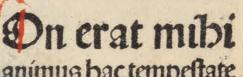


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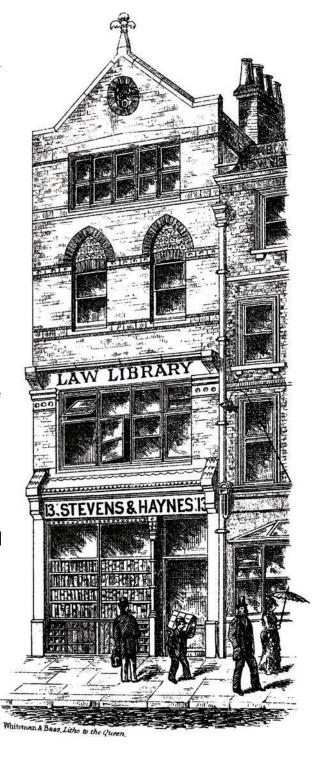
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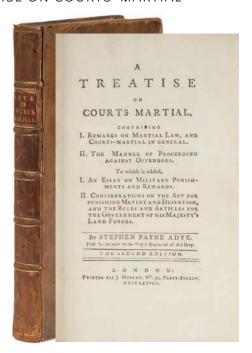
### THE FIRST ANGLO-AMERICAN TREATISE ON COURTS-MARTIAL

### 1. ADYE, STEPHEN PAYNE [D.1794].

A Treatise on Courts Martial: Containing I. Remarks on Martial Law, And Courts-Martial in General. II. The Manner of Proceeding Against Offenders. To Which is Added, I. An Essay on Military Punishments and Rewards. II. Considerations on the Act for Punishing Mutiny and Desertion, And the Rules and Articles for the Government of His Majesty's Land Forces.

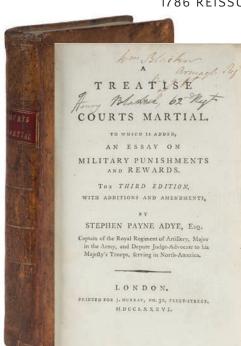
London: Printed for J. Murray, 1778. 160, 53, [3] pp. Includes 3 pp. publisher catalogue. Octavo (7" x 4-1/2").

Contemporary calf, lettering piece and gilt-edged raised bands to spine, gilt tooling to board edges. Light rubbing and a few minor nicks and scuffs to boards, moderate rubbing to extremities with some wear to spine ends and corners, front board beginning to separate but secure, rear joint starting, later owner signature in pencil (John Clark) to front pastedown, faint later (private?) library stamp to front free endpaper. Moderate toning to interior, faint dampstaining to margins in a few places. \$1,750.



SECOND EDITION. First published in New York in 1769, this is the first Anglo-American treatise on courts-martial (and one of the first law books printed in America). It was the standard guide for British and American forces during the Revolutionary War. The first part is a history of martial and military law and an overview of courts martial, courts of inquiry, appeals, the duties of the judge advocate, and the mode of trial. The second part discusses procedure, which is based, as much as possible, on procedure in common law. A standard treatise for many years, and an authority today, it went through eight editions, the final in 1810. Adye was Deputy Judge Advocate for the British Army in North America from 1769 to 1783. OCLC locates 8 copies in North America, none in law libraries; the ESTC locates 1 (Harvard). Wiener 182-188. ESTC T83271.

### 1786 REISSUE OF ADYE'S TREATISE



#### 2. ADYE, STEPHEN PAYNE.

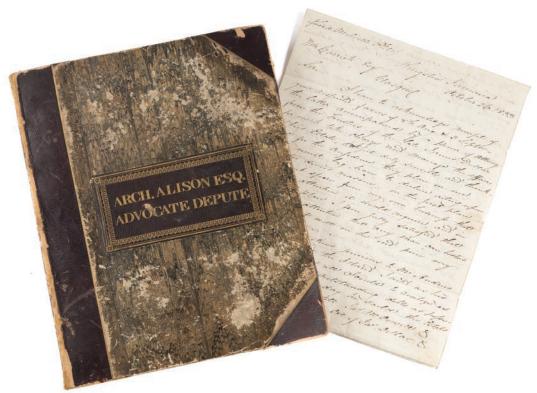
A Treatise on Courts Martial To Which is Added, An Essay on Military Punishments and Rewards.

London: Printed for J. Murray, 1786. viii, 284, [4] pp. Includes 4 pp. publisher catalogue. Octavo (7-1/4" x 4-1/2").

Contemporary tree calf, lettering piece and gilt fillets to spine, blind tooling to board edges. A few minor nicks and scuffs to boards, corners bumped, light creasing to spine, light wear to spine ends, joints starting, armorial bookplate of William Blacker to front pastedown. Light toning to interior, "Wm Blacker Armagh Regt., his gift of Henry Blacker 62nd Regt" to head of title page. An attractive copy of a scarce title.

REISSUE of the third edition, which was published by Murray in 1785 (with an identical format and pagination). William and Henry Blacker, brothers, were stationed in America. Henry served in the Northern Campaign of 1777 and surrendered with the rest of Burgoyne's army at Saratoga on October 17, 1777. He remained in captivity with the rest

of his regiment until the end of the war. OCLC locates 11 copies of this reissue in North America, 5 in law libraries (Columbia, Harvard, Howard, Library of Congress, Thurgood Marshall State Law Library, Annapolis, MD). Wiener 182–188. ESTC N47734.



A COMPILATION OF SCOTTISH JUSTICIARY RECORDS WITH AN INTERESTING LETTER ABOUT AN ESTATE CASE

# 3. ALISON, SIR ARCHIBALD [1792-1867].

List of Cases for Trial at the Glasgow Autumn Circuit, September 1829. The Right Hon. Lord Justice-Clerk and Lord Moncreiff. Archibald Alison, Esq. Advocate Depute.

[Glasgow: S.n., 1829]. [xvi], 9-307, [1] pp. Quarto (10" x 8").

Contemporary three-quarter sheep over marbled boards, gilt rules to sheep edges, gilt-stamped label reading "Arch. Alison Esq. Advocate Depute" to front board, gilt fillets and title to spine. Rubbing to boards and extremities, a few small scuffs, nicks and scratches to boards, light wear to extremities, corners bumped, hinges cracked. Light toning to interior, negligible light foxing in a few places, cracks in text block after first and final leaves, initial 16 pp. docket filled out in an early hand.

[WITH]

### GIBSON, L. [CARRICK, WILLIAM].

[Autograph Letter, Signed, Regarding a Bankrupt Estate, Kingston, Jamaica, October 26, 1833].

10" x 8" bifolium, text to first 2 pp. with integral address leaf and docket to verso. Light toning, horizontal and vertical fold lines, a few small holes and tears just

starting along fold lines, text not affected, residue from wax seal and tear to final leaf not affecting address or docket. Together two items. \$750.

COMPILED over the course of the term, this volume is comprised of a list of 73 cases on the docket for the Glasgow Circuit Court of Justiciary in September 1829 followed by records for 72 of those cases. The records, typically 3–5 pp. in length, consist of a short summary of the indictment along with a list of witnesses and jury members, if applicable. Each record is individually paginated and docketed in print on the verso of the final leaf, suggesting that they were issued individually as the term progressed and bound later for the reference of judges and advocates.

In private practice, one of Alison's cases involved the aftermath of the bankruptcy of James Auchie and Company, a merchant firm incorporated in Jamaica as Dollar, Auchie and Company. The company declared bankruptcy in Glasgow in 1812, triggering many suits by creditors and counter-suits by the company's accountants. One of these accountants was William Carrick, whom Alison represented at least once in 1822 and likely afterwards. In this letter, a Jamaican attorney declines to involve himself in the case, saying "I never in my life saw any business so mismanaged" and that "it would only be throwing away good money after bad to take it into a Court of Law." The letter, laid-in to the compilation volume, was likely given to Alison as part of his work for Carrick and the Dollar estate.

### A SEVENTEENTH-CENTURY ARGUMENT AGAINST PRIMOGENITURE

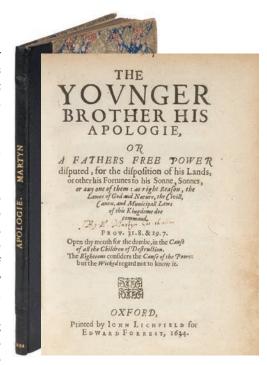
### 4. [AP-ROBERT, JOHN].

The Younger Brother His Apologie, Or a Fathers Free Power Disputed, For the Disposition of His Lands, Or Other His Fortunes to His Sonne, Sonnes, Or Any One of Them: As Right Reason, The Lawes of God and Nature, The Civill, Canon, And Municipall Laws of this Kingdome doe Command.

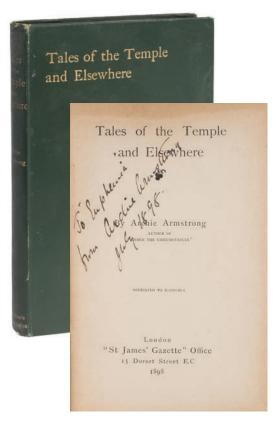
Oxford: Printed by Iohn Lichfield for Edward Forrest, 1624 [i.e. 1634]. [x], 56, [2] pp. Quarto  $(7" \times 5-1/4")$ .

Stab-stitched pamphlet bound into recent quarter morocco over marbled boards, gilt title (with incorrect author name) and raised bands to spine. Light rubbing to extremities, corners lightly bumped, bookplate residue to front pastedown. Moderate toning, light browning and some chipping to fore-edges of several leaves, occasional marks and brief annotations in early hand to text and title page. \$500.

SECOND ISSUE. First published in 1618 with a title beginning *The Yonger Brother His Apology by It Selfe*, this pamphlet argues that the law of primogeniture may be overruled due to a father's



desire or family circumstances. Later issues were published in 1635 and 1671. Like many copies of the 1634 issue, the date on the title page has a correction in a contemporary hand. All issues are scarce. OCLC locates 5 copies of the 1634 issue in North American law libraries (Harvard, Library of Congress, San Francisco Law Library, University of Minnesota, Yale). ESTC S100213.



### A SCARCE COLLECTION OF SHORT STORIES SET IN LONDON'S LEGAL COMMUNITY

#### 5. ARMSTRONG, ARCHIE.

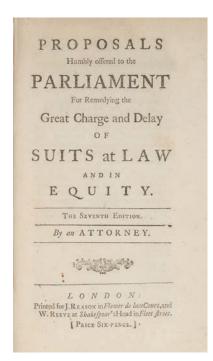
Tales of the Temple and Elsewhere. Dedicated to Euphemia.

London: "St. James' Gazette" Office, 1898. 127 pp. Octavo (7-1/2"  $\times$  4-3/4").

Contemporary cloth, gilt title to spine. Negligible light rubbing to boards, moderate rubbing to extremities with some wear to spine ends and corners, which are bumped, hinges cracked. Moderate toning to interior, faint dampstaining to heads of preliminaries and final few leaves, "To 'Euphemia' from Archie Armstrong July 1898" in large hand to title page.

ONLY EDITION. This is a collection of short stories set mostly, as the book title suggests, in London's legal community. Some of the titles are "The Law and the Lady," "His Little Client," "The Judge's Bouquet," "An Unlucky Sportsman" and "An Old Maid's Advice." This is a scarce title. OCLC locates 5 copies, 1 in North America (New York University). BMC 1:953.

#### PROPOSALS FOR CHANCERY REFORM



#### 6. AN ATTORNEY.

Proposals Humbly Offered to the Parliament for Remedying the Great Charge and Delay of Suits at Law and in Equity.

London: Printed for J. Reason and W. Reeve, [1730?]. [ii], iv, 42 pp. Octavo (8"  $\times$  4-3/4").

Stab-stitched pamphlet in recent plain wrappers, ink title and date to front wrapper. Light toning to interior, negligible light foxing to a few leaves, later annotations in pencil to pp. 31 and 39 with light offsetting to facing pages. \$450.

SEVENTH EDITION. Chancery reform was a perennial topic in Great Britain, from the early seventeenth century until the court's dissolution as an independent body in 1875. The length of the debate is reflected in our pamphlet's numerous editions, the first of which appeared in 1707. The reforms suggested here primarily encompass the elimination of waste, such as reducing the number of offices and carrying out an audit of staff salaries. The preface gives a brief overview of the issue of judicial reform, with a notably anti–Semitic digression discussing the role of the "Infidel Jews" in the problems plaguing the English system. *ESTC* T42985.

### FIRST EDITION OF AZUNI'S IMPORTANT TREATISE ON MARITIME LAW

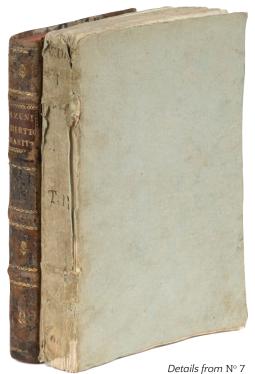
### 7. AZUNI, DOMENICO ALBERTO [1749-1827].

Sistema Universale dei Principi del Diritto Marittimo dell'Europa.

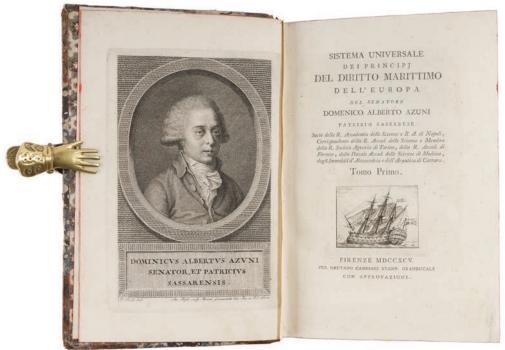
Florence: Per Gaetano Cambiagi, 1795–1796. Two volumes. Copperplate vignette of a ship to title pages, copperplate arms at head of dedication leaf and engraved copperplate portrait frontispiece of Azuni in Volume I, engraved allegorical copperplate vignette at head of p. 1 of Volume II.

Volume I: Octavo (8" x 5-1/4"). Contemporary three-quarter calf over marbled boards, raised bands, lettering piece and gilt fillets to spine, edges rouged, patterned endpapers on pastedowns. Moderate rubbing to boards and extremities with some wear to joints and corners, a bit of paper residue to rear pastedown. Light toning to interior, slightly heavier in places, light soiling to title page. Volume II: Octavo (8-1/2" x 5-1/2"). Original publisher's stiff wrappers, untrimmed edges, early hand-lettered title and fragment of early shelf label (?) to spine. Moderate soiling, rubbing to spine with wear to joints and spine ends, section of armorial bookplate to front free endpaper. Light toning to interior, foxing and minor stains to a few leaves.

FIRST EDITION. This systematic work on the maritime law of Europe has interesting content about the capture of goods, vessels at sea, the Rhodian laws and the *Consolato del Mare*. As Marvin notes, it "relates rather to maritime international law, properly so called,

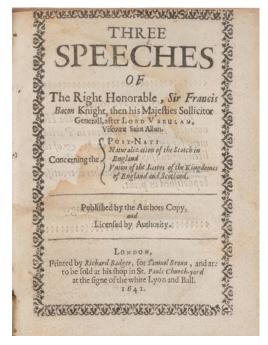






Frontispiece and title page from N° 7

than to private maritime jurisprudence... It points out what is always of the highest importance to the diligent inquirer after truth, the sources of information upon maritime jurisprudence." American and French translations of this work were published in 1806. Azuni was an Italian jurist and a writer on mercantile law who later became a French citizen and then president of the appeal court at Genoa and judge of the Commercial Court at Cagliari. Marvin 82. BMC 2:9.



#### THE UNION OF ENGLAND AND SCOTLAND

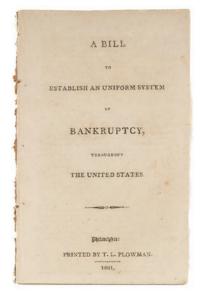
8. BACON, SIR FRANCIS [1561-1626].

Three Speeches of the Right Honorable, Sir Francis Bacon Knight, Then His Majesties Sollicitor Generall, After Lord Verulam, Viscount Saint Alban. Concerning the Post-Nati Naturalization of the Scotch in England Union of the Lawes of the Kingdomes of England and Scotland. Published by the Authors Copy, And Licensed by Authority.

London: Printed by Richard Badger, For Samuel Broun, 1641. [ii], 58, 57–88 pp. Quarto  $(7" \times 5-1/2")$ .

Stab-stitched pamphlet bound into later paper-covered boards, calf lettering piece to spine. Light soiling, some wear to spine ends and corners, front joint cracked, rear joint starting, hinges secure. Title printed within woodcut border. Moderate toning to interior, occasional faint dampstaining, upper section of border and headlines affected by trimming with no loss to legibility, pencil marks to margins in recent hand in a few places. \$950.

ONLY EDITION. Bacon was one of the great intellectuals of his time. These speeches, important early works and important expressions of his ideas of natural law, were presented when he was solicitor general to King James I. They support the King's keen desire to unite the kingdoms of England and Scotland. (This goal was finally realized in 1706 and 1707 with the Acts of Union.) Issued during the Bishops' Wars, a rebellion in Scotland over religious authority, this work was probably intended to assert the rights of King Charles I. OCLC locates 7 copies in North America, 2 in law libraries (Harvard, Library of Congress). ESTC R17387.



#### THE FIRST FEDERAL BANKRUPTCY ACT

### 9. [BANKRUPTCY]. [UNITED STATES].

A Bill to Establish an Uniform System of Bankruptcy, Throughout the United States.

Philadelphia: Printed by T.L. Plowman, 1801. 28 pp. Octavo (6-3/4" x 4-1/4").

Disbound stab-stitched pamphlet. Moderate toning, light soiling to exterior, a few minor spots to title page. Rare. \$1,500.

A PRINTING OF THE FIRST Federal bankruptcy act, which was enacted in February 1800. Intended to encourage economic risk and reform the complicated patchwork of debtor laws in force in the different states, it was modeled on the bankruptcy law of the world's leading commercial power, Great Britain. Never a popular law, it was routinely attacked as a shield for the financially irresponsible and finally repealed in November 1803. The United States would not have another

national bankruptcy law until 1841. OCLC locates 1 copy (at Harvard). Not in Cohen or Sabin.

#### GUIDANCE FOR YOUNG LAWYERS

10. A BARRISTER AT LAW. [SIMPSON, JOSEPH].

Reflections on the Natural and Acquired Endowments Requisite for the Study of the Law, And the Means to be Used in the Pursuit of It.

London: Printed for J. Worrall; T. Waller; And B. Tovey, 1764. xi, [1], 54, [2] pp., final leaf blank. Octavo (7-3/4" x 4-3/4").

Disbound stab-stitched pamphlet, speckled edges. Light toning, light foxing in a few places, small tear to gutter of first 3 leaves not affecting text, final (blank) leaf detaching slightly at foot but secure. \$650.

pamphlet discusses the essential qualities of the profession. Topics covered include elocution, judgement and the merits and demerits of formal education.

SECOND EDITION. Meant to encourage and guide young lawyers, this A popular work, it went through several editions, the fifth and last of these appearing posthumously in 1793. Our edition was issued the same year as the first and third London editions. ESTC T129050.



### "THUS EXQUISITELY CEMENTED

11. BENTHAM, JEREMY [1748-1842].

Indications Respecting Lord Eldon, Including History of the Pending Judges'-Salary-Raising Measure.

London: [Printed by A.J. Valpy], 1825. 55, [1] pp. Octavo (8"  $\times$  5").

Disbound stab-stitched pamphlet in recent stiff green wrappers, edges speckled red. Light toning to interior, light foxing in a few places. \$500.

IS THE UNION OF SINISTER INTERESTS"

FIRST EDITION, the second of two 1825 issues. One of Bentham's later works, a biting critique of the Court of Chancery accusing Lord Eldon of increasing the already-rampant fraud and extortion in the system and using it to his own benefit. According to Bowring, Bentham viewed Eldon as the "mightiest and most mischievous of all the opponents of law reform" and "hated [him] as much as it was possible." Our copy was issued as part of Volume XXVI, no. 51 of the Pamphleteer; it was also

published separately the same year and appeared in Bentham's 1830 collection of essays *Official Aptitude Maximized; Expense Minimized*. An expanded edition with a "Postscript" from Bentham was published by Robert Heward later in 1825 and in 1826. See *Goldsmiths*' 24552. Bowring X:180.

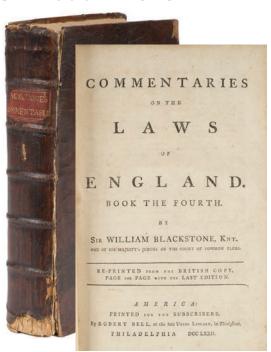
### ANNOTATED COPY SIGNED BY MARY WILLING BYRD, WILLIAM POWELL BYRD AND FRANCIS OTWAY BYRD

12. BLACKSTONE, SIR WILLIAM [1723-1780]. [BYRD FAMILY OF VIRGINIA].

Commentaries on the Laws of England. In Four Books. Re-Printed From the British Copy, Page for Page with the Last Edition.

[Philadelphia]: Robert Bell, 1772. Volume IV [ONLY]. [xxii], [viii], 436, vii, [40] pp. Title page preceded by endleaf with tipped-in publisher advertisement (for Ferguson's *Essay on the History of Civil Society*). Octavo (8-3/4" x 5-1/2").

Contemporary sheep, blind fillets to boards, lettering piece and raised bands to spine, blind-stamped volume number chipped away. A few shallow scuffs to boards, light gatoring to edges, moderate rubbing to extremities, boards beginning to separate but secure, chipping to spine ends, chip to blind-stamped volume number, worming to pastedowns and endleaves. Moderate toning to text, light browning and faint dampspotting in a few places, three brief annotations in contemporary hand to a few leaves, signature of Mary Willing Byrd to front pastedown



and rear endleaf, signature of William Powell Byrd to front free endpaper, signature of Francis Otway Byrd, dated 1772, to head of first leaf of subscriber list.

FIRST AMERICAN EDITION, reprinted verbatim from the fourth Oxford edition (1770). This edition is a significant contribution to early American law and a landmark in the history of American publishing. Its subscribers 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. This copy probably belonged to the large library of William Byrd III housed at his Westover Plantation. It bears the signatures of three relatives. Mary Willing Byrd [1740–1814] was his second wife; Francis Otway Byrd [1756–1800] and William Powell Byrd [1777–1820] were two of his sons.

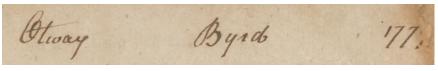
The annotations are in Chapter 4, "Of Offences Against God and Religion." Two of them refer to Section 16 of the Virginia Declaration of Rights (1776), which protected freedom of conscience. One, to Blackstone's passage "Doubtless the preservation of Christianity, as a national religion..." reads "Bill of Rights of Va. 16." The other, to the passage "These [forms of blasphemy] are offences punishable at common law by fine and imprisonment, or other infamous corporal punishment..." reads "happy for Va the same has by the 16 article of the Bill of Rights been referred to conscience." This is likely a reference to the statement in the article that "religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence." Eller 80. Laeuchli 131.



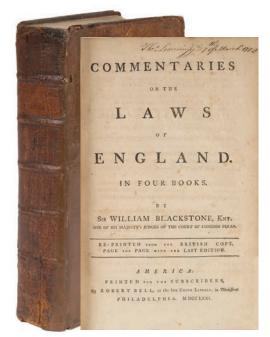
Mary Willing Byrd signature detail

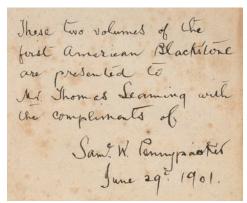
Mulphyra.

William Powell Byrd signature detail



### COPY OF VOLUME I OF THE FIRST AMERICAN EDITION OF BLACKSTONE OWNED BY THOMAS LEAMING, A SUBSCRIBER





Inscription detail

# 13. BLACKSTONE, SIR WILLIAM. [LEAMING, THOMAS (1748-1797)].

Commentaries on the Laws of England. In Four Books. Re-Printed From the British Copy, Page for Page with the Last Edition.

[Philadelphia]: Robert Bell, 1771. Volume I [ONLY]. [iv], [iv], ii, [ii], [iv], 485 pp. Title page preceded by 4-page publisher advertisement. Octavo (8-3/4" x 5-1/2").

Contemporary sheep, blind fillets to boards, raised bands and blind-stamped volume number to spine, lettering piece lacking, blind tooling to board edges, front hinge mended. Light rubbing to boards, light gatoring along fore-edges, moderate rubbing to extremities with wear to spine ends and corners, partial crack to spine near foot, rear board beginning to separate but secure. Light browning and occasional light foxing to text, occasional marks in pencil to margins, owner signature of Thomas Leaming dated March 7, 1772 to head of title page, presentation inscription to Thomas Leaming (a descendant) from Samuel W. Pennypacker dated June 29, 1901 to front free endpaper.

FIRST AMERICAN EDITION. Learning was a lawyer in Cape May, New Jersey, when he subscribed to this edition. He was a member of the fifth session of the Provincial Congress of New Jersey (June-August 1776), which ordered the arrest of royal governor William Franklin, approved the Declaration of Independence and produced New Jersey's first state constitution (1776). He played important roles in the Revolution by raising a battalion of militia, serving as an officer and contributing funds to build and outfit privateers. Samuel W. Pennypacker [1843–1916] was a Pennsylvania politician, judge and historian. Governor of Pennsylvania from 1903 to 1907 and a long-serving judge of the court of common pleas, he published several books and articles on various aspects of

Pennsylvania history. His inscription indicates that he presented Learning with two volumes from this set. Eller 80. Laeuchli 131.

### ATTRACTIVE SMALL-FORMAT PRINTING DESIGNED FOR STUDENTS OF CANON LAW

### 14. BONIFACE VIII, POPE [1235-1303].

Sex[tus] Decretalium Liber Per Bonifaciu[m] Octavuum Pontifice[m] Sanctissimu[m] in Lugdunesi Concilio Editus. Cui Adiecta Sunt Recenter Summaria: Ex Probatissimis Iuris Pontificii Doctoribus Deprompta.

With a woodcut illustration of the "Spiritual Family."

[BOUND WITH]

CLEMENT V, POPE [1264-1314]. JOHN XXII, POPE [1244-1334].



Enlarged criblé initial detail

Clementinarum Constitutionum Liber. Ad Maiorem Cuius Elucidationem Adiecta Sunt Summaria: Hac Figura Fignata.

[AND]

Extravagantes Com[m]unes a Diversis Romanis Pontificibus Post Sextum Edite.

[AND]

JOHN XXII, POPE.

Extravagantes Seu Constitutiones Viginti: A Joanne.XXII. Edite ac Diligenti Cura Castigate: Una cum Summariis Admodum Familiarib[us] Hac Figura Fignatis.

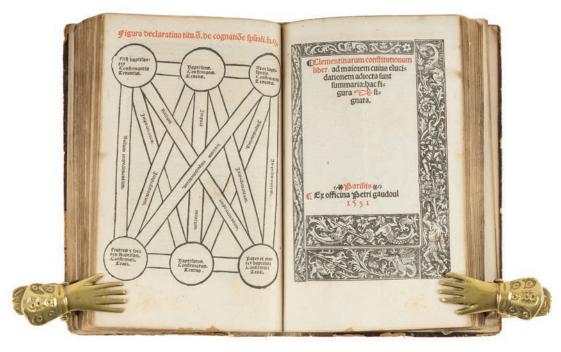
Paris: Johannes Kerbriand [Ex Officina Petri Gaudoul], 1531. 78, [2]; 36; 44; 20 ff. 4 parts in 1 with separate pagination and title pages. Octavo  $(6" \times 3-3/4")$ .

Later quarter vellum over marbled boards, endleaves renewed. Light rubbing to boards, creasing to vellum, which is lightly soiled, on rear board, rubbing and light wear to board edges, hinges starting, faint

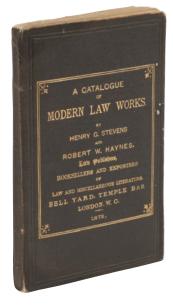


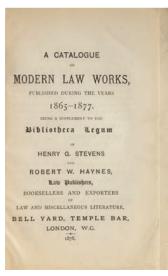
offsetting to endleaves, recent bookplate (of Vincent Lloyd Russell) to front pastedown. Printed in red and black, title pages of first two works printed within metalcut borders, text in two columns, occasional wood and metalcut (*criblé*) initials. Light toning to interior, light foxing and soiling in a few places, faint fold lines to a few upper corners, small faint dampstain to top gutter of last several leaves not affecting text, first title page starting at head but secure, brief early ms notes to ff. ix and lviii of first work and f. vi of third work. \$2,000.

LATER EDITIONS. Promulgated in 1298, the *Liber Sextus* of Boniface VIII is one of the works known collectively as the *Corpus Juris Canonici*, a collection of papal decisions comprising the law of the Catholic Church and lands governed by the Pope. John XXII added the final official collection, the *Liber Septimus Decretalium*, better known as the *Constitutiones Clementis V*, or *Clementinae* in 1317. The *Extravagantes* of John XXII were added later along with the *Extravagantes Communes* of other popes through 1484. Our attractive small-format printing was compiled for the use of students at the Faculté de Droit in Paris. The four parts are frequently catalogued separately but were commonly issued together with other parts of the *Corpus Juris Canonici* and shared among booksellers. Jean Kerbriant (or Kerbriand), the printer of our edition, was a Brittany native active in Paris from 1516–1550 specializing in liturgical printing. Renouard & Moreau IV: 109, 110, 111, 114 (pp. 76–77).



### RARE 1878 CATALOGUE OF STEVENS & SONS





15. [BOOKSELLER CATALOGUE]
STEVENS & HAYNES.

A Catalogue of Modern Law Works, Published During the Years 1865-1877. Being a Supplement to the Bibliotheca Legum of Henry G. Stevens and Robert W. Haynes, Law Publishers, Booksellers and Exporters of Law and Miscellaneous Literature.

London: Stevens & Haynes, Bell Yard, Temple Bar, 1878. 161 pp. Octavo (6-1/2" x 4-1/4").

Contemporary cloth flexible binding, gilt title to front cover. A few minor spots and stains, moderate rubbing to extremities with some wear to spine ends and corners, joints just

starting at ends, hinges cracked. Light toning to interior, light soiling to a few leaves.

\$450.

WITH AN EXTENSIVE SUBJECT INDEX. The Stevens & Haynes catalogues from the later 1800s are notably comprehensive. An interesting feature of this catalogue is an essay-review reprinted from the *Albany Law Journal* titled "Some Rare Law Books." OCLC locates 1 copy (Columbia Law School).

#### 1883 CATALOGUE OF STEVENS & SONS

### 16. [BOOKSELLER CATALOGUE] STEVENS & HAYNES.

A Catalogue of Modern Law Works, Published During the Years 1865-1882. Being a Supplement to the Bibliotheca Legum of Henry G. Stevens and Robert W. Haynes, Law Publishers, Booksellers and Exporters of Law and Miscellaneous Literature.

London: Stevens & Haynes, Bell Yard, Temple Bar, 1883. 176 pp. Octavo  $(6-1/2" \times 4-1/4")$ .

Contemporary cloth flexible binding, gilt title to front cover. A few minor spots, cloth beginning to detach from backing in a few places, moderate rubbing to extremities with some wear to spine ends and corners, hinges cracked, another crack in text block between pp. 160 and 161. Light toning to interior, faint dampstaining to upper outside corner of text block.

WITH AN EXTENSIVE SUBJECT INDEX. An interesting feature of this catalogue is an essay-review reprinted from the *Albany Law Journal* titled "Some Rare Law Books." OCLC locates 4 copies in North American law libraries (Harvard, University of Georgia, University of Virginia, Yale).

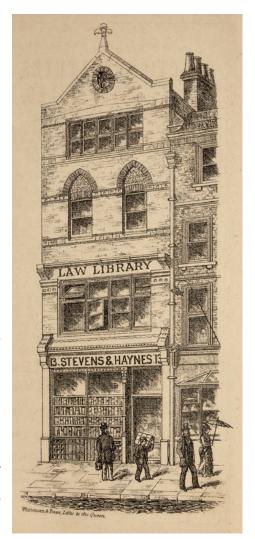


Illustration detail from N° 15 and N° 16

#### FOREIGN ATTACHMENT IN THE MAYOR'S COURT OF LONDON

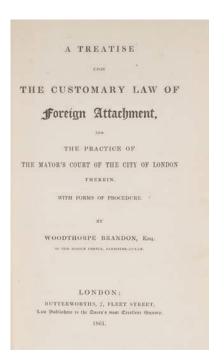
### 17. BRANDON, WOODTHORPE [1813-1887].

A Treatise Upon the Customary Law of Foreign Attachment, And the Practice of the Mayor's Court of the City of London Therein. With Forms of Procedure.

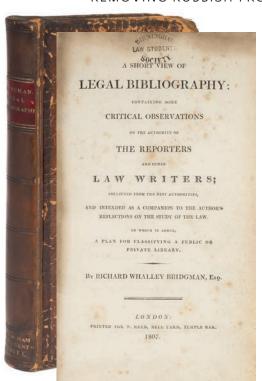
London: Butterworths, 1861. xix, 243, [1]; 21, [3] pp. Main text followed by publisher catalogue. Octavo (8–1/2" x 5–1/2").

Contemporary textured cloth, blind frames to boards, blind fillets and gilt title to spine, untrimmed edges, several signatures unopened. Light rubbing and a few minor stains to boards, light fading near top-edge of rear board, moderate rubbing to extremities, spine ends and corners bumped, rear joint just starting at head, early owner signature (C.W. Brandon) to front free endpaper, moderate toning to interior. \$450.

ONLY EDITION. This treatise addresses the legal process by which a third party, rather than the creditor, attaches a debtor's property according to the practice of the Mayor's Court of London. Brandon was an authority on the Mayor's Court and the customary laws of London. OCLC locates 11 copies in North American law libraries. Sweet & Maxwell 2:40.



#### "REMOVING RUBBISH FROM THE REPUBLIC OF LETTERS"



### 18. BRIDGMAN, RICHARD W. [C.1761-1820].

A Short View of Legal Bibliography: Containing Some Critical Observations on the Authority of the Reporters and Other Law Writers; Collected from the Best Authorities, And Intended as a Companion to the Author's Reflections on the Study of the Law. To Which is Added, A Plan for Classifying a Public or Private Library.

London: Printed for W. Reed, 1807. xviii, 429, [1] pp. Includes one-page publisher advertisement. Octavo (8-1/4" x 4-3/4").

Contemporary calf, blind fillets to boards, gilt-stamped institutional name to front board, rebacked with blind fillets, gilt title and institutional name to spine, endpapers renewed. Rubbing and wear to boards and extremities, somewhat heavier to board edges and corners, front hinge cracked, light offsetting to endleaves, front free endpaper detached. Light toning to interior, occasional light foxing, light soiling in a few places, early pencil annotations to a few pages, small ink stamp to head of title page. \$500.

ONLY EDITION. Arranged alphabetically by author, and containing valuable critical and descriptive bibliographic observations, Bridgman's classic reference remains a valuable work. Bridgman intended this work as a guide with the "double advantage of easing the labors of the rising generation, and of removing rubbish from the republic of letters. It is our duty to do the best we can for our posterity, and not reject the task under the illiberal idea that posterity can do nothing for us" (v). Sweet & Maxwell 2:42.



Nº 19

### A RARE BROADSIDE RECORDING THE (UNJUST?) CASE OF A MAN HANGED FOR ARSON

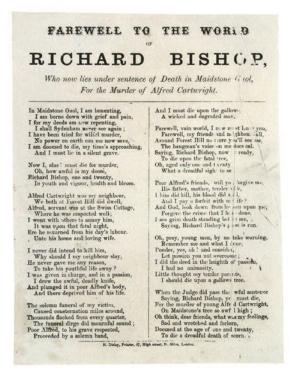
19. [BROADSIDE]. [EXECUTION]. [HEAD, JAMES].

Trial, Execution, And Dying Behaviour of James Head Aged 40, For Setting Fire to a Barn at Wakeley.

[London]: Catnach, Printer, Monmouth Court, Seven Dials, [1819].

14–1/2" x 10–3/4" broadside mounted on thick paper, text in two columns below headline and woodcut execution scene. Light browning and soiling, repairs to edges in a few places, notably the upper left corner, where the letter "T" in "Trial" was carefully replaced in facsimile. \$1,650.

HEAD WAS a former employee of John Overell, a farmer. After a wage dispute, he was accused of taking revenge by burning Overell's barn and stable. Along with this motive, Head was believed to have committed an earlier act of arson on Overell's farm in 1817. Head pleaded not guilty, but he was convicted and sentenced to death. (The jury deliberated for 10 minutes.) The broadside does not mention that Head's wife was arrested as an accomplice and acquitted by the jury. The account of the crime, trial and execution is followed by "A Copy of a Letter Sent by the Unfortunate Man to His Wife" and "A Prayer." This is a rare item. No copies listed on OCLC or COPAC. The Annual Register...for 1819 205-207.



Nº 20

#### ANNOYED TO DEATH

20. [BROADSIDE]. [EXECUTION]. BISHOP, RICHARD.

Farewell to the World of Richard Bishop, Who Now Lies Under Sentence of Death in Maidstone Gaol, For the Murder of Alfred Cartwright.

London: H. Disley, Printer, [1868].

9-1/2" x 7-1/2" verse broadside. Main text in two columns separated by rules. Some toning, creasing and a few minor stains, contemporary annotations to verso, otherwise fine. \$500.

A BROADSIDE BALLAD issued before the public hanging of Bishop for the murder of his neighbor, Cartwright. The murder was provoked by a shouting match between Bishop and another man on a nearby street that woke Cartwright. Irritated, he called the police. Bishop was arrested and an angry Cartwright followed him and the policemen, proclaiming angrily that he intended to press charges against his noisy neighbor. Angered by his taunting, Bishop broke free of the police and stabbed Cartwright to death. Bishop was sentenced at the Old Bailey but hanged outside Maidstone Prison, Kent, 27 days later. It was the last public execution to take place in Kent, less than a month before the last public execution in England, which occurred in London on May 26, 1868. Our copy is probably a printer's proof. It is printed on scrap paper watermarked 1844 and has an unrelated annotation dated 1848 to its verso.

#### A WARNING TO SAILORS

### 21. [BROADSIDE]. [GREAT BRITAIN].

Caution to Seamen. At the West Ham Police Court, On the 5th of October, 1882, A Fireman was Convicted of Having Assaulted a Police Officer Attached to the Board of Trade Office, Victoria Docks, E., And Was Sentenced to Imprisonment for Two Months with Hard Labor.

[London]: W.J.J., October, 1882.

18–1/4" x 11–1/4" broadside, single-column text below headline. Moderate toning, faint dampstaining to foot, horizontal and vertical fold lines, a few minor tears along fold lines. \$600.

AT HEAD OF TEXT: "No. 173" and "M. 24517" above headline. Signed in type by Thomas Gray, an assistant secretary of the Board of Trade. The broadside was probably intended to warn sailors who engaged in rowdy behavior. It states that a (ship's) fireman was sentenced to two months in prison with hard labor on October 5, 1882 for assaulting a police officer attached to the Board of Trade Office at Victoria Docks. It appears to be unrecorded. No copies listed on OCLC or Library Hub.

"YOU DEFRAUDED MRS. RUFF, OUT OF CONSIDERABLE SUMS OF MONEY, AND ENDEAVORED TO CHEAT AND DEFRAUD HER OUT OF GREATER SUMS"

22. [BROADSIDE]. [INDIANA]. ELDERKIN, L.

Read and Judge.

New Albany, IN: Printed by T.H. Roberts, July 16, 1825.

11–3/4" x 7–1/4" broadside, text in two columns below headline. Light browning and faint staining, a few minor chips to edges, fold lines, two vertical and one horizontal, a few minor tears along folds, repair to longer tear along horizontal fold mended on verso with archival tape, early manuscript note in faint early hand to bottom margin. \$750.

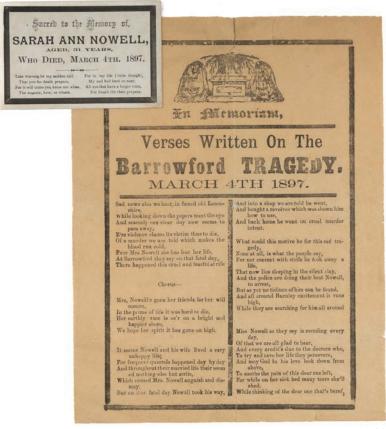
ELDERKIN PUBLISHED this broadside to warn voters about Benjamin Blackiston, who was running for the office of associate judge. He claims Blackiston defrauded Mrs. Ruff, a widow, on several occasions. Written by a descendent, the manuscript note says Mrs. Ruff was related to Elderkin.



Nº 21



Nº 22



N° 23

### "NOT CONTENT WITH STRIFE, HE TOOK AWAY A LIFE"

23. [BROADSIDE]. [MURDER]. [NOWELL, SARAH ANN].

