

SEPTEMBER 6, 2022

PRISONS & PUNISHMENT 1708–1982

30 Items



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Parliamentary Documents Relating to Van Dieman's Land and New South Wales, 1839-1855

1. [Australia].

[Transportation].

[Van Dieman's Land].

Van Dieman's Land. Copies of Despatches from the Lieutenant-Governor of Van Dieman's Land, Relative to Transportation and the Assignment of Convicts. [London]: Ordered, By the House of Commons, To be Printed, 12 August 1839. 4 pp.

[With]

An Act for the Government of New South Wales and Van Dieman's Land [30th July 1842]. [Running title]. London: Printed by George E. Eyre and Andrew Spottiswoode, 1842. [833]-850 pp.

[And]

An Act to Explain and Amend the Act for the Government of New South Wales and Van Dieman's Land [6th August 1844]. [Running title]. London: Printed by George E. Eyre and Andrew Spottiswoode, 1842. [577]-580 pp.

[And]

South Australia. Convicts (Van Dieman's Land). Copies of All the Correspondence Between Any Person or Persons Interested in South Australia and the Colonial Office, Respecting the Effect Upon that Province of the Official Notice of the Comptroller General of Van Dieman's Land, Of the 21st Day of June 1845, Relative to Convicts in that Colony Who were Holders of Conditional Pardons. [London]: Ordered, By the House of Commons, To be Printed, 26 August 1846. 9. [1] pp.

[And]

Transportation. (Van Dieman's Land.) Copy of a Communication upon the Subject of Transportation, Addressed to Earl Grey by the Lord Bishop of Tasmania. (Viscount Mabon.) [London]: Ordered, By the House of Commons, To be Printed, 23 July 1847. 11, [1] pp.

[And]

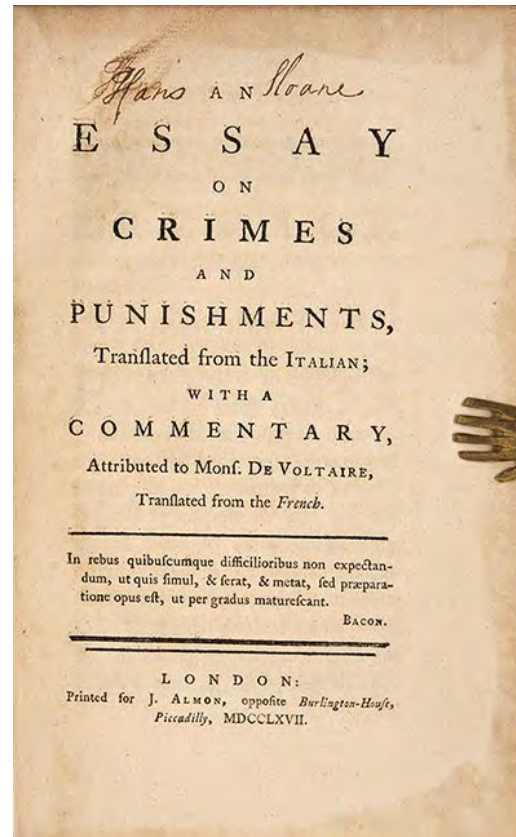
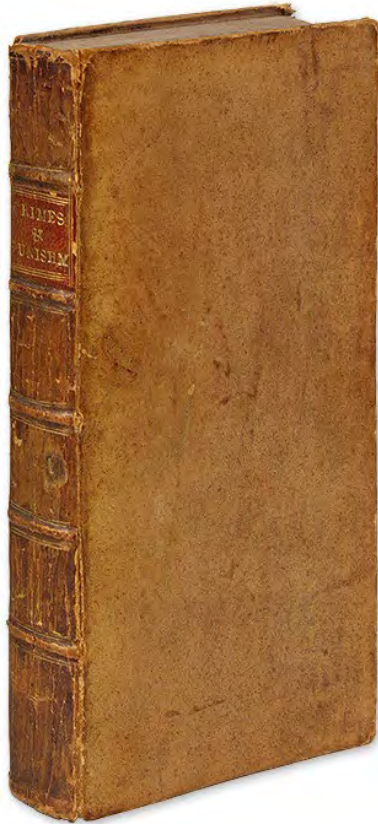
Van Dieman's Land. Copies of Despatches, With Their Enclosures, Relating to the Cases of Mr. Justice Montagu and Chief Justice Pedder, With Other Documents. [London]: Ordered, By the House of Commons, To be Printed, 29 July 1848. 112, [2] pp.

[And]

An Act to Enable Her Majesty to Assent to a Bill, As Amended, Of the Legislature of New South Wales, "To Confer a Constitution on New South Wales, And to Grant a Civil List to Her Majesty [16th July 1855]. [Running title]. London: Printed by George E. Eyre and Andrew Spottiswoode, 1855. [401]-422 pp.

7 items in all ranging in size from 12" x 7-1/2" to 13" x 8." Disbound, moderate toning, occasional edgewear, 4 items have small library marking of the Netherlands Foreign Office, *Van Dieman's Land* (1848) bound into recent cloth with gilt spine title. An interesting collection. \$1,000.

* The penal colony of Van Dieman's Land (present-day Tasmania) was established in 1803 and received its last group of convicts in 1853. This was Australia's second penal colony. The first was established in New South Wales in 1788. Transportation to that colony ended in 1850. The seven items in the present collection are from a period when these two colonies were evolving into tradition colonies of the British Empire. This transition is most apparent in the latest item in our group, which concerns the establishment of a constitution for New South Wales. [Order This Item](#)



First English-Language Edition of "One of the Most Influential Books in the Whole History of Criminology"

2. Beccaria, [Cesare Bonesana, Marchese di] [1738-1794].

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

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

Contemporary sprinkled calf, raised bands and lettering piece to spine. A few minor nicks and scuffs to boards, moderate rubbing to extremities with some wear to spine ends and corners, joints starting at ends, armorial bookplate of Hans Sloane to front pastedown, his signature to head of title page. Light toning to text, somewhat heavier in places, light foxing to a few leaves. Book housed in custom quarter morocco over cloth clamshell box, gilt-edged raised bands and gilt title to spine. \$5,000.

* First edition in English. First published anonymously in Livorno in 1764 as *Dei Delitti e Delle Pene*, this landmark work is, to quote *Printing and the Mind of Man*, "one of the most influential books in the whole history of criminology... and a work whose impact "can hardly be exaggerated." It is significant because it was the first systematic study of the subject. Infused with the spirit of the Enlightenment, its advocacy of crime prevention and the abolition of torture and capital punishment marked a significant advance in criminological thought, which had changed little since the Middle Ages. It had a profound influence on the development of criminal law. It was especially influential among American thinkers, such as Thomas Jefferson, who wished to use Beccaria to reform the system of criminal law Americans inherited from England. Sloane was the son of Sir Hans Sloane [1660-1753], the important physician, naturalist and collector. (Donated to the nation, his collection of nearly 71,000 items became the foundation of the British Museum, British Library and Natural History Museum, London.) Carter and Muir, *Printing and the Mind of Man* 209 (citing first edition). Sowerby, *Catalogue of the Library of Thomas Jefferson* 2349. [Order This Item](#)



The Notorious Halifax Gibbet

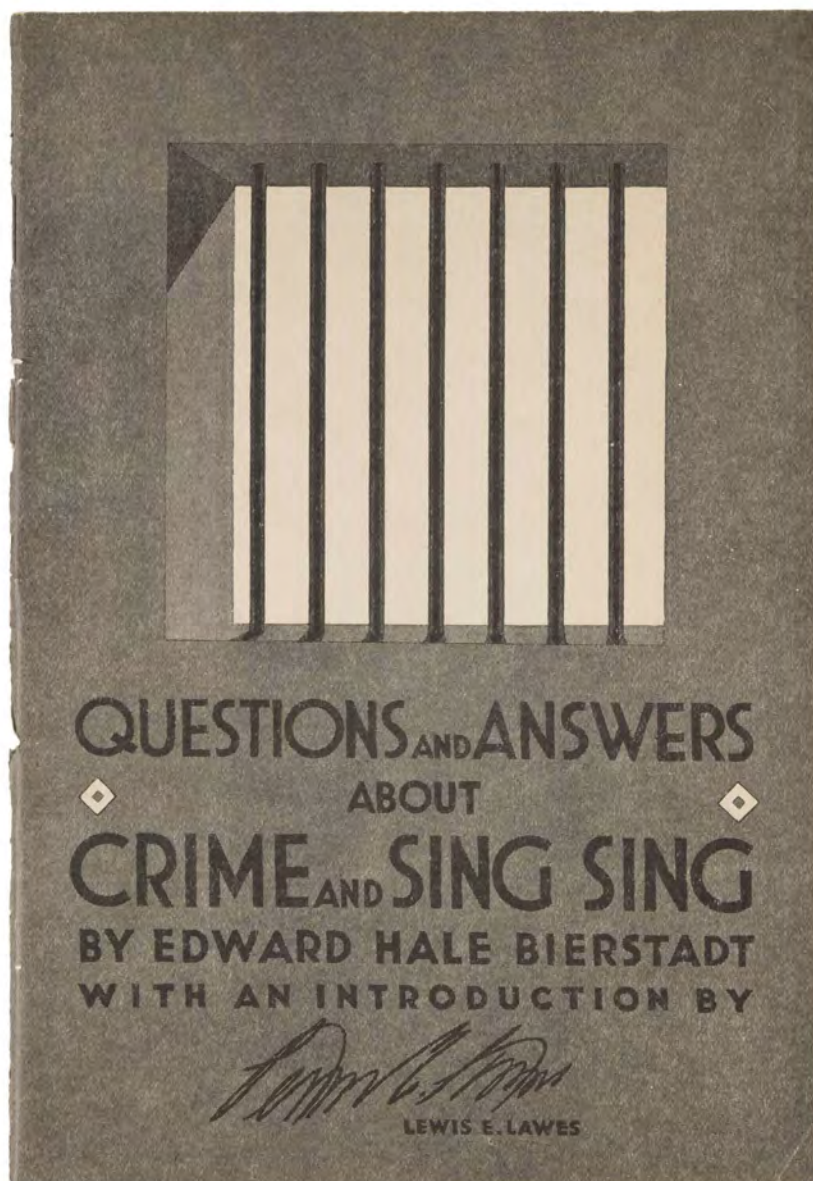
3. Bentley, William.

[Midgley, Samuel (d.1695)].

Hallifax, And its Gibbet-Law Placed in a True Light. Together with a Description of the Town; The Nature of the Soil; The Temper and Disposition of the People; The Antiquity of its Customary Law, And the Reasonableness Thereof: With an Account of the Gentry, And Other Eminent Persons Born and Inhabiting Within the Said Town, And the Liberties Thereof: With Many Other Matters and Things of Great Remark, Never Before Publish'd. To which are Added, The Unparallel'd Tragedies Committed by Sir John Eland, Of Eland, And His Grand Antagonists. London: Printed by J. How, For William Bentley, At Hallifax, In Yorkshire, 1708. [vi], 174 pp. With woodcut illustration of the Halifax gibbet opposite title page. 12mo (5-3/4" x 3-1/4").

Contemporary sheep, gilt paneling to boards, rebaced in period-style vellum, raised bands and blind fillets to spine, gilt tooling to board edges, marbled endpapers, blind tooling to inside edges. Light rubbing with some scuffing and wear to boards, moderate rubbing to extremities, including corners, which are bumped and worn, front hinge cracked. Moderate toning to interior, occasional faint dampspotting, faint dampstain to bottom half of text block in a few places, slight loss to corners in a few places with no loss to text, ownership signature (of "N. Hunton") dated 1712 to front endleaf, early(?) annotations to illustration leaf and p. 67. \$350.

* First edition. The Halifax gibbet was an early guillotine used to execute petty criminals until the mid-seventeenth century, long after use of the devices had been abandoned elsewhere. The law allowing the executions was an echo of feudal privileges given to the Lord of the Manor of Wakefield allowing him to execute anyone for the theft of goods of a certain value. The practice of Halifax's gibbet law was ultimately ended by Cromwell in 1650, but its legacy loomed large in the town. Midgely wrote our account while in prison for debt, either from his own imagination or an existing manuscript, but could not afford to have it published. Bentley, the parish clerk, discovered the manuscript and published it under his own name with some additions (likely the story of Eland, which seems unrelated to the gibbet). It was reissued in 1712 with a new title page and again in 1761 by Bentley's grandson. *English Short-Title Catalogue* T33072. [Order This Item](#)



Curious Facts About Crime and Punishment

4. Bierstadt, Edward Hale [1891-1970].

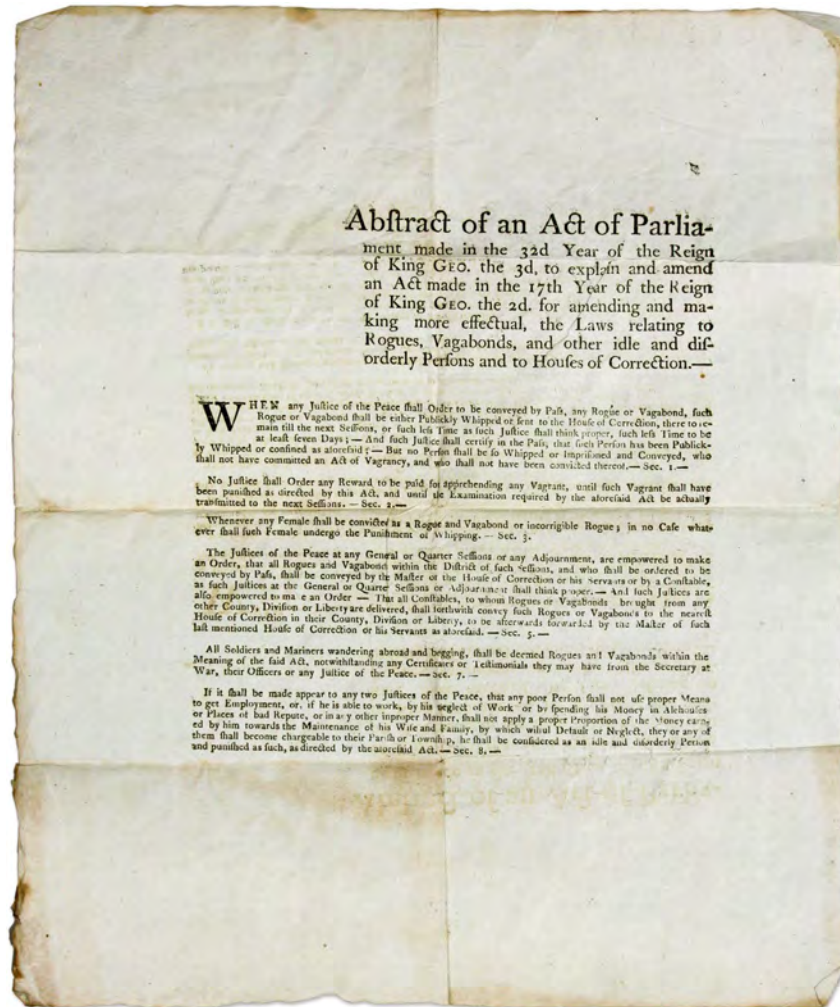
Lawes, Lewis E. [1883-1947], Introduction.

Questions and Answers About Crime and Sing Sing. [New York]: Dr. Earl S. Sloan, [1935].

Stapled pamphlet in stiff pictorial wrappers. Moderate rubbing to extremities, light toning to interior. \$125.

* Only edition. The first half of this pamphlet contains 101 questions; the second half contains their answers. For example, Question 94 asks: "Identify the following terms: 'frame-up'; 'snow-bird'; 'shoving the queer'; 'moll-buzzer'; 'stool-pigeon.'" Bierstadt was a criminologist, author and drama critic. Lawes was the warden of Sing Sing and a well-known proponent of prison reform. OCLC locates 3 copies (Harvard Law School, New York Public Library, UC-Berkeley).

