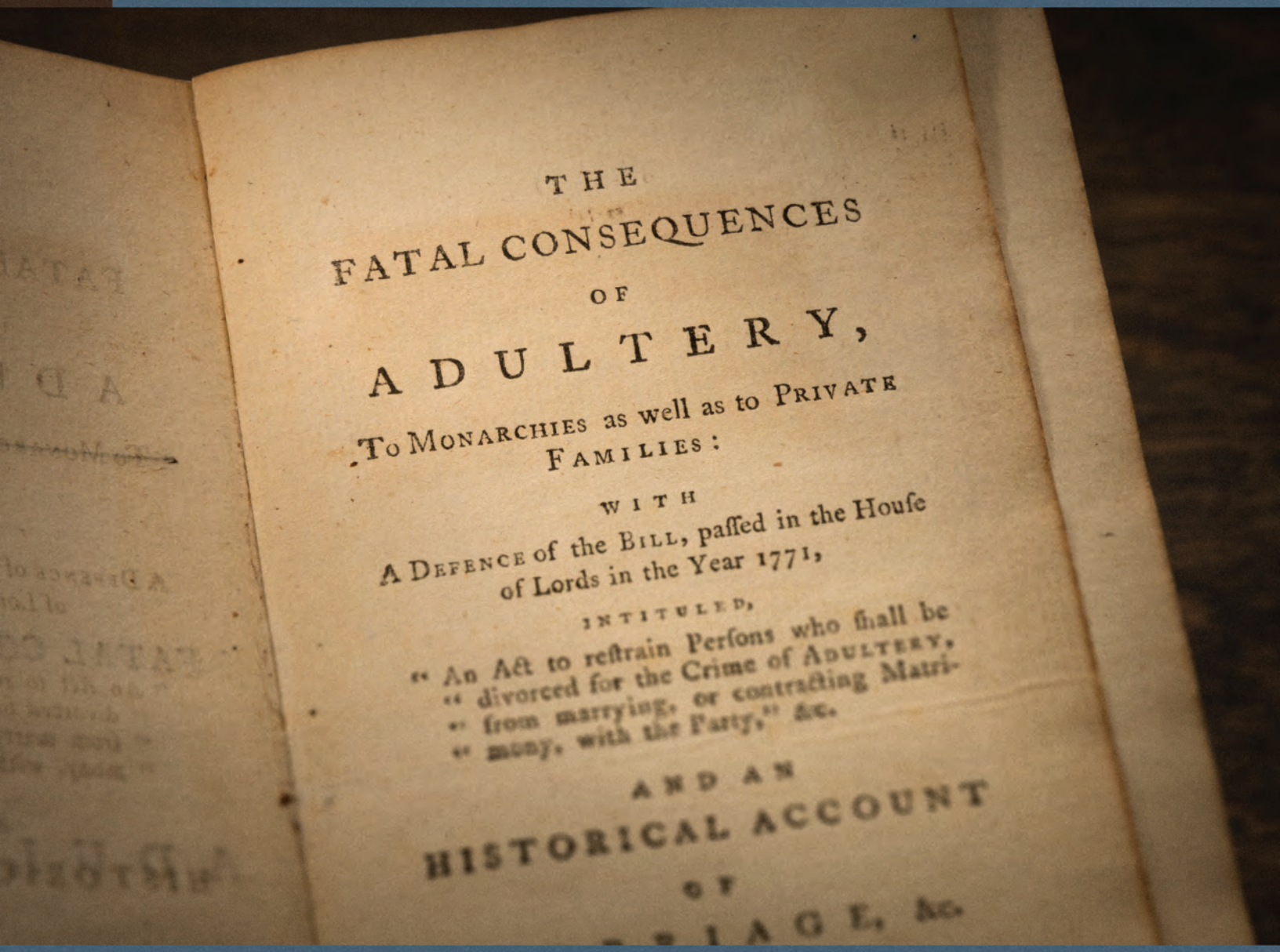
SEPTEMBER 22, 2026

MARRIAGE, ADULTERY AND DIVORCE, 1682–1891

Books, Manuscripts & Ephemera



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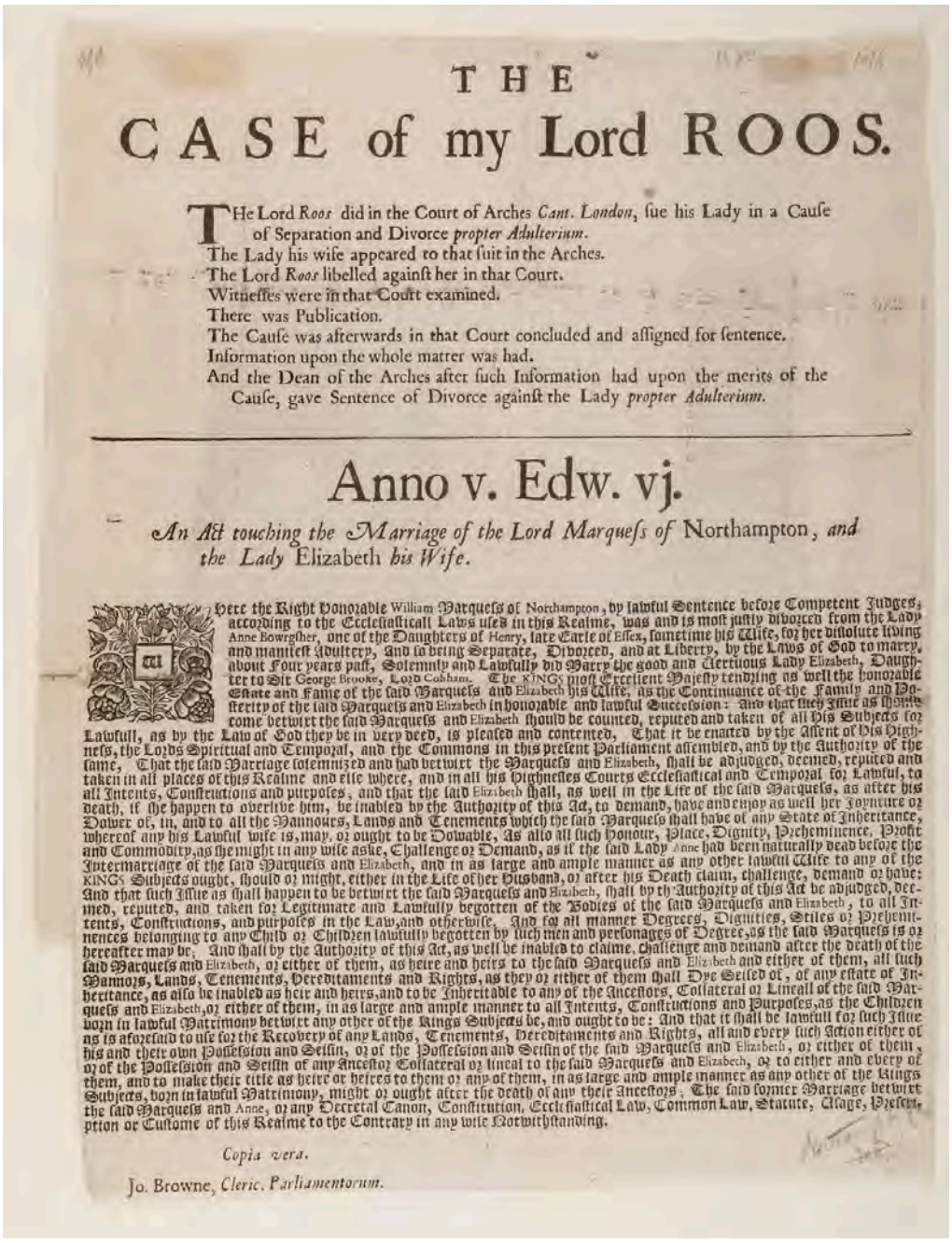

THE
CASE of my Lord ROOS.

THe Lord *Roos* did in the Court of Arches *Cant. London*, ſue his Lady in a Cauſe of Separation and Divorce *propter Adulterium*.
The Lady his wife appeared to that ſuit in the Arches.
The Lord *Roos* libelled againſt her in that Court.
Witneſſes were in that Court examined.
There was Publication.
The Cauſe was afterwards in that Court concluded and aſſigned for ſentence.
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And the Dean of the Arches after ſuch Information had upon the merits of the Cauſe, gave Sentence of Divorce againſt the Lady *propter Adulterium*.

Anno v. Edw. vj.

An Act touching the Marriage of the Lord Marqueſs of Northampton, *and the Lady* Elizabeth *his Wife.*

Here the Right Honorable William Marqueſs of Northampton, by lawful Sentence before Competent Judges, according to the Eccleſiaſticall Laws uſed in this Realme, was and is moſt juſtly divorced from the Lady Anne Bowrgſher, one of the Daughters of Henry, late Earle of Eſſex, ſometime his Wife, for her diſſolute living and manifeſt Adultery, And ſo being Separate, Divorced, and at Liberty, by the Laws of God to marry, about Four years paſt, Solemnly and Lawfully did Marry the good and Vertuous Lady Elizabeth, Daughter to Sir George Brooke, Lord Cobham. The KINGS moſt Excellent Majeſty tendring as well the honorable Eſtate and Fame of the ſaid Marqueſs and Elizabeth his Wife, as the Continuance of the Family and Poſterity of the ſaid Marqueſs and Elizabeth in honorable and lawful Succeſſion: And that ſuch Iſſue as ſhould come betwixt the ſaid Marqueſs and Elizabeth ſhould be counted, reputed and taken of all his Subjects for Lawfull, as by the Law of God they be in very deed, is pleaſed and contented, That it be enacted by the Aſſent of his Highneſs, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Marriage ſolemnized and had betwixt the Marqueſs and Elizabeth, ſhall be adjudged, deemed, reputed and taken in all places of this Realme and elſe where, and in all his Highneſſes Courts Eccleſiaſtical and Temporal for Lawful, to all Intents, Conſtructions and purpoſes; and that the ſaid Elizabeth ſhall, as well in the Life of the ſaid Marqueſs, as after his death, if ſhe happen to overlive him, be inabled by the Authority of this Act, to demand, have and enjoy as well her Joyncture or Dower of, in, and to all the Mannours, Lands and Tenements which the ſaid Marqueſs ſhall have of any Eſtate of Inheritance, whereof any his Lawful wife is, may, or ought to be Dowable, As alſo all ſuch Honour, Place, Dignity, Preheminence, Profit and Commodity, as ſhe might in any wiſe aske, Challenge or Demand, as if the ſaid Lady Anne had been naturally dead before the Intermarriage of the ſaid Marqueſs and Elizabeth, and in as large and ample manner as any other lawful Wife to any of the KINGS Subjects ought, ſhould or might, either in the Life of her Huſband, or after his Death claim, challenge, demand or have: And that ſuch Iſſue as ſhall happen to be betwixt the ſaid Marqueſs and Elizabeth, ſhall by the Authority of this Act be adjudged, deemed, reputed, and taken for Legitimate and Lawfully begotten of the Bodies of the ſaid Marqueſs and Elizabeth, to all Intents, Conſtructions, and purpoſes in the Law, and otherwiſe. And for all manner Degrees, Dignities, Styles or Preheminences belonging to any Child or Children lawfully begotten by ſuch men and perſonages of Degree, as the ſaid Marqueſs is or hereafter may be. And ſhall by the Authority of this Act, as well be inabled to claime, challenge and demand after the death of the ſaid Marqueſs and Elizabeth, or either of them, as heire and heirs to the ſaid Marqueſs and Elizabeth and either of them, all ſuch Mannors, Lands, Tenements, Hereditaments and Rights, as they or either of them ſhall Dye Seiſed of, of any eſtate of Inheritance, as alſo be inabled as heir and heirs, and to be Inheritable to any of the Anceſtors, Collateral or Lineall of the ſaid Marqueſs and Elizabeth, or either of them, in as large and ample manner to all Intents, Conſtructions and Purpoſes, as the Children born in lawful Matrimony betwixt any other of the Kings Subjects be, and ought to be: And that it ſhall be lawfull for ſuch Iſſue as is aforeſaid to uſe for the Recovery of any Lands, Tenements, Hereditaments and Rights, all and every ſuch Action either of his and their own Poſſeſſion and Seiſin, or of the Poſſeſſion and Seiſin of the ſaid Marqueſs and Elizabeth, or either of them, or of the Poſſeſſion and Seiſin of any Anceſtor Collateral or lineal to the ſaid Marqueſs and Elizabeth, or to either and every of them, and to make their title as heire or heires to them or any of them, in as large and ample manner as any other of the Kings Subjects, born in lawful Matrimony, might or ought after the death of any their Anceſtors. The ſaid former Marriage betwixt the ſaid Marqueſs and Anne, or any Decretal Canon, Conſtitution, Eccleſiaſtical Law, Common Law, Statute, Uſage, Preſcription or Cuſtome of this Realme to the Contrary in any wiſe Notwithſtanding.

Copia vera.

Jo. Browne, *Cleric. Parliamentorum.*

A Rare Late Seventeenth-Century Broadside on the Precedents for Parliamentary Divorce

1. [Broadside].
[Divorce].
Manners, John [1638-1711], Lord Roos.
The Case of My Lord Roos. [London: S.n., c. 1690].

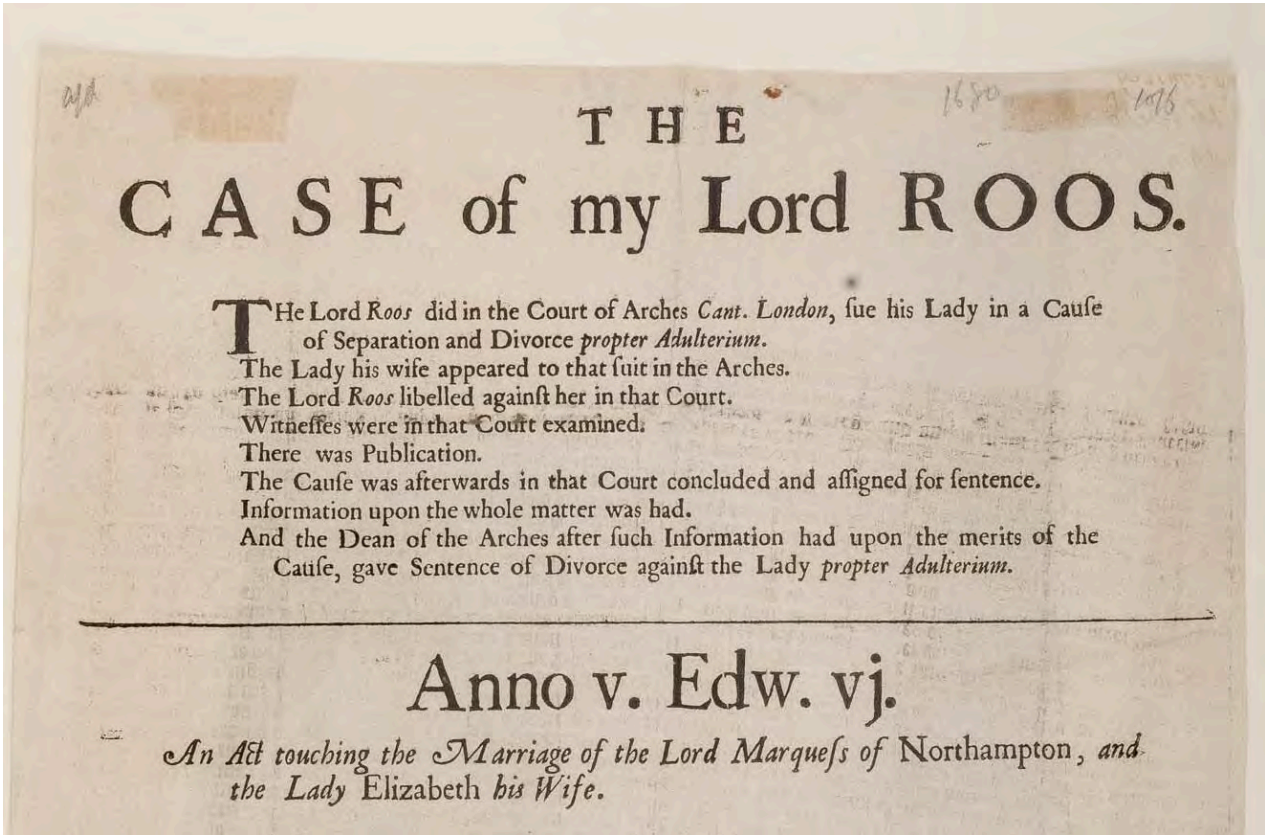
12-1/2" x 9-3/4" (32 x 25.1 cm) broadside, single-column text in two parts, separated by rule, below headline (second part begins "Anno v. Edw. vj."), attractively matted and glazed in a modern frame. 20" x 16-1/4" (50 x 41.4 cm). Moderate toning, a few faint later pencil notes, small tears along horizontal fold, lower left edge excised without loss of text. Very good (not examined out of frame). $3,500.

* A rare ephemeral publication setting out two leading precedents for the dissolution of marriage by Act of Parliament on grounds of adultery. The first concerns John Manners (then Lord Roos), whose 1670 divorce established a model combining separation, bastardization of issue, and the right of remarriage. The second recounts the more protracted Tudor proceedings involving William Parr (1547-1552), including the subsequent reversal under Mary I of England.

Broadsides of this character functioned as vehicles of legal and political argument, distilling complex precedents into accessible form for circulation in support of pending or anticipated legislation. The present example is plausibly connected with the campaign surrounding the attempted divorce of Henry Howard, whose efforts in the 1690s and again in 1700 generated related printed advocacy.

This copy formerly in the library of Lawrence Stotter and recently dispersed.

OCLC, Library Hub and the *ESTC* locate 1 copy (British Library). *English Short-Title Catalogue* R173542. See also Stotter, *To Put Asunder: The Laws of Matrimonial Strife* 115-117 (this copy).



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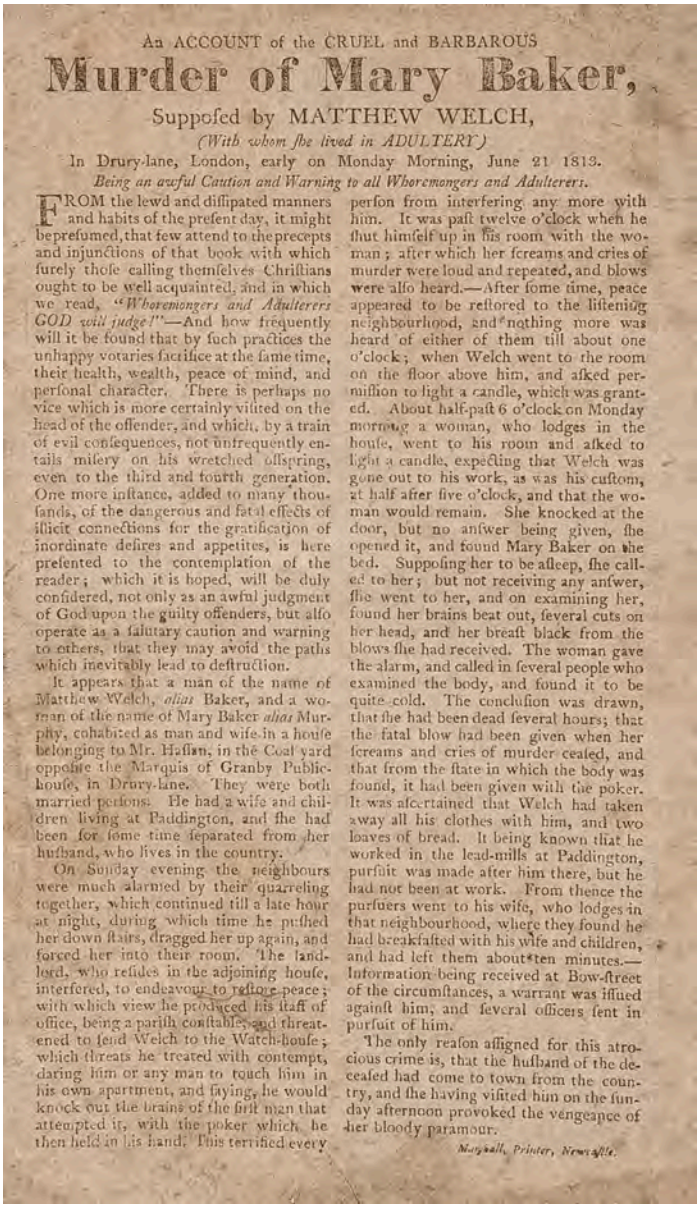


An ACCOUNT of the CRUEL and BARBAROUS

Murder of Mary Baker,

Suppoſed by MATTHEW WELCH,

(With whom ſhe lived in ADULTERY)

In Drury-lane, London, early on Monday Morning, June 21 1813.

Being an awful Caution and Warning to all Whoremongers and Adulterers.

FROM the lewd and diſſipated manners and habits of the preſent day, it might be preſumed, that few attend to the precepts and injunctions of that book with which ſurely thoſe calling themſelves Chriſtians ought to be well acquainted, and in which we read, *"Whoremongers and Adulterers GOD will judge!"*—And how frequently will it be found that by ſuch practices the unhappy votaries ſacrifice at the ſame time, their health, wealth, peace of mind, and perſonal character. There is perhaps no vice which is more certainly viſited on the head of the offender, and which, by a train of evil conſequences, not unfrequently entails miſery on his wretched offspring, even to the third and fourth generation. One more inſtance, added to many thouſands, of the dangerous and fatal effects of illicit connections for the gratification of inordinate deſires and appetites, is here preſented to the contemplation of the reader; which it is hoped, will be duly conſidered, not only as an awful judgment of God upon the guilty offenders, but alſo operate as a ſalutary caution and warning to others, that they may avoid the paths which inevitably lead to deſtruction.

It appears that a man of the name of Matthew Welch, *alias* Baker, and a woman of the name of Mary Baker *alias* Murphy, cohabited as man and wife in a houſe belonging to Mr. Haſſan, in the Coal yard oppoſite the Marquis of Granby Public-houſe, in Drury-lane. They were both married perſons. He had a wife and children living at Paddington, and ſhe had been for ſome time ſeparated from her huſband, who lives in the country.

On Sunday evening the neighbours were much alarmed by their quarreling together, which continued till a late hour at night, during which time he puſhed her down ſtairs, dragged her up again, and forced her into their room. The landlord, who reſides in the adjoining houſe, interfered, to endeavour to reſtore peace; with which view he produced his ſtaff of office, being a pariſh conſtable, and threatened to ſend Welch to the Watch-houſe; which threats he treated with contempt, daring him or any man to touch him in his own apartment, and ſaying, he would knock out the brains of the firſt man that attempted it, with the poker which he then held in his hand. This terrified every perſon from interfering any more with him. It was paſt twelve o'clock when he ſhut himſelf up in his room with the woman; after which her ſcreams and cries of murder were loud and repeated, and blows were alſo heard.—After ſome time, peace appeared to be reſtored to the liſtening neighbourhood, and nothing more was heard of either of them till about one o'clock; when Welch went to the room on the floor above him, and aſked permiſſion to light a candle, which was granted. About half-paſt 6 o'clock on Monday morning a woman, who lodges in the houſe, went to his room and aſked to light a candle, expecting that Welch was gone out to his work, as was his cuſtom, at half after five o'clock, and that the woman would remain. She knocked at the door, but no anſwer being given, ſhe opened it, and found Mary Baker on the bed. Suppoſing her to be aſleep, ſhe called to her; but not receiving any anſwer, ſhe went to her, and on examining her, found her brains beat out, ſeveral cuts on her head, and her breaſt black from the blows ſhe had received. The woman gave the alarm, and called in ſeveral people who examined the body, and found it to be quite cold. The concluſion was drawn, that ſhe had been dead ſeveral hours; that the fatal blow had been given when her ſcreams and cries of murder ceaſed, and that from the ſtate in which the body was found, it had been given with the poker. It was aſcertained that Welch had taken away all his clothes with him, and two loaves of bread. It being known that he worked in the lead-mills at Paddington, purſuit was made after him there, but he had not been at work. From thence the purſuers went to his wife, who lodges in that neighbourhood, where they found he had breakfaſted with his wife and children, and had left them about ten minutes.—Information being received at Bow-ſtreet of the circumſtances, a warrant was iſſued againſt him, and ſeveral officers ſent in purſuit of him.

The only reaſon aſſigned for this atrocious crime is, that the huſband of the deceaſed had come to town from the country, and ſhe having viſited him on the ſunday afternoon provoked the vengeance of her bloody paramour.

Marſhall, Printer, Newcaſtle.

A Rare Regency Murder Broadside & Moral "Caution": OCLC and Library Hub Locate Only One Copy

2. [Broadside].
[Murder].
Welch, Matthew.
An Account of the Cruel and Barbarous Murder of Mary Baker, Supposed by Matthew Welch, (With Whom She Lived in Adultery) In Drury-Lane, London, Early on Monday Morning, June 21 1813. Being an Awful Caution and Warning to All Whoremongers and Adulterers. Newcastle: Marshall, Printer, [1813].

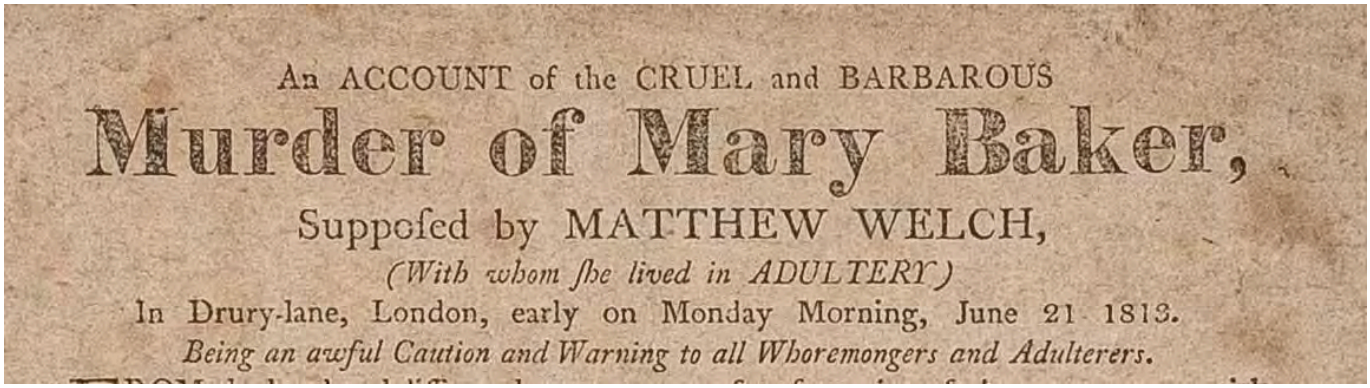
11-1/2" x 6-3/4" (29 x 17.3 cm) broadside mounted to 13" x 10" (33 x 25.9 cm) backing sheet. Moderate toning, light foxing and soiling, small tear and a few tiny holes to broadside without loss to text, moderate toning and light foxing to backing sheet, which was removed from an album. Rare. $1,850.

* A remarkably rare, luridly titled provincial broadside detailing a gruesome London murder. Mary Baker and Matthew Welch "cohabited as man and wife" in Drury Lane, despite both being married to other people. Following a violent domestic quarrel that required the landlord's intervention, Baker was discovered murdered, with "her brains beat out, several cuts on her head, and her breast black from the blows she had received." According to this account, the violence was triggered by jealousy, after Baker paid a visit to her actual husband, which "provoked the vengeance of her bloody paramour."

While Regency-era street literature and true-crime broadsides typically balanced moral instruction with cheap titillation, this Newcastle printing adopts an exceptionally strident, fire-and-brimstone tone. Rather than casting Baker purely as a victim, the text frames her horrific murder as a consequence of her own sins-calling it "not only...an awful judgment of God upon the guilty offenders, but also...a salutary caution and warning to others, that they may avoid the paths which inevitably lead to destruction."

An exceptional survival of regional popular print culture, capturing 19th-century attitudes toward domestic violence, infidelity, and divine retribution.

Extremely rare. OCLC and Library Hub locate only one solitary copy globally, held at the British Library.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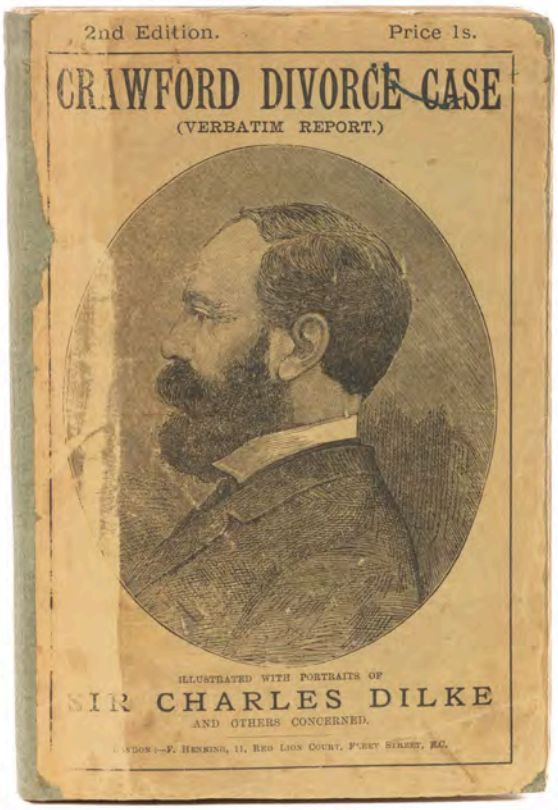

A Rare Account of a
Career-Ending Divorce Case

3. [Divorce].
Crawford v. Crawford and Dilke.
The Crawford Divorce Case (Second Edition.) Containing Important Facts Disclosed Since the Trial. Illustrated with Portraits. London: F. Henning, 1886. [146] pp. Woodcut portrait frontispiece and a few small portrait vignettes. Octavo (7-1/4" x 4-3/4").

Recent stiff wrappers, edgeworn and lightly rubbed original pictorial front and rear wrappers laid down, loss to text of rear wrapper, which has a publisher advertisement, at upper and lower left corners. Light toning to interior, light foxing to margins in a few places, slight creasing to a few leaves, occasional underlining, brief notes to margins and manuscript page numbers in pencil, manuscript table of contents tipped onto inner rear wrapper. Rare. $250.

* Second edition. The Crawford divorce case concerned a series of affairs carried on by Sir Charles Dilke [1843-1911], an MP and prominent member of the Liberal Party. In addition to an affair with Ellen Smith, wife of a Liberal politician and the mother-in-law of Dilke's brother, he was accused of seducing Smith's nineteen-year-old daughter Virginia and continuing the affair after she was married. Virginia's husband, Donald Crawford, sued for divorce with Dilke as a party to the suit. This trial resulted in a decree nisi for the Crawfords but an unclear verdict on Dilke's responsibility for the affair. Dilke sought to reopen the case in order to clear his name, with devastating consequences--he was humiliated in court and the flood of subsequent accusations of adultery ended his political career. Our account, sympathetic to Dilke, appears to have gone through at least five editions with the fifth appearing in 1887.

