

# Maritime Law *and the Law of Nations*

July 30, 2019



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LAWBOOK EXCHANGE  
LTD.



### Scarce Eighteenth-Century Treatise on Prize Law and Privateering

#### 1. Abreu y Bertodano, Felix Joseph de [c.1700-1775].

*Traité Juridico-Politique sur les Prises Maritimes, et Sur les Moyens qui Doivent Concourir pour Rendre ces Prises Légitimes.* Paris: Chez la Veuve Delaguette, 1758. Two volumes in one, each with title page and individual pagination. Octavo (6-1/2" x 4").

Contemporary speckled sheep, raised bands, lettering piece and gilt ornaments to spine, speckled edges, patterned endpapers. Some wear to corners, joints starting, some worming to lettering piece, joints and hinges. Attractive woodcut head-pieces. Toning to sections of text, light foxing to a few leaves, internally clean. An appealing copy of a scarce title. \$1,500.

\* Second French edition. First published in Madrid in 1746, this treatise on prize law and privateering went through three other editions, all in France in a translation by the author, in 1753, 1758 and 1802. Little is known about Abreu, a minor Spanish noble and diplomat. According to the title page, he was a "membre de l'Académie Espagnole, & Actuellement Envoyé Extraordinaire de S.M. Catholique auprès du Roi de la Grande-Bretagne." OCLC locates 5 copies of all editions in the Americas, 1 of this edition (at Columbia University Law Library). Not in the *British Museum Catalogue*. Camus, *Bibliothèque Choisie des Livres de Droit* 2289 (citing a later edition). [Order This Item](#)



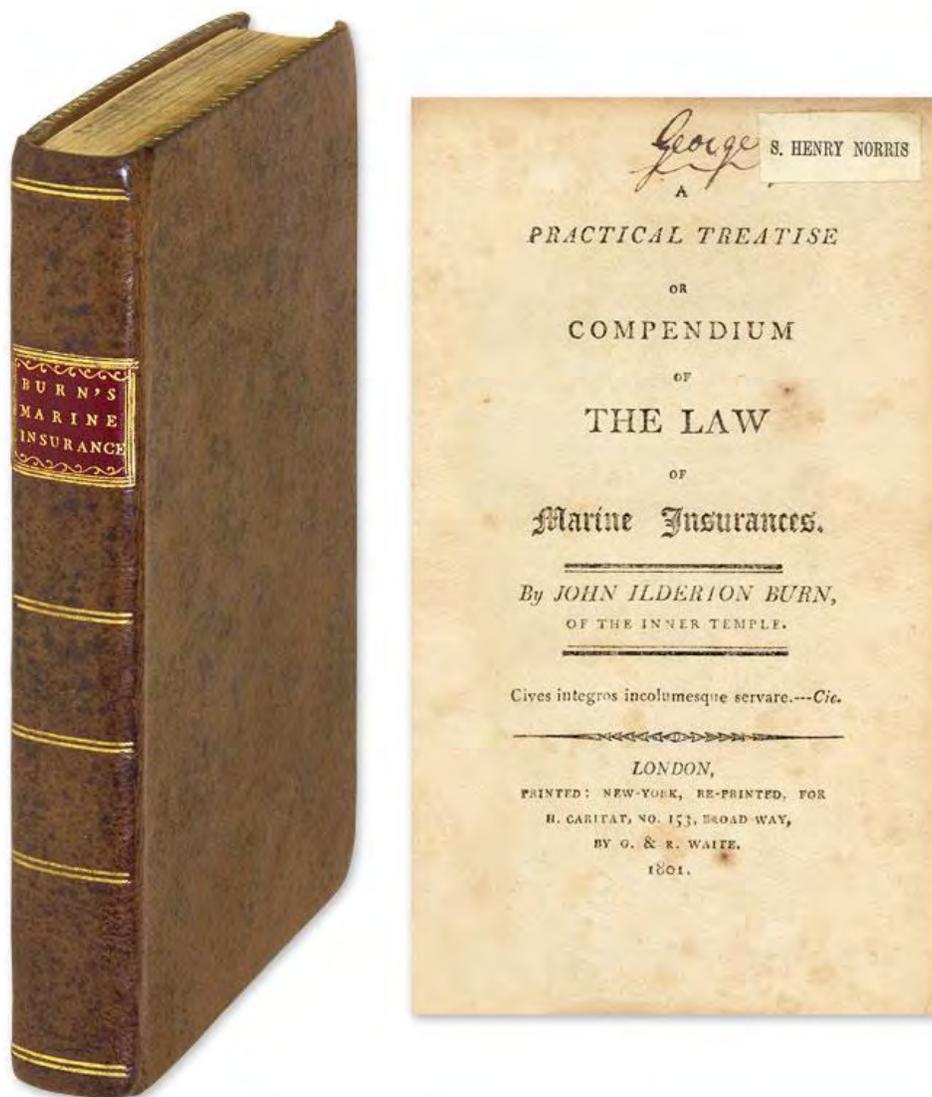
An Important Forerunner to Grotius

2. Ayala, Balthazar [1548-1584].

*De Iure & Officiis Bellicis, & Disciplina Militari, Libri III.* Antwerp: Ex Officina Martini Nutii, 1597. [xvi], 405 pp. Octavo (6-1/2" x 4").

Later library cloth, read and black calf lettering pieces and paper shelf label to spine, endpapers added. Light shelfwear and soiling, minor rubbing to lettering pieces. Light browning to text, light soiling, some edgewear, early owner signature and later library stamp to title page, brief library marks to verso. \$500.

\* Second edition. An important forerunner to Grotius, Ayala was a Spanish jurist who served as a military judge in the Spanish Netherlands. First published in 1582, his important *De Iure & Officiis Bellicis* advanced the doctrine that civilians cannot be intentionally targeted by military forces. Two later editions were published in 1648 and 1793. All editions are scarce. OCLC locates 4 copies of the second edition in North America, 2 in law libraries (Library of Congress, University of Michigan). 2:371. Dekkers, *Bibliotheca Belgica Juridica* 7. [Order This Item](#)



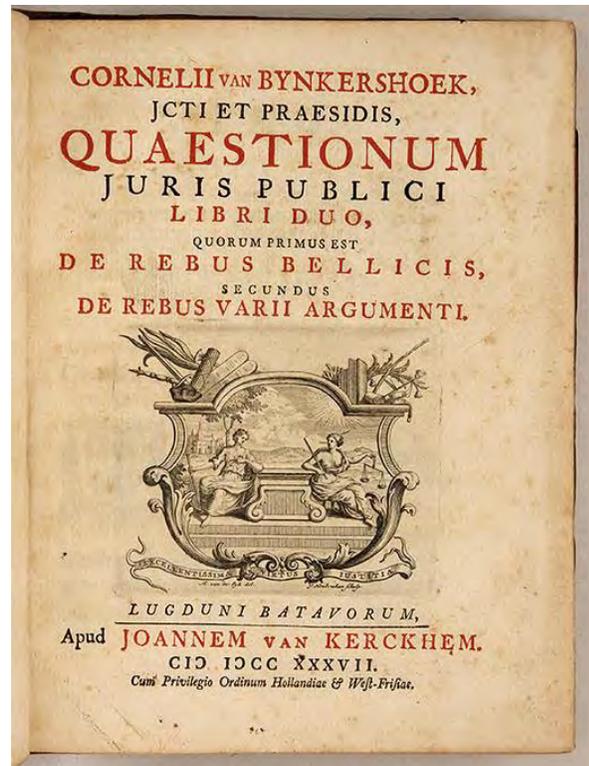
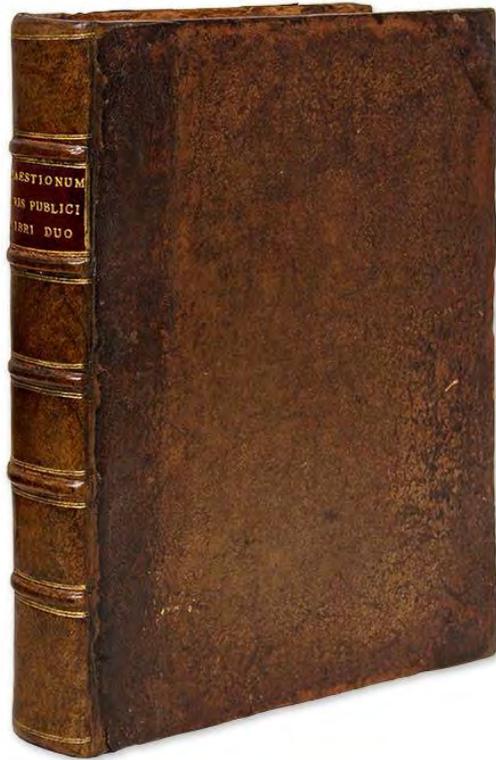
**"Calculated For the Use of Merchants"**

**3. Burn, John Ilderton [1774?-1848].**

*A Practical Treatise or Compendium of the Law of Marine Insurances.* London, Printed: New-York, Re-Printed, for H. Caritat by G. & R. Waite, 1801. xiv, [2], 235 pp. 12mo. (6-1/4" x 4").

Handsome recent period-style calf by Philip Dusel, lettering piece and gilt fillets to spine, endpapers renewed. Light browning to text, negligible foxing in places. Head of title page has early owner signature partially covered by small owner label (S. Henry Norris), interior otherwise clean. A very attractive copy. \$650.

\* Only edition, published the same year in London and New York. "[T]he author trusts he will not be thought presumptuous in stating, that a compendious digest, immediately calculated for the use of merchants and their agents, still remains a desideratum in the merchant's world. With a view to supply this deficiency, he commenced the following compilation": (vii). Burn was a barrister of the Inner Temple who published several law books. The appendix contains summaries of two recent English decisions, and the form of an insurance policy for a ship or goods. Cohen, *Bibliography of Early American Law* 7055. [Order This Item](#)



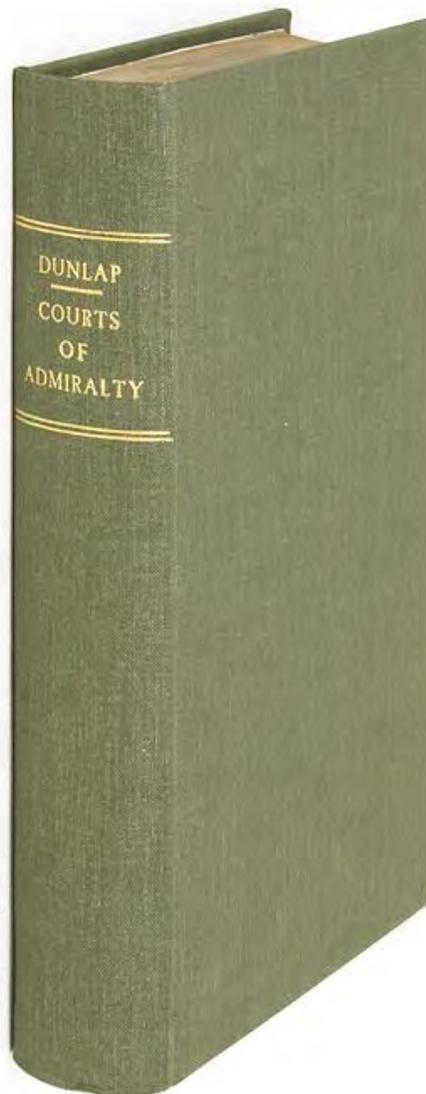
**First Edition of a Classic Study of International Law and the Laws of Armed Conflict**

**4. Bynkershoek, Cornelius van [1673-1743].**

*Quaestionum Juris Publici, Libri Duo, Quorum Primus Est de Rebus Bellicis, Secundus de Rebus Varii Argumenti.* Leiden: J.V. Kerckhem, 1737. [xxiv], 384, [32] pp. Quarto (7-3/4" x 6").

Contemporary calf, rebaked in period style, lettering piece and gilt- edged raised bands to spine, hinges and corners mended, edges rouged. Light rubbing and gatoring to boards, some rubbing to board edges. Title with large copperplate vignette printed in red and black. Light toning to text, somewhat heavier in places, some leaves have light foxing, offsetting to margins of endleaves. A handsome copy. \$1,750.

\* First edition. One of the most important jurists and international lawyers of his time, Bynkershoek was a Dutch jurist who founded the positive school of international law, which favored principles drawn from usage and practice over theorems drawn from natural law. He was also the first to propose the "three-mile limit" rule, which states that a nation may claim sovereignty over adjacent waters to a distance of three miles, the maximum distance of a cannonball fired from a shoreline. *Quaestionum Juris Publici* is one of his most important works international law. The first and most important part, "De Rebus Bellicis," is one of the first modern assessments of the laws of war. Bynkershoek accepts that war encompasses violence against civilians and non-military targets. As Neff observes, he "candidly pronounced war to be an 'attempt to subjugate the enemy and all that he has by seizing all the power that the sovereign has over the state, that is to say, by exercising complete dominion over all persons and all things contained in that state. (...) [T]he whole state is placed in the legal attitude of a belligerent toward another state, so that every member of the one nation is authorized to commit hostilities against every member of the other, in every place and under every circumstance.'" Having acknowledged these facts, he goes on to condemn actions against civilians and advocates the fair treatment of prisoners of war. Beginning with Lord Mansfield, jurists and scholars have considered this to be Bynkershoek's greatest work. It was reissued in 1930 as a title in the Carnegie Classics of International Law series. Neff, *War and the Law of Nations* 204-205. Dekkers, *Bibliotheca Belgica Juridica* 16. [Order This Item](#)



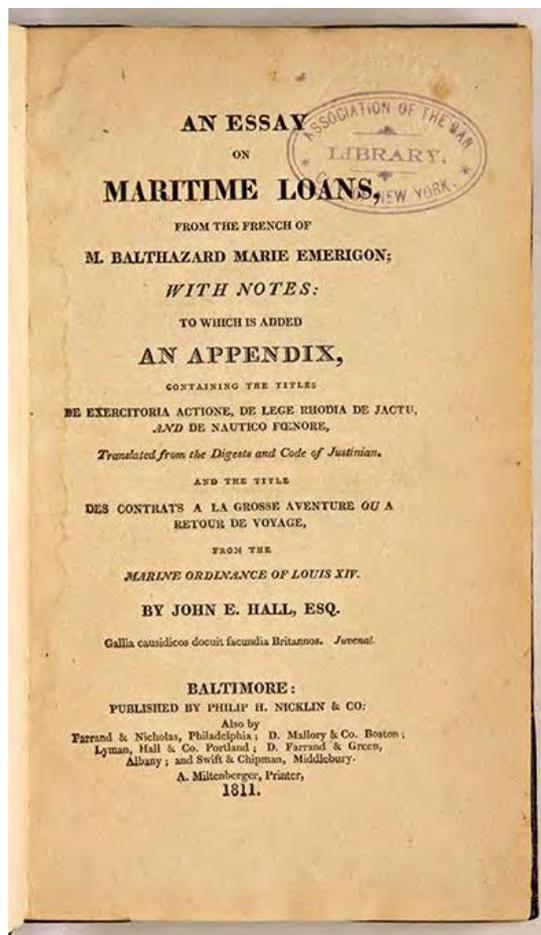
**A "Learned, Accurate and Well Digested" Treatise on Admiralty Law**

**5. Dunlap, Andrew [1794-1835].  
[Sumner, Charles (1811-1874), Editor].**

*A Treatise on the Practice of Courts of Admiralty in Civil Causes of Maritime Jurisdiction; With an Appendix Containing Rules in the Admiralty Courts of the United States, And a Full Collection of Practical Forms.* Philadelphia: P.H. Nicklin and T, Johnson, 1836. xxiii, 581 pp. Octavo (9" x 5-1/2").

