

# ENGLISH LAW

## *Before 1776*



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## English Law Before 1776

14 October 2014

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

#### 1. [Bathurst, Henry].

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

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

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

### The Best Edition of *Britton*

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

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

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

Recent period-style speckled calf, blind rules to boards, raised bands and blind rules to spine, endpapers renewed, other endleaves lacking, early armorial bookplate (of James Bengough of ye Inner Temple London Gent. 1702) to verso of title page. Some toning to text, light foxing in a few places, light foxing to title page, internally clean. A handsome copy. \$1,250.

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

### Laws Relating to the Stuart-Era Nobility

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

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

Contemporary sheep, blind rules to boards, blind rules and gilt ornaments to spine. Light rubbing to extremities, heavier rubbing to spine removing gilding from title and parts of ornaments, spine ends bumped, some wear to head of spine, paper covering of front pastedown loose. Early shelf label and copperplate armorial bookplate (of John Hirey Esq.) to front pastedown. Moderate toning to text, occasional faint dampspotting, light soiling to title page, some edgewear to front endleaves. Tiny early owner signature (of Jonathan Airey) to head of title page, interior otherwise clean. \$750.

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

#### A Stuart-Era "Nutshell"

#### 4. Brydall, John.

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

Contemporary sheep, blind rules to boards, later gilt fillets to spine, publication date to foot, fragment of lettering piece. Some rubbing to extremities, some chipping to head of spine, corners bumped, front board detached, rear hinge starting, partial crack in text block between pp. 144 and 145. Light toning to text, internally clean. A solid copy. \$1,500.

\* Only edition, one of two imprints issued the same year. Brydall was a fellow of Queen's College, Oxford, and a bencher of Lincoln's Inn. A remarkably prolific writer, he published 36 legal treatises, and left 30 others in manuscript at the time of his death. All of these are brief, synthetic works. Holdsworth says they are good summaries that are "clearly arranged and based on the leading authorities." *Speculum Juris Anglicani* is an elementary review of English statutory and customary law. It was, says Holdsworth, "doubtless useful" to the student. OCLC locates 5 copies in North American law libraries (Columbia, Georgetown, Library of Congress, University of Michigan, University of Minnesota). Holdsworth, *A History of English Law* VI:600, 605. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:237 (5).

#### Fear and Distrust of Charles II

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

[Bluet, Thomas].

[Sergeant, John (1622-1707)].

*A Collection of Several Treatises Concerning the Reasons and Occasions of the Penal Laws. Viz. I. The Execution of Justice in England, Not for Religion, But for Treason: 17 Dec. 1583. II. Important Considerations, By the Secular Priests: Printed A.D. 1601. III. The Jesuits Reasons Unreasonable: 1662.*

London: Printed for Richard Royston, 1675. [8], 104, 109-13 [i.e. 131] pp. *The Jesuits Reasons* has separate title page dated 1662. Quarto (7" x 5-1/4").

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

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

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

#### 6. Coke, Sir Edward [1552-1634].

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

Contemporary calf, blind rules to boards, blind fillets to joints, raised bands, blind-stamped volume numbers and lettering pieces to spine to spines. Light rubbing exteriors with some minor nicks and scuffs, heavier rubbing to extremities with some chipping to spine ends, corners bumped and somewhat worn, several joints and hinges cracked or starting. London bookseller's bookplates indicating ownership of this set by Sir Robert E. Megarry to rear pastedown of each volume. Light toning to interiors, somewhat heavier in places, internally clean. \$1,800.

\* First complete edition (the first two editions printed parts I-XI only) and the third edition in English. First published at the beginning of the seventeenth century, Coke's *Reports* are not reports in the conventional sense; they are highly detailed anthologies of precedents organized by topic. Each is illustrated by a large body of cases. Coke outlines their arguments and explains the reasons for the ways they were adjudged, using them as a basis for a statement of general principles. Taken together, it forms the most extensive and detailed treatment of common law pleading that had yet appeared. A work of immense authority, it was often cited as *The Reports*, there being no need to mention the author's name. The first edition in English, which did not include pleadings, was published in 1658. This set belonged to the notable British jurist Sir Robert E. Megarry [1910-2006], editor of the *Law Quarterly Review* and author of esteemed works on property law and legal trivia, such as *Miscellany-at-Law* (1955) and *A New Miscellany-at-Law* (2005). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:295-296 (31). Wallace, *The Reporters* 165-196.

### The Most Learned Civilian of His Time"

#### 7. Cowell, John [1554-1611].

*Institutiones Juris Anglicani Ad Methodum Et Serium Institutionum Imperialium Compositae & Digestae. Opus non Solum Iuris Anglicani Romaniq[ue] in hoc Regno Studiosis, Sed Omnibus qui Politeian & Consuetudines Inchyti Nostri Imperii Penitus Scire Cupiunt, Utile & Accommodatum. Cum Duplici Indice, Quorum Alter Titulos Ordine Alphabetico, Alter Obscuras Iuris Ang. Dictiones Earumq[ue] Explicationem Continet.* Cambridge: Ex Officina Iohannis Legat, 1605. [xii], 268, [20] pp. Octavo (6-1/2" x 4-1/2").

Contemporary limp vellum, early hand-lettered title to spine. Moderate soiling, corners and spine ends bumped, small hole to center of spine, pastedowns loose. Large seal of Cambridge University to verso of title. Some toning, moderate edgewear to endleaves. Early owner signature (of Charles Milborne) to front and rear endleaves, interior otherwise clean. \$950.

\* First edition. As Walker notes, Cowell was "the most learned civilian of his time." Regius Professor of Civil Law at Cambridge from 1594 to 1611, he is remembered today as the author of an important (and controversial) dictionary, *The Interpreter* (1607), which went through several subsequent editions. As indicated by its title, the *Institutiones* is an elementary textbook on English law organized in the manner of Justinian's *Institutes*. As Holdsworth notes, "The objects of [this book] were to promote the union of England and Scotland by pointing out the resemblances between the common law and the civil law; to give the student of the common law some knowledge of the general principles of law; and to show the students of the civil law that if they would study the common law, they would improve their knowledge of both laws, and cease to be regarded as mere children in legal knowledge. That these ideas were sound is fairly obvious [today]... but they were in advance of their time." A translation of this book was ordered by Parliament in 1651, which indicates its stature during the Commonwealth period (despite Cowell's support of the crown). There were five editions in all; the final edition, in Latin, was published in 1676. Walker, *The Oxford Companion to Law* 311. Holdsworth, *A History of English Law* V:21. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:21 (7).

