

Selected Items on Display at the 2019 NEW YORK ANTIQUARIAN BOOK FAIR

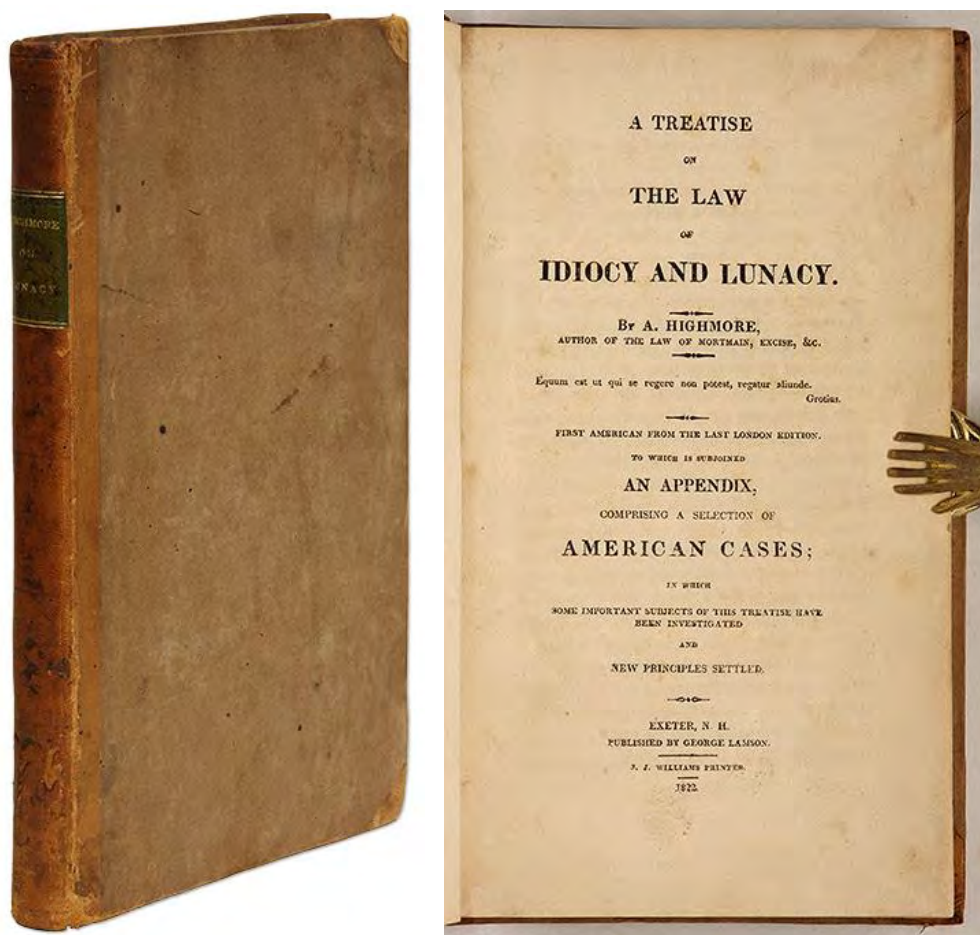
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Part 2 | February 26, 2019

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LAWBOOK EXCHANGE
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**First American Edition of One of
The First Books on the Law of "Idiocy and Lunacy"**

1. Highmore, A[nthony] [1758-1829].

A Treatise on the Law of Idiocy and Lunacy. To Which is Subjoined an Appendix, Comprising a Selection of American Cases; In Which Some Important Subjects of This Treatise Have Been Investigated and New Principles Settled. Exeter, NH: Published by George Lamson, 1822. x, [2], 194 pp. Octavo (8-1/2" x 5").

Contemporary three-quarter sheep over paper boards, green lettering piece and blind fillets to spine. Light rubbing and a few ink spots to boards, moderate rubbing to extremities, minor scuffing to spine, corners bumped and somewhat worn, front joint and hinge just starting at head, faint early owner signature in pencil (of H. Stephens) and later owner signature (of Dr. Edward Gillespie, dated 1929) to front pastedown. Moderate toning, light foxing to some leaves, a few leaves have early marks to margins. A choice copy. \$1,500.

* Only American edition, based on the first London edition, 1807. One of the very first books on the topic, Highmore's treatise examines precedents concerning the insane and their treatment under the law. It discusses the meaning of "ideot," *non compos mentis* and lunacy, as well as the custody of lunatics, commission of the insane to hospitals or asylums, *habeas corpus*, disability and recovery of the insane, regulations of asylums and criminal cases involving the insane. Highmore, a British legal writer and solicitor, was secretary to the London Lying-In Hospital. This American edition has a 27-page Appendix with valuable information on the insanity plea and the American criminal justice system at the time. It replaces that of the 1807 English edition which relates only to English courts. Cohen, *Bibliography of Early American Law* 8818. [Order This Item](#)



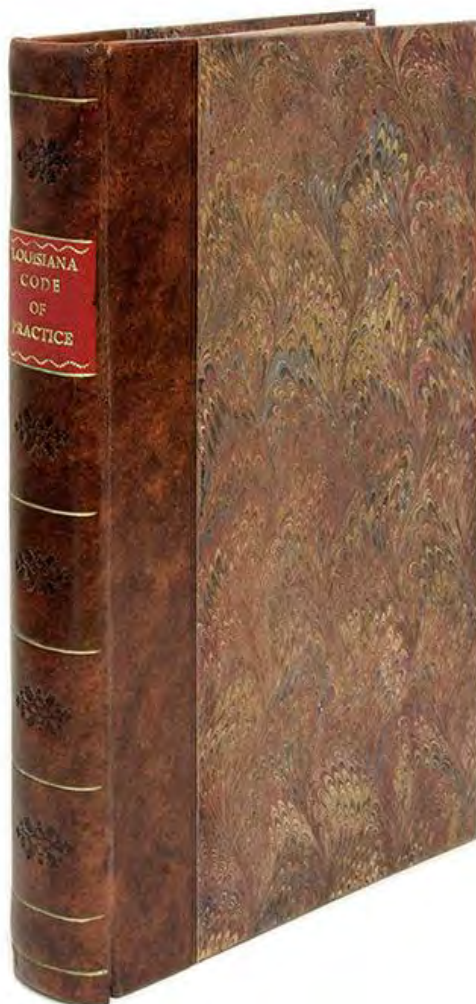
Annotated Extensively in Two Contemporary Hands

2. Justinian I, Emperor of the East [482-565 CE].
Accorso, Francisco (Accursius) [c.1182-c.1260], Glossator.
Perrin, Gilles [1479-1537], Editor.

Institutionum Civilium Libri Quatuor, Una Cum Accursii Commentariis, ac Multorum Jurisdoctorum Annotationibus, Majore Cura Quam Unquam Antehac, cum in Textu, Tum in Glossis ab Egidio Perrino, Officiali de Josaio, Emendati, Scholiis Illustrati. Justiniani vita et Uberimo Materialium (Quas Vocant) Indice, Seu Repertorio, Nunc Primum Aucti. Paris: Ex Officina Claudii Chevallonii, 1533. [xxv], 3, 271 ff. Main text in double columns with linear gloss. Quarto (10" x 7-3/4").

Early calf with recent rebacking, blind rules to boards, blind rules and gilt title to spine, hinges mended. moderate rubbing to boards, corners worn, light rubbing to joints, a few minor nicks to spine, hinges partially cracked, armorial bookplate of Thomas Fitzherbert, Esq., dated 1749, and small bookplate of Nathan Comfort Starr to front pastedown, faint embossed owner stamp to a few leaves. Printed throughout in red and black, large woodcut printer's device to title page, woodcut initials and double-page woodcut Arbor Civilis. Light toning, occasional faint dampstaining to margins, light edgewear to preliminary and index leaves, annotated throughout, with occasional underlining, in two sixteenth-century English hands. \$2,500.

* Along with the *Digest*, *Code* and *Novels*, the *Institutes* is one of the writings known collectively as the *Corpus Juris Civilis*. Intended for students, the *Institutes* is an elementary treatise on Roman private law. Like its companion volumes, its subsequent influence on European jurisprudence is difficult to underestimate. It received a great deal of commentary during the medieval and early modern eras. Accorso's was the first standard commentary. The handwriting style of the numerous annotations in our copy is that of a civilian (civil lawyer) or cleric. They repeat or summarize information in the gloss and list unfamiliar Latin terms, perhaps for later study. As one would expect, most of the annotations relate to topics in ecclesiastical and family law, such as marriage, guardianship. There are also occasional annotations on such topics as debtor and creditor. Thomas Fitzherbert may have been a descendant of the great jurist Sir Anthony Fitzherbert [1470-1538]. Nathan Comfort Starr [1896-1981] was a notable book collector who taught and wrote extensively about the Arthurian legend and Arthurian literature. *Universal Short-Title Catalogue* 185302. [Order This Item](#)



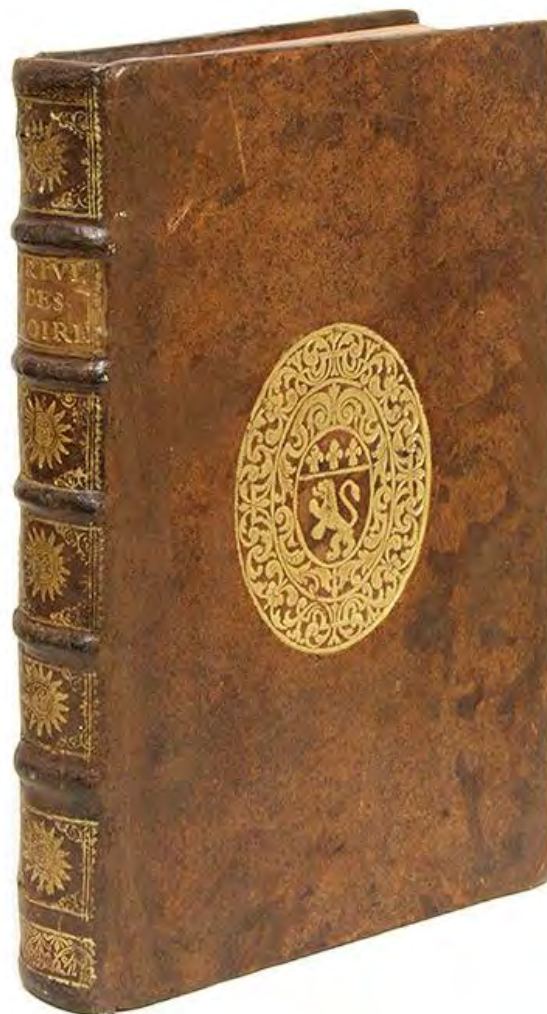
Livingston's Louisiana Code of Civil Practice

3. [Louisiana].
[Livingston, Edward (1764-1836)].
[Lislet-Moreau, Louis (1766-1832)].
[Derbigny, Pierre (1769-1829)].

Code of Practice, in Civil Cases, For the State of Louisiana. [New Orleans: s.n., c. 1824]. 410 pp. English and French on facing leaves. Quarto (10-3/4" x 7-1/2").

Recent period-style quarter calf over marbled boards, lettering piece, gilt fillets and blind ornaments to spine, endpapers renewed. Light browning and faint dampspotting to text, small darker dampstains to upper margins of preliminaries and a few following leaves. A nice copy in a handsome binding. \$2,500.

* First edition. This important code was one of a series of codes produced for the Louisiana legislature. Principally the work of Livingston, work on the civil practice code began in 1823. Submitted to the legislature and first published in 1824, it went into effect the following year. Like the other codes it was a decisive influence in the codification movement. It was, for example, the main inspiration and source for the 1848 Field Code of Procedure, which incorporated many of its provisions. Not in Cohen. Babbitt, *Hand-List of Legislative Sessions and Session Laws* 148. Jumonville, *Bibliography of New Orleans Imprints* 458. [Order This Item](#)



1649 Restatement of Laws Governing the Fair of Lyon

4. [Lyon].

Privileges des Foires de Lyon, Octroyez par les Roys Tres-Chrestiens par les Roys Tres-Chrestiens, Aux Marchands François & Etrangers y Negocians sous Lesdits Privileges, Ou Residens en Ladite Ville. Lyon: Par Guillaume Barbier, 1649. xvi, [8], 398, [8] pp. Quarto (9-1/4" x 6-1/2").

Contemporary sheep, large gilt-stamped arms of Lyons to centers of boards, gilt spine with raised bands and lettering piece. Light rubbing, corners bumped. Woodcut arms of Lyons to title page. Moderate toning, somewhat heavier in places, some leaves have faint dampspotting, a few passages have early marks or underlining. A handsome copy. \$1,500.

* Only edition. Lyon's location in central France at the confluence of two major rivers (the Rhône and Saône) helped to establish the city as a trading center and an ideal location for trade fairs. By the late fifteenth century, fairs produced by Italian merchants made Lyon the banking center of France. Given its economic importance, and the jealousy of other cities and, on occasion, kings of France, the city was careful to record and assert its rights. As much a political statement as it a legal handbook, the *Privileges* is a compilation of laws, orders, privileges and other legislation granted to the fair of Lyon from 1349 to 1563. OCLC locates 3 copies in North American law libraries (George Washington University, UC-Berkeley, Yale). *Goldsmiths' Catalogue of Economic Literature* 1012. [Order This Item](#)



Blackstone Seeks Assistance from His Patron

5. [Manuscript].

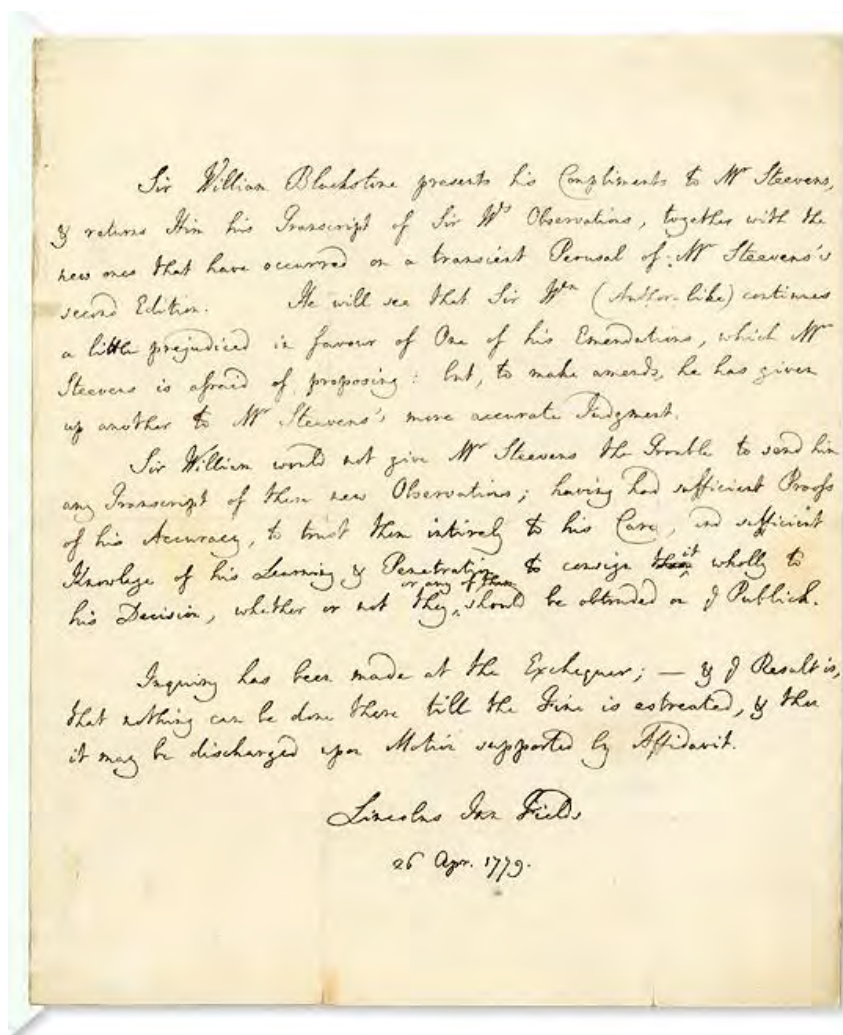
Blackstone, Sir William.

[Petty, Lord William, Earl of Shelburne (1737-1805)].

[Autograph Letter, Addressed to "My Lord," Signed "W. Blackstone," London, Inner Temple, March 21, 1761].

Two-page letter on single 8-3/4" x 7-1/4" sheet and 5" x 4" copperplate portrait of Blackstone (after Gainsborough) in attractively matted and glazed 19-1/2" x 15-3/4" frame, the backing has a window for viewing the second side of the letter. Light toning to letter and portrait, otherwise fine. \$6,500.

* Better known as the Earl of Shelburne, William Petty, 1st Marquess of Lansdowne, was an Irish-born British Whig statesman. Among other offices, he was the first Home Secretary in 1782, Leader of the House of Lords in 1782-1783 and, briefly during those two years, Prime Minister. As a young man Petty attended Blackstone's Vinerian lectures in 1755-1756. In 1761 Petty, then a member of King George III's inner circle, decided to become Blackstone's patron. He applied his influence to get Blackstone elected to Parliament, representing the "rotten" Wiltshire borough of Hindon, and elevated to the prestigious and lucrative rank of king's counsel. He pursued these goals simultaneously, which put Blackstone in an awkward position; if he became a king's counsel and was then elected, he would be required to resign his seat and stand for election again. That is the issue discussed in this letter. Blackstone knew the re-election requirement could be avoided if he was granted a royal patent of precedence instead, which would give him the privileges of a king's counsel. Reading between the lines, it is apparent that Blackstone was hoping that Petty would come to this conclusion and speak to the king on his behalf. Blackstone knew he was asking a favor that would deepen his obligation to Petty. Trying to discern the extent of that obligation is the final point of the letter. He asks "what may be incumbent upon me to do, or whether Your Lordship has any Commands for me: For it would be unpardonable Negligence on my Side, when my great & noble Friends have done so much for me, to let anything miscarry through a Want of Attention to the necessary Forms of Business." Discussed at length in Prest's definitive Blackstone biography, this letter offers fascinating insights into Blackstone's strategies to establish a career beyond Oxford and his efforts to master the intricacies of a client-patron relationship. Prest, *William Blackstone: Law and Letters in the Eighteenth Century* 180-182. [Order This Item](#)



Blackstone Discusses Shakespeare

6. [Manuscript].

Blackstone, Sir William.

[Steevens, George (1736-1800)].

[Autograph Letter (in Third Person) to George Steevens, London, Lincoln's Inn Fields, 26 April 1779].

9-1/2" x 7-1/2" bifolium, one page of text, archival guard at inner edge. Light toning, vertical and horizontal fold lines. \$8,500.

* Addressed to the eminent Shakespearean George Steevens, the letter discusses Blackstone's critical notes on Shakespeare, which were ultimately published the following year (after his death) in Edmund Malone's supplement to the 1778 edition of Shakespeare's plays by Samuel Johnson and George Steevens. Blackstone returns a transcription of the notes "together with the new ones that have occurred on a transient Perusal of Mr Steevens's second edition. He will see that Sir W[illiam] (Author-like) continues a little prejudiced in favour of One of his Emendations, which Mr Steevens is afraid of proposing: but, to make amends, he has given up another to Mr Steevens's more accurate Judgement." He adds that there is no need to send a transcript of the new "observations," and concludes with a note on a legal case: "Inquiry has been made at the Exchequer; - & [the] Result is, that nothing can be done there till the Fine is estreated, & then it may be discharged upon Motion supported by Affidavit." [Order This Item](#)



Thirteenth-Century Manuscript
Copy of a Papal Decretal Concerning Inheritance

7. [Manuscript].

[Canon Law].

