicani* he produced several important works, including editions of the *Chronicon Saxonicum* (1692) and the collected works of Sir Henry Spelman (1698). Holdsworth, *History of English Law* 12:607-611. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:168. Sowerby, *Catalogue of the Library of Thomas Jefferson*, 2136 (1713 edition).

#### **Rare Italian Treatise on the Evaluation of Real Estate**

#### **63. Girri, Francesco Maria [1707-1771].**

*L'Agrimensore Instruito. Ristampata, Ed Accresciuta.* Ferrara: Appresso Gio. Antonio Coatti, 1767. [xvi], 180 pp. Quarto (9-1/2" x 7").

Contemporary mottled sheep, gilt fillets to boards, gilt spine with raised bands, patterned endpapers. Light rubbing to extremities, chipping to spine ends, corners bumped and lightly worn, partial crack in text block between front free endpaper and half-title. Title page printed in red and black, woodcut head-pieces and decorated initials. Moderate toning to text, occasional light foxing. Tiny private (?) library stamp to verso of title page, early owner annotations to verso of front free endpaper, underlining and notes in later pencil to a few leaves. A handsome copy. \$1,500.

\* Second and final edition, enlarged. First published in Venice in 1758, this is a treatise on legal aspects of surveying and the evaluation of real property as practiced in the Republic of Venice. The second edition was reissued in 1777. All of these issues are rare. OCLC locates 1 copy of the second edition in North America (at the University of Illinois), 3 of the first (at Trinity College, Hartford, University of Michigan and Yale Law School) and none of the second edition reissue. Not in the *British Museum Catalogue*.

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

#### **64. 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 Ubicunque 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-library with 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.

#### **Issued to Senior Officers in the British Navy**

#### **65. [Great Britain].**

#### **[Naval Treaties].**

*Extracts From The Several Treaties Subsisting Between Great-Britain And Other Kingdoms And States, Of Such Articles and Clauses as Relate to the Duty and Conduct of the Commanders of the King of Great-Britain's Ships of War. Together With Such Articles of Later Treaties, As Revive or Confirm any Former Treaties, Which Bear any Relation to the Same.* London: S.n., 1747. xxiv, 264 pp. Copperplate frontispiece. Quarto (9-1/2" x 7-1/2").

Contemporary speckled calf, blind rules to boards, raised bands and lettering piece to spine. Some wear to spine ends and corners, joints cracked. Woodcut head and tail-pieces. Light toning to text, internally clean \$250.

\* Second edition. This guide was issued to senior naval officers. Several treaties in this book relate to America, such as the 1670 Treaty of Madrid, the 1686 Treaty with France, and the 1713 Treaty of Utrecht (1713). Other editions were issued in 1741, 1758, and 1792. Sabin, *A Dictionary of Books Relating to America* 23535.

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

**66. 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, 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 Shrewsbury, 1682. Octavo (6-3/4" x 4-1/4").

Contemporary calf, blind rules to boards, rebacked 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 shows 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.

**"Exercitations" for Thoughtful Lawyers**

**67. Hargrave, Francis [1741?-1821].**

*Jurisconsult Exercitations.* London: Sold by W. Clarke and Sons, 1811-1813. Three volumes. Quarto (10-1/2" x 8-1/2").

Recent cloth, gilt titles and blind fillets to cloth, endpapers renewed. Moderate rubbing to boards, corners bumped and somewhat worn. Moderate toning to text, light foxing in places, torn corner in Volume I (pp. 237-38) repaired with archival tape, internally clean. Ex-library. Small inkstamps to title pages. An attractive set. \$1,500.

\* Only edition. A compendium of thirty-five arguments, observations, opinions, and notes on a wide range of cases and topics, such as the illegality of domestic slavery in England, the inalienability of trusts in inheritance, fines of land, taxing out of parliament, the rule in Shelley's Case, the legal time of human birth and the Walpole Case of mutual wills. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:156.

**The First JP  
Manual Printed in Tennessee**

**68. Haywood, John [1762-1826], Compiler.**

*The Duty and Authority of Justices of the Peace, In the State of Tennessee.* Nashville: Printed and Sold by Thomas G. Bradford, 1810. [iv], 372, [7] pp. An additional four leaves, all containing advertisements, not present in this copy. Octavo (7" x 4-1/2").

Recent period-style calf, gilt rules and lettering piece to spine, hinges mended. Some toning and faint dampspotting to text, several printing faults resulting in torn leaves near the gutter, typical with early frontier imprints. Two later owner signatures to front pastedown, interior otherwise clean. \$1,800.

\* First edition. The first JP manual printed in Tennessee. With its choice of topics and rather amateurish printing, this manual evokes the state of frontier life in the early nineteenth century. Haywood was a jurist and historian from North Carolina who moved to Tennessee in 1807. Soon after his arrival he enhanced his already solid reputation by publishing a series of legal compilations and the earliest important histories of his adopted state. He served on the Tennessee Supreme Court for the last 12 years of his life. Other editions of his manual were published in 1811 and 1816. Though all editions are somewhat common in institutional collections, there are few copies of any edition in law libraries. Regarding the first edition, OCLC locates 4 copies (at Harvard, the Universities of Michigan and Minnesota and Yale). Also, no copy has appeared at auction in more than 30 years. Allen, *Tennessee Imprints* 162. Allen, *More Tennessee Rarities* 340. Cohen, *Bibliography of Early American Law* 8470.



## A Literary Hoax on a Legal Subject

**69. Head, Franklin D. [sic] [1832-1914].  
[Olmsted, Frederick Law (1822-1903)].**

*A Notable Law Suit.* Np, Privately Printed, c.1923. 54 single-sided typed sheets. Autograph letter from Arthur P. Rugg, signed, bound in before title page. 8" x 6-1/4."

Cloth, gilt title to front board, cord tie, marbled endpapers. A one-page Autograph Letter Signed is bound in before title page. Cloth pocket on inside of rear board imprinted in gilt, "Sequel," containing within it an envelope, also titled "Sequel," containing a one-page, bifoliate autograph letter, signed, a four-page, typed circular letter and a two-page typed copy of a letter. Some separation along seam on cloth pocket along fore-edge, otherwise very good. \$750.

\* Franklin H. Head's after-dinner conversation about treasure buried on the coast of Maine by the notorious pirate Captain Kidd resulted in the writing of a tongue-in-cheek story intended only for intimate friends, but which soon afterwards, because of a very convincing narrative, was taken for a true tale. The work's title refers to a supposed lawsuit between Frederick Law Olmsted, the noted landscape architect, and members of the Astor family. Olmsted purportedly accused the Astors of stealing Kidd's treasure from Olmsted's family's land on Deer Isle, Maine. It was Olmsted's daughter Marion's after-dinner conversation with the author that led to the production of this, to use Frederick Law Olmsted's words, "burlesque hoax."

This book is a typescript copy of privately printed book from 1898 (later reprinted in 1931 in *Forum* magazine). It also includes Frederick Law Olmsted's "sequel," a circular letter in which he explains the hoax. The two autograph letters in this book imply it was produced by Massachusetts Chief Justice Arthur P. Rugg [1815-1938]. Dated June 23, 1923, they are addressed to a colleague, Associate Justice Charles A. DeCourcy [1857-1924]. Rugg's bound-in letter presents the book to DeCourcy, hoping he will enjoy it on an upcoming trans-Atlantic voyage and vacation. The second letter, a kind of cover letter housed in the pocket with the sequel, sheds further light on Olmsted's sequel, which explains the hoax. Additional light on "the delicious hoax" is provided by a typed copy of a letter from Rugg's friend and pastor, Shepard Knapp, to James Logan, a local civic leader and former mayor of Worcester.

## With Twenty-Four Steel Engravings and a Handsome Purple Vellum Binding

**70. Herbert, W[illiam] [1771-1851].**

*Antiquities of the Inns of Court and Chancery; Containing Historical and Descriptive Sketches Relative to Their Original Foundation, Customs, Ceremonies, Buildings, Government, &c. &c. With a Concise History of the English Law.* London: Printed for Vernor and Hood; J. Storer and J. Greig, 1804. xii, 377, [10] pp. Twenty-four engravings. Octavo (9-1/2" x 6").

Nineteenth-century purple vellum, gilt title, fillets and ornaments to spine, edges dyed yellow. Negligible light rubbing to extremities. Light toning, foxing to a few leaves, some offsetting from engravings, internally clean. \$650.

\* Only edition. Herbert was the librarian of the Guildhall Library. His *Antiquities* was extracted in large measure from Sir William Dugdale's *Origines Juridicales* (1666). The engravings depict the different Inns of Court and Chancery. *Catalogue of the Library of the Law School of Harvard University* (1909) I:913.

## An Indispensable Work of Great Authority

**71. Holdsworth, Sir William S.  
Goodhart, A.L., and H.B. Hanbury, Editors.**

*A History of English Law.* With an Introductory Essay and Additions by S.B. Chimes. Index volume prepared by John Burke. London: Methuen & Co., Ltd., and Sweet & Maxwell, 1956-1972 (index). 17 volumes. Complete set.

Publisher's original blue cloth in worn dust jackets, all in clear Brodart covers. Bookseller tickets to front pastedowns, owner stamp to front pastedown of Volume I, interiors otherwise fresh. A very desirable set. \$2,000.

\* Latest and most complete revised edition of an indispensable work of great authority. "The only complete history of the English law in detail. Also much essential bibliographical information... No review can give an adequate idea of the masses of valuable learning contained in these volumes, the extent and variety of the ground which has been covered, or the tireless labour and sober scholarship which have been devoted to the task." T.F.T. Plucknett, *Harvard Law Review* 38 (1924-25):698-701.

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

**72. Horne, Andrew [d.1328].**

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

**[Fitzherbert, Anthony (1470-1538)].**

*The Booke Called, The Mirrou 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 Mirrou 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." *Mirrou* 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).

**A Brief Digest of Hale's History of the Common Law**

**73. Horseman, Gilbert.**

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

*Notes and Observations on the Fundamental Laws of England; With Some Account of Their Origina and Present Establishment.* [London]: Printed by Henry Lintot, 1753. [ii], 93, [1] pp. Octavo (6-1/4" x 3-3/4").

Later calf, blind rules to boards, gilt title to spine, front joint carefully repaired, endpapers renewed. Light rubbing to extremities, minor chipping to head of spine, text block cracked in a few places, signature B partially detached but secure, small chip to fore-edge of title page. Early owner signature to title page, annotations in a few places. Ex-library. Bookplate to front pastedown, stamps to title page and some other leaves. A solid copy. \$650.

\* Only edition. This pocket-sized digest of Hale's *History of the Common Law* was intended for students and laymen. As Horseman's title suggests, this book is mostly a digest of legal principles. It offers a nice overview of the law's daily role in eighteenth-century England. OCLC locates 5 copies in North American law schools (Harvard, LA County, Southern Methodist University, University of Georgia, University of Pennsylvania). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:240 (25).

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

**74. 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.

### Handsome Copy of "The Standard Work on Scottish Criminal Law"

#### 75. Hume, David [1757-1838].

*Commentaries On The Law Of Scotland, Respecting the Description And Punishment Of Crimes.* Edinburgh: Printed for Bell & Bradfute, 1797. Two volumes.

[With]

**Hume, David.**

*Commentaries On The Law Of Scotland Respecting Trial For Crimes.* Two volumes. Edinburgh: Bell & Bradfute, 1800.

[And]

**Hume, David.**

*Supplemental Notes to Mr. Hume's Commentaries on the Law of Scotland Respecting Crimes.* Edinburgh: Bell & Bradfute, 1814. [ii], [v]-vii, 335 pp.

Five volumes in all. Quarto (10-1/4" x 8-1/4"). Uniformly bound in contemporary calf, raised bands and lettering pieces to spines. Light rubbing to extremities, corners bumped, most hinges cracked or starting, light toning to text, internally clean. A handsome set. \$3,500.

\* First editions. A complete collection of the writings of David Hume on criminal law, consisting of a commentary published in two separate parts, one on substantive law, the other on procedure, together with a later supplement. According to the *Dictionary of National Biography*, this is "The standard work on Scottish criminal law." Hume was the beloved nephew of the philosopher David Hume; his education at the University of Glasgow was paid for by his uncle, whose library he subsequently inherited. All three works are scarce, the supplement especially. *Dictionary of National Biography* X:226. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 5:52.

### A Collection of Legal "Letters" by an Important Canon Lawyer and Bishop

#### 76. Ivo, Saint, Bishop of Chartres [c. 1040-1116].

**Juretus, Franciscus, Editor.**

*Eiusdem Chronicon de Regibus Francorum.* Paris: Apud Sebastianum Nivellium, 1584. [14], 260 [i.e. 256], [xiv] ff. Quarto (8-1/2" x 6-1/2").

Contemporary vellum with lapped edges, early hand-lettered title to spine. Some rubbing to extremities with minor wear, spine ends and corners bumped, hinges starting, vellum just beginning to crack through pastedowns. Attractive woodcut head-pieces and decorated initials. Light toning to text, heavier in a few places, faint dampstaining to lower corner of text block. Fore-edges of title page and following three leaves carefully mended with no loss to text. Early annotations to front free endpaper, small signature to head of title page, interior otherwise clean. \$2,500.

\* First edition. Ivo, Bishop of Chartres, was an important canon lawyer who played a key role in the resolution of the investiture crisis. The most significant conflict between church and state in the medieval era, it concerned the authority of European monarchs to control the appointments, or investitures, of bishops, abbots and other church officials. This collection of 285 opinions, or "letters," discusses legal aspects of political, institutional and religious subjects. Several deal with the investiture crisis and its background. Other editions were published in 1585 and 1610, the latter designated "Editio Secunda." OCLC locates a handful of copies in North America, 1 in a law library, UC-Berkeley, which has a 1610 edition. Adams, *Catalogue of Books Printed on the Continent of Europe, 1501-1600* I257.

