

DECEMBER 27, 2022

# WOMEN & FAMILY LAW 1545–1905

30 Items



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### "Almost Every Interesting Particular Concerning That Sex"

#### 1. Alexander, William [d.1783].

*The History of Women, From the Earliest Antiquity, To the Present Time; Giving an Account of Almost Every Interesting Particular Concerning that Sex, Among All Nations, Ancient and Modern. With a Complete Index.* Philadelphia: Published by J.H. Dobelbower, 1796. Two volumes. xxv, 377, [1], xxx; 346, xx [i.e. xxv], [1], 10 pp. Title page of each volume preceded by copperplate allegorical frontispiece. Octavo (8" x 5").

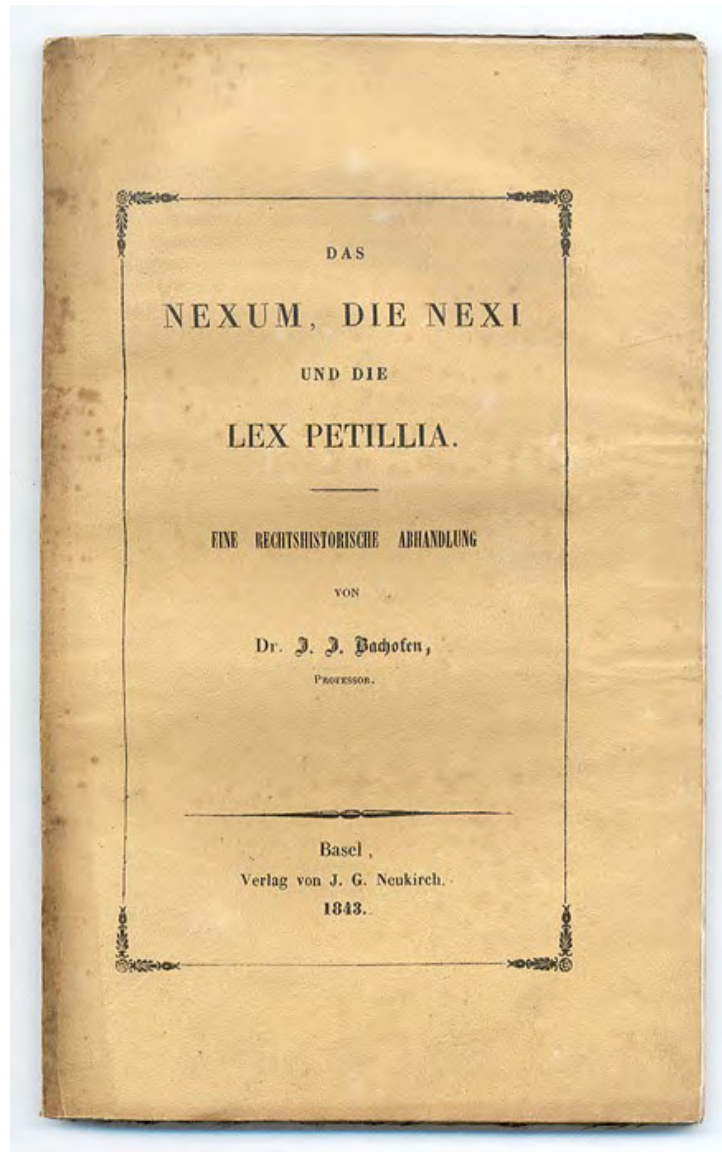
Contemporary tree calf, rebaked in period-style calf, raised bands and retained contemporary lettering pieces to spine, hinges mended. Light rubbing, a few scuffs and some light gatoring to boards, moderate rubbing to extremities, corners bumped and somewhat worn. Light browning to interior, light foxing in a few places, minor tears and chips to a few leaves with no loss to text, some offsetting and light edgewear to margins of preliminaries. A handsome set. \$3,500.

\* Second American and final edition of this work, with a subscriber list and two indexes. Originally published in London in 1779, this wide-ranging study traces the subservient role of women since antiquity. The final chapter of Volume II considers "the Rights, Privileges, And Immunities of the Women of Great Britain; The Punishments to Which They are Liable by Law; And the Restrictions They are Laid Under by Law and Custom."

A patronizing work overall, it is nevertheless laudable for its advocacy of better educational opportunities and greater social freedom for women. The list of 570 subscribers, mostly Philadelphians, includes Thomas Mifflin, then governor of Pennsylvania, James Wilson, then an associate justice of the U.S. Supreme Court, and 65 women, several from prominent families. The frontispieces are by two notable Philadelphia engravers, James Smither, sometimes spelled Smithers, [d.ca.1799] and James Thackara [1767-1848].

*English Short-Title Catalogue* W12754. Evans, *American Bibliography* 29964.

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### The Roman Law of Parent and Child

#### 2. Bachofen, Johann Jakob [1815-1887].

*Das Nexum, die Nexi und die Lex Petillia: Eine Rechtshistorische Abhandlung.* Basel: Verlag von J.G. Neukirch, 1843. [ii], 160 pp. Octavo (8-1/2" x 5").

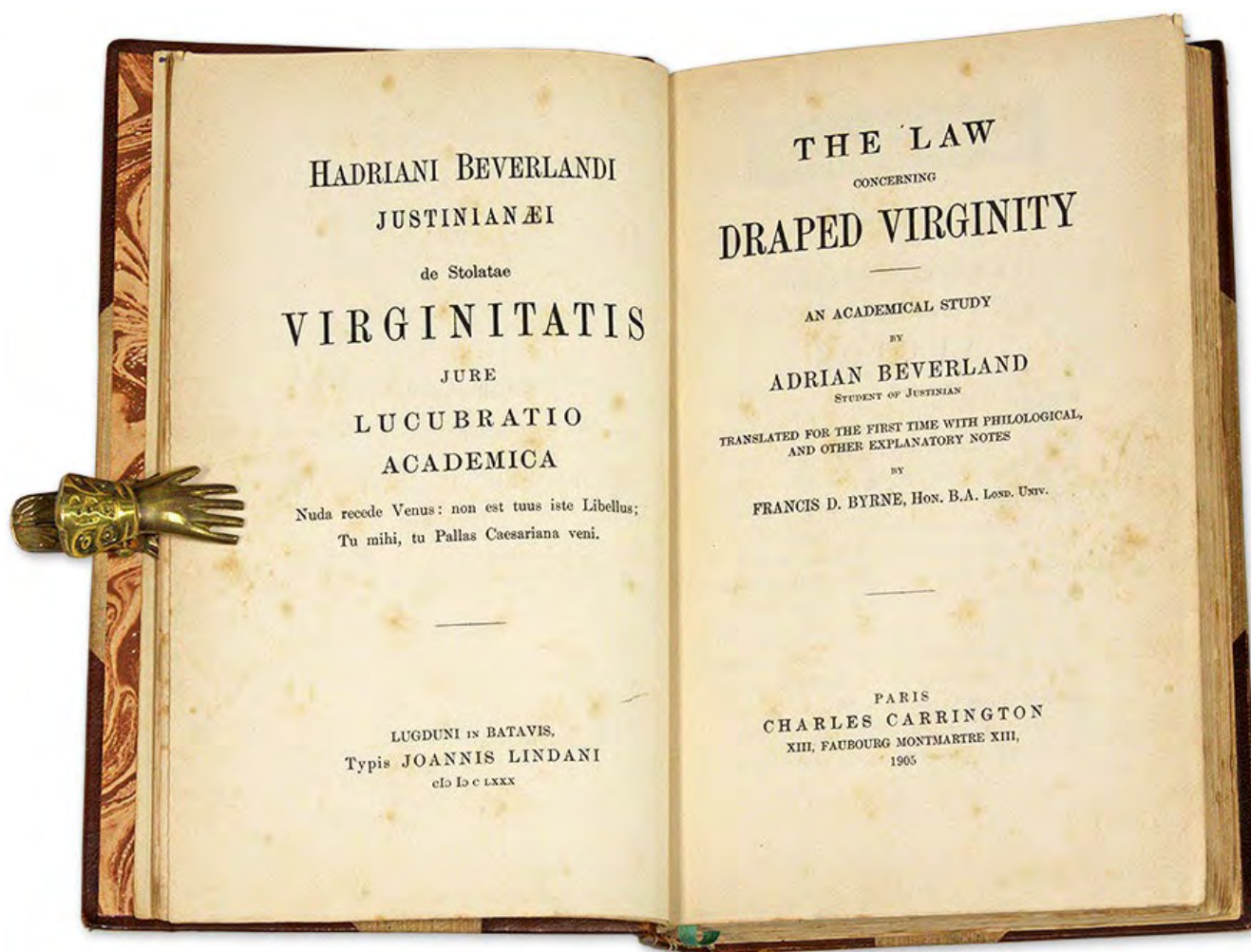
Original printed publisher wrappers, unopened signatures. Some rubbing to edges, light soiling and faint dampspotting, spine darkened. Moderate toning and occasional light foxing to text. \$750.

\* First edition. Bachofen, a founder of the German Historical School, is best known as the author of *Das Mutterrecht* (1861), a ground-breaking history of the family as a social institution. An early example of his work in this field, *Das Nexum* deals with the Roman law of parent and child. OCLC locates no copies in North America.

*British Museum Catalogue* (Compact Edition) 2:79.

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**Fine-Press Edition of a Licentious Seventeenth-Century  
"Treatise" on Female Virginity and "Sexual Lubricity"**

**3. Beverland, Adrian (Hadrian) [c.1654-1712].**

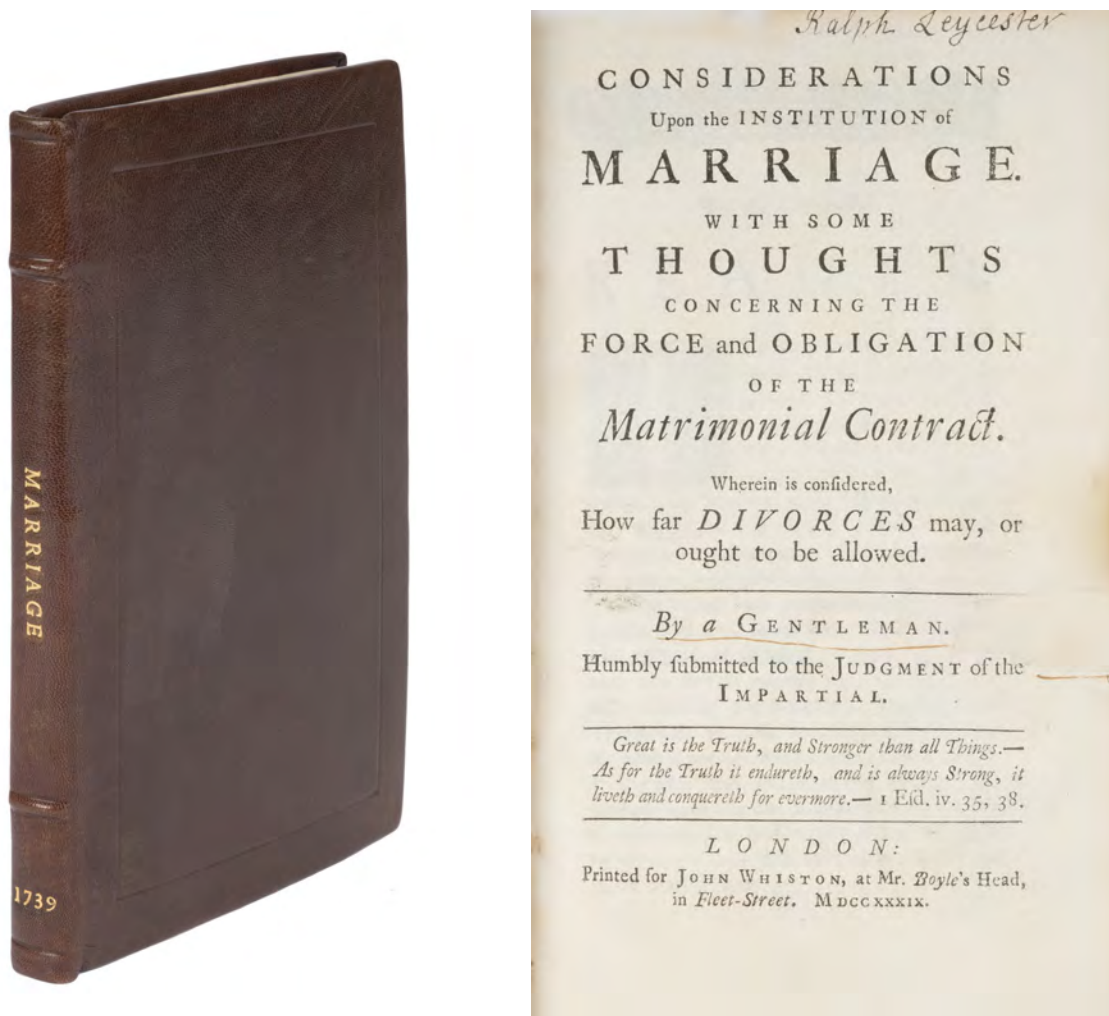
**Byrne, Francis D., Editor and Translator.**

*The Law Concerning Draped Virginity. An Academic Study by A Student of Justinian. Translated for the First Time with Philological, And Other Explanatory Notes.* Paris: Charles Carrington, 1905. xxxix, 475 pp. Latin text and English translation on facing pages, reproduction of original title page reading: *Hadriani Beverlandi Justinianæi de Stolatae Virginitatis Jure Lucubratio Academica* (Leiden, 1680).

Contemporary three-quarter morocco over patterned boards, raised bands, gilt title and gilt ornaments to spine, top-edge gilt, marbled endpapers, ribbon market. A few nicks and tiny stains to boards, light rubbing to extremities, owner bookplate to front pastedown, light foxing in a few places. \$450.

