

# CATALOGUE 77

## Recently Acquired Books, Manuscripts & Ephemera

no. vt et codicilli teno p[ro]p[ri]a mag[is] vt. n. o. ma. a. t. n. d. e. r. t. a. s.  
peter e q[ui] cōpetit hereditate adita etiam ab vno ex pluri  
heredibus: vt

ma. test. l. i. te  
stum. §. testa  
um.

berba. mari  
leo hoc dicit  
p[ro]p[ri]a mag[is] ver  
eliqui possūt:  
de le. i. prin.  
directis siue  
r[ati]o: vt. C. cō.  
omne verbū  
it. ff. ad treb.  
nola.

e codicillis:  
tamēta z eoz  
ētia dicta sūt  
de codicillis  
parua vel de  
na scripta vo  
te: nā ideo co  
dicuntur qz  
iori chartula  
dice q[ui] testa  
n fiebant: z  
eis quedā fi  
missa relique  
z tales sunt  
stamentum:  
s est scapha  
nem: sed nun  
tū dū hoc pos  
eri sine scri  
quidā dicūt  
: sed tamen  
riaz sine scri  
hodie fieri:  
e olz in scri  
tū fieri: vt  
e bo. l. l. finali. i. p[ri]ncipio. Accursius.

**T**este. cōfirmatos. hic nota q[ui] q[ui]tuor modis codicilli  
p[ro]ficiūt. aut. n. i. futurz p[ro]firmāt: veluti testamēto p[ro]  
us facto i quo dictū est: quicq[ui]d dixero i codicillis va  
lere volo: z postea codicilli facti sunt. aut i preteritū



mina varentur: vt. C. eo. si i dem.  
k **C**scribi. scilicet vt de iure valeant.

**D**irecto. relinquatur. sed qua actione hec hereditas ve  
codicillis petentur. Rn. quidam petitione ex. l. vt. ff. de co  
dic vtili act. i. ex testamento: cū ad instar testamenti codic

**C**odicillis aut hereditas neq[ue] da  
ri neq[ue] adimi potest: ne confunda  
tur ius testamentorum z codicil  
lorum: z ideo nec exhereditatio scri  
bi potest. **D**irecto autem here  
ditas codicillis neq[ue] dari neque  
adimi potest. nam per fideicommiss  
sum hereditas codicillis iure reli  
quitur: nec conditionem heredi  
instituto codicillis adicere: neq[ue]  
substituere directo potest. **C**odi  
cillos autem z plures quis facere  
potest: z nullam solennitatem odi  
ationis desiderant.

**Explicit liber secundus.**

**Incipit tertius.**

**De hereditatibus que ab  
intestato deferyuntur.**

**I**ntestatus decedit  
qui aut omnino te  
stamentum non fecit  
aut nō iure fecit: aut  
id quod fecerat ru  
ptū irritumue<sup>r</sup> fa  
ctum est: aut si ex eo nemo heres  
institutus est. **I**ntestatorum au  
tem hereditates ex lege duodecim  
tabularum p[ri]mum ad suos here  
des pertinent. **S**ui autem here  
des existimantur vt sup[er]a dixim[us]  
qui in potestate morientis fuerint  
ueluti filius filiaue: nepos neptis  
ue ex filio: pronepos proneptisue  
ex nepote ex filio nato: p[ro]gnatus  
p[ro]gnataue: nec interest vtrum na

tim tractabit de testamēto z ab intestato: sed textus huius  
tantus de suis heredibus: z sic alias. vt. ff. si certum petat  
credito. vbi tractat de munio in specie tantum. Accursius

ti. vt. ff. eo. l. i.

m **I**nstituto

n **A**dicere  
adiecte neces  
bz. s. in eius  
sectū de ade  
ditatis cogita  
. ff. de condi.  
in fine. sed fo  
cogitauit: vt i

o **D**irecto. l.  
tuerit: videtur  
fideicommiss.  
. ff. ad trebel.

p **C**odicillo  
vt etiā omne  
contrariam  
luntatem: vt.

ponas. aliud  
vt. s. quib[us] m  
ta infirmantur  
re. z facit. ff. e

Accursius flo

q **E**t nullam  
lis quatuor q[ui]  
to desideran  
testium v[el] si q[ui]

sua manu scri  
subscribantur  
testamentis.

solennitates z  
tur: vt sint qu  
diximus sup[er]

finali.

r **D**e hered  
ab intestato t  
rubrica ē gen  
sequētes titu  
de bono. po





John...  
Ames Brace  
R.P.H.

Barney Barwell

Swaine to...  
K...  
Eastman

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Blair

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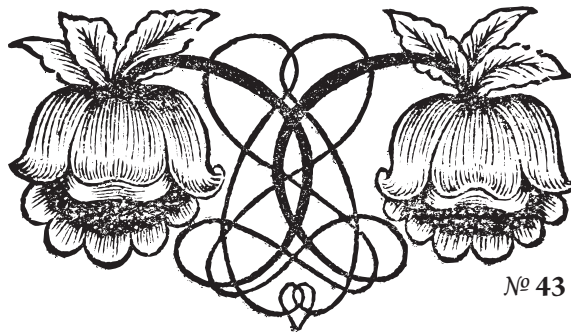
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# CATALOGUE 77

*Recently Acquired Books, Manuscripts  
and Ephemera including Ten Incunables,  
Autograph Letters by Darrow, Holmes and  
Story, A German-Language Edition of  
Penn's Charter Printed by Sauer  
in Germantown, Pennsylvania, and  
a Lavish Edition of the  
Danish Lex Regia*



№ 43

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Exterior Front Cover: *Detail from Item 62*, Justinian I, Emperor of the East, [Francisco Accorso, (Accursius), Glossator]. [*Institutiones*].

Exterior Rear Cover: **Item 67**, Noe Meurer, Bartolus de Saxoferrato. *Tractatus Juridicus De Alluvione, Insulis, Alveo & Jure Aquario*.

Interior Front and Rear Covers: **Item 39**, Clarence Darrow, Lincoln Steffens. [*12" x 20" Photograph of a Banquet Honoring Steffens, Party Includes Clarence and Ruby Darrow*].

Title Page: *Detail from Item 41*, [Denmark], *Lex Regia*.  
*Detail from Item 43*, William Dugdale, *Origines Juridiciales*.

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Additional images of any item can be supplied upon request.  
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### **Books Printed**

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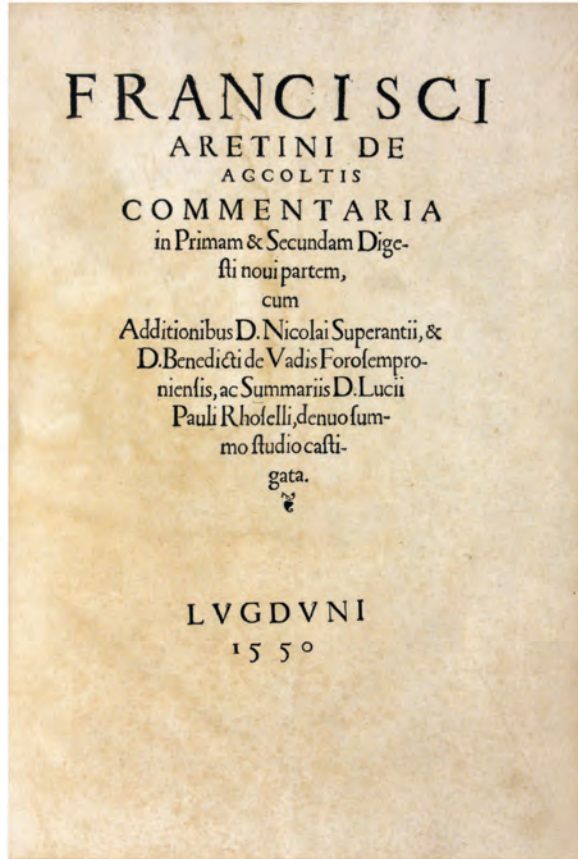
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Nº 1



Nº 2



**Accolti, Francesco [1416 or 1417-1488].**

**Rosello, Lucius Paulus, Editor.**

**Soranzo, Nicolaus, Editor.**

**Vadis, Benedictus de, Editor.**

*Commentaria in Primam & Secundam Digesti Novi Partem.*

Lyons: S.n., 1550. 194 ff. Text in parallel columns. Folio (16-1/2" x 11").

\$2,750.

Contemporary vellum, raised bands and early hand-lettered title to spine, ties lacking. Light soiling and minor stains to boards, which are slightly bowed, rubbing to extremities exposing spine cords, corners bumped and lightly worn, chip to foot of spine, front joints starting at ends, partial crack between ff. 1 and 2. Moderate toning to text, some leaves have light foxing and minor stains, internally clean. Ex-library. Bookplate to front pastedown.

Later edition. Also known as Francesco d'Arezzo, Accolti was a professor of law at the University of Bologna

from 1440 to 1445. He held appointments afterwards at the Universities of Ferrara, Siena and Pisa. An outstanding interpreter of the *Corpus Juris Civilis*, he published several commentaries on the *Institutes* and sections of the *Digest*. He also published commentaries on canon law and a collection of *consilia*. First published in 1486, the present title deals with the *Digestum Novum*, Books 39-50 of the *Digest*. It went through several editions. All are scarce. OCLC locates no copies of the 1550 edition in North America. Adams A-88.

“A LITTLE TOO HUMAN TO BE STRICTLY SCIENTIFIC”

**Acton, John [d. 1350].**

**[Badius, Josse (1462-1535), Editor].**

*Constitutiones Legitime seu Legatine Regionis Anglicane: Cu[m] Subtilissima Interpretatione D[omi]ni Johannis de Athon: Tripliciq[ue] Tabella. Necnon et [Con]stitutiones Provinciales ab Archiepiscopis Cantuariensibus Edite: Et Sum[m]a Accuratione Recognite: Annotate et Parisiis Coimpresso.*

[Paris: Wulfgangi Hopilii et P[ro]vissimi Bibliopole Joa[n]nis Co[n]flue[n]tini, 1504]. Collation: A-B8, a-e8, f10, g-o8, p6, q-s8 (-r1-8), t-v6 (-v6, a blank). [xvi], clvff. Complete. Maintext in parallel columns surrounded by two-column linear gloss. Quarto (10-1/2" x 7-1/2").

\$7,500.

Recent calf, boards have gilt rules enclosing handsomely tooled blind panels, gilt spine with raised bands and lettering piece, endpapers renewed. Printed throughout in red and black, woodcut pictorial title page, divisional title page (f. 1) and vignette at head of main text (f. 2), woodcut initials, some pictorial. Light toning to text, faint dampstaining in places, mostly confined to margins, occasional worming, mostly to rear of text, with negligible loss to text, brief early annotations to a few leaves. A handsome copy.

First edition by Badius. Acton's *Constitutiones* was the first major treatise on English canon law. It is a commentary on the constitutions (edicts) of Otto and Ottobone, the papal legates in England during the mid-thirteenth century. For decades, these constitutions formed the majority of English canon law. Acton's commentary was

authoritative. Several copies circulated in manuscript. It was first printed in 1496 by Wynkyn de Worde in an edition of William Lyndwood's *Provinciale*. (This led several people to attribute *Constitutiones* to Lyndwood.) An excellent summation of English canon law at the time, it is also notable for its insights into the Church's place in English society. As Maitland notes in *Roman Canon Law in the Church of England*, Acton was "a little too human to be strictly scientific. His gloss often becomes a growl against the bad world in which he lives, the greedy prelates, the hypocritical friars, the rapacious officials" (7-8). OCLC locates 9 copies of this edition in North American law libraries (Columbia, George Washington, Harvard, Library of Congress, Ohio State, UC-Berkeley, University of Minnesota, Washington University, Yale). ESTC S104759. Beale T404.



**3** **Asinio, Giovanni Baptista** [fl 1562].

*De Executionibus Tractatus, Nonnullas Etiam Iuris Materias Copiosissime Explicans, Ut Nil Amplius tam Iuris Utriusque Professores in Scholis, Quam in Foro Versantes Desiderare Queant, Quarum Omnium Nomina Quarta Pagina Indicabit: Nunc Primum Summo Studio ac Diligentia Excusus. Cum Summariis, & Indice Verborum ac Sententiarum Locupletissimis.*

Venice: Apud Philippum Iuntum, 1589. [1], 460ff. Extracopy of signature li (ff. 187-192) bound between ff. 198 and 199. Main text in parallel columns. Folio (13-3/4" x 9"). \$850.

Later quarter calf over paper-covered boards, raised bands and gilt title to spine, early hand-lettered title to foot of text block. Light rubbing to extremities, a few minor smudges and scratches to boards, hinges cracked. Woodcut arms of the Medici family to title page, woodcut head and tail-pieces. Light toning to text, worming to a final twelve leaves with minor loss to legibility to ff. 454-456. Early annotations to the second f. 187 (noting the duplicates), later annotation to front endleaf, interior otherwise clean. Ex-library. Bookplate to front pastedown. A nice copy.

First edition. Asinio was a notable Florentine jurist who was patronized by Cosimo I de Medici. He is best-known for his treatises on practice and procedure in Roman and Florentine law. *De Executionibus* is a comprehensive treatise on creditors and debtors in Roman law. It appears to have been a well-received work; later editions were published in 1602 and 1607. All are scarce. OCLC locates 12 copies the first edition worldwide, 3 in North America, none in law libraries. EDIT16 CNCE3267.



Nº 3



Nº 5



**Ayliffe, John [1676-1732].**

*Parergon Juris Canonici Anglicani, Or, A Commentary By Way of Supplement to the Canons and Constitutions of the Church of England: Not Only from the Books of the Canon and Civil Law, But Likewise from the Statute and Common Law of this Realm: Whereunto is Prefix'd, by Way of Introduction, First, A Brief Account of the Canon-Law in General; How and from Whence it Had Its Rise and Beginning in the Church; And How it Advanced Itself, By the Subtlety of the Romish Clergy, After the Seat of the Roman Empire was Removed to Constantinople, And Barbarism had Invaded the Politer Nations of Europe. Secondly, The Reader has Also Here a Particular of the Books Wherein this Law was Written: With the Several Authors Names, the Respective Times Wherein They Compiled Them, And the Best Commentators Thereon: With Many Other Curious and Historical Remarks on the Law, &c.*

London: Printed for Thomas Osborne, 1734. [ii]-iv [i.e. v], iii-xlii, [2], 552, [22] pp. Folio (13-1/2" x 8-1/2"). \$500.

Contemporary calf, rebaked in period style, raised bands and lettering piece to spine, endpapers renewed. Some edgewear and minor scuffing to boards, corners bumped and somewhat worn. Occasional faint dampstaining to edges of text block. Ex-library. Small (and faint) later library stamp to foot of title page and first index leaf.

Second edition. Ayliffe wrote this book when he was a practitioner in the ecclesiastical courts. It was originally a set of notes for private reference. He expanded these

into a book, he says, “not only with a design of doing some service to my country, by illustrating the force and practice of the Canon Law, as far as it has been received, and is now observ'd among Englishmen, but also with a purpose of exposing the errors and Superstition of the Romish Church” (Introduction, xxxvi). Holdsworth, who discusses this book at length, notes that it is “clearly expressed and well arranged” and “has always been regarded as a book of great authority”: *HEL* XII:612. Sweet & Maxwell 1:177 (3).

**Baeza, Gaspar de.**

*Prima Pars Tractatus de Inope Debitore Ex Castellana Consuetudine Creditoribus Addicendo.*

Granada: Apud Hugonum Menam, 1570. [xiv], 158 ff. Main text in parallel columns. Folio (11-1/2" x 7-1/2"). \$1,500.

Later tree calf, lettering piece and gilt ornaments to spine, marbled endpapers. Light rubbing to boards, moderate rubbing to extremities with some wear to corners. Light toning to text, faint dampstaining in a few places. Early check marks to titles in index, owner signature to foot of final text leaf, a few scribbles to verso of rear endleaf, interior otherwise clean. Ex-library. Bookplate to front pastedown. An attractive copy.

First edition. Complete as issued, later issued as *Tractatus de Inope Debitore*. Intended to be the first part of a two-

part work, Baeza's treatise considers debtor and creditor according to the customary law of Castile (with references to Roman law). A well-received work, it went through several editions and was included in the *Tractatus Universi Iuris* (1584-1586), a prestigious 25-volume anthology of works by leading jurists. All editions of Baeza's work are scarce, however, with few copies in North America, where OCLC locates none of the first edition. Palau 21807.



**6 Balbo, Giovanni Francesco [f. 1510-1518].**  
**[Henricus, de Segusio, Cardinal (Hostiensis) (c. 1200-1271)].**

*Tractatus Foecundus, et Perutilis de Praescriptionibus: Editus per Clarissimum Iurisconsultum do. Ioannem Franciscum Balbum Taurinensem. Cui Accedit Repetitio Singularis l. Celsus ff. de Usucap. Cum Multis Additionibus & Apostillis, Una cum Dictis Hostien. In Summa de Praescrip. & Usucap. & Cum Summariis & Repertorio Nuper Additis.*

Venice: [Apud Cominum de Tridino], 1564. [xxxii], 300 pp. Main text in parallel columns. Fol. 1 has woodcut of Balbo instructing a class of students. Octavo (6" x 4"). \$1,500.

Contemporary limp vellum with lapped edges, early hand-lettered title to spine, ties lacking. Some soiling, especially to spine, minor wear to corners, some worming to pastedowns and endleaves, a few partial cracks to text block, boards slightly bowed. Some toning to text, light foxing in places. Early annotations and signatures to preliminaries and title page, other annotations and underlining to a few places in text, two inkstains to fol. 224 with minor damage to legibility.

Later edition of a work first published in 1511. *Tractatus Foecundus* is concerned with the Roman law

of prescription, the principle whereby a right or liability is created or extinguished over a certain period of time, usually in regard to a property title. It also includes an edition of a short treatise on this subject by Henricus de Segusio. It was a popular work that went through several issues and editions, the last one in 1582. Our 1564 copy was also issued in 1563. Both are identical in every respect and share the same entry number in EDIT16. All editions are scarce in North America. OCLC locates 2 copies of the 1564 edition in North America (at Harvard Law School and the Library of Congress). EDIT16 CNCE3948.

## COMMENTARIES ON CRIMINAL LAW BY A GREAT MEDIEVAL JURIST

**7 Baldus de Ubaldis, Petrus [1327-1400].**  
**Corneto, Tancredus de, Commentary.**  
**Cremonte, Antonius de, Commentary.**  
**Descousu, Celsus-Hugo, Commentary.**  
**Ferrandat, Henricus, Commentary.**

*Practica Baldi. Perutilis Ac Vere Aurea Practica Iuris. Utriusq[ue] Monarche ac Luminis Domini Baldi de Ubaldis de Perusio...Cu[m] Additionibus Domini Antonii de Crema[n]te: Que Preter Primam Omnes Textui Inse[r]tur: [Et] cum Pristinis Apostillis...Celsi Hugo[n]is Dissuti. Novissime cu[m] Adjectionibus Nonnullorum Tituloru[m] in Quibusdam Antiquissimis Exe[m]plaribus Inventorum Hactenus non Impressorum: [Et] cum Repertorio Alphabetico. AdVertas Lector: Q[uod] Angelus...Dicit Practica[m] Istam: Seu Mavis Co[m]pendiosam: Fuisse Ta[n]credi de Corneto. Ego Vero Balsi Esse Affirmo: Ut Patet in Pluribus Eius Locis: Maxime in Prefatione Ante Rubricam de Iurisdic[ti]o[n]e.*

[Lyons: Antoine Blanchard, 6 February 1528. [xii], XCVI ff. Main text in parallel columns. Quarto (6-3/4" x 5"). \$2,500.

Recent period-style calf, blind rules to boards, raised bands and lettering piece to spine, endpapers renewed. Title page printed in red and black within woodcut architectural

border, woodcut decorated initials. Moderate toning, finger smudges and light stains to a few leaves, some soiling to title page, minor edgewear to final leaf.



Later edition. Baldus de Ubaldis, a pupil of Bartolus, was one of the great jurists of Medieval Europe. He taught at the Universities of Bologna, Perugia, Pisa, Florence, Padua, Pavia and Piacenza. He also served occasionally as a judge and diplomat. His fame rests on his commentaries on Roman and canon law, which were standard texts into the seventeenth century. First published in 1513, *Practica*

*Baldi* is a collection of his commentaries on criminal law and procedure drawn from his larger works with additional commentary and notes by Corneto, Cremona, Descousu and Ferrandat. All editions are scarce. OCLC locates 3 copies of this edition in North American law libraries (Columbia, Harvard, UC-Berkeley). USTC 146006.



No 7



No 6



No 8

ENCYCLOPEDIA LAW DICTIONARY BY AN IMPORTANT CANONIST

**Barbosa, Agostino [1589-1649], Compiler.**

**Johann Otto Tabor, [1604-1674], Editor.**

**Tabor, Tobias Otto [fl. 1670], Editor.**

*Thesaurus Locorum Communium Jurisprudentiae, Ex Axiomatibus Augustini Barbosa, Et Analectis Joh. Ottonis Taboris, Aliorumque Concinnatus. Secunda Editio Emendatior Reddita Cura Tobiae-Ottonis Taboris.*

Strassburg and Frankfurt: Sumptibus Societatis, 1670. [iv], 888 pp. Main text in parallel columns. Folio (13-1/4" x 7-1/2"). \$1,650.

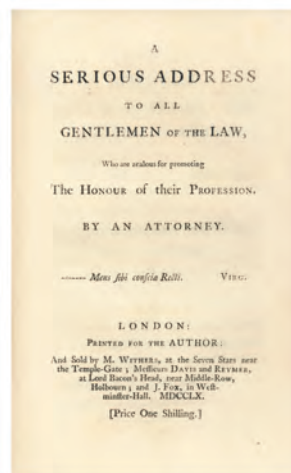
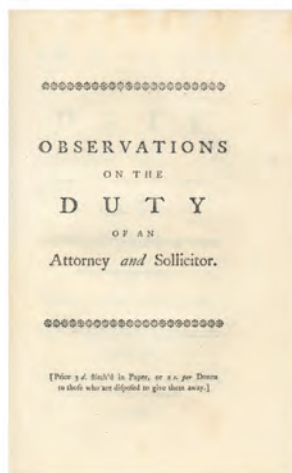
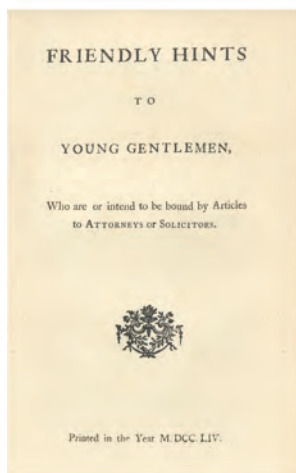
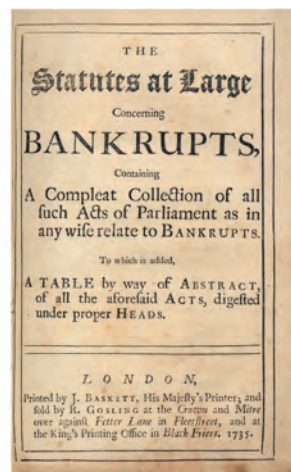
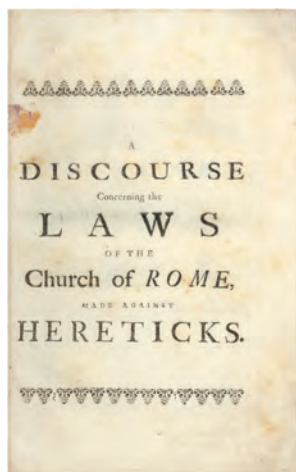
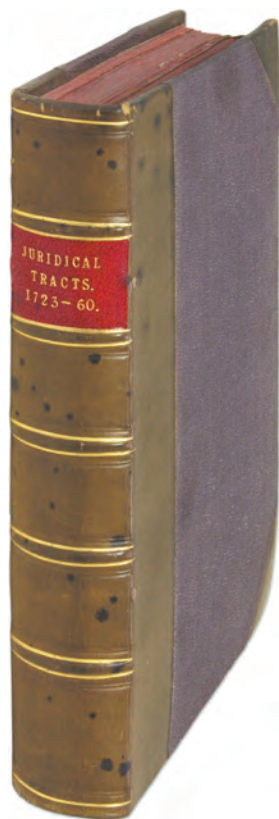
Contemporary vellum, early hand-lettered title and fillets to spine, edges rouged. Light soiling to spine, light rubbing to extremities, corners and spine ends bumped, front hinge starting, rear hinge cracked, rear free endpaper lacking, later owner bookplate to front pastedown. Title page printed in red and black, attractive woodcut head and tail-pieces. Light toning to text, early wax seal and owner signature to title page. Ex-library. Bookplate to front pastedown. A handsome copy of a scarce title.

Second edition. Covering the whole of the *ius commune* from Abbate to Zelo, this dictionary was compiled from Barbosa's works by Johann Otto Tabor and published in 1652. It was expanded in subsequent editions by Tobias Otto Tabor, Samuel Stryk [1640-1710] and Andreas

Christoph Rosener [1657-1719]. The final edition was reissued in 1719 and 1737. The *Thesaurus* is an encyclopedic dictionary; most of the definitions are remarkably long and detailed with numerous citations; many are divided into complex sub-categories. Barbosa was a notable Portuguese canonist, later Bishop of Ugento, who spent his professional career in Rome and Madrid. A prolific author, his work is distinguished by a close reading of sources and a taste for controverted questions. Johann Otto Tabor was a distinguished German jurist and professor of law at the University of Giessen and the brother of Tobias Otto. All editions are scarce. OCLC locates 3 copies of the second edition in North America (at Harvard Law School, Princeton and UC-Berkeley Law School). This edition not in the BMC or Roberts.

8





№ 9

SIX SCARCE TITLES ON BANKRUPTCY, HERETICS, LEGAL REFORM AND THE PROFESSIONAL CONDUCT OF LAWYERS

9 [Barlow, Thomas (1607-1691)].

*A Discourse Concerning the Laws, Ecclesiastical and Civil, Made Against Hereticks, By Popes, Emperors and Kings, Provincial and General Councils, Approved by the Church of Rome: Shewing I. What Protestant Subjects May Expect to Suffer Under a Popish Prince Acting According to Those Laws. II. That No Oath or Promise of Such a Prince Can Give Them Any Just Security That He Will not Execute these Laws Upon Them. With a Preface Against Persecuting and Destroying Hereticks. By a Cordial Friend to the Protestant Religion Now by Law Established in These Realms. Now Re-Published, With an Introduction.*

London: Printed for John Wyat, 1723. xviii, [6], 128 pp. Octavo (7-1/4" x 4-1/2"). Third edition. ESTC T31931.

[Bound with]  
An Attorney.

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

London: Printed for James Roberts, 1730. [ii], iv, 42 pp. Octavo (7-1/4" x 5"). Seventh and final edition. ESTC N12389.

[And]

*The Statutes at Large Concerning Bankrupts, Containing a Compleat Collection of All Such Acts of Parliament as in Any Wise Relate to Bankrupts. To Which is Added, A Table by Way of Abstract, Of All the Aforesaid Acts, Digested Under Proper Heads.*

London: Printed by J. Baskett, 1735. [iv], 143, [27], 4, [2] pp. Octavo (7-1/2" x 5"). Third edition. ESTC T225267.

[And]

[Fobton, John].

*Friendly Hints to Young Gentlemen, Who Are or Intend to be Bound by Articles to Attorneys or Solicitors.*

[London?: S.n.], 1754. 15 pp. Octavo (7-1/2" x 5"). Second edition? Not in the ESTC, which lists editions from 1751 and 1758.

[And]

*Observations on the Duty of an Attorney and Sollicitor. Submitted to the Publick Consideration, But Addressed More Especially to Young Practisers of the Law.*

London: Printed for J. Shuckburgh, 1759. [iv], 16 pp. Octavo (7-1/2" x 4-3/4"). Only edition. ESTC T63402.

[And]

**An Attorney.**

*A Serious Address to All Gentlemen of the Law, Who Are Zealous for Promoting the Honour of Their Profession.*

London: Printed for the Author, 1760. v, 35, [1] pp. Octavo (7-1/2" x 4-3/4"). Only edition. ESTC N38086.

\$4,000.

Six titles in all. Nineteenth-century three-quarter calf over pebbled cloth, gilt-edged raised bands and lettering piece to spine (reading: Juridical Tracts 1723-60). Some dampspotting (which looks like intentional mottling), light rubbing to extremities with negligible wear to spine ends, joints and corners, armorial bookplate of the Earl of Macclesfield to front pastedown. Light to moderate toning, browning and light foxing in a few places. Occasional annotations to margins of *Proposals*, markings to a few other leaves elsewhere, interiors otherwise clean. An interesting group.

The first edition of the *Statutes at Large Concerning Bankrupts* appeared in 1728. It offers an interesting perspective on the legal ramifications of the South Sea Bubble and other financial failures associated with Great Britain's transformation into a market society based on overseas trade and colonization. Later editions appeared in 1733, 1735, 1756 and 1765. *Proposals* was originally published in 1707.

It offers reforms to expedite law suits, which could go on for decades in eighteenth-century England. Barlow's *Discourse*, first published in 1686, the eve of the Glorious Revolution, is an anti-Jacobite tract. It was republished in 1723 and 1744, the years of two Jacobite threats: The Atterbury Plot and the ill-fated French invasion of 1744. The final three items deal with the legal profession. *Friendly Hints* and *Duty* deal with professional conduct. A *Serious Address* outlines a proposal to establish a fund for widows and children of indigent lawyers. All editions of *Bankrupts* are scarce, as are copies of *Friendly Hints*, *Observations* and a *Serious Address*.



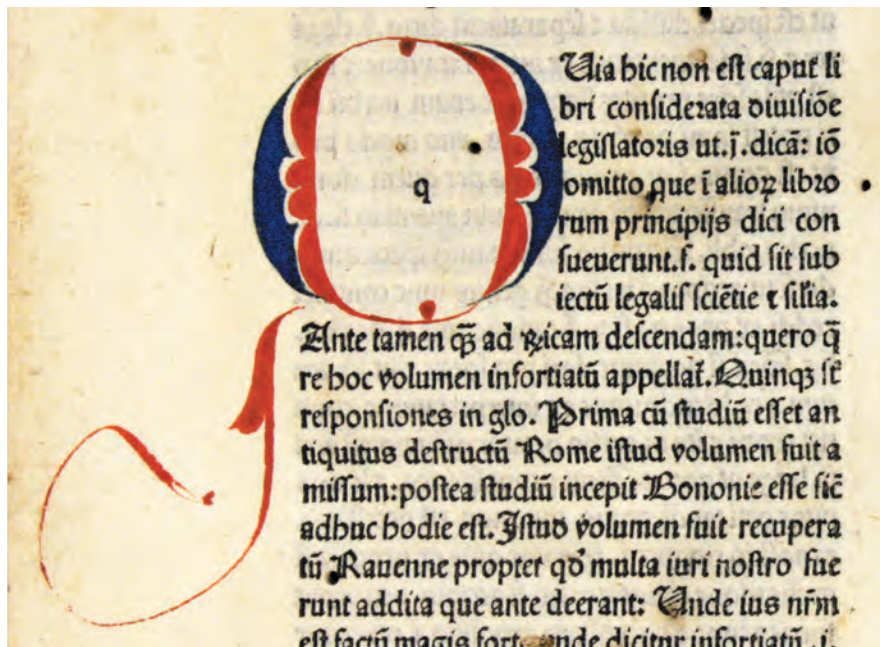
# 10 Bartolo of Sassoferrato [1314-1357]. [*Super Prima Parte Infortiati*].

[Venice, Nicholas Jenson, 28 March 1478]. Collation: a10, b-z8, A-C8, D-E6. 221 of 222 ff. final leaf, a blank, lacking. Text in parallel columns. Folio (16-1/2" x 11-1/4"). \$30,000.

Contemporary quarter calf with blind tooling over wooden boards, raised bands and later hand-lettered title label to spine, clasps (and buckles) lacking. Several tiny wormholes, a few cracks to spine, chip to foot of spine, Signatures a and E6 partially detached, bookplate of Robert Proctor and bookseller description from the Rosenbach company to verso of front board, pastedowns lacking (or never present). Text printed in 60-line gothic type on wide-margined paper, initial spaces filled in alternate red and blue, most with flourishes, seven-line initial "Q" at beginning of text in red and blue with flourish in the margin, chapter numerals at head in red. Light toning to text, occasional discoloration to outer margins, minor worming in places. Contemporary (or early) manuscript table of contents to initial blank, annotations in similar hand to a few other leaves, interior otherwise clean. A handsome copy and a fine specimen of Jenson's Gothic typeface.

Between 1250 and 1450 the Post-Glossators, a group of legal scholars and teachers in Italy, initiated the recovery of Roman law texts from the corruptions of the medieval Glossators. Their efforts to apply Roman law to the jurisprudence of their day also prepared the way for the

natural law school of the seventeenth century and helped to lay the foundations of the modern state. The greatest member of this group was Bartolo of Sassoferrato. Better known as Bartolus, he was a practicing lawyer and professor at the University of Perugia. His unrivalled reputation derives from his enormous literary output, much of it dealing with the texts later collected as the *Corpus Juris Civilis*. He produced commentaries on most of these texts. The most notable are the ones dealing with the *Digest* and *Code*; all of them went through numerous editions and issues. *Super Prima Parte Infortiati* is a commentary on a group of books from the *Digest* concerning donations between husband and wife, divorce, curatorship, wills and testaments and trusts and legacies. (The Medieval Glossators divided the 50 books of the *Digest* into three parts: *Digestum Vetus*, I-XXIV, Title 2, *Infortiatum*, XXIV, Title 3-XXXVIII, and *Digestum Novum*, XXXIX-L.) Robert Proctor [1868-1903] was the bibliographer and book collector who established the "Proctor order" for cataloguing incunabula at the British and Bodleian Libraries. A note on the bookseller description shows he purchased this book on June 15, 1942. OCLC locates no copies of this imprint in North America. Goff B233.GW 3616.