## Handsome Bindings

### 77. [Jacob, Giles (1686-1744)].

*Every Man His Own Lawyer: Or, A Summary of the Laws of England in a New and Instructive Method, Under the Following Heads, Viz. I. Of Actions and Remedies, Writs, Process, Arrests, and Bail. II. Of Courts, Attornies and Solicitors Therein, Juries, Witnesses, Trials, Executions, &c. III. Of Estates and Property in Lands and Goods, and How Acquired; Ancestors, Heirs, Executors and Administrators. IV. Of the Laws Relating to Marriage, Bastardy, Infants, Ideots, Lunaticks. V. Of the Liberty of the Subject, Magna Charta, The Habeas Corpus Act, and Other Statutes. VI. Of the King and His Prerogative, The Queen and Prince, Peers, Judges, Sheriffs, Coroners, Justices of the Peace, Constables, &c. VII. Of Publick Offences, Treason, Murder, Felony, Burglary, Robbery, Rape, Sodomy, Forgery, Perjury, &c., And Their Punishment. All of Them so Plainly Treated of, That All Manner of Persons May be Particularly Acquainted With Our Laws and Statutes, Concerning Civil and Criminal Affairs, And Know How to Defend Themselves and Their Estates and Fortunes; In All Cases Whatsoever. With Additions.* [London]: Printed by Henry Lintot, 1757. This copy bound in 2 books: [i], vi, 224; 225-456, [14] pp. Title page preceded by publisher advertisement. Octavo (7-1/2" x 4-1/2").

Contemporary tree calf, elaborate floral decorative gilt spines with upper red gilt lettering pieces. Light rubbing to extremities, minor chipping to heads of spines, corners bumped and lightly worn. Offsetting to margins of endleaves, some toning to text. Later bookplates to pastedowns, internally clean. A very handsome copy. \$950.

\* Fifth edition. This popular guide reached its eleventh and final edition in 1791; it was reissued at least two more times in the 1800s. The mention of "All Manner of Persons" in the subtitle is significant. Jacob, though certainly interested in boosting sales by attracting the widest audience possible, was an idealist who believed that widespread knowledge of the law would help create a more just society. This is also evident in his other publications, such as *The Common Law Common-Placed* (1726) and *Treatise of Laws* (1721). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:33 (44).

## Professional Guidelines by Jacob

### 78. Jacob, Giles.

*A Law Grammar; or Rudiments of the Law; Compiled From The Grounds, Principles, Maxims, Terms, Words of Art, Rules, and Moot Points of Our Law, In a New, Easy, and Very Concise Method. For the Particular Instruction of Students, and Other Persons, Whereby They May Acquire Much Useful and Elementary Learning in the Law.* London: W. Clarke and Sons, 1817. [iii], iv, [4], 260, [4] pp. Includes one-page publisher list. Octavo (8" x 4-1/2").

Later quarter calf over cloth retaining original maroon lettering piece, untrimmed edges, endpapers renewed. Annotations in early hand to foot of title page. Very good. \$250.

\* Sixth edition, revised and expanded. A terse but wide-ranging compendium for "all youth at our Universities, or Inns of Court, and young gentlemen in their private education" (Preface, ii-iii). Uncommon. OCLC locates 11 copies. Sweet & Maxwell, *Legal Bibliography of the British Commonwealth* 1:34 (45).

## Two Issues Confronting Stuart-Era Nobles

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

*The Decree and Establishment of the Kings Majestie, Upon a Controversie of Precedence, Betweene the Yonger Sonnes of Viscounts and Barons, And the Baronets; And Touching Some Points also, Concerning Aswell Bannerets, As the Said Baronets.* London: Imprinted by Robert Barker, 1612. [iv], 14, [2] pp.

[Bound with]

### Espagne, Jean d' [1591-1659].

*Anti-Duello. The Anatomie of Duells, With the Symptomes Thereof. A Treatise Wherein is Learnedly Handled, Whether a Christian Magistrate May Lawfully Grant a Duell, For to End a Difference Which Consisteth in Fact. Also, The Maner and Forme of Combats Granted, With the Severall Orders Observed in the Proceeding Thereof, With the List of Such Duels, As have Beene Performed Before the Kings of England. Truly and Compendiously Collected and Set Forth by Mr. Iohn Despaigne, For the Good of Sovereaigne and Subject. Published by His Majesties Command.* London: Printed by Thomas Harper for B. Fisher, 1632. [vi], 63, [1] pp. Title page and following two leaves supplied in facsimile.

Stab-stitched pamphlets in recent wrappers, rules to covers, hand-lettered title to spine. Some wear to spine ends, a few minor stains to wrappers. Attractive woodcut head-pieces, tail-pieces and decorated initials. Some toning to text, occasional faint dampstaining to lower corner of text block. "2" to upper corner of *Duello*, "3" to first leaf of *Anti-Duello*, interior otherwise clean. \$1,000.

\* Only editions. *Decree* addresses the confusion raised by the creation of the rank of baronet by James I. The King's decree explained the nature of this title and fixed its place among the other titled ranks. *Anti-Duello* is a contribution to a early seventeenth-century debate initiated by a 1613 decree of James I that outlawed dueling. (This was a reaction to series of high-profile duels between some of his leading courtiers that year.) OCLC locates few copies of either title in North America, none in law libraries. *English Short-Title Catalogue* S105542, S114510.

**First Edition of  
Cooper's Translation of the *Institutes***

**80. Justinian I [485-565CE], Emperor of the East.  
Cooper, Thomas [1759-1839], Translator and Editor.**

*The Institutes of Justinian. With Notes.* Philadelphia: Printed for P. Byrne, 1812. xiv, 714 (i.e. 716) pp. Latin and English translation in parallel columns. Octavo (9" x 5-1/2").

Recent period-style quarter calf over cloth, gilt title and blind fillets to spine, endpapers renewed. Toning and faint dampstaining, light foxing and browning in places. Early owner signatures to head of title page, occasional underlining in pencil. An attractive copy. \$450.

\* First edition. Includes a bibliography of civil law and the complete text of *The Law of the Twelve Tables*. A landmark in the American reception of Roman law and the first translation of Justinian produced in the United States, this edition includes fascinating notes that compare Roman law with that of the United States. (He even includes a table of cases.) Cooper, a chemist and lawyer by training, was a polymath who published books on law, political science, economics, medicine and the natural sciences. A friend of Joseph Priestley and Thomas Jefferson, he was a professor of chemistry at Dickinson College and the University of Pennsylvania. He joined the faculty of South Carolina College in 1819 and became its president in 1820. Cohen, *Bibliography of Early American Law* 1644.

**Pioneering Law-French  
Dictionary and Treatise on Early Anglo-Saxon Laws**

**81. Kelham, Robert [1717-1808].**

*A Dictionary of the Norman or Old French Language; Collected From Such Acts of Parliament, Parliament Rolls, Journals, Acts of State, Records, Law Books, Antient Historians, Acts of State, and Manuscripts, as Relate to This Nation. Calculated To Illustrate the Rights and Customs of Former Ages, the Forms of Laws and Jurisprudence, the Names of Dignities and Offices, of Persons and Places; and to Render the Reading of Those Records, More Easy; As Well as Restore the True Sense and Meaning of Many Words, Hitherto Deemed quite Obscure or Mistranslated. To Which are Added The Laws of William the Conqueror, With Notes and References.* London: Printed For Edward Brooke, 1779. viii, 259, [1]; xii, 88 [i.e. 90] pp. Two parts in one book with individual title pages and paginations. Octavo (8-1/4" x 5").

Recent period-style quarter calf over marbled boards, raised bands and lettering piece to spine, untrimmed edges, endpapers renewed. Toning, light foxing to a few leaves, some soiling to title page and verso of final index leaf. Early owner signatures (of Thomas Adam, William Chapple and one other that is illegible) to head of title page, hand, interior otherwise clean. A handsome copy. \$500.

\* First edition. This pioneering work was not superseded until the twentieth century. In 1843 it was reprinted and appended to Bouvier's *Law Dictionary*. The second part containing the laws of William the Conqueror is printed in three columns containing the text in Norman, Latin translations by a Dr. Wilkins and English translations by Kelham. "Though far from complete, it is the best work of the Kind": Marvin, *Legal Bibliography* 435. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:9 (35).

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

**82. [Ladd, William (1778-1841)].  
American Peace Society.**

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

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

\* Only edition. This volume contains the first issue of Ladd's important "Essay on a Congress of Nations," the first important statement on the preservation of peace through international mediation published in the United States. It became a central text for American peace organizations and participants in international law conferences, and did much to persuade Americans to accept the idea of an international peace organization. It was also distributed widely in Europe, where it was well-received. Influential into the twentieth century, it was reprinted in 1916 by the Carnegie Endowment for International Peace. Anticipating the creation of the Permanent Court of International Justice and the League of Nations by a good 75 years, Ladd proposed an international "congress with legislative powers" that worked with a court that enforced its laws and settled international disputes. *Prize Essays* grew out of a contest sponsored in 1831 by the American Peace Society, of which Ladd was president. It offered a \$1,000.00 prize for the best essay describing the form and function of a "congress of nations." The judges were William Wirt, Joseph Story, Daniel Webster and

John Marshall. They could not decide on a clear winner, so they published the five best essays. Ladd's essay, which was intended to serve as a summary and review of all of the submissions, synthesized their best elements, expanded them and combined them with his original ideas. Ladd reissued his essay later that year as an offprint from this volume. Cohen, *Bibliography of Early American Law* 7595.

### First Edition of Lambard's *Eirenarcha*

#### 83. 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 filets, corner gilt fleurons and central gilt arabesques to boards, raised bands and gilt ornaments to spine, head and lower portion carefully rebaked, 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.

### Marriage Issues in the *Ancien Regime*

#### 84. Launoy, Jean de [1603-1678].

##### Hervet, Gentian [1499-1584].

*Recueil Chronologique de Diverses Ordonnances, Et Autres Actes, Pieces & Extraits Concernant les Mariages Clandestins. Divise en Deux Parties dont la Page Suivante Contient l'Indice.* Paris: Chez Edme Martin, 1660. Two parts in one, each with title page and individual pagination. Part II, by Hervet, is titled: *Oratio ad Concilium, Qua Suadet, Ne Matrimonia, Quae Contrahuntur a Filiis Familias Sine Consensu Eorum in Quorum Sunt Potestate, Habeantur Deinceps pro Legitimis. Cui Accedunt Aliquot Excerpta ex Concilio Tridentino, & Variis Authoribus ad Rem Pertinentia.* Paris: E. Martin, 1660. [ii], 74, [2]; [viii], 60 pp. Octavo (6-1/2" x 4-1/2").

Contemporary limp vellum, hand-lettered title to spine. Light soiling, spine ends bumped, minor wear to corners, few minor chips to edges. Attractive woodcut head-pieces and decorated initials. Some toning to text. Later (?) underlining in faint pencil to a few passages, interior otherwise clean. \$1,500.

\* Only edition. Two studies related to marriage, parental consent and illegitimacy. Launoy (of Lennoi) appended a reprint of Hervet's work, which was first printed in 1556. Not in the *British Museum Catalogue* or Camus. OCLC locates 1 copy in North America (at Yale University).

### Curious Promotional Item

#### 85. [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**

**86. Littleton, Sir Thomas [1402-1481].**

**West, William [fl. 1568-1594], Editor.**

*Les Tenures du Monsieur Littleton, Ouesque Certain Cases Adde per Auters de Puisne Temps, Queux Cases vous Troveres Signes Ouesque Cest Sign[e] [fleuron] al Co[m]mencement [e] Al Fine de Chescun Deux, Au Fine que ne Poies eux Misprennder 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.

**Heavily Annotated  
1594 Edition of Littleton**

**87. Littleton, Sir Thomas.**

**West, William, Editor.**

*Les Tenures de Monsieur Littleton, Ouesque Certaine Cases Adde per Auters de Puisne Temps: Queux Cases vous Troveres Signes Ouesque cest Signe [flower] al Commencement & Fine de Chescun de Eux. Au Fine que ne Poies eux Misprennder pur les Cases de Mounsiieur Littleton, Pur Quel Inconvenience, Ils Fueront Dernierment Tolles de Cest Lievr; Et cy un Soites plus Admotes al Request des Gentlehomes Students en le Ley Dengleterre. Renuu & Change en Lordre des Sections, One un Novel Index ou Table Pursuant Lordre des Dits Sections.* London: In Aedibus Caroli Yetswertii Armigeri, 1594. [i], 170, [27] ff. 12mo. (5-1/4" x 3").

Contemporary calf, blind rules and large central arabesques flanked by initials to center of boards, rebaked retaining spine with raised bands, clasps lacking, endpapers renewed. Some scratches and nicks, edges of boards mended, hinges cracked. Some toning to text, light browning to outer margins, edgewear to preliminaries and final few leaves. Wide margins, annotations to most leaves, early owner signature (Henry Bradsharve) to center of title page. \$6,500.

\* The annotations in this copy are mostly case references, but many are interpretive. Holdsworth, *A History of English Law* II:573. *English Short-Title Catalogue* S108064. Beale, *Bibliography of Early English Law Books* T36.

**A Principal English  
Treatise on Canon Law**

**88. [Lyndwood, William (c.1375-1446)].**

**[Badius, Josse (1462-1535), Editor].**

*Provinciale seu Constitutiones Anglie cum Summariis Atq[ue] Iustis Annotationibus: Honestis Characteribus: Summaq[ue] Accuratione Rursum Impressae.* [Paris: Printed by Andreas Bocard at the University of Paris, May 28, 1501]. cxcii, [19] ff. Main text surrounded by two-column linear gloss. Collation: a8 b6, c-g8 h6 i-q8 r6 s-z8 [et]8 [con]6 A-B6 C8(-C8). Folio (13-1/2" x 9-1/2").

