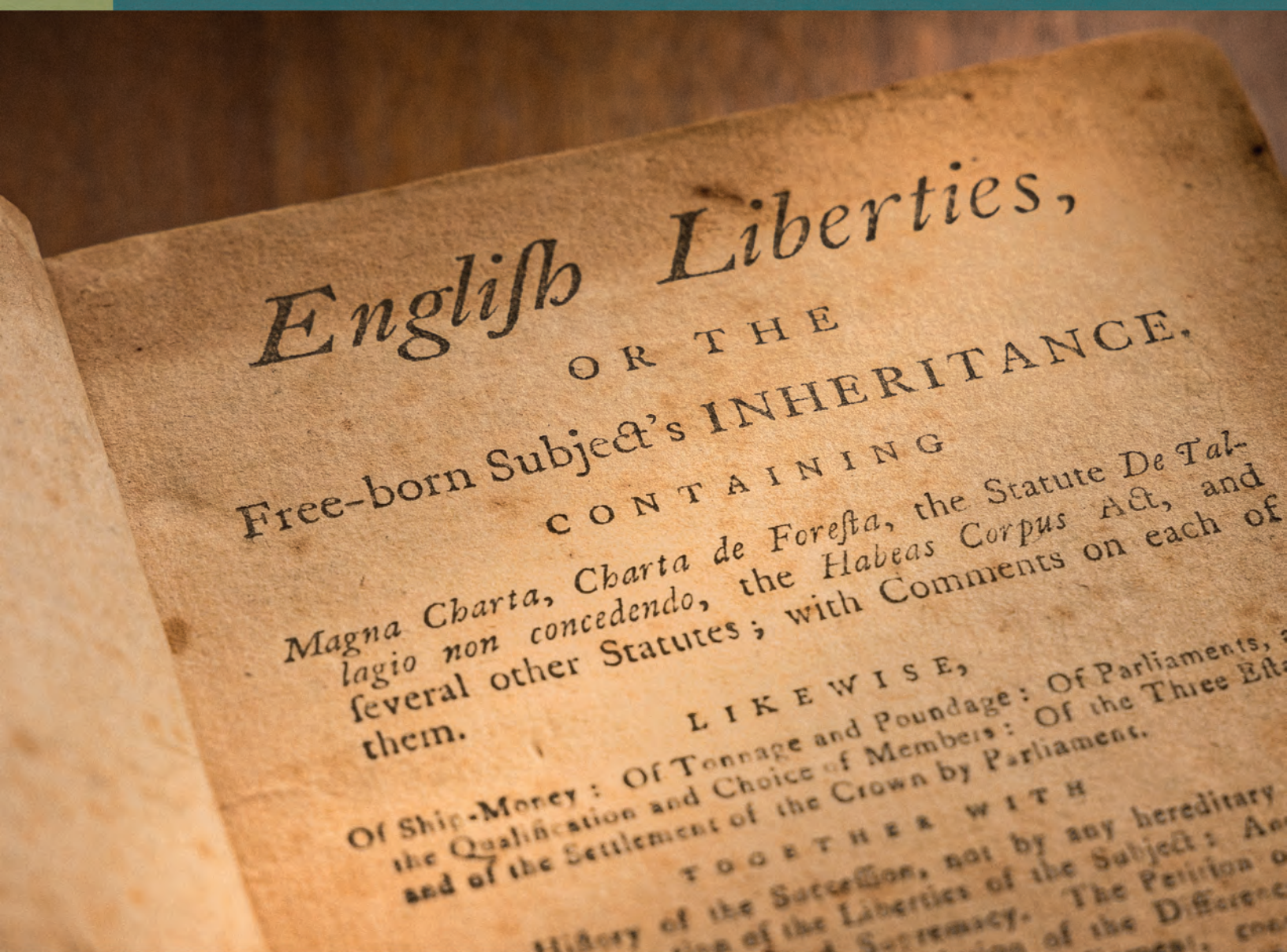


FEBRUARY 20, 2024

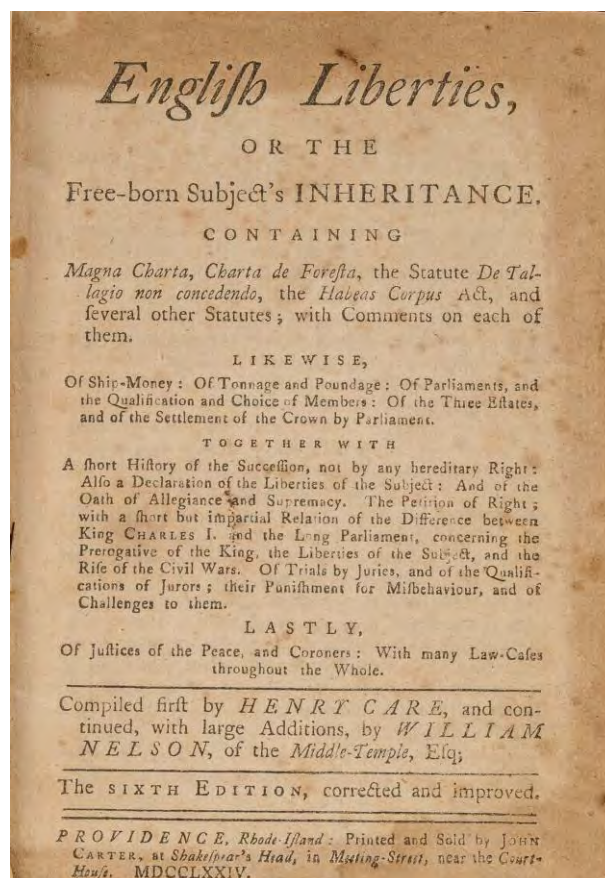
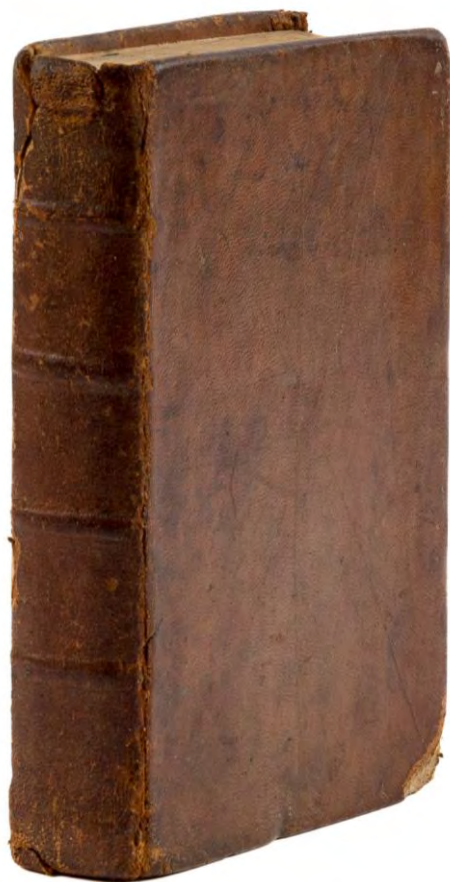
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30 ITEMS



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A Profound Influence in Pre-Revolutionary America

1. [Care, Henry (1646-1688)].

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

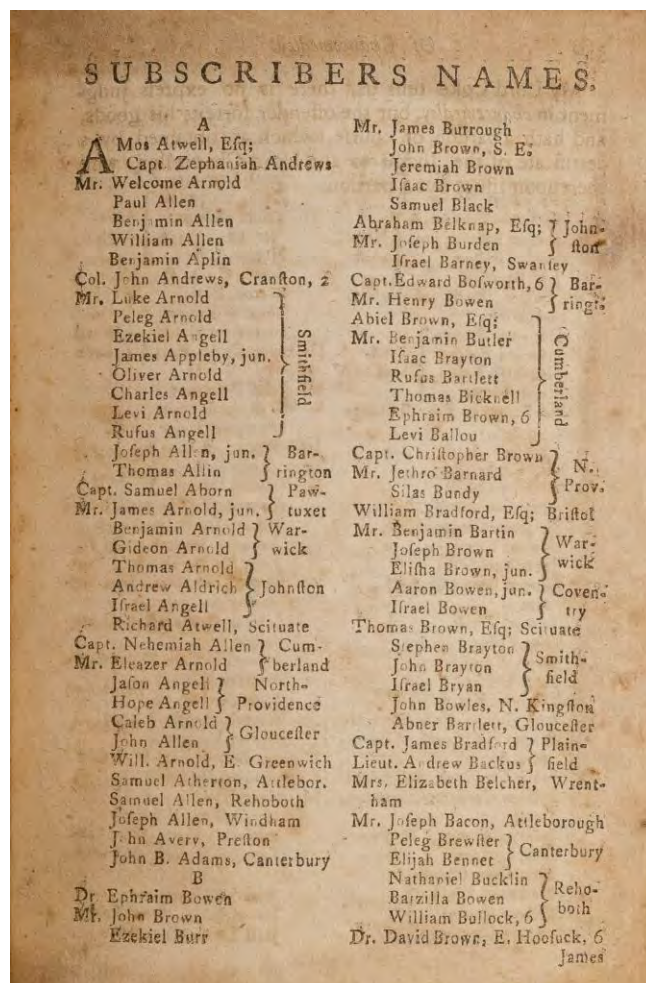
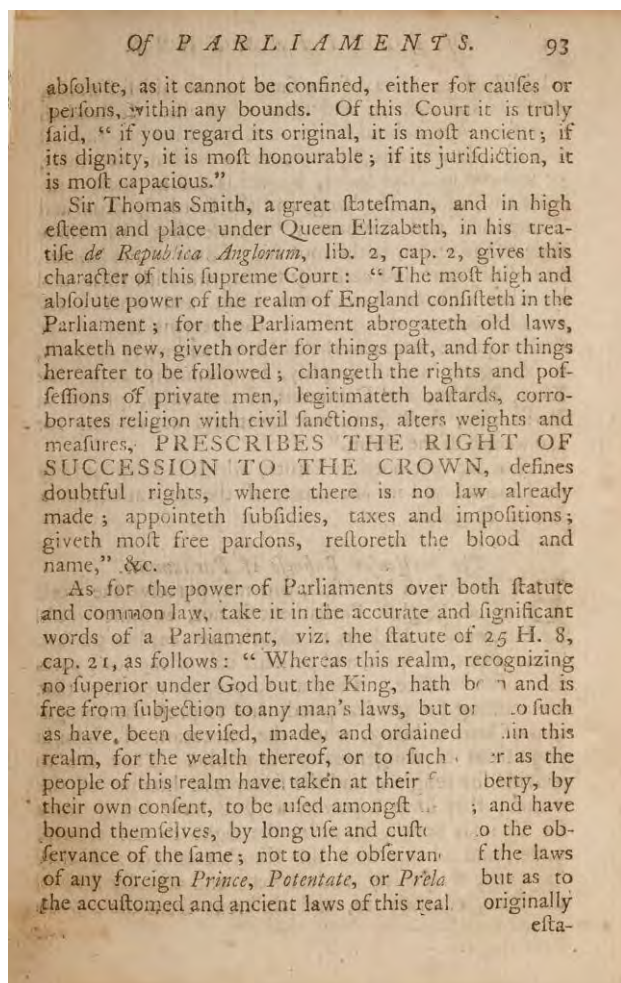
English Liberties, Or The Free-Born Subject's Inheritance. Containing Magna Charta, Charta de Foresta, The Statute De Tallagio, Non Concedendo, The Habeas Corpus Act, And Several Other Statutes; With Comments on Each of Them. Likewise, Of Ship-Money: Of Tonnage and Poundage. Of Parliaments, and the Qualification 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. Includes six-page subscriber list. Octavo (7" x 4-3/4").

Contemporary sheep, raised bands to spine, blind tooling to board edges. Light rubbing and a few shallow scuffs and scratches to boards, early ink annotation to front board, moderate rubbing to extremities, front joint starting, rear joint cracked, chipping to spine ends, corners bumped and worn, hinges cracked (rear hinge before final text leaf), faint offsetting to preliminaries, small tear and brief annotation (dated 1790) to front pastedown, owner signature (of Nathaniel Bishop, dated Richmond, December 9, 1781) to front free endpaper, which is lightly edgeworn and lacking its lower outside corner. Moderate toning and light foxing to interior, printer's flaw to p. 93 with loss to text, light soiling and tiny spark burns to a few leaves. A very appealing copy in a contemporary binding. \$7,500.

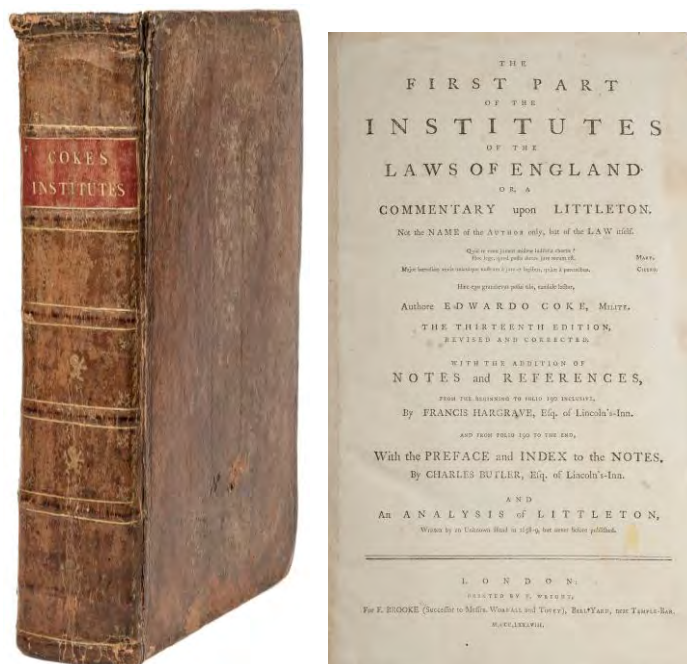
* Second American edition. Preceded by a 1721 Boston edition, this 1774 Providence edition was published in the same year as the first Continental Congress and the Intolerable Acts (and about a year after the Boston Tea Party). A publisher's note at the end of the table of contents says this edition was "principally designed for America" and contained "extracts from several late celebrated writers on the constitution" (vi). It is almost certain that this publisher -was capitalizing on popular resentment toward the crown and parliament. First published in England in 1680 (or 1682, the first edition was not dated), this layman's guide reviews, from a Whig perspective, the principles of English law and government.

