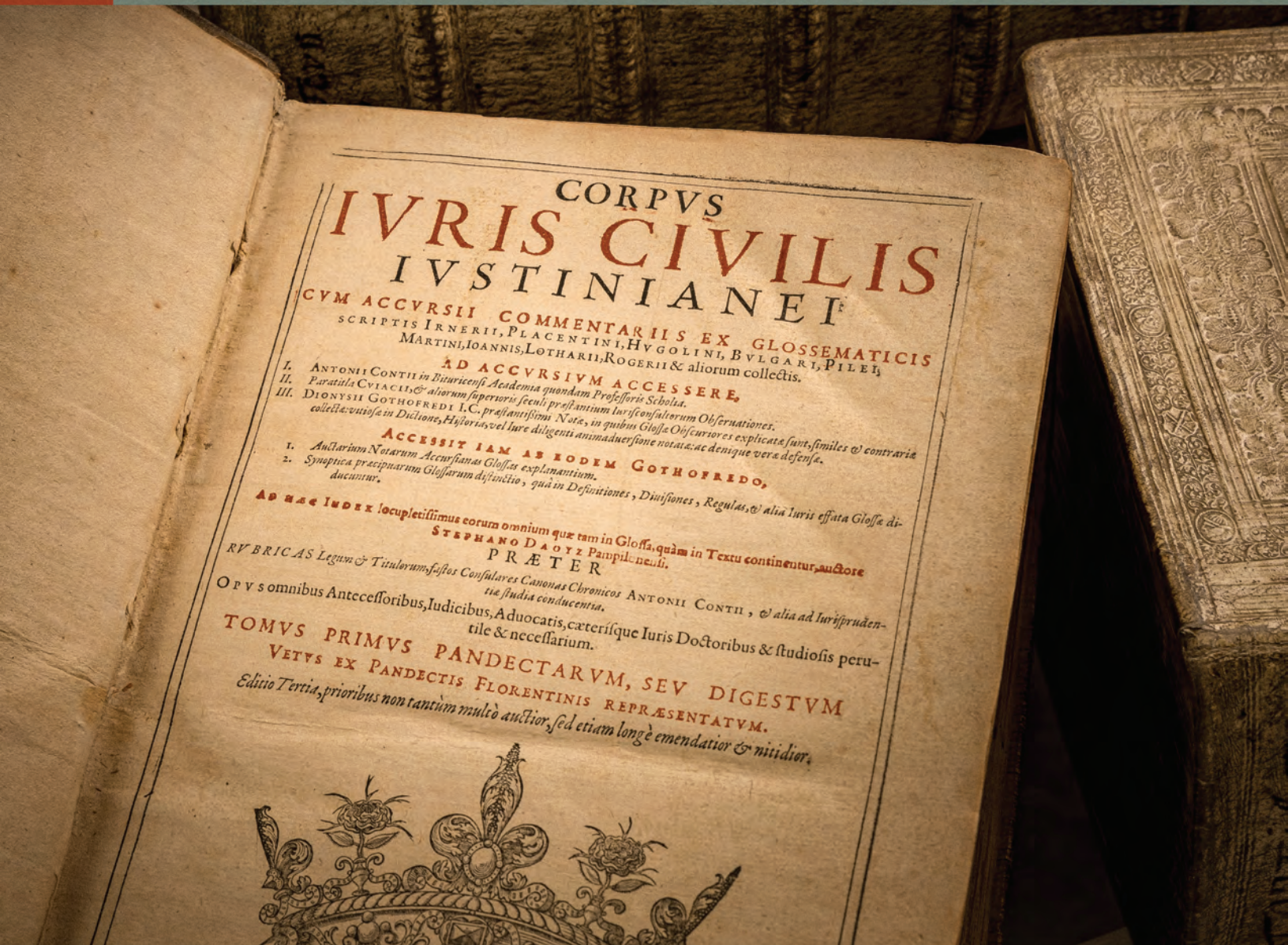


JUNE 18, 2024

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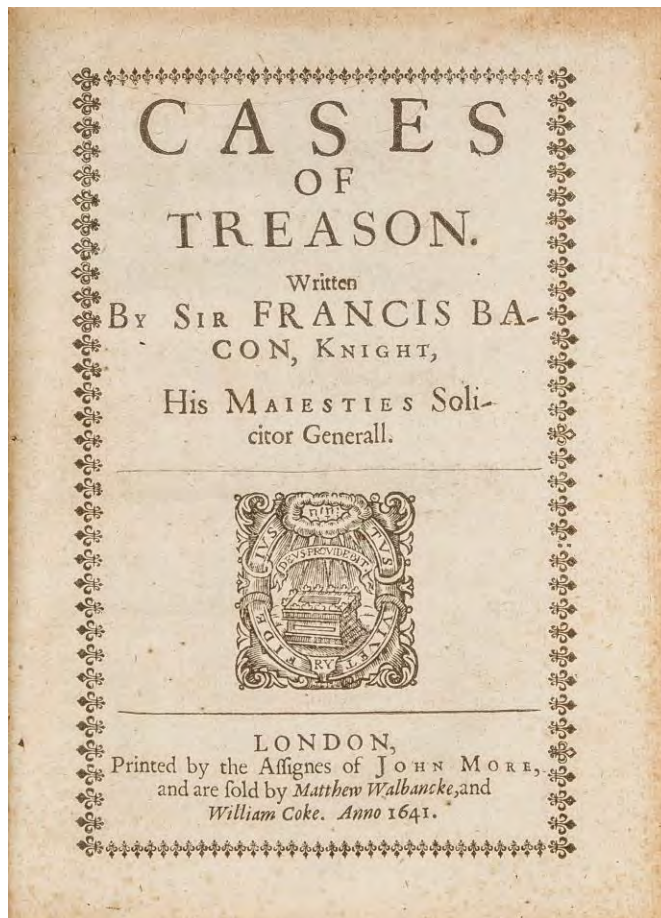
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30 ITEMS



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"A More Complete Lawyer Than Any of His Contemporaries"

1. Bacon, Sir Francis [1561-1626].

Cases of Treason. London: Printed by the Assignes of John More, And are Sold by Matthew Walbancke, And William Coke, 1641. [iv], 35, [1] pp. Quarto (6-3/4" x 5-1/2").

Stab-stitched pamphlet in recent stiff paper wrappers. Light soiling and a few minor stains, light rubbing to extremities. Light toning to interior, faint dampstaining to head of text block, light browning and spotting to preliminaries and final few leaves, small chip to head of leaf B2 (pp.3-4). \$1,250.

* First edition. Published posthumously, this brief treatise discusses various aspects of the laws regarding treason, including what offenses constitute treason and the king's prerogative in such cases. No stranger to treason trials, Bacon had been a member of the legal team (headed by Sir Edward Coke) that prosecuted the Earl of Essex for treason. He was one of the great intellectuals of the age and held the posts of solicitor general, attorney general and lord chancellor during the reign of James I. According to Holdsworth, "[h]e was a more complete lawyer than any of his contemporaries. Not only was he an eminent practitioner in the common law; not only did he leave his mark as lord chancellor upon the development of equity; he also studied both English law and law in general scientifically and critically. The only other lawyer, in that age of distinguished lawyers, who can be compared to him is his great rival Coke."

Holdsworth, *A History of English Law* V:239. *English Short-Title Catalogue* R106590.

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A Copy with a Notable Irish Association

2. Bacon, Sir Francis [1561-1626].

The Elements of the Common Lawes of England, Branched Into a Double Tract: The One Containing a Collection of Some Principall Rules and Maximes of the Common Law, With Their Latitude and Extent. Explicated for the More Facile Introduction of Such as are Studiously Addicted to that Noble Profession. The Other the Use of the Common Law, For Preservation of Our Persons, Goods, And Good Names. According to the Lawes and Customes of this Land. London: Printed by the Assignes of I. More Esquire, 1639. [xx], 94 [i.e. 90]; [8], 72 pp. Lacking final leaf, a blank. Two parts, each with separate title page and pagination, second part titled *The Use of the Law*. Quarto (7" x 5-1/2").

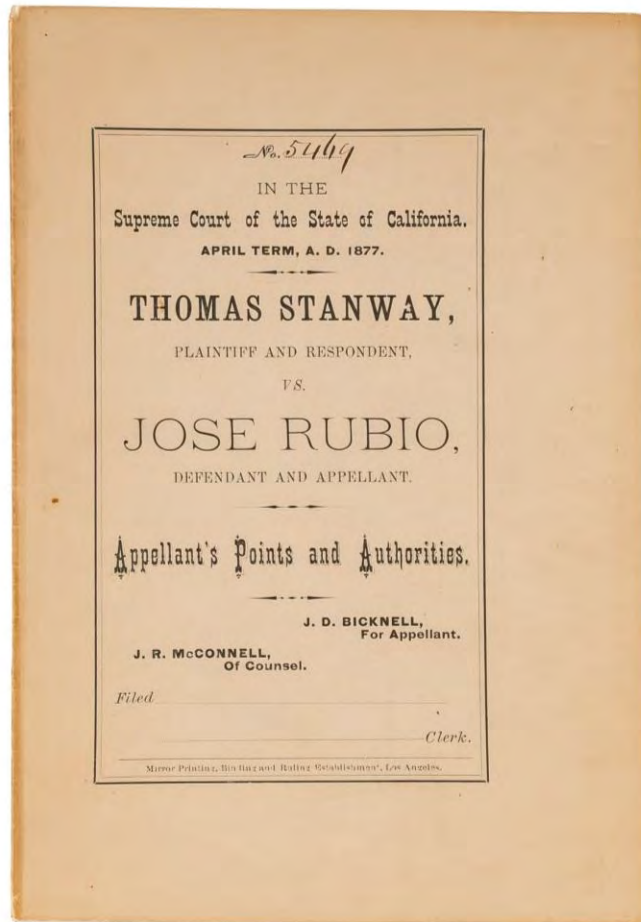
Disbound, moderate soiling to exterior, light wear and folds to outside corners of preliminaries and final few leaves, armorial bookplate of Constantine Phipps to verso of title page. Moderate toning, faint dampstaining and foxing to margins in a few places, "34" in faint pencil, fragment of thumb tab and library stamps (Birmingham Law Society) to main title page, other stamps to title page of *The Use* and a few other leaves. \$1,500.

* Fifth edition, and the last as an independent work. One of the great intellectuals of his era, Bacon held the posts of Solicitor General, Attorney General and Lord Chancellor during the reign of James I. *The Elements of the Common Lawes of England* is the general title for a work that is comprised of two different treatises: *A Collection of Some Principall Rules and Maximes of the Common Lawes of England* and *The Use of the Law, Provided for the Preservation of Our Persons, Goods and Good Names*. The first contains a set of twenty-five maxims, or *regulae*, one of the earliest, if not the first, collections of maxims on English law. This collection was intended to be the first part of *De Regulis Juris*, a codification of English law that Bacon never completed. The second treatise is a review of the history and practical application of criminal law, estate law, personal property law and the law of slander. As noted in the *ESTC*, *The Use of the Law* is probably not by Bacon; it was first printed anonymously as Part II of *The Lawyers Light* (1629) by Sir John Doddridge.

Constantine Phipps [1656-1723], a barrister of the Middle Temple, became famous through his work with politically sensitive defendants, most notably Sir John Fenwick, who took part in a conspiracy against William III, and Henry Sacheverell, who was impeached for preaching an inflammatory sermon in 1710. Earning the favor of Queen Anne and the Tory government after his defense of Sacheverell, he was knighted and appointed Lord Chancellor of Ireland, a post he held from 1710 to 1714.

English Short-Title Catalogue (ESTC) S100352.

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**A Land Dispute over Vineyards
Argued by an Influential Los Angeles Attorney**

3. [California].

In the Supreme Court of the State of California, April Term, A.D. 1877. Thomas Stanway, Plaintiff and Respondent, vs. Jose Rubio, Defendant and Appellant. Appellant's Points and Authorities. J.D. Bicknell, For Appellant. J.R. McConnell, Of Counsel. Los Angeles: Mirror Printing, Binding and Ruling Establishment, [1877]. 18 pp. Quarto (10" x 7").

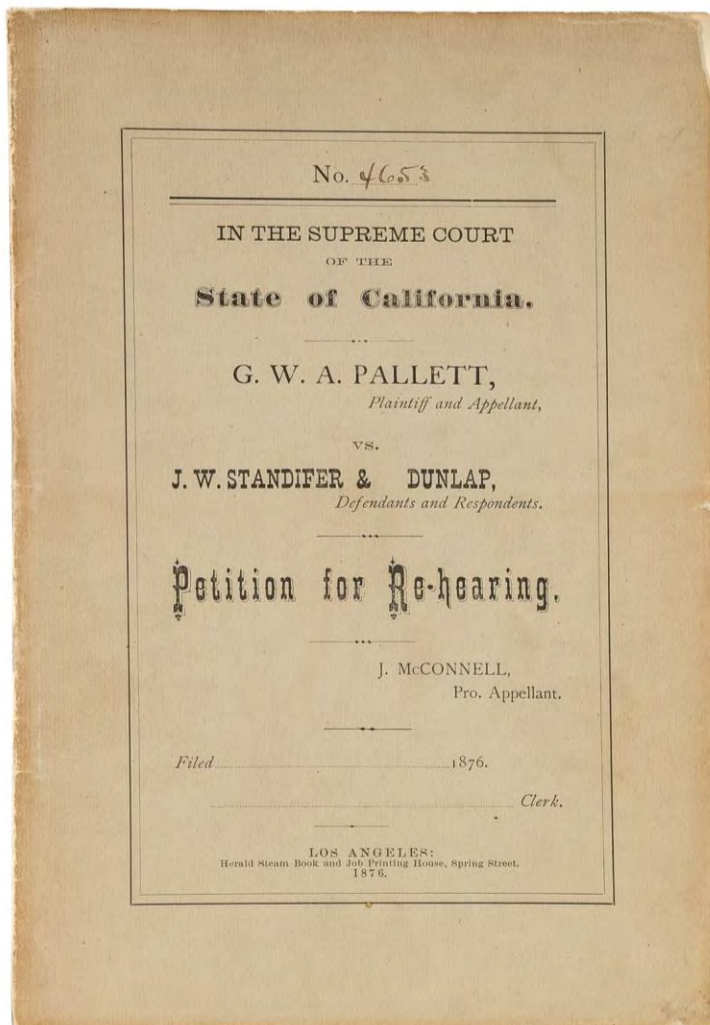
Stab-stitched pamphlet in stiff printed wrappers. Light toning, light soiling to exterior, a few chips to rear wrapper, "No. 5469" at head of front wrapper with "5469" completed in manuscript. \$250.

