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Americana

A Subscriber's Copy of the First American Edition
of Blackstone's Commentaries in an Original Binding

1. Blackstone, William [1723-1780].
   Commentaries on the Laws of England. In Four Books. Re-Printed From the British Copy, Page for Page with the Last Edition. America [Philadelphia]: Robert Bell, 1771-1772. Four volumes. Copperplate Table Of Consanguinity and folding Table of Descents in Volume II. 22-page subscriber list in Volume IV, which lists the owner of this set, "Mr. Richard Thomas, Farmer, Chester County, Pennsylvania," who signed the heads of the title pages. Publisher advertisements in Volume I, 2 leaves before title page and in Volume III at p. 456. Volume III includes the publisher's rare octavo broadside prospectus "To the Encouragers of Literature" tipped-in to leaf preceding title page announcing publication of An Interesting Appendix to the Commentaries; Volume IV lacks the advertisement leaf mounted on fly leaf preceding title page, which is often not present. Octavo (9" x 5-3/4").

Contemporary sheep, raised bands, lettering pieces, blind-stamped volume numbers and (at foot) hand-lettered later owner name to spines. Moderate rubbing and scuffing to boards, heavier rubbing to extremities, some cracking and flaking to spines, boards beginning to separate. Moderate toning, light foxing in a few places in each volume, sections torn from two leaves in Volume I (pp. 181-184) replaced with carefully joined facsimiles, minor careful paper repair to folding table (Volume II) near stub, which has some edgewear. Thomas's signature and later owner signature, Thomas Finletter, 1904, to head of each title page, other signatures of Thomas, Finletter and Richard Thomas, junior to preliminaries. Set housed in two lightly rubbed quarter-morocco clamshell cases, raised bands and gilt titles to spines. A desirable subscriber's copy in its original binding. $12,500.

* First American edition, first issue. Blackstone's Commentaries, a synoptic review of the English legal system, is the most influential publication in the history of modern Anglo-American law. It was especially popular in America, where it was the standard introductory legal textbook into the late nineteenth century and was the primary, or only, book studied by hundreds of self-taught lawyers, such as Abraham Lincoln. The first multi-volume book printed in America, Bell's edition, a reprint of the fourth London edition, 1770, is a landmark in the history of American publishing. Our set contains the tipped-in advertisement leaf for An Interesting Appendix often missing in copies of this set. Volume IV also includes a 22-page subscriber list of 839 men, who ordered 1,557 sets. This impressive group included John Adams, John Jay, John Dickinson, several colonial governors and many other leaders of colonial America. Sixteen of these were signers of the Declaration of Independence who went on to serve as members of the Continental Congress. Eller, The William Blackstone Collection in the Yale Law Library 80. Laeuchli, A Bibliographical Catalogue of William Blackstone 131.

(70777)
Handsome Copy of an Important (And Very Rare) American Edition of Blackstone

2. Blackstone, Sir William [1723-1780].
   Tucker, St. George [1752-1827], Editor.
   Blackstone's Commentaries: With Notes of Reference to the Constitution and Laws, of the Federal Government of the United States, And of the Commonwealth of Virginia. In Five Volumes, With an Appendix to Each Volume, Containing Short Tracts upon Such Subjects As Appeared Necessary to Form a Connected View of the Laws of Virginia As a Member of the Federal Union. Philadelphia: Published by William Young Birch, and Abraham Small: Robert Carr, Printer, 1803. 4 volumes in 5 books. Volume 1 in 2 parts. 4 tables (3 folded); Volume 2 has "Table of Consanguinity" and 3 different folding "Table[s] of Descents." Title pages in all volumes identical, with volume numbers omitted; volumes numbered on "Contents" pages and on the binding. Collates complete. Octavo (8-1/4" x 5-1/4").

Recent period-style calf, blind fillets to boards, red and black lettering pieces and blind fillets to spines, blind tooling to board edges endpapers renewed. Moderate toning, light foxing in places, notes in contemporary hand to a few leaves in Volumes I, Part I and Volume III. A strikingly handsome set. $20,000.

* First edition. Tucker's Blackstone is a key resource for understanding how Americans viewed English common law in the years following the adoption of the Constitution and the Bill of Rights. Based on his lectures at the College of William and Mary, Tucker adapted Blackstone's often anti-democratic work to American practice. "Tucker's Blackstone became a standard reference work for many American lawyers unable to consult a law library, especially those on the frontier. It is impossible to measure its impact on American law, but it is clear that sales were strongest in Virginia, as could be expected; it was also widely used in Pennsylvania and South Carolina" (Bryson). More recently, Tucker's Blackstone has been cited in numerous constitutional cases by the United States Supreme Court relating to "original intent." Bryson, Legal Education in Virginia, 1779-1979: A Biographical Approach 102. Eller, The William Blackstone Collection in the Yale Law Library 87. Laechli, A Bibliographical Catalog of William Blackstone 137.

A Profound Influence in Pre-Revolutionary America

3. [Care, Henry (1646-1688)].
   Nel[son], W[illiam] [b.1653], Editor.

Contemporary sheep, blind rules to boards, blind fillets along spine, raised bands and later hand-lettered title to spine. Light rubbing to boards, early owner signature (Ephraim Williard) to front board, slightly heavier rubbing to extremities with a few spots of wear along board edges, joints starting at ends, corners bumped and somewhat worn, crack in text block between front free endpaper and title page, a few leaves loose at beginning and end of text block. Some toning to text, negligible light foxing in places, owner signature (of Ephraim Williard dated 1774) and another signature with inscription (of Ephraim Williard Burr dated 1829) to front free endpaper. An appealing copy. $6,500.
* Second American edition. Preceded by a 1721 Boston edition, this 1774 Providence edition was published in the same year as the first Continental Congress and the Intolerable Acts (and about a year after the Boston Tea Party). A publisher's note at the end of the table of contents says this edition was "principally designed for America" and contained "extracts from several late celebrated writers on the constitution" (vi). It is almost certain that this publisher was capitalizing on popular resentment toward the crown and parliament. First published in England in 1680 (or 1682, the first edition was not dated), this layman's guide reviews, from a Whig perspective, the principles of English law and government. Containing the texts of Magna Carta and other foundational documents of the English Constitution, it emphasizes the role of juries in the preservation of civil rights and prevention of tyranny. First published in America in 1721 by James Franklin, the half-brother of Benjamin Franklin, who may have offered editorial guidance, this was one of the very first legal books published in the American colonies. It had a profound influence on several colonial readers, including the founding fathers. It was the primary source for William Penn's *Excellent Priviledge of Liberty and Property* (1687), a work that inspired support for the revolution. George Mason used it when drafting Virginia's Declaration of Rights (1776). And Jefferson, who owned two copies, probably referred to it when he wrote the Declaration of Independence and the Virginia Statute for Religious Freedom. Its influence is also evident in the Bill of Rights. See Sowerby, *Catalogue of the Library of Thomas Jefferson* 2702, 2703. Cohen, *Bibliography of Early American Law* 3416.

(70502)

The Last Edition of The Federalist Published in Hamilton's Lifetime

4. [Hamilton, Alexander (1755 or 1757-1804)].
   [Madison, James (1751-1836)].
   [Jay, John Jay (1745-1829)].


Recent period-style quarter calf over marbled boards, endpapers renewed. Moderate toning to text, light foxing to a few places in each volume, brief contemporary annotations to a few leaves, owner signature (of William Baylies, dated 1806) to title page s and front endleaf of Volume I. A handsome set. $12,500.

* Landmark second edition, "Revised and Corrected" with Hamilton's approval by George Hopkins, and the last edition in Hamilton's lifetime. For more than two centuries, this work has influenced our understanding of the U.S. Constitution and the government and nature of the United States. Written to encourage ratification of the proposed constitution by New York State, it was seen almost immediately as the most compelling commentary on the most radical form of government the world had seen. Most of the essays that comprise this work appeared originally under the collective pseudonym "Publius" in New York newspapers and journals from October 27, 1787 to early June 1788. (Most scholars agree that 51 of the essays were written by Hamilton, 29 Madison and 5 by Jay.) The first edition was published by the M'Lean brothers as a two-volume work in March and May 1788. The second edition is significant because its preface establishes Hamilton, Madison and Jay as the authors and discusses the extent of their contributions. Published fourteen years after the U.S. Constitution's ratification and two years before Hamilton's death, it also includes the text of the U.S. Constitution with the first eleven amendments and Hamilton's "Pacificus" essays, which defended Washington's 1793 proclamation of neutrality during the Anglo-French War. Baylies [1776-1865] was a lawyer and U.S. Congressman from Massachusetts. Cohen, *Bibliography of Early American Law* 2818. Sabin, *A Dictionary of Books Relating to America* 23981.

(70358)
African-Americans as Citizens and Voters

5. Hancock, John [1824-1893].

Stab-stitched pamphlet in printed wrappers, advertisement to recto and verso of rear wrapper. Light soiling, minor wear to spine ends and corners, light toning to text, minor dampstaining to fore-edges of title page and following four leaves. $350.

* Second edition. First published in 1865, this pamphlet is a history of suffrage that includes discussion of African-Americans as citizens and as voters. It includes chapters on the Dred Scott decision, the constitutional rights of free men, including African-Americans, to vote in the early republic, South Carolina's attempt to introduce the word "white" into the definition of citizenship in the Articles of Confederation and the valor of African-Americans who fought for the Union. Hancock, a Unionist, was a notable Texas attorney, judge, state legislator and, later, U.S. Congressman.

(70461)

6. Holmes, Oliver Wendell [1841-1935].
*Speeches.* Boston: Little, Brown, and Company, 1891. [v], 55 pp. Octavo (8-1/4" x 5-1/2").

Publisher's printed boards, top edge gilt, deckle fore and bottom edges. Some soiling, light rubbing to boards, moderate rubbing to extremities with light wear to corners, small nick to spine, hinges starting, moderate toning to text, contemporary notes in pencil to margins of a few leaves. $500.


(70791)

7. [Robinson, Matthew, Baron Rokeby (1713-1800)].

Disbound stab-stitched pamphlet. Light browning, light foxing in a few places, faint dampstaining, and light foxing to title page, upper and lower corners lacking with no loss to text. $650.


(70758)
8. Story, Joseph [1779-1845]. 
*Commentaries on the Constitution of the United States; With a Preliminary Review of the Constitutional History of the Colonies and States, Before the Adoption of the Constitution.* Boston: Hilliard, Gray and Company, 1833. Three volumes. xxxiv, [ii], 494; [ii], 555; [ii], 776 pp. Octavo (8-1/2" x 5-1/2").

Recent period-style calf, blind rules to boards, red and black lettering pieces and blind fillets to spine, endpapers renewed. Internally clean and bright. A handsome set. $8,500.

* First edition. Story's *Commentaries* was the most substantial and influential work written on the American Constitution between the publication of the *Federalist* and the Civil War, and it remains an important work today. Written while Story was Dane Professor at Harvard Law School and an Associate Justice of the Supreme Court, it presented a strongly Nationalist interpretation. It is divided into three books. Book I contains a history of the colonies and discussion of their charters. Book II discusses the Continental Congress and analyzes the flaws that crippled the Articles of Confederation. Book III begins with a history of the Constitution and its ratification. This is followed by a brilliant line-by-line exposition of each of its articles and amendments. Comparing it to the *Federalist*, James Kent said that Story's work was "written in the same free and liberal spirit, with equal exactness and soundness of doctrine, and with great beauty and eloquence of composition. (...) Whoever seeks...a complete history and exposition of this branch of our jurisprudence, will have recourse to [this] work, which is written with great candor, and characterized by extended research, and a careful examination of the vital principles upon which our government reposes.": cited in Marvin, *Legal Bibliography* 669-670. Cohen, *Bibliography of Early American Law* 2914.

(66203)

1721 Compilation of Laws Concerning Religion and Education in the English Colonies in America

9. Trott, Nicholas [1663-1740].

Recent period-style quarter calf over marbled boards, raised bands and lettering piece to spine, speckled edges, endpapers renewed. Title page printed in red and black, title and text printed within ruled borders, woodcut head-pieces, tail-pieces and initial letters. Moderate toning to text, light foxing in a few places, repairs to clean tears to two leaves, upper corner of title page repaired. $3,500.

* First edition. Trott was a judge, legal scholar and biblical scholar. Born into a prosperous commercial family with ties to Bermuda and the Bahamas, he spent most of his professional life in America. He was chief justice of South Carolina from 1703 until 1719. In 1718 he became famous as the judge who tried the pirate Stede Bonnet. His keen interest in the promotion of religion and education is reflected in his compilation of colonial laws on those topics. It covers South and North Carolina, Virginia, Maryland, Pennsylvania, New Jersey, New York, the New England states, Bermuda and Britain's Caribbean possessions: Barbados, Antigua, Nevis, Montserrat and St. Christopher. The preface includes a bibliography. A second edition was published in 1725. Both are quite scarce in commerce; the last two auctions records, both of first editions, are from the 2014 ABCNY sale for $2,812 and another in 1962. OCLC locates 7 copies of the first edition in North American law libraries (Columbia, Harvard, Library of Congress, New England Law School, UC-Berkeley, University of Michigan, University of Minnesota). *English Short-Title Catalogue* T78926.

(69199)
Unofficial Predecessor to Folwell's Laws

10. [United States].
[Congress].
Acts Passed at the First Session of the Congress of the United States of America, Begun and Held at the City of New-York, On Wednesday the Fourth of March, in the Year M,DCC, LXXXIX. And of the Independence of the United States, the Thirteenth. Volume I. Philadelphia: Printed by E. Oswald, 1793. 375, [1], 45 pp. Includes acts of the second and third sessions, each preceded by divisional title pages.

[And]
Acts Passed at the First Session of the Second Congress of the United States of America: Begun and Held in the City of Philad... The Sixteenth. Volume II. Philadelphia: Printed by E. Oswald, 1793. 380, [28] pp. Includes acts of second session, preceded by divisional title page, and a section of treaties, the first with a drop-head title.

Octavo (7-3/4" x 4-3/4"). Contemporary sheep, blind fillets to boards, lettering pieces, blind fillets and black-stamped volume numbers to spines. Moderate rubbing and scuffing to boards, lighter rubbing to spines and extremities, corners bumped and somewhat worn, small chip to spine head of Volume II, front hinge of Volume I starting. Moderate toning to text, somewhat heavier in places, light foxing to some leaves in Volume II, early owner signature of "Ben Hazard" to head of title pages. A very attractive and well preserved set. $2,000.

* Only edition. Complete set. With indexes and the text of the U.S. Constitution and Bill of Rights. This is one of the unofficial compilations that preceded by government-authorized Folwell edition of 1796-1796. Among other achievements, the first two congresses passed the acts that established the war, postal and treasury departments, the judicial circuits, authorized the census, passed the copyright law and created the states of Kentucky, Tennessee and Vermont. Other interesting legislation concerns the Whiskey Rebellion, Indian affairs and federal and local legal jurisdictions. "Ben Hazard" may be Benjamin Hazard [1774-1841], a Rhode Island attorney, legislator and member of the Hartford Convention. Not in Babbitt. Evans, American Bibliography 27825-6.

(70813)

The Indispensable Record of the Continental Congress,
This Set Includes the Very Rare 1777 Aitken Printing of Volume II

11. [United States].
[Continental Congress].

Later signed bindings by Sangorski & Sutcliffe, three-quarter calf over cloth, raised bands and lettering pieces to spines, top-edges gilt, endpapers renewed. Occasional light rubbing and minor nicks and scuffs to boards and spines, moderate rubbing to extremities. Some toning to interiors, slightly heavier in places, occasional light foxing and dampspotting, faint offsetting to corners of preliminaries and final leaves of each volume. A handsome set. $20,000.

* Covering the years 1774 to 1783, the entire period of the American Revolution, this set comprises the first nine volumes of the official journals issued by the Continental Congress. (Thirteen volumes in all were printed through 1789, when the U.S. Constitution was enacted.) Our set includes the rarest imprint of the series: the Robert Aitken printing of Volume II, which records the opening events of the American Revolution. (The complete text of the Declaration of Independence is printed on pp. 241-246.) According to Aitken's account, 532 copies were completed. In the fall of 1777 the British forced Congress to evacuate Philadelphia. Unable to transport many copies of the Journal, many were left behind and later destroyed by the British, which accounts for the scarcity of this volume today. Indeed, the last copy to appear at auction,
in 2017, sold for $11,000.00. Taken together, these volumes provide a vivid real-time account of the American Revolution as it was experienced by the Founding Fathers. Contents:


- **Journals of Congress, Containing the Proceedings from January 1st, 1777, To January 1st, 1778. Published by Order of Congress. Volume III. Philadelphia: Printed by John Dunlap, [1778]. 603, [1], xxii pp. Evans 16138. Hildeburn 3728. This copy does not have the "General Index to Volume I" (12 pp.).**


- **Journals of Congress, Containing the Proceedings from January 1st, 1779, To January 1st, 1780. Published by Order of Congress. Volume V. Philadelphia: Printed by David C. Claypoole, 1782. 464, [16], lxiv pp. Lacking final blank. Evans 17766. Hildeburn 4206. This is the printing with the corrected errors. Early signature to head of title page, small carefully repaired chip along gutter with minor loss to text ("fro").**


- **Journals of the United States in Congress Assembled: Containing the Proceedings from the First Monday in November 1782, To the First Monday in November, 1783. Published by Order of Congress. Philadelphia: Printed by David C. Claypoole, 1783. Volume VIII. 483 pp. Though our collation matches several copies, such as one held by the Massachusetts Historical Society, Evans calls for 489 pp. and an index of 36 pp. It appears some copies were issued without the index. Evans 18266. Hildeburn 4311.**

- **Journals of the United States in Congress Assembled: Containing the Proceedings from the Third Day of November, 1783, To the Third Day of June, 1784. Published by Order of Congress. Volume IX. Philadelphia: Printed by John Dunlap, [1784]. 317 pp. As is the case with Volume VIII, this copy does not have the index present in most copies. Evans 18840. Hildeburn 4500.**

(68714)

**Parson Weems's Account of Two Cases of Adultery and Murder**

12. **Weems, Mason Locke [1759-1825].**


Disbound stab-stitched pamphlet, remnants of binding along spine. Minor wear to extremities, light browning to text, light soling to exterior, frontispiece partially detached but secure, top-edge trimmed close to image, wear to corners with no loss to text. $650.