### First Edition in English

#### 8. Cowell, John [1554-1611].

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

Contemporary speckled calf, gilt fillets to boards and spine. Moderate rubbing to extremities, corners bumped, chipping to spine ends, joints partially cracked, light toning to text. Later owner signature (of Henry Bromley, 1693) to front free endpaper, interior otherwise clean. \$1,500.

\* First edition in English. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:21 (7).

## Asserting the Act of Supremacy

### 9. [Davies, Sir John (1569-1626)].

#### Pettus, Sir John [1613-1690], Preface.

*England's Independency Upon the Papal Power Historically and Judicially Stated, By Sr. John Davis, Attorney Generall in Ireland, And by Sr. Edward Coke, Lord Chief Justice in England, In Two Reports, Selected from Their Greater Volumes; For the Convincing of our English Romanists, And Confirming of Those Who are Yet Unperverted to the Court or Church of Rome. With a Preface Written by Sir John Pettus, Knight.* London: Printed by E. Flesher, J. Streater, and H. Twyford, 1674. [xvi], 88 [i.e. 84] pp. (Pp. 82-84 mis-numbered 84, 85, 88, respectively.) Quarto (7-1/2" x 5-1/2").

Stab-stitched pamphlet bound into later morocco, gilt title to spine, endpapers renewed. Light rubbing to extremities, front joint starting at foot. Attractive large woodcut head-pieces and decorated initials. Light toning to text, somewhat heavier in places, light soiling and some edgewear to title page, internally clean. \$950.

\* Only edition. Davies is an important figure in English and Irish constitutional history. Also a notable poet, he was attorney general for Ireland. During that time he framed several legal principles that were used to support the growth of the British Empire. *England's Independency* reflects his fear of the pro-Catholic King Charles II. It warns the king to restrict his support through a clever reading of the Act of Supremacy. Issued by King Henry VIII in 1534, it declared the king to be the "supreme head on earth of the Church in England" in place of the pope. Therefore, he argues, any sympathy towards Catholicism is treasonous because it cedes power to the pope, who, like the king, claims political power over his followers. OCLC locates 12 copies in North America, 2 in law libraries (Library of Congress, Yale). *English Short-Title Catalogue* R21289.

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

### 10. Dyer, Sir James [1510-1582].

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

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

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

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

### 11. Eden, Robert [1701-1759].

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

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

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

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

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

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

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

Nineteenth-century paneled calf, dentelles to board edges and interior, rebacked retaining earlier spine, raised bands and lettering piece to spine, edges rouged, marbled pastedowns, free endpapers lacking (or never present). Moderate rubbing to extremities with some wear to spine ends, hinges cracked, armorial bookplate to rear pastedown. Title printed within woodcut architectural border. Some toning to interior, very faint dampstaining to portions of text, dampspotting to a few leaves, light soiling and some edgewear to title page. Annotations in early court hand to endleaves, title page and most of text. An appealing wide-margined copy. \$5,000.

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

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

**13. Fortescue, Sir John [1394?-1476?].**

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

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

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

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

**Laws Governing His Majesty's Army in the 1680s**

**14. [Great Britain].**

*An Abridgement of the English Military Discipline. Printed by Especial Command, For the Use of His Majesties Forces.* London: Printed by Charles Bill, Henry Hills, and Thomas Newcomb, 1686. 271, [1] pp.

**[Bound with]**

*Rules and Articles for the Better Government of His Majesties Land-Forces In Pay.* London: Printed by Charles Bill, Henry Hills, and Thomas Newcomb, 1688. 35, [1] pp.

Octavo (6-1/4" x 3-3/4"). Recent quarter calf over marbled boards, gilt title to spine (reading *Military Discipline*), endpapers renewed. Negligible light rubbing to exterior, moderate toning, light foxing in places. Early annotations, signatures and embossed stamp to title page of *Abridgement*, interior otherwise clean. \$650.

\* Later editions. These two books encompass the regulations and laws that governed the army of late-restoration England and Wales. The *Abridgment*, which includes a section on courts martial, is a manual of military training and procedure that addresses such topics as formation of a company on a battlefield, marching and firings. The second book is a digest of military laws and regulations. It contains extensive discussion of penalties and a good overview of the procedures governing courts martial. Neither title in Sweet & Maxwell. *English Short-Title Catalogue* R9769, R23604.

### A Well-Regarded Dictionary of Legal Precedents

#### 15. [Great Britain].

##### By an Attorney at Law, Author of the Practice Epitomized.

*The Attorney's Compleat Pocket-Book. Containing Near Four Hundred of Such Choice and Approved Precedents, In Law, Equity, And Conveyancing As an Attorney May Have Occasion For, When Absent from His Office; Digested Under the Following Heads; Acknowledgements. Acquittances. Affidavits. Agreements. Appointments. Assignments. Awards. Bail-Pieces. Bargains and Sales. Bills. Bonds. Covenants. Defeasances. Distress for Rent. Exchanges. Fines. Gifts. Grants. Leases. Lease and Release. Letters of Attorney. Letters of Licence and Composition. Livery of Seisin and Attornments. Memorials. Mortgages. Notices. Partition. Petitions. Promissory Notes. Protections. Recoveries. Releases. Revocations. Separation. Settlements. Tickets. Uses. Warrants. Wills. Calculated for the Use of Practisers in General, But More Particularly for the Assistance of Country Attornies and Their Clerks: Also Necessary for Gentlemen, Landlords, Stewards, Tenants, &c. &c. &c. Corrected, With Large Additions.* [London]: Printed by Henry Lintot, 1756. Two volumes. [iv], 222, [xxii]; [iv], 324, [viii], 11 pp. Includes eleven-page publisher catalogue. Octavo (6-1/2" x 4").