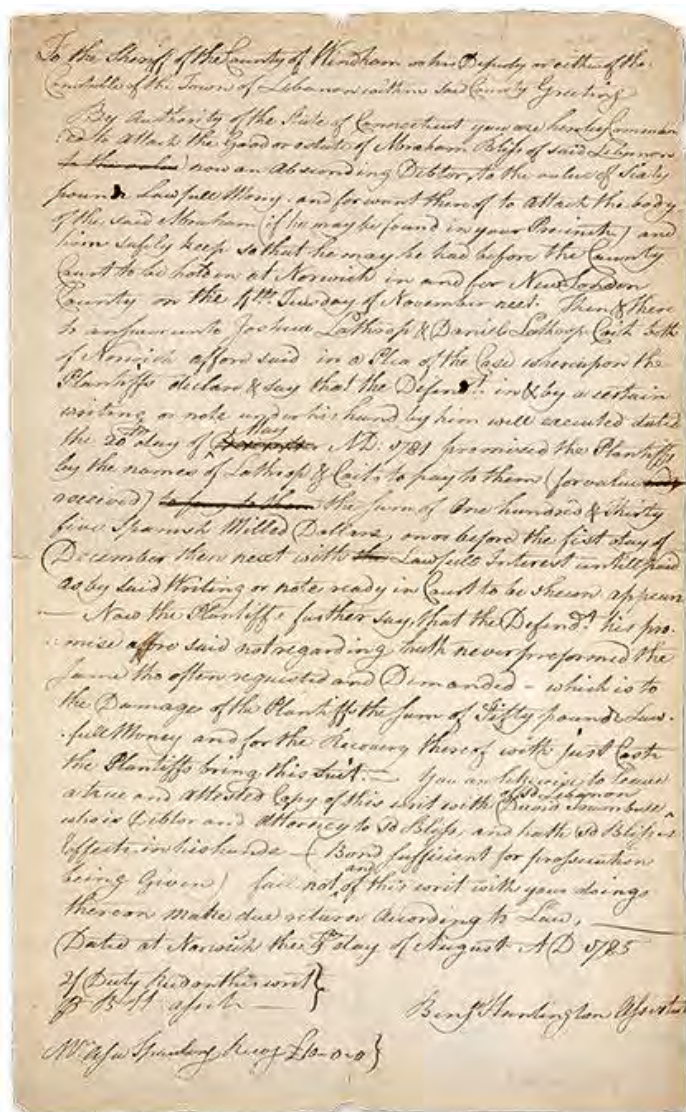
[Clement, III (1130-1191), Pope].

[*Leaf from a Papal Decretal Concerning Inheritance*]. France, c. 1270.

[2] pp. Folio (12-3/4" x 9-1/2").

Parchment leaf, light soiling and a few faint stains, fold lines and tiny holes, pieces removed from corners with minor loss to text. 50-line rubricated text in gothic hand in 2 columns surrounded by glosses, 8 vividly colored lombard initials with flourishes in red and blue, 4-line ornamented incipit beginning with 14-line initial "P" in red and blue, with elaborate flourishes. A few faint later annotations. A fine example of a high-medieval legal manuscript. \$3,500.

* An extensive text fragment from a thirteenth-century copy of a papal decretal concerning inheritance with later commentary. More specifically, this decretal states that inherited goods owned for 30 years or more can not be taken by the Church. ("De constitutionibus - Preterea de lege illa vel errore quam cives tuos asseris statuissse, videlicet, ut si quis teneret by xxx annos possessiones alicujus ecclesiae, nec reddidisset canonem constitutum non ideo cadreet pensionente possessionis illius, nihil certi tibi pessumus respondere, donec constitutionem illam ab ipsis factam nobis verbo ad verbum expositam studeas destinare.") The text begins with the incipit "De constitutionibus - Preterea de lege illa vel errore quam cives tuos asseris statuissse." The large initial "P" and the word "Preterea," are highlighted by alternating red and blue Versallutes. The commentary provides a detailed exegesis of this passage. [Order This Item](#)



1785 Connecticut Court Document
Ordering the Arrest of an Absconding Debtor

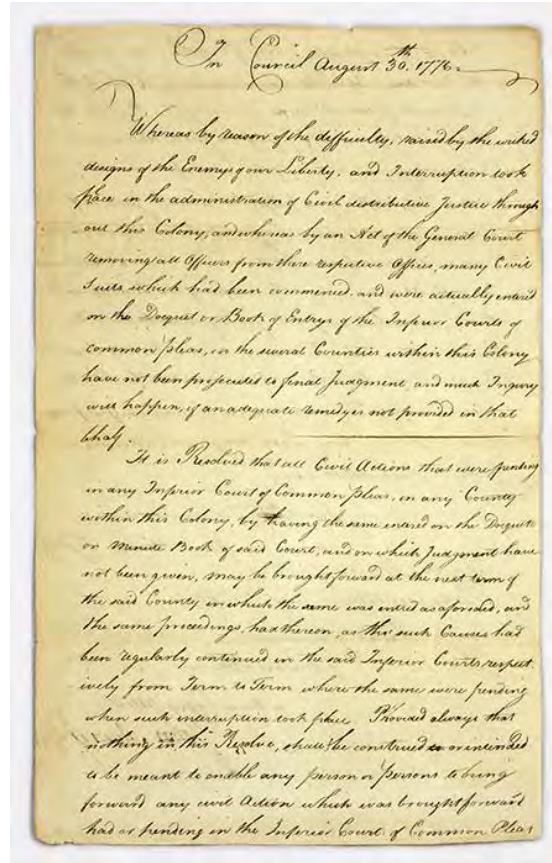
8. [Manuscript].
[Connecticut].

[Writ from the State of Connecticut Ordering the Seizure of Goods of an Absconding Debtor]. [Hartford or New Haven]: August 9, 1785. 2 pp. 13-1/2" x 8" bifolium, docketed on verso.

Horizontal fold lines, a few with minor tears, light edgewear, light browning and minor edgewear, horizontal and vertical fold lines, content in neat, legible hand. \$650.

* Addressed to the sheriff and deputy sheriff of Windham County, "or either of the Constables of the Town of Lebanon," this writ orders the arrest of Abraham Bliss and his deliverance to court in New London. This writ was issued because Bliss had defaulted on the repayment of 135 "Spanish Milled dollars" to Daniel and Joshua Lathrop. It also fines Bliss 50 pounds and directs the writ to be served to his attorney, David Turnbull of Lebanon.

[Order This Item](#)



**Massachusetts Addresses Judicial
Difficulties Raised by the Declaration of Independence**

9. [Manuscript].
[Massachusetts].
[General Court].
[American Revolution].

In Council. August 30th, 1776. Whereas by Reason of the Difficulty, Raised by the Wicked Designs of the Enemies of Our Liberty, An Interruption Took Place in the Administration of Civil Distributive Justice Throughout the Colony...

Single leaf folded to from 11-1/2" x 7-1/4" bifolium. Light browning and edgewear, split neatly into two leaves, three horizontal fold lines, most with partial splits. Content in neat hand to recto and verso of first leaf, manuscript docketed on verso of second. \$2,500.

* Signed and attested by John Avery, Secretary. Written six weeks after the Declaration of Independence, this resolve of the Massachusetts House of Representatives concerns the disposition of civil suits now that the Revolution was officially underway. It explains in detail the means for handling civil suits interrupted by the removal of court officers. The text continues (from above): "...and whereas by an Act of the General Court removing all Officers from their respective offices, many Civil Suits which had been commenced and were actually entered on the Docquet or Books of Entry of the Inferior Courts of common pleas, in several Counties within this Colony have not been prosecuted to final judgment, and much Injury will happen if an adequate remedy is not provided in that behalf; It is Resolved that all Civil Actions that were pending in any Inferior Court of Common please in any County within this Colony, by having the same entered on the Docquet of Minute Book of said Court, and on which judgment have not been given, may be brought forward at the next term of the said County in which the same was entered..." [Order This Item](#)



**Documents Recording Land
Transactions with Native Americans in New Jersey**

**10. [Manuscript].
[Native Americans].
[New Jersey].**

[*Manuscript Indentures and Related Survey Recording Land Transactions with Native Americans*]. Monmouth County, NJ, 1744-1753.

Four items in all comprising three 12" x 8" indentures and a 10" x 8" survey, all docketed on versos. Light browning and some spotting, fold lines, light edgewear, some tears along folds, one item split neatly along horizontal fold. \$6,000.

* Recognized by the colonial government of New Jersey, Indian land indentures allowed settlers to purchase land directly from Native Americans. In the first of these documents, Andrew Wolley, King of the Crosswicks Indians, sells land to John Lawrence "... lying on the S. side of Asanpink River beginning at Jacob Jameson's NE corner ... containing about 150 acres." The price was 3 pounds 7 shillings. The other indentures, also to John Lawrence, are from Peter Tule, dated June 10, 1747, and Peter Tewley, dated May 9, 1753. Tule and Tewley are also identified as "Indian," but no tribe name is given in any of the documents. John Lawrence was from a family of early settlers of Monmouth County who were known for being loyal Tories during the Revolutionary War. Andrew Woolley became King of the Crosswicks Indians after his uncle, Weequehela, was executed for murdering Captain John Leonard in 1727 while intoxicated. [Order This Item](#)



Diary of a Prominent Yonkers, New York, Lawyer, Judge and Politician

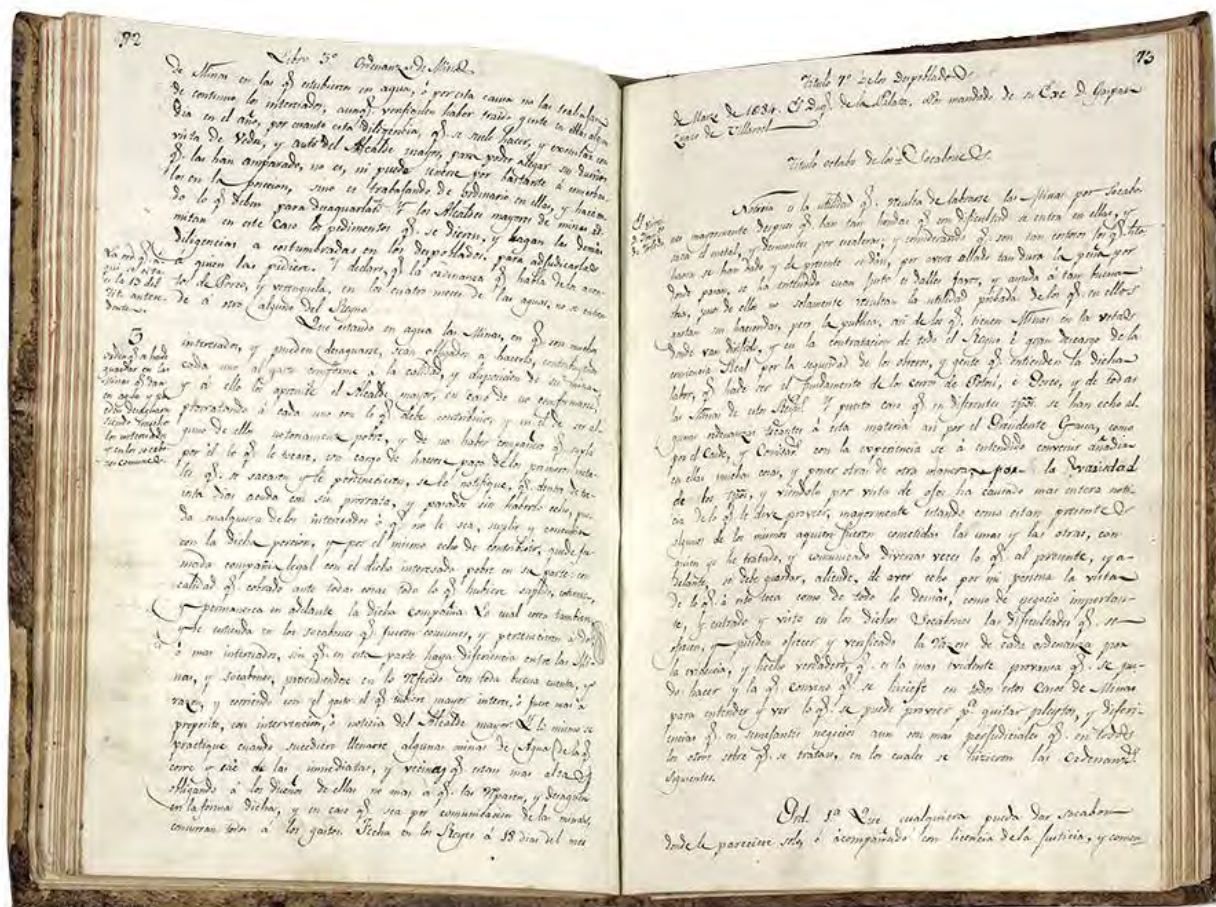
11. [Manuscript].

Scrugham, William Warburton [1820-1867].

[*Diary of William Warburton Scrugham*]. [Yonkers, NY, February 1, 1844--March 31, 1845 19, [120] pp. 12mo. (6-1/4" x 3-3/4").

Quarter sheep over marbled boards, printed paper title panel to front board (reading *Diary for 1844*. Published by Jansen & Bell, 158 Nassau-Street, New York). Light rubbing to boards, moderate rubbing to extremities with wear to spine ends and corners, spine abraded, a few cracks to text block. Light toning to text, some leaves have light foxing, a few have faint dampstains. "Scrugham 1844" to front free endpaper, rectos and versos of most leaves filled in small neat hand. \$1,500.

* Scrugham studied at Columbia College and read law in the office of Samuel E. Lyon, in White Plains, New York, around 1836. When he was accepted to the County Board at White Plains as the supervisor for Yonkers, he was the youngest member, but he was popular and eventually became chairman. He continued to represent Yonkers for several years. In 1848 he was elected District Attorney of the county and in 1849 appointed lieutenant colonel of the 17th Regiment of State Militia, and the following year he was promoted to colonel. He infused new life into the regiment and was soon put in command of the Brigade as a Brigadier General. In 1849 he was nominated for Justice of the Supreme Court of the State, and upon taking his seat on the court, resigned his commission. In politics he was always a Democrat, but sided with the "Free Soilers" in 1848. A businessman and civic leader, he was the founder, Director and Secretary of the Yonkers Gas Light Company, an original trustee of the Yonkers Savings Bank, a director of the First National Bank of Yonkers, a director of the Yonkers and New York Fire Insurance Company, a trustee of the Yonkers Cemetery Association, one of the vestrymen of St. John's Church and a Mason. The majority of entries in his dairy concern his work as an attorney. They cover the time period after he left the office of Samuel E. Lyon in White Plains and set up his own practice. Scrugham's entries concern cases, searching out property records, writing up leases, wills and codicils and meetings with clients. Scrugham mentions several meetings with Lyon. The diary also includes an almost separate manuscript account of two transatlantic crossings. He left for Liverpool, England, on August 6th, 1844, arriving there on the 2nd of September. He visited some local sites but headed to London, where he explored the city until the middle of October. He then traveled to France, visiting Paris. After Paris and stops at other cities, he sailed back to America on November 18th, after spending over three months in Europe. He returned to America in early January, 1845. He describes his sailing voyages in great detail (gale winds, masts breaking, waves washing over the decks, ship is blown off course, becalmed, etc.) as well as the various places he visited and the people he either met, or called upon. The entries for the last couple of months (January-March 1845) resume descriptions of his daily life and law practice. [Order This Item](#)



Manuscript Copy of an Important Edition of Colonial-Era Peruvian Mining Laws

12. [Manuscript].

[Toledo, Francisco de (1515-1582)].

Ordenanzas de Minas del Perú, Tomo Primero y Unico. Peru?, c. 1678. 183, [10] pp. Folio (12" x 8").

Contemporary tree sheep, "Ordenanza del Perú" in bold early hand to front board, thong ties, catches lacking. Moderate rubbing and light scuffing to boards and extremities, spine ends and corners bumped, hinges cracked. Moderate toning to interior, faint stains to a few leaves. A fair copy, with a title page and index, in an elegant secretarial hand, text to rectos and versos of all but a few leaves. \$3,500.

* The Spanish conquest of Peru opened a new era in mining. At first, the intense exploitation of its vast mineral wealth was regulated by a patchwork of pertinent laws from *Las Siete Partidas* and other sources. It was soon discovered that these laws were not flexible enough to address local conditions, most notably the use of indigenous labor. Over time Spanish laws were supplanted by viceregal decrees and orders. In 1574, Viceroy Francisco de Toledo organized these provisions into a body of *Ordenanzas* that was approved by King Phillip II. Known as the *Ordenanzas de Toledo*, these circulated as manuscript copies. Later copies carry additions of later viceroys; the latest entry in our copy is dated 1678. An official updated edition was issued in 1683. This was followed by first printed edition of mining laws in 1783 (which applied to all of New Spain). Intended for a small circle of users, few of Peruvian manuscript editions were produced. (It was not cost-effective to print these works.) Few copies exist today. We did not locate any copies in the auction databases or on OCLC. For a background history see Clagett, *A Guide to the Law and Legal Literature of Peru* 127. [Order This Item](#)



**Signed Oath of Office of an Important
New York Jurist, Patriot and Anti-Federalist**

13. [Manuscript].

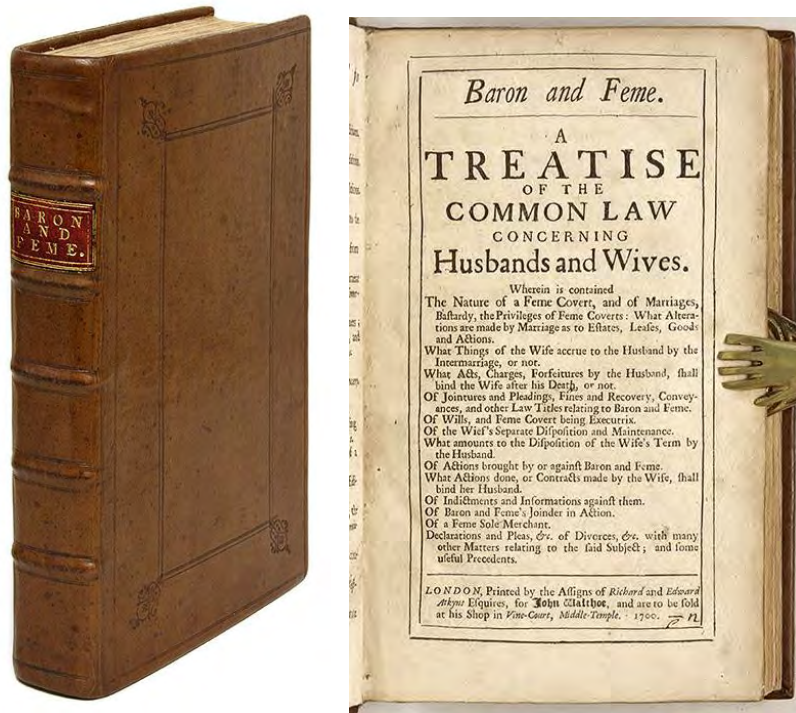
[Yates, Robert (1738-1801)].

[Signed Oath of Office as Chief Justice of the State of New York]. [Albany], October 9, 1790.

18-3/8" x 8-1/4" vellum document, inscribed in neat clerical hand, signed and dated by Yates and twelve other judges and the state attorney general.

Light soiling, horizontal fold lines, light edgewear with a few minor chips. \$2,500.

* Beneath the copy of the Chief Justice's oath, signed and dated by Yates, is the oath of office as a Judge of the Court of New York State, which is signed by ten judges. Beneath that oath is one for Commissioners for taking Affidavits, signed by two officers, and, on the verso, the oath of office of Attorney General of the State of New York, signed by Morgan Lewis. Robert Yates, a Revolutionary patriot and jurist, was admitted to the bar at Albany in 1760. During the Revolution, he represented Albany in four provincial congresses and served on the committee of safety. He was one of three New York representatives to the 1787 Constitutional Convention, but he left the convention with his colleague John Lansing when they felt the delegates were overstepping their mandate to revise the Articles of Confederation. Their withdrawal left Federalist Alexander Hamilton as New York's sole delegate. In 1790, Yates was appointed the Chief Justice of New York, a post memorialized in the present document and which he held until 1798, when he reached the mandatory retirement age of 60. The ten judges who signed below their own oath of office (substantially in the same form as Yates's) feature a number New York State luminaries, including delegates to the Continental Congress, members of the state legislature, and delegates to the New York Constitutional Convention: Samuel Jones, Leonard Gansevoort, Stephen Rensselaer, John Williams, Peter Schuyler, Peter Lefferts, David Gelston, David Pye, Thomas Tillotson and Philip Van Cortlandt. [Order This Item](#)



First Edition of the First English
Treatise on the "Common Law Concerning Husbands and Wives"

14. [Marriage Law].
[Great Britain].