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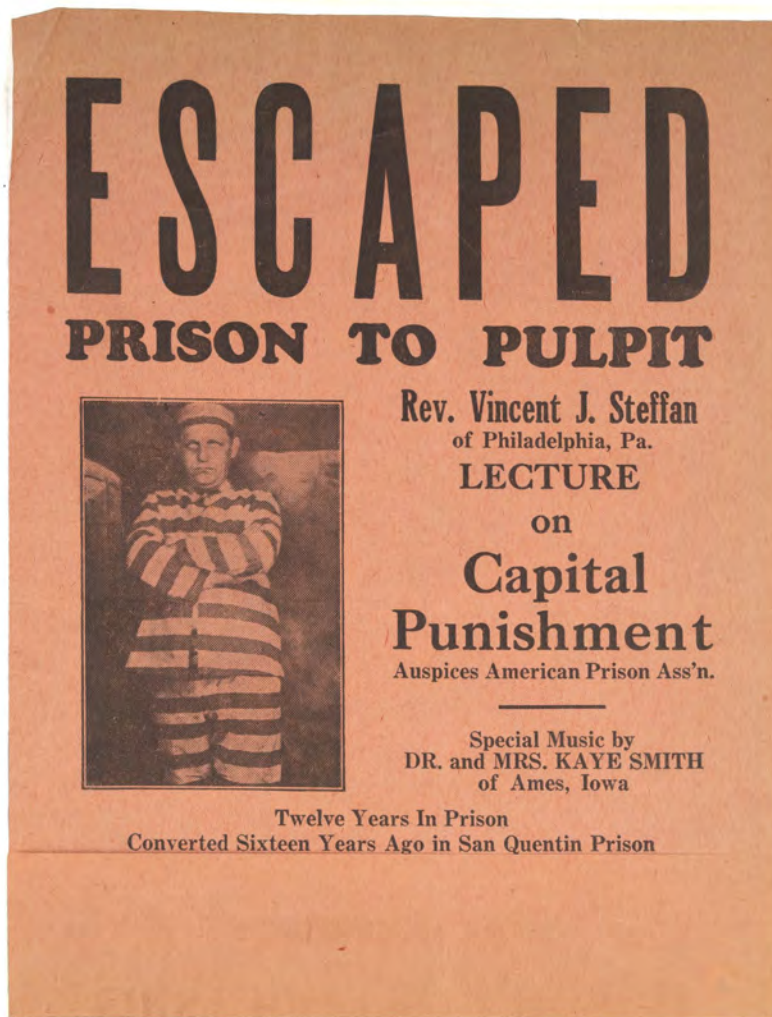
Punishment of "Rogues, Vagabonds, And Other Idle and Disorderly Persons"

5. [Broadside].
[Rogues and Vagabonds].
[Great Britain].

Abstract of an Act of Parliament Made in the 32d Year of the Reign of King Geo. the 3d, To Explain and Amend an Act Made in the 17th Year of the Reign of King Geo. the 2d. for Amending and Making More Effectual, the Laws Relating to Rogues, Vagabonds, and Other Idle and Disorderly Persons and to Houses of Correction [drop-head title]. N.p., S.n., [1791].

15" x 12-1/4" broadside. Single-column text below headline. Moderate toning, light crinkling, horizontal and vertical fold lines, light edgewear. \$750.

* "When any Justice of Peace shall order to be conveyed by pass, any rogue or vagabond, such rogue or vagabond shall either be publicly whipped or sent to the House of Correction...Whenever any female shall be convicted as a rogue or vagabond or incorrigible rogue; in no case what ever shall such female undergo the punishment of whipping...All soldiers and mariners wandering abroad and begging, shall be deemed rogues and vagabonds within the meaning of the said Act...If it shall be made to appear to any two justices of peace that any poor person shall not use proper means to get employment, or, if he is able to work, by his neglect of work or spending his money in ale houses or place of bad repute...he shall be considered as an idle and disorderly person and punished as such...." Not in the *English Short-Title Catalogue*. No copies located on OCLC, Library Hub or at the British Library. [Order This Item](#)



A Former Convict Who Became a Minister Lectures on Capital Punishment

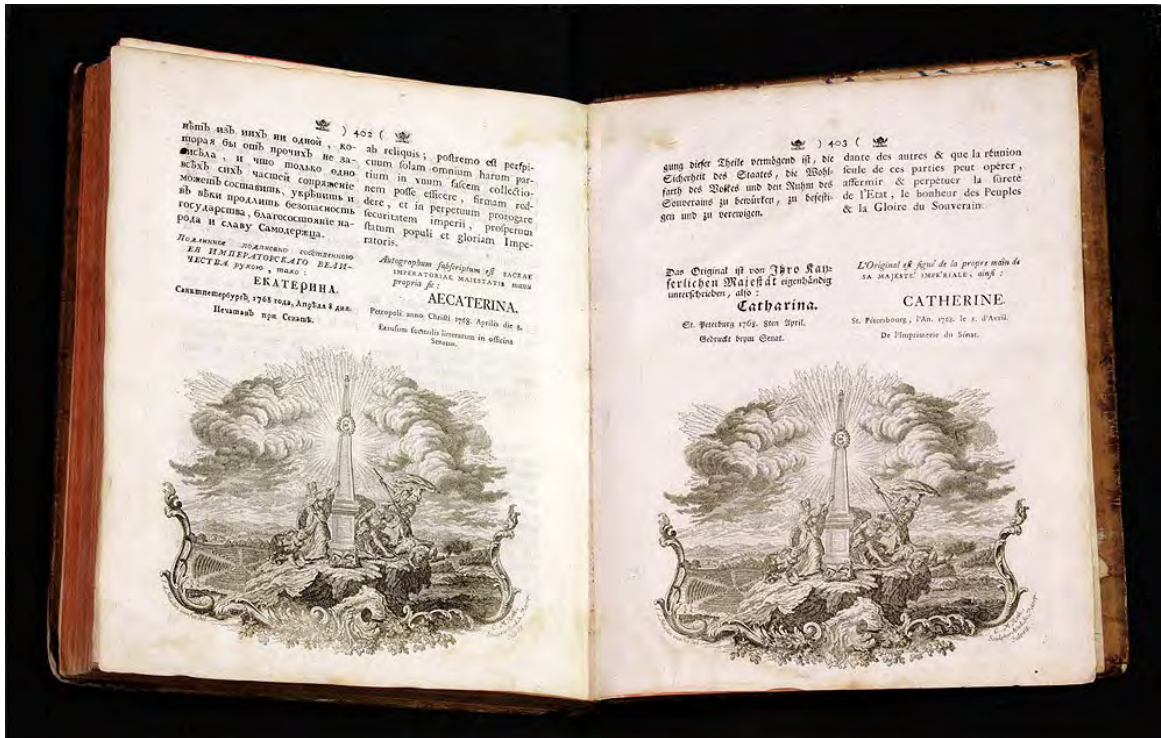
6. [Broadside].

Steffan, Vincent J.

Escaped. Prison to Pulpit, Rev. Vincent J. Steffan of Philadelphia, Pa. Lecture on Capital Punishment.... Thursday Eve., 7:30 p.m. First Baptist Church. Ames, Iowa. Admission Free. N.p: S.n., c. 1925.

9" x 6" broadside mounted on 8" x 6-1/2" sheet, bottom inch folded, text below headline, along with an image of Steffan in striped prison garb. Negligible light shelfwear and soiling, faint horizontal fold line to center, short tear along bottom fold. A well-preserved item. \$500.

* Steffan served two prison terms in California for burglary, the first in Folsom, the second in San Quentin. While in San Quentin he had a religious awakening. He offered religious counsel to fellow prisoners and began to study for the ministry. These events led to his parole in 1919 and a pardon in 1925. After completing the terms of his parole, he moved to Philadelphia and became a Presbyterian minister. The Pennsylvania Synod elected him the state's prison chaplain at large. Steffan divided his time between his prison ministry and the lecture circuit. State of California, *Message of the Governor Regarding Acts of Executive Clemency* 12. [Order This Item](#)



"The Best and Most Luxurious" Four-Language Edition of Catherine the Great's *Nakaz*

7. Catherine II, [1762-1796], Empress of Russia.

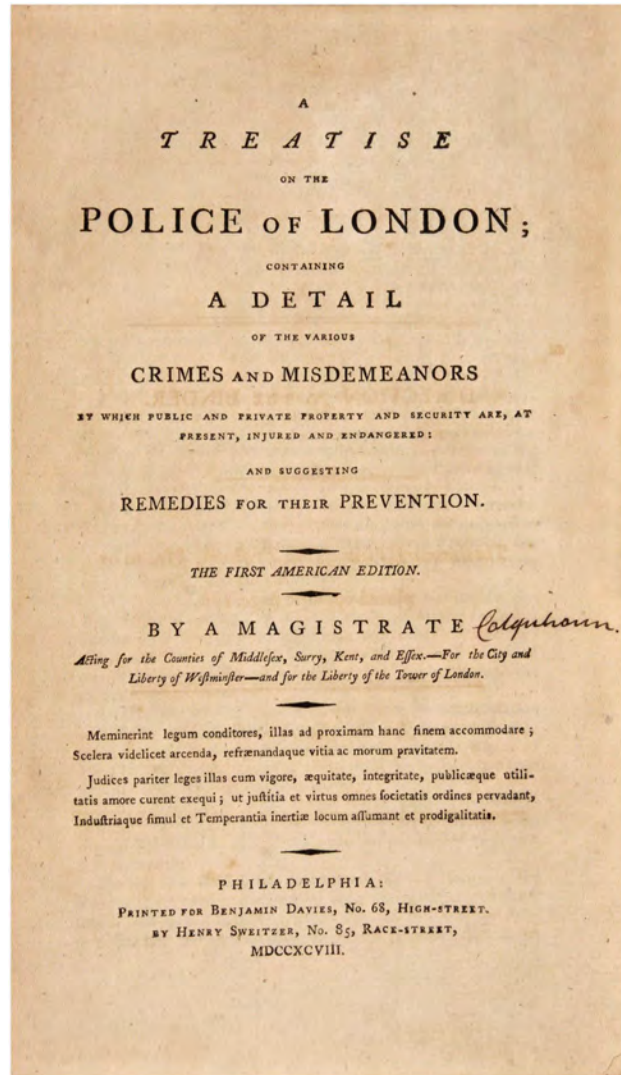
Kozitzki, Grigorii Vasil'yevich, [d. 1775], Latin Translation.

Nakaz Eia Imperatorskago Velichestva Ekateriny Vtoryia, Samoderzhitsy Vserossiiskiiia Dannyai Kommissii o Sochinenii Proekta Novago Ulozheniia... [Instructions of Her Imperial Majesty Catherine II to the Commission on the Work of the Projected New Code of Laws]. St. Petersburg: Imperatorskaya Akademii Nauk, 1770. [viii], 403 pp. Four title pages, one in each language. Printed in double columns, Russian and Latin on one page and German and French on the opposite page. Allegorical engravings by C. M. Roth at head and tail pieces. Latin translation by Grigorii Vasil'yevich Kozitzki. Quarto (9-1/2" x 8").

Contemporary calf, raised bands, lettering piece and black-stamped ornaments to spine, edges rouged, patterned endleaves. Light rubbing, faint stains, scratches and ink marks to boards, which are slightly bowed, moderate rubbing to extremities, corners bumped and worn. Large copperplate vignettes at beginning and end of text. Light toning to text, somewhat heavier in places, faint dampstaining to margins in a few places, internally clean. A nice copy. \$3,000.

* Only four-language edition, the fourth, and best, edition overall. Described by Count M.A. Korf, then director of the Imperial Library, as "The Best and Most Luxurious Edition." The *Nakaz*, or *Instruction*, is a statement of legal principles written by Catherine II between 1764 and 1766. It was among her most ambitious and significant undertakings. Infused with the ideas of the French Enlightenment, and copied mostly from the work of Voltaire, Montesquieu and Beccaria, it was compiled as a guide for the All-Russia Legislative Commission convened by the Empress in 1767 to create a new code to replace the 1649 Muscovite Code. Revised in consultation with Frederick the Great and Voltaire, the *Instruction* proclaimed the equality of all men before the law and denounced torture and the death penalty. Unfortunately, her proposed code was never completed. Catherine's manuscript was written in French, and she later produced a Russian translation. Editions in German and Russian were published in Moscow in 1767. The book was initially banned in France because it was too liberal, which is why the first French-language edition was produced in Switzerland (with a false imprint). French and Latin editions were eventually published in 1770. Camus, *Bibliothèque Choisie des Livres de Droit* 3301. Sopikov, *Opyt Rossiiskoi Bibliografii* 6456 ("best edition"). Butler, *The Nakaz of Catherine the Great* 524 (Entry 8).

[Order This Item](#)



Only American Edition of an Important Work on Crime

8. [Colquhoun, Patrick (1745-1820)].

A Treatise on the Police of London; Containing a Detail of the Various Crimes and Misdemeanors By Which Public and Private Property and Security Are, At Present, Injured and Endangered: And Suggesting Remedies for Their Prevention. Philadelphia: Printed for Benjamin Davies, 1798. xii, [7], 342, xxiv pp. Folding table. Octavo (8-1/4" x 5").

Contemporary sheep treated to resemble tree calf, lettering piece, gilt fillets and faint early hand-lettered author name to spine. Light rubbing and a few minor scuffs to boards, corners bumped and moderately worn, chipping to head of spine, front board partially detached but secure, rear joint and hinge starting at head, bookplate (of Thomas Robbins, 1827) to front pastedown. Moderate toning to text, "Colquhoun" added to title page in contemporary hand. \$500.

* Only American edition. Colquhoun was a tireless reformer and public-minded citizen. First published in London in 1796, his treatise on criminology offered innovative proposals, such as the appointment of public prosecutors and paid magistrates, productive labor by convicts and a system of preventative police. This Philadelphia imprint was a response to the keen interest in this subject among elite circles of reformers and legislators in America. Their efforts were reflected in Philadelphia's Eastern State Penitentiary, New York's Auburn Prison and Livingston's penal code. Cohen, *Bibliography of Early American Law* 1010. [Order This Item](#)



A Handsomely-Bound Set of Pamphlets on Penology and Confinement

9. [Great Britain].

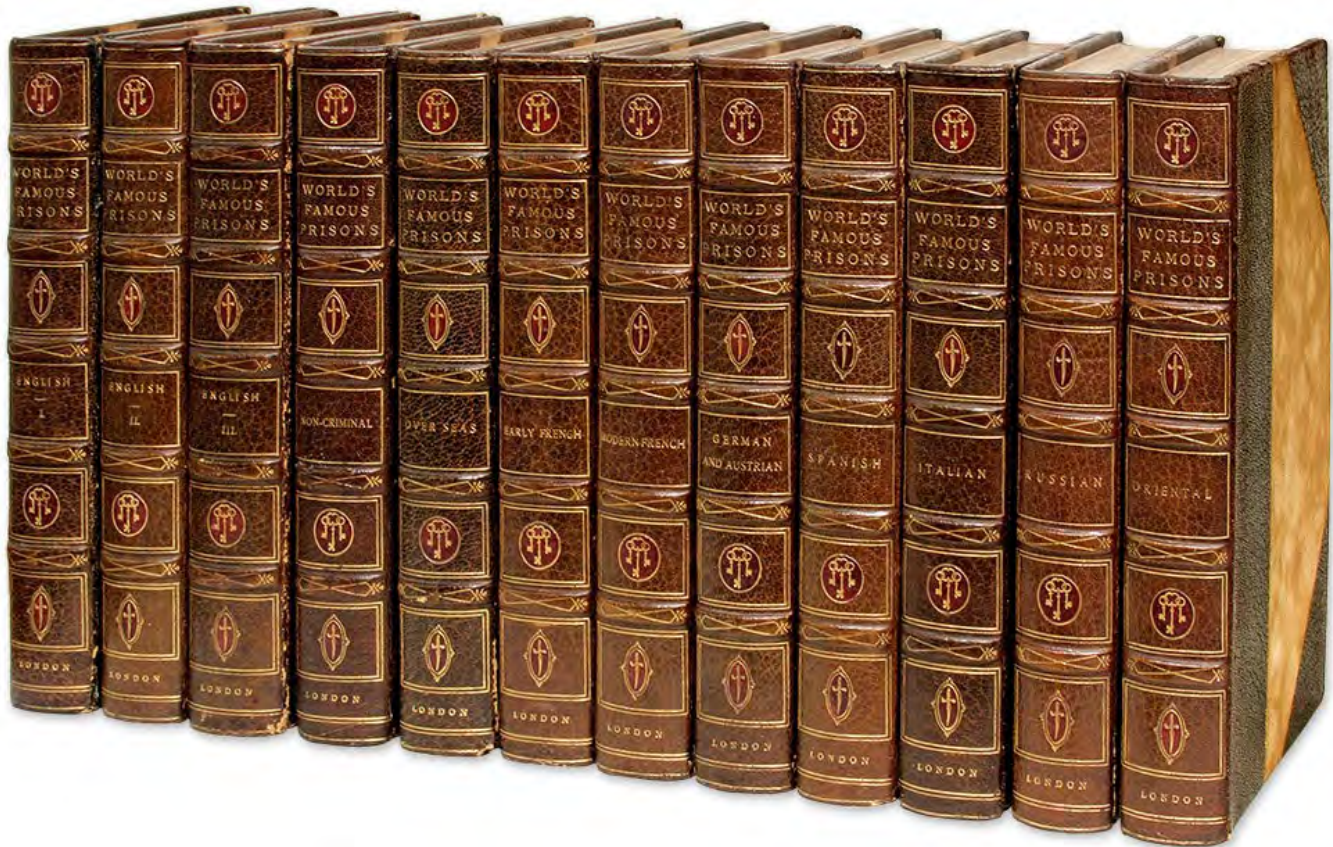
[Valpy, Abraham John (bap.1786-1854), Publisher].

