

Nineteenth-Century ENGLISH TREATISES

September 29, 2015

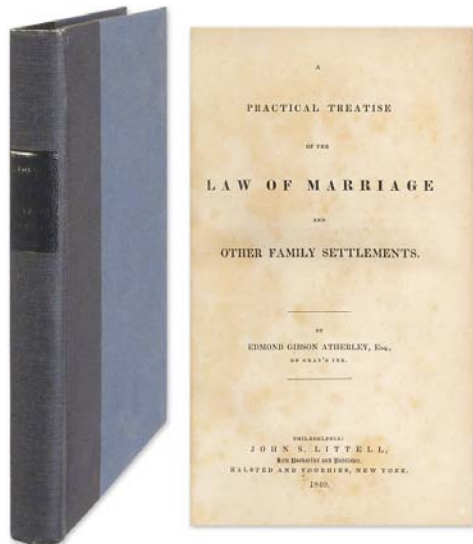


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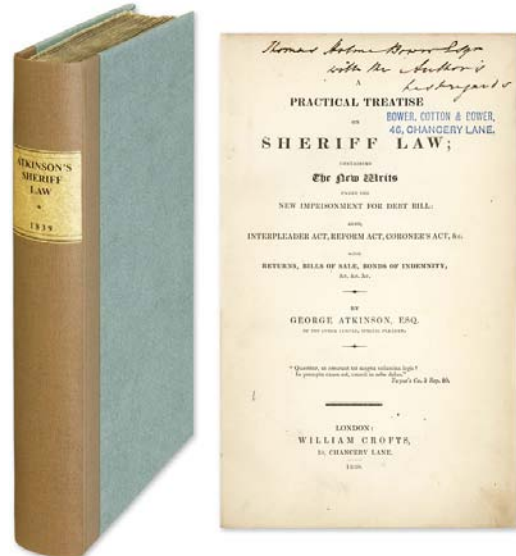
The Lawbook Exchange, Ltd.

Nineteenth-Century English Treatises

29 September 2015



Item 1



Item 2

"An Able and Excellent Treatise"

1. Atherley, E[dmund] G[ibson].

A Practical Treatise Of The Law Of Marriage, And Other Family Settlements. Philadelphia: John S. Littell, 1840. xxii, 226 (i.e. 326) pp. Octavo (9" x 5-1/2").

Recent quarter cloth over paper-covered boards, calf lettering piece to spine. Lettering piece rubbed, light browning and faint dampspotting to text, internally clean. A nice copy. \$100.

* Only American from the only London edition, 1813. Kent, cited in Marvin, says this is "an able and excellent treatise." Marvin, *Legal Bibliography* 74. Cohen, *Bibliography of Early American Law* 4750.

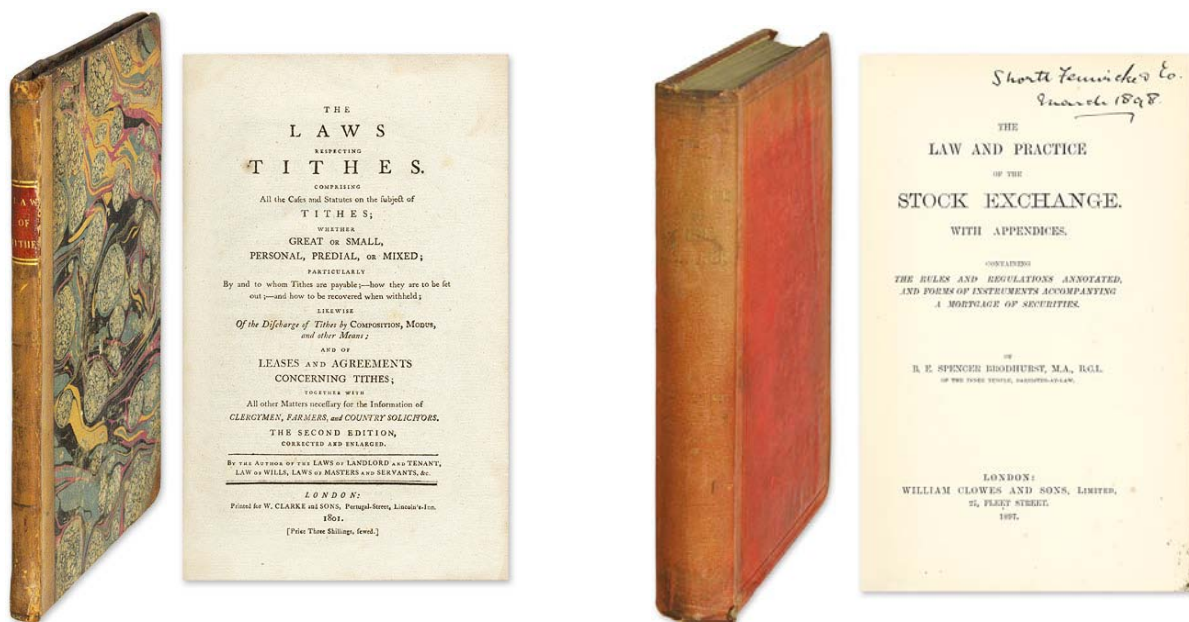
"A Useful and Convenient Book" on Sheriffs

2. Atkinson, George [1809-1891].

A Practical Treatise on Sheriff Law: Containing the New Writs Under The New Imprisonment for Debt Bill; Also, Interpleader Act, Reform Act, Coroner's Act, &c., With Returns, Bills of Sale, Bonds of Indemnity, &c. &c. &c. London : William Crofts, 1839. xviii, 498 pp. Octavo (9" x 6").

Recent period-style paper-covered boards, printed paper title label, endpapers renewed. Some toning to margins. Author presentation inscription and later owner stamp to title page, interior otherwise clean. \$300.

* First edition. According to Marvin, this "is said to be an unequal performance," but "is a useful and convenient book." It was certainly a durable title; it reached its sixth and final edition in 1878. OCLC locates 11 copies of the first edition, 6 in North American law libraries. Marvin, *Legal Bibliography* 76. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:14.



Item 3

Item 4

Scarce English Treatise on Tithes

3. [Bird, James Barry].

The Laws Respecting Tithes: Comprising All the Cases and Statutes on the Subject of Tithes; Whether Great or Small, Personal Predial, Or Mixed; Particularly by and to Whom Tithes are Payable; How They are to be Set Out; How to be Recovered When Withheld; Likewise of the Discharge of Tithes by Composition, Modus, And Other Means; And of Leases and Agreements Concerning Tithes; Together with All Other Matters Necessary for the Information of Clergymen, Farmers, And Country Solicitors. London: Printed for W. Clarke and Sons, 1801. [viii], 95, [5] pp. Octavo (8" x 5").

Contemporary three-quarter calf over marbled boards, lettering piece and blind fillets to boards. Light rubbing to boards, minor wear to spine ends and corners. Some toning to text, light foxing to a few leaves, internally clean. An attractive copy. \$500.

* Second edition. Bird produced a well-regarded series of handbooks on a broad range of legal topics. *The Law Respecting Tithes* was not an exception. First published in 1800, it went through six editions, the last on in 1817. All editions are scarce today. OCLC locates 6 copies of this title in North America, 1 of the second edition (at Georgetown Law School). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:32.