Baron and Feme: A Treatise of the Common Law Concerning Husbands and Wives. Wherein is Contained the Nature of a Feme Covert, And of Marriages, Bastardy, The Privileges of Feme Coverts: What Alterations are Made by Marriage as to Estates, Leases, Goods, and Actions. What Things of the Wife Accrue to the Husband by the Intermarriage, Or Not. What Acts, Charges, Forfeitures by the Husband, Shall Bind the Wife After His Death, Or Not; Of Jointures and Pleadings, Fines and Recovery, Conveyances and Other Law Titles Relating to Baron and Feme. Of Wills, And Feme Covert Being Executrix. Of the Wife's Separate Disposition and Maintenance. What Amounts to the Disposition of the Wife's Term by the Husband. Of Actions Brought by or Against Baron and Feme. What Actions Done, Or Contracts Made by the Wife, Shall Bind Her Husband. Of Indictments and Informations Against Them. Of Baron and Feme's Joinder in Action. Of a Feme Sole Merchant. Declaration and Pleas &c. of Divorces &c. With Many Other Matters Relating to the Said Subject; And Some Useful Precedents. London: Printed by the Assigns of Richard and Edward Atkins Esquires, for John Walthoe, 1700. [xxxii], 380, [36] pp. Main text preceded by publisher advertisement; this copy does not have the additional advertisement leaves that follow the text in some copies. Octavo (7-1/2" x 4-1/2").

Recent period-style paneled calf, raised bands and lettering piece to spine, gilt tooling to board edges, endpapers renewed, early hand-lettered title to fore-edge of text block. Light toning to text, somewhat heavier in places, light foxing and faint stains to a few leaves. A very nice copy in a handsome binding. \$6,500.

* First edition. Passing through subsequent editions in 1719 and 1738, this was the first English treatise devoted exclusively to family law. It is a broadly conceived work. "I have herein considered Baron and Feme in all the circumstances of life, from the solemnization of marriage to the divorce, and have not omitted 'those collateral by-blows, (the title of bastardy making a considerable figure in our books;) and the variety of the matter made me some attonement for the labour" (To The Reader). According to the introduction, the anonymous author seems to have also been the author of the earlier *Infants Lawyer: Or the Law (Ancient and Modern) Relating to Infants* (1697). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:498 (2). *English Short-Title Catalogue* R6177. [Order This Item](#)



Rare Sixteenth-Century Study of Judicial Jurisdiction

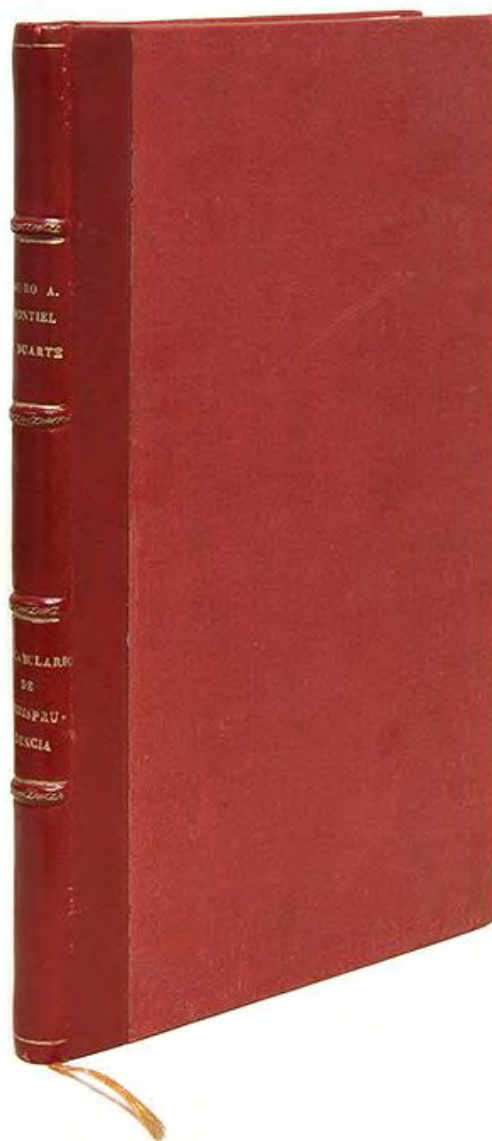
15. Mattei, Antonio.

Prorogationes Fori & Competentiae, Preventionis, & Iuris Revocandi Domum, Reconventionis, Et Reorum Transmissionis. Tractatus. [Rome]: [Impensis Antonii Bladi Asulani, 1547]. [ii], 65, [2] ff. Final leaf, a blank, lacking. Main text in parallel columns. Quarto (8" x 5-1/2").

Recent period-style calf, blind rules and large blind central arabesques to boards, raised bands and blind ornaments to spine, endpapers renewed. Title printed with woodcut architectural border, woodcut decorated initials. Moderate toning to text, faint dampspotting in places, faint dampstains to lower margins of a few leaves below text. A handsome copy of a rare title. \$1,850.

* Only edition. This study addresses the Roman law of prorogation, which addresses the expansion of a court's authority to hear a case beyond its jurisdiction by consent of the parties involved. Mattei, a Roman lawyer, was professor of civil law at the University of Rome from 1548 to 1549. OCLC locates 3 copies, 1 in North America (Harvard Law School). *Censimento Nazionale delle Edizioni Italiane del XVI Secolo* CNCE24577. [Order This Item](#)

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**Law Dictionary by an Important
Nineteenth-Century Mexican Statesman**

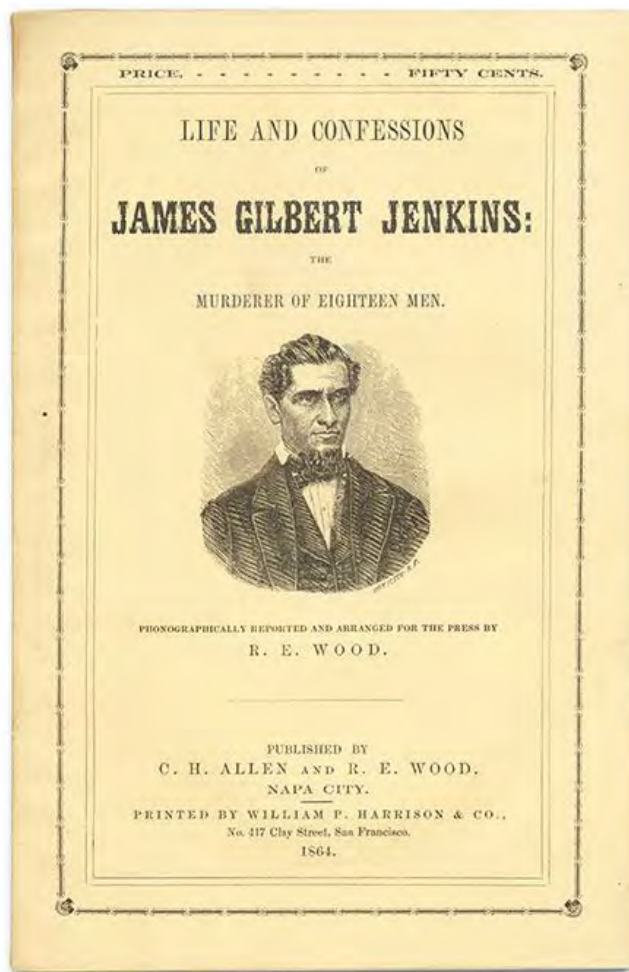
16. Montiel y Duarte, Isidro Antonio [1821-1891].

Vocabulario de Jurisprudencia. Mexico City: Imprenta de la v. é. Hijos de Murguía, 1878. 242, [5] pp. Main text in parallel columns. Folio (10-3/4" x 7-1/2").

Later quarter calf over cloth, raised bands and gilt title to spine. Light toning to text, light foxing to a few leaves. A remarkably well-preserved copy of a scarce title. \$950.

* Only edition. Montiel y Duarte was an important statesman and legal author. A practical work, his *Vocabulario* features concise definitions. The main text is followed by a brief bibliography of works consulted (Catálogo de los Códigos y Autores que se Consultaron para Formar este Vocabulario). OCLC locates 13 copies, 8 in North American law libraries (Columbia, Harvard, Library of Congress, LA-County, Tulane, UC-Berkeley, University of Michigan, UT-Austin). Clagett and Valderrama, *A Revised Guide to the Law and Legal Literature of Mexico* 431. [Order This Item](#)

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**"It was Only His Slipshod
Performance that Bothered Him": McDade 514**

17. [Murder].

Jenkins, James Gilbert [1834-1864].

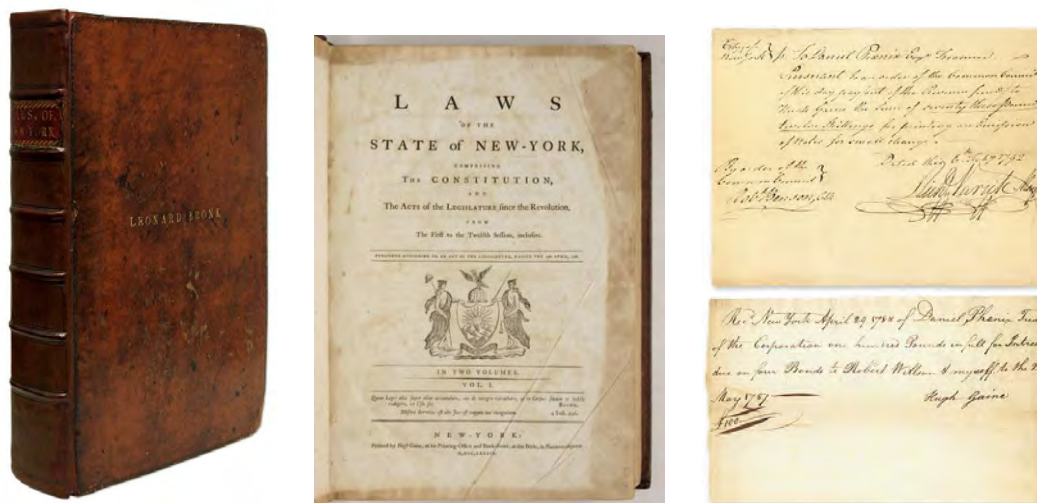
Wood, R.E. Reporter and Editor.

Life and Confessions of James Gilbert Jenkins: The Murderer of Eighteen Men. Containing an Account of the Murder of Eight White Men and Ten Indians; Together with the Particulars of Highway Robberies, the Stealing of Several Horses, And Numerous Other Crimes as Narrated by Himself to Col. C.H. Allen, Sheriff of Napa County, While in Jail Under Sentence of Death for the Murder of Patrick O'Brien. Napa City, CA: C.H. Allen and R.E. Wood, 1864. 56 pp. Two woodcut illustrations, 1 full-page. Octavo (9" x 6").

Stab-stitched pamphlet in pictorial wrappers. Negligible rubbing to extremities, minor wear to head of spine, light toning to text. A well-preserved near fine copy. \$500.

* First edition. "O'Brien's wife wanted him out of the way, and Jenkins obliged, burying O'Brien in the woods. Like many before him, when discovered, he charged his plight to liquor. 'That whiskey that I drank,' he said, 'the morning before I shot O'Brien was what caused me to do it when I did, and in so careless a manner.' The deed caused him no regrets; it was only his slipshod performance that bothered him.": McDade, *The Annals of Murder* 514. [Order This Item](#)

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**Handsome 1789 Folio Edition of New York Laws
with Two Interesting Laid-In Manuscript Notes**

18. [New York].

[Jones, Samuel (1734-1819), Compiler].

[Varick, Richard (1753-1819), Compilers].

Laws of the State of New-York, Comprising the Constitution, And the Acts of the Legislature Since the Revolution, From The First to the Twelfth Session, Inclusive. Published According to an Act of the Legislature, Passed the 15th April, 1786. New York: Printed by Hugh Gaine, 1789. Two volumes bound as one. [iv], 336, [12], xii, [2]; [ii], 471, [17] pp. Two laid-in manuscript notes, 5-3/4" x 8," 6" x 8." Folio (10" x 15").

Contemporary calf, blind fillets to boards, "Leonard Bronk" gilt-stamped to center of front board, rebacked retaining existing spine with raised bands and lettering piece, spine ends repaired, hinges mended. Light rubbing to boards and extremities, moderate rubbing to board edges, corners bumped. Moderate toning, light foxing in a few places, offsetting to margins of preliminaries and rear endleaves. \$4,850.

* The first volume of collected New York laws printed after the ratification of the U.S. Constitution and the second issued after the American Revolution, the 1789 compilation contains laws passed 1778 through 1789, regulating such topics as governance, mortgages, debtors, land, slaves, New York City, criminal and marital law, rape, liquor and exports. Also includes an interesting law in King's county (Brooklyn) and Queen's county (Queens) establishing a 40 shilling fine to those carriages traveling from the City of New York that fail to give right of way to carriages going toward the city. Also includes the Constitution of the State of New York, passed April 20, 1777. The laid-in notes are quite interesting. The first is a contract between New York City Mayor Richard Varick and Hugh Gaine dated February 7, 1792. It directs the city treasurer to pay Gaine 73 pounds for "printing an emission of notes for small change." Issued two months before the establishment of the U.S. Mint, this note is essentially an authorization by the State of New York to issue fractional currency. The U.S. Constitution prohibited states from issuing paper money, but it appears that a few states and municipalities issued notes, or at least authorized them, in the early 1790s. Backed by the faith and credit of the issuer, these notes for small change were a response to the scarcity of coinage and the fluctuating value of copper. Such documents are rare, especially ones from New York, and offer important insights into early U.S. banking history and the interplay of federal and state rights. The other document is a note of acknowledgement for interest received on a bond from the N.Y. City treasurer signed by Hugh Gaine. The former owner of this book, Leonard Bronk [1751-1828], was a judge and member of the New York State Assembly. He was descended from Jonas Bronck, the Dutch settler whose estate formed the basis of the present-day New York City Borough of the Bronx. Benedict, *Acts and Laws of the Thirteen Original Colonies and States* 408. Tower, *The Charlemagne Tower Collection of American Colonial Laws* 632. [Order This Item](#)



Three Notable Treatises Useful to a Practicing Lawyer or Wealthy Landowner

19. Oettinger, Johann [1577-1633].

Tractatus de Jure et Controversiis Limitum, Ac Finibus Regundis, Oder Gründlicher Bericht Von den Grüntzen und Marcksteinen, Wie durch Dieselbe der Königreiche, Landschaften, Fürstenthume, Bissthummer ... Gebiete, Weydreichen, Marckungen, Zwing und Bänn, Nach Ausweisung der Gemeinen Rechten, Und eines Jeden Lands Gewohnheit, Unterschieden, Eingesteint, Und die Daraus Enstehende Nachbarliche Streitigkeiten und Missverstände Erörtert und Beygeleget Werden Sollen. Hanover: Zu Finden bey Nicolaus Förstern, 1711. [xxxii], 443 pp. Double folded title page. 20 woodcuts illustrating geometrical calculations. Lacking folding map.

[Bound with]

Stryk, Samuel [1640-1710].

Fundamenta Iuris Iustiniani, Ad Ordinem Institutionum Succinctis Aphorismis in Usum Auditorum Proposita. Accesserunt Resolutiones Casuum in Matrimonii & Successionibus ut et Memoriale Legum in Foro, Maxime Necessarium. Halle: Sumptibus Io. Godofredi Rengeri, 1704. [xviii], 266, [6] pp. Lacking blank leaf before p. 1.

[And]

Rivinus, Quintus Septimius Florens [1651-1713].

Specimen Exceptionum Forensium: Exhibens Dilatorias ad Usam Fori Saxonici Accomodatas. In Gratiam Auditorum Suorum Editum. Leipzig: Sumptibus Davidis Fleischeri, 1701. [ii], 279, [3] pp.

Octavo (6-1/2" x 4"). Contemporary vellum with lapped edges, early hand-lettered titles to spine, edges rouged. Moderate soiling, minor tear to foot of spine, vellum just beginning to crack through pastedowns, hinges cracked, some worming to boards, endleaves and parts of text block with minor loss to text and no loss to legibility. Title pages printed in red and black. Moderate toning, somewhat heavier in places, occasional faint dampstaining to margins. \$1,500.

* Later editions. This volume collects three works that would have been useful to a practicing lawyer or wealthy landowner in Saxony. Oettinger was a distinguished geographer, cartographer and surveyor. First published in 1607, his *Tractatus de Jure et Controversiis Limitum*, deals with legal aspects of surveying and boundaries according to Roman law. A useful study, it went through nine editions by 1729. One of the great German jurists of his time, Stryk was a professor at the University of Halle who was instrumental in the development of German civil law. First published in 1695, *Fundamenta Iuris Iustiniani* is an introductory textbook on Roman law. As indicated by its subtitle, this book has additional sections on marriage and inheritance and succession. It went through six editions by 1714. Rivinus's *Specimen Exceptionum Forensium* is a handbook on pleading and procedure in the courts of Saxony. It was first published in 1686 and reached its tenth edition in 1755. This edition not VD18 or the *British Museum Catalogue*. *Das Verzeichnis Deutscher Drucke des 18. Jahrhunderts* 10450106-003 (Oettinger), 10406069 (Ravinius). [Order This Item](#)



Gambling Under Roman Law

20. Pantoja de Ayala, Pedro.

Commentaria in Tit. de Aleatoribus D. et C. Madrid: Apud Petrum Tazo, 1625. [viii], 272, [12] ff. Copperplate engraved pictorial title page, featuring large female figures representing justice and prosperity. Woodcut table. Quarto (7-3/4" x 5-3/4").

Contemporary limp vellum, traces of early hand-lettered title to spine, ties lacking, endpapers renewed. Light crinkling, spine ends bumped, moderate wear to corners. Moderate toning to text, some places have faint dampstaining. Light edgewear to title page, tiny early owner signature to its top margin, annotation in same tiny hand to its verso. A nice copy of a scarce title. \$2,000.

* Only edition. The work of a Toledo lawyer, this is a closely argued study of laws concerning gambling in the Digest and Code of Justinian. The book did not have any later editions, but some of its sections were included in Everhard Otto's *Thesaurus Juris Romani* (1741-1744). OCLC locates 7 copies, in North America (UC-Berkeley Law School). Palau, *Manual del Librero Hispano-Americano* 211589. [Order This Item](#)



Voluminous Collection of Bavarian and
Holy Roman Laws with 15 Handsome Woodcuts

21. Perneder, Andreas [c.1500-1543].

Soccini, Bartolommeo [1436-1507], Editor.

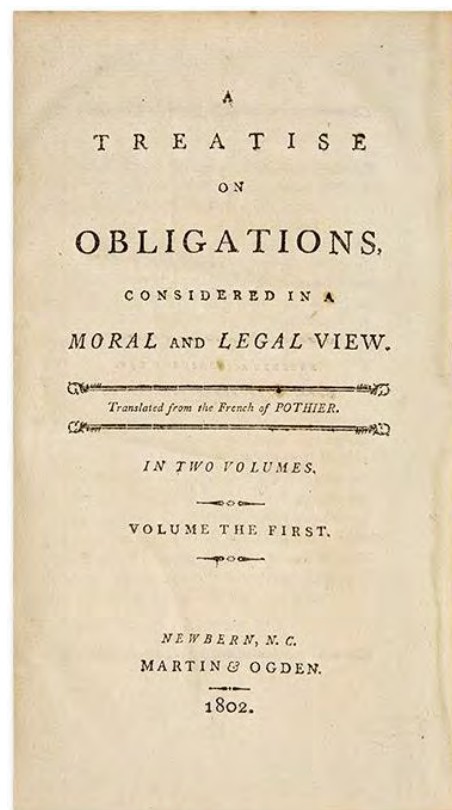
[Hunger, Wolfgang, (1511-1555) Editor].

Imp. Caes. Justiniani Institutiones, Das ist Ein Auszug und Anleitung Etlicher Keyserlichen unnd dess Heiligen Römischen Reichs Geschribner Rechten: Sampt Angehängtem Gerichtlichen Process, Lehenrecht, Halsgerichtsordnung, Summa Rolandini von Contracten und Testamenten, Reguln Bartholomaei Socini, Etc. Wie Dieselbigen Jetziger Zeit in Stäter Ubung und Gebrauch Fruchtharlich Gebalten Werden. Ingolstadt: Gedruckt durch Wolfgang Eder, Inn Verlag der Hohenschul Daselbsten, 1592. [lxviii], 348; [xx], 228; [xii], 117; [xv], 95; [xvii], 130 pp. Five parts. Complete. First work preceded by general title page, other four with individual title pages and paginations. These parts have titles beginning: *Gerichtlicher Prozess*, *Lehenrecht*, *Halsgerichtsordnung* and *Summa Rolandina* (edited by Soccini). 2 folding tables. 15 large woodcuts, a few small woodcut text illustrations. Folio (12-1/2" x 7-1/2").