In Memoriam, Verses Written on the Barrowford Tragedy, March 4th 1897.

[Barrowford, Lancashire (?): S.n., 1897].

11-1/4" x 8-1/4" broadside, woodcut vignette of a tomb above large headline, main text printed in parallel columns, thick black rules enclosing text and image. Light browning, a few short clean tears and minor creases to edges.

[WITH]

Sacred to the Memory of, Sarah Ann Nowell, Aged, 31 Years, Who Died, March 4th. 1897.

 $3^{"}$  x 4-1/2" card, text in two columns below headline, thick black rules along margins. Light soiling, minor wear to corners.

Together two items.

THE MAIN TEXTS of the broadside and card are in verse. They relate to the murder of Sarah Ann

Nowell by her husband. The broadside reports that the Nowells "lived a very unhappy life/ For frequent quarrels happened day by day/ And throughout their married life their [sic] seemed nothing else but strife/ Which caused Mrs. Nowell anguish and dismay." One day the husband purchased a gun. "Not content with strife, he took away a life." The card appears to be a souvenir from her funeral. It has eight lines of verse urging the reader to prepare for death. Both items appear to be unrecorded. No copies listed on OCLC or Library Hub.

### A GRUESOME REVENGE MURDER IN LANCASHIRE

24. [BROADSIDE]. [MURDER]. [WEATHERILL, MILES (D.1868)].

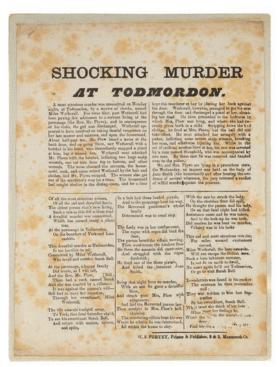
Shocking Murder at Todmordon.

[London]: W.S. Fortey, Printer & Publisher, 2 & 3, Monmouth Ct., [1867].

10" x 7-1/2" broadside mounted on 10-1/2" x 8" sheet, summary of case in two columns and verse text in three columns below headline, columns and headline separated by rules. Light browning and foxing, minor loss to text at lower right-hand corner due to printer error.

\$1,250.

\$750



N° 24

WEATHERILL, sometimes spelled Wetherell or Wetherall, was a 22-year-old textile worker from Todmorden, Lancashire who began to date the 16-year-old Sarah Bell in 1867. She was the cook for the Reverend Mr. Anthony Plow, the vicar of Christ Church, Todmorden. Plow did not approve of the relationship due to Sarah's age and tried to end it, first by forbidding Weatherill to call on her at the vicarage and then by dismissing Sarah after she continued to see him. Infuriated, Weatherill broke into the vicarage and murdered Plow with an axe and a servant, who he thought was partially responsible for Sarah's dismissal, with a pistol. After attempting to shoot Mrs. Plow, he bludgeoned her with a fire poker; she died from her wounds a year later. Plow was arrested shortly afterwards, tried, and sentenced to hang.

This appears to be an unrecorded imprint. No copies listed on OCLC or Library Hub.

### AN UNLUCKY GAMBLER AND HIS FRIENDS TURN TO MURDER

25. [BROADSIDE]. [TRIALS]. THURTELL, JOHN [1794-1824]. PROBERT, WILLIAM [D.1825]. HUNT, JOSEPH.

Second Day. Defence, &c. Trials for Murder.



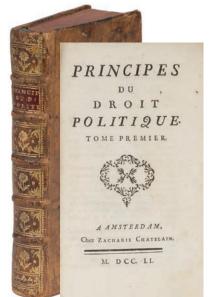
Nº 25

[London]: K. Thomas, Printer, Denmark-Court, Strand, [1824].

15" x 9-7/8" broadside mounted on 10-3/4" x 15-3/4" sheet, text in two columns below headline and woodcut portraits of Thurtell, Probert and Hunt. Moderate toning and light soiling, some creases and edgewear to broadside, large chip to head of broadside above headline, "1824" added in early hand to dateline ("Hertford, Jan. 7") at beginning of text. \$1,500.

JOHN THURTELL, an unlucky gambler, was deeply in debt to the crooked bookmaker William Weare. Deciding to take revenge, Thurtell, along with his friends Joseph Hunt and William Probert, murdered Weare in a grisly manner and tossed his body into a pond. Thurtell tried to escape conviction. He was hanged. Hunt confessed his involvement and stated that Thurtell was the killer. He was sent to the penal colony in Botany Bay, Australia. Charges against Probert were dropped in exchange for his wife's testimony. No copies listed on OCLC or Library Hub.

### EARLY EDITION OF BURLAMAQUI'S PRINCIPLES OF POLITICAL LAW



26. [BURLAMAQUI, JEAN JACQUES (1694-1748)].

Principes du Droit Politique.

Amsterdam: Chez Zacharie Chatelain, 1751. Two volumes in one. [vi], 304, [1]; [ii], 220, [4] pp. Octavo  $(6-1/4" \times 3-1/2")$ .

Contemporary mottled calf, blind rules to boards, raised bands, lettering piece and gilt ornaments to spine, gilt rules to board edges, edges rouged, marbled endpapers, green ribbon bookmark. A few small scuffs, nicks and scratches to boards, which are bowing slightly, moderate rubbing and light wear to extremities, two small holes to head of front joint, which is secure, corners bumped, front hinge just starting at head. Light toning to interior, light foxing and soiling in a few places, faint dampstain to preliminaries and first few leaves, small hole to upper right margin of approximately last 40 leaves, text not affected. An appealing copy.

EARLY EDITION. The sequel to Principes du Droit Naturel (Principles of Natural Law), Burlamaqui's other major work, Principes du Droit Politique

(*Principles of Political Law*) develops his thesis that international law is based on natural law and examines the principles of sovereignty with respect to considerations such as foreign rights, the necessity of war, the concept of absolute power, public treaties and economic factors. Burlamaqui, a Swiss jurist and professor of civil and natural law at Geneva, outlined a constitutional system based on principles similar to those of the American founding fathers. "Burlamaqui formulated the principles of popular sovereignty, of delegated power, of a constitution as a fundamental law, of a personal and functional separation of powers into three independent departments...and finally, he provided for an institutional guardian of the fundamental law" (Harvey). His other great achievement was to put Pufendorf's theories into systematic form. Some sources, including the *BMC*, incorrectly describe this edition as a 12mo. Harvey 178–179. *BMC* 4:249.

### HANDSOME EARLY EDITION OF THE MOST POPULAR WORK EVER WRITTEN ON JUSTICES OF THE PEACE

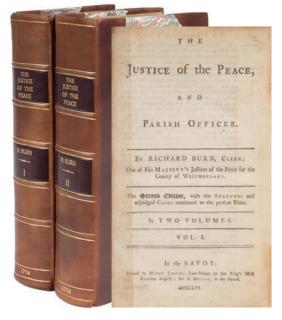
### 27. BURN, RICHARD [1709-1785].

The Justice of the Peace, And Parish Officer. With the Statutes and Adjudged Cases Continued to the Present Time.

[London]: Printed by Henry Lintot, 1756. Two volumes. xxiv, 576; 615, [1] pp. Octavo (8-1/4" x 5").

Recent period-style three-quarter calf over marbled boards, raised bands and lettering pieces to spines, endpapers renewed. Moderate toning to interiors, negligible faint dampspotting to a few leaves in each volume. A handsome set. \$850.

SECOND EDITION, the first with revisions. A durable work, Burn's *Justice* went through 30 editions by 1869 and was excerpted often in early American justice manuals, such as Parker's *Conductor Generalis* (1764) and Burn's *Abridgment of Burn's Justice of the Peace and Parish Officer* (1773). It covers such



topics as Accessory, Alehouses, Aliens, Assault and Battery, Bail (By Writ of Habeas Corpus), Bankrupt, Bastards, Burglary, Clergy, Dogs, Evidence, Excise and Customs, Forgery, Game, Homicide, Jurors, Libel, Oaths, Insolvent Debtors, Polygamy, Promissory Notes, Rape, Riot, Robbery, Taxes and Vagrants. Holdsworth notes that "a perusal of these headings tells us something of the development of the system of local government" at the time when the book was written: HEL X:162. ESTC T68628.

### WITH TWO IMPORTANT ESSAYS ON INTERNATIONAL LAW

### 28. BYNKERSHOEK, CORNELIUS VAN [1673-1743].

Opera Minora, Olim Separatim, Nunc Conjunctim Edita. Recensuit & Nonnulla Addidit Auctor. Indicem Operum Exhibet Pagina, Quae Generalem Praefationem Excipit.

Leiden: Apud Joannem van der Linden, 1730. [xiv], 571, [23] pp. Quarto (7-3/4" x 6-1/4").

Contemporary paneled vellum, large central arabesques to boards, raised bands and faint traces of lettering piece to spine. A few minor spots to boards, which are lightly bowed, front joint starting at ends, head of spine bumped. Title page printed in red and black. Moderate toning to interior, light foxing in a few places. \$950.

FIRST EDITION. Bynkershoek was a Dutch jurist who founded the positive school of international law, which held that usage and practice were more important than deductions drawn from natural law. He was also the first to propose that a nation may claim sovereignty over waters adjacent to territory. (His limit was three miles from shore, which was the range of a cannonball fired from land.) Respected during his lifetime, his works are still consulted today. This collection of "minor works" actually contains two of his most important essays: "Dissertation de Domino Maris (Dissertation on the Sovereignty of the Sea)" and "De Foro Legatorum, Tam in Causa Civili, Quam Criminali (On the Jurisdiction Over Ambassadors in Both Civil and Criminal Cases)." The other five essays address aspects of Roman and Dutch law. Later editions of this work were published in 1744 and 1752. Dekkers 15.

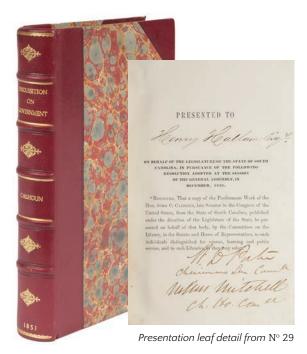
# FIRST EDITION PRESENTATION COPY OF CALHOUN'S MOST IMPORTANT CONTRIBUTIONS TO POLITICAL THEORY

29. CALHOUN, JOHN C. [1782-1850]. CRALLE, RICHARD [1798-1864], EDITOR.

A Disquisition on Government and a Discourse on the Constitution and Government of the United States.

Charleston: Printed by A.S. Johnston, 1851. vi [i.e. viii], 406 pp. Octavo (9"  $\times$  5-3/4").

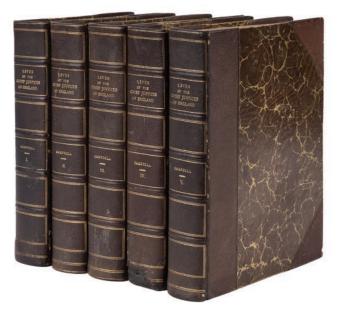
Later three-quarter morocco over marbled boards, gilt title and ornaments and gilt-edged raised bands to spine, edges



rouged. Light toning to interior, light foxing to preliminaries, light offsetting to outside corners of half-title and p. 406, presentation leaf signed by the House and Senate Library Committee Chairmen tipped in before title. A handsome copy with an interesting association. \$1,850.

FIRST EDITION, one of two issues, presented to Henry Hallam on behalf of the South Carolina Legislature. Published shortly after Calhoun's death, this volume contains Calhoun's two most important contributions to political theory. The *Disquisition on Government*, a veiled defense of the Southern slave power, outlined a theory of minority rights within the context of majority rule and urged universal recognition of the inequality of humanity and the differentiation of the nation's social and economic concerns. The *Discourse on the Constitution* proposed an argument for pluralism in political representation that has influenced a diverse range of critics across the political spectrum.

Secretary of war and state, a two-time vice president, one of the more notable senators in U.S. history and an important political thinker, Calhoun was one of the greatest American statesmen of the nineteenth century. An inspiration to the secessionists, he advanced sophisticated and impassioned arguments in favor of slavery, limited government and states' rights. Henry Hallam [1777-1859], the owner of our copy, was a distinguished English historian. His works include View of the State of Europe During the Middle Ages (1818) and The Constitutional History of England (1827). The other issue of this book was published in Charleston by the Steam Power Press of Walker and James in 1851. Often found as a single book, it was part of a six-volume set. Volumes II to VI were published in New York by D. Appleton from 1853 to 1856. Cohen 5748.





Lithograph detail

# THE MOST ELABORATELY ILLUSTRATED EDITION OF CAMPBELL'S LIVES OF THE CHIEF JUSTICES

30. CAMPBELL, JOHN, 1ST BARON CAMPBELL [1779-1861]. [COCKCROFT, JAMES, EDITOR].

The Lives of the Chief Justices of England: From the Norman Conquest Till the Death of Lord Tenterden. New and Revised Edition, With Illustrations and Numerous Annotations.

Northport, Long Island, N.Y.: Edward Thompson Co., 1894–1899. Five volumes. 126 full page illustrations, 13 of which are colored lithographs. Complete set. Quarto  $(10^{\circ} \times 7-1/2^{\circ})$ .

Contemporary three-quarter morocco over marbled boards, raised bands, gilt frames and titles to spines, top-edges gilt, marbled endpapers with heraldic bookplates to front pastedowns. Light rubbing to boards and extremities, small scuffs to spines, chip to foot of spine and crack to text block between pp. viii and ix of Volume IV. Color frontispieces, title pages printed in red and black, interiors notably fresh. A handsome and impressive production. \$750.

NEW AND REVISED EDITION. This classic study, which went through several editions, is an incomparable storehouse of legal history and anecdote. "If [Campbell's] jocosity is not always seasonable, or in taste, it seldom fails to amuse.": Atlay, *The Victorian Chancellors* II:181-183 cited in Marke 151.

# "EXTRAORDINARY CASES" OF A NOTABLE NINETEENTH-CENTURY LAWYER

### 31. CLINTON, HENRY LAUREN [1820-1899].

### Extraordinary Cases.

New York: Harper & Brothers, 1896. ix, 403 pp. With a tissue–guarded portrait frontispiece of Clinton. Octavo  $(8-1/4" \times 5-1/4)$ .

Contemporary three-quarter morocco over cloth boards, gilt rules to morocco edges, gilt-edge raised bands, gilt fillets and author name and title to spine, marbled endpapers, top-edge gilt, fore and bottom-edges untrimmed. Light fading to spine. Light toning to interior, lower corner of pp. 141–142 lacking without loss to text. A handsome copy. \$650.

FIRST EDITION. Clinton was a notable nineteenth-century lawyer. He was one of the prosecutors of William "Boss" Tweed and one of the defense attorneys in the murder trial of Richard Croker, and was later counsel in a number of important contested will cases. Here, he chronicles twenty-nine cases which he felt were curious or exceptional. *HLC* I:403.



Frontispiece detail

### ATTRACTIVE EARLY EDITION OF COKE ON LITTLETON

### 32. COKE, SIR EDWARD [1552-1643].

The First Part of the Institutes of the Lawes of England. Or, A Commentarie Upon Littleton, Not the Name of a Lawyer Onely, But of the Law It Selfe. Corrected: With an Alphabeticall Table Thereunto Added.

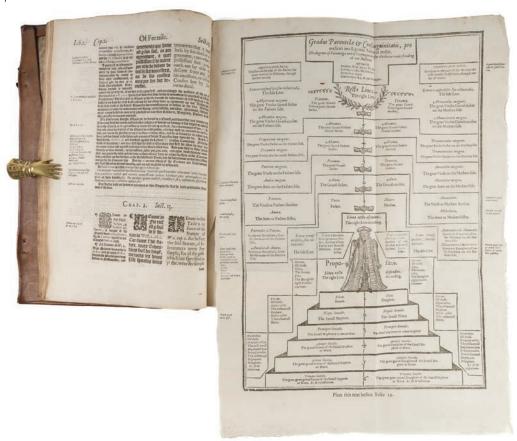
London: Printed by [Miles Flesher, John Haviland, and Robert Young,] The Assignes of John More Esquire, 1629. [vi], 395, [1]; [34] ff. Woodcut folding table of descents and consanguinity. Copperplate portrait frontispiece of Coke, copperplate portrait of Littleton facing Fol. 1. Table has title page and individual pagination. Complete.

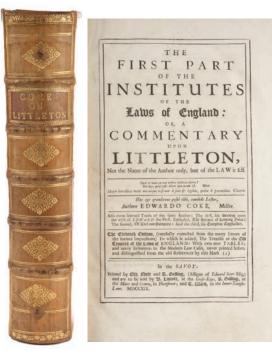
Folio ( $11^{\circ} \times 7$ - $1/2^{\circ}$ ). Contemporary calf, rebacked in period style, blind rules, hasps and buckles to boards, raised bands and blind tooling to spine, gilt tooling to board edges. Titles printed within woodcut architectural borders. Negligible nicks and light scratches



to boards, corners bumped and somewhat worn, pastedowns loose. Moderate toning to interior, light edgewear to table, light soiling in a few places. Early owner signatures and inscriptions (of John Ingilsby) to rear endleaf of volume, front pastedown and verso of final leaf before Table, a blank, its recto stuck to the verso of the preceding leaf, Fol. 395, covering the list of errata. \$3,500.

SECOND EDITION. Coke's deeply influential *Institutes of the Laws of England*, which eventually comprised four volumes, are thought to be the first textbooks on the modern common law. Taken together, they are a virtual legal encyclopedia of the law as it stood in Coke's lifetime. The first *Institutes*, better known as *Coke on Littleton*, contains the text of Sir Thomas Littleton's *Tenures* with extensive commentary. First published in 1628, it was a standard work for decades and was often used as a textbook. The binding of the present copy, which originally had clasps, is stylistically unusual for an English book of this period. It appears to be the work of a Continental binder. *ESTC* S113341.





### HANDSOME 1719 EDITION OF COKE ON LITTLETON

#### 33. COKE, SIR EDWARD.

The First Part of the Institutes of the Laws of England: Or, A Commentary Upon Littleton, Not the Name of the Author Only, But of the Law It Self (...) Also Three Learned Tracts of the Same Author: The First, His Reading upon the 27th of Edward the First, Entituled, The Statute of Levying Fines: The Second, Of Bail and Mainprize: And the Third, His Compleat Copyholder. The Eleventh Edition, (Carefully Corrected from the Many Errors of the Former Impressions) to Which is Added, The Treatise of the Old Tenures of the Laws of England: With Two New Tables; And Many References to the Modern Law Cases, Never Printed Before, And Distinguished from the Old References by This Mark (+).

London: Printed by Eliz. Nutt and R. Gosling, MDCCXIX [1719]. [xviii], 100 pp., 402 ff., [74] pp. Copperplate portrait frontispiece of Coke, copperplate portrait of Littleton facing Fol. 1, folding

woodcut table of descent and consanguinity. With a 4 pp. subscriber list. Folio (13"  $\times$  8").

Contemporary calf, gilt rules and corner fleurons to boards, raised bands, lettering piece and gilt ornaments and tiny early paper shelf label to spine, gilt tooling to board edges. A few minor nicks and shallow scuffs to boards, light rubbing to extremities, corners bumped and somewhat worn, hinges cracked, armorial bookplate of the Earls of Macclesfield to front pastedown, small embossed Macclesfield stamps to preliminaries. Moderate toning to interior, light browning and foxing in places. A handsome copy. \$750.

ELEVENTH EDITION, one of two issues from 1719. This copy belonged to the Earls of Macclesfield. Housed in Shirbirn Castle, near Watlington, Oxfordshire, it was one of the finest private libraries in Great Britain. ESTC N6886.

#### EARLY EDITION OF COKE'S FOURTH INSTITUTES

#### 34. COKE, SIR EDWARD.

The Fourth Part of the Institutes of the Laws of England: Concerning the Jurisdiction of Courts.

London: Printed...by M. Flesher, For W. Lee, and D. Pakeman, 1648. [xvi], 364, [2] pp. Copperplate portrait frontispiece. Folio  $(11" \times 7-1/4")$ .

Contemporary sheep, rebacked in period-style calf, blind rules to boards, gilt title, gilt-edged raised bands and gilt publication date to spine, existing endpapers retained. Light rubbing and a few shallow scuffs to boards, heavier rubbing to board edges with wear to corners, hinges cracked, illegible recent owner inscription to front pastedown, owner annotations and signature (of Thomas Thornhill, dated 1703) to preliminaries. Light browning to text, faint stains in a few places, light soiling to preliminaries and rear endleaves, which have offsetting and edgewear to margins and, to the rear endleaves, chipping. \$750.

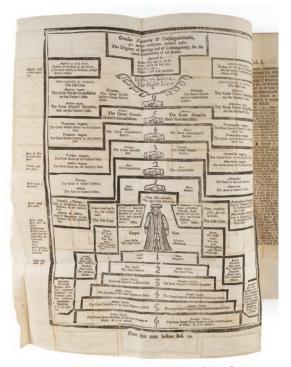
SECOND EDITION, one of two issues, both from 1648. First published in 1644, *The Fourth Part* outlines the authority and jurisdictions of the Court of Star-Chamber, Kings Court, Chancery, the Court of Common Pleas, Ecclesiastical Courts, Courts of Exchequer, Augmentations, Admiralty, the Justices Assize,



Courts in Universities of Cambridge and Oxford, Court of the Commissioners Upon the Statute of Bankrupts, the Marshalsea, the Stannaries, the Eighteen Courts of the City of London, the Court of Pipowders (concerning Markets and Fairs), the Courts of the Forest Countries, various ecclesiastical courts and many more. *ESTC* R504744.

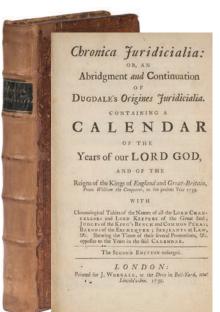






Foldout from N° 33

### COOKE'S 1739 UPDATED EDITION OF DUGDALE'S ORIGINES JURIDICIALIA



35. [COOKE, EDWARD, EDITOR]. [DUGDALE, SIR WILLIAM (1605-1686)].

Chronica Juridicialia: Or, An Abridgment and Continuation of Dugdale's Origines Juridicialia. Containing a Calendar of the Years of Our Lord God, And of the Reigns of the Kings of England and Great-Britain, From William the Conqueror, To the Present Year 1739.

London: Printed for J. Worrall, 1739. [xvi], 209 pp.

[BOUND WITH]

An Appendix to the Chronica Juridicialia, Viz. From 1685, To 1739.

London: Printed for J. Worrall, 1739. 19, [88], 8 pp. With 8 pp. publisher catalogue.

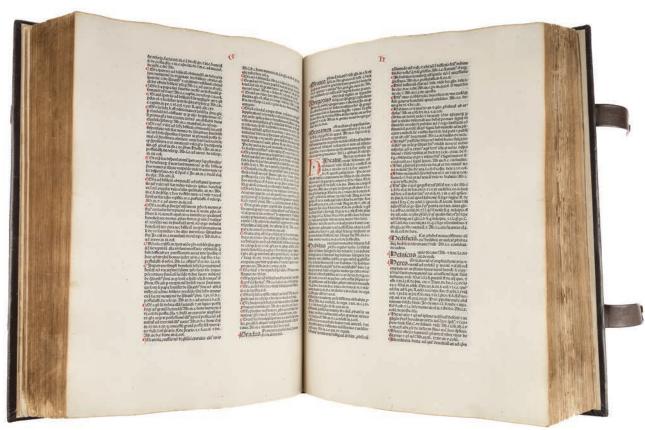
Octavo  $(7-1/4" \times 4-1/2")$ . Contemporary calf, blind rules to boards and blind fillets to joints, rebacked in period style with raised bands and retained lettering piece, blind tooling to board edges. Light rubbing to boards, which are scuffed and scratched, moderate rubbing and light wear to board edges,

corners bumped and worn, hinges cracked, faint offsetting to preliminaries, light edgewear and chipping to free endpapers, early bookseller description adhered to front pastedown. Light toning to interior, light foxing and soiling in a few places. \$450.

THIRD EDITION, enlarged, and the second edition by Cooke. Dugdale's work is a rich mine of information concerning the sources of English law and the history of the early English legal profession, and provides a wealth of interesting information about the procedures, customs, ceremonies and administration of the Inns of Court and Chancery. This copy is enhanced significantly through the inclusion of the Appendix, which adds a wealth of useful supplemental detail. According to Marvin, "Our first inquiries after the History of the Laws of this Kingdom ought to begin with a careful reading of Sir William Dugdale's *Origines Juridiciales*, which we shall find so accurately penned, and with so good a mixture of learning and judgment, that 't will almost do the work alone. I cannot give a better view of this more elaborate treatise than by telling the reader that it full answers its title page." Holdsworth concurs, adding: "his book was the chief authority for the history of the Inns; and it is by no means superseded even at the present day." Holdsworth, *Historians* 41. Marvin 279. *ESTC* T128160.







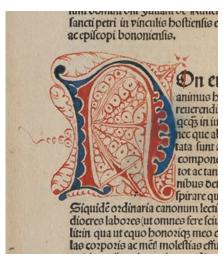
### RARE 1486 REFERENCE COMPANION TO THE CANONIST KNOWN AS THE "LAMP OF THE LAW"

36. CORSETTI, ANTONIO [C.1450-1503]. TUDESCHI, NICCOLO DE, ARCHBISHOP (ABBAS PANORAMITANUS) [1386-1445].

[Repertorium in Opera Nicolai de Tudeschis].

[Venice: Andreas Torresanus, c.September 17, 1486]. [379] leaves, lacking 3 blank leaves, a1 and X5–6. Collation: a–d8, e10, f–k8, l10, m–08, OO6, P–T8, U–X6. Large folio (16–1/2"  $\times$  11"; 42  $\times$  28 cm). Gothic type, double column, with capital spaces and guide letters. Large illuminated initial in red and blue, text rubricated throughout in red.

Recent calf over wooden boards with remaining original blind-tooled calf laid down, raised bands to spine, two original brass clasps, recent straps, endleaves renewed. Fragment of paper label to front board, a few small nicks to corners and raised bands. Text in two 66/67-line columns, finely rubricated with capitals in red ink, rubrication signed "F. RS" below



Initial detail

colophon. Light toning to interior, more moderate to a few pages, occasional light worming to margins and corners reinforced with archival tape in a few places, occasional faint dampstaining to bottom edge and gutters affecting text only on last few leaves, lower corners and gutters of first several leaves and a few others mended, light soiling and finger smudges in a few places, slight crack to text block between ff. [6] and [7]. \$20,000.

FIRST EDITION of this important and finely printed reference work of canon law. Tudeschi, a Benedictine canonist from Sicily, earned his doctorate in canon law at the University of Bologna. Also known as Panormitanus for his position as archbishop of Palermo, he taught at the Universities of Siena, Parma and Bologna. "It was his canonical works, especially his 'Lectura



Explicit reptoriu ad opa Abbatis. cu ouoboubije disputatis p me Ant. corfetti ficulti iuris virius do ctore bononie iura potificia ordiarie legente. 7 13 ego videri aliquos reportates minima pte Ab.forte alijs rebus implicitos tri volui p studenii vulitate voluta. rios labores affumere vt oia eius dictain luce repoz tare 7 q in lie alphabeti no invenies ad liam. Ti.v. verbű recurras á filmatim ola amplexus fil tanás col ligene spicae post terga metentin nonullas repe. 7. xij. tractatus polliceoz scolaribus scian cupidis in breul me publicatură ne ingenius captine. z bec oia peregi Regnate invictifimo glioliffimo acfereniffimo rege bispanie Ferdiardo Elragon sicilie ze meritifiimo pn cipe patrono meo zoño lingularistimo necnó bignis simo forunatissimo selicissimo pricipe ac inuictissi mo armoz ouce frenuoga egte oño Joane betiuolo lectido oño meo lingularistimo quos deus lipiterno euo conferuet amé. Anno falutis. AP. cccclxxxvi.vie rvij. septebris. Laus sume zindividue trinitati nec no glioliffime virgini intemerate Albarie z gliolis vir ginibus ac martyribus agathe v lucie pliculis parro nis ac adnocatio meio ona cu gloziolo pontifice Aicolao. Amen. ( Registrum: abcoefgbiklmnopgretu rpszprablbefbbg klopnooppar5TG

X. Des iste lie gternű faciút pter e et l q gnternű

faciut. z DO et X ternu.

Colophon detail

in Decretales' 'In Sextum,' and 'In Clementinas,' that won him the title of 'lucerna juris' (lamp of the law) and insured him great authority": Catholic Encyclopedia.

The present volume is a comprehensive reference companion to Tudeschi's works, organized alphabetically in the form of a dictionary. Corsetti, also a lecturer at the University of Bologna, was highly respected as a canonist and appointed by Pope Alexander VI to the Sacra Roman Rota in 1500. "This table of contents, made in Bologna 1486, is his best work and makes the writings of Panormitanus accessible": Schulte. The printer of our edition, Andreas Torresanus de Asula [1451-1529], was the fatherin-law to the great Aldo Manuzio. The two became business partners from 1508 and Torresanus would carry on the work of the Aldine press after Manuzio's death in 1515. Both incunable editions of this title

are rare. The *ISTC* locates one copy of our 1486 edition in North America (Library of Congress); OCLC and Goff add none. "Nicolo de' Tudeschi" in *Catholic Encyclopedia* (Online edition). Schulte II:349. *ISTC* ic00932000.

### "A GENERAL DISPLAY OF THE PROGRESS AND CONSEQUENCE OF VICE." ILLUSTRATED WITH 55 COPPERPLATES



37. [CRIMINALS]. [GREAT BRITAIN].

The Malefactor's Register; Or, The Newgate and Tyburn Calendar. Containing the Authentic Lives, Trials, Accounts of Executions, And Dying Speeches, Of the Most Notorious Violators of the Laws of Their Country; Who have Suffered Death, And Other Exemplary Punishments, In England, Scotland and Ireland, From the Year 1700 to Lady-Day 1779. Together with Numerous Trials in Extraordinary Cases, Where the Parties Have Been Acquitted. This Work Comprehends All the Most Material Passages in the Sessions-Papers for a Long Series of Years, And Complete Narratives of All the Capital Trials for Bigamy, Burglary, Felony, Forgery, Highway-Robbery, High-Treason, Murder, Petit-Treason, Piracy, Rapes, Riots, Street-Robbery, Unnatural Crimes,

And Various Other Offences. To Which is Added, A Correct List of All the Capital Convictions at the Old Bailey, &c. Since the Commencement of the Present Century; Which Will be of the Highest Use to Refer to on Many Occasions. The Whole Tending, By a General Display of the Progress and Consequence of Vice, To Impress on the Mind Proper Ideas of the Happiness Resulting from a Life of Strict Honor and Integrity: And to Convince Individuals of the Superior Excellence of Those Laws Framed for the Protection of Their Lives and Properties. Embellished with a Most Elegant and Superb Set of Copper Plates, Engraved in a Spirited Manner, From Original Designs, By Capital Artists.



Copperplate detail

London: Printed, By authority, For Alexander Hogg, [1779]. Five volumes. 49 copperplates, as issued, and 6 added copperplates, 5 to Volume II and 1 to Volume IV. Octavo (8–1/4" x 5").

Later mottled calf, blind frames to boards, gilt spines with red and black lettering pieces, speckled edges, gilt rules to board edges, gilt inside dentelles. Minor nicks to boards and spines, moderate rubbing



Book label detail

to extremities, minor chipping to spine ends, most hinges cracked or starting, small morocco book label of William Armistead Moale Burden II to front pastedown of each volume, moderate toning to interiors. A very handsome set. \$3,000.

THE NEWGATE CALENDAR began as a monthly record of executions issued by the keeper of London's Newgate Prison. The title was eventually appropriated by several publishers, who issued chapbooks about notorious criminals and their deeds. The first collection of these biographies was published by R. Sanders in 1760. Didactic and lurid in equal measure, it was an instant success that went through several editions and versions into the nineteenth century (by several authors). All are notable for their colorful language, moralistic tone and interesting references to contemporary events and social issues. William Armistead Moale

Burden II [1906-1984], the former owner of our copy, was a prominent banker, art collector, bibliophile and philanthropist. He was Eisenhower's ambassador to Belgium from 1959 to 1961. *ESTC* T69563.



#### PLEADING IN THE CURIA ROMANA

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Annotation detail

### 38. [CURIA ROMANA].

[Formularium Instrumentorum ad Usum Curiae Romanae].

[Rome: Stephan Plannck, 7 Sept. 1487]. [178] ff. Collation: [a-g8, h6, i-y8, z4]. Complete. Quarto  $(8-1/4" \times 5-1/2"; 21 \times 14 \text{ cm})$ .

Recent binding from a 14th-century choirbook leaf, likely from the low countries, early-vellum pastedowns with faint early annotations to front pastedown, additional early annotations to the recto of leaf [a1]. Negligible light rubbing and soiling to exterior, front pastedown partially detached but secure. 48-line, single-column main text, initial spaces blank. Light toning to interior, occasional faint stains, and a few finger smudges and inkstains, to margins, brief early annotations to a few leaves, light soiling and some edgewear to a few leaves at the beginning and end of text, repair to gutter between leaves [a1] and [a2], lower outside corner lacking from leaf [y4] with no loss to text. An attractive copy. \$10,000.

FIRST PRINTED IN ROME in 1474 by Johann Schurener and Johann Nicolai Hanheymer, the *Formularium Instrumentorum* is a legal formbook applicable to the Papal Curia Romana. It contains examples of such documents as wills, excommunications and indulgences. An indispensable handbook, it went through several editions. Our imprint is a reissue of an edition published by Plannck in 1484. (Both are identical in all respects except the colophon date.) The *ISTC* locates 15 copies, 3 imperfect, 2 in North America, which are complete (Harvard Law School, Library of Congress). *ISTC* if00259000.

Formularium instrumentop exactissima diligentia Rome inpressum p honorabilem virum magistru Stephanu Plannck de Parauia Sub anno dñi Dececkerryi Die septima mensia Septembri sedente Innocentio viu) pontifice marimo pontificatus sui Anno tercio.

Colophon detail



HANDSOME SIGNED PORTRAIT OF DARROW

39. DARROW, CLARENCE [1857-1938].

[8-1/2" x 6" Black-and-White Portrait Photograph of Darrow, Signed by Darrow].

Associated Press, c.1926. Image size: 6" x 4-1/2".

Minor soiling and light toning to margins, signature "Clarence Darrow" to lower right corner. \$650.

PROBABLY USED by Darrow as a stock image for signed photos, this portrait depicts him seated.

### CHARMING PHOTOGRAPH OF "THE CLARENCE DARROWS"

40. DARROW, CLARENCE. DARROW, RUBY [1878-1957].

[4-3/4" x 3-1/4" Black-and-White Photograph of Clarence and Ruby Darrow].

The S.S. Paris, c.1929.

Edges of photograph deckled, faint inkstamp and docket reading "The Clarence Darrows aboard The S.S. Parison their east voyage to Europe- 1929-1930-" in Ruby Darrow's hand to verso. \$650.

THIS CHARMING PHOTO depicts Clarence Darrow and his second wife, Ruby Hamerstrom Darrow,

on the deck of the *S.S. Paris*. The two married in 1903, just as his career was beginning to take off in Chicago. By the time of the trip, which lasted nine months, he was one of the most famous lawyers of the twentieth century.

### USED TO ILLUSTRATE DARROW'S AUTOBIOGRAPHY

41. [DARROW, CLARENCE]. [DARROW, RUBY].

[Seven Images Featured in The Story of My Life].

Four black-and-white photographs, two black-and-white photostats and one full-color cigar box label, sizes range from 4" x 2-1/2" to 6-1/2" x 10". Photographs and photostats each captioned on verso in Ruby Darrow's hand. Light toning and soiling to print of Clarence Darrow as a child, faint fingerprints to retouched print of Darrow's mother, horizontal fold line, small creases and tear to topedge of cigar box label, which is reinforced on verso. A unique group of items. \$3,500.

THESE IMAGES were used by the publishers to illustrate various editions of Darrow's 1929 autobiography *The Story of My Life*. Most depict Darrow's youth and family and are reproductions, presumably created in the publication process. Ruby Darrow's caption to a small print of Darrow at four years old indicates that the card was given to her by Mary Darrow, one of Clarence's sisters. The photostats are of that print at different stages in the resizing process. The other prints feature Clarence's mother Emily ("Eddy") Darrow; a group portrait of Clarence, his father, and his son Paul; and Clarence "19 to



Details from N° 40

20 years old as a law student at Ann Arbor." They are housed in a cardboard envelope from Silvey, Daniels & Co., a Chicago photo studio near the Darrows' home. The envelope may reflect the

CLARENCE S. DARRO

studio near the Darrows' home. The envelope may reflect the firm's involvement in the publication process or simply have been used for storage.

The striking cigar box label was commissioned in honor

of Darrow's victory in the Anthracite Strike of 1902. It depicts Darrow seated, flanked by the scales of justice and the symbol of the Junior Order of United American Mechanics, and refers to him as "The Defender of Labor's Cause." It was reproduced for the signed limited run of *The Story of My Life* but does not appear in subsequent editions.

DARROW'S SPEECH IN THE HAYWOOD CASE TRANSLATED FOR FINNISH-AMERICANS

42. DARROW, CLARENCE.
[HAYWOOD CASE].
KRISTIANSON. ELOT. TRANSLATOR.

Syttön: Lakimies Clarence S. Darrowin Päättäjäispuhe Haywood Jutussa Idahossa [Blameless: The Speech of Clarence S. Darrow in the Haywood Case in Idaho].

SILVEY, DANIELS & CO.

Developing, Printing & Copying
PICTURE FRAMING
Enlargements from Films or Plates
1449 East 57th Street
CHICAGO, ILL.

Details from N° 41

SYYTÖN

LAKIMIES CLARENCE S. DARROWIN

PAATTAJAISPUHE HAYWOOD

JUTUSSA IDAHOSSA

SUOM. Clot Kristianson

KUSTANTAJA \* VILHO LEIKAS & CO.

CALUMET, MICH.

Calumet, MI: Kustantja Vulho Leikas & Co, [1908]. 100 pp.

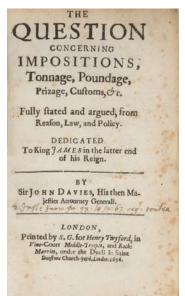
Stapled pamphlet in spider web-embossed wrappers, gilt title and illustrations to front wrapper and publisher's advertisements to rear wrapper. Light rubbing and soiling to wrappers, light wear to text affecting legibility in places, chipping to spine ends, large chip to foot of spine, corners bumped, hinges cracked. Light toning to interior, staples starting to rust, light soiling and finger smudges in a few places, small yellow pencil mark to title page. \$650.

THE HAYWOOD TRIAL concerned the murder of Frank R. Steunenberg, who had called in federal troops to break miners' strikes as former governor of Idaho. Harry Orchard, a former member of the Western Federation of Miners (WFM), confessed to the crime but when threatened with hanging claimed that he had committed the murder on the orders of senior members of WFM leadership, including William "Big Bill" Haywood. Haywood and two other men implicated in the plot were extradited to Idaho from Colorado and tried for murder. Darrow led Haywood's defense, successfully undermining Orchard's character and ultimately securing an acquittal after one of the passionate closing summaries that would become his trademark as an attorney.

This edition in Finnish was published for the large Finnish-American community of Upper Michigan, which included many

miners and lumberjacks who admired Darrow's effort to promote the rights of laborers. OCLC locates 1 copy in a law library (University of Minnesota). Not in Hunsberger.

### BY A RESPECTED ELIZABETHAN JURIST



43. DAVIES, SIR JOHN [1569-1626].

The Question Concerning Impositions, Tonnage, Poundage, Prizage, Customs, &c. Fully Stated and Argued, From Reason, Law, And Policy. Dedicated to King James in the Latter End of His Reign. By Sir John Davies, His then Majesties Attourney Generall.

London: Printed by S[arah] C[riffin] for Henry Twyford and Rich: Marriot, 1656. [xvi], 166, [2] pp. Publisher advertisements to final leaf. Octavo (6-1/2" x 4").

Recent morocco, gilt title and date to spine, endleaves renewed, library bookplate to front pastedown. Light rubbing to joints, light offsetting to endleaves. Light toning to interior, occasional light foxing, light worming to upper margins affecting text block in a few places without loss to legibility, crack in text block between pp. [iv] and [v], upper corners of last two leaves lacking without loss to text. Several annotations in ink in a small early hand, mostly case citations. \$950.

FIRST EDITION. Davies, or Davys, was a highly respected lawyer, poet and politician. A favorite of Queen Elizabeth and later King James, he held several Irish

offices, culminating in the position of attorney-general. His reports and other works were well-regarded and played an important role in the development of British colonial legal policy. The present work deals with royal prerogative in matters of taxation. It was reissued under a different title in 1659. ESTC R1608.