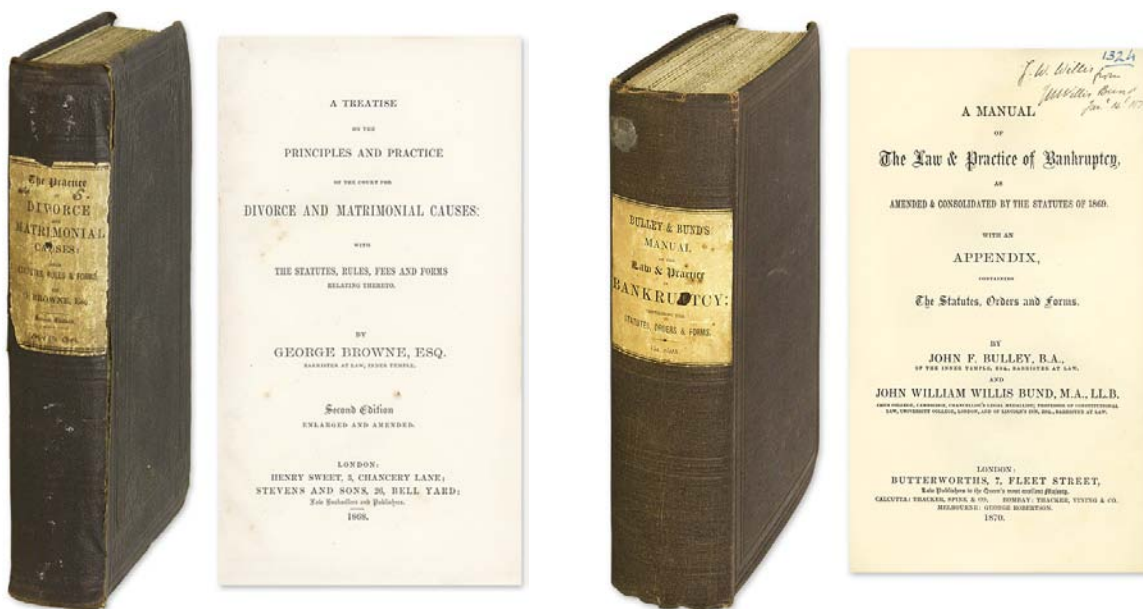
Uncommon Late-Victorian Treatise on Securities Law

4. Brodhurst, B.E. Spencer.

The Law and Practice of the Stock Exchange: With Appendices Containing the Rules and Regulations Annotated, And Forms of Instruments Accompanying a Mortgage of Securities. London: William Clowes and Sons, 1897. xxviii, 328 pp. Octavo (8-1/2" x 5-1/2").

Original cloth, blind frames to boards, gilt title to spine. Moderate shelfwear and soiling, light dampstaining, fading to spine and front board, chip to foot of front joint, corners bumped. Early owner bookplate (of Herbert Sansome Preston) to front pastedown, another owner signature (Shortt (?) Fenwick Es./ March 1898) to head of title page, interior otherwise fresh. \$150.

* Only edition. "At the present day, operations upon the Stock Exchange are conducted upon so vast and complex a scale, and so intimately affect the interests of the public, that a fresh attempt to explain the rules which regulate the conduct of business between member and member, and to elucidate the legal principles which govern the relations of members with the public, perhaps scarcely requires an apology" (Preface). OCLC locates 9 copies in North American law libraries. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:44.



Item 5

Item 6

Classic English Treatise on Divorce

5. Browne, George [1825-1880].

A Treatise on the Principles and Practice of the Court for Divorce and Matrimonial Causes: With the Statutes, Rules, Fees and Forms Relating Thereto. London: Henry Sweet, 1868. xxii, 551 pp. Forms. Octavo (8-1/2" x 5").

Original textured cloth, blind frames to boards, printed paper title label to spine. Light rubbing to boards, corners bumped and somewhat worn, joints starting, rear hinge cracked but secure. Light foxing to title page and a few other leaves, interior otherwise fresh. \$350.

* Second edition. A standard work for decades, this treatise went through eleven editions between 1864 and 1931. Holdsworth considers this a significant book, one that offers a complete survey of the subject. OCLC locates 9 copies of this edition, 1 in a North American law library (Social Law Library, Boston). Other copies located at Harvard Law School and the Library of Congress. Holdsworth, *A History of English Law* XV:323. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:46.

Scarce 1870 English Treatise on Bankruptcy

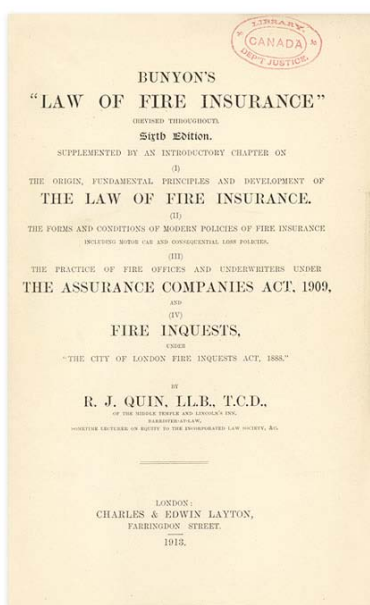
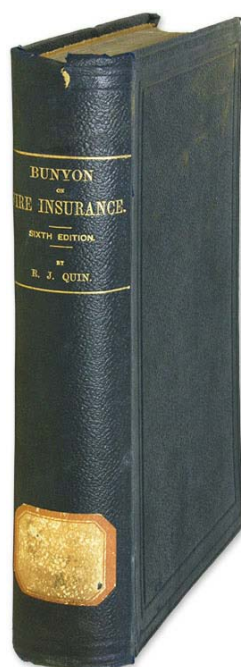
6. Bulley, John F.

Bund, John William Willis.

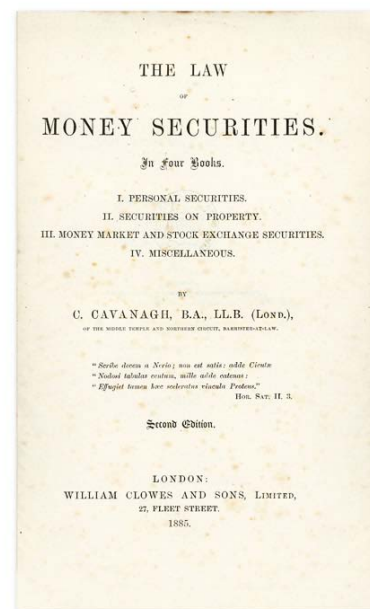
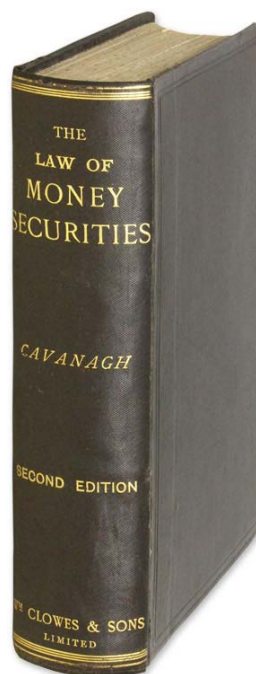
A Manual of the Law & Practice of Bankruptcy, As Amended & Consolidated by the Statutes of 1869. With an Appendix, Containing the Statutes, Orders and Forms. London: Butterworths, 1870. [vi], xvii, 275, cclxxxvii, 46, [2] pp. Includes bound-in six-page advertisement for this book and 48-page publisher catalogue. Octavo (7-1/2" x 4-1/2").

Original textured cloth, blind frames to boards, blind rules and printed paper title label to spine. Some rubbing to extremities, corners bumped, light soiling to title label, binding slightly cocked, rear hinge starting. Foxing to preliminaries, light toning to text. Annotation to verso of front endleaf, presentation inscription dated June 14, 1870 from Bund to J.W. Willis to head of title page, internally clean. An appealing copy. \$350.

* Only edition. With forms. "The following pages are an attempt to place before the profession and the public an outline of the new Law of Bankruptcy, and to provide rather a practical than a theoretical treatise upon so difficult a subject. An historical sketch of the legislation, prior to 1869, has been consequently compressed within the limits of a single chapter; and for the same reasons the cases cited are comparatively few" (Preface). OCLC locates 6 copies. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:48.



Item 7



Item 8

Bunyon on Fire Insurance

7. Bunyon, Charles John.

Quin, R[ichard] J[ames], Editor.

