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18 November 2014

An Important Source of Information About Jewish Law and Custom in Seventeenth-Century England

1. Abendana, Isaac [1650-1720].

Discourses of the Ecclesiastical and Civil Polity of the Jews. Viz. Of Their Courts of Judicature. Laws Concerning Tithes. Institution of the Priesthood. Their Liturgy. Their Schools. Their Feasts, Fasts, Coins, Weights, and Measures. Written by Isaac Abendana, A Learned Jew. Being Very Useful for Divines of all Perswasions. London: Printed for Samuel Ballard, 1709. [viii], 100 [i.e.200] pp. Octavo (6-1/2" x 3-3/4").

Contemporary three-quarter calf over marbled boards with later rebacking, front free endpaper and rear endleaves renewed, speckled edges. Moderate rubbing to boards and extremities, some chipping to spine ends, corners bumped, rear hinge starting, crack in text block between pp. 196 and 197. Moderate toning to text, faint dampspotting in a few places. Later annotations in pencil to rear endleaf, interior otherwise clean. Ex-library. Bookplate to front pastedown. A nice copy of a scarce title, very few copies of this edition in North America. \$2,000.

* Second and final edition, a reissue of the first edition with a cancel title page. Born in Spain, Abendana, a member of the Sephardic community, was *hakam* (local rabbi) of the Spanish Portuguese Synagogue in London. He also pursued an academic career. He taught Hebrew at Cambridge University and went on to join the faculty of Magdalen College, Oxford. A prolific writer, he was England's authority on Jewish religion, culture and law. This reputation was due in part to his annual *Oxford Almanack*. In addition to the expected almanac topics, each issue contained information about Jewish customs, laws and other matters. The Discourses collect the Jewish-related material from his almanacs. Counting both editions, OCLC locates 4 copies in North American law libraries (at the Library of Congress, New York University and UC-Berkeley, which have the first edition, and Harvard, which has the second). *English Short-Title Catalogue* T32015.

Relates to Events in the Americas

2. [Anglo-Spanish War].

Cotejo de la Conducta de S M Con la de el Rey Britanico, Assi en la Acaecido Antes de la Convencion de 14. de Enero de Este Anno de 1739 Como en lo Obrado Despues, Hasta la Publicacion de Represalias, y Declaracion de Guerra: Con Licencia en Madrid. His Catholick Majesty's Conduct Compared With That of His Britannick Majesty, As Well With Regard, To What Happened Before the Convention of the 14th of January of This Year 1739, As to What Has Been Done Since, Untill the Publication of Reprisals and Declaration of War: Printed by Authority at Madrid by Antonio Marin. London: Printed for T. Cooper, [1739]. 63 pp. Octavo (8" x 5").

Later quarter morocco over textured paper boards, gilt title to spine. Some rubbing to joints, corners lightly bumped, hinges just starting at ends. Discoloration to free endpapers, light toning to text, somewhat heavier in a few places. Early owner signature (V: Eyre) to head of title page, interior otherwise clean. \$1,250.

* Only edition. A legalistic analysis of Spanish claims advanced during the Anglo-Spanish War (1739-1748). Also known as the War of Jenkins' Ear (after the conflict's flashpoint), it related to Great Britain's exclusive right, granted by the Treaty of Utrecht at the end of the War of the Spanish Succession (1713), to ply the slave trade and sell other goods in Spain's American colonies. This war was eventually subsumed into the War of the Austrian Succession (1742-1748). The signature in this copy may be that of Sir James Eyre [1734-1799], the notable judge, later chief justice of the Common Pleas. Sabin, *A Dictionary of Books Relating to America* 17026.

Criminal Law in Eighteenth-Century Hungary

3. Bodo, Matyas.

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

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

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

Scarce Eighteenth-Century French Law Dictionary

4. [Brillon, Pierre Jacques (1671-1736)].

*Nouveau Dictionnaire [sic] Civil et Canonique de Droit et de Pratique, Contenant les Etimologies, Definitions, Divisions, & Principes du Droit Francois & De la Procedure sur les Matieres Civiles, Criminelles & Beneficiales. Ouvrage Egalement Utile aux Praticiens par l'Explication des Choses Difficiles, & Par les Citations des Loix, Des Anciennes & Nouvelles Ordonnances, Des Coutumes, Des Arrests & des Reglemens. Par Me*** Avocat au Parlement. Nouvelle Edition, Revue, Corrgee et Augmentee.* Paris: Chez Nicolas Gosselin, 1707. [iv], 901, [1] pp. Quarto (9-3/4" x 7-1/2").

Contemporary calf, gilt spine with raised bands and lettering piece. Moderate rubbing to boards and extremities with wear to spine ends, front joint starting, corners bumped and somewhat worn, minor worming to hinges and endleaves. Title page printed in red and black, woodcut head-piece. Light toning to text, faint soiling and dampstaining to margins of some leaves. Early owner annotations to a few leaves and rear pastedown, interior otherwise clean. \$1,500.