### "THE LAW WAS MADE FOR SECURING THE LIBERTIES OF THE PEOPLE"

#### 44. [DEFOE, DANIEL (C.1660-1731), ATTRIBUTED].

The Triennial Act Impartially Stated; Shewing, I. That the Law was Made for Securing the Liberties of the People, By the Frequent Calling of Parliaments Chosen by Them; And is Now Become a Fundamental Part of Our Constitution Not to be Violated on Slight Pretences II. That the Many Plausible Arguments Insinuated for Repealing this Act, Are Fallacious and Inconclusive, And the Consequences Thereof May be Fatal to the Publick.

London: Printed for J. Grantham, 1716. [iv], 30 pp. With a half-title. Octavo (6-1/2" x 4").

Disbound stab-stitched pamphlet. Moderate toning, minor worming to spine ends, rust stain from paperclip, with a bit of burn-through, to heads of first three and final three leaves, some discoloration to half-title and final leaf. "8" in early hand to foot of half-title, tiny library stamp to verso of title page. \$750.

THE
Triennial ACT
Impartially Stated, So.

ONLY EDITION, the second of two issues from 1716. The Triennial Act of

1714 was one of the reforms that followed the Glorious Revolution of 1688. It established that monarchs would never again attempt to rule without Parliament and that Parliaments must meet at least once every three years. It also ensured that new elections would occur within periods of no more than three years. The Septennial Act of 1716, which was enacted, expanded the terms of Parliaments to seven years. This pamphlet was written while this act was under debate. (The Parliament Act of 1911 reduced the term lengths to five years.) This work is usually attributed to Defoe, but he denied authorship in *Mercurius Politicus* (July 1717). In this issue there is no final errata leaf; the errors from the first have been corrected. Including both issues, OCLC locates 3 copies in North American law libraries (Harvard, Library of Congress, University of Minnesota). *ESTC* N14301.

### INVENTORY OF ESTATES IN ROMAN LAW

### 45. DELLA VALLE, ROLANDO [FL. 1561].

Tractatus Non Minus Utilissimus Quam Necessarius de Inventarii Confectione. Nunc Primum ad Communem Omnium Utilitatem cum Summarijs et Locupletissimo Omnium Rerum Notabilium Repertorio in Lucem Editus.

Venice: Ex Officina Ioan. Bapt. Somaschi, 1573 (Colophon date 1572). [xl], 235, [1] ff. Octavo (5-3/4" x 4").

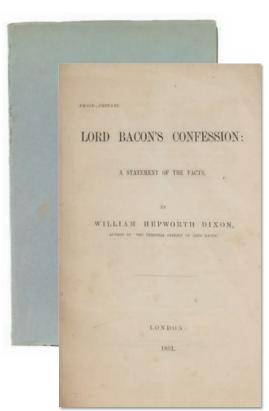
Contemporary limp vellum with lapped edges, remains of thong ties, early hand-lettered titles to spine and foot of text block. Light rubbing, some soiling to spine, a few chips and early hand-lettered shelf number to head of spine, worming to hinges and rear joint, front joint starting. Moderate toning to interior, light foxing and browning in places, early underlining to a few leaves, early signature and early struck-through signature to title page. \$1,750.

FIRST EDITION. This treatise addresses the inventories of decedents' estates in Roman law. It discusses the role



of inventories and their preparation. Benefit of inventory, the doctrine that limits the liability of heirs resulting from an insolvent estate, is discussed at length. A well-respected work, it went through later editions in 1574, 1579 and 1585. OCLC locates 10 copies of the first edition, 3 in North America, 2 in law libraries (Harvard, UC-Berkeley). *EDIT16* CNCE 16607.

### A SYMPATHETIC BIOGRAPHY OF BACON



46. DIXON, WILLIAM HEPWORTH [1821-1879]. [BACON, SIR FRANCIS (1561-1626)].

Lord Bacon's Confession: A Statement of the Facts.

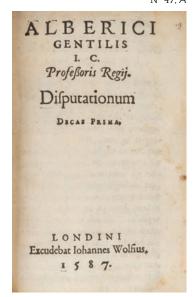
London: [Printed by W. Clowes and Sons], 1861. 37 pp. Octavo  $(8-1/4" \times 5")$ .

Stab-stitched pamphlet tipped into recent wrappers, edges speckled red. Light soiling to wrappers, faint marks from adhesive to spine. Light toning to interior, single faint horizontal fold line to many leaves, faint creasing and light soiling to first and final leaves, negligible light foxing in a few places. \$450.

ONLY EDITION. Dixon, an English writer and non-practicing barrister, wrote several historical works on Bacon based on previously unpublished papers as an alternative to Campbell's famous *Life of Bacon*, of which he was critical. Our title is a sympathetic account of Bacon's trial for corruption and the subsequent end of his career in public service. The phrase "Proof-Private" appears in type on the title page, and the work may have been incorporated into Dixon's 1862 *The Story of Lord Bacon's Life*. OCLC locates 10 copies of this title, 2 in North America (Johns Hopkins, Folger Shakespeare Library).



### N° 47. A



N° 47, B



Nº 47, C

### SAMMELBAND OF FIVE RARE SIXTEENTH-CENTURY TREATISES

#### 47. A. EGENOLFF, CHRISTIAN, HEIRS OF.

Responsa V. Celebriorum Iuresconsultorum Germaniae; Quatuor abhinc Annis Super Negocio Revisorio Data; Quibus Pertractantur Quaestiones Iuris Sequentes....

[Frankfurt]: Typis Haeredum Christiani Egenolphi [Impensis Barbarae, D. Ioannis Cnipii & Mariae Pauli Steinmeyers Viduarum], 1589. 201, [25] pp.

[BOUND WITH]

### B. GENTILI, ALBERICO [1552-1608].

Disputatum Decas Prima.

London: Excudebat Iohannes Wolfius, 1587. [viii], 143, [1] pp.

[AND]

### C. HATTYSER, LIBORIUS.

Analysis Iuris Feudalis, Editain Gratiam Studiosae Iuventutis, & Rationibus tam Dubitandi, Quàm Decidendi qua Potuit Fieri Brevitate Illustrata.

Frankfurt: Apud Heredes Andreae Wecheli, Claudium Marnium & Ioann. Aubrium, 1589. 133, [3] pp.

[AND]

#### D. BREM (PREM), PETER (PREMUS, PETRUS).

Aureus Tractatus de Securitatis Promissionibus, Et Fide Publica.

[Berlin and Frankfurt an der Oder: Typis Nicolai Voltz], 1588 [1595 on colophon]. [ii], 114 [i.e. 113], [13] pp.

[AND]

E. GAIL, ANDREAS [1526-1587]. [MEURER, NOE (1545-1583)]. REUSNER, ELIAS [1555-1612], EDITOR.

Tractatus von Pfändungssachen wie es mit Denselbe [n] an dem Keyserliche [n] Cam [m] ergericht, Vermög der Ordnung und des Gerichts Practick Gehalten und Geurtheylt Werde....

[Strasbourg]: Bey Bernhardt Jobin, 1585. [xvi], 284, [2] pp.

Octavo ( $6" \times 3-3/4"$ ). Contemporary vellum with lapped edges, early hand-lettered titles to spine, ties lacking. Light soiling and faint staining, some chipping to spine ends and joints, recent repair to foot of rear joint, hinges cracked. Moderate toning to interior, somewhat heavier in places, occasional faint dampstaining, underlining and brief annotations in a few places. \$4,500.

SAMMELBAND OF FIVE RARE WORKS on law printed in the cities of Frankfurt am Main (2), London, Berlin and Frankfurt an der Oder and Strasbourg in the years 1585 to 1595. The first work is also interesting as the rare product of the apparently short-lived partnership of two printer's widows.

A. First edition. Published by the heirs of Christian Egenolff [1502–1555], this is a collection of five treatises on commercial law. It was commissioned by Egenoff's daughter and printed by Barbara Cnipius and Mary Steinmeyer. OCLC locates 1 copy of this edition in North America (University of Toronto). *VD16* R1189.

B. Only edition. This is a collection of essays on disputed legal points by the great Italian-English jurist published when he was Regius Professor of Civil Law at Oxford. Gentili is best known as one of the three founders, along with Vitoria and Grotius, of modern international law. The *ESTC* locates 9 copies, 1 in North America (National Library of Medicine). *ESTC* S117694.

C. First edition. This was a popular introductory textbook on feudal law that went through several editions into the seventeenth century. Liborius Hattyser is probably a pseudonym. OCLC locates 1 copy of this edition in North America (UC Berkeley Law School). *VD16* H757.

D. Second edition. First published in 1585, Brem's treatise examines suretyship and guaranty in Roman law. Its final edition, the third, was published in 1595. No copies of any edition located in North America by OCLC. *VD16* P4764.

E. Only edition. Gail was one of the leading jurists of the Holy Roman Empire. His treatise on property attachment and seizure as judged by the imperial court of appeals (*Kammergericht*) has an introduction by the editor. It also includes a two-part tract by Meurer: *Kurzer Begriff von Mandaten, So von Pfändungen und Gefangenen Wegen Erkannt Werden*. OCLC locates 11 copies, none in North America. *VD16* G36.

# A CRIMINAL LIFE THAT ENDED WITH AN EXECUTION

48. [EXECUTION]. [VIENNA].

Todesurtheil, Welches von dem Criminal-Gerichte der Kaiserl. Königl. Haupt-und Residenzstadt Wien über die mir Carl F\*\*\* Wegen Meuchelmordes und Wegen Diebstahls als Schwere Polizenübertretung Abgeführte Untersuchung Geschöpft, Und in Folge der von den Hohen und Höchsten Justizbehörden Herabgelangten Bestätigung Heute am September 184 mit dem Strange Vollzogen Worden Ist.





Nº 47, D

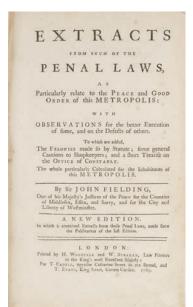


N° 47, E

[Vienna]: S.n., [1842]. 4 pp.

9-1/4" x 7-1/2" bifolium, moderate toning, faint dampstaining, light foxing to margins, horizontal fold line through center, with short tears at margins, light soiling to exterior, moderate edgewear, a few creases to lower outside corners, upper outside corner clipped from second leaf. \$500.

THIS PAMPHLET reports on the life and criminal career of one Carl F\*\*\* of Vienna, who was executed on September 15, 1842 for murder, theft and an unnamed "serious criminal transgression." Born in Vienna on January 12, 1816, he showed a lack of diligence in school, was unable to earn a livelihood on leaving and fell into a life of increasing serious criminal activity. This appears to be an unrecorded title. No copies listed on OCLC.



### "THE BLIND BEAK OF BOW STREET"

49. FIELDING, SIR JOHN [1721-1780].

Extracts from Such of the Penal Laws, As Particularly Relate to the Peace and Good Order of This Metropolis: With Observations for the Better Execution of Some, And on the Defects of Others. To Which are Added, The Felonies Made so by Statute; Some General Cautions to Shopkeepers; And a Short Treatise on the Office of Constable. The Whole Particularly Calculated for the Inhabitants of this Metropolis. A New Edition. In Which is Contained Extracts From Those Penal Laws, Made Since the Publication of the Last Edition.

London: Printed by H. Woodfall and W. Strahan, Law Printers to the King's Most Excellent Majesty, 1769. x, [14], 426 pp. Octavo (8–1/4" x 5").

Contemporary calf, blind rules to boards, blind fillets along joints, raised bands and early hand-lettered title to spine, blind tooling to board edges. Light rubbing to boards, moderate rubbing to extremities, small chip to head of spine, front

board just beginning to separate. Light toning to text, light foxing and minor stains in a few places, early owner signature (Robert Gurney) to rear free endpaper. \$650.

FOURTH AND FINAL EDITION. Fielding, a London magistrate and reformer, is most notable for his extensive career as the head of the Bow Street Runners, the city's first professional police force. He was blinded in an accident at the age of 19, which contributed to his notoriety; he could, by some accounts, recognize thousands of criminals by the sound of their voice alone, giving him the nickname "The Blind Beak of Bow Street." He was also interested in social reform and helped found the Asylum for Orphan Girls in Lambeth in 1758. The first three editions of Extracts were published in 1761, 1762 and 1768. All editions are quite scarce. OCLC locates 5 copies in North American law libraries, (Jenkins, Library of Congress, San Francisco Law Library, University of Georgia, University of Pennsylvania). The ESTC adds 2 more (Harvard, University of Chicago). ESTC T76214.

# JOHN FOWLES'S COPY

50. [FOWLES, JOHN (1926-2005)]. HONE, WILLIAM [1780-1842]. TEGG, WILLIAM [1816-1895], INTRODUCTION AND NOTES.

The Three Trials of William Hone, For Publishing Three Parodies; Viz., The Late John Wilkes's Catechism, The Political Litany, And the Sinecurists' Creed, At Guildhall, London, Before Three Special Juries, And Mr. Justice Abbott on the First Day, December 18th, 1817, And Lord Chief Justice Ellenborough, On the Last Two Days, December 19th and 20th. With an Introduction and Notes.

London: William Tegg & Co., 1876. v, [3], 253, [8] pp. Octavo (9-1/2" x 6").

John Forvies 1963

Well north reading - some jolly precedents and some jolly instrictionics; and northing could give terrer the feet of the Reform morement at their time. We lamyer come of body, so they deserve - as blind to jostnies or opposed to the law, or ever. If his first their phistical historial forms from against the weeky of new to be imitated awarm against the weeky of hanging people who inventity possed traped suffer. Such people was brought publical, writed stangels. Howe and girls from brough publical, writed surges. Howe and girls from brough publical, writed surges. Howe and provisional did much between the cond against provisional and much publication areas.

Front pastedown detail

Original cloth, printed paper title label to spine. Light soiling, rubbing to

extremities with wear to spine ends and corners, which are bumped, backstrip partially detached, hinges cracked. Moderate toning to interior, light foxing in a few places, early owner inscription to head of title page, owner inscription of John Fowles dated 1963 and lengthy notes in his hand to front pastedown, occasional marks and brief annotations in his hand to text. \$500.

REISSUE of the first edition (1818). William Hone was a radical political pamphleteer, publisher and early patron of William Cruikshank. His victorious court battle against government censorship in 1817, the subject of these three pamphlets, was a turning point in the fight for freedom of the press in Great Britain. Fowles [1926–2005] was an important English novelist whose works include *The Collector* (1963), *The Magus* (1965) and *The French Lieutenant's Woman* (1969). He was drawn to historical source material, which often inspired his work. One of his notes on the front pastedown offers background information and this assessment: "Well

worth reading – some jolly precedents and some jolly histrionics; and nothing could give better the feel of the Reform movement at (1817) this time. The lawyers come off badly, as they deserve – as blind to justice, as opposed to the law, as ever. J.F." BMC 12:557.

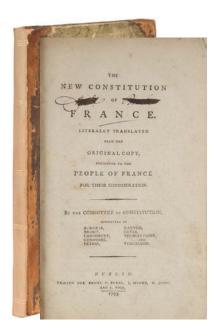
# DUBLIN IMPRINT OF AN EARLY ENGLISH TRANSLATION OF FRANCE'S CONSTITUTION OF 1793

# 51. [FRANCE]. [CONSTITUTION OF 1793].

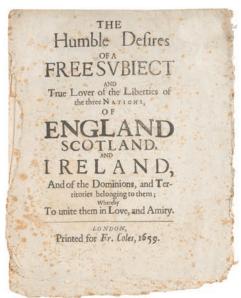
The New Constitution of France. Literally Translated from the Original Copy, Presented to the People of France for Their Consideration. By the Committee of Constitution, Consisting of Barrere, Brisot, Condorcet, Gensonne, Petion, Danton, Sieves, Thomas Paine, and Vergmaud.

Dublin: Printed for Messrs. P. Byrne, J. Moore, W. Jones, And J. Rice, 1793. 70, [2], pp. Octavo (8"  $\times$  5").

Contemporary three-quarter calf over marbled boards, rebacked in period style, gilt fillets to spine, hinges mended. Moderate rubbing to boards and their edges, corners bumped and somewhat worn. Light browning to interior, light soiling and early struck-through signature to title page, recent (illegible) owner signature to front free endpaper. \$1,250.



FIRST EDITION. This is one of the earliest English-language editions of the Constitution of 1793, the second constitution ratified during the French Revolution. Also known as the Constitution of the Year I or the Montagnard Constitution, it was a radical departure from the first constitution. It ended the constitutional monarchy of 1791, established a democratic government and universal male suffrage, and implemented a program of wealth redistribution. Together, OCLC and the ESTC locate 8 copies of our Dublin imprint in North America, none in law libraries. ESTC N41845.



# POWERS THAT BELONG TO THE "FREE SUBJECT"

### 52. FREE SUBJECT.

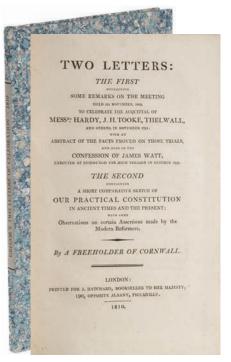
The Humble Desires of a Free Subiect and True Lover of the Liberties of the Three Nations, Of England Scotland, And Ireland, And of the Dominions, And Territories Belonging to Them; Whereby to Unite Them in Love, And Amity.

London: Printed for Fr. Coles, 1659. [8] pp. Quarto (7-1/2" x 6").

Single folded sheet, uncut and unsewn, untrimmed edges. Foxing and moderate toning, tears and mild edgewear along folds. \$1,250.

ONLY EDITION. Written by a Leveller, a member of the Civil Warera populist movement committed to natural rights, popular sovereignty, religious tolerance, expanded suffrage and equality before the law, this pamphlet asserts the Leveller belief that "free subjects" should deny

certain powers to their political superiors. It also demands higher taxes on the wealthy. This work may have been written by Sir John Wildman [c.1621-1693], a lawyer, politician and soldier associated with the Levellers. OCLC locates 6 copies in North America (Columbia, Harvard, Huntington, NY Public Library, UCLA, Yale). The ESTC adds 3 (California State Library, Folger, Union Theological Seminary). Woolrych, "Last Quests for a Settlement, 1657-1660" in Aylmer, Ed., Interregnum: The Quest for Settlement, 1646-60 193. ESTC R202526.



N° 53

"THEY MUST AT LEAST STAND CONVICTED OF A RASH, INTEMPERATE, AND IMPROVIDENT ZEAL"

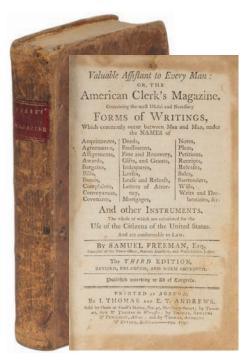
# 53. A FREEHOLDER OF CORNWALL. [GREGOR, FRANCIS (1760-1815)].

Two Letters: The First Containing Some Remarks on the Meeting Held 5th November, 1809, To Celebrate the Acquittal of Messrs. Hardy, J.H. Tooke, Thelwall, And Others, In November 1794: With an Abstract of the Facts Proved on those Trials, And Also of the Confession of James Watt, Executed at Edinburgh for High Treason in October 1794. The Second Containing a Short Comparative Sketch of Our Practical Constitution in Ancient Times and the Present; With Some Observations on Certain Assertions Made by the Modern Reformers.

London: Printed for J. Hatchard, 1810. [iv], 57, [3] pp. With a half-title and final advertisement leaf. Octavo  $(8-1/4" \times 5-1/4")$ .

Stab-stitched pamphlet in recent marbled boards, paper title label to spine. Light toning to interior, light soiling to a few leaves, faint early ownership signature to head of half-title affected by trimming. A nice copy. \$450.

ONLY EDITION. Gregor was an English landowner and MP for Cornwall from 1709–1806. Here, he is highly critical of notable radicals Thomas Hardy, John Horne Tooke, John Thelwall and Robert Watt, not so much for their beliefs in reform as their methods and enthusiasm,



Nº 54

which he deems "rash, intemperate, and improvident." He further criticizes the Constitutional and London Corresponding Societies for condoning and even celebrating the acts of these radicals, citing evidence from their trials to highlight their destructive nature. OCLC locates 11 copies of this title, none in a law library.

# PRINTED BY ISAIAH THOMAS

# 54. FREEMAN, SAMUEL [1743-1831].

A Valuable Assistant to Every Man: Or, The American Clerk's Magazine. Containing the Most Useful and Necessary Forms of Writings, Which Commonly Occur Between Man and Man, Under the Names of Acquittances, Agreements, Assignments, Awards, Bargains, Bills, Bonds, Complaints, Conveyances, Covenants, Deeds, Feoffments, Fine and Recovery, Gifts, And Grants, Indentures, Leases, Lease and Release, Letters of Attorney, Mortgages, Notes, Pleas, Petitions, Receipts, Releases, Sales, Surrenders, Wills, Writs and Declarations, &c. And Other Instruments. The Whole of Which are Calculated for the Use of the Citizens of the United States. And are Conformable to Law. Revised, Enlarged, And Much Improved. Published According to Act of Congress.

Boston: Printed by I. Thomas and E.T. Andrews, 1797. iv, [2], [7]–297, [1] pp. Includes a one-page list of legal manuals published by Thomas and Andrews. 12mo. (6-3/4" x 4").

Contemporary sheep, gilt fillets and lettering piece to spine. Moderate rubbing, a few minor stains to boards, small chip to head of spine, corners bumped, hinges starting, some offsetting, creases and edgewear to endleaves. Light browning to interior, negligible faint dampstaining and light foxing in a few places. \$450.

THIRD EDITION. Freeman was clerk of courts, a register of probate and a probate judge in Massachusetts. Thomas [1749-1831] was an important early Massachusetts printer, newspaper publisher and author. He was also the founder of the American Antiquarian Society. Cohen 8013.

# "INHUMAN AND UNPARALLELED MURDERS"

# 55. A GENTLEMAN AT CHICHESTER.

A Full and Genuine History of the Inhuman and Unparalleled Murders of Mr. William Galley, A Custom-House Officer, And Mr. Daniel Chater, A Shoemaker, By Fourteen Notorious Smugglers, With the Execution of Seven of the Bloody Criminals, At Chichester. Also the Trials of John Mills, And Henry Sheerman; With an Account of the Wicked Lives of the Said Henry Sheerman. Lawrence and Thomas Kemp, Robert Fuller, And Jockey Brown, Condemned at East Grinsted. With the Trials at Large of Thomas Kingsmill and Other Smugglers for Breaking Open the Custom House at Poole. To the Whole is Added a Sermon Preached in the Cathedral Church of Chichester, At a Special Assize Held There, By William Ashburnham, M.A. Late Bishop of the Diocese.

Chichester: Printed and Sold by William Mason, [c.1820]. 160 pp. With seven copperplate illustrations "descriptive of the barbarous cruelties." Octavo  $(6-3/4" \times 4-1/2")$ .

Contemporary three-quarter morocco over marbled boards, blind rules to morocco edges, gilt fillets and title to spine. Light rubbing to boards, moderate rubbing to extremities, front joint just starting at head, front hinge cracked. Light toning to interior, occasional light foxing, marginal tears to plates, the first of which is detaching in middle but secured on ends, images not affected, early ownership signature (of B.S. Smurthwaite, Chichester) dated December 23, 1822.

 $SIXTH\ EDITION. The\ Hawkhurst\ Gang\ was\ a\ group\ of$ smugglers based in southeast England from 1735 until the arrest and execution of key members in 1749. The group was notorious for its boldness and willingness to shed blood. The present account details an episode towards the end of the gang's career. Galley, a customs officer, arrested Chater, a gang member, in 1748, and turned him into an informer. Both men were then captured by other members of the Hawkhurst gang and savagely murdered; Galley was beaten, tied to his horse and mutilated, while Chater was tortured and stoned to death. The first edition of our account appeared immediately after the trial of Hawkhurst Gang leaders in 1749, with an eighth and final edition appearing under a different title c.1858. OCLC and Library Hub locate 3 copies of our scarce edition (Library of Congress, U.S. Supreme Court Library, Texas Medical Center Library).



Copperplate illustration detail from N° 55



HANDSOME ILLUSTRATED GIUNTA EDITION OF THE DECRETUM GRATIANI

56. GRATIAN THE CANONIST [C. 1090-C.1160].
JOHANNES TEUTONICUS (OR ZENEKA) [D.1253], GLOSSATOR.
BARTOLOMEO DA BRESCIA (D.1258), GLOSSATOR.
MARTINUS POLONUS [D. 1279], MARGARITI DECRETI.
JOANNES DIACONUS HISPANUS, FLOS DECRETI.

Decretus Gratiani Cu[m] Glossis D[omi]ni Joannis Theutonici Prepositi Alberstatensis [et] Annotationibus Bartholomei Brixiensis, Divisionibus Archidiaconi, Casibus a Bene. So[m]positis per Bart. Brixi. Correctis [et] pro Clariore I[n]tellectu[m] Pluribus in Locis Extensis, Concordia ad Bibliam, Tabula Marginalium Glossularum, Omnium Canonum [et] Conciliorum, Margarita Decreti, Flosculis Totius Decreti a Domi[n]o Joanne Diacono Compositis, Additione in Margine Litterarum Quo Minusculi Characteres Lineis Intercepti Citius Legenti Apparea[n]t.

[Venice: Per Lucantonium de Giunta, 1514]. [xxxviii], cccccclii [652], [76] ff. Lacking 5 leaves supplied in facsimile: S8 (fol. cxliiii) and 4Q3-6; leaves 4Q1-2 and 4Q7-8 each duplicated to make 8 leaves in signature 4Q. Main text in parallel columns surrounded by linear gloss. Three full-page woodcut illustrations (of Christ's Scourging facing fol. 1, and the "Arbor Consanguinitatis" and "Arbor Affinitatis" on leaves 594b and 595a), and 128 (of 130) woodcuts throughout text. Quarto (8" x 5-3/4").

Recent period-style laced flexible vellum, hand-lettered title to spine, endleaves renewed, edges rouged. Light wear to laces, two lacking and three broken, binding secure. Text printed throughout in red and black. Light toning to text, slightly heavier in places, occasional light foxing and faint dampstaining to margins, somewhat darker dampstaining to first few leaves and title page, which is lightly soiled, neatly mended on fore and bottom edges and marked with a few early annotations near its bottom margin, neatly mended light worming to bottom margin of most leaves of index, brief ms notes in a few places and small manicule to verso of ff. cxxxii. An appealing copy. \$2,000.

THIS EDITION is notable for its elegant typography and numerous woodcuts illustrating key points in the text. The Concordia Discordantia Canonum, or Decretum Gratiani, is the cornerstone of modern canon law. The first work of its kind, it was supposedly compiled by Gratian, a Camaldolese monk, around 1140. Using the latest scholastic and juristic techniques from Bologna, he created a work that synthesized the existing body of canon law. The Decretum Gratiani addresses various aspects of legal jurisdiction as well as administrative issues like baptism, feast days, confirmation and the consecration of churches. In addition to the Glossa Ordinaria of Joannes Teutonicus and the glosses of Bartolomeo da Brescia, this imprint includes the Flos Decreti of Johannes Hispanus, a set of commentaries on Gratian, and the Margarita Decreti of Polonus Martinus, a collection of excerpts from the Decretals of Gregory IX. A complete work (and bibliographically distinct), it is part of a three-volume edition of the Corpus Juris Canonici issued by Giunta in 1514. EDIT16 CNCE 13367.

# TWO SCARCE ACTS DEALING WITH "LUNATICKS" AND THE "FURIOUSLY MAD"

### 57. [GREAT BRITAIN].

An Act for Amending and Enforcing the Laws Relating to Rogues, Vagabonds, And Other Idle and Disorderly Persons, And for Reducing the Same into One Act of Parliament; And Also for Amending the Laws for Erecting, Providing, And Regulating Houses of Correction [Drop-Head Title]. At head of drophead title: Anno Decimo Tertio Georgii II. Regis.

London: Printed by John Baskett, 1740. [ii], 463-490 pp. Woodcut royal arms to title page.

[WITH]

An Act to Prevent the Marriage of Lunaticks [Drop-Head Title]. At head of drop-head title: Anno Decimo Quinto & Sexto Georgii II. Regis.

London: Printed by Thomas Baskett and Robert Baskett, 1742. [ii], 707-708 pp. Woodcut royal arms to title page.

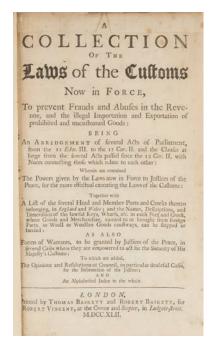
Folio (12-1/4"  $\times$  8"). Disbound stab-stitched pamphlets. Light toning, somewhat heavier in places, occasional light foxing, leaves of first Act separating along spine. \$650.

ONLY EDITIONS. The first act deals with the treatment and confinement of vagrants, particularly the mentally ill "of little or no Estates, who by Lunacy, or otherwise, are furiously mad or so far disordered in their senses" that they pose a risk to the public. The act made it legal to effectively imprison such people without charge. The second act disallows the marriages of "Persons who have the Misfortune to become Lunaticks" on the grounds that they are "liable to be surprized into unsuitable Marriages." Acts such as these were compiled over the course of a session and bound afterwards. They were issued with general title pages, which were often discarded but are present in the issues offered here. OCLC locates no single copies of the second act and 1 copy of the first (New York Public Library). ESTC N51613, N51752.

# A SCARCE COLLECTION OF CUSTOMS LAWS

58. [GREAT BRITAIN].
MANLEY, WILLIAM, COMPILER.

A Collection of the Laws of the Customs Now in Force, To Prevent Frauds and Abuses in the Revenue, And the Illegal Importation and Exportation of Prohibited and Uncustomed Goods: Being an Abridgment of Several Acts of Parliament from the II Edw. III. To the 12 Car. II. And the Clauses at Large from the Several Acts Passed Since the 12 Car. II. With Notes Connecting Those Which Relate to Each Other: Wherein are Continued



Nº 58

the Powers Given by the Laws Now In Force to Justices of the Peace, For the More Effectual Executing the Laws of the Customs. [...]

London: Printed by Thomas and Robert Baskett for Robert Vincent, 1742. [iv], viii, 285, [141] pp. Octavo (8-1/4" x 5").

Later period-style quarter sheep over marbled boards, blind rules to sheep edges, blind fillets and gilt-edged red and black lettering pieces to spine, edges untrimmed, endleaves renewed. Light rubbing to boards, faint dampstain to upper left corner of front board, moderate rubbing to extremities, front joint starting at head, corners bumped and lightly worn, ownership signature ("James T. Bell") to verso of front free endpaper, small hole to upper corner of front endleaf, which has gift inscription "to Edward Rosslyn Mitchell from J.T.B." dated 1904 to its verso. Moderate toning to interior, occasional light foxing, light soiling and small marks in pencil to margins in a few places, a few folded corners, clean tear to fore-edge of leaf Q2 (pp. 227-228) just touching side note, upper margin of title page neatly removed, no loss to text, later note in ink to head of p. i.

ONLY EDITION. This comprehensive collection of statutes dealing with customs administration covers the period from Edward III to George II and was compiled for the reference of customs officers. It includes a section on trade with plantations in the United States. Our copy was given to Edward Rosslyn Mitchell [1879–1965], a Labour MP and Glasgow solicitor. James T. Bell, a Glasgow tobacco manufacturer and the father of Mitchell's first wife Constance Bell, was an avid book collector. OCLC locates no copies of this title; the *ESTC* locates 3 (British Library, Harvard Business School Kress Library, Massachusetts Historical Society). *ESTC* N27603.







Woodcut initial detail

# MILESTONES IN THE CODIFICATION OF CANON LAW

59. GREGORY IX, POPE [1227-1241]. [RAYMOND OF PENAFORTE, SAINT [1175?-1275], COMPILER].

[BOTTONI, BERNARDO (D.1266), GLOSSES]. [D'ANDREA, GIOVANNI (C.1270-1348), GLOSSES].

Decretales Epistolae Gregorii Noni Pontificis Maximi, Quas Summa Fide & Accurata Diligentia: Iam Recens ad Veterum Codicum Fidem Repurgavimus & Contulimus. Cum Additionibus Doctiss. Virorum, Loge Probatissimis & Utilissimis.

Paris: Ex Officina Claudii Chevallonii, 1537. [xx], 332 ff.

[BOUND WITH]

BONIFACE VIII, POPE [C.1230-1303].

Sextus Decretalium Liber, Per Bonifacium Octavum Pontifice in Concilio Lugdunensi Aeditus: Iam Recens ex Antiquissimis Exemplaribus Adamussim Castigatus.

Paris: Ex Officina Claudii Chevallonii, 1537. [viii], 216 ff.

Octavo (6-1/2" x 4-1/4"). Contemporary paneled sheep, corner fleurons, raised bands to spine, edges rouged. Light rubbing and scuffing to boards, minor worming to front board, which is separating at foot but held firmly by cords, chipping to spine ends and joints, rubbing and light wear to board edges and corners, which are bumped, rear hinge starting at head. Text decorated throughout with woodcut and *criblé* (metalcut) initials. Light toning to interior, light soiling in a few places, a few slight cracks in text block, all signatures secure, small faint dampstain to bottom edge of ff. 317-320 of *Decretales*, early ownership signature to head of title page with ms. notes in a few places. \$2,500.

WITH MARGINAL GLOSSES AND INDICES. The glosses to the Decretals are those originally compiled by Bernardo Bottoni, with later accretions by Giovanni D'Andrea and others. Promulgated in 1234, the Decretals of Gregory IX is one of the four works known collectively as the Corpus Juris Canonici, a collection of papal decisions comprising the law of the Catholic Church and lands governed by the Pope. The Decretals is organized into five books dealing with church government, procedure, clerical life, marriage and criminal law. The Liber Sextus of Boniface VIII followed in 1298, and John XXII added the final official collection, the Liber Septimus Decretalium, better known as the Constitutiones Clementis V, or Clementinae (1317). The Extravagantes of John XXII were added later in 1325, along with the Extravagantes Communes of other popes through 1484. Our attractive small-format printing collects these milestones in the codification of canon law and includes a life of John XXII by Jacques Fontaine de Bruges. The Clementinae, Extravagantes and Extravagantes Communes are grouped with the Liber Sextus and do not have separate title pages. Not in Adams or Graesse.

# "A COMPLETE AND SATISFACTORY WORK"

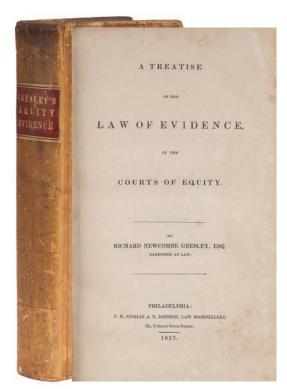
60. GRESLEY, RICHARD NEWCOMBE [1804-1837].

A Treatise on the Law of Evidence in the Courts of Equity.

Philadelphia: P.H. Nicklin & T. Johnson, 1837. [iii], [ix]-xl, 564 (i.e. 464) pp. Octavo (9" x 5-1/2").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine, blind tooling to board edges. Light rubbing and faint spotting to boards, moderate rubbing to extremities, tiny chip to head of spine, corners bumped, hinges cracked. Light browning to interior, light foxing in a few places, faint dampstaining to upper corners of several leaves at rear of text. \$450.

FIRST AMERICAN EDITION, reprinted from the first London edition (1836). Marvin notes: "The author is the first to present the evidence applicable to a difficult and important subject, and he has given the profession a complete and satisfactory work." A second London edition was published in 1847. It was reprinted in America by two different publishers in 1848. Marvin 350. Cohen 5069.



# THE FIRST HISTORY OF THE COMMON LAW

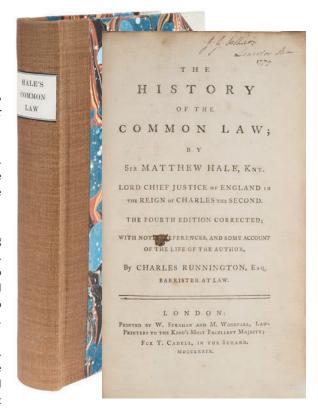
### 61. HALE, SIR MATTHEW [1609-1676].

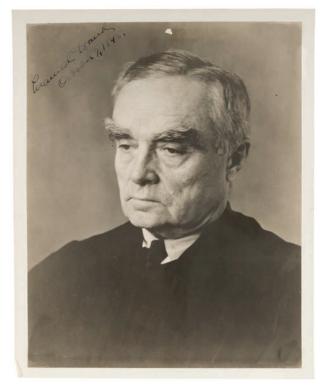
The History of the Common Law. With Notes, References, and Some Account of the Life of the Author by Charles Runnington.

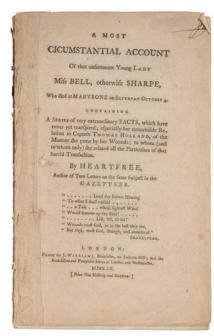
London: Printed by William Strahan and M. Woodfall, 1779. [viii], xl, [4], 304, [2]; [xii], 114, [8] pp. Two volumes in one. The second, *An Analysis of the Civil Part of the Law* has separate title page, index and pagination. Octavo (9-1/4" x 5-3/4").

Recent quarter cloth over marbled boards with contrasting speckled-paper corners, printed paper title label to spine, endpapers renewed. Light toning to interior, light soiling to heads of a few leaves, light edgewear to preliminaries and final few leaves, ownership signature (of J.G. Williams[?], 1779) to head of title page. An attractive copy.

FOURTH EDITION, corrected. First published in 1713, Hale's *History of the Common Law* was the first book on the subject. "Hale's wide reading gave him a sense of historical perspective, which enabled him to map out the important epochs. Sketch as it is his history is living history because its author had a clear view of its whole course.": Holdsworth, *Sources* 151–152. *ESTC* T100933.







Nº 63

Nº 62

# A HANDSOME IMAGE SIGNED BY HAND

62. HAND, LEARNED [1872-1961].

[8-1/4" x 10" Black-and-White Portrait Photograph of Hand, Signed by Hand].

[New York?, c.1945]. Minor wear to corners, small chip to image near upper margin, "Learned Hand/ October 9, 1945" to upper left-hand corner of image. \$450.

ONE OF THE MOST IMPORTANT American jurists of the twentieth century, Hand was a judge of the U.S. Southern District of New York from 1904-1924 and a judge of the Court of Appeals, Second Circuit, from 1924 to 1956. His judgments were renowned for their lucidity and elegance.

### MURDER OR VENEREAL DISEASE?

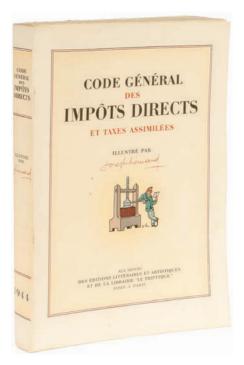
63. HEARTFREE. [BELL (SHARPE), ANNE (1738?-1760)].

A Most Cicumstantial Account of that Unfortunate Young Lady Miss Bell, Otherwise Sharpe, Who Died at Marybone on Saturday October 4. Containing a Series of Very Extraordinary Facts, Which Have Never Yet Transpired; Especially Her Remarkable Relation to Captain Thomas Holland, Of the Manner She Came by Her Wounds; To Whom (And to Whom Only) She Related all the Particulars of that Horrid Transaction. By Heartfree, Author of Two Letters on the Same Subject in the Gazetteer.

London: Printed for J. Williams, 1760. [ii], 69, [1] pp. Octavo  $(8" \times 5")$ .

Disbound stab-stitched pamphlet. Moderate toning, light soiling and early (illegible) owner initials to title page, which is detached and slightly creased along left margin with three small holes (not affecting text), lower corner of final leaf folded slightly. \$650.

FIRST EDITION, one of seven from the same year. Little is definitively known about the life of Anne Bell, but it was, by all accounts, a tragic one. According to the present work, she ran away from her family at a young age and had a series of affairs with various men who took advantage of her youth and naivety. She was discovered by Holland, a family friend, who found her recuperating from stab wounds in a London boarding house. She had sustained the injuries in a fight with one of her paramours. When she died, her friends and family demanded that the man who had allegedly stabbed her be prosecuted. The coroner's inquest found that her true cause of death was venereal disease. The sordid tale reverberated through Grub Street. At least two other differing accounts were published in 1761 and 1762. OCLC locates 5 copies of this edition, 2 in North America (Huntington Library, University of Minnesota). ESTC N35355.







# CODE GÉNÉRAL DES IMPOTS DIRECTS ET TAXES ASSIMILÉES TEXTE INTEGRAL DES LOIS, DÉCRETS, DECRETS-LOIS, DÉCRET DE CODIFICATION, SUIVI D'UN FORMULAIRE ADMINISTRATIF AUX DÉPENS DES ÉDITIONS LITTÉRAIRES ET ARTISTIQUES 13, rue des Saints-Pres, PARIS (6°) DE LA LIBRAIRE « LE TRIPTYQUE » 80, boulevard du Port-Royal, PARIS (5°)

# Title page detail

# HÉMARD'S ILLUSTRATED FRENCH TAX CODE

64. HÉMARD, JOSEPH [1880-1961], ILLUSTRATOR.

Code Général des Impôts Directs et Taxes Assimilées. Texte Intégral des Lois, Décrets, Décrets-Lois, Décret de Codification, Suivi d'un Formulaire Administratif.