Artwork

An Important Nineteenth-Century Pennsylvania Jurist

13. [American School, 19th Century].
[Troubat, Francis Joseph (1802-1868)].
[Portrait of Francis Joseph Troubat]. Philadelphia?, c.1837. 29" x 24-1/4" (image size).

Oil on canvas in ornate nineteenth-century gilded wood frame, small plaque reading "Francis J. Troubat/ Born 1802-Died 1868" to head of frame. Some minor nicks and chips to frame, gilding slightly dulled, otherwise fine. $5,000.

* A prolific writer of legal texts, Troubat is best known as the co-author with William W. Haly, of The Practice in Civil Actions and Proceedings in the Supreme Court of Pennsylvania, in the District Court and Court of Common Pleas for the City and County of Philadelphia, and in the Courts of the United States (1837). This portrait belonged to the Philadelphia Bar Association. Founded in 1802, it is the oldest association of lawyers in the United States. Its library, where this portrait was last displayed, was renamed the Theodore F. Jenkins Memorial Law Library in 1967.

[Becker-Rosenthal Murder Trial].
Mr. Justice Precedent. [New York, 1914]. 21" x 15-1/2" gouache image on 26" x 19-1/2" sheet, image signed twice and inscribed by Robinson, caption in pencil below image, most likely in another hand, laid down on illustration board. Image in 30-1/2" x 24" wooden frame, glazed. Light soiling, a few minor stains and four crop-marks to margins outside of image, which could be covered with a matte, image fine. Several minor scuffs and nicks to frame. A unique item relating to a notable trial. $4,500.

* This piece was created to illustrate "Leaden Footed Justice in New York State," an article that appeared in the Special Feature Section of the New York Tribune on Sunday, March 1, 1914. The caption reads: "Mr. Justice Precedent wearing his famous wig composed entirely of split hairs and adorned with the ceremonial crimson tape." The caption refers to the protracted nature of the Becker-Rosenthal Murder case, which began on October 7, 1912, restarted on May 2, 1914 and finally concluded after a series of procedural events in 1915. The case involved a group of corrupt police officers led by Charles Becker who ran a protection racket on illegal casinos. Becker hired gangsters to kill a casino owner, and rival gangster, who was threatening to expose the racket. A breathtaking example of police corruption, the investigation and trial was front-page news in New York for months. In the end Becker was sent to the electric chair at Sing Sing. (This was the first time a police officer received the death penalty). The case lived on for several years in the popular imagination; it is mentioned, for example, in The Great Gatsby (1925). Robinson, the creator of this illustration, was a distinguished artist, illustrator and cartoonist. A native of Nova Scotia, he studied art in Boston and completed his training in Paris at the Académie Colarossi and the École des Beaux-Arts, both in Paris. "Mr. Justice Precedent" shows his affinity, acquired in Paris, for the work of Daumier, Forain and Steinlen. Robinson produced work for several newspapers and periodicals. He created "Mr. Justice Precedent" when he was an editorial cartoonist for the Tribune, a position he held from 1910 to 1914. The piece is signed twice, the second signature is part of a mostly illegible (and undated) inscription to an attorney.

66985
One of the Great Scandals of the Hanoverian Period

15. [Williams, Charles (d. 1830)].
[Clarke, Mary Anne (c.1776-1852)].
Mother Carey's Chickens. [London]: S.W. Fores, No. 50 Piccadilly, November 1808.

Hand-colored etching with etched text, 9-3/4″ x 14-1/2″ (measured to plate marks). Light even toning, light soiling, edgewear and a few minor tears and creases to margins, tiny spot to the left side of image. $750.

* Mother Carey's Chickens is a satirical account of one of the great scandals of Hanoverian monarchy. In 1806 it was discovered that Mary Anne Clarke, the mistress of the army commander-in-chief, Prince Frederick, Duke of York and Albany [1763-1827], was selling commissions for personal profit, presumably with Frederick's cooperation. Investigated by Parliament, Frederick was exonerated. He resigned his post, however, because a large minority voted against him. The print's title refers to the storm petrel, a small common sea bird associated with scavenging and, in nautical folklore, the imminent arrival of a storm. On the left side of the image Clarke stands at the door of a rustic cottage and shakes out a cloth full of tiny officers holding money-bags. The cloth is inscribed "Pin Money instead of Allowance," that is, the allowance she would receive as a mistress. She says: "This is a profitable Plan of his and pays me a Devilish deal better than he can, besides the Patronage!!" On the right, five old officers, two of them crippled from battle, watch their tiny rivals with consternation. One of the lines below the image reads: "NB these Birds have lately been seen hovering about the Horse Guards." British Museum Satires 11050.

(70499)

Association Copies

Inscribed by Darrow to British Actress Rosalinde Fuller

16. Darrow, Clarence [1857-1938].

Quarter cloth over patterned paper boards, gilt title to spine, top edge gilt, deckle fore and bottom edges. Light soiling, some wear to spine ends and corners, author inscription to front free endpaper. Light toning to text, internally clean. A nice copy with an interesting association. $1,850.

* Second edition. The inscription reads "To Rosalyn [sic] Fuller/ from/ Clarence Darrow/ Feby 9th 1917." A Persian Pearl was Darrow's first book and the cornerstone of any Darrow collection. It consists of five essays. "A Persian Pearl" is an appreciation of Omar Khayyam's Rubaiyat. The other essays discuss Walt Whitman, Robert Burns, realism in literature and art and the importance of facing up to past mistakes without fear or shame. Fuller [1892-1982], a distinguished British actress, was famous for her portrayal of Ophelia to John Barrymore's celebrated Hamlet on Broadway in 1922 and continued to perform into the 1970s. She also has a footnote in literary history for her brief affair with F. Scott Fitzgerald. Some scholars believe she was the model for Marcia, the bold chorus girl in "Head and Shoulders," a story later included in Flappers and Philosophers (1920). Hunsberger, Clarence Darrow: A Bibliography 44.

(58330)

Signed and Inscribed to Harpo Marx and His Wife

First edition, sixth printing. The inscription reads "For/Harpo Marx, whose Susan,/through the magic of her own
charm,/has endowed him with more charm/than his own powers could generate,/with the judicial and therefore sober
regard of/Felix Frankfurter/February 8 '62". This incisive and fascinating collection of memoirs was transcribed from a
series of interviews with Phillips conducted for the Columbia University Oral History Research Department. The
interviews trace his life and career and examine his thoughts on such topics as religion and the function of judges. Arthur
Marx [1888-1964], famous as "Harpo," the non-speaking Marx brother, enjoyed books and the company of intelligent
people. He was a member of the famous Algonquin Round Table. He married the American actress Susan Fleming [1908-
2002] on September 28, 1936. They established a home in Rancho Mirage, a community near Palm Springs, and remained
married until Harpo's death. Fleming left Hollywood after she married and devoted the rest of her life to community
affairs, political work and philanthropy.

Amendments to the Massachusetts
Constitution: A Presentation Copy from Joseph Story

18. [Massachusetts].
[Story, Joseph (1779-1845)].

Stab-stitched pamphlet in self-wrappers, untrimmed edges. Moderate toning, minor edgewear to a few leaves, light foxing
and presentation inscription to title page, final leaf signed by Convention Secretary Benjamin Pollard. $1,850.

* First edition. Presented to the Essex Historical Society, this copy is inscribed "from Hon Judge Story." The great
Supreme Court justice was member of the convention to amend to Massachusetts Constitution. Mel A. Topf in wrote
about Story's importance at the Convention: "Story brought his prestige and leadership, together with his considerable
political and legal skills, to what was for him and his allies at the convention the overriding mission: to save the
Massachusetts frame of government from the democratizing forces (or from radicalism, the term Story used) that were
threatening the Republic itself. It would be difficult to overemphasize the centrality of this mission to Story's theory of the
judiciary. Story, along with Daniel Webster and others, led the conservative faction toward its goal of creating an alliance
to protect the Massachusetts constitution from democratic extremes of the radicals, whose program was the convention's
main agenda." An excellent association connecting Joseph Story to a crit-

Treatise on Courts Martial Owned
by Confederate General J.E.B. Stuart

19. [Stuart, J.E.B. (1833-1864)].
Simmons, Thomas Frederick.
Remarks on the Constitution and Practice of Courts Martial; With a Summary of the Law of Evidence, As Connected with Such Courts;
Also Some Notice of the Criminal Law of England, With Reference to the Trial of Civil Offences Where There is no Competent Civil
Judicature. London: Parker, Furnivall, And Parker, 1852. xvi, 668, [4] pp. Includes 4-page publisher catalogue. Octavo (8-
3/4" x 5-1/2").
Original cloth, blind frames to boards, blind fillets and gilt title to spine. Light rubbing, soiling and a few minor dampstains, chipping to spine ends, corners bumped, hinges cracked. "J.E.B. Stuart./ 1st Cavalry" in large penciled hand to front free endpaper. Moderate toning to text, light foxing in a few places, upper corners of a few leaves dog-eared. A copy with an interesting Civil War association. $3,500.

* Fourth edition. This copy of the standard nineteenth-century British treatise on courts martial belonged to James Ewell Brown "JEB" Stuart, the great Confederate general. The designation "1st Cavalry" dates his ownership of this book to 1855-1861, the period when he was a lieutenant, later Captain, in the U.S. Army. (He went on to lead the 1st Virginia Cavalry for the Confederacy in 1861-1862.) Stuart signatures and signed items are uncommon. The last three to appear at auction (in 2019), an undated clipped signature, a signed 1859 pay receipt and an 1863 letter with military content, received hammer prices of $2,250.00, $2,280.00 and $5,700.00. Sweet & Maxwell, A Legal Bibliography of the British Commonwealth 2:326.

(70766)

**Bindings**

**A Jesuitalic Restatement of the Corpus Juris Canonici**


Contemporary morocco, gilt frames to boards, gilt spines with raised bands and lettering, gilt tooling to board edges, gauffered gilt edges to text blocks, patterned endpapers.

A few minor nicks to boards, light rubbing to boards and extremities, corners bumped and lightly worn, pastedowns just starting to come loose, a few partial cracks to text block of book containing Parts III and IV, minor worming along gutter of a few leaves of that book. Light to moderate toning, light foxing in a few places, light soiling to a few leaves. A handsome copy. $1,950.

* First edition. Gasparro, a Jesuit canon lawyer and member of the Papal Curia, taught criminal and civil law and the University of Rome. Published with Jesuit sponsorship, and notable for its Jesuitalic perspective, Gasparro's restatement of the Corpus Juris Canonici went through later editions in 1721-1722 and 1731. All editions of this title are scarce today, especially in North America, where OCLC locates 1 copy of the first edition (Harvard Law School). Not in Ferreira-Ibarra.

(70811)

**A Jesuitalic Restatement of the Institutes**


Contemporary morocco, gilt double frames to boards, inner flarmes with large fleurons, gilt spines with raised bands and lettering pieces, gilt tooling to board edges, edges of text blocks gilt, marbled endpapers. A few minor nicks to boards, light rubbing to extremities, corners bumped and lightly worn, small chip to lettering piece of Volume I. Light toning, light foxing inplaces, inkstaining to center of fore-edge of first half of Volume I's text block, ink to margins of sixteen leaves touching text on two leaves, light soiling to preliminaries. A handsome copy. $1,500.
* First edition. Gasparro, a Jesuit canon lawyer and member of the Papal Curia, taught criminal and civil law and the University of Rome. Published with Jesuit sponsorship, and notable for its Jesuitical perspective, Gasparro's restatement of Justinian's Institutes was a standard text throughout the eighteenth century; editions appeared as late as 1787. Despite its popularity, all editions of this title are scarce today, especially in North America. OCLC locates 3 copies of the first edition (Harvard Law School, Southern Methodist University Law School, Stanford Law School). Not in Ferreira-Ibarra.

(70889)

Early English-Language Edition of a Landmark in Eighteenth-Century Political Science


Recent period-style calf binding by Philip Dusel, gilt spine with raised bands and lettering pieces, gilt tooling to board edges, marbled endpapers. Moderate toning to text, faint dampspotting in places, owner signature (of Paul Tilghman dated 1805) to heads of half-title and dedication leaf of Volume I and heads of title page and first page of Table of Contents of Volume II. A handsome copy. $1,500.

* Fifth (stated) English edition. De L'Esprit des Lois was one of the landmark works of eighteenth-century political science and an immeasurable influence on jurisprudence and political thought, especially in the Americas. It was a profound influence on the founding fathers, such as Thomas Jefferson, and the framers of the U.S. Constitution. It contained provocative and wide-ranging ideas on the sociology of law, the separation of political powers and the need for checks on a powerful executive office. First published in Geneva in 1748, and first translated into English in 1750, it remains one of the most significant studies of political and legal theory ever written. Based on Montesquieu's study of the English Constitution, this work is important as the first work to propose the separation of powers, an idea incorporated into the U.S. Constitution. Sowerby, Catalogue of the Library of Thomas Jefferson 2325 (citing a collected edition of Montesquieu's works). English Short-Title Catalogue N23470.

(70718)

Broadsides

A Conjugate Broadside


A Poem of the Distressing and Afflictive Death of the Rev. Josiah M. Muspratt, Who Was Killed in an Awful Manner; Being Caught in the Machinery of Whitesborough Factory, Carried up to the Floor Above by His Arm, Where it was Drawn from his Body, From Whence He Fell Again to the Floor, Torn and Lacerated in the Most Shocking Manner; May, 1827. [Printed above] The Dying Words, Confession, And Execution of Jesse Strang, For the Murder of John Whipple, At Albany, August 27, 1827. [Utica?, NY: 1827.]

20-1/2" x 8-1/2" broadside comprising two poems, one above the other, each in two columns with a black line border, decorative typeset divider between columns, and woodcut illustrations below the headlines. The first poem, signed in type "J.H.," has a coffin, the other an image of a hanging man. Light browning and some edgewear, fold creases and a few minor stains, minor loss to fold corners, two small holes with no loss to text, early owner signature to verso. $1,750.
* Two rare conjugate broadsides. Muspratt was a Methodist preacher who also served as Superintendent in a weaving mill in Whitesborough, NY, where it appears he became an early victim of an industrial accident. The poem paints him as a Christian martyr who worked to save the souls of the factory hands. The second poem commemorates the death of Jesse Strang (spelled here with an extra "a"), who committed one of New York's best-known early murders. Strang, who had previously abandoned his own wife and children, fell in love with Elsie Whipple, a member of the prominent Van Rensselaer family in Albany, and conspired with her to kill her husband. Strang's was the last public execution in Albany. Elsie was acquitted. Ranta, Women and Children of the Mills 190. New York State Library, Broadside Ballads SCO BD1522/1523.

Rare Verse Account of One of the Most Famous American Crimes of the 1830s

24. [Broadside]. [Murder]. [White, Joseph (1747 or 1748-1830)]. Murder of Joseph White. The Following Lines Were Written on the Death of Mr. Joseph White, Of Salem, Who was Found Murdered in his Bed, April 7, 1830. [Boston?: S.n., 1830].

10" x 6-1/2" broadside. Ten-stanza verse text in two-columns below headline divided by spiral barber-pole ornamental rule. Final verse followed by horizontal rule and addition text. Light browning, light soiling and foxing, four horizontal fold lines, a few minor tears to edges. A rare item. $1,250.

* Apparently unrecorded, this is one of several different verse broadsides about the murder of Joseph White, one of the most famous American crimes of the 1830s. White, a wealthy sea captain in his 80s who lived in Salem, was murdered by Joseph Knapp with the assistance of Richard and George Crowninshield. Daniel Webster helped the prosecution by presenting the closing argument. Initially, the jury could not decide whether the defendants had bludgeoned White to death. A second trial convicted Knapp and Richard Crowninshield, who were sentenced to death. In this printing, 13 lines of the "Sayings of Dr. Franklin" are added at the end. The American Antiquarian Society, the Harris Collection at Brown and OCLC record several different accounts, but not this one.

(70585)

Offenses Against Public Trade


10-3/4" x 8-3/4" broadside, text in single column below headline. Signed in type by Raine. Light toning, light soiling, two horizontal fold lines, a few minor stains, contemporary annotations to verso. A very good copy. $850.

* Raine, steward of the Court Leet of Alnwick, orders officers to proceed against anyone guilty of "forestalling, ingrossing" or "regrating," that is, manipulating market prices. The broadside states these practices "have of late become very prevalent, in Consequence of which, the Price of Provisions has been considerably enhanced, to the great Detriment of the Public in general, but of the poorer Orders of the Community in Particular." Its final paragraph states, perhaps as a warning, that these actions are, "by common law...highly criminal and punishable." Not in the English Short-Title Catalogue or COPAC.

(70554)
26. [Broadside].
[Temperence].
[Cheever, George Barrell (1807-1890)].

*Cast in the form of a dream, Reverend Cheever's Temperance tract is a thinly disguised portrayal of John Stone, a well-liked Unitarian deacon in Salem who owned a distillery. It was first published in 1835 as a newspaper article and as an illustrated broadside. Cheever's neighbors were outraged by this slanderous text and he was soon convicted for libel, imprisoned and publicly whipped. A case that attracted a good deal of attention, it brought Cheever fame among the nation's temperance reformers, abolitionists and social reformers and it sparked interest in his tract, which led to several later editions, primarily in pamphlet format. Our example was published by The National Temperance Society and Publication House, founded in 1865, and possibly issued after Cheever's 1867 retirement from the ministry. Its large, half-page wood engraving shows barrels of Deacon Giles's brew in the foreground, labeled "Dea. Giles Distiller," "N[ew] E[ngland] Rum," "Sinfulness," "Poverty," "Death," and "Hell." and "Dea. Giles Distiller." Behind this is an infernal scene of a fiery and steaming distillery tended by nine horned and cloven-hoofed devils; at the right is seen a business office provocatively labeled "Deacon Giles's Counting Room. Bibles for Sale." OCLC locates 2 copies (Harvard Divinity School and Peabody Essex Museum). Not in McCoy.