* Fourth edition. First published in 1697, this dictionary went through later editions in 1698, 1699, 1707 and 1717. The entries are mostly brief, though several are quite extensive; many have citations and cross-references (which are indicated by an image of a pointing hand.) Brillon was an Avocat de Parlement. His best-known work is the immense *Dictionnaire des Arrests* (1711). OCLC locates 4 copies of the *Nouveau Dictionnaire* in North America at Indiana University (1699 ed.), the Library of Congress (1707 ed.), George Washington University Law School (1717 ed.) and the University of California, Berkeley Law Library (1697 ed.). Not in the *British Museum Catalogue* or Camus.

Cardozo and Roosevelt Honor Washington's Birthday

5. Cardozo, Benjamin [1870-1938].

Roosevelt, Franklin Delano [1882-1945].

[7" x 9" Black-and-White Photograph of Cardozo Seated Next to Roosevelt]. [New York: The Associated Press, January 12, 1938 printing of a 1932 image].

Light wear to edges, some discreet retouching to image, stamps, annotations and tipped-in caption to verso. \$150.

* The caption reads: "PRESIDENT AND JUSTICE IN EARLIER ROLES. Franklin D. Roosevelt and Benjamin Cardozo are shown seated side by side in 1932 when the former was governor of New York and the latter was chief judge of the New York State Court of Appeals. This photo, taken in Albany, N.Y., at commemorative exercises on George Washington's birthday in 1932, shows, left to right, former governor Nathan L. Miller, Judge Cardozo [sic], Governor Roosevelt, and Gurrusey Cross, secretary to the governor."

The Administration of Excise Laws in Eighteenth-Century England

6. [Ellis, John (d. 1728)].

Instructions for Collectors of Excise, In Prosecutions Before Justices of the Peace, For Forfeitures Incurred, Or Offences Committed Against the Laws Relating to the Duties of Excise, And Other Duties Under the Management of the Commissioners of Excise. With Some Observations on Several Clauses in the Excise-Acts, And Other Acts Relating to Such Proceedings, And to Proceedings upon Appeals, At the Quarter-Sessions, In those Cases. And Some Precedents of Informations, Summons, Judgments, And Warrants to be Used in Such Cases. London: Printed by Robert Vincent, 1716. [xvi], 112; [iv], 5-245, [17] pp. Two parts in one volume, second part preceded by divisional title page. Octavo (7-1/2" x 4-3/4").

Contemporary paneled calf, raised bands and lettering piece to spine, which is lightly varnished. Light rubbing to extremities, somewhat heavier along joints, corners bumped, a few minor scuffs to and stains to boards, hinges starting. Moderate toning to text, light foxing to a few leaves. Owner signature to front free endpaper, interior otherwise clean. Ex-library. Bookplate to front pastedown, small perforated stamp to title page. An attractive copy. \$600.

* First edition. According to the preface, Ellis, an excise officer, produced this treatise to clarify the excise law for the benefit of justices of the peace. It is interesting to present-day scholars for its summary of the laws as they stood in the early eighteenth century and the administration of the law at that time. A second edition was published in 1735. *Goldsmiths'-Kress Library of Economic Literature* 5304. *English Short-Title Catalogue* T136283.

**Well-Annotated 1599
Edition of Fortescue's *De Laudibus***

7. 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, As well the Civil Lawes of the Empire, As Also All Other Lawes of the World, With a Large Discourse of the Difference Betwene the Two Governements of Kingdomes, Whereof the One is Onely Regall, And the Other Consisteth of Regall and Politique Administration Conjoynd. Written in Latine by the Learned and Right Honorable Master Fortescue Knight, Lord Chauncellor of England, In the Time of King Henie the Sixt. And Translated into English by Robert Mulcaster. London: Printed by Thomas Wight, and Bonham Norton, 1599. [i], 132, [3] ff. English and Latin in parallel columns. Octavo (5-1/2" x 3-1/2").

Contemporary calf, blind rules to boards, rebacked in period style, endpapers renewed. Light rubbing to boards, corners bumped and somewhat worn. Moderate toning to text, light soiling to title page, inkstains to margins of a few leaves. Early owner signature, of J or I Ley, dated 1755, to head of title page, underlining and brief annotations throughout text, some affected slightly by trimming. An appealing copy. \$4,500.

* Third edition with an English text. *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 trial by jury and the Inns of Court at length. Marvin, *Legal Bibliography* 321. Beale, *A Bibliography of Early English Law Books* T359. *English Short-Title Catalogue* S102543.

1938 Harvard Law School Yearbook

8. [Harvard Law School].

Harvard Law School Year Book 1938-1939. Volume 2. Cambridge: The Law School Year Book Committee of Phillips Brooks House Association of Harvard University, [1938]. 307, [1] pp. Frontispiece with tissue paper overlay. Plates. Illustrations.

Original gilt-stamped red textured cloth. Light rubbing to extremities. Occasional light discoloration to margins, minor foxing to final few leaves, interior otherwise clean. \$125.

* With an attractive series of sepia-toned rotogravure plates depicting buildings on the law school campus and color reproductions of caricatures by Rowlandson, "Spy" and others. The second volume of the Harvard Law School yearbook, which began publication in 1937. This volume, which includes several statistical tables outlining student representation by nation, state, region, hometown and undergraduate institution, offers a fascinating glimpse of the law school and its institutional character during the 1930s, a period when its faculty included Joseph Henry Beale, Felix Frankfurter, Roscoe Pound and Samuel L. Williston.