Contemporary calf, blind rules and fillets to boards, raised bands and lettering piece to spine. Minor chipping to spine ends, front board of Volume I carefully reattached, corners bumped, joints just starting at ends, hinges cracked, endleaves lacking (except one at beginning of Volume I), later armorial bookplate to each pastedown. Moderate toning to text, occasional light foxing and dampspotting. Early annotations and signatures to pastedowns and index leaves, interiors otherwise clean. An appealing copy. \$750.

\* Fourth edition. First published in 1741, this useful work went through five more editions, the last one in 1767. Its utility extended from urban law offices to the libraries of "gentlemen" and "country attorneys and their clerks." All edition of this work are scarce. OCLC locates 2 copies of this edition in North American law libraries (SMU, University of Georgia). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:263 (17).

### Final Edition of A Well-Regarded Dictionary of Legal Precedents

#### 16. [Great Britain].

##### By an Attorney at Law, Author of the Practice Epitomized.

*The Attorney's Compleat Pocket-Book. Containing Above Four Hundred of Such Choice and Approved Precedents, In Law, Equity, And Conveyancing, As an Attorney May Have Occasion For, When Absent from His Office; Digested Under the Following Heads; Acknowledgements, Acquittances, Affidavits, Agreements, Appointments, Assignments, Awards, Bail- Pieces, Bargains and Sales, Bills, Bonds, Covenants, Defeasances, Distress for Rent, Exchanges, Fines, Gifts, Grants, Leases, Lease and Release, Letters of Attorney, Letters of Licence and Composition, Livery of Seisin and Attornments, Memorials, Mortgages, Notices, Partition, Petitions, Promissory Notes, Protections, Recoveries, Releases, Revocations, Separation, Settlements, Tickets, Uses, Warrants, Wills. Calculated for the Use of Practisers in General, But More Particularly for the Assistance of Country Attornies and Their Clerks: Also Necessary for Gentlemen, Landlords, Stewards, Tenants, &c. To Which are Now Added the Proper Stamps to the Various Kinds of Precedents, And Other Useful Additions.* [London]: Printed by His Majesty's Law Printers, 1767. Two volumes. [iv], 342, [30]; [iv], 297, [11] pp. Octavo (6-1/2" x 4").

Contemporary calf, blind rules and fillets to boards, raised bands and lettering piece to spine, Volume I carefully rebacked retaining spine. Light rubbing to extremities, a few minor scuffs to boards, corners bumped, hinges partially cracked. Light toning to text, annotation to front free endpaper of Volume I, early owner signature to its title page. A handsome copy. \$750.

\* Sixth and final edition. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:263 (17).

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

#### 17. [Great Britain].

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

Later three-quarter calf over marbled boards, raised bands and lettering piece (from an earlier binding) to spine, endpapers renewed. Light rubbing to extremities with minor wear to spine ends and corners, hinges cracked. Title printed within woodcut architectural border. Moderate toning to text, occasional faint dampstaining to upper portion of text block, light edgewear to preliminary and final leaves of text, light soiling to title page, repair to lower corner of final text leaf, which has two small holes with minor loss to legibility. Early struck-through annotations to title page and some other leaves, interior otherwise clean. A solid copy in an attractive binding. \$6,500.

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

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

#### 18. Hale, Sir Matthew [1609-1676].

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

Contemporary calf, blind rules to boards, rebaked in period style with blind fillets and lettering piece. Light rubbing to extremities, corners bumped and lightly worn, front pastedowns loose, early owner bookplate to inside of front board. A handsome copy. \$2,000.

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

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

#### 19. Horne, Andrew [d.1328].

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

[Fitzherbert, Anthony (1470-1538)].

*The Booke Called, The Mirrour of Justices: Made by Andrew Horne. With the Booke, Called, The Diversity of Courts, And Their Jurisdictions. Both Translated Out of the Old French into the English Tongue.* London: Matthew Walbancke, 1646. [xxxii], 288, 287-325, [9] pp. First leaf blank. Octavo (5-1/4" x 3-1/4").

Recent period-style calf, blind fillets to boards, blind fillets and gilt title to spine, endpapers renewed. Woodcut head and tail-pieces. Moderate toning, light foxing in places. Early owner annotations and signature (of Jacobi Bremridge) to front endleaves, small tear to title page mended with archival tape. An appealing copy. \$1,500.

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



## "The First Great Book Upon English Law"

### 20. Littleton, Sir Thomas [1402-1481].

*Lyttilton Tenures Trueye Translated into Englishe*. [Imprinted at Londo[n] in Fletestrete Near to S. Dunstones Church. By Thomas Marshe, Anno 1556]. 180, [2] ff. Octavo (5-1/4" x 3-1/2").

Eighteenth-century calf, gilt fillets and lettering piece to spine. Some rubbing to extremities, corners bumped and lightly worn, a few minor nicks and scratches, a few vertical creases to spine, armorial bookplate (of Guy Phillips) to front pastedown. Title printed within woodcut architectural border. Light toning to text, edges trimmed closely with minor loss to fore-edge of title page and a few headlines and side-notes, minor damage to text due to three large chips to fore-edges of ff. 10 and 27 repaired with facsimiles. Early annotations to title page and a few leaves, interior otherwise clean. \$4,000.

\* Written during the reign of Edward IV [1442-1483] and first published around 1481, Littleton's *Tenures* is the first English treatise on a specific topic and probably the most revered treatise in the history of the common law. Much admired for its learning and style, it is concerned with tenures and other issues relating to real property. This venerable work, which Coke called "the ornament of the Common Law, and the most perfect and absolute work that ever was written in any humane science," is considered a landmark because it renounced the principles of Roman law (and Latin) in favor of guidelines and doctrines drawn from the Year Books and, when necessary, hypothetical cases. "Five books stand out pre-eminently in the history of English law - Glanvil, Bracton, Littleton, Coke, and Blackstone, and of these Littleton's book is the first great book upon English law.... It showed that [the common law] possessed principles and doctrines of its own which were scientifically exact and yet eminently practical, because they were founded upon the actual problems of daily life" (Holdsworth). OCLC locates two copies (at Harvard Law School and Cambridge University). The ESTC locates another copy at the William Salt Library, England. Holdsworth, *A History of English Law* II:573. *English Short-Title Catalogue* S3242. Beale, *Bibliography of Early English Law Books* T47.