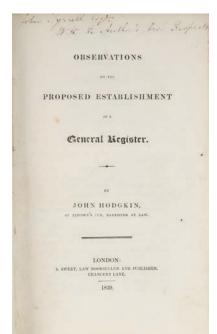
Paris: Editions Litteraires et Artistiques/Librairie "Le Triptyque", [1944].  $\times$ , 330, [1] pp. 183 illustrations, 62 of them in color. 8 pp. addendum of changes to the code, titled *Rectificatif*, laid in. Quarto (9-1/4"  $\times$  6-1/2").

Illustrated stiff color publisher wrappers in tissue-paper dust wrappers. Light edgewear to dust wrappers, contemporary presentation inscription to front free endpaper, light toning to interior, images vivid. A well-preserved copy. \$600.

HÉMARD PRESENTS the official text of the French Tax Code with witty, often racy illustrations, colored (*au pochoir*) by E. Charpentier. It is a sequel to his *Code Civil: Livre Premier, Des Personnes* (1925) and *Code Penal: Commentaires Images* (c.1940). Hémard, a prolific artist, illustrator, designer

and author, is best-known for his humorously illustrated editions of serious non-fiction books. The *Code Général* was issued in several forms. The present copy is from a trade edition of 1,000 copies. It was also issued in a limited edition of 800 numbered copies, the first 145 with an original sheet of text illustrations and a sheet of their original sketches. There is also a signed and numbered edition of 160 printed on Arches paper (*papier vélin*), an edition of 40 non-commercial copies intended for friends and associates (*hors commerce*) and 60 portfolios of the images alone.

### INSCRIBED BY THE AUTHOR



65. HODGKIN, JOHN [1800-1875].

Observations on the Proposed Establishment of a General Register.

London: S. Sweet, 1829. [ii], 55, [1] pp. Octavo (8-1/2" x 5").

Stab-stitched pamphlet in recent plain wrappers. Light toning to interior, negligible light foxing in a few places, small library ink stamp to p. 1 with no loss to legibility, faint underlining and marginal marks in pencil to a few leaves, inscription reading "John Tyrrell Esq. With the Author's best Respects" to head of title page. \$450.

ONLY EDITION. Part of the spirited public debate on the establishment of a general land register, similar to that created in Ireland in 1822. No such register would be created until the passage of the Land Registry Act in 1862, which created a registry of titles (but not deeds). The system created by the act was largely ineffective, and successive attempts failed until the Land Registration Act of 1925. Our pamphlet seeks to provide an overview of the issue and ultimately comes down on the side of the register in order to achieve conveyancing security. Hodgkin and Tyrrell were both barristers and members of Lincoln's Inn working in conveyancing and real property. OCLC locates 4 copies in North

American law libraries (Yale, University of Georgia, Harvard, University of Wisconsin-Madison). Goldsmiths' 25799.

# INSCRIBED BY HOLMES TO A FORMER CLERK WHO BECAME A PROMINENT LAWYER, BUSINESSMAN AND PHILANTHROPIST

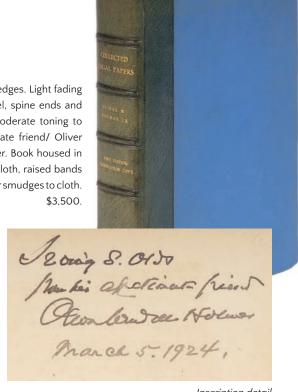
66. HOLMES, OLIVER WENDELL, JR. [1841–1935].

Collected Legal Papers.

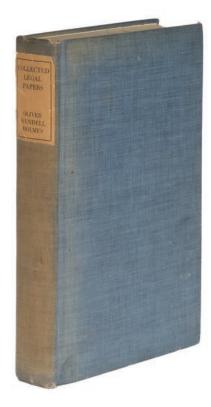
New York: Harcourt, Brace and Howe, 1920. vii, 316 pp.

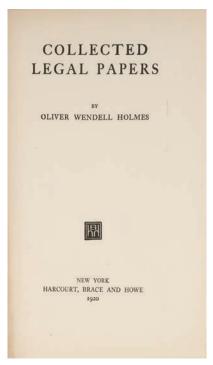
Original cloth, printed paper title label to spine, deckle edges. Light fading to spine and joints, a few chips to edges of spine label, spine ends and corners bumped and lightly worn, hinges cracked. Moderate toning to interior, inscription "Irving S. Olds/ from his affectionate friend/ Oliver Wendell Holmes/ March 5, 1924" to front free endpaper. Book housed in later lightly edgeworn slipcase, quarter morocco over cloth, raised bands and gilt title to spine, which has a bit of fading, a few minor smudges to cloth. An appealing copy in an attractive slipcase. \$3,500.

FIRST EDITION. A valuable compilation, this volume contains Holmes's most famous speeches and papers from 1885 to 1918. Its publication in 1920 was an important event in the legal community, and it was reviewed with great enthusiasm in the major journals and law reviews. Irving S. Olds [1887–1963], a New York lawyer and philanthropist, was chairman of the board and chief executive officer of U.S. Steel from 1940 to 1952, and a partner at White & Case. A graduate of Harvard Law School, he was Holmes's law clerk from 1910 to 1911.



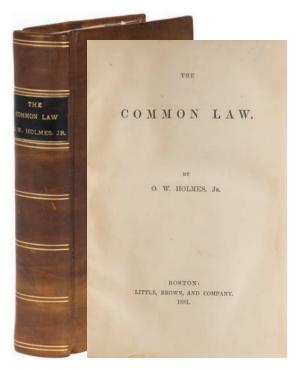
Inscription detail





Nº 66

# FIRST EDITION OF THE COMMON LAW



# 67. HOLMES, OLIVER WENDELL, IR.

### The Common Law.

Boston: Little, Brown, And Company, 1881. [i]-xvi, 422 pp. Octavo (8-1/4"  $\times$  5-1/4").

Recent calf, gilt fillets and lettering piece to spine, marbled endpapers, retained spine affixed to rear endleaf. Binding

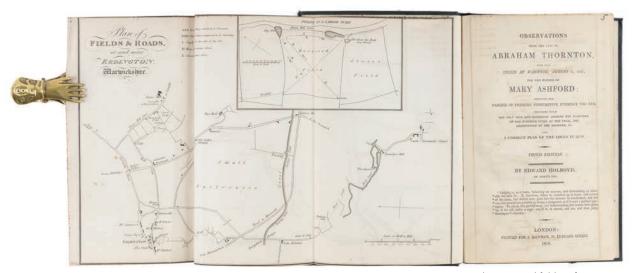
slightly cocked, negligible rubbing and small scratches to boards, retained armorial bookplate (of James Martin Carr-Lloyd) to front pastedown, early ownership signature (of Edward H. Adams) to front endleaf. Moderate toning to interior, occasional faint dampstaining, light edgewear to a few leaves. A handsomely bound copy. \$1,000.

FIRST EDITION, first issue, with the two-line printer statement at foot of the title page, verso, reading "University Press:/ John Wilson and Son, Cambridge" and 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 common 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 idea that law was not discovered, but invented. This theme is announced at the beginning of Lecture I: "The life of the law has not been logic: it has been experience" (1). Edward H. Adams, one of the owners of our copy, was a New Hampshire judge. Luttrell, "Oliver Wendell Holmes" 2. Friedman 544. Grolier Club 84.



Retained spine



Title page and foldout from  $N^{\circ}$  68

# MURDER, RAPE AND TRIAL BY BATTLE

68. HOLROYD, EDWARD [1794-1881]. [THORNTON, ABRAHAM (C.1793-1860)].

Observations Upon the Case of Abraham Thornton, Who was Tried at Warwick, August 8, 1817, For the Murder of Mary Ashford: Shewing the Danger of Pressing Presumptive Evidence too Far, Together with the Only True and Authentic Account Yet Published of the Evidence Given at the Trial, The Examination of the Prisoner, &c., And a Correct Plan of the Locus in Quo.

London: Printed for J. Mawman, T. Miller, 1819. 88 pp. Folding map. Octavo (7-3/4" x 4-3/4").

Stab-stitched pamphlet bound into later cloth, gilt title to spine. A few tiny stains to boards, spine ends and corners bumped and lightly worn. Moderate toning to interior, a few creases, light soiling and edgewear to map, "5" in early hand to head of title page, which is lightly browned.

THIRD AND FINAL EDITION, one of three printed in 1819. Abraham Thornton, a bricklayer, "was accused of rape and murder after attending a dance where he became intimate with a gardener's daughter named Mary Ashford. They left the dance together and her body was found the next morning in a deep pool of water near a local footpath. Thornton was tried at the Warwick assizes on 8 August 1817. Since the marks on Mary's body were not necessarily inconsistent with Thornton's claim that she had consented to sexual intercourse, and since the times on the morning in question when Thornton was seen walking home to Bromwich suggested he could not have been with her when she met her death, the jury found him not guilty.

The case aroused much interest and reminded people of a similar murder of a local woman a year earlier. Many were convinced of Thornton's guilt and he was assailed in local and London newspapers. A group collected around the Birmingham solicitor William Bedford invoked the old legal process of 'appeal of murder,' by which a person acquitted of murder could be tried again for the same offense. This process was generally regarded as obsolete, though there had been several instances in the eighteenth century. More controversy arose when Thornton came before the court of King's Bench in November 1817 and demanded ordeal by battle, which was open to the subject of an appeal of murder but had not been claimed since Charles I's reign. After several hearings between November 1817 and April 1818 the court decided that the appellee did have this right. The appeal of murder was dropped. Appeals of murder were abolished in 1819 partly because of this case" (Turner). Unable to lead a normal life, Thornton moved to the United States and settled in Baltimore, Maryland. Turner, Michael J., "Thornton, Abraham," DNB (Online Ed.) BMC 12:496.

### ONLY KNOWN COPY

### 69. HOOVER, MATTHIAS [1819-1837].

The Authentic Confession of the Notorious Robber & Murderer, Matthias Hoover, Partner of Lovett, Washburn, & Davis, Who was Hung at Cincinnati, On the 30th June, 1837, For the Murder of William Beaver.

Cincinnati: Published for the Trade, 1837. 12 pp. Woodcut title page vignette of Hoover. Octavo  $(7-1/2" \times 4-1/4")$ .

Stab-stitched pamphlet in self-wrappers bound in later quarter cloth over marbled boards, gilt fillets and lettering piece to spine, a number of blank leaves added after text block by binder. Light rubbing to boards, more moderate rubbing and light wear to board edges and corners. Light toning to interior, light foxing and soiling in a few places, crack in text block after title page, which has faint pencil marks and small holes along its gutter and a small chip to its bottom-edge. Only known copy. \$1,600.

ONLY EDITION. Along with his partners, Hoover robbed an old man of some \$800 and left him for dead. This was, according to Hoover's confession, only the latest episode in a long career of vice and dissipation. He had begun stealing from an early age and had even been tried for murder as a schoolboy (though he was acquitted). He bequeathed his body to the Western Museum in Cincinnati, where it was displayed after his execution. The present title is an unrecorded variant of a related work published in Cincinnati the same year with a different title and without an imprint. No copies of our title could be found anywhere, though a copy appeared at auction in 1923. The other variant is also scarce; OCLC locates 2 copies worldwide (American Antiquarian Society, Princeton University). Not in McDade, Sabin or Checklist of American Imprints. See Morgan Bibliography 8810.

# "BOLD AND ORIGINAL THOUGHTS"

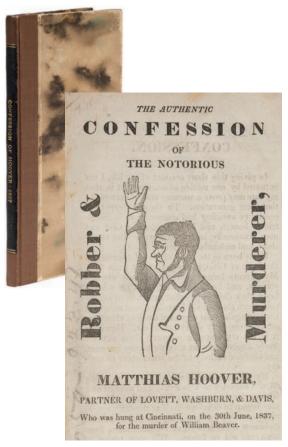
### 70. HUMPHREYS, JAMES [D.1830].

Observations on the Actual State of the English Laws of Real Property: With Outlines for a Systematic Reform.

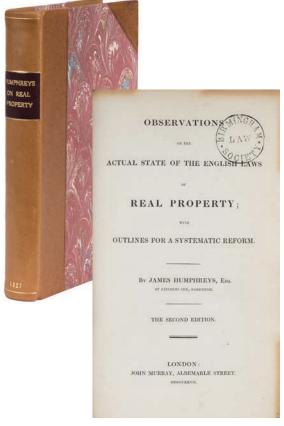
London: John Murray, 1827. xvii, 400 pp. Two folding tables of descents. Octavo  $(8-1/2" \times 5-1/4")$ .

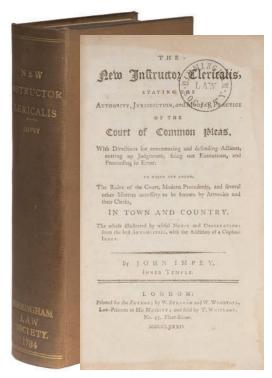
Recent period-style three-quarter calf over marbled boards, lettering piece and gilt fillets to spine, gilt publication date to foot of spine, endpapers renewed. Moderate toning to interior, small library stamps to title page and a few other leaves, light edgewear to folding tables. \$450.

SECOND AND FINAL EDITION. "Mr. Humphreys' writings are distinguished by bold and original thoughts, which he does not hesitate to express, relative to the defects of certain parts of the English Law. The present work is remarkable for profound knowledge, and a liberal and philosophical spirit, which bespeaks a mind conversant with the details of practice, and yet above them. As a compendium, concise yet clear, it is unrivalled.": Marvin 405. Sweet & Maxwell 2:176.



Title page detail from N° 69





# SCARCE FIRST EDITION OF THE FIRST SYSTEMATIC ACCOUNT OF THE COURT OF COMMON PLEAS

71. IMPEY, JOHN [D. 1829].

The New Instructor Clericalis, Stating the Authority, Jurisdiction, And Modern Practice of the Court of Common Pleas. With Directions for Commencing and Defending Actions, Entring up Judgments, Suing Out Executions, And Proceeding in Error. To Which are Added, The Rules of the Court, Modern Precedents, And Several Other Matters Necessary to be Known by Attornies and Their Clerks, In Town and Country. The Whole illustrated by Useful Notes and Observations from the Best Authorities, With the Addition of a Copious Index.

London: Printed for the Author; By W. Strahan and W. Woodfall, 1784. [iv], 695, [49] pp. Octavo (8-1/4" x 5").

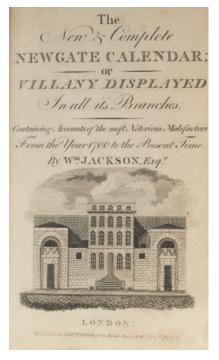
Later cloth, gilt title, fillets, publication date and library name to spine, endpapers renewed. Light rubbing to extremities, library bookplate and shelf label to front pastedown. Light toning to text, offsetting to margins of preliminaries and final few leaves, small library stamp to title page and a few other leaves. \$650.

FIRST EDITION. This book offered the first systematic account of the practice of this court. Its tenth and final edition was published in 1826. "Before Mr. Impey's meritorious labours, the attorney must have had to rely upon information delivered on tradition only; and such information, sometimes diversely given, even by officers of the Courts; the books of that gentleman first embodied much of the general practice" (Marvin). Impey also published a similar guide to the court of King's Bench in 1782, which was equally successful. Despite their popularity, early editions of both works are scarce. Marvin 408. ESTC T113133.

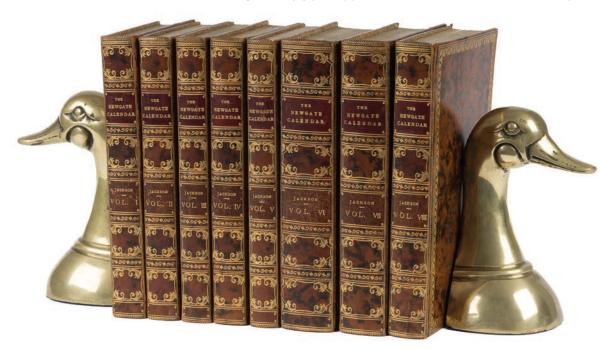
# COMPLETE SET IN BAYNTUN BINDINGS, EXTRA-ILLUSTRATED

# 72. JACKSON, WILLIAM, PRINCIPAL AUTHOR.

The New and Complete Newgate Calendar, Or, Malefactor's Universal Register. Containing, New and Authentic Accounts of the Lives, Adventures, Exploits, Last-Dying-Speeches, Confessions, &c. &c. Of the Most Notorious Criminals and Violators of the Laws of their Country (of Both Sexes and All Denominations), Who Have Suffered Death, And Other Exemplary Punishments, For Murder, Burglary, Felony, Horse-Stealing, Bigamy, Forgery, Highway Robbery, Footpad Robbery, Perjury, Piracy, Rapes, Riots, Mobbing, Sodomy, Starving to Death, Sheep-Stealing, Swindling, Treason, Mutiny, Sedition, And Other Misdemeanors. Interspersed with Notes, Reflections, Remarks, And Inferences, Arising from the Several Subjects, Moral, Instructive, And Entertaining. Comprehending the Most Material Passages in the Sessions Papers for Upwards of a Century; Together with the Ordinary of Newgate's Account of the Capital Convicts; And Complete Narratives of the Most Remarkable Trials. The Whole Containing the Most Faithful Narratives Ever Yet Published of the Various Executions, And Other Exemplary Punishments,



Which Have Happened in England, Wales, Scotland, And Ireland, From the Year 1700 to the Present Time. The Whole Properly Arranged from the Records of the Courts. To Which is Added, A Concise Account of the New Settlements for Convicts at Paramatta, Sydney, Port Jackson in Botany Bay, New South Wales.





London: Printed for Hogg & Co., No. 16, Paternoster-Row, [c. 1810–1820]. Eight volumes. Pagination occasionally irregular, text complete. 14 copperplates; pictorial title page to Vol. I. 85 additional copperplates. Octavo  $(8-1/4" \times 5")$ .

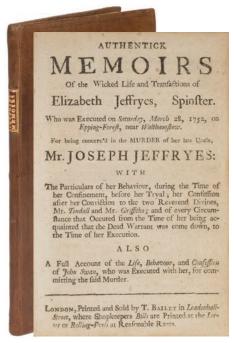
Later period-style mottled calf by George Bayntun of Bath, gilt frames and fillets to boards, gilt spines with raised bands and lettering pieces, gilt tooling to spine ends and board edges at corners, gilt inside dentelles, gilt edges, marbled endpapers, red morocco book label of William Armistead Moale Burden II to front pastedown of each volume, silk ribbon bookmarks. Light rubbing to joints and spine ends, boards of a few volumes bowing slightly, front hinge of Vol. VIII cracked between frontis and title page, recent penciled notes to endleaves and page numbers in a few places. Light toning to text, more moderate to Volume VIII, occasional light foxing, faint offsetting from some plates, light soiling in a few places, fore-edges and corners discreetly mended in a few places without loss to text or images, small hole to text block of Vol. VII, leaf O1 (pp. 105–106) without loss to legibility. A notably handsome complete set. \$3,000.



Copperplate details

THE NEWGATE CALENDAR began as a monthly record of executions issued by the keeper of London's Newgate Prison. The title was eventually appropriated by several publishers, who issued chapbooks about notorious criminals and their deeds. The first collection of these biographies was published by R. Sanders in 1760. Didactic and lurid in equal measure, it was an instant success that went through several editions and versions into the nineteenth century (by several authors). All are notable for their colorful language, moralistic tone and interesting references to contemporary events and social issues.

As published by Hogg, the work appears to have been initially comprised of six volumes issued in parts, with the seventh and eighth volumes added later and marketed as part of the set. A ninth volume mentioned in the preface to the eighth volume does not appear to have been published. Our copy was owned by William A.M. Burden [1906–1984], an important collector and Eisenhower's ambassador to Belgium. Including the frontispieces to each volume, the set has 109 copperplate illustrations; the directions to the binder in Vol. VII call for 14. Sweet & Maxwell 1:370 (18).



Nº 73

# A RARE ACCOUNT OF SEX, GREED AND MURDER

73. [JEFFRYES, ELIZABETH (1727-1752)]. [JEFFRIES, ELIZABETH]. [SWAN, JOHN (D.1752)].

Authentick Memoirs of the Wicked Life and Transactions of Elizabeth Jeffryes, Spinster. Who was Executed on Saturday, March 28, 1752, On Epping-Forest, Near Walthamstow. For Being Concern'd in the Murder of Her Late Uncle, Mr. Joseph Jeffryes: With The Particulars of Her Behavior, During the Time of Her Confinement, Before Her Tryal; Her Confession after Her Conviction to the Two Reverend Divines, Mr. Tindall and Mr. Griffiths; And of Every Circumstance that Occured from the Time of Her Being Acquainted that the Dead Warrant was Come Down, To the Time of Her Execution. Also a Full Account of the Life, Behavour, And Confession of John Swan, Who was Executed With Her, For Committing the Said Murder.

London: Printed and Sold by T. Bailey, [1752]. [ii], 5–28 pp. Quarto (6–1/2"  $\times$  4–1/4").

Disbound stab-stitched pamphlet, expertly bound in recent period-style calf by Philip Dusel, blind rules to boards, blind fillets and lettering piece to spine, gilt tooling to board edges. Moderate toning to interior, light soiling in a few places, trimming to leaves B2 (pp. 7-9) and D2 (pp. 21-22) affecting text block at foot of both leaves and page numbers on B2, fore-edge of leaf C3 (pp. 17-18) neatly mended, no loss to legibility. \$1,000.

ONLY EDITION. As related here, this was a titillating story of sex, greed, murder and capital punishment. Jeffreys had been sent at the age of five to live with her uncle, Joseph Jeffreys, where she was raised as a daughter and heir to his considerable estate. At the age of 22 she began an affair with Swan, one of her uncle's servants, which eventually led to murder. The pair plotted the crime and Swan carried it out. After her conviction as an accessory, Jeffreys claimed to have been "debauched" on several occasions by her uncle when she was 15, by whom she had twice become pregnant, miscarrying once, and aborting the second pregnancy with drugs provided by the uncle. Moreover, she said he had threatened to disinherit her, ironically for "immoral behavior," if she refused to have sex with him. The jury and judge were not moved, and she and Swan were executed. Also issued individually, this title was issued by T. Bailey as Part 2 of a four-part composite volume: The Genuine Histories, Of the Life and Transactions, Of John Swann and Eliz. Jeffries, For the Murder of Her Uncle, At Walthamstow in Essex. And Miss Mary Blandy, For the Most Horrid Parricide Committed Upon the Body of Her Own Father, [...]. (The Blandy case was another sensational 1752 trial.) Each part has a separate title page, pagination and register.

OCLC and Library Hub locate 1 complete copy at Oxford. The British Library holds a copy of Part 1 (*The Whole Tryal of John Swann and Elizabeth Jeffries*) bound after Part 2's title page. Neither the composite volume nor the individual titles are in the *ESTC*. The Oxford catalogue calls for plates, which are not present in either our copy or the British Library's and may have been inserted later or only in some copies.

# FIRST EDITION OF AN UNCOMMON STUDY BY LORD KAMES

74. [KAMES, HENRY HOME, LORD (1696-1782)].

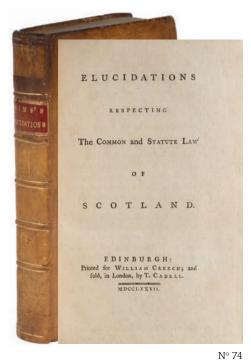
Elucidations Respecting the Common and Statute Law of Scotland.

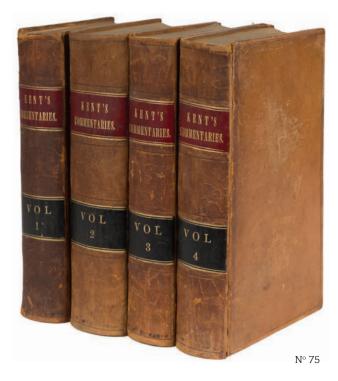
Edinburgh: Printed for William Creech, 1777. xvi, 421, [2] pp. Includes two-page publisher list of other titles by Kames. Octavo (8"  $\times$  5").

Contemporary calf, lettering piece and gilt-edged raised bands to spine, blind tooling to board edges. Light rubbing to boards, somewhat heavier rubbing to extremities, small bit of label residue (?) near head of spine, corners bumped, "nt" in early hand to front pastedown, early owner signature (of Charles Scott) to front free endpaper. A handsome copy. \$950.

 ${\tt FIRST\ EDITION}.$  This was Kames's last major legal work. "As my intention is only to give examples of

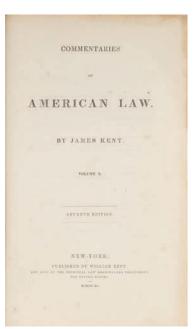
reasoning, free from the shackles of authority, I pretend not to say what our law actually is, but what it ought to be" (xiii). The leading Scottish jurist of his day and an important figure of the Scottish Enlightenment, he was an influence on David Hume, James Boswell and Adam Smith. The second and final edition of *Elucidations* was published in 1800. *ESTC* T32628.





14 /1

# PROBABLY THE SINGLE MOST IMPORTANT INTERPRETATION OF AMERICAN LAW



75. KENT, JAMES [1763-1847]. [KENT, WILLIAM (1802-1861), EDITOR]. [EATON, DORMAN BRIDGEMAN (1823-1899), EDITOR].

Commentaries on American Law.

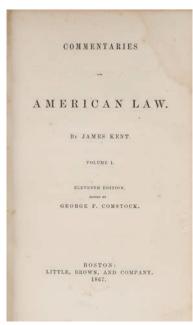
New York: Published by William Kent, 1851. Four volumes. Star-paged to the second edition (1832). Octavo  $(9-1/2" \times 6")$ .

Contemporary sheep, blind rules to boards, red and black lettering pieces to spines, blind tooling to board edges. Light rubbing to boards, moderate rubbing to extremities, light gatoring to spines, some chipping to spine heads, hinges cracked, a few boards beginning to separate but secure, owner signature of Dr. George F. Heidemann to front pastedown of each volume. Moderate toning to interiors, light foxing and soiling to a few places, offsetting to margins of preliminaries and final leaves. \$1,250.

SEVENTH EDITION. Kent's *Commentaries* is probably the single most important interpretation of American law. Writing in 1847, Marvin ranked it above Blackstone and observed that it contains "not only a clear statement of

the English law, with all the alterations that have taken place since the time of Blackstone, but a full account of the main principles of Equity, also, a review of the modifications engrafted on the English law by the different states of the Union." Marvin's latter observation points to the significance of this landmark work. Published at a time when there was significant opposition to English law, Kent's *Commentaries* established it in a manner that appealed to the majority of influential American jurists and legislators. Born in Germany, Heidemann [1839–1908] was the first doctor to establish a practice in Elmhurst, Illinois, now a suburb of Chicago. Marvin 438. Cohen 5404.





A WELL-PRESERVED COPY OF KENT'S COMMENTARIES

76. KENT, JAMES. COMSTOCK, GEORGE [1811-1892], EDITOR.

### Commentaries on American Law.

Boston: Little, Brown and Company, 1867. Four volumes. 8 pp. publisher catalogue bound before title page of Volume I. Octavo  $(9-1/2" \times 5-3/4")$ .

Contemporary sheep, blind rules to boards, raised bands, red and black lettering pieces, faint label residue and early owner signature (of C.P. Jones) to spines, blind tooling to board edges. Some minor scratches and spots to boards, light rubbing to extremities, front hinge of Volume II starting. Light toning to interiors, light foxing and faint dampstaining in a few places, offsetting to margins of endleaves, early owner signature (of C.P. Jones) in pencil to front free endpapers of Volumes II and III. A well–preserved set.

ELEVENTH EDITION. HLC 1:1088.

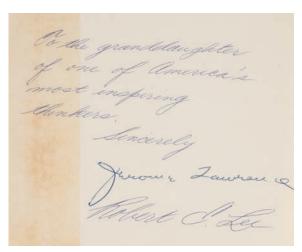
# "TO THE GRANDDAUGHTER OF ONE OF AMERICA'S MOST INSPIRING THINKERS"

77. LAWRENCE, JEROME [1915-2004]. LEE, ROBERT E. [1918-1994].

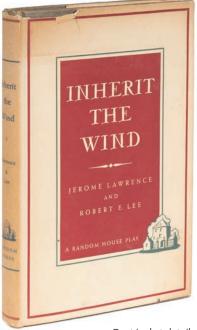
### Inherit the Wind.

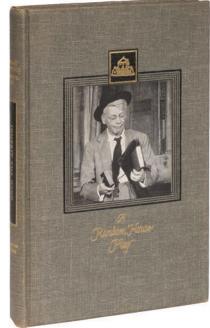
New York: Random House, Inc., [1955]. vi, 162 pp. Illustrations.

Original publisher's cloth in lightly edgeworn and toned dust jacket, top-edge rouged. Faint offsetting to endleaves, author signatures and inscription to front free endpaper dated 1956. Light toning, light foxing to margins in a few places, faint offsetting from photo illustrations, interior otherwise clean. \$1,500.



Inscription detail



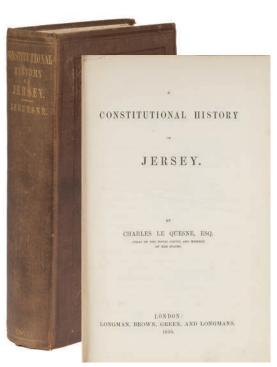


Dust jacket detail

Publisher's cloth detail

FIRST EDITION, first printing. A fictionalization of the famous Scopes "monkey trial" as a representation of the thencurrent wave of McCarthyism, *Inherit the Wind* is one of the twentieth century's best loved American plays. It has been adapted for the screen four times and revived on stage as recently as 2009. The inscription reads "To the granddaughter/ of one of America's/ most inspiring thinkers." Our copy of the play may have been presented to one of Clarence Darrow's three granddaughters, Jessie Darrow Johnston [1910–1968], Mary Darrow Simonson [1912–2003] or Blanche Darrow Chase [1913–2006], though it is unclear from the inscription to which of the three it was presented. It is unlikely to have been presented to a granddaughter of H.L. Mencken (who did not have children) or William Jennings Bryan. Inscribed copies of the first edition are scarce.

# THE FIRST HISTORY OF THE LAWS AND LEGAL INSTITUTIONS OF JERSEY



78. LE QUESNE, CHARLES.

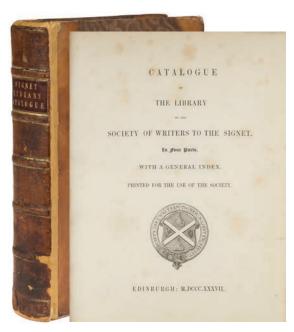
A Constitutional History of Jersey.

London: Longman, Brown, Green, and Longmans, 1856. viii, 626, 24 pp. Includes 24-page publisher catalogue. Additional publisher advertisements to endleaves. Octavo  $(8-3/4" \times 5-1/2")$ .

Contemporary textured cloth, blind frames, with corner fleurons, to boards, gilt title and blind fillets to spine. Light rubbing and a few minor stains to boards and spine, moderate rubbing to extremities. Moderate toning to interior, light foxing to preliminaries, owner inscription, of J.G. Le Quesne, to verso of front free endpaper. \$650.

FIRST EDITION. Jersey, the largest Crown Dependency in the Channel Islands, has a legal system based on Norman customary law, English common law and French civil law. Le Quesne's was the first history of this fascinating legal system. The later chapters provide a great deal of general historical, economic and sociological data. OCLC locates 6 copies, none in North America. This copy was probably owned by one of the author's relatives. Sweet & Maxwell 2:400.

### CATALOGUE OF THE SIGNET LIBRARY



79. [LIBRARY CATALOGUES]. SIGNET LIBRARY. SHIELLS, THOMAS M.

Catalogue of the Library of the Society of Writers to the Signet. In Four Parts, With a General Index. Part First - Part Fourth. Rules and Regulations for the Library...

Edinburgh: Printed for the Use of the Society [by Neill & Co.], 1837. iii [i.e. v]; [4], 113; iv, 161; v, 165; [4], 145; [2], 282; 15 pp. Each part with separate title page, dated 1833, 1826, 1826, 1833, 1837. (The index is undated.) General title page dated 1837. Quarto  $(10-1/2" \times 8-1/4")$ .

Contemporary calf over patterned cloth, blind fillets to calf edges, rebacked retaining parts of existing spine with giltedged raised bands and lettering piece, edges speckled blue, endpapers renewed. A few nicks and small scratches to front board, light rubbing to board edges, corners bumped and worn, retained binder's ticket and armorial bookplate (of

George Kellie McCallum) to front pastedown, later note to front endleaf (a brief biography of David Laing). Light toning to interior, light foxing in a few places, internally clean. An appealing volume.

\$950.

WITH AN INDEX and a list of library rules and regulations. The Society of Writers to Her Majesty's Signet is a private organization of Scottish solicitors dating back to 1594. Documented here near its peak, the Society's library was among the finest private libraries in Great Britain. Most of the library was sold at auction in 1960, though the building is still maintained by the Society as a historical site. OCLC locates 9 copies of this title in North America, one in a law library (Georgetown University). BMC 23:435.

### "TIRED OF THE BIG LIE!"

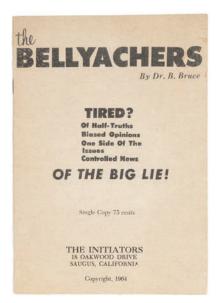
80. LININGER, DR. B. BRUCE.

The Bellyachers.

Saugus, CA: The Initiators, 1964. 36 pp. Octavo (7" x 4-3/4").

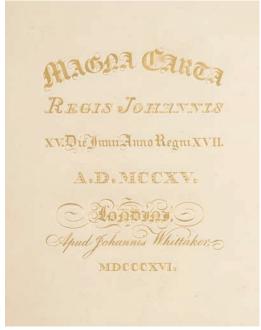
Stapled pamphlet in stiff printed wrappers. Light toning and negligible light soiling to wrappers, staples just starting to rust. Light toning to interior, small pencil marks to p. 15. \$500.

ONLY EDITION. Named after a term President Lyndon B. Johnson used for his opponents, this tract stridently condemns a wide range of persons and policies. From the Federal Reserve to communism to nuclear disarmament, the self-identified bellyachers "have just about had a bellyful" of "elite' world planners." The tract stresses the importance of gun ownership, dismissing opponents of the Second Amendment as "conspirators" with "an axe to grind." It also condemns the Seventeenth Amendment, which established the direct election of senators, as "bungled" and insufficiently



broad. It argues instead that federal appointees should be appointed by popular vote and not the Senate. It includes a bibliography listing Phyllis Schlafly's 1964 A Choice Not an Echo, among other similar titles. A fascinating and relevant piece of ephemera from a turbulent time in American history. OCLC locates 6 copies of this title (UC Davis, CSU Fullerton, University of Kansas, Duke University, Oklahoma Department of Libraries, Wisconsin Historical Society).





Title page detail

THE FIRST ENGLISH BOOK PRINTED IN GOLD: "THE MOST MAGNIFICENT OF ALL EDITIONS"

ohannes Bet gracia ver nie dur zhormannte begabie archiepiscop comitibus baronibus baronibus buronibus buronibus buronibus buronibus propos bullious et shecibus si intuitu Bet et pro omnimm antecessorum et beredum instroso evaluationem sancte ecclesie et ememerica silium benerabilium patum insposerum episcopi totius Anglie primatis et sancre nalis henriei Budum archiepiscopi di Clinton Josefichi Sachon' et Classor' hu Clygorn' eccilicium Cobente' et Beachtei gistri pambulli domini pape ambeiscomi Grinerici magistri militie templi in Angli Clilifeimi Charissalli comitis denvois etililielmi comitis Clarenn' Elimenim con Calweya constabulari Acotte Clarini d' Burgo senessalli Bictabie Petri filli here Opathi filli heredum com Basac Ali

81. [MAGNA CARTA]. [WHITTAKER, JOHN, PUBLISHER].

Magna Carta: Regis Johannis XV. Die Junii Anno Regni XVII. A.D. MCCXV.

London: Apud Johannis Whittaker, 1816. [13] ff. Folio (16" x 13").

Contemporary paneled calf, rebacked and recornered in period style retaining portions of existing spine, elaborate gilt and blind tooling to boards, gilt edges, gilt inside dentelles, hinges mended. Light rubbing to boards, small scuffs, nicks and scratches, slight gatoring in places, faint stains to rear board, moderate rubbing and some wear to extremities. Faint offsetting to endleaves. Printed in gold on card, text to rectos only. Moderate toning to interior, occasional light foxing and soiling to margins. An attractive copy. \$9,500.

Initial detail

THE FIRST ENGLISH BOOK printed in gold, it is described by Lowndes 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" and to commemorate the 600th anniversary of the signing. Although all are printed in gold, rarely are two copies alike. Some were printed on colored vellum and even jeweled, and 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. Lowndes II:1450.



Interior dentelle border detail

### PEACE CANNOT BE SECURED BY FORCE



82. [MANUSCRIPT ARCHIVE]. BOWER, SIR GRAHAM JOHN [1848-1933].

[Two Pre-Publication Manuscript Copies of "Treaties of Peace," Read Before the Grotius Society].

[London, c.1917].

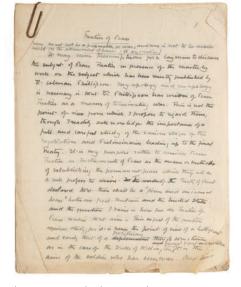
31, 10 ff. on 10"  $\times$  8" loose-leaf ruled sheets; 29 ff. in 10"  $\times$  8" ruled "Empire" notebook. Text to rectos in ink in two hands, running parallel to spine in notebook. Moderate toning to loose-leaf sheets, which are secured by contemporary rusted paper clip, light edgewear and chipping to bottom-edge of a few leaves, several folded corners. Moderate toning to printed cover of notebook, which is loosening, light toning to interior, cracks to text block in a few places. Together two items.

BOWER, an Irish-born colonial official, served as Imperial Secretary to the High Commissioners for South Africa from 1884-1897 and then as Colonial Secretary of Mauritius until 1910. He was a founding member of the Grotius Society, a British group dedicated to the study of international law. "Treaties of Peace" was read before the Society on February 6, 1917 and appeared in print later that year.

The speech discusses the history of notable peace treaties, including the Treaty of Utrecht, the Congress of Vienna, the Treaty of Chent and the Treaty of Paris at the end of the Crimean War. Bower concludes that he is "unconvinced" of any proposal "to secure peace by an International Force" given the necessity of consolidating the authority to direct the force in the hands of "an Imperial head of a Confederated Empire." Bower was a noted skeptic of bureaucratic power to enforce international agreements, even forcefully opposing the creation of an international penal court for the trial of war crimes.

Our manuscript copies differ from the printed version in several ways. The manuscript copy begins by mentioning the work of Dr. Coleman Phillipson by name, while the published version simply refers to "jurists." The published copy is much more strident in its claim

that treaties and arbitration do not guarantee peace and adds several concluding paragraphs. There are several other discrepancies that suggest the speech was revised somewhat significantly before it appeared in print.







Envelope details from N° 83

# LETTERS TRACING THE COURTSHIP AND EARLY MARRIAGE OF A NOTABLE NEW JERSEY JUDGE

83. [MANUSCRIPT ARCHIVE]. HARTSHORNE, ELLEN FRITZ [1895-1988]. HARTSHORNE, RICHARD [1888-1975].

[Correspondence of Judge Richard Hartshorne and His Wife, Ellen Fritz (Née Sahlin) Hartshorne. America, Early 1900s].

Approximately 550 letters, 1,150 manuscript pages in ink, 200 pages in pencil, most in original envelopes. Moderate toning, occasional creases, edgewear and minor chips and tears, overall condition very good. \$1,250.

RESEARCHERS INTERESTED in social rituals and letter-writing customs of America in the early 20th century will be engrossed by this archive. Hartshorne and Sahlin's courtship and early years of marriage and parenthood coincided with the U.S. entry into World War I, the 1920s and the financial disaster of 1929. A graduate of Wellesley College, Sahlin worked as an interior designer for a firm in New York City. Hartshorne, a graduate of Princeton and Columbia Law School of Law, enlisted in the Navy and was stationed on the Eastern seaboard during the war. After his tour of service, he advanced professionally in various legal firms and was a judge of the United States District Court for the District of New Jersey from 1951 to 1961 and a senior judge of that court from 1961 to the end of his life. Both came from renowned families. The Hartshornes were among the earliest settlers in New Jersey. Known for their probity, several Hartshornes

served in judicial and legislative posts. Ellen's father, uncle and brother played important roles in the steel industry in the United States and India.