Recent cloth, gilt title to spine, endpapers renewed. Light toning to text, somewhat heavier in places, light foxing to a few leaves. \$250.

\* First edition. Kent said this work was, in the opinion of "the most competent judges," "learned, accurate and well digested." The preface indicates this work was edited by Sumner, who was then reporter of the decisions of the Circuit Court of the United States for the First Circuit. Dunlap was United States Attorney for Massachusetts from 1829 to his death in 1835. A second edition of this book was published in 1850. Kent, *Commentaries on American Law* cited in Marvin, *Legal Bibliography* 280. Cohen, *Bibliography of Early American Law* 1581. [Order This Item](#)



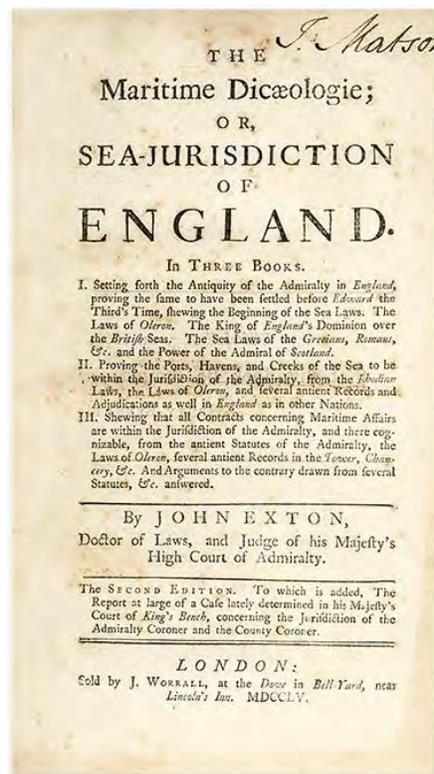
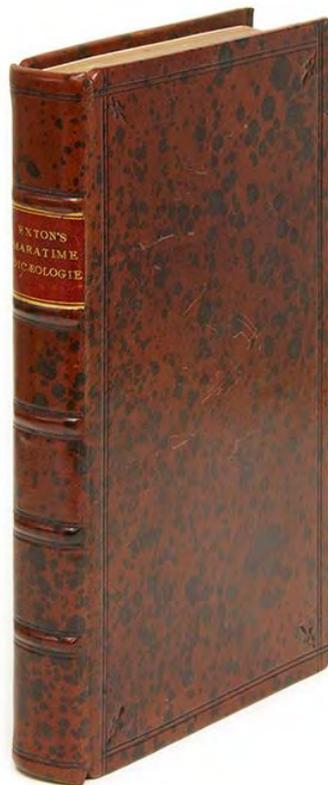
An "Unrivalled" Authority on Maritime Commercial Law

6. Emerigon, Balthazard-Marie [1716-1785].  
[Hall, John E., Translator].

*An Essay on Maritime Loans, From the French; With Notes: To Which is Added an Appendix, Containing the Titles De Exercitoria Actione, De Lege Rhodia de Jactu, and De Nautico Foenore, Translated From the Digest and Code of Justinian. And the Title Des Contracts a la Grosse Aventure ou a Retour de Voyage, From the Marine Ordinance of Louis XIV.* Baltimore: Published by Philip H. Nicklin & Co., 1811. xvi, [17]-313, [1] pp. Octavo (8-1/2" x 5-1/4").

Later three-quarter black morocco over marbled boards, raised bands and gilt title to spine, gilt private-library stamp and paper shelf label to foot of spine, endpapers renewed. Moderate rubbing to extremities with light wear to spine ends and corners, front free endpaper detached. Very light browning to text, light foxing to a few leaves, faint dampstain and two small library stamps, one embossed, to title page, other brief library annotations to verso of title page and rear pastedown. An appealing copy. \$150.

\* First American edition. With notes and references to English and American cases. Emerigon was the leading French authority on commercial law. His work was held in the highest regard by English and American jurists. James Kent observed that "no subject in Emerigon is discussed without being exhausted." Lord Ellenborough said he was an "unrivalled" theorist and practical writer. This treatise on bottomry and respondentia is a useful companion to his treatises on maritime law and maritime insurance. Citations from Marvin, *Legal Bibliography* 293. Cohen, *Bibliography of Early American Law* 7060. [Order This Item](#)



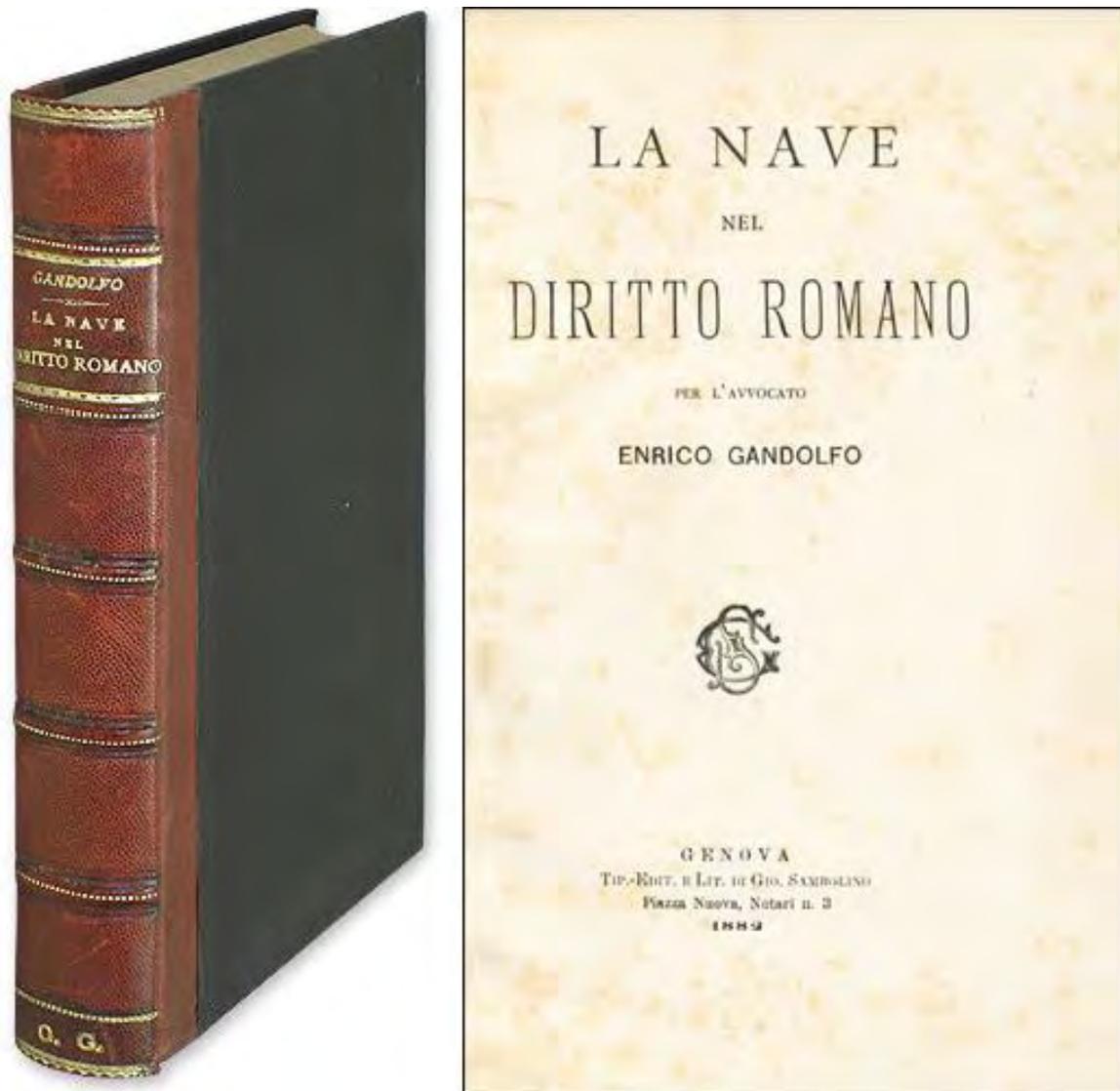
### Defense of the Admiralty Courts

#### 7. Exton, John [1600?-1668].

*The Maritime Dicæologie; Or, Sea-Jurisdiction of England. In Three Books. I. Setting Forth the Antiquity of the Admiralty in England, Proving the Same to Have Been Settled Before Edward the Third's Time, Shewing the Beginning of the Sea Laws. The Laws of Oleron. The King of England's Dominion over the British Seas. The Sea Laws of the Grecians, Romans, &c. And the Power of the Admiral of Scotland. II. Proving the Ports, Havens, and Creeks of the Sea to be Within the Jurisdiction of the Admiralty, From the Rhodian Laws, The Laws of Oleron, and Several Antient Records and Adjudications as well in England as in Other Nations. III. Shewing that All Contracts Concerning Maritime Affairs are Within the Jurisdiction of the Admiralty, And There Cognizable, From the Antient Statutes of the Admiralty, The Laws of Oleron, Several Antient Records in the Tower, Chancery, &c. And Arguments to the Contrary Drawn from Several Statutes, &c. Answered.* London: Sold by J. Worrall, 1755. xvi, vi, 404 pp. Octavo (8" x 5").

Recent period-style calf, blind rules and corner fleurons to boards, raised bands and lettering piece to spine, endpapers renewed, retained armorial bookplate of William Curtis Noyes and bookseller ticket to front pastedown. Light toning to text, early owner signature (of J. Matson) to head of title page. \$1,500.

\* "Second edition," actually the fourth and final edition, a reissue of the sheets of the 1746 edition with a cancel title leaf and the addition of six pages following p. xvi. First published in 1664, this book, though ostensibly descriptive, was written chiefly to maintain the jurisdiction of the Admiralty court in the new government. Beyond its political interest, it offers a detailed analysis of seventeenth-century maritime law and admiralty jurisdiction at the time when Great Britain was emerging as a major maritime and colonial power. Exton was educated at Cambridge, earning the LL.D. in Civil Law in 1634. He was appointed President of the High Court of Admiralty by Parliament in 1649, and was reappointed by the Duke of York after the Restoration. Noyes [1805-1864] was a leading New York lawyer and a member of the commission to codify the state's laws, which resulted in the Field Codes. A man of extensive learning, he owned one of the finest law libraries in the United States. *English Short-Title Catalogue* T130727. [Order This Item](#)



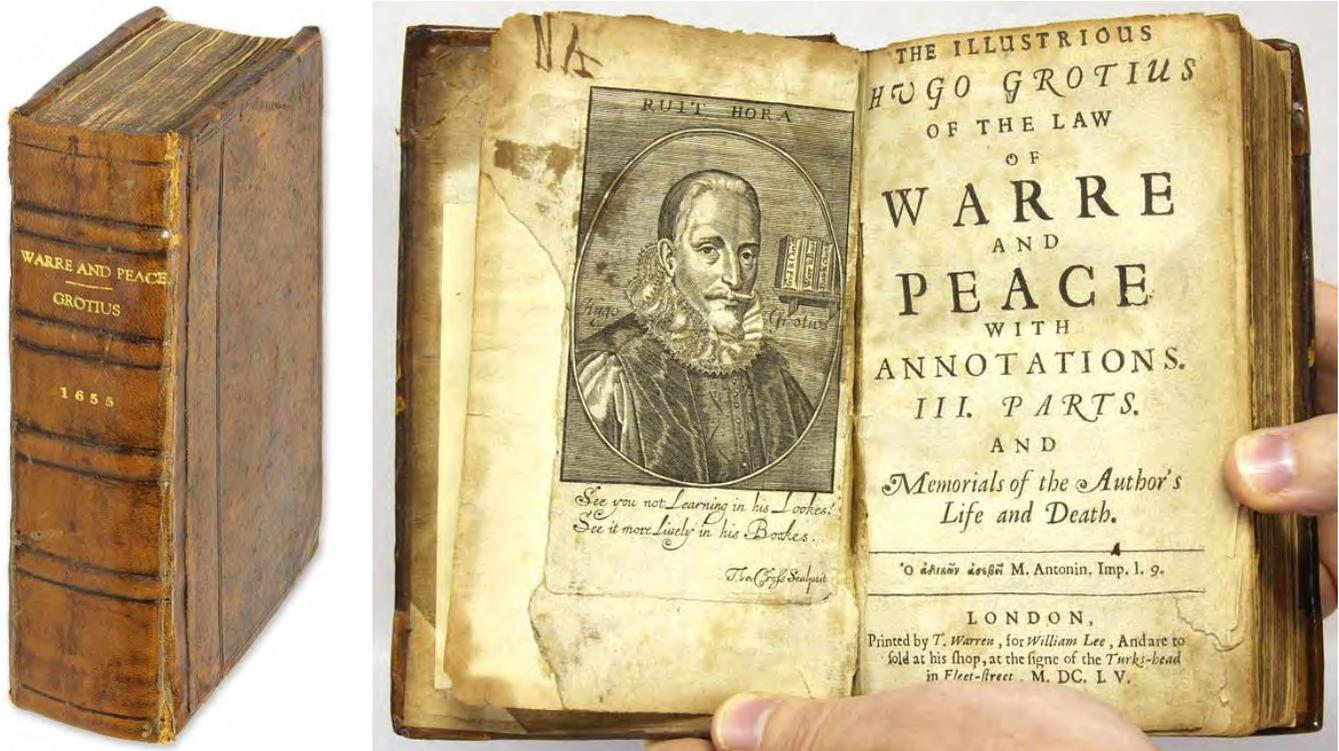
### Uncommon Italian Study of Roman Maritime Law

#### 8. Gandolfo, Enrico.

*La Nave del Diritto Romano*. Genoa: G. Sambolino. 1882. [iii], [3]-347 pp. Octavo (9" x 6").