* This case related to one of the vineyards owned by Jose Rubio, an important vineyardist in Southern California. Rubio's attorney was John D. Bicknell [1838-1911], an important real estate attorney based in Los Angeles and one of the founders of the firm known today as Gibson, Dunn & Crutcher. The Rubio case took place five years after Bicknell established his Los Angeles practice; his clientele would grow to include the Southern Pacific Transportation Company, the Los Angeles Railway Company and railroad magnate Henry E. Huntington (the founder of California's Huntington Library). This brief is also notable as an example of early Los Angeles printing.

This is a rare item. No copies located on OCLC.

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A Petition Relating to Water Rights in California

4. [California].

In the Supreme Court of the State of California. G.W.A. Pallett, Plaintiff and Appellant, vs. J.W. Standifer & Dunlap, Defendants and Respondents. Petition for Re-hearing. J. McConnell, Pro. Appellant. Los Angeles: Herald Steam Book and Job Printing House, 1876. 16 pp. Quarto (9-3/4" x 7").

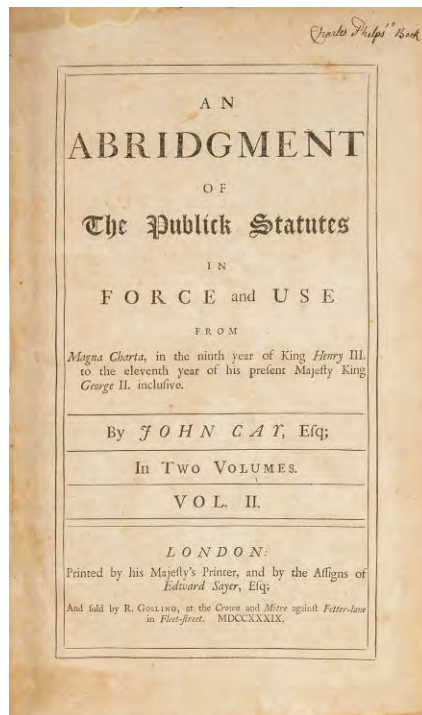
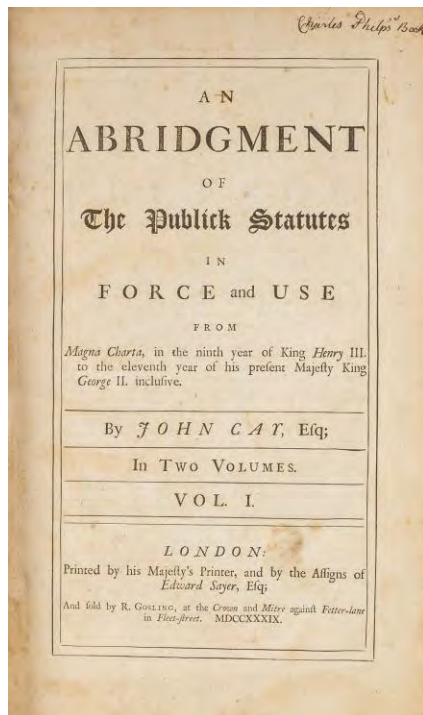
Stab-stitched pamphlet in stiff printed wrappers. Light toning, light soiling to exterior, a few chips to wrappers, "No. 4653" at head of front wrapper with "4653" completed in manuscript. \$250.

* This case related to water rights, a vital issue in California. This petition is also notable as an example of early Los Angeles printing.

This is a rare item. Not in Waters, which lists other legal briefs from the same printer. No copies located on OCLC, which finds two different briefs from the same case at the University of Southern California.

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The Eighteenth-Century Successor to Rastell's *Statutes*

5. Cay, John [1700-1757].

An Abridgment of the Publick Statutes in Force and Use from Magna Charta, In the Ninth Year of King Henry III. To the Eleventh Year of His Present Majesty King George II. Inclusive. London: Printed by His Majesty's Printer, 1739. Two volumes. [1464] pp. Folio (13" x 8").

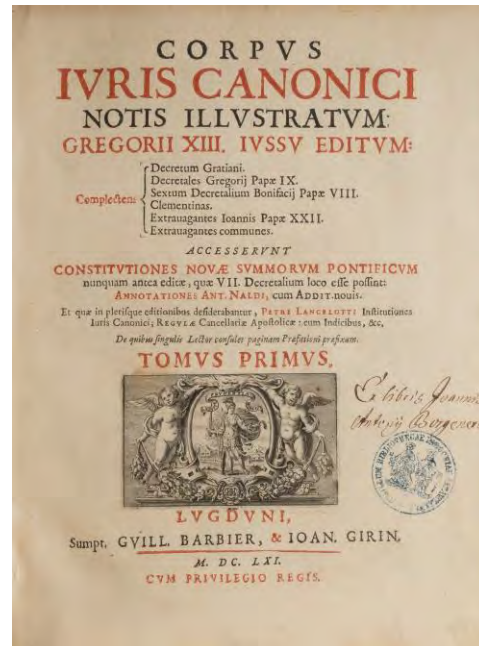
Contemporary calf, blind rules to boards, blind fillets along joints, raised bands and lettering pieces to spines, gilt tooling to board edges. Light rubbing and scuffing to boards, heavier rubbing to extremities with wear to spine ends and corners, boards beginning to separate but secure, later library bookplate (of Brattleboro Public Library) and book label, "James H. Phelps, West Townsend, VT," to front pastedowns. Moderate toning to interiors, faint dampspotting in places, faint staining to margins of a few leaves in Volume I, offsetting to margins of endleaves, brief early annotations to rear pastedowns, "Charles Phelps's Book" to heads of title pages. \$500.

* First edition. "The need for an abridgment of the statutes more adequate than anything that had appeared since the last addition of Rastell's *Collection* probably gave rise to this compilation... Cay's *Abridgment* maintained its popularity throughout the [18th] century..." (Cowley). Later editions appeared in 1758, 1762 and 1766.

The Phelps's were a notable family in the area around Marlboro and Brattleboro Vermont. James H. Phelps [1817-1893], a former owner of our copy, was a lawyer, county judge and Vermont state representative and senator. This book may have belonged to his father Charles Phelps [1781-1854], a lawyer, probate judge and member of the Vermont Council, or his great-uncle Charles Phelps [1743-1814], a lawyer and an active partisan in the disputes over the New Hampshire Grants and Vermont's boundaries.

Bisbee and Wiese, *Charles Phelps (1717-1789) Papers, 1764-1928 (Bulk: 1764-1889)* (accessed online). Cowley, *A Bibliography of Abridgments, Digests, Dictionaries and Indexes of English Law to the Year 1800* xxxviii, 231. *English Short-Title Catalogue* T150447.

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A Complete Edition of the *Corpus Iuris Canonici*

6. [Corpus Iuris Canonici].

Naldi, Antonio [d.1645], Editor.

Lancellotti, Giovanni Paolo [1522-1590].

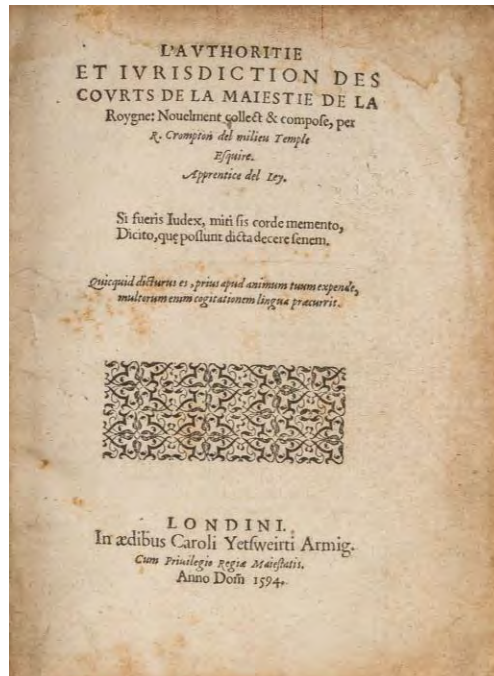
Corpus Iuris Canonici Notis Illustratum: Gregorii XIII. Iussu Editum: Complectens Decretum Gratiani, Decretales Gregorii Papae IX., Sextum Decretalium Bonifacii Papae VIII., Clementinas, Extravagantes Ioannis Papae XXII., Extravagantes Communes. Accesserunt Constitutiones Novae Summorum Pontificum Nunquam Antea Editae, Quae VII. Decretalium Loco Esse Possint, Annotationes Ant. Naldi, Cum Addit. Novis, Et Quae in Plerisque Editionibus Desiderabantur, Petri Lancelotti Institutiones Iuris Canonici; Regulae Cancellariae Apostolicae; Cum Indicibus, &c. De Quibus Singulis Lector Consulet Paginam Praefationi Praefixam. Lyon: Sump. Guill. Barbier, & Ioan. Girin, 1661. Two volumes in one book. [lxiv] pp., 1272 cols.; [xx] pp., 752 cols., [12] pp., 406 cols., [9] pp., 158 cols., [69] pp., 256 cols., [24] pp., 98 cols., [19] pp. Main text in parallel columns. Quarto (9-3/4" x 7-1/4").

Contemporary vellum with yapp-style fore-edges, early hand-lettered title to spine, edges of text block green. Some soiling to exterior, light rubbing to extremities, corners bumped and worn, minor worming to endpapers at gutter, owner signatures (of "Johannes Christophorg Schmid," Giessen, dated 1671, and one illegible, dated 1876) to front pastedown, early annotation to front free endpaper, which has a small hole. Title pages printed in red and black. Moderate toning, occasional very light foxing, light soiling in a few places, small holes (caused by paper flaw) to lower corner of leaf 3R8 (cols. 542-543) in second volume with minor loss to text, later owner inscription ("Ex libris Joannis Antony Borgeneus") and library inkstamp to first title page. \$750.

* This complete edition of the *Corpus Iuris Canonici* edited by Naldi is based on the *Correctores Romani*, the official version in force from 1580 to 1917. It includes a related text: Lancellotti's *Institutiones Iuris Canonici*, an elementary textbook. Another edition with identical pagination and collation was published the same year under a different imprint ("Sumptibus Laurentii Anisson").

Not in Ferreira-Ibarra.

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First Edition of Crompton's Survey of the Courts

7. [Crompton, Richard (d. 1599)].

L'Authoritie et Iurisdiction des Courts de la Maiestie de la Royne: Noulement Collect & Compose, Per R. Crompton del Milieu Temple Esquire, Apprentice del Ley. Si Seuris Index, Mitisis Corde Memento, Dicito, quae Possunt Dicta Decere Senem. London: In Aedibus Caroli Yetsweirti, 1594. [iv], 232 ff. Quarto (7-1/4" x 5-1/4").

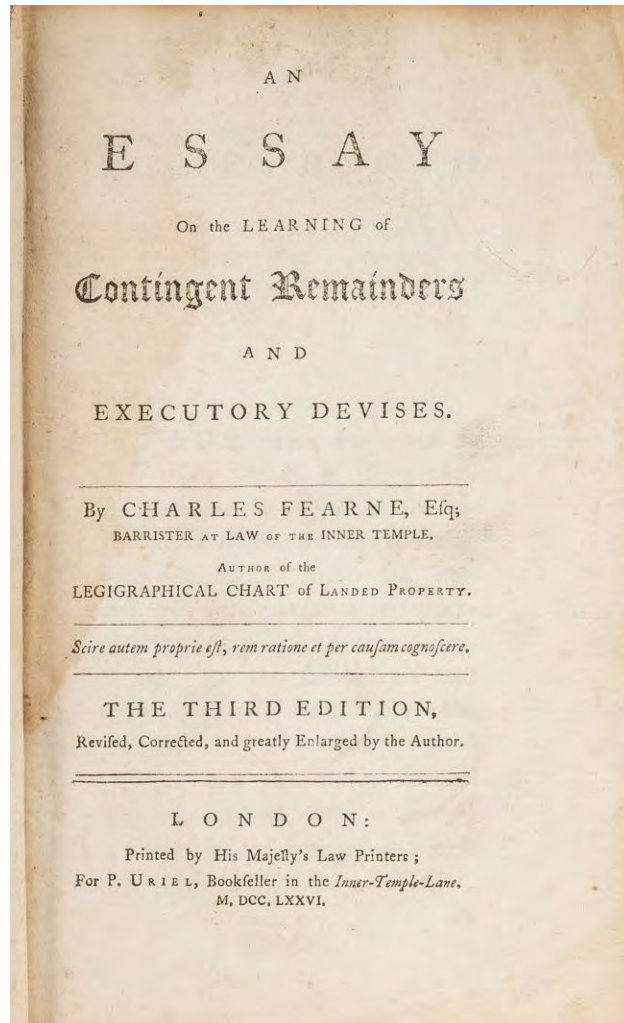
Contemporary speckled calf, blind rules to boards, raised bands and blind fillets to spine, gilt fillets to board edges, edges of text block rouged, "C Iur" to fore-edge of text block in early hand. Light rubbing to boards, moderate rubbing to extremities, front board detached, rear board beginning to separate but secure, corners bumped, front pastedown lacking, armorial bookplate of the Earls of Macclesfield to verso of front board, small embossed Macclesfield crest to title page and following leaf, rear pastedown loose. Moderate toning and faint dampstaining to interior, faint dampspotting to final 18 leaves of text, light soiling, moderate edgewear and a few chips to endleaves, moderate soiling and light foxing to title page. \$500.

