

NOVEMBER 12, 2024

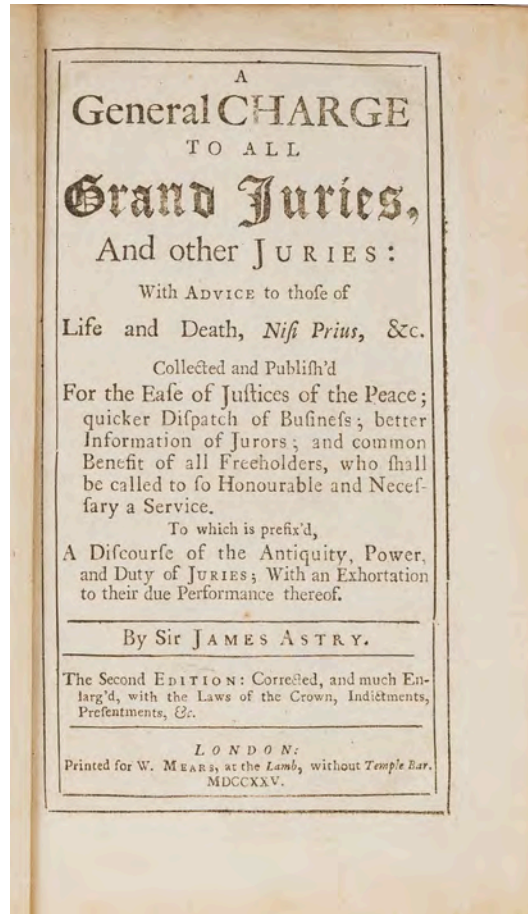
RECENT ACQUISITIONS

English, American, Latin American & Continental Law

30 ITEMS



THE LAWBOOK EXCHANGE LTD.



On Criminal Law and the Role of Juries

1. Astry, Sir James.

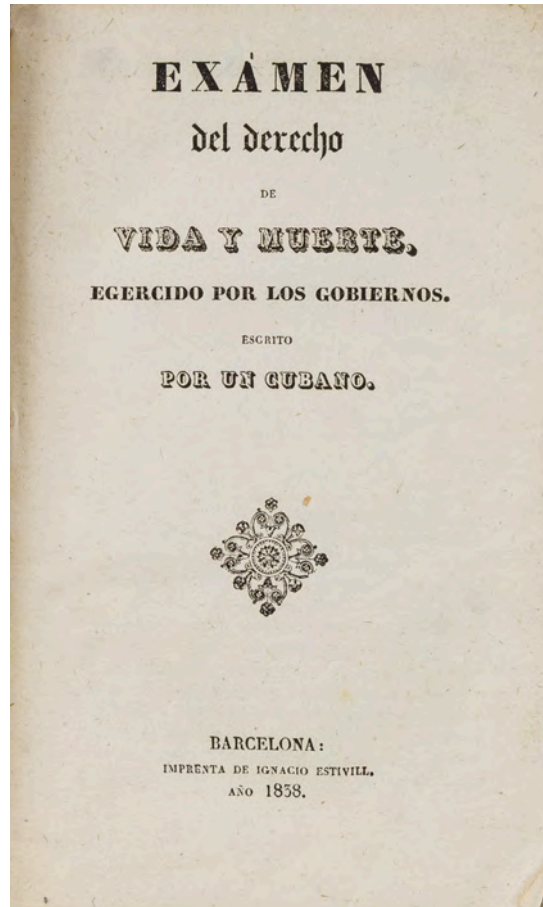
A General Charge to All Grand Juries, And Other Juries: With Advice to Those of Life and Death, Nisi Prius, &c. Collected and Publish'd for the Ease of Justices of the Peace; Quicker Dispatch of Business; Better Information of Jurors; And Common Benefit of All Freeholders, Who Shall be Called to So Honourable and Necessary a Service. To Which is Prefix'd, A Discourse of the Antiquity, Power and Duty of Juries; With an Exhortation to Their Due Performance Thereof. Corrected, And Much Enlarg'd, With the Laws of the Crown, Indictments, Presentments, &c. London: Printed for W. Mears, 1725. [vi], 150, [4] pp. Publisher's advertisements to last 4 pp. Octavo (8" x 4-3/4").

Contemporary sheep, rebacked retaining existing spine with raised bands, blind tooling to board edges, hinges mended. Light rubbing and faint gatoring to boards, moderate rubbing to extremities, corners bumped and worn, faint offsetting to endpapers, rear board beginning to crack through pastedown. Moderate toning to interior, light foxing and soiling in a few places, occasional faint dampstaining to bottom-edge, text not affected. \$300.

* Second and final edition. Astry's only work, it is devoted exclusively to criminal law and the role of the jury. The later sections are essentially an elementary treatise on crime, from high treason to misdemeanors. The first edition was published in 1703.

English Short-Title Catalogue T81791.

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**Scarce Essay on Capital Punishment
By a Nineteenth-Century Cuban Lawyer**

2. [Ayala Y Aguilar, José de (1802-1876)].

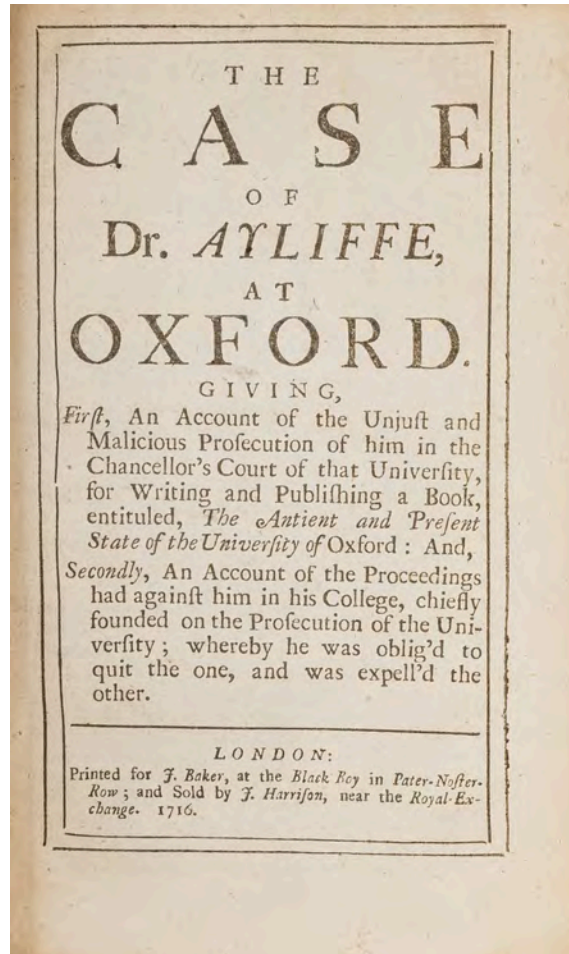
Examen del Derecho de Vida y Muerte, Egercido por los Gobiernos. Escrito por un Cubano. Barcelona: Imprenta de Ignacio Estivill, 1838. viii, 277, [3] pp. Octavo (7" x 4-1/2").

Recent stiff marbled wrappers, original paper title label to spine, original publisher wrappers and endleaves retained. Negligible light rubbing to spine ends and corners, a few tiny chips to spine label. Moderate toning to interior, minor creases and corner folds to some leaves at beginning and end of text, light soiling to original wrappers and title page, a few faint marks in pencil to original front wrapper. \$300.

* First edition. This essay by a Cuban lawyer condemns capital punishment, except in certain circumstances. Carefully argued, it draws on several important eighteenth and nineteenth century writings on penology reform from such authors as Rousseau, Beccaria and Bentham (with particular attention to his *Panopticon*). Its later chapters, which draw on a wide range of Roman and early-modern jurists, address broader questions about the relationship between law and society. The second and final edition of this work was published in 1858.

Both editions of this work are scarce. OCLC locates 10 copies of the first in North America, 1 in a law library (University of Georgia). Santa Cruz y Mallén, *Historia de Familias Cubana* 5:312. Palau, *Manual del Librero Hispano-Americano* 80905.

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Expelled from Oxford

3. [Ayliffe, John (1676-1732)].

The Case of Dr. Ayliffe, At Oxford. Giving, First, An Account of the Unjust and Malicious Prosecution of him in the Chancellor's Court of that University, For Writing and Publishing a Book, Entituled, The Antient and Present State of the University of Oxford: And, Secondly, An Account of the Proceedings had against him in his College, Chiefly Founded on the Prosecution of the University: Whereby he was Oblig'd to Quit the One, And was Expell'd the Other. London: Printed for J. Baker; and Sold by J. Harrison, 1716. 98, xiv pp. Octavo (7" x 4- 1/2").

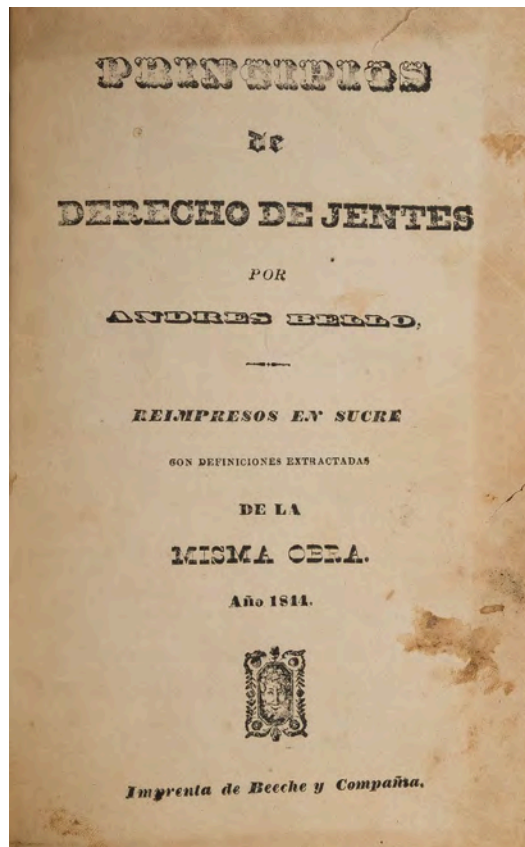
Recent quarter calf over marbled boards, blind fillets to calf edges, lettering piece to spine, endpapers renewed. Light toning to interior, very light foxing to a few leaves. A nice copy. \$650.

* Only edition. Ayliffe, a jurist and proctor on Oxford's university court with several degrees from the institution, frequently clashed with his colleagues over internal and external politics. Matters came to a head when he published *The Antient and Present State of the University of Oxford* (1714), which sharply criticized the university's administration and governance and led to his expulsion from the university and resignation of his fellowship there. He wrote this anonymous work to protest his expulsion.

OCLC locates 1 copy in a North American law library (Harvard). *English Short-Title Catalogue* T20012.

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Rare Bolivian Imprint of a Notable Venezuelan Treatise on International Law

4. Bello, Andres [1781-1865].

Principios de Derecho de Jentes. Reimpresos en Sucre con Definiciones Extractadas de la Misma Obra. Sucre: Imprenta de Beeche y Compañia, 1844. xvi, 267, [1] pp. Quarto (8-1/2" x 5-1/2").

Contemporary tree calf, raised bands to spine. Boards slightly bowed, light rubbing to extremities, rear hinge cracked, early (illegible) owner name to front free endpaper. Moderate toning to interior, light edgewear and tears to lower gutters of first several leaves (one mended with cello tape, text not affected), light foxing and faint marginal dampstaining in a few places. An appealing copy of a rare imprint. \$950.

* Only Bolivian edition. First published in 1832, this is one of the earliest treatises published in post-colonial Latin America and possibly the first Latin American treatise on international law. It represents "the most systematic and complete treatment of the subject published in the Americas or in Spanish," "both up to date and directly relevant to the concerns of the new American states now seeking to establish themselves in the early nineteenth-century international system" (Fawcett). A sophisticated work, it draws on the leading English and Continental jurists of the time. Bello was an important Venezuelan statesman, lawyer and man of letters. He spent his later years in Chile, promulgating the country's civil code in 1852 and founding the University of Chile in 1843.