Contemporary quarter morocco over pebbled cloth, raised bands and gilt title to spine, speckled edges. Light rubbing to extremities. Occasional light foxing, interior otherwise fresh. \$400.

\* Only edition. Gandolfo offers a thorough overview of Roman maritime law and its historical development. It was reprinted in 1980. Both issues are rare. OCLC locates 3 copies, all in Europe, none of the reprint. *British Museum Catalogue* (Compact Edition) 10:75. [Order This Item](#)



### The First English Translation of Grotius

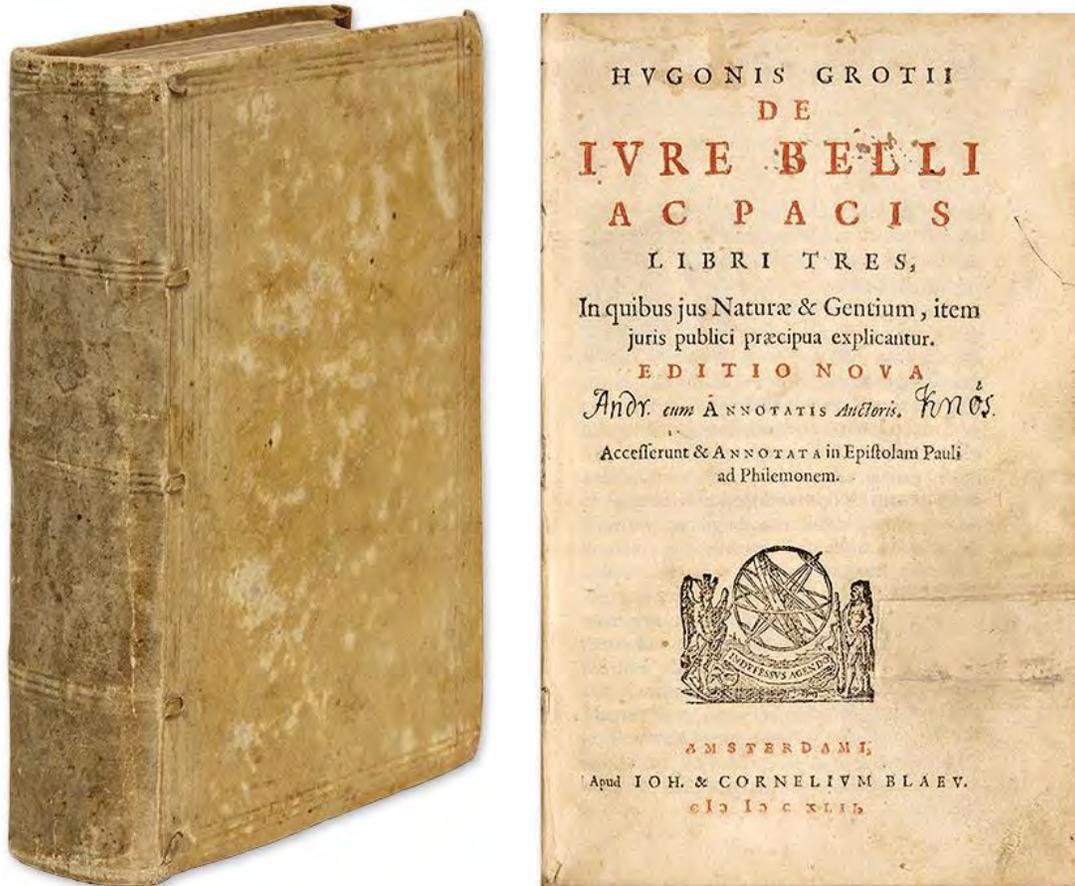
#### 9. Grotius, Hugo [1583-1645].

[Barksdale, Clement (1609-1687), Editor and Translator].

*The Illustrrious Hugo Grotius: Of the Law of Warre and Peace, With Annotations. III. Parts. And Memorials of the Author's Life and Death.* London: Printed by T. Warren, For William Lee, 1655. [lxxx], [ii], 660, [82 of 92] pp. Lacking index. Two-page list of biblical references misbound at beginning of text after [p. lxxx]. Copperplate portrait frontispiece. Eight-page publisher catalogue. Octavo (6-1/2" x 4").

Contemporary calf, blind rules to boards, early rebacking with raised bands and gilt title, repairs to corners, hinges mended. Some rubbing to extremities, corners bumped, a few minor scuffs to boards, hinges partially cracked. Moderate toning to text, some edgewear and minor tears to preliminaries, repair to fore-edge of frontispiece (with no loss to text). Underlining and annotations in a few places, interior otherwise clean. Ex-library. Bookplate to front free endpaper. A scarce title. \$950.

\* Reissue of the first English translation, 1654, one of two from 1655, the other with a cancel title page identifying the editor as "C.B." First published in 1625 *De Jure Belli et Pacis*, this momentous work describes situations in which war is a valid tool of law enforcement and outlines principles for the use of force. Though based on Christian natural law, Grotius advances the novel argument that his system would still be valid if it lacked a divine basis. In this regard he points to the future by moving international law in a secular direction. Barksdale's annotated translation, the first in English, appeared in 1654. It includes an original biographical sketch of the author. Barksdale edited this work considerably and added numerous annotations to add a stronger Christian component. These editorial changes reflect contemporary debates about the nature of foreign policy and the roles of civil and ecclesiastical authority. *English Short-Title Catalogue* R16252. Ter Meulen and Diermanse, *Bibliographie de Grotius* 628. [Order This Item](#)



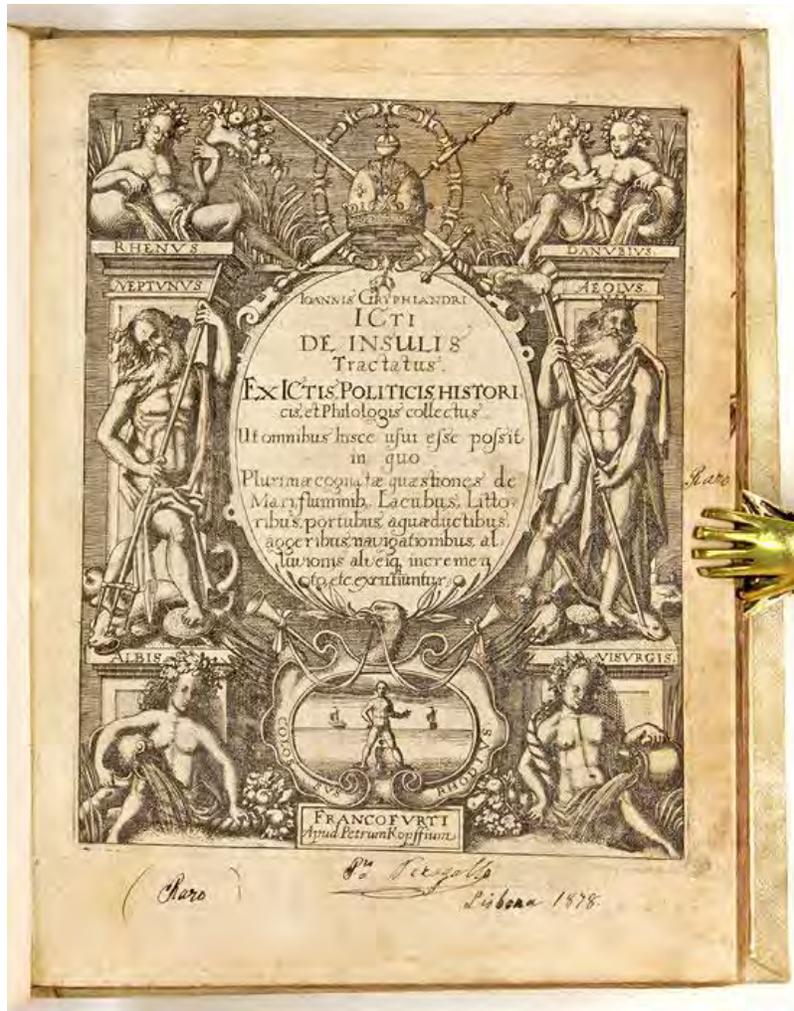
**Final Authorial Edition of *De Jure Belli ac Pacis***

**10. Grotius, Hugo.**

*De Iure Belli ac Pacis Libri Tres. In Quibus Jus Naturae & Gentium, Item Juris Publici Praecipua Explicantur. Editio Nova cum Annotatis Auctoris. Accesserunt & Annotata in Epistolam Pauli ad Philemonem.* Amsterdam: Apud Guilielmum Blaeuw, 1642. [xxiii], 601, [40] pp. Octavo (6-3/4" x 4-1/2").

Contemporary vellum with lapped edges, blind rules to boards, blind fillets to spine. Light rubbing and a few minor stains, light wear to corners, early owner names and annotations to front pastedown and title page, front free endpaper lacking. Title page printed in red and black. Light toning to text, somewhat heavier in places, occasional (very) faint dampstaining to foot of text block, light foxing and minor inkstains to a few leaves. \$1,350.

\* "Editio Nova," the final edition produced under the author's direction, with his final notes and corrections. Ter Muelen and Diermanse, *Bibliographie des Ecrits Imprimés de Hugo Grotius* 571. [Order This Item](#)



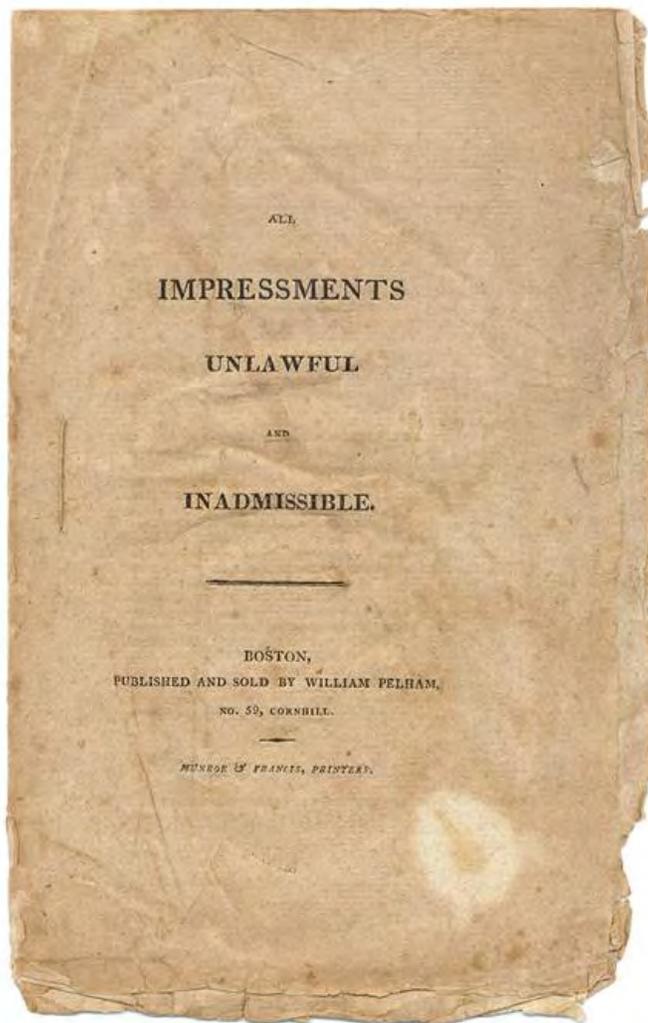
### Scarce German Treatise on Commerce with Islands

#### 11. Gryphiander, Johann [1580-1652].

*De Insulis Tractatus ex Ictis Politicis Historicis, Et Philologis Collectus, Ut Omnibus Hinc Usui Esse Possit in quo Plurimae Cognatae Quaestiones de Mari Fluminibus, Lacubus, Littoribus, Portibus, Aquaeductibus, Aggeribus, Navigationibus, Alluvionis Alveique Incremento, Etc. Excipiuntur.* Frankfurt: Apud Petrum Kopffium, [1624]. [xii], 542, [29] pp. Copperplate pictorial title page. Quarto (8-1/2" x 6-1/2").

Later vellum, calf lettering piece to spine, endpapers renewed. Negligible light soiling, boards slightly bowed, a few leaves re-hinged, small later bookseller stamp to front pastedown, two partial cracks to text block. Browning to text without loss to legibility, minor worming in a few places, recent repairs to a few leaves. Later owner signature to foot of title page, brief annotations in an early hand to a few leaves, interior otherwise clean. A nice copy of a very scarce title. \$950.