OCLC and Library Hub locate 5 physical copies of all editions worldwide and no physical copies of the second edition; we located 1 at the University of Minnesota Law School.

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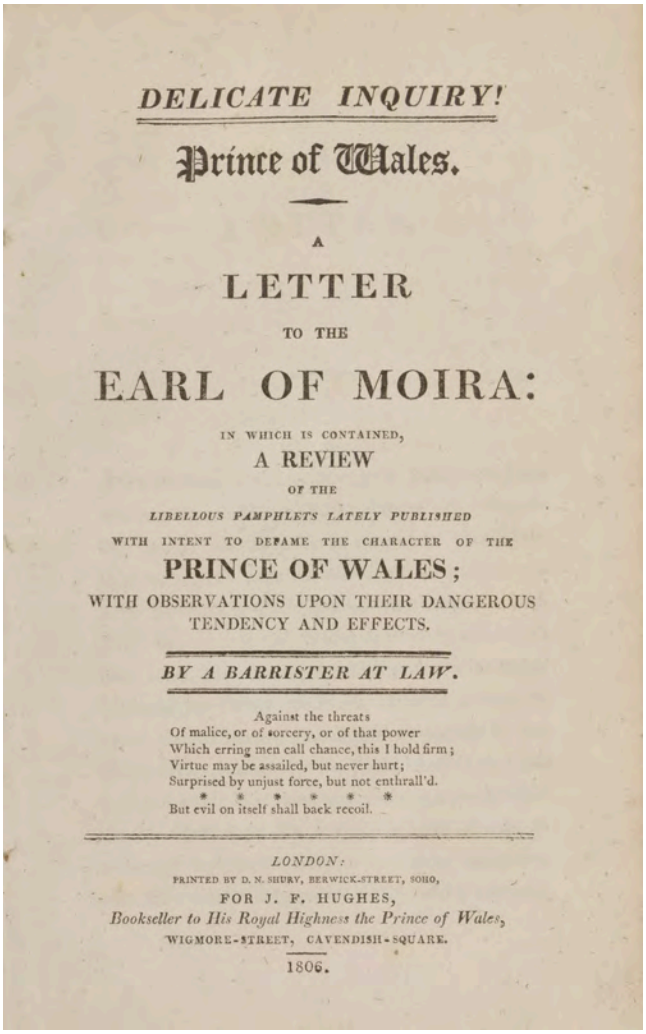

DELICATE INQUIRY!

Prince of Wales.

A

LETTER

TO THE

EARL OF MOIRA:

IN WHICH IS CONTAINED,

A REVIEW

OF THE

LIBELLOUS PAMPHLETS LATELY PUBLISHED

WITH INTENT TO DEFAME THE CHARACTER OF THE

PRINCE OF WALES;

WITH OBSERVATIONS UPON THEIR DANGEROUS TENDENCY AND EFFECTS.

BY A BARRISTER AT LAW.

Against the threats
Of malice, or of sorcery, or of that power
Which erring men call chance, this I hold firm;
Virtue may be assailed, but never hurt;
Surprised by unjust force, but not enthrall'd.
* * * * * *
But evil on itself shall back recoil.

LONDON:
PRINTED BY D. N. SHURY, BERWICK-STREET, SOHO,
FOR J. F. HUGHES,
Bookseller to His Royal Highness the Prince of Wales,
WIGMORE-STREET, CAVENDISH-SQUARE.
1806.

Scarce 1806 First Edition Defense of the Future King George IV Against "Libellous Pamphlets"

4. [Francis Rawdon-Hastings, Marquess of Hastings, [1754-1826]].
Delicate Inquiry! Prince of Wales: A Letter to the Earl of Moira in which is Contained a Review of the Libellous Pamphlets Lately Published with Intent to Defame the Character of the Prince of Wales; With Observations upon Their Dangerous Tendency and Effects. London: Printed by D.N. Shury for J.F. Hughes, 1806. 77 pp. Octavo (8" x 5"; 20.3 x 12.7 cm).

Disbound stab-stitched pamphlet, with half-title, lacking final leaf of ads. Moderate shelfwear and soiling with traces of binder's glue to spine. Internally clean. A very good copy. SOLD.

* First edition. A controversial pamphlet dating from the early in the Caroline controversies and a fine review of the ongoing pamphlet war, which erupted after the Prince of Wales (the future George IV) had asked a commission to undertake what the DNB characterizes as "this 'delicate investigation'" of reports of Princess Caroline's infidelities.

The commissioners found no proof of adultery but did discover that she was lending aid and support to her husband's political opponents.

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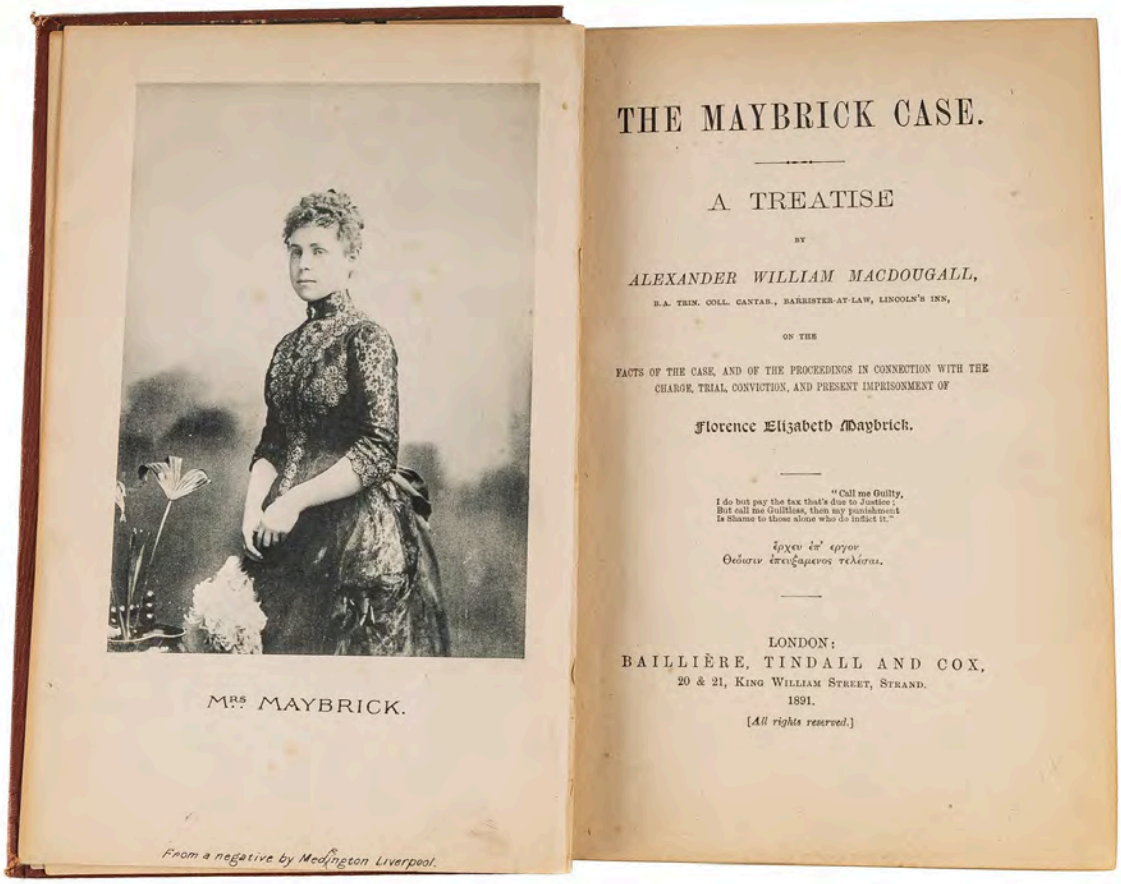

Did the Socialite Poison Her Husband?

5. Macdougall, Alexander William [1838-1916].
The Maybrick Case. A Treatise on the Facts of the Case, And of the Proceedings in Connection with the Charge, Trial, Conviction, And Present Imprisonment of Florence Elizabeth Maybrick. London: Baillière, Tindall and Cox, 1891. xii, 606 pp. Portrait frontispiece of Florence Maybrick, lithograph facsimiles of documents. Octavo (8-1/4" x 5-1/4"; 21.1 x 13.3 cm).

Publisher's red pebbled cloth, black-stamped title and frames to boards, gilt fillets and title to spine, colored endpapers. Light shelfwear and some rubbing to extremities, spine ends and corners bumped and lightly worn, rear hinge cracked (before rear endleaf), crack in text block before title page, frontispiece detached. Moderate toning, internally clean. A good copy. $250.

* First and only edition. Florence Elizabeth Maybrick [1862-1941], a American-born socialite, was convicted in 1889 of fatally poisoning her husband James Maybrick, a Liverpool cotton merchant with a history of drug abuse.

The book implicitly delves into the social prejudices surrounding the case. Florence Maybrick faced condemnation not only for allegedly poisoning her husband but also for committing adultery. Many felt that her conviction was fueled by Victorian double standards, where her moral reputation was used as evidence of murderous intent.

Despite scanty evidence pointing to her guilt and several procedural irregularities, she was sentenced to death. Public outrage led the Home Office to commute her sentence to life in prison. She was released 15 years later. The case attracted a great deal of attention and generated a large bibliography.

Macdougall, a Scottish barrister, provides a highly detailed, fact-based account of the investigation and trial while also examining broader issues of justice, gender, and the influence of public opinion.

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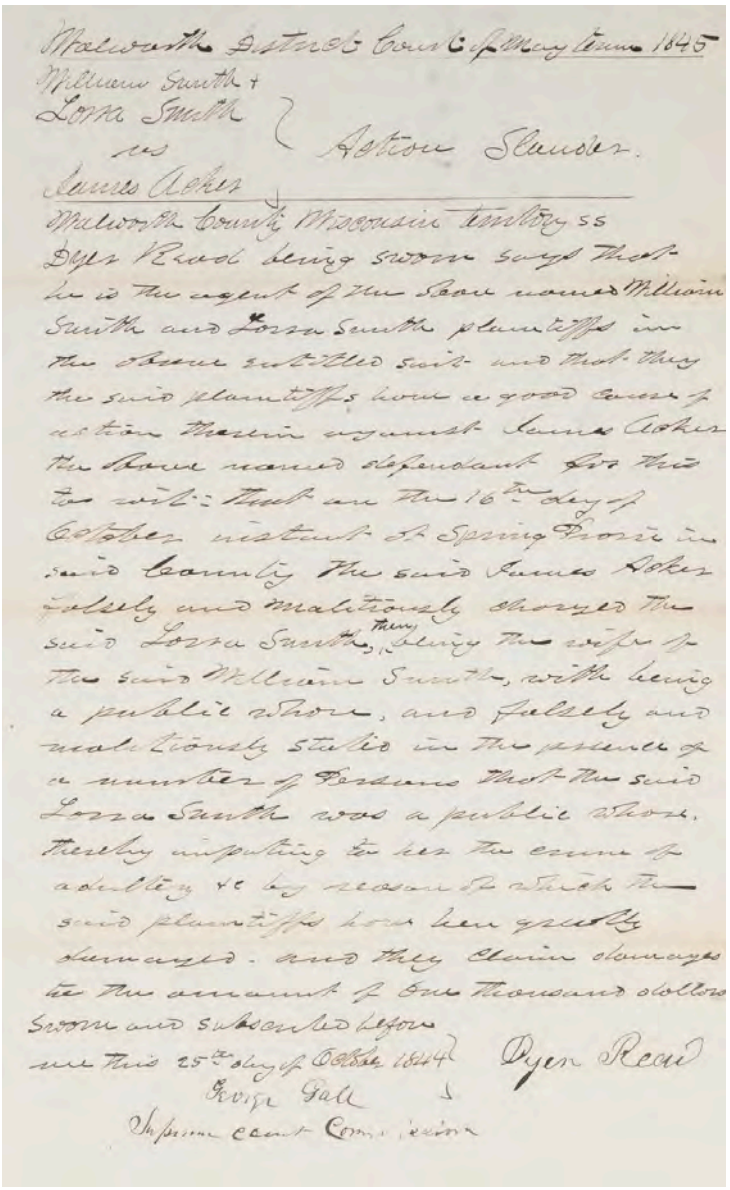


Walworth District Court of May Term 1845
William Smith +
Lona Smith
vs
James Acker
Action Slander.
Walworth County Wisconsin Territory ss
Dyer Read being sworn says that he is the agent of the above named William Smith and Lona Smith plaintiffs in the above entitled suit and that they the said plaintiffs have a good cause of action therein against James Acker the above named defendant for the to wit: that on the 16th day of October instant at Spring Prairie in said County the said James Acker falsely and maliciously charged the said Lona Smith, meaning thereby the wife of the said William Smith, with being a public whore, and falsely and maliciously stated in the presence of a number of persons that the said Lona Smith was a public whore, thereby imputing to her the crime of adultery &c by reason of which the said plaintiffs have been greatly damaged. and they claim damages to the amount of One Thousand dollars
Sworn and subscribed before me this 25th day of October 1844
Dyer Read
Geo. W. Hall
Supreme Court Commissioner

"Public Whore"? Manuscript Defamation and Slander Complaint of William and Lona Smith v. James Acker in the Wisconsin Territory

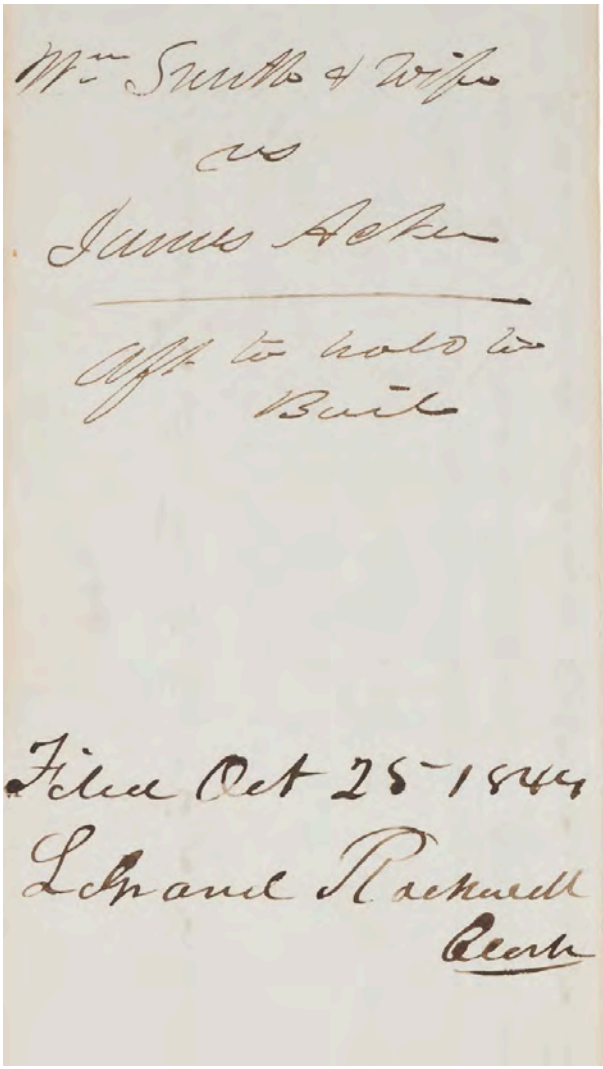
6. [Manuscript]. [Wisconsin].
[Acker, James, Defendant].
[*Accusation of Adultery*]. Walworth County, Wisconsin Territory, 1845.

Single sheet, 12-1/2" x 7-3/4" (31.75 x 19.7 cm). Moderate toning, two horizontal fold lines, light edgewear. Content in neat hand, docketed on verso. Very good condition. SOLD.

* An original manuscript legal document from the Wisconsin territorial era detailing a high-stakes slander and defamation suit. Filed by attorney Dyer Read on behalf of plaintiffs William Smith and his wife, Lona, the complaint accuses local pioneer James Acker of executing a highly public insult. The filing charges that Acker, "falsely and maliciously charged the said Lona Smith... with being a public whore, and falsely and maliciously stated in the presence of a number of persons that the said Lona Smith was a public whore..."

Because the accusation publicly imputed the crime of adultery to a married woman, the plaintiffs demanded hefty damages of $1,000-an extraordinary sum for the frontier in 1845. The action was brought before Supreme Court Commissioner George Gale (1816-1868), a monumental figure in early Wisconsin history who later served in the State Senate, founded the town of Galesville, and established Gale College.

The defendant was almost certainly James C. "J.C." Acker (1819-1892), an early New York migrant who settled 160 acres in nearby La Fayette Township in 1842. While the ultimate legal disposition is unrecorded, this manuscript provides a vivid window into the policing of female chastity, frontier honor, and territorial jurisprudence just three years before Wisconsin achieved statehood.



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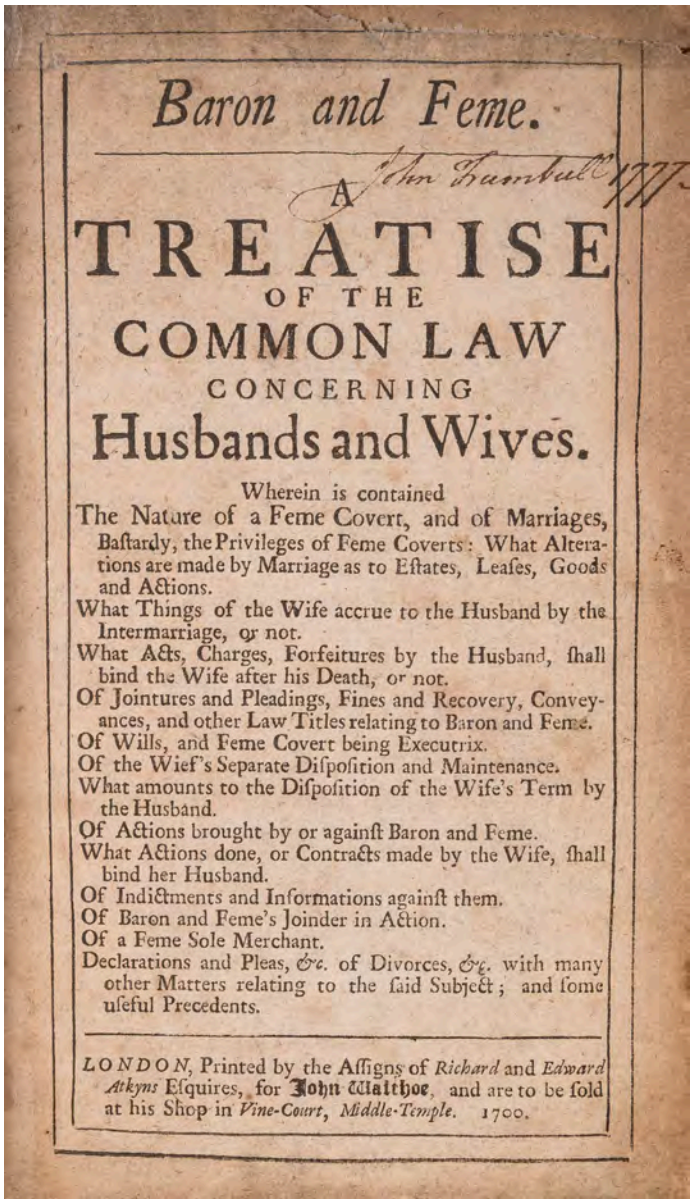


Baron and Feme.

John Trumbull 1777

A TREATISE OF THE COMMON LAW CONCERNING Husbands and Wives.

Wherein is contained

The Nature of a Feme Covert, and of Marriages, Baſtardy, the Privileges of Feme Coverts: What Alterations are made by Marriage as to Eſtates, Leaſes, Goods and Actions.

What Things of the Wife accrue to the Husband by the Intermarriage, or not.

What Acts, Charges, Forfeitures by the Husband, ſhall bind the Wife after his Death, or not.

Of Jointures and Pleadings, Fines and Recovery, Conveyances, and other Law Titles relating to Baron and Feme.

Of Wills, and Feme Covert being Executrix.

Of the Wief's Separate Diſpoſition and Maintenance.

What amounts to the Diſpoſition of the Wife's Term by the Husband.

Of Actions brought by or againſt Baron and Feme.

What Actions done, or Contracts made by the Wife, ſhall bind her Husband.

Of Indictments and Informations againſt them.

Of Baron and Feme's Joinder in Action.

Of a Feme Sole Merchant.

Declarations and Pleas, &c. of Divorces, &c. with many other Matters relating to the ſaid Subject; and ſome uſeful Precedents.

LONDON, Printed by the Aſſigns of *Richard* and *Edward Atkyns* Eſquires, for John Walthoe, and are to be ſold at his Shop in *Vine-Court, Middle-Temple.* 1700.

First Edition of the Earliest English Treatise on Marriage Law With the Contemporary Signature of John Trumbull

7. [Marriage Law]. [Great Britain].
Baron and Feme: A Treatise of the Common Law Concerning Husbands and Wives... London: Printed by the Assigns of Richard and Edward Atkyns Esquires, for John Walthoe, And are to be Sold in his Shop in Vine-Court, Middle-Temple, 1700.

Octavo. (7" x 4-1/4"; 183 x 110 mm). [xxx], 380, [36] pp. Lacking the advertisement leaves (one facing title, four at end).

Contemporary sheep, sympathetically rebacked retaining original spine with raised bands and lettering-piece; boards with blind fillets. Moderate wear, corners rubbed; title and front free endpaper rehinged, small marginal repair to title. Moderate toning, occasional light damp-marking; a few minor marginal defects (including a small tear to L4).

Ownership inscription of John Trumbull, dated 1777, to title and following leaf. Housed in a quarter morocco clamshell case. A very good copy with notable early American legal provenance. $7,500.

* First edition of the earliest English treatise devoted exclusively to the law of husband and wife, and one of the principal early attempts to systematize the common-law doctrine of coverture in a single, practical work. Issued in expanded editions (1719, 1738), it remained a point of reference for eighteenth-century practitioners and compilers.

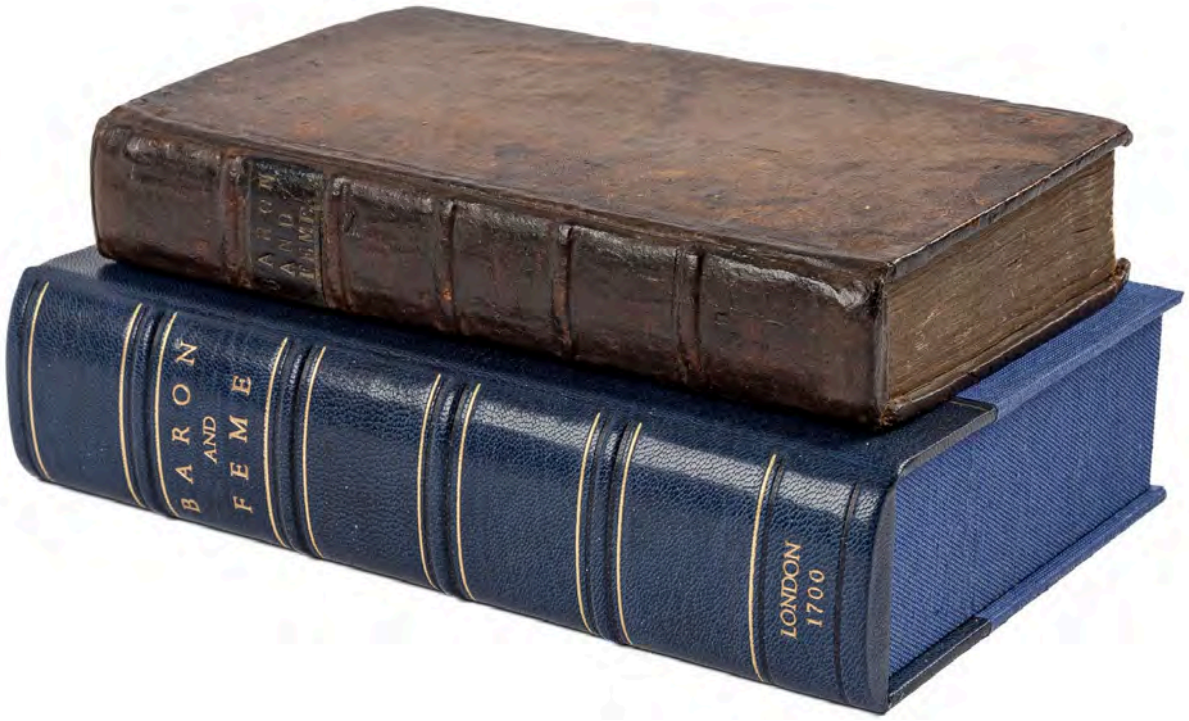
The treatise organizes the law of marriage as a coherent doctrinal field, proceeding from formation (solemnization and validity) through the incidents of coverture to dissolution and separation. Its treatment of the feme covert is comprehensive, addressing personal status, contractual incapacity, property rights, and procedural position. In contrast to earlier, more diffuse authorities, it offers a structured exposition designed for professional use, with attention to pleading, evidentiary questions, and precedent.

Of particular legal interest is its detailed account of the interaction between strict coverture doctrine and the equitable and customary devices that qualified it. The discussion of marriage settlements, trusts, and separate maintenance agreements documents the means by which property could be secured to or for the use of married women notwithstanding their formal incapacity at common law. In this respect the work is a key witness to the developing accommodation between common law and equity in the regulation of marital property.

The treatise also situates marriage within a wider legal framework, incorporating related topics such as bastardy and irregular unions, thereby reflecting the jurisdictional overlap between ecclesiastical, common-law, and equitable courts. Its scope and organization anticipate later eighteenth-century efforts to rationalize discrete areas of private law into systematic doctrinal categories.

The present copy's ownership by John Trumbull (1750-1831)-lawyer, State's Attorney for Hartford County, and later a judge of the Connecticut Supreme Court-illustrates the transatlantic reception of English matrimonial law. Works of this kind formed part of the working library of American practitioners, for whom the principles of coverture, as articulated here, remained authoritative well into the early national period.

Glover, *Engendering Legitimacy: Law, Property, and Early Eighteenth-Century Fiction* 74. Greenberg, "Introductory Note" in *Legal Treatises* (*Essential Works for the Study of Early Modern Women: Part 1*), Volume 3. *English Short-Title Catalogue* R6177.



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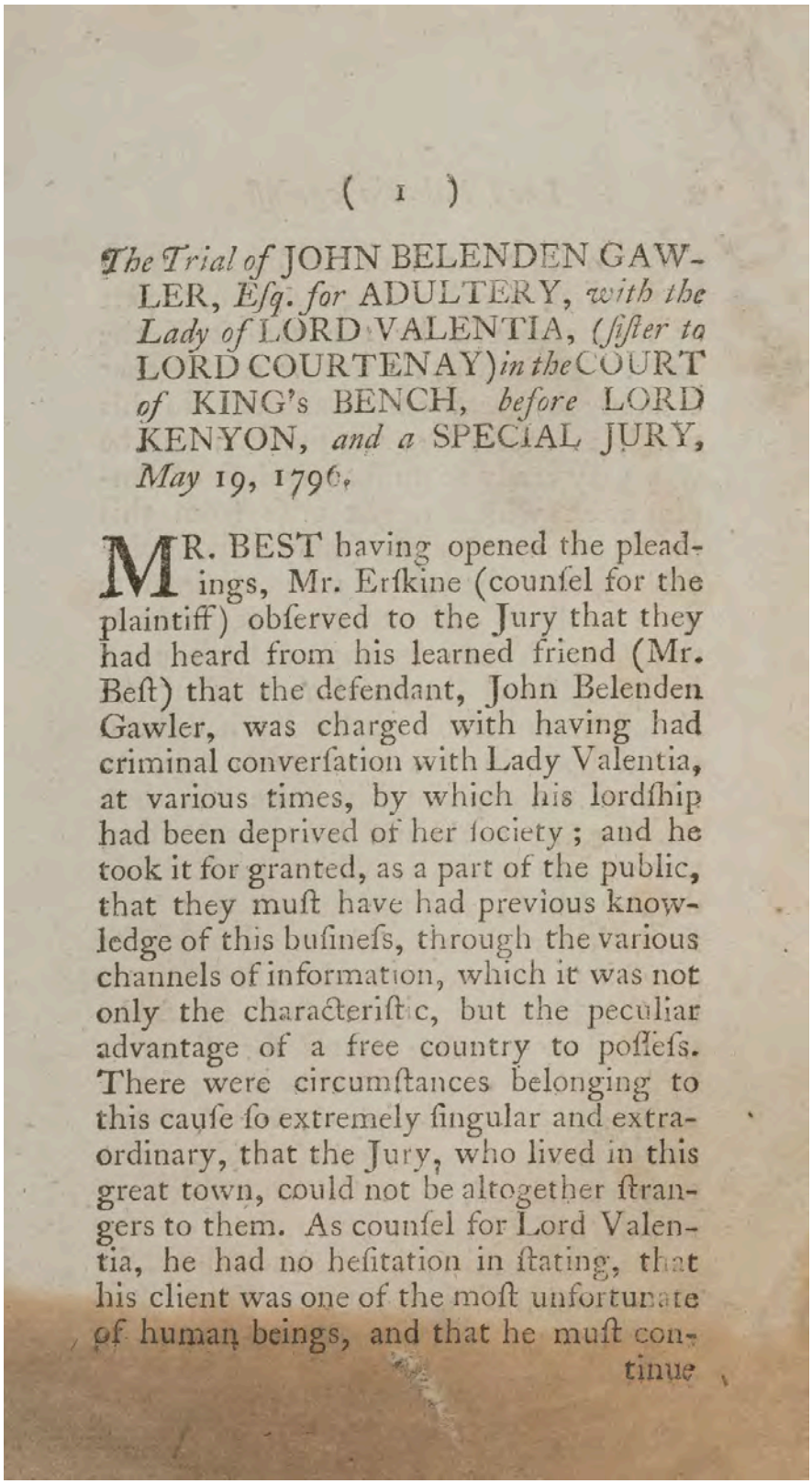

(1)

The Trial of JOHN BELENDEN GAWLER, *Esq. for* ADULTERY, *with the Lady of* LORD VALENTIA, *(sister to* LORD COURTENAY*) in the* COURT *of* KING's BENCH, *before* LORD KENYON, *and a* SPECIAL JURY, *May* 19, 1796.

MR. BEST having opened the pleadings, Mr. Erſkine (counſel for the plaintiff) obſerved to the Jury that they had heard from his learned friend (Mr. Beſt) that the defendant, John Belenden Gawler, was charged with having had criminal converſation with Lady Valentia, at various times, by which his lordſhip had been deprived of her ſociety; and he took it for granted, as a part of the public, that they muſt have had previous knowledge of this buſineſs, through the various channels of information, which it was not only the characteriſtic, but the peculiar advantage of a free country to poſſeſs. There were circumſtances belonging to this cauſe ſo extremely ſingular and extraordinary, that the Jury, who lived in this great town, could not be altogether ſtrangers to them. As counſel for Lord Valentia, he had no heſitation in ſtating, that his client was one of the moſt unfortunate of human beings, and that he muſt continue

A Rare 1796 "Crim. Con." Pamphlet: Homosexuality, Blackmail, and Collusion in the 1796 Valentia Adultery Trial

8. [Mountnorris, George Annesley, Earl of, (1769-1844), Plaintiff].
The Trial of John Belenden [sic] Gawler, Esq. for Adultery with Lady Valentia, (Sister to Lord Courtenay) in the Court of King's Bench, before Lord Kenyon, and a Special Jury, May 19, 1796. [London: Printed for T. Lewis, and J. Ridgway, 1796, but extracted from the J. Gill omnibus, 1799].

