

JULY 7, 2026

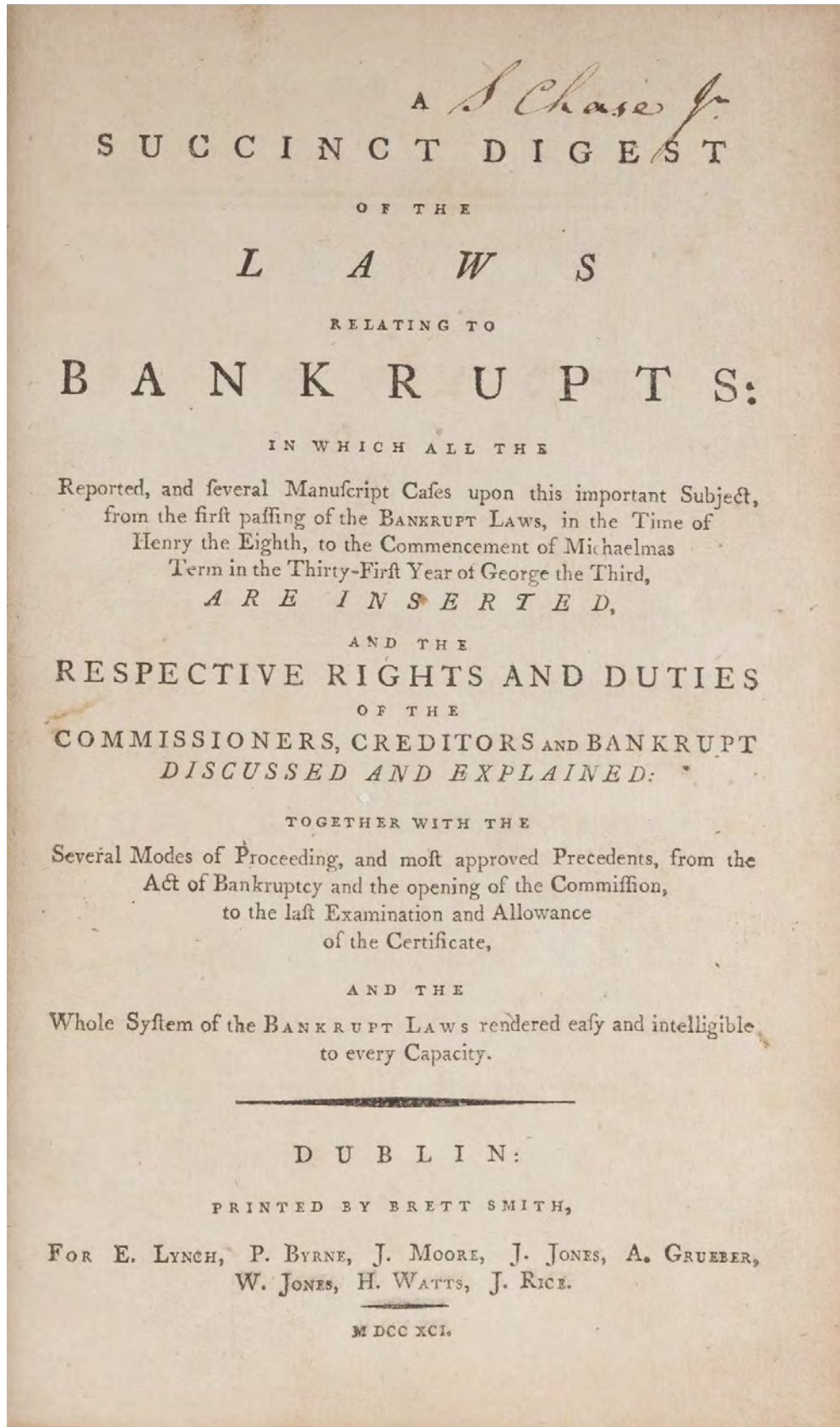
BANKRUPTCY IN ENGLISH & AMERICAN LAW 1677–1896

A
TREATISE
ON THE
BANKRUPT LAWS.

By FRANCIS WHITMARSH, Esq.
OF GRAY'S INN, BARRISTER AT LAW.

LONDON:
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1. [Bankruptcy].

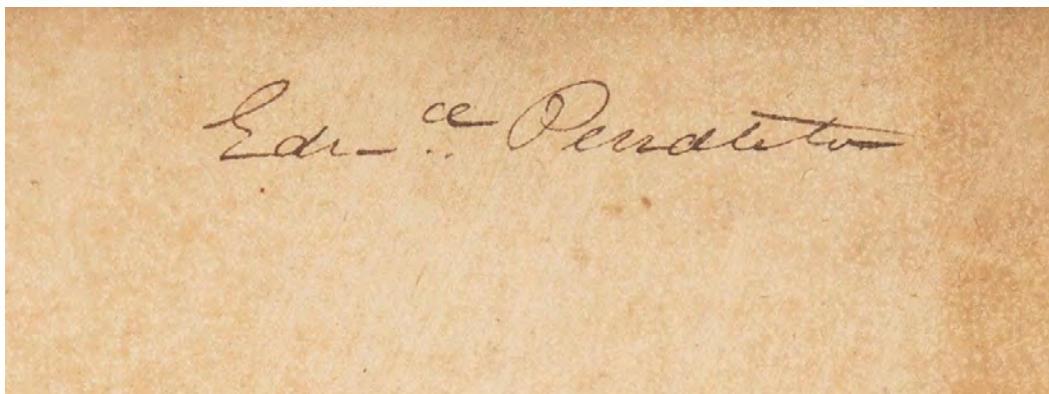
A Succinct Digest of the Laws Relating to Bankrupts: In Which All the Reported, And Several Manuscript Cases Upon this Important Subject, From the First Passing of the Bankrupt Laws, In the Time of Henry the Eighth, To the Commencement of Michaelmas Term in the Thirty-First Year of George the Third, Are Inserted, And the Respective Rights and Duties of the Commissioners, Creditors and Bankrupt Discussed and Explained: Together with the Several Modes of Proceeding, And Most Approved Precedents, From the Act of Bankruptcy and the Opening of the Commission, To the Last Examination and Allowance of the Certificate, And the Whole System of the Bankrupt Laws Rendered Easy and Intelligible to Every Capacity. Dublin: Printed by Brett Smith, 1791. [xvi], 192, lxxii, [26] pp. Octavo (8" x 5"; 20.3 x 12.7 cm).

Contemporary calf, raised bands, and contrasting leather lettering piece to spine. The binding exhibits moderate rubbing and a few small scuffs, with typical wear to the spine ends and corners; corners slightly bumped. Front board is just beginning to separate at the hinge, though it remains attached; rear joint is cracked but stable. Interior displays moderate toning, light soiling to the endleaves, and occasional light foxing. An early owner's ink signature of Edward Pendleton appears on the front free endpaper. The signature of Samuel Chase, Jr. is present at the head of the title page, with his matching ink ownership stamp to the head of the following leaf. \$500.

* Dublin reissue of the first edition, published the same year as the London original. Produced during a period of rapidly expanding transatlantic commerce, this work was explicitly designed as a layman's guide. As noted in the preface, the author intentionally bypassed "professors of the law" to write directly for "merchants and traders." To that end, the legal complexities of insolvency are "divested, as much as it is possible, of technical expressions and profession idioms, and arranged in such order, that the several parts may become perspicuous and familiar to every capacity" (pp. [xiv]–[xvi]). It serves as an excellent snapshot of late 18th-century commercial law, tracing legal precedents back to the reign of Henry VIII.

The ownership markings in this copy offer a compelling link to early American legal and political history. Samuel Chase, Jr. [1773–1841] was the son of Samuel Chase [1741–1811], a signer of the Declaration of Independence and an Associate Justice of the United States Supreme Court. The younger Chase followed his father into the legal sphere, making his ownership mark on a British commercial law book highly noteworthy. The other signature is likely that of Edmund Pendleton [1721–1803], the noted revolutionary politician, lawyer, and judge.

English Short-Title Catalogue N24533.



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SENATE OF THE UNITED STATES,

February 17th, 1824.

REMARKS

OF

MR. JAMES BARBOUR,

ON THE BILL FOR ABOLISHING

Imprisonment for Debt.

Mr. Barbour addressed the Senate to the following effect:

It has been remarked by Lord Coke, that he never knew a wise measure, however inauspicious the beginning, introduced into Parliament, that did not eventually succeed. A remark of this kind, from so profound an observer of the course of public affairs, offers great encouragement to the reformer of abuses. He will contend patiently, but perseveringly, with existing prejudices, animated by the assurance that his labours in a good cause will not be exerted, finally, in vain. In confirmation of this remark, I will refer to the history of this District. It was only two years past, that I could carry through this body, and with great difficulty too, a bill to change the law in force here concerning insolvent debtors. For, wonderful as it may seem, it was no less true, that, while the law enabled the inhabitants to avail themselves, after a few days confinement, of the privilege growing out of their condition,—to the stranger, who had been pursued hither by some cunning and unfeeling creditor, the privilege was denied, till he should have suffered imprisonment for twelve months. About this time, too, I have been informed, the bounds were cur-

An Eloquent Attack on Imprisonment for Debt: OCLC Locates 5 Copies, 1 in a Law Library

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2. Barbour, James [1775-1842].

Remarks of Mr. James Barbour, On the Bill for Abolishing Imprisonment for Debt. At head of title: *Senate of the United States, February 17th, 1824.* [(Washington, DC): Printed at the Columbian Office, (1824?).] 16 pp. Octavo (8-1/2" x 5-1/2"; 21.5 x 14 cm).

Disbound, moderate toning, light foxing. A good copy. \$250.

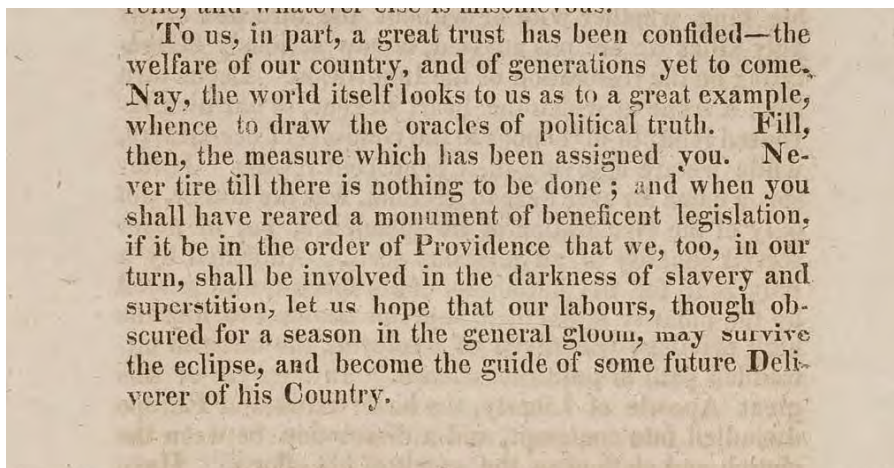
* Only edition. The debate over economic failure and bankruptcy was one of the most volatile legal and social issues in early nineteenth-century America. In the wake of the devastating Panic of 1819—America's first major peacetime financial crisis—thousands of citizens from all socioeconomic strata found themselves languishing in debtors' prisons. While some traditionalists viewed bankruptcy protections as a shield for financial fraud and recklessness, a rising tide of reformers argued that abolishing debt imprisonment was necessary to encourage commercial risk, protect human dignity, and foster economic growth.

The nation's first federal bankruptcy act, passed in 1800, had been deeply unpopular and was quickly repealed in 1803. For the next several decades, the states operated under a chaotic patchwork of local insolvency laws, prompting frequent, heated congressional debates over a unified federal solution. In this powerful and emotionally charged speech delivered on the Senate floor, Virginia Senator James Barbour launches a devastating critique against the antiquity and cruelty of debtors' prisons. Barbour appeals directly to Enlightenment values and Christian charity, famously praying: "...that every where this stain on our statute book will be effaced; that the doors of every jail will be thrown open, and the captive set free."

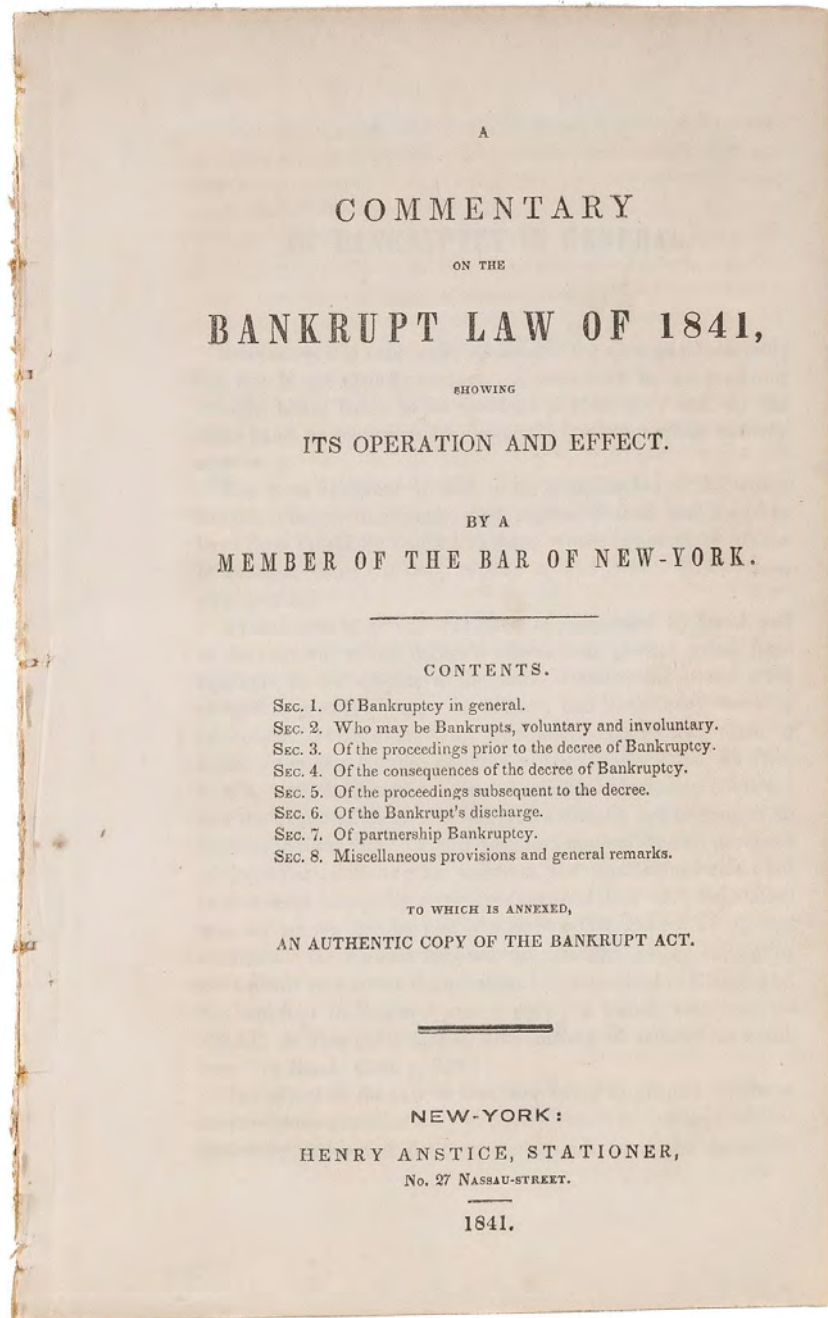
Barbour's legal acumen and soaring rhetoric shine in this pamphlet, capturing a pivotal moment in American jurisprudence when the law began shifting away from punitive custody toward modern commercial insolvency frameworks. A towering figure in Virginia politics, Barbour served successively as the state's Governor, a U.S. Senator, Secretary of War under John Quincy Adams, and Minister to the United Kingdom.

An exceptionally scarce piece of early American legal and political printing. OCLC locates just 5 copies worldwide (University of Virginia, Boston Public Library, American Antiquarian Society, Library of Congress, and the Historic New Orleans Collection). Of these, only 1 copy is held within a dedicated law library collection (The Library of Congress).

Shoemaker, *A Checklist of American Imprints for 1820-1829* 15264.



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A Rare Guide to the 1841 Bankruptcy Act: OCLC Locates no Complete Copies

3. [Bicknell, George Augustus].

A Commentary on the Bankrupt Law of 1841, Showing its Operation and Effect. By a Member of the Bar of New-York. To Which is Annexed, An Authentic Copy of the Bankrupt Act. New York: H. Anstice, Stationer, 1841. 47; 11 pp. Two parts, each with title page and individual pagination. Second part titled: *The Bankrupt Law of the United States. A Law to Establish A Uniform System of Bankruptcy Throughout the United States, Passed August 1841.*

Octavo (8" x 5"; 20.3 x 12.7 cm). Disbound stab-stitched pamphlets, first and second parts divided, light toning, negligible light soiling to exterior, small inkstain to verso of final leaf. \$650.

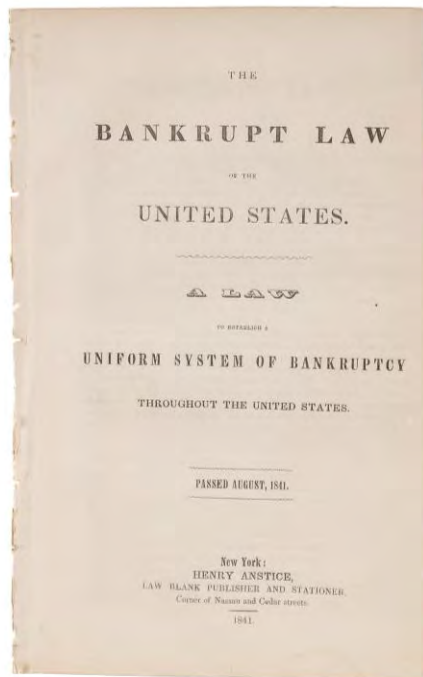
* First edition of one of the earliest legal commentaries published on the short-lived Bankruptcy Act of 1841. America's relationship with federal bankruptcy law was fraught throughout the nineteenth century. The nation's first Federal bankruptcy act, enacted in 1800, sought to provide a uniform system to supersede the chaotic patchwork of state debtor laws and encourage commercial risk-taking. However, it was widely unpopular and swiftly repealed in 1803. For nearly four decades, the United States operated without a federal mechanism for insolvency.

The catastrophic Panic of 1837 and the grueling five-year depression that followed fundamentally shifted the political landscape. With thousands of merchants ruined and facing lifetime debt, pressure mounted on Congress. The resulting General Bankrupt Law of 1841 was a landmark legislative shift: for the first time in American history, it permitted voluntary bankruptcy, allowing debtors—rather than just creditors—to initiate proceedings and seek a clean slate. Yet, the law was immediately met with fierce political backlash from creditors and states' rights advocates. It proved to be almost as short-lived as its 1800 predecessor, lasting a mere eighteen months before its repeal in 1843.

Bicknell's sophisticated pamphlet was rushed to press immediately following the law's passage in August 1841 to guide desperate New York merchants and lawyers through the new legal terrain. A second edition, which finally credited Bicknell on the title page, was published the following year.

Both editions are exceptionally rare on the market and in institutional holdings. Institutional records heavily reflect the fragile, ephemeral nature of this pamphlet, with surviving copies often missing the secondary text of the Act itself.

OCLC locates no complete copies of this first edition containing both parts. It records just two copies of the first part alone (lacking the 11-page text of the Act) at the Hagley Museum and Columbia Law School. Morris Cohen's definitive *Bibliography of Early American Law*, basing its entry on the incomplete Columbia copy, likewise records only the 47-page first part (Cohen, 2003 Supplement, 2467.60). We locate only one other copy in institutions containing both parts, held by the New-York Historical Society. An important, complete survival of an ephemeral landmark in American economic history.



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Eight Scarce Broadsides Concerning Bankruptcy Fraud

4. [Broadsides].

[Great Britain].

[Eight Broadsides Dealing with Bankruptcy Reform].

Four broadsides, two broadsheets, and two pamphlets, measuring an average of 12-3/4" x 7-3/4" (32.4 x 19.7 cm). Each item features printed docket titles on the verso (outer fold), as issued for parliamentary distribution. Disbound; light to moderate toning and faint horizontal fold lines consistent with contemporary handling. Recent neat pencil annotations to the upper right corners of the first pages. Leaves of the two pamphlets are neatly separating at the spine; light foxing scattered across a few leaves. Housed securely in a modern 13-3/4" x 9-1/4" (34.9 x 23.5 cm) dark buckram folder, featuring a gilt-lettered morocco spine label. \$3,500.

* These 8 items, all rare, relate to bankruptcy reform in Great Britain. Contents (in short-titles):

1. *Reasons Humbly Offer'd for Altering and Amending the Laws concerning Bankrupts.* [London: s.n., 1718?]. 1 pp. *English Short-Title Catalogue (ESTC)* T17377.
2. *Observations and Proposals Most Humbly Offer'd to the Parliament by Several Creditors, Merchants, and Traders of London....* [London: s.n., 1719]. 2 pp. *ESTC* T17420.
3. *Reasons Humbly Offer'd for Making More Certain the Liberty of Such Bankrupts who Shall Fairly and Justly Surrender Themselves....* [London: s.n., 1719]. 2 pp. *ESTC* T17392.
4. *The Case of the Poor Confined Debtors Within the Several Prisons of this Kingdom.* [London: s.n., 1718?]. 1 pp. *ESTC* T17367.
5. *The Case of the Shelterers in the Mint.* [London: s.n., 1718?]. 1 pp. *ESTC* T17371.

6. *An Abstract of the Considerations for the Benefit of Creditors, And Relief of Honest Insolvents*. [London: s.n., 1718?]. 1 pp. ESTC T17364.
7. *A Bill to Prevent Frauds Committed by Bankrupts*. [London: s.n., 1719]. 15, [1] pp. ESTC T17360.
8. *An Abstract of an Act Proposed for Preventing Frauds Frequently Committed by Bankrupts*. [London: s.n., 1719]. 4 pp. ESTC T17362.

A remarkably intact, highly specialized collection of ephemeral parliamentary lobbying materials capturing a pivotal moment in English economic history: the fierce debate over debt, commercial integrity, and the reinstatement of capital punishment for white-collar crime.

By 1718, the aggressive temporary bankruptcy statutes originally enacted during the reign of Queen Anne—which had famously imposed the death penalty on fraudulent or absconding debtors—had lapsed. In the regulatory vacuum that followed, London's merchant class witnessed a sharp increase in flagrant bankruptcy fraud. Dishonest traders routinely exploited the weakened laws, secreting away their assets before fleeing to the Continent or escaping into London's notorious lawless sanctuaries like "The Mint" in Southwark (vividly highlighted in item no. 5).