Bunyon's "Law of Fire Insurance" (Revised Throughout). Sixth Edition. Supplemented by an Introductory Chapter on I. The Origin, Fundamental Principles and Development of the Law of Fire Insurance. II. The Forms and Conditions of Modern Policies of Fire Insurance Including Motor Car and Consequential Loss Policies. III. The Practice of Fire Offices and Underwriters Under the Assurance Companies and IV. Fire Inquests Under "The City of London Fire Inquests Act, 1888." London: Charles & Edwin Layton, 1913. lxxv, 424, cxxvii pp.

Original textured cloth, blind frames to boards, gilt title to spine. Some shelfwear, front free endpaper detached, rear hinge cracked but secure, internally clean. Ex-law library. Location label to foot of spine, stamps to endleaves and title page. \$125.

* Sixth edition. First published in 1867, this venerable treatise reached in seventh and final edition in 1923. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:49.

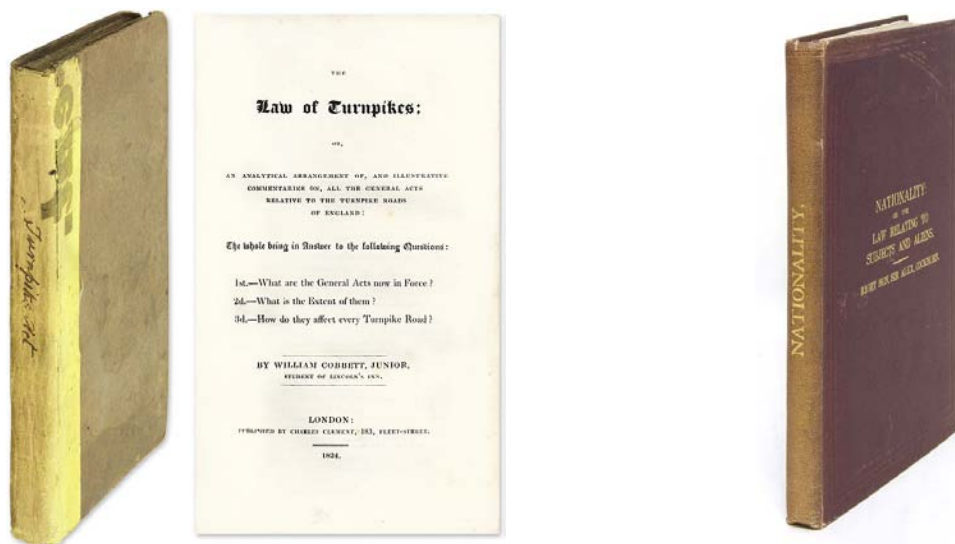
English Securities Law in the 1880s

8. Cavanagh, Christopher.

The Law of Money Securities. In Four Books: I. Personal Securities. II. Securities on Property. III. Money Market and Stock Exchange Securities. IV. Miscellaneous. London: W. Clowes and Sons, 1885. lxvii, 805, [1] pp. Octavo (8-1/2" x 5-1/2").

Original cloth, blind frames to boards, rebaked retaining original spine, hinges repaired. Light rubbing to boards, minor wear to corners. Dampspotting to endleaves, interior otherwise fresh. Ex-library. Bookplate to front pastedown, small stamp to verso of title page. \$200.

* Second and final edition. First published in 1879, Cavanagh's treatise is an excellent guide to securities law at a time when London was the world's financial capital and English securities law was responding to the significant challenges of late nineteenth-century capitalism. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:56.



Item 9

Item 10

Scarce 1824 Treatise on Turnpikes

9. Cobbett, William, Jr. [1798-1878].

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

Original publisher boards with contemporary paper rebacking, early hand-lettered title to spine, untrimmed edges. Some rubbing to extremities, minor staining to boards, front hinge cracked but secure. Early owner signature and bookplate and later owner stamp to front pastedown. Some toning, light foxing to a few leaves, internally clean. A nice copy of a scarce title. \$850.

* First edition. Cobbett wrote this treatise to impose order on the tangled mass of turnpike law and thus to "prevent the mischiefs which have arisen in its operation; particularly in the various cases of toll, where the public have been so much abused" (3). A second edition was published in 1828. OCLC locates 9 copies, 1 copy in a North American law library (Library of Congress). Not in Sweet & Maxwell. *British Museum Catalogue* (Compact Edition) 5:1066.

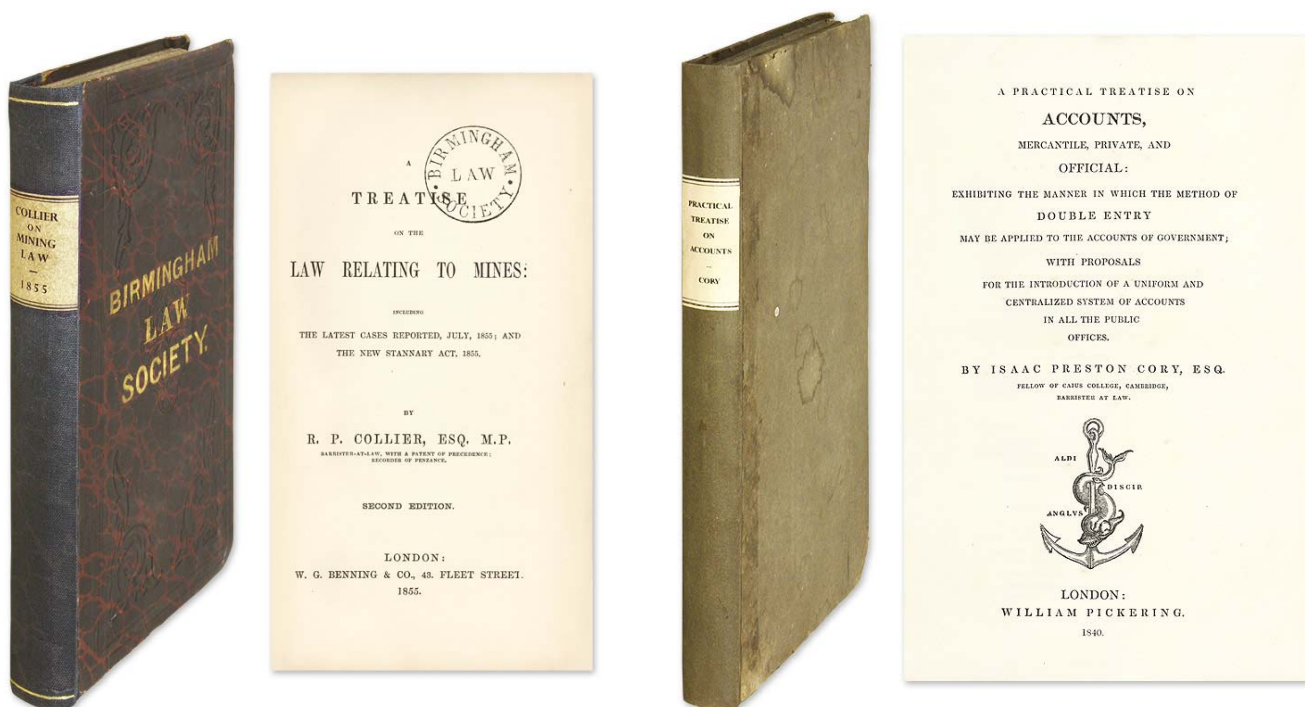
An Interesting Treatise on Nationality

10. Cockburn, Sir Alexander James Edmund [1802-1880].

Nationality: Or The Law Relating To Subjects And Aliens Considered With A View To Future Legislation. London: William Ridgway, 1869. 217 pp. Octavo (8-1/2" x 5-1/2").

Original cloth, blind rules to boards, gilt titles to front board and spine. Light rubbing to extremities with some wear to corners, light fading to spine, armorial bookplate (of T.A. Walker, LL.D.) to front pastedown. Two later owner signatures to front free endpaper, interior otherwise clean. \$150.