1826 Mexican Broadside Announcing the Assignments of the Earliest Circuit Judges for Texas, California and New Mexico

27. [Mexico].
[Judges].

Muzquiz, Melchor [1790-1844].

*This rare broadside announces the assignments of eight of the earliest circuit judges of the First Mexican Republic [1824-1835] in jurisdictions within the region comprising parts of present-day California, Texas, Arizona, New Mexico and Utah. Included in the circuit of Jose Joaquin Avilez were the territories in California. Coahuila and Texas was in the circuit of Juan S.N. Ravnnilo. New Mexico, was in the circuit of Victor Marques. These judges were under the jurisdiction of Muzquiz, governor of the State of Mexico, the most populous part of the First Mexican Republic and the seat of the nation's legislative and judicial branches. This broadside appears to be unrecorded; it is not mentioned in any of the standard references and no copies are listed on OCLC. A similar broadside decree issued one day after the present, and also concerning Jose Joaquin Avilez, was sold in 1923 by Anderson Gallery. We found no auction records for the present example.

(70696)
CRIMINALS

A Scottish Guillotine


Contemporary quarter cloth over marbled boards, calf lettering piece to spine, endpapers renewed. Light rubbing to extremities with minor wear to spine ends and corners. Moderate browning to text, some wear to corners of text block. $750.

* Only edition (as an independent work). M'Colloch shows that an early form of the guillotine was used in Scotland from 1564 to 1710. This essay is a reprint from *The Proceedings of the Society of Antiquaries of Scotland*. OCLC locates 4 copies, 2 in North America (Northwestern University, University of Toronto).

(70757)

Nearly 15,000 Gathered to Witness the Execution

29. [Murder].
[Piracy].

[Tully, Samuel].


Stab-stitched pamphlet in printed wrappers, untrimmed edges. Light soiling to exterior, stain to upper inside corner of text block above text, moderate toning to interior, light foxing to a few leaves, early owner inscription (Lewis Smith's Book) to front wrapper. $2,500.

* Only edition. Tully, a 42 year-old Pennsylvania native, and John Dalton a 24 year-old Englishman, were convicted of murdering a seaman and scuttling an American schooner off the West Indies. Tully was hanged in South Boston in December, 1812. Dalton was reprieved at the last minute. According to some accounts, nearly 15,000 people gathered to witness the execution. It was certainly a notable event, generating at least a half dozen pamphlets and a broadside. In his *Life*, Tully claims to have been framed by the ship's cook. OCLC locates 2 copies in law libraries (Harvard, Social Law). McDade, *The Annals of Murder* 1004.

(70464)

Confessions of Four Pirates
Who Were Tried Before Joseph Story

30. [Murder].
[Piracy].

[Williams, John (and Others), Defendants].

*Lives and Confessions of John Williams, Francis Frederick, John P. Rog, And Peter Peterson, Who Were Tried at the United States Circuit Court in Boston for Murder & Piracy; Sentenced to be Executed Jan. 21, 1819; And Afterwards Reprieved Till Feb. 18, 1819.* Boston: Printed by J.T. Buckingham, At the Office of the New-England Galaxy, [1819]. 36 pp. Octavo (9-1/4" x 6").

Stab-stitched pamphlet in printed wrappers, untrimmed edges, rear wrapper lacking. Moderate soiling to exterior, moderate toning and light foxing to interior. $1,750.
* Only edition. These men were accused of mutiny aboard the schooner *Plattsburgh* off the coast of Georgia and of the murder of the captain, supercargo and a mate in 1816. There was $40,000.00 aboard, so the mutiny was piratically motivated. The villains divided the money, sailed to Norway and were later arrested in Copenhagen after a mate, who was practically a hostage, contacted the authorities. The four men were extradited to the United States, where they were tried before Joseph Story. All were convicted and hanged. As McDade notes, "the confessions paint a picture of the rugged life at sea in those times." OCLC locates 6 copies in law libraries (Harvard, Library of Congress, Social Law, UC-Berkeley, University of Virginia, Yale). McDade, *The Annals of Murder* 1099.

(70462)

Mutiny and Murder on the High Seas, McDade 679

31. [Trial].
Miller, George [d. 1876], Defendant.
Glew, John, Defendant.
Smith, William [d. 1876], Defendant.

Stab-stitched pamphlet, printed wrappers, which are detached with moderate edgewear, fading and light soiling, spine perished, text block secure. Moderate toning to text, faint offsetting to title page, light foxing to a few leaves, heavier offsetting to verso of final leaf, a blank. $450.

* Only edition. "The Jefferson Borden was bound for London from New Orleans. Corydon Trask Patterson was the mate, and in the course of a mutiny, he was hit with an iron bar and thrown overboard. The mutiny was suppressed, and at this trial Glew was acquitted and Miller and Smith were condemned" (McDade). This official account includes the indictment, arraignment, pleas, assignment of counsel to prisoners, empaneling of the jury, evidence, charge to the jury, verdict, remarks of the Court on passing sentence and the sentences. McDade, *The Annals of Murder* 679.

(70755)

Torture of a Female Prisoner in Trinidad

32. [Trial].
Picton, Sir Thomas [1758-1815], Defendant.

[Bound with]
Picton, Sir Thomas.
Evidence Taken at Port of Spain, Island of Trinidad, In the Case of Luisa Calderon, Under a Mandamus Issued by the Court of King's Bench, and Directed to the Lieutenant Governor; With a Letter Addressed to Sir Samuel Hood, K.B., Late One of the Commissioners for the Government of that Colony: On the Scandalous Indefensible Means Employed by Wicked Incendiaries, To Influence Justice, By Corrupting the Public Opinion, In a Trial of Importance Pending Before the Court of King's Bench; With an Abstract of the Trial of the Spanish Mulatress, Luisa Calderon, For a Conspiracy to Rob Her Master and Keeper, Pedro Ruez, of 2000 Dollars, or £125. London: Printed by Cox, Son, And Baylis, For the Author, 1806. xxiv, 160 pp.
Octavo (8" x 5-1/4"). Contemporary three-quarter morocco over cloth, gilt rules to boards, raised bands and lettering piece to spine, top edge gilt. Light rubbing to boards and extremities, hinges cracked. Moderate toning to Trial, light browning to Evidence, light foxing in places, light soiling to title pages, erased signature to head of Trial title page, a few faint dampstains to margins of its frontispiece. $2,500.

*Trial*: Only edition; Evidence: Second and final edition. This case arose from the torture of a female prisoner in Trinidad. At question was the relative status of local Spanish law, where torture was legal, and British law, where it wasn't. Picton, an army officer, had been appointed civil and military governor of Trinidad in 1797 with instructions to administer Spanish law. Picton took an extremely harsh line on crime and civil disorder, allowed a number of executions and published a new slave code that made slave discipline the backbone of his new order. The island was pacified within a few months. In 1803, London sent two more commissioners to administer the law with superior authority and Picton resigned. When he returned to London he was arrested and charged for ordering the use of torture to extort a confession of a robbery from a free biracial 13-year-old named Luisa Calderon. Picton's first trial took place in February 1806. It resulted in a technical guilty verdict and a call for a new trial, which followed in June and exonerated Picton. The verdict said, in effect, that Picton had the right to prescribe torture under Spanish law as a military officer, but not as a colonial governor. The frontispiece shows Calderon being subjected to "picketing," which forces the victim to stand on the point of a metal spike with one foot while supported only by the wrist of the opposite arm suspended from the ceiling. This was a fairly common punishment in the British Army during the seventeenth and eighteenth centuries. BMC 20:298.

**Designed to Display the Corruption of the Irish Nobility**

33. [Trial].
Taylor, Thomas, Marquess of Headfort [1757-1829], Defendant.
_A Report of the Trial on an Action for Damages Brought by the Reverend Charles Massy Against the Most Noble the Marquis of Headfort, For Criminal Conversation With Plaintiff's Wife: Damages Laid at 40,000_. Philadelphia: Printed and Sold by P. Byrne, And for B. Dornin, New-York, 1804. vii, 95 pp. Octavo (8" x 5-1/4").

Disbound stab-stitched pamphlet. Light soiling to exterior, a few minor tears and chips to edges of a few leaves, stitching loose, first signature detached. Light browning to text, faint dampstaining to foot of text block, light foxing to a few leaves. $950.

*Only American edition. At head of title: Ten Thousand Pounds Damages, Summer Assizes, Trial at Ennis, County of Clare, on 27th July, 1804, Before the Hon. Baron Smith, And a Special Jury. The Marquis of Headfort, a member of the Irish House of Commons, eloped with the wife of a clergyman, who was awarded £10,000 damages. The Patrick Byrne and Bernard Dornin were Irish political radicals living in exile. Published shortly after its printing in Ireland, this American imprint, which was issued in New York and Philadelphia, was probably issued to display the corruption of the Irish nobility. Cohen, _Bibliography of Early American Law_ 12010.

(70724)

**Sensational 1825 Murder Trial in Buffalo, N.Y.**

34. [Trial].
Thayer Brothers.
_The Life, Trial, Condemnation and Dying Address, Of the Three Thayers! Who Were Executed for the Murder of John Love, At Buffalo, N.Y. June 17th, 1825._ Buffalo: Printed for the Publisher, [1825]. 16 pp. Octavo (8-1/2" x 5-1/4").
Stab-stitched pamphlet in printed wrappers, untrimmed edges, large woodcut of three coffins to front. Light browning and faint dampspotting, light soiling to exterior, faint stain to foot of front wrapper. A well-preserved copy. $950.

* The Thayer brothers were convicted in two separate trials for the robbery and murder of their boarder. They were executed together by hanging on June 17, 1825. A sensational event, it was the subject of several pamphlets. It was probably the first hanging to take place in Erie County, New York. In this edition the dying address is followed by an account of the trial and execution in verse. This imprint, which is listed in Cohen, is a variant of a copy in McDade, which has an image of a single coffin. See McDade, The Annals of Murder 972. Cohen, Bibliography of Early American Law 13088.

Unrecorded Imprint with an Added Hand-Colored Portrait of the Criminal

35. [Trial].
Turpin, Richard [c.1705-1739], Defendant.
Kyll, Thomas, Reporter.
The Whole Life and Trial at large of the Notorious Highwayman Richard Turpin, At York Assizes, On the 22d Day of March, 1739, Before the Hon. Sir William Chapple, Kat. Judge of Assize, And One of His Majesty's Justices of the Court of King's Bench. Taken Down in Court by Mr. Thomas Kyll, Professor of Short-Hand. To Which is Prefix'd, An Exact Account of the Said Turpin, From His First Coming Into Yorkshire, To the Time of His Being Committed Prisoner to York Castle; Communicated by Mr. Appleton of Beverly, Clerk of the Peace for the East-Riding of the Said County. With a Copy of a Letter which Turpin Received from his Father, While Under Sentence of Death. To which is Added, His Behaviour at the Place of Execution, On Saturday the 7th of April, 1739. Together with the Whole Confession he Made to the Hangman at the Gallows; Wherein he Acknowledged Himself Guilty of the Facts for Which he Suffer'd, Own'd the Murder of Mr. Thompson's Servant on Epping-Forest, And Gave a Particular Account of Several Robberies which he Had Committed. The Sixth Edition. To Which is Prefix'd, a Large and Genuine History of the Life of Turpin, From his Birth to his Execution; And of All his Transactions and Robberies, And the Various Methods he Took to Conceal himself. The Whole Grounded on Well-Attested Facts, And Communicated by Mr. Richard Bayes, At the Green Man on Epping-Forest, and Other Persons of the County of Essex. York: Printed by Ward and Chandler Booksellers, At their Printing-Office in Coney-Street; And Sold at Their Shop without Temple-Bar, London; 1739. (Price Sixpence). [vi], [2], 18, iii-vii, [1], [3]-25, [1] pp. Copperplate portrait frontispiece of Richard "Dicky" Dickinson. Added Colored portrait of Turpin dated 1742 preceding p. iii. Complete. Octavo (8" x 5").

Stab-stitched pamphlet with untrimmed edges bound into recent cloth, gilt title to spine, small bookplate (Waite Collection) to front pastedown. Moderate toning, somewhat heavier in places, light foxing to title page and a few other leaves, faint dampstaining to margins of Turpin portrait. $1,850.

* Sixth edition. Turpin, a charismatic highwayman, was one of the "media sensations" of his day, especially after his execution for horse theft. Not related to the text, the frontispiece depicts Richard "Dicky" Dickinson was a popular eccentric who managed a spa house in the fashionable spa town of Scarborough, North Yorkshire. The publisher's preface says it was included as a bonus. All editions by Ward and Chandler are rare, with no copies this edition found on OCLC or COPAC. Not in the English Short-Title Catalogue.

(70680)

Four Interesting English Cases Tried in 1737, Three Concerning Soldiers, One a Cattle Thief

36. [Trials].
[Great Britain].
[Three Cases Concerning Soldiers, One Concerning a Cattle Thief]. London: Printed by John Baskett, 1737. Folio (12-1/2" x 7-3/4").
Five pamphlets, two relating to the same trial, bound into nineteenth-century three-quarter calf over pebbled cloth, tiny blank label to foot of front board, raised bands and lettering pieces to spine. Light rubbing to boards, moderate rubbing to extremities, corners bumped, sections of backstrip lacking from spine ends, front board detached, rear board partially detached. Light toning to text, light foxing in places, light soiling to title pages, each with a number in an early hand, the first with a small later library stamp. $950.

* Only editions. The cases of Porteous, Haunt and McAdams and Long involve murders committed by members of the army. Laidly’s case involved cattle theft and assault. Contents:

1. Porteous, John, Defendant.


3. McAdams, Thomas, Defendant.
   Long, James, Defendant.
   *Extract of the Proceedings Before James Graham of Airth, Esq; Judge of the High Court of Admiralty in Scotland, In the Action at the Instance of Duncan Forbes, Esq; His Majesty’s Advocate, And Mr. Hugh Forbes, Advocate, Procurator Fiscal of the Said High Court, Against Thomas Mc Adams Souldier, And James Long Corporal in the Regiment of Foot Commanded by Colonel _____ Hamilton. Laid Before the House Pursuant to Their Lordship’s Order April 18, 1737.* 47, [1] pp. ESTC T33912.

4. Long, James, Defendant.
   McAdams, Thomas, Defendant.

5. Laidly, William, Alias Scot, of Mossphennan, Defendant.

(70684)

**FREE SPEECH**

Ancient Laws Against "Immorality and Prophaneness"

37. Disney, John [1677-1730].
   *A View of Ancient Laws, Against Immorality and Profaneness; Under the Following Heads; Lewdness, Profane Swearing, Cursing, And Blasphemy; Perjury; Prophanation of Days Devoted to Religion; Contempt or Neglect of Divine Service; Drunkenness; Gaming; Idleness, Vagrancy, And Begging; Stage-Plays and Players; And Duelling. Collected from the Jewish, Roman, Greek, Gothic, Lombard, And Other Laws, Down to the Middle of the Eleventh Century.* Cambridge: Printed for Corn. Crownfield, Printer to the University, 1729. [xxii], 351, [1] pp. With a list of subscribers. Folio (14” x 9”).

Contemporary paneled calf, rebacked in period-style gilt spine with raised bands and lettering piece, gilt tooling to board edges, hinges mended. A few minor nicks and scratches to boards, negligible light gatoring in places, some rubbing and a few tiny chips to board edges, early armorial bookplate to front pastedown. Light toning to text, light crinkling with occasional light soiling to top edge of text block above headlines, light spotting and a few tiny spots of dripped wax in a few places, light soiling and light edgewear to title page. A handsome copy. $2,500.
* Only edition. Disney, a divine with a degree in civil law, was vicar of St. Mary's in Nottingham and a moral reformer. A fascinating compilation enhanced with notes and a 20-page glossary, his *View of Ancient Laws, Against Immorality and Profaneness* followed two other legal books he published on the subject: *An Essay Upon the Execution of the Laws Against Immorality and Profaneness* (1708, 2nd. ed. 1710) and *A Second Essay Upon the Execution of the Laws Against Immorality and Profaneness* (1710). *English Short-Title Catalogue* T112762.

(70501)

**A Notable Freethinker and Publisher**  
Of Thomas Paine Reports One of His Blasphemy Trials

38. [Trial].  
Carlile, Richard [1790-1843], Defendant and Reporter.  

Stab-stitched pamphlet with untrimmed edges bound into later three-quarter morocco over marbled boards, raised bands, gilt title and gilt institution arms (of Constitutional Club) to spine. Light rubbing to boards, moderate rubbing and a few scuffs to extremities, front joint cracked, rear joint starting, hinges reinforced with cloth tape, bookplate (of Constitutional Club) to front pastedown. Moderate toning to text, negligible light foxing to a few leaves, light soiling and a few finger smudges to title page, extensive notes in contemporary hand to its verso and margins of following page. $750.

* Reissue of the only edition, which was published in 1822. Carlile was one of the most prolific freethinking journalist-publisher-political activists of his day. As one would suspect, he was often at odds with the government. In 1819 he was fined 1,500 pounds and imprisoned for three years for six counts of "blasphemous libel." He published this account of the first day of his 1819 trial after his release. It deals with the information against him for publishing Thomas Paine's *Age of Reason* and *Examination of the Passages in the New Testament Quoted from the Old and Called Prophecies Concerning Jesus Christ*, which Carlile issued as *The Age of Reason, Part the Third*. Portions of these were read in court by Carlile with commentary. The manuscript notes were copied from an eyewitness account of the trial published in the London *Evening Mail* (there is a citation at the head of the notes). The annotator added the following statement: "N.B. No one sh.d read this book without reading afterwards as an antidote to ye blasphemy contained in it, Bishop Watson's Apology for the Bible." OCLC locates 2 copies of this issue (Harvard Law School, Cal. State-Northridge).