\* Only edition. An interesting treatise on laws concerning inland and oceanic maritime commerce with islands according to Roman law and the law of the Holy Roman Empire. The handsome frontispiece depicts several images associated with river and oceanic shipping: the gods Neptune and Aeolus, the Colossus of Rhodes and figures representing four major rivers of the Holy Roman Empire: the Rhine, Danube, Elbe and Weser. OCLC locates 5 copies in North America, 2 in law libraries (Columbia, Northwestern). *Das Verzeichnis der im Deutschen Sprachraum Erschienenen Drucke des 17. Jahrhunderts* 1:013962B. [Order This Item](#)



**A Contemporary Response to the Chesapeake-Leopard Affair**

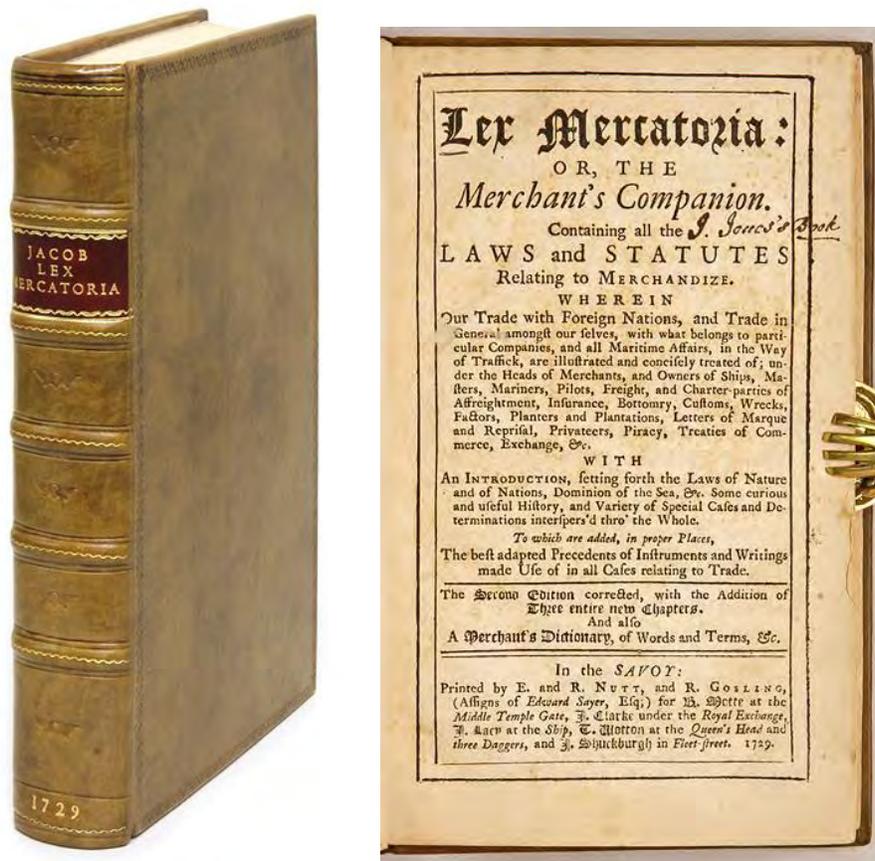
**12. [Impressment].  
[United States].**

*All Impressments Unlawful and Inadmissible*. Boston: Published and Sold by William Pelham, [c. 1808]. 12 pp. Octavo (9-1/4" x 5-3/4").

Stab-stitched pamphlet in self wrappers, untrimmed edges. Light browning, light soiling to exterior, a few minor stains, upper corner lacking from margin of final leaf, two small holes to final leaf with negligible loss to text, no loss to legibility. \$300.

\* One of two issues, both printed c. 1808. This pamphlet addresses the *Chesapeake-Leopard* Affair, a naval engagement off the coast of Norfolk, Virginia between the HMS *Leopard* and USS *Chesapeake*. The *Leopard* pursued, attacked and boarded the *Chesapeake* to capture four deserters from the Royal Navy. This incident created an uproar among Americans and was one of the incidents that led to the War of 1812. The main part of this pamphlet is a letter from extracted from then Secretary of State James Madison to James Monroe, minister to Great Britain. The creation of this pamphlet is attributed in some sources to Tench Coxe. Cohen, *Bibliography of Early American Law* 7308.

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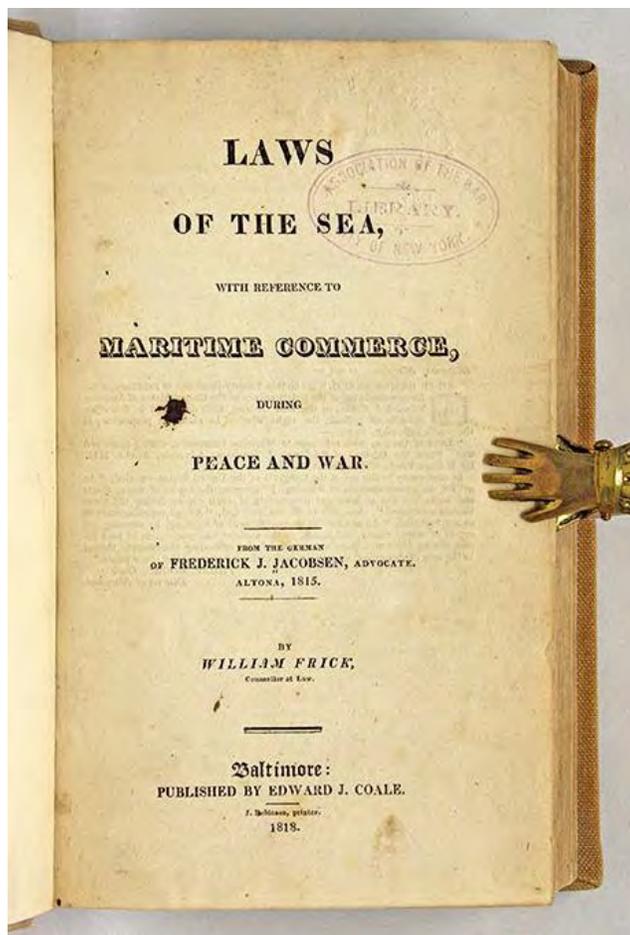
With A "Merchant's Dictionary of Words and Terms"

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

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

Recent period-style calf, raised bands and lettering piece to spine, endpapers renewed. Some toning, light foxing to portions of text. Early annotations and signatures, including that of Thomas Carpenter, to preliminaries, two tiny glue spots to title page. A handsome copy. \$1,100.

\* Second, and final, edition, "Corrected, with the Addition of Three Entire New Chapters. And Also A Merchant's Dictionary, of Words and Terms, &c." Jacob, best-known for his *New Law-Dictionary*, was the most prolific English legal writer of the eighteenth century. Although he was interested in boosting sales by attracting the widest audience possible, Jacob was also an idealist who believed that widespread knowledge of the law would help create a more just society. This is the goal of *Lex Mercatoria* (1718) and several other publications, such as *Every Man His Own Lawyer* (1736) and *Treatise of Laws* (1721). Thomas Carpenter [1804-1876] was a prominent New Jersey attorney and a judge of that state's Supreme Court. *English Short-Title Catalogue* T137820. [Order This Item](#)



**"One of the Great  
Pleasures of the Legal Bibliophile"**

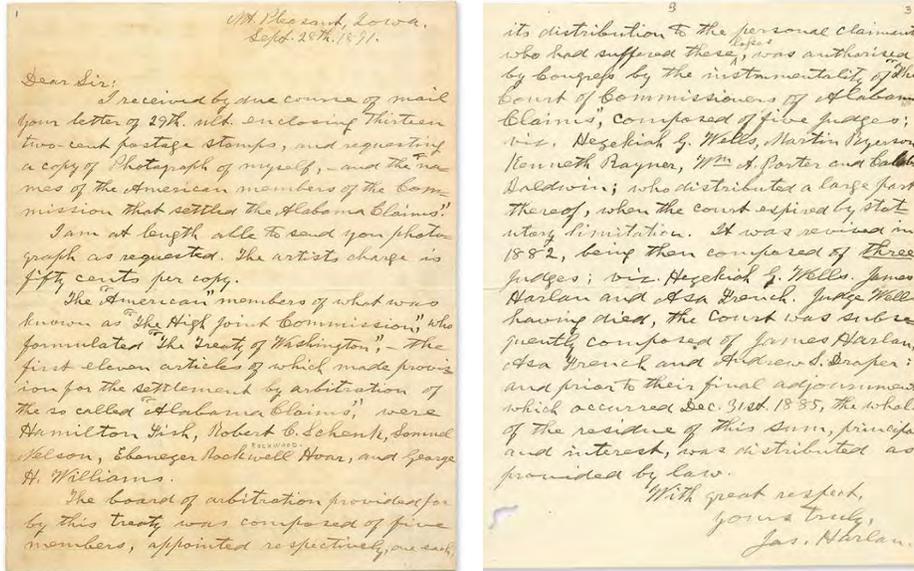
**14. Jacobsen, Frederick J. [1774-1822].**

**Frick, William [1790-1855], Translator.**

*Laws of the Sea, With Reference to Maritime Commerce, During Peace and War.* From the German by William Frick. Baltimore: Published by Edward J. Coale, 1818. xxxv, 636 pp. Octavo (8-1/4" x 5-1/4").

Later library cloth, red and black calf lettering pieces and paper shelf label to spine. Some shelfwear and soiling, light chipping to lettering pieces, front joint just starting at head, corners bumped, newspaper clipping concerning an 1845 maritime case pasted to rear endleaf. Moderate toning to text, faint library stamps, one embossed, to title page, library marks to verso, other small library marks to rear pastedown. \$500.

\* First English-language edition and the only American edition. Originally published in 1815, Marvin spoke highly of this work in his *Legal Bibliography*, noting that few have equaled his wide range of research and depth of learning. As late as 1921, G.L. Canfield, writing in the *Michigan Law Review*, called this work "one of the pleasures of the legal bibliophile" that "remain[s] essential today to a practitioner's library (19:580-582). Jacobsen, a German jurist, was an internationally recognized authority on maritime law. *Laws of the Sea* is based on a sixteen-year study of the laws of Italy, France, Great Britain, Holland, Denmark and Germany. It remains the most thorough single-volume study of English and continental maritime law in the early nineteenth century, a turbulent era shaped by the French Revolution and Napoleon. Marvin, *Legal Bibliography* 418-419. Cohen, *Bibliography of Early American Law* 1593. [Order This Item](#)



**Judge Harlan Reflects on His Role in Arbitrating the Alabama Claims and on the Drafting of the Treaty of Washington**

**15. [Manuscript].**

**Harlan, James [1820-1899].**

[Autograph Letter, Signed]. Mt. Pleasant, Iowa, September 28, 1891.

Single leaf folded to from 9-3/4" x 7-3/4" bifolium, no transmittal envelope. Two fold lines, one vertical and one horizontal, light browning. Content in neat hand to rectos and versos of three pages. \$650.

\* Harlan was the presiding judge for the Court of Commissioners, which heard cases related to the Alabama Claims. After the Civil War, the United States made claims against Great Britain for damages inflicted upon U.S. vessels by the Confederate "commerce raiders" *Alabama*, *Florida*, *Schenandoah* and other cruisers fitted out by British shipbuilders. This matter was settled by an international body of commissioners that met in Geneva in 1871-1872. The work of this group, which concluded with the Treaty of Washington, marked a watershed in international law by establishing a template for the peaceful settlement of conflicts through arbitration. The letter is addressed to an unknown recipient who seems to have been researching the history of the commission. Harlan writes, "The American members of what was known as The High Joint Commission who formulated The Treaty of Washington - the first eleven articles of which made provision for the settlement by arbitration of the so called 'Alabama Claims'- were Hamilton Fish, Robert C. Schenk, Samuel Nelson, Ebenezer Rockwell Hoar, and George H. Williams. The board of arbitration provided for by this treaty was composed of five members, appointed respectively, one each, by the President of the United States, the Queen of Great Britain, the King of Italy, the President of the Swiss Confederation, and the Emperor of Brazil.". He lists the names of the participants, who were known as The Geneva Commission. "They awarded the United States the gross sum of \$15,500,000, in full satisfaction of all claims for damages done to the commerce of the people of the United States by the cruiser Alabama and other inculpated Confederate Cruisers on the high seas, during the war of the rebellion. This money.. was invested.. in interest bearing U.S. bonds, and so remained until 1874, when its distribution to the personal claimants who had suffered these losses was authorized by Congress by the instrumentality of The Court of Commissioners of Alabama Claims, composed of five judges..". He lists them. When the Court expired "by statutory limitation, it was revived in 1882, being then composed of three judges' viz. Hezekiah G. Wells, James Harlan and Asa French..". By Dec. 31, 1885 these judges completed the distribution and the Court was finally adjourned. A fine summary of an important Civil War reparations matter by one of the participants. [Order This Item](#)



### Important Early Treatise on Maritime Law

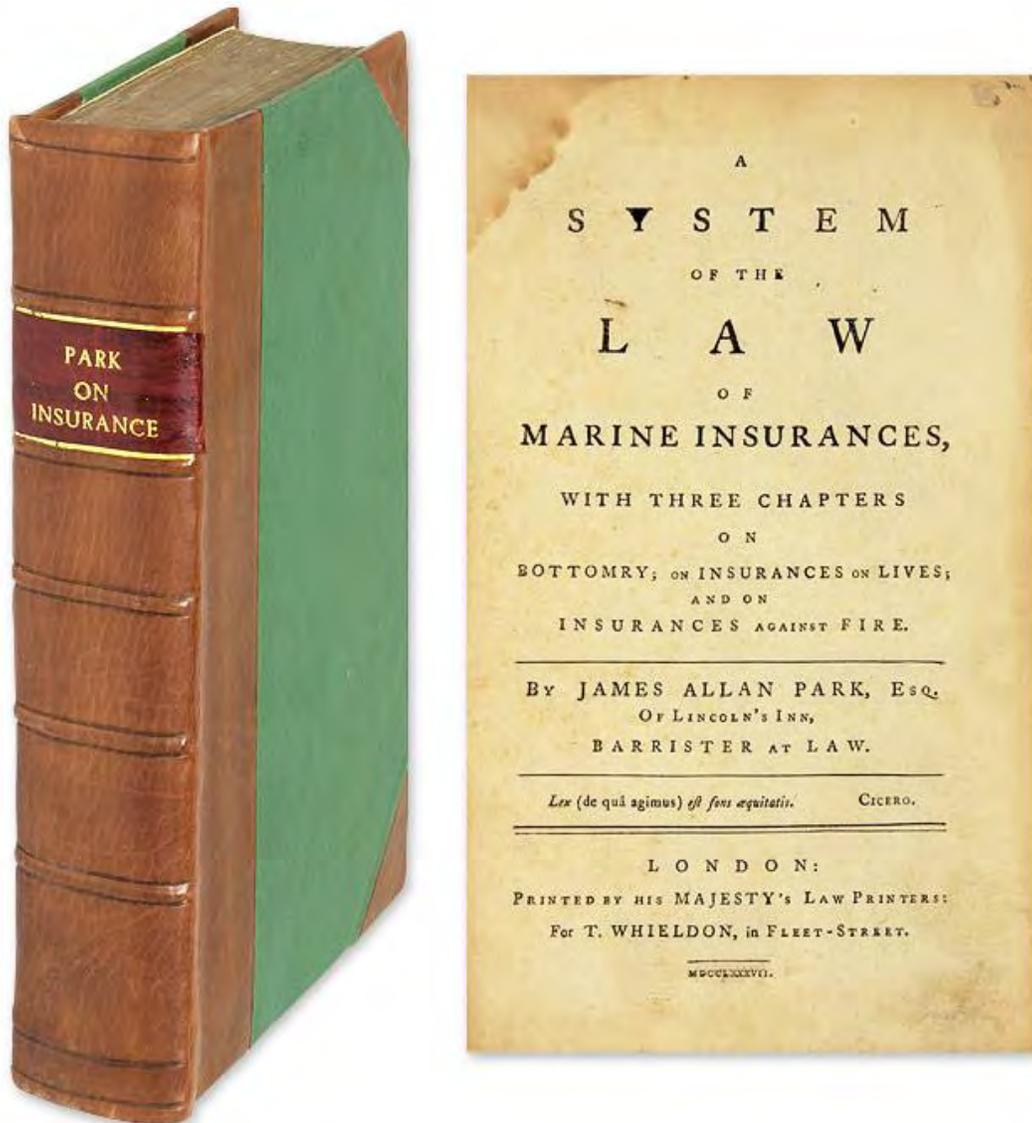
#### 16. Molloy, Charles [1646-1690].