**With A "Merchants's
Dictionary of Words and Terms"**

9. [Jacob, Giles (1686-1744)].

Lex Mercatoria: Or, The Merchant's Companion. Containing all the Laws and Statutes Relating to Merchandize. Wherein Our Trade with Foreign Nations, and Trade in General Amongst Our Selves, With What Belongs to Particular Companies, and all Maritime Affairs, in the way of Traffick, are illustrated and Concisely Treated of; Under the Heads of Merchants, and Owners of Ships, Masters, Mariners, Pilots, Freight, and Charter-Parties of Affreightment, Insurance, Bottomry, Customs, Wrecks, Factors, Planters and Plantations, Letters of Marque and Reprisal, Privateers, Piracy, Treaties of Commerce, Exchange, &c. With an Introduction, Setting Forth the Laws of Nature and of Nations, Dominion of the Sea, &c. Some Curious and Useful History, and Variety of Special Cases and Determinations Interspers'd Thro' the Whole. To Which are Added, in Proper Places, The Best Adapted Precedents of Instruments and Writings Made Use of in All Cases Relating to Trade. [London]: Printed by E. and R. Nutt [et al.] for B. Motte [et al.], 1729. [x], 404, [12] pp. Octavo (7-1/2" x 5").

Recent period-style calf, raised bands and lettering piece to spine, endpapers renewed, sprinkled edges. Light toning to text, internally clean. A notably handsome copy. \$1,750.

* Second, and final, edition, "Corrected, with the Addition of Three Entire New Chapters. And Also A Merchant's Dictionary, of Words and Terms, &c." Jacob, best-known for his *New Law-Dictionary*, was the most prolific English legal writer of the eighteenth century. Although he was interested in boosting sales by attracting the widest audience possible, Jacob was also an idealist who believed that widespread knowledge of the law would help create a more just society. This is the goal of *Lex Mercatoria* (1718) and several other publications, such as *Every Man His Own Lawyer* (1736) and *Treatise of Laws* (1721). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:522 (46). *English Short-Title Catalogue* T137820.

Illustrated with Charming Woodcuts

10. [Lawyer Advertisement].

Munn & Co.

The United States Patent Law. Instructions: How to Obtain Letters Patent for New Inventions: Including a Variety of Useful Information Concerning the Rules and Practice of the Patent-Office; How to Sell Patents; How to Secure Foreign Patents; Forms for Assignments and Licenses; Together with Engravings and Descriptions of the Condensing Steam-Engine, And the Principal Mechanical Movements, Valuable Tables, Calculations, Problems, Etc., Etc. New York: Published by Munn & Co., At the Office of the Scientific American, 1871. [ii], [3]-118, [1] pp. 12mo. (3-1/2" x 5-3/4").

Original textured cloth, blind fillets to boards, gilt title vignette to front. Light rubbing, with minor wear to extremities. Front hinge cracked. Illustrated throughout with charming woodcuts. Tear to corner of a leaf with no loss. Toning, interior otherwise fresh. An interesting item. \$25.

* Third edition. Issued to promote the New York City firm of Munn & Co., Solicitors of Patents, this book discusses patent law and the patent application process and lists other information for inventors, such as a table illustrating mechanical movements and a discussion of the properties of charcoal. A digest of U.S. patent law is also included. No copies of this edition on OCLC.

Nineteenth-Century Lawyer Advertisement Aimed at Veterans of the Civil War

11. [Lawyer Advertisement].

W.H. Wills & Co.

New Law About Horse Claims. [Washington, DC, c.1883]. Leaflet (3" x 5-1/2"). 4 pp. Light green paper with woodcut illustrations, very good. \$100.

* A leaflet from W.H. Wills & Co., "U.S. Pension Attorneys and Solicitors of Claims and Patents," urging veterans to use its services= to exploit a recently enacted law that offers compensation for horses and equipment lost during the Civil War. It also outlines how the firm can help veterans to improve their pensions or receive better land grants.

Seventeenth-Century Treatise on Universities and the Law

12. Loseo, Niccolo [d. 1642].

Decisiones Juridicae. De Jure Universitatum. Omnibus Legum Studiosis & in Foro & in Schola Versantibus Apprime Utiles ac Necessariae. Hucusque Plurimum Desideratae. Cologne: Sumptibus Petri Ketteler, 1693. [ii], 381, [59] pp. Octavo (6-1/4" x 3-1/2").

Contemporary vellum, early hand-lettered title to spine. A few minor stains to boards, a few short tears to head of spine, small chip to foot, another short tear to head of front joint. Attractive woodcut head and tail-pieces. Light browning to text, somewhat heavier in places, occasional faint dampspotting. Early owner signature to front endleaves, tiny inkstains and spark burns to a few leaves, internally clean. Ex-library. Bookplate to front pastedown. \$750.

* Fourth, final and best edition. First published in 1601 as *De Jure Universitatum*, this is a fascinating treatise on the privileges and immunities of universities under canon law. It is also notable as an early treatise on the law of corporations. Loseo published his book during a particularly tense period for the universities of Europe. As centers of theology, law and the civil service, they had been coping with the effects of the Reformation and Counter-Reformation for nearly two decades. A longer work than its predecessors, the text of the fourth edition is enriched with decisions and opinions. All editions are scarce. OCLC locates 3 copies of the first edition in North America (at Harvard Law School, the University of Chicago and Yale), none of the fourth edition. *Das Verzeichnis der im Deutschen Sprachraum Erschienenen Drucke des 17. Jahrhunderts* 3:023435F.