(70483)

**A Landmark Case in the History of the First Amendment**

39. [Trial].  
Hamilton, Alexander [1757-1804] (et Al.).  
Crosswell, Harry (1778-1858), Defendant.  
*The Speeches at Full Length of Mr Van Ness, Mr. Caines, the Attorney-General, Mr. Harrison, And General Hamilton, In the Great Cause of the People, Against Harry Crosswell, On an Indictment for a Libel on Thomas Jefferson, President of the United States.* New York: Printed by G. & R. Waite, 1804. 78 pp. Octavo (8" x 5").

Disbound stab-stitched pamphlet. Moderate toning, occasional light foxing, negligible light soiling to title page and verso of final leaf. $2,500.
* Only edition. People of the State of New York v. Harry Croswell, also known as People v. Croswell, is a landmark case in the history of the First Amendment. It was a prosecution for criminal libel under the Sedition Act in the Court of General Sessions of the Peace of Columbia County, New York. Croswell was indicted for an article, published in The Wasp, a Federalist newspaper he edited, that accused Jefferson of hiring James Callender to write articles attributing various crimes to Washington and Adams. Croswell was defended by a distinguished team of lawyers, among them Alexander Hamilton. In one of his greatest and most influential speeches, and one of the last he gave in his lifetime, Hamilton argued that freedom of the press consists in publishing the truth, from good motives and for justifiable ends, however it may reflect on its subjects. More important, he argued for a rejection of libel based on English rules, which remained a part of New York law, especially the rule that truthfulness is not a reason for acquittal. Croswell was convicted, but he was not sentenced or retried. And the cause of his case was mooted the following year when the New York State Legislature abandoned English libel law in favor of one based on Hamilton's argument. It became the law of the land when the other states and the Federal government followed New York's example. Ford, Bibliotheca Hamiltoniana 90. Cohen, Bibliography of Early American Law 13322.

Two Notable British Trials for Blasphemy, And Their Context

40. [Trials]. [Freedom of the Press].
[Bound with]
Holyoake, George Jacob [1817-1906], Defendant.
[And]
Southwell, Charles, Defendant.
Carpenter, William, Reporter.

Octavo (8-1/2" x 5-1/2"). Stab-stitched pamphlets bound into contemporary cloth, gilt title to spine. Some rubbing to extremities with wear to corners and spine ends, faint inkstains and dampstaining to boards. Moderate toning to text, occasional foxing, internally clean. Unique. $1,950.

* After breaking away from Robert Owen's socialist movement, Southwell opened a free-thought bookshop in Bristol with William Chilton and John Field in 1841. Holyoake joined him the following year. Southwell and Holyoake went on to establish the Oracle of Reason, a periodical devoted to atheism. After a year the authorities had enough of their publication, and the two editors were tried for blasphemy. Both were acquitted and their trials stand as landmarks in the history of free speech. In 1851 Holyoake would be the defendant in the last blasphemy trial in Great Britain. Our volume is notable because it combines a complete run of the first year of the Oracle with the two trials it provoked. (Publication of the Oracle ceased at the end of 1843). Both trial accounts are scarce, individual issues and a complete runs of Volume 1, are rare. (60734)
Pamphlet Concerning a Notable
Nineteenth-Century Libel Case in Salem, Massachusetts

41. [Upham, Charles W. (1802-1875)].

Stab-stitched pamphlet in self-wrappers, untrimmed edges. Light soiling to exterior, minor wear to spine ends, owner signature (Charles Lowell) to head of front wrapper, light toning to text, faint spotting to a few leaves. $750.

* Only edition. Cheever, a Unitarian minister, social reformer and Temperance advocate, published a thinly disguised portrayal of John Stone, a well-liked Unitarian deacon in Salem who owned a distillery. It was first published in 1835 as a newspaper article in Salem and as an illustrated broadside. Cheever's neighbors, one of them Upham, were outraged by this slanderous text and he was soon convicted for libel, imprisoned and publicly whipped. A case that attracted a good deal of attention, it brought Cheever national fame, which led to several job offers and several more editions of his tract. After an extended tour of Europe and the Near East, he became the minister of the Allen Street Presbyterian Church in New York City. OCLC locates 11 copies, none in law libraries. Not in McCoy, Freedom of the Press: An Annotated Bibliography. Sabin, A Bibliography of Books Relating to America 98032.

GREAT BRITAIN

First Edition of the First Abridgement of the Commentaries

42. Blackstone, Sir William [1723-1780].
Trusler, John [1735-1810], Editor.
A Summary of the Constitutional Law of England, Being an Abridgement of Blackstone's Commentaries. Dublin: W. Sleater, No. 28, And W. Colles, No. 17, Dame-Street, 1790. [iv], 228, [8]. 12mo. (7" x 4-1/2").

Contemporary calf, lettering piece and gilt fillets to spine, joints reinforced. Light rubbing and scuffing to boards, moderate rubbing to extremities with wear to spine ends and corners, front hinge starting, crack in text block between second and third front endleaves. Light browning to text, (illegible) owner signature dated 1860 to front free endpaper, another (of Z.C. Lee, dated 1828) to following endleaf. $750.

* Reprint of the first edition, London, 1788, the only Irish printing of this book. According to Laeuchli, "this appears to be the earliest abridgment of Blackstone's Commentaries." It was the work of the Rev. John Trusler, a remarkably prolific author of popular books on a variety of subjects ranging from etiquette and gardening to finance and law. His most famous works are The Way to be Rich and Respectable (1780) and Hogarth Moralized (1768). His legal writings include Useful and Legal Information to Purchasers & Possessors of Estates, a treatise on real property, and the present work. According to the book's Advertisement, it offers "every thing in Blackstone necessary for the general reader [with] nothing omitted but what is peculiarly adapted to the profession of a Lawyer" (iii). The book went through two more editions in 1790 and 1796. All three editions are scarce. OCLC locates 4 copies in North American law libraries (Harvard, Library of Congress, Trial Court Library of Worcester, MA, Yale). Not in Eller. Laeuchli, A Bibliographical Catalog of William Blackstone 123.

(70764)
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A Profound Influence in the American Colonies, One of the Two Editions Owned by Jefferson

43. [Care, Henry (1646-1688)]. Nelson, William [b.1653], Editor.

      English Liberties, Or the Free-Born Subject's Inheritance; Containing Magna Charta, Charta de Foresta, The Statute De Tallagio non Concedendo, The Habeas Corpus Act, And Several Other Statutes; With Comments on Each of Them. Likewise, The Proceedings in Appeals of Murder; Of Ship-Money; Of Tonnage and Poundage. Of Parliaments, And the Qualification and Choice of Members: Of the Three Estates, And of the Settlement of the Crown by Parliament. Together with a Short History of the Succession, Not by Any Hereditary Right: Also a Declaration of the Liberties of the Subject: And of the Oath of Allegiance and Supremacy. The Petition of Right; With a Short but Impartial Relation of the Difference Between Charles I. And the Long Parliament, Concerning the Prerogative of the King, The Liberties of the Subject, And the Rise of the Civil Wars. Of Trials by Juries, And of the Qualifications of Jurors: Their Punishment for Misbehaviour, And of Challenges to Them. Lastly, Of Justices of the Peace, Coroners, Constables, Church-Wardens, Overseers of the Poor, Surveyors of the Highways, &c. With Many Law Cases Throughout the Whole. Compiled First by Henry Care, And Now Continued, With Large Additions, By W.N. of the Middle Temple, Esq. [London]: Printed by Eliz. Nutt and H. Gosling, 1719. [xii], 356 pp. Octavo (7-1/2" x 4-3/4").

Recent period-style quarter calf over marbled boards, raised bands, blind ornaments and lettering piece to spine, speckled edges, endpapers renewed. Moderate toning, lower corner of L4 (pp.151-152) lacking with loss to text, leaf supplied in facsimile, light foxing in a few places, check marks and underlining to a few passages, early owner inscriptions (of John Jones) to head of p. [iii] and head of title page, which has two faint library stamps, one embossed, library inkstamp and mark to verso. $750.

* Fourth edition. First published around 1682 (the first edition was not dated), this classic layman's guide reviews, from a Whig perspective, the principles of English law and government. It emphasizes the role of Magna Carta, Parliament and juries in the preservation of civil rights and prevention of tyranny. First published in America in 1721, it had a profound influence on several colonial readers, including the founding fathers. It was the primary source for William Penn's *Excellent Privilege of Liberty and Property* (1687), a work that inspired support for the revolution. George Mason used it when drafting Virginia's Declaration of Rights (1776). Jefferson, who owned copies of this edition and the first edition, probably referred to it when he wrote the Declaration of Independence and the Virginia Statute for Religious Freedom. Its influence is also evident in the Bill of Rights. See Sowerby, *Catalogue of the Library of Thomas Jefferson* 2702 (London 1719 edition), 2703 (London 1680 edition). *English Short-Title Catalogue* T112711.

(69711)

The Long Parliament Establishes Fundamental English Liberties

44. [Great Britain]. [Parliament].

      Speeches and Passages of the Great and Happy Parliament, From the Third of November, 1640, To this Instant June, 1641. Collected into One Volume, And According to the Most Perfect Originals, Exactly Published. London: Printed for William Cooke, 1641. [8], 24, 152, 159-174, 169-184, 177-240, 205-220, [8], 233-351, [1], 351-358, 321-335, [1], 385-440, 455-459, 500-534, 24, [2], 6, 14; [ii], 46 pp. Pagination irregular, text complete. Final two sections have their own dated title pages reading Mr. Speaker's Speech, With His Majesties Speech to Both Houses of Parliament, At the Passage of the Bill for Tonnage and Poundage... and An Argument of Law Concerning the Bill of Attainder of High-Treason of Thomas Earle of Strafford... Quarto (7-1/4" x 5-3/4").

Contemporary calf with later rebacking, diced spine with raised bands, lettering piece and gilt ornaments, endpapers renewed, hinges reinforced. Some rubbing and light gattering to boards, heavier rubbing to extremities with some wear to spine ends and corners, hinges cracked, front free endpaper and title page partially detached but secure. Moderate toning, occasional faint dampspotting, faint dampstaining to fore-edges of final 38 leaves, chips to edges of a few leaves, edgewear
to endleaves, small holes to leaf H2 (pp. 53-54) due to paper flaw with minor loss to text, legibility not affected, light soiling and some edgewear and owner signature in tiny hand (H.E. Cullen, Jr. 1928) to title page. $1,500.

* Only edition. Opposed to King Charles I, the Long Parliament sat from 1640 to 1660. Its duration lasted until the end Civil War and the close of the Interregnum. Speeches and Passages is a record of that Parliament's momentous first months. During that time it abolished the Star Chamber and High Commission and passed the Habeas Corpus and Triennial Acts, which was intended to prevent kings from ruling without Parliament, something Charles I did from 1629 and 1640. The final section, An Argument of Law concerns a controversial decision. The Earl of Strafford was a leading supporter and advisor of King Charles I. Scapegoated by Parliament for his "treasonous" role in the Second Bishops' War, one of the preliminary stages of the Civil War, he was condemned to death on shaky legal grounds via a bill of attainder in 1641. Feeling it necessary to yield to Parliament, Charles signed the death warrant. An Argument of Law is a summary and defense of Parliament's case. Mr. Speaker's Speech relates to an episode in Parliament's action to prevent Charles I's levying of tonnage and poundage (a set of customs duties) without parliamentary consent. When the King moved to adjourn Parliament, the members held the speaker, John Finch, in his seat until three resolutions were read, one of which declared that the payment of tonnage and poundage to the king was treason. English Short-Title Catalogue R212697.
(70728)

The Constitutional Danger
Posed by a "New Lurking Pretender"


Contemporary paneled calf, raised bands to spine, small contemporary paper shelf label to foot, front joint and hinges carefully mended, front free endpaper renewed. a few minor nicks and scuffs to boards, a few small faint stains to rear board, light rubbing to extremities, corners bumped and somewhat worn. Moderate toning to text, faint dampstaining to heads of preliminaries. An appealing copy. $950.

* Only edition, one of two issues from 1714. This vigorous defence of parliamentary democracy and the legality of the Hanover succession is based on an attack on George Harbin's Hereditary Right of the Crown of England Asserted (1713). It reflects the popular sentiment that George I, though a German king who knew little of England and spoke little English, was a Protestant and thus preferable to the hereditary Catholic alternative, James Edward Stuart, the "new lurking pretender." Ridpath, a Whig polemicist, libelist (and bigamist) published this book anonymously while living in exile in Scotland and Holland. In letters to the English minister at the Hague Ridpath described the difficulties of distributing this work from his place in exile: "Copies were sent by various ships to different ports in England; but many were lost or thrown overboard by the captains, who dared not land them, or were returned because no one dared receive them" (DNB). This casts an interesting light on the assumption (expressed in the ESTC) that the work was printed in London. English Short-Title Catalogue T43664.
(67530)
ILLUSTRATED BOOKS

The Most Lavish Edition of The Comic Blackstone

Furniss, Harry [1854-1925], Illustrator.

Contemporary gilt-edged three-quarter morocco over cloth, girt-edged raised bands, gilt ornaments and gilt title to spine, marbled endpapers. A few minor scuffs to boards, light rubbing to extremities, armorial book (of John Charles Bigham) to front pastedown. Light toning to text, plates vivid, minor dampstaining to lower margins of preliminaries. A notable handsome copy. $450.

* "New and revised" edition, the first with plates and text illustrations by Harry Furniss. Edited by the author's son, this is the most lavish edition of the classic satire ever published. Laeuchli, A Bibliographical Catalogue of William Blackstone 453. (70617)

Handsome Copy of a Classic
Illustrated 16th-Century Treatise on Criminal Law

47. Damhouder [Damhoudere], Josse (Joost) de [1507-1581].
Practic Rerum Criminalium: Praetoribus, Propraetoribus, Consultibus, Proconsulibus, Magistratibus, Reliquisqui id Genus Instituaris ac Officiis, Apprime Utilis & Necessaria. Antwerp: Ioannem Bellerum, 1570. [xxxii], 508, [64] pp. Text printed in double columns. 70 large woodcuts in text. 68 depict criminal acts, 2 depict types of torture. Large armorial woodcuts at beginning and end of book. Quarto (8-1/2" x 6-1/2").

Contemporary vellum, faint early hand-lettered title to spine. A few minor stains to boards, light soiling to rear boards, light rubbing to extremities, pastedowns loose. Light toning to text, somewhat heavier in places, faint, gradually diminishing dampstaining to head of text block, (illegible) early owner signature in miniscule hand to front pastedown. A handsome copy. $2,500.

* First published in 1554, this was the first comprehensive study of criminal procedure published in northern Europe. A synthetic work drawn mostly from Roman-Dutch sources, it was based on Philip Wielant's Praczycke Crimineele (c.1510) and other earlier treatises. Published in Latin, Dutch and French, it was standard authority throughout the continent for many years. This Belgium edition from 1570 is illustrated throughout with woodcuts depicting adultery, murder, theft and many other crimes. Damhouder was an advisor to the Duke of Burgundy and a prolific author of legal and religious treatises. Dekkers, Bibliotheca Belgica Juridica 44. (70756)

A Collection of Amusing
Eighteenth-Century Legal Cases

48. [Estienne, Robert (1723-1794), Compiler].
Contemporary calf with cats-paw decoration, gilt spines with raised bands, edges rouged, marbled endpapers, ribbon markers. A few minor nicks to boards, moderate rubbing to extremities with some wear to spine ends and corners, which are lightly bumped, hinges cracked, armorial bookplate of Lord Farnham to front pastedowns. Moderate toning to text, light foxing in a few places. An attractive set. $750.

* First edition. Published anonymously under a false imprint, this is a collection of unusual or bizarre court cases, many with erotic and humorous elements, such as "Against an Accusation of Seduction," "A Brief in Favor of Turkeys." Several re-issues and adaptations of this work appeared during the next few years. "Lord Farnham" is possibly Barry Maxwell, 3rd Baron Farnham and 1st Earl of Farnham [1723-1800], an Irish lawyer, peer and politician. OCLC locates 3 copies of the first edition in North American law libraries (Georgetown, George Washington University, Harvard). Weller, Die Falschen und Fingirten Druckorte II:182. British Museum Catalogue 8:1031. (70808)

Well-Illustrated Digest of the Military
Law and Practice of the Holy Roman Empire

49. Fronsberger, Leonhardt.
[Amman, Jost (1539-1591), Illustrations].

Contemporary paneled calf, rebacked in period style, raised bands to spine, clasps restored, hinges mended, preliminaries and following gathering re-hinged. Some scuffing to boards with wear to edges and corners, large early armorial bookplate of the Bavarian Ducal Library to front pastedown, front hinge starting. Title page with large woodcut vignette printed in red and black. Moderate toning to text, light foxing in places, light edgewear to a few leaves at beginning of text, upper corner of title page repaired, small later owner name neatly lettered below imprint date. An appealing copy with all of the often-lacking plates. $9,500.

* Third edition with plates by Amman. Originally published in 1555, this comprehensive book was intended for officers and others involved in the military and naval affairs of the Holy Roman Empire. Most of the book is devoted to aspects of organization and the rules of engagement. As indicated by its title, it also provides extensive discussion of military law and the laws of war. One of the woodcuts is a trial scene; another is an execution. The plates, by the notable Swiss-German artist Amman, depict a military encampment and land and naval battle scenes. OCLC locates 11 copies of this edition, none in North America. Verzeichnis der im Deutschen Sprachbereich Erschienenen Drucke des 16. Jahrhunderts F3118. (70062)

Illustrated Throughout with Witty Color Images


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Original publisher stiff printed wrappers, untrimmed edges. Light soilings, minor dampstaining and a few small holes to wrapper, moderate rubbing to extremities with wear to spine ends, moderate toning to interior, illustrations vivid. $850.