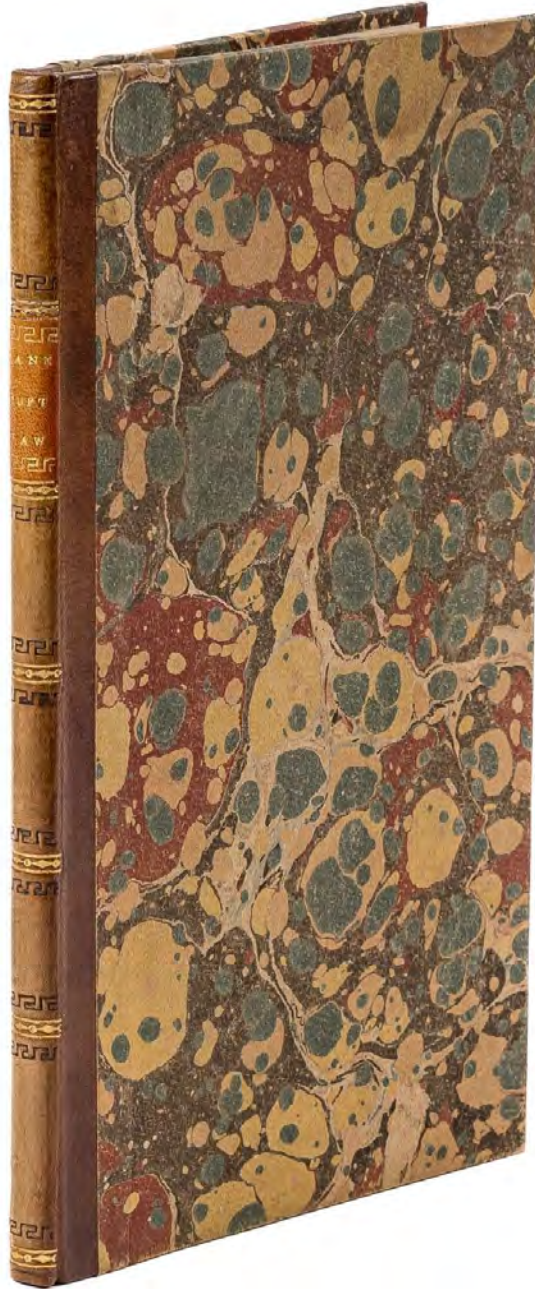
This collection represents the urgent, ephemeral literature generated by both sides of the crisis as it unfolded before Parliament. On one hand, prominent London merchants and creditors aggressively lobbied for the return of draconian penalties, with one broadside boldly naming "several notorious instances" of fugitive bankrupts to shame lawmakers into action. On the other hand, the collection includes moving appeals from "poor confined debtors" advocating for distinction between malicious fraudsters and honest, ruined tradesmen who deserved a fair path to liberty.

Ultimately, this lobbying effort bore fruit. The intense pressure documented in these pages resulted in the passage of the landmark Prevention of Frauds by Bankrupts Act (5 Geo. I, c. 24, often cited as the Act of 1719/1720). This sweeping piece of legislation fundamentally altered English insolvency law by permanently reinstating the death penalty for absconding or fraudulent bankrupts, while simultaneously introducing the "discharge certificate"—protecting honest, cooperative insolvents from perpetual imprisonment.

All eight pieces are of extreme rarity. Printed in highly limited numbers solely for the use of Members of Parliament and interested civic parties, they were meant to be read and discarded. Survival of these fragile sheets is exceptionally rare, and compiling a thematic group of this depth offers an invaluable research resource for historians of early capitalism, legal reform, and the financial evolution of the British Empire.



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Handsomely Bound Copy of a Rare 1819 Argument for a Federal Bankruptcy Law

5. Civis.

[Webster, Daniel (1782-1852)].

[Hopkinson, Joseph (1770-1842)].

Remarks on the Bankrupt Law; To Which are Added, The Proposed Amendments of Hopkinson and Webster. New York: Published by Haly and Thomas, 1819. 71 pp. Octavo (8-1/2" x 5"; 21.5 x 12.5 cm)

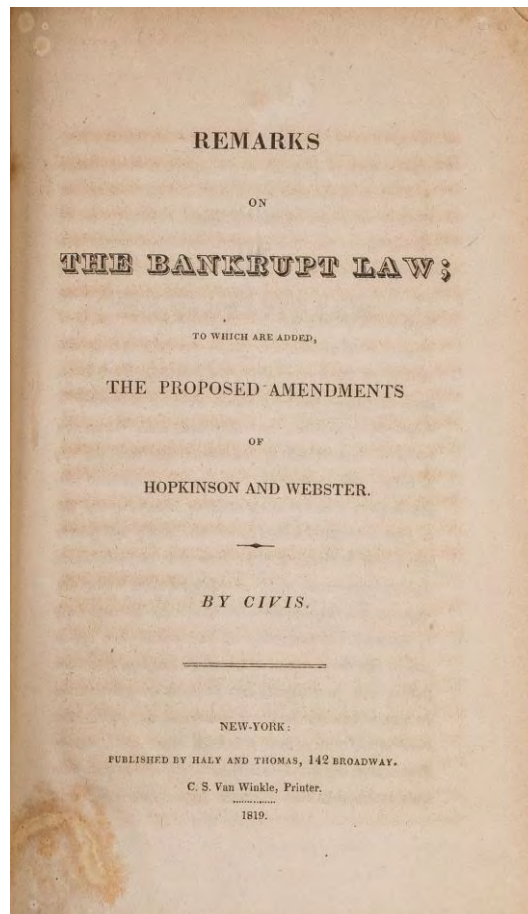
Stab-stitched pamphlet bound into a period-style binding by Philip Dusel, quarter calf over marbled boards, raised bands, lettering piece and blind and gilt fillets to spine. Light fading to spine, moderate toning to interior, light foxing to title page and a few other leaves. A tight, clean, and very good copy in an exceptionally handsome presentation. \$750.

* Only Edition. This rare pamphlet captures a pivotal, transitional moment in American economic history. The nation's first Federal Bankruptcy Act, narrowly enacted in February 1800, was designed to protect commercial risk-takers and bring order to a chaotic, state-by-state patchwork of debtor laws. However, it faced immediate, fierce populist backlash from critics who viewed it as a corrupt shield for the financially irresponsible. The law was swiftly repealed in November 1803, returning the young republic to the harsh realities of debtors' prisons and state-level insolvency crises.

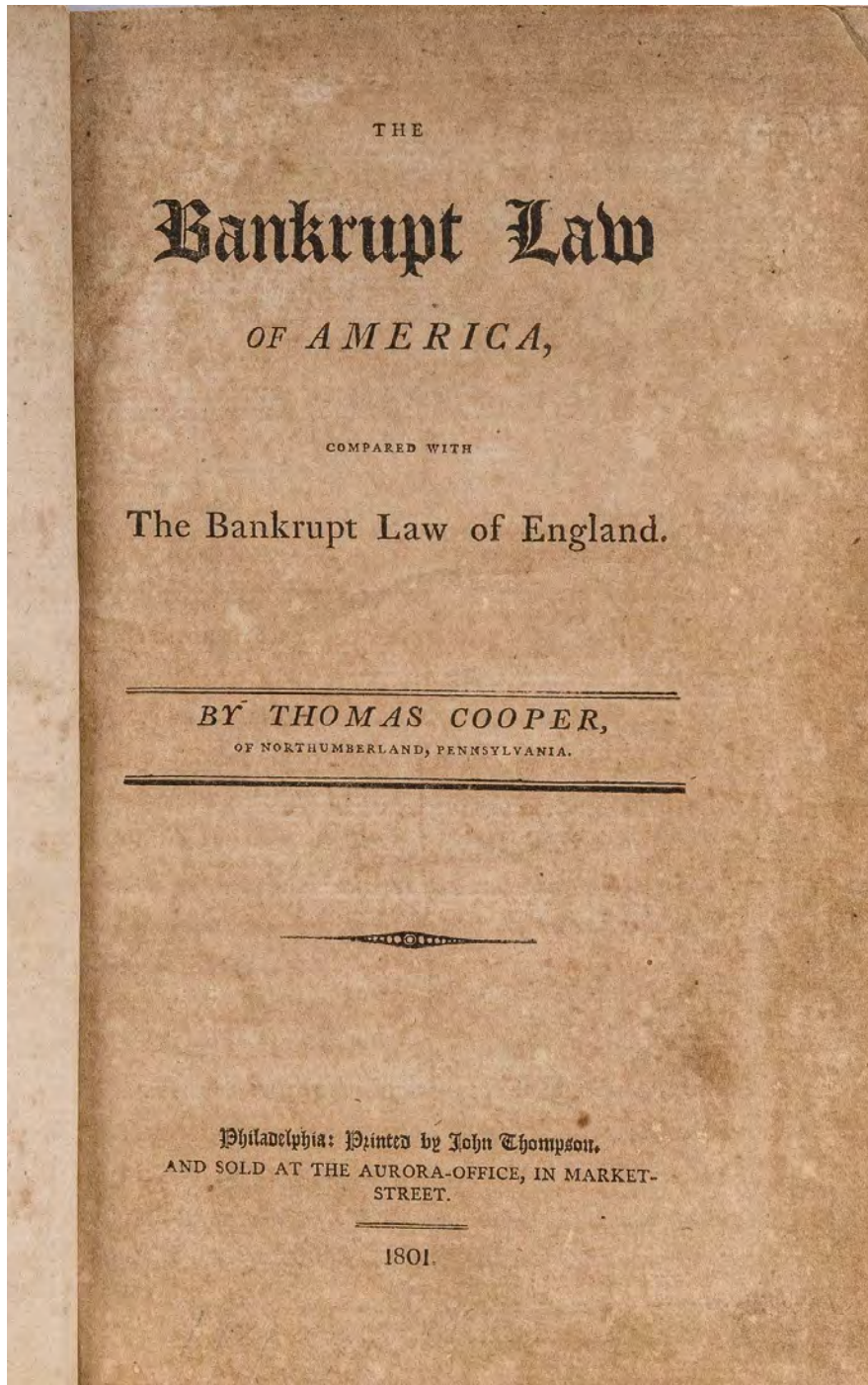
Published on the heels of the devastating Panic of 1819—America's first major peacetime financial crisis—this tract represents the crucial opening salvo by pro-business Federalists to resurrect federal protections. Writing under the pseudonym "Civis," the author provides a sophisticated economic defense of bankruptcy, arguing that its absence directly choked American commercial growth and maritime trade.

Crucially, the second half of the pamphlet contains "A Sketch of the Principal Features of the Bankrupt Bill Prepared by Messrs. Hopkinson and Webster." Joseph Hopkinson (famed jurist and counsel in *McCulloch v. Maryland*) and Daniel Webster (then a rising legal titan) drafted these amendments in a brilliant bid to forge a legislative compromise. Though their specific bill was narrowly defeated in 1820, this text laid the structural and philosophical groundwork for the landmark Bankruptcy Act of 1841, which Webster eventually championed into law.

This is a rare title. OCLC locates 5 copies in law libraries (Library of Congress, Notre Dame, University of Georgia, University of Pittsburgh, Yale). *The Kress Library of Business and Economics Catalogue* C395. Cohen, *Bibliography of Early American Law* 2472.



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**An Important Early American Treatise on
Bankrupt Law Written During the Author's Imprisonment**

6. Cooper, Thomas [1759-1839].

The Bankrupt Law of America, Compared with the Bankrupt Law of England. Philadelphia: Printed by John Thompson, 1801. xix, [1], 399, [1], xciv, [2], xxxii, 10 pp. Octavo (8" x 5"; 20.3 x 12.5 cm).

Modern cloth, gilt fillets, title and date to spine, endpapers renewed. Browning (somewhat significant in places) and light foxing to interior, ink underlining to a few pages in final appendix. A notably scarce title in commerce. \$1,000.

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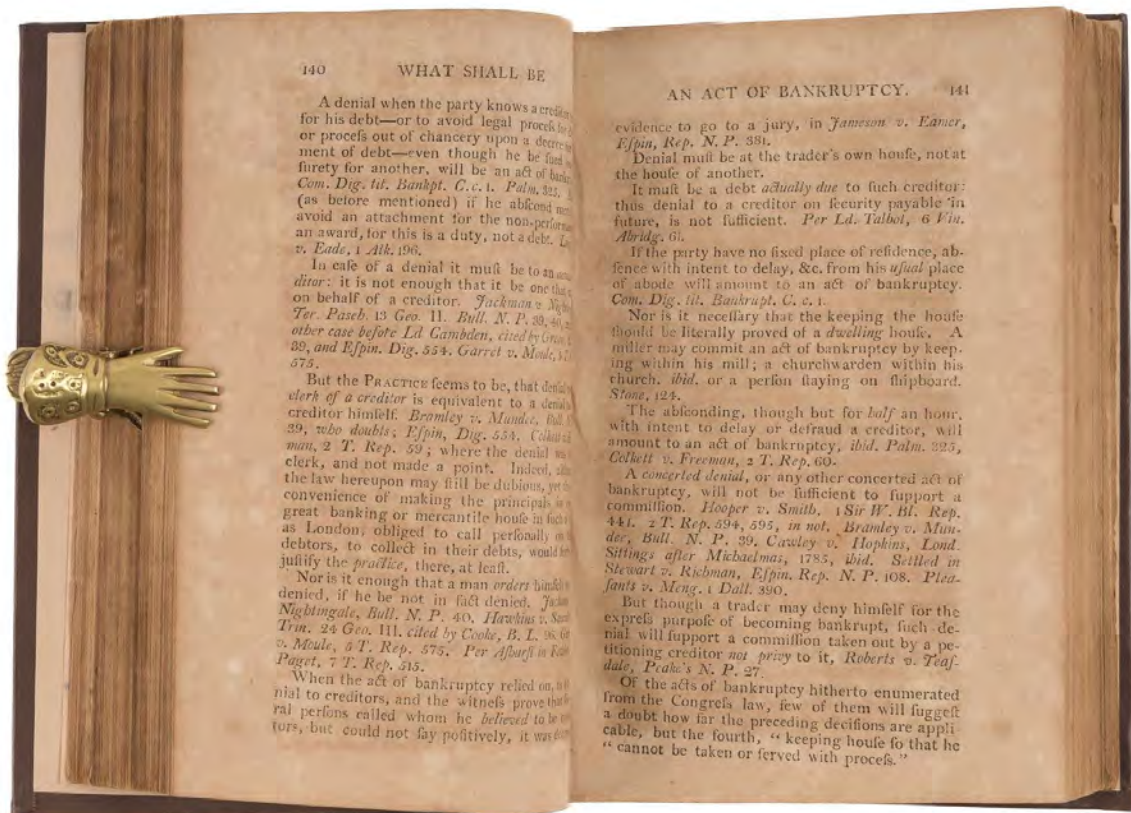
* First edition. Cooper's landmark work was specifically engineered to assist American lawyers navigating the complex terrain of the first Federal Bankruptcy Act, which had been enacted by Congress in February 1800. Designed to encourage bold economic risk-taking and to supersede the chaotic, predatory patchwork of state-level debtor laws, the Act was closely modeled on the bankruptcy frameworks of Great Britain, the world's leading commercial superpower. Cooper's rigorous legal mind shines in the extensive appendices, where he expands his scope to draw sharp, comparative analyses with the contemporary bankruptcy codes of France and Spain.

Beyond its technical legal merits, the book stands as an extraordinary artifact of early American political warfare. Cooper—a chemist, lawyer, and brilliant polymath—was a close confidant of both Joseph Priestley and Thomas Jefferson. He would go on to serve as a professor of chemistry at Dickinson College and the University of Pennsylvania, and later as the president of South Carolina College.

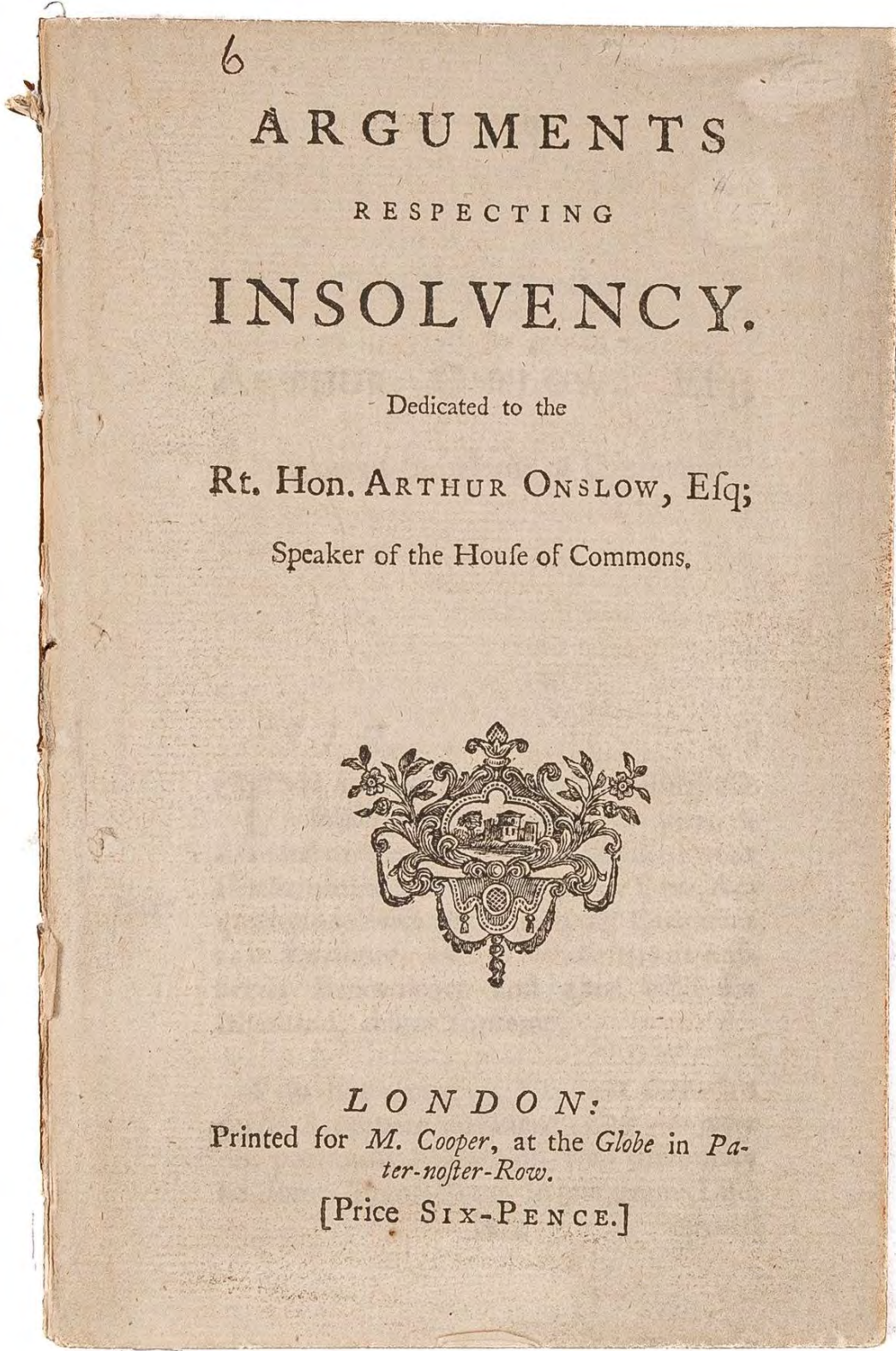
However, in 1800, his fiery democratic principles landed him in a federal prison. Convicted under the notorious Sedition Act for libeling President John Adams in a 1799 political handbill, Cooper researched and wrote this entire monumental treatise while serving his six-month sentence. He leaned directly into his martyrdom in the preface, famously writing that it was an honor to be punished for: "...exposing some few among the errors of a weak, a wicked and a vindictive administration" (v).

A foundational text of early American jurisprudence and a vivid monument to the struggle for free speech in the Early Republic.

Cohen, *Bibliography of Early American Law* 2477.



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A Rare Essay on Insolvency Written When Great Britain was Emerging as
a Modern Commercial Power: OCLC Locates 1 Copy in a North American Law Library

7. [Courteville, Raphael (1675?-1772)].

Arguments Respecting Insolvency. Dedicated to the Rt. Hon. Arthur Onslow, Esq; Speaker of the House of Commons. London: Printed for M. Cooper, At the Globe in Pater-Noster-Row, [1760?]. vii, [1], 32 pp. Octavo (7-1/4" x 4"; 18.4 x 10.2 cm).

Disbound stab-stitched pamphlet. Moderate toning, light soiling to exterior, upper outside corner of last leaf lacking with no loss to text, "6" in small early hand to head of title page. A very good copy overall. \$350.

* Only edition of this rare, insightful commentary on the intersections of credit, ethics, and British law at the dawn of the Industrial Revolution. Writing at a pivotal moment when Great Britain's domestic and global commerce increasingly relied on complex credit networks, Courteville offers an early, sophisticated critique of the social and economic costs of imprisonment for debt alongside a rigorous analysis of contemporary bankruptcy statutes.

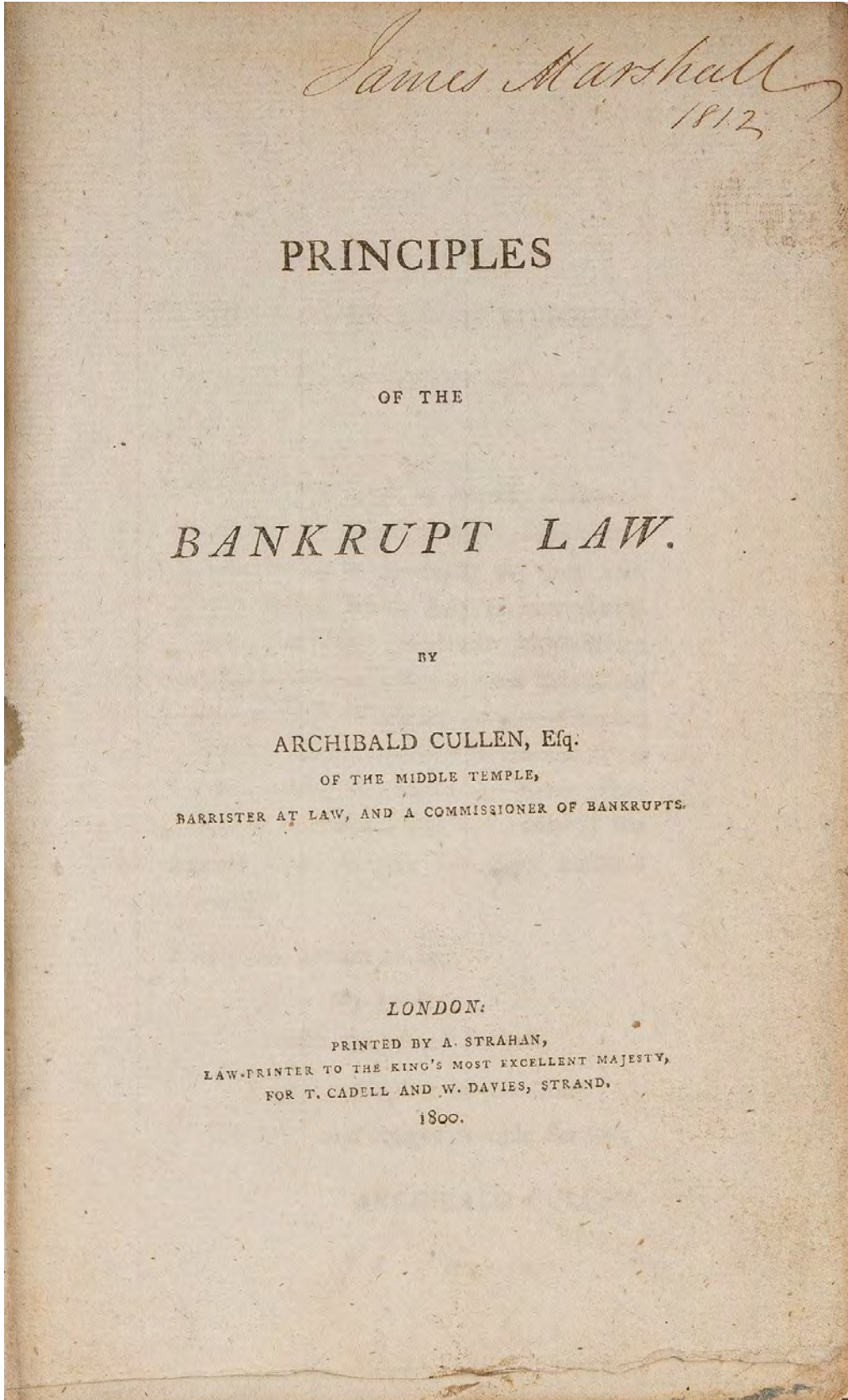
Rather than viewing insolvency through a purely punitive or moralistic lens, Courteville treats it as an unavoidable structural reality of a modern commercial state. He proposes a series of pragmatic legal reforms aimed at balancing the rights of creditors with the economic rehabilitation of honest debtors. To support his arguments, he performs a comparative legal analysis—most notably drawing parallels to the mercantile laws of Holland—and scrutinizes recent insolvency acts passed by Parliament to illustrate where current British legislation fell short.