A Venerable Treatise on Guardian and Ward

13. Montanus, Paulus [1530-1587].

Montanus, Balthasar, Editor.

Tractatus Novus, De Jure Tutelarum, & Curationum, In Quo Universa Tutelaris Materia, Cum Ampliationibus (Ut Dicitur) Limitationibus, Quaestionibusque huic Cognatis, Nove & Plene, Tam Theorice Quam Practice Declaratur, & Enucleatur. Opus Omnibus Doctoribus, Judicibus, Causarum, Patronis Aliisque in Foro ac Scholis Versantibus Perutile, Ac Necessarium. Cum Summariis ac Indice Rerum, Ac Materialium Insignium

Locupletissimo. Studio & Opera Balthazaris Montani, Recognitum, & in Lucem Editum. Nunc in Gratium Accommodum Studiosorum Iuris, In Minori Forma Excusum, Allegatis a Textu Characterum Varietate Distinctus. Et a Mendis Quibus Scatebat hac Editione Omnium Postrema Diligenter Recognitus. The Hague: Apud Henricum de Swaef, 1657. [xvi], 585, [80] pp. Quarto (7-1/2" x 6").

Contemporary vellum, speckled edges. A few minor stains to boards, spine ends bumped, minor wear to corners, vellum beginning to crack through pastedowns. Light toning to text, internally clean. Ex-library. Bookplate to front pastedown. \$450.

* Later edition. Edited and published by the author's younger brother, this venerable treatise on guardian and ward in Roman and Roman-Dutch law was first published in 1595. It went through seven later editions, the last in 1680. Roberts, writing in 1942, said this is "a work of high authority": *A South African Legal Bibliography* 216.

A Notable Criticism of Selden's *History of Tithes*

14. Nettles, Stephen [fl. 1595-1647].

[Selden, John (1584-1654)].

An Answer to the Jewish Part of Mr. Selden's History of Tithes. Oxford: Printed by Iohn Lichfield & William Turner, 1625. [xii], 189, [3] pp. Final page blank. Quarto (7" x 5-1/2").

Later three-quarter calf over marbled boards, raised bands, blind ornaments and lettering piece to spine. Moderate rubbing to extremities with some wear to joints and spine ends, corners bumped and lightly worn, front free endpaper lacking, rear hinge starting, title page, soiled and edgeworn, mounted. Title page and text printed within ruled borders. Moderate toning to text, faint dampstaining and edgewear to a few leaves at the beginning and end of text, some wear to corners of following two leaves, crack in text block between pp. [ii] and [iii]. Early annotations to a few leaves, interior otherwise clean. Ex-library. Bookplate to front pastedown. \$2,000.

* Only edition. Text in English with passages in Hebrew. *The History of Tithes* (1618), one of Selden's earliest writings, was a controversial work that angered James I and the clergy because it questioned the divine right to impose tithes. Nettles, a clergyman and theological scholar, was among those offended by Selden's book. His *Answer* is an impressive criticism based on a reading of its sections on Jewish law. OCLC locates 3 copies in North America (Columbia University, New York Public Library, Huntington Library). *English Short-Title Catalogue* S113155.

Wilson's New Jersey Laws

15. [New Jersey].

Wilson, Peter, Compiler.

Acts of the Council and General Assembly of the State of New-Jersey from the Establishment of the Present Government, and Declaration of Independence, to the End of the first sitting of the Eighth Session, on the 24th Day of December, 1783; With the Constitution Prefixed. To Which is Annexed, an Appendix, Containing the Articles of Confederation of the United States, &c. With Two Alphabetical Tables and an Index. Trenton: Printed by Isaac Collins, 1784. [i], x, 389, 28, 4, 4, 30 pp. Folio (9" x 13-1/2").

Later quarter cloth retaining original lettering piece over original paper boards, hinges mended. Some rubbing to extremities, corners bumped and somewhat worn. Occasional spotting, browning to some leaves. Ex-library. Institution stamp to title page. \$750.

* Second issue. Known as "Wilson's Laws," this fascinating compilation of Revolutionary-era acts opens an interesting window on the state in the years between the Revolution and the ratification of the Federal Constitution. Wilson, a resident of Bergen County, was the principal of the Hackensack Academy. He was a member of the New Jersey State Assembly from 1778-1781 and again in 1787. Felcone notes an earlier issue, which is distinguished by a slightly different title page reading "Acts of the General Assembly" instead of "Acts of the Council and General Assembly." *The Charlemagne Tower Collection of Colonial Laws* 564. Felcone, *New Jersey Books* 162.

Scarce 1789 French Essay on Divorce and Related Topics

16. Orleans, Louis Philippe Joseph, Duc d' [1747-1793].

[Matigny, Hilaire-Joseph Hubert de], Author.