* From an edition limited to 900 copies, this number 293. Hémard presents the official text of the French Code Pénal with witty, and often mildly erotic, color pochoir illustrations. It is a sequel to his Code Civil: Livre Premier, Des Personnes. In 1944 Hemard issued another legal work: Code Général des Impôts Directs et Taxes Assimilées. Hemard, a prolific artist, illustrator, designer and author, is best-known for his humorously illustrated editions of serious non-fiction books.

(70638)

A Copy from an Edition Limited to 50 Copies in a Superb Binding and Slip-Case


* First edition on Japan paper with an original unpublished watercolor (aquarelle originale inédite) by Hémard and an additional set of plates limited to 50 copies, this number 41. 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). Hémard, a prolific artist, illustrator, designer and author, is best-known for his humorously illustrated editions of serious non-fiction books.

(70769)

A Fine-Press Version of a Law Review Article on Justice

52. Maurice, John Morey.

* From an edition limited to 250 copies, this number 8, signed (and fingerprinted) by the author and illustrator. This essay by a professor at the Gonzaga University School of Law was originally published in the Gonzaga Law Review. The illustrator is a professor in the Gonzaga University Art Department.

INCUNABULA

Verse Epitome of a Classic Penitential Manual

53. [Adam, Magister (13th c.)].

* From an edition limited to 900 copies, this number 20. Original publisher stiff printed wrappers, untrimmed edges. Light soilings, minor dampstaining and a few small holes to wrapper, moderate rubbing to extremities with wear to spine ends, moderate toning to interior, illustrations vivid. $850.

Tel: (800) 422-6686 or (732) 382-1800  Fax: (732) 382-1887 law@lawbookexchange.com  www.lawbookexchange.com
Nineteenth-century quarter calf over marbled boards, raised bands to spine, endpapers renewed. Light rubbing to boards, moderate rubbing to extremities, corners bumped and somewhat worn. 46-line text in single column, printed manicules, capital spaces left blank. Moderate toning, occasional dampstaining, light soiling to preliminary and final leaves, first leaf beginning to detach, contemporary or early annotations to several leaves, three full pages of annotations to rear endleaves.

$9,500.

* Attributed to Magister Adam (Adamus), a 13th-century Cistercian monk from Aldersbach, lower Bavaria, the *Summula* is an epitome in verse of Raymond of Peñafort's authoritative *Summa de Poenitentia et Matrimonio* with commentary and interlinear glosses. More than a list of sins and suggested penances, this work discussed pertinent doctrinal and canon-law doctrines that pertained to the issue brought to the confessor. In this edition Adam's verse summary is accompanied by a detailed prose commentary on the *Summa*. It also contains the text of the *Summa*, along with Raymond's commentary on the trees of consanguinity and affinity, which indicated if couples were permitted to marry based on their degree of blood kinship. The ISTC locates 4 copies of this imprint in North America (Harvard, Library of Congress, UC-Berkeley Law School, Yale). Goff, *Incunabula in American Libraries* A48. Gesamtkatalog der Wiegendrucke 216.

(69509)

**A Fundamental Treatise on Family Relations**

54. Andrea, Giovanni d' [1275-1348].


Twentieth-century plain boards, calf spine with gilt-stamped title (a signed binding by Claude Honnelaitre). Light rubbing to boards, light wear to spine ends, corners bumped, recent owner bookplate, auction description and owner annotation in pencil to front pastedown, other penciled annotations in different hands to front free endpaper. Text printed in 34-lines italic type, large silver Lombard to [a1]r, silver and red Lombards to following leaves, tables highlighted in silver and red, paragraph and capital strokes in red. Light toning to text, notes in contemporary hand throughout in brown and red ink, table on Leaf [a4] trimmed with loss to margins, table on Leaf [a8] trimmed close with minor loss, worming to text block, mostly to margins, negligible faint dampstaining to lower edges of leaves. A desirable wide-margined copy of a fundamental treatise. $8,500.

* D'Andrea was an Italian canonist and professor of canon law at the University of Bologna. An eminent figure who received the highest tributes from Arithemius, Baldus, Forster and Bellarmin, his principal writings circulated widely in manuscript and were among the earliest printed works on canon law. Often included in editions of the *Corpus Juris Canonici*, the *Super Arboribus* is a fundamental treatise on degrees of consanguinity and affinity, also known as blood relations, and spiritual relationships created by godparents and their families. It was a work of vital importance in cases regarding estates, incest and conflicts of interest. It went through numerous manuscript and printed editions into the modern era. Our 1483 imprint is the sixteenth of seventeen issued by Creussner. The three woodcuts are so much larger than the type-pages that many, if not most, copies are trimmed to some degree. OCLC locates 6 copies, none in North America. The ISTC locates 1 copy in North America, at the Huntington Library. Goff locates copies at the Huntington Library and the Collegiate-Rochester Divinity School, Rochester, NY (which is no longer in its collection). We did not locate copies in the Library of Congress, Harvard, the UC-Berkeley Robbins Collection or the British Museum. Goff, *Incunabula in American Libraries* A-612. Gesamtkatalog der Wiegendrucke 1697.

(70273)
55. Canis, Johannes Jacobus [d.1490 or 1494].

Contemporary quarter deerskin over wooden boards, rebacked, fragments of vellum strips nailed to outer edge of deerskin, raised bands to spine, catch and clasp lacking, shallow circular incision to front board. Text in 23-line italic type, red Lombards throughout. Moderate toning, light to moderate foxing to margins. $16,500.

* First edition. Canis was a professor of law at the University of Padua. A work inspired by his experience as a teacher, his De Modo Studendi is a handbook for law university law students. It went through three more editions in 1484, 1485 and 1488. All are scarce today with very few copies held in North American libraries. Of the first edition, the ISTC locates 4 (Harvard Law School, Huntington Library, UC-Berkeley Law School, Yale Law School). Goff, Incunabula in American Libraries C97. Gesamtkatalog der Wiegendrucke 5973.

56. Cipolla, Bartolomeo [1420-1475].
Cautelae Iuris. [Strasbourg: Johann Prüss, 25 February 1490]. [i], 85 ff. Collation: [a8, b-c6,d8], e-f6, g8, h-m6, n8. Complete. Quarto 9-1/4" x 6-1/2" (23 x 16.5 cm).

Contemporary quarter pigskin with elaborate blind tooling over oak wood boards, clasp (at center of boards) lacking, buckle present, early hand-lettered author name and "X" to spine. Binding slightly cocked, soiling to spine, some wear to corners, second work removed from rear of text block, early owner signature of Philipp von Flersheim to front pastedown, later library stamp of Heidelberg Capuchin Library to front free endpaper, early manuscript index and a few other annotations to rear pastedown. 44-line text in single column, comprising 325 numbered sections, text begins with 12-line multi-color illuminated initial depicting a scribe. Moderate toning, slightly heavier in places, brief early annotations in a few places, faint dampstaining to margins of a few leaves, light soiling to title page.

$15,000.

* Third edition, and the last incunable edition. Cipolla was a professor of law at the University of Padua, Venetian diplomat and one of the greatest Italian jurists of the fifteenth century. His works are notable for their humanistic scholarship and coordination of theoretical and practical concerns. Cautelae Iuris is a set of 325 knotty legal points, i.e. "legal cautions," concerning servitudes and real property under Roman and canon law. It was first printed in Perugia by Petrus Petri de Colonia and Johannes Nicolai de Bamberga around 1474 and reached its tenth edition in 1577. Philipp von Flersheim [1481-1522] was the bishop of Speyer. OCLC locates 5 copies of this imprint in North America, 1 in a law library (Library of Congress). Goff, Incunabula in American Libraries V381. Gesamtkatalog der Wiegendrucke M6484.

57. Clement V [c.1266-1314], Pope.
[d'Andrea, Giovanni (c.1270-c.1348)], Glosses.

[Bound with]

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Boniface VIII [1235-1303], Pope.  
[\textit{d'Andrea, Giovanni (c.1270-c.1348)}], Glosses.  
Collation: a, (bB), (Cc), (dD)8, e-h6, i-o8, p6, q8. Text in parallel columns with two-column linear gloss.  

Folio (13-1/4" x 8-3/4") (34 x 22cm.). Contemporary blind-tooled and blind-stamped calf, rebacked with period-style spine with raised bands, "1482" to foot of spine, all clasps and buckles present, vellum pastedowns. Light rubbing and some minor nicks and scuffs to boards, corners worn. Texts of both volumes printed with gothic type in parallel columns, rubricated in red and blue throughout, fine red and blue penwork, including fine red tracery work, the incipit of \textit{Liber Sextus} has a large eighteen-line illuminated initial that incorporates a devilish face, perhaps that of a court jester. Light toning to text, occasional faint dampstaining to head of text block, confined mostly to margins, annotations in contemporary hand in a few places, early owner signature and later bookseller annotations to front pastedown, owner signature and inscription and small inkstamp of Ernst Kyriss to front free endpaper, contemporary marginalia. A handsome volume with a notable association. $20,000.  

* First Koberger editions. This volume joins incunable imprints of two books from the \textit{Corpus Juris Canonici}, a collective title first used in 1441. The \textit{Liber Sextus Decretalium} was issued in 1298, the \textit{Liber Septimus Decretalium}, better known as the \textit{Constitutiones Clementis V}, or \textit{Clementinae} in 1317. These, along with the other books, were edited in 1582 in response to the reforms authorized by the Council of Trent. In this form the \textit{Corpus Juris Canonici} remained in force until it was replaced in 1917 by the \textit{Codex Juris Canonici}. The 1482 Koberger imprint of the \textit{Clementinae} is typographically important because it was the first book printed with Koberger's text-type 92 and commentary-type 65. Ernst Kyriss [1881-1974] was a leading collector and scholar of incunabula. His \textit{Verzierte Gotische Einbände im Alten deutschen Sprachgebiet} is a standard work on early German bindings.  

\textbf{1482 Koberger Imprint of the Clementinae with a Handsome Watercolor Vignette of the Pope with Prelates and Jurists}  

58. Clement V [1305-1314], Pope.  
d'Andrea, Giovanni, [c.1270-1348], Glosses.  

Nineteenth-century paper-covered boards, recent calf spine with lettering piece, endpapers renewed. Moderate rubbing to boards, heavier rubbing with wear to their edges and corners. Printed in 78-80 lines, text in gothic type, rubricated, large Lombard initials in red and blue, 9-line decorated initial I and early watercolor of the pope surrounded by prelates and jurists in space above incipit on aA2r. Moderate toning, light soiling to margins through most of volume, dampstaining in upper margins gradually darkening towards the end of text block, annotations to margins in early hand throughout, light edgewear to first leaf, a small chip to its fore-edges, small piece torn from blank outer margin of D3-4 and restored, F2 foxed, blank upper outer corner of last few leaves restored, annotation in later (18th-century?) hand below colophon. $12,500.  

* Attempts to codify the body of canon law began in earnest during the Carolingian Empire. These efforts reached fruition in 1151 with the completion of Gratian's \textit{Concordia Discordantium Canonum}, or \textit{Decretum Gratiani}, a watershed compilation that superseded earlier collections. The \textit{Liber Quinque Decretalium} of Gregory IX followed in 1234. Published in 1298, the \textit{Liber Sextus Decretalium} of Boniface VIII was the last great collection of the pre-Reformation era. John XXII added the final official collection, the \textit{Liber Septimus Decretalium}, better known as the \textit{Constitutiones Clementis V}, or \textit{Clementinae} (1317). Three more texts were added later: the \textit{Extravagantes} of John XXII (1325), the \textit{Extravagantes Commons} of other  

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popes to 1484 and the Appendix Pauli Lancellotti (1563). These texts, popularly known as the Corpus Juris Canonici, were revised in 1580-1582 to reflect changes ordered by the Council of Trent. In this form it remained in force until the enactment of the Codex Iuris Canonici in 1918. The ISTC locates 14 copies in North America, 1 in a law library (Yale). Gesamtkatalog der Wiegendrucke 7095. Goff, Incunabula in American Libraries C725.

(70700)

1483 Printing of an Important Digest of Canon Law with a Tract on Jewish Moneylenders, A Copy with Notably Fine Penwork

59. De Ausmo (Osimo), Nicolaus [d. 1453]. [Bartholomew, Of San Concordio (1262-1347)]. De Nevo (Nievo), Alexander [d. 1484]. Astesanus of Asti [d.c.1330].


Recent period-style blind-tooled calf with clasps, bosses to boards, endpapers renewed. 38-line gothic type in parallel columns, decorated initials, rubricated throughout with red, blue and green penwork extending into margins. Light toning to text, occasional faint dampstaining and minor worming to head of text block above text. A handsome volume with exceptional penwork. $18,000.

* Completed in 1444, this important alphabetically digested encyclopedia of canon law is an enlargement of the Summa de Casibus Consicientiae by Bartholomew of San Concordio. Two other important texts are appended: Alexander de Nevo's (or Nievo's) analysis of the Church's view of Jewish money lenders, Consilia Contra Judaeos Fenerantes, and the Canones Poenitentiales by Astesano. These two texts appear in editions of the Supplementum published after 1476. The ISTC locates 3 complete copies of this imprint in North America, none in law libraries. OCLC locates 1 in a law library (Library of Congress). Goff, Incunabula in American Libraries N74. Gesamtkatalog der Wiegendrucke M26260.

(69639)

1494 Edition of a Distinguished Commentary on Canon Law in the Corpus Juris Canonici


Contemporary blindstamped calf over wooden boards, later brass clasps and central and corner bosses to boards, raised bands to spine. Moderate rubbing, joints cracked through hinges, boards secure, spine worn with loss at ends, cords exposed, vellum pastedowns derived from contemporary manuscript leaf. Woodcut arms of Holy Roman Empire to title pages, the first colored partly in red. 46-line text in parallel columns, initials and section marks in red and blue, some highlighted in silver. Moderate toning, occasional faint dampstaining to margins, clean tear to margin of Leaf r iii with no loss to text, brief later annotation to upper corners of most leaves indicating sections, tiny signature and date of 1538 in tiny hand to title page, which is lightly soiled. A handsome volume. $30,000.

Tel: (800) 422-6686 or (732) 382-1800 | Fax: (732) 382-1887 | law@lawbookexchange.com | www.lawbookexchange.com
* Fourth and final edition. First published in 1484, this is a masterly scholastic exegesis of four principal volumes of canon law: the Liber Sextus of Boniface VIII (1298), the Clementinae, or Liber Septimus Decretalium, (1317), the Extravagantes of John XXII (1325) and the Extravagantes Communus of later popes to 1484. Along with Gratian's Decretum Gratiani, or Concordia Discordantium Canonum, (1151), these works are known collectively as the Corpus Juris Canonici. Vanckel, perhaps the leading German canonist of his time, was a professor of law at the University of Cologne. OCLC locates 3 copies of the 1494 edition, 1 in North America (Huntington Library). Goff, Incunabula in American Libraries K32. Gesamtkatalog der Wiegendrucke 9714.

(67754)

A Powerful Opponent of Martin Luther

61. Mazzolini, Silverstro, Da Prierio [1456-1527].

Quarto 9-1/4" x 7" (23 x 18 cm).

Contemporary calf with elaborate blind stamping, over wooden boards, rebacked with raised bands, blind ornaments and gilt title, traces of clasps. Light rubbing and minor worming to boards, moderate rubbing to board edges, hinges cracked.

46-line text in parallel columns, extensively rubricated in red, with 8 large 12 line initials in interlocking red and blue with fine purple penwork decoration, other 6 line initials in red. Light toning to text, somewhat heavier in places, early annotations to front pastedown, other annotations and owner signature dated 1606 of Isaias Silberschlag, to title page, occasional annotations in his hand to text. A handsome copy of a rare imprint. $10,000.

* First edition. Mazzolini, a theologian and wide-ranging scholar, was an inquisitor and censor of books for Rome. An early opponent of Martin Luther, he was involved in the juridical process against him. (Mazzolini was also involved in cases against Johann Reuchlin, Pietro Pomponazzi and Erasmus). A great deal of his scholarship was devoted to the works of St. Thomas Aquinas. Also known as the Egergium vel Potius Divinum Opus in Iohannem Capreolum, Mazzolini's Compendium is a summary of a work of another Aquinas scholar, Jean Capreolus [c.1380-c.1444] dealing with Aquinas's commentaries on the Libri Quattuor Sententiarum of Peter Lombard [c.1096-1160], one of the great works of Medieval theology. Silberschlag, the former owner of this copy, was a professor of theology at the University of Erfurt. This is a scarce imprint. We located only two auction records for it, one in 1991, the other in 2002. OCLC locates 5 copies in North America (Cornell, Library of Congress, Morgan Library, St. Bonaventure University, Yale). Goff, Incunabula in American Libraries V519. Gesamtkatalog der Wiegendrucke M642160.

(67040)

Two Incunable Imprints of Two Important Commentaries on Canon Law

62. Parmensis, Bernardus (Bottoni, Bernardo di) [d. 1223 or 1266].


[Bound with]

Regnierus, Helias (Regnier, Élie) [fl. 1483-1494].


Folio (10-3/4” x 7-3/4”; 27 x 19.5 cm). Contemporary blind-tooled pigskin over wood, covers, blind fillets and small armorial emblems (double-headed eagles of the Holy Roman Empire, greyhounds and roses) to boards, raised bands to spine, two clasps, upper clasp restored, early hand-lettered title to fore-edge of text block. Some soiling and a few minor inkstains, light rubbing to extremities, traces on spine of removed shelf labels, crack between front free endpaper and title...
page, rear hinge cracked, both titles printed in 52-line gothic type in parallel columns, initial spaces blank. Moderate toning, light soiling to margins in a few places, minor dampstaining to corners of a few leaves, a few worm holes to margins, clean tear to leaf p6 of Parmensis’s *Casus*, later annotation and two small library stamps to its title page, brief later annotations to two other leaves. An impressive volume. $15,000.