Although they were strong-willed, well-educated, career-oriented, individuals from pedigreed families, the still faced their share of challenges. For example, Hartshorne, while a naval ensign, had issues with senior officers. Sahlin mentioned her struggles with difficult clients. Several letters from Hartshorne and Sahlin include whimsical drawings. If there is a lesson in this archive, it is related to the importance of having an extensive circle of family and friends to draw upon during difficult times. As the family expanded, and the household fractured to accommodate Hartshone's work obligations, the couple received vital information and advice from others, especially from Ellen's "devoted brother," Bob. This support was important when Sahlin was hospitalized for the birth of her children and when Hartshorne fell into depression in 1927.

Several letters from well-wishers received upon their engagement provide examples of the manner in which the couple managed their social networks. The engagement announcement, for example, was sent to circles of intimates and acquaintances in ever-widening waves of correspondence and public notices. For months following, responses arrived from Connecticut, Massachusetts, New Jersey, New York, Ohio and Pennsylvania as well as from Belgium, France and Sweden. Besides the congratulatory remarks, there were many promises of future visits and renewals of friendship as the couple began a new phase of their lives.



Signature detail

# STORY DISCUSSES THE WAR OF 1812, ANDREW JACKSON AND THE AFTERMATH OF A LANDMARK CASE

84. [MANUSCRIPT ARCHIVE]. STORY, JOSEPH [1779-1845]. [WHITE, STEPHEN].

[Five Autograph Letters, Signed, From Story to his Brother-in-Law, Washington, DC, 1814-1826].

Five autograph letters on 10" x 8" bifolia with integral address leaves and wax seals or residue. Moderate toning, horizontal and vertical fold lines, light foxing in a few places, light edgewear and a few small tears along fold lines, tears to edges from removed seals, affecting text of 1819 and 1826 letters with very slight loss to legibility, leaves of February 1814 letter neatly separated along vertical fold, lower quarter of second leaf of February 1826 letter (containing an order for stock shares) neatly excised, likely by White, without loss to text of letter. Typed transcripts included. \$10,000.

IN THESE LETTERS, written between 1814 and 1826, Story provides his brother-in-law with an insider's views (and occasionally "gossip") on government workings in Washington, DC. The three 1814 letters deal largely with the War of 1812, both in the halls of Congress and in the Supreme Court. Story comments extensively on the prize case of the Venus, which apparently divided the Court: "There was a great diversity of opinion in the Court & unusual [warmth] & pertinacity." In the same letter, he speculates on the end to the trade embargo with Britain, but asks his brother to keep his remarks "as confidential to yourself" lest it be announced "that I had disclosed cabinet secrets."

A February 7, 1819 letter describes Story's anxieties about his wife's confinement; William Wetmore Story would be born five days later on February 12, 1819. In the same letter, Story describes his initial impressions of General Andrew Jackson: "I saw him at the last levee at the President's. He attracted universal attention. He is a very modest, unassuming man...Nothing of [refinement?] or rapidity appears in his countenance. Yet perhaps a very [penetrating?] examination... would show that he had a marked character." Story also laments that "there is no real sympathy in Congress for the Judges," particularly in the aftermath of the Dartmouth College decision, which he notes "will probably lose us some friends & make us many strong enemies." A fascinating, warm and candid group of letters providing a unique window on Story's early years on the Supreme Court and life in Washington.



PRE-PUBLICATION MANUSCRIPT OF A TREATISE ON MARRIAGE

Fractatiis

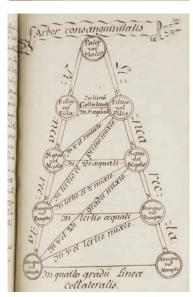
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85. [MANUSCRIPT]. [DENS, PETER (1690-1775)].

[Tractatus de Sponsalibus et Matrimonio and Tractatus de Quatuor Novissimis].

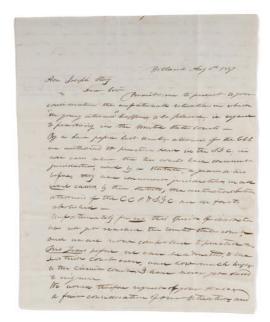
[Louvain?]: 15 July 1767-14 October 1768. 381, [1]; 59, [1] pp. Text in Latin in single neat hand with chapter headings, side notes and indices. Octavo  $(7-1/2" \times 4-1/2")$ .

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

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

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

# LETTER FROM A FORMER STUDENT TO STORY WITH EXTENSIVE NOTES BY STORY



86. [MANUSCRIPT]. FOX, EDWARD [1815-1881]. [STORY, JOSEPH (1779-1845)].

[Autograph Letter, Signed, Portland, ME, August 3, 1837].

Single leaf folded to form 10" x 8" bifolium, franked and docketed on verso of second page, which has a bit of sealing wax. Vertical and horizontal fold lines, light toning to text. Content in neat hand by Fox to recto of first leaf and upper third of the verso, extensive notes by Joseph Story to its lower two-thirds. \$1,250.

EDWARD FOX, who completed his Harvard Law degree in 1837, discusses statutory barriers to practice established by senior members of the bar against young attorneys. He asks Story, in his capacity as a U.S. Supreme Court justice and circuit judge, to do something to help him and his fellow "young attornies." Probably written for a reply, Story's notes outline the statutes referred to in the letter. Fox went on to become a successful attorney, solicitor of

Portland, an associate justice of the Maine Supreme Judicial Court and the U.S. District Court judge for the District of Maine. Story, a distinguished U.S. Supreme Court justice, Harvard Law School professor and legal author, is best known for his *Commentaries on the Constitution* (first edition 1833), a landmark in American law.

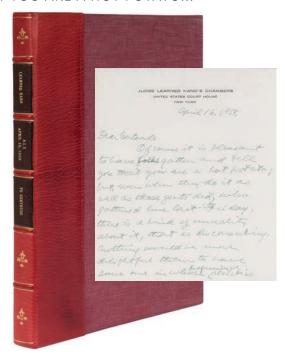
# "OF COURSE IT IS PLEASANT TO HAVE FOLKS GATHER AND TELL YOU THAT YOU ARE A HOT POTATO..."

87. [MANUSCRIPT]. HAND, LEARNED [1872-1961]. [ELY, GERTRUDE SUMNER (1876-1970)].

[Autograph Letter, Signed "L.H.", On Hand's U.S. Court House Letterhead, New York, April 16, 1959].

 $6-3/4" \times 5-3/4"$  bifolium, text to recto of first leaf and verso of second leaf. Light toning, single horizontal and vertical fold lines. Letter housed in handsome  $12-1/2" \times 9-1/2"$  quarter morocco clamshell case with gilt-edged raised bands and lettering pieces. \$1,500.

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 "Gertrude," most likely Gertrude Sumner Ely [1876–1970], who was a longtime friend of the family and particularly of Hand's wife Frances. She corresponded with



Hand frequently and had apparently written to congratulate him on the fiftieth anniversary of his appointment to the federal bench. A celebration of that anniversary was held on April 10, 1959. The letter typifies Hand's occasional insecurity and reluctance to accept praise. He remarks: "Of course it is pleasant to have folks gather and tell you that you are a hot potato; but, even when they do it as well as those gents did, who gathered here last Friday, there is a kind of unreality about it, that is disconcerting...I felt as if it was all about someone I didn't know." Hand continued to hear special cases on senior status until his death in 1961. He had previously published two books while in semi-retirement: *The Spirit of Liberty* (1952) and *The Bill of Rights* (1958).

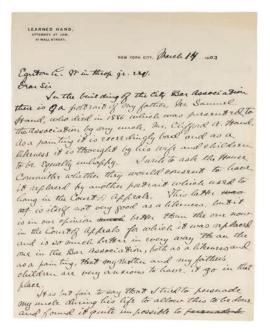
### "AS A PAINTING IT IS EXCEEDINGLY BAD"

88. [MANUSCRIPT].
HAND, LEARNED.
[WINTHROP, EGERTON LEIGH, JR.
(1862-1926)].

[Autograph Letter, Signed, On Hand's Law Office Letterhead, New York, March 14, 1903].

Two 11"  $\times$  8-1/2" leaves, lightly toned, vertical and horizontal fold lines, content in neat hand to rectos. \$750.

HAND ASKS WINTHROP, chair of the New York City Bar Association's House Committee, to consider an offer to exchange the Association's portrait of his father, Judge Samuel Hand [1834-1886], with another one, which he would provide. Hand wanted to do this because he felt the Association's portrait is "[as] a painting...exceedingly bad and as a likeness it is thought by his wife and children to be equally unhappy." At the time of this letter he was a lawyer on Wall Street.



# "YOU ARE THE MOST FAITHFUL OF FRIENDS"



89. [MANUSCRIPT]. HOLMES, OLIVER WENDELL, JR. [1841–1935]. [BENJAMIN, ROBERT M. (1896–1966)].

[Autograph Note, Signed, Washington, DC, December 8, 1929].

 $7-3/4" \times 5-1/2"$  Supreme Court bifolium letterhead, content to recto of first leaf. Light toning, horizontal fold line. \$850.

THIS NOTE WAS PROBABLY ADDRESSED to Robert M. Benjamin, Holmes's clerk from 1922 to 1923. It reads: "My Dear Benjamin, You are the most faithful of friends. Another custom (?) that even I had forgotten – I thank you both and send you both my love. Affectionately yours, O.W. Holmes." In 1953 Benjamin was part of the legal team that represented another former Holmes clerk, Alger Hiss.

### HOLMES THANKS AN EDITOR

90. [MANUSCRIPT]. HOLMES, OLIVER WENDELL, JR. [KING, MOSES (1853-1909)].

[Autograph Letter, Signed "O W Holmes," Boston (?), July 4, 1880].

 $6-3/4" \times 4-1/2"$  sheet, content to recto. Faint horizontal fold line, negligible offsetting to upper-right corner. Letter accompanied by typed transcription. \$950.

HOLMES'S LETTER dates from the period when he was practicing law in Boston and active as a legal scholar. King, a Harvard graduate, was an editor and publisher who specialized in guidebooks. In this letter Holmes thanks King for allowing him to correct the proof for an un-named publication, possibly the second edition of King's *Harvard and Its Surroundings* (1880), noting "Some of the corrections which I have made I can swear to as what I said – the rest as what I meant to say."

July 4/80

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# HOLMES WARMLY CONGRATULATES HIS SUCCESSOR ON THE MASSACHUSETTS SUPREME JUDICIAL COURT

91. [MANUSCRIPT]. HOLMES, OLIVER WENDELL, JR. [KNOWLTON, MARCUS PERRIN (1839-1918)].

[Autograph Letter, Signed, To Marcus P. Knowlton, Washington, DC, January 22, 1903].

Content to first 2 pp. of 7-3/4"  $\times$  5" U.S. Supreme Court bifolium letterhead. Moderate toning, single faint horizontal fold line, light offsetting to first page. With

transmittal envelope postmarked January 22, 1903. Typed transcription included. \$1,850.

AFTER SERVING as an associate justice since 1887, Knowlton was appointed as Holmes's successor as Chief Justice on the Massachusetts Supreme Judicial Court in 1902. This warm and effusive letter from Holmes congratulates him: "You know how deserved and just I think this appointment. I told the Governor that of course you were the man...[I] will say to an old friend that he has my affectionate good wishes and confident prophecy for his success in his future as in his past."



# HOLMES PRAISES A U.S. SENATOR

92. [MANUSCRIPT]. HOLMES, OLIVER WENDELL, JR. [RUGG, ARTHUR PRENTICE (1862-1938)].

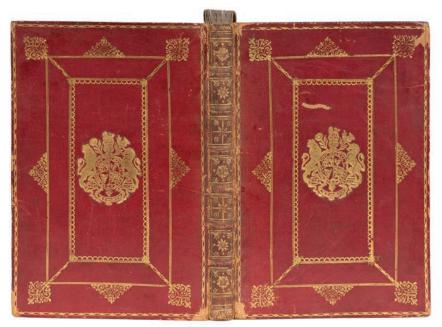
[Autograph Letter, Signed "O W Holmes," Washington, D.C., October 18, 1907].

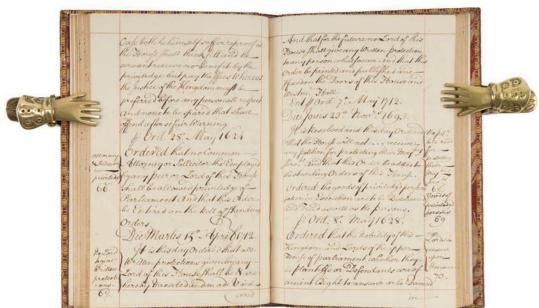
 $8" \times 5"$  bifolium, United States Supreme Court letterhead, content to recto and verso of first leaf. Light toning, two slight horizontal fold lines. With transmittal envelope postmarked October 18, 1907, small tears to top-edge. \$1,250.

RUGG WAS A JUSTICE on the Massachusetts Supreme Judicial Court from 1906-1928. In this letter, Holmes thanks him for sending a copy of memorial remarks on the death of George Frisbie Hoar [1826-1904], a senator from Massachusetts. Hoar was a fiery legislator known for battles against political corruption and American imperialism, in addition to his advocacy for women's suffrage. Holmes remarks: "I keenly appreciated his great powers and his character and I do not think that I was prevented from doing him



justice by the fact that he seemed to dislike me." He goes on to describe Hoar's character and career, and concludes by noting that he "was delighted" to hear reports of Rugg "as a judge corresponding to the man I respected."





# FROM THE LIBRARY OF THE EARLS OF MACCLESFIELD

93. [MANUSCRIPT]. [HOUSE OF LORDS].

[Standing Orders for the House of Lords, 1660-1726].

 $\label{eq:condon} \begin{tabular}{ll} $[London]$: c.1726. [91] pp., [20] blank, [7] pp. index, [3] blank \\ pp. Octavo (7" x 4-1/2"). \end{tabular}$ 

Contemporary gilt-paneled morocco, gilt royal arms to boards, raised bands and gilt decoration to spine, gilt tooling to board edges, gilt dentelles to inner boards, gilt edges, marbled endpapers, library bookplate of the Earls of Macclesfield to front pastedown. A few scuffs, nicks and scratches to boards, light rubbing to extremities,

light fading to spine, joints starting at foot, rear joint just starting at head. Text with side notes written in two hands within red-ruled borders. Light toning to interior, small blind-embossed Macclesfield arms to first four leaves, light foxing and spotting in a few places. A handsome volume.

\$1,250.

THESE STANDING ORDERS, listing a variety of regulations for the proceedings of the House of Lords, are dated from June 9, 1660 to March 29, 1726. Topics include appropriate conduct for members when the king is present and procedures for trials of peers. The orders were read aloud at the beginning of each session, and the clerk produced copies for peers for a fee. Our copy comes from the library of the Earls of Macclesfield and may have been produced for George Parker, the second Earl, when he succeeded to the title in 1732.

### "OUR MASTER IS OUR SELF-MADE LAW"



94. [MANUSCRIPT]. LIEBER, FRANCIS [1798-1872].

[Autograph Note, Signed, N.p., N.d (c.1860?)].

Single leaf folded to form  $6-1/2" \times 5"$  bifolium, light toning, horizontal

fold lines, content in neat hand to recto of first leaf.

[WITH]

"Obituary: Dr. Francis Lieber," [New York Tribune, October 3, 1872].

Single-column text, divided into two columns, affixed to  $10^{\circ} \times 5-3/4^{\circ}$  sheet. Moderate toning, date of obituary at head of article in small contemporary hand. Together two items. \$650.

LIEBER was a prominent political philosopher who helped lay the foundation for the study of political science in the United States. He is best known for

drafting guidelines for the humane conduct of the Union army. One of these, *General Orders Number 100* (better known as the "Lieber

Code") was adopted by other nations and formed the basis for such international treaties as the Hague Regulations of 1907. A scholar of wide interests beyond law and politics, he published studies on economics, statistics, education and penal reform and produced and edited the *Encyclopedia Americana*, the first work of its kind published in the United States. The note, four lines of apparently original verse, was likely a response to a request for an autograph. It reads: "Let Emperor never rule this land,/ Nor fitful Crowd, nor senseless pride;/ <u>Our master is our self-made Law/ To him we bow, and none beside."</u>

### UNPUBLISHED HISTORY OF LITCHFIELD COUNTY

# 95. [MANUSCRIPT]. [LITCHFIELD COUNTY].

[Unpublished History of Litchfield County, Connecticut and the Litchfield Law School].

[Litchfield, CT?: c.1929]. [43] ff. With a partial table of contents.

Text in ink and pencil in a single hand to rectos of  $8" \times 5"$  sheets of ruled notepaper with a  $5-3/4" \times 3-1/2"$  newspaper clipping. 30 ff. grouped in six bundles held together with contemporary paperclips, 13 ff. loose. Moderate toning to notepaper, light foxing to a few leaves, light rusting to paperclips, which have not been removed. \$450.

THIS MANUSCRIPT appears to be a draft of an unpublished history of Litchfield County. Connecticut. It is grouped into discernable categories, and most pages have section headings. Topics include biographies of notable Litchfield figures like Tapping Reeve and Oliver Wolcott, a brief history of the Litchfield Law School and an overview of important town buildings and events. Much of the text is comprised of fair copies from extant Litchfield histories published between 1859 and 1920. Some text (relating to early religious activity in the town) appears to be original, however, suggesting that the unknown author was preparing a new history of Litchfield.

### The Tapping Reeve Memorial

I ITCHFIELD is taking a pardonable pride in the restoration of the Tapping Reeve home and the old law school as a memorial to the man who conducted the first separate law school in this country. The work has been under the general supervision of the Litchfield historical society but the whole village has participated in various ways and the result is truly a community achievement. Litchfield has always known about Tapping Reeve and his school and his house. Even when the house war such bidden school of the school way the school of the school

Rever and his school and his house. Ever when the house was nearly hidden behind a porch of the period of the 90s and its proportions spoiled by the addition of extra rooms and the like, it was still recognizable. And the little school building was followed by many as it was moved about town and used now for one thing, now for another. But anybody can recognize the group today. The little school has been moved back to its original site next to the. Reeve house, the porch has been taken off and a room or two temoved from the house, and the fence repaired and everything painted. The group is now not only an interesting and worthy memorial to Tapping Reve but the restoration is of enough architectural worth to be a handsome addition to the village's stready fine collection of good houses. Everybody connected with the venture may well feel proud.

Perhaps Litchfield's aggressiveness in this instance may act to spur a little activity of similar nature in other western Connecticut towns. Not every town has buildings of such permanent historical value as the Reeve home and the school, but that is not necessary. The idea of preserving what is old on the ground that it contributed in some measure to the present breeds the idea that what is now achieved is of some value and that what is to come may be more widespread in New England.

Newspaper clipping detail



Nº 95

# A DEBT DISCHARGED IN COLONIAL MASSACHUSETTS

To all people to whem they proports that Como John Diason former of Transionagh in if Country of york in it Province of Malacha fotts, is relantering in if County of Indian in the Glong of Commeltant for grading know you that I have John Later for and in Extent to and in Extension for and in Extension for and in Extension to of the firm of the five from the money in the ad I snow to me in hand well and huly hand by Thinohas loans of Palmoth in the ? Country of york, the Respit whorsof Do Ross, asknowledge, a thorofor To acquit and Discharge of Thinohas Prany his hour Sant and adm & and thereupon Rave Romped. Rollared & guit Plaine and Do & these prosents fully freely and absolute, gamps golder and for Ever quit Caime unto into the I Polymones bons his and afrigues for Sver, all my Right little Interest Claime and in any sind that I have a Ever had in hand in and to one Carlein. grant of lixty one of fand in I fear brough, which the proprietory of December in the major to major these meeting had in the challength on the friend, sown I down of June anno. Down on the fand he were fund and menty, with we the profits providiges and op stern the major of the major of the major of the major of the and the major of the maj Cohoof forlier, was and Chen, one promoner of yound was and Discharged of and found word all manner of young on so what cover had made or Done or pefforwed to be Sous of me what cover had made or Done or pefforwed to be Sous of most forever, nes and (hour, and freely and (Barly requite I have horamito styry hund and sal the trienty hathe day of fabruary and Dom one thousand howar hunded and Lynd saled and Dollared John Dixson Sieson Sieson
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# 96. [MANUSCRIPT]. [MASSACHUSETTS].

[Discharge of Debt and Land Grant].

York County, Massachusetts, February 26, 1741/2.

Text in ink to recto of single 12-1/4" x 7-1/2" sheet with wax seal signed with John Dixon's mark, docket to verso. Moderate toning, light foxing and soiling, horizontal and vertical fold lines, small holes and negligible tearing along fold lines with no loss to legibility, upper and lower right corners lacking without loss to text. \$500.

A LEGAL DOCUMENT discharging a debt and granting a plot of land. The document records a payment of £35 made by Phinehas Jones of Falmouth to settle a debt with John Dixson of Scarborough, and an award to Jones of 60 acres in Scarborough.



Verso detail

# "I SHALL BE THE LAST TO CLING TO AN ERROR, WHEN I PERCEIVE IT"

97. [MANUS STORY, JOSI [GRIMKÉ, THE 1827].

Single 13" x 8" should be should

97. [MANUSCRIPT]. STORY, JOSEPH. [GRIMKÉ, THOMAS SMITH (1786-1834)].

[Autograph Letter, Signed, To Thomas S. Grimké, Salem, June 27, 1827].

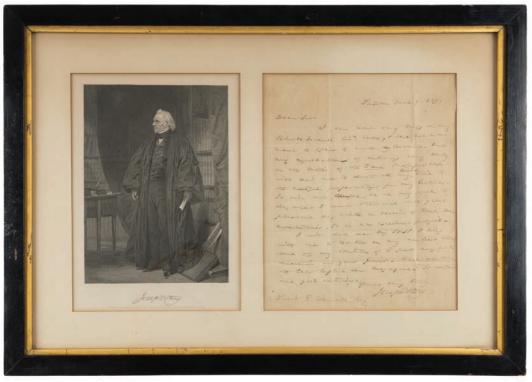
Single 13" x 8" sheet with text to recto and verso. Moderate toning, negligible light foxing, faint thumbprint to recto, three horizontal fold lines. Typed transcript included. \$1,500.

GRIMKÉ was an attorney, orator and social activist with a notable focus on education reform. He came from a prestigious South Carolina family: his father was jurist John Faucheraud Grimké and his siblings included notable

abolitionists Sarah Moore Grimké and Angelina Grimké Weld. In this warm letter, Story thanks him for sending a copy of an address given to the Literary and Philosophical Society of South Carolina in May 1827. He describes the address as "a very interesting & comprehensive discourse,

Signature detail

abounding with important thoughts and elevated views" but notes his disagreement with Grimké on the importance of classical education: "I am not sorry for this diversity of judgment, it will elicit free discussion, & ultimately subserve the course of truth – it may be, that I have been accustomed to overvalue classical learning, but I shall be the last to cling to an error, when I perceive it." The first portion of an additional letter dated July 14th, 1827 appears on the verso. It thanks Grimké "for the polite present" of his March 1827 oration before the Bar Association of South Carolina. It goes on to discuss the two's mutual support for codification (the topic of Grimké's address) as a "immense saving of labour." This additional letter is incomplete and was likely begun on the same sheet as the first to save paper.



### "I AM NOW VERY BUSY"

98. [MANUSCRIPT]. STORY, JOSEPH. [SEWALL, SAMUEL E. (1799-1888)].

[Autograph Letter, Signed, Salem, MA, June 9, 1829].

Single-page letter on 10"  $\times$  8" sheet and 9-1/2"  $\times$  7" engraved portrait of Story in judicial attire in attractively matted and glazed 13-3/4"  $\times$  19-1/4" frame.

Moderate toning to matte, letter and margins of portrait, some edgewear and a few minor chips to frame. \$1,500.

STORY REGRETS that he does not have time to write a review of Kent's Commentaries on American Law (first edition 1826) for the American Jurist, which was edited by Sewall. Story says he is too busy with circuit-court duties and "the needful preparations" for his lectures at Harvard Law School. He promises to look over his manuscripts at a later date to see if he has anything to submit. Sewall, a Boston lawyer, was a prominent abolitionist and suffragist.

# STORY PRAISES A COLLEAGUE'S ESSAY ON USURY

99. [MANUSCRIPT]. STORY, JOSEPH. [WHIPPLE, JOHN (1784-1866)].

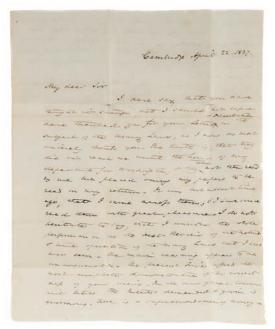
[Autograph Letter, Signed, Cambridge, MA, April 22, 1837].

Single leaf folded to form 9-3/4" x 8" bifolium, franked and docketed on verso of second page, which has a bit of sealing wax. Vertical and horizontal fold lines, light toning to text, a few short tears along folds. Content in neat hand to recto and verso of first leaf and recto of second leaf.

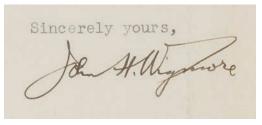
THIS LETTER IS ADDRESSED to John Whipple, who had recently sent Story a copy of his anonymously published essay *Jeremy Bentham and the Usury Law* (1837). Story discusses its main points and declares it the best review of the subject he had ever seen. Whipple was a leader of the Rhode Island Bar and the state's leading trial attorney and constitutional lawyer.



Signature detail from N° 99



Nº 99



Signature detail from N° 100

# WIGMORE ADVISES A YOUNG LAWYER

100. [MANUSCRIPT]. WIGMORE, JOHN HENRY [1863-1943]. [WATKINS, SAMUEL C.G. (1853-1942)].

[Typed Letter, Signed, On Preparing for Law School, Chicago, October 2, 1930].

1 pp. typed letter, lightly corrected in pencil, on 11" x 8-1/2" Northwestern University School of Law letterhead. Light toning and soiling, faint horizontal and vertical fold lines, residual print material and light edgewear to fore-edge. \$500.

IN THIS LETTER, Wigmore offers advice for a young man seeking to begin a legal education: "The coming generation of lawyers have heavier responsibilities than hitherto, as well as very bright prospects, and, therefore, the best schools today require three or four years of college preparation." Wigmore served as dean of Northwestern Law School from 1901–1929, helping to establish the *Northwestern University Law Review* among other significant reforms, and remained a professor there until his death.

# A RARE COMMENTARY FROM A DISTINGUISHED NEAPOLITAN JURIST



101. MARADEI, FRANCESCO. CAIMI, GIROLAMO.

Practicae Observationes Civiles, Criminales, Et Mixtae. In Quibus Quaestiones in Foro, & in Universo Jure Frequentes, & Valde Controversae Pertractantur, & Enodantur. Illustratis Quoque, & Declaratis Ordine Alphabetico Selectioribus Regiis Sanctionibus Regni Neapolitani; Additis Etiam Rebus Judicatis Supremorum Tribunalium, Responsis, & Consultationibus Insignium, & Celeberrimorum Juris-Consultorum, Ac Magistratuum, Qui in Eodem Regno Floruerunt. His Accedit Famigeratus Tractatus De Regia Visitatione, Ad Usum Regis Catholici, D. Hieronymi Caymi, Patritii Mediolanensis, Et in Supremo Italiae Consilio Olim Regentis, Cum Luculentissimis Auctoris Adnotationibus, & Observationibus, Cuius Studio, & Diligentia Nunc Primum Publica Luce Posteritati Traditur.

Naples: Typis, Ac Sumptibus Michaelis Aloysii Mutio, 1722. [xiv], 410 pp. With woodcut head and tail-pieces. Text in double columns below headline. Folio (13-1/2" x 8-1/4").

Contemporary vellum, ink title and date to spine, edges speckled. Light soiling to boards, front board bowing slightly, light rubbing to extremities, small horizontal crack across front joint, which is starting at head, front hinge starting at foot, a few small tears to pastedowns. Moderate toning to interior, somewhat heavier in places, occasional light foxing, faint dampstaining to head of first two-thirds of text block, light dampspotting in a few places, crack to text block between pp. 174 and 175, early ownership signature ("Saudi Sulmonen"?) dated January 1747 to title page. Rare.

\$1,250.

SECOND EDITION. First published in 1704, this commentary on civil and criminal decisions from the Supreme Tribunal of Naples also includes a treatise on royal visitations by Girolamo Caimi. Maradei was a distinguished legal scholar and advocate who published several other commentaries and treatises on Neapolitan law. The third and final edition of *Practicae Observationes* appeared in 1754. OCLC locates 4 copies worldwide of all editions and 1 copy of this edition (George Washington University Law School).

# AN EXPERT ON POLITICAL ECONOMY DEFENDS PRIMOGENITURE AND ENTAIL

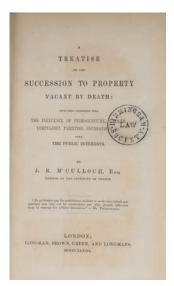
# 102. MCCULLOCH, J[OHN] R[AMSAY] [1789-1864].

A Treatise on the Succession to Property Vacant by Death: Including Inquiries into the Influence of Primogeniture, Entails, Compulsory Partition, Foundations, &c. Over the Public Interests.

London: Longman, Brown, Green, and Longmans, 1848. vi, [2], 193, [1] pp. Octavo  $(8-1/2" \times 5-1/4")$ .

Near-contemporary pebbled cloth, recently rebacked, gilt institution name to front board, gilt institution insignia to rear board, lettering piece to spine, endpapers renewed. Moderate toning to interior, faint inkstamps to title page and a few other leaves. \$650.

ONLY EDITION. McCulloch was comptroller of the Stationary Office and one of the first experts on public finance. In addition to this work and related articles in the Scotsman, Edinburgh Review and Encyclopedia Britannica, he compiled and annotated the Literature of Political Economy, an important reference work. His Treatise on the Succession to Property Vacant by Death is a carefully argued defense of the law of primogeniture and entail. Kress C.7477. Sweet & Maxwell 2:224.



## OWNED BY NATHAN LEOPOLD'S BROTHER

#### 103. MCKERNAN, MAUREEN.

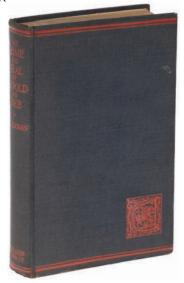
The Crime and Trial of Leopold and Loeb.

Introduction by Clarence Darrow and Walter Bachrach. London: George Allen & Unwin, [1925]. Frontispiece. Illustrated.

Original publisher's cloth, red rules to boards, red-stamped decoration to front board and title to spine, bookplate of Foreman M. Lebold [1895–1953] to front free endpaper. Light rubbing to extremities, small faint stain to bottom edge of text block affecting interior margins in a few places, hinges cracked. Moderate toning to interior, a few slight cracks to text block, all signatures secure. A copy with a superb association.

THE LOEB-LEOPOLD CASE was one of the most fascinating and sensational trials of the twentieth century. On May 21, 1924, Nathan Leopold and Richard Loeb confessed to the thrill killing of fourteen-year-old Bobby Franks. Clarence Darrow led their defense team. Robert Crowe, the prosecutor, was an equally skillful adversary. Though their guilt was beyond question, Darrow hoped to save them from the electric chair. His successful twelve-hour plea, one of the greatest courtroom speeches in history, moved the presiding judge to tears. McKernan's careful account of the case features an introduction co-written by Darrow and Bachrach, another attorney on the defense team.

Our copy was owned by Foreman Michael ("Mike") Lebold, Nathan's older brother. Like other members of his family, he changed his name from "Leopold" after the trial to disassociate himself from his brother's notoriety, but kept in close contact with Nathan and was especially active in the eventually-successful campaign to gain him parole.





Bookplate detail

# THE FIRST CIVIL PROCEDURE CODE OF BAJA CALIFORNIA



104. [MEXICO]. [BAJA CALIFORNIA].

Codigo de Procedimientos Civiles Para el Distrito Federal y el Territorio de la Baja California.

Mexico City: Imprenta del Gobierno, 1872. [ii], 459, [11] pp. Octavo (8-1/2" x 5-3/4").

Contemporary crimson quarter sheep over marbled boards, gilt-edged raised bands and gilt title and ornaments to spine, speckled edges. Light rubbing to boards, moderate rubbing to extremities, light scuffing to spine ends, corners bumped and somewhat worn. Light browning to interior, light foxing in a few places. \$450.

FIRST EDITION. The model for several other Mexican states, this was the first code of civil procedure for the Federal District and Territories (which includes Baja California). Clagett and Valderrama 103.

### VENERABLE ALPHABETICALLY DIGESTED HANDBOOK ON CANON LAW



105. MILIS, JOANNES NICOLAUS DE [15TH C.]. FERRANDAT, HENRI, EDITOR.

Repertorium Aureum do Nicolai de Milis, Repertortorium Admodum Solenne (Quod Merito Opus Singulariu[s] Dictorum Appellant)...

[Lyon: Jacques Giunta and Jean Flajollet], 1543. [xvi], 396 ff. Octavo (5-1/2"  $\times$  3-3/4").

Contemporary limp vellum with lapped edges, early calligraphic titles to spine and bottom edge of text block, thong ties removed. Light soiling, tiny tear to top-edge of rear cover, hinges starting, front free endpaper lacking, rear free endpaper affixed to pastedown. Title page printed in red and black. Moderate toning to text, faint dampspotting in a few places, light soiling to title page and verso of final leaf, "S.2" in early hand to front pastedown. An attractive copy.

WRITTEN IN the early fifteenth century and first printed in Rome around 1471, this work was issued with various titles but is generally known as the *Repertorium Juris Canonici* or *Repertorium Aureum*. Arranged alphabetically by topic, it is a venerable handbook on canon law for clerics. The identity of the author is uncertain, but most sources attribute authorship to Niccolo di Milis, a 15th-century



Title page woodcut detail

Franciscan friar from Sardinia. It went through numerous editions, but all are scarce today. OCLC locates 4 copies of this imprint, 2 in North America (Emory Law School, George Washington University Law School). Schulte 2:299. Baudrier XII:434.

## A REBUTTAL OF THE 1819 REPORT FROM THE SELECT COMMITTEE ON CRIMINAL LAWS

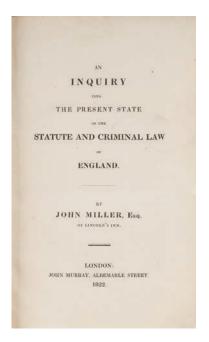
106. MILLER, JOHN.

An Inquiry into the Present State of the Statute and Criminal Law of England.

London: John Murray, 1822. vi, [ii], 332 pp. Octavo (8-1/4" x 5-1/4").

Later three-quarter calf over marbled boards, raised bands, blind fillets and lettering piece to spine, "1822" black-stamped to foot, corners mended. Light rubbing to boards, moderate rubbing to extremities, hinges cracked, moderate toning to interior. \$650.

ONLY EDITION. The first part of this two-part work by a member of Lincoln's Inn proposes methods to consolidate state and law reporting. The second, and larger, part is a rebuttal of the important report from the Select Committee on Criminal Laws (1819), which proposed a series of key reforms, such as a reduction in the number of capital offenses. OCLC locates 8 copies, 1 in North America (Harvard Law School). Sweet & Maxwell 2:242.



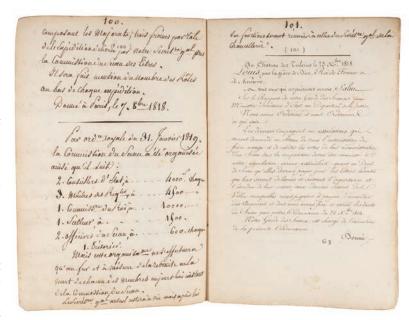
## RARE 1818 COLLECTION OF FRENCH LAWS CONCERNING NOBLES

107. [NOBILITY]. [FRANCE].

Ordonnances et Réglemens Rélatifs à l'Établissement des Titres Héréditaires, Aux Lettres de Noblesse, &c. &c. Arrêtés et Avis de la Commission du Sceau. Deuxième Recueil.

[Paris]: S.n., 1818. [ii], 240 pp. Octavo (7–1/2" x 5").

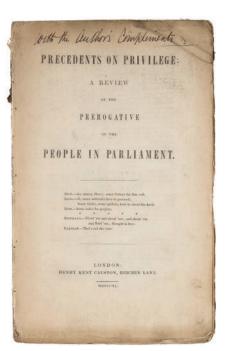
Stab-stitched, plain wrappers, front wrapper lacking, front free endpaper detached. Light soiling to exterior, moderate rubbing to extremities, spine abraded, folds to corners of several leaves, faint



dampstaining to margins at rear of text block. Moderate toning, faint dampspotting in places, 33 leaves filled with additional content in manuscript. \$2,400.

THIS RARE VOLUME contains legislative texts concerning members of the nobility during the Restoration. It was printed with several blank numbered leaves intended to be filled with manuscript copies of later legislation. Ours has 33 pages with laws from 1819 and 1820. This book was probably intended for the exclusive use of the seal commission, which oversaw matters relating to the nobility. It was preceded by a *Première Recueil* in 1810. According to Montgland, these works were intended for members of the commission, which consisted of 10 people who were given two copies each. Other copies were distributed "only on express order of the archchancellor." No copies of either *Recueil* located on OCLC. Monglond VIII: Cols. 684–685.

#### A RESPONSE TO A RECENTLY ENACTED PARLIAMENTARY PRIVILEGE



108. [PARLIAMENT]. [GREAT BRITAIN].

Precedents on Privilege: A Review of the Prerogative of the People in Parliament.

London: Henry Kent Causton, 1840. iv, 120 pp. Octavo (9" x 5-1/2").

Disbound stab-stitched pamphlet, untrimmed edges, signatures unopened. Moderate toning, light soiling to exterior, creasing to upper outside corner of text block, "With the Author's Compliments" to head of title page. \$450.

ONLY EDITION. This essay is a strongly negative response to the Parliamentary Papers Act of 1840, which stipulated that publications issued for circulation by Members of Parliament are protected by absolute privilege against civil or criminal proceedings. OCLC locates 1 copy (at the University of Heidelberg). Not in the *BMC*.

#### "A PROFITABLE BOOKE"



109. PERKINS, JOHN [D.1545].

A Profitable Booke of Master John Perkins, Fellowe of the Inner Temple. Treating of the Lawes of Englande.

[London]: Apud Richardum Tottell, [1581]. [xx], 168 ff. Octavo (5-1/2" x 3-3/4").

Contemporary calf, blind rules and large central arabesques to boards, rebacked, lettering piece and blind fillets to spine, corners and board edges repaired, blind tooling to

inner board edges, endpapers and endleaves renewed. Light wear to boards, some rubbing to joints, front board just starting at head but secure, rear board just starting near foot, both boards secure, corners bumped and somewhat worn, small recent mark in ink to rear pastedown. Moderate toning to interior, minor edgewear to title page, lower corners of a few leaves lacking without loss to text, portion of fore-edge of f. 23 lacking with minor loss to side notes but no loss to main text, light foxing to last few leaves, occasional early annotations and underlining in ink, possible early ownership signatures to title page. \$1,250.

LATER EDITION of a work first published in 1528. Main text in Law-French, preface in Latin. A popular work during the sixteenth and early seventeenth centuries that was held in high regard by Coke, Perkins' *Profitable Booke* went through numerous editions in both English and Law-French. Devoted mostly to the land law as developed in the Year Books, it is divided into the following topics: grants, deeds, feoffments, exchanges, dower, curtesy, wills, devises, surrenders, reservations, and conditions. The annotations in our copy seem to consist of both case citations and notes on the content. OCLC locates 2 copies of this title, 1 in North America (Yale University). The ESTC adds North American copies at Folger Shakespeare, Harvard Law School, Huntington Library, University of Illinois and University of Minnesota. Holdsworth, *HEL* V:388. *ESTC* S110411. Beale T423.

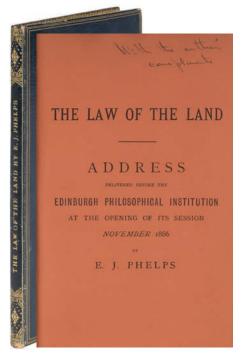
### A WELL-REVIEWED ADDRESS ON THE FUNDAMENTAL PRINCIPLES OF ENGLISH LAW

110. PHELPS, E[DWARD] J[OHN] [1822-1900].

The Law of the Land: Address Delivered Before the Edinburgh Philosophical Institution at the Opening of Its Session, November 1886.

London: Harrison & Sons, 1887. 64 pp. Octavo (8-3/4" x 5-3/4").

Stapled pamphlet in stiff printed wrappers, bound in contemporary morocco, gilt rules to boards, gilt title and decoration to spine, gilt rules to board edges, gilt text block edges, gilt inside dentelles, morocco bookplate of Dudley C. Marjoribanks to front pastedown, contemporary newspaper clippings pasted to free endpapers, contemporary newspaper review laid in. Light rubbing and a few small scuffs to boards and extremities, front board slightly bowed, corners and spine ends very lightly worn, light foxing and faint offsetting to endleaves. Light toning to interior, presentation inscription by author to front cover, internally clean. A handsome copy.