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

Contemporary calf, blind rules to boards, rebacked in period style, raised bands and lettering piece to spine, endpapers renewed. Some mottling to boards, light rubbing to edges, corners bumped, upper margins of frontispiece mended (no loss to image). Some toning to text, light foxing to preliminaries and a few other places. "6/6" in early hand to margin of frontispiece, interior otherwise clean. \$650.

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

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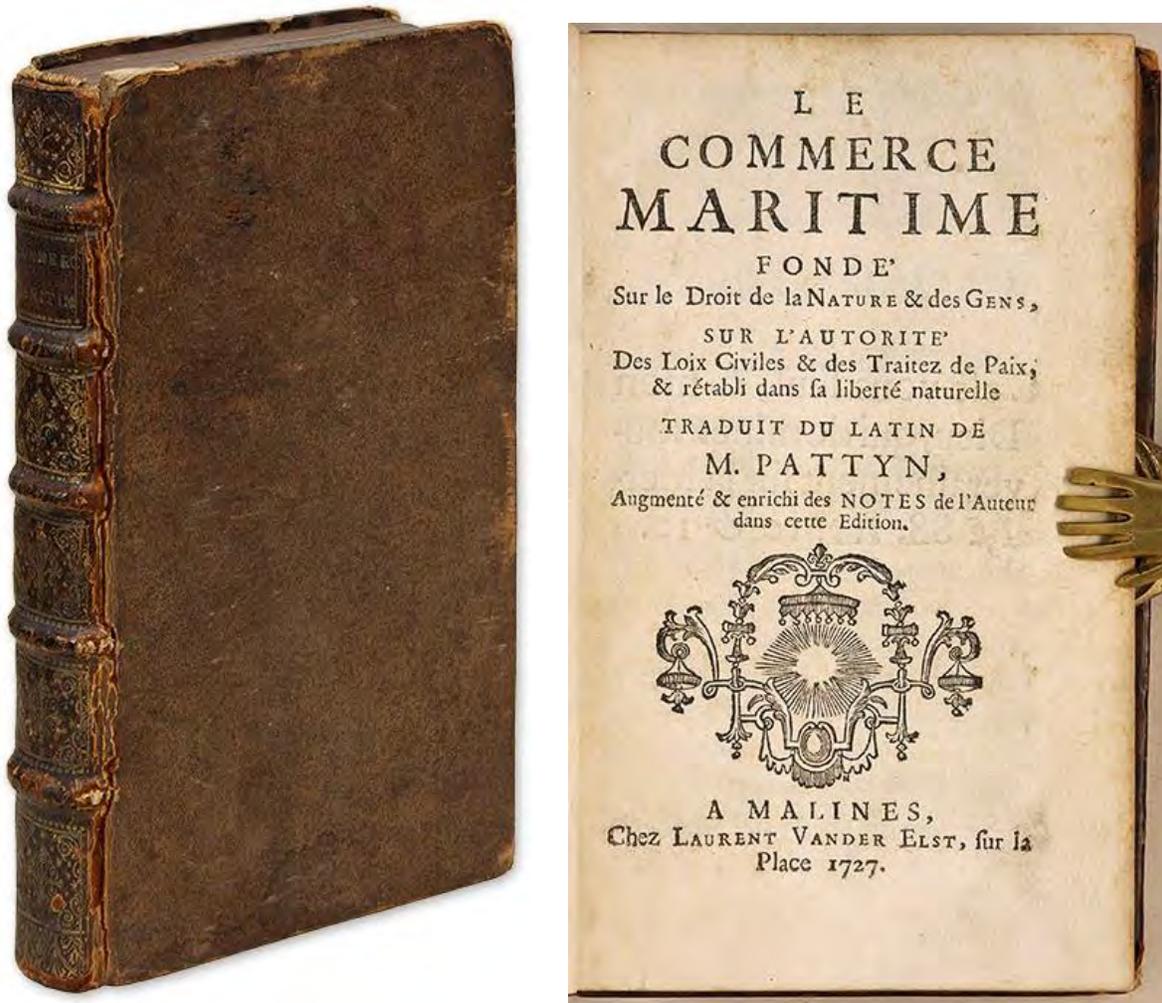
**First Edition of the First English Treatise on Insurance**

**17. Park, James Allan [1763-1838].**

*A System of the Law of Marine Insurances, With Three Chapters on Bottomry; On Insurances on Lives; And on Insurances Against Fire.* London: Printed by His Majesty's Law Printers. For T. Whieldon, 1787. xvi, [8], xlv, 530, [50] pp. Octavo (9" x 5-1/2").

Recent period-style three-quarter calf over cloth, raised bands and lettering piece to spine. Moderate toning to text, occasional faint dampstaining to margins, top edge excised from upper margin of dedication leaf. A few early annotations to text, interior otherwise clean. \$1,000.

\* First edition. Park's *System of Marine Insurances* was the first legal work on insurance written by an English lawyer. Holdsworth has called it "the best text-book upon the law of insurance." A work of great authority, *System of Marine Insurances* went through numerous English and American editions and remained the standard text until the middle of the nineteenth century. Holdsworth, *History of English Law* XII: 390. *English Short-Title Catalogue* T112941. [Order This Item](#)



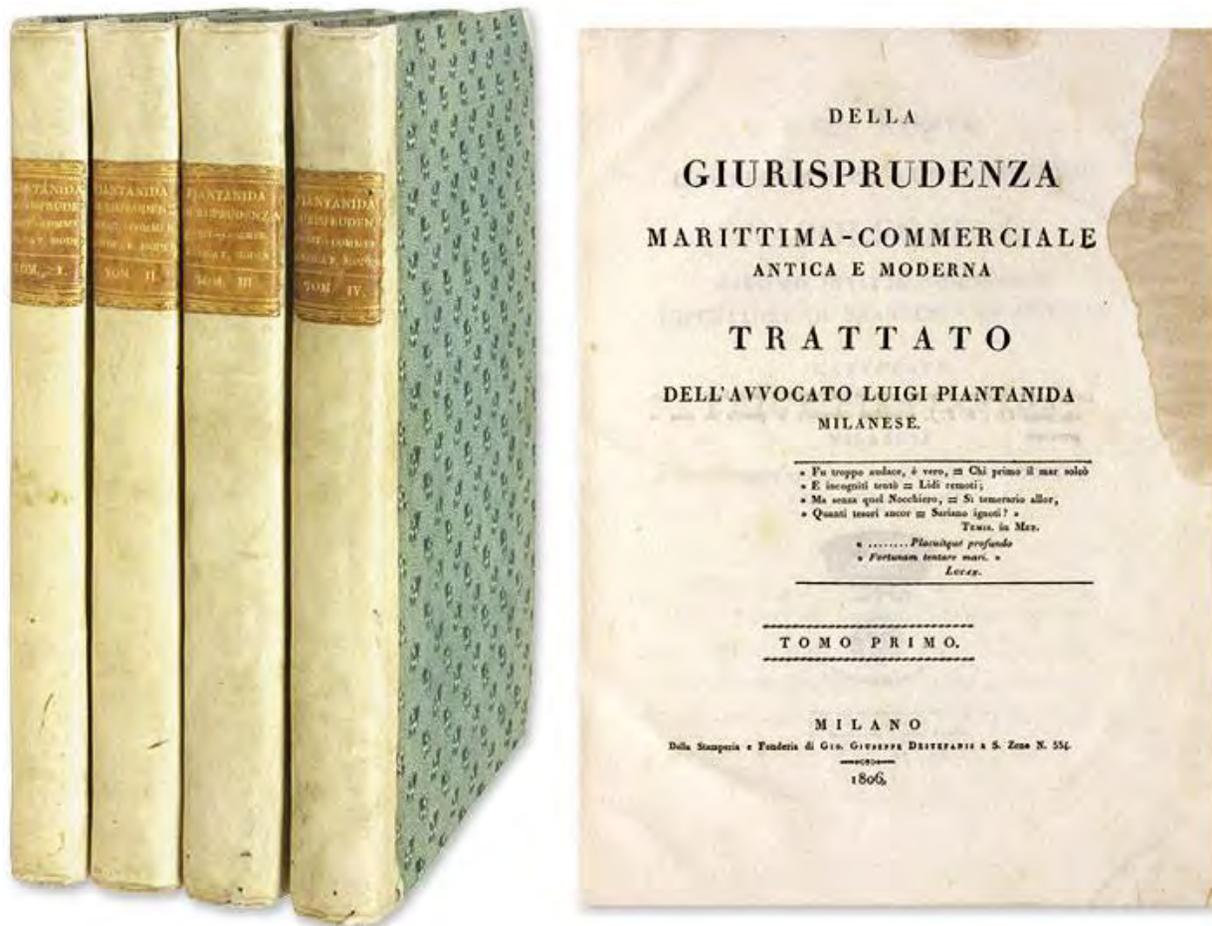
### An Enlightenment-Era Update of Grotius

#### 18. Patin, [Charles-Philippe, Vicomte de] [1687-1773].

*Le Commerce Maritime: Fondé sur le Droit de la Nature & des Gens, Sur l'Autorité des Loix Civiles & des Traitez de Paix, & Rétabli Dans sa Liberté Naturelle. Traduit du Latin de M. Pattyn, Augmenté & Enrichi des Notes de l'Auteur dans cette Edition.* Malines: Chez Laurent Vander Elst, 1727. [x], 180, 174, [17] pp. Octavo (6-1/4" x 4-3/4").

Contemporary speckled calf, gilt spine with raised bands and lettering piece, marbled endpapers, edges rouged. Light rubbing to boards, moderate rubbing to extremities with some wear to spine ends, joints starting, corners bumped and somewhat worn, "No. 197" in tiny early hand to front pastedown, light toning to text. \$1,500.

\* Only edition in French, and the second edition overall. (A Dutch translation was also published in the same year.) Expanded and augmented with notes, this is the final edition of *Mare Liberum: Ex Jure Naturae, Gentium & Civili Assertum, Vindicatum, Redivivum* (1726), a work affirming and updating the arguments advanced by Grotius in *Mare Liberum* (1609) from the perspective of Enlightenment thought. It is a fascinating document of the reception of *Mare Liberum* in the early 1700s. OCLC locates 6 copies of this edition in North America, 4 in law libraries (Columbia, Harvard, Library of Congress, University of Michigan). Dekkers, *Bibliotheca Belgica Juridica* 130. [Order This Item](#)



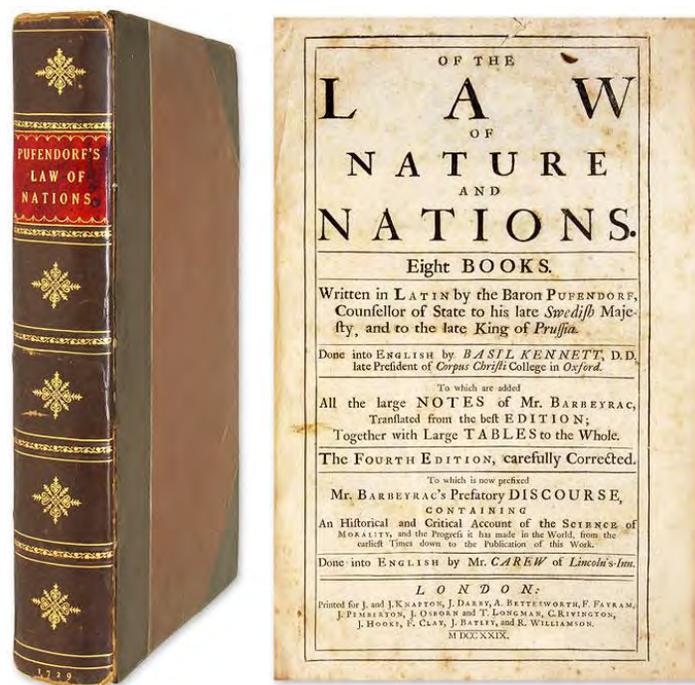
### Interesting Napoleonic-Era Treatise on Maritime and Commercial Law

#### 19. Piantanida, Luigi.

*Della Giurisprudenza Marittima-Commerciale Antica e Moderna*. Milan: Dalla Stamperia e Fonderia di Gio. Giuseppe Destefanis (Volume I); Dalla Stamperia e Fonderia di Giuseppe e Paolo Fratelli Veladini (Volumes II-IV), 1806-1808. Four volumes. Does not have the portrait frontispiece of author issued with some copies of this title. Complete set. Folio (11-1/4" x 8-1/2").