* This volume collects three important commentaries on books of the *Corpus Juris Canonici*: the *Liber Quinque Decretalium* of Gregory IX (1234) *Liber Sectus Decretalium* of Boniface VIII (1298) and the *Liber Septimus Decretalium*, better known as the “Constitutiones Clementis V” or “Clementinae” of John XII (1317). Better known as Bernardus Parmensis, from his birthplace, Parma, Botono a notable canonist. He studied at the University of Bologna, joined its faculty and later became the university’s chancellor. Regnier, a French Jurist, was a professor of law at the University of Poitiers. Parmensis: OCLC locates 12 copies, 4 in North America, 3 in law libraries (Harvard, Library of Congress, UC-Berkeley); Regnierus: OCLC locates 8 copies, none in North America. Goff, *Incunabula in American Libraries* B462, R118. *Gesamtkatalog der Wiegendrucke* 4104, 37590.

The Pearls of the Decretals


Contemporary half calf with elaborate blind-tooling over wooden boards, two contemporary diagrams relating to horizontal sundials to front board, clasp lacking. Moderate rubbing, minor worming, light scuffing to calf-covered sections of boards, light gatoring to spine, early owner inscription dated 1528 to front, owner inscription of the Franciscan convent of Munich to head of title page. 52-line text in parallel columns, initials and capital strokes in red. Moderate toning, occasional spotting or staining, negligible minor worming in places. $13,500.

* Later edition. An important early legal reference work, The *Margarita Decretalium*, i.e. “Pearls of the Decretals,” is the index to the *Decretals* of Gregory IX (or *Liber Extra*). First printed in 1481, the *Margarita* was probably assembled during the late thirteenth century, some time before the appearance of the *Liber Sectus* in 1298. There are twelve incunable editions. Our 1493 imprint is the tenth. OCLC locates 3 copies in North America (Huntington Library, Library of Congress, Yale Law School). Goff, *Incunabula in American Libraries* V327. *Gesamtkatalog der Wiegendrucke* M21422.

(67036)

A Fifteenth-Century Legal Reference Library


[Bound with]


Folio (11-1/4” x 8-1/4”; 29 x 21 cm). Contemporary paneled pigskin, raised bands to spine, pigskin clasps with pigskin straps and brass hardware, lower strap and clasp renewed, faint hand-lettered early title to head of front board. Moderate soiling, several worm holes to boards and spine, moderate rubbing to extremities, corners bumped and somewhat worn, section of rear pastedown renewed. Light toning, several worm holes and a few worm tracks to text block with no loss to legibility, faint dampstaining to margins in a few places, some edgewear to corners of the first four leaves of *Modus Legendi* and final 23 leaves of *Casus Longi*, light soiling to title pages, later owner inscription to front free endpaper, “33” in later hand to title page of *Modus Legendi*, later doodles to rear endleaf. $9,500.
* This volume collects a group of classic medieval and early-modern texts. The *Modus Legendi Abbreviaturas* is a dictionary of abbreviations compiled by Wernherus von Schussenried. It is accompanied by the *Processus Juciarius* of Johannes Auerbach, a handbook on procedure, the *Tractatus de Praesumptionibus* of Bartolo of Sassoferrato (attributed to Auerbach in this edition), a treatise on legal reasoning and conjecture, the *Summa Qualiter Notorii* and *Tractatus Notariatus* of Dominicus of Visentina, handbooks on notaries and legal process, the *Defensorium Juris* of Gerardus of Rheinau, a handbook on defense procedure, the *Tractatus Exceptionum* of Pope Innocent IV, a treatise on jurisdictional authority between higher and lower-ranking members of clergy, the *Tractatus Praescriptionum* of Dinus of Mugello, a study of land tenure in Roman law, the *Arbitris et Arbitratoribus* of Petrus Jacobus of Montepessulano, a handbook on arbitration, the *Differentiae Legum et Canonicum* of Galvanus Salvianis of Bononia, a comparative study of Roman and Canon law, and the *Tractatus de Tabellionibus* of Baldus de Ubaldus (attributed to Bartolus in this edition). The *Casus Longi Super Institutis* is a summary of the *Institutes* of Justinian. Goff, *Incunabula in American Libraries* M757, G555. Gesamtkatalog der Wiegendrucke M47350, 11711. (70891)

### One of the Great

**Fifteenth-Century Manuals for Confessors**

65. [Trovamala de Salis, Battista (d.1496)].


Later vellum from a manuscript leaf, raised bands and hand-lettered title to spine, ties lacking, endpapers renewed. Light soiling, moderate rubbing to extremities, a few small sections neatly removed from spine, minor chipping to spine ends, corners bumped, hinges partially cracked. 46-line text in parallel columns, capital spaces left blank. Moderate toning, occasional faint dampstaining, minor worming in places, mostly to margins, minor loss to text on leaves tt4-rt4-rt16 (ff. 292-304), light soiling and edgewear to preliminaries, first three leaves partially detached. $5,000.

* Second edition in octavo format and the final incunable edition. After the Fourth Lateran council of 1215 a number of manuals of confession appeared. Their purpose was the intellectual preparation of priests for a prudent and informed exercise of the office of confessor. Father Trovamala’s is one of the best examples of this literature. Also known as the *Summa Casuum Conscientiae*, *Rosella Casuum* or *Summa Baptisiniana*, it was a standard work. First printed in 1482 and immediately successful, it was revised and expanded by the author as the *Rosella Casuum* or *Summa Rosella*. That edition was printed in 1484 with later editions in 1489, 1495 and 1499. A notable feature is its opinion of usury. Unlike other authors of summa for confessors, Trovamala argues that dry exchange is not usury because of its speculative nature. Goff, *Incunabula in American Libraries* S50. Gesamtkatalog der Wiegendrucke 3326. (69513)

### Commentaries on the Decretals of Gregory IX Concerning Marriage and Criminal Procedure by the “Lamp of the Law”

66. Tudeschis, Niccolo de, Archbishop (Abbas Panoramitanus) [1386-1445].


Tel: (800) 422-6686 or (732) 382-1800 | Fax: (732) 382-1887 | law@lawbookexchange.com | www.lawbookexchange.com
Contemporary blind-tooled pigskin over wooden boards, manuscript vellum lettering piece to front cover, spine with raised bands sanded white, eighteenth-century leather lettering pieces and later paper shelf labels, boards lacking catches and clasps. Moderate soiling to boards, corners bumped and lightly worn, numerous small wormholes through covers into text block with minor text loss to few leaves but not impairing legibility, pastedowns loose, eighteenth-century Salzburg Benedictine Monastery bookplate verso of front board, brief early annotations to front free endpaper (author name) and head of leaf a2 (ownership inscription). Printed in 55 lines, text in gothic type, rubricated, large Lombard initials in red and blue, seven-line decorated initial and three-quarter illuminated border in colors and gold on a2r incorporating 3 linked roundels in lower margin containing depictions of 2 men with shields and lances and woman with bow and arrow, similar decoration on g1r with floral and ornamental motifs instead of figures in the roundels. Light toning, dampstaining to lower margin of c1-3 and light browning to margin of m7, blank lower outer corner off q3.


(70701)

LANDMARK WORKS

The First London Edition of Blackstone's Commentaries


Nineteenth-century speckled calf, rebacked in period style, gilt fillets to boards, raised bands, gilt ornaments and lettering pieces to spines, hinges mended, ribbon markers. Light rubbing and some minor scuffs and scratches to boards, moderate rubbing to extremities, corners bumped and somewhat worn, contemporary armorial bookplates (of Harrington Hulton) to front pastedown of each volume. Light toning to text, light foxing to a few leaves in each volume, later owner annotations to front pastedown and free endpaper of Volume I. A very attractive set. $3,000.

* Sixth edition and the first edition published in London. The most influential publication in the history of modern Anglo-American law, the Commentaries on the Laws of England is based on a course of lectures delivered at Oxford University. Because they were not intended for aspiring practitioners, they described general principles rather than practical specifics. Sensitive to the systematizing trends of the day and the prestige of the natural sciences, it described the common law as an intricate, well-designed system akin to Newton's mechanistic universe. It was also an important account of the law's evolution. As Holdsworth notes, "the Commentaries are not only a statement of the law of Blackstone's day, but the best history of English law as a whole which had yet appeared...The skillful manner in which Blackstone uses his authorities new and old, and the analogy of other systems of law, to illustrate the evolution of the law of his day, had a vast influence, both in England and America, in implanting in the profession a sound tradition of the historical development of the law."


(69812)

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35
The First Critical Edition of Magna Carta

68. Blackstone, Sir William [1723-1780].

Recent period-style quarter calf over marbled boards, raised bands and lettering piece to spine, endpapers renewed. Light rubbing to extremities, small stain to head of spine. Light toning to text, some leaves have finger smudges, faint spotting or minor stains to margins, tiny chip to fore-edge of leaf r2 (pp. ixvii-lxvii), tiny tear to fore-edge of leaf t2 (pp. ixxiii-lxiv), light soiling to margins of title page. A desirable wide-margined copy. $6,000.

* First edition of the first modern critical edition of the many versions of Magna Carta that were issued between 1215 and 1297. Blackstone's first important work, it contains the Articles of the Barons, the issues of the Great Charter from 1215, 1216 and 1217, with several charters of confirmation, the Charter of the Forest and the Statute of Marlbridge. The introduction is in English and the texts of the Magna Carta and Carta de Foresta in Latin.

This remarkable work is esteemed for its appearance and scholarship. Its physical appeal was recognized as early as 1829 in Richard Thompson's An Historical Essay on the Magna Charta of King John, which described it as a "beautiful and rare edition" and with notably elegant typography. Along with its elegant typography, this edition features an elegant engraved dedication to the Earl of Westmoreland surmounted with his armorial ensigns, engraved historiated initials in the text depicting views of buildings at Oxford University, engraved tail-pieces on pages lxxvi and 73 with historical vignettes and ten other ten engraved tail-pieces depicting the royal seals that are attached to the original documents. Blackstone's essay, which is based on a great deal of original research, argued that the charter was the foundation of English liberties. More important, Blackstone's research into the original texts demonstrated that all earlier editions of the charter were based on the significantly different reissue of 1225, in the reign of Henry III, rather than the original one endorsed at Runnymede. His philological approach was highly influential; it established the textual focus that has governed subsequent study of the charter. Eller, The William Blackstone Collection in the Yale Law Library 237. Laeuchli, A Bibliographical Catalog of William Blackstone 548.

First Edition of Coke's Landmark Commentary on Magna Carta and "English Liberties"

69. Coke, Sir Edward [1552-1634].

Contemporary reversed calf, rebacked in calf, blind rules to boards, raised bands and lettering piece to spine, date gilt-stamped to foot, endpapers renewed with marbled paper, early hand-lettered title to fore-edge of text block. Some minor scuffing to boards, moderate rubbing to extremities with some wear to spine ends and corners. Title printed within woodcut architectural border, typographical head-pieces, woodcut tail-pieces. Light toning to text, minor worming to margins of the first few leaves below text. An appealing copy of a title uncommon in commerce. $5,000.

* First edition. The Second Part of the Institutes, an exposition of "many ancient and other statutes" including Magna Carta, was published by order of the House of Commons after the author's death. It is a landmark work because it offered a novel interpretation of Magna Carta. Reflecting contemporary struggles between the king and Parliament, Coke presented
the charter as the ancient constitution of England, one that established the fundamental rights of Englishmen and placed royal power under the laws of the land. Perhaps the most famous section is Coke's commentary on the 29th chapter, in which he traced the origins of trial by jury and the right of habeas corpus. According to the ESTC, this edition has two states: "state 1 has pages 28-29 misnumbered 38-39; state 2 has the pages numbered correctly." Yet another issue is listed in a separate record, R231698, but it is believed to be a ghost. The last copy of the first edition seen at auction was in 2005. English Short-Title Catalogue R12887.


70. Godwin, William [1756-1836].


Contemporary tree sheep, lettering pieces and gilt fillets and volume numbers to spines. Moderate rubbing to extremities with some wear to spine ends and corners, a few minor nicks to spines, front hinge of Volume I starting, residue from small labels to front free endpapers, early owner signature (W.L. Warren/ Sept. 24th 1813) to half-titles. Moderate toning, light foxing in a few places, faint dampstaining to a few leaves, tiny chips to fore-edges of a few leaves of Volume I. A handsome set. $1,750.

* First American edition, a reprint of the second London edition, 1796. Godwin's Enquiry was among of the most influential English political books inspired by the French Revolution. First published in London in 1793, it was "one of the earliest, clearest, and most absolute theoretical expositions of socialist and anarchist doctrine. Godwin believed that the motives of all human doctrine were subject to reason, that reason taught benevolence, and that therefore all rational creatures could live in harmony without laws and institutions. (...) The time would come, he maintained, when every man by doing what seemed right in his own eyes, would also be doing what was best for all men, because all, through discussion, would be guided by purely rational principles."(Printing and the Mind of Man). It was an equally important landmark in the development of Utilitarian thought, and on political thinking generally. It was acquired by several corresponding societies, which increased its circulation considerably among others who could not afford to purchase the book. (Members of these societies also read it to illiterate members.) Godwin was the husband of Mary Wollstonecraft, author of A Vindication of the Rights of Women (1792), and father of Mary Shelley, the author of Frankenstein and wife of poet Percy Bysshe Shelley, a devoted follower of Godwin's political theories. Carter and Muir, Printing and the Mind of Man 243 (citing the London edition). Cohen, Bibliography of Early American Law 5765.

(70792)

Handsome Copy of an Important Early English Translation of De Jure Belli ac Pacis

71. Grotius, Hugo [1535-1645].

[Morrice, John, Translator and Editor].

Of the Rights of War and Peace, In Three Volumes; In Which are Explain'd the Laws and Claims of Nature and Nations, And the Principal Points that Relate Either to Publick Government, Or the Conduct of Private Life. Together with the Author's Own Notes. Done into English by Several Hands; With the Addition of the Author's Life by the Translators. Dedicated to His Royal Highness the Prince of Wales. London: Printed for D. Brown, T. Ward and W. Meares, 1715. Three volumes. [xv], civ, 212, [iii], 648; [iii], 356, [48] pp. Publisher advertisement facing title page in each volume. Octavo (7-1/2" x 4-3/4").
Contemporary paneled calf, rebacked in period style, raised bands, lettering piece and gilt ornaments to spines, hinges mended. A few minor nicks to boards, moderate rubbing to extremities, copperplate armorial bookplates of George Baillie to front pastedown of each volume. Title pages printed in red and black. Light to moderate toning, light foxing to a few leaves in each volume, two brief annotations to front endleaves of Volume I. A handsome set. $3,500.

* First published in Paris in 1625, The Rights of War and Peace established the system of modern public international law. Grotius describes the situations in which war is a valid tool of law enforcement and outlines the principles of armed combat. Though based on Christian natural law, Grotius advanced the novel argument that his system would still be valid if it lacked a divine basis. In this regard he pointed to the future by moving international law in a secular direction. Recognized immediately as an important work, it was translated into the principal languages of Europe. The first English translation, by Clement Barksdale, was published in 1654 and reissued the following year. The second, by William Evats, was published in 1682. According to sources cited in the ESTC, the 1715 edition was translated and edited by Morrice with the assistance of Edward Littlehales and John Spavan. The English editions are very interesting to compare because they have significant differences. Baillie [1664-1738] was a Scottish politician who served in the Parliament of Scotland and the Parliament of Great Britain. He held several important posts; he was Commissioner for Trade and Plantations (1711-1714), a Lord of Admiralty (1714-1717) and a junior Lord Commissioner of the Treasury (1717-1725). English Short-Title Catalogue T117018. Ter Meulen and Diermanse, Bibliographie de Grotius 634.

First Edition of The Common Law

72. Holmes, Oliver Wendell, Jr. [1841-1935].

Original maroon pebbled cloth, blind double frames to boards, gilt title to spine, triple gilt rules at spine ends. Light wear to corners, some rubbing and a few clean short tears to spine ends, crack in text block between front free endpaper and title page, light toning to text. $1,000.

* First edition, first issue (two-line printer statement at foot of the title page, verso, reading "University Press:/ John Wilson and Son, Cambridge" and a one-line statement to foot of p. 422 reading "University Press: John Wilson & Son, Cambridge"). As Friedman points out, "The Common Law was easily the most distinguished book on law by an American published between 1850 and 1900." In contrast to earlier Anglo-American jurists, and the reigning positivist ethos of the nineteenth century, Holmes proposed that the law was not a science founded on abstract principles but a body of practices that responded to particular situations. This functionalist interpretation led to his radical conclusion that law was not discovered, but invented. This radical theme is announced at the beginning of Lecture I: "The life of the law has not been logic: it has been experience" (1). Winfield observes that Holmes's "brilliant exposition, as effective on English scholarship and legal thinking as on American, of the true nature of law both as a development from the past and an organism of the present, blew fresh air into lawyer's minds encrusted with Blackstone and Kent." It went on to become a decisive influence on sociological jurisprudence, legal realism and the general development of Anglo-American law in the twentieth century. Luttrell, "Oliver Wendell Holmes and The Common Law," Meyer Boswell Books, Inc., Rare and Unusual Law Books, Catalogue Fourteen 2. Friedman, A History of American Law 544. Winfield, Chief Sources of English Legal History 38. Grolier Club Exhibition, One Hundred Influential American Books 84.
1576 Printing of Magna Carta and Later Statutes
in a Contemporary Calf Binding with Contemporary Annotations

73. [Magna Carta].