Contemporary paneled calf, corner fleurons and large arabesques to boards, recently rebaked, raised bands and lettering piece to spine, endpapers added, early hand-lettered title to fore-edge. A few shallow scuffs to boards, moderate rubbing to their extremities, corners bumped and somewhat worn, hinges cracked, later bookseller ticket, owner bookplate (of Walter Wigglesworth, dated 1934) and two 1930s-era auction or bookseller descriptions affixed to front pastedown. Text printed in red and black gothic type, woodcut decorated

initials. Light toning to text, faint dampstaining in places, minor edgewear to leaves at beginning and end of text, some with repairs, inkstains and spark burns to a few leaves. Contemporary annotations to endleaves and portions of text, some with minor loss due to trimming. A nice post-incunable copy of an important title. \$7,500.

\* First post-1500 edition. Main text followed by nineteen-page, two-part index (*Tabula*). Compiled around 1433 and first published around 1483-1485, the *Provinciale* is the main authority for early English canon law. Divided into five books, it is a digest of the synodal constitutions of the province of Canterbury, from the period of Archbishop Stephen Langton [c.1155-1228] to that of Archbishop Henry Chichele [1414-1443], with Lyndwood's gloss. It is considered the law of the Church of England by some authorities. This copy was printed in Paris for the English market. OCLC locates 11 copies of this imprint in North American law libraries. Beale, *A Bibliography of Early English Law Books* T403. *English Short-Title Catalogue* (ESTC) S103845.

### "Best Edition" of *Provinciale*

#### 89. Lyndwood[e], Gulielmo [William].

*Provinciale, (Seu Constitutiones Angliae,) Continens Constitutiones Provinciales Quatuordecim Archiepiscoporum Cantuariensium, Aiz; a Stephano Langtono ad Henricum Chicheleium; cum Summariis Atque Eruditis Annotationibus, Summa Accuratione Denuo Revisum Atque Impressum. Cui Adjiuntur Constitutiones Legatinae D. Othonois, et D. Othoboni, Cardinalium, & Sedis Apostolicae in Anglia Legatorum, Cum Profundissimis Annotationibus Johannis de Athona, Canonici Lincolniensis.* Oxford: H[enry] Hall, Impensis Ric[hard] Davis, 1679. Three parts in one volume, parts one and two with separate title pages. [lxiv], 356, 155, [20], 77, [2] pp. Folio (13-1/2" x 9").

Contemporary calf, rebacked, gilt-edged raised bands, lettering piece. Light shelfwear, clean tear to front free endpaper at fore-edge, later owner bookplate to pastedown, early owner signature in fine hand to title page, front endleaves and title page partially detached. Occasional light foxing, light browning to a leaf, text otherwise fresh. A pleasing copy. \$950.

\* Revised reissue of the 1664 edition with different title page, a second part comprising the constitutions of Otho and Othobon and the commentaries of John Acton. Includes table, side-notes and index. According to Lowndes, this is the "best edition.": *Bibliographer's Manual of English Literature* 1363. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:181(41).

### Collected Works of Sir George Mackenzie, With 30 Engravings

#### 90. Mackenzie, Sir George [1636(?) - 1691].

*The Works of that Eminent and Learned Lawyer, Sir George Mackenzie of Rosehaugh, Advocate to King Charles II. And King James VII. With Many Learned Treatises of His, Never Before Printed.* Edinburgh: Printed and Published by James Watson, 1716, 1722. Two volumes. Copperplate portrait frontispiece in each volume, division title page and 30 plates. Folio (15" x 9-1/2").

Contemporary paneled calf, rebacked retaining spines, hinges mended. Light rubbing to extremities, corners bumped and lightly worn, a few nicks to boards. Woodcut head-pieces and tail-pieces, decorated initials and 30 copperplate engravings. Offsetting to margins of endleaves, light toning to text, somewhat darker in places, light foxing to a few leaves in each volume. A notably handsome set. \$2,500.

\* Only edition. Mackenzie was Lord Advocate during the reigns of Charles II and James II. He is best known for his leading role in the persecution of Scottish Presbyterians, which earned him the nickname "Bloody MacKenzie." (In many cases, he bent the law to secure a conviction.) He was an important jurist, scholar and author, and the founder of the Advocates Library, which is now the national law library for Scotland. This set collects all of his legal, historical and literary works except *Aretina* and *The Discovery of the Fanatical Plot*. The *Science of Heraldry* is preceded by a copperplate pictorial title page and is embellished with 30 copperplates illustrating heraldic devices. Unlike most sets, Volume II of our copy has a portrait frontispiece. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 5:74.

### 1576 Tottel Edition of Magna Carta

#### 91. [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 "students 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 (ESTC)* S101094.

### **An Anonymous Poet Celebrates the Adoption of Portugal's First Constitution**

#### **92. [Manuscript]. [Portugal]. [Constitution of 1822].**

*Quadras a Nossa Constituciao*. c.1822. Conjugate 12-1/2" x 8-1/2" leaves forming 4 pp., text in neat hand to three pages. Light toning and some edgewear, horizontal and vertical fold lines, clean tear along fold dividing the two leaves mended with archival tape. A unique item. \$350.

\* This is a poem in 33 stanzas celebrating the adoption of Portugal's 1822 constitution. The nation's first written constitution, it was the political outcome of the Liberal Revolution of 1820.

### **Criminal Conversation's Influence on Later Divorce Law**

#### **93. [Marriage Law].**

*Crim. Con. Actions and Trials and Other Proceedings Relating to Marriage Before the Passing of the Present Divorce Act*. London: n.p, c.1857. [iv], 110, [2] pp. Octavo (7-1/2" x 5").

Recent period-style quarter calf over marbled boards, gilt title to spine, endpapers renewed, internally clean. A handsome copy of a scarce title. \$250.

\* Only edition. With two cases involving Thomas Erskine as counsel. "Actions for what was formerly known...as crim[inal] con[versation] were *nominally* abolished thirty years ago: that they were not *actually* got rid of, as will presently be shewn, is evident from the wording of the Divorce Act... It is a remarkable fact, however, that in spite of the loose wording of the Act, such actions have become of such a rare occurrence as to be virtually at an end, and what the Act was intended to bring about, while failing to do it technically, has yet to come to pass. The object of the following pages is to show the nature of the legal proceedings formerly in vogue as necessary before an injured husband could clear himself of an adulterous wife and marry again, and a number of interesting cases, which attracted a deal of public attention, in their day, are given, from which it may be readily perceived with what facility conspiracy and fraud could be perpetuated.": Preface [iii]. Not in Sweet & Maxwell or the *British Museum Catalogue*.

### **A Classic Treatise on Roman Criminal Law**

#### **94. Matthaëus, Antonius [1601-1654].**

*De Criminibus ad Lib. XLVII. et XLVIII. Dig. Commentarius. Adjecta est Brevis & Succincta Juris Municipalis Interpretatio, Cum Indice Triplici: Titulorum, Rerum & Verborum, Nec non Legum, Qua Strictius, Qua Fusius Explicatarum*. Wesel: Typis Andreae ab Hoogenhuysen, 1679. [xvi], 902, [24] pp. Quarto (7-1/2" x 6").

Contemporary vellum, early hand-lettered title to spine. Some soiling and rubbing to extremities, corners and spine ends bumped, vellum just beginning to crack through pastedowns, upper corner lacking from front free endpaper. Toning to text, somewhat darker in places, light foxing in a few places, internally clean. Ex-library. Inkstamp to title page, a few annotations and another stamp to verso. A solid copy. \$350.

\* Fourth edition. Antonius Matthaëus, the progenitor of a line of noted jurists, first published his *De Criminibus* in 1644. It is a commentary on Books 47 and 48 of Justinian's *Digest* with an additional treatise on the municipal law of Utrecht. Distinguished for its critical use of original sources, rather than later commentaries, it was one of the first modern commentaries on Roman criminal law. It was a successful, widely circulated treatise; it reached its fifteenth edition in 1761. Dekkers, *Bibliotheca Belgica Juridica* 111 (4).

**A Notable Civil-War  
General Attempts to Build a Railroad in Mexico**

**95. [Mexico].  
[Railroads].**

*Decreto Original y Alteraciones al Mismo de la Concesion del Ferrocarril y Telegrafo de Tuxpan.* Mexico: Tip. de la v. e Hijos de Marguía, 1872. 33, [1] pp. Octavo (7" x 10-1/2"). Stab-stitched pamphlet in original printed wrappers. Covers darkened, light soiling and minor edgewear, small ink spot on front wrapper. Light browning, some chipping and foxing, creasing to corners of most leaves. Contemporary annotations to several leaves and two sheets of laid-in notes in Spanish and English. Rare. \$500.

\*Text of the original concession, issued to Antonio D. Richards, Santiago Smith, and Jose Brennan, facing the altered concession issued to General W. S. Rosecrans. "In 1868 President Johnson appointed Rosecrans to be Minister to Mexico. Five months later, President Grant terminated the appointment. His brief diplomatic career convinced him that a prosperous Mexico would need peace, immigration, and railways, and he applied for a concession to build a narrow-gauge railway and telegraph line from Tampico to the Coast. The record of toil and travel, scheming, waiting on rich men and politicians, and of the final collapse of his Mexican dreams, forms a wearying chapter of the frustrating years from 1869 through 1873. Yet he was almost the first, and perhaps the most important, in a long line of Yankee railroad promoters in Mexico.": Lamers, *The Edge of Glory: A Biography of General William S. Rosecrans, U.S.A.* No copies located on OCLC or KVK. One copy located in the Biblioteca Nacional de Mexico.

**Every Man His Own Broker:  
A Popular Eighteenth-Century English Handbook**

**96. Mortimer, Thomas [1730-1810].**

*Every Man His Own Broker: Or, A Guide to the Stock-Exchange. In Which the Nature of Several Funds, Vulgarly Called the Stocks Is Clearly Explained, And Accurate Computations are Formed of the Average Value of East India Stock for Several Years, From the Current Year. The Mystery and Iniquity of Stock-Jobbing is Laid Before the Public, In a New and Impartial Light. The Method of Transferring Stock, And of Buying and Selling; The Several Government Securities, Without the Assistance of a Broker, Is Made Intelligible to All Persons Concerned; And an Account is Given of the Laws in Force Relative to Brokers, Clerks of the Bank, &c. With Directions How to Avoid the Losses that are Frequently Sustained by the Destruction of Bank Notes, India Bonds, &c. By Fire, And Other Accidents. Also, An Historical Account of the Origin, Progress, And Present State of Public Credit, Of the National Debt, Both Principal and Interest, Of Banking, And of the Sinking-Fund; With Advice to Adventurers in the State-Lotteries. To Which is Added, A Supplement, Containing Rules for Forming a Judgment of the Real Causes of the Rise or Fall of the Stocks; New Observations on the Payment of the Dividends; The Equation, And Other Useful Tables.* London: Printed for G.G.J. and J. Robinson, 1791. xxiv, 263, [1] pp. Engraved fold-out "Table of Equation." Octavo (6-7/8" x 4-1/8").

Contemporary sheep, carefully rebaked and re-cornered, lettering piece and gilt fillets to spines, hinges mended, negligible toning to text. Faint pencil marks to margins in some places, interior otherwise clean. An excellent copy. \$950.

\*Eleventh edition, "Considerably Improved." This popular guide was first published in 1761 and was later translated into German, Dutch, French and Italian. It appeared at a time when Great Britain was codifying its position as the most sophisticated commercial empire in the world. At the time of the eleventh edition stock in the East India company held an allure comparable to shares in internet start-ups in the mid-1990s. As his lengthy subtitle suggests, Mortimer was critical of brokers and hostile toward speculators and jobbers. However, his detailed advice offers one of the best accounts of stock trading in the second half of the eighteenth century. *Goldsmiths'-Kress Library of Economic Literature* 14941.45.

**Notable Seventeenth-Century Treatise  
on Legal Aspects of Financial Administration**

**97. Munoz de Escobar, Francisco.**

*De Ratiociniis Administratorum, Et Computationibus Variis Aliis, Tractatus Praegnantissimus, Omnibus Juri Operam Dantibus, Tam in Theoria, Quam Praxi, Utilis, Judicibus et Advocatis Perneccarius. Cum Indice tum Caputum, Tum Materialium, Hoc Praefixo, Illo Subnexo.* Nuremberg: Apud Wolffgangum Mauritium, Et Folios, 1682. [viii], 650, [72] pp. Quarto (8" x 6").

Contemporary calf, paneled covers with wide richly blind-tooled borders, raised bands, gilt ornaments and title to spine. Wear to spine ends and corners, joints starting at ends, some worming to backstrip and pastedowns, occasional worming to margins, endpapers lacking, front hinge cracked. Title page printed in red and black, woodcut decorated initials. Some soiling to title page, moderate toning to text. Early signatures to front pastedown and title page, interior otherwise clean. \$300.

\* Later edition of a work first published in 1606. With subject and title indexes. Escobar's treatise deals with financial administration, executors and administrators and the law of rendering accounts. Little is known about Escobar's life and reputation, but Roberts observes that he was cited often by Roman-Dutch jurists of the eighteenth century. *Ratiociniis* seems to have been a well-respected work; it went through several editions and imprints throughout Europe into the eighteenth century. Roberts, *A South African Legal Bibliography* 115.