Raphael Courteville is a fascinatingly multifaceted figure of the Georgian era. While chiefly remembered today as a notable organist at St. James's, Westminster, and a hymn composer, he was also an aggressive and prolific political writer. For years, he served as a dedicated state pamphleteer under the payroll of Prime Minister Sir Robert Walpole, frequently writing for *The Daily Gazetteer* under the pseudonym "Freeman"—a role that earned him the colorful nickname "Court-Evil" from his Tory detractors. This tract displays his characteristic polemical sharpness applied to legal and economic reform.

OCLC locates 1 copy in a North American law library (Library of Congress). *English Short-Title Catalogue* T22393.



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English Bankruptcy Law at the Beginning of the Nineteenth Century

8. Cullen, Archibald [1755-1824].

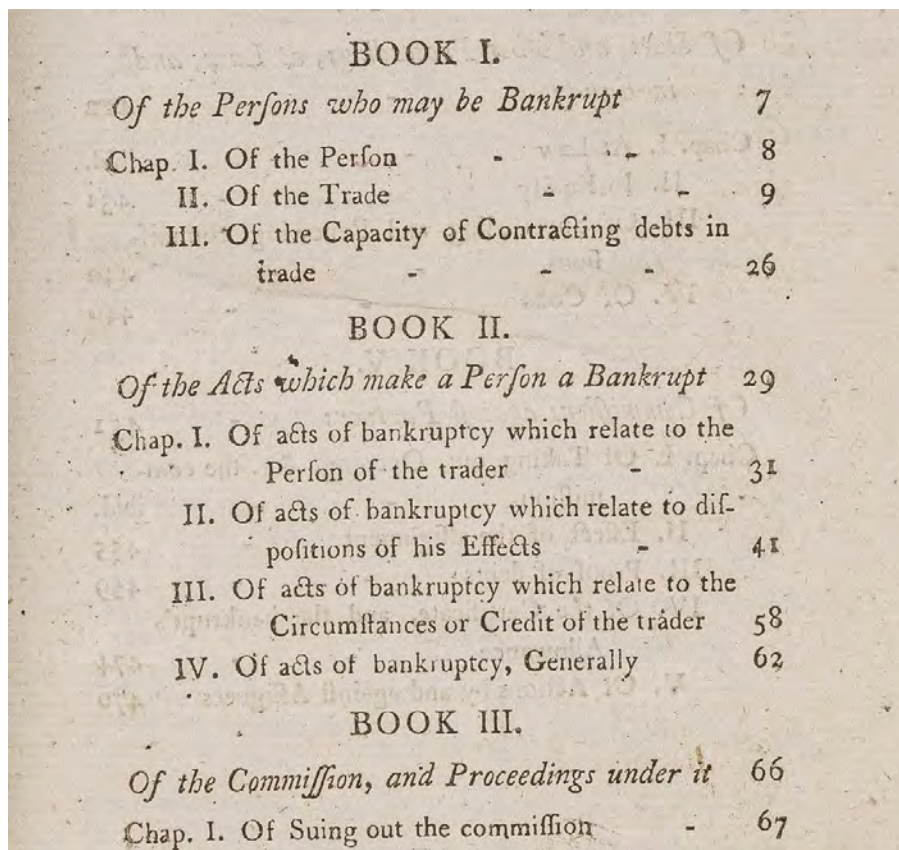
Principles of the Bankrupt Law. London: Printed by A. Strahan, Law-Printer to the King's Most Excellent Majesty, For T. Cadell and W. Davies, Strand, 1800. [ii], viii, [xii], 477, [15] pp. Octavo (8-1/4" x 5"; 21 x 12.5 cm). \$950.

Modern brown cloth, calf lettering piece to spine, untrimmed edges, endpapers renewed. Negligible light rubbing to extremities. Moderate toning to interior, several signatures unopened, light foxing in a few places, minor tears to edges of a few leaves, early owner signature (James Marshall, dated 1812) to head of title page. A very good copy of a scarce title.

* Only edition. Archibald Cullen was a distinguished barrister and King's Counsel. Warmly received upon its 1800 publication, this treatise provides a rigorous and systematic overview of bankruptcy jurisprudence. The work is organized into five distinct books: Of the Persons Who May be Bankrupt, Of the Acts Which Make a Person a Bankrupt, Of the Commission and Proceedings Under It, Of Suits, and Other Proceedings at Law and Equity, and Of Commissions Against Partners

Cullen's treatise serves as a vital touchstone for understanding the English bankruptcy system at the dawn of the nineteenth century—a transitional era for British commerce. As the Industrial Revolution accelerated and the British Empire expanded, the stresses placed upon the existing, often antiquated, legal framework became increasingly apparent. Cullen captures the law just before the major legislative reforms that were necessitated by the rise of modern industrial capitalism. This work remains a primary source for scholars tracing the evolution of commercial law, credit, and insolvency in Britain.

The Monthly Review 35 (May 1801) 96. *English Short-Title Catalogue* T141102.

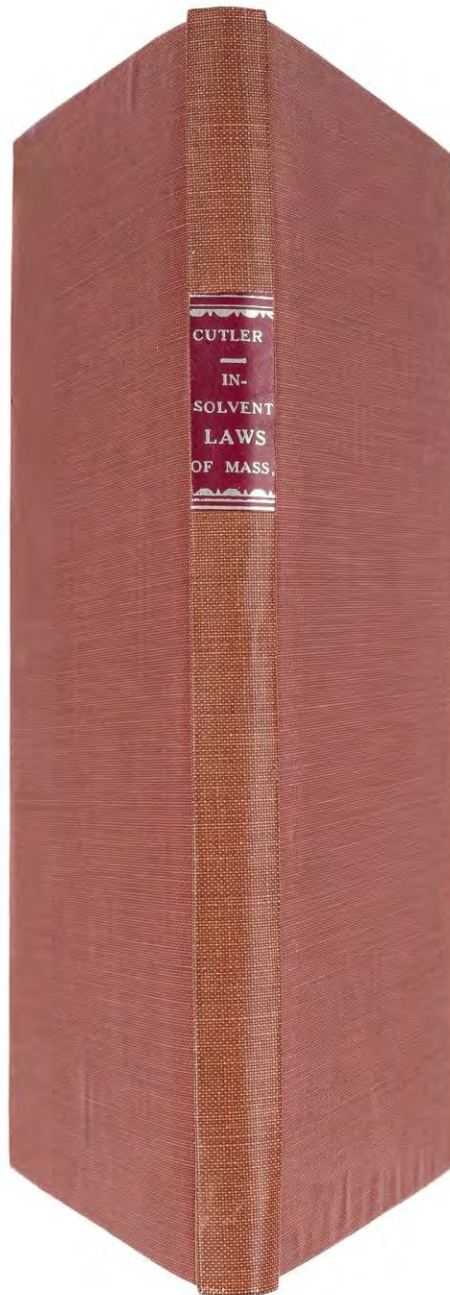


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Bankruptcy Laws in Massachusetts on the Eve of the Civil War

9. Cutler, Joseph [1815-1885].

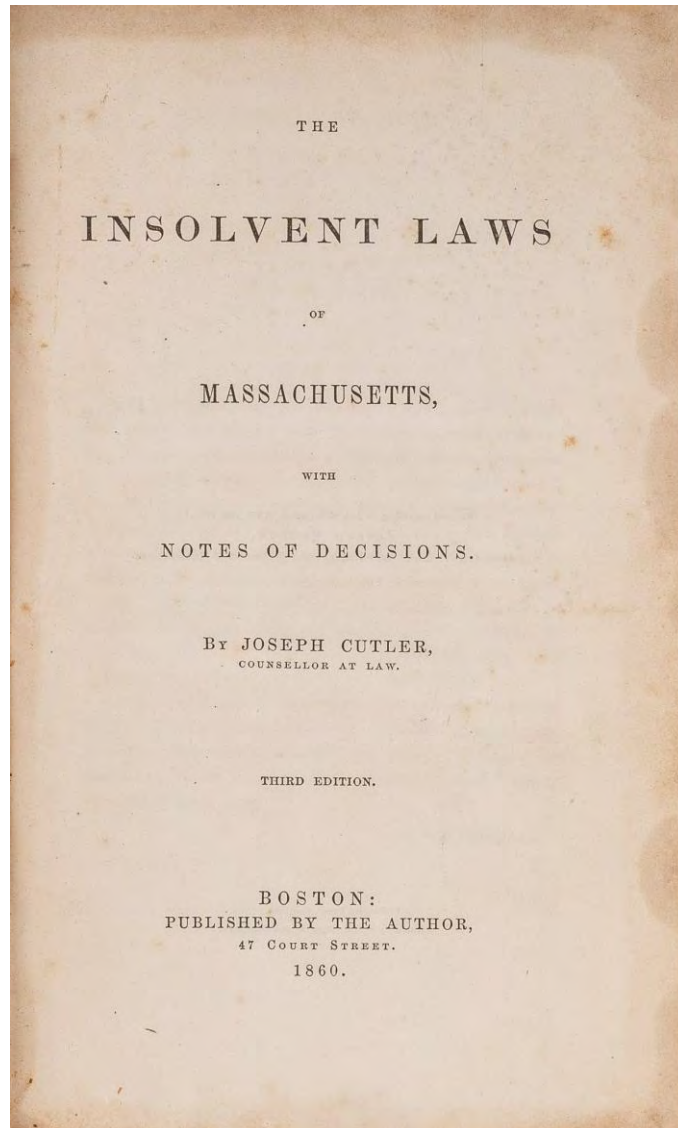
The Insolvent Laws of Massachusetts, With Notes of Decisions. Boston: Published by the Author, 47 Court Street, 1860. xi, [2], 14-144 pp. Octavo (9" x 5-1/2"; 23 x 14 cm).

Modern cloth, lettering piece to spine, endpapers renewed. Very minor bubbling to cloth near board edges, light fading to spine. Moderate toning to interior, faint dampstaining to lower outside corner of text block, light foxing to a few leaves, occasional brief annotations (mostly citations) in an early hand, clippings of updated statutes pasted to rear endleaves. A very good copy. \$450.

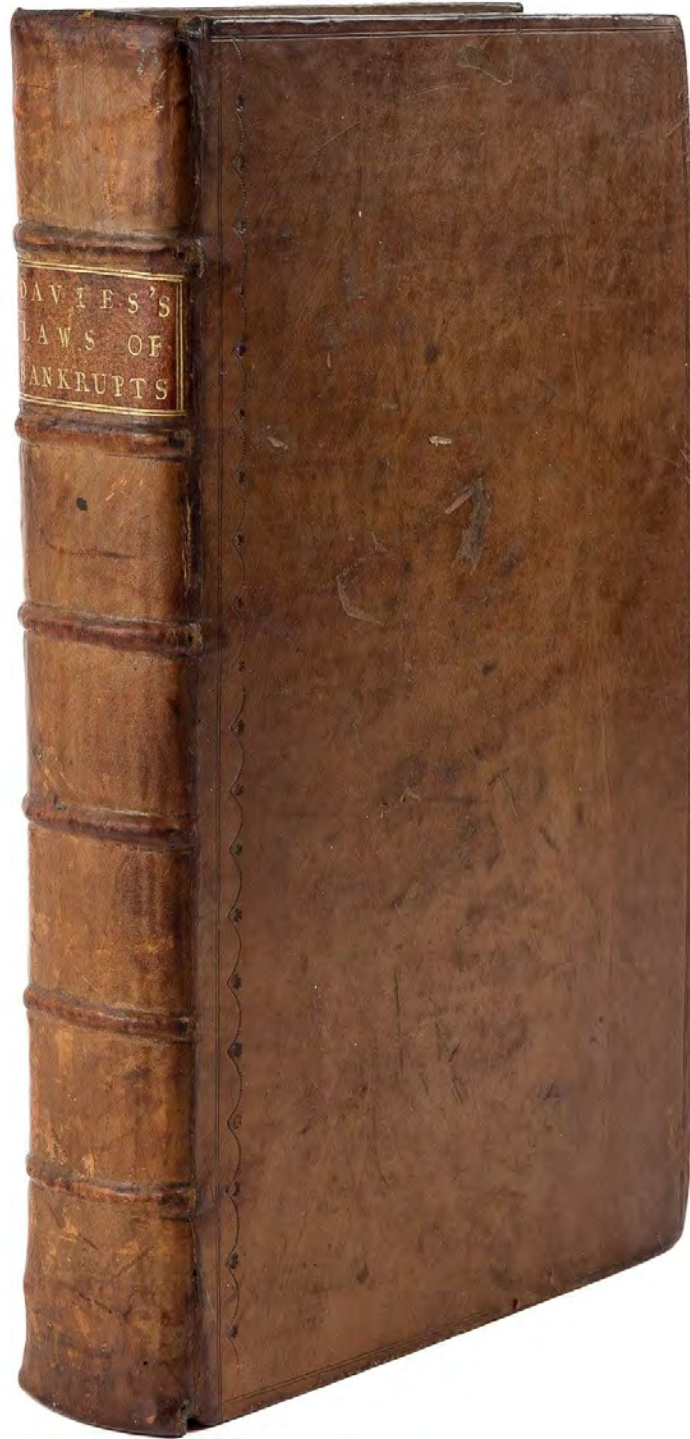
* Third edition. A vital and practical guide to the complex landscape of debtor-creditor relations in pre-Civil War Massachusetts. Because the United States lacked a permanent federal bankruptcy law for most of the nineteenth century—the short-lived Federal Act of 1841 having been repealed in 1843—individual states had to rely on their own statutory frameworks to manage financial insolvency. Massachusetts was a pioneer in this regard, establishing an influential system of insolvent laws in 1838.

First published in 1849, Cutler's manual was the definitive practitioner's reference for navigating these local courts. This third edition is particularly significant as it incorporates Chapters 118 and 119 of the General Statutes passed in 1859, which comprehensively consolidated all relevant insolvency acts in effect at the time, alongside two supplementary acts passed in 1860. The book's enduring utility is evidenced by the contemporary owner's pasted-in statutory updates at the rear and its continued publication history, concluding with a fifth and final edition in 1892.

All editions are scarce in commerce and institutional holdings. OCLC locates just 7 copies of this 1860 edition, only three of which are in dedicated law libraries (Berkshire Law Library, Jenkins Law Library, and the Social Law Library). Cohen, *Bibliography of Early American Law* 2482.



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An Early English Treatise on Bankruptcy in a Handsome Contemporary Binding

10. Davies, Thomas.

The Laws Relating to Bankrupts, Brought Home to the Present Time: With Several Special Cases, Modern Determinations, and Precedents Relating Thereto; and Directions for Creditors and Debtors. Also A List of the Fees in Bankruptcy, and the Method of Proceeding Therein. [London]: Printed by Henry Lintot, 1744. xii, 470, [28], 515-522, [2], 523-550 pp. Pagination irregular. Lacking pp. 523-550, an appended section titled "Some Additional Cases." Folio (12-1/2" x 7-3/4"; 31.75 x 19.7 cm).

Contemporary calf, blind frames to boards, blind fillets along joints, raised bands and lettering piece to spine, blind tooling to board edges. Light rubbing and a few minor nicks and scuffs to boards, corners bumped and lightly worn, hinges cracked, armorial bookplate of Benjamin Morland to front pastedown. Light toning to interior, slightly heavier in places, light foxing to endleaves, title page and a few text leaves, small worm-track to final ten text leaves, rear endleaves and rear pastedown, legibility not affected. A handsome copy. \$750.

* Only edition of the only early English work on bankruptcy law printed as a folio. Designed primarily as a practical, comprehensive handbook for practitioners, the work features copious marginal notes, step-by-step court procedures, a detailed schedule of legal fees, and an array of standard sample forms and precedents.

In his preface, Davies frames his work as an essential navigational tool for a notoriously treacherous area of mid-18th-century law: "I hope it will be of some service, and in several instances be like a land mark to the doubtful mariner, and prevent [him] from splitting upon the rocks, or running ashore upon the sands of mistake and uncertainty." The text meticulously traces the legal architecture of insolvency, beginning with foundational definitions before pivoting to the exact mechanics of declaring bankruptcy. Crucially for historians, Davies details the intricate rights of affected third parties—specifically examining the legal and financial protections (or lack thereof) afforded to the wives and children of bankrupt debtors.

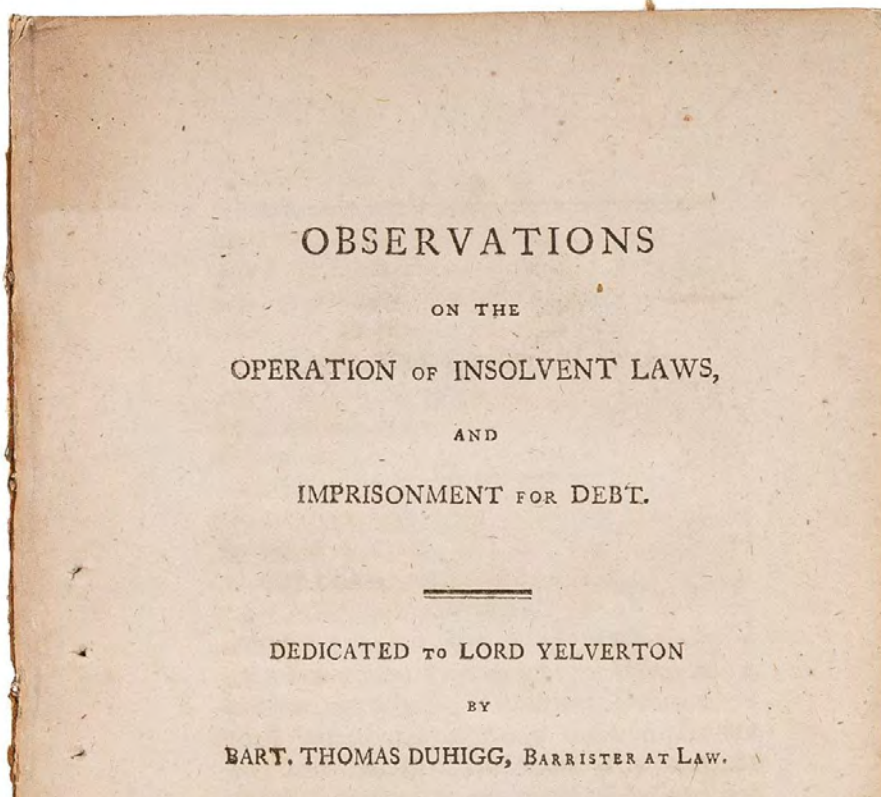
This copy boasts a compelling provenance, bearing the armorial bookplate of Benjamin Morland [1768–1833]. Scion of the prominent Morland Brewing family of Abingdon-on-Thames, Morland was a highly successful lawyer, magistrate, and leading civic figure. He raised a remarkably influential family of twelve children, three of whom went on to serve as mayors of Abingdon.

Most notably, he was the father of Mary Buckland [née Morland; 1797–1857], a pioneering 19th-century paleontologist, marine biologist, and geologist. Mary was celebrated for her brilliant scientific illustrations and her close collaborative work with her husband, the legendary geologist William Buckland. Despite Benjamin Morland's prominence in Berkshire legal and civic society, surviving examples of his bookplate are genuinely rare.

Torrens, "Buckland [née Morland], Mary," *Oxford Dictionary of National Biography* (accessed online). *English Short-Title Catalogue* T118298.



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**A Rare 1797 Pamphlet Advocating the Reform of Britain's
Insolvency Laws: OCLC Locates 2 Copies in Law Libraries**

11. Duhigg, Bart[hologemew] Thomas [1750?-1813].

Observations on the Operation of Insolvent Laws, And Imprisonment for Debt. Dedicated to Lord Yelverton. [Dublin?]: S.n., [1797]. 47, [1] pp. Octavo (8" x 5"; 20 x 12.7 cm).

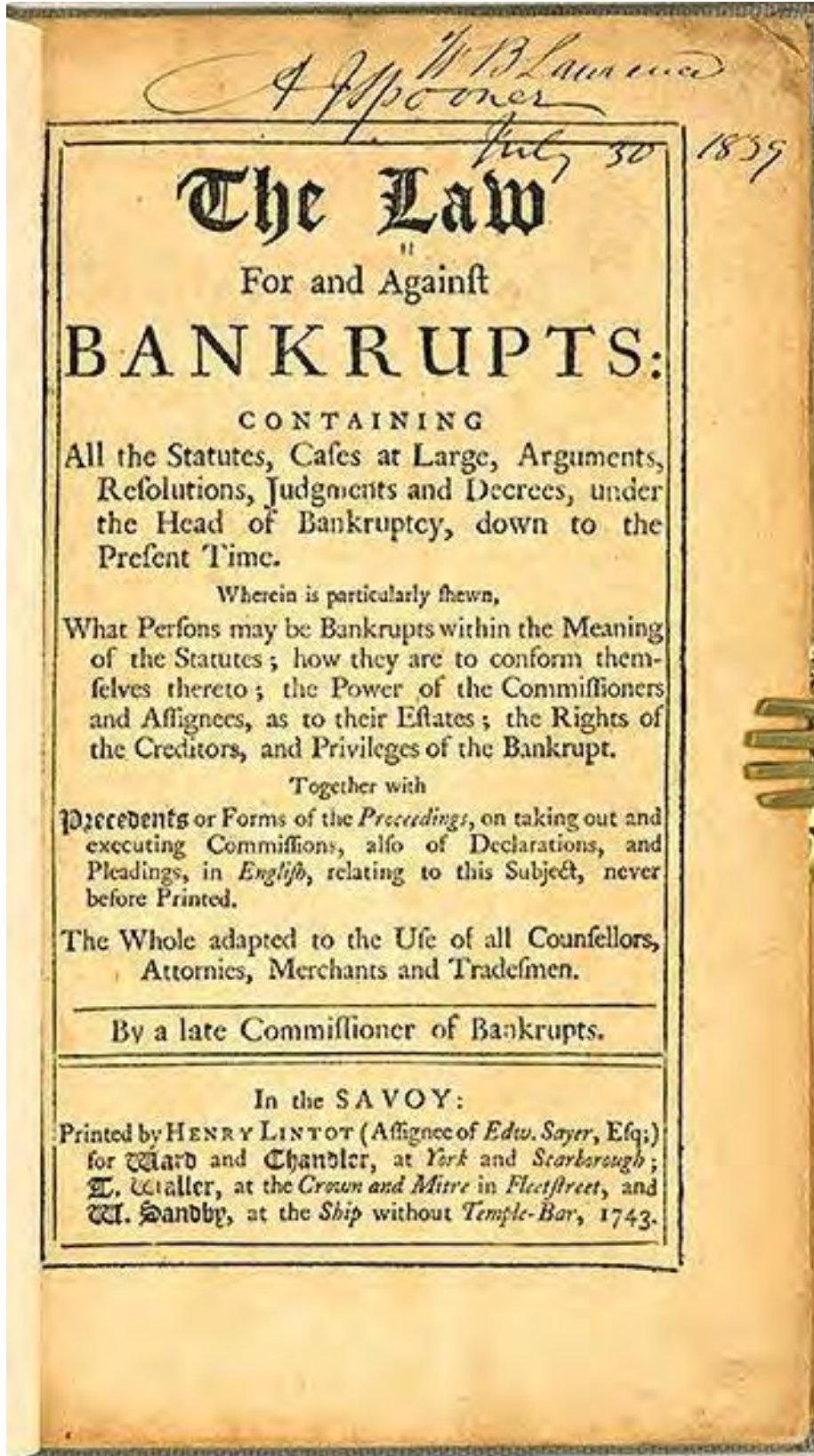
Disbound stab-stitched pamphlet. Moderate toning, negligible light soiling to exterior. A very good copy of a scarce title. \$250.