* First edition. Crompton was a lawyer and well-regarded legal author. *L'Authoritie et Iurisdiction*, essentially a digest relevant cases from the Year Books and later sources, is considered to be his principal work. Turning to William Fulbecke's *A Direction or Preparative to the Study of the Lawe* (1600), we see that its value was recognized almost immediately: "[H]is cases are very profitable, and apt for the title to which they are applyed, and so compendiously collected, that a man may by them in a few howers gaine great knowledge" (cited in Holdsworth). On a broader scale, Crompton offers legal justification for the creation of a rigidly hierarchical "natural" society governed by a powerful monarch. This attitude, articulated by Bodin among others, was shared by several conservatives in England and Europe during the Late Renaissance.

Our copy of this title belonged to the Earls of Macclesfield. Housed in Shirbim Castle, near Watlington, Oxfordshire, it was one of the finest private libraries in Great Britain.

Holdsworth, *History of English Law* IV: 212. *English Short-Title Catalogue* S109077. Beale, *A Bibliography of Early English Law Books* T328.

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Kent Admired Its "Ability and Perspicuity"

8. Fearne, Charles [1742-1794].

An Essay on the Learning of Contingent Remainders and Executory Devises. Revised, Corrected, And Greatly Enlarged by the Author. London: Printed by His Majesty's Law Printers; for P. Uriel, 1776. xxii, [2], 479, [1] pp. Octavo (8-1/4 x 5").

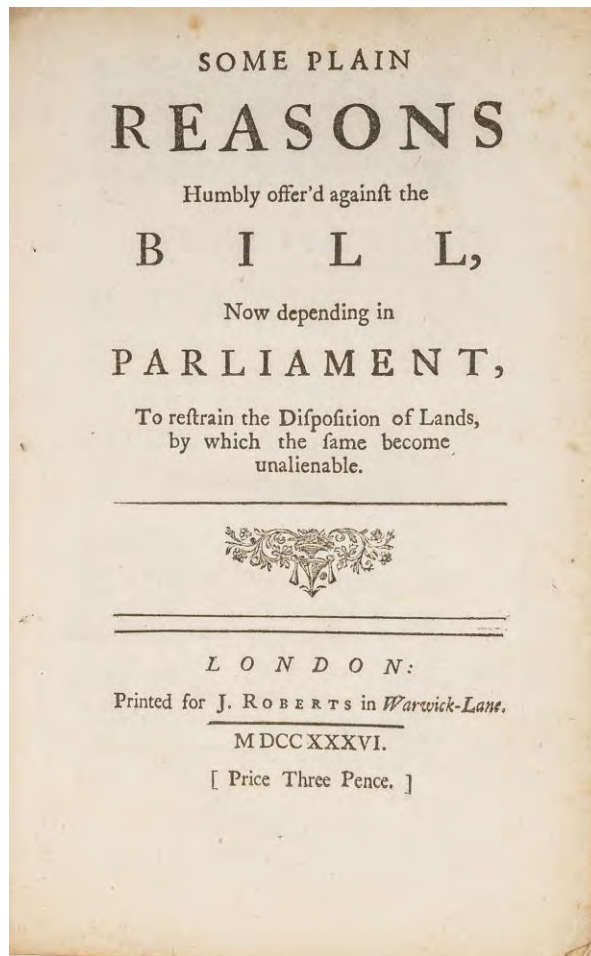
Contemporary calf, blind fillets to boards, raised bands and lettering piece to spine. Light rubbing and a few minor nicks and scuffs, front board beginning to separate but secure, rear joint starting, chipping to head of spine, corners bumped and somewhat worn, rear hinge cracked. Light toning to interior, faint dampstaining to head of text block through p.33, light soiling and creasing to endleaves, early owner initials (?) to front free endpaper. \$250.

* Third edition. According to Kent, "Fearne's *Essay on Contingent Reminders*...is a performance of a very superior character. It is eminently distinguished for the ability and perspicuity with which it unfolds and explains the principles of the most intricate parts of the law." First published in 1772, this was a standard work for decades. Its final edition, the 10th, was published in 1844.

Kent, *Commentaries on American Law* I:514. *English Short-Title Catalogue* T140189.

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Restraining the "Dead Hand" of the Church and Charities

9. [Great Britain].

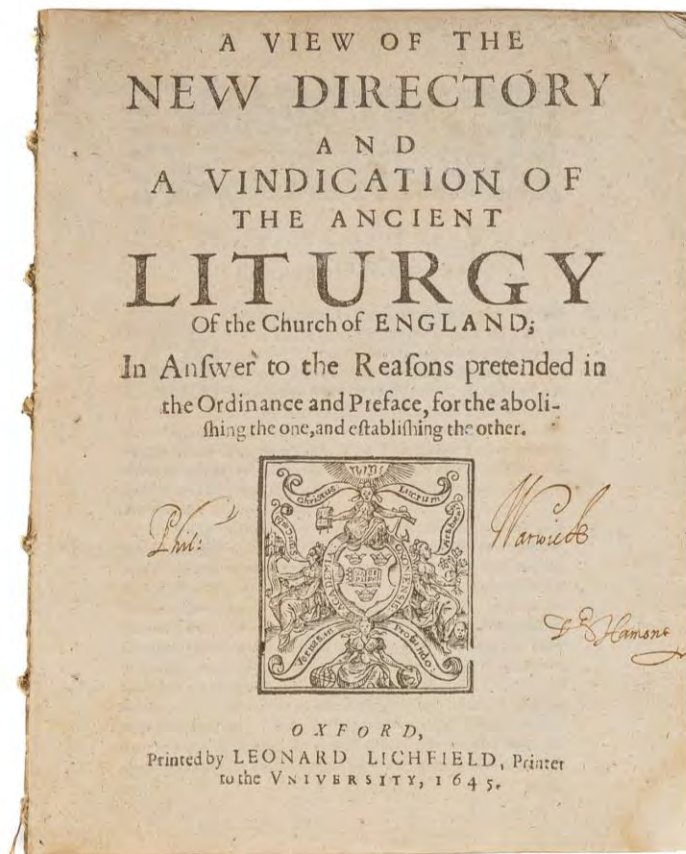
Some Plain Reasons Humbly Offer'd Against the Bill, Now Depending in Parliament, To Restrain the Disposition of Lands, By Which the Same Become Unalienable. London: Printed for J. Roberts, 1736. 22, [2] pp. With a half-title; final leaf blank. Octavo (7-1/2" x 4-3/4").

Disbound stab-stitched pamphlet. Light soiling to exterior, leaves starting to separate at ends but secure, light foxing and soiling to a few leaves of text. \$450.

* Only edition. The Charitable Uses Act, enacted in 1736, was designed to prevent deathbed bequests to the church or charities, which would benefit perpetually and inalienably from the gifts without paying taxes under the feudal principle of mortmain. It prohibited testamentary bequests of land to charitable organizations and voided gifts made by a living donor within twelve months of the donor's death. This was meant to prevent coercion or abuse of donors, particularly by the church. The act had a sweeping effect on charitable gifts of land for over a century. This pamphlet argues that the act goes too far and may have unintended consequences, particularly on universities.

OCLC locates 3 copies of this scarce title in North America (Huntington Library, Yale University, UC-Berkeley Law School). *English Short-Title Catalogue* T108904.

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Owned by a Royalist Politician and Secretary to Charles I

10. [Hammond, Henry (1605-1660)].

A View of the New Directory and a Vindication of the Ancient Liturgy of the Church of England; In Answer to the Reasons Pretended in the Ordinance and Preface, For the Abolishing the One, And Establishing the Other. Oxford: Printed by Leonard Lichfield, Printer to the University, 1645. [viii], 112 pp. Quarto (6-3/4" x 5-1/4").

Disbound. Moderate toning, faint dampstaining to outer corners, light foxing and soiling to a few leaves, owner signature of Sir Philip Warwick, and brief annotation or owner signature (likely an annotation attributing the work) to title page, occasional early underlining, marks and brief annotations, most in pencil. \$450.

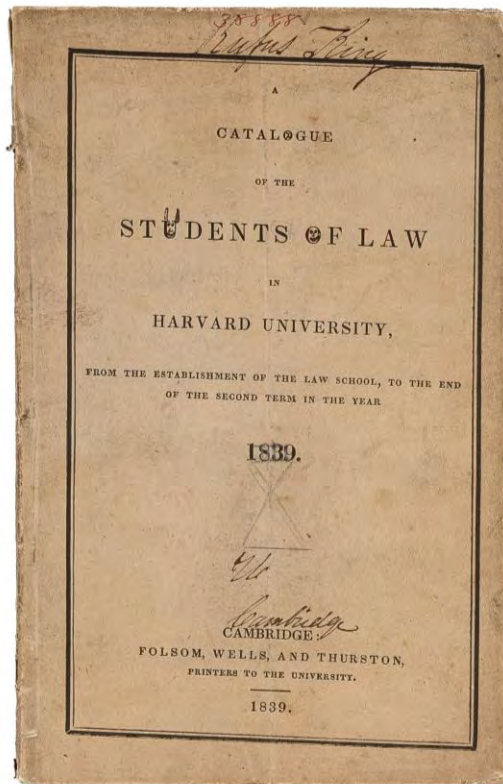
* First edition. Hammond was a Royalist cleric, theologian and prolific writer of controversial sermons and tracts on various topics. *A View of the New Directory* criticizes the decision of the Westminster Assembly, a Puritan body assembled by Parliament, to replace the Anglican *Book of Common Prayer* with the *Directory for Public Worship*. Three subsequent editions appeared in 1646.

Our copy of the first edition was owned by Sir Philip Warwick [1609-1683], an English writer, politician and committed Royalist. Warwick was close to Charles I and served as one of his secretaries during the Civil War. His loyalty was rewarded by Charles II with a knighthood.

English Short-Title Catalogue R200188.

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**"Cumulative" 1839 Harvard Law School Catalogue,
Owned by a Student Who Would Have a Distinguished Career**

11. [Harvard Law School].

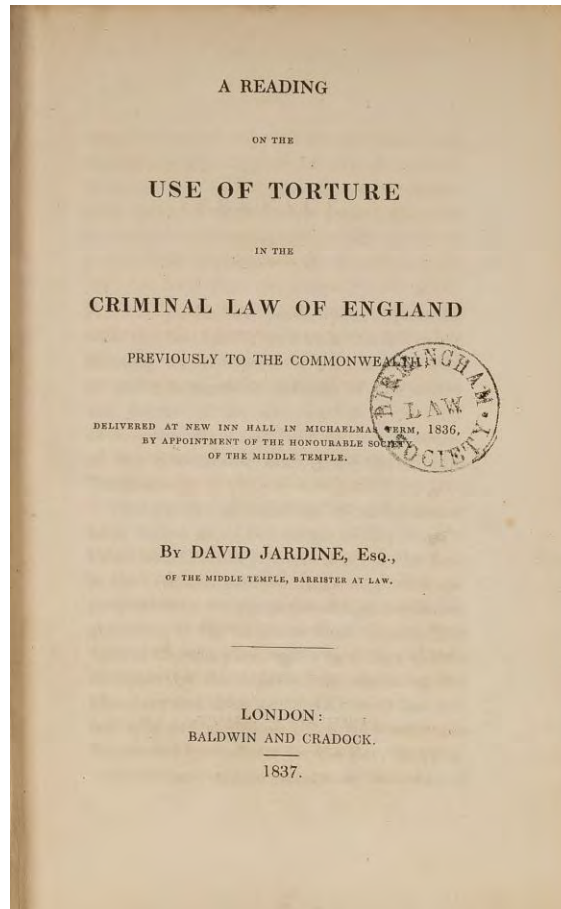
A Catalogue of the Students of Law in Harvard University, From the Establishment of the Law School, To the End of the Second Term in the Year 1839. Cambridge: Folsom, Wells, and Thurston, Printers to the University, 1839. 37, [1] pp. Octavo (7-1/2" x 4-3/4").

Stab-stitched pamphlet and printed wrappers. Vertical fold line, some soiling to exterior, spine ends abraded, front wrapper separating at head but secure, clean horizontal tear across foot of title page, light toning to text, occasional light foxing. Small doodles, brief annotation and owner signature of Rufus King to front wrapper (along with small later annotation in red ink), pencil and ink tick marks next to names on several leaves. \$450.

* This catalogue was published for prospective and incoming students in the year when the faculty consisted of Simon Greenleaf and Joseph Story. It contains general information about the school, regulations, course outlines and lists of required and recommended texts. The catalogue is especially interesting because of its complete lists of alumni and former faculty members, a distinguished group. The first catalogue of this kind was published in 1833, 16 years after the law school was founded in 1817.