### Blame the Mother-In-Law

#### 98. [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 Distinguished British General Considers the Role of Flogging in Military Law

#### 99. Napier, Sir Charles James [1782-1853].

*Remarks on Military Law and the Punishment of Flogging.* London: T. & W. Boone, 1837. [iv], xii, 276 pp. Octavo (8-1/4" x 5-1/4").

Contemporary three-quarter calf over marbled boards, expertly rebacked, gilt fillets and lettering piece to spine. Light rubbing to extremities, corners bumped and lightly worn, bookplate of Henry D. Byng to front pastedown, light toning to interior. "To the Honb.l Mr. Byng from h[is] old and sincere friend the author" to head of title page, interior otherwise clean. \$950.

\* Only edition. Sir Charles James Napier played a legendary role as military commander in the pacification of India. The present work was written upon his return from service in Cephalonia, then under British control, where Napier formed a strong relationship with Byron, and became a strong advocate of reform. The present work is a somewhat conservative but balanced treatment that insists on the necessary differences between social and military law and the absolute importance of keeping them separate, both in Parliament and on the streets. Napier accepts harsh procedure in war, but abhors it in civilian circumstances. At the same time he criticizes many aspects of military law, showing particular concern for better treatment of the private soldier. His humanitarian, indeed democratic, instincts are even more in evidence in his compassion for the lives of ordinary soldiers and their families. The recipient is probably Sir John Byng [1772-1860], Earl of Stratford, MP for Poole in Dorset 1831-1835. On the front pastedown is the signature of Maria Jane Byng (daughter? Sir John's second wife was Marianne James Byng), also a later 19th century book label of Henry D. Byng. *British Museum Catalogue* (Compact Edition) 18:256.

### A Handsome Copy of a Controversial Essay

#### 100. Nevizzano, Giovanni [1490?-1540].

*Sylva Nuptialis: P[er] Excelsum 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]plecte[n]s; Cu[m] Modo Iusua Principum Iudica[n]di [et] Exequen[di]; Item de Autoritatib[us] Doctoru[m], Privilegijs[que] Miserabiliu[m] [Pe]r[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.

### Criminal Activities Classified

#### 101. 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

#### 102. 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.

### 1788 Printing of Parker's *Conductor Generalis*

#### 103. Parker, James [1714-1770], Compiler.

*Conductor Generalis: Or, the Office, Duty and Authority of Justices of the Peace, High-Sheriffs, Under-Sheriffs, Coroners, Constables, Gaolers, Jury-Men, And Overseers of the Poor. As Also the Office of Clerks of Assize, and of the Peace, &c. To Which Are Added, Several Choice Maxims in Law, &c. Compiled Chiefly from Burn's Justice, and the Several Other Books on Those Subjects. The Whole Alphabetically Digested Under the Several Titles; With a Table Directing to the Ready Finding Out the Proper Matter Under Those Titles*. New York: Printed by John Patterson, for Robert Hodge, 1788. xvi, 539 pp. Octavo (7-1/2" x 4-1/2").

Contemporary sheep, lettering piece and raised bands to spine. Rubbing to extremities, light wear to spine ends, corners bumped and moderately worn, front joint starting at foot, front hinge starting, front free endpaper lacking, about an inch lacking from head of following endleaf, light toning to text. Early owner signature (of Luther Adams) to front endleaf, partially-erased signature to head of title page, interior otherwise clean. \$500.

\* A popular American legal manual issued by different printers and publishers based largely on Burn and other English sources. Part II contains (with caption titles only): The Office and Duty of Sheriffs; The Office of a Gaoler, and Concerning Escapes; The Office and Duty of the Clerk of Assize and Clerk of the Peace; A Guide to Juries; Of Maxims and General Rules, from Jacob's *Law Grammar*; Of Actions and Remedies; Of Fictions, Intendments, and Presumptions. Cohen, *Bibliography of Early American Law* 7959.

## Eighteenth-Century Treatise On the Law Relating to the Confessional

### 104. Pertsch, Johann Georg [1694-1754].

*Recht der Beicht-Stuble: Darinnen der Ursprung und Fortgang der Geheimen Beichte aus Denen Kirchen-Geschichten Gezeiget, Auch Was so Unter Catholiken als Protestirenden Disfalls Gebranchlich ist, Und Unter denen Letzern in Uebung Seyn Sollte, Gezeiget Wird.* Wolffenbittel: J.C. Meissner, 1738. [xxxvi], 684, [12] pp. Quarto (8-1/4" x 7").

Contemporary paper-covered boards, early hand-lettered title to spine. Moderate rubbing with some wear to extremities, a few minor stains to boards. Copperplate vignette to title page, another, depicting the promotion of Christianity in south Asia, to head of dedication. Toning, light foxing to a few leaves, internally clean. \$750.

\* Second edition. This is an extensive historically grounded treatise on the canon, ecclesiastical and civil laws relating to church confession. An important and respected work, it was first published in 1721 and went through three subsequent editions, the final in 1740. Pertsch was a juriconsult and a legal scholar who wrote several works on church history and Protestant and Catholic ecclesiastical law. OCLC locates 4 copies in North America, a first edition (at Harvard Law School) and two second editions (at UC Berkeley Law School the University of Dayton and Harvard Law School). This edition not in the *British Museum Catalogue*.

## Classical Roots of the English Jury

### 105. Pettingal, John [1708-1781].

*An Enquiry Into the Use and Practice of Juries among the Greeks and Romans; from whence the Origin of the English Jury May Probably be Deduced.* London: Printed for the Author, by W. and W. Strahan, 1769. xv, [1], 200 pp. Quarto (10-3/4" x 8-1/4").

Recent period-style quarter calf over cloth, raised bands and lettering piece to spine, endpapers renewed. Light browning to text, faint dampstaining to margins in a few places. Early owner signature (of Jas. Neilson) to foot of title page, interior otherwise clean. \$1,250.

\* Only edition. This early history of juries is enriched with numerous citations from Greek and Latin authors. "[T]he Reader (...) will be pleased to find the glorious Characteristic of this Nation, a Jury, to be originally founded in the Liberty of Greece, and handed down to us Through the Channel of the Commonwealth of Rome, and the Colonies Planted in their conquests.": Preface xiii. Pettingal, a Doctor of Divinity and a Fellow of the Society of Antiquaries, was a prebendary of Lincoln Cathedral. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:377 (28).

## "Light Reading for the Gold Hunter on His Voyage Around the Horn"

### 106. Rockwell, John A(arnold) [1803-1861].

*A Compilation of Spanish and Mexican Law, in Relation to Mines, and Titles to Real Estate, in Force in California, Texas and New Mexico; and in the Territories Acquired under the Louisiana and Florida Treaties, When Annexed to the United States. Containing a Translation of the Mining Ordinances of New Spain-Gamboa's Mining Ordinances-The Laws in Relation to Mines of Gold, Silver and Quicksilver, Contained in the "Novisima Recopilacion," and the "Recopilacion de las Indias," and in the Decrees of the Cortes of Spain and of Ferdinand VII, Also of the Laws and Decrees of Mexico, on the Subject of Mines, Colonization, and the Right of Foreigners to Hold Real Estate. Also, Extracts from Public Documents, and from the Laws of California, in Relation to Mines and Mineral Lands: Together With a Digest of the Common Law, on the Subject of Mines and Mining.* Volume I (all published). New York: John S. Voorhies, 1851. [i-iii] iv-xix [1, blank], [2], [7] 8-663 [1, blank] pp. Octavo (9-1/2" x 6").

Recent period-style quarter calf over cloth, red and black lettering pieces to spine, endpapers renewed. Toning, occasional light foxing, discoloration to a few leaves. Contemporary annotations to a few leaves, interior otherwise fresh. A handsomely bound copy of a scarce and important title. \$2,000.

\* Only edition. Sabin remarked humorously that this was "light reading for the Gold Hunter on his voyage around the Horn." Rockwell's *Compilation* addressed the needs of miners and other individuals who needed to reconcile Mexican land titles with the new U.S. laws that went into effect in the territory acquired by the United States in the recently concluded Mexican-American War (1846-48). An impressive achievement and a notable contribution to comparative law, it discusses Mexican mining and real estate laws, and their Spanish colonial antecedents, and offers comparisons to the common law of mines and mining. Also included are treaties and other general documents, such as the Treaty of Guadalupe Hidalgo and Mexican colonization laws from 1823 to 1846, and a vocabulary of Spanish words. Recognized as an authority at the time of its publication, it remained a standard work for decades and is even cited today. Arnold, a lawyer, judge and politician, was a U.S. Representative from Connecticut. Sabin, *A Dictionary of Books Relating to America* 72430. Cohen, *Bibliography of Early American Law* 5296.

## 1670 Thesis on Blasphemy

### 107. Romanus, Paul Franz [d.1675].

#### Starck, Christoph Heinrich [fl. 1662-70], Respondent.

*De Blasphemia, Indultu Illustris JCtorum Ordinis Praeside Viro Excellentissimo Dn. Paulo Francesco Romano...Patrono ac Fautore Suo Honoratissimo ad d. XXVII. Octobris MDCLXX. D. Autor Christophorus Heinrich Starck.* Leipzig: Typis Johann-Erici Hahni, [1670]. 31, 3 pp. Quarto (7-1/2" x 6").

Sewn pamphlet with contemporary reinforced spine, woodcut head-piece. Light rubbing to extremities, some soiling and minor stains to title page and verso of final leaf, spotting to a few text leaves. Early owner signature to title page, internally clean. A well-preserved copy of a scarce item. \$500.

\* Only edition. This is the text of a thesis on blasphemy in canon law and the law of Saxony and the Holy Roman Empire defended on October 30, 1670 at the University of Leipzig. KVK locates 7 copies. 1 copy located in North America (at Harvard Law School). *Verzeichnis der im Deutschen Sprachraum Erschienenen Drucke des 17. Jahrhunderts* 12:161905V.

## Sheet Music on the Sensational First American Kidnapping for Ransom

### 108. Ross, Charley.

#### Dexter Smith & W.H. Brockway.

*Bring Back Our Darling.*

Boston: White & Goullaud, 1874.

Unbound sheet music. 14 x 11 inches, [6] pages. Large lithograph portrait of Charlie Ross (by W.H. Pierce of Thompson & Ramsey Lith., Boston, and captioned "Little Charlie [sic] Ross") on the first page.

Somewhat soiled and worn; in good condition. \$150.

\* First edition? Sheet music on the sensational first American kidnapping for ransom, the abduction of four-year-old Charley Ross of Germantown, Penna., with lyrics of expected pathos. As the note at the head of the music explains, "His abductors offer to restore the child on payment of twenty thousand dollars! If the wretches who kidnapped him succeed in getting their blood money, every home is liable to be thus stricken. The whole country sympathizes with the bereaved parents." (Indeed, at the head of the title is emblazoned, "Dedicated to the Bereaved Parents").

## Scarce Eighteenth-Century Pamphlet About Impressment

### 109. [Royal Navy].

#### [Impressment].

#### [Great Britain].

*An Enquiry Into the Nature and Legality of Press Warrants.* [L]ondon: Printed for J. Almon, 1770. [ii], 5-58 pp. Octavo (8-1/2" x 5-1/2").

Stab-stitched pamphlet with untrimmed edges and several unopened signatures laid into recent marbled wrappers, printed title label to front. Light soiling to exterior of pamphlet, some toning to interior, internally clean. Ex-library. Tiny label to head of title page, small stamp to verso. A nice copy of a scarce title. \$850.

\* Only edition. This anonymous pamphlet examines the legality of impressment, the practice of seizing men by force and compelling them to serve in the Royal Navy. It concludes that impressment is legal but morally reprehensible. More important, this practice is an affront to the rights of Englishmen. OCLC locates 1 copy in a North American law libraries (Harvard). *English Short-Title Catalogue* T32755.

## The First Published Compilations of the Laws of St. Kitts and the Leeward Islands

### 110. [Saint Kitts].

*Acts of Assembly, Passed in the Island of St. Christopher; From 1711, to 1735, Inclusive.* London: Printed by John Baskett, 1739. x, 182 pp.

#### [Bound with]

*An Abridgment of the Acts of Assembly, Passed in the Island of St. Christopher; From 1711, To 1740, Inclusive.* London: Printed by John Baskett, 1740. [ii], clvii-clviii, 169-198.

#### [And]

## [Leeward Islands]

*Acts of Assembly, Passed in the Charibbee Leeward Islands, From 1690, To 1730.* London: Printed by John Baskett, 1740. [v], [i], 24, [iv] pp.

Folio (14-1/2" x 9-1/2"). Later buckram, red and black lettering pieces to spine, endpapers renewed. Moderate edgewear and soiling, some fraying to spine ends and corners, front board partially detached but secure, rear hinge starting. Each volume has identical attractive copperplate vignette featuring King George II, attractive woodcut initials, head-pieces and tail-pieces. Moderate toning, somewhat darker in places, occasional light foxing, internally clean. Ex-library. Remains of location label to spine, small stamps to first title page, annotations to verso. A solid copy worth rebinding. \$2,000.

\* Only editions. St. Christopher (St. Kitts) was discovered by Columbus in 1493. It was colonized by the British in 1623 and was the first British colony in the Leeward Islands. It was held jointly by the French and English from 1628 to 1713 and returned to exclusive British rule under the terms of the Treaty of Utrecht in 1713. Often bound together, these two volumes are the first published compilations of the laws of St. Kitts. Pp. 165-82 of the 1739 *Acts of Assembly* contain acts from 1739-1740. The third title is the first printed edition of acts of the government of the Leeward Islands (Antigua, Barbuda, St. Kitts, Nevis and Anguilla). Saint Kitts: OCLC locates 3 copies of the St. Kitts acts in North American law schools (Columbia, University of Michigan, Yale), one of the Leeward Islands (Harvard). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 7:318-19, 310.