OCLC locates 1 copy of this edition (UC-Berkeley Law School). We located no other copies in institutional libraries. Not in Palau. Fawcett, "Between West and Non-West: Latin American Contributions to International Thought." *The International History Review* 34, No. 4 (2012): 686.

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Handsomely Bound Set of the First Spanish Edition of Bentham's Works

**5. Bentham, Jeremy [1748-1832].
Dumont, Etienne [1759-1829], Editor.
Salas, Ramon, Editor and Translator.**

Tratados de Legislacion Civil y Penal, Obra Extractada de los Manuscritos Del Jeremias Bentham, Por Esteban Dumont, Y Traducida al Castellano, Con Comentarios, Por Ramon Salas. Madrid: Fermin Villalpando, 1821-1822. Five volumes. Complete. Quarto (8" x 5-1/2").

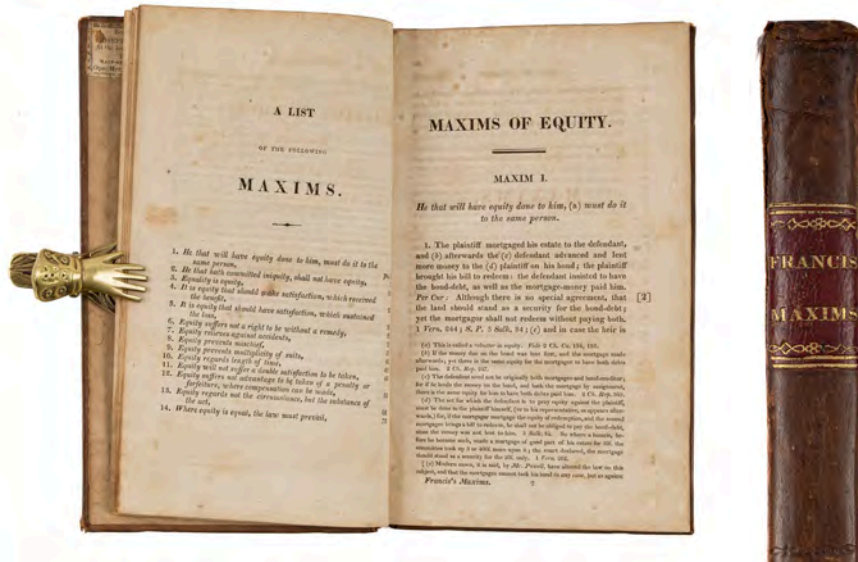
Contemporary tree sheep, lettering pieces, gilt fillets and gilt ornaments to spines, edges rouged, marbled endpapers. Light rubbing and a few minor stains, scratches and scuffs to boards, larger scuff, lightly stained, to upper inside corner of front board of Volume 4, moderate rubbing to extremities, corners lightly bumped. Light toning to interiors, light foxing and dampstaining in a few places in Volumes 1 and 4, which also has a bit of abrasion to the head of its fore-edge, lower corner lacking from title page of Volume 1 with no loss to text. A handsome set. \$1,500.

* First edition. The first Spanish translation of Bentham's penal writings in Spanish, from the second French edition, Paris, 1820, with additional commentary by the Spanish jurist and rector of Salamanca University, Salas y Cortés (1753-1837). Originally published in Paris in 1802 with the title *Traité de Législation Civile et Pénale, Ouvrage Extrait des Manuscrits de Jeremie Bentham par Et. Dumont*, this collection contains papers by Bentham, some of which were originally composed in French, and a digest of Bentham's ideas by Dumont.

This edition is rare. OCLC locates 9 copies, 1 in North America (St Mary's University, Texas). Palau, *Manual del Librero Hispanoamericano* 27576.

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The First American Edition, in a Contemporary Richmond, VA Binding

6. Francis, Richard [fl. 1719-1728].

Hening, William Waller [1767/8-1828], Editor.

Maxims of Equity (...) *With References to Modern Authorities, Both British and American.* Richmond: Shepherd and Pollard, Printers, 1823. 7, [1], 156 pp. Octavo (8-1/4" x 5").

Contemporary calf, blind fillets to boards, lettering piece and blind fillets to spine, blind tooling to board edges. Light rubbing and a few minor nicks and inkspots, heavier rubbing to extremities, chipping to spine ends, corners bumped and moderately worn, hinges cracked, contemporary Virginia binder's ticket to front pastedown: "Bound by/ Joseph Martin/ At the lowest Northern/ prices/ Main-St. Richmond,/ Opo. Mer. Coffee House." Moderate toning, light foxing, early owner signature, of A. Shepherd, Jr., to front free endpaper. A nice copy in an appealing contemporary binding. \$1,500.

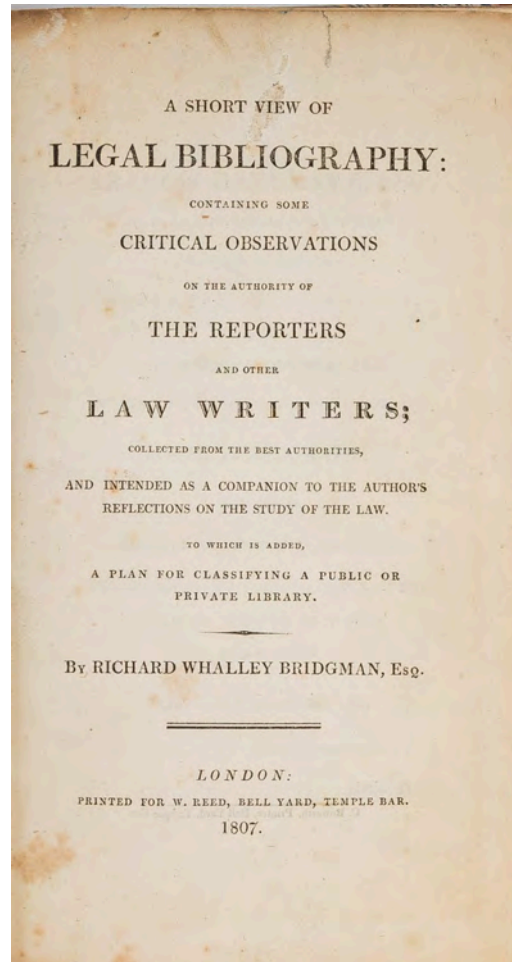
* First American edition, with three appendixes on American law, paged to the first London edition, 1727. This was the first textbook on equity published since St. Germain's *Doctor and Student* (1523). It is generally considered to be the book that founded equity jurisprudence. Francis defines the field through fourteen maxims, such as "Equality is Equity" and "Equity suffers not a right to be without a remedy." Each maxim is followed by a brief summary of cases that illustrate its application. As Roscoe Pound observed, these maxims foreshadowed the casebook method because they, for the most part, "state principles derived from the study of cases." Hening was an important Virginia lawyer, legislator and writer. His works include *The Statutes at Large; Being A Collection of all the Laws of Virginia, From the First Session of the Legislature, in the Year 1619* and *The Virginia Justice*.

This book probably belonged to Andrew Shepherd, Jr., a member of a prominent Orange County, Virginia family with family ties to the Madisons. His father, a justice of the peace, vestryman, sheriff and Revolutionary War veteran, was an associate of James Madison.

Pound, "On Certain Maxims of Equity" in *Cambridge Legal Essays* 261-262. Green, *Genealogical and Historical Notes on Culpeper County, Virginia* 33. McIlwaine et al., Eds., *Journals of the Council of the State of Virginia* III: 585. "To James Madison from Andrew Shepherd, 22 December 1787," *Founders Online, National Archives*, <https://founders.archives.gov/documents/Madison/01-10-02-0215>. Bryson, *A Bibliography of Virginia Legal History Before 1900* 514. Cohen, *Bibliography of Early American Law* 4959.

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"Removing Rubbish from the Republic of Letters"

7. Bridgman, Richard W. [c.1761-1820].

A Short View of Legal Bibliography: Containing Some Critical Observations on the Authority of the Reporters and Other Law Writers; Collected from the Best Authorities, And Intended as a Companion to the Author's Reflections on the Study of the Law. To Which is Added, A Plan for Classifying a Public or Private Library. London: Printed for W. Reed, 1807. xviii, 429, [1] pp. Includes one-page publisher advertisement. Octavo (8-1/2" x 5").

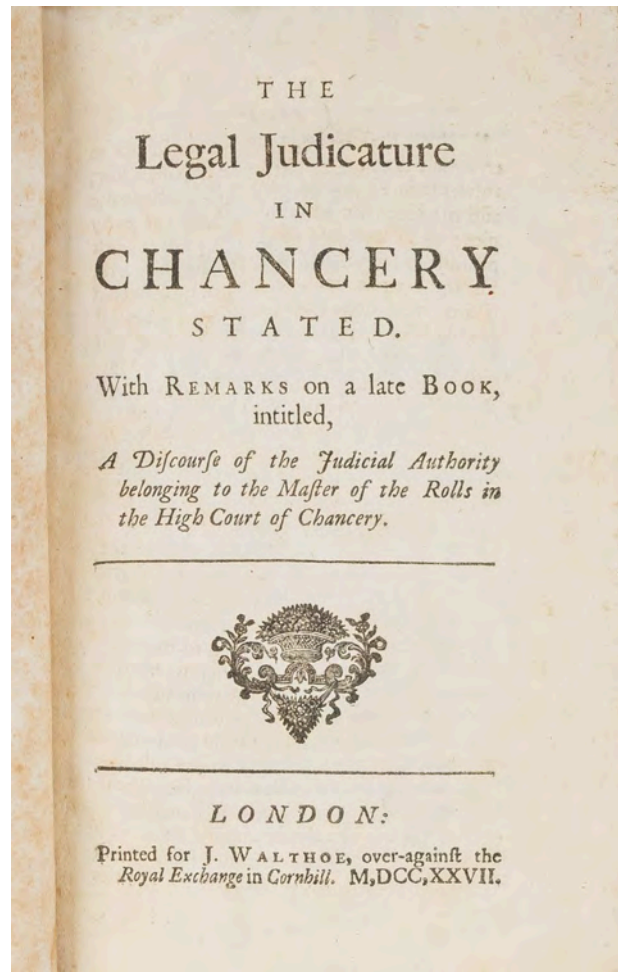
Recent quarter calf over marbled boards, blind fillets, gilt date and lettering piece to spine, endpapers renewed. Light toning to interior, occasional very light foxing, brief early annotations in ink to a few pages. A handsome copy. \$500.

* Only edition. Arranged alphabetically by author and containing valuable critical and descriptive bibliographic observations, Bridgman's classic reference remains a valuable work. Bridgman intended this work as a guide with the "double advantage of easing the labors of the rising generation, and of removing rubbish from the republic of letters. It is our duty to do the best we can for our posterity, and not reject the task under the illiberal idea that posterity can do nothing for us" (v).

Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:42.

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The Rank of Judges in the Court of Chancery

8. [Burroughs, Samuel (d.1761)].