Elaborately panel-stamped contemporary pigskin, raised bands and faint later hand-lettered title to spine, bronze clasps, early repairs to corners. Moderate soiling and a few stains, spine ends bumped. General title page printed in red and black, all title pages feature woodcut images of Lady Justice, woodcut head-pieces, tail-pieces and decorated initials. Moderate toning, light foxing in places, faint dampstaining to margins of a few leaves. An impressive volume. \$4,500.

* Later edition. With indexes and introductions by Hunger. Perneder, a Bavarian jurist and Secretary to King Wilhelm V, was a prolific writer and an authority of great stature, his works were often reprinted. Their comprehensive, synthetic nature did much to organize legal procedure in the Holy Roman Empire. His works on criminal law were definitive until the mid-seventeenth century. First published in 1550-1551, this volume collects his principal works edited by Hunger, a Bavarian state counselor. These are the best editions according to Stobbe's *Deutsche Rechtsquellen*. *Institutiones* is an analysis of Justinian's *Institutes* with comparisons to relevant laws of the Holy Roman Empire and the Kingdom of Bavaria. *Gerichtlicher Prozess* summarizes the Empire's civil and criminal procedure. *Der Lehenrecht* addresses feudalism and feudal law. *Halsgerichtsordnung* is a detailed summary of the Empire's criminal law and procedure. *Summa Rolandina* that describes forms, notaries, obligations and wills in Roman law. Stobbe, *Deutsche Rechtsquellen* II:173. *Verzeichnis der im Deutschen Sprachbereich Erschienenen Drucke des 16. Jahrhunderts* P1508.

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Translated By the Father of Louisiana Jurisprudence

22. Pothier, Robert Joseph [1699-1722].

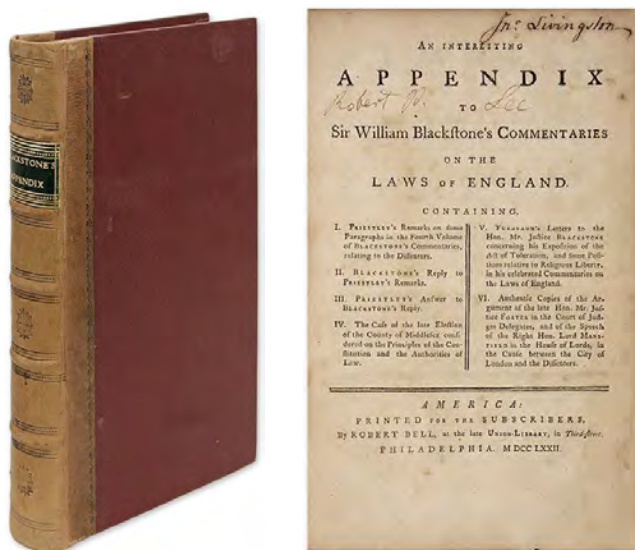
[Martin, François-Xavier (1762-1846), Translator].

A Treatise on Obligations, Considered in a Moral and Legal View. Translated from the French of Pothier. Newbern, NC: Martin & Ogden, 1802. Two volumes bound as one. [xii], 364; [x], 315, [1] pp. Octavo (8" x 4-3/4").

Contemporary sheep, rebacked retaining spine with lettering piece and blind fillets. Light rubbing and a few shallow scuffs to boards, moderate rubbing to board edges with some wear to corners, which are lightly bumped, minor worming to front hinge. Light toning to text, somewhat heavier in places, early owner signatures of Simeon Strong, Solomon Strong and Edwin Conant to endleaves, another Conant signature to head of p. 25. A handsome copy. \$3,500.

* First American edition. In the decades before the Civil War, this classic treatise was required reading for Anglo-American practitioners, scholars and law students. Marvin quotes and endorses Sir William Jones's assessment of Pothier's treatises: "For my own part, I am so charmed with them, that if my undissembled fondness for the study of jurisprudence, were never to produce any greater benefit to the public, than barely the introduction of Pothier to the acquaintances of my countrymen, I should think that I had, in some measure, discharged the debt which every man, according to Lord Coke owes to his profession." An important figure in the legal history of the south, Martin was a French-born lawyer, judge, author, translator, printer and historian. His career began in New Bern, North Carolina; he later moved to the Louisiana territory, where he played the central role in the reorganization of the legal system. Appointed attorney-general when Louisiana became a state, he is considered the father of Louisiana jurisprudence.

This copy is inscribed by three notable owners from Massachusetts: Samuel Strong [1735-1805], a justice of the Massachusetts Supreme Judicial Court, his son Solomon Strong [1780-1850], a lawyer judge and politician and Edwin Conant [1810-1897], a prominent lawyer, businessman and philanthropist. Marvin, *Legal Bibliography* 578. Cohen, *Bibliography of Early American Law* 3656. [Order This Item](#)



**Appendix Volume to Bell's American Blackstone
Containing a Group of Essays on Religious Liberty**

23. Priestley, Joseph [1733-1804].

Blackstone, Sir William [1723-1780].

Furneaux, Philip [1726-1783].

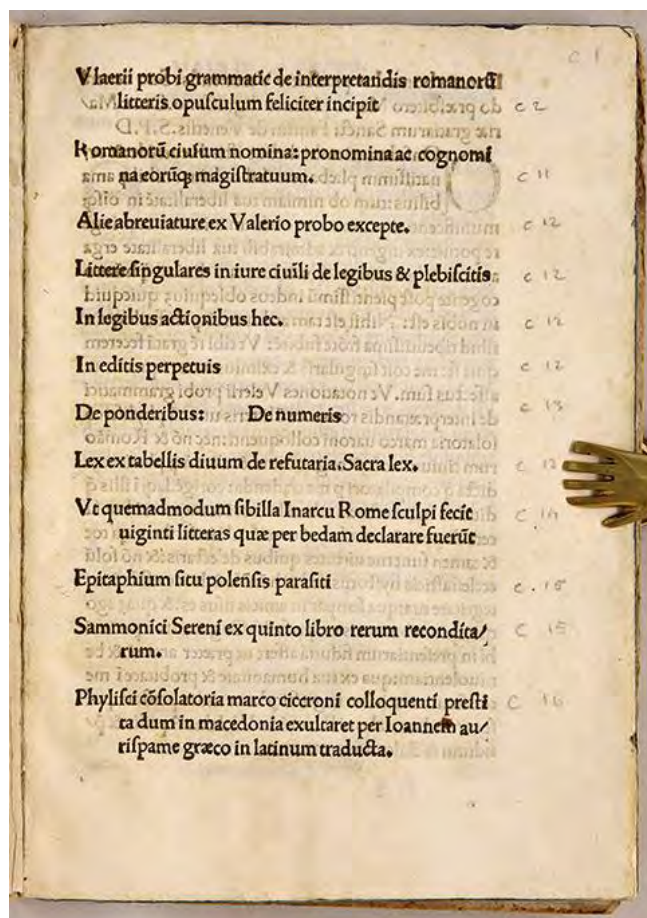
Foster, Sir Michael [1689-1763].

Murray, William, Earl of Mansfield (1705-1793)].

An Interesting Appendix to Sir William Blackstone's Commentaries on the Laws of England. Containing, I. Priestley's Remarks on Some Paragraphs in the Fourth Volume of Blackstone's Commentaries, Relating to the Dissenters. II. Blackstone's Reply to Priestley's Remarks. III. Priestley's Answer to Blackstone's Reply. IV. The Case of the Late Election of the County or Middlesex Considered on the Principles of the Constitution and the Authorities of Law. V. Furneaux's Letters to the Hon. Mr. Justice Blackstone Concerning his Exposition of the Act of Toleration, And Some Positions Relative to Religious Liberty, in his Celebrated Commentaries on the Laws of England. VI. Authentic Copies of the Argument of the Late Hon. Mr. Justice Foster in the Court of Judges Delegates, And of the Speech of the Right Hon. Lord Mansfield in the House of Lords, in the Cause Between the City of London and the Dissenters. [Philadelphia]: Printed for the Subscribers, by Robert Bell, at the late Union-Library, in Third-Street, Philadelphia. 1772-1773. [iv], iv, [5]-119, [1], xii, 155, [1] pp. Includes one-page publisher advertisement for Bell's 1773 printing of Fergusons's *Essay on the History of Civil Society* and a subscription for a second American edition of Blackstone's *Commentaries*. Each section preceded by divisional title page, first section also preceded by general title page. Octavo (9" x 5-3/4").

Recent period-style quarter calf over cloth, raised bands, lettering piece and blind ornaments to spine, endpapers renewed. Light rubbing to spine ends and corners, small recent owner bookplate to front free endpaper. Moderate toning, occasional light foxing, faint dampstaining to margins in places. Early owner inscription dated 1785 to front endleaf, early owner signatures, of Robert P. Lee and Jonathan Livingston, to title page, another Livingston signature to following leaf, annotations signed by Lee to a few leaves. A desirable copy of an uncommon colonial imprint. \$2,500.

* The second printing by Robert Bell of this important and influential commentary on Blackstone, published the year after the first edition. Later re-issued under the title *The Palladium of Conscience*, this book contains a group of essays on religious liberty inspired by a passage from Section III of Book IV, Chapter 4, "Of Offences Against God and Religion." It was originally published in 1772 as a fifth volume to Bell's edition of Blackstone's *Commentaries* (1771-1772). Eller, *The William Blackstone Collection in the Yale Law Library* 256. Laeuchli, *A Bibliographical Catalogue of William Blackstone* 616. [Order This Item](#)



With a Selection of Legal Abbreviations

24. Probus, Marcus Vererius [c.20/30-105CE].

Philiscus (Pseudonym).

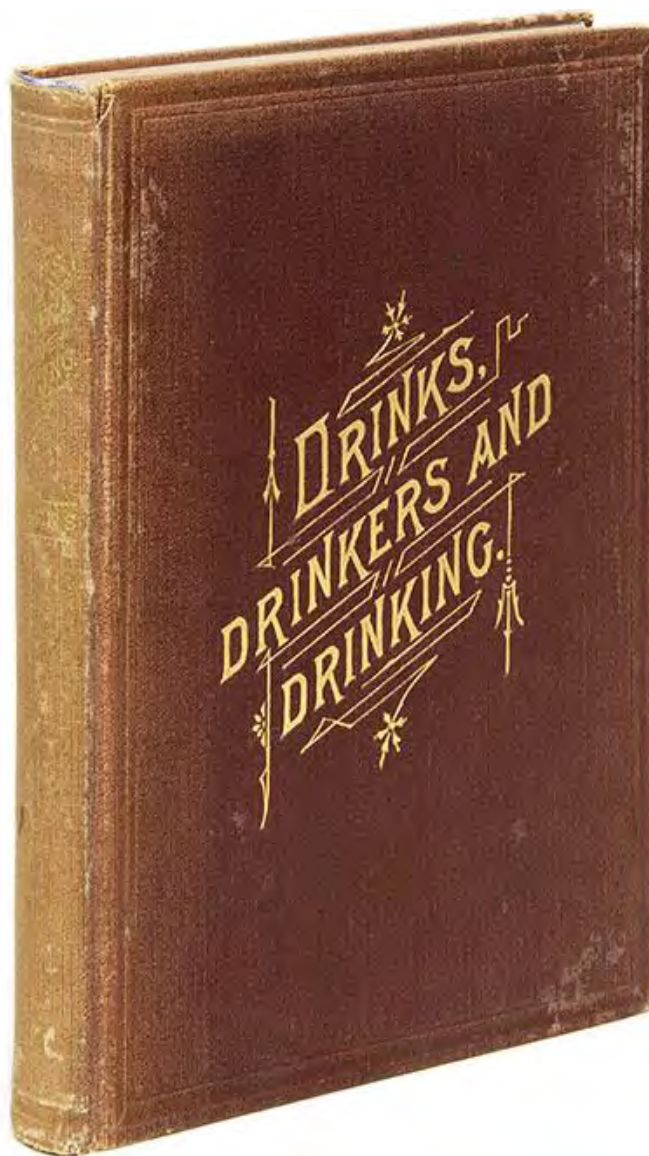
Bonardi, Giovanni [active 15th c.], Editor.

Aurisp, Giovanni [1376-1459], Translator (of Philiscus).

De Interpretandis Romanorum Litteris Opusculum. Phylisci; Cosolatoria Marco Cicroni Colloquenti Prestita dum in Macedonia Exultaret per Ioannem Aurispame Graeco in Latinum Traducta. [Rome: Giacomo Mazzocchi, April 25, 1509]. [20] ff. Quarto (8-1/4" x 6").

Recent quarter vellum over early thick paste boards. pastedowns, one of which is loose, from a later leaf dated 1593. Negligible light soiling and edgewear, a few faint early annotations (probably bleed-through) to front cover. Moderate toning, somewhat heavier in places, light foxing to a few leaves, page numbers added in recent faint pencil. \$1,500.

* Also known as Probus Grammaticus, Marcus Valerius Probus was a Roman grammarian and critic. *De Interpretandis Romanarum* is a fundamental guide to abbreviations used in Roman texts and inscriptions. First printed in the fifteenth century, it was an invaluable guide to humanist scholars. Three of its sections contain abbreviations relating to legal under the heading "Littere Singulares in Iure Civili de Legibus & Plebiscitis": "In Legibus Actionibus Hec," "On Editis Perpetuis" and "Lex ex Tabellis Divum de Refutaria. Sacra Lex." The final section is a consoling letter on the subject of exile from Philiscus to Cicero, who was then in exile in Macedonia. A rhetorical masterpiece, and thus an object for study, it was originally written in Greek. OCLC locates 5 copies of this imprint in North America (Harvard, UCLA, UNC-Chapel Hill, University of Pennsylvania, Washington University, St. Louis). Not in Adams. *Censimento Nazionale delle Edizioni Italiane del XVI Secolo* CNCE30277. [Order This Item](#)



1881 Study on the Law and Social History of Drinking

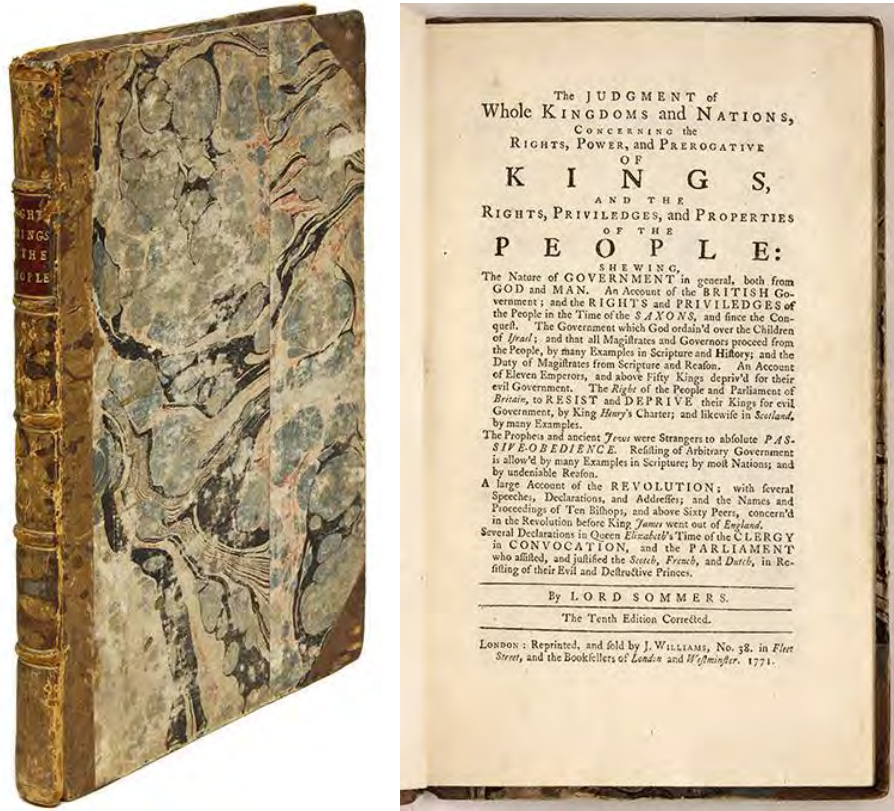
25. Rogers, R. Vashon.

Drinks, Drinkers and Drinking, Or the Law and History of Intoxicating Liquors. Albany: Weed, Parsons and Company, 1881. iv, 241 pp. Quarto (7-1/4" x 5-1/4").

Cloth, gilt rules and title to front board, gilt title to spine. Light rubbing to boards, moderate rubbing to extremities with minor wear to spine ends and corners, some fading to spine, early owner stamps to pastedowns, front free endpaper detached, light toning to text. \$500.

* Only edition. In a manner similar to twentieth century sociological jurisprudence, this book presents an interesting history of drinking that blends sociology, law and legislation. The latter chapters examine the current laws of the United States and Canada in theory and practice. Rogers, a Canadian barrister, was the author of several titles in the popular series *Legal Recreations*, which included books on transportation law, hotel law, medical jurisprudence and other subjects. Not in the *Harvard Law Catalogue* or the *British Museum Catalogue*. [Order This Item](#)

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Classic Essay on the Rights of Englishmen

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

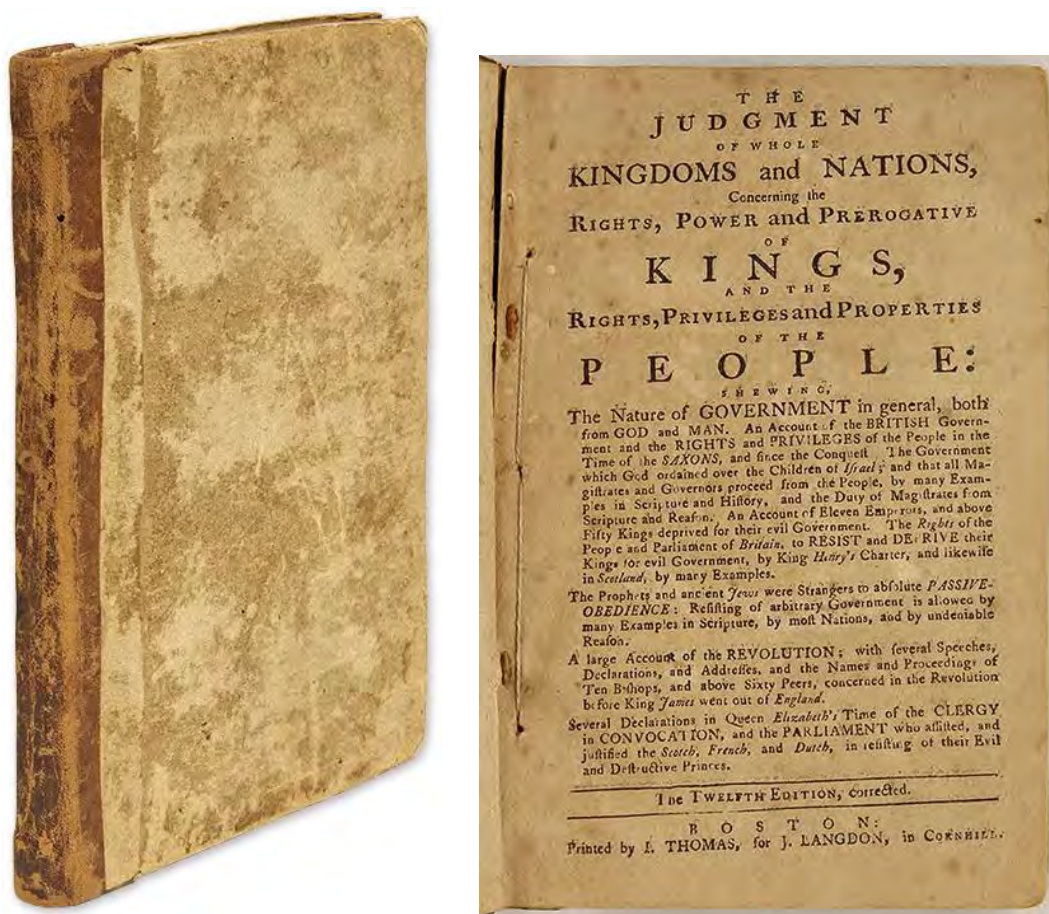
Defoe, Daniel [1661?-1731], Attributed.