## 1724 English Treatise on Marriage

### 111. [Salmon, Thomas (1679-1767)].

*A Critical Essay Concerning Marriage. Shewing, I. The Preference of Marriage to a Single Life. II. The Arguments For and Against a Plurality of Wives and Concubines. III. The Authority of Parents and Governors, in Regulating or Restraining Marriages. IV. The Power of Husbands, and the Privileges of Wives. V. The Nature of Divorce, and in What Cases It is Allowable. VI. The Reasons of Prohibiting Marriage Within Certain Degrees. VII The Manner of Contracting Esponsals, and What Engagements and Promises of Marriage are Binding. VIII. The Penalties Incurred by Forcible and Clandestine Marriages, and the Consequences Attending Marriages Solemnized by Dissenters. To Which is Added, an Historical Account of the Marriage Rites and Ceremonies of the Greeks and Romans, and Our Saxon Ancestors, and of Most Nations of the World at this Day.* London: Printed for Charles Rivington, 1724. [xx], 310 [i.e. 343], [5] pp. Octavo (7-3/4" x 4-3/4")

Contemporary panel-stamped calf, rebacked in period style with raised bands, lettering piece and gilt ornaments, hinges mended. Negligible rubbing to extremities, a few tiny scuffs to edges. Charming woodcut head-pieces, tail-pieces and decorated initials. Offsetting to margins to endleaves, light foxing in a few places, internally clean. A handsome copy. \$1,500.

\* First edition. Salmon was a prolific Scottish writer on legal, historical and geographical subjects. He spent many years abroad and later accompanied George Anson on his 1739-40 voyage around the world. His wide experiences as a traveler may have furnished the information used in the book's section on marriage rites, which discusses the practices of Denmark, Livonia, Lapland, Germany, Greece, Armenia, Turkey, Persia, India, Ceylon, Siam, China, Japan, Morocco, Guinea, Ethiopia, Chili, Peru, Brazil, Paraguay, America, Mexico, Canada, Russia and Sweden. Whether he actually visited these places or not, Salmon's book remains a fascinating document of English social values, anthropological views and legal philosophy in the immediate decades after the Civil War and Restoration. This book was published anonymously in 1724. The second edition, which states the author's name, was published later that year. *Dictionary of National Biography* XVII:697-698. *British Museum Catalogue* (Compact Edition) 22:493.

## First Edition of Selden's Edition of Fleta And His Ad Fletam Dissertatio From the Library of Sir Frederick Pollock

### 112. Selden, John [1584-1645], Editor.

*Fleta, Seu Commentarius Juris Anglicani Sic Nuncupatus, Sub Edwardo Rege Primo Seu Circa Annos ab Hinc CCCXL. Ab Anonymo Conscriptus, Atque e Codice Veteri, Autore Ipso Aliquantulum Recentiori, Nunc Primum Typis Editus. Accedit Tractatulus Vetus de Agendi Exscipiendique; Formulis Gallicanus, Fet-Assavoir Dictus. Subjungitur Etiam Joan. Seldeni ad Fletam Dissertatio Historica.* London: Typis M.F. Prostant Apud Guil. Lee, & Dan. Pakeman, 1647. [viii], 553, [3] pp. Quarto (8-1/2" x 6-1/2").

Contemporary calf, blind rules to boards, "Fleta" in contemporary hand to fore-edge of text block, endpapers renewed, recently rebacked in period style, hinges mended. "F. Pollock/ Linc: Inn" to front pastedown, "F. Pollock/ Linc: Inn/ 1881" to head of title page, which is printed in red and black. Toning to text, faint dampstaining to upper margins of title page and a few following leaves. Two early struck-through signatures to title page, notes in Pollock's hand to rear endleaf, additional sheet of his notes laid-in. An appealing association copy. \$1,250.

\* First edition. The work by an anonymous author describes the practice of the courts, the forms of writs and an explanation of law terms as they existed during the reign of Edward I. Selden brought this ancient treatise to the public's attention and was instrumental in its publication. While Bracton earns the highest praise as the father of legal learning, Fleta earns a share of it for the illustrations he offered to some of the obscurities found in Bracton. Selden's appended dissertation (pp.453-553) contains many interesting observations about Bracton, Britton, Fleta, and Thornton "and shows what use was made of the Imperial law in England whilst the

Romans governed here, at what time it was introduced into this nation, what use was formerly made of it, how long it continued, and when the use of it totally ceased in the King's Courts at Westminster" (Bridgman). Sir Frederick Pollock [1845-1937] was one of the greatest British judges and legal scholars of his day. His treatises on contracts, jurisprudence the common law and other subjects did much to clarify and systematize English law. Several of these were standard texts that went through several editions. He is also remembered for his collaboration with F.W. Maitland on *The History of English Law Before the Time of Edward I* and his correspondence with Oliver Wendell Holmes, which was published posthumously as *The Holmes-Pollock Letters*. Bridgman, *A Short View of Legal Bibliography* 87. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:53 (20). Sowerby, *Catalogue of the Library of Thomas Jefferson* 1647.

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

**113. [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.

**Two Classic Statements of Whig Ideology**

**114. [Somers, John, Baron (1651-1716), Attributed].**

*Jus Regium: Or, The King's Right to Grant Forfeitures, And Other Revenues of the Crown, Fully Set Forth and Trac'd from the Beginning, His Majesty Vindicated as to His Promise Concerning His Disposal of the Forfeited Estates. The Manifold Hardships of the Resumption, And the Little Advantage We Shall Reap by It, Plainly Demonstrated*. London: S.n., 1701. 84 pp.

**[Bound with]**

**[Somers, John, Baron].**

*Jura Populi Anglicani: Or the Subject's Right of Petitioning Set Forth. Occasioned by the Case of the Kentish Petitioners. With Some Thoughts on the Reasons Which Induc'd Those Gentlemen to Petition: And of the Commons Right of Imprisoning*. London: S.n., 1701. 64 pp.

Quarto (8" x 6-1/2"). Stab-stitched pamphlets bound into recent period-style quarter calf over marbled boards, gilt title and raised bands to spine. Light toning to text, somewhat heavier in places, light foxing to a few leaves. "1" and "2" in early hand to upper-right corner of title pages, interior otherwise clean. \$1,000.

\* Only editions; *Jus Regium*, one of two issues, *Jura Populi*, one of three; all issues of both titles printed in 1701. Somers, the great Whig jurist, was Lord Chancellor during the reigns of William and Mary and Queen Anne and the framer of the English Bill of Rights. Our volume collects two classic statements of Whig ideology. *Jus Regium*, attributed to Somers, is an attempt to outline the scope of the royal prerogative regarding forfeited lands, an ill-defined right at the turn of the eighteenth century. More broadly, it deals with the limits of royal power. *Jura Populi* defends the commoner's right to address grievances to the crown, and the crown's obligation to consider these grievances. *English Short-Title Catalogue* 115385, T18484.



Classic Essay  
on the Rights of Englishmen

115. [Somers (Sommers), John, Baron], Attributed.

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

[Dunton, John (1659-1733)], Attributed.

True Lover of the Queen and Country.

*The Judgment of Whole Kingdoms and Nations, Concerning the Rights, Power, And Prerogative of Kings, And the Rights, Priviledges, And Properties of the People: Shewing, The Nature of Government in General, Both from God and Man. An Account of the British Government, And the Rights and Priviledges of the People in the Time of the Saxons, And Since the Conquest. (...) Recommended as Proper to be Kept in All Families, That Their Childrens Children May Know the Birth-Right, Liberty and Property Belonging to an English-Man. And that They May Have a Just Notion of Government and of Obedience, According to Scripture, Law and Undeniable Reason.* London: Printed For, And Sold By T. Harrison, 1710. [viii], 71, [1] pp. Octavo (7-1/2" x 4-1/2").

Stab-stitched pamphlet in later plain wrappers, recent typewritten title label and fragment of another label to front wrapper. Some wear to spine ends and corners, a minor tear to bottom edge of front wrapper. Some toning to text, a few page numbers affected by trimming, internally clean. \$850.

\* Fourth edition, corrected. This highly popular tract was first published in 1709 with the title *Vox Populi, Vox Dei, Being True Maxims of Government*. The present work outlines the development of English freedoms, and calls for religious freedom, resistance to tyranny and a limited monarchy. It found a ready audience in the colonies on the eve of the American Revolution and was issued by presses in Philadelphia, Boston and Newport. It was read by several Founding Fathers, including Thomas Jefferson, who owned the 1773 Philadelphia imprint. This work is attributed sometimes to John Dunton or Daniel Defoe. Easton Neston, owned by the Barons Hesketh to this day, is one of the great English country houses. See Sowerby, *Catalogue of the Library of Thomas Jefferson* 2712. This imprint not in the *English Short-Title Catalogue*.

Rare Sixteenth-Century  
Spanish Treatise Concerning Monasteries

116. Sosa, Francisco de [fl. 1556].

*Advertencias de Fray Francisco de Sosa, Lector de Theologia en el Convento de Sant Francisco de Salamanca: Cerca de la Nueva Constitucion de Nuestro Sanctissimo Padre Clemente Papa VIII. De Largitione Munerum Utriusque Sexus Regularibus Interdicta. Declaranse Algunas Resoluciones de Derecho en Puntos Dificultosos.* Salamanca: En Casa Iuan Fernandez, 1596. [x], 131, [2] pp. Quarto (8" x 6").

Contemporary limp vellum, black rules to covers, calligraphic title to spine, early hand-lettered title to spine, ties mostly lacking. Some soiling and small stains, spine darkened with a few small chips near center, vellum just beginning to crack through pastedowns. Light to moderate toning to text, occasional faint dampspotting, internally, clean. \$1,500.

\* First edition. This book details a series of legal reforms regarding monasteries and holy orders implemented by Pope Clement VI, formerly a canon lawyer (Ippolito Aldobrandini, 1536-1605, the son of notable jurist Sylvestro Aldobrandini). For the most part, these reforms led to an increase of Papal control and supervision. Two other editions were published in 1597 and 1696. OCLC locates no copies of this title in North America. No copies located at the Library of Congress, Harvard Law School or UC-Berkeley Law School. Palau, *Manual del Librero Hispano-Americano* 319804.

Laws and Privileges of Europe's First Agricultural Union

117. [Spain].

[Consejo de la Mesta].

*Libro de las Leyes, Privilegios, Y Provisiones Reales del Honrado Concejo General de la Mesta, Y Cabana Real Destos Reynos; Confirmandos, Y Mandados Guardar por su Magestad.* Madrid: En Casa de Pedro Madrigal, 1595. [vii], CXLII ff. Folio (11-1/2" x 8").

Contemporary limp vellum, inked rules to covers, hand-lettered title to spine, ties lacking. Light rubbing to extremities, some soiling and wrinkling to vellum, which is just beginning to crack through pastedowns, front free endpaper lacking. Large woodcut arms (of guild) to title page, woodcut initials. Some toning to text, a bit heavier in places, faint dampstaining to margins of some leaves along gutter, minor edgewear to first few leaves of text, including the title page, which is lightly soiled. Early annotations to foot of title page and final leaf, apparently an amendment, interior otherwise clean. Ex-library. Residue from shelf label to spine, hand-shelf number to front pastedown, stamp to title page, annotations and stamps to verso. \$2,500.

\* Later edition. The *Honrado Concejo de la Mesta* (Honored Council of the Mesta) was a powerful association of sheep ranchers in the medieval Kingdom of Castile. It was the first agricultural union in medieval Europe. Enriched by the high demand for its high-quality wool, it was also the most powerful. The kings of Castile conceded many privileges to the Mesta, and traces of these remain in Spanish law today. Early compilations of

laws and privileges circulated in manuscript. The first printed edition was published in 1536. It was reissued, with minor changes to the title, several times into the late-eighteenth century. All issues are scarce in North American law libraries. OCLC locates 1 at Harvard, which has a 1681 imprint. Palau, *Manual del Libro Hispano-Americano* 137891.

### Origins of the Court Calendar

#### 118. Spelman, Henry [1564-1641].

*Of the Law Terms: A Discourse Written by the Learned Antiquary. Sir Henry Spelman, Kt. Wherein the Laws of the Jews, Grecians, Romans, Saxons and Normans, Relating to This Subject, Are Fully Explained.* London: Printed for Matthew Gillyflower, 1684. [iv], 88 pp. Octavo (5-3/4" x 3-3/4").

Contemporary sheep, blind rules to boards, lettering piece to spine. Some rubbing to extremities, corners bumped, a few nicks to boards, pastedowns loose. Title page printed within ruled border, rule at foot of leaf trimmed off due to printer error (text not centered). Light toning to text. Contemporary annotations to rear pastedown, internally clean. A well-preserved copy. \$1,250.

\* Only edition. This work was written in 1614 for a meeting of the Society of Antiquaries. But the Society's suppression prevented the paper from being read. It traces the origins of the practice of holding court at certain specified times and includes chapters on each of the four English terms: Hilary, Easter, Trinity, and Michaelmas. OCLC locates 8 copies in North American law libraries (Columbia, Library of Congress, Harvard, New York Law Institute, UC-Berkeley, UC-Davis, University of Minnesota, University of Pennsylvania). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:576 (25).

### Notable Whig History of the British Constitution

#### 119. Squire, Samuel [1713-1766].

*An Enquiry Into the Foundation of the English Constitution; Or, An Historical Essay upon the Anglo-Saxon Government Both in Germany and England. To Which is Added an Appendix, Containing, 1. An Essay on the Balance of Civil Power in England. 2. A List of all Such Cities, Towns, and Burrows, As Have Ever Been Summoned to Parliament, With the Date of Their First Returns. A New Edition with Additions.* London: Printed for C. Bathurst, 1753. vi, 427, [1] pp. Octavo (8-1/4" x 5-1/4").