Containing the texts of Magna Carta and other foundational documents of the English Constitution, it emphasizes the role of juries in the preservation of civil rights and prevention of tyranny. It was first published in America in 1721 by James Franklin, the half-brother of Benjamin Franklin, who may have offered editorial guidance, this was one of the very first legal books published in the American colonies. It had a profound influence on several colonial readers, including the founding fathers. It was the primary source for William Penn's *Excellent Privilege of Liberty and Property* (1687), a work that inspired support for the revolution. George Mason used it when drafting Virginia's Declaration of Rights (1776). And Jefferson, who owned two copies, probably referred to it when he wrote the Declaration of Independence and the Virginia Statute for Religious Freedom. Its influence is also evident in the Bill of Rights.

Sowerby, *Catalogue of the Library of Thomas Jefferson* 2702, 2703. Cohen, *Bibliography of Early American Law* 3416.



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The First Critical Edition of *Coke on Littleton*

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

Hargrave, Francis [1741?-1821], Editor.

Butler, Charles [1750-1832], Editor.

Hale, Sir Matthew [1609-1676].

[Finch, Heneage, Earl of Nottingham (1621-1682)].

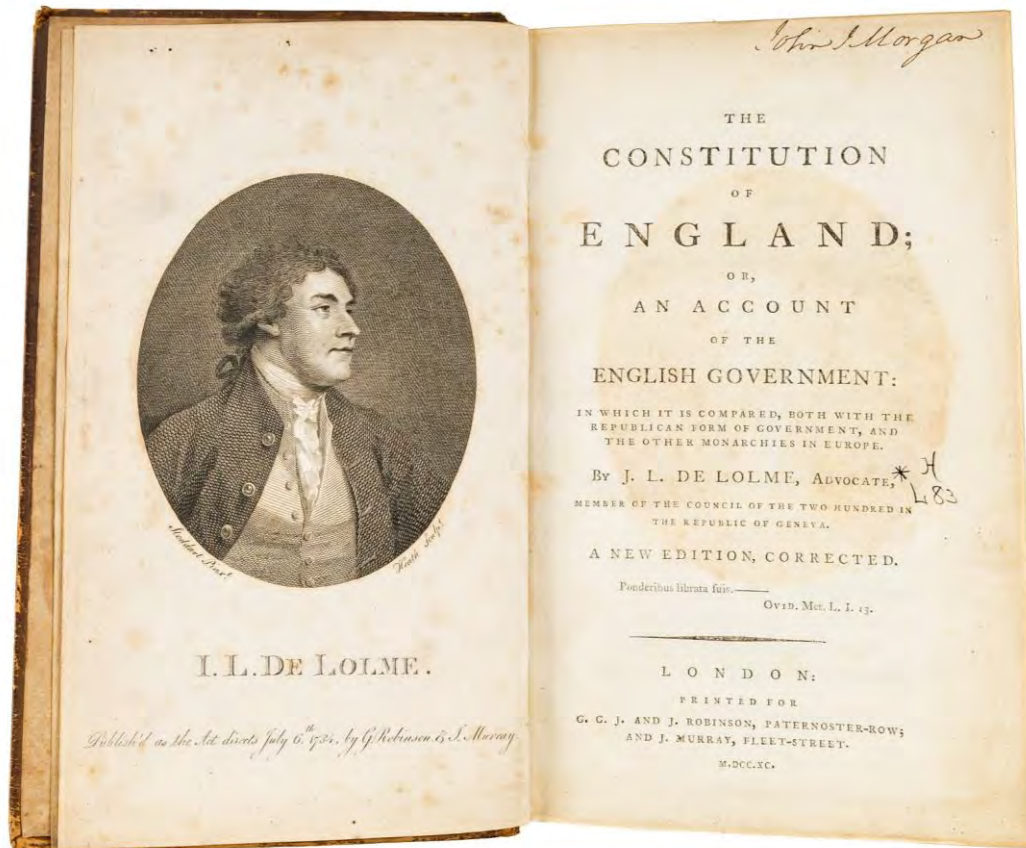
The First Part of the Institutes of the Laws of England or, A Commentary upon Littleton. Not the Name of the Author Only, But of the Law Itself. With the Addition of Notes and References From the Beginning to Folio 195 Inclusive, by Francis Hargrave, And From Folio 196 to the End, With the Preface and Index to the Notes, by Charles Butler and an Analysis of Littleton. London: Printed by T. Wright, For E. Brooke (Successor to Messrs. Worrall and Tovey), 1788. [xxii], xx pp., 395 ff., [66] pp. Folding table of consanguinity. Folio (14-1/4" x 9-1/4").

Contemporary tree calf, blind panels to boards, lettering piece, gilt-edged raised bands and gilt ornaments to spine. Moderate rubbing to boards, which are beginning to separate but secure, minor worming to front board, moderate rubbing to extremities, a few vertical creases to spine, corners bumped and somewhat worn, title page re-hinged. Moderate toning to interior, light foxing in a few places, light edgewear to endleaves, minor worming to pastedowns, rear pastedown loose, early repair to rear hinge. \$750.

* Thirteenth edition, the first critical edition of this landmark work. The four books of Coke's *Institutes* are considered the first textbooks on modern common law. They are virtually a legal encyclopedia. The importance of this work is indicated by its inclusion in *Printing and the Mind of Man*, which notes: "[if] Bracton first began the codification of the common law, it was Coke who completed it.... In the *Institutes* (...) the tradition of the common law from Bracton to Littleton, whose name Coke's commentary made famous, firmly established itself as the basis of the constitution of the Realm." Refined by later editors, Hargrave and Butler's edition became the standard version of this landmark work.

Printing and the Mind of Man (citing first edition) 126. *English Short-Title Catalogue* T117845.

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A Classic Study of the English Constitution

3. De Lolme, J[ean] L[ouis] [1740-1806].

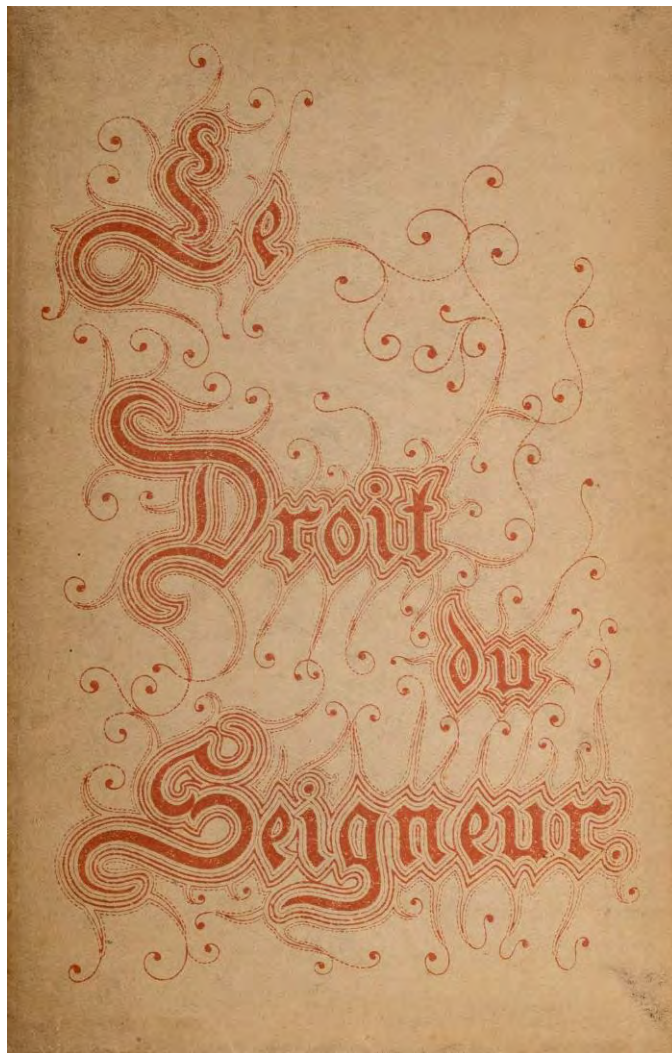
The Constitution of England; Or, An Account of The English Government: In Which it is Compared, Both With the Republican Form of Government, And the Other Monarchies in Europe. A New Edition, Corrected. London: Printed for G.G. and J. Robinson, 1790. [viii], xv, [1], 540, [20] pp. Copperplate frontispiece. Octavo (8" x 5").

Contemporary tree calf, gilt spine, gilt tooling to board edges. A few minor scratches and scuffs to boards, light gatering to edges in a few places, front board beginning to separate but secure, small chip to head of spine, bit of shelf label residue near center of spine, corners bumped and somewhat worn, early bookplate and library signature (John Morgan) to front free endpaper, rear hinge cracked, later card holder to rear pastedown. Moderate toning to interior, light foxing in a few places, owner signature (John Morgan) and early library location number in tiny hand to title page, another similar library marking to its verso. \$100.

* Later edition. First published in 1771, this highly regarded popular exposition of the English constitution was the first book-length analysis of the "separation of powers" proposed in Book XI of Montesquieu's *Spirit of Laws*, which sketched an institutional distinction between the legislative, executive, and judicial branches of government. As one would expect, it was held in high regard by many of the founding fathers.

English Short-Title Catalogue N3555.

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The Infamous *Droit du Seigneur*

4. Foras, Amédée de [1830-1899].

Le Droit du Seigneur au Moyen-Age: Étude Critique et Historique. Chambéry: André Perrin, 1886. xix, 281, [1] pp. Octavo (7-1/2" x 5").

Stiff printed wrappers bound in later three-quarter morocco over marbled boards, raised bands, blind fillets and gilt title and date to spine, top-edge gilt, fore and bottom edges untrimmed. Light fading and a few tiny scuffs to spine. Moderate toning to interior, light foxing to a few leaves, owner signature (of David Murray, Glasgow) to inside of front wrapper. \$200.

* Only edition. This essay discusses the historical legend of *le droit du seigneur*. Also known as *le droit de cuissage* or *ius primae noctis*, *le droit du seigneur* was an alleged feudal privilege allowing a lord to have sexual relations with the bride of a vassal on her wedding night. Considered a myth by many historians, its veracity was hotly debated by French historians during this period. Foras was a scholar specializing in genealogy and heraldry. David Murray [1842-1928] was a Scottish lawyer, antiquarian and bibliophile who amassed one of Scotland's finest private libraries.

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An Early American Formbook, Philadelphia 1792

5. [Formbook].

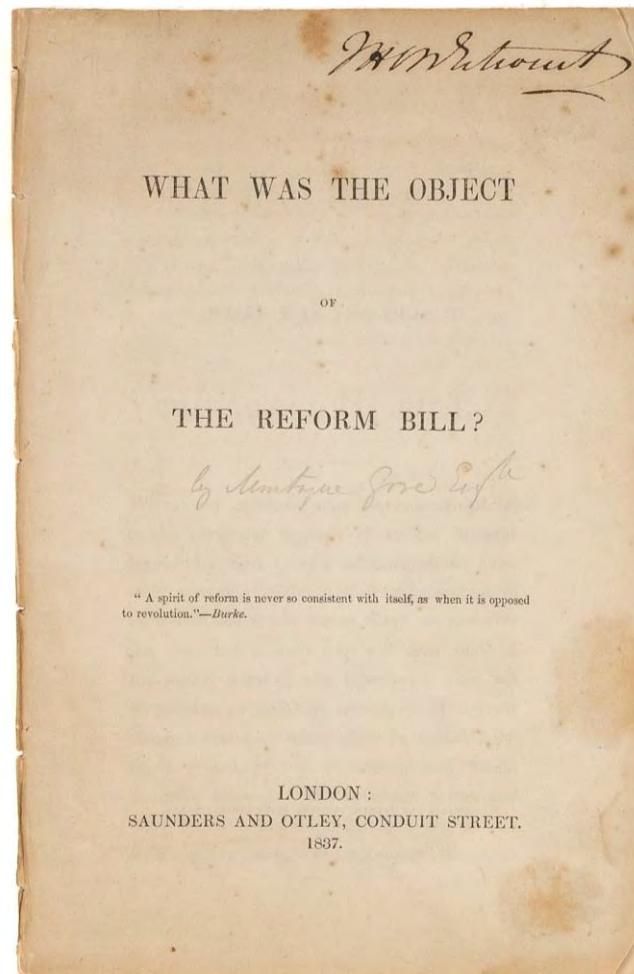
The Young Clerk's Magazine: Or, English Law-Repository: Containing a Variety of the Most Useful Precedents of Articles of Agreement, Bonds, Bills, Recognizances, Releases, Letters and Warrants of Attorney, Awards, Bills of Sale, Gifts, Grants, Leases, Assignments, Mortgages, Surrenders, Jointures, Covenants, Copartnerships, Charterparties, Letters of Licence, Compositions, Conveyances, Partitions, Wills, And All Other Instruments that Relate to Public 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: Printed by Joseph Cruikshank, 1792. [iv], 299, [7] pp. 12mo. (6-1/2" x 4").