Dunton, John [1659-1733], Attributed.

The Judgment of Whole Kingdoms and Nations, Concerning the Rights, Power and Prerogative of Kings, And the Rights, 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. The Government Which God Ordain'd Over the Children of Israel; And that All Magistrates and Governors Proceed From the People, By Many Examples in Scripture and History; And the Duty of Magistrates From Scripture and Reason. An Account of Eleven Emperors, And Above Fifty Kings Depriv'd for Their Evil Government. The Rights of the People and Parliament of Britain, To Resist and Deprive Their Kings for Evil Government, By King Henry's Charter, And Likewise in Scotland, By Many Examples.... London: Reprinted and Sold by J. William, 1771. [viii], 168 pp. Octavo (7-1/2" x 4-1/2").

Nineteenth-century three-quarter calf over marbled boards, raised bands and lettering piece to spine. Moderate rubbing to boards and extremities, light chipping to head of spine, corners bumped, front hinge starting. Light toning to text, light foxing to a few leaves. An attractive copy. \$950.

* Tenth (stated) edition, corrected. This highly popular tract was first published in 1709 with the title *Vox Populi, Vox Dei, Being True Maxims of Government*. Somers, a barrister of the Middle Temple, was Lord Chancellor of England and the author of *The Security of Englishmen's Lives* (1681), a tract on juries and one's right to a jury trial. The present work outlines the development of English freedoms, and calls for religious freedom, resistance to tyranny and a limited monarchy. It found a ready audience in the colonies on the eve of the American Revolution and was issued by presses in Philadelphia, Boston and Newport. It was read by several Founding Fathers, including Thomas Jefferson, who owned the 1773 Philadelphia imprint. This work is attributed sometimes to John Dunton or Daniel Defoe. See Sowerby, *Catalogue of the Library of Thomas Jefferson* 2712. *English Short-Title Catalogue* T29265. [Order This Item](#)



Issued on the Eve of the Revolution

27. Somers (Sommers), Lord [John], Attributed.

Defoe, Daniel, Attributed.

Dunton, John, Attributed.

The Judgment of Whole Kingdoms and Nations, Concerning the Rights, Power and Prerogative of Kings, And the Rights, Privileges and Properties of the People: Shewing the Nature of Government in General, Both from God and Man. An Account of the British Government and the Rights and Privileges of the People in the Time of the Saxons, And Since the Conquest. The Government Which God Ordained Over the Children of Israel; And that All Magistrates and Governors Proceed From the People, By Many Examples in Scripture and History, And the Duty of Magistrates From Scripture and Reason. An Account of Eleven Emperors, And Above Fifty Kings Deprived for Their Evil Government. The Rights of the People and Parliament of Britain, To Resist and Deprive Their Kings for Evil Government, By King Henry's Charter, And Likewise in Scotland, By Many Examples.... Boston: Printed by I. Thomas, For J. Langdon, In Cornhill, [1773]. 144 pp. Octavo (7-3/4" x 4-3/4").

Contemporary quarter-sheep over paper-covered boards. Moderate rubbing to boards and extremities with some wear to spine ends and corners, partial crack between front free endpaper and title page, rear hinge starting. Light to moderate browning and light foxing to text, early owner signature ("Beriah Curtis") to endleaves and head of p. 16, later signature ("L.R. Ashanau/ 1899") to rear pastedown. An appealing copy. \$1,850.

* Twelfth (stated) edition, "corrected," the probable second American edition of this work.. Some sources, such as Evans and Cohen, date this imprint to 1774. Isaiah Thomas's copy, now owned by the American Antiquarian Society, bears his handwritten date of 1773. See Sowerby, *Catalogue of the Library of Thomas Jefferson* 2712. *English Short-Title Catalogue* W27538. Cohen, *Bibliography of Early American Law* 6372. [Order This Item](#)



King Carlos IV Organizes Spain's Lucrative Silver Mines of Potosí

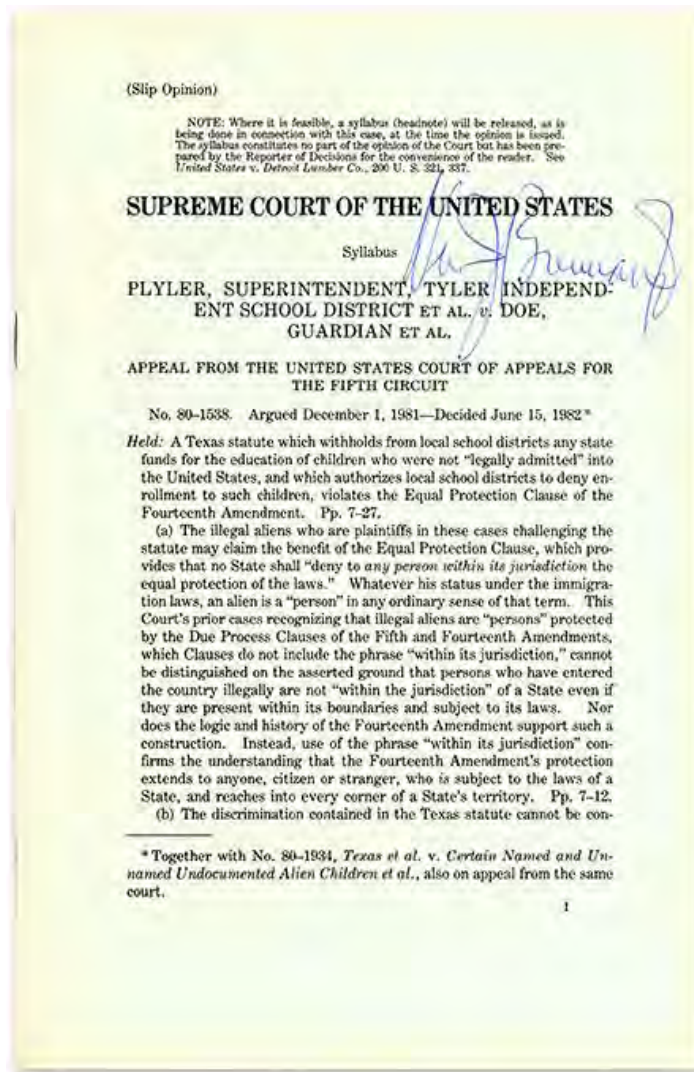
28. [Spain].

Real Banco de San Carlos de Potosí.

Real Cédula de Incorporacion de el Banco de Potosí á la Real Hacienda y Ordenanzas Para su Regimen y Gobierno: Con Arreglo á las Leyes de Indias y Demas Reales Disposiciones que al Márgen se Citan: de Orden de S.M. Madrid: En la Imprenta de Don Benito Cano, 1795. [xii], 67, [107] pp. Final 107 un-numbered pages are charts and tables, 4 folding. Folio (11-3/4" x 8").

Contemporary tree sheep, gilt fillets to boards, gilt fillets to spine, recased, endpapers renewed. Moderate rubbing to extremities with some loss to gilding, spine abraded, corners bumped and lightly worn. Light toning to text, somewhat heavier in places, faint dampstaining to preliminaries and a few other leaves, light edgewear to one of the folding tables. A handsome copy \$2,500.

* Only edition. The Bank of Potosí was organized to manage the network of mines in Potosí, a mountain in present-day Bolivia. Worked by a brutally exploited force of indigenous workers, later supplemented by African slaves, these mines were one of the greatest sources of Spain's wealth for nearly 200 years. The *Real Cédula de Incorporacion* prints the certificate of incorporation granted by King Carlos IV and the charter outlining the bank's purpose, organization and regulation. OCLC locates 12 copies in North America, 1 in a law library (Library of Congress). Sabin, *A Dictionary of Books Relating to America* 68224. [Order This Item](#)

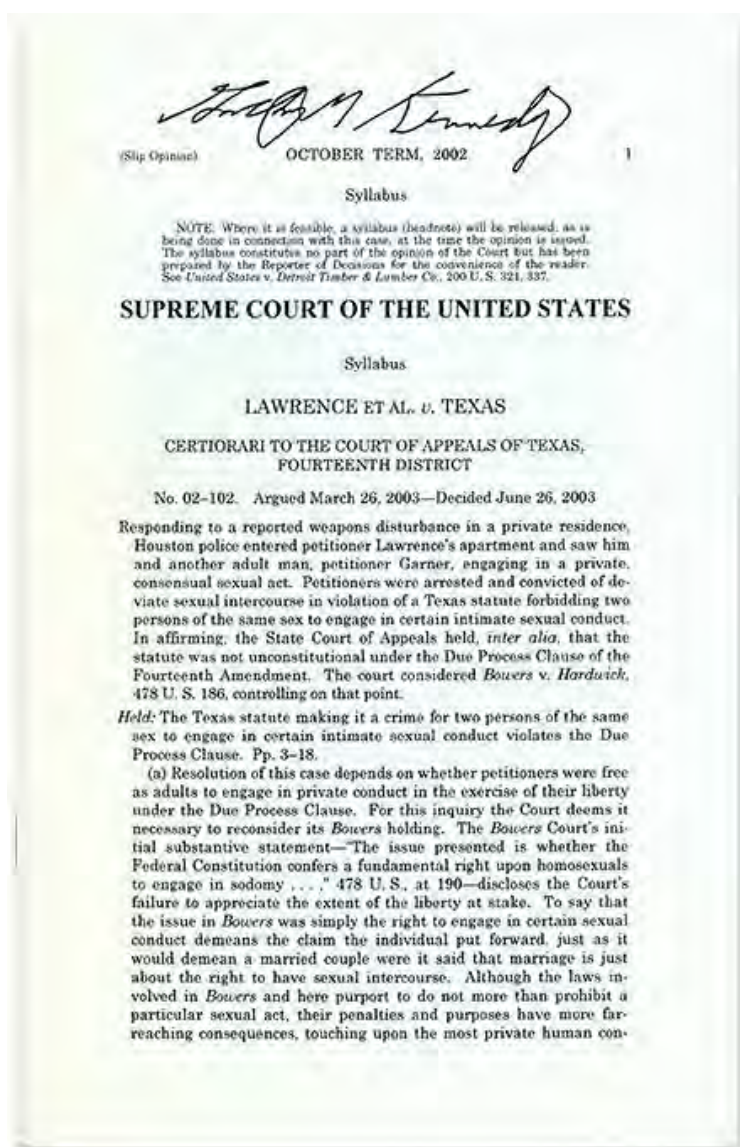


Pre-US Reports Printing of an Important Decision Concerning Undocumented Immigrant Children Signed by Justice Brennan

**29. Supreme Court, United States.
[Brennan, William (1956-1990)].**

(Slip Opinion) *Plyler, Superintendent, Tyler Independent School District et al. v. Doe, Guardian et al.* [Washington, DC: Government Printing Office, 1982]. iii, [1], 23, [1], 27, [1], 2, 7, [1], 6, 14 pp. Complete. Signature of Justice Brennan near head of first page. Fine. \$750.

* In *Plyler v. Doe* the Supreme Court struck down a state statute denying funding for education to undocumented immigrant children and a municipal school district's attempt to charge an annual \$1,000 tuition fee for such children to compensate for lost state funding. Brennan's majority opinion stated that any state restriction imposed on the rights of children based on their immigration status must be examined under an intermediate scrutiny standard to determine whether it furthers a "substantial" government interest. Bench opinions are issued by the U.S. Supreme Court immediately after the announcement of a decision. Slip opinions are issued afterwards. Often incorporating corrections, they are the first printings intended for wide dissemination and review. After that stage the revised slip opinions are added to the latest paperback volume of *U.S. Reports*. A year later, that volume is printed in its final, authoritative, hardcover form. [Order This Item](#)



**Pre-US Reports Printing of a Landmark
Supreme Court Civil Rights Case Signed by Justice Kennedy**

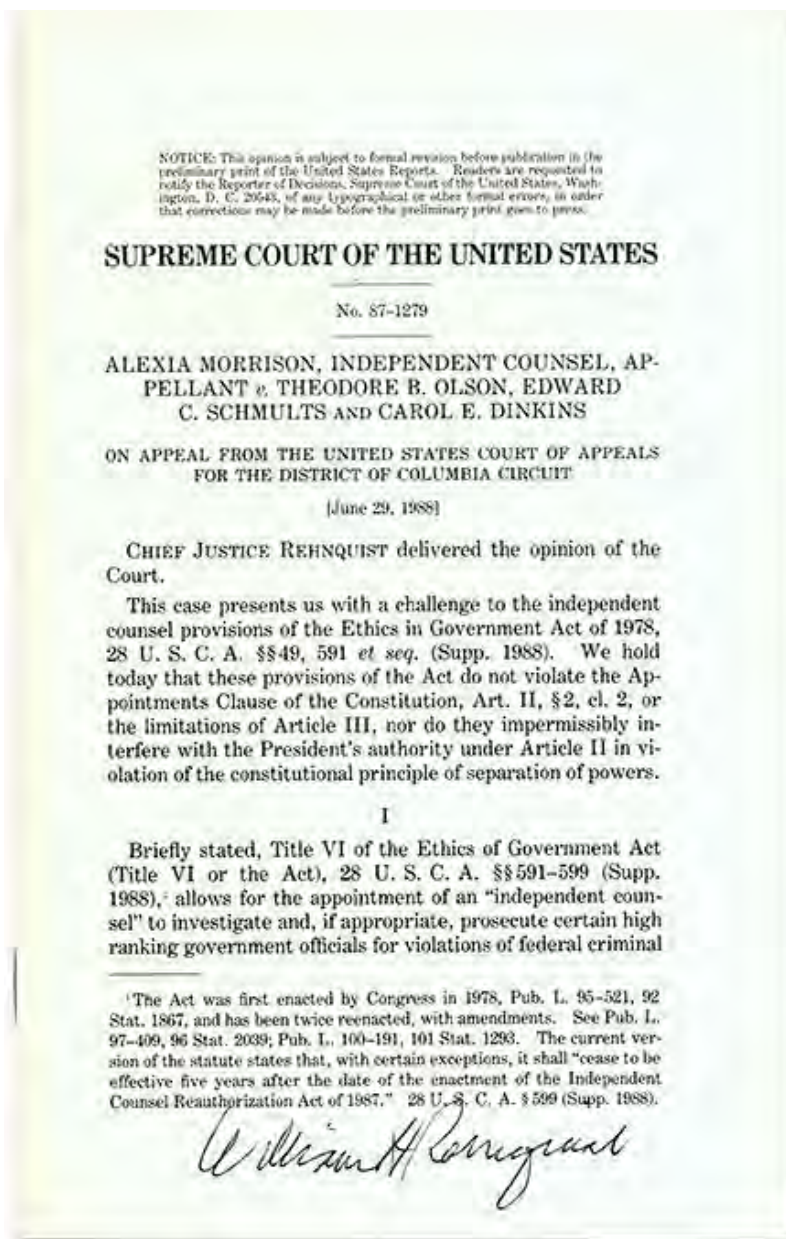
30. Supreme Court, United States.

[Kennedy, Anthony].

(Slip Opinion) Lawrence et al v. Texas. [Washington, DC: Government Printing Office, 2003]. 18, 8, 21, [1], 1 pp. Complete. Signature of Justice Kennedy to head of first page.

Fold lines to corners of a few leaves, otherwise fine. \$1,000.

* Based on the Fourteenth Amendment's concept of substantive due process, *Lawrence v. Texas* is a landmark civil rights case that struck down the sodomy law in Texas and, by extension, similar laws in 13 other states, making same-sex sexual activity legal throughout the United States. Kennedy wrote the majority opinion for this case, which was joined by Justices Stevens, Souter, Ginsburg and Breyer. This decision set the stage for further reconsiderations of laws concerning homosexual rights, including the landmark case of *Obergefell v. Hodges*, which recognized same-sex marriage as a fundamental right under the U.S. Constitution. [Order This Item](#)



**Pre-US Reports Printing of the Decision Upholding
the Constitutionality of Special Counsels Signed by Chief Justice Rehnquist**

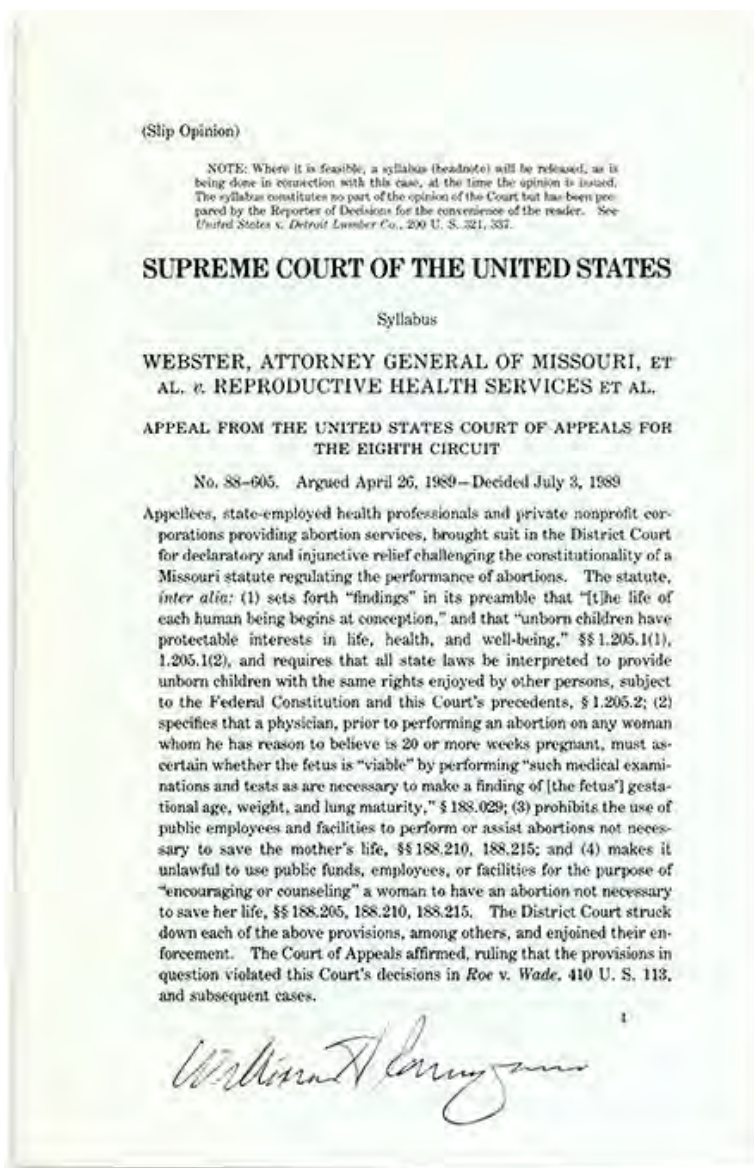
**31. Supreme Court, United States.
[Rehnquist, William (1924-2005)].**

(Slip Opinion) Alexia Morison, Independent Counsel, Appellant v. Theodore B. Olson, Edward C. Schmultz and Carol E. Dinkins. [Washington, DC: Government Printing Office, 1988]. 38, 38 pp. Complete. Signature of Justice Kennedy to foot of first page.

Small crease to head of first page, otherwise fine. \$750.

* *Morrison v. Olson* confirmed the constitutionality of the provision in the 1978 Ethics in Government Act that established the Office of Special Counsel. Rehnquist wrote the majority opinion. [Order This Item](#)

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**Pre-US Reports Printing of an Important Case
Concerning Abortion Signed by Chief Justice Rehnquist**

**32. Supreme Court, United States.
[Rehnquist, William (1924-2005)].**

(*Slip Opinion*) *Webster, Attorney General of Missouri, Et al. v. Reproductive Health Services, Et al.* [Washington, DC: Government Printing Office, 1989]. vii, [1], 23, [1], 11, [1], 7, [1], 23, [1], 14 pp. Complete. Signature of Chief Justice Rehnquist to head of first page.

A few tiny marks to p.i, otherwise fine. \$750.