ONLY EDITION. This review of Magna Carta and other fundamental principles of English law was delivered by Phelps during his tenure as the United States envoy to the Court of St. James's (1885–1889). He was popular in British society and taught

law at Yale Law School, Boston University and the University of Vermont on his return to the United States. Marjoribanks [1820-1894] was a British MP and eventual 1st Baron Tweedmouth. Not in the *BMC*.

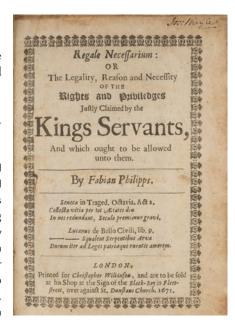
#### THE RIGHTS OF THE KING'S SERVANTS

#### 111. PHILIPPS, FABIAN [1601-1690].

Regale Necessarium: Or the Legality, Reason and Necessity of the Rights and Priviledges Justly Claimed by the Kings Servants, And Which Ought to be Allowed Unto Them.

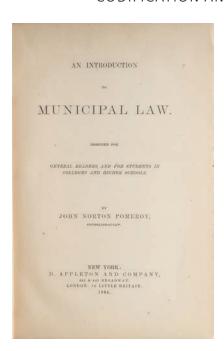
London: Printed for Christopher Wilkinson, 1671. [xxxii], 552, 552-634 pp. Complete. Quarto (7-1/2" x 5-1/4").

Contemporary sprinkled calf, blind rules to boards, rebacked with raised bands and red and black lettering pieces to spine, blind tooling to board edges, edges rouged, endleaves renewed. Light rubbing and a few nicks and scratches to boards, which have faint library stamps, moderate rubbing to extremities with light chipping to joints, corners bumped, faint library stamp to bottom edge of text block, library bookplate to front pastedown and ink stamps to endleaves. Moderate toning to interior, somewhat heavier in places, occasional light foxing, light soiling in a few places, small tears to fore-edge of leaf P4 (pp. 111-112) mended on verso without loss to legibility, early ownership signature to head of title page and brief corrections in ink in an early hand to a few pages.



ONLY EDITION. Philipps, a member of an old gentry family educated at inns of chancery, Oxford and Middle Temple, was a notable, and prolific, legal antiquarian. A committed Royalist, most of his scholarship aimed to promote the rights of the Crown though the use of old records. *Regale Necessarium* deals with the rights and respect which ought to be accorded to ministers and household servants of the king. OCLC locates 5 copies of this title in law libraries (Harvard, New York University, Library of Congress, Northwestern, University of Pennsylvania). *ESTC* R26879.

# CONSIDERS PRESIDENTIAL WAR POWERS, CODIFICATION AND THE STATUS OF MARRIED WOMEN



112. POMEROY, JOHN NORTON [1828-1885].

An Introduction to Municipal Law: Designed for General Readers, And for Students in Colleges and Higher Schools.

New York: D. Appleton and Co., 1864. xxxviii, 544 pp. Octavo (8-1/2" x 5-1/2").

Original textured cloth, blind frames to boards, gilt title to spine. several signatures unopened. A few minor stains and spots, light rubbing to extremities, spine lettering oxidized. Light toning to interior, early annotations to margins in pencil in a few places. \$450.

FIRST EDITION. This important treatise is not a study of municipal law in the modern sense, but a study of the positive law of the state and its history. A widely circulated book, it was highly regarded for its elegant prose style and thoughtful consideration of such topics as codification, legislation relating to married women and the war powers of the president under the Constitution. A second edition was published in 1883. *HLC* II:370.

#### INSCRIBED BY POUND TO MELVIN BELLI

113. POUND, ROSCOE [1870-1964].

Justice According to Law.

For Mulvin M. Beki, Ey.

By Roscoe Pound

Published for Wednesder College by

Trade University Park NEW MAYER 1991

Interior Signature of Melvin Belli to front party.

New Haven: Published for Westminster College by Yale University Press, 1951. [viii], 98 pp.

Cloth, negligible light rubbing to boards, moderate rubbing to extremities with some wear to spine ends, corners lightly bumped. Light toning to

interior. Signature of Melvin Belli to front pastedown, presentation inscription from Roscoe Pound to front free endpaper. \$450.

FIRST PRINTING. The inscription reads: "For Melvin M. Belli Esq./ Roscoe Pound." Pound, a professor and dean of Harvard Law School, was a deeply

influential jurist associated with the establishment of sociological jurisprudence. Belli, a San Francisco attorney, was famous for his colorful personality, innovative use of graphic evidence and expert witnesses, and important class-action cases on behalf of consumers and celebrity clients, such as the Rolling Stones, Muhammad Ali, Jim and Tammy Faye Bakker and Zsa Zsa Gabor.

# OPPOSITION TO THE ABOLITION OF ENTAIL IN SCOTLAND

LONDON SHOFFERY CUMBERLEON

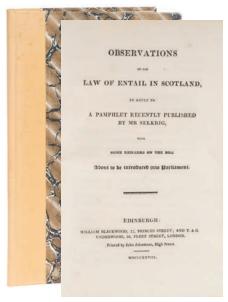
114. [REAL PROPERTY]. [SCOTLAND]. [SELKRIG, CHARLES].

Observations on the Law of Entail in Scotland, In Reply to a Pamphlet Recently Published by Mr. Selkrig, With Some Remarks on the Bill About to be Introduced into Parliament.

Edinburgh: William Blackwood, 1828. 42 pp. Octavo (8"  $\times$  5-1/4").

Stab-stitched pamphlet bound into quarter cloth over marbled boards, printed paper title panel to front board. Light rubbing to extremities, moderate toning to interior, faint dampstains and smudges to a few leaves. \$500.

ONLY EDITION. Selkrig was part of a committee that produced a report that recommended the gradual abolition of entail in Scotland. Its work resulted in a bill introduced to Parliament. Selkrig wrote a pamphlet to explain and promote his committee's plan, which was not adopted. Our anonymous reply to Selkrig is a good summary of the reasons why it was opposed. This pamphlet is scarce. OCLC locates 2 copies, neither in North America. *BMC* 23:120.



Nº 114

"THE MOST SWEEPING INDICTMENT OF COMMON LAW IDEALISM EVER WRITTEN IN AMERICA"

115. SAMPSON, WILLIAM [1764-1836]. THOMPSON, PISHEY [1784-1862], EDITOR.

Sampson's Discourse and Correspondence with Various Learned Jurists, Upon The History Of The Law, With the Addition of Several Essays, Tracts, And Documents Relating to the Subject. Washington City [DC]: Printed by Gales & Seaton, 1826. viii, 202 pp. Octavo (9"  $\times$  6").

Contemporary three-quarter calf over marbled boards, lettering piece and gilt fillets to spine, marbled endpapers. Light rubbing to boards, moderate rubbing to extremities, hinges cracked. Moderate toning and light foxing to interior, faint dampstaining in places, early owner signature of Christopher Columbus Andrews to front free endpaper and title page, small Andrews inkstamp to inner margin of following leaf.

ONLY EDITION. Sampson, an Irish lawyer, was exiled in 1799 for his involvement in the 1798 rebellion. He established a practice in New York several years later. Delivered in 1823 and published in 1824, his *Discourse* was both an argument for codification and "the most sweeping indictment of common law idealism ever written in America." His *Discourse and Correspondence* is a reprint of his address with responses by "various learned jurists" and additional pieces. Described by Marvin as "the first in our country to fix public attention on the subject of legal reform," he encouraged a national debate that continued through much of the nineteenth century and produced such reforms as New York's Code of Civil Procedure, which was adopted by 23 other states.

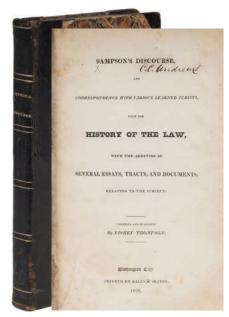
Andrews [1829–1922] was a Massachusetts lawyer who settled in Minnesota in 1856, where he established a newspaper and entered politics. He became a general during the Civil War, where he proved to be an effective officer, and played an important role during the early years of Reconstruction. He was the minister to Sweden and Norway from 1869 to 1877 and consul-general to the Empire of Brazil from 1882 to 1885. Interested in forestry, and later a Minnesota forestry commissioner, he was an active promoter of responsible logging and forest preservation. A state forest in Pine County, MN is named in his honor. Bloomfield, "William Sampson and the Codifiers: The Roots of American Legal Reform, 1820–1830," *The American Journal of Legal History* Vol. 11, No. 3 (1967) 240. Marvin 627. Cohen 10370.

### A "THOROUGH, COMPREHENSIVE AND LEARNED DISCUSSION" OF USES AND TRUSTS

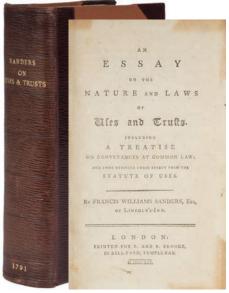
116. SANDERS, FRANCIS WILLIAMS [1769-1831].

An Essay on the Nature and Laws of Uses and Trusts, Including a Treatise on Conveyances at Common Law: And Those Deriving Their Effect from the Statute of Uses.

London: Printed by E. and R. Brooke, 1791. [ii], v, [3], 564, [16] pp. Includes a 2 pp. publisher advertisement. Octavo  $(8-1/4^{\circ} \times 5^{\circ})$ .



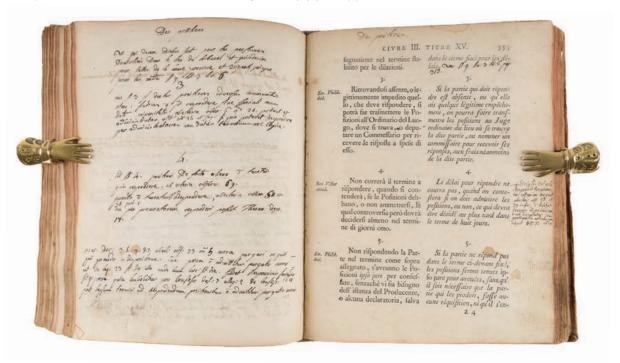
Nº 115



Nº 116

Later three-quarter morocco over cloth, blind fillets, gilt title and publication date to spine, endpapers renewed. Moderate rubbing to extremities, some bubbling to cloth of rear board. Moderate toning to interior, light foxing to a few leaves, pp. iii-vi partially detached and lightly edgeworn, offsetting to outside corners of title page. Early underlining and marks in pencil in a few places, early owner signature (Charles George Persson, dated 1801) to head of p. [3]. An attractive copy.

FIRST EDITION. Marvin praised this treatise for its "thorough, comprehensive and learned discussion of the Law of Uses and Trusts." It was a popular and durable work that went through several English and American editions into the 1840s. Sanders was an English barrister and a member of the Royal Commission on Real Property Law. Marvin 628. ESTC T100936.



## SCARCE 1770 DIGEST OF SARDINIAN LAWS WITH EXTENSIVE EARLY MANUSCRIPT ANNOTATIONS

#### 117. [SARDINIA, KINGDOM OF].

Leggi, E Costituzioni di Sua Maestà/Loix et Constitutions de sa Majesté.

Turin: Nella Stamperia Reale, 1770. Two volumes. xii, 504; 574, [2] pp. Two-column text, Italian with parallel French translation. Interleaved. Quarto (9-1/2" x 7-1/2").

Contemporary mottled sheep, gilt spines with raised bands and lettering pieces, edges rouged. Light rubbing and some minor nicks, scuffs and wormholes to boards, moderate rubbing to spines and extremities, corners bumped and somewhat worn, small chip to head of Volume II, hinges cracked, early owner bookplate of Claude-Antoine Doppet to front pastedowns, "Table de Pythagore. 1818" affixed to front pastedown of Volume I, bookplate residue to front pastedown of Volume II. Moderate toning to interiors, light soiling, foxing and minor stains in places, extensive annotations to interleaves in neat contemporary

and early nineteenth-century hands, other annotations to endleaves and text. \$5,000.

THIRD AND FINAL EDITION. First published in 1723, this compilation records Charles Emmanuel III's final set of reforms of the legal code of the Kingdom of Sardinia, which was enacted in 1723 by his predecessor, Victor Amadeus III. In this form the code remained in force until the Kingdom was conquered by Napoleon in 1797. It was reinstated when the House of Savoy was restored in 1814.

The copy was extensively annotated in several eighteenth and early-nineteenth century hands. Most of the notes are by the great Savoyard jurist Claude-Antoine Doppet [1752-1827], a doctor of law and *avocat* of the Senate of Savoy. There are many references to mid-eighteenth century lawsuits and court decisions. On the subject of the "Manner of articulating the facts" (Book III, title XVI), for example, the annotator relates a lawsuit brought by the Cathedral of Saint-Jean-de-Maurienne in the 1750. There are also several interesting notes on criminal law and the use of torture.



### STUDIES OF RHODIAN AND ROMAN LAW BY A NOTABLE OXFORD POET-SCHOLAR

## 118. SCHOMBERG, ALEXANDER CROUCHER [1756-1792].

A Treatise on the Maritime Laws of Rhodes.

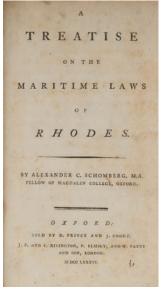
Oxford: Sold by D. Prince and J. Cooke. J.F. And C. Rivington, P. Elmsly, And T. Payne and Son, London, 1786. 109, [3] pp.

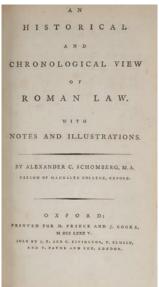
[BOUND WITH]

SCHOMBERG, ALEXANDER CROUCHER.

An Historical and Chronological View of Roman Law. With Notes and Illustrations.

Oxford: Printed for D. Prince And J. Cooke. Sold by J.F. And C. Rivington, P. Elmsly, And T. Payne and Son, London, 1785. [viii], 204, [4] pp.





Octavo (7-1/2" x 4-1/2"). Nineteenth-century morocco by Cedric Chivers of Bath, blind rules to boards, raised bands, gilt fillets and lettering piece to spine, "1786" and "Schomberg" gilt-stamped to foot, edges rouged, marbled endpapers. Moderate rubbing to extremities, front joint just starting at ends, front hinge starting, armorial bookplate to front pastedown. Moderate toning, light foxing in a few places, owner signature, "Arthur Schomberg/ Send, Wilts/ 1895," to verso of front free endpaper, small embossed Chivers stamp to following endleaf.

FIRST EDITIONS. Schomberg, a fellow of Magdalen College, Oxford, was a notable poet and scholar of law and political economy. Our volume, which was probably compiled by a relative, contains his two principal works on legal history. The study of Roman law was a well-received work that had two editions in French published in Paris in 1793 and 1808. The study of the maritime laws of Rhodes is scarce. OCLC locates 15 copies, 6 in North America, 3 in law libraries (Harvard, Library of Congress, Social Law). *ESTC* T116248, T146944.

### A NEW SYSTEM OF TITHES FOR GREAT BRITAIN

119. SCHOMBERG, JOSEPH TRIGGE [1805-1878].

The Acts 6 and 7 Will. IV. c. 71, and 1 Vict. c. 69, For the Commutation of Tithes in England and Wales: With Notes, Observations, And an Epitome of the Law of Tithes, Embracing All the Latest Decisions in the Courts of Law and Equity, And the Recent Acts Relating to Tithes.

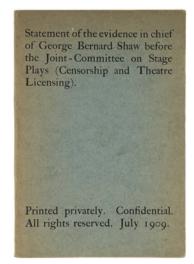
London: Henry Butterworth, 1838. xix, [1], 225 pp. Octavo (7-1/2" x 4-1/2").

Nineteenth-century morocco by Cedric Chivers of Bath, blind rules to boards, raised bands, gilt fillets, titles and lettering piece to spine, "Second Edition," "1838" and "Schomberg" gilt-stamped to lower half, edges rouged, marbled endpapers. Moderate rubbing to extremities, front board beginning to separate, front hinge starting, armorial bookplate to front pastedown. Moderate toning, light foxing in a few places, owner signature, "Arthur Schomberg/ Send, Wilts/ 1895," to verso of front free endpaper, small embossed Chivers stamp to following endleaf.

SECOND, FINAL AND BEST EDITION. This is a legal guide to the Tithe Commutation Act of 1836 and subsequent legislation to 1838. Enacted between 1836 to 1891, the Tithe Acts, as they are commonly known, were a series of land reforms that

replaced the ancient system of payment of tithes with goods, such as grain, with monetary payments. The first edition of Schomberg's work, a substantially shorter book, was published in 1836. Both editions of this work are rare. OCLC locates 4 copies of the second edition, 1 in North America (SMU Law Library). Not in Sweet & Maxwell. *BMC* 22:994.

#### SHAW'S PARLIAMENTARY TESTIMONY AGAINST CENSORSHIP



120. SHAW, GEORGE BERNARD [1856-1950].

Statement of the Evidence in Chief of George Bernard Shaw Before the Joint-Committee on Stage Plays (Censorship and Theatre Licensing).

[Edinburgh]: Printed Privately [by R. and R. Clark], 1909. 55, [1] pp. Octavo  $(6-3/4" \times 4-1/2")$ .

Stab-stitched pamphlet in stiff printed wrappers. Light toning and fading to wrappers, which are separating slightly from text block at head but secure, light soiling to rear wrapper. Light toning to interior, negligible light foxing to a few leaves. \$450.

ONLY EDITION, one of 250 copies. Shaw's testimony before the 1909 Parliamentary committee was part of his lifelong campaign to end censorship in the theater. He prepared the present volume beforehand, but the committee (perhaps as anticipated) rejected his request to read it out or print it in its report.

It remains a key document in the history of censorship in Great Britain, which officially ended for the stage in 1968.

# A COPY OWNED BY JOSEPH STORY, BENJAMIN BUTLER AND HENRY FOWLE DURANT

121. SHOWER, BARTHOLOMEW. LEACH, THOMAS, EDITOR.

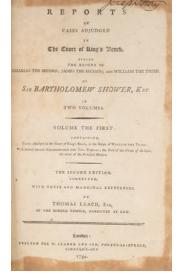
Reports of Cases Adjudged in the Court of King's Bench, During the Reigns of Charles the Second; James the Second; And William the Third. By Sir Bartholomew Shower, Knt. In Two Volumes. Volume the First: Containing, Cases Adjudged in the Court of King's Bench, In the Reign of William the Third: With Several Learned Arguments-And with Two Tables; The First of the Names of the Cases; The Other of the Principal Matters. Corrected, With Notes and Marginal References.

London: Printed for W. Clarke and Son, 1794. Two volumes. xii, 540, [40]; x, 510, [62] pp. Octavo (8-3/4"  $\times$  5-1/2").

Contemporary calf, blind fillets to boards and spines, lettering pieces lacking. Rubbing to boards and extremities with wear to spine ends and corners, boards detached, crack through spine of Volume II. Moderate toning and to interiors, light foxing in places, faint dampstaining to fore-edge of text block at rear of Volume II. A few struck-through

signatures to front endleaves, signature of Joseph Story to title page of Volume I and front free endpaper of Volume II, signature of Henry F. Durant to front pastedowns, owner mark of "Benjamin F. Butler/ Lowell, Mass." to front pastedown of Volume I. Books housed in cloth clamshell box with morocco spine label. \$2,000.

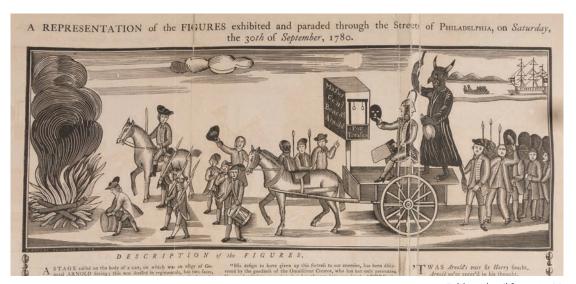
SECOND EDITION. This well-regarded edition of an important set of reports from 1678-1694 had a notable series of owners. Foremost among these is Joseph Story [1779-1845], the distinguished U.S. Supreme Court justice, Harvard Law School professor and legal author best known for his *Commentaries on the Constitution* (first edition 1833), a landmark in American law. Another owner was Benjamin F. Butler [1818-1893], the Lowell, Massachusetts lawyer, businessman, politician and major general of the Union Army. At some point this book was acquired by Henry Fowle Durant [1822-1881], the Boston lawyer and philanthropist who, with his wife, founded Wellesley College. Wallace 392. *ESTC* T97379. Hoeflich and Beck 266.







Details from N° 121



Foldout detail from  $N^{\circ}$  122

### THE EXECUTION OF BENEDICT ARNOLD'S HANDLER

122. [SMITH, HORACE W. (1825-1891), EDITOR]. ANDRÉ, JOHN [1751-1780].

Andreana. Containing the Trial, Execution and Various Matter Connected with the History of Major John Andre, Adjutant General of the British Army in America, A.D. 1780.

Philadelphia: Published by Horace W. Smith, 1865. [iv], 67, [4] pp. With 9 tissue-guarded copperplate portraits and 3 facsimiles, 1 folding. Extra-illustrated with an additional 2 tissue-guarded copperplates. Octavo (9"  $\times$  5-1/2").

Contemporary three-quarter morocco over cloth, gilt rules to morocco edges, raised bands and gilt fillets and title to spine. Light rubbing to boards and extremities,

corners bumped and lightly worn. General title page printed in red and black. Light toning to interior, occasional faint offsetting from plates, light foxing to a few plates, small clean tear to bottom-edge of general title page, light edgewear to folding plate, clean tears along fold lines and a small hole adjacent to image mended on verso with archival tape, early ownership stamp (of D[avid] Hudson Shedaker) to reverse of frontispiece. \$450.

ONLY EDITION, one of 100 copies printed in octavo. A reprint of a 1780 title with additional illustrations, this work gives an account of the execution of John André, an officer in the British Army. In 1779, André became head of the British

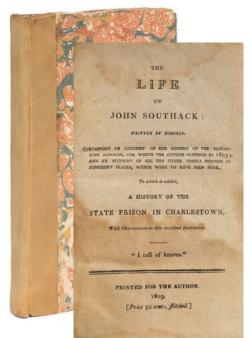
Secret Service in America and was the British Army's primary point of contact with American traitor Benedict Arnold. While working with Arnold, he was captured behind American lines and hanged as a spy, despite his requests to be treated as a prisoner of war. Popular in colonial society before the war, his death was lamented as a necessity, but a highly regrettable one by figures like Alexander Hamilton and the Marquis de Lafayette. He came to be viewed as something of a tragic figure in post-revolutionary literature through accounts like the one presented here.





John André frontispiece and copperplate detail

#### "HERE BEGAN MY CAREER OF VICE AND DISSIPATION"



123. SOUTHACK, JOHN [B.1774].

The Life of John Southack: Written by Himself. Containing an Account of the Sinking of the Brigantine Hannah, For Which the Author Suffered in 1803; And an Account of All the Other Vessels Insured at Different Places, Which Were to Have Been Sunk. To Which is Added, A History of the State Prison in Charlestown, With Observations on this Excellent Institution.

[Charlestown?, MA]: Printed for the Author, 1809. 119 pp. Octavo (6-1/2"  $\times$  3-1/2").

Contemporary marbled boards rebacked in calf retaining existing endpapers. Light rubbing and wear to board edges, faint dampstaining to preliminaries. Moderate toning to interior, occasional light foxing and dampstaining, legibility not affected. \$650.

ONLY EDITION. Southack was a Boston merchant with a penchant for extravagant spending and a tendency to lose money on bad investments. Around 1802, he conspired with his impatient

creditors to scuttle several ships for the insurance money. When the scheme looked as if it would be discovered, Southack confessed and was sent to prison. His autobiography became important in the prison reform movement for its extensive discussion of the conditions in the Charlestown prison. Several relevant Massachusetts statutes are appended. OCLC locates 1 copy of this title in a law library (Library of Congress). Cohen 4382.

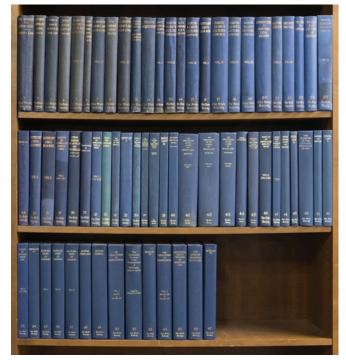
#### A COMPLETE SET OF VOLUMES PUBLISHED BY THE STAIR SOCIETY

#### 124. [THE STAIR SOCIETY].

Stair Society (Series). Edinburgh: Printed for the Stair Society by [Various Printers], 1936-2020. 67 volumes. Complete set of all volumes published to date.

Original cloth. light to moderate dampstaining to bindings of about one third of the spines, interior pages not affected. \$1,495.

FIRST EDITIONS. The Stair Society, Scotland's leading legal history association, was founded in 1934 to encourage the study and advance the knowledge of the history of Scots Law by the publication of original documents and by the reprinting and editing of works of sufficient rarity or importance. Each volume has also a distinctive title. The Society is named for James Dalrymple, 1st Viscount of Stair, the seventeenth-century Lord President of the Court of Session and the most important of Scots Law's Institutional Writers.



### FIRST-EDITION COPY OF THE KINGES PREROGATIVE

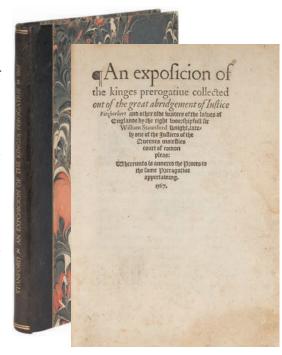
125. STAUNFORD, SIR WILLIAM [1509-1558].

An Exposicion of the Kinges Prerogative Collected Out of the Great Abridgement of Iustice Fitzherbert and Other Olde Writers of the Lawes of England. Whereunto is Annexed the Proces to the Same Prerogative Appertaining.

[London: Imprinted...in Fleete-Strete Within Temple Barre...By Rychard Tottel, 1567]. [i], 85 ff. Quarto (7-1/4" x 5-1/2").

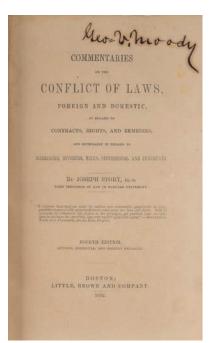
Recent quarter morocco over marbled boards, gilt rules to boards, gilt title to spine, endpapers renewed. Moderate toning and dampstaining to interior, edgewear to a few leaves, repairs to margins of final two leaves with minor loss to a side-note, marks and brief early annotations in a few places. \$1,500.

FIRST EDITION. Staunford's *Exposicion* addresses discretionary rights enjoyed by the monarchy in foreign policy, domestic affairs, legal and governmental



administration, religion and economic matters. A well-received book, it went through six editions by 1590. The annotations are case references, mostly from the Year Books. *ESTC* S117783. Beale T491.

#### ANTEBELLUM EDITION OF STORY ON THE CONFLICT OF LAWS



126. STORY, JOSEPH [1779-1845].
BENNETT, EDMUND HASTINGS [1824-1898],
EDITOR.

Commentaries on the Conflict of Laws, Foreign and Domestic, In Regard to Contracts, Rights, And Remedies, And Especially in Regard to Marriages, Divorces, Wills, Successions, And Judgments. Revised, Corrected and Greatly Enlarged.

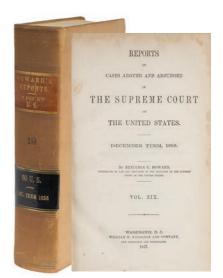
Boston: Little, Brown and Company, 1852. 8, xxxviii, 1072 pp. Includes 8 pp. publisher catalogue. Octavo (9–1/2" x 6").

Contemporary sheep, rebacked retaining existing spine, blind frames to boards, raised bands and calf lettering piece to spine, calf owner label to foot (L.N. Baldwin), blind tooling to board edges, free endpapers renewed. Light rubbing and a few minor scuffs to boards, moderate rubbing to board edges, owner signature (L.N. Baldwin) to front endleaf, another signature (George V. Moody) to head of title page. Moderate toning to interior, somewhat heavier in places, light foxing and faint smudges to a few leaves, faint offsetting to margins of endleaves. \$450.

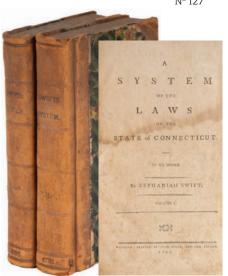
FOURTH EDITION. Additional cases after 1845, which are set off in the text by brackets, were added by Bennett. Story's *Conflict of Laws*, the first systematic treatise on the subject, is one of his greatest and most influential works. Warren says: "It is not too much to say that its publication constituted an epoch in the law; for it became at once the standard and almost the sole authority...[it] received the honor of being practically the first American law book to be cited as authority in English courts." Expanding on this latter point Marvin quotes "a late English writer" who says that "No work on international jurisprudence merited, nor received, greater praise from the jurists of Europe. It impressed English lawyers with the highest respect for [Story's] extensive learning": Marvin 471. Warren 545. Cohen 2727.



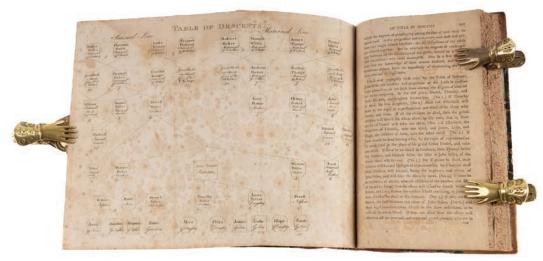
Nº 127







Nº 129



Folding copperplate table from  $N^{\circ}$  129

## A PORTRAIT OF THE U.S. SUPREME COURT JUSTICES IN 1882

127. [SUPREME COURT, UNITED STATES]. BELL, C[HARLES] M[ILTON] [1848-1893], PHOTOGRAPHER.

[Group Portrait of the Waite Court].

Washington, DC: C.M. Bell, 1882.

15" x 20–1/2" albumen silver print mounted on illustration board with border and printed caption, tipped onto 27–1/2" x 24" matte. Light toning and soiling to board, a few tiny spots to image, some chipping to edges, upper corners lacking (not visible behind matte), clean crack near upper-right corner above image. \$1,000.

MORRISON WAITE was chief justice from 1874 to 1888. The associate justices pictured here are Samuel Blatchford, Joseph P. Bradley, Stephen J. Field, Horace Gray, John Marshall Harlan, Stanley Mathews, Samuel F. Miller and William Burnham Woods. The youngest member of a family of photographers based in Washington, DC, Charles Minton Bell was one of the capitol's leading portrait photographers during the last quarter of the nineteenth century.

## FIRST OFFICIAL PRINTING OF THE DRED SCOTT DECISION

128. [SUPREME COURT, UNITED STATES]. [DRED SCOTT V. SANDFORD]. HOWARD, BENJAMIN C. [1791-1872], REPORTER.

Dred Scott, Plaintiff in Error, v. John F.A. Sandford in Reports of Cases Argued and Adjudged in the Supreme Court of the United States, Volume XIX, 393-633.

Washington, D.C.: William M. Morrison and Company, 1857.

Later tan cloth, red and black lettering pieces to spine. Light shelfwear and soiling, slight darkening to spine, minor wear to lettering pieces. Moderate toning to interior, light foxing to fore-edges of preliminaries, lower corners lacking from pp. 645-648 with no loss to text. \$1,500.

FIRST EDITION. This deeply controversial decision ruled that slaves were not, and were never intended to be, citizens of the United States. Aware of the public's interest in this case, Howard reprinted the decision in the same year as the *Reports* volume as an unofficial pamphlet. Cohen and O'Connor 187. Grolier Club 68.

## THE FIRST AMERICAN LEGAL TEXT

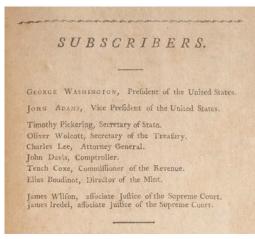
129. SWIFT, ZEPHANIAH [1759-1823].

A System of the Laws of the State of Connecticut. In Six Books.

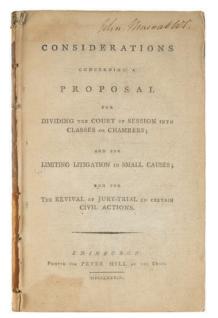
Windham, CT: Printed by John Byrne for the Author, 1795–1796. Two volumes. vii [i.e. iv], 452; v, [1], 479, [12] pp. With a folding copperplate table of descents and a list of subscribers. Octavo (8-1/4" x 4-3/4").

Later three-quarter sheep over marbled boards, blind fillets and black-stamped titles and publication dates to spines, edges speckled. Moderate rubbing to boards and extremities, rear joints starting slightly at head, front joint of Volume II starting at foot, corners bumped and worn, front hinge of Volume I starting, front hinge of Volume II cracked, faint offsetting and dampstains to endleaves. Very light browning to interiors, occasional light foxing, faint dampstaining in a few places, a few leaves in each volume extending beyond text block but secure, small tear to head of leaves Dd2-Ee1 (pp. 203-210) affecting headline and first two lines of text block without loss to legibility, a few corners in each volume folded and untrimmed, small holes to lower corner of leaf Mmm3 (pp. 453-454) of Volume II not affecting text. \$1,500.

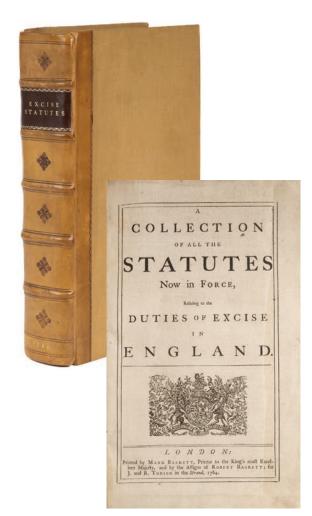
FIRST EDITION. Structured in the manner of Blackstone's *Commentaries*, Swift's *System* was the first original American legal treatise. Highly regarded throughout the United States, it presented an overview of the common law of Connecticut, and the common law generally, based on local court decisions and legislation. "More than a hundred years later it was still cited by Connecticut courts" (Woxland and Ogden). Published on a subscription basis, its subscribers included George Washington, John Adams, Aaron Burr, James Kent, James Madison and other notables. Woxland and Ogden 22. Cohen 5628.



Subscribers list detail



Nº 130



Nº 131

# A SCOTTISH JURIST PROPOSES REFORM

130. [SWINTON, JOHN (1723-1799)].

Considerations Concerning a Proposal for Dividing the Court of Session into Classes or Chambers; And for Limiting Litigation in Small Causes; And for the Revival of Jury-Trial in Certain Civil Actions.

Edinburgh: Printed for Peter Hill, 1789. [iv], 129, [3] pp. Octavo  $(8-1/4" \times 5")$ .

Disbound, edges speckled red. Moderate toning, light soiling in a few places, somewhat heavier to first and final leaves, small hole to text block of leaf G3 (pp. 53–54) without loss to legibility, upper corner of final blank leaf lacking, early ownership signature (of John Macnab WS) to head of title page. \$450.

ONLY EDITION. Swinton was a Scottish judge and senator of the College of Justice. In this anonymous work, he advocates several reforms to the Scottish legal system, including the broader application of trial by jury. *ESTC* T162O22.

# 1764 COMPILATION OF ENGLISH EXCISE TAXES

### 131. [TAXATION]. [GREAT BRITAIN].

A Collection of All the Statutes Now in Force, Relating to the Duties of Excise in England.

London: Printed by Mark Baskett, 1764. iv, 662, [8], [110] pp. Folio (12"  $\times$  7-1/2").

Recent period-style quarter calf over cloth, raised bands, lettering piece and blind ornaments to spine, gilt publication date to foot of spine, endpapers renewed. Negligible light soiling to boards, corners bumped and lightly worn. Moderate toning to interior, minor edgewear to a few leaves, light soiling to title page. \$500.

MORE COMPREHENSIVE than earlier compilations, this collection of duties from the reign of James I to the 23rd year of the reign of George III offers unique insights into the mechanisms of taxation throughout the young British Empire, the state of local industry and trade and contemporary assumptions about social utility and discretionary spending. It includes a summary table, a list of tax rates and an index. Contents are arranged chronologically. Not in the *ESTC*, which records an otherwise identical copy with different pagination.

## 1834 DECREE FROM THE STATE OF COAHUILA AND TEXAS

132. [TEXAS]. VIDAURRI Y VILLESEÑOR, FRANCISCO.

[Decree Authorizing Governor Vidaurri y Villeseñor to Appoint a Superior Court Judge in Texas].

Monclova, May 5, 1834.

12" x 8-1/2" broadside with heading: Gobierno Supremo del Estado Libre de Coahuila y Tejas. Signed in type: José Miguel Falcon, Secretario. Untrimmed edges, light toning. A notably well-preserved copy. \$750.

ONE OF THE GRIEVANCES of the Texans in the period of 1832-1833 was with the administration of justice in the province, which declared its independence in 1835. It seems possible this action to promptly replace a judge during the Congressional recess may have been, in part, to respond to those concerns. No copies listed on OCLC. Kimball 286.

## "FORGERY, ROBBERY, MURDER AND GENERAL DEMORALIZATION"

133. [THURTELL, JOHN (1794-1824)]. [PROBERT, WILLIAM (D.1825)]. [HUNT, JOSEPH].

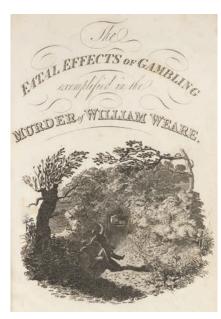
The Fatal Effects of Gambling Exemplified in the Murder of Wm. Weare and the Trial and Fate of John Thurtell, The Murderer and His Accomplices: With Biographical Sketches of the Parties Concerned and a Comment on the Extraordinary Circumstances Developed in the Narrative, In Which Gambling is Proved to be the Source of Forgery, Robbery, Murder, And General Demoralization: To Which is Added, The Gambler's Scourge: A Complete Exposé of the Whole System of Gambling in the Metropolis, With Memoirs and Anecdotes of Notorious Blacklegs.

London: Published by Thomas Kelly, 1824. xxii, 459 pp. 10 copperplate leaves, copperplate frontispiece, with tissue guard, and added pictorial title page. Complete. Octavo  $(8-1/4" \times 5-1/4")$ .

Later three-quarter calf over cloth, raised bands and gilt ornaments, title and (incorrect) publication date to spine, all edges gilt, marbled endpapers, later bookplate (of Frank L. Hadley) to front pastedown. A few minor nicks to boards, moderate rubbing to extremities. Moderate toning to interior, somewhat heavier in places, light foxing to added title page and a few other leaves. \$450.



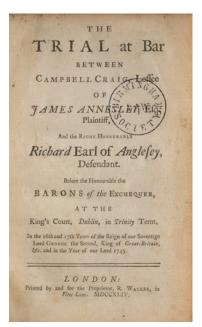
Nº 132



Pictorial title page detail from  $N^{\circ}$  133

ONLY EDITION. John Thurtell, an unlucky gambler, was deeply in debt to the bookmaker William Weare. Deciding to take revenge, Thurtell, along with his friends Joseph Hunt and William Probert, murdered Weare in a grisly manner and tossed his body into a pond. Thurtell tried to escape conviction. He was hanged. Hunt confessed his involvement and stated that Thurtell was the killer. He was sent to the penal colony in Botany Bay, Australia. Charges against Probert were dropped in exchange for his wife's testimony, which minimized his role in the crime. Not in the HLC. BMC 26:829.

#### A CASE THAT MAY HAVE INSPIRED STEVENSON



134. [TRIAL].
ANGLESEY, RICHARD, 6TH EARL OF [1694-1761],
DEFENDANT.

The Trial at Bar Between Campbell Craig, Lessee of James Annesley, Esq; Plaintiff, And the Right Honourable Richard Earl of Anglesey, Defendant. Before the Honourable the Barons of the Exchequer, At the King's Court, Dublin, In Trinity Term, In the 16th and 17th Years of the Reign of Our Sovereign Lord George the Second, King of Great-Britain, &c. And in the Year of Our Lord 1743.

London: Printed by and for the proprietor, R. Walker, 1744. 448 pp. Copperplate frontispiece of James Annesley. Octavo (7" x 4-1/2").

Contemporary calf, corner fleurons to boards, rebacked in period style with raised bands, blind fillets, retained lettering piece and gilt date, endleaves

renewed. Gatoring and light wear to boards, which have a giltstamped institutional name and seal, moderate rubbing and wear

to board edges and corners, which are bumped, library bookplate and small circular sticker to front pastedown. Moderate toning to interior, occasional light foxing, faint dampstaining in a few places, small ink library stamps to title page and following leaf, legibility not affected, upper corner of leaf Y3 (pp. 173–174) lacking, text just affected without loss to legibility. \$450.