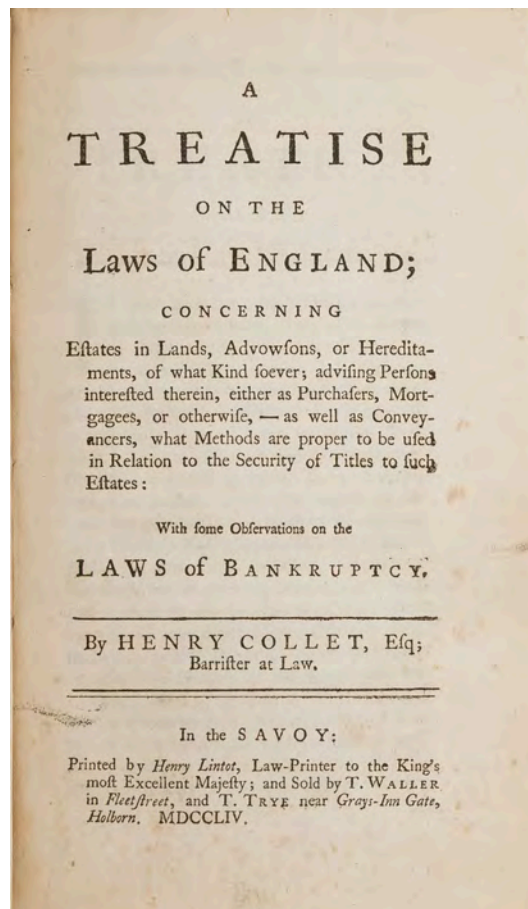
The Legal Judicature in Chancery Stated. With Remarks on a Late Book, Intituled, A Discourse of the Judicial Authority Belonging to the Master of the Rolls in the High Court of Chancery. London: Printed for J. Walthoe, Over-Against the Royal Exchange in Cornhill, 1727. 282, [4] pp. Main text followed by 4 pp. publisher catalogue. Octavo (8-3/4" x 5-1/4").

Contemporary calf with recent rebacking, gilt frames to boards, blind tooling to board edges, raised bands, lettering piece, blind fillets and gilt publication date to spine, endpapers renewed. Moderate rubbing to boards, corners bumped. Light toning to interior, light browning to publisher catalogue, light foxing in places, illegible marking to front endleaf, which is lacking its upper outside corner. \$500.

* Only edition. This book is a response to a point in *A Discourse of the Judicial Authority Belonging to the Office of Master of the Rolls in the High Court of Chancery* (1727) by Philip Yorke, Earl of Hardwicke. Burroughs believes Yorke is incorrect when he stated that the Chancery court was directed by two judges that are not "co-ordinate, but in a subordination of one to the other" (3). Ultimately, Burroughs's view triumphed and the Master of the Rolls gained statutory independence.

English Short-Title Catalogue T95693.

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A Scarce Treatise on Real Property

10. Collet, Henry.

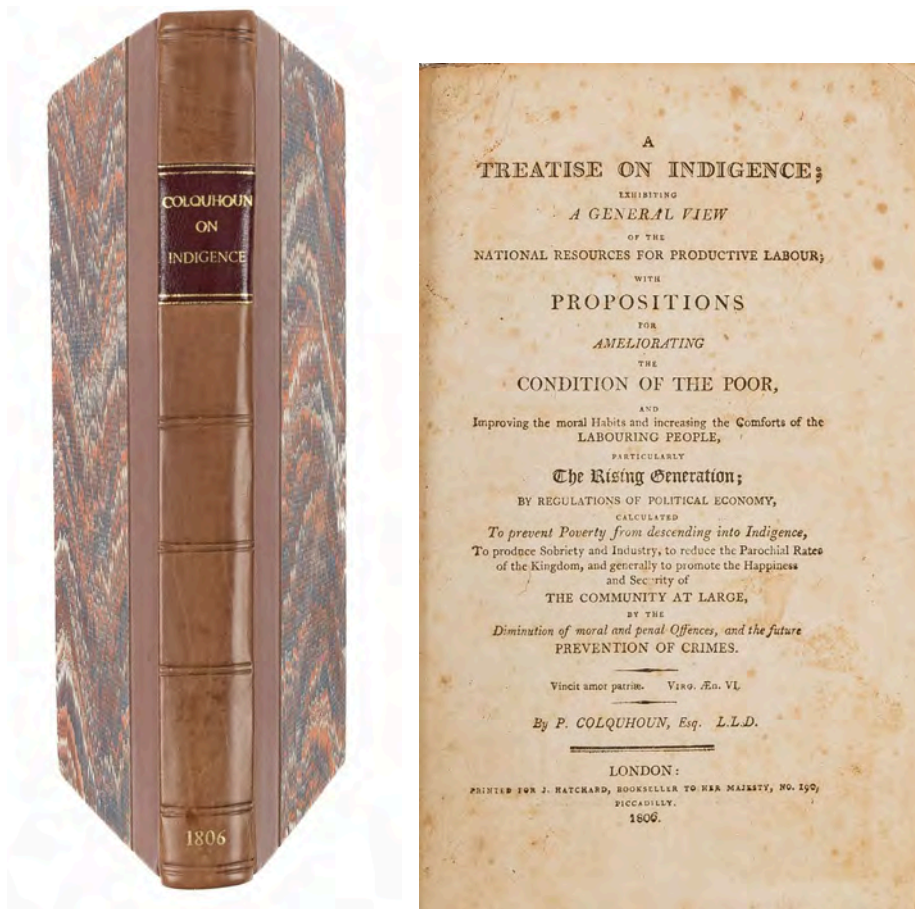
A Treatise on the Laws of England; Concerning Estates in Lands, Advowsons, Or Hereditaments, Of What Kind Soever; Advising Persons Interested Therein, Either as Purchasers, Mortgagees, Or Otherwise, - As Well As Conveyancers, What Methods are Proper to be Used in Relation to the Security of Titles to Such Estates: With Some Observations on the Laws of Bankruptcy. [London]: In the Savoy: Printed by Henry Lintot and sold by T. Waller and T. Trye, 1754. [iv], 74, [2] pp. With a half-title. Octavo (7-3/4" x 4-3/4").

Recent quarter calf over marbled boards, gilt title to spine, endpapers renewed. Moderate toning to interior, light foxing in a few places, small faint dampstains to edges of a few leaves. \$600.

* Only edition. Much of this brief treatise is devoted to the establishment of a general register for titles and deeds, the subject of a spirited and lengthy public debate. Proponents, including Collet, argued that such a register would reduce fraud. Opponents countered that it would be unprecedented, inconvenient and ineffective. Though the idea was first proposed under Henry VIII, no such register would be created in England until the passage of the Land Registry Act in 1862, which established a registry of titles (but not deeds). The system created by the act was voluntary and largely ineffective; successive attempts at reform failed until the Land Registration Act of 1925.

OCLC and the *English Short-Title Catalogue* locate 5 copies in North American law libraries (Stanford, Yale, Library of Congress, Harvard, Social Law Library). *English Short-Title Catalogue* T51651.

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Increasing Productivity Among the Poor

11. Colquhoun, Patrick [1745-1820].

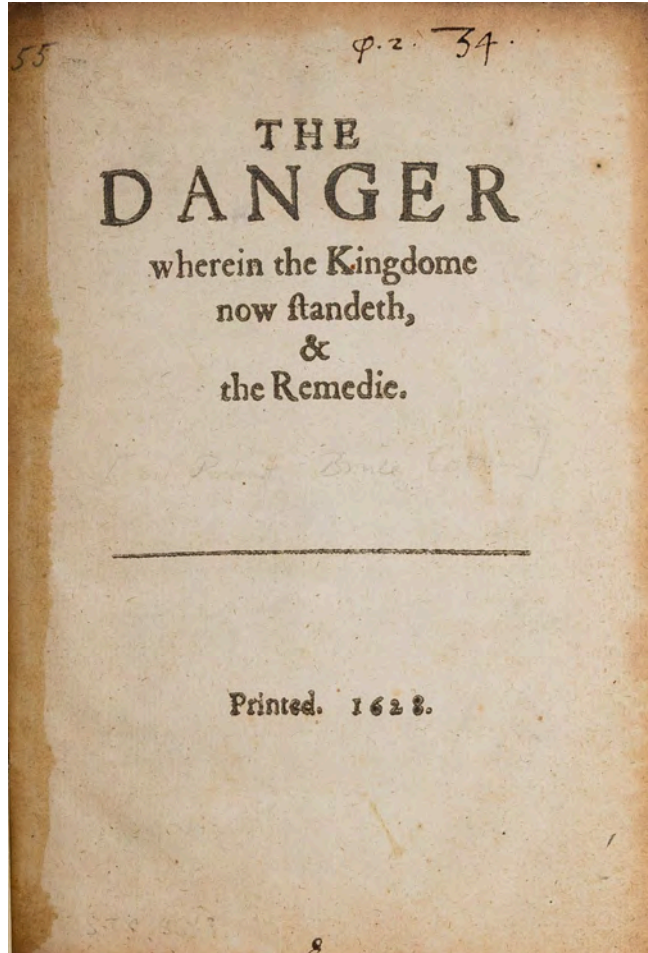
A Treatise on Indigence; Exhibiting a General View of the National Resources for Productive Labour; With Propositions for Ameliorating the Condition of the Poor, And Improving the Moral Habits and Increasing the Comforts of the Labouring People, Particularly the Rising Generation; By Regulations of Political Economy, Calculated to Prevent Poverty from Descending into Indigence, To Produce Sobriety and Industry, To Reduce the Parochial Rates of the Kingdom, And Generally to Promote the Happiness and Security of the Community at Large, By the Diminution of Moral and Penal Offences, And the Future Prevention of Crimes. London: Printed for J. Hatchard, 1806. xii, [5]-306, [12] pp. With a folding table. Octavo (8-1/4" x 5").

Recent quarter calf over marbled boards, blind fillets and lettering piece to spine, endpapers renewed. Moderate toning and light foxing to interior, small clean tear to left edge of folding table not affecting text. \$600.

* Only edition. Colquhoun was a Scottish statistician and magistrate with a keen interest in social reform. In addition to several innovative and influential works on crime and policing, he published a number of works on economics and social policy. *A Treatise on Indigence* sets out proposals for the treatment of the poor. It focuses primarily on increasing their labor output and suggests that relief should be reduced and made harder to access in order to increase the number of workers. In many ways, Colquhoun's suggestions anticipated the workhouse movement ushered in by the New Poor Law of 1834.

Goldsmiths'-Kress Library of Economic Literature 19292.

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The King Must Work with Parliament

12. [Cotton, Sir Robert (1571-1631)].

The Danger Wherein the Kingdome Now Standeth, & the Remedie. [London: S.n.], 1628. [ii], 21, [1] pp. Quarto (7" x 4-3/4").

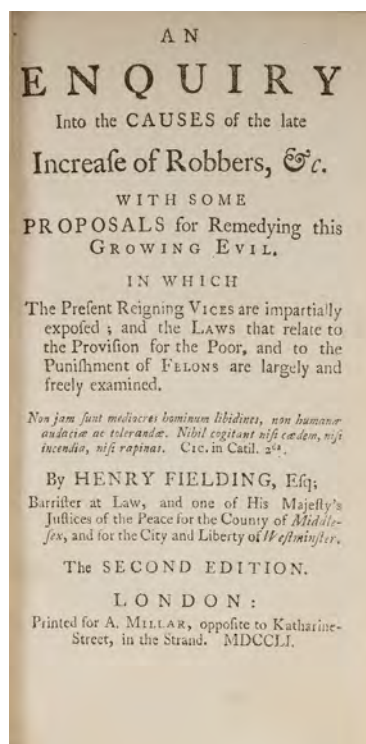
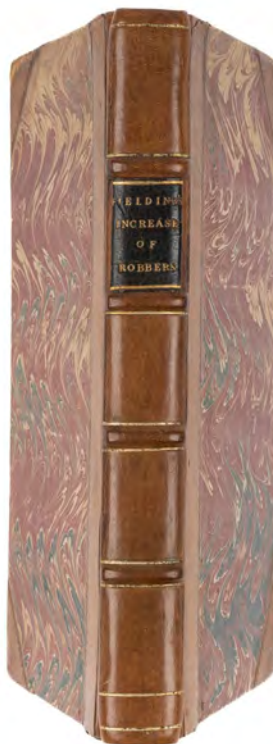
Stab-stitched pamphlet bound in recent three-quarter calf over marbled boards, blind fillets to calf edges, gilt title to spine. Moderate toning to interior, faint dampstain to top-edge of a few leaves, early ink marks to title page, which has a few tiny chips to its fore-edge. \$500.