\* From an edition of 500 "issued for private circulation amongst students of philology and anthropology and adult collectors of literary curiosities only," this copy not numbered. Originally published in 1680, this mock treatise offers an "academic lucubration on woman's propensity for sexual lubricity." Its mock-legalistic discourse is enlivened with numerous references to modern and classical literature, with an emphasis, as one would expect, on Ovid and Juvenal.

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### "The Force and Obligations of the Matrimonial Contract"

#### 4. [Booth, George, Earl of Warrington (1675-1758)].

*Considerations Upon the Institution of Marriage. With Some Thoughts Concerning the Force and Obligation of the Matrimonial Contract. Wherein is Considered, How Far Divorces May, Or Ought to be Allowed. By a Gentleman. Humbly Submitted to the Judgment of the Impartial.* London: Printed for John Whiston, 1739. vi, 154 pp. Octavo (7-3/4" x 4-3/4").

Recent calf, blind frames to boards, raised bands and gilt title to spine, endpapers renewed. Moderate toning to text, early owner signature to head of title page (Ralph Leicester), later repair to its fore-edge, bit of label residue to lower-right corner of rear pastedown. A handsome copy of a scarce title. \$1,850.

\* Only edition. A treatise on the moral and theological justifications for, and legal consequences of, divorce or separation. Like Milton, the Earl of Warrington believed that divorces should be granted for spousal incompatibility. He was not a disinterested scholar. A contemporary, "Philip Bliss, in a manuscript note in a copy of Walpole's *Royal and Noble Authors*," says Warrington and his wife "lived in the same house as absolute strangers to each other at bed and board." OCLC locates 7 copies in North America, none in law libraries.

Bliss quoted in *Dictionary of National Biography* II:841. *English Short-Title Catalogue* T2989.

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Handsome French Edition of Damhouder on Guardian and Ward

#### 5. Damhouder (Damhoudere), Josse (Joost) de [1507-1581].

*Le Refuge et Garand des Pupilles, Orphelins, Et Prodiges: Traite Fort Utile et Necessaire a tous Legistes, Practiciens, Iusticiers & Officiers, Aorné de Figures Convenables a la Matiere.* Antwerp: Chez Iean Bellere, 1567. [xiv], 133, [19] ff. With two full-page armorial woodcuts and ten full-page illustrations. Quarto (7-1/4" x 5-1/4").

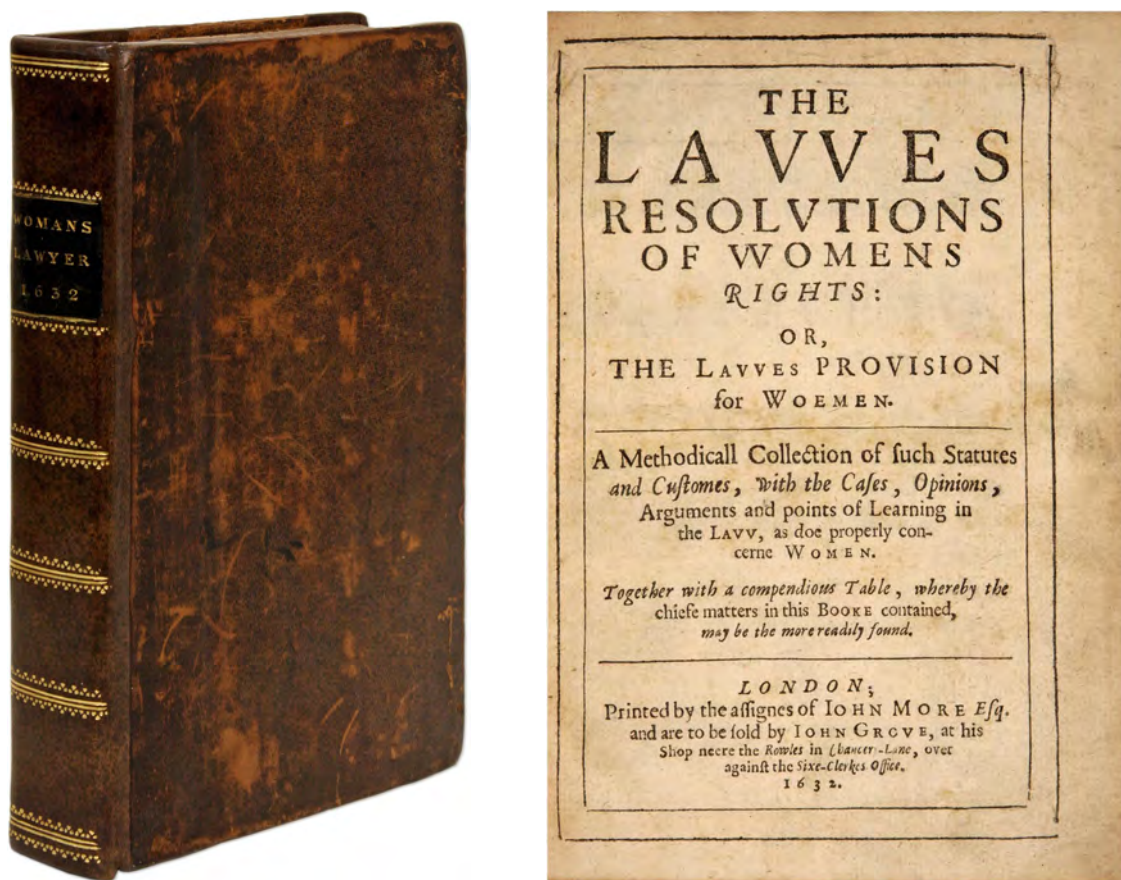
Later signed binding (by Gustave Schildknecht of Brussels), three-quarter morocco over marbled boards, gilt fillets to morocco edges, gilt-edged raised bands, gilt title and date to spine, gilt ornaments to compartments, edges rouged, marbled (renewed) endpapers, silk ribbon bookmark. Text in two columns with a few woodcut tail-pieces and initials. Moderate rubbing to joints, light rubbing to board edges, armorial bookplate of Jules Vandenpeereboom to front pastedown, autograph letter, signed, from him dated 15 October 1880 and fragment of an additional autograph letter laid in. Light browning to interior, light foxing and soiling in a few places, occasional faint dampstaining to bottom margin from f. 45, just touching main text on a few pages without loss to legibility, trimming to bottom-edges of leaf \*\*\*3-4 (ff. [xi-xii]) with loss to catchwords but no loss to main text, a few brief annotations and corrections in an early hand. A handsome copy of a scarce title. \$3,500.

\* Only French edition. First published in 1544 in Latin as *Pupillorum Patrocinium*, this is a comprehensive treatise on the law of guardian and ward. Like Damhouder's works on civil and criminal law, it has woodcut illustrations, 10 in this case, that illustrate points in the text. One depicts three young orphans with their guardian, tutor, godfather, conservator and executor before a magistrate, facing preface. Other plates depict situations in later stages of life, such as a guardian introducing a child to a teacher, the guardian and child at a shoemaker's shop and the guardian making a record of his charge's assets with an accountant. The French edition includes an address to the reader in verse by Antoine Tiron. OCLC locates 7 copies of the French edition in North America, 3 in law libraries (Harvard, George Washington University, John Jay College of Criminal Justice).

Our copy was owned by Jules Vandenpeereboom [1843-1917], a politician who served as prime minister of Belgium in 1899. In 1880, he presented it to a friend along with a note addressed to "Mon cher Jean." This note is laid-in to the volume along with a fragment of an 1884 letter that seems to identify the recipient as a Jean Bethune. Not in Adams.

Cockx-Indestege, *Belgica Typographica 1541-1600* 804. Dekkers, *Bibliotheca Belgica Juridica* 44.

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### The Earliest Work in English Devoted to Laws Relating to Women

#### 6. E[dggar], T[homas] [fl. 1615-1649], Attributed.

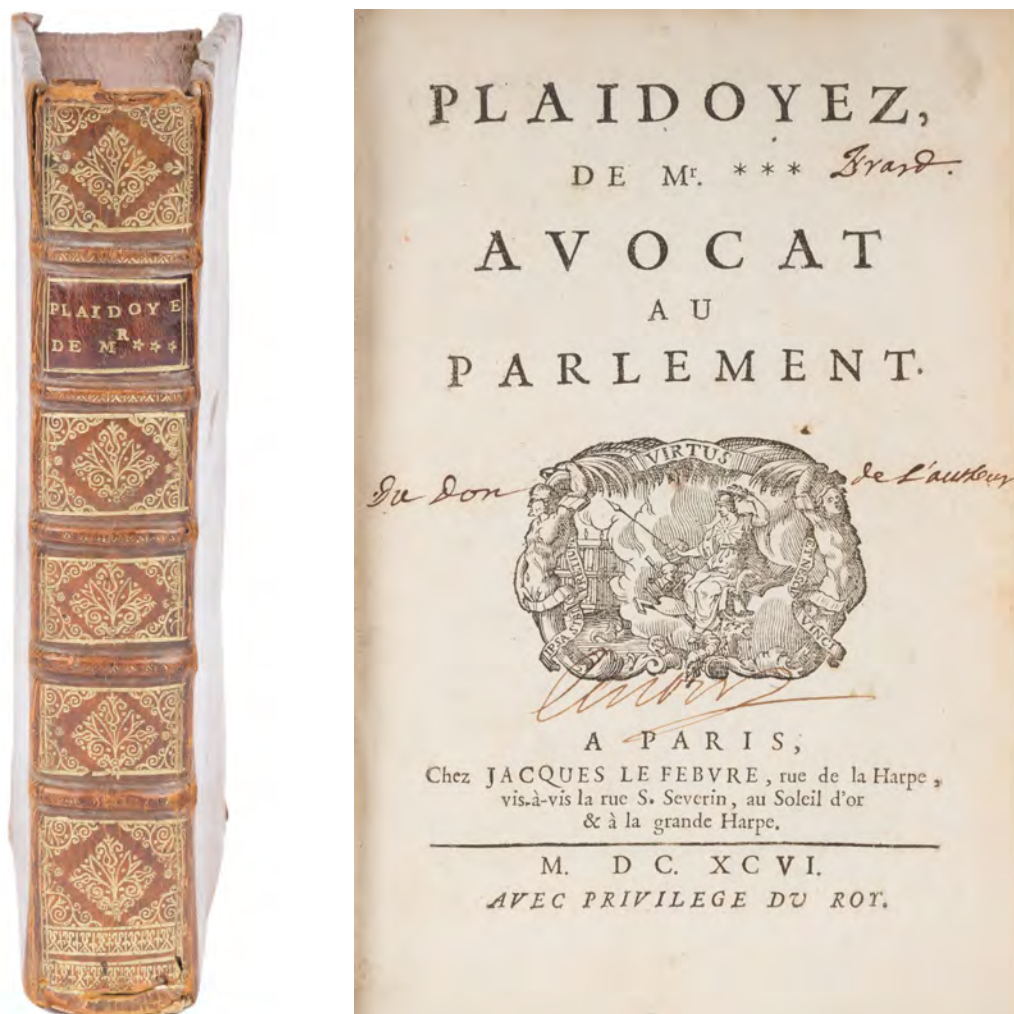
*The Lawes Resolutions of Womens Rights: Or, The Lawes Provision for Woemen. A Methodicall Collection of Such Statutes and Customes, With the Cases, Opinions, Arguments and Points of Learning in the Law, As Doe Properly Concerne Women. Together with a Compendious Table, Whereby the Chiefe Matters in This Booke Contained, May Be the More Readily Found.* London: Printed by [Miles Flesher for] the Assignes of John More Esq., 1632. [xiv], 404 pp. First leaf in collation, a blank, lacking. Quarto (7-1/2" x 5-1/2").

Contemporary speckled calf, rebaked in period style, gilt fillets and lettering piece to spine, gilt tooling to board edges, corners mended, endpapers renewed, speckled edges. Light rubbing to boards, tiny nick to lettering piece. Light toning to text, light foxing to a few leaves. Housed in a custom quarter morocco over cloth clamshell box with gilt-edged raised bands and gilt title to spine. A handsome copy of a landmark work. \$25,000.

\* First edition. The earliest work in English devoted to laws relating exclusively to women, this incomparable digest from the time of the Civil War is also known as *The Womens Lawyer*. It is notable, in part, as the first book in English with the phrase "women's rights." A wide-ranging work, it treats such diverse topics as age of consent, dower, hermaphrodites, polygamy, wooing, partition, chattels, divorce, descent, seisin, treason, felonies and rape. Some sources, such as the *English Short-Title Catalogue*, believe this work was written in 1603 by Sir John Doderidge [1555-1628], an important legal figure during the reign of James I. Its preface is signed T.E., who is believed to be Thomas Edgar. Jefferson owned a copy of this book.

Sowerby, *Catalogue of the Library of Thomas Jefferson* 1999. *English Short-Title Catalogue* S100217.

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**Collected Pleadings of a Seventeenth-Century  
French Lawyer Who Specialized in Matrimonial Cases**

**7. [Érard, Claude (1646-1700)].**

*Plaidoyez de Mr. \*\*\**, *Avocat au Parlement*. Paris: Jacques Le Febvre, 1696. [iv], 495, [1] pp. Octavo (7-1/2" x 5").

Contemporary calf, gilt spine, gilt tooling to board edges, marbled endpapers, edges of text block rouged. Light rubbing and faint staining to boards, a few nicks and bumps to edges, some chipping to spine ends, corners bumped and worn. Moderate toning to text, light foxing and faint dampstaining to text in a few places, author name in his hand added to title page, author presentation inscription and illegible owner signature below. Rare. \$950.

\* Only edition. This collection of pleadings (with background histories) suggests that Érard specialized in cases asserting the power of husbands and fathers. He seemed to have a particular talent for prosecuting aristocratic women for wayward behavior. Érard's presentation at the famous divorce of the Duc de Mazarin and his wife, Hortense Mancini, is probably the best-known example of his work. Hortense had been one of the mistresses of the English King Charles II before entering into an unhappy marriage with the bizarre Duc de Mazarin, whose extreme jealousy and psychosexual oddities compelled her to flee to Rome and later England, an estrangement that lasted nearly 20 years, a period in which she conducted numerous affairs, a few with women. OCLC locates 3 copies, none in North America. Not in Camus.