[36 *Legal Pamphlets from the Pamphleteer*]. London: Printed by A.J. Valpy, 1812-1826. Three volumes. [438]; [320]; [404] pp. Octavo (8-1/4" x 5").

Contemporary calf, rebacked in period style, gilt fillets and small central monogram stamp to boards, gilt fillets and lettering pieces to spines, gilt tooling to corners of board edges, marbled endpapers, speckled edges. Light rubbing and a few spots, scuffs, nicks and scratches to boards, moderate rubbing to extremities, corners lightly bumped. Light toning to interior, light spotting in a few places, trimming to fore-edge of third pamphlet of Volume III with minor loss to legibility. A handsome set. \$1,500.

* A collection of 36 pamphlets bound in three volumes, all extracted from various issues of the *Pamphleteer* and presented in chronological order. Authors include Basil Montagu, Henry Parnell and Joseph John Gurney. The subject matter has a broad focus on penology and confinement, with topics including prison conditions in Great Britain and abroad, penal laws against Irish Catholics, capital punishment, madhouses in England, hospitals and lunatic asylums, arrests for debt, the English criminal code, etc.

The *Pamphleteer*, a quarterly publication intended to represent a curated selection of the best pamphlets of the day, was issued by Valpy for fifteen years (1813-1828). Some of these pamphlets are quite scarce in their original form, and many are exclusive to the *Pamphleteer*. A searchable list of included works is available upon request. [Order This Item](#)



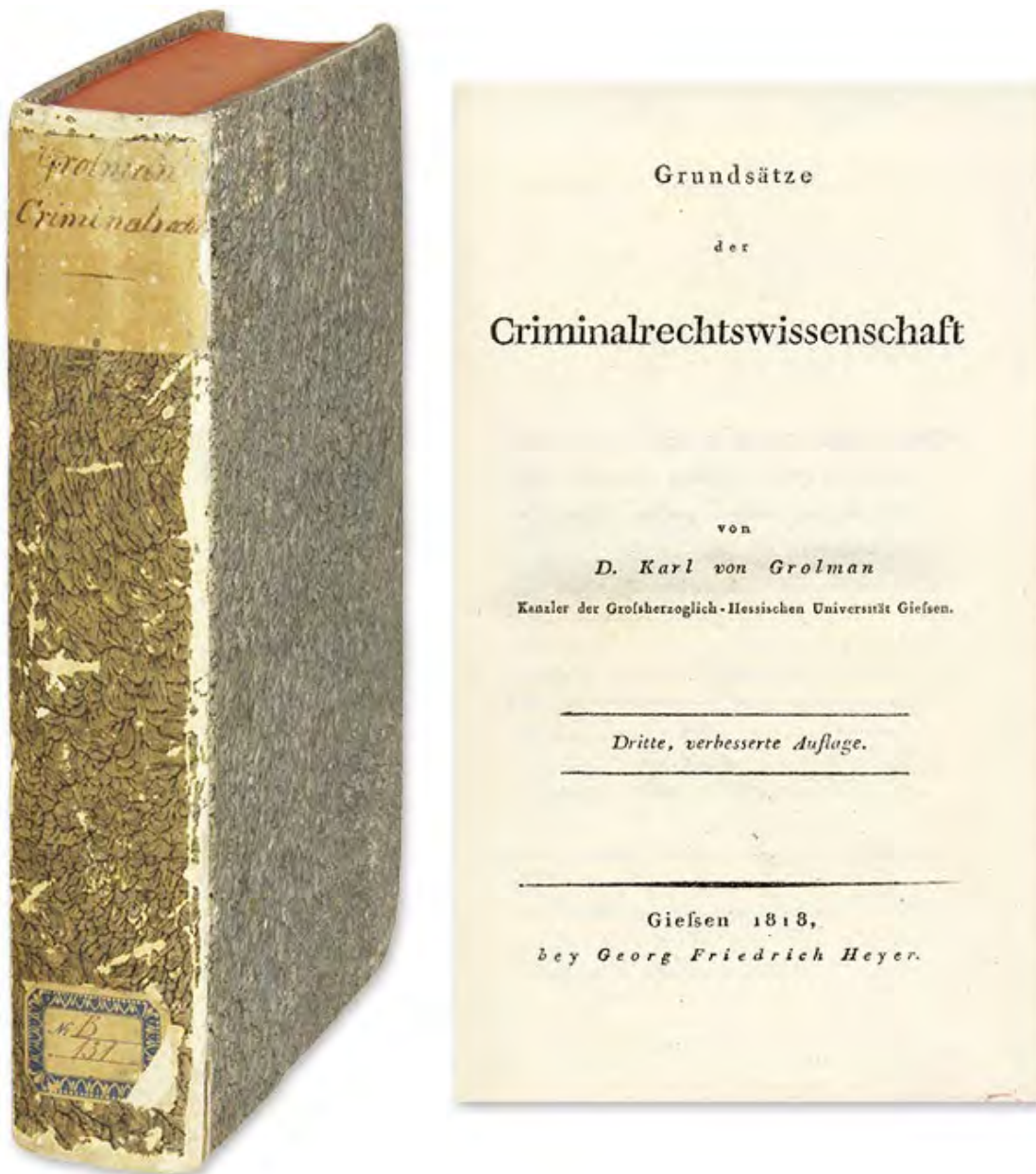
A Limited-Edition, Twelve-Volume Fine-Press Study of Prisons

10. Griffiths, Arthur [1838-1908].

The World's Famous Prisons: An Account of the State of Prisons from the Earliest Times to the Present Day, With the History of Celebrated Cases. London: The Grolier Society, [c.1900]. Twelve volumes. Frontispieces. Plates. Octavo (8-3/4" x 5-3/4").

Three-quarter morocco over patterned boards, raised bands, gilt titles and gilt ornaments to spine, top edge gilt, deckle fore and bottom edges, patterned endpapers, tissue guards to frontispieces and plates. Light to moderate rubbing to extremities, corners bumped, hinges of some volumes cracked or starting, light toning to text, faint dampstaining throughout Volume IV. A handsome set. \$1,800.

* A copy from the Connoisseur Edition limited to 150 sets, this number 67. A former British Army officer, Griffiths was a prolific popular author. In addition to historical and journalistic works on military subjects, he wrote extensively about crime and punishment and even published several mystery crime novels. His work is notable for its sensational appeal; he was often accused of pandering to the base instincts of his readers. Illustrated with more than a hundred plates, *The World's Famous Prisons* is a compilation of historical lore with an emphasis on colorful and lurid anecdote. Contents: I-II. Chronicles of Newgate; III. Milbank Penitentiary, An Experiment in Reformation; IV. Non-Criminal Prisons: English Debtor's Prisons and Prisons of War, French war prisons, American war prisons, With References to Those of Other Lands; V. Prisons over Seas: Deportation and Colonization, British and American Prisons of Today; VI. Early French Prisons; VII. Modern French Prisons; VIII. German and Austrian Prisons; IX. Spanish Prisons: The Inquisition at Home and Abroad, Prisons Past and Present; X. Italian Prisons: Prisons of the Roman Inquisition; XI. Russian Prisons, The Story of Siberian Exile; XII. Oriental Prisons, Prisons and Crime in India, The Andaman Islands, Burma-China-Japan-Egypt, Turkey. [Order This Item](#)



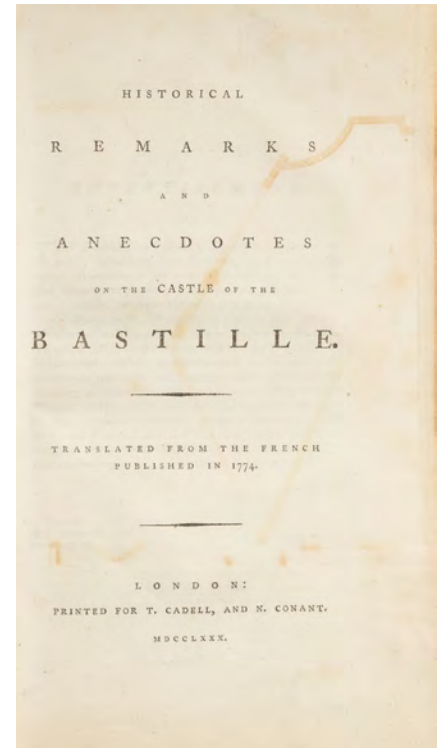
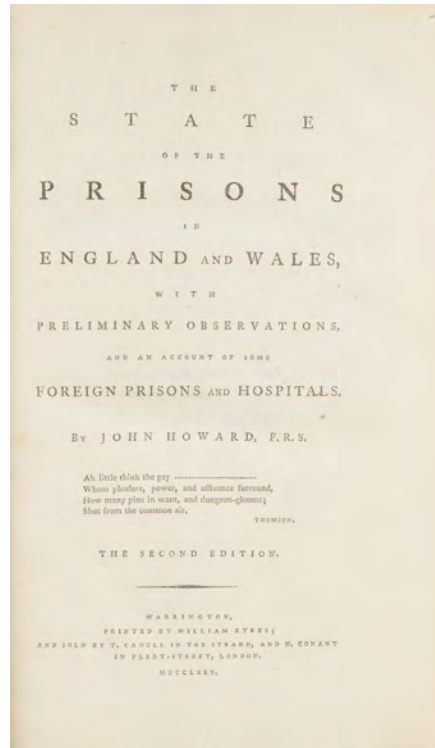
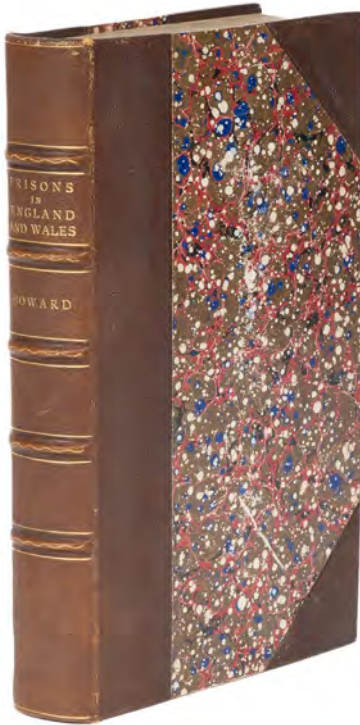
A Notable Contribution to Criminology

11. Grolman, Karl von [1775-1829].

Grundsätze der Criminalrechtswissenschaft. Giessen: Georg Friedrich Heyer, 1818. xxii, 686 pp. Octavo (8" x 4-1/2").

Contemporary marbled boards, hand-lettered title label to spine, edges rouged. Some rubbing to extremities, corners bumped, light toning to text, internally clean. Ex-library. Shelf label to foot of spine. A nice copy. \$450.

* Third edition. First published in 1798, this influential treatise introduced the latest progressive theories of criminology to the German states. Unlike its predecessors, it emphasized deterrence and prevention rather than punishment. Its final edition was published in 1825. Grolman was a professor of law at the University of Giessen. All editions of the title are scarce in North American law libraries. OCLC locates 1 copy at the Library of Congress, which has a first edition. This edition not in the *British Museum Catalogue*. [Order This Item](#)



Remarks on Prisons in England and Abroad

12. Howard, John [1726-1790].

The State of the Prisons in England and Wales, With Preliminary Observations, And an Account of Some Foreign Prisons and Hospitals. Warrington: Printed by William Eyres; And Sold by T. Cadell in the Strand, And N. Conant in Fleet-Street, 1780. [viii], 449, [19] pp. With 10 copperplate illustrations and diagrams, 8 folding.

[Bound with]

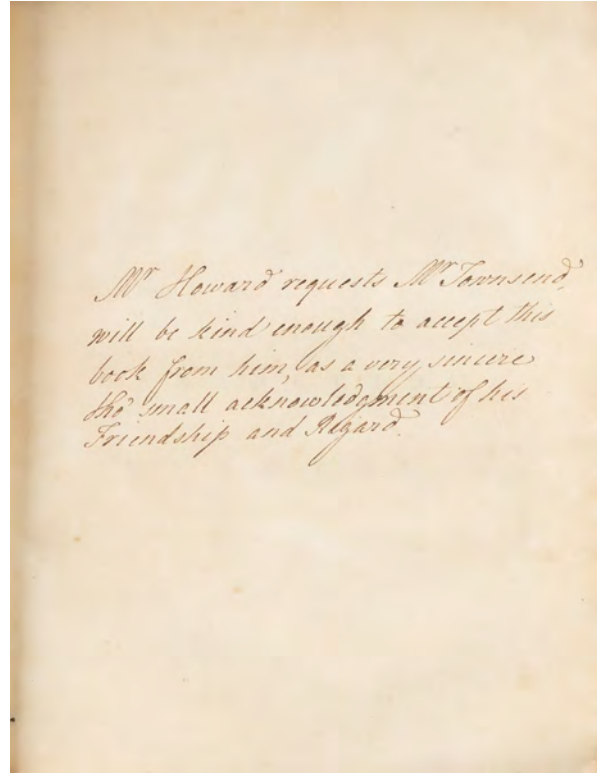
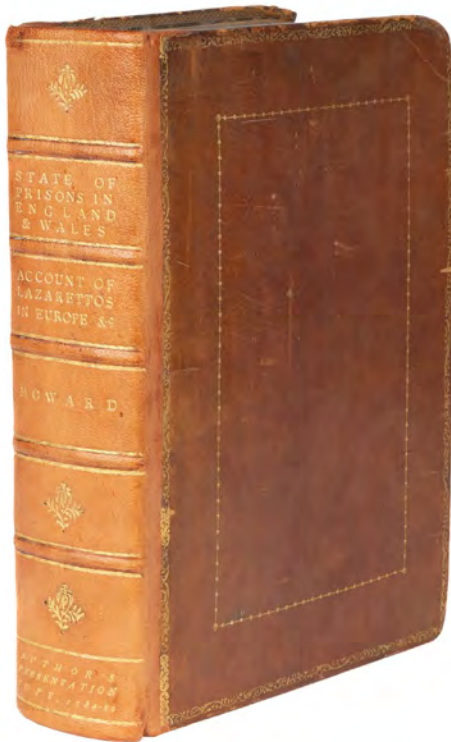
[Brossays du Perray, Joseph Marie].

[Howard, John, Editor].

Historical Remarks and Anecdotes on the Castle of the Bastille. Translated from the French Published in 1774. London: Printed for T. Cadell, And N. Conant, 1780. [vi], 29, [1] pp. With a folding copperplate frontispiece diagram of the Bastille.