Detail from No 10



№ 10



11

**Bartolus de Saxoferrato.**

**Loseo, Alessandro [1514-1571], Editor.**

**Vadi, Benedetto [16th. c.], Editor.**

*In Authenticis Commentaria, Necnon Additionibus Domi Benedicti de Vadis, & D. Alexandri Losaei. Nec Deest Elementario Ordine Constructus Index, Ita ut Citra Laborem Quasuis Insigniores Decisiones, Vel Mediocriter Eruditus Reperiet.*

Venice: [Ex Officina Coronae: Haer. Lucantonio I Giunta & Gabriele Giolito De Ferrari & Haer. Ottaviano I Scoto & Federico Torresano], 1556. Main text in parallel columns with side-notes. 66 ff. Folio (15-1/4" x 10-1/2"). \$5,000.

Later calf with elaborate gilt tooling to boards and spine, gilt edges. Light rubbing to extremities, two small scuffs to front board, corners bumped and lightly worn, front board somewhat bowed, later armorial bookplate to front pastedown. Title printed within ornate architectural border, woodcut decorated initials, main text printed in rounded Gothic type. Light toning to text, foxing and spark burns to a few leaves, internally clean. A handsome volume.

Later edition. *In Authenticis Commentaria* discusses the *Authentica*, a collection of 134 constitutions of Justinian, later included in the *Novels* of the *Corpus Juris Civilis*. It was thought to be a collection intended for promulgation in Byzantine Italy, but this is doubted today. No copies of this imprint listed on OCLC. *EDIT16 CNCE 4380*.



№ 11

**Beck, Johann Jodocus [1684-1744].**

**Fritsch, Ahasver [1629-1701].**

*Tractatus de Jure Limitum, Von Recht der Graenzen und Marksteine. Worinnen von Setzung der Granz- Mark- und Gutterstein, Deren Bezeichnung, Beschreibung, Conservation und Erhaltung, Veranderungen, Praescription, Beweiss, Denen Mitteln, Wordurch die Granz-Strittigkeiten Gehoben und Erortert Werden Konnen, Ingleichen von Besichtigung der Gränzen und Marken, Und was Darben zu Beobachten, Von Straffen Derjenigen, Sie die Markstein Verrucken und Ausreissen, Von den Feldmessern, Ihrem Amt und Bestrassung, Dann Wie die Felder Geometrice zu Messen und Abzuthelennm u.a.m. Kuerzlich, Doch Gruendlich und Deutlich Gehandelt Wird. (... ) II. Herrn Ahasveri Fritschii sehr Nuzlicher und in das Teutsche Uebersezter Tractat: Von Fluhr-Recht.*

Nuremberg and Frankfurt: In Verlegung Johann Christoph Lochners, 1722. Two parts in one volume, each with individual pagination. Part II preceded by divisional title page. [xii], 172; 154, [26] pp., Copperplate portrait frontispiece (of Beck), one full page copperplate illustration, numerous woodcut text illustrations. Quarto (8" x 6-1/2"). \$650.

Contemporary speckled calf, raised bands and blind ornaments to spine, speckled edges. Light rubbing to extremities, a few minor nicks to boards, which are slightly bowed, joints just starting at ends, hinges cracked. Title page printed in red and black, woodcut head and tail-pieces. Light toning to text, somewhat heavier in places. Early owner signature to foot of title page (with offsetting to foot of frontispiece), interior otherwise clean. Ex-library. Bookplate to front pastedown. A handsome copy.

First edition. This interesting treatise on legal aspects of surveying under Roman law and the laws of the Holy Roman Empire went through seven editions, the last one in 1754. The 1722 edition has several illustrations depicting methods of surveying. Another section, discussing a survey of a large village, is illustrated with a plate. All editions are scarce, especially in North America. OCLC locates 1 copy of the 1722 edition (at the University of Alberta). VD18 14394391-007.

NOTARIAL GUIDE FOR EIGHTEENTH-CENTURY GERMAN BUSINESSMEN

**Beck, Johann Jodocus [1684-1744].**

*Vollstandiges und nach dem Heutigen Curial-Stilo Eingerichtetes Formular Darinnen Verschiedene Instrumenta und Wechsel-Protest, Wiesie von denen Notariis Ausgefertiget Werden, Allerhand Obligationes und Schuld-Burgschafft und Gesellschafts-Verschreibungen....*

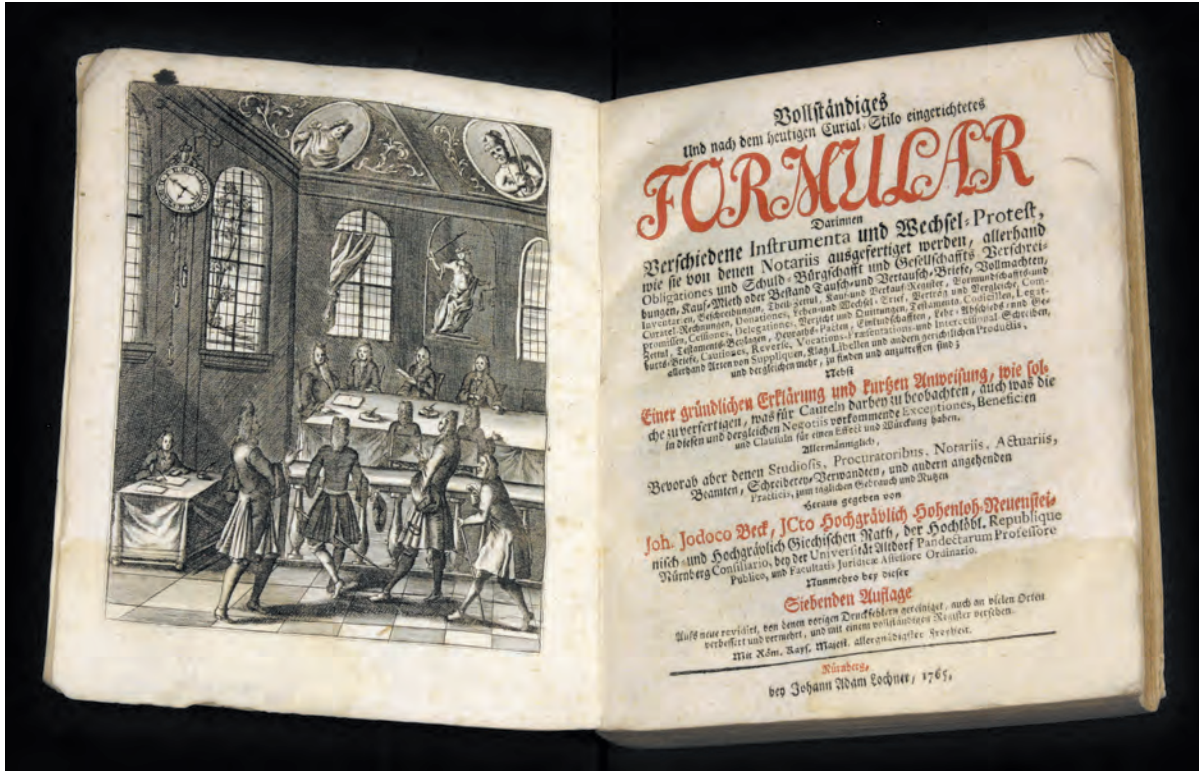
Nuremberg: By Johann Adam Lochner, 1765. [viii], 1266, [36] pp. Bound in three parts. Copperplate frontispiece. Quarto (8-1/4" x 6-3/4"). \$1,850.

Original thick publisher wrappers, later hand-lettered titles to spines. Some edgewear, soiling and minor stains, moderate toning to text, somewhat darker in places, minor stains to frontispiece and some following leaves. Title page printed in red and black, attractive woodcut head and tail-pieces. Later owner bookplates to preliminaries, internally clean.

Seventh and final edition. First published in 1716, this is

a combination handbook and formbook for businessmen who wish to transact legal business without the services of notaries. The text alternates between subject matter and forms. The frontispiece depicts activity in the office of a busy notary. This was a popular book that was generally used until it fell to pieces; copies are scarce today. OCLC locates few copies of any edition. It locates 7 copies worldwide of our edition, none in North America. VD18 1027569X.





№ 13

A FRENCH DIPLOMAT IN ENGLISH HANDS

**14** [Belisle (Bellisle), Charles Louis Auguste, Duc de (1684-1761)].

*The Case of Marshal Bellisle Truly Stated: In Which, The Manner of His Being Seized in Hanover, The Usage He Met There, And His Removal Hither, Are Examined by the Law of Nations, And Fully Justified, As Well by Precedents as Arguments; And the Reasons of His Being Brought Over and Detained Here, Explained and Defended. To Which is Prefixed, A Preface as to the Motives of the Present Publication.*

London: Printed for M. Cooper, 1745. vii, 45 pp. Octavo (8" x 5").

[Bound with]

*An Account of the Birth, Life, And Negotiations of the Marechal Belisle: To Which is Subjoin' a Letter to the Author, Proving the Said Marechal to be a Wooden Horse, &c.*

London: Printed for Jacob Robinson, 1745. 31, [1] pp. Octavo (8-1/2" x 5-1/4").

\$750.

Stab-stitched pamphlets bound into later three-quarter morocco over marbled boards, raised bands and lettering piece to spine. Some fading to spine, toning to pamphlets, light foxing and browning to a few leaves. Handsome.

First editions. Similar in content and degree of Francophobia, these pamphlets discuss the case of Marshall

Belisle, an emissary sent to the German states by France to weaken and divide them during the War of the Austrian Succession. Belisle was taken prisoner by the English and detained in England for a year. *The Case*, in part an essay on the principles of international law invoking such authorities as Grotius, Pufendorf and Wicquefort, defends the seizure of an enemy diplomat and rejects the argument

that this policy will lead to retaliation against English prisoners of war. The bitterly satirical *Account* warns against the detention of Belisle. His “captivity” is a ruse; he is actually a Trojan horse sent to exploit internal conflicts

in England, as he did in Germany. OCLC locates 1 copy of *Case* in a North American law school (Harvard), no copies of *Account*. ESTC T140952 (*Case*), T140964 (*Account*).

DICTIONARY OF CIVIL PROCEDURE AND COMMERCIAL LAW

**Bioche, [Charles-Jules-Armand].**  
**Goujet, [Charles].**

*Dizionario Generale Ragionato Della Procedura Civile E Commerciale Contenente 1. L'Insieme Delle Regole Sulla Procedura 2. Il Reassunto Delle Opinioni di Tutti Gli Autori. 3. La Giurisprudenza Piu' Recente Intorno a Tutte le Quistioni. 4. I Modelli De Atti Sopra Ciascun Articolo Delle Codice con la Indicazione del Coste di Essi. Con Aggiunta di una Raccolta di Tutte le Leggi Speciali Che Completano O Emendano Il Codice di Procedura e di una Tavola di Paragone con Gli Articoli del Codice. Edizione Accresciuta dalla Legislatzione e Dalla Giurisprudenza del Belgio. Recato Italiano da una Societa' di Avvocati del Foro Napolitano con Annotazione e Confronto Degli Leggi Nostre con Quelle di Francia.*

Naples: Tipografia All'Insegna del Salvator Rosa, 1840. Two volumes. vi, 759; 877 pp. Main text in parallel columns. Quarto (10" x 7"). \$750.

Contemporary quarter calf over marbled boards, raised bands and gilt titles to spines. Light rubbing to extremities, corners bumped and somewhat worn, interiors notably fresh. A handsome set.

First Italian edition. This comprehensive dictionary devoted to civil procedure and commercial law was

originally published in Paris in 1834-35. It went through several editions during the nineteenth century. Versions were produced for France, Belgium and the Kingdom of the Two Sicilies, which had a legal system founded on the Code Napoleon. 2 copies located in North America, 1 of this edition (at SMU Law School). This edition not in the BMC.

INTOXICATING LIQUORS

**Black, Henry Campbell [1860-1927].**

*A Treatise on the Laws Regulating the Manufacture and Sale of Intoxicating Liquors.*

St. Paul: West Publishing Company, 1892. lii, 711 pp. Octavo (9" x 6"). \$1,500.

Contemporary law calf, rebaked in period style. Blind frames to boards, raised bands and lettering piece to spine, hinges mended. Light rubbing to board edges, corners lightly bumped, light toning to text, offsetting to margins of endleaves. Small early bookseller stamp to front pastedown, interior otherwise clean.

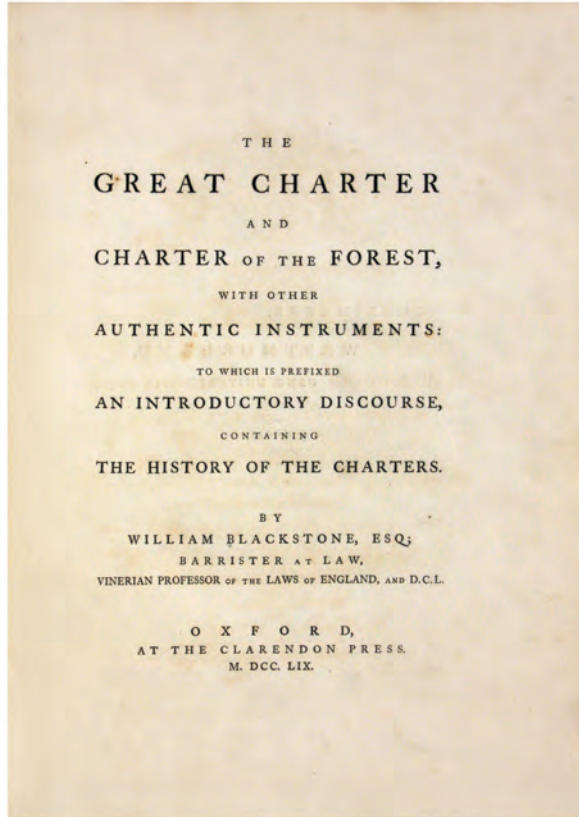
Only edition. Black is best known as the author of the great law dictionary that bears his name, but he also wrote several highly regarded treatises. His treatise on alcoholic beverages was a response to contemporary debates about

prohibition, which were gaining in intensity in the late 1800s. Given this background it is not surprising that Black declared his neutrality at the end of his preface: “This book is not a plea for any particular system of liquor legislation. It is purely and solely a legal treatise. The law-writer has no more to do with the wisdom, justice, or expediency of the statutes whose legal effect he discusses than has the court which is called upon to administer them” (iv).

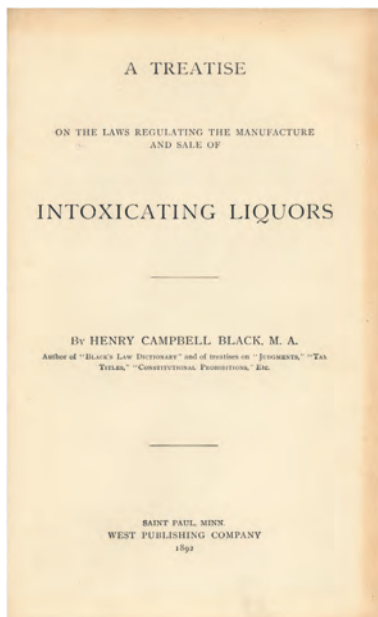
15

16





Nº 17



Nº 16



Nº 18

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

*The Great Charter and Charter of the Forest, With Other Authentic Instruments: To Which is Prefixed an Introductory Discourse, Containing the History of the Charters.*

Oxford: Clarendon Press, 1759. [iv], lxxvi, [iv], 86 pp. As in many copies, the half-title and table of contents (Tabula) are bound between pp lxxvi and p. 1. Folio (13-1/2" x 10-1/2"). \$5,000.

Recent period-style calf, gilt fillets with corner fleurons to boards, raised bands, lettering piece and gilt ornaments to spine, speckled edges, marbled endpapers added. Copperplate initials and vignettes. Light toning to text, negligible faint dampspotting in places, faint offsetting from vignettes, internally clean. A handsome copy.

First edition. Texts of documents in Latin, Blackstone's essay in English. The engraved dedication to the Earl of Westmoreland is surmounted with his armorial ensigns; initials in the text are ornamented with engravings of various buildings at Oxford University. The tail-pieces on pages lxxvi and 73 are historical vignettes; the other ten tail-pieces are facsimiles of the royal seals that are attached to the original documents. This remarkable work is esteemed for its production and scholarship. Its physical appeal was recognized as early as 1829 in Richard Thompson's *An Historical Essay on the Magna Charta of King John*, which

described it as a "beautiful and rare edition." Blackstone's essay, which is based on a great deal of original research, argued that the charter was the foundation of English liberties. This idea, first proposed by Coke, was a central tenet of Whig ideology. More important, Blackstone's research into the original texts demonstrated that all earlier editions of the charter were based on the significantly different reissue of 1225, in the reign of Henry III, rather than the original one endorsed at Runnymede. His philological approach was highly influential; it established the textual focus that has governed subsequent study of the charter. Eller notes that Worrall's *Bibliotheca Legum Angliae* (1788) lists an edition from 1758 with the title *Magna Charta and Charta de Foresta*. She was not able to locate any copies, however. Later research indicates that this edition is a ghost. Eller, *The William Blackstone Collection in the Yale Law Library* 237.

**Bodo, Matyas.**

*Jurisprudentia Criminalis Secundum Praxim & Constitutiones Hungaricas in Partes Duas Divisa. Cujus Pars Prior, Jus & Processum Criminalem Publica Delicta & Malefactores, Modumque Contra Eos Procedendi, In Genere; Pars Posterior, Crimina Publica & Privata, Eorumque Poenam & Modum Puniendi, In Specie, Exponit.*

Bratislava: Ex Typographia Joannis Michaelis Landerer, 1751. [xii], 325, [14] pp. Folio (12-1/4" x 8"). \$1,500.

Contemporary calf, gilt spine with raised bands and lettering piece, marbled endpapers, edges rouged. Some rubbing to extremities, minor scuffing to boards, small bump to fore-edge of front board. Title page printed in red and black, woodcut head and tail-pieces. Moderate toning to text, light foxing in places. Early owner signature to front endleaf, interior otherwise clean.

Only edition. This is a handbook on criminal law and procedure for lawyers and legislators in Slovakia, then

part of the Kingdom of Hungary. At this time Hungarian criminal law was identical in most respects to that of Austria and the German states. It even adopted some of the Enlightenment's ideas about the use of torture. However, it had a more conservative view of adultery and "crimes against nature." It also had a large number of laws concerning vampirism and witchcraft. OCLC locates 5 copies in North American law libraries (Columbia, Harvard, UC-Berkeley, University of Michigan, Yale). Not in the *BMC*.



19

**Bohier, Nicolas de [1469-1539], Editor.**

*Leges Longobardorum Seu Capitulare Divi ac Sacratissimi Carolimagni Imp[er]atoris: [Et] Fra[n]cie Regis ac Novelle [Con]stitut[i]o[n]es D[omi]ni Justinia. Imp[er]atoris cu[m] P[rae]faciu[n]cula [et] An[n]otationib[us] in Ipsas. ll. [et] Co[n]stitutiones Novellas.*

[Lyons: Antoine du Ry: Simon Vincent, 1512]. ciiij, [1], cj, clx, [2] ff.

[Bound with]

**Bohier, Nicolas de, Editor.**

*Sole[m]nis Repetitio Famose l. Consentaneum. C. Quomodo [et] Q[ua]n[do] Iudex...*

[Lyons: Antoine du Ry: Simon Vincent, 1512]. xxxviii ff. Sections of text in parallel columns.

[And]

**Bohier, Nicolas de**

*Questio de Custodia Clavium Portarum Civitatu[m]: Castrorum [et] Aliorum Locorum Fortiliciorum...*

[Lyons: Antoine du Ry: Simon Vincent, 1512]. xix, [1] ff. Main text in parallel columns.

[And]

**Castellione, Johannes Lopus de.**

*Allegationes D[omi]ni Lapi. Tractatus Allegationu[m] Illustrissimi. J. U. Monarchie D[omi]ni Lapi de Castellbovo.*

Lyons: Impe[n]sis Vencentii de Portonariis, 1532. [xii], cxxvj, [1] ff. Main text in parallel columns.

\$5,000.

Four works in one volume. Octavo (6-1/2" x 4-3/4"). Nineteenth-century vellum, lettering piece to spine, edges rouged. Light soiling, spine ends bumped, boards slightly bowed, front joint partially cracked. Woodcut decorated initials and colophons, title page of *Allegationes* printed within architectural border. Some toning to text, heavier in places, title page of *Leges Longobardorum* and following three leaves lightly browned and moderately edgeworn, faint dampstaining to margins in a few places. Later annotations to rear endleaf, interior otherwise clean. Ex-library. Bookplate to front pastedown. An appealing volume containing four scarce titles.

*Leges Longobardorum*: first edition; *Solemnis* and *Questio*: only editions; *Allegationes*: later edition. *Leges*

*Longobardorum* is a pioneering critical edition of the legal code of the Lombards (Italians) issued after their conquest by Charlemagne. It was adapted from the Lombard's Roman-derived legal system. Bohier's edition sought to distinguish the contributions of Charlemagne, the Lombards and earlier Roman law. The other studies by Bohier are related but bibliographically distinct. First printed in 1470, Castellione's *Allegationes* is a venerable treatise on procedure in canon law and to a limited extent, Roman law. All of the titles in our volume works are scarce, especially in North America. Bohier: *Universal Short-Title Catalogue* 143981, 144040, 144029; Castellione: Adams L207.

[**Boniface VIII, Pope (1235-1303)**].

[**D'Andrea, Giovanni [c.1270-1348], Glossator.**

[**Clarius, Hieronymus, Editor**].

[*Liber Sextus Decretalium*].

[Venice: Baptista de Tortis, 1 April 1494]. Collation: a-n8.104 ff. Complete. Main text surrounded by linear glosses in parallel columns.

[**And**]

[**Clement V, Pope (c.1264-1314)**].

[**D'Andrea, Giovanni (c.1270-1348), Glossator**].

[**Clarius, Hieronymus, Editor**].

[*Constitutiones Clementis Pape Quinti*].

[Venice: Baptista de Tortis, 10 December 1491]. Collation: A-E8, F-H6. [i], 57 (of 58) ff., final leaf, a blank, lacking. Main text surrounded linear glosses in parallel columns.

\$35,000.

Two parts in one, as issued. Folio (17" x 11"). Nineteenth-century calf over wooden boards (by Louis Hague of Belgium), elaborately gilt-tooled, with wide border of painted flowers and stem, central sunken panels of interweaving floral design on a dotted ground with French royal arms in centre, gilt gauffered edges, silver gilt decorative corner-pieces, metal catches, one (of two) metal clasps, endpapers renewed. Some rubbing to extremities with minor wear to corners, joints partially cracked, front hinge cracked. Text in 82-line rounded Gothic type printed throughout in red and black, initial spaces filled in blue, two large initials have decorative penwork in red. Light toning, some edgewear and offsetting to free endpapers, soiling and minor stains to some leaves places, a few other leaves have faint dampstaining, chips and minor tears to margins. Later auction and bookseller records affixed to front free endpaper, annotation to verso, later owner signature and tiny bookplate to half-title of the *Liber Sextus*, interior otherwise clean. A handsome copy in remarkable binding.

With a register of titles and Andrea's *Super Arboribus Consanguinitatis et Affinitatis*. Attempts to codify the body of canon law began in earnest during the Carolingian

Empire. These efforts reached fruition between 1020 and 1025 in the twenty-volume *Decretum* of Burchard, Bishop of Worms. The next great step was taken in 1234 with the *Libri Quinque Decretalium* (1253) of Gregory IX, which formed the basis of the *Corpus Juris Canonici*. The *Liber Sextus* of Boniface VIII (1298), the last great collection of the pre-Reformation era, consists of updates and modifications. The *Clementinae Constitutiones* (1313) is a collection of papal legislation that modifies portions of the *Liber Sextus*. It was followed by the *Extravagantes Joannes XXII* and the *Extravagantes Communes* of later Popes in 1325. All of these texts were edited after the Council of Trent in 1582 under the collective title *Corpus Juris Canonici*. Andrea was an Italian canonist and professor of canon law at the University of Bologna. An eminent figure who received the highest tributes from Arithemius, Baldus, Forster and Bellarmin, his principal writings circulated widely in manuscript and were among the earliest printed works on canon law. The glosses on these editions were first published in 1472. OCLC locates 1 copy of this imprint in North America (University of Illinois).GW 4889, 4888. Goff B1007, HC3620\*.





№ 20







21

**Brant, Sebastian [1458-1521], Editor.**

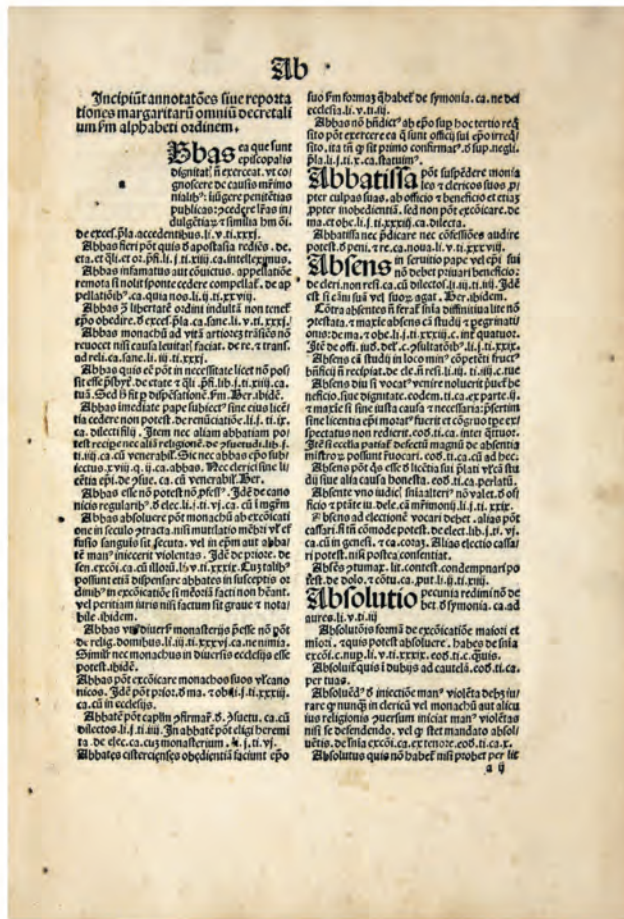
*Annotatio[n]es Sive Reportatio[n]es Margaritaru[m] Omniu[m] Decretalium S[e]c[un]d[u]m Alphabeti Ordinem.*

[Basel: Nicolaus Kesler, c.19 June 1496]. Collation: a8b-c6d4, e-g6. 41 of 42 ff. Final leaf, a blank, lacking. Text in parallel columns. Folio (12" x 8-1/2"). \$15,000.

Contemporary blind-tooled quarter pigskin over wooden boards, raised bands to spine, strap lacking, buckles present, early hand-lettered title to foot of text block. Light soiling, minor wear to upper corners, a scattering of worm holes to boards. Text printed in 54-line Gothic type. Moderate toning to text block, occasional faint dampspotting, minor worming in places, edgewear and minor stains to a few leaves, internally clean.

First edition, one of two issues from 1496. Remembered today as the moral and satirical poet of *Das Narrenschiff* [*The Ship of Fools*], Brant was also a noted legal scholar and humanist. He studied at Basel, where he completed a

doctor of laws degree. After serving on Basel's law faculty he moved to Strasbourg, his birthplace, where he became city clerk and enjoyed a position of great prominence. Brant was later appointed imperial councilor by the Holy Roman Emperor Maximilian I, who elevated him to the nobility. The *Margaritarum* is an alphabetically arranged compilation of excerpts from the *Decretals* of Gregory IX, one of the principal books of the *Corpus Juris Canonici*, concerning descent, affinity and consanguinity. OCLC locates 3 copies of this imprint in North America (Harvard Law School, Harvard Medical School, UC-Berkeley Law School). Goff M263.GW M20967.



No 21

**Boullenois, Louis [1680-1762].**

**[Rodenburg, Christian (1618-1668)].**

*Traite de la Personnalite et de la Realite des Loix, Coutumes, Ou Statuts, Par Forme d'Observations; Auquel on a Ajouté l'Ouvrage Latin de Rodenburgh, Intitule, De Jure Quod Oritur e Statutorum Diversitate.*

Paris: Chez Guillaume Desprez, 1766. Two volumes. [vi], xxiv, XXXVII, [3], 896, [2]; [viii], 596, [4], 102, [2] pp. Volume I has copperplate portrait frontispiece. Quarto (10-1/4" x 7-1/2"). \$750.

Recent buckram, gilt titles to spines, edges rouged, endpapers renewed. Light rubbing to extremities with minor wear to corners. Moderate toning, light soiling to title pages, light foxing in a few places, internally clean. Ex-library. Location numbers to spines, faint stamps to title pages, annotations to versos, other stamps to rear pastedowns. A solid copy of a scarce title.

Only edition. A remarkably accomplished treatise on persons and the conflict of laws in the legal systems of eighteenth-century France. Appended is Rodenburg's treatise (in Latin) on the conflict of laws and husband and wife in Roman and Roman-Dutch law. OCLC locates 13 copies in North American law libraries.

## HISTORICAL AND CRITICAL ESSAY ON CHILEAN PUBLIC LAW

**Briseno, Ramon [b. 1814].**

*Memoria Historico-Critica del Derecho Publico Chileno, Desde 1810 Hasta Nuestros Dias. Presentada a la Universidad de Chile en la Sesion Solemne del 14 de Octubre de 1849.*

Santiago: Imprenta de Julio Belin I Compania, 1849. [iv], 516 pp. Octavo (8-1/2" x 5-1/2"). \$300.

Later cloth, red and black lettering pieces to spine, endpapers renewed. Light soiling, some wear to edges of lettering pieces, light toning to text. Ex-library. Location label to spine, stamps and annotations to title page. A solid copy of a scarce title.

it contains the texts and constitutions and drafts which were prepared in Chile [from 1810] up to 1849" (Borchard). OCLC locates 7 copies in North American law libraries (George Washington, Harvard, Iowa, Library of Congress, UC-Berkeley, University of Michigan, Yale). Borchard, *A Guide to the Law and Legal Literature of Argentina, Brazil and Chile* 387, 416.

Only edition. A historical and critical essay on Chilean public law since 1810, "which is useful principally because

"PLEASE PUT THIS IN A CONSPICUOUS PLACE"

**[Broadside].**

**[Land Bounties].**

*One-Hundred Thousand Land Warrants Wanted.*

Boston: Albert L. Richardson & Co., n.d. [c. 1850]. 21" x 14" broadside.

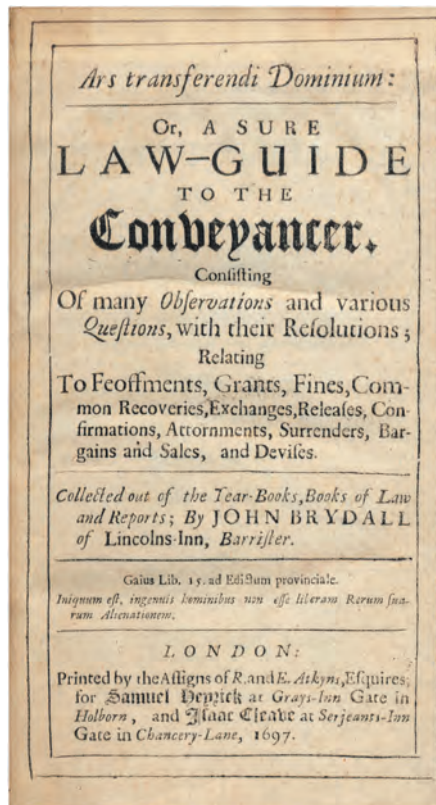
\$500.

Toning, faint fold lines, light edgewear with a few minor chips. An interesting item.

Land warrants were grants of free land issued to veterans in return for military service from the time of the Revolutionary War through 1855. The style and typography of this broadside suggests it was issued after the Mexican-American War [1846-1848]. Richardson & Co., "agents for

bounty land claims and dealers in land warrants," promised sellers "Boston, New York, Philadelphia and Baltimore prices" for their warrants. A note at the bottom of the broadside says: "Please put this in a conspicuous place."





No 25



No 24

“A SURE LAW-GUIDE” FOR CONVEYANCERS

## 25 Brydall, John [b. 1635?].

*Ars Transferendi Dominium: Or, A Sure Law-Guide to the Conveyancer. Consisting of Many Observations and Various Questions, With Their Resolutions; Relating to Feoffments, Grants, Fines, Common Recoveries, Exchanges, Releases, Confirmations, Attornments, Surrenders, Bargains and Sales, And Devises. Collected Out of the Year-Books, Books of Law and Reports.*

London: Printed by the Assigns of R. and E. Atkyns, 1697. [iv], 224, [28] pp. Includes two-page publisher advertisement. Octavo (6-3/4" x 4-3/4"). \$650.

Recent period-style three-quarter calf, raised bands, lettering piece and blind ornaments to spine, endpapers renewed. Light toning to text, somewhat heavier in places, internally clean. A handsome copy.

First edition, one of two imprints issued the same year. A companion volume was published in 1702. Brydall was a fellow of Queen's College, Oxford, and a bencher of Lincoln's Inn. A remarkably prolific writer, he published

36 legal treatises, and left 30 others in manuscript at the time of his death. All of these are brief, synthetic works. Holdsworth says they are good summaries that are “clearly arranged and based on the leading authorities.” OCLC locates 3 copies of the 1697 imprints in North American law libraries (Harvard, Northwestern, University of Pennsylvania). Holdsworth, *A HEL* VI:600, 605. *ESTC* R30255. Sweet & Maxwell 1:480 (10).

**B[urrough], E[dward] [1634-1662].**

*A Message for Instruction, To All the Rulers, Judges, And Magistrates, To Whom the Law is Committed, Shewing What Just Government Is, And How Far the Magistrates Power Reacheth, And What the Sword of Justice is to Cut Down, And What it is to Defend. Whereby They May Learne and be Directed to Discern Betwixt the Guiltless and the Guilty; And Betwixt a Matter of Wilfull Wrong by Evill Doers, Which They Are to Punish, and a Matter of Conscience, By Men that Fears God, Which They Are to be a Praise Unto, And Not a Terror; And in Particular Divers Causes are Discovered; Which are Proved to be Matters of Conscience, And Not of Wilfull Wrong; Though Many Therefore are Unjustly Persecuted and Afflicted as Evill Doers. With an Exposition of Some Parts of the Law; For the Edification of Such, As Desires to Judge Righteously Between Man and Man, Who Would Discern of Different Causes; And Justify the Righteous, And Condemn the Evill Doers. By a Friend to Righteousness, and a Lover of Just Judgement, Who Desireth the Increase of Good Government. E.B.*

London: Printed for Thomas Symmons, 1658. [ii], 29 pp. Quarto (6-1/2" x 5"). \$950.