* First edition. Cockburn, Chief Justice of the Queen's Bench since 1859, Lord Chief Justice as of 1875, presided over some of the leading cases of his time, including the Tichborne case, the Alabama Claims, and the Overend-Gurney bankruptcy prosecution. His record as an advocate was equally impressive: in the Daniel McNaughton case, to take but one example, he helped establish the plea of insanity. This was written to suggest a modification of English law that might be considered by other nations as well, hopefully to promote uniformity in the law relating to nationality. Much attention is given to disputes between the United States and other countries arising from conflicting doctrines of nationality. Cockburn's pronouncements on the subject carried considerable weight. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:70.



Item 11

Item 12

Scarce Nineteenth-Century English Treatise on Mining Law

11. Collier, R.P., Baron Monkswell [1817-1886].

A Treatise on the Law Relating to Mines: Including the Latest Cases Reported, July, 1855; And the New Stannary Act, 1855. London: W.G. Benning & Co., 1855. xv, 281 pp. Forms. Octavo (7-1/2" x 4-1/2").

Contemporary cloth, blind frames to boards, rebacked, printed paper title label to spine, hinges mended. Minor edgewear, corners bumped and lightly worn. Light toning to text, internally clean. Ex-library (Birmingham Law Society). Institution name stamped to front board, small inkstamps to title page and a few leaves. \$195.

* Second edition. "This treatise is intended to contain a summary of those principles of Law and Equity which govern the acquisition and transfer of property in mines, and the duties, rights, and liabilities of Mine-owners and adventurers, arising out of their relations among themselves and the public" (Preface). Collier's first edition was published in London in 1849, then reissued in Philadelphia in 1853. All editions are scarce. OCLC locates six of the second edition in North American Law Libraries (Columbia, Harvard, Library of Congress, UC-Berkeley and the Universities of Georgia and Pennsylvania. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 72.

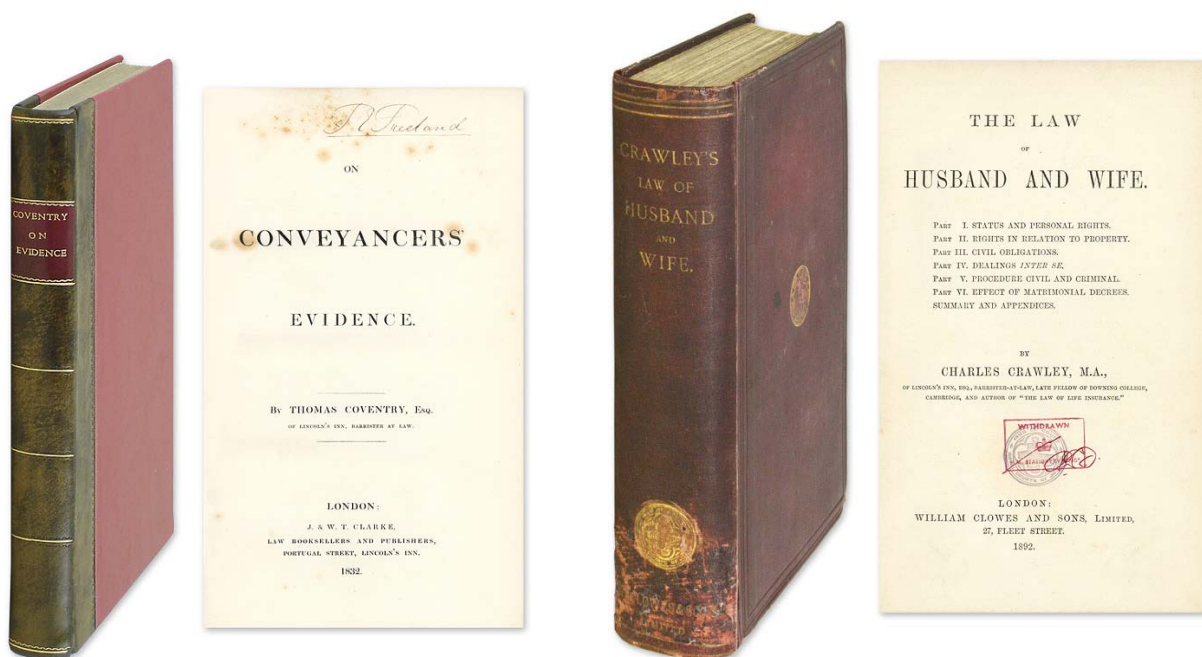
The Intersection of Law and Accounting

12. Cory, Isaac Preston [1802-1842].

A Practical Treatise on Accounts, Mercantile, Private, and Official: Exhibiting the Manner in Which the Method of Double Entry May be Applied to the Accounts of Government; With Proposals for the Introduction of a Uniform and Centralized System of Accounts in All the Public Offices. London: W. Pickering, 1840. 184, 65 (i.e. 85), [3] pp. Fold-out table. Octavo (8-3/4" x 5-1/2").

Original paper boards, recently rebacked, printed paper spine label, hinges mended, untrimmed edges. Toning, light foxing in a few places. Brief contemporary annotations to a few leaves, interior otherwise clean. \$400.

* Second edition. First published in 1839, this treatise "is a modification of [the author's] late work upon the principles, law, and practice of accounts, expressly adapted to the consideration of the official accounts" (15). OCLC locates 12 copies worldwide, 8 in North America. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:79.



Item 13

Item 14

Evidence in Conveyancing

13. Coventry, Thomas [1797?-1869].

On Conveyancers' Evidence. London: J. & W.T. Clarke, 1832. viii, 328, xxii, [8] pp. Octavo (9-1/2" x 6").

Recent period-style quarter calf over cloth, lettering piece, gilt fillets to spine, endpapers renewed. Early owner signature to title page, occasional light foxing, interior otherwise fresh. \$375.

* First edition. "The object of [this] treatise is to embody the practice of conveyancers relating to evidence. It is in many cases difficult to define that practice accurately; and a poll of the profession would probably yield a chequered result. In such cases an opinion only can be hazarded; and on points which appear more settled, it is possible for an individual to be mistaken in the usages of a widely diffused and unassociated Body.... [T]he present writer... presumes to offer a record of his limited experience, in the hope that his unassuming tract will at least afford a rallying point for the accumulation of knowledge on a very important topic to the conveyancer." : Preface, iii. *Catalogue of the Library of the Harvard Law School* (1909) I:475.

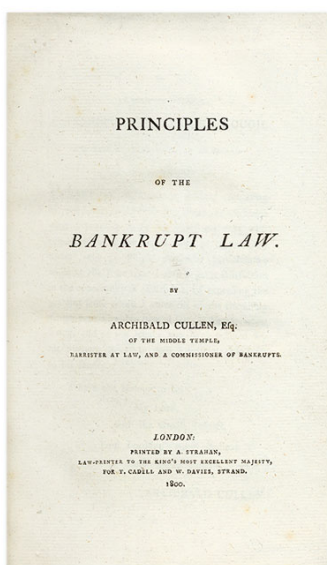
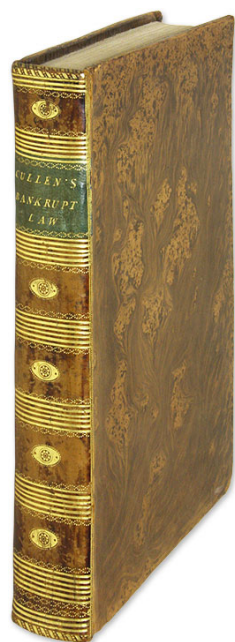
"A Careful and Accurate Treatise Upon a Difficult Subject"

14. Crawley, Charles [1847-1899].

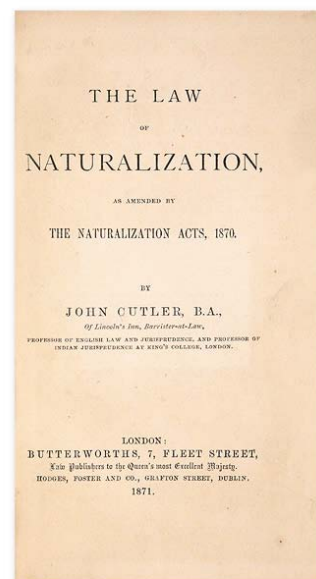
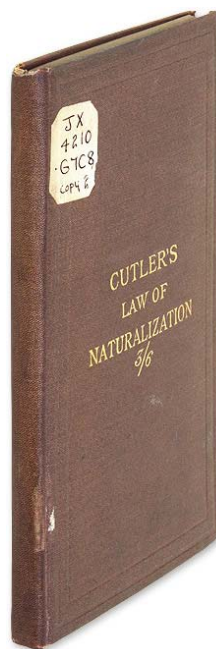
The Law of Husband and Wife. Part I. Status and Personal Rights. Part II. Rights in Relation to Property. Part III. Civil Obligations. Part IV. Dealings Inter Se. Part V. Procedure Civil and Criminal. Part VI. Effect of Matrimonial Decrees. Summary and Appendices. London: William Clowes and Sons, 1892. [2], lxiii, [1], 486, [2] pp. Octavo (8-1/2" x 5-1/2").