### 1583 Edition of Littleton, Interleaved and Heavily Annotated

### 21. Littleton, Sir Thomas.

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

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

Contemporary limp vellum with lapped edges, thong ties. Light soiling and edgewear, a few minor stains, a few cracks to text block. Light toning to text, wide margins, extensive underlining and annotations to text and interleaves and endleaves in contemporary hand. An appealing copy. \$10,000.

\* The annotations in this copy are mostly interpretive; some are glosses, cross-references and case references. Holdsworth, *A History of English Law* II:573. *English Short-Title Catalogue* S108638. Beale, *A Bibliography of Early English Law Books* T31.

### Heavily Annotated 1594 Edition of Littleton

### 22. Littleton, Sir Thomas.

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

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

Contemporary calf, blind rules and large central arabesques flanked by initials to center of boards, rebaked retaining spine with raised bands, clasps lacking, endpapers renewed. Some scratches and nicks, edges of boards mended, hinges cracked. Some toning to text, light browning to outer margins, edgewear to preliminaries and final few leaves. Wide margins, annotations to most leaves, early owner signature (Henry Bradsharve) to center of title page. \$5,000.

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

## A Principal English Treatise on Canon Law

### 23. [Lyndwood, William (c.1375-1446)].

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

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

Contemporary paneled calf, corner fleurons and large arabesques to boards, recently rebacked, raised bands and lettering piece to spine, endpapers added, early hand-lettered title to fore-edge. A few shallow scuffs to boards, moderate rubbing to their extremities, corners bumped and somewhat worn, hinges cracked, later bookseller ticket, owner bookplate (of Walter Wigglesworth, dated 1934) and two 1930s-era auction or bookseller descriptions affixed to front pastedown. Text printed in red and black gothic type, woodcut decorated initials. Light toning to text, faint dampstaining in places, minor edgewear to leaves at beginning and end of text, some with repairs, inkstains and spark burns to a few leaves. Contemporary annotations to endleaves and portions of text, some with minor loss due to trimming. A nice post-incunabular copy of an important title. \$6,500.

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

### The First Work on the Law of the King's Forest

### 24. Manwood, John [d.1610].

*A Treatise of the Lawes of the Forest: Wherein is Declared Not Onely Those Lawes, As They Are Now In Force, But Also the Originall and Beginning of Forests: And What a Forest is In His Owne Proper Nature, And Wherein the Same Doth Differ From a Chase, A Parke, A Warren, With All Such Things As Are Incident or Belonging Thereunto, With Their Severall Proper Termes of Art. Also a Treatise of the Pourallee, Declaring What Pourallee Is, How the Same First Began, What a Pourallee Man May Do, How He May Hunt and Use His Owne Pourallee, How Farre He May Pursue and Follow After His Chase, Together With the Limits and Bounds, As Well of the Forest, As the Pourallee. Collected, As Well Out of the Common Lawes and Statutes of This Land, As Also out of Sundrie Learned Ancient Authors, And Out of the Assises of Pickering and Lancaster. Whereunto Are Added that Statutes of the Forest, A Treatise of the Severall Offices of Verderors, Regardors, and Forests, & the Courts of Attachments, Swanimote, & Justice Seat of the Forest, And Certaine Principal Cases, Judgements, and Entries of the Assises of Pickering and Lancaster: Never Heretofore Printed for the Publique.* London: Printed for the Societie of Stationers, 1615. [xv], 258 [i.e. 259], [1] ff. Quarto (7-1/4" x 5-3/4").

Contemporary calf, gilt rules to boards, rebacked in period style, raised bands and lettering piece to spine. Light rubbing to extremities, a few scuffs, nicks and minor stains to boards, corners repaired, hinges cracked, later armorial bookplate to front pastedown. Woodcut decorated initials and head-pieces. Some toning to text, negligible light foxing in places, light soiling and minor edgewear to title page. Owner signature dated 1810 to head of title page, interior otherwise clean. A handsome copy. \$1,500.

\* First expanded edition. First published in 1598, it remained a standard text well into the twentieth century. This enlarged edition, which is the third chronologically, includes a great deal of information that does not appear in the first and second editions. Forests were central to England's economy from the time of the conquest to the mid-seventeenth century. A member of Lincoln's Inn, a barrister, gamekeeper of Waltham Forest and a justice of the New Forest, Manwood was eminently qualified to write it. Both a history and guide, it contains lengthy extracts from the *Carta de Foresta* and other ancient statutes and charters. (Some of it was taken from a privately-printed collection on the same subject Manwood issued around 1592). *English Short-Title Catalogue* S111855. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:465 (38).

### Important Early Treatise on Maritime Law

### 25. Molloy, Charles [1646-1690].

*De Jure Maritimo et Navali: Or, a Treatise of Affairs Maritime and of Commerce. In Three Books.* London: Printed for John Bellinger, 1682. [xxiv], 433, [15] pp. Two-page copperplate pictorial frontispiece, three-page publisher advertisement. Large octavo (7-3/4" x 5-1/4").

Contemporary calf, blind rules to boards, rebacked in period style, raised bands and lettering piece to spine, endpapers renewed. Some mottling to boards, light rubbing to edges, corners bumped, upper margins of frontispiece mended (no loss to image). Some toning to text, light foxing to preliminaries and a few other places. "6/6" in early hand to margin of frontispiece, interior otherwise clean. \$1,000.