Stab-stitched pamphlet bound into recent paper-covered boards, contrasting paper spine with printed paper title label, recent owner bookplate to front pastedown. Moderate browning and foxing to text, faint dampstaining. Some wear and minor tears to edges, internally clean.

Only edition. Burrough is included among the "Valiant Sixty," the founding group of Quaker preachers and missionaries. He was a gifted pamphleteer and controversialist. *A Message for Instruction* is an important statement of Quaker political thought. It begins by stating the belief that governments, in this case Quaker assemblies,

are drawn from the governed. Thus, lawmakers should behave so that "the people may receive examples of righteousness, and holy and lawfull walking from their Conversations" (1). They must not act "contrary to the light in [their] own conscience[s]" (2). These ideas are echoed in the work and writings of several prominent leaders of colonial Pennsylvania, most notably William Penn and John Dickinson. OCLC locates 5 copies in North America, none in law libraries. Calvert, *Quaker Constitutionalism and the Political Thought of John Dickinson* 138-40. ESTC R25317.

**Cancer, Jaime [1520-1592].**

**Myr, D., Editor.**

*Variae Resolutiones Iuris Caesarei, Pontificii, & Municipalis Principatus Cathaloniae, Hac Ultima Editione ab Ipso Auctore, Antequam e Vita Emigraret, Diligentissime Recognitae, & Altero Fere Tanto Auctiores Factae. Cum Summarijs, Hactenus Maxime Desideratis, & Indice Rerum Verborumque Locupletissimo. Cura & Desiderio D.D. Myr, Regiae Audientiae Doctoris Eximii, Auctoris Generi, in Lucem Emissae.*

Tournon: Sumptibus Laurentii Durand, 1635 (Parts 1 and 2); Lyons: Sumptibus Laurentii Arnaud, 1643 (Part 3). Three parts in two volumes, each with title page and individual pagination. [xvi], 435, [1]; [iv], 261 [i.e. 259], [85]; [viii], 440, [75] pp. A preliminary leaf in part 2 (\*2) misbound after p. 12. Main text in parallel columns. Folio (13-3/4" x 9"). \$1,750.



Contemporary calf, gilt rules enclosing central gilt panels with corner fleurons to boards, gilt spines with raised bands, marbled pastedowns, all edges gilt. Moderate rubbing to extremities, some wear and chipping to spine ends, corners bumped and somewhat worn, light rubbing and faint stains to boards. Title pages, each with large printer device, printed in red and black, large copperplate coat of arms at head of dedication, woodcut head-pieces, tail-pieces and decorated initials. Light toning to text, somewhat heavier in places, occasional faint dampspotting and dampstaining, internally clean. Ex-library. Bookplates to front pastedowns, small inkstamps to preliminaries.

Later edition. As the title states, this is an annotated collection of notable court decisions from the canon-law courts, the Holy Roman Empire and Catalonia. Several annotations compare the three systems. It was originally published in 1594-1608 as *Variarum Resolutionum Iuris Caesarei, Pontificii, et Municipalis Principatus Cathaloniae*. It went through several editions and issues, the last one in 1760. Complete copies of any edition are uncommon. Palau, *Manual del Librero Hispano-Americano* 41844.

A PROFOUND INFLUENCE IN PRE-REVOLUTIONARY AMERICA

28

[Care, Henry (1646-1688)].

N[elson], W[illiam] [b.1653], Editor.

*English Liberties, Or The Free-Born Subject's Inheritance. Containing Magna Charta, Charta de Foresta, The Statute De Tallagio, Non Concedendo, The Habeas Corpus Act, And Several Other Statutes; With Comments on Each of Them. Likewise, Of Ship-Money: Of Tonnage and Poundage. Of Parliaments, and the Qualification and Choice of Members: Of the Three Estates, and of the Settlement of the Crown by Parliament. Together with a Short History of the Succession, Not by Any Hereditary Right: Also a Declaration of the Liberties of the Subject: And of the Oath of Allegiance and Supremacy. The Petition of Right; With a Short but Impartial Relation of the Difference Between King Charles I and the Long Parliament, Concerning the Prerogative of the King, the Liberties of the Subject, and the Rise of the Civil Wars. Of Trials by Juries, and of the Qualifications of Jurors; Their Punishment for Misbehaviour, And of Challenges to Them. Lastly, Of Justices of the Peace, And Coroners: With Many Law Cases Throughout the Whole. Corrected and Improved.*

Providence: Printed and Sold by John Carter, 1774. viii, 350, [6] pp. Bound with a duplicate leaf Tt2. Includes six-page subscriber list. Octavo (7" x 4-1/2"). \$3,500.

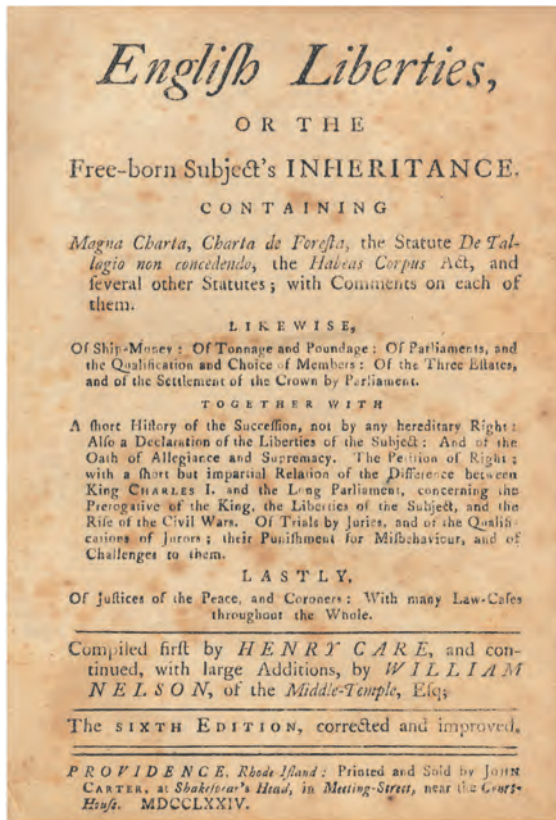
Contemporary sheep, blind fillets along joints, raised bands and lettering piece to spine. Some rubbing to boards, heavier rubbing to extremities with wear to spine ends and corners, front joint cracked, gathering tt (pp. 323-328) partially detached with slight wear to fore-edges. Moderate toning, occasional light foxing, internally clean. Book housed in attractive period-style clamshell box. Desirable.

Second and final colonial-era American edition. Its contents include one of three colonial printings of Magna Carta and the Habeas Corpus Act (1769), widely considered to be a second Magna Carta. First published in England in 1680, this layman's guide reviews, from a Whig perspective, the principles of English law and government.

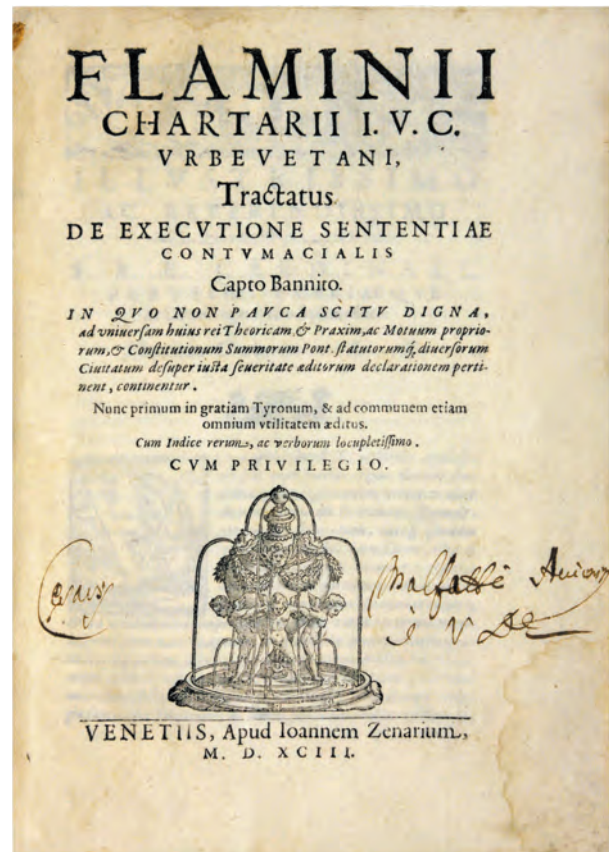
It emphasizes the role of Magna Carta, Parliament and juries in the preservation of civil rights and prevention of tyranny. It had a profound influence on several colonial readers, including the founding fathers. This was the primary source for William Penn's *Excellent Priviledge of Liberty and Property* (1687), a work that inspired support for the revolution. George Mason used it when drafting Virginia's Declaration of Rights (1776). Jefferson, who owned two copies, probably referred to it when he wrote the Declaration of Independence and the Virginia Statute for Religious Freedom. Its influence is also evident in the Bill of Rights. The first edition, published in Boston in 1721, was issued shortly after the Boston Tea Party and the first meeting of the Continental Congress. The second

edition was published a few months after the passage of the Intolerable Acts. It is almost certain that the publisher was capitalizing on popular resentment toward the crown and parliament. A note at the end of the table of contents says this edition was “principally designed for America” and contained “extracts from several late celebrated writers on the constitution” (vi). It also reprints the preface of the

1721 edition, which states “when liberty is once gone, even life itself grows insipid” (iii-iv). The subscriber list includes several Rhode Islanders who played important roles in the Revolution, including both of the state’s wartime governors. See Sowerby, *Catalogue of the Library of Thomas Jefferson* 2702, 2703. Cohen 3416.



№ 28



№ 29

BANDITS AND OUTLAWS

**Cartari, Flaminio [1531-1593].**

*Tractatus de Executione Sententiae Contumacialis Capto Bannito. In Quo non Pauca Scitu Digna, Ad Universam Huius rei Theoricam, & Praxim, Ac Motuum Propriorum, & Constitutionum Summorum Pont. Statutorumque Diversorum Civitatum de Super iusta Severitate Aeditorum Declarationem Pertinent, Continentur. Nunc Primum in Gratiam Tyronum, & Ad Communem Etiam Omnium Utilitatem Aeditus. Cum Indice Rerum, Ac Verborum Locupletissimo.*

Venezia: Apud Giovanni Zenaro, 1593. [xlviii], 179, [1] ff. Quarto (8-3/4" x 6-1/2"). \$1,500.

Contemporary vellum, raised bands and early hand-lettered title label and shelf number (?) to spine, early hand-lettered title to foot of text block. Light soiling and

a few minor stains to boards, spine abraded with wear to ends and bands, corners worn. Front hinge starting, rear free endpaper lacking. Attractive woodcut head-pieces,

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tail-pieces and decorated initials. Moderate toning to text, heavier in places. Early owner signature to title page, annotations in similar hand to a few leaves, interior otherwise clean.

Second edition. The work of a leading jurist from Orvieto, this is a treatise on the laws concerning bandits and

other outlaws in the mid-Italian states. Its first edition was published in 1587. A useful work, it went through four more editions, the last in 1607. All are scarce in North American law libraries; OCLC locates 3 copies of all editions, 1 of the second (at UC-Berkeley). *EDIT16CNCE9736*.

#### CATHERINE II REORGANIZES HER EMPIRE

### 30 Catherine II [1729-1796], Empress of Russia. [Fueslin, M., Translator].

*Reglements de sa Majeste Imperiale Catherine II. Imperatrice & Autocratrice de Toutes les Russies &c. Pour l'Administration des Gouvernements de l'Empire des Russies. Traduit d'Après l'Original Russe.*

St. Petersburg: Chez J.J. Weitbrecht, 1778. x, [2], 196 pp. Quarto (8-1/2" x 6-1/2"). \$3,500.

Contemporary diced calf, gilt rules and central gilt arms (of Baron Stuart de Rothesay) to boards, blind tooling, gilt bands and gilt title to spine, gilt inside dentelles, marbled endpapers. Light rubbing to extremities, heavier rubbing to joints and spine ends, joints just starting at head, corners bumped and lightly worn. Woodcut head-pieces. Light toning to text, internally clean. Ex-library. Bookplate to front pastedown. A handsome copy.

Second and final French-language edition. Guided by her *Nakaz (Instruction)*, the All-Russia Legislative Commission worked to devise a modern legal code based on progressive Enlightenment principles to replace the Muscovite Code of 1649. The Commission's work was slow and fitful; it had accomplished little by 1774. Indeed, it never produced a new code. Impatient, Catherine II began to issue a series of specific orders based on the *Nakaz*. Issued in 1775, the *Statute for the Administration of*

*the Provinces of the Russian Empire* reorganized the Russia empire into provinces and districts and increased the size and scope of local government. Other statutes defined the status of nobles (1785), reorganized the social structure (1785), regulated commerce (1781), reformed criminal law (1782) and expanded educational opportunities (1786). These activities attracted attention throughout Europe, which led to a few translations. The first French translation of the present code was published in Liege in 1777. Our copy of the 1778 edition was owned by Charles Stuart, Baron Stuart de Rothesay [1779-1845], secretary of the French embassy at St. Petersburg (1804-1808), later ambassador (1841-1843). According to Barbier, this edition was translated by a M. Fueslin. OCLC locates 7 copies worldwide, 5 in North America, none in law libraries. Barbier, *Dictionnaire des Ouvrages Anonymes* Vol. 4, Col. 192. This edition not in the BMC.

#### FIRST EDITION OF THE NAKAZ IN ENGLISH

### 31 Catherine II, Empress of Russia Tatichtchev, Mikhail, Translator.

*The Grand Instructions to the Commissioners Appointed to Frame a New Code of Laws for the Russian Empire: Composed by Her Imperial Majesty Catherine II, Empress of All the Russias. To which is Prefixed a Description of the Manner of Opening the Commission, With the Order and Rules for Electing the Commissioners. Translated from the Original, In the Russian Language.*

London: Printed for T. Jefferys, 1768. xxiii, [1], 3-258 pp. Quarto (10-1/4" x 8-1/4"). \$3,000.

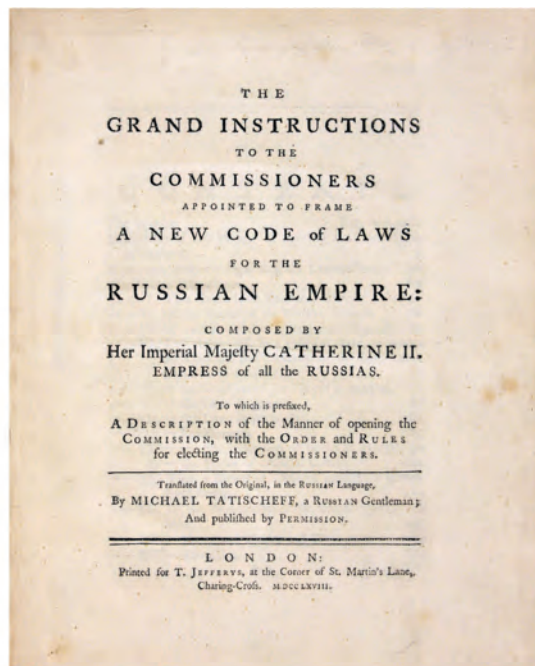
Recent period-style calf, blind rules with corner fleurons to boards, raised bands and lettering piece to spine, endpapers renewed. Light toning to text, negligible light foxing to a few leaves, internally clean. A handsome copy.

First edition in English. The *Nakaz*, or *Instruction*, is a statement of legal principles written by Catherine II between 1764 and 1766. It was among her most ambitious and significant undertakings. Infused with the ideas of the French Enlightenment, and copied mostly from the work of Voltaire, Montesquieu and Beccaria, it was compiled as a guide for the All-Russia Legislative Commission convened by the Empress in 1767 to create a new code to replace the 1649 Muscovite Code. Revised in consultation with Frederick the Great and Voltaire, the *Instruction* proclaimed

the equality of all men before the law and denounced torture and the death penalty. Unfortunately, her proposed code was never completed. Catherine's manuscript was written in French, and she later produced a Russian translation. It was published in Moscow in 1767. An edition with a parallel German translation was published in the same year, also in Moscow. According to the *ESTC*, this was the source of Tatichtchev's translation. The first German edition was published in Frankfurt and Leipzig in 1769. The book was initially banned in France because it was too liberal; the first edition in Francophone Europe was produced in Switzerland (with a false imprint) in 1769. OCLC locates 12 copies of Tatichtchev's translation in North American law libraries. See Camus, *Bibliothèque Choisie des Livres de Droit* 3301. *ESTC* N6651.



Nº 30



Nº 31

FEAR AND DISTRUST OF CHARLES II

[Cecil, William, Lord Burghley (1520-1598)].

[Bluet, Thomas].

[Sergeant, John (1622-1707)].

*A Collection of Several Treatises Concerning the Reasons and Occasions of the Penal Laws.*  
Viz.

I. *The Execution of Justice in England, Not for Religion, But for Treason:* 17 Dec. 1583.

II. *Important Considerations, By the Secular Priests:* Printed A.D. 1601.

III. *The Jesuits Reasons Unreasonable:* 1662.

London: Printed for Richard Royston, 1675. [8], 104, 109-13 [i.e. 131] pp. *The Jesuits Reasons* has separate title page dated 1662. Quarto (7" x 5-1/4"). \$1,750.

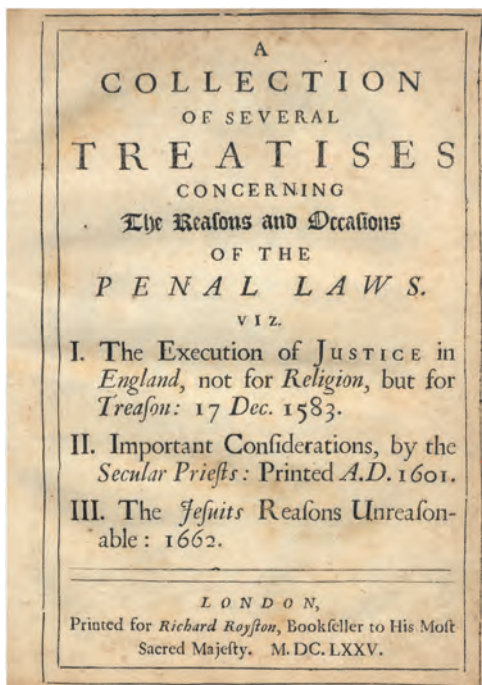
32



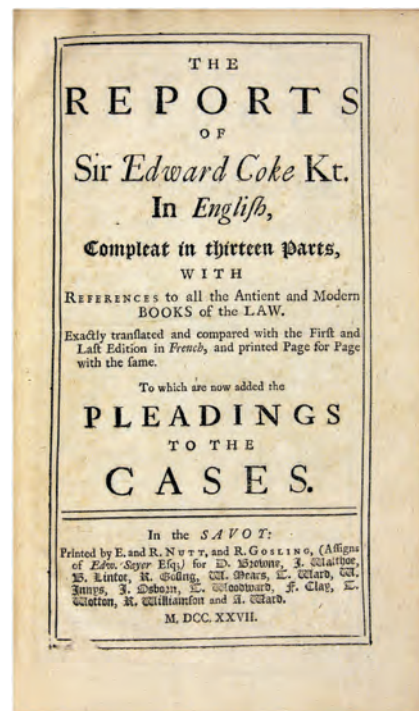
Later three-quarter morocco over marbled boards, gilt title to spine. Moderate rubbing to extremities, lighter rubbing to boards, final three leaves of text loose (but secure), bottom edge of *The Jesuits Reasons* trimmed with some loss to text. Moderate toning to text, occasional faint dampspotting, smudges and minor inkstains to a few leaves. A solid copy.

Only edition. This volume was assembled at a time when Charles II was arousing fear and distrust due to his increasingly overt support of Catholicism. Its title alludes to the Royal Declaration of Indulgence (1673), an unsuccessful attempt by the king to abolish the Penal

Laws, thus extending religious liberty and civil rights to Protestant nonconformists and Roman Catholics. The first treatise, by William Cecil, Lord Burghley, was originally published in 1583 as *The Execution of Justice in England*. The second treatise, by Thomas Bluet, was first published in 1601 as *Important Considerations Which Ought to Move All True and Sound Catholikes*. The third treatise, by John Sergeant, was originally published in 1662 as *The Jesuite's Reasons Unreasonable*. OCLC locates 9 copies in North American law libraries (Columbia, Harvard, Library of Congress, Northwestern, UC-Berkeley, University of Michigan, University of Minnesota, University of Pennsylvania, UVA). ESTC R11022.



№ 32



№ 33

THE FIRST COMPLETE EDITION OF THE REPORTS

33 Coke, Sir Edward [1552-1634].

*The Reports of Sir Edward Coke Kt. In English, Compleat in Thirteen Parts, With References to all the Antient and Modern Books of the Law. Exactly Translated and Compared with the First and Last Edition in French, And Printed Page for Page with the Same. To Which are Now Added the Pleadings to the Cases.*

[London]: Printed by E. and R. Nutt, And R. Gosling, 1727-1728. Thirteen parts in seven volumes. Octavo (8-3/4" x 5-1/4"). \$2,000.

Contemporary calf, blind rules to boards, blind fillets to joints, raised bands, blind-stamped volume numbers and lettering pieces to spine to spines. Light rubbing exteriors with some minor nicks and scuffs, heavier rubbing to extremities with some chipping to spine ends, corners bumped and somewhat worn, several joints and hinges cracked or starting. London bookseller's bookplates indicating ownership of this set by Sir Robert E. Megarry to rear pastedown of each volume. Light toning to interiors, somewhat heavier in places, internally clean.

First complete edition (the first two editions printed parts I-XI only) and the third edition in English. First published at the beginning of the seventeenth century, Coke's *Reports* are not reports in the conventional sense; they are highly

detailed anthologies of precedents organized by topic. Each is illustrated by a large body of cases. Coke outlines their arguments and explains the reasons for the ways they were adjudged, using them as a basis for a statement of general principles. Taken together, it forms the most extensive and detailed treatment of common law pleading that had yet appeared. A work of immense authority, it was often cited as *The Reports*, there being no need to mention the author's name. The first edition in English, which did not include pleadings, was published in 1658. This set belonged to the notable British jurist Sir Robert E. Megarry [1910-2006], editor of the *Law Quarterly Review* and author of esteemed works on property law and legal trivia, such as *Miscellany-at-law* (1955) and *A New Miscellany-at-Law* (2005). Sweet & Maxwell 1:295-296 (31). Wallace, *The Reporters* 165-196.

FIRST EDITION OF AN IMPORTANT COSTA RICAN CODE

[Costa Rica].

Ramirez, Rafael.

*Codigo General de la Republica de Costa-Rica, Emitido en 30 de Julio de 1841; Segunda Edicion Anotada, Adicionada, Revisada y Corregida Conforme a Las Leyes Vigentes Posteriores Hasta el 31 de Diciembre de 1857. Con Aprobacion del Supremo Gobierno Bajo la Administracion del Excmo. Senor Capitan General Presidente Don Rafael Mora.*

New York: Imprenta de Wynkoop, Hallenbeck y Thomas, 1858. Three parts, each with individual pagination. [ii], ii, 175, VII, [1]; 142, VIII; 153, xi; IX, [2] pp. Octavo (9-1/4" x 6"). \$750.

Later cloth, red and black lettering pieces to spine, endpapers renewed. Some soiling and wear to edges of lettering pieces. Moderate toning to text, edgewear to title page and some leaves, a few with repairs. Ex-library. Location label to spine, stamps and annotations to title page. A scarce title.

First edition. Enacted in 1841, the *Codigo General* was Costa Rica's first code dealing with civil, criminal and

procedural law. Contents: *Codigo General del Estado*, Pt. 1. *Materia civil. Notas de las Reformas Hechas a la Parte Primera del Codigo General*; Pt. 2. *Materia Penal. Notas de las Reformas Hechas a la Segunda Parte del Codigo General*; Pt. 3. *Materia de Procedimientos Judiciales. Notas de las Reformas Hechas a la Tercera Parte del Codigo General*. OCLC locates 10 copies in North American law libraries.

COLLECTED WORKS OF THE "BARTOLUS HISPANUS"

Covarrubias y Leyva, Diego de [1512-1577].

Brederode, Pieter Cornelis van [d. 1593], Editor.

*Opera Omnia. Haec Autem Editio Nova Post Ultimam Ipsius Auctoris Emendationem & Auctionem, Recens ab Innumeris Mendis Exactissime Repurgata, Argumentis Illustrata, Aliis Item Quae ad Operis Huius Supremam Exornationem, & Commodiorem Usus Pertinere Videbantur, Aucta Studio & Fide P. Corn. Brederodij IC. Iam Altera Vice Recusa, Et Characterum Varietate Distinctis Allegationibus Edita. Accessit Index Novus Locupletissimus, & Per Locos Communes Distinctus. Quae Praeterea Postrema hac Editione Praefita Sunt Praefatio ad Lectorem Declarabit.*

34

35



Frankfurt: Apud Ioannem Feyrabendt, 1599. Two volumes bound as one, each with title page and individual pagination. [xii], 643; [iv], 526, [70] pp. Main text in parallel columns. Folio (15" x 9-1/2"). \$1,250.

Contemporary paneled vellum, large arabesques to boards, rebaked retaining backstrip with raised bands and lettering piece, clasps lacking, corners mended. Boards slightly bowed, light rubbing to extremities, some minor scuffs and stains, crude early repair to large scuff on front board, hinges and corners of pastedowns mended. Title page printed in red and black, woodcut head-pieces, tail-pieces and decorated initials. Moderate toning to text, occasional faint dampspotting, some edgewear to preliminaries and final few index leaves. Early owner signature to title page, interior otherwise clean. Ex-library. Bookplate to front pastedown. A solid copy.

of Segovia, was a canonist, theologian and leader of the Salamanca School. One of the foremost jurists of his time, he was called the "Bartolus Hispanus." *Opera Omnia*, the definitive collection of his work on Roman and canon law was first published in 1559 and went through numerous editions into the eighteenth century. Roberts says it was an important authority among Roman-Dutch jurists. Our edition is notable for its editorial contributions by Brederode, the notable Dutch jurist and diplomat. All editions are scarce in North America. OCLC locates 1 of the 1599 edition in North America (Northwestern Law School). Roberts, *A South African Legal Bibliography* 97.

Later edition. Covarrubias y Leyva, Archbishop of Santa Domingo, later Bishop of Ciudad Rodrigo and



№ 35

**Cowel**[I], **John** [1554-1611].  
[**Manley, Thomas** (1628-1690), **Editor**].

*NOMOTHETAS. The Interpreter, Containing the Genuine Signification of Such Obscure Words and Terms Used Either in the Common or Statute Laws of this Realm. First Compiled by the Learned Dr. Cowel, and Now Enlarged from the Collections of All Others Who Have Written in This Kind. With an Addition of Many Words Omitted by All Former Writers, and Pertinent to This Matter, with Their Etymologies as Often as They Occur: As Also Tenures Whether Jocular, or Others Statutes and Records, Wherein the Alterations are Expressed, and their Agreement or Dissonancy, with the Law at Present Declared.*

London: Printed by the Assigns of Richard Atkins Esq., 1684. Unpaged. Folio (12-1/2" x 7-1/2"). \$500.

Contemporary calf, rebacked in period style with gilt titles and gilt-edges raised bands, endpapers renewed. Some rubbing and a few scuffs, moderate wear to edges and corners, upper corner of rear board repaired. Some wear to margins of endleaves, early signatures to margin of title page, interior otherwise remarkably fresh. A desirable copy.

Fifth edition, second Manley edition. *The Interpreter* was considered to be the best law dictionary until Jacob's, and was, and still is, used by scholars of early English legal texts. (This is especially true of this and other later editions.) Indeed, Walker describes Cowell as "reputed the most learned civilian of his time." But its publication was not without controversy. At a time when Parliament and crown were vying for power, the Commons disapproved of Cowell's monarchical orientation, which was evident

in such definitions as "King," "Parliament," "Prerogative," "Recoveries," and "Subsidies." When a joint committee of lords and councilors reviewed the work, the ensuing controversy nearly halted the affairs of government. James I intervened in fear that his own fiscal interests would not be approved by Parliament, and ordered a proclamation that imprisoned Cowell, suppressed the book and ordered all copies burned by a public hangman on March 10, 1610. Moreover, *The Interpreter* contained a quotation that criticized Littleton's scholarship, which angered Coke. It comes as no surprise that he was instrumental in the book's suppression and in Cowell's persecution. Cowley, *A Bibliography of Abridgments, Digest, Dictionaries and Indexes to the Year 1800* 175. Sowerby, *Catalogue of the Library of Thomas Jefferson* 1812 (1672 ed.).

INSCRIBED BY DARROW TO A FELLOW CRIMINAL DEFENSE ATTORNEY

**Darrow, Clarence** [1857-1938].  
*An Eye for an Eye.*

New York: Fox, Duffield & Company, 1905. 213 pp.

\$1,750.

Original cloth, gilt titles to front board and spine. Some rubbing to extremities, corners and spine ends bumped, a few tiny stains, some fading to sections of boards and spine, rear hinge starting. Author inscription to front endleaf, light toning to text, negligible foxing to a few leaves.

First edition. Darrow's only fictional work, aside from his autobiographical novel, *Farmington*, published in 1904. It tells the story of Jim Jackson, who struggles with poverty and harsh circumstances, before finally murdering his wife in a fit of rage. Faced with the gallows, Jackson confesses: "If ther'd been forty scaffolds right before my eyes, I'd have brought down the poker just the same." Darrow's novel is a sociological polemic

which foreshadows such later works as Theodore Dreiser's *An American Tragedy* and Upton Sinclair's *The Jungle*. Abe Ravitz, in his *Clarence Darrow and the American Literary Tradition*, observed that *An Eye for an Eye* was worthy of a trophy not only for sociological veracity but also for genuine literary achievement. This copy was inscribed "with the regards of his friend and admirer" to James K. Jones, a lawyer in Washington, DC, who often served in criminal cases. The University of Minnesota owns the letter in which he acknowledges receipt of Darrow's book. Jones praises it as "a vivid and truthful picture...of much that comes along in many a poor devil's life... [It] turns light on places where light was needed." Hunsberger, *Clarence Darrow: A Bibliography* 55.



How far the Jones  
were the reports of  
his friend and admirer  
Clarence Darrow.

№ 37

CLARENCE DARROW  
1537 EAST 60TH STREET  
CHICAGO

October 24-th, 1931.

Mr. Arthur Spingarn :---  
19 West 44-th Street:---  
NEW YORK CITY, N.Y. :---

My Dear Spingarn ---

The book will be finished this month. As I have said, no contract has been made with any one, but several publishers seem anxious to get it. I do not feel like giving it to Liveright & Co. I have said that I will show it to them, which I will do ; still, that is superfluous, if they are not in the running. I presume I could ask each publisher to make an offer, and I could safely give it to the one that makes the best offer ; still there are other things to consider.

Had I better send a copy of manuscript to you to deliver to them when I send out any others ? Have you any idea of the best way to handle the situation ? I do not like to make any pretense that I feel is not true, but I think I should put it where I want to, and, of course, since I have given them \$1,000.00 and you got me a clean release, I have the right to do it.

One of these days I will be in New York, but on account of the other fellow rushing his book out in a hurry -- after promising to wait ! -- I felt that I had better get mine done.

With thanks, and best wishes,

Clarence Darrow.

I have a story in the current Nov. number of  
Vanity Fair on what we can and can not do  
to get rid of prohibition. We can not repeal  
the 18th Amendment. I think my plan has  
now been published.

№ 38

**Darrow, Clarence.**

[**Spingarn, Arthur (1878-1971)**].

[*Typed Letter, Signed, To Spingarn, On His Personal Letterhead, October 24, 1931, With Five-Line Holograph Postscript, Signed "D"*].

\$2,500.

Single 10-1/2" x 7-1/4" sheet. Some toning, two horizontal fold lines, otherwise fine

Darrow discusses a sensitive issue concerning the placement of *The Story of My Life*, then in manuscript. He is looking for a publisher and is troubled by the interest shown by his former publisher, Horace Liveright. Darrow wants advice on the best way to push him away. Spingarn was contacted because he assisted Darrow with a related issue. In the previous month he negotiated Darrow's release from a contract with Liveright. (Darrow sought this release because he wasn't happy with the promotional efforts

for, or sales of, its edition of *Farmington*.) The holograph postscript refers to the article "Why the 18th Amendment Cannot Be Repealed," which appeared in the November 1931 issue of *Vanity Fair*: "I have a story...on what one can and can not do to get rid of prohibition. We can not repeal the 18th Amendment." Spingarn, an attorney, was a civil rights pioneer and president of the NAACP from 1940 to 1965. He helped coordinate the defense team for Dr. Ossian Sweet, which was led by Darrow. See the letter of September 25, 1931 to Spingarn in Darrow, *In the Clutches of the Law: Clarence Darrow's Letters*, Ed. Randall Tietjen 425.

## DARROW ATTENDS A BANQUET IN HONOR OF LINCOLN STEFFENS

[**Darrow, Clarence**].

[**Steffens, Lincoln (1866-1936)**].

[*12" x 20" Photograph of a Banquet Honoring Steffens, Party Includes Clarence and Ruby Darrow*]

New York: Standard Flashlight Company, 27 April 1931.

[**With**]

[*11" x 6" Printed List of People Who Attended the Banquet*].

\$950.

Some edgewear, upper left corner of image repaired, light toning and fold lines to list, early annotations to photograph, a few chips and nicks to edges of both. Items mounted on 16" x 32" foam-core board.

There are two captions at the foot of the image. One identifies the photography company, the other reads "Dinner to Lincoln Steffens and Characters in His Book Given by Edward A. Filene. Ritz Carlton Hotel April 27, 1931." The list, which includes several media people,

social reformers and reform-minded politicians, such as Ida Tarbell and Bernard Baruch, is captioned: "Cast of Characters from 'The Autobiography of Lincoln Steffens' and from his next book, present at the dinner given to the author and his characters by Edward A. Filene, Ritz-Carlton Hotel, April 27, 1931." Some of the attendees are identified in a contemporary hand. Darrow is seated at the center of the main table next to Steffens; Ruby Darrow is sitting at the right end.





№ 39



№ 41

[**Davenant, Charles (1656-1714)**].

*Essays Upon I. The Ballance of Power. II. The Right of Making War, Peace, and Alliances. III. Universal Monarchy. To Which is Added, An Appendix Containing the Records Referr'd to in the Second Essay.*

London: Printed for James Knapton, 1701. [iv], 101, [1], 127-237,[3],233-288 [i.e. 300], [2], 30, 33-125, [3] pp. Octavo (7-1/2" x 4-3/4"). \$450.