Octavo (8-1/2" x 5"; 21.6 x 12.7 cm). 16 pp. Later quarter white cloth over gray-blue boards. Moderate shelfwear to boards with some browning to wrappers. Uniform light toning, a crisp, well-margined, and textually complete copy.

This exact 16-page standalone setting of the Gawler trial is a notable bibliographic variant, structurally distinct from the standalone 19-page editions recorded in the ESTC (cf. ESTC T79806 and T4354).

These sheets comprise a distinct, self-contained textual section of the rare, irregularly paginated omnibus collection: *A New Collection of Trials for Adultery: Or, General History of Modern Gallantry and Divorces...* (London: Printed for the Proprietors, and sold by J. Gill, 1799). While the trial was initially litigated and printed in 1796, opportunistic booksellers like Gill acquired remainder sheets or actively compressed and reprinted successful "crim. con." (criminal conversation) pamphlets to bind them together under a new shared title page for a scandal-hungry public. This copy represents a cleanly extracted, textually complete example of that specific 16-page setting. $450.

* An important legal record documenting a high-society scandal from late 18th-century England involving a high-profile suit for Criminal Conversation ("Crim. Con."). The plaintiff, George Annesley (later Earl of Mountnorris), held the courtesy title Viscount Valentia at the time of the trial. The defendant, John Bellenden Gawler (1764-1842), was an army officer who later changed his name to John Bellenden Kerand became a celebrated botanist. The wife at the center of the dispute was Lady Valentia (née Lady Anne Courtenay), daughter of the 2nd Viscount Courtenay.

During this era, an aggrieved husband could sue his wife's lover for civil damages, legally treating the adultery as a trespass against his personal property. Presided over by Lord Chief Justice Kenyon, the special jury found Gawler guilty but awarded Lord Valentia only £2,000 of his original £10,000 claim. This drastically reduced award reflected widespread public and judicial suspicion that Valentia had actively condoned or orchestrated the affair.

The trial triggered massive aristocratic fallout. Lady Valentia counter-claimed that her husband was a promiscuous homosexual, and Gawler attempted to blackmail him to halt the legal actions. Though Valentia secured an ecclesiastical legal separation (divorce a mensa et thoro) in 1799, the House of Lords ultimately denied his petition for an absolute divorce due to heavy evidence of mutual collusion. Lady Valentia and Gawler subsequently lived together as lifelong partners, raising several children together.

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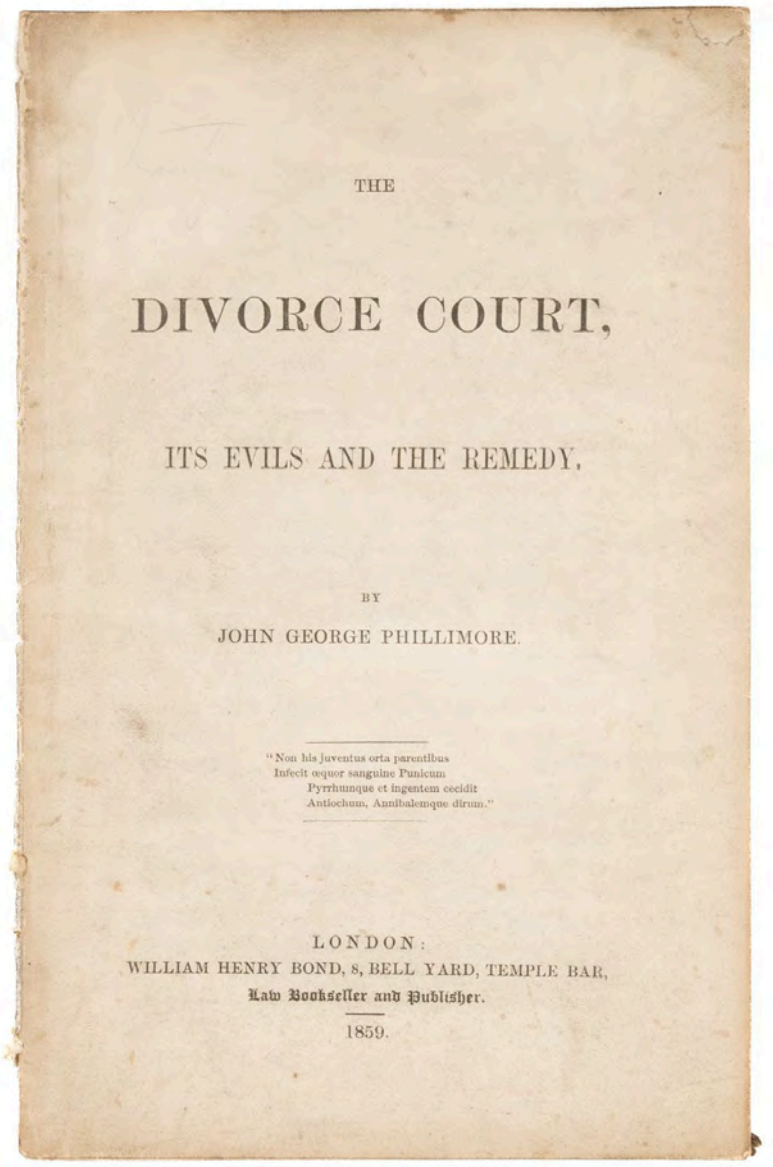


THE

DIVORCE COURT,

ITS EVILS AND THE REMEDY.

BY

JOHN GEORGE PHILLIMORE.

"Non his juventus orta parentibus
Infecit æquor sanguine Punicum
Pyrrhumque et ingentem cecidit
Antiochum, Annibalemque dirum."

LONDON:
WILLIAM HENRY BOND, 8, BELL YARD, TEMPLE BAR,
Law Bookseller and Publisher.
1859.

Evils of the Divorce Court: First and Only Edition of Phillimore's Critique of the Historic 1857 Divorce Act

9. Phillimore, John George [1808-1865].
The Divorce Court, Its Evils and Remedy. London: William Henry Bond, 1859.

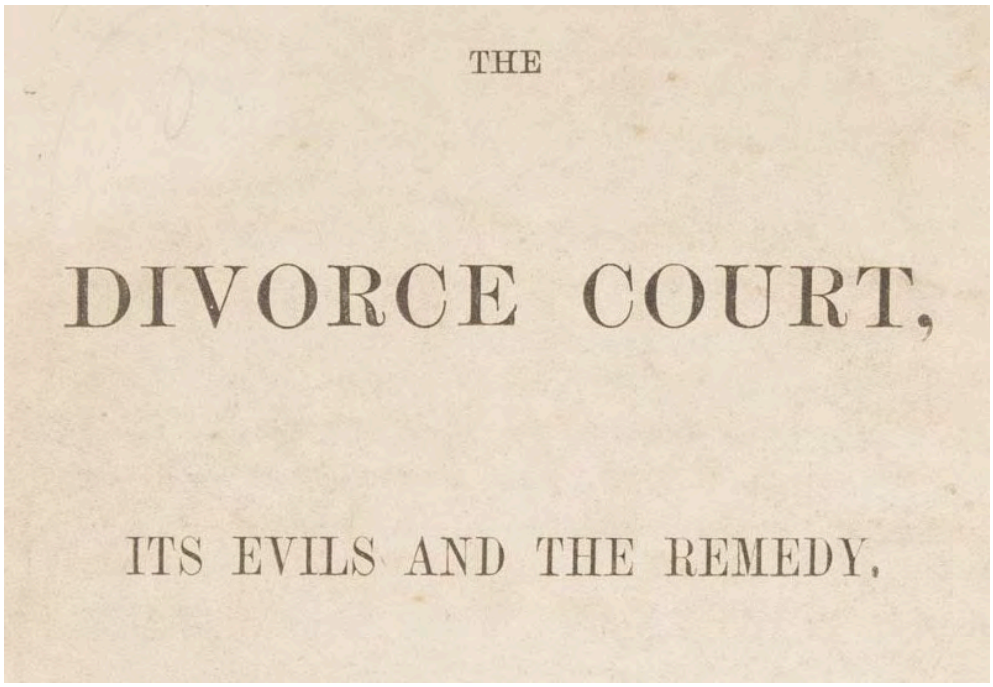
First and only edition. Octavo (8-1/4" x 5-1/4"). 34 pp. Disbound stab-stitched pamphlet. Moderate toning, tiny stain to foot of page 34, light soiling to exterior. Lacking upper-outside corner of title page, with no loss to text. A very good copy. $150.

* First and only edition of this scarce and trenchant critique of the Matrimonial Causes Act of 1857, authored by the noted jurist, legal historian, and Member of Parliament, John George Phillimore. Prior to the 1857 Act, obtaining a true divorce in Great Britain required a literal, prohibitively expensive Act of Parliament, effectively locking out all but the ultra-wealthy. The 1857 Act radically democratized and secularized the process by creating a new civil Divorce Court.

Phillimore, best remembered for his foundational work *The Principles and Maxims of Jurisprudence* (1856) and his mastery of Roman Law, launches a sophisticated philosophical assault on the new tribunal. Rather than relying on simple moral panic, he attacks the Act for its subversion of traditional ecclesiastical court jurisdictions and its disruption of historic canon and common law frameworks.

Furthermore, the tract shines a glaring light on the systemic gender inequality codified by the new law: while a husband could secure a divorce based solely on his wife's adultery, a wife was forced to prove "aggravated adultery," or infidelity compounded by legally defined cruelty, desertion, incest, or bigamy. A vital, primary-source window into the fierce institutional anxieties of Victorian family law reform.

OCLC locates 11 copies, 4 in law libraries (Ohio State, Stanford, Social Law, University of Cincinnati). Not in the *British Museum Catalogue*.


THE

DIVORCE COURT,

ITS EVILS AND THE REMEDY.

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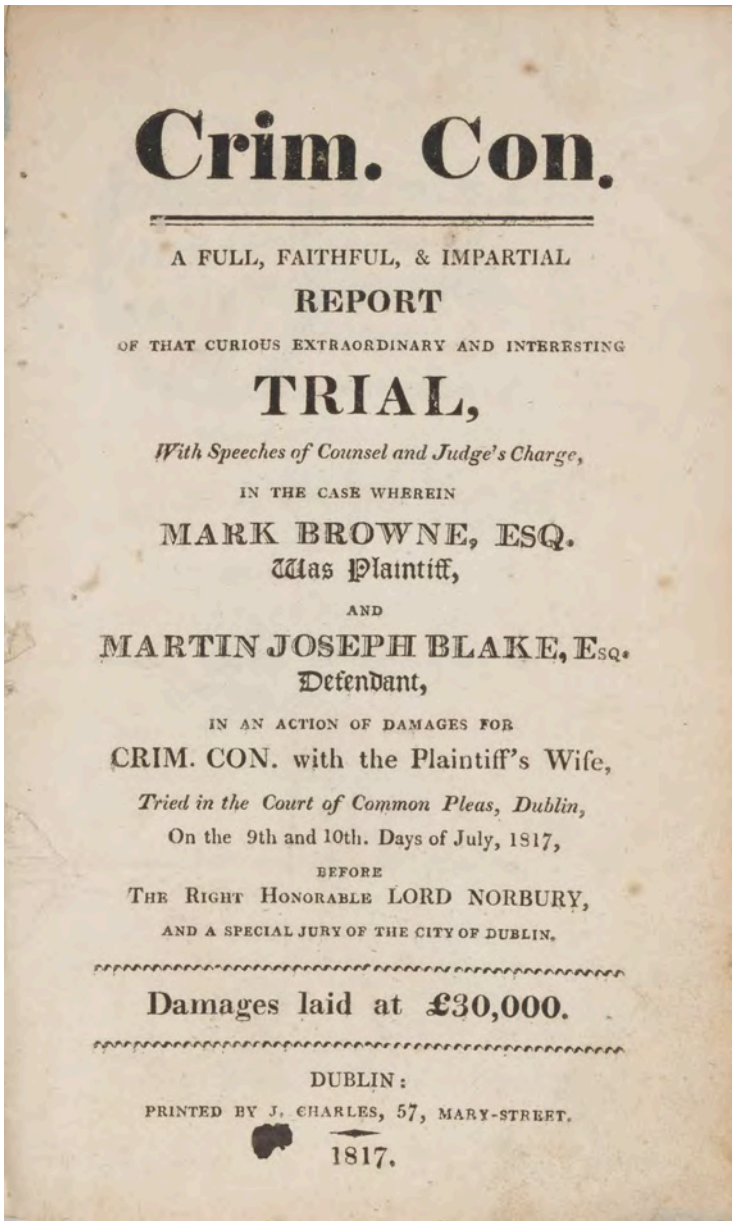


Crim. Con.

A FULL, FAITHFUL, & IMPARTIAL

REPORT

OF THAT CURIOUS EXTRAORDINARY AND INTERESTING

TRIAL,

With Speeches of Counsel and Judge's Charge,

IN THE CASE WHEREIN

MARK BROWNE, ESQ.
Was Plaintiff,

AND

MARTIN JOSEPH BLAKE, ESQ.
Defendant,

IN AN ACTION OF DAMAGES FOR

CRIM. CON. with the Plaintiff's Wife,

Tried in the Court of Common Pleas, Dublin,
On the 9th and 10th. Days of July, 1817,

BEFORE

THE RIGHT HONORABLE LORD NORBURY,

AND A SPECIAL JURY OF THE CITY OF DUBLIN.

Damages laid at £30,000.

DUBLIN:

PRINTED BY J. CHARLES, 57, MARY-STREET.

1817.

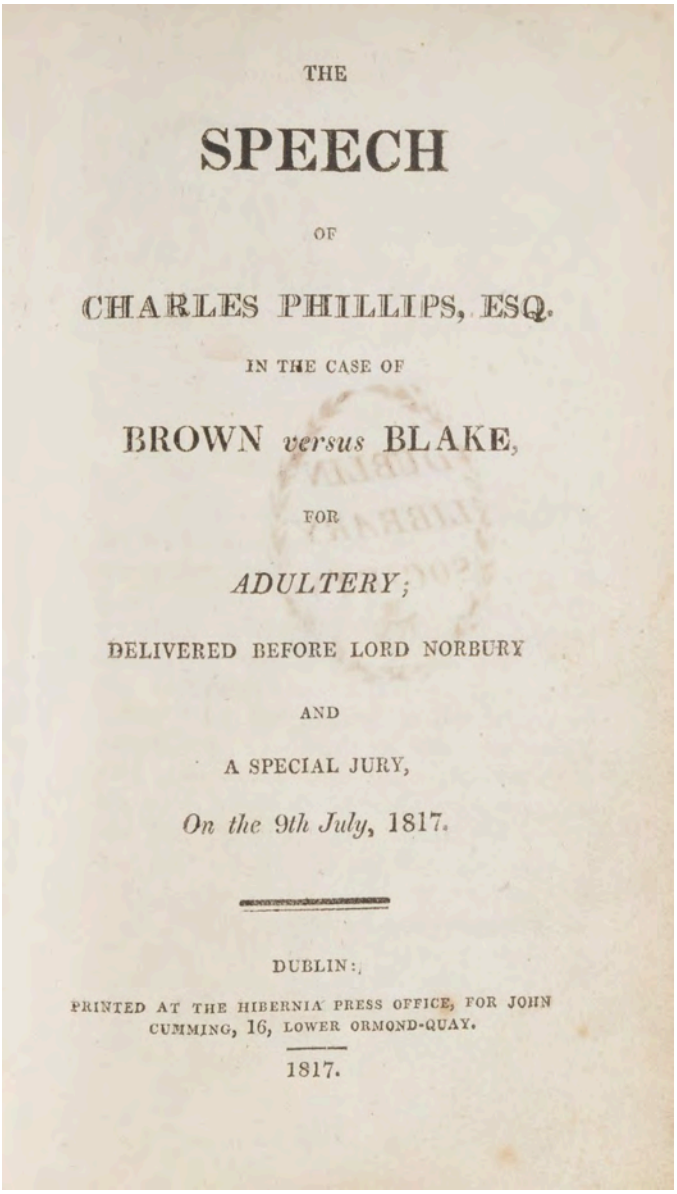
High-Stakes 1817 Irish Scandal: A Scarce Pair of "Crim. Con." Pamphlets Defended by Distinguished Anglo-Irish Barrister Phillips

10. [Trial].
Blake, Martin Joseph, Defendant.
Crim. Con. A Full, Faithful, & Impartial Report of that Curious, Extraordinary and Interesting Trial with Speeches of Counsel and Judge's Charge, In the Case Wherein Mark Browne, Esq., Was Plaintiff and Martin Jos. Blake, Esq., Defendant, In an Action of Damages for Crim. Con. With the Plaintiff's Wife. Tried in the Court of Common Pleas, Dublin, On the 9th and 10th Days of July, 1817, Before the Right Honorable Lord Norbury and a Special Jury of the City of Dublin; Damages laid at £30,000. Dublin: Printed by J. Charles, 1817. 48 pp.
[Bound with]
Phillips, Charles [1787?-1859].
The Speech of Charles Phillips, Esq. In the Case of Brown Versus Blake for Adultery; Delivered Before Lord Norbury and a Special Jury on the 9th July, 1817. Dublin: Printed at the Hibernia Press Office, For John Cumming, 1817. 31 pp.

Octavo (8" x 5"; 20.3 x 12.7cm). Two titles bound together. Stab-stitched pamphlet in later plain wrappers. Two vertical fold lines to front wrapper. Moderate toning to interior, light foxing in places, early library stamps to head of page 3 of *Crim. Con.*, verso of title page, head of page 7 and verso of final leaf of *Speech*. A very good copy of two scarce Irish legal pieces. $450.

* *Crim. Con.*: First edition; *Speech*: only edition. A second edition of *Crim. Con.* was published shortly after in 1817. Although it was a typical adultery trial, *Browne v. Blake* attracted a fair amount of attention because of the high-stakes damages sought (£30,000) and the fact that Blake's lawyer was Charles Phillips: a leading Anglo-Irish barrister. Phillips was renowned for his oratory and expertise with adultery cases. Phillips successfully secured a defense verdict.

Both titles are scarce. OCLC locates 5 copies of *Crim. Con.*, all first editions, 1 in a North American law library (LA County) and no copies of *Speech*. *Crim. Con.*: *British Museum Catalogue* (Compact Edition) 3:582.



THE

SPEECH

OF

CHARLES PHILLIPS, ESQ.

IN THE CASE OF

BROWN *versus* BLAKE,

FOR

ADULTERY;

DELIVERED BEFORE LORD NORBURY

AND

A SPECIAL JURY,

On the 9th July, 1817.

DUBLIN:

PRINTED AT THE HIBERNIA PRESS OFFICE, FOR JOHN CUMMING, 16, LOWER ORMOND-QUAY.

1817.

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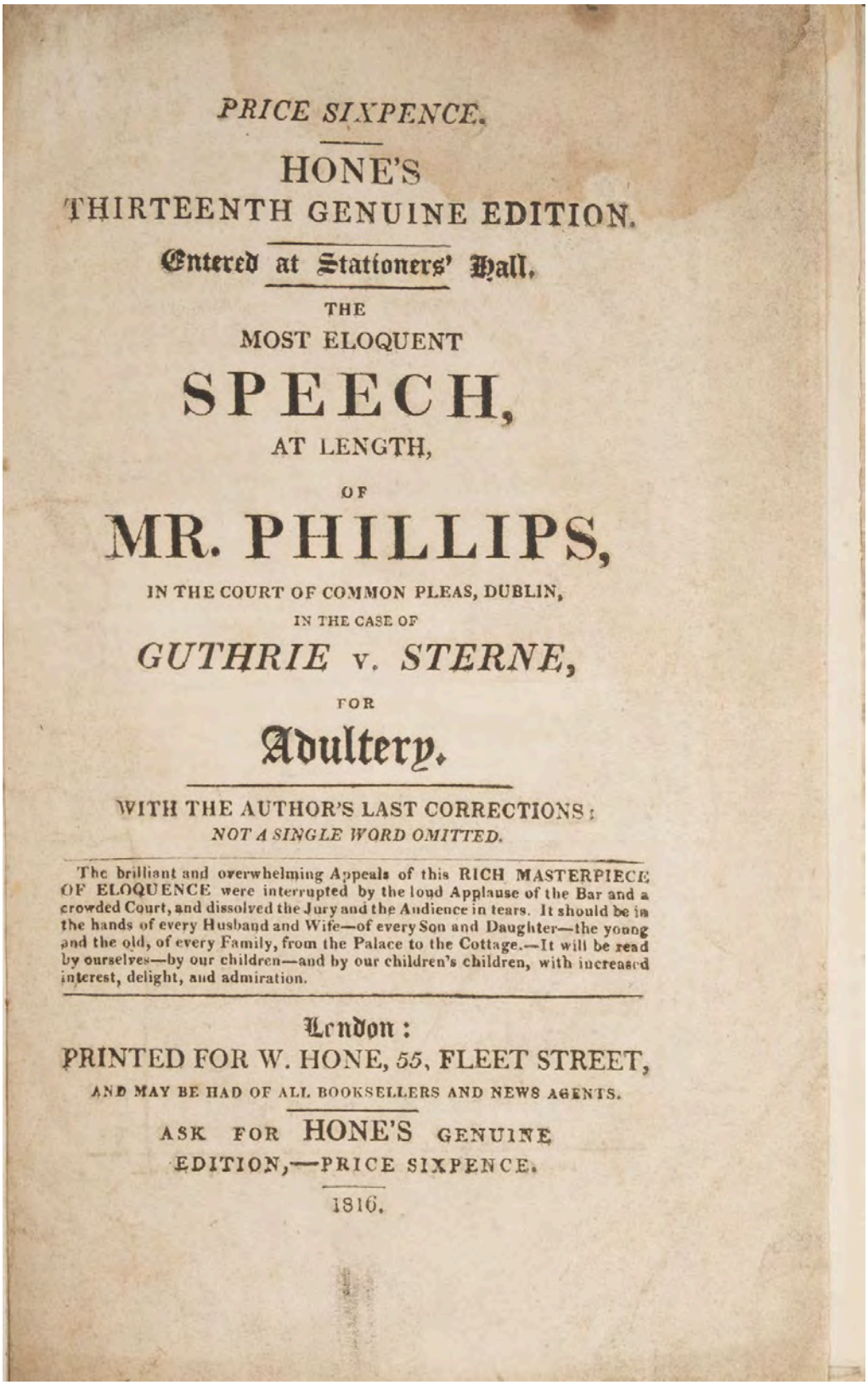


PRICE SIXPENCE.

HONE'S
THIRTEENTH GENUINE EDITION.

Entered at Stationers' Hall.

THE
MOST ELOQUENT

SPEECH,

AT LENGTH,

OF

MR. PHILLIPS,

IN THE COURT OF COMMON PLEAS, DUBLIN,
IN THE CASE OF

GUTHRIE v. *STERNE*,

FOR

Adultery.

WITH THE AUTHOR'S LAST CORRECTIONS;
NOT A SINGLE WORD OMITTED.

The brilliant and overwhelming Appeals of this RICH MASTERPIECE OF ELOQUENCE were interrupted by the loud Applause of the Bar and a crowded Court, and dissolved the Jury and the Audience in tears. It should be in the hands of every Husband and Wife—of every Son and Daughter—the young and the old, of every Family, from the Palace to the Cottage.—It will be read by ourselves—by our children—and by our children's children, with increased interest, delight, and admiration.

London:
PRINTED FOR W. HONE, 55, FLEET STREET,
AND MAY BE HAD OF ALL BOOKSELLERS AND NEWS AGENTS.

ASK FOR HONE'S GENUINE
EDITION,—PRICE SIXPENCE.

1816.

Charles Phillips' "Rich Masterpiece of Eloquence"
A Scarce 1816 Adultery Trial Sensation

11. Phillips, Charles.
The Most Eloquent Speech, At Length, Of Mr. Phillips, In the Court of Common Pleas, Dublin, In the Case of Guthrie v. Sterne, For Adultery. With the Author's Last Corrections: Not a Single Word Omitted.

London: Printed for W. Hone, 1816.

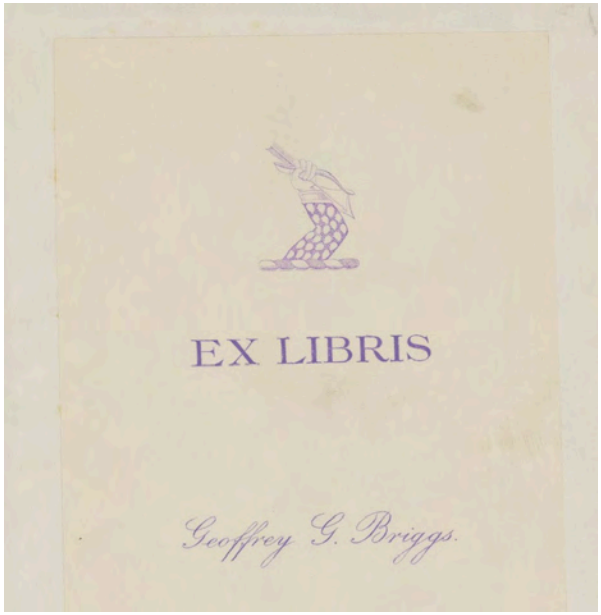
Thirteenth stated edition. Octavo (8-1/2" x 5"). 16 pp. Stab-stitched pamphlet bound in modern cloth, lettering piece and gilt date to spine. Boards lightly bowed, light rubbing to extremities. Bookplate (of Geoffrey G. Briggs) and small bookseller's ticket to front pastedown. Light toning to interior, crack in text block after title page, light soiling in a few places, faint dampstain to top of first five leaves. A very good copy. $450.

* The trial of *Guthrie v. Sterne* was one of the early 19th century's most sensational actions for "criminal conversation" (crim. con.), a common-law tort that allowed a husband to sue another man for damages resulting from adultery. Utilizing a masterful blend of Romantic sensibility and high-stakes theatrical rhetoric, preeminent Anglo-Irish barrister Charles Phillips [1787-1859] painted a devastating portrait of broken domestic bliss. His speech captivated the jury and successfully secured a staggering £5,000 judgment for his client, John Guthrie.

This edition is historically noteworthy for its radical publisher, William Hone, who regularly weaponized high-society sex scandals to critique upper-class morality and profit from the public's appetite for legal melodrama.

This copy belonged to the distinguished legal library of Sir Geoffrey Briggs [1914-1993], the eminent English jurist who served as Chief Justice of Hong Kong and Brunei.

OCLC locates 6 copies of all editions in North American law libraries (University of Pennsylvania, Yale, U.S. Supreme Court, University of Minnesota, LA County, University of Missouri). Not in the *British Museum Catalogue*.



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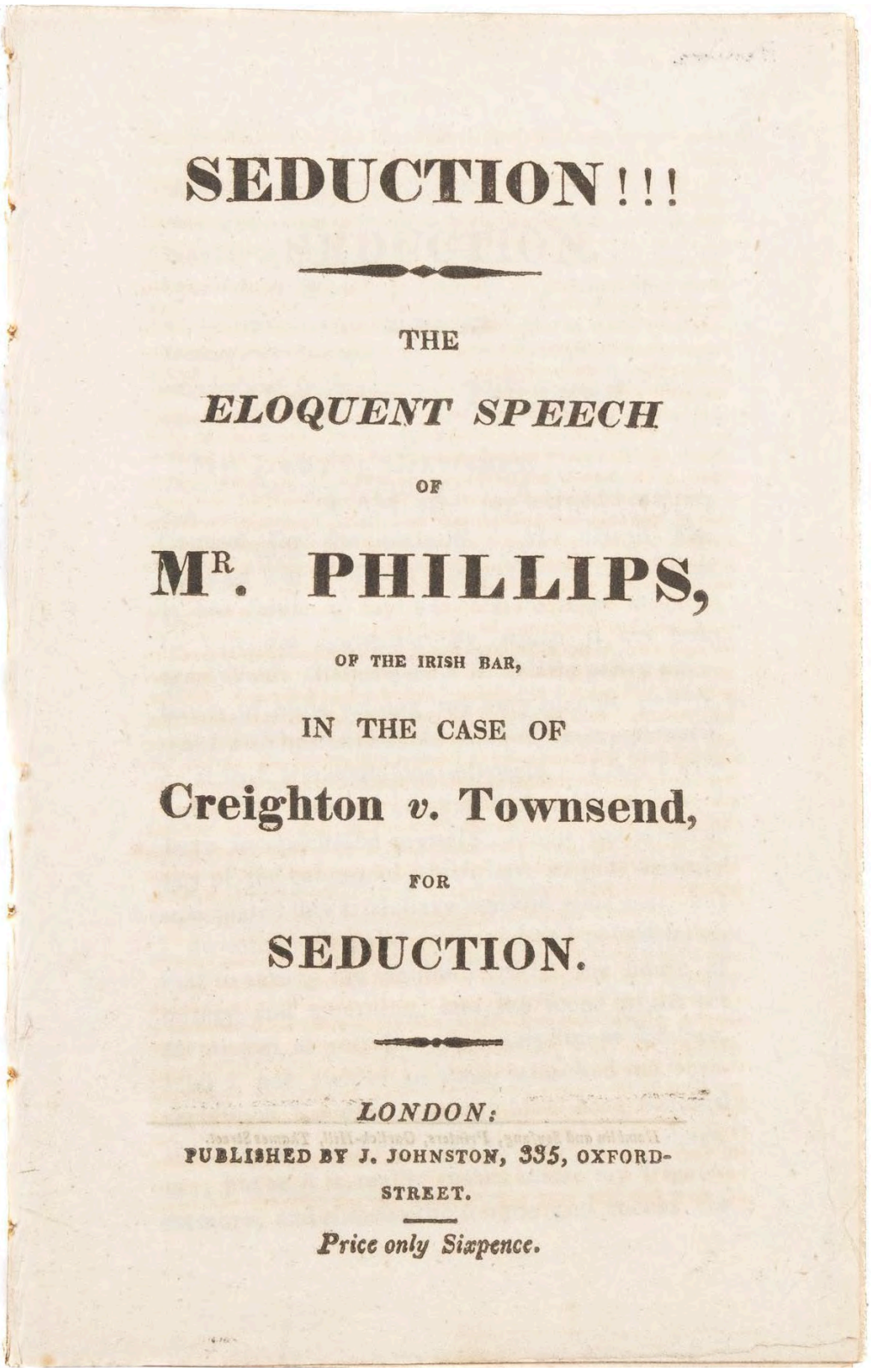

SEDUCTION!!!

THE

ELOQUENT SPEECH

OF

MR. PHILLIPS,

OF THE IRISH BAR,

IN THE CASE OF

Creighton *v.* Townsend,

FOR

SEDUCTION.