\* Third edition, one of two issues from 1682. For many years this was the standard treatise on international, commercial and maritime law, and went through many editions, the first published in 1676, the last in 1778. "It was not until 1676 that a man, who had some claims to be called an English lawyer, wrote upon [bills of exchange]. Charles Molloy who was both a civilian and a member of Lincoln's Inn and Gray's Inn, in the second book of his very successful treatise, *De Jure Maritimo et Navali*, gives us some account of these branches of the law" (Holdsworth). Chapters III and IV deal with privateers and piracy. Holdsworth, *Sources and Literature of English Law* 210. *English Short-Title Catalogue* R32101. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:511 (64).

### Enlarged Edition of an Important Work That Advanced Whig Ideology

#### 26. [Petyt, William (1636-1707), Attributed].

[Phillips, George (1599?-1696), Attributed].

*Lex Parliamentaria, Or, A Treatise of the Law and Custom of Parliaments. Shewing Their Antiquity, Names, Kinds, And Qualities. Of the Three Estates; And of the Dignity and Excellency of Parliaments, Their Power and Authority. Of the Election of Members of the House of Commons in General, Their Privilege, Qualifications, And Duties. Of the Electors; And Their Rights, Duties; And Manner of Elections. Of the Returns to Parliament; The Sheriff's and Other Officers Duty Therein. Of the Manner of Election of the Speaker; And of His Business and Duty. Of the Manner of Passing Bills, And the Orders to be Observed in the House of Commons. Of Sessions of Parliament; As Also of Prorogations and Adjournments: Together with the Proper Laws and Customs of Parliaments. With an Appendix of a Case in Parliament Between Sir Francis Goodwyn and Sir John Fortescue, For the Knights Place for the County of Bucks, 1 Jac. I. With Large Additions.* London: Printed for J. Stagg, [c.1701]. [x], 434, [1] pp. Includes two one-page publisher advertisements. Octavo (7-1/2" x 4-3/4").

Contemporary calf, blind rules and fillets to spine, raised bands, later lettering piece to spine, unobtrusive later repairs to upper portions of joints. Light rubbing, minor chipping to head of spine, corners bumped and lightly worn, hinges just starting at ends. Light foxing and finger smudges to title page and a few other leaves, interior otherwise fresh. \$1,250.

\* Second edition, with "Large Additions." Petyt, a member of the Inner Temple, was active in the Whig cause. In return for his support he was appointed Keeper of the Records in the Tower Of London after the Glorious Revolution, a post he held until his death in 1707. First published in 1690, *Lex Parliamentaria* is one of his five major works on Parliament that advanced Whig ideology. The others are *Ancient Rights of the Commons Asserted* (1680), *Miscellanea Parliamentaria* (1680), *Rights of the Commons Answered* (1681) and *Jus Parliamentaria* (1739). Petyt's works were read by the American Founding Fathers. Jefferson, for example, owned a copy of the first edition of *Lex Parliamentaria*. This book is also attributed to George Phillips. The ESTC records an edition from 1698. Our edition, designated the second, is not dated. Wing and the ESTC, based on a reading of the contents, which includes acts to 1700, assign the date c. 1701. The ESTC locates 3 copies in North America, none in a law library. *English Short-Title Catalogue* R8206. Wing, *Short-Title Catalogue of Books Printed in England, Scotland, Ireland, Wales, and British America* P1944. Sowerby, *The Library of Thomas Jefferson* 2893 (1690 1st Ed.). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:104 (41).

### Fear of a Standing Army

#### 27. Philipps, Fabian [1601-1690].

*Tenenda non Tollenda, Or the Necessity of Preserving Tenures in Capite and by Knight-Service, Which According to Their First Institution Were, and are Yet, a Great Part of the Salus Populi, and the Safety and Defense of the King, as Well as of His People. Together with a Prospect of the Very Many Mischiefs and Inconveniences, Which by the Taking Away or Altering of Those Tenures, Will Inevitably Happen to the King and His Kingdoms.* London: Printed by Thomas Leach, 1660. [xiv], 276 pp. Quarto (7-1/4" x 5-1/4").

Later three quarter calf over marbled boards, raised bands, gilt title and gilt ornaments to spine, speckled edges, endpapers renewed. Negligible light rubbing to extremities, a bit of worming to front board and rear pastedown, front hinge cracked, rear hinge starting. Title printed within woodcut typographical border. Light toning to text, somewhat heavier in places, offsetting to margins of title page and final text leaf. A few cross-outs and corrections in a small early hand, interior otherwise clean. \$1,250.

\* An important book according to Holdsworth, *Tenenda non Tollenda* was written to protest the recent abolition of military tenures, a system through which the crown granted lands in exchange for military services, either personal or through the provision of troops. He feared this would eventually lead to the creation of a standing army, a potential tool of royal oppression. On a broader level the abolition of military tenure eliminated a legal bond that balanced the interests of the monarchy and large landholders. A thoroughly argued thesis, it is supported by 72 points. Holdsworth, *A History of English Law* VI:610. *English Short-Title Catalogue* R16070.

### Early Edition of Plowden's Reports - This Edition in Jefferson's Library

#### 28. Plowden, Edmund [1518-1585].

*Les Commentaries, Ou Reportes de Edmund Plowden un Apprentice de le Comen Ley, De Divers Cases Esteants Matters en Ley, & de les Arguments sur Yceux, En les Temps des Raygues le Roye Edwarde le Size, Le Roigne Mary, Le Roy & Roigne Phillip & Mary, & Le Roigne Elizabeth. Ouesque un Table Perfect des Choses Notables Contenus en Ycell, Novelment Compose per William Fletenwoode Recorder de Loundres, & Iammes cy Devaunt Imprime. Auxy vous Aves in cest Impression Plusors Bone Notes en le Mergent per Tout le Lyeur, En Queux les Cases sont Referre al Abridgement de Brooke, &*

*Les Lyeurs del Termes, & As Auters Lyeurs del Comen Ley, Queux Notes Sont Imprimés en un Greinder Letter, q[ue] les notes Escrites per Master Plowden le Reporter Mesme, A le Fine que Chescun Poet Sacher, Queux Notes le Reporter ad Escrye, & Queux sont Addees per Auter de Puisne Temps.* [London]: In Aedibus Richardi Tottelli, Octobris 20, 1578. [vi], 12, 401, [1] ff. Woodcut table (of consanguinity).