Contemporary paneled calf, raised bands to spine, early hand-lettered title to fore-edge, ties lacking. Light rubbing and a few minor gouges, cracks and nicks to boards, moderate rubbing to extremities, spine ends worn, corners bumped and somewhat worn, pastedowns and free endpapers lacking, later armorial bookplate to verso of front board, fragments of an illuminated manuscript Bible used as printer's waste at hinges, attractive woodcut decorated initials. Moderate toning to text, faint staining to a few leaves, annotations and underlining in early hand to margins of approximately 25 pages, light soiling and minor edgewear to title page. $7,500.

* An early printing of the Magna Carta, which was first printed around 1508 by Richard Pynson. It also includes the Charta de Foresta of Henry III, the Statutes of Merton and Marlebridge, the Statutes of Edward I and other statutes through the fourteenth regnal year of Elizabeth I, which are digested by topic. Among the most notorious statutes are those of Edward concerning Jews, including the Edict of Expulsion (1290), which banished them from England. Other statutes relate to women, wills, forcible entry, "Fraudulent Deedes" and other topics. The text is mostly in Latin or Law-French, then in English after Fol. 119. The annotations range from a few words to a sentence or two. About half of these are interpretive in nature, the others are references to statutes and cases. Beale, Bibliography of Early English Law Books S18. English Short-Title Catalogue S101094.

The First British Book Printed in Gold - "The Most Magnificent of All Editions"

74. [Magna Carta].
[Whittaker, John, Publisher].

Contemporary gilt-tooled morocco, textured-cloth central panels to boards, the front has a central gilt-tooled title panel (reading Magna Carta, Printed in Letters of Gold), patterned lilac-colored endpapers, ribbon marker. Moderate rubbing to extremities, corners and spine ends bumped, soiling, a few stains and a few scuffs to boards, cracks in text block between front free endpaper and title page and final leaf and free endpaper. Printed in gold on card, initial at beginning of text decorated by hand in watercolor with royal regalia and floral border, probably designed by Thomas Willement. Light toning, occasional finger smudges, small inkspot to first text leaf (with offsetting to verso of title page). $10,000.

* The first book printed in gold in England. Lowndes described it as "the most magnificent of all editions of the Magna Carta." The Westminster binder John Whittaker planned this book "for the display of a new branch of the art of printing."
Although all are printed in gold, rarely are two copies alike. Some were printed on colored vellum and even jeweled, all have different levels of ornamentation. Some have a list of Barons. The present copy contains the text of Magna Carta only, printed on glazed card, and is richly bound. Lowndes, Bibliographer's Manual of English Literature (Revised edition, 1864) II:1450.

(67524)

(64332)
Pufendorf's Magnum Opus

75. Pufendorf, Samuel [1632-1694].
De Jure Naturae et Gentium Libro Octo. Lund: Adam Junghans, 1672. Quarto. Title-page printed in red & black, with woodcut printer's device. Title-mark to lower margins of first few quires, title-page slightly browned and marked and with small section of paper disruption to gutter, a few intermittent worm-tracks to margins, spill-burn in 2Z2 and small hole in 3V3 each affecting a few letters, a few other minor ink-stains and marks, contemporary ink annotations to index, contemporary sprinkled calf ruled in blind (probably English), slightly marked. $9,500.

* First 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. An instant classic, 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. British Museum Catalogue (Compact Edition) 20:1074.

First Report of the Landmark Dartmouth College Case

76. [Trial].
[Dartmouth College Case].
Farrar, Timothy [1788-1874], Reporter.
Report of the Case of the Trustees of Dartmouth College Against William H. Woodward: Argued and Determined in the Superior Court of Judicature of the State of New-Hampshire, November 1817. And on Error in the Supreme Court of the United States, February 1819. Portsmouth [NH]: Published by John W. Forster and West, Richardson, And Lord, Boston, [1819]. [iv], 406 pp. Octavo (8-1/2" x 5").

Recent period-style calf, blind fillets to boards, blind fillets and lettering piece to spine, endpapers renewed. Moderate toning to text, somewhat darker around margins, very faint dampstaining in a few places, light foxing to a few leaves. Small early owner signature to head of title page, brief early annotations to margins in a few places, interior otherwise clean. Two tiny inkstamps to foot of p. [iii]. A handsome copy. $1,500.

* Farrar's is the first published report of the landmark case involving the contract rights of corporations. With all the material related to the case, including the arguments of Webster and Wirt and the opinions of Chief Justice Marshall and Justices Story and Washington, and an appendix containing the texts of related documents. The New Hampshire legislature passed a bill in 1816 that revoked Dartmouth College's original charter and converted the college from a private to a state institution. The college challenged the constitutionality of this act in the New Hampshire Supreme Court without success, but the U.S. Supreme Court reversed the state's decision in a landmark opinion based on the contract clause of the Constitution (Article I, Section 10). "By construing the contract clause as a means of protecting corporate charters from state interventions, Marshall derived a significant limitation on state authority. As a result, various forms of private economic and social activity would enjoy security from state regulatory policy. Marshall thus encouraged, through constitutional sanction, the emergence of the relatively unregulated private, autonomous economic actor as the major participant in a liberal political economy that served the commonwealth by promoting enlightened self interest": Alfred F. Konefsky, "Dartmouth College v. Woodward" in Hall, The Oxford Companion to the Supreme Court 218-219. Cohen, Bibliography of Early American Law 11614.
LAW DICTIONARIES

Sixteenth-Century Editions of
Three Classic Legal Reference Works

77. Haloander, Gregor [1501-1531], Editor.  
[Wernherus of Schussenried (15th. C.).]  
[Azo, Portius (fl. 1150-1230)].  

Contemporary limp vellum, later hand-lettered paper title label to spine, edges rouged. Moderate soiling, a few inkspots to front board, binding slightly cocked, light wear to corners, hinges starting. Moderate toning to text, light browning in places, light foxing to some leaves. Tiny early owner signature to head of title page, "Num. 15" in same hand to front pastedown, some leaves have early underlining, tick marks and brief annotations. Ex-library. Shelf label to foot of spine, small inkstamp to front free endpaper. An attractive copy. $1,500.

* This book collects three important early legal reference works. First published in 1475, Modus Legendi Abbreviaturas is a dictionary of abbreviations compiled by the fifteenth-century jurist Wernherus of Schussenried. First published in 1497, Flores Legum is an anonymous collection of maxims arranged alphabetically. Attributed to Portius Azo, the Brocardia Iuris is a legal handbook. These three titles were often published together or bound together by owners. OCLC locates 6 copies of this imprint on North America, 2 in law libraries (Harvard, UT-Austin). Verzeichnis der im Deutschen Sprachbereich Erschienenen Drucke des 16. Jahrhunderts M5761.

78. Jacob, Giles [1686-1744].  
A New Law-Dictionary: Containing, The Interpretation and Definition of Words and Terms Used in the Law; and Also the Whole Law, and the Practice Thereof, Under All the Heads and Titles of the Same. Together With Such Informations Relating Thereto, as Explain the History and Antiquity of the Law, and Our Manners, Customs, and Original Government. Collected and Abstracted From All Dictionaries, Abridgments, Institutes, Reports, Year-Books, Charters, Registers, Chronicles, and Histories, Published to This Time. And Fitted for the Use of Barristers, Students, and Practisers of the Law, Members of Parliament, and Other Gentlemen, Justices of Peace, Clergymen, &c. London: Printed by E. and R. Nutt, and R. Gosling, 1729. [772] pp. Main text printed in double columns. Folio (13" x 8-1/4").

Recent period-style quarter calf over cloth, raised bands and lettering piece to spine, endpapers renewed. Moderate toning, faint dampspotting in places, faint dampstaining to lower corners of first five leaves. A handsomely bound copy of a landmark title. $1,750.

* First edition. As Cowley has pointed out, A New Law-Dictionary was both Jacob's masterpiece and "an entirely new departure in legal literature" that provided a model for several subsequent efforts. In contrast to earlier works, each entry summarizes all of the laws relating to the subject and offers extensive interpretive commentary. Obsolete terms are omitted. It was recognized almost immediately that Jacob created a highly useful legal encyclopedia that was more detailed and concise than any other abridgment of the period. An extremely popular work that went through twelve editions between 1729 and 1800, it offers unparalleled insights into Anglo-American law during the eighteenth century. Cowley, A Bibliography of Abridgements, Digests, Dictionaries and Indexes to the Year 1800 217. English Short-Title Catalogue T137460. (68832)
79. [Jodocus of Erfurt, Attributed].
[Caccialupi, Giovanni Battista (c. 1420-1496)].

*Vocabularius Utriusque Iuris, Difficillimas Quasque Voces Iuxta Receptos Iuris Interpretes Edisserens.* Nu[m]erous Err[ors] Corrected ac Utlat e Sordibus ac Uermibus Errorum

\[\text{We are unable to transcribe the rest of the text due to the faded nature of the original document.}\]

Blindstamped calf over wooden boards, rebacked retaining existing spine with blind tooling and raised bands, clasps lacking, buckles present. A few minor scuffs to boards, which are slightly bowed, a few worm holes to front board, moderate rubbing to extremities, corners bumped and lightly worn. Title printed within woodcut architectural border. Moderate toning, somewhat heavier in places, occasional faint dampstaining to head of text block above headlines, later owner annotation to front free endpaper, two later owner signatures to title page. $6,500.

*A work of great authority, the *Vocabularius*, as it is popularly known, is usually attributed to Jodocus, a jurist associated with the University of Erfurt. First published around 1474 in Basel, it went through more than seventy editions over the following 150 years. (It had a second life as the first section of the 1559 edition of Elio Antonio de Nebrija's *Lexicon Juris Civilis*, a work that was reissued into the seventeenth century.) A useful and highly respected reference work, the *Vocabularius* is a collection of terms dealing with the *Ius Commune* taken from such late-scholastic texts as the *Vocabularius Stuttgartdensis* (1432), the *Collectio Terminorum Legum* (c. 1400), and the *Introductorium pro Studio Sacrorum Canonum* of Hermann von Schildesch (c. 1330). This edition also includes Caccialupi's *Tractatus de Modo Studendi in Utroque Iure*, an introductory textbook for law students. OCLC locates 10 copies worldwide, 3 in North America, 2 in law libraries (Library of Congress, UC-Berkeley). Not in Adams. Universal Short-Title Catalogue 155671.*

(70839)

**Handsome Copy of Notable Eighteenth-Century Dictionary**

80. Vicat, B[eat]-Phil[ippe] [1715-1770], Compiler.
[Ferrigno, Pasquale (fl. 1760), Editor].


Contemporary calf in cat's paw decoration to boards, gilt spines with raised bands and lettering pieces, gilt tooling to board edges, marbled endpapers, speckled edges. Moderate rubbing to extremities, corners bumped and lightly worn, a few minor worm holes, a few boards slightly bowed, small chip to head of spine of Volume I. Light toning to text, light foxing in a few places. A well-preserved handsome set. $850.

* Second edition. As Vicat explains in his preface, he compiled this dictionary from those of Francois Hotoman, Barnabe Brisson, Johannes Calvinus (Kahl) and, especially, Alexander Scotos to bring their "excellent" work to a wider audience. More important, by combining these works and filling the gaps with original entries he was able to create a dictionary that covered the whole language of the law. Vicat's definitions are brief, but they contain comprehensive references to authorities and texts as well as conjugations, common phrases using the words, metaphors, alternate definitions and antonyms. The first edition was published in 1759. Vicat was a jurist and the director of the University of Lausanne from 1749 to 1762. A pioneer in library science, he was the first to issue a printed library catalogue. *British Museum Catalogue* (Compact Edition) 26:118.

(70887)
LAWYERS

A Classic Satire of
Eighteenth-Century English Lawyers and Politicians

81. [Arbuthnot, John (1667-1735)].
[Swift, Jonathan (1667-1745)].

[Bound with]

[And]

[And]

[And]

Stab-stitched pamphlets bound into recent plain paper boards. Light rubbing to extremities with minor wear to spine ends, corners bumped, front hinge cracked, rear hinge starting. Moderate toning to text, light foxing in places, headlines affected in a few places by trimming with minor loss to text, light soiling to title pages. $1,750.

* Complete work. Part I fourth edition; Part II, third edition; Parts III, IV, Appendix, First editions. (All editions are among several issues.) One of the most successful political satires of the period, this work is attributed to Arbuthnot in some sources, Swift in others. It is an attack on the Whig Party and its foreign policy grounded in a lengthy "law suit" (war with France) involving "Lord Strutt," "John Bull," "Nicholas Frog" and "Lewis Baboon." It is notable as one of the first uses of "John Bull" and for its sardonic view of contemporary legal practice. The Appendix is followed by an incomplete copy of A Compleat Key to Law is a Bottomless Pit, a separate publication by a different publisher. English Short-Title Catalogue T37608, N10231, T29119, T38599, T22316.

(70659)

Three Satirical Views of Legal Practice

82. Holtermann, Arnold Moriz [1627-1681].

[Bound with]
Fritsch, Ahasver [1629-1701].

[And]
Wiederholdt, Johann Ludwig [1679-1760].

Octavo (6-1/2" x 3-3/4"). Eighteenth-century three-quarter vellum over marbled boards over marbled boards, faint early hand-lettered title to spine. Moderate rubbing and a few small scuffs to boards, moderate rubbing to extremities, front joint starting at ends, spine darkened, hinges cracked, recent bookseller ticket to front pastedown, vellum just beginning to crack through rear pastedown. Light browning, light foxing in a few places, faint dampstaining to a few leaves. $2,500.

* This volume collects later editions of three German satirical titles about legal practice in the German states. The best-known of these is Holtermann’s *Nequitia Advocatorum*, which features an allegorical title page depicting a young man under assault from lawyers and judges. As indicated by their titles, the other titles address the corrupt nature of lawyers and judges. *Das Verzeichnis der im Deutschen Sprachraum Erschienenen Drucke des 17. Jahrhunderts* 23:653515W, 1:052042Y. *Das Verzeichnis Deutscher Drucke des 18. Jahrhunderts* 10453814.

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The Litigant Says "Adieu" to His Money

83. [Legal Satire].
[France].

Disbound stab-stitched pamphlet, untrimmed edges. Light browning, light soiling to exterior, minor stains and smudges to a few leaves. $850.

* Written in verse, this is a satirical review of the justice system and the legal profession from the viewpoint of a litigant. A second edition was published in 1626. Both editions are rare. OCLC locates 1 copy in North America, at Harvard Law School, Which has a second edition. Not in the *British Museum Catalogue.*

(70043)

The Merry Lawyer

84. [Rottmann, Friedrich J.].

Contemporary vellum, lettering piece neatly removed from spine, colored edges. Light soiling and a few minor stains. Double folded title page printed in red and black. Moderate toning to text, slightly heavier in places. $2,950.
* Fourth edition. *Der Lustige Jurist* (Merry Lawyer) is a collection of thorny questions and answers, many of a sexual nature, couched in legalese, and some in crude verse, for the amusement of lawyers and judges. Its topics include love potions, virginity, marriage and smoking in the presence of women. First published in 1716, it went through five editions, the last in 1738. All are scarce or rare. OCLC locates 2 copies of the 1730 edition, neither in North America. It is not listed on *VD18*. It is mentioned in Murray, *Lawyers’ Merriments* 5.

(70767)

**Humanistic Biographies**

**of the Great Jurists of Ancient Rome**

85. Rutilio, Bernardino [1504-1538].


Contemporary limp boards, later hand-lettered title to spine. Light soiling, moderate rubbing to extremities, spine darkened, hinges cracked, upper section lacking from front free endpaper, which is pasted to front pastedown. Light toning to text, somewhat heavier in places, brief early annotations throughout, minor worming to a few leaves, light soiling to title page. $1,500.

* First edition. Rutilio was Italian jurist and humanist scholars. He was also one of the first authors to compile biographies of lawyers. *Iurisconsultorum Vitae* describes the lives and achievements of 77 Roman jurists, from Papirius to Tribonian. Distinguished by its discerning criticism and careful use of sources, the work was well-received. It went through later editions in 1537, 1538, 1539, 1545, 1584 and 1718. All editions are scarce. OCLC locates 2 copies of the first edition in North America (University of Minnesota Law School, Yale). *Censimento Nazionale delle Edizioni Italiane del XVI Secolo* CNCE24161.

(67265)

**MANUSCRIPTS**

**Inventory of the Estate of a Prominent**

**Frederick County, Maryland, Landowner and Judge**

86. [Manuscript].

[Beall, William Murdock (1742-1823)].

[Inventory and Appraisal of the Estate of Judge William Beall]. Frederick County, MD, 1823-1825. 66 pp. Main text preceded by 2 pp. index. Folio (13-1/2" x 8-1/4").

Thick pressed-paper side-sewn ledger, untrimmed edges. Light soiling and a few stains to covers, rubbing to extremities with some wear to spine ends and corners, spine beginning to split at ends, "William M Beall Senr./ Died the 5th Nov: 1823" to inside front cover. Moderate toning, content in neat hand to rectos and versos of 37 pages. $1,850.

* William Murdock Beall, a prominent landowner (and owner of many slaves), sat as a judge in Frederick Co. Maryland in several capacities, fought in the French and Indian War, was a member of the Frederick County Committee of Safety. Rich in legal, social and genealogical content, this inventory is probably one of a few fair copies, executed for the files of heirs and executors. (We have not been able to locate any others.) The first section is titled, "Inventory of the Personal Estate of William M. Beall, late of Frederick County, deceased, appraised in Dollars and cents, by us the subscribers (being thereto lawfully authorized and sworn) this 11th day of December 1823."
The contents are set out ledger-style on blank sheets, with appropriate lines and columns drawn in ink. It begins with a list of "Negroes over the age of 45 years willed by said deceased free at his death Viz." followed by the names of 7 male and female slaves, their place of residence on his various properties and their approximate or actual ages. A few additional younger slaves are also listed as free. The remaining slaves are willed to various named heirs. Their values in dollars and the lengths of time of their servitude are noted. Occasionally, the names of the parents of the bequeathed slaves are also listed.