* Only edition. Written in the compelling form of a series of letters, this pamphlet offers a passionate argument for the "humane" regulation of debt imprisonment and outlines the "principle of a well regulated Insolvent Bill." Duhigg addresses the economic inefficiencies and moral failures of contemporary debtors' prisons, advocating for legal frameworks that balance creditor rights with humanitarian relief.

Duhigg was a prominent Irish barrister, legal antiquarian, and reformer. He served as the librarian of King's Inns, Dublin, and as the assistant barrister for the County of Wexford. He is best known for his historical legal writings, including his *History of the King's Inns*, which remains a key source for Irish legal history. His dedication of this work to Barry Yelverton, 1st Viscount Avonmore (then Chief Baron of the Irish Exchequer), underscores the pamphlet's alignment with high-level judicial reform efforts in late 18th-century Ireland and Britain.

OCLC locates 7 copies worldwide, 2 in law libraries (Harvard, Library of Congress). Library Hub adds 4 more locations in the United Kingdom (National Library of Scotland, Trinity College Dublin, University of St. Andrews, Wellcome Library). *English Short-Title Catalogue* T110731.

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Copy of a Scarce Eighteenth-Century English
Treatise on Bankruptcy with Two Notable American Associations

12. [Great Britain].

Commissioner of Bankrupts.

The Law For and Against Bankrupts: Containing all the Statutes, Cases at Large, Arguments, Resolutions, Judgments and Decrees, Under the Head of Bankruptcy, Down to the Present Time. Wherein is Particularly Shewn, What Persons May be Bankrupts Within the Meaning of the Statutes; How They are to Conform Themselves Thereto; The Power of the Commissioners and Assignees, As to their Estates; The Rights of the Creditors, And Privileges of the Bankrupt. Together with Precedents or Forms of the Proceedings, On Taking Out and Executing Commissions, Also of Declarations, And Pleadings, In English, Relating to this Subject, Never Before Printed. The Whole Adapted to the Use of All Counsellors, Attornies, Merchants and Tradesmen. [London]: Printed by Henry Lintot, 1743. [8], 296, [32] pp. Octavo (7-3/4" x 4-3/4"; 19.7 x 12.1 cm).

Later library cloth, red and black lettering pieces to spine. Light shelfwear and soiling, minor wear to edges of lettering pieces. Moderate toning to text, faint library stamp and two ink owner signatures (of A.J. Spooner, dated 1839, and W.B. Lawrence) to title page, brief annotations to verso. \$950.

* Only edition. Published anonymously by an unnamed "Commissioner of Bankrupts" and printed by the noted law printer Henry Lintot, this scarce work stands as a vital primary source for early-to-mid Georgian commercial law. It is a highly structured, practical manual designed to bridge the gap between technical legal practitioners and the burgeoning merchant class of the 18th century.

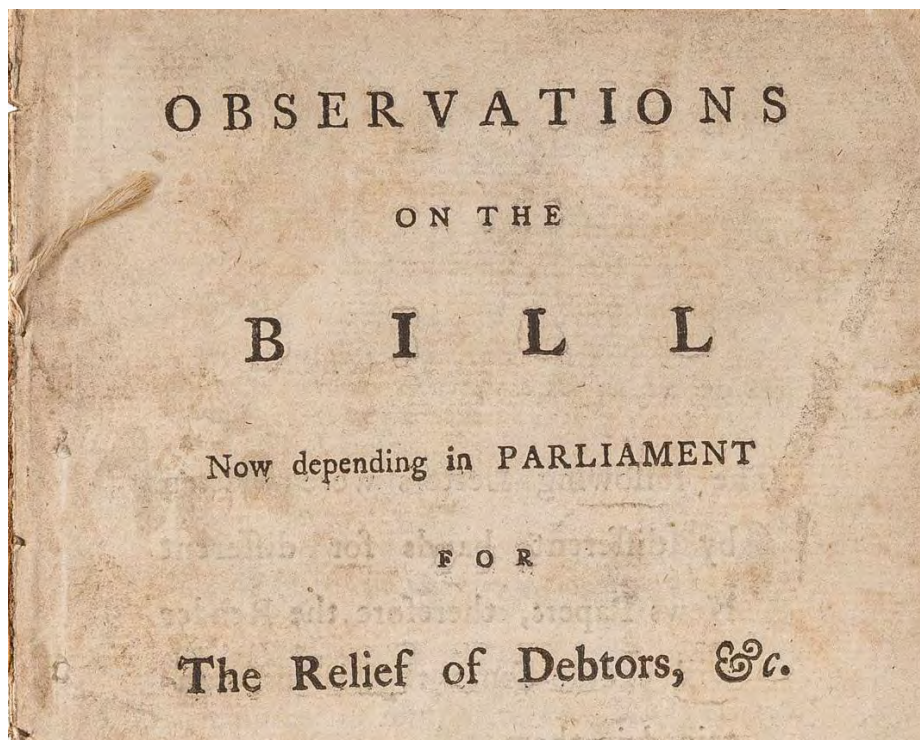
This progressive treatise uniquely aimed to encourage a more systematic use of legal bankruptcy procedures by actively dismantling the severe social and moral stigma traditionally attached to insolvency. At a time when financial failure frequently resulted in indefinite stays in debtors' prisons, the author offered an surprisingly empathetic defense of the honest debtor. As noted in the preface: "Bankrupts are generally esteemed a crafty, fraudulent, deceitful and extravagant sort of Persons; yet we may observe, that innocent and regular living Traders almost daily become involved in Bankruptcies, through the Badness of the Times, or by other inevitable Accidents" (p. iii).

This copy boasts excellent association value, linking two highly prominent figures of 19th-century American law and letters. William Beach Lawrence [1800–1881] was a renowned American jurist, prolific authority on international law, and political figure who served as the Lieutenant Governor of Rhode Island. Lawrence's extensive personal library was celebrated for its depth in civil and international jurisprudence. Alden Jermain Spooner [1810–1881] was a distinguished New York attorney, editor, and philanthropist. A passionate antiquarian, Spooner was deeply invested in preservation and famously founded the Long Island Historical Society. His signature here is dated 1839, early in his legal career.

This is a scarce title held by few North American institutions. OCLC locates five copies in law schools (Case Western Reserve, Harvard, University of Cincinnati, University of Minnesota, University of Pennsylvania). *English Short-Title Catalogue* T117205.



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A Rare Pamphlet Collecting Public Opinion on Bankruptcy Reform: 4 Copies Located in North America

13. [Great Britain].

Observations on the Bill Now Depending in Parliament for the Relief of Debtors, &c. In a Series of Letters. London: Printed for J. Millidge, in Maiden-Lane, Covent-Garden, 1780. [ii], 35, [1] pp. Half-title lacking, text complete. Octavo (8" x 5"; 20.5 x 12.8 cm).

Disbound pamphlet. Moderate toning, light soiling and faint crease lines to exterior, light foxing and small spots to a few places in text. \$450.

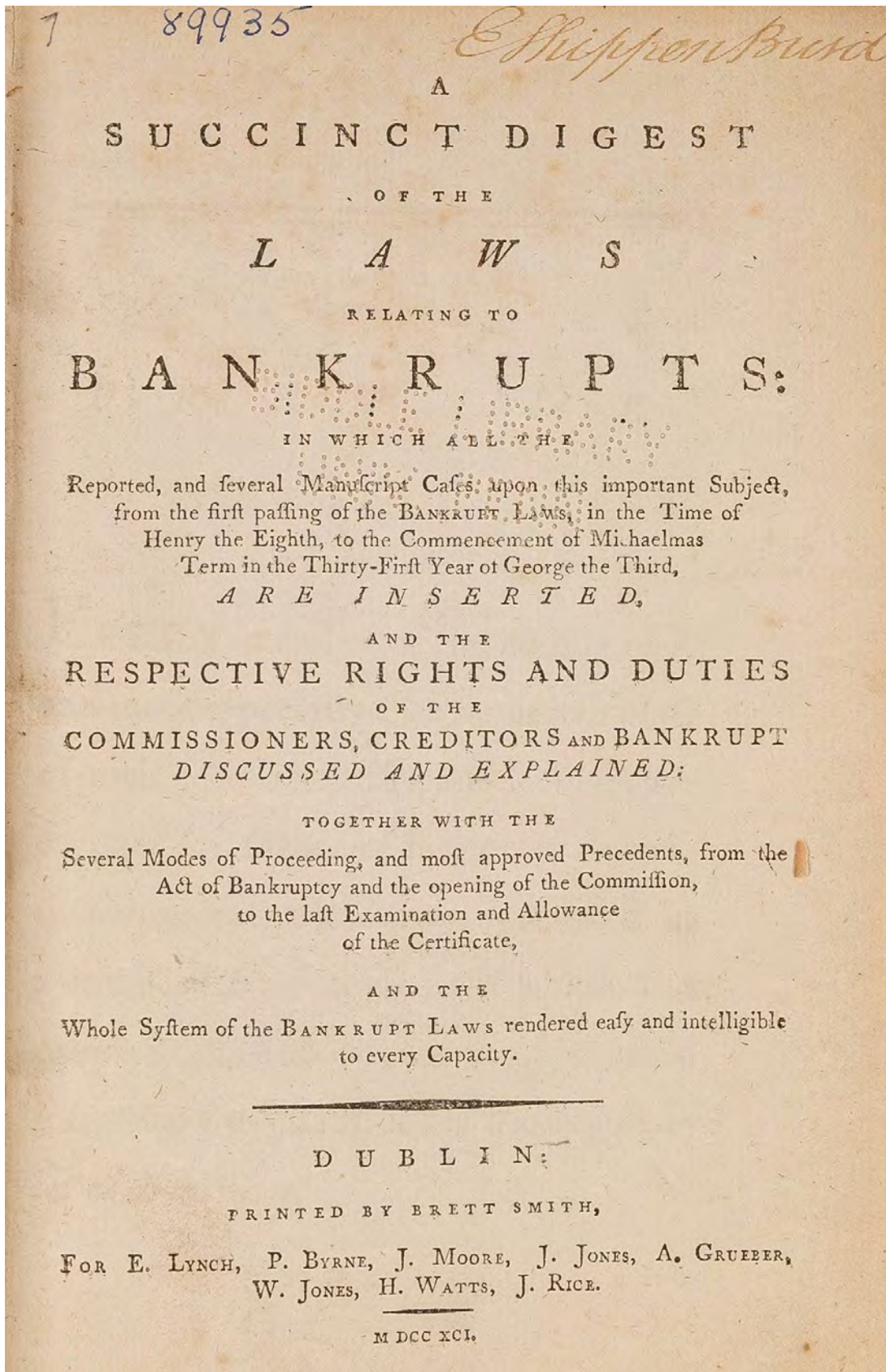
* Only edition. Bankruptcy and debtor reform was one of the most volatile economic, social, and political battlegrounds in eighteenth-century Britain. At a time when thousands of citizens languished in notoriously squalid debtors' prisons like the Fleet and Newgate, public debate over the balance between merchant justice and human mercy was fierce.

This scarce pamphlet serves as a curated time capsule of that debate. It collects a series of lively public letters "written by different hands for different News Papers" regarding a specific insolvency bill then pending in Parliament. The text captures the full spectrum of contemporary public opinion: while some writers lauded the bill as "replete with equity and mercy," more cynical observers argued that its "remedy [was] not sufficient for the disease."

Collectively, the correspondence skews in favor of the bill, offering a valuable window into early humanitarian arguments against traditional debt punishment. Despite the public momentum captured here, this specific bill suffered the same fate as many early reform measures and failed to pass. True systemic overhaul would stall for decades.

A rare survival, likely owing to its ephemeral nature as a compilation of newspaper columns. OCLC and the *English Short-Title Catalogue* locate 4 copies in North America, none in law libraries. *English Short-Title Catalogue* N42067.

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Copy of a 1791 Summary of Bankruptcy Law that Belonged to a Prominent Philadelphia Lawyer

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14. [Great Britain].

A Succinct Digest of the Laws Relating to Bankrupts: In Which All the Reported, And Several Manuscript Cases Upon this Important Subject, From the First Passing of the Bankrupt Laws, In the Time of Henry the Eighth, To the Commencement of Michaelmas Term in the Thirty-First Year of George the Third, Are Inserted, And the Respective Rights and Duties of the Commissioners, Creditors and Bankrupt Discussed and Explained: Together with the Several Modes of Proceeding, And Most Approved Precedents, From the Act of Bankruptcy and the Opening of the Commission, To the Last Examination and Allowance of the Certificate, And the Whole System of the Bankrupt Laws Rendered Easy and Intelligible to Every Capacity. Dublin: Printed by Brett Smith, For E. Lynch [et al.], 1791. [xvi], 192, lxxii, [26] pp. Octavo (7-3/4" x 5"; 19.8 x 12.5 cm).

Modern quarter cloth over plain paper boards, lettering piece and gilt fillets and title to spine, endpapers renewed. Minor soiling to exterior, front hinge split (before title page), rear hinge starting (before rear free endpaper). Moderate toning to interior, very light foxing in a few places, library punch stamp and ink shelf number to title page affecting text without loss to legibility, early owner signature of "E Shippen Burd" to title page and first pages of preface and table of contents. \$450.

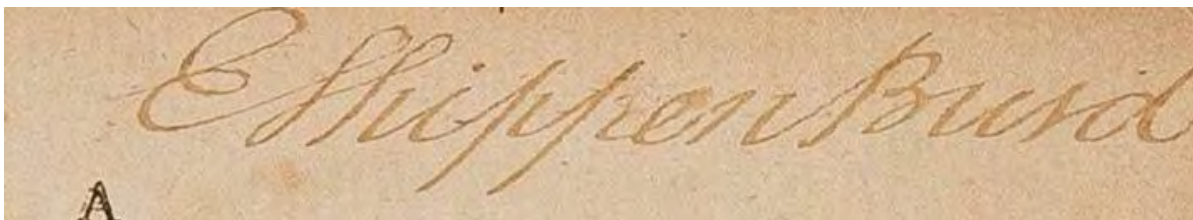
* Reissue of the first edition, London, 1791. As indicated in the preface, this book was intended for "merchants and traders" rather than "professors of the law." The contents are accordingly "divested, as much as it is possible, of technical expressions and profession idioms, and arranged in such order, that the several parts may become perspicuous and familiar to every capacity" ([xiv]-[xvi]).

In his *Present State of Printing and Bookselling in America* (1796), Henry Lemoine noted that Irish editions of English law books were highly sought after by American lawyers. Because they were typically produced in smaller, more compact formats than their bulky London counterparts, they were far easier to pack into saddlebags while riding legal circuits across the expanding American frontier.

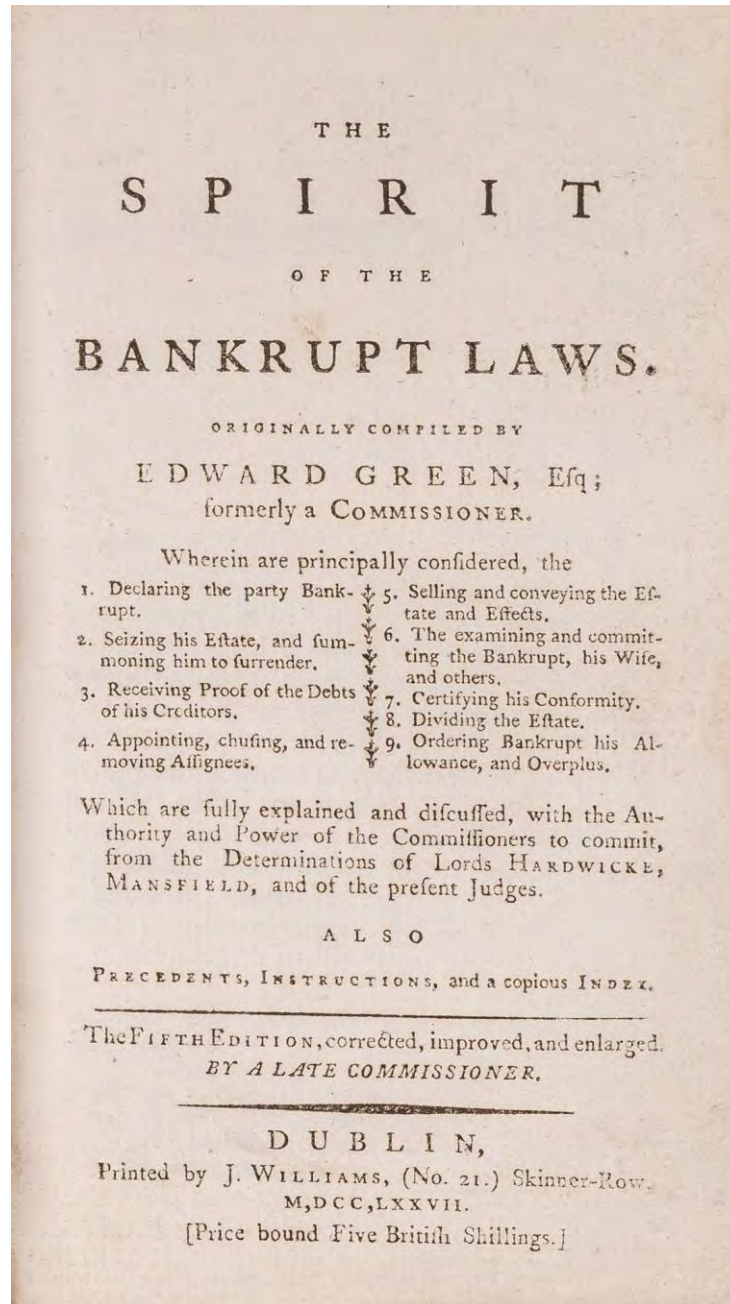
This copy features the ownership signatures of Edward Shippen Burd [1779–1848], a wealthy and prominent Philadelphia attorney who belonged to one of early Pennsylvania's most influential legal dynasties. Shippen Burd was the son of Edward Burd [1749–1833], a Revolutionary War officer who fought at the Battle of Long Island, was captured by the British, and later served with distinction as the Prothonotary (chief clerk) of the Pennsylvania Supreme Court. Through his mother, Elizabeth Shippen, Edward Shippen Burd was directly connected to Edward Shippen IV, the Chief Justice of the Pennsylvania Supreme Court.

This volume represents a fascinating intersection of English statutory roots, Irish printing history, and the practical library of an elite lawyer shaping the commercial landscape of early federal Philadelphia.

Lemoine, *Present State of Printing and Bookselling in America* (1796, reprinted 1929). *English Short-Title Catalogue* N24533.



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A Long-Lived Eighteenth-Century Treatise on Bankruptcy Law Cited by Holdsworth

15. Green, Edward.

The Spirit of the Bankrupt Laws. Originally Compiled by Edward Green, Esq; Formerly a Commissioner. Wherein are Principally Considered.... Dublin: Printed by J. Williams, (No.21.) Skinner-Row, 1777. xxi, [3], iv, 503, [9] pp. 12mo. (7" x 4"; 18 x 10 cm).

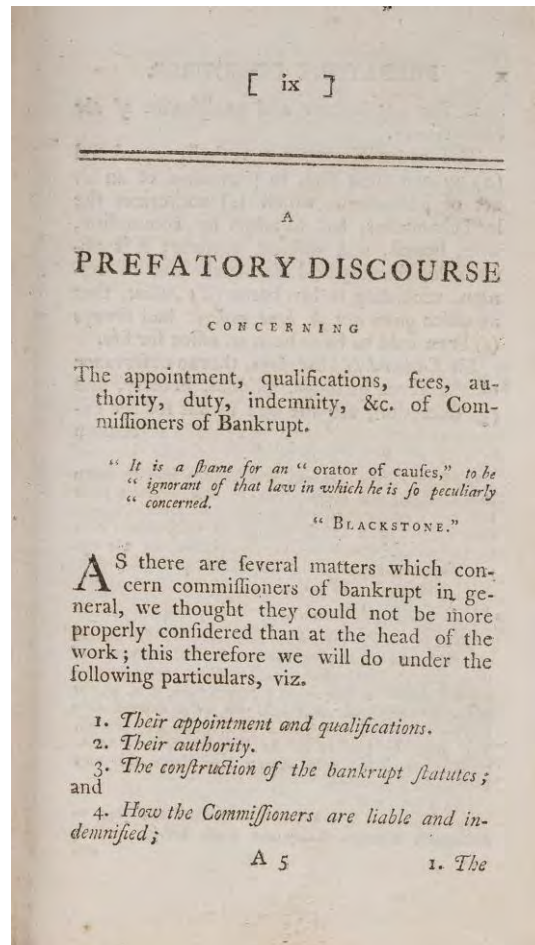
Contemporary calf, raised bands and recent period-style lettering piece to spine, recent repairs to spine ends, blind tooling to board edges. Light rubbing and a few minor scuffs to front board, somewhat heavier scuffing to rear board, a few minor nicks and scuffs to board edges, corners bumped, hinges cracked, front pastedown beginning to detach, some wear to its edges. Light toning to interior, worming and faint staining to margins in a few places. A very good copy overall. \$500.

* Stated "Fifth Edition" on the title page, though bibliographically recognized as a Dublin reissue of the third London edition. First published in London in 1767, Edward Green's treatise became one of the standard, practical authorities on the evolving mechanics of 18th-century English bankruptcy law. This Dublin edition represents a vital chapter in the contemporary cross-pollination of English and Irish legal practice. Because English statutory developments and high-court decisions heavily influenced Irish commerce, Irish printers frequently issued their own editions of major English treatises to serve the local bench and bar.

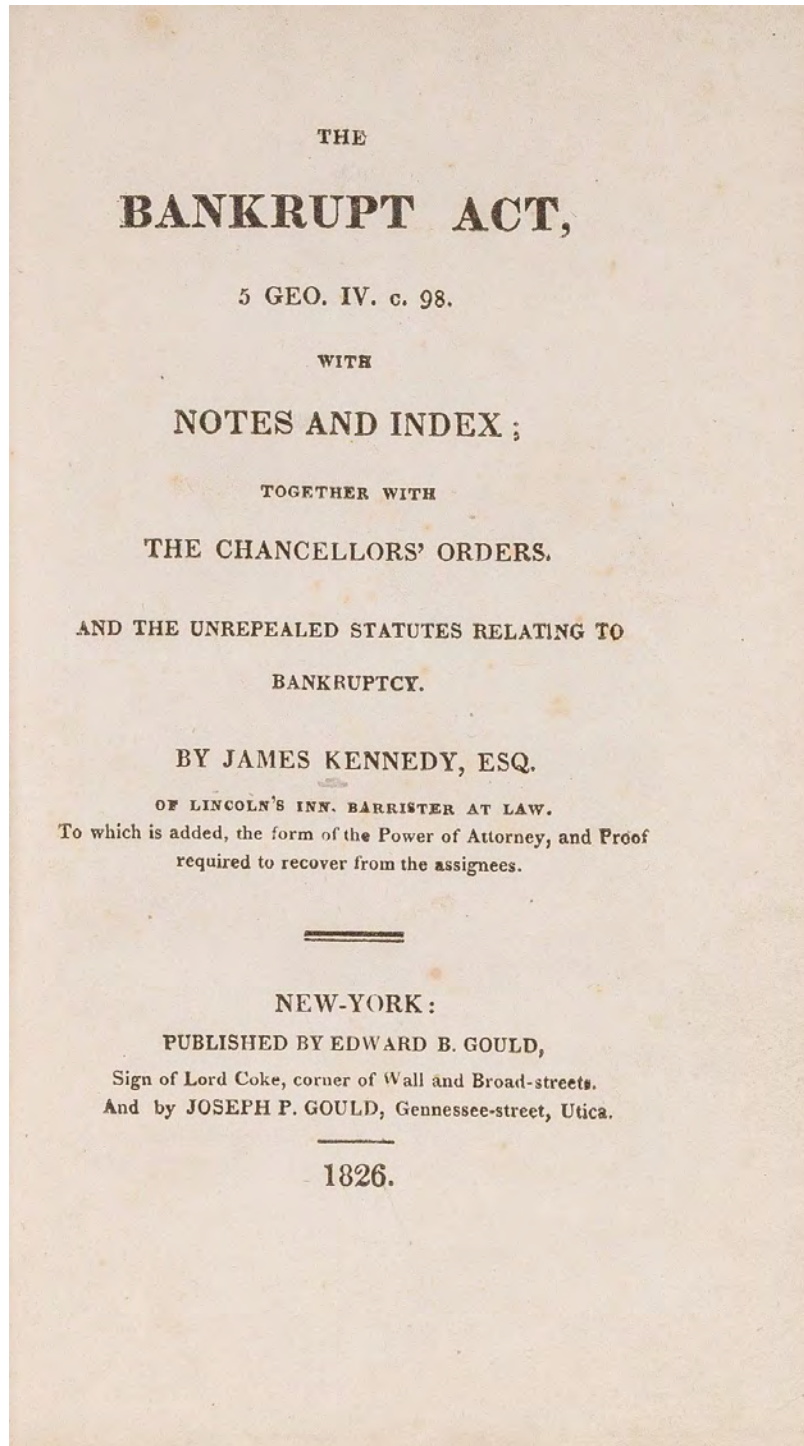
This edition is particularly valuable for its inclusion of key determinations by towering judicial figures of the era, most notably Lord Hardwicke and Lord Mansfield, the latter of whom was instrumentally shaping modern commercial and maritime law at the time. Holdsworth singled out Green's work for high praise, noting: "The book is clearly written and well arranged. It states the effect of the modern cases and statutes; but it is not a mere digest. It explains underlying principles, and gives a good account of the way in which the commissioners in practice conducted their business."