Original cloth, blind frames to boards, rebacked retaining original spine with gilt title, hinges mended. Some rubbing to extremities, residue from shelf labels to foot of spine and rear board, internally clean. Ex-library. Gilt insignia to front board and spine, small inkstamps to preliminaries. A nice copy. \$250.

* Only edition. "Mr. Crawley is to be congratulated upon having composed a careful and accurate treatise upon a difficult subject. (...) [The] most readable and interesting part of his book is the introductory chapter, which contains a historical sketch of the English law of marriage and its effects on persons and property, with a comparative view of the marriage laws of the other principal countries of Europe." : *Law Quarterly Review* 8 (1892) 171. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:84.



Item 15



Item 16

English Bankruptcy Law at the Beginning of the Nineteenth Century

15. Cullen, Archibald [1755-1824].

Principles of the Bankrupt Law. London: Printed by A. Strahan, 1800. viii, [xii], 477, [15] pp. Octavo (8-1/4" x 5").

Contemporary tree calf, gilt spine with lettering piece, gilt dentelles along board edges. Light rubbing to extremities, a few minor scuffs to boards, early owner bookplate (Fasquel) to front pastedown. Light toning to text, negligible foxing to a few leaves. A well-preserved copy in a handsome binding. \$1,250.

* Sole edition. Cullen's detailed treatise is arranged in four books: Of the Persons Who May be Bankrupt, Of the Acts Which Make a Person a Bankrupt, Of the Commission, And Proceedings Under It, Of Suits, and Other Proceedings, At Law, and Equity and Of Commissions Against Partners. It offers an excellent synopsis of English bankrupt law at the beginning of the nineteenth century, a time when the laws would change considerably due to the Industrial Revolution and the growth of the British Empire. OCLC locates no copies in North America; the ESTC locates 7 copies, 5 in law libraries (Columbia, Harvard, UCLA, UC-Berkeley and Yale). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:541 (17).

Scarce Treatise on Great Britain's 1870 Naturalization Act Bound with a 40-Page 1882 Butterworth Catalogue of Law Works

16. Cutler, John [1839-1924].

The Law of Naturalization: As Amended by the Naturalization Acts, 1870. London: Butterworths, 1871. 74, iv, 39, [1] pp.

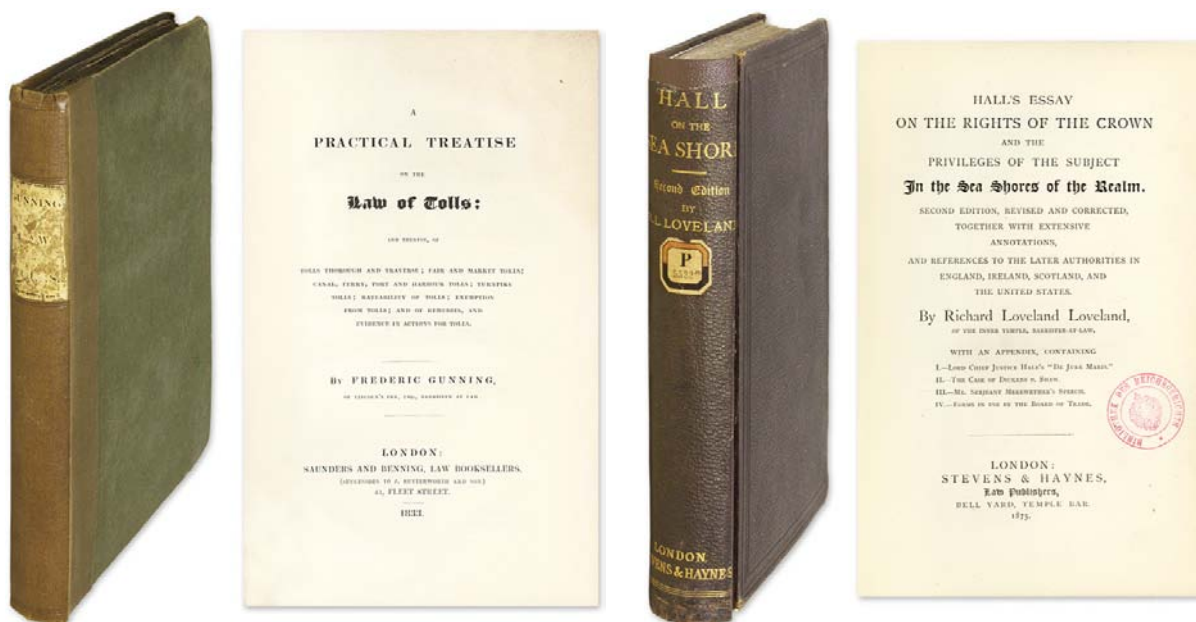
[Bound with]

Butterworths.

Catalogue of Law Works Published by Messrs. Butterworth, Law Booksellers and Publishers to the Queen's Most Excellent Majesty, And to H.R.H. the Prince of Wales. London: [Butterworths] 7 Fleet Street, E.C., 1882. 39, [1] pp.

12mo. (7" x 4-1/2"). Original cloth, blind frames to boards, gilt title to front. Light rubbing to extremities, rear hinge starting at end. Light toning to text, internally clean. Ex-library. Shelf label to front boards, bookplate to front pastedown, stamp to verso of title page, card pocket residue to rear pastedown. A nice copy of a scarce title. \$95.

* Only edition. With an appendix containing the complete text of the 1870 Naturalization Act. OCLC locates 6 copies in North American law libraries. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:89.



Item 17

Item 18

The Law of Tolls

17. Gunning, Frederic.

A Practical Treatise on the Law of Tolls: And Therein, of Tolls Thorough Traverse; Fair and Market Tolls; Canal, Ferry, Port and Harbour Tolls; Turnpike Tolls; Rateability of Tolls; Exemption from Tolls; And of Remedies and Evidence in Actions for Tolls. London: Saunders and Benning, 1833. [iii], [vii]-xvi, 252 pp. Octavo (9" x 5-1/2").

Contemporary quarter cloth over paper boards, paper title label to spine. Some rubbing to extremities, corners bumped. Early owner inscription to front free endpaper, occasional check marks in pencil, ink underlining in a few places, several unopened signatures. \$200.

* Sole edition. "It is proposed to consider in the following pages, the various kinds of tolls taken in towns, fairs, and markets, on Rivers, Canals, Roads, &c.,--the modes by which the right to them may be acquired, the consideration which is necessary to their legal existence, by and to whom they are payable, and exemptions from the payment of them. To this will be added, a chapter on the rating of tolls to the relief of the poor, and one on the remedies for the recovery of tolls, and on evidence in actions respecting them" (1). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:149.