Traite Philosophique, Theologique et Politique de la Loi du Divorce: Demande aux Etats-Generaux par S.A.S. Mgr. Louis-Philippe-Joseph d'Orleans, Premier Prince du Sang. Ou l'on Traite la Question du Celibat des Deux Sexes, & Des Causes Morales de l'Adultere. S.l.: S.n., June 1789. xii, 147 pp. Octavo (7-3/4" x 4-1/2").

Near-contemporary quarter sheep over marbled boards, gilt fillets, ornaments and title to spine. Some rubbing to extremities and spine, front hinge cracked. Moderate toning to text, light foxing in a few places. Small owner stamp to foot of title page, interior otherwise clean. \$750.

* Only edition. This essay promoting the liberalization of divorce and related laws was published on the cusp of the French Revolution. The Tennis Court Oath was signed on June 20; the Bastille was stormed on July 14. Louis Philippe Joseph d'Orleans was a member of the House of Bourbon. Though he supported the French Revolution and adopted the name Philippe Egalite, he was guillotined during the Reign of Terror. His son Louis-Philippe became king of the France after the July Revolution of 1830. OCLC locates 3 copies in North American law libraries (Harvard, Loyola, UC-Berkeley). Not in the *British Museum Catalogue*.

A Notable Early-Modern Treatise on Illegitimacy

17. Paleotti, Gabriele [1524-1597].

De Notbis Spuriisque Filiis. Omnibus Juris Studiosis, Tam Practicis Quam Theoricis Apprime Utilis & Necessary. In quo Omnia, Quae ad Hanc Materiam Pertinent, Copiosissime Simulac Doctissime Tractantur & Enucleantur. A Mendis Quibus Scatebat Diligenter Recognitus, & Postrema hac Editione Typorum Varietate Distinctus. Cum Indice Rerum & Verborum Copiosissimo. Accessit Huic Editioni, Tractatus Utilissimus De Libera Hominis Nativitate seu de Liberis Naturalibus Auctore. Ponto Heutero Delfino. The Hague: Ex Officina Joannis Verhoeve, 1655. [xxiv], 341, [15].

[bound with]

Heuter, Pontus [1535-1602].

Tractatus de Libera Hominis Nativitate, Seu de Liberis Naturalibus. [6], 87, [3] pp. Octavo (6" x 3-3/4"). The Hague: Ex Officina Joannis Verhoeve, 1655. Two parts in one, each with title page and individual pagination.

Contemporary calf, gilt spine with raised bands and lettering piece, spine varnished. Moderate rubbing to extremities with some wear to spine ends, joints and corners. Light toning, somewhat heavier in places, faint dampspotting and foxing to some leaves. Early annotation to front free endpaper, interior otherwise clean. Ex-library. Bookplate to front pastedown. \$850.

* Later edition, and the only printing of Heuter's essay. Paleotti's well-circulated treatise on illegitimacy under Roman and canon law was first published in 1550. It went through eight editions, the eighth and final in 1672. Our 1655 Dutch edition includes Heuter's *Tractatus de Libera Hominis Nativitate*, an essay that examines this subject from a Roman-Dutch perspective. All editions are scarce in North America. OCLC locates 1 copy of the 1655 edition (at UC-Berkeley Law School). *British Museum Catalogue* (Compact Edition) 19:242. Dekkers, *Bibliotheca Belgica Juridica* 80.

One of the First Treatises on Maritime Law

18. Peck, Pieter [1529-1589].

Vinnius, Arnoldus [1588-1657].

Laurentius, Johannes, Editor.

In Tit. Dig. & Cod. Ad Rem Nauticam Pertinentes, Commentarii. Quibus Nunc Accedunt Notae cum Ampla Dote Variarum Circa rem Navalem Observationum Beneficio Arnoldi Vinnii. Item Leges Navales & Jus Navale Rhodiorum, Gr. Lat. Quod Uberius Quam Antea, Nova hac Editione, Summariis, & Notis Illustratum Addidit, & Edidit Johannes Laurentius. Amsterdam: Apud Viduam Joannis Henrici Boom, 1668. [xiv], 404, [2] 38, [14] pp. Text of ancient Greek sea laws (*Leges Navales & Jus Navale Rhodiorum*), [2], 38 pp., in Greek with parallel Latin translation, preceded by divisional title page. Octavo (6-1/2" x 4-1/4").

Contemporary vellum, early hand-lettered title to spine. Some soiling, staining to front board, spine ends and corners bumped, vellum just beginning to crack through pastedowns. Moderate toning to text, occasional faint dampspotting. Early owner signatures in miniscule hands to title page, interior otherwise clean. Ex-library. Bookplate to front pastedown. A very good copy. \$850.

* Fourth, final and best edition. Peck was a professor of civil and canon law at the University of Louvain, later a judge of the High Court of Mechelen. First published in 1556, this pioneering treatise helped to establish the field of maritime law. Its second edition was published in 1603. Its third edition, 1647, includes notes by Vinnius. The final edition, by Laurentius, adds his notes and the texts of ancient Greek maritime laws. OCLC locates 8 copies of the fourth edition in North American law libraries (Harvard, Library of Congress, Louisiana State University, New York University, Rutgers, UC-Berkeley, University of Virginia, Yale). Wessels, *History of the Roman-Dutch Law* 251. Dekkers, *Bibliotheca Belgica Juridica* 131.