[And]

*Cy Ensuent Certeyne Cases Reportes per Edmund Plowden un Apprentice de le Commen Ley, Puis le Primer Imprimier de ses Commentaries, & Ore a le Seconde Imprimier de les Dits Commentaries a Ceo Addees. Ouesque un Table en Fine de cest Lieur des Toutez les Principall Cases, Cibien en le Dist Premier Lieur des Commentaries, Come de les Cases Icy de Novel Addees, Iammes Devaunt Imprimie.* [London: In Aedibus Richardi Tottelli, 1579]. [i], 403-562, 562-565, [5], [6], [1], 15 ff.

Two parts in one, each with title page. Small folio (10-3/4" x 6-3/4"). Recent period-style paneled calf, raised bands and lettering piece to spine, endpapers renewed. Negligible light rubbing to extremities. Title pages printed within woodcut architectural borders, attractive woodcut decorated initials. Moderate toning to text, faint dampstaining in places, corners of a few leaves chipped with (very) minor loss to text, edges of title page, which were trimmed close, somewhat edgeworn with some loss, edges of a few leaves repaired. Small early struck-through signature to title page, contemporary annotations to a few leaves, a few eighteenth-century annotations to title page, rear endleaf and a few other places, interior otherwise clean. A solid copy. \$2,500.

\* Second editions. First published in 1571 and covering the period of 1550-1580, Plowden's *Reports* marks the transition away from the cumulative method of Year Books to one based on exposition and commentary. In most respects it is a forerunner of the modern law report. Plowden, a Catholic, achieved a great professional reputation and was esteemed as one of the most learned lawyers of his time. He became an M.P. during Queen Mary's reign, but was gradually pushed out of public life after Queen Elizabeth's accession due to his religion. His reports retained their standing, however, and were often translated and reprinted. Coke held them in high regard. Wallace says "In every sort of professional excellence [they] rank among the best Reports of any age." Part II concludes with two sections with individual Beale listings, "Un Report Fait per un Uncertaine Authour" and "The Table for the Second Part of the Commentaries Devised by William Fleetwood" (R486, R488). Most of the annotations are brief glosses, but some are long and analytical. The ESTC calls for a folding table in *Les Commentaries*. This is an error. Wallace, *The Reporters* (1882) 143. Beale, *Bibliography of Early English Law Books* R485, R486, R488. *English Short-Title-Catalogue* (ESTC) S115947, S115909. Sowerby, *Catalogue of the Library of Thomas Jefferson*, 2026.

### The First Edition Titled *Les Termes de la Ley*

#### 29. [Rastell, John (d.1536)].

[Rastell, William (c.1508-1565)].

*Les Termes De La Ley: Or, Certaine Difficult and Obscure Words and Termes of the Common Lawes of This Realme Expounded. Now Newly Imprinted, And Much Inlarged and Augmented.* London: Printed for the Company of Stationers, 1624. [viii], 311, [1] ff. Text printed in parallel columns in English and Law-French. Octavo (6-1/4" x 4").

Contemporary calf, blind rules and early owner initials (I.M.) to boards, raised bands and later lettering piece to spine, edges rouged. Some rubbing to extremities, a few minor scuffs to boards, corners and spine ends bumped, tiny worm hole to bottom edge of lettering piece, front hinge cracked, front free endpaper partially detached, minor worming to front pastedown, rear hinge starting. Light toning to text, occasional (very) faint dampstaining to margins. Early owner signatures and annotations to front endleaves and title page (of Jacob Marshall, one signature dated 10 August 1632), interior otherwise clean. \$2,500.

\* The first edition entitled *Les Termes de la Ley*. First published in 1527 by John Rastell, this was both the first English dictionary and first English law dictionary. It was originally written in Law French with the Latin title *Expositiones Terminorum Legum Anglorumae*. Later editions were produced by his son, William, who is believed to be the editor or translator. (Some sources claim, erroneously, that he is the author.) Quite popular with students and lawyers due to its clarity and concision, it went through at least twenty-five editions by 1721. A final reissue appeared in 1819. As Marvin observes, it is a useful dictionary because it "reflects the common law at the close of the year-book period with much fidelity." OCLC locates 6 copies of this imprint worldwide, 5 in North America, 3 in law libraries (Library of Congress, University of Minnesota, University of Pennsylvania). Marvin, *Legal Bibliography* 599. *English Short-Title Catalogue* S119775. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:11 (48).

### The Law is King

#### 30. [Rutherford, Samuel (1600?-1661)].

*Lex, Rex: The Law and the Prince. A Dispute for the Just Prerogative of King and People. Containing the Reasons and Causes of the Most Necessary Defensive Wars of the Kingdom of Scotland, And of Their Expedition for the Ayd and Help of Their Dear Brethren of England. In Which Their Innocency is Aserted, And a Full Answer is Given to a Seditious Pamphlet, Intituled, Sacro-Sancta Regum Majestas, Or The Sacred and Royall Prerogative of Christian Kings; Under the Name of J.A. But Penned by Jo: Maxwell the Excommunicate P. Prelat. With a Scripturall Confutation of the Ruinous Grounds of W. Barclay, H. Grotius, H. Arnisaens, Ant. de Domi. P. Bishop of Spalato, And of Other Late Anti-Magistratical Royalists.* London: Printed for John Field, Octob. 7. 1644. [xl], 280, 313-467 pp. Text continuous despite pagination. The first leaf bears a dialogue between Seneca and Nero in Latin on verso. Quarto (7" x 5-1/2").



Contemporary calf, rebacked, raised bands and lettering piece to spine, endpapers renewed. Light rubbing to boards and extremities, corners bumped and lightly worn. Some toning to text, faint dampstaining in places, edges trimmed with occasional minor loss to side-notes and, in a few places, main text, some edgewear to preliminaries and final few leaves. A few early signatures and annotations to title page, later annotation to rear endleaf, interior otherwise clean. \$4,500.