Contemporary sheep, rebaked in period-style calf, retained existing lettering piece and blind fillets to spine, hinges mended. Minor nicks, scratches, gatoring and stains to boards, moderate rubbing to board edges, corners bumped and somewhat worn. Light browning and foxing to interior, short tears to edges of a few leaves, early annotations, penmanship exercises and scribbles to endleaves, scratched-out early signature to head of title page. \$125.

* Third American edition. First published in London in 1739, this is a formbook for law clerks, lawyers and laymen with a section containing instructions for conveyancing. The first American edition was published in 1774; the final edition, the fourth, in 1795. All are reprints of the fifth London edition, 1772. (The American editions are designated on their title pages as Fifth, Sixth, Seventh and Eighth editions.)

OCLC locates 9 copies of the third edition in North American law libraries (San Francisco Law Library, Georgetown, DePaul, Harvard, Ohio Northern University, Ohio State University, University of Minnesota, Jenkins Law Library, University of Pennsylvania). Cohen, *Bibliography of Early American Law* 8205.

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A Moderate Take on the Reform Act of 1832

6. [Gore, Montague (1800-1864)].

What Was the Object of the Reform Bill? London: Saunders and Otley, 1837. 51, [1] pp. Octavo (8-1/4" x 5-1/4").

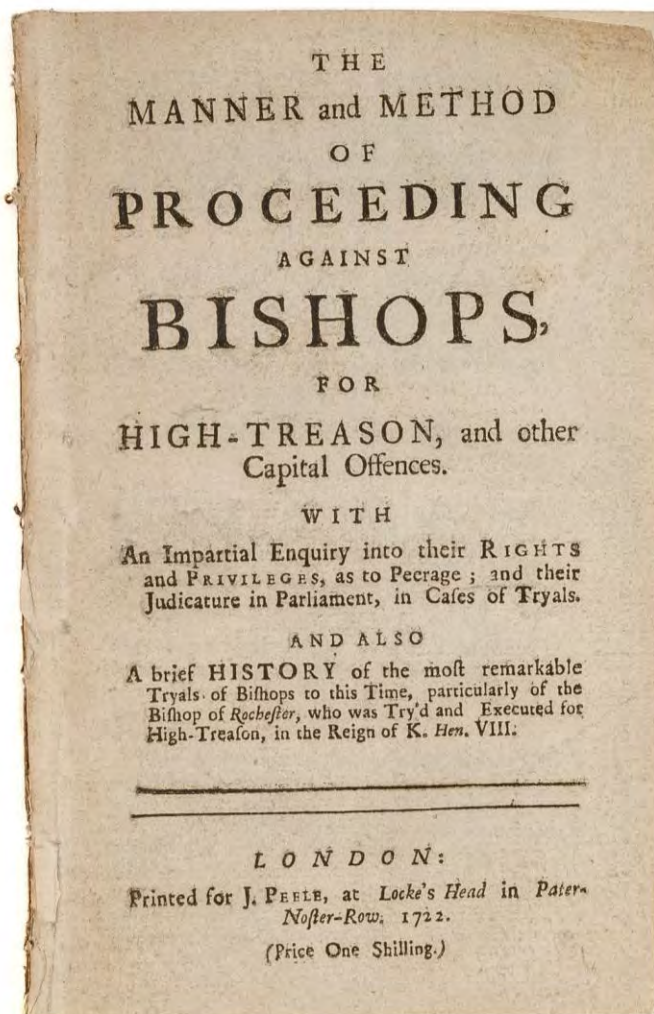
Disbound stab-stitched pamphlet. Moderate toning, occasional faint staining to title page and margins of text, (illegible) owner signature and pencil annotation to title page. \$250.

* Only edition. The Reform Act of 1832 represented a significant overhaul of the electoral systems of England and Wales. It expanded the franchise to anyone possessing property worth £10, created a system of voter registration and abolished so-called "rotten boroughs" which allowed very small electorates to gain disproportionate influence. On the other hand, it explicitly disenfranchised women and did not extend voting rights to the working class or establish a secret ballot. The act sparked controversy and critical assessment from both ends of the political spectrum. Gore, a moderate Whig who would later serve as a Conservative, defends the Reform Act as an important step but urges against the adoption of "the wild projects of revolutionary innovators."

Not in the *British Museum Catalogue*. OCLC locates 5 copies in North America, none in law libraries.

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Published in Response to the Atterbury Plot

7. [Great Britain].

The Manner and Method of Proceeding Against Bishops, For High-Treason, And Other Capital Offences. With An Impartial Enquiry into their Rights and Privileges, As to Peerage; And their Judicature in Parliament, In Cases of Tryals. And Also A Brief History of the Most Remarkable Tryals of Bishops to this Time, Particularly of the Bishop of Rochester, Who was Try'd and Executed for High-Treason, In the Reign of K. Hen. VIII. London: Printed for J. Peele, 1722. 68 pp. Octavo (7-1/4" x 4-1/2").

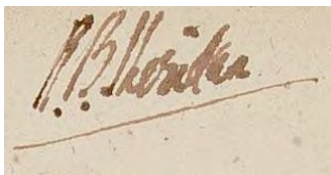
Disbound stab-stitched pamphlet. Light toning, light soiling to exterior. Woodcut head-piece and initial. \$250.

* Only edition. This historical review of the rights of bishops tried for capital offenses was probably published as a response to the 1722 imprisonment of Francis Atterbury, Bishop of Rochester, in the Tower of London. Atterbury was accused of plotting a Jacobite coup that would restore the Stuarts to the throne; the case against him collapsed and he was stripped of his positions and exiled rather than executed.

English Short-Title Catalogue T38945.

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**Richard Brinsley Sheridan's Copy of an
Important Work on Parliamentary Procedure**

8. Hatsell, John [1743-1820].

[Sheridan, Richard Brinsley (1751-1816)].

Precedents of Proceedings in the House of Commons, Under Separate Titles; With Observations. London: Printed by H. Hughs, 1781. xi, 247, [32] pp. Quarto (8" x 10-1/2").

Nineteenth-century calf with later rebacking retaining existing spine, which has gilt fillets and red and black lettering pieces, gilt tooling to board edges, endpapers renewed. Light rubbing and a few minor nicks and scuffs to boards, light gatoring to perimeters of boards, moderate rubbing to board edges, corners bumped and worn. Light browning to interior, light foxing to sections of text, retained armorial bookplate of Richard Brinsley Sheridan to front pastedown, his signature to head of title page. \$1,850.

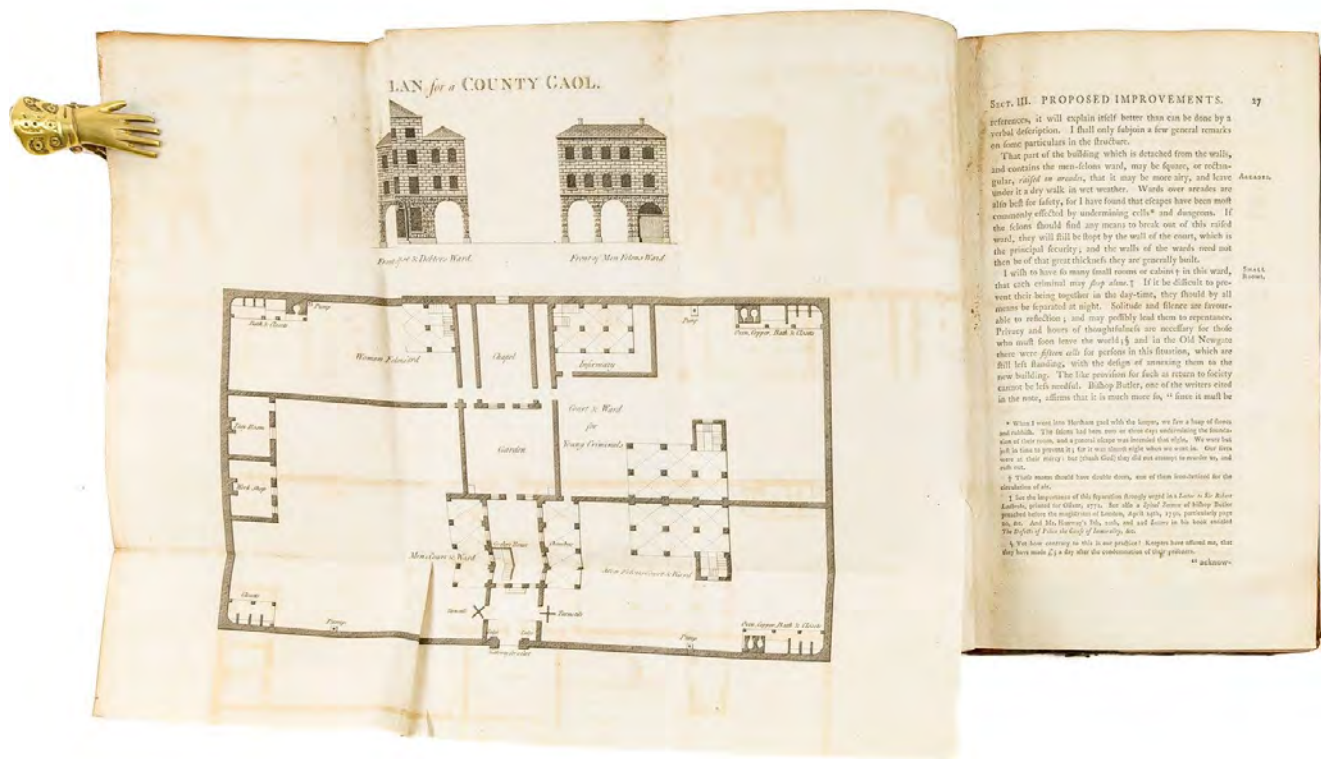
* First edition. Holdsworth cites this book several times at length and says it is "[p]erhaps the most important book on a particular topic connected with Parliament." Contents: "Members," "Rules of Proceeding," "Speaker," "Clerk," "Fees," "King." Complete in itself, this volume was later issued as Volume II of a four-volume set. The books later designated Volumes I and III were originally published in 1776 and 1785. In 1818 a new volume, designated Volume IV, was issued with reissues of the others with volume numbers.

Famous today as the author of *The Rivals* (1775), *The School for Scandal* (1777) and other plays, Sheridan had parallel careers as a theater owner and Whig politician. He sat in the British House of Commons from 1780 to 1812, representing the constituencies of Stafford, Westminster and Ilchester, and served as treasurer of the navy from 1806 to 1807.

Holdsworth, *A History of English Law* XII:345-46. *English Short-Title Catalogue* T114572.

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A Landmark Study of Prisons

9. Howard, John [1726-1790].

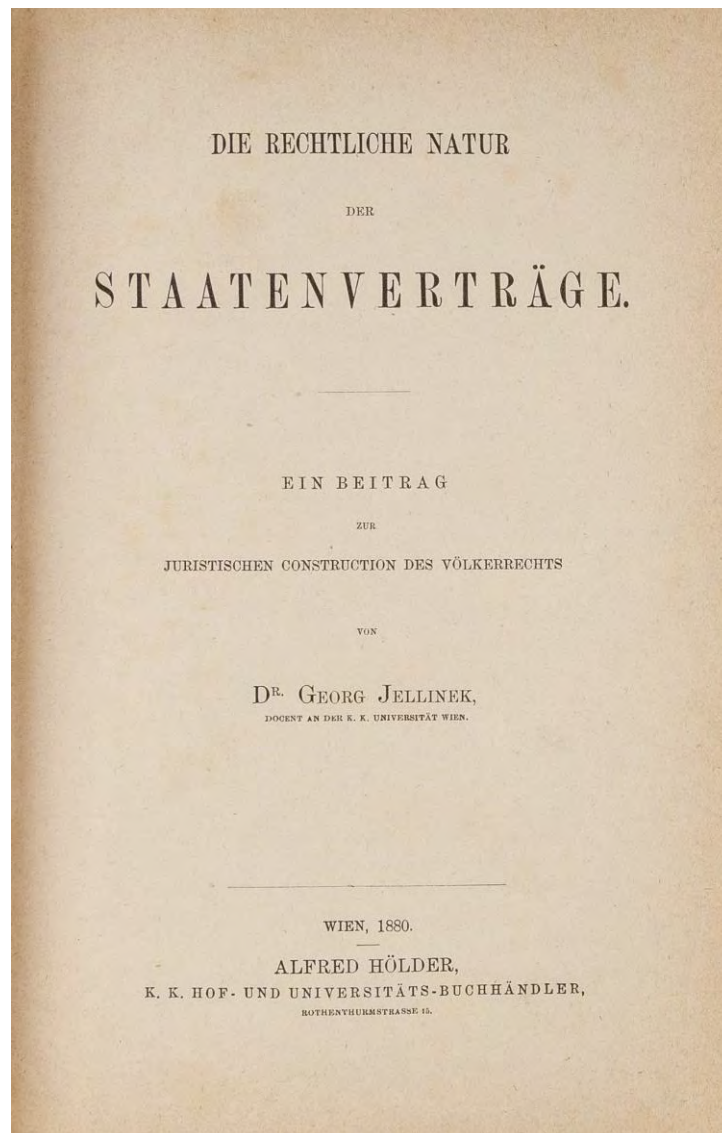
The State of the Prisons in England and Wales, With Preliminary Observations, And an Account of Some Foreign Prisons and Hospitals. Warrington: Printed by William Eyres; And Sold by T. Cadell, 1780. [viii], 449, [19] pp. With 11 copperplates (one a double plate), 9 folding, and a half-title. Complete, final 2 leaves present in duplicate. Octavo (9" x 5-1/2").

Contemporary mottled three-quarter calf over marbled boards, rebaked retaining existing spine with gilt fillets and lettering piece, gilt ornament to top compartment, front hinge mended with cloth. Light rubbing to boards, moderate rubbing to spine and board edges, corners bumped and worn, rear hinge cracked. Light toning to interior, faint offsetting from plates, a few of which have light edgewear or minor clean tears not affecting images. \$350.