This copy was owned by Rufus King [1817-1891], the grandson of founder Rufus King of New York and a member of the second term class of 1839. (Other notable members of the class included Richard Henry Dana, Jr., William Maxwell Evarts, and Joseph Story's son William Wetmore Story.) King received his LL.B. from Harvard in 1840. He went on to a distinguished career as a lawyer, president of the University of Cincinnati, dean of the Cincinnati Law School and author of a history of Ohio.

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A Scarce Work on the Role of Torture in Early English Criminal Law

12. Jardine, David [1794-1860].

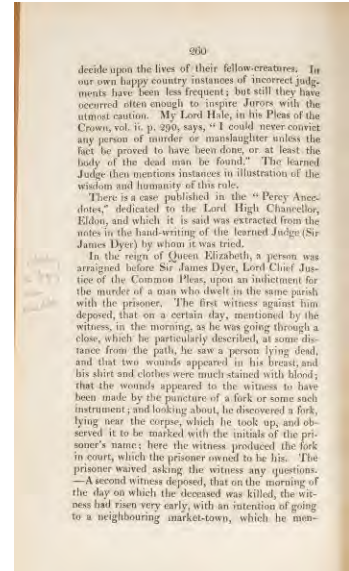
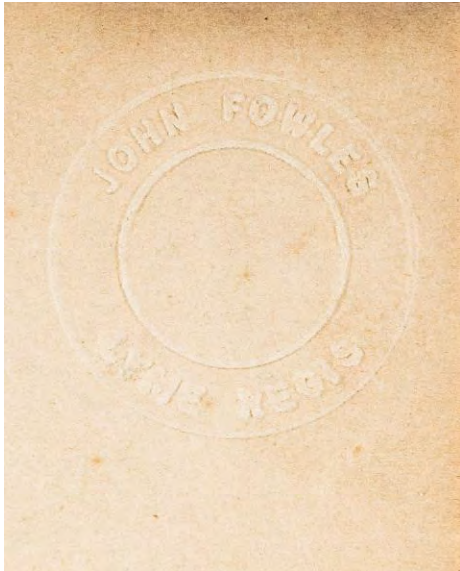
A Reading on the Use of Torture in the Criminal Law of England Previously to the Commonwealth: Delivered at New Inn Hall in Michaelmas Term, 1836, by Appointment of the Honourable Society of the Middle Temple. London: Baldwin and Cradock, 1837. xii, 109 pp. Octavo (8-1/2" x 5-1/2").

Contemporary pebbled cloth, blind rules and gilt library name and insignia (Birmingham Law Society) to boards, gilt title and library name to spine. Light rubbing to boards, moderate rubbing to extremities with wear to spine ends and corners, joints cracked, library bookplate, binder ticket and shelf location label to front pastedown, crack in text block between half-title and title page. Moderate toning to interior, light foxing to a few leaves, library stamps to title page and a few other leaves, clean tear to Leaf h5 (pp. 97-98), author inscription to head of half-title. \$250.

* Jardine was a well-regarded barrister of the Middle Temple, police magistrate at Bow Street Magistrates' Court and author who published and edited several works on the history of English criminal law. His *Reading on the Use of Torture* was presented when he was the Middle Temple's reader, a senior barrister elected to give a lecture or series of lectures on a particular topic.

This is a scarce title. OCLC locates 2 copies in North American law libraries (Osgoode Hall, Yale). Not in Sweet & Maxwell.

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Copy of a Sordid Tale of Gambling and Murder from the Library of John Fowles

13. Jones, George Henry.

Account of the Murder of the Late Mr. William Weare of Lyon's Inn, London, Including the Circumstances Which First Led to the Discovery of the Murder and the Detection of the Murderers, The Depositions Taken Before the Magistrates, The Coroner's Inquest, the Trials of the Prisoners and the Execution of John Thurtell, At Hertford on Friday the 9th of January 1824, Embellished with Views of Gill's-Hill Cottage, The Pond in the Garden Where the Body was Concealed of Hill-Slough near Elstree, Where it was Finally Deposited and Portraits of the Prisoners, John Thurtell, Jos. Hunt and Wm. Probert, Drawn by Mr. George Lewis with Their Autographs: Illustrated with a Ground-Plan of Gill's-Hill Cottage and Garden and a Map of the Surrounding Country. London: Printed by J. Nichols and Son, 25, Parliament-Street, For Sherwood, Jones and Co. Paternoster Row, 1824. [iv], 344 pp. 4 lithographed plates, 1 of them a frontispiece, 2 folding maps. Octavo (8-1/4" x 5-1/4").

Nineteenth-century three-quarter calf over marbled boards, raised bands, lettering piece and gilt and blind fillets to spine. Light rubbing to boards, moderate rubbing to extremities, tiny chip to lettering piece, hinges cracked, front free endpaper and frontispiece partially detached. Moderate toning to interior, light foxing, soiling and dampstaining in a few places, embossed owner stamp of John Fowles to front free endpaper, marks and brief annotations in his hand to several leaves, signature of James Alan Park, with annotations by Fowles, affixed to verso of frontispiece, possibly by Fowles. \$1,500.

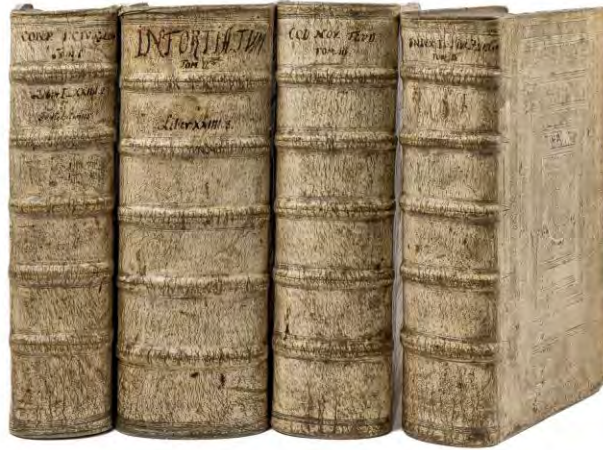
* Only edition. John Thurtell, an unlucky gambler, was deeply in debt to the crooked bookmaker William Weare. Deciding to take revenge, Thurtell, along with his friends Joseph Hunt and William Probert, murdered Weare in a grisly manner and tossed his body into a pond. Thurtell tried to escape conviction. He was hanged. Hunt confessed his involvement and stated that Thurtell was the killer. He was sent to the penal colony in Botany Bay, Australia. Charges against Probert were dropped in exchange for his wife's testimony.

Fowles [1926-2005] was an important English novelist whose works include *The Collector* (1963), *The Magus* (1965) and *The French Lieutenant's Woman* (1969). He was drawn to historical source material, which often inspired his work. Park [1763-1838] was the judge who presided over the trial. His signature, with annotations by Fowles, was clipped from a letter addressed to Charles Thomas Lane, a barrister of the Inner Temple.

OCLC locates 10 copies of this title in North America law libraries. Not in the *Harvard Law Catalogue* or *British Museum Catalogue*.

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An Imposing Set of the 1612 Lyon Imprint of the *Corpus Juris Civilis*

14. Justinian I, Emperor of the East [483-565 CE]. Accorso, Francisco [c.1182-c.1260], Editor, Glosses. Godefroy, Denis [1549-1622], Editor, Notes. Le Conte, Antoine [1517-1586], Editor, Notes. Cujas, Jacques [1522-1590], Editor, Notes. Daoiz, Esteban [1619], Compiler of Index.

Corpus Iuris Civilis Iustiniani cum Accursii Commentariis ex Glossematicis Scriptis Irnerii, Placentini, Hugolini, Bulgari, Pilei, Martini, Ioannis, Lotharii, Rogerii & Aliorum Collectis... Lyon: Sumptibus Typographicae Societatis, 1612. Six volumes and an index volume in four books. Main texts in double columns with linear glosses and side-notes. Folio (14-1/4" x 9").

Contemporary paneled pigskin, raised bands and later hand-lettered titles and volume numbers to spines. Moderate soiling and rubbing to extremities, a few minor nicks and stains, rear joint of Book II starting at head, minor worming to pastedowns, nineteenth-century bookseller tickets (of a Munich dealer) and bookplates of Gustav Rümelin to front pastedowns, front hinge of Book I cracked. Title pages printed in red and black. Moderate toning to interiors, minor smudges, stains and foxing in a few places, light soiling, edgewear and a few corner folds to preliminaries and final few leaves of each book, later owner signature, of T.G. Mohrmann "of Fallersleben," to title pages, crossed-out inscription dated 1612 and scratched-out inscription of Book I, signature excised from title page of Book IV. An impressive set. \$5,000.

* In 530 CE Emperor Justinian commissioned a panel of jurists to revise and organize existing Roman law. It produced a reformed legal system, the *Code*; an anthology of commentary by notable jurists, the *Digest*; an introductory textbook, the *Institutes*; and a collection of laws issued by Justinian after the completion of the *Code*, the *Novels*. Their subsequent influence on European jurisprudence is difficult to overestimate.

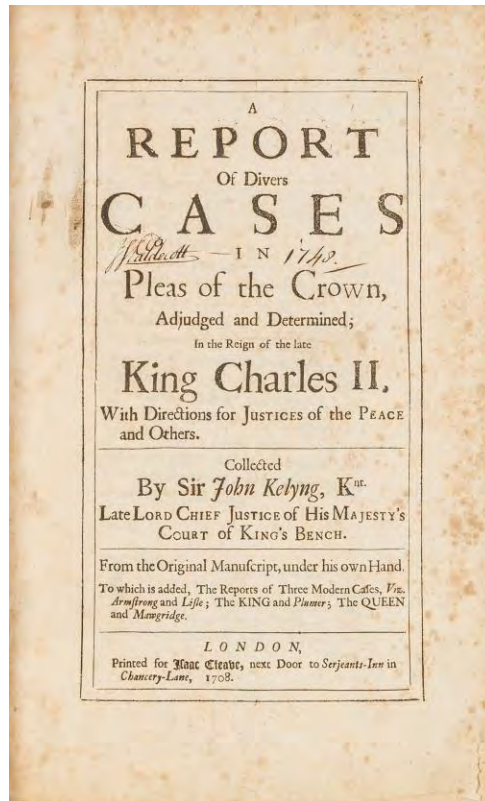
The 1583 edition of these works by Denis Godefroy, which introduced the collective title *Corpus Iuris Civilis*, became the basis for most subsequent editions into the nineteenth century, such as ours, which contains additional commentary and a comprehensive index volume. Like many editions of the era, this one offers a selection of the *Novels*, known as the *Feudorum*, summaries of the other *Novels*, the *Consuetudines Feudorum*, an institute of feudal law compiled around 1170 under the direction of Holy Roman Emperor Frederick I, the *Constitutiones Friderichi Secundi Imperatoris*, a selection of other edicts of Holy Roman Emperors Frederick II and Henry II, and *De Pace Constantiae* (Edict of Milan), the act of Emperor Constantine that recognized Christianity in the Roman Empire.

Rümelin [1848-1907] was a legal scholar and professor of Roman law at the University of Freiburg.

OCLC locates 3 copies in North America (Duke Law School, Gonzaga, St. Banaventure). Baudrier, *Bibliographie Lyonnaise* VII:329-330.

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The First Edition of the First Reporter Devoted to Criminal Law

15. Kelyng, Sir John [d. 1671].

A Report of Divers Cases in Pleas of the Crown, Adjudged and Determined; In the Reign of the Late King Charles II. With Directions for Justices of the Peace and Others. Collected by Sir John Kelyng, Knt. Late Lord Chief Justice of His Majesty's Court of King's Bench. From the Original Manuscript, Under His Own Hand. To Which is Added the Reports of Three Modern Cases, Viz. Armstrong and Lisle; The King and Plumer; The Queen and Manwrigde. London: Printed for Isaac Cleave, 1708. [iv], 138, [14] pp. Folio (11-3/4" x 7-1/4").

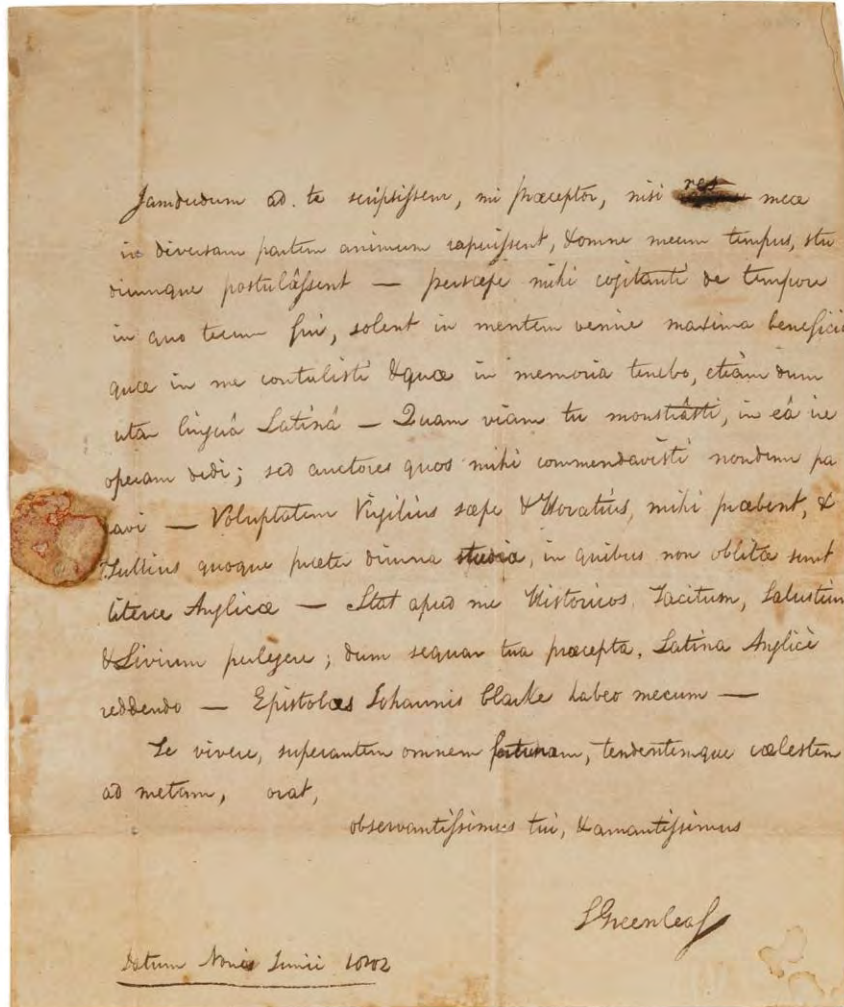
Contemporary calf, blind rules to boards, blind fillets along joints, raised bands, blind fillets with original red gilt lettering piece to spine, gilt tooling to board edges. Light rubbing and some shallow scuffing to boards, joints starting, chipping to spine ends, moderate rubbing to board edges, corners bumped and worn, hinges cracked (front hinge after front free endpaper). Moderate toning to interior, occasional light foxing, wear to lower outside corner of first two leaves, owner inscription "W Caldecott 1748" to title page. \$500.