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### The Legal Status of Wives in Roman Law

#### 8. Grupen, Christian Ulrich [1692-1767].

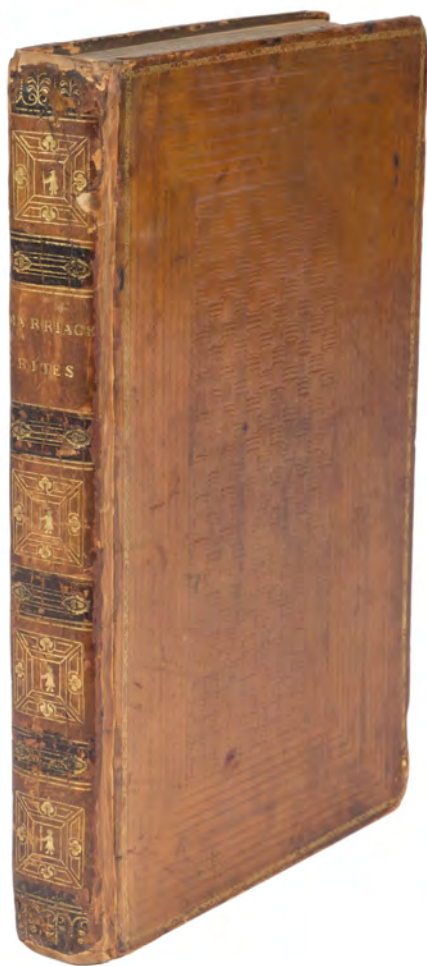
*Tractatio De Uxore Romana: Cum Ea, Quae In Manum Convenit, Farre, Coemtione Et Usu, Tum Illa, Quae Uxor Tantummodo Habebatur.* Hanover: Apud Nic. Foersterum et Fil., 1727. [xxx], 348, [20] pp. Lacking blank leaf following p. [xxx]. 5 engraved copperplates, 1 folding. Octavo (6-1/2" x 4-1/2").

Later marbled boards, calf lettering piece to spine, endpapers renewed. Light rubbing to boards and extremities, some fading to spine. Title page, with woodcut image of a Roman coin, printed in red and black. Some toning, light foxing in a few places, margins of plates neatly trimmed, tiny "II." in small early hand to upper corner of title page. An attractive copy. \$500.

\* Only edition. This treatise explores marriage and the legal status and matrimonial responsibilities of women under Roman law. Grupen was a notable legal scholar and historian who served as an advisor to the House of Hanover. He had a particular interest in women and issues relating to marriage. His publications include *De Uxore Theoretica* (1748) and *Tractatio Iuridica de Virgine* (1716).

*Das Verzeichnis Deutscher Drucke des 18. Jahrhunderts* 10255516-004.

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### An Englishwoman's Take on Global Marriage Customs

#### 9. Hamilton, Lady Marianna Augusta [d.1892].

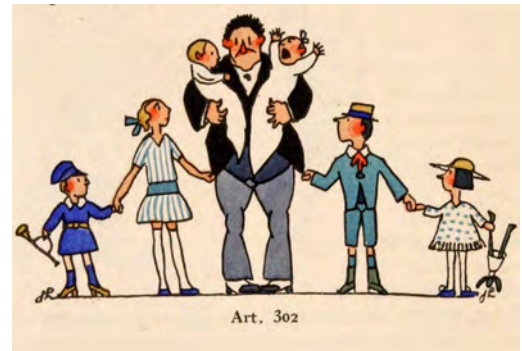
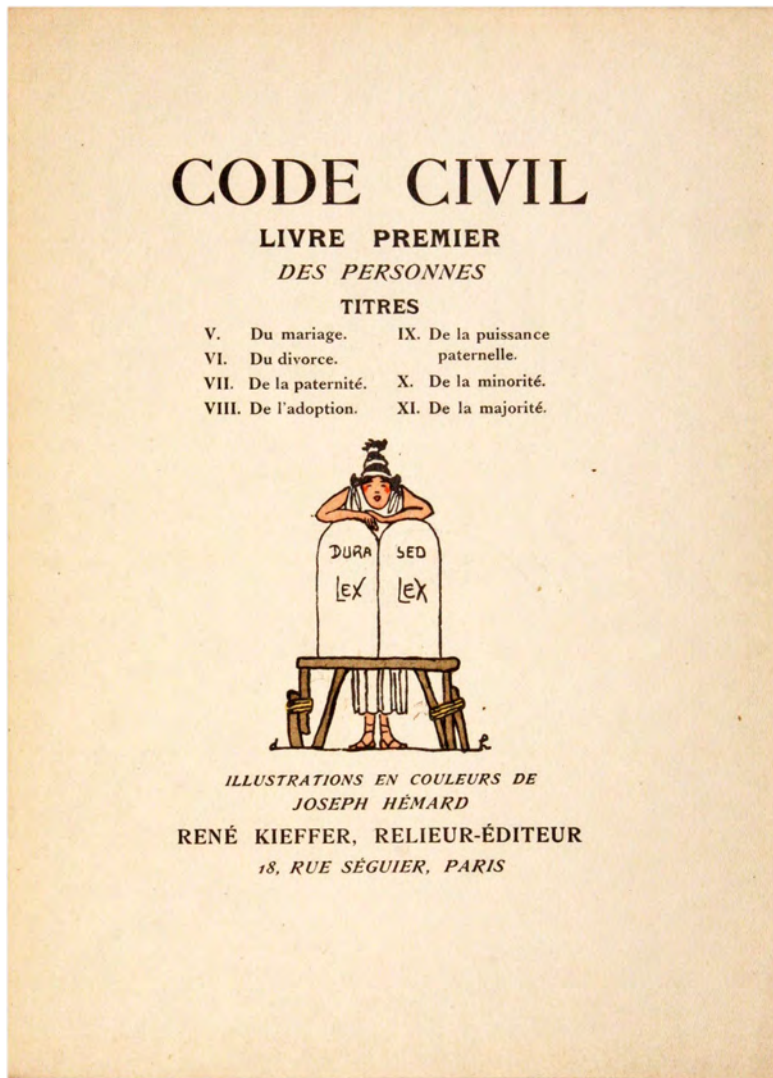
*Marriage Rites, Customs, And Ceremonies, of the Nations of the Universe.* London: Printed by and for J. Smith, 1822. [ii], viii, 400 pp. With a copperplate portrait frontispiece and 4 plates. Octavo (8-1/4" x 5").

Contemporary blind-paneled calf, gilt fillets to boards, rebacked retaining gilt spine, gilt tooling to board edges, marbled edges. A few nicks and scratches to boards, moderate rubbing and light wear to extremities, including corners, which are bumped and worn, front hinge cracked, rear hinge starting at top. Light toning to interior, occasional light foxing, small tear to fore-edge of leaf E4 (pp. 31-32), small hole to title page under author name without loss to legibility. \$150.

\* One of two 1822 issues. This fascinating account of international marital customs covers nations and territories from the South Sea Islands to California, spanning almost every continent. Lady Hamilton likely traveled herself given her husband's extensive military service, but draws primarily on accounts "collected from the labors of enlightened travelers and navigators" such as Lady Mary Wortley Montague and Lewis and Clark (iv). The work concludes with a brief summary of English law respecting marriage.

Sabin, *A Dictionary of Books Relating to America* 29999.

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### A Witty (And Very French) View of Family Law

#### 10. Hémard, Joseph [1880-1961], Illustrator.

*Code Civil: Livre Premier, Des Personnes: Titres V. Du Mariage. VI. Du Divorce. VII. De la Paternité. VIII. De l'Adoption. IX. De la Puissance Paternelle. X. De la Minorité. XI. De la Majorité.* Paris: Rene Kieffer, [1925]. [vi], 126, [4] pp. Pochoir color text illustrations. Quarto (8" x 6-1/2").

Original publisher stiff wrappers with protective tissue-paper wrapper, untrimmed edges. Binding slightly cocked, some rubbing to extremities with light wear to spine ends, creases and a few small cracks to spine. Light toning to text, vivid illustrations, internally clean. \$750.

\* From an edition limited to 900 copies, this number 376. Hémard presents the official text of the sections of the French Civil Code dealing with family law with witty, and often mildly erotic, color pochoir illustrations. Hémard applied this treatment to two other legal works: *Code Penal* (1940) and *Code General des Impôts Directs et Taxes Assimilées* (1944). A prolific artist, illustrator, designer and author, Hémard is best-known for his humorously illustrated editions of serious non-fiction books.

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**"His Office Shelves With Parish Laws are Grac'd,  
But Spelling Books and Guides Between Them Plac'd"**

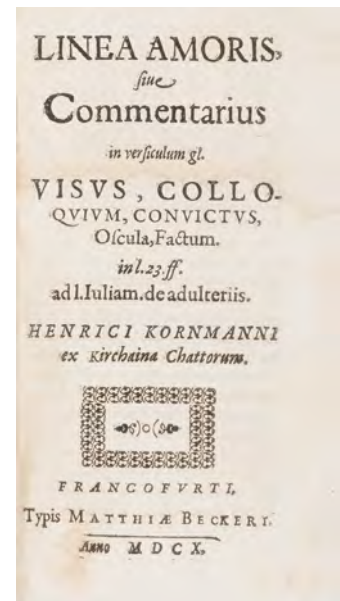
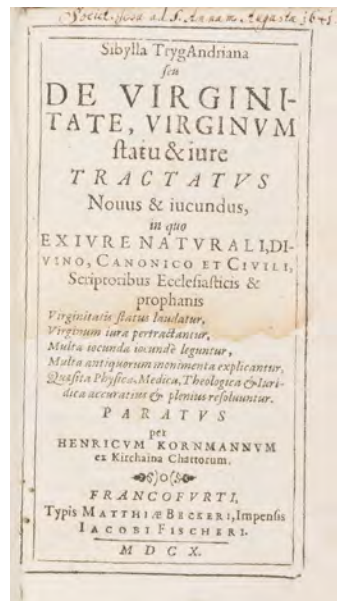
**11. Hogarth, William [1697-1764], After.  
Cook, Thomas [c.1744-1818], Engraver.**

*A Woman Swearing Her Child to a Grave Citizen.* Copperplate engraving by Thomas Cook after a painting by William Hogarth. London c. 1795-1822.

19-1/4" x 21" (image size 11-3/4" x 14") copperplate engraving. Attractively mounted and matted. Negligible light toning and dampspotting to margins, image notably fresh. \$250.

\* A fine example of Hogarth's satirical work, this engraving is captioned with twelve lines of verse describing the scene. It depicts a pregnant woman pleading with a seated justice of the peace to order the "rich old lecher" at the centre of the print to acknowledge his paternity and provide for the unborn child. (The books on the shelves are: *The Complete Justice* and *The Art of Spelling*; a just-consulted *Law of Bastardy* sits on the justice's table.) Hogarth never produced a print of this work during his lifetime. Cook's was the first. A skilled engraver, Cook played an important role in the preservation of Hogarth's legacy through his *Hogarth Restored: The Whole Works of the Celebrated William Hogarth* (1795 and later editions through 1822), which is the source of this plate.

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### "Historical" and "Legal" Studies of Virginity, Adultery and Prostitution

#### 12. Kornmann, Heinrich [c.1580-c.1640].

*Sibylla Tryg-Andriana: De Virginitate, Virginum Statu & Iure Tractatus Novus & Incundus in Quo ex Iure Naturali, Divino, Canonico et Civili, Scriptoribus Ecclesiasticis & Prophanis.* Frankfurt: Typis Matthiae Beckeri, Impensis Iacobi Fischeri, 1610. 281, [vii] pp.

[Bound with]

**Kornmann, Heinrich.**

*Linea Amoris, Sive, Commentarius in Versiculum Gl. Visus, Colloquium, Convictus, Oscula, Factum. in l. 23 ff. Ad. l. Iuliam. De Adulteriis.* Frankfurt: Typis Matthiae Beckeri, 1610. 148, [8] pp.

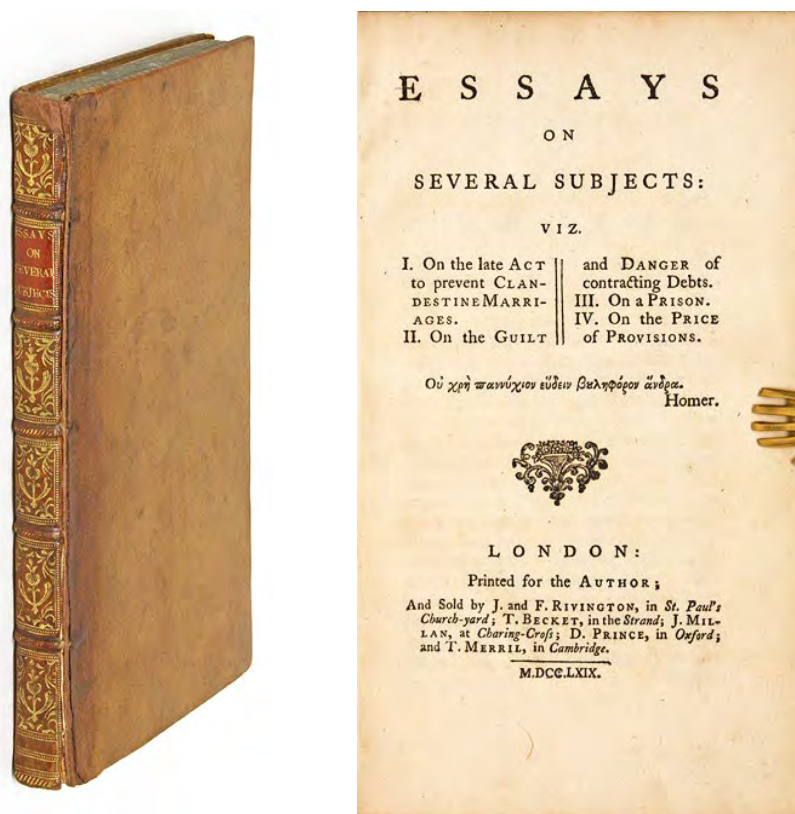
2 books in 1 volume. 12mo. (5-1/2" x 3"). Contemporary vellum, blind rules to boards, fragments of ties, raised bands and faint early hand-lettered title to spine. Negligible light soiling, boards slightly bowed, spine ends and corners bumped, vellum just beginning to crack through pastedowns, minor worming to front pastedown and hinge. Light toning, faint, often very faint, dampstaining to upper half of text block, tiny chip to fore-edge of final leaf of *Sibylla* (from removal of thumb tab), contemporary owner inscription of the Jesuit church of St. Anna in Augsburg dated 1641 to head of its title page. \$950.