LONDON:

PUBLISHED BY J. JOHNSTON, 335, OXFORD-STREET.

Price only Sixpence.

A Scarce 1817 Edition of Phillips' Sensational Seduction Speech "Is There a Punishment Too Severe for Such Depravity?"

12. Phillips, Charles [1787?-1859].
Seduction!!! The Eloquent Speech of Mr. Phillips, Of the Irish Bar, In the Case of Creighton v. Townsend, For Seduction. London: Published by J. Johnston, [1817?].

First Johnston edition. Octavo (8-1/4" x 5-1/4"; 21 x 13.3cm). 20 pp. Disbound stab-stitched pamphlet. Light toning, slight crack in text block between pages 12 and 13, all leaves secure. Small recent ink annotation and initials to pages [2] and 20. A very good copy. SOLD.

* The sensational case of Creighton v. Townsend centered on the seduction of Catherine Creighton, the sixteen-year-old daughter of a Dublin slate merchant, by a British military officer, Lieutenant Henry Dive Townsend. Because women lacked independent legal standing in such torts, her father brought a civil suit for loss of service. Phillips, serving as lead counsel for the plaintiff, delivered a blistering opening statement that captivated the public and ultimately secured a substantial £750 verdict for the family.

Phillips was an Irish barrister notable for his courtroom oratory. He argued many prominent cases, primarily adultery and seduction trials. The speech stands as a prime example of the theatrical "Hibernian oratory" that dominated Regency-era legal culture. While competing London editions were rushed to print by William Hone and Richard Fairburn to satisfy public demand for the scandal.

OCLC and Library Hub locate no copies of the first edition.

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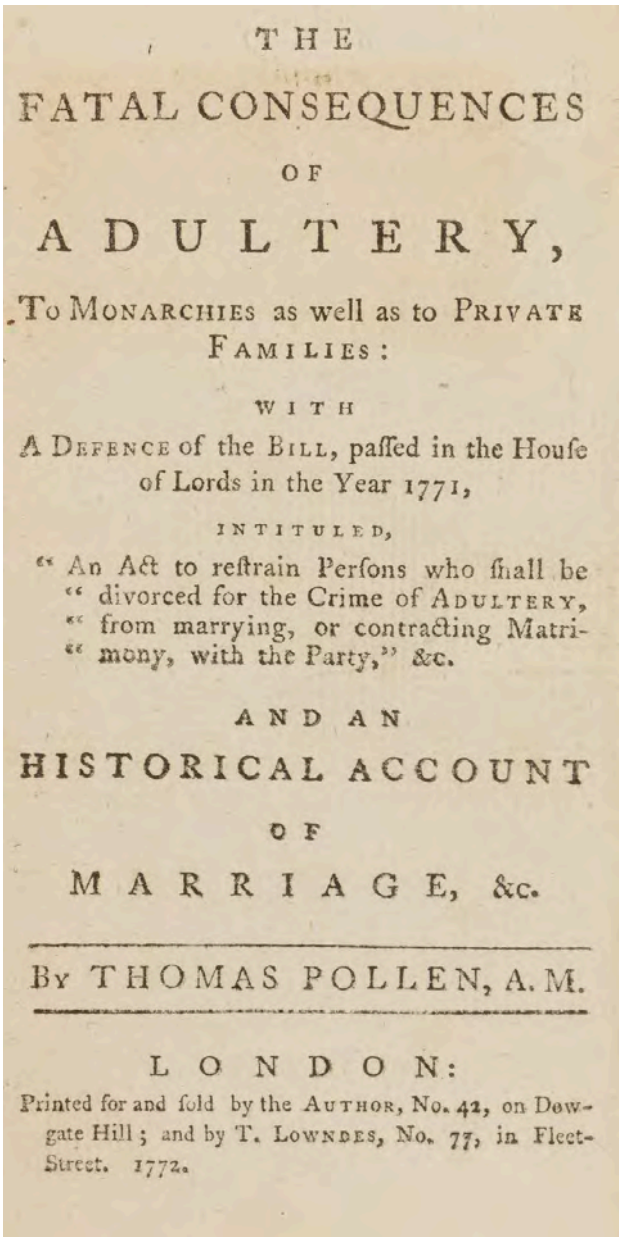


THE
FATAL CONSEQUENCES
OF
ADULTERY,
To MONARCHIES as well as to PRIVATE FAMILIES:
WITH
A DEFENCE of the BILL, paſſed in the Houſe of Lords in the Year 1771,
INTITULED,
"An Act to reſtrain Perſons who ſhall be "divorced for the Crime of ADULTERY, "from marrying, or contracting Matri-"mony, with the Party," &c.
AND AN
HISTORICAL ACCOUNT
OF
MARRIAGE, &c.
By THOMAS POLLEN, A.M.
LONDON:
Printed for and ſold by the AUTHOR, No. 42, on Dowgate Hill; and by T. LOWNDES, No. 77, in Fleet-Street. 1772.

Scarce Posthumous 1772 Sole Edition on Divorce and State Morality –
Written by the Colonial Rector of Newport, Rhode Island, from the Library of Herbert Wm. Kapp

13. Pollen, Thomas (c. 1703-1768).
The Fatal Consequences of Adultery, To Monarchies as well as to Private Families: with A Defence [sic] of the Bill, passed in the House of Lords in the Year 1771, Intituled [sic] *"An Act to retrain Persons who shall be divorced for the Crime of Adultery, from marrying, or contracting Matrimony, with the Party," &c. And an Historical Account of Marriage, &c.* London: Printed for and sold by the Author, [i.e., the Author's Estate]; No. 42, on Dowgate Hill; and by T. Lowndes, No. 77, in Fleet-Street, 1772.

12mo. 6-1/2" x ; 4-1/8" 198 x 121 mm. xi, [1], 287, [1] pp. with a half-title.

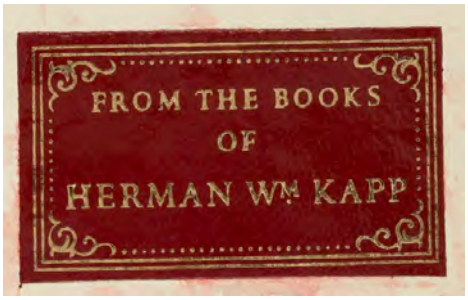
Contemporary tan calf, rebacked with a gilt-lettered spine with blind riles. New endpapers. Minimal toning to text block, minor intermittent foxing, corners gently bumped. With a handsome custom red morocco bookplate gilt-stamped "From The Books of Herbert Wm. Kapp" affixed to the front pastedown. A clean, tight, and very good copy. $2,000.

* A scarce, highly polemical work published during a period of intense public anxiety over high-profile aristocratic divorce cases (such as the notorious Grosvenor case of 1770). Writing in defense of the failed Marital Restraints Bill of 1771, which sought to legally ban divorced, adulterous parties from marrying their lovers, Pollen argues that the strict subjugation of women to their husbands is vital to the role of government as a preserver of social mores.

Pollen was an Oxford-educated cleric who served from 1754 to 1760 as the missionary rector of Trinity Church in Newport, Rhode Island, under the auspices of the Society for the Propagation of the Gospel in Foreign Parts (SPG). A prominent colonial intellectual, he famously collaborated directly with Benjamin Franklin on a plan to establish a local school for free and enslaved Black children.

This 1772 printing represents the definitive, sole edition of the text; no subsequent reprints were ever published. General trade distribution was handled by John Oliver (c. 1702-1775), official printer to the Society for Promoting Christian Knowledge (SPCK).

OCLC locates 1 copy in a U.S. law library at UC Berkeley. *English Short Title Catalogue* T112995.



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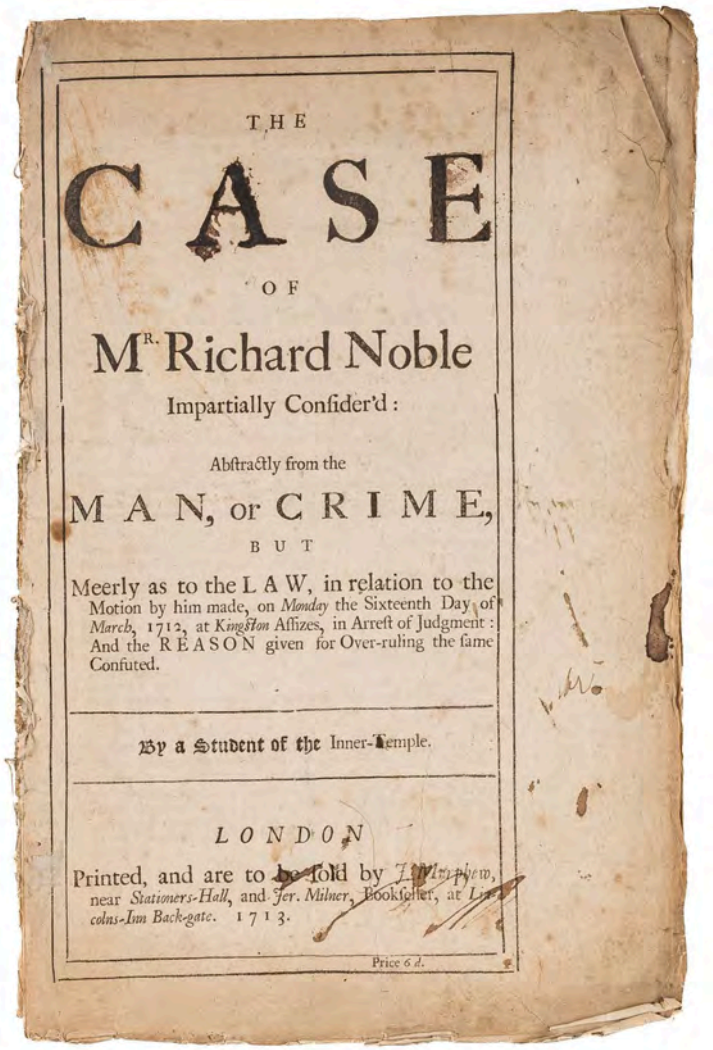

THE

CASE

OF

Mr. Richard Noble

Impartially Conſider'd:

Abſtractly from the

MAN, or CRIME,

BUT

Meerly as to the LAW, in relation to the Motion by him made, on *Monday* the Sixteenth Day of *March*, 1712, at *Kingſton* Aſſizes, in Arreſt of Judgment: And the REASON given for Over-ruling the ſame Confuted.

By a Student of the Inner-Temple.

LONDON

Printed, and are to be ſold by J. Morphew, near *Stationers-Hall*, and Jer. Milner, Bookſeller, at *Lincolns-Inn Back-gate*. 1713.

Price 6 d.

Adultery, Scandal, and Murder: A Rare 1713 Folio of the Legal Defense of the Adulterous Attorney Richard Noble

14. A Student of the Inner-Temple.
[Noble, Richard (1684-1713)].
The Case of Mr. Richard Noble Impartially Consider'd: Abstractly from the Man, Or Crime, But Meerly as to the Law, In Relation to the Motion by Him Made, On Monday the Sixteenth Day of March, 1712, At Kingston Assizes, In Arrest of Judgment: And the Reason Given for Over-ruling the Same Confuted. By a Student of the Inner-Temple.

London: Printed, and are to be Sold by J. Morphew, and Jer. Milner, 1713.

First and only edition. Folio (12-1/4" x 7-3/4"; 30.7 x 20 cm). [ii], 9, [1] pp. Disbound pamphlet, edges untrimmed. Moderate toning, some inkstains to title page and doodles to final (blank) page, light foxing and soiling to margins, loss of text at gutter of page 9 due to binding error. Overall, a very good copy. SOLD.

* A rare legal tract focusing on one of the early 18th century's most scandalous capital murder cases involving adultery and "criminal conversation". John and Mary Sayer suffered a notoriously unhappy marriage; Mrs. Sayer eventually retained the legal services of Richard Noble to secure a separation, which quickly dissolved into an open romantic affair and flight together in 1712.

Mr. Sayer retaliated by suing Noble for criminal conversation and securing a warrant for his wife's arrest. Backed by two constables and several assistants, Sayer raided the house in The Mint where Noble was staying with Mrs. Sayer and her mother. Upon entry, Noble drew his sword and fatally stabbed Sayer.

While the public voraciously consumed sensationalized accounts of the "intrigue," this specific pamphlet, penned anonymously by a member of the Inner Temple, offers a rigorous, professional dissection of the technical legal defense. It evaluates Noble's failed motion in Arrest of Judgment at the Kingston Assizes and examines whether the forced entry by the husband constituted an unconstitutional breach of domicile or justification for self-defense. Noble was executed on March 28, 1713, while his co-defendants were acquitted.

OCLC and the *English Short-Title Catalogue* locate 3 copies of this title in North America, 1 in a law library (Harvard). *English Short-Title Catalogue* T26810.

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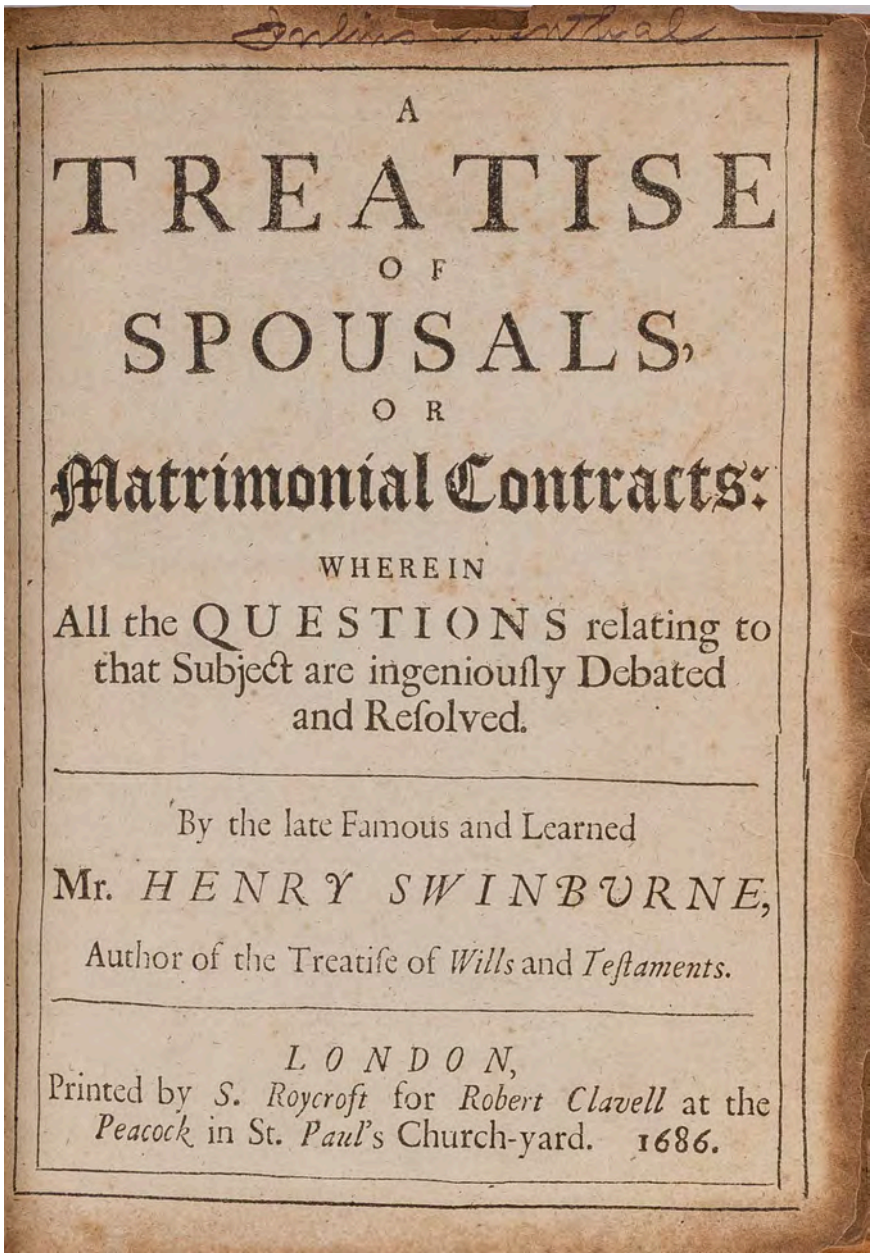


A
TREATISE
OF
SPOUSALS,
OR
Matrimonial Contracts:
WHEREIN
All the QUESTIONS relating to that Subject are ingeniously Debated and Resolved.

By the late Famous and Learned
Mr. HENRY SWINBURNE,
Author of the Treatise of *Wills* and *Testaments*.

LONDON,
Printed by *S. Roycroft* for *Robert Clavell* at the *Peacock* in St. *Paul*'s Church-yard. 1686.

From the Library of Julius Rosenthal:
A Rare 1686 First Edition of the Foundation of English Marriage Law

15. Swinburne, Henry [c.1551-1624].
A Treatise of Spousals, Or Matrimonial Contracts: Wherein All the Questions Relating to that Subject are Ingeniously Debated and Resolved. London: Printed by S. Roycroft for Robert Clavell at the Peacock in St. Paul's Church-Yard, 1686. [xvi], 240 pp. Quarto (7-3/4" x 5-1/2"; 19.5 x 14 cm).

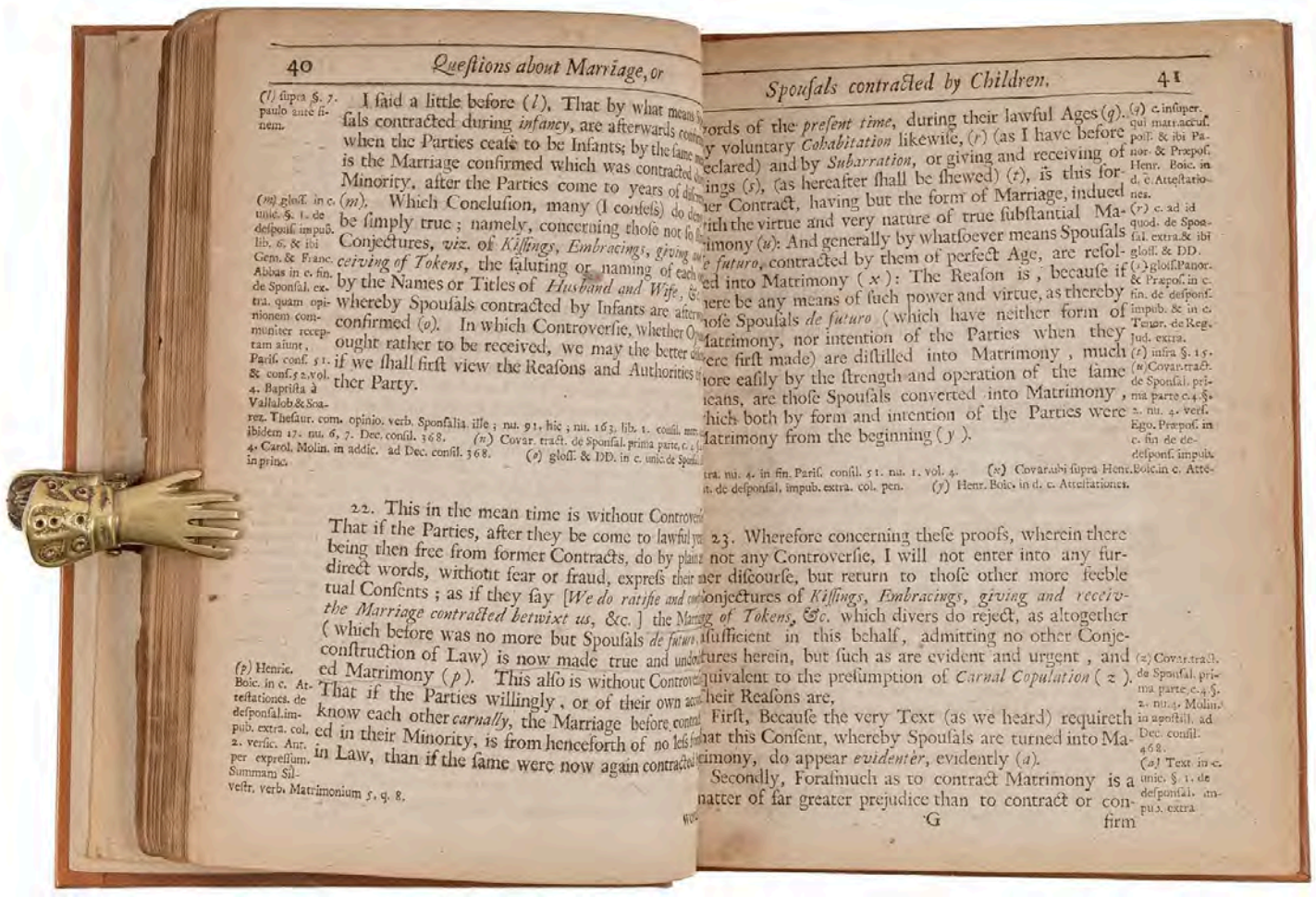
Period-style calf, blind rules and fillets to boards, raised bands, blind fillets and lettering piece to spine, endpapers renewed (with old paper). Negligible light rubbing and a few faint scratches to exterior. Moderate toning to text, occasional sparse light foxing, some offsetting to first and final several leaves resulting in brittle and lightly worn or chipped page edges, no loss to text, later owner signature of Julius Rosenthal to title page, portions of signature affected by chipping, faint pencil underlining and markings in a few places. A very good copy of a landmark work. $3,500.

* First edition. Swinburne's Treatise of Spousals is the first English legal treatise dedicated to matrimonial contracts and a primary milestone in the legal history of women. Written by a Judge of the Consistory Court at York, the work provides a definitive 17th-century resolution to the complexities of betrothals vs. marriage, dissolution and divorce, and the rights of women.

This copy features the signature of Julius Rosenthal (1828-1905), the legendary librarian of the Chicago Law Institute and a titan of the 19th-century American bar.

Although written decades before its 1686 publication, Swinburne's "Spousals" remained the undisputed authority on the subject for over a century. This copy, with its connection to one of America's great legal bibliophiles, is a premier acquisition for any collection of Anglo-American jurisprudence.

English Short-Title Catalogue R22016.


40 *Queſtions about Marriage, or*

(l) ſupra §. 7. paulo ante finem.

I ſaid a little before (*l*), That by what means ſoever Spouſals contracted during *infancy*, are afterwards confirmed when the Parties ceaſe to be Infants; by the ſame means is the Marriage confirmed which was contracted during Minority, after the Parties come to years of diſcretion (*m*). Which Concluſion, many (I confeſs) do deny to be ſimply true; namely, concerning thoſe not ſo Conjectures, *viz.* of *Kiſſings, Embracings, giving and receiving of Tokens*, the ſaluting or naming of each other by the Names or Titles of *Husband and Wife*, &c. whereby Spouſals contracted by Infants are afterwards confirmed (*o*). In which Controverſie, whether Opinion ought rather to be received, we may the better determine if we ſhall firſt view the Reaſons and Authorities of either Party.

(m) gloſſ. in c. unic. §. 1. de deſponſ. impub. lib. 6. & ibi Gem. & Franc. Abbas in c. fin. de Sponſal. extra. quam opinionem communiter receptam aſunt, Pariſ. conſ. 51. & conſ. 52. vol. 4. Baptiſta à Vallalob & Soarez. Theſaur. com. opinio. verb. Sponſalia. ille; nu. 91. hic; nu. 163. lib. 1. conſil. nu. ibidem 17. nu. 6, 7. Dec. conſil. 368. (n) Covar. tract. de Sponſal. prima parte, c. 4. 4. Carol. Molin. in addic. ad Dec. conſil. 368. (o) gloſſ. & DD. in c. unic. de Sponſ. in print.

22. This in the mean time is without Controverſie, That if the Parties, after they be come to lawful years, being then free from former Contracts, do by plain and direct words, without fear or fraud, expreſs their mutual Conſents; as if they ſay [*We do ratifie and confirm the Marriage contracted betwixt us*, &c.] the Marriage (which before was no more but Spouſals *de futuro*, by conſtruction of Law) is now made true and undoubted Matrimony (*p*). This alſo is without Controverſie, That if the Parties willingly, or of their own accord know each other *carnally*, the Marriage before contracted in their Minority, is from henceforth of no leſs force in Law, than if the ſame were now again contracted

(p) Henric. Boic. in c. Atteſtationes. de deſponſal. impub. extra. col. 2. verſic. Ant. per expreſſum. Summam Silveſtr. verb. Matrimonium 5. q. 8.

Spouſals contracted by Children. 41

words of the *preſent time*, during their lawful Ages (*q*). By voluntary *Cohabitation* likewiſe, (*r*) (as I have before declared) and by *Subarration*, or giving and receiving of pledges (*s*), (as hereafter ſhall be ſhewed) (*t*), is this former Contract, having but the form of Marriage, indued with the virtue and very nature of true ſubſtantial Matrimony (*u*): And generally by whatſoever means Spouſals *de futuro*, contracted by them of perfect Age, are reſolved into Matrimony (*x*): The Reaſon is, becauſe if there be any means of ſuch power and virtue, as thereby thoſe Spouſals *de futuro* (which have neither form of Matrimony, nor intention of the Parties when they were firſt made) are diſtilled into Matrimony, much more eaſily by the ſtrength and operation of the ſame means, are thoſe Spouſals converted into Matrimony, which both by form and intention of the Parties were Matrimony from the beginning (*y*).

(q) c. inſuper. qui matrimon. poſſ. & ibi Panor. & Præpoſ. Henr. Boic. in d. c. Atteſtationes. (r) c. ad id quod. de Sponſal. extra. & ibi gloſſ. & DD. (s) gloſſ. Panor. & Præpoſ. in c. fin. de deſponſ. impub. & in c. Tener. de Reg. Jud. extra. (t) infra §. 15. (u) Covar. tract. de Sponſal. prima parte c. 4. §. 2. nu. 4. verſ. Ego. Præpoſ. in c. fin. de deſponſ. impub. Boic. in c. Atteſtationes. tra. nu. 4. in fin. Pariſ. conſil. 51. nu. 1. vol. 4. (x) Covar. ubi ſupra Henr. in. de deſponſal. impub. extra. col. pen. (y) Henr. Boic. in d. c. Atteſtationes.

23. Wherefore concerning theſe proofs, wherein there is not any Controverſie, I will not enter into any further diſcourſe, but return to thoſe other more feeble conjectures of *Kiſſings, Embracings, giving and receiving of Tokens, &c.* which divers do reject, as altogether inſufficient in this behalf, admitting no other Conjectures herein, but ſuch as are evident and urgent, and equivalent to the preſumption of *Carnal Copulation* (*z*). Their Reaſons are,

First, Becauſe the very Text (as we heard) requireth that this Conſent, whereby Spouſals are turned into Matrimony, do appear *evidenter*, evidently (*a*).

Secondly, Foraſmuch as to contract Matrimony is a matter of far greater prejudice than to contract or confirm

(z) Covar. tract. de Sponſal. prima parte. c. 4. §. 2. nu. 4. Molin. in appoſtill. ad Dec. conſil. 468. (a) Text in c. unic. §. 1. de deſponſal. impub. extra.

G

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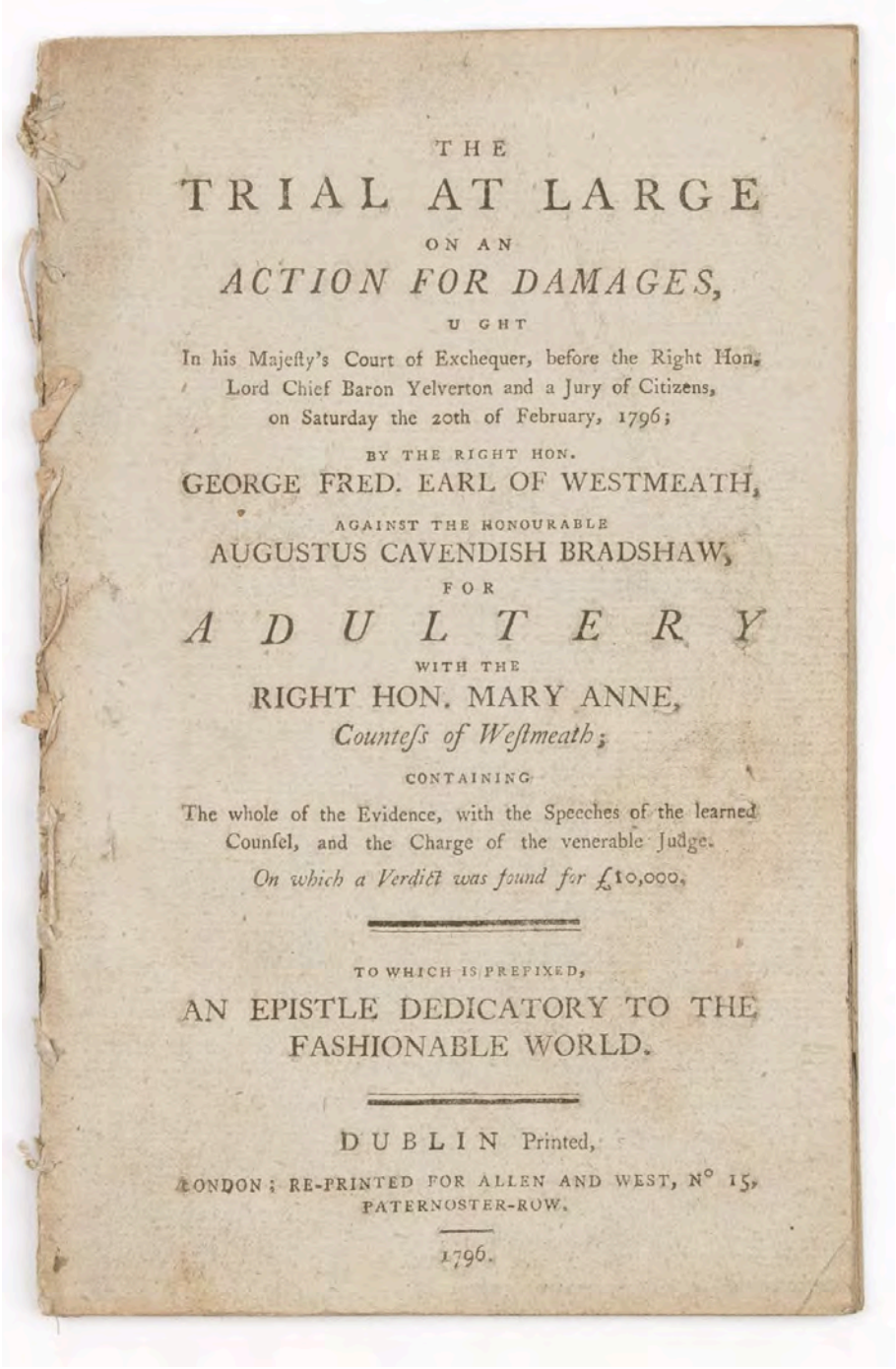


THE
TRIAL AT LARGE
ON AN
ACTION FOR DAMAGES,
U GHT
In his Majesty's Court of Exchequer, before the Right Hon. Lord Chief Baron Yelverton and a Jury of Citizens, on Saturday the 20th of February, 1796;
BY THE RIGHT HON.
GEORGE FRED. EARL OF WESTMEATH,
AGAINST THE HONOURABLE
AUGUSTUS CAVENDISH BRADSHAW,
FOR
A D U L T E R Y
WITH THE
RIGHT HON. MARY ANNE,
Countess of Westmeath;
CONTAINING
The whole of the Evidence, with the Speeches of the learned Counsel, and the Charge of the venerable Judge.
*On which a Verdict was found for £*10,000.
TO WHICH IS PREFIXED,
AN EPISTLE DEDICATORY TO THE FASHIONABLE WORLD.
DUBLIN Printed,
LONDON; RE-PRINTED FOR ALLEN AND WEST, N° 15, PATERNOSTER-ROW.
1796.