Three-quarter vellum over patterned paper boards, lettering pieces to spines. Light rubbing to extremities, a few minor stains to boards, corners and spine ends lightly bumped. Copperplate vignettes to dedication leaves of each volume. Light toning to text, occasional faint dampstaining to margins of Volume II, internally clean. \$1,950.

\* Only edition. Dedicated to Napoleon, this ambitious treatise uses a history of maritime and commercial law as the basis for a set of general principles. It is also useful for its overview of these subjects during the early phase of the Napoleonic era. His dedication indicates a keen desire for a commission to produce a commercial code for the Kingdom of Italy, the north-Italian puppet state established by Napoleon. OCLC locates 14 copies worldwide, 6 in North America, 5 in law libraries (Harvard, Library of Congress, UC-Berkeley, University of Michigan, Yale). *British Museum Catalogue* (Compact Edition) 20:268. [Order This Item](#)



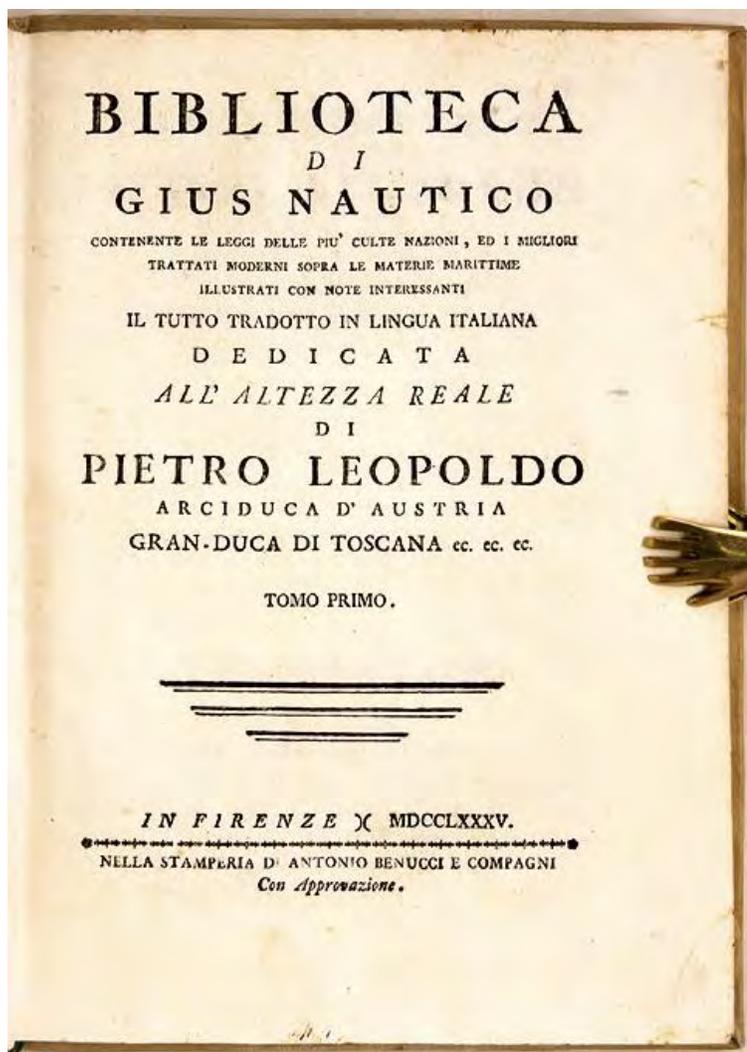
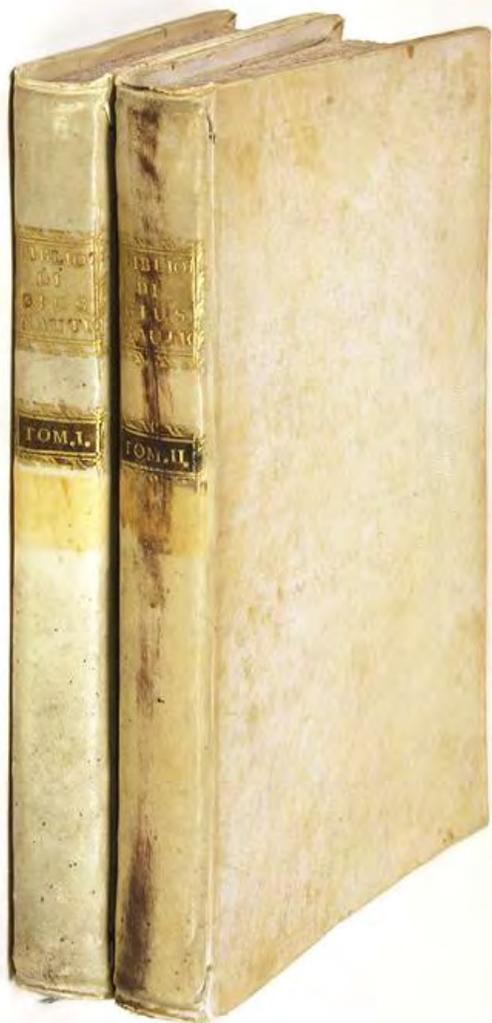
**Early English Edition of Pufendorf's *Law of Nature and Nations***

**20. Pufendorf, Samuel von [1632-1694].  
Barbeyrac, Jean [1674-1744], Prefatory Discourse.**

*Of the Law of Nature and Nations. Eight Books. Written in Latin by the Baron Puffendorf. Done Into English by Basil Kennet. Carefully Corrected, with Two Tables. To Which Are Added All the Large Notes of Mr. Barbeyrac, Translated From the Best Edition; Together with Large Tables to the Whole. Carefully Corrected. To Which is Now Prefixed Mr. Barbeyrac's Prefatory Discourse, Containing an Historical and Critical Account of the Science of Morality, and the Progress It has Made in the World, From the Earliest Times Down to the Publication of This Work. Done Into English by Mr. Carew.* London: Printed for J. Walthoe, R. Wilkin, [et. al.], 1729. [xxiv], 316, 321-480, 477-878; [iv], 39, 44-88, [4], [22] pp. Pagination irregular. Complete, but Barbeyrac's prefatory discourse is misbound at rear of text. Main text in parallel columns. Folio (13" x 8-1/2").

Nineteenth-century three-quarter calf over cloth, gilt fillets to boards, raised bands, lettering piece and gilt ornaments to spine, endpapers renewed, hinges reinforced with cloth tape. Moderate rubbing to extremities with some wear to spine ends and corners, joints cracked, later owner bookplate to front pastedown. Woodcut head-pieces, tail-pieces and decorated initials. Moderate toning to text, light foxing in places. Early owner corrections in a miniscule hand, to passages in a few leaves, interior otherwise fresh. \$950.

\* Fourth English edition. In 1662 Pufendorf was appointed to the first modern professorship in natural law (at the University of Heidelberg). In 1670 he became professor of natural law at the University of Lund in Sweden. First published in 1672, *De Jure Naturae et Gentium* is his principal work and a landmark in the history of natural and international law. It proposed a thorough system of private, public, and international law based on natural law. Beginning with a consideration of fundamental legal ideas and their various divisions, Pufendorf proceeded to a discussion of the validity of customs, the doctrines of necessity and innate human reason. The work is significant in part because it developed principles introduced by Grotius and Hobbes. Unlike Hobbes, Pufendorf argued that peace, not war, was the state of nature, and he proposed that international law was not restricted to Christendom. *English Short-Title Catalogue* N61031. [Order This Item](#)



### Eighteenth-Century Anthology of Writings on Maritime Law

**21. Raù, Francesco, Translator and Editor.**

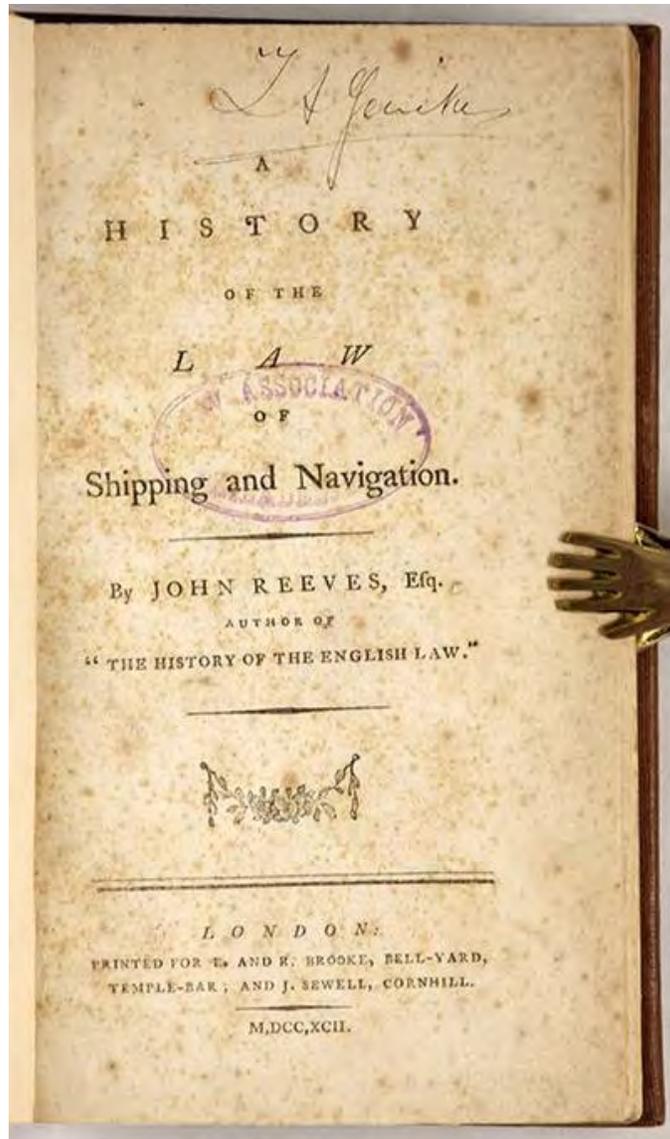
**Rivani, Alessandro, Translator and Editor.**

**Sella, Gaspero, Translator and Editor.**

*Biblioteca di Gius Nautico, Contenente le Leggi delle Piu' Colte Nazione, Ed i Migliori Trattati Moderni Sopra le Materie Marittime Illustrati con Note Interessanti. Il Tutto Tradotto in Lingua Italiana.* Florence: Nella Stamperia di Antonio Benucci e Compagni, 1785. Two volumes. xxxii, 264; viii, 287, [1] pp. Quarto (9" x 6-1/2").

Contemporary vellum, gilt title panels to spines, speckled edges. Light rubbing and a few minor nicks to extremities, spine ends bumped, boards slightly bowed, stain to spine of Volume II. Very light toning to text, somewhat heavier in places, light foxing to a few leaves. A handsome copy. \$1,750.

\* Only edition. This is a carefully edited, translated and well-annotated anthology of classic writings on maritime law for an Italian audience. Arranged chronologically, its oldest work is the Byzantine Rhodian Sea Law (7th century CE); its newest work is the 1681 Marine Ordinance of Louis XIV. Among the other texts are the Laws of Oleron, the Laws of Wisby and a selection of laws from the Theodosian Code relating to maritime affairs. OCLC locates 12 copies worldwide, 4 in North America, 2 in law libraries (Library of Congress, University of Michigan). [Order This Item](#)



### Eighteenth-Century Account of Great Britain's Navigation Acts

#### 22. Reeves, John [1752?-1829].

*A History of the Law of Shipping and Navigation*. London: Printed for E. and R. Brooke, 1792. [x], 547, [27] pp. Octavo (8-1/4" x 5-1/4").

Recent library buckram, red and black lettering pieces to spine, embossed library name and security tag to front board, endpapers added, stamps to edges and endleaves. Moderate toning, faint dampspotting to preliminaries, early (illegible) owner signature and later library stamp to title page. \$250.

\* First edition, reprinted the same year in Dublin. John Reeves was the author of the first history of English law. The present work is in effect a history of the Navigation Acts, giving a clear account of the manner in which they had been interpreted by the government departments which were concerned with their enforcement. *English Short-Title Catalogue* T109777. [Order This Item](#)



### The First Major English Text on International Law

#### 23. Selden, John [1584-1654].

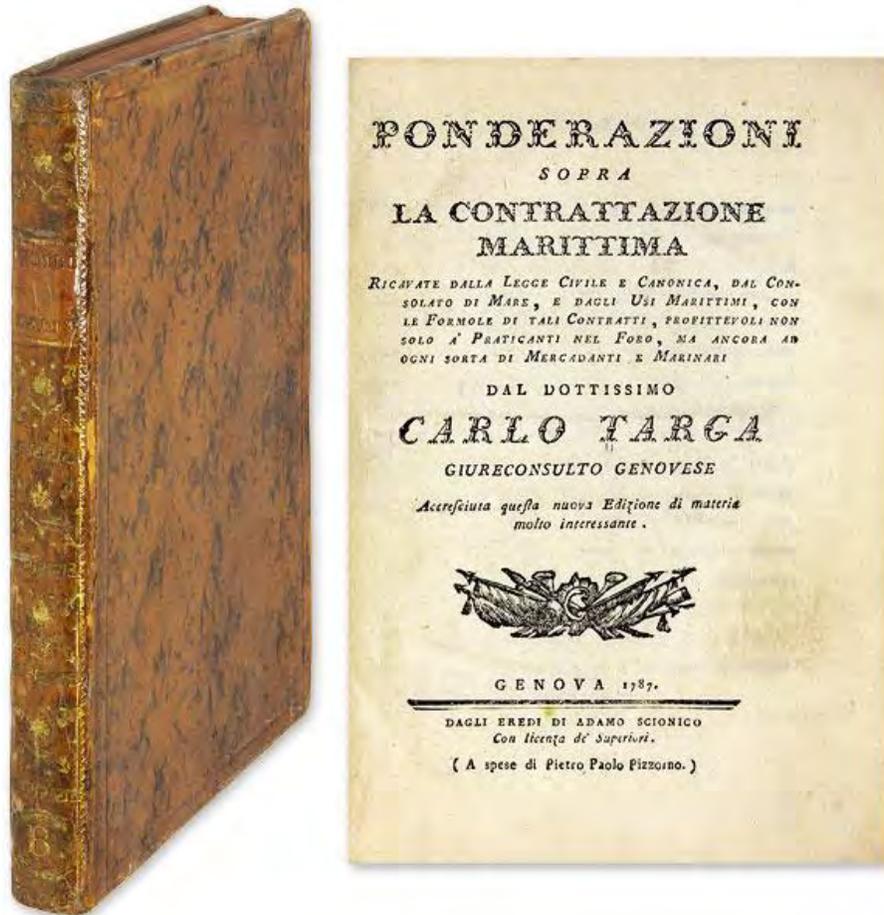
*Mare Clausum Seu de Domino Maris Libri Duo...* London: Excudebat Will. Stanesbeius, pro Richard Meighen, 1635. [xxvi], 304, [12], [1] pp. Copperplate map, woodcut map, six woodcut text illustrations.