By providing procedural instructions and formal legal precedents alongside theoretical analysis, Green bridged the gap between academic law and courtroom reality. The treatise concluded its influential run with a final London edition in 1780.

Holdsworth, *A History of English Law* XII:388. *English Short-Title Catalogue* N23473.



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**A Rare American Study of the 1824 English
Bankruptcy Law, Not in Cohen, OCLC Locates 6 Copies Worldwide**

16. Kennedy, James [1798-1859].

The Bankrupt Act, 5 Geo. IV. C. 98. With Notes and Index; Together with the Chancellors' Orders. And the Unrepealed Statutes Relating to Bankruptcy. To Which is Added, The Form of the Power of Attorney, And Proof Required to Recover from the Assignees. New York: Published by Edward B. Gould, Sign of Lord Coke, corner of Wall and Broad-streets, 1826. vii, 122, x pp. Octavo (7-1/2" x 4-1/2"; 19 x 10.2 cm).

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Original publisher's boards, edges untrimmed. Light rubbing and soiling to exterior, spine mostly perished, later library bookplate to front pastedown. Light toning to interior, occasional light foxing, a few, mostly partial cracks to text block, all leaves secure. \$450.

* Only edition. The 1824 Bankrupt Act represented a watershed moment in British commercial history, liberalizing and consolidating archaic bankruptcy laws to better accommodate the rapidly expanding roles of banking, credit, and heavy industry in the post-Napoleonic economy.

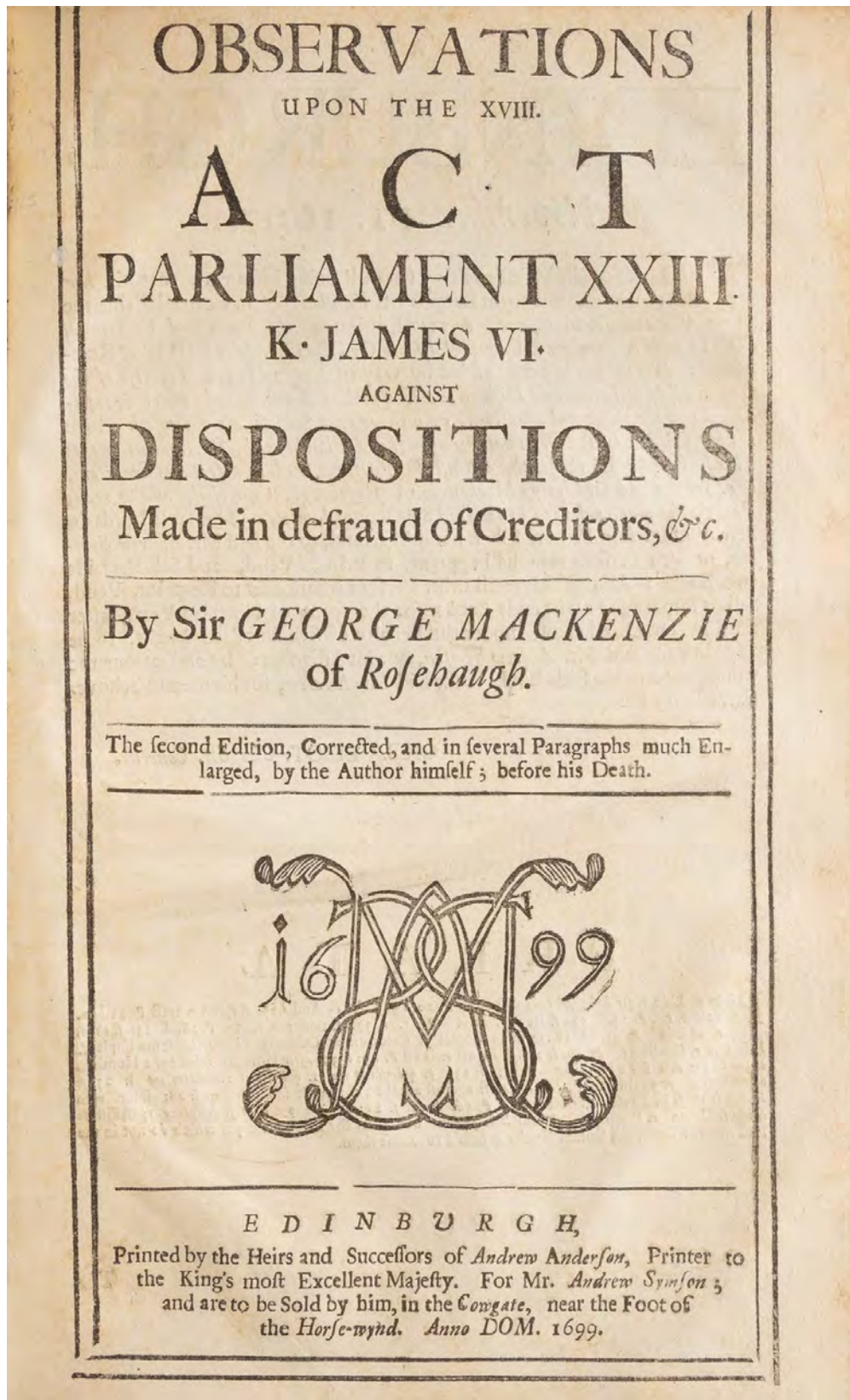
Kennedy's treatise boasts a fascinating and anomalous publication history. Despite being a highly technical analysis penned by an English barrister explicitly dissecting British statutory law, no domestic English edition appears in Sweet & Maxwell, the British Museum Catalogue, or contemporary London trade lists. Instead, this treatise appears to have been published exclusively in New York.

Despite its profound relevance to early American merchants trading with Great Britain—who desperately needed to navigate the pitfalls of British insolvency—this New York imprint was completely overlooked by Cohen in his definitive Bibliography of Early American Law. The publisher, Edward B. Gould, proudly operated under the iconic trade sign "Sign of Lord Coke" at the historic intersection of Wall and Broad Streets, placing this printing at the literal and figurative heart of early American finance.

OCLC locates 6 copies worldwide (Columbia Law School, Maryland State Law Library, University of Missouri Law School, University of Pennsylvania Law School, Yale Law School, University of Chicago). No additional copies are recorded by Library Hub, confirming its near-total absence from British research libraries.



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Rare Edition of Mackenzie's Review of Bankruptcy Reform: 4 Copies Located in North America

17. Mackenzie, Sir George [1636-1691].

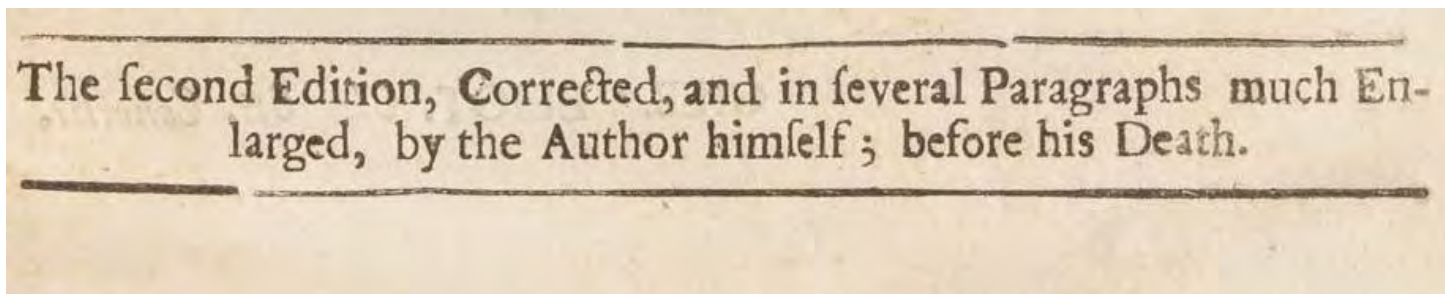
Observations upon the XVIII. Act of Parliament XXXIII. K. James VI. Against Dispositions Made in Defraud of Creditors &c. Edinburgh: Printed by the heirs and successors of Andrew Anderson for Mr. Andrew Symson, 1699. [iv], 62 pp. Folio (11-1/4" x 7"; 28.6 x 17.8 cm).

Recent textured boards, black-stamped title to spine, endpapers renewed. Light soiling to boards, spine ends bumped. Moderate toning to interior, light soiling and foxing in a few places, occasional faint dampstaining to last several leaves, trimming to head of first two leaves just touching top rules without loss to text, crack in text block before final leaf, several corrections in an early hand, some affected slightly by trimming. \$500.

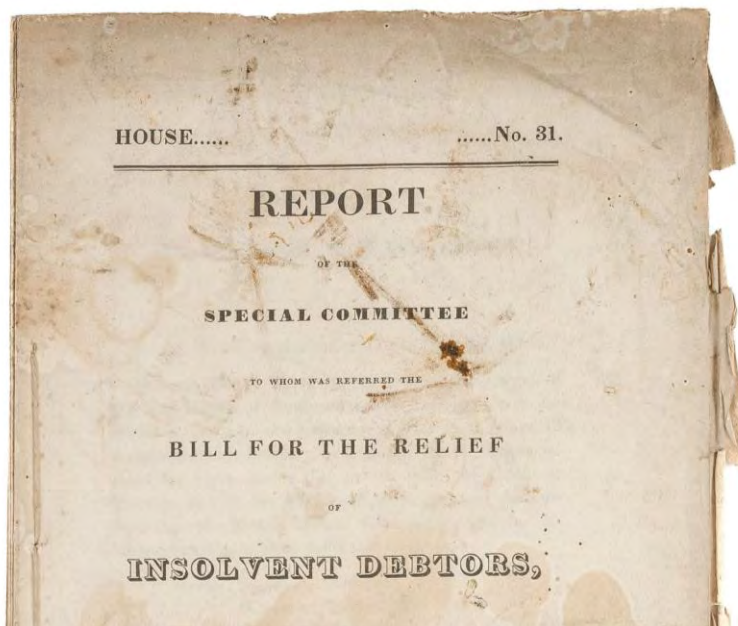
* Second edition, corrected. First published in 1698, this important legal commentary analyzes the landmark Bankruptcy Act of 1621 (the 18th Act of the 23rd Parliament of King James VI). The act was designed to aggressively curtail bankruptcy fraud by protecting creditors from "deathbed" or fraudulent transfers of property made by debtors attempting to shield assets. Mackenzie's *Observations* offer a vital window into how this critical piece of economic legislation was implemented, interpreted, and enforced in 17th-century Scotland.

Sir George Mackenzie, known as the Lord Advocate during the reigns of Charles II and James II, was one of the most brilliant and influential Scottish jurists, scholars, and authors of his era. He is also remembered as the founder of the Advocates Library (now the National Library of Scotland).

This second edition is rare. The *English Short-Title Catalogue* locates only a small handful of copies worldwide. In North America, OCLC locates just 3 copies in law libraries (Harvard, Yale, and the Library of Congress), with the *English Short-Title Catalogue* adding a fourth at Columbia Law School.



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An Early Attempt to Reform Bankruptcy Law in Massachusetts

18. [Massachusetts].

Report of the Special Committee to Whom was Referred the Bill for the Relief of Insolvent Debtors, And for the More Equal Distribution of Their Effects. At head of title: *House No. 31.* Boston: Dutton and Wentworth, State Printers, 1834. 38 pp. Octavo (9-3/4" x 6"; 24.6 x 15.2 cm).

Stab-stitched pamphlet in self wrappers, edges untrimmed. Light toning, light soiling and faint dampstaining to exterior, light edgewear to last few leaves, upper right corner of text block creased. A very good copy in its original state. \$250.

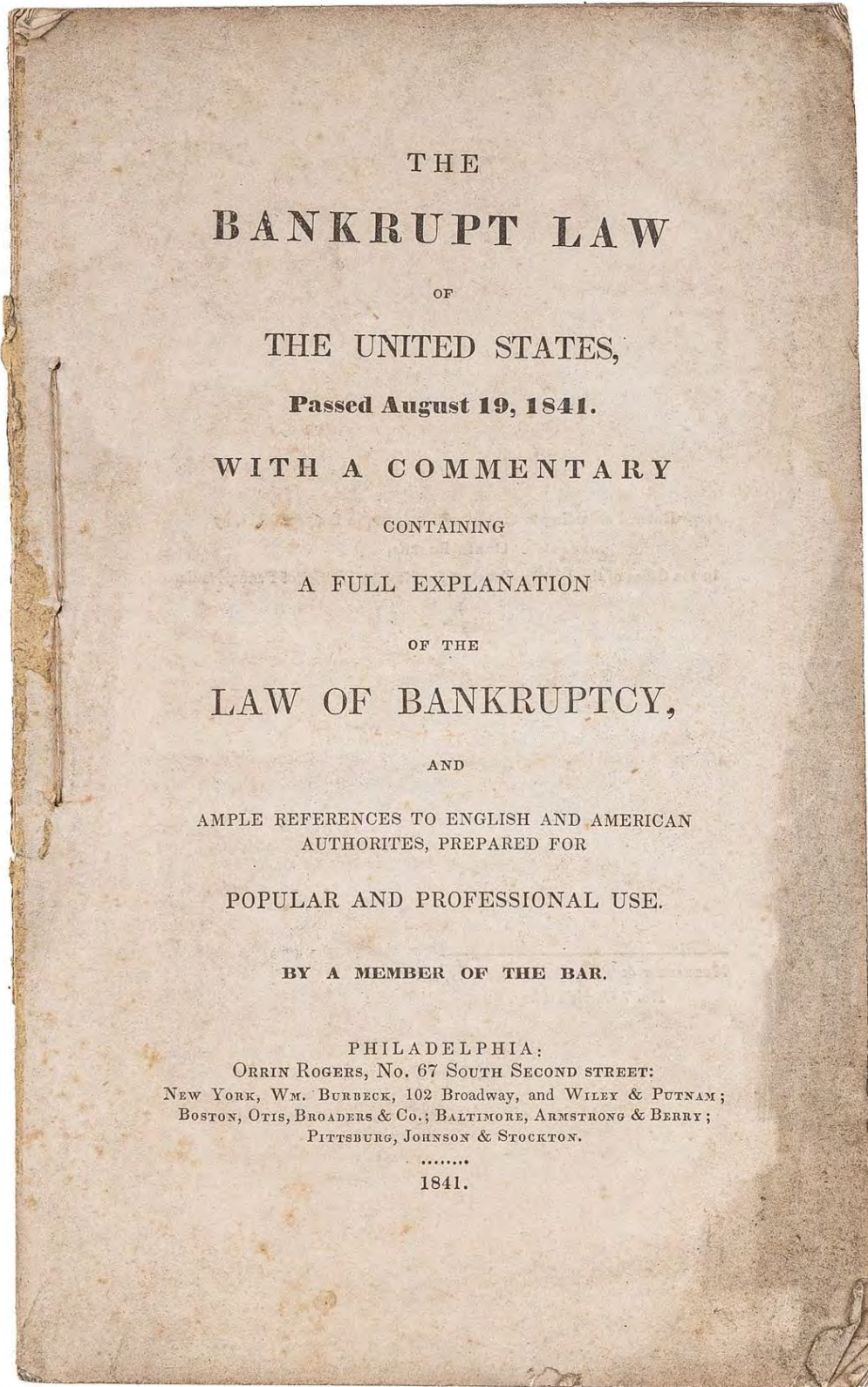
* Only edition. Early America struggled deeply to reckon with the complex legal and economic issues surrounding bankruptcy, insolvency, and the humanitarian crisis of debtors' prisons. Following the brief lifespans of the Federal Bankruptcy Acts of 1800 and 1819, the young nation was left with a chaotic patchwork of state laws that frequently failed to protect either the honest, failed merchant or the out-of-state creditor.

This 1834 legislative report marks a pivotal moment in that struggle. Chaired by Salem attorney David Roberts, the special committee passionately argues for the passage of a pending insolvency bill, providing an incisive critique of the contemporary legal landscape.

The committee insists on an end to the common, highly manipulative practice of failing debtors secretly favoring a select few "preferred" creditors while leaving others entirely empty-handed. Aligning with growing nationwide humanitarian pushes—and following the federal ban enacted by the U.S. Congress in 1833—the report frames the jailing of honest but unfortunate debtors as an archaic, counterproductive cruelty.

Crucially, this pamphlet contains both the complete legislative committee report and the full, unredacted text of the proposed bill. It offers exceptional insight into the socio-economic debates of the Jacksonian Era and serves as a direct legislative ancestor to the landmark Massachusetts Insolvency Act of 1838, which later became a blueprint for federal bankruptcy law.

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An Introduction to the Then-Recent Second
Federal Bankruptcy Law: OCLC Locates 3 Copies in Law Libraries

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19. A Member of the Bar.

The Bankrupt Law of the United States, Passed August 19, 1841. With a Commentary Containing a Full Explanation of the Law of Bankruptcy, And Ample References to English and American Authorities [sic], Prepared for Popular and Professional Use. Philadelphia: Orrin Rogers, No. 67 South Second Street [et al.], 1841. 48 pp. Octavo (8-3/4" x 5-1/4"; 22.2 x 13.3 cm).

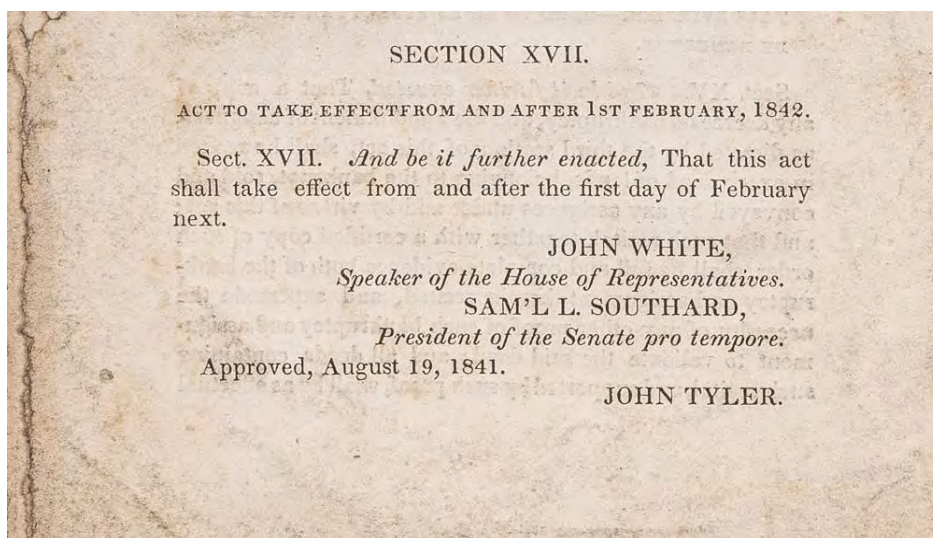
Disbound stab-stitched pamphlet. Moderate toning, light soiling to exterior, staining along fore-edge of title page, corner folds to first few leaves, edgewear and damage to upper-outside corners of final few leaves, text not affected. A good copy of a scarce pamphlet. \$350.

* Only edition. Enacted in the wake of severe economic turmoil, the Bankruptcy Act of 1841 was only the second federal bankruptcy law in United States history. The nation's first federal act, passed in 1800, was a strictly pro-creditor tool meant to streamline debt collection across state lines, but it proved widely unpopular and was repealed in 1803. For nearly four decades, the U.S. relied on a chaotic patchwork of state insolvency laws.

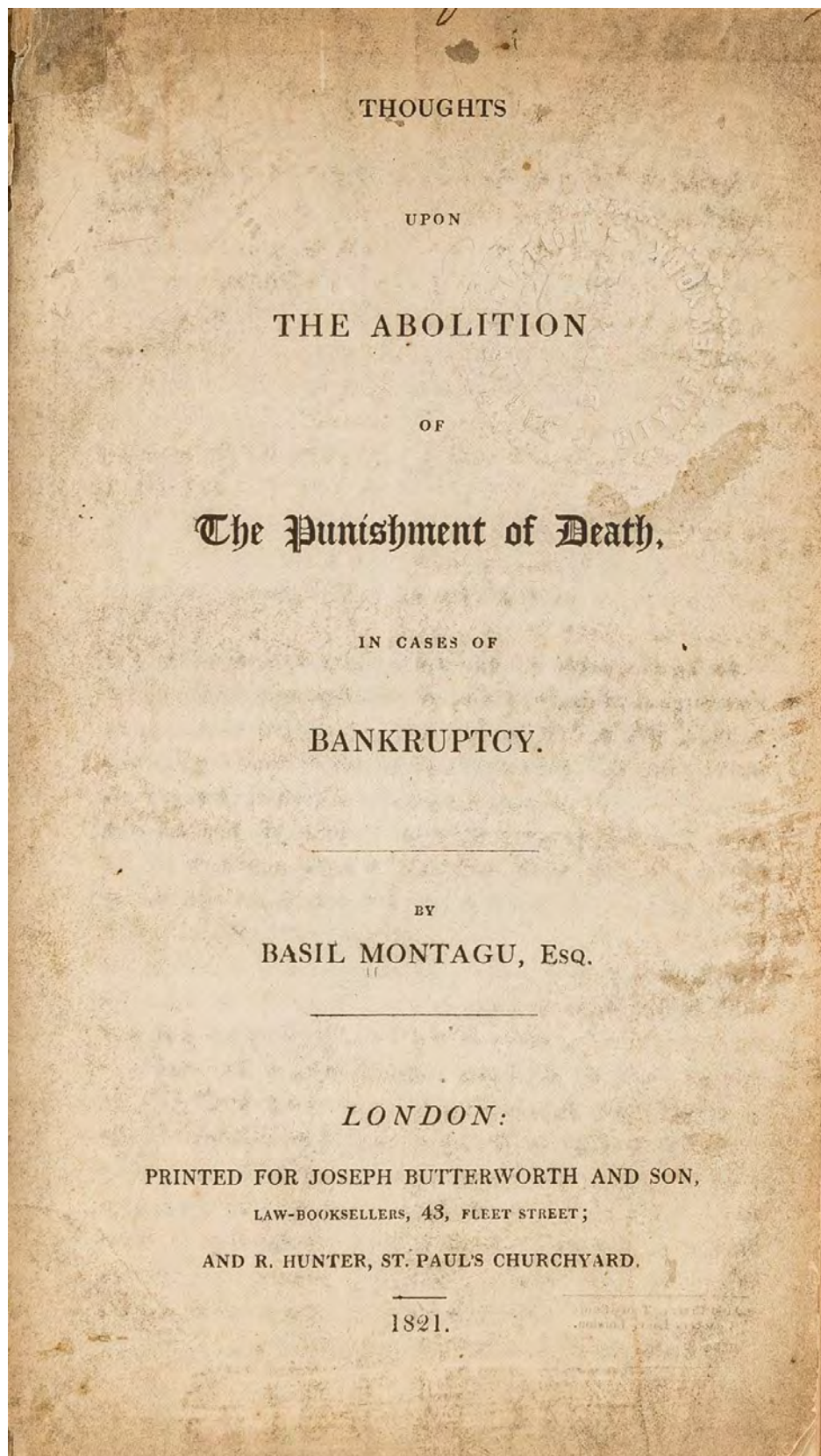
The catastrophic Panic of 1837 and the grueling five-year depression that followed fundamentally changed the political landscape. With hundreds of thousands of citizens ruined by debt, a powerful Whig-led movement championed federal relief to allow honest debtors a clean economic slate. The resulting General Bankrupt Law of 1841 was a landmark piece of legislation: it introduced the concept of voluntary bankruptcy to American law for the very first time, allowing debtors—not just aggressive creditors—to initiate proceedings. Despite its revolutionary framework, the law faced intense backlash from states' rights advocates and creditors who viewed it as an unconstitutional erasure of private contracts. The act was remarkably short-lived, suffering a swift repeal in 1843 after being active for only thirteen months.