* A decision that undermined a key provision of *Roe v. Wade*, *Webster v. Reproductive Health Services* upheld a Missouri law that imposed restrictions on the use of state funds for services relating to abortion. Chief Rehnquist wrote the opinion of the Court for all but Parts II-D and III. Only Justices White and Kennedy joined the opinion in its entirety. [Order This Item](#)



Pre-US Reports Printing of a Landmark Supreme Court Decision that Upheld Roe v. Wade Signed by Justice Souter

33. Supreme Court of the United States.

[Souter, David].

(Slip Opinion) Planned Parenthood of Southeastern Pennsylvania et al Versus Casey, Governor of Pennsylvania et al. [Washington, DC: Government Printing Office, 1992]. x, 71, [1], 12, 23, [1], 37, [1], 25 pp. Complete. Signature of Justice Souter to head of first page.

[With]

[Souter, David].

[4" x 6" Color Photograph of Souter, Image Size 3-1/4" x 2-1/2," Signed by Souter].

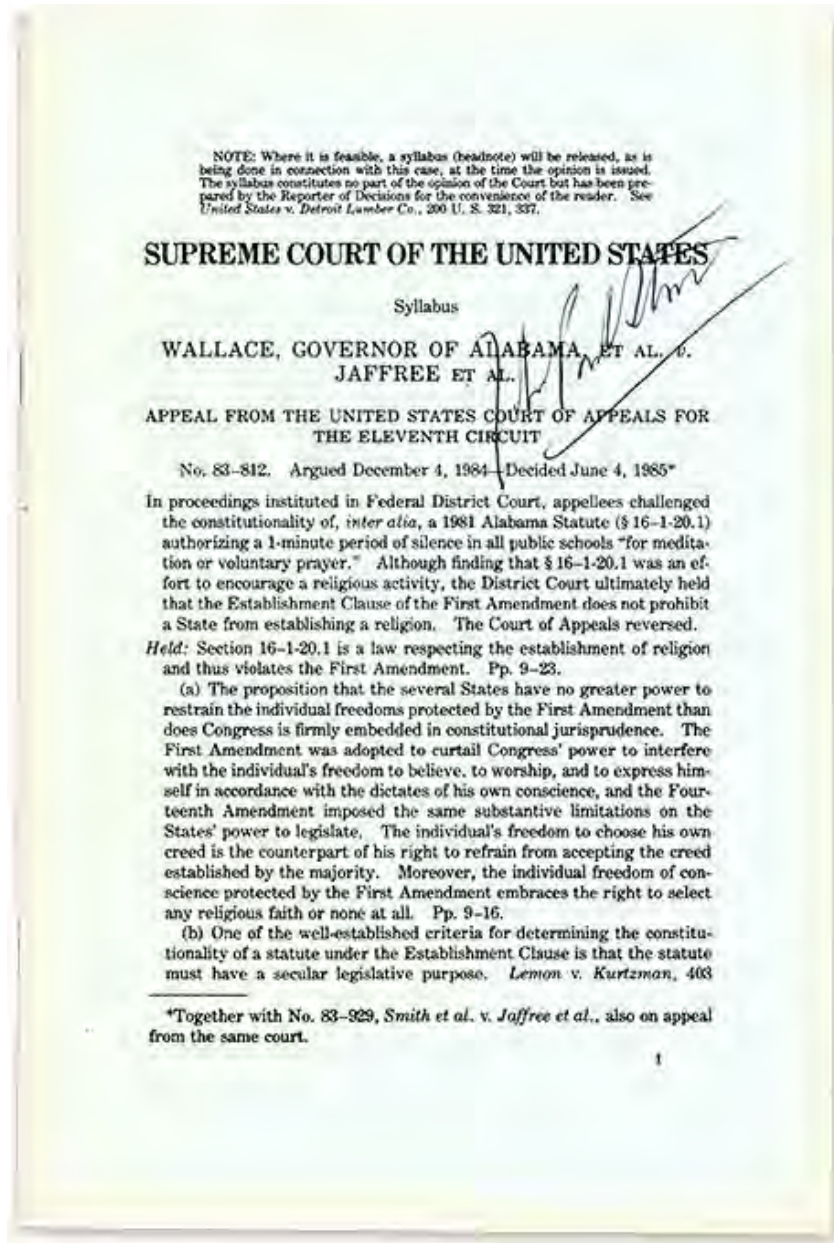
[And]

[Cover Letter from Souter's Secretary, Linda S. Stout, on Supreme Court Letterhead Enclosed with Photograph, Washington, DC, July 17, 2014].

Tiny mark to final page of opinion, otherwise fine. \$2,500.

* A landmark decision in the history of reproductive rights, *Planned Parenthood v. Casey* challenged the constitutionality of several Pennsylvania state statutory provisions regarding abortion. Written by Justices Kennedy, Souter and O'Connor, the Court's plurality opinion, stated by Souter, reaffirmed the central holding of *Roe v. Wade*, stating that "matters, involving the most intimate and personal choices a person may make in a lifetime, choices central to personal dignity and autonomy, are central to the liberty protected by the Fourteenth Amendment."

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**Pre-US Reports Printing of a Notable Case
Concerning Prayer in Public Schools Signed by Justice Stevens**

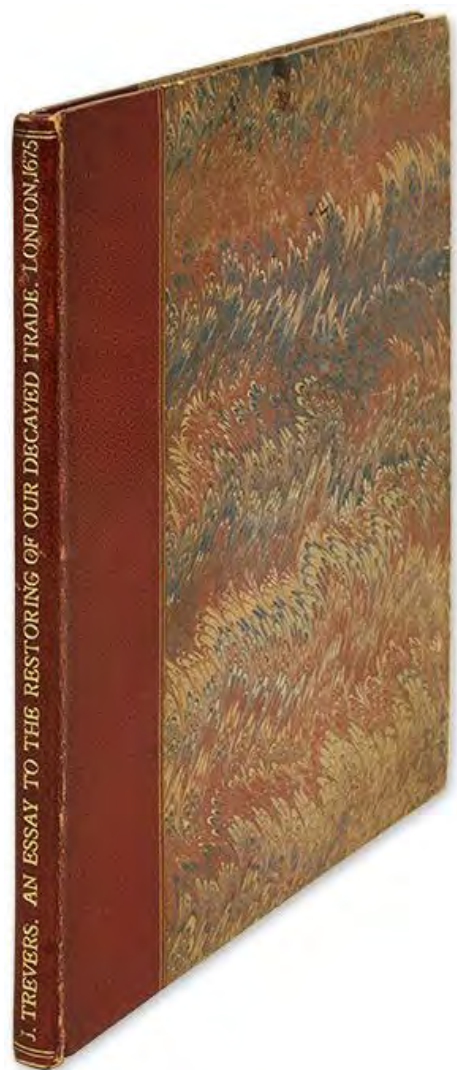
**34. Supreme Court of the United States.
[Stevens, John Paul].**

(*Slip Opinion*) *Wallace, Governor of Alabama, Et al. v. Jaffree, Et al.* [Washington, DC: Government Printing Office, 1985]. ii, 23, [1], 6, 19, [1], 7, [1], 2, 24 pp. Complete. Signature of Justice Stevens to head of first page.

Light finger smudges to a few leaves, otherwise fine. \$500.

* In this notable case the Supreme Court ruled that an Alabama statute authorizing a one-minute period of silence in all public schools "for meditation or voluntary prayer" violated the First Amendment's establishment clause. Stevens wrote the majority opinion, which was joined by Justices Brennan, Marshall, Blackmun and Powell. [Order This Item](#)

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"Our Decayed Trade"

35. Trevers, Joseph.

An Essay to the Restoring of Our Decayed Trade. Wherein is Described, the Smuglers, Lanyers, And Officers Frauds, &c. London: Printed for Giles Widdowes, 1675. [x], 24, 33-59, [5] pp. Complete; text and register continuous despite pagination. Quarto (7" x 5-3/4").

Stab-stitched pamphlet bound into nineteenth-century signed binding by Morley of Oxford, quarter-morocco over marbled boards, gilt title to spine. Some rubbing to extremities, front hinge starting. Negligible light browning, to text, light foxing to a few leaves, recent repair to corner of Leaf a1 (pp. [vii]-[viii]), light soiling and staining to title page. A handsome copy. \$1,950.

* First edition. With two laudatory poems addressed to the author. Trevers was a customs officer who was formerly a clothier. His essay proposes legislation to combat trade policies, taxes and abuses by government officials and middlemen that affect the manufacture and trade of wool and woolen cloth. Most of his ideas are stridently protectionist, several reflect a keen hostility toward lawyers. Later editions were published in 1677 and 1678. All editions are scarce. OCLC locates 7 copies of the first edition in North America, none in law libraries. *Kress Library of Business and Economics Catalogue* 1390. *English Short-Title Catalogue* R222765. [Order This Item](#)



"All the Interesting Scenes Fully, Minutely, And Circumstantially Displayed"

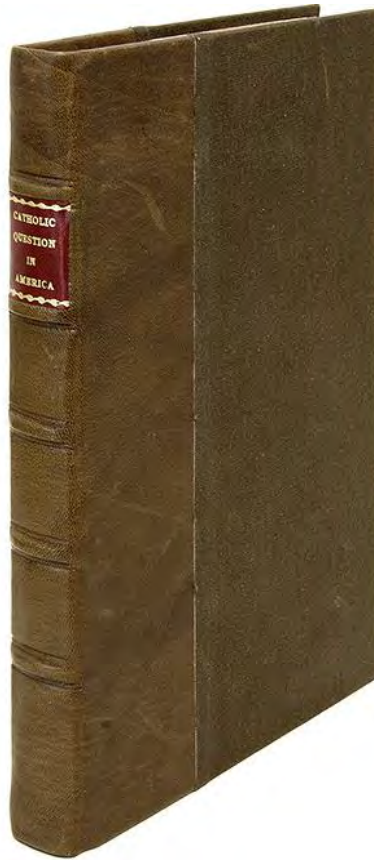
36. [Trial].

Newton, Catherine.

The Trial of the Hon. Mrs. Catherine Newton, Wife of John Newton, Esq. and Daughter of the Right Honourable and Reverend Lord Francis Seymour; At the Consistory Court of Doctors Commons; Upon A Libel and Allegations, Charging Her with the Crime of Adultery with Mr. Isham Baggs, A Young Oxonian; Mr. Brett, A Player at Bath; Thomas Cope, Mrs. Newton's Coachman; Isaac Hatheway, Her Footman; John Ackland, Of Fairfield, In the County of Somerset, Esq. And Divers Other Persons. With All the Interesting Scenes Fully, Minutely, And Circumstantially Displayed. Containing the Whole of the Evidence in That Very Extraordinary Trial. London: Printed for G. Lister, [1782]. 72; 70, [2] pp. Two parts, each with title page and individual pagination. First part preceded by copperplate frontispiece. Second part followed by 2 pp. publisher catalogue. Octavo (7-1/4" x 4-3/4").

Later three-quarter calf over marbled boards, gilt spine with raised bands, top edge gilt, marbled endpapers. Light rubbing to boards, moderate rubbing to extremities with some wear to spine ends and corners. Moderate toning to text, light foxing in a few places, light browning to a few leaves. \$2,500.

* First edition, one of two issues, the other with an imprint stating (in part) "Printed for the Proprietors" and the date 1782. A fine example of Augustan ribaldry, this is an account of the colorful Catherine Newton, who was accused of committing adultery with four named men, ranging from a footman to a "young Oxonian," along with "divers other persons." The frontispiece depicts the student caressing Newton's legs with a washcloth by a stream. There were two subsequent editions, both printed in 1782. *English Short-Title Catalogue* T152335. [Order This Item](#)



Landmark Case Concerning the Catholic Confessions

37. [Trial].

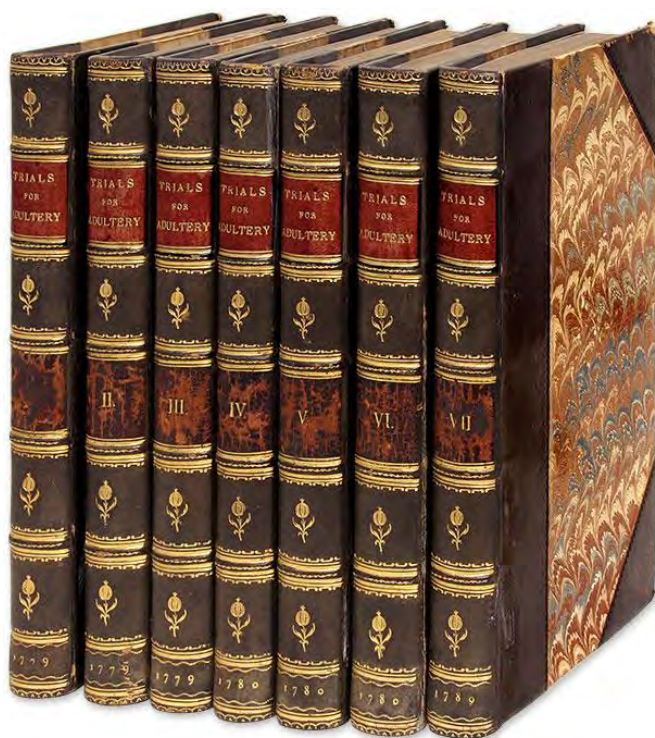
Phillips, Daniel, Defendant.

Sampson, William [1764-1836], Reporter.

The Catholic Question in America: Whether a Roman Catholic Clergyman be in Any Case Compellable to Disclose the Secrets of Auricular Confession. Decided at the Court of General Sessions, In the City of New York. Present, The Honorable DeWitt Clinton, Mayor. The Honorable Josiah Ogden Hoffman, Recorder. Richard Cunningham, Isaac S. Douglass, Esqrs. Sitting Aldermen. With the Arguments of Counsel, And the Unanimous Opinion of the Court, Delivered by the Mayor, With His Reasons in Support of that Opinion. New York: Printed by Edward Gillespy, 1813. 138, cxxviii, [1] pp. Lacking final errata leaf, supplied in facsimile. Octavo (9" x 6").

Recent quarter calf over cloth, raised bands and lettering piece to spine, endpapers renewed, extra calf lettering piece tipped-in to rear pastedown. Light browning to text, faint dampspotting in places, some edgewear to final leaves of text, early owner signature (Thos. E. Worthington 1813) to head of title page. \$750.

* Only edition. This landmark decision established the legal precedent exempting Catholic priests from disclosing evidence relating to criminal activities learned through the Sacrament of Confession. "The case against Daniel Phillips for receiving stolen property hung on the prosecution's attempt to extract testimony from Anthony Kohlmann, a Catholic priest who may have heard Phillips's confession. The extensive 'Report,' p. [5]-114, gives a good general account of confidential conversation between defendants and religious leaders, doctors, lawyers, spouses, and other persons. Although the district attorney claimed to be reluctant to pursue the matter, Catholic authorities had asked that the question be settled before the court. The court recognized the inviolability of the confessional, and Phillips was acquitted due to lack of evidence.": Cohen, *Bibliography of Early American Law* 14043. [Order This Item](#)



**The Most Extensive Compilation of Eighteenth-Century
English Divorce Trials, Published in 70 Parts, Illustrated with 30 Plates**

38. [Trials].

A Civilian.

Trials for Adultery: Or, the History of Divorces. Being Select Trials at Doctors Commons, For Adultery, Fornication, Cruelty, Impotence, &c. From the Year 1760, To the Present Time. Including the Whole of the Evidence on Each Cause. Together With the Letters, &c. That Have Been Intercepted Between the Amorous Parties. The Whole Forming a Complete History of the Private Life, Intrigues, And Amours of Many Characters in the Most Elevated Sphere: Every Scene and Transaction, However Ridiculous, Whimsical, Or Extraordinary, Being Fairly Represented, As Becomes a Faithful Historian, Who is Fully Determined Not to Sacrifice Truth at the Shrine of Guilt and Folly. Taken in Short Hand, By a Civilian. London: Printed for S. Bladon, 1779-1780. 7 Volumes. 30 copperplates. Complete. Octavo (8" x 5").

Nineteenth-century three-quarter calf over marbled boards, raised bands, gilt ornaments, gilt volume numbers, and lettering pieces to spines, speckled edges. Light rubbing to boards, slightly heavier rubbing to extremities, corners bumped and somewhat worn, some hinges cracked or starting, front joint of Volume VI partially cracked, rear joint of Volume VII starting, gilding rubbed away from volume number of Volume I, armorial bookplates to front pastedowns. Light toning to text, light foxing in a few places of each volume, occasional light offsetting from plates. A handsome set. \$7,500.

* Only edition. This is the most extensive compilation of scandalous divorce cases produced in eighteenth-century England. Produced for amusement and titillation, the accounts in these volumes are valuable nevertheless for their combination of accurate reports and vivid background histories. In all, this collection is a fascinating document of English social and legal attitudes toward adultery and divorce at the dawn of an era of unprecedented social change. This set was published in seventy parts. Each case has separate pagination. OCLC locates 6 copies in North American law libraries (American University, Harvard, Oregon State Law Library, Social Law, York University). *English Short-Title Catalogue* T106050. [Order This Item](#)



With Sixteen Hand-Colored Plates, Three by George Cruikshank

39. [Trials].

Moore, A.

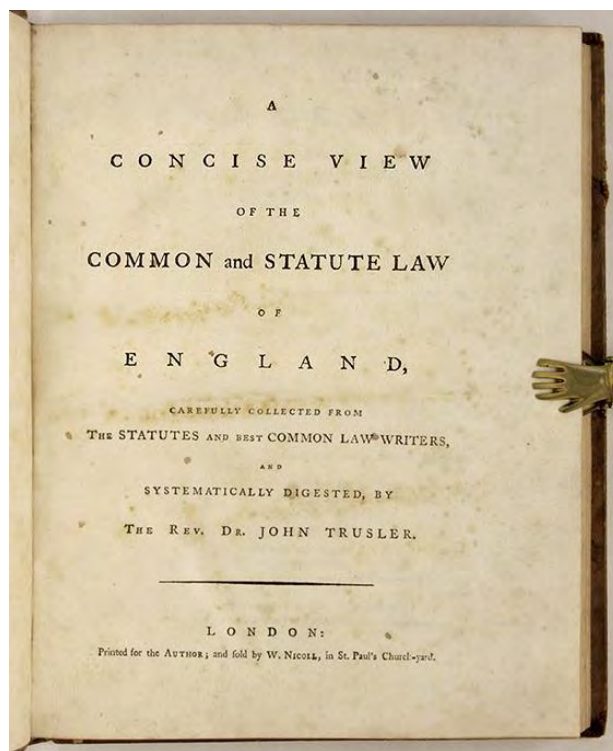
[Cruikshank, George, Illustrator].

[Jenkins, J., Illustrator].

The Annals of Gallantry; Or, The Conjugal Monitor: Being a Collection of Curious and Important Trials for Divorces, And Actions of Crim. Con. During the Present Reign; Accompanied with Biographical Memoirs and Anecdotes, And Illustrated with Notes. London: Printed for the proprietors, And Sold by M. Jones, 1814-1815. Three volumes. 16 (of 18) hand-colored plates, 2 uncolored plates (3 bound as frontispieces). The 3 color plates by Cruikshank present, 2 by J. Jenkins lacking. Octavo (8" x 5").

Later signed Riviere morocco bindings, two volumes carefully rebacked retaining spines, gilt rules to boards, gilt spines with raised bands, gilt tooling to board edges, top edges gilt, gilt inside dentelles, colored endpapers, deckle fore and bottom edges, some signatures unopened, hinges of Volume I repaired. Some rubbing to extremities, corners of Volumes II and III bumped and somewhat worn, rear hinge of Volume II cracked, owner bookplate (of Marie L. Herrman) to front pastedown of each volume. Light toning to text, slightly heavier in places, a few leaves have faint offsetting from plates. A handsome set. \$4,500.