Contemporary paneled calf with recent rebacking, raised bands and lettering piece to spine, corners and hinges mended. Light rubbing to extremities, a few minor scuffs to boards, corners bumped, crack in text block between front endleaf and title page. Light toning to text, offsetting to margins of endleaves, internally clean. Ex-library. Bookplate to front pastedown. A handsome copy.

official and (Tory) Member of Parliament. The son of the poet William Davenant, he published several pamphlets, mostly on economics, international trade and international relations. A Mercantilist, he believed in a favorable balance of trade as a source of political power, a restricted colonial economy and population growth. Although he was mostly a synthetic writer, he developed several general principles. Some of these foreshadow ideas in the early writings of Adam Smith. ESTC T66825.

Only edition. This book collects three principal essays by a notable English political economist, government

LAVISH ENGRAVED FOLIO EDITION DANISH LEX REGIA (KONGE-LOV) OF 1665

[**Denmark**].

*Frederick III [1609-1670], King of Denmark and Norway. Frederick IV [1671-1730], King of Denmark and Norway. Lex Regia: Det er: Den Souveraine Konge-Lov, Sat og Given af den Stoormegtigste Hojbaarne Fyrste og Herre, Herr Friderich den Tredie, af Guds Naade, Konge til Danmark og Norge, De Wenders og Gothers, Hertug udi Schlesvig, Holsten, Stormarn, Og Dithmarschen, Greve udi Oldenborg og Delmenhorst; Og af Hans Maj. Underskreven d. 14. Novemb. 1665. Som den Stoormegtigste Hojbaarne Fyrste og Herre, Herr Friderich den Fierde, Af Guds Naade, Konge til Danmark og Norge, De Wenders og Gothers, Hertug udi Slesvig, Holsten, Stormarn og Dithmarschen, Greve udi Oldenborg og Delmenhorst, Allernaadigst Haver Befalet ved Offentlig Tryk at Vorde Publiceret den 4 Septemb. Aar 1709.*

Copenhagen: [Frederik Rostgaard and Peder Schumacher Griffenfeld], 1709. 19 copperplate leaves. Folio (20" x 14"). \$4,500.

Contemporary paneled calf. Blind fillets enclosing gilt filleted panels to boards, gilt ornaments to spine, all edges gilt, endpapers renewed. Spine abraded, light rubbing to boards, corners bumped and lightly worn. Eighteen leaves have engraved text surround by elaborate architectural borders featuring a variety of birds, fish and other creatures, one leaf is a full-page calligraphic portrait of Frederick III. Light toning, occasional light soiling to margins. Most leaves re-hinged, repair to bottom corner of title page with negligible loss to border, repairs to small tears to margins of title page and a few other leaves.

First edition. This book is the first publication of the King's law, which established absolute monarchy in Denmark. Written in 1665, it was kept secret until the Danish Crown solidified its power. The lavish 1709 edition was its impressive proclamation. "This document is in every way unique. In the first place it is remarkable for its literary excellence. Compared with the barbarous macaronic jargon of the contemporary official language it shines forth as a masterpiece of pure, pithy and original Danish. Still more remarkable are the tone and tenor of this royal law. The *Kongelov* has the highly dubious honour



of being the one written law in the civilized world which fearlessly carries out absolutism to the last consequences. The monarchy is declared to owe its origin to the surrender of the supreme authority by the Estates to the king. The maintenance of the indivisibility of the realm and of the Christian faith according to the Augsburg Confession, and the observance of the Kongelev itself, are now the sole obligations binding upon the king. The supreme spiritual authority also is now claimed the moment he

ascends the throne, crown and sceptre belong to him by right" (*Encyclopedia Britannica*). A superb example of eighteenth-century book art, this volume comprises nineteen engraved leaves by Andreas Reinhardt after designs by Claud a Moinichen. OCLC locates 6 copies in North America, none in law libraries. *Encyclopedia Britannica* (Eleventh Edition) 8:35. Graesse, *Tresor de Livres Rares et Precieux* IV:192. *Bibliotheca Danica* 684.

RARE EIGHTEENTH-CENTURY TREATISE ON MILITARY LAW BOUND WITH  
AN ANNOTATED CONSTITUTIO CRIMINALIS CAROLINA

42 **Dolffer, J[ohann] A[nton].**

*Processus Juris Militaris Informativus. Worinn Nicht nur alle Kriegs-Richter, Als Praesides, Assessores und Auditores, Auch Alle Hohe und Niedrige Officirer, Eine Vorhin noch nie Gehabte Voellige Information Finden, Wie sie Sich zu Denen Abhaltenden Kriegs-Gerichten, Habilitiren und Geschickt Machen Mogen, Und sonst ein Jeder, Der Peinliche Sachen Tractiret oder zu Tractiren Bedacht Ist, In Denen Latere Sequenti Verzeichneten Materiis den Selbst Verlangenden Unterricht Finden Kan.*

Leipzig: In Verlegung Hieron. Friederich Hoffmann 1702. [iv], 315 pp.

[Bound with]

**Stephani, Matthaeus [1576-1646], Editor.**

[Charles V [1500-1558], Holy Roman Emperor].

*Caroli Quinti, Imperatoris Invictissimi, & Gloriosissimi Principis, Constitutiones Publicorum Judiciorum: Cum Jure Communi Collatae; Ex Eoque Latius Declaratae, & Utilissimis Additionibus, Observationibusque Practicis Illustratae. Articulorum Carolinarum Constitutionum, Intemq[ue] Rerum Praecipuarum, Elenchus Duplex Adjectus Est.*

Hannover: Sumptibus Gothofredi Freytagii, u. Rudolstadt, Urban 1702. [xx], 243, [5] pp.

\$2,850.

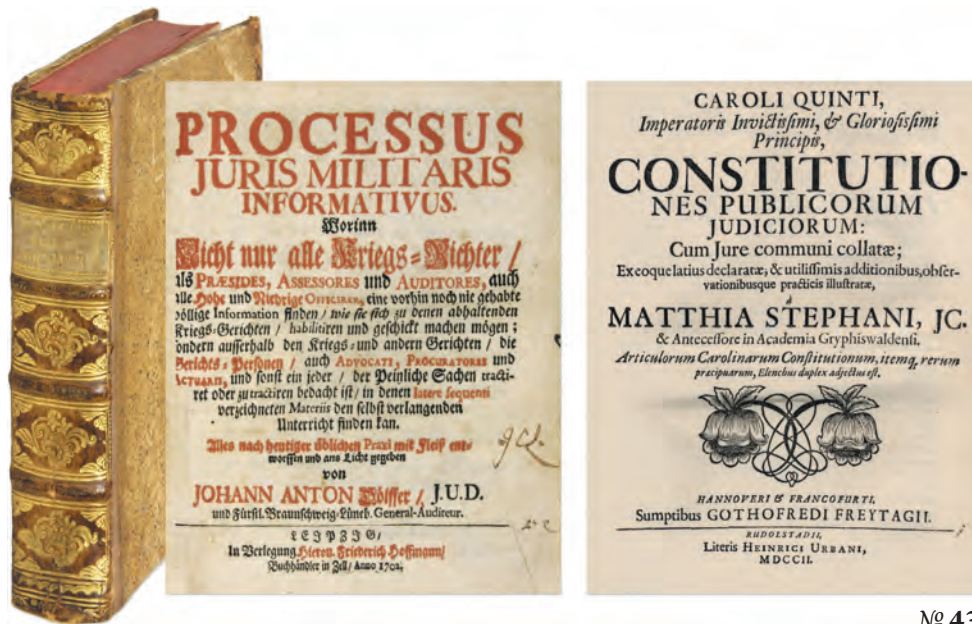
Quarto (7-1/2" x 6"). Three-quarter calf over speckled boards, gilt spine with raised bands and lettering piece, edges rouged. Moderate rubbing to boards, light rubbing to extremities with some wear to spine and corners, edge of lettering piece just beginning to peel away. Title page of *Processus* printed in red and black. Moderate toning, somewhat heavier in places. Early initials to title page of *Processus*, early underlining and notes to a few pages in *Constitutiones*. An appealing volume.

*Processus*: only edition; *Constitutiones*: sixth and final edition. The *Processus* is a comprehensive guide to the laws that apply to European soldiers. It is a digest of positive law and conventions established by treaty. Each point is

illustrated with a case study. The work reflects both the greater destructive power of eighteenth century armaments and the Enlightenment-inspired movement to civilize the rules of military engagement. "Von der Section und Inspection des Coerpers," its eleventh chapter, is especially interesting. An early example of medical jurisprudence, it discusses methods to distinguish signs of torture or other unacceptable deeds on the corpses of soldiers or civilians. *Constitutiones*, a commentary on the great 1502 *Constitutio Criminalis Carolina* of Holy Roman Emperor Charles V, was first published in 1626. A standard work, it went through further editions in 1661, 1665, 1670, 1678 and 1702. The owner of this copy added a few references in the index concerning the sections on torture. Provisions for

the liberal use of torture was one of the most controversial aspects of this code. There are very few copies of either title in North America. OCLC locates 1 copy of *Processus* (at Harvard Law School) and a few copies of *Constitutiones*,

1 of the 1702 edition (at Harvard Law School). *Processus: Verzeichnis der im Deutschen Sprachraum Erschienenen Drucke des 18. Jahrhunderts* 10336591; *Constitutiones*: this edition not in VD18.



No 43

1671 EDITION OF DUGDALE'S *ORIGINES JURIDICIALES* EXTRA-ILLUSTRATED ON 138 LEAVES

**Dugdale, William [1605-1686].**

*Origines Juridiciales, Or Historical Memorials of the English Laws, Courts of Justice, Forms of Tryal, Punishments in Cases Criminal, Law-Writers, Law-Books, Grants and Settlements of Estates, Degree of Serjeant, Innes of Court and Chancery. Also a Chronologie of the Lord Chancelors and Keepers of the Great Seal, Lord Treasurers, Justices Itinerant, Justices of the Kings Bench and Common Pleas, Barons of the Exchequer, Masters of the Rolls, Kings Attorneys and Sollicitors, and Serjeants at Law. With Additions.*

[London]: Printed by Tho. Newcomb, for Abel Roper, John Martin, and Henry Herringman, 1671. [viii], 336, [4], 117, [3] pp. Copperplate coats-of-arms and heraldic devices, five (of six) portrait plates (of Heath, Clenche, Hide, Bridgeman and Crew), the sixth plate (of Coke), lacking. Extra-illustrated with 138 leaves of plates, 108 full-page, 3 folding. Main text in parallel columns. Folio (13-3/4" x 8-3/4"). \$3,500.

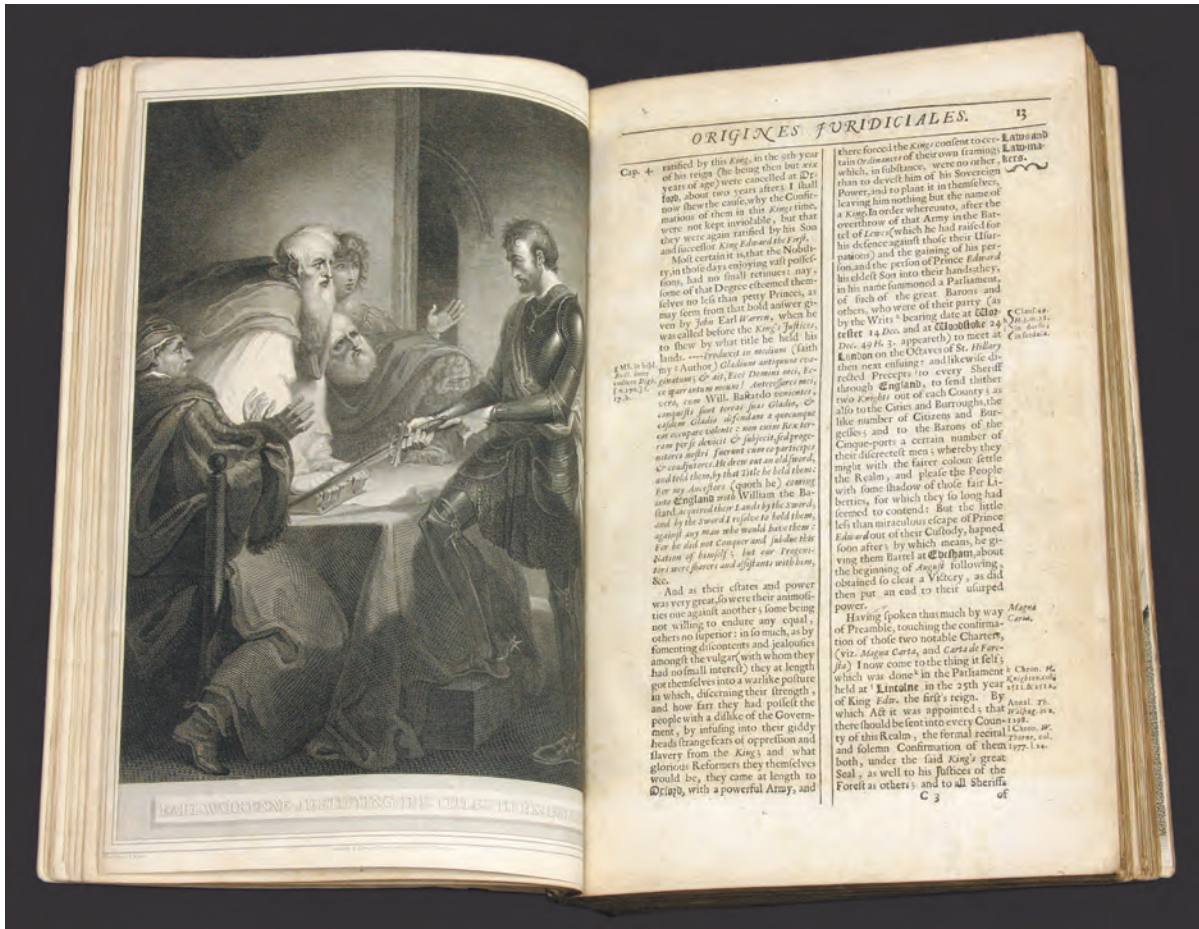
Recent period-style paneled calf, gilt rules to boards enclosing central frames with lozenge pattern, raised bands and lettering piece to spine, endpapers renewed, all edges gilt, partially detached ribbon marker. Title page printed in red and black. Moderate toning in places, early annotations and owner signatures (S.G. Fenton) to front free endpaper, occasional annotations to added plates, interior otherwise clean.

Second edition. Dugdale's *Origines* provides a wealth of information about the sources of English law and the

early history of English legal institutions, including the Inns of Court, on which it is a chief authority. It is a well-documented work: sources of manuscripts are listed, and, in many instances, the sources of the information for the printed book entries are given. This copy is missing one of its original plates. However this loss is compensated by the addition of more than 100 extra-illustrated leaves depicting royalty, jurists, ecclesiastical and political leaders, the Inns of Court and other significant structures, documents and notable moments in history. ESTC R225633. Sweet & Maxwell 1:22 (13).

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No 43

AN INTERESTING, AND NOTABLE, EIGHTEENTH-CENTURY EXAMPLE OF COMPARATIVE LAW

## 44 Eden, Robert [1701-1759].

*Jurisprudentia Philologica, Sive Elementa Juris Civilis, Secundum Methodum et Seriem Institutionum Justiniani, In Brevem & Facilem Ordinem Redacta, Notis Classicis, & Historicis, Nec non Parallelis Juris Anglicani Locis, Illustrata. Quibus Accessit Prooemium de Jure Civili Romanorum ante Justinianum, Et de Libris Juris Civilis Romanorum per Justinianum Compositis. In Usus Juventutis Academicæ.*

Oxford: E Theatro Sheldoniano, 1744. xx, 307 pp. Copperplate portrait frontispiece. Quarto (9-1/2" x 7-1/2"). \$1,250.

Recent period-style quarter calf over marbled boards, raised bands, blind ornaments and lettering piece to spine, endpapers renewed. Light toning, somewhat darker in places, occasional faint dampspotting, blank rear endleaf detached and somewhat edgeworn. Attractive copperplate vignette at head of dedication. Later owner signatures (Geo B Young/ Oct 21 1862) to verso of frontispiece, another signature (of Young) to rear endleaf, interior otherwise clean.

Only edition. Text in Latin. An interesting work of comparative law, Eden's textbook presents an annotated summary of Roman law arranged in the order of Justinian's *Institutes* with references to parallel rules in English law. Eden was archdeacon of Winchester. Holdsworth includes this book in short list of notable eighteenth-century titles on Roman law. Holdsworth, *A HEL* XII:641. Sweet & Maxwell 5:133. ESTC T106360.

**Fernandez De Otero, Jeronimo.**

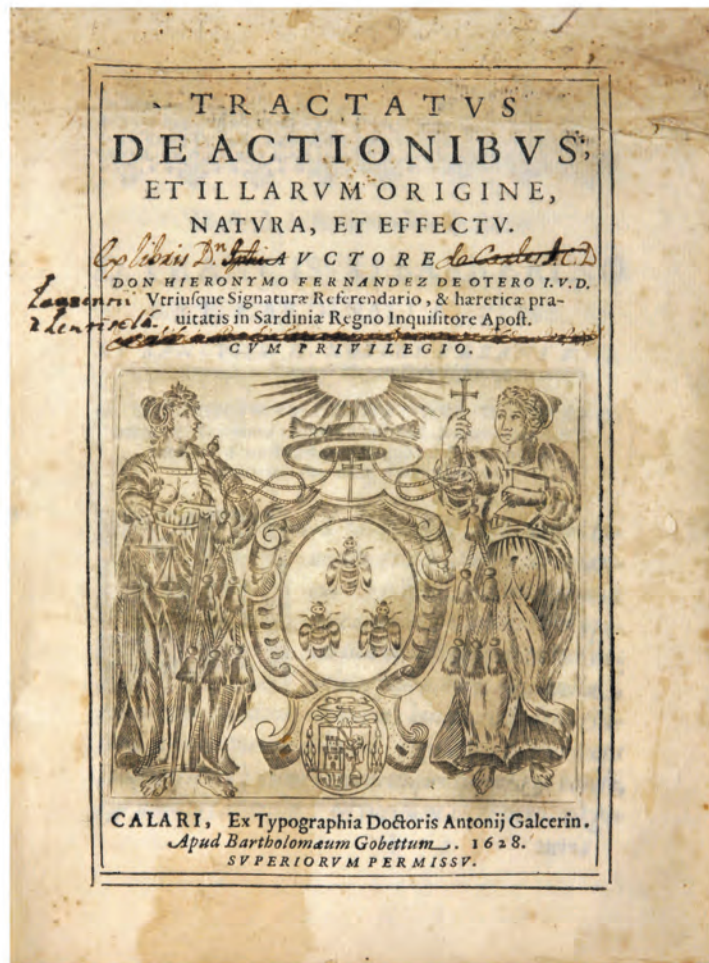
*Tractatus de Actionibus; Et Illarum Origine, Natura, Et Effectu.*

Cagliari: Ex Typographia Doctoris Antonij Galcerin, Apud Bartholomaeum Gobettum, 1628. [xxiv], 290, [30] pp. Quarto (7-3/4" x 5-1/2"). \$1,750.

Contemporary limp vellum, faint early hand-lettered title to spine, ties partially lacking. Light soiling, some rubbing to spine ends and corners, vellum just beginning to crack through pastedowns, front hinge cracked. Large copperplate vignette to title page (arms of Pope Urban VIII, with lady justice with scales and sword). Light toning to text, faint dampspotting and minor worming to margins in a few places, faint staining, edgewear and a few minor chips to title page and following leaf. Early struck-through

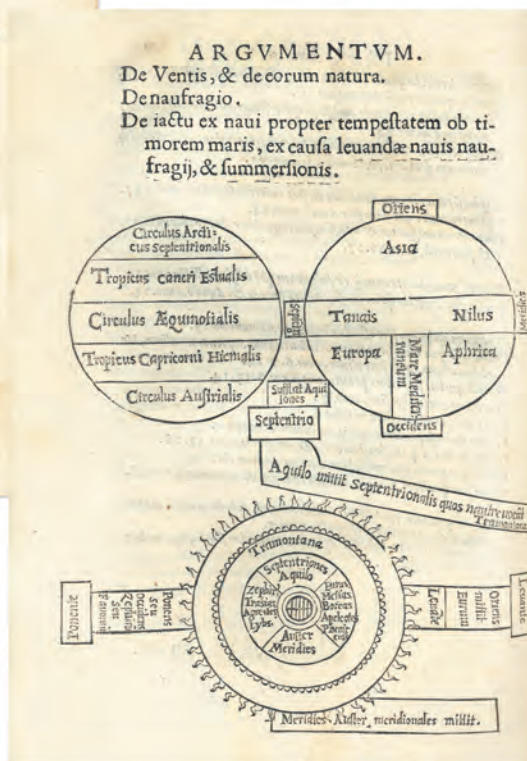
owner signature to title page, interior otherwise clean. Ex-library. Bookplate to front pastedown, inventory label to rear pastedown. A nice copy of a rare title.

Only edition located. Dedicated to Pope Urban VIII, this treatise presents a systematic overview of civil actions in Roman law, canon law and the law of the Kingdom of Sardinia. OCLC locates 5 copies, none in North America. BMC 9:164.



№ 45





No 46

AN EARLY AUTHORITY ON THE LAWS OF WAR

## 46 Ferretti, Giulio [1480-1547].

*De Iure, Et Re Navali. Et de Ipsius Rei Navalis et, Et Belli Aquatici Praeceptis Legitimis, Liber.*

Venice: Apud Franciscum de Franciscis Senensem, 1579. [iv], 163 [i.e. 167], [1] ff. Quarto (8-1/2" x 6"). \$2,950.

Contemporary three-quarter vellum over marbled boards, early hand-lettered title to spine. Some scuffing and a few chips to boards, chipping to foot of spine, a scattering of small wormholes and a small inkstain to backstrip, hinges cracked, a bit of worming to pastedowns and endleaves, partial crack to text block between ff. 159 and 160. Attractive woodcut head-pieces and decorated initials. Light toning to text, somewhat heavier in places, occasional faint dampstaining, internally clean.

First edition. Ferretti was a jurist who spent most of his career as a member of the Papal Curia. Highly regarded, he

was knighted by Pope Clement VII. He was one of the first early modern jurists to study the laws of war. He devoted three books to this topic: *Liber de Iusto & Iniusto Bello* (1547), *De Re et Disciplina Militari* (1575), which deal with land warfare and military discipline, and *De Iure, Et Re Navali*, which deals with naval warfare. A second edition of *Navali* was published in 1584. Both are scarce. OCLC locates 3 copies of the first edition in North America, 2 in law libraries (Harvard, University of Michigan), none of the second edition. EDIT16 CNCE18860.

**Fidell, Thomas, Compiler.**

*A Perfect Guide for a Studious Young Lawyer. Being Presidents for Conveyances, And Other Business of the Like Kind. Collected and Gathered Together Out of the Most Studious, Carefull, and Learned Labours of the Reverend and Learned Sages of the Law; The Lord Coke, The Lord Hobart, The Lord Richardson, Justice Haughton, Justice Reve, Justice Bacon, Sir William Denny, Master Godfrey, Sometimes of Lincolns Inne, and Master Jermy, Sometimes of Norwich. Also Divers Copyhold Entries in Court-Barons, With Justice of Peace Business, Very Usefull for Them and Their Clerks; With an Addition of Indictments and Fines. Collected Together by the Industry and Care of Thomas Fidell, of Furnivals Inne, Gent., Who at Spare Houres, Hath Made it His Study for Above Thirty Years.*

London: Printed by Tho. Roycroft, for John Place, 1658. [iv], 277, [32] pp. Portrait frontispiece, included in some copies, not present. Octavo (6-1/4" x 4-1/4"). \$1,500.

Contemporary sheep with recent rebacking, blind rules to boards, gilt title to spine, endpapers renewed. Minor scuffing to boards, moderate edgewear, corners worn. Some toning to text, title page re-hinged, some glue residue along gutter affecting a few letters of title, internally clean.

of Bacon, Coke and other distinguished British jurists. Both editions are scarce. OCLC locates 2 copies of the second edition in North American Law libraries (Harvard, Library of Congress). Sweet & Maxwell 1:481 (24).

Second edition. With side-notes. First published in 1654, this is an extensive formbook drawn from the works

## EARLY AMERICAN FORMBOOK, PHILADELPHIA 1774

**[Formbook].**

*The Young Clerk's Magazine: Or, English Law-Repository: Containing a Variety of the Most Useful Precedents of Articles of Agreement, Bonds, Bills, Recognizances, Releases, Letters and Warrants of Attorney, Awards, Bills of Sale, Gifts, Grants, Leases, Assignments, Mortgages, Surrenders, Jointures, Covenants, Copartnerships, Charterparties, Letters of Licence, Compositions, Conveyances, Partitions, Wills, And All Other Instruments that Relate to Publick Business. With Necessary Directions for Making Distresses for Rent, &c. As the Law Between Landlord and Tenant Now Stands. To Which is Added, The Doctrine of Fines and Recoveries, And Their Forms.*

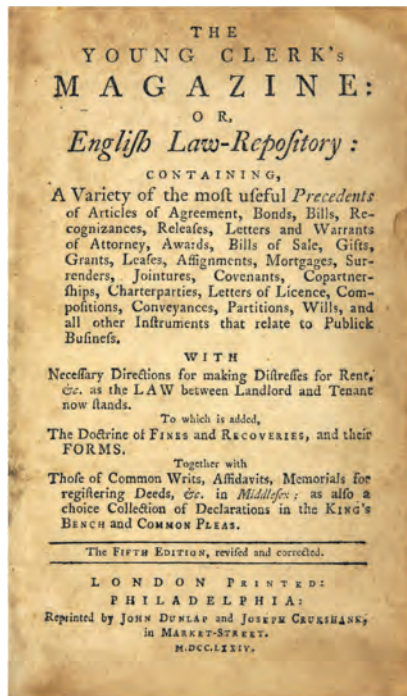
Philadelphia: Reprinted by John Dunlap and Joseph Crukshank, 1774. [iv], 303 pp. 12mo. (6" x 3-1/2"). \$1,250.

Contemporary sheep, blind fillets to boards, raised bands to spine. Light rubbing to boards, which are slightly bowed, moderate rubbing to extremities, front hinge partially cracked. Light browning to text, faint dampspotting in places, light edgewear to preliminaries, faint dampstaining to final few leaves, internally clean. An appealing copy.

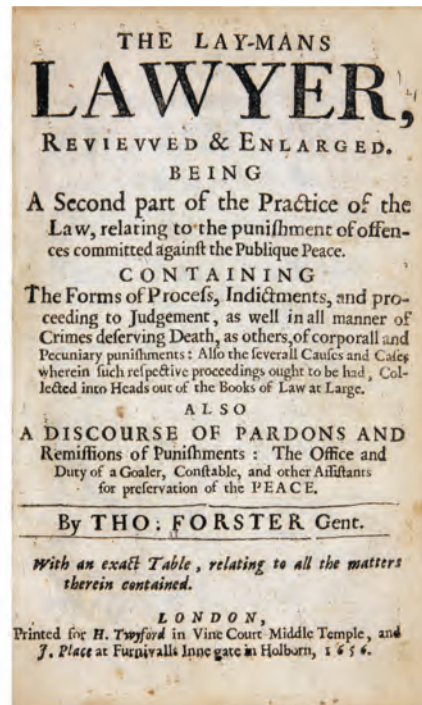
edition, 1772. First published in London by E. and R. Nutt and R. Gosling in 1739, this is a formbook with a section containing instructions for conveyancing. It was intended for law clerks, lawyers and laymen. It went through three more American editions in 1788, 1792 and 1795. OCLC locates 9 copies of the first edition in North American law libraries. Cohen 8204.

First American edition, a reprint of the fifth London





№ 48



№ 49

“ALL MANNER OF OFFENDORS AGAINST THE PUBLICK PEACE”

## 49 Forster, Thomas.

*The Lay-Mans Lawyer, Reviewed & Enlarged. Being a Second Part of the Practice of the Law, Relating to the Punishment of Offences Committed Against the Publique Peace. Containing the Forms of Process, Indictments, And Proceeding to Judgement, As Well in All Manner of Crimes Deserving Death, As Others, Of Corporall and Pecuniary Punishments: Also the Severall Causes and Cases Wherein such Respective Proceedings Ought to be Had; Collected into Heads Out of the Books of Law at Large. Also a Discourse of Pardons and Remissions of Punishments: The Office and Duty of a Goaler, Constable, And Other Assistants for Preservation of the Peace. With an Exact Table, Relating to All the Matters Therein Contained.*

London: Printed for H. Twyford, and J. Place, 1656. [xiv], 338, [24] pp. Octavo (6-3/4" x 3-1/2"). \$2,500.

Recent period-style calf, blind rules to boards, gilt-edged raised bands and lettering piece to spine, endpapers renewed. Some toning to text, occasional minor staining to margins. Early annotations to endleaves and a few text leaves, early owner initials to fore edge. A nice copy of a scarce title.

Only edition. This guide was first published in 1654 as the second part of Forster's *Complete Attorney* (i.e. "Practice of the Law"). It was "reviewed and enlarged" as an independent work. It is a remarkably comprehensive layman's guide. To quote the introduction, it "contains the formes of all manner of Warrants and Precepts sent out from Authority, to attach and apprehend all manner of Offendors against the publick peace; the formes of all Mittimusses

made thereupon, of all indictments, for all sorts of Offences, from the highest to the lowest, very exact: Supersediasses, Certioraries, the proceedings in Tryalls against all Offendors for Treason, Felony &c: together with the whole Learning of Clergy, who shall have it allowed, And in what Offences, and who shall not have it: As also the Office and Duty of a Gaoler, never before in any of teh Books of the Law, so exactly set forth; the duty of Church-wardens, so far onely as they are impowered by divers Statutes, to be assistant to the Constables, the Ordinary conservators of teh Peace in this Commonwealth" ([xii-xiv]). OCLC locates 4 copies in North American law libraries (Library of Congress, University of Michigan, University of Pennsylvania, Yale). Sweet & Maxwell 1:362 (32).

**Glanville, Ranulf de [d. 1190], Attributed.**

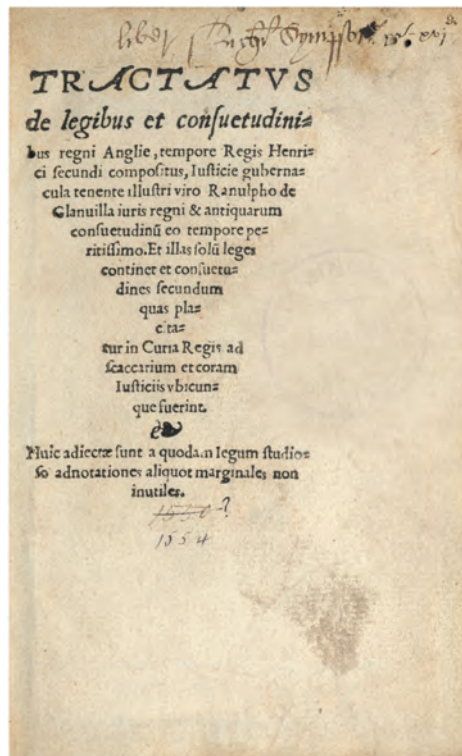
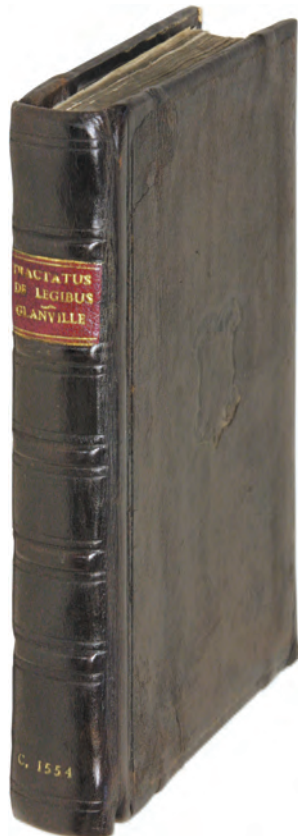
*Tractatus de Legibus et Consuetudinibus Regni Anglie. Tempore Regis Henrici Secundi Compositus, Iusticie Gubernacula Tenente Illustri Viro Ranulpho de Glanvilla Iuris Regni & Antiquarum Consuetudinum eo Tempore Peritissimo. Et Illas Solu[m] Leges Continet et Consuetudines Secundum Quas Placitatur in Curia Regis ad Scaccarium et Coram Iusticiis Ubicunque Fuerint. Huic Adiectae Sunt a Quodam Legem Studioso Adnotationes Aliquot Marginales Inutiles.*

[London: In Aedibus Richardi Totteli, c.1554]. [iii], 5, 5-44, 43-113, [17] ff. (Fol. P8 a blank). Octavo (5-1/2" x 3-1/2"). \$12,500.