Sea-Shores of the Realm

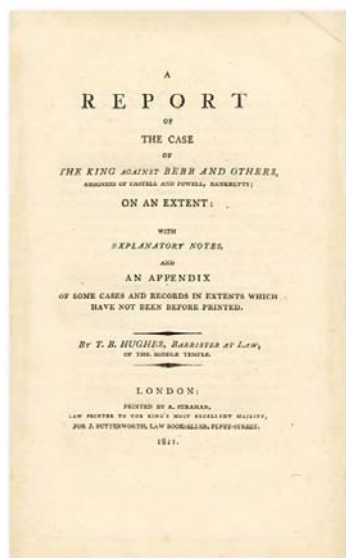
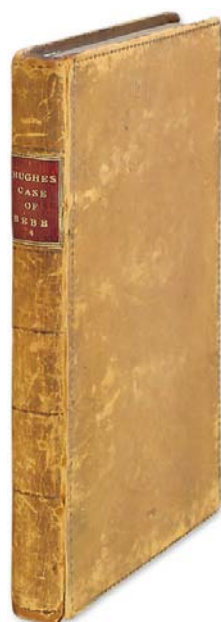
18. Hall, Robert Gream.

Loveland, Richard Loveland.

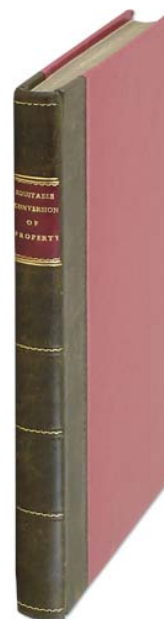
Hall's Essay on the Rights of the Crown and the Privileges of the Subject in the Sea Shores of the Realm. Revised and Corrected, Together with Extensive Annotations, And References to the Later Authorities in England, Ireland, Scotland, And the United States, By Richard Loveland Loveland. With an Appendix, Containing I.-Lord Chief Justice Hale's "De Jure Maris." II.-The Case of Dickens v. Shaw. III.-Mr. Serjeant Merewether's Speech. IV. Forms in Use by the Board of Trade. London: Stevens & Haynes, 1875. xxi, 220, cl, 48 pp. Includes 48-page publisher catalogue. Octavo (8-3/4" x 5-1/2").

Contemporary pebbled cloth, blind frames to boards, rebaked retaining original spine, endpapers renewed. Light rubbing with minor wear to corners. Light toning to text, internally clean. Ex-library. Small shelf label to spine, inkstamp to title page. \$300.

* Second and final edition. According to the preface, this treatise was the first on sea shores since Lord Hale's *De Jure Maris*, and is more detailed and broader in scope than its predecessor. Holdsworth commends Hall's work as "a learned essay which...sums up and discusses all the authorities medieval and modern." *History of English Law* XIII:495 (citing the second edition, 1875). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:151.



Item 19



Item 20

Interesting Treatise on Tax Indebtedness

19. Hughes, T.B.

A Report of the Case of the King Against Bebb and Others. Assignees of Castell and Powell, Bankrupts; On an Extent: With Explanatory Notes and an Appendix of Some Cases and Records in Extents Which Have Not Been Before Printed. London: Printed by A. Strahan, 1811. vi, 244 pp. Octavo (8" x 5").

Contemporary calf, blind fillets to boards, lettering piece and blind fillets to spine. Light rubbing, front hinge starting. Offsetting to margins of endleaves, toning to text, internally clean. A well-preserved copy of a scarce title. \$650.

* Only edition. Abolished in 1947, a writ of extent was a remedy employed by the crown to recover unpaid taxes from a debtor or bankrupt. This book, a combination of treatise and report, examines the nature of these writs through a scholarly account, with notes and a historical appendix, of the important Exchequer case of John Bebb and others, assignees of the bankrupt London banking house of Castell and Powell. Bebb and others, assignees of Castell and Powell, were countersued by the government for the right to assets that would cover payment of bills of exchange drawn by a Newcastle bank against tax-collection funds they were holding on deposit. The drafts had been accepted by the now bankrupt Castell and Powell, who had turned them over to the commissioners of excise as collateral for the Newcastle tax deposits, payable in thirty days. At issue was the right of the Crown to sue a debtor (Castell and Powell) of a tax-owing debtor (the Newcastle bank). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:175.

Concerns the Conversion of Property

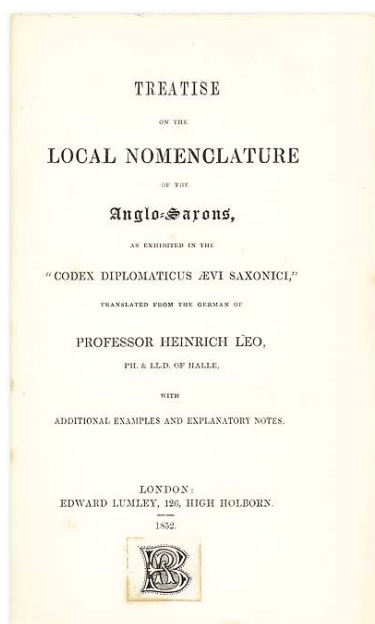
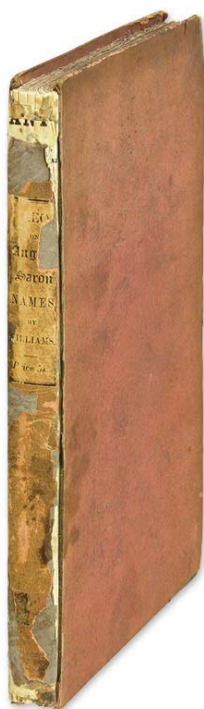
20. Leigh, J[ames] H[eath].

Dalzell, R[obert].

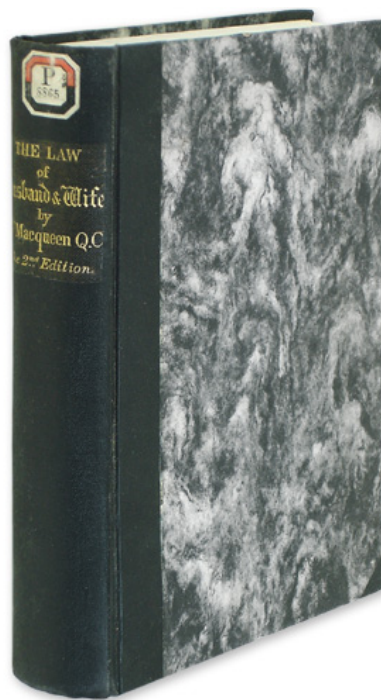
A Treatise on the Equitable Doctrine of the Conversion of Property. London: Printed by A. Strahan, 1825. xiv, [2], 222 pp. Octavo (9-1/2" x 6").

Recent period-style quarter calf over cloth, lettering piece and gilt fillets to spine, endpapers renewed. Light foxing to preliminaries and final leaves, interior otherwise fresh. A pleasing copy of a title scarce in the trade. \$450.

* First edition. An important early treatise on the subject, it was one of the titles reprinted in the United States by *The Law Library*, an important series that aimed to provide American lawyers with affordable editions of important English works. "The subject is becoming as important and practical in this country, as in England; and has been clearly, succinctly, and ably treated." Hoffmann, *Legislative Studies* cited in Marvin, *Legal Bibliography* 459. This edition not listed in Sweet & Maxwell.



Item 21



Item 22

Place Names in Anglo-Saxon Law

21. Leo, Heinrich. [Williams, B., Translator].

Treatise on the Local Nomenclature of the Anglo-Saxons as Exhibited in the "Codex Diplomaticus Aevi Saxonici," Translated from the German with Additional Examples and Explanatory Notes. London: Edward Lumley, 1852. 20, xviii, [iv], 131 pp. Includes twenty-page publisher catalogue. 12mo. (7-3/4" x 5").

Contemporary paper-covered boards, printed paper title label to spine. Light soiling and some edgewear to boards, heavy rubbing to spine with notable wear at ends. Early owner bookplates to front pastedown, another to head of publisher catalogue. Toning, light foxing to a few leaves, internally clean. \$70.

* Only edition. This work is derived from John Martin Kemble's edition, originally published in 1839. Not in Sweet & Maxwell, which lists the German edition by Leo.