\* First edition. Important for its contribution to the social contract idea, the foundation for the political theory of John Locke, *Lex, Rex* is a comprehensive defense of the Scottish Presbyterian ideal in politics. Utilizing arguments from Scripture, Natural Law and Scottish law, it attacked royal absolutism and endorsed the rule of law (divine, natural and positive), limited government, the supremacy of the constitution, the separation of church and state and the idea that government is founded on the consent of the governed. Rutherford was a Scottish Presbyterian minister and the principal of the University of St. Andrews. *Lex, Rex* was a response to Bishop John Maxwell's *Sacro-Sancta Regus Majestas* (1660), a defense of royal absolutism. Rutherford became a political target after the Restoration. He was indicted on a charge of high treason, but he died before he was brought to trial. The first edition of this work is uncommon in the trade and only two complete copies have appeared at auction in the last 35 years. Some early bibliographical records list an edition printed in Edinburgh in 1644, but it appears to be a ghost. OCLC locates 5 copies of the 1644 London edition in North American law libraries (Harvard, University of Minnesota, University of Michigan, University of Pennsylvania, Yale). *English Short-Title Catalogue* R12731.

### Influenced Blackstone and Others

#### 31. Saint German [Germain], Christopher [1460?-1540].

*The Dialoges in English, Betwene a Doctour of Divinitye, And a Student in the Lawes of England, Newely Corrected and Imprinted Wyth New Addicions.* [London]: In Aedibus Richardi Tottelli, 1569]. 48, 50-177, [4] ff. Text continuous despite pagination. Octavo (5-1/4" x 3-1/2").

Recent period-style calf, blind rules and corner fleurons to boards, raised bands, lettering piece and blind ornaments to spine, endpapers renewed. Title printed within attractive woodcut architectural border. Early struck-through signature to title page, annotation to fore edge of a leaf (an alphabet in chancery hand), owner signature to margin of another, interior otherwise fresh. An appealing copy in a handsome binding. \$3,500.

\* Written originally in Latin in 1523, this work contains two dialogues between a doctor of divinity and a student of English law. It popularized canonist learning on the nature and object of law, the religious and moral standards of law, the foundations of the common law and issues regarding the jurisdiction of Parliament. A very important work in the development of equity, *Doctor and Student* appeared in numerous editions. An authority well into the eighteenth century, it influenced several writers, including Blackstone. OCLC locates 9 copies, 7 in North America, 1 in a law library (Harvard). *English Short-Title Catalogue* S116365. Beale, *Bibliography of Early English Law Books* T475.

### A Defense of the Lords Spiritual

#### 32. [Stillingfleet, Edward (1635-1699), Attributed].

*The Grand Question, Concerning the Bishops Right To Vote in Parliament [sic] in Cases Capital, Stated and Argued, From The Parliament [sic] Rolls, and the History of Former Times. With An Enquiry into the Peerage, And the Three Estates in Parliament [sic].* London: Printed for M.P., 1680. [iv], 188 pp. Octavo (6-1/2" x 4").

Contemporary mottled calf, blind rules to boards, rebacked, raised bands, gilt ornaments and lettering piece to spine, hinges mended. Moderate rubbing to boards with wear to corners. Light toning to text. Later signatures and annotations to endleaves, interior otherwise clean. \$850.

\* First edition, one of two issues from 1680. On the face of it, this is a discussion of a right enjoyed by the Lords Spiritual, the bishops of the Church of England who sit in the house of Lords. More broadly, it is an argument defending their membership in Parliament that refuted contrary claims advanced in several recent pamphlets by Whig authors. At this time, the tense years leading to the Glorious Revolution, the Whigs feared the imminent ascendance of French-style royal absolutism and "popery," which would initiate a corresponding suppression of Protestantism and the rights of Englishmen. Stillingfleet, a prominent theologian and scholar, was an able and enthusiastic defender of Anglican orthodoxy. A second edition of *The Grand Question* was published in 1682. *English Short-Title Catalogue* R19869.

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

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

*A Brieve Treatise of Testaments and Last Willes, Very Profitable to be Understoode of All the Subjects of This Realme of England, (Desirous to Know, Whether, Whereof, And How, They May Make Their Testaments: And by What Meanes the Same May be Effectted or Hindered,) And no Lesse Delightfull, Aswell for the Rareness of the Worke, As for the Easines of the Stile, And Method: Compiled of such Lawes Ecclesiasticall and Civill, As be Not Repugnant to the Lawes, Customes, Or Statutes of this Realme, Nor Derogatorie to the Prerogative Royall. In which Treatise Also are Inserted Divers Statutes of this Land, Together with Mention of Sundrie Customes, As Well General as Particular, Not Impertinent Thereunto: Besides Divers Marginall Notes, And Quotations Not to be Neglected, Especially of Iustinianists, Or Young Students of the Civil Law: With Two Tables, The One Analytical,*

*Describing the Generall Order of the Whole Treatise: The Other Alphabetically, Disclosing the Particular Contents Thereof: That in the Beginning: This in the End of the Booke.* London: Printed by Iohn Windet, 1590 [colophon date 1591]. [xii], 293, [13] ff. Quarto (9" x 6-1/2").

Contemporary calf, blind rules and later corner fleurons to boards, rebaked, raised bands and lettering piece to spine, endpapers renewed. Some rubbing to extremities, corners bumped and somewhat worn, front hinge starting at head. Woodcut head-pieces and decorated initials. Minor toning to text, faint dampstaining in places, minor worm hole to outer margins of final sixteen leaves. Early owner signatures and annotations to front endleaf, interior otherwise clean. An appealing copy. \$4,000.

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

### **Important Essay on Magna Carta Bound with Scarce Pamphlets on Property and Judicial Administration**

#### **34. Thorpe, Francis [1595-1665].**

*Sergeant Thorpe, Judge of Assize for the Northern Circuit, His Charge, As it Was Delivered to the Grand-Jury at Yorke Assizes the Twentieth of March, 1648. Clearly Epitomizing the Statutes Belonging to this Nation, Which Concerns (And as a Golden Rule, Ought to Regulate) the Severall Estates and Conditions of Men. And (Being Duly Observed) Do Really Promote the Peace and Plenty of this Common-Wealth.* London: Printed by T: W: for Mathew Walbancke, and Richard Best, 1649. [ii], 30 pp. Only edition, one of two issues from 1649.