With Interesting Commentary on Irish and English Morals

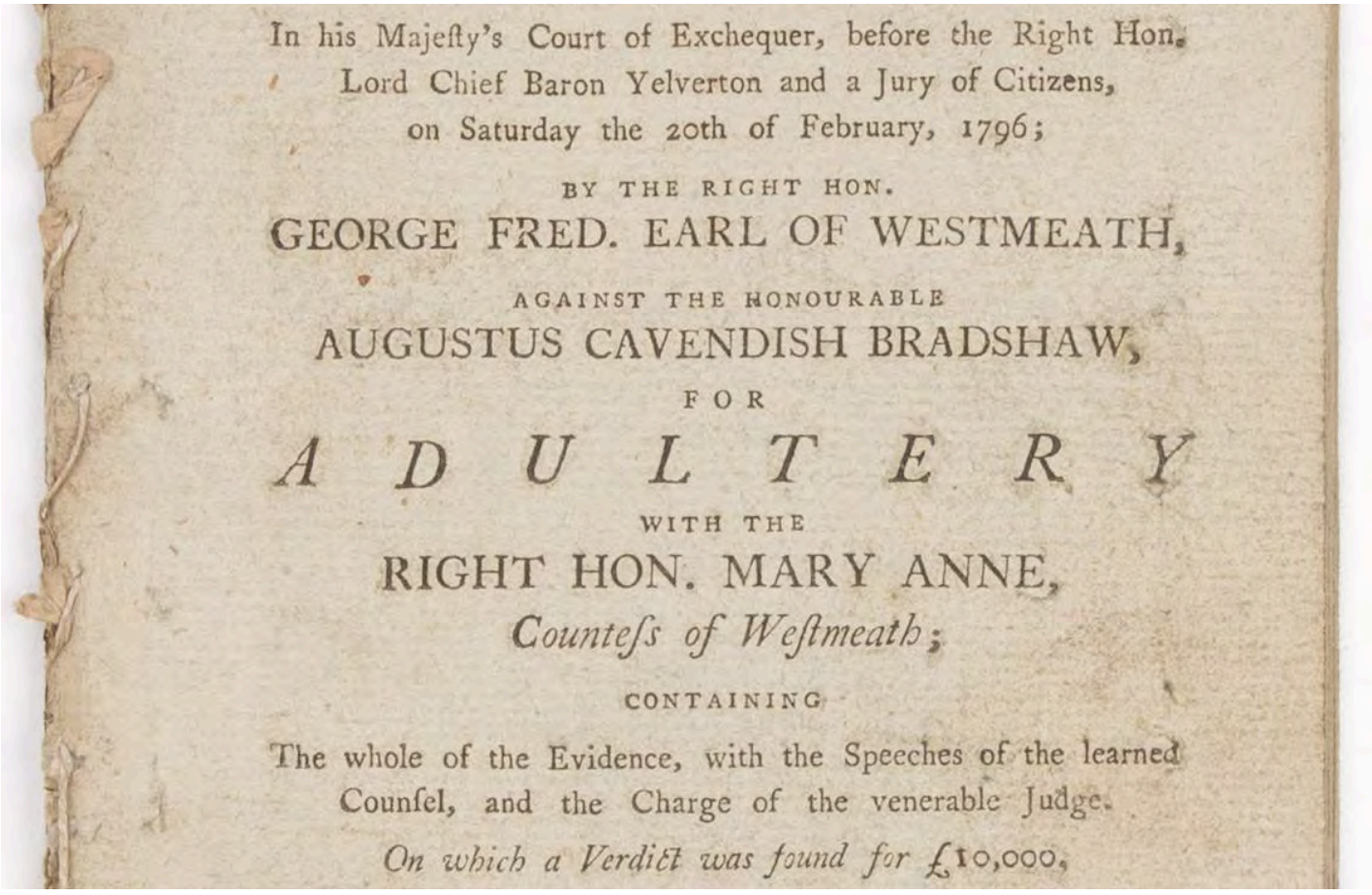
16. [Trial].
Cavendish Bradshaw, Augustus [1768-1832], Defendant.
The Trial at Large on an Action for Damages, Brought in His Majesty's Court of Exchequer, Before the Right Hon. Lord Chief Baron Yelverton and a Jury of Citizens, On Saturday the 20th of February, 1796; By the Right Hon. George Fred. Earl of Westmeath, Against the Honourable Augustus Cavendish Bradshaw, For Adultery with the Right Hon. Mary Anne, Countess of Westmeath; Containing the Whole of the Evidence, With the Speeches of the Learned Counsel, And the Charge of the Venerable Judge. On Which a Verdict was Found for £10,000. To Which is Prefixed, An Epistle Dedicatory to the Fashionable World. London: Re-Printed for Allen and West, 1796.

Octavo (7-3/4" x 4-3/4"). xii, 36 pp.

Stab-stitched pamphlet, disbound and resewn. Light toning, light soiling to exterior and a few other pages, small inkspots to fore-edge, light foxing in a few places. $500.

* Only London edition, reprinted from the first Dublin edition. Westmeath, an Irish peer, sought £20,000 in damages after he caught his wife Maryanne carrying on an affair with Bradshaw during a period of separation. The jury awarded him £10,000, though Bradshaw's relative poverty made the damages difficult to recover. The Westmeaths later divorced and Bradshaw and Maryanne married in 1796. An interesting feature of this account is the extensive editor's preface, addressed "to the Right Honourable, Right Fashionable, Truly Liberal, and Uncontroulable Amateurs of the *Haut Ton*." It discusses, among other topics, Irish assimilation into English culture and high society and the subsequent loosening of Irish morals.

English Short-Title Catalogue T2981.


In his Majeſty's Court of Exchequer, before the Right Hon.
Lord Chief Baron Yelverton and a Jury of Citizens,
on Saturday the 20th of February, 1796;
BY THE RIGHT HON.
GEORGE FRED. EARL OF WESTMEATH,
AGAINST THE HONOURABLE
AUGUSTUS CAVENDISH BRADSHAW,
FOR
ADULTERY
WITH THE
RIGHT HON. MARY ANNE,
Counteſs of Weſtmeath;
CONTAINING
The whole of the Evidence, with the Speeches of the learned
Counſel, and the Charge of the venerable Judge.
On which a Verdict was found for £10,000,

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MR. FAIRCHILD'S TRIAL.

MUNICIPAL COURT.

Monday, March 24.

At a quarter to 10 A. M., the north doors of the Court room were opened, and the space outside of the bar together with the gallery, was immediately filled with a crowd of eager spectators, who paid but little deference to order in gaining their entrance. The South doors continued closed, except for the admission of jurors, witnesses and officers of the Court. The area within the counsellors' bar, was seated to its utmost capacity by the excellent arrangement of the Sheriff; and sometime before proceedings commenced every portion of the Court room was filled to overflowing.

The following named gentlemen were empannelled to compose the jury:

Tisdale Drake, foreman; Benj. M. Ackerman, Thos. C. Baldwin, Joseph J. Bigelow Geo. W. Bond, Henry R. Cazneau, David J. Collier, James W. Converse, Chas. S. Ellis, John P. Fairbanks, Christopher C. Gore, Samuel Vaughan.

Each juror was interrogated as to his relation or interest in the trial, and if he entertained any bias or prejudice, or had expressed any opinion relative to the case. Several were set aside in consequence.

The Commonwealth's Attorney, S. D. Parker, Esq, was assisted during the trial by Wm. Brigham, Esq

Ex-Judge Warren and John A. Bolles, Esq appeared as counsel for the defence

The indictment against the prisoner was read, and set forth that on the 19th of Dec 1841, he committed the crime of adultery with Miss Rhoda Davidson.

MR PARKER'S OPENING ADDRESS.

In the progress of the trials at this term, gentlemen of the jury, we have now arrived at a prosecution of no ordinary importance It derives its interest from the heighnousness of the crime charged, and the previous respectability of the person accused. Indictments of this character are not indeed of unfrequent occurrence, as the records of this Court, and the printed decisions of the Supreme Court, attest; and in most of the recent prosecutions for this offence in this Court, the parties accused have pleaded guilty, and either forfeited the penalty of their recognizances, or quietly submitted to the punishment of the law. But we are now assembled for the solemn trial of an issue, in which the accused denies his guilt; and we are to proceed through a most painful investigation, deeply affecting from many circumstances, all who are to be engaged in it, and involving under all circumstances, some of the most important interests of society.

It is my duty in opening the case, to state the law to you, and give you a brief outline of the evidence to be introduced.

The first section of the 130th chapter of the Revised Statutes, you perceive that tho' the punishment is prescribed, the crime itself is not defined; and it is a remarkable circumstance that it is very difficult, if not impossible, to find in the law books an exact common law definition of Adultery. As to most offences the defects of the statute law are remedied by a recurrence to the common law, which our progenitors brought with them to America, and are continued in force by the sixth chapter of our State Constitution; but as to the crime of adultery, this remedy fails, for, for some centuries, it has not been an offence recognized by the temporal courts of the common law of England, and is not indictable there. (Se Selkeld's reports, 552.) In very ancient times it was punished by special statutes in the temporal courts, but latterly (since the statute of 13, Edward the first, of *circumspecte agatis*) only in the courts christian (the ecclesiastical courts) by penance *pro salute animae*, perpetual exile, or perpetual imprisonment. (See Gibson's Codex, 1085)

The name of the offence is said to be an abridgement of *Ad althorum thorum*, though some lawyers derive it from *adulterating* the issue of the marriage bed, an opinion that derives countenance from the fact that an unmarried woman cannot commit the crime. It is an offence which seems to have been well understood without a studied definition; it is

17. [Trial].
Fairchild, Joy Hamlet [1790-1859], Defendant.
[*A Full and Accurate Report of the Trial of Rev. Joy H. Fairchild, Before the Municipal Court of Boston, For Adultery with Miss Rhoda Davidson*]. Caption title: *Mr. Fairchild's Trial.* [Boston: H.B. Skinner, 1845].

Octavo (10" x 6"; 25 x 15 cm). 24 pp. Text in parallel columns. Stab-stitched pamphlet with untrimmed edges. Moderate toning, occasional light foxing. Lower outside corners of last two leaves lacking, with minor loss to text on last leaf. $250.

* A scarce antebellum legal document of the highly publicized Boston municipal trial of the Reverend Joy Hamlet Fairchild, a married Orthodox Congregational minister accused of committing adultery with Rhoda Davidson, a young domestic servant of Edgecomb, Maine, living in his household. After Davidson gave birth to a child and named Fairchild as the father, the ensuing scandal captivated the New England public, exposing deep anxieties surrounding ministerial morality and the sexual exploitation of working-class women.

One of several publications about this celebrated, notorious case. Fairchild vigorously defended himself against the adultery charge, claiming he was the victim of a malicious conspiracy engineered by rival clergymen intent on framing him as a habitual libertine. This Skinner printing captures the full dramatic tension of the courtroom, including Davidson's detailed testimony regarding how Fairchild used perverted biblical arguments to overcome her moral objections: "I asked him if God had not declared that every man should have his own wife, and none other. He said that was Paul's language, and then argued much from the Bible to induce me to submit to his base designs, which he succeeded in accomplishing."

It closes with the equally vexing verdicts. Despite his conviction in ecclesiastical court, the Boston municipal jury found that he was not guilty of adultery. The trial highlights a fascinating divergence in nineteenth-century American jurisprudence. A compelling artifact documenting the intersection of religion, law, and public obsession with sexual scandal in New England.

As in most other copies we located, ours is lacking its wrappers, which contained the title and publication information. Accounts of this case are scarce. OCLC locates 5 copies of the present title (American Antiquarian Society, Harvard Law School, Cornell University, University of Chicago, Yale Law School). Cohen, *Bibliography of Early American Law* 13689.

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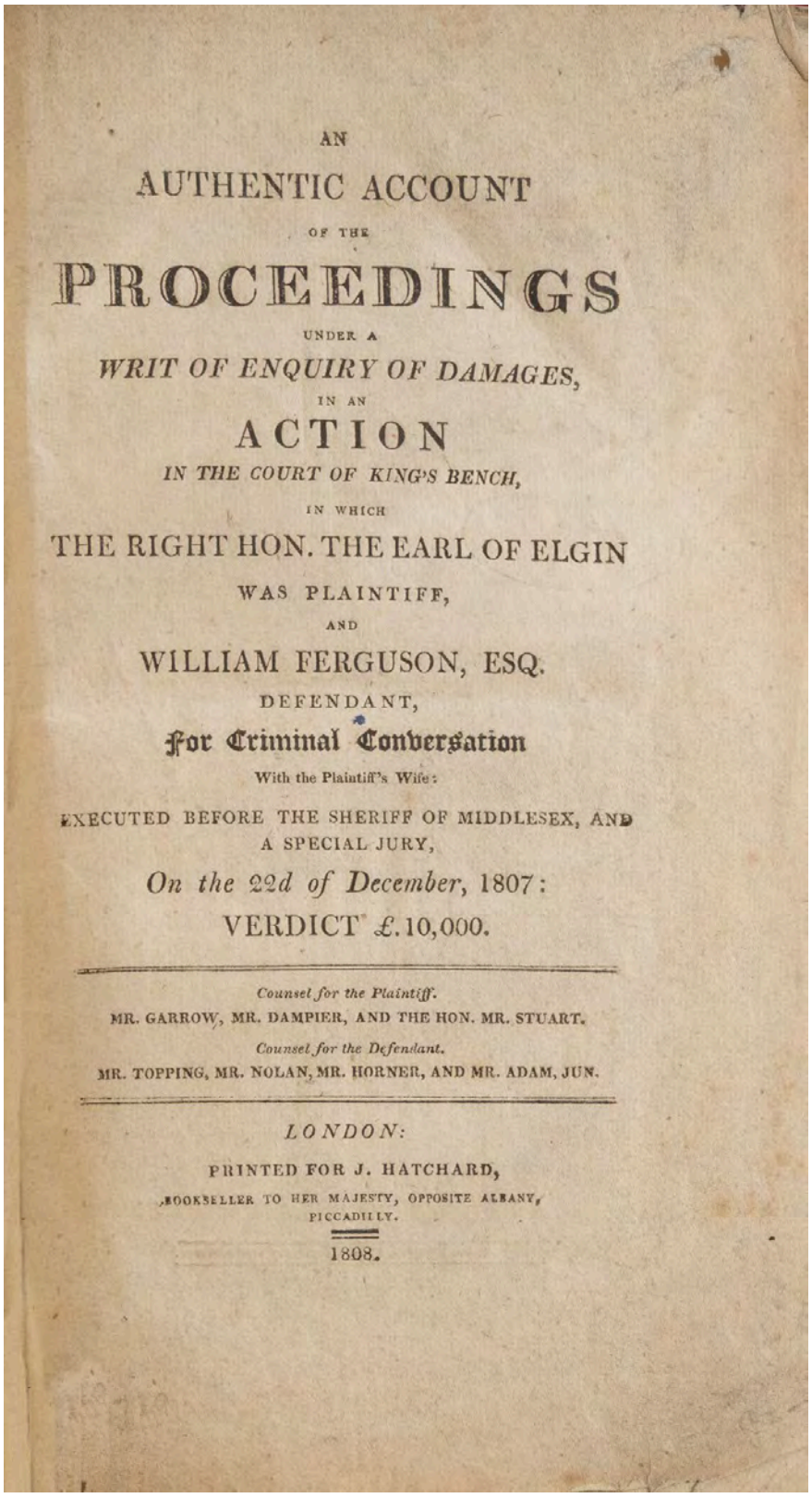


AN

AUTHENTIC ACCOUNT

OF THE

PROCEEDINGS

UNDER A

WRIT OF ENQUIRY OF DAMAGES,

IN AN

ACTION

IN THE COURT OF KING'S BENCH,

IN WHICH

THE RIGHT HON. THE EARL OF ELGIN

WAS PLAINTIFF,

AND

WILLIAM FERGUSON, ESQ.

DEFENDANT,

For Criminal Conversation

With the Plaintiff's Wife:

EXECUTED BEFORE THE SHERIFF OF MIDDLESEX, AND A SPECIAL JURY,

On the 22d of December, 1807:

VERDICT £.10,000.

Counsel for the Plaintiff.

MR. GARROW, MR. DAMPIER, AND THE HON. MR. STUART.

Counsel for the Defendant.

MR. TOPPING, MR. NOLAN, MR. HORNER, AND MR. ADAM, JUN.

LONDON:

PRINTED FOR J. HATCHARD,

BOOKSELLER TO HER MAJESTY, OPPOSITE ALBANY, PICCADILLY.

1808.

Adultery Trial Involving a Wealthy Heiress, A Member of Parliament and the Diplomat who Acquired the Elgin Marbles

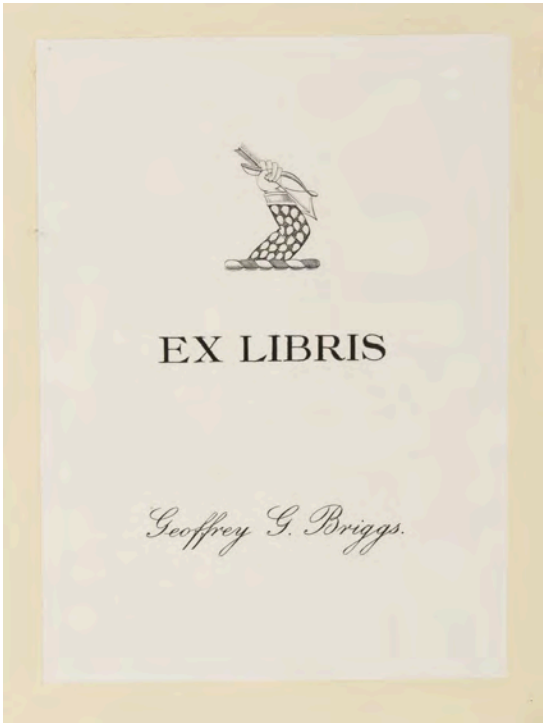
18. [Trial].
Ferguson, William [Robert] [1769-1840], Defendant.
An Authentic Account of the Proceedings Under a Writ of Enquiry of Damages, In an Action in the Court of King's Bench, In Which the Right Hon. The Earl of Elgin was Plaintiff, And William Ferguson, Esq. Defendant, For Criminal Conversation with the Plaintiff's Wife: Executed Before the Sheriff of Middlesex, And a Special Jury, On the 22d of December, 1807: Verdict £10,000. London: Printed for J. Hatchard, 1808.

Only edition. Octavo (8-1/2" x 5"; 21.6 x 12.7cm). [ii], 113, [1] pp. Stab-stitched pamphlet, edges untrimmed, bound in later red pebbled cloth, gilt title to spine. Some bubbling to boards. Small bookseller's ticket and bookplate (of Geoffrey Briggs) to front pastedown. Front hinge cracked after title page, but secure. Moderate toning to interior, negligible light foxing to a few leaves, light soiling to first and final pages. A very good copy. $450.

* Only edition of a highly public, high-society "Criminal Conversation." Mary Hamilton Bruce [1778-1855], Countess of Elgin,
was the wife of British diplomat Thomas Bruce, 7th Earl of Elgin
[1766-1841], best known for his acquisition of the sculptures
from the Parthenon in Athens, the Elgin Marbles. Ferguson, also
spelled "Fergusson", was a Whig Member of Parliament and an amateur
geologist. When the earl discovered his wife's affair with Ferguson,
he sued him and won £10,000 (almost £1,000,000. today). A divorce followed, and Ferguson married her on 20 April 1808.

Our copy was owned by Sir Geoffrey Briggs [1914-1993], an English lawyer and judge who served as Chief Justice of Hong Kong and Brunei.

Accounts of this trial are scarce, including ours. OCLC locates 7 copies of this title, 3 in law libraries (Harvard, University of Minnesota, Library of Congress).



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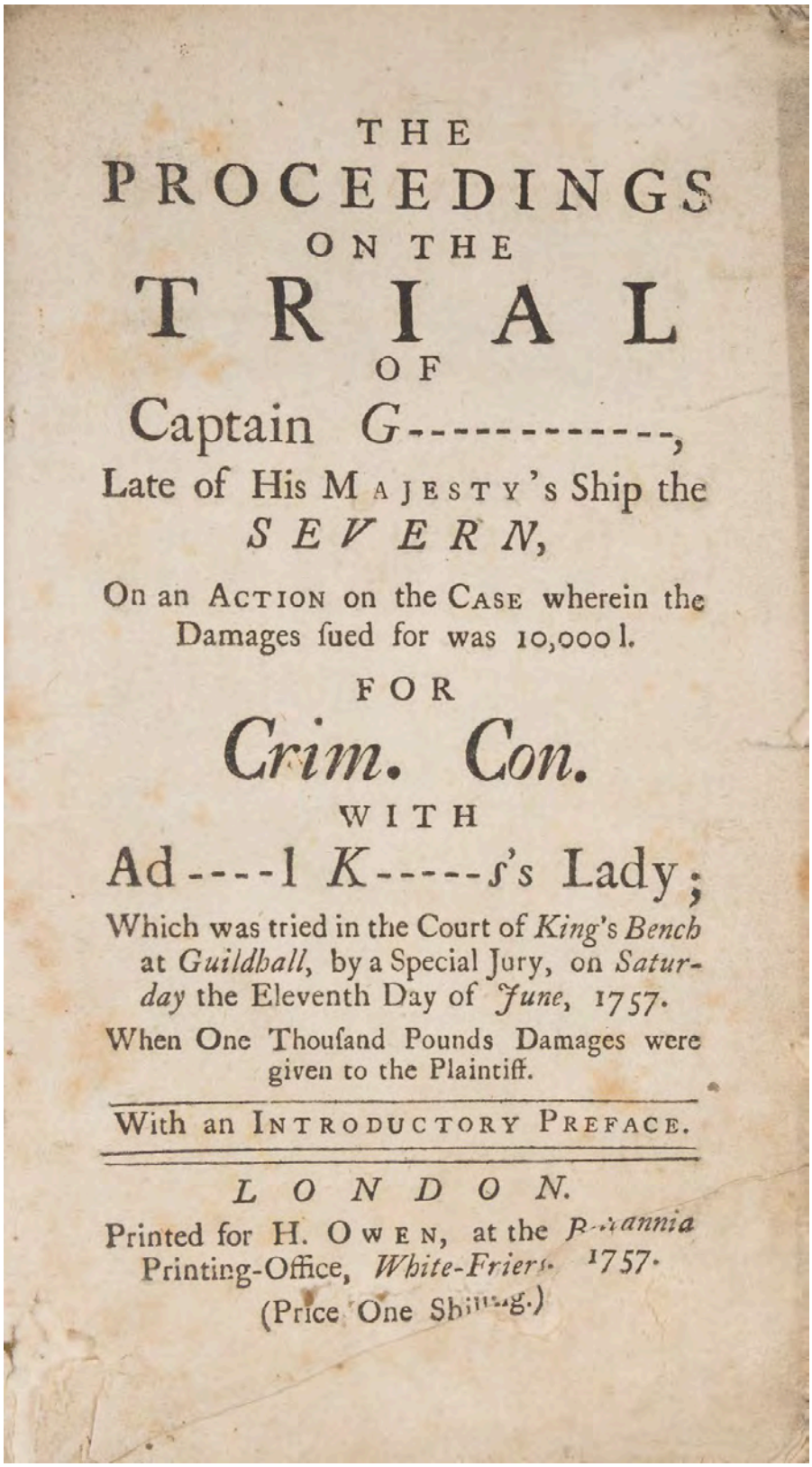


THE
PROCEEDINGS
ON THE
TRIAL
OF
Captain *G*----------,
Late of His MAJESTY's Ship the
SEVERN,

On an ACTION on the CASE wherein the Damages ſued for was 10,000 l.

FOR

Crim. Con.

WITH

Ad----l *K*-----*s*'s Lady;

Which was tried in the Court of *King*'s *Bench* at *Guildhall*, by a Special Jury, on *Saturday* the Eleventh Day of *June*, 1757.

When One Thouſand Pounds Damages were given to the Plaintiff.

With an INTRODUCTORY PREFACE.

LONDON.

Printed for H. OWEN, at the *Britannia* Printing-Office, *White-Friers*. 1757.

(Price One Shilling.)

A "Penurious Old Reptile" on Trial:
The 1757 Adultery Trial of Captain James Gambier

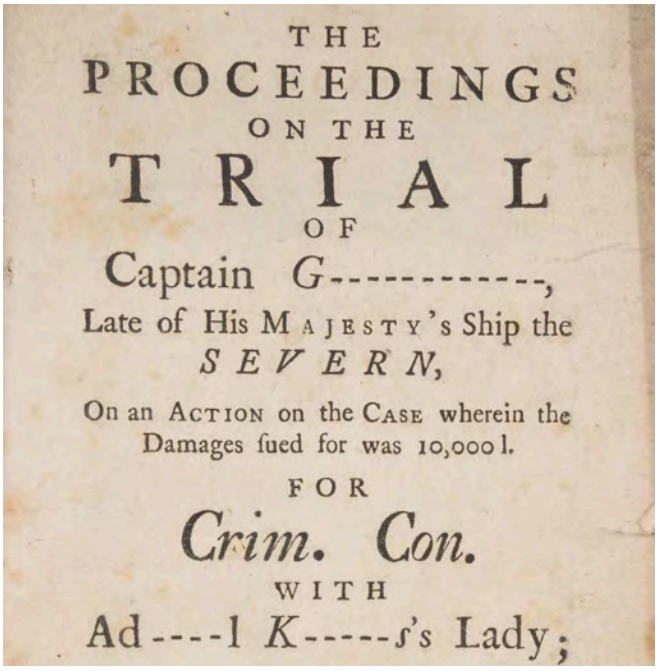
19. [Trial].
Gambier, James, Defendant [1723-1789].
The Proceedings on the Trial of Captain G------, Late of His Majesty's Ship the Severn, On an Action on the Case Wherein the Damages Sued for was 10,000 l. for Crim. Con. With Ad----l K-----s's Lady; Which was Tried in the Court of King's Bench at Guildhall, By a Special Jury, On Saturday the Eleventh Day of June, 1757. When One Thousand Pounds Damages were Given to the Plaintiff. With an Introductory Preface. London: Printed for H. Owen, At the Britannia Printing-Office, White-Friers, 1757.

First edition. Octavo (8" x 4-1/2"; 20.3 x 11.4cm). vii, 3-56 pp. Stab-stitched pamphlet in later plain wrappers, typed label with title and date to front wrapper. Light soiling and creasing to wrappers. Light toning to interior, occasional light foxing, light soiling and tiny wear holes in a few places. Crease and a few small holes to foot of title page without loss to legibility. Minor edgewear and localized short tears along the fore-edges of a few leaves. A few small thin spots to page 35 and leaf E4 (pages 33-34), which is separating at foot but secure. A very good copy. $250.

* One of four London issues variant imprints from 1757. This scarce pamphlet details a scandalous 18th-century "Criminal Conversation" (crim. con.) action-the legal precursor to civil damages for adultery. The plaintiff, Admiral Sir Charles Knowles, accused Captain James Gambier of an affair with his second wife, Maria de Bouget [1733-1796].

The trial serves as a fascinating lens into the social dynamics, naval politics, and public consumption of celebrity scandal in Georgian England. Gambier was notoriously unpopular among his crew; one of his own men famously described him as a "penurious old reptile" (Oxford Dictionary of National Biography). This deep lack of personal popularity appears to have spilled over into the courtroom. Failing to win the sympathy of the special jury, Gambier was ordered to pay a hefty fine of £1,000 to the plaintiff-a significant sum for the era, though far short of the original £10,000 demanded.

(*Oxford Dictionary of National Biography*). *English Short-Title Catalogue* N20182.


THE
PROCEEDINGS
ON THE
TRIAL
OF
Captain G----------,
Late of His MAJESTY's Ship the
SEVERN,
On an ACTION on the CASE wherein the
Damages sued for was 10,000 l.
FOR
Crim. Con.
WITH
Ad----l K-----s's Lady;

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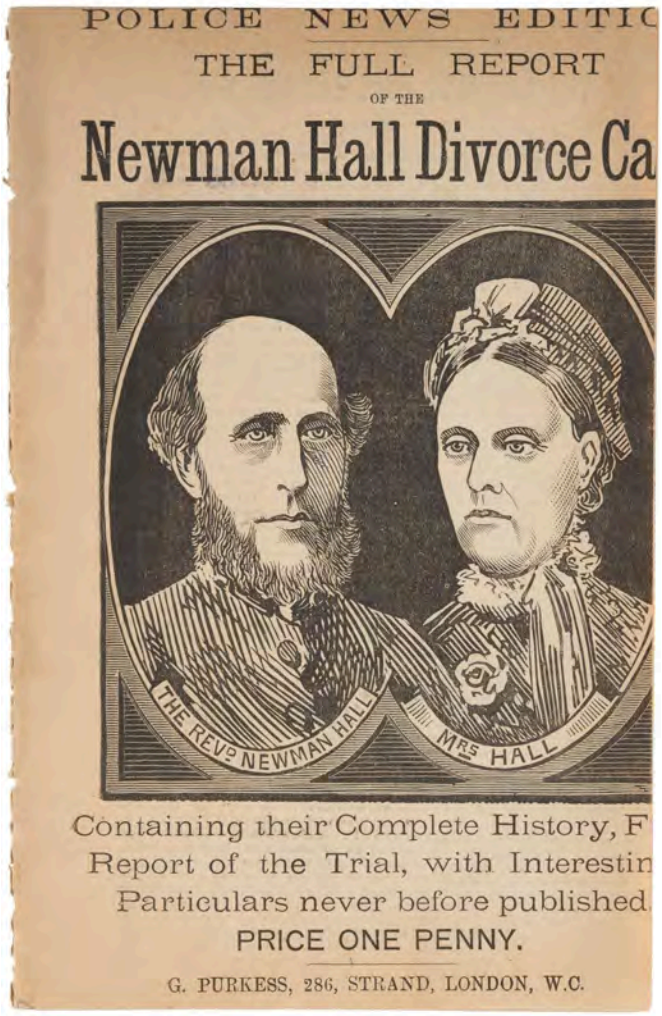


A Raucous Divorce Case: Only Edition of the 1880 Newman Hall Divorce Case Report

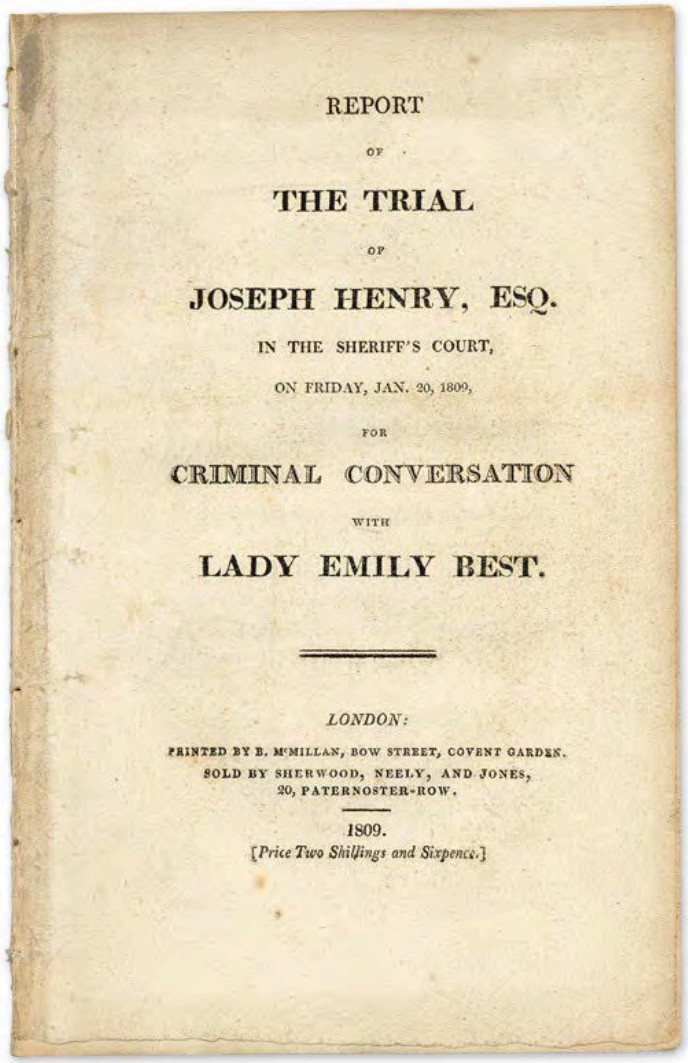
20. [Trial].
Hall v. Hall.
The Full Report of the Newman Hall Divorce Case [Drop-Head Title]. At head of drop-head title: *Police News Edition*. London: G. Purkess, [c.1880]. 16 pp. Title page has large woodcut portraits of the Halls. Octavo (8-1/4" x 5-1/4").