#### [Bound with]

**Selden, John.** *De Successionibus in Bona Defuncti, Ad Leges Ebraeorum...* London: Excudebat Richardus Bishop, 1636. [vi], xxiv, [4], 266 pp. **[And] Vossius, Dionysius [1612-1642].** *Panegyricus Dicitus Frederico Henrico Arawionensium Principi. Eiusdem Fredericus Victor.* Amsterdam: Apud Gulielmum Blaeu, 1633. 31 pp. **[And] Heinsius, Daniel [1580-1655].** *Panegyricus, Gustavo Magno, Suecorum, Gothorum, Vandalorum, &c. Regi, Consecratus.* Leiden: Ex Officina Bonaventrae & Abrahami Elzivir, 1632. [iii], 66, [1] pp.

Folio (11" x 7"). Contemporary calf, blind rules to boards, rebaced in period style with raised bands and retained lettering piece, endpapers renewed, hinges mended. Moderate rubbing to extremities, moderate scuffing to boards, corners bumped and some what worn, small gouge to front board. Title pages of the Selden and Heinsius titles printed in red and black. Woodcut head-pieces, tail-pieces, tail, pieces and decorated initials, title pages of works by Vossius and Heinsius have large woodcut printer devices. Light toning to text, somewhat heavier in places, minor stains to a few leaves. Recent owner signature to front free endpaper, early owner signature to head of *Panegyricus, Gustavo Magno*, interior otherwise clean. \$2,500.

\* *Mare Clausum, Panegyricus, Gustavo Magno*, first edition; *Successionibus*, second edition; *Panegyricus Dicitus*, only edition. Selden's *Mare Clausum* is the most famous British reply to the argument of Hugo Grotius's *Mare Liberum*, which denied the validity of England's claim to the high seas south and east of England. Selden, argued that England's jurisdiction extends, in fact, to all waters surrounding the isles. His use of legal history and common-law principles to rebut Grotius's philosophical argument is quite impressive. *De Successionibus* is an exposition of rabbinical law and laws of inheritance by a commentator whose "familiarity with rabbinical literature was such as has been acquired by few non-Israelite scholars; and many details of oriental civilization and antiquities were certainly brought to the knowledge of Europeans for the first time in them" (*DNB*). The other two titles remind us that *Mare Clausum* dates from one of the most turbulent eras in European history. Vossius's piece is a poem commemorating the deeds of Frederick Henry, Prince of Orange [1584-1647], who led Dutch forces to victory, established the independence of the United Provinces and governed them for a large part of its golden age. Heinsius's essay praises Gustavus Adolphus of Sweden [1594-1632]. One of the greatest military commanders in European history, he established Sweden as a leading European power during the Thirty Years War. Two other editions of Heinsius's essay were published in 1633 and 1637. *Dictionary of National Biography* XVII:1157. Selden: *English Short-Title Catalogue* S117048 (*Mare Clausum*), S117055 (*De Successionibus*); Vossius, Heinsius: *British Museum Catalogue* (Compact Edition) 26:402, 11:1107. [Order This Item](#)



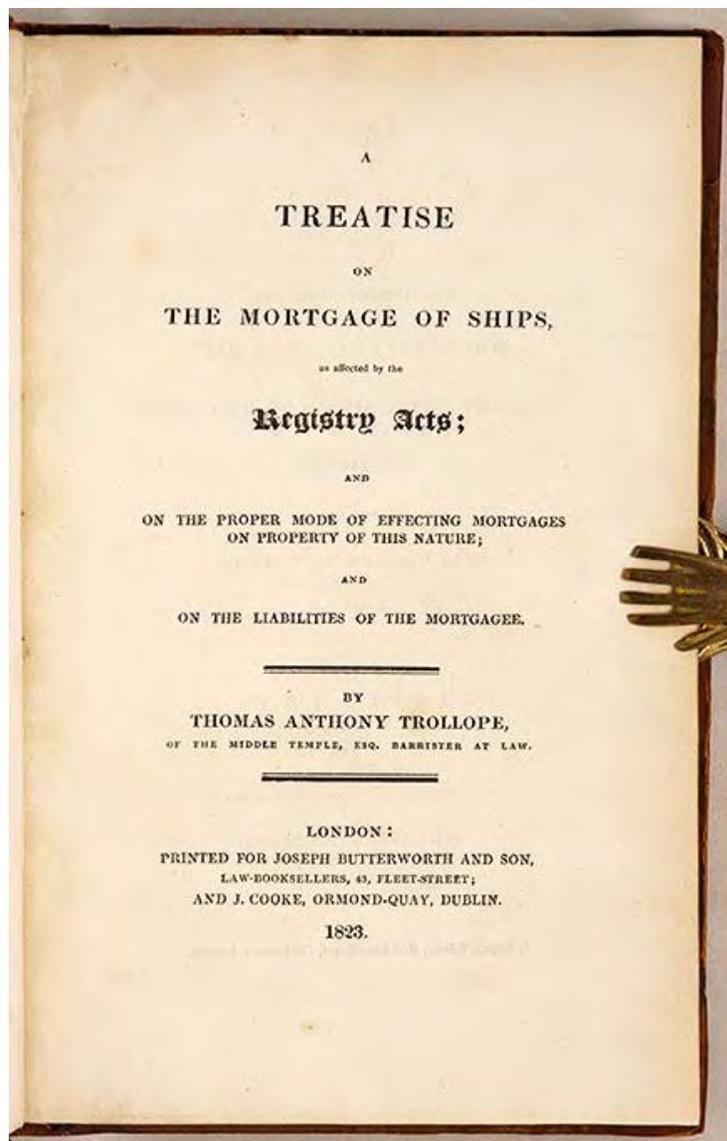
### Interesting Treatise on Maritime Law Praised by Joseph Story

#### 24. Targa, Carlo [1614-1700].

*Ponderazioni Sopra la Contrattazione Marittima*. Genoa: Dagli Eredi di Adamo Scionico, 1787. [viii], 259 pp. Quarto (8" x 5-1/2").

Contemporary tree calf, blind rules to boards, lettering piece and gilt ornaments to spine, edges rouged. Light rubbing to extremities with minor wear to corners, a few minor scuffs to boards, hinges cracked. Light toning to text, internally clean. Ex-library. Bookplate to front pastedown. A handsome copy. \$500.

\* An enlarged later edition of an interesting treatise on maritime law, contracts and insurance. The main text is followed by a critical edition of the Rhodian Sea Law (in Greek with a parallel Latin text), which was compiled between 600-800 CE, and the complete text of the Florentine insurance statutes, which were enacted in 1529. Joseph Story held this work in high regard: "We had almost forgotten to speak of Targa, who, in his *Reflections on Maritime Contracts*, has drawn from the civil and canon law, the *Consolato del Mare*, the usages of maritime nations, and preceding writers, the most useful learning on all the subjects of maritime law except insurance; and has adapted his work to practice by collecting the forms of the various contracts, with hints for their proper application. He is generally esteemed as an industrious and correct author; but his fame seems lost in the superior blaze of his illustrious countryman.": "Literature of the Maritime Law" (1818) reprinted in *The Miscellaneous Writings of Joseph Story*, ed. William W. Story 111-112. OCLC locates 4 copies of this edition, 2 in the United States, both in law libraries (University of Michigan, University of Virginia). Not in Kress or Goldsmiths.' This edition not in the *British Museum Catalogue*. [Order This Item](#)



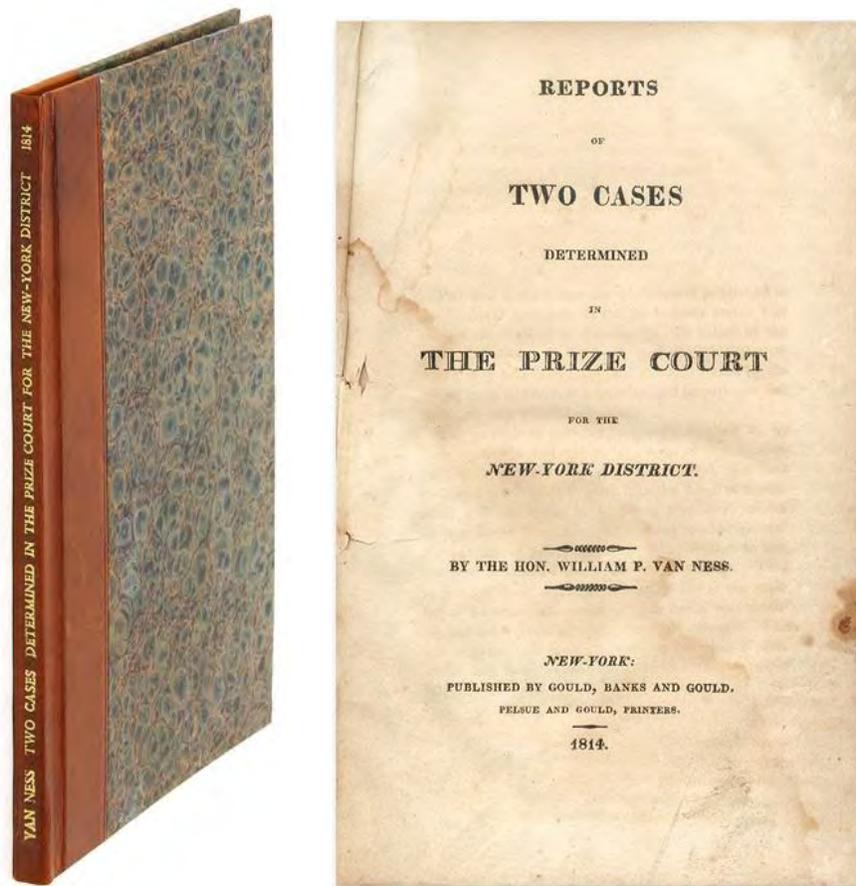
**Rare Nineteenth-Century Treatise on Ship Mortgages**

**25. Trollope, Thomas Anthony [1774-1835].**

*A Treatise on the Mortgage of Ships, As Affected by the Registry Acts; And on the Proper Mode of Effecting Mortgages on Property of this Nature, And on the Liabilities of the Mortgagee.* London: Printed for Joseph Butterworth and Son, 1823. [xii], xxiv, 144 pp. Octavo (8-1/4" x 5-1/4").

Contemporary calf with later rebacking, blind fillets to boards, lettering piece and gilt fillets to spine, blind tooling to board edges. Light rubbing and a few shallow scuffs to boards, moderate rubbing to extremities, front hinge cracked, rear hinge started. Moderate toning to text, light foxing in a few places, partial crack in text block between pp. 142 and 143. A nice copy of a rare title. \$1,250.

\* First and only edition. This treatise addresses the intricate law of ship mortgages, which was then in a period of transition. OCLC locates 4 copies (British Library, National Library of Scotland, Oxford, University of Aberdeen). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:361. [Order This Item](#)



**The First Prize Cases Tried in the  
United States District Court for the District of New York**

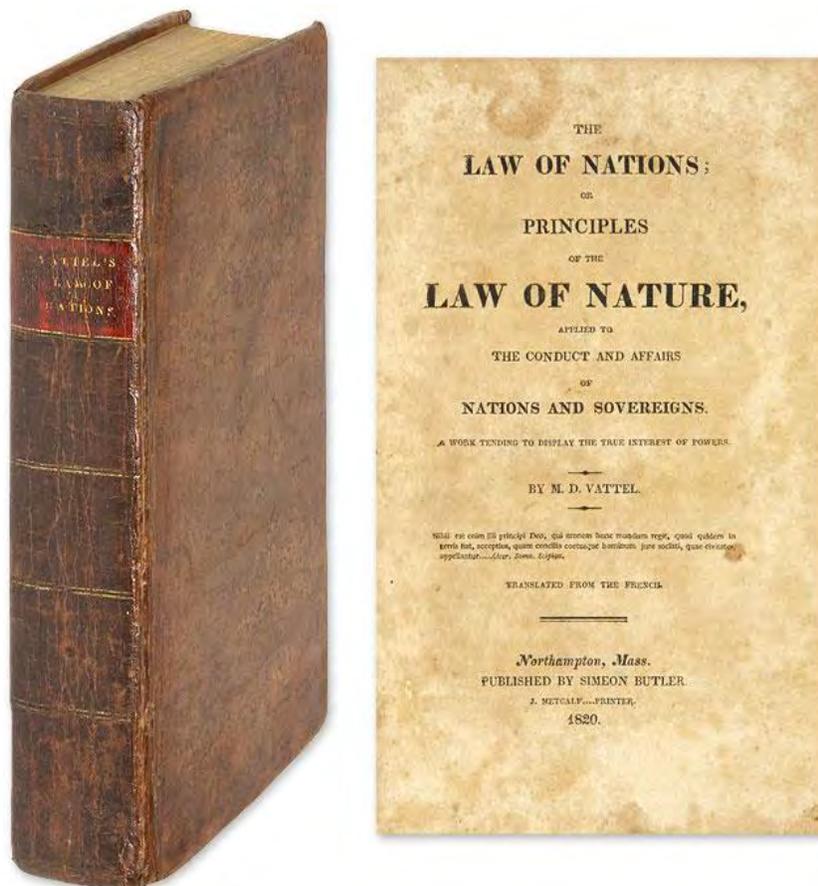
**26. [Trials].**

**Van Ness, William P. [1778-1826], Reporter.**

*Reports of Two Cases Determined in the Prize Court for the New-York District. By the Hon. William P. Van Ness.* New York: Published by Gould, Banks and Gould, 1814. 59 pp. Octavo (8-1/2" x 5").