Octavo (9" x 5-1/2"). Later three-quarter morocco over marbled boards, blind rules to morocco edges, gilt-edged raised bands and gilt title and author name to spine, top-edge gilt, fore and bottom edges rouged. Light rubbing to boards, moderate rubbing to extremities, faint offsetting to free endpapers, recent pencil annotations to front free endpaper. Light toning to interior, faint offsetting from plates, one of which has a clean tear neatly mended on verso not affecting image, light foxing and soiling in a few places. A nice copy of two important titles. \$450.

* *Prisons*: second edition; *Historical Remarks*: first English edition. After being shocked by the conditions of his county prison as High Sheriff, Howard dedicated himself to touring hundreds of prisons in Great Britain and Western Europe and reporting on their conditions. His primary focus was on improving hygiene and cleanliness by reducing overcrowding; *The State of the Prisons* is credited with establishing the practice of single-celling in the United Kingdom. The first edition appeared in 1777 and the final edition in 1792. *Historical Remarks*, published anonymously but attributed to French author Brossays du Perray, is "a very interesting and instructive comparison between the horrors of despotic power, and the mild and just administration of equal laws in a free state" (Advertisement). Howard procured the first English translation and provided a brief forward. *English Short-Title Catalogue* T83449, T36327. [Order This Item](#)



Presentation Copies of Two Landmark Titles in Prison Reform

13. Howard, John [1726-1790].

The State of the Prisons in England and Wales, With Preliminary Observations, And an Account of Some Foreign Prisons and Hospitals. Warrington: Printed by William Eyres; and sold by T. Cadell, J. Johnson, and C. Dilly, in London, 1784. [vi], 492, [18] pp. Lacking half-title. With 22 diagrams and illustrations, 15 of which are folding, and 2 additional copperplates tipped and laid in.

[Bound with]

Howard, John.

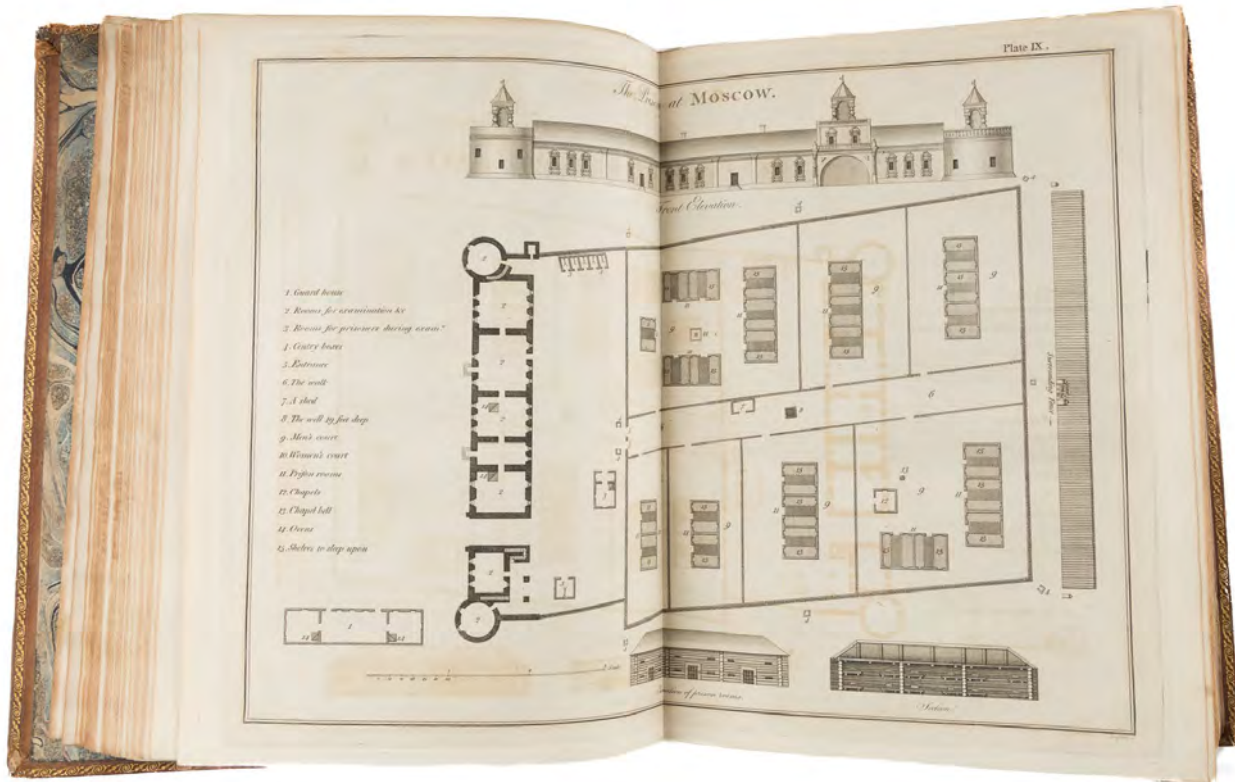
An Account of the Principal Lazarettos in Europe; With Various Papers Relative to the Plague: Together with Further Observations on Some Foreign Prisons and Hospitals; And Additional Remarks on the Present State of Those in Great Britain and Ireland. Warrington: Printed by William Eyres; and sold by T. Cadell, J. Johnson, C. Dilly, and J. Taylor, in London, 1789. Viii [i.e. vi], 259, [15] pp. With a folding table and 22 diagrams and illustrations, 20 of which are folding.

[And]

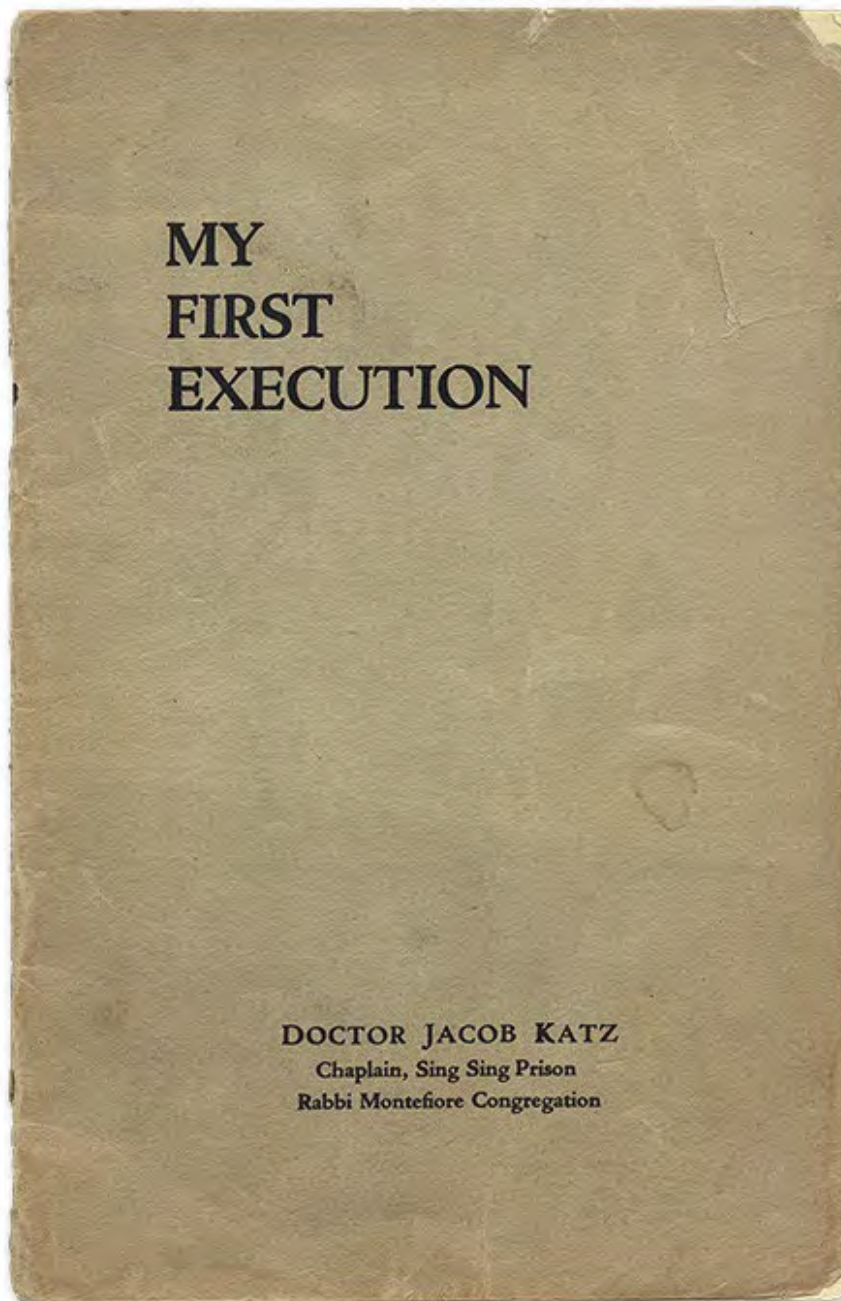
Appendix; Containing Observations Concerning Foreign Prisons and Hospitals: Collected by Mr. Howard, In his Concluding Tour. Together with Two Letters to Mr. Howard, From John Haygarth, M.D. [London, 1791]. [ii], 32 pp.

Quarto (11-1/2" x 8-3/4"). Contemporary calf, gilt fillets to boards, rebacked in □ orocco with gilt-edged raised bands, gilt title and author and gilt decorations to compartments, gilt tooling to board edges, edges speckled green, marbled endpapers, gilt inside dentelles. Light rubbing and a few small scuffs to boards, moderate rubbing to extremities, corners bumped and somewhat worn, faint offsetting to endpapers, recent pencil annotations to endleaves and a few places in text. Light toning to interior, occasional light foxing, faint offsetting to plates, a few of which have very small folds or tears to edges not affecting images, partial crack to text block between items, all leaves secure, added blank between items with early manuscript copy of "On the Death of Mr. Howard." Inscriptions "With Mr. Howard's best respects" to front endleaf of *Prisons* and "Mr. Howard requests Mr. Townsend, will be kind enough to accept this book from him, as a very sincere tho' small acknowledgment of his Friendship and Regard" to blank preceding *Lazarettos*. An appealing volume. \$1,500.

* *Prisons*: third edition; *Lazarettos*: first edition; *Appendix*: first issue. After being shocked by the conditions of his county prison as High Sheriff, Howard dedicated himself to touring hundreds of prisons in Great Britain and Western Europe and reporting on their conditions. His primary focus was on improving hygiene and cleanliness, and *The State of the Prisons* (1777) is credited with establishing the practice of single-celling in the United Kingdom. *An Account of the Principal Lazarettos* (1789), published after his final tour of English prisons in 1787, focuses on quarantine stations and prison hospitals. Our copy may have been presented to Joseph Townsend [1739-1816], a British doctor and Anglican vicar who wrote *A Dissertation on the Poor Laws* in 1786. *English Short-Title Catalogue* T115096, T115289, N16348.



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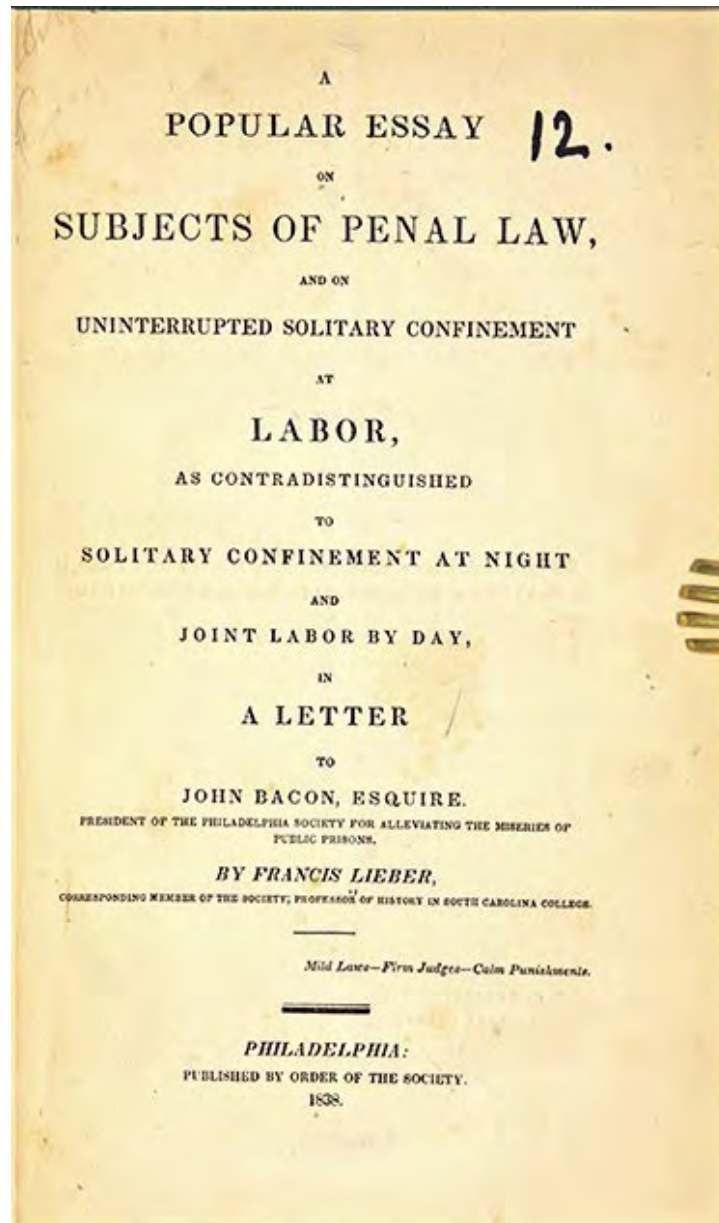
A Rabbi Describes His Experience of Witnessing an Execution at Sing Sing

14. Katz, Jacob.

My First Execution. [New York]: S.n., c.1924.

Stapled 8" x 5" pamphlet in stiff wrappers. Light soiling, mild edgewear, a few small chips to corners, wrappers almost detached, clean tear to front wrapper, light browning to text. A rare pamphlet. \$350.

* Katz was the Jewish chaplain at Sing Sing Prison. In this pamphlet he describes the first time he attended an execution, which took place in Sing Sing in 1919. He discusses his interactions with the condemned prisoner and his feelings afterwards. OCLC locates 2 copies (American Jewish Historical Society, New York Public Library). [Order This Item](#)



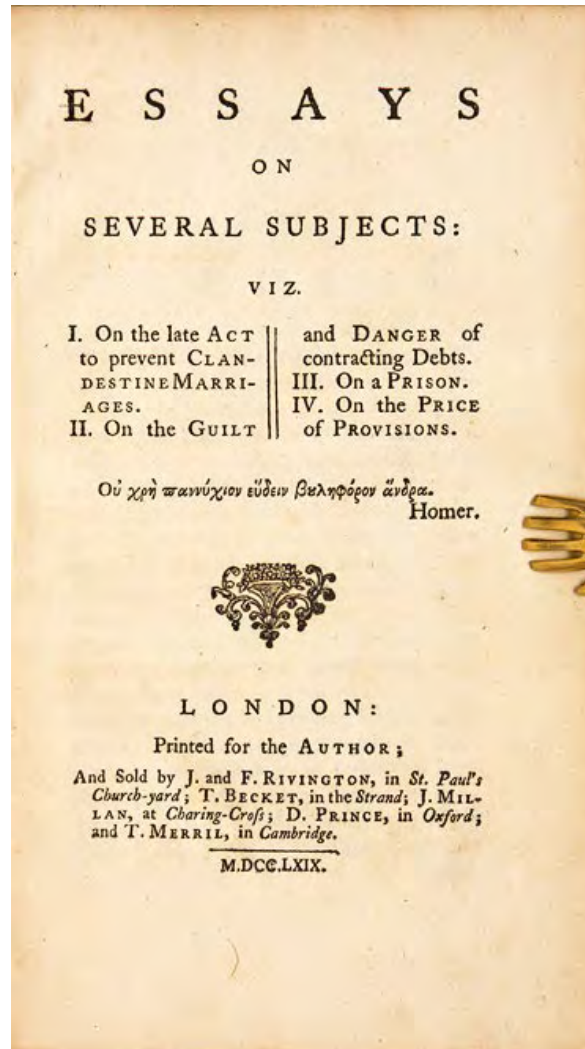
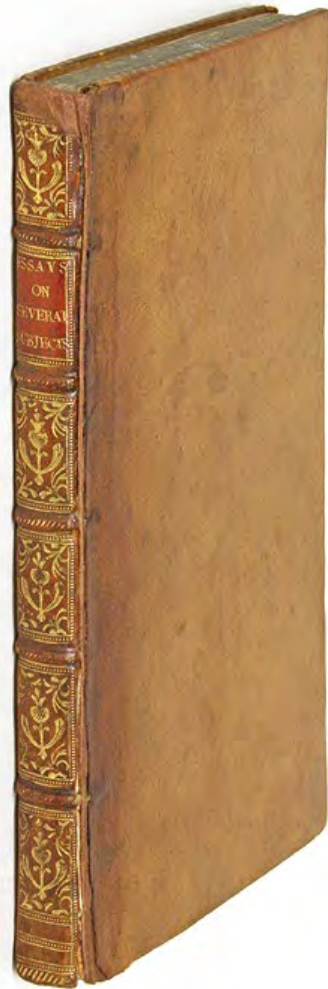
Lieber Compares Systems of Penology

15. Lieber, Francis [1800-1872].

A Popular Essay on Subjects of Penal Law, And on Uninterrupted Solitary Confinement at Labor, As Contradistinguished to Solitary Confinement at Night and Joint Labor by Day, In a Letter to John Bacon, Esquire. Philadelphia: [Philadelphia Society for Alleviating the Miseries of Public Prisons], 1838. 94 pp. Tipped-in errata sheet. Octavo (9-1/2" x 5-3/4").