\* First editions. Collected by a German lawyer, these are collections of erotic texts presented as historical and legal studies. The first addresses virginity, the second discusses adultery and prostitution. Both offer fascinating, and often fantastical, content concerning love, sex, women and marriage laced with references to astrology, popular folklore, magic, superstition, history and classical authors. *Sibylla* has two dedications. The first is to Kornmann's patron, Georg von Hatzfeld, the second to Juliana Morell [1594-1653], a Spanish Dominican nun and intellectual child prodigy who was the first woman to receive a university degree.

Usually bound together by contemporary owners, *Sibylla* and *Linea Amoris* were originally issued separately. They were published together in subsequent editions. Popular works, they were reissued, and republished with other titles, well into the eighteenth century. Enjoyable as works of curiosa, they are also valuable for their insights into early modern legal discourses on sexual, gender and family issues. Not in Hayn-Gottendorf.

*Das Verzeichnis der im Deutschen Sprachraum Erschienenen Drucke des 17. Jahrhunderts* 23:280041W, 23:280043M.

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### Clandestine Marriage, Prisons and Economic Matters

#### 13. [Lind, Charles].

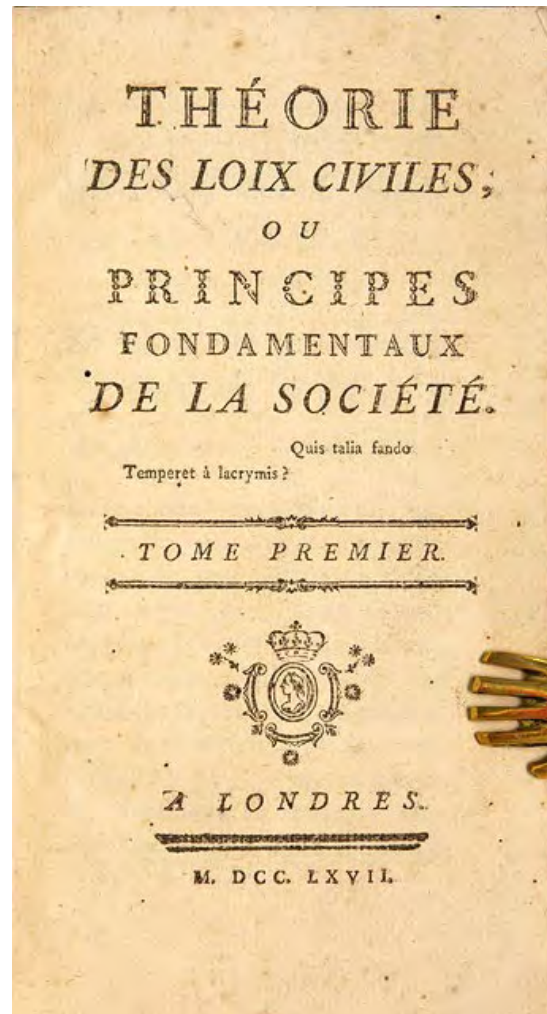
*Essays on Several Subjects: Viz. I. On the Late Act to Prevent Clandestine Marriages. II. On the Guilt and Danger of Contracting Debts. III. On a Prison. IV. On the Price of Provisions.* London: Printed for the Author; And Sold by J. and F. Rivington, 1769. [ii], x, 156 pp. Octavo (8-1/4" x 5").

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

\* Only edition. This essay collection addresses several topics of interest to the learned English public of the mid-eighteenth century. Two of these address legal matters relating to marriage and prison, the others address economic issues. The first essay is an extensive discussion of the historical context and legal implications of the Clandestine Marriages Act of 1753, which required a formal marriage ceremony for the first time and allowed parents to prohibit the marriages of those under 21. The act notably did not apply in Scotland and caused some confusion over the validity of Scottish marriages (in addition to causing a surge in clandestine marriages among young people in Scotland). Some early sources attribute the authorship to James Lind [1716-1794], the important Scottish physician and epidemiologist. OCLC locates 9 copies, 4 in North America (Library Company of Philadelphia, NY Public Library, Northwestern University, University of Minnesota).

*Goldsmiths'-Kress Library of Economic Literature* 10591. *English Short-Title Catalogue* T71425.

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### An Ideal Form of Government

#### 14. Linguet, Simon Nicolas Henri [1736-1794].

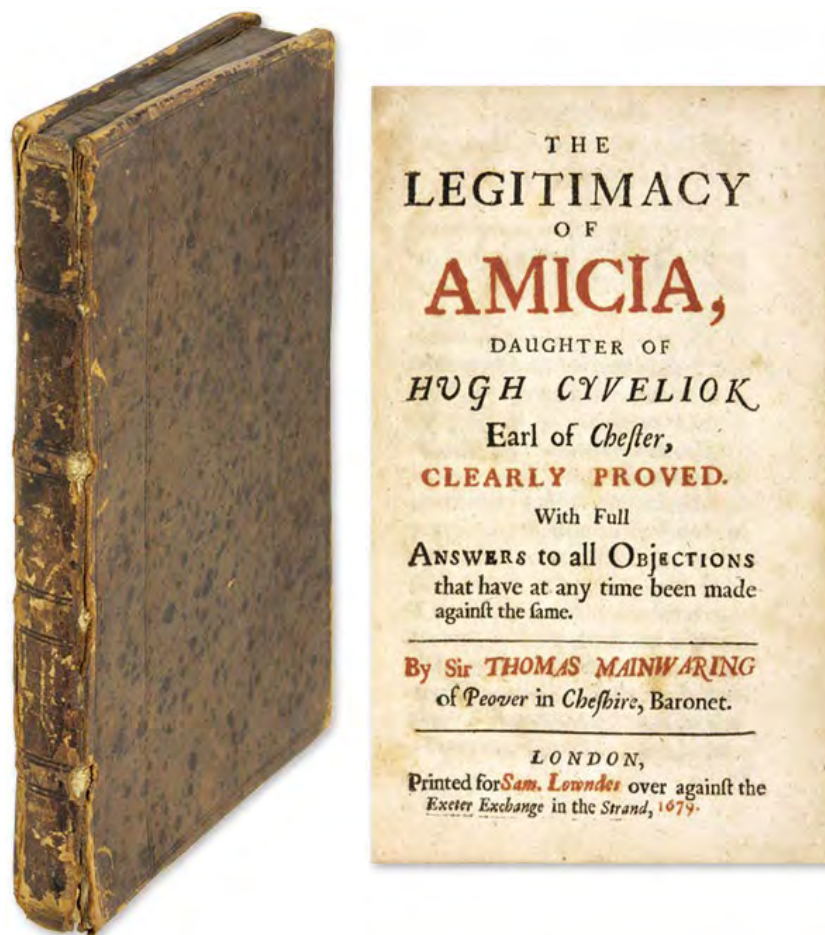
*Théorie des Loix Civiles, Ou, Principes Fondamentaux de la Société.* "A Londres" (i.e. Paris): S.n., 1767. Two volumes [iv], 496; [iv], 528 pp. 12mo. (6-1/2" x 3-3/4").

Contemporary mottled calf, red and green lettering pieces and gilt ornaments to spine, edges rouged, marbled endpapers, ribbon markers. Light rubbing and a few tiny scuffs to boards, somewhat heavier rubbing to spine and extremities, corners bumped. Light toning to text, slightly heavier in places, light foxing to a few leaves in each volume, tiny inkspot to title page of Volume II. An attractive set. \$350.

\* From the same year as the first edition, with corrections. Linguet was a conservative lawyer and journalist who was executed during the Reign of Terror. *Théorie des Loix Civiles*, perhaps the author's most important work, went through several editions and issues, the last in 1787. It outlines an ideal form of government and proposes reforms in taxation, customs and the law. It also defends absolutism and attacks the politics of Montesquieu. Volume I contains extensive discussion of divorce and the position of women in society.

*Catalogue of the Goldsmiths' Library of Economic Literature* 10377.

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Interesting for Its Discussion of  
Early Common-Law Authorities on Marriage

**15. Mainwaring, Sir Thomas [1623-1689].**

*The Legitimacy Of Amicia, Daughter Of Hugh Cyveliok Earl Of Chester, Clearly Proved. With Full Answers to All Objections that Have at Any Time been Made Against the Same.* London: Printed for Sam. Lowndes, 1679. [x], 171, [1] pp. Octavo (6-1/2" x 4").

Contemporary speckled calf, blind rules to boards, raised bands to spine, marbled edges. Moderate rubbing to extremities, boards beginning to separate, but secured by cords. Title page printed in red and black. Moderate toning to text, small piece excised from rear endleaf, internally clean. \$250.

\* Only edition. A sequel to the author's *A Defence of Amicia*. The 8-page preface gives a useful account of the endless pamphlet war that followed the publication of *Defence* in 1673, including an account of the controversy itself and the publications of Mainwaring's opponent, Peter Leicester. Amicia, the author's grandmother, was the wife of Ralph Mainwaring. Leicester, another descendant of Amicia, claimed that she was a bastard. The issue was eventually decided in Mainwaring's favor. This tract, like the others, is of legal interest for its discussion of the early common law authorities on marriage. Both authors had been students at Gray's Inn. OCLC locates 13 copies in North America, 1 in a law library (Ohio State).

*English Short-Title Catalogue* R21678.

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### Maxims on Marriage, Inheritance and Other Aspects of Family Law

#### 16. Mantova Benavides, Marco [1489-1582].

*Apophthegmata* CC. Nunc Primum Edita, Ultra CCCC. Alias Impressa, Cla. Iureconsul. Publicoque Interprete, D. Marco Mantova, Bonavito, Patavino, Auctore Inter Quae VII Etiam Quaestio. Insertae Sunt, Disputatae ad Partes, Nec Minus ad Usus Quotidianum Necessariae, Quam Utiles. Venice: Apud Gabrielem Giolium de Ferrariis, 1545. 118, [2] ff. Final leaf blank. Woodcut printer's devices on title page and larger version on colophon leaf; woodcut initials.

[Bound with]

Mantova Benavides, Marco.

Flamminius, Ioannes Baptista [fl.1547], Editor.

*Tractatus de Maiore Annorum XIII. Efficaciter Obliga[n]do ad Declarationem Statuti Patavini, Sub Rub. de Alie. & Ob. Debi. Ordine Primi, Aliorum q[ue] Locorum in Quibus Exstat, Et ad Interpretationem Authen. Sacramenta Puberum C. Si Adver. Ven. Venice: Apud Ioan. Gryphium, 1547. [viii], 80 pp. Woodcut printer's device to title page, woodcut initial.*

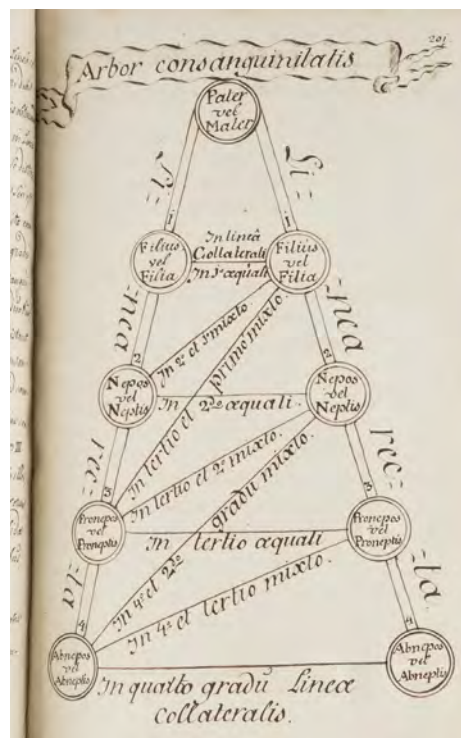
Octavo (6" x 4"). Contemporary limp vellum, early hand-lettered title to front and spine, remnants of thong ties. Light creasing and soiling, a few small tears to extremities, light wear to head of spine, front hinge split, rear hinge starting. Light toning to interior, somewhat heavier in a few places, faint dampstaining to bottom margin in several places, light foxing and soiling in a few places, small tear to bottom edge of f. 8 of first work mended with cellotape and just touching text without loss, brief early annotations and manicules to several leaves. An appealing volume. \$3,500.

\* Only editions. The author was a distinguished jurist and professor of civil, canon and criminal law at the University of Padua. *Apophthegmata* is a collection of maxims on, to use a modern term, family law. Most of these address marriage and inheritance. The maxims are accompanied by commentary, some of it topical, as in Apoph. 3, which refers to the struggle of Henry VIII and the pope. Other entries refer to the problems of a Paduan colleague (Apoph. 16) and abortion (Apoph. 187).

The second work is a brief treatise on the legal status of children and young people (fourteen years old and under) in Padua. It does not have the errata on p. 80 present in some copies and may represent an earlier issue. OCLC locates 8 copies of *Apophthegmata* in North America, 5 in law libraries (Harvard, Library of Congress, UC-Berkeley, University of Georgia, Emory), and 3 copies of *Tractatus* in North America (UC-Berkeley Law School, UCLA, Library of Congress).

*Censimento Nazionale delle Edizioni Italiane del XVI Secolo* CNCE26030, CNCE 35073.