This section is followed by a double-columned listing of Beall's other goods with short descriptions and assigned values, which are carried forward as totals in each column. These items include silver, carriages, horses, bedding, farm equipment, cooking utensils, dishes, a varied group of furniture, crockery, china, mirrors, carpets, various fabric items and an eight day clock. A separate section of slaves and farming equipment is bequeathed to his grandson William M.B. Willson and are listed in the same manner: another 6 slaves and over 100 items, mostly relating to farming, along with poultry, pigs, sheep, cattle and meats, stored barreled crops, fodder, office equipment and crops valued in planted acreage. Noted also are a copy of "Marshall's Life of Washington 5 vols with Atlas" and a "Lot of books in dwelling house." Approximately two columns's worth of materials are willed to his executors, similarly listed: various boxes & barrels, barrels of foodstuffs, glassware, various scales & weights, "sundries in pigeon holes opposite office front door," contents of the office drawers, "2 maps and old wrapping paper in office," furniture, saddlery and garden crops. Listed separately is a female slave Mary "in the country, daughter of Ned & Eliza born 10th September 1823, to serve till 25 years of age (and) "2 pews in the Episcopal church designated by numbers 4 & 5."

The document at this point is noted as witnessed by John L. Harding and John Bruegel and followed by a Recapitulation of sums and totals of inventory. Below this is noted: "Proved by Wm. Beall Jr. & Wm. B. Willson, two of the Executors on the 2d February 1824." At page 8 is listed a separate section, with the same witnesses, titled "Inventory of money left by William Murdock Beall." This includes an "Inventory of Stocks left including Government or United States 6 percent stocks; par value, per certificates" with significant investment amounts in the Baltimore and Frederick Town Turnpike Road, the Union Bank of Maryland, the Farmers Bank, the Bank of Columbia and other companies. Listed below this are the debts due the Estate, some dating back to 1816. Later columns of listings are of sales of materials and properties from the estate, all tallied in detail. This section ends with a final "Balance due the Estate," which lists with the five named heirs splitting the significant amount of $59,843.14. The final pages list the general accounting lists, carrying forward to 1825 of the dissolution of the assets by date, persons involved and amounts paid.

(70505)

Restoring Discipline in the Augustinian Community of Grand Saint Bernard

87. [Manuscript].
Boniface, Louis.
[Hospice de Grand Saint Bernard].
Opuscula Nonnulla R. Ludovici Bonifacii Canonici Regularis Coadiutoris ad Salutiferam Regularis Disciplinae Restitutionem. Sparsim Adiunctis Postea Latis a Sacra Episcoporum & Regularium Congegatione Decretis 1718. [Grand-St.-Bernard, c.1718]. 304 ff. Quarto (9-1/2" x 7").

Contemporary morocco with decorate blind stamping, stitched down center of spine, which has an early hand-lettered title panel, fragments of thong ties, untrimmed edges. Light rubbing to boards, somewhat heavier rubbing to extremities, early repair to foot of spine. Light toning to interior, text in neat hand, a few laid-in notes. A handsome item. $5,000.

* This is a collection of canon law writings by Louis Boniface, intended (so the title-page states) to restore discipline at the famous Augustinian community of Grand Saint Bernard in the Swiss Alps, where the author was coadjutor and provost. We understand it to be an official report, later distributed as manuscript copies, which was presented at a synodical meeting of 1718. Much of the study concerns money and property. Other subjects include the officers of the community and a ban on women servants. Showing its high status as a report, other copies are found in the Grand-Saint-Bernard

Tel: (800) 422-6686 or (732) 382-1800 | Fax: (732) 382-1887 | law@lawbookexchange.com | www.lawbookexchange.com
archives. Our copy has a remarkable binding featuring blind-stamped floral designs with red-painted inlay. It was probably made from a wall hanging or wallpaper. The archive of Grand Saint-Bernard has a copy of Boniface's baptism certificate (1664) and several of his papers, which include works on cosmography, geography and history, and a thirty-year travel diary. The archives of Grand Saint Bernard record four other manuscripts with the same author, title and date (AGSB 5056, 5057, 5058, 4049). We located no other copies. (On Boniface in the archives see http://www.aasm.ch/fonds/agsb/static/5314.html and http://www.aasm.ch/fonds/agsb/static/5040.html).

Reconstruction-Era Account
Book of a Richmond, Virginia Law Firm

88. [Manuscript].
Cosby, William W.
Turner, Charles W.
[Account Book of Cosby & Turner]. Richmond, Virginia, 1871-1875. [xxiv], 458 pp. Folio (13-1/2" x 8-1/2")

Reversed calf, black-stamped frames to boards, raised bands and lettering pieces to spine, "Ledger" gilt-stamped to upper piece, marbled endpapers. Light rubbing and a few scuffs and stains to boards, heavier rubbing to extremities with some wear to spine ends and corners, rear joint starting, rear hinge cracked. Moderate toning to interior, "Cosby & Turner/ Attys at Law/ Richmond/ Virginia" to front endleaf, content to recto and verso of most leaves to p. 257, 5 manuscript items (one with entries 1876) laid in, a few annotations (including one dated 1883) and owner to front endleaves. $950.

* With a thumb-tabbed index. Cosby and Turner practiced law in Richmond, the former capitol of the Confederacy, which was then recovering from the damage it suffered during the Civil War. Cosby, who was considered one of Richmond's finest attorneys, was also a distinguished Confederate artillery officer. He probably met his partner, Turner, when they were law students at the University of Virginia. The firm's 1871-1875 ledger records fees for an array of legal services to a large number of clients in Richmond and, on occasion, other parts of Virginia, including courts in Powhatan, Chesterfield, and Goochland counties. Clearly a successful firm at this time, it include fees for defense of warrants, writing land assessments and deed conveyances, executing summons in debt, representing collections on claims and providing felony defense and legal services in bankruptcy cases. Overall, this manuscript offers a fascinating daily chronicle of a successful Richmond law firm during the later years of the Reconstruction era.

(70495)

Fascinating Commonplace Book with Excerpts
from Locke, Blackstone, Montesquieu and Smith

89. [Manuscript].
[Great Britain].
[Commonplace Book by a Student of History, Law and Government]. [Great Britain or Ireland, c.1770]. Printed title page dated 1770, reading Bell's Common Place Book, Form'd Generally Upon the Principles Recommended and Practised by Mr. Locke, followed by 8 pp. printed introduction, 12 pp. part-printed index, partially filled in manuscript, 144 numbered leaves and 84 blank leaves. Folio (15" x 9-3/4").

Contemporary vellum, gilt fillets to board edges, morocco lettering piece to spine (reading Common Place Book), marbled endpapers. Moderate soiling, light rubbing to extremities, boards slightly bowed, corners bumped and lightly worn, front joint starting at foot, partial crack in text block between title page and following leaf, dampstaining and some edgewear to rear endleaves. Moderate toning, text in fine small hand. $2,000.

(70816)

**Learned Hand Declines to Write an Article About Abraham Lincoln**

90. [Manuscript].
Hand, Learned [1872-1961].

11" x 8-1/2" sheet. Some toning, fold lines, two vertical and one horizontal, light offsetting (from corrugated screen?) to verso, with a bit of negligible show-through on recto. $1,250.

* One of the most significant American jurists of the twentieth century, Hand was a judge of the U.S. Southern District of New York, later a judge of the Court of Appeals, Second Circuit. He was renowned for his judgments, which were also admired for their lucidity and elegance. This letter is addressed to a "Mr. Brockaway," apparently an editor, who solicited an article from Hand about Abraham Lincoln. Hand declined, saying he had "absolutely no qualifications" to write about Lincoln or time "to prepare to do it." He adds: "Furthermore, I retired as a judge with the idea of having the leisure which my job had so long denied me." At the time of this letter Hand was a retiree, but he would soon return to work. Assuming senior status, he continued to hear special cases for the next ten years. During that time he published two books: *The Spirit of Liberty* (1952) and *The Bill of Rights* (1958).

(68504)

**Elite Members of the New York City Bar Establishes a Club to Promote Benjamin Harrison’s Presidential Campaign**

91. [Manuscript].
Harrison & Morton Club of New York.

Limp calf, club name gilt-stamped to front cover, all edges gilt. A few light scratches to boards, moderate rubbing to extremities with wear to spine ends, bookseller ticket to front pastedown, front hinge cracked, a few cracks to text block, a few leaves loose or detached. Light toning to interior, occasional light soiling and finger smudges. Text in neat hand on ruled leaves. 6-1/2" x 4-1/4" cabinet-card photograph of Harrison, with light edgewear and faint spotting to image, laid-in. Items housed in archival enclosure. $2,500.

* This club was founded after the 1888 Republican National Convention to support the presidential campaign of Benjamin Harrison and his running mate, Levi P. Morton of New York. The first pages of its membership book contains the club's constitution, in handsome calligraphy, which states: "We the undersigned, members of the Bar of the City of New York, being desirous of giving expression to our political convictions, in the pending campaign, through an
organization, similar to those already formed by the Merchants and the members of the various Exchanges, hereby organize The Harrison and Morton Club of The Bar of New York." The constitution is followed by the signatures of 694 elite New York City attorneys and judges. Among these signers are Charles Evans Hughes [1862-1948], later chief justice of the U.S. Supreme Court, Benjamin H. Bristow [1832-1896], U. S. secretary of the treasury under President Grant, Chauncey Mitchell Depew [1834-1928], attorney for Cornelius Vanderbilt's railroad interests, president of the New York Central Railroad System, and U.S. Senator from New York, 1899-1911, Henry Day [1820-1893], partner of the prominent New York City law firm Lord, Day & Lord, and Elihu Root [1845-1937], U.S. secretary of state under President Theodore Roosevelt, secretary of war under Roosevelt and President William McKinley and recipient of the Nobel Prize in 1912. With the exception of 13 tipped in autograph signatures (likely clipped from letters supportive of the club and the Harrison/Morton ticket), all of the membership signatures were made directly into the membership book in numerical sequence. The numbering is irregular in some places; seven signatures are un-numbered and there are some labeled duplicates. Some "autographs" may be secretarial, a few bearing initials beneath.

(70497)

Late Eighteenth-Century Account
Book of a Notable New York Attorney

92. [Manuscript].
Remsen, John H. [c.1770-1798].
[Account Book]. New York, 1795-1798. [xxiii], 326 pp. Quarto (9-1/2" x 7-1/2").

Reverse calf, blind fillets and panels to boards, rebacked retaining parts of existing spine, raised bands, blind ornaments and lettering piece (reading "Register") to spine, marbled endpapers. Moderate rubbing with wear to extremities, a few stains and slash marks to boards, hinges cracked, front free endpaper and preliminary leaves loose, one leaf and parts of two others removed. Moderate toning to interior, text in neat hand to rectos and versos of most leaves, a few early manuscript jottings to front endleaf, small library stamp and marks to its verso. $7,500.

* With a thumb-tabbed index of cases. John H. Remsen was a New York lawyer and notary public who served as private secretary to New York governor John Jay. This volume records work done and fees charged by Remsen on hundreds of cases in the Mayor's Court, the Federal District Court, and the New York Supreme Court. Most of these cases were initiated from September 1795 to September 1796. Among the more noteworthy cases, Remsen represented the Bank of the United States in a protracted suit against Loyalist publisher James Rivington (pp. 169 and 170). He also represented a group led by John Jay and George Clinton.

(70503)

With Interesting Commentary About Law and Society

93. [Manuscript].
[Savoy, France].
Memoire Concernant la Taxe Imposée en 1727 par le Senat de Savoye sur le Clergé du Pais pour la Garde de les Frontieres Contre la Peste.

Contemporary quarter vellum over marbled boards, small later (?) paper title panel reading "Memoire par le Senat de Savoye" to front board. Light rubbing to boards, moderate rubbing to extremities with minor wear to spine ends and corners, crack near center of text block, all leaves secure. Manuscript memento mori vignette of a skeleton holding a scythe and skull to title page. Text in small neat hand, light toning to text. $3,000.
This erudite, detailed fair-copy manuscript of some 10,000 words presents an interesting discussion, often critical, of the relationship between secular and ecclesiastical law and the nature of power in relation to the clergy of 18th century Savoy. This is explored in the context of a recent tax to protect the frontiers against plague. Broadly conceived, the author of this study also provides considerable general commentary on the function of law in society.

"I Am Inclined to Give Credit to Her Assertions"

94. [Manuscript].
[Trial].
[Ireland].
[Account of a Rape]. [County Carlow, Ireland, June 25, 1807]. 11" x 7" leaf, docketed on verso.

Horizontal fold lines, light browning and edgewear. Annotations by presiding magistrate to foot of recto and sections of verso. $1,500.

* Made before magistrate Gilbert Fitzgerald, this appears to be testimony by Margaret Janson against Myles Barin in an apparently It reads, in part: "[Myles Barin] opened his small cloths, informant asked him what he was going to do to her he answered he would ride her then extending her legs and endeavouring to force something into her body and struggled with her near an hour." Fitzgerald notes: "I did not swear Informant to this Information, as she appeared to be entirely ignorant of the nature of an Oath, but the facts are strongly corroborated by other evidence and I am inclined to give credit to her assertions."

(70815)

Ravishment, Excommunication, Spousal Abuse and Other Matters

95. [Trials].
[Great Britain].
[Legal Documents Relating to Six Trials]. Great Britain, 1631-1632. 6 items, 2 are single leaves, 4 bifolia, sizes range from 9-1/2" x 8-1/3/4" to 12" x 7-1/2."

Moderate toning and soiling, occasional browning, vertical folds, 5 items docketed, some tears, edgewear and wear holes with loss to text in a few places. $4,500.

* Submitted to the ecclesiastical courts, these documents are, to use modern language, depositions: Thomas Knowsley v. William Welch and Jane Dawson for fornication and libel (1632), Samuel Royle v. Grace Royle for abusing him, "Ill healing" him and leaving him with his mother-in-law (1632), excommunication of Thomas Edge for contempt of court (1631), John Smith v. Richard Hyde for (unspecified) slander (1631), John Bale v. Alice Eaton "for calling him a whoremonger" (1631) and Thomas Eaton for the ravishment of Elizabeth Eaton while her husband was attending church (1631).

(69755)

WOMEN

The Legal Status of Wives in Roman Law

96. Grupen, Christian Ulrich [1692-1767].
Tractatio De Uxore Romana: Cum Ea, Quae In Manum Convenit, Ferr, Coemtione Et Usu, Tum Illa, Quae Uxor Tantummodo Habebatur. Hanover: Apud Nic. Forsterum 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 vellum, faint, mostly erased hand-lettered title to spine, speckled edges, endpapers renewed. A few minor stains to boards, corners lightly bumped, pastedowns just beginning to detach from boards. Title page, with woodcut image of a Roman coin, printed in red and black. Some toning, light foxing in a few places, tiny early owner mark (shelf location number?) to front endleaf. A nice copy. $1,500.

* 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 Woman 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.

1823 French Guide on the Laws Relating to Women Featuring a Charming Pictorial Title Page

97. [Guichard, Augustin Charles].

Period-style quarter calf over cloth, lettering piece, blind fillets and gilt ornaments to spine, endpapers renewed. Main title page followed by lithograph pictorial title page. Moderate toning to text, occasional light foxing, (very) faint dampstaining in a few places. $750.

* First edition. An interesting guide to the laws relating to women after the Bourbon Restoration in the form of a novel. (This may have been a ploy to attract a female audience; French women were assumed to be fond of novels.) A second edition was published in 1828. Guichard was a prolific author of legal treatises and popular guides to the law. Not in Camus. This edition not in the British Museum Catalogue.

Mrs. Kinney Defends Herself

A Review of the Principal Events of the Last Ten Years in the Life of Hannah Kinney: Together with Some Comments Upon the Late Trial. Written by Herself. Boston: J.N. Bradley & Co., 1841. 87 pp. Octavo (7" x 4-1/2").

Contemporary cloth, faint label residue to front board, moderate rubbing to extremities, joints starting, hinges cracked, later library stamps to edges of text block and front pastedown. Light browning to endleaves, light toning to text. $200.

* Only edition. When Mr. Kinney died of arsenic poisoning, Mrs. Kinney's suspicious behavior brought her to trial. She was acquitted. According to McDade, there is a related work entitled A Brief Notice of the Life of Mrs. Hannah Kinney for Twenty Years by Ward Witham, her first husband, who reports that she never tried to poison him. McDade, The Annals of Murder 561.

(70732)
99. [Marriage Law].
[Great Britain].


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. A notably well-preserved 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.
(70829)

100. [Marriage Law].
[Great Britain].


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Recent period-style calf, blind rules to boards, raised bands and lettering piece to spine, edges rouged, endpapers renewed, advertisement leaf and title page re-hinged and mounted on archival tissue with repairs to edges. Moderate toning to text, light foxing in a few places, including title page, its following leaf and a few index leaves, faint handprint from ink-stained printer's hand to p. 385, library stamp to verso of title page. $2,500.


101. Swinburne, Henry [1560?-1623].
A Treatise of Spousals, or Matrimonial Contracts: Wherin All the Questions Relating to that Subject are Ingeniously Debated and Resolved. London: Printed by S. Roycroft for Robert Clavell, 1686. [xvi], 240 pp. Quarto (7-1/2" x 6-1/2").

Recent period-style calf, blind rules and large blind central arabesques to boards, raised bands and lettering piece to spine, endpapers renewed. Title printed within ruled border. Moderate toning to text, spark burns to a few leaves, a few small library marks to verso of title page. A handsome copy. $1,750.

* First edition. Published posthumously, this was the first English ecclesiastical law treatise devoted to marriage, the relationship between spousal contracts and marriage contracts, the dissolution of those contracts and divorce. It is also notable as one of the first four English legal treatises devoted to laws concerning women. Swinburne was commissary of the exchequer and judge of the consistory court at York. He is best known for his influential treatise on wills, which went through seven editions between 1590 and 1793. English Short-Title Catalogue R22016.

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