* First edition, one of two issues. Cotton was a Member of Parliament and an important scholar of early English legal and political records. (His vast collection of manuscripts became the British Museum's Cotton Library.) Published anonymously, this pamphlet recaps the tumultuous state of foreign and domestic affairs at the beginning of Charles I's reign. Like many of Cotton's works, it gently stresses the necessity of cooperation between the king and Parliament, arguing that the display of unity would help quell the anxiety of the public. The work led to the confiscation of Cotton's enormous private library, which supporters of Charles worried would be used to produce more pro-Parliamentary works. It was published again in 1651.

English Short-Title Catalogue S91536.

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A Handsome Copy of Fielding's Classic Work on Crime and the Evils of Gin

13. Fielding, Henry [1707-1754].

An Enquiry Into the Causes of the Late Increase of Robbers, &c. With Some Proposals for Remedying this Growing Evil. In Which the Present Reigning Vices are Impartially Exposed; And the Laws that Relate to the Provision for the Poor, And to the Punishment of Felons are Largely and Freely Examined. By Henry Fielding, Esq; Barrister at Law, and One of His Majesty's Justices of the Peace for the County of Middlesex, And for the City and Liberty of Westminster. London: Printed for A. Millar, Opposite to Katherine-Street, In the Strand, 1751. xxxii, 203, [1] pp. With a half-title. 12mo (6-1/2" x 3-3/4").

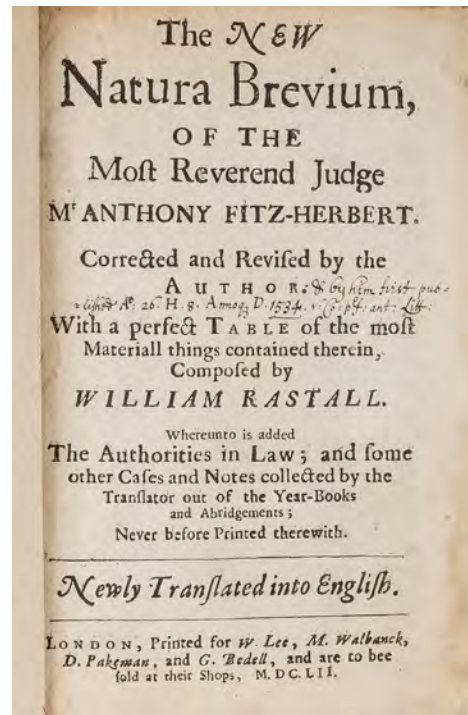
Nineteenth-century three-quarter calf over marbled boards, rebacked in period style with raised bands, gilt fillets and retained existing lettering piece, speckled edges, hinges mended. Light rubbing to boards, moderate rubbing to board edges with some wear to corners, front hinge starting, armorial bookplate of James Franck Bright to front pastedown. \$250.

* Second edition, published the same year as the first (also by Millar). This tract by the great novelist and magistrate draws attention to the social evils of the time, gin consumption among the poor especially. An influential piece and "the most important of his social tracts," it inspired a bill to restrict gin production and Hogarth's famous engraving "Gin Lane" (ODNB). The final three pages are an advertisement, possibly written by Fielding's brother and fellow magistrate, Sir John Fielding, headed "To the Public." It advertises a domestic employment agency that offers servants free of "the rude Behaviour and Insolence of Servants of all Kinds" that has "become a general complaint."

Bright [1832-1920] was a historian and the Master of University College, Oxford. He served as a justice of the peace and poor law officer in Norfolk after his retirement.

Oxford Dictionary of National Biography (accessed online). *English Short-Title Catalogue* T89871.

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Highly Esteemed by Coke and Blackstone

14. Fitzherbert, Sir Anthony [1470-1538].

Rastell, William [c.1508-1565].

[Hughes, William, Translator].

The New Natura Brevium of the Most Reverend Judge, Mr. Anthony Fitz-Herbert. Corrected and Revised by the Author. With a Perfect Table of the Most Material Things Contained Therein, Composed by William Rastall. Whereunto is Added the Authorities in Law, And Some Other Cases and Notes Collected by the Translator Out of the Year-Books and Abridgments. Never Before Printed Therewith. Newly Translated Into English. London: Printed for W. Lee, M. Walbank, D. Pakeman, And G. Bedell, and are to bee sold at their Shops, 1652. [lxxviii], 448, 447-477, 487, 481-675, [1] pp. Pagination irregular, text complete. Octavo (6-1/2" x 4-1/4").

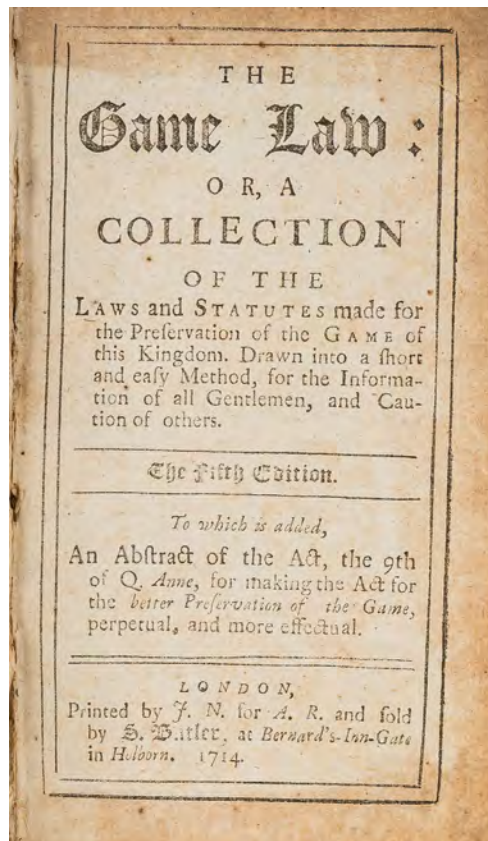
Recent period-style quarter calf over marbled boards, raised bands, gilt title and gilt fillets to spine, endpapers renewed. Light toning to interior, faint, gradually diminishing, dampstaining to edges of text block, early owner annotation in minuscule contemporary hand to title page. A handsome copy. \$450.

* Later edition. First published in 1534 as the *Nouvelle Natura Brevium*, this classic manual of procedure was written by a Judge of the Common Pleas during the reign of Henry VIII. Winfield notes that "Coke put it among the books which he considered most necessary and of greatest authority and excellency"; Blackstone considered it an authority as well. Compiled from the earlier *Natura Brevia* and the *Registrum Brevium*, it includes several original observations on the form and function of writs. Rastell's revisions include the addition of a table. It went through numerous editions in Law French and English, the final one appearing in 1794. It remains important for its descriptions of writs that were becoming obsolete in the early sixteenth century.

Winfield, *Chief Sources of English Legal History* 303. *English Short-Title Catalogue* N10330.

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An Early Example of Environmental Law

15. [Game Law]. [Great Britain].

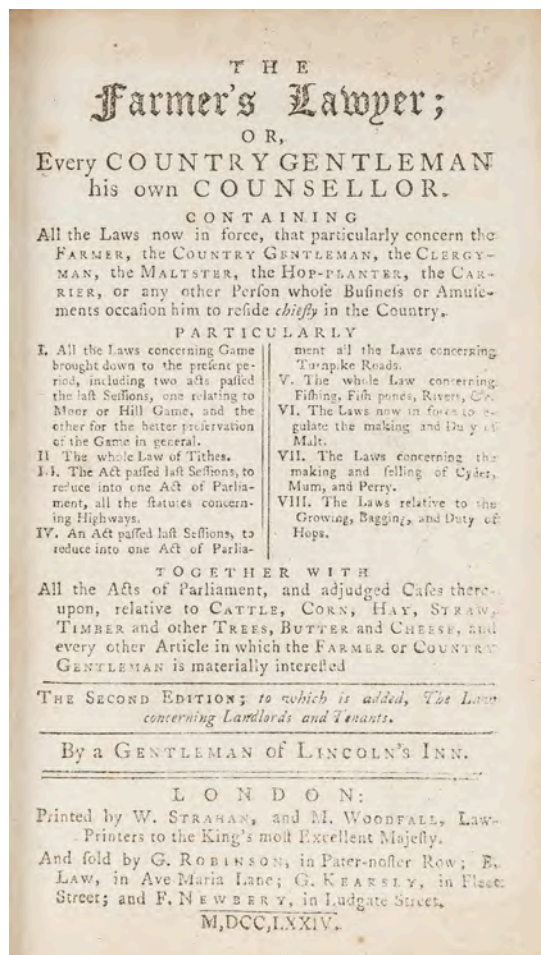
The Game Law: Or, A Collection of the Laws and Statutes Made for the Preservation of the Game of this Kingdom. Drawn into a Short and Easy Method, for the Information of All Gentlemen, And Caution of Others. To Which is Added, An Abstract of The Act, The 9th of Q. Anne, For Making the Act for the Better Preservation of the Game, Perpetual, And More Effectual. London: Printed by J.N. For A.R. And Sold by S. Butler, At Bernard's-Inn-Gate in Holborn, 1714. Two parts in one book, each with title page and individual pagination. Second part has title beginning *The Game Law, Part II. Being an Explanation of the Acts of Parliament.* viii, 69, [7]; [xxiv], 180 pp. 12mo. (6-1/4" x 3-1/2").

Contemporary sheep, blind rules to boards, blind tooling along joints, raised bands and blind fillets to spine, gilt tooling to board edges. Light rubbing and a few nicks and scuffs to boards, moderate rubbing to extremities with wear to spine ends and corners, boards just beginning to separate but secure, front free endpaper lacking. Light toning to interior, foxing to a few leaves at beginning and end of text, moderate toning to title page of Part I, offsetting to its margins. \$350.

* Fifth edition. An early example of environmental law, this handbook for hunters and fishermen outlines the laws and statutes relating to the conservation of game and fish. First published in 1705, it went through eight later editions, the last in 1819.

Print copies of all editions of this title are scarce. OCLC locates 4 copies of the fifth edition in North America, 2 in law libraries (Columbia, Library of Congress). *English Short-Title Catalogue* T63948.

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"Every Country Gentleman His Own Counsellor"

16. Gentleman of Lincoln's Inn.

The Farmer's Lawyer; Or, Every Country Gentleman His Own Counsellor.... London: Printed by W. Strahan, And M. Woodfall, Law-Printers to the King's Most Excellent Majesty, 1774. iv, 331, [1] pp. Includes one-page publisher advertisement. 12mo. (6-1/2" x 4").

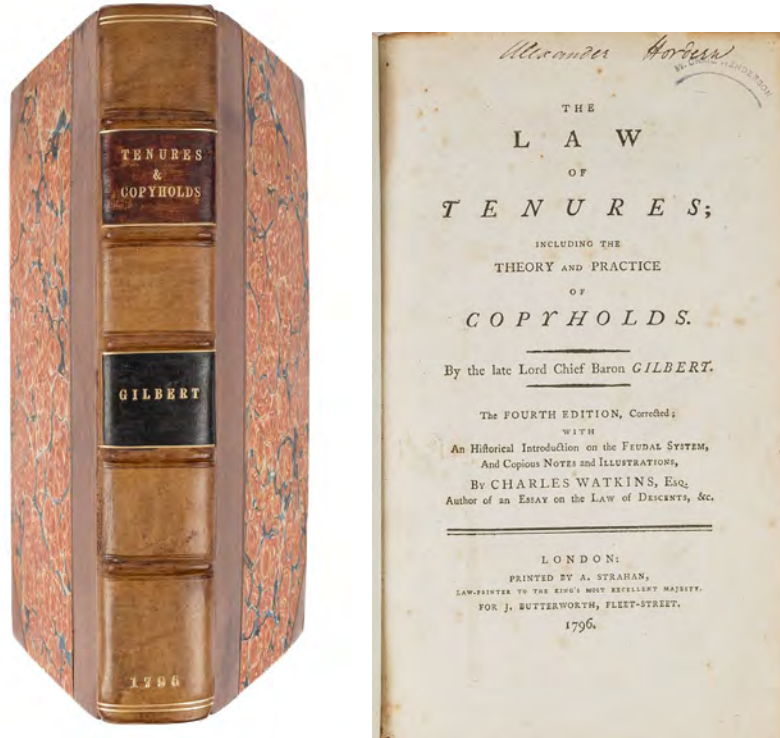
Contemporary calf, blind fillets to boards, upper portion of front board and spine mended with recent calf, raised bands and retained lettering piece to spine, blind tooling to board edges. Light rubbing and scuffing to boards, moderate rubbing to extremities, corners bumped and lightly worn, front hinge cracked, early armorial bookplate (Spottiswoode, dated 1775) to front pastedown, a small abrasion to its upper right corner. Moderate toning to interior, light foxing in a few places. \$375.