Published immediately following the law's passage, this rare pamphlet provides the complete, unabridged text of the Act alongside a comprehensive section-by-section commentary by an anonymous "Member of the Bar." The author explicitly designs the text "for popular and professional use," translating complex statutory language into a practical guide for panic-stricken citizens and the legal counsel rushing to represent them. Particular, invaluable focus is given to navigating the mechanics of the newly minted voluntary bankruptcy provisions.

A scarce survival of an ephemeral legal guide. OCLC locates copies in only three North American law libraries (Duke, Harvard, Yale). Cohen, *Bibliography of Early American Law* 2466.



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Rare Pamphlet by an Important Reformer and Opponent of Capital Punishment

20. Montagu, Basil [1770-1851].

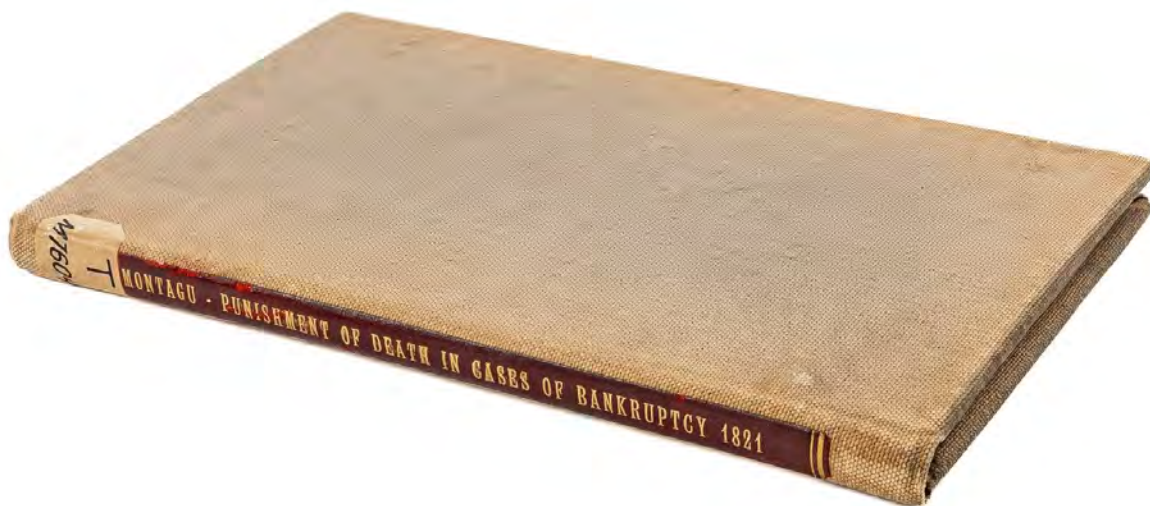
Thoughts Upon the Abolition of the Punishment of Death, In Cases of Bankruptcy. London: Printed for Joseph Butterworth and Son, 1821. 71 pp. 12mo. (8-3/4" x 5-1/4"; 22.22 x 13.33 cm).

Stab-stitched pamphlet bound into later library buckram, calf lettering piece and paper shelf label to spine. Light soiling, moderate rubbing to extremities. Light browning to text, light foxing to a few leaves. Some soiling, minor edgewear and faint embossed library stamp to title page, which is partially detached at ends, a few library marks to its verso, another embossed library stamp to following leaf. A rare title. \$650.

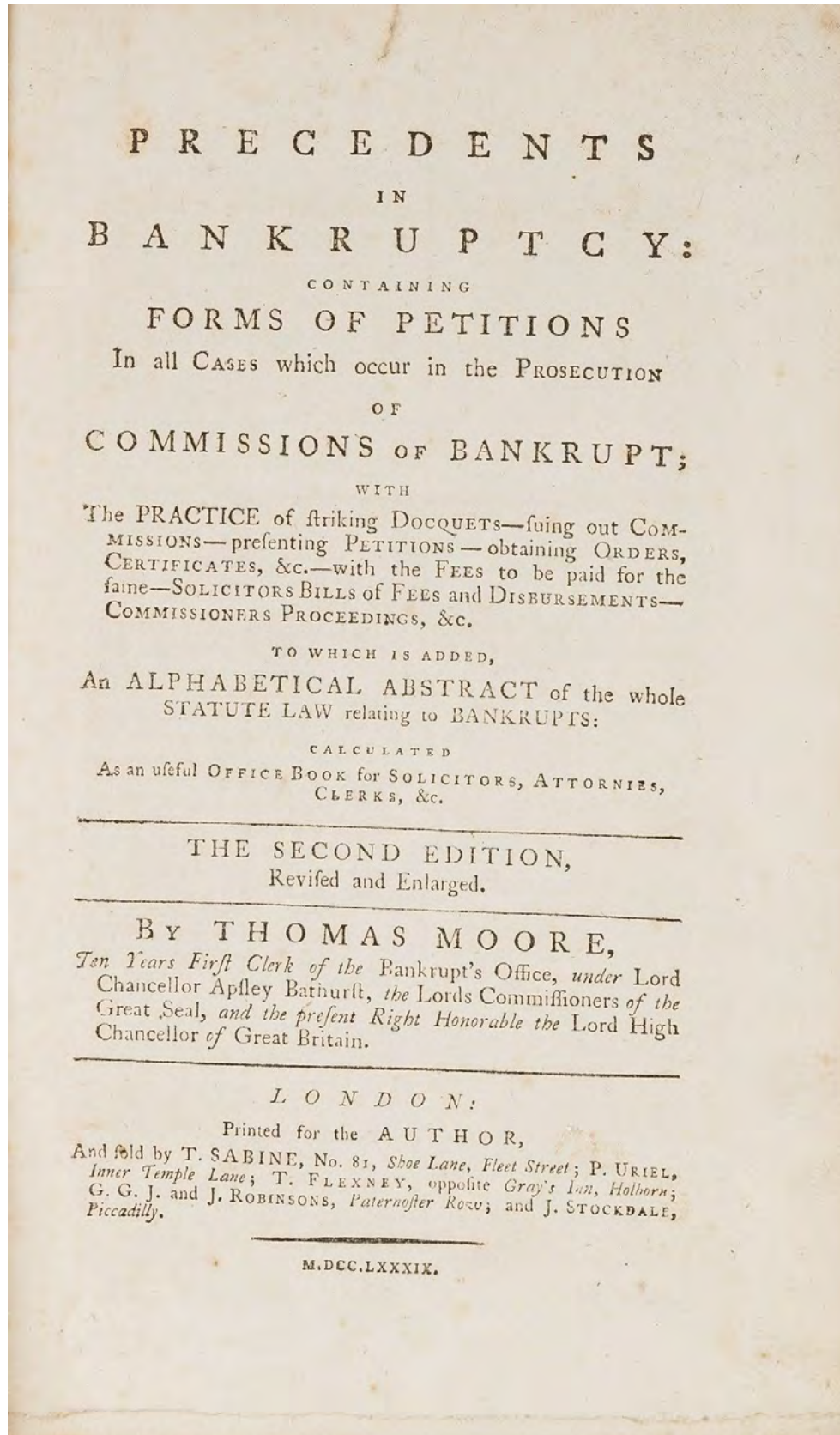
* Only Edition. A lawyer, versatile legal author, philanthropist, and tireless social reformer, Basil Montagu is best remembered for his decades-long crusade to humanize English law. He was a pivotal figure in the movement to reform draconian bankruptcy laws and abolish capital punishment for non-violent offenses—efforts he pursued with considerable legislative success.

Writing in the immediate wake of Sir Samuel Romilly's reform campaigns, Montagu targets a particularly brutal facet of England's notorious "Bloody Code": the fact that fraudulent bankruptcy or the concealment of assets by a debtor was still technically a capital crime. Drawing inspiration from Cesare Beccaria's *On Crimes and Punishments*, Montagu argues passionately against the moral and economic efficacy of execution for financial failures, advocating instead for proportional and corrective justice.

Rare in commerce and institutional holdings. OCLC locates only a single copy in a North American law library (UC-Berkeley). The title is entirely absent from major standard legal bibliographies, including Sweet & Maxwell and the *Catalogue of the Library of the Harvard Law School* (1909). *British Museum Catalogue* (Compact Edition) 17:843.



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The Rare Second Edition of a Useful Guide to English Bankruptcy Law

21. Moore, Thomas.

Precedents in Bankruptcy: Containing Forms of Petitions in All Cases which Occur in the Prosecution of Commissions of Bankrupt; With the Practice of Striking Docquets-Suing out Commissions-Presenting Petitions-Obtaining Orders, Certificates, &c.-With the Fees to be Paid for the Same-Solicitors Bills of Fees and Disbursements-Commissioners Proceedings, &c.... London: Printed for the Author, And Sold by T. Sabine [et al.], 1789. [xiv], 390, [3] pp. Title page followed by 9-pp. subscriber list, 3-pp. subscriber list after p. 390. Octavo (9" x 5-3/4"; 22.8 x 14.6 cm).

Original paper-covered publisher boards with contrasting paper spine and printed paper title label, untrimmed edges. Moderate soiling and a few minor stains and scuffs to boards, spine mostly perished, boards beginning to separate, text block secure, rubbing to extremities, corners and spine ends bumped and lightly worn. Light toning to interior, negligible light foxing in a few places, fold lines to a few leaves, section of fore edges of leaf K4 (pp.139-140) neatly torn away, but laid in, small tear to head of title page. \$750.

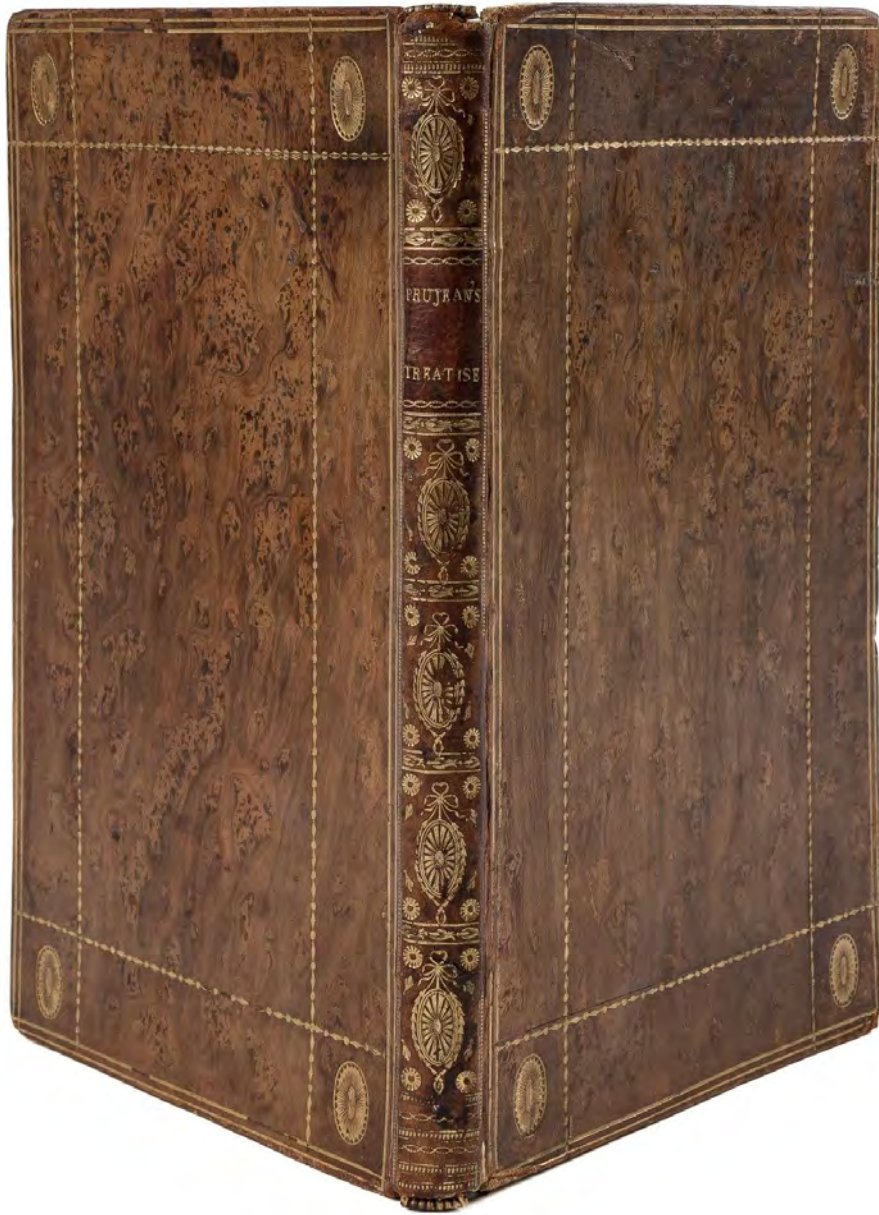
* Second and final edition of a highly practical manual first published in 1788. The author, Thomas Moore, proudly identifies himself on the title page as having served "Ten Years First Clerk of the Bankrupt's Office." This long-standing insider tenure gave him an unparalleled, granular knowledge of the bureaucratic mechanics of insolvency. Rather than a purely academic treatise, Moore delivers a vital, boots-on-the-ground procedural guide.

Divided into two meticulously organized parts, the work begins with an exhaustive collection of various bankruptcy petitions and transactional templates, complete with dense, explanatory procedural notes. The second half comprises a robust alphabetical digest of relevant statute law. Published in 1789, it offers a fascinating look at the legal machinery of English bankruptcy during a watershed era of rapid industrial expansion, high-stakes mercantile credit, and widespread financial volatility.

Print copies of both editions are rare, likely because these handbooks were used until they fell apart. The *English Short-Title Catalogue* and OCLC locate only one single copy of this second edition worldwide (held at York University, Canada). No further copies are located on Library Hub or major UK repositories, making this an incredibly elusive acquisition for institutions or collectors of historical jurisprudence. *English Short-Title Catalogue* N20378.



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In a Handsome Contemporary Chippendale Binding

22. Prujean, John.

A Treatise Upon the Laws of England Now in Force for the Recovery of Debt, Pointing Out the Many Abuses of Them; Together with a Plan for Administering More Speedy and Equitable Justice to Creditors and to Debtors. By John Prujean, Esq. of Gray's-Inn; And Dedicated, With Permission, To His Grace the Duke of Norfolk. London: Printed for the Author: And Sold by J. Sewell [et al.], 1791. xix, [1], 135, [1] pp. With a half-title. Octavo (8-1/4" x 4-3/4"; 20.9 x 12.1 cm).

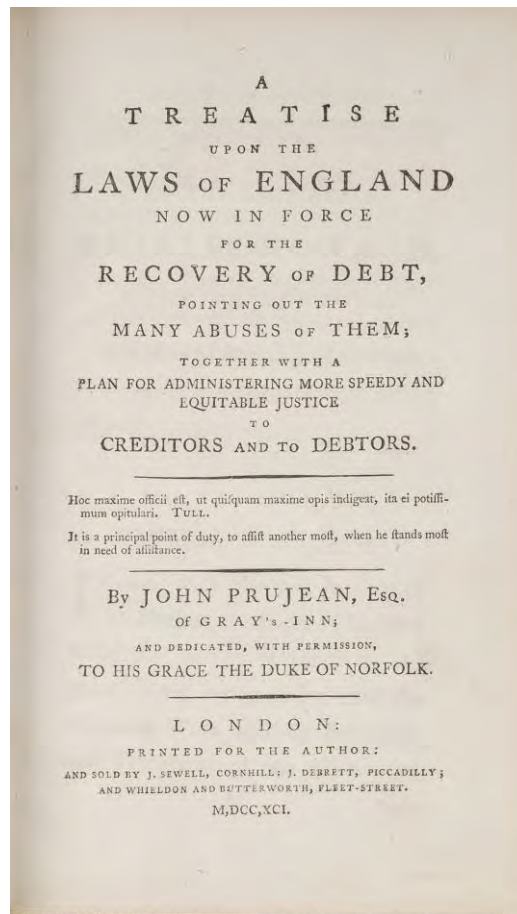
Contemporary Chippendale-style gilt-paneled tree calf, gilt ornaments to corners, gilt spine with lettering piece, gilt tooling to outer and inner board edges, marbled endpapers, silk ribbon bookmark. Light rubbing and a few small, shallow nicks and scratches to boards, moderate rubbing to extremities, joints starting at ends, chipping to spine ends, corners bumped and worn. Light toning to interior, negligible light foxing to a few leaves, internally clean. A handsome copy. \$1,500.

* Only London edition, published simultaneously in Dublin the same year. Throughout the late eighteenth and early nineteenth centuries, bankruptcy reform was one of Britain's most urgent economic and social issues. In this trenchant treatise, Prujean—a barrister of Gray's Inn—sharply dissects the systemic abuses of contemporary debt recovery and insolvency laws, urgently advocating for their complete overhaul.

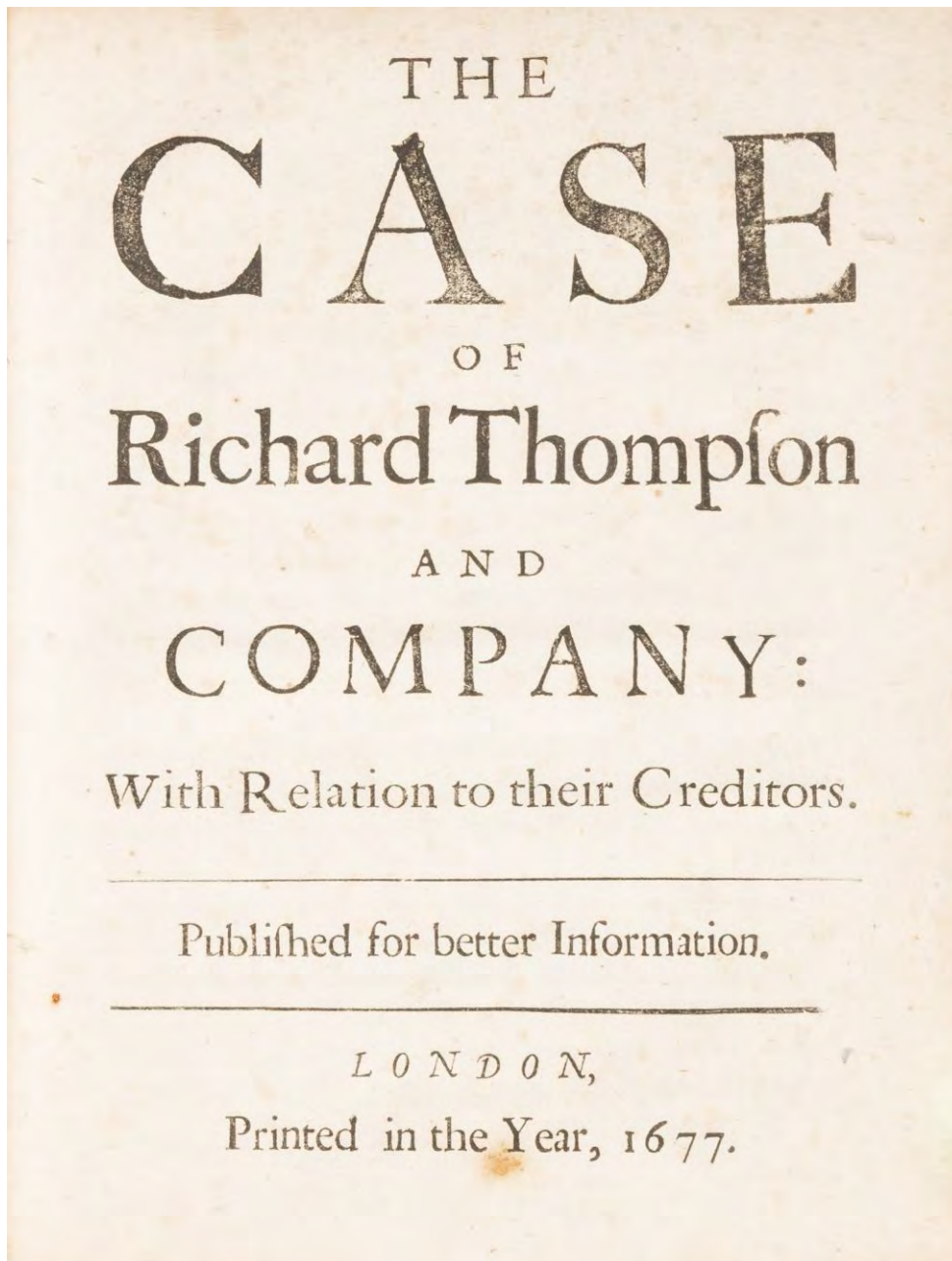
He argues passionately that current punishments, such as the ruinous cycle of debtor's prisons or forced exile, are fundamentally unjust, economically counterproductive, and entirely ineffective as deterrents. Furthermore, Prujean exposes how existing statutes actively incentivize predatory, frivolous, and outright fraudulent claims. In their place, he proposes a sophisticated "Plan" for administering swift, equitable justice, which includes the appointment of specialized commissioners tasked with rigorously auditing the legitimacy of bankruptcy suits to protect both honest debtors and desperate creditors.

This copy is distinguished by its highly desirable, contemporary Chippendale-style binding. Popularized in the 1780s and 1790s, these bindings were heavily influenced by the "elegant neoclassicism" sweeping the British decorative arts. They are characterized by elaborate gilt-bordered panels and classically inspired corner ornaments that mirror the architectural and furniture designs of the era.

Both the London and Dublin editions are rare. OCLC and the *English Short-Title Catalogue* locate 9 copies of the London edition, 2 in North America (University of Alberta, Harvard Law School). Bennett, *Trade Bookbinding in the British Isles, 1660-1800* 54. *English Short-Title Catalogue* T90690.



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A Collapsing Bank Defends its Actions

23. [Richard Thompson and Company].

The Case of Richard Thompson and Company: With Relation to Their Creditors. Published for Better Information. London: [s.n.], 1677. [ii], 29, [1] pp. With initial errata leaf. Quarto (7-3/4" x 5-3/4"; 19.7 x 14.6 cm).

Stab-stitched pamphlet bound in later (eighteenth-century?) mottled calf, blind rules to boards, recently rebaced with blind fillets and gilt title and date to spine, endleaves renewed. Light rubbing to boards, which are slightly bowed, and extremities, light fading to rear board. Moderate toning to interior, light foxing, gutters of a few leaves discreetly reinforced not affecting text, corrections from errata leaf made in a later hand. A very attractive, structurally sound copy of a fragile Restoration tract. \$750.