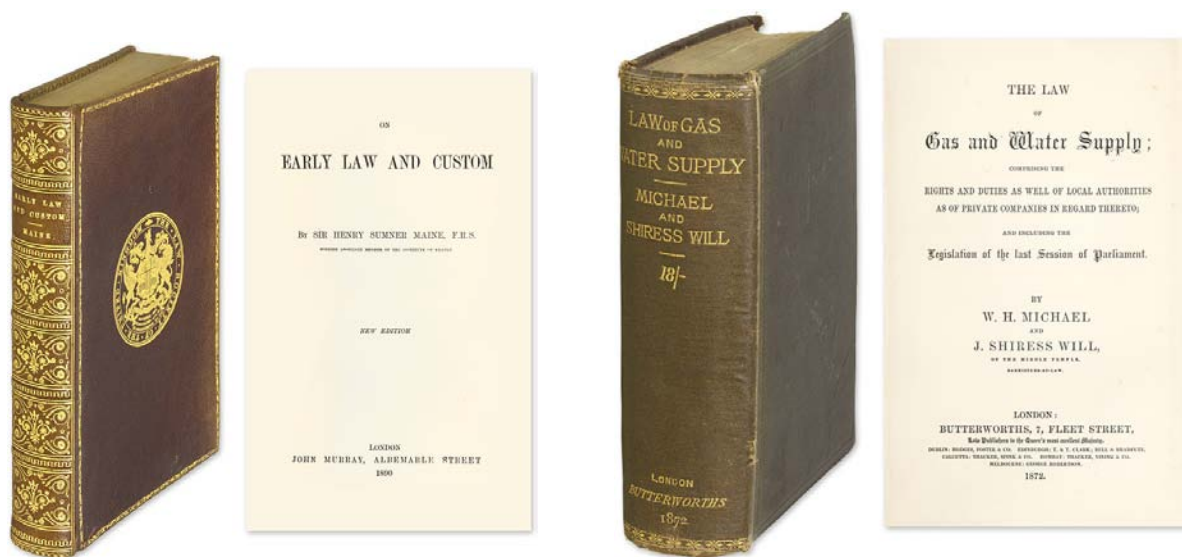
Victorian Treatise on the Law of Husband and Wife

22. MacQueen, John Frasier, Editor. Hastings, Sydney, Editor. Davenport, John Davies, Editors.

The Rights and Liabilities of Husband and Wife. London: H. Sweet, 1872. xlvii, [1], 451 pp. Octavo (8-1/2" x 5-1/2").

Later three-quarter cloth over marbled boards retaining original spine title. Light rubbing to extremities, internally clean. Ex-library. Shelf label to spine, small stamp to title page. An attractive copy. \$250.

* Second edition. First published in 1847-49, this was the standard English treatise during the nineteenth century. Its final edition, the fourth, was published in 1905. Its success can be attributed in part to its prose style, which is equally witty and learned. No print copies of the 1872 edition on OCLC. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:228.



Item 23

Item 24

Early Law and Custom in a Handsome Prize Binding

23. Maine, Sir Henry Sumner [1822-1888].

On Early Law and Custom. London: John Murray, 1890. 402 pp. Octavo (8-1/2" x 5-1/2").

Contemporary signed morocco binding (by J. Low), all edges gilt, gilt spine with raised bands, gilt heraldic device of the Law Society of the United Kingdom to front board, presentation bookplate to front free endpaper. Light rubbing to extremities, negligible light fading to spine, boards slightly bowed, crack to text block between front free endpaper and following leaf. Interior notably fresh. \$350.

* "New Edition." First published in 1883 as, *Dissertations on Early Law and Custom*. Like the equally distinguished *Village Communities in the East and the West* (1871) and the *Early History of Institutions* (1875), this treatise considers aspects of traditional societies to establish and illustrate the normal process of development in legal and political ideas, most notably freedom of contract. "Maine indicates the place in the development of a legal system of such agencies as legal fictions and equity. He explains the history of the concept of a law of nature; and in his account of the contrast between primitive and modern society--between the place which the law of persons occupies in primitive and modern law--he comes to the famous conclusion that the government of progressive societies has been from status to contract." : Holdsworth, *History of English Law* XV: 363-4. *British Museum Catalogue* (Compact Edition) 16:600.

Scarce 1872 Treatise on Utilities Law

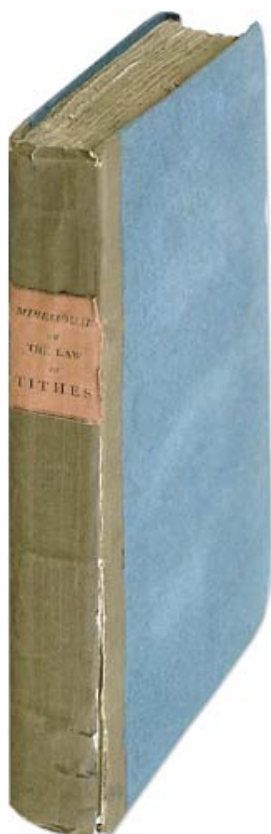
24. Michael, W[illiam] H[enry] [1821-1892].

Will, John Shiress [1840-1910].

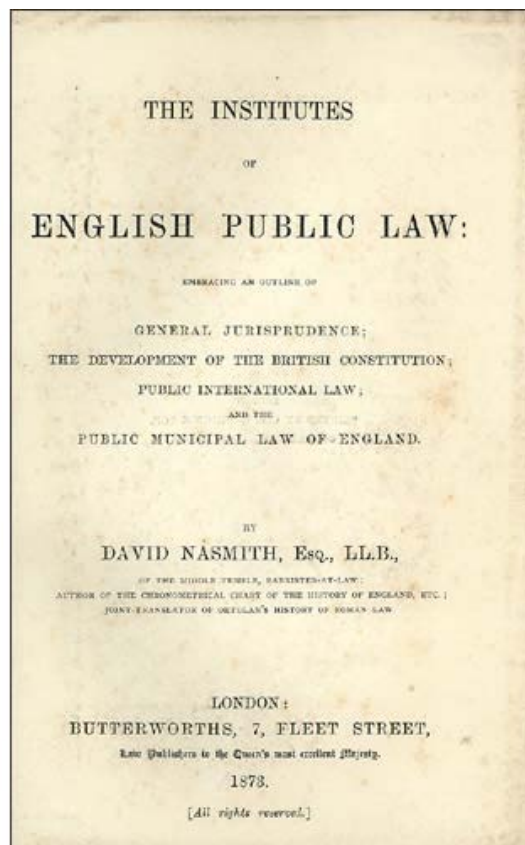
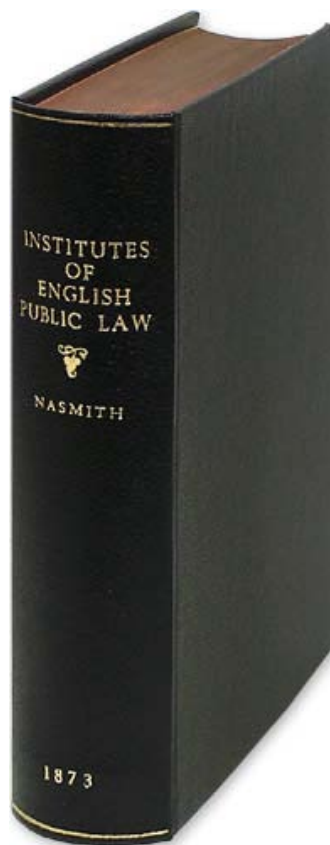
The Law of Gas and Water Supply: Comprising the Rights and Duties as Well of Local Authorities as of Private Companies in Regard Thereto: And Including the Legislation of the Last Session of Parliament. London: Butterworths, 1872. lxxviii, 644, 46, [2] pp. Fold-out "Specimen Plan of Gas Works." 48-page publisher catalogue. Octavo (7" x 5").

Original cloth, blind frames to boards, gilt title to spine. Moderate rubbing to extremities, corners bumped and somewhat worn, light fading to spine, front free endpaper and fold-out table detached, rear hinge just starting at ends, a few partial cracks to text block. Finger smudges and light soiling to some leaves, interior otherwise fresh. \$125.