* Only edition (in this form). The *Annals of Gallantry* was originally issued in 18 monthly parts from March 1, 1814 to August 1, 1815. This book aimed to amuse and titillate. The accounts in these volumes are valuable nevertheless for their accurate reports and vivid background histories. What is more, this collection is a fascinating document of English social and legal attitudes toward adultery and divorce during the age of George IV and Jane Austen. The Plates by Cruikshank, all in Volume I, are "Lady Grosvenor and the Duke of Cumberland Surprised by the Servant," "The Unwelcome Intruders" and "The Elopement of Lady W---- with Lord Paget." Cohn, *A Bibliographical Catalogue of the Printed Works Illustrated by George Cruikshank* 573. [Order This Item](#)



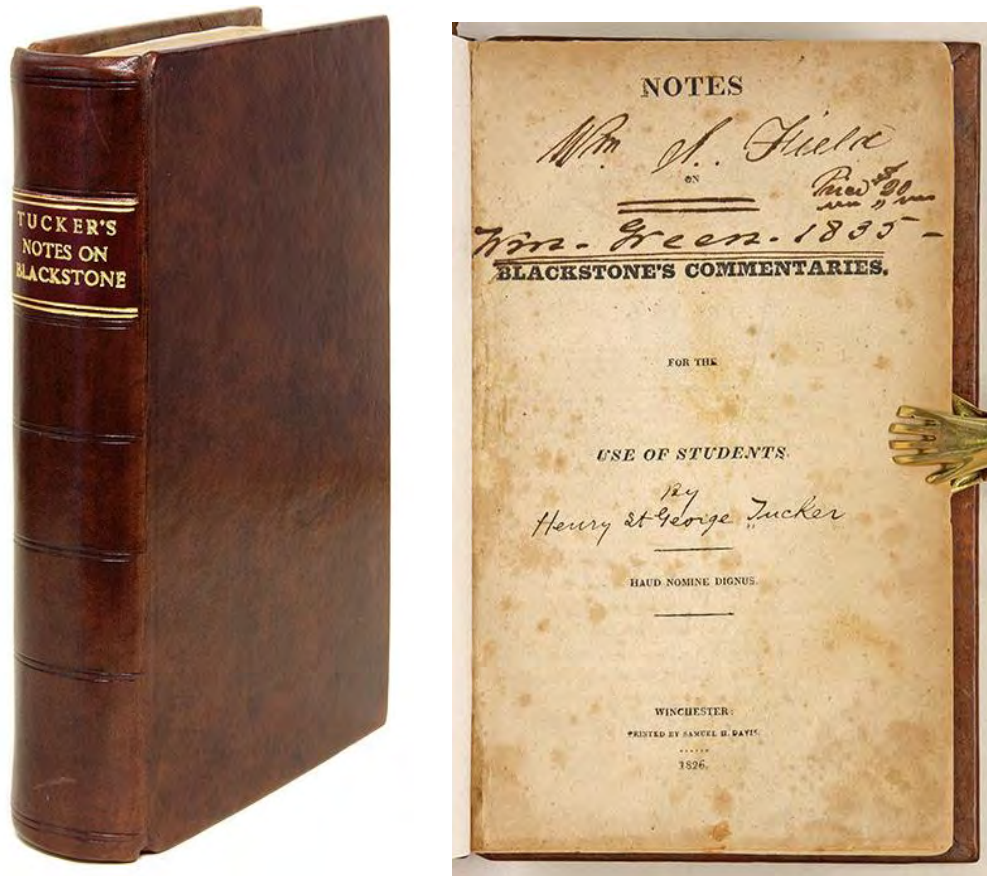
A Rare Layman's Guide Based on Blackstone

40. Trusler, John [1735-1820].

A Concise View of the Common Law and Statute Law of England, Carefully Collected from the Statutes and Best Common Law Writers, And Systematically Digested. London: Printed for the Author, [c.1780-1781]. [iv], 388, [16] pp. With a two-page catalogue of Trusler's works. Quarto (10-1/2" x 8-1/4").

Contemporary calf, blind fillets to boards, blind fillets to spine, lettering piece lacking. A few scratches and scuffs to boards, moderate rubbing to boards and extremities with some wear to spine ends, corners bumped and somewhat worn, front board beginning to separate but secure, early owner bookplate to front pastedown. Moderate toning, light foxing and soiling to preliminaries and final leaves of text, worming to lower corners of the last dozen leaves, text not affected. A rare title. \$2,500.

* Only edition. The Rev. John Trusler, an English divine, was a remarkably prolific author of popular books on a variety of subjects ranging from etiquette, personal health and gardening to finance and law. His most famous works are *The Way to be Rich and Respectable* (1780) and *Hogarth Moralized* (1768). His legal writings include *Useful and Legal Information to Purchasers & Possessors of Estates* (c. 1810) and *A Summary of the Constitutional Laws of England, Being an Abridgement of Blackstone's Commentaries* (1788). His *Concise View of the Common Law and Statute Law* is an original synthetic work derived from the statutes and the "best common law writers." There are only a handful of references to authorities cited in this book. Blackstone isn't among them. However, the book is clearly modeled on the *Commentaries*. (The *Dictionary of National Biography*, confusing this book with the *Summary*, states erroneously that the *Concise View* is "an abridgment" of the *Commentaries*.) We based the publication date from the advertisement leaf. It lists a work by Trusler published in 1780 and an announcement for his "forthcoming" *Family Tables*, which was issued in 1781. We have never handled a copy of this book and we did not find any auction records for it on American Book Prices Current or Rare Book Hub. OCLC locates 5 copies (British Library, Library of Congress, University of Minnesota, National Library of Scotland, Yale Law School, which owns the copy that belonged to Alexander Hamilton). The ESTC adds two more (Bayerische Staatsbibliothek, Supreme Court Library, Australia). *English Short-Title Catalogue* T93492. [Order This Item](#)



**Tucker's *Notes on Blackstone's Commentaries*
with Extensive Marginalia by One of Tucker's Students**

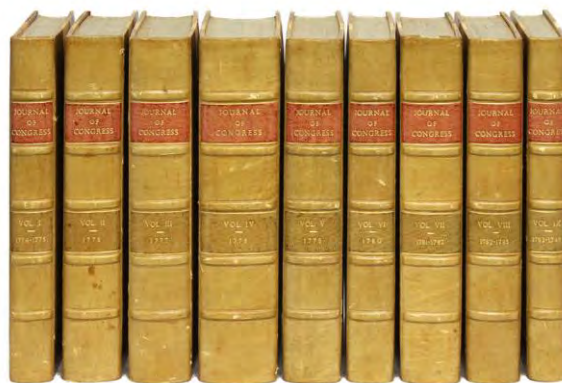
41. [Tucker, Henry St. George (1780-1848)].

Notes on Blackstone's Commentaries for the Use of Students. Winchester [Virginia]: Printed by Samuel H. Davis, 1826. iv, [7]-14, 2, 426 (i.e. 571) pp. Irregular pagination. Complete copy. Octavo (8-1/2" x 5-1/2").

Recent period-style calf, blind fillets and lettering piece to spine, endpapers renewed. Moderate toning, occasional light foxing, minor edgewear to some leaves. Brief annotations and underlining to most leaves, extensive notes to a few leaves, one bound-in leaf annotated on recto and verso, owner signature of William A. Field in same hand to head of title page, along with another signature and a brief annotation in a third hand identifying Tucker as the author. A unique copy of an uncommon title. \$4,500.

* Sole edition. Designated an "unfinished work" in the preface, this book is a series of notes on books I-III of Blackstone's *Commentaries* that "comprised a considerable portion of a course of lectures delivered by the author to a class of law students" (iii) at his Winchester Law School. As Klafter notes, William Field was a student at that school in 1827 to 1828. Most of the annotations are case references and corrections that appear to be based on comments heard in the classroom. The longer annotations explain specific points. The longest of these, on the bound-in leaf, discuss estates. The pagination of *Notes* is irregular and follows that of his father's edition of Blackstone (Philadelphia, 1803). It is cited erroneously in some records as a two-volume work. This assumption is based on a copy bound as two books recorded in Shaw and Shoemaker (entry 26252). Though some copies were re-bound as two books, often with interleaves, the book was actually issued as a single volume. Klafter, *Reason Over Precedents: Origins of American Legal Thought* 172. Cohen, *Bibliography of Early American Law* 5367. Laeuchli, *A Bibliographical Catalog of William Blackstone* 406.

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**The Indispensable Record of the Continental Congress,
This Set Includes the Very Rare 1777 Aitken Printing of Volume II**

**42. [United States].
[Continental Congress].**

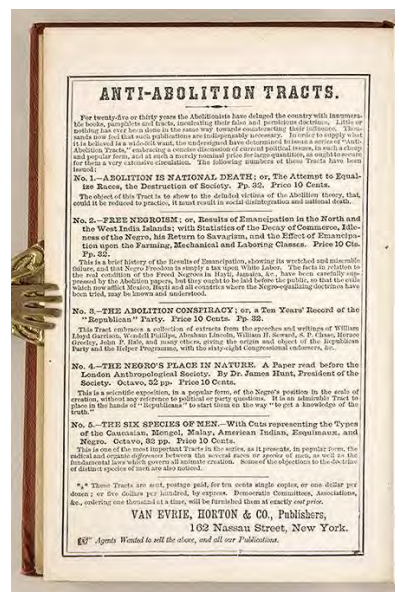
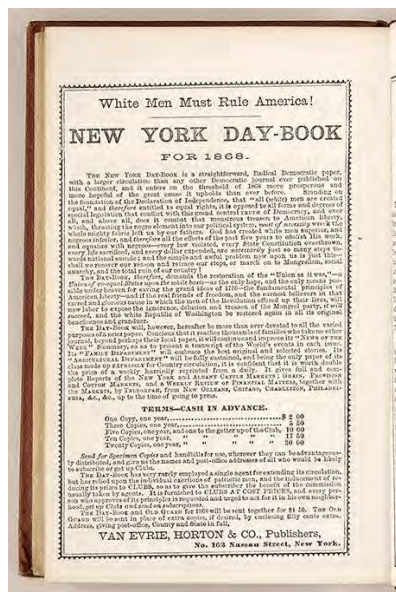
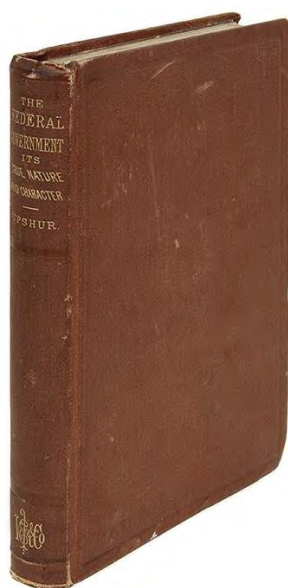
[Journals of the Continental Congress, 1774-1783]. Philadelphia: Robert Aitken [and others] 1777-1784. Nine volumes. Octavo (7-3/4" x 4-3/4").

Later signed bindings by Sangorski & Sutcliffe, three-quarter calf over cloth, raised bands and lettering pieces to spines, top-edges gilt, endpapers renewed. Occasional light rubbing and minor nicks and scuffs to boards and spines, moderate rubbing to extremities. Some toning to interiors, slightly heavier in places, occasional light foxing and dampspotting, faint offsetting to corners of preliminaries and final leaves of each volume. A handsome set. \$25,000.

* Covering the years 1774 to 1783, the entire period of the American Revolution, this set comprises the first nine volumes of the official journals issued by the Continental Congress. (Thirteen volumes in all were printed through 1789, when the U.S. Constitution was enacted.) Our set includes the rarest imprint of the series: the Robert Aitken printing of Volume II, which records the opening events of the American Revolution. (The complete text of the Declaration of Independence is printed on pp. 241-246.) According to Aitken's account, 532 copies were completed. In the fall of 1777 the British forced Congress to evacuate Philadelphia. Unable to transport many copies of the Journal, many were left behind and later destroyed by the British, which accounts for the scarcity of this volume today. Indeed, the last copy to appear at auction, in 2017, sold for \$11,000.00. Taken together, these volumes provide a vivid real-time account of the American Revolution as it was experienced by the Founding Fathers. See the final image for details about each volume in this set. Contents:

Journals of Congress. Containing the Proceedings from Sept. 5, 1744. To Jan. 1, 1776. Published by Order of Congress. Volume I. Philadelphia: Printed and Sold by R. Aitken, 1777. [ii], 310, [12] pp. Evans 15683. Hildeburn 3576; *Journals of Congress. Containing the Proceedings in the Year 1776. Published by Order of Congress.* Volume II. Philadelphia: Printed and Sold by R. Aitken, 1777. [ii], 513, [23] Evans 15685. Hildeburn 3577. Early struck-through initials near head of title page; *Journals of Congress, Containing the Proceedings from January 1st, 1777, To January 1st, 1778. Published by Order of Congress.* Volume III. Philadelphia: Printed by John Dunlap, [1778]. 603, [1], xxiii pp. Evans 16138. Hildeburn 3728. This copy does not have the "General Index to Volume I" (12 pp.); *Journals of Congress, Containing the Proceedings from January 1st, 1778, To January 1st, 1779. Published by Order of Congress.* Volume IV. Philadelphia: Printed by David C. Claypoole, [1779]. [2], 748, [2], lxxxix, [5] pp. Lacking final blank leaf. Evans 16584. Hildeburn 3900; *Journals of Congress. Containing the Proceedings from January 1st, 1779, To January 1st, 1780. Published by Order of Congress.* Volume V. Philadelphia: Printed by David C. Claypoole, 1782. 464, [16], lxxiv pp. Lacking final blank. Evans 17766. Hildeburn 4206. This is the printing with the corrected errors. Early signature to head of title page, small carefully repaired chip along gutter with minor loss to text ("fro"); *Journals of Congress, From January 1st, 1780, To January 1st, 1781. Published by Order of Congress.* [Volume VI]. Philadelphia: David C. Claypoole, [1781]. 403, [3], xxxviii, [3] pp. Lacking final blank. Evans 17767. Hildeburn

4116. "6 Volume" in small early hand near foot of title page; *Journals of Congress, And of the United States in Congress Assembled. For the Year 1781. Published by Order of Congress.* Volume VII. Philadelphia: Printed by David C. Claypoole, 1781. 522, [vi], lxxix pp. Lacking final blank. Evans 17767. Hildeburn 4117. Early signature to head of title page; *Journal of the United States in Congress Assembled: Containing the Proceedings from the First Monday in November 1782, To the First Monday in November, 1783. Published by Order of Congress.* Philadelphia: Printed by David C. Claypoole, 1783. Volume VIII. 483 pp. Though our collation matches several copies, such as one held by the Massachusetts Historical Society, Evans calls for 489 pp. and an index of 36 pp. It appears some copies were issued without the index. Evans 18266. Hildeburn 4311; *Journal of the United States in Congress Assembled: Containing the Proceedings from the Third Day of November, 1783, To the Third Day of June, 1784. Published by Order of Congress.* Volume IX. Philadelphia: Printed by John Dunlap, [1784]. 317 pp. As is the case with Volume VIII, this copy does not have the index present in most copies. Evans 18840. Hildeburn 4500. [Order This Item](#)



With a Catalogue of Racist and Anti-Reconstruction Publications

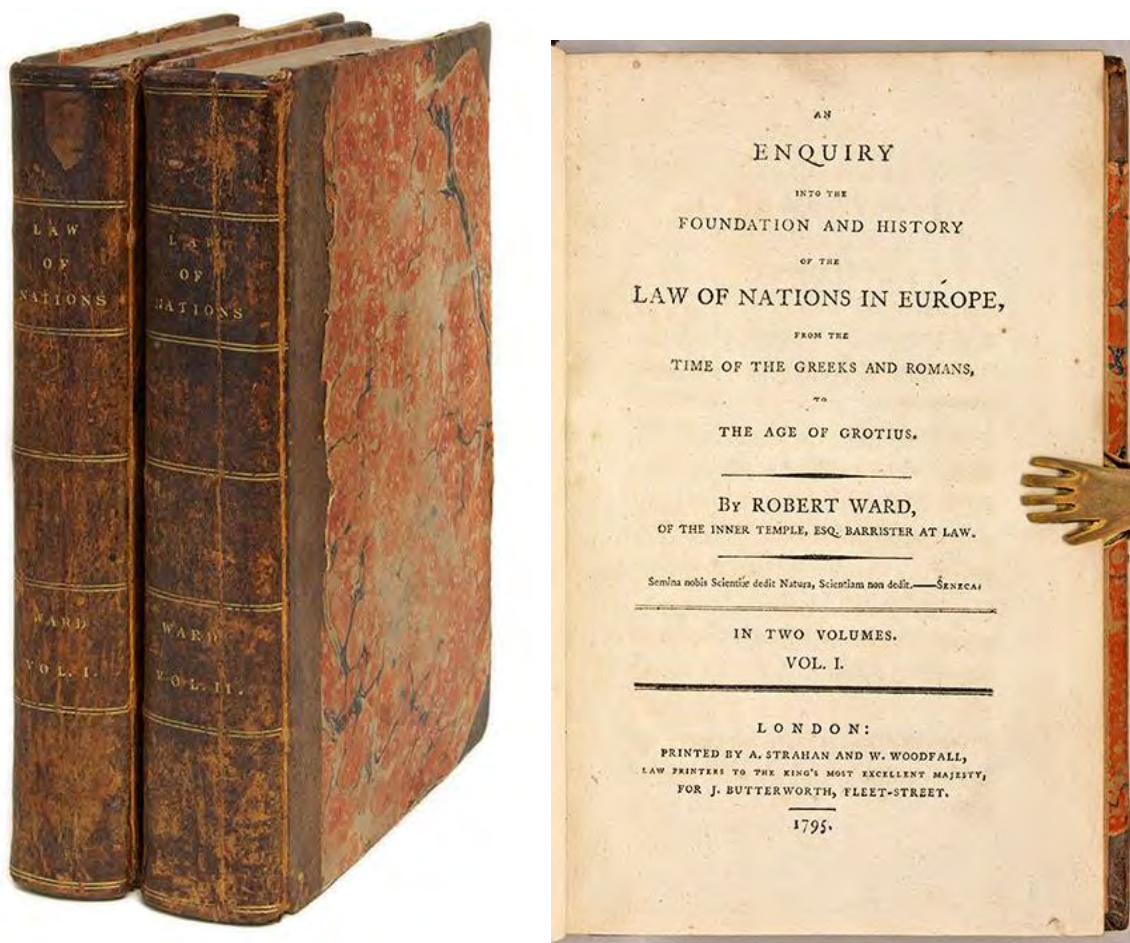
43. Upshur, Abel Parker [1791-1844].

Burr, C. Chauncey [1817-1883], Editor.

The Federal Government: Its True Nature and Character; Being a Review of Judge Story's Commentaries on the Constitution of the United States. With an Introduction, And Copious Critical and Explanatory Notes. New York: Van Vrie, Horton & Co., 1868. xvi, [17]-242, [6] pp. Includes six pages of publisher advertisements. Octavo (7" x 5").

Publisher's cloth, blind frames to boards, gilt title to spine. A few minor nicks and light marks to boards, moderate rubbing to extremities, spine ends and corners bumped and somewhat worn. Light toning to text, light foxing to a few leaves, early owner signature ("J. McCall-Adams") to front free endpaper and foot of p. 242. A nice copy. \$750.

* Originally published as a pamphlet in 1840, this was a refutation of the nationalistic theory of the Constitution advanced by Joseph Story's *Commentaries on the Constitution* (first edition, 1833). A standard text in the law curricula of the College of William and Mary and the University of Virginia, it was reprinted in 1863 by radical Northern Democrats (Copperheads) to promote the political philosophy of the Confederacy. Edited by a prominent opponent to Reconstruction (and former Copperhead), this 1868 reissue was intended to promote opposition to Reconstruction and the enfranchisement of African-Americans. The publisher advertisements promote a variety of racist and anti-Reconstruction publications, such as *The Negro's Place in Nature*, *Abolition is National Death* and *The Abolition Conspiracy*. Upshur, a Virginia judge and politician, was a prominent spokesman for the states-rights, pro-slavery ideology. He was Secretary of the Navy and Secretary of State under President Tyler. *American National Biography* 117. [Order This Item](#)



The First History of International Law

44. Ward, Robert [1765-1846].

An Enquiry Into the Foundation and History of the Law of Nations in Europe, From the Time of the Greeks and Romans to the Age of Grotius.

Dublin: Printed by P. Wogan, P. Byrne, W. Jones and J. Rice, 1795. Two volumes. cviii, 395, [1]; [iv], 628 pp. Octavo (8" x 5").