* First edition. The first reporter devoted entirely to criminal law, these reports were collected after Kelyng's death and published by Justice Holt in 1708. Kelyng, a lawyer who specialized in criminal cases, became a judge of the King's Bench in 1663 and was made Chief Justice of that court in 1665. The cases cover the years 1662 to 1669. Wallace says he was considered "a learned, faithful and resolute judge." This work was reissued in 1739. A second reissue was published in Dublin in 1789.

Our copy was most likely owned by William Caldecott [1713-1777], a Warwickshire solicitor. Two of his children, Thomas and John, went on to gain prominence in the legal profession.

Wallace, *The Reporters* 328. *English Short-Title Catalogue* T121547.

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The Earliest Known Letter Written by Simon Greenleaf?

16. [Manuscript].

Greenleaf, Simon [1783-1853].

[Autograph Letter, Signed, To Michael Walsh, Newburyport, MA, June 5, 1802]. 1 p.

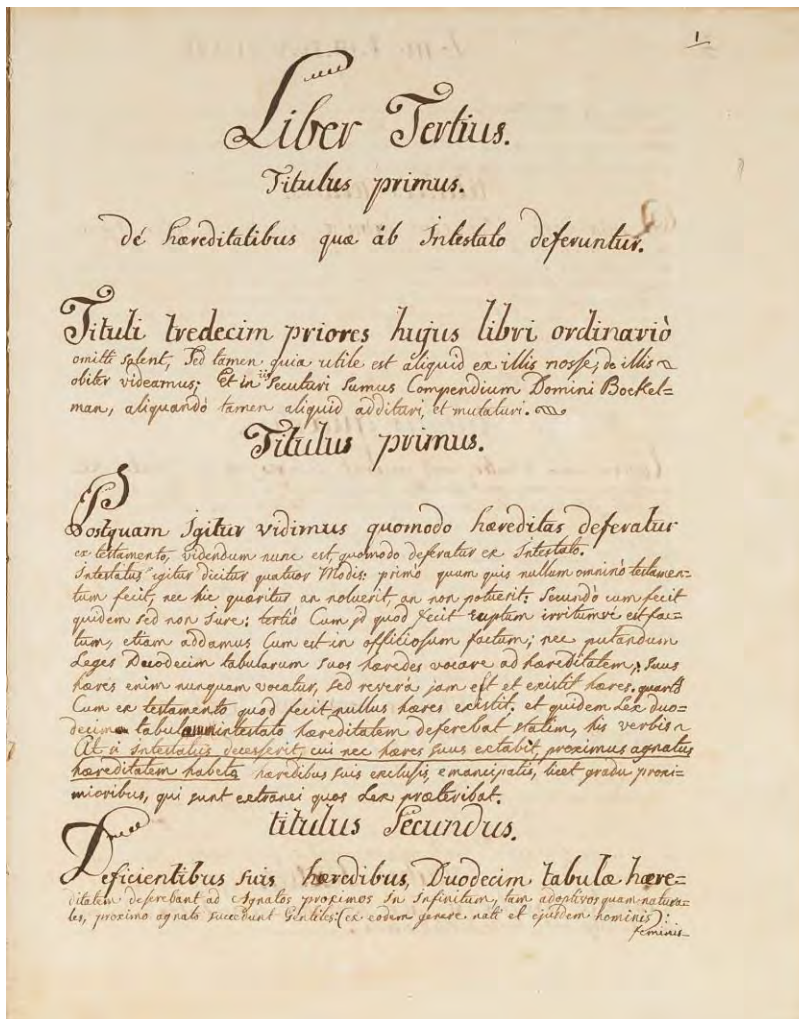
9" x 7-1/2" bifolium with integral address leaf and residue from wax seal. Moderate toning, and light foxing, horizontal and vertical fold lines, a few small tears to fold lines, tiny dampstain to lower outside corners. \$1,200.

* Greenleaf, the distinguished jurist and Harvard Law School professor, was raised in Newburyport, Massachusetts and attended the local grammar school, which was kept by Michael Walsh [1763-1840].

When Greenleaf wrote this letter, he was 18 years old, had completed his studies with Walsh and was an apprentice in the law office of Ezekiel Whitman in New Gloucester, Maine. In schoolboy Latin, Greenleaf reports his diligent study of Virgil, Horace, Cicero, Tacitus, Sallust, Livy and the letters of John Clarke, possibly the minister of Boston's First Church, who died in 1798. This is quite possibly the earliest Greenleaf letter. It is certainly interesting for its insight into his educational background and intellectual habits as a young man.

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A Set of Elegant Lecture Notes on Books 3 and 4 of the *Institutes*

17. [Manuscript].

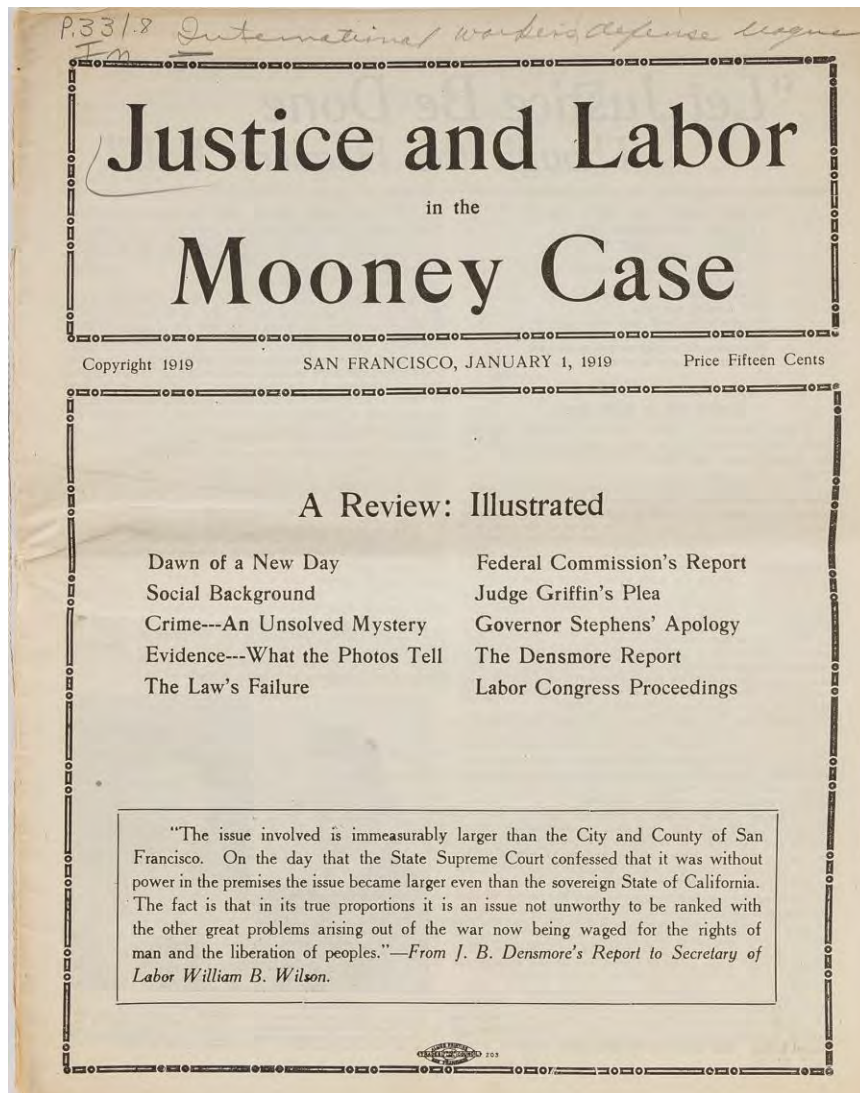
Schulting, Anton [1659-1734].

A: Scultingii Juris Dr: In Imp: Justiniani Institutiones Dictata. Tomus Secundus. Leiden University, 1728. 77 pp. Quarto (10-3/4" x 8-1/2").

Disbound, signatures loose, edges untrimmed. Lightly corrected text in single elegant hand with page numbers and headings. Moderate toning, occasional very light foxing. \$750.

* This appears to be a fair copy of lecture notes from a course on Justinian's *Institutes* taught by Anton Schulting when he was a professor of law at Leiden University. A specialist in Roman legal philology known as the "Cujacius of the Netherlands," Schulting (or Schultingh) also taught at the Universities of Harderwyk and Franeker. This manuscript gives the reader an opportunity to "audit" one of his courses. It covers the third and fourth books of the *Institutes*, which deal with a number of topics relating to inheritance, possession, obligation, contracts, personal injury and actions. Course notes such as these provide interesting insight into legal education and a window onto the reception of important texts by both professors and their students.

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**"An Issue Not Unworthy to be Ranked With
The Other Great Problems Arising Out of the War"**

18. [Mooney, Thomas (1882-1942)].

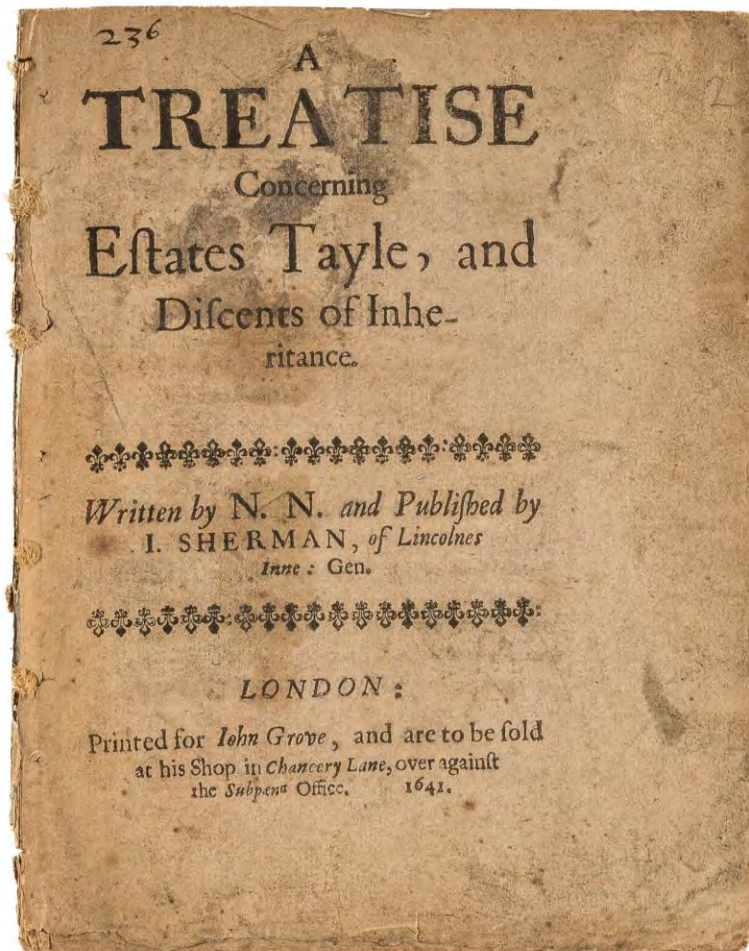
Justice and Labor in the Mooney Case. [San Francisco: Published and Copyrighted by International Workers' Defense League], 1919. 31, [1] pp. Illustrated.

Pamphlet in self-wrappers, previously stapled and recently re sewn. Light toning, horizontal fold line, light soiling to exterior, light edgewear and a few small chips and tiny tears to wrappers, which have brief pencil annotations and shelfmarks. \$250.

* Mooney was a labor leader and political activist framed as a murderer after an anarchist's bomb exploded during the San Francisco Preparedness Day parade in 1916. He was sentenced to death and a colleague, Warren Billings, to life imprisonment. Their case became a cause célèbre among liberals, labor activists and defenders of civil liberties, among them Felix Frankfurter and Clarence Darrow. After 22 years of petitioning and publicity, they were released in 1939.