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Pre-Publication Manuscript of a Treatise on Marriage

17. [Manuscript].

[Dens, Peter (1690-1775)].

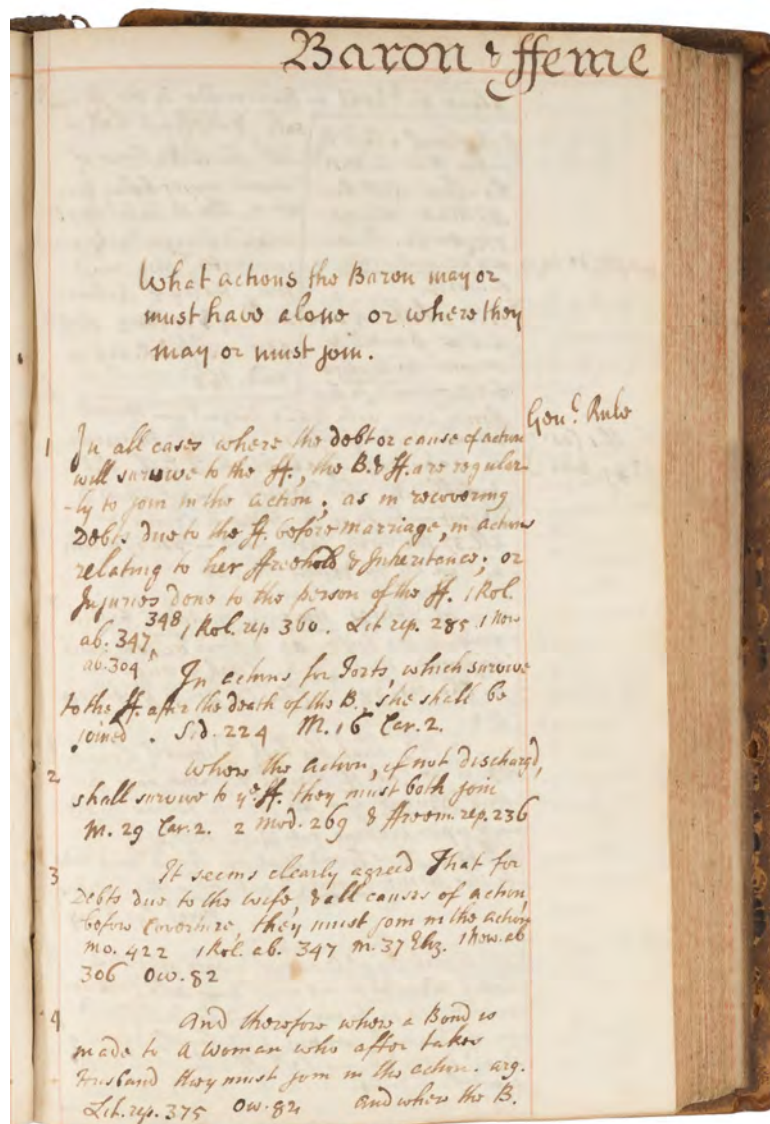
[*Tractatus de Sponsalibus et Matrimonio* and *Tractatus de Quatuor Novissimis*]. [Louvain?]: 15 July 1767-14 October 1768. 381, [1]; 59, [1] pp. Text in Latin in single neat hand with chapter headings, side notes and indices. Octavo (7-1/2" x 4-1/2").

Contemporary mottled calf, blind rules to boards, raised bands, gilt decoration to compartments, blind fillets and lettering piece ("V. Rymentant De Matrimon Et 4. Novissimis") to spine, edges rouged. Faint dampstain to front board, which is bowing slightly, very light rubbing to extremities, slight gatoring to spine, joints just starting at both ends, corners bumped, hinges starting, light soiling and offsetting to pastedowns, small circular sticker to lower left corner of front pastedown. Light toning to interior, negligible light foxing and soiling to a few leaves. An appealing volume with a clean and well-organized interior. \$1,950.

\* This manuscript appears to be a fair copy of two works by Catholic theologian Peter (or Pierre) Dens: *Tractatus de Sponsalibus et Matrimonio* and *Tractatus de Quatuor Novissimis*. The first, an extensive treatise on Catholic marriages in canon law, was published after Dens's death in 1775. The shorter *Tractatus de Quatuor Novissimis* was published in 1776 and again in 1790 with *De Sponsalibus*. It concerns "the four last things," i.e. death, judgment, heaven and hell, the final stages of the soul in Christian eschatology. Both treatises were highly regarded, with the final edition of *De Sponsalibus* appearing in 1894 and the final edition of *De Quatuor Novissimis* in 1864.

The first portion of the manuscript (*Tractatus de Sponsalibus et Matrimonio*) has a completion date of 15 July 1767. The second part (*Tractatus de Quatuor Novissimis*) was completed on 14 October 1768. The transcriber is unnamed but may be the "V. Rymentant" noted on the spine label. The text is similar to the printed versions in organization and content, but has many differences of varying degrees and includes text not in the printed versions. It may represent an early version of Dens's work as taught to his students in theology at the University of Louvain, where he was a professor from 1723 until his death. Editions of both treatises are scarce in print.

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### Manuscript Reference Dealing with Assumpsit and Family Law

#### 18. [Manuscript].

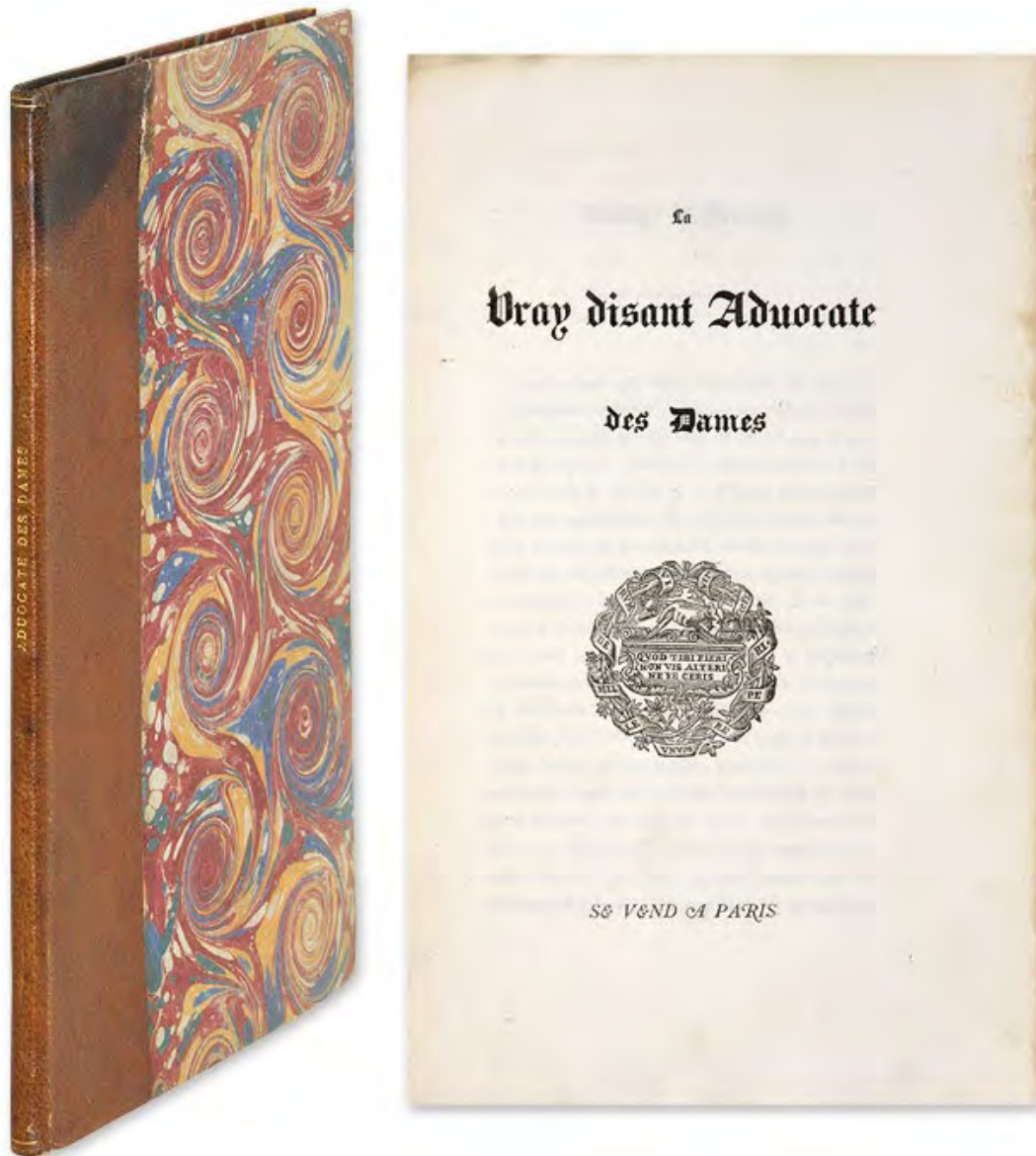
#### [Great Britain].

[*Legal Handbook*]. [Great Britain, c.1750]. 400 pp., 357 pp. with content. Octavo (7" x 4-1/4").

Contemporary calf, gilt rules to boards, extra-gilt spine with raised bands, blind tooling to board edges, speckled edges. A few scuffs, nicks and spots to boards, which are separated but secure, rubbing to extremities with wear to spine ends, corners and joints, front free endpaper detached, some offsetting to initial and final leaves. Text written in a small, tidy hand within ruled margins, one leaf neatly removed (likely by the author), light toning and occasional light foxing. \$2,500.

\* This manuscript is divided into two sections: Assumpsit and Baron and Feme, which has a subsection on Master and Servant. Topics covered include torts, debt, coverture and the master-servant relationship. The text is arranged as a set of principles supported by case and statutory citations, some of them in side-notes.

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### In Praise of Women

19. [Marot, Jean, Attributed].  
[Belin, Laurant, Laurent, Attributed].

*La Vray Disant Advocate des Dames*. [Lille: Imp. Horemans, c. 1867]. 32 pp. Octavo (9" x 5-1/2").

Contemporary quarter morocco over marbled boards, gilt title to spine, marbled endpapers. Light rubbing to extremities, corners bumped, small stain near head of spine, early owner bookplates to front pastedown and front free endpaper. Light toning to text, internally clean. \$250.

\* Attributed to Jean Marot or Laurent Belin, this is a poem in praise of women written around 1520.

Brunet, *Catalogue des Livres Rares et Precieux* 5:1382.

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First Edition of the First English Treatise on Family Law

## 20. [Marriage Law]. [Great Britain].

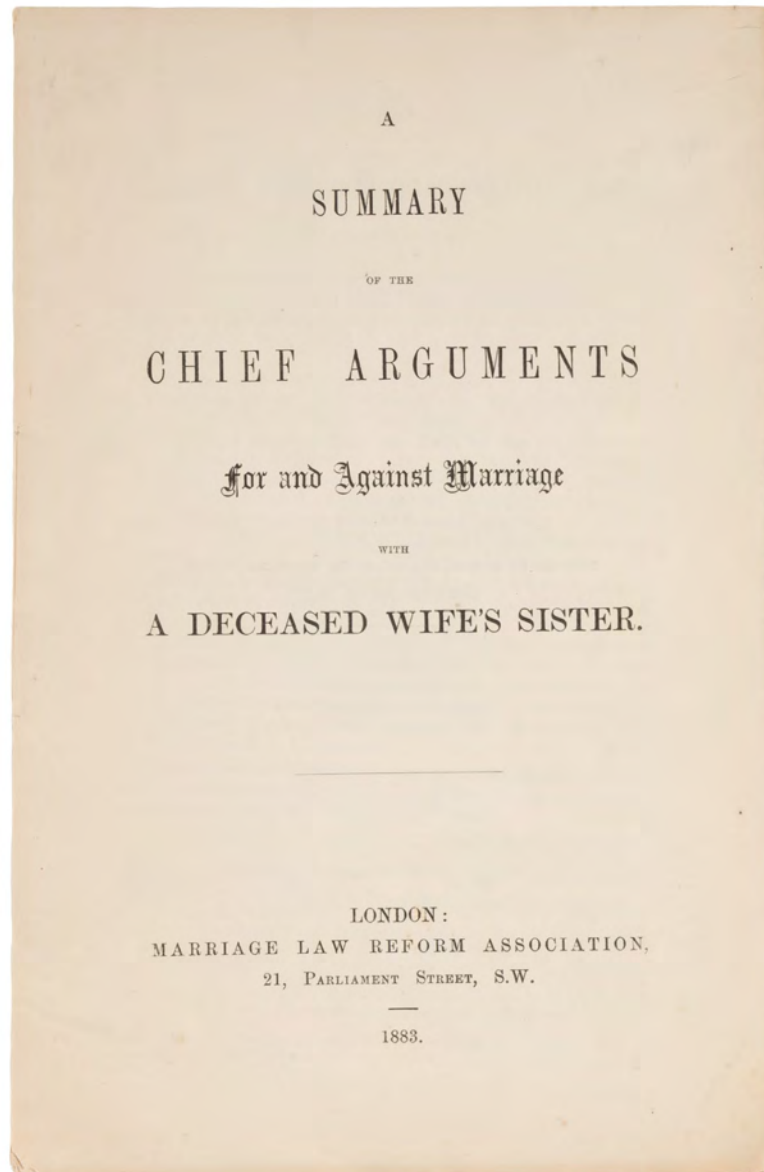
*Baron and Feme: A Treatise of the Common Law Concerning Husbonds and Wives. Wherein is Contained the Nature of a Feme Covert, And of Marriages, Bastardy, The Privileges of Feme Coverts; What Alterations are Made by Marriage as to Estates, Leases, Goods, and Actions. What Things of the Wife Accrue to the Husband by the Intermarriage, Or Not. What Acts, Charges, Forfeitures by the Husband, Shall Bind the Wife After His Death, Or Not; Of Jointures and Pledgings, Fines and Recovery, Conveyances and Other Law Titles Relating to Baron and Feme. Of Wills, And Feme Covert Being Executrix. Of the Wife's Separate Disposition and Maintenance. What Amounts to the Disposition of the Wife's Term by the Husband. Of Actions Brought by or Against Baron and Feme. What Actions Done, Or Contracts Made by the Wife, Shall Bind Her Husband. Of Indictments and Informations Against Them. Of Baron and Feme's Joinder in Action. Of a Feme Sole Merchant. Declaration and Pleas &c. of Divorces &c. With Many Other Matters Relating to the Said Subject; And Some Useful Precedents.* London: Printed by the Assigns of Richard and Edward Atkyns Esquires, for John Walthoe, 1700. [xxxii], 380, [36] pp. Publisher advertisement facing title page. Four numbered advertisement leaves following index not present in our copy. Octavo (7-1/2" x 4-1/2")

Contemporary calf, blind rules to boards, blind fillets along joints, raised bands and early hand-lettered title to spine, gilt tooling to board edges. Negligible light rubbing to boards, tiny inkspot to rear boards, corners bumped and lightly worn, rear hinge starting. Light toning, slightly heavier in places, occasional early annotations in contemporary hand to margins, additional annotations to rear free endpaper, faint (often very faint) dampstaining to foot of text block in a few places. Book housed in recent cloth clamshell box, quarter morocco over cloth, gilt title and gilt-edged raised bands to spine. A choice copy. \$6,500.