Recent period-style quarter calf over marbled boards, raised bands and lettering piece to spine, endpapers renewed. Negligible light rubbing to corners, light toning to text, somewhat heavier in places, faint dampstaining to margins of some leaves. Contemporary owner signature to front endleaf, interior otherwise clean. \$400.

\* Second edition, "With Additions." Squire was a bishop of the Church of England and a historian. His *Enquiry* was first published in 1745. A notable example of the Whig interpretation of English constitutional history, it shows how the English constitution arose from an innate German and Anglo-Saxon love of liberty and constitutionalism. OCLC locates 8 copies of this edition in North American law libraries. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:108 (109).

### First Edition of the First Printed Abridgement

#### 120. [Statham, Nicholas (d.1472)].

[*Abridgement of Cases*]. [Rouen: Guillaume Le Talleur, for Richard Pynson, c. 1490]. [ii], [190] ff. Collation: Pi2, A-Y8, Z6, [et]6. 11-line initial space, 50-line text and headline, side notes. Large Talleur device to verso of final text leaf. One-leaf manuscript index. Chancery folio (11" x 9").

Period-style blind-tooled calf, raised bands and gilt title to spine, endpapers renewed. Light toning to interior, occasional dampstaining and minor worming to margins, finger smudges and light soiling to some leaves. Contemporary marginalia throughout, affected by trimming in places, two-page index in fine contemporary hand, interesting later bookseller annotations to front and rear endleaves. An appealing copy. \$25,000.

\* First edition. The first printed abridgement of cases, it is generally assigned to Nicholas Statham, who was Lent reader at Lincoln's Inn. Its time period covers the reigns of Edward I and Henry VI. As Holdsworth notes, it contains "some long reports that are not to be found in the Year Books." Later editions were published in 1585 and 1679, and it was the standard abridgement until it was supplanted by Fitzherbert. Printed by the first printer in Rouen, this imprint is highly esteemed for the quality of its book design and typography, which mimics a contemporary court hand. Duff speculates that the 2-leaf index may have been printed later and added only to some copies. A study of OCLC and other library records supports his claim. We located 15 copies of this edition in North American law libraries (Columbia, Jenkins, Georgetown, GWU, Harvard, Law and Legislation Reference Library, Maine, Library of Congress, U.S. Supreme Court Library, Social Law, UC-Berkeley, University of Michigan, University of Pennsylvania, Washington University, St. Louis, Yale). Holdsworth, *A History of English Law* II:543-44. Duff, *Fifteenth-Century English Books* 374. *Gesamtkatalog der Wiegendrucke* M43245. Beale, *Bibliography of Early English Law Books* R455.

**First Printed Work Devoted Solely to  
Criminal Law – Jefferson Owned a Copy of this Edition**

**121. Staunford, Sir William [1509-1558].**

*Les Plees del Coron, Divisees in Plusors Titles & Comon Lieux. Per Queux Home Plus Redement & Plenaiement Trover a Quelque Chose que Il Quira, Touchant les Dits Plees, Composees per le Tres Reverend Iudge Monsieur Guillaulme Staunforde Chivaler, Dernierment Corrigee Avecques un Table Parfaicte des Choses Notables Contenus en Ycelle, Nouvelment Reveu & Corrigea.* [London]: In Aedibus Richardi Tottelli, 1583. [xii], 196 ff.

**[Bound with]**

**Staunford, Sir William.**

*An Exposition of the Kinges Prerogative, Collected Out of the Great Abridgement of Iustice Fitzherbert, And Other Olde Writers of the Lawes of Englande. Whereunto is Annexed the Proces to the Same Prerogative Appertaining.* London: Imprinted...in Fleete-Streate Within Temple Barre...By Richard Tottel, 1577]. [i], 85 ff.

Quarto (7-1/2" x 5-1/2"). Contemporary calf, blind rules and large central arabesques to boards, rebaked, raised bands and lettering piece to spine, corners repaired, endpapers renewed with marbled paper, early hand-lettered title to top-edge. Light rubbing to extremities. Title of *Plees* printed within handsome woodcut architectural border, woodcut initials. Light toning to text, brief early annotations in a few places. A handsome volume. \$2,750.

\* *Plees*: final edition; *Prerogative*: fourth edition. Based on Bracton and the Year Books, Staunford's treatise is divided into three parts. The first treats offences, the second jurisdiction, appeals, indictments, and defenses. The third deals with trials and convictions. First published posthumously in 1557, *Plees* was written after Staunford was appointed judge of the common pleas in 1554. *Exposition* 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. Holdsworth, *History of English Law* V:394. *English Short-Title Catalogue* S117812, S117814. Beale, *A Bibliography of Early English Law Books* T490, T495. Sowerby, *Catalogue of the Library of Thomas Jefferson*, 1945.

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

**122. Staunford, Sir William [1509-1558].**

*Les Plees del Coron, Divisees in Plusors Titles & Comen Lieux. Per Queux Home Plus Redement & Plenaiement Trovera Quelque Chose queil Quira, Touchant les Dits Plees. Dernierment Corrigea Avecques un Table Parfaicte des Choses Notables Contenus en Ycelle, Nouvelment Reveu et Corrigea.* [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 Englande. 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, rebaked 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.) 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*).

**Scarce Nineteenth-Century Canadian Admiralty Reports**

**123. Stewart, James [1765-1830], Reporter.**

*Reports of Cases, Argued and Determined in the Court of Vice-Admiralty: At Halifax, In Nova-Scotia, From the Commencement of the War, In 1803, To the End of the Year 1813, In the Time of Alexander Croke.* London: Printed for J. Butterworth and Son, 1814. xi, 596, [54] pp. Octavo (9-1/2" x 6").

Later buckram, red and black lettering pieces to spines. Light soiling, some shelfwear to spine ends and corners, lettering pieces abraded and somewhat worn, signatures containing pp. 483-96 partially detached and lightly edgeworn. Light toning to text, somewhat heavier in places, internally clean. Ex-library. Location label to spine, small stamps to title pages, brief annotations to verso. A solid copy of a scarce title. \$250.

\* Only edition. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 3:88.

### Story Helps an Office-Seeker

#### 124. 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 lines, light toning, 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

#### 125. Story, Joseph.

[*Autograph Letter, Signed, To Messrs. 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 imagine his son would later abandon a distinguished legal career to become a sculptor.) Upon graduation, William entered the law firm of Hilliard 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 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.

### First Edition of the First Important Work on the U.S. Constitution

#### 126. Story, Joseph.

*Commentaries on the Constitution of the United States; With a Preliminary Review of the Constitutional History of the Colonies and States, Before the Adoption of the Constitution*. Boston: Hilliard, Gray and Company, 1833. Three volumes. Octavo (8-1/2" x 5-1/2").

Recent quarter morocco-stamped calf over marbled boards, lettering pieces and gilt fillets to spines. Small inkstain to fore-edge of first volume, light toning to text. \$12,500.

\* First edition. Story's *Commentaries* was the most substantial and influential work written on the American Constitution before the Civil War, and it remains an important work today. Written while Story was Dane Professor at Harvard Law School and an Associate Justice of the Supreme Court, it presented a strongly Nationalist interpretation. It is divided into three books. Book I contains a history of the colonies and discussion of their charters. Book II discusses the Continental Congress and analyzes the flaws that crippled the Articles of Confederation. Book III begins with a history of the Constitution and its ratification. This is followed by a brilliant line-by-line exposition of each of its articles and amendments. Comparing it to the *Federalist*, James Kent said that Story's work was "written in the same free and liberal spirit, with equal exactness and soundness of doctrine, and with great beauty and eloquence of composition. (...) Whoever seeks...a complete history and exposition of this branch of our jurisprudence, will have recourse to [this] work, which is written with great candor, and characterized by extended research, and a careful examination of the vital principles upon which our government reposes.": cited in Marvin, *Legal Bibliography* (1847) 669-670. Cohen, *Bibliography of Early American Law* 2914.

## First French Edition of Story's *Commentaries on the Constitution*

### 127. Story, Joseph.

#### Odent, Paul, Editor and Translator.

*Commentaire Sur la Constitution Federale des Etats-Unis, Precede d'un Apercu sur l'Histoire des Colonies et des Etats Avant l'Adoption de la Constitution, Traduit du Commentaire de J. Story, Professeur de Droit a L'Universite de Harvard, Et Augmente des Observations de Mm. Jefferson, Rawle, De Tocqueville, Etc., Et de Notes Sur la Jurisprudence et L'Organisation Judiciaire, par Paul Odent, Docteur en Droit, Avocat a la Cour Royale de Paris, Ancien Avocat aux Conseils du Roi et a la Cour de Cassation.* Paris: Joubert, Libraire de la Court de Cassation, 1843. Two volumes. Octavo (8" x 5-1/4").

Contemporary quarter sheep over marbled boards, gilt title, fillets and blind-stamped ornaments to spine, speckled edges, marbled endpapers. Some rubbing to extremities, light rubbing and a few minor scuffs to boards, hinges starting. Moderate toning to text, light foxing in places, mostly to margins. Early owner stamp (A. Armand) to front endleaf of each volume, interiors otherwise clean. A nice copy of a scarce title. \$2,000.

\* First French edition. The first complete translation into a foreign language, it is taken from Story's first abridged edition (1833). Along with Franz Joseph Buss's *Über die Verfassungs-Urkunde der Vereinigten Staaten von Nord-Amerika. Historischer Teil, Nach Story's Commentarien Bearbeitet* (1838), Odent's preface is an important source of information on the European reception of Story's work and the American Constitution. In addition to original notes Odent added relevant commentary by Jefferson, Rawle, Tocqueville and others and discussing aspects of the American government that could be adopted in Europe. OCLC locates 3 copies in North American law schools (George Washington University, University of Alabama, University of Michigan). Cohen, *Bibliography of Early American Law* 2918.

## The First Standard English Treatise on Wills

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

*A Briefe Treatise of Testaments and Last Wils [sic], Very Profitable to be Understood of All the Subjects of This Realme of England, (Desirous to Know, Whether, Whereof, And How, They May Make Their Testaments: And by What Meanes the Same May be Effected or Hindered) And no Lesse Acceptable, Aswell for the Rareness of the Work, As for the Easiness of the Style, And Method. Compiled of such Lawes Ecclesiasticall and Civill, As be not Repugnant to the Lawes, Customes, Or Statutes of this Realme, Nor Derogatorie to the Prerogative Royall. In Which Treatise Also are Inserted Divers Statutes of this Land, Together with Mention of Sundry Customes, As Well Generall as Particular; Not Impertinent Thereto: Newly Corrected and Augmented, With Necessary Tables.* London: Printed by I.L. for the Company of Stationers, 1640. [xxiv], 344, 215, [32] pp. Quarto (9" x 6-1/2").

Contemporary calf, blind rules to boards, raised bands to spine, early hand-lettered title to fore-edge of text block. A few faint stains to boards, some rubbing to extremities, joints starting, corners bumped, pastedowns loose. Attractive woodcut head-pieces, tail-pieces and decorated initials, large woodcut arms facing dedication. Some soiling to title page, light toning to text, early repair (or paste-over) at center of fore edge of pp. 203-04. Extensive annotations in contemporary chancery hand to front endleaves and foot of title page, interior otherwise clean. An appealing unsophisticated copy. \$850.

\* Fifth edition. The testamentary jurisdiction of ecclesiastical law was a separate branch that produced its own literature. Swinburne's treatise was the standard work on this subject from its first publication in 1590-91 until the early nineteenth century. (Its last edition, the tenth, appeared in 1803.) Holdsworth, who cites it often and considers it "the most practically useful book of [its] period" notes that "it is a very useful summary of the law as to wills and executors as administered in the ecclesiastical courts.": *A History of English Law* V:14. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:494 (34).

## A Pamphlet That Guided Madison While Drafting the Constitution?

### 129. [Taylor, Hannis (1851-1922)].

*The Real Authorship of the Constitution of the United States Explained: James Madison and Pelatiah Webster Defended by Hannis Taylor Against Attacks Contained in Senate document No. 402, Sixty-Second Congress, Second Session, Entitled: "Pelatiah Webster and the Constitution, An Article Prepared by Gaillard Hunt and Published in the Nation of December 28, 1911.* Washington: [U.S. Government Printing Office], 1912. [ii], 87 pp. Contemporary three-quarter pebbled calf over pebbled cloth, rebounded with raised bands, marbled endpapers and top edge, text printed on fine wide-margined paper. Some rubbing with wear to corners, clean tear to front free endpaper, internally pristine. \$200.

\* A fine-press reprint of United States Congress, Second Session, Senate, Document 787. Pelatiah Webster was a Philadelphia merchant who published a pamphlet entitled "A Dissertation on the Political Union and Constitution of the Thirteen United States of America" in 1783. Taylor

believes this was, in effect, the first draft of the Constitution and a guide for James Madison, who seems to have read it with interest. (The complete text of this pamphlet is included.) A controversial theory, it is largely discredited today. Taylor was a lawyer, scholar and ambassador to Spain during the Cleveland administration.

### The First Godefroy's Edition of the Theodosian Code

#### 130. Theodosius II [408-450 CE], Emperor of the East.

**Godefroy, Jacques [1587-1652], Editor.**

**Antoine Marville [1609-1663], Editor.**

*Codex Theodosianus: Cum Perpetuis Commentariis Iacobi Gothofredi. Praemittuntur Chronologia Accuratio, Cum Chronico Historico, & Prolegomena: Subijciuntur Notitia Dignitatum, Prosopographia, Topographia, Index Rerum, & Glossarium Nomicum. Opus Posthumum; Div in Foro et Schola Desideratum, Recognitum & Ordinatum ad Usus Codicis Iustiniani, opera et Studio Antonii Marvillii Antecessoris.* Lyons: Sumptibus Ioannis-Antonii Huguetan, & Marci-Antonii Rauaud, 1665. Six volumes bound in two books. Main text in parallel columns. Folio (14-1/4" x 9").