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**Scarce 1641 Tract Calling for the
Reform of Laws Concerning Inheritance and Succession**

19. N.N.

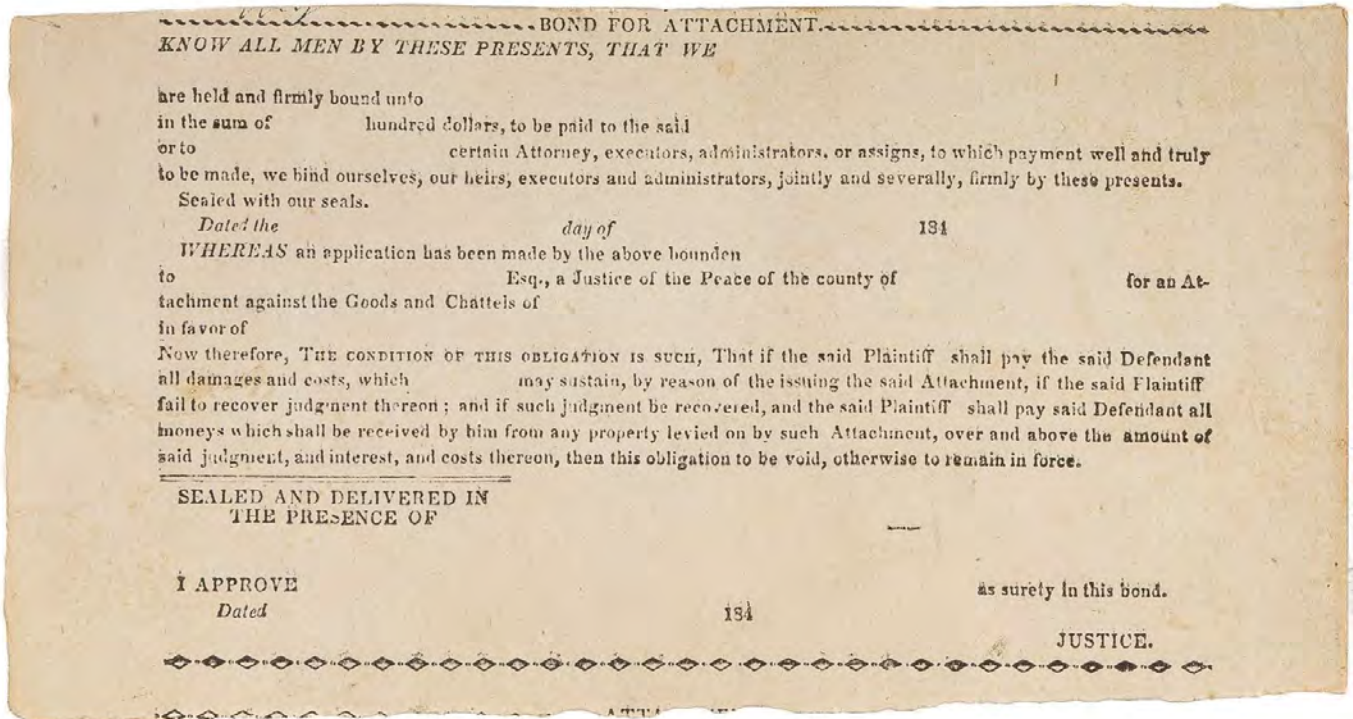
A Treatise Concerning Estates Tayle, And Discents of Inheritance. Written by N.N. And Published by I. Sherman, of Lincolnes Inne: Gen. London: Printed for Iohn Grove, 1641. [ii], 42, [i.e. 43], [1] pp. Lacking first leaf, a blank. Quarto (7-1/4" x 5-3/4").

Disbound stab-stitched pamphlet, untrimmed edges. Light browning, soiling to exterior, moderate wear to corners of text block, moderate edgewear and creases to first few leaves and final leaf, which is partially detached with a clean tear near its lower inside corner, stains to title page "236" in early hand and "2" in later hand above title. \$950.

* Only edition. The Civil-War inspired several proposals to liberalize and modernize areas of the common law. A fine example of this literature, N.N.'s tract disputes the validity of primogeniture and other "ancient" aspects of inheritance and succession. A contentious piece, it offers a clever argument grounded in classic common-law sources and scripture.

OCLC locates 7 copies in North American law libraries (Harvard, Library of Congress, UC-Berkeley, University of Michigan, University of Virginia, University of Washington, York University-Osgoode Hall). *English Short-Title Catalogue* R32142.

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A New York Attachment Bond from the 1840s

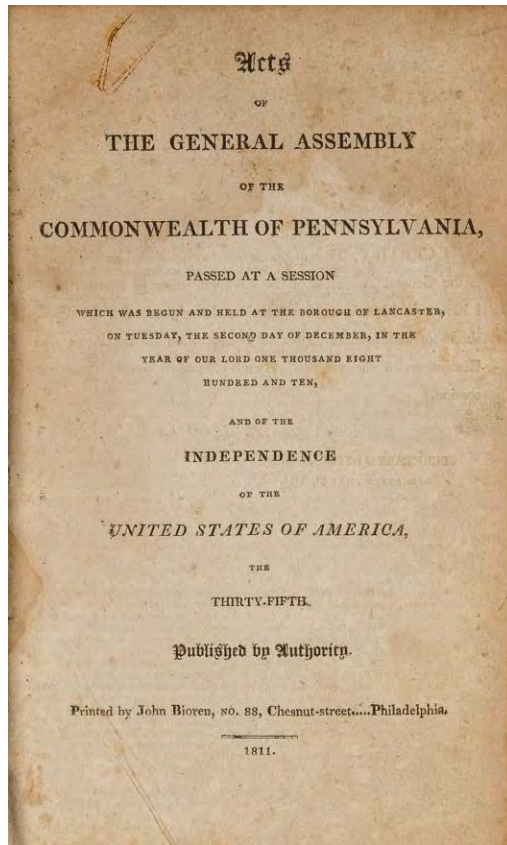
20. [New York]. [Forms].

Bond for Attachment. Know All Men By These Presents, That We [Blank] Are Held and Firmly Bound.... [New York?: S.n.], 1840s.

4-1/4" x 8" sheet with blank form. Moderate toning, light soiling, small fragment of signature from removed completed form at top-edge, portion of next form visible at bottom-edge. \$100.

* Based on the language, which appears in several justice of the peace manuals and compilations of warrants, this bond for attachment likely originates from New York State. Blank forms such as these are interesting and scarce survivals that provide insight into their production and use.

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1811 Compilation of Pennsylvania Acts

21. [Pennsylvania].

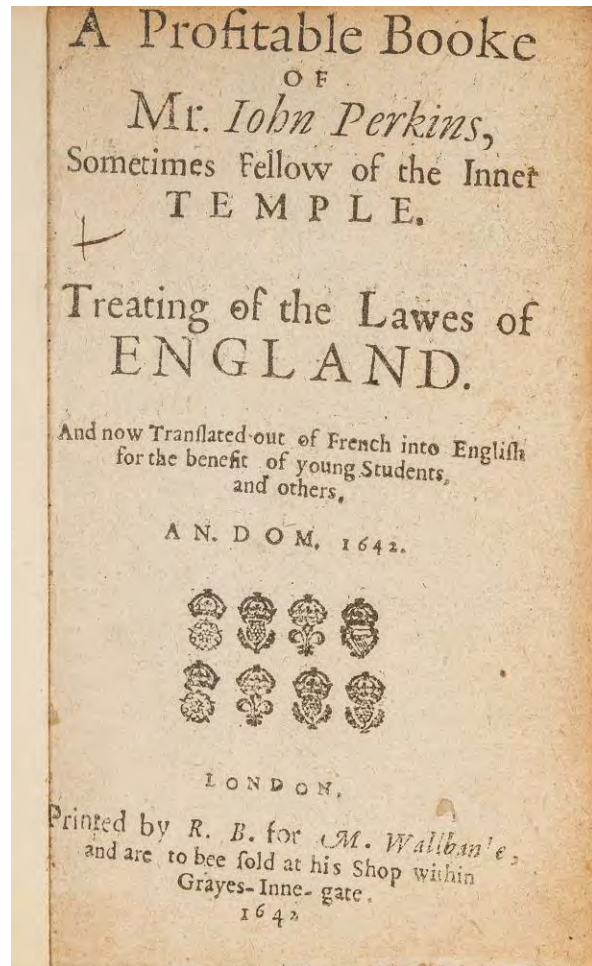
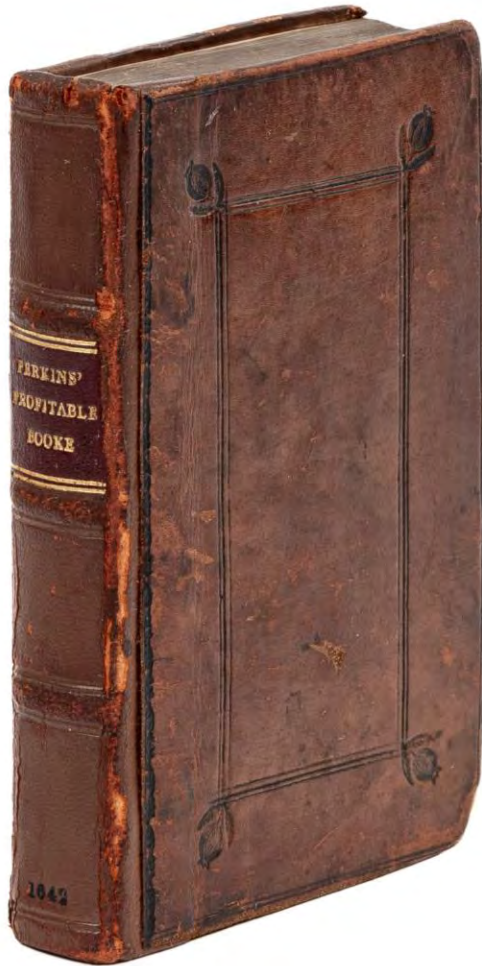
Acts of the General Assembly of the Commonwealth of Pennsylvania, Passed at a Session which was Begun and Held at the Borough of Lancaster, On Tuesday the Second Day of December, In the Year of Our Lord One Thousand Eight Hundred and Ten, And of the Independence of the United States of America, The Thirty-Fifth. Philadelphia: Printed by John Bioren, 1811. viii, 272, [8] pp. Octavo (8-1/2" x 5").

Contemporary sheep, black-stamped fillets and date and lettering piece to spine. Early owner inscription ("Michael Fackenthall's Book") to head of front board, which is slightly bowed and starting to separate at head, moderate rubbing to extremities, front joint cracked, rear joint starting at foot, light creasing to spine, chips to lettering piece, corners bumped and worn, front hinge cracked, front free endpaper loosening slightly but secure, rear free endpaper mended at fore-edge, early owner signatures of Michael Fackenthall and B. Franklin Fackenthall (dated 1846) and later ink annotations to front pastedown and free endpaper. Moderate toning, occasional light soiling, light foxing and faint dampstaining in a few places. \$125.

* This collection of Pennsylvania acts covers such topics as arms and ammunition, the selection of jurors, the organization of the militia and a large number of public works and construction projects. Together, they provide interesting insight into the early development of the state. Michael Fackenthall [1795-1872] and Benjamin Franklin Fackenthall [1825-1892], his son, were residents of Bucks County, Pennsylvania.

Babbitt, *Hand-List of Legislative Sessions and Session Laws* 425.

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First English-Language Edition of *A Profitable Booke*

22. Perkins, John [d. 1545].

A Profitable Booke of Mr. Iohn Perkins, Sometimes Fellow of the Inner Temple. Treating of the Lawes of England. And Now Translated Out of French into English for the Benefit of Young Students, And Others. London: Printed by R.B. for M. Wallbanke, 1642. [xxxii], 1-272; 271-388 pp. Octavo (5-1/2" x 3-1/2").

Contemporary paneled calf, rebaked, raised bands and lettering piece to spine, black-stamped publication date to foot of spine, endpapers renewed. Light rubbing and a few minor scratches to boards, moderate rubbing to extremities, corners worn, hinges cracked. Light toning to interior, edges trimmed closely touching page number sand headlines in places, faint inkspots to a few leaves, light soiling and two tiny inkspots to title page. \$650.

* First edition in English. A popular work during the sixteenth and early seventeenth centuries that was held in high regard by Coke, Perkins' *Profitable Booke* was first published in 1528 and went through numerous editions in both English and Law-French. Devoted mostly to the land law as developed in the Year Books, it is divided into the following topics: grants, deeds, feoffments, exchanges, dower, curtesy, wills, devises, surrenders, reservations and conditions.

English Short-Title Catalogue R005477.

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**Edition of a Classic Study of the English
Constitution Published on the Eve of the Civil War**

23. Smith, Sir Thomas [1513-1577].

The Common-Wealth of England: And the Manner of Governement Thereof. Compiled by the Honourable Sir Thomas Smith, Knight, Doctor of Both Lawes, And One of the Principall Secretaries Unto the Two Most Worthy Princes, King Edward, And Queene Elizabeth. With New Additions of the Chief Courts in England, And the Offices Thereof, By the Said Author. London: Printed by R. Young for J. Smethwicke, 1640. [xiv], 272. [1] pp. Main title preceded by copperplate pictorial title page. 12mo. (5-1/2" x 3-1/4").

Contemporary speckled calf, blind rules to boards, blind fillets and small fragment of later paper title label to spine, edges rouged. Light rubbing and faint staining to boards, wear to spine ends and corners, small chip to fore-edge of front board, section of calf lacking from fore-edge of rear board, pastedowns loose. Light toning to interior, worm track from F5 to G9 (pp. 115-148) with minor loss to text, light soiling and moderate edgewear and creases to endleaves, early owner signature, "And: Newport," to foot of pictorial page, a small chip to its bottom edge. \$400.