Stab-stitched pamphlet, thread lacking. Moderate toning, light edgewear and chipping to spine, light foxing to final few leaves, title page affected by trimming to top and fore-edges without loss to legibility. Rare. $850.

* Only edition. In 1880, Christopher Newman Hall, a minister who had gained fame in Britain and the United States with his tract *Come to Jesus* (1848), accused his wife Charlotte of adultery with a friend of the couple. She denied the accusations and accused him of infidelity in turn. The couple was not particularly compatible; Charlotte was a free spirit who loved to hunt and smoke, habits her husband despised on moral grounds. Newman Hall's high profile and the humor of much of the testimony made the trial a raucous affair, with frequent bursts of laughter from witnesses to the despair of the judge. Newman Hall ultimately succeeded in obtaining a decree nisi and remarried later that year.

This is a rare title. No physical copies listed on OCLC or Library Hub. We located a copy at Indiana University.

View Additional Images or Order This Item



REPORT

OF

THE TRIAL

OF

JOSEPH HENRY, ESQ.

IN THE SHERIFF'S COURT,

ON FRIDAY, JAN. 20, 1809,

FOR

CRIMINAL CONVERSATION

WITH

LADY EMILY BEST.

LONDON:

PRINTED BY B. M'MILLAN, BOW STREET, COVENT GARDEN.
SOLD BY SHERWOOD, NEELY, AND JONES,
20, PATERNOSTER-ROW.

1809.

[Price Two Shillings and Sixpence.]

The Lady Deserted Her Husband and Daughter

21. **[Trial].**
[Henry, Joseph, Defendant].
Report of the Trial of Joseph Henry, Esq., In the Sheriff's Court, On Friday, Jan. 20, 1809, For Criminal Conversation with Lady Emily Best. London: Printed by B. McMillan, 1809.

First edition. Octavo (8-1/2" x 5-1/2"). [ii], 50, [1] pp. Includes one-page advertisement. Disbound stab-stitched pamphlet. Light soiling to exterior, minor edgewear to first and final leaves, light toning to interior. A very good, clean copy. SOLD.

* A scarce report of an inquiry to award damages after Lady Emily Best deserted her formerly wealthy husband (who was then confined to a debtor's prison) and her infant daughter to cohabit with the defendant. Because the plaintiff in this case was heavily indebted and imprisoned, the sensational trial highlights early 19th-century British societal tensions surrounding class, marriage laws, and economic ruin. The jury awarded the substantial sum of £2,000.

OCLC locates 2 copies (at Cornell and Yale Universities). *Catalogue of the Library of the Harvard Law School* (1909) II:1098

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The Renier Copy of an Unrecorded 1808 "Crim. Con." Trial Pamphlet: A Salacious Window into Regency Legality and Tabloid Culture

22. [Trial].
Hodgson, Charles, Defendant.
Crim. Con. Between a Lawyer's Clerk and His Mistress. Fairburn's Edition of the Trial Between Joseph Fowler, An Attorney, And Chas. Hodgson, His Clerk, For Criminal Conversation with the Plaintiff's Wife, Which was Tried at the Court of Common Pleas, Before Lord Chief Justice Mansfield, And a Special Jury, July 13, 1808. Taken in Short Hand. Embellished with an Engraved Frontispiece, Representing "Her Dear Charles" Putting Her Ear-rings in Her Ears.

London: Published by John Fairburn, [1808].

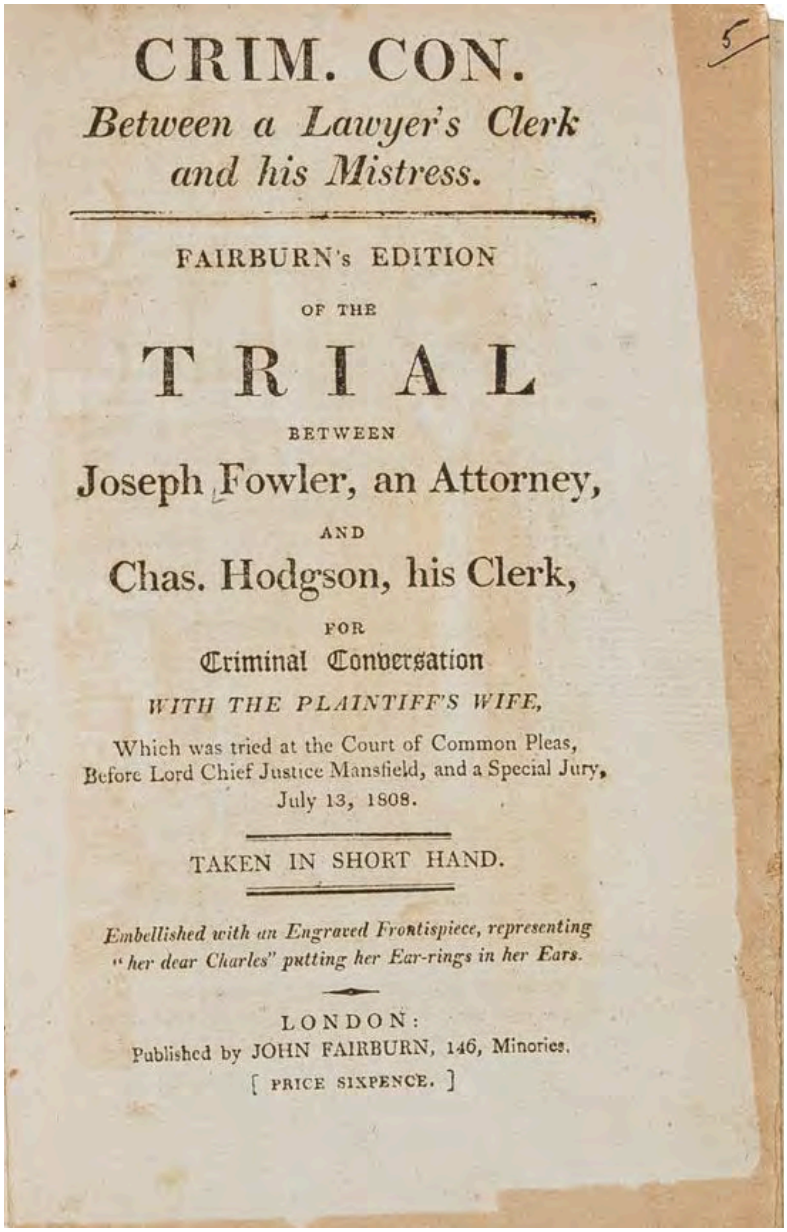
First and only edition. Octavo (8-1/4" x 5"; 21 x 12.7 cm). 17, [1] pp. Folding frontispiece. Disbound stab-stitched pamphlet housed in recent card folder with annotations to front. Moderate toning, somewhat heavier to exterior, faint offsetting to title page, text block split between pages 10 and 11. Owner signature "Renier" to verso of frontispiece, small ink "5" to upper outside corner of title page, owner initials "AR" to upper inside corner of last page. A rare copy. $350.

* A fascinating and remarkably rare piece of early 19th-century street literature capturing a classic "Crim. Con." (Criminal Conversation) trial. In Regency England, a husband could sue his wife's lover for damages based on the loss of her "society and comfort"-effectively treating a wife as a piece of stolen property. These trials provided the era's most reliable scandals, and enterprising publishers like John Fairburn rushed shorthand transcripts into print to satisfy the public's appetite for voyeuristic melodrama.

This specific case captures a classic downstairs scandal: Joseph Fowler, an attorney, discovered that his clerk, Charles Hodgson, was carrying on an affair with Mrs. Fowler. Though Fowler sued for substantial damages, the court largely agreed that Mrs. Fowler was the aggressive instigator. Lord Chief Justice Mansfield subsequently declined to award a large sum, granting Fowler a modest and rather humiliating £150.

This pamphlet belonged to Anne Renier [1911?-1988]. She and her husband, Fernand Gabriel Renier [1905-1988], were important collectors of popular books, pamphlets and ephemera.

OCLC locates 2 copies worldwide (University of British Columbia, University of Oxford). Library Hub locates no additional copies.



CRIM. CON.

Between a Lawyer's Clerk and his Mistress.

FAIRBURN's EDITION

OF THE

TRIAL

BETWEEN

Joseph Fowler, an Attorney,

AND

Chas. Hodgson, his Clerk,

FOR

Criminal Conversation

WITH THE PLAINTIFF'S WIFE,

Which was tried at the Court of Common Pleas, Before Lord Chief Justice Mansfield, and a Special Jury, July 13, 1808.

TAKEN IN SHORT HAND.

Embellished with an Engraved Frontispiece, representing "her dear Charles" putting her Ear-rings in her Ears.

LONDON:

Published by JOHN FAIRBURN, 146, Minories.

[PRICE SIXPENCE.]

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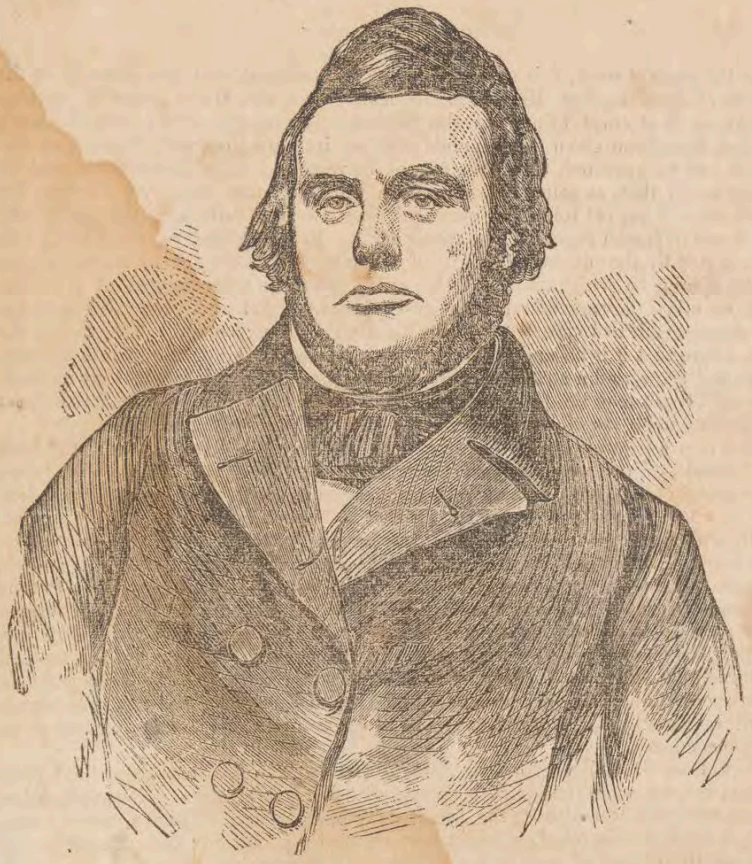
ONLY FULL REPORT

OF THE

TRIAL OF REV. I. S. KALLOCH,

ON CHARGE OF ADULTERY.



COMPLETE HISTORY OF THE AFFAIR; DOINGS OF THE CHURCH; KALLOCH'S PULPIT DEFENCE: ARREST, ARRAIGNMENT, TRIAL, AND RESULT. WITH ACCURATE PORTRAITS OF KALLOCH, AND THE BEAUTIFUL LADY IN BLACK, AND THE LECTURE ROOM OF THE LECHMERE.

Stenographic Report. Entered according to Act of Congress, in the year 1857, by JOHN Y. WILLIAMS, in the Clerk's Office of the District Court of the District of Massachusetts.

BOSTON:
FEDERHEN & COMPANY.
1857.

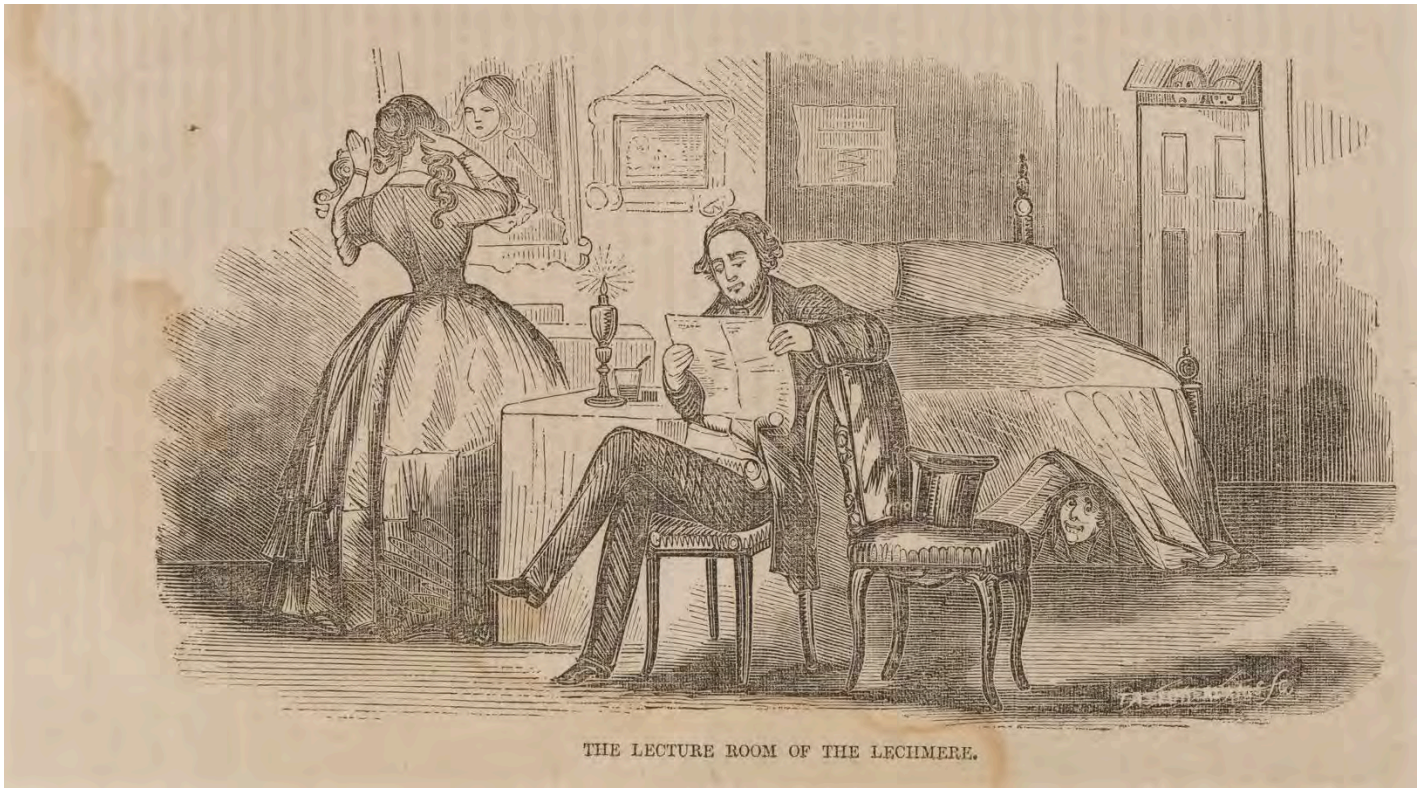
An Accused Adulterer Defended by Richard Henry Dana

23. [Trial].
Kalloch, I[saac] S[mith] [1831-1887], Defendant.
Only Full Report of the Trial of Rev. I.S. Kalloch on Charge of Adultery: Complete History of the Affair, Doings of the Church, Kalloch's Pulpit Defence, Arrest, Arraignment, Trial, And Result. With Accurate Portraits of Kalloch and the Beautiful Lady in Black, And the Lecture Room of the Lechmere. Boston: Federhen & Company, 1857. 64 pp. Woodcut pictorial title page. Two woodcut text illustrations. Octavo (9" x 5-1/2").

Stab-stitched pamphlet in pictorial self-wrappers bound into recent quarter calf over marbled boards. Moderate toning and dampstaining to text, repairs to edges of first and final leaves. $500.

* Only edition. "Isaac Smith Kalloch, accused of adultery in this prosecution, was a Baptist clergyman and was supported by the trustees of his church throughout this affair. (...) The jury could not reach a verdict in the case, which was tried in the Massachusetts Court of Common Pleas (Criminal Session) in Cambridge Massachusetts" (Cohen). Kalloch was defended by the eminent lawyer and politician Richard Henry Dana, Jr. [1815-1882]. The *Full Report* includes the judge's charge, but not the jury's final verdict.

Kalloch moved to San Francisco, where he continued to generate controversy by skirting the bounds of decency. When he decided to run for mayor of San Francisco in 1879, he came under attack from the San Francisco Chronicle's editor-in-chief, Charles de Young, who was backing another candidate. DeYoung, hoping to end Kalloch's campaign, accused the minister of having an affair. Kalloch responded by claiming that De Young's mother ran a brothel. In response, DeYoung ambushed Kalloch on a street and shot him twice. Kalloch survived the wounds. Due in part to the sympathy of voters, he was elected the 18th Mayor of San Francisco. OCLC locates 7 copies in North American law libraries (Brigham Young University, Harvard, LA County, Social Law, Library of Congress, University of Cincinnati, University of Minnesota). Cohen, *Bibliography of Early American Law* 13700.


THE LECTURE ROOM OF THE LECHMERE.

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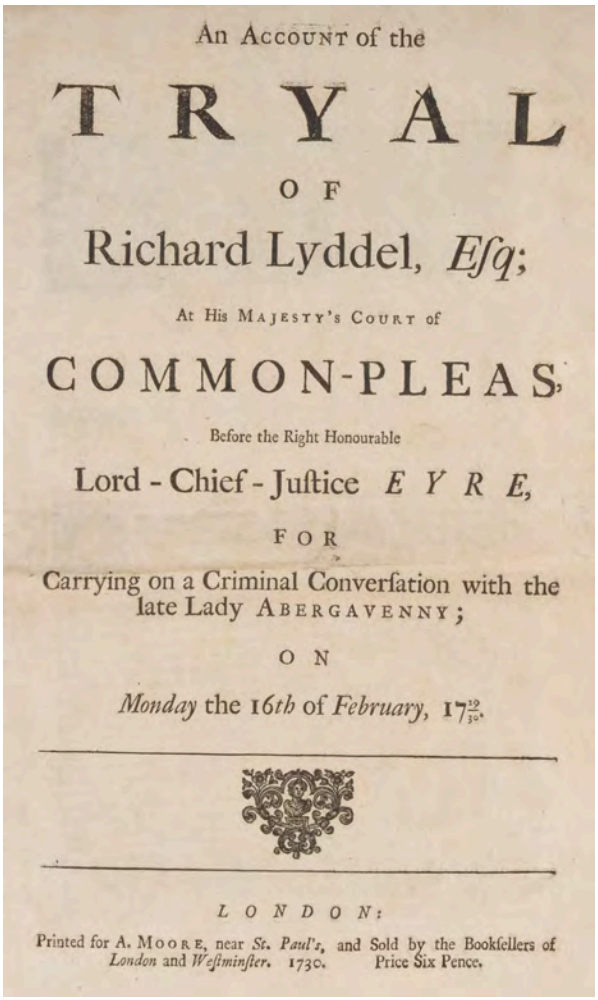
An Account of the

TRYAL

OF

Richard Lyddel, *Esq;*

At His Majesty's Court of

COMMON-PLEAS,

Before the Right Honourable

Lord - Chief - Juſtice *EYRE,*

FOR

Carrying on a Criminal Converſation with the late Lady ABERGAVENNY;

ON

Monday the 16*th* of *February*, 17$\frac{29}{30}$.

LONDON:

Printed for A. MOORE, near *St. Paul's*, and Sold by the Bookſellers of *London* and *Weſtminſter*. 1730. Price Six Pence.

"Carrying on a Criminal Conversation"

24. [Trial].
Liddell, Richard, Defendant [c.1694-1746].
An Account of the Tryal of Richard Lyddel, Esq; At His Majesty's Court of Common-Pleas, Before the Right Honourable Lord-Chief-Justice Eyre, For Carrying on a Criminal Conversation with the Late Lady Abergavenny; On Monday the 16th of February, 1729/30. London: Printed for A. Moore, 1730.

Folio (13" x 8-1/4"). 8 pp. Pages 6 and 7 printed in reverse order.
Stab-stitched pamphlet in self-wrappers, untrimmed. Moderate toning, single horizontal fold, slight creasing to first signature at spine, light wear to fore-edge of second and fourth leaves, moderate soiling to verso of final leaf. $650.

* Early edition, one of two from the same year under the same fictitious imprint. Liddell, an Irish MP and something of a rake, was caught in bed with Lady Abergavenny, the wife of a close friend. When the two were found out, Lady Abergavenny went into shock and died twenty-six days later. The sensational case drew a great deal of public attention. Despite Liddell's penitence, the jury issued a harsh fine of £10,000, which ruined him financially.

OCLC locates 5 copies, 2 in North America (University of Illinois, University of Minnesota). *English Short-Title Catalogue* T105385.

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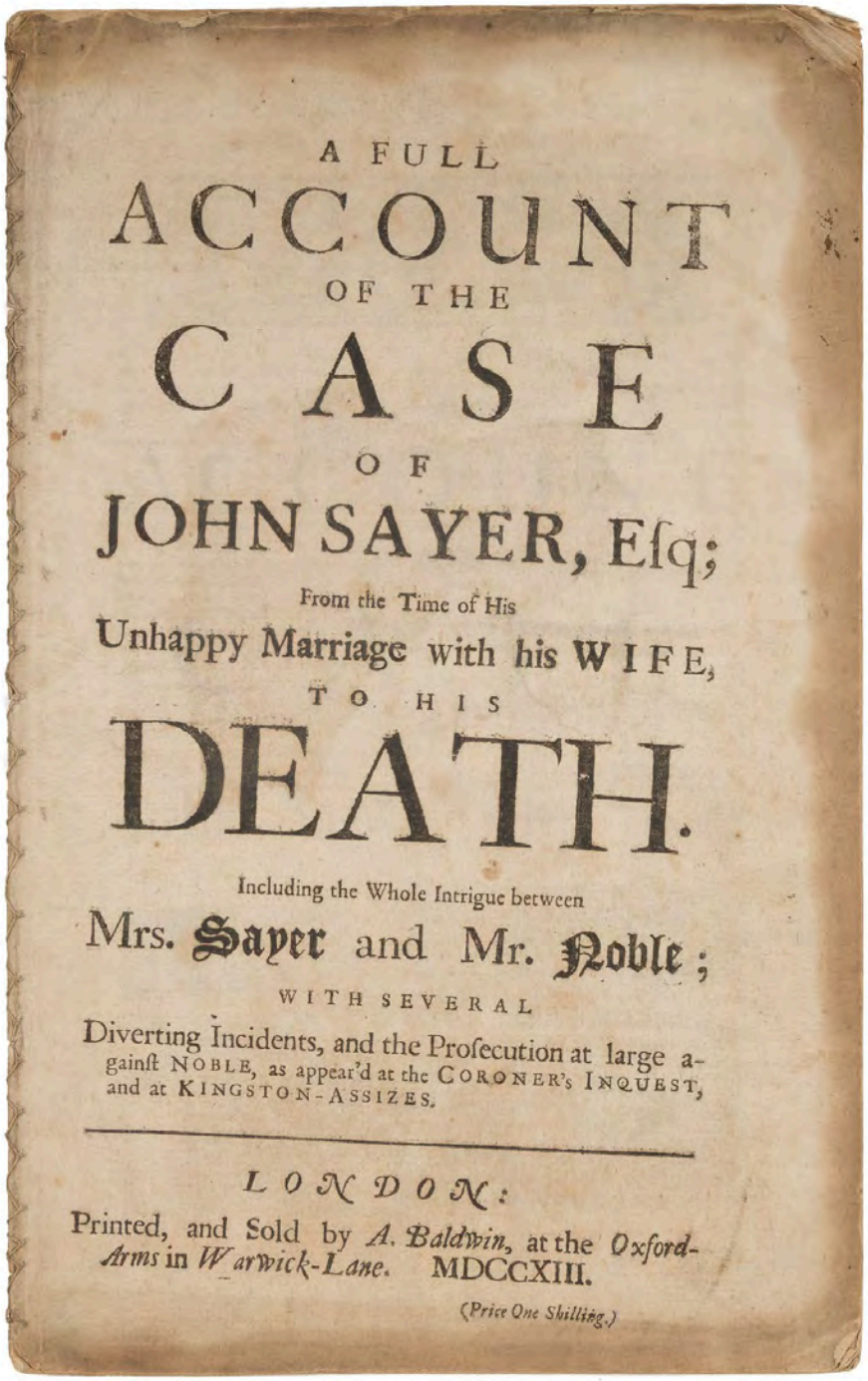


A FULL
ACCOUNT
OF THE
CASE
OF
JOHN SAYER, Esq;
From the Time of His
Unhappy Marriage with his WIFE,
TO HIS
DEATH.
Including the Whole Intrigue between
Mrs. Sayer and Mr. Noble;
WITH SEVERAL
Diverting Incidents, and the Prosecution at large against NOBLE, as appear'd at the CORONER's INQUEST, and at KINGSTON-ASSIZES.

LONDON:
Printed, and Sold by *A. Baldwin*, at the *Oxford-Arms* in *Warwick-Lane*. MDCCXIII.
(*Price One Shilling.*)

"The Consequences of Town Gallantry Are Always Fatal"

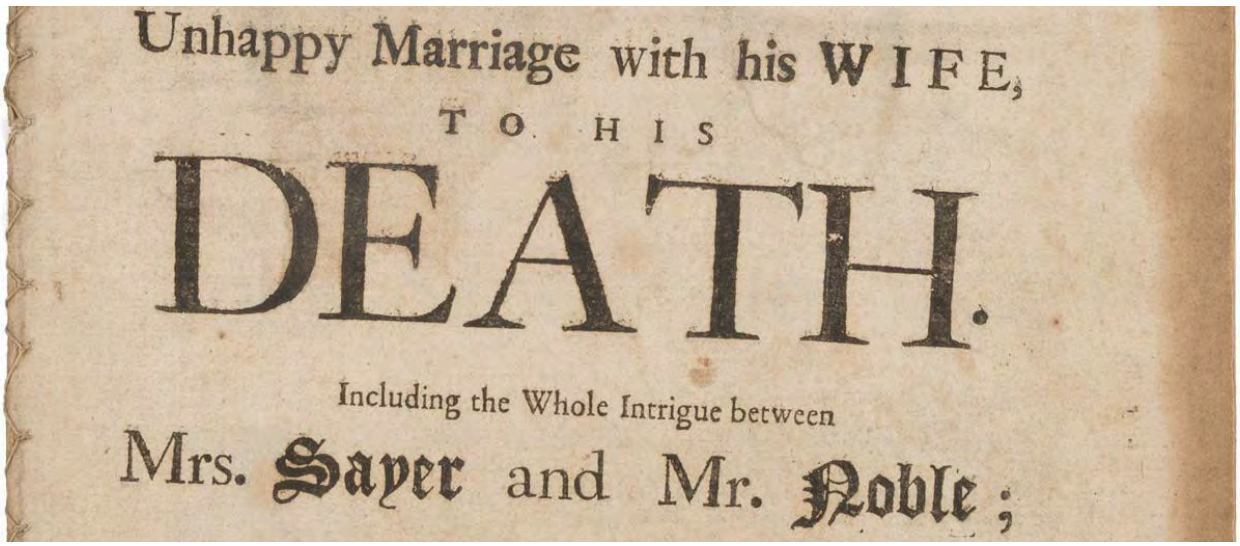
25. [Trial].
Noble, Richard, Defendant [1684-1713].
A Full Account of the Case of John Sayer, Esq; From the Time of His Unhappy Marriage with his Wife, To His Death. Including the Whole Intrigue Between Mrs. Sayer and Mr. Noble; With Several Diverting Incidents, And the Prosecution at Large Against Noble, As Appear'd at the Coroner's Inquest, And at Kingston-Assizes. London: Printed, And Sold by A. Baldwin, 1713. 20 pp. Folio (12-3/4" x 8").

Stab-stitched pamphlet with later side stitching. Light toning, negligible horizontal fold line, light soiling in a few places, light offsetting to title page and first few leaves, slight chipping to top-edge of title page without loss to text, small hole to text block of leaf B1 (pp. 3-4) with no loss to legibility. A remarkably well-preserved folio. $500.

* First edition, one of three from the same year. A classic 18th-century tale of 'Town Gallantry' turned deadly. This pamphlet details the sensational fall of Richard Noble, an attorney who transitioned from representing Mrs. Sayer in her separation to becoming her lover and, ultimately, her husband's murderer.