Stab-stitched pamphlet bound into later library buckram, gilt title and shelf number to spine. Light toning and occasional light foxing to text, "12" in early hand to head of title page, a few brief library annotations to verso. A nice copy. \$150.

* Only edition. Addressed to the president of the Philadelphia Society for Alleviating the Miseries of Public Prisons, this essay compares the prevailing models of penology of the 1830s: the "Pennsylvania" system, which was based on solitary confinement, and the "New York" system, which advocated joint labor by day, communal meals and solitary cells. This was a keenly debated topic. Cohen, *Bibliography of Early American Law* 4321. [Order This Item](#)



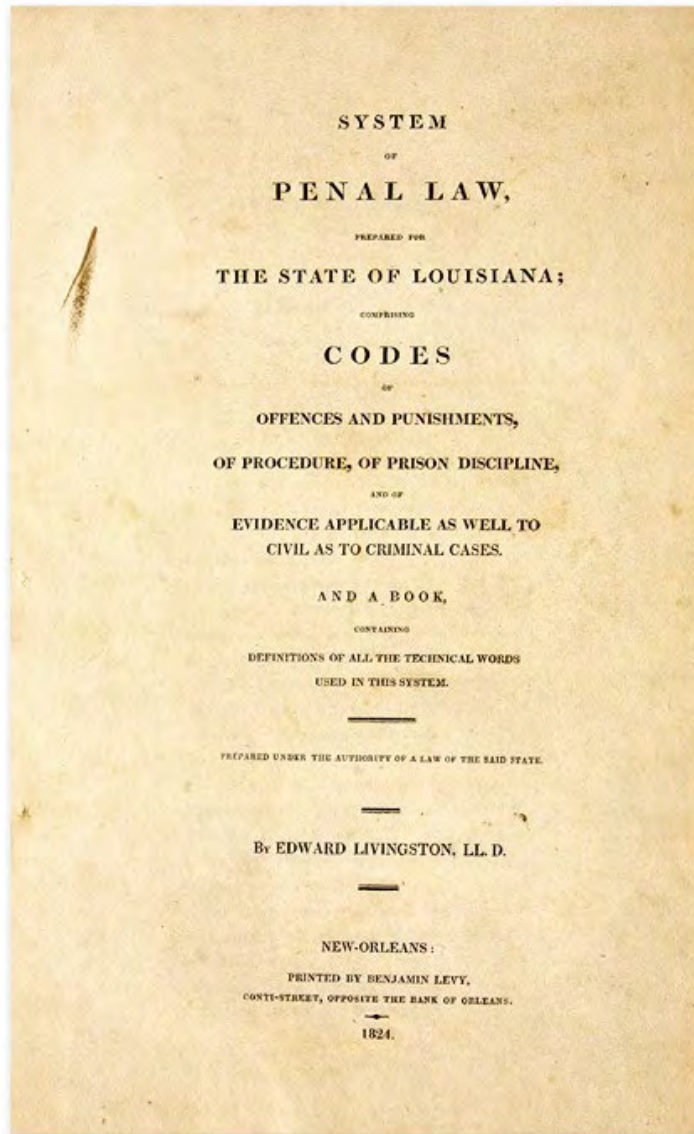
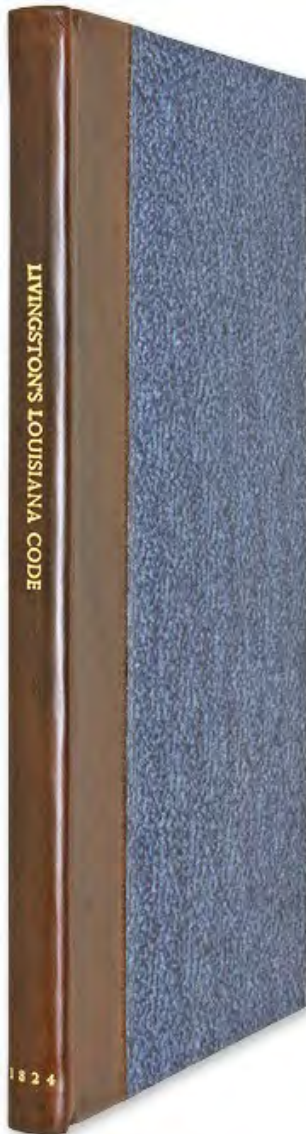
Clandestine Marriage, Prisons and Economic Matters

16. [Lind, Charles].

Essays on Several Subjects: Viz. I. On the Late Act to Prevent Clandestine Marriages. II. On the Guilt and Danger of Contracting Debts. III. On a Prison. IV. On the Price of Provisions. London: Printed for the Author; And Sold by J. and F. Rivington, 1769. [ii], x, 156 pp. Octavo (8-1/4" x 5").

Contemporary speckled calf, gilt spine with raised bands and lettering piece, gilt tooling to board edges. Moderate rubbing to extremities with some wear to corners, front joint starting at ends, front hinge reinforced, rear board just beginning to separate (but quite secure; split in hinge not obvious when book is closed). Light toning to text, light foxing in places, early repair to upper corner of final leaf (pp. 155-156), a few missing letters and words replaced by hand. A handsome copy of a very scarce title. \$750.

* Only edition. This essay collection addresses several topics of interest to the learned English public of the mid-eighteenth century. Two of these address legal matters relating to marriage and prison, the others address economic issues. Some early sources attribute the authorship to James Lind [1716-1794], the important Scottish physician and epidemiologist. OCLC locates 9 copies, 4 in North America (Library Company of Philadelphia, NY Public Library, Northwestern University, University of Minnesota). *Goldsmiths'-Kress Library of Economic Literature* 10591. *English Short-Title Catalogue* T71425. [Order This Item](#)



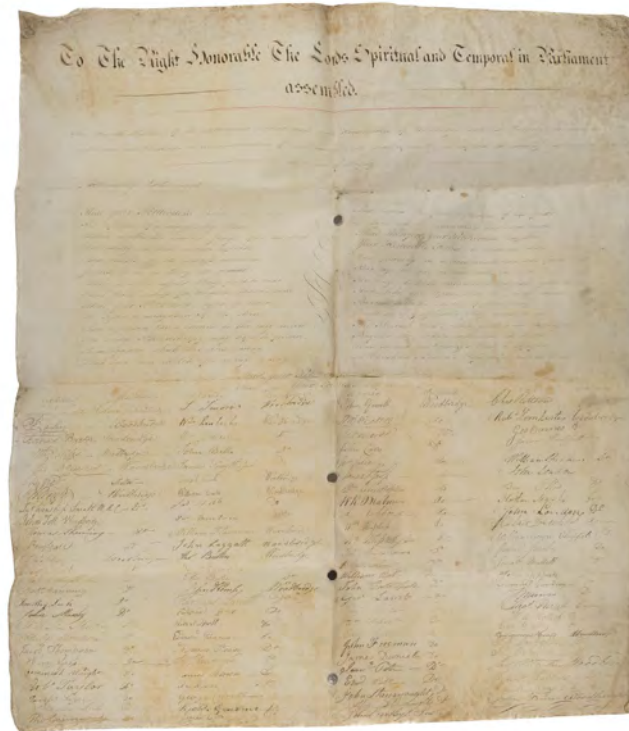
First Issue of Livingston's Louisiana Penal Code

17. Livingston, Edward [1764-1836].

System of Penal Law, Prepared for the State of Louisiana: Comprising Codes of Offenses and Punishments, Of Procedure, Of Prison Discipline, And of Evidence Applicable as Well to Civil as to Criminal Cases. And a Book, Containing Definitions of All the Technical Words Used in This System. New Orleans: Benjamin Levy & Co., 1824. 164 pp. (12-1/4" x 7-1/2").

Recent period-style quarter calf over marbled boards, gilt title and date to spine. Light toning to text, negligible light foxing in a few places. \$3,000.

* First edition, first issue. Livingston's *Penal Code* marked an epoch in the broad international movement for penal reform. Profoundly influenced by Bentham, it stressed prevention over vengeance. Never enacted, it nevertheless established itself as one of the great standards for other reformers. Hicks marvels at the scope and clear organization of this code and notes that Bentham, Hugo, Lafayette, Story, Marshall, Madison, Kent and Jefferson considered it "the most comprehensive and enlightened system of criminal law that has ever been presented to the world.": Hicks, *Men and Books Famous in the Law* 180. Jumonville, *Bibliography of New Orleans Imprints* 430. Cohen, *Bibliography of Early American Law* 10329. [Order This Item](#)



A Petition to End the Death Penalty, In Thirty Lines of Rhyming Verse

18. [Manuscript].

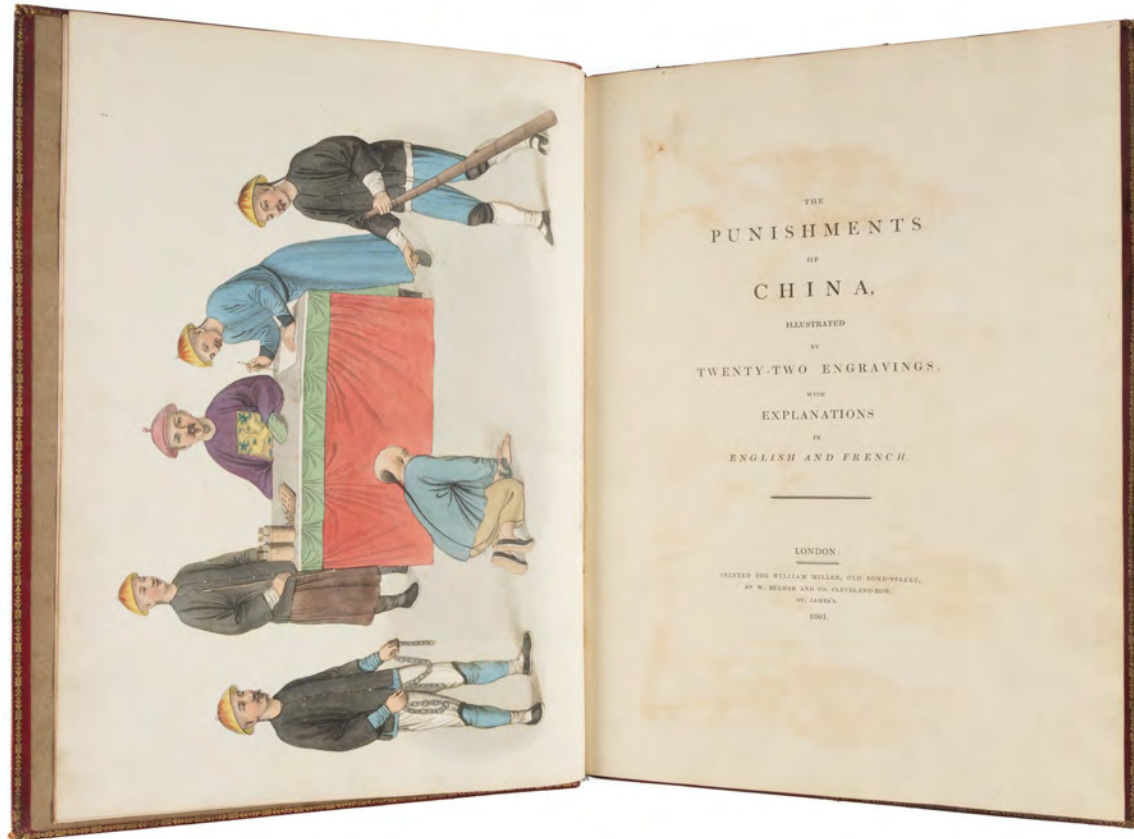
[Death Penalty].

To the Right Honorable the Lords Spiritual and Temporal in Parliament Assembled. The Humble Petition of the Undersigned Inhabitants and Householders of Woodbridge and its Vicinity; Interested as Men, Englishmen, And Christians in the Amelioration of our Criminal Code, More Especially, As Respects its Existing Enactments against the Crime of Forgery. [Suffolk, 1830?].

27" x 23-1/2" vellum sheet (7-1/4" x 12" when folded), text in single hand and autograph signatures of 105 signatories to recto, docket to verso. Moderate toning, horizontal and vertical fold lines, light foxing and soiling in places, small holes, clean tears and light creasing in places along fold lines, just touching a few words of text without loss to legibility. A fascinating and unique document. \$1,500.

* The late eighteenth and early nineteenth centuries saw a steep rise in the number of forgeries, particularly of paper currency, which ushered in a wave of highly punitive laws and a corresponding increase in executions. By the late 1820s and early 1830s, many reformers, including religious Nonconformists, sought to vastly reduce or eliminate the use of the death penalty. Their efforts were largely successful. The death penalty was ultimately abolished in most cases of forgery in 1832 (excepting wills and powers of attorney).

Our petition circulated in Suffolk between May and June 1830, though it is unlikely that this copy made it to Parliament. Somewhat unusually, the body consists of 30 lines of verse in rhyming couplets. The poem describes the consequences of the current "sanguinary law," under which "e'en the injur'd Party fears to take/ That Law's redress for Human Nature's sake." It concludes that the fruits of the anti-forgery laws are toxic, and that the country's laws should be aligned with Christian mercy. Among the 105 signatories are Bernard Barton [1784-1849], the Quaker poet responsible for the famous anti-death penalty work *The Convict's Appeal* (1818), and John Fenn, the Woodbridge schoolmaster who may have written out the petition. Though it is certainly possible that Barton composed the poem, it may represent a joint effort with Fenn or have been written by someone else altogether. Fisher, *The History of Parliament: The House of Commons 1820-1832* (accessed online). [Order This Item](#)



Chinese Punishment in the British Imagination

19. [Mason, George H. (1770-1851)].

The Punishments of China, Illustrated by Twenty-Two Engravings: With Explanations in English and French. London: Printed for William Miller by W. Bulmer and Co., 1801. [94] pp. With 22 hand-colored stipple engravings, first plate bound as frontispiece. Folio (14-1/2" x 10-1/4").

Contemporary paneled morocco, elaborate blind and gilt fillets to boards, gilt spine with raised bands and gilt title ("Costum China") to spine, gilt tooling to outer and inner board edges, edges of text block gilt. Light rubbing and a few small scuffs to boards, moderate rubbing to extremities, spine very lightly varnished, light wear to head of front joint and corners, which are bumped, front hinge just starting at head, armorial bookplate (of J.M. Sagar-Musgrave) to front pastedown. Light toning to interior, faint offsetting from plates, light foxing in a few places, faint stain to upper gutter of Plate V and following page not affecting image or text, Plates IV and XX affected by trimming at fore-edge with minor loss to images.