* First edition. This was a standard text that reached its eight and final edition in 1935. This edition is particularly interesting because it was published at a time when British cities were expanding rapidly, which created unprecedented demand--and several new legal issues--for suppliers of water and gas. OCLC locates 10 copies of this edition. Of the 6 copies in North America, 3 are in law libraries (University of Connecticut, US Supreme Court, Notre Dame). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:241.



Item 25



Item 26

Authoritative Treatise on Tithes

25. Mirehouse, John [1789-1850].

A Practical Treatise on the Law of Tithes. With Additions. London: Printed by A. Strahan, 1822. xlv, 336 pp. Octavo (8-3/4" x 5-1/4").

Contemporary paper boards, paper spine label, deckle fore and bottom edges. Moderate shelfwear, corners bumped, chipping to spine ends, front joint starting. Occasional light browning, interior otherwise fresh. \$150.

* Second edition. With side-notes. An authoritative treatise by a member of Lincoln's Inn. As the title indicates, this is a *practical* book; each point is clearly defined and summarized. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:244.

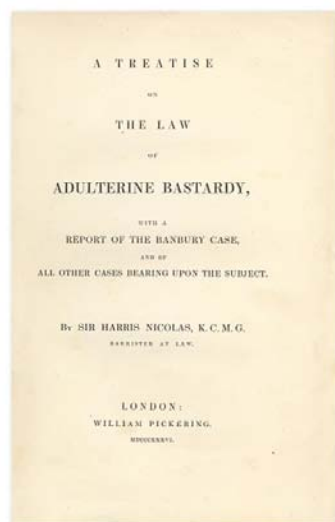
"Scientific" Study of English Public Law

26. Nasmith, David [1829-1894].

Institutes of English Public Law: Embracing an Outline of General Jurisprudence; The Development of the British Constitution; Public International Law; and the Public Municipal Law of England. London: Butterworths, 1873. vi, [xviii], 455, x, [2], 63 pp. With tables and three publisher catalogues. Octavo (8" x 5").

Rebound in period-style cloth, endpapers renewed, rouged edges, internally clean. \$250.

* This book is a companion to Nasmith's treatises on English private and adjective law. Like the others, it emulates the systematic organization of Justinian's *Institutes*. Nasmith provides an overview of the relation in which the State and the English citizen are placed in constitutional and municipal law. It is also a fine example of the jurisprudence produced in Victorian England that approached the law as a science governed by discernible rules. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth of Nations* 2:253.



Item 27



Item 28

Scarce Treatise on Illegitimacy

27. Nicolas, Sir Harris [1799-1848].

A Treatise on the Law of Adulterine Bastardy, With a Report of the Banbury Case, and of All Other Cases Bearing Upon the Subject. London: William Pickering, 1836. xvi, 588, 8 pp. Includes an eight-page descriptive catalogue of the author's works. Octavo (9" x 5-1/2").

Contemporary textured cloth with decorative blind-stamping. Moderate edgewear, joints cracked, chipping and rubbing to spine, corners bumped, hinges cracked but secure, title page partially detached. Bookseller ticket to front pastedown, stamp to front free endpaper, some signatures uncut. A solid copy. \$100.

* With index and side-notes. "The following treatise is the first attempt to collect all the authorities and decisions on the law of legitimacy in this country, and to deduce from them the history and present state of the law on that important subject. (...) The author of this volume deceives himself, if a perusal of it will not convince the profession of two facts, either of which would justify its publication; first, that the law has undergone important changes, in consequence of a *mistaken* view having been taken of previous authorities; and secondly, that there are not sufficient grounds for the opinions which now prevail respecting the law on the subject" (Preface, vii-viii). The Banbury Case concerns a peerage claim by William Knollys [1763-1834], the natural son of the Earl of Banbury. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:257.

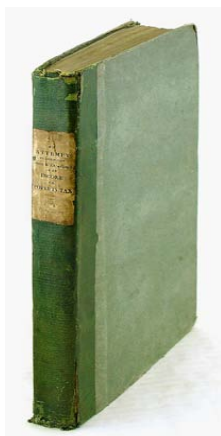
An Interesting English Treatise on Patents

28. Norman, John Paxton.

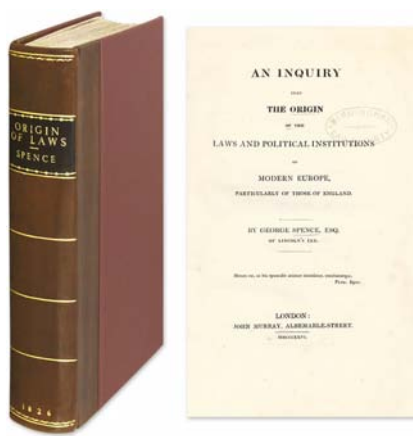
A Treatise on the Law and Practice Relating to Letters Patent for Inventions. London: Butterworths, 1853. xv, 276, [24] pp. Includes 24-page publisher catalogue. Octavo (7-1/4" x 4-1/2").

Original textured cloth, blind frames to boards, blind fillets and printed paper title label to spine. Some rubbing to extremities with wear to spine ends and corners, a few minor stains to boards, partial crack in text block between title page and following leaf. Some toning to text, internally clean. \$150.

* Only edition, also issued the same year in Philadelphia. "In a long course of years many abuses had grown up, which recent legislation has removed. The prizes held out have been brought more within the reach of the poorer class of inventors." (Preface). In addition to this work, Norman wrote a treatise in 1851 on the copyright of designs and sculpture. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:258.



Item 29



Item 30

"A Valuable Work" of "Ability and Judgement"

29. [Sayer, Benjamin].

An Attempt to Shew the Justice and Expediency of Substituting an Income or Property Tax for the Present Taxes, Or a Part of Them. London: J. Hatchard and Son, 1833. xi, [5], 356, 72 pp. Octavo (9-1/2" x 5-3/4").

Contemporary quarter morocco over gray paper boards, paper title label to spine. Light rubbing and a few tiny stains to boards, moderate wear to spine ends and corners, front hinge just starting near foot. Small early bookplate to front pastedown, interior notably fresh. \$450.

* Only edition. According to McCulloch's landmark treatise *A Treatise on the Principles and Practical Influence of Taxation and the Funding System* (1845), the first systematic study of public finance in English, "[t]his is a valuable work. Its author having long been engaged in the supervision of the collection of the income or property tax repealed in 1815, it embodies much practical as well as theoretical information." (359). This study is based on an earlier work entitled *On the Advantages of Substituting an Income Tax or Property Tax for the Present Taxes* (1831). *Catalogue of the Goldsmiths' Library of Economic Literature* 28059.

A "Learned" Study of the Origins of Modern Anglo-European Law

30. Spence, George [1787-1850].

An Inquiry into the Origin of the Laws and Political Institutions of Modern Europe, Particularly Those of England. London: John Murray, 1826. xxxvi, 600 pp. Octavo (9" x 5-1/2").

Recent period-style quarter calf over cloth, gilt fillets and lettering piece to spine, endpapers renewed, untrimmed edges. Clean tear to fore-edge of a leaf mended with archival tape. Light foxing to a few leaves, interior otherwise fresh. Ex-institutional library. Small inkstamp to title page, another to a text leaf. A handsome copy of an uncommon title. \$950.

* Only edition. According to Spence's preface, his work on the translation of the Code Napoleon led him to "look attentively into the civil law of the Romans, where he found that a great proportion of the doctrines of the common law of England, even many of those which are purely artificial, were to be found in the [*Corpus Juris Civilis*]. This induced him to study the civil and criminal code of the Romans with some minuteness, and to compare the political and judicial institutions of modern Europe, and of our own country in particular, with those of ancient Rome, in order to discover to what extent the former might be traced from the latter, their venerable and classical origins." (v). *Catalogue of the Library of the Harvard Law School* (1909) II:637.

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