* Second edition. After being shocked by the conditions of his county prison as high sheriff, Howard dedicated himself to touring hundreds of prisons in Great Britain and Western Europe. He reported his findings in *The State of the Prisons*, which was, to quote *Printing and the Mind of Man*, "the first major practical work on the subject." A vivid synthesis of factual data and moral outrage, it called for drastic improvements in the housing, cleanliness and care of prisoners. Within a year of its publication it inspired a bill that established two prisons with plans based on Howard's recommendations. The first edition was published in 1777, its final edition, the fourth, in 1792.

Printing and the Mind of Man (citing first edition) 224. *English Short-Title Catalogue* T83449.

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By an Important Scholar of Public Law

10. Jellinek, Georg [1851-1911].

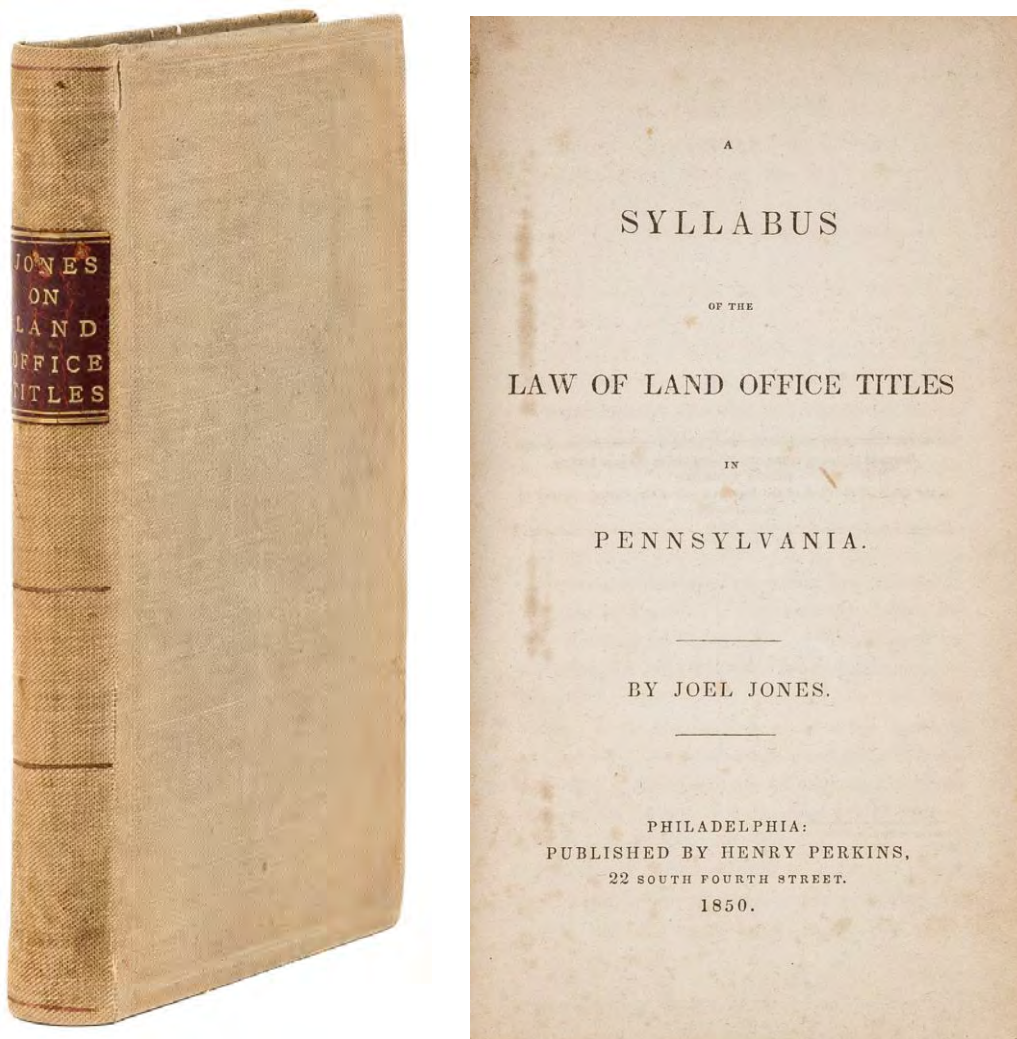
Die Rechtliche Natur der Staatenverträge. Ein Beitrag zur Juristischen Construction des Völkerrechts. Vienna: Alfred Hölder, 1880. IV, 66, [2] pp. Octavo (8-3/4" x 5-1/2").

Original cloth, gilt title to spine, ribbon bookmark. Faint spotting to front board, light rubbing to extremities, front hinge starting at foot. Toning to interior, occasional pencil underlining, leaf 3h (pp. 47-48) reinforced at gutter, pencil annotations (in Russian?) to last 2 pp. \$250.

* Only edition. Jellinek was a German scholar of public law who wrote extensively on international law and political theory. Written while he was a lecturer in legal philosophy at the University of Vienna, this work discusses the legal nature of international treaties with references to Grotius, Hegel and Vattel, among others.

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Lectures on Land Titles in Pennsylvania Law

11. Jones, Joel [1795-1860].

A Syllabus of the Law of Land Office Titles in Pennsylvania. Philadelphia: Published by Henry Perkins, 1850. xxiv, 264 pp. Octavo (7-1/2" x 4-1/2").

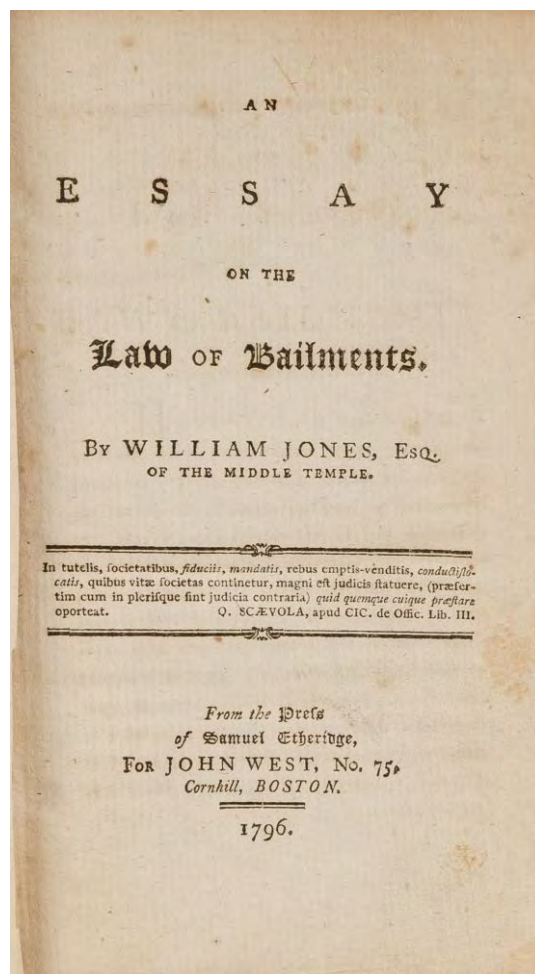
Later tan cloth, blind frames to boards, fillets and red gilt lettering piece to spine, cloth hinges, endpapers renewed. Light soiling to exterior, a few small holes to lettering piece, corners bumped. Moderate toning to interior, light foxing to a few leaves. \$450.

* Only edition. Jones was a Pennsylvania jurist, president of Girard College from 1847 to 1849 and later Mayor of Philadelphia. This work, an expanded treatment of lectures delivered before the Law Academy of Philadelphia, discusses land grants and titles in Pennsylvania law and was intended for a student audience.

Cohen, *Bibliography of Early American Law* 9639.

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The First American Edition of *Jones on Bailments*

12. Jones, Sir William [1746-1794].

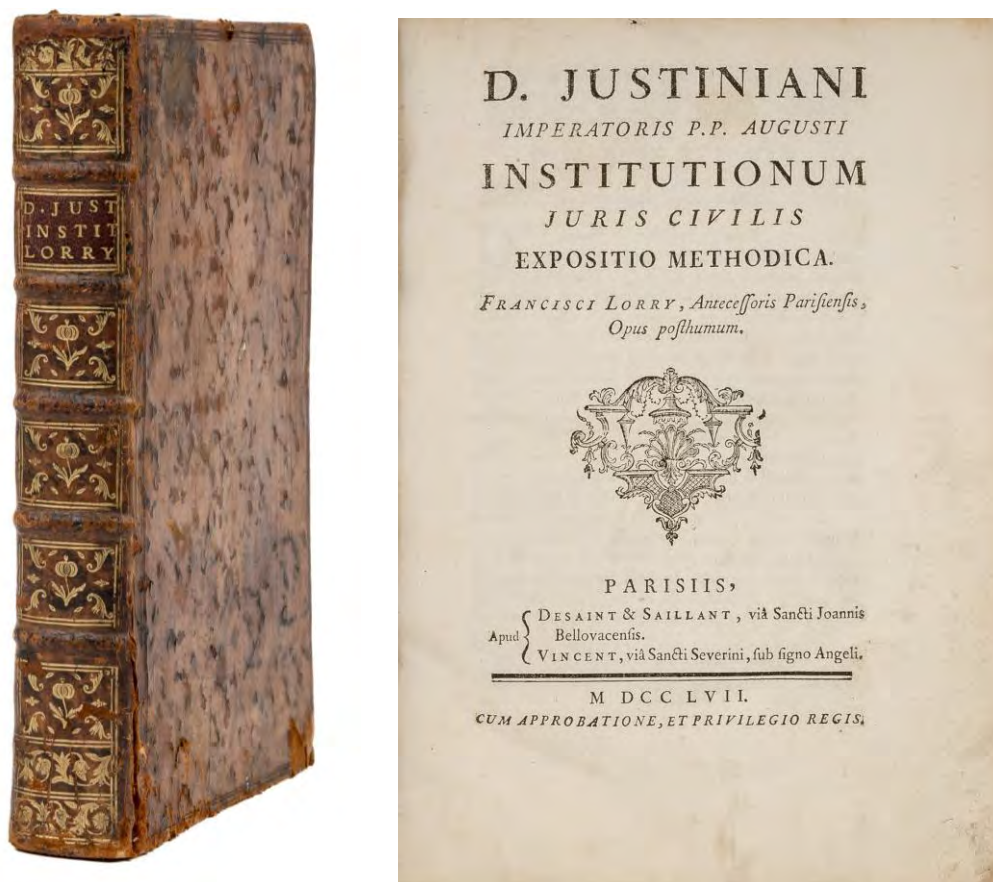
An Essay on the Law of Bailments. Boston: From the Press of Samuel Etheridge, For John West, 1796. 178, [1] pp. 12mo. (6-3/4" x 4").

Contemporary sheep, blind fillets to board edges, lettering piece and blind fillets to boards. Light rubbing and a few nicks and scuffs to boards, which are beginning to separate but secure, moderate rubbing to extremities, spine ends worn away, corners bumped and somewhat worn. Light browning and light foxing to interior, offsetting to margins of endleaves, later gift inscription to front endleaf. \$100.

* First American edition, a reprint of the first London edition, 1781. One of the first significant books to use principles derived from Roman and civil law sources, this influential treatise played an important role in the introduction of their ideas into Anglo-American jurisprudence. Kent admired this work, as did Marvin, who praised its "artistic and scholar-like finish" (Marvin). Sir William Jones was a distinguished scholar of Indo-European languages and a brilliant jurist. A friend of Johnson, Gibbon and Burke, he was a judge of the High Court at Calcutta from 1783 until his death.

Marvin, *Legal Bibliography* 428-429. Cohen, *Bibliography of Early American Law* 2419.

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Scarce Commentary on the *Institutes* by a Parisian Law Professor

13. Justinian I [485-565 CE], Emperor of the East.

Lorry, François, Commentary.

D. Justiniani Imperatoris P.P. Augusti Institutionum Juris Civilis Expositio Methodica. Paris: Apud Desaint & Saillant, 1757. xviii, 556 pp. Quarto (10" x 7-1/4").

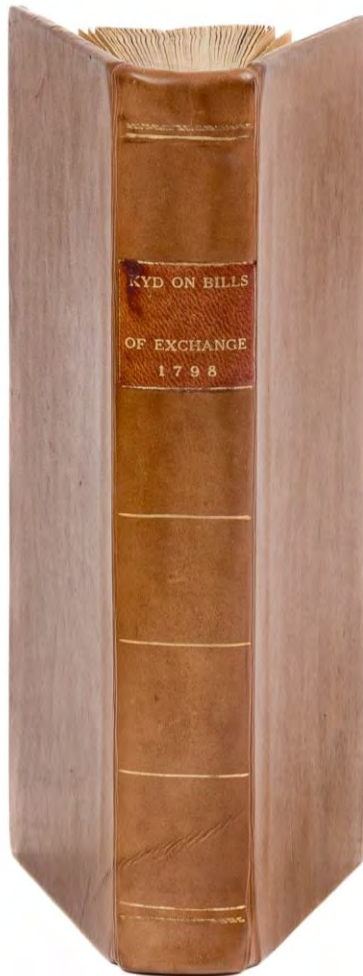
Contemporary mottled calf, blind rules to boards, gilt spine with raised bands and lettering piece, gilt tooling to board edges, marbled edges and endpapers. Light rubbing and a few shallow scuffs and faint stains to boards, rubbing to extremities, front joint starting at foot, light wear to board edges and corners, which are bumped, hinges just starting. Light toning to interior, very light foxing, soiling and tiny spark burns to a few leaves, clean tear to bottom margin of leaf Bb4 (pp. 199-200), small hole to right margin of leaf Ggg1 (pp. 417-418), text not affected. \$250.