When the aggrieved John Sayer arrived with constables to arrest his runaway wife and serve Noble with an action for 'Criminal Conversation' (adultery), Noble drew his sword and killed Sayer in cold blood in the presence of the officers. The trial highlights the scandalous dynamics of the era: Noble's defense was funded by his mistress and her mother, who were themselves tried as accomplices. While the women used their wealth to secure acquittals, Noble was sent to the gallows. A vivid primary source for the study of 18th-century marital law, adultery, and homicide.

OCLC locates 6 copies of this edition, 3 in North America (University of Illinois, Middlebury, New York State Library). *English Short-Title Catalogue* T108029.


Unhappy Marriage with his WIFE,
TO HIS
DEATH.
Including the Whole Intrigue between
Mrs. Sayer and Mr. Noble;

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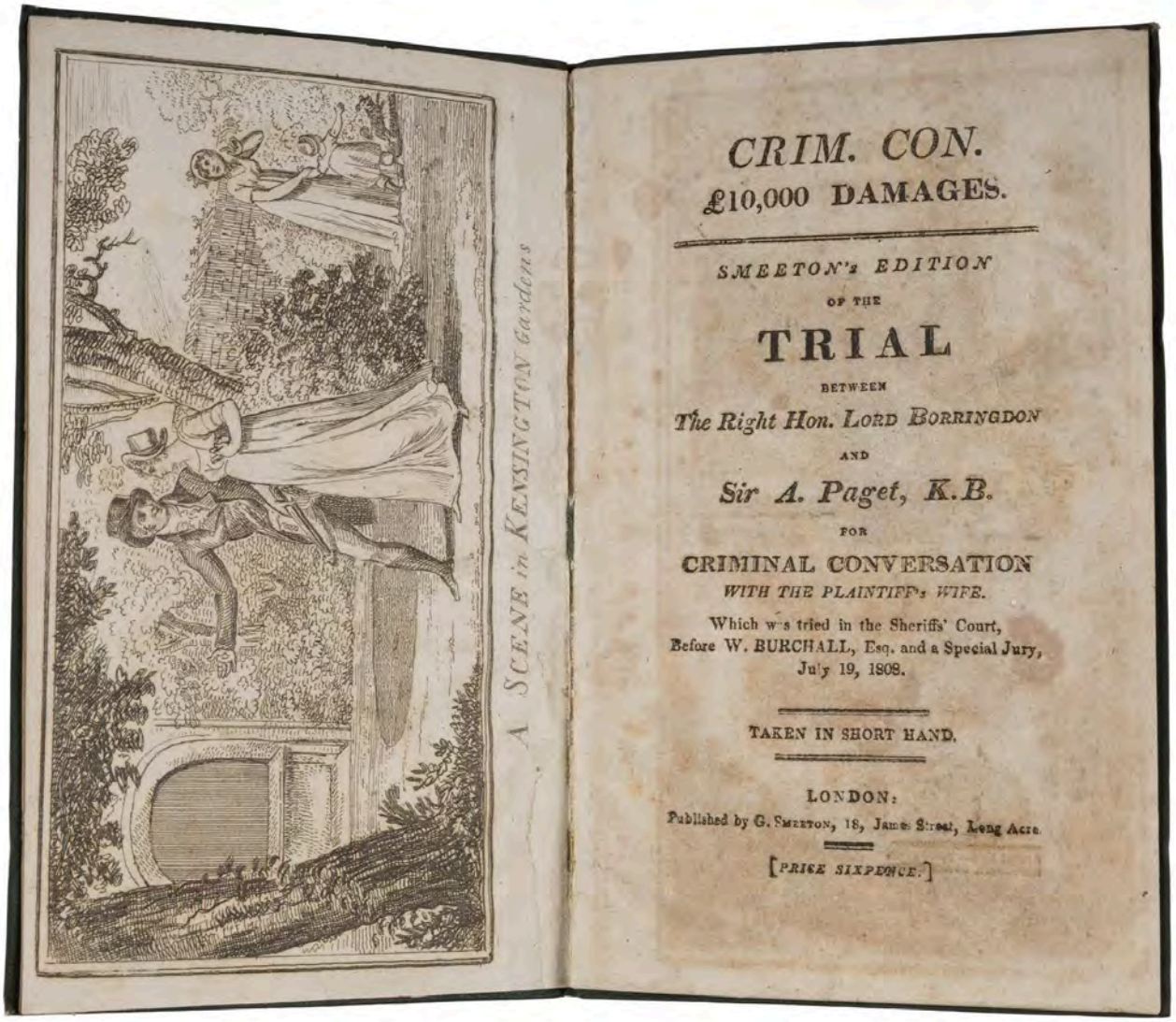


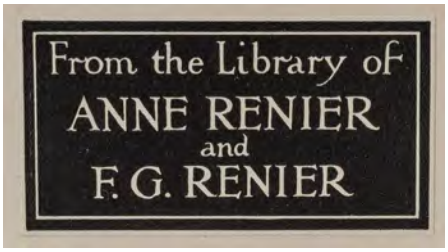
Rare Trial Account With a Frontispiece by George and Isaac Cruikshank

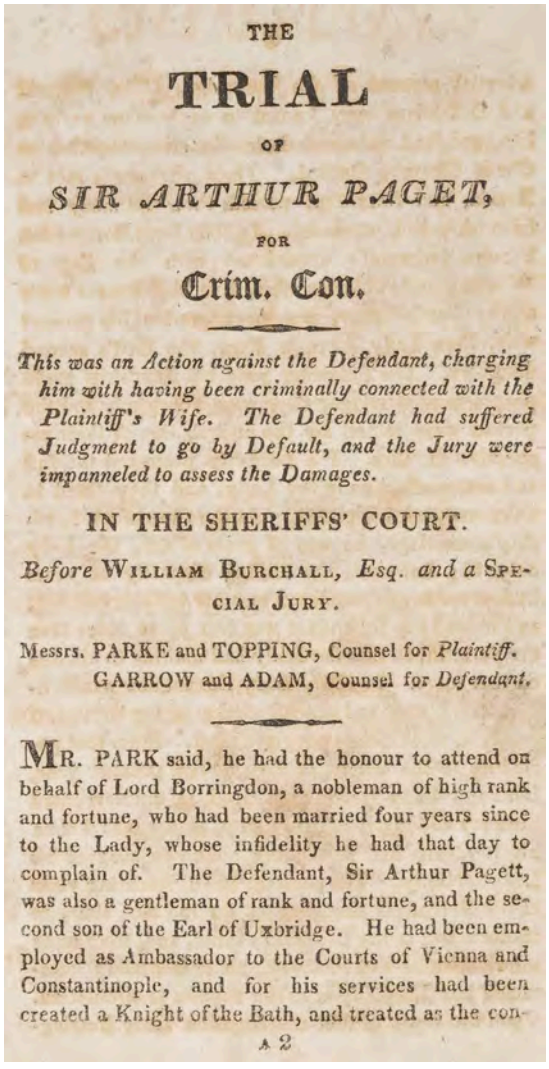
26. [Trial].
Paget, Sir Arthur [1771-1840], Defendant.
Cruikshank, Isaac [1789-1856], Frontispiece.
Cruikshank, George [1792-1878], Frontispiece.
Crim. Con. £10,000 Damages. Smeeton's Edition of the Trial Between the Right Hon. Lord Borringdon and Sir A. Paget, K.B. For Criminal Conversation with the Plaintiff's Wife. Which was Tried in the Sheriffs' Court, Before W. Burchall, Esq. And a Special Jury, July 19, 1808. Taken in Short Hand. London: Published by G. Smeeton, 18, James Street, Long Acre, [1808].

Octavo (8-1/2" x 5-1/4"). 16 pp. Etched copperplate frontispiece by Isaac Cruikshank, assisted by George Cruikshank. Stab-stitched pamphlet bound into contemporary (or near-contemporary) flexible cloth, gilt title to front cover, frontispiece and several leaves re-hinged. Light rubbing to extremities, bookplate of Fernand Gabriel and Anne Renier to front pastedown, early owner inscription ("Walter Scott His Book/ July 29, 1808") to verso of frontispiece. Crack in text block between frontispiece and title page, which is lightly soiled, moderate toning to interior, light foxing to first half of text block. $650.

* A rare account of one of the great scandals of the day, which involved two well-known aristocrats who were active politicians. The criminal conversation occurred in 1808 when Paget eloped with Lady Augusta Fane, then the wife of John Parker [1772-1840], 2nd Baron Boringdon (or Borringdon). Paget married her the following year, two days after her divorce was granted. The Walter Scott who owned this copy was not the Scottish author.

Fernand Gabriel and Anne Renier were important collectors of popular printed material. OCLC locates 1 copy (Harvard). No copies listed on Library Hub. Cohn, *George Cruikshank: A Catalogue Raisonné* 85.





THE

TRIAL

OF

SIR ARTHUR PAGET,

FOR

Crim. Con.

This was an Action against the Defendant, charging him with having been criminally connected with the Plaintiff's Wife. The Defendant had suffered Judgment to go by Default, and the Jury were impanneled to assess the Damages.

IN THE SHERIFFS' COURT.

Before WILLIAM BURCHALL, *Esq. and a* SPECIAL JURY.

Messrs. PARKE and TOPPING, Counsel for *Plaintiff.*
GARROW and ADAM, Counsel for *Defendant.*

MR. PARK said, he had the honour to attend on behalf of Lord Borringdon, a nobleman of high rank and fortune, who had been married four years since to the Lady, whose infidelity he had that day to complain of. The Defendant, Sir Arthur Pagett, was also a gentleman of rank and fortune, and the second son of the Earl of Uxbridge. He had been employed as Ambassador to the Courts of Vienna and Constantinople, and for his services had been created a Knight of the Bath, and treated as the con-

A 2

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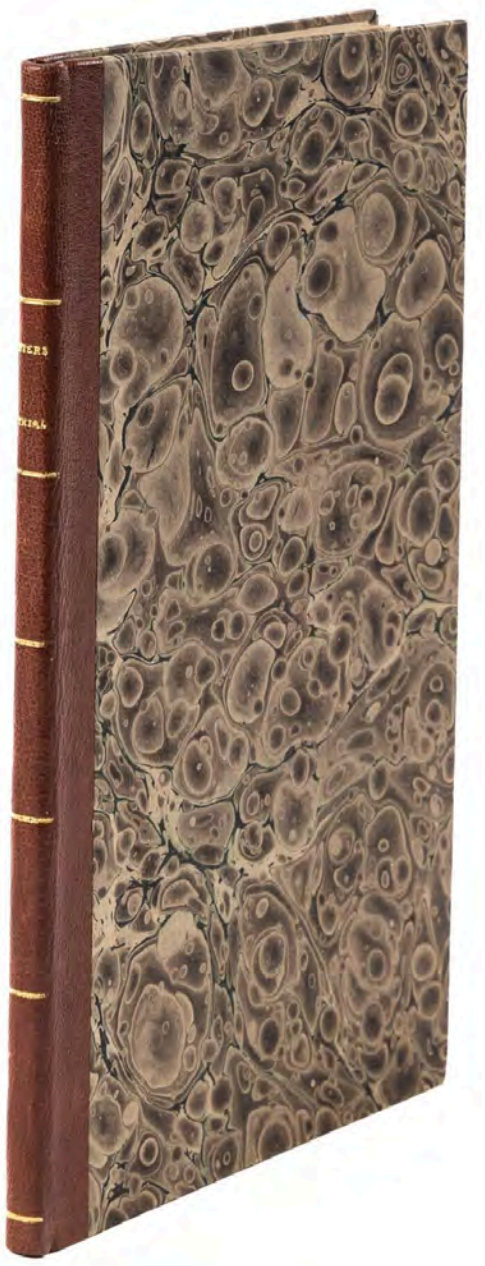


He Seduced Her to Win a Bet: The Trial of the *Bold Bad Baronet* Sir John Piers

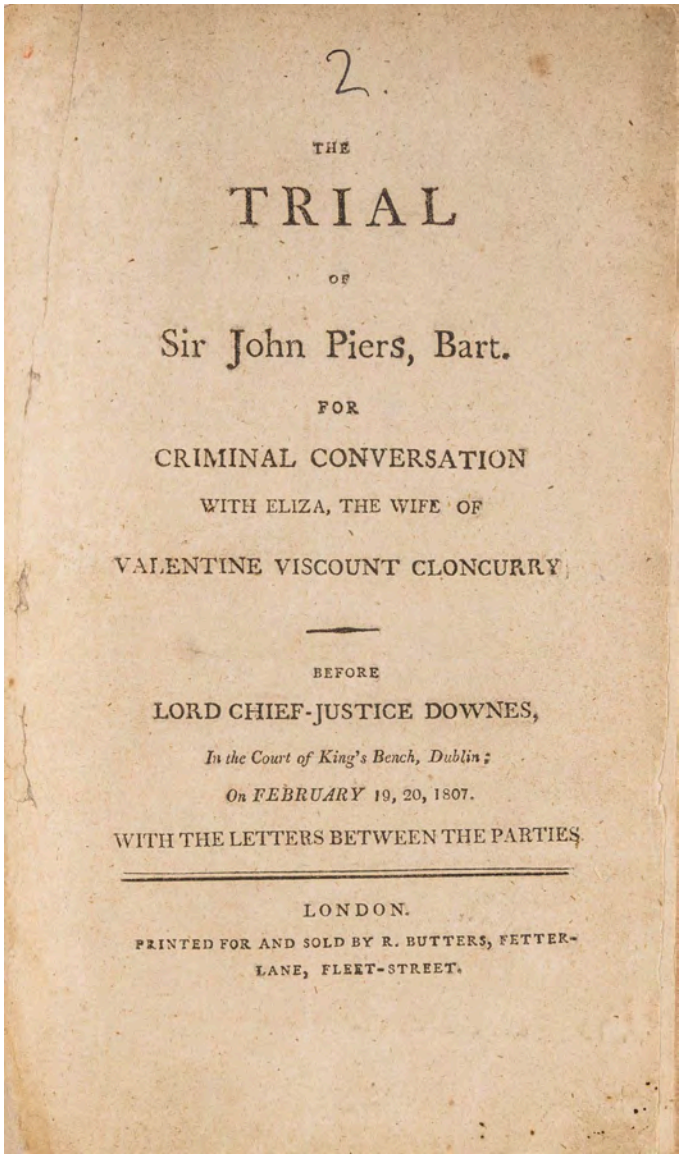
27. [Trial].
Piers, Sir John [1772-1845], Defendant.
The Trial of Sir John Piers, Bart. For Criminal Conversation with Eliza, the Wife of Valentine Viscount Cloncurry Before Lord Chief-Justice Downes, In the Court of King's Bench, Dublin; On February 19, 20, 1807. With the Letters Between the Parties. London: Printed for and Sold by R. Butters, [1807].

Only edition. Octavo (8-1/4" x 5-1/4"; 21 x 13.3cm). 44 pp. Modern period-style quarter morocco over marbled boards, gilt titles and ornaments to spine, renewed endpapers. Lacking the portrait frontispiece. Moderate toning to text, light foxing to a few leaves. Edgewear and a few minor puncture holes to the title page not affecting text; early ink numeral "2" to upper margin of title page. A very good copy of a scarce trial record. SOLD.

* Scarce London edition detailing one of the most notorious Regency-era adultery trials. Piers, 6th Baronet of Tristernagh Abbey, was an Anglo-Irish aristocrat and a notorious rake. His infamy was cemented during this 1807 "criminal conversation" (adultery) trial, which revealed that he had intentionally seduced Elizabeth Georgiana, Lady Cloncurry, the wife of his close school friend and creditor, Lord Cloncurry, solely to win a wager.

The jury awarded Lord Cloncurry an astonishing £20,000 in damages, bankrupting Piers and forcing him to flee to the Isle of Man to avoid payment. This massive award stood as a landmark sum for a matrimonial civil tort case during the era. The salacious trial captivated the public imagination and left an enduring cultural legacy: it inspired John Betjeman's rare, privately printed 1937 poem *Sir John Piers* and was later featured in a 1978 BBC documentary, *The Bold Bad Baronet*.

COPAC locates 1 copy (National Library of Scotland). OCLC locates 5 copies, 3 in North America (Temple University, University of Missouri-Columbia, Yale Law School). Not in the *British Museum Catalogue*.



2.

THE

TRIAL

OF

Sir John Piers, Bart.

FOR

CRIMINAL CONVERSATION

WITH ELIZA, THE WIFE OF

VALENTINE VISCOUNT CLONCURRY

BEFORE

LORD CHIEF-JUSTICE DOWNES,

In the Court of King's Bench, Dublin;

On FEBRUARY 19, 20, 1807.

WITH THE LETTERS BETWEEN THE PARTIES.

LONDON.

PRINTED FOR AND SOLD BY R. BUTTERS, FETTER-LANE, FLEET-STREET.

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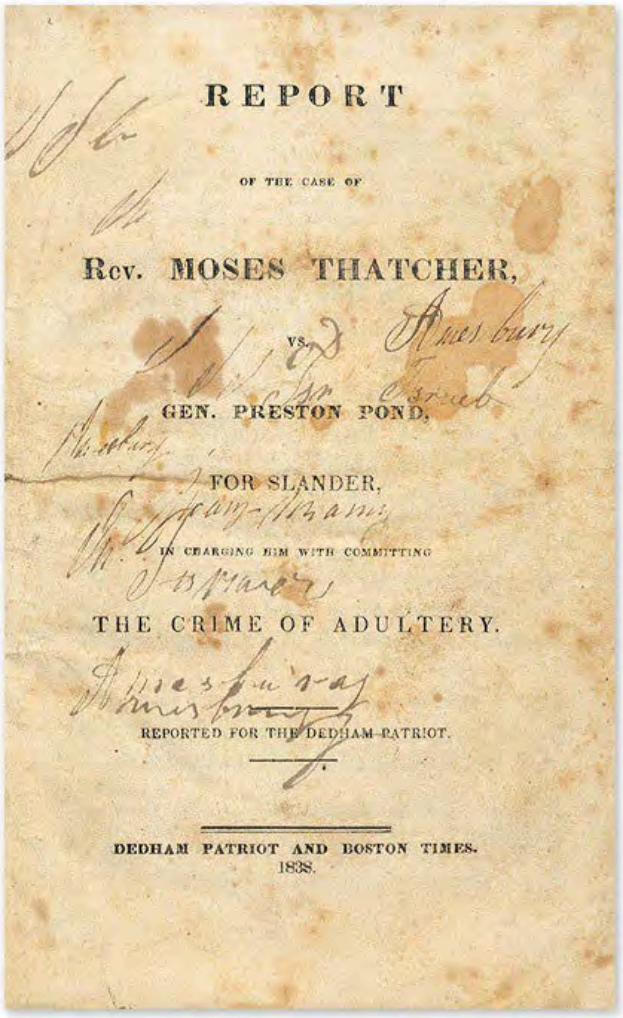
REPORT

OF THE CASE OF

Rev. MOSES THATCHER,

VS.

GEN. PRESTON POND,

FOR SLANDER,

IN CHARGING HIM WITH COMMITTING

THE CRIME OF ADULTERY.

REPORTED FOR THE DEDHAM PATRIOT.

DEDHAM PATRIOT AND BOSTON TIMES.
1838.

1838 Libel Case in Dedham, Massachusetts Due to an Accusation of Adultery

28. [Trial].
Pond, Preston [1792-1868], Defendant.
Report of the Case of Rev. Moses Thatcher, Vs. Gen Preston Pond, For Slander, In Charging Him with Committing the Crime of Adultery. Reported for the Dedham Patriot. Dedham [MA]: Dedham Patriot and Boston Times, 1838. 31 pp. Quarto (7-3/4" x 4-1/2").

Stab-stitched pamphlet in contemporary thick patterned-paper wrappers, hand-lettered title panel to front cover. Some rubbing to extremities with a bit of wear to spine ends and corners, a few minor tears to wrappers. Light browning to text, occasional light foxing, dampstains to a few leaves, two leaves have clean tears, light soiling to title page. Early annotations and signatures to title page, interior otherwise clean. $650.

* Only edition. "Moses Thacher (sometimes spelled Thatcher) charged Pond with slander. Pond pleaded not guilty and alleged truth as a defense. The jury found for the plaintiff and awarded $5.00 in damages and $1.25 in costs" (Cohen). After the trial Thacher left New England and served as pastor in Wysox, Pennsylvania and in Courtland and Cayuga Counties in New York. The trials attracted a fair amount of attention; according to Cohen, it was discussed in three pamphlets. All are scarce. OCLC locates 7 copies of the *Report* in North American law libraries (Columbia, Harvard, Library of Congress, Social Law, University of Minnesota, University of Missouri, William and Mary). Cohen, *Bibliography of Early American Law* 12063.

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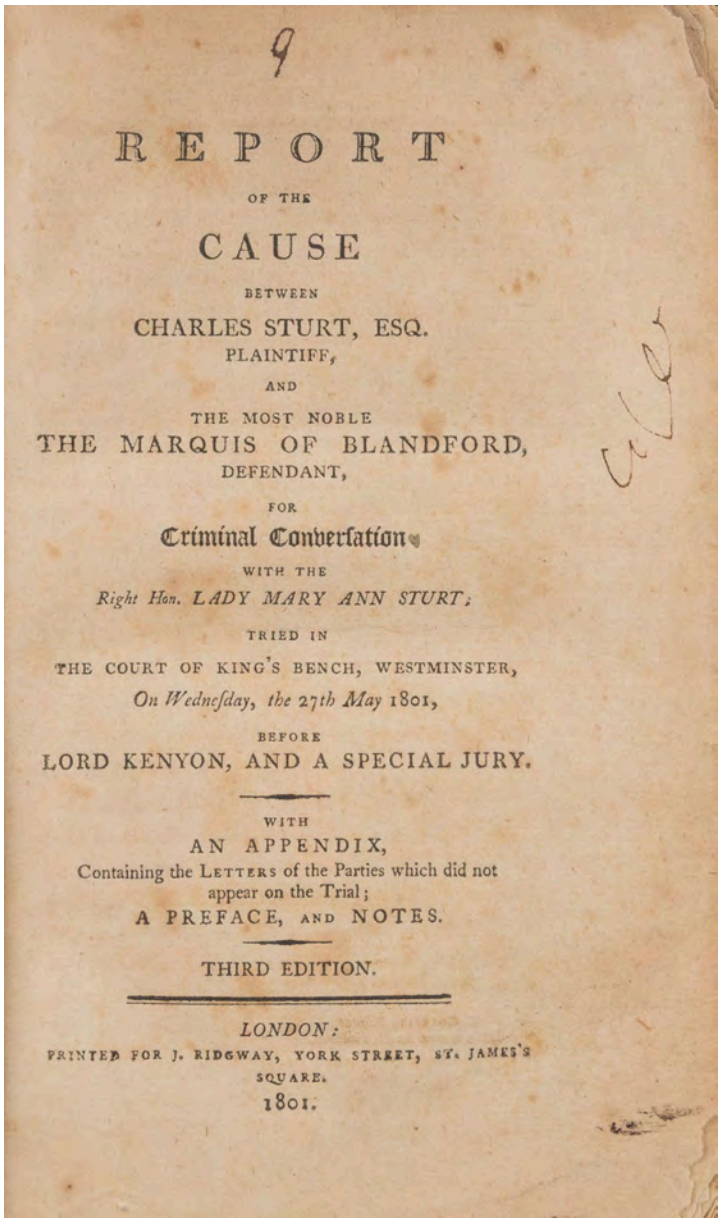


REPORT

OF THE

CAUSE

BETWEEN

CHARLES STURT, ESQ.

PLAINTIFF,

AND

THE MOST NOBLE

THE MARQUIS OF BLANDFORD,

DEFENDANT,

FOR

Criminal Converſation

WITH THE

Right Hon. LADY MARY ANN STURT;

TRIED IN

THE COURT OF KING'S BENCH, WESTMINSTER,

On Wedneſday, the 27th May 1801,

BEFORE

LORD KENYON, AND A SPECIAL JURY.

WITH

AN APPENDIX,

Containing the LETTERS of the Parties which did not appear on the Trial;

A PREFACE, AND NOTES.

THIRD EDITION.

LONDON:

PRINTED FOR J. RIDGWAY, YORK STREET, ST. JAMES'S SQUARE.

1801.

"Perfidy and Depravity" in Regency High Society:
The Sensational 1801 Trial of the Future 5th Duke of Marlborough

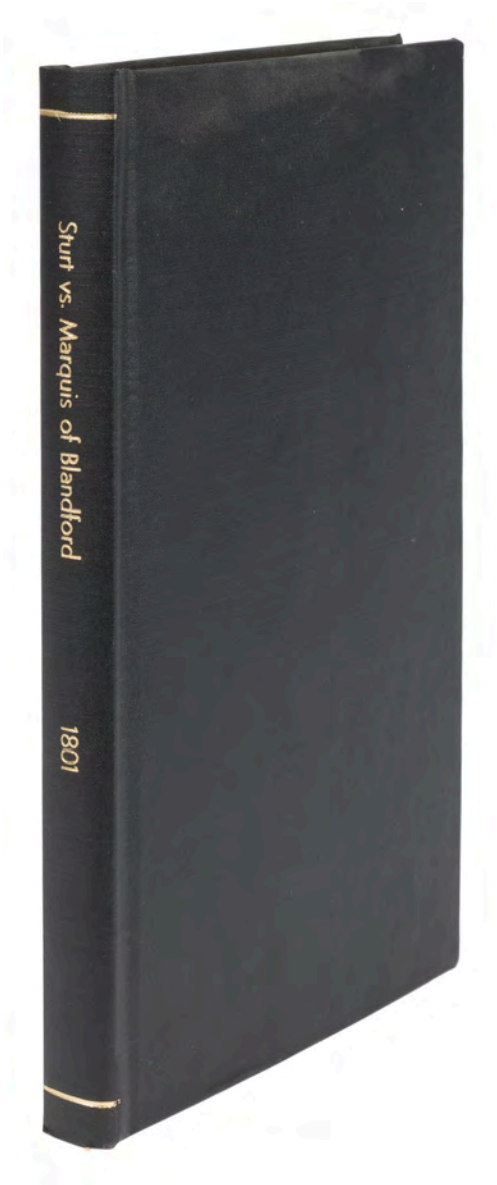
29. [Trial].
Spencer-Churchill, George [1766-1840], Defendant.
Report of the Cause between Charles Sturt, Esq. Plaintiff, And the Most Noble The Marquis of Blandford, Defendant, For Criminal Conversation with the Right Hon. Lady Mary Ann Sturt; Tried in the Court of King's Bench, Westminster, On Wednesday, The 27th May 1801, Before Lord Kenyon, And a Special Jury. With an Appendix, Containing the Letters of the Parties Which Did Not Appear on the Trial; A Preface, And Notes. London: Printed for J. Ridgway, 1801.

Third and final edition. Octavo (8-1/2" x 5-1/2"; 21 x 14cm). xxiii, [1], 149, [3] pp. With publisher advertisements to last 3 pp. Modern black cloth, gilt fillets, title, and date to spine; endleaves renewed. Light browning and occasional minor foxing to interior. Light edgewear, with a few corners chipped; small marginal tears to the last two leaves, with no loss to text. A very good copy. $150.

* Signed in print by the plaintiff, Charles Sturt, at the conclusion of the preface. This sensational pamphlet details the high-society affair between George Spencer-Churchill, then Marquis of Blandford (later the 5th Duke of Marlborough), and Lady Mary Ann Sturt (née Ashley-Cooper, daughter of the 4th Earl of Shaftesbury).

Charles Sturt, a former Member of Parliament known for his own highly public infidelities, brought a civil suit against the Marquis for the exorbitant sum of £20,000. He claimed the Marquis's conduct represented a "singular instance of perfidy and depravity." While Lord Kenyon explicitly noted that Sturt's own continuous adultery legally precluded him from recovering substantial damages, the special jury compromised by awarding a nominal judgment of one hundred pounds. The included appendix contains highly personal, non-trial correspondence leaked to vindicate Sturt's anger.

OCLC locates 8 copies of this edition, 4 in North America (New York Public Library, George Washington Law School, University of Georgia Law School, Harvard Law School).



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Rare Accounts of "Modern Gallantry and Divorces,"
One Overlooked by the *English Short-Title Catalogue*

30. [Trials].
[Adultery].
A Civilian of Doctor's Commons.
A New Collection of Trials for Adultery: Or, General History of Modern Gallantry and Divorces. Containing a Variety of the Most Remarkable Trials...From the Year 1780, To the Present Time. [...] *Embellished with an Elegant Set of Plates, Representing the Most Striking Scenes Described in the Work, Whether Humorous, Ridiculous, Whimsical or Amorous.* London: Printed, for the Proprietors, And Sold by J. Gill, 1799. [544] pp. Irregularly paginated. With 11 copperplate illustrations and a copperplate frontispiece.
[Bound with]
Campbell, Harriet, Defendant.
Summary of the Proceedings in Doctors' Commons, In a Cause Instituted by Charles Colin Campbell, Esq. Against Harriet His Wife, For Adultery. London: Printed for Allen and West, 1796. With a half-title. [vi], 42 pp.
[and]
Hope (Biscoe), Susanna Harriot [1768-1839], Defendant.
The Trial of Mrs. Biscoe, For Adultery with Robert Gordon, Esq. London: Printed for Allen and West, 1794. With a half-title. [ii], 74, [2] pp. With a half-title; final leaf blank.
[and]
Newton, Catherine [b.1756], Defendant.
The Trial of the Hon. Mrs. Catherine Newton, Wife of John Newton, Esq;...Upon a Libel and Allegations, Charging Her with the Crime of Adultery. London: Printed for the Proprietors, and Sold by C. Etherington [et al.], 1782. [ii], 112 pp. Part I only.

Together 4 titles in 1 volume. Octavo (8-1/4" x 4-3/4"; 21 x 12.5 cm).

Contemporary mottled calf, gilt frames to boards, lettering piece and gilt ornaments to spine, gilt rules to board edges, edges of text block speckled, marbled endpapers, silk ribbon bookmark. Light rubbing to exterior, front joint cracked, corners lightly bumped. Moderate toning to interior, occasional light foxing, faint offsetting from plates in first work. A handsome volume. $3,500.

* Compiled by a contemporary reader, this volume gathers four scarce works providing accounts of trials for adultery. Primarily intended to amuse and titillate, these accounts are still of value to legal scholars and historians for their accurate reports and vivid background histories. Together, they constitute a fascinating document of English attitudes toward adultery and divorce at the end of the early modern period.

The *New Collection of Trials for Adultery* was first issued in four volumes in 1796 as *A New and Complete Collection of Trials for Adultery*. A second volume was added to the 1799 edition in 1802 and the *ESTC* considers it a two-volume work, but the 1799 volume is complete in itself and considered bibliographically distinct in other records. It is unclear how many plates the 1799 edition had, and it may have been issued in parts or in variant states. We found records of copies with as few as three and as many as fifteen plates (our copy has twelve).

The Newton trial had a second part published later in 1782, which is advertised as forthcoming at the end of our copy.