Contemporary three-quarter calf over marbled boards, gilt title and fillets to spines, small paper shelf label to that of Volume I. Moderate rubbing and some scuffing to boards, moderate rubbing to spines and extremities. Light toning to interiors, somewhat heavier in places, light foxing to a few leaves. A handsome set. \$1,500.

* First edition. The first attempt to write a history of the law of nations, it also marked a new approach to the subject. Since the seventeenth century the law of nations was dominated by the theory of natural law, which posited the existence of legal principles shared by all ages, places and peoples. This theory shaped the work of such major jurists as Grotius, Pufendorf and Selden. It was enshrined during the eighteenth century by advocates of the Enlightenment. Ward rejected this theory. A Romantic, he had no use for universal systems. Instead, he appreciated the uniqueness of cultures and the differences between the past and the present. One of the first to apply Romantic ideas to the subject, he treated the law of nations as a malleable concept that changed considerably since antiquity. Lasaffer, "International Law and Its History: The Story of an Unrequited Love" in *Time, History and International Law*, Ed. Craven, Fitzmaurice and Vogiatzi 27. *English Short-Title Catalogue* T117016. [Order This Item](#)



A Sixteenth-Century "Nutshell" of Roman, Feudal and Canon Law

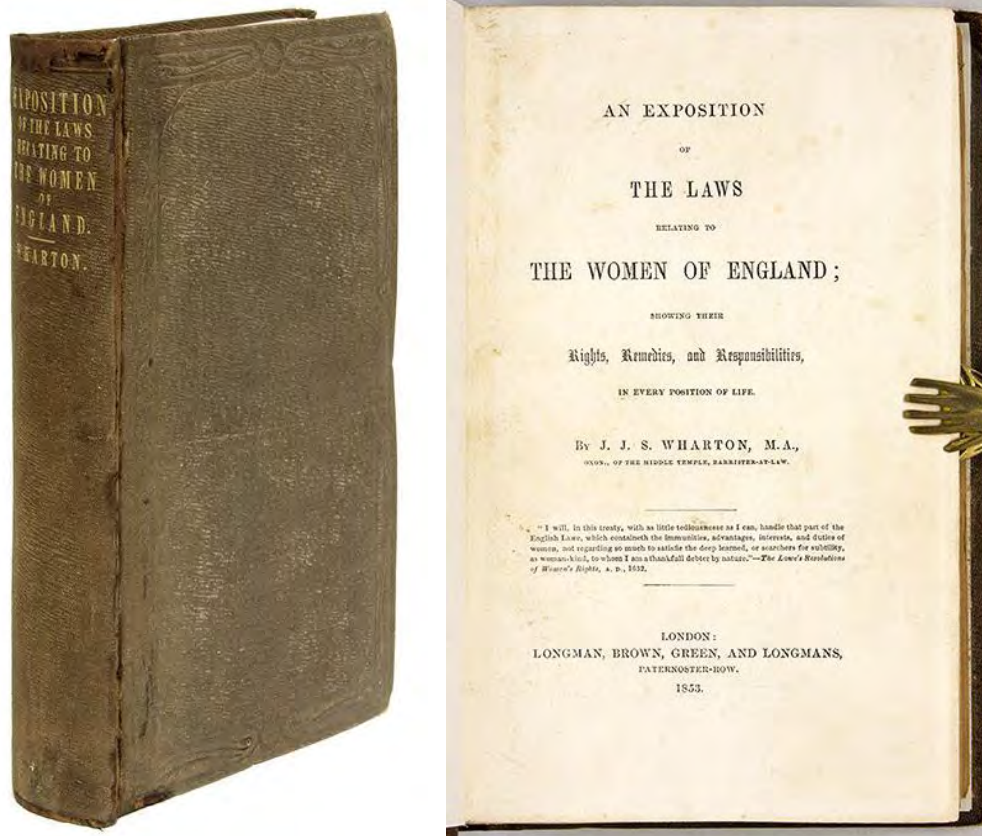
45. Wesenbeck (Wesembeke), Matthaeus [1531-1586].

Oeconomia Iuris. Leipzig: Curante Ernesto Voegelino [Imprimebatur per Andream Schneider, Typis Vogelianis, 1571]. [ii], 383, [21] pp. Quarto (7-1/2" x 5-1/2").

Contemporary paneled vellum, gilt-stamped early owner name (Cancell: Mari: Burg/ 1681) and faint tiny early signature to front board, raised bands, later calf lettering and small paper shelf label to spine, ties lacking. Light soiling, moderate rubbing to extremities, a few minor worm holes to rear board, corners bumped, front free endpaper lacking, front hinge cracked, a few cracks to text block. Moderate toning to text, light soiling and a small inkspot title page, early ink (library?) annotation to front pastedown. \$1,850.

* First edition. Wesenbeck, a leading Belgian humanist jurist who taught at the Universities of Jena and Wittenberg, was a distinguished and prolific scholar of Roman law with a pan-European reputation. A posthumous eight-volume collection of his consilia was published from 1611 to 1624. First published in 1571, *Oeconomia Iuris* is summary of the *Corpus Juris Civilis*, the *Libri Feudorum* and the *Corpus Juris Canonici* with notes and correspondences. Its final edition was published in 1625. *Verzeichniss der im Deutschen Sprachbereich Erschienenen Drucke des 16. Jahrhunderts* W2131.

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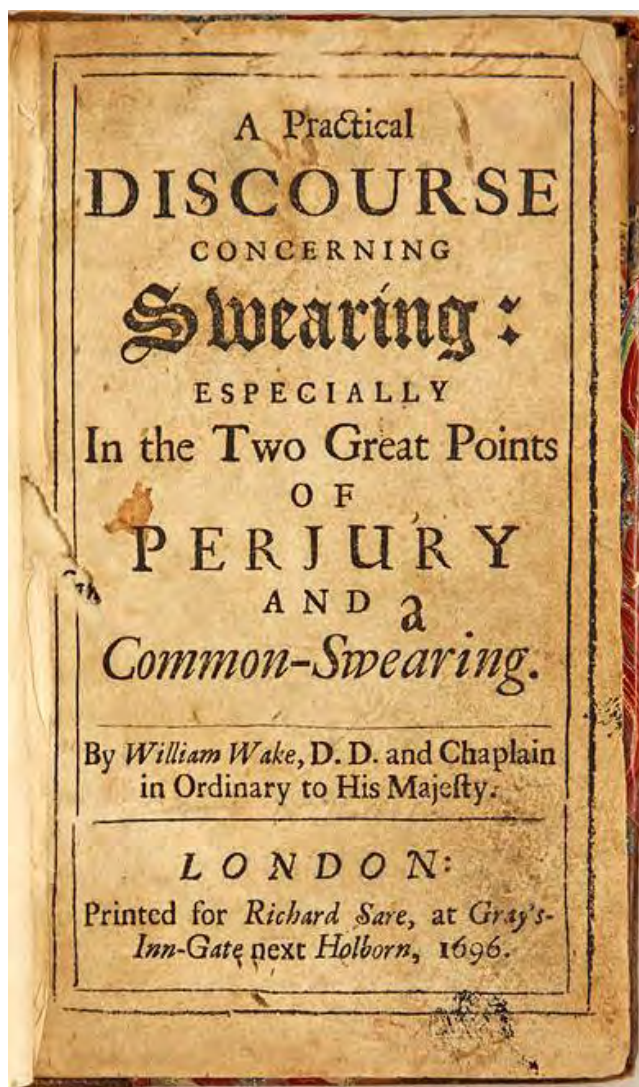
**The First Nineteenth-Century English Treatise About
"The Several Laws Which Peculiarly Affect the Gentler Sex"**

46. Wharton, [J]ohn [J]ane [S]mith [1816 or 1817-1867].

An Exposition of the Laws Relating to the Women of England: Showing Their Rights, Remedies, And Responsibilities in Every Position of Life. London: Longman, Brown, Green, And Longmans, 1853. [xi], 557, [32] pp. Includes 32-page published catalogue. Octavo (8-3/4" x 5-3/4").

Contemporary textured cloth, rebaked retaining existing spine, spine ends mended, ornate blind frames to boards, gilt title and fragment of shelf label to spine, endpapers renewed. Moderate rubbing to extremities, corners bumped and somewhat worn, light toning to text. A handsome copy of a scarce title. \$1,500.

* Only edition. This was the first general English treatise on the subject published in the nineteenth century. "My purposed aim in commenting on the several laws which peculiarly affect the gentler sex, is to exhibit...the principles and doctrine which have been laid down and expounded, concerning this most interesting portion of the community. (...) The book is arranged according to the revolving phases of human existence through which a woman may possibly pass in her journey through life; her successes and failures, her sufferings and her joys, her wrongs and her griefs, so far as they are influenced or recognised, affected or redressed by the laws, are the matters discussed and explained. It is obvious that these expositions involve subjects of great delicacy, yes, and sometimes of painful depravity; yet, while a strain of phraseology is adopted, in describing the details necessary to their discussion, which accords as much as possible with the polished and decorous language of educated amenity, it is not attempted to debate them with a mysterious obscureness or an affected modesty, which is far worse than even a blunt and rude speech, at least in scientific investigations" (preface ix-x). OCLC locates 6 copies in North American law libraries (Columbia, Harvard, Library of Congress, Ohio State University, University of Cincinnati, University of Pennsylvania). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 376. [Order This Item](#)



**A Treatise on Oaths by a Prominent
Anglican Priest, Later Archbishop of Canterbury**

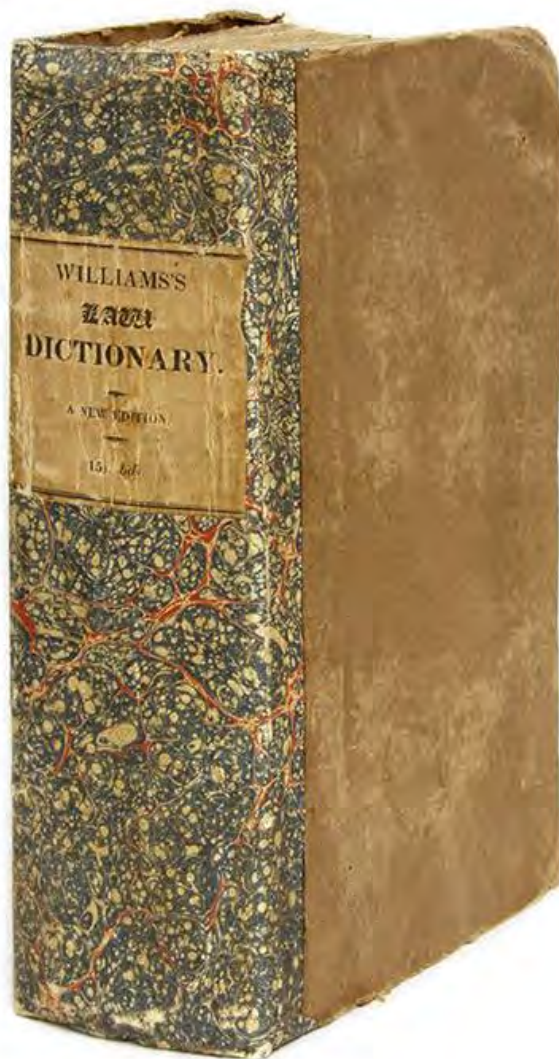
47. Wake, William [1657-1737].

A Practical Discourse Concerning Swearing: Especially in the Two Great Points of Perjury and Common-Swearing. London: Printed for Richard Sare, 1696. [ii], xxix [i.e. xlv], [15], 144 pp. Lacking blank leaf preceding title page, text complete. Octavo (5-3/4" x 3-1/2").

Later three-quarter calf over marbled boards, rebaked, gilt fillets and lettering piece to spine, endpapers renewed. Light rubbing to extremities, corners bumped and somewhat worn. Very light browning to text, faint dampstaining to head of text block, light soiling, tiny hole, and some edgewear to title page, brief early annotations in a few places. \$500.

* Only edition. This curious treatise discusses the laws concerning oaths from the perspectives of ecclesiastical law, common law and theology. Wake, an Anglican Priest and a prolific author, was Archbishop of Canterbury from 1716 to the end of his life. This book was reprinted as the second volume of a later publication, *Twenty Two Sermons Preached Upon Several Occasions. To Which is Added, A Practical Discourse Concerning Swearing* (1737). *English Short-Title Catalogue* R38405.

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An Uncommon English Law Dictionary

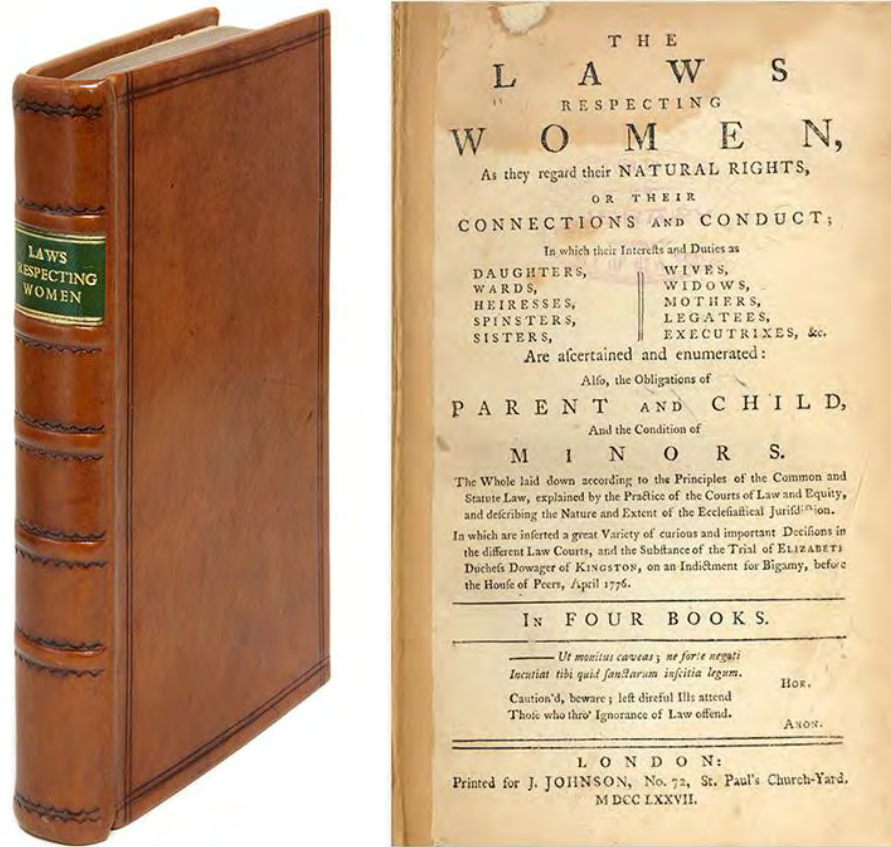
48. Williams, Thomas Walter.

A Compendious and Comprehensive Law Dictionary; Elucidating the Terms, and General Principles of Law and Equity. London: Gale and Fenner, 1816. Unpaginated [1022] pp. Main text in parallel columns. Octavo (8-1/4" x 5-1/4").

Contemporary paper-covered publisher boards, expertly rebacked in marbled paper retaining contemporary lettering piece, untrimmed edges. Some rubbing to boards. Light toning, and faint staining to preliminaries and a few other leaves. An attractive copy. \$1,250.

* Only edition of an uncommon dictionary. One of several English dictionaries published in the early nineteenth century, Williams' dictionary is notable for its physical size and broad scope. Williams noted that his aim was to include more words and shorter definitions by omitting the extraneous detail that distinguished the work of his predecessors (and, presumably, his competitors). Williams [1763-1833] was a barrister of the Inner Temple and was called to the bar, but he didn't have success as a pleader. He was known instead for his writings. In addition to his dictionary, he wrote manuals justices of the peace, compiled abridgments and digests and edited an edition of William Sheppard's *The Precedent of Precedents*. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:384.

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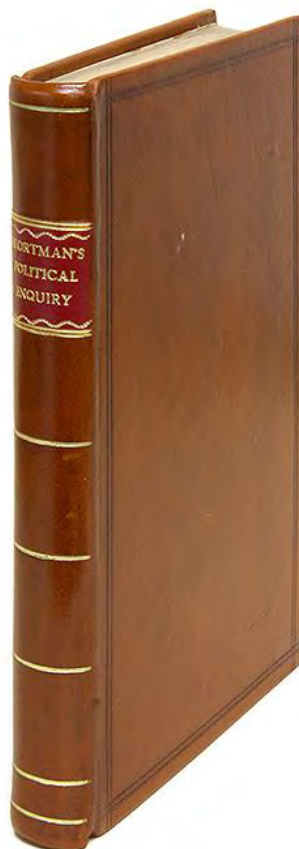
Women and the Law in Eighteenth-Century England

49. [Women]. [Great Britain].

The Laws Respecting Women, As They Regard Their Natural Rights, Or Their Connections and Conduct; In Which Their Interests and Duties as Daughters, Wards, Heiresses, Spinsters, Sisters, Wives, Widows, Mothers, Legatees, Executrices, &c. Are Ascertained and Enumerated: also, the Obligations of Parent and Child, And the Condition of Minors. The Whole Laid Down According to the Principles of the Common and Statute Law, Explained by the Practice of the Courts of Law and Equity, And Describing the Nature and Extent of the Ecclesiastical Jurisdiction. In Which are Inserted a Great Variety of Curious and Important Decisions in the Different Law Courts, And the Substance of the Trial of Elizabeth Duchess Dowager of Kingston, On an Indictment for Bigamy, Before the House of Peers, April 1776. In Four Books. London: Printed for J. Johnson, 1777. [xxiii], [1], 449, [15] pp. Octavo (7-1/2" x 5").

Recent period-style calf, blind rules to boards, raised bands and lettering piece to spine, endpapers renewed. Light browning, faint dampstaining to upper margins of preliminaries and first 20 leaves of text, negligible minor loss to text of index leaf, legibility not affected. Ex-library. Faint inkstamp and faint embossed stamp to title page. A nice copy in a handsome binding. \$3,000.

* Only edition. This is one of the earliest books on the English law concerning women. (The first was published in 1632.) Holdsworth holds it in high regard and considers it the best of the early books on the subject. It is in four books. The first book deals with the personal status of women, marriage law and the settlement of married women who are paupers. The second book deals with the proprietary status of spinsters, wives and widows. The third book deals with crimes, the fourth with parents and children and the position of minors. It also contains a critical account of the sensational Kingston bigamy trial, which inspired two plays by Thackeray. Holdsworth, *A History of English Law* XII:399-400. *English Short-Title Catalogue* T149863. [Order This Item](#)



"The Book Jefferson Didn't Write, But Should Have"

50. Wortman, Tunis [d.1822].

A Treatise Concerning Political Enquiry, and the Liberty of the Press. New York: Printed by George Forman for the Author, 1800. xii, 296 pp. Octavo (8-1/4" x 5").

Recent period-style calf, blind rules to boards, gilt fillets and lettering piece to spine, endpapers renewed, title page mounted and re-hinged. Moderate toning and occasional light foxing to text, light soiling, faint embossed library stamp and faint staining to title page, faint stain to following leaf along gutter with discreet repair. A handsome copy of a title rare in the trade. \$8,500.

* Only edition. This book is acclaimed as the finest libertarian exposition of free speech. A response to then-recent First Amendment (adopted 1791) and Alien and Sedition Acts (1798), it can be seen as an early response to their implications. As Leonard Levy notes, Wortman "contributed pre-eminently to the emergence of American libertarianism in his book...It is, in a sense, the book that Jefferson did not write, but should have. Devoid of party polemics and of the characteristically American preoccupation with legal and constitutional problems, it is a work of political philosophy that systematically presents the case for freedom of expression...the outstanding characteristics of the book are its philosophic approach and its absolutist theses. (...) Wortman's treatise is surely the pre-eminent American classic, because of its scope, fullness, philosophical approach, masterful marshalling of the facts, and uncompromisingly radical view." Wortman was a New York lawyer, author, newspaper publisher and politician. He is also known for his political tracts, one of which, *A Solemn Address to Christians and Patriots*, defended Jefferson against charges of atheism prior to the election of 1800. Levy, *Legacy Of Suppression: Freedom Of Speech And Press In Early American History* 283-289. McCoy, *Freedom of the Press* W398. Cohen, *Bibliography of Early American Law* 3603. *Liberty & the American Revolution, Selections from the Collection of Sid Lapidus* 26. [Order This Item](#)