* Second edition, an enlarged edition of the first edition, also published in 1774. This detailed book provides an excellent overview of laws relevant to the world of the landed gentry. The second edition was reissued in 1778. The attractive eighteenth-century bookplate in our copy belonged to a member of the Spottiswoode family, a large and eminent Scottish family who became known for their involvement in the printing trade.

English Short-Title Catalogue N9714.

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A Distinguished Treatise on Tenures

17. [Gilbert, Sir Geoffrey] [1674-1726].

Watkins, Charles, Editor.

The Law of Tenures; Including the Theory and Practice of Copyholds. With an Historical Introduction on the Feudal System, and Copious Notes and Illustrations. London: Printed by A. Strahan, 1796. xxvii, 520, [2] pp. Final page is a publisher list. Octavo (9-1/4" x 5-3/4").

Recent three-quarter calf over marbled boards, raised bands, red and black lettering pieces, blind and gilt fillets and gilt publication date to spine, endpapers renewed. Corners and spine ends lightly bumped, hinges partially cracked. Light toning to interior, light foxing in places, brief early annotations to a few leaves, brief later additions to a few others, early owner signature (of Alexander Hordern) and later owner stamp (of W. Craig Henderson) to head of title page. A handsome copy. \$500.

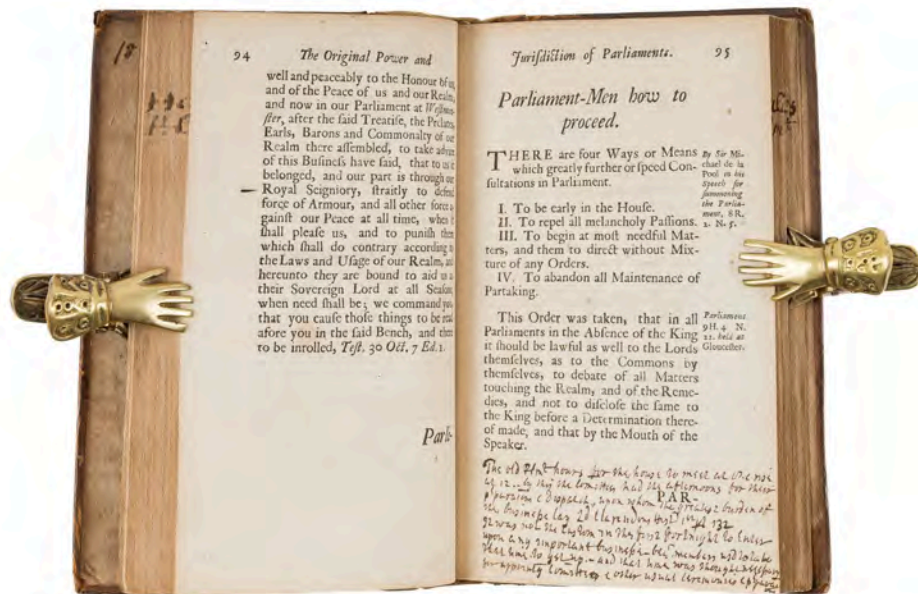
* Fourth edition, corrected. Gilbert wrote several popular treatises that were esteemed for their learning, acuteness and clarity. Originally published in 1732, his treatise on tenures offers an analysis of a feudal relationship that is lacking in Littleton and Coke. It was an influential work; parts of it were incorporated into Blackstone's *Commentaries*. As Marvin notes: "Gilbert's treatise contains explanations of many points of the feudal law which are not as fully displayed by any other writer. The author uniformly traces principles to their origin, and shows how, and for what reason, distinctions obtained in the Law of Tenures, and thus what would seem merely arbitrary, is elucidated and reduced to system."

Alexander Hordern was an Inner Temple barrister and conveyancer. He is also known for his 1854 restoration of his home Oxley Manor, for which he commissioned notable architect Ewan Christian. William Craig Henderson was a barrister and KC who served as treasurer of the Middle Temple in the early twentieth century.

Marvin, *Legal Bibliography* 332. *English Short-Title Catalogue* T95575.

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A Classic Study of Parliament with an Interesting Provenance

18. Hale, Sir Matthew [1609-1676], Presumed Author.

The Original Institution, Power and Jurisdiction of Parliaments. In Two Parts. Part I. Comprehending the Nature and Method of All Parliamentary Transactions: Collected Out of the Tower Records, Journals of Both Houses of Parliament, &c. Part II. Consisting of Observations, Rules and Orders, Collected Out of Divers Journals of the House of Commons, Enter'd in the Reigns of King Edward VI, Queen Mary, Queen Elizabeth, and King James I. With a Declaration of the House of Commons, Concerning Their Privileges, Drawn Up by a Select Committee. Being A Manuscript of the Late Judge Hales. London: Printed for Jacob Tonson, 1707. [x], 240 pp. Octavo (7-1/4" x 4-1/2").

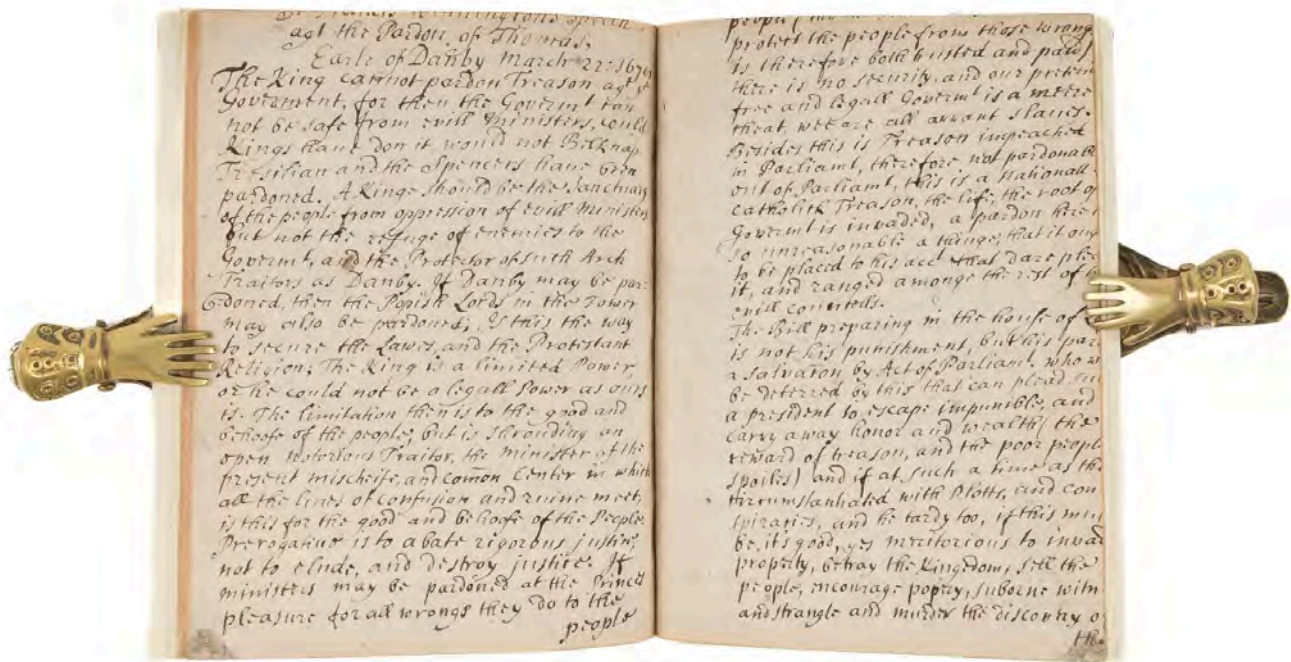
Contemporary calf, blind rules and fillets to boards, rebacked with gilt fillets and renewed lettering piece to spine, gilt tooling to board edges, hand-lettered title to fore-edge of text block, hinges mended. Light rubbing and a few scuffs, scratches and small, faint dampstains to boards, moderate rubbing to board edges, corners bumped and lightly worn, faint offsetting to endleaves, early owner signature of Francis Longe, annotations in the same hand (one dated 1707) and early bookplate of Samuel Parr to front free endpaper. Moderate toning to interior, light foxing in a few places, ink annotations in Longe's neat hand to three pages. \$500.

* First edition. This classic treatise on parliamentary procedure was the basis of a revised edition by Francis Hargrave titled *The Jurisdiction of the Lord's House* (1796). Hale was Chief Baron of Exchequer and Chief Justice of the King's Bench. He was a disciple of Selden and the author of several important writings, such as the pioneering *History of the Common Law* (1713). He is considered the greatest common lawyer since Coke; Blackstone acknowledged his indebtedness to him in his *Commentaries*.

Our copy was likely owned by Francis Longe [1658-1734], a Middle Temple barrister and landowner with an impressive private library housed at Spixworth Hall. Samuel Parr [1747-1825], a later owner, was a schoolmaster and public intellectual compared to Samuel Johnson by his peers.

Bibliotheca Parrianna: A Catalogue of the Library of the Late Reverend and Learned Samuel Parr (1827) 403. *English Short-Title Catalogue* T147045.

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**An Essay Attacking the Duke of York with a
Manuscript Essay Attacking One of the Duke's Opponents**

19. Hunt, Thomas [1626/7-1688].

A Defence of the Charter, And Municipal Rights of the City of London. And the Rights of Other Municipal Cities and Towns of England. Directed to the Citizens of London. London: Printed and Are to be Sold, By Richard Baldwin, Near the Black Bull in the Old-Bailey, [1683]. [iii], 46 pp. Quarto (7-1/4" x 5-3/4").

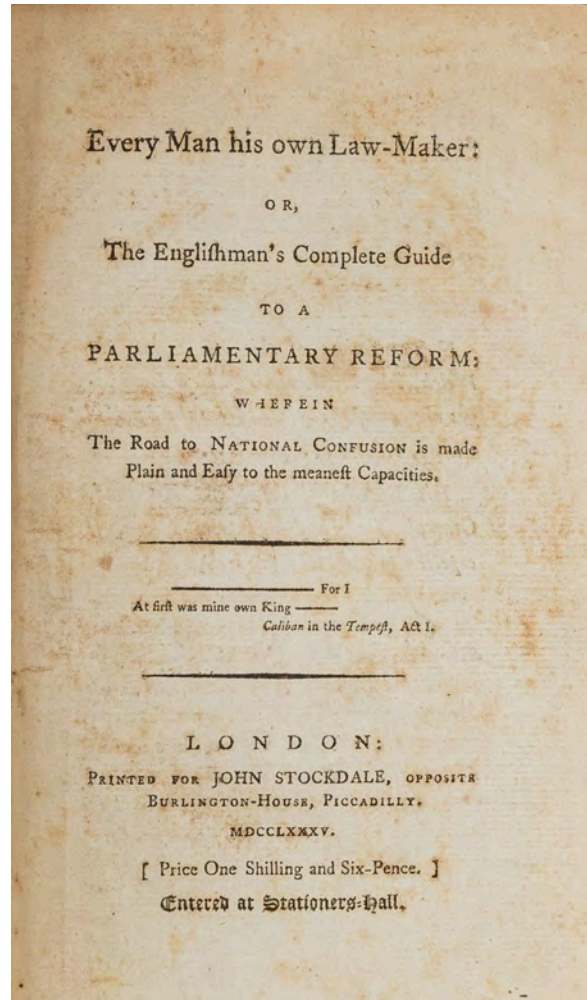
Stab-stitched pamphlet bound into recent quarter cloth over stiff wrappers, gilt title to front cover. Light toning to interior, dampstaining to lower corner of text block, light soiling to title page, 5 pp. essay in early hand to rear endleaves, its content affected slightly by trimming. \$500.