A Papal Brief on Homicide

19. Pius IV [1499-1565], Pope.

Motus Proprius S.D.N.D. Pii Papae Quarti, Per Quem Declaratur Quod in Breve Nuper Contra Homicidas Editio, Videlicet Quod non Audiantur Nisi in Carceribus Constituti, Comprehendantur Etiam Illi qui Nondum Condemnati vel Banniti Fuerunt. Quodque ad Causam Etiam Haereditas Occisi, Citari Debeant, Et Idem Homicidae Etiam Absoluti, Ad Locum, Ubi Haereditas Occisi Commorantur, Nisi Pace ab Illis Habita, Remitti non Possint. Rome: Apud Antonium Bladum Impressorem Cameralem, 1564. 2 ff. Folio (11-1/2" x 8-1/4").

Recent marbled wrappers. Large woodcut device to title page (featuring Papal Insignia and Lady Justice, woodcut decorated initial. Some toning to text, minor dampstaining and a few tiny chips to edges. A nice copy of a rare item. \$450.

* Only edition, one of three imprints issued the same year. A *Motus Proprius* is a personal Papal instruction or brief. This one outlines his teachings about homicide. KVK locates a handful of copies, all in Italy. No copies located on OCLC. *Censimento Nazionale delle Edizioni Italiane del XVI Secolo* CNCE 73144.

Native Rights

20. [Plowden, Francis (1749-1829)].

An Investigation of the Native Rights of British Subjects. London: Printed for the Author, And Sold by R. Baldwin, 1784. vii,[1], 200 pp. Octavo (9" x 6").

Somewhat later three-quarter vellum over paper-covered board, red and black lettering pieces to spine, untrimmed edges. Light soiling, a few minor stains and some edgewear to boards, corners and spine ends bumped, front hinge starting. Moderate toning to text, clean tear to a leaf mended with archival tape. Small early owner signature to head of title page, interior otherwise clean. Ex-library. Early bookplate to front pastedown, recent plate to front free endpaper. \$1,500.

* First edition. An interesting work that examines such problems as the rights of people accused of treason, civil rights and the rights of children born abroad to British mothers married to aliens. These questions were important in the 1780s because many British subjects who supported the Jacobite cause were living in exile in France. This work was re-published in 1785. *English Short-Title Catalog* T37376.

Prynne Opposes the Readmission of Jews to England

21. Prynne, William [1600-1669].

A Short Demurrer to the Jewes Long Discontinued Remitter into England. Comprising, An Exact Chronological Relation of Their First Admission Into, Their Ill Deportment, Misdemeanors, Condition, Sufferings, Oppressions, Slaughters, Plunders, By Popular Insurrections, And Regal Exactions in; And Their Total, Final Banishment by Judgment and Edict of Parliament, Out of England, Never to Return Again: Collected Out of the Best Historians. With a Brief Collection of Such English Laws, Scriptures, As Seem Strongly to Plead, And Conclude Against Their Readmission into England, Especially at This Season, And Against the General Calling of the Jewish Nation. With an Answer to the Chief Allegations for Their Introduction. London: Printed for Edward Thomas, 1656. [xii], 105, [1], (105, [1]) pp. Final page, a blank, followed by a duplicate of p. 105. Quarto (7-1/2" x 5-1/2").

Later quarter morocco over marbled boards, gilt title to spine. Moderate rubbing to extremities, light fading to spine, chipping to spine ends. Title printed within typographical border, typographical head-piece at beginning of text. Light toning, "6" in early hand to head of title page, internally clean. Ex-library. Bookplate to front pastedown. A handsome copy of a scarce title. \$2,000.

* Only edition, one of two issues from 1656. Prynne was a contentious and erudite Puritan attorney and legal antiquarian who wrote several books and pamphlets on legal history, religion, politics and the arts. *A Short Demurrer* is a contribution to the contemporary debate concerning the official readmission of Jews to England. King Edward I expelled all Jews from England in 1290. Inspired by millennial beliefs and a desire to attract the Jewish commercial community in Holland, Cromwell enacted policies to readmit Jews into English society. This initiated a process of Jewish immigration in 1655 and 1656, and a vehement pamphlet war about the religious and social status of the Jews. Some, including Prynne, thought that Jews should not be admitted into English society. *A Short Demurrer* argues this point with great vehemence using a variety of political, historical and legal sources. He followed this pamphlet later that year with a sequel entitled *Second Part to a Short Demurrer to the Jewes Long Discontinued Remitter into England*. Conceived as anti-Semitic polemics, they are not just historical artifacts. They are also important sources for the study of medieval Anglo-Jewish history. OCLC locates no copies of this title or its sequel in North American law libraries. *English Short-Title Catalogue* R203287.

Rare Compilation of Mexican Military Law

22. R[amirez] y S[esma], J[oaquin], Editor.

Coleccion de Decretos, Ordenes y Circulares Espedidas por Los Gobiernos Nacionales de la Federacion Mexicana, Desde el Ano de 1821, Hasta el de 1826: Para el Arreglo del Ejercito de los Estados-Unidos Mexicanos, y Ordenadas por el Teniente Coronel de Caballeria. Mexico City: Marin Rivera, 1827. 355 pp. Forms. 15 folding tables. Quarto (8" x 5-1/2").