\* First edition. Passing through subsequent editions in 1719 and 1738, this was the first English treatise devoted exclusively to family law. It is a broadly conceived work. "I have herein considered Baron and Feme in all the circumstances of life, from the solemnization of marriage to the divorce, and have not omitted those collateral by-blows, (the title of bastardy making a considerable figure in our books;) and the variety of the matter made me some attonement for the labour" (To The Reader). According to the introduction, the anonymous author seems to have also been the author of the earlier *Infants Lawyer: Or the Law (Ancient and Modern) Relating to Infants* (1697).

English Short-Title Catalogue R6177.

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### Marriage to a Deceased Wife's Sister

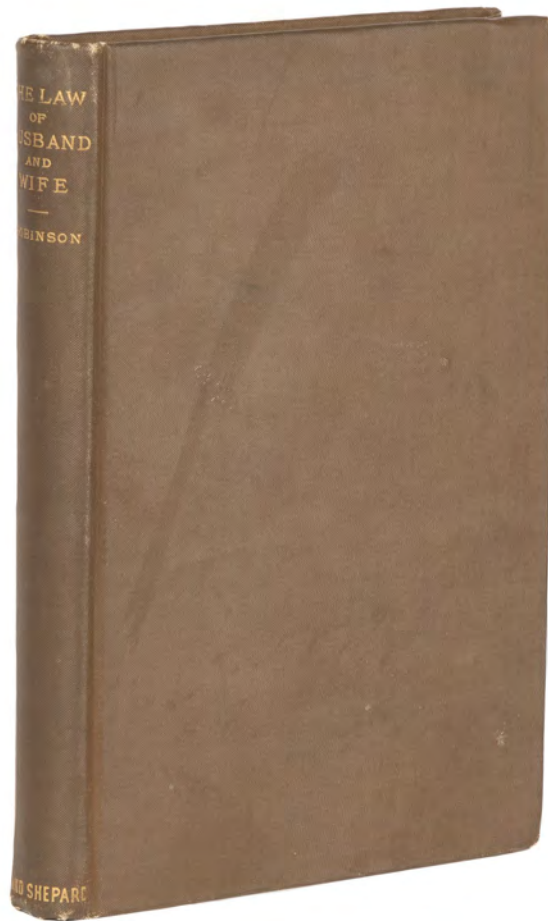
#### 21. Marriage Law Reform Association.

*A Summary of the Chief Arguments For and Against Marriage With A Deceased Wife's Sister.* London: Marriage Law Reform Association, 1883. 15, [1] pp. Octavo (8-1/4" x 5-1/2").

Stab-stitched pamphlet in self wrappers. Light toning, negligible edgewear, light foxing in a few places. \$350.

\* Third and final edition. The Marriage Law Reform Association was incorporated in 1851 as opposition to Lord Lyndhurst's Marriage Act of 1835 grew. The Act prohibited the marriage of a widower to his deceased wife's sister, reflecting Victorian anxieties around incest, family purity and the role of the church. Despite the Association's long campaign, the Act was not repealed until the Deceased Wife's Sister's Marriage Act in 1907.

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**Rare Treatise on Husband and Wife by  
the First Woman Admitted to the Suffolk, Massachusetts Bar**

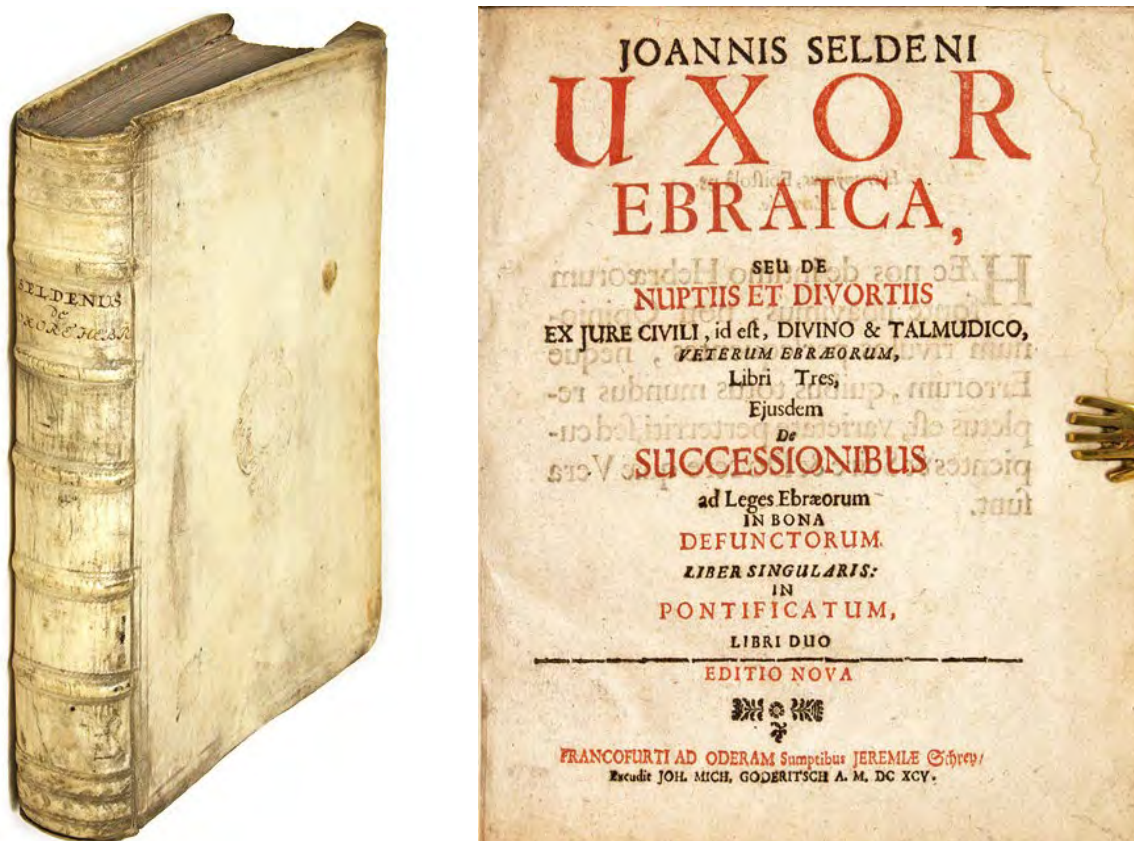
**22. Robinson, Lelia Josephine [1850-1891].**

*The Law of Husband and Wife Compiled for Popular Use.* Boston: Lee and Shepard, Publishers, 1890. xvii, [iii], 163 pp. Octavo (7" x 4-3/4").

Original cloth, gilt title to spine, patterned endpapers. Light rubbing, binding slightly cocked, minor wear to spine and corners, which are lightly bumped, early library bookplate to front pastedown, front hinge just starting at foot. Light toning to interior, early owner annotation to rear endleaf, small bit of label residue to foot of title page near gutter. An attractive copy. \$450.

\* First edition, second issue, the final printing of this book. Robinson was the first female graduate of Boston University Law School. After an unsuccessful application to the Suffolk County Bar upon her graduation in 1881, she petitioned the state legislature in support of a law to admit women to the bar. The law was passed in 1882 and she became the first woman to receive a license and admission that year. In 1884 Robinson moved to Seattle and practiced there for several years before returning to Boston. *The Law of Husband and Wife* was first issued in 1889. It is a rare title. OCLC locates 2 copies of the 1890 issue (Temple University, Yale Law School) and 1 of the 1889 (Tuskegee University). Not in the *Harvard Law Catalogue*.

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Selden's Ground-Breaking *Uxor Ebraica*

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

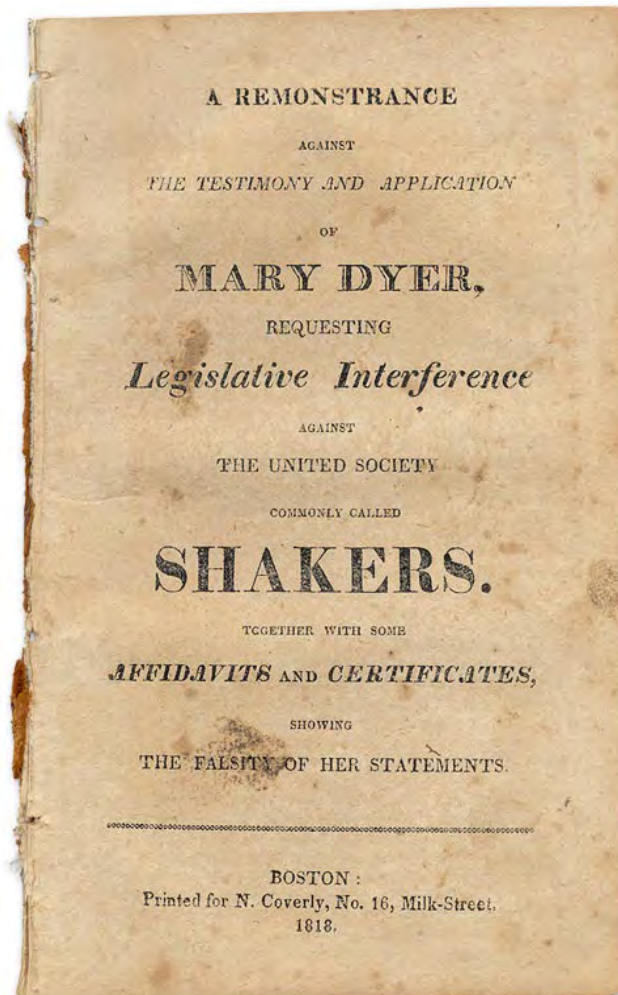
*Uxor Ebraica, Seu de Nuptiis et Divortiis Ex Jure Civili, Id est, Divino & Talmudico, Veterum Ebraeorum, Libri Tres. Ejusdem de Successionibus ad Leges Ebraeorum, Libri Tres, Ejusdem de Successionibus ad Leges Ebraeorum in Bona Defunctorum. Liber Singularis: In Pontificatum, Libri Duo.* Frankfurt-on-Oder: Sumptibus Jeremiae Schrey, 1695. [2], 456 [i.e. 460], [36], 248 pp. Two parts with individual pagination; second part, *De Successionibus*, preceded by divisional title page. Quarto (8" x 6-1/2").

Contemporary vellum, blind frames and large central arabesques to boards, raised bands and early hand-lettered title to spine, endpapers renewed. Light soiling, corners and spine ends bumped, a few minor scuffs to rear board, some creases and edgewear to endleaves. Main title page printed in red and black. Moderate toning to text, occasional light foxing to text, light soiling to title page. "102" in small recent hand to front pastedown, interior otherwise clean. \$850.

\* Later edition. A scarce edition of Selden's work on the laws of Jewish marriage and divorce, applying his more general theory of natural law, and approaching the views of Milton. It was first published in 1646. Speaking of this and other works dealing with Jewish customs, the *DNB* says "[his] acquaintance with the original of the Old Testament and the ancient versions and commentaries which all these works display is very great. Their author's familiarity with rabbinical literature was such as has been acquired by few non-Israelite scholars; and many details of oriental civilisation and antiquities were certainly brought to the knowledge of Europeans for the first time in them" (*DNB*). Despite the importance of this work, it was not translated into English until 1991.

*Dictionary of National Biography* XVII:1157. *Das Verzeichnis der im Deutschen Sprachraum Erschienenen Drucke des 17. Jahrhunderts* 14:019894G.