* First edition. Commissioned by the Emperor Justinian in 530 CE, the body of writings known collectively as the Corpus Juris Civilis restated all existing Roman law. It has four components: the Code, Novels, Institutes and Digest. Intended for students, the Institutes is a synopsis of the reformed legal system. Rediscovered during the late Middle Ages, it became the standard guide to Roman law. Intended as a textbook, this commentary includes the text of each chapter with a detailed exposition by Lorry, a Parisian professor of law. Subsequent editions were published in 1777 and 1809.

The first edition is scarce. OCLC locates no copies in North America; we located 2 (Harvard Law School, Library of Congress).

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**First American Edition of a Notable
Treatise on the Law of Negotiable Paper**

14. Kyd, Stewart [d.1811].

A Treatise on the Law of Bills of Exchange and Promissory Notes. With Considerable Additions. Boston: Printed by Manning & Loring, For S. Hall [et al.], 1798. xii, 288 pp. 12mo. (7" x 4").

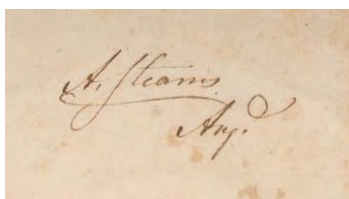
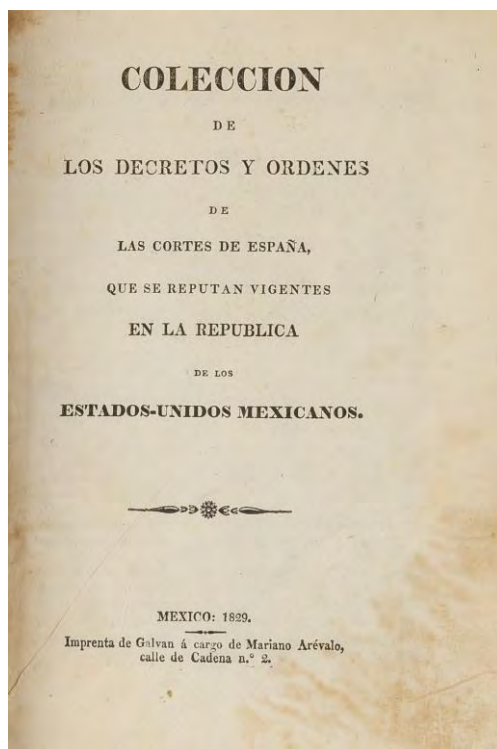
Recent period-style calf, morocco lettering piece and gilt fillets to spine, endpapers renewed. Tiny stain to lettering piece, a bit of gilding rubbed away from fillets at head and foot of spine. Light browning to interior, light foxing in a few places, folds, small chips and minor tears to edges of a few leaves, faint offsetting to margins of endleaves and title page, which has an early owner signature (Jeremy (?) Lippitt) to its upper margin. \$250.

* First American edition, from the third London edition, 1795. Kent called this early treatise on bills of exchange "a very valuable digest to the practicing lawyer." First published in 1790, this book remained an authority into the early nineteenth century. Its final edition, the second American, was published in Albany in 1800.

Kent, *Commentaries on American Law* III:128. Cohen, *Bibliography of Early American Law* 2542.

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Record of the Spanish *Cortes* in Mexico, 1811-1821

15. [Mexico].

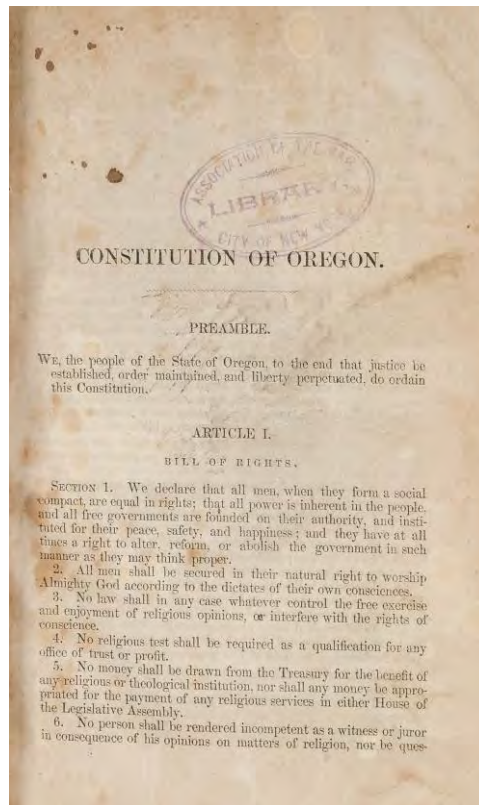
Coleccion de los Decretos y Ordenes de las Cortes de Espana, Que se Reputan Vigentes en la Republica de los Estados-Unidos Mexicanos. Mexico: Imprenta de Galvan a Cargo de M. Arevalo, 1829. xvi, 216 pp. Octavo (8" x 5-1/4").

Contemporary mottled sheep, gilt fillets and fragment of label to spine, lettering piece lacking. Light rubbing and shallow scuffing to boards, moderate rubbing to extremities, shelf number in ink to foot of spine, faint offsetting to preliminaries, later owner bookplate (of Joseph M. Gleason) and early owner signature (A. Stearns) to front endleaves. Light toning to interior, light foxing in a few places, faint staining to first and final few leaves, small library inkstamps to verso of title page and lower margin of p.33. \$500.

* Only edition. This volume collects ordinances and decrees issued by the *Cortes* established by the Spanish constitution of 1812. Contents include a group of preliminary ordinances and decrees from 1811 and the final ones issued before Mexico prevailed in its war for independence in 1821. Gleason [1869-1942] was a Catholic priest, historian and collector. "A. Stearns" may have been Asahel Stearns [1774-1839], Harvard Law School's first full-time professor.

Not in Clagett and Valderrama.

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First Post-Statehood Printing of Oregon's Constitution

16. [Oregon].

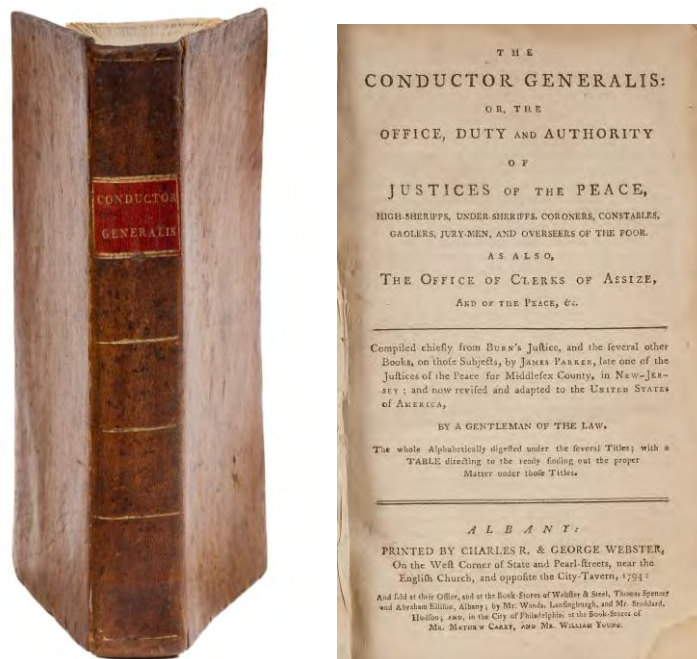
The Constitution; Together with the Session Laws of Oregon, Enacted During the First Regular Session of the Legislative Assembly of Oregon, Begun, Sept. 10, 1860. Salem, OR: Asahel Bush, State Printer, 1860. 111, [1], 9, [1], 5, [1], 6, [2] pp. Octavo (8-1/2" x 5-1/4").

Later library cloth, red and black lettering pieces to spine, endleaves renewed, cloth hinges. Some soiling to cloth, spine somewhat darkened, lettering pieces partially abraded, tear to bottom-edge of front endleaves, which are loosening but secure. Moderate toning to interior, light foxing in a few places, lower outside corners of a few leaves folded and untrimmed, faint dampstain to top half of last 15 or so leaves, faint staining, ink annotations and (illegible) pencil owner signature to title page, which is lacking its upper outside corner without loss to text, ink library stamps to title page and following leaf. \$750.

* This collection of laws passed during Oregon's first regular legislative session includes the first post-statehood printing of Oregon's constitution, framed in 1857 and effected when Oregon became a state on February 14, 1859. The constitution notably provided for a referendum on the question of whether Oregon would be a slave state or free state and whether it would permit the residence of "free negroes and mulattoes." Residents voted to make Oregon a free state but banned free Negroes by a wide margin. Suffrage was limited to white male citizens aged 21 and older; women and anyone who was "an idiot or insane person," a felon, or a "negro [sic], Chinaman, or mulatto" were excluded from the franchise.

This title is scarce in commerce: no other copy has appeared at auction since 1938. Not in Streeter. Babbitt, *Hand-List of Legislative Sessions and Session Laws* 412. Sabin, *A Dictionary of Books Relating to America* 57548.

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1794 Albany Edition of the *Conductor Generalis*
"Revised and Adapted to the United States of America"

17. Parker, James [1714-1770].

The Conductor Generalis: Or, the Office, Duty and Authority of Justices of the Peace, High-Sheriffs, Under-Sheriffs, Coroners, Constables, Gaolers, Jury-Men, and Overseers of the Poor.... Albany: Printed by Charles R. And George Webster, 1794. xv, [1], 17-467, [1] pp. Printer advertisements to versos of p. xv and 467 have printer advertisements.

[Bound with]

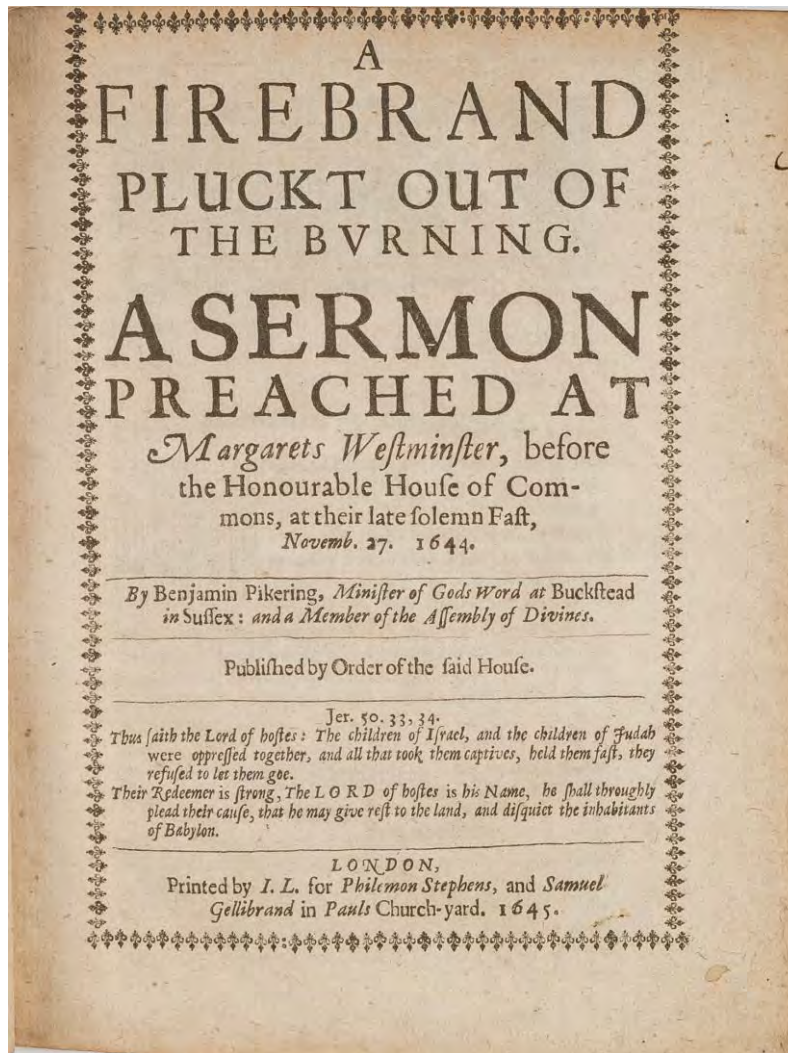
The Ten Pound Act: That is to Say, An Act for the More Speedy Recovery of Debts to the Value of Ten Pounds.... Albany: [Printed] by Charles R. And George Webster, [1795]. 23, [1] pp. Bookseller advertisements to versos of title page and p.23.

Octavo (8" x 5"). Contemporary sheep, gilt fillets and lettering piece to spine. A few nicks to boards, which are slightly bowed, light rubbing to extremities, small nick to lettering piece, boards beginning to separate but secure, corners lightly bumped, minor worming to rear pastedown and free endpaper, front free endpaper partially detached and somewhat edgeworn, "19/" to its upper outside corner. Light browning to interior, gradually diminishing dampstaining to lower outside of corner of text block to p.233, light foxing to a few leaves. \$250.

* A popular American legal manual issued by different printers and publishers largely based on English sources, primarily Burn. The first edition by Parker appeared in 1764. The present edition is a reissue of the 1792 edition published in Philadelphia by Robert Campbell without the Ten Pound Act and the sections on military and excise law. The preface says this edition, though useful throughout the country, is especially suited for justices in New York, New Jersey and Pennsylvania. This book has a second part of useful texts, such as "A Guide to Juries," "Notes on Magna Charta," "Of Maxims and General Rules, from Jacob's *Law Grammar*," "Of Actions and Remedies" and "Of Fictions, Intendments, and Presumptions." Bound with our copy is the fourth and final printing of the Ten Pound Act as a separate work, which was first printed in 1787. All printings of this act are scarce.