[With]

[*Album of 12 Chinese Export Watercolors Depicting Punishments*]. N.d., circa mid-nineteenth century.

Twelve 6" x 9-3/4" watercolor (or gouache) drawings on pith paper with blue silk ribbon borders, mounted on contemporary untrimmed 8-1/4" x 12-1/2" sheet tipped onto 11" x 14" card. Light toning, occasional faint dampstaining and spotting to images and larger sheet, tears to pith paper affecting six of the images with minor loss, most very small with a larger tear to final image. Drawings housed in modern red morocco binder with gilt frames to boards, moderate rubbing to extremities, light fading to spine, light wear to spine ends and corners.

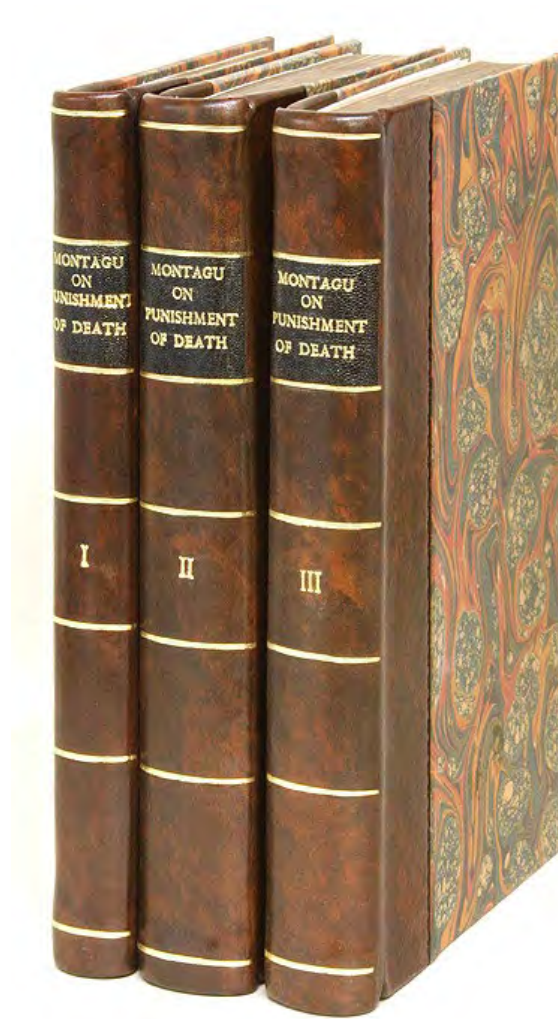
Together two items. \$3,000.

* *Punishments*: first edition, six plates watermarked 1818. As trade with China increased, Chinese culture began to take hold of the British imagination. This was particularly true in cases where Chinese people and practices could be stereotyped or depicted as barbaric. Written by an East India Company soldier who traveled to Canton in 1789, *Punishments of China* depicts lurid scenes of torture and contrasts Chinese and Western customs.

Export albums like ours were produced in the port cities of China for tourists in the late eighteenth and early nineteenth centuries. Early watercolors were done on European paper, which later shifted to the thin pith paper of the present example. They were typically sold in sets of 12 or 24 and depicted a variety of subjects, including tea culture, manufacturing and local flora and fauna. The first workshop to produce these albums was Pu-Quà's in Canton, where Mason may have purchased a similar group of drawings of punishments; the images in our album depict similar scenes as the stipple engravings in *Punishments of China* but with different compositions.



[Order This Item](#)



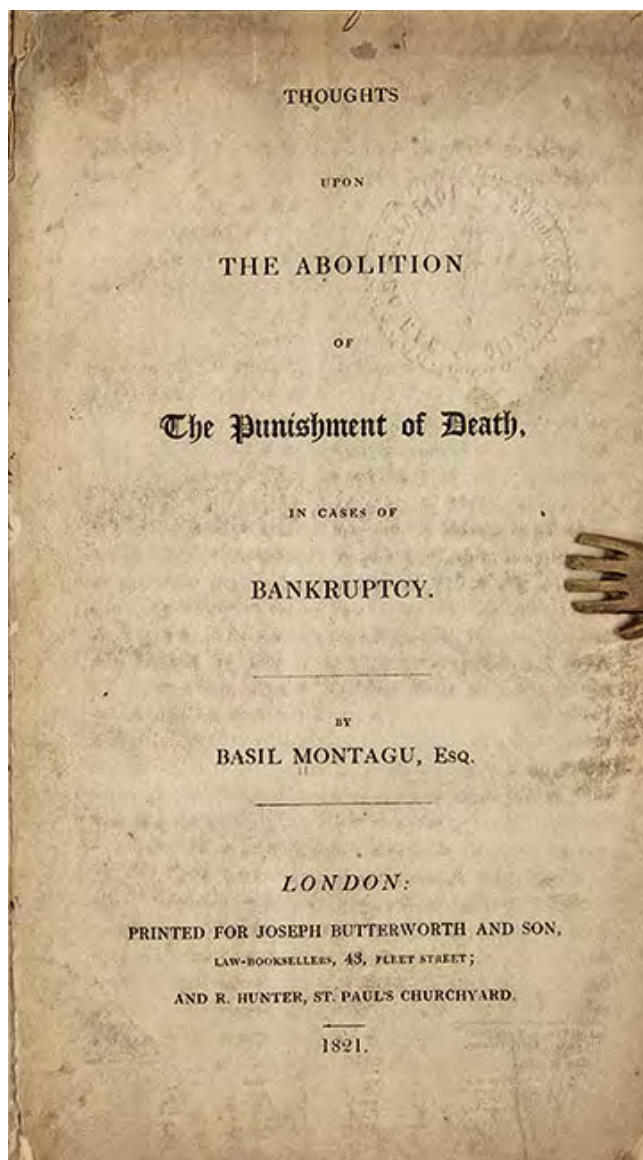
Montagu's Anthology of Writings on Capital Punishment

20. Montagu, Basil [1770-1851], Editor.

The Opinions of Different Authors Upon the Punishment of Death. London: Published by Longman, Hurst, Rees, Orme, and Brown [imprint varies], 1809, 1812, 1813. Three volumes. vi, [ii], 315; [ii], xxvii, ii, 401, [33]; [ii], ii, ii, 453, [17] pp. Folding table in Volume III. Octavo (8-1/4" x 5").

Recent period-style quarter calf over marbled boards, lettering piece and gilt fillets to boards, endpapers renewed. Light toning to text, somewhat heavier in places, light foxing in a few places, internally clean. A handsome copy of a scarce set. \$1,500.

* First edition. Montagu is best known for his tireless and largely successful efforts to reform bankruptcy law and abolish capital punishment. A remarkable work of research, *Opinions* is an anthology of writings from 62 authors ranging from More to Blackstone, Johnson, Beccaria, Bentham, Mackintosh and Romilly. There are also texts of English and foreign laws relating to capital punishment and crime, including selection from the *Nakaz* of Catherine the Great and Bentham's *Theory of Rewards and Punishments*, Bentham's essay on the Panopticon, excerpts from Parliamentary debates, editorials from periodicals and excerpts from historical works. A second edition of Volume I was issued in 1816. Complete first-edition sets are quite scarce; OCLC locates 9 copies in North American law libraries. Not in Sweet & Maxwell. *Catalogue of the Library of the Harvard Law School* (1909) II:139. [Order This Item](#)



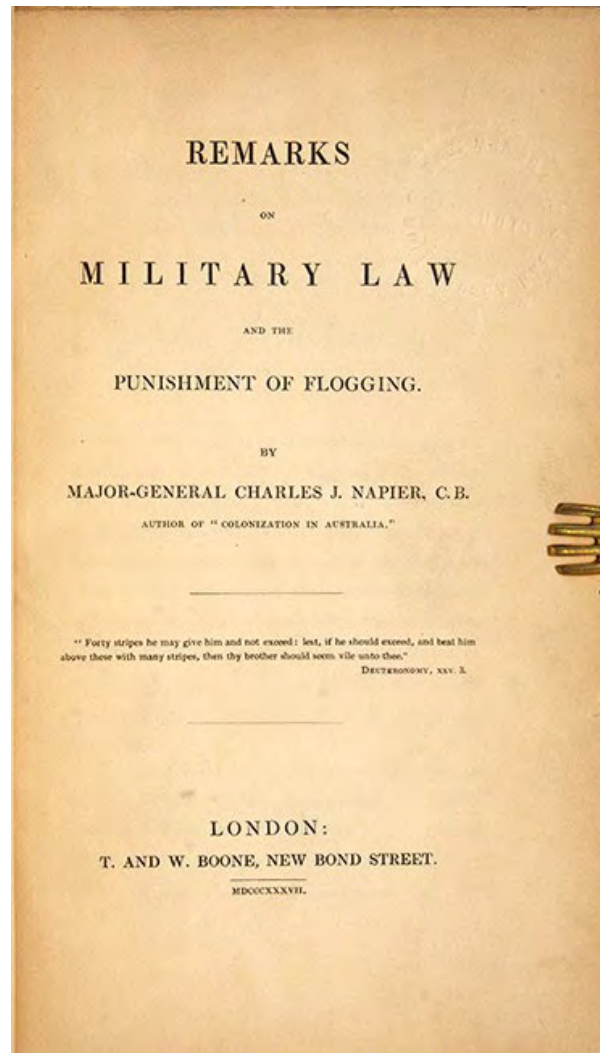
By an Important Reformer and Opponent of Capital Punishment

21. Montagu, Basil [1770-1851].

Thoughts Upon the Abolition of the Punishment of Death, In Cases of Bankruptcy. London: Printed for Joseph Butterworth and Son, 1821. 71 pp. 12mo. (8-3/4" x 5-1/4").

Stab-stitched pamphlet bound into later library buckram, calf lettering piece and paper shelf label to spine. Light soiling, moderate rubbing to extremities. Light browning to text, light foxing to a few leaves. Some soiling, minor edgewear and faint embossed library stamp to title page, which is partially detached at ends, a few library marks to its verso, another embossed library stamp to following leaf. A rare title. \$750.

* Only edition. Lawyer, versatile legal author, philanthropist and reformer, Montagu is best known for his tireless efforts to reform bankruptcy law and abolish capital punishment, work he pursued with considerable success. His call for the reduction of severe punishments puts him in the tradition of Beccaria and Romilly. OCLC locates 8 copies, 5 in North America, 2 in law libraries (Harvard, University of Cincinnati). Not in Sweet & Maxwell or the *Catalogue of the Library of the Harvard Law School* (1909). *British Museum Catalogue* (Compact Edition) 17:843. [Order This Item](#)



A Distinguished British General Considers the Role of Flogging in Military Law

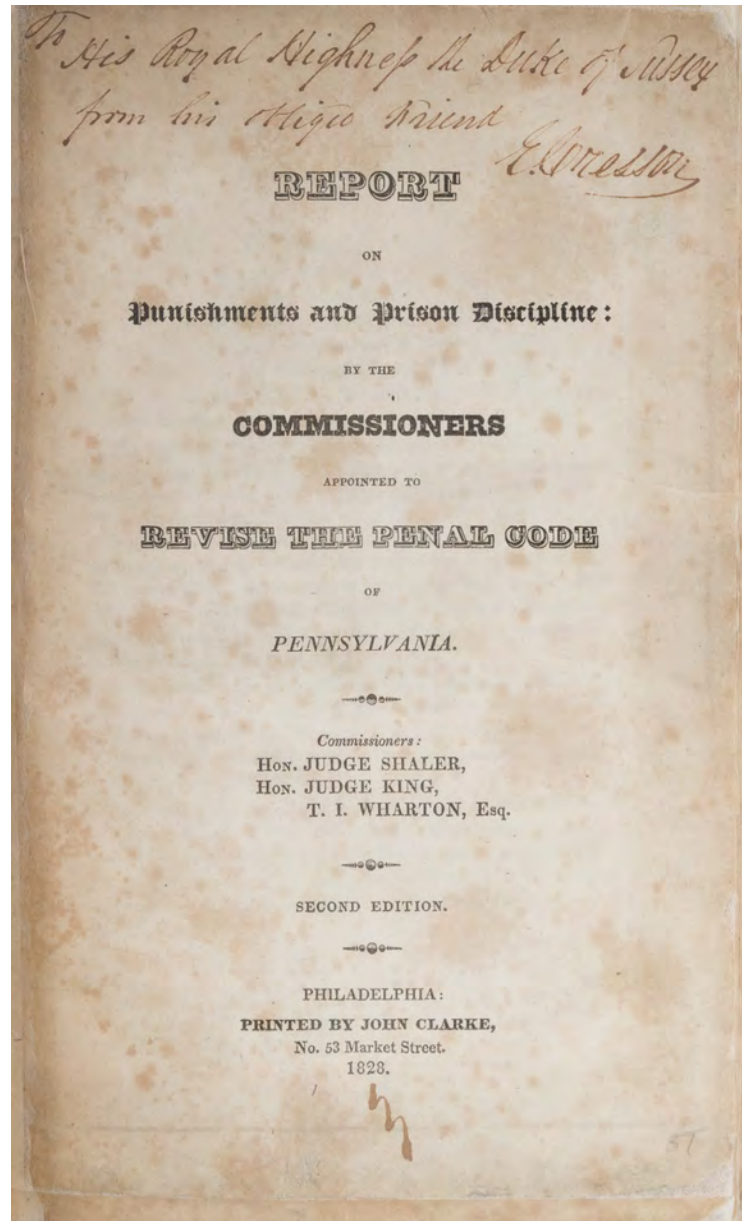
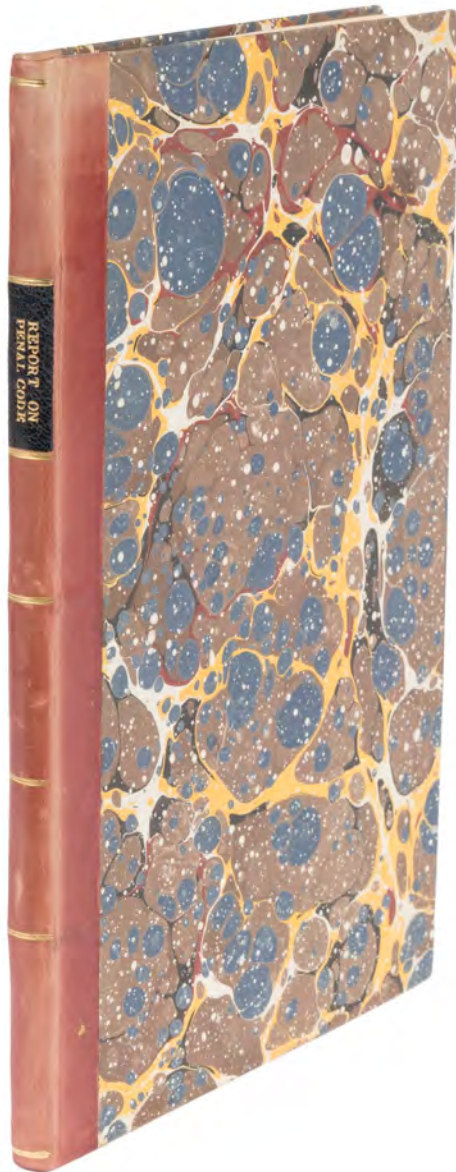
22. Napier, Sir Charles James [1782-1853].

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

Later library cloth, red and black calf lettering pieces and paper location label to spine. Light soiling and a few minor stains, some rubbing to edges of lettering pieces, corners bumped. Moderate toning to text, faint embossed library stamp to title page, library marks to verso. \$250.

* Only edition. Sir Charles James Napier played a legendary role as military commander in the pacification of India. The present work was written upon his return from service in Cephalonia, then under British control, where Napier formed a strong relationship with Byron and became a strong advocate of reform. A somewhat conservative but balanced treatment, it insists on the necessary differences between social and military law and the absolute importance of keeping them separate, both in Parliament and on the streets. Napier accepts harsh procedure in war but abhors it in civilian circumstances. At the same time, he criticizes many aspects of military law, showing particular concern for better treatment of the private soldier. His humanitarian, indeed, democratic, instincts are even more in evidence in his compassion for the lives of ordinary soldiers and their families. *British Museum Catalogue* (Compact Edition) 18:256.