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### A Legal Defense of the Shakers

#### 24. [Shakers].

#### [Dyer, Mary].

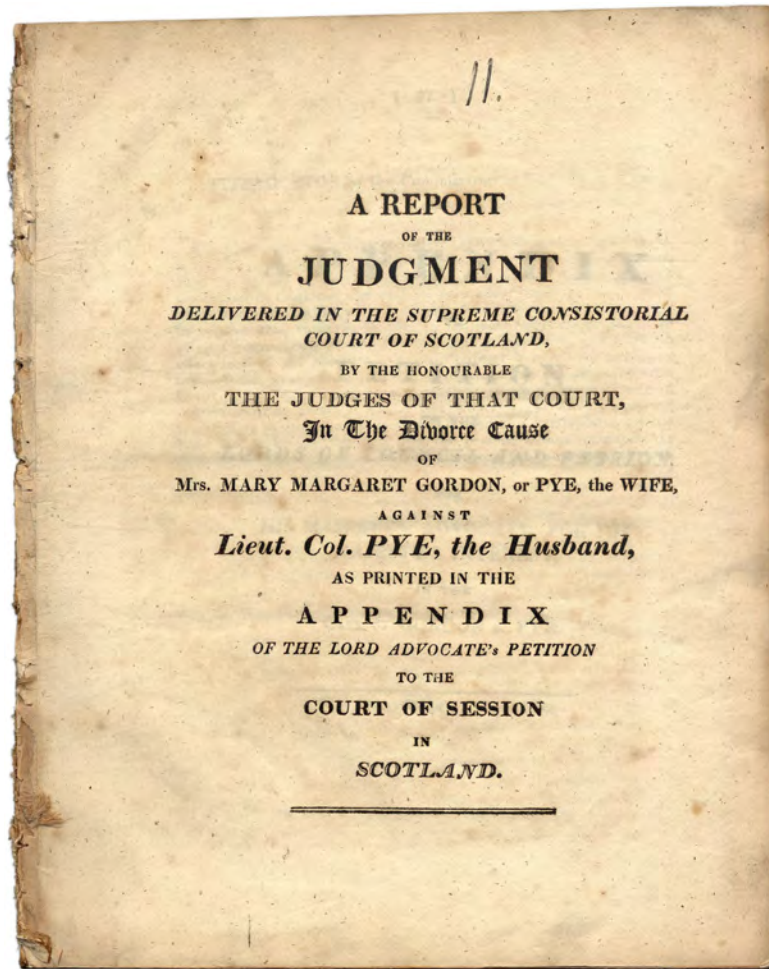
*A Remonstrance Against the Testimony and Application of Mary Dyer, Requesting Legislative Interference Against the United Society, Commonly Called Shakers, Together [sic] With the Affidavits and Certificates Showing the Falsity of her Statements.* Boston: Printed for N. Coverly, 1818. 24 pp. Octavo (7" x 4").

Disbound stab-stitched pamphlet. Light edgewear, some browning and foxing, internally clean. \$1,500.

\* Only edition, also issued the same year in Concord, New Hampshire. A spirited defense of the Shakers by Enfield and Canterbury leaders against Mary Dyer's attempt to get the New Hampshire legislature to interfere with Shaker communities. Dyer and her family joined the Enfield community, but eventually left it. Her husband refused to release any of their children to her, so Mary began a 50-year campaign against the sect. OCLC locates 4 copies worldwide of the Boston imprint (at Brigham Young University, Hamilton College, Library of Congress, Syracuse University), no copies of either imprint in North American law libraries.

Sabin, *A Dictionary of Books Relating to America* 21596.

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### Divorce and the Conflict of Laws

#### 25. [Trial].

**Gordon, Mary Margaret  
Pye, Alleyne H.**

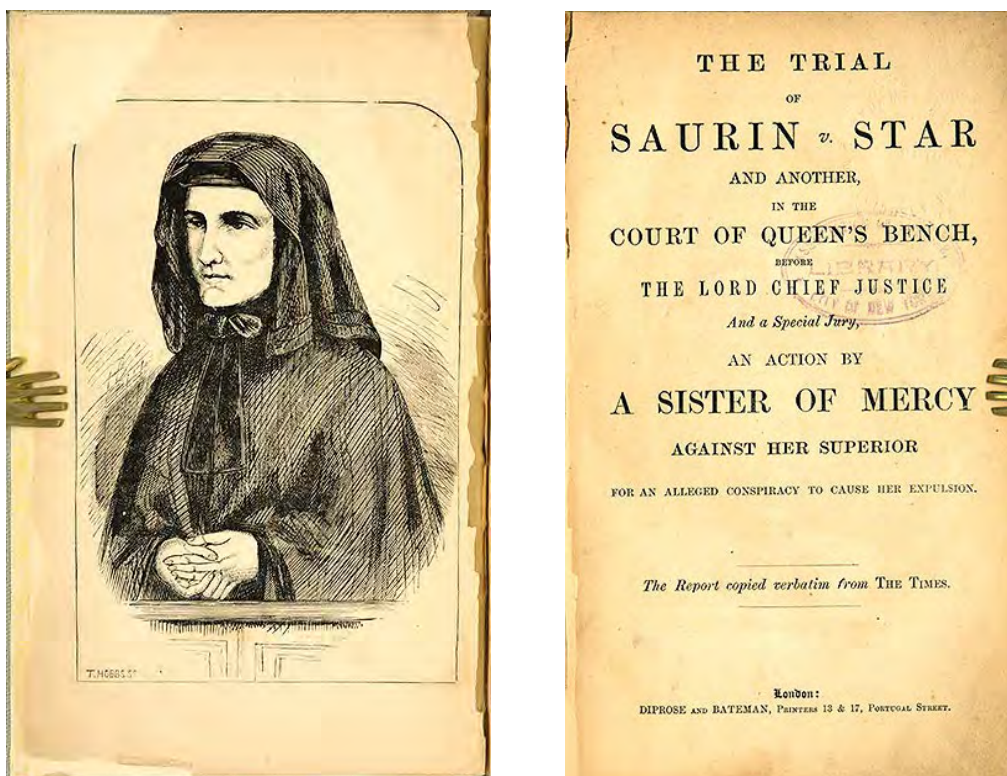
*A Report of the Judgment Delivered in the Supreme Consistorial Court of Scotland, By the Honourable the Judges of that Court, In the Divorce Cause of Mrs. Mary Margaret Gordon, Or Pye, The Wife, Against Lieut. Col. Pye, The Husband, As Printed in the Appendix of the Lord Advocate's Petition to the Court of Session in Scotland.* [Edinburgh?]: S.n., [1814]. 97 pp. Quarto (9-1/2" x 7-3/4").

Disbound. Light soiling to exterior, light rubbing to extremities, "11" in early hand to head of title page. Moderate toning to interior, faint spotting to a few leaves. \$500.

\* Only edition. An interesting case that involved the conflict of English and Scottish divorce law, *Gordon v. Pye* held that a Scottish court did not have the power to dissolve the marriage of two English subjects who married in England and were currently living there. It is one of a group of Scottish cases cited by Story in his discussion of marriage in *Commentaries on the Conflict of Laws* (1834). No print copies of this report located on OCLC. Library Hub locates a printed copy at the British Library. We located additional printed copies at Harvard Law School and Yale Law School.

*Catalogue of the Library of the Harvard Law School* (1909) II:1086.

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### "The Great Convent Trial"

#### 26. [Trial].

Star, Mother Mary Joseph, Defendant.

Kennedy, Mary Magdalen, Sister, Defendant.

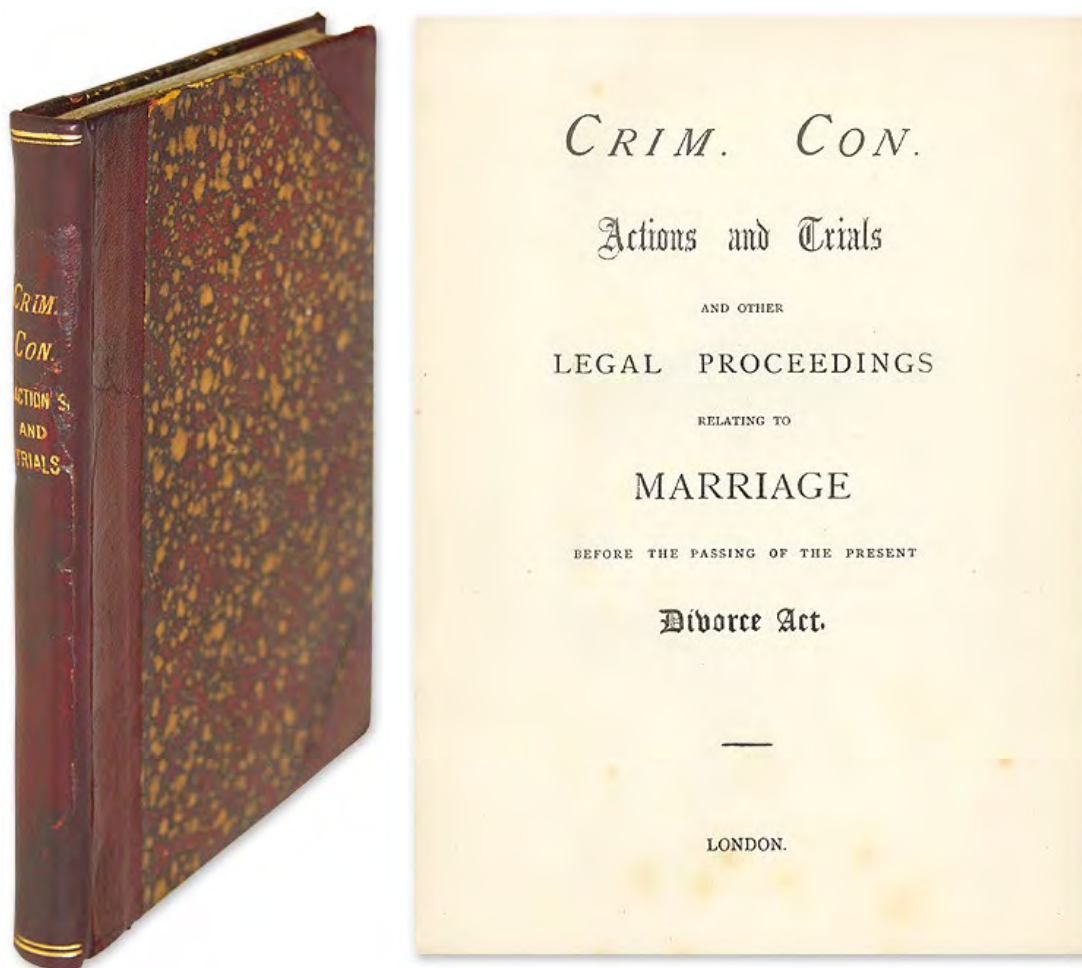
*The Trial of Saurin v. Star and Another: In the Court of Queen's Bench, Before the Lord Chief Justice and a Special Jury. An Action by a Sister of Mercy Against Her Superior for an Alleged Conspiracy to Cause her Expulsion. The Report Copied Verbatim from the Times.* London: Diprose and Bateman, 1869. [ii], 264 pp. Woodcut portrait frontispiece (of Saurin). Octavo (8-1/2" x 5-1/2").

Later library cloth, red and black calf lettering pieces to spine. Light soiling and shelfwear, a few minor stains, minor edgewear to lettering pieces. Moderate toning to text, minor tears to a few leaves, faint embossed ink and library stamps to title page, brief annotation to verso, frontispiece detached and edgeworn, just touching border of image, title page partially detached. \$350.

\* Only edition. Mary Saurin (Sister Mary Scholastica Joseph) brought a case against her superior and another nun for assault and conspiracy to drive her from her convent and have her expelled from the order. Known as "the great convent trial," it was a sensational case that fueled contemporary prejudices against Catholics, monastic orders and women. These themes are apparent in the Solicitor-General's opening remarks. This case shows "what women were capable of when they shut themselves up from their kind, and did violence to the instincts of their nature, and the great, though mean and petty, cruelty they could wreak upon a sister in the name of a religion of love" (2). The jury found in favor of the defendants on the counts of assault and for the plaintiff on the counts of libel and conspiracy to have her expelled from the convent. OCLC locates 6 copies in law libraries (Harvard, Northwestern, UC-Berkeley, and the Universities of Michigan, Minnesota and Virginia).

*Catalogue of the Library of the Harvard Law School* (1909) II:1182.

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### Criminal Conversation's Influence on Later Divorce Law

#### 27. [Trials].

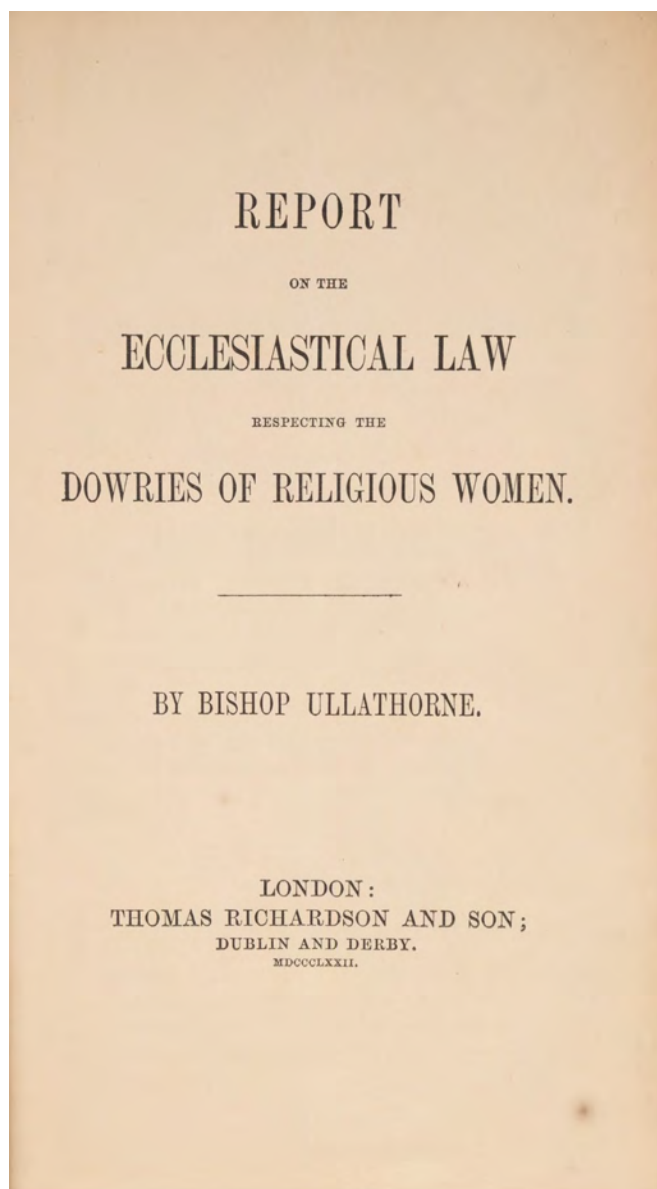
#### [Marriage Law].