Cohen, *Bibliography of Early American Law* 7962, 2619.

[Order This Item](#)



"The Vitals of this Kingdome are Fearefully Distempered"

18. Pickering, Benjamin.

A Firebrand Pluckt Out of the Burning. A Sermon Preached at Margarets Westminster, Before the Honourable House of Commons, At Their Late Solemn Fast, Novemb. 27. 1644. London: Printed by I.L. for Philemon Stephens, and Samuel Gellibrand, 1645 [i.e. 1644]. [viii], 28 pp. Quarto (7-1/4" x 5-3/4").

Disbound pamphlet. Moderate toning, light foxing and soiling to a few leaves. \$450.

* Only edition. During the Long Parliament under the reign of Charles I, the House of Commons established monthly days of fasting and "Publique Humiliation" for its members, a reflection of Puritan theology's growing influence in politics. On the designated fast days, members would attend special services and the sermons would subsequently be printed under Parliamentary authority. As in the present example, these sermons were frequently of a political and historical nature and encouraged members to actively participate in building God's kingdom in England.

English Short-Title Catalogue R18962.

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First American Edition of Evans's *Pothier on Obligations*

19. Pothier, Robert Joseph [1699-1722].

[Evans, William David (1767-1821), Translator and Editor].

A Treatise on the Law of Obligations, or Contracts. Translated From the French, With an Introduction, Appendix, and Notes, Illustrative of the English Law on the Subject. Philadelphia: Published by Robert H. Small, 1826. Two volumes. xvi, [17]-103, 516; iv, 631 pp. Octavo (8-1/2" x 5-1/2").

Contemporary sheep, blind fillets to boards, red and black lettering piece and blind fillets to spines, blind tooling to board edges. Scuffing to boards, faint creasing to spines, chipping to spine ends, corners bumped and somewhat worn, faint library stamps to boards and edges, hinges cracked. Light browning and foxing to interiors, creases and fold lines to a few leaves, library stamps to preliminaries, rear endleaves and a few other leaves, early owner signatures (Birdsall, S.B. McKee, B.M. Farmer) to front pastedowns and free endpapers, gradually diminishing faint dampstaining to Volume I through p.60. \$950.

* First American Evans edition, the second American edition of this work. (The first, a translation by F.X. Martin, was published in Newbern, N.C. in 1802.). Evans's edition was first published in London in 1806. Holdsworth says it introduced Pothier to English lawyers, which "did considerable service to the development of the English law of contract" and was "soon recognized as a major contribution to legal science...and frequently cited in British Courts."

Holdsworth, *A History of English Law* XIII:467. Cohen, *Bibliography of Early American Law* 3657.

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With the Scarce Dust Jacket

20. Roughead, William [1870-1952].

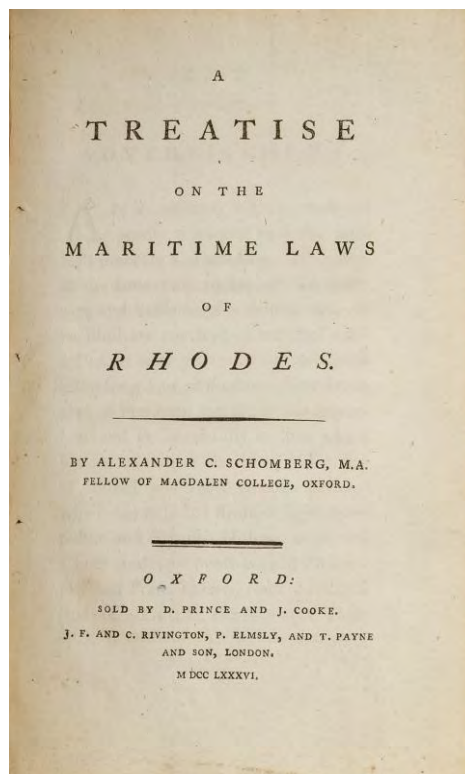
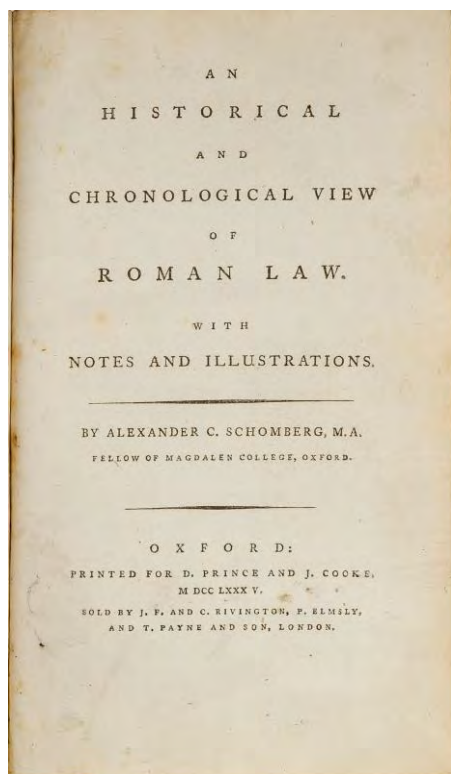
In Queer Street. Edinburgh, W. Green & Son, 1932. xiii, 259 pp. 8 black-and-white illustrations.

Cloth in lightly worn pictorial dust jacket. \$500.

* First printing. In addition to his work as the editor of the Notable Scottish Trials series, Roughead was a prolific author and an early pioneer of the true crime genre. Five of the seven cases deal with murder, while the other essays record cases of forgery and a client defended by Boswell. An entertaining collection from a master of the form.

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Studies of Rhodian and Roman Law by a Notable Oxford Poet-Scholar

21. Schomberg, Alexander Croucher [1756-1792].

An Historical and Chronological View of Roman Law. With Notes and Illustrations. Oxford: Printed for D. Prince And J. Cooke. Sold by J.F. And C. Rivington, P. Elmsly, And T. Payne and Son, London, 1785. [viii], 204, [4] pp.

[Bound with]

Schomberg, Alexander Croucher.

A Treatise on the Maritime Laws of Rhodes. Oxford: Sold by D. Prince and J. Cooke. J.F. And C. Rivington, P. Elmsly, And T. Payne and Son, London, 1786. 109, [3] pp.

Octavo (8-1/2" x 5"). Contemporary three-quarter calf over marbled boards, gilt title (reading "Tracts") and gilt fillets to spine, marbled edges. Moderate rubbing to boards and extremities, corners bumped and somewhat worn. Moderate toning to interior, light soiling to endleaves and title pages, later signatures dated 1819 (William Morgan Wistaston, Thomas Jones) and later inscription dated 1915 to front pastedown and free endpaper. An attractive volume. \$850.

* First editions. Schomberg, a fellow of Magdalen College, Oxford, was a notable poet and scholar of law and political economy. Our volume, which was probably compiled by a relative, contains his two principal works on legal history. The study of Roman law was a well-received work that had two editions in French published in Paris in 1793 and 1808.

The study of the maritime laws of Rhodes is scarce. OCLC locates 15 copies, 6 in North America, 3 in law libraries (Harvard, Library of Congress, Social Law). It was reprinted in John R. McCulloch, Ed., *A Select Collection of Scarce and Valuable Economic Tracts* (1859).

English Short-Title Catalogue T146944, T116248.

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Two Important Early Treatises on Gavelkind

22. Somner, William [1598-1669].

A Treatise of Gavelkind, Both Name and Thing. Shewing the True Etymologie and Derivation of the One, The Nature, Antiquity and Original of the Other. With Sundry Emergent Observations.... London: Printed by R. and W. Leybourn, 1660. [xxvi], 216, [8] pp. First leaf blank.

[Bound with]

Taylor, Silas [1624-1678].

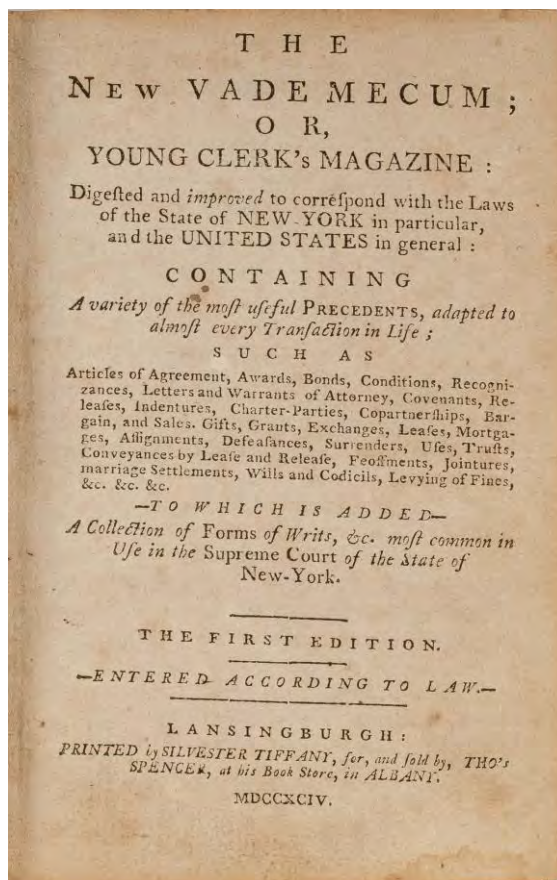
The History of Gavel-kind, With the Etymology Thereof; Constaining Also An Assertion that Our English Laws are for the Most Part Those That were Used by the Antient Britains.... London: Printed for John Starkey, 1663. [xxxvi], 211, [2] pp. Folding table (p. 211) bound before p. 1. Section titled *Brevis Relatio de Willelmo, Nobilissimo Comite Normanorum* has separate dated title page, with imprint "Typis Guil. Wilson pro Johanne Starkey," on leaf following p. 180. Publisher advertisements to final 2 pp.

Quarto (7" x 5-1/4"). Later speckled calf, blind fillets to boards, raised bands, blind fillets and gilt title to spine, blind tooling to outer and inner board edges, endpapers renewed. Light rubbing and a few small, shallow scuffs to boards, moderate rubbing to extremities, chipping to spine ends, joints starting at ends, corners lightly worn, front hinge just starting at head. Moderate toning to interior, occasional light foxing, tiny spark burns to a few leaves, trimming to fore-edge just touching side-note on p. [vi] of first work, small clean tears to a few leaves, affecting text on leaf Cc1 (pp. 193-194) of first work, final two leaves of second work mended on verso at upper corner, small clean tear to folding table not affecting legibility. \$800.

* Somner: first edition, one of two issues; Taylor: only edition. Gavelkind is a type of land tenure used mostly in Kent, but also in other parts of England, Ireland and Wales. It is a form of partible inheritance in which land descends equally to the decedent's sons. It was common during the Saxon era, but was gradually supplanted by primogeniture after 1066. Somner's treatise was the first on the subject and one of the first important studies of early English law. Taylor's was one of the earliest.

English Short-Title Catalogue R20010, R30161.

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1794 New York Legal Manual

23. [Spencer, Thomas (1752-1840)].

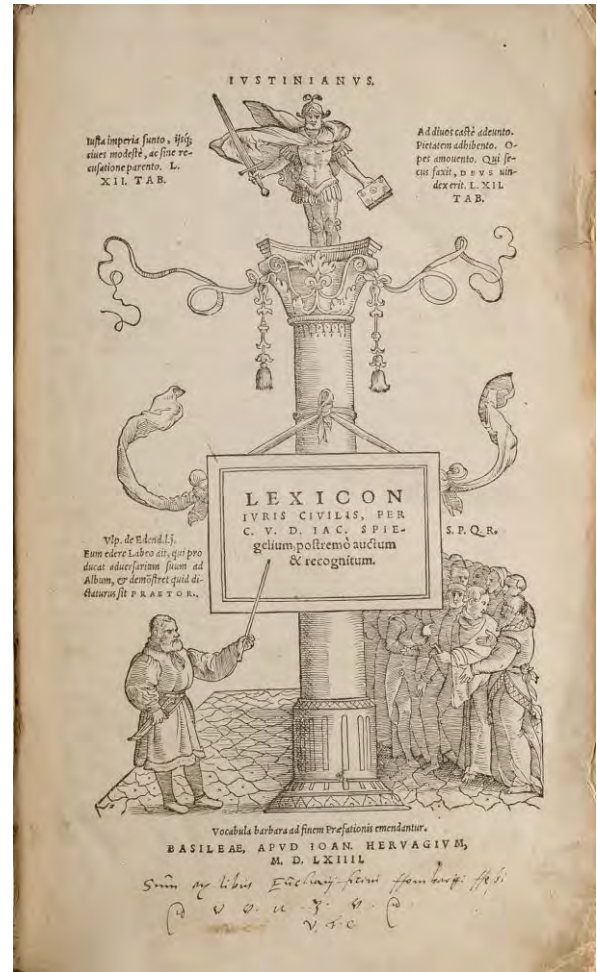
The New Vade Mecum; or Young Clerk's Magazine: Digested and Improved to Correspond with the Laws of the State of New-York in Particular, and the United States in General: Containing a Variety of the Most Useful Precedents, Adapted to Almost Every Transaction in Life; Such as Articles of Agreement, Awards, Bonds, Conditions, Recognizances, Letters and Warrants of Attorney, Covenants, Releases, Indentures, Charter-Parties, Copartnerships, Bargain, And Sales. Gifts, Grants, Exchanges, Leases, Mortgages, Assignments, Defeasances, Surrenders, Uses, Trusts, Conveyances by Lease and Release, Feoffments, Jointures, Marriage Saettlements, Wills and Codicils, Levying of Fines, &c. &c. &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").

Contemporary sheep. Moderate rubbing, small split to foot of spine near center, some wear to joints, spine ends and corners, which are bumped, rear free endpaper partially detached, a few leaves partially detached and lightly edgeworn. Light browning to interior, light foxing in a few places, early owner signature (of Simon Moon) and penmanship exercises to endleaves. \$100.