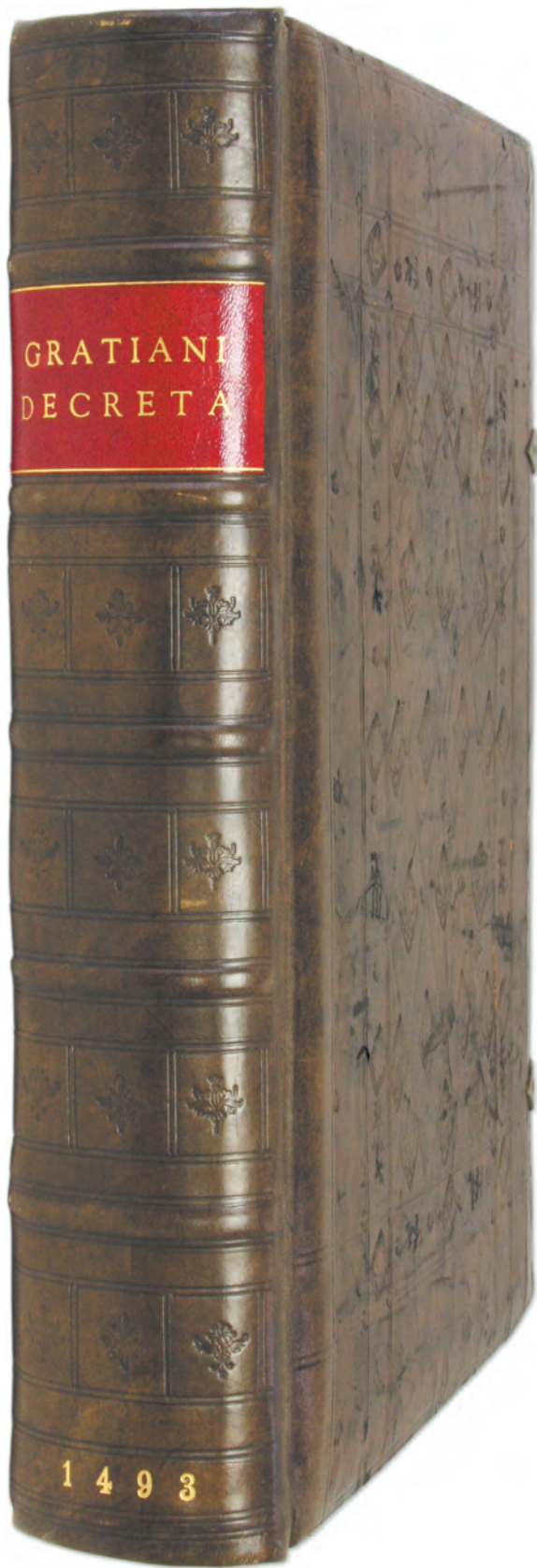
Recent period-style calf, old calf covers with small central arabesques laid down, raised bands and gilt title to spine, endpapers renewed, title page mounted. Light toning to text, some staining to title page and another leaf, gutter of last leaf adhered slightly to facing endpaper just touching text, two small wormholes to upper margins with no loss to text, early annotations to head of title page and a few leaves. Ex-library. Small inkstamp to fol. 59. An attractive copy.

First edition. As Winfield notes, the anonymous Latin text long attributed to Glanville (or Glanvill) is the "first classical textbook of English law." Completed around 1189,

it describes the procedure of the King's Bench. There is much information pertaining to litigation and includes the texts of approximately eighty writs. Glanville was a major contribution to the development of the common law tradition. It continued to be a primary reference for several generations. Coke, for example, praised it wholeheartedly and used it liberally in his *Reports*. Though overshadowed by Bracton's larger treatise, Glanville is still cited today. It also remains useful for its unparalleled insights into the nature of land law and procedure in medieval England. ESTC S102455. Beale T365. Sowerby 1769.

N<sup>o</sup> 50





№ 51

[Gratian the Canonist (c. 1090-c. 1160)].

[Johannes Teutonicus (or Zeneka) (d.1253), Glossator].

[Bartolomeo da Brescia (d.1258),Glossator].

*Decreta Patr[um] Sive Co[n]cor[dant]ia Discordantiu[m] Canonu[m]*

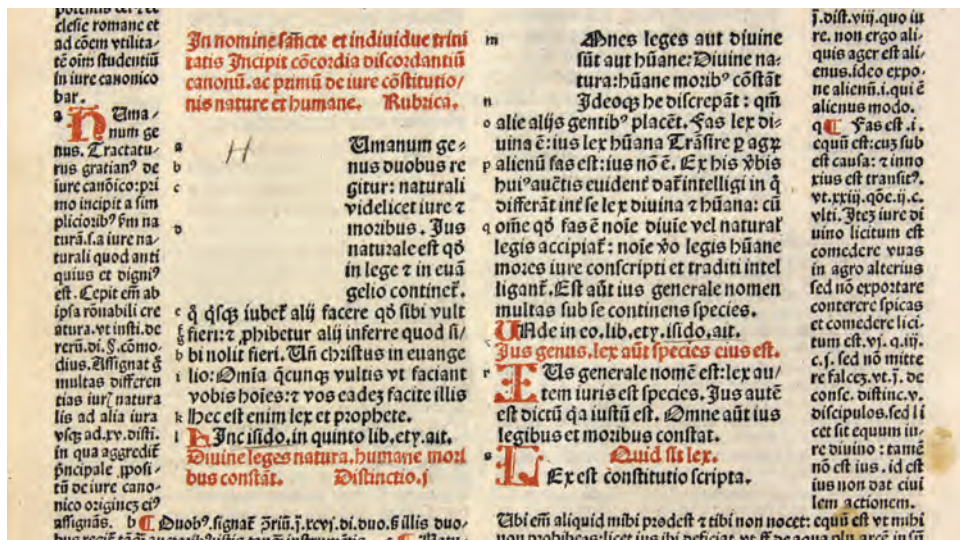
*Gratiani Auctoris Sive Co[m]pilatoris: Cu[m] Additionib[us] Bartholomei Brixiensis.*

[Nuremberg: Anton Koberger, 30 November 1493]. Collation: a-r10, s12, t-z10, [et]10, A-D10, E6, F8, G10, H8, I-M10, N8, O10, P8, Q-S10. 409 of 410 ff. Final leaf, a blank, lacking. Main text surrounded by linear gloss in parallel columns. Folio (13-1/2" x 9-1/2"). \$20,000.

Contemporary English paneled calf over beveled boards, later rebacking, corners mended, straps present, one clasp lacking, endpapers renewed. Rules and central lattice-patterned panels with blind-stamped mythical beasts to boards, later rebacking, raised bands, lettering piece and blind ornaments to spine. A few minor scuffs and some scratches and worm holes to boards, later bookplate to front pastedown. Printed throughout in red and black on 73-line Gothic type. Light toning, occasional spots or minor stains to text, some minor tears to margins, unobtrusive stab holes and occasional dampstaining, later repaired to verso of a1. Occasional annotations to margins in early hand, interior otherwise clean. Ex-library. Bookplate to front free endpaper. A handsome copy.

The *Concordia Discordantia Canonum*, or as it is better known, the *Decretum Gratiani*, is the cornerstone of modern canon law. The first work of its kind, it was compiled by Gratian, a Camaldolese monk, around 1140. Using the latest scholastic and juristic techniques from Bologna, he attempted to harmonize these disparate texts. Like the *Corpus Juris Civilis* in the study of the civil law,

it became the basic text for the study of canon for many centuries. It is divided into two main parts. The first contains 101 *distinctiones* dealing with sources and topics. The second contains 36 *causae*, which are subdivided into many *quaestiones*. Taken as a whole, the *Decretum Gratiani* addresses various aspects of church jurisdiction, offenses and legal proceedings, as well as administrative issues like baptism, feast days, confirmation and the consecration of churches. In the following century an extensive gloss was added by Teutonicus, a German prior living in Bologna. Known as the *Glossa Ordinaria*, it was later revised and enriched by another Bolognese prior, Bartholomew of Brescia. The gloss and its revisions become a standard feature of subsequent manuscripts and printings. Though never an official edition of canon law, it was a standard work for nearly 800 years until it was superseded in 1918 by the *Code of Canon Law (Codex Iuris Canonici)*. OCLC locates 6 copies in North America (Harvard Law School, Library of Congress, UC-Berkeley Law School, UNC-Chapel Hill, UT-Austin, University of Washington Law School) Goff G386.GW 11379.



Detail from № 51



52

[Great Britain].

[Modern Reports].

[Colquitt, Anthony, Compiler].

1. *Modern Reports...* London: Printed for J. Basset, 1682. [xii], 314, [22] pp. [With]

2. *The Second Part of Modern Reports...* London: Printed by the Assigns of Rich. and Edw. Atkins, 1698. [x], 322, [22] pp. Tables. [And]

3. *The Third Part of Modern Reports...* London: Printed by the Assigns of Rich. And Edw. Atkins, 1700. [xx], 338, [38] pp. [And]

4. *The Fourth and Last Part of Modern Reports...* London: Printed by the Assigns of Rich. and Edw. Atkins, 1703. [viii], 424, [24] pp. [And]

[Nelson, William (b. 1653), Compiler].

5. *The Fifth and Last Part of Modern Reports...* [London]: Printed by John Nutt, 1711. [xii], 464, [20] pp. [And]

[Salkeld, William (1671-1715), Compiler].

6. *Modern Cases...* [London]: Printed by John Nutt, 1713. [viii], 314, [22] pp. [And]

[Farresley, Thomas, Compiler].

7. *Modern Cases...* [London]: Printed by E. and R. Nutt, 1725. Second Edition. [iv], 32, 37-160, [12] pp. [And]

8. *Modern Cases in Law and Equity...In Two Parts* [London]: Printed by E. and R. Nutt, 1730. [viii], 384, [44]; [iv], 210, [12] pp. [And]

[Lucus, Robert (d. 1776), Reporter].

9. *Cases in Law and Equity...* [London]: Printed by E. and R. Nutt, And R. Gosling, 1736. [ii], ii, [8], 538, [94] pp. [And]

10. *A Report of Cases...* [London]: Printed by E. and R. Nutt, And R. Gosling, 1737. v, [4], 276, [20] pp. [And]

11. *Cases Adjudged in the Court of King's Bench...* [London]: Printed by E. and R. Nutt, And R. Gosling, 1738. iv, [x], 690, [78] pp.

\$3,000.

Twelve volumes in eleven books. Complete. Folio (12-1/2" x 8").

1, 2: Contemporary calf, raised bands and recent lettering pieces to spines, later repairs to spine ends. Moderate rubbing to extremities with some wear to spine ends and corners, which are bumped, minor scuffing to boards, hinges cracked, early armorial bookplates to 1. Some toning to text, light foxing and dampstaining in places, occasional early annotations.

3, 4, 5, 10: Contemporary calf, raised bands and lettering pieces to spines. Moderate rubbing to extremities with some wear to spine ends and corners, light scuffing to boards, front joint of Volume 3 starting at head, hinges cracked or starting. Light to moderate toning, early owner signatures to preliminaries, occasional early annotations.

6: Contemporary calf, raised bands and lettering piece to spine, joints and portion of front board repaired. Moderate rubbing to extremities with some wear to spine ends and corners, a few shallow scuffs to boards. Moderate toning to text, staining to margins in a few places. Early owner annotations to preliminaries, interior otherwise clean.

7: Contemporary calf, rebaked in period style retaining lettering piece, raised bands, hinges mended. Some scuffing to boards, corners somewhat worn, early armorial bookplate to front pastedown. Light toning to text, somewhat heavier in places. Early owner signature to head of title page, annotations to a few leaves.

8: Contemporary calf, rebaked retaining most of original spine, recent lettering piece, hinges mended. Light scuffing to boards, corners bumped and somewhat worn, minor worming to front pastedown, dampstain to rear pastedown, interior otherwise fresh.

9: Recent period-style quarter morocco over marbled boards, raised bands and lettering piece to spine. Some print-through to preliminaries, early owner signature and annotation to title page, interior notably fresh.

11: Recent period-style quarter calf over cloth, raised bands and lettering piece to spine. Boards very slightly bowed, light toning to text, occasional soiling to margins, somewhat heavier toning and foxing to preliminaries.

Detailed descriptions of individual volumes available on request.

First editions, except 7, which is a second edition. One of the most ambitious and admired works of its time, the *Modern Reports* record cases from 21 Charles II to 4 George II (1669-1732). First issued in 1692-1703, Thomas Leach edited the books and republished them in 1793-1796 as a twelve-volume set. Complete sets of early editions, such as ours, are rare in the trade. Very few have ever appeared at auction; we have not seen any sets in the past 30 years. (The Sweet & Maxwell annotation, otherwise excellent, gives incorrect publication dates for 3.) Wallace, *The Reporters* 347-390. Sweet & Maxwell 1:304-305 (88).

## [Great Britain].

## [Year Books].

## [Quarto Edition].

1. *Regis Edwardi Tertii...* [1-10 Edward III]. [London]: Richardi Tottelli, 1562. 542 ff. [With]
2. *Les Second Part des Les Reports...* [17-39 Edward III]. London: Printed for the Companie of Stationers, 1619. [ii], 80, 59, [1], 62, 84, [1], 43-100, [1], 49, [1], 32, 37, [1], 38, [29] ff. [And]
3. *Regis Pie Memorie Edwardi Tertii...* [40-50 Edward III]. London: In Aedibus Thomae Wight, 1600. 49, 2-31, 26, 36, 2-46, 2-28, 2-34, 2-26, 34, 27, 27, [26] ff. [And]
4. *Le Liver des Assises...* [1-50 Edward III, selected cases]. London: Ex Typographia Societatis Stationariorum, 1606. [xxxv], 326 ff. [And]
5. *In Hoc Volumine Continentur Omnes Casus...* [With] *In Hoc Volumine Continentur Aliquot Anni Regis Henrici Quinti...* [Henry IV-V] [London]: In Aedibus Thomae Wight, 1605. [i], 5, 25, 19, 4, 4, 9, 46, 17, 19-24, 8, 9, 94, 26, 17, 39, [1], 14, 12, 13, 9, 11, 15, [10] ff. [And]
6. *Le Premier Part des Ans del Roy Henrie le 6....* [1-20 Henry VI]. London: Printed for the Companie of Stationers, 1609. [i], 8, 16, 56, 32, 45, 37, 67, 26, 56, 8, 26, 34, 80, 46; [19] ff. [And]
7. *Les Reports de les Cases Conteinus...* [With] *Syntomotaxia* [21-39 Henry VI]. London: In Aedibus Thomae Wight, 1601. [i], 58, 60, 10, 13, 16, 34, 56, 53, 63, 34, 38, 40, 51, [1]; [58] ff. [And]
8. *Les Ans ou Reports del Raigne du Roie Edward le Quart...* [1-22 Edward IV]. London: In Aedibus Thomae Wight & Bonhami Norton, 1599. [i], 10, 29, 28, 44, 8, 12, 32, 25, 53, 19, 11, 21, 10, 8, 33, 12, 8, 30, 10, 19, 84, 51; [40] ff. [And]
9. *En Cest Volume est Conteinus Le Longe Report de Anno Quinto Edwardi Quarti...* [5 Edward IV, "Long Quinto"]. London: Printed by the Assignes of Iohn More, Esquire, 1638. [v], 142 ff. [And]
10. *Anni, Regum, Edwardi Quinti, Richardi Tertii...* [Edward V-Henry VIII]. London: In Aedibus Ianae Yetsweirt, 1597. 390 ff.

\$15,000.

Together 10 books. Complete. Small folio (11-1/2" x 8"). 1,5,7: contemporary calf with nineteenth-century rebinding, blind frames and large arabesques to boards, raised bands and lettering pieces to spines, endpapers renewed, early hand-lettered titles to fore-edges. Some rubbing to extremities, hinges starting, light toning to text. Occasional annotations, interiors otherwise fresh.

2, 3, 6, 8, 9: Contemporary calf, blind rules to boards, raised bands to spines, early hand-lettered titles to fore-edges, 6 and 9 have somewhat later hand-lettered title labels. Moderate rubbing to extremities with some wear to spine ends and corners, hinges cracked or starting, front board detached from 9, a few pastedowns lacking. Some toning to text, internally clean.

4: recent period-style calf, blind frames to boards, raised bands and lettering piece to spine, endpapers renewed. Light shelfwear, moderate toning to text, internally clean.

10: recent quarter calf over marbled boards, raised bands and gilt title to spine, endpapers renewed. Moderate toning, occasional dampstaining, title page and final leaf, both with loss to text, mounted, minor loss and edgewear

to about 30 other leaves.

1,2,3,5,6,7,8 ex-library of the Earls of Macclesfield, 4 ex-Teston Library, 9 ex-library of William Hopkinson, later County Magistrates of Lincoln, bookplates to front pastedowns. Detailed descriptions of individual volumes available on request.

Various editions. The Year Books were the first English reports and the primary source for the great works of Littleton, Hobart, Hale and Coke. The first printed editions appeared in 1481-1482. The volumes offered here are from the second series of printings. Known as quarto editions, these were issued by several publishers between 1552 and 1638. *In Hoc Volumine Continentur Aliquot Anni Regis Henrici Quinti*, appended to our 1605 edition of *In Hoc Volumine Continentur Omnes Casus* (with its own title page and pagination), was originally issued separately in 1563 and 1570. It is a small collection of cases from regnal years 1-9 of Henry V. Sweet & Maxwell 1:312-13 (16). ESTC S121391, S122939, S116761, S121397, S4267, S124259, S121412, S121407, S101352, S121406.





№ 52



№ 53







54

[Gregory, IX, Pope (c.1170-1241)].  
 [Bottoni, Bernardo (d.1266), Glosses].  
 [Decretales].

[Nuremberg: Anton Koberger, 14 July 1482]. Collation: a10, b-e8, f-g110, h-m8, n10, o-s8, t10, v-z8, [Xa]8, [Xb]10, [Xc]8, A-C8, D-E10, F-K8, L10 (a1 glued to pastedown). 314 ff. Complete. Main text surrounded linear gloss in parallel columns. Folio (13" x 9"). \$25,000.

Contemporary tooled pigskin, "OBER RATH" gilt-stamped near head of front board, raised bands to spine, clasps lacking, later hand-lettered paper title label to spine, fragments of paper label to front board. Light soiling, a few minor scuffs and some tiny worm holes, light rubbing to extremities, corners and spine ends bumped, recent bookplates to front pastedown. Text printed in 78-line gothic type on wide-margined paper, rubricated throughout, beginning of each book decorated in blue, pink or green ink with bird or flower design. Light toning to text, minor edgewear and light soiling to a few leaves at the beginning and end of text. Rear endleaves filled with contemporary annotations, interior otherwise clean. Ex-library. Bookplate to front pastedown. A handsome copy with exquisite decorated initials.

"Decretals are letters containing a papal ruling, particularly one relating to canonical discipline, and most precisely a papal prescript in response to an appeal...the *Decretals* of Gregory IX are the first authentic general

collection of papal decretals and constitutions, compiled by Raymond of Penaforte at the request of Pope Gregory IX in 1230-34 and promulgated in 1234. (...) It gave rise to a vast amount of commentaries and literature" (Walker). The most important commentary, which is included in our copy, is the gloss of Bernard of Botone, also known as Bernard of Parma (Bernardus Parmensis), who composed it shortly before 1263. It is known as the "Ordinary Gloss," of *Glossa Ordinaria*. Gregory's *Decretales* is one of the four works known collectively as the *Corpus Juris Canonici*, a collection of papal decisions concerning ecclesiastical hierarchy, procedure, the functions and duties of clerks, family law, crime and vast areas of what are now called "private law." It was revised in 1580-1582 to reflect changes ordered by the Council of Trent. In this form it remained in force until the enactment of the *Code of Canon Law* (*Codex Iuris Canonici*) in 1918. OCLC locates 6 copies of this imprint in North America (Harvard Law School, Huntington, Kent State, UC Berkeley, University of Pennsylvania, Yale). Walker 177-179. Goff G457.GW 11466.



Detail from N<sup>o</sup> 54

[**Murder**].

[**Harden, Jacob S. (1837-1860)**].

*Life, Confession, And Letters of Courtship of Rev. Jacob S. Harden, Of the M.E. Church, Mount Lebanon, Hunterdon Co., N.J. Executed for the Murder of His Wife, On the 6th of July, 1860, At Belvidere, Warren Co., N.J.*

Hackettstown, Warren Co., N.J.: E. Winton, Printer, 1860. 48 pp. Woodcut portrait frontispiece. Octavo (9-1/2" x 6"). \$300.

Stab-stitched pamphlet in pictorial wrappers, untrimmed edges. Light soiling, some rubbing to extremities with light wear. Some toning to text, a bit heavier in places, dampstaining to upper corners of pamphlet.

arsenic after a fortune teller had told him that she would not live long. His mother-in-law was the real cause of the crime for she hounded him until he reluctantly married the girl, although there does not seem to have been any necessity that he do so." : McDade 438.

Only edition. "The Reverend poisoned his wife with



Detail from N<sup>o</sup> 56

"HOLMES' GREATEST ROMANCE"

**Holmes, Oliver Wendell [1841-1935]**.

[*Autograph Letter, Signed ("H"), To Lady Hibernia Castletown*].

Boston, December 4, 1897. 3 pp. on conjoined Commonwealth of Massachusetts Supreme Judicial Court stationery. \$3,000.

Lightly foxed and toned. Item matted and framed with half-tone portrait plate portrait and transcription.

A flirtatious letter to the object of Holmes's affection, Lady Clare Castletown, "My Dear Hibernia," about a shipment of pink and blue pond lily roots he plans to send her as a gift. Displaying shades of his poet-father, he goes on

to wax lyrical about another botanical specimen: "There is a very handsome pink marshmallow that grows wild on the south shore of Mass. I wonder if you would care for that if it can be got? I remember once, when life seemed at a low ebb, driving over a dreary sandy waste and suddenly coming on a lonely pool, with woods on one side, a dead tree hovering over it with the appropriate crow. And on the other side



a wilderness of pink flowers standing about as high as my breast, I should think. And I felt that the romantic could be found almost anywhere after that.” Holmes was introduced to Lady Clare while traveling through England in the summer of 1889. A mutual infatuation followed, which led to a correspondence - punctuated with occasional visits - that lasted until Lady Clare’s death in 1926. In an effort

to keep the relationship a secret - both Holmes and Lady Clare were married - Holmes destroyed most of her letters, but Lady Clare did not follow suit, and many of Holmes’ letters to her survive. They reveal an intimate relationship. Its extent remains a mystery, but it was, in the opinion of White and Minor, “Holmes’ greatest romance.” See White and Minor, *Justice Oliver Wendell Holmes* 229-252.

A BRIEF DIGEST OF HALE’S HISTORY OF THE COMMON LAW

**57** **Horseman, Gilbert.**

[Hale, Sir Matthew (1609-1676)].

*Notes and Observations on the Fundamental Laws of England; With Some Account of Their Origina and Present Establishment.*

[London]: Printed by Henry Lintot, 1753. [ii], 93, [1] pp. Octavo (6-1/4” x 3-3/4”). \$650.

Later calf, blind rules to boards, gilt title to spine, front joint carefully repaired, endpapers renewed. Light rubbing to extremities, minor chipping to head of spine, text block cracked in a few places, signature B partially detached but secure, small chip to fore-edge of title page. Early owner signature to title page, annotations in a few places. Ex-library. Bookplate to front pastedown, stamps to title page and some other leaves. A solid copy.

As Horseman’s title suggests, this book is mostly a digest of legal principles. It offers a nice overview of the law’s daily role in eighteenth-century England. OCLC locates 5 copies in North American law schools (Harvard, LA County, Southern Methodist University, University of Georgia, University of Pennsylvania). Sweet & Maxwell 1:240 (25).

Only edition. This pocket-sized digest of Hale’s *History of the Common Law* was intended for students and laymen.

INTERESTING FOR ITS DISCUSSION OF SLAVE LAWS

**58** **Hurd, Rollin C. [1815-1874].**

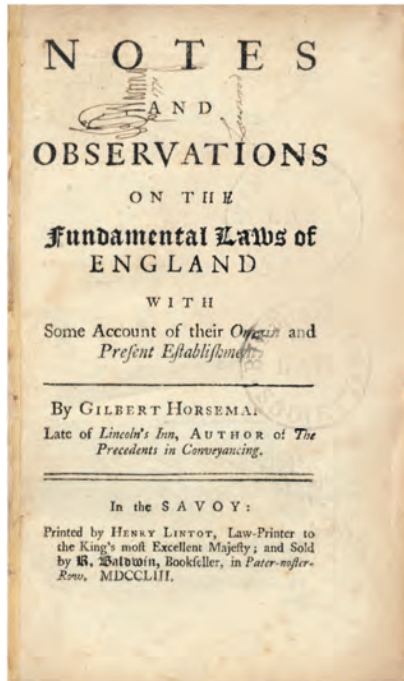
*A Treatise on the Right of Personal Liberty, and of the Writ of Habeas Corpus and the Practice Connected With It: With a View of the Law of Extradition of Fugitives.*

Albany: W.C. Little & Co., 1858. xxvii, 677 pp. Octavo (9” x 5-1/2”). \$450.

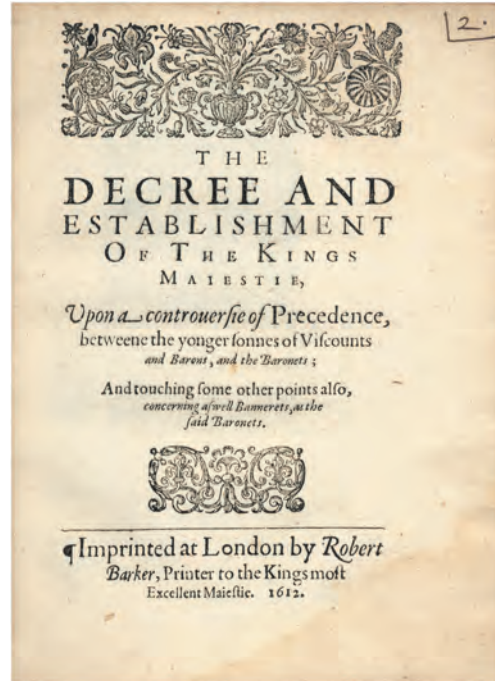
Original sheep, blind rules to boards, raised bands and red and black lettering pieces to spine. Light rubbing to boards, moderate rubbing to extremities with wear to corners and foot of spine, joints starting at ends, hinges cracked. Offsetting to margins of endleaves, light toning to text, faint dampstaining in places. Early owner label to foot of spine, early owner signatures to front board and preliminaries. A solid copy.

bibliography of American civil liberties. More important, this book, which was published a year before John Brown’s raid and three years before the outbreak of the Civil War, treats the status of slaves at length. Hurd reviews the statutes concerning fugitive slaves and their extradition, analyzes the Fugitive Slave Act of 1850 and discusses the application of habeas corpus to slave issues. The list of cases cited by Hurd includes such landmarks as *Jack v. Martin* and *Prigg v. Pennsylvania*. Cohen 3366.

First edition. This was the first book-length work to examine the subject. As such, it is a landmark work in the



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№ 59

TWO ISSUES CONFRONTING STUART-ERA NOBLES

59

**James I [1566-1625], King of England.**

*The Decree and Establishment of the Kings Majestie, Upon a Controversie of Precedence, Betweene the Yonger Sonnes of Viscounts and Barons, And the Baronets; And Touching Some Points also, Concerning Aswell Bannerets, As the Said Baronets.*

London: Imprinted by Robert Barker, 1612. [iv], 14, [2] pp.

[Bound with]

**Espagne, Jean d' [1591-1659].**

*Anti-Duello. The Anatomie of Duells, With the Symptomes Thereof. A Treatise Wherein is Learnedly Handled, Whether a Christian Magistrate May Lawfully Grant a Duell, For to End a Difference Which Consisteth in Fact. Also, The Maner and Forme of Combats Granted, With the Severall Orders Observed in the Proceeding Thereof, With the List of Such Duels, As have Beene Performed Before the Kings of England. Truly and Compendiously Collected and Set Forth by Mr. Iohn Despaigne, For the Good of Sovereigne and Subject. Published by His Majesties Command.*

London: Printed by Thomas Harper for B. Fisher, 1632. [vi], 63, [1] pp. Title page and following two leaves supplied in facsimile.

\$1,000.

Stab-stitched pamphlets in recent wrappers, rules to covers, hand-lettered title to spine. Some wear to spine ends, a few minor stains to wrappers. Attractive woodcut head-pieces, tail-pieces and decorated initials. Some toning to text, occasional faint dampstaining to lower corner of text block. "2" to upper corner of Duello, "3" to first leaf of Anti-Duello, interior otherwise clean.

creation of the rank of baronet by James I. The King's decree explained the nature of this title and fixed its place among the other titled ranks. *Anti-Duello* is a contribution to a early seventeenth-century debate initiated by a 1613 decree of James I that outlawed dueling. (This was a reaction to series of high-profile duels between some of his leading courtiers that year.) OCLC locates few copies of either title in North America, none in law libraries. ESTC S105542, S114510.

Only editions. *Decree* addresses the confusion raised by the





**[Jodocus of Erfurt, Attributed].**

*Vocabularium Iuris.*

[Venice: Bernardini Stagninus de Tridino, 1498]. Collation: A-B6, C7, D-M6. 73 ff. Complete. Text in parallel columns. Folio (12" x 8"). \$18,500.

Contemporary half-calf with elaborate blind tooling over wooden boards, raised bands to spine, clasps lacking, buckles present, earlier liturgical musical manuscript on vellum used as endpapers, leaves from an earlier manuscript used as pastedowns, early hand-lettered title to head of text block. A few cracks to spine, small chip to head. Text printed in 71-line Gothic type on wide-margined paper, large woodcut capital at beginning of text. Light toning to text, faint dampspotting to a few leaves. Later annotations to front pastedown, partially erased early owner signature to title page, interior otherwise clean.

A work of great authority, the *Vocabularius*, as it is popularly known, is attributed occasionally to Jacobus of Erfurt. First published around 1474 in Basel, it went through more than seventy editions over the following 150 years. (It had a second life as the first section of the

1559 edition of Elio Antonio de Nebrija's *Lexicon Juris Civilis*, a work that was reissued into the seventeenth century.) A useful and highly respected reference work, the *Vocabularius* is a collection of terms dealing with the *Ius Commune* taken from such late-scholastic texts as the *Vocabularius Stuttgardiensis* (1432), the *Collectio Terminorum Legalium* (c. 1400) and the *Introductorium pro Studio Sacrorum Canonum* of Hermann von Schildesch (c. 1330). OCLC locates 1 copy of this imprint in North America (at the University of Michigan Law Library). We located other copies at George Washington University and UNC-Chapel Hill. The collation listed in the *GW* indicates 6 leaves in Gathering C and a page count of 74 ff. Our copy is complete, however, matching the collations of the copies held at GWU, Michigan and UNC. Goff V356.GW M12676.

THE POLITICAL SETTING FOR MARBURY V. MADISON

**[Judiciary Act of 1801].**

**[United States Senate].**

*Debates in the Senate of the United States on the Judiciary, During the First Session of the Seventh Congress; Also, The Several Motions Resolutions, and Votes, Taken Upon That Momentous Subject; And a Complete List of the Yeas and Nays, As Entered on the Journals.*

Philadelphia: For E. Bronson, Printed by Thos. Smith, 1802. [3], 4-324 pp. Octavo (8-3/4 x 5-1/2") \$1,000.

Recent period-style paper-covered boards with contrasting paper spine, printed paper title label, untrimmed edges. Moderate toning to text, soiling to half title, internally clean. An appealing copy.

Only edition. The Judiciary Act of 1801 was a last-ditch attempt to preserve Federalist philosophy in the U.S. government through a reorganization of the judiciary. It reduced the membership of the Supreme Court from six to five members, eliminated circuit court duties for justices and created six new circuit courts and sixteen new judgeships. Appointments to these posts in the final days of the Adams administration were known as the

"midnight judges." The debates recorded in our volume resulted in the Judiciary Act of 1802, which overturned its predecessor act from the previous year. Although it is seen as a victory for the Jeffersonians, it did little to change the Federal judiciary. In fact, it was something of a Federalist victory because it led to the *Marbury v. Madison* decision of 1803. This ruling solidified the notion of judicial review of legislation and elevated the Supreme Court to a level of equality with the executive and legislative branches. Notable for its Federalist bias, Bronson's is the only unofficial edition; the other was published for the U.S. Congress (in the same year). Cohen 1058.



**62** [Justinian I, Emperor of the East (483-565 CE)].  
[Accorso, Francisco (Accursius) (c.1182-c.1260), Glossator].  
[*Institutiones*].

[Venice: Andreas de Soziis, 1484]. [72] ff. Text in parallel columns. Main text surrounded by linear gloss.  
Collation: a-c8, d-16. Folio (16-1/2" x 11"). \$23,000.

Contemporary blind-tooled calf over plain wooden boards, bronze clasps, calfskin latches lacking. Some wear to spine ends, a scattering of tiny (and negligible) worm holes, "INSTIVTIONVN IVSTIN: IMP" in somewhat later hand to head of front board, front pastedown lacking, rear pastedown loose, leaf a8 partially detached and lightly edgeworn. Printed throughout in red and black in 73-line rounded Gothic type, initial spaces rubricated throughout in red and blue, numerous initials with trailing marginal extensions, first text leaf elaborately decorated in blue, red, pink and brown ink with birds of prey, insects, and the faces of dogs and men, about a dozen other initials incorporate features of birds, men and dogs. Light toning, dampstaining to foot of text block (touching up to five lines of text), a few minor worm holes to bottom margin. Recent annotations, early annotations and some bookplate residue to front free endpaper, other early annotations to upper margins of some leaves. A nice copy with remarkable penwork.

known collectively as the *Corpus Juris Civilis*. Intended for students, the *Institutes* is an elementary treatise on Roman private law. Like its companion volumes, its subsequent influence on European jurisprudence is difficult to underestimate. It received a great deal of commentary during the medieval and early modern eras. The first significant commentator was Accorso (Accursius), a Professor of Law at Bologna and a leading figure in the revival of classical jurisprudence. He examined every extant note and commentary when he prepared his epochal edition of the *Institutes*, *Digest* and *Code*. This massive effort eliminated much of the obscurity and contradiction introduced by earlier writers. His gloss on this edition, which superseded all previous attempts, was often cited as the *Glossa Ordinaria* or *Magistralis*. It remained definitive until its 1583 revision by Denis Godefroy. OCLC locates 1 copy of this imprint in North America (Columbia University). Goff J-526.GW 7610.

With the *Glossa Ordinaria* of Accursius. Along with the *Digest*, *Code* and *Novels*, the *Institutes* is one of the writings



Detail from No 62







**63 Kluit, Adriaan [1735-1807].  
Dousa, Matthaeus, Editor.**

*Historia Critica Comitatus Hollandiae et Zeelandiae ab Antiquissimis Inde Deducta Temporibus.*

Middelburgh: Apud Petrum Gillissen et Isaac de Winter [imprint varies], 1777-1782. Four parts in two volumes. xxxiv, 217, 500; [iv], 520; vi, [iv], 521-1098 pp. All plates and tables present. Volume I, Pt. 1 has 8 tables, 4 folding; Volume II has 16 folding copperplates, 3 in Pt. 2. One of these is a map of the Netherlands. Quarto (10" x 8"). \$1,000.

Recent buckram, gilt titles to spines, endpapers renewed. Light shelfwear and soiling, light toning to text, minor edgewear to some tables and plates. Bound-in presentation leaves in contemporary hand at head of each volume, later annotations in pencil in a few places. Ex-library. Library name and shelf numbers to spines, stamps to title pages, annotations to versos. A scarce title, rarely found on the market with all of its plates and tables.