* Only edition, one of two issues from 1683. This essay "lashed out against the Duke of York and his minions. Once the popish successor became king [James II], Hunt asserted, the governments of all the once corporate towns, whose charters were lost, would be put in the hands of the papists whose ultimate aim was the extirpation of the Protestant religion" (Zook). The other issue has a title page with the phrase "City of London" in a different typeface, but is otherwise identical.

Probably written around 1712, the manuscript essay is a vehement attack on the character of Thomas Osborne, 1st Duke of Leeds [1632-1712] in the form of an obituary. Also known as Lord Danby, he was a cunning, somewhat corrupt politician who enjoyed a long career that was interrupted by an impeachment that put him in the Tower of London until he was released by James II. Danby went on to oppose James II and was one of the "Immortal Seven," the group, consisting of six nobles and the Bishop of London, that invited William of Orange to depose him.

Counting both issues, OCLC locates 3 copies in North American law libraries (University of Michigan, University of Minnesota, University of Pennsylvania). Zook, *Radical Whigs and Conspiratorial Politics in Late Stuart England* 44. *English Short-Title Catalogue* R226384.

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"The Road to National Confusion...Made Plain and Easy"

20. [Jenyns, Soame (1704-1787)].

Every Man His Own Law-Maker: Or, The Englishman's Complete Guide to a Parliamentary Reform: Wherein the Road to National Confusion is Made Plain and Easy to the Meanest Capacities. London: Printed for John Stockdale, 1785. 44 pp. Lacking 2 final advertisement leaves. Octavo (7-3/4" x 5").

Stab-stitched pamphlet bound in recent quarter calf over marbled boards, gilt fillets and lettering piece to spine. Moderate toning to interior, occasional light foxing, brief early annotations and corrections to a few pages (one affected by trimming at fore-edge). \$450.

* First edition. This comedic pamphlet takes a satirical view of parliamentary reform, sarcastically proposing that if voting rights were given to every landholder, they may as well be given to vagrants, "Gypsies" and women too. It is attributed to Soame Jenyns, a conservative English politician and satirist who published a number of other works on parliamentary reform. Second and third editions were published the same year.

OCLC and the *ESTC* locate 9 copies in North America, 1 in a law library (Library of Congress). *English Short-Title Catalogue (ESTC)* T130607. *Goldsmiths'-Kress Library of Economic Literature* 13105.

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An Ancient English Right

**21. [Land Law].
[Great Britain].**

The Law of Commons and Commoners. ... [London]: Printed by the Assigns of Richard and Edward Atkins, 1698. [xxii], 255, [9], [8] pp. With a 2-pp. publisher list (pp. [xxi-xxii]) before main text and 8-pp. publisher catalogue at end of text. Octavo (7-1/4" x 4-3/4").

Contemporary calf, blind frames to boards, rebacked retaining portions of existing backstrip and recornered, gilt rules to board edges, hinges mended. Light rubbing and some shallow scuffs to boards, faint gatoring to rear board, rubbing and wear to board edges, corners bumped, owner signature (of Bartholomew Beale, dated 1706) to front free endpaper, which has a small clean tear to its top-edge. Light toning to interior, occasional light foxing and soiling, faint dampstaining to lower inside corner in a few places not affecting text. \$1,500.

* First edition. Commons is open and uncultivated land or water owned by a lord to which certain occupiers of adjacent enclosed land have certain rights. These include the right to pasture animals, to fish (peschary), to cut peat (turbary) and to gather wood (estovers). A body of custom and enacted law with origins in the Anglo-Saxon period, commons was long considered a central English right and a cornerstone of the feudal structure. Indeed, the gradual elimination of commons through the series of enclosure acts enacted from 1760 to 1830 triggered widespread social protest. Though the acts were motivated by the needs of modern agriculture and had a profound effect on the livelihood of small farmers and the poor, they were not attacked on economic grounds, but as violations of the ancient English rights described in the *Law of Commons*. A second edition was published in 1720.

The owner of this book may have been Bartholomew Beale [1662-1727], a member of a large landowning family who managed and updated an estate at Leintwardine in Shropshire. He was admitted to the Middle Temple in 1714 but did not practice law.

English Short-Title Catalogue R5473.

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Cash Book and Diaries of a Lancaster, New Hampshire Lawyer

22. [Manuscripts].

[Heywood, Henry (1835-1902)].

Cash Book No. 6. [Lancaster, NH], December 1, 1877-March 31, 1880]. [100] ff. 12mo. (6-1/4" x 4"). Flexible sheep, hand-lettered titles to front cover and front free endpaper. Light toning to interior, content in neat hand within ruled lines to rectos and versos of most leaves.

[With]

[*Three Diaries*]. Lancaster, NH, 1863, 1866, 1877]. 6" x 3," morocco wallet bindings. [100], [100], [200] ff. Moderate rubbing, a few nicks and scuffs, hand-lettered date to 1877 diary, its flap partially detached, catch of 1863 diary cracked through. Light toning to interior, content in neat hand within ruled lines to rectos and versos of most leaves.

Together four books. \$950.

* The son of a distinguished Lancaster, New Hampshire lawyer who was a former Vermont state senator and a member of Vermont's Constitutional Convention of 1850, Henry Heywood graduated from Dartmouth College in 1850 and was originally a civil engineer. He was admitted to the bar in 1860 and practiced in Guildhall, VT until 1869. He then returned to Lancaster, where he established a successful practice.

The cash book indicates his broad clientele, the array of legal services he provided and the fees he charged and collected. The diaries, each with a section devoted to income and expenses, enhance the cash book by providing the broader context of Heywood's daily professional activities. The numerous entries in these books are brief but detailed. Taken together, they provide a fascinating ground-level view of everyday legal and commercial life in a small New England town during the second half of the nineteenth century.

"Henry Heywood" and "William Heywood" in Somers, *History of Lancaster, New Hampshire* (accessed online).

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**Rare Edition of an Important 16th-Century Treatise on Criminal Law,
This Copy Annotated Throughout by a Contemporary Law Student**

**23. Milles De Souvigny, Jean [c.1490-1563].
Göbler (Gobler), Justin [1504-1567].**

Praxis Criminis Persequendi... Paris: [Ex Calcographi Renati Aprilis, Sumptibus] Galeotum à Prato ad Primam Regii Palatii Columnam, 1551. [xxiv], 481, [3] pp. Octavo (6-1/2" x 4").

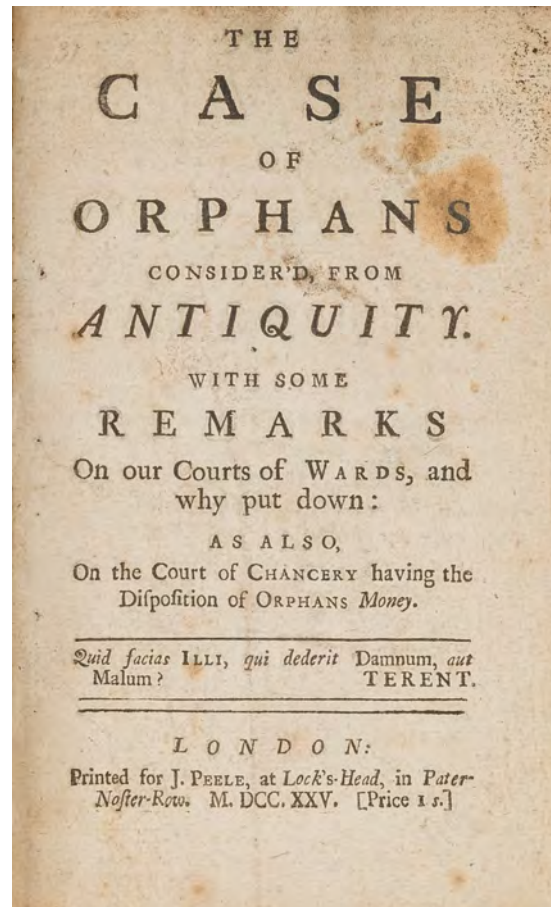
Contemporary flexible vellum, early hand-lettered title to spine. Moderate rubbing to extremities with wear to fore-edge of front board, chips to head and foot of spine, pastedowns loose, front endleaves lacking, full-page printer device to verso of rear endleaf. Moderate toning, faint dampstaining to margins, light soiling, minor creases and edgewear to preliminaries and final few leaves, chip to fore-edge of title page, which has early markings and four struck-through inscriptions, two reading "Ex libris Joannis Moccerius" and "N. De Signac," another De Signac signature below printer device. Underlining and annotations in Latin to almost every page except preliminaries in contemporary hand, notes in a few places affected by trimming. A unique copy of a rare title. \$4,500.

* Fourth and final edition, revised and enlarged. This notable work by a French magistrate and jurist was first published in 1541. A well-received work, it went through three more editions in 1549, 1550 and 1551. It describes the criminal justice system through a fictitious "case study," a murder committed in Paris. From the decision to commit murder to the punishment of the guilty parties, the author discusses the stages of the case and the legal doctrines that apply to them, with references to texts.

Probably the work of a law student, the annotations fill almost every page of our copy. Evidence of deep and sustained engagement, they highlight and paraphrase key passages and points. Especially detailed are the notes concerning witnesses and testimony, the role of the judge, confession, different types of crime, proof, evidence, accusations and punishments.

All editions of this title are rare. OCLC locates 7 copies of the fourth edition, none in North America. We located a copy at George Washington University Law School. *Universal Short-Title Catalogue* 196445.

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How Should the Law Care for Orphans?

24. [Orphans].

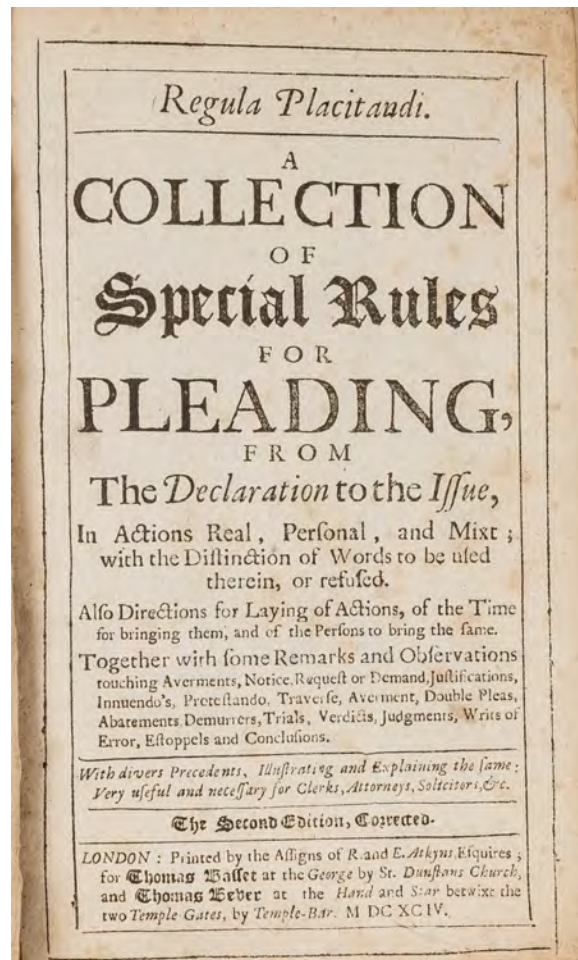
The Case of Orphans Consider'd, From Antiquity. With Some Remarks on Our Courts of Wards, And Why Put Down: As Also, On the Court of Chancery Having the Disposition of Orphans Money. London: Printed for J. Peele, 1725. 64 pp. Octavo (7-1/2" x 4-1/2").