* First edition. An American manual derived from *The Young Clerk's Magazine; Or English Law Repository* that covers all areas relevant to a New York practitioner during the Federal period.

Cohen, *Bibliography of Early American Law* 8002.

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An Important Humanistic Law Dictionary with a Handsome Title Page, No Copies of this Edition in North America

24. [Spiegel, Jakob (Jacobus) (1483-c.1547)].

[Oldendorp, Johannes (1487-1567), And Others].

Lexicon Iuris Civilis, Per C.U.D. Iac. Spiegelium, Postremo Auctum & Recognitum. Basel: Apud Ioan. Hervagium, 1564. Main text printed in double columns. [275] ff., 344 cols., [3] ff.

[Bound with]

Vigelius, Nikolaus (Nicolaus) [1529-1600].

Iuris Civilis Universi Absolutissima Methodus: In Qua, Bone Lector, Non Solum Omnes Universi Iuris Civilis Titulos, Sed & Singulas Singulorum Titulorum Leges.... Basel: Per Ioannem Oporinum, [1565]. Main text printed in double columns. 473, [1] pp.

Folio (12-1/2" x 7-1/2"). Contemporary paneled pigskin, raised bands to spine, brass catches and remnants of clasps to fore-edges. Some soiling to exterior, boards slightly bowed, faint staining and minor worming to rear board, light rubbing to extremities, spine ends bumped, corners lightly worn. Light toning to interior, occasional light soiling, faint marginal dampstaining in a few places, light foxing to a few leaves, light edgewear and tiny worm hole to first four leaves of *Lexicon*, which has an early ink owner inscription to its title page and occasional brief annotations in the same hand. \$3,500.

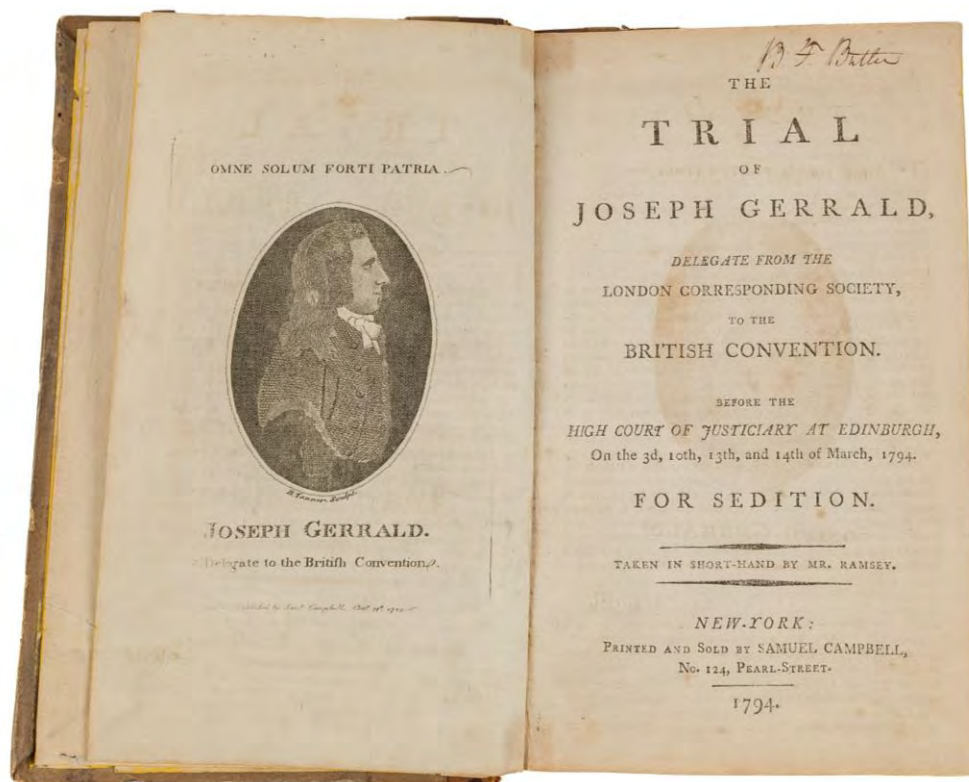
* *Lexicon*: later edition; *Methodus*: first edition. Spiegel was a lawyer, a privy counselor to Holy Roman Emperor Charles V and a notable humanist scholar who corresponded with Erasmus. The *Lexicon Iuris Civilis*, a dictionary of terms in Roman and canon law, is his best and most successful work. It went through twelve editions, the first in 1538, the last in 1577. The entries are rather brief, ranging from a sentence to a few paragraphs, and they contain references to examples in the Roman juristic literature. The second part of the work, *Quae Lexico Huic Postrema Editione Recens Accessere*, contains additional texts and a comprehensive addendum with texts by Oldendorp and other eminent authors. The unusual borderless woodcut title page first appeared in the 1549 edition.

Iuris Civilis Universi Absolutissima Methodus is a series of proposals for the reorganization of Roman law based on the needs of modern courts. Its final edition was published in 1628. Vigelius, a professor at Marburg, was one of the leading legal methodists of the late sixteenth century.

Both titles are scarce. OCLC locates no copies of the 1564 edition of *Lexicon* in North America and 3 copies of the 1565 edition of *Methodus* in North America (UCLA, University of Indiana, University of Georgia Law School). *Verzeichnis der im Deutschen Sprachbereich Erschienenen Drucke des 16. Jahrhunderts* S 8314, V 1138.



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A "Martyr" to an Anti-Radical Crackdown

25. [Trial].

Gerrald, Joseph [1763-1796].

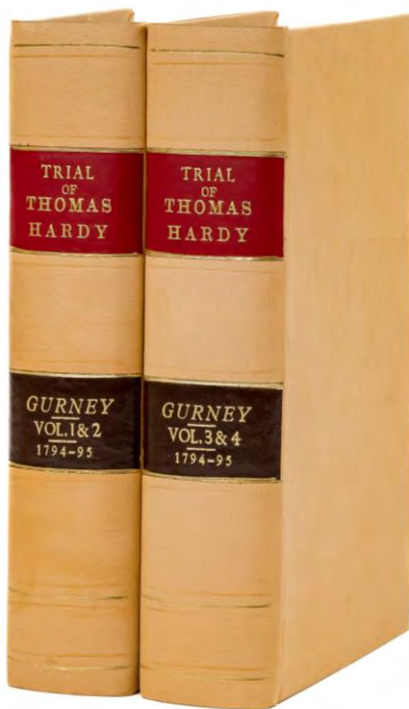
The Trial of Joseph Gerrald, Delegate from the London Corresponding Society, To the British Convention. Before the High Court of Justiciary at Edinburgh, On the 3d, 10th, 13th, And 14th of March, 1794. For Sedition. Taken in Short-Hand by Mr. Ramsey. New York: Printed and Sold by Samuel Campbell, No. 124, Pearl-Street, 1794. 207, [1] pp. With a frontispiece portrait of Gerrald. Octavo (7-3/4" x 4-3/4").

Contemporary quarter calf over plain paper-covered boards, gilt fillets and hand-lettered title to spine, edges dyed yellow. Light rubbing to boards, a few faint stains to front board, moderate rubbing to extremities, front joint starting at head, corners lightly worn, hinges cracked, later pencil notes to front free endpaper, which has a small clean tear at fore-edge affecting annotations, later bookplate (of H. Scofield) to its verso. Moderate toning to interior, light foxing in a few places, faint offsetting from frontispiece, early owner signature (B.F. Butler) to head of title page. \$950.

* First American edition. Gerrald, a radical political activist and reformer, was a member of the Society for Constitutional Information and the London Corresponding Society. During a wave of prosecutions of radical activists after the French Revolution, Gerrald was arrested along with four of his colleagues and tried for sedition. Like others carried out during this time, the trials resulted in guilty verdicts; the group of Scottish activists tried between 1793 and 1794 are often referred to as the "Scottish Martyrs." Gerrald was sentenced to fourteen years' transportation and died in 1796 in Botany Bay. Other American editions were published by Campbell the same year.

Not in Cohen. Evans, *American Bibliography* 27591.

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The Most Extensive Account of an Important Trial Inspired by Fear of the French Revolution

26. [Trial].

Hardy, Thomas [1752-1832], Defendant.

Gurney, Joseph [1744-1815], Reporter.

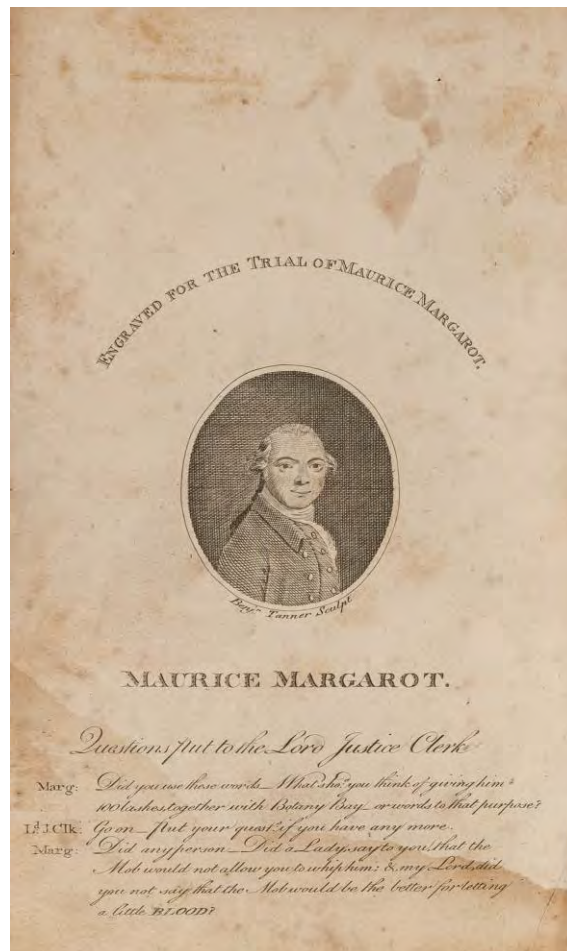
The Trial of Thomas Hardy for High Treason, At the Sessions House in the Old Bailey, On Tuesday the Twenty-Eighth, Wednesday the Twenty-Ninth, Thursday the Thirtieth, Friday the Thirty-First of October; And on Saturday the First, Monday the Third, Tuesday the Fourth, And Wednesday the Fifth of November, 1794. Taken in Short-Hand. London: Sold by Martha Gurney, Bookseller, 1794-1795. Four volumes in two books. [ii], 418, 412, [4]; [ii], 423, [1], 444, xiv, [4] pp. Identical 4 pp. published catalogues at end of each volume. Octavo (8-1/4" x 5").

Recent cloth, red and black lettering pieces to spines, endpapers renewed. Light browning to interiors, light foxing to a few places in each volume, edgewear and chips, some with crude repairs, to preliminaries and final leaves of each book, library stamps to title pages and a few other leaves, upper corner lacking from final leaf of publisher catalogue at rear of second book with some loss of text. \$450.

* Only edition. A shoemaker by trade, Hardy was the founder and first secretary of the London Corresponding Society, a popular worker's association committed to the cause of universal male suffrage. Unnerved by the excesses of the French Revolution and fearful that it would inspire domestic unrest, the government indicted Hardy for high treason in 1794. He was the first person tried under these circumstances. The goal was to convict him in order to stifle dissent. However, the public saw Hardy as an unjustly persecuted apostle of English liberty. And as the trial proved, the Crown's case, prosecuted by Eldon, had little merit and Hardy, defended by Erskine, was acquitted to great acclaim. Of the several published accounts, Gurney's is the most extensive.

English Short-Title Catalogue T73926.

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A Member of the "Scottish Martyrs to Liberty"

27. [Trial].

Margarot, Maurice, Defendant [1745-1815].

The Trial of Maurice Margarot, Before the High Court of Justiciary, At Edinburgh, On the 13th and 14th of January, 1794, On an Indictment for Seditious Practices. Taken in Shorthand by Mr. Ramsey. London: Printed. New-York: Re-Printed, by James Carey, no. 91, Broad-Street, [1794]. 166 pp. Portrait frontispiece of Margarot. Octavo (8" x 5").

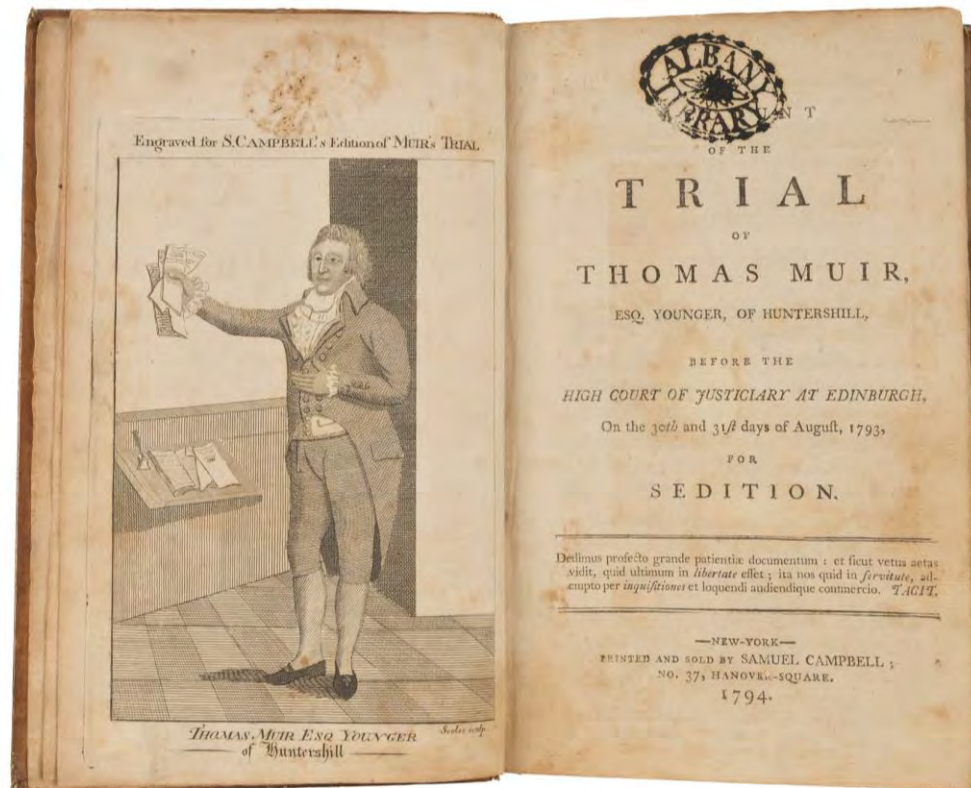
Disbound stab-stitched pamphlet. Light browning, faint dampstaining to bottom edge, occasional light foxing, frontispiece and title page separating at foot but , light soiling to exterior, occasional light foxing, light edgewear to frontispiece, which is just starting to separate at head with title page but secure. \$200.