ONLY EDITION. In 1741, James Annesley appeared in England with a sensational claim: at the age of 12, his uncle Richard Annesley had him kidnapped and shipped to a plantation in Delaware, where he was forced into indentured servitude for twelve years. In his absence, Richard Annesley succeeded to the title of Earl of Anglesey. After James escaped, he signed on with the Royal Navy and returned to Ireland to claim his title after his discharge. His ejectment claim was successful and the estates were returned to him (though he did not obtain his title before his death). The sensational case drew a great deal of public attention and generated at least 15 separate accounts of the trial. It is cited by some as an inspiration for Robert Louis Stevenson's famous 1886 novel *Kidnapped. ESTC* N13750.



Frontispiece detail

#### "THOSE DAMNED SCOTCH PEBBLES"

135. [TRIAL]. BLANDY, MARY [1720-1751], DEFENDANT.

The Genuine Tryal at Large of Mary Blandy, Spinster, For Poisoning Her Own Father Francis Blandy, Gent. Town-Clerk of Henley upon Thames, Oxfordshire, At the Assizes Held at Oxford, For the County of Oxford, On Tuesday the Third of March, 1752, Before the Hon. Mr. Baron Legge, And the Hon. Mr. Baron Smythe.

Oxford Printed, London re-printed: [T. Bailey], 1752. 31, [1] pp. Quarto (6-1/2" x 4-1/4").

Stab-stitched pamphlet, disbound and recently resewn in plain wrappers, edges rouged. Light soiling to wrappers. Light toning to interior, light soiling to a few pages, bottom-edge of leaf D1 (pp. 25-26) mended without loss to text. Rare. \$750.

ONLY EDITION. The well-educated daughter of a prosperous lawyer, Blandy was not a typical female criminal of the era. Her unfortunate story began when her father, Francis, advertised an unusually large dowry of £10,000. This attracted many

suitors, including one who captivated Mary, the Honourable Captain William Henry Cranstoun, the son of a Scottish nobleman. Mr. Blandy became angry when he learned that Cranstoun was already married and realized that he was after the dowry. Sensing danger, Cranstoun persuaded Mary to give her father a powder he acquired. Cranstoun said it would make the father like him. It was actually arsenic. Mary was fooled by this ruse and administered the powders, which he sent to her in presents of Scotch pebbles. When her father was stricken and she learned what she had done, Mary foolishly burned Cranstoun's letters and disposed of the remaining powder. Cranstoun fled to France when it was clear that Mary was going to be arrested.

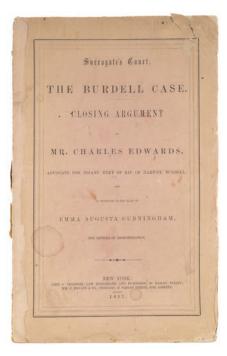
Mary defended herself ably, but her case was hopeless. She was sentenced to death by hanging. This was a sensational trial, and it generated a large pamphlet literature. It is also a historic trial because it was the first to consider medical evidence (derived from autopsy rather than traditional methods of observation). Blandy wrote a great deal in prison to promote her cause, including the pamphlet Miss Mary Blandy's Own Account of the Affair Between Her and Mr. Cranstoun. Her campaign failed to get her an appeal or a pardon.

Also issued individually, this title was issued by T. Bailey as Part 3 of a fourpart composite volume: *The Genuine Histories, Of the Life and Transactions,* 

The Genuine RYAL MARY BLANDY, Spinster, For Poisoning her own Father FRANCIS BLANDY, Gent. Town-Clerk of Henley upon Thames, Oxfordshire, ATTHE ASSIZES held at OXFORD, FOR THE County of OXFORD, On TUESDAY the Third of MARCH, 1752, Before the Hon. Mr. Baron Legge, AND The Hon. Mr. Baron Smythe. Oxford Printed, London re-printed, 1752.

Of John Swann and Eliz. Jeffries, For the Murder of Her Uncle, At Walthamstow in Essex. And Miss Mary Blandy, For the Most Horrid Parricide Committed Upon the Body of Her Own Father, [...]. (The Jeffries case was another sensational 1752 trial.) Each part has a separate title page, pagination and register. OCLC and Library Hub locate 1 complete copy at Oxford. The British Library holds a copy of Part 1 (The Whole Tryal of John Swann and Elizabeth Jeffries) bound after Part 2's title page. Neither the composite volume nor the individual titles are in the ESTC.

# A BIZARRE CASE INVOLVING MURDER AND FRAUDULENT CLAIMS OF MARRIAGE AND PARENTHOOD



136. [TRIAL].
EDWARDS, CHARLES [1797-1868].
CUNNINGHAM, EMMA, CLAIMANT.

The Burdell Case, Closing Argument of Mr. Charles Edwards, Advocate for Infant Next of Kin of Harvey Burdell: And in Opposition to the Claim of Emma Augusta Cunningham, For Letters of Administration.

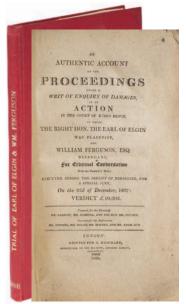
New York: John S. Voorhies, Law Bookseller and Publisher, 1857. 66 pp. Folding lithograph map. Octavo  $(9" \times 5-3/4")$ .

Stab-stitched pamphlet in printed wrappers. Light soiling to exterior, faint dampstaining to sections of wrappers, spine perished, wrappers secure, some wear to corners of wrappers and text block, two related newspaper clippings, with hand-lettered date 1866, tipped-in to front pastedown. Light toning to interior, faint dampstaining to fore-edge of text block, text and map not affected. \$1,500.

ONLY EDITION. Harvey Burdell was a successful dentist who maintained an office and home in New York City. He rented most of the

house to Emma Augusta Cunningham and her children, along with several other boarders. Burdell and Cunningham had a volatile relationship, and Cunningham became a prime suspect when Burdell was stabbed to death. There was no proof that she committed the crime. Also, she said she had married Burdell in secret shortly before his death. Events took a curious turn after her acquittal: she announced she was pregnant with Burdell's child and initiated a suit to obtain his estate. This pamphlet documents the trial on behalf of her claim, which was partially denied when it was discovered that she purchased a baby to serve as "an infant next of kin." OCLC locates 13 copies, 4 in law libraries (Library of Congress, Ohio State, U.S. Supreme Court, University of Missouri). Cohen 11359.

### ADULTERY TRIAL INVOLVING A WEALTHY HEIRESS, A MEMBER OF PARLIAMENT AND THE DIPLOMAT WHO ACQUIRED THE ELGIN MARBLES



137. [TRIAL].
FERGUSON, WILLIAM [ROBERT] [1769-1840],
DEFENDANT.

An Authentic Account of the Proceedings Under a Writ of Enquiry of Damages, In an Action in the Court of King's Bench, In Which the Right Hon. The Earl of Elgin was Plaintiff, And William Ferguson, Esq. Defendant, For Criminal Conversation with the Plaintiff's Wife: Executed Before the Sheriff of Middlesex, And a Special Jury, On the 22d of December, 1807: Verdict £.10,000.

London: Printed for J. Hatchard, 1808. [ii], 113, [1] pp. Octavo (8-1/2" x 5").

Stab-stitched pamphlet, edges untrimmed, bound in later pebbled cloth, gilt title to spine. Some bubbling to boards, small bookseller's ticket and bookplate (of Geoffrey Briggs) to front pastedown, front hinge cracked after title page. Moderate toning to interior, negligible light foxing to a few leaves, light soiling to first and final pages.

\$750.

ONLY EDITION. Mary Hamilton Bruce [1778-1855], Countess of Elgin, was the wife of British diplomat Thomas Bruce, 7th Earl of Elgin [1766-1841], best known for his acquisition of the sculptures from the Parthenon in Athens, the Elgin Marbles. Ferguson, also spelled Fergusson, was a Whig Member of Parliament and an amateur geologist. When the earl discovered his wife's affair with Ferguson, he sued him and won £10,000 (almost £1 million today). A divorce followed. Ferguson then married her on 20 April 1808. Our copy was owned by Sir Geoffrey Briggs [1914–1993], an English lawyer and judge who served as Chief Justice of Hong Kong and Brunei. Accounts of this trial are scarce, including ours. OCLC locates 7 copies of this title, 3 in law libraries (Harvard, University of Minnesota, Library of Congress).

#### TWO TITLES RELATED TO THE MURDER OF THOMAS THYNNE

138. [TRIAL]. [GREAT BRITAIN]. [THYNNE, THOMAS (1648-1682)].

The Tryal and Condemnation of George Borosky Alias Boratzi, Christopher Vratz, and John Stern; For the Barbarous Murder of Thomas Thynn, Esq; Together with the Tryal of Charles John Count Coningsmark, As Accessary before the Fact to the Same Murder. Who was Acquitted of the Said Offence. At the Sessions in the Old Bailey, Tuesday February 28. 1681.

London: Printed for Thomas Basset, 1682. [vi], 56 pp. Photostat of a c.1734 copperplate depiction of the murder bound after imprimatur leaf.

[BOUND WITH]

BURNET, GILBERT [1643-1715]. HORNECK, ANTHONY [1641-1697].

The Last Confession, Prayers and Meditations of Lieuten. John Stern, Delivered by Him on the Cart Immediately Before His Execution, To Dr. Burnet. Together with the Last Confession of George Borosky, Signed by

THE
TRYAL

AND
CONDEMNATION
OF
George Borosky alias Boratzi, Christopher Vratz,
and John Stern;
FORTHE
BARBAROUS MURDER
OF
Thomas Thynn, Esq;
Together with the TRYAL of
Charles John COUNT CONINGS MARK,
As Accessing before the Fact to the same Murder.
Who was Acquired of the stat Officence.
At the Sessions in the Old Bailey, Tuesday
February 28, 1681.

LONDON.
Printed for Homas Basser at the George near St. Dunstan's
Clutch in Heavisters. 1682.

Him in the Prison, And Sealed Up in the Lieutenants Pacquet. With Which an Account is Given of their Deportment Both in the Prison and at the Place of their Execution, Which was in the Pall-Mall, On the Tenth of March, In the

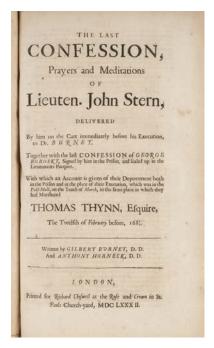
Same Place in which they had Murthered Thomas Thynn, Esquire, The Twelfth of February before, 1681/2.

London: Printed for Richard Chiswell, 1682. [ii], 12, 15-28 pp. Complete.

Folio ( $12^{\circ} \times 6-3/4^{\circ}$ ). Stab-stitched pamphlets bound into recent quarter cloth over marbled boards, edges rouged. Moderate toning to interior, occasional light foxing and soiling, light spotting in a few places. Leaf of early ms. notes describing execution of defendants bound between titles. \$650.

ONLY EDITIONS.
While riding in his coach on February 12, 1862, Thomas Thynne was shot by three men, George Borosky, Christopher Vratz and John Stern. The three were suspected to have acted on the orders of Count Karl Johann von

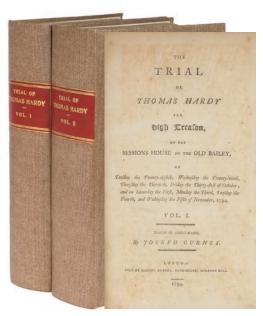
On the to of March following, Captain Christoph a Wratz, George Borousky, & John Herre pursueant to the Sentence of the Law here pronounced against them, were Hanged in Palt Mull on the spot were Manged in Palt Mull on the spot were My Typine was apajorated, And afterwards Borouski who had shot him, was thangin chaine mean Milleand.



Leaf detail

Konigsmark, who had been pursuing an affair with Thynne's wife. All four were arrested, and Konigsmark was charged as an accessory before the fact. The trial was apparently fraught with language barriers, since the men were all foreign nationals, but the three primary defendants were duly convicted and hanged on March 10, 1682. Konigsmark escaped the noose himself, to some controversy. The *ESTC* indicates a portrait frontispiece to the *Tryal*, but we have found many copies catalogued without the plate and our copy lacks any offsetting, suggesting that plates were inserted later and only into some copies. Our photostat is of a different plate. *ESTC* R235837, R35457.

## THE MOST EXTENSIVE ACCOUNT OF AN IMPORTANT TRIAL INSPIRED BY FEAR OF THE FRENCH REVOLUTION



139. [TRIAL]. HARDY, THOMAS [1752-1832], DEFENDANT. GURNEY, JOSEPH [1744-1815], REPORTER.

The Trial of Thomas Hardy for High Treason, At the Sessions House in the Old Bailey, On Tuesday the Twenty-Eighth, Wednesday the Twenty-Ninth, Thursday the Thirtieth, Friday the Thirty-First of October; And on Saturday the First, Monday the Third, Tuesday the Fourth, And Wednesday the Fifth of November, 1794. Taken in Short-Hand.

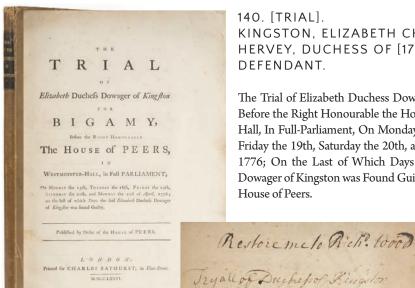
London: Sold by Martha Gurney, Bookseller, 1794–1795. Four volumes in two books. [ii], 418, 412; [ii], 423, [1], 444, xiv pp. Octavo (8-1/2" x 5-1/4").

Later cloth, calf lettering pieces to spine. Light rubbing to boards and extremities. Moderate toning to interior, light foxing in a few places, light soiling to title pages. \$1,250.

ONLY EDITION. A shoemaker by trade, Hardy was the founder and first secretary of the London Corresponding Society,

a popular worker's association committed to the cause of universal male suffrage. Unnerved by the excesses of the French Revolution and fearful that it would inspire domestic unrest, the government indicted Hardy for high treason in 1794. He was the first person tried under these circumstances. The goal was to convict him in order to stifle dissent. However, the public saw Hardy as an unjustly persecuted apostle of English liberty. And as the trial proved, the Crown's case, prosecuted by Eldon, had little merit and Hardy, defended by Erskine, was acquitted to great acclaim. Of the several published accounts, Gurney's is the most extensive. *ESTC* T73926.

#### ANNOTATED BY THE DEFENDANT'S SECRETARY



140. [TRIAL]. KINGSTON, ELIZABETH CHUDLEIGH HERVEY, DUCHESS OF [1720-1788]. DEFENDANT.

The Trial of Elizabeth Duchess Dowager of Kingston for Bigamy, Before the Right Honourable the House of Peers, In Westminster-Hall, In Full-Parliament, On Monday the 15th, Tuesday the 16th, Friday the 19th, Saturday the 20th, and Monday the 22d of April, 1776; On the Last of Which Days the Said Elizabeth Duchess Dowager of Kingston was Found Guilty. Published by Order of the House of Peers.

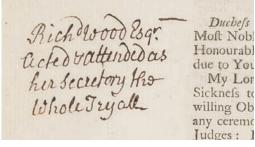
Early ownership signature detail

London: Printed for Charles Bathurst, 1776. [iv], 176 pp. Title page preceded by imprimatur leaf. Folio (15" x 9-3/4").

Later quarter cloth over plain boards, lettering piece

to spine, endleaves renewed, edges untrimmed. Light rubbing and scuffing to boards, which are faded, corners bumped and somewhat worn, front board starting but secure. Moderate toning to interior, occasional light foxing and soiling, mostly to margins, light edgewear and clean tears to edges of a few leaves, faint offsetting to upper gutter of pp. 8-9, upper corners of last two leaves lacking, text unaffected. Early ownership signature of Richard Wood to first leaf, early annotations from Wood in several places. \$1,500.

ONLY EDITION. When she determined to marry the Duke of Kingston, Elizabeth feared the scandal of divorce from her first husband, Augustus Hervey, later Earl of Bristol, who wanted a divorce, so she instituted a suit of jactitation against him. His negative response ignored, she took an oath that she was unmarried, and the court so declared her. She married the Duke of Kingston in 1769, and he died in 1770 and left her a substantial estate on the condition that she remain a widow. The duke's nephew, Mr. Evelyn Meadow, brought suit against her for bigamy shortly after the duke's death, while she was traveling in Italy. She returned to England to stand trial. Found guilty, she would



Annotation detail

have been "burned on the hand" but she claimed the privilege of her peerage which served to exempt her from corporal punishment. She continued a life of travel and adventure until her sudden death in Paris in 1788.