Stab-stitched pamphlet bound in later three-quarter calf over marbled boards, gilt library emblem (of the Society of Writers to the Signet) to boards, gilt title to spine, edges speckled. Light rubbing to boards, moderate rubbing and light wear to extremities, chipping to spine ends, front joint starting at ends, corners bumped and worn, front hinge cracked, rear hinge starting, later shelf label to front pastedown. Moderate toning to interior, occasional light foxing, moderate soiling to first and final pages, trimming to top-edge with loss to page numbers in places but no loss to text. \$150.

* A brief study of provision for orphans in English law. The anonymous author reviews the history of the treatment of orphans in law and makes proposals for reform of the Court of Wards and the chancery process with respect to orphans.

OCLC locates 5 copies in North American law libraries (Yale, Library of Congress, U.S. Supreme Court, Harvard, Duke). *English Short-Title Catalogue* T20104. *Goldsmiths' Library of Economic Literature* 6407.

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"Very Useful and Necessary for Clerks, Attorneys, Solicitors, &c."

25. [Pleading].
[Great Britain].

Regula Placitandi. A Collection of Special Rules for Pleading... London: Printed by the Assigns of R. And E. Atkyns, Esquires [et al.], 1694. [viii], 310, [26] pp. Octavo (6-1/2" x 4").

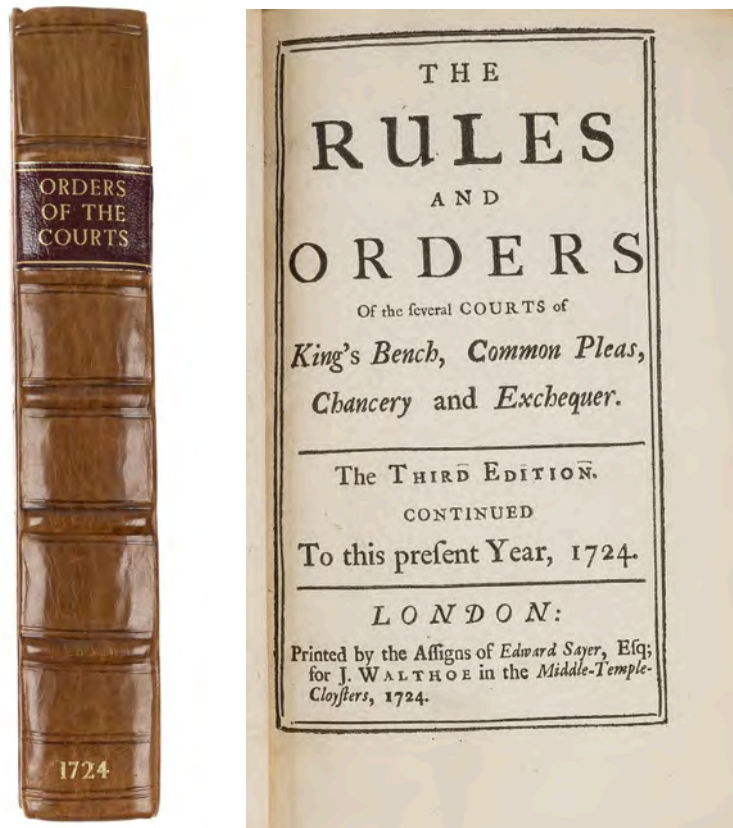
Contemporary calf, blind rules to boards, blind fillets along joints, raised bands, blind fillets and lettering piece to spine, gilt tooling to board edges. Minor nicks, scratches and shallow scuffs to boards, rubbing to extremities with wear to spine ends, joints starting, corners bumped and moderately worn, hinges cracked, rear free endpaper lacking. Moderate toning and foxing to interior, offsetting to margins of endleaves and final text leaf, "R" and "F" in early hand to front free endpaper. \$350.

* Second edition, one of two issues from 1694. As noted by Holdsworth, pleading was a topic of "great and growing importance" during the seventeenth century. This importance is evident in the large number of pleading manuals issued at this time. First published in 1691, the anonymous *Regula Placitandi* was one of the best works of its kind. It was the primary source for several subsequent manuals.

Holdsworth, *A History of English Law* VI:600. *English Short-Title Catalogue* R232089.

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Rare 1724 English Compilation of Court Rules

**26. [Procedure].
[Great Britain].**

The Rules and Orders of the Several Courts of King's Bench, Common Pleas, Chancery and Exchequer. Continued to this Present Year, 1724. London: Printed by the Assigns of Edward Sayer, Esq; for J. Walthoe in the Middle-Temple-Cloysters 1724. [x], 80, [20]; [iv], 144, [28]; [xviii], 158; 25, [1] pp. Four parts in one, each with separate pagination, first three parts have title pages, first part preceded by general title page. Publisher advertisements preceding p. 1 of first part and title page of second part, advertisement preceding third part lacking. Octavo (7-1/2"x 4-3/4").

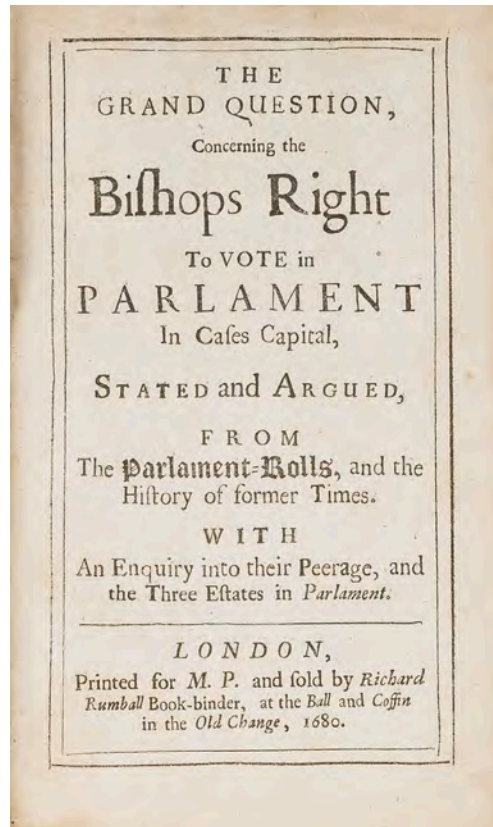
Contemporary calf, rebaked in period style, blind rules to boards, blind fillets along joints, raised bands, lettering piece, blind fillets and gilt publication date to spine, gilt tooling to board edges, endpapers renewed. Light scuffing to boards, moderate rubbing to board edges, corners bumped and somewhat worn. Light toning to interior, negligible light soiling to head of text block in a few places, creases and folds to fore edges of a few leaves. \$1,500.

* Third (stated) edition, actually the first. This is a composite volume of reissued parts. Contents include "How Attornies are to Attend Motions in Court," "How Issues Forfeited by Jurors Ought to be Extracted," "Of Time for Bail to render the Defendant into Custody," "How the Masters are to take Affidavits," "Register of Commissions of Bankrupts," "of Commission to Prove the Contempt," "How a Witness to be Examined," "Beating or Abusing the Person Serving the Process" and "Irregularities in Pleadings."

This is a rare title. OCLC locates 7 copies, 2 in North American law libraries (Columbia, Yale). *English Short-Title Catalogue* T95690.

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A Defense of the Lords Spiritual

27. [Stillingfleet, Edward (1635-1699), Attributed].

The Grand Question, Concerning the Bishops Right To Vote in Parliament [sic] in Cases Capital, Stated and Argued, From The Parliament [sic] Rolls, and the History of Former Times. With An Enquiry into Their Peerage, And the Three Estates in Parliament [sic]. London: Printed for M.P., 1680. [iv], 188 pp. Octavo (6-1/2" x 4").

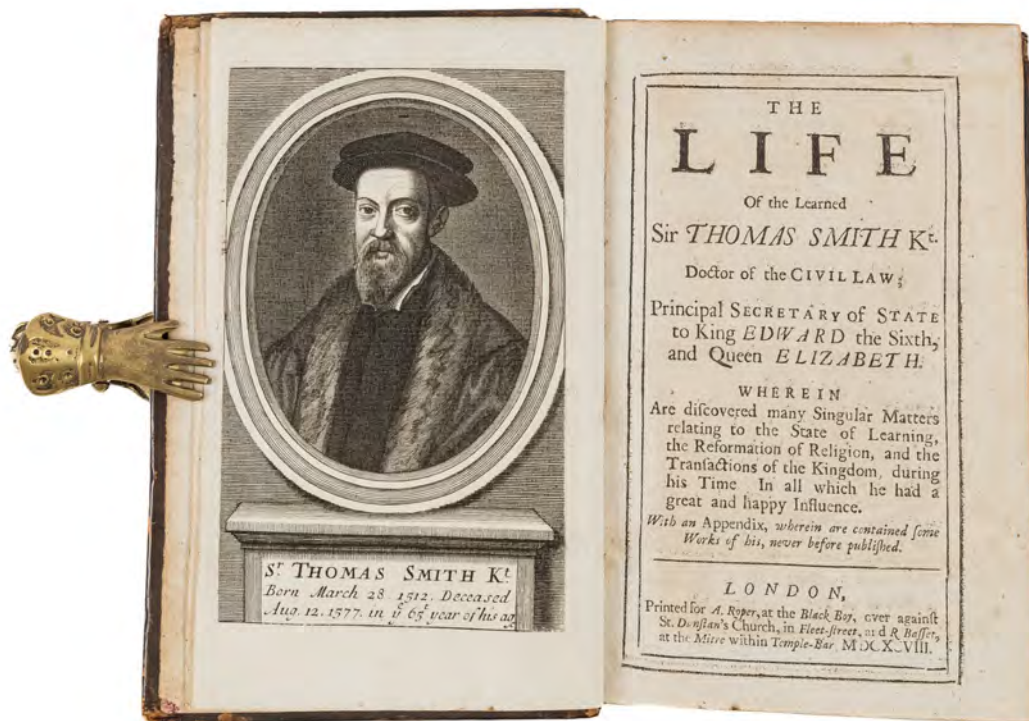
Contemporary mottled calf, gilt spine with raised bands and lettering piece, marbled edges, blind tooling to board edges. Moderate rubbing to extremities with wear to spine ends and corners, front hinge cracked, rear hinge starting, partial cracks in text block between front endleaves and to rear hinge, armorial bookplate (captioned "Richard Jones Esqr 1707") to verso of title page. Moderate toning to text, light foxing in a few places. \$750.

* First edition, one of two issues from 1680. On the face of it, this is a discussion of a right enjoyed by the Lords Spiritual, the bishops of the Church of England who sit in the House of Lords. More broadly, it is an argument defending their membership in Parliament that refuted contrary claims advanced in several recent pamphlets by Whig authors. At this time, the tense years leading to the Glorious Revolution, Whigs feared the imminent ascendance of French-style royal absolutism and "popery," which would initiate a corresponding suppression of Protestantism and the rights of Englishmen. Stillingfleet, a prominent theologian and scholar, was an able and enthusiastic defender of Anglican orthodoxy. A second edition of *The Grand Question* was published in 1682.

English Short-Title Catalogue R19869.

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A Biography of an Important Scholar and Diplomat

28. [Strype, John (1643-1737)].