Contemporary vellum, early hand-lettered titles to spines, edges colored green. Moderate rubbing and soiling, spine ends bumped, corners bumped and somewhat worn, vellum just beginning to crack through pastedowns, some edgewear to endleaves, lower portion of Volume I half-title and lower corner of title page restored (text not affected). Title pages printed red and black, woodcut head-pieces and decorated initials. Light to moderate toning, occasional foxing. A few early annotations and signatures to title pages of Volume I and IV, interiors otherwise clean. A desirable set. \$8,500.

\* First edition. The Theodosian Code is an official compilation of all laws enacted since the reign of Constantine that was commissioned by Emperor Theodosius II in 429 CE. Completed in 438 CE, and ratified that year by the senate, it was the standard legal text of the empire, one that superseded all earlier codes. It would later exert enormous influence on the barbarians who assumed control of the Western Empire. The Visigoths, Ostrogoths, Franks, Lombards and Burgundians used it as the basis for their legal codes. Godefroy's edition, which includes extensive commentary, was the first modern edition of the *Codex*. It remains a masterpiece of scholarship and erudition. This edition also contains additional notes by Antoine Marville. Graesse, *Tresor de Livres Rares et Precieux* 209. *British Museum Catalogue* (Compact Edition) 21:980.

### Scarce Commentary on Maxims Concerning Marriage Law by Distinguished French Humanist Jurist

#### 131. Tiraqueau, Andre [1488-1588].

*Commentarii. In L. Boves, [Section Symbol]. Hoc Sermone, ff. De Verbor. Signif.* Venice: Francis. Bindonus Excudebat, 1555. [xxviii], 76 ff. Octavo (6" x 4").

Contemporary limp vellum with lapped edges, early hand-lettered title to spine and head of text block, ties lacking. Moderate shelfwear and some soiling and staining, a few chips to spine and a few minor tears to edges, hinges starting, vellum just beginning to crack through pastedowns, which have some minor worming. Large woodcut printer device to title page, attractive woodcut decorated initials. Some toning to text, faint dampstains in a few places. Faint early annotation to front cover, later owner inkstamp to front free endpaper, early owner signature in tiny hand to title page, interior otherwise clean. \$500.

\* Second edition, one of two imprints from 1555, the other published in Venice by Domenico Lili. Tiraqueau was a distinguished humanist jurist and counselor to the Paris Parlement. First published in 1554, *Commentarii* addresses the legal construction of the section of De Verborum Significatione (Book 50, Title 16 of Justinian's *Digest*) dealing with dowry and marriage law. Extending the meaning of the sentence "Hoc sermone 'dum nupta erit' primae nuptiae significantur" (50:16.89), Tiraqueau turns to other places where only the first occurrence of an action has a legal consequence. A final edition was published in 1556. All are scarce today, especially in North America. OCLC locates no copies of our edition and three of the Lili edition (at the Library of Congress, University of Chicago and the University of Iowa Law School). *Censimento Nazionale Delle Edizioni Italiane del XVI Secolo* CNCE60230.

### Scarce Trial Involving Poison, Abortion and Murder

#### 132. [Trial].

**Angus, Charles, Defendant.**

**Jones, William, Jr., Reporter.**

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

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

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

### **Wirt's Famous Speech at the Trial of Aaron Burr**

**133. [Trial].**

**Burr, Aaron [1756-1836], Defendant.**

**Wirt, William [1772-1834].**

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

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

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

### **A Famous Witchcraft Trial**

**134. [Trial].**

**Cullender, Rose [d. 1665], Defendant.**

**Duny, Amy [d. 1665], Defendant.**

**Hale, Sir Matthew [1609-1676], Judge.**

*A Tryal of Witches, At the Assizes Held at Bury St. Edmonds for the County of Suffolk; On the Tenth Day of March, 1664. Before Sir Matthew Hale, Kt. Then Lord Chief Baron of His Majesties Court of Exchequer.* London: Printed for William Shrewsbury, 1682. [iv], 59 pp. Octavo (6-1/2" x 4").

Later three-quarter calf over marbled boards, gilt rules to boards, gilt title to spine, marbled endpapers. Moderate rubbing to extremities, light rubbing to boards, which are slightly warped, armorial bookplates to front pastedown and free endpaper, top-edge of text block trimmed closely, text not affected. Moderate toning to text, light foxing in places. Early owner signature to title page, interior otherwise clean. \$2,000.

\* First edition. *A Tryal of Witches* is an account of the Lowestoft Witchcraft trial conducted at Bury St. Edmonds. Well-known in its day, this remains the most famous English witchcraft trial because it was, thanks to this account, well-documented. Also, it 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. Some experts believe this account inspired the Salem Witchcraft trials. Indeed, Browne's testimony was quoted at that trial by Cotton Mather. *A Tryal of Witches* was later appended to Hale's *Short Treatise Touching Sheriffs Accompts* (1683). Excluding copies issued with the 1683 treatise, OCLC locates 3 copies in North American law libraries (at Columbia, GWU, York). *English Short Title Catalogue* R37899.

### **First Report of the Landmark Dartmouth College Case**

**135. [Trial].**

**[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.

### **A Critical Appraisal of Lord Mansfield's Conduct in the Douglas Cause**

**136. [Trial].  
[Douglas Cause].  
Stuart, Andrew [1725-1801].**

*Letters to the Right Honourable Lord Mansfield from Andrew Stuart, Esqr.* London: S.n., Printed in the Month of January 1773. [ii], 39, [1], 64, 47, [1], 47 pp. Engraved title page. Following rear endleaf, a blank, lacking. Octavo (8" x 5").

Contemporary calf, gilt fillets to boards, raised bands, gilt ornaments and lettering piece to spine. Moderate rubbing to extremities, with minor wear to spine ends, corners bumped, front joint starting at head, minor loss at foot of rear board along joint due to worming, front hinge starting, upper section of front free endpaper removed. Copperplate vignette to title page. Light toning to text. Tiny early owner signature to front pastedown, early struck-through signature to head of title page, notes to verso of front free endpaper, interior otherwise clean. \$400.

\* First edition, one of two issues from 1773, the other published in Dublin in July. The "Douglas Cause," which involved claims on the estate of Duke Douglas was one of the most sensational Scottish trials of the eighteenth century. It also involved one of the greatest jurists of the eighteenth century, Lord Mansfield, who presided over the case. Stuart, a lawyer who had been tutor to the Duke's children, represented Hamilton against Douglas and distinguished himself highly but the case was decided in Douglas favor - the result, according to Stuart, of Lord Mansfield's gross impartiality during trial. This was a rancorous case, and it captured the public's imagination. People tended to side with Douglas. When the House of Lords decided for Douglas a mob collected in Edinburgh, demanded a general illumination in honour of the event and, shouting 'Douglas forever!' proceeded to wreak vengeance on the houses of the Lords who voted against him *English Short-Title Catalogue* T11778.

### **A Decision by James Kent Supporting Robert Fulton's Steamboat Monopoly**

**137. [Trial].  
Livingston, Robert [1746-1813], Defendant.  
Fulton, Robert Fulton [1765-1815], Defendant.**

*The Opinions of the Judges of the Supreme Court, Delivered in the Court of Errors, In the Cause of Robert E. Livingston and Robert Fulton, vs. James Van Ingen, And Twenty Others.* Albany: Printed by S. Southwick, 1812. 12, 12, 23, [1] pp. Octavo (9" x 6").

Stab-stitched pamphlet with untrimmed edges. Light browning, a few tiny tears to edges, faint dampspotting to title page and a few leaves. Early annotations to margins of a few leaves in fine hand, interior otherwise clean. A well-preserved copy of a scarce item. \$750.

\* First edition. In this decision the Supreme Court of New York upheld the thirty-year monopoly on steamboat navigation on the Hudson River granted by the state legislature to Fulton and Livingston. The longest of the three opinions in this unanimous decision was written by Chief Justice James Kent. A scion of New York's most powerful family of the eighteenth and early nineteenth centuries, Livingston was one of the drafters of the



Declaration of Independence. While serving as Minister to France from 1801 to 1804 he negotiated the Louisiana Purchase. It was during his time in France that he met Fulton, with whom he developed the first viable steamboat. Several lawsuits by disgruntled competitors followed. A few years later another steamboat entrepreneur, Thomas Gibbons, defied the law and established a ferry line between New York and New Jersey. This led to the 1824 U.S. Supreme Court ruling *Gibbons v. Ogden*. Declaring that states cannot regulate interstate commerce, the court struck down Fulton's monopoly. *Catalogue of the Library of the Harvard Law School* II:1129.

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

#### 138. [Trial].

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

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

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

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

### Trials of Four Leading Jacobites

#### 139. [Trials].

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

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

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

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

##### **[Bound with]**

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

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

Folio (13-3/4" x 9"). Contemporary calf, gilt rules to boards, raised bands, gilt ornaments and lettering piece to spine. Moderate rubbing to extremities with some wear to spine ends and corners, minor scuffing, boards beginning to separate (but well secured by

cords). Light toning to text. Ex-library. Location number in early hand to lower corner of front free endpaper, tiny inkstamp to title page. An appealing copy. \$750.

\* First editions. Kilmarnock, Balmerino, Cromarty and Lovat were leaders of the (second) Jacobite Rebellion. Sponsored by France, they attempted to restore the crown to Prince Charles Stuart (Bonnie Prince Charlie), the eldest son of James II, who was deposed by the House of Orange in the Glorious Revolution. These fascinating reports contain transcripts of the trials with narrative commentary and transcripts of the indictments and orders of the courts. They are invaluable sources dealing with the English interpretation of the rebellion when it was still a recent event. All but Cromarty were convicted and executed for high treason. Lovat holds the dubious honor as the last British peer to meet this fate. Lovat's execution is also notable as the likely source of the popular expression "laughing your head off." As he was being lead to the scaffold a viewing stand collapsed, much to his amusement. (Several of these spectators died from their injuries afterward.) *Catalogue of the Library of the Harvard Law School* (1909) II: 1120, 1131.

### Learned Study of Roman and Dutch Agricultural Law

#### 140. **Trotz, Christian Hen[drik] [1703?-1773].**

*Jus Agrarium Foederati Belgii*. Franeker: n.p., 1751-1754. Three volumes. Printed on very wide-margined paper. Quarto (10" x 8").

Contemporary vellum, early hand-lettered titles to spines. Light soiling to boards, somewhat heavier soiling to spines, extremities lightly bumped with minor wear, vellum just beginning to crack through pastedowns of Volumes II and III, recent bookseller (or auction) description pasted to front pastedown of Volume I. Woodcut title page devices, head-pieces, tail-pieces and decorated initials. Later bookplate to front pastedown of Volume I. Some toning, light foxing and browning in places. Stuck-through early owner signatures to front endleaves of Volumes II and III, interiors otherwise clean. \$1,500.

\* Only edition. Still an important historical work on agricultural law and the law concerning dikes and watercourses, it examines Dutch law in Volumes I and II. The final volume, which is titled *Jus Agrarium Romanum*, examines Roman law. This study is based on a series of public debates (*disputationes*) he sponsored at the University of Franeker, where he was a professor of law. Born in Germany and educated at the universities of Halle, Leipzig, Marburg and Utrecht, Trotz was an important scholar of public and constitutional law. A prolific author, *Jus Agrarium* is his most important work. OCLC locates 3 copies in North American law libraries (Harvard, UC-Berkeley, Yale). We located another copy at the Library of Congress. Dekkers, *Bibliotheca Belgica Juridica* 172 (8).

### The King and His Creditors

#### 141. **[Turner, Thomas (d. 1679)].**

*The Case of the Bankers and Their Creditors, Stated and Examined. Wherein the Property of the Subject in This, And the Like Cases, Is Soberly Asserted, By the Common and Statute Laws of England, His Majesties Most Gracious Declarations; By Innumerable, Great and Important Records of This Kingdom, From the Time of the Norman Conquest to Our Own Times; By the Civil Law, History, Polity, Morality, And Common Reason: And All Objections Undeniably Refuted. As it Was Inclosed in a Letter To a Friend, By a True Lover of His King and Country, And Sufferer for Loyalty*. London: S.n., 1675. [x], 147, [1] pp. Octavo (7" x 4-1/2").

Contemporary speckled calf rebaked in period style. Blind rules to boards, gilt title and raised bands to spine, endpapers renewed. A few minor nicks to boards, corners bumped. Light toning to text, heavier toning to title page and a few leaves. Contemporary annotations to rear endleaves, interior otherwise clean. \$950.

\* Third impression, a much-enlarged version than the previous printings (1674, 1675). The Bankers' Case concerned the liability of the King to repay loans. The decision gave creditors of the crown the right to petition to the Barons of the Exchequer for breach of contract. This definition of a legal obligation marked a significant turning point in the relationship between king and subject. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:322 (2A).

### "Twysden had a Knowledge of and Affection for the Usages and Liberties of His Country Scarcely, If at All, Exceeded"

#### 142. **[Twysden, Sir Roger (1597-1672)].**

*The Commoners Liberty: Or, The English-Mans Birth-Right*. London: S.n., 1648. [ii], 33, [1] pp. Quarto (7" x 5-1/4").

Stab-stitched pamphlet in recent plain wrappers. Some toning to text, minor inkstains to a few leaves. Item housed in handsome recent period-style clamshell box, quarter calf over marbled boards, lettering piece and gilt fillets to spine. \$1,250.