*Crim. Con. Actions and Trials and Other Proceedings Relating to Marriage Before the Passing of the Present Divorce Act.* London: N.p, c.1880. [iv], 110, [2] pp. Octavo (7-1/2" x 5").

Three-quarter calf over marbled boards, rebaked retaining portions of original backstrip, hinges mended. Some rubbing to extremities, offsetting and foxing to endleaves, light toning to text. A handsome copy of a scarce title. \$250.

\* Only edition. With two cases involving Thomas Erskine as counsel. "Actions for what was formerly known...as crim[inial] con[versation] were *nominally* abolished thirty years ago: that they were not *actually* got rid of, as will presently be shewn, is evident from the wording of the Divorce Act.... It is a remarkable fact, however, that in spite of the loose wording of the Act, such actions have become of such a rare occurrence as to be virtually at an end, and what the Act was intended to bring about, while failing to do it technically, has yet to come to pass. The object of the following pages is to show the nature of the legal proceedings formerly in vogue as necessary before an injured husband could clear himself of an adulterous wife and marry again, and a number of interesting cases, which attracted a deal of public attention, in their day, are given, from which it may be readily perceived with what facility conspiracy and fraud could be perpetuated." Preface [iii]. Not in Sweet & Maxwell or the *British Museum Catalogue*.

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**The Legal Status of Dowers  
for Women Taking Religious Vows**

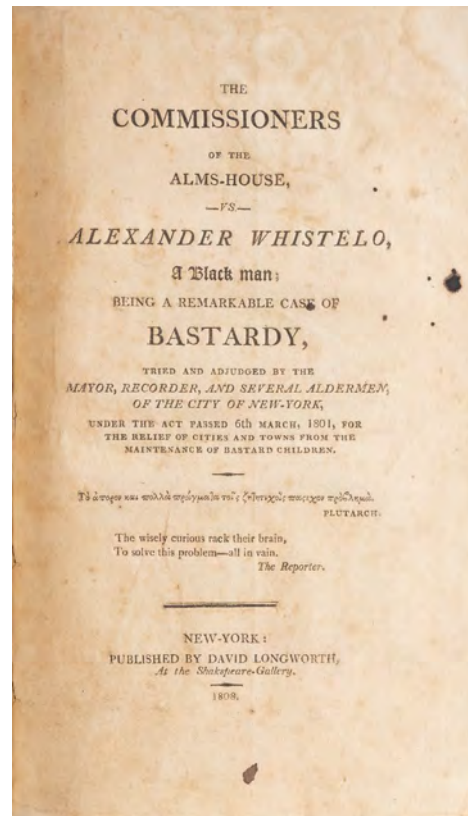
**28. Ullathorne, [William Bernard] [1806-1889].**

*Report on the Ecclesiastical Law Respecting the Dowries of Religious Women.* London: Thomas Richardson and Son, 1872. 37 pp. Octavo (8-1/4" x 5").

Stab-stitched pamphlet in self-wrappers. Moderate toning, single slight vertical fold line, light soiling to wrappers, light foxing to final few leaves, light chipping to rear wrapper without loss to text. Rare. \$500.

\* Only edition. Produced by the Roman Catholic Bishop William Bernard Ullathorne for the Annual Episcopal Meeting of 1871, this interesting report discusses the status of dowries for women entering religious life in canon, ecclesiastical and English law. OCLC and Library Hub locate 1 copy of this title worldwide (Emory University Pitts Theological Library).

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**Includes "A Remarkable Case  
of Bastardy" with a Black Defendant**

**29. Whistelo, Alexander, Defendant.**

*The Commissioners of the Alms-House, vs. Alexander Whistelo, A Black Man; Being a Remarkable Case of Bastardy, Tried and Adjudged by the Mayor, Recorder, And Several Aldermen, Of the City of New-York, Under the Act Passed 6th March, 1801, For the Relief of Cities and Towns from the Maintenance of Bastard Children.* New York: Published by David Longworth, 1808. 56 pp.

**[Bound after]**

*Walker's Hibernian Magazine: Or, Compendium of Entertaining Knowledge. For February, 1800.* [Dublin: Printed by Richard Gibson, 1801?]. 65-128 pp. Complete, pp. 113-128 bound before pp. 65-112. With two copperplate illustrations.

**[And]**

*Walker's Hibernian Magazine: Or, Compendium of Entertaining Knowledge. For June, 1802.* [Dublin: Printed by Richard Gibson, 1803?]. 321-384 pp. With two copperplate illustrations, one of which is bound at the beginning of the volume.

**[Bound with]**

**Impartial.**

**[Benson, Egbert (1746-1833)].**

*Cases and Queries Submitted to Every Citizen of the United States, And Especially the Members of the Administration and of Both Houses of Congress, As Deserving to be Impartially Considered by Them.* New York: Published by E. Sargeant, 1809. 24 pp.

Octavo (8-1/4" x 4-3/4"). Contemporary or near-contemporary three-quarter sheep over marbled boards, gilt fillets and lettering piece to spine. Rubbing and light wear to boards and extremities, some tears to paper of boards, fading to spine, which has a chip at head, corners bumped and somewhat worn, hinges cracked (before first and after final leaves), ownership signatures (of P.F. McMillan, dated 1896, and J. Fensley) to front free endpaper, small later book label (of Mrs. H.W. Patton) to rear pastedown. Moderate toning to interior, light foxing and faint dampstaining in a few places, small scorch marks to final leaf of Whistelo trial with minor loss to text. An interesting collection. \$1,500.

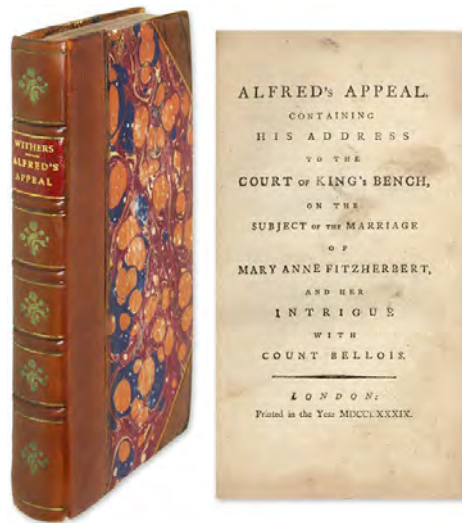
\* This collection of titles includes an account of the trial of Alexander Whistelo, a Black New Yorker working as a coachman for a local doctor, for bastardy (i.e. failure to support a biological child). Whistelo had a relationship with a mixed-race woman, Lucy Williams. When she had a child, Whistelo supported her, but as the child grew older and presented with "every appearance of its being the offspring of a white person," he no longer believed that he was the father and relinquished financial responsibility. Lucy was forced to place her child in the care of the New York City almshouse and its commissioners sued Whistelo for costs. The trial is notable for its remarkable examination of racial phenotypes through the lens of early race science. Whistelo was ultimately acquitted.

Also included are two issues of the *Hibernian Magazine*, a notable Irish literary and society publication. One includes a short article on Haitian general and revolutionary leader Toussaint Louverture. The portrayal is highly unflattering, characterizing Louverture as an insincere and hypocritical opportunist. The final title, written by New York's first attorney general and later chief justice of the New York Supreme Court, concerns legal aspects of the capture of US ships by the British and French.

Whistelo: Cohen, *Bibliography of Early American Law* 11421; Benson: Cohen 7449.



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### The Prince of Wales's Clandestine Marriage

#### 30. [Withers, Philip (d. 1790)].

*Alfred's Appeal. Containing His Address to the Court of King's Bench, On the Subject of the Marriage of Mary Anne Fitzherbert, And Her Intrigue with Count Bellois.* London: S.n., 1789. 88 pp.

[Bound with]

[Withers, Philip].

*Alfred's Apology.* London: Entered at Stationers-Hall, 1789. 86 pp. Half-title lacking.

[And]

[Withers, Philip].

*Alfred's Apology, Second Part, Containing a Letter to His Royal Highness the Prince of Wales; With a Summary of the Trial of the Editor of Nemesis, On the Prosecution of Mrs. Fitzherbert, For a Libel; With Remarks, By Alfred.* London: Entered at Stationers-Hall, 1789. 154 pp.

[And]

[Withers, Philip].

*History of the Royal Malady, With Variety of Entertaining Anecdotes, To Which are Added, Strictures on the Declaration of Horne Tooke, Esq. Respecting "Her Royal Highness the Princess of Wales," Commonly Called Mrs. Fitzherbert. With Interesting Remarks on a Regency. By a Page of the Presence.* London: Sold at No. 9, Queen-Street, n.d. 62 (of 64) pp. Final two leaves lacking.

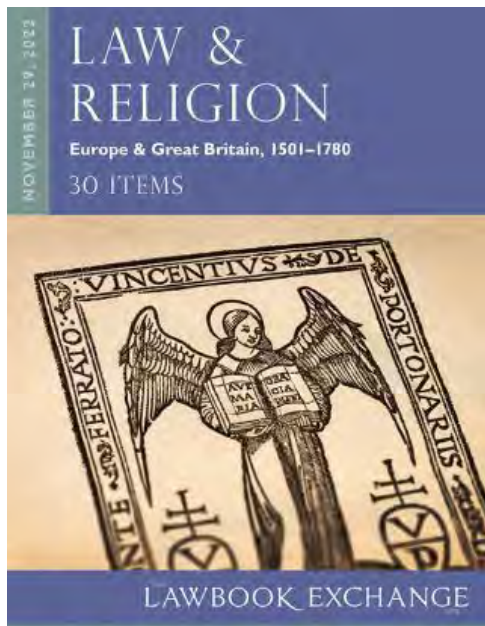
Octavo (8" x 4-3/4"). Stab-stitched pamphlets bound into contemporary three-quarter calf over marbled boards, rebaked in period style, raised bands, gilt ornaments and lettering piece to spine, marbled edges. Light rubbing to boards, moderate rubbing to extremities with some wear to corners, endpapers renewed. Moderate toning to text, light foxing in places, internally clean. \$750.

\* *Alfred's Apology*: second edition; Others: first editions (one of several issues, all in the same year). In 1785 George, the Prince of Wales and the future King George IV contracted an illegal marriage in secret with Maria Anne Fitzherbert, a Catholic commoner. (It violated the Bill of Rights and the 1701 Act of Settlement). King George III compelled the prince to leave her in 1794 to marry Duchess Caroline of Brunswick, but he continued his relationship with her (with some periods of estrangement). These items are part of a pamphlet war that grew out of a libel trial that resulted from Withers's public exposure of the clandestine marriage.

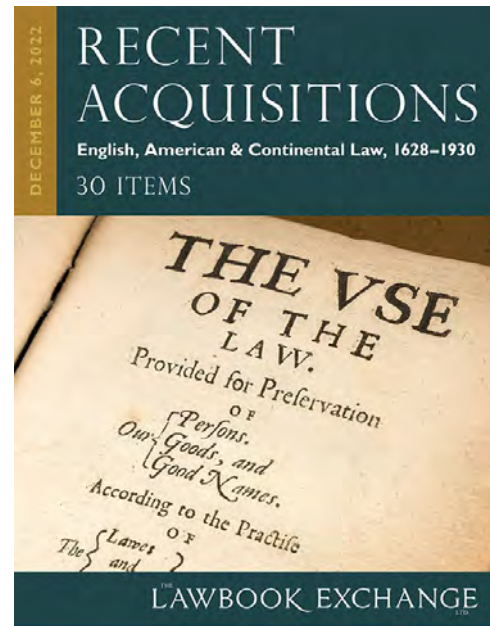
*English Short-Title Catalogue* T11257, T11276, T11256, T11274.

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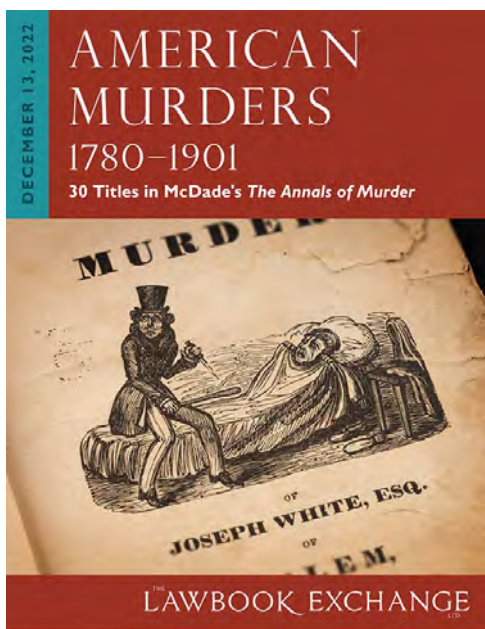
## Recent Weekly E-Lists



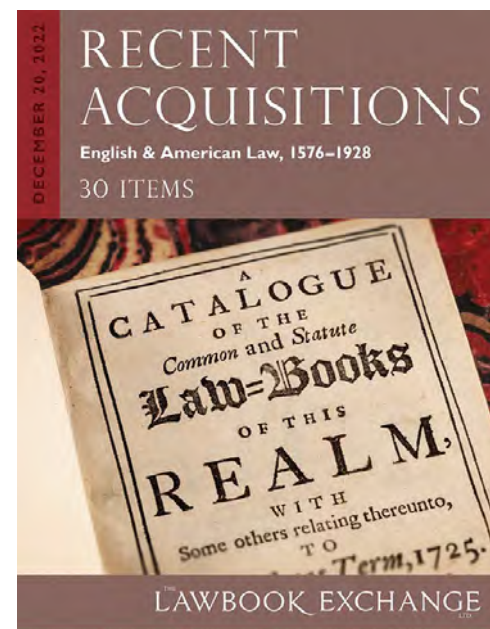
[November 29, 2022](#)



[December 6, 2022](#)



[December 13, 2022](#)



[December 20, 2022](#)

We are happy to hold items for institutional customers who wish to reserve items today and have them invoiced or shipped at a later date