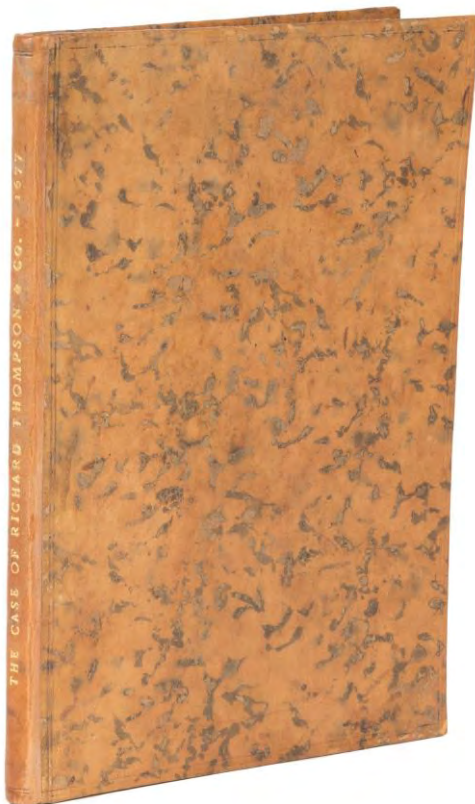
* First edition. This fascinating apologia offers a rare, front-row seat to a high-profile financial disaster in Restoration London, capturing the volatile transition period when goldsmith-banking and merchant partnerships were laying the groundwork for modern English banking.

Formed in 1671 by prominent merchants Richard Thompson, Edward Nelthorpe, John Farrington, and Edmund Page, the firm operated both as an active merchant partnership and a proto-bank. By 1675, heavily exposed to macro-economic instability and unable to compete with the crown-favored monopoly of the East India Company, the firm began to fracture.

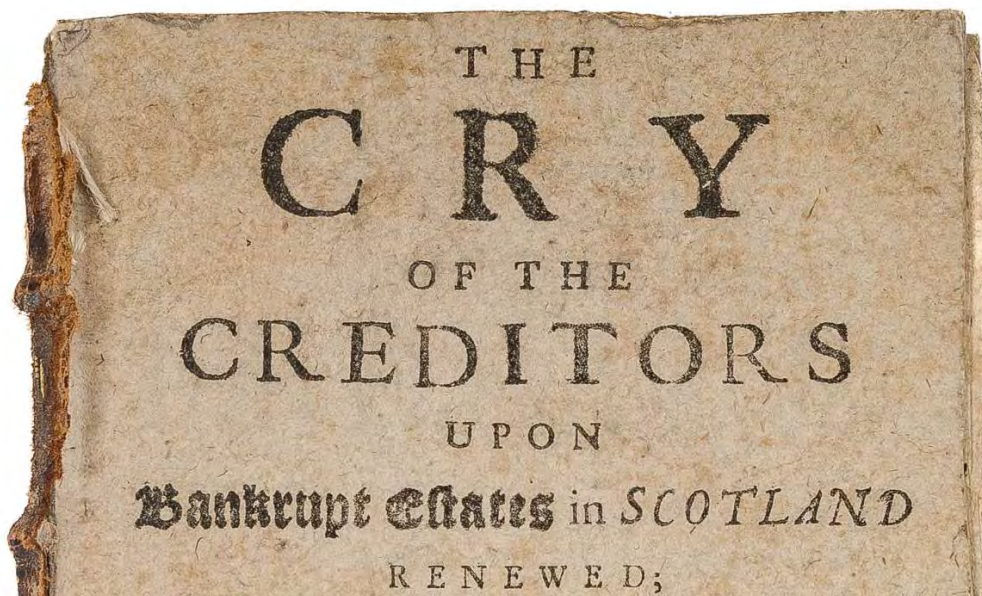
The crisis was severely compounded by politics. Thompson and Nelthorpe were prominent religious Nonconformists (Protestants who did not adhere to the Church of England). In the highly charged atmosphere of late 17th-century London, their religious dissent made them prime targets for political adversaries and hostile creditors.

When the bank finally collapsed in 1677, Farrington was arrested, while Thompson and Nelthorpe fled into hiding to evade ruinous imprisonment. Issued amidst a flurry of bitter bankruptcy lawsuits, this self-defense tract was published to sway public opinion. The text meticulously details the bank's complex financial dealings, vigorously defending the partners' evasion by arguing that a predatory ring of creditors was weaponizing the law with opportunistic, inflated, and outright fraudulent claims. A second edition followed in 1678.

Both editions are genuinely scarce on the market, surviving almost exclusively in institutional collections. OCLC and the English Short-Title Catalogue locate just 7 total copies of this first edition worldwide. Only 4 copies are recorded in North America (Harvard, Columbia, Yale, and the Folger Shakespeare Library). *English Short-Title Catalogue* R34792.



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Rare Pamphlet Outlining "A Project for Retrieving Credit": 1 Copy Listed on OCLC and the ESTC

24. [Scotland].

The Cry of the Creditors upon Bankrupt Estates in Scotland Renewed.... Edinburgh: Printed by the Successors of Andrew Anderson, 1721. 24 pp. 12mo. (6" x 4"; 15.2 x 10.2 cm).

Disbound stab-stitched pamphlet. Light browning, some soiling to exterior, margins trimmed closely with loss to page numbers and words on a few leaves, legibility not affected. \$750.

* This urgent, early 18th-century economic tract offers a remarkable window into the systemic financial distress gripping Scotland. The anonymous author soundly illustrates the scale of the crisis, noting that over the preceding forty years, "almost the Fourth Part of all the Estates in Scotland had Changed Masters, or Proprietors, through their becoming bankrupt."

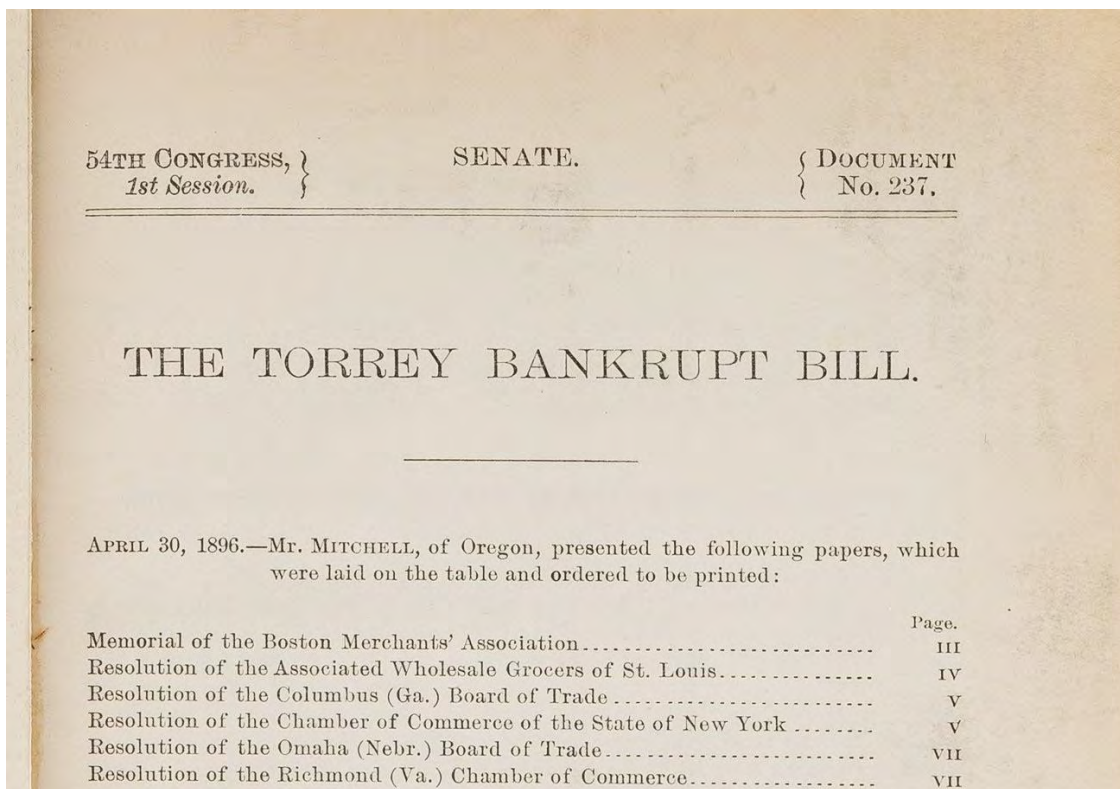
To remedy this economic paralysis, the author proposes a radical overhaul of Scottish bankruptcy law and debt collection procedures. By streamlining legal mechanisms and "preventing tedious law-suits," the project aims to unlock frozen assets, protect desperate creditors, and ultimately revive a stagnant merchant trade.

The publication of this pamphlet in 1721 is highly significant. It was printed in the immediate, chaotic aftermath of the collapse of the South Sea Company in late 1720. Popularly known as the "South Sea Bubble," this historic event was the world's first global financial crash. The speculative bubble ruined thousands of investors across Great Britain, devastated credit markets, and triggered a wave of high-profile bankruptcies. This tract represents a direct, localized Scottish response to that imperial financial catastrophe, capturing the desperation of creditors trying to salvage what remained of their fortunes.

This pamphlet is of the utmost rarity. A single copy is located globally between the OCLC and the *English Short-Title Catalogue* (housed at the National Library of Scotland). It is notably absent from the premier economic collections of the period.

Not in Goldsmiths.' *English Short-Title Catalogue* T192280.

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A Rare Document Relating to the 1898 Bankruptcy Act: OCLC Locates 5 Copies, None in Law Libraries

25. [Senate, United States].

The Torrey Bankrupt Bill. April 30, 1896.- Mr. Mitchell, Of Oregon, Presented the Following Papers, Which were Laid on the Table and Ordered to be Printed... [At head of title page: *Senate, 54th Congress, 1st Session. Document No. 237*]. Washington: Government Printing Office, 1896. xiii, [1], 316 pp. Octavo (9" x 5-3/4"; 22.86 x 14.60 cm).

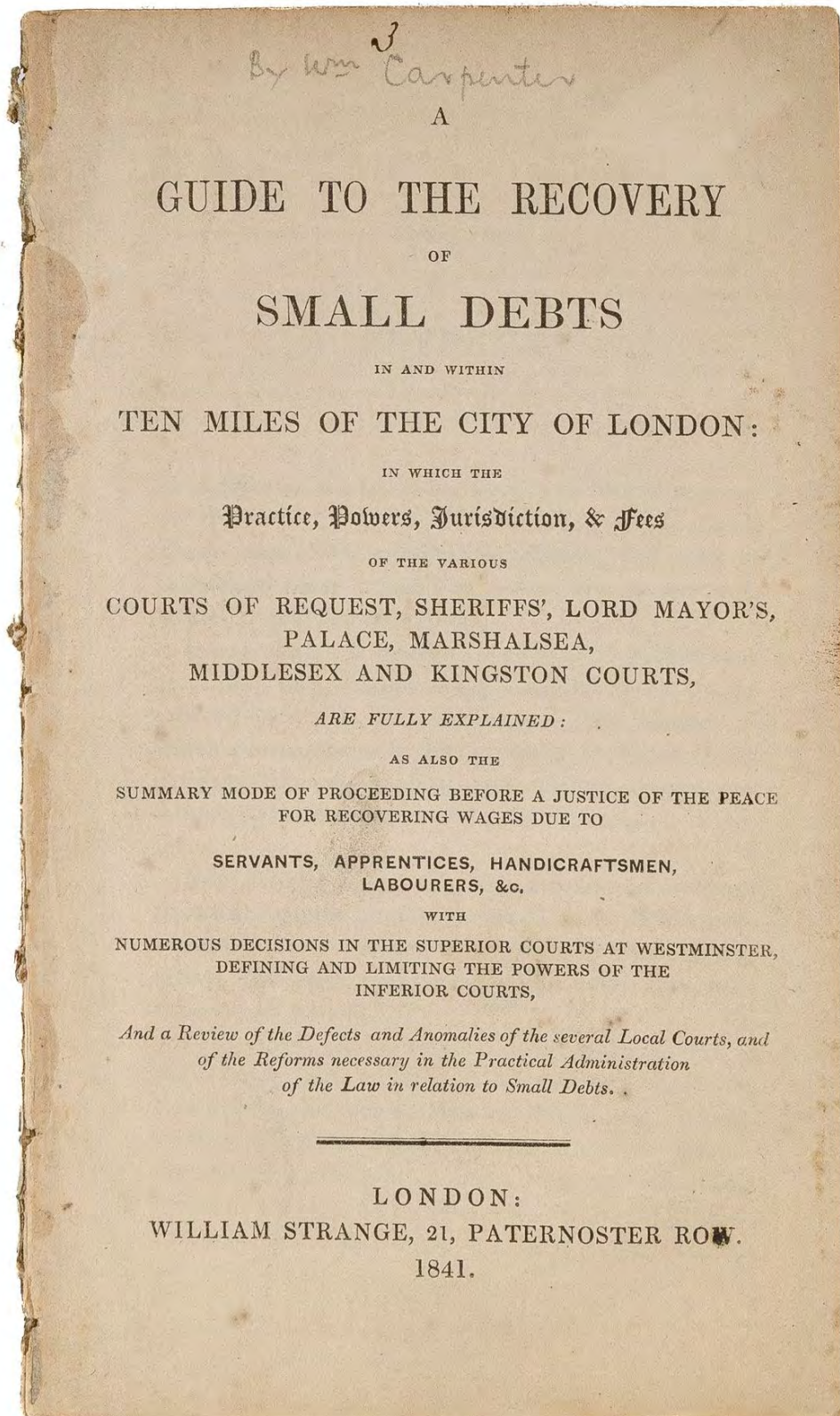
Later cloth, calf lettering piece to spine, endpapers renewed. Light rubbing to boards and edges of lettering piece, light toning to interior. A very good copy. \$250.

* Only edition. Preceded by three short-lived federal experiments in 1800, 1841, and 1867, the landmark Bankruptcy Act of 1898 endured to become the framework of modern American bankruptcy law. The act was largely based on a bill drafted and relentlessly promoted by Jay Torrey [1852–1920], an energetic corporate lawyer and lobbyist. This substantial volume contains the foundational papers, arguments, and testimony for the Torrey Bill—the critical legislative predecessor to the 1898 Act.

Following decades of chaotic, inconsistent state insolvency laws and the repeal of previous federal statutes, this document represents the definitive push toward a permanent national bankruptcy system. Produced during the intense legislative process that crafted the final 1898 act, this text includes the full proposed bill, meticulous comparative analyses with existing laws, and petitions from major national commercial bodies. It offers an unparalleled window into the economic anxieties, commercial lobbying, and legal debates of the late Gilded Age.

Distinctly uncommon in commerce and institutions. OCLC locates just 5 copies (Johns Hopkins University, Newberry Library, New York Public Library, New York State Library, State Library of Iowa). Remarkably, none are located in law school or dedicated law libraries.

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An Exceptionally Rare, Reformist Guide to
Debt Collection: No Copies on OCLC or Library Hub

Tel: (800) 422-6686 or (732) 382-1800 | law@lawbookexchange.com | www.lawbookexchange.com

**26. Strange, William [fl. 1799-1852], Publisher.
[Carpenter, William (1797-1874), Attributed].**

A Guide to the Recovery of Small Debts In and Within Ten Miles of the City of London: In Which the Practice, Powers, Jurisdiction, & Fees of the Various Courts of Request, Sheriffs', Lord Mayor's, Palace, Marshalsea, Middlesex and Kingston Courts, Are Fully Explained: As Also the Summary Mode of Proceeding Before a Justice of the Peace for Recovering Wages Due to Servants, Apprentices, Handicraftsmen, Labourers, &c. With Numerous Decisions in the Superior Courts at Westminster, Defining and Limiting the Powers of the Inferior Courts, And a Review of the Defects and Anomalies of the Several Local Courts, And of the Reforms Necessary in the Practical Administration of the Law in Relation to Small Debts. London: William Strange, 1841. 52 pp. 12mo. (7" x 4"; 17.8 x 10.2 cm).

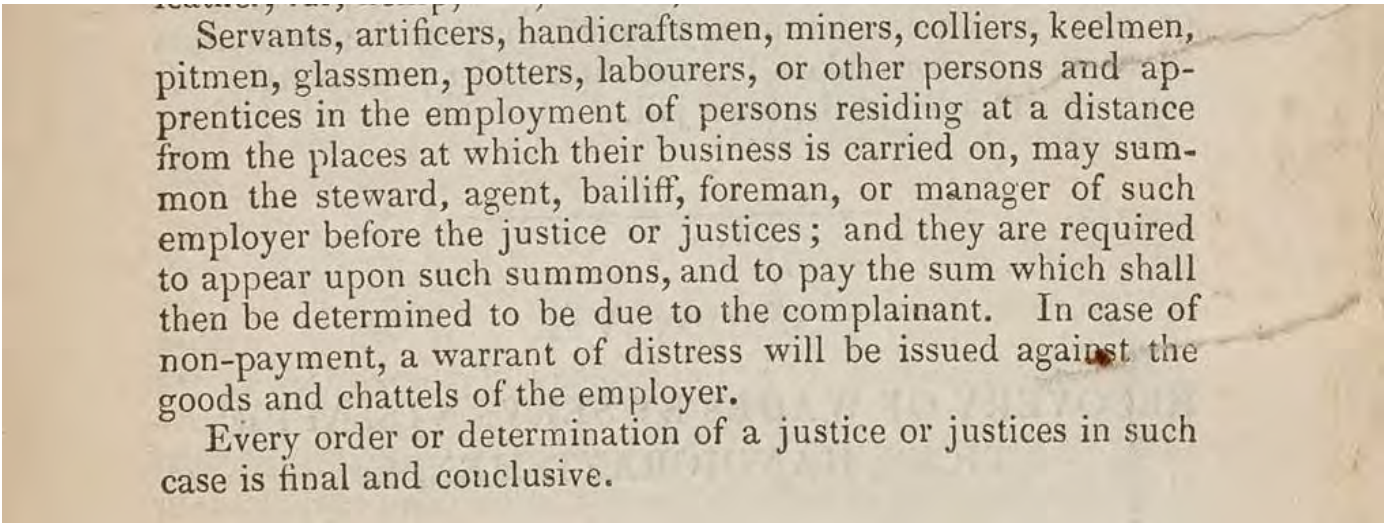
Disbound pamphlet. Moderate toning, light soiling, small chip to top-edge of second leaf, a few clean tears to gutter of final leaf without loss, early ink numeral and pencil annotation ("By Wm Carpenter") to head of title page. A very good copy. \$650.

* First and only edition. An exceptionally rare, reformist guide to debt collection, published during a period of intense legal transition in Victorian England. While the stated goal is to provide a "popular digest" of the laws for the layman, the text serves as a sharp critique of the "defects, anomalies, and costliness" of the judicial system, advocating for the establishment of accessible local courts.

The work is attributed to the radical journalist and Chartist William Carpenter, whose "W.C." initials sign the introduction. Carpenter was a relentless advocate for the working class, and this tract fits perfectly into his oeuvre of democratizing legal and political knowledge.

Adding a layer of historical irony, the publisher William Strange was a frequent "customer" of the systems described herein; by the time this guide was printed in 1841, Strange had already faced bankruptcy or debtor's prison three times.

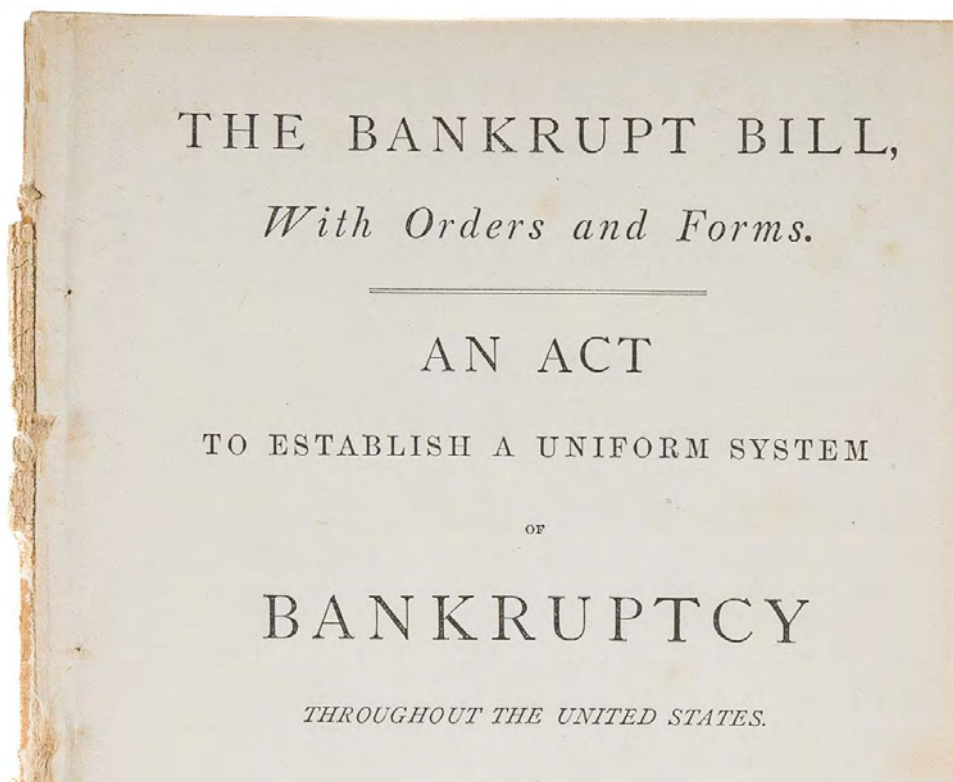
Though its existence is attested to in advertisements and articles, we located no copies of this title on OCLC or Library Hub. Not at the British Library; not in Sweet & Maxwell. "Carpenter, William," *Oxford Dictionary of National Biography* (accessed online).



Servants, artificers, handicraftsmen, miners, colliers, keelmen, pitmen, glassmen, potters, labourers, or other persons and apprentices in the employment of persons residing at a distance from the places at which their business is carried on, may summon the steward, agent, bailiff, foreman, or manager of such employer before the justice or justices; and they are required to appear upon such summons, and to pay the sum which shall then be determined to be due to the complainant. In case of non-payment, a warrant of distress will be issued against the goods and chattels of the employer.

Every order or determination of a justice or justices in such case is final and conclusive.

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**Rare Contemporary Guide to the 1867
Bankruptcy Act, OCLC Locates 1 Copy in a Law Library**

27. [United States].

The Bankrupt Bill, With Orders and Forms. An Act to Establish a Uniform System of Bankruptcy Throughout the United States. With General Orders and the Forms of Proceeding in Bankruptcy, As Promulgated by the Supreme Court of the United States. New York: Harper & Brothers, Publishers, Franklin Square, 1867. 19, [1]; 80, [4] pp. Main text followed by 4 pp. of publisher advertisements. Two parts, the first in double columns; the second has drop-head title *General Orders, With Forms in Bankruptcy, As Promulgated by the Supreme Court of the United States.* Octavo (8-1/2" x 5-1/2"; 21.6 x 14 cm).

Disbound stab-stitched pamphlet. Light toning, negligible light soiling to exterior, two small stains to title page. A very good copy of a rare title. \$250.