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The Report That Established the Pennsylvania System of Penology

23. [Pennsylvania].

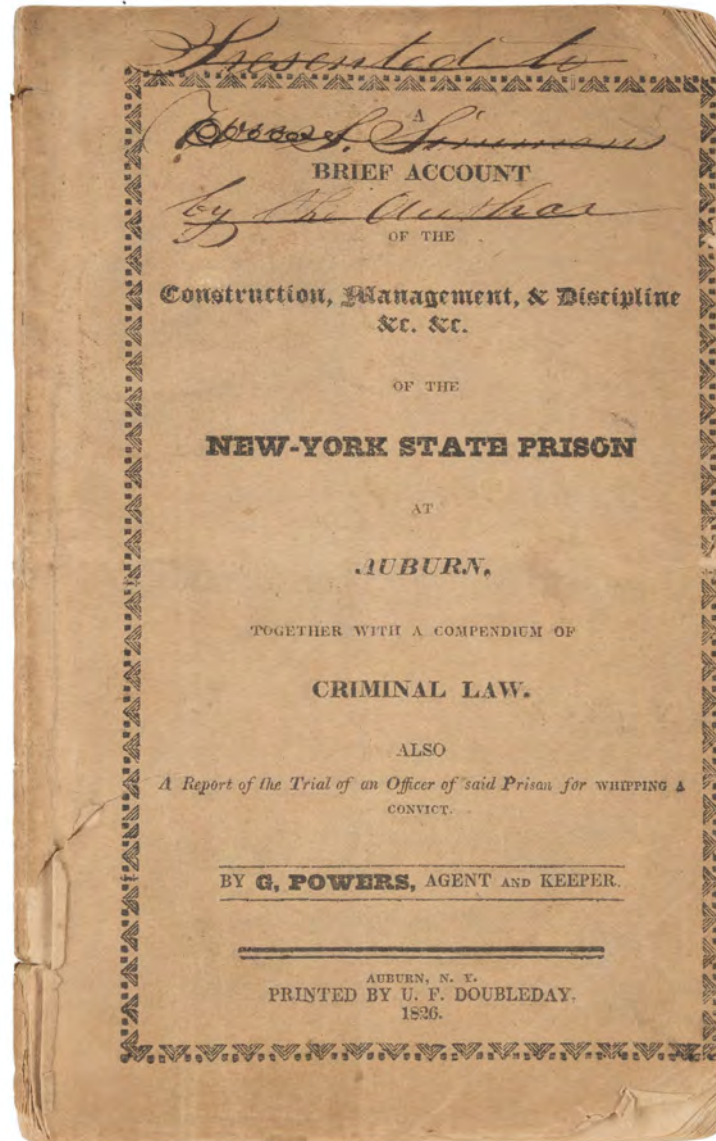
[Commission to Revise the Penal Code].

Report on Punishments and Prison Discipline: By the Commissioners Appointed to Revise the Penal Code. Commissioners: Hon. Judge Shaler, Hon. Judge King, T.I. Wharton, Esq. Philadelphia: Printed by John Clarke, 1828. [i], 77 pp. Octavo (8-3/4" x 5-1/2").

Stab-stitched pamphlet bound into recent quarter calf over marbled boards. Moderate toning and foxing, "To His Royal Highness the Duke of Sussex from his obliged friend [illegible]" to head of title page. \$500.

* Second and final edition. This report led to the establishment of Pennsylvania's innovating criminal code and penal system, which emphasized prevention and reform. Also published in 1828, the first edition adds an appendix of supporting documents and plans. Both editions are scarce. Cohen, *Bibliography of Early American Law* 3741.

[Order This Item](#)



1826 Study of the Auburn State Prison by Its Warden

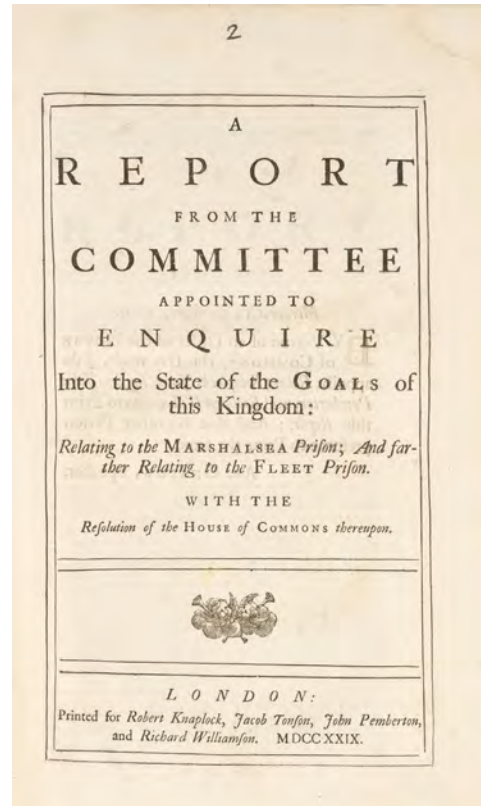
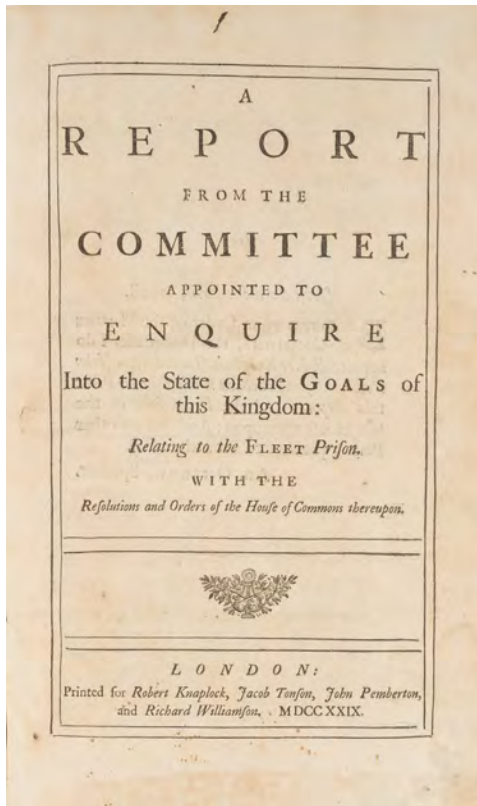
24. Powers, G[ershom] [1789-1831].

A Brief Account of the Construction, Management, & Discipline &c. &c. Of the New-York State Prison at Auburn: Together with a Compendium of Criminal Law. Also a Report of the Trial of an Officer of Said Prison for Whipping a Convict. Auburn, NY: Printed by U.F. Doubleday, 1826. iv, 82 pp. Plan of prison on p. 73. Octavo (8-1/2" x 5-1/4").

Stab-stitched pamphlet in printed wrappers. Light soiling to exterior, moderate edgewear, spine ends abraded, a few chips to wrappers, which are just beginning to detach at foot. Moderate toning to interior, early marks to margins in a few places, struck through and mostly illegible presentation inscription by Powers. \$450.

* First edition. A lawyer and politician from Auburn, Powers was the warden of Auburn State Prison from 1820 to 1823 and the inspector of that prison from 1830 until his death. A revised edition of his *Brief Account*, with a title beginning *Report of Gershom Powers*, was published in 1828. Both editions are scarce. Cohen, *Bibliography of Early American Law* 4452.

[Order This Item](#)



**Reports of the Landmark 1729 Investigation of Britain's Prisons
by a Committee Chaired by the Founder of Georgia**

25. [Prisons].

[Great Britain].

[House of Commons].

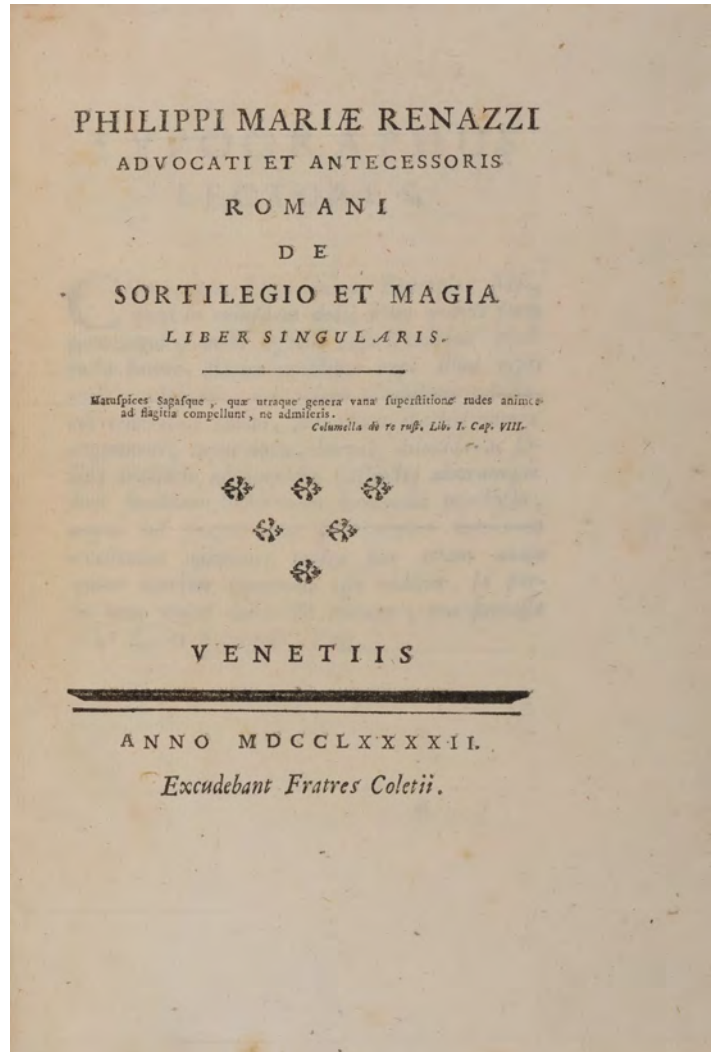
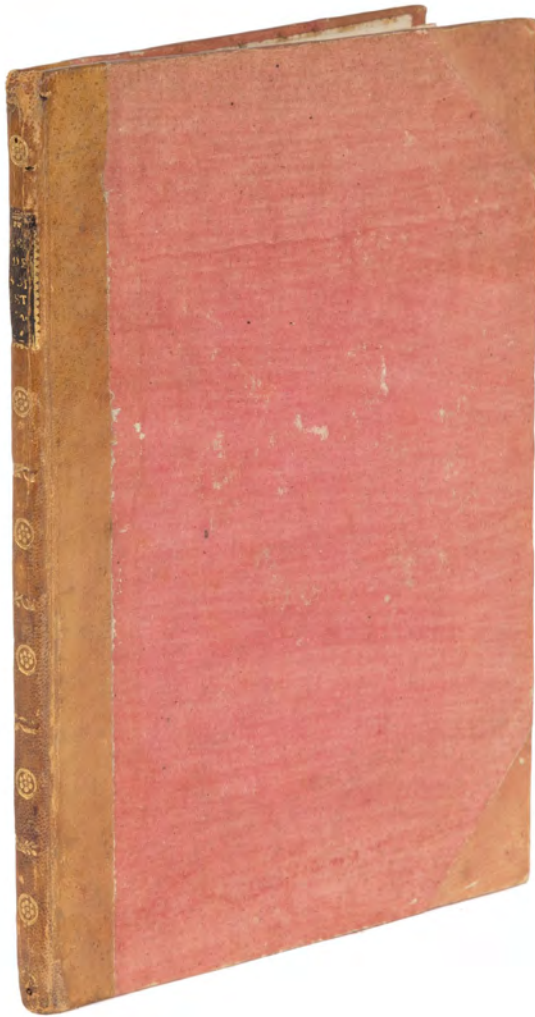
A Report from the Committee Appointed to Enquire into the State of the Goals of this Kingdom: Relating to the Fleet Prison. With the Resolutions and Orders of the House of Commons Thereupon. London: Printed for Robert Knaplock, Jacob Tonson, John Pemberton, And Richard Williamson, 1729. [ii], 20 pp.

[Bound with]

A Report from the Committee Appointed to Enquire Into the State of the Goals of this Kingdom: Relating to the Marshalsea Prison; And Farther Relating to the Fleet Prison. With the Resolution of the House of Commons Thereupon. London: Printed for Robert Knaplock, Jacob Tonson, John Pemberton, And Richard Williamson, 1729. [ii], 29, [1] pp.

Folio (12-1/4" x 8). Stab-stitched pamphlets bound into recent plain paper-covered boards. Moderate toning to interior, occasional faint dampstaining to margins, faint dampspotting to a few leaves, "1" and "2" to heads of title pages, which are lightly soiled. \$500.

* Only editions. James Oglethorpe, then a Member of the House of Commons, became aware of the horrible nature of England's prisons after one of his friends, a debtor, died in one of them. This experience led him to demand an investigation of the prison system, which resulted with the establishment of the Gaols Committee in 1729. Chaired by Oglethorpe, the committee managed to conduct investigations of the Fleet, Marshalsea and Southwark prisons before it was shut down by political opposition. The work of the committee was important. It established a set of ideas about prison reform that would eventually result in the Penitentiary Act 1779. Oglethorpe's experience with Britain's prison system, especially its treatment of debtors, inspired him to establish the colony of Georgia in 1732. *English Short-Title Catalogue* T44667, T44668. [Order This Item](#)



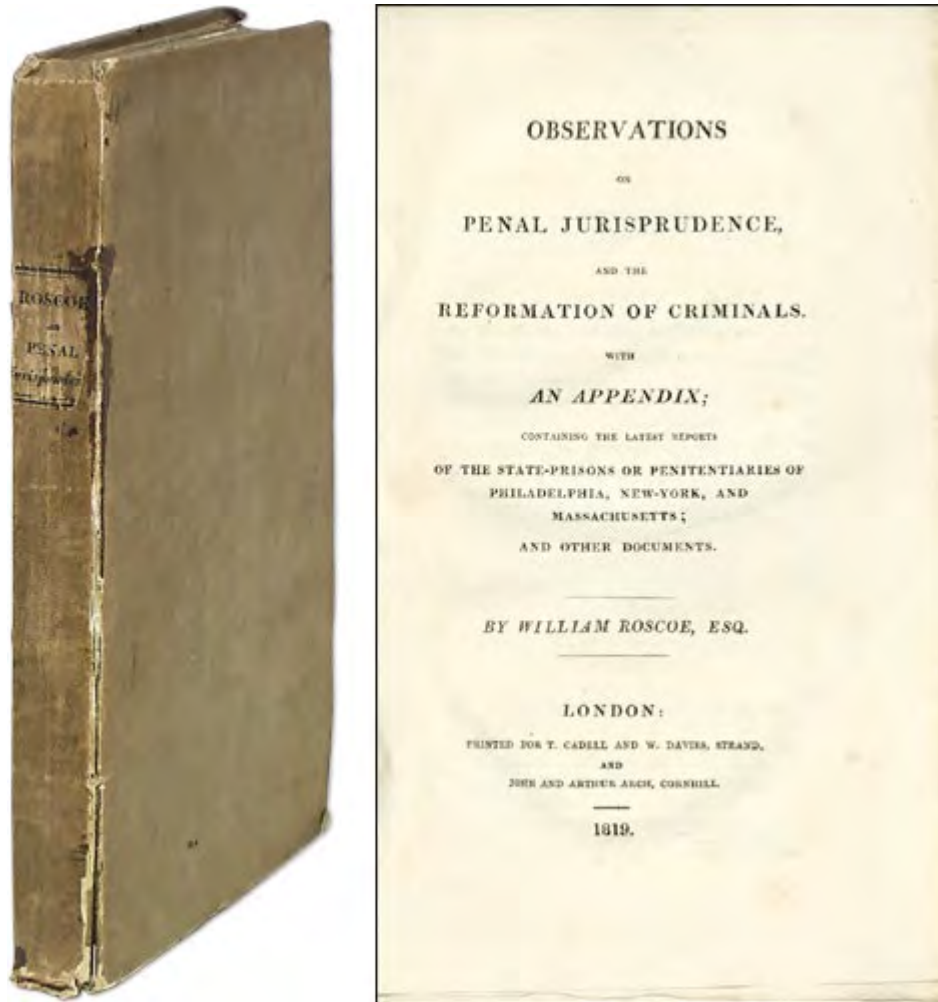
Decriminalizing Witchcraft and Magic in Italy

26. Renazzi, Filippo Maria [1745-1808].

De Sortilegio et Magia. Liber Singularis. Venice: Excudebant Fratres Coletii, 1792. [ii], 44 pp. Quarto (9" x 6-1/4").