Stab-stitched pamphlet bound into recent quarter calf over paper-covered boards, gilt title to spine, tears to title page mended. Light browning, foxing in a few places, faint dampstaining title page and following leaf. \$850.

\* Only edition, one of two issues. Also know as Van Ness's Prize Cases, this volume reports two prize cases during the War of 1812. These were the first cases tried and reported in the United States District Court for the District of New York. Both involved British ships captured by an American privateer in 1814: "Charles Johnson, on behalf of himself, officers and crew of the private armed vessel the Tickler, vs. 21 bales, 28 cases of merchandise, and 2708 bars of iron, goods & merchandise claimed by Robert Falconer, for and on behalf of John Richardson" and "Charles Johnson, on behalf of himself, owners, officers and crew of the private armed vessel called the Tickler, against Thirteen bales and thirteen cases of goods & merchandise, found on board the ship Mary and Susan, Josiah Wilson, master: William Falconer claimant of nine bales of merchandise, in behalf of James Beswicke and Son." According to Sabin, there are two issues of this title, distinguished by a few small typographical points. This is the most obvious: in issue A, the copy offered here, p. 39 ends "But however distinct-." In Issue B, p. 39 ends "But however dis-." Sabin, *A Dictionary of Books Relating to America* 98533. Wallace, *The Reporters* 567. [Order This Item](#)



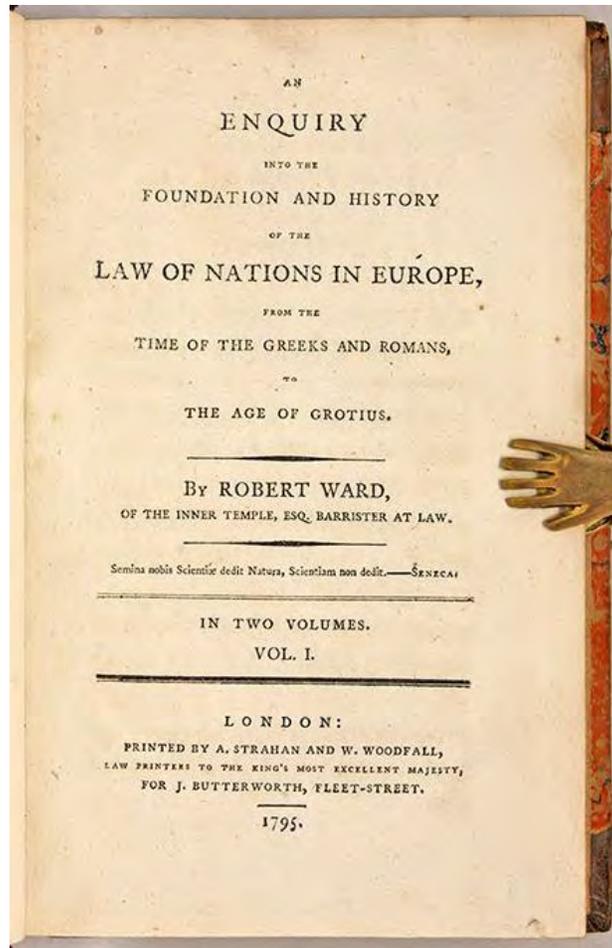
### Northampton Edition of Vattel's Law of Nations

#### 27. Vattel, [Emmerich de] [1714-1767].

*The Law of Nations; Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns. A Work Tending to Display the True Interest of Powers. Translated from the French.* Northampton, MA: Published by Simeon Butler, 1820. 560 pp. Octavo (8-1/4" x 5-1/4").

Contemporary tree sheep, lettering piece and gilt fillets to spine, joints mended. Light rubbing to extremities, a few minor scuffs and (very) light stains to boards, corners bumped and lightly worn, front hinge starting. Moderate toning to text, occasional light foxing. Early owner signature (Walter Nichols) to front free endpaper, interior otherwise clean. A nice copy. \$300.

\* Later issue of the first American edition (1787). The decisive influence of this classic study may be attributed to its eclecticism. Vattel rejected the extreme claims of the natural law of nations which went back to Aquinas. Instead, he recognized that the universal law of nature might have subsidiary force when customary or consensual international law was silent. "Le Droit de Gens is certainly a work of the first magnitude. It modernized the whole theory and business of International Law, brought it out of the study into the field, the mart, the council chamber, and the palace. (...) He did indeed, much for nations, for he imposed upon them theories of moral rational development up to which it became, in a sense, necessary for them to live.": MacDonnell, *The Great Jurists of the World* 479, 504. Cohen, *Bibliography of Early American Law* 1820. [Order This Item](#)



### The First History of International Law

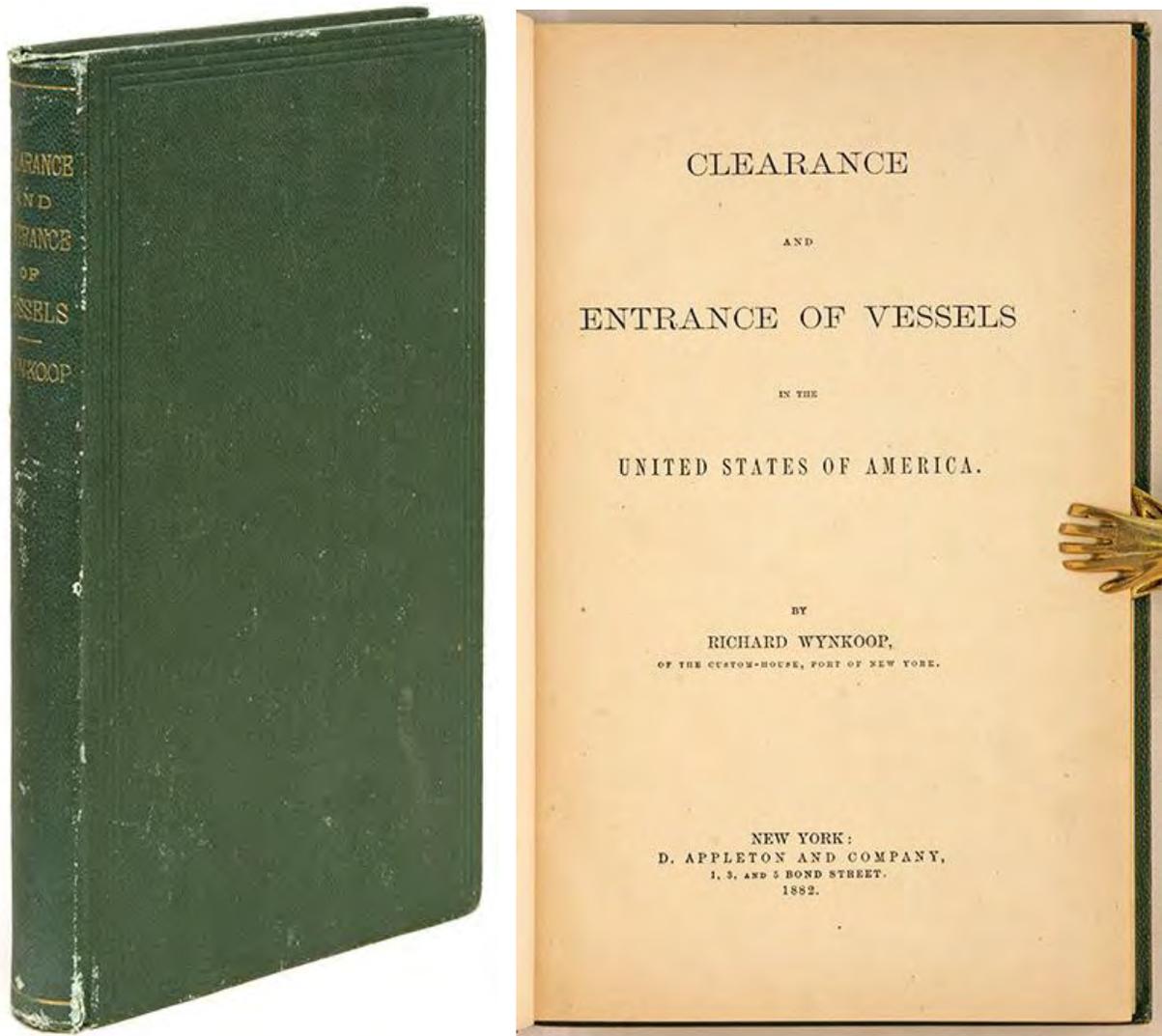
#### 28. Ward, Robert [1765-1846].

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

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

Contemporary three-quarter calf over marbled boards, gilt title and fillets to spines, small paper shelf label to that of Volume I. Moderate rubbing and some scuffing to boards, moderate rubbing to spines and extremities. Light toning to interiors, somewhat heavier in places, light foxing to a few leaves. A handsome set. \$1,250.

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



**Rare Nineteenth-Century American  
Treatise on the Clearance and Entrance of Vessels**

**29. Wynkoop, Richard [1829-1913].**

*Clearance and Entrance of Vessels in the United States of America.* New York: D. Appleton and Company, 1882. 199 pp.

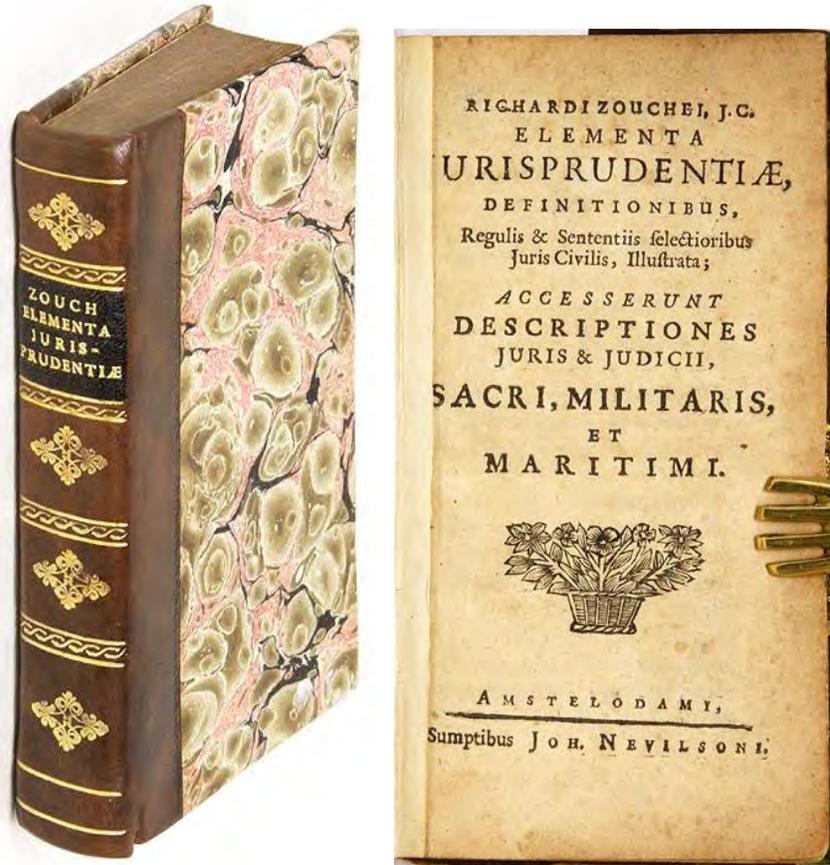
[With]

**Wynkoop, Richard.**

*Supplement to Clearance and Entrance of Vessels* [Running Title]. [New York: D. Appleton and Company], 1883. 46, [viii] pp.  
Includes 8-page publisher catalogue.

Octavo (9" x 5-3/4"). Pebbled cloth, blind rules to boards, gilt title to spine. Light rubbing to boards, moderate rubbing to extremities with some wear to spine ends and corners, hinges starting, some toning to text, a few small marks to endleaves. A nice copy of a rare title. \$500.

\* Second and final edition. Wynkoop was an officer at the U.S. Customs House of the Port of New York. The first edition of his treatise was published in 1881. OCLC locates no printed copies of either edition or any copies of the *Supplement* in any format. No editions listed in Marke or the 1909 *Harvard Law Catalogue*. [Order This Item](#)



With Important Sections on International Law

**30. Zouch Richard [1590-1661].**

*Elementa Jurisprudentiae, Definitionibus, Regulis & Sententiis Selectioribus Juris Civilis, Illustrata; Accesserunt Descriptiones Juris & Judicii, Sacri, Militaris, Et Maritimi.* Amsterdam: Sumptibus Joh. Nevilsoni, [1652]. [x], 439 pp. Four parts with continuous pagination and divisional title pages. 12mo. (5" x 2-3/4").

Recent period-style quarter calf over marbled boards, lettering piece and gilt ornaments to spine. Light toning to text. A handsome copy. \$1,000.

\* Third edition, an issue of the Elzevier edition of 1652 with a cancel title page. One of England's greatest civilians, Zouch was an advocate of Doctors' Commons, Judge of the High Court of Admiralty and Regius Professor of Civil Law at Oxford. He published treatises on a broad range of legal topics and is best known for his contributions to international law. He is equally important as the first English writer to publish works on jurisprudence. *Elementa Jurisprudentiae* is an ambitious general study that lays out a general theory of general principles applicable to all branches and systems of legal science. The second, third and fourth parts, *Descriptio Juris et Judicii Sacri; Ad Quam Leges, Quae Religionem, Et Piam Causam Respiciunt, Referuntur, Descriptio Juris & Judicii Militaris; Ad Quam Leges, Quae rem Militarem et Ordinem Personarum and Descriptio Juris et Judicii Maritimi* and *Ad Quam quae Navigationem et Negotiationem Maritimam Respiciunt, Referuntur* are distinct essays on topics in English ecclesiastical law, the laws of war and military discipline and laws concerning ships and sea-borne cargo. The latter two essays also deal with international law. The first two editions were published in Oxford in 1629 and 1636. The following two editions, with different additional contents, were issued in Holland in 1652 and 1665. According to Willems, some copies of this title were printed by other printers, some with cancel title pages, others with counterfeit Elzevier title pages. See Willems, *Les Elzevier: Histoire et Annales Typographiques* 717. [Order This Item](#)