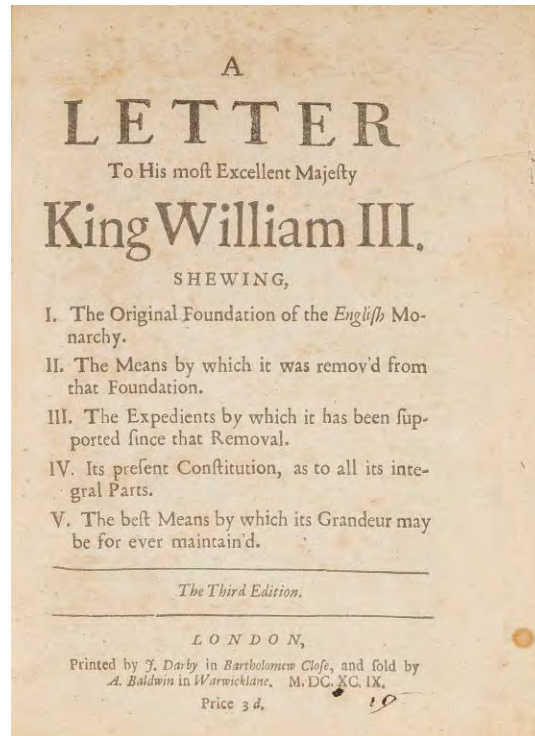
* Written between 1562 and 1565, this work was first published in 1583 as *De Republica Anglorum; The Manner of Government or Policie of the Realme of England*. "It is the most important description of the constitution and government of England written in the Tudor age" (DNB). It went through eleven editions in English between 1584 to 1691. Four Latin editions appeared between 1610 and 1641. Abridged editions in Dutch and German were published in 1673 and 1688. Smith, an English scholar and diplomat, was Regius Professor of Civil Law at Cambridge University. Published two years before the formal outbreak of the English Civil War, the pictorial title page of our 1640 edition features an image of King Charles I, accompanied by angels, above Lady Justice and a figure representing the ship of state.

This copy may have belonged to Andrew Newport [1622-1699], a Tory politician and courtier who held a number of posts during the Restoration era.

Dictionary of National Biography XVIII:535, XIV:355-356. *English Short-Title Catalogue* S117652.

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Parliament vs. King William III

24. [Stephens, William (1647?-1718)].

A Letter to His Most Excellent Majesty King William III.: Shewing, I. The Original Foundation of the English Monarchy. II. The Means of Which it was Remov'd from that Foundation. III. The Expedients by Which it has Been Supported Since that Removal. IV. Its Present Constitution, As to All its Integral Parts. V. The Best Means by Which its Grandeur May be for Ever Maintain'd. London: Printed by J. Darby in Bartholomew Close, And Sold by A. Baldwin in Warwicklane, 1699. 15, [1] pp. Final page is a publisher catalogue. Quarto (7-3/4" x 6").

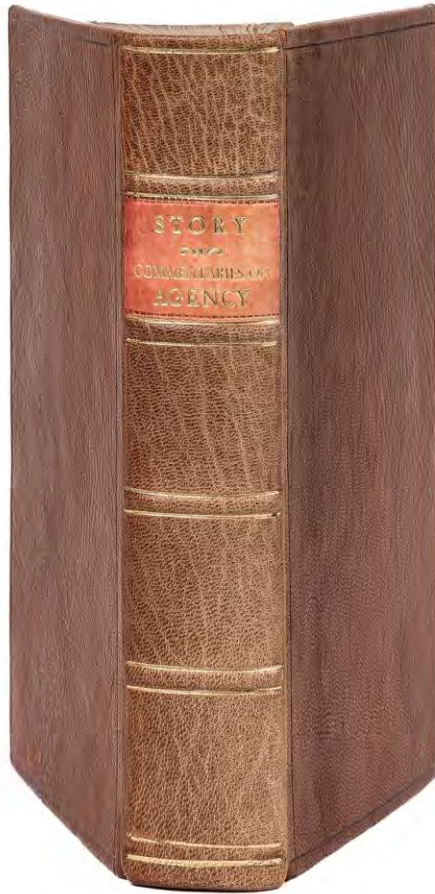
Stab-stitched pamphlet bound into 20th-century marbled boards. Light rubbing to boards, spine mostly perished. Moderate toning and foxing to interior, "19" in early hand to foot of title page. \$750.

* Third and final edition. The military establishment's size was one of the main questions debated throughout the 3rd Parliament of William III, December 6, 1698-April 11, 1700. The king wanted Parliament to maintain its current strength. Most members of Parliament, Whigs especially, wanted to reduce it. Behind this topic stood a larger political issue: royal interests and prerogatives vs. Parliamentary authority over the military as granted by the Bill of Rights (1689), a provision seen as the primary safeguard against royal tyranny by several Whig factions. Denying the king's request, and angering him, Parliament reduced the military significantly in bills passed on December 16, 1698 and January 18, 1699. The king's reaction colored the rest of the session.

Stephens, an English cleric and outspoken Whig partisan, warns the king, with an argument presented as a constitutional history, that he would be as despotic as James II if he attempted to defy Parliament. His pamphlet was first published in 1698 during the early stages of the debate with a title beginning *A Letter Humbly Addrest to the Most Excellent Father of His Country.*

English Short-Title Catalogue R14146.

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First Edition of *Story on Agency*

25. Story, Joseph [1779-1845].

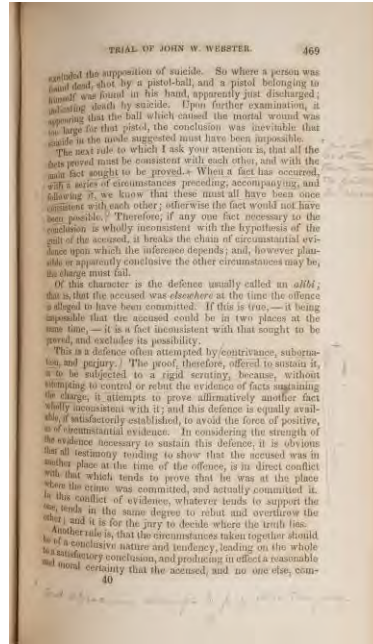
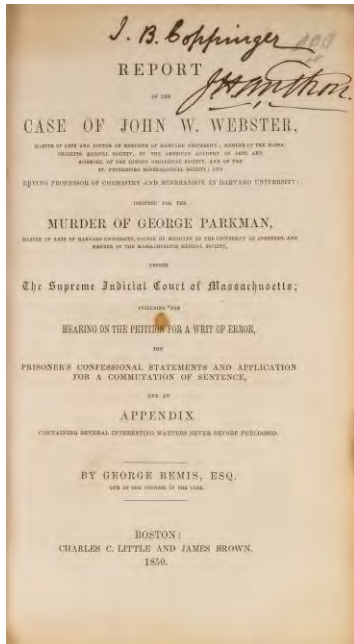
Commentaries on the Law of Agency as a Branch of Commercial and Maritime Jurisprudence, With Occasional Illustrations from the Civil and Foreign Law. Boston: Charles C. Little and James Brown, 1839. xxiii, 544 pp. Octavo (8-1/2" x 5-1/2").

Recent period-style morocco, blind rules to boards, gilt-edged raised bands and lettering piece to spine, marbled (renewed) endpapers, top-edge of text block rouged. Light fading to spine, moderate toning and light foxing to interior, offsetting and light edgewear to first and final few leaves, title page and last two leaves reinforced neatly with tissue at edges, occasional faint dampstaining to top-edge of text block, owner signatures (one of "Goodrich," two of "W.C. Jones") to title page and following leaf. \$750.

* First edition. This treatise was written during the period when Story was an Associate Justice of the United States Supreme Court and Professor of Law at Harvard Law School. Marvin praised the thoroughness of this treatise, noting that "[Story] has everywhere illustrated the doctrines of common law, by copious extracts from distinguished writers on Roman and Continental law." Pound includes this title in a list of the most influential and authoritative American treatises written during the nineteenth century.

Marvin, *Legal Bibliography* 672. Pound, *The Formative Era in American Law* 140-141. Cohen, *Bibliography of Early American Law* 1628.

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"America's Classic Murder"

26. [Trial].
 Bemis, George.
 Webster, John White [1793-1850], Defendant.

Report of the Case of John W. Webster, Master of Arts and Doctor of Medicine of Harvard University [...] Indicted for the Murder of George Parkman, Master of Arts of Harvard University, Doctor of Medicine of the University of Aberdeen, And Member of the Massachusetts Medical Society, Before The Supreme Judicial Court of Massachusetts; Including the Hearing on the Petition for a Writ of Error, The Prisoner's Confessional Statements and Application for a Commutation of Sentence, And an Appendix Containing Several Interesting Matters Never Before Published. Boston: Charles C. Little and James Brown, 1850. xii, 628 pp. With a tissue-guarded frontispiece. Illustrated. Octavo (9-1/4" x 5-1/4").

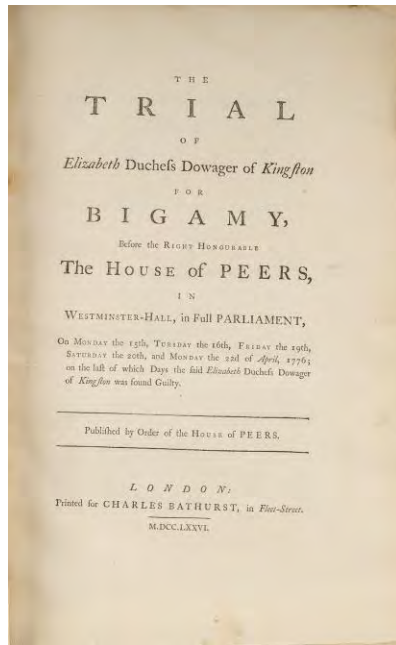
Later library cloth, red and black lettering pieces to spine, endpapers renewed, cloth hinges. Light soiling and shelfwear to exterior, lettering pieces abraded, hinges starting, small ink stamp (William C. Schroeder) to front free endpaper, which has a small clean tear to its upper gutter. Toning to interior, light soiling and tiny faint stains in a few places, owner signature of J.H. Anthon dated 1858 to front endleaf and title page along with owner signature of J.B. Coppinger, pencil underling and brief annotations to several leaves (annotations between pp. 469-498). \$150.

* First edition. As McDade notes, "The murder in the Harvard Medical School of Dr. George Parkman, a prominent Bostonian and Harvard Alumnus, by Professor John W. Webster was, in the words of Edmund Pearson, 'America's classic murder.'" The present account is "the basic book on the case and contains all the evidence." A two-volume edition appeared the same year and the work was reprinted in 1879.

The J.H. Anthon who owned this copy was likely John Hone Anthon [1832-1874], a New York attorney and the son of John Anthon, an important American jurist and a founder of the New York Law Institute. J.B. Coppinger may have been John B. Coppinger, a first lieutenant and adjutant in the 83d New York Infantry during the Civil War. The pencil annotations, which provide brief but often lively commentary, do not appear to be in either's hand.

McDade, *The Annals of Murder* 1060.

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In Original Wrappers

27. [Trial].

Kingston, Elizabeth Chudleigh

Hervey, Duchess of [1720-1788], Defendant.

The Trial of Elizabeth Duchefs Dowager of Kingston for Bigamy, Before the Right Honourable the House of Peers, In Westminster-Hall, In Full-Parliament, On Monday the 15th, Tuesday the 16th, Friday the 19th, Saturday the 20th, and Monday the 22d of April, 1776; On the Last of Which Days the Said Elizabeth Duchefs Dowager of Kingston was Found Guilty. Published by Order of the House of Peers. London: Printed for Charles Bathurst, 1776. [iv], 176 pp. Title page preceded by imprimatur leaf. Folio (15" x 10").

Original wrappers, untrimmed edges. Light soiling to exterior, light wear to spine ends, moderate soiling to edges, light toning to interior. \$500.

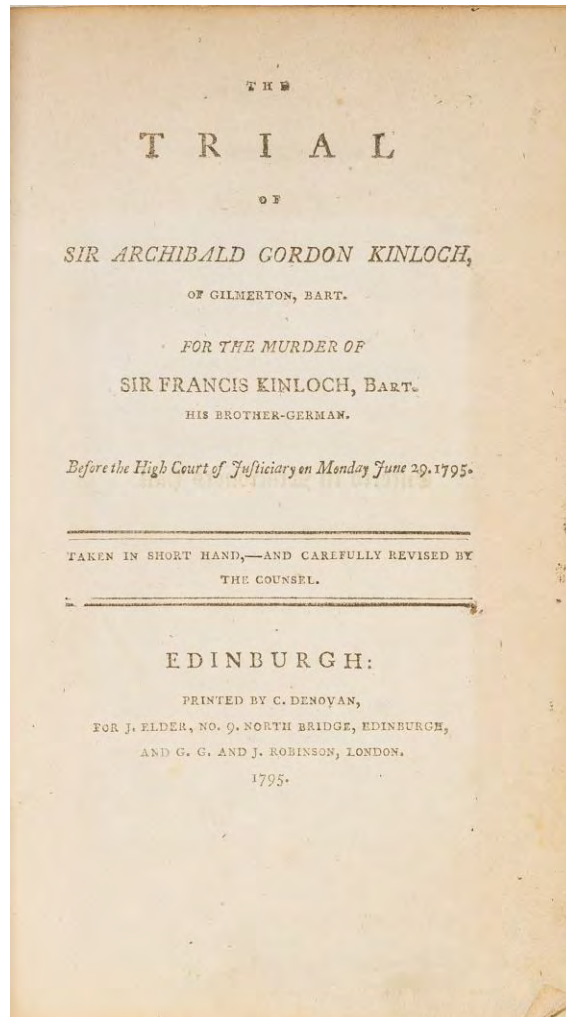
* Only edition. When she determined to marry the Duke of Kingston, Elizabeth feared the scandal of divorce from her first husband, Augustus Hervey, later Earl of Bristol, who wanted a divorce, so she instituted a suit of jactitation against him. His negative response ignored, she took an oath that she was unmarried, and the court so declared her. She married the Duke of Kingston in 1769, and he died in 1770 and left her a substantial estate on the condition that she remain a widow. The duke's nephew, Mr. Evelyn Meadow, brought suit against her for bigamy shortly after the duke's death, while she was traveling in Italy. She returned to England to stand trial. Found guilty, she would have been "burned on the hand" but she claimed the privilege of her peerage which served to exempt her from corporal punishment. She continued a life of travel and adventure until her sudden death in Paris in 1788.