**[Bound with]**

**Collet, Henry.**

*A Treatise on the Laws of England; Concerning Estates in Lands, Advowsons, Or Hereditaments, Of What Kind Soever; Advising Persons Interested Therein, Either as Purchasers, Mortgagees, Or Otherwise, --As Well as Conveyancers, What Methods are Proper to be Used in Relation to the Security of Titles to Such Estates: With Some Observations on the Laws of Bankruptcy.* [London]: Printed by Henry Lintot, 1754. [iv], 74, [2] pp. Only edition.

**[And]**

*The Oath of a Constable, So Far as It Relates to Apprehending Night-Walkers, And Idle Persons, And His Presenting Offences Contrary to the Statutes Made Against Unlawful Gaming, Tipling, and Drunkenness, And for the Suppressing of Them* [running title]. [London: Printed by J. Downing, 1701]. 3, [1] pp. First edition.

**[And]**

*The Obligations of a Justice of the Peace, To be Diligent in the Execution of the Penal-Laws Against Prophaneness and Debauchery, For the Effecting of a National Reformation. In a Letter to a Friend* [running title]. [London: Printed and Sold by J. Downing, 1705]. 3, [1] pp. Second edition, one of two issues from 1705

Quarto (7-3/4" x 5-1/2"). Pamphlets bound into contemporary speckled calf, gilt spine with raised bands and lettering piece, spine ends repaired. Rubbing to extremities, corners bumped and lightly worn, a few minor scuffs to fore-edges, hinges cracked. Light toning to text, *Oath of a Constable* somewhat darker and faintly dampstained, light soiling and edgewear to title page of *Sergeant Thorpe*, last two leaves have pieces torn from fore-edge, just touching the text without loss, slight shaving to side-notes of *Oath* and *Obligations*. Owner signature dated 1922 to front free endpaper, early annotations to a few laves, interior otherwise clean. \$1,850.

\* Thorpe's is a notable document of Magna Carta's reception during the Commonwealth. After noting the different, but negative, perceptions of Royalists and the politically indifferent in 1215, he praises a third group who, using their innate reason, perceived it then as the source of "their own future happiness" (1-2) This dream was fulfilled, of course, by Parliament and Cromwell. Intended for gentlemen, Collet's essay discusses issues relating to land titles, real property and bankruptcy. The others deal with aspects of judicial administration. *English Short-Title Catalogue* R203780, T51651, T61192, T176956.

### **Measures Against "Prophaneness and Vice"**

#### **35. [Woodward, Josiah (1660-1712), Attributed].**

*A Help to a National Reformation. Containing an Abstract of the Penal-Laws Against Prophaneness and Vice. A Form of the Warrants Issued Out Upon Offenders Against the Said Laws. Directions to Inferior Officers in the Execution of Their Office. Prudential Rules for the Giving of Informations to the Magistrates in These Cases. A Specimen of an Agreement for the Forming of a Society for Reformation of Manners in any City, Town, Or Larger Village of the Kingdom. And Her Majesty's Proclamation for Preventing and Punishing Immorality and Prophaneness; And the Late Act of Parliament Against Profane Swearing and Cursing. To Which is Added, An Account of the Progress of the Reformation of Manners in England and Ireland, And Other Parts of the World. With Reasons and Directions for our Engaging in this Glorious Work. And the Special Obligations of Magistrates To be Diligent in the Execution of the Penal-Laws Against Prophaneness and Debauchery, For the Effecting of a National Reformation. As Also, Some Considerations Offered to*

*such Unhappy Persons as are Guilty of Prophan Swearing and Cursing, Drunkenness, And Uncleaness, And are Not Past Counsel. With Great Additions.* London: Printed and Sold by Joseph Downing, 1706. [xvi], 131, [1] pp. Includes one-page advertisement leaf. Copperplate portrait frontispiece (of Queen Anne). Octavo (6-1/2" x 4-1/2").

Contemporary sheep, blind rules to boards, blind fillets to joints, raised bands to spine, speckled edges, recent repairs to spine ends and corners. Some rubbing to extremities, minor scuffing to boards, chip to foot of spine, crack in text block between frontispiece and title page, front endleaves and part of rear free endpaper lacking, small shelf label to front pastedown. Light toning to text, faint dampstaining to lower corners of some leaves at rear of text, internally clean. \$500.

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

### The First English Writer on Jurisprudence

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

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

Contemporary limp vellum, early hand-lettered title and two early private library shelf labels to spine. Light soiling, front pastedown loose, armorial bookplate of the Earls of Macclesfield to front pastedown, small embossed stamp to head of title page. Woodcut head and tail-pieces, text printed within ruled borders. Light toning to text, minor worming to gutter in a few places. A few early doodles to front free endpaper, interior otherwise clean. \$3,500.

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

### Zouch Poses Questions on the Civil Law for Students

#### 37. Zouch, Richard [1590-1661].

*Quaestionum Iuris Civilis Centuria in Decem Classes Distributa. Non Minus ad Legum Generalium Cognitionem, Quam ad Studiosorum Exercitationem, Accommodata.* London: Excudebat Milo Flesher, Pro Gulielmo Robinson, 1682. [xvi], 511 pp. One endleaf at rear of text, a blank, lacking. 12mo. (5" x 3").

Contemporary calf, blind rules and corner fleurons to boards, raised bands and fragments of paper title label to spine, careful repairs to spine ends and corners, edges rouged. Some rubbing to extremities, hinges cracked. Some toning to text, minor foxing to a few leaves. "1a6" in tiny early hand to upper corner of title page, interior otherwise clean. An appealing copy. \$1,650.

\* Third and final edition. *Quaestionum Iuris Civilis Centuria* is a volume of sample examination questions for students of the civil law. It was first published in 1659 (with a title page stating 1660). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 5:147. *English Short-Title Catalogue* R217442.

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