The Life of the Learned Sir Thomas Smith, Kt. Doctor of the Civil Law; Principal Secretary of State to King Edward the Sixth, And Queen Elizabeth. Wherein are Discovered Many Singular Matters Relating to the State of Learning, The Reformation of Religion, And the Transactions of the Kingdom, During His Time. In All Which He had a Great and Happy Influence. With an Appendix, Wherein are Contained Some Works of His, Never Before Published. London: Printed for A. Roper and R. Basset, 1698. [xxiv], 240, 134, 137-145, p. 147, [4] pp. Text continuous and complete despite pagination. With a copperplate portrait frontispiece, 4 folding tables, a map and a half-page illustration. Octavo (7" x 4-1/4").

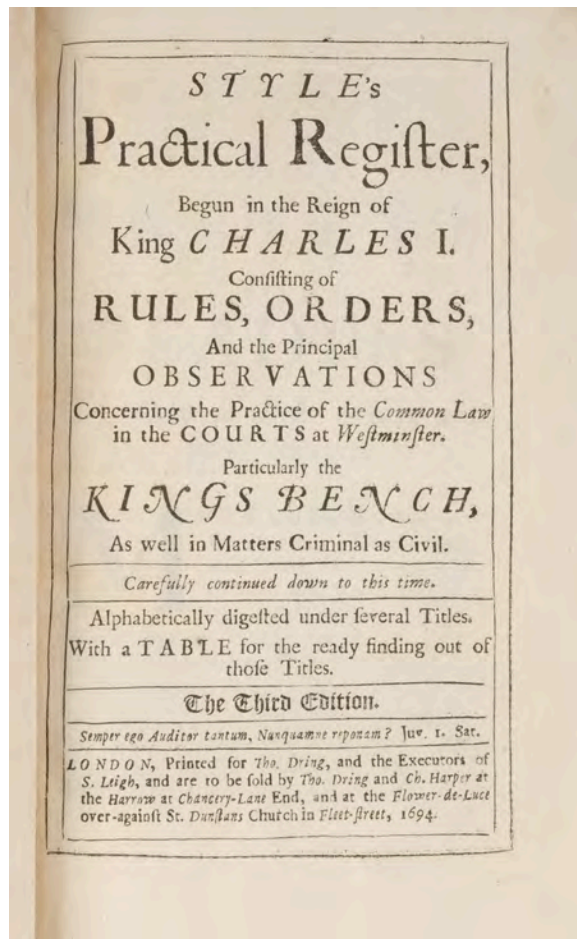
Contemporary paneled calf, corner fleurons to boards, raised bands, blind fillets and lettering piece to spine, gilt tooling to board edges, edges of text block speckled. Moderate rubbing to extremities, front joint starting, chipping to head of spine, corners bumped and lightly worn, front hinge cracked, rear hinge starting, early armorial bookplate of the Belaysse family to front pastedown. Light toning, light foxing in a few places, trimming to fore-edge just touching side notes without loss on a few pages, faint offsetting from plates. A handsome copy. \$500.

* Only edition. Smith, an influential English scholar and diplomat, was Regius Professor of Civil Law at Cambridge University. He is perhaps best known as the author of *De Republica Anglorum* (1st ed. 1583), "the most important description of the constitution and government of England written in the Tudor age" (DNB).

Our copy of his biography has the bookplate of someone in the Belaysse family. A number of family members were active in English politics.

Dictionary of National Biography (DNB) XVIII:535. English Short-Title Catalogue R33819.

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Style's Practical Register

29. Style, William [1603-1679].

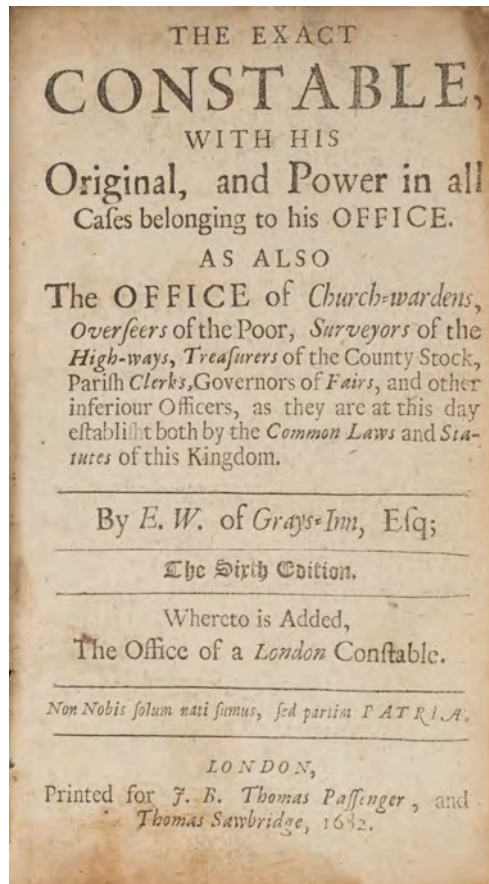
Style's Practical Register, Begun in the Reign of King Charles I Consisting of Rules, Order, And the Principal Observations Concerning the Practice of the Common Law in the Courts at Westminster, Particularly the Kings Bench, As Well in Matters Criminal as Civil, Carefully Continued Down to this Time, Alphabetically Digested Under Several Titles, With a Table for the Ready Finding Out of Those Titles. London: Printed for Tho. Dring, and the Executors of S. Leigh, 1694. [xx], 588 pp. Octavo (7-1/4" x 5-3/4").

Contemporary calf with recent rebacking, blind rules to boards, gilt tooling to board edges, raised bands, lettering piece, blind ornaments, gilt fillets and gilt publication date to spine, upper corners and hinges mended. Light rubbing to boards, moderate rubbing to board edges, lower corners bumped and lightly worn, front hinge starting at ends. Light toning to interior, light foxing and inkspots to a few leaves, offsetting to margins of endleaves. \$350.

* Third edition. This popular guide was first published in 1657 with the title *Regestrum Practicale*. (Its early editions are called *Regula Placitandi* in Comyns's *Digest of the Laws of England*). Arranged alphabetically, it contains the rules for practice, together with some basic information regarding the substantive law. John Lilly published a continuation of this book in 1710.

English Short-Title Catalogue R9863.

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**Final Edition of Wingate's Handbook for Constables,
No Copies Located in North America**

30. W[ingate], E[dmund] (or Edmond) [1596-1656].

The Exact Constable, With His Original, And Power in All Cases Belonging to His Office. As also the Office of Church-Wardens, Overseers of the Poor, Surveyors of the High-Ways, Treasurers of the County Stock, Parish Clerks, Governors of Fairs, And Other Inferiour Officers, As They are at this Day Established both by the Common Laws and Statutes of this Kingdom. By E.W. of Grays-Inn Esq. Whereto is Added, *The Office of a London Constable.* London: Printed for J.B. Thomas Passenger, and Thomas Sawbridge, 1682. [vi], 160 pp. 12mo. (5-1/2" x 3-1/4").

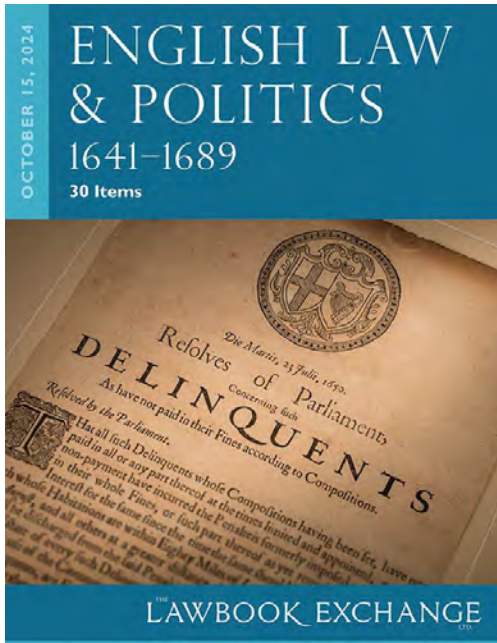
Contemporary sheep, rebacked retaining existing spine, blind rules to boards, blind fillets to spine, corners mended. Light rubbing to boards, which are slightly bowed, moderate rubbing to board edges, light rubbing and two small nicks to spine, pastedowns loose and moderately edgeworn, lower inside corner lacking from front pastedown. Moderate toning to interior, light soiling and a faint stain to title page, contemporary manuscript notes to rear pastedown. \$1,500.

* Sixth and final edition. First published in 1660, this title outlines the various duties of a constable under English law. It was a durable work that went through six editions, the last in 1682. Also a notable mathematician, Wingate wrote several important legal books, including *Maximes of Reason* (1658) and *An Exact Abridgment of the Statutes in Force* (1642).

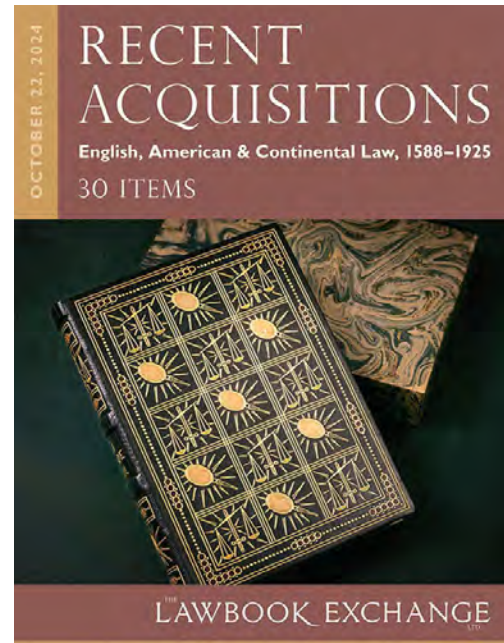
All editions of this title are scarce. OCLC locates no copies of the sixth edition in North America. *English Short-Title Catalogue* R219596.

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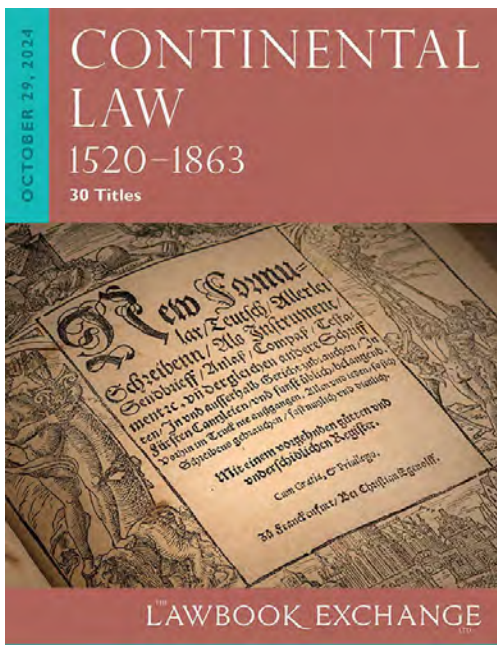
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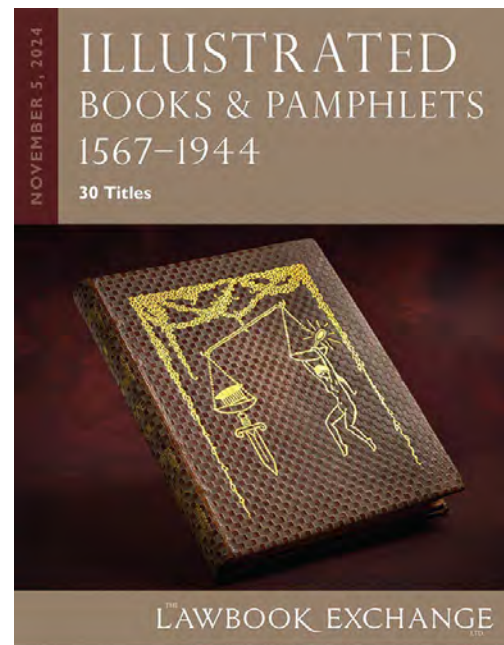
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