Contemporary tree sheep, lettering piece and gilt fillets to spine. Some rubbing to extremities, corners bumped, small chip to head of spine, chipping to edges of lettering piece. Moderate toning to text, faint stains to margins of a few leaves, internally clean. A nice copy. \$1,500.

* Only edition. A compilation from the period of the First Mexican Republic, it is a useful source of information concerning the legal framework that governed the Mexican military from 1824 to 1846. The collection is notable for its omission of the harsher laws of the Mexican Empire of Agustín de Iturbide, which preceded the establishment of the republic. OCLC locates 4 copies in North American law libraries (Duke, Harvard, University of Michigan, University of Minnesota).

Tiffany on Real Property

23. [Real Property Law].

The Law of Real Property. Herbert Thorndike Tiffany. Third edition by Basil Jones. Chicago: Callaghan and Company, 1939-1975. Hardcover. 6 Volumes. [with] revised Volume 4 (1975), current through 1976 Cumulative Pocket Part Supplements. Ex-private law library, very good. \$495.

* Third and final edition. For many years this was a standard treatise in the field. It was highly regarded for its treatment of dower, easements, future interests, inheritance, liens, transfers, powers, trusts and wills.

The Law of Replevin in the Early Eighteenth Century

24. [Replevin].

A Methodical Treatise of Replevins, Distresses, Avowries, &c., Containing the Method of Proceedings Therein in the Courts at Westminster, County-Courts, Hundred-Courts, Courts-Baron, &c., Shewing How the Law is Alter'd by the Late Statute of the Eleventh of King George II. For the More Effectual Securing the Payment of Rents, And Preventing Frauds by Tenants, &c. To Which are Added, Divers Statutes Touching the Office of Sheriffs, And Passing Their Patents and Accompts; And Also the Law Concerning Elections and Returns of Members of Parliament, &c. Useful to All Sheriffs, Landlords, Tenants, Farmers, Stewards, Bailiffs, &c. To Inform Them How to Proceed Regularly in Taking Distresses, &c. Corrected, And Continued Down to the Present Year. [London] Printed by E. and R. Nutt, And R. Gosling, (Assigns of E. Sayer, Esq.) for J. Worrall, 1739. viii, 164 [7] pp. Octavo (8" x 5").

Contemporary sheep, blind rules to boards, blind filets to joints, raised bands and lettering piece to spine. Some rubbing to extremities, a few shallow scuffs to boards, joints just starting at ends, corners bumped and somewhat worn, hinges cracked but secure, front endleaves and upper portion of rear free endpaper lacking, rear pastedown loose, text notably fresh. \$500.

* Second and final edition. The author claims to have treated "Replevins in a more particular and methodical Manner than hitherto has been done" (1). A well-arranged treatise, it offers an excellent overview of this legal area as it existed in the first half of the eighteenth century. OCLC locates 9 copies in North American Law Libraries. This edition not in Sweet & Maxwell. *English Short-Title Catalogue* T123428.

The Law of Armed Conflict

25. Schmitt, Michael N., and Leslie C. Green, Editors.

The Law of Armed Conflict: Into the Next Millennium. Newport, RI: Naval War College, 1998. lxxii, 535 pp. Hardcover. Fine. \$75.

* International Law Studies 1998. Vol. 71.

Laws Concerning Seventeenth-Century Stepmothers

26. Someren, Johan van [1634-1706].

Tractatus de Jure Novercarum. Utrecht: Typis Gisberti a Zijll, & Theodori ab Ackersdijck, 1658. [xxiv], 304 pp. Main title page preceded by copperplate pictorial title page. 12mo. (5" x 3").

Contemporary vellum with lapped edges, early hand-lettered title to spine. Light rubbing, corners and spine ends bumped, pastedowns loose. Light toning to text, internally clean. Ex-library. Bookplate to front pastedown. A nice copy of a scarce title. \$850.

* First edition. Someren, a judge, was president of the Court at Utrecht from 1691 to 1706. A work that reflects practical experience, the *Tractatus de Jure Novercarum* addresses the civil, canon and customary laws concerning stepmothers and their legal status. This was an important topic given the high rate of female mortality due to childbirth in early-modern Europe, which led to a high rate of re-marriage by surviving fathers. The pictorial title page depicts three men, two of them attorneys, one a father, two children and an angry-looking woman before a tribune of judges. Other editions were published in 1668, 1719 and 1739. All editions are scarce. Concerning the first, OCLC locates two copies in North America (at Harvard Law School and UC-Berkeley Law School). Dekkers, *Bibliotheca Belgica Juridica* 163.

Essential Compilation of Spanish Colonial Law

27. [Spain].

Consejo de Indias.

Tribunal Supremo.

Recopilacion de Leyes de los Reinos de Las Indias. Mandadas Imprimir y Publicar por la Magestad Catolica del Rey Don Carlos II, Nuestro Senor. Va Dividida en Cuatro Tomos, Con el Indice General, Y al Principio de Cada Tomo el Especial de los Titulos que Contiene. Con Aprobacion de la Regencia

Provisional del Reino. Corregida y Aprobada por la Sala de Indias del Tribunal Supremo de Justicia. Madrid: Boix, 1841. Four volumes in 2 books: [iv], [ii], [i], [i], 335 pp; [iii], 334 pp; [ii], 319, [1] pp; 147, 113, 105, 31 pp. Signatures 35 and 36 in Volume I (pp. 137-144) bound in reverse order. Main text in parallel columns. Folio (12" x 8").