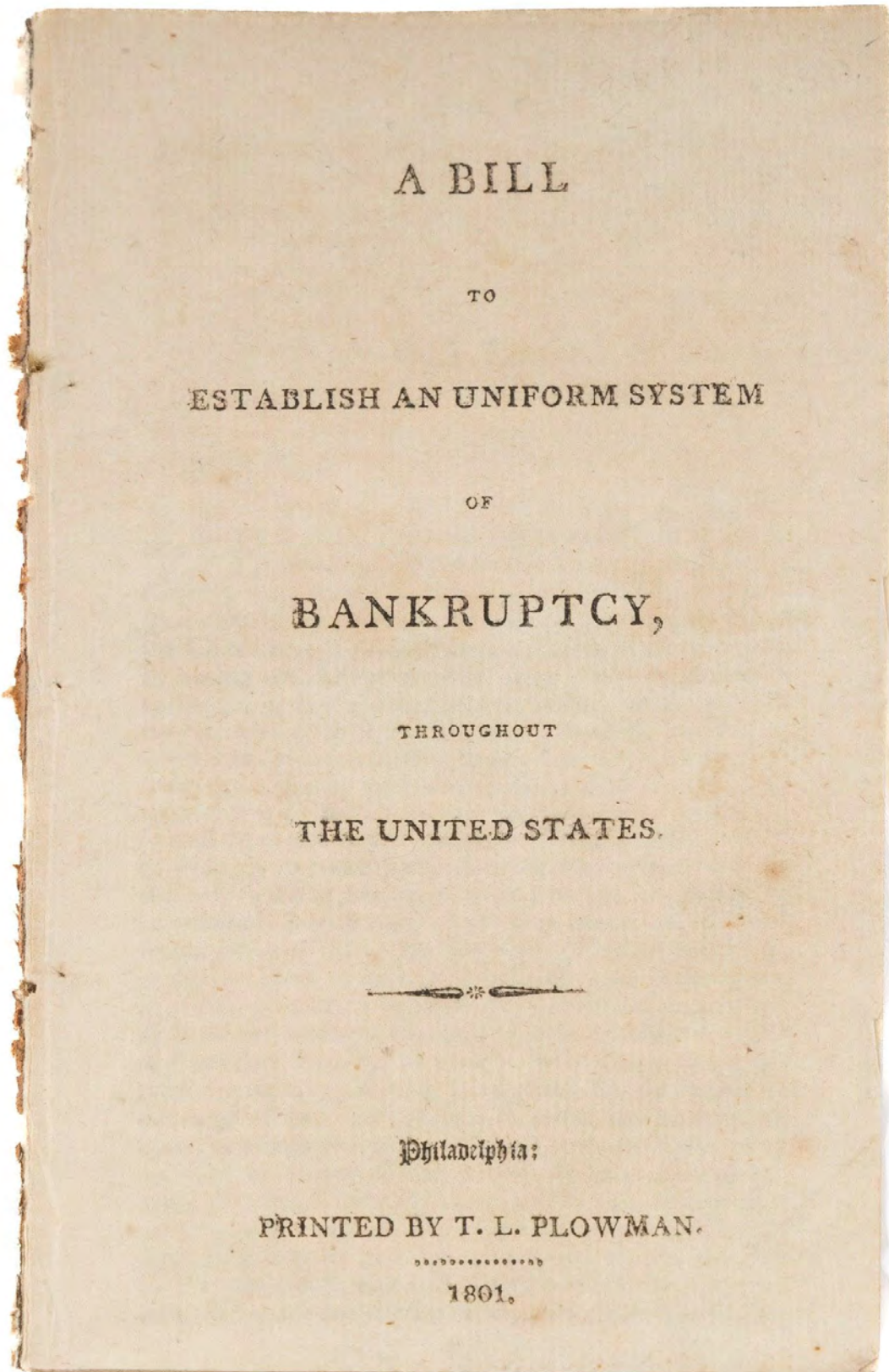
* Only edition. This scarce contemporary guide outlines the Bankruptcy Act of 1867, the third federal attempt to establish a uniform national bankruptcy system. The first two acts (passed in 1800 and 1841) were highly unpopular, viewed as shields for financial recklessness, and repealed after roughly a year. Subsequent legislative attempts, including a prominent 1841 bill proposed by Daniel Webster, failed to pass.

By 1865, however, Congress began viewing federal bankruptcy protection as a vital mechanism to stimulate the economic redevelopment of the war-torn South and support post-Civil War national expansion. Despite these aims, the 1867 act remained controversial and was ultimately repealed in 1878. Permanent federal bankruptcy protection was not successfully established until 1898.

OCLC locates 8 copies, 1 in a law library (Harvard).

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The First Federal Bankruptcy Act: OCLC Locates 1 Copy of This Printing

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28. [United States].

A Bill to Establish an Uniform System of Bankruptcy, Throughout the United States. Philadelphia: Printed by T.L. Plowman, 1801. 28 pp. Octavo (6-3/4" x 4-1/4"; 17.1 x 10.8 cm).

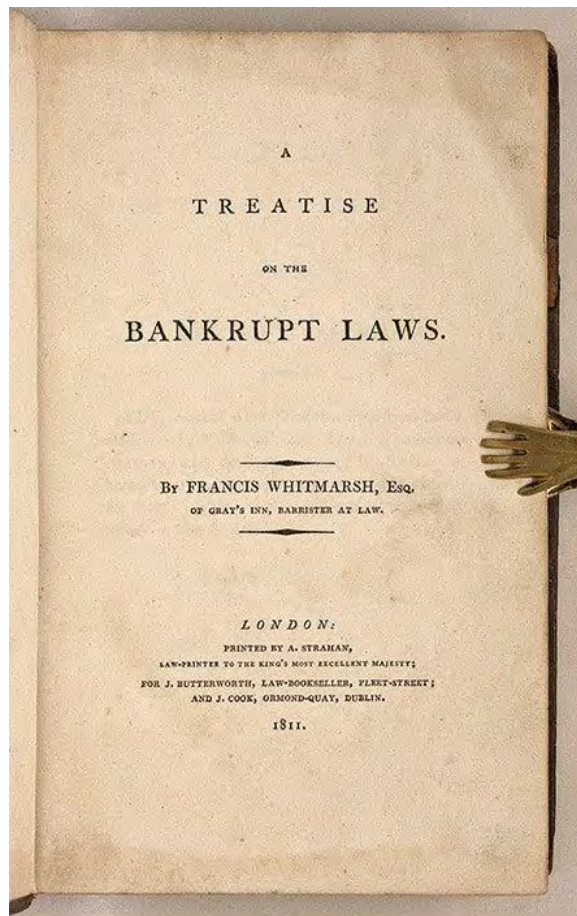
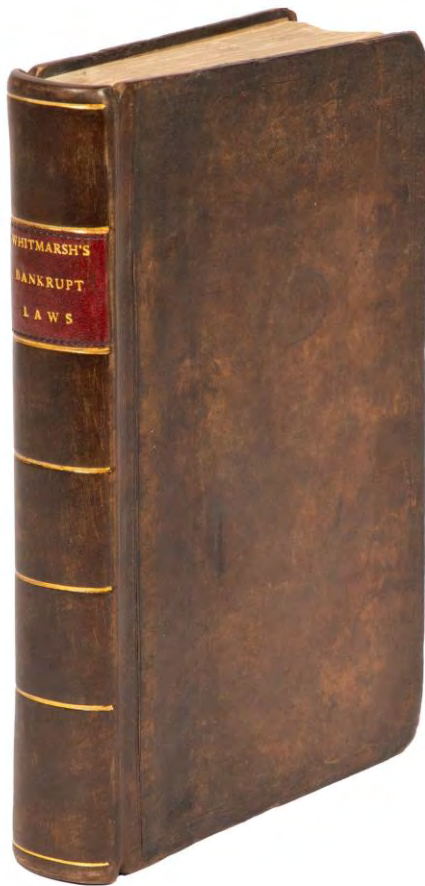
Disbound stab-stitched pamphlet. Moderate toning, light soiling to exterior, a few minor spots to title page. Rare. \$1,500.

* An exceptionally rare printing of the first Federal Bankruptcy Act. Though originally enacted by Congress in February 1800, this 1801 Plowman printing preserves the legislative formatting of the system that temporarily reshaped early American commerce.

Designed to encourage economic risk-taking and harmonize the chaotic, conflicting patchwork of state debtor laws, the Act was closely modeled on British commercial law. However, it was deeply unpopular from its inception. Critics routinely attacked it as a moral hazard that shielded financially irresponsible speculators, leading to its swift repeal in November 1803. Following its demise, the United States would operate without a national bankruptcy framework until the passage of the short-lived General Bankrupt Law of 1841.

Highly scarce in commerce and institutional holdings. OCLC locates only 1 copy of this printing (at Harvard). Not found in Cohen or Sabin.

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The State of English Bankruptcy Law in 1811

29. Whitmarsh, Francis [1777-1857].

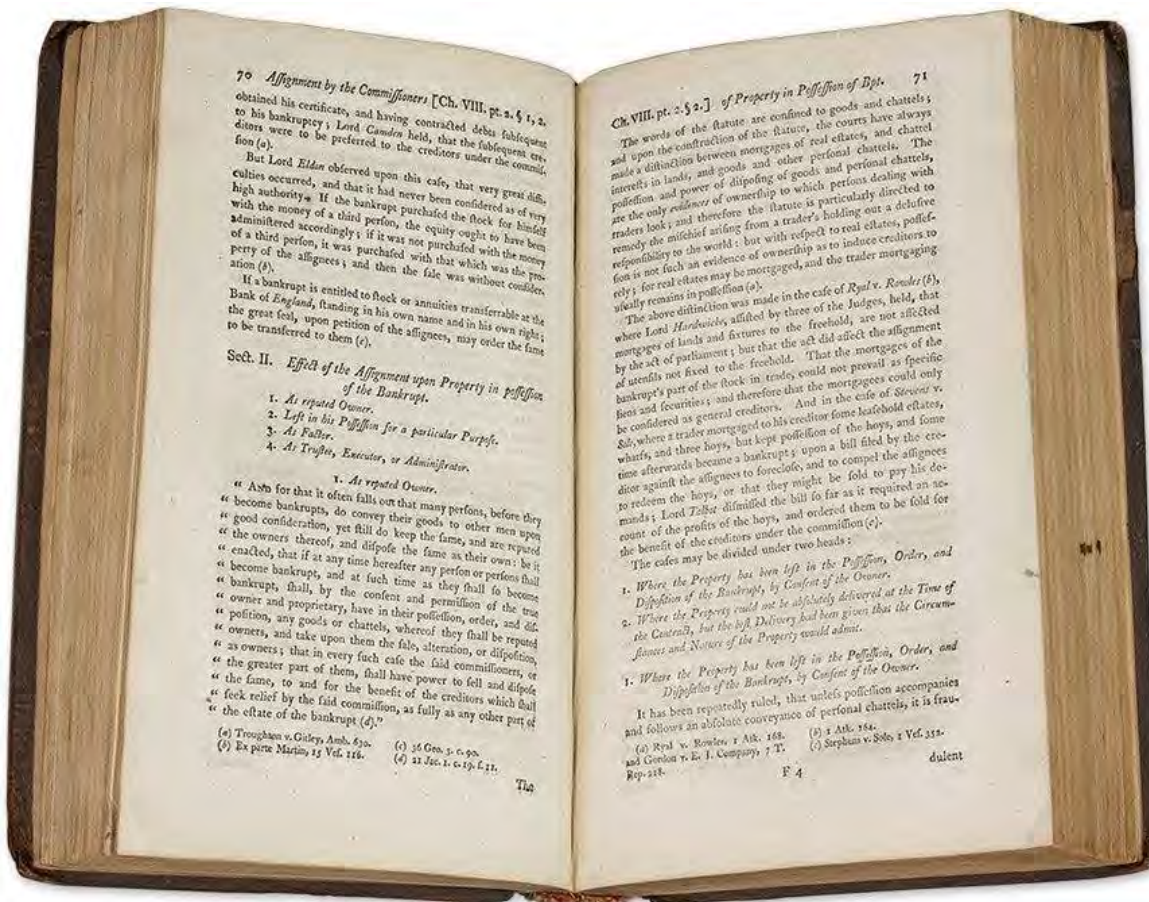
A Treatise on the Bankrupt Laws. London: Printed by A. Strahan, 1811. xi, 83, 330 pp. Octavo (9" x 5-1/2"; 22.8 x 13.9 cm).

Contemporary calf, rebaked in period style, blind rules to boards, blind fillets and lettering piece to spine, hinges mended. Light rubbing to boards, rubbing to extremities with some wear to corners. Light toning to text, light offsetting to margins of preliminaries and rear endleaves, finger smudges and creases to a few leaves, early owner signature to front free endpaper. \$1,500.

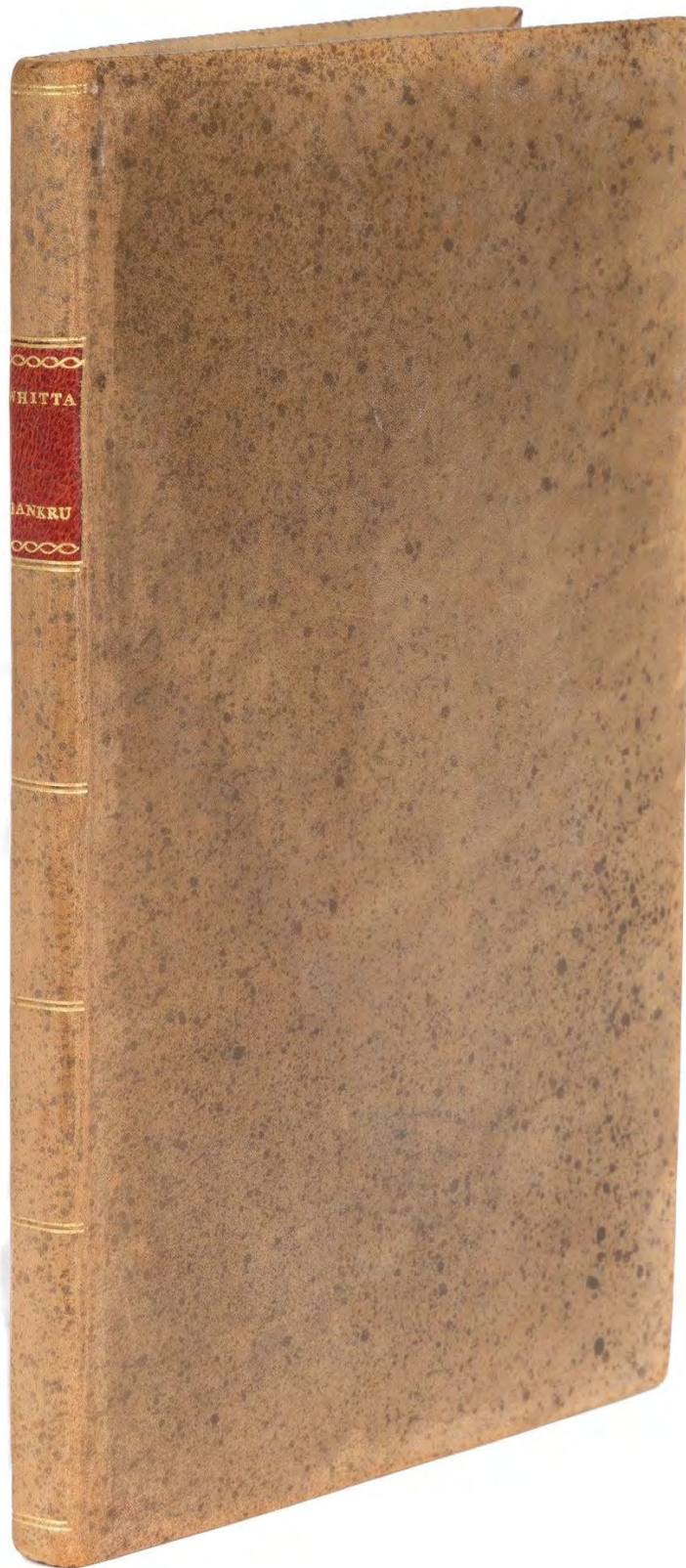
* First edition. Whitmarsh's treatise offers an excellent, comprehensive survey of English bankruptcy law as it stood at the beginning of the nineteenth century. The work systematically details the act of bankruptcy, petitioning a creditor's debt, assignments by commissioners, imprisonment, and proof of debts. A second edition was published in 1817

Whitmarsh was a prominent 19th-century English barrister and legal author of Gray's Inn. He is primarily remembered for writing influential legal treatises that helped shape British and American mercantile and estate law during the 19th century.

Both editions are notably rare on the market today. OCLC locates just 6 institutional copies of this first edition (Georgetown Law, Library of Congress, McGill University Law, National Library of Scotland, University of Minnesota, University of Pennsylvania). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:379.



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**A Rare Nineteenth-Century
Guide to Bankruptcy Law and Procedure: No Copies Listed on OCLC or Library Hub**

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30. Whittaker, Soame.

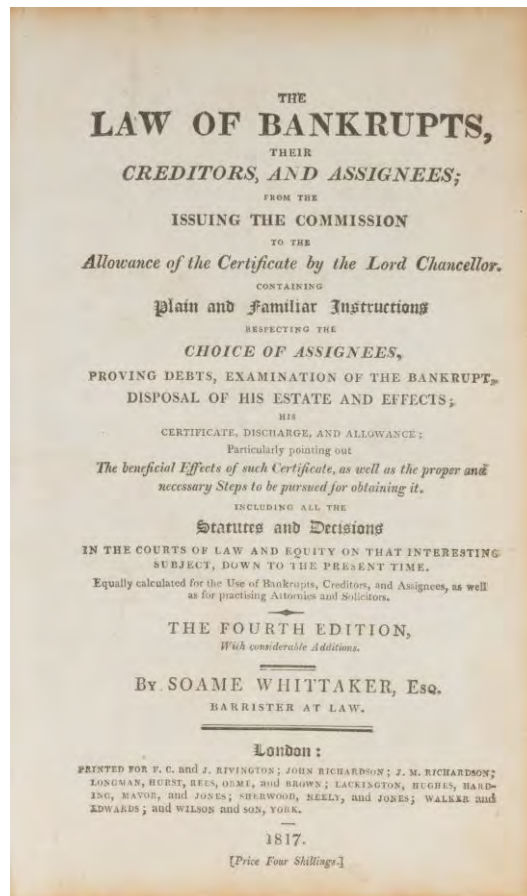
The Law of Bankrupts, Their Creditors, And Assignees..... London: Printed for F.C. Rivington; John Richardson [et al.], 1817. [ii], 126 pp. Octavo (8-1/4" x 5"; 20.9 x 12.7 cm).

Recent period-style sprinkled calf, morocco lettering piece and gilt fillets to spine, blind tooling to board edges, endpapers renewed. Light toning to interior, somewhat heavier toning to title page and edges of text block. A very good copy of a rare title. \$950.

* Fourth and final edition. First published in 1801, this work serves as an exceptionally practical, plain-language guide to English bankruptcy law and procedure, intentionally written to bridge the gap between professional legal practitioners and lay readers (debtors and creditors alike). A second edition was published in 1807 (reissued in 1808), and a third edition followed in 1812.

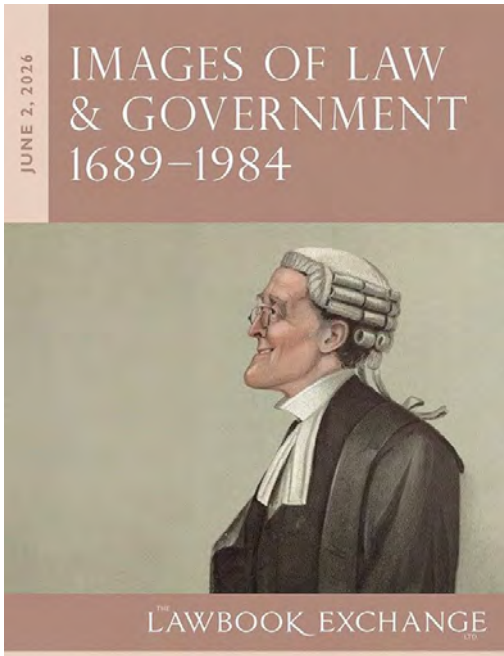
During the early nineteenth century, English bankruptcy law applied exclusively to merchants and traders. Ordinary citizens or non-traders who fell into insurmountable debt could not file for bankruptcy; instead, they were subject to severe "Insolvent Debtors" laws, which routinely landed them in debtors' prisons. Whittaker's guide provides an intricate look at the exact legal steps required to secure a prized "Certificate of Conformity" from the Lord Chancellor, which legally discharged a trader's debts and protected them from incarceration.

All editions of this work are notably rare in commerce and institutional holdings. We located no copies of this fourth edition listed on OCLC, Library Hub the *Harvard Law Catalogue*, or in Sweet & Maxwell (which notes only the 1801 first edition). Furthermore, no copies of any edition appear in the *British Museum Catalogue*.

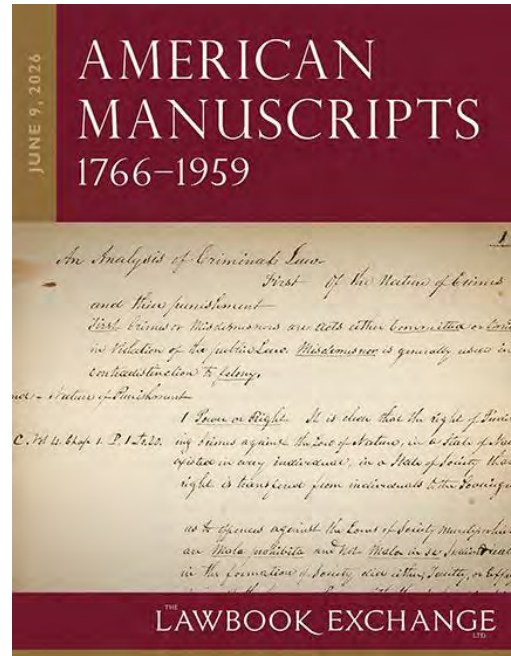


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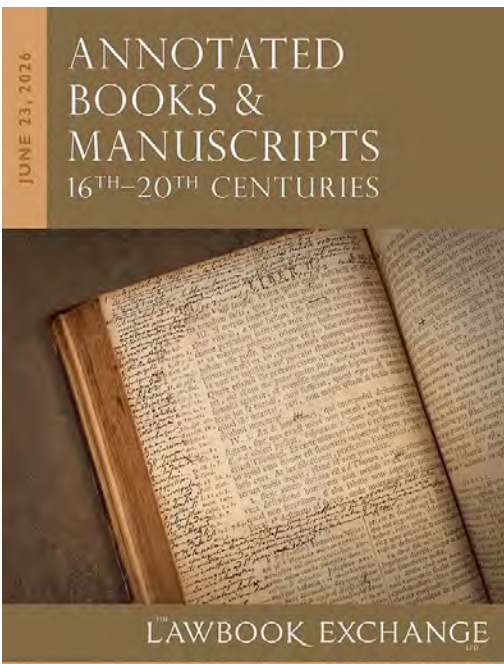
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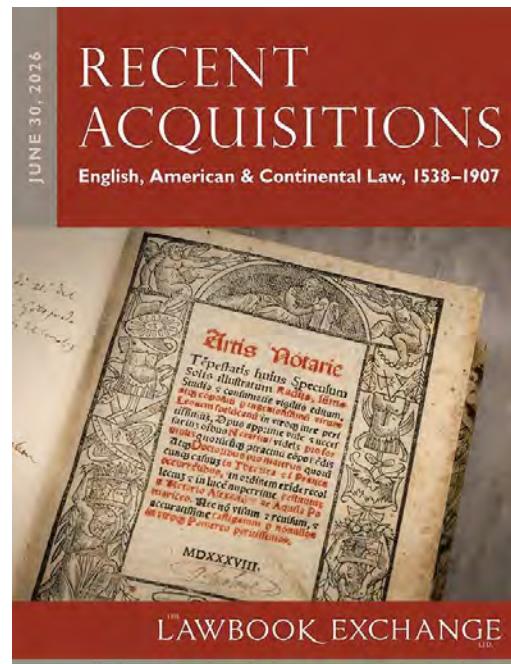
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