Only edition. A remarkable feat of philology, this is a comprehensive annotated collection of political and legal documents relating to the history of the Netherlands. Its compiler, Kluit, was a classical scholar and legal historian. Dousa, another classical scholar, provided annotations for most of the documents. OCLC locates 24 complete copies worldwide, none in North America. BMC 14:146.

A RARE GUIDE TO THE DANSKE LOV

**64 Leth, Christian.**

*Register Over Kong Christian Den Fentes Danske Lov og de Tilhorende Kongelige Forordninger.*

Copenhagen: Paa Autors Egen Bekostning, 1735. [562] pp. Folding table. Quarto (8" x 6-1/4"). \$1,000.

Contemporary paneled calf, gilt spine with raised bands and lettering piece, marbled edges. Some rubbing to extremities, small chip to head of spine, front hinge partially cracked. Light toning, offsetting to margins of preliminaries and final index leaves, some edgewear to folding table. Early owner inscription to front free endpaper, interior otherwise clean. Ex-library. Bookplate to front pastedown. A handsomely bound copy of a rare title.

Only edition. Enacted by King Christian V in 1683, the *Danske Lov* was a comprehensive restatement of

Danish legislation, some of it dating back to the thirteenth century. The fruit of seven successive over a 22-year period, it attracted a good deal of positive attention and was translated into English, Latin, German and Russian. It was the basis of the nearly identical Norwegian Code of 1687, which also applied to Norway's dependencies: the Faroe Islands, Iceland, and Greenland. (Leth's Register is a companion to the *Danske Lov*, or Danish Code of 1683. Primarily a comprehensive index, it also contains cross-references and additional citations to later legislation. OCLC locates 5 copies, all in Denmark. Not in the BMC.

A SWEDISH PERSPECTIVE ON MARITIME LAW

**65 Loccenius, Johannes (Locken, Johan) [1598-1677].**

*De Jure Maritimo, & Navali. Libri Tres.*

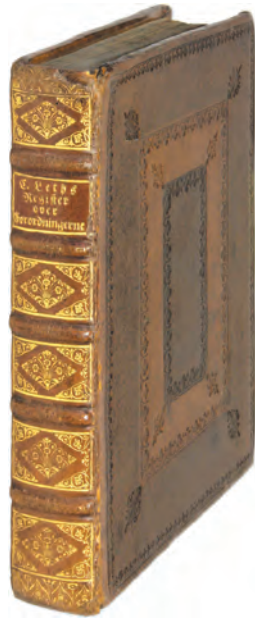
Stockholm: Ex Officina Joannis Janssonii, 1652. [iv], 334, [2] pp. 12mo. (5-3/4" x 2-3/4"). \$850.

Later calf, rebacked, blind rules to boards, blind fillets and lettering piece to spine, corners mended, endpapers renewed. Some rubbing to extremities, corners bumped and lightly

worn. Light toning to text, tears and chips to a few leaves with minor loss to text, some soiling and edgewear to title page, internally clean. Ex-library. Bookplate to front pastedown.

Second edition. Born in Hamburg, Loccenius received his doctorate in law from the University of Leiden. Recruited for the University of Uppsala by King Gustavus Adolphus, where he became one of its most distinguished professors, Loccenius was also the queen's librarian and the royal historiographer. He is best known for his writings on the legal history of Sweden and international law. *De Jure Maritimo, & Navali* is his most important work. First

published in 1642, it went through three editions and several issues. It was also republished with works by other authors, most notably Johann Gottlieb Heineccius and Richard Zouch. It is a scarce title, however. OCLC locates 6 copies of the second edition in North America, 4 in law libraries (Harvard, Library of Congress, University of Michigan, University of Virginia). BMC 15:706.

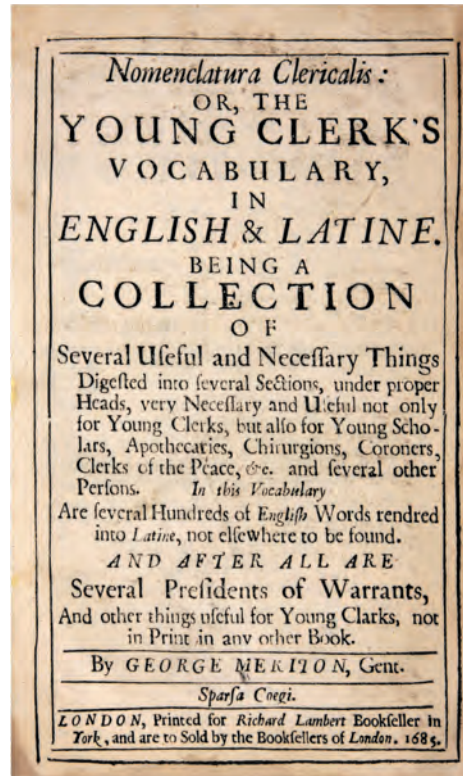
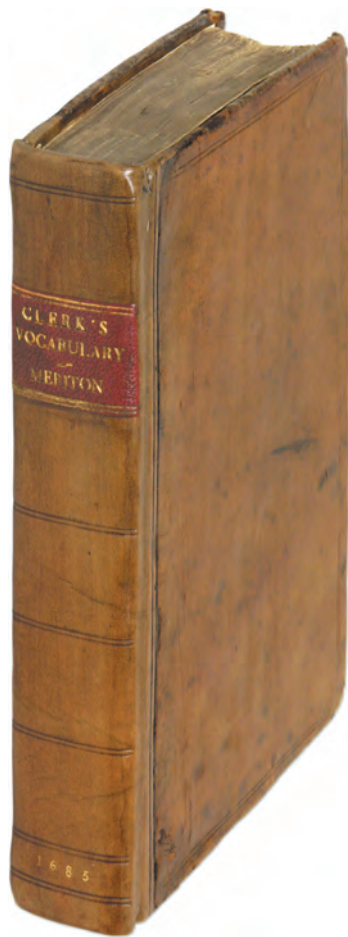


№ 64



№ 63





“THE YOUNG CLERK’S VOCABULARY”

## 66 Meriton, George [1634-1711].

*Nomenclatura Clericalis: Or, The Young Clerk's Vocabulary, In English & Latine, Being a Collection of Several Useful and Necessary Things Digested into Several Sections, Under Proper Heads, Very Necessary and Useful not Only for Young Clerks, But Also for Young Scholars, Apothecaries, Chirurgions, Coroners, Clerks of the Peace, &c. And Several Other Persons. In this Vocabulary are Several Hundreds of English Words Rendred into Latine, Not Elsewhere to be Found. And After all are Several Presidents of Warrants, And Other Things Useful for Young Clerks, Not in Print in Any Other Book.*

London: Printed for Richard Lambert, 1685. [iii], v, [1], v, [1], 128, 127-238, 299-474 pp. Text in English with parallel Latin translation. Octavo (5-3/4" x 3-3/4"). \$2,500.

Contemporary calf, rebaked in period style, blind rules to boards, lettering piece and blind fillets to spine, endpapers renewed. Light toning to text, somewhat heavier in places, faint dampstaining to foot of text block, light foxing to a few leaves.

Only edition. Meriton was a lawyer and a prodigious writer on a wide range of legal and non-legal topics. Born in the North Riding of Yorkshire, he is also remembered for his

dialect poem *The Praise of Yorkshire Ale* (1683). *Nomenclatura Clericalis* is a wide-ranging glossary of legal terms in English with their Latin equivalents. Not restricted to legal terms, it has sections devoted to such fields as botany, medicine, food and commerce. The final section is a collection of precedents. OCLC locates 2 copies in North American law libraries (Harvard, University of Pennsylvania). ESTC R23284. Sweet & Maxwell 1:19 (43).

Meurer, Noe [1525-1583].

Bartolus de Saxoferrato [1314-1357].

*Tractatus Juridicus De Alluvione, Insulis, Alveo & Jure Aquario. Oder Vom Wasser-Recht, In Sich Enthaltend Bartoli Tractatum de Fluminibus, den er Sonst Tyberias Genennet: Wie auch vom Rhein, Und andern Schiff-und nicht Schiff-Reichen Wassern, Und dern Rechten, Ublichen Herkomchen und Gerechtigkeiten. In Drey Kleinen Theilen, und Zwolff Principal-Fragen, Welche Wieder in Verschiedene Sectionen und Theoretico-Practisch-Abgehandelte Special-Fragen Abgetheilt Sind, Die Wichtigste, Zum Wasser- Fluss- und Muhlen-Recht und Gerechtigkeiten, auch Wasser-Gebauen, Behorige Vorfallenheiten und Casus Grundlich Erortrend. Nun aber, Bey dieser Neuern Auflage, Vollig in Bessere Ordnung Gebracht, Auch Ratione Styli, In Specie derer Allegatorum, Emendirt, Und Mit einen Accuraten Register Versehen.*

Nuremberg: Bey Johann Albrecht, 1733. [vi], 24, 207, [9] pp. Copperplate pictorial frontispiece. Quarto (8" x 6-1/2"). \$2,500.

Contemporary marbled boards with contrasting spine, speckled edges. Light rubbing to extremities, a few minor stains to boards, corners bumped and lightly worn, front and rear endleaves lacking, hinges repaired, a bit of bookplate residue to front pastedown. Title page printed in red and black, woodcut head-pieces and tail-pieces. Moderate browning, internally clean. A nice copy.

*Tractatus de Fluminibus* by Bartolus of Saxoferrato. Meurer applies this analysis to issues concerning the Rhine and other waterways. As suggested by the frontispiece, he is concerned with navigation, fishing rights, alluvial rights, irrigation and motive power (for water wheels). A useful and well-received work, it went through ten editions. All are scarce. OCLC locates 2 copies of this edition in North America, 1 in a law library (Harvard). This edition not in VD18 or the BMC.

Final edition. First published in 1570, this is a legal study of rivers. It is grounded in an analysis of the





## 68 Oberlander, Samuel [1692-1720], Compiler.

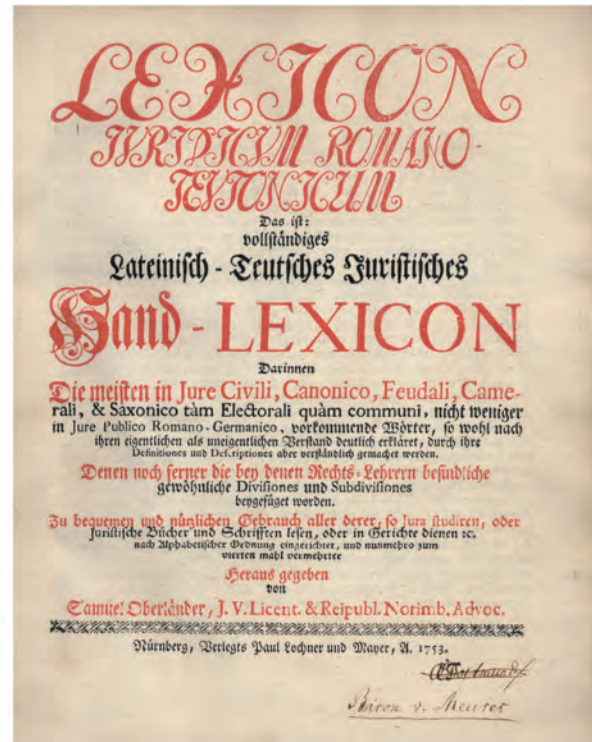
*Lexicon Juridicum Romano-Teutonicum, Das Ist, Vollständiges Lateinisch-Teutsches Juristisches Hand-Lexicon: Darinnen die Meisten in Jure Civili, Canonico, Feudali, Camerali, & Saxonico tam Electorali Quam Communi, Nicht Weniger in Jure Publico Romano-Germanico, Vorkommende Wörter, so Wohl Nach Ihren Eigentlichen als Uneigentlichen Verstand Deutlich Erklaret, Durch Ihre Definitiones und Descriptiones aber Verständlich Gemachet Werden, Denen noch Ferner die bey Denen Rechts-Lehrern Befindliche Gewöhnliche Divisiones und Subdivisiones Beygefüget Worden, zu Bequemen und Nutzlichen Gebrauch Aller Derer, so Jura Studiren, oder Juristische Bucher und Schrifften Lesen, oder in Gerichte Dienen &c. Nach Alphabetischer Ordnung Eingerichtet.*

Nuremberg: Johann Georg Lochner, 1753. [viii], 736, [12] pp. Pictorial copperplate frontispiece. Text printed in parallel columns. Quarto (9- 1/4" x 7-1/4"). \$1,750.

Contemporary vellum. Some soiling, minor stains to boards, corners and spine ends bumped and lightly worn, vellum just beginning to crack though pastedowns. Title page printed in red and black, woodcut head-pieces, tail-pieces and decorated initials. Light toning to text. Small early owner signature to foot to title page, interior otherwise clean.

Eighth and final edition. With an index of Latin abbreviations. This is a well-respected comprehensive

German-Latin dictionary of terms used in Civil, Canon, Feudal, Cameral and Saxon Law, and in the law of the Holy Roman Empire. As much an encyclopedia as it is a dictionary, it contains extended discussions of several topics in Roman and German law. It was first published in 1721 and went through seven more editions. All are scarce. OCLC locates 2 copies of the fourth edition in North American law schools (Harvard, UC-Berkeley). BMC 18:943.



**Pace, Giulio [1550-1635].**

*De Dominio Maris Hadriatici Disceptatio.*

Lyons: Sumptibus Bartholomaei Vincenti, 1619. [viii], 44, [4] pp. Quarto (7-1/2" x 6"). \$850.

Contemporary pasteboard, early hand-lettered title to spine. Negligible soiling, corners and spine ends bumped, bookplate residue to front pastedown. Large woodcut title-page device, copperplate coat of arms facing dedication, woodcut head-pieces and decorated initials. Light toning to text, somewhat heavier in places, faint dampspotting to a few leaves, careful repair to fore-edge of title page (with no loss to text), internally clean.

First edition as an independent work. This essay was originally published in 1597 as a chapter in a collection of legal writings by Pace entitled *De Juris Methodo*. It defends

the claims of the Venetian Republic to dominion over the Adriatic Sea, against similar claims by the Holy Roman Empire and the Kingdom of Naples. Our quarto issue is one of three from 1619 and one of two by Vincent, the other a small 88-page octavo. A second edition followed in 1663. It was published again in 1669 in *De Dominio Seu Imperio Maris Jul. Pacii, Hug. Grotii, Jac. Gothofr., Mart. Schoockii, & Aliorum Dissertationes*, an anthology of writings on maritime law. OCLC locates no copies of the 1619 Quarto edition. Not in the BMC, which lists the 1619 octavo edition.

“LET BROTHERLY LOVE CONTINUE”

**Page, John.**

*Jus Fratrum, The Law of Brethren. Touching the Power of Parents, To Dispose of the Estates to Their Children, Or to Others. The Prerogative of the Eldest, And the Rights and Priviledges of the Younger Brothers. Shewing the Variety of Customes in Several Counties, And the Preservation of Families, Collected Out of the Common, Cannon, Civil, And Statute Laws of England.*

London: Printed by I.M. for Henry Fletcher, 1658 [i.e. 1657]. [x], 114 pp. Two parts with continuous pagination, the second part has a separate title page dated 1548 [i.e. 1658]. Octavo (5-1/2" x 3-1/2"). \$1,250.

Later sheep, blind fillets to boards, lettering piece and blind fillets to spine. Some rubbing to extremities with chipping to spine ends, rear free endpaper lacking, a few partial cracks to text block. Light toning to text, some soiling and edgewear to title page, internally clean. Ex-library. Bookplate to front pastedown.

First edition. Page, a doctor of civil law, hoped this book would help to reduce the “many violent Law-suits daily prosecuted by brother against brother.” By reading

it, he hopes, “brethren may learn to know their Right, and that being known and obtained, I could wish them to be therewith content, and observe the Apostles divine command, Let Brotherly love continue” ([iii]-[iv]). A second edition was published in 1665 with the title *A Treatise Discovering the Rights and Priviledges of the Elder and Younger Brethren*. Both editions are scarce. OCLC locates 2 copies of the first edition in North America (Huntington Library, UC-Berkeley Law School). ESTC R203096. Sweet & Maxwell 1:476 (23).



## 71 [Pennsylvania]

**Penn, William [1644-1744].**

**[Sauer, Christoph (1695-1758), Translator and Publisher].**

*Der Neue Charter, Oder Schriftliche Versicherung der Freyheiten, Welche William Penn. Esqr den Einwohnern von Pennsylvanien und Dessen Territorien Gegeben. Auf dem Englischen Original Ubersetzt.*

Germantown [PA]: Gedruckt bey Christoph Saur [sic], 1743-1744. 55 [i.e., 56] pp. Error in paging: page number 7 repeated. Quarto (7-3/4" x 6"). \$7,500.

Stab-stitched pamphlet bound into nineteenth-century three-quarter morocco over marbled boards, rebacked retaining spine with gilt title and ornaments, top edge gilt, marbled endpapers. Light rubbing to extremities, some wear to spine ends, small tear to front free endpaper near gutter mended with archival tape, some toning to text. Early owner signature to head of title page, interior otherwise clean.

Only edition. A notable artifact in the history of the Pennsylvania Dutch, Sauer's compilation was produced for the Pennsylvania German community around Germantown. In addition to the new charter of privileges granted by Penn in October 28, 1701, it contains the texts of the Royal grant of the province to Penn by Charles II, the first frame of government, adopted in 1682, English laws concerning the colony, conditions and concessions settled on July 11, 1681, the Act of Settlement, 1682,

extracts from the charter of Philadelphia, an abstract of the poor laws and extracts from various laws. Sauer was the first German-language printer and publisher in North America. Evans notes this publication was "Given to the subscribers of Sauer's newspaper [*Der Hoch-Deutsch Pennsylvanische Geschichte-Schreiber*] as a premium in parts of eight pages each. Begun in 1743 but not finished printing till about July 1744." This is a rare title. We located one copy, the Library Company of Philadelphia. No copies located on OCLC or at the American Antiquarian Society, American Philosophical Society, the Harry Ransom Center, Harvard University, the John Carter Brown Library, the Library of Congress, the New York Public Library, the Pennsylvania State Library, the Rosenbach Library or the University of Pennsylvania. Not in Sabin. Hildeburn, *List of the Publications Issued in Pennsylvania* 809, 860. Botte and Tannhof, *The First Century of German Language Printing in the United States of America* 56. Evans 5271.

### A PAPAL BRIEF ABOUT HOMICIDE

## 72 Pius IV [1499-1565], Pope.

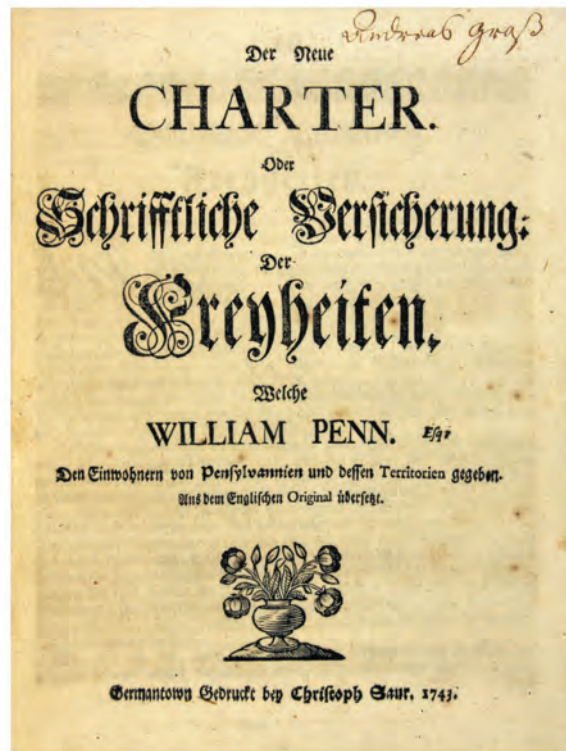
*Motus Proprius S.D.N.D. Pii Papae Quarti, Per Quem Declaratur Quod in Breve Nuper Contra Homicidas Edito, Videlicet Quod non Audiantur Nisi in Carceribus Constituti, Comprehendantur Etiam Illi qui Nondum Condemnati vel Banniti Fuerunt. Quodque ad Causam Etiam Haeredes Occisi, Citari Debeant, Et Iidem Homicidae Etiam Absoluti, Ad Locum, Ubi Haeredes Occisi Commorantur, Nisi Pace ab Illis Habita, Remitti non Possint.*

Rome: Apud Antonium Bladum Impressorem Cameralem, 1564. 2 ff. Folio (11-1/2" x 8-1/4"). \$450.

Recent marbled wrappers. Large woodcut device to title page (featuring Papal Insignia and Lady Justice, woodcut decorated initial. Some toning to text, minor dampstaining and a few tiny chips to edges. A nice copy of a rare item.

A *Motus Proprius* is a personal Papal instruction or brief. This one outlines his teachings about homicide. KVK locates a handful of copies, all in Italy. No copies located on OCLC. *EDIT16 CNCE* 73144.

Only edition, one of three imprints issued the same year.



№ 71

IMPORTANT EARLY ENGLISH CRIMINAL LAW TREATISE

**Pulton, Ferdinand[o] [1536-1618].**

*De Pace Regis Et Regni, Viz. A Treatise Declaring Which be the Great and Generall Offences of the Realme, and the Chiefe Impediments of the Peace of the King and the Kingdome, as Treasons, Homicides, and Felonies, Menaces, Assaults, Batteries, Ryots, Routs, Unlawfull Assemblies, Forcible Entries, Forgeries, Periuries, Maintenance, Deceit, Extortion, Oppression: And How Many, and What Sorts of Them There Be, and by Whom and What Meanes the Said Offences, and the Offendores Therein are to be Restrained, Repressed, or Punished. Which Being Reformed or Duely Checked, Florebit Pax Regis & Regni. Collected Out of the Reports of the Common Laws of This Realme, and of the Statutes in Force, and Out of the Painefull Workes of the Reuerend Iudges, Sir Anthonie Fitzharbert, Sir Robert Brooke, Sir William Stanford, Sir Iames Dyer, Sir Edward Coke, Knights, and other Learned Writers of Our Lawes.*

London: Printed for the Companie of Stationers, 1623. [v], 324 (i.e. 243), [17] ff. Folio (11" x 7"). \$1,000.

Contemporary three-quarter calf over marbled boards, raised bands and lettering piece to spine. Rubbing to boards with minor wear to spine ends and corners, joints starting, front hinge cracked. Attractive woodcut head-pieces and decorated initials. Minor worming to gutter near center of text block, interior otherwise fresh. An appealing copy.

Fourth and final edition. With comprehensive index,

glosses and side-note references to the works of Fitzherbert, Brooke and others. Pulton is best known for his respected abridgements *An Abstract of all the Penal Statutes Which are General* (1560) and *A Kalendar or Table of All the Statutes* (1606). *De Pace Regis et Regni*, which was first published in 1609, took his earlier works as the starting point for a comprehensive overview of criminal law. Holdsworth, who holds this work in high regard, observes that it was

73



only the second title devoted to the subject. (The first, Staunford's *Plees del Coron*, was published posthumously in 1560.) Holdsworth adds that a comparison between Pulton and (the less comprehensive) Staunford "enables us to appreciate the effect of the additions to and alterations of the criminal law made during this period, both by the legislature, and by the judges of the common law courts and

of the court of Star Chamber" (392-393). This is especially evident is his discussion of topics like "Triall by Battaile," "The King's Pardon," "Maihem" and "Corruption of Bloud." In all, Pulton's treatise offers a fascinating perspective on criminal law as it was understood in Shakespeare's England. *HEL* V:392. *ESTC* S116057.



Detail from N<sup>o</sup> 73

1641 EDITION OF THE FIRST ENGLISH LAW DICTIONARY

74

[Rastell, John (d.1536)].

[Rastell, William (c.1508-1565)].

*Les Termes de la Ley; Or, Certaine Difficult and Obscure Words and Termes of the Common Lawes and Statutes of This Realme Now in Use, Expounded and Explained. Newly Imprinted, And Much Inlarged and Augmented. With a New Addition of Above Two Hundred and Fifty Words.*

London: Printed by Jo. Beale and Rich. Hearne, 1641. [xiv], 271 ff. (Final leaf, a blank, lacking.) Text printed in parallel columns. Octavo (6-1/2" x 4-1/2"). \$500.

Recent period-style calf, blind rules with corner fleurons to boards, raised bands, blind ornaments and gilt title to spine, endpapers renewed. Light toning to text, minor edgewear to title page and a few other leaves. Early owner annotations to front endleaf, interior otherwise clean.

Later edition. English and Law French in parallel columns. First published in 1527 by John Rastell, this was both the first English dictionary and first English law dictionary. It was originally written in Law French with the

Latin title *Expositiones Terminorum Legum Anglorumae*. Later editions were produced by his son, William, who is believed to be the editor or translator. (Some sources claim, erroneously, that William is the author.) Quite popular with students and lawyers due to its clarity and concision, it went through at least twenty-five editions by 1721. A final reissue appeared in 1819. As Marvin observes, it is a useful dictionary because it "reflects the common law at the close of the year-book period with much fidelity." *Legal Bibliography* 599. Sweet & Maxwell 1:11 (48).

**Raymond of Penafort, Saint [c.1175-1275].**

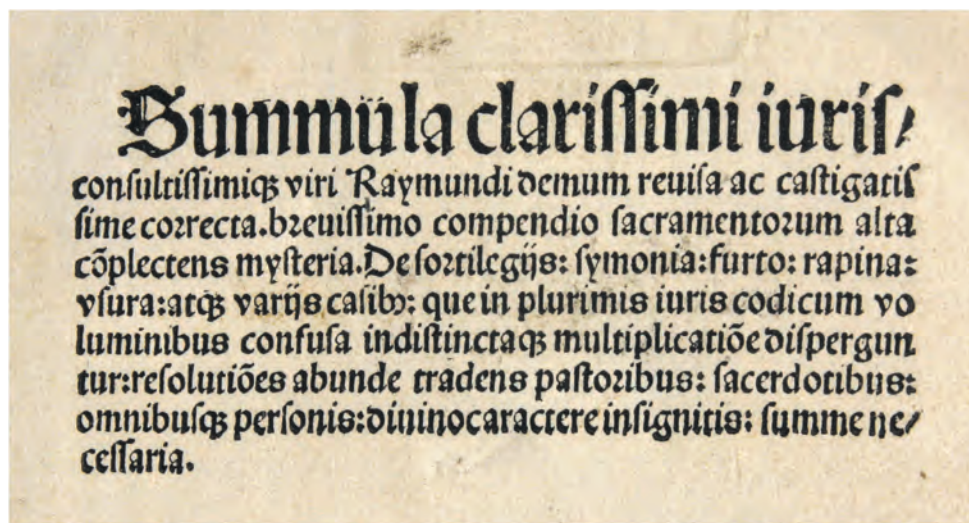
*Summula Clarissimi Iuris Consultissimi[que] Viri Raymundi Demum Revisa ac Castigatissime Correcta, Breuissimo Compendio Sacramentorum Alta Co[m]plectens Mysteria: De Sortilegiis, Symonia, Furto, Rapina, Usura, Atq[ue] Variis Casib[us] que in Plurimis Iuris Codicum Voluminibus Confusa Indistincta[ue] Multiplicatio[n]e Disperguntur, Resolutio[n]es Abunde Tradens Pastoribus, Sacerdotibus, Omnibusq[ue] Personis, Divino Caractere Insignitis, Summe Necessaria.*

[Strassburg: Johann Knobloch, 3 July 1504]. Collation: a-d6, e4, f-i6, k8, l4, m8, n4, o-t6, v4, x-z6, A-B6, \*8 Last leaf is a blank. [i], CXLV, [7] ff. Complete. Quarto (7-3/4" x 5-1/2"). \$15,000.

Contemporary calf with early rebacking using a section of a pigskin binding, blind rules to beveled boards, elaborate blind tooling to spine, somewhat later bronze clasp in center of fore-edges of boards, section of fifteenth-century vellum leaf used as rear pastedown, another section used for front pastedown lacking. Light rubbing, negligible minor worming and a few minor scuffs to boards, spine slightly darkened, some wear to corners, early bookseller description pasted to verso of front board. Red hand-lettered initials, including two large initials, some chapter heading and paragraph marks in red, one vellum tab near center of text block. Light toning to text, extensive near-contemporary marginalia and manicules (pointing hands), some in red ink. Ex-library. Location label to spine, small inkstamp and annotation to title page. An appealing copy in a handsome binding.

editor of the *Decretals* of Gregory IX, one of the components of the *Corpus Iuris Canonici* and the present book. Beatified in 1542 by Pope Paul III and canonized in 1601 by Pope Clement VIII, he is one of the two patron saints of lawyers. (St. Thomas More is the other.) Written around 1222, the *Summa de Casibus Poenitentiae* is a manual of canon law for confessors. One of the most widely circulated law books of the medieval and early-modern periods, it was much more sophisticated than its predecessors, which were mostly lists of sins and suggested penances. Raymond's work explains the reasoning behind the Church's doctrines and laws. In all, it is both a treatise and a manual. Pope Gregory was so impressed by this work that he summoned Raymond to serve as his personal confessor, which led to his commission to compile his *Decretals*. OCLC locates 3 copies of this edition in North America, none in law libraries. VD16 R169

Raymond of Penafort, a Dominican friar and canon lawyer from Catalonia, is renowned as the compiler and



Detail from No 75





[**Royal Navy**].  
 [**Impressment**].  
 [**Great Britain**].

*An Enquiry Into the Nature and Legality of Press Warrants.*

[L]ondon: Printed for J. Almon, 1770. [ii], 5-58 pp. Octavo (8-1/2" x 5-1/2"). \$850.

Stab-stitched pamphlet with untrimmed edges and several unopened signatures laid into recent marbled wrappers, printed title label to front. Light soiling to exterior of pamphlet, some toning to interior, internally clean. Ex-library. Tiny label to head of title page, small stamp to verso. A nice copy of a scarce title.

by force and compelling them to serve in the Royal Navy. It concludes that impressment is legal but morally reprehensible. More important, this practice is an affront to the rights of Englishmen. OCLC locates 1 copy in a North American law library (Harvard). ESTC T32755.

Only edition. This anonymous pamphlet examines the legality of impressment, the practice of seizing men

BY A NOTABLE GERMAN HUMANIST

**Schard, Simon [1535-1573].**  
**Kamphausen, Rudolph von, Editor.**

*Lexicon Iuridicum Iuris Rom. Simul et Pontificii a Doctoribus Item et Practicis in Schola Atque Foro Usitatarum Vocum Penus. In hac Editione non Solum Plurima Loca Suae Integritati Restituta, Sed & Multa Secundo et Tertio Repetita, Sublata. Studio et Opera Rudolphi a Kamphausen. Catalogum Auctorum Quorum in Hoc Schardii Etymologico Fit Mentio, & Ex Quibus Potissimum est Desumptum, Statim Post Praefationem Invenies.*

Cologne: Apud Ioannem Gyminicum, Sub Monocerote, 1593. [viii], 1040 [i.e. 1038], [2] pp. Main text in parallel columns. Folio (14" x 8-1/2"). \$1,250.

Contemporary paneled pigskin with elaborate blind tooling, raised bands and faint hand-lettered title to spine. Some soiling, a few minor stains and worm holes, moderate rubbing to extremities, spine ends bumped, corners bumped and somewhat worn, boards slightly bowed, front free endpaper lacking, large eighteenth-century (?) armorial bookplate and fragment of later bookplate to front pastedown. Some toning to text, occasional faint dampstaining to outer margins, minor stains and spark burns to a few leaves, minor edgewear to preliminaries and final few leaves of text. Early owner annotation and signature to title page, interior otherwise clean.

Second edition. Schard was a humanist publisher, writer and lawyer. First published in 1582, his dictionary is a practical work derived mostly from a variety of earlier dictionaries, which are listed at the beginning of the text. Some of the definitions are detailed and long, but most are concise. All are notable for their clarity and lucid prose. A fairly successful work, it went through three more editions in 1593, 1600 and 1616. All are scarce. OCLC locates two copies of the 1599 edition in North America (Northwestern Law School, UC-Berkeley Law School). VD16 S2281.



**78 Selden, John [1584-1654].**

*Mare Clausum, Seu de Dominio Maris Libri Duo. Primo, Mare, Ex Iure Naturae, Seu Gentium, Omnium Hominum non Esse Commune, Sed Dominii Privati, Seu Proprietatis Capax, Pariter ac Tellurem, Esse Demonstratur. Secundo, Serenissimum Magnae Britanniae Regem Maris Circumflui, Ut Individuae Atque Perpetuae Imperii Britannici Appendicis, Dominum Esse, Asseritur.*

Leiden: Apud Joannem, And Theodorum Maire, 1636. [xii], 244 pp. Woodcut text illustrations, two copperplate maps, two woodcut plates, two other woodcut plates lacking. Quarto (7-3/4" x 6"). \$500.

Contemporary limp vellum, early hand-lettered title to spine. Light soiling, spine darkened, corners and spine ends bumped, vellum just beginning to crack through pastedowns. Title page printed in red and black. Light toning to text, light foxing in a few places. Early owner annotations in tiny hand to title page, interior otherwise clean. Ex-library. Small inkstamps to boards, edges of text block and front free endpaper, small perforated stamp to head of title page, bookplate to front pastedown.

Second edition, one of three issues from 1636. Selden's *Mare Clausum (Dominion of the Sea)* is the most famous

British reply to the argument of Grotius's *Mare Liberum*, which denied the validity of England's claim to the high seas south and east of England. Selden argues that England's jurisdiction extends, in fact, to all waters surrounding the isles. "Like all the works of Selden, the book is of tremendous erudition.... It is not like Grotius's work, based on large philosophical principles, but it exhibits a vast historical knowledge, and is fortified at every point with authority from record, statute, case-book and chronicle.": Fletcher, *John Selden 1584-1654* (Selden Society Lecture, 1969) 10-11. Sweet & Maxwell 1:514 (91). ESTC S1345.

FINE PRESS EDITION OF 1937 REPORT OPPOSING FDR'S COURT-PACKING PLAN WITH FASCINATING INSCRIPTIONS AND THE SIGNATURES OF THE COMMITTEE MEMBERS

**79 [Senate, United States]  
[Committee on the Judiciary].**

*Adverse Report of The Committee on the Judiciary on a Bill to Reorganize the Judicial Branch of the Government.*

Stamford: The Overbrook Press, 1937. 46, [1] pp. Octavo (9-3/4" x 7"). \$950.