\* First edition. Twysden was a politician and legal historian who sat in the House of Commons at various times between 1625 and 1640. Though sympathetic to Parliament and critical of some actions taken by Charles I, he supported the Royalists during the Civil War. He was subjected to various forms of harassment during the war and Commonwealth period, including periods of imprisonment. He was left to his peace when he

renounced his role in public affairs and retired to his estate, where he devoted his life to scholarship. He wrote *The Commoners Liberty* during this time. Based on a close reading of Magna Carta, it demonstrates the illegality of his imprisonment by Cromwell's agents. Apparently a limited and self-interested work, it was an important statement about English liberties. Indeed, to quote the *Dictionary of National Biography*, "Twysden had a knowledge of and affection for the usages and liberties of his country scarcely, if at all, exceeded in an age which comprehended the great names of Coke, Selden, Somner, Spelman, Evelyn, Cotton, and Seville." Another edition was issued in 1659. Both are very scarce. OCLC locates few copies of each edition in North America, none in law libraries. *Dictionary of National Biography* 1334-1335. *English Short-Title Catalogue* R203857.

### "The Magna Carta of the United States"

#### 143. [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, rebounded 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.

### Important Early Compilation of U.S. Constitutions

#### 144. [United States].

*Constitutional Law: Comprising the Declaration of Independence; The Articles of Confederation; The Constitution of the United States; And the Constitutions of the Several States Composing the Union, viz; New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Louisiana, Kentucky, Ohio, Tennessee, Mississippi, Indiana, Illinois.* Washington City: Printed and Published by Gales and Seaton, 1819. [iv], 360 pp. Pasted-in slip to foot of p. 360 containing a recent amendment to Georgia's constitution. 12mo. (6-3/4" x 4").

Contemporary sheep, blind fillets to spine, lettering piece and blind fillets to boards. Some rubbing to extremities, a few minor scuffs and stains to boards, corners lightly bumped. Light toning to text, somewhat darker in places, faint dampstaining and dampspotting to some leaves. Early (illegible) owner signatures to front endleaf, interior otherwise clean. A nice copy. \$3,750.

\* First edition. With an appendix containing federal constitution and the constitutions and amendments of 21 states, including Indiana and Illinois. Federal and state amendments enacted between 1808 and 1816 are also included. This was the first compilation published in Washington. A quasi-official work, it was the first "government" compilation since the ratification of the Federal constitution. Later editions were published in 1820, 1822 and 1823. OCLC locates 16 copies, 3 in law libraries (William and Mary, Duke and the NY State Appellate Division Law Library). Cohen, *Bibliography of Early American Law* 3013.

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

#### 145. 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.

#### **Deluxe Folio Edition with 39 Color Portraits**

#### **146. [Vanity Fair].**

#### **Spy (Sir Leslie Ward [1851-1922]), and Others.**

*The Book of the Bench: With Thirty-Nine Reproductions in Color by "Spy" and Other Cartoonists.* London: James Mackenzie Limited, [1909]. Unpaginated. 39 tipped-in color portrait plates. Folio (13" x 10 1/2").

Original vellum, gilt title and figure of Lady Justice to front board and spine, top-edge gilt, deckle fore and bottom edges, silk tie detached. Some shelfwear and light soiling, corners and spine ends bumped, board slightly bowed, light toning to interior. Text printed on high-quality heavy stock. Early owner signature to front free endpaper, interior otherwise clean. \$750.

\* Deluxe folio edition. A marvelous collection of color portrait plates by Sir Leslie Ward, Carlo Pellegrini and others, each accompanied by a brief biography, were originally published in *Vanity Fair*. This is a deluxe folio edition produced by Henry Stone and Sons, Ltd.; the trade edition is a 9-1/2" x 11" quarto bound in blue cloth.

#### **Rare Colonial-Era Collection of Mexican Fire Laws**

#### **147. Viana, Francisco Leandro de [1730-1804].**

*Reglamento Para Precaver y Extinguir en Mexico los Incendios de sus Casas, y Edificios Publicos.* Madrid: Por Don Joachin Ibarra, 1782. [iv], xviii, 90, xiv pp. Copperplate portrait frontispiece (of Princess Maria Luisa de Borbon). Quarto (9-1/2" x 6").

Contemporary speckled sheep, gilt fillets to boards, gilt spine, marbled endpapers. Negligible light rubbing to extremities, small scuff near center of rear board, light toning to text, internally clean. A very well-preserved copy. \$3,500.

\* Only edition. Issued for Spanish Mexico, this is a code of laws relating to fire prevention, fire fighting and property damaged by fire. OCLC locates a handful of copies in North America, but only 1 in a law library (Harvard). Sabin, *A Dictionary of Books Relating to America* 99408.

#### **A Highly Respected Peruvian Code**

#### **148. Vidaurre, Manuel Lorenzo de [1773-1843].**

*Proyecto de unCodigo Penal; Contiene una Explicacion Prolija de la Entidad de los Delitos en General, Y de la Particular Naturaleza de los Mas Conocidos. Se Senalan las Penas que Parecen Proporcionadas. Al Ultimo se Agrega una Disertacion Sobre la Necesaria Reforma del Clero.* Boston: Hiram Tupper, 1828. 230, 2 pp. Octavo (9" x 5-1/2").

Contemporary quarter cloth over paper-covered boards, printed paper title label to spine, untrimmed edges. Chipping to spine ends, light soiling and dampspotting to boards, corners bumped and somewhat worn, hinges cracked, early and later owner bookplates to front pastedown. Moderate toning and faint dampspotting to text, dampstaining in a few places, internally clean. Ex-library. Inkstamp and annotations to title page. A solid copy of a scarce title. \$100.

\* Only edition. This draft penal code, written by the chief justice of the Supreme Court, was ordered by Peru's legislature in 1825, along with a civil code. Though it was not adopted, its description sections were "so well considered that commentators in this field even today devote much space to a discussion of its merits" (Clagett). OCLC locates 6 copies in North American law libraries (Columbia, Harvard, UC-Berkeley, University of Georgia, University of Minnesota, Yale). Clagett, *A Guide to the Law and Legal Literature of Peru* 75.

## The Legal Relations of Actors, Managers and Audiences

### 149. Wandell, Samuel H. [1860-1943]

*The Law of the Theatre: A Treatise Upon the Legal Relations of Actors, Managers and Audiences.* Albany: James B. Lyon, 1891. xix, 572 pp. Octavo (8-1/2" x 5-3/4").

Contemporary law calf, blind rules and ornaments to boards, lettering pieces and gilt and blind ornaments to spine, endpapers renewed. Some rubbing to extremities with wear to spine ends and corners, crack in text block between front endleaves, light wear to fore-edges of free endpapers, small tears to bottom edges of preliminaries near gutter. Light toning to text, internally clean. \$950.

\* Only edition. A thorough work that includes copyright issues, it offers an interesting look at the theatrical world of the late nineteenth century. Wandell, a member of the Syracuse, NY, Bar, was the author of *The Law of Inns, Hotels and Boarding Houses* (1888) and a notable biography of Aaron Burr. *Catalogue of the Library of the Harvard Law School* (1909) II:866.

## Webster Certifies an Apprentice

### 150. 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.

## Seventeenth-Century Collection of English Legal Maxims

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

*Maximes of Reason: Or, The Reason of the Common Law of England.* London: R. & W. L. for W. Lee, A. Crook, D. Pakeman, H. Twiford, G. Bedell, T. Dring, J. Place, 1658. [xii], 772 [i.e. 720], 12 pp. Folio (11-1/4" x 7").

Contemporary calf, blind rules to boards, raised bands and lettering piece to spine. Light rubbing to extremities, minor stains and scratches to boards, corners bumped and lightly worn, skillful repair to front hinge near head of spine, hinges cracked but secure, rear endleaves lacking, later armorial bookplate (of the Marquess of Headfort) to front pastedown. Light toning to a few leaves, interior otherwise fresh. \$1,850.

\* Only edition. In this work Wingate outlines the essentials of the common law and its "reason" through maxims organized under the following headings: "Theology," "Grammar," "Logick," "Personall Things," "Law," "Morality" and "Wife." Some examples: "To such laws as have warrant in holy scripture, our law giveth credence," "the law delighteth in apt expressions," "Personall things cannot be done by another," "The law esteemeth and judgeth of all things according to their nature and quality" and "The husband is the woman's head." The left-hand margins have glosses relating the maxims to their legal context, the right-hand margins have citations. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:244.

## Landmark in the Evolution of Insanity Jurisprudence

### 152. 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 Lytton Forbes, who is best known for his work on the case of Jack the Ripper. Cohen, *Bibliography of Early American Law* 8839.

## The Prince of Wales's Clandestine Marriage

### 153. [Withers, Philip (d. 1790)].

*Alfred's Appeal. Containing His Address to the Court of King's Bench, On the Subject of the Marriage of Mary Anne Fitzherbert, And Her Intrigue with Count Bellois.* London: S.n., 1789. 88 pp.

[Bound with]

[Withers, Philip].

*Alfred's Apology.* London: Entered at Stationers-Hall, 1789. 86 pp. Half-title lacking.

[And]

[Withers, Philip].

*Alfred's Apology, Second Part, Containing a Letter to His Royal Highness the Prince of Wales; With a Summary of the Trial of the Editor of Nemesis, On the Prosecution of Mrs. Fitzherbert, For a Libel; With Remarks, By Alfred.* London: Entered at Stationers-Hall, 1789. 154 pp.

[And]

[Withers, Philip].

*History of the Royal Malady, With Variety of Entertaining Anecdotes, To Which are Added, Strictures on the Declaration of Horne Tooke, Esq. Respecting "Her Royal Highness the Princess of Wales," Commonly Called Mrs. Fitzherbert. With Interesting Remarks on a Regency. By a Page of the Presence.* London: Sold at No. 9, Queen-Street, n.d. 62 (of 64) pp. Final two leaves lacking.

Octavo (8" x 4-3/4"). Stab-stitched pamphlets bound into contemporary three-quarter calf over marbled boards, rebacked in period style, raised bands, gilt ornaments and lettering piece to spine, marbled edges. Light rubbing to boards, moderate rubbing to extremities with some wear to corners, endpapers renewed. Moderate toning to text, light foxing in places, internally clean. \$750.

\* *Alfred's Apology*: second edition; Others: first editions (one of several issues, all in the same year). In 1785 George, the Prince of Wales and the future King George IV contracted an illegal marriage in secret with Maria Anne Fitzherbert, a Catholic commoner. (It violated the Bill of Rights and the 1701 Act of Settlement). King George III compelled the prince to leave her in 1794 to marry Duchess Caroline of Brunswick, but he continued his relationship with her (with some periods of estrangement). These items are part of a pamphlet war that grew out of a libel trial that resulted from Withers's public exposure of the clandestine marriage. *English Short-Title Catalogue* T11257, T11276, T11256, T11274.

## Measures Against "Prophaneness and Vice"

### 154. [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.

**With Seventeen Additional Pages  
of Precedents in a Contemporary Chancery Hand**

**155. [Writ].  
[Great Britain].**

*Intrationum Liber Omnibus Legum Anglie Studiosis Apprime Necessarius: In se Complectens Diversas Formas Placitoru[m], Tam Realium, Personalium Q[uam] Mixtorum Necnon Multorum Brevium tam Executionum q[uam] Aliorum Valde Utilium nunc Tandem in Gr[at]iam Studiosorum Maiori Cura et Diligentia q[uam] Ante hac Reuisus ac Emendatus Adiectis Etiam Indice Multo q[uam] Ante hac Castigatiore cum Nonnullis Alliis Addita Mentis Hactenus non Excusis nec Editis Cuiusquidem Iudicis Ordinem Series Alphabetica Tibi Demonstrabit.* [London]: Excudebat [N. Hill for] Henricus Smythe, 1546. [xliv], 244 (i.e. 246), [1] ff. Folio (13" x 8-1/2").

Later three-quarter calf over marbled boards, raised bands and lettering piece (from an earlier binding) to spine, endpapers renewed. Light rubbing to extremities with minor wear to spine ends and corners, hinges cracked. Title printed within woodcut architectural border. Moderate toning to text, occasional faint dampstaining to upper portion of text block, light edgewear to preliminary and final leaves of text, light soiling to title page, repair to lower corner of final text leaf, which has two small holes with minor loss to legibility. Early struck-through annotations to title page and some other leaves, interior otherwise clean. A solid copy in an attractive binding. \$9,500.

\* The first and only edition of the second printed book of entries, the first published in 1510. Also known as the Book of Legal Writs, this is the earliest English book of precedents for pleadings. It contains pleadings in real, personal and mixed actions, information on writs and executions and miscellaneous information on other topics. The anonymous author derived his material from the plea rolls, a fundamental source for early English legal history. Sir John Baker notes the "old books of entries are the least used of all early law books; but they are replete with learning which, though difficult to extract, the legal historian ignores at his cost." *An Introduction to English Legal History* 2d ed. 160-161. This copy contains seventeen additional pages of precedents in a fine contemporary chancery hand. OCLC locates 12 copies of this imprint. Beale, *A Bibliography of Early English Law Books* T284. *English Short-Title Catalogue* S112077.

**Important Contributions  
to the Early-Modern Reception of Roman Law**

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

*Catalogus Legum Antiquarum una cum Adiuncta Summaria Interpretatione, per Joannem Ulricum 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.

\* Zasius: 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 Zasius describes the sources of Roman law before the Twelve Tables and the nature of Roman legislation. It went through seven editions, the last on 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*. Zasius: *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

### 157. Z[ouch] R[ichard] [1590-1661].

*Elementa Jurisprudentiae, 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 Jurisprudentiae* 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 Jurisprudentiae*, with different additional contents, were issued in Holland in 1652 and 1665. *English Short-Title Catalogue* S120616.

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