Famous because of this trial, Kingston was often depicted, directly or indirectly, in popular and serious literature. She is believed to have been the inspiration William Makepeace Thackeray's character of Beatrix Esmond, Baroness Bernstein, in *The History of Henry Esmond* and *The Virginians*.

Dictionary of National Biography IX:730. Sowerby, *Catalogue of the Library of Thomas Jefferson* 1957. *English Short-Title Catalogue* T92941.

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First Use of an Insanity Defense in Scotland

28. [Trial].

Kinloch, Sir Archibald Gordon [d. 1795], Defendant.

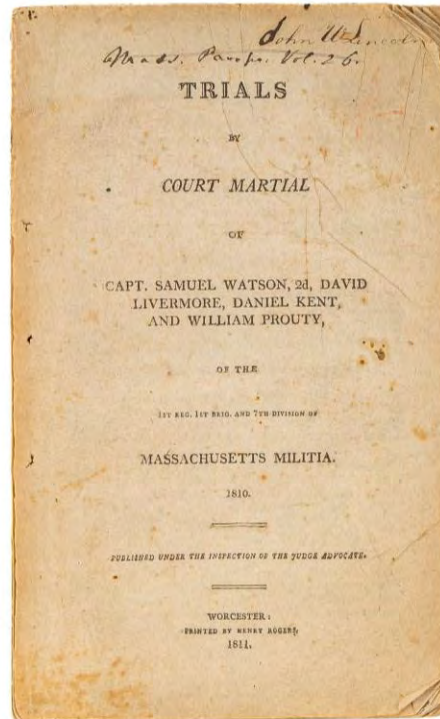
The Trial of Sir Archibald Gordon Kinloch, Of Gilmerton, Bart. For the Murder of Sir Francis Kinloch, Bart. His Brother-German. Before the High Court of Justiciary on Monday June 29, 1795. Taken in Short Hand,--And Carefully Revised by the Counsel. Edinburgh: Printed by C. Denovan, 1795. vi, 161 pp. With a half-title. Octavo (8-1/4" x 5").

Disbound stab-stitched pamphlet. Light soiling to exterior, corner folds to lower outside corners of first few leaves. Moderate toning, light foxing to a few leaves. \$950.

* Only edition. Sir Francis was murdered in his home by his brother, Sir Archibald. Although he was convicted, his was released into the care of his family rather than sentenced to death because he was judged to be insane. This was the first time an insanity defense was presented in a Scottish court and one of the very first trials in Great Britain to consider the criminal liability of the insane.

Catalogue of the Library of the Harvard Law School (1909) II:1121.

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Military Discipline and Personal Liberty

29. [Trials].

Watson, Samuel, Defendant.

Livermore, David, Defendant.

Kent, Daniel, Defendant.

Prouty, William, Defendant.

Trials by Court Martial of Capt. Samuel Watson, 2d, David Livermore, Daniel Kent, And William Prouty, of the 1st Reg. 1st Brig. and 7th Division of Massachusetts Militia, 1810. Worcester: Printed by Henry Rogers, 1811. 104 pp. Octavo (8-1/2" x 5-1/4").

Stab-stitched pamphlet, wrappers lacking, threads broken, a few leaves loose. Moderate toning, light foxing in a few places, light soiling to exterior, light wear to spine ends, corner folds to outside corners of some leaves at beginning and end of text block, section lacking from foot of final leaf with no loss to text, early owner annotation, Mass. Pamphs. Vol. 26, and signature, John W. Lincoln, to head of title page. \$450.

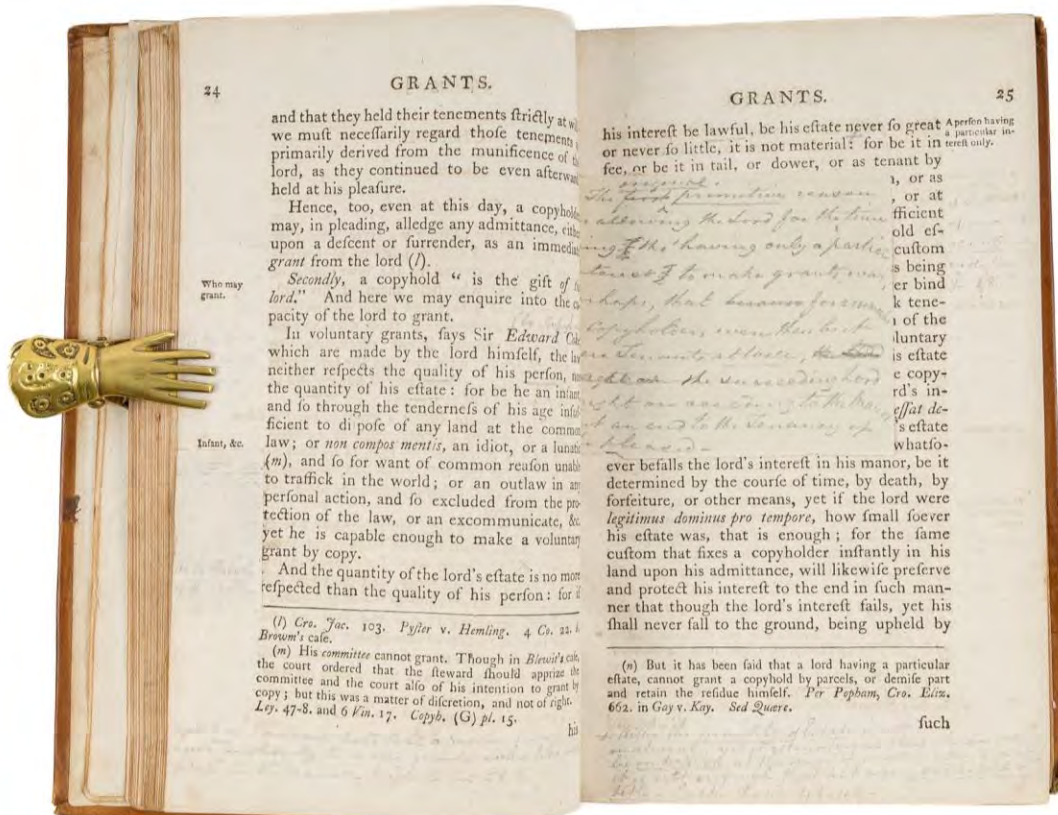
* Only edition. The defendants were acquitted of the charges of unmilitary conduct, neglect of duty and disobedience of orders. Their cases are interesting because they offer insights into the notable tension between military discipline and personal liberty that affected the institutional culture of the American military from the Revolution through the War of 1812.

Lincoln, an ensign (second lieutenant), was the marshal of the court-martial. He belonged to a distinguished Massachusetts family that produced several militia officers, lawyers and politicians, including Levi Lincoln, Sr. and Levi Lincoln, Jr., who were governors of Massachusetts and members of the U.S. House of Representatives.

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30. Watkins, Charles [d.1808].

A Treatise on Copyholds. London: Printed for J. Butterworth and R. Pheny [Vol. II: Printed for J. Butterworth], 1797-1799. Two volumes. xxxix, [1], 408, [2]; xvi, 270, [2] pp. Publisher advertisements to final leaves of each volume. Octavo (8-1/4" x 5").

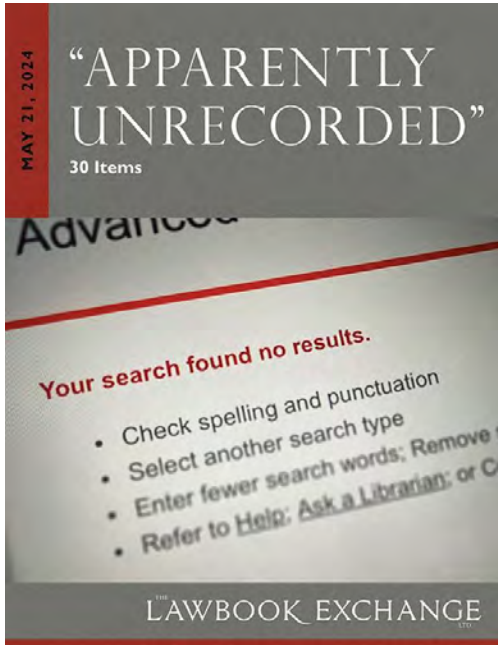
A married set. Contemporary calf, blind fillets to boards, blind fillets and volume numbers to spines, lettering piece to spine of Vol. I, Vol. II lettering piece lacking. Light rubbing and a few minor nicks, scuffs and scratches to boards, moderate rubbing to extremities, corners bumped and worn, hinges cracked or starting, free endpapers loosening slightly but secure, later armorial bookplate of James Bennett Freeland to front pastedown of Vol. II. Light toning to interior, light foxing and soiling in a few places, a few partial cracks to Vol. II text block, all leaves secure, early annotations to several leaves in Vol. I, early owner signature, of Edward Johnson, to title page of Vol. II. \$300.

* First edition. "Watkins on Copyholds is a valuable book upon this peculiar though common species of tenure. A good treatise upon the subject...was long a desideratum in the profession; it has at length, however, been supplied by this gentleman, in a manner which leaves but little room for further investigation" (Marvin). It went through four editions, the last of which appeared in 1825. Watkins was a conveyancer and writer of several well-regarded treatises on conveyancing and land tenure. Freeland [1782-1852] was a partner in an important nineteenth-century Chichester law firm and the author of *State of the Police in the Rural Districts* (1839).

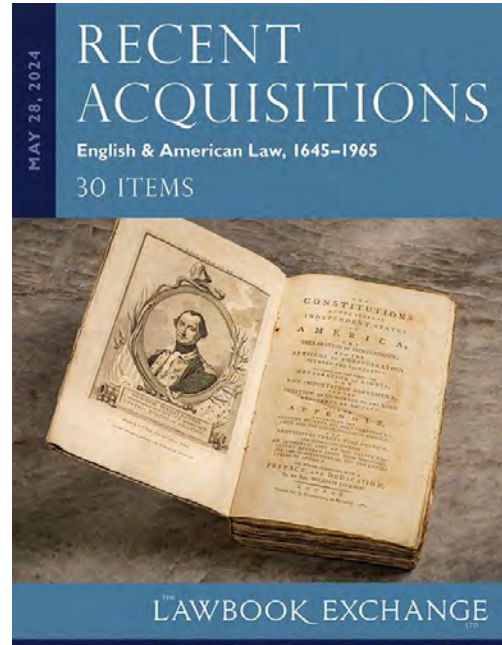
Marvin, *Legal Bibliography* 721. *English Short-Title Catalogue* T70273.

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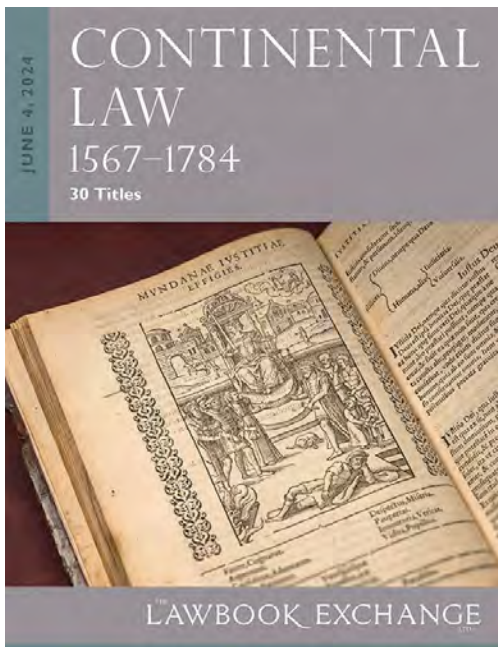
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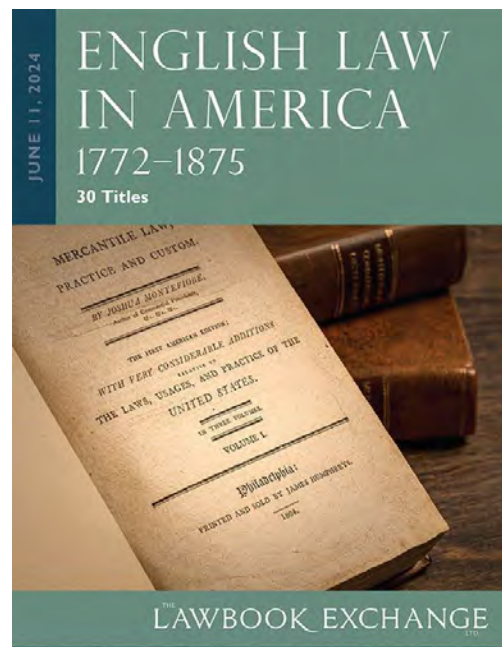
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