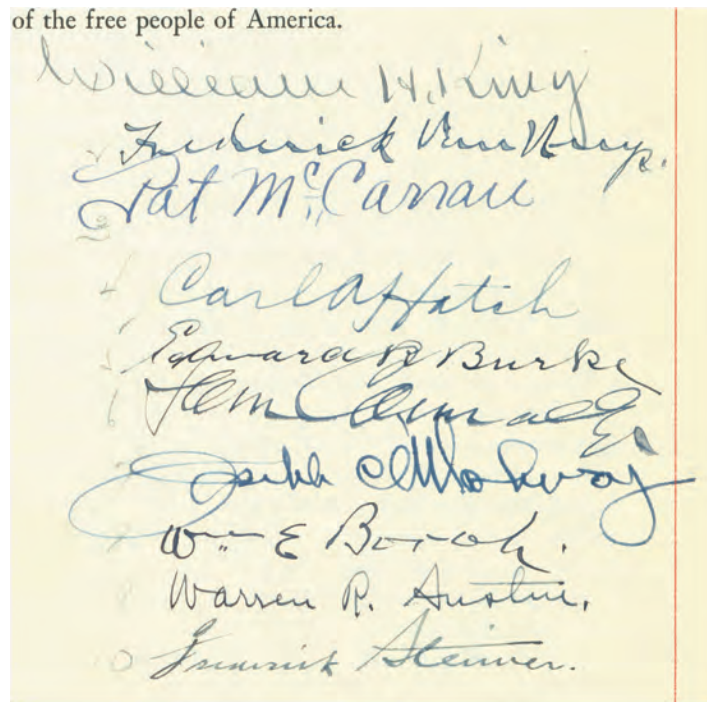
Original linen, scarlet frames to boards, scarlet title to spine, deckle fore and bottom-edges. Negligible shelfwear and soiling. Inscriptions by Senators M.M. Logan and Lewis B. Schwellenbach to front free endpaper, signatures of all ten committee members at end of report, signatures of fifteen other senators to rear endleaves. Text printed on wide-margined leaves and enclosed in scarlet double rules. A handsome book.

Privately reprinted from the U.S. Senate Calendar; Number 734. Report Number 711: June 7th 1937. Report of the committee that opposed President Roosevelt's unsuccessful bill to expand the membership of the Supreme Court to include justices who would support his New Deal proposals. "Roosevelt lost the legislative battle, but won the war. His reforms were thereafter upheld by the

Supreme Court. The ramifications on the court-packing controversy were significant. It shook the New Deal coalition that FDR had created costing him the support of some Democrats, many in the middle class and some Republicans as well. It augured an end to the social and economic reforms Roosevelt had begun. It reinforced the American people's understanding that law and politics should be separated, and that although the Supreme Court was not wholly above politics, it must not be converted into a political institution" (Hall). The inscriptions to the front free endpaper are by Marvel Mills Logan [1874-1939], a senator from Kentucky, and Lewis B. Schwellenbach [1894-1948], a senator from Washington. Both were Democrats who supported Roosevelt's plan. Logan writes: "My friend Joseph C. O'Mahoney [a Wyoming senator who opposed the Plan] thinks brochure is good and should be preserved.

I think it is not worth 'hell-room' so I gladly give it to him with condemnation and compliments." Schwellenbach replies: "This work has attracted my complete admiration as to its form. My deep affection for the senator from

Wyoming causes me to withhold [sic] my opinion as to its substance." See *The Oxford Companion to the Supreme Court of the United States* 204.



№ 79

CLASSIC ESSAY ON THE RIGHTS OF ENGLISHMEN

[Somers (Sommers), John, Baron (1651-1716)], **Attributed.**

[Defoe, Daniel (1661?-1731)], **Attributed.**

[Dunton, John (1659-1733)], **Attributed.**

**True Lover of the Queen and Country.**

*The Judgment of Whole Kingdoms and Nations, Concerning the Rights, Power, And Prerogative of Kings, And the Rights, Priviledges, And Properties of the People: Shewing, The Nature of Government in General, Both from God and Man. An Account of the British Government, And the Rights and Priviledges of the People in the Time of the Saxons, And Since the Conquest. (...) Recommended as Proper to be Kept in All Families, That Their Childrens Children May Know the Birth-Right, Liberty and Property Belonging to an English-Man. And that They May Have a Just Notion of Government and of Obedience, According to Scripture, Law and Undeniable Reason.*

London: Printed For, And Sold By T. Harrison, 1710. [viii], 71, [1] pp. Octavo (7-1/2" x 4-1/2"). \$850.

Stab-stitched pamphlet in later plain wrappers, recent typewritten title label and fragment of another label to front wrapper. Some wear to spine ends and corners, a minor tear to bottom edge of front wrapper. Some toning to text, a few page numbers affected by trimming, internally clean.

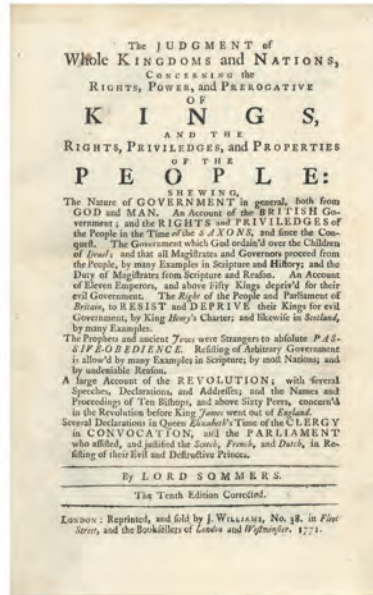
Fourth edition, corrected. This highly popular tract was first published in 1709 with the title *Vox Populi, Vox Dei, Being True Maxims of Government*. Somers, the most likely author, was a barrister of the Middle Temple, Lord Chancellor of England and the author of *The Security of*

80

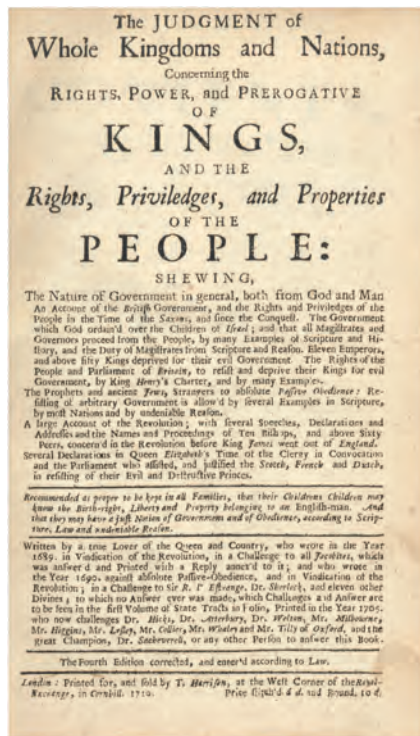


*Englishmen's Lives* (1681), a tract on juries and one's right to a jury trial. The present work outlines the development of English freedoms, and calls for religious freedom, resistance to tyranny and a limited monarchy. It found a ready audience in the colonies on the eve of the American Revolution and was issued by presses in Philadelphia,

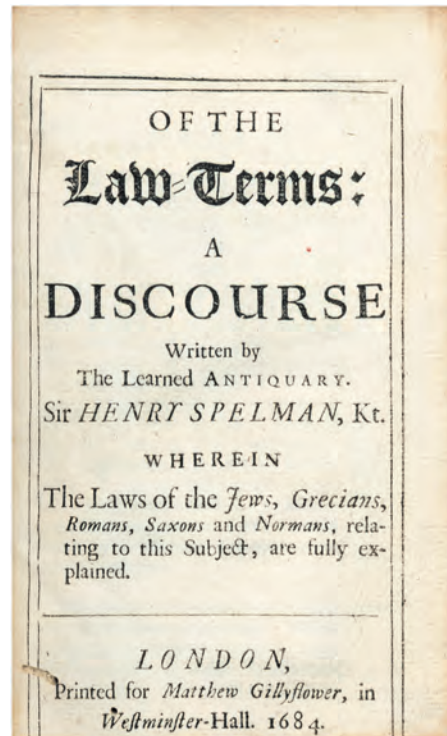
Boston and Newport. It was read by several Founding Fathers, including Thomas Jefferson, who owned the 1773 Philadelphia imprint. This work is attributed sometimes to John Dunton or Daniel Defoe. See Sowerby 2712. This imprint not in the *ESTC*.



No 81



No 80



No 82

**Somers (Sommers), Lord [John], Attributed.**

**Defoe, Daniel, Attributed.**

**Dunton, John, Attributed.**

*The Judgment of Whole Kingdoms and Nations, Concerning the Rights, Power and Prerogative of Kings, And the Rights, Priviledges, And Properties of the People: Shewing, The Nature of Government in General, Both from God and Man. An Account of the British Government; And the Rights and Priviledges of the People in the Time of the Saxons, And Since the Conquest. The Government Which God Ordain'd Over the Children of Israel; And that All Magistrates and Governours Proceed From the People, By Many Examples in Scripture and History; And the Duty of Magistrates From Scripture and Reason. An Account of Eleven Emperors, And Above Fifty Kings Depriv'd for Their Evil Government. The Rights of the People and Parliament of Britain, To Resist and Deprive Their Kings for Evil Government, By King Henry's Charter, And Likewise in Scotland, By Many Examples....*

London: Reprinted and Sold by J. William, 1771. [viii], 168 pp. Octavo (7-1/2" x 4-1/2"). \$950.

Contemporary tree calf, gilt dentelles to board edges, hinges mended, rebacked with period-style gilt spine. Light rubbing to boards, which are slightly bowed, light wear to corners, later armorial bookplate (of Sir Thomas Hesketh) and later private library shelf label (of Easton Neston) to front pastedown. Light toning to text, faint dampspotting to a few leaves, internally clean. An attractive copy.

Tenth (stated) edition, corrected. Easton Neston, owned by the Barons Hesketh to this day, is one of the great English country houses. ESTC T29265.

**Spelman, Henry [1564-1641].**

*Of the Law Terms: A Discourse Written by the Learned Antiquary. Sir Henry Spelman, Kt. Wherein the Laws of the Jews, Grecians, Romans, Saxons and Normans, Relating to This Subject, Are Fully Explained.*

London: Printed for Matthew Gillyflower, 1684. [iv], 88 pp. Octavo (5-3/4" x 3-3/4"). \$1,250.

Contemporary sheep, blind rules to boards, lettering piece to spine. Some rubbing to extremities, corners bumped, a few nicks to boards, pastedowns loose. Title page printed within ruled border, rule at foot of leaf trimmed off due to printer error (text not centered). Light toning to text. Contemporary annotations to rear pastedown, internally clean. A well-preserved copy.

prevented the paper from being read. It traces the origins of the practice of holding court at certain specified times and includes chapters on each of the four English terms: Hilary, Easter, Trinity, and Michaelmas. OCLC locates 8 copies in North American law libraries (Columbia, Library of Congress, Harvard, New York Law Institute, UC-Berkeley, UC-Davis, University of Minnesota, University of Pennsylvania). Sweet & Maxwell 1:576 (25).

Only edition. This work was written in 1614 for a meeting of the Society of Antiquaries. But the Society's suppression



## 83 [Spencer, Thomas (1752-1840)].

*The New Vade Mecum; or Young Clerk's Magazine: Digested and Improved to Correspond with the Laws of the State of New-York in Particular, and the United States in General: Containing a Variety of the Most Useful Precedents, Adapted to Almost Every Transaction in Life; such as Articles of Agreement, Awards, Bonds... &c. To Which is Added a Collection of Forms of Writs, &c. Most Common in Use in the Supreme Court of the State of New-York.*

Lansingburgh: Printed by Silvester Tiffany for Tho's Spencer, 1794. 346 pp. (pp. 289-336 incorrectly numbered pp. 299-346). Octavo (6" x 4"). \$125.

Contemporary polished calf. Extremities rubbed and a bit chipped at edges, hinges just starting, occasional light foxing. Early owner's inscription to front free endpaper, trace of another to front cover. A sound copy with character.

First edition. An American manual derived from *The Young Clerk's Magazine; or English Law Repository* that

covers all areas relevant to a practitioner during the Federal period, such as covenants, partnerships, leases, mortgages, trusts, wills and marriage. "In those days, when anyone who was anybody was a judge, and most of those who were not quite anybodies were justices of the peace, a *vade mecum*...was an essential tool." Morris Cohen, "Historical Development of the American Lawyer's Library," *Law Library Journal* 61 (1968): 440, 445. Cohen 8002.

### NOTABLE WHIG HISTORY OF THE BRITISH CONSTITUTION

## 84 Squire, Samuel [1713-1766].

*An Enquiry Into the Foundation of the English Constitution; Or, An Historical Essay upon the Anglo-Saxon Government Both in Germany and England. To Which is Added an Appendix, Containing, 1. An Essay on the Balance of Civil Power in England. 2. A List of all Such Cities, Towns, and Burrows, As Have Ever Been Summoned to Parliament, With the Date of Their First Returns. A New Edition with Additions.*

London: Printed for C. Bathurst, 1753. vi, 427, [1] pp. Octavo (8-1/4" x 5-1/4"). \$400.

Recent period-style quarter calf over marbled boards, raised bands and lettering piece to spine, endpapers renewed. Negligible light rubbing to corners, light toning to text, somewhat heavier in places, faint dampstaining to margins of some leaves. Contemporary owner signature to front endleaf, interior otherwise clean.

Second edition, "With Additions." Squire was a bishop of the Church of England and a historian. His *Enquiry* was

first published in 1745. A notable example of the Whig interpretation of English constitutional history, it shows how the English constitution arose from an innate German and Anglo-Saxon love of liberty and constitutionalism. OCLC locates 8 copies of this edition in North American law libraries. Sweet & Maxwell 1:108 (109).

[Statham, Nicholas (d.1472)].

[Abridgment of Cases].

[Rouen: Guillaume Le Talleur, for Richard Pynson, c. 1490]. [ii], [190] ff. [380] pp. Collation: Pi2, A-Y8, Z6, [et]6. 11-line initial space, 50-line text and headline, side notes. Large Talleur device to verso of final text leaf. One-leaf manuscript index. Chancery folio (11" x 9"). \$25,000.

Period-style blind-tooled calf with gilt ornaments, raised bands and gilt title to spine, endpapers renewed. Light toning to interior, occasional dampstaining and minor worming to margins, finger smudges and light soiling to some leaves. Contemporary marginalia throughout, affected by trimming in places, two-page index in fine contemporary hand, interesting later bookseller annotations to front and rear endleaves. An appealing copy.

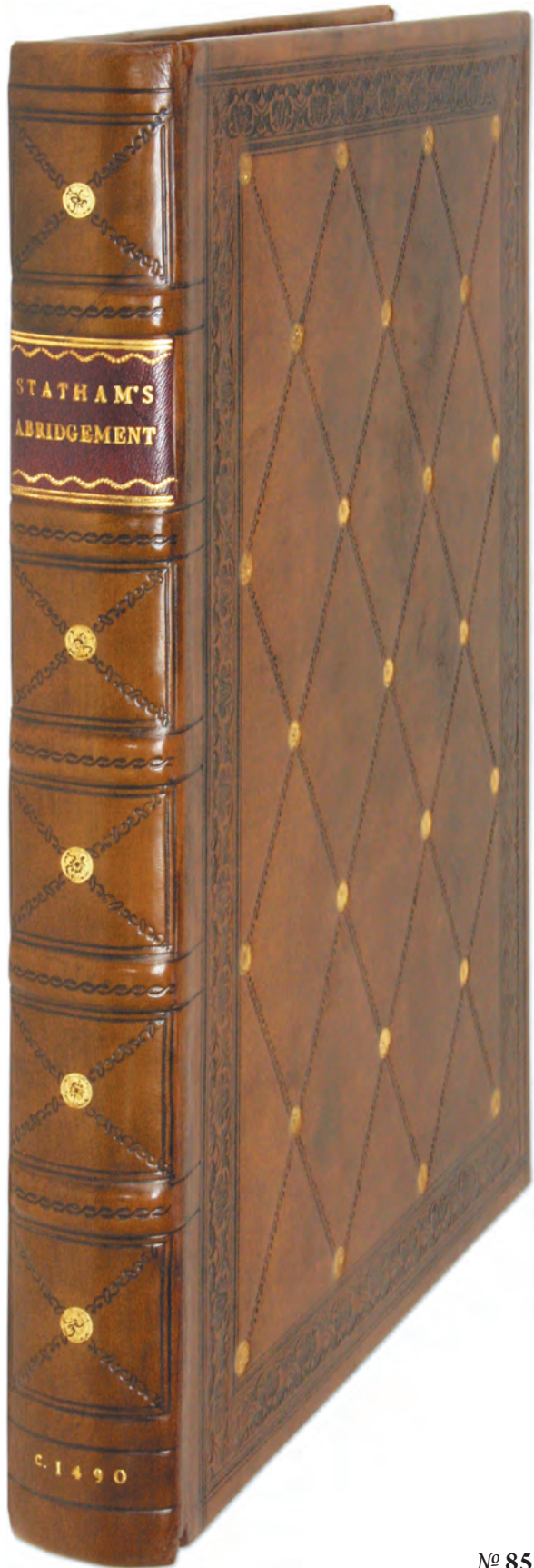
First edition. The first printed abridgement of cases, it is generally assigned to Nicholas Statham, who was Lent reader at Lincoln's Inn. Its time period covers the reigns of Edward I and Henry VI. As Holdsworth notes, it contains "some long reports that are not to be found in the Year Books." Later editions were published in 1585 and 1679,

and it was the standard abridgement until it was supplanted by Fitzherbert. Printed by the first printer in Rouen, this imprint is highly esteemed for the quality of its book design and typography, which mimics a contemporary court hand. Duff speculates that the 2-leaf index may have been printed later and added only to some copies. A study of OCLC and other library records supports his claim. We located 15 copies of this edition in North American law libraries (Columbia, Jenkins, Georgetown, GWU, Harvard, Law and Legislation Reference Library, Maine, Library of Congress, U.S. Supreme Court Library, Social Law, UC-Berkeley, University of Michigan, University of Pennsylvania, Washington University, St. Louis, Yale). HEL II:543-44. Duff, *Fifteenth-Century English Books* 374. GW M43245. Beale R455.



Detail from № 85





*Detail from № 85*

№ 85







**86** Stokes, Anthony [1736-1799].

*A View of the Constitution of the British Colonies, in North-America and the West-Indies, at the Time the Civil War Broke Out on the Continent of America. In Which Notice is Taken of such Alterations as Have Happened Since that Time, Down to the Present Period. With A Variety of Colony Precedents, Which are Chiefly Adapted to the British West India Islands; And May be Useful to Those, Who Have Any Intercourse with the Colonies.*

London: Printed for the author and sold by B. White, 1783. [iv], xvi, 555, (1) pp. Octavo (8-1/2" x 5-1/2"). \$2,500.

Recent period-style calf, raised bands and lettering piece to spine, endpapers renewed. Light toning to text, somewhat darker in places, internally clean. A desirable copy of an uncommon work.

Stokes, a member of the Inner Temple and the Loyalist chief justice of the General Court of the Georgia colony from 1769-1776, and in restored Royal Georgia from 1779-1782, "gives a very interesting discussion of the state of legal administration in the southern colonies...Stokes

also discusses what part of the English Common Law the colonists had brought along with them" (Reinsch). Contents include chapters on the Colonial civil and criminal courts, counsel and attorneys in the colonies, the court of Vice-Admiralty, Negroes in the colonies and the modes of conveyance and manumission. Reinsch, "Colonial Common Law" in *Select Essays in Anglo-American Legal History* 409-410. Sabin 91994. Cohen (listed twice) 5423, 6768.

MY SON, THE SCULPTOR

**87** Story, Joseph [1779-1845].

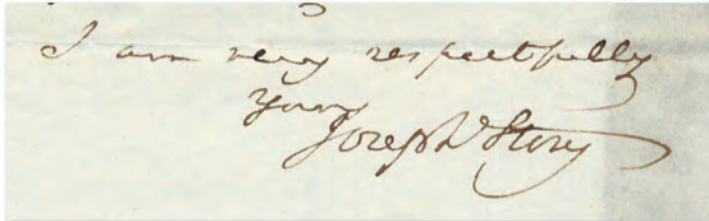
*[Autograph Letter, Signed, To Mssrs. Wiley & Putnam, Booksellers, New York].*

Washington, February 2, 1840. Single leaf folded to form 10" x 8" quarto bifolium, written in ink, addressed, franked and postmarked on verso of fourth page, which has a wax seal and Daniel Webster's free-frank. \$1,500.

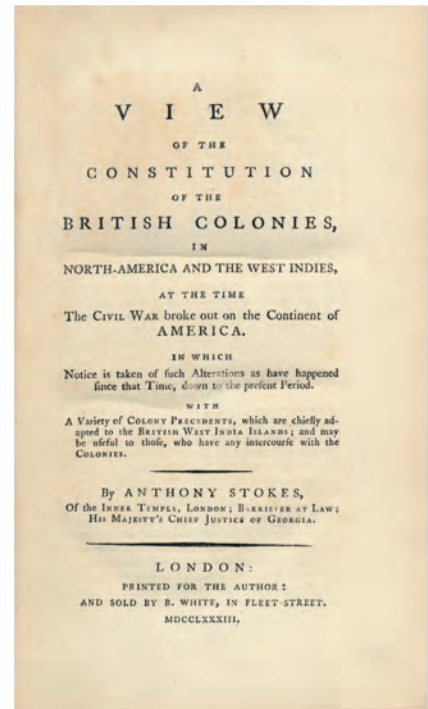
Fold lines, some toning along margins, otherwise fine.

A brief but intriguing letter, in which Story orders two books on art, apparently for his son, William Wetmore Story [1819-1895], who would graduate from the Harvard Law School later this year. (The books are: Flaxman's *Lectures on Sculpture*, "with first impressions of the plates" and Bloomfield's *Recensio Synoptica*.) Was this meant to be a graduation present? Whether it was or not, Joseph Story knew William had an interest in art and, like any good father, nurtured his son's passions. (He couldn't imagine his son would later abandon a distinguished legal career to become a sculptor.) Upon graduation, William entered the law firm of Hilliard and Sumner and published two law treatises by 1847. Sculpture remained an avid hobby at this time; by 1846 Harvard had a bust of his father that he

made. Ironically, it was his father's death in 1845 that led him to abandon law and become a professional sculptor. The trustees of Mt. Auburn cemetery elected him to sculpt a likeness of his father for the cemetery's memorial chapel. "To prepare himself to carry out this commission he went to Italy in 1847 and from that time forth became more and more eager to give up the law entirely in favor of sculpture." (Gardner). Perhaps his best-known work is the iconic statue of Joseph Story that graces the entrance to Langdell Hall at Harvard Law School. The fact that this was sent under Daniel Webster's free frank is odd. Presumably Story had his own franking privilege. Perhaps he left Washington in a hurry, giving Webster his letters to mail. Gardner, "William Story and Cleopatra," *Metropolitan Museum of Art Bulletin*, New Series II:4 (December 1943). 147-152.



Detail from № 87



№ 86

FIRST FRENCH EDITION OF STORY'S COMMENTARIES ON THE CONSTITUTION

**Story, Joseph.**

**Odent, Paul, Editor and Translator.**

*Commentaire Sur la Constitution Federale des Etats-Unis, Precede d'un Apercu sur l'Histoire des Colonies et des Etats Avant l'Adoption de la Constitution, Traduit du Commentaire de J. Story, Professeur de Droit a L'Universite de Harvard, Et Augmente des Observations de Mm. Jefferson, Rawle, De Tocqueville, Etc., Et de Notes Sur la Jurisprudence et L'Organisation Judiciaire, par Paul Odent, Docteur en Droit, Avocat a la Cour Royale de Paris, Ancien Avocat aux Conseils du Roi et a la Cour de Cassation.*

Paris: Joubert, Libraire de la Court de Cassation, 1843. Two volumes. ix, [i], x, lxxi, [1], 390; [iv], 498, [1] pp. Octavo (8" x 5-1/4"). \$1,000.

Contemporary quarter morocco over marbled boards, raised bands, gilt titles, gilt ornaments to spine of Volume I, blind ornaments to spine of Volume II due to a binder's error, marbled endpapers. Light rubbing to boards, some wear to corners and heads of spine, front joint of Volume II starting at head. Light toning to text, occasional light foxing. Early notes in pencil in a few places, interior otherwise clean. A nice copy of a scarce title.

First French edition. The first complete translation into a foreign language, it is taken from Story's first abridged edition (1833). Along with Franz Joseph Buss's *Uber*

*die Verfassungs-Urkunde der Vereinigten Staaten von Nord Amerika. Historischer Teil, Nach Story's Commentarien Bearbeitet* (1838), Odent's preface is an important source of information on the European reception of Story's work and the American Constitution. In addition to original notes Odent added relevant commentary by Jefferson, Rawle, Tocqueville and others and discussing aspects of the American government that could be adopted in Europe. OCLC locates 6 copies in North American law schools (Brigham Young, George Washington University, Harvard, University of Alabama, University of Michigan, Yale). Cohen 2918.



89 **Summenhart, Konrad [1465-1511].**

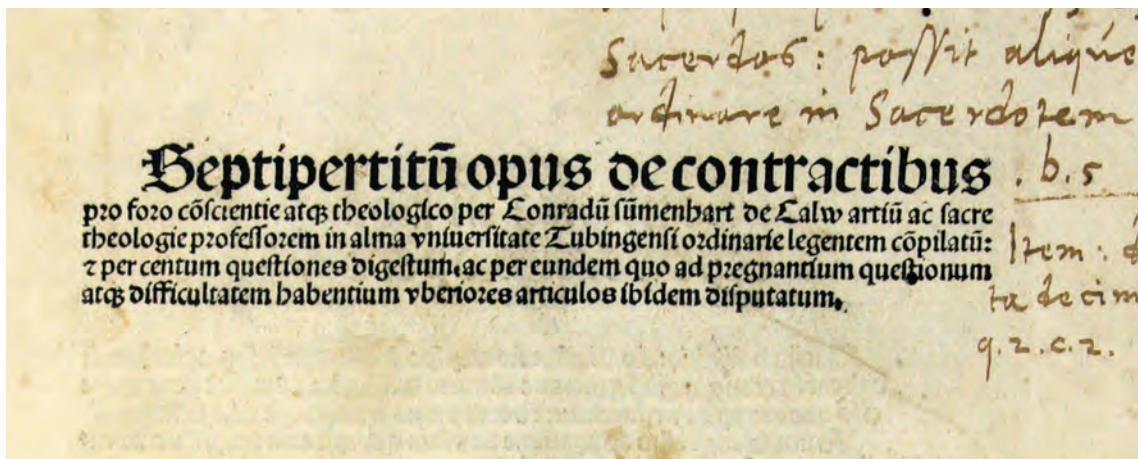
*Septipertitu[m] Opus de Contractibus Pro Foro C[on]scientie Atq[ue] Theologico P[er] Conradu[m] Su[m]menhart de Calwartiu[m] ac Sacre Theologie P[ro]fessorem in Alma Universitate Tubingensi Ordinarie Legentem Co[m]pilatu[m] et per Centum Questiones Digestum ac per Eundem Quo ad Pregnantium Questionum At[que] Difficultatem Habentium Uberiores Articulos Ibidem Disputatum.*

Hagenau: Heinrich Gran for Johannes Rynman, 13 October 1500. Collation: AA-BB8, CC6, DD-EE8, a-b8, c-d6, e8, f6, g8, h-i6, k-l8, m6, n-r8, s10, t6, v8, x-z6, aa-bb6, cc4, dd-ff6, gg8, hh-ll6, A-C6, D-H8, I10, K8, L12, M8, N-P6, Q8, R6, S-V8, X-Y6. 434 ff. Complete. Text in parallel columns. Thumb-tabbed. Folio (11" x 8"). \$23,000.

Contemporary quarter blind-tooled pigskin over wooden boards, raised bands and faint later hand-lettered title label to spine, early hand lettered titles to top and fore-edge of text block, clasps (and buckles) lacking. Some wear to extremities, spine ends bumped, joints cracked. Text printed in 51-line Gothic type on wide-margined paper. Moderate toning to text, faint dampspotting in places, one thumb-tab torn away with small loss to margin, lower corners of Signature D trimmed with no loss to text, faint dampstaining to outer margins in a few places. Early annotations to title page and a few other leaves, interior otherwise clean. Ex-library. Bookplate to front pastedown. An appealing copy of a scarce title.

Second edition. First published in 1497, this comprehensive treatise examines the nature of contracts under Roman law, canon law and Catholic doctrine using the methods of casuistic moral theology. It is a landmark work because it was the first work to offer a comprehensive and systematic attack on the prohibition

of Usury. "Summenhart's contribution was twofold: first, in enormously widening all the possible exceptions to the usury prohibition, i.e. the *census* and *lucrum cessans*; and second, in launching a blistering direct assault on all the time-honoured arguments against whatever usury contracts remained. On the first, Summenhart developed the argument for insured or guaranteed partnerships far more subtly and extensively than before. He also widened the *lucrum cessans* exception far more than anyone else had ever done. Money is fruitful, Summenhart declared boldly, it is the merchant's tool, which he can make fruitful by the use of his labor. Consequently, the merchant should be compensated for loss of the use of his money just as a farmer should be recompensed for the loss of his fields" (Rothbard). OCLC locates 8 copies of this imprint in North America (Columbia, Columbia Law School, Harvard, Huntington Library, Mt. Angel Abbey, NY Public Library, UC-Berkeley Law School, University of Pennsylvania). Rothbard, *An Austrian Perspective on the History of Economic Thought* 91. Goff S863.GW M44538.



Detail from № 89



№ 89



90

**Targa, Carlo.**

*Ponderazioni Sopra la Contrattazione Marittima.*

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

\$1,000.

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

An enlarged later edition of an interesting treatise on maritime law, contracts and insurance. The main text is followed by a critical edition of the Rhodian Sea Law (in Greek with a parallel Latin text), which was compiled between 600-800 CE, and the complete text of the Florentine insurance statutes, which were enacted in 1529. Joseph Story held this work in high regard: "We had almost forgotten to speak of Targa, who, in his *Reflections*

*on Maritime Contracts*, has drawn from the civil and canon law, the *Consolato del Mare*, the usages of maritime nations, and preceding writers, the most useful learning on all the subjects of maritime law except insurance; and has adapted his work to practice by collecting the forms of the various contracts, with hints for their proper application. He is generally esteemed as an industrious and correct author; but his fame seems lost in the superior blaze of his illustrious countryman." "Literature of the Maritime Law" (1818) reprinted in *The Miscellaneous Writings of Joseph Story*, ed. William W. Story 111-112. OCLC locates 4 copies of this edition, 2 in the United States, both in law libraries (University of Michigan, University of Virginia). Not in Kress or Goldsmiths.' This edition not in the BMC.

91

**Thring, Sir Henry [1818-1907].**

*Practical Legislation; Or, The Composition and Language of Acts of Parliament.*

London: Printed for Her Majesty's Stationary Office, [1877]. viii, 66 pp. Octavo (9" x 6").

\$750.

Recent stiff wrappers, printed title label to front cover. Some toning to text, browning and minor chipping to margins of title page and final leaf, internally clean. Ex-library. Small inkstamp to title page. A solid copy in an attractive binding.

First edition. As First Parliamentary Counsel, a position he held from 1869 to 1901, Thring was an authority on

legislative drafting and an innovator in that field. His *Practical Legislation*, a handbook on bill drafting and legislation, went through later editions in 1878 and 1902. All are scarce in North America. OCLC locates 3 copies of the first edition, 1 in a law library (Harvard). This edition not in Sweet & Maxwell.

92

**[Trial].**

**Cork, Edmund Boyle, Earl of [1767-1856], Defendant.**

*The Trial of Lord Dungarvan, At the Old Bailey, On Monday the 17th of January 1790, Before Mr. Baron Thompson. Taken Accurately in Short Hand by a Gentleman of the Middle Temple. Counsel for the Prosecution, Mr. Knowles and Mr. Const. For his Lordship, Mr. Shepherd, Mr. Garrow, and Mr. Cullen.*

London: Printed for Mr. Lewis, 1791. [6], ii, [3]-38, [2] pp. Includes two-page publisher catalogue. Copperplate portrait frontispiece. Quarto (10" x 8").

\$1,750.

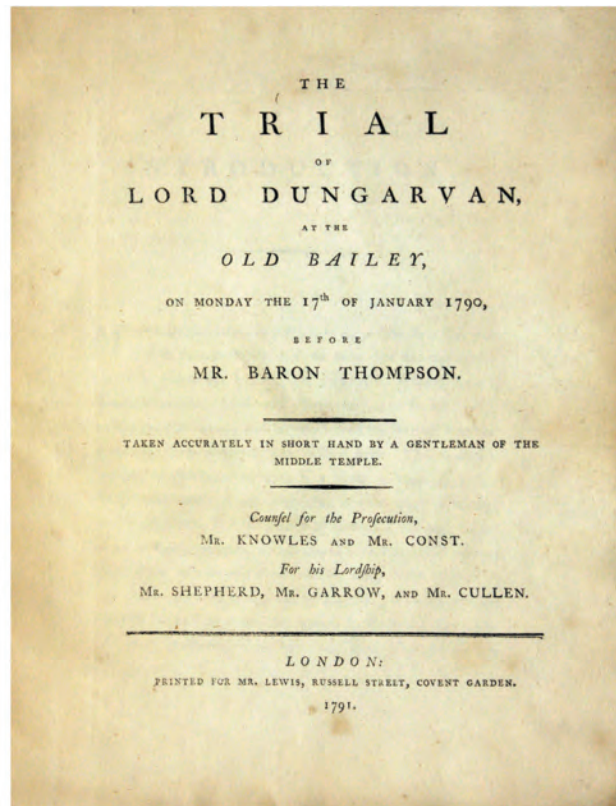
Recent three-quarter morocco over cloth, gilt rules to boards, gilt title to spine, untrimmed edges. Moderate rubbing to extremities, some toning to text, light soiling to half-title, which has an owner signature (of William Owen, Trinity College) dated 1794, repairs to corners and fore-edge of frontispiece. Ex-library. Stamps to boards and free endpapers, bookplate to front pastedown. A solid copy of a rare title.

Only edition. The frontispiece depicts Elizabeth Weldon, the prostitute who initiated the suit. In an attempt to extort money, she threatened Boyle, also known as Viscount Dungarvan due to his Irish properties, with a bogus lawsuit.