* Only New York edition, reprinted from the London edition of the same year. Margarot was one of the founding members of the London Corresponding Society, a radical group inspired by the French Revolution to demand parliamentary reform in the late eighteenth century. Due to the wave of anti-radical and anti-French hysteria initiated by the French Revolution, he and four other radicals (later known as the "Scottish Martyrs to Liberty") were convicted and transported to Australia in May 1794.

Cohen, *Bibliography of Early American Law* 13350.

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**Highly Politicized Trial of Scottish
Radical Who Promoted Thomas Paine's *Rights of Man***

28. [Trial].

Muir, Thomas [1765-1798], Defendant.

An Account of the Trial of Thomas Muir, Esq. Younger, Of Huntershill, Before the High Court of Justiciary at Edinburgh, On the 30th and 31st Days of August, 1793, For Sedition. New York: Printed and Sold by Samuel Campbell, 1794. [iv], 148 pp. With an engraved frontispiece of Muir. Octavo (8-1/4" x 5").

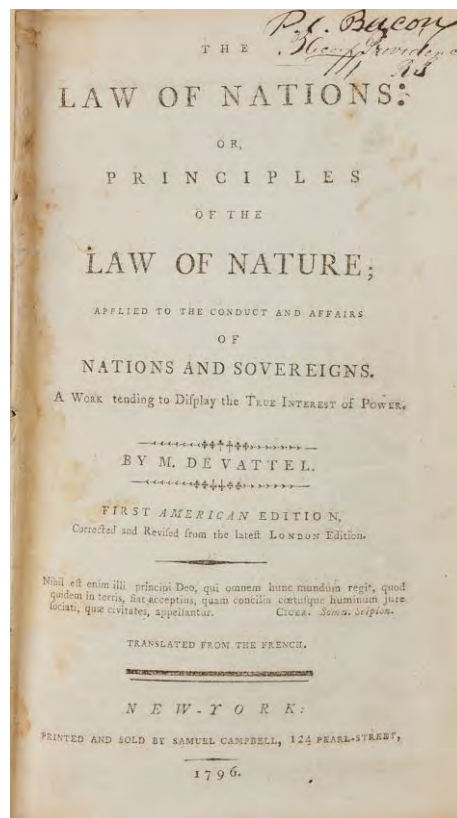
Contemporary sheep, blind fillets and lettering piece to spine. Light rubbing and a few small stains and scratches to boards, which are slightly bowed, moderate rubbing to extremities, paper label to head of spine, small chip to foot of rear joint, corners bumped and lightly worn, hinges cracked, faint offsetting to endleaves, free endpapers loosening slightly but secure. Moderate toning to interior, occasional light foxing, clean tear to leaf D3 (pp. 29-30) affecting text without loss, early ink library stamp to head of title page with loss to "An" in title and faint offsetting to frontispiece. \$200.

* First American edition, one of three from 1794. Scots radical Thomas Muir, an advocate, was an ardent supporter of the American and French Revolutions and a proponent of comprehensive parliamentary reform in Great Britain. His activities in Great Britain and France eventually led to a highly politicized trial on sedition charges in 1793. In the end Muir was found guilty of distributing and promoting Thomas Paine's *The Rights of Man*. He was sentenced to fourteen years transportation to the Australian penal colony of Botany Bay. He had a remarkable escape, but his health was ruined and he died soon afterwards.

Cohen, *Bibliography of Early American Law* 13353. Ferguson, *Bibliography of Australia* 190.

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"First" American Edition of Vattel's Classic Treatise

29. Vattel, [Emmerich] de [1714-1767].

The Law of Nations: Or Principles of the Law of Nature; Applied to the Conduct and Affairs of Nations and Sovereigns. A Work Tending to Display the True Interest of Powers. First American Edition, Corrected and Revised From the Latest London Edition. Translated from the French. New York: Printed and Sold by Samuel Campbell, 1796. xlviii, [49]-563 pp. Octavo (7-1/2" x 4-1/2").

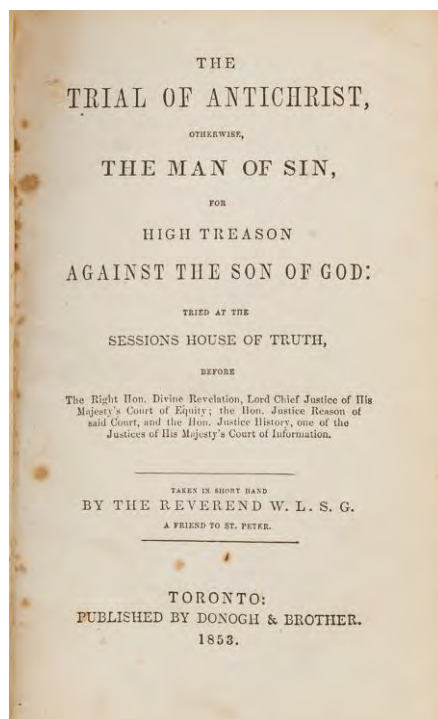
Recent quarter morocco over cloth, raised bands, blind ornament and gilt author name and title to spine, endpapers renewed, recent owner bookplate to front pastedown. Moderate toning to interior, occasional light foxing, first four leaves reinforced at gutter, tiny spark burns to several leaves, clean tear to leaf [a]4 (pp. vii-viii) mended with cellotape without loss, faint dampstain to first two leaves, early owner signatures ("P.L. (?) Bacon" and "Bacon (?), Providence RI") to head of title page. \$650.

* "First" American edition, actually the second, based on the 1760 London edition. First published in 1758, this is one of the great treatises on international law. It was especially influential in America and was among the earliest law books reprinted there; the first American edition was published in New York in 1787. Jefferson ranked it with the works of Grotius, Pufendorf and Wolff. It was also cited more frequently than any other writer on international law in early U.S. courts. "*Le Droit de Gens* is certainly a work of the first magnitude. It modernized the whole theory and business of International Law, brought it out of the study into the field, the mart, the council chamber, and the palace. (...) He did indeed, much for nations, for he imposed upon them theories of moral rational development up to which it became, in a sense, necessary for them to live.": MacDonnell.

MacDonnell, *The Great Jurists of the World* 479, 504. Cohen, *Bibliography of Early American Law* 7187.

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**Rare Canadian Edition of a Notable Example
Of Nineteenth-Century Anti-Catholic Propaganda**

**30. W.L.S.G. (Gregory, William).
Gavazzi, Alessandro [1809-1889].**

The Trial of Antichrist, Otherwise, The Man of Sin, For High Treason Against the Son of God: Tried at the Sessions House of Truth, Before the Right Hon. Divine Revelation, Lord Chief Justice of His Majesty's Court of Equity; The Hon. Justice Reason of Said Court, And the Hon. Justice History, One of the Justices of His Majesty's Court of Information. Taken in Short Hand by the Reverend W.L.S.G., A Friend to St. Peter. Toronto: Published by Donogh & Brother, 1853. 240 pp. Two parts with continuous pagination. Second part, beginning on p. 175, has title page reading *Six Lectures Delivered in the Round Room of the Rotunda, Dublin, By Father Gavazzi: With a Biographical Sketch of the Author.* 12mo. (7" x 4-1/4").

Contemporary cloth, printed paper title label to spine. Moderate rubbing with light chipping to spine ends, label mostly chipped off, corners bumped and somewhat worn, owner inscription (of George Bours, Albion, Ontario) to front free endpaper. Moderate toning to interior, light foxing and faint staining in a few places. Rare. \$350.

* First Toronto edition. A notable example of nineteenth-century anti-Catholic propaganda, this is a vivid "transcript" of a mock trial of the Pope (i.e. the "Antichrist") for high treason against Jesus. It was first published in Dublin in 1806; several editions followed into the 1900s; the first North American editions were published in Boston in 1806 and New York in 1817.

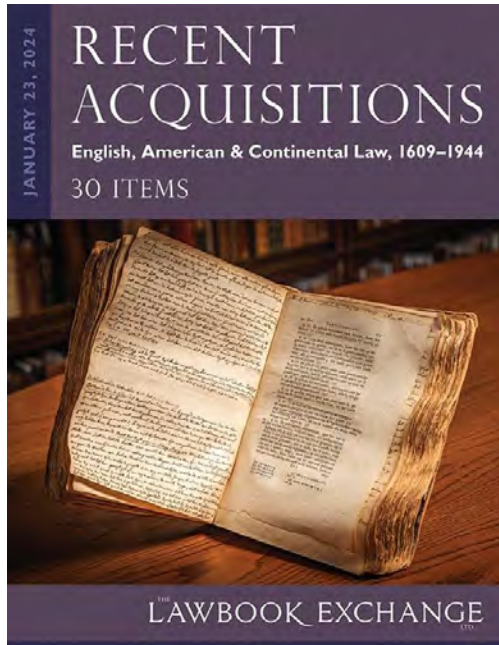
Gavazzi's *Six Lectures* are unique to the Toronto edition, which was almost certainly a response to the then-recent Gavazzi Riots. Gavazzi, a former monk, delivered his strongly anti-Catholic lectures, originally presented in Dublin, on a North American tour in 1853. Preceded by his reputation, mobs, composed mostly of Irish Catholics, gathered to disrupt his readings in Quebec and Montreal. In both places police needed military assistance to restore order.

OCLC locates no copies of this edition outside of Canada.

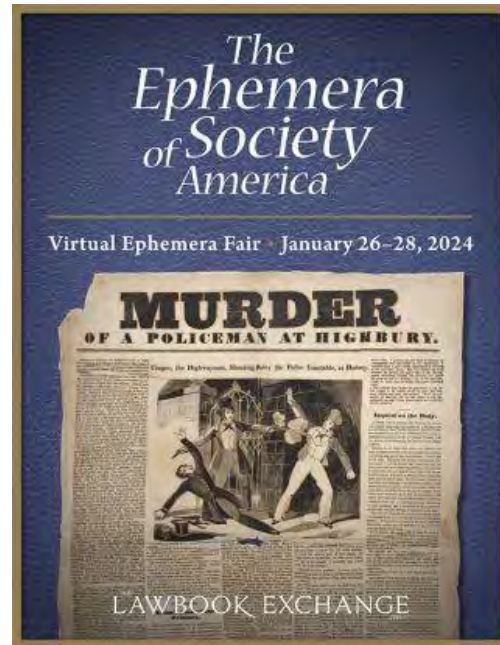
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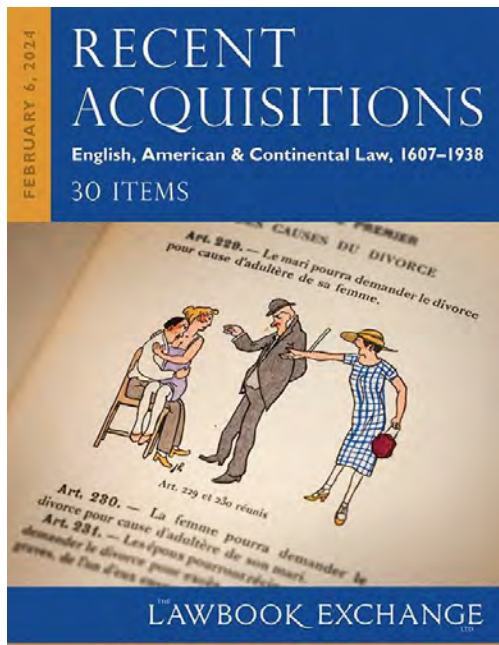
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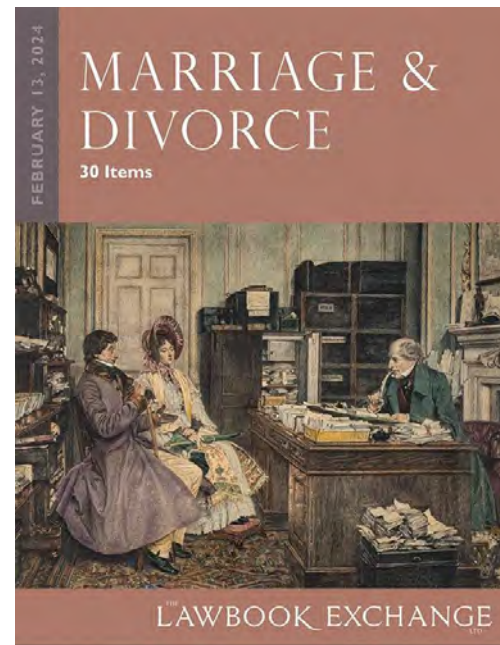
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