New Collection: *English Short-Title Catalogue* T106036. Campbell: Not in the *ESTC* or *British Museum Catalogue*. OCLC locates 2 copies (University of Minnesota Law School, University of Virginia Law School). Biscoe: OCLC and the *ESTC* locate 7 copies, 4 in North America (University of Texas, Social Law Library, 2 at Harvard Law School).
ESTC T2986. Newton: *ESTC* T53446.

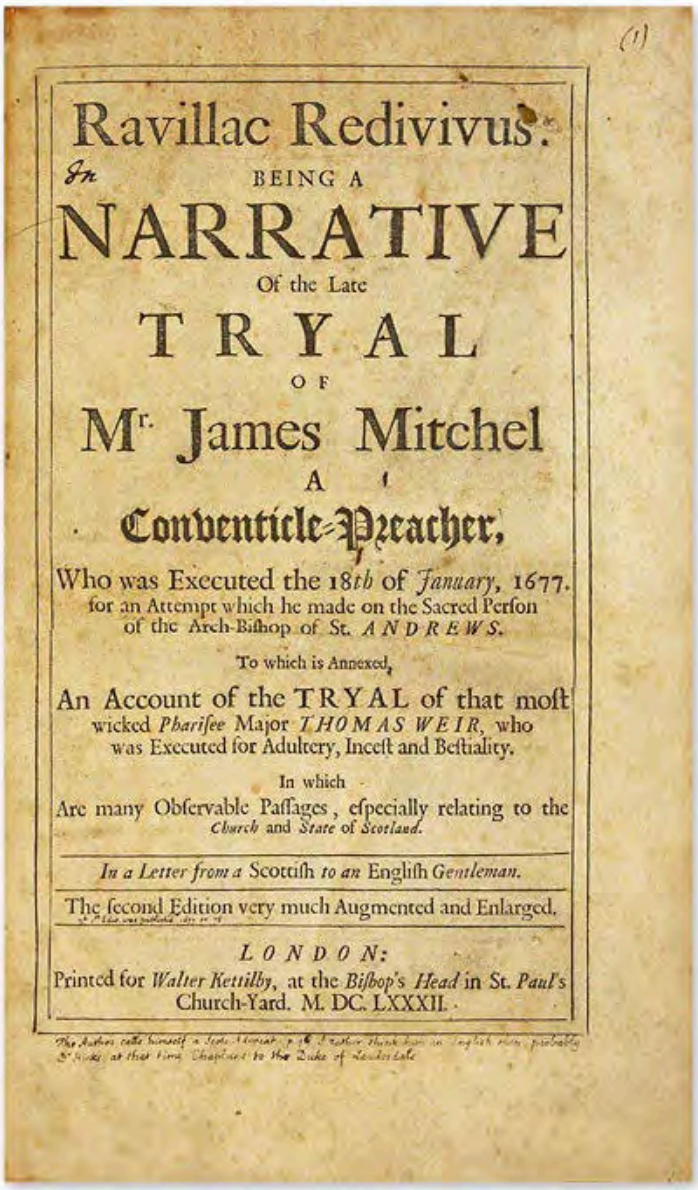
4 *Trial of Lady Ann Foley, for*

The Deposition of Benjamin Smith.

Benjamin Smith, ſervant to Mr. Uxley, maſter of the Bell-inn, in the city of Worceſter, aged about twenty-five years, depoſes that in the year 1784, he lived as poſt-boy to William Macell, maſter of the Crown-inn at Worceſter; and on or about the 28th of May, he was ſent by order of the ſaid Mr. Macell, his maſter, to Stoke-park, the ſeat of the Right Hon. Edward Foley, the producent in this cauſe, with a pair of job horſes; and he continued the job till about the fifth of September following; and that at the time he was on ſuch job, the Right Hon. Charles Henry Earl of Peterborough and Monmouth was then on a viſit at Stoke-park to the producent, and continued at Stoke-park the greater part of the time the deponent was there; and he ſaith, he uſed very frequently to drive the Earl of Peterborough aforeſaid, and the Right Hon. Lady Ann Foley, out in his the ſaid Lord Peterborough's coach alone together, which coach was a ſort of travelling carriage, and could be made uſe of as a *dormeuſe*; it had a large and double window in the front, and a narrow bench within, to communicate from one ſeat to the other; and about three weeks after he went to Stoke-court with

The R^t Hon. LADY ANN FOLEY, *and the* EARL of PETERBOROUGH *Playing together in a Stoke Park Herefordſhire* —— *the Poſt boy Watching them.*

[View Additional Images or Order This Item]



Ravillac Redivivus:
OR
BEING A
NARRATIVE
Of the Late
TRYAL
OF
Mr. James Mitchel
A
Conventicle-Preacher,
Who was Executed the 18th of *January*, 1677.
for an Attempt which he made on the Sacred Perſon
of the Arch-Biſhop of St. *ANDREWS*.
To which is Annexed,
An Account of the TRYAL of that moſt
wicked *Phariſee* Major *THOMAS WEIR*, who
was Executed for Adultery, Inceſt and Beſtiality.
In which
Are many Obſervable Paſſages, eſpecially relating to the
Church and *State* of *Scotland*.
In a Letter from a Scottiſh *to an* Engliſh *Gentleman.*
The ſecond Edition very much Augmented and Enlarged.
LONDON:
Printed for *Walter Kettilby*, at the *Biſhop's Head* in St. *Paul's*
Church-Yard. M. DC. LXXXII.

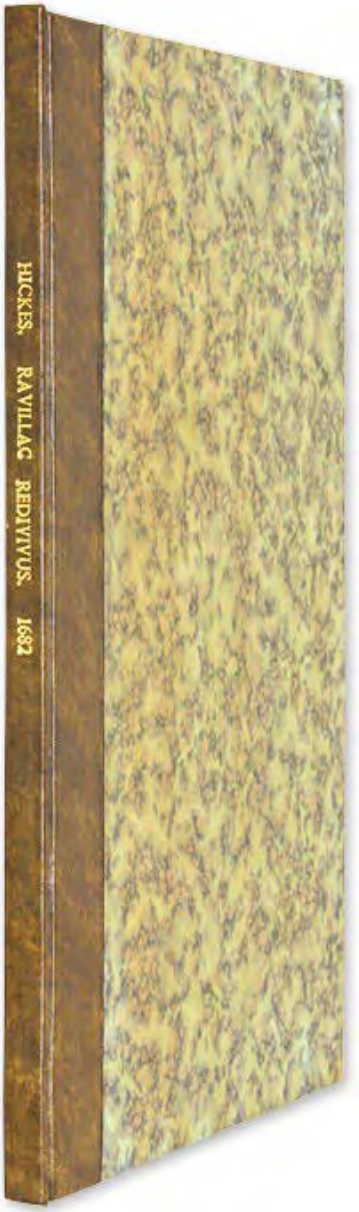
1682 George Hickes Scottish Trial: The Attempted Assassination of the Archbishop of St. Andrews & Anti-Presbyterian Propaganda

31. [Trials].
[Hickes, George (1642-1715)].
Ravillac Redivivus. Being a Narrative of the Late Tryal of Mr. James Mitchel a Conventicle-Preacher, Who was Executed the 18th of January, 1677. For an Attempt Which he Made on the Sacred Person of the Arch-Bishop of St. Andrews. To Which is Annexed, An Account of the Tryal of that Most Wicked Pharisee Major Thomas Weir, Who Was Executed for Adultery, Incest and Bestiality. In Which are Many Observable Passages, Especially Relating to the Church and State of Scotland. In a Letter from a Scottish to an English Gentleman. London: Printed for Walter Kettilby, 1682. [iv], 46, [2], 47-54 pp. The unpaginated leaf after page 46 contains publisher advertisements. Folio (12-1/4" x 7-3/4"; 31.11 x 19.68 cm).

Recent period-style quarter calf over marbled boards, gilt title and date to spine, title page and final leaf re-hinged. Moderate toning light foxing in a few places, soiling to title page, early owner annotations to title page in neat small hand, a few marks and brief marks in recent hand in a few places. SOLD.

* Second, expanded edition. Hickes was a bishop of the nonjuring Church of England in Scotland. A work on propaganda commissioned by his superior in Scotland, John Maitland, Duke of Lauderdale, *Ravillac Redivivus* is an account of the trial of the Scots-nationalist Presbyterian (Covenanter) James Mitchell [d.1678] for an attempt to assassinate James Sharpe, the archbishop of St Andrews. Hickes linked Mitchell's story to that of the notorious covenanter Major Thomas Weir [c. 1600-1670], a suspected sorcerer who was executed for bestiality and incest in 1670, in order to demonstrate that fanatical dissenters violated the boundaries of moral law and were capable of committing the most outrageous crimes in the name of religion. First published in 1678, the work was reprinted in Dublin in 1679, followed by our second edition. A manuscript annotation at the foot of the title page, which identifies the author, reads: "The author calls himself a Scots Addvocate: (p. 46). I rather think him an English Man, probably Dr. Hicks, at that time Chaplane to the Duke of Lauderdale."

English Short-Title Catalogue R19059.



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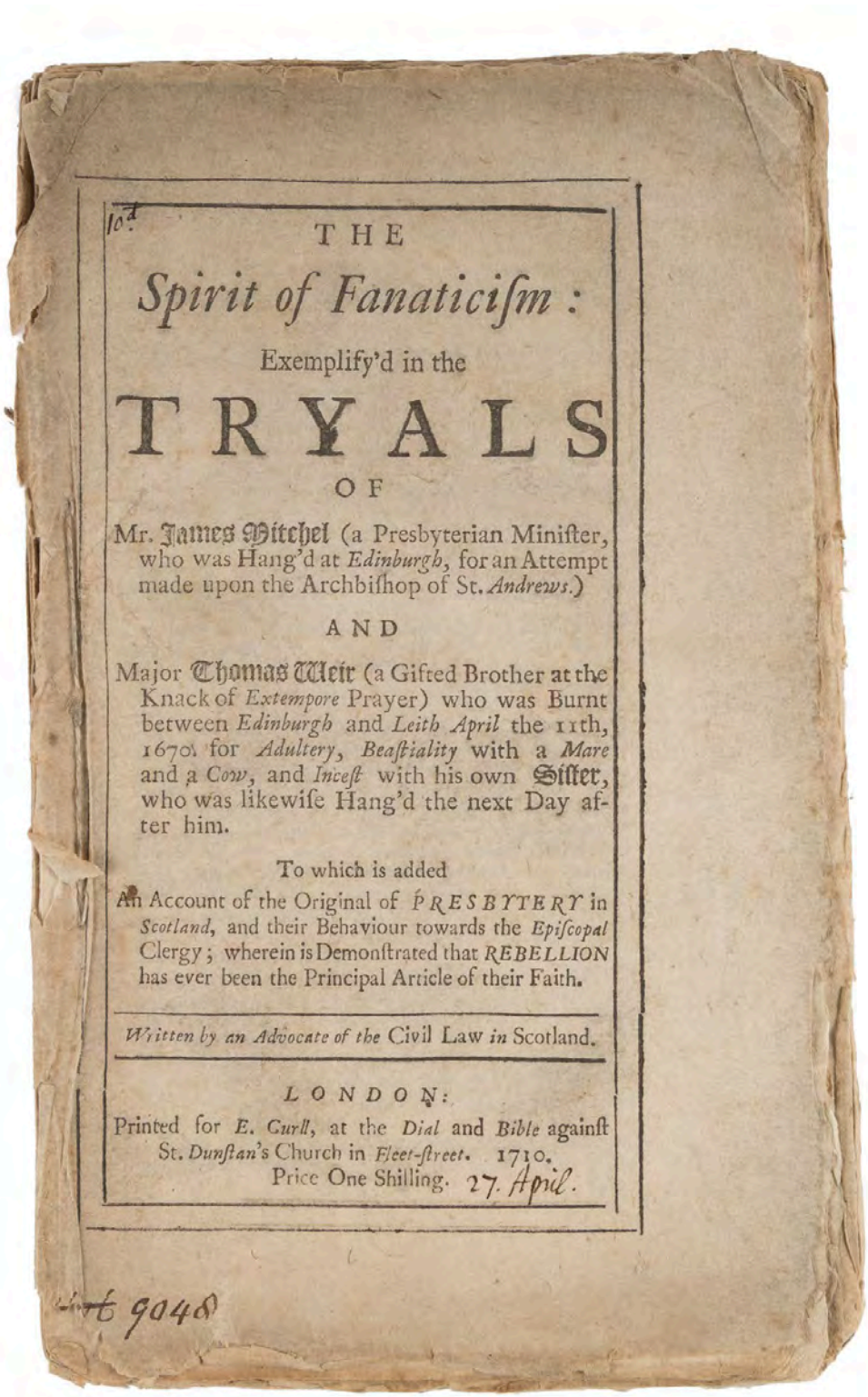

THE

Spirit of Fanaticiſm:

Exemplify'd in the

TRYALS

OF

Mr. James Mitchel (a Presbyterian Miniſter, who was Hang'd at *Edinburgh*, for an Attempt made upon the Archbiſhop of St. *Andrews*.)

AND

Major Thomas Weir (a Gifted Brother at the Knack of *Extempore* Prayer) who was Burnt between *Edinburgh* and *Leith April* the 11th, 1670. for *Adultery*, *Beaſtiality* with a *Mare* and a *Cow*, and *Inceſt* with his own Siſter, who was likewiſe Hang'd the next Day after him.

To which is added

An Account of the Original of *PRESBYTERY* in *Scotland*, and their Behaviour towards the *Epiſcopal* Clergy; wherein is Demonſtrated that *REBELLION* has ever been the Principal Article of their Faith.

Written by an Advocate of the Civil Law *in* Scotland.

LONDON:

Printed for *E. Curll*, at the *Dial* and *Bible* againſt St. *Dunſtan's* Church in *Fleet-ſtreet*. 1710.

Price One Shilling. 27. April.

"The Spirit of Fanaticism" 1710 Anti-Presbyterian Propaganda Pamphlet on the Scandalous Trials of James Mitchell and Major Thomas Weir

32. [Trials].
[Hickes, George (1642-1715)].
The Spirit of Fanaticism: Exemplify'd in the Tryals of Mr. James Mitchel (A Presbyterian Minister, Who was Hang'd at Edinburgh, For an Attempt Made Upon the Archbishop of St. Andrews.) And Major Thomas Weir (A Gifted Brother at the Knack of Extempore Prayer) Who was Burnt Between Edinburgh and Leith April the 11th, 1670. For Adultery, Beastiality with a Mare and a Cow, And Incest with His Own Sister, Who was Likewise Hang'd the Next Day After Him. To Which is Added an Account of the Original of Presbytery in Scotland, And Their Behaviour Towards the Episcopal Clergy; Wherein is Demonstrated that Rebellion has Ever Been the Principal Article of Their Faith. Written by an Advocate of the Civil Law in Scotland. London: Printed for E. Curll, 1710.

Octavo (8-1/2" x 5-1/4"). [ii], 62 pp. Stab-stitched pamphlet in self-wrappers, untrimmed edges, light soiling to exterior, some wear and chipping along sewn edges of a few leaves, moderate toning to interior, signature F (pp.33-40) laid in, rather than sewn in, due to a binding error, a few brief markings in early hand to title page. SOLD.

* Second and final edition. Hickes was a bishop of the nonjuring Church of England in Scotland. A work on propaganda commissioned by his superior in Scotland, John Maitland, Duke of Lauderdale, it was first published in 1678 with the title *Ravillac Redivivus*. It is an account of the trial of the Scots-nationalist Presbyterian (Covenanter) James Mitchell [d.1678] for an attempt to assassinate James Sharpe, the archbishop of St Andrews. Hickes linked Mitchell's story to that of the notorious covenanter Major Thomas Weir [c.1600-1670], a suspected sorcerer who was executed for bestiality and incest in 1670, in order to demonstrate that dissenters violated the boundaries of moral law and were thus capable of committing the most outrageous crimes in the name of religion.

A notorious Grub-Street publisher and committed Whig, Curll [c.1675-1747] specialized in salacious and otherwise offensive material. His republication of *Ravillac* was likely a barb aimed at the recently established Tory government; Whigs often associated Tories with Scottish Jacobites. *English Short-Title Catalogue* N23932.

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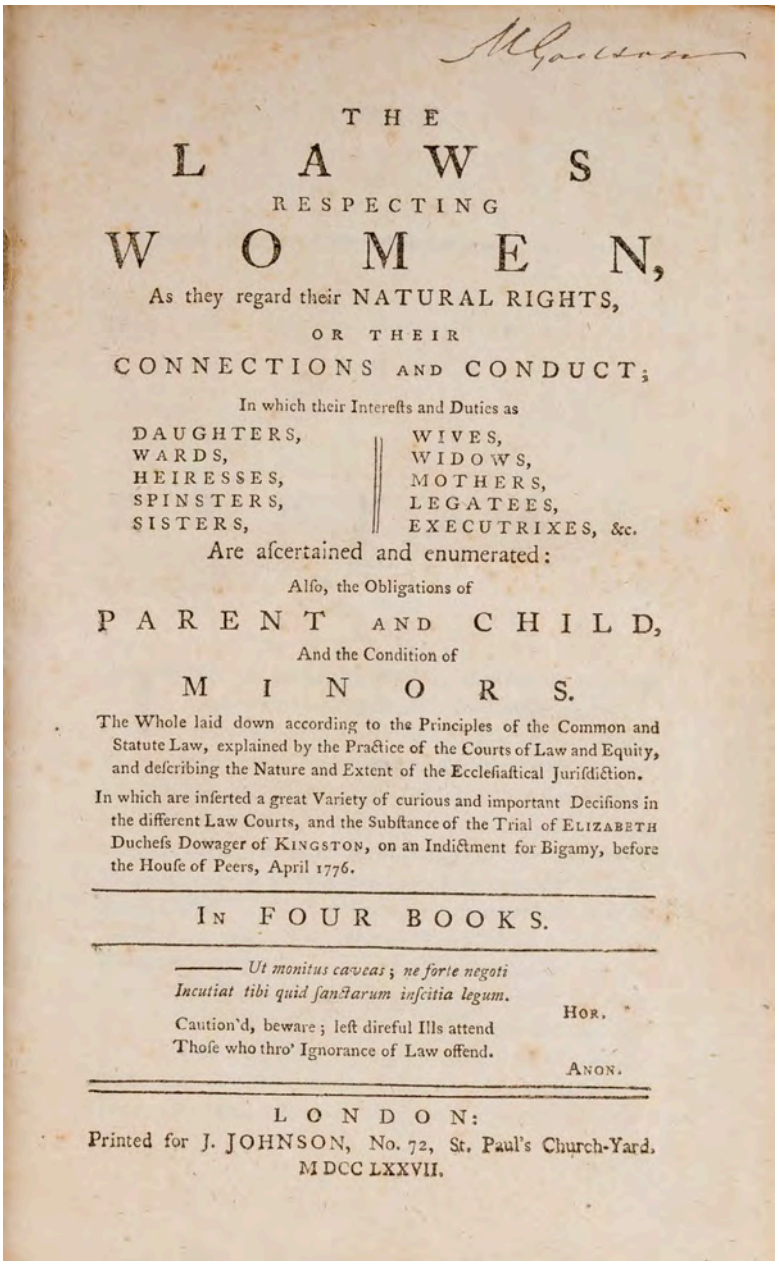


THE
LAWS
RESPECTING
WOMEN,
As they regard their NATURAL RIGHTS,
OR THEIR
CONNECTIONS AND CONDUCT;
In which their Intereſts and Duties as

DAUGHTERS,	WIVES,
WARDS,	WIDOWS,
HEIRESSES,	MOTHERS,
SPINSTERS,	LEGATEES,
SISTERS,	EXECUTRIXES, &c.

Are aſcertained and enumerated:
Alſo, the Obligations of
PARENT AND CHILD,
And the Condition of
MINORS.

The Whole laid down according to the Principles of the Common and Statute Law, explained by the Practice of the Courts of Law and Equity, and deſcribing the Nature and Extent of the Eccleſiaſtical Juriſdiction.

In which are inſerted a great Variety of curious and important Deciſions in the different Law Courts, and the Subſtance of the Trial of ELIZABETH Ducheſs Dowager of KINGSTON, on an Indictment for Bigamy, before the Houſe of Peers, April 1776.

IN FOUR BOOKS.

——— *Ut monitus caveas; ne forte negoti*
Incutiat tibi quid ſanctarum inſcitia legum.
HOR.

Caution'd, beware; leſt direful Ills attend
Thoſe who thro' Ignorance of Law offend.
ANON.

LONDON:
Printed for J. JOHNSON, No. 72, St. Paul's Church-Yard.
M DCC LXXVII.

The Enlightenment Landmark of Women's Jurisprudence:
The First Comprehensive 18th-Century Treatise on the Legal Status of Women (1777)

33. [Women].
[Great Britain].
The Laws Respecting Women, As They Regard Their Natural Rights, Or Their Connections and Conduct; In Which Their Interests and Duties as Daughters, Wards, Heiresses, Spinsters, Sisters, Wives, Widows, Mothers, Legatees, Executrixes, &c. Are Ascertained and Enumerated: also, the Obligations of Parent and Child, And the Condition of Minors. The Whole Laid Down According to the Principles of the Common and Statute Law, Explained by the Practice of the Courts of Law and Equity, And Describing the Nature and Extent of the Ecclesiastical Jurisdiction. In Which are Inserted a Great Variety of Curious and Important Decisions in the Different Law Courts, And the Substance of the Trial of Elizabeth Duchess Dowager of Kingston, On an Indictment for Bigamy, Before the House of Peers, April 1776. In Four Books. London: Printed for J. Johnson, No. 72, St. Paul's Church-Yard, 1777. [xxiii], [1], 449, [15] pp. Octavo (8-1/4" x 5"; 21 x 13 cm).

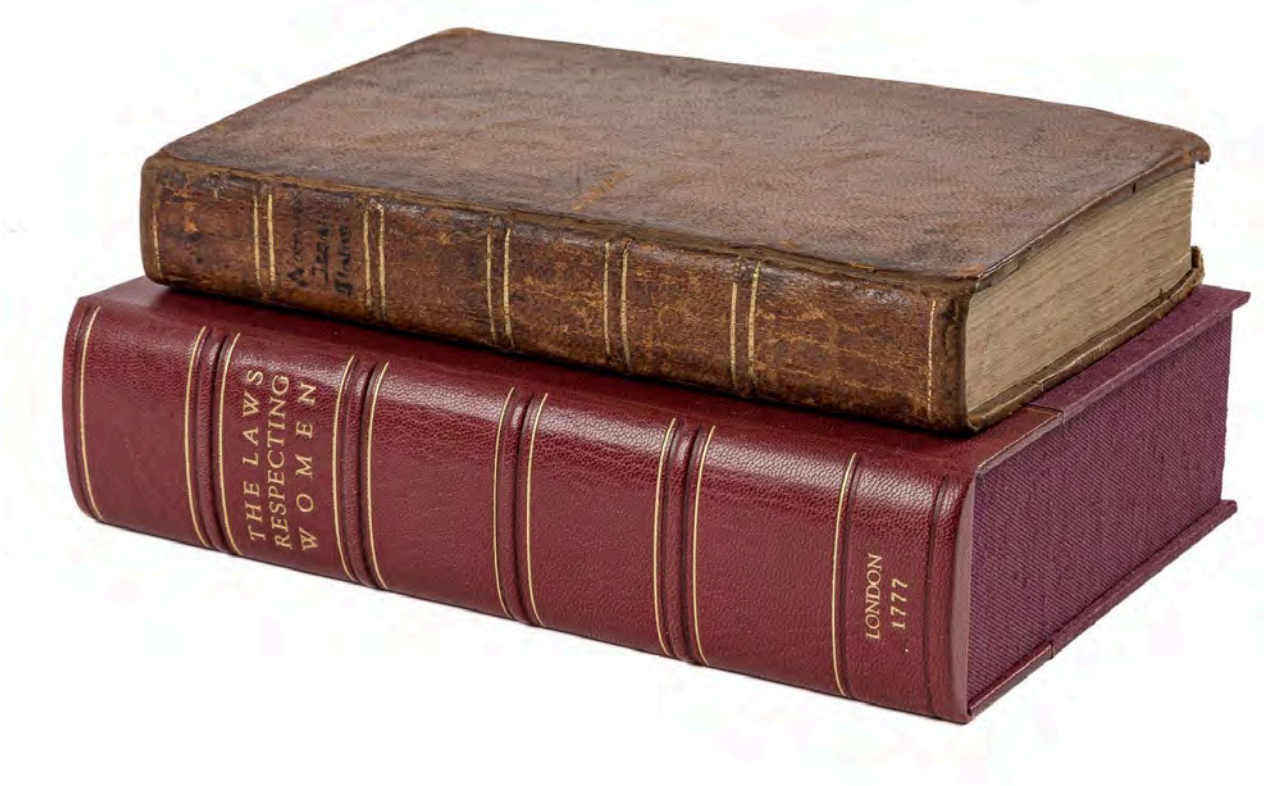
Contemporary sheep, expertly rebacked retaining the original spine with raised bands, gilt fillets and early hand-lettered title. Minor scuffing to boards, moderate rubbing to edges, corners bumped; hinges mended. Moderate toning, light foxing in places, a few corner folds, later owner signature (M. Gadson) at head of title. Item housed in a quarter morocco clamshell case, raise bands and gilt fillets, title and publication date to spine. A very good copy. $7,500.

* Only edition. A cornerstone in the evolution of women's legal history, this 1777 treatise represents the definitive Enlightenment-era synthesis of gender and the law. While Thomas Edgar's The Lawes Resolutions of Womens Rights (1632) was the first work on the subject, this volume is the first to apply a systematic, modern philosophical approach to the legal status of women. It was issued by the influential publisher J. Johnson, known for his association with radical thinkers and his later patronage of Mary Wollstonecraft, placing this work at the heart of 18th-century intellectual reform. Legal historian Sir William Holdsworth held the text in the highest regard, considering it "the best of the earlier books on the subject" for its clarity and superior organization.

The work is divided into four books: the first addresses personal status, marriage, and the laws governing "pauper" women; the second details the proprietary rights of spinsters, wives, and widows; the third covers criminal law; and the fourth examines the legal position of minors and the parent-child relationship.

The volume concludes with a dramatic and critical account of the Duchess of Kingston's sensational 1776 bigamy trial. This account serves as more than mere high-society scandal; it provides a sophisticated look at the jurisdictional conflicts between Common and Ecclesiastical law. Elizabeth Chudleigh's conviction and subsequent flight to Europe remains one of the era's most famous legal dramas, ensuring this work's lasting significance in both serious jurisprudence and popular history.

Holdsworth, *A History of English Law* XII:399-400. *English Short-Title Catalogue* T149863.



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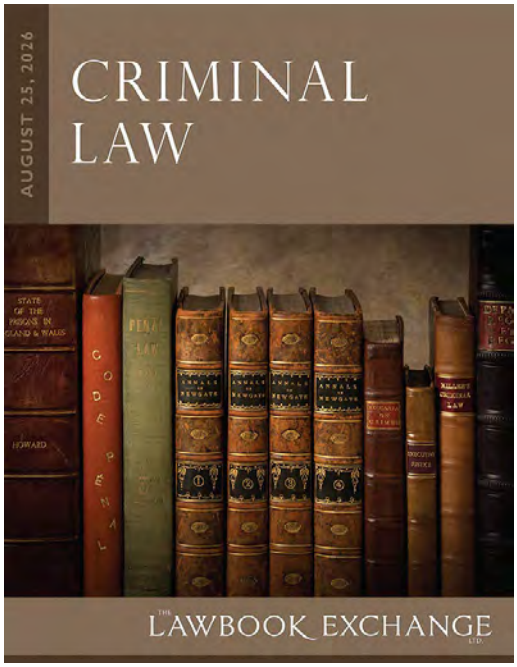
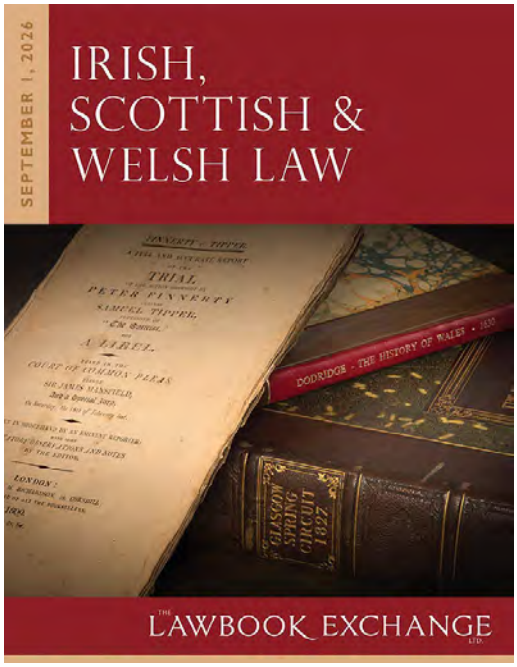
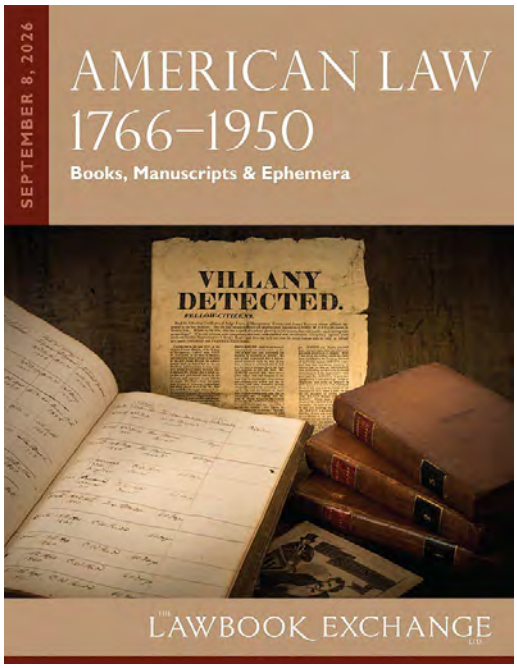


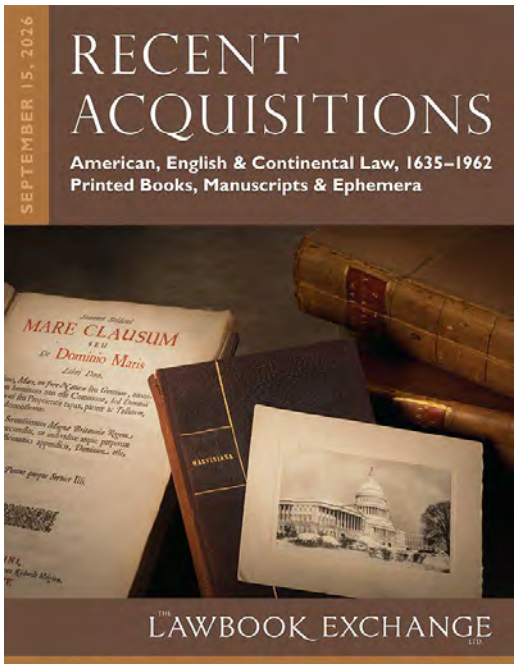
August 25 , 2026



September 1, 2026



September 8, 2026



September 15, 2026

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