Our copy of her trial was owned by Richard Wood, who served as the Duchess's secretary throughout the trial. His notes largely clarify points or name persons. An annotation to the Duchess's tearful testimony wearily notes "I exhorted her not to mention this." DNB IX:730. Sowerby 1957. ESTC T92941.

```
ty, upon my Honour.
ex. Guilty, upon my Honour.
 upon my Honour.
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Nottingham. Guilty, upon my Honours
Guilty, upon my Honour. colld Honry sown? not answor fill he had ext upon my Honour. plaind to the 234. The that he was not live the Henry.
nilty, upon my Honour.
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d, Lord Chamberlain of the Housbold. Guilty, upon my
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Annotation detail

#### THE BEGINNING OF THE END FOR TITUS OATES

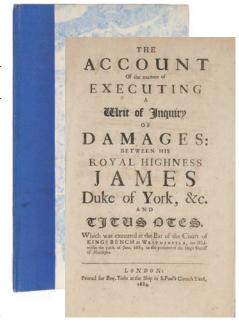
141. [TRIAL].
[POPISH PLOT].
OATES, TITUS [1649-1705], DEFENDANT.

The Account of the Manner of Executing a Writ of Inquiry of Damages: Between His Royal Highness James Duke of York, &c. And Titus Otes, Which was Executed at the Bar of the Court of Kings Bench at Westminster, On Wednesday the 19th. Of June, 1684. In the Presence of the High Sheriff of Middlesex.

London: Printed for Benj. Tooke, 1684. [iv], 31, [1] pp. Folio (11-1/2" x 7-1/2").

Stab-stitched pamphlet rebound in recent quarter cloth over marbled boards. Negligible rubbing and light soiling to boards. Moderate toning to interior, occasional light foxing, light soiling in a few places. \$450.

ONLY EDITION. Oates, an Anglican clergyman, and his friend, cleric and anti-Catholic Dr. Israel Tonge, were the inventors of the Popish Plot, one of the cruelest hoaxes in British history and the inspiration for a wave of anti-Catholic violence. They pretended to have discovered a Jesuit plot to assassinate the King, massacre Protestants, and set James, Duke of



York, the King's Catholic brother, on the throne. From 1678–1681, at least 15 innocent men were executed as traitors on Oates's testimony. In 1681, however, the tide began to turn against Oates. Undeterred by the change in public opinion, he pronounced the Duke of York a traitor and was sued for libel in 1684.

The present work documents the trial, at which Oates refused to plead, and the subsequent £100,000 fine awarded as damages. He was imprisoned after defaulting. When James acceded to the throne in 1685, Oates was convicted of perjury, imprisoned for life, stripped of his vestments and publicly whipped. He was later pardoned by William and Mary and granted a pension of £260 per year. ESTC R34141.

### RARE CALF-BOUND PRESENTATION COPY

Trial of
Dr. Pritchard

William Roughead
Writer to the Signet

142. [TRIAL].
PRITCHARD, EDWARD WILLIAM [1825-1865],
DEFENDANT.
ROUGHEAD, WILLIAM, [1870-1952], EDITOR.

*Trial of Dr. Pritchard.* Glasgow and Edinburgh: William Hodge & Company, [1906]. 343 pp. Portrait frontispiece. 14 plates.

The Right Itm: Lord Young, with the Editor's complements athanks.

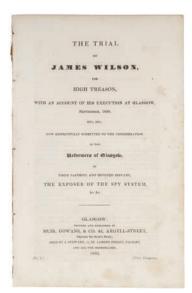
Inscription detail

Contemporary calf, blind rules to boards, gilt-edged raised bands and lettering piece to spine, gilt-stamped company name to foot of spine, top-edge gilt. Light rubbing to boards, moderate rubbing to extremities,

corners bumped. Light toning to interior, light foxing in places, offsetting to margins of endleaves, presentation inscription from Roughead to front free endpaper. \$500.

FIRST EDITION. One of a few copies bound in calf for presentation, this one to Lord George Young [1819–1907], the solicitor-general who served as prosecutor. The inscription reads: "To The Right Hon: Lord Young,/ with the Editors/ compliments & thanks." Young is pictured in one of the plates (p. 220) and is thanked for revising his address to the jury in the Prefatory Note. Dr. Pritchard was tried in Glasgow, 1865, for the murder of his wife and mother-in-law. He was found guilty, and his execution, on July 28, 1865, was the last to be held in public in Scotland. Pritchard had a long afterlife in popular culture and his case inspired a number of dramatizations and fictional accounts.

#### EXECUTED AFTER A FAILED INSURRECTION



143. [TRIAL]. [SCOTLAND]. [MACKENZIE, PETER (1799-1875)]. WILSON, JAMES, DEFENDANT [1760-1820].

The Trial of James Wilson, For High Treason, With an Account of His Execution at Glasgow, September, 1820, Etc. Etc. Now Respectfully Submitted to the Consideration of the Reformers of Glasgow, By Their Faithful and Devoted Servant, The Exposer of the Spy System, &c. &c.

Glasgow: Printed and Published by Muir, Gowans, & Co., 1832. 48 pp. 3 parts in one with continuous pagination. Octavo (8"  $\times$  5").

Disbound stab-stitched pamphlet. Light toning, more moderate to pp. 17-32, light foxing and soiling in a few places. \$450.

ONLY EDITION, issued first as three parts and then a composite edition. Wilson, a Scottish radical and would-be revolutionary, led a march on Glasgow after being

fed information by British government spies who claimed that England was in the midst of an insurrection and that the French were assisting the rebels. This was not the case, and upon his return Wilson was arrested and executed in August of 1820. Mackenzie was a journalist who wrote about the British infiltration of radical networks. OCLC locates 11 copies of this title, 4 in North America (Harvard, Princeton, New York Public Library, Queens University). *Coldsmiths'* 27585.

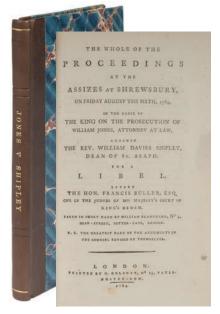
#### A LANDMARK LIBEL CASE

### 144. [TRIAL]. SHIPLEY, WILLIAM DAVIES [1745-1826], DEFENDANT.

The Whole of the Proceedings at the Assizes at Shrewsbury, On Friday August the Sixth, 1784, In the Cause of the King on the Prosecution of William Jones, Attorney at Law, Against the Rev. William Davies Shipley, Dean of St. Asaph. For a Libel. Before the Hon. Francis Buller, Esq. One of the Judges of His Majesty's Court of King's Bench. Taken in Short Hand by William Blanchard [...] N.B. The Greatest Part of the Arguments of the Counsel Revised by Themselves.

London: Printed by H. Goldney [and distributed gratis by the Society for Constitutional Information], 1784. [ii], 112 pp. Half-title lacking. Octavo  $(7-3/4" \times 4-1/2")$ .

Recent period-style quarter calf over marbled boards, blind fillets to calf edges, gilt fillets and title to spine, endpapers and endleaves renewed. Light toning to interior, negligible light foxing to a few pages, light soiling to last page. \$1,250.



ONLY EDITION, one of three issues from 1784. Shipley had promoted and reprinted a pamphlet by Sir William Jones (a relative by marriage) that advocated parliamentary reform. Though the pamphlet was relatively tame in its criticism, Shipley was prosecuted for seditious libel. The Society for Constitutional Information, an organization dedicated to the publishing and promotion of reform-minded material under the leadership of Horne Tooke, saw the prosecution as an ideal test case and engaged Thomas Erskine for the defense. Unusually, the verdicts in seditious libel cases could only be decided by a judge and not a jury. Erskine's eloquent jury argument argued that this was unjust. Shipley was acquitted on appeal, but only on a technicality. Erskine used the case to argue for reform of seditious libel laws, which ultimately resulted in the Libel Act of 1792. Our edition was printed and distributed by the Society. OCLC locates 2 copies, one in North America (General Theological Seminary); the ESTC adds 3 North American copies (Duke University, Harvard University, Harvard Law School). ESTC T52458.



#### THE "EXTRAORDINARY TRIAL" OF A GLASGOW SOCIALITE



Madeleine Smith plate detail

145. [TRIAL]. SMITH, MADELEINE [1835-1928], DEFENDANT.

Glasgow Poisoning Case. Unabridged Report of the Evidence in this Extraordinary Trial, With All the Passionate Love Letters Written by the Prisoner to the Deceased, And Numerous Illustrations, Including Portrait of Madeleine Smith.

London: George Vickers, 1857. 77 pp. 7 plates, 3 folding. Octavo (6-1/2" x 4").

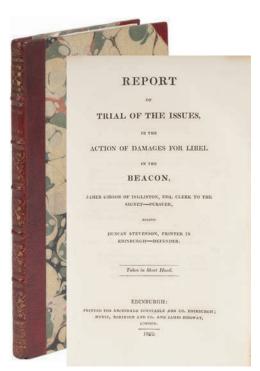
Later three-quarter cloth over plain boards, gilt title and date to spine. Light soiling to boards, light fading to foot of front board and spine, light rubbing to extremities, corners lightly bumped, front hinge cracked. Light toning to interior, light soiling, offsetting, and a few clean tears to edges of first folding plate, two of which are mended on verso, light soiling to title page with no loss to legibility, upper corners of first three leaves lacking without loss to text, interior otherwise clean. \$450.



Foldout detail

ONLY EDITION. In 1855, Smith, a Glasgow socialite, began a passionate love affair with Pierre Emile L'Angelier. When her parents found a more suitable match, she attempted to break the relationship, but he threatened to use their love letters to expose her if she did not marry him. He died from arsenic poisoning a month after making his threat. Smith, who had been seen purchasing arsenic, was arrested and charged with his murder after the pair's love letters were discovered. Although the circumstantial evidence against her was strong, there was some suspicion that L'Angelier had committed suicide. The jury ultimately returned with a verdict of "not proven." OCLC locates 5 copies of this title, 2 in North America (University of Chicago, Bryn Mawr).

# REPRESENTED BY TWO DISTINGUISHED SCOTTISH JURISTS



146. [TRIAL]. STEVENSON, DUNCAN [1776?-1867], DEFENDANT.

Report of Trial of the Issues, In the Action of Damages for Libel in the Beacon, James Gibson of Ingliston, Esq. Clerk to the Signet - Pursuer, Against Duncan Stevenson, Printer in Edinburgh - Defender. Taken in Short Hand.

Edinburgh: Printed for Archibald Constable and Co., 1822. [vi], 139, [1], 2, [1] pp. With a one-page publisher advertisement. Octavo  $(8-1/4" \times 5")$ .

Recent period-style three-quarter calf over marbled boards by Philip Dusel, marbled edges. Moderate toning to interior, slightly heavier in a few places, illegible early owner signature to rear endleaf. \$500.

ONLY EDITION. Represented by Francis Jeffrey [1773-1850] and Henry Cockburn [1779-1854], two eminent Scottish jurists who were also notable literary figures, Ingliston prevailed and was awarded £500 in damages. *BMC* 24:250.

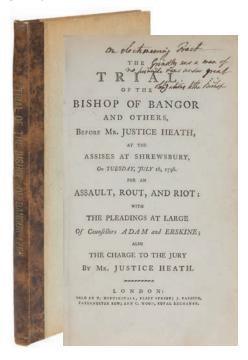
### "ASSAULT, ROUT, AND RIOT"

147. [TRIAL]. WARREN, JOHN [1730-1800], DEFENDANT.

The Trial of the Bishop of Bangor and Others, Before Mr. Justice Heath, At the Assises at Shrewsbury, On Tuesday, July 16, 1796. For an Assault, Rout, And Riot: With the Pleadings at Large of Counsellors Adam and Erskine; Also the Charge to the Jury by Mr. Justice Heath.

London: Sold by T. Hepinstall, J. Parsons, And C. Wood, [1796]. 47, [1] pp. Octavo (8–1/4"  $\times$  4–1/4").

Stab-stitched pamphlet bound in later quarter cloth over plain boards, gilt fillets and title to spine. Light toning to boards, small scuff to front board, light fading to edges of rear board, small later ink annotations to front free endpaper and rear pastedown. Light toning to interior, light foxing and soiling in a few places, contemporary notes in ink to half-title and title page with underlining and marginal marks to a few other pages, ownership signature (of Peter Bailey Williams) dated 1794 to verso of final leaf.



FIRST EDITION. Warren, the bishop of Bangor in northwest Wales, had appointed his nephew as registrar of the diocese. Since the nephew was underage, Samuel Grindley was appointed deputy registrar, but when the nephew attempted to replace him, he refused to leave his office. A fight broke out between Grindley and Warren with others joining the bishop's side. At one point, Grindley threatened Warren with a pistol, and the fight did not conclude until the bishop's wife intervened and dragged Warren away. Erskine was engaged for the defense and secured an acquittal despite the judge's summing-up in favor of conviction.

The notes to the half-title and title page remark (somewhat disparagingly) on the case. Williams [1763-1836] was a Welsh Anglican rector in Caernarfonshire. OCLC locates 11 copies of this title, 4 in North America (Library of Congress, Newberry Library, Huntington Library, Redwood Library and Athenaeum). *ESTC* T191335.

# "BY REASON OF SOME NATURAL IMPERFECTION"?

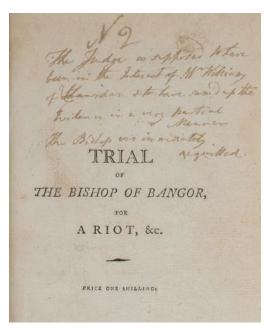
148. [TRIAL]. WELD *V*. WELD.

The Proceedings in the Arches-Court of Canterbury in a Cause Between the Hon. Mrs. Catherine Weld, Daughter to the Lord Aston; And Edward Weld, Esq; Her Husband. Containing, I. Her Libel Exhibited Against Him for Impotency. II. Her Answer and Replication. III. Certificates of Ambrose Dickens, Esq; His Majesty's Serjeant Surgeon, Mr. Williams, and Several Other Eminent Surgeons, Who Examined Mr. Weld; And also of three Midwives who Examined Mrs. Weld. IV. Copies of the Depositions of Several Noble Persons, Relating to This Cause. V. The Sentence Pronounced. To Which is Prefixed a Preface.

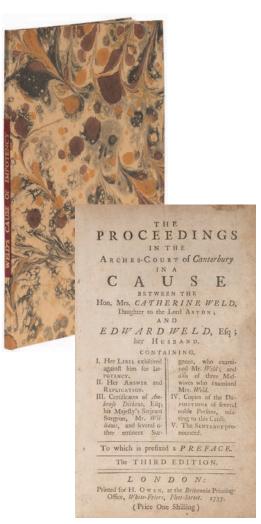
London: Printed for H. Owen, 1757. 48 pp. Octavo (7-1/2'  $\times$  4-3/4").

Stab-stitched pamphlet in recent stiff marbled-paper wrappers, calf lettering piece to spine. Moderate toning to interior, faint vertical crease to text block, some wear to outer corners of text block, light foxing to a few leaves, light soiling to title page and p. 48. \$750.

THIRD (STATED) EDITION. The Welds married in 1727, but when there was no issue after three years, Catherine sued Edward for divorce in ecclesiastical court on the grounds that he was "unable to perform the Conjugal Rites, by Reason of some natural Imperfection which he well knew in himself." Edward fought to clear his name, claiming that after a simple surgical procedure he had, in fact, consummated the marriage twice. The case gained a great deal of public attention, largely because the detail of Catherine's claim and the amount of medical evidence presented were unusual even for an impotency trial. Ultimately, the divorce was denied and the couple reached a private resolution to live apart. Edward remarried after Catherine's death and fathered a daughter and four sons. It is unclear why our copy is designated the third edition. It appears to be based on an account issued by E. Raynor, which went through five editions and two Dublin reprints, all in 1732. OCLC and the ESTC locate 3 copies in North America (Cornell, Rice, Harvard Law School). ESTC N11985.

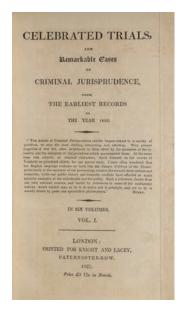


Half title page detail from N° 147



Nº 148

### A FASCINATING COMPENDIUM OF CELEBRATED TRIALS IN A HANDSOME BINDING



149. [TRIALS]. [BORROW, GEORGE H., EDITOR1.

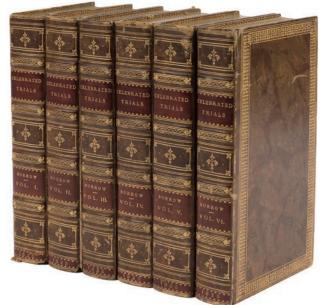
Celebrated Trials and Remarkable Cases of Criminal Jurisprudence from the Earliest Records to the Years 1825.

London: Printed for Knight & Lacey, 1825. Six volumes. 35 engraved plates, 3 folding. Complete. Octavo (7-3/4" x 4").



Later signed tree-calf binding by Root & Son, gilt frames and fillets to boards, raised bands, gilt ornaments and gilt title to spines, gilt tooling to board edges, all edges gilt, gilt inside dentelles, marbled endpapers, ribbon markers, front board of Volume II carefully reattached. Moderate rubbing to extremities, minor chipping to spine ends of a few volumes, front joint of Volume II cracked, small morocco book label of William Armistead Moale Burden II to front pastedown of each volume. Light toning to interiors, light foxing in a few places. A very handsome set. \$1,600.

FIRST EDITION. The first collection devoted exclusively to important state and criminal trials, this set contains over four hundred cases from the fifteenth to nineteenth centuries. Regarding other collections, Borrow criticized the Newgate Calendar for being too sympathetic to its subjects; he found the State Trials to be intolerably dull. Borrow also includes famous trials from France, Sweden, Denmark and the United States. For France, he adapted trials from Causes Celebres to the tastes of "English reading" by stripping them "of all their verbosity." In addition to its more animated language, Celebrated Trials is enlivened by its numerous engravings depicting courtroom scenes and executions (by various means). William Armistead Moale Burden II [1906-1984] was a prominent banker, art collector, bibliophile and philanthropist. He was Eisenhower's ambassador to Belgium from 1959 to 1961. Sweet & Maxwell 2:36.



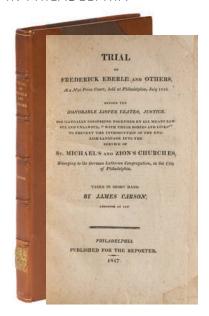
## A CONSPIRACY TO PREVENT SERVICES IN ENGLISH IN TWO LUTHERAN CHURCHES IN PHILADELPHIA

150. [TRIALS].
EBERLE, FREDERICK, PRIMARY DEFENDANT.
CARSON, JAMES, REPORTER.

Trial of Frederick Eberle and Others, At a Nisi Prius Court, Held at Philadelphia, July 1816, Before the Honorable Jasper Yeates, Justice, For Illegally Conspiring Together by All Means Lawful and Unlawful, "With Their Bodies and Lives" To Prevent the Introduction of the English Language into the Service of St. Michael's and Zion's Churches, Belonging to the German Lutheran Congregation, In the City of Philadelphia.

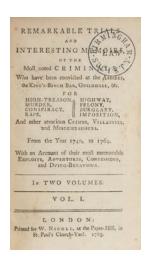
Philadelphia: Published for the Reporter, 1817. 240 pp. Octavo (8-1/2" x 5").

Stab-stitched pamphlet with untrimmed edges bound into later three-quarter morocco over cloth, gilt title and fillets and raised bands to spine, gilt publication date and small wax seal at foot. Light rubbing to extremities, bookplate residue to front pastedown. Moderate toning to interior, somewhat heavier in places, faint dampstaining to lower outside corner of text block. \$650.



ONLY EDITION. "The defendants, some sixty church members, were found guilty. Subsequently, a writ of quo waranto was heard by the Pennsylvania Supreme Court, which denied the defendants a new trial.": Cohen 12212.

#### NOTABLE BRITISH CRIMINALS OF 1740-1764





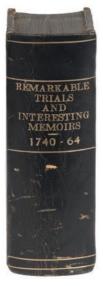
151. [TRIALS]. [GREAT BRITAIN].

Remarkable Trials and Interesting Memoirs, Of the Most Noted Criminals who have been Convicted at the Assizes, The King's-Bench Bar, Guildhall, &c. For High-Treason, Murder, Conspiracy, Rape, Highway, Felony, Burglary, Imposition, And Other Atrocious Crimes, Villainies, And Misdemeanours. From the Year 1740, To 1764. With an Account of Their Most Memorable Exploits, Adventures, Confessions, And Dying-Behaviour.

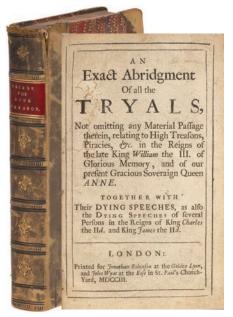
London: Printed for W. Nicoll, 1765. 2 vols. in 1. [ii], x, [4], 336; [xiii], 358 pp. 12mo. (6-1/2" x 3-3/4").

Recent three-quarter calf over pebbled cloth boards, gilt institutional name and seal to boards, rebacked in calf with gilt fillets and title to spine, edges speckled red, endpapers and endleaves renewed. Moderate rubbing and light soiling to boards, moderate wear to calf, slight creasing and a few nicks to spine, rubbing to board edges, corners bumped and worn, small ink library stamp to front free endpaper, title pages and several other pages without loss to legibility. Moderate toning to interior, occasional light foxing. \$500.

ONLY EDITION. This compilation of famous British criminal cases from 1740 to 1764 includes murders, attempted insurrections, robbery (including one carried out on the Thames) and the trial of a midwife for negligence. Female criminals are well-represented, among them a mother-daughter duo executed for murder and the notable 1752 cases of Mary Blandy and Elizabeth Jeffries. *ESTC* T114036.



#### INCLUDES AN EARLY ACCOUNT OF THE TRIAL OF CAPTAIN KIDD



152. [TRIALS]. [GREAT BRITAIN].

An Exact Abridgment of All the Tryals, Not Omitting Any Material Passage Therein, Relating to High Treasons, Piracies, &c. In the Reigns of the Late King William the III. of Glorious Memory, And of Our Present Gracious Soveraign Queen Anne. Together with Their Dying Speeches, As Also the Dying Speeches of Several Persons in the Reigns of King Charles the IId. And King James the IId.

London: Printed for Jonathan Robinson at the Golden Lyon, And John Wyat at the Rose in St. Paul's Church-Yard, 1702. [iv], 231, 240-432 pp. Pagination irregular, text complete. Octavo  $(6-3/4" \times 4-1/2")$ .

Later three-quarter calf over marbled boards, raised bands, lettering piece and blind and gilt ornaments to spine, edges rouged, marbled endpapers. Moderate rubbing to boards and extremities with some wear to corners, chipping to head of spine, joints starting near head of

spine, front hinge cracked. Moderate toning to interior, soiling to title page, lighter soiling to following two leaves, headlines of a few leaves affected by trimming. \$1,250.

ONLY EDITION. A highlight of this collection is its account of the 1701 piracy trial of Captain William Kidd, then a recent event. Among the dying speeches are those of Algernon Sydney and Lord Russel.

This is a scarce title. OCLC locates 11 copies in North America, 5 in law libraries (Columbia, Harvard, Library of Congress, University of Cincinnati, University of Virginia). ESTC T86895.

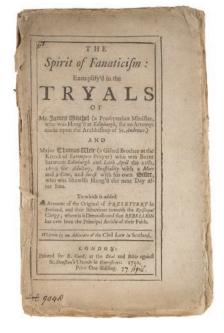
#### "THE SPIRIT OF FANATICISM"

153. [TRIALS]. [HICKES, GEORGE (1642-1715)].

The Spirit of Fanaticism: Exemplify'd in the Tryals of Mr. James Mitchel (A Presbyterian Minister, Who was Hang'd at Edinburgh, For an Attempt Made Upon the Archbishop of St. Andrews.) And Major Thomas Weir (A Gifted Brother at the Knack of Extempore Prayer) Who was Burnt Between Edinburgh and Leith April the 11th, 1670. For Adultery, Beastiality with a Mare and a Cow, And Incest with His Own Sister, Who was Likewise Hang'd the Next Day After Him. To Which is Added an Account of the Original of Presbytery in Scotland, And Their Behaviour Towards the Episcopal Clergy; Wherein is Demonstrated that Rebellion has Ever Been the Principal Article of Their Faith. Written by an Advocate of the Civil Law in Scotland.

London: Printed for E. Curll, 1710. [ii], 62 pp. Octavo (8-1/2" x 5-1/4").

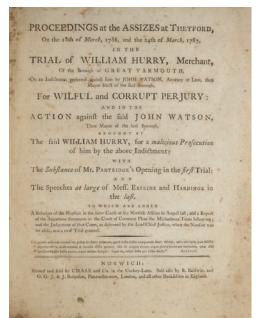
Stab-stitched pamphlet in self-wrappers, untrimmed edges, light soiling to exterior, some wear and chipping along sewn edges of a few leaves, moderate toning to interior, signature F (pp.33-40) laid in, rather than sewn in, due to a binding error, a few brief markings in early hand to title page. \$850.



SECOND AND FINAL EDITION. Hickes was a bishop of the nonjuring Church of England in Scotland. A work on propaganda commissioned by his superior in Scotland, John Maitland, Duke of Lauderdale, it was first published in 1678 with the title *Ravillac Redivivus*. It is an account of the trial of the Scots-nationalist Presbyterian (Covenanter) James Mitchell [d.1678] for an attempt to assassinate James Sharpe, the archbishop of St Andrews. Hickes linked Mitchell's story to that of the

notorious covenanter Major Thomas Weir [c.1600-1670], a suspected sorcerer who was executed for bestiality and incest in 1670, in order to demonstrate that dissenters violated the boundaries of moral law and were thus capable of committing the most outrageous crimes in the name of religion. A notorious Grub-Street publisher and committed Whig. Curll [c.1675-1747] specialized in salacious and otherwise offensive material. His republication of *Ravillac* was likely a barb aimed at the recently established Tory government; Whigs often associated Tories with Scottish Jacobites. *ESTC* N23932.

#### SCARCE PERJURY AND MALICIOUS PROSECUTION TRIALS



SUPPLEMENTARY TOTHE TRIAL of HURRY against WATSON P 0 R RE OF THE ARGUMENT in the COMMON PLEAS, UPONA MOTION FOR A NEW TRIAL, In TRINITY TERM laft. IN WHICH The Conduct of the STECIAL JURY, in the giving of their Verdict, was agitated, and the Doctrine, respecting the Power of the Court to set assee Verdicts for excessive Damages, fully discussed. A Relation of the FINAL ISSUE of this long-contested Bufinefs.

154. [TRIALS]. HURRY, WILLIAM, DEFENDANT. WATSON, JOHN, DEFENDANT.

Proceedings at the Assizes at Thetford, On the 8th of March, 1786, And the 24th of March, 1787, In the Trial of William Hurry, Merchant, Of the Borough of Great Yarmouth, On an Indictment Preferred Against Him by John Watson, Attorney at Law, Then Mayor Elect of the Said Borough, For Wilful and Corrupt Perjury: And in the Action Against the Said John Watson, Then Mayor of the Said Borough, Brought by the Said William Hurry, For a Malicious Prosecution of Him by the Above Indictment [...].

Norwich: Printed and Sold by Chase and Co. [et al.], [1787]. 60 pp.

[BOUND WITH]

#### WATSON, JOHN, DEFENDANT.

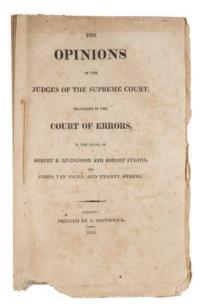
Supplementary to the Trial of Hurry Against Watson: A Report of the Argument in the Common Pleas, Upon a Motion for a New Trial, In Trinity Term Last. In Which the Conduct of the Special Jury, In the Giving of Their Verdict, Was Agitated, And the Doctrine, Respecting the Power of the Court to Set Aside Verdicts for Excessive Damages, Fully Discussed. Together with a Relation of the Final Issue of this Long-Contested Business.

Norwich: Printed and Sold by Chase and Co [et al.], 1787. 25, [1] pp.

Quarto (9–1/2"  $\times$  7–3/4"). Stab–stitched pamphlets bound in later nineteenth–century–style three–quarter calf over marbled boards, blind fillets to calf edges, lettering piece and gilt and blind fillets to spine, later armorial bookplate of R.C. Fiske to front pastedown and ms note by Fiske to front free endpaper. Light rubbing to boards, moderate rubbing to extremities, some scuffs and nicks to spine, rear hinge just starting at head, faint offsetting to endleaves. Moderate toning to interior, light foxing in a few places of *Proceedings*, fore and bottom edges of *Supplementary* untrimmed with occasional light foxing and soiling, somewhat heavier to title page and final leaf, which is mended neatly at bottom–edge. \$1,500.

ONLY EDITIONS; *Proceedings*: first issue. In 1786, Watson prosecuted Hurry for perjury after the latter testified that Watson owed him 35 shillings. Hurry was acquitted and immediately counter-sued for malicious prosecution. The proceedings were long and bitter. Hurry was initially awarded £3,000 in damages, reduced to £1,500 on appeal. Ronald Clive Fiske [d.2018] was a prominent Norfolk historian with a rich personal library of over 30,000 books and pamphlets. He describes our copy as "the rare 1st edition" and notes that "[m]ost other copies have an authorship note by Robert Alderson dated 28 April 1787" which was added after the second trial (as recorded in the *Supplementary*) was announced. OCLC locates 4 North American copies of the first part, all issues (Harvard Law School, Duke Law School, University of Missouri-Columbia, University of Minnesota) and 2 of the second part (Boston Public Library, Harvard Law School). *ESTC* T106935, N24850.

## JUSTICES KENT, YATES AND THOMPSON UPHOLD FULTON'S STEAMBOAT MONOPOLY



155. [TRIALS].
LIVINGSTON, ROBERT [1746-1813], DEFENDANT.
FULTON, ROBERT [1765-1815], DEFENDANT.

The Opinions of the Judges of the Supreme Court, Delivered in the Court of Errors, In the Cause of Robert E. Livingston and Robert Fulton, vs. James Van Ingen, And Twenty Others.

Albany: Printed by S. Southwick, 1812. Three parts. 12; 12; 23, [1] pp. Octavo (9" x 6").

Stab-stitched pamphlet with untrimmed edges, most signatures unopened. Light browning, faint dampspotting in places, a bit of rodent damage (?) to foot of text block near lower inside corner with no loss to text, early manuscript annotations to margins of p. 10 in the first part and p. 7 in the second.

ONLY EDITION. This unanimous decision by the Supreme Court of New York upheld the thirty-year monopoly on steamboat navigation on the Hudson River granted by the state legislature to Fulton and Livingston. This pamphlet contains

the opinions of the court's three judges: Joseph C. Yates [1768–1837], Smith Thompson [1768–1843] and James Kent [1763–1847]. The longest of these is by Kent, the chief justice. A few years later another steamboat entrepreneur, Thomas Gibbons, defied the law and established a ferry line between New York and New Jersey. This led to the 1824 U.S. Supreme Court ruling Gibbons v. Ogden. Declaring that states cannot regulate interstate commerce, the court struck down Fulton's monopoly. The annotations are side–notes. We have seen identical notes in other copies in the same hand, which suggests they were last–minute additions by the printer or one of his assistants. Some copies we have seen do not have these notes. Sabin 41637. Cohen 11509.

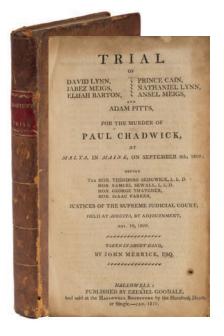
#### "KILLED BY A PARTY OF MEN DISGUISED AS INDIANS": MCDADE 641

156. [TRIALS]. LYNN, DAVID, PRIMARY DEFENDANT. MERRICK, JOHN [1766-1861], REPORTER.

Trial of David Lynn, Jabez Meigs, Elijah Barton, Prince Cain, Nathaniel Lynn, Ansel Meigs, And Adam Pitts, For the Murder of Paul Chadwick, At Malta, In Maine, On September 8th, 1809: Before the Hon. Theodore Sedgwick, L.L.D., Hon. Samuel Sewall, L.L.D., Hon. George Thatcher, Hon. Isaac Parker, Justices of the Supreme Judicial Court, Held at Augusta, By Adjournment, Nov. 16, 1809. Taken in Short Hand.

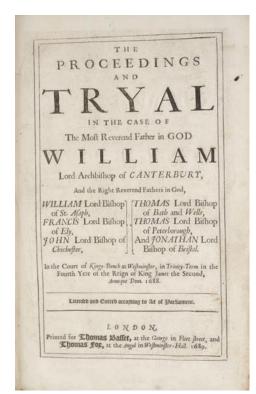
Hallowell: Published by Ez\ekiel Goodale, Jan. 1810. 188 pp. Final 2 pages are publisher advertisements. Octavo (7-1/2" x 4-1/4").

Contemporary tree sheep, lettering piece and blind fillets to spine. Light rubbing and a few minor nicks to boards, moderate rubbing to extremities, small chip to head of spine, corners bumped, hinges partially cracked, early owner signature (F.A. Hill) to front pastedown. Moderate toning to interior, light foxing to a few leaves, offsetting to margins of preliminaries and rear endleaves. A well–preserved copy. \$2,000.



ONLY EDITION. "The killing arose out of a dispute over land titles in Maine. Chadwick was surveying at Windsor, Maine, when he was killed by a party of men disguised as Indians (McDade). Although there was a large amount of evidence showing guilt, all of the defendants were acquitted. McDade 641.

# THE TRIAL OF THE SEVEN BISHOPS AND THE IMPEACHMENT OF LORD JOHN SOMERS



157. [TRIALS]. [SANCROFT, WILLIAM (1617-1693), ET AL. DEFENDANTS].

The Proceedings and Tryal in the Case of The Most Reverend Father in God William Lord Archbishop of Canterbury, And the Right Reverend Fathers in God, William Lord Bishop of St. Asaph, Francis Lord Bishop of Ely, John Lord Bishop of Chichester, Thomas Lord Bishop of Bath and Wells, Thomas Lord Bishop of Peterborough, And Jonathan Lord Bishop of Bristol. In the Court of Kings-Bench at Westminster, In Trinity-Term in the Fourth Year of the Reign of King James the Second, Annoque Dom. 1688.

London: Printed for Thomas Basset and Thomas Fox, 1689. [xiii], 140 pp. Copperplate portrait frontispiece of the seven bishops.

[BOUND WITH]

[PARLIAMENT].

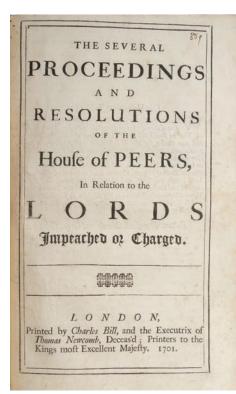
The Several Proceedings and Resolutions of the House of Peers, In Relation to the Lords Impeached or Charged.

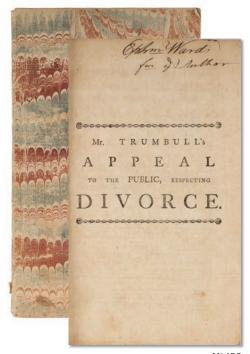
London: Printed by Charles Bill, And the Executrix of Thomas Newcomb, 1701. 100 pp.

Folio (12–1/4" x 7–3/4"). Contemporary paneled calf, corner fleurons to boards, rebacked in period style with raised bands, lettering piece ("Tryals Etc.") and gilt date (1701) to spine, blind tooling to board edges. Rubbing, scuffing and a few nicks to boards, "Bishops" in early Gothic script to head of front board, moderate rubbing to board edges, corners bumped and lightly worn, hinges mended. Light toning to interior, very light foxing and soiling in a few places, light worming to upper gutter not affecting text, edges of title page and frontis of *Proceedings and Tryal* discreetly mended without loss to image, trimming to head of *Several Proceedings* just catching page numbers in a few places, text notably bright.

PROCEEDINGS AND TRYAL: first edition; Several Proceedings: one of two 1701 issues. In 1688 James II reissued his Declaration of Indulgence, which suspended the penal laws enacted against Catholics and dissenters, and ordered the Anglican clergy to read it to their congregations. The Archbishop of Canterbury and six bishops petitioned against this order on the grounds that the suspending power had been declared illegal by Parliament. They were indicted in the King's Bench for seditious libel, but were acquitted to great public acclaim. The "Trial of the Seven Bishops," as it came to be known, confirmed the subject's right to petition

the crown and raised new questions for the reform of libel laws. The trial also reflects the antipathy of English Protestants towards Catholicism and the Stuarts, which would culminate in the Glorious Revolution of 1688. *The Several Proceedings* describes a slew of impeachments carried out in 1701 by the House of Commons, which was dissatisfied with the First Partition Treaty. Lord John Somers and Charles Montagu were among those impeached; the House of Lords ultimately overruled the Commons. *ESTC* T100946, T48002.





Nº 158

## A POST-REVOLUTIONARY CRITIQUE OF CONNECTICUT DIVORCE LAW

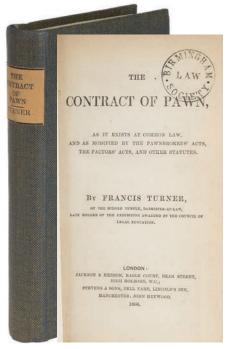
158. TRUMBULL, BENJAMIN [1735-1820].

An Appeal to the Public, Especially to the Learned, With Respect to the Unlawfulness of Divorces, In All Cases, Excepting Those of Incontinency. The Substance of the Argument Was Pleaded Before the Consociation of the County of New-Haven, December 9th, 1785. To Which an Appendix is Subjoined, Exhibiting a General View of the Laws and Customs of Connecticut, And of Their Deficiency Respecting the Point in Dispute.

New-Haven: Printed by J. Meigs, 1788. 53, [1] pp. Octavo (7-1/4" x 5").

Stab-stitched pamphlet in marbled wrappers. Light rubbing to wrappers and chipping to spine. Light toning to interior, light foxing in a few places. Inscription to head of half title reading "Ephraim Ward, from the Author." An appealing copy. \$500.

FIRST EDITION. Trumbull, a Congregational minister, attacks the leniency of Connecticut's divorce laws and argues for their reform. With an argument based in scripture, Trumbull shows that divorces are "opposed to the authority of Jesus Christ." The text of his sermon is followed by an appendix which reviews contemporary Connecticut divorce laws and compares them to those of the other New England states, ancient Rome, the early Christian church and the Jews of the Old Testament. A



Nº 159

second edition was published in 1819 with additional material by Timothy Dwight as What Therefore God Hath Joined Together, Let Not Man Put Asunder: An Appeal to the Public with Respect to the Unlawfulness of Divorces. Cohen 4788.

## INTERESTING LEGAL STUDY OF PAWNBROKING

159. TURNER, FRANCIS [1829-1885].

The Contract of Pawn as it Exists at Common Law, And as Modified by the Pawnbrokers' Acts, The Factors' Acts, And Other Statutes.

London: Jackson & Keeson, 1866. xvi, 352 pp. 12mo. (7"  $\times$  4").

Recent cloth, printed paper title label to spine, endpapers renewed. Moderate toning to interior, underlining to a few passages, library stamp to title page and a few other leaves. \$500.

FIRST EDITION. A historically grounded work by a Middle Templar, this treatise surveys its subject from Roman law to the work of such jurists as Sir William Jones and Justice Joseph Story. A second edition was issued in 1883. Both editions of this work are scarce. OCLC locates 4 copies of the first edition in North American law libraries (UC Berkeley, U.S. Supreme Court, University of Minnesota, University of Pennsylvania). Sweet & Maxwell 2:362.

## DIGEST OF U.S. MILITARY LAWS PUBLISHED DURING THE WAR OF 1812

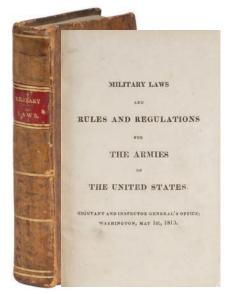
#### 160. [UNITED STATES].

Military Laws and Rules and Regulations for the Armies of the United States.

Washington [DC]: Adjutant and Inspector General's Office, May 1st, 1813. [ii], xix, [3], 247; 249–271 pp. Quarto (5–3/4" x 3–1/2").

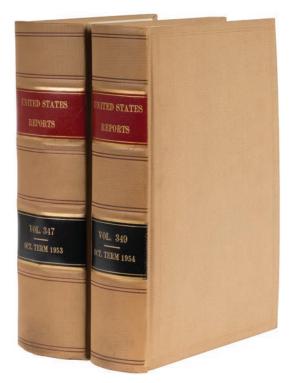
Contemporary tree calf with gilt fillets and lettering piece to spine. Light rubbing and a few small scuffs to boards, moderate rubbing and light wear to extremities, corners bumped, front hinge cracked, faint dampstaining to endleaves. Light toning to interior, occasional light foxing, faint fold lines to a few upper corners, signature "a" (pp. 1-8) loosening slightly but secure, ownership signature (of "A. Benjamin") to head of p. i, annotation dated 23 Oct. 1813 to head of p. 249 affected by trimming. \$650.

FIRST EDITION. This digest of U.S. military laws published during the War of 1812 has two sections. The first contains the Articles of War, the



second is a compilation of military laws (and laws relating to the military). Our copy was owned by a member of the 37th Regiment, Infantry consisting of men from Connecticut. No one with the last name Benjamin appears in the list of discharge certificates provided by the National Archives, suggesting that the owner may have been killed in action. Acts and miscellaneous regulations up to August 2, 1813 are appended to our copy with continuous pagination. This addition appears in some copies of the first edition but is lacking in others. Cohen 8981.

# A TURNING POINT IN THE HISTORY OF CIVIL RIGHTS



161. [UNITED STATES SUPREME COURT]. [BROWN V. BOARD OF EDUCATION OF TOPEKA]. WYATT, WALTER, REPORTER.

United States Reports Volume 347: Cases Adjudged in the Supreme Court at October Term, 1953.

[AND]

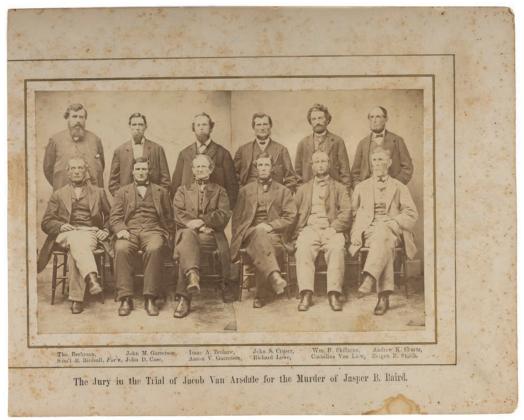
United States Reports Volume 349: Cases Adjudged...at October Term, 1954.

Washington: United States Government Printing Office, 1954-1955.

Publisher's original tan buckram, red and black lettering pieces, blind frames. Volume 347 with slight buckle to spine and very light soiling at foot of spine, else very good copies. \$650.

FIRST EDITIONS. These volumes contain the first printings of the Court's momentous decision Brown et al.  $\nu$ . Board of Education of Topeka et al., popularly known as

Brown I and II. Brown I (347 U.S. 483) is the famous opinion written by Earl Warren; Brown II (349 U.S. 294) outlined remedies. Several key phrases are underlined in both decisions, including "with all deliberate speed" in Brown II.



Nº 162

# "WE FIND THE DEFENDANT GUILTY..."

162. [VAN ARSDALE, JACOB (1814-1895), DEFENDANT]. [BAIRD, JASPER B. (D.1867)].

The Jury in the Trial of Jacob Van Arsdale for the Murder of Jasper B. Baird.

[Somerville, NJ?, 1867].

 $6" \times 9$ -1/2" composite albumen silver print mounted on  $10" \times 12$ -1/2" illustration board with border and printed caption. Moderate toning and foxing to board, light foxing to image, small faint dampstain to bottom edge of board, left edge of board trimmed, image and caption not affected. \$650.

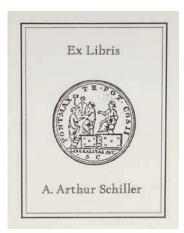
IN JUNE OF 1867, Jacob Van Arsdale stabbed 12-year-old Jasper Baird, the son of the couple with whom he was boarding. The Bairds testified that he had experienced violent fits in the weeks leading up to the murder, though he was well-known and respected in the community before these incidents. The jury returned a guilty verdict, but recommended mercy in light of questions of Van Arsdale's sanity, and many members of the community agreed. Despite this, he was sentenced to death, but the New Jersey Court of Pardons commuted his sentence to life in prison.

# OWNED BY A NOTABLE SCHOLAR OF ROMAN LAW

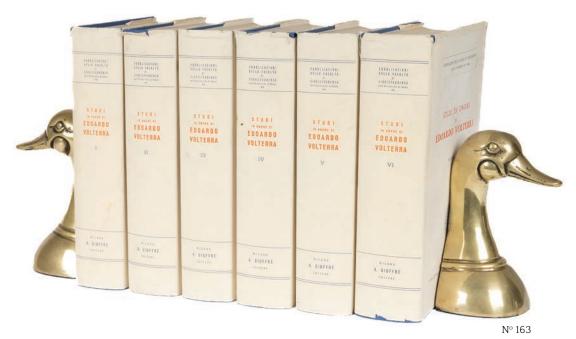
163. [VOLTERRA, EDOARDO (1904-1984)]. [SCHILLER, A. ARTHUR (1902-1977)].

Studi in Onore di Edoardo Volterra. Milan: Casa Editrice Dott. A. Giuffrè, 1971. Six volumes.

Original blue publisher's cloth in lightly soiled and edgeworn dust jackets. Title page of Volume 1 preceded by portrait frontispiece of Volterra with tissue guard. Bookplate of A. Arthur Schiller to pastedowns of all volumes. Front hinge of vol. 6 cracked, internally clean. \$450.

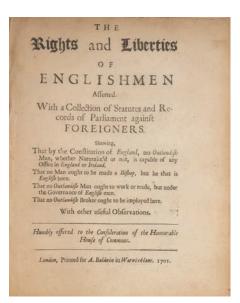


Bookplate detail



ONLY EDITION. With articles in Italian, English, French, German and Spanish. Published by the legal faculty at the University of Rome in honor of Italian legal scholar Edoardo Volterra, this collection of articles on Roman and Eastern Mediterranean law commemorates his 40th anniversary of teaching and extensive scholarly career in that area. Schiller was a professor at Columbia Law School from 1928 until his death. He specialized in many topics but is best known as a scholar of Roman and Coptic law. He contributed an article on Coptic law to the collection, which appears in the first volume.

## "HOW DILIGENT OUR WISE ANCESTORS WERE TO KEEP OUT THE FRENCH"



164. [WAGSTAFFE, THOMAS (1645-1712)].

The Rights and Liberties of Englishmen Asserted. With a Collection of Statutes and Records of Parliament Against Foreigners. Shewing, That by the Constitution of England, No Outlandish Man, Whether Naturaliz'd or Not, Is Capable of Any Office in England or Ireland. That No Man Ought to be Made a Bishop, But he that is English Born. That No Outlandish Man Ought to Work or Trade, But Under the Governance of English Men. That No Outlandish Broker Ought to be Imployed Here.

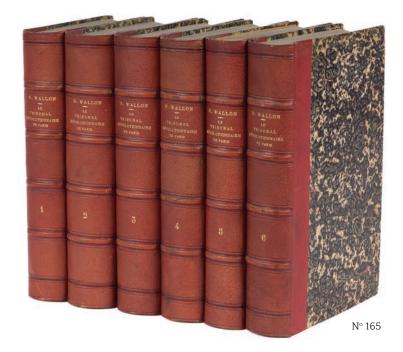
London: Printed for A. Baldwin, 1701. 26, [2] pp. Publisher's advertisements to final leaf. Quarto  $(8" \times 6-1/2")$ .

Disbound stab-stitched pamphlet housed in plain folder with the embossed library stamp of John Fowles. Light toning, foxing and soiling to folder, which has a small tear to its back. Moderate toning to pamphlet, a few leaves separating along spine but secure, occasional

light foxing, light soiling in a few places, upper corner of leaf a4 (pp. 7-8) lacking without loss to text, print signature to the work ("D--f C--d") crossed out in ink on p. 26. \$650.

ONLY EDITION. Published anonymously but attributed to Wagstaffe, this xenophobic tract maintains that the English constitution bars all foreigners from any office or employment unless "under the governance of English men." It appears to have been written more or less out of an anti–French sentiment and notably exempts the Irish from "outlandish" status. The author cites a number of legal and historical precedents for the exclusion of foreigners dating back to the Spartans.

Fowles [1926-2005] was an important English novelist whose works include *The Collector* (1963), *The Magus* (1965) and *The French Lieutenant's Woman* (1969). He was drawn to historical source material, which often inspired his work. OCLC and the ESTC locate 1 copy of this title in a law library (Harvard). *ESTC* T61087.



## A DAY-BY-DAY JUDICIAL ACCOUNT OF THE REIGN OF TERROR

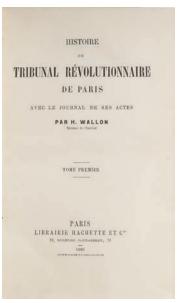
## 165. WALLON, HENRI-ALEXANDRE [1812-1904].

Histoire du Tribunal Révolutionnaire de Paris avec le Journal de ses Acte.

Paris: Librairie Hachette & Cie, 1880-1882. 6 volumes. Complete set. Octavo (8-1/4"  $\times$  5-1/4").

Contemporary quarter morocco over marbled boards, raised bands and gilt titles to spines, marbled endpapers, ribbon markers. Light rubbing to extremities, a few spine ends lightly bumped, corners bumped and somewhat worn. Light toning to interiors, slightly heavier in places. A handsome set. \$450.

ONLY EDITION. Established by the Convention Nationale for the trial of political offenders, and active from October 29, 1793 to May 31, 1795, the Tribunal Révolutionnaire was one of the most powerful engines of the Reign of Terror. Wallon provides a detailed, day-to-day account of the court, including the trials of Marie-Antoinette and Danton.



Title page from N° 165

## "MURDER WILL OUT"

# 166. "WATERS" (RUSSELL, WILLIAM [1806-1876]).

#### Recollections of a Sheriff's Officer.

London: Aldine Chambers, [c.1868]. [iv], 140 pp. Octavo (6-3/4" x 4-1/4").

Contemporary cloth, blind fillets and gilt title to spine, speckled edges. Some soiling, faint dampstaining and fading to boards and spine, corners just bumped, hinges cracked, light offsetting to endleaves, contemporary armorial bookplate to front pastedown. Moderate toning to interior, light foxing in a few places, crack in text block between pp. 94 and 95, small tear to lower edge of second leaf not affecting text. Rare. \$450.



Bookplate detail from  $N^{\circ}$  166

SECOND EDITION. This fine example of the genre of Victorian detective fiction first appeared in 1840 under a different imprint. Short anecdotes narrated by down-on-his-luck sheriff's officer William Sharpe cover murder, abduction and theft. Contents include "Murder Will Out," "Diamond Cut Diamond," "Very Mysterious," "The Dead Alive," "A Writ of Capias" and "Nobs and Snobs." Russell was an early and prolific writer of crime stories and detective fiction, sometimes under his own name and sometimes, as here, under the pseudonym "Waters" or "Thomas Waters." OCLC locates 2 copies of all editions and 1 copy of the present edition (UT-Austin). Hubin 416.

## INSPIRED BY THE WILKES CAUSE

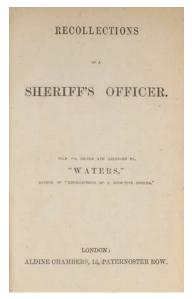
167. [WEBB, PHILIP CARTERET, COMPILER].

Copies Taken from the Records of the Court of King's-Bench, At Westminster; The Original Office-Books of the Secretaries of State, Remaining in the Paper, And Secretaries of State's Offices, Or from the Originals Under Seal. Of Warrants Issued by Secretaries of State, For Seizing Persons Suspected of Being Guilty of Various Crimes, Particularly, Of Being the Authors, Printers and Publishers of Libels, From the Restoration to the Present Time. And Also, Copies of Several Commitments, By Secretaries of State, Of Persons Charged with Various Crimes, During that Period.

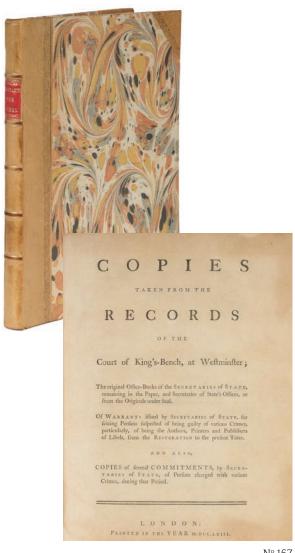
London: [S.n.], 1763. [ii], 80 pp. Quarto (9-1/2" x 7-3/4").

Recent period-style three-quarter calf over marbled boards, blind fillets and gilt rules along edges of calf, giltedged raised bands and lettering piece to spine, endpapers renewed. Moderate toning to interior, light browning to title page and p. 80. \$750.

ONLY EDITION. General warrants were a powerful tool to stifle political enemies. Webb's collection was likely inspired by the Wilkes Cause, one of the great political events of the day. In 1763, John Wilkes [1725-1797], the great radical journalist and politician, was charged with libel and sedition in a warrant issued by King George III. (The text is on p. 77.) These charges were a response to Wilkes's critical remarks, in issue 45 of his paper The North Briton, about the king's speech endorsing the Paris Peace Treaty at the opening of Parliament on April 23, 1763. Eventually vindicated in the courts, Wilkes's acquittal was seen as a victory for free speech. OCLC locates 4 copies in North American law libraries (Harvard, Library of Congress, University of Pennsylvania, Washington University, St. Louis). ESTC T3999.



Nº 166



Nº 167

## TWO SCARCE SIXTEENTH-CENTURY STUDIES OF FEUDAL LAW



168. WESENBECK (WESEMBEKE), MATTHAEUS [1531-1586].

Tractatus de Feudis.

Wittenberg: Excudebat Zacharias Lehman, 1584. [x], 307 pp.

[BOUND WITH]

SILVANO, LORENZO.

Tractatus de Feudi Recognitione. Accesserunt hac Editione Praeter Diligentem Mendorum Correctionem, Summaria Cuilibet Quaestioni Praefixa. Unà cum Indice Verborum & Rerum Locupletissimo, Opera R.A.K.Z.

Cologne: Apud Theodorum Baumium, 1578. [xvi], 456, [48] pp.

Octavo (6-1/4"  $\times$  3-3/4"). Contemporary vellum with lapped edges, "1584" in later hand and later paper title label to spine, ties lacking. Light soiling, some darkening

to spine, rear joint starting at foot, hinges cracked, bookplate residue to front pastedown, which is missing a small section along the foot, front free endpaper lacking. Light browning to interior, later library stamps to title pages, early underlining and brief annotations to a few leaves in Silvano's *Tractatus*.

\$950.

LATER EDITIONS. This volume contains two treatises on feudal law. The better-known of the two is by Wesenbeck, a leading Belgian humanist jurist with a pan-European reputation who taught at the Universities of Jena and Wittenberg. First published in 1583, his *Tractatus* went through three editions by 1616 and was often incorporated into editions of his other works into the late 1600s. Little is known about Silvano. The title page identifies him as a lawyer from a noble family who taught feudal law at the University of Padua. His *Tractatus* was first published in 1542. It went through five subsequent editions, the last one in 1608, which suggests it was held in high regard. *VD16* W2142, S6485.

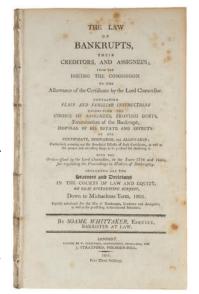
# A RARE NINETEENTH-CENTURY GUIDE TO BANKRUPTCY LAW AND PROCEDURE

#### 169. WHITTAKER, SOAME.

The Law of Bankrupts, Their Creditors, And Assignees; From the Issuing the Commission to the Allowance of the Certificate by the Lord Chancellor. Containing Plain and Familiar Instructions Respecting the Choice of Assignees, Proving Debts, Examination of the Bankrupt, Disposal of His Estate and Effects; Of His Certificate, Discharge, And Allowance; Particularly Pointing Out the Beneficial Effects of Such Certificate, As Well as the Proper and Necessary Steps to be Pursued for Obtaining It. With the Orders Issued by the Lord Chancellor, In the Years 1798 and 1800, For Regulating the Proceedings in Matters of Bankruptcy. Including All the Statutes and Decisions in the Courts of Law and Equity, On that Interesting Subject, Down to Michaelmas Term, 1801.

London: Printed by W. Stratford; For J. Stratford, 1801. iv, 100, [8] pp. Octavo  $(8-1/4" \times 5")$ .

Disbound. Light toning, somewhat heavier to last half of text block, occasional light foxing, small holes to text blocks of several leaves, impacting legibility slightly on leaf O2 (pp. 99-100), light soiling and small marginal pencil marks to a few pages. \$650.



FIRST EDITION. A practical guide to bankruptcy law and procedure written for professional and lay readers. A second edition, published in 1807, was reissued in 1808; a fourth (and presumably final) edition was published in 1817. All editions of this work are rare. OCLC locates copies of the first edition in 4 libraries (Harvard Law School, UC-Berkeley Law School, University of Georgia Law School, British Library). Sweet & Maxwell 2:379.

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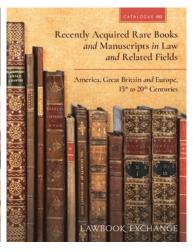
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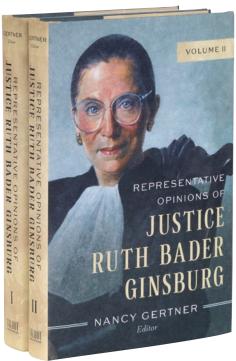


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Justice Ruth Bader Ginsburg always said she stood on the shoulders of giants and Judge Nancy Gertner—a judicial giant in her own right—collects here the building blocks of RBG's judicial legacy. Don't let the memes mislead you: RBG was one of the most meticulous radicals in history, and the intricate scaffolding assembled in these pages stands as her love letter to equality, dignity, and constitutional democracy itself.

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Judge Gertner has provided a remarkable curated tour of Justice Ginsburg's oeuvre. These volumes not only enable an understanding of the breadth and innovation of Justice Ginsburg's judgments but also serve as guidance, from generation to generation, on the work that remains to be done.

—Judith Resnik

Arthur Liman Professor of Law, Yale Law School co-author of Representing Justice: Invention, Controversy and Rights in City-States and Democratic Courtrooms Alongside her historic effectiveness as a champion and role model for women's rights, Justice Ruth Bader Ginsburg demonstrated consummate skill and humane concerns as a lawyer and judge—and her words deserve to be known and read for generations. Her judicial writings show assiduous attention to facts, precedents, and authoritative texts, and set the standard for rigor while also showing attention for people's lived experiences. This invaluable edited collection usefully assembles her opinions addressing rights generally, treatments of sex, gender, and race; criminal law and procedure; and the intricate but crucial questions of procedure and governmental structure and provides cogent introductions and guides to Justice Ginsburg's analyses. Because she believed that courts are participants in long-running debates about the meanings of rights and laws, this collection enables current and future generations to engage in that debate—with the guidance of the pathbreaking RBG.

—Martha Minow

300th Anniversary University Professor, Harvard University Former Dean, Harvard Law School

The perfect pairing—Justice Ginsburg's key opinions selected and introduced by Harvard professor and one-time federal judge Nancy Gertner. Gertner helps readers find their way to new appreciations of Ginsburg, as one judge introduces the judgments of another. The collection features a remarkable selection of RBG's opinions reminding us of the many ways that courts at their best redress inequality and strengthen democracy.

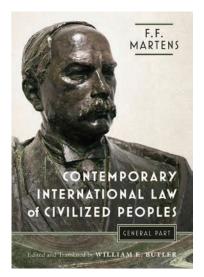
—**Reva Siegel** Nicholas deB. Katzenbach Professor, Yale Law School



Nancy Gertner was a United States District Court Judge (D. Mass.) from 1994–2011. Prior to 1994, Judge Gertner was a civil rights and criminal defense lawyer in Massachusetts. She retired from the federal bench to join the faculty at Harvard Law School. She served as a Commissioner on President Biden's Commission on the Supreme Court of the United States. Named one of "The Most Influential Lawyers of the Past 25 Years" by Massachusetts Lawyers Weekly, she has published widely on sentencing, discrimination, forensic evidence, women's rights, the jury system, and the Supreme Court. Judge Gertner has received numerous awards, including the American Bar Association's Thurgood Marshall Award, Margaret Brent Women Lawyers of Achievement Award from the American Bar Association Commission on the Status of Women in the Profession, and the National Association of Women Lawyers' Arabella Babb Mansfield Award.

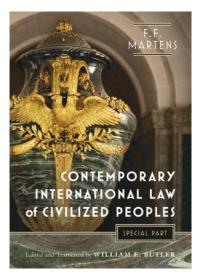
## Contemporary International Law of Civilized Peoples

F. F. MARTENS · Edited and Translated by WILLIAM E. BUTLER



**General Part** 

lxii, 355 pp.
ISBN 978-1-61619-660-8
Hardcover with Dust Jacket 2021



Special Part

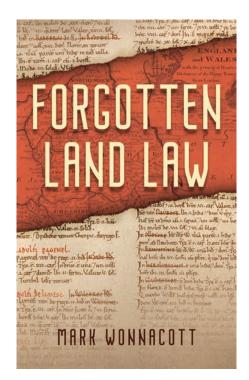
xxv, [3], 502 pp. ISBN 978-1-61619-666-0 Hardcover with Dust Jacket 2022 \$150

First published in Russian in 1882–1883, Contemporary International Law of Civilized Peoples ranks among the greatest treatises on international law and relations written during the nineteenth century. In this work Martens develops his concept of the international community and the respective roles of "civilized" and "uncivilized" peoples, and promotes several concepts that would become important in the twentieth century, such as the importance of "international administrative law" and the central role of human rights. The work has two complementary parts: the General Part, which addresses the conceptual and historical foundations of international law, the status of the international community, states, and individuals and territory and law of treaties, and the Special Part, which addresses Martens's concept of international administration, diplomatic and consular law, human rights, private international law, international criminal law and the laws of war and neutrality.

Enriched by an extensive biographical introduction, Butler's is the first English translation of this important work and the only version in any language to address changes made by the author between editions, including sections omitted in later versions. At long last, the English reader has access to the leading Russian thinker and diplomatist of the Imperial Russian period, one who continues to influence the development of international law.

**Fedor Fedorovich Martens** [1845–1909] was Professor of International Law at St. Petersburg University, nominated repeatedly for the Nobel Peace Prize, senior legal advisor to the Ministry of Foreign Affairs and the Emperor of the Russian Empire, member of the Hague Permanent Court of International Arbitration, diplomatic historian, a principal architect of the Hague peace conferences, author of major treatises on international law and the leading Russian textbook, recipient of honorary doctorates at continental and American law schools, and a member of the Institute of International Law elected to numerous academies of sciences, including the Russian Academy of Sciences.

**William E. Butler** has written extensively on the history of international law and is the founding editor of *Jus Gentium: Journal of International Legal History* (2016–). He is the John Edward Fowler Distinguished Professor of Law, Dickinson Law, Pennsylvania State University; Professor Emeritus of Comparative Law in the University of London (University College London); and Foreign Member, Russian Academy of Natural Sciences, National Academy of Sciences of Ukraine, and National Academy of Legal Sciences of Ukraine.



## Forgotten Land Law

## MARK WONNACOTT

xxix, [1], 325 pp. ISBN 978-1-61619-670-7 Hardcover 2022

## Do you ever worry that all our modern textbooks

tell the same story about land law in England and Wales, and that it might be the wrong story? That fewer than half a dozen books came through the great extinction event of the 1925 Birkenhead legislation, to frame the way that we have thought about land law ever since? This book is about the narratives that were forgotten. It is about what needs to be remembered, for principled decision making today. And if it were possible to write a thoroughly subversive book about black-letter land law, then this would be it.

Mark Wonnacott spent more than thirty years in full time practice at the Chancery Bar, the last ten in silk. He is the author of two other books—Possession of Land (2006) and The History of the Law of Landlord and Tenant (2012)—which were also about the inter-connectedness of land law, and how forgetting yesterday's law produces bad decisions today. Forgotten Land Law completes the trilogy. Mark intends to retire to Fiesole.

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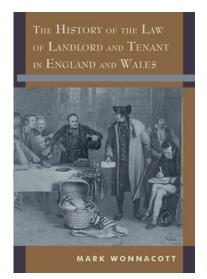
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## MARK WONNACOTT

lvi, 363 pp. ISBN 978-1-61619-223-5 Hardcover with Dust Jacket 2012

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This well-written and thoroughly researched book is essential reading for anyone interested or involved in property law or in English legal history. The main text and the footnotes both contain fascinating information. Mark Wonnacott's book



throws illuminating shafts of light on the political, economic, social, and religious history of this country, as well as its legal history.

—Lord Neuberger of Abbotsbury, M.R.