Contemporary three-quarter calf over paper-covered boards, gilt ornaments and lettering piece to spine, speckled edges. Light rubbing to boards, some rubbing to spine ends and corners. Light toning to text, slightly heavier at rear of text, light foxing to a few leaves. A well-preserved copy of a scarce title. \$2,500.

* First edition as an independent work. Renazzi was a Roman Jurist who, like Beccaria, tried to apply the principles of Enlightenment thinking to criminal law. Drawn from Renazzi's four-volume *Elementa Juris Criminalis* (first edition 1773-1786), *De Sortilegio et Magia* calls for the decriminalization of witchcraft and magic. Later editions were published in 1793, 1803 and 1821. All are scarce. OCLC locates 8 copies of the 1792 edition in North America, none in law libraries. Not in the *British Museum Catalogue*. [Order This Item](#)



An Important English Penal Reformer

27. Roscoe, William [1753-1831].

Observations on Penal Jurisprudence, And the Reformation of Criminals. With an Appendix; Containing the Latest Reports of the State-Prisons or Penitentiaries of Philadelphia, New-York, and Massachusetts; And Other Documents. London: Printed for T. Cadell and W. Davies, 1819. iv, 179, [1], 144 pp. Two folding tables. Octavo (9" x 5-3/4").

Contemporary gray paper boards, contrasting printed paper spine label, untrimmed edges. A few inkstains, moderate rubbing with wear to spine ends and corners, front joint cracked but secure, rear joint starting. Early armorial bookplate and shelf label to front pastedown, most signatures uncut, internally fresh. \$650.

* Only edition. The early nineteenth century was a watershed period in the history of penology. Many important contributions were made at this time by such luminaries as Bentham, Lieber, Livingston and Tocqueville. Roscoe's work was equally important. Believing that retribution should play no part in criminal jurisprudence, he advocated milder punishments, believing they would reform the criminal. He later published two companion volumes, *Additional Observations on Penal Jurisprudence, And the Reformation of Criminals* (1823) and *Observations on Penal Jurisprudence, And the Reformation of Criminals, Part III* (1825). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:307. [Order This Item](#)



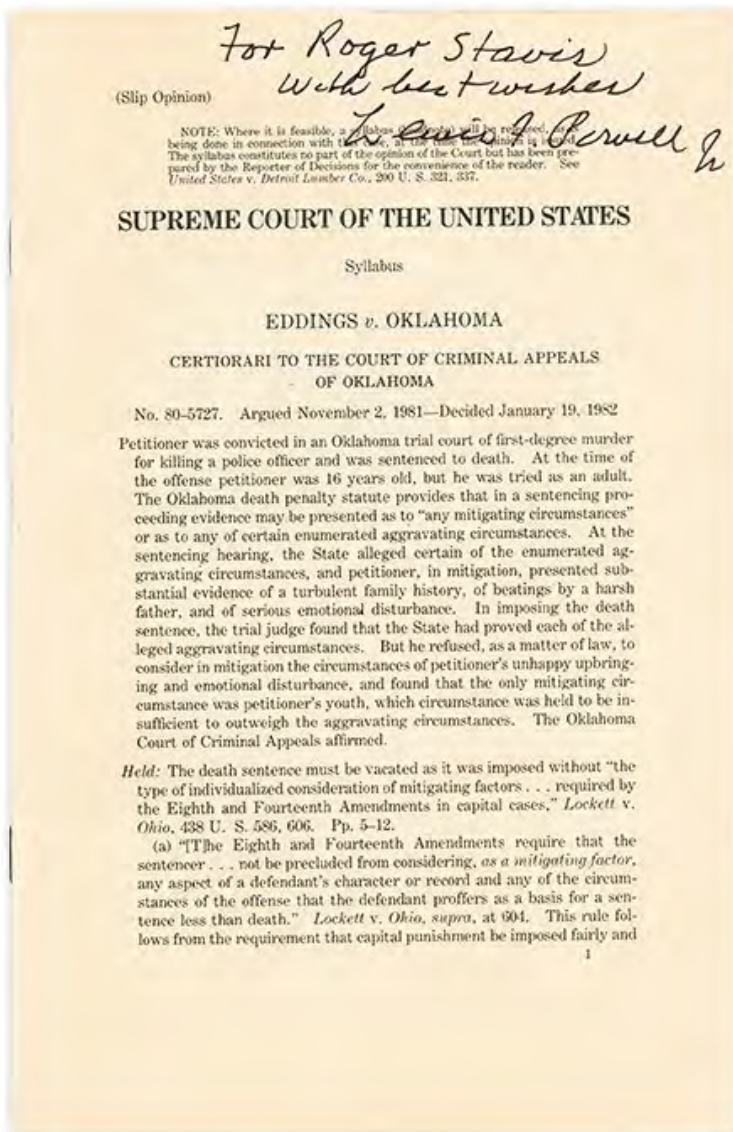
A Rare Eighteenth-Century Treatise on Criminal Law in the Papal States

28. Seta, Joannes Baptista Ascanius.

De Officio Locumtenentis in Guberniis Sac. Consultae Tractatus: In quo Habentur Observationes & Regulae non Minus Utiles Quam Necessarie pro Isdem Guberniis Recte Administrandis in Re Criminali & Politica; & Pro Rite Interpretandis, Extendendis, & Successive Exequendis Cunctis Rescriptis a Sac. Consulta Fieri Solitis in Causarum Criminalium Expeditionibus, Atque Provisionibus, Cum Permultis Decretis, Tam Eiusdem Sac. Conf., Quam Aliarum Sac. Cong. Suis in Locis Ordine Dispositis Et Obiter de Jurisdictione Episcoporum Contra Inquisitores, & Eorum Familiars, & E Contra; Necnon Epitome Criminalis Judicii. Et Tandem, In hac Secunda Editione Praedictis Adnectuntur Quamplura Vota Criminalia ad Sacram Consultam Transmissa, Eiusdemque Bannimenta Generalia. Lucca: Typis Marescandoli, 1717. [viii], 307 pp. Main text in parallel columns. Folio (12" x 8").

Contemporary vellum, raised bands and early hand-lettered title to spine. Light soiling, staining and shelfwear, boards somewhat bowed, partial crack in text block between front free endpaper and title page. Woodcut head and tail-pieces. Some toning, light browning in a few places, internally clean. \$950.

* Second and final edition. Text in Latin and Italian. First published in 1700, this rare treatise provides a comprehensive overview of criminal law, procedure and courts in the Papal States on the cusp of the Enlightenment. It describes the system that Beccaria hoped to reform. OCLC locates 5 copies worldwide, 3 in North America, all of the 1717 edition (at Princeton University and Harvard and UC-Berkeley Law Schools). Not in the *British Museum Catalogue*. [Order This Item](#)



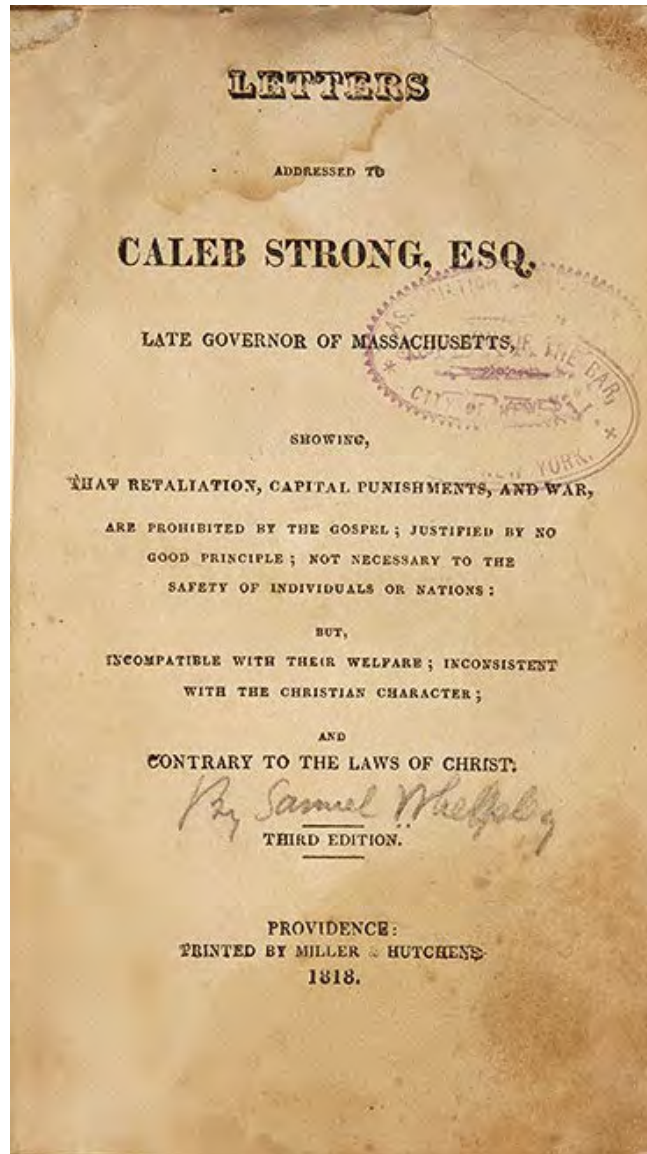
**An Important Supreme Court Decision
Concerning the Death Penalty, Inscribed by Justice Powell**

**29. Supreme Court of the United States.
[Powell, Lewis F. (1907-1998)].**

(Slip Opinion) *Eddings v Oklahoma, Certiorari to the Court of Criminal Appeals of Oklahoma*. [Washington, DC: Government Printing Office, 1982]. ii, 12, 3, [1], 8 pp. Complete. Presentation inscription by Justice Stevens to head of first page. Fine. \$300.

* This decision concerned the first case since capital punishment was reinstated in which the Court overturned the death sentence of a minor, stating it violated the 8th Amendment's prohibition of "cruel and unusual punishments." Justice Powell wrote the opinion of the Court. Bench opinions are issued by the U.S. Supreme Court immediately after the announcement of a decision. Slip opinions are issued afterwards. Often incorporating corrections, they are the first printings of a decision intended for wide dissemination and review. After that stage the revised slip opinions are added to the latest paperback volume of *U.S. Reports*. A year later, that volume is printed in its final, authoritative, hardcover form.

[Order This Item](#)



A Christian Argument Against Retaliation and Capital Punishment

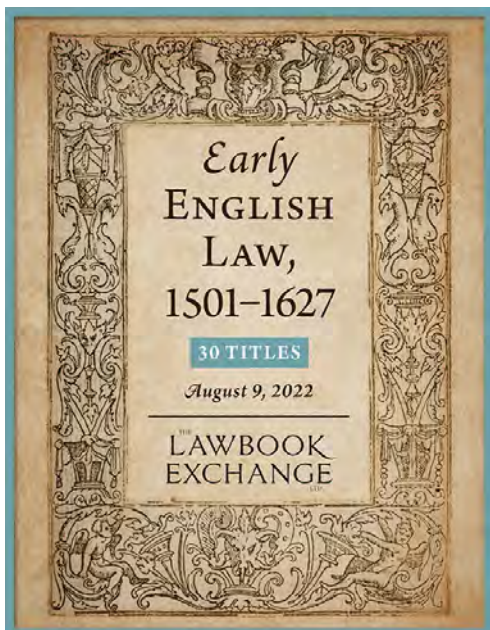
30. [Whelpley, Samuel (1766-1817)].

Letters Addressed to Caleb Strong, Esq. Late Governor of Massachusetts, Showing, that Retaliation, Capital Punishments, And War, Are Prohibited by the Gospel; Justified by No Good Principle; Not Necessary to the Safety of Individuals or Nations: But, Incompatible with their Welfare; Inconsistent with Christian Character; And Contrary to the Laws of Christ. Providence: Printed by Miller & Hutchens, 1818. vii, [9]-126, [1] pp. Octavo (8" x 5").

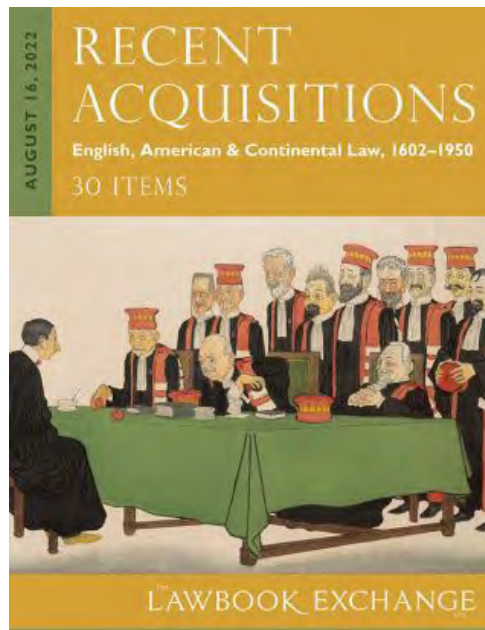
Later library cloth, paper shelf label and residue of calf lettering piece to spine, endpapers added. Moderate shelfwear and soiling, chip to head of spine, front joint starting at ends. Light browning to text, light foxing in a few places, gradually diminishing faint dampstaining to p. 26, light soiling, edgewear and library stamp to title page, library marks to verso. \$250.

* Third and final edition. Whelpley was a Presbyterian preacher, first in Stockbridge, Massachusetts, and later in Green River, New Jersey, who later became a school principal in New York City. First published in 1816, *Letters* argues that retaliation, whether in war or by capital punishment, is un-Christian. It went through three editions. This edition was later reissued in 1819 in Glasgow. Cohen, *Bibliography of Early American Law* 3893. [Order This Item](#)

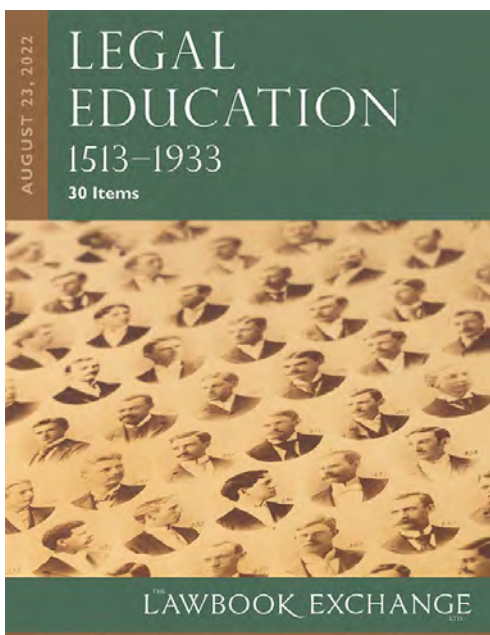
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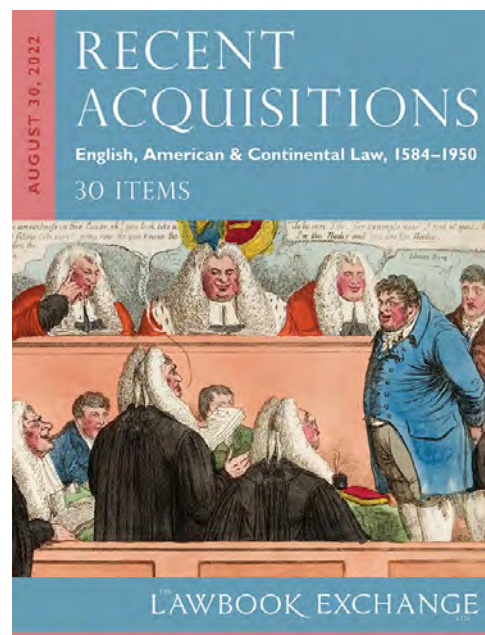
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