She said she would claim he took money from her clothing after he purchased her services. However, Cork called her bluff and eventually prevailed in court. Clearly a salacious case, it is presented here as a cautionary tale for “young gentlemen, whose levity may bring them into a familiar situation...” The reporter warns that it “may not always be in the power, even of a man of *fashion*, to refute the plausible tale of an artful woman, (although a prostitute.) It may not always happen that an innocent defendant shall have the same circumstances to protect his honour, as my Lord Dungarvan” (ii). OCLC locates 2 copies, both in law libraries (Columbia, Harvard). ESTC N013878.



№ 92



№ 92

A FAMOUS WITCHCRAFT TRIAL

[Trial].

**Cullender, Rose [d. 1665], Defendant.**

**Duny, Amy [d. 1665], Defendant.**

**Hale, Sir Matthew [1609-1676], Judge.**

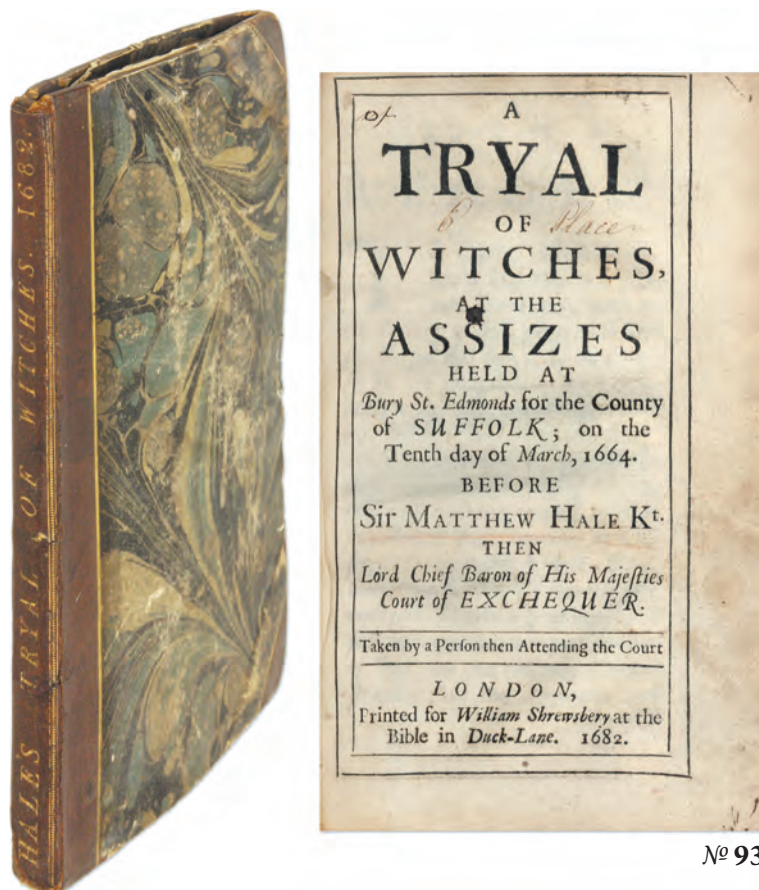
*A Tryal of Witches, At the Assizes Held at Bury St. Edmonds for the County of Suffolk; On the Tenth Day of March, 1664. Before Sir Matthew Hale, Kt. Then Lord Chief Baron of His Majesties Court of Exchequer.*

London: Printed for William Shrewsbury, 1682. [iv], 59 pp. Octavo (6-1/2" x 4").

\$2,000.

93





No 93

Later three-quarter calf over marbled boards, gilt rules to boards, gilt title to spine, marbled endpapers. Moderate rubbing to extremities, light rubbing to boards, which are slightly warped, armorial bookplates to front pastedown and free endpaper, top-edge of text block trimmed closely, text not affected. Moderate toning to text, light foxing in places. Early owner signature to title page, interior otherwise clean.

First edition. *A Tryal of Witches* is an account of the Lowestoft Witchcraft trial conducted at Bury St. Edmonds. Well-known in its day, this remains the most famous English

witchcraft trial because it was, thanks to this account, well-documented. Also, it involved many leading jurists and experts of the day, most notably Thomas Browne, a physician who presented one of the earliest examples of psychiatric testimony as an expert witness. Some experts believe this account inspired the Salem Witchcraft trials. Indeed, Browne's testimony was quoted at that trial by Cotton Mather. *A Tryal of Witches* was later appended to Hale's *Short Treatise Touching Sheriffs Accompts* (1683). Excluding copies issued with the 1683 treatise, OCLC locates 3 copies in North American law libraries (at Columbia, GWU, York). ESTC R37899.

FIRST REPORT OF THE LANDMARK DARTMOUTH COLLEGE CASE

94

[Trial].

[Dartmouth College Case].

Farrar, Timothy [1788-1874], Reporter.

*Report of the Case of the Trustees of Dartmouth College Against William H. Woodward. Argued and Determined in the Superior Court of Judicature of the State of New-Hampshire, November 1817. And on Error in the Supreme Court of the United States, February 1819.*

Portsmouth: Published by John W. Forster, And West, Richardson, And Lord, Boston, [1819]. [iv], 406 pp. Octavo (9" x 5"). \$1,500.

Original publisher boards, untrimmed edges, printed paper title label to spine. Moderate rubbing, considerable wear to spine ends, corners bumped and somewhat worn, bottom edges bumped, front board partially detached, front endleaves loose. Some toning to text, light foxing, chips and minor tears to some leaves. Early owner annotations to boards and spine. Signature (Daniel Wells) to front free endpaper, interior otherwise clean. Item housed in recent cloth-covered clamshell box, calf spine with raised bands and lettering piece.

First published report. This is probably the most important American case concerning the contract right of corporations. The New Hampshire legislature passed a bill in 1816 that revoked Dartmouth College's original charter and converted the college from a private to a state institution. The college challenged the constitutionality of this act in the state supreme court without success, but the U.S. Supreme Court reversed the state's decision

in a landmark opinion based on the contract clause of the Constitution. "By construing the contract clause as a means of protecting corporate charters from state interventions, Marshall derived a significant limitation on state authority. As a result, various forms of private economic and social activity would enjoy security from state regulatory policy. Marshall thus encouraged, through constitutional sanction, the emergence of the relatively unregulated private, autonomous economic actor as the major participant in a liberal political economy that served the commonwealth by promoting enlightened self interest" (Konefsky). Farrar's comprehensive report contains all material related to the case, including the arguments of Webster and Wirt and the opinions of Chief Justice Marshall and Justices Story and Washington and texts of related documents. Alfred F. Konefsky, "Dartmouth College v. Woodward" in *The Oxford Companion to the Supreme Court* 218-219. Sabin 23887. Cohen 11614.

A CRITICAL APPRAISAL OF LORD MANSFIELD'S CONDUCT IN THE DOUGLAS CAUSE

[Trial].

[Douglas Cause].

Stuart, Andrew [1725-1801].

*Letters to the Right Honourable Lord Mansfield from Andrew Stuart, Esqr.*

London: S.n., Printed in the Month of January 1773. [ii], 39, [1], 64, 47, [1], 47 pp. Engraved title page. Following rear endleaf, a blank, lacking. Octavo (8" x 5"). \$400.

Contemporary calf, gilt fillets to boards, raised bands, gilt ornaments and lettering piece to spine. Moderate rubbing to extremities, with minor wear to spine ends, corners bumped, front joint starting at head, minor loss at foot of rear board along joint due to worming, front hinge starting, upper section of front free endpaper removed. Copperplate vignette to title page. Light toning to text. Tiny early owner signature to front pastedown, early struck-through signature to head of title page, notes to verso of front free endpaper, interior otherwise clean.

First edition, one of two issues from 1773, the other published in Dublin in July. The "Douglas Cause," which involved claims on the estate of Duke Douglas was one of the most sensational Scottish trials of the eighteenth

century. It also involved one of the greatest jurists of the eighteenth century, Lord Mansfield, who presided over the case. Stuart, a lawyer who had been tutor to the Duke's children, represented Hamilton against Douglas and distinguished himself highly but the case was decided in Douglas favor - the result, according to Stuart, of Lord Mansfield's gross impartiality during trial. This was a rancorous case, and it captured the public's imagination. People tended to side with Douglas. When the House of Lords decided for Douglas a mob collected in Edinburgh, demanded a general illumination in honour of the event and, shouting "Douglas forever!" proceeded to wreak vengeance on the houses of the Lords who voted against him. *ESTC* T11778.

95



96 [Trial].

**Townsend, Washington L., Defendant.**

“Trial of Washington L. Townsend on an Indictment for Mayhem, Lying in Wait For and Maiming Joh[n] Reese, By Throwing Oil of Vitriol in His Face.”

*The Extra Sun* (New York, 1839).

\$750.

20" x 15" newspaper broadsheet, six-column text on recto and verso. Light browning and a few tiny stains, horizontal fold line across center, some edgewear and minor chips and tears to margins.

This extra issued by the *New York Sun* offers a complete account of a grisly assault with sulfuric acid (oil of vitriol). Townsend, a carpenter, and Reese, a bookbinder, were acquaintances who knew each other for about five years. Shortly before his maiming, Reese heard a rumor that Townsend was a bigamist. He shared this information with

Townsend's wife. It seems he was conducting an affair with her and was hoping this news would persuade her to leave her husband. Townsend was indicted for mayhem and assault and battery with intent to kill. Townsend, though apparently guilty, was acquitted. According to *The Law Reporter*, this was a case that “caused much excitement in New York.” However, our broadside appears to be its only popular account. Also, it appears to be unrecorded. *The Law Reporter* 1 (1838-1839) 344.



Detail from № 96

97 [Turner, Thomas (d. 1679)].

*The Case of the Bankers and Their Creditors, Stated and Examined. Wherein the Property of the Subject in This, And the Like Cases, Is Soberly Asserted, By the Common and Statute Laws of England, His Majesties Most Gracious Declarations; By Innumerable, Great and Important Records of This Kingdom, From the Time of the Norman Conquest to Our Own Times; By the Civil Law, History, Polity, Morality, And Common Reason: And All Objections Undeniably Refuted. As it Was Inclosed in a Letter To a Friend, By a True Lover of His King and Country, And Sufferer for Loyalty.*

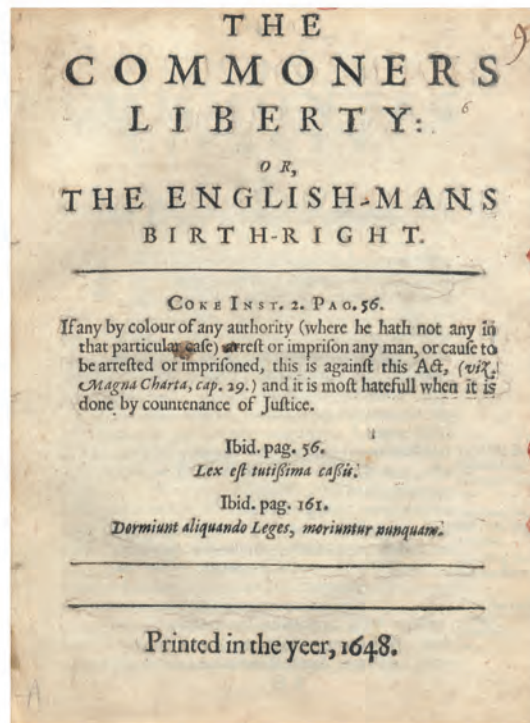
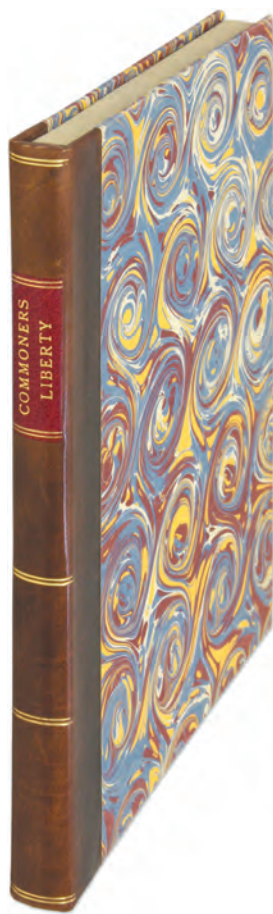
London: S.n., 1675. [x], 147, [1] pp. Octavo (7" x 4-1/2").

\$950.

Contemporary speckled calf rebaked in period style. Blind rules to boards, gilt title and raised bands to spine, endpapers renewed. A few minor nicks to boards, corners bumped. Light toning to text, heavier toning to title page and a few leaves. Contemporary annotations to rear endleaves, interior otherwise clean.

Third impression, a much-enlarged version than the

previous printings (1674, 1675). The Bankers' Case concerned the liability of the King to repay loans. The decision gave creditors of the crown the right to petition to the Barons of the Exchequer for breach of contract. This definition of a legal obligation marked a significant turning point in the relationship between king and subject. Sweet & Maxwell 1:322 (2A).



N<sup>o</sup> 98

“TWYSDEN HAD A KNOWLEDGE OF AND AFFECTION FOR THE USAGES AND LIBERTIES OF HIS COUNTRY SCARCELY, IF AT ALL, EXCEEDED”

[**Twysden, Sir Roger (1597-1672)**].

*The Commoners Liberty: Or, The English-Mans Birth-Right.*

London: S.n., 1648. [ii], 33, [1] pp. Quarto (7" x 5-1/4").

\$1,250.

Stab-stitched pamphlet in recent plain wrappers. Some toning to text, minor inkstains to a few leaves. Item housed in handsome recent period-style clamshell box, quarter calf over marbled boards, lettering piece and gilt fillets to spine.

First edition. Twysden was a politician and legal historian who sat in the House of Commons at various times between 1625 and 1640. Though sympathetic to Parliament and critical of some actions taken by Charles I, he supported the Royalists during the Civil War. He was subjected to various forms of harassment during the war and Commonwealth period, including periods of imprisonment. He was left to his peace when he renounced

his role in public affairs and retired to his estate, where he devoted his life to scholarship. He wrote *The Commoners Liberty* during this time. Based on a close reading of Magna Carta, it demonstrates the illegality of his imprisonment by Cromwell's agents. Apparently a limited and self-interested work, it was an important statement about English liberties. Indeed, to quote the *Dictionary of National Biography*, "Twysden had a knowledge of and affection for the usages and liberties of his country scarcely, if at all, exceeded in an age which comprehended the great names of Coke, Selden, Somner, Spelman, Evelyn, Cotton, and Seville." Another edition was issued in 1659. Both are very scarce. OCLC locates few copies of each edition in North America, none in law libraries. DNB 1334-1335. ESTC R203857.

98



# 99 Ubaldis, Angelus de [c.1327-1400]. [Super Authenticis].

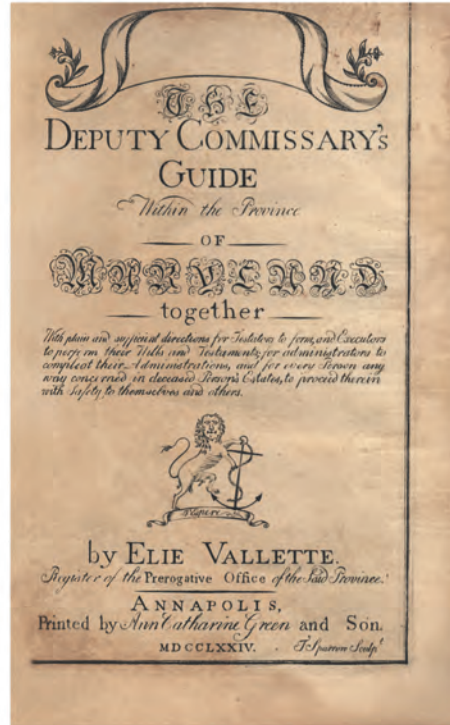
[Venice: Baptista de Tortis, 3 March 1489]. Collation: a-e8. 39 of 40 ff. Folio a1, a blank, lacking. Text in parallel columns. Folio (15-1/2" x 11-1/2"). \$9,500.

Recent paper-covered boards (illustrated with copies of unrelated incunable leaves), endpapers renewed. Light soiling, corners and spine ends bumped. Text printed in 83-line Gothic type, guide spaces blank. Some toning, light soiling to first leaf, faint dampstaining to foot of text block reaching into text, minor worming to some leaves, first leaf (a2) dust-soiled, fol. b1 mounted on stub, internally clean. Ex-library. Bookplate to front pastedown. A solid copy.

Angelus de Ubaldis, a renowned jurist, was almost as highly regarded as his brother, Baldus de Ubaldis. First published in 1474, the *Super Authenticis*, also known as the

*Lectura de Authenticis*, a commentary on the *Authentica*, a collection of 134 constitutions of Justinian, later included in the *Novels of the Corpus Juris Civilis*. It was believed to be a collection intended for Byzantine Italy, but this assumption is doubted today. Ubaldis's commentary was highly regarded; it went through at least 12 editions before 1500. Today, all editions are scarce. OCLC locates no copies of this imprint in North America. However, the *GW* locates copies at the University of Michigan Law School and the Walters Art Museum, Baltimore. Goff U10. GW M48377.





COPY OF THE FIRST AMERICAN TREATISE ON WILLSTHAT BELONGED TO AN IMPORTANT EARLY ILLINOIS STATESMAN

**Vallette, Elie.**

[Sparrow, Thomas (1746?-1780?), Engraver].

*The Deputy Commissary's Guide Within the Province of Maryland, Together with Plain and Sufficient Directions for Testators to Form, and Executors to Form Their Wills and Testaments, For Administrators to Compleat Their Administrations, And for Every Person Any Way Concerned in Deceased Person's Estates, To Proceed Therein with Safety to Themselves and Others.*

Annapolis: Printed by Ann Catherine Green and Son, 1774. [ii], iv, 248, [12] pp. Copperplate title page and table of descents. Octavo (7-3/4" x 5"). \$2,000.

Contemporary sheep, re-backed in calf, retaining original lettering piece, endpapers renewed. Light rubbing to boards, corners bumped and lightly worn. Moderate toning to text, somewhat darker in places, occasional dampstaining, mostly to margins. Early owner signature of Ninian Edwards to front endleaf and margin of p.50, interior otherwise clean.

Only edition. The first original American legal guide, it is also the first American book on the law of wills. Dedicated to Maryland Governor Robert Eden, it was printed by Ann Catherine Green, wife of Jonas Green, whom she succeeded as public printer of Maryland from 1767 to

1775. The engraved title page, the only one issued from a colonial Maryland press, and the plate were the work of Thomas Sparrow, the only engraver south of the Mason-Dixon Line prior to 1775. Vallette was registrar of the Prerogative Office of Maryland Province. Originally from Maryland, Edwards [1775-1833] was an important early Illinois statesman and political leader. He was the only governor of the Illinois Territory from 1809 to 1818, one of the first two United States Senators from Illinois from 1818 to 1824 and the third Governor of that state from 1826 to 1830. Wroth, *Maryland Imprints* 338. Wroth, *The Colonial Printer* 290. Cohen 632.

100





Details from No 101

DELUXE FOLIO EDITION WITH 39 COLOR PORTRAITS

## 101 [Vanity Fair]. Spy (Sir Leslie Ward [1851-1922]), and Others.

*The Book of the Bench: With Thirty-Nine Reproductions in Color by "Spy" and Other Cartoonists.*

London: James Mackenzie Limited, [1909]. Unpaginated. 39 tipped-in color portrait plates. Folio (13" x 10 1/2"). \$750.

Original vellum, gilt title and figure of Lady Justice to front board and spine, top-edge gilt, deckle fore and bottom edges, silk tie detached. Some shelfwear and light soiling, corners and spine ends bumped, board slightly bowed, light toning to interior. Text printed on high-quality heavy stock. Early owner signature to front free endpaper, interior otherwise clean.

Deluxe folio edition. A marvelous collection of color portrait plates by Sir Leslie Ward, Carlo Pellegrini and others, each accompanied by a brief biography, were originally published in *Vanity Fair*. This is a deluxe folio edition produced by Henry Stone and Sons, Ltd.; the trade edition is a 9-1/2" x 11" quarto bound in blue cloth.

SCARCE SEVENTEENTH-CENTURY DANISH-NORWEGIAN LAW DICTIONARY

## 102 Weile, Christen Ostersen.

*Glossarium Juridicum Danico-Norvegicum. Det er: Alle Gamle Danske og Norske Glosers Rette Forklaring, Som Findis i de Skaanske, Sielandske, Judske og Norske Lowboger, Saa oc Kongel. Recesser, Handfestninger, Gaards oc Soretter, Rigens oc Birckeretter, Obne Mandater oc Breffve: Nu Anden Gang Effter Lowerne, saa oc Regis Christ. 4. Recess. Reviderit Forbedrit, Rettit oc Completerit, Oc der Foruden Tillagt den Norske Lows Fulde Mening, Med dens Indhafvende Morcke Glosers Rette Forklaring Saa Vijt i Terterne Findis oc Anleding Gifvis. Tienendis Tilljge Til et General-Register Ofver alt Huis Forne. Lower oc Forordninger Indeholde. Alle dem i Danmarck oc Norge Som Foraarsagis Enten Active Eller Passive Retten at Bruge Til Nytte oc Gassn Sammenskrefven.*

Copenhagen: Prentet Paa Melchior Martzans oc Jorgen Holstes Bekostning Melchior Markans, 1652. [xxxviii], 858, [1] pp. Two folding woodcut plates. Quarto (7" x 5-1/2") \$450.

Contemporary vellum, faint early hand-lettered title to spine, endpapers renewed. Light soiling, some discoloration to boards, spine ends bumped, light wear to corners. Some toning to text, faint dampstaining and worming to margins in a few places, some edgewear to preliminaries and folding tables, chip to foot of pp. 851-852 with minor loss to text. Early owner signature to front free endpaper, interior otherwise clean. Ex-library. Bookplate to front pastedown.

First edition. Text in Danish and Norwegian (with occasional passages in Latin). This appears to be the earliest dictionary on Danish and Norwegian law. It is a practical work with concise definitions. Later editions were published in 1665 and 1667. All are scarce. OCLC locates 12 copies of the first edition in North America, 5 in law libraries (Columbia, Harvard, Northwestern, University of Minnesota, Yale). Not in the BMC.



No 102



103 **Weskett, John.**

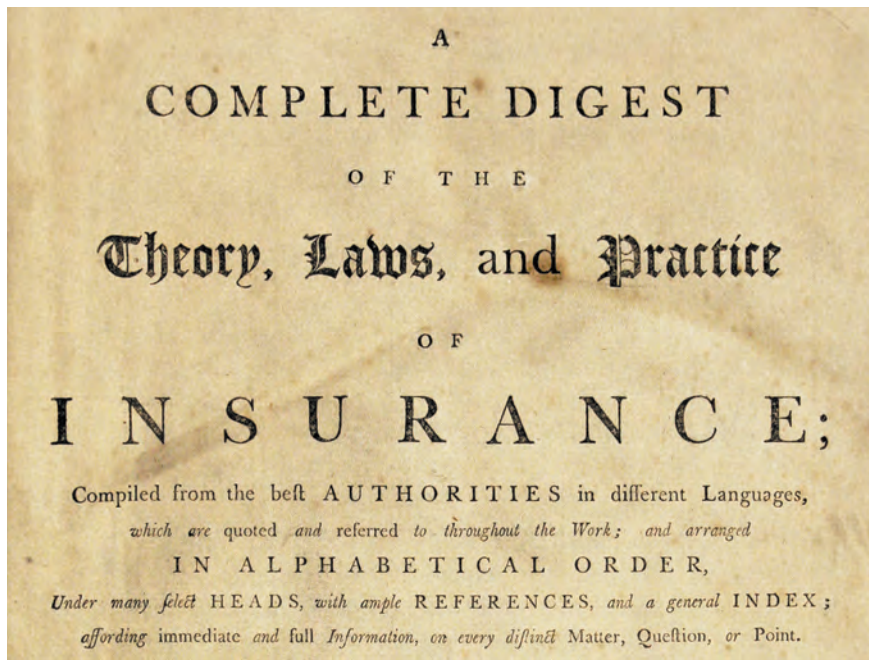
*A Complete Digest of the Theory, Laws and Practice of Insurance Compiled from the Best Authorities in Different Languages, Which are Quoted and Referred to Throughout the Work; And Arranged in Alphabetical Order, Under Many Select Heads, With Ample References, And a General Index. With a Preliminary Discourse; Wherein are Delineated the Very Great Disorders which Prevail in Affairs of Insurance; Their Principal Causes Explained; And Methods for Better Regulation and Prevention. (...) With a Preliminary Discourse; Wherein are Delineated the Very Great Disorders which Prevail in Affairs on insurance; Their Principal Causes Explained; And Methods Proposed for Better Regulation and Prevention.*

London: Printed by Fry, Couchman, & Collier, 1781. [iv], lxxxiv, 612, [4] pp. Folio (14-1/4" x 9-1/2"). \$1,750.

Recent period style morocco, blind fillets to boards, raised bands and lettering piece to spine, endpapers renewed, preliminaries re-hinged. Light rubbing to extremities with minor wear to spine ends and corners. Light toning to text, foxing and spark burns to a few leaves, title page light soiled and edgeworn, internally clean.

First edition. The book begins with a critical 80-page essay on insurance law that proposes several reforms. The main body is a remarkably comprehensive legal and historical digest concentrating on marine insurance, but also discussing life and fire insurance. There are frequent references to America, and considerable discussion of

international law, the laws of war and the work of such important economists and theorists as Cantillon, Child, Cary, Postlethwayt, De Moivre and Price. A second, and final, London edition was published in 1783. Dublin reprints were issued in 1783 and 1794, a German translation in 1782-1787. The critical 80-page essay was also published separately in 1789. All of these are scarce. Concerning the first edition, OCLC locates 8 copies in North American law libraries (Dalhousie, LA-County, Rutgers, Social Law, UC-Berkeley, University of Connecticut, University of Michigan, University of Pennsylvania). *Goldsmiths'* 12207. Sweet & Maxwell 1:528 (105).



Detail from № 103

**Weskett, John.**

*A Complete Digest of the Theory, Laws, And Practice of Insurance; Compiled from the Best Authorities in Different Languages, Which are Quoted and Referred to Throughout the Work; And Arranged in Alphabetical Order, Under Many Select Heads, With Ample References, And a General Index; Affording Immediate and Full Information, on Every Distinct Matter, Question, Or Point. (...) With a Preliminary Discourse; Wherein are Delineated the Very Great Disorders which Prevail in Affairs on Insurance; Their Principal Causes Explained; And Methods Proposed for Better Regulation and Prevention.*

Dublin: Printed for Elizabeth Lynch, 1783. [vi], lxxxiv, 612, [4] pp. Octavo (8-1/2" x 5"). \$1,250.

Contemporary calf, blind fillets to boards, lettering piece and blind fillets to spines. Moderate rubbing to extremities, a few minor scuffs to boards, about half of lettering piece lacking, corners bumped and lightly worn, hinges cracked. Moderate toning to text, faint dampspotting in places. Early owner signatures to front pastedown and free endpaper, interior otherwise clean.

Dublin issue of the second edition. OCLC locates 16 copies in North American law libraries. This edition not in *Goldsmiths.*' Sweet & Maxwell 1:528 (105).

## CONFESSIONS OF A PENITENT MURDERER

**Yearwood, Randolph [d.1689].**

*The Penitent Murderer. Being an Exact Narrative of the Life and Death of Nathaniel Butler; Who (Through Grace) Became a Convert, After he Had Most Cruelly Murdered John Knight. With the Several Conferences Held with the Said Butler in Newgate, By the Right Honorable the Lord Mayor, And Divers Eminent Ministers, And Others. As Also His Confession, Speech, Prayer, And the Sermon Preached After His Execution. The Fifth Edition; With the Addition of an Advice to the Country.*

London: Printed by T. Newcomb, for J. Rothwel, 1659. [xiv], 90 pp. Added copperplate pictorial title page. Octavo (5-1/2" x 3-1/2"). \$1,500.

Later morocco, gilt rules to boards, gilt spine, gilt title to front board and spine, gilt dentelles, marbled endpapers. Light rubbing to extremities, corners bumped. Light brownning and occasional dampspotting to text, fore-edges of pictorial title page and facing leaf and side note on p. 86 trimmed closely with minor loss, internally clean. Ex-library. Bookplate to front pastedown.

"Fifth" edition. Butler, an apprentice convicted of murder underwent a spiritual crisis and conversion while awaiting his execution. Yearwood presents his experience, his gradual awareness of "the design of God in the scriptures," as an inspirational tale. "In short, Butler's growth in grace was held up as an almost perfect example of the 'orderly gradual

spiritual progress, from the threats of the law to the promises of the gospel, to which all Christians should aspire" (Lake). This edition includes letters of Nathaniel Butler, and discourses by several ministers on Butler's death. Yearwood was the chaplain of the Lord Mayor of London. This is the second and final edition according to the ESTC; the first was published in 1657. We did not locate any other editions. OCLC locates editions from 1657 and 1659, none of either edition in a North American law library. Lake, "Popular Form, Puritan Content? Two Puritan Appropriations of the Murder Pamphlet from Mid-Seventeenth-Century London" in *Religion, Culture and Society in Early Modern Britain: Essays in Honour of Patrick Collinson*, Ed. Fletcher and Roberts 319-320. ESTC R220058



## REFERENCES CITED

- Adams, H.M.** *Catalogue of Books Printed on the Continent of Europe 1501–1600*. (Cambridge, 1967. Reprint. Mansfield, CT, n.d.).
- Beale, Joseph Henry.** *A Bibliography of Early English Law Books* (Cambridge, 1926. Reprint, Buffalo, 1966).
- Brunn, Christian Walther.** *Bibliotheca Danica: Systematisk Fortegnelse over den Danske Literatur fra 1482 til 1830* (Copenhagen, 1877-1902).
- Borchard, Edwin M.** *Guide to the Law and Legal Literature of Argentina, Brazil and Chile* (Washington, DC, 1917).
- Botte, Gerd-Josef, and Werner Tannhof,** *The First Century of German Language Printing in the United States of America* (Göttingen, 1989).
- British Museum Catalogue of Printed Books to 1955* (Compact Edition). New York, 1967. Cited as BMC.
- Camus, M.** *Bibliothèque Choisie des Livres de Droit* (Brussels, 1833, Reprint. Hildesheim, 1976).
- Canney, Margaret, and David Knott.** *Catalogue of the Goldsmiths' Library of Economic Literature* (London, 1970–1983). Cited as Goldsmiths.'
- Cohen, Morris.** *Bibliography of Early American Law* (Buffalo, 1998-2003).
- Cowley, John D.** *A Bibliography of Abridgments, Digests, Dictionaries and Indexes of English Law to the Year 1800* (London, 1932. Reprint, Oxfordshire, 1979).
- Catalogue of the Library of the Law School of Harvard University* (Cambridge, 1909 Reprint. Buffalo, 1967). Cited at HLC.
- Eller, Catherine Spicer.** *The William Blackstone Collection in the Yale Law Library* (New Haven, 1938. Reprint. New York, 1993).
- Goff, Frederick Richmond.** *Incunabula in American Libraries* (New York, 1964).
- Graesse, Jean George Theodore.** *Tresor de Livres Rares et Precieux* (Dresden, 1859-1869. Reprint, Cambridge, MA, 1992-1993).
- Hall, Kermit L.** *The Oxford Companion to the Supreme Court of the United States* (New York, 1992).
- Hildeburn, Charles Swift.** *List of the Publications Issued in Pennsylvania, 1685-1734* (Philadelphia, 1882).
- Holdsworth, Sir William.** *A History of English Law*. Third Edition by A.L. Goodhart and H.G. Hanbury (London, 1987). Cited as HEL.
- Marvin, J.G.** *Legal Bibliography, or Thesaurus of American, English, Irish, and Scotch Law Books* (Philadelphia, 1847. Reprint, Buffalo, 1953).
- Palau y Dulcet, Antonio,** *Manual del Librero Hispano-Americano* (Barcelona, 1948-1977).
- Roberts, A.A.** *A South African Legal Bibliography* (Pretoria, 1942).
- Sabin, Joseph.** *A Dictionary of Books Relating to America* (New York, 1960-1966).
- Sowerby, E. Millicent.** *Catalogue of the Library of Thomas Jefferson* (Washington, DC, 1952–1959. Reprint, Clark, NJ, 2010).
- Sweet, W. Harold, and Leslie F. Maxwell, Editors.** *Sweet & Maxwell's Legal Bibliography of the British Commonwealth of Nations*. (London, 1959. Reprint, London, 1989). Cited as Sweet & Maxwell.
- Walker, David M.** *The Oxford Companion to Law* (Oxford, 1980).
- Wallace, John William.** *The Reporters Arranged and Characterized with Incidental Remarks*. (Boston, 1882. Reprint, Buffalo, 1959).
- Winfield, Percy H.** *The Chief Sources of English Legal History* (Cambridge, 1925. Reprint, Buffalo, 1983).
- Wroth, Lawrence C.** *A History of Printing in Colonial Maryland, 1686-1776* (Baltimore, 1922). Cited as Maryland Imprints.
- Wroth, Lawrence C.** *The Colonial Printer* (Portland, ME, 1938).

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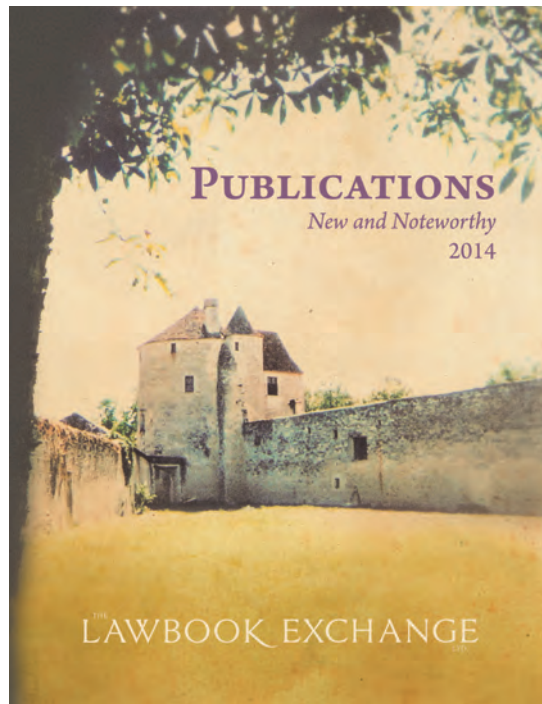
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