Contemporary sheep treated to resemble tree calf, raised bands and lettering pieces to spine, marbled endpapers, colored edges. Light rubbing to extremities with light wear to corners. Light toning to text, first few leaves of Volume I repaired and reinforced along fore edges. A few owner stamps (of France [Vinton] Scholes) to preliminaries, interiors otherwise clean. A handsome copy. \$2,000.

* Fifth and final edition. First published in 1681, this is an essential compilation of the laws of the Spanish colonies and an important document of its legal mechanisms. It was drafted in 1680 to replace the often conflicting mass of local laws that had accumulated in colonial America, much of it in manuscript. A second edition appeared in 1756, a third and fourth in 1774 and 1794. Scholes was a prominent historian of colonial Latin America. Palau, *Manual del Librero Hispano-Americano* 137466.

Defending the Rights of Presbyterians

28. [Stewart, Sir James (1635-1715)].

Jus Populi Vindicatum, Or The Peoples Right, To Defend Themselves and Their Covenanted Religion, Vindicated. Wherein the Act of Defence and Vindication, Which was Interprised Anno 1666. Is Particularly Justified: The Lawfulness of Private Persons Defending Their Lives, Liberties and Religion, Against Manifest Oppression, Tyranny and Violence, Exerced by Majistrats Supream and Inferiour, Contrare to Solemne Vowes, Covenants, Promises, Declarations, Professions, Subscriptions, And Solemne Engagements, Is Demonstrated by Many Arguments. Being a Full Reply to the First Part of Survey of Naphthaly &c. By a Friend to True Christian Liberty. London: S.n., 1669. [xl], 572 [i.e. 472] pp. Leaf *4 (pp. 5-6) supplied in facsimile. Octavo (6-1/2" x 4").

Recent quarter calf over paper-covered boards, endpapers renewed. Light rubbing to extremities with minor wear to joints, light soiling to boards, front hinge starting. Woodcut title-page device, head-pieces and tail pieces. Moderate toning to text, faint dampstaining to margins in a few places, minor tears to a few leaves, some edgewear to preliminaries and final few leaves, light soiling to title page, internally clean. Ex-library. Bookplate to front pastedown. A solid copy of a scarce title. \$950.

* Only edition. This essay on religious freedom by the great Scottish lawyer, reforming Lord Advocate of Scotland and political opponent of the Stuarts had its basis in a pamphlet war. In 1667 Stewart contributed legal remarks to *Naphthali: Or, The Wrestling of the Church of Scotland for the Kingdom of Christ*, a pamphlet by James Stirling, a Covenanter minister, that defended the actions of Presbyterians against the imposition of episcopalianism by the British government, including the bloody Pentland Rising of 1666. It was attacked that year by Andrew Honeyman [1619-1676], Bishop of Orkney, in a *Survey of the Insolent and Infamous Libel Entitled "Naphthali."* Stewart replied with *Jus Populi Vindicatum*, a restatement of *Naphthali's* argument with more legal and political reinforcement. The Bishop did not publish a response. OCLC locates no copies in North American law libraries. *English Short-Title Catalogue* R37592.

My Son, The Sculptor

29. Story, Joseph [1779-1845].

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

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

A Litigious Inventor of Railway Equipment

30. [Trial].

Winans v. Eaton, Gibert & Company, Et Al.

Whiting, William.

Argument of William Whiting, Esq. In the Case of Ross Winans v. Orsamu et. al.: For an Alleged Infringement of His Patent for the Eight-Wheel Railroad Car, Before the Hon. Samuel Nelson, Justice of the United States Circuit Court for the Northern District of New York. Boston: J.M. Hewes & Co., 1853. 165, [1], 4 pp., [2] leaves of plates (1 folded). Frontispiece (misbound after p. 68). Octavo (9" x 6").

Stab-stitched pamphlet, spine reinforced with archival tape. Wrappers worn, wear to fore-edges of a few leaves, internally clean. \$150.

* "Ross Winans brought suits over a twenty year period against various railroads to establish and protect his patent rights as the inventor of the wheel construction for the eight-wheel railroad car. In 1838, he sued the Newcastle & Frenchtown Turnpike Railroad Co. in the United States Circuit Court (District of Maryland). Although the jury could not agree on a verdict, his patent was upheld in rulings by Chief Justice Taney, and the defendant settled the claim by paying damages. Winans was again successful in a suit against the Schenectady and Troy Railroad Co. (1847-1851) brought in the United States Circuit Court (Northern District of New York). Winans then brought suit in 1853 against Eaton, Gilbert, & Co., car builders, and several railroads in New York and Massachusetts. His plea for an injunction against Eaton, Gilbert & Co. was denied in 1854 by the United States Circuit Court (Northern District of New York). Subsequently, that court again decided for the defendants in Winan's against the New York & Erie Railroad Co., and its decision was affirmed by the United States Supreme Court in 1858, at 62 *United States* (21 *Howard*)." Cohen, *Bibliography of Early American Law* IV:143-144, entry 11544.



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